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# Justice Reinvestment Act: Historic progress for Correction

RALEIGH | With the stroke of her pen, Gov. Bev Perdue signed into law one of the most significant criminal justice bills ever to affect the Department of Correction.

The governor was joined on June 23 by several legislators, Sec. **Alvin Keller**, Chief Dep. Sec. **Jennie Lancaster**, many other department managers and other criminal justice stakeholders as she signed into law the Justice Reinvestment Act (JRA).

The JRA is designed to help manage prison population growth by creating better outcomes for offenders and, in effect, reducing recidivism. Part of the savings generated by reducing the number of offenders who are incarcerated will be reinvested into community treatment, thus continuing positive effects on recidivism and protecting the public.

Just a little over a year ago, a bi-partisan group of top state leaders sought help in developing a statewide policy framework, a move that resulted in the Justice Reinvestment Act.

Together, Gov. Perdue, Supreme Court Chief Justice Sarah Parker, Sentencing and Policy Advisory Commission Chair Judge Erwin Spainhour and legislative majority and minority leadership sought guidance from the Council of State Governments (CSG) Justice Center. Assistance was provided in partnership with the Public Safety Performance Project of the Pew Center of the States and made possible through funding support provided by Pew, the U.S. Department of Justice and the Bureau of Justice Assistance.

The CSG collected data from Correction, the Administrative Office of the Courts, the Sentencing and Policy Advisory Commission, county jails and other sources. The justice center's team reviewed the data and presented it to the criminal justice stakeholders leadership group and to district attorneys, defense



In the Capitol's Old House Chamber, Gov. Bev Perdue hands out pens after signing the historic Justice Reinvestment Act.

*"This bipartisan, data-driven legislation will strengthen North Carolina's justice system while saving taxpayer dollars. As a comprehensive criminal justice bill, it includes new tools for probation officers to hold offenders accountable, longer sentences for individuals with repeat breaking-and-entering convictions, supervision for approximately 15,000 felons who have walked out of prison with no accountability, and incentives for inmates to complete programs that deter re-offending."*

Rep. W. David Guice, primary bill co-sponsor

*"Justice Reinvestment is a bi-partisan approach to being both tough on crime and smart on crime. It means we can reduce the prison population safely and help offenders get the treatment and programs they need to be successful upon release."* —

Rep. Alice Bordsen, primary bill co-sponsor

attorneys, clerks of court, victim advocates, substance abuse treatment providers and others.

The CSG identified several challenges in the state, and suggested a strategy to modify sentencing and corrections policies. The strategy recommendations were in three primary categories:

- ▶ Strengthen probation supervision.
- ▶ Hold offenders accountable in more meaningful ways.
- ▶ Reduce the risk of reoffending.

"This is a pivotal time for North Carolina and the state's criminal justice system," Sec. Keller said. "We are so thankful to the legislators, CSG and Pew and the many stakeholders who worked tirelessly on formulating this legislation.

"We have formed several task forces who will be working over the coming months to implement the act's provisions and we look forward to the positive change we expect it to bring."

The JRA increases public safety by monitoring people who are currently unsupervised upon release from prison and using research-backed programs to supervise offenders. It provides supervision to 15,000 felons who would otherwise be released from prison without any supervision

required, and targets effective programming to those who have higher risks and needs.

In addition to the improvement in public safety, the state is expected to save \$79 million in the next biennium and \$293 million over the next six years. These savings are generated from closing some prisons, as well as calculating some cost avoidance as a result of not having to build and operate new prisons. The JRA also proposes to re-invest more than \$4 million in the next biennium to strengthen community-based treatment focused on offenders more likely to re-offend. As the task forces finalize new policy and procedure, the details will be communicated across the department.

# Summary of House Bill 642 – The Justice Reinvestment Act

## Part I: Strengthen Probation Supervision

- ▶ Allow probation officers to use delegated authority to impose house arrest with electronic monitoring or require an offender to be confined in jail for up to six days per month (2 to 3 days at a time) to address non-compliant behavior.
- ▶ Requires the DOC to assess probationers for their risk of re-offending and supervise probationers accordingly.
- ▶ Redefines the two categories of probation – Community and Intermediate Punishment – so that probation officers have a broader range of swift and certain sanctions to impose regardless of probation level.
- ▶ Effective: Probation supervision for violations committed on or after 12/1/2011.

## Part II: Post Release Supervision Changes

- ▶ Requires that all felony offenders will receive at least nine months of post-release supervision (PRS).
  - B1-E (serious/violent felonies) would get 12 months of post-release supervision, which is increased from the current nine months.
  - F-I felons, who account for 85 percent of felons who are released from prison unsupervised, would receive nine months of supervision.
- ▶ Effective: Offenses committed on or after 12/1/2011.

## Part III: Habitual Felon Changes

- ▶ Create a new habitual breaking-and-entering law that would allow an offender to be sentenced as a Class E felon after a second breaking-and-entering conviction.
- ▶ Modifies the current habitual felon law to require an offender to be sentenced four felony offense classes higher than their underlying conviction, capped at Class C.
- ▶ Effective: Principal felony offenses committed on or after 12/1/2011.

## Part IV: Limit Time Incarcerated for Probation Violations

- ▶ Limit the length of incarceration to 90 days for felons (up to 90 days for misdemeanants) who violate the conditions of probation, but do not commit a new crime or abscond. Offenders would then return to probation supervision after the incarceration period.
- ▶ Allows for an offender to be revoked for violating probation conditions after two 90-day periods of confinement.
- ▶ Effective: Probation violations occurring on or after 12/1/2011.

## Part V: Drug Diversion Program/Advanced Supervised Release

- ▶ Expands eligibility in the existing felony drug diversion program and requires the option be made available to all first-time felony drug possession offenders. Current law only allows for felony possession of less than one gram of cocaine.
- ▶ Creates a new sentencing option for judges to identify offenders as determined by their crime class and prior record level to be eligible to participate in and complete special DOC programming. This would allow inmates to be released at an alternative release date, which would be in the mitigated sentencing range or 80 percent of the minimum.
- ▶ Effective: Pleas or convictions on or after 1/1/2012.

## Part VI: Refocus Criminal Justice Partnership Program

- ▶ Abolishes the existing Criminal Justice Partnership Program and creates the "Treatment for Effective Community Supervision Program."
- ▶ Directs the DOC to enter into contractual agreements to provide substance abuse treatment, CBI programming and other evidence-based programs. Prioritizes services to include those convicted of felonies who are high-risk and moderate- to high-need.
- ▶ Effective: July 1, 2011. However, current providers may receive sole-source contracts for FY 2011-2012.

## Part VII: Most Misdemeanants to Serve Sentences in Jail

- ▶ Allows counties to volunteer to house misdemeanants with sentences of six months or less in local confinement facilities.
- ▶ Counties would be compensated through the Statewide Misdemeanant Confinement Program.
- ▶ Sheriff's Association will identify jail capacity and work with counties and DOC.
- ▶ Does not apply to DWI offenders.
- ▶ Effective: Sentences imposed on or after 1/1/2012.

## Part VIII: Annual Report

- ▶ Requires the Judicial Department through the DOC and Sentencing Commission to jointly evaluate the implementation of the Justice Reinvestment Act.
- ▶ Annual reports are required in April.