

Governor-Elect Perdue
Transition Advisory Group Sessions
Session Summary 4

Corrections

November 21, 2008

Session Arranged by the
Governor-Elect Perdue Transition Team

Session Facilitated by the
Small Business and Technology
Development Center (SBTDC)

Report Prepared by the
UNC-Chapel Hill School of Government

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Corrections

SECTION 1. **Executive Summary**

The Department of Correction (DOC) cited the following as important issues facing the department: (1) improving community corrections; (2) meeting prison capacity needs; (3) controlling medical costs; (4) pursuing accreditation of facilities by the American Correctional Association; (5) addressing systemic human resource issues; and (6) improving overall offender management and programming as a way to reduce recidivism. Participants in the transition forum meeting discussed and prioritized these issues, emphasizing alternatives to incarceration and strategies for preventing crime and reducing recidivism in lieu of increasing prison capacity.

SECTION 2. **Process Used in Session**

The session began with a morning presentation by Secretary of Correction Theodis Beck about the nature and scope of the department's duty to supervise and rehabilitate criminal offenders. The secretary presented a sketch of DOC's divisional structure and budget, including the average annual costs for offenders in each of the department's custody levels. The secretary then walked through the most important issues facing DOC; these issues are discussed in detail in Section 4 below.

In the afternoon, forum participants discussed the issues presented by the secretary and a number of issues raised by participants themselves. They participated in an exercise to prioritize the issues and brainstorm recommendations to the incoming administration. Finally, the participants broke into self-selected small groups to flesh out strategies for addressing the issues.

The facilitator agenda in electronic Appendix 1 gives details about the process devised and used by facilitators from the Small Business and Technology Development Center (SBTDC). The electronic supplementary material includes the presentations given by DOC in the morning session.

SECTION 3. **Participant List**

SBTDC facilitators: Ron Ilinitch and Linda Esterling

UNC-Chapel Hill School of Government reporters: Jim Drennan and Jamie Markham

UNC-Chapel Hill MPA student note taker: Ashley Clark

Perdue Transition Team representative: Harrison Gilbert

Attendees:

Keith Acree

Susan Brooks

Evelyn Collins

Robert Lee Guy

Reed Adams

Dail Butler

William Fay

LaVee Hamer

Alan Briones

Dr. John Carbone

Frank Gunter

Shannon Hanes

Chuck Johnson	Jennie Lancaster	Tracey Little
Don Overby	Mary Lou Rodgers	John T. Ross
Bill Rowe	Lao Rubert	Mildred Spearman
Wes Stewart	Bill Stovall	Ernest Sutton
Warren Turner	R. Mitchell Tyler	Gloria Upperman
Derrick Wadsworth	W. Chris Widener	Dale Willetts

SECTION 4. **Significant Issues, Opportunities, and Challenges Identified in Morning Sessions about Current Administration Efforts**

The current DOC leadership team identified the following as the key issues and challenges affecting the department:

1. **Improving community supervision**—The Division of Community Corrections (DCC) supervises more than 117,000 offenders in North Carolina, despite receiving a relatively small fraction (\$168 million) of DOC’s \$1.3 billion budget. Secretary Beck cited the need for improvements to community supervision (probation) as the most critical issue facing DOC. After the murders of Eve Carson at UNC and Abhijit Mahato at Duke—both allegedly committed by probationers—the media and public have scrutinized DCC heavily. In the wake of the crimes, the department requested technical assistance from the National Institute of Corrections (NIC), which conducted a site visit and issued a report of its findings. To improve community supervision, the department is working to address the recommendations set out in the NIC report, such as upgrading department technology and improving mentorship programs for newly hired officers. Additionally, DOC is studying probation/parole officer compensation (pursuant to a mandate in Session Law 2008-107) and working to improve collaboration between DCC and other state agencies.
2. **Meeting prison capacity needs**—Inmate population projections from the Sentencing and Policy Advisory Commission make clear that, without a change in the Structured Sentencing law or an unprecedented (and unexpected) decrease in the crime rate, the state will need to build new prisons in the next decade. With a prison population that increases by roughly 825 inmates each year, presently funded construction projects alone will leave a shortfall in bed space beginning in 2013. Using operating capacity metrics derived from consent decrees stemming from federal prison overcrowding lawsuits in the 1980s, DOC expects by 2017 to have a deficit of approximately 10,800 beds at standard operating capacity (reduced to 4,700 beds if the prisons operate at a more expanded operating capacity). The department anticipates that 1,500 to 2,000 beds need to be added each biennium to satisfy projected demand for bed space. This projection assumes sufficient investment in repair and renovation to preserve existing capacity.

DOC has adopted a “prototypical” building program, in which new prisons are built according to a standard design. The design is expandable; new dormitory wings add bed space to an existing core at a fraction of the cost of a new, stand-alone facility. This approach reduces design and planning costs, minimizes construction time, achieves economies of scale without sacrificing safety, and promotes standardized policies and procedures across facilities. DOC strongly

supports using inmate labor (through its Inmate Construction Program or ICP) to build prisons whenever feasible. ICP reduces construction costs, in addition to giving inmates marketable job skills upon release.

While cognizant of the obvious need for increased prison capacity to keep pace with a growing state population, the DOC leadership expressed support for parallel strategies to decrease the prison population and reduce recidivism. The secretary was generally supportive of the recommendations put forth by the Sentencing Commission in 2002 in response to Session Law 2001-424, which tasked the commission with presenting sentencing alternatives to the General Assembly in light of prison population growth. Briefly, the alternatives presented by the commission included

- a. Reclassifying statutory rape or sexual offense of a person who is 13, 14, or 15 years old by a defendant who is more than four years but less than six years older (G.S. 14-27.7A(b)) from a Class C to a Class F felony.
- b. Punishing habitual felons three classes higher than the offense classification of the principal offense but in no case higher than Class C.
- c. Restructuring the prior record level point ranges to expand the points in Prior Record Level I, such that offenders with one prior misdemeanor or Class H or I felony would still be sentenced in Prior Record Level I.
- d. Making the increase in sentence lengths between prior record levels proportionate by using a set percentage increment (15 percent).
- e. Reallocating three months from the minimum sentences of Class B1 through E felonies to the maximum while increasing the period of post-release supervision from nine months to twelve months.

At the time they were proposed, Sentencing Commission projections suggested these recommendations, if enacted, would have resulted in approximately 5,500 fewer prison beds needed in the ten years after enactment.

3. **Controlling medical costs**—Longer sentences and the absence of parole under structured sentencing have resulted in a substantial increase in the percentage of inmates over age 40 (from just over 25 percent to nearly 40 percent in the past decade). These older inmates require specialized (and expensive) “health care beds” to provide necessary medical treatment. More inmates than ever present with medical issues such as diabetes, cancer, HIV/AIDS, and tuberculosis. The department’s Health Care “Master Plan” is a program to contain costs through the use of regional DOC medical “hubs” in lieu of private sector hospitals. The regional hub approach lowers health care costs; decreases the cost, burden, and risk of inmate transportation; and enhances public safety by avoiding inmate contact with the public in hospitals.
4. **Pursuing accreditation of DOC facilities by the American Correctional Association (ACA)**—DOC has attained ACA accreditation of its ten largest facilities and is in the process of having ten more facilities accredited. The process of achieving ACA accreditation has helped the department identify shortcomings and raise standards well above constitutionally mandated minimums. ACA accreditation is generally regarded as a sign of well-developed policies and procedures and is viewed as a way to improve staff

working conditions, promote safety, reduce legal liability and insurance costs, and identify best practices.

5. **Addressing human resources issues**—Throughout DOC—not just in the Division of Community Corrections—staff turnover and vacancy rates are high. To a certain degree vacancies appear to be necessary to enable the department to operate within current budgetary restraints. Nevertheless, the secretary stressed the importance of improving staff salary and benefits and enhancing training to reduce turnover and keep positions filled.
6. **Improving offender management**—A reality of the corrections business is that the vast majority of offenders who serve time in DOC will reenter the community. In fiscal year 2007–8, for example, 28,535 inmates were admitted to DOC and 27,637 were released. With this fact in mind, the secretary highlighted the importance of using evidence-based practices to give inmates the greatest chance of a successful reintegration into society. Reentry programs are expensive, but they pay a dividend in decreased recidivism rates. Through its Correctional Program Assessment Inventory, DOC is working to “keep score” by looking at outcomes to evaluate which inmate programs should continue and which should be modified or abandoned.

SECTION 5. Key Issues and Solutions/Recommendations

Using the DOC presentation outlined above as a starting point, participants in the afternoon session discussed and prioritized the issues facing the department and then offered recommendations and solutions. The issues highlighted by DOC were repackaged for the afternoon discussion into the categories set out below. The issues themselves (No. 1 through No. 7), and the recommendations enumerated in response to each issue, are listed in order from highest to lowest priority, as determined through the “dot”-based voting prioritization exercise. The restatement of the “problem” underlying each issue reflects the general sense of forum participants, based on the issues and solutions listed in the afternoon exercise.

Key Issue No. 1: Alternatives and Prevention

The problem. DOC should do more work with local communities to help develop programs that reduce recidivism and decrease the prison population.

Recommendations

- a. Fund programs that have been shown to combine treatment with supervision at all points in the system; use sentencing services, partnership program, drug treatment court, therapeutic communities, and residential treatment.
- b. Address root causes of crime by focusing on early childhood education.
- c. Eliminate barriers to reentry for offenders; “ban the box” for state and local government entities (that is, disallow these entities from having a check-box on their applications to ask prospective employees if they have prior convictions).

Key Issue No. 2: Offender Management

The problem. DOC should adopt a systemwide commitment to an evidence-based approach to inmate programming and treatment.

Recommendations

- a. Look to other jurisdictions, such as Canada, that have successfully adopted evidence-based models of risk-need-responsivity.
- b. Change DCC policy to emphasize quality of contacts with offenders as opposed to quantity; reward results, not busywork.
- c. Provide treatment that starts in prison and follows the offender into aftercare in the community.
- d. Link the North Carolina Justice Academy and state higher education institutions to create a new advanced criminology (D.Crim.) degree program.

Note: The prioritization exercise for this issue did not reflect the group's broader discussion of "offender management," which was meant to capture specific reentry initiatives, such as job training or degree-granting programs.

Key Issue No. 3: Media and Public Perceptions

The problem. Government leaders and the public lack objective, unpoliticized information about the Department of Correction; views are shaped by celebrated cases, not data.

Recommendations

- a. Hire a state criminologist to research and report on public opinion of corrections issues.
- b. Broadcast the fact that North Carolina's recidivism rate is low compared to many other states.
- c. Encourage political leaders to use their bully pulpit to deliver a message that crime prevention and offender reentry initiatives—and not longer sentences and more prisons—make us safer and are cost-effective.
- d. Link the North Carolina Justice Academy and state higher education institutions to create a new advanced criminology (D.Crim.) degree program to promote education of the public on crime trends and recidivism. [Note: This recommendation appeared as a proposed solution to multiple issues.]

Key Issue No. 4: Enhancing Community Supervision

The problem. Recent high-profile crimes highlight the need to reevaluate DCC practices, improve communication, and upgrade technology.

Recommendations

- a. Attack the gang problem. Increase court costs for gang offenders and develop specialized gang units that receive hazardous duty pay.
- b. Improve communication and information sharing between DCC and other agencies so that probation officers know when offenders have a new arrest. [An initial version of just such a link between DCC and AOC was launched in late 2008.]

- c. Conduct pre-sentence investigations. Existing North Carolina law makes pre-sentence investigations optional; they are rarely used. Expanded use of pre-sentence investigations would help DCC identify offenders whose crime understates the actual risk they pose.

Note: The overall results of the prioritization exercise for this particular issue are not reflective of the discussion of the entire group. The gang issue—while certainly a challenge for DCC—did not surface until the end of the discussion when raised by a single participant.

Key Issue No. 5: Mental Health and Substance Abuse

The problem. Many offenders with mental health and/or substance abuse problems will not be helped by incarceration.

Recommendations

- a. Broaden use of mental health courts to keep nonviolent mental health offenders out of prison altogether.
- b. Expand evaluation and treatment staff within DOC to evaluate programs and policies; increase salaries to achieve parity between DOC and the NC Department of Health and Human Services (NC DHHS).
- c. Integrate substance abuse and mental health divisions within DOC for optimal treatment of those with dual diagnoses.

Key Issue No. 6: Recruiting, Training, and Retaining Staff

The problem. High turnover among DOC staff decreases institutional competence, negatively impacts morale, and results in excessively high caseloads for probation/parole officers.

Recommendations

- a. Pay competitively to reduce staff turnover, fill vacancies, and attract talent.
- b. Enhance DCC training by creating a training staff within DCC (in other words, decrease reliance on DOC instructors who tend to focus on the Division of Prisons).
- c. Link the North Carolina Justice Academy and state higher education institutions to create a new advanced criminology (D.Crim.) degree program.

Key Issue No. 7: Prison Population Growth and Change In Prisoner Demographics

The problem. The prison population continues to grow, and new prison beds will be needed unless sentencing laws are changed. It is exceedingly expensive to care for older, sicker inmates.

Recommendations

- a. Change sentencing laws to increase use of community-based alternatives for non-violent and drug offenders; adopt early-release programs and diversions for technical violations and low-level criminal violations.

- b. Place a moratorium on prison building and reallocate all building funds to treatment programs.
- c. Expand early release options for older prisoners with medical issues.
- d. Hire a state criminologist to research programs proven by research to work.
- e. Enact the Sentencing Commission recommendations (outlined above).
- f. For drug offenders, increase use of drug treatment court and other treatment options.

SECTION 6. **Concluding Comments**

Overall, participants in the corrections transition forum meeting exhibited vocal enthusiasm for alternatives to incarceration. The group expressed a desire to adopt evidence-based programming, including the adoption of substance abuse and mental health treatment options as a means of reducing recidivism and enhancing public safety. At times, the conversation veered away from issues strictly within DOC's purview. Many of the issues raised would perhaps have been more appropriate for the transition forum on Crime Control and Juvenile Justice, as the solutions rest in the hands of law enforcement, prosecutors, and the courts—not the DOC. Nevertheless, the group's enthusiasm for treatment alternatives, community-based solutions, and reentry programs permeated the afternoon discussion and was the dominant theme of the forum.

Electronic Supplementary Material

- Appendix 1: Facilitator agenda provided by the Small Business and Technology Development Center (SBTDC)
- Agency transition reports and other documents provided for session
 - a. Department Overview (presented by Secretary Theodis Beck)
 - b. Prison Capacity Plan (presented by Deputy Secretary William Stovall)

