

Justice Reinvestment

A project of the Council of State Governments Justice Center

Ohio and North Carolina Enact Laws Using Justice Reinvestment Strategies

Bipartisan Legislation Saves States Hundreds of Millions of Dollars and Increases Public Safety

Over a two-week period in June, state leaders from across the political spectrum in both North Carolina and Ohio came together in their respective states to enact comprehensive, data-driven legislation resulting from justice reinvestment initiatives. The bills in both states will increase public safety and reduce crime by making probation more effective, ensuring, for example, that those people who are most likely to reoffend are not left unsupervised. Both bills increase sentence lengths for certain high-risk property offenders or the most serious and violent offenders, while expanding sentencing options for nonviolent and first-time felony offenders.

North Carolina

Since 1994, when it established a structured sentencing system, NC has long been considered a model state for its approach to managing the capacity of its prison system. Increasing numbers of probation revocations and various sentence enhancements have since increased the pressure on the prison system. Recently, the General Assembly received a projection forecasting a 10 percent growth in the prison population, or about 3,900 inmates, by 2020.

In 2009, the governor, chief justice and legislative leaders requested intensive technical assistance from the Council of State Governments Justice Center, in partnership with Pew Center on the States and Bureau of Justice Assistance. These policymakers sought to use a justice reinvestment approach to reduce spending on corrections and reinvest in strategies to increase public safety.

Detailed analyses conducted by the CSG Justice Center found that only 15 percent of people leaving prison were released to the community with supervision; most people completed their sentence while in prison and many high-risk offenders returned to the community unwatched. Furthermore, community-based treatment programs were not targeted towards the people who would most likely benefit from them, minimizing the public safety impact of these scarce resources.



Rep. W. David Guice (R-Transylvania) a key author of North Carolina's Justice Reinvestment Act

With the guidance of an inter-branch working group established by the governor and state leaders, CSG Justice Center staff developed [a set of policy options](#) designed to address gaps in the state's sentencing, supervision and treatment systems. State legislators translated those options into [House Bill 642, The Justice Reinvestment Act](#).



Governor Bev Perdue signing the North Carolina Justice Reinvestment Act

The proposed law created a new habitual breaking and entering offense and required post-release supervision for everyone convicted of a felony. Recognizing that HB 642 would place increased demands on probation, the bill also required supervision resources to be focused on high-risk individuals and empowered probation officers to implement swift and certain sanctions. In addition, the law closed a loophole that people used to serve short stints in prison so they could avoid community supervision altogether. It concentrated on reducing recidivism, focusing limited available treatment resources

on people who would benefit the most from them. The legislation also provided incentives for offenders who participate in programs and expanded the existing felony drug diversion program.

The Justice Reinvestment Act passed with overwhelming, near-unanimous bipartisan support. Joined by enthusiastic supporters from local government, including sheriffs and other criminal justice stakeholders, Governor Bev Perdue signed the bill into law on June 23. As a result of the new law, the state expects not only to avert the projected increase in prison population, but also to save more than 3,600 beds by FY 2017. The reduction in the population translates into more than \$290 million saved over the next six years. These savings positioned the state to reinvest more than \$4 million annually to expand community-based treatment programs for people on supervision.

Ohio

Like North Carolina, Ohio's criminal justice system faced pressures that, in 2008, led a bipartisan group including the governor, chief justice, and legislative leaders to employ a justice reinvestment approach. With nearly 51,000 people locked up on any given day, the prisons were 33 percent over capacity. The state projected that the system would grow by another 3,000 people by 2015. Much of that could be traced to people convicted of property and drug offenses, who received short sentences and were subsequently released from prison with no supervision.

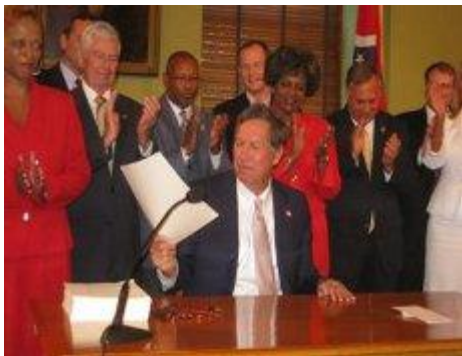
"These reforms will make our communities safer by putting first-time, non-violent offenders in more fitting corrections environments with the goal of preventing them from becoming career criminals."

—Ohio Governor John Kasich

Outside the prison walls, Ohio's probation system—a patchwork of 187 independent agencies—had no consistent policies or minimum standards from one county to the next. No statewide probation data system existed. For example, it was not clear on any given day how many people in Ohio were on probation. The significant investment made by the state in community corrections programs was yielding little. Research conducted by the University of Cincinnati

showed that some programs were increasing recidivism rates, because no criteria were used to filter out those participants who would not benefit from the intensive programs.

Over the course of 18 months, a bipartisan, inter-branch working group reviewed exhaustive analyses prepared by the CSG Justice Center, and, drawing on that information, designed a [13-point policy framework, which the group recommended](#) to the General Assembly. The framework addressed three core issues. One set of provisions required first-time property and drug offenders to serve probation terms and attend treatment. A second set of provisions established statewide criteria for community correction programs, prioritizing placement of people who would benefit most from community supervision and treatment. The legislation also established statewide standards for probation, to ensure an even quality in community supervision from county to county.



Governor John Kasich holding Ohio's Justice Reinvestment legislation

The framework, along with a number of other policies championed by state lawmakers, was consolidated into one bill, [House Bill 86](#), of which Sen. Bill Seitz (R-Cincinnati) was the lead sponsor. HB 86 incorporated legislative language that had been introduced before the justice reinvestment initiative was launched, which expanded earned credit provisions and made some reforms to the juvenile justice system.

The Ohio General Assembly approved the legislation with sweeping bipartisan majorities-30 to 3 in the Senate and 96 to 2 in the House. Governor John Kasich signed the bill into law on June 29. It is estimated that the new law will enable the state to avert all growth that had been projected in Ohio's prison population through 2015, thereby helping the state avoid an estimated half-billion dollars in spending. In addition, the new statute will ease prison crowding as the population gradually declines to levels last seen in 2007, generating \$46 million in savings by 2015. Most important, however, are the enhancements the law makes to public safety. Through the adoption of a common set of risk assessment instruments across the state's criminal justice system, community supervision and treatment resources will be consistently targeted toward offenders who need them the most. The state will also reinvest \$20 million over four years to improve felony probation supervision by providing incentive funding for agencies who reduce recidivism.

Looking Ahead

Work on these issues in Ohio and North Carolina does not stop with the enactment of these comprehensive statutes. Translating these policies into practice, and ensuring investments made realize the outcomes projected, will be challenging. Ohio and North Carolina have both applied to BJA for additional technical assistance and funding support, available through Phase II of the Justice Reinvestment Initiative.

States or counties interested in getting Phase I or II assistance through BJA's Justice Reinvestment Initiative can [get more information here](#).

The [CSG Justice Center's Justice Reinvestment Initiative](#) to address corrections spending and public safety is a partnership with the [Public Safety Performance Project of the Pew Center on the States](#) and the [Bureau of Justice Assistance, U.S. Department of Justice](#). These efforts have provided data-driven analyses and policy options to state leaders in 14 states.

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.