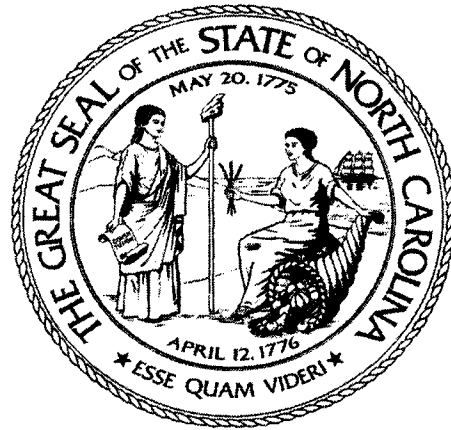


NORTH CAROLINA GENERAL ASSEMBLY



JOINT SELECT COMMITTEE ON EX- OFFENDER REINTEGRATION INTO SOCIETY

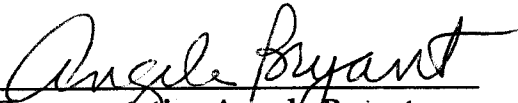
REPORT TO THE
2011 REGULAR SESSION
of the
2011 GENERAL ASSEMBLY


JANUARY 2011

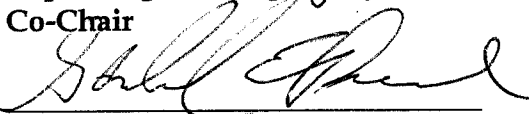


TRANSMITTAL LETTER

The Joint Select Committee on Ex-Offender Reintegration into Society respectfully submits the following report.


Representative Angela Bryant
Co-Chair


Senator Charlie S. Dannelly
Co-Chair


Representative Garland E. Pierce
Co-Chair

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COMMITTEE PROCEEDINGS

The Joint Select Committee on Ex-Offender Reintegration Into Society (Committee) met two times during the 2009-2010 interim and six times during the 2010-2011 interim. The Committee heard from the individuals listed below during the specified meeting dates. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

March 18, 2010

- John Madler, Associate Director for Policy and Staff Attorney, Sentencing and Policy Advisory Commission, explained sentencing and release statutes.
- Patsy Joiner, Director, Post-Release Supervision and Parole Commission, presented information on the parole process and structured sentencing cases.
- Carlton Joyner, Division of Prisons, and Allison Jourdan, Division of Community Corrections, Department of Correction, presented information on transition and reentry.

April 7, 2010

- Douglas Holbrook, Fiscal Analyst, Fiscal Research Division, provided information on parole-eligible populations to the Committee.
- Patsy Joiner, Director, Post-Release Supervision and Parole Commission, presented a report on the Mutual Agreement Program (MAPP) as required by Section 17.1 of S.L. 2007-323.
- Dr. Saundra Williams, Senior Vice-President, Technology and Workforce Development, Community College System, and Dan Lily, Chief of Program Services, Divisions of Prisons, presented information on the Prison Education Program in the N.C. Community College System.

September 14, 2010

- Committee staff reviewed the committee's charter, timelines, and actions related to reentry in the 2009 General Assembly. Staff also reviewed the committee's work plan.

- Gwendolyn Burrell, Executive Director, Governor's Crime Commission, provided an overview of current state-funded reentry programs.
- Nicole Sullivan, Manager, Office of Research and Planning, NC Department of Correction, presented information on the Department of Correction's database of existing reentry programs.
- Doug Holbrook, Committee Staff, gave an update and background information on the Justice Reinvestment Project.
- Michael Robertson, Commissioner, Division of Motor Vehicles, North Carolina Department of Transportation, provided information on a new system to issue licenses to inmates when they are released from prison.

October 6, 2010

- Troy Manns, Outreach Worker, Oxford House, gave a description of the Oxford House's Criminal Justice Pilot Project and explained the program's goals.
- Roy Cooper, North Carolina Attorney General, presented the StreetSafe Task Force's recommendations.
- Robin Howell, Criminal Justice Department Director, Rebecca Sauter, Program Director, and Brent Bailey, Case Manager, Northwest Piedmont Council of Governments, presented information on Project Reentry.

October 20, 2010

- Lynn Floyd, Human Resource Manager, Office of State Personnel, presented information on employing ex-offenders in state government.
- Susan Katzenelsen, Executive Director, NC Sentencing and Policy Advisory Commission, and Nicole Sullivan, Manager, Office of Research and Planning, NC Department of Correction, presented information on risk factors and recidivism reduction.
- Pamela K. Lattimore, Ph.D., Principal Scientist, RTI International, gave a presentation on the Serious and Violent Offender Reentry Initiative.
- Bill Rowe, General Counsel, North Carolina Justice Center and the North Carolina Second Chance Alliance, presented information on the Michigan Prison Reentry Initiative.

December 1, 2010

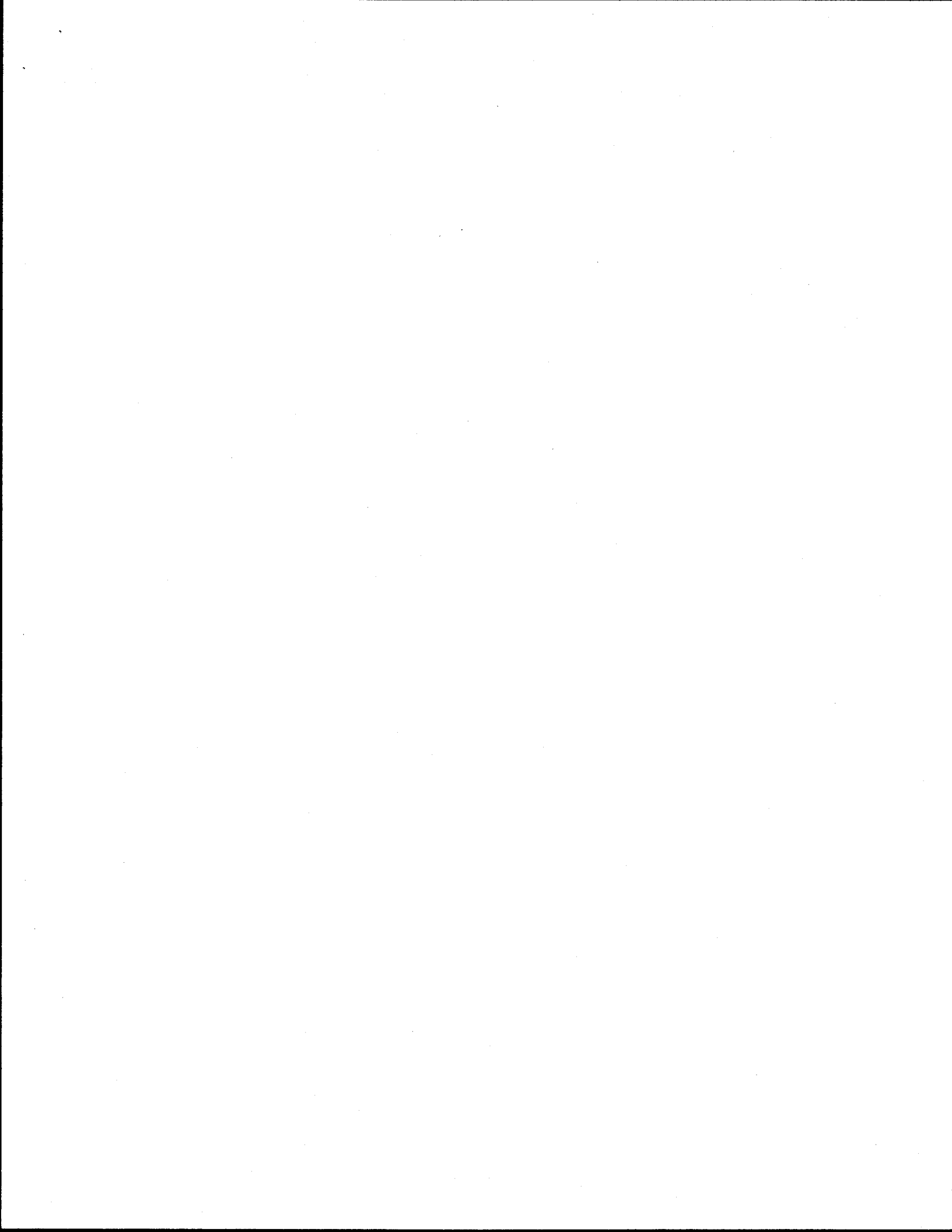
- Professor John Rubin and Whitney Fairbanks, Defender Educator, UNC School of Government, provided an overview of collateral consequences in North Carolina.
- Margaret C. Love, Attorney at Law, gave a presentation entitled, "Relief from Collateral Consequences of Convictions."
- Eric M. Fish, Legislative Council, Uniform Laws Commission, presented information on the Uniform Collateral Consequences of Conviction Act.
- Susan L. Sitze, Staff Attorney, provided an overview of North Carolina expunction laws.
- Gregg Stahl, Senior Deputy Director, NC Administrative Office of the Courts, gave an overview of North Carolina criminal records.

December 15, 2010

- Jim Korth, Former Offender Coordinator, Employment Security Commission of North Carolina, presented information on the Commission's bonding program for employers.
- Betty McGrath, Director of Labor Market Information, Employment Security Commission of North Carolina, gave a presentation on the Common Follow-Up System.
- Various community providers presented their experiences and offered information on promising North Carolina reentry practices and initiatives.
- The Committee discussed proposed recommendations.

January 13, 2011

- Hal Pell, Staff Attorney, presented information on employment discrimination based on ex-offender status.
- The Committee reviewed, modified, and approved the findings and recommendations set forth in this report.



FINDINGS AND RECOMMENDATIONS

1. The Committee recommends legislation authorizing the Sentencing Commission to study the impact and cost of expanding the use of Post-Release Supervision to all felony offenders, along with expanding the capacity for treatment, housing, and employment support services for those offenders.

The Committee finds that only offenders sentenced for Class B1-E felonies receive supervision upon release from prison. The Committee further finds that post-release supervision, along with mental health and substance abuse treatment, and housing and employment support services and structures, can assist offenders in avoiding further criminal conduct.

2. The Committee recommends legislation providing that the Parole and Post-Release Supervision Commission enter into MAPP agreements with more eligible inmates.

The Committee finds that the Mutual Agreement Parole Program creates incentives for prison inmates to seek rehabilitative programming and to avoid infractions. The Committee further finds that the MAP program could be offered to more inmates.

3. The Committee recommends legislation requiring the Office of State Personnel to develop a protocol for State agencies to collect and track application and hiring rates of ex-offenders.

The Committee finds that State agencies do not track the ex-offender status of applicants for State jobs, and cannot therefore determine how many ex-offenders apply and are hired for State jobs.

4. The Committee recommends that the Sentencing and Policy Advisory Commission incorporate data from the Employment Security Commission's Common Follow-up System into its biennial correctional program evaluation, and that the Department of Correction utilize CFS data in evaluating the effectiveness of programs it operates.

The Committee finds that the Employment Security Commission maintains a wealth of data in its Common Follow-up System to track outcomes for offenders. The System incorporates data from a variety of agencies including the Department of Correction, the Employment Security Commission, the Community College System, and the Division of Vocational Rehabilitation. This system can show the extent to which ex-offenders obtain and maintain employment in jobs covered by Unemployment Insurance, and can also identify offenders taking advantage of other State services such as education and vocational training.

5. The Committee recommends that the General Assembly, after consultation with the Department of Justice's Division of Criminal Information, enact a definition of "Criminal Record."

The Committee finds that the term "criminal record" is not defined in the North Carolina General Statutes.

6. The Committee recommends legislation requiring that the Governor's Crime Commission of the Department of Crime Control and Public Safety increase its efforts to promote funding availability to local and non-profit groups engaged in services for ex-offender reintegration and to establish offender reentry as a funding priority.

The Committee finds that there is a network of programs throughout the state serving ex-offenders and that these programs need an ongoing source of funding support and sustainable resource development to leverage and incentivize evidence-based practices and continued private and volunteer support.

For example, the Oxford House loan fund managed by the Department of Health and Human Services provides safe housing for substance abusers making the transition from residential treatment back to the community, including offenders being released from prison. This program provides a housing model that could be expanded for other types of offenders as funds are available. In addition, programs such as Project Reentry of Forsyth, a federally funded pilot initiative, provide effective wrap-around services to reintegrate offenders into the community. The federal support for this program will expire at some point. This program provides a model that could be expanded as funds are available.

7. The Committee recommends that the General Assembly appoint a study committee that includes representatives from the criminal justice community, including district attorneys and the defense bar, to review current expunction statutes relating to dismissals and findings of not guilty, and make recommendations for expunction procedures so that these types of judicial outcomes are not unfairly prejudicial. The commission should report to the General Assembly no later than the beginning of the 2012 Regular Session.

The Committee finds that under current law an arrest can be expunged. However, many such records are available in courthouse searches and can be unfairly misconstrued as evidence of criminal behavior and conduct and form an unjustified barrier to employment.

8. The Committee recommends that the Administrative Office of the Courts report to the General Assembly on issues related to the sale of court records and how best to ensure the accuracy of the information available to the customer and protect citizens.

The Committee finds that the sale of court records for the purpose of funding court technology poses problems such as false positives, lack of capacity to correct errors, and lost expunctions when the data are not in the control of the State and licensed purchasers re-sell data to other vendors.

9. The Committee recommends that the Department of Correction designate its Office of Research and Planning as the single state agency responsible for the coordination and implementation of reentry policy initiatives, including the StreetSafe Task Force, the Justice Reinvestment Initiative of the CSG, and this Committee's recommendations. The Committee recommends that the Office of Research and Planning work in conjunction with local communities to form a minimum of ten local reentry councils to supervise and coordinate innovative responses to reintegration at the local level and to use the existing services of programs, e.g. the Criminal Justice Partnership Program. The Office shall form an advisory group that represents the population it proposes to serve. This representative body should include, but not be limited to, the formerly incarcerated, people with criminal records, and at-risk youth, as well as agencies that serve all of the above.

10. The Committee recommends that evidence-based practices be used in developing programs and methods to assist ex-offenders in their reintegration into society and that the School of Government, the Administrative Office of the Courts, and the Conferences of Clerks, District Attorneys, and Judges ensure that judicial and court officials are educated and kept up to date on the latest information and best practices to reduce recidivism and enhance offender reintegration. Further, the Committee recommends that funding authorities such as the legislative Appropriations Committees and the Governor's Crime Commission be made aware of these evidence-based best practices in their decision-making processes for funding and expansion, recognizing the significance of pre-sentence reporting, proper assessment and services, education, housing, employment, treatment services, and reentry coordination.

11. The Committee recommends that the Department of Correction continue its efforts to assist offenders in successfully re-entering society and enable them to avoid further criminal behavior, including monitoring and maximizing the access to the partnerships with the Division of Motor Vehicles regarding identification cards and licenses and the Community

Colleges regarding education and job readiness, and by maximizing work release slots for minimum custody inmates approaching release.

The Committee finds that proper assessment of risk and needs is the critical first step in reducing further criminal behavior in a cost-effective manner. The Committee further finds that the Department of Correction is implementing new assessment mechanisms supported by the National Institute of Corrections.

The Committee finds that ex-offenders are sometimes thwarted in their efforts to reintegrate into society by lack of transportation. Even if they have access to cars, they often encounter multiple barriers to acquiring driver's licenses because of outstanding fines and fees. In addition to inability to drive, those barriers may prevent ex-offenders from having needed identification. The Committee further finds that the Division of Motor Vehicles and the Department of Correction have established a working relationship to address these problems by improving access for inmates prior to release from prison.

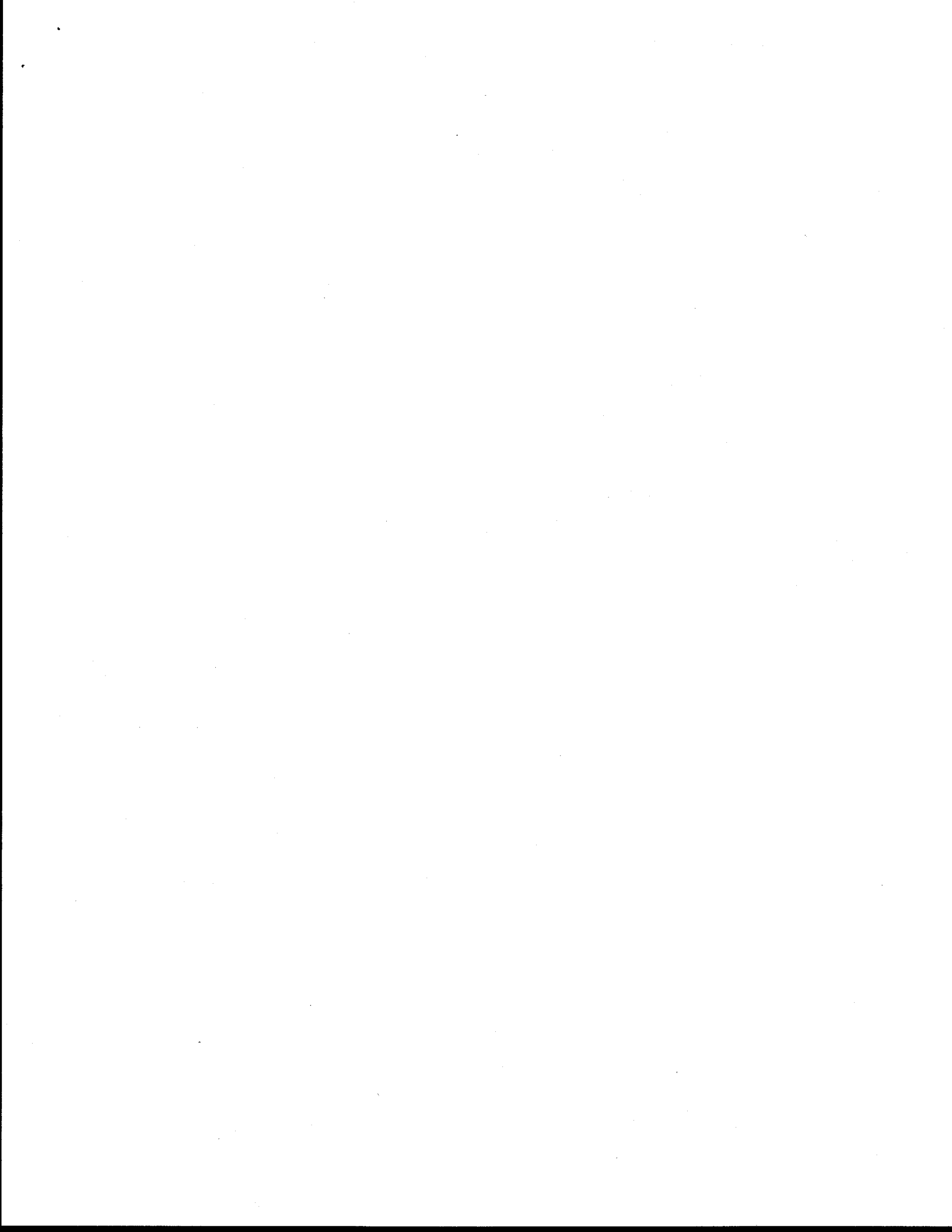
12. The Committee recommends that the Office of State Personnel develop proposed policies identifying the specific occupational categories for which a conviction is a bar to employment and to authorize that for those categories, the hiring authority may require disclosure of prior conviction on application; and to provide that, for all other occupational groups, State hiring authorities shall not, during the hiring process, make an inquiry regarding a conviction on the initial application for employment, and shall only take into consideration a conviction after the applicant has been selected as a finalist for that position. The Committee further requests that the Office of State Personnel report on these proposed policies to the General Assembly by October 1, 2011.

13. The Committee recommends legislation directing that the General Statutes Commission, in conjunction with the School of Government and the Administrative Office of the Courts, provide a report to the General Assembly no later than the beginning of the 2012 Regular Session identifying the collateral consequences for all criminal convictions; which offenses carry ambiguous or multiple types of consequences, whether by statute or rule; and whether collateral consequences should be codified in one section of the General Statutes, or in some other manner, in order to provide clarity and consistency in the application of these consequences.

14. The Committee recommends legislation directing that the North Carolina Sentencing and Policy Advisory Commission report to the General Assembly no later than the beginning of the 2012 Regular Session on the best methods and procedures, and under what circumstances, a court

would: (1) provide actual notice to a defendant who is entering a guilty plea as to the collateral consequences of a conviction of the offense or offenses; and (2) waive, in the court's discretion, any of the collateral consequences which would result from a conviction of the offense or offenses.

15. The Committee recommends that the Speaker of the House and President Pro Tempore of the Senate appoint a Joint Select Committee on Ex-Offender Reintegration into Society during the 2011-12 interim to continue to improve the State's response to recidivism and the effective re-entry of offenders into society.



APPENDIX

Marc Basnight
President Pro
Tempore,
North Carolina Senate



Joe Hackney
Speaker,
North Carolina
House of
Representatives

Raleigh, North Carolina 27601-1096

Joint Select Committee on Ex-Offender Reintegration Into Society

Section 1. The Joint Select Committee on Ex-Offender Reintegration Into Society (hereinafter "Committee") is established by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2009 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2009 General Assembly.

Section 2. The Committee consists of 16 members, 8 of whom are appointed by the President Pro Tempore of the Senate and 8 of whom are appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a co-chair from among their respective appointees. A co-chair or other member of the Committee continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment. Members serve at the pleasure of the appointing officer.

President Pro Tempore Appointments	Speaker of the House Appointments
Senator Charlie Dannelly, Co-Chair	Representative Bryant Co-Chair
Senator Linda Garrou	Representative Pierce Co-Chair
Senator Fletcher Hartsell	Representative Burr
Senator Ed Jones	Representative Mackey
Senator A.B. Swindell	Representative Guice
Senator John Snow	Representative M. Alexander
Mr. Dennis Gaddy	Representative Frye
Ms. Flo Stein	Representative R. Warren

Section 3. The Committee may study issues related to reintegration into society for people with criminal records, including how North Carolina and other states address barriers facing ex-offenders in accessing jobs, housing, education, training, and services.

The Committee may also determine best practices that reduce recidivism. In connection with this study, the Committee may consider:

- (1) How prisoners are prepared in prison for release.
- (2) The process by which prisoners exit prisons so that key supports and services are in place during the initial transition.
- (3) Reentry initiatives that build on key social relationships, such as family, friends, and the faith community.
- (4) Reentry initiatives that improve access to other community based support and services.
- (5) Risk factors of returning offenders, including history of substance of abuse, mental illness, chronic disease, lack of education, high unemployment, and homelessness.
- (6) Accuracy and regulation of criminal record checks.
- (7) Systemic and legal barriers to employment, housing, education, training, and services.
- (8) Systems for measuring the effectiveness of reforms to reduce recidivism, such as increased attachment to the workforce and earnings, increased family attachment, and savings to the State from incarceration cost avoidance.

Section 4. The Committee shall meet upon the call of its House and Senate co-chairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5 and 138-6, as appropriate.

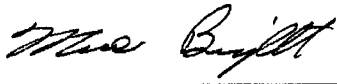
Section 7. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of five thousand dollars (\$5,000) or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of five thousand dollars (\$5,000) shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support staff to the Committee.

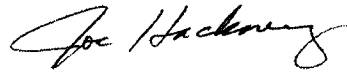
Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee may submit an interim report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before May 1, 2010, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before February 1, 2011, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library. The Committee shall terminate on February 1, 2011, or upon the filing of its final report, whichever occurs first.

Effective this the 22nd Day of January, 2010.



Marc Basnight
President Pro Tempore of the Senate



Joe Hackney
Speaker of the House of Representatives