

Opinion: Prison reform is hopeful sign

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October 28, 2017

Raleigh — I've been spending a lot of my time recently on projects that facilitate constructive conversation across political differences. It's clear to me that most North Carolinians dislike the invective, bickering, and dishonesty they get from all too many politicians. They want something different. They hunger for it.

Many of the same people who crave civil dialogue, however, also have strongly held opinions. I'm one of them. We want to talk, not surrender. And our model for constructive engagement isn't just a series of "split the difference" compromises.

North Carolina's recent reforms of our criminal justice system are a great example of genuinely constructive engagement leading to policy progress.

Starting back during the gubernatorial administration of Democratic Gov. Bev Perdue, progressives and conservatives began talking and comparing notes. Progressives had worried greatly about a phenomenon they called "mass incarceration," which they variously attribute to political overreaction to crime, rampant racism, a conspiracy by the "prison industry," or some combination thereof.

Conservatives worried about North Carolina's rising prison population, as well. They didn't blame politics, racism, or a special-interest conspiracy, however. They simply came to believe that the useful tool of incarceration was being employed too often, in cases for which it was ill-suited. As a result, the state was sending some offenders to prison who might best be punished by other means. That increased the cost as well as the risk that such offenders, struggling to reintegrate into society, would commit subsequent crimes.

From 2009 to 2011, state officials studied the issue carefully. Then they drafted legislation, the Judicial Reinvestment Act, to reform sentencing, supervision, and correction policies. A Republican-led General Assembly passed the bill. First Gov. Perdue, then Republican Gov. Pat McCrory, and now Democratic Gov. Roy Cooper have implemented it.

These policymakers obviously disagree about many matters. They even disagree about many criminal-justice issues. They coalesced around Judicial Reinvestment not as a series of 50/50 compromises but instead in a process one might call "mix and match." They focused on areas of closest agreement, such as the need to prepare criminals for life beyond prison and the wisdom of using means other than prison time to punish parole violations.

Thus one could believe either that incarceration is a cost-effective response to violent crime or that it is unfair, corrupt, and counterproductive — and yet still support Judicial Reinvestment, which diminished the resort to incarceration for nonviolent crimes and parole violations. The results have been striking. North Carolina experienced roughly a 30 percent increase in its prison population from 2000 to 2011. The population then dropped by about 10 percent through 2015, after which it has essentially stayed flat. Taxpayers have saved many millions of dollars. It's too early to draw firm conclusions about the long-term effects on offenders, such as reemployment or recidivism rates. But I'll wager that given how the reforms were designed and implemented, North Carolina has reduced the negative effects of incarceration while maintaining its positive effects.

Are there positive effects? Of course. Incapacitating dangerous criminals saves lives, money, and human suffering. The prospect of receiving a stiff prison sentence does act as a deterrent against committing repeated and heinous crimes. Where incarceration often fails the cost-benefit test is when it is misapplied to lower-level offenses and to offenders who aren't career criminals. For example, in a new Cato Institute report, scholars from the University of Chicago, the University of California at San Diego, and the University of Bergen summarized their research findings about incarceration policy in Norway. In general, they found that imprisonment reduced recidivism rates and increased the likelihood that offenders would subsequently find employment. But this was true only for those who were previously unemployed or had long criminal records.

North Carolinians have and will continue to disagree about fundamental principles and about many specific issues. Still, we should be able to talk about those disagreements without shouting at each other. And we should be able to spot and act on areas of agreement, as we have on criminal justice.