

CORRECTIONAL PROGRAM EVALUATION SPECIAL REPORT

OFFENDERS RELEASED FROM SUPERVISED PROBATION

FISCAL YEAR
2019



THE HONORABLE CHARLIE BROWN
CHAIRMAN

MICHELLE HALL
EXECUTIVE DIRECTOR

CORRECTIONAL PROGRAM EVALUATION SPECIAL REPORT

OFFENDERS RELEASED FROM SUPERVISED PROBATION FY 2019

PROJECT CONDUCTED IN CONJUNCTION WITH THE
DIVISION OF ADULT CORRECTION AND JUVENILE JUSTICE
OF THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY

JULY 2022



THE HONORABLE CHARLIE BROWN
CHAIRMAN

MICHELLE HALL
EXECUTIVE DIRECTOR

WWW.NCSPAC.ORG

SENTENCING AND POLICY ADVISORY COMMISSION MEMBERSHIP

Hon. Charlie Brown, Chairman
Chief District Court Judge

Frances Battle
Victim Assistance Network

Sheriff Garry McFadden
Sheriffs' Association

Art Beeler
Private Citizen, Governor's Appointee

Dr. Harvey McMurray
Academic Member

Hon. Warren Daniel
State Senator

Hon. Allen McNeill
State Representative

Louise Davis
Community Sentencing Association

Hon. James Mixson, III
Association of Clerks of Superior Court

Danielle Marquis Elder
Attorney General's Office

Luther Moore
Retail Merchants' Association

Hon. Sherri Elliott
District Court Judges' Association

Timothy Moose
Department of Public Safety

Hon. John Faircloth
State Representative

Hon. Fred Morrison, Jr.
Justice Fellowship

Hon. Milton "Toby" Fitch, Jr.
State Senator

Hon. William Richardson
State Representative

Willis Fowler
Post-Release Supervision & Parole Commission

Hon. Bob Steinburg, Sr.
State Senator

Lindsey Granados
Advocates for Justice

Calvin Suber
Commission Chairman's Appointee

Hon. R. Gregory Horne
Conference of Superior Court Judges

Hon. Michael Waters
Conference of District Attorneys

Joseph Houchin
Lieutenant Governor's Appointee

Patrick Weede
Bar Association

Chief Henry King, Jr.
Association of Chiefs of Police

Hon. Valerie Zachary
Court of Appeals

Hon. Tammy Lee
Association of County Commissioners

SENTENCING AND POLICY ADVISORY COMMISSION STAFF

Michelle Hall
Executive Director

John Madler
Associate Director for Policy, Staff Attorney

Ginny Hevener
Associate Director for Research

Tamara Flinchum
Senior Research & Policy Associate

John King
Senior Research & Policy Associate

Meghan Boyd Ward
Research & Policy Associate

Melissa Lugo
Research & Policy Associate

Becky Whitaker
Research & Policy Associate

Shelley Kirk
Administrative Secretary

TABLE OF CONTENTS

EXECUTIVE SUMMARY 2022 CORRECTIONAL PROGRAM EVALUATION SPECIAL REPORT	i
Offenders Released from Probation in FY 2019.....	i
Supervised Probation Profile	i
Interim Outcomes	ii
Recidivist Arrests and Multivariate Analysis.....	ii
Conclusions	iii
INTRODUCTION	1
Background	1
The Justice Reinvestment Act of 2011.....	1
Research Design and Methodology	1
Sample.....	2
Measuring Recidivism	5
Criminal Justice Outcomes.....	5
Probation Supervision.....	5
Two-Year Follow-Up.....	5
Time at Risk.....	5
COVID-19 Pandemic and the Criminal Justice System.....	6
Data Sources	6
Report Outline.....	7
SECTION I: SUPERVISED PROBATION PROFILE	8
Personal Characteristics.....	8
Criminal History.....	10
Most Serious Current Conviction.....	11
Probation Length Imposed and Actual Months Supervised	12
Offender Risk and Need Assessments	13
Supervision in the Community.....	15
SECTION II: INTERIM OUTCOMES.....	17
High Risk Delegated Authority	17
Violations of Supervised Probation.....	18
Technical Violations of Supervised Probation	20
Responses to Violations of Supervised Probation	22
Nonconfinement Responses.....	23
Confinement Responses	24
Quick Dips	24
Confinement in Response to Violation (Felons Only).....	25
SECTION III: RECIDIVIST ARRESTS.....	27
Recidivist Arrests during Probation Supervision.....	27
Recidivist Arrests during the Two-Year Follow-Up	28
Recidivist Arrests by Supervised Probation Profile.....	30
Personal Characteristics.....	30
Criminal History	31

Most Serious Current Conviction	32
Probation Supervision.....	33
Risk and Need Levels.....	34
Supervision Level	35
Recidivist Arrests by Interim Outcomes	35
High Risk Delegated Authority	35
Violations of Probation Supervision.....	36
Technical Violations	37
Nonconfinement Responses to Violations of Community Supervision	38
Confinement Responses to Violations of Probation Supervision	39
Combined Recidivist Arrests	40
SECTION IV: MULTIVARIATE ANALYSIS.....	42
Logistic Regression Analysis Variables	42
Dependent Variable	42
Independent Variables.....	42
Model Limitations	43
Results and Interpretation	43
Predictors of Recidivism for All Probation Releases	44
Recidivism Outcomes for the Positive Group	46
Recidivism Outcomes for the Negative Group	47
Recidivism Outcomes for the Revocation Group.....	48
Differences in Predicting Recidivism between the Three Models.....	48
Recidivism Outcomes for Felons.....	49
Recidivism Outcomes for Misdemeanants	50
SUMMARY AND CONCLUSIONS	53
New Methodology	54
Interim Outcomes	55
Probation Release Reason	56
Factors Associated with Recidivist Arrest	57
Possible Effects of the Pandemic on Recidivism	58
In Closing.....	59
APPENDIX A ADDITIONAL TABLES AND FIGURES	60

FIGURES

Figure E.1 FY 2019 Probation Release Sample by Release Reason.....	i
Figure E.2 Violation Rates and Responses to Violation Rates.....	ii
Figure E.3 Recidivist Arrest Rates for FY 2019 Probation Release Sample	iii
Figure 1 A Timeline Comparison of Probation Entry and Release Samples.....	2
Figure 2 FY 2019 Probation Release Sample by Release Reason (N=30,809).....	2
Figure 3 Gender and Race.....	8
Figure 4 Number of Prior Arrests for Probation Releases with Any Prior Arrest.....	10
Figure 5 Most Serious Current Conviction by Offense Type and Offense Class	11
Figure 6 Offense Category of the Most Serious Current Conviction	11

Figure 7 Distribution of the Top 5 Most Serious Current Convictions.....	12
Figure 8 Actual Supervision Months	13
Figure 9 Risk and Need Levels.....	14
Figure 10 Supervision Level	16
Figure 11 High Risk Delegated Authority: Probation Supervision	18
Figure 12 Violations: Probation Supervision.....	19
Figure 13 Violation Rates by Supervision Level: Probation Supervision.....	20
Figure 14 Technical Violation Rates: Probation Supervision	20
Figure 15 Technical Violation Rates by Violation Type: Probation Supervision	21
Figure 16 Most Serious Technical Violation: Probation Supervision	22
Figure 17 Nonconfinement Response Rates: Probation Supervision	23
Figure 18 Months to First Nonconfinement Response: Probation Supervision	24
Figure 19 Quick Dip Rates: Probation Supervision	25
Figure 20 CRV Rates (Felons Only): Probation Supervision	26
Figure 21 Most Serious Recidivist Arrest by Current Conviction: Probation Supervision	28
Figure 22 Recidivist Arrest Rates: Two-Year Follow-Up.....	29
Figure 23 Number of Recidivist Arrests for Probationers with Any Arrest: Two-Year Follow-Up	30
Figure 24 Recidivist Arrest Rates by Probation Supervision Length: Two-Year Follow-Up	33
Figure 25 Recidivist Arrest Rates by Risk and Need Levels: Two-Year Follow-Up	34
Figure 26 Recidivist Arrest Rates by Supervision Level: Two-Year Follow-Up.....	35
Figure 27 Recidivist Arrest Rates by High Risk Delegated Authority for High Risk Offenders: Two-Year Follow-Up.....	36
Figure 28 Recidivist Arrest Rates by Violation: Two-Year Follow-Up	36
Figure 29 Recidivist Arrest Rates and Nonconfinement Responses: Two-Year Follow-Up	39
Figure 30 Recidivist Arrest Rates and Confinement Responses: Two-Year Follow-Up.....	40
Figure 31 Combined Recidivist Arrest Rates during Probation Supervision, Two-Year Follow-Up, or Both	41
Figure 32 Differences in Predicting Recidivism between the Three Models.....	49
Figure 33 Supervised Probation Profile for FY 2019 Probation Release Sample	54
Figure 34 Recidivist Arrest Rates of FY 2019 Probation Entry and Release Samples	55
Figure 35 Interim Outcomes Summarized for FY 2019 Probation Release Sample.....	56
Figure 36 Recidivist Arrest Rates for FY 2019 Probation Release Sample	57
Figure 37 Possible Effects of the COVID-19 Pandemic on Recidivist Arrests: Two-Year Follow-Up.....	59
Figure A.1 Nonconfinement Response Rates by Supervision Level: Probation Supervision	64
Figure A.2 Months to First Recidivist Arrest for Offenders with Any Arrest: Probation Supervision.....	66

TABLES

Table 1 Probation Release Definitions.....	4
Table 2 Personal Characteristics	9
Table 3 Prior Criminal Justice Contacts.....	10
Table 4 Average Probation Length Imposed (Months) and Actual Months Supervised.....	13
Table 5 Areas of Need Identified	15
Table 6 Violations: Probation Supervision	19
Table 7 Select Responses to Violations of Probation Supervision.....	22
Table 8 Recidivist Arrest Rates: Probation Supervision	27
Table 9 Recidivist Arrest Rates: Two-Year Follow-Up.....	29

Table 10 Recidivist Arrest Rates by Personal Characteristics: Two-Year Follow-Up	31
Table 11 Recidivist Arrest Rates by Prior Criminal Justice Contacts: Two-Year Follow-Up	32
Table 12 Recidivist Arrest Rates by Most Serious Current Conviction: Two-Year Follow-Up.....	33
Table 13 Recidivist Arrest Rates by Most Serious Violation: Two-Year Follow-Up.....	37
Table 14 Recidivist Arrest Rates by Technical Violation: Two-Year Follow-Up	38
Table 15 Independent Variables	43
Table 16 Effect of Personal and Criminal Justice Factors on Recidivist Arrest for All Probationers and by Probation Release Reason	45
Table 17 Effect of Personal and Criminal Justice Factors on Recidivist Arrest by Offense Type	51
Table 18 Key Predictors of Recidivist Arrest – All Models: Two-Year Follow-Up	58
Table A.1 Most Serious Current Conviction.....	61
Table A.2 Number of Probation Releases by Risk, Need, and Supervision Levels.....	62
Table A.3 Supervision Level Distribution Based on Risk and Need Levels	63
Table A.4 Quick Dip Rates by Most Serious Current Conviction: Probation Supervision	65
Table A.5 Recidivist Arrest Rates by Probation Release Reason.....	65
Table A.6 Recidivist Arrest Rates by Most Serious Current Conviction: Two-Year Follow-Up	67
Table A.7 Personal Characteristics.....	68
Table A.8 Prior Criminal Justice Contacts	69
Table A.9 Most Serious Current Conviction	69
Table A.10 Average Probation Length Imposed (Months) and Actual Months Supervised	70
Table A.11 Risk, Need, and Supervision Levels.....	70
Table A.12 Violation Rates	71
Table A.13 Responses to Violations	72

ACRONYMS

CBI	Cognitive Behavioral Intervention
CCH	Computerized Criminal History
CRV	Confinement in Response to Violation
DPS	Department of Public Safety
DWI	Driving While Impaired
FDBV	Felony Death by Vehicle
FY	Fiscal Year
G.S.	General Statute
JRA	Justice Reinvestment Act
OPUS	Offender Population Unified System
OTI-R	Offender Traits Inventory-Revised
PPO	Probation and Parole Officer
PRS	Post-Release Supervision
RNA	Risk and Need Assessment
SBI	State Bureau of Investigation
SSA	Structured Sentencing Act

EXECUTIVE SUMMARY

2022 CORRECTIONAL PROGRAM EVALUATION SPECIAL REPORT

OFFENDERS RELEASED FROM PROBATION IN FY 2019

In 1998, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission¹ to prepare biennial reports evaluating the effectiveness of the State’s correctional programs (N.C.G.S. § 164-47). This special report, focusing on Structured Sentencing Act (SSA) offenders who were released from supervised probation in FY 2019 (N=30,809), should be considered a companion to the Commission’s 2022 Correctional Program Evaluation report which examined recidivism of SSA offenders who were placed on supervised probation or released from prison in FY 2019. Recidivism was defined as fingerprinted arrests both *during* (varied period) and *following* (fixed two-year period) their term of supervised probation. The Executive Summary highlights the key findings from the special report.

SUPERVISED PROBATION PROFILE

- Almost half (47%) of the sample exited probation due to positive reasons, while 25% exited due to negative reasons and 28% exited due to revocation of probation (see Figure E.1).
- Seventy-two percent (72%) were male and 51% were white. A higher percentage of probationers in the positive group and the revocation group were white, while a higher percentage in the negative group were black. The average age was 35, with the revocation group being the youngest.
- Probationers in the revocation group had the highest percentages of prior criminal justice contacts for all measures examined, while probationers in the positive group had the lowest percentages.
- Sixty percent (60%) had a misdemeanor and 40% had a felony as their most serious current conviction. A higher percentage of probationers in the negative and revocation groups were convicted of felony offenses compared to the positive group (42% each compared to 38%).
- The overall average length of probation imposed was 20 months with few differences between groups; the groups varied in terms of actual months supervised from 15 months for the revocation group to 24 months for the negative group.
- A higher percentage of probationers in the revocation group were assigned to the most restrictive supervision levels, while a higher percentage in the positive group were assigned to the less restrictive levels.

Figure E.1
FY 2019 Probation Release Sample by Release Reason

FY 2019 Probation Releases N=30,809		
47% Positive (n=14,468) •44% Satisfactory (n=6,396) •28% Completion (n=3,998) •28% Unsupervised (n=4,074)	25% Negative (n=7,586) •84% Unsatisfactory Termination (6,338) •8% Expired Absconder (n=636) •8% Terminal CRV (n=612)	28% Revocation (n=8,755) •62% Absconding (n=5,459) •30% Criminal (n=2,634) •8% Terminal (n=662)

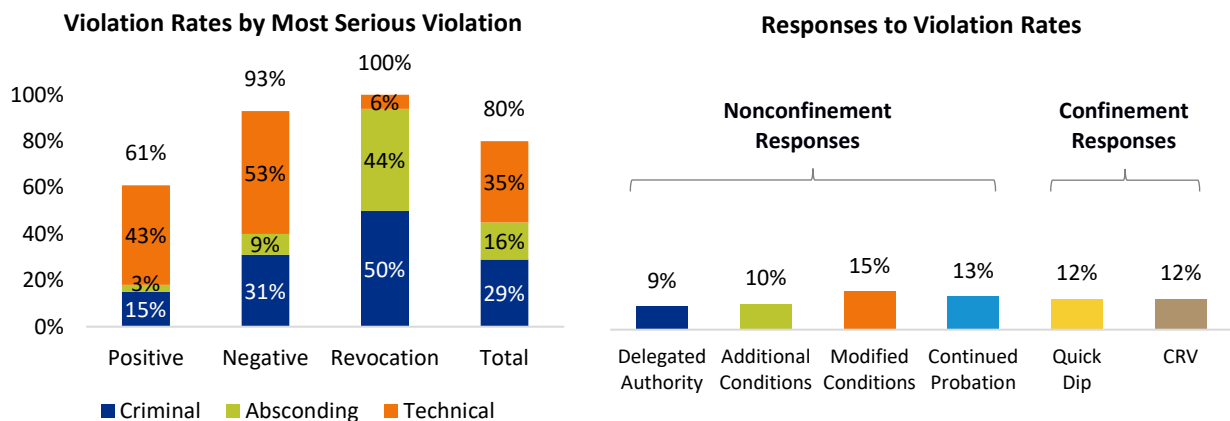
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

¹ Also referred to throughout the report as “Sentencing Commission” or “Commission.”

INTERIM OUTCOMES

- Twenty-three percent (23%) of probationers were eligible for high risk delegated authority (i.e., had a risk score of 50+), including 16% of the positive group, 26% of the negative group, and 33% of the revocation group. A higher proportion of high risk probationers in the revocation group received at least one high risk delegated authority condition compared to the other groups.
- Eighty percent (80%) of probationers had at least one violation during supervision – 61% in the positive group and nearly all in the negative (93%) and revocation (100%) groups. (See Figure E.2.)
- The positive group was most likely to have a technical violation as their most serious violation (70%); the revocation group was more likely to have a criminal (50%) or an absconding violation (44%).
- Modification of conditions of probation occurred more frequently than the other types of nonconfinement responses (i.e., delegated authority, additional probation conditions, and continued probation). The negative group had the highest rates for all nonconfinement responses.
- Twelve percent (12%) had a quick dip during probation supervision, with probationers in the negative and revocation groups having higher rates (15% each) than the positive group (9%).
- Among felony probationers, 12% had at least one confinement in response to violation (CRV) during probation supervision. Probationers in the negative group had a higher CRV rate (23%) compared to the other two groups (8% for the positive group and 10% for the revocation group).

Figure E.2
Violation Rates and Responses to Violation Rates



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

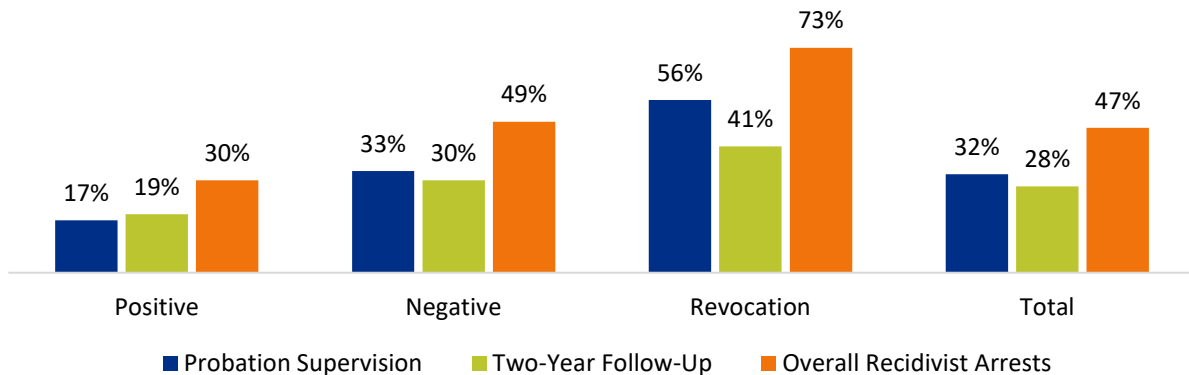
RECIDIVIST ARRESTS AND MULTIVARIATE ANALYSIS

- The revocation group had the highest recidivist arrest rates for both time periods examined. Not surprising, this group also had the highest recidivism rates when examined overall during probation supervision and during the two-year follow-up period (see Figure E.3). The positive group had the lowest rates, while the rates for the negative group were between the other two groups.
- Felons in the revocation group had higher recidivist arrest rates than misdemeanants. There were few differences in rates between felons and misdemeanants in the positive and negative groups.
- For probationers with a supervision level assigned, the less restrictive the supervision level the lower the recidivist arrest rates, ranging from 40% for Level 1 probationers to 7% for Level 5 probationers.

In each supervision level, the revocation group had the highest recidivist arrest rates and the positive group had the lowest recidivist arrest rates.

- For the positive and negative groups, probationers who had any type of nonconfinement or confinement response during probation had higher recidivist arrest rates during the two-year follow-up compared to their counterparts. However, probationers in the revocation group had higher recidivist arrest rates if they had *not* received a nonconfinement response or the confinement response of a quick dip; there was little variation in rates for those with or without a CRV.
- Multivariate analysis is a statistical technique used to analyze multiple variables simultaneously and measure their individual relationships to criminal justice outcomes. Generally, the probability of recidivism during the two-year follow-up was highest for probationers who were younger, male, had a prior arrest, or had an arrest during probation supervision. For the positive and negative groups, risk level was a significant predictor of recidivism, while need level was a significant predictor for the positive group.
- The revocation group had a lower probability of recidivism if delegated authority or a quick dip were imposed and also if probation conditions were added or modified. While modest effects, the positive group had a lower probability of recidivism if delegated authority was imposed or if probation supervision was continued. None of these were significant predictors for the negative group.

Figure E.3
Recidivist Arrest Rates for FY 2019 Probation Release Sample



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

CONCLUSIONS

- This report offers a first look at recidivism for probation releases. Future studies using this same methodology will offer insight as to whether findings contained within this report are consistent over time and what policy implications might emerge as a result. Special consideration should be given to the time period examined due to the COVID-19 pandemic.
- A probation release sample allows program interventions, sanctions for noncompliance, and recidivist arrests to be tracked both *during* and *following* supervised probation, allowing for a greater understanding of the totality of an offender’s probation experience on long-term outcomes. The addition of information on programmatic interventions in subsequent studies would greatly enhance the understanding of outcomes for this sample.
- Probationers released from probation for positive reasons showed relative success (i.e., lower recidivist arrest rates) compared to those who were released for negative reasons or who were revoked, a demonstration of the importance of probation release reason in outcomes.

INTRODUCTION

BACKGROUND

In 1998, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission² to prepare biennial reports evaluating the effectiveness of the State’s correctional programs.³ This study is a companion report to the Commission’s 2022 Correctional Program Evaluation report⁴ and examines recidivism for offenders sentenced under the Structured Sentencing Act (SSA) who were released from supervised probation in FY 2019 (N=30,809). Recidivism was defined as fingerprinted arrests during two-time periods – while offenders were on supervised probation and during a fixed two-year follow-up period after release.

The Justice Reinvestment Act of 2011

With the passage of the Justice Reinvestment Act (JRA) of 2011, North Carolina implemented substantial changes to the state’s sentencing practices and correctional policies.⁵ By design, the JRA is expected to have the greatest impact on the community corrections population. The JRA intends to improve offender behavior through supervision strategies based on a validated Risk and Need Assessment (RNA), new sanctions to respond to noncompliance while on probation, supervision of all felons upon release from prison, and evidence-based practices and programming in the community. The recidivism of offenders serves as one measure of the success of JRA policies in reducing repeat criminality and enhancing public safety, while managing correctional resources in a more cost-effective way.

RESEARCH DESIGN AND METHODOLOGY

In the biennial recidivism reports, the probation sample has been comprised of offenders placed on supervised probation for a given fiscal year. While a probation entry sample is informative, establishing the timing and order of when program interventions, sanctions for noncompliance, and recidivist arrests occurred was problematic because these events were being tracked during the same time period (two years following probation admission). Assessing the impact of interventions on recidivism was difficult; recidivism could have occurred prior to the intervention. A probation release sample, however, allows offenders to be tracked both *during* and *following* their involvement with the criminal justice system. (See Figure 1.) This allows for greater examination of the timing of recidivism – did it occur while an offender was under supervision or did it occur following his or her exit from probation? Differences that exist between recidivism that occurs during involvement compared to after involvement can also be examined. Most importantly, the ability to control for the order and timing of recidivist events in comparison to interventions allows for a greater understanding of the effect of the totality of system involvement (i.e., all interventions and programs) on recidivism.

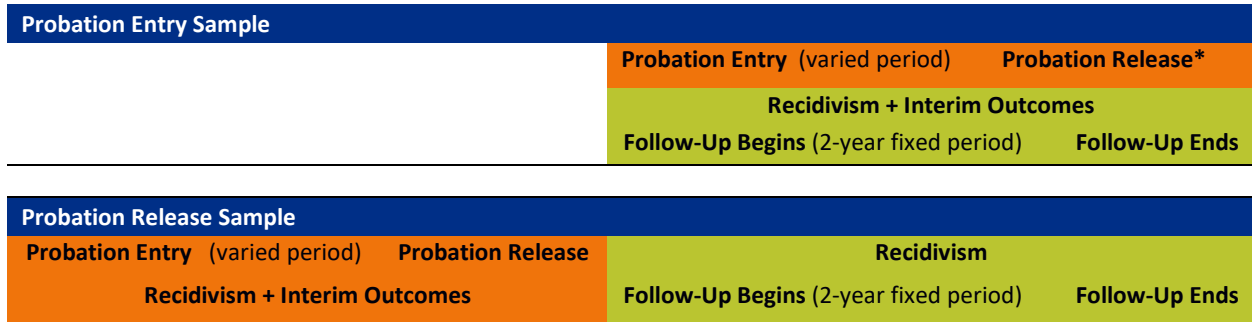
² Also referred to throughout the report as “Sentencing Commission” or “Commission.”

³ N.C. Gen. Stat. (hereinafter G.S.) § 164-47.

⁴ See <https://www.nccourts.gov/assets/documents/publications/SPAC-2022-Adult-Recidivism-Report-FY2019>.

⁵ For more details on the JRA, see the Sentencing Commission’s reports titled *Justice Reinvestment Act Implementation Evaluation Report* at <https://www.nccourts.gov/documents/publications/jra-implementation-evaluation-report>.

Figure 1
A Timeline Comparison of Probation Entry and Release Samples

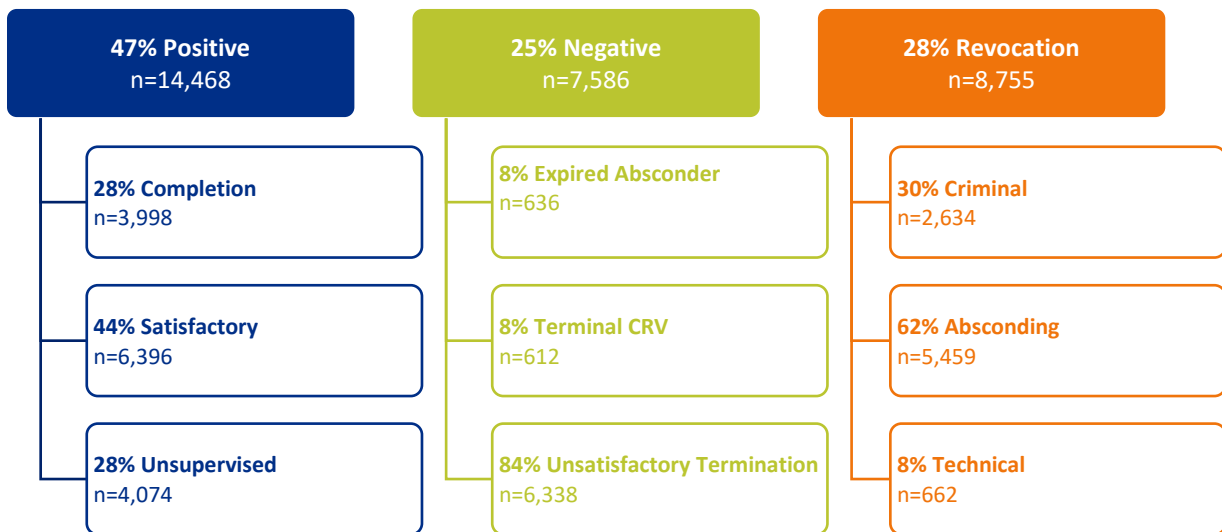


*Probation release could have occurred prior to or after the end of the two-year follow-up.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

SAMPLE

Recent recidivism reports have focused on a comparison of the statistical profile and outcomes for felony and misdemeanor probation admissions. The probation release sample provides the ability to compare how probationers exited probation – successfully or unsuccessfully – and to examine outcomes based on the offender’s exit or release reason.⁶ Figure 2 provides a visual depiction of the FY 2019 probation releases, including the distribution by release reason. The sample selected for the special report included all offenders released from supervised probation during FY 2019 with one exception: offenders with a most serious conviction for Driving While Impaired (DWI). The final study sample includes 30,809 offenders sentenced under the SSA, affording a comprehensive look at the recidivism of supervised probationers in North Carolina.

Figure 2
FY 2019 Probation Release Sample by Release Reason (N=30,809)



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

⁶ The terms probation “release” or probation “exit” are used interchangeably throughout this report.

Figure 2 also provides the division of the probationers into three groups based on the offender's release reason: positive, negative, and revocation of probation. Almost half (47%) of the sample exited probation due to positive reasons, while 25% exited due to negative reasons and 28% exited due to revocation of probation. Each of the groups were comprised of probationers exiting for 3 primary release reasons. The definition for each reason is found in Table 1.

Summarized below are the percentages for each group by release reason (see Figure 2):

- **Positive:** Almost half (44%) of the positive group was comprised of probationers who satisfactorily completed their probation followed by those who completed their probation or were placed on unsupervised probation (28% each).
- **Negative:** The majority (84%) of the negative group were probationers who exited with an unsatisfactory termination, followed by expired absconders and terminal confinements in response to violation (CRVs) (8% each).
- **Revocation:** The revocation group included those offenders who were the least successful on probation and had their probation sentence revoked by the court. Most (62%) had an absconding revocation, while nearly one-third (30%) had a criminal revocation. Reflective of JRA limitations on revocations for technical violations, few offenders (8%) were revoked due to a technical violation.

As noted in the definitions listed in Table 1, supervision that ends prior to its expiration is considered an early termination. The court may terminate a period of probation and discharge an offender at any time prior to expiration if warranted by the conduct of the offender. Overall, 38% of probation releases exited due to an early termination. Most (89%) of early terminations were offenders in the positive group (satisfactory or unsupervised subgroups). A smaller proportion (11%) of offenders in the negative group exited probation as an early termination and were in the expired absconder and terminal CRV groups.

Table 1
Probation Release Definitions

Positive

- **Completion:** When an offender reaches the end of his or her period of supervision without matters of noncompliance or charges pending, the case expires and the offender is discharged from probation.
- **Satisfactory (Early Termination):*** Supervision that ends prior to its expiration is considered a termination. Pursuant to G.S. 15A-1342(b), the court may terminate a period of probation and discharge an offender at any time prior to expiration if warranted by the conduct of the offender and the ends of justice. Termination may result from the mandatory three-year review of an offender's probation or at any time based on the recommendation of the supervising officer or upon a motion for modification by the offender. It is Department of Public Safety (DPS) policy that Probation and Parole Officers (PPOs) will not recommend early termination for domestic violence offenders, sex offenders, DWI offenders sentenced to Aggravated Level 1, Level 1, or Level 2, or any offender that owes outstanding restitution. However, the court may terminate an offender's supervision without the recommendation of the PPO.
- **Unsupervised (Early Termination):*** Except for sex offenders and offenders convicted of offenses involving physical, mental, or sexual abuse of a minor, the court may transfer an offender from supervised probation to unsupervised probation. Additionally, the court may authorize the PPO to transfer a supervised offender to unsupervised probation upon compliance with certain conditions, such as once all moneys are paid. An officer may transfer a misdemeanor offender under Level 5 supervision to unsupervised probation without a court order as long as the offender is not subject to any special conditions or was placed on supervised probation solely for the collection of court-ordered payments. If the court places a DWI offender sentenced to Level 3, 4, or 5 punishment on supervised probation, it must authorize the PPO to transfer the offender to unsupervised probation upon completion by the offender of his or her community service or upon payment of fines, costs, and fees. It is DPS policy that PPOs will not recommend a transfer to unsupervised probation for domestic violence offenders, sex offenders, DWI offenders sentenced to Aggravated Level 1, Level 1, or Level 2, or any offender that owes outstanding restitution. The court may transfer eligible offenders from supervised probation to unsupervised probation based on the recommendation of the PPO or without such recommendation upon motion for modification by the offender.

Negative

- **Expired Absconders:*** When an offender in absconder status reaches the expiration of his or her period of supervision, the PPO will consult with the District Attorney to determine whether the offender's outstanding violations and order for arrest should remain in the system or if the violations will be dismissed, order for arrest recalled, and the offender's case closed. If a determination is made that the offender's case should remain in the system, the case will move to an inactive status of "expired absconder" and remain assigned to the supervising officer for a period of 12 months, followed by assignment to a caseload maintained at the agency level.
- **Terminal CRV (Early Termination):** When an offender is ordered to serve a confinement in response to violation (CRV) which is equal to the amount of time left in the offender's suspended term of imprisonment, the CRV is referred to as a "terminal CRV" and the offender is discharged from probation following the completion of the CRV.
- **Unsatisfactory Termination (Early Termination):** In most cases the court maintains authority to order a number of alternatives, including termination, in response to an offender's violation of probation. In some cases where the offender has violated probation in a way that does not merit continuing or extending probation (i.e., failure to pay moneys owed), the judge may order the offender's supervision to be terminated despite the offender's noncompliance.

Revocation

- **Criminal Revocation:** A criminal revocation is one that is based upon the offender's commission of a new crime (other than a Class 3 misdemeanor) while under supervision. A criminal revocation may not be based upon a new charge itself but must be based on either a conviction of the new offense or an independent finding by the court holding the violation hearing that the offender violated probation by committing a new crime.
- **Absconding Revocation:** An absconding revocation is one that is based upon a finding by the court that the offender violated probation by absconding from supervision.
- **Technical Revocation:** A technical revocation is one that is based on violations of probation other than commission of a new crime or absconding and may only be ordered if the offender has previously received two CRVs for felony offenders or two or more "quick dips" for misdemeanor offenders.

Note: For the terms indicated with an asterisk (*), see the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, Community Corrections Policy and Procedures (<https://files.nc.gov/ncdps/documents/files/Policy.pdf>).

MEASURING RECIDIVISM

For this study, the offender’s criminal behavior (i.e., fingerprinted arrest) was examined during two time periods: probation supervision and a fixed two-year follow-up.

Criminal Justice Outcomes

Recidivism was defined as fingerprinted arrest during probation supervision and during the two-year follow-up period. In addition, interim outcomes were examined as indicators of misconduct while under supervision. These interim outcomes included violations of supervision and certain responses to these violations (e.g., delegated authority, CRV).

Probation Supervision

Time on probation varied for each offender; therefore, the recidivism period during supervision is also varied. Although there are some exceptions, under current law, misdemeanor probationers receive a period of probation of not less than 6 months and not more than 24 months, while felony probationers receive a period of probation of not less than 12 months and not more than 36 months.⁷ The probation supervision period starts at probation admission and ends at the offender’s release from probation.

Two-Year Follow-Up

The two-year follow-up is a fixed period calculated individually for each offender. The start of the two-year follow-up is one day after release from probation.

Time at Risk

A fixed follow-up period was used in an attempt to obtain the same “window of opportunity” for each probationer to recidivate. However, for both time periods examined, the window of opportunity to commit a new crime may vary if confinement occurred during follow-up due to revocations of probation or post-release supervision (PRS), a new crime, and/or responses to violations (e.g., quick dips, CRV).

Time at risk is of particular note for the revocation group during the two-year follow-up. With this group being revoked from probation, it is expected that these offenders would be incarcerated in either a prison (primarily felons) or a local jail (misdemeanants) during some portion of the two-year follow-up.⁸ Only half (51%) of the revocation group had the full two years of follow-up to recidivate due to their confinement in prison. This is not surprising given that probationers were placed in the revocation group due to their probation “outcome” of revocation. The revocation group’s time at risk was examined by felons and misdemeanants since felons with a revocation spend their activated sentence in prison. As expected, fewer felons (10%) in the revocation group had the full two years to recidivate compared to

⁷ Probation length for both misdemeanants and felons depend upon whether a Community or Intermediate punishment is imposed. See Section I for details about the FY 2019 probation release sample’s actual length of supervised probation.

⁸ For purposes of time at risk, incarceration was defined as confinement in North Carolina’s prison system as a result of an active sentence imposed for a criminal conviction or revocation of supervision, based on Offender Population Unified System (OPUS) data. The measure does not include incarceration in jails, other states, or Federal facilities. In addition, offenders who entered prison as a safekeeper or a pre-sentence diagnostic were not included in the measure. Offenders who served a CRV for technical violations were included as a prison confinement for determining time at risk.

the misdemeanants (81%). While misdemeanants in the revocation group appear to have more time to recidivate, they may have had less time since no jail data were available to inform their time at risk.

COVID-19 Pandemic and the Criminal Justice System

The onset of the COVID-19 pandemic beginning in March 2020 had immediate effects on the criminal justice system. In response to the public health crisis, many criminal justice processes were temporarily halted, dramatically slowed, or altered to accommodate emergency directives put in place by the Governor and Chief Justice. While the pandemic was not a factor for sample entry (FY 2019 probation releases), it affected the follow-up period. The individually calculated two-year fixed follow-up period ranged from July 1, 2018 to June 30, 2021, with the pandemic beginning in March 2020. The number of follow-up months affected by the pandemic varied based on when the offender entered the sample as a probation release, ranging from an impact of 4 months to 15 months. These differences in the months of follow-up affected by the pandemic prompted further examination to explore the impact on criminal justice outcomes for the FY 2019 sample, which are discussed in Summary and Conclusions section. Since this is the first report on probation releases, future reports will offer additional opportunities to examine the pandemic's effect on recidivism rates.

DATA SOURCES

Two automated data sources were used to provide comprehensive data on the sample of offenders:

- The North Carolina Department of Public Safety's (DPS) Offender Population Unified System (OPUS) was used to identify offenders in the FY 2019 probation release sample and to obtain information on demographic characteristics, offender RNA data, current convicted offense and sentence,⁹ violations of probation supervision and responses to noncompliance, and prior probation, revocation, and incarceration measures.
- The North Carolina State Bureau of Investigation's (SBI) Computerized Criminal History (CCH) system was used to provide fingerprinted arrest records for prior and recidivist arrests. All felony arrests and certain misdemeanor arrests are fingerprinted (G.S. 15A-502). The study excludes arrests for impaired driving or other minor traffic offenses, as well as noncriminal arrests (e.g., arrests for technical violations of probation).

A case profile was constructed for each sample offender based on the data obtained from OPUS and CCH. The final data set for this study consists of over 350 items of information (or variables) for the sample of 30,809 offenders released from probation between July 1, 2018 and June 30, 2019 and followed for two years.¹⁰

⁹ In the context of this study, "current" refers to the most serious conviction and sentence for which the offender was released from probation within the sample time frame.

¹⁰ See Appendix B of the Sentencing Commission's 2022 Correctional Program Evaluation report for definitions for primary analysis variables and key terms.

REPORT OUTLINE

Section I provides a descriptive profile of the probation release sample by examining their personal characteristics, criminal history, most serious current conviction, probation length imposed and actual months on probation, assessed risk and need, and assigned supervision level in the community.

Section II focuses on the actual period of supervision including noncompliance while on probation and the responses to noncompliance.

Section III examines recidivist arrests of probationers overall and by the three groups during two time periods: probation supervision and the two-year follow-up. This section also examines recidivist arrests by offenders' probation profile and interim outcomes during the two-year follow-up. Finally, both recidivist time periods are combined to explore when recidivist arrests occurred: during supervised probation, during the two-year follow-up, or both.

Section IV incorporates the information from previous sections and considers how multiple factors, taken together, affect the probability of recidivism using multivariate analysis. Analyses examine the FY 2019 probation release sample by all probationers, by group (i.e., positive, negative, revocation), and by offense type (i.e., felons, misdemeanants). Multiple models were created to determine how a variety of independent variables (e.g., sex, race, age) may be related to the probability of recidivist arrest.

Finally, the Summary and Conclusions section summarizes the primary findings as well as observations and implications of the findings.

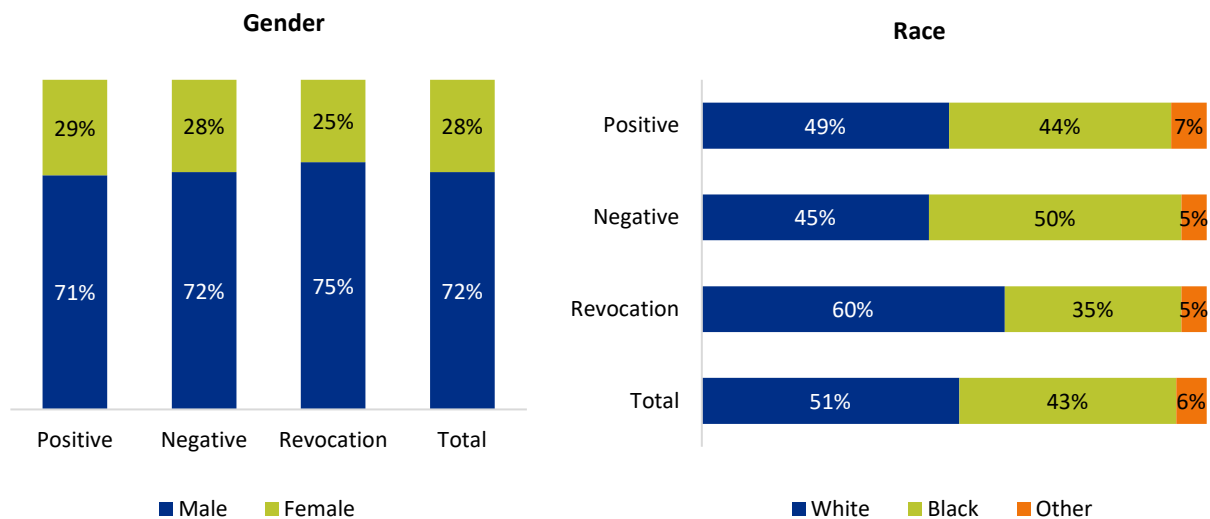
SECTION I: SUPERVISED PROBATION PROFILE

The section examines the descriptive characteristics of offenders released from supervised probation in FY 2019 including their personal characteristics, criminal history, most serious current conviction, probation length imposed and actual months on probation, assessed risk and need, and assigned supervision level in the community.

PERSONAL CHARACTERISTICS

Figure 3 and Table 2 contains information describing the personal characteristics of sample probationers overall and by release reason. Of the 30,809 probationers, 72% were male. Probationers in the revocation group were slightly more likely to be male. Half (51%) of the probationers were white. The racial composition varied by release group. A higher percentage of offenders in the positive release group and the revocation group were white (49% and 60% respectively), while a higher percentage of offenders in the negative release group were black (50%). A third (33%) of the sample were aged 21-29 years and averaged 35 years at probation release.¹¹ The revocation group was the youngest.

Figure 3
Gender and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Summarized below are the remaining personal characteristics provided in Table 2.

- **Marital Status:** Few offenders (13%) were married. The revocation group was less likely to be married compared to the other two groups.

¹¹ Probationers averaged 33 years of age at the time of offense; the positive group was 34 years, the negative group was 32 years, and the revocation group was 31 years at age of offense.

- **Education:** Half (52%) of probationers had dropped out of high school. A higher percentage (65%) of probationers in the revocation group dropped out of high school than probationers in the positive and negative groups (43% and 55% respectively).
- **Employment:**¹² Slightly more than half (54%) of offenders were employed. The positive group had the highest percentage of employed offenders, while the revocation group had the lowest (58% and 48% respectively).
- **Substance Use:** Two-thirds (69%) of probationers were identified as having a possible substance use problem. The revocation group had the highest percentage (80%) of probationers with a substance use problem, while the positive group had the lowest (63%).

Table 2
Personal Characteristics

Personal Characteristics	Probation Releases			
	Positive n=14,468	Negative n=7,586	Revocation n=8,755	Total N=30,809
Age at Probation Release	%	%	%	%
Under 21 Years	5	6	7	6
21-29 Years	30	33	36	33
30-39 Years	29	30	33	31
40-49 Years	19	18	16	17
50 Years and Older	17	13	8	13
<i>Average</i>	37	35	33	35
Marital Status	%	%	%	%
Married	16	12	10	13
Not Married	84	88	90	87
Education	%	%	%	%
High School Graduate	57	45	35	48
High School Dropout/GED	43	55	65	52
Employment	%	%	%	%
Employed	58	51	48	54
Not Employed	42	49	52	46
Substance Use	%	%	%	%
None Indicated	37	30	20	31
Substance Use Indicated	63	70	80	69

Note: Of the 30,809 probationers, 42 offenders were missing education information, 2,706 were missing employment information, and 3,656 were missing substance use information. Overall, 3% of probation releases were Hispanic.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

¹² A dichotomous measure identifying whether the offender was a part of the work force. Offenders self-reporting as employed or in the military were flagged as employed based on the employment status date closest to the probation entry date and its corresponding employment status. Employment status dates were limited to actual months supervised.

CRIMINAL HISTORY

The criminal history of probationers is examined in Table 3 and Figure 4. Overall, 80% of probationers had a prior fingerprinted arrest, 58% had a prior probation entry, 33% had a prior probation or PRS revocation, and 27% had a prior incarceration. Probationers in the negative group had a higher percentage of contacts with the criminal justice system compared to probationers in the positive group, while probationers in the revocation group had the highest percentages of prior contacts with the criminal justice system for all measures examined.

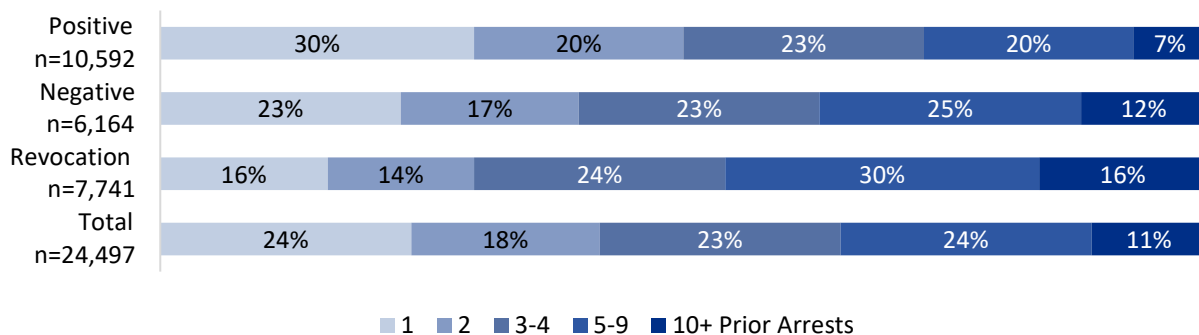
Table 3
Prior Criminal Justice Contacts

Prior Criminal Justice Contacts	Probation Releases			Total N=30,809 %
	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	
Prior Arrest	73	81	88	80
Prior Probation Entry	51	57	69	58
Prior Probation/PRS Revocation	24	33	49	33
Prior Incarceration	21	27	38	27

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Probationers averaged 5 arrests prior to sample entry. The positive group averaged 4 prior arrests, while the negative and revocation groups averaged more prior arrests (5 and 6 respectively). Figure 4 further illustrates the differences in prior arrests between the probation groups. Among probationers with a prior arrest, 35% had 5 or more prior arrests. Fewer probationers in the positive group (27%) had 5 or more prior arrests compared to probationers in the negative and revocation groups (37% and 46% respectively). Conversely, a higher percentage of probationers in the positive group (30%) had only 1 prior arrest compared to the negative and revocation groups (23% and 16% respectively).

Figure 4
Number of Prior Arrests for Probation Releases with Any Prior Arrest

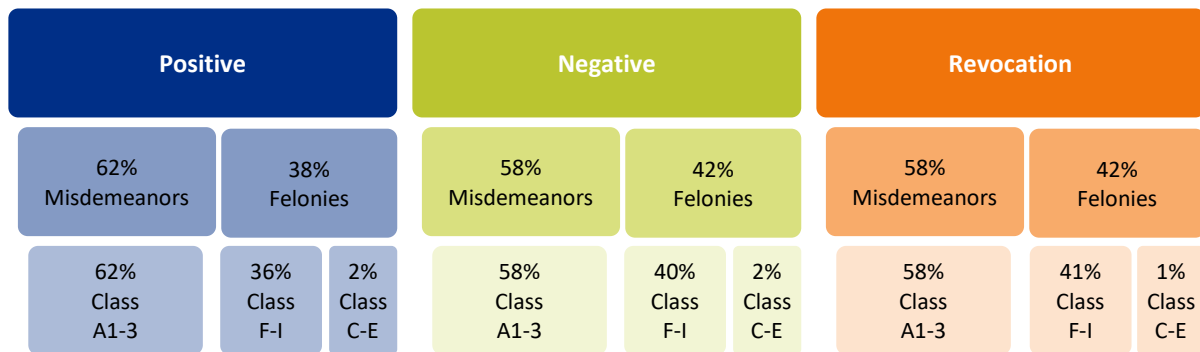


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

MOST SERIOUS CURRENT CONVICTION

Overall, the majority (60%) of probationers had a misdemeanor as their most serious current conviction; the remainder (40%) had a felony as their most serious current conviction. Probationers in the negative and revocation groups had similar distributions by offense class and offense type (see Figure 5).¹³ A higher percentage of probationers in the negative and revocation groups were convicted of felony offenses compared to the positive group (42% each compared to 38%). Specifically, the negative and revocation groups had a higher percentage of Class F through Class I convictions than the positive group.

Figure 5
Most Serious Current Conviction by Offense Type and Offense Class

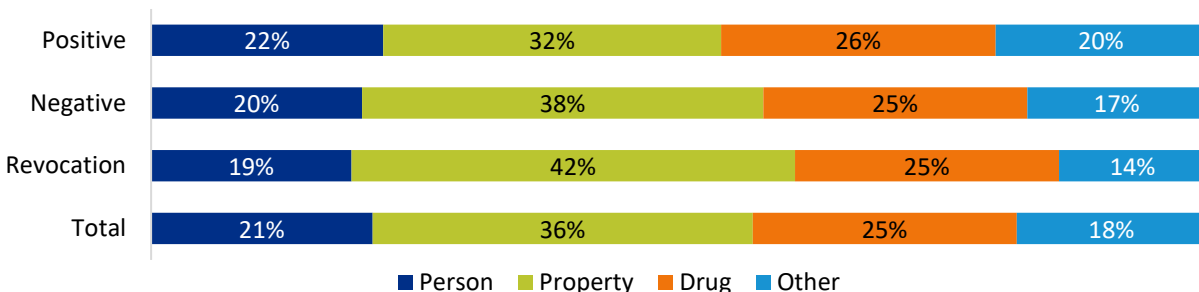


Note: Probation sentences in Class C (n=8) and Class D (n=28) could reflect convictions in which extraordinary mitigation was found, convictions for certain drug trafficking offenses, or, in Class D, Felony Death by Vehicle (FDBV) convictions with 0 to 3 prior record points.¹⁴

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Overall, most probationers (36%) had a property offense (see Figure 6). Probationers in the positive group had a lower percentage of property offenses compared to the other groups, while probationers in the negative and revocation groups had a lower percentage of person and other¹⁵ offenses than the positive group. The distribution of drug offenses was similar between the three groups.

Figure 6
Offense Category of the Most Serious Current Conviction



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

¹³ See Table A.1 in the Appendix for detailed offense class information.

¹⁴ There were 7 Class C convictions in the positive group and 1 in the revocation group. There were 22 Class D convictions in the positive group, 3 in the negative group, and 3 in the revocation group.

¹⁵ The top 3 “other” offenses were possession of a firearm by a felon, speeding to elude arrest, and obstruction of justice.

Figure 7 provides the top 5 current convictions for probationers. Overall, 4 of the top 5 convictions were for misdemeanors. The most common convictions were misdemeanor larceny, followed by driving while license revoked, and assault on a female. The other two most frequent convictions were for drug offenses: use/possess drug paraphernalia (a misdemeanor offense) and possess a Schedule II controlled substance (a felony offense). The positive and negative groups had the same top 5 offenses, while the revocation group had an additional felony offense (breaking and/or entering), in the top 5 convictions.

Figure 7
Distribution of the Top 5 Most Serious Current Convictions

Positive	Negative	Revocation	Total
<ul style="list-style-type: none"> •1,518 <i>Misdemeanor Larceny</i> (Class 1) •1,078 <i>Driving While License Revoked</i> (Class 1 or 3) •778 <i>Assault on a Female</i> (Class A1) •672 <i>Use/Possess Drug Paraphernalia</i> (Class 1) •441 <i>Possess Schedule II Controlled Substance</i> (Class I) 	<ul style="list-style-type: none"> •823 <i>Misdemeanor Larceny</i> (Class 1) •464 <i>Driving While License Revoked</i> (Class 1 or 3) •408 <i>Assault on a Female</i> (Class A1) •381 <i>Use/Possess Drug Paraphernalia</i> (Class 1) •338 <i>Possess Schedule II Controlled Substance</i> (Class I) 	<ul style="list-style-type: none"> •1,065 <i>Misdemeanor Larceny</i> (Class 1) •564 <i>Use/Possess Drug Paraphernalia</i> (Class 1) •548 <i>Assault on a Female</i> (Class A1) •523 <i>Possess Schedule II Controlled Substance</i> (Class I) •458 <i>Felony Breaking and/or Entering</i> (Class H) 	<ul style="list-style-type: none"> •3,406 <i>Misdemeanor Larceny</i> (Class 1) •1,993 <i>Driving While License Revoked</i> (Class 1 or 3) •1,734 <i>Assault on a Female</i> (Class A1) •1,617 <i>Use/Possess Drug Paraphernalia</i> (Class 1) •1,302 <i>Possess Schedule II Controlled Substance</i> (Class I)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

PROBATION LENGTH IMPOSED AND ACTUAL MONTHS SUPERVISED

Unless specific findings are made supporting a different period, misdemeanor probationers receive a period of probation of not less than 6 months and not more than 24 months, while felony probationers receive a period of probation of not less than 12 months and not more than 36 months.¹⁶ Table 4 examines the average probation length imposed and actual probation supervision (i.e., from probation admission to probation release). Overall, the court imposed an average length of 20 months for the sample of FY 2019 probation releases. The positive group had the shortest length imposed on average at 19 months, while the revocation group had the longest at 21 months.

For actual months on probation, the negative group was on supervised probation the longest at 24 months and the revocation group was on supervised probation the shortest at 15 months. The positive group was in between at 21 months. Probation can be extended for violation of one or more conditions¹⁷ as well as for providing offenders additional time to pay restitution or complete treatment¹⁸, which may explain the differences between length imposed and actual months supervised.

¹⁶ Probation length for both misdemeanants and felons depends upon whether a Community or Intermediate punishment is imposed (see G.S. 15A-1343.2(d)).

¹⁷ G.S. 15A-1344(d).

¹⁸ G.S. 15A-1342(a).

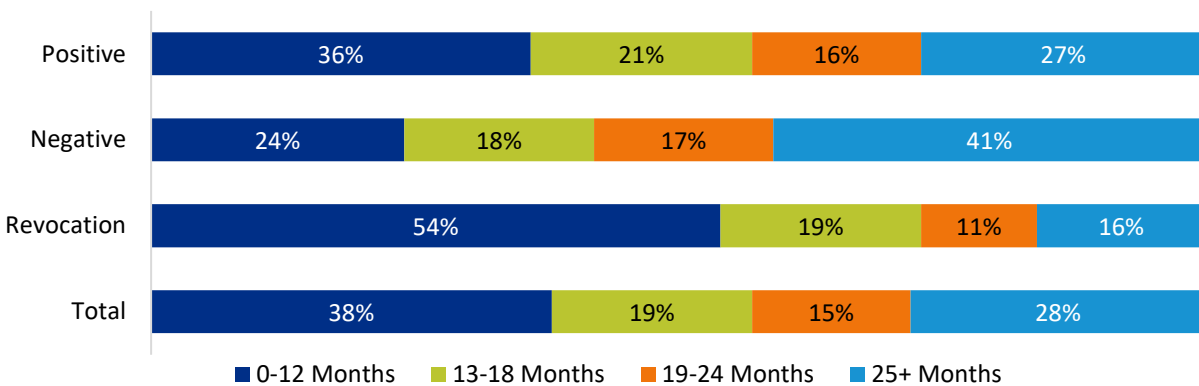
Table 4
Average Probation Length Imposed (Months) and Actual Months Supervised

	Probation Releases			
	Positive n=14,468 Avg.	Negative n=7,586 Avg.	Revocation n=8,755 Avg.	Total N=30,809 Avg.
Probation Length Imposed	19	20	21	20
Actual Months Supervised	21	24	15	20

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Figure 8 again illustrates differences in the actual time on probation for the three groups. Over half (54%) of the revocation group were supervised 12 months or less compared to the positive and negative groups (36% and 24% respectively). The negative group had the largest percentage of offenders (41%) who were supervised 25 or more months.

Figure 8
Actual Supervision Months



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

OFFENDER RISK AND NEED ASSESSMENTS

The DPS is required by law to use a validated instrument to assess each offender’s risk of reoffending and criminogenic needs and to place the offender in the appropriate supervision level.¹⁹ The DPS currently uses the Offender Traits Inventory-Revised (OTI-R) to assess offender risk and the Offender Self-Report instrument and the Officer Interview and Impressions instrument to assess offender need to determine supervision level, program placement, and other interventions for offenders. Information presented in this section comes from the OTI-R administered during probation supervision. Specifically, the OTI-R is administered within the first 60 days of supervision.

Only offenders with all risk and need assessments completed were counted as having a complete RNA.²⁰ Overall, 12% of probationers did not have a complete RNA (i.e., were not assessed). The revocation group had the highest percentage (27%) of offenders without a completed RNA compared to the other

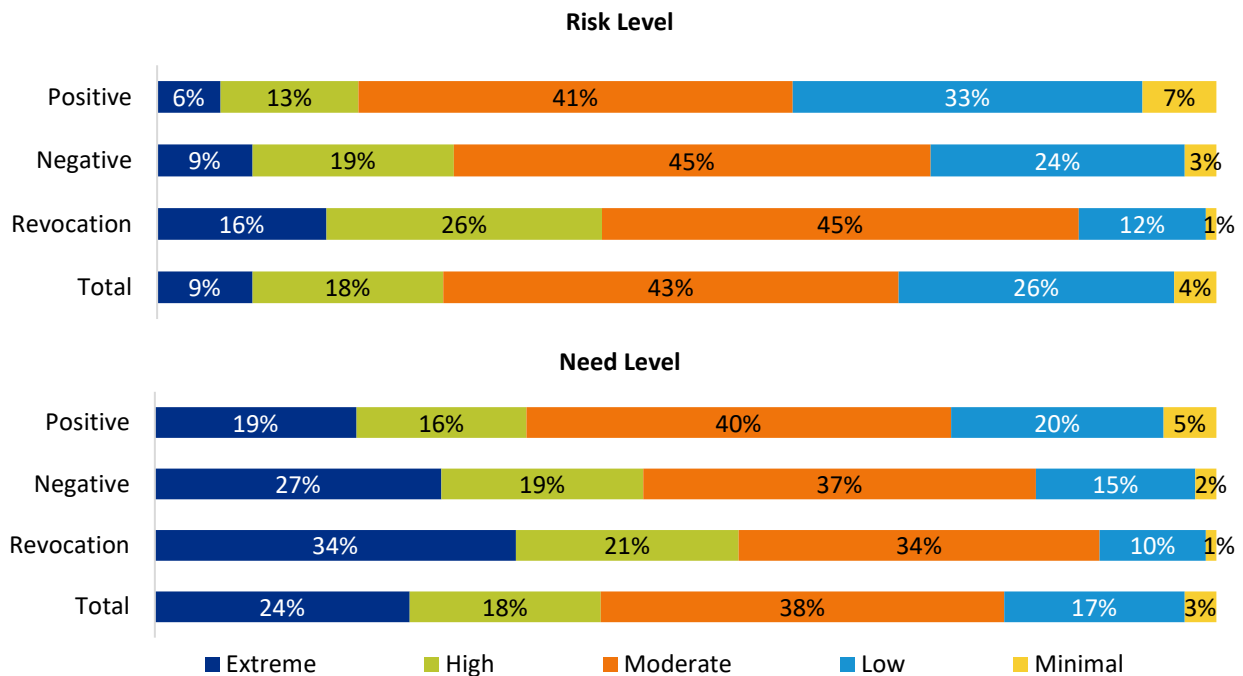
¹⁹ G.S. 15A-1343.2(b1).

²⁰ See Table A.2 in the Appendix for the number of offenders by risk, need, and supervision levels.

two groups (5% for the positive group and 9% for the negative group). Since absconders comprised 62% of the revocation group, it is unsurprising that those offenders had the most without a completed RNA. They were simply not available to be assessed.

Each offender is assigned to one of five risk levels based on their score: extreme, high, moderate, low, and minimal. Figure 9 provides the risk level distribution for probation releases. Overall, 9% were assessed as extreme risk, 18% were assessed as high risk, 43% as moderate risk, 26% as low risk, and 4% as minimal risk. A higher percentage of probationers in the revocation group were assessed as extreme or high risk compared to the other two groups, while a higher percentage of probationers in the positive group were assessed as low and minimal risk compared to the revocation group. The assessed risk of probationers in the negative group was in between the positive and revocation groups.

Figure 9
Risk and Need Levels



Note: Excludes offenders who did not have an RNA completed and a supervision level assigned (n=3,656).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

The need portion of the assessment addresses six criminogenic factors (i.e., dysfunctional family, criminal peers, anti-social personality, anti-social values, substance use problem, and self-control), in addition to other areas of need (e.g., transportation, legal, and mental health). Similar to risk, the need assessment divides offenders into five need levels: extreme, high, moderate, low, and minimal.

Overall, 24% were assessed as extreme need, 18% as high need, 38% as moderate need, 17% as low need, and 3% as minimal need (see Figure 9). Probationers in the negative and revocation group had higher levels of need compared to the positive group. The revocation group had the lowest percentages in the lower need levels.

Table 5 provides information on the areas of need that were flagged from the need portion of the RNA. The areas identified assist probation officers in potential referrals or services for the offender. Substance use problem (69%), transportation (63%), and legal (58%) were identified as the top areas of need. Generally, probationers in the negative group had a higher percentage of offenders identified with areas of need compared to the positive group. Probationers in the revocation group had the highest proportion of offenders identified with areas of need with exceptions for physical health and financial need, possibly due to the revocation group being younger than the other two groups.

Table 5
Areas of Need Identified

Areas of Need	Probation Releases			Total N=27,153 %
	Positive n=13,810 %	Negative n=6,919 %	Revocation n=6,424 %	
Criminogenic Factors				
Anti-social Personality	14	20	26	19
Anti-social Values	14	20	24	18
Criminal Peers	37	44	49	41
Dysfunctional Family	46	54	64	52
Self-Control	20	26	33	24
Substance Use	63	70	80	69
Health Factors				
Mental Health	48	53	57	52
Physical	32	32	29	32
Additional Factors				
Academic/Vocational	36	44	51	42
Employment	40	50	55	46
Financial	35	39	37	36
Housing	21	29	37	27
Legal	54	58	68	58
Social Skills	34	43	53	41
Transportation	54	68	79	63

Note: Excludes offenders who did not have an RNA completed and a supervision level assigned (n=3,656).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

SUPERVISION IN THE COMMUNITY

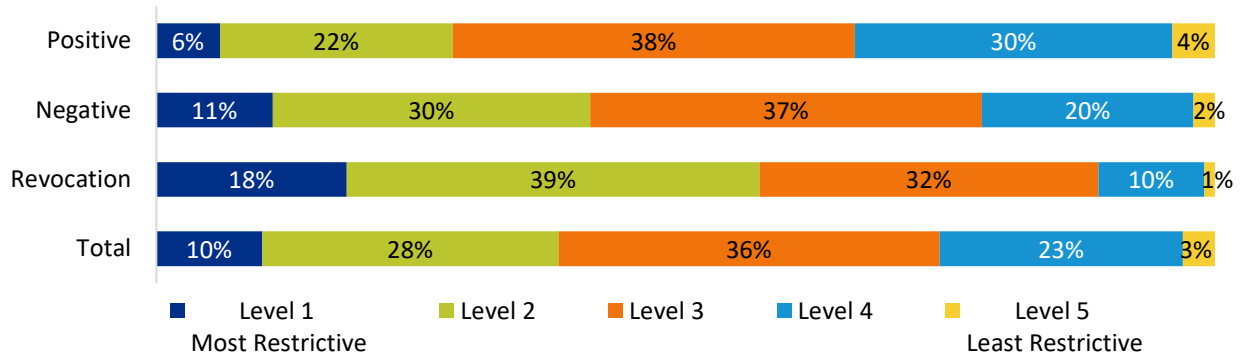
The DPS determines a probationer's supervision level based on the intersection of the offender's risk and need levels. The supervision levels range from 1 to 5. The supervision level dictates the minimum contact requirements for probationers. Level 1 (the most restrictive) requires one home contact and one offender management contact per month, while Level 5 (the least restrictive) requires remote reporting monthly. As previously mentioned, the revocation group had the largest percentage of offenders with a missing supervision level.²¹

Figure 10 provides the distribution of supervision levels by probation release reason. A higher percentage of offenders in the revocation group were supervised in the most restrictive supervision

²¹ See Table A.2 in the Appendix for the number of offenders by risk, need, and supervision levels.

levels compared to the other two groups. Conversely, the revocation group was less likely to be placed in the least restrictive supervision levels. A higher percentage of offenders in the positive group were in the less restrictive supervision levels.²²

Figure 10
Supervision Level



Note: Excludes offenders who did not have an RNA completed and a supervision level assigned (n=3,656).
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

²² See Table A.3 in the Appendix for the combination of probationers by risk, need, and supervision levels.

SECTION II: INTERIM OUTCOMES

Section I provided a statistical profile of the FY 2019 supervised probation releases by their personal characteristics, criminal history, RNA, and supervision level. This section focuses on events that occurred during the actual period of supervision including noncompliance with probation conditions and responses to noncompliance.

The JRA changed how probation officers supervise offenders by increasing possible responses to violations of supervision, namely through expanding their delegated authority and limiting revocations by establishing CRVs. This section focuses on violations of probation and specific responses to those violations as indicators of misconduct during probation supervision;²³ probation violations and responses to those violations are collectively referred to as “interim outcomes.”

HIGH RISK DELEGATED AUTHORITY

For probationers with an OTI-R score of 50 or higher (those assessed as extreme or high risk), probation officers have an option to use high risk delegated authority. Those offenders are eligible to have conditions added to their probation without a violation. Officers staff high risk delegated authority cases with their chief probation officers to decide which offenders may need additional conditions and when. Available conditions include referrals to substance use treatment or Cognitive Behavioral Intervention (CBI) classes, electronic house arrest, or other controlling conditions. Quick dips may not be imposed through high risk delegated authority.

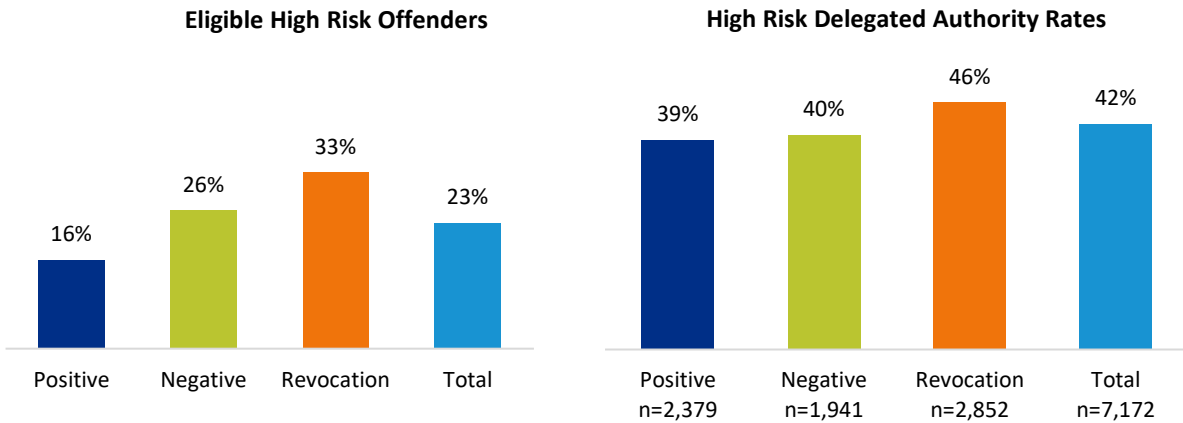
Figure 11 shows the percentage of probationers who were eligible for high risk delegated authority due to their OTI-R score being 50 or higher. Overall, 23% of probationers were eligible for high risk delegated authority, including 16% of positive group, 26% of negative group, and 33% of revocation group.

Figure 11 also shows that, among the 7,172 probationers who were assessed as high risk, 42% received at least one condition through the high risk delegated authority process. A higher proportion of high risk offenders in the revocation group (46%) than high risk offenders in the positive and revocation groups (39% and 40% respectively) received at least one high risk delegated authority condition.

For probationers who received at least one high risk delegated authority condition during probation supervision, the first condition occurred on average 2 months after probation entry. Probationers in the negative group received the first high risk delegated authority condition slightly later (3 months) compared to the other groups (each at 2 months).

²³ See Table 4 and Figure 8 for actual months supervised.

Figure 11
High Risk Delegated Authority: Probation Supervision



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

VIOLATIONS OF SUPERVISED PROBATION

For probationers, violations of probation were used as an indicator of misconduct while under supervision. The type of violation was examined using the following categories in order of most serious to least serious: criminal,²⁴ absconding, and technical. For analysis, examination of the type of violation was based on the most serious violation that occurred while on probation (hereinafter referred to as the “most serious violation”).

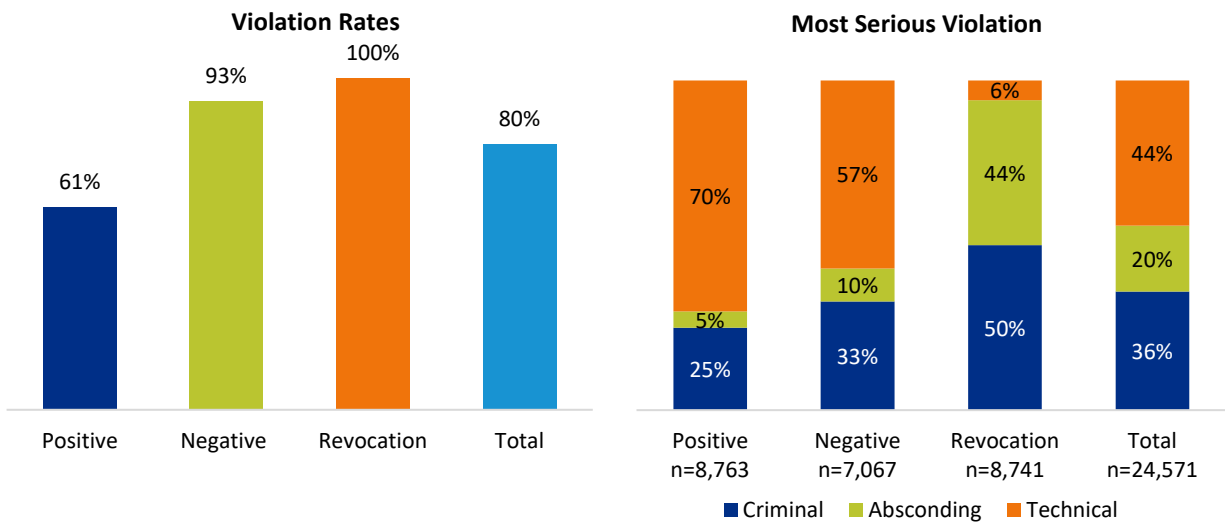
Overall, 80% of probationers had at least one violation during their supervision (see Figure 12). As expected, the violation rates were indicative of how the offender exited probation. Compared to the other groups, offenders in the positive group had the lowest percentage with a violation (61%); nearly all offenders in the negative group (93%) and nearly all offenders in the revocation group (100%) had a violation during their supervision. The 24,571 probationers with at least one violation accounted for a total of 55,251 violations, an average of 2 violations per probationer (see Table 6).

For probationers with any violation, a higher percentage of probationers in the positive group had only one violation (50%) compared to the negative and revocation groups (40% and 39% respectively). Among probationers with a violation, the average time to the first violation was 8 months (see Table 6). The revocation group committed their first violation the earliest (on average at 5 months), while the positive and negative groups committed their first violation later (10 and 9 months respectively).

Based on the most serious violation for probationers with at least one violation, 36% had a criminal violation, 20% had an absconding violation, and 44% had a technical violation (see Figure 12). The positive group was most likely to have a technical violation as their most serious violation (70%). The revocation group was more likely to have a criminal violation (50%) or an absconding violation (44%) than the other two groups.

²⁴ While a “criminal” violation may result from pending charges, it is generally the policy of the DPS to only consider criminal charges that result in conviction as a “criminal” violation. In the case of pending charges, probation officers may use elements of pending charges to support a technical violation of probation (e.g., a charge for public intoxication could be used to support a technical violation of the probation condition of not using or possessing alcohol).

Figure 12
Violations: Probation Supervision



Note: There were 14 offenders in the revocation group without a violation during probation supervision.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table 6
Violations: Probation Supervision

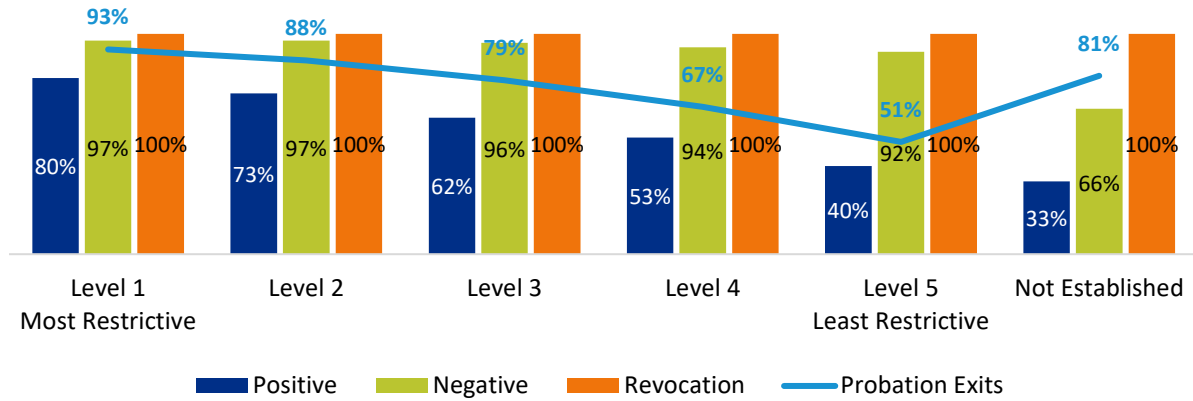
	N	# with Any Violation	Violations		Months to First Violation
			# (1 per day)	Average	
Positive	14,468	8,763	17,756	2	10
Negative	7,586	7,067	16,465	2	9
Revocation	8,755	8,741	21,030	2	5
Total	30,809	24,571	55,251	2	8

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

When examined by supervision level (see Figure 13), violation rates decreased for the positive group in a stair-step pattern as the restrictiveness of the supervision level decreased. Violation rates fluctuated slightly for the negative group ranging from 97% in the Level 1 (most restrictive) to 92% in Level 5 (least restrictive). Finally, 100% of offenders in the revocation group had a violation regardless of supervision level.

Eighty-one percent (81%) of offenders with no supervision level established had at least one violation during their supervision. The rates increased from 33% for the positive group to 66% for the negative group. Again, the revocation group had the highest violation rate at 100%.

Figure 13
Violation Rates by Supervision Level: Probation Supervision

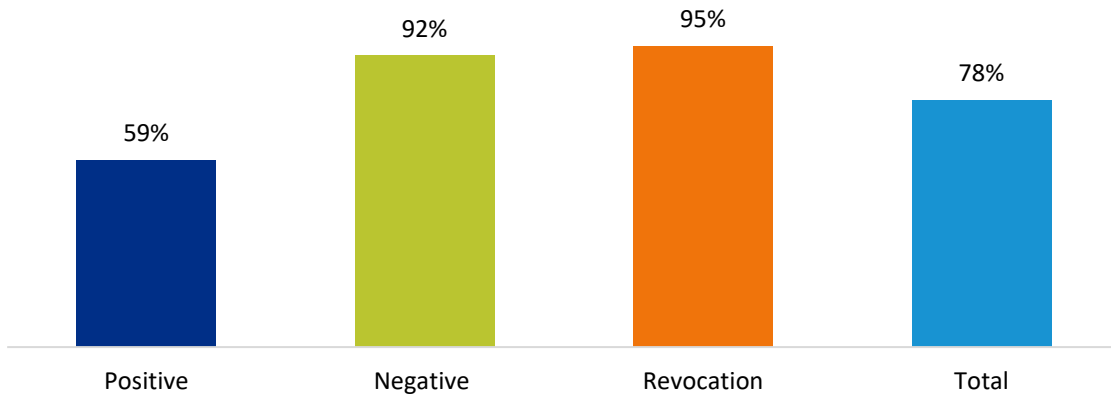


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Technical Violations of Supervised Probation

As mentioned in the Introduction, the court is allowed to revoke probation and activate the suspended sentence in response to a third technical violation (i.e., after an offender has served two prior CRVs (felons) or two prior quick dips (misdemeanants)).²⁵ This section focuses on technical violations. Overall, 23,913 probationers in the sample (78%) had a technical violation during probation supervision (see Figure 14). Offenders in the negative and revocation groups (92% and 95% respectively) had a higher percentage with a technical violation than offenders in the positive group (59%). While 95% of the revocation group had a technical violation, few probationers in the revocation group (8%) had their probation revoked due to a technical violation (see Figure 2).

Figure 14
Technical Violation Rates: Probation Supervision

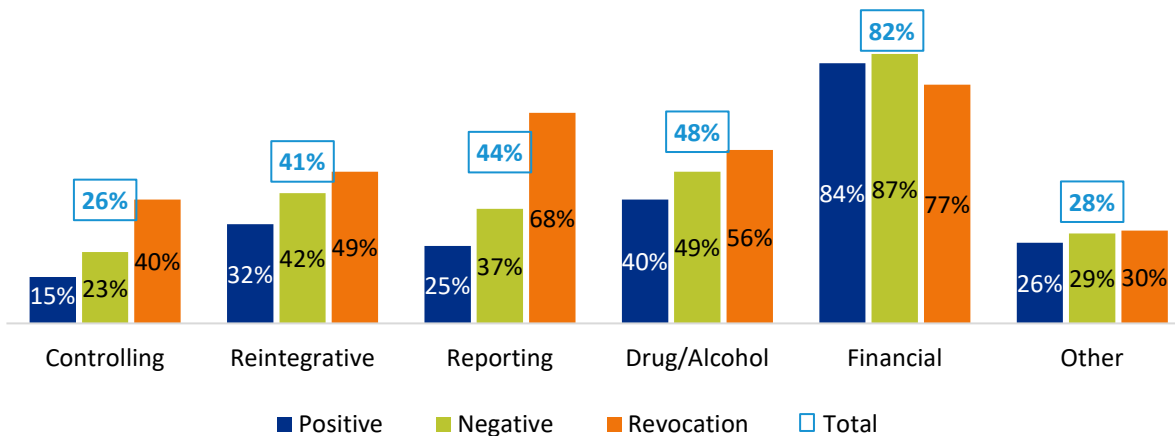


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

²⁵ G.S. 15A-1344(d2).

To examine the most common types of technical violations, specific violations were categorized as follows: sex offender, controlling, reintegrative, reporting, drug/alcohol, financial, and other.²⁶ Figure 15 presents more detail about the kinds of violations that comprise the technical violation category. Overall, among offenders who had a technical violation, the two most common types of violations were financial (82%) and drug/alcohol (48%). For 6 of the 7 types of technical violations examined, offenders in the revocation group had the highest rates, followed by offenders in the negative group. The positive group had the lowest rates for each category except financial violations.

Figure 15
Technical Violation Rates by Violation Type: Probation Supervision



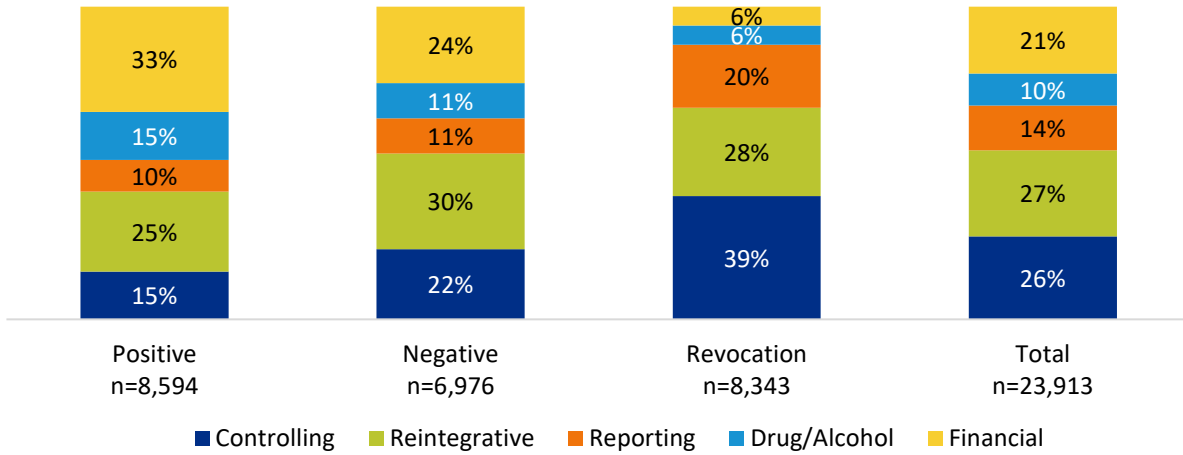
Note: Sex offender technical violations were rare (1%, n=165) and were excluded from the figure.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Figure 16 examines the distribution of the most serious technical violation that occurred during the offender’s probation supervision, with the following ranking from most serious to least serious: sex offender, controlling, reintegrative, reporting, drug/alcohol, financial, and other. Offenders with “other” and “sex offender” as their most serious technical violation were excluded from the figure due to small numbers.

Overall, a majority of probationers with a technical violation had either a controlling or reintegrative violation as their most serious technical violation (26% and 27% respectively, a total of 53%). Probationers in the positive group were more likely than the other two groups to have financial violations as their most serious technical violation (33% positive, 24% negative, and 6% revocation groups). Offenders in the revocation group, on the other hand, were more likely than the other two groups to have a controlling violation as their most serious technical violation (39% revocation, 22% negative, and 15% positive groups).

²⁶ An example of a controlling violation is failure to submit to electronic house arrest. An example of a reintegrative violation is failure to attend substance use treatment.

Figure 16
Most Serious Technical Violation: Probation Supervision



Note: Offenders with “other” (n=212) and “sex offender” (n=165) as their most serious technical violation were excluded from the figure due to small numbers.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

RESPONSES TO VIOLATIONS OF SUPERVISED PROBATION

Table 7 summarizes the selected responses to violations of probation that were analyzed in this study.²⁷ These select responses cover many of the most common responses to probation violations but do not encompass all possible responses. For analysis, these select responses were divided into two categories – nonconfinement responses and confinement responses.

Table 7
Select Responses to Violations of Probation Supervision²⁸

Nonconfinement Responses	Confinement Responses
<ul style="list-style-type: none"> Delegated Authority Additional Probation Conditions Modified Probation Conditions Continued Probation Supervision 	<ul style="list-style-type: none"> Quick Dip CRV (Felons Only)

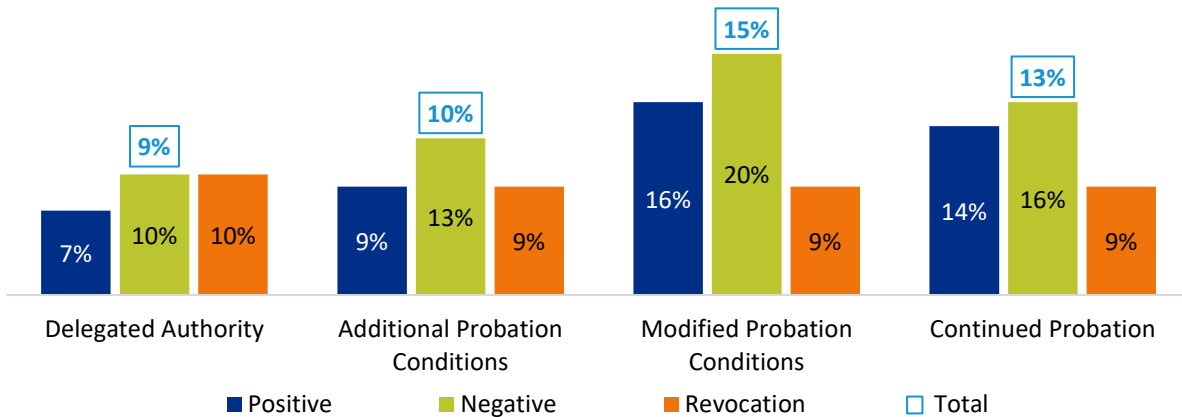
²⁷ Responses to violations of probation are not directly linked to a specific violation committed by the probationer.

²⁸ None of the SSA misdemeanants in the FY 2019 sample were eligible for CRV as a sanction for violations of supervision. As a result, analyses of CRV responses to violation in this study were limited to felony probationers.

Nonconfinement Responses

The rates at which select nonconfinement responses to probation violations were ordered are presented in Figure 17. Overall, modification of conditions of probation occurred more frequently than the other types of nonconfinement responses.²⁹ Nonconfinement response rates were similar for probationers in the revocation group for the four responses examined (9% and 10%) compared to the other two groups where usage of these responses fluctuated.³⁰ The negative group had the highest rates for all nonconfinement responses.

Figure 17
Nonconfinement Response Rates: Probation Supervision



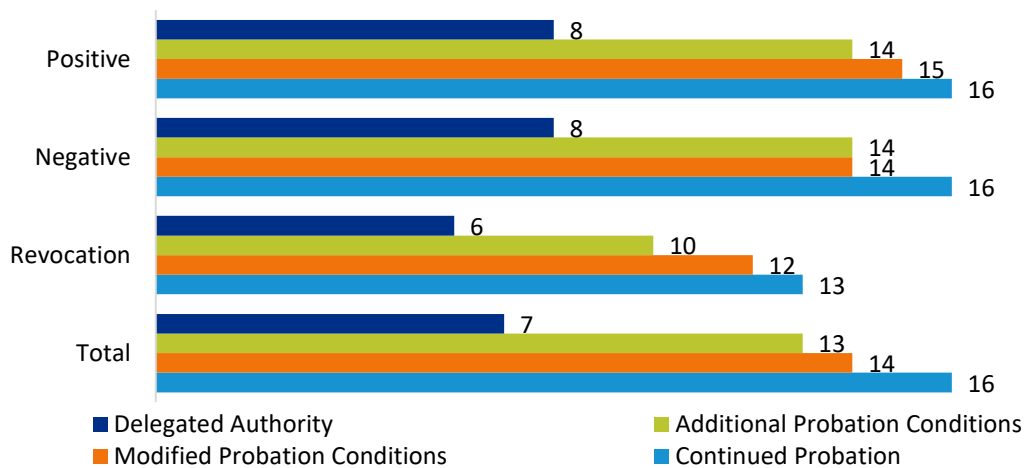
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Figure 18 explores the average months to the first nonconfinement response. Overall, delegated authority responses occurred several months earlier than the other three nonconfinement responses examined. On average, the first delegated authority response occurred at 7 months, while additional conditions of probation, modifications of probation, and continued probation responses occurred later (13, 14, and 16 months respectively). The time to the first nonconfinement response was shortest for the revocation group in comparison to the other two groups. Generally, the average time to the first nonconfinement response was the same for offenders in the positive and negative groups.

²⁹ Delegated authority allows probation officers to respond to detected probation noncompliance as soon as possible without returning to court. Delegated authority differs from high risk delegated authority in that it can be used for any probationer in response to a violation. Responses may include quick dips, curfews, electronic house arrest, community service, and/or increased reporting requirements. Although quick dips are authorized under delegated authority, they are examined separately in the CRV section.

³⁰ For nonconfinement responses by supervision level, see Figure A.1 in the Appendix.

Figure 18
Months to First Nonconfinement Response: Probation Supervision



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Confinement Responses

As mentioned previously, confinement responses to violations of supervision include quick dips and CRVs for felons. Revocation of probation, a confinement response, is the most severe response to offender’s noncompliance; however, it is not included in this section since the sample was based on probation releases by their exit reason. One of the three groups examined was offenders whose probation was revoked. The other two confinement responses are individually examined below.

Quick Dips

Quick dips are intended to be used as an immediate response to offender noncompliance and may be used on offenders in any supervision level. For misdemeanants, two prior quick dips may lead to revocation of probation following any subsequent technical violations. Quick dips may be imposed either through delegated authority³¹ or through the court. Per the DPS’s policy, quick dips should not be the first response to noncompliance and cannot be the response for non-willful violations. Quick dips involve confinement in local jails for either two- or three-day periods. More probationers were confined for two-day quick dips (n=2,286) compared to three-day quick dips (n=1,975), while 455 offenders had both. Hereinafter, two- and three-day quick dips are combined for analysis.

Overall, 12% of probationers had a quick dip during probation supervision (see Figure 19), with probationers in the negative and revocation groups having higher rates (15% each) than the positive group (9%). Felons had a higher percentage with a quick dip during supervision compared to misdemeanants (14% and 11% respectively).³²

When quick dip rates were examined by supervision level, generally the more restrictive the supervision level, the higher the quick dip rates for probationers in the positive and negative groups (see Figure 19).

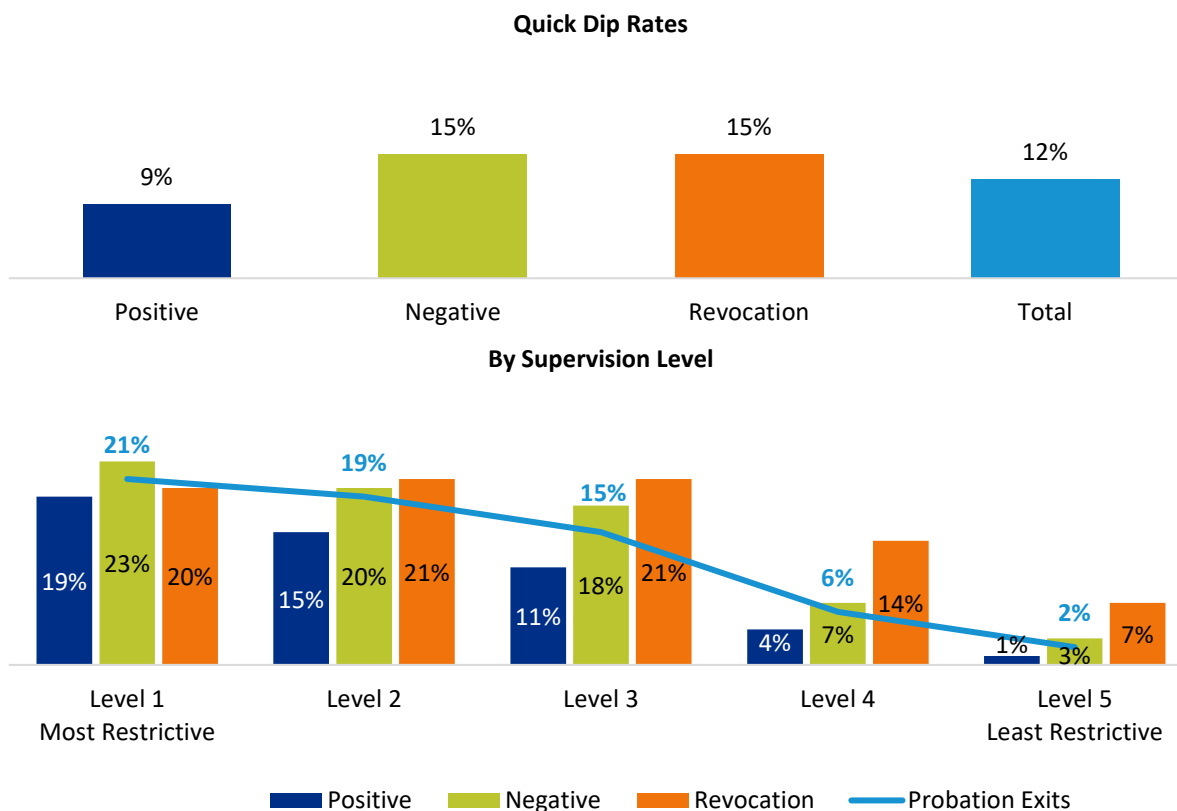
³¹ Pursuant to G.S. 15A-1343.2(f), a PPO may not exercise delegated authority to impose a quick dip without the court’s review unless the offender waives the right to a hearing before the court on the alleged violation.

³² See Table A.4 for quick dips by felons and misdemeanants for each group in the Appendix.

Probationers in the revocation group had a relatively flat rate for the most restrictive supervision levels (20% to 21%) and then declined for the least restrictive supervision levels (14% and 7% respectively).

For probationers with a quick dip during probation supervision, the first quick dip occurred on average 9 months after probation entry; both the positive and negative groups averaged 10 months to their first quick dip, while the revocation group received their first quick dip earlier at 8 months.

Figure 19
Quick Dip Rates: Probation Supervision



Note: Thirteen (13) of the 3,656 offenders without a Supervision Level established received a quick dip response. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

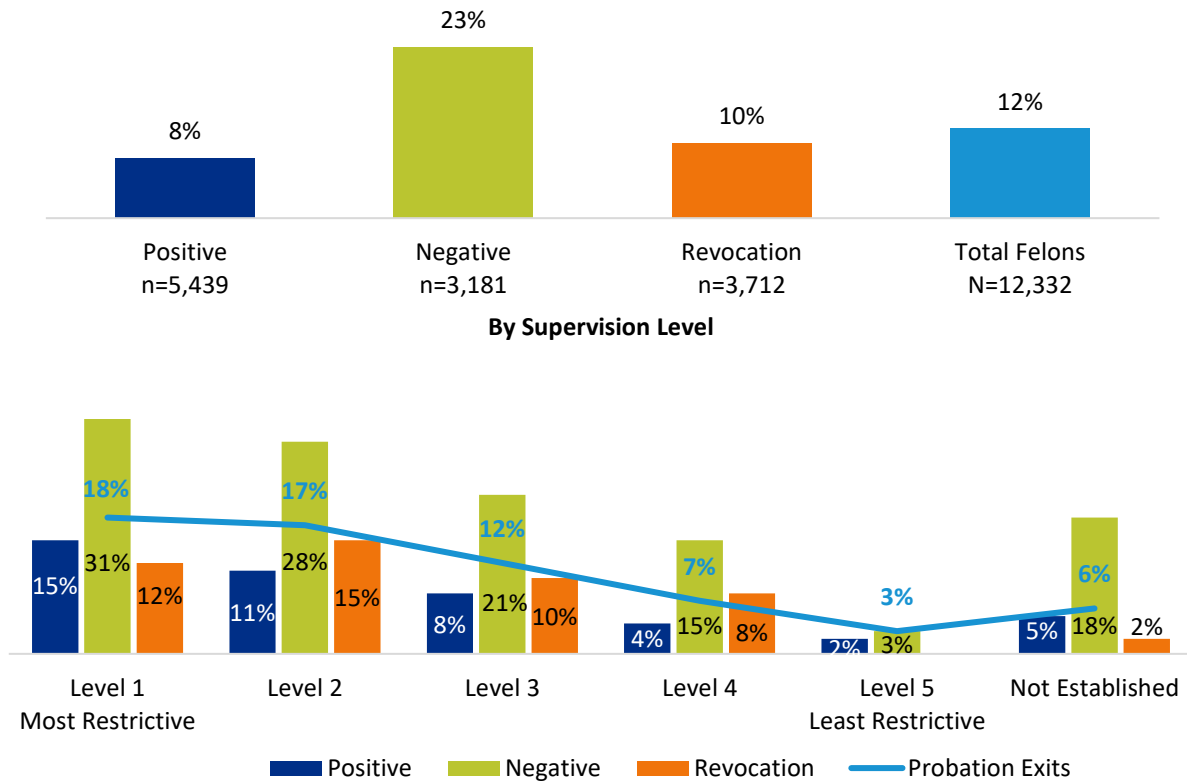
Confinement in Response to Violation (Felons Only)

Revocation and activation of a suspended sentence may only occur for those who abscond supervision or commit a new crime. For felony probationers, a 90-day CRV may be imposed for technical violations of supervision, with revocation possible only after the imposition of two prior CRVs. Felons who received a CRV were housed in the state prison system or in a CRV Center.

Among felony probationers, 12% had at least one CRV during probation supervision (see Figure 20). Almost a quarter (23%) of probationers in the negative group received a CRV and had a higher CRV rate compared to the other two groups (8% for the positive group and 10% for the revocation group). While somewhat surprising that the negative group had higher rates of CRVs compared to the revocation group, the revocation group committed more serious violations (criminal and absconding) that resulted in revocation and, therefore, making them less likely to receive a CRV due to technical violations. For

probationers with a CRV, the first CRV occurred on average at 16 months. The revocation group received their first CRV earlier (12 months) than probationers in the positive and negative groups (18 and 17 months respectively). Generally, CRV rates during probation supervision decreased in a stair-step pattern as the restrictiveness of the supervision level decreased from Level 1 at 18% to Level 5 at 3%.

Figure 20
CRV Rates (Felons Only): Probation Supervision
CRV Rates



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

SECTION III: RECIDIVIST ARRESTS

Section III examines recidivist arrests of probationers overall and by the three groups during two time periods: probation supervision and the two-year follow-up. This section also examines recidivist arrests by offenders' probation profile and interim outcomes during the two-year follow-up. Finally, both recidivist time periods are combined to explore when recidivist arrests occurred: during supervised probation, during the two-year follow-up, or both.

RECIDIVIST ARRESTS DURING PROBATION SUPERVISION

As discussed in the Introduction, recidivist arrest rates are examined at two points in time – during supervised probation and during the two-year follow-up period. This section contains information on arrests during probation supervision. Unlike the fixed two-year follow-up, the actual months on probation varied by offender and the time at risk to commit an arrest is not equal during probation supervision. The negative group was on supervised probation the longest at 24 months and the revocation group was the shortest at 15 months. The positive group was in between at 21 months. (See Table 4.)

Table 8 contains information on recidivist arrest rates during probation supervision. Overall, 32% of probation releases had an arrest during probation supervision. Probationers in the revocation group had the highest recidivist arrest rate at 56% followed by probationers in the negative group at 33%. Not surprisingly, probationers in the positive group had the lowest recidivist arrest rates during probation supervision (17%).³³

Overall, the 9,964 probationers with at least one arrest during probation supervision accounted for 17,412 arrests. For probationers with an arrest, the first recidivist arrest occurred on average at 8 months into their probation term. The revocation group tended to recidivate earlier at 7 months. The positive and negative groups committed their first recidivist arrest, on average, at 9 months and 10 months respectively during probation supervision.³⁴

Table 8
Recidivist Arrest Rates: Probation Supervision

Probation Release	N	Months to First Arrest Avg.	Offenders with Any Arrest		Total # Arrests	Avg. # Arrests
			#	%		
Positive	14,468	10	2,516	17	3,940	2
Negative	7,586	9	2,507	33	4,566	2
Revocation	8,755	7	4,941	56	8,906	2
Total	30,809	8	9,964	32	17,412	2

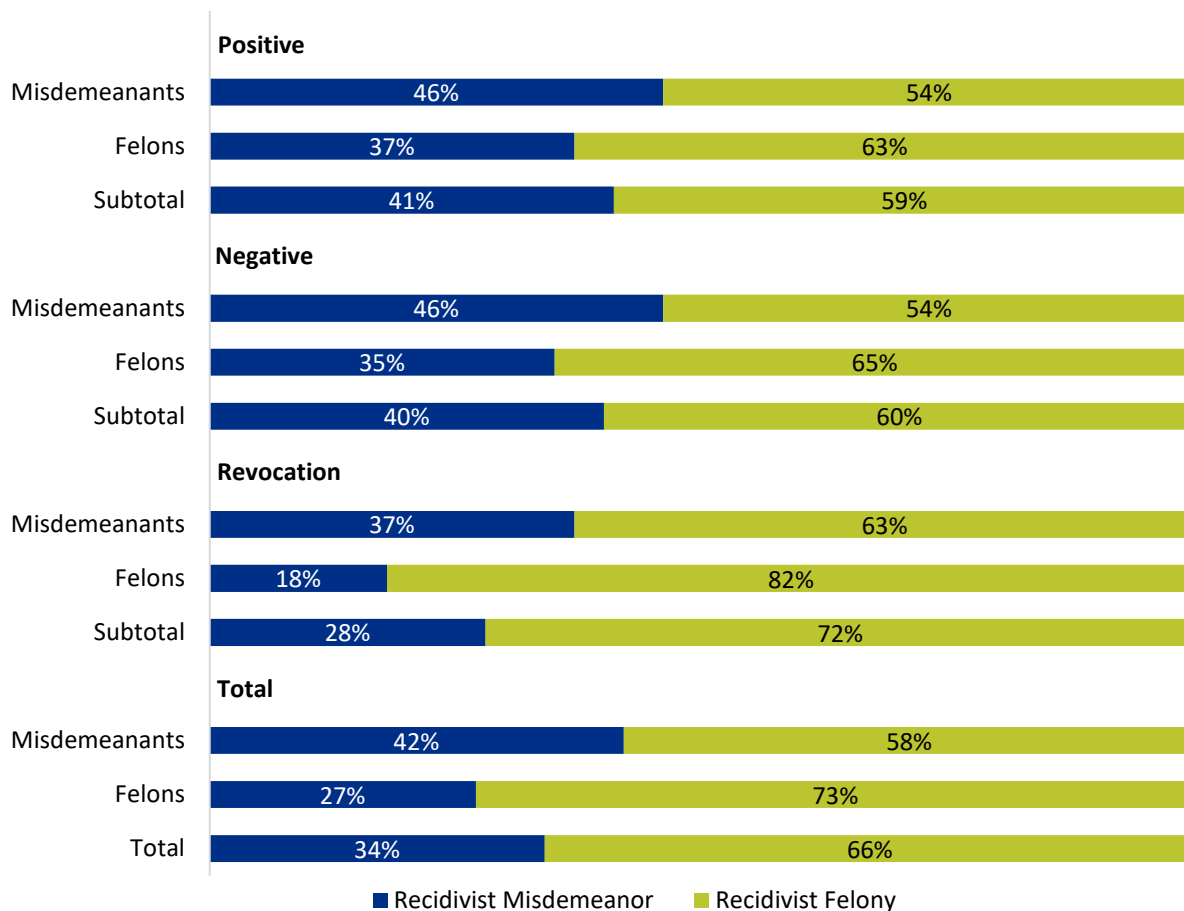
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

³³ See Table A.5 in the Appendix for arrests rates by the subgroups for each release reason during probation supervision.

³⁴ See Figure A.2 in the Appendix for additional information about the time to first recidivist arrest during probation supervision.

Figure 21 examines the most serious recidivist arrest by the offense type (i.e., felon or misdemeanor) of the offender’s current conviction during probation supervision. Overall, 66% of offenders with an arrest during probation supervision had a felony arrest. Seventy-two percent (72%) of the revocation group had a felony arrest compared to 59% of the positive group and 60% of the negative groups (see Subtotals in Figure 21). Figure 21 also examines the most serious arrest by felons and misdemeanants during probation supervision. Felons were more likely to have a felony as their most serious arrest while on probation compared to misdemeanants overall and in each group.

Figure 21
Most Serious Recidivist Arrest by Current Conviction: Probation Supervision



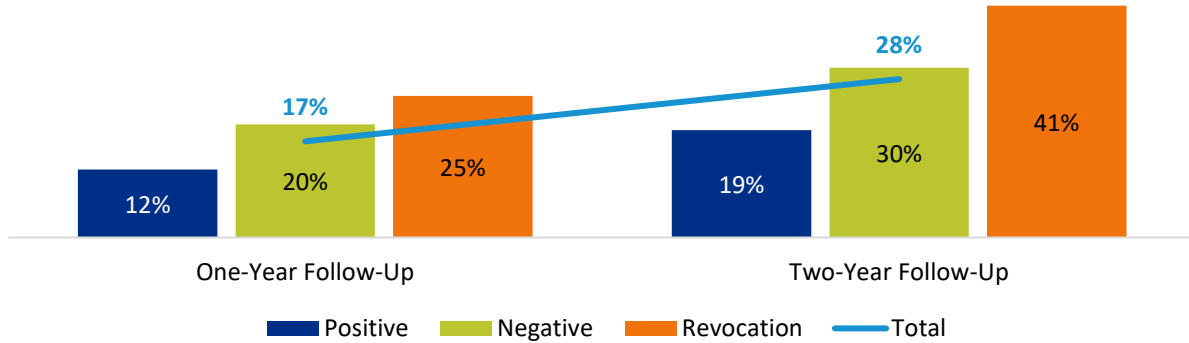
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

RECIDIVIST ARRESTS DURING THE TWO-YEAR FOLLOW-UP

As described in the Introduction, the Sentencing Commission’s main measure of recidivism is fingerprinted arrests. Overall, for probation releases (N=30,809), the recidivist arrest rate was 17% during the one-year follow-up and 28% during the two-year follow-up (see Figure 22). Recidivist arrest rates during the two-year follow-up reflected the level of success of the offender’s probation release reason. For both the one-year and two-year follow-up periods, probationers in the revocation group had the highest recidivist arrest rate (25% and 41% respectively), followed by the negative group (20% for

year one and 30% for year two). The positive group had the lowest recidivism rates at 12% during year one and 19% during year two.

Figure 22
Recidivist Arrest Rates: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

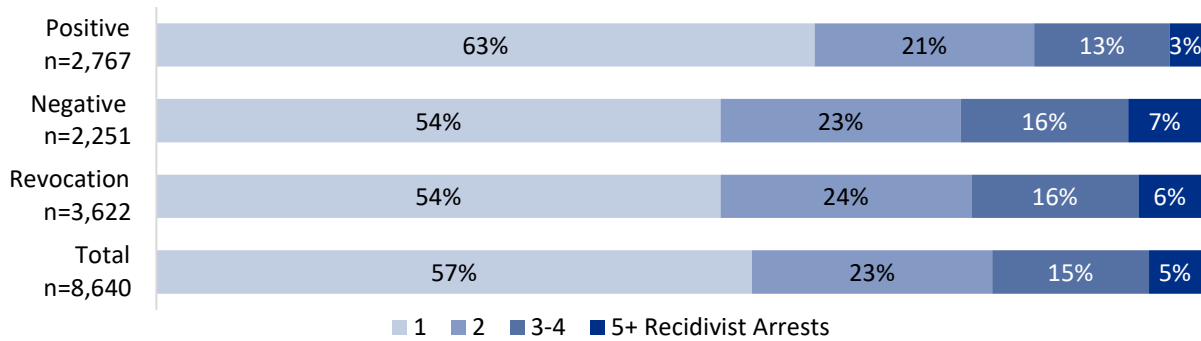
The 8,640 probationers with at least one recidivist arrest accounted for 16,169 recidivist arrests during the two-year follow-up (see Table 9). The average number of arrests for the sample and for each group was 2 arrests; however, a larger proportion of probationers in the positive group (63%) had only one recidivist arrest compared to the other groups (54% for each) (see Figure 23). For probationers with an arrest during the two-year follow-up period, the first arrest occurred an average of 10 months after probation release. The average time to the first recidivist arrest was 10 months for both the positive and revocation groups, while the average time to the first recidivist arrest was slightly shorter at 9 months for the negative group. Of offenders with a recidivist arrest, 76% of the revocation group, 72% of the negative group, and 66% of the positive group had a recidivist felony arrest.

Table 9
Recidivist Arrest Rates: Two-Year Follow-Up

Probation Releases	N	Months to First Arrest	# with Any Arrest	Total # Arrests	Avg. # Arrests	Most Serious Recidivist Arrest	Misdemeanor	Felony
Positive	14,468	10	2,767	4,632	2	34	66	
Negative	7,586	9	2,251	4,449	2	28	72	
Revocation	8,755	10	3,622	7,088	2	24	76	
Total	30,809	10	8,640	16,169	2	28	72	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Figure 23
Number of Recidivist Arrests for Probationers with Any Arrest: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Recidivist Arrests by Supervised Probation Profile

Personal Characteristics

Table 10 provides recidivism rates by the offender’s personal characteristics: gender, race, age at probation release, marital status, education, employment, and substance use problem. Overall, offenders who were male, younger, single, dropped out of high school, were unemployed, or had a possible substance use problem had higher recidivism rates when compared to their counterparts. Probationers in the revocation group had the highest recidivism rates for all characteristics examined followed by the negative group; the positive group had the lowest recidivism rates. While black offenders in the positive and negative groups had the highest recidivist arrest rates compared to other races, there were no differences in the recidivist arrest rates for white and black offenders in the revocation group at 42% each. Recidivism rates decreased as age increased for all three groups. However, the range of recidivism rates was smaller for the positive group (27% to 11% - a 16 percentage-point decrease) compared to the negative group (44% to 17% - a 27 percentage-point decrease) and the revocation group (56% to 29% - a 27 percentage-point decrease).

Table 10
Recidivist Arrest Rates by Personal Characteristics: Two-Year Follow-Up

Personal Characteristics	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	Total N=30,809 %
Gender				
Female	14	24	36	22
Male	21	32	43	30
Race				
White	17	29	42	28
Black	22	32	42	30
Other/Unknown	17	19	36	21
Age at Probation Release				
Under 21 Years	27	44	56	41
21-29 Years	25	35	45	34
30-39 Years	19	29	41	28
40-49 Years	15	23	33	22
50 Years and Older	11	17	29	15
Marital Status				
Married	14	21	38	21
Not Married	20	31	42	29
Education				
High School Graduate	17	27	40	24
High School Dropout/GED	23	32	42	32
Employment in Two Years Prior				
Employed	17	26	37	24
Not Employed	20	30	40	28
Substance Use				
None Indicated	15	26	35	21
Substance Use Indicated	21	31	39	29
Total	19	30	41	28

Note: Of the 30,809 probation releases, 42 offenders were missing education information, 2,706 were missing employment information, and 3,656 were missing substance use information.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Criminal History

Table 11 provides a comparison of recidivism rates for probationers with and without prior criminal justice contacts. Generally, probationers with prior criminal history had substantially higher recidivist arrest rates than those with no prior criminal history. This finding held true for both the positive and negative groups, while those with a prior arrest in the revocation group had much higher recidivist arrest rates compared to those without. For the revocation group, there were few differences in rates between offenders with or without a prior probation entry, a prior probation or PRS revocation, or a prior incarceration.

Table 11
Recidivist Arrest Rates by Prior Criminal Justice Contacts: Two-Year Follow-Up

Prior Criminal Justice Contacts	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	Total N=30,809 %
Prior Arrest				
None	11	20	34	17
One or More	22	32	42	31
Prior Probation Entry				
None	16	26	41	24
One or More	22	32	42	31
Prior Probation/PRS Revocation				
None	17	27	40	24
One or More	27	35	43	35
Prior Incarceration				
None	18	29	41	26
One or More	25	32	41	33
Total	19	30	41	28

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Most Serious Current Conviction

In Table 12, recidivism rates are examined by offense class for the FY 2019 probation releases. As shown previously in Figure 21, the revocation group had the highest recidivist arrest rates compared to probationers in the positive and negative groups. Generally, this pattern repeated when comparing recidivism rates for the three groups across offense class groupings.³⁵

Focusing on the sample as a whole, there were few differences in recidivist arrest rates between felons and misdemeanants. Probationers in the positive and negative groups had similar recidivist arrest rates for both felons and misdemeanants. For the revocation group, misdemeanants had higher recidivist arrest rates compared to felons (46% and 35% respectively).

When comparing offenders with a felony current conviction, probationers in the positive and negative groups had similar recidivist arrest rates for both felony offense class groupings (Class C – E and Class F – I), while the revocation group had higher recidivist arrest rates for probationers with a Class F – I conviction.

Table 12 also provides information on recidivist arrests by offense category of the most serious conviction. Overall, there were few differences in recidivist arrest rates for probationers convicted of person, property, or drug offenses (rates ranged from 28% to 30%); however, probationers convicted of other offenses had lower recidivism rates (24%). Limited variation was found in recidivism rates across the other offense categories. Generally, findings were similar for the positive and negative groups. The revocation group had similar recidivism rates for person and property offenses (44% and 43%) compared to drug and other offenses (39% and 37%).

³⁵ See Table A.6 in Appendix for recidivist arrest rates for offenders in each offense class.

Table 12
Recidivist Arrest Rates by Most Serious Current Conviction: Two-Year Follow-Up

Most Serious Current Conviction	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	Total N=30,809 %
Offense Class				
Class C – E Felony	17	30	19	21
Class F – I Felony	20	30	36	27
<i>Felony Subtotal</i>	<i>20</i>	<i>30</i>	<i>35</i>	<i>27</i>
<i>Class A1 – 3 Misdemeanor</i>	<i>19</i>	<i>29</i>	<i>46</i>	<i>29</i>
Offense Category				
Person	18	31	44	28
Property	20	29	43	30
Drug	20	31	39	28
Other	17	27	37	24
Total	19	30	41	28

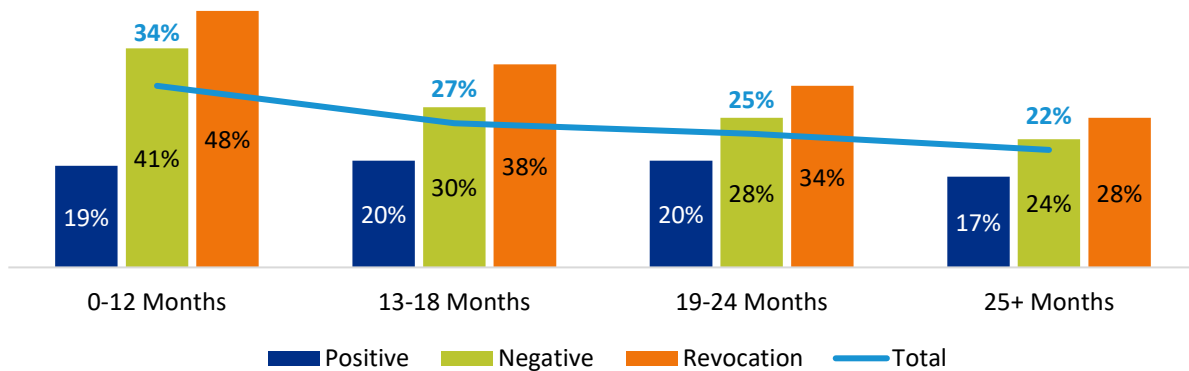
Note: Probation sentences in Class C (n=8) and Class D (n=28) could reflect convictions in which extraordinary mitigation was found, convictions for certain drug trafficking offenses, or, in Class D, Felony Death by Vehicle (FDBV) convictions with 0 to 3 prior record points.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Probation Supervision

Overall, the longer the offender had been on probation, the lower recidivist arrest rates were during the two-year follow-up (see Figure 24); however, differences were found when examining each group. The positive group, which had an average length of probation supervision of 21 months, had relatively stable recidivist arrest rates across all four lengths examined (ranging from 17% to 20%). Both the negative and revocation groups followed the pattern of decreasing recidivism rates as length of probation supervision increased.

Figure 24
Recidivist Arrest Rates by Probation Supervision Length: Two-Year Follow-Up



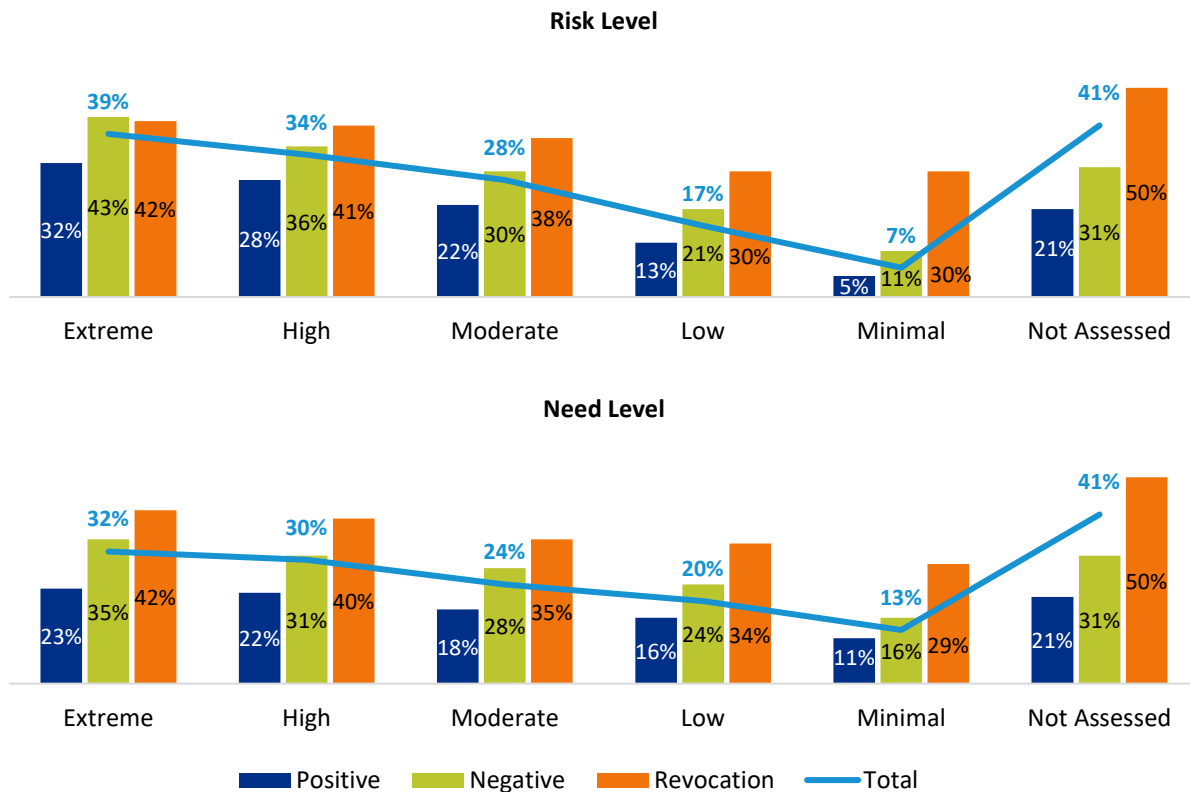
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Risk and Need Levels

Figure 25 examines recidivist arrest rates during the two-year follow-up by risk and need levels for FY 2019 probation releases. For probationers with a risk assessment, recidivist arrest rates decreased as risk level decreased overall and for each group. Overall, probationers assessed as extreme risk had the highest recidivist arrest rates compared to minimal risk offenders (39% and 7% respectively). The positive group had the lowest recidivist arrest rates for each risk level, while the revocation group had the highest. Recidivism rates for the negative group were between the two groups; however, their rates were closer to the revocation group's rates.

Recidivist arrest rates by need level show the same stair-step pattern seen with risk level for the sample overall and for each group. Overall, probationers assessed as extreme need had the highest recidivist arrest rates compared to minimal need offenders (32% and 13% respectively). At all need levels, the revocation group had the highest recidivist arrest rates compared to the other two groups.

Figure 25
Recidivist Arrest Rates by Risk and Need Levels: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

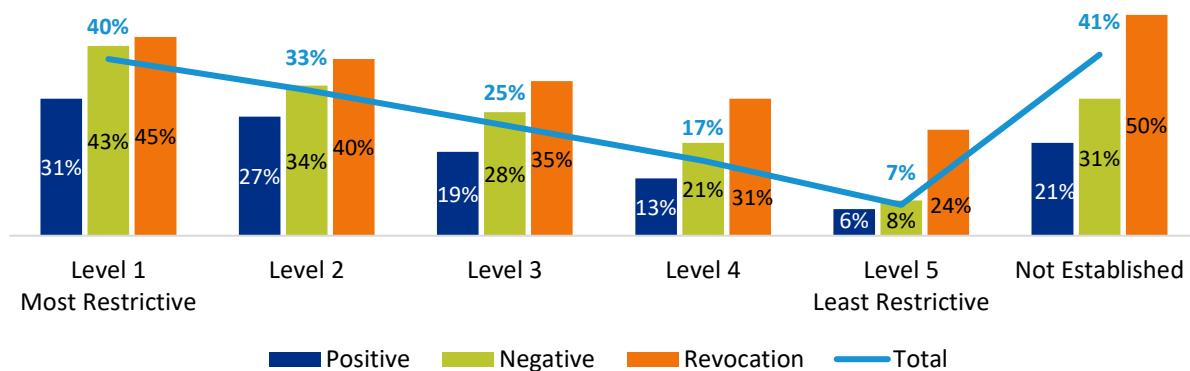
As reported in Figure 9, one-quarter (27%) of the revocation group did not have a completed RNA compared to a smaller proportion of the positive and negative groups (5% and 9% respectively). Figure 25 also provides recidivist arrest rates for offenders who were not assessed. Overall, probationers in the not assessed group had the highest recidivist arrest rates at 41%. Seventy-seven percent (77%) of the offenders not assessed who had a recidivist arrest during the two-year follow-up were in the revocation group. It should be noted that offenders not assessed in the positive and negative groups had similar

recidivist arrest rates to offenders assessed as moderate risk and high need, while not assessed offenders in the revocation group had recidivism rates higher than offenders assessed as extreme risk and need.

Supervision Level

Similar to the patterns by risk and need level, Figure 26 shows the same stair-step pattern of decreasing recidivist arrest rates by supervision level. For probationers with a supervision level assigned, the less restrictive the supervision level the lower the recidivist arrest rates, ranging from 40% for Level 1 probationers to 7% for Level 5 probationers. In each supervision level, the revocation group had the highest recidivist arrest rates and the positive group had the lowest recidivist arrest rates. The recidivism rates for the negative group were between the other two groups. Generally, recidivism rates for probationers without a supervision level assigned were most similar to those found for probationers in Level 2 or Level 3.

Figure 26
Recidivist Arrest Rates by Supervision Level: Two-Year Follow-Up



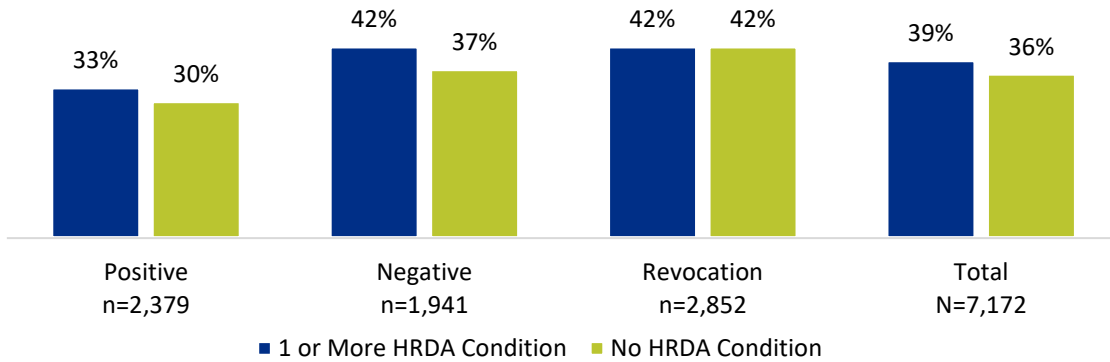
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Recidivist Arrests by Interim Outcomes

High Risk Delegated Authority

Among the 7,172 probationers who were assessed as high risk, 42% received at least one condition through the high risk delegated authority (HRDA) process. Figure 27 examines recidivist arrest rates for offenders with at least 1 high risk delegated authority condition and offenders with no conditions. Overall, probationers who received at least 1 high risk delegated authority condition had slightly higher recidivist arrest rates compared to probationers who had not received a condition (39% and 36% respectively). Of the specific groups, the negative group had the greatest difference (a 5 percentage-point difference) between offenders with a condition and those without a condition (42% and 37% respectively). The positive group had a slight difference in recidivism rates between offenders with a condition and those without a condition (33% and 30% respectively). There were no differences in recidivism rates for the revocation group (42% each).

Figure 27
Recidivist Arrest Rates by High Risk Delegated Authority for High Risk Offenders: Two-Year Follow-Up

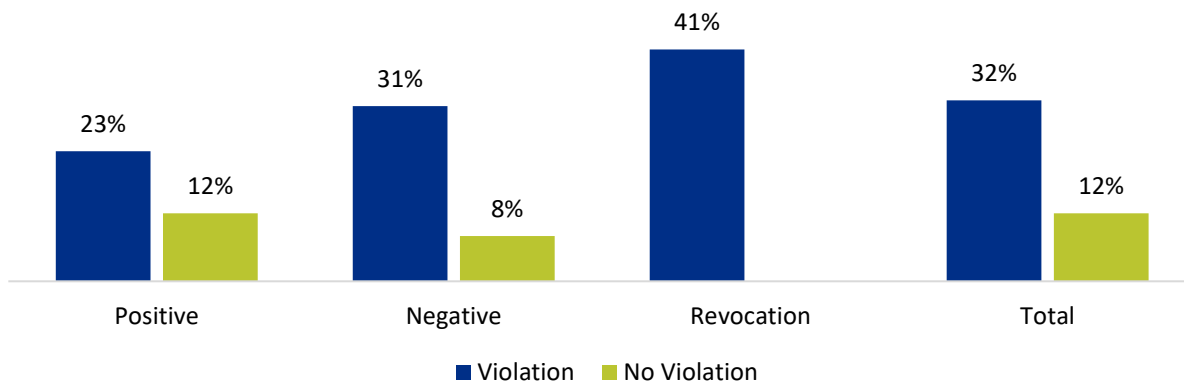


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Violations of Probation Supervision

For the probation release sample, violations of probation were used as an indicator of misconduct during probation supervision. Figure 28 provides recidivist arrest rates during the two-year follow-up for probationers with and without a violation during their probation supervision. Unsurprisingly, probationers who had violations during their supervision period had higher recidivism rates during the two-year follow-up compared to probationers who did not violate the terms and conditions of their probation. Overall, 32% probationers with a violation had a recidivist arrest during the two-year follow-up compared to 12% probationers without a violation. This finding held for both the positive and negative groups. There were too few probationers (n=14) in the revocation group without a violation during their supervision to report recidivism rates.

Figure 28
Recidivist Arrest Rates by Violation: Two-Year Follow-Up



Note: Fourteen (14) offenders in the revocation group without a violation during probation supervision were excluded from the figure due to the low number.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

For the 24,571 probationers with a violation, Table 13 focuses on recidivist arrests by the most serious violation. Overall, offenders with a criminal or absconding violation during their probation supervision had higher recidivism rates during the two-year follow-up (39% each) compared to offenders whose most serious violation was technical (23%). For all three groups, probationers with criminal and absconding violations had higher recidivist arrest rates than probationers with a technical violation.

Table 13
Recidivist Arrest Rates by Most Serious Violation: Two-Year Follow-Up

Most Serious Violation	N	Positive n=8,763 %	Negative n=7,067 %	Revocation n=8,741 %	Total N=24,571 %
Criminal	8,859	31	38	43	39
Absconding	5,008	31	35	40	39
Technical	10,704	20	26	37	23
Total	24,571	23	31	41	32

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Technical Violations

Overall, 23,913 probationers in the sample (78%) had a technical violation during their probation supervision (see Figure 13). Table 14 provides recidivist arrest rates for the categories of technical violations examined: controlling, reintegrative, reporting, drug/alcohol, financial, and other. Categories were analyzed independently; therefore, offenders are represented in each category by yes or no. Overall, probationers who had a technical violation had higher recidivism rates for all types of technical violations examined compared to those who did not have a technical violation during their probation supervision. This finding held true for the positive and negative groups. For the revocation group, the findings were mixed, and the difference was not as great between those with a specific technical violation and those without. For most of the technical violation categories, there was only a 2 to 3 percentage-point difference between the recidivism rates for the revocation group. Recidivism rates for a technical violation due to a financial reason were the exception.

Table 14
Recidivist Arrest Rates by Technical Violation: Two-Year Follow-Up

Technical Violations	N	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	Total N=30,809 %
Controlling					
Yes	6,204	36	40	43	41
No	24,605	17	27	40	25
Reintegrative					
Yes	9,759	26	35	40	35
No	21,050	17	26	42	25
Reporting					
Yes	10,427	31	38	42	39
No	20,382	17	25	40	22
Drug/Alcohol					
Yes	11,545	29	36	40	36
No	19,264	16	25	43	24
Financial					
Yes	19,669	22	30	39	30
No	11,140	16	28	47	24
Other					
Yes	6,812	27	36	41	35
No	23,997	18	27	41	26
Total	30,809	19	30	41	28
Yes	23,913	23	31	41	32
No	6,896	13	12	46	15

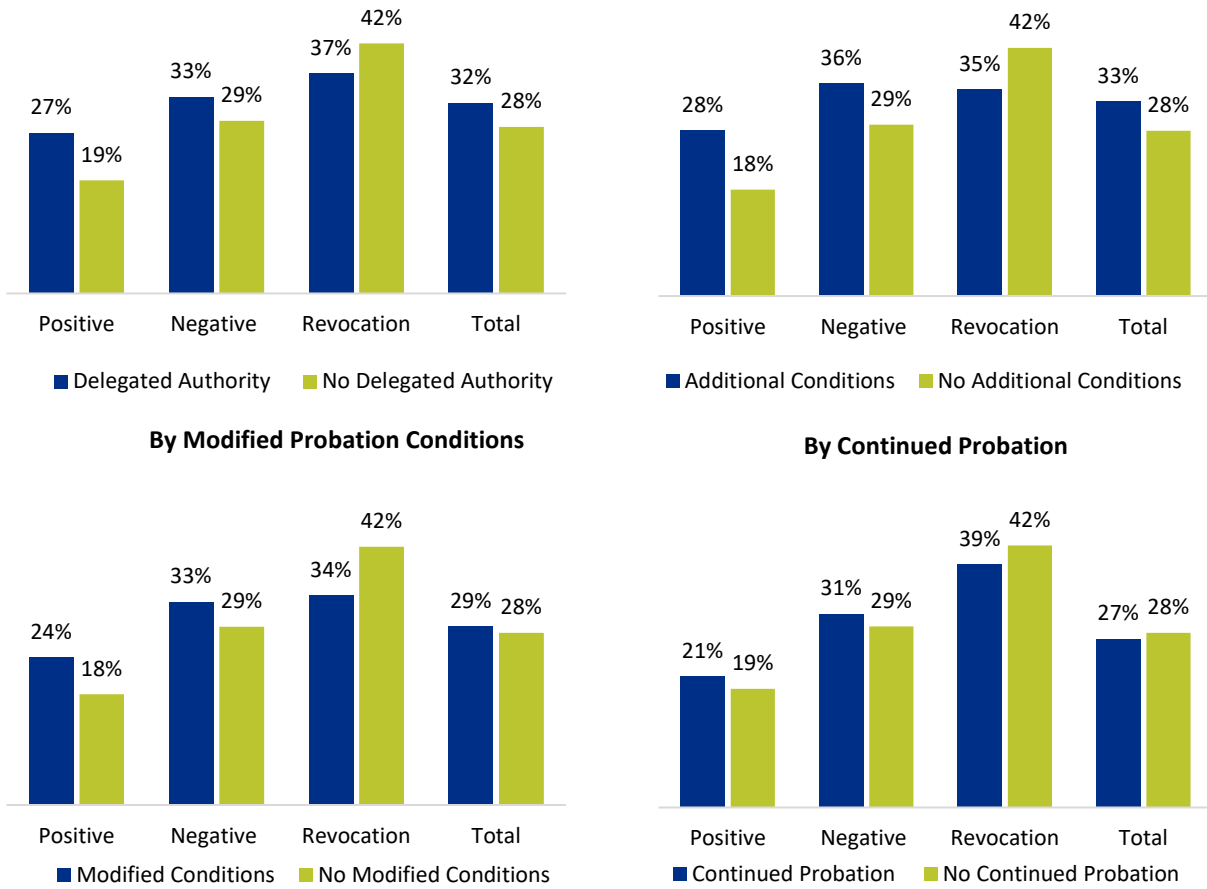
Note: Sex offender technical violations were rare (1%, n=165) and were excluded from the table. Recidivist arrest rates were 25% for those probationers with a sex offender technical violation and 28% for those probationers without a sex offender technical violation.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Nonconfinement Responses to Violations of Community Supervision

Figure 29 provides recidivist arrest rates by nonconfinement responses to violations of probation supervision. (See Figure 17 for the distribution of probationers who received delegated authority, additional probation conditions, modified probation conditions, or continued probation as a nonconfinement response to violations during probation supervision.) Overall, probationers who received delegated authority or additional probation conditions had higher recidivist arrest rates during the two-year follow-up (32% and 33% respectively) compared to probationers who did not receive those responses (28% each for no delegated authority and no additional probation conditions). However, there were few differences in recidivist arrest rates for probationers who received modified probation conditions or had their probation continued (29% and 27% respectively) compared to probationers who did not receive either of those two responses (28% each).

Figure 29
Recidivist Arrest Rates and Nonconfinement Responses: Two-Year Follow-Up
By Delegated Authority **By Additional Probation Conditions**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Overall, for the positive and negative groups, probationers who had any type of nonconfinement response during probation had higher recidivist arrest rates during the two-year follow-up compared to their counterparts (i.e., probationers who did not receive that nonconfinement response). However, probationers in the revocation group had higher recidivist arrest rates if they had *not* received a nonconfinement response of delegated authority, additional probation conditions, modified probation conditions, or continued probation supervision.

Confinement Responses to Violations of Probation Supervision

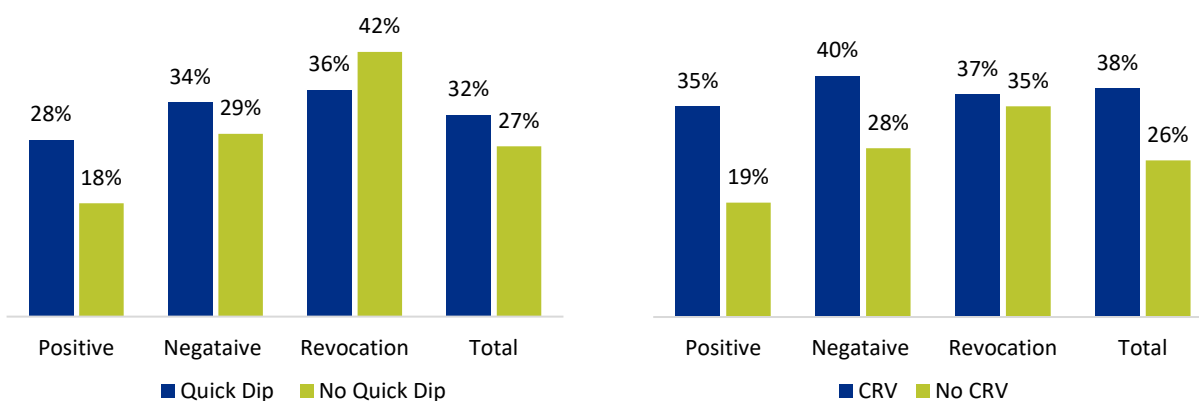
As described in Section II, the two confinement responses examined were quick dips (felons and misdemeanants) and CRVs (felons only). Figure 30 provides recidivist arrest rates during the two-year follow-up for offenders with and without a confinement response during probation supervision.

Overall, probationers with a quick dip had higher recidivist arrest rates compared to probationers without a quick dip (32% and 27% respectively). Findings were similar for probationers in the positive

and negative groups. However, probationers in the revocation group without a quick dip had higher recidivism rates compared to their counterparts who had a quick dip (42% and 36% respectively).

Felony probationers with a CRV during probation supervision had higher recidivist arrest rates during the two-year follow-up than probationers who did not receive a CRV (38% and 26% respectively). For all three groups, probationers with a CRV had the highest recidivism rates compared to probationers without a CRV during probation supervision, although there was little variation in the revocation group for probationers with and without a CRV.

Figure 30
Recidivist Arrest Rates and Confinement Responses: Two-Year Follow-Up
By Quick Dips **By CRVs (Felons Only)**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

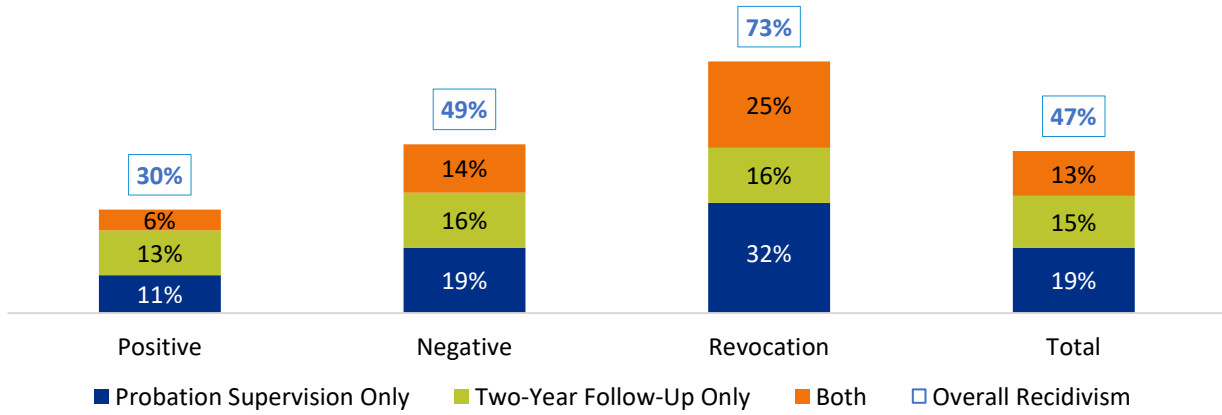
COMBINED RECIDIVIST ARRESTS

Figure 31 combines recidivism rates to examine when recidivist activity occurred – during probation supervision only, the two-year follow-up only, or whether the probationer recidivated in both time periods. Overall recidivism rates were computed by adding together the rates for probationers with recidivism during probation supervision only, during two-year follow-up only, and during both time periods.

Overall, more than one-third of probationers with a recidivist arrest recidivated during probation supervision (19% of the 47% overall recidivism rate), with nearly equal numbers of probationers recidivating either during the two-year follow-up only or during both time periods (15% and 13% respectively).

Probationers in the positive group had the lowest overall recidivist arrest rate at 30%. The positive group was nearly equally likely to commit a recidivist arrest during their probation supervision and two-year follow-up, but less likely to have probationers reoffending in both time periods. Probationers in the revocation group had the highest overall recidivism rate at 73%. The revocation group was more likely to have committed a recidivist arrest during their probation supervision and were more likely to have reoffended in both time periods examined than during the two-year follow-up period only; a similar pattern was found for probationers in the negative group.

Figure 31
Combined Recidivist Arrest Rates during Probation Supervision, Two-Year Follow-Up, or Both



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

SECTION IV: MULTIVARIATE ANALYSIS

Throughout this report, recidivism (e.g., arrests) is described in association with various single factors (e.g., criminal history, offender risk and need, offense class). These bivariate relationships are examined for probation releases by their probation release reason (i.e., positive, negative, revocation). Section IV builds upon those findings and considers how multiple factors, taken together, affect the probability of recidivism using multivariate analysis.

Multivariate analysis is a statistical tool used to estimate the relationship between a set of independent variables (e.g., sex, race, age) and a dependent variable (i.e., recidivism), while also quantifying the singular contribution of each of the variables in the model.³⁶ For example, this type of analysis allows for a determination of whether offense class has any relationship with an offender's probability of recidivism, controlling for other factors such as age, gender, race, or number of prior arrests. The reported effects provide information about the strength of the relationship (how strongly the factor affects the probability of recidivism), as well as the direction of the relationship (whether the factor increases or decreases the probability of recidivism). Generally, only estimated effects that are statistically significant – that is, highly unlikely the result of random variation in the sample (or chance) – are discussed in this section. *Note that, although these analyses may reveal that a relationship exists, it does not necessarily mean that an independent variable is the cause of the particular outcome. Rather, it indicates a statistical association, which may or may not be due to a causal relationship.*

LOGISTIC REGRESSION ANALYSIS VARIABLES

Using logistic regression, multiple models assess the relationship between independent variables and the probability of recidivism.³⁷ The probability of recidivist arrest is examined for all probationers, as well as by probation release reason (Table 16) and by felons and misdemeanants (Table 17).

Dependent Variable

The logistic regression analyses in this section model one dependent variable: recidivist arrest.

Independent Variables

Table 15 provides the independent variables used in the models.³⁸ Independent variables in each of the models include an offender's personal characteristics, risk and need levels, criminal history, most serious current conviction, and probation supervision profile. Probationers' supervision profiles highlight information about their supervision period. These include JRA-related variables to provide a look at the effect of the implementation of the JRA on certain measures of recidivism.

³⁶ Given that a relationship between *all* variables is modeled in multivariate analysis, findings in this section may differ slightly from the bivariate findings summarized previously in the report.

³⁷ Logistic regression is a type of multivariate analysis which estimates the logit (i.e., the logarithm of the odds) of an outcome occurring. This analysis is most appropriate for regression models with a dichotomous dependent variable, such as whether recidivism occurred. Additional information about the methodology and model fit for this study is available upon request.

³⁸ Variable(s) excluded from a specific model are indicated by hyphens (--) in the tables.

Table 15
Independent Variables

All Models	
<p>Personal Characteristics</p> <ul style="list-style-type: none"> Age at Probation Release Male Nonwhite Married High School Dropout/GED Employed Substance Use Indicated <p>Criminal History</p> <ul style="list-style-type: none"> Under 21 at First Adult Criminal Justice Contact Number of Prior Arrests Most Frequent Prior Arrest Type – Property Prior Probation Admission Prior Incarceration <p>Most Serious Current Conviction</p> <ul style="list-style-type: none"> Offense Class <p>Time at Risk (in days)⁴⁰</p>	<p>Probation Supervision Profile</p> <ul style="list-style-type: none"> Risk Level Need Level Probation Supervision Length High Risk Delegated Authority <p>Violations</p> <ul style="list-style-type: none"> Number of Probation Violations³⁹ <p>Responses to Violations</p> <p>Nonconfinement Responses</p> <ul style="list-style-type: none"> Delegated Authority Additional Probation Conditions Modified Probation Conditions Continued Probation Supervision <p>Confinement Responses</p> <ul style="list-style-type: none"> Quick Dip CRV <ul style="list-style-type: none"> Arrest during Supervision Probation Release Reason Probation Release Reason Subgroups

Model Limitations

Observations with missing data on any single variable are excluded from the logistic modeling process; therefore, the number of offenders in the sample found in the previous sections does not match the number of offenders in the multivariate analyses.⁴¹

RESULTS AND INTERPRETATION

Tables 16 and 17 examine the estimated effects of independent variables on recidivist arrest probabilities for all probationers, as well as by probation release reason and by most serious current conviction (e.g., felons, misdemeanants).⁴²

³⁹ A quadratic term for violations was included for better model fit.

⁴⁰ Time at risk during follow-up serves as a statistical control variable, where applicable. Although this variable is not discussed in this chapter's analysis, it is crucial to hold constant the value of this variable for each offender to enable interpretation of the independent variables that are of substantive interest.

⁴¹ The rate of missing observations was largely due to missing information on substance use indicated and risk and need levels. Sensitivity analysis using missing indicator models confirmed the robustness of these models.

⁴² The R-squared shown in Table 16 and subsequent tables represents the proportion of variation in the dependent variable explained by the independent variable(s). A higher R-squared indicates that the model better fits the data; the adjusted R-squared also takes into consideration the number of variables included in the model.

Predictors of Recidivism for All Probation Releases

Model 1 presents the results of the logistic regression analyses predicting recidivist arrest for all probation releases. Personal characteristics of the offender played a significant role in predicting recidivist arrest. Compared to offenders under 21 at probation release, the probability of recidivist arrest was lower for all other age categories; offenders aged 50 years and older had the lowest probability of recidivist arrest (-25%). The probability of recidivist arrest was higher for male offenders (+5%), offenders who dropped out of high school (+1%), and offenders with a substance use problem (+2%). The probability of recidivist arrest was lower for offenders who were employed (-2%).

Number of prior arrests was a significant predictor of recidivist arrest, with each prior arrest increasing the probability of recidivism by 2%. The probability of recidivist arrest increased for offenders with a prior probation admission (+2%), while the probability of recidivism decreased for probationers with a prior incarceration (-2%). Compared to Class H – I felons, the probability of recidivism was lower for Class E – G felons (-3%).

Compared to offenders assessed as minimal risk, the probability of recidivist arrest was higher in all other risk categories with offenders assessed as extreme risk having the highest probability of recidivism (+13%) compared to offenders assessed as minimal risk. Similarly, compared to offenders assessed at a minimal need level, the probability of recidivist arrest was higher for offenders assessed in all higher need categories, with probationers assessed at an extreme or high need level having an 8% higher probability of recidivist arrest.

Nonconfinement and confinement responses are examined to assess their effects on recidivist arrests. Generally, each violation increased the probability of recidivist arrest by 4%, although the probability increased at a decreasing rate. Probationers who had a nonconfinement response to violation generally had a decreased probability of recidivist arrest: delegated authority imposed (-2%), modified probation conditions (-2%), or continued probation supervision (-4%). Probationers who had a quick dip imposed had a decreased probability of recidivist arrest (-7%). In addition, probationers who had an arrest during probation supervision had an increased probability of recidivist arrest during the two-year follow-up.

Compared to probationers with a positive release reason, probationers with a negative release reason (+4%) and probationers with a revocation (+8%) had a higher probability of a recidivist arrest. Separate models by probation release reasons are discussed in the sections below.

Table 16
Effect of Personal and Criminal Justice Factors on Recidivist Arrest
for All Probationers and by Probation Release Reason

Independent Variables	Average Recidivist Arrest Probability: Two-Year Follow-Up			
	Model 1 All Probationers n=25,601	Model 2 Positive n=13,457	Model 3 Negative n=6,651	Model 4 Revocation n=5,493
Personal Characteristics				
Age at Probation Release				
Under 21 Years	Reference	Reference	Reference	Reference
21-29 Years	-6%	N.S.	-9%	-8%
30-39 Years	-13%	-9%	-16%	-14%
40-49 Years	-18%	-13%	-22%	-23%
50+ Years	-25%	-19%	-29%	-33%
Male	5%	4%	3%	9%
Nonwhite	N.S.	N.S.	N.S.	-5%
Married	N.S.	N.S.	N.S.	N.S.
High School Dropout/GED	1%	2%	N.S.	N.S.
Employed	-2%	N.S.	-3%	-3%
Substance Use Indicated	2%	2%	N.S.	N.S.
Criminal History				
Under 21 at First Adult Criminal Justice Contact	N.S.	N.S.	N.S.	N.S.
Number of Prior Arrests	2%	2%	2%	2%
Most Frequent Prior Arrest Type – Property	N.S.	N.S.	N.S.	N.S.
Prior Probation Admission	2%	2%	N.S.	N.S.
Prior Incarceration	-2%	N.S.	-5%	N.S.
Most Serious Current Conviction				
Offense Class				
Class E – G Felony	-3%	N.S.	N.S.	-6%
Class H – I Felony	Reference	Reference	Reference	Reference
Class A1 – 3 Misdemeanor	N.S.	N.S.	N.S.	N.S.
Supervision Profile				
Risk Level				
Extreme	13%	11%	16%	N.S.
High	12%	10%	12%	N.S.
Moderate	12%	10%	13%	N.S.
Low	8%	7%	9%	N.S.
Minimal	Reference	Reference	Reference	Reference
Need Level				
Extreme	8%	5%	N.S.	N.S.
High	8%	6%	N.S.	N.S.
Moderate	6%	4%	N.S.	N.S.
Low	5%	3%	N.S.	N.S.
Minimal	Reference	Reference	Reference	Reference
Probation Supervision Length	-0.2%	-0.2%	N.S.	N.S.
High Risk Delegated Authority	N.S.	N.S.	N.S.	N.S.

continued

Table 16
Effect of Personal and Criminal Justice Factors on Recidivist Arrest
for All Probationers and by Probation Release Reason

Independent Variables	Average Recidivist Arrest Probability: Two-Year Follow-Up			
	Model 1 All Probationers n=25,601	Model 2 Positive n=13,457	Model 3 Negative n=6,651	Model 4 Revocation n=5,493
Supervision Profile <i>continued</i>				
Violations				
Number of Violations	4%	3%	3%	3%
Number of Violations*Number of Violations	-0.4%	-0.3%	-0.2%	N.S.
Responses to Violations				
Delegated Authority	-2%	-0.1%	N.S.	-5%
Additional Probation Conditions	N.S.	N.S.	N.S.	-5%
Modified Probation Conditions	-2%	N.S.	N.S.	-5%
Continued Probation	-4%	-1%	N.S.	N.S.
Quick Dip	-7%	N.S.	N.S.	-25%
CRV	N.S.	N.S.	N.S.	N.S.
Arrest during Supervision	9%	8%	10%	8%
Probation Release Reason				
Positive	Reference	--	--	--
Negative	4%	--	--	--
Revocation	8%	--	--	--
Probation Release Reason Subgroups				
Completion	--	N.S.	--	--
Satisfactory	--	Reference	--	--
Unsupervised	--	-2%	--	--
Expired Absconder	--	--	-18%	--
Terminal CRV	--	--	N.S.	--
Unsatisfactory Termination	--	--	Reference	--
Criminal Revocation	--	--	--	N.S.
Absconding Revocation	--	--	--	Reference
Technical Revocation	--	--	--	N.S.
Time at Risk (in days)	0.00004%	-0.02%	-0.003%	0.003%
R²	11%	9%	10%	8%
Max Rescaled R²	16%	15%	15%	11%

Note: "N.S." indicates the estimated effects are not statistically significant. Offenders with missing data were excluded from the analysis. For categorical and dichotomous independent variables, the results are interpreted in relation to the reference category.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Recidivism Outcomes for the Positive Group

For probationers in the positive group (Model 2), the probability of recidivist arrest was lower for all age categories compared to offenders under 21 at probation release. Offenders aged 50 years and older had the lowest probability of recidivist arrest (-19%) compared to offenders under 21 at probation release. The probability of recidivist arrest was higher for male offenders (+4%), offenders who dropped out of high school (+2%), and offenders with a substance use problem (+2%).

Number of prior arrests was a significant predictor of recidivist arrest, with each prior arrest increasing the probability of recidivism by 2%. The probability of recidivist arrest increased for offenders with a prior probation admission (+2%).

Compared to offenders assessed at the minimal risk level, the probability of recidivist arrest was greater for those offenders assessed in all of the higher risk level categories; offenders assessed at an extreme risk level had the highest probability of recidivism (+11%). Similarly, compared to offenders assessed at a minimal need level, the probability of recidivist arrest was higher for those offenders assessed in all higher need categories with probationers assessed at a high need level having a 6% higher probability of recidivist arrest.

Generally, each violation increased the probability of recidivist arrest by 3%, although the probability increased at a decreasing rate. Generally, probationers who had a nonconfinement response to violations had a decreased probability of recidivist arrest: delegated authority imposed (-0.1%) or continued probation supervision (-1%). In addition, probationers who had an arrest during probation supervision had an increased probability of recidivist arrest during the two-year follow-up (+8%).

Probationers in the positive group who were moved to unsupervised probation prior to probation release had a lower probability of recidivist arrest (-2%) compared to probationers who were released from probation with a satisfactory reason.

Recidivism Outcomes for the Negative Group

For probationers with a negative release reason (Model 3), the probability of recidivist arrest was lower for all age categories compared to offenders under 21 at probation release; offenders aged 50 years and older had the lowest probability of recidivist arrest (-29%). The probability of recidivist arrest was lower for offenders who were employed (-3%).

Number of prior arrests was a significant predictor of recidivist arrest, with each prior arrest increasing the probability of recidivism by 2%. The probability of recidivist arrest was lower for offenders with a prior incarceration (-5%).

Compared to offenders assessed as minimal risk, the probability of recidivist arrest was higher for those offenders assessed in all higher risk categories; offenders assessed as extreme risk had the highest probability of recidivism (+16%).

Generally, each violation increased the probability of recidivist arrest by 3%, although the probability increased at a decreasing rate. In addition, probationers who had an arrest during probation supervision had an increased probability of recidivist arrest during the two-year follow-up (+10%).

Probationers in the negative group who were released as an expired absconder had a lower probability of recidivist arrest (-18%) compared to probationers who were released with an unsatisfactory reason.

Recidivism Outcomes for the Revocation Group

For probationers in the revocation group (Model 4), the probability of recidivist arrest was lower for all age categories compared to offenders under 21 at probation release; offenders aged 50 years and older had the lowest probability of recidivist arrest (-33%). The probability of recidivist arrest was lower for nonwhite offenders (-5%) and for offenders who were employed (-3%).

Number of prior arrests was a significant predictor of recidivist arrest, with each prior arrest increasing the probability of recidivism by 2%. Compared to Class H – I felons, the probability of recidivism was lower for Class E – G felons (-6%).

Each violation increased the probability of recidivist arrest by 3%. Probationers who had a nonconfinement response to violations had a decreased probability of recidivist arrest: delegated authority imposed, additional probation conditions, or modified probation conditions (-5% each). Probationers who had a quick dip imposed had a decreased probability of recidivist arrest (-25%). In addition, probationers who had an arrest during probation supervision had an increased probability of recidivist arrest during the two-year follow-up (+8%).

Differences in Predicting Recidivism between the Three Models

Figure 32 summarizes the probability of an arrest by examining the differences in the factors that predict recidivism across the three models. Of the personal characteristic variables, race was only a significant predictor of recidivist arrest for the revocation group with nonwhite offenders having a lower probability of recidivism compared to white offenders. Whether an offender dropped out of high school and had a substance use problem were only significant predictors for probationers in the positive group; however, this was a modest effect. Specifically, for probationers in the positive group, those who dropped out of high school and had a substance use problem had a higher probability of arrest. Employment status was significant in the negative and revocation groups. For those employed in the negative and revocation groups, this significantly and modestly predicted a lower probability of recidivist arrest.

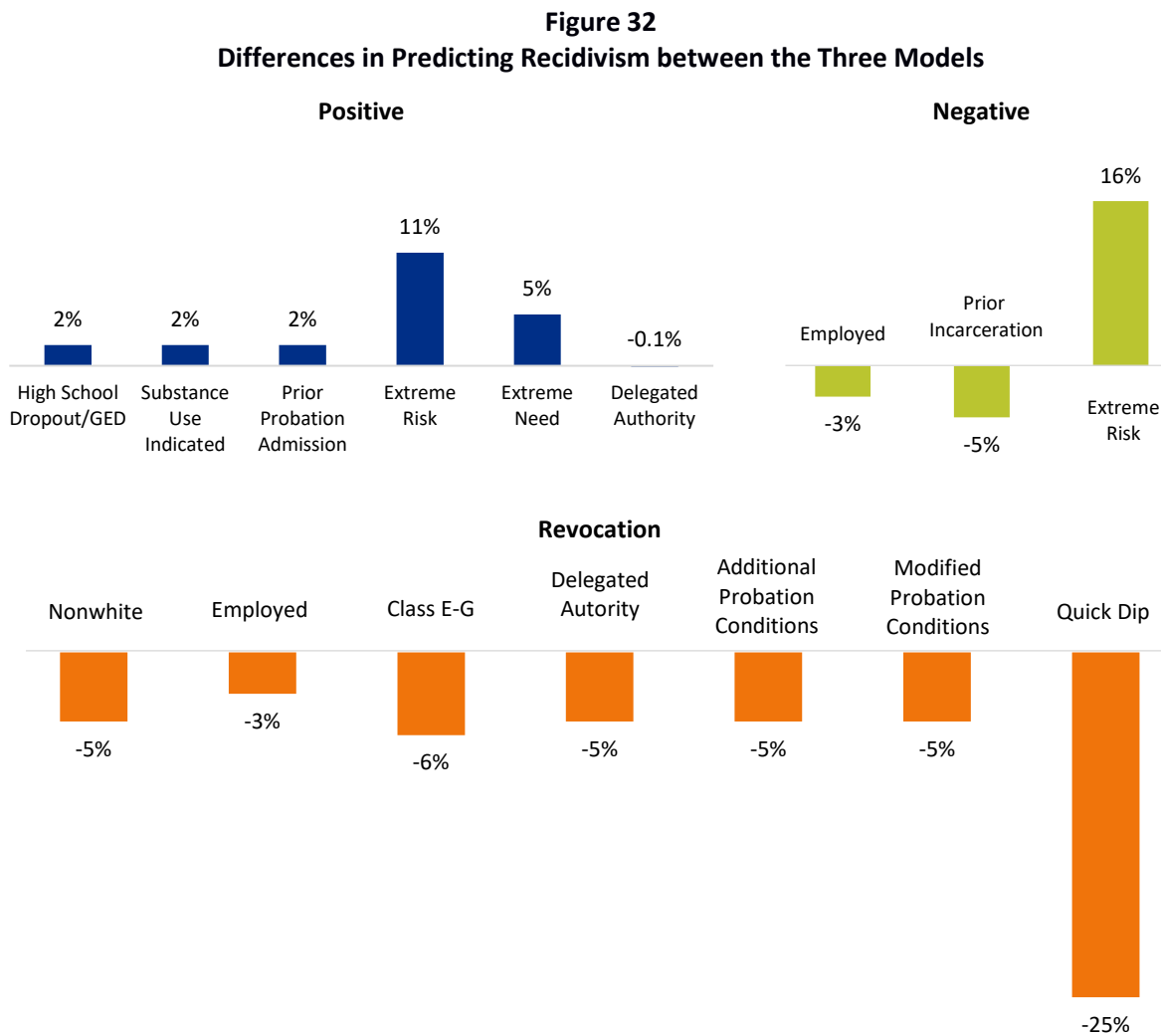
Prior probation admission was only a significant predictor of recidivist arrest for probationers in the positive group with the probability of recidivist arrest increasing for those offenders with a prior probation admission. Prior incarceration was only significant for probationers in the negative group with the probability of recidivist arrest decreasing for offenders with a prior incarceration.

For the revocation group, the probability of recidivism was lower for Class E – G felons compared to Class H – I felons, however this significant finding did not extend to the positive and negative probationer groups.

For both the revocation and negative groups, offender need levels were not significant predictors of recidivist arrest. Additionally, offender risk levels were not a significant predictor of recidivist arrest for those in the revocation group.

For responses to violations, there were differences in the significant findings across the groups. Probationers in the revocation group had a decreased probability of recidivist arrest if delegated authority was imposed, if probation conditions were added or modified, or if a quick dip was imposed.

While modest effects, probationers in the positive group had a decreased probability of recidivist arrest if delegated authority was imposed or if probation supervision was continued. None of the responses to violations were significant predictors of recidivist arrest for probationers in the negative group.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Recidivism Outcomes for Felons

Model 5 focuses on felons released from probation. Compared to felons under 21 at probation release, the probability of recidivist arrest was lower for all other age categories; felons aged 50 years and older had the lowest probability of recidivist arrest (-26%). The probability of recidivist arrest was higher for male offenders (+4%).

Number of prior arrests was a significant predictor of recidivist arrest, with each prior arrest increasing the probability of recidivism by 2%. Compared to Class H – I felons, the probability of recidivism was lower for Class E – G felons.

Compared to offenders assessed as minimal risk, the probability of recidivist arrest was higher for those offenders assessed in all higher risk categories with offenders assessed as extreme risk having the highest probability of recidivism (+30%).

Generally, each violation increased the probability of recidivist arrest by 5%, although the probability increased at a decreasing rate. Felons with delegated authority imposed had a decreased probability of recidivist arrest (-3%), while felons who received a CRV had an increased probability of recidivist arrest (2%). In addition, felons who had an arrest during probation supervision had an increased probability of recidivist arrest during the two-year follow-up (+7%).

Recidivism Outcomes for Misdemeanants

Model 6 focuses on misdemeanants released from probation. Compared to misdemeanants under 21 at probation release, the probability of recidivist arrest was lower for all other age categories; misdemeanants aged 50 years and older had the lowest probability of recidivist arrest (-27%). The probability of recidivist arrest was higher for male misdemeanants (+5%) and misdemeanants with a substance use problem (+3%). The probability of recidivist arrest was lower for misdemeanants who were employed (-3%).

Number of prior arrests was a significant predictor of recidivist arrest, with each prior arrest increasing the probability of recidivism by 2%. The probability of recidivist arrest was also higher for misdemeanants with a prior probation admission (2%).

Compared to misdemeanants assessed as minimal risk, the probability of recidivist arrest was higher for misdemeanants assessed as extreme, high, and moderate risk (+7% each). Similarly, compared to offenders assessed at a minimal need level, the probability of recidivist arrest was higher for those offenders assessed in all higher need categories with probationers assessed at an extreme need level having a 10% higher probability of recidivist arrest.

Generally, each violation increased the probability of recidivist arrest by 4%, although the probability increased at a decreasing rate. For responses to violations, misdemeanants with continued probation supervision or with a quick dip imposed had a decreased probability of recidivist arrest (-3% and -20% respectively). In addition, misdemeanants who had a recidivist arrest during probation supervision had an increased probability of recidivist arrest (+11%).

Table 17
Effect of Personal and Criminal Justice Factors on Recidivist Arrest by Offense Type

Independent Variables	Average Arrest Recidivist Arrest Probability: Two-Year Follow-Up	
	Model 5 Felons n=10,032	Model 6 Misdemeanants n=15,569
Personal Characteristics		
Age at Probation Release		
Under 21 Years	Reference	Reference
21-29 Years	-9%	-6%
30-39 Years	-16%	-12%
40-49 Years	-18%	-19%
50+ Years	-26%	-27%
Male	4%	5%
Nonwhite	N.S.	N.S.
Married	N.S.	N.S.
High School Dropout/GED	N.S.	N.S.
Employed	N.S.	-3%
Substance Use Indicated	N.S.	3%
Criminal History		
Under 21 at First Adult Criminal Justice Contact	N.S.	N.S.
Number of Prior Arrests	2%	2%
Most Frequent Prior Arrest Type – Property	N.S.	N.S.
Prior Probation Admission	N.S.	2%
Prior Incarceration	N.S.	N.S.
Most Serious Current Conviction		
Offense Class		
Class E – G Felony	-3%	--
Class H – I Felony	Reference	--
Supervision Profile		
Risk Level		
Extreme	30%	7%
High	29%	7%
Moderate	29%	7%
Low	25%	N.S.
Minimal	Reference	Reference
Need Level		
Extreme	N.S.	10%
High	N.S.	9%
Moderate	N.S.	7%
Low	N.S.	7%
Minimal	Reference	Reference
Probation Supervision Length	-0.2%	-0.2%
High Risk Delegated Authority	N.S.	N.S.

continued

Table 17
Effect of Personal and Criminal Justice Factors on Recidivist Arrest by Offense Type

Independent Variables	Average Arrest Recidivist Arrest Probability: Two-Year Follow-Up	
	Model 4 Felons n=10,032	Model 5 Misdemeanants n=15,569
Supervision Profile <i>continued</i>		
Violations		
Number of Violations	5%	4%
Number of Violations*Number of Violations	-0.4%	-0.3%
Responses to Violations		
Delegated Authority	-3%	N.S.
Additional Probation Conditions	N.S.	N.S.
Modified Probation Conditions	N.S.	N.S.
Continued Probation	N.S.	-3%
Quick Dip	N.S.	-20%
CRV	2%	--
Arrest during Probation Supervision	7%	11%
Probation Release Reason		
Positive	Reference	Reference
Negative	2%	5%
Revocation	4%	9%
Time at Risk (in days)	0.01%	-0.0001%
R²	10%	12%
Max Rescaled R²	15%	18%

Note: "N.S." indicates the estimated effects are not statistically significant. Offenders with missing data were excluded from the analysis. For categorical and dichotomous independent variables, the results are interpreted in relation to the reference category.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

SUMMARY AND CONCLUSIONS

The issue of correctional resources and, specifically, their effectiveness in increasing public safety and deterring future crime has continued to be of interest to legislators and policymakers. It is the goal of most programs to sanction and control offenders, to offer them opportunities that will assist in altering negative behavioral patterns, and, consequently, to lower the risk of reoffending. Studies that measure recidivism are a nationally accepted way to assess the effectiveness of in-prison and community corrections programs in preventing future criminal behavior.

During the 1998 Session, the General Assembly replaced the Sentencing Commission's original mandate to study recidivism with an expanded mandate that included a more in-depth evaluation of correctional programs. In its studies of recidivism, the Sentencing Commission uses arrests as the primary measure of recidivism to assess the extent of an offender's repeat involvement in the criminal justice system. This report offers a first look at outcomes for offenders released from probation. This special report should be considered a companion to the Commission's 2022 Correctional Program Evaluation report which examined recidivism of SSA offenders who were placed on supervised probation or released from prison in FY 2019.

A new methodology (*see* Section I, also summarized below) was used for the first time in this report to augment the study of probationers by measuring recidivism that occurs both during supervision and for two years following release from probation. The sample included SSA offenders who were *released* from supervised probation in FY 2019 (N=30,809). Beyond being the first study to use the new methodology, special consideration should also be given to the time period examined and the potential effects of the COVID-19 pandemic on the findings (discussed below).

Probationers were examined by probation release reason, grouped into three broad categories (i.e., positive, negative, and revocation). Almost half (47%) of the sample exited probation due to positive reasons, while 25% exited due to negative reasons and 28% exited due to revocation of probation (*see* Figure 33). Overall, the majority of probationers were male (72%), white (51%), age 35 at release (on average), and had a felony conviction (60%).

Figure 33
Supervised Probation Profile for FY 2019 Probation Release Sample

Supervised Probation Profile	Positive n=14,468	Negative n=7,586	Revocation n=8,755	Total N=30,809
Personal Characteristics				
Male	71%	72%	75%	72%
White	49%	45%	60%	51%
Avg. Age at Probation Release	37 Years	35 Years	33 Years	35 Years
Prior Arrest	73%	81%	88%	81%
Felony Current Conviction	38%	42%	42%	60%
Actual Months Supervised	21 Months	24 Months	15 Months	20 Months
Risk Level				
Extreme	6%	9%	16%	9%
Low	7%	3%	1%	4%
Need Level				
Extreme	19%	27%	34%	24%
Low	5%	2%	1%	3%
Supervision Level				
Level 1 (Most Restrictive)	6%	11%	18%	10%
Level 5 (Least Restrictive)	4%	2%	1%	3%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

NEW METHODOLOGY

A probation release sample allows program interventions, sanctions for noncompliance, and recidivist arrests to be tracked both *during* (varied supervision period) and *following* (fixed two-year period) their term of supervised probation, while for a probation entry sample these outcomes are tracked during the *same* time period (fixed two-year period following probation entry). A comparison between the methodologies and recidivist arrest rates for the entry and release samples is shown in Figure 34.

While the two samples are not directly comparable, the closest comparison in terms of recidivism rates is between the two-year follow-up period (probation entries) and the supervision period (probation releases). The average probation length imposed was identical for both samples (20 months); however, 28% of the probation release sample was supervised for longer than 24 months (the maximum time recidivism was measured for the probation entry sample). Despite this difference in duration, the release sample had a lower recidivist arrest rate (32% during supervision) compared to the entry sample (37% during two-year follow-up).

This new methodology allows for a greater understanding of the totality of an offender’s experience for the entire duration of probation, as well as the effect of the interventions and sanctions during probation on recidivist arrest rates following release. For future studies, the addition of information on programmatic interventions would greatly enhance the understanding of outcomes for this sample.

Figure 34
Recidivist Arrest Rates of FY 2019 Probation Entry and Release Samples

Probation Entry Sample		
	Probation Length Imposed (Avg.): 20 months*	
	Recidivist Arrest: Two-year Follow-Up	
	Year 1	Year 2
	27%	37%

Probation Release Sample		
Probation Length Imposed (Avg.): 20 months		
Recidivist Arrest: Probation Supervision		
32%		
	Recidivist Arrest: Two-year Follow-Up	
	Year 1	Year 2
	17%	28%

*For probation entries, probation release could have occurred prior to or after the end of the two-year follow-up.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Correctional Program Evaluation Data and FY 2019 Probation Release Sample

INTERIM OUTCOMES

Violations of probation and specific responses to those violations were examined as indicators of misconduct during supervision, referred to as “interim outcomes.” Regardless of group, most probationers in the sample had a violation (80%). (See Figure 35.) Generally, probationers in the positive group committed the fewest violations of all three groups and had the longest average time to the first violation. While probationers in the revocation group had the highest percentage of offenders who committed violations, probationers in the negative group had the highest percentage of offenders with responses to violations. This finding is most likely due to the number of absconders in the revocation group who were simply not available due to absconding probation.

Generally, probationers in the positive and negative groups with a response to a violation had higher recidivist arrest rates for all responses to violations examined compared to those without that response. Conversely, probationers in the revocation group had lower recidivist arrest rates for offenders without a response to violations compared to those with a response. Multivariate analyses revealed that probationers in the revocation group had a decreased probability of recidivist arrest during the two-year follow-up period if delegated authority was imposed, if probation conditions were added or modified, or if a quick dip was imposed. Probationers in the positive group had a decreased probability of recidivist arrest during follow-up if delegated authority was imposed or if probation supervision was continued. Notably, none of the responses to violations for the negative group were significant in their relationship to recidivist arrest probability. The variability in outcomes across groups in terms of the relationship between violations and recidivist arrests, along with a greater understanding of the effect of the available tools to respond to violations of probation conditions, would help further tailoring of supervision.

Figure 35
Interim Outcomes Summarized for FY 2019 Probation Release Sample

Interim Outcomes	Positive n=14,468	Negative n=7,586	Revocation n=8,755	Total N=30,809
High Risk Delegated Authority Violation	16%	26%	33%	23%
Any	61%	93%	100%	80%
Technical	59%	92%	95%	78%
Most Serious: Controlling	15%	22%	39%	26%
Most Serious: Criminal	25%	33%	50%	36%
Months to First	10 Months	9 Months	5 Months	8 Months
Response to Violation				
Nonconfinement				
Delegated Authority	7%	10%	10%	9%
Additional Conditions	9%	13%	9%	10%
Modified Conditions	16%	20%	9%	15%
Continued Probation	14%	16%	9%	13%
Confinement Response				
Quick Dip	9%	15%	15%	12%
CRV (Felons Only)	8%	23%	10%	12%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

PROBATION RELEASE REASON

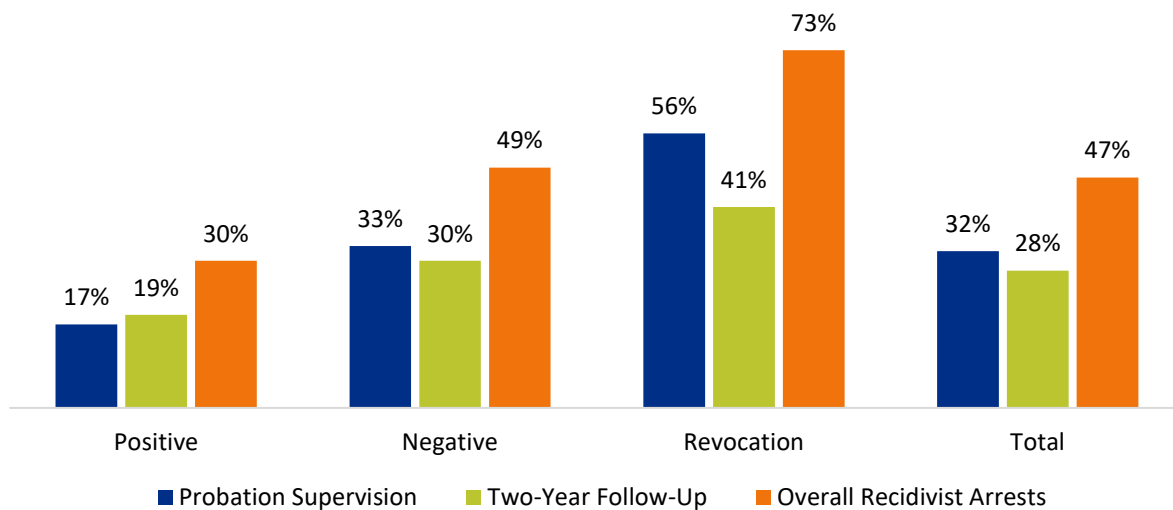
Noted consistently throughout this report is the relative success of probationers that were released from probation for positive reasons compared to those who were released for negative reasons or who were revoked. As shown in Figure 36, the positive group had a lower recidivist arrest rate overall and during both time periods examined (during supervision and during the two-year follow-up) compared to the other groups. Conversely, the revocation group had the highest recidivism rates for each time period examined, with the negative group’s recidivism rates between the other two groups.

Importantly, the positive group had lower percentages of probationers who were male, younger, assessed as extreme risk or need, assigned to the most restrictive supervision levels, and/or had a prior arrest (factors that are all associated with higher recidivist arrest rates). Given the differences in sample characteristics in these key measures across groups, it is not surprising that those in the positive group tended to fare better compared to the other two groups.

The significance of release reason is further demonstrated when examining recidivist arrest rates by the more specific categories within the three groups (see Appendix, Table A.5). Probationers in the positive group who were moved to unsupervised probation (already an indication of success) had the lowest recidivist arrest rates compared to all other release reasons (10% during supervision and 16% during the two-year follow-up). Within the negative group, expired absconders (an administrative release from supervision) had the lowest rates of recidivism (18% during supervision and 12% during the two-year follow-up); however, those rates should be interpreted with caution as those probationers were

unavailable for supervision. In the revocation group, while still high, those with a technical revocation had the lowest recidivism rates during supervision (48%) and during the two-year follow-up (37%).

Figure 36
Recidivist Arrest Rates for FY 2019 Probation Release Sample



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

FACTORS ASSOCIATED WITH RECIDIVIST ARREST

Further examination into those who *did not* have a recidivist arrest during either time frame (i.e., successful) compared to those who *did* (i.e., unsuccessful), revealed some patterns across groups.⁴³ Examination of the distributions of the positive, negative, and revocation groups showed a higher percentage of older probationers, those who graduated high school, those who were employed, and those with a misdemeanor offense were in the successful category. Not surprisingly, probationers assessed as minimal or low risk were more likely to be successful across all three groups, as were those supervised in the lowest supervision levels (Level 4 and Level 5).

As discussed in Section IV, multivariate analysis measures the effect of multiple factors on the probability of recidivist arrest. These analyses confirmed some of the previously noted findings; generally, an offender’s personal characteristics and criminal history were significant predictors of recidivist arrest during the two-year follow-up period. Four variables were fairly consistent in predicting the probability of recidivism: age, gender, prior arrest, and arrest during probation supervision (see Table 18). Notably, risk levels were a significant predictor of recidivist arrest for the sample as a whole and the positive and negative groups, but not for probationers in the revocation group. This finding may warrant future study into the relationship between risk and characteristics of the revocation group.

⁴³ See Tables A.7 – A.13 in the Appendix for detailed information on successful and unsuccessful outcomes by group and characteristic.

Table 18
Key Predictors of Recidivist Arrest – All Models: Two-Year Follow-Up

Age at Probation Release	Compared to offenders under 21 at sample entry, recidivism probabilities were significantly lower for all other age categories. Offenders 50 years and older had the lowest probabilities of recidivist arrest (as much as 33% lower).
Gender	Overall, male offenders had a higher likelihood of recidivist arrest than female offenders (as much as 9% higher).
Prior Arrest	Offenders with a prior arrest had a greater probability of recidivist arrest compared to those without a prior arrest (as much as 2% higher).
Arrest during Supervision	Offenders with an arrest during probation supervision had a greater probability of recidivist arrest compared to those without an arrest (as much as 11% higher).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

POSSIBLE EFFECTS OF THE PANDEMIC ON RECIDIVISM

The potential effect of the COVID-19 pandemic on recidivism rates for the FY 2019 probation release sample was introduced in Section I.⁴⁴ The pandemic had significant effects on the criminal justice system and processes, including (but not limited to) changes to court operations (reduced court sessions), community corrections practices (increased use of virtual options), and prison release policies (changes to sentence reduction credits). The pandemic was not a factor for sample entry (probation release during FY 2019) or recidivism during supervision. It was, however, a factor during the individually-calculated two-year follow-up period, which ranged from July 1, 2018 to June 30, 2021. With the pandemic beginning in March 2020, the number of follow-up months affected by the pandemic varied based on when the offender was released from probation, ranging from an impact of 4 months to 15 months.⁴⁵ These differences in the number of months of follow-up affected by the pandemic prompted further examination.

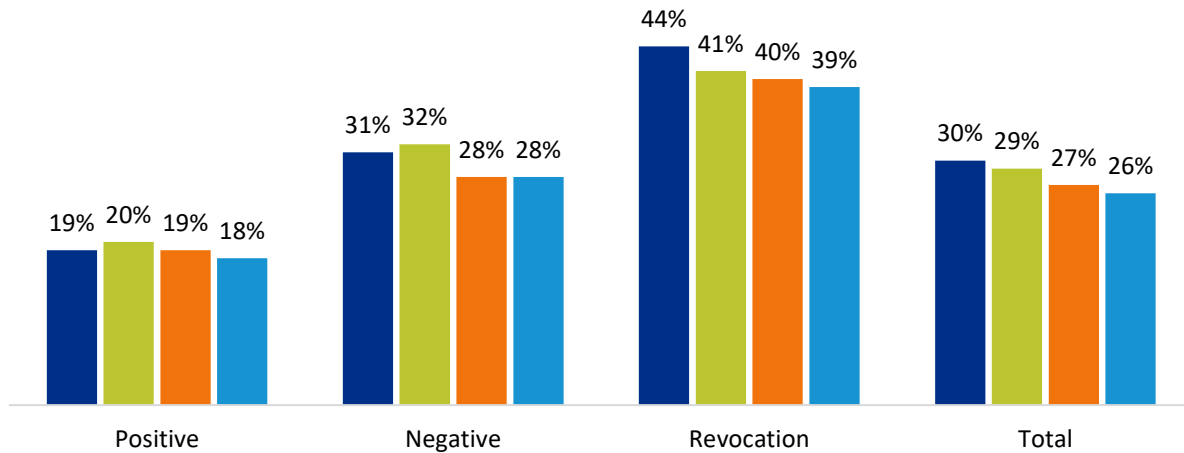
Recidivism rates during the two-year period following probation release were examined based on the quarter in which offenders entered the sample (see Figure 37).⁴⁶ An obvious downward trend in recidivism rates by quarter can be seen when examining outcomes by group, and overall suggesting the pandemic may have depressed recidivism during the later portion of the follow-up period. These trends will continue to be monitored in future studies.

⁴⁴ For further discussion of the effects of the COVID-19 pandemic and recidivism, see Chapter 7 of the Sentencing Commission’s 2022 Correctional Program Evaluation report.

⁴⁵ The two-year follow-up period was from July 1, 2018 to June 30, 2020 for an offender who entered the sample on July 1, 2018; the follow-up period was from June 30, 2019 to June 29, 2021 for an offender who entered the sample on June 30, 2019.

⁴⁶ For FY 2019, the quarters are defined as follows: quarter 1 covers July to September 2018, quarter 2 covers October to December 2018, quarter 3 covers January to March 2019, and quarter 4 covers April to June 2019.

Figure 37
Possible Effects of the COVID-19 Pandemic on Recidivist Arrests: Two-Year Follow-Up
Recidivist Arrest Rates by Sample Entry Quarter



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

IN CLOSING

Future studies using this same methodology will offer insight as to whether findings contained within this report are consistent over time and what policy implications might emerge as a result. Expectations for success in preventing future criminality should be viewed realistically. Components of an offender’s criminal history, current offense, and experiences with the correctional system are all elements strongly correlated with continued criminal behavior. The probability of rehabilitative success and recidivism reduction should be articulated in this context. Offenders’ criminogenic factors should be weighed realistically compared to the limited time and resources at the DPS’s disposal to reverse their impact. Notwithstanding this caveat, the Sentencing Commission looks forward to continuing its collaborative work with the DPS to combine the lessons learned from the Commission’s studies of recidivism, including this new methodology to examine probationers, in an effort to evaluate approaches to offender supervision, treatment, and services.

APPENDIX A

ADDITIONAL TABLES AND FIGURES

Table A.1
Most Serious Current Conviction

Most Serious Current Conviction	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	Total N=30,809 %
Felony	38	42	42	40
Class C	<1	--	<1	<1
Class D	<1	<1	<1	<1
Class E	2	2	1	2
Class F	4	4	3	4
Class G	6	6	5	5
Class H	15	19	20	18
Class I	11	11	13	11
Misdemeanor	62	58	58	60
Class A1	11	10	11	11
Class 1	37	36	36	37
Class 2	8	7	6	7
Class 3	6	5	5	5

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.2
Number of Probation Releases by Risk, Need, and Supervision Levels

	Positive n=14,468	Negative n=7,586	Revocation n=8,755	Total N=30,809
Risk Level	#	#	#	#
Extreme	778	627	1,010	2,415
High	1,807	1,336	1,703	4,846
Moderate	5,695	3,092	2,662	11,649
Low	4,624	1,628	806	7,058
Minimal	906	236	43	1,185
<i>Not Assessed</i>	<i>658</i>	<i>667</i>	<i>2,331</i>	<i>3,656</i>
Need Level	#	#	#	#
Extreme	2,655	1,844	2,164	6,663
High	2,185	1,314	1,380	4,879
Moderate	5,484	2,571	2,172	10,227
Low	2,847	1,028	636	4,511
Minimal	639	162	72	873
<i>Not Assessed</i>	<i>658</i>	<i>667</i>	<i>2,331</i>	<i>3,656</i>
Supervision Level	#	#	#	#
Level 1 (Most Restrictive)	774	763	1,184	2,721
Level 2	3,014	2,058	2,502	7,574
Level 3	5,189	2,561	2,056	9,806
Level 4	4,211	1,404	653	6,268
Level 5 (Least Restrictive)	622	133	29	784
<i>Not Established</i>	<i>658</i>	<i>667</i>	<i>2,331</i>	<i>3,656</i>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

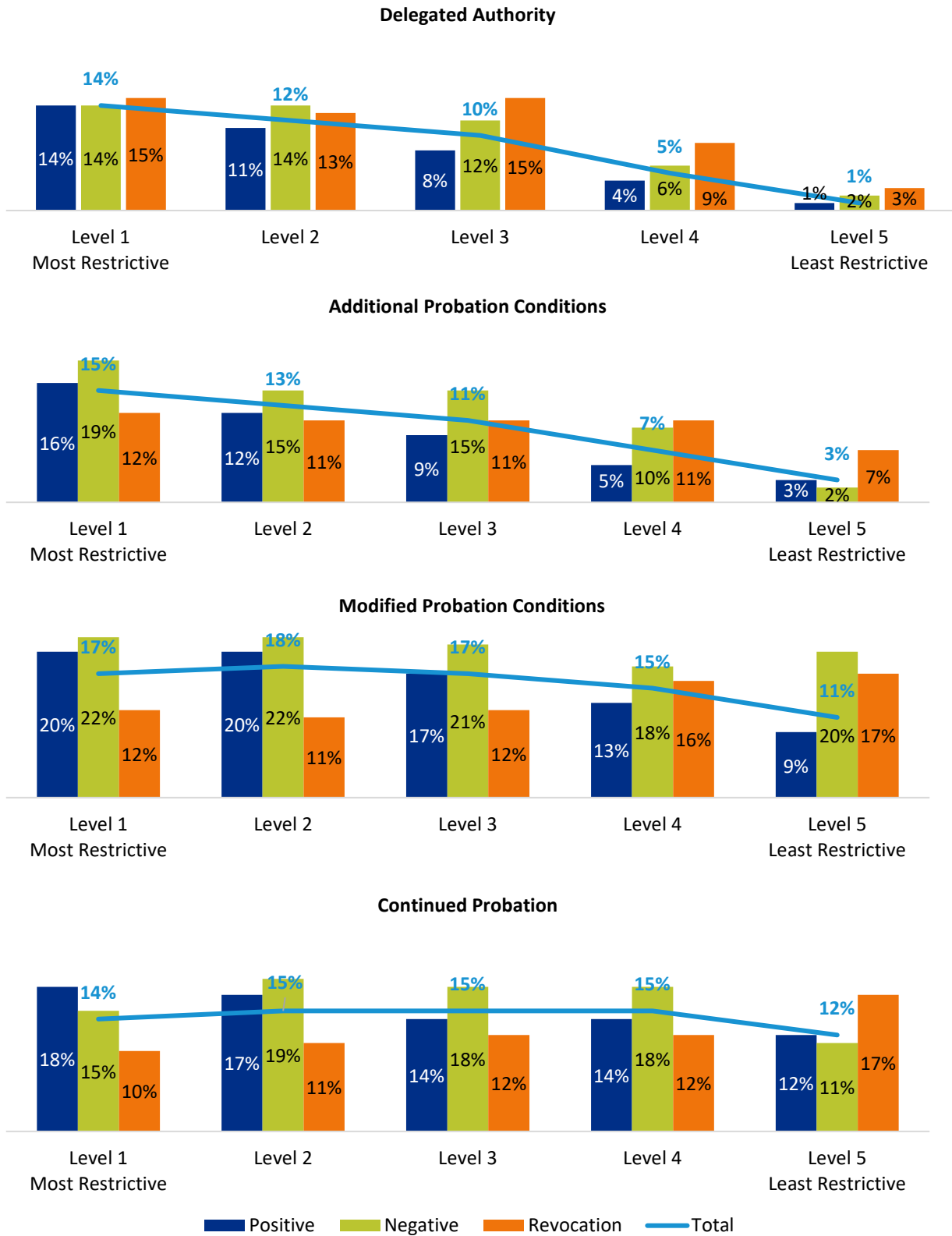
**Table A.3
Supervision Level Distribution Based on Risk and Need Levels**

Need Level	Risk Level					#/% by Need Level
	Extreme	High	Moderate	Low	Minimal	
Extreme	724 3%	L1 1,411 5%	3,032 11%	1,341 5%	155 1%	6,663 24%
High	586 2%	1,005 4%	2,038 8%	L3 1,133 4%	117 <1%	4,879 18%
Moderate	770 3%	1,655 6%	4,640 17%	2,665 10%	497 2%	10,227 38%
Low	301 1%	L2 695 3%	1,657 6%	L4 1,539 6%	319 1%	4,511 17%
Minimal	34 <1%	80 <1%	282 1%	380 1%	L5 97 <1%	873 3%
#/% by Risk Level	2,415 9%	4,846 18%	11,649 43%	7,058 26%	1,185 4%	27,153 100%

Note: Offenders who did not have an RNA completed and a supervision level assigned (n=3,656) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Figure A.1
Nonconfinement Response Rates by Supervision Level: Probation Supervision



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.4
Quick Dip Rates by Most Serious Current Conviction: Probation Supervision

Most Serious Current Conviction	N	Positive	Negative	Revocation	Total
		n=14,468 %	n=7,586 %	n=8,755 %	N=30,809 %
Felons	12,332	11	18	14	14
Misdemeanants	18,477	8	13	15	11
Total	30,809	9	15	15	12

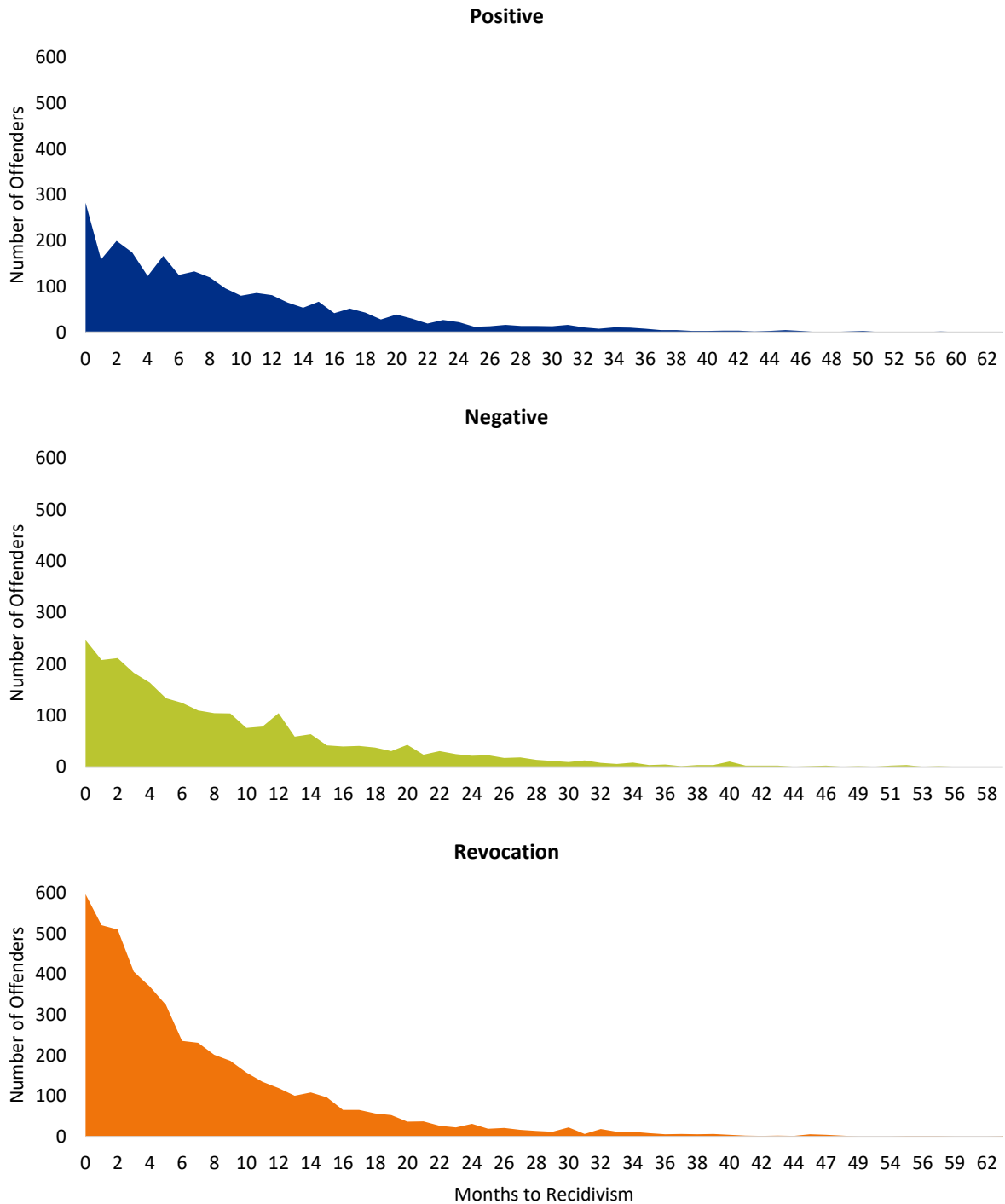
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.5
Recidivist Arrest Rates by Probation Release Reason

Release Reason	N	Probation Supervision		Two-Year Follow-Up	
		#	%	#	%
Positive	14,468	2,516	17	2,767	19
Completion	3,998	570	14	626	16
Satisfactory	6,396	1,532	24	1,498	23
Unsupervised	4,074	414	10	643	16
Negative	7,586	2,507	33	2,251	30
Expired Absconder	636	116	18	75	12
Terminal CRV	612	260	42	229	37
Unsatisfactory Termination	6,338	2,131	34	1,947	31
Revocation	8,755	4,941	56	3,622	41
Criminal	2,634	1,884	72	1,087	42
Absconding	5,459	2,738	50	2,287	42
Technical	662	319	48	248	37
Total	30,809	9,964	32	8,640	28

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Figure A.2
Months to First Recidivist Arrest for Offenders with Any Arrest: Probation Supervision



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.6
Recidivist Arrest Rates by Most Serious Current Conviction: Two-Year Follow-Up

Most Serious Current Conviction	Positive n=14,468 %	Negative n=7,586 %	Revocation n=8,755 %	Total N=30,809 %
Felony	20	30	35	27
Class C	--	--	--	--
Class D	--	--	--	11
Class E	17	30	19	21
Class F	13	19	25	17
Class G	18	31	30	25
Class H	21	30	36	28
Class I	22	34	39	30
Misdemeanor	19	29	46	29
Class A1	19	30	47	29
Class 1	19	29	47	29
Class 2	18	30	49	28
Class 3	18	26	34	24
Total	19	30	41	28

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.7
Personal Characteristics

	Positive N=14,468		Negative N=7,586		Revocation N=8,755		Total N=30,809	
	Successful n=10,058 %	Unsuccessful n=4,410 %	Successful n=3,885 %	Unsuccessful n=3,701 %	Successful n=2,389 %	Unsuccessful n=6,366 %	Successful n=16,332 %	Unsuccessful n=14,477 %
Gender								
Female	31	24	32	24	32	22	32	23
Male	69	76	68	76	68	78	68	77
Race								
White	51	44	47	43	63	58	52	50
Black	41	50	47	54	31	37	41	45
Other/Unknown	8	6	6	3	6	5	7	5
Age at Probation Release								
Under 21 Years	4	6	4	8	4	8	4	7
21-29 Years	27	38	29	38	32	38	28	38
30-39 Years	29	31	30	31	33	33	30	32
40-49 Years	20	15	20	15	19	14	20	15
50 Years and Older	20	10	17	8	12	7	18	8
<i>Average</i>	38	34	37	33	35	32	37	33
Marital Status								
Married	18	12	14	9	10	10	16	11
Not Married	82	88	86	91	90	90	84	89
Education								
High School Graduate	59	52	48	42	36	35	53	42
High School Dropout/GED	41	48	52	58	64	65	47	58
Employment								
Employed	60	54	53	49	50	47	57	50
Not Employed	40	46	47	51	50	53	43	50
Substance Use								
None Indicated	39	31	33	27	20	20	36	26
Substance Use Indicated	61	69	67	73	80	80	64	74

Note: Of the 30,809 probationers, 42 offenders were missing education information, 2,706 were missing employment information, and 3,656 were missing substance use information. Overall, 3% of probation releases were Hispanic, 4% for successful probation and 2% for unsuccessful.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.8
Prior Criminal Justice Contacts

	Positive N=14,468		Negative N=7,586		Revocation N=8,755		Total N=30,809	
	Successful n=10,058 %	Unsuccessful n=4,410 %	Successful n=3,885 %	Unsuccessful n=3,701 %	Successful n=2,389 %	Unsuccessful n=6,366 %	Successful n=16,332 %	Unsuccessful n=14,477 %
Prior Arrest	68	84	76	87	83	90	72	88
Prior Probation Entry	48	59	54	61	67	69	52	64
Prior Probation/PRS Revocation	21	31	29	38	47	49	27	41
Prior Incarceration	18	26	25	29	36	38	22	32

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.9
Most Serious Current Conviction

Most Serious Current Conviction	Positive N=14,468		Negative N=7,586		Revocation N=8,755		Total N=30,809	
	Successful n=10,058 %	Unsuccessful n=4,410 %	Successful n=3,885 %	Unsuccessful n=3,701 %	Successful n=2,389 %	Unsuccessful n=6,366 %	Successful n=16,332 %	Unsuccessful n=14,477 %
Offense Class								
Class C – E Felony	2	2	2	2	1	1	2	2
Class F – I Felony	34	40	37	43	37	43	35	42
<i>Felony Subtotal</i>	36	42	39	45	38	44	37	44
<i>Class A1 – 3 Misdemeanor</i>	64	58	61	55	62	56	63	56
Offense Category								
Person	23	21	19	20	17	19	21	20
Property	30	35	38	39	41	42	34	39
Drug	25	27	24	25	25	25	25	26
Other	22	17	19	16	17	14	20	15

Note: Probation sentences in Class C (n=8) and Class D (n=28) could reflect convictions in which extraordinary mitigation was found, convictions for certain drug trafficking offenses, or, in Class D, Felony Death by Vehicle (FDBV) convictions with 0 to 3 prior record points.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.10
Average Probation Length Imposed (Months) and Actual Months Supervised

	Positive N=14,468		Negative N=7,586		Revocation N=8,755		Total N=30,809	
	Successful n=10,058	Unsuccessful n=4,410	Successful n=3,885	Unsuccessful n=3,701	Successful n=2,389	Unsuccessful n=6,366	Successful n=16,332	Unsuccessful n=14,477
	Avg.	Avg.	Avg.	Avg.	Avg.	Avg.	Avg.	Avg.
Probation Length Imposed	19	20	20	20	20	21	19	20
Actual Months Supervised	19	23	24	24	14	15	20	20

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.11
Risk, Need, and Supervision Levels

	Positive N=13,810		Negative N=6,919		Revocation N=6,424		Total N=27,153	
	Successful n=9,577	Unsuccessful n=4,233	Successful n=3,501	Unsuccessful n=3,418	Successful n=1,710	Unsuccessful n=4,714	Successful n=14,788	Unsuccessful n=12,365
	%	%	%	%	%	%	%	%
Risk	%	%	%	%	%	%	%	%
Extreme	4	8	6	12	12	17	6	13
High	11	18	16	23	23	28	13	23
Moderate	39	47	44	46	46	44	41	45
Low	37	25	29	17	17	11	33	18
Minimal	9	2	5	2	1	<1	7	1
Need								
Extreme	17	24	23	30	33	34	20	30
High	15	18	18	20	20	22	16	20
Moderate	40	38	39	35	36	33	40	35
Low	22	17	17	13	10	10	20	13
Minimal	6	3	3	2	1	1	4	2
Supervision								
Level 1 (Most Restrictive)	4	9	7	15	14	20	6	15
Level 2	18	29	26	34	35	40	22	35
Level 3	38	38	39	35	37	30	38	34
Level 4	34	22	25	15	13	9	30	15
Level 5 (Least Restrictive)	6	2	3	1	1	1	4	1
Not Assessed or Assigned	73	27	58	42	29	71	42	58

Note: A portion of offenders did not have an RNA completed and a supervision level assigned (n=3,656 or 12%).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

Table A.12
Violation Rates

	Positive N=14,468		Negative N=7,586		Revocation N=8,755		Total N=30,809	
	Successful n=10,058 %	Unsuccessful n=4,410 %	Successful n=3,885 %	Unsuccessful n=3,701 %	Successful n=2,389 %	Unsuccessful n=6,366 %	Successful n=16,332 %	Unsuccessful n=14,477 %
Violation								
Yes	52	80	89	97	99	99	68	93
No	48	20	11	3	<1	<1	32	7
Most Serious Violation								
Criminal	13	44	16	49	25	59	16	52
Absconding	4	6	10	10	64	36	19	22
Technical	83	50	74	41	11	5	65	26
Technical Violations								
Yes	52	77	88	96	96	95	67	90
No	48	23	12	4	4	5	33	10
Most Serious Technical Violation								
Controlling	10	24	15	30	36	41	17	34
Reintegrative	29	37	37	47	49	49	36	45
Reporting	19	35	29	44	72	66	34	52
Drug/Alcohol	34	50	43	55	55	56	41	54
Financial	84	84	89	85	76	77	84	81
Other	23	31	25	34	28	31	25	32

Note: Percentages of most serious violations and most serious technical violations reflect only probationers with a violation or a technical violation.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample

**Table A.13
Responses to Violations**

	Positive N=14,468		Negative N=7,586		Revocation N=8,755		Total N=30,809	
	Successful n=10,058 %	Unsuccessful n=4,410 %	Successful n=3,885 %	Unsuccessful n=3,701 %	Successful n=2,389 %	Unsuccessful n=6,366 %	Successful n=16,332 %	Unsuccessful n=14,477 %
Nonconfinement Responses								
Delegated Authority								
Yes	5	11	9	11	10	10	7	11
No	95	89	91	89	90	90	93	89
Additional Probation Conditions								
Yes	6	14	10	16	9	9	8	12
No	94	86	90	84	91	91	92	88
Modified Probation Conditions								
Yes	13	23	17	23	9	9	13	17
No	87	77	83	77	91	91	87	83
Continued Probation								
Yes	12	19	14	19	7	9	12	15
No	88	81	86	81	93	91	88	85
Confinement Responses								
Quick Dip								
Yes	7	14	14	17	16	15	10	15
No	93	86	86	83	84	85	90	85
CRV								
Yes	5	14	17	28	8	10	8	16
No	95	86	83	72	92	90	92	84

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Probation Release Sample