

*North Carolina
Sentencing and Policy Advisory Commission*

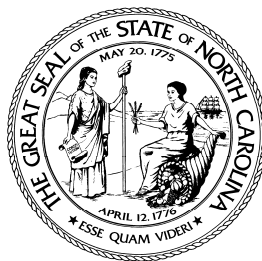
**CORRECTIONAL PROGRAM
EVALUATION:
OFFENDERS PLACED ON PROBATION
OR RELEASED FROM PRISON
IN FISCAL YEAR 2008/09**

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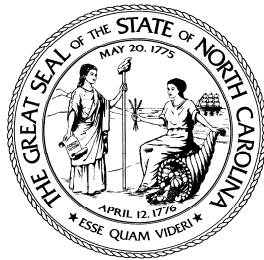


*Project Conducted in Conjunction with the
Division of Adult Correction of the
North Carolina Department of Public Safety*

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North Carolina Sentencing and Policy Advisory Commission

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EXECUTIVE SUMMARY

Introduction

In 1998, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission to prepare biennial reports evaluating the effectiveness of the State’s correctional programs (Session Law 1998-212, Section 16.18). This study constitutes the seventh report in compliance with the directive and analyzes a sample of 61,646 offenders released from prison or placed on probation in FY 2008/09 using a two-year follow-up period. Only offenders sentenced under the Structured Sentencing Act (SSA) were included in the sample. The study defines recidivism as arrest, conviction, and incarceration during the follow-up period. In addition, the following interim outcome measures were examined: 1) violations of probation and revocation of probation for probationers and 2) prison infractions during incarceration for prisoners in the sample.

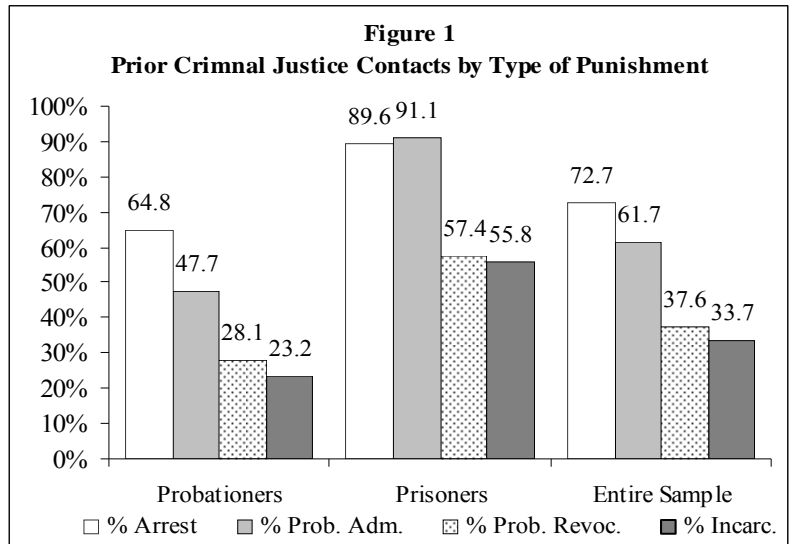
With the passage of the Justice Reinvestment Act (JRA) of 2011, North Carolina has implemented substantial changes to the state’s sentencing practices and correctional policies. The Sentencing Commission’s recidivism studies will provide a useful tool for measuring the success of these policies in reducing repeat criminality and enhancing public safety, while managing correctional resources in a more cost-effective way.

Data Sources

Data for offenders in the sample were provided by the Division of Adult Correction (DAC) of the Department of Public Safety (DPS) and the Department of Justice (DOJ).

Statistical Profile of the FY 2008/09 Sample

The sample of 61,646 offenders included 45.4% community probationers, 22.3% intermediate probationers, 28.5% prisoners with no post-release supervision (no PRS), and 3.7% prisoners with post-release supervision (PRS), all placed on probation or released from prison during FY 2008/09. Overall, there were 41,773 probation entries and 19,873 prison releases in the FY 2008/09 sample. Of the sample, 78.0% were male, 55.9% were nonwhite, 12.8% were married, 47.3% had dropped out of high school, 50.6% were employed, and 45.9% were identified as having a drug addiction problem. Their average age was 32.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation

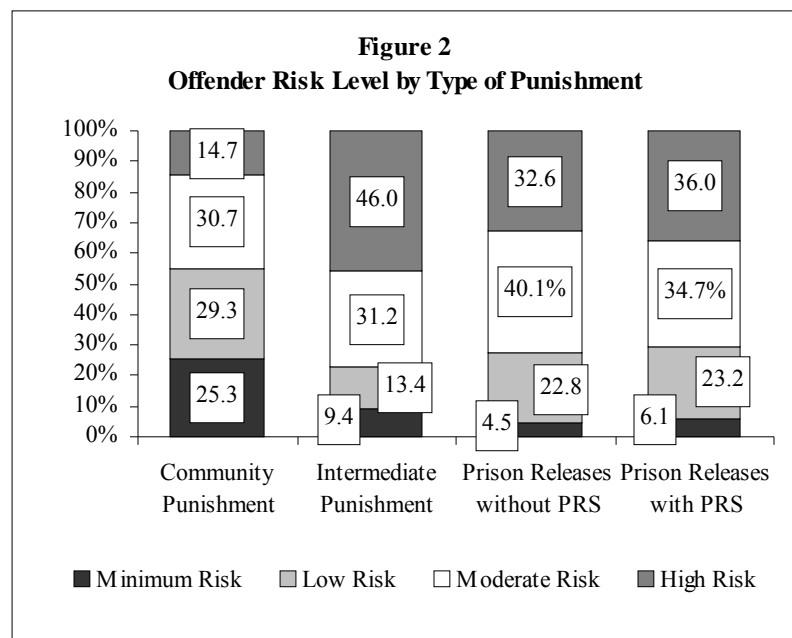
Prior (adult) criminal justice system contacts indicate that 72.7% of the sample had at least one prior fingerprinted arrest, accounting for a total of 186,791 prior arrests. Further, 61.7% of all offenders had at least one prior probation admission, 37.6% had at least one prior probation revocation, and 33.7% had at least one prior incarceration. As shown in Figure 1, for all measures of criminal history, prisoners were more likely than probationers to have prior criminal justice contacts. Prisoners released without PRS generally were more likely to have prior criminal justice contacts than those released with PRS. Probationers with intermediate punishments were more likely to have prior criminal justice system contacts than those with community punishments.

For the FY 2008/09 sample, 4.6% had a most serious current conviction for a Class B1 through Class E felony, 43.5% had a most serious conviction for a Class F through Class I felony, and 51.9% had a most serious conviction for a misdemeanor offense. The majority of probationers (64.4%) had a most serious conviction for a misdemeanor offense while the majority of prisoners (62.9%) had a most serious conviction for a Class F through Class I felony. Differences found in the offense class composition of the sample subgroups are consistent with Structured Sentencing, which links offense severity with type of punishment. For prisoners and probationers with a current felony conviction (48.1% of the sample), the majority had convictions for drug offenses, followed by convictions for property offenses. As anticipated, prisoners were more likely to have a current conviction for violent offenses (22%) than probationers (12%).

Beginning with this report, offender risk was determined based on the DAC’s risk assessment tool, the Offender Traits Inventory (OTI). The OTI includes select demographic, employment, criminal history, and drug addiction factors, as well as a subjective measure of the offender’s attitude. Each offender is assigned to a risk level based on their score, as follows:

“Minimum Level” (OTI scores 0-15); “Low Level” (OTI scores 16-25); “Moderate Level” (OTI scores 26-35); and “High Level” (OTI scores 36+). The OTI has been validated on probationers, but not on prisoners; in the absence of a validation study for prisoners, the same score cutoffs were used for prisoners that were used for probationers.

Of the FY 2008/09 sample, 15.7% were minimum risk; 23.8% were low risk; 33.3% were moderate risk; and 27.2% were high risk. As shown in Figure 2, probationers sentenced to a community punishment were much more likely to be minimum and low risk than intermediate punishment probationers and



Note: Due to missing OTI assessment scores, 5,549 offenders were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

either category of prison releases. Only 4.5% of prison releases without PRS and 6.1% of prison releases with PRS were minimum risk compared to 25.3% of probationers sentenced to a community punishment. On the other hand, intermediate probationers were less likely to be low risk and more likely to be high risk than either group of prisoners.

OTI scores and offender risk levels will have added importance starting with the JRA implementation. Under the new law, probation supervision, sanctions, and community programs will be determined to a great degree by the offender's risk and needs scores, as will programming offered to incarcerated offenders. The Commission's 2014 correctional evaluation report will provide a first look at "risk" not only as an analytical factor correlating with future recidivism, but as a practitioner's tool in placing offenders at the appropriate levels of supervision and with needed services to possibly reduce the chance of reoffending.

Time at Risk

While each offender was followed for a fixed two-year period to determine whether recidivism occurred, the same "window of opportunity" to reoffend was not necessarily available for each offender due to periods of incarceration during follow-up. This report takes into account each offender's actual time at risk (*i.e.*, their actual window of opportunity to recidivate) by identifying their periods of incarceration in North Carolina's prison system and subtracting the time incarcerated from the follow-up period. The percentage of the sample at risk for the entire follow-up period decreased from 86% in the first year to 76% in the second year.

Criminal Justice Outcome Measures

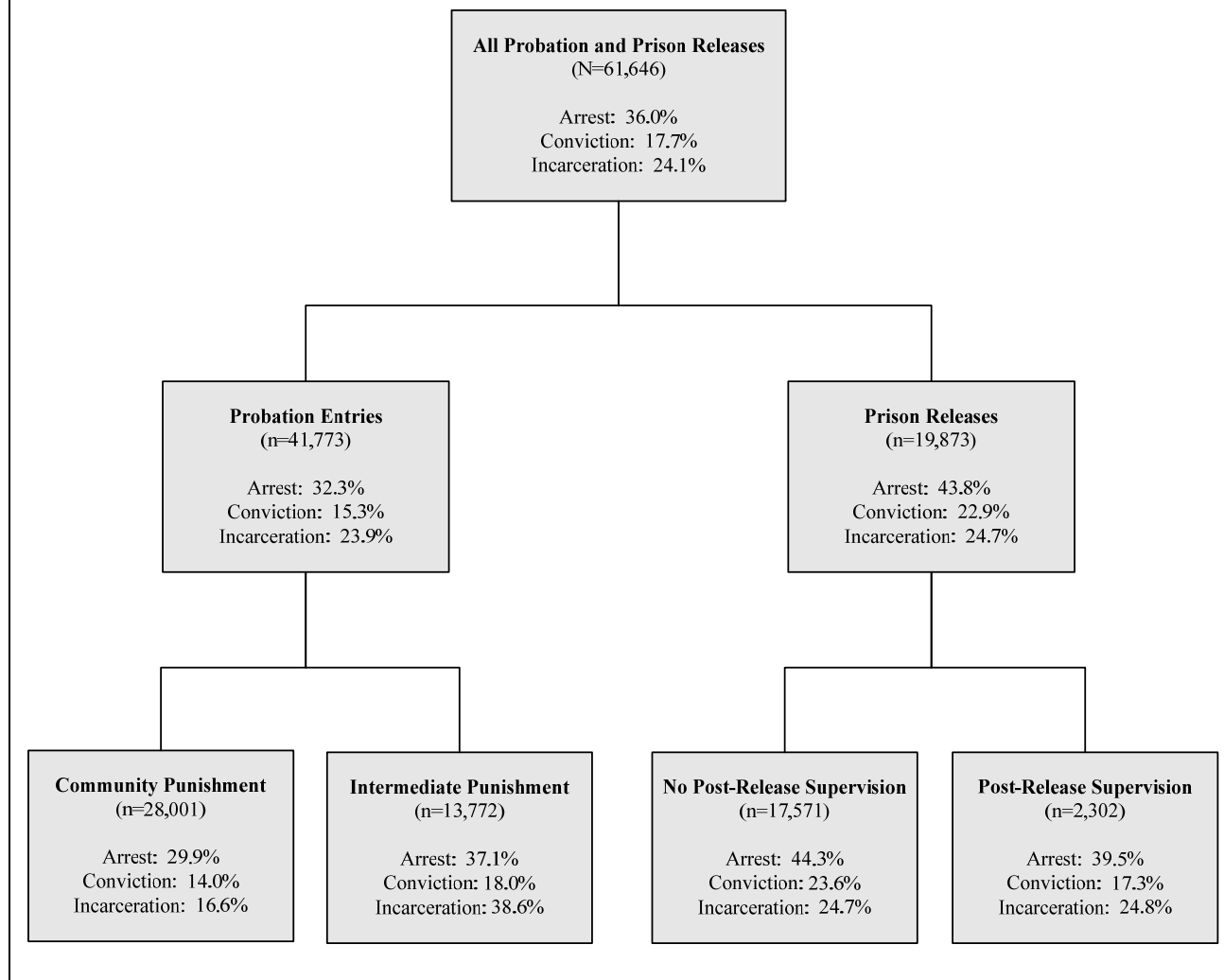
The Sentencing Commission uses rearrests as its primary measure of recidivism, supplemented by information on reconvictions and reincarcerations, to assess the extent of an offender's repeat involvement in the criminal justice system. A summary of these three measures of recidivism for the FY 2008/09 sample is provided in Figure 3. (Note: The term reincarceration refers to incarcerations during follow-up for offenders who have no prior incarcerations, as well as for those who have prior incarcerations.)

Of the FY 2008/09 sample, 23.9% were rearrested during the one-year follow-up and 36.0% were rearrested during the two-year follow-up. It should be noted, however, that these recidivism rates do not take into account the fact that some offenders were not at risk for the entire follow-up period as a result of incarceration.

For those probationers and prisoners rearrested during the two years, the average time to rearrest was 8.8 months after entry to probation or release from prison. By the end of the two-year follow-up, the FY 2008/09 sample accounted for 40,152 recidivist arrests, including 8,466 arrests for violent offenses.

Overall, 8.1% of the sample had a reconviction in the first year and 17.7% had a reconviction in the second year of follow-up. For those with a reconviction during the two-year follow-up, the average time to reconviction was 12.4 months. The sample accrued 13,397 recidivist convictions, of which 2,197 reconvictions were for a violent offense.

Figure 3
Two-Year Recidivism Rates for the FY 2008/09 Sample



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Fourteen percent (13.8%) of the sample had a recidivist incarceration during the one-year follow-up and 24.1% during the two-year follow-up. Recidivist incarcerations may have resulted from the sentence imposed for a new crime committed or due to revocation of probation or post-release supervision. The average time to incarceration for offenders with a recidivist incarceration was 10.6 months.

Independent of the measure used, recidivism rates were in direct correlation with the type of punishment (*see* Figure 3). However, it must be noted that these groups were also composed of offenders who were very different in their potential to reoffend, based on their OTI risk score (*see* Figure 2).

The lowest rearrest and reconviction rates were for community probationers, with the highest rearrest and reconviction rates for prison releases with no PRS. Compared to the other types of punishment, probationers with an intermediate punishment had the highest rate of reincarceration, 38.6% during the two-year follow-up period, due in large part to their higher revocation rates.

Interim Outcome Measures

In addition to the recidivism rates, information is provided on two interim outcome measures: 1) violations of probation and revocation of probation while under supervision in the community during the two-year follow-up and 2) infractions for prisoners prior to release from prison for the conviction that resulted in the offender being selected for the FY 2008/09 sample.

Of the 41,773 FY 2008/09 probation entries, 63.2% had at least one violation during the two-year follow-up. Of those with any probation violation, 24.1% had a criminal violation, 18.9% had an absconding violation, and 57.0% had a technical violation as their most serious violation. Overall, 36.7% of probationers were revoked during the two-year follow-up. Of the probationers revoked, 17.2% were revoked for a criminal violation, 30.1% were revoked for an absconding violation, and 52.7% were revoked for a technical violation. Intermediate punishment probationers were more likely to have a violation or a revocation of probation during follow-up (67.5% and 41.7%, respectively) than community punishment probationers (61.1% and 34.2%, respectively). However, the higher rates for intermediate punishment probationers are likely related to their longer probation sentence lengths.

Forty-five percent of the FY 2008/09 prison releases had an infraction while in prison. A higher percentage of prisoners with PRS had infractions while incarcerated compared to prisoners with no PRS (81% and 41%, respectively), which is consistent with the greater offense seriousness and the resulting longer time served for prisoners with PRS. The average number of infractions for prisoners who had an infraction was 4.9. When examining the number of infractions per inmate, it is important to control for time served as prisoners with longer sentences have more time to accrue infractions. As expected, the average number of infractions increased as time served increased.

Multivariate Analysis

Multivariate analyses were performed to further explore factors correlated with the probability of recidivism. This method aimed to isolate the direction and magnitude of the impact of each independent variable on an outcome measure, such as rearrest, while controlling for the impact of all the other independent variables. These analyses examined two main dependent variables as measures of recidivism – recidivist arrest and recidivist incarceration.

In the recidivist arrest models for probationers and prisoners, being under 21 (a youthful offender), male, nonwhite, having a greater number of prior arrests, having a prior probation admission, having a criminal justice system contact within 12 months before probation or prison admission, or having a higher risk (OTI) score all increased the probability of rearrest. For probationers, being married or being employed decreased the probability of arrest. Intermediate

punishment probationers were less likely to have a recidivist arrest than community punishment probationers. No significant differences were found for rearrest rates of prisoners with PRS and prisoners with no PRS.

With regard to recidivist incarceration for probationers and prisoners, being under 21 (a youthful offender), male, having a history of drug dependence, having a greater number of prior arrests, having a prior incarceration, having a criminal justice system contact within 12 months before probation or prison admission, or having a higher risk (OTI) score all increased the probability of rearrest. Being nonwhite, being married, or having a prior drug arrest decreased the probability of incarceration. Intermediate punishment probationers were more likely to have a recidivist incarceration than community punishment probationers. Prisoners with PRS were more likely to have a recidivist incarceration than prisoners with no PRS.

Summary and Conclusions

When information from the current report is added to the Sentencing Commission's previous recidivism studies, a wider array of findings and tentative conclusions emerges. These reports, covering large samples of offenders released in North Carolina between CY 1989 and FY 2008/09, provide a framework to look at trends in the state's recidivism rates and related factors. Overall, many of the findings that follow have remained constant over the course of the recidivism studies and lead to the same general conclusions.

- *Statewide recidivism rates have been remarkably consistent over the past twenty years, except for a notable increase in the rates of the current (FY 2008/09) sample.*

Rearrest Rates for North Carolina Offenders Two-Year Follow-Up Period

<u>Sample Year</u>	<u>Rearrest Rate</u>
CY 1989	31.2%
FY 1996/97	32.6%
FY 1998/99	31.2%
FY 2001/02	31.5%
FY 2003/04	32.0%
FY 2005/06	32.5%
FY 2008/09	36.0%

The first six samples studied had rates ranging between 31% and 33%, with the current sample's recidivism rate climbing to 36%. After further investigation into possible reasons to account for this increase, the primary explanation points to a change in field technology to capture additional fingerprinted arrests in the DOJ's Computerized Criminal History (CCH) system, rather than an actual three percentage-point increase in the rate of sample offenders rearrested for new crimes. As a result, a more accurate – and higher – rate of misdemeanor arrests is now reported by the DOJ, with the recidivism rate for misdemeanor offenses almost doubling between FY 2005/06 and FY 2008/09.

- *Intermediate punishments continue to provide an effective alternative in the range of graduated sanctions between probation and incarceration.*

Findings of this and previous reports confirmed that the general profile of intermediate probationers more closely mimicked that of prisoners than of community probationers. All measures of recidivism were higher for intermediate probationers than for community probationers. This finding lends continued support to the notion and effectiveness of intermediate sanctions as an effort to combine greater offender control for public safety with more intensive programming for the offender in the community.

- *The timing and targeting of correctional resources is crucial in reducing recidivism.*

When the correctional response is intensive, well-targeted for an offender's needs, especially during the first year of supervision, it seems to produce a correctional alternative that is less expensive and more successful in reducing future reoffending. Focusing more supervision and resources in the first year of an offender's placement in the community seemed to hold true for released prisoners as well, reaffirming the value of some type of structured re-entry or supervision following release.

- *The validity of offender risk assessments as a predictive tool might point to its use at various points in the criminal justice decision making process.*

The issue of targeting resources is directly related to the utilization of offender risk scores (such as the OTI) as a valid predictive tool to be applied at various decision points in the criminal justice system. As we learn more about offenders and whether they will recidivate, the more critical question for policy makers is how to target the reserve of correctional services efficiently to prevent future criminality. The JRA codifies the use of risk and needs assessments in managing the offender population, similar to the instrument the DAC has already been using to determine the risk levels of probationers. Rearrest rates increased with risk levels for the two-year follow-up period, with the highest rate observed for high risk offenders and the lowest rate for minimum risk offenders. The continued revision, validation, and use of offender risk assessments in managing both probationers and prisoners will provide valuable information about the role of risk measures in decision-making and its potential impact on recidivism rates.

The passage of the JRA introduces major changes in North Carolina's criminal justice system. The FY 2008/09 sample examined in this report represents the last sample to be based entirely on SSA offenders sentenced prior to the passage of JRA; subsequent reports will include SSA offenders sentenced both prior to and subsequent to the changes implemented by JRA. The current sample may serve as a baseline of comparison in future reports which will help assess the impact of JRA changes, most specifically on rearrest, reincarceration, and revocation rates for probationers and prisoners.

As with any large-scale change to correctional policy, 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, and be realistic in weighing criminogenic factors brought with an offender into the system compared to the short time and limited resources at the DAC's disposal to reverse their impact. This caveat notwithstanding, the Sentencing Commission looks forward to continuing its work with the DAC to combine the lessons learned from previous studies of recidivism and from the first empirically measurable effect of the new legislation in an effort to evaluate the promising new approach to offender placement, supervision, treatment, and services.

CHAPTER ONE INTRODUCTION

Introduction

With the enactment of the Structured Sentencing Act (SSA) in 1994, North Carolina embarked on a new penal strategy. Since that time, Structured Sentencing has benefited the criminal justice system by increasing consistency, certainty and truth in the sentencing of offenders; setting priorities for the use of correctional resources; and balancing sentencing policies with correctional resources. The issue of correctional resources and, specifically, their effectiveness in increasing public safety and deterring future crime have continued to be of interest to legislators and policy makers. 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. The North Carolina General Assembly, aware of this trend, incorporated the study of recidivism into the Sentencing and Policy Advisory Commission's mandate from the start. The first recidivism study that was prepared for the Commission was completed in 1992 by Stevens Clarke and Anita Harrison of the Institute of Government at the University of North Carolina Chapel Hill (now named the School of Government). This recidivism study was followed by one that was conducted in 1996 by Mark Jones and Darrell Ross of the School of Social Work at East Carolina University. In 1997 and 1998, the Commission produced the third and fourth recidivism reports in conjunction with the Department of Correction's Office of Research and Planning.¹

During the 1998 Session, the General Assembly redrafted the Commission's original mandate to study recidivism and expanded its scope to include a more in-depth evaluation of correctional programs. This legislation (Session Law 1998-212, Section 16.18) gives the following directive:

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Department of Correction shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs. During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall coordinate the

¹ Effective January 1, 2012, Session Law 2011-145, Part XIX, consolidated the North Carolina Departments of Correction (DOC), Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention (DJJDP) into a single Department of Public Safety (DPS). The responsibilities of the former DOC have been assumed by DPS's Division of Adult Correction; those of the former DJJDP have been assumed by DPS's Division of Juvenile Justice. Likewise, the former DOC Division of Prisons has been reorganized as the Section of Prisons of the Division of Adult Correction, and the former DOC Division of Community Corrections has been reorganized as the Section of Community Corrections of the Division of Adult Correction. The report refers to the departmental structure that became effective January 1, 2012.

collection of all data necessary to create an expanded database containing offender information on prior convictions, current conviction and sentence, program participation and outcome measures. Each program to be evaluated shall assist the Commission in the development of systems and collection of data necessary to complete the evaluation process. The first evaluation report shall be presented to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 15, 2000, and future reports shall be made by April 15 of each even-numbered year.

The first evaluation report, as required by law, was delivered to the General Assembly on April 15, 2000. The current study is the seventh biennial Correctional Program Evaluation Report and it contains information about offender characteristics, specific correctional programs, outcome measures, and an expansive methodological approach to examine the relationship between offender risk factors, correctional programs, and recidivism rates.

Defining Recidivism

The North Carolina General Assembly directed the Sentencing Commission to measure the rates of recidivism of criminal offenders involved in state-supported correctional programs. The legislation calling for these measurements made it clear that recidivism meant repeated criminal behavior, and implied that measuring recidivism was to be a way of evaluating correctional programs – that is, programs designed or used for sanctioning and, if possible, rehabilitating or deterring convicted criminal offenders.

Correctional programs do not affect crime directly; rather, they are designed to change offenders' attitudes, skills, or thinking processes, in the hope that their social behavior will change as a result. The punitive aspect of criminal sanctions might also serve as an individual deterrent with convicted offenders. Policy makers such as legislators tend to be concerned with whether the programs ultimately reduce criminal behavior. This concern is understandable. A program may be successful in educating, training, or counseling offenders, but if it does not reduce their subsequent criminal behavior, they will still pose a threat to public safety.

There is no single official definition of recidivism. Researchers have used a variety of definitions and measurements, including rearrest, reconviction, or reincarceration, depending on their particular interests and the availability of data. Therefore, in comparing recidivism of various groups of offenders, readers are well advised to be sure that the same definitions and measurements are used for all groups. Official records from police, courts, and correctional agencies are the source of most research on adult recidivism. For offenders involved in a recidivism study, different types of records will indicate different rates of recidivism.

In its studies of recidivism, the Sentencing Commission uses rearrests as the primary measure of recidivism, supplemented by information on reconvictions and reincarcerations, to assess the extent of an offender's repeat involvement in the criminal justice system. The advantages of arrest data, compared with other criminal justice system data, outweigh the disadvantages. Rearrests, as used in this research, take into account not only the frequency of

repeat offending but also its seriousness and the nature of the victimization (for example, crimes against the person, crimes involving theft or property damage, or crimes involving illegal drugs). The volume of repeat offending is handled by recording the number of arrests for crimes of various types.

Structured Sentencing and Recidivism

North Carolina law prescribes the use of guidelines in sentencing its convicted felons and misdemeanants. In theory, Structured Sentencing may affect recidivism in a variety of ways. Its penalty framework may alter the deterrent effect of sentencing laws, with different punishments influencing differently an individual offender's fear of the consequences of crime and thereby changing his or her likelihood of reoffending. Guidelines might also impact recidivism by altering the characteristics, or "mix," of groups of offenders – for example, probationers or prisoners. Impacting the composition of groups of offenders has been, from the start, one of the changes contemplated by the guidelines sentencing movement, and this alteration may well affect group recidivism rates.

Sentencing guidelines have sought to make offenders convicted of violent crimes, as well as repeat offenders, more likely to receive active prison sentences and to serve longer prison terms. At the same time, guidelines were intended to make first-time offenders charged with non-violent crimes less likely to be imprisoned, and to have them serve shorter terms if imprisoned. As a result, guidelines in North Carolina and elsewhere have tended to shift some offenders to probation who formerly would have gone to prison, and others to prison who formerly might have received probation. This kind of shift was expected to change recidivism rates by type of punishment, by re-mixing not only the offense profile of various groups but, perhaps more importantly, the profile of their criminal histories.

North Carolina's Structured Sentencing emphasized not only the diversion of some offenders from prison to probation, but also the creation of a middle option – the use of intermediate punishments – for those diverted offenders. Intermediate punishments – *i.e.*, enhancements to probation such as intensive supervision, special probation (split sentences), and day reporting centers – were meant to control the recidivism of offenders diverted from prison to probation. Intermediate probationers, supervised more closely than community probationers but not exposed to the detrimental effects of prisonization, tend to have recidivism rates between the rates of the two other groups.

With the passage of the Justice Reinvestment Act (JRA) of 2011, North Carolina has again implemented substantial changes to the state's sentencing practices and correctional policies. The recidivism of future offender samples will serve as one outcome measure of the success of these policies in reducing repeat criminality and enhancing public safety, while managing correctional resources in a more cost-effective way.²

² The Sentencing and Policy Advisory Commission and the Department of Public Safety are directed to jointly conduct ongoing evaluations regarding the implementation of the Justice Reinvestment Act of 2011. The first annual report to the General Assembly is due on April 15, 2012.

The JRA, implemented on December 1, 2011, redefines community and intermediate punishments, expands the delegation of authority to probation officers, and limits the time an offender may serve for violations of probation. It creates a new status offense of habitual breaking and entering, changes habitual felon punishments, authorizes early release from prison under certain conditions, and expands post-release supervision to all incarcerated felons. To keep offenders in the community, the new law expands the diversion program for certain drug offenses, and refocuses the Criminal Justice Partnership Program through the creation of the Treatment for Effective Community Supervision program. Finally, the JRA requires the Department of Public Safety (DPS) to use a validated instrument to assess each probationer for risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level.

The overall conclusion so far points to guidelines increasing the within-group predictability of recidivism by changing the internal group profiles, but having little to no effect on overall cohort recidivism rates, which have remained remarkably stable over time. Subsequent studies will examine the future consistency of these findings, with the JRA introducing further changes in the internal composition of probation and prison groups.

Comparison of Recidivism Rates for Previous Recidivism Studies

The Sentencing Commission's previous recidivism reports provide a framework to look at trends in the state's recidivism rates. However, it should be noted that there are differences in the recidivism studies that make comparisons difficult. For example, the sample from 1989 is based only on offenders convicted and sentenced under or prior to the Fair Sentencing Act (FSA), the samples for FY 1996/97 through FY 2001/02 include a mixture of offenders sentenced under the FSA and the SSA, and the samples for FY 2003/04 and FY 2005/06 only include offenders sentenced under the SSA. Nonetheless, some overall comparisons may be made as long as these factors are taken into consideration.

Table 1.1 presents overall recidivism rates (measured as rearrest) for the Commission's recidivism studies with a two-year follow-up period. The table indicates that overall recidivism rates for offenders have been fairly similar over the sample years, regardless of the differences in sample composition. Table 1.1 also provides a comparison of recidivism rates for probationers and prisoners. Rearrest rates ranged from 26% to 28% for probationers and from 41% to 43% for prisoners. It must be noted that any comparison of FSA and SSA probationers and prisoners needs to account for differences in the characteristics of these groups relative to sentencing options, offense seriousness and time served.

When comparing the overall recidivism of SSA and FSA offenders, it is worth noting that recidivism rates over a two-year follow-up were between 31-33% for the various samples. Structured Sentencing might have an impact on recidivism rates by altering the deterrent effect of sentencing laws and by altering the characteristics, or "mix," of groups of offenders, but fluctuation in the rates will ultimately be affected by a host of social and legal factors, in addition to the sentencing laws. Future studies will continue to examine these issues, especially in light of the changes introduced by the JRA.

Table 1.1
Rearrest Rates for North Carolina Offenders
Two-Year Follow-Up Period^a

Sample Year	Sample Composition	Sample Size	Rearrest Rates		
			All Offenders	Probationers ^b	Prisoners ^c
1989	Offenders sentenced prior to or under FSA	37,933	31.2%	26.5%	41.3%
1996/97	Offenders sentenced under FSA and SSA	51,588	32.6%	28.1%	42.6%
1998/99	Offenders sentenced under FSA and SSA	58,238	31.2%	26.3%	41.6%
2001/02	Offenders sentenced under FSA and SSA	57,973	31.5%	27.3%	41.6%
2003/04	Offenders sentenced under SSA	56,983	32.0%	27.6%	42.3%
2005/06	Offenders sentenced under SSA	60,824	32.5%	28.2%	41.3%

^a The average follow-up period for sample year 1989 was 26.7 months.

^b This category includes FSA offenders on regular probation for sample year 1989 and SSA offenders on community punishment probation for sample years 1996/97 through 2005/06.

^c This category includes FSA prisoners released on regular parole in 1989, FSA and SSA prisoners from 1996/97 through 2001/02, and SSA prisoners for 2003/04 and 2005/06.

SOURCE: NC Sentencing and Policy Advisory Commission

Research Design and Methodology

The Sentencing Commission's legislative mandate, revised and expanded in 1998, directed the Commission to conduct a study with a comprehensive approach in capturing relevant empirical information. The theoretical model adopted to study recidivism pointed to data collection in three time frames for each offender: preexisting factors such as demographic characteristics and criminal history; current criminal justice involvement including current conviction, sentence and correctional program participation; and future measures of social reintegration such as rearrest, reconviction, and reincarceration.³

Sample

The sample selected for the current study included all offenders released from state prison or placed on supervised probation during Fiscal Year 2008/09. The final study sample includes 61,646 offenders sentenced under Structured Sentencing, affording a comprehensive look at the recidivism of Structured Sentencing offenders.⁴

Follow-up Period

Recidivism studies utilize varying lengths of time as their follow-up period, depending on the availability of data and other resources. With both short term and long term recidivism being of great interest to policy makers, this report provides information on the recidivism of the FY 2008/09 sample of offenders with a fixed two-year follow-up period.

Time at Risk

While each offender in the study sample had an equal two-year follow-up period, not all of them were on the street and "at risk" of recidivism for the entire two years. The report takes into account each sample offender's actual time at risk, by identifying their periods of incarceration in North Carolina's prison system within the follow-up time frame and subtracting the length of time incarcerated from the follow-up period.⁵

Outcome and Process Measures

The outcome and process measures examined for this study include:

- ▶ Recidivism, defined broadly to cover the offender's possible span of reinvolvement in the North Carolina criminal justice system, to include rearrests, reconvictions, and reincarcerations.
- ▶ For probationers, violations and revocation of probation.

³ Preexisting factors and current criminal justice involvement are also components for assessing risk levels for offenders and in targeting offenders for different correctional sanctions and treatment programs.

⁴ Offenders with a most serious conviction for Driving While Impaired or for a misdemeanor traffic offense were excluded from the sample.

⁵ Since each county jail maintains its own data, it was not possible to account for time served in county jails during the follow-up period; nor was it possible to account for time incarcerated in other states during the follow-up period.

- ▶ For prisoners, prison infractions during incarceration.

Data Sources and Enhancements

Two automated data sources were utilized to collect aggregate data on the sample of offenders:

- ▶ The North Carolina Division of Adult Correction's (DAC) of the DPS Offender Population Unified System (OPUS) provided demographic and prior record information, current convicted offense and sentence,⁶ offender risk assessment, correctional program assignment, type of punishment, probation violations and revocations, and prison incarcerations.
- ▶ The North Carolina Department of Justice's (DOJ) Computerized Criminal History (CCH) system was used to provide fingerprinted arrest records for prior and recidivist arrests, as well as recidivist convictions.

The final data set for this study consists of over 300 items of information (or variables) for the sample of 61,646 offenders placed on probation or released from prison between July 1, 2008 and June 30, 2009, and followed for two years.⁷ A case profile was constructed for each sample offender, comprised of personal and criminal history characteristics, the most serious current offense of conviction, type of punishment imposed, correctional program assignments, and reinvolvement with the criminal justice system (*i.e.*, rearrest, reconviction, and reincarceration).

Several enhancements were made to the data provided in this report:

- ▶ Additional measures of prior (adult) criminal activity are included in the analysis of criminal history. These measures include prior probation admissions, prior probation revocations, and prior incarcerations.
- ▶ This study defines offender risk using information from the risk assessment instrument (Offender Traits Inventory – OTI) administered to probationers and prisoners by the DAC of the DPS.
- ▶ For probationers, probation violations are added as an indicator of misconduct while under supervision in the community during follow-up. This measure includes information on the type of violation (criminal, absconding, and technical).
- ▶ The measure of subsequent probation revocations is expanded to capture all revocations and to distinguish between types of revocation (criminal, absconding, and technical).

Report Outline

Chapter Two presents a descriptive statistical profile of the sample and aggregate figures on the incidence and type of prior criminal behavior. It also describes the sample in terms of

⁶ “Current” in the context of this study refers to the most serious conviction and sentence for which the offender was placed on probation or released from prison within the sample time frame.

⁷ A glossary of relevant variables is included in Appendix A.

offender risk (a “risk score” captured for each offender using the DAC’s risk assessment tool, the OTI).

Chapter Three includes a descriptive analysis of the sample’s subsequent (*i.e.*, recidivist) criminal involvement, with special focus on the one- and two-year follow-up. This analysis also allows for comparisons between the recidivism of offenders released from prison and those placed on some form of supervised probation.

Chapter Four utilizes multivariate techniques to assess the relationship between recidivism and various disposition types while controlling for other relevant preexisting factors. Risk scores are used in the analysis to isolate the impact of correctional dispositions and programs on the probability of recidivism while holding constant the “risk level” of the offender.

Chapter Five offers a summary of the study’s main findings and closes with some observations on recidivism in North Carolina following the enactment of Structured Sentencing.

CHAPTER TWO

STATISTICAL PROFILE OF THE FY 2008/09 SAMPLE

As described in Chapter One, the study sample comprises SSA offenders who either were placed on probation or were released from prison during FY 2008/09.^{8,9} The implementation of JRA in 2011 does not impact the FY 2008/09 study sample with regard to sample selection, prior criminal history, or most serious current conviction.¹⁰

FY 2008/09 Sample

The sample comprises all SSA offenders who were placed on supervised probation or were released from prison during FY 2008/09, with the following exclusions:

- offenders with a most serious current conviction for driving while impaired (DWI); and
- offenders with a most serious current conviction for a misdemeanor traffic offense.

Type of Punishment

As shown in Figure 2.1, there were 61,646 offenders in the FY 2008/09 sample. There were 41,773 (68%) probationers and 19,873 (32%) prisoners. These can be further subdivided into the following four categories based on type of punishment:

Probation Entries

- probationers who received a community punishment;
- probationers who received an intermediate punishment;

Prison Releases

- prison releases with no post-release supervision (no PRS); and
- prison releases with post-release supervision (PRS).

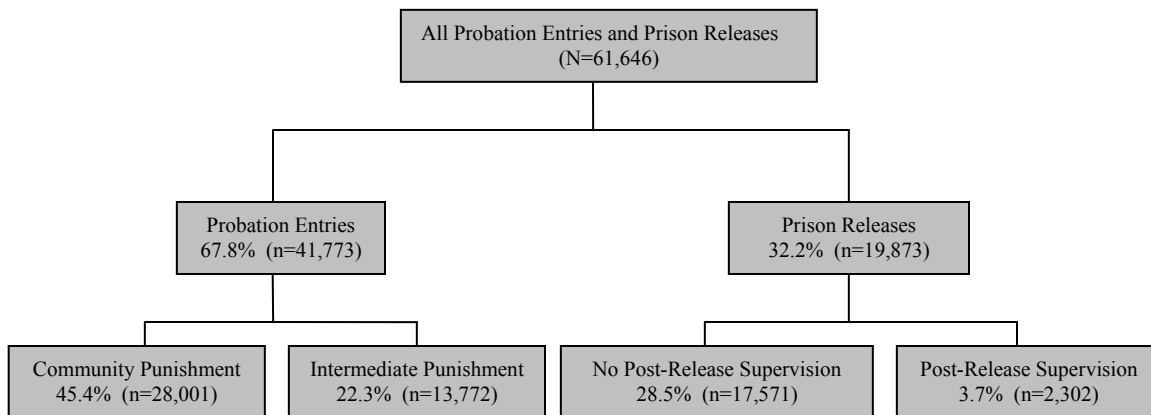
Many of the tables in this chapter present information by probation or prison status for the individual categories of probationers and prisoners (also referred to as type of punishment) and for the sample as a whole.

⁸ Offenders whose offenses were committed on or after October 1, 1994, were sentenced under the Structured Sentencing Act (SSA).

⁹ If an offender in the sample was both released from prison and placed on probation during FY 2008/09, the *first* event that occurred during that fiscal year determined the offender's identification as a prison release or a probation entry.

¹⁰ See Chapter One for a brief discussion of the changes in sentencing practices and correctional policies due to the implementation of JRA in 2011.

Figure 2.1
Type of Punishment



Definitions for the Types of Punishment

Probation Entries: Offenders who were sentenced under the Structured Sentencing Act and received a probation sentence (*i.e.*, the active sentence was suspended).

Probation Entries with a Community Punishment: An offender who received a community punishment. Community punishments may consist of a fine, unsupervised probation (although unsupervised probationers were excluded from the sample), or supervised probation, alone or with one or more of the following conditions: outpatient drug/alcohol treatment, community service, assignment to TASC, payment of restitution, or any other conditions of probation that are not considered an intermediate punishment. Offenders with little or no prior criminal history who commit the lowest class felonies (Class H or I) and all misdemeanants may receive a community punishment.

Probation Entries with an Intermediate Punishment: An offender who received an intermediate punishment. An intermediate punishment requires a period of supervised probation with at least one of the following conditions: special probation, assignment to a residential treatment program, house arrest with electronic monitoring, intensive probation, assignment to a day reporting center, and assignment to a drug treatment court program. Generally, offenders who have a significant prior record and commit Class H or I felonies and offenders who have little or no prior record and commit more serious non-violent felonies may receive an intermediate punishment.

Prison Releases: An offender who was sentenced under the Structured Sentencing Act, served his/her maximum sentence minus earned time and time for pre-conviction confinement, and was released back into the community, usually without any supervision. This group included offenders who were sentenced to prison for a new crime, who were revoked to prison for a technical violation of their probation, or both. A small number (n=2,302 or approximately 12%) of the prison releases received post-release supervision.

Prison Releases with No Post-Release Supervision (no PRS): Under Structured Sentencing, prisoners released with a most serious offense for Class F through Class I felonies and Class A1 through Class 3 misdemeanors are released from prison without any supervision.

Prison Releases with Post-Release Supervision (PRS): Under Structured Sentencing, prisoners released with a most serious offense for Class B1 through Class E felonies are released on post-release supervision for a period of nine months, with the exception of sex offenders who are supervised for five years.

See Appendix B for further descriptions of the types of punishment and for many of the programs that fall under them.

Personal Characteristics

Table 2.1 contains information describing the personal characteristics of the FY 2008/09 sample.^{11,12} Of the 61,646 offenders, 78.0% were male, 55.9% were nonwhite, 12.8% were married, 47.3% had dropped out of high school, 50.6% were employed, 45.9% were identified as having a history of drug addiction, and their average age (at release from prison or placement on probation) was 31.6. Probationers (and, in particular, probationers with community punishments) had a lower percentage of males than did prisoners. On average, offenders who were placed on probation were slightly younger than offenders who were released from prison.

*Criminal History*¹³

It is important to look at the number of prior arrests for the offenders in the sample because previous research indicates that prior arrests are a strong predictor of recidivism (Clarke and Harrison, 1992; Jones and Ross, 1996; NC Sentencing and Policy Advisory Commission, 1997; 1998; 2000; 2002; 2004; 2006; 2008; 2010). Information on prior fingerprinted arrests for the FY 2008/09 sample is provided in Table 2.2. Prior arrests were defined as fingerprinted arrests that occurred before the conviction that placed the offender in the sample. This measure excludes the arrest event for the conviction that placed the offender in the sample.

Overall, 57.2% of community punishment probationers, 80.0% of intermediate punishment probationers, 89.6% of prison releases with no PRS, and 89.1% of prison releases with PRS had one or more prior arrests. As a whole, the FY 2008/09 sample accounted for a total of 186,791 prior arrests. For offenders with prior arrests, the number of prior arrests generally increased by type of punishment from community punishment to intermediate punishment to prison. For example, 43.2% of community punishment probationers had only one prior arrest compared to 15.8% of prison releases with no PRS. A similar pattern was found when comparing the average number of arrests for the subgroups, with probationers having an average of 3.3 prior arrests and prisoners having an average of 5.4 prior arrests.

With regard to arrest history, intermediate punishment probationers placed between prisoners and community punishment probationers, confirming the philosophy of Structured Sentencing that probationers who receive intermediate punishments are more serious offenders than those who receive community punishments, but less serious than those who receive prison sentences.

¹¹ See Appendix A for a description of major variables.

¹² Available mental health data in DAC's OPUS for prisoners indicated that 26% of prisoners had some type of mental health issue. Comparable mental health data were not available for probationers.

¹³ Criminal history measures are defined by prior contacts with the adult criminal justice system and do not include any contact the offender may have had with the juvenile justice system.

Table 2.1
Personal Characteristics by Type of Punishment

Type of Punishment	N	% Male	% Nonwhite	Mean Age	% Married	% High School Dropout	% Employed	% With Drug Addiction
Probation Entries								
Community Punishment	28,001	69.5	51.3	30.2	13.5	36.5	56.4	31.7
Intermediate Punishment	13,772	82.3	56.7	31.5	13.2	46.4	43.9	50.5
Subtotal	41,773	73.7	53.1	30.6	13.4	39.7	52.3	37.9
Prison Releases								
No Post-Release Supervision	17,571	86.2	60.1	33.5	11.3	63.4	46.6	63.0
Post-Release Supervision	2,302	93.4	73.7	35.0	13.0	61.8	50.6	59.4
Subtotal	19,873	87.0	61.7	33.6	11.5	63.2	47.1	62.6
TOTAL	61,646	78.0	55.9	31.6	12.8	47.3	50.6	45.9

Note: There are missing values for the following self-reported characteristics: marital status, education, employment, and drug addiction. Of the 57,452 offenders with ethnicity available, 2.8% were Hispanic.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Table 2.2
Prior Arrests by Type of Punishment

Type of Punishment	N	% Any Prior Arrest	Prior Arrests for Offenders with Any Prior Arrest (n=44,843)							
			Total # of Prior Arrests	Average Number of Prior Arrests	Number of Prior Arrests (%)					
					1	2	3-4	5-9	10+	
Probation Entries										
Community Punishment	28,001	57.2	46,773	2.9	43.2	21.3	18.3	12.8	4.4	
Intermediate Punishment	13,772	80.0	43,306	3.9	24.9	20.1	25.0	22.9	7.1	
Subtotal	41,773	64.8	90,079	3.3	35.7	20.8	21.1	16.9	5.5	
Prison Releases										
No Post-Release Supervision	17,571	89.6	85,177	5.4	15.8	14.6	24.2	30.1	15.3	
Post-Release Supervision	2,302	89.1	11,535	5.6	19.0	14.9	20.2	27.1	18.9	
Subtotal	19,873	89.6	96,712	5.4	16.2	14.7	23.8	29.8	15.7	
TOTAL	61,646	72.7	186,791	4.2	28.0	18.4	22.1	22.0	9.6	

Note: Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Further information on additional measures of prior criminal justice system contacts is provided in Table 2.3, including information on prior probation admissions, prior probation revocations, and prior incarcerations.¹⁴ Prior probation admissions were defined as occurring prior to the current probation admission for probationers and as occurring prior to the prison admission date for prisoners. Overall, 61.7% of the sample had at least one prior probation admission. Prisoners were more likely to have a prior probation admission than probationers (91.1% compared to 47.7%, respectively). Sixty-three percent of intermediate punishment probationers had a prior probation admission compared to 40.2% of community punishment probationers. Similar to the arrest history, intermediate punishment probationers placed between prisoners and community punishment probationers. Prison releases had a slightly higher average number of prior probation admissions at 2.9 while probation entries averaged 2.2 prior probation admissions.

Prior probation revocations occurred prior to the current probation sentence for probationers and prior to the prison admission date for prison releases. These prior probation revocations could be for either technical or non-technical reasons. Fifty-seven percent of prisoners had at least one prior probation revocation while 28.1% of the probationers had at least one prior probation revocation. For intermediate punishment probationers, the percentage with any probation revocation (41.0%) was more similar to prison releases (58.8% for prisoners with no PRS and 46.7% for prisoners with PRS) than to community punishment probationers (21.8%). The average number of probation revocations for the sample was 1.9 with prison releases having a slightly higher average number of prior probation revocations at 2.1 than probation entries at 1.8.

Finally, incarcerations prior to sample entry were examined. Prior incarcerations were defined as confinement in a DAC facility prior to sample entry. For prison releases, the prior incarceration excluded the current incarceration for which they were released. Overall, prisoners (55.8%) were more likely than probationers (23.2%) to have at least one prior incarceration. Prison releases with no PRS (56.6%) were more likely than prison releases with PRS (49.1%) to have a prior incarceration. Intermediate punishment probationers had higher rates of prior incarcerations at 35.9% than community punishment probationers at 17.0%. On average, prisoners had 2.9 prior incarcerations while probationers had 2.2 prior incarcerations. Community punishment probationers had a slightly higher average number of prior incarcerations at 2.3 when compared to intermediate punishment probationers (2.1).

Regardless of the measure used to track prior criminal history (*i.e.*, arrest, probation admissions, probation revocation, or incarceration), prisoners tended to have higher percentages of prior criminal history than probationers. Intermediate punishment probationers had lower percentages of prior criminal history than prisoners, but higher percentages of prior criminal history than community punishment probationers.

¹⁴ DAC's OPUS data were used to determine prior probation admissions, prior probation revocations, and prior incarcerations. For the offenders placed on supervised probation in the community, prior probation admissions and prior probation revocations are reported for those events that are processed in the North Carolina criminal justice system. It must be noted that the data presented on prior incarcerations only include incarceration in North Carolina's state prison system. The data do not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a technical revocation.

Table 2.3
Prior Criminal Justice System Contacts by Type of Punishment

Type of Punishment	N	Age at 1 st CJS Contact	Prior Criminal Justice System Contacts							
			Arrests		Probation Admissions		Probation Revocations		Incarcerations	
			%	Avg.	%	Avg.	%	Avg.	%	Avg.
Probation Entries										
Community Punishment	28,001	25.3	57.2	2.9	40.2	2.1	21.8	1.7	17.0	2.3
Intermediate Punishment	13,772	23.8	80.0	3.9	63.1	2.3	41.0	1.8	35.9	2.1
Subtotal	41,773	24.8	64.8	3.3	47.7	2.2	28.1	1.8	23.2	2.2
Prison Releases										
No Post-Release Supervision	17,571	22.6	89.6	5.4	93.7	3.0	58.8	2.1	56.6	2.9
Post-Release Supervision	2,302	21.8	89.1	5.6	71.2	2.6	46.7	2.0	49.1	3.1
Subtotal	19,873	22.5	89.6	5.4	91.1	2.9	57.4	2.1	55.8	2.9
TOTAL	61,646	24.0	72.7	4.2	61.7	2.5	37.6	1.9	33.7	2.6

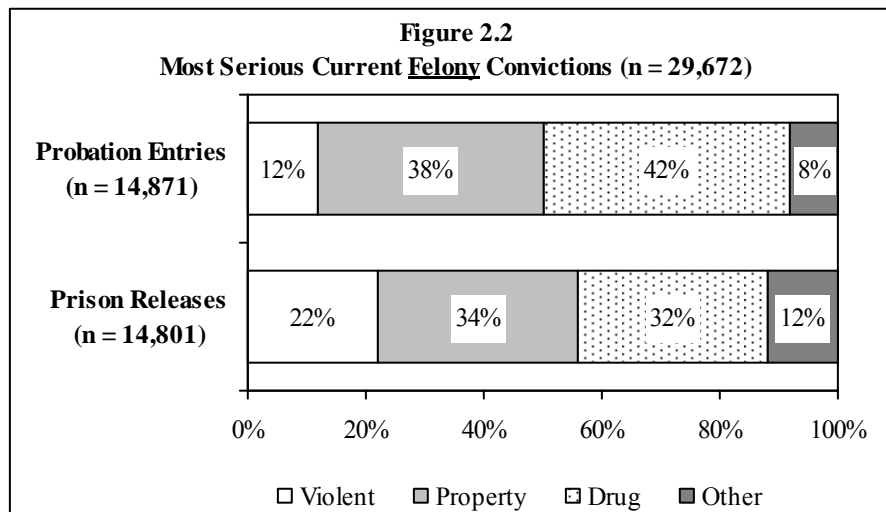
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Table 2.3 also examines the age at first criminal justice system contact.¹⁵ If the offender had no prior criminal history as defined by the above measures, the age at first criminal justice contact would be the offender’s age at the most serious current conviction that placed him/her in the sample. The average age at first criminal justice contact is 24.0 years. On average, prisoners were younger (22.5 years) than probationers (24.8 years). Community punishment probationers were the oldest at 25.3 years when their first criminal justice contact occurred.

Most Serious Current Conviction

Overall, 48% (n=29,672) of the FY 2008/09 sample had a felony offense as the most serious current conviction and 52% (n=31,974) had a misdemeanor offense as the most serious current conviction.¹⁶ Figures 2.2 and 2.3 present the category of conviction (violent, property, drug, or “other”) for probation entries and prison releases by felony/misdemeanor status.

As shown in Figure 2.2, the majority of probationers with a current felony conviction had convictions for drug offenses (42%), followed by property offenses (38%). For prisoners with a current felony conviction, the majority had convictions for property offenses (34%), followed by convictions for drug offenses (32%). As anticipated, prisoners were more likely to have current convictions for violent offenses (22%) than probationers (12%).



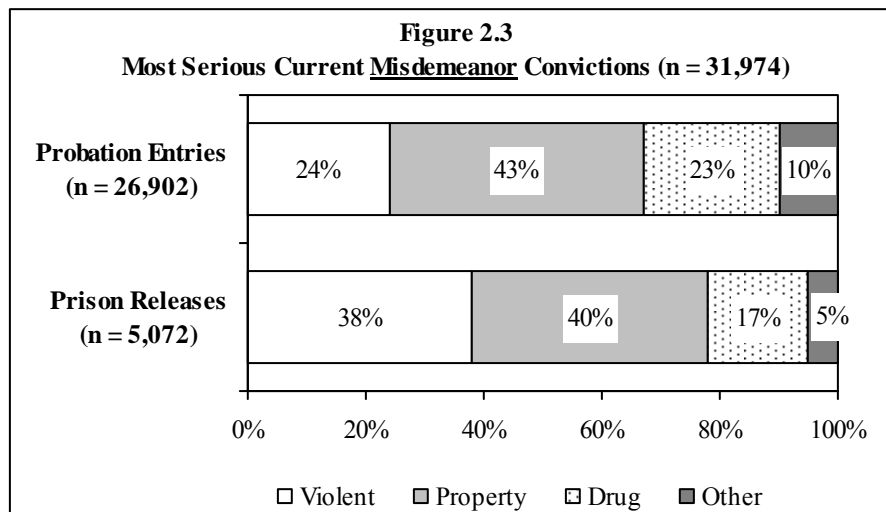
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

The majority of prisoners and probationers with current misdemeanor convictions were convicted of property offenses (40% and 43%, respectively) and violent offenses (38% and 24%, respectively), as shown in Figure 2.3. As expected, prisoners had a higher percentage of violent

¹⁵ Age at first criminal justice system contact is defined by contact with the adult system and does not include any contact the offender may have had with the juvenile justice system.

¹⁶ Each offender’s conviction(s) that placed him/her in the sample as a prison release or probation entry during FY 2008/09 were ranked in terms of seriousness and only the most serious conviction was used for analysis. For the sake of brevity, the term “most serious current conviction” is often referred to as “current conviction.” See Appendix A for information on the categorization of offenses as person, property, drug, and “other.”

convictions compared to probationers. Probationers had a higher percentage of drug convictions (23%) compared to prisoners (17%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

The most serious current conviction by type of punishment is presented in Table 2.4. Overall, 39.4% of the sample had a most serious current conviction for a property offense, followed by 29.5% for drug offenses, 21.4% for violent offenses, and 9.7% for “other” offenses.¹⁷ Community punishment probationers were more likely to have a most serious current conviction for a misdemeanor offense (83.8%) and the current conviction was most likely to be for a misdemeanor property offense (37.2%). Seventy-five percent of intermediate punishment probationers had a most serious current conviction for a felony offense and the current conviction was most likely to be for a felony property offense (28.1%) or for a felony drug offense (27.3%). Seventy-one percent of prisoners with no PRS had a most serious current conviction for a felony offense. Prisoners with no PRS were most likely to have a most serious conviction for a property offense (28.0%), followed by a drug offense (27.0%). Consistent with current law, 100% of prison releases with PRS had a most serious current conviction for a felony offense. Prisoners with PRS were most likely to have a most serious conviction for a violent offense (69.2%) or for an offense in the “other” category (24.2%) which includes offenders who have been convicted as habitual felons (Class C).

Table 2.5 presents information on the offense class of the most serious conviction for the FY 2008/09 sample by type of punishment. Under Structured Sentencing, offenses are classified based on offense seriousness, with Class A through Class E felonies considered the violent felonies. The type of sentence imposed (community punishment, intermediate punishment, or active sentence) and the sentence length are based on the offense class for the most serious offense and

¹⁷ Of the 13,178 offenders with a most serious current conviction for a violent offense, 8.0% (n=1,048) had a conviction for an offense which requires registration as a sex offender under Article 27A of Chapter 14 of the NC General Statutes.

Table 2.4
Most Serious Current Conviction by Type of Punishment

Type of Punishment	N	Type of Conviction								% Total	
		% Violent		% Property		% Drug		% Other			
		Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.
Probation Entries											
Community Punishment	28,001	0.4	17.6	6.6	37.2	8.8	20.3	0.5	8.7	16.2	83.8
Intermediate Punishment	13,772	11.9	10.2	28.1	8.2	27.3	4.7	7.8	2.0	75.0	25.0
Subtotal	41,773	4.2	15.2	13.7	27.6	14.9	15.1	2.9	6.5	35.6	64.4
Prison Releases											
No Post-Release Supervision	17,571	9.0	10.9	28.0	11.4	27.0	5.0	7.1	1.5	71.1	28.9
Post-Release Supervision	2,302	69.2	N/A	5.0	N/A	1.6	N/A	24.2	N/A	100.0	N/A
Subtotal	19,873	16.0	9.7	25.4	10.1	24.0	4.4	9.1	1.4	74.5	25.5
TOTAL	61,646	8.0	13.4	17.4	22.0	17.8	11.7	4.9	4.8	48.1	51.9

Note: Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

on the offender's prior criminal history (*see* Appendix C for the felony and misdemeanor punishment charts).¹⁸ Offenders convicted of Class B1 through Class D felonies are required to receive an active sentence.¹⁹ Depending on their prior criminal history, offenders convicted of Class E through G felonies may receive either an intermediate punishment or an active sentence, while offenders convicted of Class H through Class I felonies or of misdemeanor offenses may receive a community punishment, an intermediate punishment, or an active sentence. Under Structured Sentencing, prisoners with a most serious offense for Class B1 through Class E felonies are released on post-release supervision for a period of nine months, with the exception of sex offenders who are supervised for five years. Prisoners with a most serious offense for Class F through Class I felonies and Class A1 through Class 3 misdemeanors are released from prison without any supervision.

Table 2.5
Offense Class for Most Serious Current Conviction by Type of Punishment

Type of Punishment	N	Offense Class for Current Conviction		
		% B1-E Felony	% F-I Felony	% Misd.
Probation Entries				
Community Punishment	28,001	0.0	16.2	83.8
Intermediate Punishment	13,772	4.1	70.9	25.0
Subtotal	41,773	1.4	34.2	64.4
Prison Releases				
No Post-Release Supervision	17,571	N/A	71.1	28.9
Post-Release Supervision	2,302	100.0	N/A	N/A
Subtotal	19,873	11.6	62.9	25.5
TOTAL	61,646	4.6	43.5	51.9

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

¹⁸ For further information about Structured Sentencing, see the NC Sentencing and Policy Advisory Commission's *Structured Sentencing Training and Reference Manual*.

¹⁹ Offenders convicted of first degree murder (Class A) may receive either a death sentence or life without parole under Structured Sentencing.

For the FY 2008/09 sample, 4.6% had a most serious conviction for a Class B1 through E felony,²⁰ 43.5% had a most serious conviction for a Class F through Class I felony, and 51.9% had a most serious conviction for a misdemeanor offense. Differences found in the offense class composition of the sample subgroups are consistent with Structured Sentencing, which links offense severity with type of punishment. The majority of community punishment probationers had a most serious conviction for a misdemeanor offense (83.8%), while the majority of intermediate punishment probationers and prisoners with no PRS had a most serious conviction for a Class F through Class I felony (70.9% and 71.1%, respectively). Approximately 12% of prisoners had a conviction for a Class B1 through Class E felony.

Offender Risk and Recidivism

Research has repeatedly confirmed the finding that offenders vary in their risk of recidivating, regardless of the type of supervision or other interventions provided. Accounting for the variation in risk allows researchers and policy makers to have better information about whether recidivism may be associated with appropriate supervision and interventions provided or with other characteristics of the offender and his/her social context.²¹

With the passage of JRA, North Carolina joined a growing number of states that utilize some measure of risk and needs to assess offenders, impose punishment, determine supervision type and level, and provide rehabilitative and other services. The new legislation requires the DAC to use a validated instrument to assess each probationer's risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level.²² North Carolina already uses risk and needs assessments – the Offender Traits Inventory (OTI) to assess offender risk and the Offender Self-Report and the Officer Interview and Impressions to assess offender needs – to determine supervision level, program placement, and other interventions for probationers. A modified version of the OTI is used to assess risk for prisoners.

Beginning with the 2000 recidivism report, the Sentencing Commission's biennial studies have included retrospective risk scores developed to characterize the sample of probationers and prisoners and to measure the statistical relationship between risk and recidivism. Beginning with the current report, and in preparation for future study cohorts processed, sentenced, and supervised under JRA, this study defines offender risk by using OTI information provided in the DAC's OPUS data base.²³ The OTI includes select demographic, financial, and employment information on the offender; a history of convictions and drug addiction; as well as current disposition, and a subjective measure of the offender's attitude.^{24,25} The OTI has been validated on probationers, but not on prisoners.

²⁰ Structured Sentencing does not allow for the release of offenders convicted of first degree murder (Class A), explaining the absence of Class A offenders in the FY 2008/09 sample.

²¹ See, e.g., Andrews & Bonta (2010); Gendreau, Little, & Goggin (1996).

²² 2011 N.C. Sess. Laws 192.

²³ Approximately 20% (n=3,932) of the prison releases and 4% (n=1,617) probation entries in the sample were missing OTI scores. Further examination of the offenders with missing OTI scores indicated that the majority had a misdemeanor as their most serious current conviction – 88% of the 3,932 prison releases and 64% of the 1,617 probation entries.

²⁴ A copy of the Offender Traits Inventory, with assessment instructions, is presented in Appendix D.

OTI offender scores can range from 0 to 64 for probationers and 0 to 58 for prisoners.²⁶ Each offender is assigned to a risk level based on their score, as follows: “Minimum Level” (OTI scores 0-15), “Low Level” (OTI scores 16-25), “Moderate Level” (OTI scores 26-35), and “High Level” (OTI scores 36+). In the absence of a validation study for prisoners, the same score cutoffs were used for prisoners that were used for probationers.

Table 2.6 displays the distribution of the sample based on OTI risk level. Of the FY 2008/09 sample, 15.7% were minimum risk, 23.8% were low risk, 33.3% were moderate risk, and 27.2% were high risk. When compared to probationers, prisoners were more likely to be moderate or high risk and less likely to be minimum or low risk.

**Table 2.6
Offender Risk Level**

Sample	N	% Offender Risk Level			
		Minimum	Low	Moderate	High
Probation Entries	40,156	20.1	24.1	30.9	24.9
Prison Releases	15,941	4.7	22.9	39.4	33.0
TOTAL	56,097	15.7	23.8	33.3	27.2

Note: Due to missing OTI assessment scores, 5,549 offenders were excluded from the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Figure 2.4 demonstrates a further variation of OTI risk levels by type of probation entries (community punishment and intermediate punishment) and type of prison releases (with and without PRS). Probationers sentenced to a community punishment were much more likely to be minimum and low risk than intermediate punishment probationers and either category of prison releases. Only 4.5% of prison releases without PRS and 6.1% of prison releases with PRS were minimum risk compared to 25.3% of probationers sentenced to a community punishment. On the other hand, intermediate probationers were less likely to be low risk and more likely to be high risk than either group of prisoners.

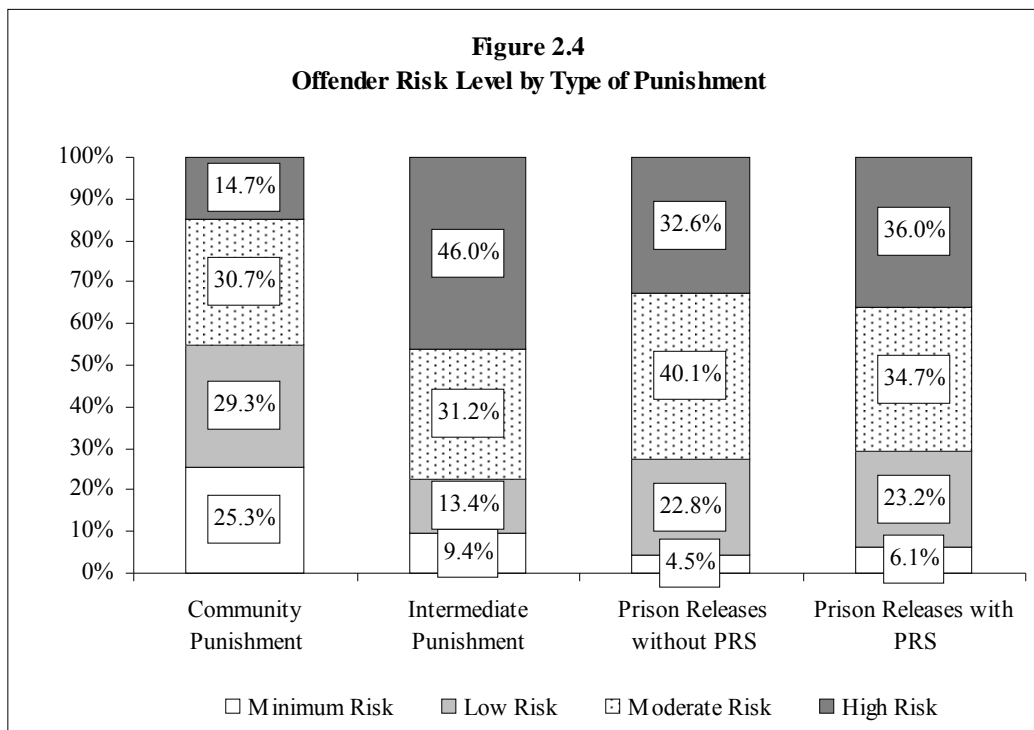
Offenders are sentenced to their respective punishment type based upon the Structured Sentencing punishment charts, not based on their OTI risk level (*i.e.*, projected likelihood of rearrest). This may explain why some high risk offenders received community punishments and

²⁵ Data for the FY 2008/09 sample does not include information from the offender needs assessment instruments since the needs assessment tools were not fully implemented until January 2010. A needs assessment tool is currently being developed for prisoners.

²⁶ The “punishment type” item on the OTI is scored 6 for Intermediate and 0 for Community; no “punishment type” points are added for prisoners.

some low risk offenders received active sentences. If, for example, an offender has a low risk level, but has been convicted of a Class C or D felony, the only punishment option is an active sentence. Conversely, if an offender has a high risk level but has been convicted of a misdemeanor, an active sentence may not be an option based on their offense and prior conviction level. For prison releases, an additional factor that may affect the lower numbers of low risk offenders and higher numbers of high risk offenders is whether their incarceration was due to a revocation of probation or the imposition of an active sentence.

OTI scores and offender risk levels will have added importance starting with the implementation of the JRA. Under the new law, probation supervision, sanctions, and community programs will be determined to a great degree by the offender’s risk and needs scores, as will programming offered to incarcerated offenders. The Commission’s 2014 correctional evaluation report will provide a first look at risk not only as an analytical factor correlating with future recidivism, but as a practitioner’s tool in placing offenders at the appropriate levels of supervision and with needed services to, possibly, reduce the chance of reoffending.



Note: Due to missing OTI assessment scores, 5,549 offenders were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Summary

Chapter Two provided a description of the FY 2008/09 sample’s demographic characteristics, prior criminal history, current conviction, and offender risk level. Of the 61,646

offenders placed on probation or released from prison in FY 2008/09, 78% were male and 56% were nonwhite. Of the 41,773 probationers in the sample, 67% received a community punishment and 33% received an intermediate punishment. Of the 19,873 prison releases in the sample, 88% (Class F through Class I felonies or Class A1 through Class 3 misdemeanors) were released without PRS, and 12% (Class B1 through Class E felonies) were released with PRS.

Prior criminal history information indicates that 73% of the sample had at least one prior fingerprinted arrest. As expected, fewer probationers had at least one prior arrest (65%) than did prison releases (90%). Further, 62% of all offenders had at least one prior probation admission, 38% had at least one prior probation revocation, and 34% had at least one prior incarceration. For all measures of prior criminal history, prisoners were more likely than probationers to have prior criminal justice system contacts. Prisoners released without PRS generally were more likely to have prior criminal justice system contacts than those released with PRS. Probationers with intermediate punishments were more likely to have prior contact with the criminal justice system than those with community punishments.

Overall, 48% had a most serious current conviction for a felony offense – about 5% had a conviction for a Class B1 through E felony, 43% had a conviction for a Class F through I felony, and 52% had a conviction for a Class A1 through Class 3 misdemeanor. The majority of probationers had a most serious conviction for a misdemeanor offense (64%), while the majority of prisoners had a most serious conviction for a Class F through I felony offense (63%).

Offender risk levels were examined using OTI assessments. Based on these scores, approximately 40% of all offenders were minimum or low risk and 60% were moderate or high risk. On average, prisoners had a higher risk of reoffending and probationers had a lower risk of reoffending.

Chapter Three examines the sample's subsequent criminal involvement, as measured by rearrests, reconvictions, and reincarcerations.

CHAPTER THREE

CRIMINAL JUSTICE OUTCOME MEASURES FOR THE FY 2008/09 SAMPLE

Chapter Three examines the criminal justice outcome measures for the FY 2008/09 sample. Many of the tables in this chapter present information by probation or prison status for individual categories of probationers and prisoners (also referred to as type of punishment) and for the sample as a whole.^{27,28} Any criminal justice outcome measures for the sample discussed in this chapter reflect the current laws and practices during the two-year follow-up period and were not affected by the implementation of JRA in 2011.²⁹

Definition of the Follow-up Period and Time at Risk

Each offender in the FY 2008/09 sample was followed for a period of two years to determine whether repeat criminal behavior occurred, with one-year and two-year recidivism rates reported.³⁰ The two-year follow-up period was calculated on an individual basis using the prison release date plus two years for prison releases and using the probation entry date plus two years for probation entries. A fixed follow-up period was used in an attempt to obtain the same “window of opportunity” for each offender to recidivate. In actuality, the same window of opportunity was not necessarily available due to technical probation or PRS revocations which result in incarceration or due to the commission of new crimes which result in incarceration.³¹ Incarcerations resulting from technical revocations may reduce recidivist arrests due to incapacitation since the offender no longer has the same amount of time in the community to recidivate. As a result, offenders who were not rearrested during the follow-up may appear to be a success but may have actually experienced another type of criminal justice failure (*i.e.*, technical revocation and incarceration) during the follow-up period.

In order to take into account each offender’s window of opportunity to recidivate during the follow-up period, each offender’s actual time at risk was calculated by identifying their periods of incarceration in North Carolina’s prison system and by subtracting the length of time incarcerated from the follow-up period. It is important to note that it was not possible to account for time spent in county jails during the follow-up period since each of the state’s county jails maintains its own data. In North Carolina, offenders who are sentenced to active terms of 90 days or less are incarcerated in county jail. Lack of automated statewide county jail data affects the information presented in this chapter in two ways: 1) time incarcerated in county jails is not subtracted from actual time at risk during the follow-up period and 2) incarceration in county

²⁷ Refer to Chapter Two, Figure 2.1 for a detailed explanation of the subgroups of probationers and prisoners.

²⁸ Appendix B includes the criminal justice outcome measures by the personal characteristics of the sample.

²⁹ See Chapter One for a brief discussion of the changes in sentencing practices and correctional policies due to the implementation of JRA in 2011.

³⁰ Statistics reported for the two-year follow-up period include information on events that occurred during the first year of follow-up. As a result, the recidivism rates reported for each follow-up period cannot be added together across follow-up periods.

³¹ Technical revocations result from failure to comply with the conditions of probation or PRS (as opposed to a new violation of the law), such as having positive drug tests, failing to attend court-ordered treatment, or violating curfew.

jails, either as a result of new sentences or technical revocations, is not included as part of the recidivist incarceration measure.

Table 3.1 provides information on time at risk for offenders in the FY 2008/09 sample. As expected, the percentage of the sample at risk for the entire follow-up period declined across the follow-up period. Overall, 86% of the FY 2008/09 sample were at risk for the entire one-year follow-up period and 76% were at risk for the entire two-year follow-up period. Probationers and prisoners were very similar with regards to the average time at risk during the one- and two-year follow-up periods. Of the four types of punishment, probationers with an intermediate punishment had the lowest percentage of offenders who were at risk for the entire follow-up period (*i.e.*, had the entire window of opportunity to reoffend) and, correspondingly, were at risk fewer days during follow-up (643 days compared to 707 days for community punishment probationers, 679 days for prisoners with no PRS, and 668 days for prisoners with PRS).

Table 3.1
Percent at Risk and Average Time at Risk by Type of Punishment

Type of Punishment	N	Percent at Risk and Average Time at Risk	
		1-Year Follow-Up (365 Days)	2-Year Follow-Up (730 Days)
Probation Entries			
Community Punishment	28,001	90% 357 days	83% 707 days
Intermediate Punishment	13,772	73% 328 days	60% 643 days
Subtotal	41,773	85% 347 days	76% 686 days
Prison Releases			
No Post-Release Supervision	17,571	89% 351 days	75% 679 days
Post-Release Supervision	2,302	83% 339 days	75% 668 days
Subtotal	19,873	88% 350 days	75% 678 days
TOTAL	61,646	86% 348 days	76% 683 days

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Criminal Justice Outcome Measures

The Sentencing Commission uses rearrests as its primary measure of recidivism, supplemented by information on reconvictions and reincarcerations, to assess the extent of an offender’s repeat involvement in the criminal justice system. In the following sections, criminal justice outcome measures are presented for the entire sample.

Recidivist Arrests³²

Overall, 23.9% of the FY 2008/09 sample were rearrested during the one-year follow-up and 36.0% were rearrested during the two-year follow-up (*see* Table 3.2).³³ Prisoners were more likely to be rearrested than probationers, with a 43.8% rearrest rate for the two-year follow-up period. Of the four types of punishment, probationers with a community punishment were the least likely to be rearrested while prisoners with no PRS were the most likely to be rearrested.

**Table 3.2
Rearrest Rates by Type of Punishment**

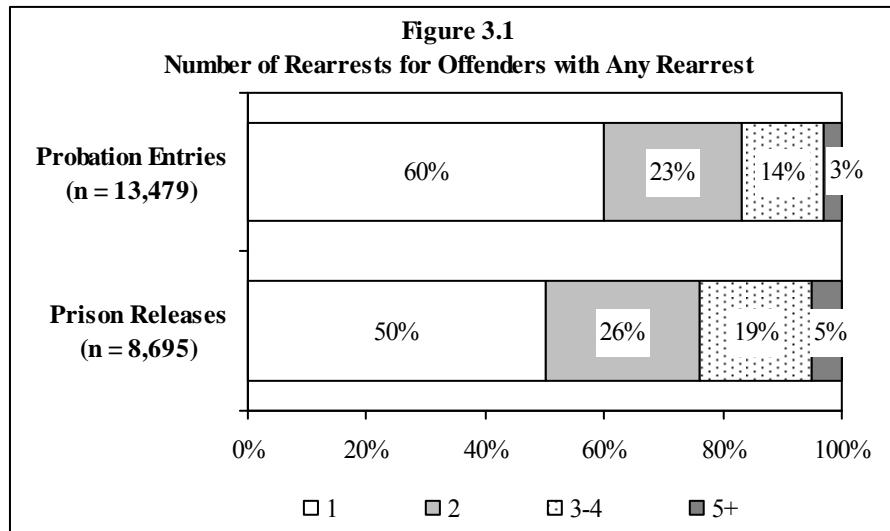
Type of Punishment	N	Rearrest Rates	
		1-Year Follow-Up	2-Year Follow-Up
Probation Entries			
Community Punishment	28,001	19.9	29.9
Intermediate Punishment	13,772	24.9	37.1
Subtotal	41,773	21.5	32.3
Prison Releases			
No Post-Release Supervision	17,571	29.6	44.3
Post-Release Supervision	2,302	23.0	39.5
Subtotal	19,873	28.9	43.8
TOTAL	61,646	23.9	36.0

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

³² DOJ’s CCH data were used to determine recidivist arrests and convictions in North Carolina. Recidivist arrests were defined as fingerprinted arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample. Since North Carolina’s local law enforcement jurisdictions are not required to fingerprint misdemeanors and non-serious traffic offenses, fingerprinting of these arrests is inconsistent across jurisdictions; however, most jurisdictions fingerprint serious misdemeanors. Beginning with this report, Class 2 and Class 3 misdemeanors were deleted from the analysis of recidivist arrests and convictions to minimize these inconsistencies.

³³ It must be noted that the rearrest rates reported in this section do not take into account the fact that some offenders were not at risk for the entire follow-up period as a result of incarceration. It is possible to calculate adjusted recidivism rates that estimate the rate of rearrest that would have occurred if every offender were at risk for the entire follow-up period. For a comparison of rearrest rates with adjusted rearrest rates (*i.e.*, rearrest rates that are adjusted for time at risk), see the Commission’s 2004 recidivism report.

Overall, prisoners who were rearrested during follow-up had a higher number of rearrests than probationers who were rearrested (*see* Figure 3.1). For example, 50% of prisoners compared to 60% of probationers had only one rearrest, while 5% of prisoners compared to 3% of probationers had five or more rearrests. For those who were rearrested during the two-year follow-up period, their first rearrest occurred an average of 8.8 months after entry to probation or release from prison. There were slight variations in the time to first rearrest among the four groups. The average number of months to rearrest was 8.8 for community punishment probationers, 8.6 for intermediate punishment probationers, 8.9 for prisoners with no PRS, and 10.0 for prisoners with PRS.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Table 3.3 provides information on the actual number of arrests for those who were rearrested during the follow-up period, as well as the types of crimes for which they were rearrested. The 22,174 offenders who were rearrested during the two-year follow-up accounted for a total of 40,152 arrests during this period, with 8,466 arrests for violent offenses, 18,760 arrests for property offenses, 9,752 arrests for drug offenses, and 10,421 arrests for “other” offenses.³⁴ While probationers were less likely to be rearrested than prisoners, they accounted for a higher volume of arrests due to the larger number of probation entries in the FY 2008/09 sample.

Table 3.3 also includes information on the average number of rearrests by offense type for each group. The average number of arrests for those who were rearrested was 1.8 for the two-year follow-up, with prisoners having a slightly higher average number of rearrests (2.0) than probationers (1.7).

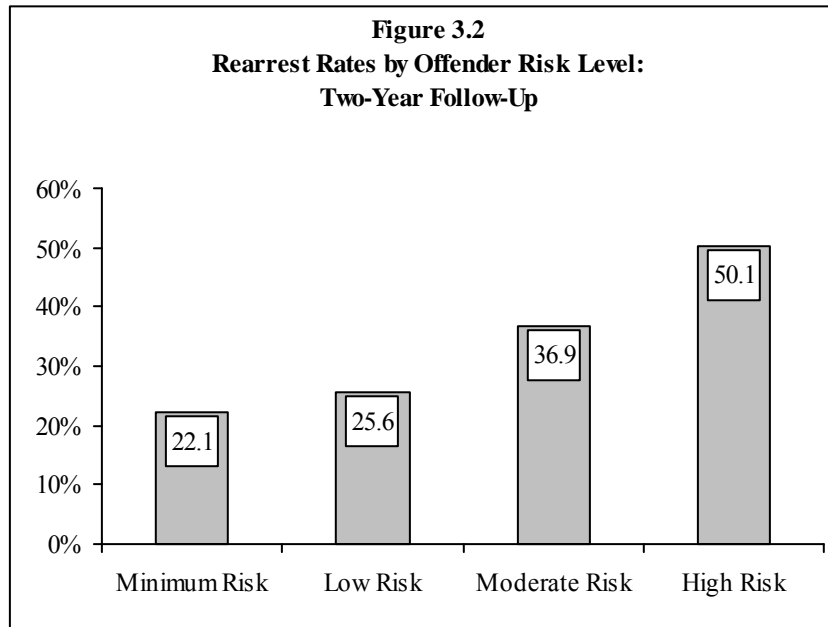
³⁴ See Appendix A for information on the categorization of offenses as person, property, drug, and other.

Table 3.3
Rearrests by Type of Punishment and Crime Type

Type of Punishment	# with Any Rearrest	Total Number and Average Number of Arrests During the Two-Year Follow-Up Period									
		Overall		Violent		Property		Drug		Other	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Probation Entries											
Community Punishment	8,376	14,270	1.7	2,886	0.3	6,710	0.8	3,410	0.4	3,616	0.4
Intermediate Punishment	5,103	8,731	1.7	1,837	0.4	4,018	0.8	2,214	0.4	2,225	0.4
Subtotal	13,479	23,001	1.7	4,723	0.4	10,728	0.8	5,624	0.4	5,841	0.4
Prison Releases											
No Post-Release Supervision	7,786	15,507	2.0	3,249	0.4	7,442	1.0	3,708	0.5	4,039	0.5
Post-Release Supervision	909	1,644	1.8	494	0.5	590	0.6	420	0.5	541	0.6
Subtotal	8,695	17,151	2.0	3,743	0.4	8,032	0.9	4,128	0.5	4,580	0.5
TOTAL	22,174	40,152	1.8	8,466	0.4	18,760	0.8	9,752	0.4	10,421	0.5

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Based on the OTI risk measure described in Chapter Two, 15.7% of the FY 2008/09 sample were minimum risk, 23.8% were low risk, 33.3% were moderate risk, and 27.2% were high risk.³⁵ As expected, recidivism rates varied considerably by offender risk, with a stair-step increase in the percentage rearrested at each risk level (*see* Figure 3.2). High risk offenders had a rearrest rate of 50.1% during the two-year follow-up period – more than double the rearrest rate of minimum risk offenders (22.1%).

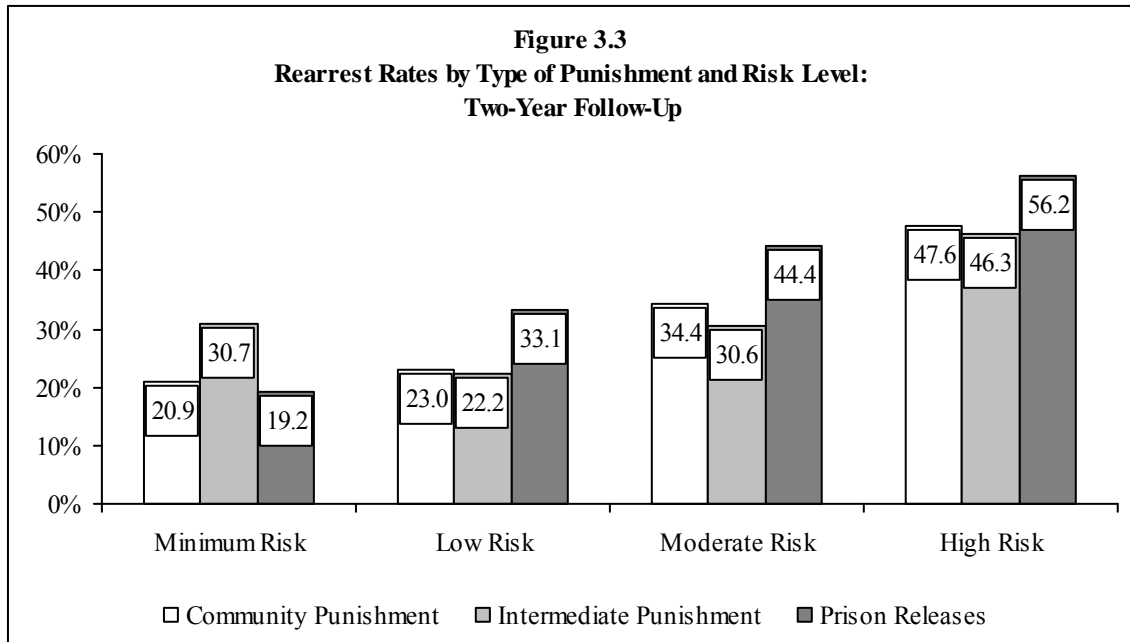


Note: Of the 56,097 offenders with an OTI assessment score, 15.7% (n=8,825) were minimum risk, 23.8% (n=13,326) were low risk, 33.3% (n=18,692) were moderate risk, and 27.2% (n=15,254) were high risk. Offenders with missing OTI scores were excluded (n=5,549).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

The relationship between recidivism and type of punishment has been demonstrated in Table 3.2. Figure 3.3 illustrates the relationship between type of punishment and rearrest during the two-year follow-up period when controlling for risk level. Once risk level is controlled, the differences in rearrest rates between offenders in the different punishment categories are diminished. For the two-year follow-up period, rearrest rates for minimum risk offenders ranged from 19.2% for prison releases to 30.7% for intermediate punishment probationers, while rearrest rates for high risk offenders ranged from 46.3% for intermediate punishment probationers to 56.2% for prisoners over the two-year follow-up period.

³⁵ See Chapter Two and Appendix D for detailed information on the measure of offender risk level.



Note: Of the 56,097 offenders with an OTI assessment score, 15.7% (n=8,825) were minimum risk, 23.8% (n=13,326) were low risk, 33.3% (n=18,692) were moderate risk, and 27.2% (n=15,254) were high risk. Offenders with missing OTI scores were excluded (n=5,549).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Table 3.4 provides information on rearrest rates by offender risk level and on the number of rearrests for minimum, low, moderate, and high risk offenders who were rearrested during follow-up. As expected, the average number of arrests was lowest for minimum risk offenders and highest for high risk offenders with an average of 1.6 and 1.9 arrests, respectively. In general, the number of recidivist arrests increased as the severity of the risk level increased. For example, of the offenders with any rearrests during the two-year follow-up, 62.5% of minimum risk offenders had only one recidivist arrest compared to 51.3% of the high risk offenders; 2.6% of the minimum risk offenders had five or more rearrests, while 5.1% of the high risk offenders had five or more rearrests.

Offender risk level and recidivism were also examined in relation to offense class for the most serious current conviction in Table 3.5. As expected, felons had higher risk levels than misdemeanants. Offenders with a most serious current conviction (referred to as “conviction”) for a Class B1 through Class E felony offense (which are defined as violent offenses under Structured Sentencing) had fewer minimum risk offenders (7.0%) and more high risk offenders (38.8%) than either the Class F through Class I felons (9.5% minimum risk and 34.8% high risk) or the misdemeanants (22.4% minimum risk and 18.9% high risk). Overall, 36.8% of offenders with a conviction for a Class B1 through Class E felony, 39.9% of offenders with a conviction for a Class F through Class I felony, and 32.6% of offenders with a conviction for a Class A1 through Class 3 misdemeanor were rearrested during the two-year follow-up period.

Table 3.4
Rearrests by Risk Level during the Two-Year Follow-Up

Risk Level	N	% with Any Rearrest	Rearrests for Offenders with Any Rearrest (n=19,904)					
			Total # of Rearrests	Average # of Rearrests	Number of Rearrests (%)			
					1	2	3-4	5+
Minimum Risk	8,825	22.1	3,210	1.6	62.5	22.5	12.4	2.6
Low Risk	13,326	25.6	5,601	1.6	62.8	21.9	12.4	2.9
Moderate Risk	18,692	36.9	12,255	1.8	56.3	24.3	15.9	3.5
High Risk	15,254	50.1	14,694	1.9	51.3	25.9	17.7	5.1
TOTAL	56,097	35.5	35,760	1.8	56.1	24.3	15.7	3.9

Note: Due to missing OTI assessment scores, 5,549 offenders were excluded from the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Represented within Class B1 through Class E convictions is a special group of offenders – habitual felons. An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon. (N.C.G.S. §§ 14-7.1 to -7.6) While habitual felons are sentenced as Class C felons, the overwhelming majority of habitual felons have a Class F through Class I felony as their most serious underlying conviction.³⁶

Table 3.5
Offender Risk Level and Rearrest Rates during the Two-Year Follow-Up by Offense Class for Most Serious Current Conviction

Most Serious Current Conviction	N	% with Any Rearrest	% Offender Risk Level			
			Minimum	Low	Moderate	High
Offense Class						
Class B1 – E Felony	2,871	36.8	7.0	21.1	33.1	38.8
Class F – I Felony	26,801	39.9	9.5	20.5	35.2	34.8
Class A1 – 3 Misdemeanor	31,974	32.6	22.4	27.1	31.6	18.9
Specific Groups of Interest						
Habitual Felons	554	49.5	2.2	23.8	39.0	35.0
Sex Offenders	1,048	26.6	15.1	30.2	32.7	22.0
TOTAL	61,646	36.0	15.7	23.8	33.3	27.2

Note: There were 5,549 offenders with missing data for offender risk level due to missing OTI assessment scores. For offenders grouped as habitual felons, 51 were excluded due to missing OTI assessment scores. For offenders grouped as sex offenders, 107 were excluded due to missing OTI assessment scores. The sex offenders grouped in this table are offenders who are required to register as sex offenders under Article 27A of Chapter 14 of the NC General Statutes.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

In order to assess whether habitual felons were more similar to offenders with a conviction for a Class B1 through Class E felony or to offenders with a conviction for a Class F through Class I felony, their distribution by offender risk level and rearrest rates were examined. Of the 554 habitual felons released from prison in FY 2008/09, 2.2% were minimum risk and

³⁶ According to the NC Sentencing and Policy Advisory Commission’s annual statistical report, there were 750 habitual felon convictions in FY 2010/11 (NC Sentencing and Policy Advisory Commission, 2012). Overall, almost 89% (n=664) had a conviction for a Class F through Class I felony as their most serious underlying conviction, with Class F accounting for 8.4%, Class G for 22.8%, Class H for 41.5%, and Class I for 15.9%.

35.0% were high risk. During the two-year follow-up period, 49.5% of habitual felons were rearrested. Based on these statistics, habitual felons more closely resembled offenders with Class F through Class I felony convictions than Class B1 through Class E felony convictions with respect to their distribution by risk level and rearrest rates, although their overall rearrest rate was considerably higher (49.5% versus 39.9%).

Offenders who are required to register as sex offenders under Article 27A of Chapter 14 of the NC General Statutes are also a group of special interest. Those convicted of a reportable offense are required to register as sex offenders. A reportable offense is defined as “an offense against a minor, a sexually violent offense, or an attempt to commit” such offenses.³⁷ Of the 1,048 offenders in the sample convicted of an offense for which they are required to register as a sex offender, 20.6% (n=216) were convicted of a Class B1 through Class E felony, 67.7% (n=709) were convicted of a Class F through Class I felony, and the remainder were convicted primarily of a Class A1 misdemeanor. Fifteen percent were minimum risk and 22.0% were high risk. Overall, 26.6% of the offenders required to register as a sex offender had a recidivist arrest during the two-year follow-up period. When compared to each offense class grouping, offenders required to register as sex offenders were more similar to misdemeanants than to felons. They also had lower overall rearrest rates. These findings are consistent with the risk level distribution and rearrest rates found for male prison releases who participated in the Sex Offender Accountability Responsibility (SOAR) program while in prison (*see* Appendix B).

Recidivist Convictions³⁸

Overall, 8.1% of the FY 2008/09 sample had a reconviction during the one-year follow-up period and 17.7% had a reconviction during the two-year follow-up period (*see* Table 3.6). Prisoners had a higher percentage of recidivist convictions than probationers. Almost 23% of prisoners had a recidivist conviction during the two-year follow-up compared to 15.3% of probationers. Intermediate punishment probationers had a higher percentage of recidivist convictions during the two-year follow-up than community punishment probationers, with 18.0% of intermediate punishment probationers having recidivist convictions compared to 14.0% of community punishment probationers. Prisoners with no PRS had a higher percentage of recidivist convictions during the two-year follow-up than prison releases with PRS, with 23.6% compared to 17.3% respectively.

³⁷ Offenses against a minor and sexually violent offenses are defined in N.C.G.S. § 14-208.6.

³⁸ DOJ's CCH data were used to determine recidivist arrests and convictions in North Carolina. Since North Carolina's local law enforcement jurisdictions are not required to fingerprint misdemeanors and non-serious traffic offenses, fingerprinting of these arrests is inconsistent across jurisdictions; however, most jurisdictions fingerprint serious misdemeanors. Beginning with this report, Class 2 and Class 3 misdemeanors were deleted from the analysis of recidivist arrests and convictions to minimize these inconsistencies. Recidivist convictions were defined as convictions for arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample.

**Table 3.6
Reconviction Rates by Type of Punishment**

Type of Punishment	N	% Reconviction	
		1-Year Follow-Up	2-Year Follow-Up
Probation Entries			
Community Punishment	28,001	6.7	14.0
Intermediate Punishment	13,772	8.4	18.0
Subtotal	41,773	7.3	15.3
Prison Releases			
No Post-Release Supervision	17,571	10.6	23.6
Post-Release Supervision	2,302	5.1	17.3
Subtotal	19,873	10.0	22.9
TOTAL	61,646	8.1	17.7

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Table 3.7 provides information on the volume and types of recidivist convictions. The 10,931 offenders who had a recidivist conviction by the end of the two-year follow-up accounted for 13,397 convictions during this period, with 2,197 convictions for violent offenses, 7,008 convictions for property offenses, 3,797 convictions for drug offenses, and 1,949 convictions for other offenses. While a lower percentage of probationers than prisoners had a recidivist conviction, probationers accounted for a higher number of convictions than prisoners due to the larger number of probation entries in the FY 2008/09 sample.

Table 3.7 also includes the average number of recidivist convictions for each group. The average number of overall convictions for those with a recidivist conviction was 1.2 for the two-year follow-up. Prisoners who were rearrested had a slightly higher average number of recidivist convictions (1.3) than probationers (1.2). Overall, the average number of violent convictions was 0.2 for those with a recidivist conviction during the two-year follow-up.

Recidivist conviction rates were also examined by offense class and by offender risk level. Overall, 16.1% of offenders with a most serious current conviction for a Class B1 through Class E felony, 20.5% of offenders with a conviction for a Class F through Class I felony, and 15.5% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a recidivist conviction during the two-year follow-up period. As with rearrest rates, a stairstep pattern was found in recidivist conviction rates by offender risk level, with 9.6% of minimum

Table 3.7
Reconvictions by Type of Punishment and Crime Type

Type of Punishment	# with Any Conv.	Total Number and Average Number of Convictions During the Two-Year Follow-Up Period									
		Overall		Violent		Property		Drug		Other	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Probation Entries											
Community Punishment	3,907	4,771	1.2	739	0.2	2,538	0.6	1,372	0.4	606	0.2
Intermediate Punishment	2,472	2,932	1.2	480	0.2	1,481	0.6	847	0.3	419	0.2
Subtotal	6,379	7,703	1.2	1,219	0.2	4,019	0.6	2,219	0.3	1,025	0.2
Prison Releases											
No Post-Release Supervision	4,154	5,239	1.3	861	0.2	2,803	0.7	1,448	0.3	820	0.2
Post-Release Supervision	398	455	1.1	117	0.3	186	0.5	130	0.3	104	0.3
Subtotal	4,552	5,694	1.3	978	0.2	2,989	0.7	1,578	0.3	924	0.2
TOTAL	10,931	13,397	1.2	2,197	0.2	7,008	0.6	3,797	0.3	1,949	0.2

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

risk level offenders, 11.0% of low risk offenders, 17.9% of moderate risk offenders, and 26.8% of high risk offenders having a recidivist conviction during the two-year follow-up period.

For offenders who had a recidivist conviction during the two-year follow-up period, their first recidivist conviction occurred an average of 12.4 months after entry to probation or release from prison. Among the four groups, prison releases with PRS had a slightly longer time to reconviction (14.6 months) compared to the average number of months to reconviction for community punishment probationers at 12.2 months, intermediate punishment probationers at 12.3 months, and for prison releases with no PRS at 12.6 months.

Recidivist Incarcerations³⁹

Of the FY 2008/09 sample, 13.8% had a recidivist incarceration during the one-year follow-up period and 24.1% had a recidivist incarceration during the two-year follow-up period (as shown in Table 3.8). Recidivist incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a technical revocation during the follow-up period.

Table 3.8
Reincarceration Rates by Type of Punishment

Type of Punishment	N	% Reincarceration	
		1-Year Follow-Up	2-Year Follow-Up
Probation Entries			
Community Punishment	28,001	9.6	16.6
Intermediate Punishment	13,772	25.1	38.6
Subtotal	41,773	14.7	23.9
Prison Releases			
No Post-Release Supervision	17,571	11.4	24.7
Post-Release Supervision	2,302	16.6	24.8
Subtotal	19,873	12.0	24.7
TOTAL	61,646	13.8	24.1

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

³⁹ DAC’s OPUS data were used to determine recidivist incarcerations (*i.e.*, incarcerations that occurred during the follow-up period). It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina’s state prison system. These data do not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a revocation during the follow-up period. Throughout the report, the term “reincarceration” is used interchangeably with “recidivist incarcerations.” These terms refer to incarcerations during the two-year follow-up for offenders who have no prior incarcerations, as well as for those who have prior incarcerations.

Overall, prisoners were slightly more likely to have a recidivist incarceration than probationers, with a 24.7% incarceration rate at the end of the two-year follow-up for prisoners compared to 23.9% of probationers. Of the four groups, probationers with community punishments had the lowest incarceration rate during the follow-up period and probationers with intermediate punishments had the highest incarceration rate during the follow-up period. The high reincarceration rate for this group is most likely linked to their high revocation rate. Of those offenders with an incarceration during the two-year follow-up period, 90.3% had one incarceration, 9.1% had two incarcerations, and 0.6% had three or more incarcerations.

Recidivist incarceration rates were also examined by offense class and by offender risk level. Overall, 25.2% of offenders with a most serious current conviction for a Class B1 through Class E felony, 30.7% of offenders with a conviction for a Class F through Class I felony, and 18.5% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a recidivist incarceration during the two-year follow-up period. It is not surprising that offenders with Class F through Class I felony convictions had higher reincarceration rates than those with Class B1 through Class E convictions. While offenders with Class B1 through Class E felony convictions are more likely to be in the FY 2008/09 sample as a prison release, offenders with Class F through I felony convictions are more likely to be in the sample as a result of a probation sentence. Correspondingly, their higher reincarceration rates may be a function of both revocations and recidivist arrests that result in incarceration. Close to 14% of minimum risk offenders, 12.8% of low risk offenders, 22.8% of moderate risk offenders, and 38.8% of high risk offenders had a recidivist incarceration during the two-year follow-up period.

For offenders who had an incarceration during the two-year follow-up period, their first incarceration occurred an average of 10.6 months after entry to probation or release from prison. The average number of months to incarceration was 10.8 for community punishment probationers, 9.3 for intermediate punishment probationers, 12.2 for prison releases with no PRS, and 9.5 for prison releases with PRS.

Interim Outcome Measures – Probation Entries

In addition to the recidivism rates provided in the previous section, information is provided on two interim outcome measures for probation entries during the two-year follow-up: 1) violations of probation and 2) revocation of probation.⁴⁰

⁴⁰ Although there are some exceptions, under current law community punishment probationers receive a probation sentence of not less than 12 and not more than 30 months, while intermediate punishment probationers receive a probation sentence of not less than 18 months and not more than 36 months. Of the probation entries in the FY 2008/09 sample, probationers receiving a community punishment were sentenced to an average of 18 months of supervised probation, while probationers receiving an intermediate punishment were sentenced to an average of 29 months. As a result, some community punishment probationers were not on probation supervision for the entire two-year follow-up period, while the majority of intermediate punishment probationers were on supervision for the entire follow-up. The probation violation and revocation measures capture any violations or revocations that occurred while on probation supervision during the two-year follow-up period. Violation or revocation may have occurred in relation to the offense for which the offender was selected for the study sample or for a new probation sentence that was imposed during follow-up.

Probation Violations

For the 41,733 probationers in the sample, violations of probation were used as an indicator of misconduct while under supervision in the community during the two-year follow-up.⁴¹ In addition, the type of violation was examined using the following categories in order of most serious to least serious: criminal (pending criminal charge(s) or a new conviction), absconding (excludes criminal or other technical violations), or technical (excludes criminal or absconding violations).⁴² Probationers may have more than one type of violation on the same day (*e.g.*, a technical violation for having a positive drug test and a criminal violation for a new conviction) and may have multiple violations during the follow-up period. For analysis, examination of type of violation is based on the most serious violation that occurred during follow-up (hereinafter referred to as most serious violation).

Overall, 51.2% of the probation entries in the sample had at least one violation during the one-year follow-up period and 63.2% had at least one violation during the two-year follow-up (*see* Table 3.9). Fifty percent of community punishment probationers had a violation during the one-year follow-up compared to 53.3% of intermediate punishment probationers. This gap widened for the two-year follow-up (67.5% for intermediate probationers and 61.1% for community probationers). However, it must be noted that the shorter supervision period for community punishment probationers (an average of 18 months) compared to intermediate punishment probationers (an average of 29 months) contributes to this gap.

Table 3.9
Probation Violation Rates by Type of Punishment

Probation Entries	N	% Probation Violation	
		1-Year Follow-Up	2-Year Follow-Up
Community Punishment	28,001	50.2	61.1
Intermediate Punishment	13,772	53.3	67.5
TOTAL	41,773	51.2	63.2

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

⁴¹ Data on probation violations were analyzed based on “completed” violations. Completed violations have been either disposed of by the court at a violation hearing or handled by the Section of Community Corrections (formerly Division of Community Corrections) using delegated authority.

⁴² See *DCC Exits FY 2008-2009 Update of Probation Revocation to Prison Report*, February 10, 2010, Office of Research and Planning, for categorization and definitions of probation violations and revocations. While by definition a “criminal” violation may result from pending charges, it is generally the policy of the Section of Community Corrections 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 the 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).

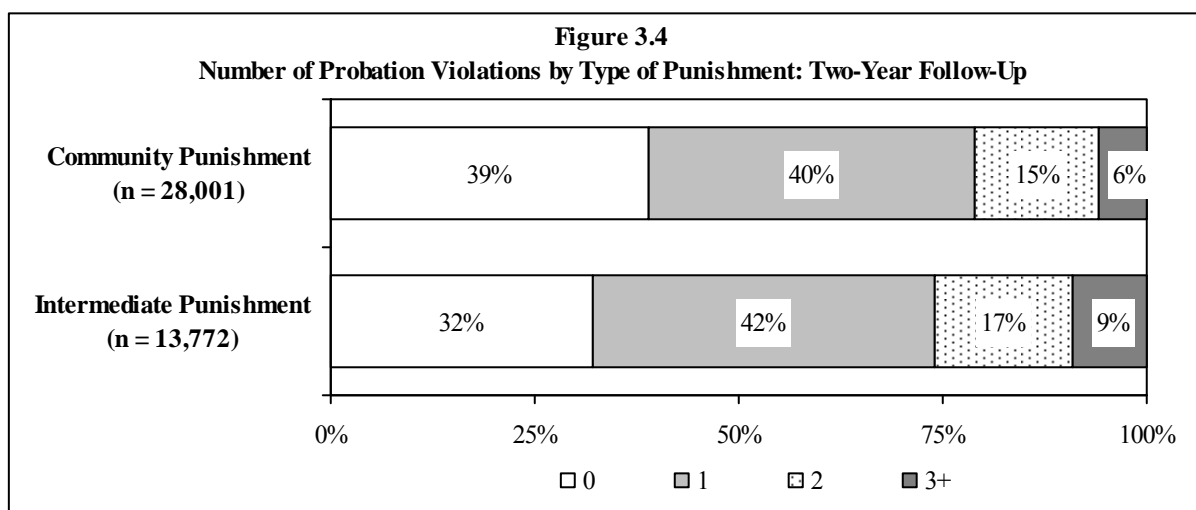
The 26,405 probationers with at least one violation accounted for a total of 40,123 violations during follow-up with an average of 1.5 probation violations (*see* Table 3.10). Based on the most serious type of violation, 24.1% had a criminal violation, 18.9% had an absconding violation, and 57.0% had a technical violation. Intermediate punishment probationers had slightly more absconding violations (21.8%) and slightly less technical violations (54.6%) as their most serious violation compared to 17.3% of the community punishment probationers with an absconding violation and 58.3% with a technical violation as their most serious violation.

Table 3.10
Probation Violation Rates by Type of Punishment and Most Serious Violation
during the Two-Year Follow-Up

Probation Entries	N	% with Any Violation	# of Violations	% Most Serious Violation (n=26,405)		
				Criminal	Absconding	Technical
Community Punishment	28,001	61.1	25,611	24.4	17.3	58.3
Intermediate Punishment	13,772	67.5	14,512	23.6	21.8	54.6
TOTAL	41,773	63.2	40,123	24.1	18.9	57.0

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

As shown in Figure 3.4, intermediate punishment probationers had fewer offenders with no violations (32%) and more with three or more violations (9%) compared to community punishment probationers (39% and 6%, respectively). Among probationers who had a violation, the first violation tended to occur early in the supervision period, generally by the seventh month.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Revocations⁴³

For probationers, revocation of probation was also examined as an indicator of misconduct during the two-year follow-up period. Similar to violations of probation, revocations were categorized in order of most serious to least serious as follows: criminal (pending criminal charge(s) or a new conviction), absconding (excludes criminal or other technical violations), or technical (excludes criminal or absconding violations). Unlike probation violations where multiple violations can occur on the same date, the probationer can have only one revocation per date. A probationer may have multiple revocations during the follow-up period only if he or she has more than one probation sentence. For analysis, examination of type of revocation is based on the most serious revocation that occurred during follow-up (hereinafter referred to as most serious revocation).

Table 3.11 examines revocation rates by type of punishment. Overall, almost 25% of probation entries had a revocation of probation during the one-year follow-up period and 36.7% had a revocation during the two-year follow-up. Intermediate punishment probationers were more likely to have their probation revoked during the two-year follow-up than community punishment probationers (41.7% compared to 34.2%, respectively). However, higher revocation rates for intermediate punishment probationers are likely related to their longer probation sentence lengths.

Table 3.11
Revocation Rates by Type of Punishment

Probation Entries	N	% Revocation	
		1-Year Follow-Up	2-Year Follow-Up
Community Punishment	28,001	23.0	34.2
Intermediate Punishment	13,772	28.3	41.7
TOTAL	41,773	24.7	36.7

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

The 15,312 probationers with a revocation of probation accounted for a total of 16,355 revocations with an average of 1.1 revocations (*see* Table 3.12). Based on the most serious revocation, 52.7% of the probationers had a technical revocation, 30.1% had an absconding revocation, and 17.2% had a criminal revocation. Intermediate punishment probationers tended to have more absconding revocations (32.2%) and fewer technical revocations (50.7%) than community punishment probationers (28.8% for absconding and 53.9% for technical). For probationers with a revocation of probation during the two-year follow-up period, their first revocation occurred an average of 9.2 months after probation entry. There was no difference in

⁴³ DAC's OPUS data were used to determine revocations.

the average number of months to revocation between intermediate punishment and community punishment probationers.

Table 3.12
Revocation Rates by Type of Punishment and Most Serious Revocation
during the Two-Year Follow-Up

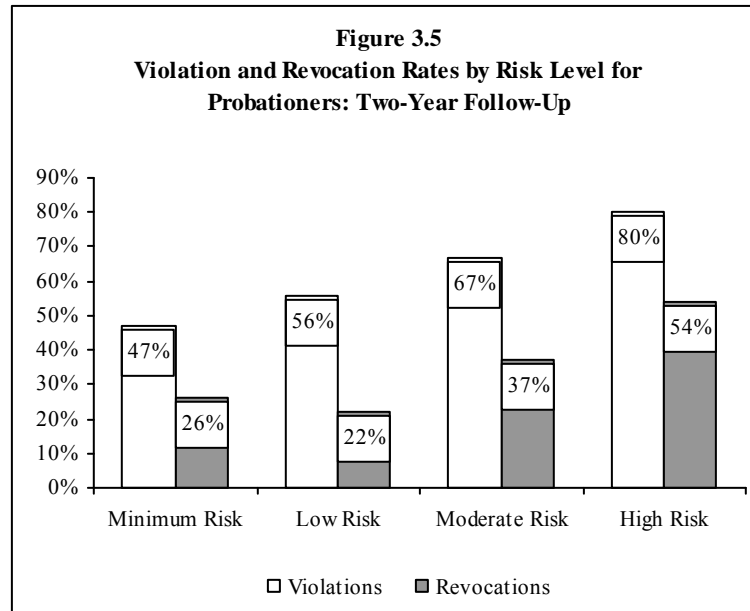
Probation Entries	N	% with Any Revoc.	# of Revoc.	% Most Serious Revocation (n=15,312)		
				Criminal	Absconding	Technical
Community Punishment	28,001	34.2	10,319	17.3	28.8	53.9
Intermediate Punishment	13,772	41.7	6,036	17.1	32.2	50.7
TOTAL	41,773	36.7	16,355	17.2	30.1	52.7

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Violations and Revocations

Due to data limitations, it is not possible to link the outcome of each violation with its resolution (*e.g.*, modification of probation conditions, revocation of probation); however, it is possible to examine revocation of probation as an outcome measure of probation violations. Of the 26,405 probationers with at least one probation violation, 54.2% also had a probation revocation during follow-up. Just over one-half (52.0%) of probationers with a criminal violation had a probation revocation, 76.9% of probationers with an absconding violation had a probation revocation, and 47.7% of probationers with a technical violation had a revocation.

Violation rates and revocation rates were also examined by offender risk level as shown in Figure 3.5. In general, a stair-step pattern, as seen for most recidivism measures, was found in violation and revocation rates by offender risk level – particularly with violation rates. Forty-seven percent of minimum risk probationers had at least one violation during the two-year follow-up period; 56% of low risk probationers, 67% of moderate risk probationers, and 80% of the high risk probationers had a violation during the two years. For probation revocations, there was less of a stair-step pattern, with minimum risk probationers having higher revocation rates than low risk probationers.



Note: Due to missing OTI assessment scores, 1,617 probationers were excluded from this figure.

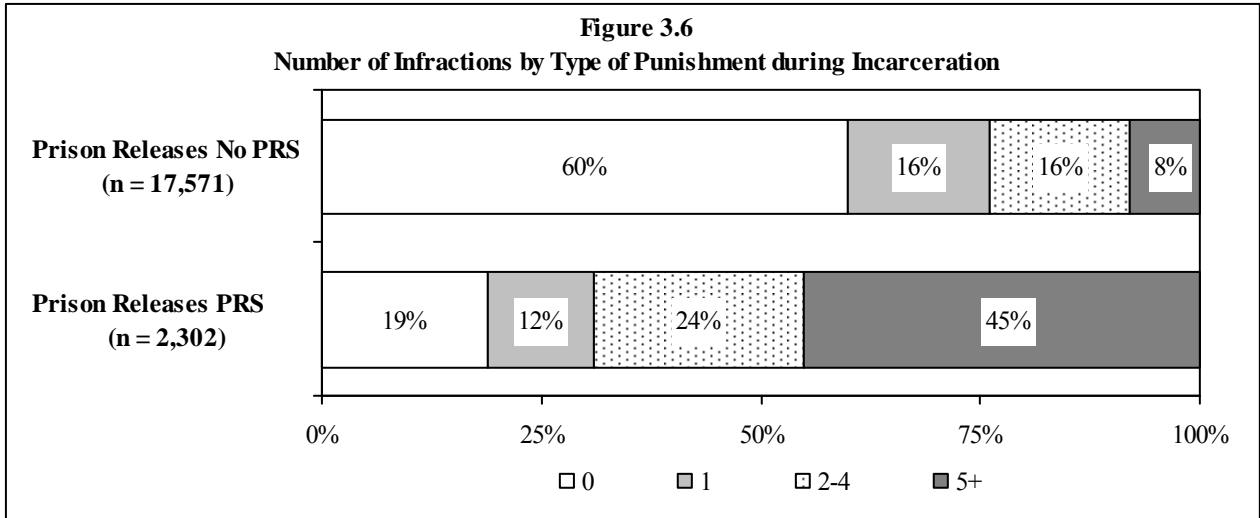
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Interim Outcome Measures – Prison Releases

In addition to the recidivism rates provided in this chapter, infractions while incarcerated were examined as an interim outcome measure for prison releases. Infractions are a measure of inmate misconduct while incarcerated.

Infractions

For the FY 2008/09 prison releases (n=19,873), prison infractions while incarcerated for their current conviction (*i.e.*, the conviction that resulted in the offender being selected for the FY 2008/09 sample) were used as an indicator of prisoner misconduct. Overall, 45.2% of the FY 2008/09 prison releases had an infraction while in prison, with 15.8% having only one infraction, 16.9% having two to four infractions, and 12.4% having five or more infractions. Figure 3.6 shows the differences between the two groups of prison releases with respect to the number of infractions during incarceration. As expected due to their offense seriousness and the resulting longer time served, a higher percentage of prisoners with PRS had infractions while incarcerated (81% compared to 40% of prisoners with no PRS). They also had a higher percentage with a greater number of infractions – 45% with five or more infractions compared to only 8% of prisoners with no PRS.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

When examining the number of infractions per inmate, it is important to control for time served because prisoners with longer sentences (*e.g.*, prisoners with PRS) have more time to accrue infractions. As shown in Table 3.13, the average number of infractions based only on prisoners who had an infraction was 4.9. As expected, the average number of infractions increased as time served increased.

Table 3.13
Average Number of Infractions during Incarceration

Time Served	Prisoners with Infractions (n=8,981)
0-4 Months	1.8
5-8 Months	2.4
9-24 Months	3.8
25 or More Months	9.8
OVERALL	4.9

SOURCE: NC Sentencing and Policy Advisory Commission,
FY 2008/09 Correctional Program Evaluation Data

Summary

Chapter Three provided a detailed examination of criminal justice outcomes – including interim outcome measures for the 61,646 sample offenders – within the context of offenders’ time at risk to recidivate during the two-year follow-up.

Each offender’s actual time at risk was calculated by subtracting periods of incarceration in North Carolina’s prison system from the follow-up period.⁴⁴ Seventy-six percent of offenders in the FY 2008/09 sample were at risk to recidivate for the entire two-year follow-up period. Overall, prisoners and probationers had very similar average times at risk.

Three measures of recidivism – rearrest, reconviction, and reincarceration – were used to assess repeat involvement with the criminal justice system. Additional interim outcome measures were also examined – probation violations and revocations for probationers and infractions while incarcerated for prisoners. The primary measure for recidivism – rearrests – indicated that 36% of the sample offenders had one or more rearrest in the two-year follow up period, with higher rearrest rates for prisoners than for probationers (*see* Table 3.14). For those offenders who were rearrested, the average time to first rearrest was 8.8 months and the average number of rearrests during the two-year follow-up was 1.8. The 22,174 sample offenders with a recidivist arrest accounted for 40,152 fingerprinted arrests over the two-year period.

Chapter Three also presented reconviction and reincarceration rates.⁴⁵ Overall, prisoners had higher reconviction rates than probationers, but similar reincarceration rates (*see* Table 3.14). While prisoners released without PRS had the highest rates of rearrest and reconviction, probationers on intermediate punishment had the highest rate of reincarceration, possibly due to a higher incidence of revocations to prison as well as active sentences for new convictions.

Based on the OTI, Chapter Three examined the relationship between offender risk level and rearrest. As risk level increased, so too did rearrest rates for the two-year follow-up period, with the highest rate observed for high risk offenders (50%) and the lowest rate for minimum risk offenders (22%). Generally, the number of recidivist arrests also increased with the offender’s risk level. As expected, risk levels were higher for offenders whose current conviction was for a felony than for those with a current misdemeanor conviction, but, based on offense class, rearrest rates were highest for non-violent felons (Class F through I), followed by violent felons (Class B1 through E), and lowest for misdemeanants (Class A1 through 3).

⁴⁴ As noted previously, the time at risk measure does not account for time spent in local jails because each jail maintains its own data and currently there is no statewide automated data system.

⁴⁵ It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina’s state prison system. These data do not include periods of incarceration in county jails or incarceration in other states. In North Carolina, offenders who are sentenced to active terms greater than 90 days are incarcerated in state prison, while those sentenced to active terms 90 days or less are incarcerated in county jail.

**Table 3.14
Criminal Justice Outcomes by Type of Punishment**

Type of Punishment	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Rearrest	% Reconviction	% Reincarceration
Probation Entries				
Community Punishment	28,001	29.9	14.0	16.6
Intermediate Punishment	13,772	37.1	18.0	38.6
Subtotal	41,773	32.3	15.3	23.9
Prison Releases				
No Post-Release Supervision	17,571	44.3	23.6	24.7
Post-Release Supervision	2,302	39.5	17.3	24.8
Subtotal	19,873	43.8	22.9	24.7
TOTAL	61,646	36.0	17.7	24.1

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Probation violations and revocations were analyzed as interim outcome measures for the 41,773 sample offenders placed on probation supervision in the community. Sixty-three percent of all probationers had one or more violation during the two-year follow-up. Of those with any probation violation, 24% had a criminal violation, 19% had an absconding violation, and 57% had a technical violation as their most serious violation. Close to 37% of all probationers were revoked during the two-year follow-up. Of the probationers revoked, 17% were revoked for a criminal violation, 30% were revoked for an absconding violation, and 53% were revoked for a technical violation.

Infractions while in prison were studied as an interim outcome measure for the 19,873 offenders released from prison. Forty-five percent of all prisoners had one or more infraction during their incarceration. Most likely due to the severity of their offenses and the length of their incarceration, violent felons were more likely to have infractions, and a larger number of infractions, than other prisoners.

The information presented in Chapter Three suggests that type of punishment, offense class, and offender risk level were related to recidivism in the FY 2008/09 sample. However, other factors also play an important role in explaining differences in recidivism rates. Chapter Four closely examines the correlates of recidivism, using the statistical method of multivariate analysis to quantify the nature and extent of the impact of these and other factors on recidivism.

CHAPTER FOUR MULTIVARIATE ANALYSIS OF OUTCOME MEASURES

In Chapter Three, the report described recidivism in association with various single factors (*e.g.*, type of punishment, offender risk, offense class). Multivariate analysis extends the examination to consider how multiple factors, taken together, affect whether an offender has a recidivist arrest or incarceration. In so doing, this type of analysis identifies relationships not apparent when simply looking at overall recidivist arrest or incarceration rates.

Multivariate Analysis: What is a Logistic Regression Model?

A logistic regression model is a statistical tool used to estimate the association of a set of independent variables (*e.g.*, age, sex, offense seriousness) with a dependent variable (*e.g.*, rearrest, incarceration), while also quantifying the singular contribution of each of the variables in the model. This type of analysis allows for a determination of whether type of punishment (*i.e.*, community or intermediate punishment for probationers, PRS or no PRS for prisoners), for example, has any relationship with an offender's probability of being rearrested, controlling for other factors such as age, race, or criminal history. It also indicates the relative importance of the factors in relation to recidivism.

Using logistic regression, two models were developed to determine how a variety of independent variables (*e.g.*, sex, race, criminal history) may be related to the probability of rearrest for two groupings of offenders in the FY 2008/09 Correctional Program Evaluation sample: (1) probationers and (2) prisoners.⁴⁶ In addition, similar models were developed to examine the probability of reincarceration during the two-year follow-up period for probationers and prisoners. *Although the analyses may reveal that a relationship exists, it does not necessarily mean that an independent variable (e.g., sex) is the cause of the particular outcome (e.g., rearrest). Rather, it indicates a statistical association, which may or may not be due to a causal relationship.*

Dependent Variables (Outcome Measures) Modeled

The logistic regression analyses in this chapter model two dependent variables:⁴⁷

- ▶ *Recidivist Arrest* – whether the offender had at least one fingerprinted rearrest during the two-year follow-up period; and
- ▶ *Recidivist Incarceration* – whether the offender had at least one incarceration in NC's prison system during the two-year follow-up period due to a new sentence or a revocation of probation or PRS.

⁴⁶ Logistic regression estimates the logit (*i.e.*, the logarithm of the odds) of an outcome occurring. This type of analysis is most appropriate for regression models with a dichotomous dependent variable, such as whether a recidivist arrest occurred. For more information about the methodology used in this chapter and model fit, refer to Appendix E.

⁴⁷ Revocations are an interim indicator of misconduct while under supervision in the community for probationers, while infractions are an interim indicator of misbehavior while incarcerated. Many of the same variables that affect the probability of recidivist arrest and incarceration also may affect the probability of revocation for probationers and infractions for prisoners. To explore these relationships, additional analyses are presented in Appendix F.

Independent Variables Used in the Models

The independent variables used in the logistic regression models fall into the following general categories, described below.⁴⁸

1. Personal Characteristics

- ▶ *Age* – age at entry into the follow-up period, collapsed into ranges; under 21 years old (youthful offenders), 21-29, 30-39, 40-49, 50 and older (aging offenders)
- ▶ *Male* – sex, measured as whether the offender was male
- ▶ *Nonwhite* – race, measured as whether the offender was nonwhite
- ▶ *Married* – marital status, measured as whether the offender was married
- ▶ *High School Dropout* – whether the offender was a high school dropout
- ▶ *Employed* – whether the offender was employed
- ▶ *History of Drug Addiction* – whether the offender had a history of drug addiction
- ▶ *Mental Health Issue (Prisoners Only)* – whether the prisoner had a mental health issue

2. Criminal History

- ▶ *Age at First Criminal Justice System Contact*⁴⁹
- ▶ *Number of Prior Arrests*
- ▶ *Prior Drug Arrest* – whether the offender had a prior arrest for a drug offense
- ▶ *Prior Probation Admission* – whether the offender had a prior probation admission
- ▶ *Prior Incarceration* – whether the offender had a prior incarceration in NC's prison system
- ▶ *Criminal Justice System Contact within 12 Months before Probation/Prison Admission* – whether the most recent criminal justice contact occurred in the 12 months immediately before the current conviction (excluding the arrest for the current conviction)

3. Current Offense-Related Information

- ▶ *Offense Seriousness* – whether the most serious current offense is a felony
- ▶ *Type of Punishment* – community or intermediate (for probationers), PRS or no PRS (for prisoners)
- ▶ Probationers only:
 - *Supervision Length* – number of months of probation supervision imposed

⁴⁸ Appendix A contains detailed definitions of these variables. Because the distributions of some variables were clustered in the lower or upper ranges of values, upper bound values were created to avoid giving extremely high or low values undue influence in the models. Refer to Appendix E for further details.

⁴⁹ Includes contact with the adult criminal justice system and does not include any contact with the juvenile justice system.

- ▶ Prisoners only:
 - *Time Served* – on current incarceration (in months) immediately prior to release
 - *Highest Custody Level* – minimum, medium, close
 - *Number of Infractions* – infractions for which the prisoner was found guilty

- 4. Risk of Recidivism
 - ▶ *Offender Traits Inventory (OTI) score* – range of 0-64 for probationers and 0-58 for prisoners

- 5. Time at Risk during the Two-Year Follow-Up
 - ▶ *Number of Days at Risk during the Follow-up Period* – An offender was at risk of recidivist arrest or incarceration any day on which he/she was not incarcerated in the NC prison system. This variable was included in relevant models as a control variable.⁵⁰

Logistic Regression Analysis Results and Interpretation

Chapter Three of this report presented rearrest and reincarceration rates for the entire FY 2008/09 sample and for groups of offenders classified by their type of punishment. The regression analyses described in this section isolate the net impact of factors such as type of punishment or personal characteristics on these outcome measures and help identify relationships not apparent when simply looking at recidivism rates. Table 4.1 presents analyses of the likelihood of rearrest for probation entries (Model 1) and prison releases (Model 2) based on the two-year follow-up period. Similar analyses of the likelihood of reincarceration for probation entries and prison releases are included in Models 3 and 4, which are presented in Table 4.2.

For purposes of discussion, only estimated effects that are statistically significant – that is, highly unlikely the result of random variation in the sample (or chance) – are reviewed. The effects were converted from logistic regression model coefficients to indicate the estimated increase or decrease in the probability of an outcome occurring which is associated with each independent variable for the average offender. 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).⁵¹

Some variables in the model are categorical. For these variables, the effects are interpreted relative to a reference category. Most have two categories, and the interpretation is between the presence and the absence of the characteristic. For example, in Model 1 presented in Table 4.1, the effect for married probationers is compared to unmarried probationers; married

⁵⁰ Time at risk serves as a statistical control variable. Although it is not interpreted in the discussion, 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.

⁵¹ See Aldrich and Nelson (1984) and Allison (1999) for further information on converting logistic regression coefficients to effects.

probationers were 2.1% less likely to be rearrested than unmarried probationers. For offender age, the youthful offender group (*i.e.*, those under age 21) is the reference category, to which the effects of the other age categories are compared. For example, compared to youthful offender probationers (under age 21), who have a rearrest rate of 41.7%, probationers between 21-29 years old were 10.2% less likely to be rearrested and aging offender (50 years of age or older) probationers were 33.2% less likely to be rearrested. The analysis also included factors that count events (*e.g.*, prior arrests) or that have a large number of precise numerical values (*e.g.*, age at first criminal justice system contact). For these variables, the probability of recidivism is interpreted in terms of a one-unit increase in the value of the independent variable. For example, each prior arrest increased the probability of having a recidivist arrest by 4.1% for probationers.

Analysis of Recidivist Arrest

Model 1: Probability of Recidivist Arrest for Probation Entries

Model 1 in Table 4.1 presents the statistical effects of each significant independent variable on a probationer's probability of being arrested during the two-year follow-up period. Overall, 32.6% of the probationers included in the model were rearrested.⁵²

Of the personal characteristic factors, being under 21 (a youthful offender), male, nonwhite, or having a history of drug addiction significantly increased the probability of rearrest for probationers. Males were 8.6% more likely to be rearrested than females and nonwhites were 3.4% more likely to be rearrested than whites. All age groups had a lower probability of rearrest compared to youthful offender probationers (under age 21), who had a rearrest rate of 41.7% – probationers between 21-29 years old were 10.2% less likely to be rearrested and those between 30-39 years old were 18.5% less likely to be rearrested than youthful offenders. Those with a history of drug addiction were 1.8% more likely to be rearrested than those without such a history. Being married and being employed each decreased the probability of rearrest (by 2.1% and 2.2%, respectively).

Of the criminal history factors that were statistically significant, each prior arrest increased the probability of having a recidivist arrest by 4.1%. Recent criminal justice system contact increased it by 7.1%, while having a prior probation admission increased it by 2.8%.

Probationers who had a felony as the most serious current offense were less likely to be rearrested than those with a misdemeanor conviction (by 4.0%), as were intermediate punishment probationers when compared to community probationers (by 1.9%). Each additional month of probation supervision was associated with a 0.3% decrease in the probability of arrest. Finally, those with higher risk (OTI) scores were more likely to have a recidivist arrest; each additional point on the OTI score increased the probability by 0.2%.

⁵² The percentage of probationers with a recidivist arrest (32.6%) reported here differs slightly from that reported in Chapter Three (32.3%). The difference occurred because some probationers had missing information on one or more variables used in the models, and thus could not be included in the multivariate analysis.

Table 4.1
Effect of Personal and Criminal Justice Factors on Recidivist Arrest

Independent Variables	Estimated Effect on Probability of Rearrest for:	
	Model 1: Probation Entries (n=38,637) ^a Average Rearrest Probability = 32.6%	Model 2: Prison Releases (n=15,934) ^b Average Rearrest Probability = 44.5%
Personal Characteristics		
Age		
Under 21 (reference category)		
21-29	-10.2%	-10.2%
30-39	-18.5%	-24.9%
40-49	-25.0%	-28.2%
50+	-33.2%	-38.7%
Male	8.6%	9.0%
Nonwhite	3.4%	3.5%
Married	-2.1%	NS
High School Dropout	NS	NS
Employed	-2.2%	NS
History of Drug Addiction	1.8%	NS
Mental Health Issue	N/A	NS
Criminal History		
Age at First Criminal Justice System Contact ^c	NS	NS
Number of Prior Arrests	4.1%	4.0%
Prior Drug Arrest	NS	NS
Prior Probation Admission	2.8%	10.4%
Prior Incarceration	NS	3.2%
CJS Contact within 12 Months before Probation/Prison Admission	7.1%	4.8%
Current Offense-Related Information		
Felony	-4.0%	3.9%
Intermediate Punishment (reference category: Community)	-1.9%	N/A
Length of Probation Supervision Imposed (months)	-0.3%	N/A
Post-Release Supervision (PRS) (reference category: No PRS)	N/A	NS

Table 4.1 (continued)
Effect of Personal and Criminal Justice Factors on Recidivist Arrest

Independent Variables	Estimated Effect on Probability of Rearrest for:	
	Model 1: Probation Entries (n=38,637) ^a Average Rearrest Probability = 32.6%	Model 2: Prison Releases (n=15,934) ^b Average Rearrest Probability = 44.5%
Current Offense-Related Information (continued)		
Time Served (months)	N/A	-0.5%
Highest Custody Level (reference category: Medium)		
Close	N/A	NS
Minimum	N/A	NS
Number of Prison Infractions	N/A	2.7%
Risk of Recidivism – OTI Score	0.2%	0.3%
Number of Days at Risk during Follow-Up Period	-0.1%	-0.1%

NS indicates that the effect was not statistically significant at the p<.05 level.

N/A indicates that the measure was not applicable.

^a 3,136 observations were excluded from the multivariate analysis due to missing data on one or more variables (primarily OTI score and marital status).

^b 3,939 observations were excluded from the multivariate analysis due to missing data on one or more variables (primarily OTI score and marital status).

^c Includes contact with the adult system and does not include any contact with the juvenile justice system.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

Model 2: Probability of Recidivist Arrest for Prison Releases

Model 2 in Table 4.1 presents the estimated effects of each independent variable on a released prisoner's probability of being arrested during the two-year follow-up period. Overall, 44.5% of the prisoners included in the model were rearrested.⁵³

As was found in the analysis for probationers, being younger, male, or nonwhite were all associated with a higher probability of rearrest. Younger prisoners, with a rearrest rate of 60.5%, were more likely to be arrested than older prisoners; those between 21 and 29 years of age, for example, were 10.2% less likely to be rearrested than youthful offender prisoners (under age 21). Males had a 9.0% higher probability of arrest than females, while nonwhite prisoners had a 3.5% higher probability of arrest than white prisoners.

⁵³ The percentage of prisoners with a recidivist arrest (44.5%) reported in this chapter differs slightly from that reported in Chapter Three (43.8%). The difference occurred because some prisoners had missing information on one or more variables used in the models, and thus could not be included in the multivariate analysis.

The components of criminal history that were significant all increased the probability of recidivist arrest. Each prior arrest increased the probability of rearrest by 4.0%. Having a prior probation admission increased the probability of rearrest by 10.4%, and having a prior incarceration increased the probability of rearrest by 3.2%. Contact with the criminal justice system within the past 12 months increased the probability of rearrest by 4.8%.

Prisoners with a felony as their most serious current offense were 3.9% more likely to be rearrested during follow-up than those with a misdemeanor. Each infraction received (while incarcerated for the conviction that resulted in selection for the study sample) increased the probability of rearrest by 2.7%, while each month spent in prison decreased the probability of rearrest slightly (by 0.5%). Prisoners with higher OTI scores were more likely to be rearrested than those with lower OTI scores; each additional point increased the probability by 0.3%.

Model 2 also examined the impact of supervision following release from prison on the probability of rearrest for prisoners. As Chapter Three reported, prisoners with PRS had a lower rearrest rate during the two-year follow-up period than prisoners with no PRS (39.5% and 44.3%, respectively). Once factors other than supervision following release (*e.g.*, age, sex, criminal history) were taken into account, however, no significant differences existed between rearrest rates of prisoners with PRS and prisoners with no PRS.

Analysis of Recidivist Incarceration

Model 3: Probability of Recidivist Incarceration for Probation Entries

Model 3 in Table 4.2 presents the estimated effects of each independent variable on a probationer's probability of being incarcerated during the two-year follow-up period. Overall, 24.0% of the probationers included in the model had a recidivist incarceration.⁵⁴ Recidivist incarcerations may have occurred as a result of a new sentence or due to revocation of probation or PRS.

Of the personal characteristics, being under 21 years of age (a youthful offender), male, a high school dropout, and having a history of drug addiction increased the probability of incarceration during the two-year follow-up period. Compared to youthful offender probationers (under age 21) who had a reincarceration rate of 26.0%, probationers between 21-29 years old were 8.8% less likely to be incarcerated and aging offender probationers (50 years of age or older) were 24.9% less likely to be incarcerated. Males were 8.6% more likely to be incarcerated than females and high school dropouts were 3.1% more likely to be incarcerated than those who finished high school. Probationers with a history of drug addiction were 3.9% more likely to be incarcerated. On the other hand, nonwhite probationers were 2.1% less likely, married probationers were 5.2% less likely, and employed probationers were 6.0% less likely to be incarcerated during the follow-up period.

⁵⁴ The percentage of probationers with a recidivist incarceration (24.0%) reported here differs slightly from those reported in Chapter Three (23.9%). The difference occurred because some sample members had missing information on one or more variables used in the models, and thus could not be included in the multivariate analysis.

Table 4.2
Effect of Personal and Criminal Justice Factors on Recidivist Incarceration

Independent Variables	Estimated Effect on Probability of Reincarceration for:	
	Model 3: Probation Entries (n=38,637) ^a Average Reincarceration Probability = 24.0%	Model 4: Prison Releases (n=15,934) ^b Average Reincarceration Probability = 24.1%
Personal Characteristics		
Age		
Under 21 (reference category)		
21-29	-8.8%	-8.6%
30-39	-13.4%	-13.6%
40-49	-15.4%	-16.0%
50+	-24.9%	-23.9%
Male	8.6%	11.9%
Nonwhite	-2.1%	-3.1%
Married	-5.2%	-3.3%
High School Dropout	3.1%	NS
Employed	-6.0%	NS
History of Drug Addiction	3.9%	4.1%
Mental Health Issue	N/A	2.6%
Criminal History		
Age at First Criminal Justice System Contact ^c	NS	NS
Number of Prior Arrests	1.5%	2.7%
Prior Drug Arrest	-1.5%	-3.1%
Prior Probation Admission	6.8%	NS
Prior Incarceration	15.1%	9.0%
CJS Contact within 12 Months before Probation/Prison Admission	7.7%	9.4%
Current Offense-Related Information		
Felony	10.0%	-6.8%
Intermediate Punishment (reference category: Community)	4.5%	N/A
Length of Probation Supervision Imposed (months)	0.1%	N/A
Post-Release Supervision (PRS) (reference category: No PRS)	N/A	5.4%

Table 4.2 (continued)
Effect of Personal and Criminal Justice Factors on Recidivist Incarceration

Independent Variables	Estimated Effect on Probability of Rearrest for:	
	Model 3: Probation Entries (n=38,637) ^a Average Reincarceration Probability = 24.0%	Model 4: Prison Releases (n=15,934) ^b Average Reincarceration Probability = 24.1%
Current Offense-Related Information (continued)		
Time Served (months)	N/A	-0.4%
Highest Custody Level (reference category: Medium)		
Close	N/A	3.8%
Minimum	N/A	-6.7%
Number of Prison Infractions	N/A	1.1%
Risk of Recidivism – OTI Score	0.1%	0.4%

NS indicates that the effect was not statistically significant at the p<.05 level.
N/A indicates that the measure was not applicable.

^a 3,136 observations were excluded from the multivariate analysis due to missing data on one or more variables (primarily OTI score and marital status).

^b 3,939 observations were excluded from the multivariate analysis due to missing data on one or more variables (primarily OTI score and marital status).

^c Includes contact with the adult system and does not include any contact with the juvenile justice system.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

With the exception of having a prior drug arrest, all criminal history measures increased the likelihood of recidivist incarceration. Each additional prior arrest increased the probability of incarceration by 1.5%. Having a prior probation admission increased the probability by 6.8%, while having a prior incarceration increased the probability by 15.1%. Recency of criminal justice system contact (within 12 months) prior to placement on probation increased the likelihood of a recidivist incarceration by 7.7%. Having a prior drug arrest decreased the probability of rearrest by 1.5% (compared to having no prior arrest or having a prior arrest for a non-drug offense).

Probationers convicted of felonies were 10.0% more likely to have a recidivist incarceration than misdemeanants. Probationers with an intermediate punishment were 4.5% more likely to be incarcerated than those with a community punishment. Each additional month of probation supervision was associated with a 0.1% increase in the probability of incarceration. Recidivist incarcerations that result from technical revocations of probation (as opposed to conviction for a new crime) may contribute to this finding. Finally, probationers with higher risk

(OTI) scores were more likely to have a recidivist incarceration; each additional point on the OTI score increased the probability by 0.1%.

Model 4: Probability of Recidivist Incarceration for Prison Releases

Model 4 in Table 4.2 presents the estimated effects of each independent variable on a prisoner's probability of being reincarcerated during the two-year follow-up period. Overall, 24.1% of the prisoners included in the model were reincarcerated.⁵⁵

For the most part, the effects of personal characteristics on recidivist incarceration were similar for prisoners and probationers. Being male and having a history of drug addiction increased the probability of incarceration by 11.9% and 4.1%, respectively. Compared to youthful offender prisoners (under age 21) who had a reincarceration rate of 35.0%, prisoners between 21-29 years old were 8.6% less likely to be incarcerated and aging offender prisoners (50 years of age or older) were 23.9% less likely to be incarcerated. Having a mental health issue increased the probability of reincarceration significantly (by 2.6%). Married prisoners were 3.3% less likely and nonwhite prisoners were 3.1% less likely to have a recidivist incarceration.

As expected, criminal history significantly affected the probability of recidivist incarceration. Each prior arrest increased the probability of reincarceration by 2.7%. Having a prior incarceration increased the probability of a recidivist incarceration by 9.0%, while having contact with the criminal justice system within the 12 months prior to prison admission (for the conviction which resulted in selection for the FY 2008/09 sample) increased the likelihood by 9.4%. On the other hand, having a prior drug arrest (compared to having no prior arrests or having a prior arrest for a non-drug offense) decreased the likelihood of reincarceration by 3.1%.

Prisoners who had a felony as their most serious current offense were 6.8% less likely to be reincarcerated than those with a misdemeanor. Prisoners with PRS were 5.4% more likely to be reincarcerated than those with no supervision following release from prison. Recidivist incarcerations that result from technical revocations of PRS (as opposed to conviction for a new crime) may contribute to this finding. Each additional month served in prison decreased the probability of reincarceration by 0.4%, while each prison infraction increased the probability of reincarceration by 1.1%. In terms of risk, prisoners with higher risk (OTI) scores were more likely to have a recidivist incarceration; each additional point on the OTI score increased the probability by 0.4%.

Summary

Although predictors of recidivism varied somewhat across the probationer and prisoner populations, some common factors emerged.

- ▶ In the recidivist arrest models for probationers and prisoners, being under 21 (a youthful offender), male, nonwhite, having a greater number of prior arrests, having a prior probation

⁵⁵ The percentage of prisoners with a recidivist incarceration (24.1%) reported in this chapter differs slightly from that reported in Chapter Three (24.7%). The difference occurred because some prisoners had missing information on one or more variables used in the models, and thus could not be included in the multivariate analysis.

admission, having a criminal justice system contact within 12 months before probation or prison admission, or having a higher OTI (risk) score all increased the probability of rearrest. For probationers, being married or being employed decreased the probability of arrest. Intermediate punishment probationers were less likely to have a recidivist arrest than community punishment probationers. No significant differences were found for rearrest rates of prisoners with PRS and prisoners with no PRS.

- ▶ With regard to recidivist incarceration for probationers and prisoners, being under 21 (a youthful offender), male, having a history of drug addiction, having a greater number of prior arrests, having a prior incarceration, having a criminal justice system contact within 12 months before probation or prison admission, or having a higher OTI (risk) score all increased the probability of rearrest. Being nonwhite, being married, or having a prior drug arrest decreased the probability of incarceration. Intermediate punishment probationers were more likely to have a recidivist incarceration than community punishment probationers. Prisoners with PRS were more likely to have a recidivist incarceration than prisoners with no PRS.
- ▶ Throughout the analyses, two demographic factors (age and sex) and two factors in an offender's criminal history (having a criminal justice contact within the 12 months prior to probation/prison admission and the number of prior arrests) had the most sizeable and consistent effect on increasing the probability of recidivism. While some factors decreased the probability of recidivism, none had as large an impact as these measures.

CHAPTER FIVE SUMMARY AND CONCLUSIONS

Summary

During the 1998 Session, the General Assembly redrafted the Sentencing Commission's original mandate to study recidivism and expanded its scope to include a more in-depth evaluation of correctional programs. This report is the Commission's seventh correctional program evaluation in compliance with the expanded mandate (Session Law 1998-212, Section 16.18).

In its studies of recidivism, the Sentencing Commission uses rearrest as the primary measure of recidivism, supplemented by information on reconvictions and reincarcerations, to assess the extent of an offender's repeat involvement in the criminal justice system. Additional interim outcome measures are included in the study as well – probation violations, revocations, and prison infractions.

The sample selected for this study included offenders released from prison or placed on probation during Fiscal Year 2008/09 and followed for a fixed period of two years. All 61,646 offenders in the sample were sentenced under Structured Sentencing, affording a comprehensive look at the patterns of recidivism following the enactment of North Carolina's 1994 sentencing reform.

Of the 61,646 offenders in the current sample, 68% (n=41,773) were placed on probation and 32% (n=19,873) were released from prison in FY 2008/09. This report also breaks down the probationers into those who received community and intermediate punishments, and the prison releases into those who were placed on post-release supervision (PRS) following their release and those who were released with no PRS.

Of the sample as a whole, 78% were male and 56% were nonwhite. Almost three-fourths (73%) of the offenders had one or more prior fingerprinted arrests, accounting for a total of 186,791 prior arrests for the sample. Nearly half (48%) of the offenders had a most serious current conviction for a felony offense.

Based on the Division of Adult Correction's (DAC) risk assessment (OTI scores), 27% of the sample were at high risk for future recidivism, 33% were at moderate risk, 24% were at low risk, and 16% were at minimum risk. Offender risk levels were higher for prison releases than for probationers.

The report includes information on "time at risk" during the follow-up period as context to an offender's opportunity to recidivate, with 76% of the sample being at risk for the entire two-year follow-up period. The following table summarizes two-year recidivism rates by the three outcome measures used in the study.

**Outcome Measures for North Carolina Offenders
Two-Year Follow-Up Period**

<u>Punishment Type</u>	<u>Rearrest</u>	<u>Reconviction</u>	<u>Reincarceration</u>
Probation entries	32.3%	15.3%	23.9%
Prison releases	43.8%	22.9%	24.7%
All offenders	36.0%	17.7%	24.1%

Overall, 36%, or 22,174 of the 61,646 offenders, were rearrested during the two-year follow-up period, accounting for a total of 40,152 recidivist arrests incurred by the entire sample. Rearrest rates increased by punishment type from community to intermediate to prison. Rates also increased by offender risk levels, with some of the variation in rearrest rates by punishment type diminishing when controlling for offender risk.

The subsample of 19,873 offenders released from prison during FY 2008/09 also included 2,302 inmates who had served time for the most serious felonies (defined under Structured Sentencing as Classes B1 through E) and were released from prison onto PRS. Compared to prisoners not on PRS, those on PRS had a higher rate of high risk offenders but a lower rate of recidivism. However, once factors other than supervision following release (*e.g.*, age, risk score, criminal history) were taken into account, there were no significant differences in rearrest rates of prisoners with PRS and prisoners with no PRS.

Information was provided on two interim outcome measures that are also indicators of offender misconduct: 1) violations of probation and revocation of probation while under supervision in the community during the two-year follow-up and 2) infractions for prisoners. Sixty-three percent of all probationers had at least one probation violation, with a majority being technical violations. Thirty-seven percent were revoked during the follow-up, in more than half of the cases as a result of technical violations. The rate of revocation was higher for intermediate probationers than for community probationers. Overall, 45% of prisoners had at least one infraction while incarcerated for their current offense, with an average of five infractions for prisoners who had any infractions. As expected, the average number of infractions increased as time served increased.

Multivariate analysis further confirmed that personal, offense-based, and criminal history factors were related to the criminal justice outcomes studied for both probationers and prisoners. In the various models tested, demographic and preexisting factors – such as being male, a youthful offender, having a greater number of prior arrests, or having recent criminal justice contact – all seemed to play an important role in increasing the probability of future criminal behavior. Some of the same factors that predicted rearrest also impacted the probability of incarceration due to a new conviction or a probation revocation.

Conclusions

When information from the current report is added to the Sentencing Commission’s previous recidivism studies, a wider array of findings and tentative conclusions emerges. These

reports, covering large samples of offenders released in North Carolina between CY 1989 and FY 2008/09, provide a framework to look at trends in the state’s recidivism rates and related factors. Overall, many of the findings that follow have remained constant over the course of the recidivism studies and lead to the same general conclusions.

- *Statewide recidivism rates have been remarkably consistent over the past twenty years, except for a notable increase in the rates of the current (FY 2008/09) sample.*

**Rearrest Rates for North Carolina Offenders
Two-Year Follow-Up Period**

<u>Sample Year</u>	<u>Rearrest Rate</u>
CY 1989	31.2%
FY 1996/97	32.6%
FY 1998/99	31.2%
FY 2001/02	31.5%
FY 2003/04	32.0%
FY 2005/06	32.5%
FY 2008/09	36.0%

The first six samples studied had rates ranging between 31% and 33%, with the current sample’s recidivism rate climbing to 36%. After further investigation into possible reasons to account for this increase, the primary explanation points to a change in field technology to capture additional fingerprinted arrests, rather than an actual three percentage-point increase in the rate of sample offenders rearrested for new crimes. In the past several years, sheriffs’ offices and police departments statewide have benefited from improvements in technology which have led to a greater number of documented misdemeanor arrests in the DOJ’s CCH system. More areas of the state now have the capability to fingerprint all misdemeanants, instead of only the most serious misdemeanants. As a result, a more accurate – and higher – rate of misdemeanor arrests is now reported by the DOJ, with the recidivism rate for misdemeanor offenses almost doubling between FY 2005/06 and FY 2008/09.

- *Intermediate punishments continue to provide an effective alternative in the range of graduated sanctions between probation and incarceration.*

A second finding, which has been present in all of the recidivism reports, shows that intermediate punishments continue to provide an effective alternative in the continuum of graduated sanctions between probation and incarceration. The groups of offenders sentenced to a more intensive level of supervision in the community (*i.e.*, intermediate) have been of particular interest in the Commission’s series of recidivism studies, especially those which studied offenders sentenced under Structured Sentencing. The SSA was designed to provide these more closely supervised offenders a second chance – and the state a less costly option – in lieu of incarceration. Findings of this and previous reports confirmed that the general profile of intermediate probationers more closely

mimicked that of prisoners than of community probationers. All measures of recidivism were higher for intermediate probationers than for community probationers. Additionally, probationers with an intermediate punishment had a considerably higher revocation rate than probationers with a community punishment. The higher revocation rate for intermediate offenders is not surprising since this is a challenging group that requires closer monitoring, with longer periods of supervision and more restrictive sanctions while on probation. Despite these issues, the rearrest rate for intermediate probationers is still seven percentage-point lower than the rate for prisoners. This finding lends continued support to the notion and effectiveness of intermediate sanctions as an effort to combine greater offender control for public safety with more intensive programming for the offender in the community.

- *The timing and targeting of correctional resources is crucial in reducing recidivism.*

Another conclusion that can be drawn from the Commission's recidivism reports is that the timing and targeting of correctional resources is crucial in reducing recidivism. Especially when the correctional response is intensive, well-targeted for an offender's needs, and is most concentrated in the first year of supervision, it seems to produce a correctional alternative that is less expensive and more successful in reducing future reoffending. Focusing more supervision and resources in the first year of an offender's placement in the community seemed to hold true for released prisoners as well, reaffirming the value of some type of structured re-entry or supervision following release.

- *The validity of offender risk assessments as a predictive tool might point to its use at various points in the criminal justice decision making process.*

The issue of targeting resources is directly related to the utilization of offender risk scores (such as the OTI) as a valid predictive tool to be applied at various decision points in the criminal justice system. As we learn more about offenders and whether they will recidivate, the more critical question for policy makers is how to target the reserve of correctional services efficiently to prevent future criminality. As mentioned previously, the JRA codifies the use of risk and needs assessments in managing the offender population, similar to the instrument the DAC has already been using to determine the risk levels of probationers. As this study found, rearrest rates increased with risk levels for the two-year follow-up period, with the highest rate observed for high risk offenders and the lowest rate for minimum risk offenders. Generally, the number of recidivist arrests also increased with the offender's risk level. The continued revision, validation, and use of offender risk assessments in managing both probationers and prisoners will provide valuable information about the role of risk measures in decision-making and its potential impact on recidivism rates.

The Justice Reinvestment Act and Its Potential Impact on Recidivism

As mentioned in Chapter One, the passage of the JRA of 2011 introduces major changes in North Carolina's criminal justice system. The FY 2008/09 sample examined in this report represents the last sample to be based entirely on SSA offenders sentenced prior to the passage of

JRA; subsequent reports will include SSA offenders sentenced both prior to and subsequent to the changes implemented by JRA. The current sample may serve as a baseline of comparison in future reports which will help assess the impact of JRA changes, most specifically on rearrest, reincarceration, and revocation rates for probationers and prisoners.

Some of the JRA components likely to impact outcome measures include:

- Changes to community supervision –
 - delegated authority to probation officers in the form of “quick dips” as a response to probation violations;
 - redefinition of both Community and Intermediate Punishments, allowing for greater flexibility for the court and probation officers in imposing conditions of probation based on an offender’s risk/needs and supervision levels;
 - reduction in revocations, with an actual revocation of the suspended sentence reserved only for offenders who commit a new crime or abscond, and the utilization of 90-day Confinement in Response to Violation (CRV) periods for other violations of supervision;
 - expansion of a nine-month period of Post-Release Supervision to include all felons, and lengthening the supervision period to twelve months for violent felons;
 - establishment of Treatment for Effective Community Supervision (TECS), to refocus Criminal Justice Partnership Programs (CJPP) under DAC funding and provide oversight for local programs to serve the needs of the offender population in each county.

- Changes to incarceration –
 - Advanced Supervised Release (ASR) for offenders designated at sentencing by the court, contingent on completing certain prison programming based on their risk and needs assessments administered by the DAC;
 - Statewide Misdemeanant Confinement Program, for misdemeanants who receive a sentence between 91 and 180 days to serve their time in local jails, rather than in state prisons;
 - Creation of a new status offense of habitual breaking and entering, increasing the probability of incarceration for a second conviction for certain offenses.

- Changes in supervision and services based on offender risk and needs –
 - utilizing risk and needs assessments to manage the offender population, and effectively targeting and delivering resources by matching offenders with supervision levels, programs and services based on their risk of reoffending and their criminogenic needs. The Offender Traits Inventory (OTI), in the process of being currently revised and validated, will serve as the tool the DAC will use in assessing probationers, with a similar tool developed and used for prisoners.

The Sentencing Commission’s next biennial report (2014) will provide an assessment of the early success of the JRA in fulfilling some of its promises regarding recidivism rates. Due to the more immediate impact of the JRA on community corrections, the Commission will focus the recidivism study on probationers, all sentenced under the JRA and followed for a shorter period of time, to provide a first look at the projected outcomes. Additionally, in response to a

new legislative mandate, the Commission will study the recidivism rates of offenders who have been assigned to TECS. The Commission's analysis of recidivism under JRA will be but one of the dimensions to track and assess the changes, along with the Commission's other legislatively mandated studies including the annual reports on the implementation of the Justice Reinvestment Act; the statistical reports on all felonies and misdemeanors convicted and sentenced under the SSA; and the annually updated ten-year projections of the state's prison population.

As with any large-scale change to correctional policy, 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, and be realistic in weighing criminogenic factors brought with an offender into the system compared to the short time and limited resources at the DAC's disposal to reverse their impact. With this caveat notwithstanding, the Sentencing Commission looks forward to continuing its work with the DAC to combine the lessons learned from previous studies of recidivism and from the first empirically measurable effect of the new legislation in an effort to evaluate the promising new approach to offender placement, supervision, treatment, and services.

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APPENDIX A

GLOSSARY OF MAJOR TERMS AND VARIABLES

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Age: Age (in years) at entry to probation or release from prison. For the multivariate analysis only, age is categorized into five groups: less than 21 years old (youthful offenders), 21-29, 30-39, 40-49, and 50+ (aging offenders).

Age at First Criminal Justice System Contact: Age at which the offender first came into contact with the criminal justice system as an adult or as a juvenile waived to adult jurisdiction. This measure includes fingerprinted arrests, convictions, probation admissions, probation revocations, and prison admissions. Although the first contact would normally be for an arrest, it is possible that it may be for a conviction for a non-fingerprinted arrest or for any of the other types of criminal justice system contacts mentioned. If the offender had no prior criminal history as defined by the above measures, the age at first criminal justice system contact is the date of the conviction that placed the offender in the sample. For the multivariate analysis only, this variable was capped at the upper bound of 50 years. All offenders 49 years old and below were measured at their actual age; those 50 years old and older were considered to be exactly 50 years old.

Arrest: A record of a fingerprinted arrest in North Carolina, maintained in the DOJ CCH system. An arrest for which an offender was not fingerprinted (*e.g.*, a misdemeanor offense for which fingerprinting is not required), indictment without an arrest, or failure to find a match for an offender in the DOJ CCH database results in the lack of an arrest record. The lack of an arrest record was interpreted as the lack of an arrest. Each offense category is defined in this appendix. Each arrest was counted in the category for the offense involved: violent, property, drug, and other. If an arrest event (a single arrest date) involved more than one type of offense, it was counted in each offense category. For example, if an offender had two arrest events (dates) – one arrest event that consisted of a violent charge and a property charge and a second arrest event that consisted of a property charge and a drug charge – this situation resulted in a count of one violent arrest, two property arrests, and one drug arrest, as well as an overall count of two arrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes, such as arrests for technical violations of probation. (By definition, arrests for which the arrestee was not fingerprinted were excluded.) The study examined two types of arrest:

- **Prior Arrest:** Fingerprinted arrest that occurred before the current conviction that placed the offender in this sample. This definition excludes arrests associated with the current conviction. In the multivariate analysis only, the number of prior arrests was capped at the upper bound of eight arrests. That is, the analysis counted the actual number of prior arrests from zero to seven; those with eight or more arrests were considered to have exactly eight arrests. Prior arrests for impaired driving, other traffic offenses, and Class 2 and 3 misdemeanors were excluded from analysis.
- **Recidivist Arrest:** Fingerprinted arrest that occurred within the two-year follow-up period. This definition excludes arrests associated with the current conviction. Also

referred to as “rearrest(s).” Recidivist arrests for impaired driving, other traffic offenses, and Class 2 and 3 misdemeanors were excluded from analysis.

At Risk: Being in a state/condition in which the person is capable of experiencing a specified event within a defined time-frame. In this context, an offender is said to be at risk of recidivism during the two-year follow-up period on any day that he/she was not incarcerated in North Carolina’s prison system.

Conviction: Conviction for an offense in the North Carolina state court system. The study examined three types of convictions – prior, current, and recidivist. Each conviction was counted in the category for the offense involved: violent, property, drug, and other. If a prior or recidivist conviction event (a single conviction date) involved more than one type of offense, it was counted in each offense category. For example: if an offender had two conviction events (dates) – one conviction event consisted of a violent charge and a property charge, and the second consisted of a property charge and a drug charge – this situation resulted in a count of one violent conviction, two property convictions, and one drug conviction, as well as an overall count of two convictions.

- **Prior Conviction:** A conviction that occurred before the current conviction that placed the offender in this sample, based on data recorded in the DOJ CCH system. Prior convictions for impaired driving, other traffic offenses, and Class 2 and 3 misdemeanors were excluded from analysis. Used to calculate age at first criminal justice system contact in the report.
- **Current Conviction (Most Serious):** The conviction that placed the offender in the sample as a probation entry or prison release during FY 2008/09, based on information in OPUS. Conviction offenses were ranked in terms of seriousness based on offense class and sentence length. The offense corresponding to the highest offense class was selected as the most serious current conviction for analysis purposes. If the offender had more than one conviction in this class, then the offense with the longest sentence length was selected. Current convictions for impaired driving and other misdemeanor traffic offenses, process offenses such as criminal contempt or probation violation, and offenders sentenced under earlier sentencing laws (Pre-Fair and FSA) were excluded from the analysis.
- **Recidivist Conviction:** A conviction that occurred within the two-year follow-up period, based on data recorded in the DOJ CCH system. The arrest corresponding to the conviction had to have occurred during the follow-up period, also. Recidivist convictions for impaired driving, other traffic offenses, and Class 2 and 3 misdemeanors were excluded from analysis.

Criminal Justice System Contact within 12 Months before Probation/Prison Admission: Whether the offender had a fingerprinted arrest, conviction, probation admission, revocation, or prison admission within the 12 months immediately before the current admission to probation or prison.

Department of Justice (DOJ) Computerized Criminal History (CCH) System: The management information system containing information on all fingerprinted arrests and convictions of adults (and juveniles waived to adult jurisdiction) from North Carolina law enforcement agencies and courts. It is the source of all prior and recidivist arrest and conviction information for the study sample.

Dependent Variable: In the multivariate analysis, a variable whose values are predicted by (*i.e.*, depend on) the independent variables. It is the outcome or event under examination (*e.g.*, recidivist arrest, recidivist incarceration).

Dichotomous Measure: A variable that has two, and only two, distinct categories. It may measure the presence or absence of an event or characteristic, for example, the variables “rearrest” (rearrested or not rearrested) and “employed” (employed or not employed). Alternatively, it may measure a characteristic that, by its nature, has only two possible values. An example is the type of punishment for probationers (community or intermediate).

Drug Addiction: A dichotomous measure of whether the offender reported a history of drug addiction on the OTI. This measure does not assess alcohol abuse or addiction. For prisoners without an OTI, the measure may be based on an assessment of drug dependency on the Substance Abuse Subtle Screening Inventory (SASSI) or the Chemical Dependency Screening Test (CDST). An alternative measure is not available for probationers without an OTI. The OTI is usually administered as part of the probation or prison intake process, but the CDST and SASSI may be administered at any point during the offender’s incarceration period.

Drug Offense: Violation of laws pertaining to controlled substances. This category includes the possession, sale, delivery, manufacture, and trafficking of controlled substances.

Effect: In the multivariate analysis, the influence of a specific independent variable on the dependent variable. In this study, it refers to the percentage change in the dependent variable (*e.g.*, recidivist arrest) that is attributable to the independent variable being examined (*e.g.*, number of prior arrests).

Employed: A dichotomous measure of whether the offender had stable employment (or was passing in school) at the time of probation admission (for probationers) or prison intake (for prisoners). This information comes from the OTI, if available. Otherwise, employment status comes from other OPUS records for prisoners. An alternative measure is not available for probationers without an OTI.

Follow-Up Period: Each offender was tracked for a period of two years to determine whether recidivist arrests, convictions, or incarcerations occurred. The follow-up period was calculated on an individual basis using the probation entry date plus two years for probationers and the prison release date plus two years for prisoners. Recidivism rates are reported for one-year and two-year follow-up periods. Each follow-up period reported is inclusive of the previous follow-up period. That is, the two-year follow-up period contains information on events that occurred during both the first and second years of follow-up. As a result, recidivism rates reported for each follow-up period cannot be added across follow-up periods.

High School Dropout: Self-reported educational status from the OTI. Education was categorized as a dichotomous variable, measured as whether the individual finished high school. The OTI is usually administered as part of the probation or prison intake process. If the OTI information was missing, education (*e.g.*, high school dropout) comes from other OPUS records for probationers and prisoners.

Highest Custody Level: Measured as close, medium, or minimum. This measure corresponds to the most restrictive custody level to which a released prisoner was classified during the current incarceration period.

Hispanic: A dichotomous measure of ethnicity. Offenders identified in OPUS as “Hispanic” were defined as Hispanic. All other ethnicities (*e.g.*, North American/European, Slavic, African) were defined as not Hispanic.

Incarceration: Confinement in North Carolina’s prison system, as a result of a sentence imposed for a criminal conviction or revocation of supervision, based on OPUS records. Excludes incarceration in jails, other states, or Federal facilities. The study examined three types of incarceration:

- **Prior Incarceration:** An incarceration period that ended before the current probation admission (for probationers) or current prison admission (for prisoners).
- **Current Incarceration:** For sampled prisoners, the incarceration period associated with the current conviction.
- **Recidivist Incarceration:** An incarceration that occurred during the follow-up period. Also referred to as “reincarceration” (regardless of whether the individual had previously been incarcerated).

Independent Variable: In the multivariate analysis, a variable that is thought to affect (predict) the dependent variable. Examples of independent variables in this study include age, number of prior arrests, and history of drug addiction.

Infraction: A finding by the disciplinary committee that a prisoner violated prison rules (prison releases only). The study included all classes and types of infractions, such as assault, possession of weapons, disobeying a direct order, and possession of contraband. In the multivariate analysis only, the number of infractions was capped at the upper bound of six. That is, the analysis counted the actual number of infractions from zero to five; those with six or more infractions were considered to have exactly six infractions.

Justice Reinvestment Act (JRA): The JRA, implemented on December 1, 2011 (S.L. 2011-192), redefines community and intermediate punishments, expands the delegation of authority to probation officers, and limits the time an offender may serve for violations of probation. It creates a new status offense of habitual breaking and entering, changes habitual felon punishments, authorizes early release from prison under certain conditions, and expands post-

release supervision to all incarcerated felons. To keep offenders in the community, the new law expands the diversion program for certain drug offenses, and refocuses the Criminal Justice Partnership Program through the creation of the Treatment for Effective Community Supervision program. Finally, the JRA requires the DAC to use a validated instrument to assess each probationer for risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level. Because this law was enacted after the end of the follow-up period for all members of the FY 2008/09 sample, none of the analyses in this study reflect provisions of the JRA.

Logistic Regression: A multivariate statistical analysis technique that produces estimates of the association of a set of independent variables (*e.g.*, age, sex, offense seriousness) with a dichotomous dependent variable (*e.g.*, rearrest, incarceration), while also quantifying the singular contribution of each of the variables in the model.

Marital Status: Marital status was defined in two ways. In the body of the report and in Appendix E, marital status was categorized as married or not married. In Appendix B, marital status was categorized as: single, divorced/separated, married/widowed, and other/unknown.

Mental Health Issue: Prisoners were identified as having a mental health issue if their most serious PULHEAT mental health score during the period of incarceration was two or greater or if they received a DSM-IV mental disorder diagnosis from prison mental health services. Mental health information was not available for probationers.

Nonwhite: A dichotomous measure of race used in Chapter Two and in the multivariate analysis. Offenders were designated as “white” if they were identified as such in OPUS. Offenders identified in any other racial category (Asian/Oriental, black, Indian, other, or unknown) were designated as “nonwhite.”

Offender Population Unified System (OPUS): The DAC’s management information system containing data about prisoners and probationers. It is the source of all data pertaining to the offender’s personal characteristics, current conviction information, and all incarceration periods, probation admissions, revocations, probation violations (for probationers) and prison infractions (for prisoners).

Offender Traits Inventory (OTI): The DAC administers this instrument to individuals upon admission to probation and prison. The OTI contains items pertaining to prior convictions, financial status, marital status, attitude, drug addiction, employment history, current employment status, whether the individual dropped out of high school, sex, age, and punishment type (intermediate or community punishment – for probationers only). Each item receives a certain number of points based on its contribution to the likelihood of rearrest within one year of administration. OTI scores for prisoners can range from 0-58; scores for probationers can range from 0-64. The OTI score was used to determine risk levels reported in the analysis. The OTI has been validated on probationers, but not on prisoners. Appendix D contains a copy of the OTI.

Offense Class: The class associated with the most serious current conviction offenses. Ranges from the least serious offense class (a Class 3 Misdemeanor) to the most serious offense class relevant to the sample (a Class B1 Felony).

Offense Seriousness: Whether the most serious current conviction was for a felony or misdemeanor.

Offense Type (Category): Offenses were broadly classified into the following categories: violent, property, drug, and other. A definition for each type of offense appears in this glossary.

Other Offense: An offense not categorized as a violent, property, or drug offense. Examples include habitual felons, prostitution, obscenity, contributing to the delinquency of a minor, and abandonment or non-support of a child.

Prior Drug Arrest: Whether the offender had an arrest for a drug offense before probation admission (for probationers) or prison admission (for prisoners). This measure excludes the current conviction. Used in the multivariate analysis only.

Prison Releases: Individuals in the sample as a result of having been released from prison during FY 2008/09. The sample delineates prison releases as prison releases without PRS and prison releases with PRS. Also referred to as “prisoners.”

Probation Entries: Individuals in the sample as a result of having been placed on probation during FY 2008/09. The sample delineates probation entries by the type of punishment received: probation entries with community punishment and probation entries with intermediate punishment. Also referred to as “probationers.”

Probation Violation: A violation of supervision requirements during the follow-up period (probationers only). A violation is included in the study if it was a “completed” violation – meaning the violation was either disposed of by the court in a violation hearing or handled by the Section of Community Corrections using delegated authority. Violations of PRS supervision are not included in this analysis. Probation violations fall into three categories – criminal, absconding, and technical:

- **Criminal:** A probation violation entered due to a pending criminal charge(s) or conviction for a new crime(s) during the two-year follow-up period.
- **Absconding:** A probation violation entered due to absconding supervision during the two-year follow-up period. Absconding occurs when a probationer avoids supervision by leaving the jurisdiction or otherwise making him/herself unavailable to the probation officer.
- **Technical:** Violation of the conditions of supervision that require probationers to conform their behavior in a manner not normally applicable to a person who is not under criminal justice system supervision (*e.g.*, possession of a firearm, failure to follow

treatment recommendations, failure to obtain employment). A technical violation does not necessarily imply criminal activity.

Property Offense: Violation of criminal laws pertaining to property. Includes offenses such as burglary, breaking and/or entering, larceny, fraud, forgery and/or uttering, receiving and/or possessing stolen goods, and embezzlement.

Race: OPUS identifies race as Asian/Oriental, black, Indian, white, other, and unknown. Due to the very small number of offenders who were other than black or white, the study collapsed categories to create the variable race, which was categorized as white, black, and other/unknown (which included all racial designations other than white or black). This variable was used in Appendix B. In the body of the report and in Appendix E, race was categorized into the dichotomous variable “nonwhite.” This term is defined in this appendix.

Revocation: A revocation of probation supervision due to violation(s) resulting in the imposition of the active portion of a probated sentence (for probationers) or activation of the remainder of an active sentence (for offenders on PRS). The study identifies two types of revocation: prior and recidivist.

- **Prior Revocation:** Revocation that occurred before the current conviction that placed the offender in this sample.
- **Recidivist Revocation:** Revocation that occurred during the two-year follow-up period *for probationers only*. In addition, recidivist revocations were examined with regard to their seriousness. Revocations fall into three categories – criminal, absconding, and technical:
 - **Criminal:** Revocation due to a probation violation entered due to a pending criminal charge(s) or conviction for a new crime(s) during the two-year follow-up period.
 - **Absconding:** Revocation due to absconding supervision during the two-year follow-up period. Absconding occurs when a probationer avoids supervision by leaving the jurisdiction or otherwise making him/herself unavailable to the probation officer.
 - **Technical:** Revocation due to violation(s) of the conditions of supervision that require probationers to conform their behavior in a manner not normally applicable to a person who is not under criminal justice system supervision (*e.g.*, possession of a firearm, failure to follow treatment recommendations, failure to obtain employment). A technical violation does not necessarily imply criminal activity.

Recidivism: In general, the repetition of criminal activity. Because it is rarely possible to observe actual criminal activity, researchers typically define recidivism in terms of future contacts with the criminal justice system. In this study, recidivism is defined in terms of contacts

with the North Carolina criminal justice system during the two-year follow-up period after entry into the sample. Three specific measures of recidivism used here are arrest, conviction, and incarceration. In addition, three interim outcome measures used here are probation violations and revocations for probationers and infractions while in prison for prisoners. This appendix contains definitions of each of these measures.

Risk Level/Risk Score: The projected probability of rearrest, based on the offender's OTI score. The analyses presented in Chapters Two and Three use the DAC risk levels: minimum (0-15 points), low (16-25 points), moderate (26-35 points), and high (36 points or more). The OTI has been validated on probationers, but not on prisoners. In the absence of a validation study for prisoners, the same score cutoffs were used for prisoners that were used for probationers. The multivariate analysis in Chapter Four uses the numeric OTI score as the measure of risk.

Sample: Individuals selected for the recidivism study. All offenders sentenced under the SSA who were placed on supervised probation or released from North Carolina's prison system during FY 2008/09 were selected. If an offender had both a probation admission and a prison release during FY 2008/09, the first event was selected. The sample excludes DWI offenders, probationers placed on unsupervised probation, and offenders sentenced under earlier sentencing laws (Pre-Fair and FSA).

Statistically Significant: In the multivariate analysis, the situation in which the effect of a variable is larger or smaller than would have been expected to have occurred by chance. In large samples, it is common for many variables to achieve statistical significance, but statistical significance does not necessarily imply substantive significance/causation.

Supervision Length: The number of months of probation supervision imposed at conviction (for probationers only).

Time at Risk: The number of days the offender was not incarcerated in North Carolina's prison system during the two-year follow-up period. If the offender was never incarcerated during the follow-up period, the time at risk is 730 days (2 years). If, for example, the offender was incarcerated in prison for 3 months (90 days), the time at risk is 640 days ($730 - 90 = 640$). Since each county jail maintains its own data, it was not possible to account for time served in county jails during the follow-up period. It was also not possible to account for time served in any other state or in Federal facilities.

Time Served: Number of months served in prison immediately before release (for prisoners in the sample). In the multivariate analysis only, this variable was capped at the upper bound of 36 months. That is, time served was measured as the actual number of months served up to 36; prisoners who served more than 36 months were considered to have served exactly 36 months.

Time to Rearrest: The number of months between the offender's date of entry to probation or release from prison and the date of their first recidivist arrest. Applicable only for offenders who had one or more recidivist arrests during the two-year follow-up period.

Time to Reconviction: The number of months between the offender's date of entry to probation or release from prison and the date of their first recidivist conviction. Applicable only for offenders who had one or more recidivist convictions during the two-year follow-up period.

Time to Reincarceration: The number of months between the offender's date of entry to probation or release from prison and the date of their first recidivist incarceration. Applicable only for offenders who had one or more recidivist incarcerations during the two-year follow-up period.

Time to Probation Revocation: The number of months between the probationer's entry to probation and the date of their first revocation. Applicable only for probationers who had one or more revocations during the two-year follow-up period.

Time to Probation Violation: The number of months between the probationer's entry to probation and the date of the first violation. Applicable only for probationers who had one or more probation violations during the two-year follow-up period. PRS violations were not tracked.

Type of Punishment: The severity of sentence imposed for the offense that placed the offender in the study sample. Members of the sample are delineated by their type of punishment:

- **Probation Entries with a Community Punishment:** Offender who were sentenced under the SSA and received a community punishment. Community punishments may consist of a fine, unsupervised probation (although unsupervised probationers were excluded from the sample), or supervised probation, alone or with one or more of the following conditions: outpatient drug/alcohol treatment, community service, assignment to TASC, payment of restitution, or any other conditions of probation that are not considered an intermediate punishment. Also referred to as probationers with a community punishment or community punishment probationers.
- **Probation Entries with an Intermediate Punishment:** Offenders who were sentenced under the SSA and received an intermediate punishment. An intermediate punishment requires a period of supervised probation with at least one of the following conditions: special probation, assignment to a residential treatment program, house arrest with electronic monitoring, intensive probation, assignment to a day reporting center, or assignment to a drug treatment court program. Also referred to as probationers with an intermediate punishment or intermediate punishment probationers.
- **Prison Releases with No Post-Release Supervision:** Offenders sentenced under the SSA who served their maximum sentence minus earned time and time for pre-conviction confinement, and were released back into the community. The SSA mandates release without supervision for prisoners convicted of felonies in offense classes F through I and misdemeanors.
- **Prison Releases with Post-Release Supervision:** Offenders sentenced under the SSA Act for a Class B1 through E felony who were released from prison on the date

equivalent to the maximum prison sentence, less nine months, less any earned time awarded by the DAC or the custodian of a local confinement center. Offenders are then supervised in the community for a period of nine months, with the exception of sex offenders who are supervised for five years.

Upper Bound: This technique was used in the multivariate analysis only to cap values of selected variables at the value corresponding to the 90th percentile. This was necessary because of the nature of the distribution of the variables. Appendix E contains additional details regarding this process and its rationale.

Violent Offense: An offense against the person involving force or threat of force. Includes offenses such as murder, rape, voluntary and involuntary manslaughter, kidnapping, robbery, first degree arson, and all types of assault.

APPENDIX B

**B-1: INDIVIDUAL PROGRAM AND
CORRECTIONAL SUPERVISION
SUMMARIES**

**B-2: SUMMARY INFORMATION FOR
CORRECTIONAL PROGRAMS**

**B-3: CRIMINAL JUSTICE OUTCOMES BY
PERSONAL CHARACTERISTICS**

APPENDIX B-1
INDIVIDUAL PROGRAM AND CORRECTIONAL SUPERVISION SUMMARIES⁵⁶

ALL PROBATION ENTRIES AND PRISON RELEASES

Introduction

The FY 2008/09 sample is comprised of 61,646 offenders who were either placed on probation or released from prison during that period.

FY 2008/09 Sample

The sample is comprised of all SSA offenders who were placed on supervised probation or were released from prison during FY 2008/09, with the following exclusions:

- offenders with a most serious current conviction for driving while impaired (DWI); and
- offenders with a most serious current conviction for a misdemeanor traffic offense.

Overall, 78.0% of the sample were male, 51.0% were black, 67.2% were single, and 47.3% had dropped out of high school. Almost three-quarters (72.7%) had at least one prior fingerprinted arrest, with an average of 4.2 prior arrests. Forty-eight percent of the sample had a most serious current conviction (*i.e.*, the conviction which placed them in the sample) for a felony offense. The majority of current convictions were for three categories of offenses: misdemeanor property offenses (22.0%), felony drug offenses (17.8%), and felony property offenses (17.4%). Overall, 36.0% of the sample had a recidivist arrest during the two-year follow-up period.

Methodology

This appendix provides brief summaries of the FY 2008/09 sample by: 1) the entire sample, 2) the probation entries and the prison releases, 3) the four types of punishment, 4) the sanctions imposed at sentencing for probationers, and 5) the programs prisoners participated in during incarceration. The sanctions analysis of the probation entries captures only the initial conditions of probation ordered at sentencing. The prison programs analysis of the prison releases captures the programs listed in this appendix that the prisoner participated in during his/her incarceration period.

⁵⁶ Effective January 1, 2012, Session Law 2011-145, Part XIX, consolidated the North Carolina Departments of Correction (DOC), Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention (DJJDP) into a single Department of Public Safety (DPS). The responsibilities of the former DOC have been assumed by DPS's Division of Adult Correction; those of the former DJJDP have been assumed by DPS's Division of Juvenile Justice. Likewise, the former DOC Division of Prisons has been reorganized as the Section of Prisons of the Division of Adult Correction, and the former DOC Division of Community Corrections has been reorganized as the Section of Community Corrections of the Division of Adult Correction. This appendix refers to the departmental structure effective January 1, 2012.

**All Probation Entries and Prison Releases
FY 2008/09**

Number of Offenders (N): 61,646

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	8.0
Male	78.0	Property Felony	17.4
Female	22.0	Drug Felony	17.8
		Other Felony	4.9
Race:	%	Violent Misdemeanor	13.4
White	44.1	Property Misdemeanor	22.0
Black	51.0	Drug Misdemeanor	11.7
Other/Unknown	4.9	Other Misdemeanor	4.8
Average Age:	32	Mean months served in prison (prisoners only)	15.8
Marital Status:	%		
Single	67.2		
Divorced/Separated	18.8		
Married/Widowed	13.8		
Other/Unknown	0.2		
% High School Dropout	47.3		
% Employed	50.6		
% With Drug Addiction	45.9		
		<u>CRIMINAL JUSTICE OUTCOMES:</u>	
		<u>TWO-YEAR FOLLOW-UP</u>	%
		Recidivist Arrest Rates:	
		One-Year Follow-Up Period	23.9
		Two-Year Follow-Up Period	36.0
		Mean Number of Recidivist Arrests	1.8
		Average Months to First Recidivist Arrest	8.8
		Recidivist Conviction Rates:	
		One-Year Follow-Up Period	8.1
		Two-Year Follow-Up Period	17.7
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	12.4
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	13.8
		Two-Year Follow-Up Period	24.1
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	10.6
		<u>CORRECTIONAL SUPERVISION</u>	
		<i>Probation Entries</i>	41,773
		Community Punishment	28,001
		Intermediate Punishment	13,772
		<i>Prison Releases</i>	19,873
		No Post-Release Supervision	17,571
		Post-Release Supervision	2,302
	%		
Class B1 - E Felonies	4.7		
Class F - I Felonies	43.4		
Class A1 - 3 Misdemeanors	51.9		
		<u>CRIMINAL HISTORY</u>	
Age at First Criminal Activity	24		
Prior Criminal Activity Rates:	%		
Prior Arrests	72.7		
Prior Probation Admissions	61.7		
Prior Probation Revocations	37.6		
Prior Incarcerations	33.7		
		<u>CURRENT OFFENSE CLASS</u>	

PROBATION ENTRIES

Probation can be a community punishment or an intermediate punishment, depending on the level of supervision and programming ordered by the court. Intermediate punishment probationers are supervised by a probation officer and subject to at least one of the following conditions: special probation (*i.e.*, split sentence), house arrest with electronic monitoring, intensive probation, or assignment to a residential program, day reporting center, or drug treatment court. Community punishment probation may be supervised or unsupervised but does not include any of the conditions listed above. (Note: For this study, only community punishment probationers who received supervised probation were included in the sample.) Unless the court makes a specific finding that a longer or shorter period is necessary, a felon sentenced to a community punishment receives between 12 and 30 months of probation; a felon sentenced to an intermediate punishment receives between 18 and 36 months. The maximum probation term is five years.

The purposes of probation supervision are to control the offender in the community, provide opportunities for substance abuse and mental health treatment, ensure compliance with the conditions of probation, and enforce the conditions of probation through the violation process. Probation varies in intensity and restrictiveness depending on the level of supervision. All probationers are subject to certain regular conditions, unless specifically exempted by the court. Additional special conditions may be imposed to restrict freedom or limit movement, to enhance the offender's punishment, to provide a treatment plan that addresses the offender's particular needs and risk, and to offer realistic opportunities for behavioral change leading to successful completion of the supervision period. The court may also modify the conditions of probation in response to a violation.

Probation is administered by the Section of Community Corrections within the Division of Adult Correction. The court and the probation officer match the offender to the appropriate level of supervision. The Section of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Division of Adult Correction requires that officers adhere to minimum contact standards.

**Probation Entries
FY 2008/09**

Number of Offenders (N): 41,773

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	4.2
Male	73.7	Property Felony	13.7
Female	26.3	Drug Felony	14.9
		Other Felony	2.9
Race:	%	Violent Misdemeanor	15.1
White	46.9	Property Misdemeanor	27.6
Black	48.0	Drug Misdemeanor	15.1
Other/Unknown	5.1	Other Misdemeanor	6.5
Average Age:	31	Mean months served in prison (prisoners only)	N/A
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	68.3	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	17.0		%
Married/Widowed	14.4	Recidivist Arrest Rates:	
Other/Unknown	0.3	One-Year Follow-Up Period	21.5
		Two-Year Follow-Up Period	32.3
% High School Dropout	39.7	Mean Number of Recidivist Arrests	1.7
		Average Months to First Recidivist Arrest	8.7
% Employed	52.3	Recidivist Conviction Rates:	
% With Drug Addiction	37.9	One-Year Follow-Up Period	7.3
		Two-Year Follow-Up Period	15.3
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	12.2
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	14.7
		Two-Year Follow-Up Period	23.9
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	10.1
<u>RISK LEVEL</u>			
	%		
Minimum	20.1		
Low	24.1		
Moderate	30.9		
High	24.9		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	25	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Probation Entries	41,773
Prior Arrests	64.8	Community Punishment	28,001
Prior Probation Admissions	47.7	Intermediate Punishment	13,772
Prior Probation Revocations	28.1	Probation Sanctions	
Prior Incarcerations	23.2	Intensive Supervision Probation	6,421
		Special Probation	6,533
		Community Service	11,674
		Drug Treatment Court	215
		House Arrest with Electronic Monitoring	588
		CJPP	3,150
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	1.4		
Class F - I Felonies	34.2		
Class A1 - 3 Misdemeanors	64.4		

PROBATION – COMMUNITY PUNISHMENT

Probation is considered a community punishment unless certain conditions (known as intermediate punishments) are imposed. The purposes of probation supervision are to control the offender in the community, provide opportunities for substance abuse and mental health treatment, ensure compliance with the conditions of probation, and enforce the conditions of probation through the violation process. Unless the court makes a specific finding that a longer or shorter period is necessary, the probation term for a felon sentenced to a community punishment must be not less than 12 nor more than 30 months. In addition to the regular conditions to which all probationers are subject, special conditions may be imposed to further restrict freedom and limit movement in the community, to add more punitive measures, or to establish a complete individual treatment plan addressing the special needs and risk of the offender and providing a realistic opportunity for behavioral change that will lead to successful completion of the supervision period. If an offender violates the conditions of community punishment probation, the court may modify the conditions to include one or more of the following intermediate punishments: special probation (*i.e.*, split sentence), intensive supervision, house arrest with electronic monitoring, or assignment to a residential program, day reporting center, or drug treatment court.

Probation is administered by the Section of Community Corrections within the Division of Adult Correction. Probation varies in intensity and restrictiveness depending on the level of supervision. Community probation is the lowest level of supervised probation. The court and the probation officer match the offender to the appropriate level of supervision. The Section of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Division of Adult Correction requires that officers adhere to minimum contact standards.

PROBATION – INTERMEDIATE PUNISHMENT

Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation (*i.e.*, split sentence), intensive probation, house arrest with electronic monitoring, or assignment to a residential community corrections program, day reporting center, or drug treatment court program. Unless the court makes a specific finding that a longer or shorter term of probation is necessary, a felon sentenced to an intermediate punishment will receive a probation term of no less than 18 months and no more than 36 months.

The purposes of probation supervision are to control the offender in the community, provide opportunities for substance abuse and mental health treatment, ensure compliance with the conditions of probation, and enforce the conditions of probation through the violation process. Special conditions may be imposed to further restrict freedom and limit movement in the community, to add more punitive measures, or to establish a complete individual treatment plan addressing the special needs and risk of the offender and providing a realistic opportunity for behavioral change that will lead to successful completion of the supervision period. Offenders may also be placed on the sanction from a less restrictive supervision level (*i.e.*, community punishment probation) as a result of the probation violation process.

Probation is administered by the Section of Community Corrections within the Division of Adult Correction. Probation varies in intensity and restrictiveness depending on the level of supervision. The court and the probation officer match the offender to the appropriate level of supervision. The Section of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Division of Adult Correction requires that officers adhere to minimum contact standards.

**Probation – Intermediate Punishment
FY 2008/09**

Number of Offenders (N): 13,772

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	11.9
Male	82.3	Property Felony	28.1
Female	17.7	Drug Felony	27.3
		Other Felony	7.7
Race:	%	Violent Misdemeanor	10.1
White	43.3	Property Misdemeanor	8.2
Black	52.4	Drug Misdemeanor	4.7
Other/Unknown	4.3	Other Misdemeanor	2.0
Average Age:	32	Mean months served in prison (prisoners only)	N/A
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	67.1	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	18.5		%
Married/Widowed	14.2	Recidivist Arrest Rates:	
Other/Unknown	0.2	One-Year Follow-Up Period	24.9
		Two-Year Follow-Up Period	37.1
% High School Dropout	46.4	Mean Number of Recidivist Arrests	1.7
		Average Months to First Recidivist Arrest	8.6
% Employed	43.9	Recidivist Conviction Rates:	
% With Drug Addiction	50.5	One-Year Follow-Up Period	8.4
		Two-Year Follow-Up Period	18.0
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	12.3
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	25.1
		Two-Year Follow-Up Period	38.6
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	9.3
<u>RISK LEVEL</u>			
	%	<u>CORRECTIONAL SUPERVISION</u>	
Minimum	9.4	Probation Sanctions:	
Low	13.4	Intensive Supervision Probation	6,270
Moderate	31.2	Special Probation	6,296
High	46.0	Community Service	4,781
		Drug Treatment Court	175
		House Arrest with Electronic Monitoring	561
		CJPP	1,952
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	24		
Prior Criminal Activity Rates:	%		
Prior Arrests	80.0		
Prior Probation Admissions	63.1		
Prior Probation Revocations	41.0		
Prior Incarcerations	35.9		
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	4.1		
Class F - I Felonies	70.9		
Class A1 - 3 Misdemeanors	25.0		

INTENSIVE SUPERVISION PROBATION

Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of six enumerated conditions, including intensive supervision probation (ISP). The most frequently used of the intermediate sanctions, ISP is targeted at high risk offenders and provides the most restrictive level of supervision. It may be imposed upon any offender whose class of offense and prior record level authorize an intermediate punishment. An offender sentenced to a community punishment may also be placed on ISP as a result of the violation process. Offenders remain on ISP for an average of six to eight months before completing their probation on a less restrictive level of intermediate supervision.

ISP is administered by the Section of Community Corrections within the Division of Adult Correction. It is available in all judicial districts within the state for offenders on probation, post-release supervision, and parole. An intensive team is comprised of an intensive probation officer and a surveillance officer, with each team member having a specific set of minimum standards to fulfill for each case. The Section of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole.

SPECIAL PROBATION

Under Structured Sentencing, an offender sentenced to an intermediate punishment must be placed on supervised probation with at least one of six enumerated conditions, including special probation. Also known as a split sentence, special probation subjects the offender to a period or periods of incarceration in prison or jail during the probationary term. The total period of incarceration may not exceed the lesser of one-fourth of the offender's minimum sentence or six months. Special probation may also include special conditions, such as a recommendation for work release or a requirement to serve the period of incarceration in an inpatient facility.

Special probation is used primarily for offenders in need of a high level of control and supervision in the community. Probationers who are initially sentenced to a less restrictive supervision level may be placed on special probation as a result of the violation process.

Offenders sentenced to special probation are supervised by the Section of Community Corrections (SCC) within the Division of Adult Correction. SCC's Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. Officers must also adhere to minimum contact standards established by the Department for each level of supervision.

COMMUNITY SERVICE WORK PROGRAM – PROBATION

Established in 1981, the Community Service Work Program (CSWP) offers offenders an opportunity to repay the community for damages caused by their criminal acts. CSWP requires the offender to work for free for a public or nonprofit agency in an area that will benefit the greater community. Participants pay a \$225 program fee, which is remitted to the State's General Fund. CSWP is a community punishment and may be imposed as the sole condition of probation if the offender's offense class and prior record or conviction level authorize a community punishment. It may also be used in conjunction with other sanctions as part of a community or intermediate punishment.

CSWP staff interviews offenders, assigns them to work at various agencies, and monitors their progress in completing their required work hours and paying the program fee. After the initial interview, staff is required to have monthly contact with the offender, the work placement agency or, in the case of supervised probation, the supervising officer. This contact is usually achieved by the offender reporting in person or by telephone to CSWP staff or by staff contacting the agency to check on the offender. If the offender is placed on basic supervised probation or intensive probation, CSWP staff must report compliance or noncompliance to the probation/parole officer for appropriate action.

CSWP is a statewide program which has been administered by the Section of Community Corrections within the Division of Adult Correction since January 1, 2002. Prior to this date, the program was administered by the Division of Victim and Justice Services in the Department of Crime Control and Public Safety.

**Community Service – Probation Entries
FY 2008/09**

Number of Offenders (N): 11,674

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	5.4
Male	73.1	Property Felony	17.5
Female	26.9	Drug Felony	18.9
		Other Felony	3.8
Race:	%	Violent Misdemeanor	9.0
White	49.2	Property Misdemeanor	28.6
Black	45.5	Drug Misdemeanor	10.9
Other	5.3	Other Misdemeanor	5.9
Average Age:	29	Mean months served in prison (prisoners only)	N/A
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	72.1	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	14.3		%
Married/Widowed	13.4	Recidivist Arrest Rates:	
Other/Unknown	0.2	One-Year Follow-Up Period	20.9
		Two-Year Follow-Up Period	31.2
% High School Dropout	39.8	Mean Number of Recidivist Arrests	1.7
		Average Months to First Recidivist Arrest	8.7
% Employed	51.0	Recidivist Conviction Rates:	
% With Drug Addiction	37.9	One-Year Follow-Up Period	6.7
		Two-Year Follow-Up Period	14.7
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	12.5
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	16.4
		Two-Year Follow-Up Period	25.9
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	9.9
<u>RISK LEVEL</u>			
	%		
Minimum	16.2		
Low	22.9		
Moderate	33.0		
High	27.9		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	24	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Probation Entries	11,674
Prior Arrests	61.9	Community Punishment	6,893
Prior Probation Admissions	43.6	Intermediate Punishment	4,781
Prior Probation Revocations	25.2	Probation Sanctions	
Prior Incarcerations	20.6	Intensive Supervision Probation	3,914
		Special Probation	1,162
		Drug Treatment Court	38
		House Arrest with Electronic Monitoring	202
		CJPP	978
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	2.0		
Class F - I Felonies	43.6		
Class A1 - 3 Misdemeanors	54.4		

HOUSE ARREST WITH ELECTRONIC MONITORING

House arrest with electronic monitoring may be imposed as a special condition of supervised probation, post-release supervision, or parole. Its purposes are to restrict the offender's freedom and movement in the community, increase supervision of convicted offenders, ease prison overcrowding, and save taxpayers money. It is available statewide through the Section of Community Corrections within the Division of Adult Correction.

When ordered as a special condition of supervised probation, house arrest with electronic monitoring is an intermediate punishment and may be imposed in any case in which the offender's class of offense and prior record authorize an intermediate punishment as a sentence disposition. The court may also modify the conditions of any offender's probation to include this sanction, in response to a violation. Offenders on post-release supervision or parole are subject to house arrest with electronic monitoring at the discretion of the Post-Release Supervision and Parole Commission.

House arrest with electronic monitoring uses technology to monitor and restrict the offender's movement. Other than approved leave for employment, counseling, a course of study, or vocational training, the offender is restricted to his or her home. A transmitter is fitted to the offender's ankle and linked to a portable unit carried by the offender which tracks movement and stores all zones and schedules. This information is downloaded to a central computer. If the signal is interrupted by the offender going beyond the authorized radius of the receiver or not complying with the authorized zone or schedule, the host computer records the date and time of the signal's disappearance. The computer will also record the date and time the signal resumes. If a signal interruption occurs during a period when the offender should be at home, the violation is checked by the probation/parole officer or by a designated electronic house arrest response officer.

All house arrest with electronic monitoring cases are supervised by probation and parole officers who respond to violations during regular work hours. Designated electronic house arrest response officers respond to violations after regular work hours.

**House Arrest With Electronic Monitoring
FY 2008/09**

Number of Offenders (N): 588

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	13.1
Male	82.8	Property Felony	28.4
Female	17.2	Drug Felony	26.4
		Other Felony	8.3
Race:	%	Violent Misdemeanor	6.6
White	46.4	Property Misdemeanor	8.5
Black	47.6	Drug Misdemeanor	4.3
Other	6.0	Other Misdemeanor	4.4
Average Age:	31	Mean months served in prison (prisoners only)	N/A
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	66.4	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	17.0		%
Married/Widowed	16.3	Recidivist Arrest Rates:	
Other/Unknown	0.3	One-Year Follow-Up Period	21.1
		Two-Year Follow-Up Period	32.1
% High School Dropout	44.0	Mean Number of Recidivist Arrests	1.8
		Average Months to First Recidivist Arrest	9.1
% Employed	49.3	Recidivist Conviction Rates:	
% With Drug Addiction	47.7	One-Year Follow-Up Period	6.5
		Two-Year Follow-Up Period	15.0
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	13.5
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	25.2
		Two-Year Follow-Up Period	37.2
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	8.9
<u>RISK LEVEL</u>			
	%		
Minimum	9.8		
Low	15.4		
Moderate	31.4		
High	43.4		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	24	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Probation Entries	588
Prior Arrests	80.6	Community Punishment	27
Prior Probation Admissions	60.4	Intermediate Punishment	561
Prior Probation Revocations	39.0	Probation Sanctions	
Prior Incarcerations	35.7	Intensive Supervision Probation	200
		Special Probation	109
		Community Service	202
		Drug Treatment Court	5
		CJPP	83
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	5.8		
Class F - I Felonies	70.4		
Class A1 - 3 Misdemeanors	23.8		

DRUG TREATMENT COURT

The drug treatment court program (DTC) was established by the General Assembly in 1995 to enhance and monitor the delivery of treatment services to chemically-dependent adult offenders while holding them accountable for compliance with their court-ordered treatment plans. DTC became an intermediate punishment effective July 26, 2004, and is thus imposed in tandem with supervised probation. Assignment to DTC requires the offender to follow the rules adopted for the program and to report on a regular basis for a specified period to participate in court supervision, drug screening or testing, and drug or alcohol treatment. DTC offenders are supervised by the Section of Community Corrections at an Intermediate Level.

Although it is administered by the Administrative Office of the Courts, DTC represents the coordinated efforts of the judiciary, prosecution, defense bar, adult probation, law enforcement, social services, and treatment communities to actively intervene and break the cycle of substance abuse, addiction, and crime. A State Advisory Committee provides guidance, promulgates minimum standards, and recommends funding. Superior or district court judges lead the DTC core teams and supervise local directors. All treatment is accessed via the public treatment system.

Adult DTC is a year-long, non-adversarial, court-supervised regimen of intensive substance abuse treatment, drug testing, and other related treatment and rehabilitative services. All DTC offenders appear before a specially trained judge at, typically, biweekly status hearings. Prior to the hearing, the DTC core team (the judge, prosecutor, defense attorney, treatment provider, DTC case coordinator, TASC, law enforcement liaison, and probation officer) meets to review each offender's drug tests results, treatment attendance, behavior in the community, and treatment plan progress since the last status hearing, and to recommend appropriate sanctions and rewards. At the status hearing, the judge engages each offender in open dialogue concerning the offender's progress or lack thereof and, if appropriate, imposes rewards or sanctions to stimulate the offender's movement through the treatment process.

To graduate from DTC, offenders must successfully complete all required clinical treatment, receive clean drug tests during the prior three to six months (varies by local court), be employed and paying regularly towards their legal obligations, have no new criminal behavior while in the DTC, and be nominated for graduation by the DTC team.

**Drug Treatment Court
FY 2008/09**

Number of Offenders (N): 215

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	0.5
Male	61.9	Property Felony	26.5
Female	38.1	Drug Felony	27.9
		Other Felony	0.5
Race:	%	Violent Misdemeanor	2.8
White	59.1	Property Misdemeanor	15.3
Black	39.5	Drug Misdemeanor	23.3
Other	1.4	Other Misdemeanor	3.2
Average Age:	34	Mean months served in prison (prisoners only)	N/A
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	59.4	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	26.7		%
Married/Widowed	13.4	Recidivist Arrest Rates:	
Other/Unknown	0.5	One-Year Follow-Up Period	28.4
		Two-Year Follow-Up Period	39.5
% High School Dropout	43.3	Mean Number of Recidivist Arrests	1.8
		Average Months to First Recidivist Arrest	7.3
% Employed	32.0	Recidivist Conviction Rates:	
% With Drug Addiction	90.1	One-Year Follow-Up Period	14.0
		Two-Year Follow-Up Period	21.9
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	10.4
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	29.3
		Two-Year Follow-Up Period	40.5
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	8.4
		<u>CORRECTIONAL SUPERVISION</u>	
		Probation Entries	215
		Community Punishment	40
		Intermediate Punishment	175
		Probation Sanctions	
		Intensive Supervision Probation	33
		Special Probation	37
		Community Service	38
		House Arrest with Electronic Monitoring	5
		CJPP	33
<u>RISK LEVEL</u>			
	%		
Minimum	7.0		
Low	17.0		
Moderate	26.5		
High	49.5		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	25		
Prior Criminal Activity Rates:	%		
Prior Arrests	86.1		
Prior Probation Admissions	70.7		
Prior Probation Revocations	55.4		
Prior Incarcerations	41.9		
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	0.0		
Class F - I Felonies	55.3		
Class A1 - 3 Misdemeanors	44.7		

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

In conjunction with the passage of Structured Sentencing in 1993, the General Assembly also enacted the State-County Criminal Justice Partnership Act to establish supplemental community-based correction programs. The goals of the State-County Criminal Justice Partnership Program (CJPP) are to reduce recidivism, reduce the number of probation revocations, reduce alcoholism and other drug dependencies among inmates, and reduce the cost of incarceration to the State and counties.

The Division of Adult Correction awards community corrections grants to counties that voluntarily apply for funding for the express purpose of establishing community-based programs that balance control and treatment for a specific population. Eligible populations include intermediate punishment offenders, high risk community punishment offenders, and offenders on parole or post-release supervision. Programs eligible for CJPP grant monies include Day Reporting Centers, satellite substance abuse programs and offender resource centers. Services available through CJPP programs include, but are not limited to, assessments, screenings, counseling, cognitive behavior intervention, alcohol and drug treatment, and educational, vocational, and employment programs and services. These programs provide varying degrees of structure and monitoring to offenders, and a range of rehabilitative services

Under Structured Sentencing, prisons and jails are reserved for violent and repeat offenders, while less serious offenders are directed to less costly punishments in the community. CJPP is designed to expand these community based sentencing options. The Section of Community Corrections administers the Criminal Justice Partnership Program. County advisory boards determine the type of community corrections program to operate..

PRISON RELEASES

The Structured Sentencing Act abolished parole for offenses committed on or after October 1, 1994. For felony convictions, the sentencing court imposes both a minimum and maximum prison term. Offenders who receive an active sentence must serve at least the minimum and up to the maximum term. Credit against the minimum and maximum term is awarded for any time the offender has already spent in confinement as a result of the charge (*e.g.*, while awaiting trial).

An offender sentenced for a low-level felony is released after serving the maximum prison term, less any earned time awarded by the Division of Adult Correction down to the minimum term. The release is unconditional, and the offender receives no supervision in the community. Offenders sentenced for more serious felonies (excepting those sentenced to life without parole) are released nine months prior to the expiration of the maximum term, less earned time down to their minimum term plus nine months. These offenders are subject to a mandatory nine-month period of post-release supervision (five years for reportable sex offenses and certain crimes against minors). Violating the conditions of post-release supervision may result in the offender's reimprisonment for some or all of the remaining nine months of the sentence, at the discretion of the Post-Release Supervision and Parole Commission.

**Prison Releases
FY 2008/09**

Number of Offenders (N): 19,873

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	16.0
Male	87.0	Property Felony	25.4
Female	13.0	Drug Felony	24.0
		Other Felony	9.1
Race:	%	Violent Misdemeanor	9.7
White	38.3	Property Misdemeanor	10.1
Black	57.0	Drug Misdemeanor	4.4
Other/Unknown	4.7	Other Misdemeanor	1.3
Average Age:	34	Mean months served in prison (prisoners only)	15.8
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	64.9	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	22.4		%
Married/Widowed	12.6	Recidivist Arrest Rates:	
Other/Unknown	0.1	One-Year Follow-Up Period	28.9
		Two-Year Follow-Up Period	43.8
% High School Dropout	63.2	Mean Number of Recidivist Arrests	2.0
		Average Months to First Recidivist Arrest	9.0
% Employed	47.1	Recidivist Conviction Rates:	
% With Drug Addiction	62.6	One-Year Follow-Up Period	10.0
		Two-Year Follow-Up Period	22.9
		Mean Number of Recidivist Convictions	1.3
		Average Months to First Recidivist Conviction	12.7
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	12.0
		Two-Year Follow-Up Period	24.7
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	11.9
<u>RISK LEVEL</u>		<u>CORRECTIONAL SUPERVISION</u>	
	%	Prison Releases	19,873
Minimum	4.7	No Post-Release Supervision	17,571
Low	22.9	Post-Release Supervision	2,302
Moderate	39.4	Prison Programs	
High	33.0	Correctional (Academic) Education	7,258
		Correction Enterprises	1,748
		DACDP (formerly DART – Prison)	3,915
		SOAR	29
		Vocational Education	4,510
		Work Release	973
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	23		
Prior Criminal Activity Rates:	%		
Prior Arrests	89.6		
Prior Probation Admissions	91.1		
Prior Probation Revocations	57.4		
Prior Incarcerations	55.8		
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	11.6		
Class F - I Felonies	62.9		
Class A1 - 3 Misdemeanors	25.5		

PRISON RELEASES WITH NO POST-RELEASE SUPERVISION

The Structured Sentencing Act abolished parole for offenses committed on or after October 1, 1994. Offenders who are released from prison or jail at the completion of an active sentence are not subject to any supervision in the community, unless they have been incarcerated for a felony in the range from Class B1 (excluding those offenders sentenced to life without parole) through Class E. An active punishment imposed for a Class F through Class I felony does not include any form of post-release supervision.

PRISON RELEASES WITH POST-RELEASE SUPERVISION

Under Structured Sentencing, offenders sentenced for a Class B1 through Class E felony (except those sentenced to life imprisonment) are released from prison after serving their maximum sentence, less nine months, less any earned time awarded by the Division of Adult Correction or the custodian of a local confinement center. (Notwithstanding earned time, the offender may be released no earlier than nine months prior to the expiration of the minimum sentence imposed by the court.) Following release, the offender is supervised in the community for a period of nine months, or five years if the offender was convicted of a Class B1 through Class E felony requiring registration as a sex offender or involving abuse of a minor.

Post-release supervision is administered by the Post-Release Supervision and Parole Commission, with supervision provided by probation officers within the Division of Adult Correction's Section of Community Corrections. The Commission sets the conditions of supervision, which may be reintegrative or controlling. For any violation of a controlling condition or for repeated violation of a reintegrative condition, the Commission may continue the supervisee on existing supervision, modify the conditions of supervision, or revoke post-release supervision. If revoked, the offender will be reimprisoned for up to the time remaining on the nine month post release supervision period. The offender will not receive any credit for the time spent on post-release supervision. An offender who has been reimprisoned prior to completing post-release supervision may again be released on post-release supervision subject to the provisions that govern initial release. Offenders may not refuse post-release supervision.

CORRECTIONAL (ACADEMIC) EDUCATION

The academic component of the correctional education program is administered by the Educational Services section within the Division of Adult Correction (DAC), Section of Prisons, for offenders who enter prison without completing their post-secondary education. Two levels of educational services are offered to offenders when they enter prison: (1) secondary education for youth offenders, and (2) post-secondary (community college) course of study for adult offenders and/or offenders who have their diploma or General Education Development (GED) credentials. The North Carolina Community College System partners with DAC to provide instructors for the youth offenders program and the adult offenders' program.

The post secondary education program in the prison system offers the following courses of study: Adult Basic Education (ABE), GED, Exceptional Student Program, Elementary and Secondary Education Act Title I Program, and English as a Second Language (ESL). The ABE and GED curricula are the major components of the academic education program (the others are remedial programs) and provide the course work which prepares an offender for the high school equivalency (GED) exam.

Offenders under the age of 18 and lacking a high school diploma or GED are targeted for placement in a post-secondary academic education program. By law, all juveniles who enter prison under the age 16 for general education, and offenders under age 22 for special education, must be afforded an opportunity to complete a high school education. The Individuals with Disabilities Education Act mandates that offenders under age 22 who are identified with a disability must have a written Individualized Education Program describing the education and related services that will be provided to them. Offenders in the post-secondary education program may also qualify to receive services under the federal Title I Program. Offenders who read below the 5th-grade-and-1-month level receive remedial services through Title I. Offenders who do not speak English are served through the ESL program.

Adult offenders are chosen for an education assignment by the program staff and classification committee within the prison where they are housed. This decision is based on a review of the offender's math and reading levels, age, interest in academics, length of sentence, and history of infractions. Once final approval is given, the inmate is given an education assignment and is placed in classes appropriate to his or her academic functioning. Offenders may be enrolled in classes on a full-time basis, or part-time if the offender has another assignment within the prison.

CORRECTION ENTERPRISES

Correction Enterprises is a self-supporting prison industry program operated by the Division of Adult Correction (DAC) in various prison units across the state. Correction Enterprises provides inmates with opportunities to learn job skills by producing goods and services for the DAC and other tax-supported entities. By offering employment experience to inmates, Correction Enterprises also instills a work ethic and teaches or upgrades inmates' job skills so that they have a greater chance of maintaining stable employment upon their release from prison.

Correction Enterprises works with private industry and local community colleges to allow inmates to receive certification in curriculum programs such as upholstery and woodworking. Correction Enterprises also partners with the North Carolina Department of Labor and Community College System and the U.S. Department of Labor (USDOL) to offer apprenticeships leading to Journeyman certification in such fields as combination welding, printing, upholstery, duplicating services technology, and digital graphics. Utilizing USDOL job competency standards, these apprenticeships combine classroom instruction and on-the-job training in a manner consistent with industry standards for competent performance at the Journeyman level. An inmate must have a high school diploma or equivalent to participate in an apprenticeship program.

A variety of products and services are provided by Correction Enterprises which include: food products, janitorial products, laundry services, linens and apparel, manpower services, metal products, office furnishings, oils and lubricants, optical manufacturing, paints, printing and duplicating services, roadway markings, safety products, signage, and vehicular identification. Selection for a Correction Enterprises work assignment is generally made by the program staff at the prison unit where the industry is located. Inmates are paid a small hourly wage which is deposited into their trust fund account from which restitution can be paid, costs deducted for medical expenses, fines deducted for disciplinary action, money sent to their families, and money placed in the inmates' financial accounts.

**Correction Enterprises
FY 2008/09**

Number of Offenders (N): 1,748

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	33.9
Male	92.3	Property Felony	21.3
Female	7.7	Drug Felony	17.7
		Other Felony	20.1
Race:	%	Violent Misdemeanor	3.3
White	35.8	Property Misdemeanor	2.6
Black	59.7	Drug Misdemeanor	1.0
Other/Unknown	4.5	Other Misdemeanor	0.1
Average Age:	36	Mean months served in prison (prisoners only)	46.9
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	61.4	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	24.1		%
Married/Widowed	14.4	Recidivist Arrest Rates:	
Other/Unknown	0.1	One-Year Follow-Up Period	27.7
		Two-Year Follow-Up Period	42.3
% High School Dropout	58.4	Mean Number of Recidivist Arrests	1.9
		Average Months to First Recidivist Arrest	9.2
% Employed	55.5	Recidivist Conviction Rates:	
% With Drug Addiction	60.0	One-Year Follow-Up Period	8.3
		Two-Year Follow-Up Period	21.9
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	13.2
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	14.2
		Two-Year Follow-Up Period	26.1
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	11.3
<u>RISK LEVEL</u>			
	%		
Minimum	5.0		
Low	27.1		
Moderate	39.9		
High	28.0		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	22	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Prison Releases	1,748
Prior Arrests	93.3	No Post-Release Supervision	1,027
Prior Probation Admissions	84.4	Post-Release Supervision	721
Prior Probation Revocations	61.1	Prison Programs	
Prior Incarcerations	64.0	Correctional (Academic) Education	923
		DACDP (formerly DART – Prison)	663
		SOAR	12
		Vocational Education	828
		Work Release	268
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	41.2		
Class F - I Felonies	51.8		
Class A1 - 3 Misdemeanors	7.0		

DIVISION OF ALCOHOLISM AND CHEMICAL DEPENDENCY PROGRAMS

Prison-based programs within the Division of Alcoholism and Chemical Dependency Programs (DACDP) administer and coordinate chemical dependency screening, complete a “common assessment” and provide intervention, treatment, aftercare and continuing care services for female and male inmates with substance abuse problems. The program was implemented in 1988 and was known formerly as the Drug Alcohol Recovery Treatment (DART) program. DACDP programs operate within selected medium and minimum custody prison units where residential and program space for inmates are separate from the regular prison population. The DACDP Supervisor is responsible for administering the treatment program while the prison superintendent or warden is responsible for all matters pertaining to custody, security and administration of the prison.

Eligibility for DACDP prison-based treatment programs is established during diagnostic processing and utilizes the Substance Abuse Subtle Screening Inventory (SASSI) as a severity indicator of substance abuse problems. The SASSI became fully implemented in all intake facilities as of December 2003. Upon the inmate’s admission to levels of treatment beyond intervention, the DACDP staff complete a thorough “common assessment” which further defines the history and extent of the substance abuse problem. Together, these measures establish a final recommended treatment placement for program participants.

Programming reflects “best practices” for intervention and treatment as established by the National Institute on Drug Abuse (NIDA) and the Substance Abuse and Mental Health Services Administration (SAMHSA). Treatment programs are based on Cognitive-Behavioral Interventions and encompass three service levels: brief intervention, intermediate, and long-term treatment services.

Brief intervention programs consist of 48 hours of intervention services over an eight-week period to introduce the recovery process to inmates. Intermediate treatment programs have varying lengths from 35 days to 180 days and are located in 13 residential settings in prisons across the state. Long-term residential treatment programs range in length from 180-365 days and are designed to treat the seriously addicted inmates who need intensive treatment while in prison.

Once an inmate completes the residential portion at one of the prison-based DACDP treatment programs, the inmate is either released from the Division of Prisons because he has reached the end of his sentence; or returned to the regular population with encouragement to participate in Aftercare, a formal eight to 12 week track designed to help the inmate transition to the general population and remain in recovery. An additional pre-release 12-week component is also available for inmates who indicate a need for renewed focus on recovery planning prior to release. Inmates learn that recovery does not come as the result of treatment but as the result of hard work on real issues once treatment services decrease.

Division of Alcoholism and Chemical Dependency Programs
(formerly DART – Prison)
FY 2008/09

Number of Offenders (N): 3,915

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	27.3
Male	89.1	Property Felony	28.4
Female	10.9	Drug Felony	24.4
		Other Felony	17.6
Race:	%	Violent Misdemeanor	0.9
White	41.3	Property Misdemeanor	1.0
Black	55.0	Drug Misdemeanor	0.3
Other/Unknown	3.7	Other Misdemeanor	0.1
Average Age:	34	Mean months served in prison (prisoners only)	31.7
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	63.2	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	23.6		%
Married/Widowed	13.1	Recidivist Arrest Rates:	
Other/Unknown	0.1	One-Year Follow-Up Period	29.2
		Two-Year Follow-Up Period	45.1
% High School Dropout	60.0	Mean Number of Recidivist Arrests	2.0
		Average Months to First Recidivist Arrest	9.3
% Employed	49.6	Recidivist Conviction Rates:	
% With Drug Addiction	77.8	One-Year Follow-Up Period	9.1
		Two-Year Follow-Up Period	22.8
		Mean Number of Recidivist Convictions	1.3
		Average Months to First Recidivist Conviction	13.1
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	12.5
		Two-Year Follow-Up Period	25.6
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	11.9
<u>RISK LEVEL</u>			
	%		
Minimum	3.5		
Low	22.1		
Moderate	38.9		
High	35.5		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	22	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Prison Releases	3,915
Prior Arrests	93.0	No Post-Release Supervision	2,822
Prior Probation Admissions	89.4	Post-Release Supervision	1,093
Prior Probation Revocations	60.1	Prison Programs	
Prior Incarcerations	61.0	Correctional (Academic) Education	1,911
		Correction Enterprises	663
		SOAR	10
		Vocational Education	1,500
		Work Release	412
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	27.9		
Class F - I Felonies	69.8		
Class A1 - 3 Misdemeanors	2.3		

Note: The Division of Alcoholism and Chemical Dependency Programs was formerly known as the Drug Alcohol Recovery Treatment (DART) program. Prisoners in this table may have participated in the DART program.

SEX OFFENDER ACCOUNTABILITY AND RESPONSIBILITY (SOAR)

The Division of Adult Correction established the Sex Offender Accountability and Responsibility (SOAR) program in 1991 for the treatment of male inmates who have committed sexual offenses. SOAR is an intensive 20-week cognitive-behavioral program. To be eligible for the program, the inmate must have a felony conviction, be age 21 or older, be in medium or minimum custody, volunteer for the program, admit to committing a sexual offense, not have a disabling mental illness, read at least at a 6th grade level, and be willing and able to participate in intensive group therapy as part of treatment. After interviewing the prospective inmate to determine if he meets the program's eligibility criteria, the unit psychologist submits a SOAR Referral Screening Form to SOAR staff, who select participants for the next SOAR group.

The SOAR program spans two separate 20-week cycles per year that serve 28 inmates per cycle, or 56 inmates per year. When participants complete the program, they are returned to their regular assigned unit.

In an effort to create a continuum of care, a Pre-SOAR program exists in a limited number of prisons. Pre-SOAR is not a treatment modality but an introductory orientation to the program that presents SOAR concepts and vocabulary to inmates. The program requires one to two hours of work per week for a total of eight to 10 weeks. Pre-SOAR is directed toward those inmates who qualify for SOAR treatment but who are not chosen due to limited space, or who have special needs (*e.g.*, attention deficit disorder or a learning disability). A SOAR aftercare program also exists to help SOAR graduates review and apply what they have learned in SOAR.

The SOAR program has been funded by the Division of Adult Correction and housed at Harnett Correctional Institution since its inception.

**SOAR
FY 2008/09**

Number of Offenders (N): 29

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	96.6
Male	100.0	Property Felony	3.4
Female	0.0	Drug Felony	0.0
		Other Felony	0.0
Race:	%	Violent Misdemeanor	0.0
White	75.9	Property Misdemeanor	0.0
Black	17.2	Drug Misdemeanor	0.0
Other/Unknown	6.9	Other Misdemeanor	0.0
Average Age:	40	Mean months served in prison (prisoners only)	76.6
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	51.7	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	31.0		%
Married/Widowed	17.3	Recidivist Arrest Rates:	
Other/Unknown	0.0	One-Year Follow-Up Period	3.5
		Two-Year Follow-Up Period	13.8
% High School Dropout	41.4	Mean Number of Recidivist Arrests	1.3
		Average Months to First Recidivist Arrest	12.8
% Employed	79.3	Recidivist Conviction Rates:	
% With Drug Addiction	24.0	One-Year Follow-Up Period	0.0
		Two-Year Follow-Up Period	6.9
		Mean Number of Recidivist Convictions	1.0
		Average Months to First Recidivist Conviction	17.0
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	10.3
		Two-Year Follow-Up Period	20.7
		Mean Number of Recidivist Incarcerations	1.0
		Average Months to First Recidivist Incarceration	9.3
<u>RISK LEVEL</u>			
	%		
Minimum	28.0		
Low	36.0		
Moderate	32.0		
High	4.0		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	29	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Prison Releases	29
Prior Arrests	86.2	No Post-Release Supervision	10
Prior Probation Admissions	55.2	Post-Release Supervision	19
Prior Probation Revocations	13.8		
Prior Incarcerations	24.1	Prison Programs	
		Correctional (Academic) Education	22
		Correction Enterprises	12
		DACDP (formerly DART – Prison)	10
		Vocational Education	26
		Work Release	5
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	65.5		
Class F - I Felonies	34.5		
Class A1 - 3 Misdemeanors	0.0		

VOCATIONAL EDUCATION

The vocational education component of the correctional education program is administered by the Educational Services section within the Division of Adult Correction's (DAC) Section of Prisons (SOP). A collaborative arrangement exists between the DAC and the North Carolina Community College System (NCCCS) for the planning, delivery and cost of the vocational education programs. The NCCCS provides the instructors for the prisons' vocational education programs.

Vocational training is provided through curriculum or continuing education offerings, or a combination of both. Curriculum programs award transferable semester hour credits for successful completion of training and are utilized when a facility's length-of-stay makes these offerings a better fit for the population, including offenders who have not completed high school or the GED program. Successful completion of continuing education courses results in a certificate of completion.

Vocational education is offered in select close, medium, and minimum custody prisons. Offenders in medium custody facilities have the most opportunity for vocational training. With close custody units, there is an increased focus on safety and security which makes it difficult to have certain courses, while the length-of-stay for offenders in minimum custody may not allow for the completion of certain vocational courses. Because many minimum custody offenders work during the day, vocational education courses are typically available in these facilities on a part-time basis in the evenings.

In order to be eligible for vocational education courses that lead to a degree or certification (*i.e.*, curriculum), an offender must have a high school diploma or GED. For all other vocational education courses (*i.e.*, continuing education), a high school diploma or GED is not required. Once educational credentials have been confirmed, an offender's work history, interest in education, sentence length, and history of infractions are all factors that are considered for a vocational education placement.

Some of the broad categories of vocational education courses offered are construction technologies (*e.g.*, carpentry, welding), public service technology (*e.g.*, travel and tourism, cosmetology), administrative/clerical/business (*e.g.*, computer skills, typing), and agriculture and natural resources (*e.g.*, horticulture, waste processing).

**Vocational Education
FY 2008/09**

Number of Offenders (N): 4,510

<u>PERSONAL CHARACTERISTICS</u>		<u>CURRENT OFFENSE TYPE</u>	
Gender:	%	Violent Felony	32.7
Male	83.0	Property Felony	25.6
Female	17.0	Drug Felony	19.4
		Other Felony	14.4
Race:	%	Violent Misdemeanor	3.1
White	39.0	Property Misdemeanor	3.2
Black	56.7	Drug Misdemeanor	1.2
Other/Unknown	4.3	Other Misdemeanor	0.4
Average Age:	33	Mean months served in prison (prisoners only)	34.7
Marital Status:	%	<u>CRIMINAL JUSTICE OUTCOMES:</u>	
Single	64.1	<u>TWO-YEAR FOLLOW-UP</u>	
Divorced/Separated	14.1		%
Married/Widowed	21.7	Recidivist Arrest Rates:	
Other/Unknown	0.1	One-Year Follow-Up Period	27.8
		Two-Year Follow-Up Period	43.4
% High School Dropout	55.2	Mean Number of Recidivist Arrests	2.0
		Average Months to First Recidivist Arrest	9.4
% Employed	47.2	Recidivist Conviction Rates:	
% With Drug Addiction	65.2	One-Year Follow-Up Period	9.1
		Two-Year Follow-Up Period	22.6
		Mean Number of Recidivist Convictions	1.2
		Average Months to First Recidivist Conviction	13.3
		Recidivist Incarceration Rates:	
		One-Year Follow-Up Period	12.2
		Two-Year Follow-Up Period	24.8
		Mean Number of Recidivist Incarcerations	1.1
		Average Months to First Recidivist Incarceration	11.9
<u>RISK LEVEL</u>			
	%		
Minimum	4.9		
Low	23.6		
Moderate	36.9		
High	34.6		
<u>CRIMINAL HISTORY</u>			
Age at First Criminal Activity	22	<u>CORRECTIONAL SUPERVISION</u>	
Prior Criminal Activity Rates:	%	Prison Releases	4,510
Prior Arrests	91.4	No Post-Release Supervision	3,076
Prior Probation Admissions	83.9	Post-Release Supervision	1,434
Prior Probation Revocations	52.3	Prison Programs	
Prior Incarcerations	53.2	Correctional (Academic) Education	2,809
		Correction Enterprises	828
		DACDP (formerly DART – Prison)	1,500
		SOAR	26
		Work Release	485
<u>CURRENT OFFENSE CLASS</u>			
	%		
Class B1 - E Felonies	31.8		
Class F - I Felonies	60.3		
Class A1 - 3 Misdemeanors	7.9		

WORK RELEASE

The Work Release Program provides selected inmates the opportunity for employment in the community during imprisonment, addressing the transitional needs of soon-to-be released inmates. The opportunity for Work Release participation is based on factors such as the sentence received, the sentencing laws under which the offender was sentenced, and the inmate's record of behavior. Work Release is only available to minimum custody inmates who are in the final stage of imprisonment. Inmates are carefully screened for participation and can only be approved for the program by prison managers or the Post-Release Supervision and Parole Commission.

In the Work Release program, inmates are allowed to leave the prison each day to work and are required to return to the prison when their work is finished. The job plan and job site must be reviewed and approved by prison managers. Inmates must work in a supervised setting and cannot work for family members or operate their own businesses. The Work Release employer must receive an orientation from Division of Prison staff, agree to the rules of the program and have Worker's Compensation insurance. Inmates must earn at least minimum wage. Earnings from Work Release wages are used to pay restitution and fines, family support, prison housing and Work Release transportation costs. Any remaining money can be set aside for the inmates to use upon their release from prison.

APPENDIX B-2.1
SUMMARY INFORMATION FOR CORRECTIONAL PROGRAMS
PROBATION ENTRIES

Name	N	Offender Risk Level				Criminal Justice Outcomes: Two-Year Follow-Up		
		% Minimum	% Low	% Moderate	% High	% Rearrest	% Reconviction	% Reincarceration
PROBATION ENTRIES	41,773	20.1	24.1	30.9	24.9	32.3	15.3	23.9
Community Punishment	28,001	25.3	29.3	30.7	14.7	29.9	14.0	16.6
Intermediate Punishment	13,772	9.4	13.4	31.2	46.0	37.1	18.0	38.6
Intensive Supervision	6,421	8.0	12.8	32.1	47.1	35.8	16.8	41.5
Special Probation	6,533	10.6	13.2	30.3	45.9	38.7	18.8	37.1
Community Service	11,674	16.2	22.9	33.0	27.9	31.2	14.7	25.9
House Arrest with Electronic Monitoring	588	9.8	15.4	31.4	43.4	32.1	15.0	37.2
Drug Treatment Court	215	7.0	17.0	26.5	49.5	39.5	21.9	40.5
Criminal Justice Partnership Program	3,150	7.5	14.6	33.8	44.1	38.4	19.1	33.2
ENTIRE SAMPLE	61,646	15.7	23.8	33.3	27.2	36.0	17.7	24.1

Note: Due to missing OTI risk assessment scores, 5,549 offenders were excluded from the table for offender risk level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

APPENDIX B-2.2
SUMMARY INFORMATION FOR CORRECTIONAL PROGRAMS
PRISON RELEASES

Name	N	Offender Risk Level				Criminal Justice Outcomes: Two-Year Follow-Up		
		% Minimum	% Low	% Moderate	% High	% Rearrest	% Reconviction	% Reincarceration
PRISON RELEASES	19,873	4.7	22.9	39.4	33.0	43.8	22.9	24.7
No Post-Release Supervision	17,571	4.5	22.8	40.1	32.6	44.3	23.6	24.7
Post-Release Supervision	2,302	6.1	23.2	34.7	36.0	39.5	17.3	24.8
Correctional (Academic) Education	7,258	3.6	18.9	37.0	40.6	45.2	23.4	24.5
Correction Enterprises	1,748	5.0	27.1	39.9	28.0	42.3	21.9	26.1
DACDP (DART – Prison)	3,915	3.5	22.1	38.9	35.5	45.1	22.8	25.6
SOAR	29	28.0	36.0	32.0	4.0	13.8	6.9	20.7
Vocational Education	4,510	4.9	23.6	36.9	34.6	43.4	22.6	24.8
Work Release	973	8.5	34.4	37.7	19.4	33.8	16.9	16.2
ENTIRE SAMPLE	61,646	15.7	23.8	33.3	27.2	36.0	17.7	24.1

Note: Due to missing OTI risk assessment scores, 5,549 offenders were excluded from the table for offender risk level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

APPENDIX B-3
CRIMINAL JUSTICE OUTCOMES BY PERSONAL CHARACTERISTICS

Personal Characteristics	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Rearrest	% Reconviction	% Reincarceration
Sex				
Female	13,573	23.9	10.9	14.3
Male	48,073	39.4	19.7	26.9
Race				
White	27,210	31.7	15.7	23.1
Black	31,402	40.7	20.2	25.8
Other/Unknown	3,034	25.3	10.7	16.1
Age				
Under 21	11,177	43.7	24.2	26.7
21-29	20,160	40.1	19.2	25.9
30-39	14,766	34.4	16.6	24.5
40-49	10,922	29.5	13.7	22.2
50+	4,621	19.6	8.9	13.7
Marital Status				
Single	40,336	39.7	20.0	25.7
Divorced/Separated	11,273	31.9	15.5	26.3
Married/Widowed	8,299	27.6	12.5	18.4
Other/Unknown	1,738	15.3	4.1	0.5
Education				
Non High School Dropout	32,417	31.2	14.6	19.7
High School Dropout	29,095	41.4	21.2	29.3
Employment				
Employed	30,353	31.2	14.5	18.7
Unemployed	29,654	40.6	20.8	28.6
Drug Addiction				
No Drug Addiction	32,266	31.0	14.4	18.5
Drug Addiction	27,375	41.6	21.5	29.8
TOTAL	61,646	36.0	17.7	24.1

Note: Age refers to the offender's age at probation entry or prison release. For education, 134 offenders had missing information; 1,639 offenders had missing employment information; and 2,005 offenders had missing drug addiction information.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

APPENDIX C

PUNISHMENT CHARTS

*****Effective for Offenses Committed on or after 12/1/95 but before 12/1/09*****

**FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL**

OFFENSE CLASS

	I 0 Points	II 1-4 Points	III 5-8 Points	IV 9-14 Points	V 15-18 Points	VI 19+ Points	
A	Death or Life Without Parole						
B1	A	A	A	A	A	A	DISPOSITION
	<i>240 - 300</i>	<i>288 - 360</i>	<i>336 - 420</i>	<i>384 - 480</i>	<i>Life Without Parole</i>	<i>Life Without Parole</i>	<i>Aggravated Range</i>
	192 - 240	230 - 288	269 - 336	307 - 384	346 - 433	384 - 480	PRESUMPTIVE RANGE
	<i>144 - 192</i>	<i>173 - 230</i>	<i>202 - 269</i>	<i>230 - 307</i>	<i>260 - 346</i>	<i>288 - 384</i>	<i>Mitigated Range</i>
B2	A	A	A	A	A	A	
	<i>157 - 196</i>	<i>189 - 237</i>	<i>220 - 276</i>	<i>251 - 313</i>	<i>282 - 353</i>	<i>313 - 392</i>	
	125 - 157	151 - 189	176 - 220	201 - 251	225 - 282	251 - 313	
	<i>94 - 125</i>	<i>114 - 151</i>	<i>132 - 176</i>	<i>151 - 201</i>	<i>169 - 225</i>	<i>188 - 251</i>	
C	A	A	A	A	A	A	
	<i>73 - 92</i>	<i>100 - 125</i>	<i>116 - 145</i>	<i>133 - 167</i>	<i>151 - 188</i>	<i>168 - 210</i>	
	58 - 73	80 - 100	93 - 116	107 - 133	121 - 151	135 - 168	
	<i>44 - 58</i>	<i>60 - 80</i>	<i>70 - 93</i>	<i>80 - 107</i>	<i>90 - 121</i>	<i>101 - 135</i>	
D	A	A	A	A	A	A	
	<i>64 - 80</i>	<i>77 - 95</i>	<i>103 - 129</i>	<i>117 - 146</i>	<i>133 - 167</i>	<i>146 - 183</i>	
	51 - 64	61 - 77	82 - 103	94 - 117	107 - 133	117 - 146	
	<i>38 - 51</i>	<i>46 - 61</i>	<i>61 - 82</i>	<i>71 - 94</i>	<i>80 - 107</i>	<i>88 - 117</i>	
E	I/A	I/A	A	A	A	A	
	<i>25 - 31</i>	<i>29 - 36</i>	<i>34 - 42</i>	<i>46 - 58</i>	<i>53 - 66</i>	<i>59 - 74</i>	
	20 - 25	23 - 29	27 - 34	37 - 46	42 - 53	47 - 59	
	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 27</i>	<i>28 - 37</i>	<i>32 - 42</i>	<i>35 - 47</i>	
F	I/A	I/A	I/A	A	A	A	
	<i>16 - 20</i>	<i>19 - 24</i>	<i>21 - 26</i>	<i>25 - 31</i>	<i>34 - 42</i>	<i>39 - 49</i>	
	13 - 16	15 - 19	17 - 21	20 - 25	27 - 34	31 - 39	
	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	<i>20 - 27</i>	<i>23 - 31</i>	
G	I/A	I/A	I/A	I/A	A	A	
	<i>13 - 16</i>	<i>15 - 19</i>	<i>16 - 20</i>	<i>20 - 25</i>	<i>21 - 26</i>	<i>29 - 36</i>	
	10 - 13	12 - 15	13 - 16	16 - 20	17 - 21	23 - 29	
	<i>8 - 10</i>	<i>9 - 12</i>	<i>10 - 13</i>	<i>12 - 16</i>	<i>13 - 17</i>	<i>17 - 23</i>	
H	C/I/A	I/A	I/A	I/A	I/A	A	
	<i>6 - 8</i>	<i>8 - 10</i>	<i>10 - 12</i>	<i>11 - 14</i>	<i>15 - 19</i>	<i>20 - 25</i>	
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	<i>4 - 5</i>	<i>4 - 6</i>	<i>6 - 8</i>	<i>7 - 9</i>	<i>9 - 12</i>	<i>12 - 16</i>	
I	C	C/I	I	I/A	I/A	I/A	
	<i>6 - 8</i>	<i>6 - 8</i>	<i>6 - 8</i>	<i>8 - 10</i>	<i>9 - 11</i>	<i>10 - 12</i>	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	<i>3 - 4</i>	<i>3 - 4</i>	<i>4 - 5</i>	<i>4 - 6</i>	<i>5 - 7</i>	<i>6 - 8</i>	

A – Active Punishment I – Intermediate Punishment C – Community Punishment
Numbers shown are in months and represent the range of minimum sentences

Revised: 08-04-95

*****Effective for Offenses Committed on or after 12/1/95*****

MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVEL		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
A1	C/I/A 1 - 60 days	C/I/A 1 - 75 days	C/I/A 1 - 150 days
1	C 1 - 45 days	C/I/A 1 - 45 days	C/I/A 1 - 120 days
2	C 1 - 30 days	C/I 1 - 45 days	C/I/A 1 - 60 days
3	C 1 - 10 days	C/I 1 - 15 days	C/I/A 1 - 20 days

A – Active Punishment I – Intermediate Punishment C – Community Punishment
Cells with slash allow either disposition at the discretion of the judge

APPENDIX D

OFFENDER TRAITS INVENTORY (OTI)

**NORTH CAROLINA DIVISION OF ADULT CORRECTION OF
THE DEPARTMENT OF PUBLIC SAFETY**

**Offender Traits Inventory (OTI)
Assessment Instructions**

March 2009

The purpose of the OTI is to assess the offender's risk of re-arrest (further criminal involvement) and not dangerousness or propensity toward violence.

1. Convictions

This item looks at the offender conviction history. It applies only to the offenses(s) for which the offender was actually convicted - not arrested. Should an offender have multiple prior convictions, check all of the categories that apply; maximum points = 10.

The crime categories with greater than 0 points assigned are those that were shown to be predictive when the OTI was developed. If an offender's offense cannot fit into any of these categories (for example, bribery), check the box marked "Other," and zero points will be assigned since it was not among the crimes determined to predict recidivism.

2. Financial Situation

This is an indication of one's ability to manage his financial situation.

- 0 Self Sufficient, Capable of Handling Finances - Earns enough income to meet obligations and maintain savings.
- 3 No Known Difficulty - Can meet immediate expenses, but needs limited budgeting and counseling, including offenders where there is insufficient information to make a determination.
- 6 Some/Severe Difficulty in Meeting Court and Other Obligations - Sufficient resources with poor management of money or insufficient financial resources; heavy debt, totally incapable of managing financial matters.

3. Marital

The intent of this category is to evaluate the supportive relationships that exist.

- 0 Married/Widowed - Currently married and living with spouse or spouse deceased
- 3 Separated/Divorced - Married at one time, currently separated from spouse or legally divorced
- 5 Single - Never been married

4. Attitude

This is a judgmental question that is dependent on the officer's knowledge of the offender

5. Drug Addiction

Serious Problems: Major abuse or addiction, needs treatment for heroin, cocaine, barbiturate or other drug dependence.

6. Employment during last 12 Months

This item refers to all offenders who are members or potential members of the labor force. The issue here is not the number of jobs an offender may have had, but the actual length of time spent employed. In determining the score, consider the following:

- The value is scored based on full-time employment - 30 hours or more per week;
- Part-time employment - less than 30 hours per week; give only half the value of full-time;
- Students, homemakers, retired persons, or physically disabled persons are not considered part of the labor force; scoring is based on a percentage of time in the labor force.

7. Unstable Employment/Problem Student

Concerns those offenders who have shown a tendency to work irregularly, lose jobs as a result of absenteeism or in other ways there is an indication that continued employment is unlikely.

Student – Offender attending school and having school related problems.

8. High School Dropout (Self Explanatory)

9. Male (Self Explanatory) Gender is scored 7 points for male and 0 points for female

10. Age (Self Explanatory)

AGE	POINTS	AGE	POINTS
< 19	8	47-48	-1
19-21	6	49	-2
22-24	7	50-51	-3
25-32	6	52	-4
33-35	5	53	-5
36-38	4	54-55	-6
39-40	3	56	-7
41-42	2	57	-8
43-44	1	58	-9
45-46	0	59	-10
		60+	-11

11. Punishment Type (Self Explanatory) Punishment Type is scored 6 for Intermediate and 0 for Community

OTI Questions with point values

1. Conviction (0, 1, 2, 3)

Select all applicable and add for score:

- 1 - DWI
- 2 - Housebreaking, B & E, Burglary, stolen property
- 2 - Vehicle theft, all other larceny/thefts
- 2 - Robbery
- 3 - Forgery, worthless checks, fraud
- 0 - Other

2. Financial Status (0, 3, 6)

- 0 - Self-sufficient, capable of handling finances
- 3 - No known difficulty
- 6 - Some or severe difficulty in meeting court and other obligations

3. Marital (0, 3, 5)

- 0 - Married/Widowed
- 3 - Separated/Divorced
- 5 - Single

4. Attitude (0, 6)

- 0 - Motivated to change, receptive to assistance
- 6 - Dependence or unwilling to accept responsibility, or rationalizes behavior, negative, not motivated to change

5. Drug Addiction (0, 5)

- 0 - No history of drug addiction
- 5 - Has past history of drug addiction

6. Employment (0, 4)

- 0 - Employed more than 7 months during the past 12 months
- 4 - Employed less than 7 months during the past 12 months

7. Employment (0, 4)

- 0 - Employed, passing in school
- 4 - Unemployed/Unstable employment, problem student

8. High School Dropout (0, 3)

- 0 - Finished or in school
- 3 - High School dropout

9. Gender -- 7-male: 0-female:

10. Age – _____

11. Punishment Type – 0-Community 6-Intermediate:

OTI Score

APPENDIX E

**E-1: MULTIVARIATE ANALYSIS:
TECHNICAL INFORMATION**

**E-2: MULTIVARIATE ANALYSIS OF
PROBATION REVOCATIONS AND
PRISON INFRACTIONS**

APPENDIX E-1 MULTIVARIATE ANALYSIS: TECHNICAL INFORMATION

This appendix discusses additional methodological details relevant to the multivariate analysis presented in Chapter Four, including the transformation of parameter estimates into the effects presented in the report, data characteristics, and the predictive accuracy of the models.

Logistic Regression Modeling and Calculation of Effects

The multivariate analysis presented in Chapter Four examined the extent to which various factors were associated with recidivism. The recidivism events examined are: (1) whether an offender was arrested during the two-year follow-up period; and (2) whether an offender was incarcerated during the two-year follow-up period. These events are referred to as the dependent variables. They are dichotomous in that they have two possible values (or outcomes). For example, either an arrest occurred or it did not occur. Logistic regression is the most common multivariate technique used to analyze data which have dichotomous dependent variables (Tabachnick & Fidell, 2001).

As described briefly in Chapter Four, a logistic regression model estimates how a set of independent variables (*e.g.*, age, sex, offense seriousness) helps predict the likelihood of the occurrence of the dependent variable (*e.g.*, arrest within two years of placement on probation or release from prison). Because it is a regression analysis, it estimates each independent variable's individual contribution (if any) to the dependent variable, controlling for the influence of all other variables in the model. In other words, the effect for a single independent variable is interpreted, assuming that the values of all other independent variables are at their minimum value.

Logistic regression uses the independent variables to estimate the logit (natural logarithm of the probability) of the occurrence of the dependent variable (*e.g.*, having an arrest). To facilitate interpretation, the tables in the report present mathematically transformed parameter estimates that show their influence on the actual probability of occurrence of the dependent variable rather than on its natural logarithm. The transformation formula (Allison, 1999) is as follows: $\beta p_i(1-p_i)$, where β = the parameter estimate for a given independent variable and p_i = the proportion of the sample with the event of interest. For example, in Model 1 of Table 4.1 (rearrest of probationers), the proportion with the event of interest (rearrest) is .326 (32.6%). So, each parameter estimate is multiplied by $.326(1-.326)$ or .22 to obtain the effect on the probability. In this analysis, the original (untransformed) parameter estimate for MALE is .393; it is transformed in the report as: $.393 \times .22 = .086$ (or 8.6%). Therefore, being male versus female increases the probability of rearrest by 8.6%, while holding all other variables equal to their lowest value. This is referred to as the “net effect” of sex.

Data Characteristics

Two aspects of the data that often occur when planning a logistic regression analysis had to be addressed. The first aspect pertained to missing information. Regression models require

complete data. That is, if a person has missing information on any single variable (*e.g.*, marital status), then that person is eliminated from the logistic regression modeling process. All models for probationers had 3,136 observations (cases) in which one or more variables had missing values. Therefore, the analysis was conducted on a total of 38,637 offenders (92.5%), rather than the 41,773 total probationers in the sample. Similarly, 3,939 offenders in the prison sample had missing values on one or more variables, so the analysis was conducted on 15,934 individuals (80%) rather than the 19,873 total prisoners in the sample. The rate of missing observations was largely due to missing information on marital status or the lack of an OTI. In particular, a large proportion of misdemeanor prisoners did not have an OTI. This exclusion of observations applied only to the multivariate analysis.

The second data characteristic concerned the distributions of continuous variables⁵⁷ (*e.g.*, age at first criminal justice system contact, number of prior arrests). Such variables are referred to as “skewed” if most of the values cluster around a small range of the possible values. For example, in almost any sample of offenders, most of the values of age cluster around the younger ages. Values that fall relatively far outside the cluster of values are referred to as “outliers” (*e.g.*, a 61 year-old prison admission). Logistic regression requires that continuous variables not be highly skewed. If a variable is skewed, the outliers will have a greater influence on the model than their low frequency warrants. Therefore, it is necessary to mathematically adjust such variables. One common adjustment is to “bound” the variables at some meaningful value. No observations (offenders) are deleted in this process. Rather, the extreme values (outliers) are simply “collapsed” into a single value. In the current sample, skewed continuous variables were bounded at the value corresponding to the 90th percentile. Age at first criminal justice system contact, for example, was bounded at 50 years, because 90% of the offenders in the sample were younger than 50 when they were first involved with the criminal justice system. So, the final variable in the model includes the actual age for everyone through age 49, while those 50 and older were considered to be exactly 50 years old. The variables measured using an upper bound and each one’s upper bound value are:

- Age at first criminal justice system contact (upper bound at 50 years);
- Number of prior arrests (upper bound at eight prior arrests);
- Time served in prison on current admission (upper bound at 36 months), prison releases only; and
- Number of prison infractions (upper bound at six infractions), prison releases only.

Causation and Predictive Accuracy in Logistic Regression Modeling

Logistic regression parameter estimates describe an association between the independent variables and the dependent variable. As mentioned in Chapter Four, they are correlational, not causal. As is the case with all correlational data, interpreting the results of the analysis requires caution. Logistic regression estimates the statistical relationship (direction and size), if

⁵⁷ Continuous variables are numeric measures that can have fractional values between each measured point. For example, age may be measured in whole years (*e.g.*, 32, 33, 34), but it is possible for a person to be 33.6 years old. Regression modeling typically treats a broader array of numeric values as continuous measures. Variables that count some phenomenon (*e.g.*, number of prior arrests) and ordered variables with about seven or more consecutive values (*e.g.*, the OTI score) are also analyzed as continuous variables.

any, between factors included in the model and the probability of the dependent variable (*e.g.*, rearrest), net of the effect of all other variables measured.

To have confidence that an analysis provides evidence of a causal relationship between any independent variable and rearrest, for example, it is necessary to include all (or almost all) potential independent variables that may be associated with recidivism. Doing so is not feasible in the “real world,” and certainly not in a study that relies on criminal justice system data only. For example, research often shows that many aspects of community adjustment (such as relapse to drug use, stability of employment, criminal associations, and quality of familial relationships) are important in predicting recidivism (Andrews & Bonta, 2010). This information was not available, however. Even if this information had been available, logistic regression, by definition, does not demonstrate whether a relationship is causal. Rather, it models the statistical probability of a particular outcome occurring, given the independent variables available.

Because logistic regression analyzes the statistical probability of an outcome, multivariate analysis results always include an assessment of the predictive ability of the models.⁵⁸ One statistic used for this purpose – the pseudo-R² – indicates how well the independent variables predict the dependent variable. This statistic ranges from 0.0 to 1.0, with 1.0 indicating perfect prediction and 0.0 indicating no predictive ability. The literature generally considers values below 0.30 to indicate that the particular set of independent variables used in a model does not do a comprehensive job in predicting the dependent variable (*e.g.*, recidivist arrest or incarceration). The pseudo-R² measures in Chapter Four ranged from .18 to .24, indicating that the models lack some factors that are important to predicting recidivism. This level of predictability is common in criminal justice studies, especially those that analyze data solely from criminal justice agencies and do not augment the official data with information collected from offenders directly.⁵⁹ Therefore, this finding is to be expected, because the study does not have access to the full range of information known to be important to recidivism, as discussed above. Another statistic used to evaluate logistic regression models is the area under the Receiver Operating Curve (ROC). This statistic is a measure of the overall accuracy of the model. Using recidivist arrests to illustrate, the ROC statistic is the ratio of cases correctly predicted to have an arrest (true positives) to those incorrectly predicted to have an arrest (false positives). In the criminal justice literature, a ROC statistic of above .70 is considered to have adequate predictive ability, indicating that the model correctly predicts the dependent variable in 70% of the cases. The ROC statistics for all logistic regression models in this report ranged from .72 to .81, indicating that the models do an adequate job of predicting who will experience recidivism.

In summary, although the models, like many criminal justice studies, do not include variables that are important to predicting recidivism with more confidence, they are, nevertheless, capable of correctly predicting recidivist arrest and incarceration for approximately three-quarters of the offenders studied.

⁵⁸ The Likelihood Ratio Chi-Square statistics indicated that all models in Chapter Four and Appendix E fit the data better than the intercept-only model ($p < .0001$).

⁵⁹ Model 6 (in this appendix) had a pseudo-R² value of .37, indicating a moderate ability to predict prison infractions.

APPENDIX E-2.1
Effect of Personal and Criminal Justice Factors on Recidivist Probation Revocation

Independent Variables	Model 5 Probationers (n=38,637) ^a Average Revocation Probability = 36.3%
Personal Characteristics	
Age	
Under 21 (reference category)	
21-29	-14.1%
30-39	-22.4%
40-49	-23.3%
50+	-33.9%
Male	9.1%
Nonwhite	2.7%
Married	-9.3%
High School Dropout	6.1%
Employed	-9.8%
History of Drug Dependence	7.6%
Criminal History	
Age at First Criminal Justice System Contact ^b	<i>NS</i>
Number of Prior Arrests	1.4%
Prior Drug Arrest	<i>NS</i>
Prior Probation Admission	7.4%
Prior Incarceration	14.8%
CJS Contact within 12 Months before Probation/Prison Admission	7.4%
Current Offense-Related Information	
Felony	-13.9%
Intermediate Punishment (reference category: Community)	5.4%
Length of Probation Supervision Imposed (months)	<i>NS</i>
Risk of Recidivism - OTI Score	<i>NS</i>

NS indicates that the effect was not statistically significant at the $p < .05$ level.

^a 3,136 observations were excluded from the multivariate analysis due to missing data on one or more variables (primarily OTI score and marital status).

^b Includes contact with the adult system and does not include any contact with the juvenile justice system.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data

APPENDIX E-2.2
Effect of Personal and Criminal Justice Factors on Having a Prison Infraction

Independent Variables	Model 6 Prisoners (n=15,934)^a Average Infraction Probability = 49.9%
Personal Characteristics	
Age	
Under 21 (reference category)	
21-29	-13.5%
30-39	-26.3%
40-49	-26.9%
50+	-29.3%
Male	5.5%
Nonwhite	NS
Married	NS
High School Dropout	NS
Employed	NS
History of Drug Dependence	NS
Mental Health Issue	8.3%
Criminal History	
Age at First Criminal Justice System Contact ^b	-0.3%
Number of Prior Arrests	NS
Prior Drug Arrest	NS
Prior Probation Admission	15.9%
Prior Incarceration	NS
CJS Contact within 12 Months before Probation/Prison Admission	NS
Current Offense-Related Information	
Felony	9.8%
Post-Release Supervision (PRS) (reference category: No PRS)	-13.9%
Time Served (months)	1.9%
Highest Custody Level (reference category: Medium)	
Close	23.3%
Minimum	-27.2%
Risk of Recidivism - OTI Score	0.6%

NS indicates that the effect was not statistically significant at the $p < .05$ level.

^a 3,939 observations were excluded from the multivariate analysis due to missing data on one or more variables (primarily OTI score and marital status).

^b Includes contact with the adult system and does not include any contact with the juvenile justice system.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Correctional Program Evaluation Data