North Carolina
Sentencing and Policy Advisory Commission

CORRECTIONAL PROGRAM EVALUATION:
OFFENDERS PLACED ON PROBATION OR RELEASED FROM PRISON IN FISCAL YEAR 2005/06

Prepared By

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Project Conducted in Conjunction with the
North Carolina Department of Correction

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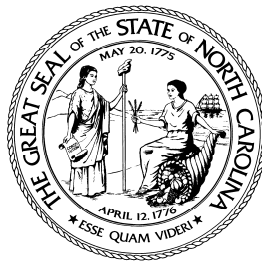**North Carolina Sentencing and Policy Advisory Commission**

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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 sixth report in compliance with the directive and analyzes a sample of 60,824 offenders released from prison or placed on probation in FY 2005/06 using a three-year follow-up period. Only offenders sentenced under the Structured Sentencing Act (SSA) were included in the sample. The study defines recidivism as rearrest, reconviction, and reincarceration. In addition, two interim outcome measures were examined: 1) technical revocation of probation or post-release supervision for offenders supervised in the community and 2) prison infractions during incarceration for prisoners in the sample. This report also focuses on prisoners identified with a mental health problem.

Data Sources

Data for offenders in the sample were provided by the Department of Correction (DOC) and the Department of Justice (DOJ).

Statistical Profile of the FY 2005/06 Sample

The sample of 60,824 offenders included 47.1% community probationers, 20.5% intermediate probationers, 29.1% prisoners with no post-release supervision (no PRS), and 3.3% prisoners with post-release supervision (PRS), all placed on probation or released from prison during FY 2005/06. Overall, there were 41,091 probation entries and 19,733 prison releases in the FY 2005/06 sample. Almost 79% of the offenders were male, 51.2% were black, 13.8% were married, 39.4% had twelve or more years of education, and 39.6% were identified as having a substance abuse problem by either a prison or probation assessment. Their average age was 31.

Overall, 55.9% of community punishment probationers, 80.7% of intermediate punishment probationers, 90.5% of prison releases with no PRS, and 87.9% of prison releases with PRS had one or more prior arrests. As a whole, the FY 2005/06 sample accounted for a total of 182,885 prior arrests. For offenders with prior arrests, the number of prior arrests generally increased by type of punishment from community punishment to intermediate punishment

Figure 1
Offense Class for Most Serious Current Conviction

Note: Offenders with discrepant or unknown offense classes were excluded from this table (n=317). Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

to prison – 43.5% of community punishment probationers, 25.2% of intermediate punishment probationers, 14.9% of prison releases with no PRS, and 20.0% of prison releases with PRS had only one prior arrest. A similar pattern was found when comparing the average number of prior arrests, with probationers having an average of 3.3 prior arrests and prisoners having an average of 5.4 prior arrests.

For the FY 2005/06 sample, 4.1% had a most serious conviction for a Class B1 through Class E felony, 44.1% had a most serious conviction for a Class F through Class I felony, and 51.8% had a most serious conviction for a misdemeanor offense (*see* Figure 1). The majority of probationers (64.4%) had a most serious conviction for a misdemeanor offense while the majority of prisoners (64.3%) 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% 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%).

Focusing on the 19,733 prison releases in the sample, for the first time in the Sentencing Commission's recidivism studies information was available about the reason for the prisoner's entry to prison – whether the prisoner entered prison for a conviction for a new crime, for a technical revocation of probation, or for both a new crime and a revocation. Forty percent entered prison as a result of a sentence for a new crime; 37% entered prison for a technical revocation of their probation; and the remaining 23% entered prison for a mix of both a new crime and a technical revocation. While the majority of offenders in all three groups were convicted for felonies in Offense Classes F through I, the proportion of convictions for violent felonies (Class B1 through Class E) was highest for prisoners admitted for a new crime (20.4%), and the proportion of convictions for a misdemeanor was highest for prisoners revoked to prison (30.2%).

A risk score was computed for each offender in the sample using a composite measure based on individual characteristics (*e.g.*, social factors and criminal record factors) identified in the literature as increasing or decreasing an offender's risk of recidivating. As shown in Figure 2, probationers sentenced to a community punishment were much more likely to be low risk than intermediate punishment probationers and either category of prison releases. Overall, prisoners were more likely to be high risk than probationers. Looking at prison releases, those with no PRS were more likely to be high risk and less likely to be low risk than those prisoners who received PRS. Risk levels were largely a reflection of an offender's criminal history and were
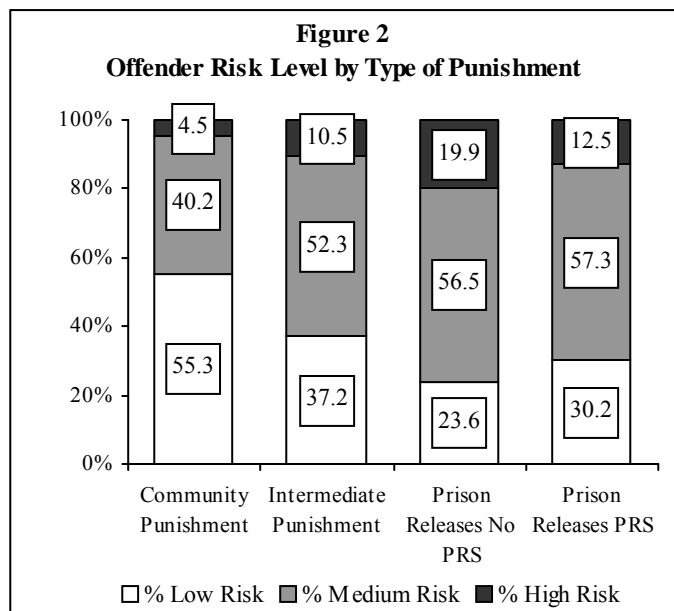
Figure 2
Offender Risk Level by Type of Punishment

	Community Punishment	Intermediate Punishment	Prison Releases No PRS	Prison Releases PRS
% High Risk	4.5	10.5	19.9	12.5
% Medium Risk	40.2	52.3	56.5	57.3
% Low Risk	55.3	37.2	23.6	30.2

□ % Low Risk   ▥ % Medium Risk   ■ % High Risk

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

in line with the philosophy of Structured Sentencing, assigning increasingly restrictive sanctions for the more serious, recidivism-prone offenders.

Time at Risk

While each offender was followed for a fixed three-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 percent of the sample at risk for the entire follow-up period decreased from 87% in the first year to 70% by the third year.

Criminal Justice Outcome Measures

Of the FY 2005/06 sample, 21.4% were rearrested during the one-year follow-up, 32.5% were rearrested during the two-year follow-up, and 40.1% were rearrested during the three-year follow-up (*see* Figure 3). 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.

Figure 3
Rearrest Rate: Three-Year Follow-Up

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Community punishment probationers, intermediate punishment probationers, and prisoners with PRS were subject to supervision in the community during the three-year follow-up period. For these three groups, the timing of rearrest was examined to determine whether the offender was rearrested while on probation or PRS for the conviction that placed him/her in the FY 2005/06 sample. Of those rearrested during follow-up, 51.4% of community punishment probationers, 57.0% of intermediate punishment probationers, and 35.4% of prisoners with PRS were rearrested while on probation or PRS. The higher percentage of intermediate punishment probationers with a rearrest while on supervision compared to the other two groups is consistent with their longer term of supervision.

Tracking the sample for three years, a clear pattern emerged: while the rates of rearrest increased for both prisoners and probationers between the first and the third year, the highest rates of rearrest for all groups were in the first year. In each subsequent year, rearrests increased at a declining rate.
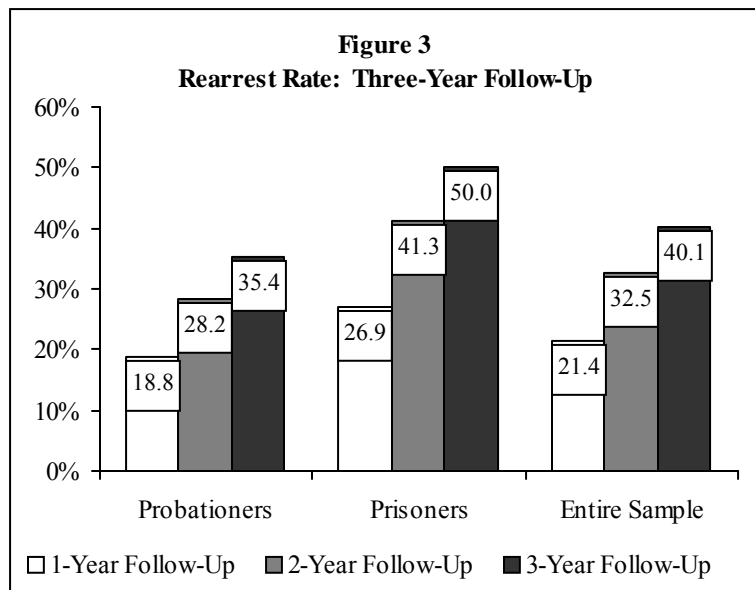
For those probationers and prisoners rearrested during the three years, the average time to first rearrest was 13.2 months after entry to probation or release from prison. By the end of the three-year follow-up, the FY 2005/06 sample accounted for 50,997 recidivist arrests, including 10,500 arrests for violent offenses.

In addition to rearrest rates, two other criminal justice outcome measures (reconviction and reincarceration) were utilized. A summary of these three measures of recidivism for the FY 2005/06 sample is provided in Figure 4.

Overall, 9.3% of the sample had a reconviction in the first year of follow-up, 19.3% by the second year, and 26.6% by the third year. For those with a reconviction during the three-year follow-up, the average time to reconviction was 17.3 months. The sample accrued 23,045 recidivist convictions of which 3,682 reconvictions were for a violent offense.

Overall, 12.6% of the sample were reincarcerated by the first year, 23.6% by the second year, and 30.1% by the third year of follow-up. The average time to first incarceration for offenders reincarcerated during the follow-up period was 15.6 months.

Independent of the measure used or the number of years tracked, recidivism rates were in direct correlation with the type of punishment (*see* Figure 4). However, it must be noted that these groups were also composed of offenders who were very different in their potential to reoffend, based on a composite risk measure developed for the study (*see* Figure 2).

The lowest rearrest and reconviction rates were for community probationers, followed by intermediate probationers, with the highest rearrest and reconviction rates for prison releases with no PRS. The rearrest and conviction rates of prisoners with PRS fell between intermediate probationers and prisoners with no PRS. Compared to the other types of punishment, probationers with an intermediate punishment had the highest rate of reincarceration, 46.0% during the three-year follow-up period, due in large part to their higher technical revocation rates.
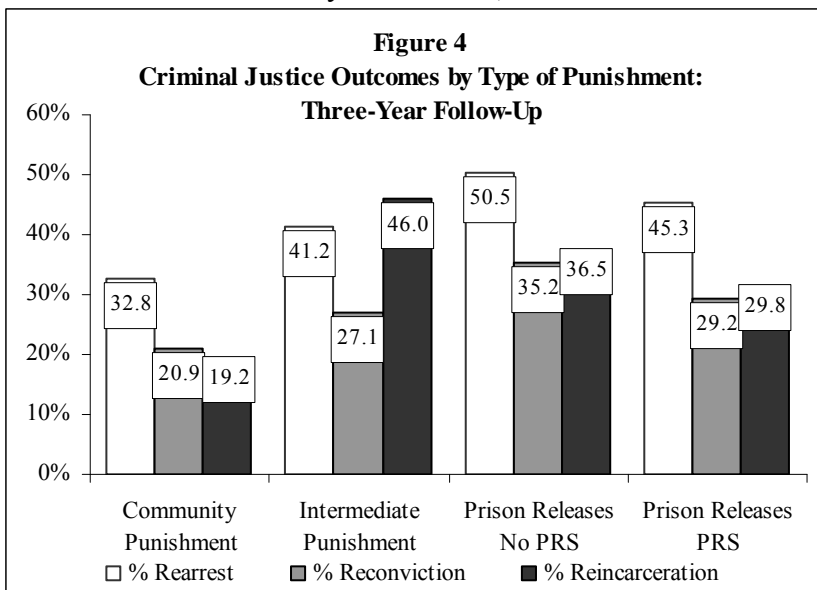
Figure 4
Criminal Justice Outcomes by Type of Punishment: Three-Year Follow-Up

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation

As shown in Figure 5, rates for all of the criminal justice outcome measures during the three-year follow-up period varied considerably by offender risk level, with a stair-step increase in rates from low risk to medium risk to high risk. When compared to low risk offenders, high risk offenders were over three and one-half times more likely to be rearrested, about four and one-half times more likely to be reconvicted, and about four times more likely to be reincarcerated.
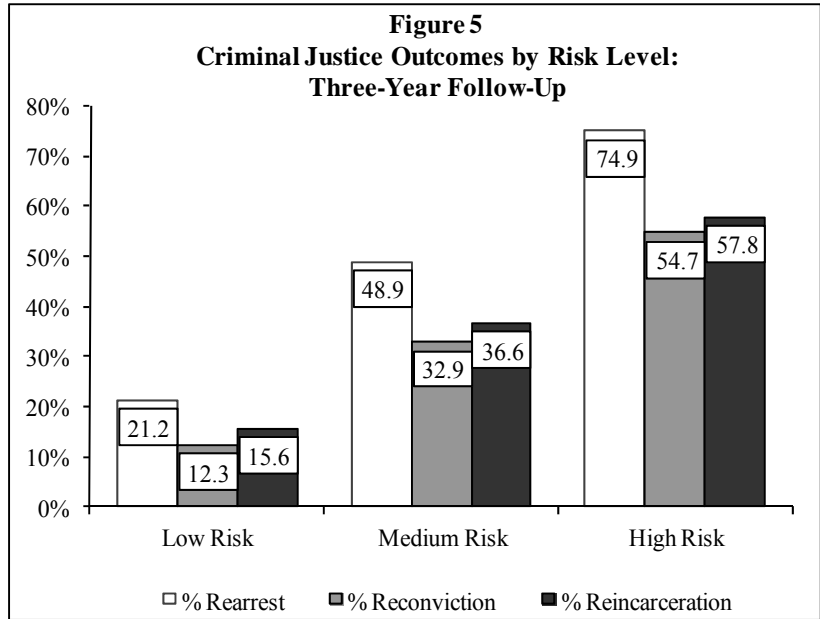
Figure 5
Criminal Justice Outcomes by Risk Level:
Three-Year Follow-Up

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation

Interim Outcome Measures

In addition to the recidivism rates, information is provided on two interim outcome measures: 1) technical revocation of probation or post-release supervision for offenders while under supervision in the community and 2) infractions for prisoners prior to release from prison. Revocations were limited to those that are technical in nature because revocations for new crimes would duplicate the recidivist arrest data.

Thirteen percent of the FY 2005/06 sample, including both probationers and prisoners, had a technical revocation during the one-year follow-up period, 22.9% had a technical revocation during the two-year follow-up period, and 28.3% had a technical revocation during the three-year follow-up period. Probationers with an intermediate punishment had the highest technical revocation rates during the follow-up period, with 39.5% having a technical revocation within the three-year follow-up. The higher technical revocation rates for intermediate probationers are likely linked to the closer monitoring and more restrictive sanctions for these offenders while on probation.

Forty-five percent of the FY 2005/06 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 (78% and 42%, respectively), which is consistent with the greater offense seriousness and the resulting longer time served for prisoners with PRS. The average number of infractions based only on prisoners who had an infraction was 4.4. 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 an 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 indicators of recidivism – rearrest and reincarceration – and two interim dependent variables as indicators of offender misconduct – technical probation revocations and prison infractions.

In the analysis of all offenders, a number of factors increased an offender's probability of rearrest during the three-year follow-up, including being male, black, being a youthful offender, having a history of substance abuse, having a greater number of prior arrests, having a prior drug arrest, and having a higher risk score. The number of prior incarcerations decreased the probability of rearrest.

Two variables, prison infractions and technical probation revocations, were used not only as predictors of recidivism but also as outcomes indicating prisoner or probationer misconduct. For prisoners, being black, a youthful offender, having a mental health problem, and having a higher number of prison incarcerations were associated with increases in the number of prison infractions acquired. For probationers, being male, black, a youthful offender, and having a history of substance abuse significantly increased the likelihood of a technical revocation.

Similar to rearrest, an analysis examining correlates of reincarceration for all offenders found being male, a youthful offender, and having a felony as the current conviction increased the probability of reincarceration. Factors associated with a decrease in the probability of reincarceration included being black, employed, married, or having at least twelve years of education.

Mental Health

A specific correctional population highlighted in this study is prison releases in FY 2005/06 with a mental health problem. Prisoners were identified as having a mental health problem if they had a Pulheat score of two or greater during the current period of incarceration, or if they received a DSM-IV mental illness diagnosis from DOP mental health services during the period of incarceration. Using this definition, almost 28% of the 19,733 prison releases had a mental health problem.

Compared to prisoners with no mental health problem, prisoners with a mental health problem were less likely to be male (73.7% versus 91.3%) and less likely to be black (44.9% versus 61.2%). Prisoners with a mental health problem were also slightly older (an average of 34.4 years of age versus 32.3 years of age) and more likely to be married (15.0% versus 12.3%). In addition, prisoners with a mental health problem were more likely to have a substance abuse problem than prisoners with no mental health problem (66.5% versus 54.9%).

Prisoners with mental health problems were more likely to have a felony offense as their most serious current conviction (77.6%) than prisoners with no mental health problems (73.2%). The majority of both groups of inmates had convictions for Classes F-I felonies. However, a higher percentage of prisoners with mental health problems had current convictions for Classes B1 through E felonies (18.0%) than did prisoners with no mental health problems (7.2%). Consistent with the differences in offense seriousness, prisoners with a mental health problem served longer sentences on

Figure 6
Criminal Justice Outcomes by Mental Health Status:
Three-Year Follow-Up

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation

average than did prisoners with no mental health problem (20.5 months compared to 11.6 months). In addition, prisoners with a mental health problem had a higher percentage of infractions while incarcerated (54.4%) compared to prisoners with no mental health problem (41.7%), which can be attributed in part to the greater offense seriousness and the resulting longer time served by the prisoners with a mental health problem.

More offenders with a mental health problem were characterized as low risk than offenders without a mental health problem (29.0% compared to 22.5%), and fewer offenders were characterized as high risk than in the group of offenders without a mental health problem (15.4% compared to 20.5%).

Three criminal justice outcomes – rearrest, reconviction, and reincarceration – were examined in this study. As shown in Figure 6, the rates of rearrest, reconviction, and reincarceration for prisoners with and without a mental health problem were very similar. Prisoners with a mental health problem were slightly less likely to be rearrested and reconvicted in the three-year follow-up period, but slightly more likely to be reincarcerated during the three-year follow-up period. Mental health problems seem to have interacted differently with infractions and recidivism. A multivariate analysis confirmed that having a mental health problem (as identified by DOC) is meaningful in the prison context (through an increased likelihood of committing infractions), but not particularly for recidivism behavior after release.
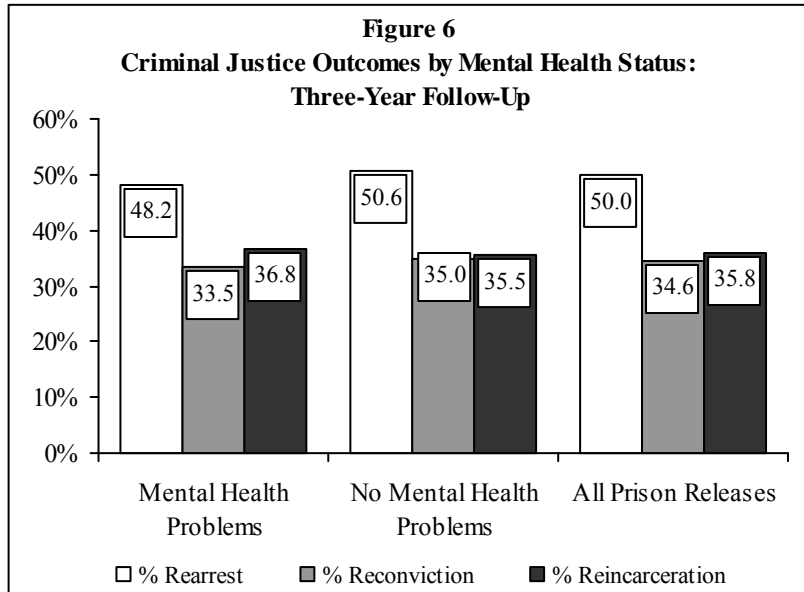
The types of mental health diagnoses received by prisoners and the severity of those diagnoses were also examined. There were differences in the proportions of female and male prisoners with diagnosed disorders, with 41% of female prison releases and 19% of male prison releases having a diagnosed mental illness. The most frequently diagnosed mental disorders were Substance-Related Disorders, which accounted for 36.5% of the total diagnoses.

Finally, the co-occurrence of substance abuse and mental health problems was examined. Overall, 67% of prisoners had a substance abuse problem, a mental health problem, or both (*see* Figure 7). Prisoners with only a substance abuse problem had slightly higher rearrest rates (52.5%) than prison releases with both a substance abuse problem and a mental health problem (49.3%) or with only a mental health problem (46.0%).
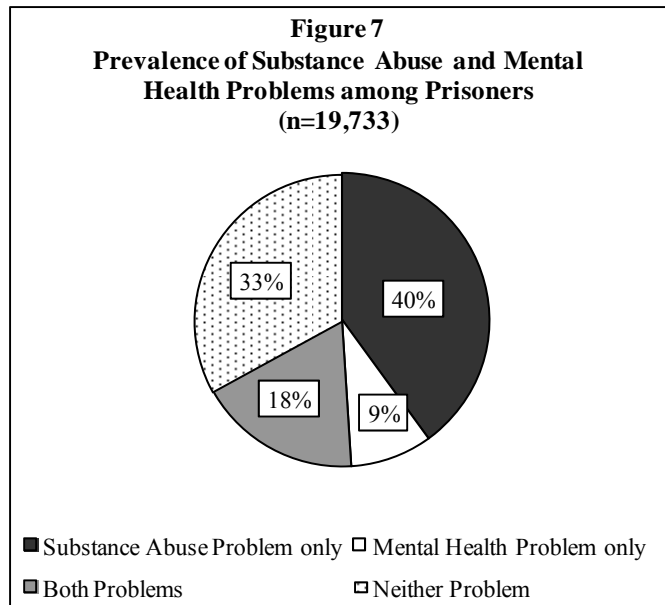
Figure 7
Prevalence of Substance Abuse and Mental Health Problems among Prisoners
(n=19,733)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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 emerge. These reports, covering large samples of offenders released in North Carolina between FY 1993/94 and FY 2005/06, provide a framework to look at trends in the state's recidivism rates and related factors. Generally, many of the findings that follow have remained constant over the course of the recidivism studies and lead to the same general conclusions. Figure 8 provides a comprehensive view of the three-year recidivism rates for FY 2005/06 sample of probationers and prisoners.

- *Statewide recidivism rates have been remarkably consistent over the past twelve years, although a slight increase in the year-to-year rates can be observed.*

  The six samples studied had rates ranging between 36.8% and 40.1%. While these recidivism rates have been relatively stable, an incremental (albeit slow) growth during this timeframe can be noted. Several reasons could account for this upward trend: 1) improvements in technology which have led to a greater number of fingerprinted misdemeanor arrests; 2) a decrease in the percentage of probationers and an increase in the percentage of prisoners; and 3) a shift in the risk level distributions for the samples of offenders to fewer low risk offenders in more recent years.

- *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, while the general profile of intermediate probationers more closely mimicked that of prisoners than of community probationers, their rearrest rates were considerably and consistently lower than those of prisoners. This finding lends continued support to the notion of intermediate sanctions as a viable alternative to supervise certain offenders in the community in lieu of incarceration.

- *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 re-entry or supervision following release.

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

  The use of risk scores in this and previous reports has proven to be the most comprehensive predictive measure of recidivism. The risk score assigned to an offender, which is comprised of preexisting personal and criminal history factors, has been consistently associated with the disposition and program assignments imposed by the court as well as with the offender's probability of reoffending. Since the most expensive correctional resources (*i.e.*, prisons) are predominantly being used by the high risk offenders and minimal resources are required by the low risk offenders, it may prove to be a good use of tax dollars to target medium risk offenders for less restrictive correctional programming. This investment in offenders who are medium risk may play an important part in reducing their possibility of recidivating and ultimately utilizing more expensive resources. The availability of risk scores earlier in the criminal justice process might also help inform the discretion of decision makers such as magistrates, judges and prosecutors as they make decisions on bail, pleas, conviction and sentencing.

The issues surrounding the planning for the future of criminal justice policies, technology and resources are enormous and complex. While the state's crime rate has been lower during the past several years, there has been a steady increase in the number of offenders and, more specifically, offenders convicted and sentenced to prison. This increase in probationers and prisoners creates a need for correctional resources that exceed the funding that is available. Consequently, the question for the immediate future becomes one of how the state deals with crime in the smartest and most cost-effective way while maintaining public safety. The governor, legislature and criminal justice agencies are currently addressing these challenges through various initiatives that are designed to have an effect on the offender population. A few of these initiatives underway are Justice Reinvestment, the StreetSafe Task Force, the Criminal Justice Law Enforcement Automated Data Services (CJLEADS), the Youth Accountability Planning Task

Force, the DOC's Black Mountain Substance Abuse Treatment Center for Women, and the DOC's Division of Community Corrections' Offender Risk and Needs Assessment.

While this report examined the effect of personal characteristics, current offense, prior criminal history and program participation as predictors of *whether* an offender will recidivate, future research should examine how these same factors affect *when* an offender will recidivate. Targeting resources to match offender needs might increase the probability of rehabilitation; knowledge of factors that predict when offenders with certain characteristics tend to recidivate would provide practical information to programs for developing additional treatment or supervision protocols that could further delay, or even prevent recidivism.

In summary, expectations for correctional 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. Expectations for rehabilitative success 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 DOC's disposal to reverse their impact.

Figure 8
Three-Year Recidivism Rates for the FY 2005/06 Sample

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                    All Probation and Prison Releases
                            (N=60,824)

                        Rearrest: 40.1%
                        Reconviction: 26.6%
                        Reincarceration: 30.1%
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        Probation Entries                           Prison Releases
           (n=41,091)                                 (n=19,733)

        Rearrest: 35.4%                             Rearrest: 50.0%
        Reconviction: 22.8%                         Reconviction: 34.6%
        Reincarceration: 27.3%                      Reincarceration: 35.8%
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 Community Punishment    Intermediate Punishment   No Post-Release Supervision   Post-Release Supervision
     (n=28,645)                (n=12,446)                  (n=17,724)                   (n=2,009)

   Rearrest: 32.8%          Rearrest: 41.2%            Rearrest: 50.5%             Rearrest: 45.3%
   Reconviction: 20.9%      Reconviction: 27.1%        Reconviction: 35.2%        Reconviction: 29.2%
   Reincarceration: 19.2%   Reincarceration: 46.0%     Reincarceration: 36.5%     Reincarceration: 29.8%
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SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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 which 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.

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 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 sixth 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, the result will simply be repeat offenders who are better educated or have greater self-confidence.

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 creating 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.

Some new dynamics gleaned from recidivism studies of the past ten years are worth noting in this context:

- Risk scores, built primarily on prior behavior but much more extensive in summarizing an offender's risk to reoffend, were found to be of considerable value in predicting recidivism. Risk scores, in turn, are strongly linked to the sentencing structure (through offense class and prior record level) and to the type of disposition imposed by the judge.
- The meaning of "type of punishment" has been diluted by a high incidence of probation revocations to prison. Revocation leads to underestimating the propensity to reoffend for community and intermediate probationers (through a reduction in their "time-at-risk"), and weakens the correlation between structured sentencing, punishment type, and recidivism.

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 cohort recidivism rates, which have remained remarkably stable over time.

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, samples up to, but not including, FY 1996/97 are 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 sample for FY 2003/04 only includes offenders sentenced under the SSA. The various studies also have different follow-up periods. 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) from each of the Sentencing Commission's previous reports. The table indicates that recidivism rates for offenders have been fairly similar over the sample years, given the differences in follow-up time and sample composition. The 1989 study, the FY 1996/97 study, and the FY 1998/99 study had a similar follow-up period (of approximately two years) and similar recidivism rates for all offenders, ranging from 31% to 33%. The six other studies, with more extended follow-up periods (of approximately three years), reported slightly higher recidivism, with rearrest rates for all offenders between 33% and 39%.

Table 1.1 also provides a comparison of recidivism rates for probationers and prisoners for the previous studies. The recidivism rates for FSA regular probationers can be compared across the previous recidivism studies (sample years 1989, 1992/93, 1993/94, and 1994/95) and with the SSA community punishment probationers in the more recent studies (sample years 1996/97, 1998/99, 2001/02, and 2003/04). Based on the studies with an approximate three-year follow-up period, rearrest rates for FSA regular probationers ranged from 22.8% for the 1992/93 sample to 31.3% for the 1994/95 sample, while recidivism rates for SSA community punishment probationers were around 30% for the 1998/99 and 2001/02 samples and around 34% for the 2003/04 sample.

Recidivism rates for prisoners can also be compared across the studies. The rearrest rates provided for prisoners for sample years 1989, 1992/93, 1993/94, and 1994/95 are for prisoners released on regular parole prior to or under FSA, while the rearrest rates provided for prisoners for sample years 1996/97, 1998/99, and 2000/01 are for prisoners released under both FSA and SSA. The 2003/04 sample provides the first SSA only prisoner sample. The three-year rearrest rates for FSA prisoners ranged from 45.9% for the 1992/93 sample to 48.8% for the 1993/94 sample, while the three-year rearrest rates for SSA and FSA prisoners were almost 50% for the 1998/99 and 2001/02 samples. Similarly, the three-year rearrest rate for SSA prisoners in the 2003/04 sample was also around 50%. It must be noted that any comparison of FSA and SSA prisoners needs to account for differences in the characteristics of these two groups relative to offense seriousness and time served.

Table 1.1
Rearrest Rates for North Carolina Offenders

Sample Year	Sample Composition	Sample Size	Follow-Up Period[1] (in months)	Rearrest Rates		
				All Offenders	Probationers[2]	Prisoners[3]
Studies with a Two-Year Follow-Up Period						
1989	Offenders sentenced prior to or under FSA	37,933	26.7	31.2%	26.5%	41.3%
1996/97	Offenders sentenced under FSA and SSA	51,588	24	32.6%	26.3%	42.6%
1998/99	Offenders sentenced under FSA and SSA	58,238	24	31.2%	24.2%	41.6%
Studies with a Three-Year Follow-Up Period						
1992/93	Offenders sentenced prior to or under FSA	33,111	36.7	32.6%	22.8%	45.9%
1993/94	Offenders sentenced prior to or under FSA	48,527	32.8	36.8%	30.7%	48.8%
1994/95	Offenders sentenced prior to or under FSA, with some offenders sentenced under SSA	45,836	35.1	37.3%	31.3%	47.8%
1998/99	Offenders sentenced under FSA and SSA	58,238	36	37.8%	29.7%	49.6%
2001/02	Offenders sentenced under SSA, with some offenders sentenced under FSA	57,973	36	38.2%	30.1%	49.8%
2003/04	Offenders sentenced under SSA	56,983	36	38.7%	33.7%	50.2%

SOURCE: NC Sentencing and Policy Advisory Commission

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[1] Variable follow-up periods were used for sample years 1989 through 1994/95. Fixed follow-up periods were used for sample years 1996/97, 1998/99, 2001/02, and 2003/04.
[2] This category includes FSA offenders on regular probation for sample years 1989, 1992/93, 1993/94, and 1994/95 and SSA offenders on community punishment probation for sample years 1996/97, 1998/99, 2001/02, and 2003/04.
[3] This category includes FSA prisoners released on regular parole through FY 1994/95, FSA and SSA prisoners from 1996/97 – 2001/02, and SSA prisoners for 2003/04.

While it is too soon to draw valid comparisons between the overall recidivism of SSA and FSA offenders, it is worth noting that recidivism rates over a two-year follow-up were around 32% for the various samples and over a three-year follow-up were around 37-38%, independent of composition. 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.

Research Design and Methodology

The Sentencing Commission's expanded legislative mandate translated to a more 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.[4]

Sample

The sample selected for study included all offenders released from prison by the North Carolina Department of Correction (DOC) or placed on supervised probation during Fiscal Year 2005/06. The final study sample includes 60,824 offenders sentenced under Structured Sentencing, affording a comprehensive look at the recidivism of Structured Sentencing offenders.[5]

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 2005/06 sample of offenders with a fixed three-year follow-up period, with one-year, two-year, and three-year rates provided. When not specified, recidivism will be defined based on the three-year follow-up period.

Time at Risk

While each offender in the study sample had an equal three-year follow-up period, not all of them were on the street and "at risk" of recidivism for the entire three years. The report takes into account each sample offender's actual time at risk, by identifying their periods of

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[4] Preexisting factors and current criminal justice involvement are also components in targeting offenders for different correctional sanctions and treatment programs, and assessing their risk levels.
[5] Pre-Fair Sentencing Act (FSA) and FSA offenders (prisoners and probationers) were excluded from the sample. All DWI and traffic offenders were also excluded from the sample.

incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period.[6]

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 offenders supervised in the community, technical revocation of probation or post-release supervision.
- ► 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 Department of Correction's (DOC) Offender Population Unified System (OPUS) provided demographic and prior record information, current convicted offense and sentence,[7] correctional program assignment, type of punishment, and subsequent technical probation revocations and prison incarcerations.
- ► The North Carolina Department of Justice's (DOJ) data set 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 60,824 offenders released to the community between July 1, 2005 and June 30, 2006, and followed for three years.[8] 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).

There were several enhancements made to the data provided in this report:

- ► Due to the growing number of prisoners released onto post-release supervision, this group has been added as a subgroup of the prison release sample where applicable in the report.[9]

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[6] 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.
[7] "Current" in the context of this study refers to the most serious conviction and sentence for which the offender was released to the community within the sample time frame.
[8] A glossary of relevant variables is included in Appendix A.
[9] This group of prisoners was examined in detail in the Commission's 2008 recidivism report.

- In Chapter Three, the recidivism of community punishment probationers, intermediate punishment probationers, and prisoners with post-release supervision were examined to determine whether any rearrests occurred while the offender was being supervised for the conviction that placed them in the sample.
- Recognizing the different ways that prisoners enter prison (as a result of a new crime, a technical revocation of probation or post-release supervision, or both), an indicator was created that identifies the type of entry for each prisoner, with analyses that examine differences in these groups (*e.g.*, current conviction, recidivism) provided where applicable in the report.
- An indicator of mental health issues was added for the prisoners in the sample and is used in the multivariate analyses in Chapter Four and examined in detail in Chapter Five. Similar information will be analyzed for probationers as it becomes available.

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 offender risk (a composite "risk score" developed and assigned to each offender).

Chapter Three includes a descriptive analysis of the sample's subsequent (*i.e.,* recidivistic) criminal involvement, with special focus on the one-, two-, and three-year follow-up. This analysis also allows for some comparisons between the recidivism of offenders released from prison and those placed on some form of 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 provides statistical information regarding mental heath issues for prisoners. Finally, Chapter Six offers a short 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 2005/06 SAMPLE

Type of Punishment

As described in Chapter One, the study sample comprises SSA offenders who either were placed on probation or were released from prison during FY 2005/06.[10]

FY 2005/06 Sample

The sample comprises all SSA offenders who were placed on supervised probation or were released from prison during FY 2005/06, 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.

As shown in Figure 2.1, there were 60,824 offenders in the FY 2005/06 sample. There were 41,091 (68%) probationers and 19,733 (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 individual categories of probationers and prisoners (also referred to as type of punishment) and for the sample as a whole.

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

Figure 2.1
Type of Punishment

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                    ┌─────────────────────────────────────┐
                    │  All Probation Entries and Prison    │
                    │            Releases                  │
                    │          (N=60,824)                  │
                    └─────────────────────────────────────┘
                         │                         │
          ┌──────────────────────┐      ┌──────────────────────┐
          │   Probation Entries  │      │    Prison Releases    │
          │  67.6%  (n=41,091)   │      │   32.4%  (n=19,733)   │
          └──────────────────────┘      └──────────────────────┘
            │              │               │              │
  ┌─────────────────┐ ┌─────────────────┐ ┌─────────────────────┐ ┌─────────────────────┐
  │ Community       │ │ Intermediate    │ │ No Post-Release     │ │ Post-Release        │
  │ Punishment      │ │ Punishment      │ │ Supervision         │ │ Supervision         │
  │ 47.1% (n=28,645)│ │ 20.5% (n=12,446)│ │ 29.1% (n=17,724)    │ │ 3.3% (n=2,009)      │
  └─────────────────┘ └─────────────────┘ └─────────────────────┘ └─────────────────────┘
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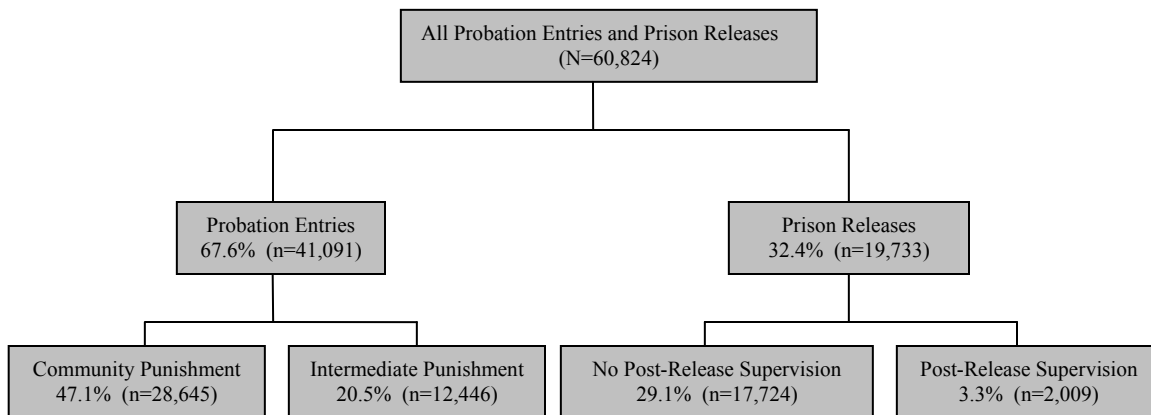
Definitions for the Types of Punishment

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=2,009 or approximately 10%) 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 2005/06 sample.[11,12] Of the 60,824 offenders, 78.5% were male, 51.2% were black, 13.8% were married, 39.4% had twelve or more years of education, 39.6% were identified as having a substance abuse problem, and their average age, at release from prison or placement on probation, was 31.3. Probationers (and, in particular, probationers with community punishments) had a higher percentage of females than prisoners. On average, offenders who were placed on probation were slightly younger than offenders who were released from prison.

Criminal History

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). Information on prior fingerprinted arrests for the FY 2005/06 sample is provided in Table 2.2.[13] Prior arrests were defined as fingerprinted arrests that occurred before the conviction that placed the offender in the sample. Beginning with the current report, this measure excludes the arrest event for the conviction that placed the offender in the sample.

Overall, 55.9% of community punishment probationers, 80.7% of intermediate punishment probationers, 90.5% of prison releases with no PRS, and 87.9% of prison releases with PRS had one or more prior arrests. As a whole, the FY 2005/06 sample accounted for a total of 182,885 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, 43.5% of community punishment probationers had only one prior arrest compared to 14.9% 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 were more similar to prisoners than to community punishment probationers. The average number of prior arrests for those offenders with at least one prior arrest was 2.9 for community punishment probationers, 4.0 for intermediate punishment probationers, 5.4 for prison releases with no PRS, and 5.2 for prison releases with PRS. These findings confirm the philosophy behind 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.

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[11] *See* Appendix A for a description of major variables.

[12] Available mental health data for prisoners in the DOC's automated database indicated that 28% of prisoners had some type of mental health issue. Comparable mental health data were not available for probationers. Further examination of mental health issues for prisoners is provided in Chapter Five of this report.

[13] Fingerprinted arrest data from the DOJ were used to determine prior arrests. Reflecting a methodological change from previous reports, the measure of prior arrests excludes the arrest for the conviction that placed the offender in the sample.

Table 2.1
Personal Characteristics by Type of Punishment

Type of Punishment	N	% Male	% Black	Mean Age	% Married	% With Twelve Years of Education or More	% With Substance Abuse
Probation Entries							
Community Punishment	28,645	71.1	47.0	30.1	14.6	46.4	28.0
Intermediate Punishment	12,446	83.1	52.2	31.4	13.3	38.4	37.0
Subtotal	41,091	74.7	48.6	30.5	14.2	43.9	30.7
Prison Releases							
No Post-Release Supervision	17,724	85.7	55.4	32.8	13.1	30.7	58.8
Post-Release Supervision	2,009	93.6	68.3	33.3	12.8	32.6	52.3
Subtotal	19,733	86.5	56.7	32.9	13.1	30.9	58.1
TOTAL	**60,824**	**78.5**	**51.2**	**31.3**	**13.8**	**39.4**	**39.6**

Note: There are missing values for self-reported years of education.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 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=43,865)						
			Total # of Prior Arrests	Average Number of Prior Arrests	Number of Prior Arrests (%)				
					1	2	3-4	5-9	10+
Probation Entries									
Community Punishment	28,645	55.9	46,161	2.9	43.5	20.9	18.6	12.7	4.2
Intermediate Punishment	12,446	80.7	40,181	4.0	25.2	19.4	24.7	23.0	7.6
Subtotal	41,091	63.4	86,342	3.3	36.5	20.3	21.0	16.7	5.5
Prison Releases									
No Post-Release Supervision	17,724	90.5	87,371	5.4	14.9	15.4	24.5	30.0	15.3
Post-Release Supervision	2,009	87.9	9,172	5.2	20.0	16.4	20.6	26.6	16.3
Subtotal	19,733	90.2	96,543	5.4	15.4	15.5	24.1	29.6	15.4
TOTAL	**60,824**	**72.1**	**182,885**	**4.2**	27.9	18.4	22.2	21.9	9.6

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Most Serious Current Conviction

Overall, 48% (n=29,304) of the FY 2005/06 sample had a felony offense as the most serious current conviction and 52% (n=31,520) had a misdemeanor offense as the most serious current conviction.[14] 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 (46%), followed by property offenses (35%). For prisoners with a current felony conviction, the majority had convictions for property offenses (37%), followed by convictions for drug offenses (32%). As anticipated, prisoners were more likely to have current convictions for violent offenses (22%) than probationers (12%).

Figure 2.2

Most Serious Current Conviction: Felonies Only (n=29,304)

Probation Entries (n = 14,615) — Violent 12%, Property 35%, Drug 46%, Other 7%

Prison Releases (n = 14,689) — Violent 22%, Property 37%, Drug 32%, Other 9%

Legend: □ Violent ■ Property □ Drug ▨ Other

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

The majority of prisoners and probationers with current misdemeanor convictions were convicted of property offenses (41% and 40%, respectively) and violent offenses (38% and 27%, respectively), as shown in Figure 2.3. As expected, prisoners had a higher percentage of violent convictions compared to probationers. Probationers had a higher percentage of drug convictions (23%) compared to prisoners (16%).

The most serious current conviction by type of punishment is presented in Table 2.3. Overall, 38.1% of the sample had a most serious current conviction for a property offense,

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[14] Each offender's conviction(s) that placed him/her in the sample as a prison release or probation entry during FY 2005/06 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."

Table 2.3
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	28,645	0.5	20.4	6.6	33.7	10.4	19.4	0.7	8.4	18.1	81.9
Intermediate Punishment	12,446	13.3	10.3	25.7	7.7	30.2	4.2	6.5	2.2	75.7	24.3
Subtotal	41,091	4.4	17.4	12.3	25.8	16.4	14.8	2.5	6.5	35.6	64.4
Prison Releases											
No Post-Release Supervision	17,724	9.3	10.9	29.9	11.7	26.7	4.5	5.6	1.3	71.5	28.5
Post-Release Supervision	2,009	75.5	N/A	4.2	N/A	1.5	N/A	18.7	N/A	100.0	N/A
Subtotal	19,733	16.1	9.8	27.3	10.5	24.2	4.1	6.9	1.2	74.4	25.6
TOTAL	**60,824**	**8.2**	**14.9**	**17.2**	**20.9**	**18.9**	**11.3**	**3.9**	**4.8**	**48.2**	**51.8**

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Figure 2.3
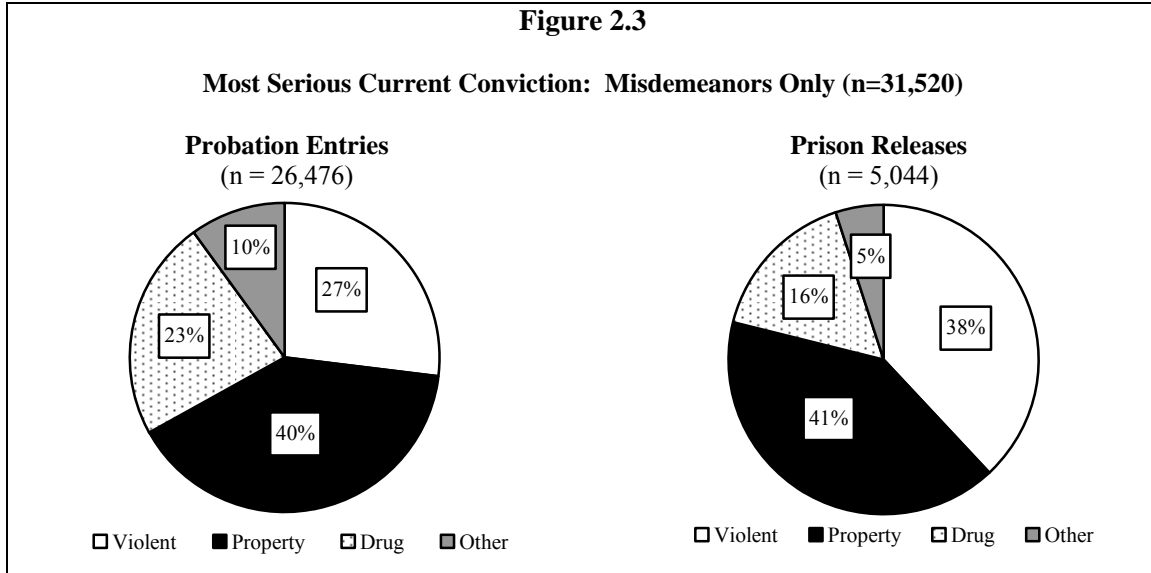
Most Serious Current Conviction: Misdemeanors Only (n=31,520)

Probation Entries
(n = 26,476)

Prison Releases
(n = 5,044)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

followed by 30.2% for drug offenses, 23.1% for violent offenses, and 8.7% for "other" offenses.[15] Community punishment probationers were more likely to have a most serious current conviction for a misdemeanor offense (81.9%) and the current conviction was most likely to be for a misdemeanor property offense (33.7%). Seventy-six 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 drug offense (30.2%) or for a felony property offense (25.7%). Seventy-two 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 (29.9%), followed by a drug offense (26.7%). 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 (75.5%), and for an offense in the "other" category (18.7%) which includes offenders who have been convicted as habitual felons (Class C).

Table 2.4 presents information on the offense class of the most serious conviction for the FY 2005/06 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, intermediate punishment, or active sentence) and the sentence length are based on the offense class for the most serious offense and on the offender's prior criminal history (*see* Appendix C for the felony and misdemeanor punishment charts).[16] Offenders convicted of Class B1 through Class D felonies are required to

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[15] Of the 14,045 offenders with a most serious current conviction for a violent offense, 8.8% (n=1,238) had a conviction for an offense which requires registration as a sex offender under Article 27A of Chapter 14 of the NC General Statutes. In addition, 71 offenders with a most serious conviction for an "other" offense were required to register as sex offenders. These offenders were convicted of indecent exposure, which is categorized as a public order offense according to DOC's crime categorization scheme.

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

receive an active sentence.[17] 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.

Table 2.4
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	28,390	N/A	18.1	81.9
Intermediate Punishment	12,384	4.0	71.6	24.4
Subtotal	40,774	1.2	34.4	64.4
Prison Releases				
No Post-Release Supervision	17,724	N/A	71.5	28.5
Post-Release Supervision	2,009	100.0	N/A	N/A
Subtotal	19,733	10.2	64.3	25.6
TOTAL	**60,507**	**4.1**	**44.1**	**51.8**

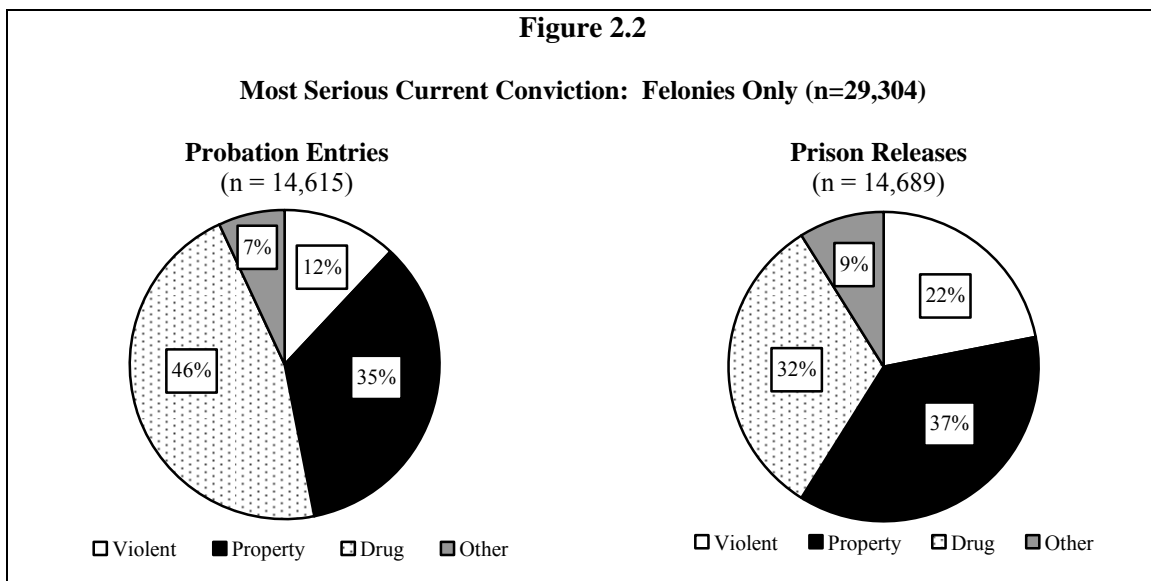Note: Offenders with discrepant or unknown offense classes were excluded from this table (n=317). Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

For the FY 2005/06 sample, 4.1% had a most serious conviction for a Class B1 through E felony,[18] 44.1% had a most serious conviction for a Class F through Class I felony, and 51.8% 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 (81.9%), while the majority of

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

[18] 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 2005/06 sample.

intermediate punishment probationers and prisoners with no PRS had a most serious conviction for a Class F through Class I felony (71.6% and 71.5%, respectively). Approximately 10% of prisoners had a conviction for a Class B1 through Class E felony.

Type of Prison Entry

The FY 2005/06 sample included 19,733 offenders released from prison. For the first time in the Sentencing Commission's recidivism studies, information was also available about the reason for the prisoner's entry to prison – whether the prisoner entered prison for a conviction for a new crime, for a technical revocation of probation, or for both a new crime and a revocation.

Forty percent of the FY 2005/06 prison releases (n=7,847) entered prison as a result of a sentence for a new crime and served, on average, 21.3 months. Thirty-seven percent (n=7,406) entered prison for a technical revocation of their probation and served, on average, 6.1 months. The remaining 23% of prison releases (n=4,480) entered prison for a mix of both a new crime and a technical revocation and served, on average, 14.4 months. These groups are referred to as new crime entries, technical revocation entries, and mixed entries, respectively.

Table 2.5 examines the variation in the most serious current conviction for prisoners by their type of prison entry. While the majority of offenders in all three groups were convicted for felonies in Offense Classes F through I, the proportion of convictions for violent felonies (Class B1 through E) was highest for prisoners admitted for a new crime (20.4%), and the proportion of convictions for a misdemeanor was highest for prisoners revoked to prison (30.2%).

Table 2.5
Offense Class of Most Serious Current Conviction for Prison Releases by Type of Entry

Prison Releases by Type of Prison Entry	N	Offense Class for Current Conviction		
		% B1-E Felony	% F-I Felony	% Misd.
New Crime Entry	7,847	20.4	58.5	21.1
Technical Revocation Entry	7,406	1.2	68.6	30.2
Mixed Entry	4,480	7.0	67.1	25.9
TOTAL	19,733	10.2	64.3	25.6

Note: Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2005/06 sample with a most serious conviction for a Class B1 felony. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Offender Risk and Recidivism

        Evaluations of correctional programs that use recidivism as the outcome measure of "success" are fairly commonplace. However, a frequent problem encountered by both researchers and policy makers interpreting the results of these studies is that most have no way to control for different levels of offender risk. Offenders vary in their risk of recidivating, independent of any intervention provided. This finding has been confirmed repeatedly in research, and is being applied in risk assessments used for sentencing and in correctional policy (*e.g.*, to classify inmate custody levels and to make parole decisions).

        In a perfect research setting, offenders would be randomly selected into the various correctional programs to be evaluated. In the reality of corrections, this is not possible because of practical, public safety, and legal considerations. Instead, this study attempts to control statistically for types of offenders by developing a risk model that divides offenders into three levels of risk: high, medium, and low. Using risk level as an independent control variable allows for a comparative analysis of the recidivism rates of offenders who did and did not participate in a particular program or intervention.

Components of Risk

        Variables used to create the "risk" measure for this study are those identified in the literature as increasing or decreasing a person's risk of being arrested.[19] For the purposes of this study, risk is defined as *the projected probability of rearrest*, and is not intended to measure seriousness of future offenses or offender dangerousness.

        A composite measure, risk is made up of a number of factors that can be loosely divided into the following three categories:

1. Personal Characteristics
    - *Offender's age when placed on probation or released from prison*
    - *Sex*
    - *Race[20]*
    - *Marital status (i.e., married or not married) at the time of entry into the sample*
    - *Employment status at time of arrest for prisoners and at the time of probation entry for probationers*
    - *History of substance abuse problems as indicated by prison or probation assessment*

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[19] Previous recidivism studies conducted by the North Carolina Sentencing and Policy Advisory Commission have used a measure of risk in the analysis, and found that many of the differences between programs diminished when risk was controlled for (Clarke and Harrison, 1992; NC Sentencing and Policy Advisory Commission, 1998; 2000; 2002; 2004; 2006; 2008). See Appendix D for a more in-depth discussion of how the risk score was developed for this study.

[20] Of the FY 2005/06 sample, 51.2% were black, 43.1% were white, and the remaining 5.7% were American Indian (1.7%), Asian (0.2%), other (3.6%), or unknown (0.2%). Based on this distribution, race was collapsed into two categories, black and non-black. White, Asian and Indian offenders as well as offenders with an "other" or "unknown" race were included in the non-black category.

2. <u>Criminal History</u>
   - ► *Age at first arrest*
   - ► *Length of criminal history*
   - ► *Number of prior arrests*
   - ► *Number of prior drug arrests*
   - ► *Most serious prior arrest*
   - ► *Number of prior probationary sentences – probation, parole, post-release supervision*
   - ► *Number of prior revocations of probationary supervision*
   - ► *Number of prior prison sentences*

3. <u>Current Sentence Information</u>
   - ► *Offense class*
   - ► *Maximum sentence length*

A risk score was computed for all offenders in the sample based on these factors.[21] *Risk scores* – not the sample of offenders – were divided into terciles.[22] The range of risk scores was 0.01 to 0.99; thus, "Low Risk" offenders had a score between 0.01 and 0.33; "Medium Risk" offenders had a score between 0.34 and 0.66, and "High Risk" offenders had a risk score between 0.67 and 0.99. Based on this methodology, 41.6% of the offenders were "Low Risk," 48.0% were "Medium Risk," and 10.4% were "High Risk."

As shown in Figure 2.4, risk level varied by the type of punishment. Probationers sentenced to a community punishment were much more likely to be low risk than intermediate punishment probationers and either category of prison releases. For instance, only 23.6% of prison releases without PRS and 30.2% of prison releases with PRS were low risk compared to 55.3% of probationers sentenced to a community punishment. Overall, prisoners were more likely to be high risk than probationers. Looking at prison releases, those with no PRS were more likely to be high risk (19.9%) and less likely to be low risk (23.6%) than those who received PRS.

Profiles of offenders in each risk level by the type of punishment were examined in an effort to understand why some "High Risk" offenders received community punishments and why some "Low Risk" offenders received active sentences. This inspection revealed that these offenders were sentenced to their respective punishment type based upon the Structured Sentencing punishment charts. For example, an offender may have a low risk level, but have a Class C or D felony as the current conviction; thus, the only sentencing option is an active

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[21] Risk scores are the probability that an offender will be rearrested during the follow-up period and are based on a logistic regression model used to determine the impact of risk factors (including personal characteristics, criminal history, and current sentence information) on recidivism.

[22] Beginning with the Sentencing Commission's 2008 Correctional Evaluation Report, a methodological change was made in the categorization of the risk score into low, medium, and high risk groups. In reports prior to 2008, the *sample of offenders* was divided into three groups of equal size according to their risk score, with the lowest third as "Low Risk," the middle third as "Medium Risk," and the top third as "High Risk." Recognizing that this approach allowed the definition of low, medium, and high risk to shift slightly based on the distribution of risk scores for different samples of offenders, an improvement was made in the method of grouping risk scores to provide standardized definitions of low, medium, and high risk that do not change from sample to sample.

sentence. Conversely, an offender may have a high risk level but have a misdemeanor as the current conviction. Although considered "High Risk," community punishment is a sentencing option for such offenders regardless of prior conviction level.
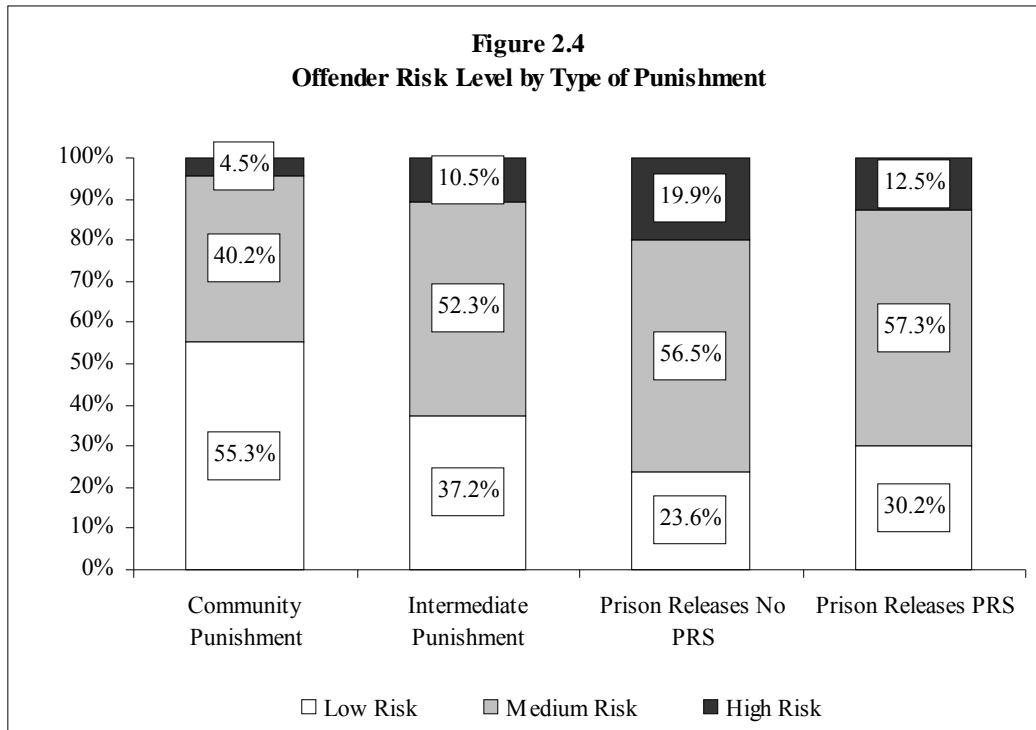
Figure 2.4
Offender Risk Level by Type of Punishment

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Further analysis of the prison releases revealed a measurable difference between the risk levels of these offenders by their type of prison entry (*see* Table 2.6). Of the three types of prison entries, those revoked to prison were most likely to be low risk (28.0%) and least likely to be high risk (13.5%). Conversely, those entering prison as a result of both a new crime and a revocation (mixed entries), were least likely to be low risk (15.9%) and most likely to be high risk (23.4%).

Table 2.6
Offender Risk Level for Prison Releases by Type of Entry

Prison Releases	N	Risk Level		
		% Low	% Medium	% High
New Crime Entry	7,847	25.5	52.5	21.9
Technical Revocation Entry	7,406	28.0	58.4	13.5
Mixed Entry	4,480	15.9	60.6	23.4
TOTAL	19,733	24.3	56.6	19.1

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Summary

Chapter Two provided a description of the FY 2005/06 sample's demographic characteristics, prior criminal history, current conviction, and offender risk level. Of the 60,824 offenders placed on probation or released from prison in FY 2005/06, 79% were male, 51% were black, 72% had at least one prior fingerprinted arrest, and 48% had a most serious current conviction for a felony offense. Of the 41,091 probationers in the sample, 70% received a community punishment and 30% received an intermediate punishment. Of the 19,733 prison releases in the sample, 90% received no PRS and 10% received PRS.

As expected, fewer of the probationers had at least one prior arrest (63%) than did the prison releases (90%). Among the prison releases group, prisoners with and without PRS had similar percentages with at least one prior arrest. Among the probationers, significantly more of those that received an intermediate punishment had a prior arrest (81%) than did those who received a community punishment (56%). Looking at the most serious current conviction, most of the probationers who received a community punishment were convicted of a misdemeanor offense (82%), whereas most of the probationers who received an intermediate punishment were convicted of a Class F through I felony offense (72%). Most of the prisoners released in FY 2005/06 with no PRS had a most serious current conviction for a Class F through I felony offense (72%), whereas 100% of prisoners released with PRS had a most serious current conviction for a Class B1 through E felony offense.

Offender risk level was found to increase by type of punishment, with community punishment probationers having the lowest risk scores and prison releases having the highest risk scores. However, prisoners released with no PRS had higher risk scores than prisoners released with PRS. 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 2005/06 SAMPLE

Chapter Three examines the criminal justice outcome measures for the FY 2005/06 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.[23]

Definition of the Follow-up Period and Time at Risk

Each offender in the FY 2005/06 sample was followed for a period of three years to determine whether repeat criminal behavior occurred, with one-year, two-year, and three-year recidivism rates reported.[24] The three-year follow-up period was calculated on an individual basis using the prison release date plus three years for prison releases and using the probation entry date plus three 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.[25] 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 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 2005/06 sample. As expected, the percent of the sample at risk for the entire follow-up period declined across the follow-up period. Overall, 87% of the FY 2005/06 sample were at risk for the entire one-year

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

[24] Each follow-up period reported is inclusive of the previous follow-up periods, *e.g.,* the two-year follow-up period contains information on events that occurred during the first and second years of follow-up. As a result, the recidivism rates reported for each follow-up period cannot be added across follow-up periods.

[25] 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.

follow-up period, 76% were at risk for the entire two-year follow-up period, and 70% were at risk for the entire three-year follow-up period. While there was no difference between probationers and prisoners with regards to the average time at risk for the one-year follow-up period, differences between the two groups increased for the two- and three-year follow-up periods, with prisoners being at risk fewer days than probationers (674 days compared to 687 days for the two-year follow-up and 990 days compared to 1,027 days for the three-year follow-up, respectively). 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.

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)**	**3-Year Follow-Up (1,095 Days)**
Probation Entries				
Community Punishment	28,645	93% 358 days	85% 708 days	81% 1,058 days
Intermediate Punishment	12,446	74% 329 days	61% 638 days	54% 957 days
Subtotal	41,091	88% 349 days	78% 687 days	73% 1,027 days
Prison Releases				
No Post-Release Supervision	17,724	87% 350 days	73% 674 days	64% 989 days
Post-Release Supervision	2,009	87% 347 days	78% 679 days	70% 1,002 days
Subtotal	19,733	87% 349 days	73% 674 days	64% 990 days
TOTAL	**60,824**	**87% 349 days**	**76% 683 days**	**70% 1,015 days**

SOURCE**:** NC Sentencing and Policy Advisory Commission, FY 2005/06 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 Arrests[26]

Overall, 21.4% of the FY 2005/06 sample were rearrested during the one-year follow-up, 32.5% were rearrested during the two-year follow-up, and 40.1% were rearrested during the three-year follow-up (*see* Table 3.2).[27] Prisoners were more likely to be rearrested than

Table 3.2
Rearrest Rates by Type of Punishment

Type of Punishment	N	Rearrest Rates		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,645	17.3	26.0	32.8
Intermediate Punishment	12,446	22.3	33.2	41.2
Subtotal	41,091	18.8	28.2	35.4
Prison Releases				
No Post-Release Supervision	17,724	27.6	41.9	50.5
Post-Release Supervision	2,009	20.9	36.2	45.3
Subtotal	19,733	26.9	41.3	50.0
TOTAL	**60,824**	**21.4**	**32.5**	**40.1**

SOURCE**:** NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[26] Fingerprinted arrest data from DOJ 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.
[27] 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.

probationers, with a 50.0% rearrest rate for the three-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 arrested.

Community punishment probationers, intermediate punishment probationers, and prisoners with PRS were subject to supervision in the community during the three-year follow-up period.[28] For these three groups, the timing of rearrest was examined to determine whether the offender was rearrested while on probation or PRS for the conviction that placed him/her in the FY 2005/06 sample. Of those rearrested during follow-up, 51.4% of community punishment probationers, 57.0% of intermediate punishment probationers, and 35.4% of prisoners with PRS were rearrested while on probation or PRS. The higher percentage of intermediate punishment probationers with a rearrest while on supervision compared to the other two groups is consistent with their longer term of supervision.

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, 43% of prisoners compared to 53% of probationers had only one rearrest, while 9% of prisoners compared to 6% of probationers had five or more rearrests. For those who were rearrested during the three-year follow-up period, their first rearrest occurred an average of 13.2 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 13.5 for community punishment probationers, 13.0 for intermediate punishment probationers, 12.9 for prisoners with no PRS, and 14.4 for prisoners with PRS.
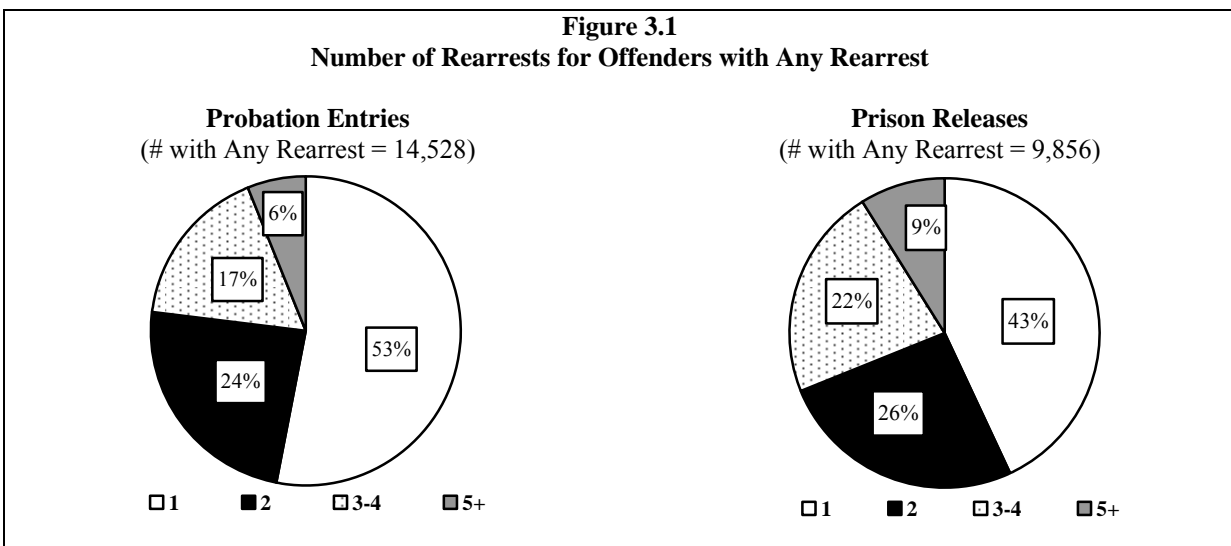
Figure 3.1
Number of Rearrests for Offenders with Any Rearrest

Probation Entries
(# with Any Rearrest = 14,528)

Prison Releases
(# with Any Rearrest = 9,856)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[28] Under current law, although there are some exceptions, community punishment probationers receive a probation sentence of not less than 12 and not more than 30 months, intermediate punishment probationers receive a probation sentence of not less than 18 and not more than 36 months, and prisoners released from prison onto PRS are supervised for 9 months. Of the probation entries in the FY 2005/06 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.

For the prison releases in the sample, there was also considerable variation in recidivism rates by the type of entry to prison (*see* Table 3.3). Offenders who had entered prison both due to a technical probation revocation and a new crime (referred to as a "mixed entry") had a rearrest rate of 56.9%, considerably higher than the rate for prison entries due to a technical revocation of probation (45.5%) and the rate for prison entries due to a new crime (50.2%).

As noted in Chapter Two, 21.9% of new crime entries, 13.5% of technical revocation entries, and 23.4% of the mixed entries were high risk. Table 3.3 also examines the relationship between type of entry and rearrest while controlling for offender risk. While recidivism is strongly correlated with risk levels, the recidivism rates of low and medium risk offenders in the mixed group are notably higher than the low and medium risk offenders in the other two groups.

Table 3.3
Rearrest Rates by Risk Level for Prison Releases by Type of Entry

Prison Releases by Type of Prison Entry	N	% Rearrest During the Three-Year Follow-Up Period			
		Overall	By Offender Risk Level		
			Low	Medium	High
New Crime Entry	7,847	50.2	21.4	52.9	77.4
Technical Revocation Entry	7,406	45.5	24.6	49.2	72.5
Mixed Entry	4,480	56.9	32.2	55.7	76.7
TOTAL	19,733	50.0	24.4	52.2	75.9

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Table 3.4 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 24,384 offenders who were rearrested during the three-year follow-up accounted for a total of 50,997 arrests during this period, with 10,500 arrests for violent offenses, 21,827 arrests for property offenses, 15,183 arrests for drug offenses, and 16,552 arrests for "other" offenses.[29] 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 2005/06 sample.

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[29] *See* Appendix A for information on the categorization of offenses as person, property, drug, and other.

Table 3.4
Rearrests by Type of Punishment and Crime Type

Type of Punishment	# with Any Rearrest	Total Number and Average Number of Arrests During the Three-Year Follow-Up Period									
		Overall		Violent		Property		Drug		Other	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Probation Entries											
Community Punishment	9,398	18,431	2.0	3,836	0.4	7,734	0.8	5,442	0.6	5,870	0.6
Intermediate Punishment	5,130	10,196	2.0	2,097	0.4	4,176	0.8	3,200	0.6	3,449	0.7
Subtotal	14,528	28,627	2.0	5,933	0.4	11,910	0.8	8,642	0.6	9,319	0.6
Prison Releases											
No Post-Release Supervision	8,947	20,365	2.3	4,011	0.4	9,260	1.0	5,907	0.7	6,416	0.7
Post-Release Supervision	909	2,005	2.2	556	0.6	657	0.7	634	0.7	817	0.9
Subtotal	9,856	22,370	2.3	4,567	0.5	9,917	1.0	6,541	0.7	7,233	0.7
TOTAL	**24,384**	**50,997**	**2.1**	**10,500**	**0.4**	**21,827**	**0.9**	**15,183**	**0.6**	**16,552**	**0.7**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Table 3.4 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 2.1 for the three-year follow-up, with prisoners having a slightly higher average number of rearrests (2.3) than probationers (2.0).

Based on the composite risk measure described in Chapter Two, 41.6% of the FY 2005/06 sample were low risk, 48.0% were medium risk, and 10.4% were high risk.[30] As expected, recidivism rates varied considerably by offender risk level, with a stair-step increase in the percentage rearrested from low risk to medium risk to high risk (*see* Figure 3.2). High risk offenders had a rearrest rate of 74.9% during the three-year follow-up period – over three and one-half times higher than the rearrest rate of low risk offenders (21.2%).

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 three-year follow-up period when controlling for risk level. In general, the stair-step pattern in rearrest rates found by offender risk level for the entire sample was also found when examining rearrest rates by type of punishment and controlling for risk level. However, once risk level is controlled, the differences in rearrest rates between offenders in the different punishment categories are diminished. For the three-year follow-up period, rearrest rates for low risk offenders ranged from 18.8% for prisoners with PRS to 25.2% for prison releases with no PRS, while rearrest rates for high risk offenders ranged from 72.4% for probationers with an intermediate punishment to 76.5% for prison releases with PRS over the three-year follow-up period.
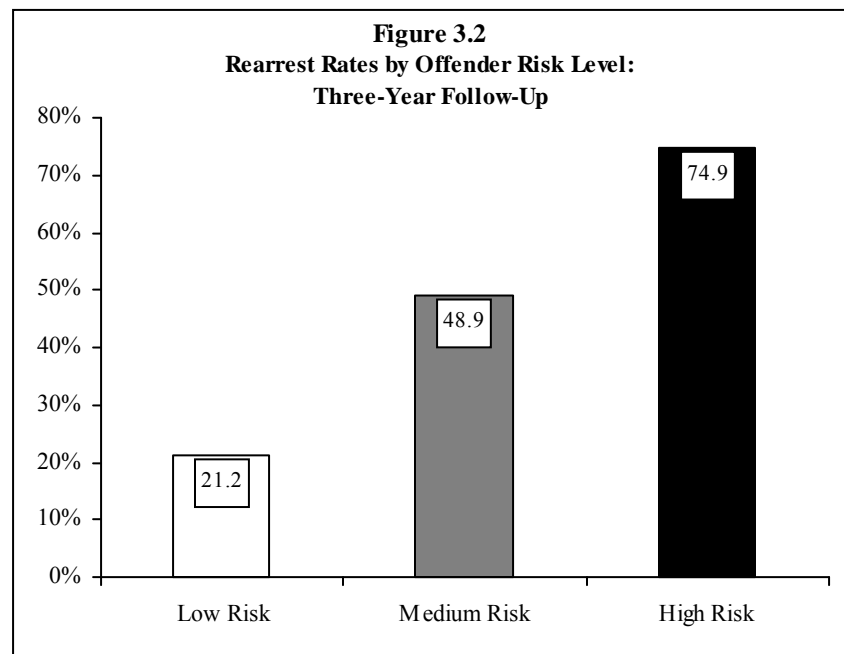
Figure 3.2
Rearrest Rates by Offender Risk Level:
Three-Year Follow-Up

Note: Of the FY 2005/06 sample, 41.6% (n=25,271) were low risk, 48.0% (n=29,198) were medium risk, and 10.4% (n=6,355) were high risk.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[30] *See* Chapter Two for detailed information on the measure of offender risk level.
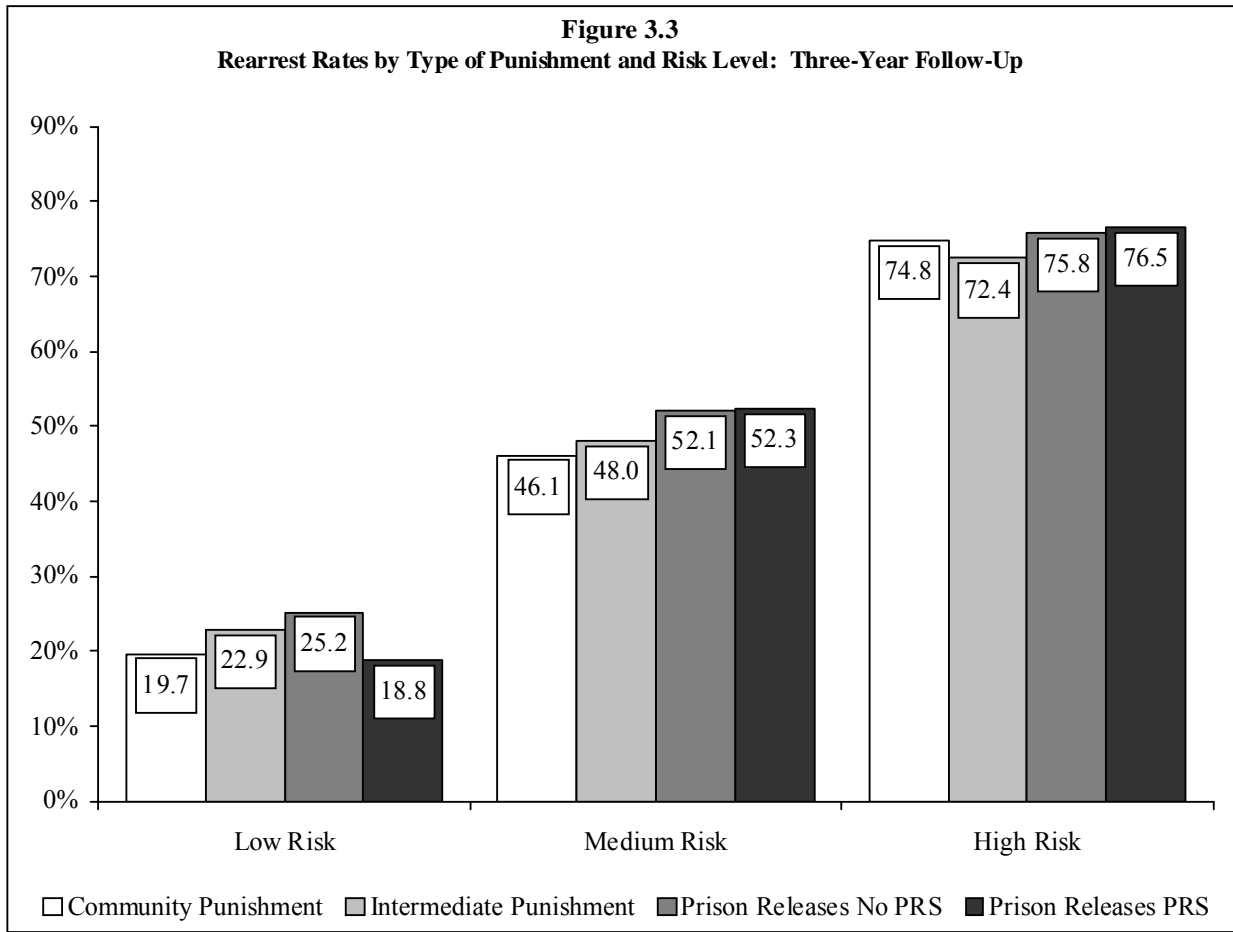
Figure 3.3
Rearrest Rates by Type of Punishment and Risk Level: Three-Year Follow-Up

Risk Level	Community Punishment	Intermediate Punishment	Prison Releases No PRS	Prison Releases PRS
Low Risk	19.7	22.9	25.2	18.8
Medium Risk	46.1	48.0	52.1	52.3
High Risk	74.8	72.4	75.8	76.5

Note: Of the FY 2005/06 sample, 41.6% (n=25,271) were low risk, 48.0% (n=29,198) were medium risk, and 10.4% (n=6,355) were high risk.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Table 3.5 provides information on rearrest rates by offender risk level and on the number of rearrests for low, medium, and high risk offenders who were rearrested during follow-up. While only 10% of offenders were high risk, they accounted for 26% (n=13,443) of the 50,997 recidivist arrests for the sample. As expected, the average number of arrests was also lowest for low risk offenders and highest for high risk offenders with an average of 1.6 and 2.8 arrests, respectively.

Offender risk level and recidivism were also examined in relation to offense class for the most serious current conviction (*see* Table 3.6). In general, felons had higher risk levels than misdemeanants. Compared to the other offense class groupings, offenders with a most serious current conviction (hereinafter referred to as "conviction") for a Class A1 through Class 3 misdemeanor offense had the lowest percentage of offenders who were high risk (7.0%). Among felons, offenders with a conviction for a Class B1 through Class E felony (which are defined as violent offenses under Structured Sentencing) had a lower percentage of high risk offenders than those offenders with a conviction for a Class F through Class I felony.

Table 3.5
Rearrests by Risk Level

Risk Level	N	% with Any Rearrest	Rearrests for Offenders with Any Rearrest (n=24,384)						
			Total # of Rearrests	Average # of Rearrests	Number of Rearrests (%)				
					1	2	3-4	5+	
Low Risk	25,271	21.2	8,434	1.6	65.7	20.9	10.9	2.5	
Medium Risk	29,198	48.9	29,120	2.0	48.9	25.5	18.9	6.7	
High Risk	6,355	74.9	13,443	2.8	30.8	25.0	28.5	15.7	
TOTAL	**60,824**	**40.1**	**50,997**	**2.1**	**49.0**	**24.4**	**19.0**	**7.6**	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Table 3.6
Offender Risk Level and Rearrest Rates by Offense Class for Most Serious Current Conviction

Most Serious Current Conviction	N	% Offender Risk Level			% Rearrest During the Three-Year Follow-Up Period			
					Overall	By Offender Risk Level		
		Low	Medium	High		Low	Medium	High
Offense Class								
Class B1 – E Felony	2,505	33.8	55.2	11.0	42.2	18.6	50.0	75.3
Class F – I Felony	26,685	32.4	53.1	14.5	44.4	22.0	49.5	75.5
Class A1 – 3 Misdemeanor	31,317	49.9	43.1	7.0	36.4	21.0	48.1	74.2
Specific Groups of Interest								
Habitual Felons	376	8.8	66.7	24.5	56.4	30.3	56.2	66.3
Sex Offenders	1,309	57.9	38.4	3.7	25.3	15.0	36.6	70.8
TOTAL	**60,507**	**41.5**	**48.0**	**10.5**	**40.2**	**21.3**	**48.9**	**75.0**

Note: Of the 60,824 offenders in the FY 2005/06 sample, 317 were excluded from this table due to discrepant or unknown offense classes. Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2005/06 sample with a most serious conviction for a Class B1 felony. 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 2005/06 Correctional Program Evaluation Data

Finally, almost 15% of offenders with a conviction for a Class F through Class I felony offense were high risk – the highest of all offense groupings.

Overall, 42.2% of offenders with a conviction for a Class B1 through Class E felony, 44.4% of offenders with a conviction for a Class F through Class I felony, and 36.4% of offenders with a conviction for a Class A1 through Class 3 misdemeanor were rearrested during the three-year follow-up period. The offender risk level distribution, which is defined as risk of rearrest, and the rearrest rate for offenders convicted of Class B1 through Class E felony indicate that offenders convicted of a violent offense are less likely to reoffend than those convicted of non-violent felony offense (primarily a property or drug offense).

The relationship between offender risk level and type of punishment (as shown in Figure 3.3) was also found when examining offender risk level and offense class (*see* Table 3.6). When controlling for offender risk level, the differences in rearrest rates between offenders in the different class groupings were diminished. For the three-year follow-up period, rearrest rates for each offense class grouping ranged from 18.6% to 22.0% for low risk offenders, from 48.1% to 50.0% for medium risk offenders, and from 74.2% to 75.5% for high risk offenders. From this analysis, it appears that offender risk level nearly negates the link between offense class and rearrest.

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.[31]

In order to examine 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 376 habitual felons released from prison in FY 2005/06, 8.8% were low risk, 66.7% were medium risk, and 24.5% were high risk (*see* Table 3.6). During the three-year follow-up period, 56.4% of habitual felons were rearrested. Based on these statistics, habitual felons were more similar to offenders with Class F through Class I felony convictions than to offenders with Class B1 through Class E felony convictions with respect to their distribution by risk level and rearrest rates.

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

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[31] According to the NC Sentencing and Policy Advisory Commission's annual statistical report, there were 808 habitual felon convictions in FY 2008/09 (NC Sentencing and Policy Advisory Commission, 2010). Overall, 90% (n=728) had a conviction for a Class F through Class I felony as their most serious underlying conviction, with Class F accounting for 7.5%, Class G for 22.9%, Class H for 44.2%, and Class I for 15.4%.

against a minor, a sexually violent offense, or an attempt to commit" such offenses.[32] Of the 1,309 offenders in the sample convicted of an offense for which they are required to register as a sex offender, 17.8% (n=233) were convicted of a Class B1 through Class E felony, 66.5% (n=871) were convicted of a Class F through Class I felony, and the remainder were convicted of a Class A1 misdemeanor or had a discrepant or unknown offense class (*see* Table 3.6). Almost 58% were low risk, 38.4% were medium risk, and 3.7% were high risk. Overall, 25.3% of the offenders required to register as a sex offender had a recidivist arrest during the three-year follow-up period. When compared to each offense class grouping, offenders required to register as sex offenders had higher percentages determined to be low risk and lower percentages deemed high risk. 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 Convictions[33]

Overall, 9.3% of the FY 2005/06 sample had a reconviction during the one-year follow-up period, 19.3% had a reconviction during the two-year follow-up period, and 26.6% had a reconviction during the three-year follow-up period (*see* Table 3.7). Overall, prisoners had a higher percentage of recidivist convictions than probationers. Almost 35% of prisoners had a recidivist conviction during the three-year follow-up compared to 22.8% of probationers. Intermediate punishment probationers had a higher percentage of recidivist convictions during the three-year follow-up than community punishment probationers, with 27.1% of intermediate punishment probationers having recidivist convictions compared to 20.9% of community punishment probationers. Prisoners with no PRS had a higher percentage of recidivist convictions during the three-year follow-up than prison releases with PRS, with 35.2% compared to 29.2% respectively.

Table 3.8 provides information on the volume and types of recidivist convictions. The 16,197 offenders who had a recidivist conviction by the end of the three-year follow-up accounted for 23,045 convictions during this period, with 3,682 convictions for violent offenses, 10,228 convictions for property offenses, 7,384 convictions for drug offenses, and 5,698 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 2005/06 sample.

Table 3.8 also includes the average number of recidivist convictions for each group. The average number of overall convictions for those with a recidivist conviction was 1.4 for the three-year follow-up. Prisoners who were rearrested had a slightly higher average number of recidivist convictions (1.5) than probationers (1.4). Overall, the average number of violent convictions was 0.2 for those with a recidivist conviction during the three-year follow-up.

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[32] Offenses against a minor and sexually violent offenses are defined in N.C.G.S. § 14-208.6.
[33] Fingerprinted arrest data from the DOJ were used to determine recidivist arrests and convictions in North Carolina. 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 3.7
Reconviction Rates by Type of Punishment

Type of Punishment	N	% Reconviction		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,645	7.5	15.1	20.9
Intermediate Punishment	12,446	9.8	19.6	27.1
Subtotal	41,091	8.2	16.5	22.8
Prison Releases				
No Post-Release Supervision	17,724	12.0	26.0	35.2
Post-Release Supervision	2,009	6.4	19.1	29.2
Subtotal	19,733	11.4	25.3	34.6
TOTAL	**60,824**	**9.3**	**19.3**	**26.6**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Recidivist conviction rates were also examined by offense class and by offender risk level. Overall, 27.2% of offenders with a most serious current conviction for a Class B1 through Class E felony, 30.1% of offenders with a conviction for a Class F through Class I felony, and 23.7% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a recidivist conviction during the three-year follow-up period. As with rearrest rates, a stair-step pattern was found in recidivist conviction rates by offender risk level, with 12.3% of low risk offenders, 32.9% of medium risk offenders, and 54.7% of high risk offenders having a recidivist conviction during the three-year follow-up period.

For offenders who had a recidivist conviction during the three-year follow-up period, their first recidivist conviction occurred an average of 17.3 months after entry to probation or release from prison. Among the four groups, prison releases with PRS had a slightly longer time to reconviction (19.7 months). The average number of months to reconviction for community punishment probationers, intermediate punishment probationers, and for prison releases with no PRS was 17.2 months.

Table 3.8
Reconvictions by Type of Punishment and Crime Type

Type of Punishment	# with Any Conv.	Total Number and Average Number of Convictions During the Three-Year Follow-Up Period									
		Overall		Violent		Property		Drug		Other	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Probation Entries											
Community Punishment	5,999	8,441	1.4	1,310	0.2	3,654	0.6	2,721	0.5	2,049	0.3
Intermediate Punishment	3,372	4,558	1.4	708	0.2	1,940	0.6	1,520	0.5	1,169	0.3
Subtotal	9,371	12,999	1.4	2,018	0.2	5,594	0.6	4,241	0.5	3,218	0.3
Prison Releases											
No Post-Release Supervision	6,240	9,213	1.5	1,469	0.2	4,375	0.7	2,862	0.5	2,217	0.4
Post-Release Supervision	586	833	1.4	195	0.3	259	0.4	281	0.5	263	0.4
Subtotal	6,826	10,046	1.5	1,664	0.2	4,634	0.7	3,143	0.5	2,480	0.4
TOTAL	**16,197**	**23,045**	**1.4**	**3,682**	**0.2**	**10,228**	**0.6**	**7,384**	**0.5**	**5,698**	**0.4**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Recidivist Incarcerations[34]

Of the FY 2005/06 sample, 12.6% had a recidivist incarceration during the one-year follow-up period, 23.6% had a recidivist incarceration during the two-year follow-up period, and 30.1% had a recidivist incarceration during the three-year follow-up period (as shown in Table 3.9). 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. Overall, prisoners were more likely to have a recidivist incarceration than probationers, with a 35.8% incarceration rate at the end of the three-year follow-up compared to 27.3% 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 technical revocation rate. For prison releases, those with no PRS had a higher rate of reincarceration at 36.5% during the follow-up period compared to prisoners with PRS at 29.8%. Of those offenders with an incarceration during the three-year follow-up period, 81.9% had one incarceration, 15.9% had two incarcerations, and 2.2% had three or more incarcerations.

Recidivist incarceration rates were also examined by offense class and by offender risk level. Overall, 32.1% of offenders with a most serious current conviction for a Class B1 through Class E felony, 38.9% of offenders with a conviction for a Class F through Class I felony, and 22.5% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a recidivist incarceration during the three-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 2005/06 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 probationary sentence. Correspondingly, their higher reincarceration rates may be a function of technical revocations that result in incarceration, in addition to recidivist arrests that lead to reincarceration. As with the other measures of recidivism, a stair-step pattern was found in recidivist incarceration rates by offender risk level, with 15.6% of low risk offenders, 36.6% of medium risk offenders, and 57.8% of high risk offenders having a recidivist incarceration during the three-year follow-up period.

For offenders who had an incarceration during the three-year follow-up period, their first incarceration occurred an average of 15.6 months after entry to probation or release from prison. The average number of months to incarceration was 16.8 for community punishment probationers, 12.6 for intermediate punishment probationers, 17.0 for prison releases with no PRS, and 16.2 for prison releases with PRS.

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[34] DOC'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. It does 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 technical 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 three-year follow-up for offenders who have no prior incarcerations, as well as for those who have prior incarcerations.

Table 3.9
Reincarceration Rates by Type of Punishment

Type of Punishment	N	% Reincarcerations		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,645	6.8	14.6	19.2
Intermediate Punishment	12,446	25.7	39.4	46.0
Subtotal	41,091	12.5	22.1	27.3
Prison Releases				
No Post-Release Supervision	17,724	12.7	27.1	36.5
Post-Release Supervision	2,009	12.6	21.7	29.8
Subtotal	19,733	12.7	26.6	35.8
TOTAL	**60,824**	**12.6**	**23.6**	**30.1**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Interim Outcome Measures

In addition to the recidivism rates provided in the previous section, information is provided on two interim outcome measures: 1) technical revocation of probation or PRS for offenders while under supervision in the community and 2) infractions for prisoners prior to release from prison. Technical revocations are a measure of offender misconduct while being supervised in the community, while infractions are a measure of inmate misconduct while incarcerated.

Technical Revocations[35]

Although probationers are the primary population at risk of technical revocation, prisoners may also be at risk of technical revocation as a result of PRS, from probationary sentences that are consecutive to their prison sentences, or from probation sentences imposed for new crimes committed during the follow-up period. This analysis is limited to revocations that are technical in nature since revocations for new crimes would overlap with the recidivist arrest data.

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[35] DOC's OPUS data were used to determine technical revocations. Revocations are limited to those that are technical in nature because revocations for new crimes would duplicate the recidivist arrest data.

Overall, 13.2% of the FY 2005/06 sample had a technical revocation during the one-year follow-up period, 22.9% had a technical revocation during the two-year follow-up period, and 28.3% had a technical revocation during the three-year follow-up period (*see* Table 3.10). Of those offenders with a technical revocation during the three-year follow-up period, 90.2% had one technical revocation, 9.2% had two technical revocations, and 0.6% had three or more technical revocations. The greatest increases in the technical revocation rates were in the first and second year of the follow-up period, as might be expected since most probation sentences in North Carolina do not exceed 3 years (36 months), although there are exceptions. It is possible that technical revocations in the later years of the follow-up period resulted from violations of new probation sentences imposed during follow-up.

Of the four groups, probationers with an intermediate punishment had the highest technical revocation rates during the follow-up period, with 39.5% having a technical revocation within the three-year follow-up. Probationers with a community punishment had the second highest technical revocation rates during the follow-up period, with 29.7% having a technical revocation within the three-year follow-up period. It is not surprising that intermediate punishment probationers had a higher technical revocation rate than community punishment probationers since intermediate probationers are subject to closer monitoring and more restrictive sanctions while on probation. During the first-year follow-up period, prisoners with PRS had a slightly higher technical revocations rate at 7.9% compared to prisoners with no PRS with a 5.5%. However, prisoners with no PRS had higher technical revocation rates within the second (13.0% compared to 12.2%, respectively) and third year follow-up period (19.5% compared to 16.1%, respectively). The higher technical revocation rates may result from probationary sentences that are consecutive to their prison sentences, or from probation sentences imposed for new crimes committed during the follow-up period.

Technical revocation rates were also examined by offense class and by offender risk level. Overall, 17.5% of offenders with a most serious current conviction for a Class B1 through Class E felony, 25.6% of offenders with a conviction for a Class F through Class I felony, and 31.4% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a technical revocation during the three-year follow-up period. The differences found in technical revocations by offense class reflect the punishment options available for each offense class under Structured Sentencing, with Class B1 through Class E felons being the least likely and Class A1 through Class 3 misdemeanants being the most likely to receive probationary sentences. As with the other measures of recidivism, a stair-step pattern was found in technical revocation rates by offender risk level, with 20.0% of low risk offenders, 33.4% of medium risk offenders, and 37.8% of high risk offenders having a technical revocation during the three-year follow-up period.

For offenders who had a technical revocation during the three-year follow-up, their first technical revocation occurred an average of 14.7 months after entry to probation or release from prison. The average number of months to technical revocation was 14.0 for community punishment probationers, 12.9 for intermediate punishment probationers, 18.9 for prison releases with no PRS, and 15.4 for prison releases with PRS. One possible explanation for the longer average time to revocation for prison releases is that they have committed a new crime during follow-up for which they were placed on probation and later revoked.

Table 3.10
Technical Revocation Rates by Type of Punishment

Type of Punishment	N	% Technical Revocation		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,645	14.6	24.9	29.7
Intermediate Punishment	12,446	22.1	34.1	39.5
Subtotal	41,091	16.9	27.7	32.6
Prison Releases				
No Post-Release Supervision	17,724	5.5	13.0	19.5
Post-Release Supervision	2,009	7.9	12.2	16.1
Subtotal	19,733	5.7	12.9	19.2
TOTAL	**60,824**	**13.2**	**22.9**	**28.3**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Infractions

For the FY 2005/06 prison releases (n=19,733), prison infractions while incarcerated for their current conviction (*i.e.*, the conviction that resulted in the offender being selected for the FY 2005/06 sample) were used as an indicator of prisoner misconduct. Overall, 45.2% of the FY 2005/06 prison releases had an infraction while in prison, with 16.5% having only one infraction, 17.4% having two to four infractions, and 11.3% having five or more infractions. Figure 3.4 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 (78% compared to 42% of prisoners with no PRS). They also had a higher percentage with a greater number of infractions – 41% with five or more infractions compared to only 8% of prisoners with no PRS.
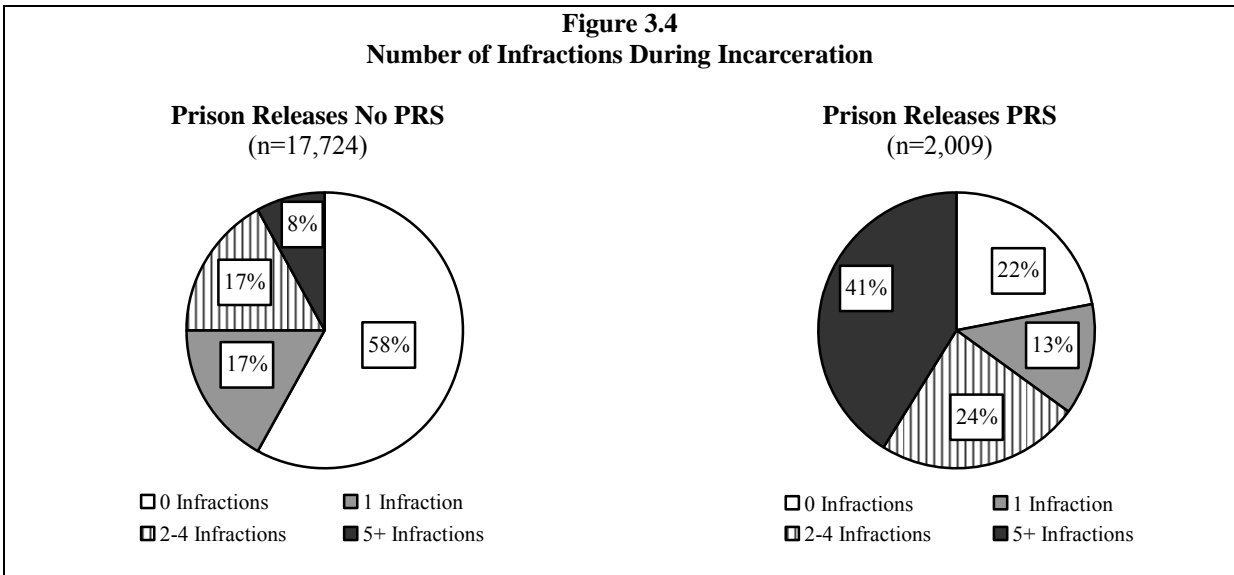
Figure 3.4
Number of Infractions During Incarceration

Prison Releases No PRS
(n=17,724)

Prison Releases PRS
(n=2,009)

8%
17%
17%
58%

41%
22%
13%
24%

□ 0 Infractions   ▨ 1 Infraction
▥ 2-4 Infractions   ■ 5+ Infractions

□ 0 Infractions   ▨ 1 Infraction
▥ 2-4 Infractions   ■ 5+ Infractions

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

When examining the number of infractions per inmate, it is important to control for time served as prisoners with longer sentences (*e.g.*, prisoners with PRS) have more time to accrue infractions. As shown in Table 3.11, the average number of infractions based only on prisoners who had an infraction was 4.4. As expected, the average number of infractions increased as time served increased.

Table 3.11
Average Number of Infractions during Incarceration

Time Served	Prisoners with Infractions (n=8,913)
0-4 Months	1.8
5-8 Months	2.3
9-24 Months	3.7
25 or More Months	9.2
OVERALL	4.4

SOURCE: NC Sentencing and Policy Advisory Commission,
FY 2005/06 Correctional Program Evaluation Data

Summary

Chapter Three provided information on "time at risk" during the follow up period as context to an offender's opportunity to recidivate. Each offender's actual time at risk was calculated by identifying their periods of incarceration in North Carolina's prison system during follow-up and subtracting the time incarcerated from the follow-up period.[36] Overall, 70% of the FY 2005/06 sample were at risk for the entire three-year follow-up period. Time at risk for the three-year follow-up period varied considerably for prisoners and probationers, as well as for their subgroups.

Examination of rearrest rates over the three-year follow-up period indicates that rearrest rates increased from year to year, but at a decreasing rate. Figure 3.5 provides a summary of rearrest rates for the three-year follow-up period for probationers, prisoners, and the sample as a whole. Overall, 40.1% of the FY 2005/06 sample were rearrested during the three-year follow-up period. Prisoners had higher rearrest rates than probationers.

Three measures of recidivism – rearrest, reconviction, and reincarceration – were used to determine repeat involvement with the criminal justice system, while information was also provided on two interim outcome measures – technical revocations for offenders while under supervision in the community and infractions while incarcerated for prison releases. Figure 3.6 summarizes criminal justice outcomes for the FY 2005/06 sample during the three-year follow-up period by type of punishment.[37] Overall, prisoners had higher rearrest and reconviction rates than probationers. While all prison releases had higher reincarceration rates than community punishment probationers, intermediate punishment probationers had

Figure 3.5
Rearrest Rates: Three-Year Follow-Up

Probationers: 18.8, 28.2, 35.4
Prisoners: 26.9, 41.3, 50.0
Entire Sample: 21.4, 32.5, 40.1

☐ 1-Year Follow-Up   ▨ 2-Year Follow-Up   ■ 3-Year Follow-Up
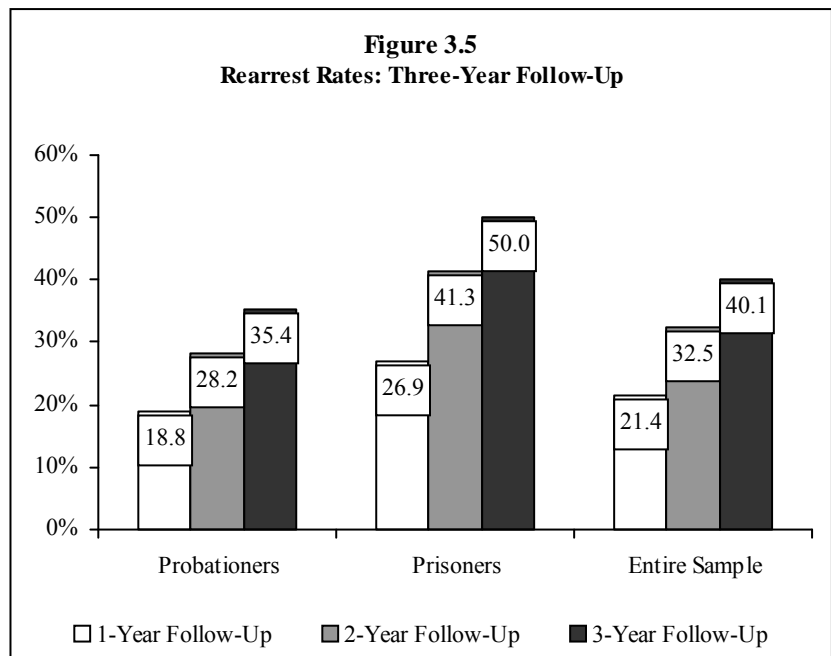
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[36] As noted previously, the time at risk measure does not account for time spent in local jails since currently each jail maintains its own data and there is not a statewide automated data system.

[37] It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. It does 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. Therefore, reincarceration rates may be lower than technical revocation rates as a result of new sentences imposed that result in sentences served in county jail and from technical revocations that result in sentences served in county jail.

the highest reincarceration rates, which is likely related to their high rate of technical revocations. When comparing the two groups of probationers, intermediate punishment probationers had higher rearrest, reconviction, and reincarceration rates than community punishment probationers. As discussed in Chapter One, some offenders who formerly would have gone to prison have been shifted to probation (in this case, intermediate punishment probation) with the implementation of Structured Sentencing. Probationers with intermediate punishments are the most serious group of offenders supervised in the community. Therefore, it is to be expected that they would fair worse than community punishment probationers in terms of the various measures of recidivism. When comparing the two groups of prisoners, prisoners with no PRS had higher rearrest, reconviction, and reincarceration rates than prisoners with PRS. The multivariate analysis provided in Chapter Four will examine these differences.

For the first time, the Sentencing Commission included information about the entry reason for prisoners in the sample (referred to as type of entry). A prisoner's type of prison entry could be due to a new crime, a technical revocation of his/her probation, or both a new crime and a technical revocation (a "mixed entry"). Examination of the type of entry for the prison releases in the sample yielded variations in rearrest rates. Offenders who had entered prison due to a mixed entry had higher rearrest rates than those offenders who entered prison with only a new crime or with only a technical revocation of probation.

Chapter Three also examined criminal justice outcomes by offender risk level. As shown in Figure 3.7, rates for all of the criminal justice outcome measures during the three-year follow-up period varied considerably by offender risk level, with a stair-step increase in rates from low risk to medium risk to high risk. When compared to low risk offenders, high risk offenders were over three and one-half times more likely to be rearrested, almost four and one-half times more likely to be reconvicted, and almost four times more likely to be reincarcerated.

While both type of punishment and offender risk level were found to highly correlate with recidivism, other factors also play an important role in explaining differences in recidivism rates. Offenders are sentenced and targeted for correctional programs based on legal factors such as the seriousness of their offense and prior record. This pre-selection can also be seen as classifying offenders according to some notion of risk, although not necessarily risk of reoffending. Chapter Four expands the search for correlates of recidivism through the use of multivariate analysis, a statistical method to account (or "control") for and assess the net impact of preexisting factors (such as type of punishment or offender risk level) on the probability of recidivism.
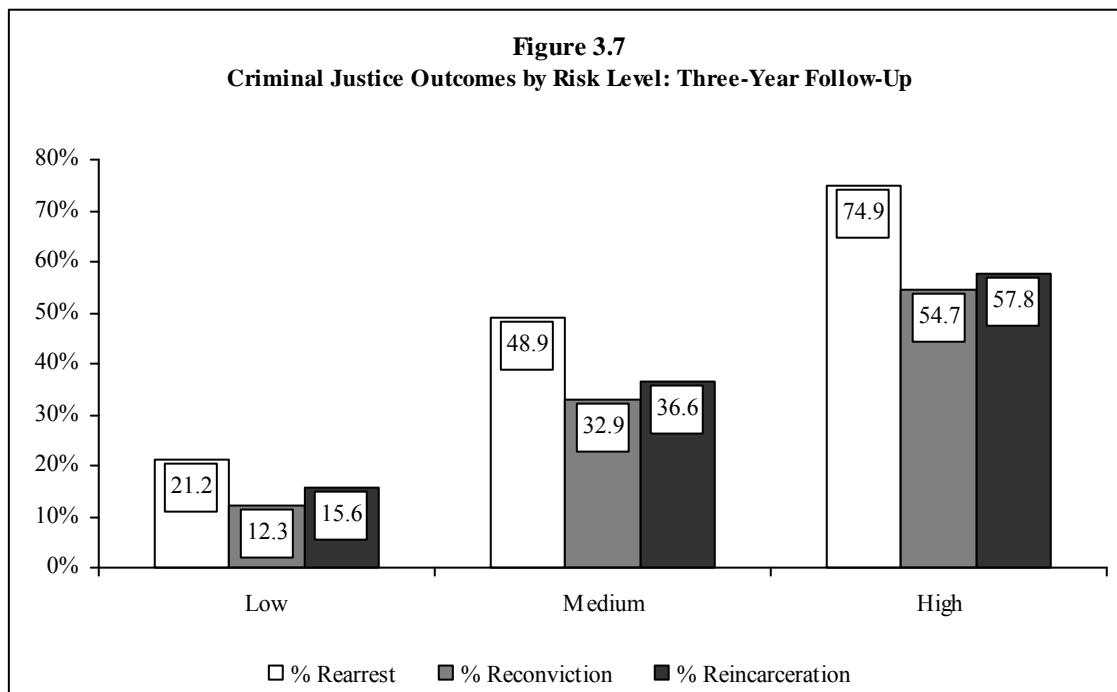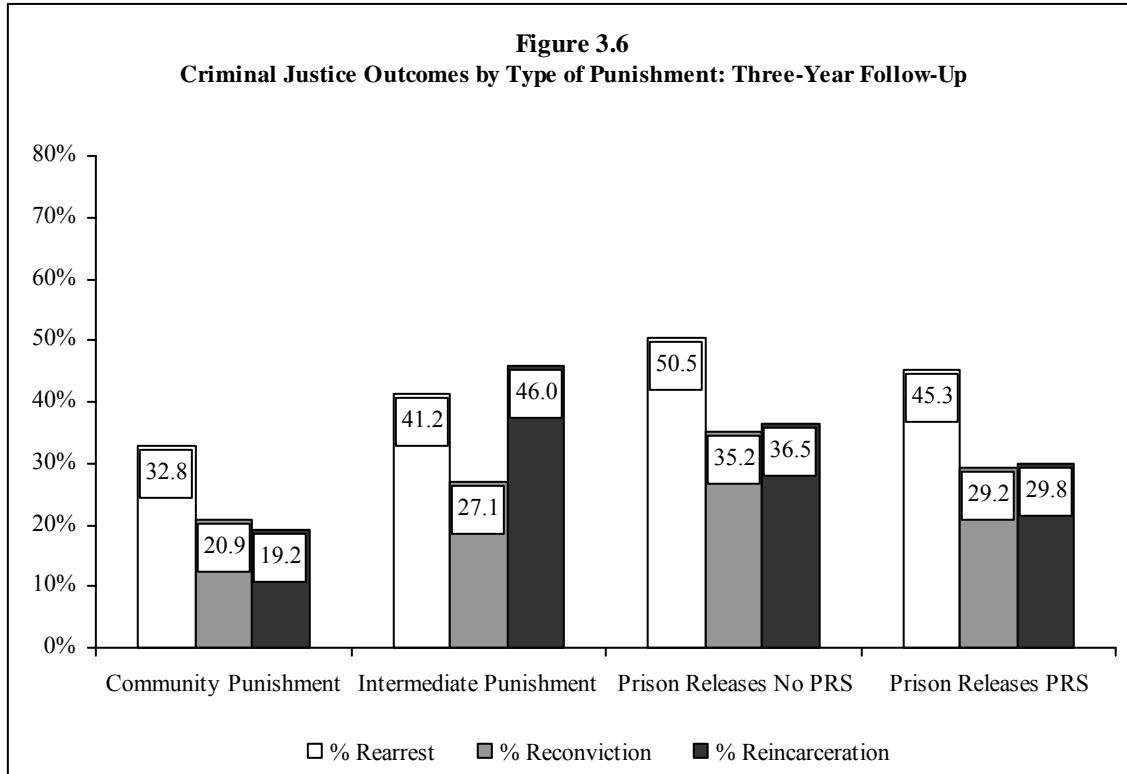
Figure 3.6
Criminal Justice Outcomes by Type of Punishment: Three-Year Follow-Up

Type of Punishment	% Rearrest	% Reconviction	% Reincarceration
Community Punishment	32.8	20.9	19.2
Intermediate Punishment	41.2	27.1	46.0
Prison Releases No PRS	50.5	35.2	36.5
Prison Releases PRS	45.3	29.2	29.8

☐ % Rearrest   ▨ % Reconviction   ■ % Reincarceration

Figure 3.7
Criminal Justice Outcomes by Risk Level: Three-Year Follow-Up

Risk Level	% Rearrest	% Reconviction	% Reincarceration
Low	21.2	12.3	15.6
Medium	48.9	32.9	36.6
High	74.9	54.7	57.8

☐ % Rearrest   ▨ % Reconviction   ■ % Reincarceration

Note: Of the FY 2005/06 sample, 41.6% (n=25,271) were low risk, 48.0% (n=29,198) were medium risk, and 10.4% (n=6,355) were high risk.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

CHAPTER FOUR
MULTIVARIATE ANALYSIS OF OUTCOME MEASURES

Multivariate Analysis: What is a Regression Model?

A 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, 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, several 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 three groupings of offenders in the FY 2005/06 Correctional Program Evaluation sample: (1) all offenders (N=60,824), (2) prisoners (n=19,733) and (3) probationers (n=41,091).[38] In addition, another model was developed which examined the probability of reincarceration during the three-year follow-up period. *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 regression analyses in this chapter model two primary and two interim dependent variables:

Primary Dependent Variables
  ► *Rearrest* – one or more fingerprinted rearrests and
  ► *Reincarceration* – one or more incarcerations in DOC's state prison system.

Interim Dependent Variables
  ► *Technical Revocation* – one or more technical revocations of probation and
  ► *Prison Infraction* – one or more prison infractions in DOC's state prison system.

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[38] Logistic regression involves regression using 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 being rearrested or not.

Independent Variables Used in the Regression Models

        The independent variables used in the regression models can be loosely grouped into five categories.[39]

    1.   <u>Personal Characteristics</u>

- *Age at the time of entry into the follow-up period[40]*
- *Race[41]*
- *Sex*
- *Marital status (i.e., married or not married) at the time of entry into the sample*
- *Education (i.e., less than 12 years of education or 12 or more years of education)*
- *Employment status at the time of arrest for prisoners and at the time of probation entry for probationers*
- *History of substance abuse problems as identified by either a prison or probation assessment*
- *Mental health concern as identified by a prison assessment (available only for offenders released from prison)*
- *Youthful offender (i.e., less than 21 years of age at entry into prison or probation)*
- *Risk score*

    2.   <u>Current Offense Information</u>

- *Offense seriousness – whether the current offense was a felony*
- *Severity of sentence – whether the offender was sentenced to community probation (the least restrictive sentence), intermediate probation, or prison (the most restrictive sentence)*
- *Maximum sentence length imposed*
- *Length of time spent in prison (in months) immediately prior to release for offenders released from prison[42]*

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[39] Note that not all of the independent variables listed were appropriate to use in all of the regression models presented in this chapter.

[40] The square of the offender's age at the time of entry into the follow-up period was used as a control variable.

[41] Race was collapsed into two categories, black and non-black. White, Asian, and American Indian offenders as well as offenders with an "other" or "unknown" race were included in the non-black category.

[42] The square of the length of time spent in prison was also included in relevant models as a control variable.

3.   Criminal History

- ► *Age at first arrest*
- ► *Number of prior fingerprinted arrests*
- ► *Number of prior drug arrests*
- ► *Most serious prior arrest – person, property, drug, and other (categorized from most to least serious)*
- ► *Number of prior times an offender was placed on probationary supervision – probation, parole, post-release supervision*
- ► *Number of prior revocations*
- ► *Number of prior incarcerations in North Carolina's prison system*
- ► *Number of prison infractions*

Type of Community Supervision
4.

- ► *Probation with community punishment*
- ► *Probation with intermediate punishment*
- ► *Prison release with no PRS*
- ► *Prison release with PRS*

5.   Time at Risk during the Three-Year Follow-Up

- ► *Actual time at risk during the three-year follow-up was calculated for each offender by identifying his/her periods of incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period. This variable was included in relevant models as a control variable.*

For purposes of discussion, only estimated effects that are statistically significant – that is, highly unlikely the result of random variation in sampling or chance – are reviewed. The effects were converted from logistic model coefficients and indicate the estimated increase or decrease in the probability of an outcome occurring which is associated with each independent variable for the average offender. See Aldrich and Nelson (1984) for further information on converting logistic coefficients to effects.

Regression Analysis: Recidivist Arrest

Chapter Three of this report presented rearrest rates for the entire FY 2005/06 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 rearrest, and thus help identify relationships not apparent when simply looking at rearrest rates. Table 4.1 presents analyses of the likelihood of rearrest for all offenders (Model 1), prisoners (Model 2), and probationers (Model 3) based on the three-year follow-up period. Note that Chapter Three presents recidivism rates for years one, two, and three in the three-year follow-up period while this chapter focuses only on the entire three-year follow-up.

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

Independent Variables	Estimated Effect on Probability of Rearrest for:		
	Model 1: **All Offenders** **(N=60,824)** **Average rearrest** **Probability=40.1%**	**Model 2:** **All Prison Releases** **(n=19,733)** **Average rearrest** **Probability=50.0%**	**Model 3:** **All Probation Entries** **(n=41,091)** **Average rearrest** **Probability=35.4%**
Personal Characteristics			
Age (each year)	-0.5%	*NS*	-0.3%
Black	5.1%	6.2%	4.0%
Male	3.6%	*NS*	3.3%
Married	*NS*	*NS*	*NS*
12 or More Years of Education	-2.5%	*NS*	-2.8%
Employed	-3.1%	*NS*	-3.5%
Substance Abuser	2.3%	*NS*	2.7%
Mental Health Concern	N/A	*NS*	N/A
Youthful Offender	6.9%	6.3%	7.1%
Risk Score (0.01 - 0.99)	0.5%	0.5%	0.5%
Current Offense Information			
Felony	-5.9%	*NS*	-7.2%
Severity of Sentence	1.9%	N/A	N/A
Maximum Sentence Imposed (in months)	-0.2%	*NS*	N/A
Time Spent in Prison (in months)	0.2%	-0.4%	N/A
Criminal History			
Age at First Arrest	*NS*	*NS*	*NS*
# Prior Arrests	1.4%	1.3%	1.4%
Prior Drug Arrest	3.6%	3.3%	3.5%
Most Serious Prior Arrest	1.8%	*NS*	1.7%
# Prior Times on Probationary Supervision	0.6%	*NS*	*NS*
# Prior Revocations	*NS*	*NS*	*NS*
# Prior Incarcerations	-1.5%	-1.4%	-1.8
# Prison Infractions	N/A	0.7%	N/A

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

	Estimated Effect on Probability of Rearrest for:		
Independent Variables	**Model 1:** **All Offenders** **(N=60,824)** **Average rearrest** **Probability=40.1%**	**Model 2:** **All Prison Releases** **(n=19,733)** **Average rearrest** **Probability=50.0%**	**Model 3:** **All Probation Entries** **(n=41,091)** **Average rearrest** **Probability=35.4%**
Type of Community Supervision			
Probation with Community Punishments	N/A	N/A	*reference category*
Probation with Intermediate Punishments	N/A	N/A	-2.1%
Prison Release with no PRS	N/A	*reference category*	N/A
Prison Release with PRS	N/A	*NS*	N/A
Type of Prison Entry			
New Crime	N/A	*reference category*	N/A
Revocation	N/A	*NS*	N/A
Mixed	N/A	3.8%	N/A
Time (Days) at Risk During 3-Year Follow-Up	-0.1%	-0.1%	-0.1%

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

Notes:
1. For purposes of this study, rearrest was defined as one or more fingerprinted arrests during the three-year follow-up period starting at the time the offender was placed on probation or released from prison.
2. The figures in the table show the effect on the probability of rearrest compared with the mean probability in the data set.

SOURCE: NC Sentencing and Police Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Model 1: Probability of Rearrest for All Offenders

Model 1 in Table 4.1 presents the estimated effects of each independent variable on an offender's probability of being rearrested during the three-year follow-up period. All offenders in the FY 2005/06 sample were included in this analysis. It should be noted again that only statistically significant findings are discussed in this section and presented in Table 4.1.

Overall, the analysis revealed that 40.1% of all offenders were rearrested during the three-year follow-up period and that this outcome was related to a number of personal, offense-related, and criminal history factors. The values presented for Model 1 indicate the approximate change in the probability of rearrest associated with each independent variable relative to a

reference category. For example, offenders who were employed were 3.1% less likely than those who were not employed to be rearrested. Other personal characteristics that served as protective factors against rearrest were being older or having 12 or more years of education. Conversely, some personal characteristics increased an offender's chance of being rearrested, including being male, black, a youthful offender (under 21 years of age), or a substance abuser. Male offenders were 3.6% more likely to be rearrested than females. Black offenders were 5.1% more likely to be rearrested than non-blacks. Compared to adult offenders, youthful offenders were 6.9% more likely to be rearrested. Offenders with a history of substance abuse were 2.3% more likely to recidivate than those offenders with no such history. Finally, the analysis also took into account individual offender risk scores. As expected, increases in risk were associated with increases in the probability of rearrest. With each one unit (0.01) increase in offenders' risk scores, there was a 0.5% increase in their probability of rearrest.

Controlling for all other factors, offenders convicted of a felony were 5.9% less likely to be rearrested than those convicted of a misdemeanor. The severity of an offender's sentence (as measured by whether an offender was sentenced to a community punishment, an intermediate punishment, or prison) also affected the probability of rearrest. Offenders sentenced to an intermediate punishment were 1.9% more likely to recidivate than offenders sentenced to a community punishment. Offenders sentenced to prison were about 1.9% more likely to recidivate than offenders sentenced to an intermediate punishment. In general, the more restrictive the punishment, the greater the chance of recidivism. Although the effects were small, maximum sentence imposed and time served also impacted an offender's chance of being rearrested.

As expected, criminal history impacted the probability of rearrest. With the exception of the number of prior incarcerations, all of the criminal history factors that were statistically significant increased an offender's chance of being rearrested. Offenders who had a prior drug arrest were 3.6% more likely to be rearrested than those who did not have a prior drug arrest. When looking at offenders' most serious prior arrest, offenders with a property arrest as their most serious prior arrest were 1.8% more likely to be rearrested than those with a drug arrest, while offenders with a violent offense as their most serious prior arrest were 1.8% more likely to be rearrested than offenders whose most serious prior arrest was a property offense. Finally, the more prior arrests an offender had and the more times an offender was arrested and placed on probationary supervision, the greater the chance of being rearrested. Controlling for all other factors, the number of prior incarcerations was associated with a decreased likelihood of rearrest.

Time at risk during the follow-up period was also included in the analysis as a control variable. Time at risk, or an offender's window of opportunity to reoffend, is defined as the total number of days in the follow-up period minus any days of incarceration in North Carolina's prison system. A negative relationship was found between time at risk and rearrest. As time at risk increased, the chance of being rearrested decreased.

Model 2: Probability of Rearrest for Prisoners

Model 2 in Table 4.1 focuses on the probability of rearrest for the 19,733 prison releases in the FY 2005/06 sample. Overall, 50.0% of prison releases were rearrested during the three-

year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.1.

As was found in the analysis for all offenders, being black or a youthful offender were factors associated with a higher likelihood of being rearrested. Black prisoners were 6.2% more likely to recidivate than non-blacks. Youthful prisoners were 6.3% more likely to be rearrested after their release than adult prisoners. Similar to the findings for all offenders, there was a significant association between risk score and the probability of rearrest for prisoners. For each one unit (0.01) increase in a prisoner's risk score, there was a 0.5% increase in his or her probability of rearrest. Generally speaking, the higher a prisoner's risk score, the greater the likelihood of rearrest.

Of the current offense indicators, only time spent in prison had a significant impact on the probability of rearrest for prisoners when controlling for other factors. Prisoners who spent more time in prison had a decreased probability of rearrest in the follow-up period which could be related to their "aging-out" of their peak criminal offending years while in prison. Several of the criminal history factors were found to impact the probability of rearrest for prisoners. The number of prior arrests, having a prior drug arrest, and the number of prison infractions were associated with an increased probability of rearrest. Generally speaking, the more times prisoners were arrested and the more prison infractions prisoners incurred, the more likely they were to be rearrested.

Model 2 examined the impact of supervision following release from prison on the probability of rearrest for prisoners. As a group, prisoners with PRS had a lower rearrest rate during the three-year follow-up period than those prisoners with no PRS (45.3% versus 50.5%), as discussed in Chapter Three. However, once factors other than supervision following release (*e.g.,* age, sex, criminal history, time at risk) were taken into account, there were no significant differences in rearrest rates of prisoners with PRS and prisoners with no PRS. Type of prison entry was also examined in Model 2; those entering prison due to revocations did not differ significantly from those entering due to a new crime. However, the offenders entering prison for both a new crime and a technical revocation were 3.8% more likely to be rearrested than those entering due to a new crime only.

As found in the analysis for all offenders, a negative relationship was found between time at risk and rearrest. The chance of being rearrested decreased as time at risk increased. As was the case in the analysis for all offenders, the number of prior incarcerations was associated with a decreased likelihood of rearrest.

Prison infractions are used in this model as a predictor of rearrest, but are also an interim indicator of prisoner misbehavior that is influenced by many of the same variables that affected the probability of rearrest (*i.e.,* personal characteristics, current offense information, and criminal history). To further explore these relationships, a regression model was used that examined which variables had an impact on prison infractions.[43] Being black or a youthful offender increased the number of prison infractions incurred. Generally, being male, having a mental

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[43] Ordinary Least Squares (OLS) regression was used for this analysis because the number of prison infractions is a continuous variable. See Appendix E, Table E.1 for the OLS coefficients predicting prison infractions.

health issue and having more prior incarcerations increased the probability of infractions. Having at least 12 years of education or having a longer maximum sentence imposed decreased the number of infractions incurred by a prisoner, all else held constant.

Model 3: Probability of Rearrest for Probationers

Model 3 in Table 4.1 analyzes the probability of rearrest for the 41,091 probationers in the FY 2005/06 sample. Overall, 35.4% of probationers were rearrested during the three-year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.1.

Personal characteristics were found to affect the probability of rearrest for probationers-with being older, having at least twelve years of education, or being employed significantly reducing the likelihood of rearrest. Similar to Model 1 in Table 4.1, being black, male, having a history of substance abuse, or being a youthful offender were associated with a higher likelihood of rearrest. Black probationers were about 4.0% more likely to be rearrested than non-blacks. Compared to female probationers, male probationers were 3.3% more likely to recidivate. Having a history of substance abuse increased probationers' chances of rearrest by 2.7%. Youthful offenders were 7.1% more likely to recidivate than adult offenders. Offender risk score was also a statistically significant factor. For each one unit (0.01) increase in probationers' risk scores, there was a 0.5% increase in their probability of rearrest. Generally, the higher the risk score, the greater was the probability of rearrest.

Controlling for all other factors, probationers convicted of a felony were 7.2% less likely to be rearrested than probationers convicted of a misdemeanor. Similar to the previous models, criminal history was associated with a probationer's chance of being rearrested, with the number of prior arrests, having a prior drug arrest, and most serious prior arrest being associated with an increased likelihood of rearrest. The probability of rearrest for probationers increased by 1.4% with each prior arrest and by 3.5% for a prior drug arrest. As in the analysis for all offenders, probationers with a property arrest as their most serious prior arrest were 1.7% more likely to be rearrested than those with a drug arrest while probationers with a violent offense as their most serious prior arrest were 1.7% more likely to be rearrested than probationers whose most serious prior arrest was a property offense. As found for all offenders, the probability of rearrest for probationers decreased with each prior incarceration. Age may have been related to prior incarcerations with older offenders having had more opportunity to be arrested and incarcerated than younger offenders. If this occurred, these offenders may have "aged-out" of criminal offending which may have resulted in a decreased likelihood of rearrest.

Model 3 also looked at the impact of the type of community supervision on the probability of rearrest for probationers. As a group, probationers sentenced to an intermediate punishment had a higher rearrest rate during the three-year follow-up period than those sentenced to a community punishment (41.2% versus 32.8%), as discussed in Chapter Three. However, once factors other than the type of community supervision (*e.g.*, age, sex, criminal history, time at risk) were taken into account, probationers sentenced to an intermediate punishment were actually 2.1% less likely than probationers sentenced to a community punishment to be rearrested. It is not clear from the analysis whether increased supervision or

other factors not included in the model resulted in the decreased likelihood of rearrest for probationers sentenced to an intermediate punishment.

In previous Sentencing Commission recidivism reports, it was hypothesized that revocations to prison for technical violations of probation were a factor not included in the analysis that might help explain this finding. It was thought that revocations, which are more likely with increased supervision, may artificially reduce recidivism since the offender is removed from the community and does not have the opportunity to reoffend. This report partially accounts for revocations to prison through the measure of time at risk, which is calculated by subtracting period of incarceration in state prison during follow-up from the maximum follow-up time for analysis. However, this methodological improvement does not account for incarceration in county jail during follow-up in its measure of time at risk. While the finding from this study indicates that intermediate punishment probationers are less likely than community punishment probationers to be rearrested even after controlling for time at risk, it is possible that this finding would change if data on incarceration in jail were included in the measure of time at risk.

As found in the analyses for all offenders and prisoners, a negative relationship was found between time at risk and rearrest. The chance of being rearrested decreased as time at risk increased.

The number of prior revocations was used in this model as a predictor of rearrest, but revocation in the follow-up period was also used as an indicator of a probationer's misconduct. For this analysis, revocations were limited to technical revocations of probation and did not include revocations for new crimes. Many of the same variables that affected rearrest also influenced revocation (*e.g.,* personal characteristics, current offense information, criminal history). To further explore these relationships, a logistic regression model was used that examined which variables had an impact on technical revocations for probationers during the three-year follow-up period.[44]

Holding all other variables constant, being married, having at least twelve years of education, or being employed served as protective factors and decreased the likelihood of having a technical revocation. Conversely, being black, male, having a history of substance abuse, or being a youthful offender were associated with a higher likelihood of technical revocation. All of the other criminal history factors impacted a probationer's chance of having a technical revocation. Last, type of community supervision influenced technical revocations for probationers. Probationers sentenced to an intermediate punishment were 9.0% more likely to have a technical revocation than those sentenced to a community punishment. As previously noted, probationers who were sentenced to intermediate punishments were subject to increased supervision which may have resulted in their higher rate of technical revocation as compared to probationers sentenced to community punishment. However, as discussed in Model 3 above, probationers sentenced to intermediate punishments had a rate of rearrest lower than those sentenced to community punishment when controlling for factors related to rearrest (*e.g.,* age, sex, criminal history).

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[44] See Appendix E, Table E.2 for the logistic regression results.

Regression Analysis: Recidivist Incarceration

Chapter Three of this report presented recidivist incarceration rates for the entire FY 2005/06 sample and for groups of offenders classified by their type of punishment. The regression analyses in this section isolate the net impact of factors such as type of punishment or personal characteristics on reincarceration, and thus help identify relationships not apparent when simply looking at reincarceration rates. Table 4.2 presents analyses of the likelihood of recidivist incarceration for all offenders (Model 4) based on the three-year follow-up period.

Model 4: Probability of Recidivist Incarceration for All Offenders

Model 4 in Table 4.2 presents the estimated effects of each independent variable on an offender's probability of being reincarcerated during the three-year follow-up period.[45] All offenders in the FY 2005/06 sample were included in this analysis. It should be noted again that only statistically significant findings are discussed in this section and presented in Table 4.2.

Overall, the analysis revealed that 30.1% of all offenders had a recidivist incarceration during the three-year follow-up period. Personal characteristics that increased an offender's chance of being reincarcerated included gender, being a substance abuser, and being a youthful offender. Male offenders were 7.6% more likely to be reincarcerated than females.

Offenders with a history of substance abuse were 3.5% more likely to be reincarcerated than those offenders with no such history. Compared to adult offenders, youthful offenders were 5.7% more likely to be reincarcerated than adult offenders. The analysis also took into account individual offender risk scores. As expected, increases in risk score also increased the probability of reincarceration during the three-year follow-up period. Being black, married, employed, or having 12 or more years of education were factors associated with decreases in the probability of being reincarcerated during the follow-up period.

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[45] The data presented on recidivist incarcerations (also referred to as reincarcerations in this report) only include incarceration in North Carolina's state prison system. It does 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 technical revocation of probation during the follow-up period.

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

Independent Variables	Estimated Effect on Probability of Reincarceration for:
	Model 4: All Offenders (N=60,824) **Average reincarceration probability=30.1%**
Personal Characteristics	
Age (each year)	*NS*
Black	-2.3%
Male	7.6%
Married	-2.7%
12 or More Years of Education	-8.5%
Employed	-2.9%
Substance Abuser	3.5%
Youthful Offender	5.7%
Risk Score	0.3%
Current Offense Information	
Felony	14.1%
Severity of Sentence	3.1%
Maximum Sentence Imposed (in months)	0.2%
Time Spent in Prison (in months)	-1.4%
Criminal History	
Age at First Arrest	0.4%
# Prior Arrests	*NS*
Prior Drug Arrest	1.5%
Most Serious Prior Arrest	3.4%
# Prior Times on Probationary Supervision	0.7%
# Prior Revocations	4.6%
# Prior Incarcerations	2.6%

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

Notes:
1. For purposes of this study, recidivist incarceration was defined as one or more period of incarceration in NC's state prison system during the three-year follow-up period starting at the time the offender was placed on probation or released from prison.
2. The figures in the table show the effect on the probability of reincarceration compared with the mean probability in the data set.
3. The square of the offender's age and time served in prison were also included in the model as control variables.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Controlling for other factors, offenders convicted of a felony for their current offense were 14.1% more likely to be reincarcerated than those convicted of a misdemeanor. However, this finding might also be affected by the fact that offenders with sentences of 90 days or less (typically those with a misdemeanor conviction) are required to serve their sentences in county jail, which is not included in this measure of recidivist incarcerations. The severity of an offender's sentence also affected the probability of reincarceration, but to a much lesser degree. Offenders sentenced to an intermediate punishment were 3.1% more likely to be reincarcerated than offenders sentenced to community punishment. Offenders sentenced to prison were 3.1% more likely to be reincarcerated than offenders sentenced to an intermediate punishment. Maximum sentence imposed and time spent in prison also impacted an offender's chance of being reincarcerated.

With the exception of number of prior arrests, all of the criminal history factors included in the analysis increased an offender's chance of being reincarcerated. Number of times on probationary supervision and number of prior incarcerations were both associated with an increase in the likelihood of an offender being reincarcerated. Most serious prior arrest and having more revocations had larger impacts on the likelihood of reincarceration. Offenders whose most serious prior arrest was a property offense were 3.4% more likely to be reincarcerated than those whose most serious prior arrest was a drug offense. Offenders whose most serious prior offense was a violent offense were 3.4% more likely to be reincarcerated than offenders with a property offense as their most serious prior arrest. Generally, offenders with more revocations of probationary supervision were more likely to be reincarcerated.

Summary

Multivariate analysis revealed that personal, offense-based, and criminal history factors were related to the two criminal justice outcomes studied in this chapter: recidivist arrest and recidivist incarceration in the three years following release from prison or placement on probation. Common themes that emerged from the analyses include the following:

▸ In all three models of rearrest, being black, being a youthful offender, having a greater number of prior arrests, having a prior drug arrest, or having a higher risk score all increased the probability of rearrest. In all three models, number of prior incarcerations decreased the probability of rearrest. In other words, pre-existing factors seem to play an important role in determining future criminal behavior.

▸ Two variables, prison infractions and technical revocations of probation, were used as predictors of rearrest, but each was also used as an outcome variable to indicate prison or probation misbehavior. Several of the same variables that increased the likelihood of rearrest also influenced the number of infractions in prison or the likelihood of a technical revocation of probation. For prisoners, being black, a youthful offender, having a mental health issue and more prior incarcerations were factors associated with an increase in the number of prison infractions. For probationers, being black, male, a youthful offender, and having a history of substance abuse were factors associated with an increase in the likelihood of a technical revocation.

► With regard to recidivist incarceration for all offenders, being male, a youthful offender, and having a current felony offense were the characteristics most associated with increases in the probability of reincarceration. Other characteristics associated with an increased probability of reincarceration were being older, having a history of substance abuse, and having a higher risk score. Being black, employed, married, or having at least 12 years of education were found to be associated with decreases in the probability of reincarceration.

While this chapter examined the effect of personal characteristics, current offense, and prior criminal history as predictors of *whether* an offender will recidivate, future research should examine how these same factors affect *when* an offender will recidivate. Knowledge of factors that predict when offenders with certain characteristics tend to recidivate would provide practical information to programs for developing additional treatment or supervision protocols that could further delay, or even prevent, recidivism.

The purpose of this chapter is to examine the subject of mental health problems in the FY 2005/06 sample of prisoners (n=19,733). The information presented in this chapter provides a statistical profile of prisoners with and without mental health problems, as well as several criminal justice outcome measures associated with those groups. This chapter also examines the types of mental disorders diagnosed in the FY 2005/06 sample of prisoners.

Definition of Mental Health Problems

There are a variety of ways that researchers define mental health problems, and this fact is reflected in the variation in prevalence rates seen across studies. For example, the Bureau of Justice Statistics (2006)[46] found the overall prevalence rate of mental illness problems in state prisons to be 56%. However, it is important to consider methodology when interpreting a prevalence rate. The operational definition of mental illness used in the BJS study is broad; it includes both diagnoses *and* symptoms that occurred in the past 12 months. Further, the BJS data were collected through personal interviews with prisoners.

The current study defines inmate mental health problems more narrowly. A mental health problem was defined using two types of prisoner records (*see* Figure 5.1). One type of record was the assessment tool used by the Division of Prisons (DOP) medical personnel to evaluate a prisoner's overall functional physical ability. The DOP Pulheat[47] assessment is used to determine a prisoner's activity level and to document a prisoner's special needs in order to facilitate work/program assignment and proper placement. All prisoners are evaluated upon admission to prison; some prisoners are evaluated more than once within this period, usually relating to the determination of custody level. Therefore, the most serious Pulheat mental health score from the current period of incarceration was selected for analysis. A Pulheat mental health score of one indicates that the prisoner has no mental health problems, while scores of 2 through 5 indicate increasingly serious levels of mental impairment.

The second type of record used in the current study was psychological disorders diagnosed during the current incarceration period by the DOP Health Services staff. Diagnosis of a psychological disorder is determined by medical staff in accordance with the Diagnostic and Statistical Manual 4th Edition,[48] commonly referred to as the DSM-IV. The DSM-IV is a manual which provides constituent criteria for determining mental disorders; when a prisoner meets the criteria for a mental disorder, the diagnosis code is recorded in the prisoner's medical records. Whereas all prisoners were assessed at least once with the Pulheat mental health screening, only

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[46] James, D.J. & Glaze, L.E. (2006). Mental Health Problems of Prison and Jail Inmates. Retrieved June 24, 2009, from http://www.ojp.usdoj.gov/bjs/pubs/pdf/mhppji.htm.

[47] Pulheat stands for physical capability, upper extremities, lower extremities, hearing, eyes, activity grade, and transit medical needs.

[48] American Psychiatric Association (2000). *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision. Washington, DC.

Figure 5.1
Mental Health and Prisoners

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                        ┌─────────────────────┐
                        │   Prison Releases    │
                        │    (n=19,733)        │
                        └─────────────────────┘
                                  │
                        ┌─────────────────────┐
                        │        DOP           │
                        │    Mental Health     │
                        │  Pulheat Screening   │
                        └─────────────────────┘
                                  │
           ┌──────────────────────┴──────────────────────┐
┌─────────────────────┐                      ┌─────────────────────┐
│  No Mental Health    │                      │  Mental Health Issue │
│  Issue Identified    │                      │  Identified through  │
│  through Pulheat     │                      │      Pulheat         │
│                      │                      │                      │
│  77.5% (n=15,292)    │                      │  22.5% (n=4,441)     │
└─────────────────────┘                      └─────────────────────┘
      │                                              │
  ┌───┴────┐                                    ┌────┴─────┐
┌──────────┐ ┌──────────┐              ┌──────────┐ ┌──────────┐
│No DSM-IV │ │ DSM-IV   │              │No DSM-IV │ │ DSM-IV   │
│Diagnosis │ │Diagnosis │              │Diagnosis │ │Diagnosis │
│during    │ │during    │              │during    │ │during    │
│Incarcer. │ │Incarcer. │              │Incarcer. │ │Incarcer. │
│93.4%     │ │6.6%      │              │26.1%     │ │73.9%     │
│(n=14,281)│ │(n=1,011) │              │(n=1,158) │ │(n=3,283) │
└──────────┘ └──────────┘              └──────────┘ └──────────┘
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No Mental Health Problems		Mental Health Problems
72.4% (n=14,281)		27.6% (n=5,452)

No DSM-IV Diagnosed Mental Illness	DSM-IV Diagnosed Mental Illness	Serious Mental Illness
21.2% (n=1,158)	52.5% (n=2,860)	26.3% (n=1,434)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

some prisoners sought or were identified as needing medical attention for a mental health problem and received a DSM-IV diagnosis (n=4,294, or 22%).[49] This rate is similar to the Bureau of Justice Statistics' (2006) rate of DSM-IV diagnosed or treated prisoners in state prisons, 24%.

The definition of a mental health problem in the current study is the presence of one or both of the following criteria: a highest score of two to five on the Pulheat assessment and/or a DSM-IV diagnosed disorder during the current period of incarceration. As shown in Figure 5.1, there were 5,452 (27.6%) prisoners in the FY 2005/06 sample who met the current definition of a mental health problem, and 14,281 (72.4%) prisoners with no mental health problem.

Personal Characteristics

Table 5.1 contains information on the personal characteristics of the FY 2005/06 prison sample controlling for mental health status. Of the 5,452 prisoners with mental health problems, 73.7% were male, 44.9% were black, 66.5% were identified as having a substance abuse problem, and their average age, at release from prison, was 34.4 years. To summarize, the group with mental health problems included more female and non-black prisoners. By comparison, the group of prisoners with no mental health problems had a higher percentage of male and black prisoners; their average age at release from prison was 32.3 years.

Most Serious Current Conviction

The following section presents data on the conviction that resulted in the offender being included in the FY 2005/06 sample. Prisoners with mental health problems were more likely to have a felony offense as their most serious current conviction (77.6%) than prisoners with no mental health problems (73.2%). Figure 5.2 displays the current conviction of the most serious offense class for prisoners with and without mental health problems. The majority of both groups of prisoners had convictions for Class F through I felonies, followed by Class A1 through Class 3 misdemeanors. However, a higher percentage of prisoners with mental health problems had current convictions for Classes B1 through E felonies (18.0%) than did prisoners with no mental health problems (7.2%).

Figure 5.2
Current Offense Class by Mental Health Status
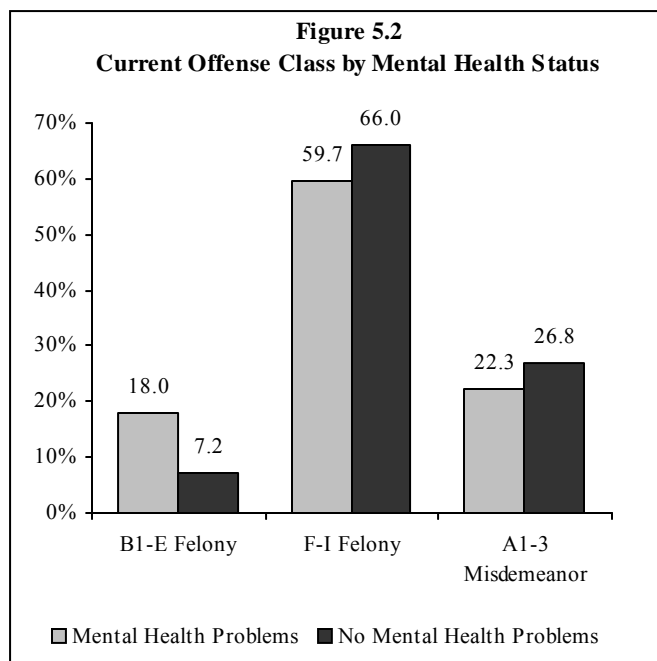
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[49] In some of the tables in this chapter, information is provided on the type of diagnoses that prisoners received, and the diagnosis categories are examined by seriousness.

Table 5.1
Personal Characteristics by Mental Health Status of Prisoners

Mental Health Status	N	% Male	% Black	Mean Age	% Married	% With 12 Years of Education or More	% With Substance Abuse
Mental Health Problems	5,452	73.7	44.9	34.4	15.0	31.0	66.5
No Mental Health Problems	14,281	91.3	61.2	32.3	12.3	30.9	54.9
TOTAL	19,733	86.5	56.7	32.9	13.1	30.9	58.1

Note: There are missing values for self-reported years of education.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Figure 5.3
Avg. Months Served by Offense Class and Mental Health Status

Figure 5.4
Offender Risk Level by Mental Health Status
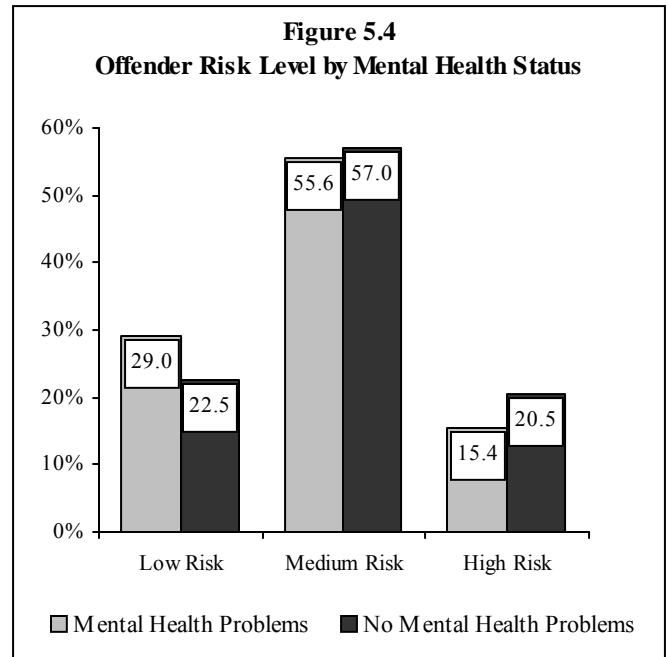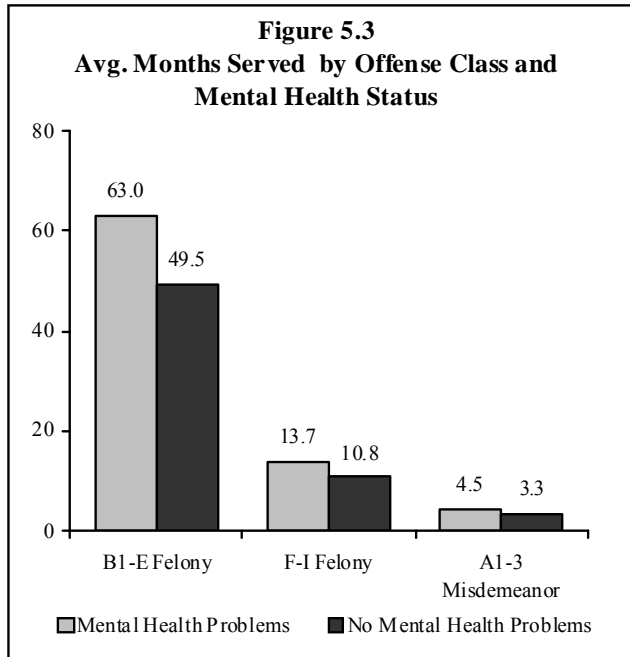
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Consistent with the differences in offense seriousness, prisoners with mental health problems served longer sentences on average (*mean*=20.5 months, *median*=9.0 months) than did prisoners with no mental health problems (*mean*=11.6 months, *median*=6.2 months). As can be seen in Figure 5.3, this pattern was particularly the case for those with Class B1 through Class E felony convictions.

Finally, as discussed in Chapter Two, most of the prisoners in the FY 2005/06 sample were characterized by a medium risk level. As seen in Figure 5.4, both groups contained similarly high percentages of medium risk prisoners. However, more prisoners with mental health problems had a low risk level (29.0%) than did prisoners with no mental health problems (22.5%); fewer prisoners with mental health problems had a high risk level (15.4%) than did prisoners with no mental health problems (20.5%).

Infractions While Incarcerated

As in Chapter Three, prison infractions while incarcerated for the current conviction were used as an indicator of prisoner misconduct. Figure 5.5 displays the differences in infractions for prisoners with mental health problems and those with no mental health problems. A higher percentage of prisoners with mental health problems had infractions while incarcerated (54.4%) compared to prisoners with no mental health problems (41.7%). This finding is consistent with the greater offense seriousness and the resulting longer time served by the group with mental health problems. Prisoners who had mental health problems had a greater number of infractions with five or more infractions (19%) compared to prisoners with no mental health problems (8%).
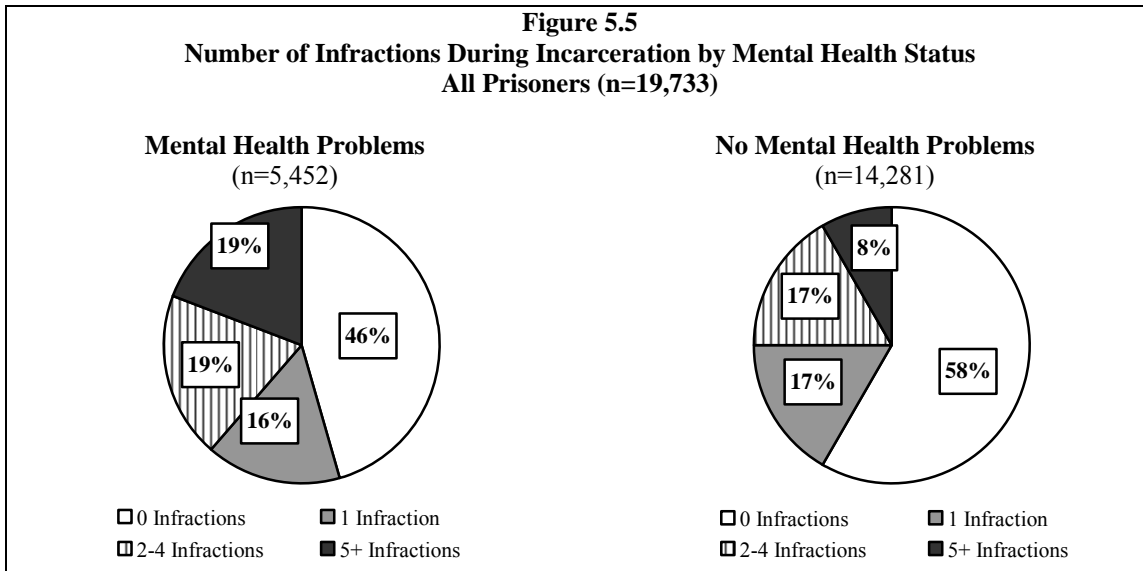
Figure 5.5
Number of Infractions During Incarceration by Mental Health Status
All Prisoners (n=19,733)

Mental Health Problems
(n=5,452)

No Mental Health Problems
(n=14,281)

□ 0 Infractions   ■ 1 Infraction
▨ 2-4 Infractions   ■ 5+ Infractions

□ 0 Infractions   ■ 1 Infraction
▨ 2-4 Infractions   ■ 5+ Infractions

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

When considering the number of infractions per prisoner, it is important to control for time served because prisoners with longer sentences have more time to accrue infractions. As shown in Table 5.2, the average number of infractions (based only on prisoners who had an infraction) was 6.5 for prisoners with mental health problems and 3.4 for prisoners with no mental health problems. In both groups, the average number of infractions increased as time served increased; the largest difference observed between the groups was for the prisoners who served 25 months or more. However, the difference between the two groups of prisoners remained after controlling for time served.

Table 5.2
Average Number of Infractions During Incarceration by Mental Health Status
(For Prisoners with Infractions)

Time Served	Prisoners with Mental Health Problems (n=2,964)	Prisoners with no Mental Health Problems (n=5,949)
0-4 Months	2.1	1.7
5-8 Months	2.7	2.2
9-24 Months	4.5	3.3
25 or More Months	11.8	6.8
OVERALL	**6.5**	**3.4**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Criminal Justice Outcome Measures

As discussed in Chapter Three, 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. This section presents an overview of all three criminal justice outcome measures for the FY 2005/06 sample of prison releases broken down by mental health status.

Overall, 50.0% of the prisoners from the FY 2005/06 sample were rearrested during the three-year follow-up period. As can be seen in Table 5.3, the rates of rearrest, reconviction, and reincarceration for prisoners with and without mental health problems were very similar. Prisoners with mental health problems were slightly less likely to be rearrested and reconvicted in the three-year follow-up period, but slightly more likely to be reincarcerated during the three-year follow-up period.

Mental health problems seem to have interacted differently with infractions and recidivism. The findings that the infraction rates are higher for prisoners with mental health problems are consistent with the multivariate findings discussed in Chapter Four. In Model 2 (prisoners only) presented in Chapter Four, having mental health problems was not a significant predictor of rearrest. However, in the prison infractions multiple regression analysis (*see* Appendix E, Table E.1), having mental health problems was a significant predictor of number of infractions committed. When these findings are paired with the recidivism rates for prisoners with mental health problems, it appears that having mental health problems (as identified by DOC) is meaningful in the prison context, but not particularly for recidivism behavior after release.

Table 5.3
Criminal Justice Outcome Measures by Mental Health Status
During the Three-Year Follow-Up Period

Mental Health Status	N	Criminal Justice Outcome Measures		
		% Rearrest	% Reconviction	% Reincarceration
Mental Health Problems	5,452	48.2	33.5	36.8
No Mental Health Problems	14,281	50.6	35.0	35.5
TOTAL	**19,733**	**50.0**	**34.6**	**35.8**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

The recidivism rates of prisoners with and without mental health problems were related whether they received supervision upon release from prison (*see* Table 5.4). Due to the difference in their most serious conviction (*see* Figure 5.2), a higher proportion of prisoners with mental health problems received post-release supervision (n=979, or 18.0%) than did prisoners with no mental health problems (n=1,030, or 7.2%). While the rearrest rates were higher for

prisoners with no mental health problems, within each group the relative rates were lower for prisoners released with PRS than for those released without supervision.

Table 5.4
Rearrest Rates by Mental Health Status and Type of Release
During the Three-Year Follow-Up Period

Mental Health Status	N	Rearrest Rates by Type of Release		
		PRS	No PRS	Total
Mental Health Problems	5,452	43.7	49.2	48.2
No Mental Health Problems	14,281	46.7	50.9	50.6
TOTAL	**19,733**	**45.3**	**50.5**	**50.0**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Finally, the data presented in Table 5.5 show that the differences in recidivism were also related to offender risk level. Among the group of prisoners characterized as low risk, those with mental health problems had slightly higher rearrest rates than did those with no mental health problems. Among the group of prisoners characterized as high risk, those with mental health problems had slightly lower rearrest rates.

Table 5.5
Rearrest Rates by Mental Health Status and Offender Risk Level
During the Three-Year Follow-Up Period

Mental Health Status	N	Rearrest Rates by Risk Level		
		Low	Medium	High
Mental Health Problems	5,452	26.0	52.4	74.9
No Mental Health Problems	14,281	23.6	52.0	76.2
TOTAL	**19,733**	**24.4**	**52.2**	**75.9**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Rates of DSM-IV Diagnosed Disorders among the Entire Prison Sample

The prisoners who had mental health problems were examined further by sub-setting three groups: those with no diagnosed mental illness, those with a diagnosed mental illness, and those with a diagnosed serious mental illness. Such a distinction is important because it helps to

distinguish between the less severe mental illnesses and those that are more debilitating and incapacitating. The current definition of a serious mental illness is the one used by the DOC[50] in previous research on mental health problems. According to this definition, a serious mental illness is constituted by diagnosis of one or more of the following disorders: the schizophrenias, psychotic disorder not otherwise specified, and major mood disorders including the bipolar disorders and major depressive disorder. As shown in Figure 5.1, 1,158 (21.2%) had no diagnosed mental illness, 2,860 (52.5%) were diagnosed with a mental illness, and 1,434 (26.3%) were diagnosed with a serious mental illness.

To examine the incidence rates of mental illness diagnoses in the context of all prisoners, the group that had no mental health problems at all (n=14,281) was combined with the group that had a mental health issue identified during screening but who had no DSM-IV diagnosed mental illness during incarceration (n=1,158), for a total of 15,439 (78.2%) prisoners who received no DSM-IV diagnosis during incarceration. In the context of all prisoners, the 2,860 prisoners who were diagnosed with a mental illness accounted for 14.5% of all prisoners and the 1,434 prisoners who were diagnosed with a serious mental illness accounted for 7.3% of all prisoners.

As can be seen in Figure 5.6, there were differences in the proportions of female and male prisoners with diagnosed disorders. Overall, the male group had a higher proportion of prisoners with no diagnosed mental illness (81%). The female group had higher proportions of prisoners with mental illness and serious mental illness (29% and 12%, respectively).
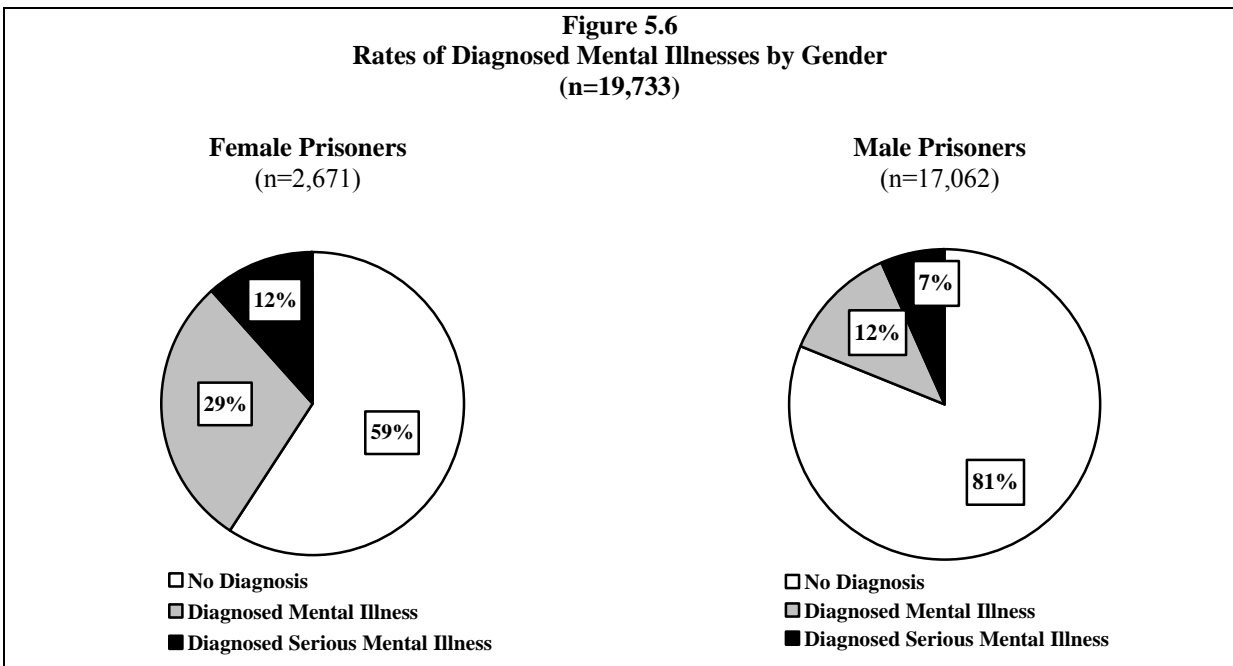
Figure 5.6
Rates of Diagnosed Mental Illnesses by Gender
(n=19,733)

Female Prisoners
(n=2,671)

Male Prisoners
(n=17,062)

□ No Diagnosis
◪ Diagnosed Mental Illness
■ Diagnosed Serious Mental Illness

□ No Diagnosis
◪ Diagnosed Mental Illness
■ Diagnosed Serious Mental Illness

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[50] Edwards, D. (2007). Mental Health Diagnoses in the Prison Population. Retrieved June 24, 2009, from http://randp.doc.state.nc.us/pubdocs/0007052.pdf.

Of the prisoners with mental health problems, a subset received a mental illness diagnosis by DOP medical/mental health staff (n=4,294)[51] (*see* Figure 5.1). The following section provides information about the types of diagnoses received by the FY 2005/06 prison sample. As discussed earlier in this chapter, these diagnoses are based on the DSM-IV codes recorded in prisoner records by staff.

DSM-IV Diagnoses by Diagnostic Category

In the FY 2005/06 prison sample, a total of 8,508 diagnoses were given to the 4,294 prisoners with some type of diagnosed mental illness. As is evident from this total, many of these prisoners with a DSM-IV diagnosis had more than one type of disorder diagnosed. This finding is consistent with the National Institute of Mental Health's (2006) estimate that multiple diagnoses are given to 45% of persons in the general population diagnosed with a mental disorder. These diagnoses were categorized according to the DSM-IV classification system and consistent with the DOC's (2007) publication on mental health diagnoses in North Carolina prisons. The mental health diagnoses that were given are displayed in Table 5.6 by diagnostic category and are broken down by gender for comparison. Definitions for the most frequently occurring diagnoses in the FY 2005/06 prison sample are included in Figure 5.7.

Overall, the Substance-Related Disorders category accounted for the largest percentage of diagnoses given (36.5%), followed by Personality Disorders (20.4%) and Mood Disorders (14.6%). The remainder of the categories accounted for 10% or less of the diagnoses given by Mental Health Services staff. While Substance Abuse-Related disorders are the most frequently diagnosed categories for both men and women, Table 5.6 highlights several interesting gender differences. Substance-Abuse Related Disorders, Mood Disorders, Adjustment Disorders and Anxiety Disorders were more frequently diagnosed among female prisoners than among male prisoners. Personality Disorders and Schizophrenia/Other Psychotic Disorders were more frequently diagnosed among male prisoners than among female prisoners.

Figure 5.8 displays rearrest rates by diagnostic category during the three-year follow-up period. The categories of Impulse Control Disorders, Personality Disorders, and Mental Disorders due to a General Medical Condition have the highest overall recidivism rates (59.4%, 55.1%, and 54.7% respectively). The Sexual and Gender Identity Disorders category has the lowest recidivism rate (31%) of the three-year follow-up period.

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[51] This subset of 4,294 diagnosed prisoners is comprised of the DSM-IV diagnosed prisoners who had no issue identified through the Pulheat assessment (n=1,011) as well as the DSM-IV diagnosed prisoners who did have an issue identified through the Pulheat assessment (n=3,283) (*see* Figure 5.1).

Table 5.6
Mental Health Diagnoses by Diagnostic Category
Prisoners with a Mental Health Diagnosis
(n=4,294)

DSM-IV DIAGNOSIS GROUP	FEMALE		MALE		TOTAL	
	#	%	#	%	#	%
Substance-Related Disorders	851	44.2	2,251	34.2	3,102	36.5
Personality Disorders	284	14.7	1,449	22.0	1,733	20.4
Mood Disorders	343	17.8	895	13.6	1,238	14.6
Other Conditions	55	2.9	506	7.7	561	6.6
Adjustment Disorders	192	10.0	340	5.2	532	6.3
Schizophrenia & Psychotic Disorders	42	2.2	421	6.4	463	5.4
Anxiety Disorders	116	6.0	308	4.7	424	5.0
Disorders of Infancy, Childhood, or Adolescence	22	1.1	226	3.4	248	2.9
Mental Disorders due to General Medical Condition	5	0.3	59	0.9	64	0.8
Impulse Control Disorders	6	0.3	58	0.9	64	0.8
Sexual & Gender Identity Disorders	4	0.2	41	0.6	45	0.5
Delirium, Dementia, Amnestic, and Other Cognitive Disorders	0	0.0	13	0.2	13	0.2
Sleep Disorders	3	0.2	9	0.1	12	0.1
Somatoform Disorders	2	0.1	3	0.0	5	0.1
Dissociative Disorders	1	0.1	1	0.0	2	0.0
Factitious Disorders	0	0.0	1	0.0	1	0.0
Eating Disorders	0	0.0	1	0.0	1	0.0
TOTAL DIAGNOSES	**1,926**	**22.6**	**6,582**	**77.4**	**8,508**	**100.0**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Figure 5.7
Definitions of the Most Common Diagnosis Categories in the FY 2005/06 Prison Sample

Substance-Related Disorders: Psychological disorders that are related to taking or abusing a drug, or side effects caused by a drug or toxin exposure. Examples of this category include Substance Use Disorders (Substance Dependence and Substance Abuse) and Substance-Induced Disorders (*e.g.*, Substance Withdrawal, Substance-Induced Delirium, and Substance-Induced Dementia.)

Personality Disorders: Psychological disorders refer to enduring patterns of subjective experience and behavior that are markedly deviant from the cultural norms, pervasive, and inflexible. Personality disorders usually begin in adolescence or early adulthood, and are stable across the lifespan. Examples of this category include Paranoid Personality Disorder, Antisocial Personality Disorder, and Narcissistic Personality Disorder.

Mood Disorders: Psychological disorders that are characterized by disturbances in mood. Examples of this category include Major Depressive Disorder and Bipolar I Disorder.

Other Conditions: Conditions or problems that are the focus of clinical attention. These conditions may be present in a person who has been treated or diagnosed for the problem, but has not been diagnosed with a disorder *per se*, or they may co-occur with an unrelated diagnosed disorder. Examples of this category include Relational Problems, Acculturation Problems, and Malingering.

Adjustment Disorders: Psychological disorders that are characterized by psychological responses to an identifiable stressor and result in clinically significant emotional or behavioral disturbances. Examples of this category include Adjustment Disorder with Anxiety and Adjustment Disorder with Disturbance of Conduct.

Schizophrenia and Psychotic Disorders: Psychological disorders that are characterized by psychotic symptoms such as delusional thinking, perceptual hallucinations, disorganized speech, or catatonic behavior. Examples of this category include Schizophrenia, Paranoid Type, Schizoaffective Disorder, and Delusional Disorder.

Anxiety Disorders: Psychological disorders that are characterized by persistent and chronic worry triggered by either a specific stimulus or generally by the autonomic nervous symptoms. Examples of this category include Panic Disorder, Agoraphobia, and Specific Phobias.

Note: Definitions are adapted from the American Psychiatric Association's (2000) *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision.

Figure 5.8
Rearrest Rates by DSM-IV Diagnosis Category: Three-Year Follow-Up
Prisoners with a Mental Health Diagnosis
(n=4,294)
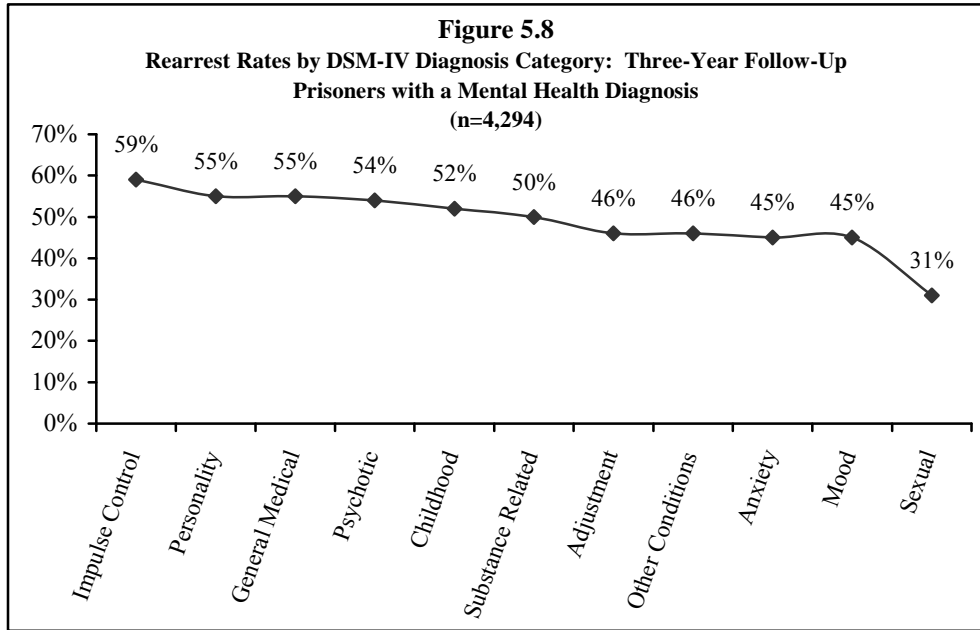
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

The Co-Occurrence of Substance Abuse and Mental Health Problems

There is a substantial rate of co-occurrence[52] between substance abuse and mental health problems, and so it is important to study this group in some more detail. The information in this section focuses on the co-occurrence of both substance abuse and mental health problems, displayed in Figure 5.9.

In both Figure 5.9 and Table 5.7, a substance abuse problem is determined by prisoners' scores on assessment tools used by the DOC.[53] As described earlier in this chapter, a mental health problem is defined by prisoners' scores on the DOP Pulheat assessment and/or clinical diagnosis. Of the total number of prisoners, 40% had a substance abuse problem only, 9% had
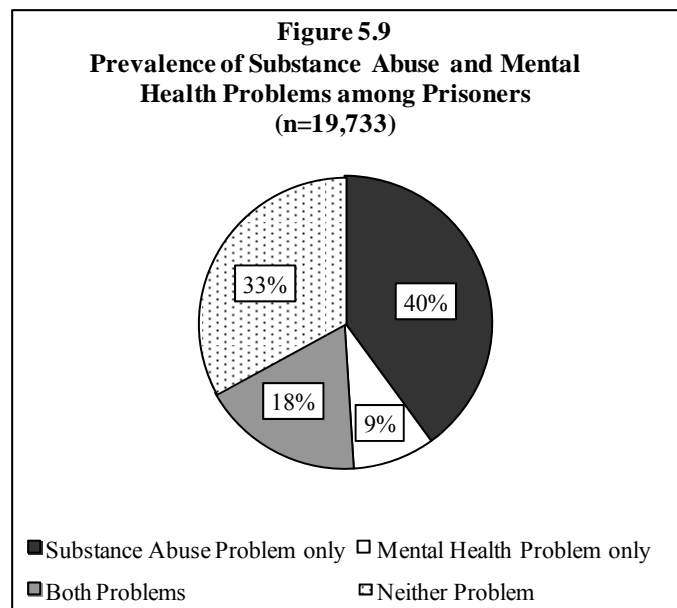
Figure 5.9
Prevalence of Substance Abuse and Mental Health Problems among Prisoners
(n=19,733)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

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[52] National Institute on Drug Abuse (2008) Comorbidity: Addiction and Other Mental Illnesses. Retrieved March 31, 2010 from http://www.nida.nih.gov/PDF/RRComorbidity.pdf.

[53] For the prison sample, a substance abuse problem was defined as a score of three or higher on the Chemical Dependency Screening Test (CDST), the Short Michigan Alcoholism Screening Test (SMAST), or the Substance Abuse Subtle Screening Inventory (SASSI) at any time during the prisoner's incarceration period, but typically at intake, was used to determine a substance abuse problem.

mental health problems only, 18% had both mental health and substance abuse problems and 33% had neither a substance abuse nor a mental health problem.

Table 5.7 displays the rearrest rates for these groups. The highest rearrest rate during the three-year follow-up period was for the group of prisoners with substance abuse problems only (52.5%). The lowest rearrest rate was for the group of prisoners with mental health problems only (46.0%). The groups with neither type of problem and with both types of problems were comparable in their rearrest rates (48.3% and 49.3%, respectively).

Table 5.7
Rearrest Rates by Mental Health and Substance Abuse Problems

Type of Prisoner Problem	N	% Rearrest During Three-Year Follow-Up
Substance Abuse Problem only	7,841	52.5
Mental Health Problems only	1,829	46.0
Both Mental Health and Substance Abuse Problems	3,623	49.3
Neither Mental Health nor Substance Abuse Problem	6,440	48.3
TOTAL	**19,733**	**50.0**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Summary

Chapter Five provided a description of the mental health problems in the FY 2005/06 prison sample. First, mental health status was examined by demographic characteristics, current conviction, and offender risk level. Of the 5,452 prisoners with mental health problems released from prison in FY 2005/06, 74% were male, 45% were black, and 78% had a most serious current conviction for a felony offense. More offenders with mental health problems were characterized as low risk than offenders without mental health problems, and fewer offenders were characterized as high risk than in the group of offenders without mental health problems. While in prison, prisoners with mental health problems committed more infractions than did prisoners without mental health problems. After prison release, prisoners with mental health problems were slightly less likely to be rearrested than prisoners without mental health problems. The types of mental illness diagnoses received by prisoners were also examined. The most frequently diagnosed mental disorders category was Substance-Related Disorders, which accounted for nearly 37% of the total diagnoses. Further, prisoners with only substance abuse problems had higher rearrest rates than prisoners with both substance abuse problems and mental health problems, or with mental health problems only.

CHAPTER SIX
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 sixth correctional program evaluation in compliance with this expanded mandate (Session Law 1998-212, Section 16.18).

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. Two additional interim outcome measures are included in the study as well – probation revocations for technical violations of supervision conditions and prison infractions.

The sample selected for study included offenders released from prison or placed on probation during Fiscal Year 2005/06 and followed for a fixed period of three years. All 60,824 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. The study also highlights, for the first time, mental health issues for prisoners as assessed during their current prison stay.

Of the 60,824 offenders in the current sample, 68% (or 41,091) were placed on probation and 32% (or 19,733) were released from prison in FY 2005/06. 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 PRS following their release and those who were released with no PRS. Additionally, prisoners were categorized based on their type of entry to prison: 40% of the 19,733 prisoners entered with an original active sentence and served an average of 21 months; 37% were revoked from a probation sentence to prison and served on average 6 months; and the remaining 23% entered prison as a result of both a new active sentence and a probation revocation and served on average 14 months.

Of the sample as a whole, 79% were male and 51% were black. Almost three-fourths (72%) of the sample had one or more prior fingerprinted arrests, accounting for a total of 182,885 prior arrests for the sample. Nearly half (48%) of the offenders had a most serious current conviction for a felony offense.

Ten percent of the sample were at high risk for future recidivism, 48% were at medium risk, and 42% were at low risk. Offender risk was found to increase by type of punishment, with community punishment probationers having the lowest risk scores and prison releases having the highest risk scores. Similar differences were observed in the risk scores of prisoners based on their type of entry to prison, and on whether or not they were released on PRS.

The report includes information on "time at risk" during the follow up period as context to an offender's opportunity to recidivate, with 70% of the sample being at risk for the entire three-year follow-up period. The following table summarizes three-year recidivism rates by the three outcome measures used in the study.

Outcome Measures for North Carolina Offenders
Three-Year Follow-Up Period

Punishment Type	Rearrest	Reconviction	Reincarceration
Probation entries	35.4%	22.8%	27.3%
Prison releases	50.0%	34.6%	35.8%
All offenders	40.1%	26.6%	30.1%

Examination of rearrest rates over the three-year follow-up period indicated that rearrest rates increased from year to year, but at a decreasing rate. Overall, 40%, or 24,384 of the 60,824 offenders, were rearrested during the three-year follow-up period, accounting for a total of 50,997 recidivist arrests incurred by the entire sample. Rearrest rates increased by punishment type from community to intermediate to prison. Rates also varied by offender risk levels, with much of the variation in rearrest rates by punishment type disappearing when controlling for offender risk.

The subsample of 19,733 offenders released from prison during FY 2005/06 also included 2,009 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 significantly lower rate of high risk offenders and had lower recidivism rates.

Information was also provided on two interim outcome measures, prison infractions and probation revocations resulting from technical violations of supervision conditions, as indicators of offender misconduct while in prison or under community supervision. Overall, 45% of prisoners had an infraction while incarcerated for their current offense, with an average of four infractions for all prisoners who had any infractions. The three-year rate for revocations while under supervision in the community for all sample offenders was 28%, with the highest rate (40%) for intermediate probationers.

Multivariate analysis further confirmed that personal, offense-based, and criminal history factors were related to the criminal justice outcomes studied. In the various models tested, demographic and preexisting factors – such as being male, black, a youthful offender, having a greater number of prior arrests, or having a higher risk score – all seemed to play an important role in increasing the probability of future criminal behavior. Some of the same factors that predicted rearrest and reincarceration also impacted the probability of probation revocations and prison infractions.

An analysis of the mental health problems of prisoners revealed that 28% of the 19,733 prison releases in the sample were, at some point during their incarceration, assessed as having

mental health problems and 7% were diagnosed with a serious mental illness. These rates were considerably higher for women than for men. Those with a mental health problem were more likely to be convicted of a violent offense, serve a longer time in prison, and have more infractions during their stay. However, prisoners with mental health problems had comparatively lower risk scores and, in fact, were slightly less likely to be rearrested than their counterparts with no mental health problems. Finally, prisoners diagnosed with both a mental health and a substance abuse problem were found to be more likely to recidivate than those with only a mental health problem.

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 emerge. These reports, covering large samples of offenders released in North Carolina between FY 1993/94 and FY 2005/06, 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 twelve years, although a slight increase in the year-to-year rates can be observed.*

The first finding points to the fact that, while statewide recidivism rates (measured as rearrest) have stayed fairly consistent over the past twelve years, a small increase in these rates from year-to-year can be observed. The following table presents overall recidivism rates from the Commission's current report and from five prior reports with similar three-year follow-up periods.

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

Sample Year	Rearrest Rate
FY 1993/94	36.8%
FY 1994/95	37.3%
FY 1998/99	37.8%
FY 2001/02	38.2%
FY 2003/04	38.7%
FY 2005/06	40.1%

The six samples studied had rates ranging between 36.8% and 40.1%. While these recidivism rates have been relatively stable, an incremental (albeit slow) growth during this timeframe can be noted. The recidivism rate in the current report demonstrates the most notable increase. Several reasons could account for this upward trend. Improvements in technology which have led to a greater number of fingerprinted misdemeanor arrests could have some bearing on the rise in rates. More areas of the state now have the capability to fingerprint all misdemeanors, instead of only the most serious

misdemeanors, producing a more accurate – and higher – rate of recorded misdemeanor arrests by the DOJ. Another factor may be the variation in the percentage of probationers and prisoners since the previous reporting cycle, with a decrease in the percentage of probationers (*i.e.*, 70.0% in FY 2003/04 compared to 67.6% in FY 2005/06) and an increase in the percentage of prisoners (*i.e.*, 30.0% in FY 2003/04 compared to 32.4% in FY 2005/06). In addition, over the years, the risk level distributions for the samples of offenders have shifted with fewer low risk offenders in more recent years. For example, comparing the FY 2003/04 sample to the FY 2005/06 sample, there was a decline in the percentage of low risk offenders (44.0% and 41.6%, respectively), but an increase in the percentage of high risk offenders (9.4% and 10.4%, respectively). Since the above-noted shifts include increases in the number of high risk offenders and prisoners – both of whom have the highest recidivism rates – it is reasonable to assume that these factors could contribute to the higher recidivism rate found in this current report.

- *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 new sentencing laws were 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 rate of being revoked to prison on a technical violation 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 and more restrictive sanctions while on probation. Despite these issues, the rearrest rate for intermediate probationers is still more than 10% lower than the rate for prisoners. This finding lends continued support to the notion and effectiveness of intermediate sanctions (*e.g.*, day reporting centers, intensive probation) 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 scores 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 final finding that the validity of offender risk scores as a predictive tool might point to its use 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. This is even more important in the current climate of budgetary constraints which further limit resources. To this end, the use of risk scores in this and previous reports has proven to be the most comprehensive predictive measure of recidivism. The risk score assigned to an offender, which is comprised of preexisting personal and criminal history factors, has been consistently associated with the disposition and program assignments imposed by the court as well as with the offender's probability of reoffending. Since the most expensive correctional resources (*i.e.*, prisons) are predominantly being used by the high risk offenders and minimal services are required by the low risk offenders, it may prove to be a good use of tax dollars to target medium risk offenders for less restrictive correctional programming. This investment in offenders who are medium risk may play an important part in reducing their possibility of recidivating and ultimately utilizing more expensive resources. The availability of risk scores earlier in the criminal justice process might also serve to provide valuable offender information to decision makers such as magistrates, judges and prosecutors as they make decisions on bail, pleas, conviction, and sentencing.

    While this report examined the effect of personal characteristics, current offense, prior criminal history, and program participation as predictors of *whether* an offender will recidivate, future research should examine how these same factors affect *when* an offender will recidivate. Targeting resources to match offender needs might increase the probability of rehabilitation; knowledge of factors that predict when offenders with certain characteristics tend to recidivate would provide practical information to programs for developing additional treatment or supervision protocols that could further delay, or even prevent recidivism.

    Expectations for correctional 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. Expectations for rehabilitative success 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 DOC's disposal to reverse their impact.

Current Initiatives

    Through various initiatives that are designed to have an effect on the offender population, the governor, legislature, and criminal justice agencies are currently addressing the challenges of

how to best utilize scarce correctional resources while maintaining public safety and promoting reductions in recidivism. Several are large scale initiatives which are focused on utilizing the state's correctional resources in the most efficient manner, as well as developing more effective and rapid systemic responses to offenders at various decision points. Additionally, there are new actions being undertaken by the DOC. While there may be other initiatives that are ongoing, the following examples highlight significant advances that are presently underway in the North Carolina.

- *Justice Reinvestment*

  At the invitation of the Governor, the Chief Justice, and the bipartisan leadership of the General Assembly, the Council of State Governments Justice Center agreed to provide technical assistance to North Carolina to implement justice reinvestment strategies. The overall goal of justice reinvestment is to manage the growth of the corrections system, improve the accountability and integration of resources concentrated in particular communities, and reinvest a portion of the savings generated from these efforts to reduce recidivism and build safer communities. Justice reinvestment staff has already begun to work with state policymakers to analyze available information and advance policy recommendations following a four-step plan:

  > Step 1: Analyze the prison population and spending in the communities to which people in prison often return.
  > Step 2: Provide policymakers with options to generate savings and increase public safety.
  > Step 3: Quantify savings and reinvest in select high-stakes communities.
  > Step 4: Measure the impact and enhance accountability.

  An initial report to the General Assembly is expected by the beginning of the 2010 Short Session of the 2009 General Assembly, with a final report and recommendations submitted to the 2011 Session of the General Assembly.

- *StreetSafe Task Force*

  Ensuring the smooth transition of offenders from prison into the community through the united efforts of criminal justice professionals and community-based entities has long been a concern to DOC, as well as criminal justice and other state officials. In 2009, as a result of an Executive Order by the Governor, the StreetSafe Task Force was established. This group consists of 34 members from faith-based organizations, non-profits, local and state government agencies, and private business entities. The primary mission of the Task Force is to develop a plan to combat recidivism and reintegrate offenders being released from prison safely into the community.

- *Criminal Justice Law Enforcement Automated Data Services (CJLEADS)*

  Understanding that criminal justice databases in our state were outdated and not integrated, in 2007 the General Assembly mandated the establishment and

implementation of a plan for the integration of databases and the sharing of criminal justice information among relevant agencies. CJLEADS consolidates criminal justice data from multiple systems that will provide up-to-date information on offenders including their demographics, current criminal justice status, prior criminal history, and actions being taken by other agencies. This information will be available to enhance the decisions made by criminal justice professionals at various points in the criminal justice system so that the needs of the offender and the safety of the public can best be served. CJLEADS is scheduled to be piloted in Wake County in 2010, with expansion to other counties dependent on continued funding from the General Assembly.

- *Youth Accountability Planning Task Force*

  The longstanding issue of raising the age of juvenile jurisdiction from the age of 16 to 18 in North Carolina has had a resurgence of interest during the last five years, making it a prominent issue for consideration by the General Assembly. Following the Sentencing Commission's legislatively mandated report in 2005 and the subsequent introduction of several bills promoting the age change, in 2009 the Legislature mandated the creation of the Task Force to develop an implementation plan that could be used to expand the age of juvenile jurisdiction to 18 years old. The Task Force, which is composed of legislators and heads of relevant state agencies, is currently meeting and studying the issue and will submit a final report to the General Assembly in January 2011. As currently proposed, a change in the juvenile age by the Legislature would result in the shifting of 16 and 17 year olds from the adult criminal justice system to the juvenile system. This will culminate in significant ramifications for the infrastructure of both systems, as well as their legal and treatment responses to this age group. Of particular interest to the Commission will be the way in which this change will affect the recidivism of 16 and 17 year olds.

- *DOC's Black Mountain Substance Abuse Treatment Center for Women*

  For a number of years, the DOC has received funding to provide court-ordered, residential substance abuse treatment services to male probationers following an assessment. In 2010, for the first time, DOC will begin its operation of a specialized residential substance abuse treatment center for female offenders. The treatment model is built on evidence-based practices in a multidisciplinary treatment approach focusing on individual and group therapy. Like the existing program for males, the female offenders will be assessed by Treatment Accountability for Safer communities (TASC) and will have a valid court order requiring the offender to complete the 90-day residential treatment program.

- *DOC/Division of Community Corrections' (DCC) Offender Risk and Needs Assessment*

  As previously noted, quantifying an offender's risk level is a major factor in predicting the probability of reoffending. Risk assessments can also be used to identify higher risk offenders in order to effectively target and deliver resources to the group who stands to have the greatest benefit from them. To this end, the DCC has recently developed an

offender risk and needs instrument. The risk component, designed to predict the offender's likelihood of being rearrested, dictates the appropriate level of supervision in the community for the offender. The needs section of the tool, completed by the probation/parole officer and the offender, determines the specific services and conditions (that continue to be evaluated and updated throughout the probationary term) which, in turn, become the offender's case plan of action. The DCC is presently in the latter stages of implementing its risk and needs assessment statewide.

In summary, the issues surrounding the planning for the future of criminal justice policies, technology, and resources are enormous and complex. While the state's crime rate has been lower during the past several years, there has been a steady increase in the number of offenders and, more specifically, offenders convicted and sentenced to prison. This increase in probationers and prisoners creates a need for correctional resources that exceed the funding that is available. Consequently, the question for the immediate future becomes one of how the state deals with crime in the smartest and most cost-effective way while maintaining public safety. These initiatives should go a long way in addressing these concerns.

REFERENCES

Aldrich, J.H. and Nelson, F.D. (1984). *Linear Probabilities, Logit and Probit Models.* Beverly Hills, CA: Sage.

American Psychiatric Association (2000). *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision. Washington, DC.

Clarke, S.H. and Harrison, A.L. (1992). *Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released from Prison in North Carolina in 1989.* Chapel Hill, NC: Institute of Government, University of North Carolina at Chapel Hill.

Edwards, D. (2007). *Mental Health Diagnoses in the Prison Population.* Retrieved June 24, 2009, from http://randp.doc.state.nc.us/pubdocs/0007052.PDF.

James, D.J. & Glaze, L.E. (2006). *Mental Health Problems of Prison and Jail Inmates.* Retrieved June 24, 2009, from http://www.ojp.usdoj.gov/bjs/pubs/pdf/mhppji.htm.

Jones, M. and Ross, D. (1996). *Recidivism of Offenders Assigned to Community Corrections Programs or Released from Prison in North Carolina: Fiscal Year 1992-93.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

National Institute on Drug Abuse (2008). Comorbidity: Addiction and Other Mental Illnesses. Retrieved March 31,2010 from http://www.nida.nih.gov/PDF/RRComorbidity.pdf

North Carolina Sentencing and Policy Advisory Commission. (2010). *Structured Sentencing Statistical Report for Felonies and Misdemeanors Fiscal Year 2008/09.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission. (2010). *Structured Sentencing Training and Reference Manual.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission. (1998). *Recidivism of Offenders Assigned to Community Corrections Programs or Released from Prison in North Carolina: Fiscal Year 1994-95.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission. (1997). *Recidivism of Offenders Assigned to Community Corrections Programs or Released from Prison in North Carolina: Fiscal Year 1993-94.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Correction. (2008). *Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 2003/04.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Correction. (2006). *Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 2001/02.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Correction. (2004). *Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 1998/99.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Correction. (2002). *Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 1998/99.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

North Carolina Sentencing and Policy Advisory Commission in conjunction with the North Carolina Department of Correction. (2000). *Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in Fiscal Year 1996/97.* Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission.

APPENDIX A

GLOSSARY OF MAJOR VARIABLES

GLOSSARY OF MAJOR VARIABLES

Age: Age at release from prison or entry to probation.

Current Conviction (Most Serious): Each offender's conviction(s) that placed him/her in the sample as a prison release or a probation entry during FY 2003/04 were ranked in terms of seriousness based on offense class and sentence length. The most serious current conviction, based on these criteria, was used for analysis purposes.

Drug Offenses: This category included trafficking of controlled substances and other offenses involving the sale, delivery, possession, or manufacture of controlled substances.

Education: Self-reported educational status (highest grade level claimed). Education was categorized as a dichotomous variable, with the two categories being less than 12 years of education and 12 years of education or more.

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

Infraction: DOC's OPUS data were used to determine infractions during incarceration for the sample of prison releases. The DOC defines an infraction as "a violation of a rule by an inmate." Infractions range in seriousness, including assault, possession of weapons, and other violations of prison rules.

Marital Status: Marital status was defined in two ways. In the body of the report, marital status was categorized as married or not married. In Appendix B, marital status was categorized as follows: single, divorced/separated, married/widowed, and other/unknown (to be consistent with previous reports).

Mental Health: Prisoners were identified as having a mental health problem 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 illness diagnosis from DOP mental health services during the current period of incarceration.

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

"Other" Offenses: This category consisted of offenses that were not categorized as violent, property, or drug offenses. Examples include habitual felons, prostitution, obscenity, contributing to the delinquency of a minor, and abandonment or non-support of a child.

Prior Arrests: North Carolina Department of Justice fingerprinted arrest data were used to determine prior arrests. Prior arrests were defined as fingerprinted arrests that occurred before the current conviction that placed the offender in this sample and, therefore, may include the arrest(s) for the current conviction. In actuality, all offenders in the sample (100%) should have at least one prior arrest – the arrest that resulted in the conviction that placed the offender in the study sample. Lack of at least one prior arrest may result from 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 if no match was found for an offender in the DOJ criminal history database. Each prior arrest was counted in the category for the offense involved: violent, property, drug, and other. If a prior 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 prior arrest events, one arrest event that included a violent charge and a property charge, and another arrest event that included a property charge and a drug charge, that resulted in a count of one prior violent arrest, two prior property arrests, and one prior drug arrest, as well as an overall count of two prior arrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes – for example, arrests for technical violations of probation or parole.

Prison Releases by Type of Prison Entry: Of the prison releases in the sample, the reason for the prisoner's entry to prison was grouped into three separate subgroups – whether the prisoner entered prison for a conviction for a new crime, for a technical revocation of probation, or for both a new crime and a revocation.

Prison Releases with No Post-Release Supervision: 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. The Structured Sentencing Act mandates that SSA prisoners convicted of felonies in offense classes F through I or convicted of misdemeanors are released without supervision.

Prison Releases with Post-Release Supervision: An offender who was sentenced under the Structured Sentencing Act for a Class B1 through E felony and released from prison on the date equivalent to the maximum prison sentence, less nine months, less any earned time awarded by the Department of Correction or the custodian of a local confinement center. The offender is then supervised in the community for a period of nine months, with the exception of sex offenders who are supervised for five years.

Probation Entries with a Community Punishment: An offender who was sentenced under the Structured Sentencing Act 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: An offender who was sentenced under the Structured Sentencing Act 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.

Property Offenses: This category included offenses such as burglary, breaking and/or entering, larceny, fraud, forgery and/or uttering, receiving and/or possessing stolen goods, and embezzlement.

Race: Race was categorized as black or non-black. Due to the very small number of offenders who were Hispanic, Asian/Oriental, or Other, these offenders were included with white offenders in the non-black category.

Recidivist Arrests: North Carolina Department of Justice fingerprinted arrest data were used to determine recidivist arrests. Recidivist arrests (also referred to as rearrests) 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. Each rearrest was counted in the category for the offense involved: violent, property, drug, and other. If a rearrest 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 rearrest events, one arrest event that included a violent charge and a property charge, and another arrest event that included a property charge and a drug charge, that resulted in a count of one violent rearrest, two property rearrests, and one drug rearrest, as well as an overall count of two rearrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes – for example, arrests for technical violations of probation or parole.

Recidivist Convictions: North Carolina Department of Justice conviction data were used to determine recidivist convictions. Recidivist convictions (also referred to as reconvictions) were defined as convictions for arrests that occurred during the follow-up period. Each reconviction was counted in the category for the offense involved: violent, property, drug, and other. If a 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 recidivist conviction events, one conviction event that included a violent charge and a property charge, and another conviction event that included a property charge and a drug charge, that resulted in a count of one violent reconviction, two property reconvictions, and one drug reconviction, as well as an overall count of two reconvictions. Convictions for impaired driving or other traffic offenses were excluded from analysis.

Recidivist Incarcerations: DOC's OPUS data were used to determine recidivist incarcerations. Recidivist incarcerations, which are often referred to as reincarcerations in the report, were

defined as incarcerations that occurred during the follow-up period for offenders who have no prior incarcerations, as well as for those who have prior incarcerations. It must be noted that the data presented on recidivist 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 during the follow-up period or due to a technical revocation of probationary supervision during the follow-up period.

Risk: Risk was defined as the projected probability of rearrest. The definition of risk used in this study does not measure seriousness of future offenses or offender dangerousness.

Substance Abuser: For purposes of this study, probationers with a self-reported, affirmative response to having a history of substance abuse problems on the risk assessment and/or sanctioned at sentencing to a substance abuse program (*e.g.*, Drug Treatment Court, DART-Cherry) were identified as having a substance abuse problem. For prisoners, a score of three or higher on the Chemical Dependency Screening Test (CDST), the Short Michigan Alcoholism Screening Test (SMAST), or the Substance Abuse Subtle Screening Inventory (SASSI) at any time during the inmate's incarceration period, but typically at intake, was used to determine a substance abuse problem.

Technical Revocations: DOC's OPUS data were used to determine technical revocations. Technical revocations result from failure to comply with the conditions of probation, post-release supervision, or parole (as opposed to a new violation of the law), such as having positive drug tests, failing to attend treatment as ordered, or violating curfew. Revocations are limited to those that are technical in nature since revocations for new crimes would overlap with the recidivist arrest data. Although probationers are the primary population at risk of technical revocation, prisoners may also be at risk of technical revocation as a result of post-release supervision, from probation sentences consecutive to their prison sentences, or from probation sentences imposed for new crimes committed during the follow-up period.

Time at Risk: Each offender's actual "time at risk" to reoffend during the follow-up period was calculated by identifying their periods of incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period. 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.

Time to Rearrest: Applicable only for offenders who have one or more recidivist arrests during the three-year follow-up period. Time to rearrest was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first recidivist arrest.

Time to Reconviction: Applicable only for offenders who have one or more recidivist convictions during the three-year follow-up period. Time to reconviction was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first recidivist conviction.

Time to Reincarceration: Applicable only for offenders who have one or more recidivist incarcerations during the three-year follow-up period. Time to reincarceration was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first recidivist incarceration.

Time to Technical Revocation: Applicable only for offenders who have one or more technical revocations during the three-year follow-up period. Time to technical revocation was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first technical revocation.

Type of Punishment: Type of punishment was defined as the sentence imposed for the offense that placed the offender in the study sample. The three categories for type of punishment were as follows: probation entries with a community punishment, probation entries with an intermediate punishment, and prison releases. A definition for each category is also provided in this glossary.

Violent Offenses: This category included offenses such as murder, rape, voluntary and involuntary manslaughter, kidnapping, robbery, arson, and other burning offenses.

Youthful Offender: Offenders in the sample who had not yet reached their 21st birthday either at entry into prison or placement on probation for the conviction that placed them in the sample.

APPENDIX B

B-1: INDIVIDUAL PROGRAM AND CORRECTIONAL SUPERVISION SUMMARIES

B-2: SUMMARY INFORMATION FOR CORRECTIONAL PROGRAMS

APPENDIX B-1
INDIVIDUAL PROGRAM AND CORRECTIONAL SUPERVISION SUMMARIES

ALL PRISON RELEASES AND PROBATION ENTRIES

Introduction

The FY 2005/06 sample is comprised of 60,824 offenders who either entered probation or were released from prison during that period.

FY 2005/06 Sample

The sample is comprised of all SSA offenders who were placed on supervised probation or were released from prison during FY 2005/06, 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, 78.5% were male, 51.2% were black, 63.6% were single, and less than half (39.4%) had twelve years or more of education. Almost three-quarters (72.1%) of the sample 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 (20.8%), felony drug offenses (18.9%), and felony property offenses (17.2%). Overall, 40.1% of the sample had a recidivist arrest for any offense in the three-year follow up. For those who were rearrested during the three-year follow-up period, their first rearrest occurred an average of 13.2 months after entry to probation or release from prison.

Methodology

This appendix provides brief summaries of the FY 2005/06 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. This is the second report that the sanctions analysis of the probation entries captures only the initial conditions of probation ordered at the probationer's sentencing and, therefore, provides a more accurate account of the probationer's recidivist activity occurring during or subsequent to the assignment of initial conditions. This methodological improvement results from data collection improvements in the Department of Correction's Offender Population Unified System (OPUS). 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. It should be noted that prisoners with a longer incarceration period had more time to participate in a greater number of programs than prisoners with a shorter incarceration.

Number of Offenders (N): 60,824

PERSONAL CHARACTERISTICS		**CURRENT OFFENSE CLASS**	
			%
Gender:	%	Class B1 - E Felonies	4.1
Male	78.5	Class F - I Felonies	43.9
Female	21.5	Class A1 - 3 Misdemeanors	51.5
		Class Unknown	0.5
Race:	%		
Black	51.2	Mean months served in prison (prisoners only)	14.0
Non-Black	48.8		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

Average Age: 31

			%
Marital Status:	%	**Recidivist Arrest Rates:**	
Single	63.6	One-Year Follow-Up Period	21.4
Divorced/Separated	18.9	Two-Year Follow-Up Period	32.5
Married/Widowed	14.9	Three-Year Follow-Up Period	40.1
Other/Unknown	2.6	Mean Number of Recidivist Arrests	2.1
		Average Months to First Recidivist Arrest	13.2
% With 12 Years of Education or More:	39.4		
		Recidivist Conviction Rates:	
% With Substance Abuse Indicated:	39.6	One-Year Follow-Up Period	9.3
		Two-Year Follow-Up Period	19.3

RISK LEVEL

	%	Three-Year Follow-Up Period	26.6
Low	41.6	Mean Number of Recidivist Convictions	1.4
Medium	48.0	Average Months to First Recidivist Conviction	17.3
High	10.4		
		Recidivist Incarcerations:	

CRIMINAL HISTORY

		One-Year Follow-Up Period	12.6
		Two-Year Follow-Up Period	23.6
Mean Number of Prior Arrests	4.2	Three-Year Follow-Up Period	30.1
		Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	15.6

CURRENT OFFENSE TYPE

	%	**CORRECTIONAL SUPERVISION**	
Violent Felony	8.2		
Property Felony	17.2	***Probation Entries***	***41,091***
Drug Felony	18.9	Community Punishment	28,645
Other Felony	3.9	Intermediate Punishment	12,446
Violent Misdemeanor	14.9		
Property Misdemeanor	20.8	***Prison Releases***	***19,733***
Drug Misdemeanor	11.3	No Post-Release Supervision	17,724
Other Misdemeanor	4.8	Post-Release Supervision	2,009

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 may not include any of the conditions listed above. Unless the court makes a specific finding that a longer or shorter period is necessary, a felon sentenced to a community punishment receives between twelve 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 Division of Community Corrections within the Department of Correction. The court and the probation officer match the offender to the appropriate level of supervision. The Division 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 Department of Correction requires that officers adhere to minimum contact standards.

Number of Offenders (N): 41,091

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PERSONAL CHARACTERISTICS

Gender:	%
Male	74.7
Female	25.3
Race:	%
Black	48.6
Non-Black	51.4
Average Age:	31
Marital Status:	%
Single	63.8
Divorced/Separated	17.1
Married/Widowed	15.2
Other/Unknown	3.9
% With 12 Years of Education or More:	43.9
% With Substance Abuse Indicated:	30.7

RISK LEVEL

	%
Low	49.8
Medium	43.9
High	6.3

CRIMINAL HISTORY

Mean Number of Prior Arrests	3.3

CURRENT OFFENSE TYPE

	%
Violent Felony	4.4
Property Felony	12.3
Drug Felony	16.4
Other Felony	2.5
Violent Misdemeanor	17.3
Property Misdemeanor	25.8
Drug Misdemeanor	14.8
Other Misdemeanor	6.5

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	1.3
Class F - I Felonies	34.1
Class A1 - 3 Misdemeanors	63.9
Class Unknown	0.7
Mean months served in prison (prisoners only)	N/A

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	18.8
Two-Year Follow-Up Period	28.2
Three-Year Follow-Up Period	35.4
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	13.3
Recidivist Conviction Rates:	
One-Year Follow-Up Period	8.2
Two-Year Follow-Up Period	16.5
Three-Year Follow-Up Period	22.8
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	17.2
Recidivist Incarcerations:	
One-Year Follow-Up Period	12.5
Two-Year Follow-Up Period	22.1
Three-Year Follow-Up Period	27.3
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	14.7

CORRECTIONAL SUPERVISION

Probation Entries	***41,091***
Community Punishment	28,645
Intermediate Punishment	12,446
Probation Sanctions	
Intensive Supervision Probation	6,046
Special Probation	5,595
Community Service	11,250
Drug Treatment Court	167
House Arrest with Electronic Monitoring	703

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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 twelve nor more than thirty 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 Division of Community Corrections within the Department of 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 Division 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 Department of Correction requires that officers adhere to minimum contact standards.

Number of Offenders (N): 28,645

PERSONAL CHARACTERISTICS

Gender: %
Male 71.1
Female 28.9

Race: %
Black 47.0
Non-Black 53.0

Average Age: 30

Marital Status: %
Single 63.8
Divorced/Separated 16.2
Married/Widowed 15.6
Other/Unknown 4.4

% With 12 Years of Education or More: 46.4

% With Substance Abuse Indicated: 28.0

RISK LEVEL
%
Low 55.3
Medium 40.2
High 4.5

CRIMINAL HISTORY

Mean Number of Prior Arrests 2.9

CURRENT OFFENSE TYPE
%
Violent Felony 0.5
Property Felony 6.6
Drug Felony 10.4
Other Felony 0.7
Violent Misdemeanor 20.4
Property Misdemeanor 33.7
Drug Misdemeanor 19.3
Other Misdemeanor 8.4

CURRENT OFFENSE CLASS
%
Class B1 - E Felonies 0.1
Class F - I Felonies 17.9
Class A1 - 3 Misdemeanors 81.2
Class Unknown 0.8

Mean months served in prison (prisoners only) N/A

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP
%
Recidivist Arrest Rates:
One-Year Follow-Up Period 17.3
Two-Year Follow-Up Period 26.0
Three-Year Follow-Up Period 32.8
    Mean Number of Recidivist Arrests 2.0
Average Months to First Recidivist Arrest 13.5

Recidivist Conviction Rates:
One-Year Follow-Up Period 7.5
Two-Year Follow-Up Period 15.1
Three-Year Follow-Up Period 20.9
    Mean Number of Recidivist Convictions 1.4
Average Months to First Recidivist Conviction 17.2

Recidivist Incarcerations:
One-Year Follow-Up Period 6.8
Two-Year Follow-Up Period 14.6
Three-Year Follow-Up Period 19.2
    Mean Number of Recidivist Incarcerations 1.2
Average Months to First Recidivist Incarceration 16.8

CORRECTIONAL SUPERVISION

Probation Sanctions
Intensive Supervision Probation 122
Special Probation 373
Community Service 6,938
Drug Treatment Court 27
House Arrest with Electronic Monitoring 33

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 eighteen months and no more than thirty-six 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 Division of Community Corrections within the Department of 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 Division 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 Department of Correction requires that officers adhere to minimum contact standards.

Probation – Intermediate Punishment
FY 2005/06

Number of Offenders (N): 12,446

PERSONAL CHARACTERISTICS

Gender:	%
Male	83.1
Female	16.9

Race:	%
Black	52.2
Non-Black	47.8

Average Age: 31

Marital Status:	%
Single	63.8
Divorced/Separated	19.1
Married/Widowed	14.4
Other/Unknown	2.7

% With 12 Years of Education or More: 38.4

% With Substance Abuse Indicated: 37.0

RISK LEVEL

	%
Low	37.2
Medium	52.3
High	10.5

CRIMINAL HISTORY

Mean Number of Prior Arrests   4.0

CURRENT OFFENSE TYPE

	%
Violent Felony	13.3
Property Felony	25.7
Drug Felony	30.2
Other Felony	6.5
Violent Misdemeanor	10.3
Property Misdemeanor	7.7
Drug Misdemeanor	4.2
Other Misdemeanor	2.2

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	4.0
Class F - I Felonies	71.3
Class A1 - 3 Misdemeanors	24.2
Class Unknown	0.5

Mean months served in prison (prisoners only)   N/A

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

Recidivist Arrest Rates:	%
One-Year Follow-Up Period	22.3
Two-Year Follow-Up Period	33.2
Three-Year Follow-Up Period	41.2
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	13.0

Recidivist Conviction Rates:	
One-Year Follow-Up Period	9.8
Two-Year Follow-Up Period	19.6
Three-Year Follow-Up Period	27.1
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	17.2

Recidivist Incarcerations:	
One-Year Follow-Up Period	25.7
Two-Year Follow-Up Period	39.4
Three-Year Follow-Up Period	46.0
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	12.6

CORRECTIONAL SUPERVISION

Probation Sanctions

Intensive Supervision Probation	5,924
Special Probation	5,222
Community Service	4,312
Drug Treatment Court	140
House Arrest with Electronic Monitoring	670

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 Division of Community Corrections within the Department of 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 Division 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.

Intensive Supervision Probation
FY 2005/06

Number of Offenders (N): 6,046

PERSONAL CHARACTERISTICS

	%
Gender:	
Male	83.9
Female	16.1

	%
Race:	
Black	51.4
Non-Black	48.6

Average Age:	31

	%
Marital Status:	
Single	63.4
Divorced/Separated	18.7
Married/Widowed	15.3
Other/Unknown	2.6

% With 12 Years of Education or More:	37.8
% With Substance Abuse Indicated:	38.9

RISK LEVEL

	%
Low	36.5
Medium	53.0
High	10.5

CRIMINAL HISTORY

Mean Number of Prior Arrests	4.0

CURRENT OFFENSE TYPE

	%
Violent Felony	13.6
Property Felony	28.0
Drug Felony	35.4
Other Felony	7.0
Violent Misdemeanor	6.7
Property Misdemeanor	4.8
Drug Misdemeanor	3.3
Other Misdemeanor	1.2

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	4.6
Class F - I Felonies	79.0
Class A1 - 3 Misdemeanors	15.9
Class Unknown	0.5

Mean months served in prison (prisoners only)	N/A

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	21.9
Two-Year Follow-Up Period	32.2
Three-Year Follow-Up Period	40.2
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	13.0

Recidivist Conviction Rates:	
One-Year Follow-Up Period	9.8
Two-Year Follow-Up Period	19.2
Three-Year Follow-Up Period	26.2
Mean Number of Recidivist Convictions	1.3
Average Months to First Recidivist Conviction	17.1

Recidivist Incarcerations:	
One-Year Follow-Up Period	29.5
Two-Year Follow-Up Period	42.9
Three-Year Follow-Up Period	49.3
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	11.9

CORRECTIONAL SUPERVISION

Probation Entries	***6,046***
Community Punishment	122
Intermediate Punishment	5,924

Probation Sanctions	
Special Probation	1,094
Community Service	3,371
Drug Treatment Court	39
House Arrest with Electronic Monitoring	175

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 one-fourth of the offender's minimum sentence or six months, whichever is less. 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 Division of Community Corrections (DCC) within the Department of Correction. DCC'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.

Number of Offenders (N): 5,595

PERSONAL CHARACTERISTICS

Gender:	%
Male	84.2
Female	15.8

Race:	%
Black	52.5
Non-Black	47.5

Average Age:	32

Marital Status:	%
Single	63.8
Divorced/Separated	20.0
Married/Widowed	13.8
Other/Unknown	2.4

% With 12 Years of Education or More:	39.1

% With Substance Abuse Indicated:	35.4

RISK LEVEL

	%
Low	38.2
Medium	50.9
High	10.9

CRIMINAL HISTORY

Mean Number of Prior Arrests	4.1

CURRENT OFFENSE TYPE

	%
Violent Felony	14.6
Property Felony	23.0
Drug Felony	24.5
Other Felony	6.4
Violent Misdemeanor	14.7
Property Misdemeanor	9.0
Drug Misdemeanor	4.0
Other Misdemeanor	3.7

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	4.9
Class F - I Felonies	63.2
Class A1 - 3 Misdemeanors	31.3
Class Unknown	0.6

Mean months served in prison (prisoners only)	N/A

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

Recidivist Arrest Rates:	%
One-Year Follow-Up Period	22.4
Two-Year Follow-Up Period	33.2
Three-Year Follow-Up Period	41.3
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	13.0

Recidivist Conviction Rates:	
One-Year Follow-Up Period	9.6
Two-Year Follow-Up Period	19.4
Three-Year Follow-Up Period	27.0
Mean Number of Recidivist Convictions	1.3
Average Months to First Recidivist Conviction	17.3

Recidivist Incarcerations:	
One-Year Follow-Up Period	24.0
Two-Year Follow-Up Period	38.5
Three-Year Follow-Up Period	44.9
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	12.9

CORRECTIONAL SUPERVISION

Probation Entries	***5,595***
Community Punishment	373
Intermediate Punishment	5,222

Probation Sanctions	
Intensive Supervision Probation	1,094
Community Service	1,134
Drug Treatment Court	27
House Arrest with Electronic Monitoring	86

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 $200 program fee, which is remitted to the State's General Fund. CSWP is a community punishment. It 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 under Structured Sentencing. 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 Division of Community Corrections within the Department of 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.

Number of Offenders (N): 11,250

PERSONAL CHARACTERISTICS

Gender:	%
Male	74.1
Female	25.9
Race:	%
Black	46.3
Non-Black	53.7
Average Age:	28
Marital Status:	%
Single	67.6
Divorced/Separated	14.1
Married/Widowed	13.8
Other/Unknown	4.5
% With 12 Years of Education or More:	42.8
% With Substance Abuse Indicated:	30.6

RISK LEVEL

	%
Low	48.6
Medium	45.5
High	5.9

CRIMINAL HISTORY

Mean Number of Prior Arrests	3.2

CURRENT OFFENSE TYPE

	%
Violent Felony	5.4
Property Felony	17.2
Drug Felony	20.4
Other Felony	3.2
Violent Misdemeanor	9.7
Property Misdemeanor	25.0
Drug Misdemeanor	12.3
Other Misdemeanor	6.8

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	1.7
Class F - I Felonies	44.2
Class A1 - 3 Misdemeanors	53.2
Class Unknown	0.9
Mean months served in prison (prisoners only)	N/A

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	17.9
Two-Year Follow-Up Period	27.0
Three-Year Follow-Up Period	34.3
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	13.6
Recidivist Conviction Rates:	
One-Year Follow-Up Period	7.3
Two-Year Follow-Up Period	15.4
Three-Year Follow-Up Period	21.9
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	17.9
Recidivist Incarcerations:	
One-Year Follow-Up Period	13.9
Two-Year Follow-Up Period	23.9
Three-Year Follow-Up Period	29.2
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	14.4

CORRECTIONAL SUPERVISION

Probation Entries	***11,250***
Community Punishment	6,938
Intermediate Punishment	4,312
Probation Sanctions	
Intensive Supervision Probation	3,371
Special Probation	1,134
Drug Treatment Court	32
House Arrest with Electronic Monitoring	231

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 Division of Community Corrections within the Department of 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 who are 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 Global Positioning Satellite (GPS) 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.

Number of Offenders (N): 703

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	

PERSONAL CHARACTERISTICS

Gender: %
Male 83.1
Female 17.9

Race: %
Black 47.1
Non-Black 52.9

Average Age: 32

Marital Status: %
Single 63.3
Divorced/Separated 15.8
Married/Widowed 18.5
Other/Unknown 2.4

% With 12 Years of Education or More: 39.4

% With Substance Abuse Indicated: 33.3

RISK LEVEL

%
Low 41.7
Medium 47.6
High 10.7

CRIMINAL HISTORY

Mean Number of Prior Arrests 3.9

CURRENT OFFENSE TYPE

%
Violent Felony 12.5
Property Felony 25.2
Drug Felony 31.0
Other Felony 7.4
Violent Misdemeanor 8.1
Property Misdemeanor 7.2
Drug Misdemeanor 5.3
Other Misdemeanor 3.3

CURRENT OFFENSE CLASS

%
Class B1 - E Felonies 4.0
Class F - I Felonies 71.8
Class A1 - 3 Misdemeanors 23.8
Class Unknown 0.4

Mean months served in prison (prisoners only) N/A

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

%
Recidivist Arrest Rates:
One-Year Follow-Up Period 16.5
Two-Year Follow-Up Period 28.5
Three-Year Follow-Up Period 37.3
    Mean Number of Recidivist Arrests 1.9
Average Months to First Recidivist Arrest 15.1

Recidivist Conviction Rates:
One-Year Follow-Up Period 5.0
Two-Year Follow-Up Period 14.9
Three-Year Follow-Up Period 22.6
    Mean Number of Recidivist Convictions 1.3
Average Months to First Recidivist Conviction 19.5

Recidivist Incarcerations:
One-Year Follow-Up Period 24.9
Two-Year Follow-Up Period 36.1
Three-Year Follow-Up Period 43.8
    Mean Number of Recidivist Incarcerations 1.2
Average Months to First Recidivist Incarceration 13.1

CORRECTIONAL SUPERVISION

Probation Entries **703**
Community Punishment 33
Intermediate Punishment 670

Probation Sanctions
Intensive Supervision Probation 175
Special Probation 86
Community Service 231
Drug Treatment Court 2

104

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 Division 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 his or her 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.

Number of Offenders (N): 167

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	0.0
Male	61.7	Class F - I Felonies	58.7
Female	38.3	Class A1 - 3	40.1
		Class Unknown	1.2
Race:	%		
Black	46.1	Mean months served in prison (prisoners only)	N/A
Non-Black	53.9		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

Average Age:	33		
			%
Marital Status:	%	**Recidivist Arrest Rates:**	
Single	60.5	One-Year Follow-Up Period	29.3
Divorced/Separated	22.1	Two-Year Follow-Up Period	43.7
Married/Widowed	15.6	Three-Year Follow-Up Period	55.1
Other/Unknown	1.8	Mean Number of Recidivist Arrests	2.1
		Average Months to First Recidivist Arrest	13.6
% With 12 Years of Education or More:	51.2		
		Recidivist Conviction Rates:	
% With Substance Abuse Indicated:	66.5	One-Year Follow-Up Period	16.2
		Two-Year Follow-Up Period	25.8

RISK LEVEL		Three-Year Follow-Up Period	41.3
	%	Mean Number of Recidivist Convictions	1.5
Low	28.1	Average Months to First Recidivist Conviction	18.2
Medium	56.3		
High	15.6	**Recidivist Incarcerations:**	
		One-Year Follow-Up Period	25.2
CRIMINAL HISTORY		Two-Year Follow-Up Period	42.5
		Three-Year Follow-Up Period	47.9
Mean Number of Prior Arrests	6.3	Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	12.9

CURRENT OFFENSE TYPE		CORRECTIONAL SUPERVISION	
	%		
Violent Felony	0.6		
Property Felony	24.5	*Probation Entries*	*167*
Drug Felony	34.1	Community Punishment	27
Other Felony	0.0	Intermediate Punishment	140
Violent Misdemeanor	3.6		
Property Misdemeanor	17.4	*Probation Sanctions*	
Drug Misdemeanor	15.6	Intensive Supervision Probation	39
Other Misdemeanor	4.2	Special Probation	27
		Community Service	32
		House Arrest with Electronic Monitoring	2

Note: DTC became an intermediate punishment effective July 26, 2004. This is the Sentencing Commission's first report that reflects a complete year of probation entries who received DTC as an intermediate punishment upon imposition of their initial probation sentence.

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 Department of 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.

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Prison Releases
FY 2005/06

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Number of Offenders (N): 19,733

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PERSONAL CHARACTERISTICS

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CURRENT OFFENSE CLASS

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PERSONAL CHARACTERISTICS		**CURRENT OFFENSE CLASS**	
			%
Gender:	%	Class B1 - E Felonies	10.2
Male	86.5	Class F - I Felonies	64.2
Female	13.5	Class A1 - 3 Misdemeanors	25.6
		Class Unknown	0.0
Race:	%		
Black	56.7	Mean months served in prison (prisoners only)	14.0
Non-Black	43.3		
		CRIMINAL JUSTICE OUTCOMES:	
Average Age:	33	**THREE-YEAR FOLLOW-UP**	
			%
Marital Status:	%	**Recidivist Arrest Rates:**	
Single	63.1	One-Year Follow-Up Period	26.9
Divorced/Separated	22.6	Two-Year Follow-Up Period	41.3
Married/Widowed	14.2	Three-Year Follow-Up Period	50.0
Other/Unknown	0.1	Mean Number of Recidivist Arrests	2.3
		Average Months to First Recidivist Arrest	13.1
% With 12 Years of Education or More:	30.9		
		Recidivist Conviction Rates:	
% With Substance Abuse Indicated:	58.1	One-Year Follow-Up Period	11.4
		Two-Year Follow-Up Period	25.3
RISK LEVEL		Three-Year Follow-Up Period	34.6
	%	Mean Number of Recidivist Convictions	1.5
Low	24.3	Average Months to First Recidivist Conviction	17.4
Medium	56.6		
High	19.1	**Recidivist Incarcerations:**	
		One-Year Follow-Up Period	12.7
CRIMINAL HISTORY		Two-Year Follow-Up Period	26.6
		Three-Year Follow-Up Period	35.8
Mean Number of Prior Arrests	5.4	Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	16.9
CURRENT OFFENSE TYPE			
	%	**CORRECTIONAL SUPERVISION**	
Violent Felony	16.1		
Property Felony	27.3	*Prison Releases*	*19,733*
Drug Felony	24.1	No Post-Release Supervision	17,724
Other Felony	6.9	Post-Release Supervision	2,009
Violent Misdemeanor	9.8		
Property Misdemeanor	10.5	*Prison Programs*	
Drug Misdemeanor	4.1	Correctional (Academic) Education	6,824
Other Misdemeanor	1.2	Correction Enterprises	1,988
		DACDP (formerly DART – Prison)	4,195
		SOAR	34
		Vocational Education	4,172
		Work Release	1,098

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.

Number of Offenders (N): 17,724

PERSONAL CHARACTERISTICS

	%
Gender:	%
Male	85.7
Female	14.3
Race:	%
Black	55.4
Non-Black	44.6
Average Age:	33
Marital Status:	%
Single	62.5
Divorced/Separated	23.1
Married/Widowed	14.3
Other/Unknown	0.1
% With 12 Years of Education or More:	30.7
% With Substance Abuse Indicated:	58.8

RISK LEVEL

	%
Low	23.6
Medium	56.5
High	19.9

CRIMINAL HISTORY

Mean Number of Prior Arrests	5.4

CURRENT OFFENSE TYPE

	%
Violent Felony	9.3
Property Felony	29.9
Drug Felony	26.7
Other Felony	5.6
Violent Misdemeanor	10.9
Property Misdemeanor	11.7
Drug Misdemeanor	4.6
Other Misdemeanor	1.3

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	0.0
Class F - I Felonies	71.5
Class A1 - 3 Misdemeanors	28.5
Class Unknown	0.0
Mean months served in prison (prisoners only)	9.3

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	27.6
Two-Year Follow-Up Period	41.9
Three-Year Follow-Up Period	50.5
Mean Number of Recidivist Arrests	2.3
Average Months to First Recidivist Arrest	12.9
Recidivist Conviction Rates:	
One-Year Follow-Up Period	12.0
Two-Year Follow-Up Period	26.0
Three-Year Follow-Up Period	35.2
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.2
Recidivist Incarcerations:	
One-Year Follow-Up Period	12.7
Two-Year Follow-Up Period	27.1
Three-Year Follow-Up Period	36.5
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.0

CORRECTIONAL SUPERVISION

Prison Programs	
Correctional (Academic) Education	5,491
Correction Enterprises	1,299
DACDP (formerly DART – Prison)	3,219
SOAR	9
Vocational Education	2,934
Work Release	635

PRISON RELEASES WITH POST-RELEASE SUPERVISION

Under Structured Sentencing, offenders sentenced for a Class B1 through 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 Department of 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 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 Department of Correction's Division 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 maximum prison sentence. 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. The offender may not refuse post-release supervision.

Number of Offenders (N): 2,009

PERSONAL CHARACTERISTICS

Gender:	%
Male	93.6
Female	6.4

Race:	%
Black	68.3
Non-Black	31.7

Average Age:	33

Marital Status:	%
Single	68.6
Divorced/Separated	17.8
Married/Widowed	13.5
Other/Unknown	0.1

% With 12 Years of Education or More:	32.6

% With Substance Abuse Indicated:	52.3

RISK LEVEL

	%
Low	30.2
Medium	57.3
High	12.5

CRIMINAL HISTORY

Mean Number of Prior Arrests	5.2

CURRENT OFFENSE TYPE

	%
Violent Felony	75.5
Property Felony	4.2
Drug Felony	1.6
Other Felony	18.7
Violent Misdemeanor	0.0
Property Misdemeanor	0.0
Drug Misdemeanor	0.0
Other Misdemeanor	0.0

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	100.0
Class F - I Felonies	0.0
Class A1 - 3 Misdemeanors	0.0
Class Unknown	0.0

Mean months served in prison (prisoners only)	56.1

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

Recidivist Arrest Rates:	%
One-Year Follow-Up Period	20.9
Two-Year Follow-Up Period	36.2
Three-Year Follow-Up Period	45.3
Mean Number of Recidivist Arrests	2.2
Average Months to First Recidivist Arrest	14.4

Recidivist Conviction Rates:	
One-Year Follow-Up Period	6.4
Two-Year Follow-Up Period	19.1
Three-Year Follow-Up Period	29.2
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	19.7

Recidivist Incarcerations:	
One-Year Follow-Up Period	12.6
Two-Year Follow-Up Period	21.7
Three-Year Follow-Up Period	29.8
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	16.2

CORRECTIONAL SUPERVISION

Prison Programs	
Correctional (Academic) Education	1,333
Correction Enterprises	689
DACDP (formerly DART – Prison)	976
SOAR	25
Vocational Education	1,238
Work Release	463

CORRECTIONAL (ACADEMIC) EDUCATION

The academic component of the correctional education program is administered by the Educational Services section within the Department of Correction (DOC), Division of Prisons, for offenders who enter prison without completing their post-secondary education. Two levels of educational services 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 DOC 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.

Number of Offenders (N): 6,824

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	19.5
Male	77.4	Class F - I Felonies	67.6
Female	22.6	Class A1 - 3 Misdemeanors	12.9
		Class Unknown	0.0
Race:	%		
Black	57.0	Mean months served in prison (prisoners only)	21.5
Non-Black	43.0		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

			%
Average Age:	31	**Recidivist Arrest Rates:**	
		One-Year Follow-Up Period	26.8
Marital Status:	%	Two-Year Follow-Up Period	42.0
Single	68.0	Three-Year Follow-Up Period	50.8
Divorced/Separated	18.4	Mean Number of Recidivist Arrests	2.3
Married/Widowed	13.6	Average Months to First Recidivist Arrest	13.2
Other/Unknown	0.0		
		Recidivist Conviction Rates:	
% With 12 Years of Education or More:	18.2	One-Year Follow-Up Period	10.4
		Two-Year Follow-Up Period	25.0
% With Substance Abuse Indicated:	59.5	Three-Year Follow-Up Period	34.8
		Mean Number of Recidivist Convictions	1.5
RISK LEVEL		Average Months to First Recidivist Conviction	17.9
	%		
Low	23.4	**Recidivist Incarcerations:**	
Medium	57.6	One-Year Follow-Up Period	11.5
High	19.0	Two-Year Follow-Up Period	24.8
		Three-Year Follow-Up Period	34.5
CRIMINAL HISTORY		Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	17.6
Mean Number of Prior Arrests	5.0		

CURRENT OFFENSE TYPE

CORRECTIONAL SUPERVISION

	%		
Violent Felony	26.0		
Property Felony	29.1	*Prison Releases*	*6,824*
Drug Felony	23.7	No Post-Release Supervision	5,491
Other Felony	8.3	Post-Release Supervision	1,333
Violent Misdemeanor	4.4		
Property Misdemeanor	5.5	*Prison Programs*	
Drug Misdemeanor	2.3	Correction Enterprises	924
Other Misdemeanor	0.7	DACDP (formerly DART – Prison)	1,768
		SOAR	16
		Vocational Education	2,397
		Work Release	550

CORRECTION ENTERPRISES

Correction Enterprises is a self-supporting prison industry program operated by the Department of Correction in various prison units across the state. Correction Enterprises provides the state's inmates with opportunities to learn job skills by producing goods and services for the DOC and other tax-supported entities. At the same time, through offering employment experience to inmates, it aids to instill a work ethic in inmates and to teach or upgrade 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 (DOL) to offer apprenticeships leading to Journeyman certification in such fields as combination welding, printing, re-upholstery, duplicating services technology, and digital graphics. Utilizing DOL 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 of inmates 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' accounts.

Number of Offenders (N): 1,988

PERSONAL CHARACTERISTICS

	%
Gender:	%
Male	94.2
Female	5.8

	%
Race:	%
Black.	60.9
Non-Black	39.1

Average Age:	35

	%
Marital Status:	%
Single	63.3
Divorced/Separated	20.3
Married/Widowed	16.4
Other/Unknown	0.0

% With 12 Years of Education or More:	34.5

% With Substance Abuse Indicated:	56.7

RISK LEVEL

	%
Low	25.3
Medium	55.5
High	19.2

CRIMINAL HISTORY

Mean Number of Prior Arrests	6.3

CURRENT OFFENSE TYPE

	%
Violent Felony	33.2
Property Felony	24.4
Drug Felony	18.5
Other Felony	15.6
Violent Misdemeanor	3.6
Property Misdemeanor	3.4
Drug Misdemeanor	1.1
Other Misdemeanor	0.2

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	34.7
Class F - I Felonies	57.0
Class A1 - 3 Misdemeanors	8.3
Class Unknown	0.0
Mean months served in prison (prisoners only)	37.6

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	24.9
Two-Year Follow-Up Period	39.1
Three-Year Follow-Up Period	48.0
Mean Number of Recidivist Arrests	2.3
Average Months to First Recidivist Arrest	13.6
Recidivist Conviction Rates:	
One-Year Follow-Up Period	10.8
Two-Year Follow-Up Period	23.8
Three-Year Follow-Up Period	33.2
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.6
Recidivist Incarcerations:	
One-Year Follow-Up Period	12.5
Two-Year Follow-Up Period	25.2
Three-Year Follow-Up Period	34.2
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.0

CORRECTIONAL SUPERVISION

Prison Releases	*1,988*
No Post-Release Supervision	1,299
Post-Release Supervision	689
Prison Programs	
Correctional (Academic) Education	924
DACDP (formerly DART – Prison)	739
SOAR	12
Vocational Education	826
Work Release	319

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 as the Drug Alcohol Recovery Treatment (DART) program prior to FY 2005/06. 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 are in need of intensive treatment within the North Carolina prison system.

Once an inmate completes the residential portion at one of the prison-based DACDP treatment programs, the inmate either is released at the end of his sentence, or returns to the regular population and is encouraged to participate in Aftercare, a formal 8-12 week track designed to help the inmate transition to the general population and remain in recovery. An additional prerelease 12-week component is also available for inmates approaching release 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 2005/06

Number of Offenders (N): 4,195

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	23.3
Male	88.3	Class F - I Felonies	74.4
Female	11.7	Class A1 - 3 Misdemeanors	2.3
		Class Unknown	0.0
Race:	%		
Black	54.0	Mean months served in prison (prisoners only)	25.7
Non-Black	46.0		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

			%
Average Age:	33	**Recidivist Arrest Rates:**	
		One-Year Follow-Up Period	28.4
Marital Status:	%	Two-Year Follow-Up Period	43.5
Single	63.0	Three-Year Follow-Up Period	52.1
Divorced/Separated	22.1	Mean Number of Recidivist Arrests	2.3
Married/Widowed	14.8	Average Months to First Recidivist Arrest	12.9
Other/Unknown	0.1		
		Recidivist Conviction Rates:	
% With 12 Years of Education or More:	29.9	One-Year Follow-Up Period	11.0
		Two-Year Follow-Up Period	26.2
% With Substance Abuse Indicated:	77.2	Three-Year Follow-Up Period	36.0
		Mean Number of Recidivist Convictions	1.4
RISK LEVEL		Average Months to First Recidivist Conviction	17.8
	%		
Low	20.0	**Recidivist Incarcerations:**	
Medium	55.8	One-Year Follow-Up Period	12.5
High	24.2	Two-Year Follow-Up Period	26.4
		Three-Year Follow-Up Period	36.6
CRIMINAL HISTORY		Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	17.3
Mean Number of Prior Arrests	6.3		

CURRENT OFFENSE TYPE		CORRECTIONAL SUPERVISION	
	%		
Violent Felony	29.8	***Prison Releases***	***4,195***
Property Felony	30.6	No Post-Release Supervision	3,219
Drug Felony	24.4	Post-Release Supervision	976
Other Felony	12.9		
Violent Misdemeanor	0.7	***Prison Programs***	
Property Misdemeanor	1.0	Correctional (Academic) Education	1,768
Drug Misdemeanor	0.5	Correction Enterprises	739
Other Misdemeanor	0.1	SOAR	10
		Vocational Education	1,453
		Work Release	461

Note: The Division of Alcoholism and Chemical Dependency Programs was known as the Drug Alcohol Recovery Treatment (DART) program prior to FY 2005/06. Prisoners in this table participated in the DART program.

SEX OFFENDER ACCOUNTABILITY AND RESPONSIBILITY (SOAR)

The Department of 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 that serve 28 inmates per cycle, or 56 inmates per year. When participants have completed the program, they will be 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 8-10 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 Department of Correction and housed at Harnett Correctional Institution since its inception.

Number of Offenders (N): 34

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	73.5
Male	100.0	Class F - I Felonies	23.5
Female	0.0	Class A1 - 3 Misdemeanors	0.0
		Class Unknown	3.0
Race:	%		
Black	26.5	Mean months served in prison (prisoners only)	65.4
Non-Black	73.5		

Average Age: 38

<u>**CRIMINAL JUSTICE OUTCOMES:**</u>
<u>**THREE-YEAR FOLLOW-UP**</u>

Marital Status:	%		%
Single	32.4	**Recidivist Arrest Rates:**	
Divorced/Separated	44.1	One-Year Follow-Up Period	2.9
Married/Widowed	23.5	Two-Year Follow-Up Period	8.8
Other/Unknown	0.0	Three-Year Follow-Up Period	17.7
		Mean Number of Recidivist Arrests	1.2
% With 12 Years of Education or More:	58.8	Average Months to First Recidivist Arrest	20.7

% With Substance Abuse Indicated:	29.4	**Recidivist Conviction Rates:**	
		One-Year Follow-Up Period	0.0
RISK LEVEL		Two-Year Follow-Up Period	2.9
	%	Three-Year Follow-Up Period	8.8
Low	70.6	Mean Number of Recidivist Convictions	1.0
Medium	29.4	Average Months to First Recidivist Conviction	25.7
High	0.0		

CRIMINAL HISTORY		**Recidivist Incarcerations:**	
		One-Year Follow-Up Period	17.7
Mean Number of Prior Arrests	2.2	Two-Year Follow-Up Period	23.5
		Three-Year Follow-Up Period	29.4
		Mean Number of Recidivist Incarcerations	1.1
CURRENT OFFENSE TYPE		Average Months to First Recidivist Incarceration	11.6

	%	**CORRECTIONAL SUPERVISION**	
Violent Felony	94.1		
Property Felony	0.0	***Prison Releases***	***34***
Drug Felony	0.0	No Post-Release Supervision	9
Other Felony	2.9	Post-Release Supervision	25
Violent Misdemeanor	0.0		
Property Misdemeanor	0.0	***Prison Programs***	
Drug Misdemeanor	0.0	Correctional (Academic) Education	16
Other Misdemeanor	0.0	Correction Enterprises	12
Unknown	3.0	DACDP (formerly DART – Prison)	10
		Vocational Education	30
		Work Release	8

VOCATIONAL EDUCATION

The vocational education component of the correctional education program is administered by the Educational Services section within the Department of Correction's (DOC) Division of Prisons (DOP). A collaborative arrangement exists between the DOC 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 needs of 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. Fewer vocational training programs are offered at close and minimum custody facilities, but for different reasons. 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).

Number of Offenders (N): 4,172

PERSONAL CHARACTERISTICS		

Gender: %
Male 83.0
Female 17.0

Race: %
Black 55.3
Non-Black 44.7

Average Age: 32

Marital Status: %
Single 63.7
Divorced/Separated 21.0
Married/Widowed 15.3
Other/Unknown 0.0

% With 12 Years of Education or More: 37.4

% With Substance Abuse Indicated: 60.6

RISK LEVEL
%
Low 24.5
Medium 57.3
High 18.2

CRIMINAL HISTORY

Mean Number of Prior Arrests 5.5

CURRENT OFFENSE TYPE
%
Violent Felony 34.6
Property Felony 27.6
Drug Felony 19.8
Other Felony 11.2
Violent Misdemeanor 2.4
Property Misdemeanor 2.9
Drug Misdemeanor 1.1
Other Misdemeanor 0.4

CURRENT OFFENSE CLASS
%
Class B1 - E Felonies 29.7
Class F - I Felonies 63.5
Class A1 - 3 Misdemeanors 6.8
Class Unknown 0.0

Mean months served in prison (prisoners only) 30.5

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP
%
Recidivist Arrest Rates:
One-Year Follow-Up Period 25.0
Two-Year Follow-Up Period 40.2
Three-Year Follow-Up Period 49.2
    Mean Number of Recidivist Arrests 2.3
Average Months to First Recidivist Arrest 13.5

Recidivist Conviction Rates:
One-Year Follow-Up Period 9.6
Two-Year Follow-Up Period 23.6
Three-Year Follow-Up Period 33.4
    Mean Number of Recidivist Convictions 1.4
Average Months to First Recidivist Conviction 18.3

Recidivist Incarcerations:
One-Year Follow-Up Period 11.3
Two-Year Follow-Up Period 23.6
Three-Year Follow-Up Period 32.8
    Mean Number of Recidivist Incarcerations 1.2
Average Months to First Recidivist Incarceration 17.3

CORRECTIONAL SUPERVISION

Prison Releases *4,172*
No Post-Release Supervision 2,934
Post-Release Supervision 1,238

Prison Programs
Correctional (Academic) Education 2,397
Correction Enterprises 826
DACDP (formerly DART – Prison) 1,453
SOAR 30
Work Release 525

WORK RELEASE

The Work Release Program provides selected inmates the opportunity for employment in the community during imprisonment, consequently 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.

Work Release	
FY 2005/06	

Number of Offenders (N): 1,098

PERSONAL CHARACTERISTICS

	%
Gender:	%
Male	88.8
Female	11.2

	%
Race:	%
Black	56.4
Non-Black	43.6

Average Age:	37

	%
Marital Status:	%
Single	52.4
Divorced/Separated	26.5
Married/Widowed	21.0
Other/Unknown	0.1

% With 12 Years of Education or More:	47.0

% With Substance Abuse Indicated:	59.2

RISK LEVEL

	%
Low	29.1
Medium	55.1
High	15.8

CRIMINAL HISTORY

Mean Number of Prior Arrests	7.1

CURRENT OFFENSE TYPE

	%
Violent Felony	29.0
Property Felony	23.6
Drug Felony	23.6
Other Felony	22.1
Violent Misdemeanor	0.7
Property Misdemeanor	1.0
Drug Misdemeanor	0.0
Other Misdemeanor	0.0

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	42.2
Class F - I Felonies	56.1
Class A1 - 3 Misdemeanors	1.7
Class Unknown	0.0
Mean months served in prison (prisoners only)	46.4

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	19.1
Two-Year Follow-Up Period	33.2
Three-Year Follow-Up Period	41.7
Mean Number of Recidivist Arrests	2.2
Average Months to First Recidivist Arrest	14.7
Recidivist Conviction Rates:	
One-Year Follow-Up Period	7.3
Two-Year Follow-Up Period	18.4
Three-Year Follow-Up Period	26.1
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	18.7
Recidivist Incarcerations:	
One-Year Follow-Up Period	7.3
Two-Year Follow-Up Period	16.5
Three-Year Follow-Up Period	23.6
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	18.4

CORRECTIONAL SUPERVISION

Prison Releases	*1,098*
No Post-Release Supervision	635
Post-Release Supervision	463
Prison Programs	
Correctional (Academic) Education	550
Correction Enterprises	319
DACDP (formerly DART – Prison)	461
SOAR	8
Vocational Education	525

SUMMARY INFORMATION FOR CORRECTIONAL PROGRAMS

Name	N	Risk Level			Criminal Justice Outcomes: Three-Year Follow-Up		
		Low	Med	High	Rearrest	Reconv.	Reincarc.
PROBATION ENTRIES	41,091	49.8%	43.9%	6.3%	35.4%	22.8%	27.3%
Community Punishment	28,645	55.3%	40.2%	4.5%	32.8%	20.9%	19.2%
Intermediate Punishment	12,446	37.2%	52.3%	10.5%	41.2%	27.1%	46.0%
Intensive Supervision	6,046	36.5%	53.0%	10.5%	40.2%	26.2%	49.3%
Special Probation	5,595	38.2%	50.9%	10.9%	41.3%	27.0%	44.9%
Community Service	11,250	48.6%	45.5%	5.9%	34.3%	21.9%	29.2%
House Arrest with Electronic Monitoring	703	41.7%	47.6%	10.7%	37.3%	22.6%	43.8%
Drug Treatment Court	167	28.1%	56.3%	15.6%	55.1%	41.3%	47.9%
PRISON RELEASES	19,733	24.3%	56.6%	19.1%	50.0%	34.6%	35.8%
No Post-Release Supervision	17,724	23.6%	56.5%	19.9%	50.5%	35.2%	36.5%
Post-Release Supervision	2,009	30.2%	57.3%	12.5%	45.3%	29.2%	29.8%
Correctional (Academic) Education	6,824	23.4%	57.6%	19.0%	50.8%	34.8%	34.5%
Correction Enterprises	1,988	25.3%	55.5%	19.2%	48.0%	33.2%	34.2%
DACDP (DART – Prison)	4,195	20.0%	55.8%	24.2%	52.1%	36.0%	36.6%
SOAR	34	70.6%	29.4%	0.0%	17.7%	8.8%	29.4%
Vocational Education	4,172	24.5%	57.3%	18.2%	49.2%	33.4%	32.8%
Work Release	1,098	29.1%	55.1%	15.8%	41.7%	26.1%	23.6%
ENTIRE SAMPLE	60,824	41.6%	48.0%	10.4%	40.1%	26.6%	30.1%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

APPENDIX C

PUNISHMENT CHARTS

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

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

Revised: 08-04-95

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

Measuring Offender Risk

Prediction of Risk

Various recidivism scales have been developed in the past, mainly for use by parole commissions and similar agencies. Two examples of these risk scales include the Statistical Information on Recidivism (SIR) scale used by Canadian Federal correctional authorities and the Salient Factor Score used by the United States (Federal) Parole Commission. Both risk scales are used to assess parole risk and are quite similar in the type of risk factors they include. Current offense, age, number of prior arrests and/or convictions, number of previous incarcerations, number of times on probation or parole, number of probation/parole revocations, history of escape, and drug dependence are among the factors considered in these scales. A risk score for each offender is computed using these scales.

Previous Sentencing Commission program evaluations have also considered risk (Clark and Harrison, 1992; NC Sentencing and Policy Advisory Commission, 1998; 2000; 2002; 2004; 2006; 2008). These earlier studies found that many of the differences between programs diminished when controlling for risk.

Individual level prediction of risk can be addressed in two basic ways: prospectively or retrospectively. A prospective instrument assigns a risk classification to offenders without making use of recidivism data. This is usually done as a temporary tool prior to the collection of recidivism data (and generally before the offender has the opportunity to recidivate). The North Carolina Department of Correction uses two prospective risk instruments, the inmate classification instrument and the probation risk instrument, primarily to assign appropriate levels of security/supervision to offenders. On the other hand, retrospective risk prediction has the advantage of using known recidivism as the dependent variable. Thus, using regression analysis we can assign a weight to items correlated with recidivism based on their relative effects on the dependent variable. This is the type of risk prediction developed for the current study.

Measuring Risk

In this study risk is a composite measure based on individual characteristics identified in the literature as increasing or decreasing an offender's risk of being rearrested. Development of the risk model was a multi-step process. Once variables to consider were identified, tests for collinearity were performed to exclude variables with multicollinearity. The final list of variables selected to measure risk is shown in Figure D-1.

Logistic regression was used to determine the impact of the risk factors on recidivism. This method allows prediction of a dependent variable that has two categories, in this case, recidivism or no recidivism. The regression model predicted a risk score for each offender and each variable included in the model was weighted based on its relative contribution to recidivism.

Figure D-1
Variables Included in Risk

In this study risk is a composite measure based on individual characteristics identified in the literature as increasing or decreasing an offender's risk of being rearrested. These characteristics include:

Social Factors
- Age when placed on probation or released from prison
- Race
- Gender
- Marital Status
- Employment status at time of arrest for the offense that placed the offender in the sample
- History of substance abuse problems as indicated by prison or probation assessment

Criminal Record Factors
- Age at first adult arrest
- Length of criminal history
- Number of prior arrests
- Prior drug arrest
- Most serious prior arrest
- Number of prior incarcerations
- Number of prior probation/parole sentences
- Number of prior probation/parole revocations
- Current offense class
- Current maximum sentence length

In order to differentiate the scores into low-, medium-, and high-risk categories, *risk scores* – not the sample of offenders – were divided into terciles.[54] The range of risk scores was 0.01 to 0.99; thus, "Low Risk" offenders had a score between 0.01 and 0.33; "Medium Risk" offenders had a score between 0.34 and 0.66, and "High Risk" offenders had a risk score between 0.67 and 0.99. Using this methodology, 41.6% of the offenders were "Low Risk," 48.0% were "Medium Risk," and 10.4% were "High Risk." Risk categories were then used in the multivariate analyses.

Caution should be used in interpreting the results of the risk analysis. The risk model shows the statistical relationship, if any, between the factors included in the model and the probability of rearrest. The presence of a statistical relationship between two variables does not imply that the factors used to predict the risk of recidivism are therefore the "causes" of recidivism. Such causal relationships cannot be determined by correlational research. Risk prediction is also based on regression coefficients, which only roughly approximate the hierarchical ordering among variables. Indirect effects of variables tend to be ignored by regression analyses, identifying only part of the effect of any given variable. Correlations among predictor items, unless they are unduly high, are also ignored in risk instruments but cannot be ignored when determining causality. The recidivism prediction literature clearly shows that multicollinearity exists between the predictor characteristics of recidivism, but, if the magnitude

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[54] In the Commission's reports prior to 2008, the *sample of offenders* was divided into three groups of equal size according to their risk score, with the lowest third as "Low Risk," the middle third as "Medium Risk," and the top third and "High Risk." Recognizing that this approach allowed the definition of low, medium, and high risk to shift slightly based on the distribution of risk scores for different samples of offenders, beginning with the 2008 report an improvement was made in the method of grouping risk scores to provide standardized definitions of low, medium, and high risk that do not change from sample to sample.

of the correlations is not excessive, researchers are typically content to interpret the coefficients as indicative of a causal effect.

APPENDIX E

MULTIVARIATE TABLES

Multiple Regression Results of Personal and Criminal Justice Factors on Prison Infractions:
Prisoners
FY 2005/06 (n=19,733)

Independent Variables

	b		se
Personal Characteristics			
Age (each year)		*NS*	
Black	0.5495**		0.1073
Male		*NS*	
Married	-0.4275**		0.1103
Education	-0.2439**		0.0791
Employed	-0.5248**		0.1114
Substance Abuser		*NS*	
Mental Health Issues	1.0647**		0.0832
Youthful Offender	1.2164**		0.1409
Risk Score		*NS*	
Current Offense Information			
Felony		*NS*	
Maximum Sentence Imposed (months)	-0.0485**		0.0042
Time Spent in Prison (months)	0.1758**		0.0040
Criminal History			
Age at First Arrest	0.0272**		0.0083
# Prior Arrests	0.0745**		0.0301
Prior Drug Arrest		*NS*	
Most Serious Prior Arrest	0.2847**		0.0570
# Times on Probationary Supervision		*NS*	
# Prior Revocations		*NS*	
# Prior Incarcerations	0.1514**		0.0253
Post-Release Supervision		*NS*	
Type of Prison Entry			
New Crime		*reference category*	
Revocation		*NS*	
Mixed		*NS*	

* Significant at the *p*< .05 level   ** Significant at the *p*< .01 level
NS indicates that the effect is not statistically significant at the *p*<.05 level.

Note: The square of the offender's age and time served in prison were also included in the model as control variables.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data

Appendix E, Table E.2
Effect of Personal and Criminal Justice Factors on Technical Revocation:
Probationers
FY 2005/06 (n=41,091)

Model 5: All Probation Entries (n=41,091)
Average Technical Revocation Probability=32.6%

Independent Variables	
Personal Characteristics	
Age (each year)	*NS*
Black	8.3%
Male	9.4%
Married	-6.9%
12 or More Years of Education	-9.4%
Employed	-10.2%
Substance Abuser	9.2%
Youthful Offender	9.0%
Risk Score	-0.3%
Current Offense Information	
Felony	-8.3%
Criminal History	
Age at First Arrest	0.3%
# Prior Arrests	1.1%
Prior Drug Arrest	5.2%
Most Serious Prior Arrest	4.0%
# Times on Probationary Supervision	*NS*
# Prior Revocations	9.1%
# Prior Incarcerations	*NS*
Type of Community Supervision	
Probation with Community Punishment	*reference category*
Probation with Intermediate Punishment	9.0%

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

Notes:
1. For purposes of this study, technical revocation was defined as one or more technical revocations during the three-year period starting at the time the offender was placed on probation.
2. The figures in the table show the effect on the probability of technical revocation compared with the mean probability in the data set.
3. The square of the offender's age was included in the model as a control variable.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2005/06 Correctional Program Evaluation Data