

*North Carolina*  
*Sentencing and Policy Advisory Commission*

**Correctional Program Evaluation:  
Offenders Placed on Probation or  
Released from Prison in  
Fiscal Year 2010/11**

Project Conducted in Conjunction with the Division of Adult Correction and  
Juvenile Justice of the North Carolina Department of Public Safety



Submitted Pursuant to N.C. Gen. Stat. § 164-47 (2011)

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Sentencing and Policy Advisory Commission**

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### LIST OF ACRONYMS

<b>ASR</b>	Advanced Supervised Release
<b>CCH</b>	Computerized Criminal History data
<b>CJPP</b>	Criminal Justice Partnership Program
<b>CRV</b>	Confinement in Response to Violation
<b>CY</b>	Calendar Year
<b>DACJ</b>	Division of Adult Correction and Juvenile Justice
<b>DJJDP</b>	Department of Juvenile Justice and Delinquency Prevention
<b>DPS</b>	Department of Public Safety
<b>DOC</b>	Department of Correction
<b>DOJ</b>	Department of Justice
<b>FSA</b>	Fair Sentencing Act
<b>FY</b>	Fiscal Year
<b>JRA</b>	Justice Reinvestment Act
<b>OPUS</b>	Offender Population Unified System
<b>OTI</b>	Offender Traits Inventory
<b>OTI-R</b>	Offender Traits Inventory-Revised
<b>PRS</b>	Post-Release Supervision
<b>SMCP</b>	Statewide Misdemeanant Confinement Program
<b>SSA</b>	Structured Sentencing Act
<b>TECS</b>	Treatment for Effective Community Supervision

## 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 eighth report in compliance with the directive and only includes offenders sentenced under the Structured Sentencing Act (SSA). The focus of this study is to examine recidivism using a sample of 57,535 offenders released from prison or placed on probation in FY 2010/11, with recidivism defined as arrest, conviction, and incarceration during a two-year follow-up period. A more detailed examination of probationers includes their statistical profiles; offender risk and need assessments; supervision levels; interim outcome measures such as violations and revocations; and recidivist arrests.

With the passage of the Justice Reinvestment Act (JRA) of 2011, North Carolina has implemented substantial changes to the state's sentencing practices and correctional policies. Although the implementation of the JRA does not impact the FY 2010/11 study sample with regard to sample selection, type of punishment, prior criminal history, or most serious current conviction, portions of the sample's two-year follow-up period were under the criminal justice laws enacted and practices changed by JRA — especially for supervised probation entries. Future recidivism studies will allow for examination of recidivism under the new JRA policies.

### ***Data Sources***

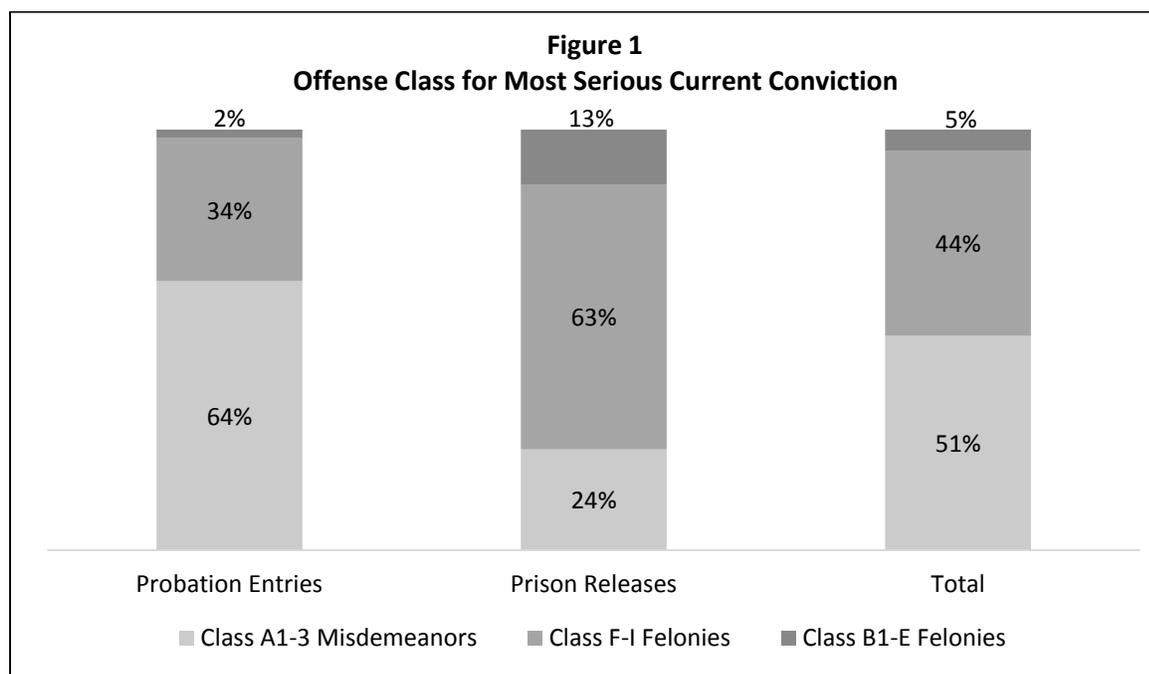
Data for offenders in the sample were provided by the Division of Adult Correction and Juvenile Justice (DACJJ) of the Department of Public Safety (DPS) and by the Department of Justice (DOJ).

### ***Statistical Profile of the FY 2010/11 Sample***

The sample of 57,535 offenders included 45.0% community probationers, 21.3% intermediate probationers, 29.5% prisoners with no post-release supervision (no PRS), and 4.2% prisoners with post-release supervision (PRS), all placed on probation or released from prison during FY 2010/11. Overall, there were 38,165 probation entries and 19,370 prison releases in the FY 2010/11 sample. Seventy-eight percent of the sample were male, 56.4% were nonwhite, 12.3% were married, 47.3% had dropped out of high school, 44.0% were employed, and 51.2% were identified as having a drug addiction problem. Their average age was 32.

Prior (adult) criminal justice system contacts indicated that 78.7% of the sample had at least one prior fingerprinted arrest, accounting for a total of 211,738 prior arrests. Further, 63.9% of all offenders had at least one prior probation admission, 39.8% had at least one prior probation revocation, and 34.9% had at least one prior incarceration. For all measures of criminal history, prisoners were more likely than probationers to have prior criminal justice contacts. Prisoners released without PRS were generally more likely to have prior criminal justice contacts than those released with PRS. Probationers with intermediate punishments were more likely to have prior criminal justice system contacts than those with community punishments.

As shown in Figure 1, 5% of the sample had a most serious current conviction for a Class B1 through Class E felony, 44% had a most serious conviction for a Class F through Class I felony, and 51% had a most serious conviction for a misdemeanor offense. The majority of probationers (64%) had a most serious conviction for a misdemeanor offense, while the majority of prisoners (63%) had a most serious conviction for a Class F through Class I felony. Differences found in the offense class composition of the sample groups are consistent with Structured Sentencing, which links offense severity with type of punishment. Of the offenders with a current felony conviction (49.1% of the sample), the majority of probationers had convictions for drug offenses (40%), while the majority of prisoners had convictions for property offenses (36%). Prisoners, with a felony conviction, were more likely to have a current conviction for violent offenses (22%) than probationers (12%). Of the offenders with a current misdemeanor offense (50.9% of the sample), the majority of probationers and prisoners were convicted of property offenses (43% and 41% respectively).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

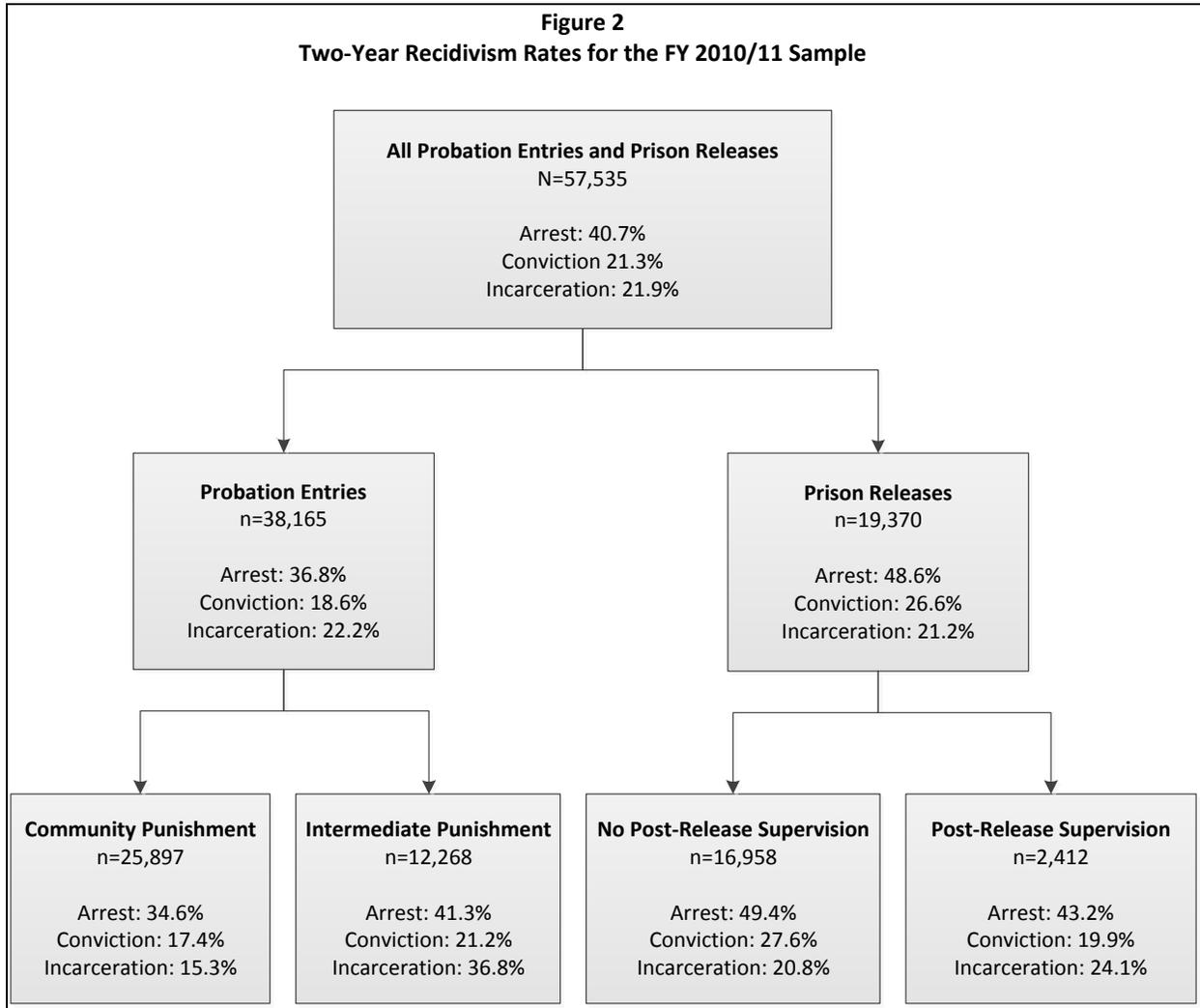
### ***Time at Risk***

While each offender was followed for a fixed two-year period to determine whether recidivism occurred, the same “window of opportunity” to reoffend was not necessarily available for each offender due to periods of incarceration during follow-up. The study reports each offender’s actual time at risk (*i.e.*, their actual window of opportunity to recidivate) by identifying their periods of incarceration in North Carolina’s prison system and subtracting the time incarcerated from the follow-up period. The percentage of the sample at risk for the entire follow-up period decreased from 86% in the first year to 78% in the second year.

### ***Criminal Justice Outcome Measures***

The Sentencing Commission uses rearrests as its primary measure of recidivism, supplemented by information on reconvictions and reincarcerations, to assess the extent of an offender’s repeat

involvement in the criminal justice system. A summary of these three measures of recidivism for the FY 2010/11 sample is provided in Figure 2.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Of the FY 2010/11 sample, 28.1% were rearrested during the one-year follow-up and 40.7% were rearrested during the two-year follow-up. It should be noted, however, that these recidivism rates do not take into account the fact that some offenders were not at risk for the entire follow-up period as a result of incarceration.

For those probationers and prisoners rearrested during the two years, the average time to rearrest was 8.4 months after entry to probation or release from prison. By the end of the two-year follow-up, the FY 2010/11 sample accounted for 47,612 recidivist arrests, including 9,982 arrests for violent offenses.

Overall, 10.2% of the sample had a reconviction in the first year and 21.3% had a reconviction in the second year of follow-up. For those with a reconviction during the two-year follow-up, the average time to reconviction was 12.0 months. The sample accrued 16,725 recidivist convictions, of which 2,600 reconvictions were for a violent offense.

Nearly fourteen percent (13.5%) of the sample had a recidivist incarceration during the one-year follow-up and 21.9% during the two-year follow-up. Recidivist incarcerations may have resulted from the sentence imposed for a new crime committed or due to revocation of probation or PRS. The average time to incarceration for offenders with a recidivist incarceration was 10.0 months.

Independent of the measure used, recidivism rates were in direct correlation with the type of punishment (see Figure 2). The lowest rearrest and reconviction rates were for community probationers, with the highest rearrest and reconviction rates for prison releases with no PRS. Compared to the other types of punishment, probationers with an intermediate punishment had the highest rate of reincarceration, 36.8% during the two-year follow-up period, due in large part to their higher revocation rates.

The relationship found between personal characteristics and recidivism rates was consistent with current research — offenders who were male, black, youthful, single, uneducated, unemployed, and/or had a drug addiction problem had higher recidivism rates compared to their counterparts for all three criminal justice outcome measures. Class F through Class I felons had higher rearrest, reincarceration, and reconviction rates than did violent felons (Class B1 through Class E) and misdemeanants. Habitual felons more closely resembled Class F through Class I felons than Class B1 through Class E felons with respect to their recidivism rates, while sex offenders more closely resembled misdemeanants in terms of recidivism rates. Forty-eight percent of the FY 2010/11 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 (84% and 43% respectively), which is consistent with the more serious offenses and the resulting longer time served for prisoners with PRS.

### ***Probation Entries***

An emphasis on probationers in the FY 2010/11 sample provides a comparative framework for future analyses of probationers supervised under the provisions of the JRA. Probationers in the sample with completed risk and need assessments (*i.e.*, Offender Traits Inventory (OTI), Offender Self-Report, and the Officer's Interview/Impressions Worksheet) were examined in-depth to determine the relationship between these components and recidivism. These assessments are used to determine the supervision level, program placement, and other interventions for probationers.

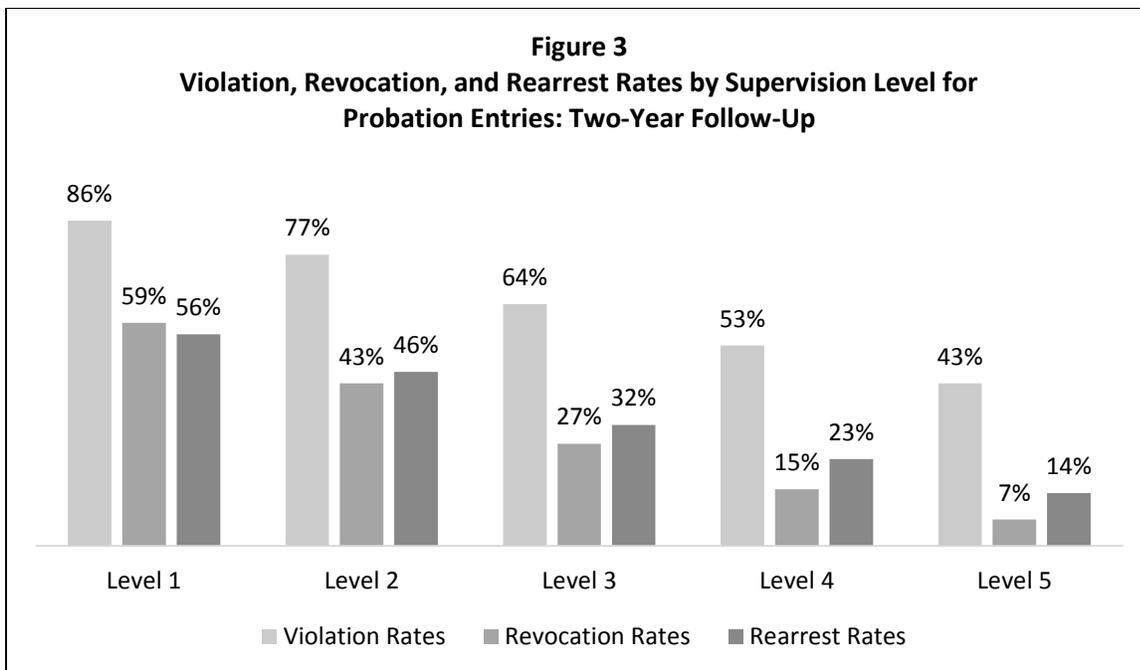
Eighty-nine percent of the probationers (n=33,900) had a supervision level based on completed risk and need assessments. A probationer's supervision level is based on the intersection of the offender's risk level (minimal to high) and need level (minimal to extreme). Overall, 24.7% were assessed as high risk, 34.3% as moderate risk, 29.0% as low risk, and 12.0% as minimal risk; 24.9% were assessed as extreme need, 19.1% as high need, 35.0% as moderate need, 17.6% as low need, and 3.4% as minimal need. A larger percent of felons were assessed as high risk compared to misdemeanants, while little difference existed between the offender need level percentages for felons and misdemeanants.

The supervision levels range from 1 to 5, with Level 1 being the highest. Once supervision level is determined, minimum contact requirements for probation officers are set. Level 1 (the most restrictive) requires one home contact and one offender management contact per month, while Level 5 (the least restrictive) requires remote reporting monthly. Overall, 9.3% of probationers were assessed in Supervision Level 1, 30.9% in Level 2, 31.0% in Level 3, 23.1% in Level 4, and 5.7% in Level 5. A larger percent of felons than misdemeanants were placed in the most restrictive supervision level (Level 1),

while a larger percent of misdemeanants than felons were placed in the least restrictive supervision level (Level 5).

Violations of probation, revocation of probation, and recidivist arrests were also examined for probationers with completed risk and need assessments. Of the 33,900 probationers with a supervision level assigned, 66.4% had at least one violation, 31.0% were revoked, and 35.6% had a recidivist arrest during the two-year follow-up. Being high risk and/or high need increased the probability of violations – more high risk probationers had at least one violation during follow-up (82.6%), as did extreme need probationers (75.9%). Nearly 52% of high risk probationers had a revocation during the two-year follow-up and 43% of extreme need probationers had a revocation. Probationers assessed as high risk had the highest rearrest rates at 53.5%; correspondingly, those assessed as extreme need had the highest rearrest rates at 43.3%.

Violation rates, revocation rates, and rearrest rates were also examined by supervision level (see Figure 3). Sixty-six percent of probationers had at least one violation during the two-year follow-up period; 86% of Supervision Level 1, 77% of Level 2, 64% of Level 3, 53% of Level 4, and 43% of Level 5 had a violation during the two-year follow-up. Similar findings were found for probation revocations with an overall revocation rate of 31.0%; Supervision Level 1 probationers had higher revocation rates than Level 5 probationers (59% and 7% respectively). Overall, 36% of the 33,900 probationers had a recidivist arrest during the two-year follow-up. Fifty-six percent of probationers supervised at Level 1 had a recidivist arrest, while 46% of Level 2, 32% of Level 3, 23% of Level 4, and 14% of Level 5 probationers had recidivist arrests. As expected, a stair-step pattern was found when comparing violation rates, revocation rates, and arrest rates by supervision level; those supervised at more restrictive levels had higher violation, revocation, and rearrest rates.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

## Conclusions

A review of the Sentencing Commission's current and previous recidivism studies provides the empirical context for a wider array of findings and tentative conclusions.<sup>1</sup> These reports, covering large samples of offenders released in North Carolina between CY 1989 and FY 2010/11, provide a framework to look at trends in the state's recidivism rates and related factors. Overall, many of the findings – with one notable exception – have remained constant over the course of the recidivism studies and lead to the same general conclusions.

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

<u>Sample Year</u>	<u>Rearrest Rate</u>
CY 1989	31.2%
FY 1996/97	32.6%
FY 1998/99	31.2%
FY 2001/02	31.5%
FY 2003/04	32.0%
FY 2005/06	32.5%
FY 2008/09	38.9%
FY 2010/11	40.7%

The first six samples studied had rearrest rates ranging between 31% and 33%, with the two latest samples' rearrest rates climbing to 39% and 41%. The primary explanation points to a change in field technology to capture additional fingerprinted arrests as reported by DOJ staff. Improved fingerprinting technology in sheriffs' offices and police departments in recent years have led to a greater number of fingerprinted misdemeanor arrests. While the recidivism rates for the two most recent samples (and particularly the FY 2008/09 sample) have risen considerably, a large portion of this increase is accounted for by more accurate and reliable recording of misdemeanor arrests rather than by an increase in the actual number of arrests.

Some additional findings are worth mentioning in view of the newly implemented JRA and its anticipated impact on recidivism:

- The Sentencing Commission's series of reports have consistently confirmed the value of offender risk assessments as a predictive tool for recidivism, and noted its potential use at various points in the criminal justice decision making process. The current study, based on risk and need assessments used prospectively by the DACJJ to determine supervision levels, has again proven this tool to be a predictor of repeat offending behavior. Recognizing their value, the JRA has made risk and need assessments a priority in its revised scheme to supervise offenders. As mandated by the new law, offenders are to be assessed by a validated instrument as to their criminogenic needs and risk of reoffending. The intersection of their risk and need levels determine the type of controlling sanctions and rehabilitative services for each offender while under supervision.

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<sup>1</sup> The Sentencing Commission's Correctional Program Evaluation Reports can be found at: <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/Recidivism/Default.asp>

- Intermediate punishment, introduced by Structured Sentencing as a form of probation with higher levels of controls and programming for more serious offenders, has been found over time through these studies to provide an effective alternative in the range of graduated sanctions between community punishment and incarceration. While giving full consideration to matching offenders with available resources, the JRA provisions move much of the timing of this targeting from the courts to corrections, following the offender's assessment. With the redefinition and blurring of community and intermediate punishments, judges may now impose sanctions from a wider range of options and also delegate to probation officers the exercise of that broad authority following the offender's assessment.
- A recurring theme in the recidivism studies points to the fact that offenders who fail to comply with conditions or commit new crimes are likely to do so relatively early in the follow-up period. This finding highlights the importance of timing and targeting of correctional resources in order to reduce recidivism. Additional components of the JRA (such as quick dips, confinement in response to violation, post-release supervision for all felons) address the timing and graduated severity of responses to violations, in order to stop or delay certain behaviors before they lead to revocations or new arrests.

### ***The Justice Reinvestment Act and Its Potential Impact on Recidivism***

The FY 2010/11 sample examined in this report represents the last sample to be based entirely on SSA offenders sentenced prior to the passage of the JRA. The current sample may serve as a baseline of comparison in future reports which will help assess the impact of the JRA, most specifically on the rearrest, reincarceration, and revocation rates for probationers and prisoners.

In order to gain some further insight into the emerging policies and practices as the field implements the new law, Sentencing Commission staff visited six Judicial Districts statewide and conducted interviews with superior and district court judges, district attorneys, public defenders, chief probation and parole officers, and probation and parole officers. The interviews, conducted in the fall of 2013, focused on the processing of cases placed on probation during FY 2012/13 that will be a part of the next cohort of offenders for the 2016 report.

Some of the JRA components likely to impact outcome measures include changes in supervision and services based on offender risk and needs; changes to community supervision (*e.g.*, delegated authority, redefinition of community and intermediate punishments, legal limits placed on revocations, utilization of confinement in response to violation periods for violations, expansion of post-release supervision to all felons, establishment of Treatment for Effective Community Supervision); and changes to incarceration (*e.g.*, establishment of advanced supervised release, requirement that most misdemeanants serve their time in local jails rather than in state prisons).

The Sentencing Commission's 2016 report will provide an assessment of the early success of the JRA in fulfilling some of its promises regarding revocation and recidivism rates. Due to the more immediate impact of the JRA on community corrections, the next study will focus primarily on probationers, with additional analyses of the impact of provisions aimed at prisoners.

As with any large-scale change to correctional policy, expectations for success in preventing future criminality should be viewed realistically. Components of an offender's criminal history, current offense, and experiences with the correctional system are all elements strongly correlated with continued

criminal behavior. The probability of rehabilitative success and recidivism reduction should be articulated in this context, and be realistic in weighing criminogenic factors brought with an offender into the system compared to the short time and limited resources at the DACJJ's disposal to reverse their impact. With this caveat notwithstanding, the Sentencing Commission looks forward to continuing its work with the DACJJ to combine the lessons learned from previous studies of recidivism and from the first empirically measurable effects of the JRA, in an effort to evaluate the promising new approach to offender placement, supervision, treatment, and services.

## CHAPTER ONE INTRODUCTION

### ***Introduction***

With the enactment of the Structured Sentencing Act (SSA) in 1994, North Carolina embarked on a new penal strategy. Since that time, Structured Sentencing has benefited the criminal justice system by increasing consistency, certainty and truth in the sentencing of offenders; setting priorities for the use of correctional resources; and balancing sentencing policies with correctional resources. The issues of correctional resources and, specifically, their effectiveness in increasing public safety and deterring future crime have continued to be of interest to legislators and policy makers. It is the goal of most programs to sanction and control offenders, to offer them opportunities that will assist in altering negative behavioral patterns, and, consequently, to lower the risk of reoffending.

Studies that measure recidivism are a nationally accepted way to assess the effectiveness of in-prison and community corrections programs in preventing future criminal behavior. The North Carolina General Assembly, aware of this trend, incorporated the study of recidivism into the Sentencing and Policy Advisory Commission's (hereafter referred to as the "Sentencing Commission") mandate from the start. The first recidivism study that was prepared for the Sentencing 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 Sentencing Commission produced the third and fourth recidivism reports in conjunction with the Department of Correction's Office of Research and Planning.<sup>2</sup>

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 statute (N.C.G.S. § 164-47) gives the following directive:

*The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Division of Adult Correction of the Department of Public Safety 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*

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<sup>2</sup> Effective January 1, 2012, Session Law 2011-145, Part XIX, consolidated the North Carolina Departments of Correction (DOC), Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention (DJJDP) into a single Department of Public Safety (DPS). The responsibilities of the former DOC and DJJDP have been assumed by DPS's Division of Adult Correction and Juvenile Justice (DACJJ). The report refers to the departmental structure that became effective September 10, 2013.

*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 eighth 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 – a program may be successful in educating, training, or counseling offenders, but if it does not reduce their subsequent criminal behavior, they still pose a threat to public safety.

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

In its studies of recidivism, the Sentencing Commission uses rearrests as the primary measure of recidivism, supplemented by information on reconvictions and reincarcerations, to assess the extent of an offender's repeat involvement in the criminal justice system. The advantages of arrest data, compared with other criminal justice system data, outweigh the disadvantages. Rearrests, as used in this research, take into account not only the frequency of repeat offending but also its seriousness and the nature of the victimization (for example, crimes against the person, crimes involving theft or property damage, or crimes involving illegal drugs). The volume of repeat offending is handled by recording the number of arrests for crimes of various types.

### ***Structured Sentencing and Recidivism***

North Carolina law prescribes the use of guidelines in sentencing its convicted felons and misdemeanants. In theory, Structured Sentencing may affect recidivism in a variety of ways. Its penalty framework may alter the deterrent effect of sentencing laws, with different punishments influencing differently an individual offender's fear of the consequences of crime and thereby changing his or her

likelihood of reoffending. Guidelines might also impact recidivism by altering the characteristics, or “mix,” of groups of offenders – for example, probationers or prisoners. Impacting the composition of groups of offenders has been, from the start, one of the changes contemplated by the guidelines sentencing movement, and this alteration may well affect group recidivism rates.

Sentencing guidelines have sought to make offenders convicted of violent crimes, as well as repeat offenders, more likely to receive active prison sentences and to serve longer prison terms. At the same time, guidelines were intended to make first-time offenders charged with nonviolent 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 shift was expected to change recidivism rates by type of punishment, by re-mixing not only the offense profile of various groups but, perhaps more importantly, the profile of their criminal histories.

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

With the passage of the Justice Reinvestment Act (JRA) of 2011, North Carolina has again implemented substantial changes to the state’s sentencing practices and correctional policies. The recidivism of future offender samples will serve as one outcome measure of the success of these policies in reducing repeat criminality and enhancing public safety, while managing correctional resources in a more cost-effective way.<sup>3</sup>

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

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

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<sup>3</sup> The Sentencing Commission and the DPS are directed to jointly conduct ongoing evaluations regarding the implementation of the JRA of 2011. The third annual report to the General Assembly is due on April 15, 2014.

### ***Comparison of Recidivism Rates for Previous Recidivism Studies***

The Sentencing Commission's previous recidivism reports provide a framework to look at trends in the state's recidivism rates. However, it should be noted that there are differences in the recidivism studies that make comparisons difficult. For example, the sample from 1989 is based only on offenders convicted and sentenced under or prior to the Fair Sentencing Act (FSA), the samples for FY 1996/97 through FY 2001/02 include a mixture of offenders sentenced under the FSA and the SSA, and the samples for FY 2003/04 through FY 2008/09 only include offenders sentenced under the SSA. Nonetheless, some overall comparisons can be made as long as these factors are taken into consideration, including differences between probationers and prisoners in the characteristics of these groups relative to sentencing options, offense seriousness, and time served.

Table 1.1 presents overall recidivism rates (measured as rearrest) for the Commission's recidivism studies with a two-year follow-up period. The table indicates that recidivism rates, regardless of the differences in sample composition, have been fairly similar over the first six sample years (CY 1989 to FY 2005/06), ranging between 31% and 33%. In the most recent sample year (FY 2008/09) the recidivism rate increased to 39%. Table 1.1 also provides a comparison of recidivism rates for probationers and prisoners. In the first six samples, rearrest rates ranged from 26% to 28% for probationers and from 41% to 43% for prisoners. These rates have also increased considerably for the FY 2008/09 sample groups – 35% for probationers and 46% for prisoners.

Some further research into the primary measure of recidivism – fingerprinted arrests – revealed a possible explanation for the steep increase in recidivism rates. In the past several years, sheriffs' offices and police departments statewide have benefited from improvements in technology which have led to a greater number of fingerprinted misdemeanor arrests. As a result, a more accurate – and higher – rate of misdemeanor arrests was reported by the Department of Justice (DOJ), especially Class 2 and Class 3 misdemeanors. While Table 1.1 includes all fingerprinted arrests in arriving at the recidivism rates for the seven study samples, the law enforcement effort to fingerprint all misdemeanors (and thereby expanding the pool of recorded rearrests) corresponds with the study's FY 2008/09 sample. These misdemeanors, previously not fingerprinted – and thereby not included in the DOJ's Computerized Criminal History (CCH) records – have now become part of the reported arrests comprising (and potentially increasing) the prior criminal involvement and future recidivism of sample offenders, and will be discussed when relevant throughout the current report.<sup>4</sup>

### ***Research Design and Methodology***

The Sentencing Commission's mandate, revised and expanded in 1998, directed the Sentencing Commission to conduct a study with a comprehensive approach in capturing relevant empirical information. The theoretical model adopted to study recidivism pointed to data collection in three time frames for each offender: preexisting factors such as demographic characteristics and criminal history; current criminal justice involvement including current conviction, sentence, and correctional program participation; and future measures of social reintegration such as rearrest, reconviction, and reincarceration.<sup>5</sup>

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<sup>4</sup> See Appendix A for DOJ's documentation of this increase.

<sup>5</sup> Preexisting factors and current criminal justice involvement are also components for assessing risk levels for offenders and in targeting offenders for different correctional sanctions and treatment programs.

**Table 1.1**  
**Rearrest Rates for North Carolina Offenders**  
**Two-Year Follow-Up**

Sample Year	Sample Composition	Sample Size	Rearrest Rates		
			Probationers <sup>b</sup>	Prisoners <sup>c</sup>	All Offenders
<b>1989<sup>a</sup></b>	Offenders sentenced prior to or under FSA	37,933	26.5	41.3	31.2
<b>1996/97</b>	Offenders sentenced under FSA and SSA	51,588	28.1	42.6	32.6
<b>1998/99</b>	Offenders sentenced under FSA and SSA	58,238	26.3	41.6	31.2
<b>2001/02</b>	Offenders sentenced under FSA and SSA	57,973	27.3	41.6	31.5
<b>2003/04</b>	Offenders sentenced under SSA	56,983	27.6	42.3	32.0
<b>2005/06</b>	Offenders sentenced under SSA	60,824	28.2	41.3	32.5
<b>2008/09<sup>d</sup></b>	Offenders sentenced under SSA	61,646	35.4	46.2	38.9

<sup>a</sup> The average follow-up period for sample year 1989 was 26.7 months.

<sup>b</sup> This category includes FSA offenders on regular probation for sample year 1989 and SSA offenders on community punishment probation for sample years 1996/97 through 2008/09.

<sup>c</sup> This category includes FSA prisoners released on regular parole in 1989, FSA and SSA prisoners from 1996/97 through 2001/02, and SSA prisoners for 2003/04 through 2008/09.

<sup>d</sup> The recidivist arrest data reported for FY 2008/09 sample include Class 2 and Class 3 misdemeanors.

SOURCE: NC Sentencing and Policy Advisory Commission

## ***Sample***

The sample selected for the current study included all offenders released from state prison or placed on supervised probation during Fiscal Year 2010/11. The final study sample includes 57,535 offenders sentenced under Structured Sentencing, affording a comprehensive look at the recidivism of Structured Sentencing offenders.<sup>6</sup> All the sample offenders had been convicted and sentenced prior to the implementation of the JRA, although some of the probation sample were subject to the JRA provisions for a portion of their follow-up period while on community supervision.

## ***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 2010/11 sample of offenders with a fixed two-year follow-up period.

## ***Time at Risk***

While each offender in the study sample had an equal two-year follow-up period, not all offenders were on the street and “at risk” of recidivism for the entire two years. The report provides information on each offender’s actual time at risk, by identifying their periods of incarceration in North Carolina’s prison system within the follow-up time frame and subtracting the length of time incarcerated from the follow-up period.<sup>7</sup>

## ***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 reinvolverment in the North Carolina criminal justice system, to include rearrests, reconvictions, and reincarcerations.
- For probationers, violations and revocation of probation.
- For prisoners, prison infractions during incarceration.

## ***Data Sources and Enhancements***

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

- The North Carolina Division of Adult Correction and Juvenile Justice’s (DACJJ) Offender Population Unified System (OPUS) provided demographic and prior record information, current convicted offense and sentence,<sup>8</sup> offender risk and need assessments, type of punishment, probation supervision level, probation violations and revocations, and prison incarcerations.

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<sup>6</sup> Offenders with a most serious conviction for Driving While Impaired (DWI) or for a misdemeanor traffic offense were excluded from the sample.

<sup>7</sup> Time served in North Carolina’s county jails and incarcerated in other states was not accounted for in the calculation of time at risk during the follow-up period.

<sup>8</sup> “Current” in the context of this study refers to the most serious conviction and sentence for which the offender was placed on probation or released from prison within the sample time frame.

- The North Carolina Department of Justice’s (DOJ) Computerized Criminal History (CCH) system was used to provide fingerprinted arrest records for prior and recidivist arrests, as well as recidivist convictions. These records, based on enhancements in law enforcement technology to fingerprint all misdemeanants, have also become more representative of the actual volume of Class 2 and Class 3 misdemeanor arrests.

The final data set for this study consists of over 300 items of information (or variables) for the sample of 57,535 offenders placed on probation or released from prison between July 1, 2010, and June 30, 2011, and followed for two years.<sup>9</sup> 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 reinvolved with the criminal justice system (*i.e.*, rearrest, reconviction, and reincarceration).

A couple of enhancements were made to the data provided in this report:

- For probationers, data were expanded to include information on offender need level. Criminogenic needs are assessed by DPS using the Offender Self-Report instrument and the Officer Interview and Impressions instrument. Information on criminogenic needs are a factor in determining offender supervision level, program placement, and other interventions.
- For probationers, data were also expanded to include information on offender supervision level. An offender’s supervision level is determined based on the intersection of the offender’s level of risk and level of need. DPS uses the Offender Traits Inventory (OTI) to assess offender risk and the Offender Self-Report instrument and the Officer Interview and Impressions instrument to assess offender need.

### **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 provides information on the current conviction that places the offender in the sample.

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

Chapter Four provides a more detailed examination of probation entries – descriptive profile by current conviction, information on risk and need assessments to determine supervision level, violations and revocations after probation admission, and recidivist activity such as arrest, conviction, or incarceration during the two-year follow-up.

Chapter Five offers a summary of the study’s main findings and closes with some observations on recidivism in North Carolina following the enactment of Structured Sentencing, and some anticipated changes in the next study (with a FY 2012/13 sample) due to a fully implemented JRA.

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<sup>9</sup> A glossary of relevant variables is included in Appendix B.

## CHAPTER TWO STATISTICAL PROFILE OF THE FY 2010/11 SAMPLE

As described in Chapter One, the study sample comprises SSA offenders who either were placed on probation or were released from prison during FY 2010/11.<sup>10,11</sup> The implementation of the JRA in 2011 does not impact the FY 2010/11 study sample with regard to sample selection, type of punishment, prior criminal history, or most serious current conviction.<sup>12</sup>

### FY 2010/11 Sample

The sample comprises all SSA offenders who were placed on supervised probation or were released from prison during FY 2010/11, with the following exclusions:

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

### ***Type of Punishment***

As shown in Figure 2.1, there were 57,535 offenders in the FY 2010/11 sample. There were 38,165 (66%) probationers and 19,370 (34%) prisoners. These can be further subdivided into the following four categories based on type of punishment:

#### *Probation Entries*

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

#### *Prison Releases*

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

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

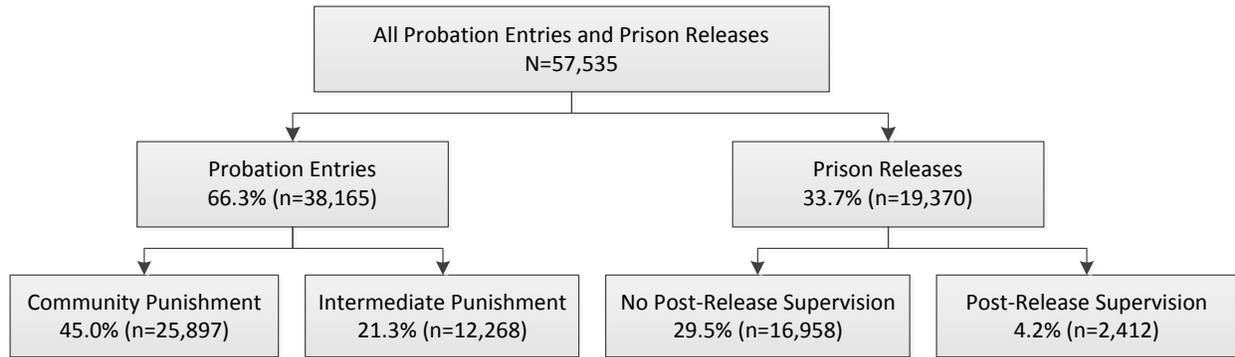
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<sup>10</sup> Offenders whose offenses were committed on or after October 1, 1994, were sentenced under the SSA.

<sup>11</sup> If an offender in the sample was both released from prison and placed on probation during FY 2010/11, the *first* event that occurred during that fiscal year determined the offender's identification as a prison release or a probation entry.

<sup>12</sup> See Chapter One for a brief discussion of the changes to sentencing and corrections due to the implementation of the JRA in 2011. While the FY 2010/11 sample selection occurred prior to the implementation of the JRA, portions of the sample's two-year follow-up period were under the criminal justice laws enacted and practices changed by the JRA – especially for probation entries who were on supervised probation.

**Figure 2.1  
Type of Punishment**



**Definitions for the Types of Punishment<sup>a</sup>**

**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 SSA, 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=2,412 or 12%) of the prison releases received post-release supervision.

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

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

<sup>a</sup> The FY 2010/11 sample was convicted and sentenced prior to the implementation of the JRA; therefore, the definitions in this figure are based upon Structured Sentencing as it existed at that time.

## ***Personal Characteristics***

Table 2.1 contains information describing the personal characteristics of the FY 2010/11 sample.<sup>13,14</sup> Of the 57,535 offenders, 78.2% were male, 56.4% were nonwhite, 12.3% were married, 47.3% had dropped out of high school, 44.0% were employed, 51.2% were identified as having a history of drug addiction, and their average age (at release from prison or placement on probation) was 31.7. Probationers (and, in particular, probationers with community punishments) had a lower percentage of males than did prisoners. On average, offenders who were placed on probation were slightly younger than offenders who were released from prison.

## ***Criminal History***<sup>15</sup>

It is important to look at the number of prior arrests for the offenders in the sample since research indicates that prior arrests are a strong predictor of recidivism (Clarke and Harrison, 1992; Jones and Ross, 1996; NC Sentencing and Policy Advisory Commission, 1997; 1998; 2000; 2002; 2004; 2006; 2008; 2010, 2012). Information on prior fingerprinted arrests for the FY 2010/11 sample is provided in Table 2.2. Prior arrests were defined as fingerprinted arrests that occurred before the conviction that placed the offender in the sample.<sup>16</sup> This measure excludes the arrest event for the conviction that placed the offender in the sample.

Overall, 66.4% of community punishment probationers, 84.6% of intermediate punishment probationers, 91.6% of prison releases with no PRS, and 89.6% of prison releases with PRS had one or more prior arrests. As a whole, 78.7% of the FY 2010/11 sample had at least one prior arrest accounting for a total of 211,738 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, 38.1% of community punishment probationers had only one prior arrest compared to 12.7% 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 3.8 prior arrests and prisoners having an average of 6.1 prior arrests.

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

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<sup>13</sup> See Appendix B for a description of major variables of interest.

<sup>14</sup> Available mental health data for prisoners in DACJJ's OPUS indicated that 27.7% of prisoners had some type of mental health issue. Comparable mental health data were not available for probationers.

<sup>15</sup> Criminal history measures are defined by prior contacts with the adult criminal justice system and do not include any contact the offender may have had with the juvenile justice system.

<sup>16</sup> In 2012, the Sentencing Commission reported that 72.7% of offenders had at least one prior arrest. This rate excluded Class 2 and Class 3 misdemeanors. See Chapter One for a discussion on the increase in fingerprinted arrests due to the increase in the documenting of fingerprinted *misdemeanor* arrests and, also, Appendix A for DOJ's documentation of this increase.

**Table 2.1**  
**Personal Characteristics by Type of Punishment**

Type of Punishment	N	% Male	% Nonwhite	Average Age at Sample Entry	% Married	% High School Dropout	% Employed	% With Drug Addiction
<b>Probation Entries</b>								
<b>Community Punishment</b>	25,897	69.4	52.5	30.5	13.0	35.9	50.2	38.4
<b>Intermediate Punishment</b>	12,268	81.8	56.1	31.9	13.4	42.7	42.2	49.5
<b>Subtotal</b>	38,165	73.4	53.7	31.0	13.1	38.1	47.7	41.9
<b>Prison Releases</b>								
<b>No Post-Release Supervision</b>	16,958	86.8	60.0	33.0	10.9	64.0	36.8	68.5
<b>Post-Release Supervision</b>	2,412	93.1	73.9	34.7	10.1	65.1	42.0	65.7
<b>Subtotal</b>	19,370	87.6	61.7	33.2	10.8	64.1	37.4	68.2
<b>Total</b>	<b>57,535</b>	<b>78.2</b>	<b>56.4</b>	<b>31.7</b>	<b>12.3</b>	<b>47.3</b>	<b>44.0</b>	<b>51.2</b>

Note: There are missing values for the following self-reported characteristics: marital status, education, employment, and drug addiction. Of the 55,704 offenders with ethnicity available, 2.7% were Hispanic.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 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=45,260)						
			Total # of Prior Arrests	Average # of Prior Arrests	# of Prior Arrests (%)				
					1	2	3-4	5-9	10+
<b>Probation Entries</b>									
<b>Community Punishment</b>	25,897	66.4	57,438	3.3	38.1	20.5	20.6	14.8	6.0
<b>Intermediate Punishment</b>	12,268	84.6	46,354	4.5	22.5	17.5	24.4	25.5	10.1
<b>Subtotal</b>	38,165	72.2	103,792	3.8	32.2	19.4	22.0	18.8	7.6
<b>Prison Releases</b>									
<b>No Post-Release Supervision</b>	16,958	91.6	94,861	6.1	12.7	13.1	22.6	32.6	19.0
<b>Post-Release Supervision</b>	2,412	89.6	13,085	6.1	17.0	14.4	19.3	29.4	19.9
<b>Subtotal</b>	19,370	91.3	107,946	6.1	13.2	13.3	22.2	32.2	19.1
<b>Total</b>	<b>57,535</b>	<b>78.7</b>	<b>211,738</b>	<b>4.7</b>	<b>24.8</b>	<b>17.0</b>	<b>22.1</b>	<b>24.0</b>	<b>12.1</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Further information on additional measures of prior criminal justice system contacts is provided in Table 2.3, including information on prior probation admissions, prior probation revocations, and prior incarcerations.<sup>17</sup> Prior probation admissions were defined as occurring prior to the current probation admission date for probationers and as occurring prior to the prison admission date for prisoners. Overall, 63.9% of the sample had at least one prior probation admission. Prisoners were more likely to have a prior probation admission than probationers (91.1% compared to 50.1%, respectively). Sixty-four percent of intermediate punishment probationers had a prior probation admission compared to 43.6% of community punishment probationers. Similar to the arrest history, intermediate punishment probationers placed between prisoners and community punishment probationers. Prison releases had a slightly higher average number of prior probation admissions at 2.9, while probation entries averaged 2.2 prior probation admissions.

Prior probation revocations occurred prior to the current probation sentence for probationers and prior to the prison admission date for prison releases. These prior probation revocations could be for either technical or non-technical reasons. Forty percent of the sample had at least one prior probation revocation; 58.2% of prisoners had at least one prior probation revocation, while 30.5% of probationers had at least one prior probation revocation. For intermediate punishment probationers, the percentage with at least one probation revocation (43.5%) was more similar to prisoners with PRS (49.8%) than to community punishment probationers (24.3%). The average number of probation revocations for the sample was 2.0 with prison releases having a slightly higher average number of prior probation revocations (2.2) than probation entries at 1.8.

Finally, incarcerations prior to sample entry were examined. Prior incarcerations were defined as confinement in a DACJJ facility prior to sample entry. For prison releases, the prior incarceration excluded the current incarceration for which they were placed in the sample. Overall, 34.9% of the sample had a prior incarceration; prisoners (55.2%) were more likely than probationers (24.7%) to have at least one prior incarceration. Prison releases with no PRS (56.0%) were more likely than prison releases with PRS (50.0%) to have a prior incarceration. Intermediate punishment probationers had a higher rate of prior incarcerations at 37.6% than community punishment probationers at 18.5%. On average, prisoners had 3.0 prior incarcerations, while probationers had 2.2 prior incarcerations. Community punishment probationers had a slightly higher average number of prior incarcerations at 2.3 when compared to intermediate punishment probationers (2.1).

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

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<sup>17</sup> DACJJ's OPUS data were used to determine prior probation admissions, prior probation revocations, and prior incarcerations. For the offenders placed on supervised probation in the community, prior probation admissions and prior probation revocations are reported for those events that are processed in the North Carolina criminal justice system. It must be noted that the data presented on prior incarcerations only include incarceration in North Carolina's state prison system. The data do not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a technical revocation.

**Table 2.3**  
**Prior Criminal Justice System Contacts by Type of Punishment**

Type of Punishment	N	Age at 1 <sup>st</sup> CJS Contact	Prior Criminal Justice Contacts							
			Arrests		Probation Admissions		Probation Revocations		Incarcerations	
			%	Avg.	%	Avg.	%	Avg.	%	Avg.
<b>Probation Entries</b>										
<b>Community Punishment</b>	25,897	25.0	66.4	3.3	43.6	2.2	24.3	1.8	18.5	2.3
<b>Intermediate Punishment</b>	12,268	23.8	84.6	4.5	63.9	2.3	43.5	1.8	37.6	2.1
<b>Subtotal</b>	38,165	24.6	72.2	3.8	50.1	2.2	30.5	1.8	24.7	2.2
<b>Prison Releases</b>										
<b>No Post-Release Supervision</b>	16,958	21.9	91.6	6.1	93.7	2.9	59.4	2.2	56.0	2.9
<b>Post-Release Supervision</b>	2,412	20.9	89.6	6.1	72.3	2.7	49.8	2.2	50.0	3.3
<b>Subtotal</b>	19,370	21.8	91.3	6.1	91.1	2.9	58.2	2.2	55.2	3.0
<b>Total</b>	<b>57,535</b>	<b>23.7</b>	<b>78.7</b>	<b>4.7</b>	<b>63.9</b>	<b>2.5</b>	<b>39.8</b>	<b>2.0</b>	<b>34.9</b>	<b>2.6</b>

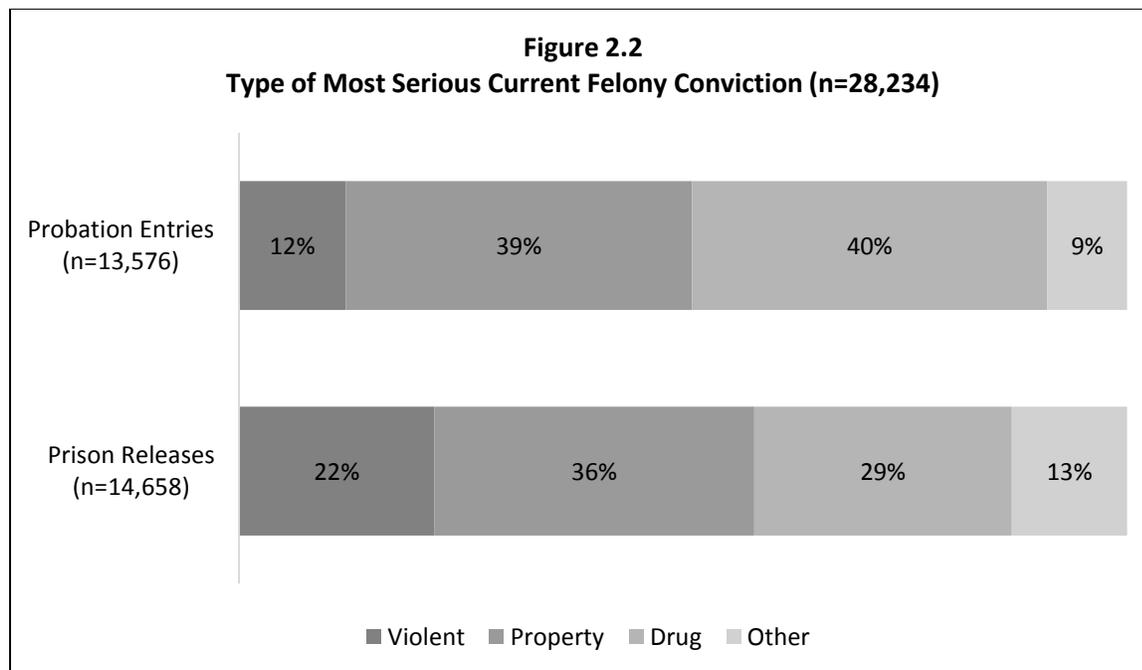
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Table 2.3 also examines the age at first criminal justice system contact.<sup>18</sup> If the offender had no prior criminal history as defined by the above measures, the age at first criminal justice contact would be the offender’s age at the most serious current conviction that placed him/her in the sample. The average age at first criminal justice contact was 23.7 years. On average, prisoners were younger (21.8 years) than probationers (24.6 years) – primarily due to their extended length of criminal history. Community punishment probationers were the oldest at 25.0 years when their first criminal justice contact occurred.

**Most Serious Current Conviction**

Overall, 49.1% (n=28,234) of the FY 2010/11 sample had a felony offense as the most serious current conviction and 50.9% (n=29,301) had a misdemeanor offense as the most serious current conviction.<sup>19</sup> 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 (40%), followed by property offenses (39%). For prisoners with a current felony conviction, the majority had convictions for property offenses (36%), followed by convictions for drug offenses (29%). As anticipated, prisoners were more likely to have current convictions for violent offenses (22%) than probationers (12%).

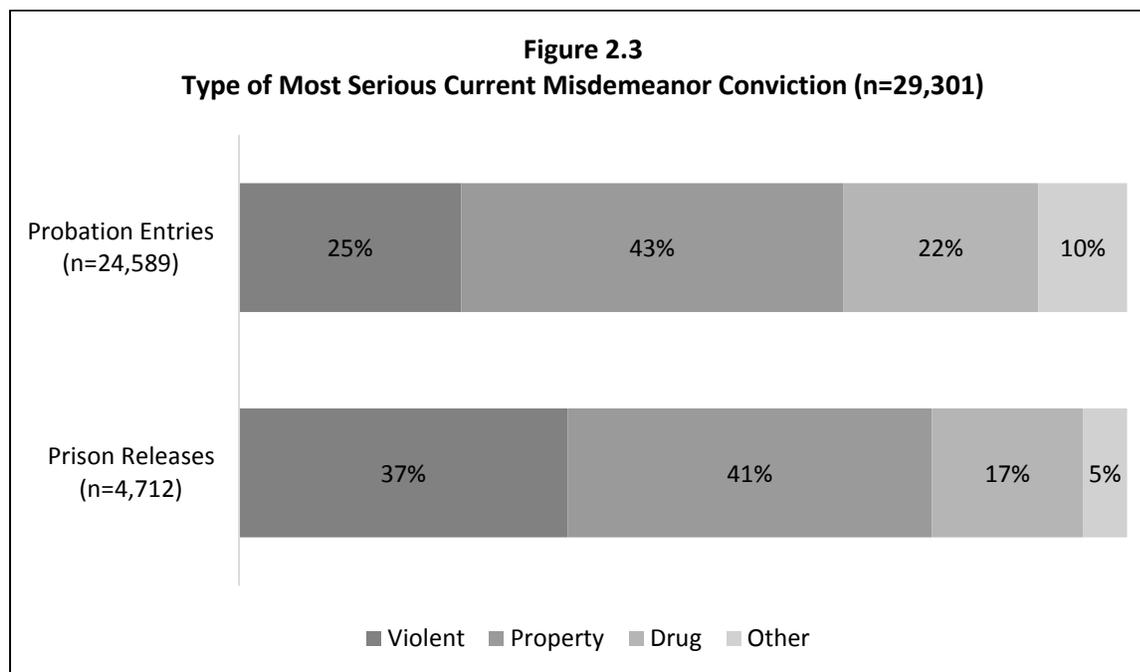


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

<sup>18</sup> Age at first criminal justice system contact is defined by contact with the adult system and does not include any contact the offender may have had with the juvenile justice system.

<sup>19</sup> Each offender’s conviction(s) that placed him/her in the sample as a prison release or probation entry during FY 2010/11 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 B for information on the categorization of offenses as person, property, drug, and other.

The majority of prisoners and probationers with current misdemeanor convictions were convicted of property offenses (41% and 43% respectively) and violent offenses (37% and 25% 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 (22%) compared to prisoners (17%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

The most serious current conviction by type of punishment is presented in Table 2.4. Overall, 40.1% of the sample had a most serious current conviction for a property offense, followed by 27.9% for drug offenses, 22.0% for violent offenses, and 10.1% for other offenses.<sup>20</sup> Community punishment probationers were more likely to have a most serious current conviction for a misdemeanor offense (83.7%) and the current conviction was most likely to be for a misdemeanor property offense (36.7%). 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 property offense (28.9%) or for a felony drug offense (27.1%). 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 (30.4%), followed by a drug offense (24.9%). Consistent with current law, 100.0% 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 (66.9%) or for an offense in the “other” category (24.3%) which includes offenders who have been convicted as habitual felons (Class C).

<sup>20</sup> Of the 12,666 offenders with a most serious current conviction for a violent offense, 7.6% (n=962) had a conviction for an offense which requires registration as a sex offender under Article 27A of Chapter 14 of the NC General Statutes.

**Table 2.4**  
**Most Serious Current Conviction by Type of Punishment**

Type of Punishment	N	Type of Conviction by Felony or Misdemeanor										
		% Violent		% Property		% Drug		% Other		% Total		
		Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	
<b>Probation Entries</b>												
<b>Community Punishment</b>	25,897	0.5	19.5	6.9	36.7	8.3	19.0	0.6	8.5	16.3	83.7	
<b>Intermediate Punishment</b>	12,268	11.8	9.2	28.9	8.4	27.1	4.4	8.5	1.7	76.3	23.7	
<b>Subtotal</b>	38,165	4.1	16.2	13.9	27.6	14.4	14.3	3.2	6.3	35.6	64.4	
<b>Prison Releases</b>												
<b>No Post-Release Supervision</b>	16,958	9.0	10.4	30.4	11.3	24.9	4.7	7.9	1.4	72.2	27.8	
<b>Post-Release Supervision</b>	2,412	66.9	N/A	5.9	N/A	2.9	N/A	24.3	N/A	100.0	0.0	
<b>Subtotal</b>	19,370	16.3	9.1	27.3	9.9	22.2	4.1	9.9	1.2	75.7	24.3	
<b>Total</b>	<b>57,535</b>	<b>8.2</b>	<b>13.8</b>	<b>18.4</b>	<b>21.6</b>	<b>17.0</b>	<b>10.9</b>	<b>5.5</b>	<b>4.6</b>	<b>49.1</b>	<b>50.9</b>	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Table 2.5 presents information on the offense class of the most serious current conviction for the FY 2010/11 sample by type of punishment.<sup>21</sup> Under Structured Sentencing, offenses are classified based on offense seriousness, with Class A through Class E felonies considered the violent felonies. The type of sentence imposed (community punishment, intermediate punishment, or active sentence) and the sentence length are based on the offense class for the most serious offense and on the offender's prior criminal history (see Appendix C for the felony and misdemeanor punishment charts).<sup>22</sup> Offenders convicted of Class B1 through Class D felonies are required to receive an active sentence.<sup>23</sup> Depending on their prior criminal history, offenders convicted of Class E through G felonies may receive either an intermediate punishment or an active sentence, while offenders convicted of Class H through Class I felonies or of misdemeanor offenses may receive a community punishment, an intermediate punishment, or an active sentence. Under Structured Sentencing, prisoners with a most serious offense for Class B1 through Class E felonies are released on PRS for a period of nine months, with the exception of sex offenders who are supervised for five years. Prisoners with a most serious offense for Class F through Class I felonies and Class A1 through Class 3 misdemeanors are released from prison without any supervision.

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

Type of Punishment	N	Offense Class for Current Conviction		
		% B1-E Felony	% F-I Felony	% A1-3 Misdemeanor
<b>Probation Entries</b>				
<b>Community Punishment</b>	25,897	0.0	16.3	83.7
<b>Intermediate Punishment</b>	12,268	4.9	71.4	23.7
<b>Subtotal</b>	38,165	1.6	34.0	64.4
<b>Prison Releases</b>				
<b>No Post-Release Supervision</b>	16,958	0.0	72.2	27.8
<b>Post-Release Supervision</b>	2,412	100.0	0.0	0.0
<b>Subtotal</b>	19,370	12.5	63.2	24.3
<b>Total</b>	<b>57,535</b>	<b>5.3</b>	<b>43.8</b>	<b>50.9</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

<sup>21</sup> As a reminder, the FY 2010/11 sample was convicted and sentenced prior to the implementation of the JRA; therefore, the description in this paragraph is based upon Structured Sentencing as it existed at that time.

<sup>22</sup> For further information about Structured Sentencing, see the Sentencing Commission's *Structured Sentencing Training and Reference Manual*.

<sup>23</sup> Offenders convicted of first degree murder (Class A) may receive either a death sentence or life without parole under Structured Sentencing.

For the FY 2010/11 sample, 5.3% had a most serious conviction for a Class B1 through Class E felony, 43.8% had a most serious conviction for a Class F through Class I felony, and 50.9% had a most serious conviction for a misdemeanor offense. Differences found in the offense class composition of the sample subgroups are consistent with Structured Sentencing, which links offense severity with type of punishment. The majority of community punishment probationers had a most serious conviction for a misdemeanor offense (83.7%), while the majority of intermediate punishment probationers and prisoners with no PRS had a most serious conviction for a Class F through Class I felony (71.4% and 72.2%, respectively). Nearly 13% of prisoners had a conviction for a Class B1 through Class E felony.

### ***Summary***<sup>24</sup>

Chapter Two provided a description of the FY 2010/11 sample's demographic characteristics, prior criminal history, and current conviction. Of the 57,535 offenders placed on probation or released from prison in FY 2010/11, 78% were male and 56% were nonwhite. Of the 38,165 probationers in the sample, 68% received a community punishment and 32% received an intermediate punishment. Of the 19,370 prison releases in the sample, 88% were released without PRS (Class F through Class I felonies or Class A1 through Class 3 misdemeanors), and 12% were released with PRS (Class B1 through Class E felonies).

Prior criminal history information indicates that 79% of the sample had at least one prior fingerprinted arrest. As expected, fewer probationers had at least one prior arrest (72%) than did prison releases (91%). Further, 64% of all offenders had at least one prior probation admission, 40% had at least one prior probation revocation, and 35% had at least one prior incarceration. For all measures of prior criminal history, prisoners were more likely than probationers to have prior criminal justice system contacts. Prisoners released without PRS generally were more likely to have prior criminal justice system contacts than those released with PRS. Probationers with intermediate punishments were more likely to have prior contact with the criminal justice system than those with community punishments.

Overall, 49% had a most serious current conviction for a felony offense – about 5% had a conviction for a Class B1 through Class E felony, 44% had a conviction for a Class F through Class I felony, and 51% had a conviction for a Class A1 through Class 3 misdemeanor. The majority of probationers had a most serious conviction for a misdemeanor offense (64%), while the majority of prisoners had a most serious conviction for a Class F through Class I felony offense (63%).

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

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<sup>24</sup> See Appendix D for summarized descriptions of the sample.

### CHAPTER THREE

#### CRIMINAL JUSTICE OUTCOME MEASURES FOR THE FY 2010/11 SAMPLE

Chapter Three examines the criminal justice outcome measures for the FY 2010/11 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.<sup>25</sup> While the FY 2010/11 sample selection occurred prior to the implementation of the JRA, portions of the sample's two-year follow-up period were under the criminal justice laws enacted and practices changed by the JRA – especially for probation entries who were on supervised probation.<sup>26</sup> Since the JRA implementation was staggered over a period of time during the follow-up, the results provided in this chapter cannot be directly correlated to any of the changes due to the new law and practices.

#### ***Definition of the Follow-up Period and Time at Risk***

Each offender in the FY 2010/11 sample was followed for a period of two years to determine whether repeat criminal behavior occurred, with one-year and two-year recidivism rates reported.<sup>27</sup> The two-year follow-up period was calculated on an individual basis using the prison release date plus two years for prison releases and using the probation entry date plus two years for probation entries. A fixed follow-up period was used in an attempt to obtain the same “window of opportunity” for each offender to recidivate. In actuality, the same window of opportunity was not necessarily available due to periods of prison or jail confinements imposed for a variety of reasons. As a result, offenders who were not rearrested in the follow-up may appear to be a success but may have actually experienced another type of criminal justice failure (e.g., technical revocation and incarceration) during that 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 subtracting the length of time incarcerated from the follow-up period. It is important to note that time spent in county jails is not included in the calculation of time at risk. In North Carolina, misdemeanants who are sentenced to active terms of 90 days or less are incarcerated in county jails; under the JRA (effective January 1, 2012), the relevant sentence length has been raised to 180 days or less.<sup>28</sup> Lack of 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 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 2010/11 sample. As expected, the percentage of the sample at risk for the entire follow-up period declined across the follow-up period. Overall, 86% of the FY 2010/11 sample were at risk for the entire one-year follow-up period and 78%

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<sup>25</sup> Refer to Chapter Two, Figure 2.1 for a detailed explanation of the subgroups of probationers and prisoners.

<sup>26</sup> See Chapter One for a brief discussion of the changes in sentencing practices and correctional policies due to the implementation of the JRA in 2011. Also, see the Sentencing Commission's reports titled *Justice Reinvestment Act Implementation Evaluation Report* (2012, 2013, 2014) that summarize the implementation of the JRA.

<sup>27</sup> Statistics reported for the two-year follow-up period include information on events that occurred during the first year of follow-up. As a result, the recidivism rates reported for each follow-up period cannot be added together across follow-up periods.

<sup>28</sup> See the Sentencing Commission's reports titled *Justice Reinvestment Act Implementation Evaluation Report* (2012, 2013, 2014) for more information on the Statewide Misdemeanant Confinement Program (SMCP).

were at risk for the entire two-year follow-up period. Probationers and prisoners were very similar with regards to the average time at risk during the one- and two-year follow-up periods. Of the four types of punishment, probationers with an intermediate punishment had the lowest percentage of offenders (62%) 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 (647 days compared to 708 days for community punishment probationers, 685 days for prisoners with no PRS, and 673 days for prisoners with PRS).

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

Type of Punishment	N	% at Risk and Average Time at Risk	
		One-Year Follow-Up 365 Days	Two-Year Follow-Up 730 Days
<b>Probation Entries</b>			
<b>Community Punishment</b>	25,897	90% 356 days	85% 708 days
<b>Intermediate Punishment</b>	12,268	74% 330 days	62% 647 days
<b>Subtotal</b>	38,165	85% 347 days	77% 688 days
<b>Prison Releases</b>			
<b>No Post-Release Supervision</b>	16,958	90% 353 days	79% 685 days
<b>Post-Release Supervision</b>	2,412	83% 337 days	76% 673 days
<b>Subtotal</b>	19,370	89% 351 days	79% 683 days
<b>Total</b>	<b>57,535</b>	<b>86%</b> <b>348 days</b>	<b>78%</b> <b>687 days</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 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

Overall, 28.1% of the FY 2010/11 sample were rearrested during the one-year follow-up and 40.7% were rearrested during the two-year follow-up (see Table 3.2).<sup>29,30</sup> Prisoners were more likely to be rearrested

**Table 3.2**  
**Recidivist Arrest Rates by Type of Punishment**

Type of Punishment	N	% Recidivist Arrest	
		One-Year Follow-Up	Two-Year Follow-Up
<b>Probation Entries</b>			
<b>Community Punishment</b>	25,897	24.0	34.6
<b>Intermediate Punishment</b>	12,268	29.3	41.3
<b>Subtotal</b>	38,165	25.7	36.8
<b>Prison Releases</b>			
<b>No Post-Release Supervision</b>	16,958	33.5	49.4
<b>Post-Release Supervision</b>	2,412	27.1	43.2
<b>Subtotal</b>	19,370	32.7	48.6
<b>Total</b>	<b>57,535</b>	<b>28.1</b>	<b>40.7</b>

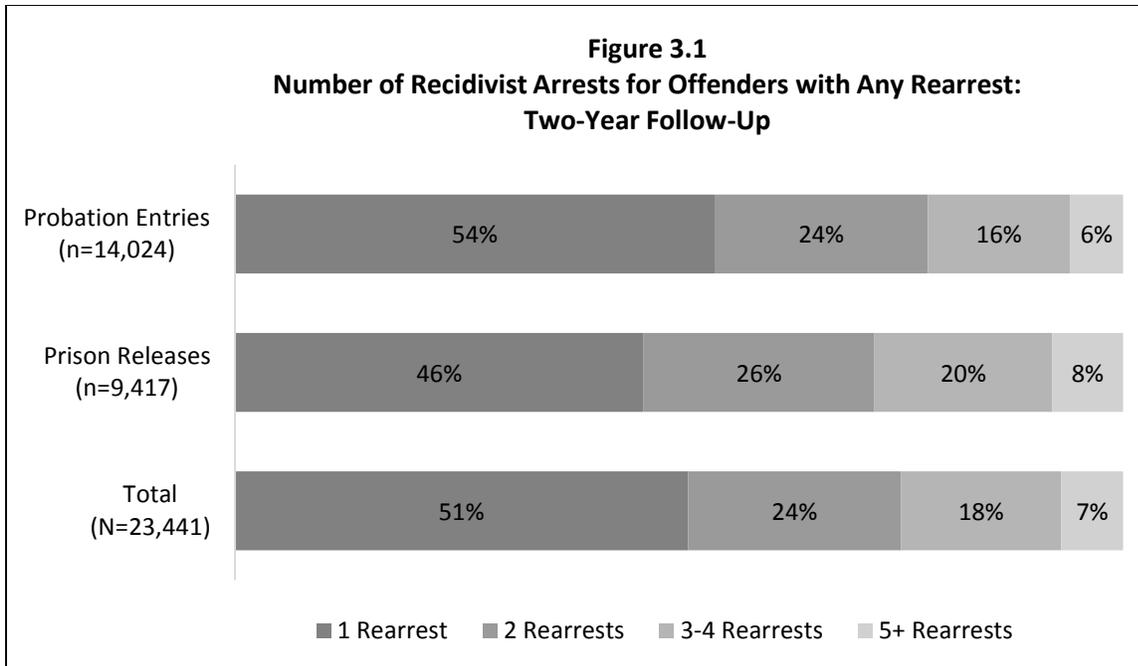
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

than probationers, with a 48.6% rearrest rate for the two-year follow-up period. Of the four types of punishment, probationers with a community punishment were the least likely to be rearrested (34.6%) while prisoners with no PRS were the most likely to be rearrested (49.4%).

Of the 23,441 offenders rearrested during the two-year follow-up, 51% had only one rearrest. Prisoners who were rearrested during follow-up had a higher number of rearrests than probationers who were rearrested (see Figure 3.1). For example, 46% of prisoners compared to 54% of probationers had only one rearrest, while 8% of prisoners compared to 6% of probationers had five or more rearrests. For those who were rearrested during the two-year follow-up period, their first rearrest occurred an average of 8.4 months after entry to probation or release from prison. There were slight variations in the time to first rearrest among the four groups. The average number of months to rearrest was 8.2 for community punishment probationers, 8.0 for intermediate punishment probationers, 8.7 for prisoners with no PRS, and 9.7 for prisoners with PRS.

<sup>29</sup> 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), refer to the Sentencing Commission's 2004 recidivism report.

<sup>30</sup> See Chapter One for a discussion on the increase in fingerprinted arrests due to the increase in the documenting of fingerprinted *misdemeanor* arrests and, also, Appendix A for DOJ's documentation of this increase.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Table 3.3 provides information on the actual number of arrests for those who were rearrested during the follow-up period, as well as the types of crimes for which they were rearrested. The 23,441 offenders who were rearrested during the two-year follow-up accounted for a total of 47,612 arrests, with 9,982 arrests for violent offenses, 20,219 arrests for property offenses, 10,658 arrests for drug offenses, and 18,393 arrests for other offenses.<sup>31</sup> 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 2010/11 sample. Table 3.3 also includes information on the average number of rearrests by offense type for each group. The average number of arrests for those who were rearrested was 2.0 for the two-year follow-up, with prisoners having a slightly higher average number of rearrests (2.2) than probationers (1.9).

### Recidivist Convictions<sup>32</sup>

Overall, 10.2% of the FY 2010/11 sample had a reconviction during the one-year follow-up period and 21.3% had a reconviction during the two-year follow-up period (see Table 3.4). Prisoners had a higher percentage of recidivist convictions than probationers during the follow-up periods. Nearly 27% of prisoners had a recidivist conviction during the two-year follow-up compared to 18.6% of probationers. Intermediate punishment probationers had a higher percentage of recidivist convictions during the two-year follow-up than community punishment probationers with 21.2% compared to 17.4% respectively. Prisoners with no PRS had a higher percentage of recidivist convictions during the two-year follow-up than prison releases with PRS, with 27.6% compared to 19.9% respectively.

<sup>31</sup> See Appendix B for information on the offense categorization of person, property, drug, and other.

<sup>32</sup> DOJ's CCH data 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 3.3**  
**Recidivist Arrests by Type of Punishment and Crime Type**

Type of Punishment	# with Any Rearrest	Total Number and Average Number of Recidivist Arrests: Two-Year Follow-Up									
		Violent		Property		Drug		Other		Total	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
<b>Probation Entries</b>											
<b>Community Punishment</b>	8,957	3,584	0.4	7,381	0.8	3,662	0.4	6,671	0.7	17,404	1.9
<b>Intermediate Punishment</b>	5,067	1,967	0.4	4,004	0.8	2,249	0.4	3,527	0.7	9,499	1.9
<b>Subtotal</b>	14,024	5,551	0.4	11,385	0.8	5,911	0.4	10,198	0.7	26,903	1.9
<b>Prison Releases</b>											
<b>No Post-Release Supervision</b>	8,375	3,841	0.5	8,168	1.0	4,268	0.5	7,353	0.9	18,729	2.2
<b>Post-Release Supervision</b>	1,042	590	0.6	666	0.6	479	0.5	842	0.8	1,980	1.9
<b>Subtotal</b>	9,417	4,431	0.5	8,834	0.9	4,747	0.5	8,195	0.9	20,709	2.2
<b>Total</b>	<b>23,441</b>	<b>9,982</b>	<b>0.4</b>	<b>20,219</b>	<b>0.9</b>	<b>10,658</b>	<b>0.5</b>	<b>18,393</b>	<b>0.8</b>	<b>47,612</b>	<b>2.0</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

**Table 3.4  
Recidivist Conviction Rates by Type of Punishment**

Type of Punishment	N	% Recidivist Conviction	
		One-Year Follow-Up	Two-Year Follow-Up
<b>Probation Entries</b>			
<b>Community Punishment</b>	25,897	8.7	17.4
<b>Intermediate Punishment</b>	12,268	10.6	21.2
<b>Subtotal</b>	38,165	9.3	18.6
<b>Prison Releases</b>			
<b>No Post-Release Supervision</b>	16,958	12.6	27.6
<b>Post-Release Supervision</b>	2,412	7.6	19.9
<b>Subtotal</b>	19,370	12.0	26.6
<b>Total</b>	<b>57,535</b>	<b>10.2</b>	<b>21.3</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Table 3.5 provides information on the volume and types of recidivist convictions. The 12,267 offenders who had a recidivist conviction by the end of the two-year follow-up accounted for 16,725 convictions during this period, with 2,600 convictions for violent offenses, 7,877 convictions for property offenses, 4,130 convictions for drug offenses, and 4,543 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 2010/11 sample.

Table 3.5 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 two-year follow-up. Prisoners who were rearrested had a slightly higher average number of recidivist convictions (1.4) than probationers (1.3). Overall, the average number of property convictions was 0.6 and 0.2 for violent convictions for those with a recidivist conviction during the two-year follow-up.

For offenders who had a recidivist conviction during the two-year follow-up period, their first recidivist conviction occurred an average of 12.0 months after entry to probation or release from prison. Among the four groups, prison releases with PRS had a slightly longer time to reconviction (13.6 months) compared to community punishment probationers at 11.7 months, intermediate punishment probationers at 11.8 months, and prison releases with no PRS at 12.3 months.

**Table 3.5**  
**Recidivist Conviction by Type of Punishment and Crime Type**

Type of Punishment	# with Any Conv.	Total Number and Average Number of Recidivist Convictions: Two-Year Follow-Up									
		Violent		Property		Drug		Other		Total	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
<b>Probation Entries</b>											
<b>Community Punishment</b>	4,511	883	0.2	2,887	0.6	1,481	0.3	1,599	0.4	6,086	1.3
<b>Intermediate Punishment</b>	2,598	479	0.2	1,558	0.6	865	0.3	859	0.3	3,300	1.3
<b>Subtotal</b>	7,109	1,362	0.2	4,445	0.6	2,346	0.3	2,458	0.3	9,386	1.3
<b>Prison Releases</b>											
<b>No Post-Release Supervision</b>	4,678	1,096	0.2	3,228	0.7	1,625	0.3	1,894	0.4	6,749	1.4
<b>Post-Release Supervision</b>	480	142	0.3	204	0.4	159	0.3	191	0.4	590	1.2
<b>Subtotal</b>	5,158	1,238	0.2	3,432	0.7	1,784	0.3	2,085	0.4	7,339	1.4
<b>Total</b>	<b>12,267</b>	<b>2,600</b>	<b>0.2</b>	<b>7,877</b>	<b>0.6</b>	<b>4,130</b>	<b>0.3</b>	<b>4,543</b>	<b>0.4</b>	<b>16,725</b>	<b>1.4</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

## Recidivist Incarcerations<sup>33</sup>

Of the FY 2010/11 sample, 13.5% had a recidivist incarceration during the one-year follow-up period and 21.9% had a recidivist incarceration during the two-year follow-up period (as shown in Table 3.6). Recidivist incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a probation revocation during the follow-up period.

Overall, probationers were slightly more likely to have a recidivist incarceration than prisoners, with a 22.2% incarceration rate at the end of the two-year follow-up for probationers compared to 21.2% of prisoners. Of the four groups, probationers with community punishments had the lowest incarceration rate during the follow-up period (15.3%) and probationers with intermediate punishments had the highest incarceration rate during the follow-up period (36.8%). The high reincarceration rate for this group is most likely linked to their high revocation rate. Of those offenders with an incarceration during the two-year follow-up period, 91.8% had one incarceration, 7.7% had two incarcerations, and 0.5% had three or more incarcerations.

**Table 3.6**  
**Recidivist Incarceration Rates by Type of Punishment**

Type of Punishment	N	% Recidivist Incarceration	
		One-Year Follow-Up	Two-Year Follow-Up
<b>Probation Entries</b>			
<b>Community Punishment</b>	25,897	10.0	15.3
<b>Intermediate Punishment</b>	12,268	24.5	36.8
<b>Subtotal</b>	38,165	14.7	22.2
<b>Prison Releases</b>			
<b>No Post-Release Supervision</b>	16,958	10.2	20.8
<b>Post-Release Supervision</b>	2,412	17.4	24.1
<b>Subtotal</b>	19,370	11.1	21.2
<b>Total</b>	<b>57,535</b>	<b>13.5</b>	<b>21.9</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

<sup>33</sup> DACJJ's OPUS data were used to determine recidivist incarcerations (*i.e.*, incarcerations that occurred during the follow-up period). It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. These data do not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a revocation during the follow-up period. Throughout the report, the term "reincarceration" is used interchangeably with "recidivist incarcerations." These terms refer to incarcerations during the two-year follow-up for offenders who have no prior incarcerations, as well as for those who have prior incarcerations.

For offenders who had an incarceration during the two-year follow-up period, their first incarceration occurred an average of 10.0 months after entry to probation or release from prison. The average number of months to incarceration was 9.5 for community punishment probationers, 9.1 for intermediate punishment probationers, 11.9 for prison releases with no PRS, and 8.7 for prison releases with PRS.

### ***Criminal Justice Outcome Measures by Groups***

The next section examines the criminal justice outcome measures by personal characteristics, current conviction, and for specific groups of offenders (*i.e.*, habitual felons, sex offenders required to register with the sex offender registry).

#### Personal Characteristics

Table 3.7 provides recidivism rates during the two-year follow-up by the offender's personal characteristics: gender, race, age at probation entry or prison release, marital status, education, employment, and drug addiction.<sup>34</sup> Overall, males had higher recidivism rates for all three measures than females. Black offenders had the highest recidivism rates for all three measures compared to the other race categories. Offenders under 21 years of age had the highest recidivism rates for all three measures compared to the other age groups. Offenders who are single had the highest recidivism rates for all three measures compared to the other categories. High school dropouts had higher recidivism rates compared to offenders who were not high school dropouts. Unemployed offenders and offenders with a drug addiction problem had higher recidivism rates for all three measures when compared to their counterparts.

#### Offense Class of the Current Conviction, Habitual Felons, and Registered Sex Offenders

In Table 3.8, recidivism rates were examined by offense class for the current conviction. Overall, 40.7% of offenders with a current conviction for a Class B1 through Class E felony (which are defined as violent offenses under Structured Sentencing), 44.5% of offenders with a conviction for a Class F through Class I felony, and 37.5% of offenders with a conviction for a Class A1 through Class 3 misdemeanor were rearrested during the two-year follow-up period. Offenders with a Class F through Class I felony also had higher recidivist conviction and incarceration rates compared to the violent felons and the misdemeanants. 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 2010/11 sample as a prison release, offenders with Class F through I felony convictions are more likely to be in the sample as a result of a probation sentence. Correspondingly, their higher reincarceration rates may be a function of both revocations and recidivist arrests that result in incarceration.

Represented within Class B1 through Class E convictions is a specific 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)

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<sup>34</sup> See Table 2.1 in Chapter Two for details of the sample's personal characteristics.

**Table 3.7**  
**Criminal Justice Outcomes by Personal Characteristics**

Personal Characteristics	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
<b>Gender</b>				
Female	12,566	29.1	13.3	12.5
Male	44,969	44.0	23.6	24.5
<b>Race</b>				
Black	29,640	45.7	24.4	23.3
White	25,095	35.9	18.6	20.8
Other/Unknown	2,800	31.5	13.2	16.6
<b>Age at Sample Entry</b>				
Under 21 Years	9,622	50.2	29.1	25.1
21-29 Years	19,592	44.9	23.1	23.7
30-39 Years	13,877	38.3	18.9	21.0
40-49 Years	9,573	34.7	18.1	20.4
50 Years and Older	4,871	24.2	12.1	13.8
<b>Marital Status</b>				
Single	39,123	44.3	23.6	23.1
Divorced/Separated	10,508	35.5	18.3	22.0
Married/Widowed	7,706	30.3	14.2	16.2
Other/Unknown	198	26.8	12.6	7.1
<b>Education</b>				
Not a High School Dropout	28,349	35.2	17.5	16.5
High School Dropout	25,408	46.5	24.9	25.5
<b>Employment</b>				
Employed	23,671	33.9	16.2	15.0
Unemployed	30,086	45.8	24.7	25.2
<b>Drug Addiction</b>				
No Drug Addiction	26,229	34.3	16.5	15.6
Drug Addiction	27,528	46.5	25.2	25.6
<b>Total</b>	<b>57,535</b>	<b>40.7</b>	<b>21.3</b>	<b>21.9</b>

Note: For education, employment, and drug addiction, 3,778 offenders had missing information.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

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 substantive conviction.<sup>35</sup>

**Table 3.8  
Criminal Justice Outcomes by Current Conviction**

Current Conviction	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
<b>Offense Class</b>				
Class B1 – E Felony	3,017	40.7	18.5	25.2
Class F – I Felony	25,217	44.5	23.8	28.8
<b>Felony Subtotal</b>	28,234	44.1	23.2	28.4
Class A1 – 3 Misdemeanor	29,301	37.5	19.5	15.6
<b>Specific Groups of Interest</b>				
Habitual Felons	584	48.1	21.9	26.0
Sex Offenders	962	27.0	13.9	26.3
<b>Total</b>	<b>57,535</b>	<b>40.7</b>	<b>21.3</b>	<b>21.9</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Recidivism rates were examined in order to assess whether habitual felons were more similar to offenders with a conviction for a Class B1 through Class E felony or to offenders with a conviction for a Class F through Class I felony. The recidivism rates for Class B1 through Class E convictions *with habitual felons excluded* are as follows: 48.1% of habitual felons were rearrested, 21.9% were reconvicted, and 26.0% were incarcerated. Based on these statistics, habitual felons more closely resembled offenders with Class F through Class I felony convictions than Class B1 through Class E felony convictions with respect to their distribution by recidivism rates, although their overall rearrest rate was higher (48.1% versus 44.5%).

Offenders who are required to register as sex offenders under Article 27A of Chapter 14 of the NC General Statutes are also a group of special interest. Those convicted of a reportable offense are required to register as sex offenders. A reportable offense is defined as “an offense against a minor, a sexually violent offense, or an attempt to commit” such offenses.<sup>36</sup> Of the 962 offenders in the sample convicted of an offense for which registration as a sex offender is required, 23.5% (n=226) were convicted of a Class B1 through Class E felony, 64.7% (n=622) were convicted of a Class F through Class I felony, and the remainder were convicted primarily of a Class A1 misdemeanor. Overall, 27.0% of the

<sup>35</sup> The JRA of 2011 included changes to the habitual felon status laws; however, the FY 2010/11 sample was sentenced prior to the implementation of the JRA. According to the Sentencing Commission’s annual statistical report, there were 750 habitual felon convictions in FY 2010/11 (NC Sentencing and Policy Advisory Commission, 2012). Overall, almost 89% (n=664) had a conviction for a Class F through Class I felony as their most serious underlying conviction, with Class F accounting for 8.4%, Class G for 22.8%, Class H for 41.5%, and Class I for 15.9%.

<sup>36</sup> Offenses against a minor and sexually violent offenses are defined in N.C.G.S. § 14-208.6.

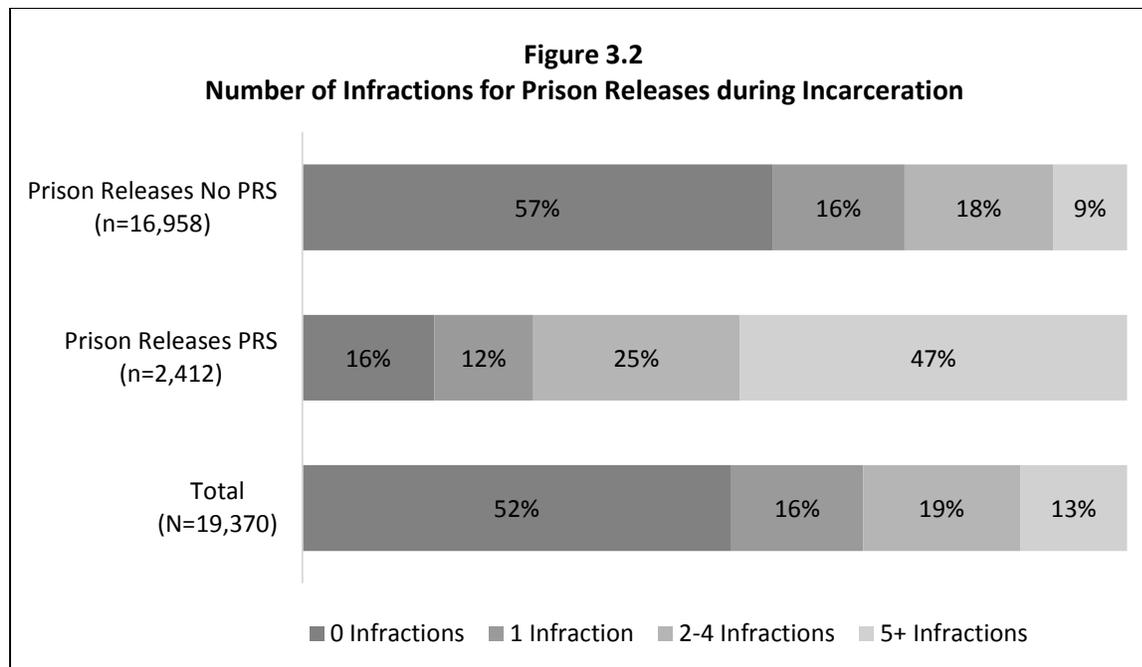
offenders required to register as a sex offender had a recidivist arrest during the two-year follow-up period. Fourteen percent of the offenders required to register as a sex offender had a recidivist conviction and 26.3% had a recidivist incarceration. When compared to each offense class grouping, offenders required to register as sex offenders were more similar to misdemeanants than to felons although the rates varied.

**Interim Outcome Measures – Prison Releases**

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

Infractions

For the FY 2010/11 prison releases (n=19,370), prison infractions while incarcerated for their current conviction (*i.e.*, the conviction that resulted in the offender being selected for the FY 2010/11 sample) were used as an indicator of prisoner misconduct. Overall, 52% of the FY 2010/11 prison releases had no infractions while in prison. Sixteen percent had one infraction, 19% had two to four infractions, and 13% had five or more infractions – for a total of 48% with at least one infraction while in prison. Figure 3.2 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 (84% compared to 43% of prisoners with no PRS). They also had a higher percentage with a greater number of infractions – 47% with five or more infractions compared to only 9% of prisoners with no PRS.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

When examining the number of infractions per inmate, it is important to control for time served because prisoners with longer sentences (*e.g.*, prisoners with PRS) have more time to accrue infractions. As shown in Table 3.9, the average number of infractions based only on prisoners who had an infraction was 4.8. As expected, the average number of infractions increased as time served increased.

**Table 3.9**  
**Average Number of Infractions for Prison Releases during Incarceration**

Time Served	N	Infractions	
		# with Any	Avg.
<b>0-4 Months</b>	7,350	1,561	1.8
<b>5-8 Months</b>	4,014	1,858	2.6
<b>9-24 Months</b>	4,737	3,161	3.8
<b>25 or More Months</b>	3,269	2,759	9.0
<b>Total</b>	<b>19,370</b>	<b>9,339</b>	<b>4.8</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

### **Summary**

Chapter Three provided a detailed examination of criminal justice outcomes within the context of offenders’ time at risk to recidivate during the two-year follow-up.

Each offender’s actual time at risk was calculated by subtracting periods of incarceration in North Carolina’s prison system from the follow-up period.<sup>37</sup> Seventy-eight percent of offenders in the FY 2010/11 sample were at risk to recidivate for the entire two-year follow-up period. Overall, average time at risk was very similar for prisoners and probationers.

Three measures of recidivism – recidivist arrest, conviction, and incarceration – were used to assess repeat involvement with the criminal justice system. The primary measure for recidivism – rearrests – indicated that 41% of the sample offenders had one or more rearrest in the two-year follow up period, with higher rearrest rates for prisoners than for probationers (*see* Table 3.10). For those offenders who were rearrested, the average time to first rearrest was 8.4 months and the average number of rearrests during the two-year follow-up was 2.0. The 23,441 sample offenders with a recidivist arrest accounted for 47,612 fingerprinted arrests over the two-year period.

Chapter Three also presented recidivist conviction and incarceration rates.<sup>38</sup> Overall, prisoners had higher reconviction rates than probationers, but similar reincarceration rates (*see* Table 3.10). While prisoners released without PRS had the highest rates of rearrest and reconviction, probationers on intermediate punishment had the highest rate of reincarceration, possibly due to a higher incidence of revocations.

<sup>37</sup> As noted previously, the time at risk measure does not account for time spent in local jails or prison facilities outside of North Carolina.

<sup>38</sup> It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina’s prisons.

**Table 3.10  
Criminal Justice Outcomes by Type of Punishment**

Type of Punishment	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
<b>Probation Entries</b>				
<b>Community Punishment</b>	25,897	34.6	17.4	15.3
<b>Intermediate Punishment</b>	12,268	41.3	21.2	36.8
<b>Subtotal</b>	38,165	36.8	18.6	22.2
<b>Prison Releases</b>				
<b>No Post-Release Supervision</b>	16,958	49.4	27.6	20.8
<b>Post-Release Supervision</b>	2,412	43.2	19.9	24.1
<b>Subtotal</b>	19,370	48.6	26.6	21.2
<b>Total</b>	<b>57,535</b>	<b>40.7</b>	<b>21.3</b>	<b>21.9</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

The findings for personal characteristics and recidivism rates were consistent with current research – offenders who were male, black, youthful, single, uneducated, unemployed, and had a drug addiction problem had higher recidivism rates compared to their counterparts for all three criminal justice outcome measures. Examination of offense class of the current conviction and recidivism rates revealed that Class F through Class I felons had higher recidivism rates compared to violent felons (Class B1 through Class E) and misdemeanants. Habitual felons were most similar in their recidivism rates to this group (Class F through Class I felons), while registered sex offenders were more similar in their recidivism rates to misdemeanants.

Infractions while in prison were studied as an interim outcome measure for the 19,370 offenders released from prison. Forty-eight percent of all prisoners had one or more infraction during their incarceration. Most likely due to the severity of their offenses and the length of their incarceration, violent felons were more likely to have infractions, and a larger number of infractions, than other prisoners.

The information presented in Chapter Three suggests that type of punishment and offense class were related to recidivism in the FY 2010/11 sample. However, other factors also play an important role in explaining differences in recidivism rates. Chapter Four focuses on the FY 2010/11 probation sample and provides information on risk and need assessments, supervision level, violations and revocations while on supervision, and the criminal justice outcome measures.

## CHAPTER FOUR PROBATION ENTRIES IN FY 2010/11

### ***Introduction***

Chapter Three provides a sample-wide profile of offender recidivism and other outcome measures. This chapter turns to a further examination of the probationers in the sample, with a specific goal in mind. While the JRA of 2011 has only affected, in its earliest phases of implementation, portions of the probation entries in the sample during the final months of the probationers' two-year follow-up, its future impact is expected to be greatest on the state's community corrections. Further focus of this chapter is intended to take a fresh look at issues that will become more salient under the JRA, including the risk and need assessments and determination of the supervision level; probation violations and responses to these violations; and the relationship between these components and recidivism.

The next Correctional Program Evaluation Report, to be completed in 2016, will be based on a sample of offenders placed on probation or released from prison during FY 2012/13. In view of this next sample of offenders – and, more specifically, the probationers – expected to be processed and supervised under the provisions of the JRA, Chapter Four provides the comparative framework for the analysis of probationers and displays some of the current practices that will have a major effect on offenders once the JRA is fully implemented.

### ***Statistical Profile of the FY 2010/11 Probation Entries***

With community and intermediate punishments redefined under the JRA, this chapter will examine probationers as felons or misdemeanants based on their current conviction. Of the 38,165 probation entries in FY 2010/11, the majority (64.4%) had a misdemeanor as their most serious current conviction; the remaining probationers (35.6%) had a felony as their most serious current conviction.<sup>39</sup> Chapter Two provides the personal characteristics, prior criminal history, and current conviction by type of punishment for probation entries. Since the majority of community punishment probationers are misdemeanants, and the majority of intermediate punishment probationers are felons, there were no major differences when examining probationers either by type of punishment or current conviction. Therefore, see Chapter Two for details of these characteristics.

### **Offender Risk and Need Assessments**

With the passage of the JRA, North Carolina joined a growing number of states that utilize some measure of risk and need to assess offenders, impose punishment, determine supervision type and level, and provide rehabilitative and other services. The legislation requires DPS to use a validated instrument to assess each probationer's risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level. DACJJ currently uses the Offender Traits Inventory – Revised (OTI-R) to assess offender risk and the Offender Self-Report instrument and the Officer

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<sup>39</sup> Each probationer's conviction(s) that placed him/her in the sample during FY 2010/11 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 shortened to "current conviction" for the remainder of this chapter.

Interview and Impressions instrument to assess offender need in order to determine supervision level, program placement, and other interventions for probationers.<sup>40</sup>

Since the OTI-R was not fully implemented by FY 2010/11, the probation entries sampled in this report were assessed using an older version of the OTI-R, the Offender Traits Inventory (OTI).<sup>41</sup> The offender assessments are administered within the first 60 days of probation supervision. Ninety-one percent of the probation entries in the sample had a completed OTI, while 88.8% of the probationers had a completed need assessment. Due to the link between risk assessment, need assessment, and supervision level assignment, only the probationers with completed risk and need assessments (n=33,900) will be discussed in this chapter.<sup>42</sup>

The OTI includes select demographic, financial, and employment information for the offender; a history of convictions and drug addiction; current disposition; and a subjective measure of the offender’s attitude. Each offender is assigned to one of four risk levels based on their score: high, moderate, low, and minimal. Table 4.1 provides the risk level distribution by current conviction. Of the 33,900

**Table 4.1  
Offender Risk and Need Levels for Probation Entries**

Current Conviction	N	% Offender Risk Level				
		High	Moderate	Low	Minimal	
Misdemeanor	21,760	17.0	34.5	34.0	14.5	
Felony	12,140	38.4	34.0	20.2	7.4	
<b>Total</b>	<b>33,900</b>	<b>24.7</b>	<b>34.3</b>	<b>29.0</b>	<b>12.0</b>	
Current Conviction	N	% Offender Need Level				
		Extreme	High	Moderate	Low	Minimal
Misdemeanor	21,760	23.7	19.2	35.1	18.2	3.8
Felony	12,140	26.9	19.0	34.7	16.6	2.8
<b>Total</b>	<b>33,900</b>	<b>24.9</b>	<b>19.1</b>	<b>35.0</b>	<b>17.6</b>	<b>3.4</b>

Source: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

probationers with a completed OTI, 24.7% were assessed as high risk, 34.3% as moderate risk, 29.0% as low risk, and 12.0% as minimal risk. For felons, the majority (72.4%) were either assessed as high or moderate risk compared to slightly over half (51.5%) of the misdemeanants that were assessed as high or moderate risk. Only 7.4% of the felons were minimal risk, while 14.5% of the misdemeanants were minimal risk. The within-group composition of each risk level was as expected – the percentage of felons

<sup>40</sup> See Cuddeback, Gary S. and Lambert, Michael C. *Factor Structure, Reliability, and Validity of the Revised Offender Traits Inventory and Selected Needs Measures on the Risk and Needs Assessment*. UNC School of Social Work. July 1, 2012.

<sup>41</sup> DACJ implemented the OTI-R by the spring of 2012.

<sup>42</sup> For this report, risk and need assessment data were based on assessments completed on or after the probation entry that placed the offender in the sample, and could have occurred at any point during the two-year follow-up period.

within each risk level declined from high risk to minimal risk. More felons were assessed as high risk (55.7%) than misdemeanants (44.3%), while more misdemeanants were assessed as minimal risk (77.8%) than felons (22.2%).

The need portion of the assessment addresses six criminogenic factors including dysfunctional family, criminal peers, anti-social personality, anti-social values, substance abuse, and self-control. The need assessment divides the probationers into five need levels: extreme, high, moderate, low, and minimal. Of the 33,900 offenders with a completed need assessment, 24.9% were assessed as extreme need, 19.1% as high need, 35.0% as moderate need, 17.6% as low need, and 3.4% as minimal need (see Table 4.1). Examination of need level by current conviction shows little difference between felons and misdemeanants – 23.7% of misdemeanants and 26.9% of felons were assessed as high need, while 3.8% of misdemeanants and 2.8% of felons were assessed as minimal need. The within-group composition of each need level found no distinct trend – more misdemeanants were assessed as extreme need (61.3%) than felons (38.8%) and more misdemeanants were assessed as minimal need (71.3%) than felons (28.7%).

### ***Supervision in the Community***

DACJ determines a probationer’s supervision level based on the intersection of the offender’s risk level and need level. The supervision levels range from 1 to 5 with Level 1 being the highest.<sup>43</sup> Once supervision level is determined, the minimum contact requirements for probation officers are set. Level 1 (the most restrictive) requires one home contact and one offender management contact per month, while Level 5 (the least restrictive) requires remote reporting monthly.<sup>44</sup> Overall, 9.3% of probationers were assessed in Supervision Level 1, 30.9% in Level 2, 31.0% in Level 3, 23.1% in Level 4, and 5.7% in Level 5 (see Table 4.2). More felons than misdemeanants were placed in the most restrictive supervision, Level 1 (14.4% and 6.5% respectively). More misdemeanants than felons were placed in the least restrictive supervision, Level 5 (6.9% and 3.5% respectively). As with risk level, the percentage of felons within each supervision level declined from Level 1 (most restrictive) to Level 5 (least restrictive). Comparison of offense type within each supervision level indicated that more felons than

**Table 4.2  
Offender Supervision Level for Probation Entries**

Current Conviction	N	% Offender Supervision Level				
		Level 1	Level 2	Level 3	Level 4	Level 5
Misdemeanor	21,760	6.5	26.9	33.0	26.7	6.9
Felony	12,140	14.4	38.2	27.4	16.5	3.5
<b>Total</b>	<b>33,900</b>	<b>9.3</b>	<b>30.9</b>	<b>31.0</b>	<b>23.1</b>	<b>5.7</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

<sup>43</sup> By policy, DACJ sets a minimum supervision level of Level 3 for sex offenders and DWI Levels 1, 2, or 3. However, those exceptions to supervision level were not used in this sample for the FY 2010/11 probation entries due to implementation.

<sup>44</sup> See Appendix E for DACJ’s risk of rearrest matrix by risk level and need level, which determines supervision level and minimum contact requirements for probation officers based on supervision level.

misdemeanants (55.4% and 44.6% respectively) were in the most restrictive supervision level (*i.e.*, Level 1), while more misdemeanants than felons (78.3% and 21.7% respectively) were in the least restrictive supervision level (*i.e.*, Level 5).

Table 4.3 shows the distribution of probationers by risk, need, and supervision levels. As categorized according to the DACJJ's risk instrument, the majority of probationers were moderate and low risk (34.3% and 29.0% respectively). For need level, the majority of probationers were moderate and extreme need (35.0% and 24.9% respectively). In addition to providing the distribution by risk level and by need level, the table also provides the distribution for each combination of risk level and need level.

### ***Interim Outcome Measures***

Information is provided on two interim outcome measures for probation entries during the two-year follow-up: 1) violations of probation and 2) revocation of probation.<sup>45</sup> As a reminder, only a portion of the probation sample's time on supervision was under the JRA and with new policies. Since only a portion of these outcomes occurred during the initial months of implementation, with little to no data reflecting the changes, the interim measures reported are based on pre-JRA probation supervision.

### **Probation Violations**

For the 33,900 probationers with a supervision level assigned, violations of probation were used as an indicator of misconduct while under supervision in the community during the two-year follow-up.<sup>46</sup> In addition, the type of violation was examined using the following categories in order of most serious to least serious: criminal (pending criminal charge(s) or a new conviction), absconding (excludes criminal or other technical violations), or technical (excludes criminal or absconding violations).<sup>47</sup> Probationers may have more than one type of violation on the same day (*e.g.*, a technical violation for having a positive drug test and a criminal violation for a new conviction) and may have multiple violations during the follow-up period. For analysis, examination of type of violation was based on the most serious violation that occurred during follow-up (hereinafter referred to as most serious violation).

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<sup>45</sup> Although there are some exceptions, under current law community punishment probationers receive a probation sentence of not less than 12 months and not more than 30 months, while intermediate punishment probationers receive a probation sentence of not less than 18 months and not more than 36 months. Of the probation entries in the FY 2010/11 sample, probationers receiving a community punishment were sentenced to an average of 17 months of supervised probation, while probationers receiving an intermediate punishment were sentenced to an average of 28 months. As a result, some community punishment probationers were not on probation supervision for the entire two-year follow-up period, while the majority of intermediate punishment probationers were on supervision for the entire follow-up. The probation violation and revocation measures capture any violations or revocations that occurred while on probation supervision during the two-year follow-up period. Violation or revocation may have occurred in relation to the offense for which the offender was selected for the study sample or for a new probation sentence that was imposed during follow-up.

<sup>46</sup> DACJJ's OPUS data were used to determine violations. Data on probation violations were analyzed based on "completed" violations. Completed violations have been either disposed of by the court at a violation hearing or handled by the Section of Community Supervision's delegated authority.

<sup>47</sup> Refer to *DCC Exits FY 2008-2009 Update of Probation Revocation to Prison Report*, February 10, 2010, formerly the Office of Research and Planning, for categorization and definitions of probation violations and revocations. While by definition a "criminal" violation may result from pending charges, it is generally the policy of the Section of Community Supervision to only consider criminal charges that result in conviction as a "criminal" violation. In the case of pending charges, probation officers may use elements of the pending charges to support a technical violation of probation (*e.g.*, a charge for public intoxication could be used to support a technical violation of the probation condition of not using or possessing alcohol).

**Table 4.3**  
**Supervision Level Distribution Based on Risk Level and Need Level for Probation Entries**

Need Level	Risk Level				Number/Percent by Need Level
	High	Moderate	Low	Minimal	
Extreme	<b>L1</b> 3,164 9.3%	3,020 8.9%	<b>L3</b> 1,820 5.4%	422 1.3%	<b>8,426</b> <b>24.9%</b>
	2,114 6.3%	<b>L2</b> 2,291 6.7%	1,564 4.6%	515 1.5%	<b>6,484</b> <b>19.1%</b>
Moderate	2,320 6.9%	4,175 12.3%	<b>L4</b> 3,732 11.0%	1,621 4.8%	<b>11,848</b> <b>35.0%</b>
	726 2.1%	1,948 5.8%	2,260 6.6%	<b>L5</b> 1,042 3.1%	<b>5,976</b> <b>17.6%</b>
Minimal	36 0.1%	200 0.6%	472 1.4%	458 1.3%	<b>1,166</b> <b>3.4%</b>
<b>Number/Percent by Risk Level</b>	<b>8,360</b> <b>24.7%</b>	<b>11,634</b> <b>34.3%</b>	<b>9,848</b> <b>29.0%</b>	<b>4,058</b> <b>12.0%</b>	<b>33,900</b> <b>100.0%</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Overall, 51.5% of the probationers had at least one violation during the one-year follow-up period and 66.4% had at least one violation during the two-year follow-up (see Table 4.4). Of misdemeanants, 54.5% had a violation during the one-year follow-up compared to 46.2% of felons. This gap narrowed for the two-year follow-up (66.8% for misdemeanants and 65.7% for felons). However, it must be noted that the supervision period for probationers with a current misdemeanor conviction was shorter (an average of 16 months) compared to probationers with a current felony conviction (an average of 29 months) which contributes to the closing gap.

Based on the most serious type of violation for probationers with at least one violation, 25.6% had a criminal violation, 16.3% had an absconding violation, and 58.1% had a technical violation. Felons had slightly more absconding violations (18.4%) and fewer technical violations (52.8%) as their most serious violation compared to 15.2% of the misdemeanants with an absconding violation and 61.0% with a technical violation as their most serious violation.

The 22,507 probationers with at least one violation accounted for a total of 34,738 violations during follow-up, with an average of 1.5 probation violations. For probationers with at least one violation, a higher percentage of misdemeanants had only one violation (65.3%) and fewer had three or more violations (10.4%) compared to felons (58.6% and 14.8% respectively). Among probationers who had a violation, the first violation tended to occur early in the supervision period, generally by the eighth month.

Table 4.5 shows the violation rates by risk and need levels during the two-year follow-up. For risk level, a stair-step progression was found in the violation rates with more high risk probationers having at least one violation during follow-up (82.6%) than minimal risk probationers (43.5%). That same stair-step progression was found in the need level – 75.9% of probationers assessed as extreme need had at least one violation, while 44.4% of minimal need probationers had at least one violation. The intersection of risk and need levels in Table 4.5 provides violation rates for each combination. Examination of the two extremes for supervision Level 1 and Level 5 yielded findings as expected – 86.4% of high risk and extreme need probationers had at least one violation during follow-up compared to 36.7% of minimal risk and minimal need probationers.

### Revocations

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

**Table 4.4**  
**Violations and Revocations by Current Conviction for Probation Entries**

<b>Violations</b>							
<b>Current Conviction</b>	<b>N</b>	<b>Total # of Violations</b>	<b>% with Any Violation</b>		<b>% Most Serious Violation (n=22,507):</b>		
			<b>One-Year Follow-Up</b>	<b>Two-Year Follow-Up</b>	<b>Criminal</b>	<b>Absconding</b>	<b>Technical</b>
<b>Misdemeanor</b>	21,760	21,742	54.5	66.8	23.8	15.2	61.0
<b>Felony</b>	12,140	12,996	46.2	65.7	28.8	18.4	52.8
<b>Total</b>	<b>33,900</b>	<b>34,738</b>	<b>51.5</b>	<b>66.4</b>	<b>25.6</b>	<b>16.3</b>	<b>58.1</b>

<b>Revocations</b>							
<b>Current Conviction</b>	<b>N</b>	<b>Total # of Revocations</b>	<b>% with Any Revocation</b>		<b>% Most Serious Revocation (n=10,509):</b>		
			<b>One-Year Follow-Up</b>	<b>Two-Year Follow-Up</b>	<b>Criminal</b>	<b>Absconding</b>	<b>Technical</b>
<b>Misdemeanor</b>	21,760	7,351	23.2	32.2	18.4	29.3	52.3
<b>Felony</b>	12,140	3,556	17.2	28.8	22.7	34.9	42.4
<b>Total</b>	<b>33,900</b>	<b>10,907</b>	<b>21.0</b>	<b>31.0</b>	<b>19.8</b>	<b>31.2</b>	<b>49.0</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

**Table 4.5**  
**Violation Rates by Supervision Level Distribution Based on Risk Level and Need Level for**  
**Probation Entries during the Two-Year Follow-Up**

Need Level	Risk Level				Rate by Need Level
	High	Moderate	Low	Minimal	
<b>Extreme</b>	<b>L1</b> 86.4%	75.4%	<b>L3</b> 64.8%	49.5%	<b>75.9%</b>
<b>High</b>	82.6%	<b>L2</b> 72.5%	58.4%	46.0%	<b>70.3%</b>
<b>Moderate</b>	79.8%	69.0%	<b>L4</b> 58.2%	43.4%	<b>64.2%</b>
<b>Low</b>	76.5%	62.9%	53.0%	<b>L5</b> 43.0%	<b>57.4%</b>
<b>Minimal</b>	61.1%	56.0%	45.8%	36.7%	<b>44.4%</b>
<b>Rate by Risk Level</b>	<b>82.6%</b>	<b>70.1%</b>	<b>57.7%</b>	<b>43.5%</b>	<b>66.4%</b>

Note: See Table 4.3 for the distribution of probationers by supervision level based on risk level and need level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Table 4.4 examined revocation rates by current conviction. Overall, 21.0% of probationers had a revocation of probation during the one-year follow-up period and 31.0% had a revocation during the two-year follow-up. Misdemeanants were more likely to have their probation revoked during the two-year follow-up than felons (32.2% compared to 28.8% respectively). While misdemeanants had shorter periods of probation supervision than felons, they had a higher revocation rate. The higher revocation rates may possibly be linked to their shorter available active sentence lengths.

Based on the most serious revocation, 49.0% had a technical revocation, 31.2% had an absconding revocation, and 19.8% had a criminal revocation. Felons tended to have more absconding revocations (34.9%) and fewer technical revocations (42.4%) than misdemeanants (29.3% for absconding and 52.3% for technical). The 10,509 probationers with a revocation of probation accounted for a total of 10,907 revocations, with an average of 1.0 revocation per probationer. For probationers with a revocation of probation during the two-year follow-up period, their first revocation occurred an average of 9.5 months after probation entry. Misdemeanants had a shorter time to revocation at 9.0 months than felons at 10.7 months. Again, misdemeanants' shorter time to revocation is most likely due to the shorter supervision sentences imposed at sentencing.

Table 4.6 provides revocation rates by risk and need levels. As seen with violations, the stair-step progression was also evident with revocations. Nearly 52% of high risk probationers had a revocation during the two-year follow-up, while 9.3% of minimal risk probationers had a revocation. Of extreme need probationers, 42.9% had a revocation compared to 10.5% of minimal need probationers. The intersection of risk and need levels in Table 4.6 provides revocation rates for each combination.

Examination of the two extremes for supervision Level 1 and Level 5 yielded findings as expected, 58.8% of high risk and extreme need probationers had at least one revocation during follow-up compared to 3.7% of minimal risk and minimal need probationers.

**Table 4.6**  
**Revocation Rates by Supervision Level Distribution Based on Risk Level and Need Level for Probation Entries during the Two-Year Follow-Up**

Need Level	Risk Level				Rate by Need Level
	High	Moderate	Low	Minimal	
<b>Extreme</b>	<b>L1</b> 58.8%	40.5%	<b>L3</b> 25.6%	14.9%	<b>42.9%</b>
<b>High</b>	53.8%	<b>L2</b> 37.8%	22.4%	15.5%	<b>37.6%</b>
<b>Moderate</b>	43.5%	31.2%	<b>L4</b> 17.3%	8.7%	<b>26.2%</b>
<b>Low</b>	39.9%	27.0%	15.4%	<b>L5</b> 7.3%	<b>20.7%</b>
<b>Minimal</b>	27.8%	23.0%	10.4%	3.7%	<b>10.5%</b>
<b>Rate by Risk Level</b>	<b>51.5%</b>	<b>34.1%</b>	<b>18.9%</b>	<b>9.3%</b>	<b>31.0%</b>

Note: See Table 4.3 for the distribution of probationers by supervision level based on risk level and need level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

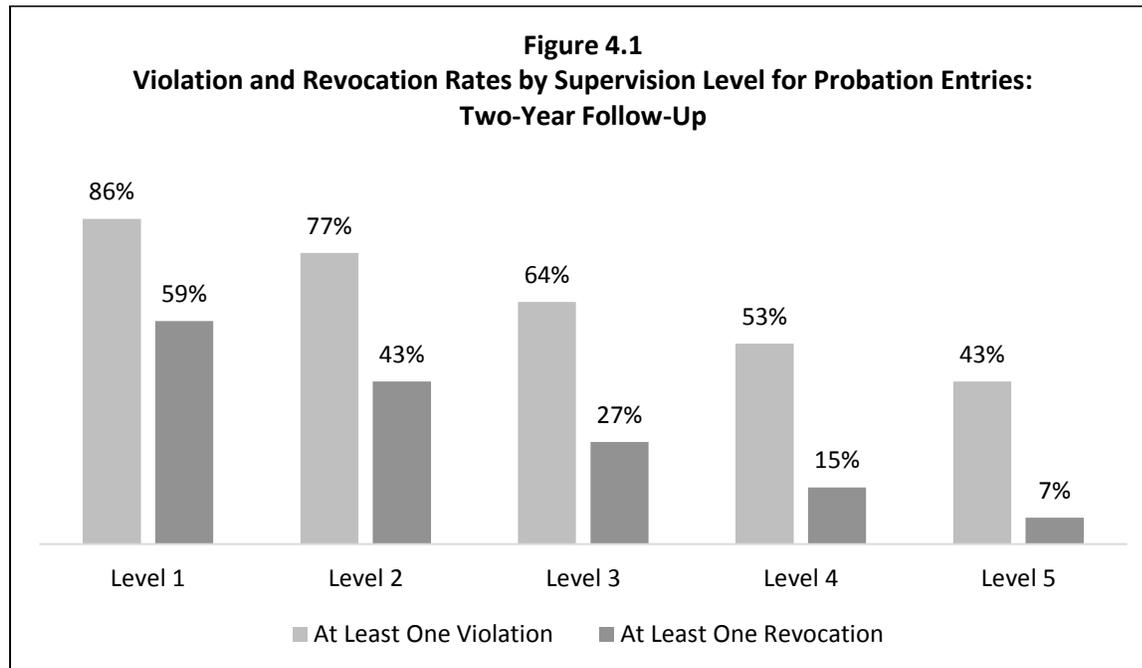
#### Violations and Revocations<sup>48</sup>

The outcome of each violation was not linked to its resolution (*e.g.*, modification of probation conditions, revocation of probation); however, revocation of probation was examined as an outcome measure of probation violations.<sup>49</sup> Of the 22,507 probationers with at least one probation violation, 45.2% also had a probation revocation during follow-up. Forty-six percent of probationers with a criminal violation had a probation revocation, 73.6% of probationers with an absconding violation had a probation revocation, and 37.1% of probationers with a technical violation had a revocation.

<sup>48</sup> See Appendix F for violation and revocation rates by type of punishment (*i.e.*, community, intermediate) for probationers.

<sup>49</sup> Provisions of the JRA expanded the scope of probation officers' delegated authority with the use of "quick dips" and provided an additional response to violations with the establishment of Confinement in Response to Violations (CRV). There were little reliable data available for this report due to the timing of implementation. See the Sentencing Commission's *Implementation of the Justice Reinvestment Act of 2011* report due on April 15, 2014, for the most recent statistics on these responses to violations.

Violation rates and revocation rates were also examined by offender supervision level as shown in Figure 4.1.<sup>50</sup> As expected, a stair-step pattern was found in violation and revocation rates by supervision level. Sixty-six percent of probationers had at least one violation during the two-year follow-up period; 86% of Level 1, 77% of Level 2, 64% of Level 3, 53% of Level 4, and 43% of Level 5 probationers had a violation during the two-year follow-up. A similar stair-step pattern was found for probation revocations, with Level 1 probationers having higher revocation rates than Level 5 probationers.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

### ***Criminal Justice Outcome Measures***

As described in Chapter Three, the Sentencing Commission’s main measure of recidivism is fingerprinted arrests.<sup>51</sup> For all probation entries in the sample (n=38,165), the recidivist arrest rate was 25.7% during the one-year follow-up and 36.8% during the two-year follow-up (see Chapter Three). For the probationers examined in this chapter (n=33,900), the overall recidivist arrest rate was 24.5% for the one-year follow-up and 35.6% for the two-year follow-up.<sup>52</sup> Misdemeanants had lower recidivism rates than felons – 23.0% for the one-year follow-up and 33.8% for the two-year follow-up compared to 27.1% and 38.9% respectively for felons. The average time to the first recidivist arrest for both misdemeanants and felons was 8 months.

<sup>50</sup> Of the 4,265 probationers without a risk and/or need assessment and, therefore, without a supervision level assignment, 62.1% had at least one violation and 66.6% had at least one revocation during the two-year follow-up.

<sup>51</sup> DOJ’s CCH data provide information on the recidivist arrests. See Chapter Three for a description of the recidivist arrests.

<sup>52</sup> Of the 4,265 probationers without a risk and/or need assessment and, therefore, without a supervision level assignment, 35.4% had at least one recidivist arrest during the one-year follow-up and 45.8% had at least one recidivist arrest during the two-year follow-up.

Recidivist Arrests and Risk and Need Levels

Table 4.7 shows the rearrest rates during the two-year follow-up by risk and need level. Of the 33,900 probation entries with a risk assessment completed, probationers assessed as high risk had the highest rearrest rates at 53.5% followed by moderate risk at 37.8%, low risk at 26.2%, and minimal risk at 15.2%. Examining recidivist arrests and need level shows the same stair-step pattern seen with risk level. Probationers assessed as having extreme need had the highest rearrest rates (43.3%) followed by high need at 40.1%, moderate need at 33.0%, low need at 28.2%, and minimal need at 19.4%. The intersection of risk and need levels in Table 4.7 provides rearrest rates for each combination. As expected, probationers assessed as high risk and extreme need had higher rearrest rates (56.4%) compared to minimal risk and minimal need probationers (11.6%).

**Table 4.7**  
**Recidivist Arrest Rates by Supervision Level Distribution Based on Risk Level and Need Level for Probation Entries during the Two-Year Follow-Up**

Need Level	Risk Level				Rate by Need Level
	High	Moderate	Low	Minimal	
<b>Extreme</b>	<b>L1</b> 56.4%	41.1%	<b>L3</b> 30.2%	18.0%	<b>43.3%</b>
<b>High</b>	53.8%	<b>L2</b> 40.0%	27.9%	20.6%	<b>40.1%</b>
<b>Moderate</b>	50.9%	36.0%	<b>L4</b> 26.1%	15.8%	<b>33.0%</b>
<b>Low</b>	49.0%	35.1%	23.1%	<b>L5</b> 11.9%	<b>28.2%</b>
<b>Minimal</b>	41.7%	28.0%	21.6%	11.6%	<b>19.4%</b>
<b>Rate by Risk Level</b>	<b>53.5%</b>	<b>37.8%</b>	<b>26.2%</b>	<b>15.2%</b>	<b>35.6%</b>

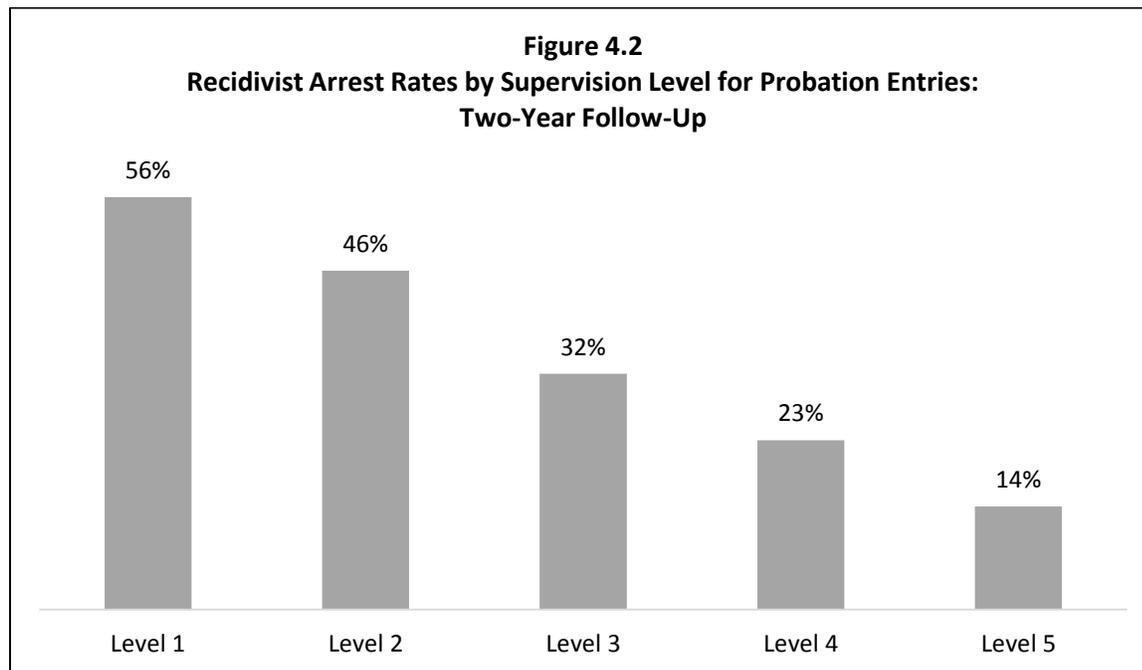
Note: See Table 4.3 for the distribution of probationers by supervision level based on risk level and need level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

The 12,071 probationers with at least one recidivist arrest produced 22,250 recidivist arrests. High risk probationers had the most rearrests on average at 2.0. For the remaining three risk groups, the average number of rearrests declined as the risk level declined (1.8 for moderate risk, 1.6 for low risk, and 1.5 for minimal risk). A similar pattern was found based on need level for probationers. The average time to first recidivist arrest was 8 months for probationers. High risk probationers had their first recidivist arrest on average at 8 months compared to the other three risk level groups that had their first recidivist arrest at 9 months. For need level, no distinctive pattern for the time to the first rearrest between the five groups emerged.

## Recidivist Arrests and Supervision Level

Similar to the pattern in rearrest rates by risk level and by need level, Figure 4.2 shows the same stair-step pattern in rearrest rates by supervision level – overall, the higher the supervision level the higher the rearrest rates. Fifty-six percent of Level 1 probationers had a recidivist arrest; 46% of Level 2, 32% of Level 3, 23% of Level 4, and 14% of Level 5. Of the total 22,250 recidivist arrests, probationers in Supervision Level 1 had the most rearrests at an average of 2.1. For the remaining four levels, the average number of rearrests declined as the supervision level became less intensive (1.9 for Level 2, 1.7 for Level 3, 1.6 for Level 4, and 1.5 for Level 5 probationers). Looking at the time to the first recidivist arrest, Level 1 had the shortest amount of time to rearrest at an average of 7 months compared to the other supervision levels (Level 2 at 8.1 months, Level 3 at 8.8 months, Level 4 at 9.4 months, and Level 5 at 8.8 months).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

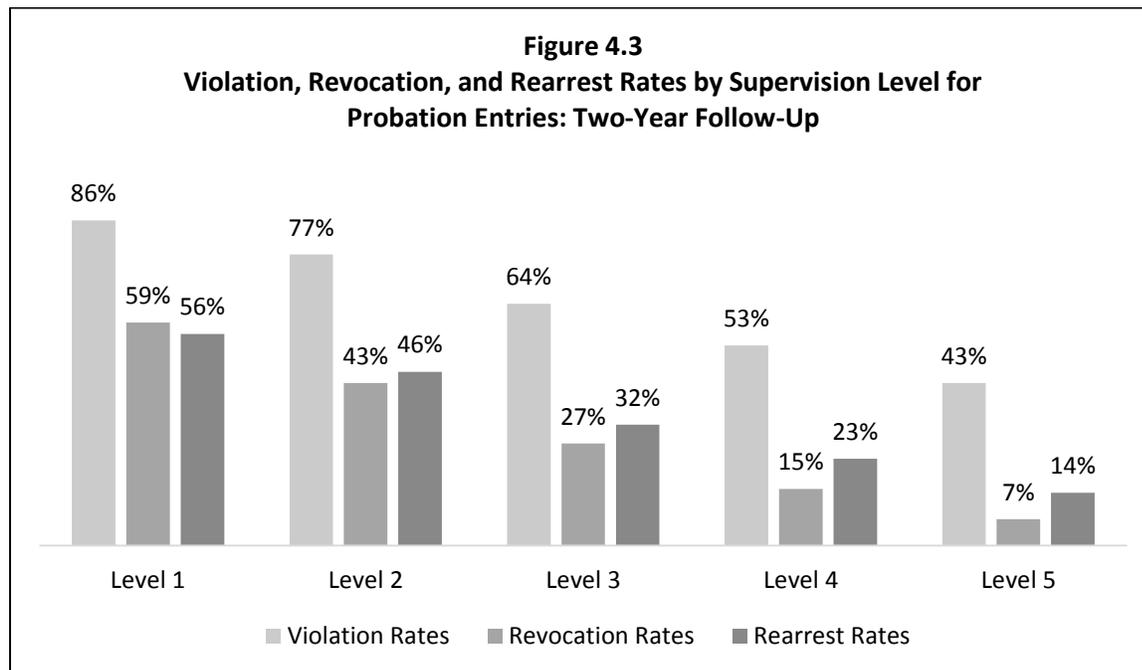
### **Summary**

Chapter Four provided a closer examination of the FY 2010/11 sample’s probationers in terms of risk, need, and supervision levels, thereby laying the groundwork for future analyses of the JRA changes. Under the new legal provisions, more emphasis will be given to risk, need, and supervision levels; probation violations and responses to these violations; and the relationship between these components and recidivism.

Eighty-nine percent of the probationers (n=33,900) had a supervision level assigned based on the risk and need assessments (*i.e.*, OTI to assess risk level and the Offender Self-Report and the Officer Interview and Impressions to assess need level). Based on these assessments, more felons than misdemeanants had higher risk and need levels. Based on the risk and need assessments, 9% of probationers were assigned to Supervision Level 1 (the most restrictive based on contacts with the

probation officer), 31% to Level 2, 31% to Level 3, 23% to Level 4, and 6% to Level 5 (the least restrictive).

Probation violations and revocations were analyzed as interim outcome measures for probationers by current conviction. Sixty-six percent of probationers had at least one violation and 31% of probationers had a revocation during the two-year follow-up. Misdemeanants had higher violation and revocation rates than felons. While misdemeanants have shorter periods of probation supervision than felons, the higher revocation rates may possibly be linked to their shorter available active sentence lengths. Looking at violations and revocations by supervision level, a stair-step pattern emerged – probationers with the highest risk of reoffending in Supervision Level 1 had more violations and revocations during the two-year follow-up (86% for violations and 59% for revocations) compared to the remaining four groups (see Figure 4.3). Level V probationers had the least violations and revocations at 43% and 7% respectively.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

Finally, recidivist arrests were examined based on risk, need, and supervision levels for probationers. Figure 4.3 shows the same stair-step pattern in rearrest rates by supervision level – the higher the supervision level the higher the rearrest rates. Fifty-six percent of Level 1 probationers had a recidivist arrest; 46% of Level 2, 32% of Level 3, 23% of Level 4, and 14% of Level 5.

Chapter Five summarizes the overall findings for the report for the FY 2010/11 sample.

## CHAPTER FIVE SUMMARY AND CONCLUSIONS

### *Summary*

During the 1998 Session, the General Assembly redrafted the Sentencing Commission's original mandate to study recidivism and expanded its scope to include a more in-depth evaluation of correctional programs. This report is the eighth correctional program evaluation in compliance with the expanded mandate (N.C.G.S. § 164-47). In its studies of recidivism, the Sentencing Commission uses rearrest as the primary measure of recidivism, supplemented by information on reconviction and reincarceration, to assess the extent of an offender's repeat involvement in the criminal justice system.

The sample selected for this study included offenders released from prison or placed on probation during Fiscal Year 2010/11 and followed for a fixed period of two years. All 57,535 offenders in the sample were sentenced under Structured Sentencing, affording a comprehensive look at the patterns of recidivism under North Carolina's 1994 sentencing reform.

Of the 57,535 offenders in the current sample, 66% (n=38,165) were placed on probation and 34% (n=19,370) were released from prison in FY 2010/11. This report also breaks down the probationers into those who received community and intermediate punishments, and the prison releases into those who were placed on post-release supervision (PRS) following their release and those who were released with no PRS.

Of the sample as a whole, 78% were male and 56% were nonwhite. Seventy-nine percent of the offenders had one or more prior fingerprinted arrests, accounting for a total of 211,738 prior arrests for the sample. Nearly half (49%) of the offenders had a most serious current conviction for a felony offense. The majority of probationers had a most serious conviction for a misdemeanor offense (64%), while the majority of prisoners had a most serious conviction for a Class F through Class I felony offense (63%).

The report includes information on "time at risk" during the follow-up period as context to an offender's opportunity to recidivate, with 78% of the sample being at risk for the entire two-year follow-up period. Table 5.1 summarizes two-year recidivism rates by the three outcome measures used in the study.

Overall, 41% (or 23,441) of the 57,535 offenders were rearrested during the two-year follow-up period, accounting for a total of 47,612 recidivist arrests incurred by the entire sample. Rearrest rates increased by punishment type from community to intermediate to prison.

The findings for personal characteristics and recidivism rates were consistent with current research – offenders who were male, black, youthful, single, uneducated, unemployed, and had a drug addiction problem had higher recidivism rates compared to their counterparts for all three criminal justice outcome measures. Examination of offense class of the current conviction and recidivism rates revealed that Class F through Class I felons had higher recidivism rates compared to violent felons (Class B1 through Class E) or misdemeanants. Habitual felons were more similar in their recidivism rates to this group (Class F through Class I felons), while registered sex offenders were more similar in their recidivism rates to misdemeanants.

**Table 5.1**  
**Outcome Measures for North Carolina Offenders**  
**Two-Year Follow-Up**

Type of Punishment	% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
<b>Probation Entries</b>	36.8	18.6	22.2
<b>Prison Releases</b>	48.6	26.6	21.2
<b>Total</b>	<b>40.7</b>	<b>21.3</b>	<b>21.9</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

A closer examination of the FY 2010/11 sample’s probationers in terms of risk, need, and supervision levels was conducted, thereby laying the groundwork for future analyses of the JRA changes. Eighty-nine percent of the probationers (n=33,900) had a supervision level assigned based on risk and need assessments (*i.e.*, Offender Traits Inventory (OTI) to assess risk and the Offender Self-Report and the Officer Interview and Impressions to assess need). More felons than misdemeanants had higher risk and need levels. Based on the risk and need assessments, 9% of probationers were assigned to Supervision Level 1 (the most restrictive based on contacts with the probation officer), 31% to Level 2, 31% to Level 3, 23% to Level 4, and nearly 6% to Level 5 (the least restrictive).

Probation violations and revocations were analyzed as interim outcome measures for probationers by current conviction – 66% had at least one violation and 31% had a revocation during the two-year follow-up. Misdemeanants had higher violation and revocation rates than felons. While misdemeanants have shorter periods of probation supervision than felons, the higher revocation rates may possibly be linked to their shorter available active sentence lengths. Looking at violations and revocations by supervision level, a stair-step pattern emerged – probationers with the highest risk of reoffending in Supervision Level 1 had more violations and revocations during the two-year follow-up (86% for violations and 59% for revocations) compared to the remaining four groups. Supervision Level 5 probationers had the least violations and revocations at 43% and 7% respectively.

Recidivist arrests were examined based on risk, need, and supervision levels for probationers. The same stair-step pattern emerged in rearrest rates by supervision level – the higher the supervision level the higher the rearrest rates. Fifty-six percent of Level 1 probationers had a recidivist arrest; 46% of Level 2, 32% of Level 3, 23% of Level 4, and 14% of Level 5.

**Conclusions**

When information from the current report is added to the Sentencing Commission’s previous recidivism studies, a wider array of findings and tentative conclusions emerges.<sup>53</sup> These reports, covering large samples of offenders released in North Carolina between CY 1989 and FY 2010/11, provide a framework to look at trends in the state’s recidivism rates and related factors (*see* Table 5.2). Overall, many of the

<sup>53</sup> The Sentencing Commission’s Correctional Program Evaluation Reports can be found at: <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/Recidivism/Default.asp>

findings – with one notable exception – have remained constant over the course of the recidivism studies and lead to the same general conclusions.

**Table 5.2**  
**Recidivist Arrest Rates for North Carolina Offenders**

Sample Year	Sample Size	Recidivist Arrest Rates: Two-Year Follow-Up		
		Probationers	Prisoners	All Offenders
1989	37,933	26.5	41.3	31.2
1996/97	51,588	28.1	42.6	32.6
1998/99	58,238	26.3	41.6	31.2
2001/02	57,973	27.3	41.6	31.5
2003/04	56,983	27.6	42.3	32.0
2005/06	60,824	28.2	41.3	32.5
2008/09	61,646	35.4	46.2	38.9
2010/11	57,535	36.8	48.6	40.7

Note: The average follow-up period for sample year 1989 was 26.7 months. Probation entries include FSA offenders on regular probation for sample year 1989 and SSA offenders on community punishment probation for sample years 1996/97 through 2010/11. Prison releases include FSA prisoners released on regular parole in 1989, FSA and SSA prisoners from 1996/97 through 2001/02, and SSA prisoners for 2003/04 through 2010/11.

SOURCE: NC Sentencing and Policy Advisory Commission

The series of studies, in addressing their primary purpose, have found that statewide recidivism rates have been consistent over the past twenty years, with a measurable increase in the rates of the two more current (FY 2008/09 and FY 2010/11) samples.

The first six samples studied had rearrest rates ranging between 31% and 33%, with the two latest samples' rearrest rates climbing to 39% and 41%. After investigation into possible reasons for this increase, the primary explanation points to a change in field technology to capture additional fingerprinted arrests as reported by DOJ staff. Improved fingerprinting technology in sheriffs' offices and police departments in recent years have led to a greater number of fingerprinted misdemeanor arrests. Corresponding with the increased fingerprinting of misdemeanants, the proportion of misdemeanor-only arrests within "all fingerprinted arrests" jumped from 34% in FY 2005/06 to 56% in FY 2009/10, and then stabilized (see Appendix A for tables). As a result, a more accurate – and higher – rate of misdemeanor arrests is now reported by the DOJ, significantly increasing the number and proportion of offenders who are consequently categorized as "recidivists" based on these arrests. While the recidivism rates for the two prior samples (and particularly the FY 2008/09 sample) have risen considerably, a large portion of the increase is accounted for by more accurate and reliable recording of misdemeanor arrests rather than by an increase in the actual number of arrests.

Some additional findings are worth mentioning in view of the newly implemented JRA and its anticipated impact on recidivism. These select findings, consistent across the years, relate to the predictive value of risk assessments; the need to efficiently target the reserve of correctional resources to prevent future criminality; and the importance of timely, efficient, and graduated responses to offender violations.

The Sentencing Commission's series of reports have consistently confirmed the value of offender risk assessments as a predictive tool for recidivism and noted its potential use at various points in the criminal justice decision making process. The current study, based on risk and need assessments used prospectively by the DACJJ to determine supervision levels, has again proven this tool to be a predictor of repeat offending behavior. Since 2012, the JRA has made the risk and need assessments a priority in its revised scheme to supervise and service offenders. As mandated by the new legislation, offenders are to be assessed by a validated instrument as to their criminogenic needs and risk of reoffending. The intersection of their risk and need levels determine the type of controlling sanctions and rehabilitative services for each offender while under supervision.

Intermediate punishment, introduced by Structured Sentencing as a form of probation with higher levels of controls and programming for more serious offenders, has been found over time and in this study to provide an effective alternative in the range of graduated sanctions between community punishment and incarceration. The targeting of offenders for intermediate sanctions is at the discretion of the court, within the allowable punishment structure based on the severity of their current offense class and prior criminal record. The JRA provisions, however, while giving full consideration to matching offenders with available resources, move much of the timing of this targeting from the courts to corrections, following the offender's assessment. To accommodate this new approach, the JRA blurred the distinction between intermediate and community punishments. With only a few conditions remaining specific to intermediate sanctions, judges may now impose sanctions from a wider range of options and also delegate to probation officers the exercise of that broad authority following the offender's assessment.

A recurring theme in the recidivism studies points to the fact that offenders who fail to comply with conditions or commit new crimes are likely to do so relatively early in the follow-up period. This finding highlights the importance of timing and targeting of correctional resources in order to reduce recidivism. Additional components of the JRA address the timing and graduated severity of responses to probation violations, in order to stop or delay certain behaviors before they lead to revocations or new arrests. The major building blocks offered by the JRA provisions include quick dips and confinement in response to violations (CRV), with revocations limited to new crimes, absconding, or following two prior CRVs. The law also prescribes post-release supervision, with a similar approach to violations and revocations, to all felons released from prison.

### ***The Justice Reinvestment Act and Its Potential Impact on Recidivism***

As mentioned earlier, the passage of the JRA in 2011 introduced major changes in North Carolina's criminal justice system. The FY 2010/11 sample examined in this report represents the last sample to be based entirely on SSA offenders sentenced prior to the passage of JRA; subsequent reports will include SSA offenders sentenced both prior to and subsequent to the changes implemented by JRA. The current sample may serve as a baseline of comparison in future reports which will help assess the impact of the JRA, most specifically on rearrest, reincarceration, and revocation rates for probationers and prisoners.

In order to gain some further insight into the emerging policies and practices as the field implements the comprehensive new law, Commission staff visited six Judicial Districts statewide and conducted interviews with superior and district court judges, district attorneys, public defenders, chief probation and parole officers, and probation and parole officers. The interviews, conducted in the fall of 2013, focused on the processing of actual cases placed on probation during FY 2012/13 and will be a part of the next cohort of offenders for the 2016 report.

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

- Changes in supervision and services based on offender risk and needs –
  - utilizing risk and need assessments to manage the offender population, and effectively targeting and delivering resources by matching offenders with supervision levels, programs, and services based on their risk of reoffending and their criminogenic needs. The Offender Traits Inventory Revised (OTI-R) serves as the tool the DACJJ uses in assessing probationers, with a similar tool developed and used for prisoners.
  
- Changes to community supervision –
  - delegated authority to probation officers in the form of quick dips as a response to probation violations;
  - redefinition of both community and intermediate punishments, allowing for greater flexibility for the court and probation officers in imposing conditions of probation based on an offender's risk, need, and supervision levels;
  - reduction in revocations, with an actual revocation of the suspended sentence reserved only for offenders who commit a new crime or abscond, and the utilization of 90-day confinement in response to violation periods for other violations of supervision;
  - expansion of a nine-month period of post-release supervision to include all felons, and lengthening the supervision period to twelve months for violent felons;
  - establishment of Treatment for Effective Community Supervision (TECS), to refocus Criminal Justice Partnership Programs (CJPP) under DACJJ funding and provide oversight for local programs to serve the needs of the offender population in each county.
  
- Changes to incarceration –
  - advanced supervised release (ASR) for offenders designated at sentencing by the court, contingent on completing certain prison programming based on their risk and need assessments administered by the DACJJ;
  - Statewide Misdemeanant Confinement Program (SMCP), for misdemeanants who receive a sentence between 91 and 180 days to serve their time in local jails, rather than in state prisons;
  - creation of a new status offense of habitual breaking and entering, increasing the probability of incarceration for a second conviction for certain offenses.

The Sentencing Commission's 2016 report will provide an assessment of the early success of the JRA in fulfilling some of its promises regarding recidivism rates. Due to the more immediate impact of the JRA on community corrections, the study will focus primarily on probationers with additional analyses of the impact of provisions aimed at prisoners.

As with any large-scale change to correctional policy, expectations for success in preventing future criminality should be viewed realistically. Components of an offender's criminal history, current offense, and experiences with the correctional system are all elements strongly correlated with continued

criminal behavior. The probability of rehabilitative success and recidivism reduction should be articulated in this context, and be realistic in weighing criminogenic factors brought with an offender into the system compared to the short time and limited resources at the DACJJ's disposal to reverse their impact. With this caveat notwithstanding, the Sentencing Commission looks forward to continuing its work with the DACJJ to combine the lessons learned from previous studies of recidivism and from the first empirically measurable effects of the JRA in an effort to evaluate the promising new approach to offender placement, supervision, treatment, and services.

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## **APPENDIX A**

Additional Tables on Fingerprinted Arrests

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**Table A.1**  
**Fingerprinted Arrests by Fiscal Year**  
**State Bureau of Investigation's Computerized Criminal History Data**

<b>Fiscal Year</b>	<b>Total Arrests</b>	<b>Felony Arrests</b>		<b>Misdemeanor Only Arrests</b>	
		<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>1999/00</b>	89,661	58,826	66	30,835	34
<b>2000/01</b>	96,593	64,496	67	32,097	33
<b>2001/02</b>	103,125	68,843	67	34,282	33
<b>2002/03</b>	107,022	71,980	67	35,042	33
<b>2003/04</b>	109,098	71,987	66	37,111	34
<b>2004/05</b>	117,416	76,373	65	41,043	35
<b>2005/06</b>	120,082	79,263	66	40,819	34
<b>2006/07</b>	127,264	80,000	63	47,264	37
<b>2007/08</b>	151,160	85,643	57	65,517	43
<b>2008/09</b>	187,628	92,253	49	95,375	51
<b>2009/10</b>	209,083	92,575	44	116,508	56
<b>2010/11</b>	210,207	92,647	44	117,560	56
<b>2011/12</b>	216,540	96,382	45	120,158	55
<b>2012/13</b>	210,055	95,378	45	114,677	55

SOURCE: NC Department of Justice, Information Technology Division

**Table A.2  
Recidivist Arrest Rates by Most Serious Offense Type**

Sample Year	Sample Size	Recidivist Arrest Rates: Two-Year Follow-Up					
		Felony		Misdemeanor Only		Total	
		#	%	#	%	#	%
<b>2005/06<sup>a</sup></b>	60,824	16,191	26.6	2,567	4.2	19,740	32.5
<b>2008/09<sup>b</sup></b>	61,646	16,946	27.5	6,974	11.3	23,954	38.9
<b>2010/11</b>	57,535	16,458	28.6	6,983	12.1	23,441	40.7

<sup>a</sup> Due to missing information regarding felony or misdemeanor designation, an additional 982 rearrests are reported in the total.

<sup>b</sup> The recidivist arrest data reported for FY 2008/09 sample include Class 2 and 3 misdemeanors. Due to missing information regarding felony or misdemeanor designation, an additional 34 rearrests are reported in the total.

SOURCE: NC Sentencing and Policy Advisory Commission

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## **APPENDIX B**

### Glossary of Major Terms and Variables

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## GLOSSARY OF MAJOR TERMS AND VARIABLES

**Age:** Age (in years) at entry to probation or release from prison.

**Age at First Criminal Justice System Contact:** Age at which the offender first came into contact with the criminal justice system as an adult or as a juvenile waived to adult jurisdiction. This measure includes fingerprinted arrests, convictions, probation admissions, probation revocations, and prison admissions. Although the first contact would normally be for an arrest, it is possible that it may be for a conviction for a non-fingerprinted arrest or for any of the other types of criminal justice system contacts mentioned. If the offender had no prior criminal history as defined by the above measures, the age at first criminal justice system contact is the date of the conviction that placed the offender in the sample.

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

- **Prior Arrest:** Fingerprinted arrest that occurred before the current conviction that placed the offender in this sample. This definition excludes arrests associated with the current conviction. Prior arrests for impaired driving and other traffic offenses were excluded from analysis.
- **Recidivist Arrest:** Fingerprinted arrest that occurred within the two-year follow-up period. This definition excludes arrests associated with the current conviction. Also referred to as “rearrest(s).” Recidivist arrests for impaired driving and other traffic offenses were excluded from analysis.

**At Risk:** Being in a state/condition in which the person is capable of experiencing a specified event within a defined time-frame. In this context, an offender is said to be at risk of recidivism during the two-year follow-up period on any day that he/she was not incarcerated in North Carolina’s prison system. In addition, time spent in county jails, in other state confinement facilities, or in Federal facilities would reduce the availability of the offender to be at risk; however, these types of confinements were not accounted for during the follow-up period in this study.

**Conviction:** Conviction for an offense in the North Carolina state court system. The study examined three types of convictions – prior, current, and recidivist. Each conviction was counted in the category for the offense involved: violent, property, drug, and other. If a prior or recidivist conviction event (a single conviction date) involved more than one type of offense, it was counted in each offense category.

For example: if an offender had two conviction events (dates) – one conviction event consisted of a violent charge and a property charge, and the second consisted of a property charge and a drug charge – this situation resulted in a count of one violent conviction, two property convictions, and one drug conviction, as well as an overall count of two convictions.

- **Prior Conviction:** A conviction that occurred before the current conviction that placed the offender in this sample, based on data recorded in the DOJ CCH system. Prior convictions for impaired driving and other traffic offenses were excluded from analysis. Used to calculate age at first criminal justice system contact in the report.
- **Current Conviction (Most Serious):** The conviction that placed the offender in the sample as a probation entry or prison release during FY 2010/11, based on information in OPUS. Conviction offenses were ranked in terms of seriousness based on offense class and sentence length. The offense corresponding to the highest offense class was selected as the most serious current conviction for analysis purposes. If the offender had more than one conviction in this class, then the offense with the longest sentence length was selected. Current convictions for impaired driving and other misdemeanor traffic offenses, process offenses such as criminal contempt or probation violation, and offenders sentenced under earlier sentencing laws (Pre-Fair and FSA) were excluded from the analysis.
- **Recidivist Conviction:** A conviction that occurred within the two-year follow-up period, based on data recorded in the DOJ CCH system. The arrest corresponding to the conviction had to have occurred during the follow-up period also. Recidivist convictions for impaired driving and other traffic offenses were excluded from analysis.

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

**Drug Addiction:** A dichotomous measure of whether the offender reported a history of drug addiction on the OTI. This measure does not assess alcohol abuse or addiction. The OTI is usually administered as part of the probation or prison intake process.

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

**Employed:** A dichotomous measure of whether the offender had stable employment (or, if a student, was passing in school) at the time of probation admission (for probationers) or prison intake (for prisoners). This information comes from the OTI.

**Follow-Up Period:** Each offender was tracked for a period of two years to determine whether recidivist arrests, convictions, or incarcerations occurred. The follow-up period was calculated on an individual basis using the probation entry date plus two years for probationers and the prison release date plus two years for prisoners. Recidivism rates are reported for one-year and two-year follow-up periods. Each follow-up period reported is inclusive of the previous follow-up period. That is, the two-year follow-up period contains information on events that occurred during both the first and second years of follow-up.

As a result, recidivism rates reported for each follow-up period cannot be added across follow-up periods.

**High School Dropout:** Self-reported educational status from the OTI. Education was categorized as a dichotomous variable, measured as whether the individual finished high school. The OTI is usually administered as part of the probation or prison intake process.

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

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

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

**Infraction:** A finding by the disciplinary committee that a prisoner violated prison rules (prison releases only). The study included all classes and types of infractions, such as assault, possession of weapons, disobeying a direct order, and possession of contraband.

**Justice Reinvestment Act (JRA):** The JRA, implemented on December 1, 2011 (S.L. 2011- 192), redefines community and intermediate punishments, expands the delegation of authority to probation officers, and limits the time an offender may serve for violations of probation. It creates a new status offense of habitual breaking and entering, changes habitual felon punishments, authorizes early release from prison under certain conditions, and expands post release supervision to all incarcerated felons. To keep offenders in the community, and refocuses the Criminal Justice Partnership Program through the creation of the Treatment for Effective Community Supervision program. Finally, the JRA requires the DACJJ to use a validated instrument to assess each probationer for risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level. The implementation of JRA does not impact the FY 2010/11 study sample with regard to sample selection, type of punishment, prior criminal history, or most serious current conviction, but portions of the sample’s two-year follow-up period were under the criminal justice laws enacted and practices changed by JRA—especially for probation entries with supervised probation.

**Marital Status:** A dichotomous measure categorized as married or not married as recorded from the marital status field in OPUS.

**Mental Health Issue:** Prisoners were identified as having a mental health issue if their most serious PULHEAT mental health score during the period of incarceration was two or greater or if they received a

DSM-IV mental disorder diagnosis from prison mental health services. Mental health information was not reported for probationers.

**Need Level:** Using the Offender Self-Report and the Officer's Interview/Impressions Worksheet assessment tools, the offender's need is assessed by addressing six criminogenic factors including dysfunctional family, criminal peers, anti-social personality, anti-social values, substance abuse, and self-control and is used in combination with the OTI to determine supervision level, program placement, and other interventions for probationers. The assessment divides the probationers into five need levels: extreme, high, moderate, low, and minimal.

**Nonwhite:** A dichotomous measure of race used throughout the report. Offenders were designated as "white" if they were identified as such in OPUS. Offenders identified in any other racial category (Asian/Oriental, black, Indian, other, or unknown) were designated as "nonwhite."

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

**Offender Traits Inventory (OTI):** The DACJJ administers this instrument to individuals upon admission to probation and prison. The OTI contains items pertaining to prior convictions, financial status, marital status, attitude, drug addiction, employment history, current employment status, whether the individual dropped out of high school, sex, age, and punishment type (intermediate or community punishment – for probationers only). Each item receives a certain number of points based on its contribution to the likelihood of rearrest within one year of administration. OTI scores for probationers can range from 0-64. The OTI score was used to determine risk levels reported in the analysis. The OTI was revised for probationers, and the OTI-R was fully implemented by the spring of 2012. When reporting risk level, only probationers with a completed OTI, the older version of the risk assessment instrument, were included in this report.

**Offense Class:** The class associated with the most serious current conviction offenses for the sample. Ranges from the least serious offense class (a Class 3 misdemeanor) to the most serious offense class (a Class B1 felony).

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

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

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

**Prison Releases:** Individuals in the sample as a result of having been released from prison during FY 2010/11. The sample delineates prison releases as prison releases without post-release supervision (PRS) and prison releases with PRS. Also referred to as "prisoners."

**Probation Entries:** Individuals in the sample as a result of having been placed on probation during FY 2010/11. The sample delineates probation entries by the type of punishment received: probation entries with community punishment and probation entries with intermediate punishment. Also referred to as “probationers.”

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

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

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

**Race:** OPUS identifies race as Asian/Oriental, black, Indian, white, other, and unknown. In the body of the report and in Appendix D, race was categorized into the dichotomous variable “nonwhite.” This term is defined in this appendix.

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

- **Prior Revocation:** Revocation that occurred before the current conviction that placed the offender in this sample.
- **Recidivist Revocation:** Revocation that occurred during the two-year follow-up period *for probationers only*. In addition, recidivist revocations were examined with regard to their seriousness. Revocations fall into three categories – criminal, absconding, and technical:
  - **Criminal:** Revocation due to a probation violation entered due to a pending criminal charge(s) or conviction for a new crime(s) during the two-year follow-up period.

- **Absconding:** Revocation due to absconding supervision during the two-year follow-up period. Absconding occurs when a probationer avoids supervision by leaving the jurisdiction or otherwise making him/herself unavailable to the probation officer.
- **Technical:** Revocation due to violation(s) of the conditions of supervision that require probationers to conform their behavior in a manner not normally applicable to a person who is not under criminal justice system supervision (*e.g.*, possession of a firearm, failure to follow treatment recommendations, failure to obtain employment). A technical violation does not necessarily imply criminal activity.

**Recidivism:** In general, the repetition of criminal activity. Because it is rarely possible to observe actual criminal activity, researchers typically define recidivism in terms of future contacts with the criminal justice system. In this study, recidivism is defined in terms of contacts with the North Carolina criminal justice system during the two-year follow-up period after entry into the sample. Three specific measures of recidivism used here are arrest, conviction, and incarceration. In addition, three interim outcome measures used here are probation violations and revocations for probationers and infractions while in prison for prisoners. This appendix contains definitions of each of these measures.

**Risk Level:** The projected probability of rearrest, based on the offender's OTI score. Each offender is assigned to one of four DACJJ risk levels: high, moderate, low, and minimal. The OTI has been validated on probationers, but not on prisoners. See Offender Traits Inventory (OTI) in this glossary for more details. When reporting risk level, only probationers with a completed OTI, the older version of the risk assessment instrument, were included in this report.

**Sample:** Individuals selected for the recidivism study. All offenders sentenced under the SSA who were placed on supervised probation or released from North Carolina's prison system during FY 2010/11 were selected. If an offender had both a probation admission and a prison release during FY 2010/11, the first event was selected. The sample excludes driving while intoxicated (DWI) offenders, probationers placed on unsupervised probation, and offenders sentenced under earlier sentencing laws (Pre-Fair and FSA).

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

**Supervision Level:** The level of supervision ordered for a probationer based on the intersection of the offender's risk level (determined by the OTI) and need level (based on the Offender Self-Report and the Officer's Interview/Impressions Worksheet). The supervision levels range from 1 to 5 with Level 1 probationers having the highest probability of reoffending and needing the greatest level of programming, while Level 5 probationers are those least likely to reoffend.

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

**Time Served:** Number of months served in prison immediately before release (for prisoners in the sample).

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

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

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

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

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

**Type of Punishment:** The severity of sentence imposed for the offense that placed the offender in the study sample. The sample was convicted and sentenced prior to the implementation of the JRA; therefore, the definitions below are based upon Structured Sentencing as it existed at that time. Members of the sample are delineated by their type of punishment:

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

- **Prison Releases with Post-Release Supervision:** Offenders sentenced under the SSA Act for a Class B1 through Class E felony who were released from prison on the date equivalent to the maximum prison sentence, less nine months, less any earned time awarded by the DAC or the custodian of a local confinement center. Offenders are then supervised in the community for a period of nine months, with the exception of sex offenders who are supervised for five years.

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

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## **APPENDIX C**

### Punishment Charts

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# Offenses Committed December 1, 1995 through November 30, 2009

## Felony Minimum Sentences (in Months) and Dispositions

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

<b>RANGE</b>
Aggravated
<b>PRESUMPTIVE</b>
Mitigated

<b>DISPOSITION</b>
C – Community
I – Intermediate
A – Active

# Offenses Committed December 1, 2009 through November 30, 2011

## Felony Minimum Sentences (in Months) and Dispositions

Offense Class	Prior Record Level					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
<b>A</b>	<b>Death or Life Without Parole</b>					
<b>B1</b>	A	A	A	A	A	A
	240 - 300	276 - 345	317 - 397	365 - 456	Life Without Parole	Life Without Parole
	<b>192 - 240</b>	<b>221 - 276</b>	<b>254 - 317</b>	<b>292 - 365</b>	<b>336 - 420</b>	<b>386 - 483</b>
	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386
<b>B2</b>	A	A	A	A	A	A
	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393
	<b>125 - 157</b>	<b>144 - 180</b>	<b>165 - 207</b>	<b>190 - 238</b>	<b>219 - 273</b>	<b>251 - 314</b>
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251
<b>C</b>	A	A	A	A	A	A
	73 - 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182
	<b>58 - 73</b>	<b>67 - 83</b>	<b>77 - 96</b>	<b>88 - 110</b>	<b>101 - 127</b>	<b>117 - 146</b>
	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117
<b>D</b>	A	A	A	A	A	A
	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160
	<b>51 - 64</b>	<b>59 - 73</b>	<b>67 - 84</b>	<b>78 - 97</b>	<b>89 - 111</b>	<b>103 - 128</b>
	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103
<b>E</b>	I/A	I/A	A	A	A	A
	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63
	<b>20 - 25</b>	<b>23 - 29</b>	<b>26 - 33</b>	<b>30 - 38</b>	<b>35 - 44</b>	<b>40 - 50</b>
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40
<b>F</b>	I/A	I/A	I/A	A	A	A
	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41
	<b>13 - 16</b>	<b>15 - 19</b>	<b>17 - 21</b>	<b>20 - 25</b>	<b>23 - 28</b>	<b>26 - 33</b>
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26
<b>G</b>	I/A	I/A	I/A	I/A	A	A
	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31
	<b>10 - 13</b>	<b>12 - 14</b>	<b>13 - 17</b>	<b>15 - 19</b>	<b>17 - 22</b>	<b>20 - 25</b>
	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20
<b>H</b>	C/I/A	I/A	I/A	I/A	I/A	A
	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25
	<b>5 - 6</b>	<b>6 - 8</b>	<b>8 - 10</b>	<b>9 - 11</b>	<b>12 - 15</b>	<b>16 - 20</b>
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16
<b>I</b>	C	C/I	I	I/A	I/A	I/A
	6 - 8	6 - 8	6 - 8	8 - 10	9 - 11	10 - 12
	<b>4 - 6</b>	<b>4 - 6</b>	<b>5 - 6</b>	<b>6 - 8</b>	<b>7 - 9</b>	<b>8 - 10</b>
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8

<b>RANGE</b>
Aggravated
<b>PRESUMPTIVE</b>
Mitigated

<b>DISPOSITION</b>
C – Community
I – Intermediate
A – Active

## Offenses Committed before December 1, 2013

### Misdemeanor Sentences and Dispositions

Offense Class	Prior Conviction Level		
	I No Prior Convictions	II One to Four Prior Convictions	III 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

<b>DISPOSITION</b> C – Community I – Intermediate A – Active
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**APPENDIX D**

Summarized Findings for the FY 2010/11 Sample

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**All Offenders  
FY 2010/11 Sample**

		<b>Probation Entries n=38,165</b>	<b>Prison Releases n=19,370</b>	<b>Total N=57,535</b>
<b>Criminal Justice Outcome Measures</b>				
<b>Recidivist Arrests</b>				
One-Year Follow-Up	%	25.7	32.7	28.1
Two-Year Follow-Up	%	36.8	48.6	40.7
Number of Recidivist Arrests	Avg.	1.9	2.2	2.0
Months to First Rearrest	Avg.	8.1	8.8	8.4
<b>Recidivist Convictions</b>				
One-Year Follow-Up	%	9.3	12.0	10.2
Two-Year Follow-Up	%	18.6	26.6	21.3
Number of Recidivist Convictions	Avg.	1.3	1.4	1.4
Months to First Recidivist Conviction	Avg.	11.8	12.4	12.0
<b>Recidivist Incarcerations</b>				
One-Year Follow-Up	%	14.7	11.1	13.5
Two-Year Follow-Up	%	22.2	21.2	21.9
Number of Recidivist Incarcerations	Avg.	1.1	1.1	1.1
Months to First Recidivist Incarceration	Avg.	9.3	11.4	10.0
<b>Personal Characteristics</b>				
Male	%	73.4	87.6	78.2
Nonwhite	%	53.7	61.7	56.4
Age at Sample Entry	Avg.	31.0	33.2	31.7
Married	%	13.1	10.8	12.3
High School Dropout	%	38.1	64.1	47.3
Employed	%	47.7	37.4	44.0
With Drug Addiction	%	41.9	68.2	51.2
<b>Criminal History</b>				
Age at First Criminal Activity	Avg.	24.6	21.8	23.7
Prior Arrests	%	72.2	91.3	78.7
Prior Probation Admissions	%	50.1	91.1	63.9
Prior Probation Revocations	%	30.5	58.2	39.8
Prior Incarcerations	%	24.7	55.2	34.9
<b>Current Offense Class</b>				
Class B1 – E Felonies	%	1.6	12.5	5.3
Class F – I Felonies	%	34.0	63.2	43.8
Class A1 – 3 Misdemeanors	%	64.4	24.3	50.9

**All Offenders (continued)**  
**FY 2010/11 Sample**

	<b>Probation Entries</b>	<b>Prison Releases</b>
<b>Current Supervision – Probation Entries</b>	<b>n=33,900</b>	
<b>Risk Level</b>		
High Risk	%	24.7
Moderate Risk	%	34.3
Low Risk	%	29.0
Minimal Risk	%	12.0
<b>Need Level</b>		
Extreme Need	%	24.9
High Need	%	19.1
Moderate Need	%	35.0
Low Need	%	17.6
Minimal Need	%	3.4
<b>Supervision Level</b>		
Level 1	%	9.3
Level 2	%	30.9
Level 3	%	31.0
Level 4	%	23.1
Level 5	%	5.7
<b>Interim Outcome Measures – Probation Entries</b>	<b>n=33,900</b>	
<b>Violations</b>		
One-Year Follow-Up	%	51.5
Two-Year Follow-Up	%	66.4
Number of Violations	Avg.	1.5
Months to First Violation	Avg.	7.9
<b>Revocations</b>		
One-Year Follow-Up	%	21.0
Two-Year Follow-Up	%	31.0
Number of Revocations	Avg.	1.0
Months to First Revocation	Avg.	9.5
<b>Current Incarceration – Prison Releases</b>		<b>n=19,370</b>
<b>Time Served in Months</b>	Avg.	16.6
<b>Highest Custody Level</b>		
Minimum	%	56.1
Medium	%	34.4
Close	%	9.5
<b>Infractions</b>	Avg.	4.8

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

**Male Offenders  
FY 2010/11 Sample**

		<b>Probation Entries n=28,010</b>	<b>Prison Releases n=16,959</b>	<b>Total N=44,969</b>
<b>Criminal Justice Outcome Measures</b>				
<b>Recidivist Arrests</b>				
One-Year Follow-Up	%	28.4	34.1	30.6
Two-Year Follow-Up	%	40.2	50.3	44.0
Number of Recidivist Arrests	Avg.	2.0	2.2	2.1
Months to First Rearrest	Avg.	8.0	8.8	8.3
<b>Recidivist Convictions</b>				
One-Year Follow-Up	%	10.6	12.6	11.4
Two-Year Follow-Up	%	21.0	27.8	23.6
Number of Recidivist Convictions	Avg.	1.3	1.4	1.4
Months to First Recidivist Conviction	Avg.	11.7	12.4	12.0
<b>Recidivist Incarcerations</b>				
One-Year Follow-Up	%	16.9	11.8	15.0
Two-Year Follow-Up	%	25.7	22.6	24.5
Number of Recidivist Incarcerations	Avg.	1.1	1.1	1.1
Months to First Recidivist Incarceration	Avg.	9.3	11.5	10.1
<b>Personal Characteristics</b>				
Nonwhite	%	56.0	64.4	59.2
Age at Sample Entry	Avg.	30.6	33.0	31.5
Married	%	12.8	10.5	11.9
High School Dropout	%	39.6	63.5	49.1
Employed	%	49.7	39.0	45.4
With Drug Addiction	%	43.3	66.0	52.3
<b>Criminal History</b>				
Age at First Criminal Activity	Avg.	23.7	21.3	22.8
Prior Arrests	%	75.0	91.9	81.4
Prior Probation Admissions	%	53.1	90.8	67.3
Prior Probation Revocations	%	33.7	59.4	43.4
Prior Incarcerations	%	28.4	57.0	39.2
<b>Current Offense Class</b>				
Class B1 – E Felonies	%	1.7	13.3	6.0
Class F – I Felonies	%	37.2	63.7	47.2
Class A1 – 3 Misdemeanors	%	61.1	23.0	46.8

**Male Offenders (continued)**  
**FY 2010/11 Sample**

		<b>Probation Entries</b>	<b>Prison Releases</b>
<b>Current Supervision – Probation Entries</b>		<b>n=24,656</b>	
<b>Risk Level</b>			
High Risk	%	31.1	
Moderate Risk	%	36.3	
Low Risk	%	25.2	
Minimal Risk	%	7.4	
<b>Need Level</b>			
Extreme Need	%	24.3	
High Need	%	20.7	
Moderate Need	%	33.5	
Low Need	%	18.2	
Minimal Need	%	3.3	
<b>Supervision Level</b>			
Level 1	%	11.5	
Level 2	%	35.5	
Level 3	%	29.2	
Level 4	%	19.3	
Level 5	%	4.5	
<b>Interim Outcome Measures – Probation Entries</b>		<b>n=24,656</b>	
<b>Violations</b>			
One-Year Follow-Up	%	52.7	
Two-Year Follow-Up	%	67.6	
Number of Violations	Avg.	1.6	
Months to First Violation	Avg.	7.8	
<b>Revocations</b>			
One-Year Follow-Up	%	23.1	
Two-Year Follow-Up	%	34.0	
Number of Revocations	Avg.	1.0	
Months to First Revocation	Avg.	9.5	
<b>Current Incarceration – Prison Releases</b>		<b>n=16,959</b>	
<b>Time Served in Months</b>	Avg.	17.5	
<b>Highest Custody Level</b>			
Minimum	%	54.8	
Medium	%	35.3	
Close	%	9.9	
<b>Infractions</b>	Avg.	4.8	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

**Female Offenders  
FY 2010/11 Sample**

		<b>Probation Entries n=10,155</b>	<b>Prison Releases n=2,411</b>	<b>Total N=12,566</b>
<b>Criminal Justice Outcome Measures</b>				
<b>Recidivist Arrests</b>				
One-Year Follow-Up	%	18.2	23.3	19.2
Two-Year Follow-Up	%	27.3	37.0	29.1
Number of Recidivist Arrests	Avg.	1.8	2.0	1.8
Months to First Rearrest	Avg.	8.6	9.4	8.8
<b>Recidivist Convictions</b>				
One-Year Follow-Up	%	5.8	7.6	6.1
Two-Year Follow-Up	%	12.2	18.3	13.3
Number of Recidivist Convictions	Avg.	1.3	1.4	1.3
Months to First Recidivist Conviction	Avg.	12.0	12.9	12.2
<b>Recidivist Incarcerations</b>				
One-Year Follow-Up	%	8.5	6.3	8.1
Two-Year Follow-Up	%	12.7	11.6	12.5
Number of Recidivist Incarcerations	Avg.	1.1	1.1	1.1
Months to First Recidivist Incarceration	Avg.	9.1	11.2	9.5
<b>Personal Characteristics</b>				
Nonwhite	%	47.3	42.5	46.4
Age at Sample Entry	Avg.	31.9	34.5	32.4
Married	%	13.9	12.9	13.7
High School Dropout	%	34.0	68.2	40.8
Employed	%	42.3	26.4	39.1
With Drug Addiction	%	38.3	83.5	47.3
<b>Criminal History</b>				
Age at First Criminal Activity	Avg.	27.1	25.1	26.7
Prior Arrests	%	64.6	87.3	69.0
Prior Probation Admissions	%	41.7	93.2	51.6
Prior Probation Revocations	%	21.6	49.9	27.1
Prior Incarcerations	%	14.3	42.9	19.8
<b>Current Offense Class</b>				
Class B1 – E Felonies	%	1.3	6.9	2.4
Class F – I Felonies	%	25.1	59.7	31.7
Class A1 – 3 Misdemeanors	%	73.6	33.4	65.9

**Female Offenders (continued)**  
**FY 2010/11 Sample**

		<b>Probation Entries</b>	<b>Prison Releases</b>
<b>Current Supervision – Probation Entries</b>		<b>n=9,244</b>	
<b>Risk Level</b>			
High Risk	%	7.5	
Moderate Risk	%	29.1	
Low Risk	%	39.3	
Minimal Risk	%	24.1	
<b>Need Level</b>			
Extreme Need	%	26.3	
High Need	%	14.9	
Moderate Need	%	38.8	
Low Need	%	16.2	
Minimal Need	%	3.8	
<b>Supervision Level</b>			
Level 1	%	3.6	
Level 2	%	18.7	
Level 3	%	35.6	
Level 4	%	33.2	
Level 5	%	8.9	
<b>Interim Outcome Measures – Probation Entries</b>		<b>n=9,244</b>	
<b>Violations</b>			
One-Year Follow-Up	%	48.4	
Two-Year Follow-Up	%	63.1	
Number of Violations	Avg.	1.5	
Months to First Violation	Avg.	8.2	
<b>Revocations</b>			
One-Year Follow-Up	%	15.5	
Two-Year Follow-Up	%	22.9	
Number of Revocations	Avg.	1.0	
Months to First Revocation	Avg.	9.5	
<b>Current Incarceration – Prison Releases</b>		<b>n=2,411</b>	
<b>Time Served in Months</b>	Avg.	10.8	
<b>Highest Custody Level</b>			
Minimum	%	65.3	
Medium	%	28.5	
Close	%	6.2	
<b>Infractions</b>	Avg.	3.9	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

**Youthful Offenders  
FY 2010/11 Sample**

		<b>Probation Entries n=7,887</b>	<b>Prison Releases n=2,541</b>	<b>Total N=10,428</b>
<b>Criminal Justice Outcome Measures</b>				
<b>Recidivist Arrests</b>				
One-Year Follow-Up	%	33.2	44.5	35.9
Two-Year Follow-Up	%	46.7	64.0	50.9
Number of Recidivist Arrests	Avg.	2.1	2.4	2.2
Months to First Rearrest	Avg.	7.9	8.3	8.0
<b>Recidivist Convictions</b>				
One-Year Follow-Up	%	14.0	17.5	14.8
Two-Year Follow-Up	%	26.5	37.9	29.3
Number of Recidivist Convictions	Avg.	1.3	1.4	1.4
Months to First Recidivist Conviction	Avg.	11.5	12.5	11.8
<b>Recidivist Incarcerations</b>				
One-Year Follow-Up	%	15.1	16.5	15.5
Two-Year Follow-Up	%	23.9	29.5	25.3
Number of Recidivist Incarcerations	Avg.	1.1	1.1	1.1
Months to First Recidivist Incarceration	Avg.	9.9	11.2	10.2
<b>Personal Characteristics</b>				
Male	%	81.0	93.9	84.2
Nonwhite	%	59.5	71.6	62.4
Age at Sample Entry	Avg.	18.4	20.2	18.8
Married	%	1.9	2.3	2.0
High School Dropout	%	44.0	82.8	54.0
Employed	%	46.4	12.0	37.6
With Drug Addiction	%	35.7	83.4	48.0
<b>Criminal History</b>				
Age at First Criminal Activity	Avg.	17.6	17.1	17.5
Prior Arrests	%	56.3	83.9	63.0
Prior Probation Admissions	%	18.8	78.4	33.3
Prior Probation Revocations	%	12.1	23.8	15.0
Prior Incarcerations	%	4.3	14.7	6.8
<b>Current Offense Class</b>				
Class B1 – E Felonies	%	2.4	21.0	6.9
Class F – I Felonies	%	28.5	62.9	36.9
Class A1 – 3 Misdemeanors	%	69.1	16.1	56.2

**Youthful Offenders (continued)**  
**FY 2010/11 Sample**

		<b>Probation Entries</b>	<b>Prison Releases</b>
<b>Current Supervision – Probation Entries</b>		<b>n=6,985</b>	
<b>Risk Level</b>			
High Risk	%	37.6	
Moderate Risk	%	39.4	
Low Risk	%	20.6	
Minimal Risk	%	2.4	
<b>Need Level</b>			
Extreme Need	%	37.5	
High Need	%	19.5	
Moderate Need	%	29.7	
Low Need	%	12.2	
Minimal Need	%	1.1	
<b>Supervision Level</b>			
Level 1	%	18.0	
Level 2	%	40.7	
Level 3	%	27.3	
Level 4	%	12.8	
Level 5	%	1.2	
<b>Interim Outcome Measures – Probation Entries</b>		<b>n=6,985</b>	
<b>Violations</b>			
One-Year Follow-Up	%	61.8	
Two-Year Follow-Up	%	74.4	
Number of Violations	Avg.	1.6	
Months to First Violation	Avg.	6.9	
<b>Revocations</b>			
One-Year Follow-Up	%	29.5	
Two-Year Follow-Up	%	41.3	
Number of Revocations	Avg.	1.1	
Months to First Revocation	Avg.	9.0	
<b>Current Incarceration – Prison Releases</b>		<b>n=2,541</b>	
<b>Time Served in Months</b>	Avg.	17.0	
<b>Highest Custody Level</b>			
Minimum	%	45.1	
Medium	%	31.9	
Close	%	23.0	
<b>Infractions</b>	Avg.	6.0	

Note: Youthful offenders are defined as offenders less than 21 years old.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

**Aging Offenders  
FY 2010/11 Sample**

		<b>Probation Entries n=3,246</b>	<b>Prison Releases n=1,268</b>	<b>Total N=4,514</b>
<b>Criminal Justice Outcome Measures</b>				
<b>Recidivist Arrests</b>				
One-Year Follow-Up	%	13.7	21.9	16.0
Two-Year Follow-Up	%	19.9	33.4	23.7
Number of Recidivist Arrests	Avg.	1.8	2.3	2.0
Months to First Rearrest	Avg.	8.2	9.1	8.5
<b>Recidivist Convictions</b>				
One-Year Follow-Up	%	4.9	9.2	6.1
Two-Year Follow-Up	%	9.4	17.7	11.7
Number of Recidivist Convictions	Avg.	1.5	1.9	1.7
Months to First Recidivist Conviction	Avg.	11.1	11.1	11.1
<b>Recidivist Incarcerations</b>				
One-Year Follow-Up	%	9.8	8.2	9.4
Two-Year Follow-Up	%	14.0	13.3	13.8
Number of Recidivist Incarcerations	Avg.	1.0	1.1	1.1
Months to First Recidivist Incarceration	Avg.	8.3	10.2	8.8
<b>Personal Characteristics</b>				
Male	%	76.7	89.4	80.3
Nonwhite	%	49.5	63.1	53.4
Age at Sample Entry	Avg.	55.6	55.1	55.5
Married	%	25.4	13.4	22.0
High School Dropout	%	35.4	53.0	40.6
Employed	%	49.7	35.8	45.6
With Drug Addiction	%	39.3	68.3	47.8
<b>Criminal History</b>				
Age at First Criminal Activity	Avg.	40.6	31.7	38.1
Prior Arrests	%	74.7	94.3	80.2
Prior Probation Admissions	%	58.7	90.9	67.7
Prior Probation Revocations	%	31.5	64.9	40.9
Prior Incarcerations	%	36.3	75.7	47.4
<b>Current Offense Class</b>				
Class B1 – E Felonies	%	1.7	7.3	3.3
Class F – I Felonies	%	33.1	58.9	40.3
Class A1 – 3 Misdemeanors	%	65.2	33.8	56.4

**Aging Offenders (continued)**  
**FY 2010/11 Sample**

		<b>Probation Entries</b>	<b>Prison Releases</b>
<b>Current Supervision – Probation Entries</b>		<b>n=2,927</b>	
<b>Risk Level</b>			
High Risk	%	2.6	
Moderate Risk	%	14.0	
Low Risk	%	30.7	
Minimal Risk	%	52.7	
<b>Need Level</b>			
Extreme Need	%	12.7	
High Need	%	20.0	
Moderate Need	%	38.5	
Low Need	%	23.7	
Minimal Need	%	5.1	
<b>Supervision Level</b>			
Level 1	%	0.7	
Level 2	%	7.9	
Level 3	%	33.4	
Level 4	%	40.0	
Level 5	%	18.0	
<b>Interim Outcome Measures – Probation Entries</b>		<b>n=2,927</b>	
<b>Violations</b>			
One-Year Follow-Up	%	34.9	
Two-Year Follow-Up	%	49.6	
Number of Violations	Avg.	1.4	
Months to First Violation	Avg.	9.0	
<b>Revocations</b>			
One-Year Follow-Up	%	12.1	
Two-Year Follow-Up	%	17.3	
Number of Revocations	Avg.	1.0	
Months to First Revocation	Avg.	9.0	
<b>Current Incarceration – Prison Releases</b>		<b>n=1,268</b>	
<b>Time Served in Months</b>	Avg.	13.7	
<b>Highest Custody Level</b>			
Minimum	%	77.1	
Medium	%	20.9	
Close	%	2.0	
<b>Infractions</b>	Avg.	2.9	

Note: Aging offenders are defined as offenders 50 years and older.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data

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## **APPENDIX E**

### Supervision Level Matrix

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## Supervision Level Matrix

Supervision						Totals
Minimum Contact Standard	2x Month 1 Office 1 Home	1X Month Office 1X 60 Days Home	1X Month Office 1X 60 Days Home	1X Month Report 1X 90 Days Office	1X Month Report	
Level (Rearrest)	L1	L2	L3	L4	L5	
Estimate*	9,054	33,218	33,109	31,249	6,989	113,620
Percent	8.0%	29.2%	29.1%	27.5%	6.2%	100%
Average Offenders	5	19	19	18	4	66

\*Estimate figure applies the proportions from the sample in each colored block to the population on 06/30/2009

RISK					
Estimated Risk of Re-arrest (2003-2004)					
	High (L1) 32.2%	Moderate (L2) 19.5%	Low (L3) 11.8%	Minimal (L4) 6.6%	
N Extreme (L1)	4,574 7.7%	4,949 8.3%	3,443 5.8%	1,001 1.7%	13,967 23.4%
E High (L2)	3,140 5.3%	3,990 6.7%	3,247 5.4%	1,212 2.0%	11,589 19.4%
E Moderate (L3)	3,686 6.2%	7,373 12.4%	8,215 13.8%	3,885 6.5%	23,159 38.8%
D Low (L4)	1,017 1.7%	2,604 4.4%	3,354 5.6%	1,802 3.0%	8,777 14.7%
S Minimal (L5)	60 0.1%	333 0.6%	920 1.5%	809 1.4%	2,122 3.6%
	20.9%	32.3%	32.2%	14.6%	

The figures in each colored block are taken from the needs sample 06/30/2008 through 06/30/2009

### Needs Levels Rules

- 1 Both criminogenic needs criminal peers and dysfunctional family flagged or juvenile record.
- 2 Any other combination (more than one) of the Big 4 criminogenic needs (anti-social personality, criminal peers, dysfunctional family, anti-social values) or suicidal ideation
- 3 One of the Big 4 criminogenic or both of the lesser two criminogenic needs (substance abuse or self control) or serious mental illness
- 4 Any of the lesser criminogenic needs (Substance Abuse or Self-Control) or any other needs associated with criminal behavior (Employment or Academic/Vocation or Financial), or Mental Health Issue
- 5 Any of the non-criminogenic needs (physical health, transportation, legal, housing)

SOURCE: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice

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**APPENDIX F**

Violation and Revocation Rates by Type of Punishment

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**Table F.1  
Violations and Revocations by Type of Punishment for Probation Entries**

<b>Violations</b>							
<b>Type of Punishment</b>	<b>N</b>	<b>Total # of Violations</b>	<b>% with Any Violation</b>		<b>% Most Serious Violation (n=25,156): Two-Year Follow-Up</b>		
			<b>One-Year Follow-Up</b>	<b>Two-Year Follow-Up</b>	<b>Criminal</b>	<b>Absconding</b>	<b>Technical</b>
<b>Community</b>	25,897	24,728	53.2	65.0	23.4	18.0	58.6
<b>Intermediate</b>	12,268	13,025	51.2	67.8	26.2	22.6	51.2
<b>Total</b>	<b>38,165</b>	<b>37,753</b>	<b>52.5</b>	<b>65.9</b>	<b>24.3</b>	<b>19.5</b>	<b>56.2</b>
<b>Revocations</b>							
<b>Type of Punishment</b>	<b>N</b>	<b>Total # of Revocations</b>	<b>% with Any Revocation</b>		<b>% Most Serious Revocation (n=13,348): Two-Year Follow-Up</b>		
			<b>One-Year Follow-Up</b>	<b>Two-Year Follow-Up</b>	<b>Criminal</b>	<b>Absconding</b>	<b>Technical</b>
<b>Community</b>	25,897	9,266	25.4	33.9	17.3	31.6	51.1
<b>Intermediate</b>	12,268	4,763	26.0	37.3	20.1	38.3	43.6
<b>Total</b>	<b>38,165</b>	<b>14,029</b>	<b>25.6</b>	<b>35.0</b>	<b>18.3</b>	<b>33.2</b>	<b>48.5</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010/11 Correctional Program Evaluation Data