North Carolina
Sentencing and Policy Advisory Commission

CORRECTIONAL PROGRAM EVALUATION:
OFFENDERS PLACED ON PROBATION OR RELEASED FROM PRISON IN FISCAL YEAR 2003/04

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Project Conducted in Conjunction with the
North Carolina Department of Correction

North Carolina Sentencing and Policy Advisory Commission

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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 fifth report in compliance with the directive and analyzes a sample of 56,983 offenders released from prison or placed on probation in FY 2003/04 using a three-year follow-up period. It is the first report to include only offenders sentenced under the Structured Sentencing Act (SSA). The study defines recidivism as rearrest, reconviction, and reincarceration. In addition, two interim outcome measures were examined: 1) technical revocation of probation or post-release supervision for offenders supervised in the community and 2) prison infractions during incarceration for prisoners in the sample. This report also focuses on offenders placed on post-release supervision and the aging offender population.

Data Sources

Data for offenders in the sample were provided by the Department of Correction (DOC) and the Department of Justice (DOJ). Additional information was collected in a series of interviews with correctional personnel to provide a descriptive context for the study.

Statistical Profile of the FY 2003/04 Sample

The sample of 56,983 offenders included 49.5% community probationers, 20.5% intermediate probationers, and 30.0% prisoners, all placed on probation or released from prison during FY 2003/04. Seventy-eight percent of the offenders were male, 52.1% were black, 14.2% were married, 42.7% had twelve or more years of education, and 39.1% were identified as having a substance abuse problem by either a prison or probation assessment. Their average age was 30.6.

Overall, the FY 2003/04 sample accounted for a total of 182,979 prior arrests. For offenders with prior arrests, the number of prior arrests increased by type of punishment from community punishment to intermediate punishment to prison – 45.8% of community punishment probationers, 25.2% of intermediate punishment probationers, and 14.4% of

Figure 1

Most Serious Current Conviction: Felonies Only (n=26,808)

Figure 2
Offender Risk Level by Type of Punishment

Prison Releases
(n=13,036)

□ Violent ■ Property □ Drug □ Other
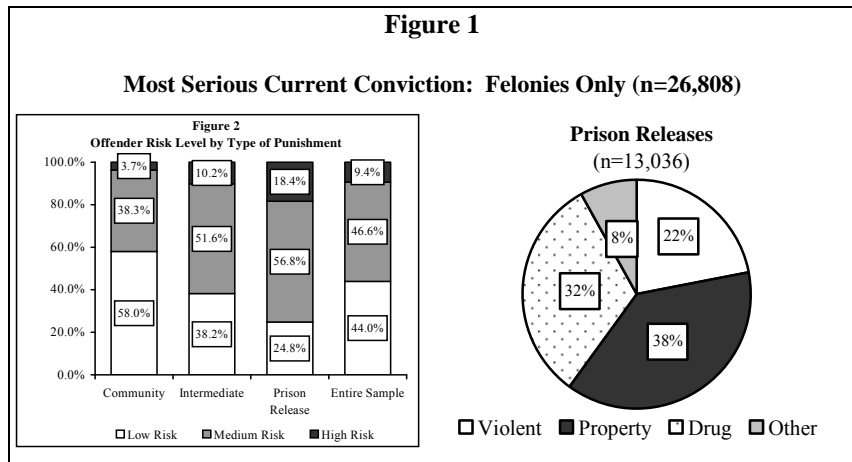
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

prison releases had only one prior arrest compared to 3.3% of community punishment probationers, 7.3% of intermediate punishment probationers, and 14.3% of prison releases with 10 or more prior arrests. Forty-seven percent of the sample had a most serious current conviction for a felony offense. For prisoners and probationers with a current felony conviction, the majority had convictions for property offenses, followed by convictions for drug offenses (*see* Figure 1). As anticipated, prisoners were more likely to have a current conviction for violent offenses (22%) than probationers (13%).
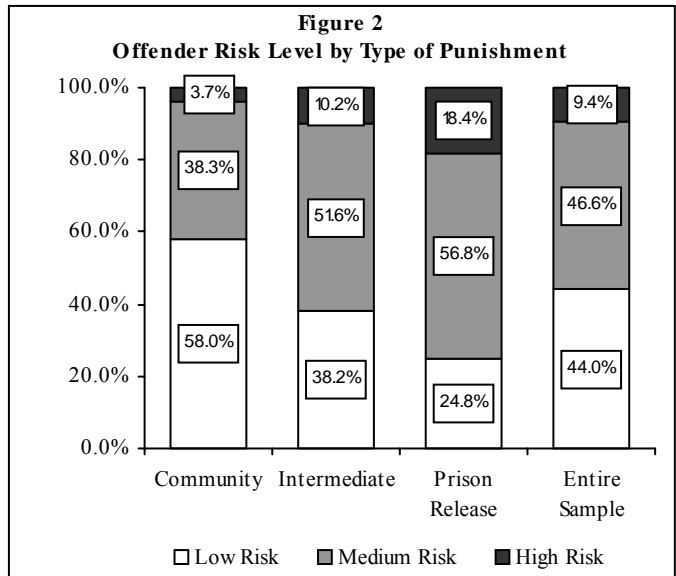
Figure 2
Offender Risk Level by Type of Punishment

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

A risk score was computed for each offender in the sample using a composite measure based on individual characteristics (*e.g.*, social factors and criminal record factors) identified in the literature as increasing or decreasing an offender's risk of recidivating. As shown in Figure 2, prisoners had a higher percentage of high risk offenders than either category of probationers. Community punishment probationers had the lowest percentage of high risk offenders. Intermediate punishment probationers fell in between prison releases and community punishment probationers with respect to the percentage of high risk offenders. Risk levels were largely a reflection of an offender's criminal history and were in line with the philosophy of Structured Sentencing, assigning increasingly restrictive sanctions for the more serious, recidivism-prone offenders.

Time at Risk

While each offender was followed for a fixed three-year period to determine whether recidivism occurred, the same "window of opportunity" to reoffend was not necessarily available for each offender due to periods of incarceration during follow-up. This report takes into account each offender's actual time at risk (*i.e.*, their actual window of opportunity to recidivate) by identifying their periods of incarceration in North Carolina's prison system and subtracting the time incarcerated from the follow-up period. The percent of the sample at risk for the entire follow-up period decreased from 88% in the first year to 71% by the third year.

Criminal Justice Outcome Measures

Of the FY 2003/04 sample, 21.2% were rearrested during the one-year follow-up, 32.0% were rearrested during the two-year follow-up, and 38.7% were rearrested during the three-year follow-up (*see* Figure 3).   It should be noted, however, that these recidivism rates do not take into account the fact that some offenders were not at risk for the entire follow-up period as a result of incarceration.

In addition to rearrest rates, two other criminal justice outcome measures (reconviction and reincarceration) were utilized. A summary of these three measures of recidivism for the FY 2003/04 sample is provided in Figure 4.

Tracking the sample for three years, a clear pattern emerged: while the rates of rearrest increased for both prisoners and probationers between the first and the third year, the highest rates of rearrest for all groups were in the first year. In each subsequent year, rearrests increased at a declining rate.

Figure 3
Rearrest Rates: Three-Year Follow-Up

Probationers: 18.3%, 27.6%, 33.7%
Prisoners: 28.0%, 42.3%, 50.2%
Entire Sample: 21.2%, 32.0%, 38.7%

☐ 1-Year Follow-Up ▨ 2-Year Follow-Up ■ 3-Year Follow-Up

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Reconviction and reincarceration rates followed a similar pattern with the greatest increase during the first year of follow-up, and smaller increases in the second and third years.

As noted earlier, rearrest rates for the entire sample were 21.2%, 32.0%, and 38.7% for the first, second, and third year of follow-up, respectively. For those rearrested during the three years, the average time to first rearrest was 12.8 months after entry to probation or release from prison. By the end of the three-year follow-up, the FY 2003/04 sample accounted for 45,819 recidivist arrests, including 9,342 arrests for violent offenses.
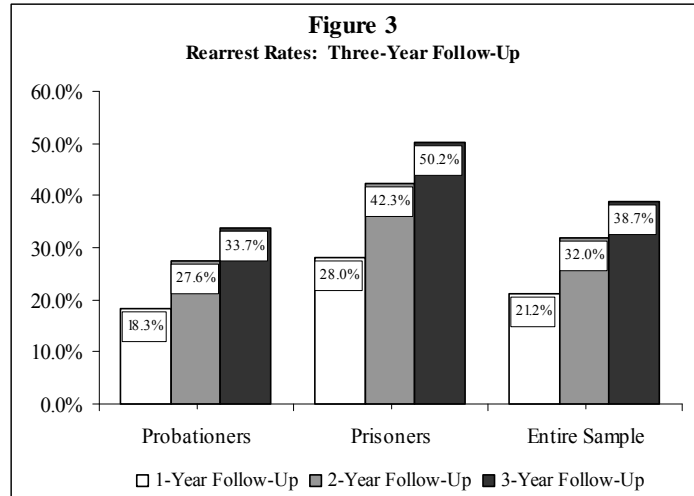
Figure 4
Criminal Justice Outcomes by Type of Punishment: Three-Year Follow-Up

Community Punishment: 30.9%, 20.6%, 18.3%
Intermediate Punishment: 40.6%, 27.5%, 45.2%
Prison Releases: 50.2%, 35.5%, 36.2%

☐ %Rearrest ▨ % Reconviction ■ % Reincarceration
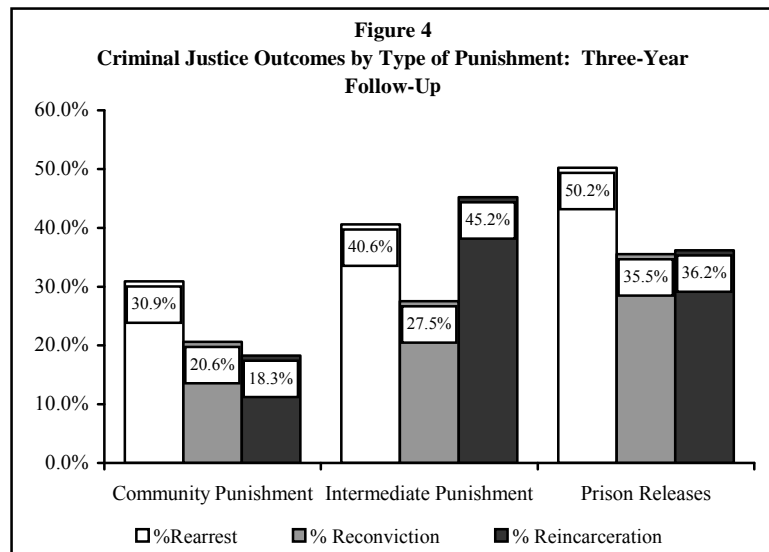
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Overall, 9.5% of the sample had a reconviction in the first year of follow-up, 19.5% by the second year, and 26.4% by the third year. For those with a reconviction during the three-year follow-up, the average time to reconviction was 17.1 months. The sample accrued 21,866 recidivist convictions of which 3,445 reconvictions were for a violent offense.

Overall, 12.0% of the sample were reincarcerated by the first year, 22.5% by the second year, and 29.1% by the third year of follow-up. The average time to first incarceration for offenders reincarcerated during the follow-up period was 15.8 months.

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

The lowest rearrest and reconviction rates were for community probationers, followed by intermediate probationers, with the highest rearrest and reconviction rates for prisoners. Compared to the other types of punishment, probationers with an intermediate punishment had the highest rate of reincarceration, 45% during the three-year follow-up period, due in large part to their higher technical revocation rates.

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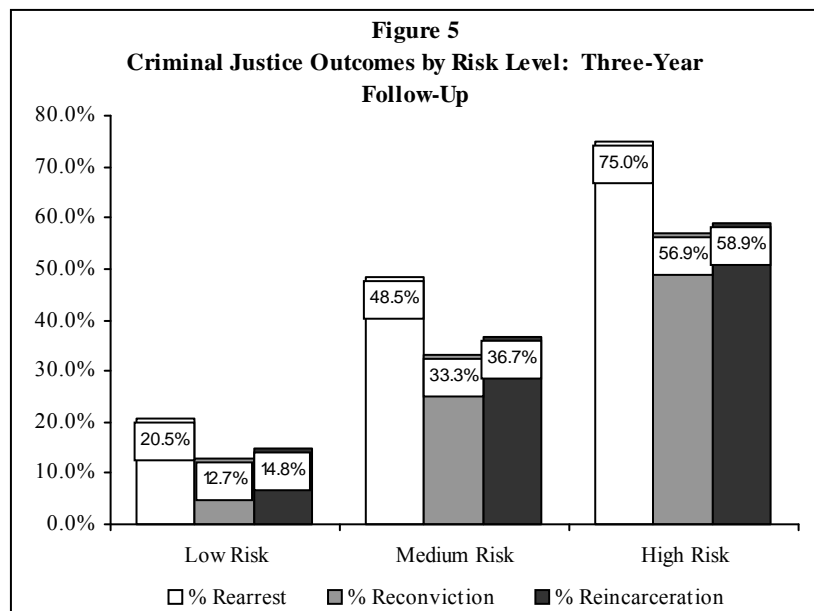
Figure 5
Criminal Justice Outcomes by Risk Level: Three-Year Follow-Up

Low Risk: % Rearrest 20.5%, % Reconviction 12.7%, % Reincarceration 14.8%
Medium Risk: % Rearrest 48.5%, % Reconviction 33.3%, % Reincarceration 36.7%
High Risk: % Rearrest 75.0%, % Reconviction 56.9%, % Reincarceration 58.9%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation

Interim Outcome Measures

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

Almost 12% of the FY 2003/04 sample, including both probationers and prisoners, had a technical revocation during the one-year follow-up period, 21.9% had a technical revocation during the two-year follow-up period, and 27.4% had a technical revocation during the three-year follow-up period. Probationers with an intermediate punishment had the highest technical revocation rates during the follow-up period, with 39.1% having a technical revocation within the three-year follow-up. The higher technical revocation rates for intermediate probationers are likely linked to the closer monitoring and more restrictive sanctions for these offenders while on probation.

Almost 44% of the FY 2003/04 prison releases had an infraction while in prison. The average number of infractions for the FY 2003/04 prison release sample was 2.0, while the average number of infractions based only on prisoners who had an infraction was 4.6. When examining the number of infractions per inmate, it is important to control for time served as prisoners with longer sentences have more time to accrue infractions. As expected, the average number of infractions increased as time served increased.

Multivariate Analysis

Multivariate analysis was used to further explore factors correlated with the probability of recidivism. This method aimed to isolate the direction and magnitude of the impact of an independent variable on an outcome measure, such as rearrest, while controlling for the impact of all the other independent variables. These analyses examined two main dependent variables as indicators of recidivism – rearrest and reincarceration – and two interim dependent variables as indicators of offender misconduct – technical probation revocations and prison infractions.

A number of factors increased an offender's probability of rearrest during the three-year follow-up, including being male, black, youthful at time of commitment to DOC, having a history of substance abuse, having a higher risk score, having a more severe sentence (as measured by prison, intermediate punishment, or community punishment), number of prior arrests, having a prior drug arrest, having a more serious prior arrest, length of time served, or number of times placed on probationary supervision (*i.e.*, probation, parole, or post-release supervision). Factors that decreased the probability of rearrest included being married, employed, having at least twelve years of education, having a felony as the current conviction, having a longer prison sentence imposed, and having more prior incarcerations. Age also decreased an offender's chance of rearrest, with offenders being less likely to be rearrested as they grew older. There were some variations between probationers and prisoners as to the impact of these independent variables.

Two variables, prison infractions and probation technical revocations, were used not only as predictors of recidivism but also as indicators of prisoner or probationer misconduct. For prisoners, being black, a youthful offender, serving more time in prison, having a higher number of prison incarcerations, and having a higher risk score were associated with increases in the number of prison infractions acquired. Being male, having at least twelve years of education, having a prior drug arrest, having a longer maximum sentence imposed, and the number of times placed on probationary supervision were factors associated with a decreased probability of prison infractions.

For probationers, being male, black, youthful at age of commitment to DOC, having a history of substance abuse, having a prior drug arrest, having a more serious prior arrest, number of times placed on probationary supervision, number of prior revocations of probationary supervision, and being placed on intermediate punishment probation significantly increased the likelihood of a technical revocation. Conversely, being married, employed, having at least twelve years of education, and having a felony as the current conviction were factors found to reduce the probability of technical revocation.

Similar to rearrest, an analysis examining correlates of reincarceration for all offenders found being male, youthful at time of commitment to the DOC, having a history of substance abuse, having a higher risk score, having a felony as the current conviction, having a more severe sentence, having a more serious prior arrest, number of times placed on probationary supervision, number of revocations of probationary supervision, and number of prior incarcerations increased the probability of reincarceration. Factors associated with a decrease in the probability of reincarceration included being black, employed, having at least twelve years of education, and serving a longer prison sentence.

Offenders on Post-Release Supervision

With the passage of the Structured Sentencing Act by the General Assembly in 1994 came the abolishment of parole and the establishment of Post-Release Supervision (PRS) as the mechanism for post-prison supervision for certain offenders. PRS is a mandatory period of supervision for the most serious offenders following release from prison for Class B1 through E felonies. The period of supervision is nine months unless inmates have been convicted of a sex offense which requires registration with the State's sex offender registration program. PRS is administered by the Post-Release Supervision and Parole Commission (PRSPC). The Department of Correction's Division of Community Corrections (DCC) handles the monitoring of offenders on PRS and is also responsible for reporting violations of PRS to the PRSPC. This report is the first to include a sizeable group of Post-Release Supervisees allowing for a more detailed description of these offenders and a study of their patterns of recidivism.

Of the 17,093 prisoners released in FY 2003/04, 1,634 (9.6%) were convicted of Class B1 through Class E felony offenses and were released from prison onto PRS. The remaining 15,459 (90.4%) prisoners were convicted of Class F through Class I felony offenses (73.8%) or Class A1 through Class 3 misdemeanor offenses (26.2%), and were released from prison with no supervision to follow incarceration. On average, prisoners released with PRS served 48.9 months in prison prior to release compared to 9.3 months for prisoners with no PRS.

Compared to prison releases with no PRS, prison releases with PRS were more likely to be male (92.8% versus 87.0%), to be black (69.2% versus 59.1%), and to have substance abuse problems (59.6% versus 56.1%). PRS prison releases were also slightly younger (an average of 31.3 years of age versus 32.1 years of age) and less likely to have

twelve or more years of education (32.0% versus 35.2%). The two groups of prison releases differed substantially with respect to offender risk level. Offenders with PRS were more likely to be low risk (31.4% compared to 24.1%) and less likely to be high risk (9.0% compared to 19.4%) than those offenders with no PRS. With regards to criminal history, prisoners with PRS had a higher percentage with only one prior arrest and a lower percentage with ten or more prior arrests.

Three criminal justice outcomes – rearrest, reconviction, and reincarceration – were examined in this study. Prisoners with PRS had lower recidivism rates for all three measures when compared to prisoners with no PRS (*see* Figure 6).

Overall, 44.7% of prisoners with PRS and 50.8% of prisoners with no PRS were rearrested during the three-year follow-up period. Controlling for offender risk level all but eliminated the difference in rearrest rates between prisoners with and without PRS, except for the low-risk group, where prisoners on supervision had lower rearrest rates. A multivariate analysis confirmed that, when controlling for other relevant factors, no significant differences in

Figure 6
Criminal Justice Outcome Measures for Prison Releases
Three-Year Follow-Up Period

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

recidivism remained between the two groups of prison releases.

Singling out PRS for study in this report also allowed for a comparison of how supervision affects recidivism across sentencing structures – between post-release supervision of SSA inmates and parole supervision of FSA inmates. The information available across the years indicates that, independent of the changing composition of the offender groups and the systems under which they were sentenced, released prisoners tend to recidivate less when on post-prison supervision as they re-enter their communities.

Aging Offender Population

Aging offenders, defined by the North Carolina DOC as offenders aged 50 or older, were the second specific correctional population highlighted in this study. Offenders were grouped into subcategories by age at prison release or probation entry to highlight the relationship between age and recidivism. Age categories used by percent in

the sample were 19 and under (14.0%), 20 to 29 (38.8%), 30 to 39 (25.7%), 40 to 49 (16.3%), and 50 and older (5.2%).

Older offenders were more likely to be male, married, and have more than twelve years of education. Overall, as offenders' age increased their risk level decreased regardless of whether a probationer or prisoner. Among probationers, the proportion aged 50 and older who were low risk was much higher than those under 50 (91.3% compared to 50.0%). Likewise, 69.9% of aging prisoners were low risk as compared to 22.5% of prisoners aged 49 and younger.

With regard to criminal history, older offenders had more prior arrests on average than did their younger counterparts. Turning to current conviction, differences in the most serious current conviction by age were noted for prisoners but not for probationers. A higher proportion of prisoners aged 50 and older had a Class B1-E felony as their current conviction compared to prisoners under the age of 50 (11.4% versus 9.5%) which may be related to the length of time served for these serious offenses.

Health indicators as measured by acuity level (*i.e.*, level of required nursing care), activity restrictions, and health visits (medical and mental health) were only available for the 17,093 prison releases in the sample. Generally, as age increased so too did acuity level, activity restrictions, and number of health visits. Overall, increases in health indicators were steady until the last age category – age 50 and older. The larger differences noted in this age group occurred because the category age 50 and older contained prisoners 50-81 years old; a much larger interval than in the other age categories.

Three criminal justice outcomes were examined in this study including rearrest, reconviction, and reincarceration. Generally speaking, offenders aged 50 and older returned to the criminal justice system at a lower rate than did offenders aged 49 and younger by all three measures. Overall, 20.3% of offenders aged 50 and older were rearrested during the three-year follow-up as compared to 38.7% of all offenders. Even when controlling for risk, the

Figure 7
Rearrest Rates by Age of Prisoner and Risk Level

Low Risk: 49 & Under 25.9%, 50 & Older 19.2%
Medium Risk: 49 & Under 60.0%, 50 & Older 44.7%
High Risk: 49 & Under 76.3%, 50 & Older 62.7%

■ 49 & Under   ■ 50 & Older

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

differences between age and rearrest within probationers and prisoners remained except for medium risk probationers. For example among high risk probationers, those aged 50 and older had a rearrest rate of 68.8% versus 73.6% for probationers younger than 50. As
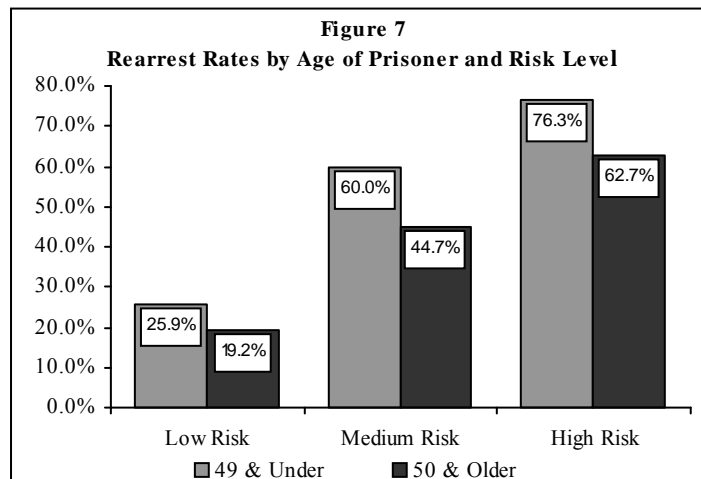
seen in Figure 7, there was an even larger difference in rearrest rates among high risk prisoners who were older versus younger than 50 years of age (62.7% as compared to 76.3%). The difference in rearrest rates between offenders aged 50 and older as compared to 49 and younger remained in multivariate analyses examining rearrest even when controlling for personal characteristics, health indicators, criminal history, and current offense.

Summary and Conclusions

When information from the current report is added to the Sentencing Commission's previous recidivism reports, a broader spectrum of findings and tentative conclusions emerge. These reports, covering large samples of offenders released in North Carolina between FY 1993/94 and FY 2003/04, provide a framework to look at trends in the State's recidivism rates and related factors.

- *Statewide recidivism rates have been remarkably consistent over the past ten years.*

  The findings indicate that recidivism rates for all offenders have been stable over the sample years, given the differences in sentencing law and sample composition – three-year rearrest rates for the five samples studied ranged between 37% and 39%.

- *Intermediate punishment, as expected, provides an effective alternative in the range of graduated sanctions between probation and incarceration.*

  Findings of this and previous reports confirmed that, while the general profile of intermediate probationers more closely mimicked that of prisoners than of community probationers, their rearrest rates were considerably and consistently lower than those of prisoners. This finding lends continued support to the notion of intermediate sanctions as a viable alternative to supervise certain offenders in the community in lieu of incarceration. Providing supervision and resources following an offender's placement in the community seemed to help released prisoners as well, reaffirming the value of some type of reentry or post-release supervision.

- *Offender age is a powerful predictor of future recidivism, and highlights the special needs and challenges in managing both youthful and aging offenders.*

  In addition to race and gender, age has emerged as a strong predictive indicator of criminality, whether age was measured in yearly increments or in categorical intervals such as youthful and aging offenders. While the recidivism rate of youthful offenders (aged 21 and younger) was the highest of any age group, older offenders (aged 50 and older) seemed to age out of criminality.

- *Expectations for correctional success in preventing future criminality should be viewed realistically.*

  Components of an offender's criminal history, current offense, and experiences with the correctional system are all elements strongly correlated with continued criminal behavior. Expectations for rehabilitative success and deterrence should be articulated in this context, and be realistic in weighing criminogenic factors brought with an offender into the system compared to the short time and limited resources at the DOC's disposal to reverse their impact.

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

  Targeting resources to match offender needs might increase the probability of rehabilitation; knowledge of factors that predict when offenders with certain characteristics tend to recidivate would provide practical information to programs for developing additional treatment or supervision protocols that could further delay, or even prevent, recidivism.

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

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

In summary, Figure 9 provides a comprehensive view of the three-year recidivism rates for FY 2003/04 sample of probationers and prisoners.

Figure 9
Three-Year Recidivism Rates for the FY 2003/04 Sample

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                        ┌─────────────────────────────────┐
                        │  All Probation and Prison Releases │
                        │           (N=56,983)             │
                        │                                  │
                        │        Rearrest:  38.7%          │
                        │        Reconviction:  26.4%      │
                        │        Reincarceration:  29.1%   │
                        └─────────────────────────────────┘
                                      │
               ┌──────────────────────┴──────────────────────┐
    ┌──────────────────────┐                      ┌──────────────────────┐
    │   Probation Entries   │                      │    Prison Releases    │
    │      (n=39,890)       │                      │      (n=17,093)       │
    │                       │                      │                       │
    │   Rearrest:  33.7%    │                      │   Rearrest:  50.2%    │
    │   Reconviction:  22.6%│                      │   Reconviction:  35.5%│
    │ Reincarceration: 26.1%│                      │ Reincarceration: 36.2%│
    └──────────────────────┘                      └──────────────────────┘
              │                                              │
     ┌────────┴────────┐                          ┌──────────┴──────────┐
┌──────────────┐ ┌──────────────┐        ┌──────────────┐ ┌──────────────┐
│  Community   │ │ Intermediate │        │ Post-Release │ │No Post-Release│
│  Punishment  │ │  Punishment  │        │  Supervision │ │  Supervision │
│  (n=28,223)  │ │  (n=11,667)  │        │  (n=1,634)   │ │  (n=15,459)  │
│              │ │              │        │              │ │              │
│Rearrest:30.9%│ │Rearrest:40.6%│        │Rearrest:44.7%│ │Rearrest:50.8%│
│Reconv: 20.6% │ │Reconv: 27.5% │        │Reconv: 28.6% │ │Reconv: 36.2% │
│Reincar:18.3% │ │Reincar:45.2% │        │Reincar:30.1% │ │Reincar:36.8% │
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CHAPTER ONE
INTRODUCTION

Introduction

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

Studies which measure recidivism are a nationally accepted way to assess the effectiveness of in-prison and community corrections programs in preventing future criminal behavior. The North Carolina General Assembly, aware of this trend, incorporated the study of recidivism into the Sentencing and Policy Advisory Commission's mandate from the start. The first recidivism study that was prepared for the Commission was completed in 1992 by Stevens Clarke and Anita Harrison of the Institute of Government at the University of North Carolina Chapel Hill (now named the School of Government). This recidivism study was followed by one that was conducted in 1996 by Mark Jones and Darrell Ross of the School of Social Work at East Carolina University. In 1997 and 1998, the Commission produced the third and fourth recidivism reports in conjunction with the Department of Correction's Office of Research and Planning.

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

> *The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Department of Correction shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs. During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall coordinate the collection of all data necessary to create an expanded database containing offender information on prior convictions, current conviction and sentence, program participation and outcome measures. Each program to be evaluated shall assist the Commission in the development of systems and collection of data necessary to complete the evaluation process. The first evaluation report shall be presented to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and*

Public Safety by April 15, 2000, and future reports shall be made by April 15 of each even-numbered year.

The first evaluation report, as required by law, was delivered to the General Assembly on April 15, 2000. The current study is the fifth 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 various kinds of state-supported correctional programs. The legislation calling for these measurements made it clear that recidivism meant repeated criminal behavior, and implied that measuring recidivism was to be a way of evaluating correctional programs – that is, programs designed or used for sanctioning and, if possible, rehabilitating or deterring convicted criminal offenders.

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

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

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

Guidelines 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 recidivism. Guidelines might also impact recidivism by altering the characteristics, or "mix," of *groups* of offenders – for example, probationers or prisoners. Altering 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. The 1996 "National Assessment of Structured Sentencing" conducted by the U.S. Department of Justice (Austin, Jones, Kramer and Renninger, 1996:31-34) identifies the following goals of the guidelines movement: to increase sentencing fairness, to reduce unwarranted disparity, to establish "truth in sentencing," to reduce or control prison crowding, and to establish standards that facilitate appellate review of sentences. To meet these objectives and still control spending on prisons, guidelines 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. Sentencing guidelines have sought to make offenders convicted of violent crimes, as well as repeat offenders, more likely to receive active prison sentences and to serve longer prison terms. At the same time, guidelines were intended to make first-time offenders charged with non-violent crimes less likely to be imprisoned, and to have them serve shorter terms if imprisoned (Austin et al., 1996:125).

With this kind of shift from prison to probation actually occurring following the implementation of Structured Sentencing, one possible hypothesis would be to expect the recidivism rate of released prisoners to increase over time. This is because the percentage of prisoners with prior records would increase, and prior criminal record is a strong predictor of recidivism. It is less clear what would happen to the recidivism of probationers.

It is important to remember that guidelines sentencing emphasized not only the diversion of some offenders from prison to probation, but also the use of intermediate punishments for those diverted offenders. Intermediate punishments – *i.e.,* enhanced forms of 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.

As documented in the literature, the rate differential in recidivism between probationers and prisoners is largely – but not fully – accounted for by differences in the two groups' criminal history. These results, by themselves, suggest that diverting offenders with little or no criminal history to probation might not make much difference in the group recidivism rate for probationers. However, this might not hold true for the group sentenced to intermediate sanctions, which targets offenders with more serious offenses and prior records than those sentenced to community sanctions. Two other factors may tend to prevent increased recidivism among North Carolina probationers. One factor is that intermediate punishment programs may help control recidivism. Whether they in fact do so must be established through careful evaluation of the programs. Another factor is that diversion of some offenders from prison to probation might prevent

"prisonization" – detrimental effects of imprisonment – that would otherwise increase the propensity to reoffend.

Comparison of Recidivism Rates for Previous Recidivism Studies

The Sentencing Commission's previous recidivism reports provide a framework to look at trends in the state's recidivism rates. However, it should be noted that there are differences in the recidivism studies that make comparisons difficult. For example, samples up to, but not including, FY 1996/97 are based only on offenders convicted and sentenced under or prior to the Fair Sentencing Act (FSA); the samples for FY 1996/97 through FY 2001/02 include a mixture of offenders sentenced under the FSA and the SSA. The various studies also have different follow-up periods. Nonetheless, some overall comparisons may be made as long as these factors are taken into consideration.[1]

Table 1.1 presents overall recidivism rates (measured as rearrest) from each of the Sentencing Commission's previous reports. The table indicates that recidivism rates for offenders have been fairly similar over the sample years, given the differences in follow-up time and sample composition. The 1989 study, the FY 1996/97 study, and the FY 1998/99 study had a similar follow-up period (of approximately two years) and similar recidivism rates for all offenders, ranging from 31% to 33%. The five other studies, with more extended follow-up periods (of approximately three years), reported slightly higher recidivism, with rearrest rates for all offenders between about 33% and 38%.

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

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

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[1] A summary table of Adult Recidivism Rates by State in Appendix A provides statistics from several states and from a U.S. Bureau of Justice Statistics report. The table, while providing useful information, demonstrates the difficulty in arriving at meaningful comparisons between jurisdictions due to differences in the definitions of recidivism, follow-up periods, and populations studied.

Table 1.1
Rearrest Rates for North Carolina Offenders

Sample Year	Sample Composition	Sample Size	Follow-Up Period[2] (in months)	Rearrest Rates		
				All Offenders	Probationers[3]	Prisoners[4]
Studies with a Two-Year Follow-Up Period						
1989	Offenders sentenced prior to or under FSA	37,933	26.7	31.2%	26.5%	41.3%
1996/97	Offenders sentenced under FSA and SSA	51,588	24	32.6%	26.3%	42.6%
1998/99	Offenders sentenced under FSA and SSA	58,238	24	31.2%	24.2%	41.6%
Studies with a Three-Year Follow-Up Period						
1992/93	Offenders sentenced prior to or under FSA	33,111	36.7	32.6%	22.8%	45.9%
1993/94	Offenders sentenced prior to or under FSA	48,527	32.8	36.8%	30.7%	48.8%
1994/95	Offenders sentenced prior to or under FSA, with some offenders sentenced under SSA	45,836	35.1	37.3%	31.3%	47.8%
1998/99	Offenders sentenced under FSA and SSA	58,238	36	37.8%	29.7%	49.6%
2001/02	Offenders sentenced under SSA, with some offenders sentenced under FSA	57,973	36	38.2%	30.1%	49.8%

SOURCE: NC Sentencing and Policy Advisory Commission

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[2] Variable follow-up periods were used for sample years 1989 through 1994/95. Fixed follow-up periods were used for sample years 1996/97, 1998/99, and 2001/02.

[3] This category includes FSA offenders on regular probation for sample years 1989, 1992/93, 1993/94, and 1994/95 and SSA offenders on community punishment probation for sample years 1996/97, 1998/99, and 2001/02.

[4] This category includes FSA prisoners released on regular parole through FY 1994/95 and all FSA and SSA prisoners beginning with FY 1996/97.

While it is too soon to draw valid comparisons between the overall recidivism of SSA and FSA offenders, it is worth noting that recidivism rates over a two-year follow-up were around 32% for the various samples and over a three-year follow-up were close to 37%, independent of composition. Structured Sentencing might have an impact on recidivism rates by altering the deterrent effect of sentencing laws and by altering the characteristics, or "mix," of groups of offenders, but it is possible that while the recidivism of different groups of offenders will change, the overall recidivism rate will stay about the same. However, fluctuation in the rates will ultimately be affected by a host of social and legal factors, in addition to the sentencing laws. Future studies will continue to examine these issues.

Research Design and Methodology

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

Sample

The sample selected for study included all offenders released from prison by the North Carolina Department of Correction (DOC) or placed on probation during Fiscal Year 2003/04. The final study sample includes 56,983 offenders sentenced under Structured Sentencing, affording a comprehensive look at the recidivism of Structured Sentencing offenders.[6]

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 2003/04 sample of offenders with a fixed three-year follow-up period, with one-year, two-year, and three-year rates provided. When not specified, recidivism will be defined based on the three-year follow-up period.

Time at Risk

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

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

incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period.[7]

Outcome and Process Measures

The outcome and process measures examined for this study include:

- ► Recidivism, defined broadly to cover the offender's possible span of reinvolvement in the criminal justice system, to include rearrests, reconvictions, and reincarcerations.
- ► Technical revocation of probation or post-release supervision for offenders supervised in the community.
- ► Prison infractions during incarceration for prisoners in the sample.

Data Sources

(A) Aggregate Data: two automated data sources were utilized to collect information on the sample of offenders:

- ► The Department of Correction's (DOC) Offender Population Unified System (OPUS) provided demographic and prior record information, current convicted offense and sentence,[8] correctional program assignment, type of punishment, and subsequent technical probation revocations and prison incarcerations.
- ► The Department of Justice's (DOJ) data set was used to provide fingerprinted arrest records for prior and recidivist arrests, as well as recidivist convictions.

The final data set for this study consists of over 300 items of information (or variables) for the sample of 56,983 offenders released to the community between July 1, 2003 and June 30, 2004, and followed for three years.[9] A case profile was constructed for each sample offender, comprised of personal and criminal history characteristics, the most serious current offense of conviction, type of punishment imposed, correctional program assignments, and reinvolvement with the criminal justice system (*i.e.,* rearrest, reconviction, and reincarceration).

(B) Site Visit Descriptive Data:

For this report, two specific areas were selected for in-depth analysis – post-release supervision and the aging offender population. To provide a descriptive context for the study, information was collected during a series of interviews with correctional personnel at the state level. For post-release supervision, Sentencing Commission staff conducted meetings with Post-Release Supervision and Parole Commission members and staff, with the DOC's Division of Prisons (DOP) staff, and with the DOC's Division of Community Corrections' (DCC) Director

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

[8] "Current" in the context of this study refers to the most serious conviction and sentence for which the offender was released to the community within the sample time frame.

[9] A glossary of relevant variables is included in Appendix B.

and his staff. Information relating to special issues (*e.g.*, medical, housing) for aging inmates was gathered from interviews with the Director of Health Services, Assistant Director for Auxiliary Services, Chief of Program Services, and their respective staff members within the DOC's DOP.

Report Outline

Chapter Two presents a descriptive statistical profile of the sample and aggregate figures on the incidence and type of prior criminal behavior. It also describes the sample in terms of offender risk (a composite "Risk Factor Score" developed and assigned to each offender).

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

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

Chapter Five presents a narrative description and statistical information for prisoners released on post-release supervision. Chapter Six describes in detail the aging offender population. Finally, Chapter Seven offers a short summary of the study's main findings and closes with some observations on recidivism in North Carolina following the enactment of Structured Sentencing.

CHAPTER TWO
STATISTICAL PROFILE OF FY 2003/04 SAMPLE

Type of Punishment

As described in Chapter One, the study sample is comprised of SSA offenders who either were placed on probation or were released from prison during FY 2003/04.[10]

FY 2003/04 Sample

The sample is comprised of all SSA offenders who were placed on supervised probation or were released from prison during FY 2003/04, with the following exclusions:

❑   offenders with a most serious current conviction for driving while impaired (DWI); and

❑   offenders with a most serious current conviction for a misdemeanor traffic offense.

As shown in Figure 2.1, there were 56,983 offenders in the FY 2003/04 sample. There were 39,890 (70%) probationers and 17,093 (30%) 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 post-release supervision;[11] and
❑   prison releases with no post-release supervision.

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

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

[11] Statistics on prison releases presented in this chapter are based on all SSA prison releases (*i.e.*, those with post-release supervision and those with no post-release supervision). Detailed information for offenders released on post-release supervision is provided in Chapter Five.

Figure 2.1
Type of Punishment

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                    ┌─────────────────────────────────────────┐
                    │  All Probation Entries and Prison Releases │
                    │              (N=56,983)                    │
                    └─────────────────────────────────────────┘
                          │                              │
            ┌─────────────────────┐          ┌─────────────────────┐
            │   Probation Entries  │          │    Prison Releases   │
            │  70.0%  (n=39,890)   │          │  30.0%  (n=17,093)   │
            └─────────────────────┘          └─────────────────────┘
              │               │                  │               │
   ┌──────────────────┐ ┌──────────────────┐ ┌──────────────────┐ ┌──────────────────────┐
   │ Community        │ │ Intermediate     │ │ Post-Release     │ │ No Post-Release       │
   │ Punishment       │ │ Punishment       │ │ Supervision      │ │ Supervision           │
   │ 49.5% (n=28,223) │ │ 20.5% (n=11,667) │ │ 2.9% (n=1,634)   │ │ 27.1% (n=15,459)      │
   └──────────────────┘ └──────────────────┘ └──────────────────┘ └──────────────────────┘
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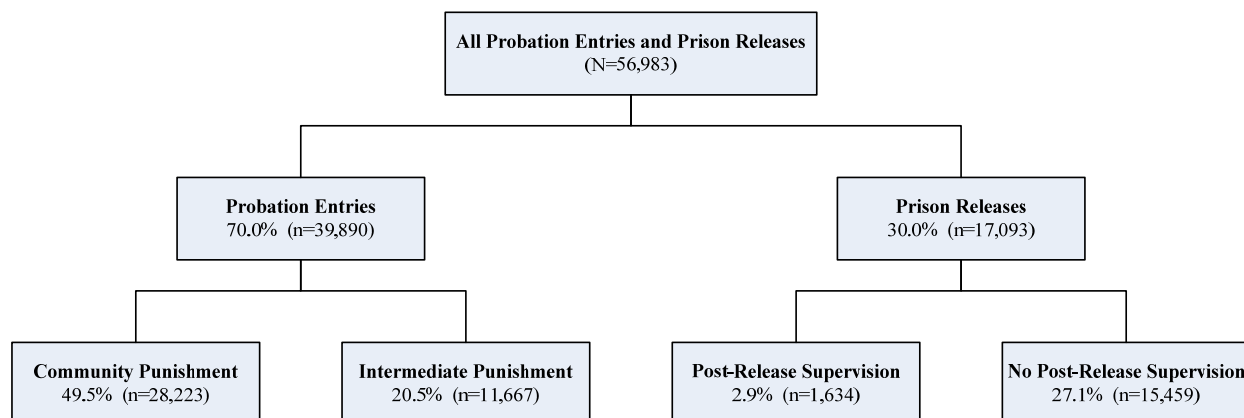
Definitions for the Types of Punishment

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

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

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

Prison Releases: An offender who was sentenced under the Structured Sentencing Act, served his/her maximum sentence minus earned time and time for pre-conviction confinement, and was released back into the community, usually without any supervision. A small number (n=1,634 or almost 10%) of offenders in this category received post-release supervision (*see* Chapter 5 for a further description of post-release supervision and a statistical comparison of prisoners released on post-release supervision with those receiving no supervision following release).

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

> **Prison Releases with No Post-Release Supervision:** 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.

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

Personal Characteristics

Table 2.1 contains information describing the personal characteristics of the FY 2003/04 sample. Of the 56,983 offenders, 78.3% were male, 52.1% were black, 14.2% were married, 42.7% had twelve or more years of education, 39.1% were identified as having a substance abuse problem, and their average age, at release from prison or placement on probation, was 30.6. Probationers (and, in particular, probationers with community punishments) had a higher percentage of females than prisoners. On average, offenders who were placed on probation were slightly younger than offenders who were released from prison.

Criminal History

It is important to look at the number of prior arrests for the offenders in the sample since previous research indicates that prior arrests are a strong predictor of recidivism (Clarke and Harrison, 1992: Jones and Ross, 1996; NC Sentencing and Policy Advisory Commission, 1997; 1998; 2000; 2002; 2004; 2006). Information on prior fingerprinted arrests for the FY 2003/04 sample is provided in Table 2.2.[12] Prior arrests were defined as fingerprinted arrests that occurred before the current conviction that placed the offender in this sample and, therefore, may include the arrest(s) for the current conviction. Overall, the FY 2003/04 sample accounted for a total of 182,979 prior arrests. For offenders with prior arrests, the number of prior arrests increased by type of punishment from community punishment to intermediate punishment to prison – 45.8% of community punishment probationers, 25.2% of intermediate punishment probationers, and 14.4% of prison releases had only one prior arrest compared to 3.3% of community punishment probationers, 7.3% of intermediate punishment probationers, and 14.3% of prison releases with 10 or more prior arrests. This pattern is also evident when comparing the average number of arrests for the subgroups. For offenders with prior arrests, the overall average number of prior arrests was 3.9, with probationers having an average of 3.1 prior arrests and prisoners having an average of 5.4 prior arrests. For all groups, prior property offenses comprised the highest volume of arrests, followed by drug offenses. As expected, prisoners had a higher mean number of violent prior arrests than probationers.

With regard to arrest history, intermediate punishment probationers were more similar to prisoners than to community punishment probationers. For example, intermediate punishment probationers fell in between community punishment probationers and prisoners regarding the average number of prior arrests (4.0, 2.7, and 5.4, respectively). These findings confirm the philosophy behind Structured Sentencing that probationers who receive intermediate punishments are more serious offenders than those who receive community punishments, but less serious than those who receive prison sentences.

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[12] Fingerprinted arrest data from the DOJ were used to determine prior arrests. In actuality, all offenders in the sample (100%) should have at least one prior arrest – the arrest that resulted in the conviction that placed the offender in the study sample. Lack of at least one prior arrest may result from an arrest for which an offender was not fingerprinted (*e.g.*, a misdemeanor offense for which fingerprinting is not required), indictment without an arrest, or if no match was found for an offender in the DOJ criminal history database.

Table 2.1
Personal Characteristics by Type of Punishment

Type of Punishment	N	% Male	% Black	Mean Age	% Married	% With Twelve Years of Education or More	% With Substance Abuse
Probation Entries							
Community Punishment	28,223	70.7	46.8	29.7	15.1	48.3	29.6
Intermediate Punishment	11,667	83.3	53.3	30.8	14.2	41.4	36.7
Subtotal	39,890	74.4	48.7	30.0	14.8	46.3	31.7
Prison Releases	17,093	87.6	60.1	32.0	12.9	34.9	56.5
TOTAL	**56,983**	**78.3**	**52.1**	**30.6**	**14.2**	**42.7**	**39.1**

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data
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Table 2.2
Prior Arrests for Offenders with Any Prior Arrest (n=46,578)

Type of Punishment	N	# of Prior Arrests	Number of Prior Arrests (%)					Average Number of Prior Arrests				
			1	2	3-4	5-9	10+	Overall	Violent	Property	Drug	Other
Probation Entries												
Community Punishment	28,223	51,945	45.8	22.0	17.7	11.1	3.3	2.7	0.5	1.3	0.7	0.5
Intermediate Punishment	11,667	41,745	25.2	19.1	25.1	23.3	7.3	4.0	0.8	1.9	1.2	0.8
Subtotal	39,890	93,690	38.6	21.0	20.3	15.4	4.7	3.1	0.6	1.5	0.9	0.6
Prison Releases	17,093	89,289	14.4	15.2	23.7	32.4	14.3	5.4	1.0	2.9	1.4	1.0
TOTAL	**56,983**	**182,979**	30.0	18.9	21.5	21.4	8.1	**3.9**	**0.7**	**2.0**	**1.0**	**0.8**

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Most Serious Current Conviction

Overall, 47% (n=26,808) of the FY 2003/04 sample had a felony offense as the most serious current conviction and 53% (n=30,175) had a misdemeanor offense as the most serious current conviction.[13] 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 (43%), followed by property offenses (38%). For prisoners with a current felony conviction, the majority had convictions for property offenses (38%), followed by convictions for drug offenses (32%). As anticipated, prisoners were more likely to have current conviction for violent offenses (22%) than probationers (13%).
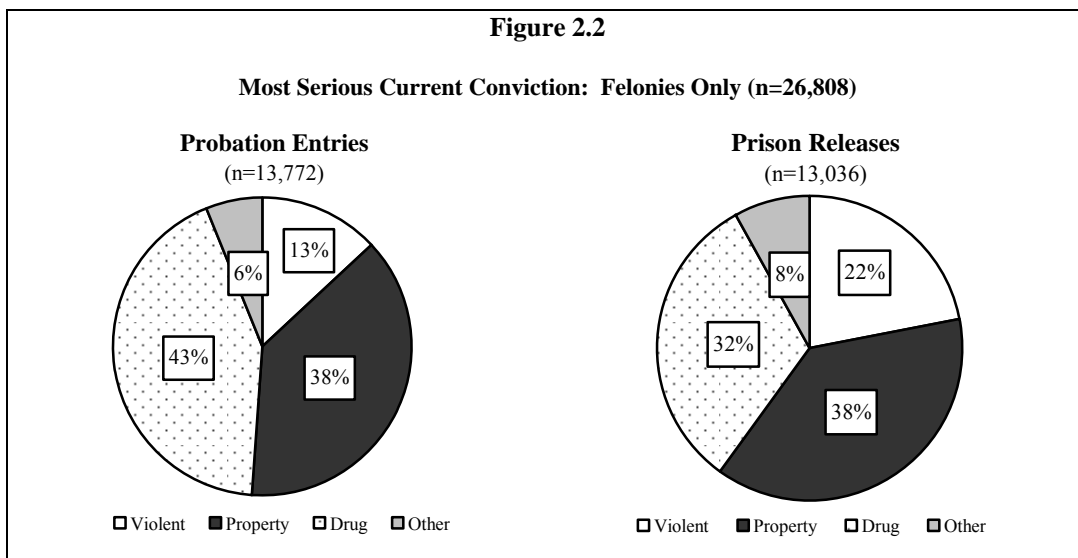
Figure 2.2

Most Serious Current Conviction: Felonies Only (n=26,808)

Probation Entries
(n=13,772)

Prison Releases
(n=13,036)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

The majority of prisoners and probationers with current misdemeanor convictions were convicted of property offenses (41% and 44%, respectively) and violent offenses (41% and 27%, respectively), as shown in Figure 2.3. As expected, prisoners had a higher percentage of violent convictions compared to probationers. Probationers had a higher percentage of drug convictions (20%) compared to prisoners (13%).

The most serious current conviction by type of punishment is presented in Table 2.3. Overall, 40.9% of the sample had a most serious current conviction for a property offense,

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[13] Each offender's conviction(s) that placed him/her in the sample as a prison release or probation entry during FY 2003/04 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.

Table 2.3
Most Serious Current Conviction by Type of Punishment

Type of Punishment	N	Type of Conviction								% Total	
		% Violent		% Property		% Drug		% Other			
		Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.
Probation Entries											
Community Punishment	28,223	0.5	20.5	7.4	37.1	8.7	17.1	0.7	8.0	17.3	82.7
Intermediate Punishment	11,667	14.3	9.9	27.2	8.5	29.7	3.6	4.9	1.9	76.1	23.9
Subtotal	39,890	4.6	17.4	13.2	28.7	14.9	13.1	1.9	6.2	34.5	65.5
Prison Releases	17,093	17.1	9.8	28.9	9.7	24.3	3.1	6.0	1.2	76.3	23.7
TOTAL	**56,983**	**8.3**	**15.1**	**17.9**	**23.0**	**17.7**	**10.1**	**3.1**	**4.7**	**47.1**	**52.9**

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Figure 2.3
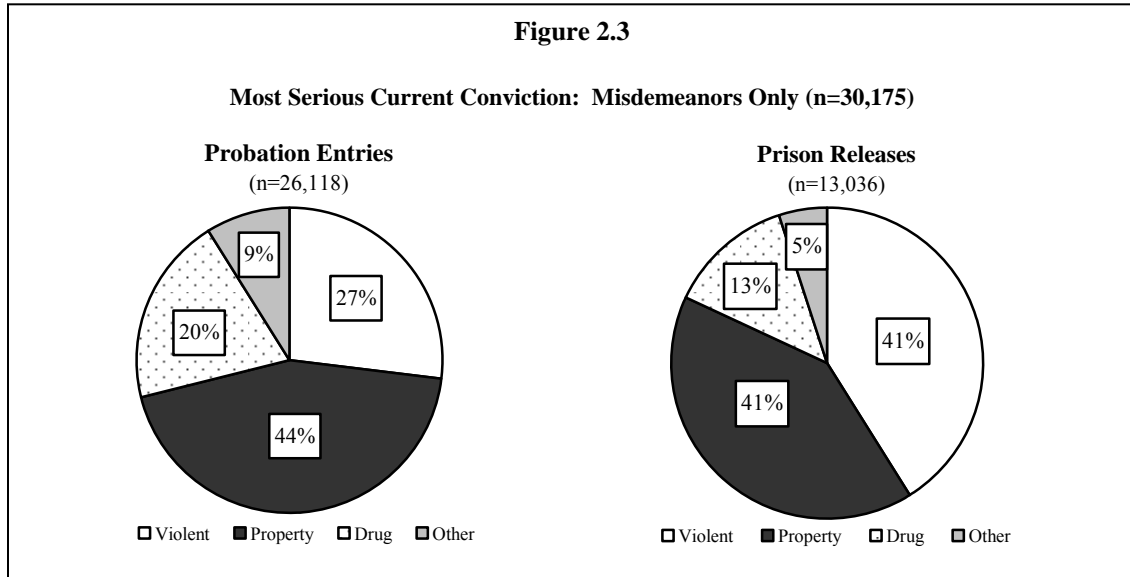
Most Serious Current Conviction: Misdemeanors Only (n=30,175)

Probation Entries
(n=26,118)

Prison Releases
(n=13,036)

Probation Entries pie: 27% Violent, 44% Property, 20% Drug, 9% Other
Legend: □ Violent ■ Property □ Drug ▨ Other

Prison Releases pie: 41% Violent, 41% Property, 13% Drug, 5% Other
Legend: □ Violent ■ Property □ Drug ▨ Other

followed by 27.8% for drug offenses, 23.4% for violent offenses, and 7.8% for "other" offenses.[14] Community punishment probationers were more likely to have a most serious current conviction for a misdemeanor offense (82.7%) and the current conviction was most likely to be for a misdemeanor property offense (37.1%). Seventy-six percent of intermediate punishment probationers had a most serious current conviction for a felony offense and the current conviction was most likely to be for a felony drug offense (29.7%) or for a felony property offense (27.2%). Seventy-six percent of prison releases had a most serious current conviction for a felony offense, with 28.9% for felony property offenses and 24.3% for felony drug offenses.

Table 2.4 presents information on the offense class of the most serious conviction for the FY 2003/04 sample by type of punishment. Under Structured Sentencing, offenses are classified based on offense seriousness, with Class A through Class E felonies considered the violent felonies. The type of sentence imposed (community, intermediate punishment, or active sentence) and the sentence length are based on the offense class for the most serious offense and on the offender's prior criminal history (*see* Appendix D for the felony and misdemeanor punishment charts).[15] Offenders convicted of Class B1 through Class D felonies are required to receive an active sentence.[16] 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 may receive a community punishment, an intermediate punishment, or an active sentence.

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[14] Of the offenders with a most serious current conviction for a violent offense (n=13,362), 8.3% (n=1,102) had a conviction for an offense which requires registration as a sex offender under Article 27A of Chapter 14 of the NC General Statutes.

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

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

Table 2.4
Offense Class for Most Serious Current Conviction by Type of Punishment

Type of Punishment	N	Offense Class for Current Conviction		
		% B1-E Felony	% F-I Felony	% Misd
Probation Entries				
Community Punishment	27,825	N/A	16.7	83.3
Intermediate Punishment	11,633	4.3	71.8	23.9
Subtotal	39,458	1.3	32.9	65.8
Prison Releases	17,093	9.6	66.7	23.7
TOTAL	**56,551**	**3.8**	**43.1**	**53.1**

Note: Offenders with discrepant or unknown offense classes were excluded from this table (n=432). Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2003/04 sample with a most serious conviction for a Class B1 felony. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

For the FY 2003/04 sample, 3.8% had a most serious conviction for a Class B1 through E felony,[17] 43.1% had a most serious conviction for a Class F through Class I felony, and 53.1% 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 (83.3%), while the majority of intermediate punishment probationers and prisoners had a most serious conviction for a Class F through Class I felony (71.8% and 66.7%, respectively). Almost 10% of prisoners had a conviction for a Class B1 through Class E felony.

Offender Risk and Recidivism

Evaluations of correctional programs using recidivism as the outcome measure of "success" are fairly commonplace. However, a frequent problem encountered by both researchers and policy makers interpreting the results of these studies is that most have no way to control for different levels of offender risk. Offenders vary in their risk of recidivating, independent of any intervention provided. This finding has been confirmed repeatedly in

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[17] Structured Sentencing does not allow for the release of offenders convicted of first degree murder (Class A), explaining the absence of Class A offenders in the FY 2003/04 SSA sample.

research, and is being applied in risk assessments used for sentencing and in correctional policy to classify inmate custody levels and to make parole decisions.

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

Components of Risk

Variables used to create the "risk" measure for this study are those identified in the literature as increasing or decreasing a person's risk of being arrested.[18] For the purposes of this study, risk is defined as *the projected probability of rearrest*, and is not intended to measure seriousness of future offenses or offender dangerousness.

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

1. Personal Characteristics
   - ► *Offender's age when placed on probation or released from prison*
   - ► *Sex*
   - ► *Race[19]*
   - ► *Marital status*
   - ► *Employment status at time of arrest for prisoners and at the time of probation entry for probationers*
   - ► *History of substance abuse problems as indicated by prison or probation assessment*

2. Criminal History
   - ► *Age at first arrest*
   - ► *Length of criminal history*
   - ► *Number of prior arrests*
   - ► *Prior drug arrest*
   - ► *Most serious prior arrest*

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

[19] Of the FY 2003/04 sample, 52.1% were black, 42.5% were white, and the remaining 5.4% were Indian (1.6%), Asian or Oriental (0.2%), other (3.4%), or unknown (0.1%). Based on this distribution, race was collapsed into two categories, black and non-black. White, Asian and Indian offenders as well as offenders with an "other" or "unknown" race were included in the non-black category.

- *Number of prior probationary sentences – probation, parole, post-release supervision*
- *Number of prior revocations of probationary supervision*
- *Number of prior prison sentences*

3. Current Sentence Information
- *Offense class*
- *Maximum sentence length*

A risk score was computed for all offenders in the sample based on these factors. [20] For this report, a methodological change was made in the categorization of the risk score into low, medium, and high risk groups.[21] *Risk scores* – not the sample of offenders – were divided into terciles. The range of risk scores was 0.01 to 0.99; thus, "Low Risk" offenders had a score between 0.01 and 0.33; "Medium Risk" offenders had a score between 0.34 and 0.66, and "High Risk" offenders had a risk score between 0.67 and 0.99. Using the new methodology, 44.0% of the offenders were "Low Risk," 46.6% were "Medium Risk," and 9.4% were "High Risk."[22]

As shown in Figure 2.4, risk level varied by the type of punishment. Probationers sentenced to a community punishment were much more likely to be low risk than intermediate punishment probationers and prison releases. For instance, only 24.8% of prison releases were low risk compared to 58.0% of probationers sentenced to a community punishment. Conversely, prisoners were much more likely to be high risk than either category of probationers.

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

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

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

[22] Data from previous Correctional Evaluation Reports was examined using this new approach to determine the stability of low, medium, and high risk groups from sample year to sample year. In FY 1998/99, 48.0% were "Low Risk," 42.7% were "Medium Risk," and 9.3% were "High Risk." In FY 2001/02, 45.7% were "Low Risk," 44.5% were "Medium Risk," and 9.8% were "High Risk."

Figure 2.4
Offender Risk Level by Type of Punishment
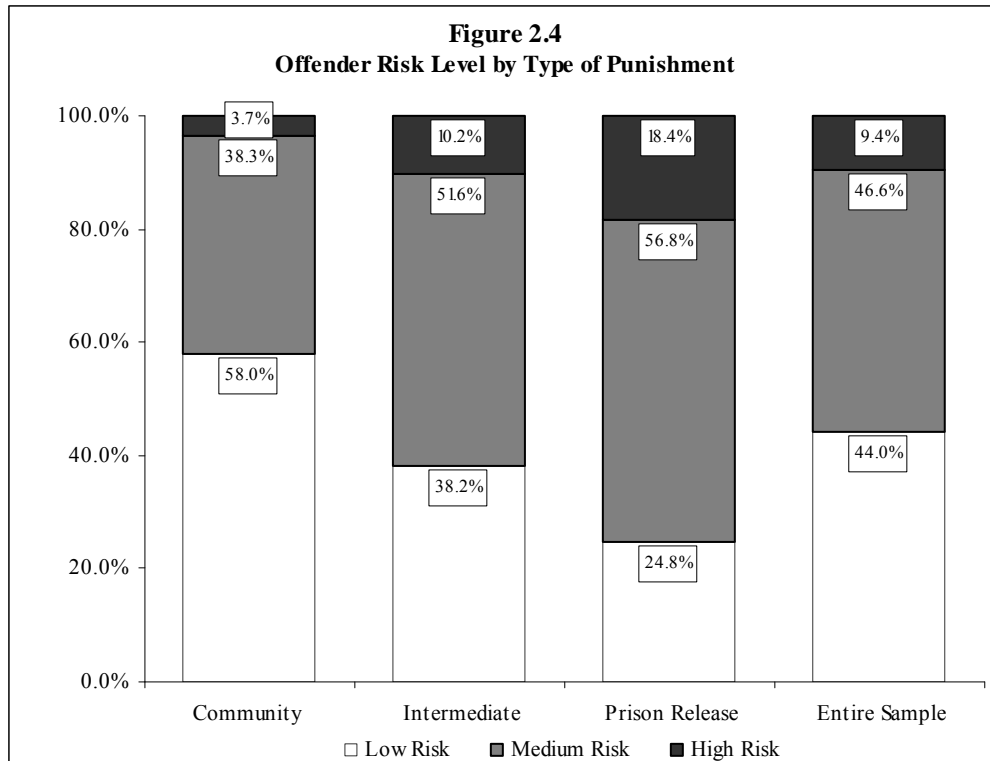
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Summary

Chapter Two provided a description of the FY 2003/04 sample's demographic characteristics, prior criminal history, current conviction, and offender risk level. Of the 56,893 offenders placed on probation or released from prison in FY 2003/04, 78% were male, 52% were black, 82% had at least one prior fingerprinted arrest, and 47% had a most serious current conviction for a felony offense. Offender risk level was found to increase by type of punishment, with community punishment probationers having the lowest risk scores and prison releases having the highest risk scores. Chapter Three examines the sample's subsequent criminal involvement, as measured by rearrests, reconvictions, and reincarcerations.

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CHAPTER THREE
CRIMINAL JUSTICE OUTCOME MEASURES FOR THE FY 2003/04 SAMPLE

Definition of the Follow-up Period and Time at Risk

Each offender in the FY 2003/04 sample was followed for a period of three years to determine whether repeat criminal behavior occurred, with one-year, two-year, and three-year recidivism rates reported.[23] The three-year follow-up period was calculated on an individual basis using the prison release date plus three years for prison releases and using the probation entry date plus three years for probation entries. A fixed follow-up period was used in an attempt to obtain the same "window of opportunity" for each offender to recidivate. In actuality, the same window of opportunity was not necessarily available due to technical probation or post-release supervision revocations which result in incarceration or due to the commission of new crimes which result in incarceration.[24] Incarcerations resulting from technical revocations may reduce recidivist arrests due to incapacitation since the offender no longer has the same amount of time in the community to recidivate. As a result, offenders who were not rearrested during the follow-up may appear to be a success but may have actually experienced another type of criminal justice failure (*i.e.,* technical revocation and incarceration) during the follow-up period.

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

Table 3.1 provides information on time at risk for offenders in the FY 2003/04 sample. As expected, the percent of the sample at risk for the entire follow-up period declined across the follow-up period. Overall, 88% of the FY 2003/04 sample were at risk for the entire one-year follow-up period, 78% were at risk for the entire two-year follow-up period, and 71% were at risk for the entire three-year follow-up period. While there was relatively little difference between probationers and prisoners with regards to the average time at risk for the one-year follow-up period, differences between the two groups increased for the two- and three-year

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

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

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

Type of Punishment	N	Percent at Risk and Average Time at Risk		
		1-Year Follow-Up (365 Days)	2-Year Follow-Up (730 Days)	3-Year Follow-Up (1,095 Days)
Probation Entries				
Community Punishment	28,223	94% 359 days	87% 709 days	82% 1,058 days
Intermediate Punishment	11,667	75% 330 days	61% 639 days	55% 958 days
Subtotal	39,890	88% 351 days	79% 689 days	74% 1,029 days
Prison Releases	17,093	87% 350 days	73% 674 days	64% 988 days
TOTAL	**56,983**	**88%** **350 days**	**78%** **684 days**	**71%** **1,017 days**

SOURCE**:** NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

follow-up periods, with prisoners being at risk fewer days than probationers (674 days compared to 689 days for the two-year follow-up and 988 days compared to 1,029 days for the three-year follow-up, respectively). Of the three types of punishment, probationers with an intermediate punishment had the lowest percentage of offenders who were at risk for the entire follow-up period (*i.e.*, had the entire window of opportunity to reoffend) and, correspondingly, were at risk fewer days during follow-up.

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, as well as by type of punishment.[25]

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[25] Statistics presented in this report on prison releases include offenders released on post-release supervision. Detailed information for offenders released on post-release supervision is provided in Chapter Five.

Recidivist Arrests[26]

Overall, 21.2% of the FY 2003/04 sample were rearrested during the one-year follow-up, 32.0% were rearrested during the two-year follow-up, and 38.7% were rearrested during the three-year follow-up (*see* Table 3.2).[27] Overall, prisoners were more likely to be rearrested than probationers, with a 50.2% rearrest rate for the three-year follow-up period. Probationers with a community punishment were the least likely of the three types of punishment to be rearrested. Prisoners who were rearrested during follow-up also had a higher number of rearrests than probationers who were rearrested. For example, 43.8% of prisoners compared to 53.1% of probationers had only one rearrest, while 9.4% of prisoners compared to 5.9% of probationers had five or more rearrests. For those who were rearrested during the three-year follow-up period, their first rearrest occurred an average of 12.8 months after entry to probation or release from prison. There was little variation in the time to first rearrest among the three groups. The average number of months to rearrest was 13.0 for community punishment probationers, 12.7 for intermediate punishment probationers, and 12.6 for prison releases.

Table 3.2
Rearrest Rates by Type of Punishment

Type of Punishment	N	Rearrest Rates		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,223	16.6	25.2	30.9
Intermediate Punishment	11,667	22.4	33.5	40.6
Subtotal	39,890	18.3	27.6	33.7
Prison Releases	17,093	28.0	42.3	50.2
TOTAL	**56,983**	**21.2**	**32.0**	**38.7**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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[26] Fingerprinted arrest data from DOJ were used to determine recidivist arrests and convictions. Recidivist arrests were defined as fingerprinted arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample.

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

Table 3.3 provides information on the actual number of arrests for those who were rearrested during the follow-up period, as well as the types of crimes for which they were rearrested. The 22,036 offenders who were rearrested during the three-year follow-up accounted for a total of 45,819 arrests during this period, with 9,342 arrests for violent offenses, 20,286 arrests for property offenses, 14,027 arrests for drug offenses, and 13,322 arrests for "other" offenses.[28] 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 2003/04 sample.

Table 3.3 also includes information on the mean number of rearrests for each group. The average number of overall arrests for those who were rearrested was 2.1 for the three-year follow-up. Prisoners who were rearrested had a slightly higher average number of rearrests during the three-year follow-up (2.3) than probationers (2.0). Overall, the average number of violent arrests was 0.4 for those with a recidivist arrest during the three-year follow-up. Little variation was found between the groups with regard to the average number of recidivist arrests for violent offenses during the three-year follow-up, although prisoners had a slightly higher average number of violent rearrests.

As shown in Figure 3.1, recidivism rates varied considerably by risk level, with a stair-step increase in the percentage rearrested from low risk to medium risk to high risk. High risk offenders had a rearrest rate of 75.0% during the three-year follow-up period – over three and one-half times higher than the rearrest rate of low risk offenders (20.5%).

As shown in Table 3.4, the stair-step pattern in rearrest rates found by offender risk level for the entire sample was also found when examining rearrest rates by type of punishment and controlling for risk level. Figure 3.2 illustrates the relationship between type of punishment and rearrest during the three-year follow-up period when controlling for risk level. Once risk level is controlled, the differences in rearrest rates between offenders in the different punishment categories are diminished. For the three-year follow-up period, rearrest rates for low risk offenders ranged from
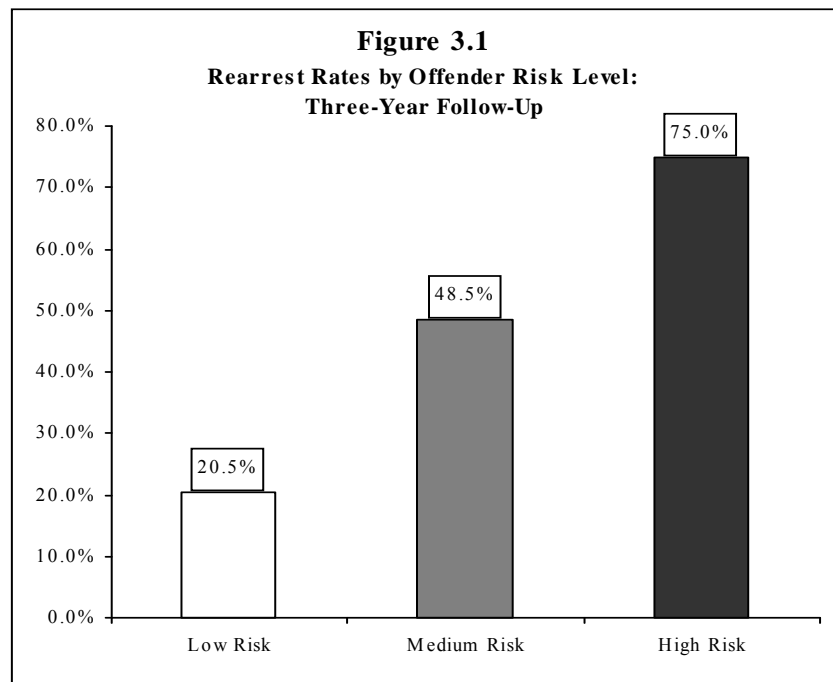
Figure 3.1
Rearrest Rates by Offender Risk Level:
Three-Year Follow-Up

NOTE: Of the FY 2003/04 sample, 44.0% (n=25,064) were low risk, 46.6% (n=26,544) were medium risk, and 9.4% (n=5,375) were high risk.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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

Table 3.3
Rearrests by Type of Punishment and Crime Type

Type of Punishment	# with Any Rearrest	Total Number and Average Number of Arrests During the Three-Year Follow-Up Period									
		Overall		Violent		Property		Drug		Other	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Probation Entries											
Community Punishment	8,724	16,792	1.9	3,411	0.4	7,496	0.9	5,091	0.6	4,528	0.5
Intermediate Punishment	4,732	9,485	2.0	1,882	0.4	4,065	0.9	3,073	0.6	2,905	0.6
Subtotal	13,456	26,277	2.0	5,293	0.4	11,561	0.9	8,164	0.6	7,433	0.6
Prison Releases	8,580	19,542	2.3	4,049	0.5	8,725	1.0	5,863	0.7	5,889	0.7
TOTAL	**22,036**	**45,819**	**2.1**	**9,342**	**0.4**	**20,286**	**0.9**	**14,027**	**0.6**	**13,322**	**0.6**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Table 3.4
Rearrest Rates by Type of Punishment and Offender Risk Level

Type of Punishment	% Rearrest by Offender Risk Level								
	1-Year Follow-Up			2-Year Follow-Up			3-Year Follow-Up		
	Low	Medium	High	Low	Medium	High	Low	Medium	High
Probation Entries									
Community Punishment	9.2	24.5	49.5	14.8	36.9	66.2	19.0	44.8	74.2
Intermediate Punishment	11.0	26.0	47.0	17.4	39.3	64.2	21.9	48.0	73.0
Subtotal	9.6	25.1	48.2	15.4	37.8	65.1	19.6	45.9	73.6
Prison Releases	10.5	28.5	50.2	19.3	43.9	68.2	25.0	52.8	76.0
TOTAL	**9.8**	**26.3**	**49.4**	**16.1**	**40.0**	**66.9**	**20.5**	**48.5**	**75.0**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Figure 3.2

Rearrest Rates by Type of Punishment and Risk Level: Three-Year Follow-Up
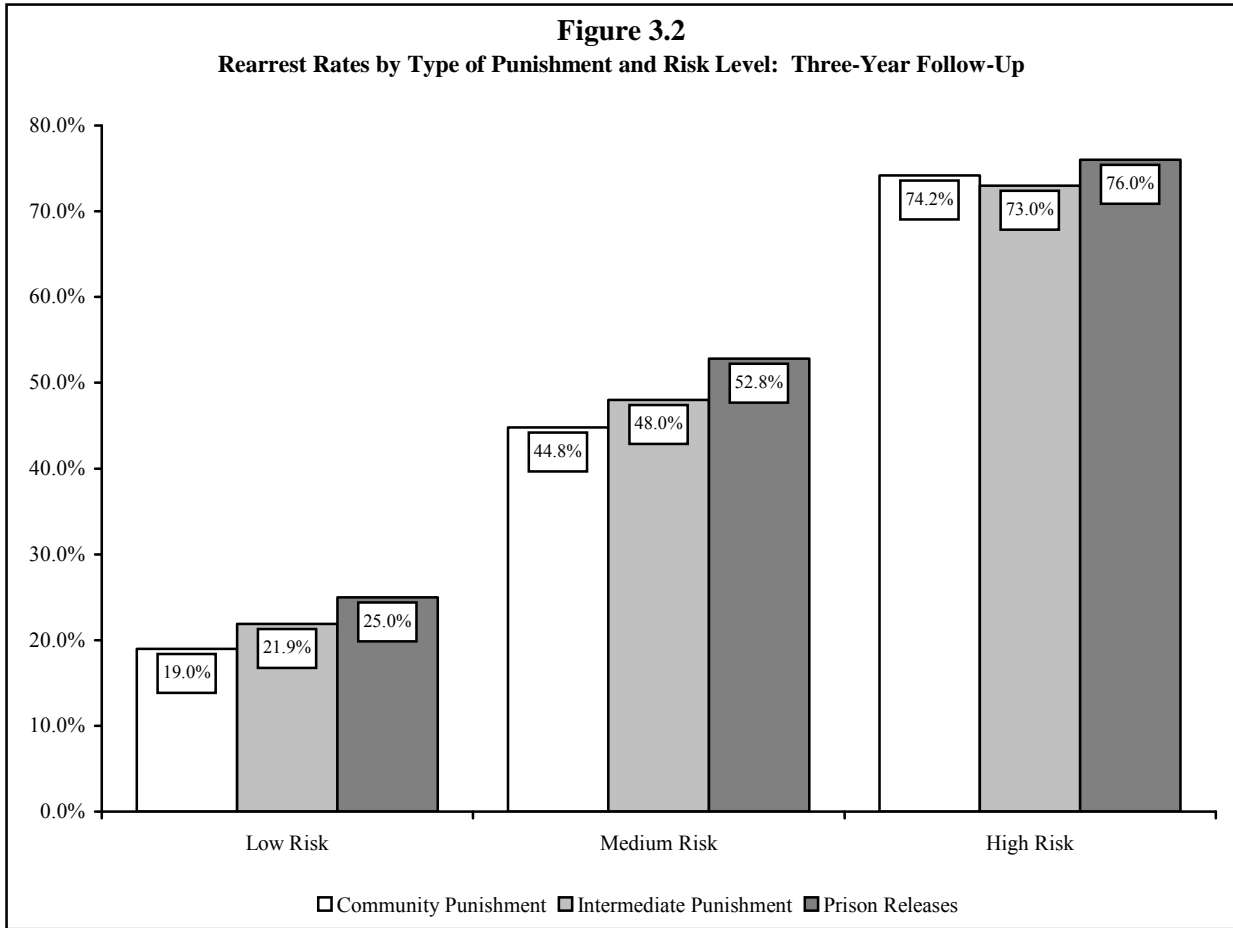
NOTE: Of the FY 2003/04 sample, 44.0% (n=25,064) were low risk, 46.6% (n=26,544) were medium risk, and 9.4% (n=5,375) were high risk.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

19.0% for probationers with a community punishment to 25.0% for prison releases, while rearrest rates for high risk offenders ranged from 74.2% for probationers with a community punishment to 76.0% for prison releases over the three-year follow-up period.

For offenders rearrested during follow-up, the number of recidivist arrests increased as risk level increased from low to high. For example, 65.1% of low risk, 49.4% of medium risk, and 29.7% of high risk offenders had only one rearrest, while 2.5% of low risk, 6.1% of medium risk, and 17.0% of high risk offenders had five or more rearrests. Table 3.5 provides further information on the number of rearrests for low, medium, and high risk offenders who were rearrested during follow-up. While only 9% of offenders were high risk, they accounted for 26% (n=11,726) of the 45,819 recidivist arrests for the sample. During the three-year follow-up period, 5,143 low risk offenders were rearrested with a total of 8,170 arrests, 12,861 medium risk offenders were rearrested with a total of 25,923 arrests, and 4,032 high risk offenders were rearrested with a total of 11,726 arrests. As expected, the average number of arrests was lowest

Table 3.5
Rearrests by Risk Level and Crime Type

Risk Level	N	% Any Rearrest	# with Any Rearrest	Total Number and Average Number of Arrests During the Three-Year Follow-Up Period									
				Overall		Violent		Property		Drug		Other	
				#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Low Risk	25,064	20.5	5,143	8,170	1.6	1,493	0.3	3,968	0.8	2,345	0.5	1,826	0.4
Medium Risk	26,544	48.5	12,861	25,923	2.0	5,295	0.4	11,274	0.9	8,116	0.6	7,303	0.6
High Risk	5,375	75.0	4,032	11,726	2.9	2,554	0.6	5,044	1.3	3,566	0.9	4,193	1.0
TOTAL	56,983	38.7	22,036	45,819	2.1	9,342	0.4	20,286	0.9	14,027	0.6	13,322	0.6

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

for low risk offenders and highest for high risk offenders, with an average of 1.6 and 2.9 arrests, respectively. This pattern held true across all crime types.

Offender risk level and recidivism were also examined in relation to offense class for the most serious current conviction (*see* Table 3.6). In general, felons had higher risk levels than misdemeanants. Compared to the other offense class groupings, offenders with a most serious current conviction (hereinafter referred to as "conviction") for a Class A1 through Class 3 misdemeanor offense had the highest percentage of offenders who were low risk (54.7%) and the lowest percentage of offenders who were high risk (6.0%). Among felons, offenders with a conviction for a Class B1 through Class E felony offense (which are defined as violent offenses under Structured Sentencing) had a higher percentage of low risk offenders and a lower percentage of high risk offenders than those offenders with a conviction for a Class F through Class I felony offense. Fourteen percent of offenders with a conviction for a Class F through Class I felony offense were high risk – the highest of all offense groupings.

Overall, 41.4% of offenders with a conviction for a Class B1 through Class E felony, 44.5% of offenders with a conviction for a Class F through Class I felony, and 33.9% of offenders with a conviction for a Class A1 through Class 3 misdemeanor were rearrested during the three-year follow-up period. The offender risk level distribution, which is defined as risk of rearrest, and the rearrest rate for offenders convicted of Class B1 through Class E felony offenses indicates that offenders convicted of violent offenses are less likely to reoffend than those convicted of non-violent felony offenses (primarily property and drug offenses).

The stair-step pattern in rearrest rates found for offender risk level for the entire sample and by type of punishment (as shown in Table 3.4) was also found when examining offender risk level by offense class for the most serious current conviction (*see* Table 3.6). When controlling for offender risk level, the differences in rearrest rates between offenders in the different class groupings were diminished. For the three-year follow-up period, rearrest rates for each offense class grouping ranged from 16.1% to 21.7% for low risk offenders, from 46.6% to 51.9% for medium risk offenders, and from 74.6% to 77.9% for high risk offenders. From this analysis, it appears that offender risk level nearly negates the link between offense class and rearrest.

Represented within Class B1 through Class E convictions is a special group of offenders – habitual felons. An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon. (N.C.G.S §§ 14-7.1 to -7.6) While habitual felons are sentenced as Class C felons, the overwhelming majority of habitual felons have a Class F through Class I felony as their most serious underlying conviction.[29]

In order to examine whether habitual felons were more similar to offenders with a conviction for a Class B1 through Class E felony or to offenders with a conviction for a Class F

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[29] According to the NC Sentencing and Policy Advisory Commission's annual statistical report, there were 651 habitual felon convictions in FY 2006/07 (NC Sentencing and Policy Advisory Commission, 2008). Overall, 88% (n=576) had a conviction for a Class F through Class I felony as their most serious underlying conviction, with Class F accounting for 7.2%, Class G for 24.4%, Class H for 38.4%, and Class I for 18.4%.

Table 3.6

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

Offense Class for Most Serious Current Conviction	N	Offender Risk Level			% Rearrest During the Three-Year Follow-Up Period			
					Overall	By Offender Risk Level		
		% Low Risk	% Medium Risk	% High Risk		Low	Medium	High
Class B1 – E Felony	2,134	34.9	57.5	7.6	41.4	16.1	51.9	77.9
Class F – I Felony	24,399	31.5	54.5	14.0	44.5	21.7	50.0	74.6
Class A1 – 3 Misdemeanor	30,018	54.7	39.3	6.0	33.9	20.3	46.6	75.7
TOTAL	**56,551**	**43.9**	**46.6**	**9.5**	**38.7**	**20.6**	**48.5**	**75.1**

Note: Offenders with discrepant or unknown offense classes were excluded from this table (n=432). Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2003/04 sample with a most serious conviction for a Class B1 felony.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

through Class I felony, their distribution by offender risk level and rearrest rates were examined. Of the 190 habitual felons in the FY 2003/04 sample, 19.0% were low risk, 59.0% were medium risk, and 22.0% were high risk. During the three-year follow-up period, 54.7% of habitual felons were rearrested. Habitual felons were more similar to offenders with Class F through Class I felony convictions than to offenders with Class B1 through Class E felony convictions with respect to their distribution by risk level and rearrest rates. In fact, they had a higher percentage of high risk offenders (22.0% compared to 14.0%) and higher rearrest rates (54.7% compared to 44.5%) than offenders with a conviction for a Class F through Class I felony, which is not surprising since, as discussed in Chapter Two, prior criminal history is a strong predictor of recidivism.

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. Offenders who are 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.[30] Of the 1,102 offenders in the sample convicted of an offense for which they are required to register as a sex offender, 15.3% (n=169) were convicted of a Class B1 through Class E felony, 82.1% (n=905) were convicted of a Class F through Class I felony, and the remainder were convicted of a Class A1 misdemeanor or had a discrepant or unknown offense class. Almost 57% were low risk, 41.1% were medium risk, and 2.2% were high risk. Overall, 25.3% of the offenders required to register as a sex offender had a recidivist arrest during the three-year follow-up period. When compared to each offense class grouping, offenders required to register as sex offenders had higher percentages of low risk offenders and lower percentages of high risk offenders. They also had lower rearrest rates. These findings are consistent with the risk level distribution and rearrest rates found for male prison releases who had participated in the Sex Offender Accountability Responsibility (SOAR) program while in prison (*see* Appendix C).

Recidivist Convictions[31]

Overall, 9.5% of the FY 2003/04 sample had a reconviction during the one-year follow-up period, 19.5% had a reconviction during the two-year follow-up period, and 26.4% had a reconviction during the three-year follow-up period (*see* Table 3.7). Overall, prisoners had a higher percentage of recidivist convictions than probationers. For example, 35.5% of prisoners had a recidivist conviction during the three-year follow-up compared to 22.6% of probationers. Intermediate punishment probationers had a higher percentage of recidivist convictions during the three-year follow-up than community punishment probationers, with 27.5% of intermediate punishment probationers having recidivist convictions compared to 20.6% of community punishment probationers.

Table 3.8 provides information on the volume and types of recidivist convictions. The 15,068 offenders who had a recidivist conviction by the end of the three-year follow-up accounted for 21,866 convictions during this period, with 3,445 convictions for violent offenses,

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[30] Offenses against a minor and sexually violent offenses are defined in N.C.G.S. § 14-208.6.
[31] Fingerprinted arrest data from the DOJ were used to determine recidivist arrests and convictions. Recidivist convictions were defined as convictions for arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample.

**Table 3.7**
Reconviction Rates by Type of Punishment

Type of Punishment	N	% Reconviction:		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,223	7.4	14.9	20.6
Intermediate Punishment	11,667	10.4	20.4	27.5
Subtotal	39,890	8.3	16.5	22.6
Prison Releases	17,093	12.4	26.5	35.5
TOTAL	**56,983**	**9.5**	**19.5**	**26.4**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

10,015 convictions for property offenses, 6,952 convictions for drug offenses, and 5,217 convictions for "other" offenses. While a lower percentage of probationers had a recidivist conviction than prisoners, they accounted for a higher number of convictions than prisoners due to the larger number of probation entries in the FY 2003/04 sample.

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

Recidivist conviction rates were also examined by offense class and by offender risk level. Overall, 26.0% of offenders with a most serious current conviction for a Class B1 through Class E felony, 31.1% of offenders with a conviction for a Class F through Class I felony, and 22.8% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a recidivist conviction during the three-year follow-up period. As with rearrest rates, a stair-step pattern was found in recidivist conviction rates by offender risk level, with 12.7% of low risk offenders, 33.3% of medium risk offenders, and 56.9% of high risk offenders having a recidivist conviction during the three-year follow-up period.

For offenders who had a recidivist conviction during the three-year follow-up period, their first recidivist conviction occurred an average of 17.1 months after entry to probation or release from prison. There was little variation in the time to first reconviction among the three groups. The average number of months to reconviction was 17.2 for community punishment probationers, 16.8 for intermediate punishment probationers, and 17.1 for prison releases.

Table 3.8
Reconvictions by Type of Punishment and Crime Type

Type of Punishment	# with Any Conv.	Total Number and Average Number of Convictions During the Three-Year Follow-Up Period									
		Overall		Violent		Property		Drug		Other	
		#	Avg.	#	Avg.	#	Avg.	#	Avg.	#	Avg.
Probation Entries											
Community Punishment	5,799	8,229	1.4	1,279	0.2	3,770	0.7	2,599	0.4	1,815	0.3
Intermediate Punishment	3,209	4,457	1.4	665	0.2	1,966	0.6	1,481	0.5	1,092	0.3
Subtotal	9,008	12,686	1.4	1,944	0.2	5,736	0.6	4,080	0.5	2,907	0.3
Prison Releases	6,060	9,180	1.5	1,501	0.2	4,279	0.7	2,872	0.5	2,310	0.4
TOTAL	**15,068**	**21,866**	**1.5**	**3,445**	**0.2**	**10,015**	**0.7**	**6,952**	**0.5**	**5,217**	**0.3**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

<u>Recidivist Incarcerations</u>[32]

Of the FY 2003/04 sample, 12.0% had a recidivist incarceration during the one-year follow-up period, 22.5% had a recidivist incarceration during the two-year follow-up period, and 29.1% had a recidivist incarceration during the three-year follow-up period (as shown in Table 3.9). Recidivist incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a technical revocation during the follow-up period. Overall, prisoners were more likely to have a recidivist incarceration than probationers, with a 36.2% incarceration rate at the end of the three-year follow-up compared to 26.1% of probationers. Of the three groups, probationers with community punishments had the lowest incarceration rate during the follow-up period and probationers with intermediate punishments had the highest incarceration rate during the follow-up period. The high reincarceration rate for this group is most likely linked to their high technical revocation rate. Of those offenders with an incarceration during the three-year follow-up period, 81.8% had one incarceration, 15.9% had two incarcerations, and 2.3% had three or more incarcerations.

Table 3.9
Reincarceration Rates by Type of Punishment

Type of Punishment	N	% Reincarcerations:		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,223	6.1	13.3	18.3
Intermediate Punishment	11,667	25.3	38.8	45.2
Subtotal	39,890	11.7	20.8	26.1
Prison Releases	17,093	12.8	26.6	36.2
TOTAL	**56,983**	**12.0**	**22.5**	**29.1**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Recidivist incarceration rates were also examined by offense class and by offender risk level. Overall, 32.3% of offenders with a most serious current conviction for a Class B1 through

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

Class E felony, 39.3% of offenders with a conviction for a Class F through Class I felony, and 20.8% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a recidivist incarceration during the three-year follow-up period. It is not surprising that offenders with Class F through Class I felony convictions had higher reincarceration rates than those with Class B1 through Class E convictions. While offenders with Class B1 through Class E felony convictions are more likely to be in the FY 2003/04 sample as a prison release, offenders with Class F through I felony convictions are more likely to be in the sample as a result of a probationary sentence. Correspondingly, their higher reincarceration rates may be a function of technical revocations that result in incarceration, in addition to recidivist arrests that lead to reincarceration. As with the other measures of recidivism, a stair-step pattern was found in recidivist incarceration rates by offender risk level, with 14.8% of low risk offenders, 36.7% of medium risk offenders, and 58.9% of high risk offenders having a recidivist incarceration during the three-year follow-up period.

For offenders who had an incarceration during the three-year follow-up period, their first incarceration occurred an average of 15.8 months after entry to probation or release from prison. The average number of months to incarceration was 17.5 for community punishment probationers, 12.6 for intermediate punishment probationers, and 17.1 for prison releases.

Interim Outcome Measures

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

Technical Revocations[33]

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

Overall, 11.9% of the FY 2003/04 sample had a technical revocation during the one-year follow-up period, 21.9% had a technical revocation during the two-year follow-up period, and 27.4% had a technical revocation during the three-year follow-up period (*see* Table 3.10). Of those offenders with a technical revocation during the three-year follow-up period, 91.1% had one technical revocation, 8.3% had two technical revocations, and 0.6% had three or more technical revocations. The greatest increases in the technical revocation rates are in the first and second year of the follow-up period, as might be expected since most probation sentences in

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

Table 3.10
Technical Revocation Rates by Type of Punishment

Type of Punishment	N	% Technical Revocation:		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Probation Entries				
Community Punishment	28,223	12.0	22.6	27.4
Intermediate Punishment	11,667	20.9	33.1	39.1
Subtotal	39,890	14.6	25.7	30.8
Prison Releases	17,093	5.5	12.9	19.3
TOTAL	**56,983**	**11.9**	**21.9**	**27.4**

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

North Carolina do not exceed 3 years (36 months), although there are exceptions. It is possible that technical revocations in the later years of the follow-up period resulted from violations of new probation sentences imposed during follow-up.

Of the three groups, probationers with an intermediate punishment had the highest technical revocation rates during the follow-up period, with 39.1% having a technical revocation within the three-year follow-up. Probationers with a community punishment had the second highest technical revocation rates during the follow-up period, with 27.4% having a technical revocation within the three-year follow-up period. It is not surprising that intermediate punishment probationers had a higher technical revocation rate than community punishment probationers since intermediate probationers are subject to closer monitoring and more restrictive sanctions while on probation.

Technical revocation rates were also examined by offense class and by offender risk level. Overall, 18.5% of offenders with a most serious current conviction for a Class B1 through Class E felony, 25.9% of offenders with a conviction for a Class F through Class I felony, and 29.4% of offenders with a conviction for a Class A1 through Class 3 misdemeanor had a technical revocation during the three-year follow-up period. The differences found in technical revocations by offense class reflect the punishment options available for each offense class under Structured Sentencing, with Class B1 through Class E felons being the least likely and Class A1 through Class 3 misdemeanants being the most likely to receive probationary sentences. As with the other measures of recidivism, a stair-step pattern was found in technical revocation rates by offender risk level, with 19.6% of low risk offenders, 32.6% of medium risk offenders, and

37.8% of high risk offenders having a technical revocation during the three-year follow-up period.

For offenders who had a technical revocation during the three-year follow-up, their first technical revocation occurred an average of 15.3 months after entry to probation or release from prison. The average number of months to technical revocation was 14.9 for community punishment probationers, 13.3 for intermediate punishment probationers, and 18.8 for prison releases. One possible explanation for the longer average time to revocation for prison releases is that they have committed a new crime during follow-up for which they were placed on probation and later revoked.

Infractions

For the FY 2003/04 prison releases (n=17,093), prison infractions while incarcerated for their current conviction (*i.e.*, the conviction that resulted in the offender being selected for the FY 2003/04 sample) were used as an indicator of prisoner misconduct. Overall, 43.9% of the FY 2003/04 prison releases had an infraction while in prison, with 15.5% having only one infraction, 16.8% having two to four infractions, and 11.6% having five or more infractions (*see* Figure 3.3).

When examining the number of infractions per inmate, it is important to control for time served as prisoners with longer sentences have more time to accrue infractions. As shown in Table 3.11, the average number of infractions for the FY 2003/04 prison release sample was 2.0, while the average number of infractions based only on prisoners who had an infraction was 4.6. As expected, the average number of infractions increased as time served increased.
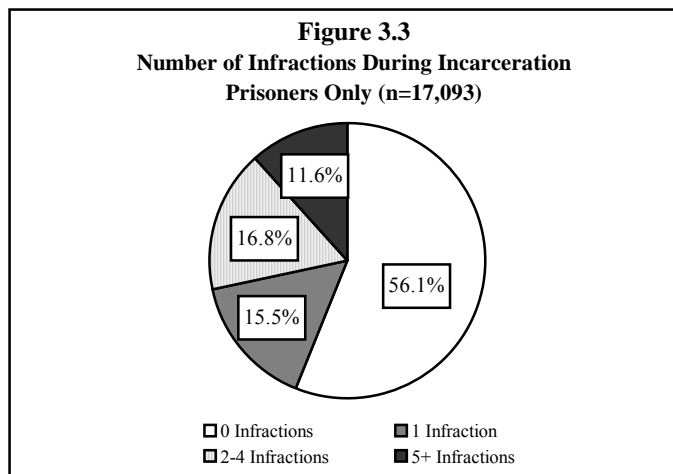
Figure 3.3
Number of Infractions During Incarceration
Prisoners Only (n=17,093)

11.6%
16.8%
56.1%
15.5%

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Table 3.11
Infractions During Incarceration

Time Served	Average Number of Infractions	
	All Prisoners (n=17,093)	Prisoners with Infractions (n=7,505)
0-4 Months	0.3	1.8
5-8 Months	1.0	2.4
9-24 Months	2.6	4.2
25 or More Months	7.1	9.2
OVERALL	2.0	4.6

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Summary

Chapter Three provided information on "time at risk" during the follow up period as context to an offender's opportunity to recidivate. Each offender's actual time at risk was calculated by identifying their periods of incarceration in North Carolina's prison system during follow-up and subtracting the time incarcerated from the follow-up period.[34] Overall, 71% of the FY 2003/04 sample were at risk for the entire three-year follow-up period. Time at risk for the three-year follow-up period varied considerably for prisoners and probationers, as well as for the subcategories comprising the probation group.

Examination of rearrest rates over the three-year follow-up period indicates that rearrest rates increased from year to year, but at a decreasing rate. Figure 3.4 provides a summary of rearrest rates for
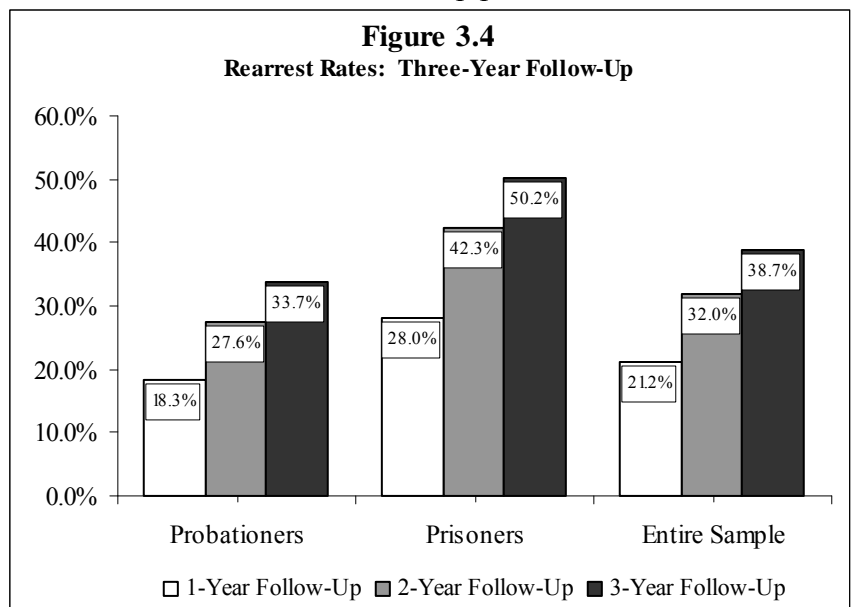
Figure 3.4
Rearrest Rates: Three-Year Follow-Up

Probationers: 18.3%, 27.6%, 33.7%
Prisoners: 28.0%, 42.3%, 50.2%
Entire Sample: 21.2%, 32.0%, 38.7%

☐ 1-Year Follow-Up ☐ 2-Year Follow-Up ■ 3-Year Follow-Up

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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

the three-year follow-up period for probationers, prisoners, and the sample as a whole. Overall, almost 39% of the FY 2003/04 sample were rearrested during the three-year follow-up period. Prisoners had higher rearrest rates than probationers.

Three measures of recidivism – rearrest, reconviction, and reincarceration – were used to determine repeat involvement with the criminal justice system, while information was also provided on two interim outcome measures – technical revocations for offenders while under supervision in the community and infractions while incarcerated for prison releases. Figure 3.5 summarizes criminal justice outcomes for the FY 2003/04 sample during the three-year follow-up period by type of punishment.[35] Overall, prisoners had higher rearrest and reconviction rates than probationers. While prison releases had higher reincarceration rates than community punishment probationers, intermediate punishment probationers had the highest reincarceration rates, which is likely related to their high rate of technical revocations. When comparing the two groups of probationers, intermediate punishment probationers had higher rearrest, reconviction, and reincarceration rates than community punishment probationers. As discussed in Chapter One, some offenders who formerly would have gone to prison have been shifted to probation (in this case, intermediate punishment probation) with the implementation of Structured Sentencing. Probationers with intermediate punishments are the most serious group of offenders supervised in the community. Therefore, it is to be expected that they would fair worse than community punishment probationers in terms of the various measures of recidivism.

Chapter Three also examined criminal justice outcomes by offender risk level. As shown in Figure 3.6, rates for all of the criminal justice outcome measures during the three-year follow-up period varied considerably by offender risk level, with a stair-step increase in rates from low risk to medium risk to high risk. When compared to low risk offenders, high risk offenders were over three and one-half times more likely to be rearrested, almost four and one-half times more likely to be reconvicted, and almost four times more likely to be reincarcerated.

While both type of punishment and offender risk level were found to highly correlate with recidivism, other factors also play an important role in explaining differences in recidivism rates. Offenders are sentenced and targeted for correctional programs based on legal factors such as the seriousness of their offense and prior record. This pre-selection can also be seen as classifying offenders according to some notion of risk, although not necessarily risk of reoffending. Chapter Four expands the search for correlates of recidivism by including the type of correctional supervision and sanctions imposed to the list of factors analyzed. The multivariate analysis used in Chapter Four is a statistical method to account (or "control") for and assess the net impact of preexisting factors (such as type of punishment or offender risk level) on the probability of recidivism.

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[35] It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. It does not include periods of incarceration in county jails or incarceration in other states. In North Carolina, offenders who are sentenced to active terms greater than 90 days are incarcerated in state prison, while those sentenced to active terms 90 days or less are incarcerated in county jail. Therefore, reincarceration rates may be lower than technical revocation rates as a result of new sentences imposed that result in sentences served in county jail and from technical revocations that result in sentences served in county jail.
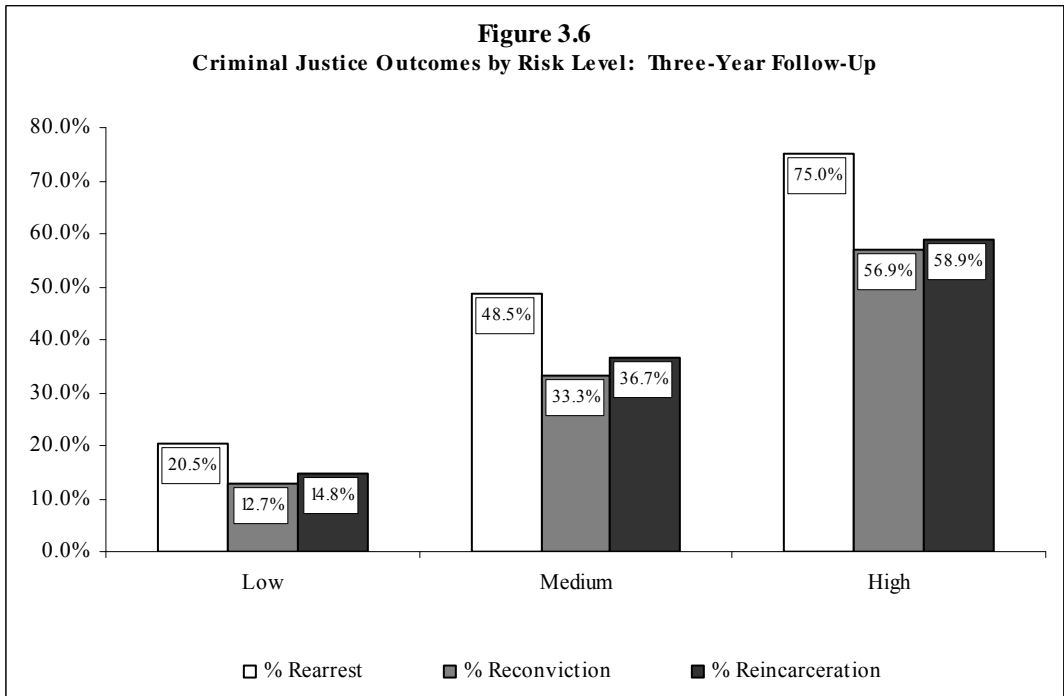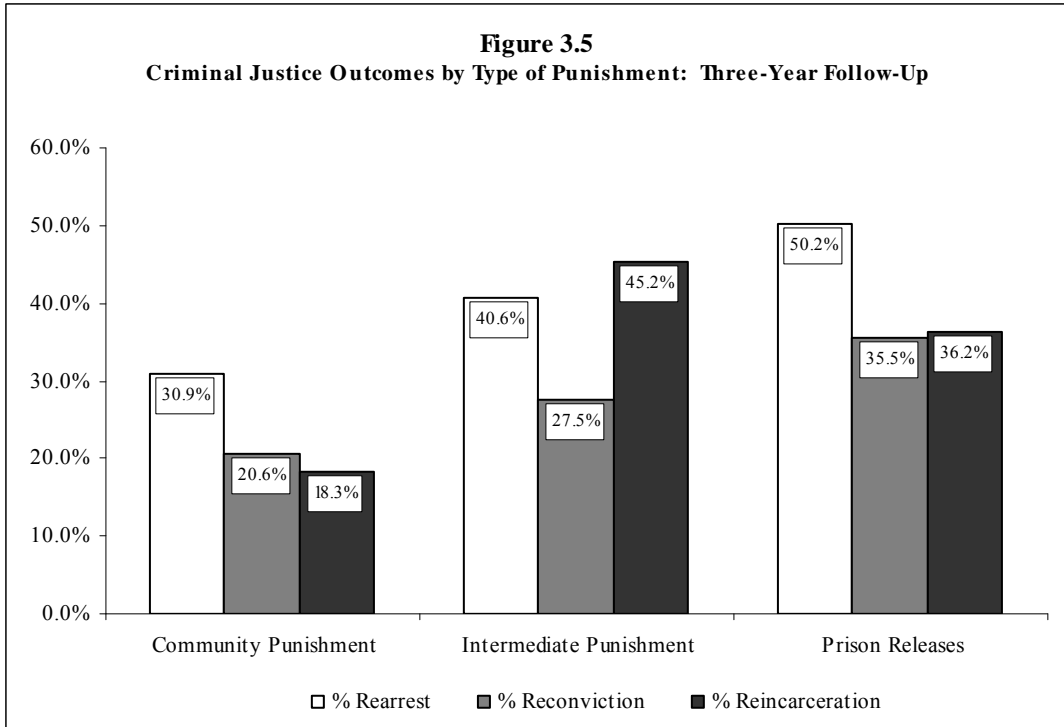
Figure 3.5
Criminal Justice Outcomes by Type of Punishment: Three-Year Follow-Up

□ % Rearrest   ■ % Reconviction   ■ % Reincarceration

Figure 3.6
Criminal Justice Outcomes by Risk Level: Three-Year Follow-Up

□ % Rearrest   ■ % Reconviction   ■ % Reincarceration

NOTE: Of the FY 2003/04 sample, 44.0% (n=25,064) were low risk, 46.6% (n=26,544) were medium risk, and 9.4% (n=5,375) were high risk.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

CHAPTER FOUR
MULTIVARIATE ANALYSIS OF OUTCOME MEASURES

Multivariate Analysis: What is a Regression Model?

A regression model is a statistical tool used to estimate the association of a number of independent variables (*e.g.,* age, sex, offense seriousness) with a dependent variable (*e.g.,* rearrest, technical revocation, incarceration), apart from the contribution of any of the other variables in the model. This type of analysis allows for a determination of whether type of punishment and program participation, for example, have any relationship with an offender's probability of being rearrested, controlling for other factors such as age, race, or criminal history. It also indicates the relative importance of other factors in relation to recidivism.

Using logistic regression, several models were developed to determine how a variety of independent variables (*e.g.,* sex, race, criminal history, program participation) may be related to the probability of rearrest for three groupings of offenders in the FY 2003/04 Correctional Program Evaluation sample: (1) all offenders (N=56,983), (2) prisoners (n=17,093) and (3) probationers (n=39,890).[36] In addition, another model was developed which examined the probability of reincarceration during the three-year follow-up period. *Although the analyses may reveal a relationship exists, it does not necessarily mean that an independent variable (e.g., sex) is the cause of the particular outcome (e.g., rearrest). Rather, it indicates a statistical association, which may or may not be due to a causal relationship.*[37]

Dependent Variables (Outcome Measures) Modeled

The regression analyses in this section model two primary and two interim dependent variables:

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

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

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[36] Logistic regression involves regression using the logit (*i.e.,* the logarithm of the odds) of an outcome occurring. This type of analysis is most appropriate for regression models with a dichotomous dependent variable such as being rearrested or not.

[37] The effects were converted from logistic model coefficients and indicate the estimated increase or decrease in the probability of an outcome occurring which is associated with each independent variable for the average offender. See Aldrich and Nelson (1984; 41-44) for further information on converting logistic coefficients to "effects."

<u>Independent Variables Used in the Regression Models</u>

The independent variables used in the regression models can be loosely grouped into five categories.[38]

1.   <u>Personal Characteristics</u>

- ► *Age at the time of entry into the follow-up period*[39]
- ► *Race*[40]
- ► *Sex*
- ► *Marital status (i.e., married or not married) at the time of entry into the sample*
- ► *Education (i.e., less than 12 years of education or 12 or more years of education)*
- ► *Employment status at the time of arrest for prisoners and at the time of probation entry for probationers*
- ► *History of substance abuse problems as identified by either a prison or probation assessment*
- ► *Youthful offender (i.e., less than 21 years of age at entry into prison or probation)*
- ► *Risk score*

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

- ► *Offense seriousness – whether the current offense was a felony*
- ► *Severity of sentence – whether the offender was sentenced to community probation (the least restrictive sentence), intermediate probation, or prison (the most restrictive sentence)*
- ► *Maximum sentence length imposed*
- ► *Length of time spent in prison (in months) immediately prior to release for offenders released from prison*[41]

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[38] Note that not all of the independent variables listed were appropriate to use in all of the regression models presented in this chapter.
[39] The square of the offender's age at the time of entry into the follow-up period was used as a control variable.
[40] Race was collapsed into two categories, black and non-black. White, Asian and American Indian offenders as well as offenders with an "other" or "unknown" race were included in the non-black category.
[41] The square of the length of time spent in prison was also included in relevant models as a control variable.

3. Criminal History

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

4. Type of Community Supervision

- ▸ *Probation with community punishment*
- ▸ *Probation with intermediate punishment*

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

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

For purposes of discussion, only estimated effects that are statistically significant – that is, it is highly unlikely they are the result of random variation in sampling or chance – are reviewed.

Regression Analysis: Recidivist Arrest

Chapter Three of this report presented rearrest rates for the entire FY 2003/04 sample and for groups of offenders classified by their type of punishment. The regression analyses described in this section isolate the net impact of factors such as type of punishment or personal characteristics on rearrest, and thus help identify relationships not apparent when simply looking at rearrest rates. Table 4.1 presents analyses of the likelihood of rearrest for all offenders (Model 1), prisoners (Model 2), and probationers (Model 3) based on the three-year follow-up period. Note that Chapter Three presents recidivism rates for years one, two, and three in the three-year follow-up period while this chapter focuses only on the entire three-year follow-up.

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

	Estimated Effect on Probability of Rearrest for:		
Independent Variables	Model 1: All Offenders (N=56,983) Average rearrest Probability=38.7%	Model 2: All Prison Releases (n=17,093) Average rearrest Probability=50.2%	Model 3: All Probation Entries (n=39,890) Average rearrest Probability=33.7%
Personal Characteristics			
Age (each year)	-0.7%	*NS*	-0.7%
Black	4.6%	5.3%	3.5%
Male	4.6%	*NS*	5.4%
Married	-2.8%	*NS*	-2.6%
12 or More Years of Education	-3.7%	-3.3%	-3.7%
Employed	-3.0%	*NS*	-3.4%
Substance Abuser	3.5%	*NS*	3.7%
Youthful Offender	6.3%	6.5%	6.3%
Risk Score	0.3%	0.6%	0.3%
Current Offense Information			
Felony	-6.7%	*NS*	-8.1%
Severity of Sentence	2.5%	N/A	N/A
Maximum Sentence Imposed (in months)	-0.2%	*NS*	N/A
Time Spent in Prison (in months)	0.2%	-0.3%	N/A
Criminal History			
Age at First Arrest	0.2%	*NS*	0.2%
# Prior Arrests	2.1%	1.1%	2.5%
Prior Drug Arrest	4.7%	*NS*	5.1%
Most Serious Prior Arrest	2.7%	*NS*	2.8%
# Prior Times on Probationary Supervision	0.7%	*NS*	*NS*
# Prior Revocations	*NS*	*NS*	1.4%
# Prior Incarcerations	-1.6%	*NS*	-2.5%
# Prison Infractions	N/A	0.5%	N/A

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

	Estimated Effect on Probability of Rearrest for:		
Independent Variables	**Model 1:** **All Offenders** **(N=56,983)** **Average rearrest** **Probability=38.7%**	**Model 2:** **All Prison Releases** **(n=17,093)** **Average rearrest** **Probability=50.2%**	**Model 3:** **All Probation Entries** **(n=39,890)** **Average rearrest** **Probability=33.7%**
Type of Community Supervision			
Probation with Community Punishments	N/A	N/A	*reference category*
Probation with Intermediate Punishments	N/A	N/A	-2.0%
Time at Risk during 3-Year Follow-Up	-0.1%	-0.1%	-0.1%

NS indicates that the effect is not statistically significant at p>.05.

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

SOURCE: NC Sentencing and Police Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Model 1: Probability of Rearrest for All Offenders

Model 1 in Table 4.1 presents the estimated effects of each independent variable on an offender's probability of being rearrested during the three-year follow-up period. All offenders in the FY 2003/04 sample were included in this analysis. It should be noted again that only statistically significant findings are discussed in this section and presented in Table 4.1.

Overall, the analysis revealed that 38.7% of all offenders were rearrested during the three-year follow-up period and that this outcome was related to a number of personal, offense-related, and criminal history factors. The values presented for Model 1 indicate the approximate change in the probability of rearrest associated with each independent variable relative to a reference category. For example, offenders who were employed were 3.0% less likely than those who were not employed to be rearrested. Other personal characteristics that served as protective factors against rearrest were being older, married, or having 12 or more years of education. Conversely, some personal characteristics increased an offender's chance of being rearrested, including being male, black, a youthful offender (under 21 years of age), or a substance abuser. Male offenders were 4.6% more likely to be rearrested than females. Black offenders were 4.6% more likely to be rearrested than non-blacks. Compared to adult offenders, youthful offenders were 6.3% more likely to be rearrested. Offenders with a history of substance abuse were 3.5%

more likely to recidivate than those offenders with no such history. Finally, the analysis also took into account individual offender risk scores. As expected, increases in risk score also increased the probability of rearrest. With each one unit increase in offenders' risk score, there was a 0.3% increase in their probability of rearrest.

Controlling for all other factors, offenders convicted of a felony were 6.7% less likely to be rearrested than those convicted of a misdemeanor. The severity of an offender's sentence (as measured by whether an offender was sentenced to a community punishment, an intermediate punishment, or prison) also affected the probability of rearrest. Offenders sentenced to an intermediate punishment were 2.5% more likely to recidivate than offenders sentenced to a community punishment. Offenders sentenced to prison were about 2.5% more likely to recidivate than offenders sentenced to an intermediate punishment. In general, the more restrictive the punishment, the greater the chance of recidivism. Although the effects were small, maximum sentence imposed and time served also impacted an offender's chance of being rearrested.

As expected, criminal history impacted the probability of rearrest. With the exception of the number of prior incarcerations, all of the criminal history factors included in the analysis increased an offender's chance of being rearrested. Offenders who had a prior drug arrest were 4.7% more likely to be rearrested than those who did not have a prior drug arrest. When looking at offenders' most serious prior arrest, offenders with a property arrest as their most serious prior arrest were 2.7% more likely to be rearrested than those with a drug arrest while offenders with a violent offense as their most serious prior arrest were 2.7% more likely to be rearrested than offenders whose most serious prior arrest was a property offense. Finally, the more prior arrests an offender had and the more times an offender was arrested and placed on probationary supervision the greater the chance of being rearrested. Controlling for all other factors, the number of prior incarcerations was associated with a decreased likelihood of rearrest.

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

Model 2: Probability of Rearrest for Prisoners

Model 2 in Table 4.1 focuses on the probability of rearrest for the 17,093 prison releases in the FY 2003/04 sample. Overall, 50.2% of prison releases were rearrested during the three-year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.1.

As found in the analysis for all offenders, those having at least 12 years of education were less likely to recidivate, while being black or a youthful offender were associated with a higher likelihood of being rearrested. Black prisoners were 5.3% more likely to recidivate than non-blacks. Youthful prisoners were 6.5% more likely to be rearrested after their release than adult prisoners. Similar to the findings for all offenders, risk score affected the probability of

rearrest for prisoners. For each one unit increase in prisoners' risk score, there was a 0.6% increase in their probability of rearrest. Generally speaking, the higher a prisoner's risk score, the greater the likelihood of rearrest.

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

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

Prison infractions are used in this model as a predictor of rearrest, but are also an interim indicator of prisoner misbehavior that is influenced by many of the same variables that affected the probability of rearrest (*i.e.,* personal characteristics, current offense information, and criminal history). To further explore these relationships, a regression model was used that examined which variables had an impact on prison infractions.[42] Being black or a youthful offender increased the number of prison infractions incurred. Generally speaking, as the number of prior incarcerations increased, so too did the number of infractions. However, being male, having at least 12 years of education, having a longer maximum sentence imposed, or having a prior drug arrest decreased the number of infractions incurred by a prisoner, all else held constant.

Model 3: Probability of Rearrest for Probationers

Model 3 in Table 4.1 analyzes the probability of rearrest for the 39,890 probationers in the FY 2003/04 sample. Overall, 33.7% of probationers were rearrested during the three-year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.1.

Personal characteristics were found to affect the probability of rearrest for probationers with being older, married, having at least twelve years of education, or being employed significantly reducing the likelihood of rearrest. Similar to Model 1 in Table 4.1, being black, male, having a history of substance abuse, or being a youthful offender were associated with a higher likelihood of rearrest. Black probationers were about 3.5% more likely to be rearrested than non-blacks. Compared to female probationers, male probationers were 5.4% more likely to recidivate. Having a history of substance abuse increased probationers' chances of being rearrested by 3.7%. Youthful offenders were 6.3% more likely to recidivate than adult offenders. Offender risk score was also a statistically significant factor. For each one unit increase in probationers' risk score, there was a 0.3% increase in their probability of rearrest. Generally speaking, the higher the risk score, the greater the probability of rearrest.

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

Controlling for all other factors, probationers convicted of a felony were 8.1% less likely to be rearrested than probationers convicted of a misdemeanor. Similar to the previous models, criminal history impacted a probationer's chance of being rearrested, with age at first arrest, the number of prior arrests, having a prior drug arrest, most serious prior arrest, and number of revocations being associated with an increased likelihood of rearrest. The probability of rearrest for probationers increased by 2.5% with each prior arrest and by 5.1% for those with a prior drug arrest. As in analyses for all offenders, probationers with a property arrest as their most serious prior arrest were 2.8% more likely to be rearrested than those with a drug arrest while probationers with a violent offense as their most serious prior arrest were 2.8% more likely to be rearrested than probationers whose most serious prior arrest was a property offense. As found for all offenders, the probability of rearrest for probationers decreased with each prior incarceration. Age may have been related to prior incarcerations with older offenders having had more opportunity to be arrested and incarcerated than younger offenders. If this occurred, these offenders may have "aged-out" of criminal offending which may have resulted in a decreased likelihood of rearrest.

Model 3 also looked at the impact of the type of community supervision on the probability of rearrest for probationers. As a group, probationers sentenced to an intermediate punishment had a higher rearrest rate during the three-year follow-up period than those sentenced to a community punishment (40.6% versus 30.9%), as discussed in Chapter Three. However, once factors other than the type of community supervision (*e.g.,* age, sex, criminal history, time at risk) were taken into account, probationers sentenced to an intermediate punishment were actually 2.0% less likely than probationers sentenced to a community punishment to be rearrested. It is not clear from the analysis whether increased supervision or other factors not included in the model resulted in the decreased likelihood of rearrest for probationers sentenced to an intermediate punishment.

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

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

The number of prior revocations was used in this model as a predictor of rearrest, but revocation in the follow-up period was also used as an indicator of a probationer's misconduct. For this analysis, revocations were limited to technical revocations of probation or post-release supervision and did not include revocations for new crimes. Many of the same variables that affected rearrest also influenced revocation (*e.g.,* personal characteristics, current offense information, criminal history). To further explore these relationships, a logistic regression model was used that examined which variables had an impact on technical revocations for probationers during the three-year follow-up period.[43]

Holding all other variables constant, being married, having at least twelve years of education, or being employed served as protective factors and decreased the likelihood of having a technical revocation. Conversely, being black, male, having a history of substance abuse, or being a youthful offender were associated with a higher likelihood of technical revocation. With the exception of age at first arrest, number of prior arrests, and having a prior drug arrest, all of the other criminal history factors impacted a probationer's chance of having a technical revocation. Last, type of community supervision influenced technical revocations for probationers. Probationers sentenced to an intermediate punishment were 10.1% more likely to have a technical revocation than those sentenced to a community punishment. As previously noted, probationers who were sentenced to intermediate punishments were subject to increased supervision which may have resulted in their higher rate of technical revocation as compared to probationers sentenced to community punishment. However, as discussed in Model 3 above, probationers sentenced to intermediate punishments had a rate of rearrest lower than those sentenced to community punishment when controlling for factors related to rearrest (*e.g.,* age, sex, criminal history).

Regression Analysis: Recidivist Incarceration

Chapter Three of this report presented recidivist incarceration rates for the entire FY 2003/04 sample and for groups of offenders classified by their type of punishment. The regression analyses in this section isolate the net impact of factors such as type of punishment or personal characteristics on reincarceration, and thus help identify relationships not apparent when simply looking at reincarceration rates. Table 4.2 presents analyses of the likelihood of recidivist incarceration for all offenders (Model 4) based on the three-year follow-up period.

Model 4: Probability of Recidivist Incarceration for All Offenders

Model 4 in Table 4.2 presents the estimated effects of each independent variable on an offender's probability of being reincarcerated during the three-year follow-up period. All offenders in the FY 2003/04 sample were included in this analysis. It should be noted again that only statistically significant findings are discussed in this section and presented in Table 4.2.

Overall, the analysis revealed that about 29% of all offenders had a recidivist incarceration during the three-year follow-up period. Personal characteristics that impacted an offender's chance of being reincarcerated included age, gender, being a substance abuser, and being a youthful offender. Male offenders were 6.2% more likely to be reincarcerated than

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[43] *See* Appendix F, Table F.2 for the logistic regression results.

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

Independent Variables	Estimated Effect on Probability of Reincarceration for: **Model 4: All Offenders (N=56,983)** **Average reincarceration probability=29.1%**
Personal Characteristics	
Age (each year)	1.0%
Black	-1.5%
Male	6.2%
Married	*NS*
12 or More Years of Education	-10.8%
Employed	-4.4%
Substance Abuser	2.8%
Youthful Offender	7.3%
Risk Score	0.4%
Current Offense Information	
Felony	16.3%
Severity of Sentence	3.5%
Maximum Sentence Imposed (in months)	0.1%
Time Spent in Prison (in months)	-1.4%
Criminal History	
Age at First Arrest	0.3%
# Prior Arrests	*NS*
Prior Drug Arrest	*NS*
Most Serious Prior Arrest	2.9%
# Prior Times on Probationary Supervision	1.0%
# Prior Revocations	3.8%
# Prior Incarcerations	2.1%

NS indicates that the effect is not statistically significant as p>.05.

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

females. Offenders with a history of substance abuse were 2.8% more likely to be reincarcerated than those offenders with no such history. Compared to adult offenders, youthful offenders were 7.3% more likely to be reincarcerated than adult offenders. The analysis also took into account individual offender risk scores. As expected, increases in risk score also increased the probability of reincarceration during the three-year follow-up period. Being black, employed, or having 12 or more years of education were associated with decreases in the probability of being reincarcerated during the follow-up period.

Controlling for other factors, offenders convicted of a felony for their current offense were 16.3% more likely to be reincarcerated than those convicted of a misdemeanor. However, this finding might also be affected by the fact that offenders with sentences of 90 days or less (typically those with a misdemeanor conviction) are required to serve their sentences in county jail, which is not included in this measure of recidivist incarcerations. The severity of an offender's sentence also affected the probability of reincarceration, but to a much lesser degree. Offenders sentenced to an intermediate punishment were 3.5% more likely to be reincarcerated than offenders sentenced to community punishment. Offenders sentenced to prison were 3.5% more likely to be reincarcerated than offenders sentenced to an intermediate punishment. Maximum sentence imposed and time spent in prison also impacted an offender's chance of being reincarcerated.

With the exception of number of prior arrests and having a prior drug arrest, all of the criminal history factors included in the analysis increased an offender's chance of being reincarcerated. Having only a small effect, age at first arrest, number of times on probationary supervision, and number of prior incarcerations were all associated with an increase in the likelihood of an offender being reincarcerated. Most serious prior arrest and having more revocations had a larger impact on the likelihood of reincarceration. Offenders whose most serious prior arrest was a property offense were 3.8% more likely to be reincarcerated than those whose most serious prior arrest was a drug offense. Offenders whose most serious prior offense was a violent offense were 3.8% more likely to be reincarcerated than offenders with a property offense as their most serious prior arrest. Generally speaking, offenders with more revocations of probationary supervision were more likely to be reincarcerated.

Summary

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

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

► Two variables, prison infractions and probation technical revocations, were used as predictors of rearrest, but each was also used as an intervening variable to indicate prison

or probation misbehavior. Several of the same variables that increased the likelihood of rearrest also influenced the number of infractions in prison or the likelihood of a technical revocation of probation. For prisoners, being black, a youthful offender, and the number of prior incarcerations significantly increased the number of prison infractions acquired. For probationers, being black, male, a youthful offender, and having a history of substance abuse significantly increased the likelihood of a technical revocation.

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

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

CHAPTER FIVE
OFFENDERS ON POST-RELEASE SUPERVISION

Introduction and Background

The enactment of Structured Sentencing in 1994 brought many significant changes to the sentencing laws in North Carolina, not the least of which was the principle of "truth in sentencing." The new laws led to the abolishment of parole and to the introduction of Post-Release Supervision (PRS) as a new type of supervision for certain offenders following release from prison. The stated purposes of PRS were to reintegrate inmates transitioning back into the community with the help of treatment and training as needed, to provide restitution to victims, and to enhance public safety by a period of monitoring and control over offenders as they reenter society (N.C.G.S. § 15A-1368(a)(1)).

The idea of PRS was discussed by the Sentencing Commission during the development of Structured Sentencing, but members decided not to include it in the proposed Structured Sentencing Act (SSA) submitted to the North Carolina General Assembly in 1993. Among the reasons, the Commission cited concerns that it would lessen the truth-in-sentencing aspect of Structured Sentencing and that revocations of offenders on PRS to prison would stretch correctional resources. During the 1993 Session, legislators debated the issue of supervising offenders as they reenter the community versus releasing them without supervision once they complete their prison terms. The final version of the SSA incorporated a compromise version of PRS which provided limited supervision upon release only for offenders convicted of Classes B1 through E felonies who did not receive a life without parole sentence.[44]

Some changes were made to the PRS laws since their enactment in 1994. In 1996, the Sentencing Commission discussed lengthening the period of PRS from six months to nine months. The DOC reported that, on average, offenders served nine months on Intensive Supervision, and that it was considered an effective period of intervention for most offenders. The DOC also recommended extending the period of supervision for sex offenders to five years. The Sentencing Commission recommended these changes to the General Assembly and, based in part on these considerations, the legislature amended the PRS statutes to extend the period of supervision to nine months for all Class B1 through E offenders, with the exception of sex offenders whose term of supervision was extended to five years. The period of revocation to prison for all cases remained unchanged at nine months.

In 1997, the Sentencing Commission made legislative recommendations regarding certain technical and conforming changes to the PRS laws, which the General Assembly subsequently adopted. Since that time, the Sentencing Commission has studied issues related to PRS and has made recommendations to the General Assembly; however, no further changes have been made to the PRS provisions.

PRS differs from parole in some important ways. Parole is early discretionary release prior to the conclusion of a prison sentence. PRS is mandatory and commences after the end of a

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[44] Class A offenders (first degree murder) receive a death or life without parole sentence (N.C.G.S. § 14-17).

prison sentence. While parole was available for all offenses under the former sentencing laws (*i.e.*, Fair Sentencing Act), PRS is mandatory for felons in Classes B1 through E, and not available for felons in Classes F through I. The Post-Release Supervision and Parole Commission (PRSPC) has wide discretion in determining the release of inmates on parole, including the duration of their terms of supervision and the length of reincarceration if revoked. The PRSPC does not have similar discretion in PRS cases.

While conceptually parole and PRS were intended to be different, the lines between the two were blurred by some of the legislative provisions. First, much of the language and structure of the PRS legislation is based on the old parole statutes. Second, the administration of PRS resembled the division of authority and tasks that had existed under parole. The Parole Commission, with its extended authority and new title as the Post-Release Supervision and Parole Commission, was to administer PRS, set terms and conditions for supervision in the community, and determine revocations at the violation of these conditions. The DOC's Division of Community Corrections (DCC) was to continue the task of supervising these offenders upon release and report on violations. The courts remained, as before, uninvolved in the violation and revocation process. It should also be noted in the organizational context that in 1994 and in years to come, large numbers of offenders were still sentenced under, and were serving time for offenses committed under pre-SSA laws and therefore eligible for parole.[45] As a result, the PRSPC has experienced a slow transition from administering parole to managing PRS, both with the DCC as its supervisory arm. As was expected, PRS cases have continued to increase while parole cases have experienced a decline.

Due to the small number of offenders released on PRS in the early years of Structured Sentencing, the Sentencing Commission did not target this group for extensive analysis in previous recidivism reports.[46] This report, based on a sample of offenders released from prison or placed on probation during FY 2003/04, is the first to include a sizeable group of Post-Release Supervisees (n=1,634) allowing for a more detailed description of these offenders and a study of their patterns of recidivism.

In an effort to gain a complete understanding of PRS, Sentencing Commission staff conducted interviews in 2007 with various staff from the Division of Prisons (DOP) and the DCC at the state level. Additionally, interviews were held with Commissioners and staff from the PRSPC. When available, written materials, descriptions, and statistics from the DOC and the PRSPC were collected, as well as national research and studies from other states. It should also be noted that descriptions of services, programs, or processes that are contained in this chapter are generally reflective of the current operating policies or practices of the above-named entities. However, when relevant, major changes to policies, services, and programs that have occurred since FY 2003/04 are indicated.

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[45] At the end of 2007 and thirteen years after the implementation of the SSA, North Carolina still had approximately 10% of its 38,000 inmates in prison sentenced under pre-SSA laws and parole provisions.
[46] By definition, offenders on PRS are those convicted of serious (and mostly violent) felonies and are sentenced to long prison terms. As a result, these offenders were not yet eligible for release in the earliest years following the implementation of the SSA. Recidivism rates were first reported for Post-Release Supervisees in the 2006 recidivism report, as the size of this group increased and the composition became more representative of all classes of PRS.

The laws that regulate PRS are found in Article 84A of Chapter 15A of the North Carolina General Statutes. As defined in N.C.G.S. § 15A-1368(a)(1), PRS is "the time for which a sentenced prisoner is released from prison before the termination of his maximum prison term, controlled by the rules and conditions of this Article." More specifically, PRS is a mandatory period of post-prison supervision for the most serious offenders, those convicted of Class B1 through E felonies who receive an active sentence. The period of supervision is nine months unless inmates have been convicted of a sex offense which requires registration with the State's sex offender registration program. As previously noted, those sex offenders are supervised for five years. By statute, an offender can earn time off of the term of supervision by complying with reintegrative conditions. The purposes of PRS are statutorily delineated and designed to do any or all of the following: monitor and control the offender in the community, assist the offender in reintegrating into society, collect restitution and other court indebtedness from the offender, and continue the offender's treatment or education (N.C.G.S. § 15A-1368(a)(1)).

Example of Post-Release Supervision

Under Structured Sentencing, a judge imposes a minimum and a maximum sentence at the time of felony sentencing. All offenders serve at least the minimum term and can serve up to the maximum term. For felony offense classes F through I, the maximum sentence length is set at 120% of the minimum sentence. However, for felony offense classes B1 through E, the maximum sentence is set at 120% of the minimum sentence plus an additional nine months for PRS. Although PRS is not mentioned at the time of sentencing, the term of revocation is built into the maximum sentence for penalty if the offender's PRS is revoked. For example, if an offender is convicted of a Class D offense with a Prior Record Level IV and receives a minimum sentence of 100 months, the corresponding maximum sentence is automatically set at 129 months. The maximum sentence is equivalent to 120% of the minimum plus an additional nine months for PRS. Consequently, the offender will serve at least 100 months and could potentially serve up to 120 months, with the remaining 9 months reserved for PRS. If an offender violates the conditions of supervision, the offender can be revoked to prison for up to nine months.

PRS is administered by the PRSPC. The DCC handles the monitoring of offenders on PRS and is also responsible for reporting violations of PRS to the PRSPC. PRS, in much the same way as parole for non-SSA offenders, is conditional and subject to modification, violation, and revocation by the PRSPC. The conditions of PRS, which are set by the PRSPC prior to an offender's release from prison, may be classified as reintegrative or controlling. Reintegrative conditions, which are found in N.C.G.S. § 15A-1368.4(d), are those which assist inmates in their transition from prison to the community. Examples of reintegrative conditions include being employed, pursuing study or training in preparation for employment, or undergoing medical or psychiatric treatment. Controlling conditions are listed in N.C.G.S. § 15A-1368.4(e) and are used to control the supervisee's behavior as well as enforce compliance with law or judicial order. Engaging in any illegal drug usage or possession, refusing to pay court-ordered costs, and possessing a firearm without permission are examples of controlling conditions. Additionally,

there are special conditions designated in statute for sex offenders.

When the supervisee completes the period of PRS, the sentence for which the supervisee was placed on PRS is terminated. In the event of an offender's violation of a PRS condition prior to the termination of supervision, the PRSPC may respond in one of the following ways: continue supervision without changing conditions, continue supervision with modification to conditions, or revoke an offender's PRS. PRS can be revoked for any violation of a controlling condition or for repeated violations of a reintegrative condition. The authority to revoke PRS rests solely with the PRSPC.

If the PRSPC decides to revoke an offender's PRS and recommit him/her to prison, the supervisee is returned to prison for up to the time remaining on the maximum imposed term (the 9 months built into the sentence). Upon an offender's recommitment to prison, earned time is awarded at a maximum rate of six days per month. The offender receives no credit for days on PRS against the maximum term of imprisonment.

Following an offender's recommitment, the PRSPC has the statutory authority to re-release offenders prior to the completion of their nine month revocation period. If this occurs, offenders are re-released to complete the time remaining on their term of supervision.

Statistical Profile of FY 2003/04 Prison Releases[47]

Of the 17,093 prisoners released in FY 2003/04, 1,634 (9.6%) were convicted of Class B1 through Class E felony offenses and were released from prison onto PRS (*see* Figure 5.1).[48] The remaining 15,459 (90.4%) prisoners were convicted of Class F through Class I felony offenses (73.8%) or Class A1 through Class 3 misdemeanor offenses (26.2%), and were released from prison with no supervision to follow incarceration. On average, prisoners released with PRS served 48.9 months in prison prior to release compared to 9.3 months for prisoners with no PRS.[49]
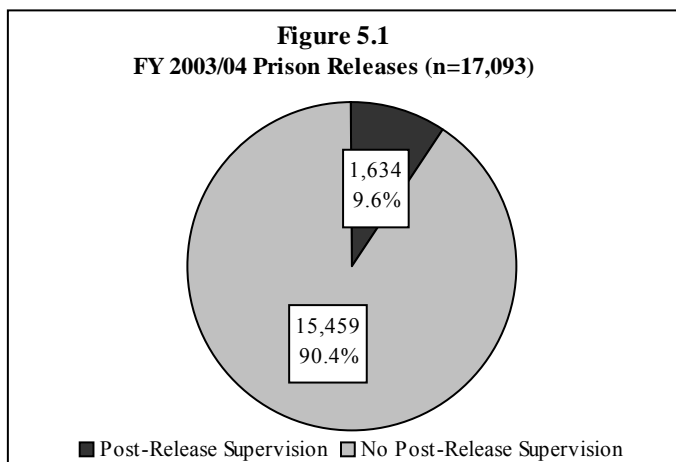
Figure 5.1
FY 2003/04 Prison Releases (n=17,093)

1,634
9.6%

15,459
90.4%

■ Post-Release Supervision □ No Post-Release Supervision

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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[47] As noted previously, the sample consists only of offenders sentenced under the SSA. The sample excludes offenders with a most serious current conviction for driving while impaired and offenders with a most serious current conviction for a misdemeanor traffic offense.

[48] Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2003/04 sample with a most serious conviction for a Class B1 felony.

[49] *See* Appendix D for information on the sentence lengths available for each offense class.

As noted previously, the period of PRS for all Class B1 through Class E offenders who receive an active (*i.e.*, prison) sentence is nine months, with the exception of sex offenders whose period of PRS is five years. Of the 1,634 prisoners with PRS, 149 were convicted of an offense for which they are required to register as a sex offender under N.C.G.S. §§ 14-208.5 to -208.45.

Personal Characteristics: Table 5.1 contains information describing the personal characteristics of the FY 2003/04 prison releases, with breakdowns provided for offenders with PRS to follow incarceration and for offenders with no PRS. Compared to prison releases with no PRS, prison releases with PRS were more likely to be male (92.8% versus 87.0%), to be black (69.2% versus 59.1%), and to have substance abuse problems (59.6% versus 56.1%). PRS prison releases were also slightly younger (an average of 31.3 years of age versus 32.1 years of age) and less likely to have twelve or more years of education (32.0% versus 35.2%). The two groups of prisoners were similar in the percentage of married offenders.

The two groups of prison releases differed substantially with respect to offender risk level (*see* Figure 5.2). Offenders with PRS were more likely to be low risk (31.4% compared to 24.1%) and less likely to be high risk (9.0% compared to 19.4%) than those offenders with no PRS. As detailed in Chapter Two and Appendix E, an offender's risk level is based on his/her projected probability of rearrest. Each offender's risk score is based on personal characteristics, criminal history, and current offense information. While the personal characteristics and current offense distributions for prisoners with PRS are indicative of high risk offenders, their prior criminal history is indicative of low risk offenders. As also discussed in Chapter Two and Chapter Four, prior criminal history is one of the most important predictors of risk of rearrest.
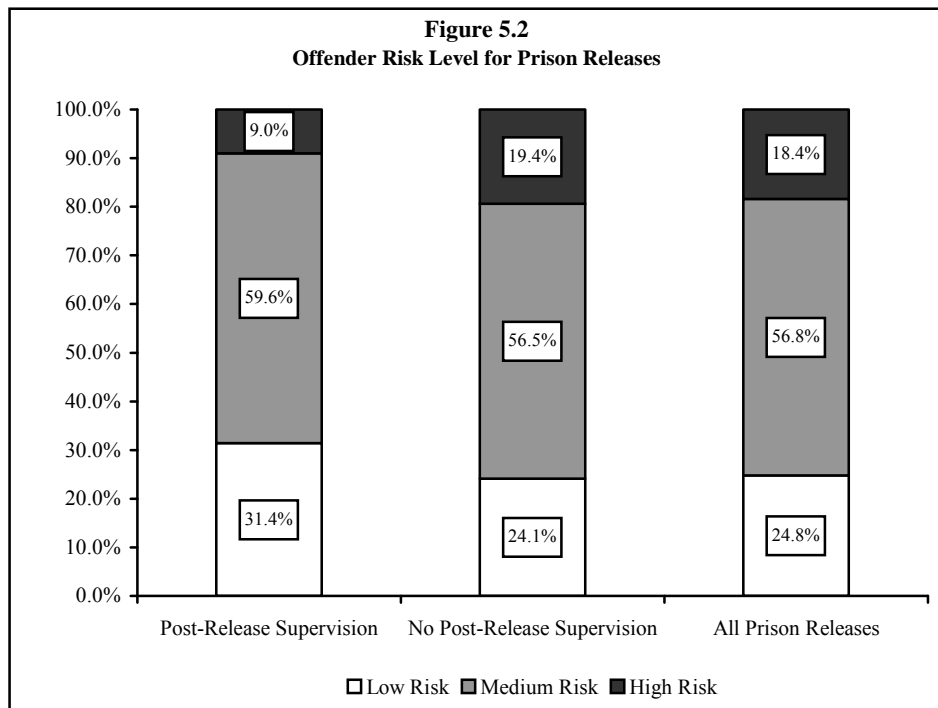
Figure 5.2
Offender Risk Level for Prison Releases

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Table 5.1
Personal Characteristics for Prison Releases

Prison Releases	N	% Male	% Black	Mean Age	% Married	% With Twelve Years of Education or More	% With Substance Abuse
Post-Release Supervision	1,634	92.8	69.2	31.3	12.6	32.0	59.6
No Post-Release Supervision	15,459	87.0	59.1	32.1	12.9	35.2	56.1
TOTAL	17,093	87.6	60.1	32.0	12.9	34.9	56.5

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Criminal History: Table 5.2 provides information on the number of prior arrests for the 16,513 prisoners with prior arrests.[50] It is important to note that prior arrests were defined as fingerprinted arrests that occurred before the current conviction that placed the offender in this sample and, therefore, may include the arrest(s) for the current conviction. Of prisoners with PRS, 23.6% had only one prior arrest, 19.2% had two prior arrests, 22.4% had three to four prior arrests, 24.5% had five to nine prior arrests, and 10.3% had ten or more prior arrests. Prisoners with no PRS had a lower percentage with only one prior arrest and a higher percentage with ten or more prior arrests. This pattern is also evident when comparing the average number of arrests for the two groups. Overall, prison releases with PRS had a lower average number of prior arrests. The average number of prior arrests varied by crime type for the two groups; however, it is important to consider the impact that the inclusion of the arrest for the current conviction might have on these averages. Prison releases with PRS had a lower average number of prior property, drug, and other prior arrests; however, they had a higher average number of prior violent arrests. The largest difference between the two groups was found for prior property arrests, with an average of 1.9 prior arrests for prison releases with PRS compared to 3.0 for those with no PRS.

Most Serious Current Conviction: The distribution of the most serious conviction by offense class reflects current law, with 100% of prisoners with PRS having a most serious conviction for a Class B1 through Class E felony and prisoners with no PRS having a most serious conviction for Class F through Class I felony offenses (73.8%) or Class A1 through Class 3 misdemeanor offenses (26.2%).[51,52] As shown in Table 5.3, prisoners with PRS were more likely to have a most serious conviction for a violent offense (82.0%) and for an offense in the "other" category (11.8%), which includes offenders who have been convicted as habitual felons (Class C).[53] The high percent of PRS prisoners with a conviction for a violent offense is consistent with the definition of Class B1 through Class E felonies as the violent felony offenses under Structured Sentencing. Prisoners with no PRS were most likely to have a most serious current conviction for a property offense (a combined total of 42.2%), followed by a drug offense (a combined total of 30.1%).

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[50] In actuality, all offenders in the sample (100%) should have at least one prior arrest – the arrest that resulted in the conviction that placed the offender in the study sample. Lack of at least one prior arrest may result from an arrest for which an offender was not fingerprinted (*e.g.*, a misdemeanor offense for which fingerprinting is not required), indictment without an arrest, or if no match was found for an offender in the DOJ criminal history database.

[51] Under Structured Sentencing, offenders convicted of Class B1 through Class D felony offenses are required to receive an active (*i.e.*, prison) sentence. Offenders convicted of Class E through Class I felonies and of Class A1 through Class 3 misdemeanors may receive an active sentence, an intermediate punishment, or a community punishment, depending on the combination of offense class and prior criminal history. Correspondingly, these offenders may have entered the sample of prison releases either from imposition of an active sentence or as a result of revocation of their probationary sentence. (*See* Appendix D for a copy of the felony and misdemeanor punishment charts.)

[52] Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2003/04 sample with a most serious conviction for a Class B1 felony.

[53] *See* Chapter Three (pages 29 and 31) for information on the rearrest rates of habitual felons and registered sex offenders.

Table 5.2
Prior Arrests for Prison Releases with Any Prior Arrest (n=16,513)

Prison Releases	# with Any Prior Arrest	Number of Prior Arrests (%)					Average Number of Prior Arrests				
		1	2	3-4	5-9	10+	Overall	Violent	Property	Drug	Other
Post-Release Supervision	1,606	23.6	19.2	22.4	24.5	10.3	4.4	1.6	1.9	0.8	0.9
No Post-Release Supervision	14,907	13.4	14.8	23.8	33.2	14.7	5.5	1.0	3.0	1.4	1.0
TOTAL	16,513	14.4	15.2	23.7	32.4	14.3	5.4	1.0	2.9	1.4	1.0

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Table 5.3
Most Serious Current Conviction for Prison Releases

Prison Releases	N	Type of Conviction								% Total	
		% Violent		% Property		% Drug		% Other			
		Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.
Post-Release Supervision	1,634	82.0	0.0	4.3	0.0	2.0	0.0	11.8	0.0	100.0	0.0
No Post-Release Supervision	15,459	10.2	10.8	31.5	10.7	26.7	3.4	5.4	1.4	73.8	26.2
TOTAL	17,093	17.1	9.8	28.9	9.7	24.3	3.1	6.0	1.2	76.3	23.7

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Post-Release Supervision Policy and Process

<u>Post-Release Supervision as a Cooperative Process between the PRSPC and the DOC</u>

There are three separate entities that are involved in the PRS process: the PRSPC and two divisions under DOC – the DOP and the DCC. The PRSPC, which is housed under the DOC, presently consists of one full-time Commission member, who serves as Chairman, and two half-time Commission members. These Commissioners are appointed by the Governor to four-year terms. The PRSPC staff is comprised of twenty people, including an Executive Director who oversees the work of the staff.

While the PRSPC administers PRS, all three parties have specific roles and responsibilities in the process that are often interrelated and have an effect on each other. What follows is an examination of the policies and procedures associated with PRS at each of the stages of an offender's progression through the correctional process.

Incarceration

Every convicted offender who is given an active sentence of more than 90 days[54] begins the term of imprisonment in one of the DOC's diagnostic facilities to undergo a variety of educational, mental and physical health, and substance abuse evaluations prior to being transferred to a permanent prison assignment. Offenders who have been convicted of a Class B1 through E felony and who will eventually be required to go on PRS are subject to the same diagnostic processing as any other offender. The only difference may be that, since these inmates are serving considerably longer sentences, more attention may be given to developing a case plan that takes PRS into consideration. Within 60 days of PRS-eligible inmates beginning their sentence, the PRSPC receives the inmate's case file. A case analyst with the PRSPC rechecks the file in order to verify information, including the calculated date of the offender's prison release. Hence, the date that the period of PRS will commence is determined as well. Unless there are special circumstances surrounding an offender's situation (*e.g.*, offender is subject to be deported or transferred out-of-state upon release), PRSPC staff have no dealings with the case until an inmate is less than a year from his/her release date. During the period of incarceration, a DOP case manager is assigned to each inmate wherever he/she is housed. By policy, the case managers meet with their designated inmates at least every 60 days, monitoring the offender's progress on the case plan and making any necessary changes to the plan.

Pre-Release Planning

As inmates get closer to their release dates, the DOP case manager may meet more often with them in order to formulate a pre-release plan for transitioning the inmate back into the community. This plan primarily addresses day-to-day living issues that the offender will face upon release, such as options for living arrangements and employment. It can also include mental health treatment plans and recommendations for substance abuse treatment, as well as resources to meet other needs of the offender as he/she reenters society.

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[54] Offenders who are given an active sentence of 90 days or less serve their period of incarceration in a local jail facility.

Approximately nine months prior to the release of a PRS-eligible inmate, the PRSPC case analyst (who works with both PRS and parole cases) begins an investigation of the inmate by generating an OPUS[55] alert for DOP to determine where the offender intends to reside upon his/her release. At the same time, the case analyst begins reviewing a wide variety of information in OPUS relating to the inmate, including the inmate's criminal and correctional history, current crime, current incarcerative experience (including custody grade, infractions, programs), mental health and psychological information, substance abuse history, and any recommendations from DOP, victims, district attorneys, or other parties. From this information, the case analyst compiles a report for the PRSPC Commissioners' review, which includes recommendations for the inmate's conditions of PRS. The report and its recommendations are submitted to the Commissioners for review and possible modification about 60 days prior to the release of the offender. The report is voted on by one Commissioner (electronically) and then by a second Commissioner. If they are not in agreement, then the third Commissioner breaks the tie.

Once the inmate's PRS conditions are approved by the PRSPC, the prison unit staff receives another OPUS alert from the PRSPC case analyst approximately 45 days prior to the inmate's release indicating, among other things, the approval date and the type of supervision (*e.g.*, intermediate, intensive) on which the offender will be released. Following this, the release paperwork is mailed from the PRSPC to the prison unit where the inmate is housed.

Also at the 45 day mark, DCC staff are able to view the PRS conditions via a specified OPUS screen. Additionally, DCC staff, specifically the Chief Probation Parole Officer (CPPO) in the county where the inmate is requesting to be released, receives an OPUS alert requesting a home investigation by DCC field personnel. This investigation consists of a Probation/Parole Officer (PPO) conducting a home visit to verify the residence cited by the offender and to determine from the owner if it is permissible for the offender to reside there following release. DCC subsequently enters the results of the home investigation into OPUS. Ultimately, the PRSPC has the final decision on where offenders will reside once they are released from prison. On the prison release date, a PPO arrives at the designated prison, receives the release papers, reviews them with the offender, and then transports the offender to the county which has been approved for his/her residence.

Supervision

The DCC supervises offenders placed on PRS for nine months. The exception is all sex offenders, who are required to register with the sex offender registration program and receive five years of PRS.[56]

As previously noted, DCC has the responsibility of monitoring offenders on PRS and reporting violations of supervision conditions to the PRSPC. The PRSPC not only sets the PRS conditions but also determines at which level of supervision offenders will be placed when they are released from prison. A determination is made regarding the supervision level based on the nature of the offense and the offender's criminal history, psychological data, and last prison

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[55] OPUS (Offender Population Unified System) is the automated data system for sharing information about each offender within the DOC.

[56] Sex offenders whose offense was committed prior to December 1, 1996, receive only six months of PRS.

custody grade. The current practice of the PRSPC is to release the majority of Post-Release cases to Intermediate Supervision. However, according to the PRSPC, an increasing number of inmates are being released directly from close custody prisons to PRS; these supervisees are being placed under Intensive Supervision by the PRSPC. Sex offenders and offenders with gang affiliation are placed into caseloads specialized for these populations with additional conditions deemed advisable by the PRSPC.

Violation/Revocation/Termination of Post-Release Supervision

With regard to the technical violation process, DCC's violation policy for PRS is similar to the policy that exists for probation violations. The DCC has established a continuum of responses to technical violations for the supervising PPO and the CPPO to use prior to bringing an offender's violations to the attention of authorities external to DCC. Since the authority for making more serious response to violations of PRS is held by the PRSPC, it is at this point that violations to these cases are handled differently than probation violations. In responding to probation violations, DCC has limited authority to add certain requirements themselves (*i.e.*, delegated authority) or to refer the case to court for further sanctions or revocation. In the event that an offender is not complying with his/her conditions of PRS and/or the conditions require modification, the supervising PPO consults with the CPPO to determine if the PRSPC should be made aware of the case's circumstances through either a non-compliance report (*i.e.*, PC-10) or a violation report (*i.e.*, PC-14). Both of these reports allow DCC to report on what is occurring within a case and also to make recommendations to the PRSPC on what response(s) should be made.

In deciding on an appropriate response to the information provided by the DCC, the Commission weighs certain factors including: the type of condition that was violated (*i.e.*, reintegrative vs. controlling conditions); whether the offender absconded; the number of violations; underlying charge (*e.g.*, sex offense); how well the offender has been doing on PRS; and whether the violation is a result of a new crime or a technical violation of PRS conditions.

The non-compliance report is used for less serious violations of PRS. Upon the PRSPC receiving the non-compliance form from DCC, the case is randomly assigned by a computerized method to two Commissioners. These Commissioners can exercise one of four options: 1) continue supervision, 2) issue a non-compliance letter (*i.e.*, letter of reprimand) to the offender, 3) modify the supervision conditions, or 4) request that DCC submit a violation report or PC-14 form if the violation necessitates the consideration of the issuance of a warrant. If the two Commissioners cannot agree on a course of action, the third Commissioner breaks the tie.

When DCC requests that a warrant be issued in response to a violation of PRS conditions, it submits a violation report to the PRSPC. In PRS cases where DCC determines that the violating behavior has risen to the level of an arrest response, only the PRSPC has the authority to issue an arrest warrant. (Note: This is different than the arrest power that DCC has with regard to probation violators.) According to the PRSPC, a warrant issued in this manner is a faster and more direct way of removing a Post-Release Supervisee from the community. Further, there is no bond associated with a warrant issued by the PRSPC.

Within seven working days of a supervisee's detainment, he/she must have a preliminary hearing before one of the DCC hearing officers (who are usually retired CPPOs who travel to the site). The hearing officer, acting on behalf of the Commission, determines whether there is probable cause to believe that the offender violated a condition(s) of PRS. The hearing officer is encouraged to screen out offenders for a hearing before the Commission if the matter can be resolved by the hearing officer's adding of conditions to their PRS. If probable cause is found, revocation is being sought, and the offender waives his/her hearing before the Commission, then it is considered an automatic revocation and the offender is returned to prison. It should be noted that both of these actions by the hearing officer have to be approved by at least two Commissioners.

If an offender does not waive his/her hearing, then they are held in the local jail, where they receive credit for time served while awaiting a hearing before the Commission. This hearing must be conducted within 45 days. The assignment of cases to two Commissioners for revocation hearings is generated randomly by computer. At the actual hearing, only one Commissioner is present, but the hearing is recorded for the other Commissioner to review, if needed. The offender has the right to have counsel and witnesses present. Information about the offender and the violation are provided by DCC, usually by the supervising PPO. Once the Commissioner who is present at the hearing makes his recommendation, the second Commissioner reviews it and can concur or disagree. In the event that the Commissioners are not in agreement, the third Commissioner breaks the tie. In making a decision, the PRSPC noted that they always consider the correctional costs if the supervisee's PRS is revoked.

When there is a revocation of PRS, the offender is returned to prison to serve a revocation period of nine months. While the PRSPC has the statutory authority to re-release an offender to PRS (at which time, the offender would serve the remainder of the nine months from the previous term of PRS), the Commission advised that this has not been their practice. It should be noted that another statutory power given to the PRSPC that is not used in practice involves the reduction of an offender's PRS for compliance with reintegrative conditions. Upon the completion of either the supervision period of nine months or the revocation period of nine months, the offender's PRS is terminated. The PRSPC does not have the authority to extend the length of supervision or incarceration.

Criminal Justice Outcome Measures for the FY 2003/04 Sample

This section contains information on the three criminal justice outcome measures – rearrest, reconviction, and reincarceration during the three-year follow-up, and the two interim outcome measures – technical revocation during the three-year follow-up and prison infractions while incarcerated.

Recidivist Arrests: As shown in Table 5.4, prisoners with PRS had lower rearrest rates than those with no PRS (44.7% compared to 50.8%, respectively). Of those rearrested during the three-year follow-up period, the average time to rearrest was 14.3 months for prisoners with PRS and 12.4 months for prisoners with no PRS. It is possible that the supervision to follow incarceration for PRS prisoners is linked to their longer average time to rearrest. In other words, offenders may be less likely to reoffend while supervised in the community following release

from prison and, if they reoffend, their reoffending may be delayed until after the period of PRS ends.

Table 5.4
Criminal Justice Outcome Measures for Prison Releases
Three-Year Follow-Up Period

Prison Releases	N	Criminal Justice Outcome Measures		
		% Rearrest	% Reconviction	% Reincarceration
Post-Release Supervision	1,634	44.7	28.6	30.1
No Post-Release Supervision	15,459	50.8	36.2	36.8
TOTAL	17,093	50.2	35.5	36.2

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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 (*see* Chapter Three). When compared to prisoners with no PRS, a higher percentage of prisoners with PRS were at risk to recidivate for the entire three-year follow-up period (70% versus 63%). On average, prisoners with PRS were at risk to recidivate a total of 1,005 days out of 1,095 days (three years), while prisoners with no PRS were at risk 986 days out of 1,095 days.

While Class B1 through Class E felonies are defined as violent felonies under Structured Sentencing, the type of punishment and sentence lengths available for Class E felony offenses differ substantially from those available for Class B1 through Class D felony offenses. (*See* Appendix D for a copy of the felony punishment chart.) Offenders convicted of Class B1 through Class D felony offenses are required to receive an active sentence, while offenders convicted of a Class E felony offense may receive either an active sentence or an intermediate punishment depending on the offender's prior criminal history. (Correspondingly, offenders convicted of Class E felonies may have entered the sample of prison releases either from imposition of an active sentence or as a result of revocation of their probationary sentence.) In addition, the minimum sentences available for Class B1 through Class D felony offenses are substantially longer than those available for a Class E felony offense.[57] The types of offenses that comprise each offense class also vary.[58]

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[57] The lowest sentence in the presumptive range for Prior Record Level I (*i.e.*, no prior record points) is 20 months for Class E, 51 months for Class D, 58 months for Class C, 125 months for Class B2, and 192 months for Class B1.
[58] Class B1 includes only first degree rape and first degree sexual offense. Class B2 includes only second degree murder. Class C includes, but is not limited to, second degree rape, second degree sexual offense, assault with a deadly weapon with intent to kill inflicting serious injury, and offenders convicted as habitual felons. Class D includes, but is not limited to, armed robbery and voluntary manslaughter. Class E includes, but is not limited to,

In order to examine whether differences exist between prisoners convicted of Class B1 through Class D felony offenses and prisoners convicted of Class E felony offenses, the distribution by offender risk level and rearrest rates were examined for each of these offense classes. The percentage of low risk offenders increased as offense class increased in seriousness (with 26.9% of Class E, 29.9% of Class D, 39.9% of Class C, and 83.9% of Class B2 offenders being low risk), and rearrest rates decreased as offense class increased in seriousness as well (with 47.1% of Class E, 43.4% of Class D, 43.1% of Class C, and 25.8% of Class B2 offenders being rearrested during the three-year follow-up period).[59] While there were some differences between prisoners convicted of Class B1 through Class D felony offenses and prisoners convicted of Class E felony offenses, more substantial differences were found between prisoners and probationers convicted of Class E felony offenses with regards to offender risk distributions and rearrest rates. Probationers convicted of Class E felony offenses were much more likely to be low risk (46.4%) and much less likely to be rearrested during the three-year follow-up period (30.4%) than their prison counterparts.

Table 5.5 provides information on the number of arrests for those who were rearrested during the three-year follow-up period. Although the differences were not substantial, prisoners with PRS generally had fewer rearrests during the follow-up period than prisoners with no PRS. Of those rearrested, prisoners with PRS had a higher percentage with only one rearrest (45.6% compared to 43.6%) and a lower percentage with five or more rearrests (7.0% compared to 9.6%). A similar pattern was found when comparing the average number of rearrests for the two groups. Prisoners with PRS had a slightly lower overall average number of rearrests (2.1 compared to 2.3), a slightly lower average number of property arrests (0.7 compared to 1.0), and a slightly higher average number of violent rearrests (0.7 compared to 0.5). No differences were found between the two groups with respect to the average number of drug arrests or the average number of other arrests.

As discussed previously, the composition of the two groups of prisoners was found to differ by offender risk level, with prisoners with PRS to follow incarceration more likely to be low risk and less likely to be high risk. The two groups also differed in their rates of rearrest during the three-year follow-up, with prisoners with PRS less likely to be rearrested. Figure 5.3 examines the differences in rearrest rates for the groups by offender risk level. When controlling for offender risk level, a difference in the recidivism rates for low risk offenders in the two

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assault with a deadly weapon inflicting serious injury, assault with a deadly weapon with intent to kill, and second degree kidnapping.
[59] Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2003/04 sample with a most serious conviction for a Class B1 felony. Based on the small number of Class B2 prison releases in the study sample (n=31), findings for this group should be interpreted with caution.

Table 5.5
Number of Rearrests for Prison Releases with Any Rearrest (n=8,580)

Prison Releases	# with Any Rearrest	Number of Rearrests (%)				Average Number of Arrests During the Three-Year Follow-Up Period				
		1	2	3-4	5+	Overall	Violent	Property	Drug	Other
Post-Release Supervision	731	45.6	27.8	19.7	7.0	2.1	0.7	0.7	0.7	0.7
No Post-Release Supervision	7,849	43.6	25.4	21.4	9.6	2.3	0.5	1.0	0.7	0.7
TOTAL	8,580	43.8	25.6	21.2	9.4	2.3	0.5	1.0	0.7	0.7

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

groups remained, while the difference in recidivism rates for medium and high risk offenders disappeared.

The lower rearrest rates for prisoners with PRS compared to the higher rearrest rates for prisoners with no PRS is an important finding; however, the differences cannot be fully accounted for by the effects of supervision without controlling for differences in personal characteristics, risk level, criminal history, and current offense information. In order to examine whether differences in rearrest existed once other factors were held constant, an additional multivariate model was estimated that included the same variables as those in Chapter 4 (Table 4.1, Model 2) with the addition of a variable indicating whether a prisoner was on PRS following incarceration or received no supervision following incarceration. When controlling for other relevant factors, there were no significant differences in rearrest rates of prisoners with PRS and prisoners with no PRS.

Figure 5.3
Rearrest Rates by Type of Prison Release and Risk Level: Three-Year Follow-Up

Risk Level	Post-Release Supervision	No Post-Release Supervision
Low Risk	18.5%	25.9%
Medium Risk	53.6%	52.7%
High Risk	77.6%	76.0%

Recidivist Convictions: As shown in Table 5.4, 28.6% of prisoners with PRS had a recidivist conviction in the three-year follow-up period, which was lower than the rate for prisoners with no PRS (36.2%). For prisoners with a reconviction during the three-year follow-up, the average time to reconviction was longer for prisoners released onto PRS (19.4 months) compared to prisoners with no PRS (16.9 months). As with rearrests, the period of PRS may be linked to the lower reconviction rates and the longer average time to reconviction for prisoners with PRS to follow incarceration. In addition, the longer time to rearrest for prisoners with PRS would also lead to a longer time to reconviction.

Recidivist Incarcerations: Prisoners with PRS were less likely to have a recidivist incarceration during the three-year follow-up period than prisoners with no PRS, with reincarceration rates of 30.1% and 36.8%, respectively (*see* Table 5.4). For prisoners with a reincarceration during the three-year follow-up, the average time to reincarceration was 16.3 months for prisoners released with PRS and 17.2 months for prisoners with no PRS. It is possible that the shorter time to reincarceration during follow-up for prisoners with PRS is related to the supervision they receive after release from prison, with technical revocations for violations of supervision being a contributing factor. The two groups were similar with respect to the average number of incarcerations for those offenders with a recidivist incarceration during the three-year follow-up period – PRS prisoners had an average of 1.2 incarcerations compared to an average of 1.3 for prisoners with no PRS.
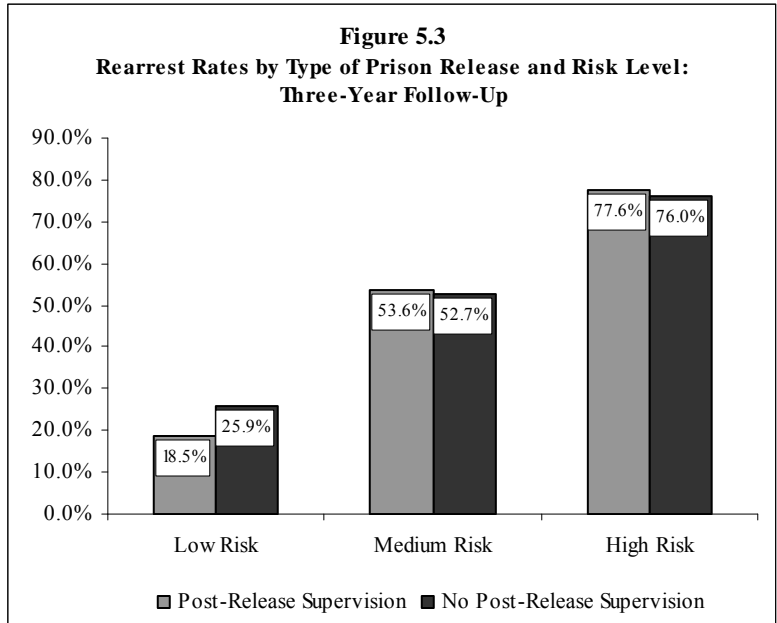
Interim Outcome Measures

In addition to the recidivism rates provided in the previous section, information is provided on two interim outcome measures: 1) technical revocation of probation or PRS for offenders while under supervision in the community and 2) infractions for prisoners prior to release from prison.

Technical Revocations:[60] Prisoners released with PRS are supervised for a period of nine months following their release from prison, with the exception of sex offenders who are supervised for a period of five years. Unless the judge imposes a probationary sentence consecutive to their prison sentence, prisoners with no PRS are not supervised following their release from prison. Therefore, for this group, any technical revocations would result from 1) a probationary sentence consecutive to their prison sentence or 2) from a conviction during the follow-up period for which a probationary sentence was imposed. This analysis is limited to revocations that are technical in nature since revocations for new crimes would overlap with the recidivist arrest data.

As shown in Table 5.6, prisoners released with PRS had slightly higher technical revocation rates than prisoners released with no PRS during the one-year and two-year follow-up periods and slightly lower technical revocation rates during the three-year follow-up period. As noted previously, revocations during the first year of follow-up can most likely be attributed to revocations for violations of PRS for prisoners released onto PRS and to revocations for violations of probation for a new sentence for prisoners with no PRS. With the exception of sex offenders released onto PRS, technical revocations during the two- and three-year follow-up periods are most likely due to new probation sentences imposed during the follow-up period.

Table 5.6
Technical Revocation Rates for Prison Releases

Prison Releases	N	% Technical Revocation:		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Post-Release Supervision	1,634	7.3	13.2	17.6
No Post-Release Supervision	15,459	5.3	12.9	19.4
TOTAL	17,093	5.5	12.9	19.3

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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[60] DOC's OPUS data were used to determine technical revocations. No distinction was made between revocations of PRS versus revocations of probation.

Of prisoners with a technical revocation during the three-year follow-up period, prisoners with PRS and prisoners with no PRS both had an average of 1.1 technical revocations. Prisoners with PRS had a shorter average time to revocation than prisoners with no PRS (15.9 months and 19.1 months, respectively), which is consistent with the assumption that prisoners with no PRS have technical revocations during the first years of follow-up as a result of probation sentences imposed for a new conviction during the follow-up period.

Infractions: For the FY 2003/04 prison releases, prison infractions while incarcerated for their current conviction (*i.e.*, the conviction that resulted in the offender being selected for the FY 2003/04 sample) were used as an indicator of prisoner misconduct. Figure 5.4 shows the differences between the two groups of prison releases with respect to the number of infractions during incarceration. As expected due to their offense seriousness and the resulting longer time served, a higher percentage of PRS prisoners had infractions while incarcerated (75.8% compared to 40.5% of prisoners with no PRS). They also had a higher percentage with a greater number of infractions – 40.6% with five or more infractions compared to only 8.6% of prisoners with no PRS.
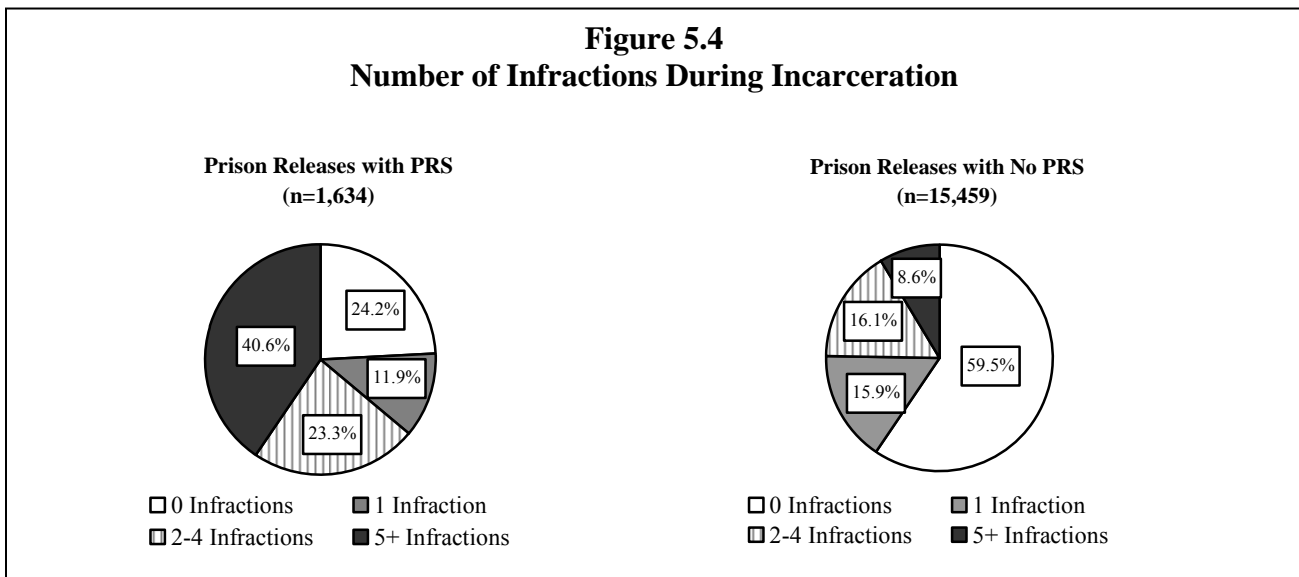
Figure 5.4
Number of Infractions During Incarceration

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Of all prison releases, prisoners with PRS had an average of 7.1 infractions compared to only 1.5 for prisoners with no PRS. This finding is directly related to offense seriousness and the corresponding length of time served. Prisoners with longer sentences have more time to accrue infractions. As noted previously, PRS prisoners served an average of 48.9 months in prison prior to release compared to only 9.3 months for prisoners with no PRS. In order to take these and other differences into account, an ordinary least squares regression model was estimated to examine whether differences in infractions existed once other factors were held constant. After taking factors such as time served into consideration, prisoners with PRS were found to incur slightly more prison infractions (0.6) while incarcerated than prisoners with no PRS.

Supervision and Recidivism for SSA and FSA Prison Releases

How does supervision following incarceration affect recidivism? To address this question, Table 5.7 provides information on the two-year rearrest rates for SSA prison releases and FSA prison releases.[61] Under both sentencing structures, some prisoners were released with supervision following incarceration (parole and PRS) and some were released with no supervision following incarceration.[62] Overall, prison releases with supervision following incarceration had lower rearrest rates than prison releases with no supervision following incarceration under both sentencing systems and for all sample years provided. Based on two-year follow-up periods, inmates released with no supervision under Structured Sentencing had rearrest rates similar to those for inmates released with no supervision under Fair Sentencing (42.9% for SSA prison releases with no PRS compared to 43.5% and 41.4% for FSA max-out releases).

Table 5.7
Two-Year Rearrest Rates for NC Prison Releases

Sample Year	SSA Prison Releases		FSA Prison Releases	
	PRS Releases	**No PRS Releases**	**Parole Releases**	**Max-Out Releases**
1996/97	N/A	N/A	39.5%	43.5%
1998/99	N/A	N/A	36.2%	41.4%
2003/04	36.4%	42.9%	N/A	N/A

SOURCE: NC Sentencing and Policy Advisory Commission

Summary and Conclusions

With the passage of the Structured Sentencing Act by the General Assembly in 1994 came the abolishment of parole and the establishment of PRS as the mechanism for post-prison supervision for certain offenders. Even though the language and structure of PRS were modeled after the parole statutes, there are significant differences between the two types of supervision. PRS is statutorily defined as a mandatory, time-limited period of supervision for all offenders who have served at least the minimum term of their sentence for the most serious felony offenses

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[61] It is important to have consistent follow-up periods in order to make comparisons between SSA and FSA prison releases. Recidivism rates for the 1996/97 sample are based on a two-year follow-up period. Subsequent sample years have longer follow-up periods (four years for 1998/99 and three years for 2003/04), with rearrest rates available for each year of follow-up. Therefore, the sample years selected for this analysis and the rearrest rates reported utilize the common follow-up period of two years.
[62] FSA parole releases are offenders who were sentenced under FSA and were given an early conditional release back into the community with supervision, while FSA max-out releases are offenders who were unconditionally released from prison (*i.e.*, with no supervision in the community) after serving their entire sentence, minus credit for good time, gain time, or pre-conviction confinement.

(Class B1 through E offenses). In contrast, for parole cases the PRSPC has discretionary decision-making power regarding any offender's early release and duration of supervision.

The length of PRS is nine months for offenders who are convicted of a Class B1 through E offenses and receive an active sentence. There is an exception for convicted sex offenders who must register with the State's sex offender registration program. For that group, the supervision period is five years. PRS is conditional and subject to revocation by the PRSPC, which administers PRS. The DCC is responsible for monitoring an offender's PRS and reporting violations to the PRSPC. If an offender's PRS is revoked by the PRSPC, he/she is recommitted to prison to serve a revocation period of nine months (which is built into the maximum sentence). Upon completion of the period of supervision or upon revocation, the offender's PRS is terminated.

The sample included detailed statistical information on the 17,093 offenders released from prison during FY 2003/04. Of these prisoners, 1,634, or 9.6%, were released from prison onto PRS. Compared to all prison releases, those on PRS included proportionately more male, black, and less-educated offenders, as well as a significantly lower rate of high risk offenders.

Post-Release Supervisees also had, on average, lesser prior records as measured by arrests than did other sample prisoners – a component in explaining their lower risk scores. When examining arrest history by offense type, however, this group had a higher average number of violent arrests, possibly reflecting the arrest that led to their current conviction for a Class B1 through E offense.

Prisoners on PRS were also distinct from other prisoners in their recidivism, with lower rearrest, reconviction, and reincarceration rates. While constituting 9.6% of the prison releases, post-release supervisees accounted for 7.9% of the total number of the arrests incurred by all prisoners during the three-year follow-up. Controlling for offender risk level all but eliminated the difference in rearrest rates between prisoners with and without PRS, except for the low-risk group, where prisoners on supervision had lower rearrest rates. A multivariate analysis confirmed that, when controlling for other relevant factors, no significant differences in recidivism remained between the two groups of prison releases.

A review of interim outcome measures showed that prisoners on PRS had somewhat lower technical revocation rates during follow-up than unsupervised prison releases, but considerably higher infraction rates while in prison, mostly accounted for by their longer terms of stay.

Singling out PRS for study in this report also allowed for a comparison of how supervision affects recidivism across sentencing structures – between post-release supervision of SSA inmates and parole supervision of FSA inmates. The information available across the years indicates that, independent of the changing composition of the offender groups and the systems under which they were sentenced, released prisoners tend to recidivate less when on post-prison supervision as they re-enter their communities.

The analysis in this chapter points to the fact that PRS was beneficial in some way to the offenders who were placed on it. As previously noted, offenders who are eligible for PRS are the most serious felons, with the majority having served long prison sentences. The offenders who are not eligible for PRS are convicted of less serious felonies (*i.e.*, Classes F through I) and are incarcerated for shorter periods of time. The option of expanding PRS to other felony classes is one that has been studied in the past by the Sentencing Commission. In 1997, the Commission made a recommendation to the General Assembly to add Class F and Class G offenders to the PRS statutes (NC Sentencing and Policy Advisory Commission, 1996). A bill was introduced in the legislature but did not pass. In a similar recommendation to the General Assembly in 2001 and 2002, the Commission suggested that PRS be extended to only Class F offenders (NC Sentencing and Policy Advisory Commission, 2000). The bills failed to move forward in the General Assembly primarily because of their fiscal impact.

In 2002, the Sentencing Commission proposed another change to the PRS statutes that would have resulted in extending the supervision and revocation period by three months for PRS (NC Sentencing and Policy Advisory Commission, 2002).[63] In making this recommendation, the Commission decided that extending the term of supervision would serve to lengthen the period of reintegration and monitoring provided to offenders following their release from prison. Although a bill on this alternative has been introduced in the General Assembly several times since 2002, it has never passed.

As indicated earlier in this chapter, PRS is a process in which the PRSPC, DOP, and the DCC have interrelated roles. Since the inception of PRS, the DOP and the PRSPC have been the major agents in the pre-release planning process for inmates eligible for PRS following their release. The role of DCC in this process has been minimal and basically consisted of a PPO doing a field investigation of the offender's proposed living arrangements upon his/her release. During recent months, there has been a push for DCC to have earlier, increased inclusion in planning for an offender's release from prison to PRS. With DCC having more upfront involvement, the possibility of an offender's smooth, successful transition into the community is augmented. This type of coordinated, cooperative effort fits into DOC's reentry philosophy.

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[63] As detailed in the NC Sentencing and Policy Advisory Commission's *Report on Study of Structured Sentencing Pursuant to Session Law 2001-424, Section 25.8* (2002), the Sentencing Commission was assigned the task of studying the sentencing laws and developing alternatives in view of the projected increase in the prison population. One of the alternatives developed by the Commission recommended that the legislature reallocate three months from the minimum sentence of Class B1 through E felonies to the maximum sentences in order to increase the supervision and revocation term for PRS from nine months to twelve months.

CHAPTER SIX
AGING OFFENDER POPULATION

Introduction

The guidelines movement, which began nearly 30 years ago, changed the face of sentencing in the United States. States that adopted new sentencing structures also incorporated principles of the guidelines approach which included truth-in-sentencing, determinate sentences, and longer sentences for violent offenders. In 1994, North Carolina enacted Structured Sentencing laws based on these principles and abolished parole. With the determinate, longer sentences came a significant increase in prison populations in most states, and North Carolina was no exception. Since 2001, North Carolina has seen this trend within its prison system, with annual increases in its prison population ranging from two to four percent.[64]

Within accelerating prison populations nationally, the subgroup of aging inmates – defined by the North Carolina Department of Correction (DOC) as 50 years or older[65] – has emerged as one whose numbers have been steadily rising. From 1992 to 2002, the proportion of inmates 50 years or older within the overall national prison population rose from 5.7% to 8.6% (Williams, 2006). According to research from the National Institute of Corrections, "offenders older than age 40 represent the fastest growing segment of the inmate population in many states" (Anno et al., 2004).

The decision to highlight the aging offender population in this report is based, in part, on the fact that this group has continued to show a notable increase in its numbers in North Carolina. Demographically, the aging population within North Carolina comprises a significant portion of the state's total population at 30% or 2,653,274 individuals (U.S. Census Population Estimates, 2006). While the percentage of older offenders in prison is not as high as within the total prison population, a 2007 DOC report on the aging inmate population showed that the number of inmates aged 50 and older had nearly doubled from 2000 to 2007 (Price, 2007).[66] A 2006 report from the Southern Legislative Conference on the aging inmate population in 16 Southern states reported that the aging population in North Carolina's prisons had seen a nearly 160% increase from 1996 to 2006 (Williams, 2006). At the end of FY 2006/07, 11% of the total prison population was composed of inmates age 50 or older (NC Department of Correction Automated System Query, 2007).

There are several reasons for the rise in the older inmate subgroup. First, the aging of the

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[64] As indicated in the Bureau of Justice Statistics Bulletins, Table 4, *Prisoners in 2001* through *Prisoners in 2005*, North Carolina's rate of incarceration was the 20th lowest in the nation and the 2nd lowest in the South (Harrison & Beck, 2002; 2003; 2004; 2005; 2006).

[65] The National Institute of Corrections defines older (elderly) inmates as being 50 years or older. That is the definition that is recognized by the NC DOC and some other states and is used for the purposes of this report. Other states define the aging prison population as being 55, 60, or 65 years old (Anno et al., 2004).

[66] According to DOC's report on *The Aging Inmate Population*, this group grew dramatically from 2005 to 2007, increasing by 21%, while the overall inmate population increased by only 5% during this same time frame (Price, 2007).

large baby boom generation has and will continue to contribute greatly to the number of elderly in society at large. The aging inmate group has mimicked this trend within the state's prison system, albeit to a lesser degree. Second, as a result of Structured Sentencing, inmates convicted of more serious offenses are given longer sentences which, in turn, create a "stacking effect" as more offenders receive these types of sentences. Finally, without the availability of discretionary release (*e.g.*, parole), inmates are remaining in prison for extended periods and, as a result, are more likely to grow old in prison.[67] The acceleration of these numbers as well as the unique dynamics of this group have presented certain challenges for the DOC which will be explored later in this chapter.

An additional consideration for selecting aging offenders for this report relates to the inclusion of youthful offenders (*i.e.*, 16-21 years old) in the Sentencing Commission's previous recidivism report (NC Sentencing and Policy Advisory Commission, 2006). As a follow-up to looking at young offenders, it seemed to be a logical next step to examine the other end of the age spectrum, namely the older offenders. As one would expect, these two groups are marked by many differences, but only those relevant to this report will be noted. The labeling of both populations, by virtue of their ages, is a transitory one as they move through the correctional system. While youthful offenders "age out" of that group by reaching a certain age, older offenders "age into" their new designation upon attaining the age of 50. Besides the obvious age distinction between the two groups, there are real differences in the manner in which the groups are defined by statute and DOC policy. Whereas there are a few laws that pertain to youthful offenders, there are none that relate only to older offenders. DOC policies dictate that youthful offenders are always housed in certain specified prisons; aging offenders are housed in separate facilities (or parts of facilities) only if the inmate is exhibiting significant medical, mental, or physical problems. Finally, even the way in which this study defines these two populations for purposes of analysis is divergent. The youthful offender group was defined by their age at entry into the correction system, while the aging offender group is defined by their age upon release from prison or placement on probation.

This chapter also explores the relationship between age and criminal activity or, in the context of this study, tests the hypothesis that rearrest rates will decline with the increase in offender age. A benchmark study of the U.S. Department of Justice's Bureau of Justice Statistics followed 272,111 former inmates (from 15 states, including North Carolina) released in 1994. The three-year rearrest rate for the entire sample was 67.5%. Reviewing the impact of age on reoffending, the report concluded, "The younger the prisoner when released, the higher the rate of recidivism. For example, over 80% of those under age 18 were rearrested, compared to 45.4% of those 45 and older" (Langan and Levin, 2002). It is not clear whether the drop in recidivism with age is gradual or includes plateaus and cliffs, but the overall "aging out" of crime has been confirmed in a large number and variety of studies.

Due to this "aging out" effect, offender age has consistently served as one of the strongest predictors of future criminality. Guideline-sentencing laws nationwide use prior criminal history as the main offender-based factor in sentencing and, as a rule, do not consider offender age

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[67] This is particularly the case with offenders serving life sentences. As of December 2007, there were 3,300 offenders serving life sentences in prison (out of a total number of 38,000 prisoners), and an additional 70-80 'lifers' projected to be added annually.

except as a possible mitigating factor. For that reason, tools that assess an offender's risk level and future probability of recidivism increase their predictive power by including some measure of age in addition to prior record.[68] The length of criminal history is both a factor in punitive severity, a strong predictor of future criminality and also, at least partially, a function of offender age. It is interesting to note, however, that while initially age and prior criminal history combine to have a direct effect on recidivism, at some point advanced age tends to mitigate the impact of prior criminality, to the point of possibly negating that impact with older offenders.

Aging offenders, like all convicted offenders, are sentenced to community sanctions as well as to prison, and the FY 2003/04 sample includes both aging probationers and prisoners. This study provides outcome measures for both aging probationers and prisoners, with some further emphasis on older offenders in prison for the reason that this is a population which has more policies and services particularly designed and targeted for them.

In order to obtain a more comprehensive understanding of aging inmates, in 2007 Sentencing Commission staff conducted interviews with various DOC staff at the state level to get an overview of the processes, services, and programs for this group. When available, written materials, descriptions, and statistics were collected. Additionally, Commission staff reviewed national research as well as studies from other states concerning this population. It should also be noted that descriptions of services and programs that are contained in this chapter generally reflect the current operating policies or practices. However, when relevant, major changes to policies, services, and programs that have occurred since FY 2003/04 are noted.

A final note relating to the definition of age: aging offenders within the 39,890 probationers in the study sample were defined as 50 or older at the time of their placement on probation; aging offenders within the 17,093 prisoners in the study sample were defined as 50 or older at their release from prison. Both subgroups comprised 5% of their respective groups. However, the prisoners in the sample may have been significantly less than 50 years old when they were first incarcerated, depending on their age at entry and the length of time served.

Statistical Profile of the FY 2003/04 Sample

Personal Characteristics: The FY 2003/04 sample of offenders was grouped into subcategories by age to highlight the relationship between age and recidivism. It is important to note that age refers to age at entry to probation or release from prison. Age categories used by percent in the sample were 19 and under (14.0%), 20 to 29 (38.8%), 30 to 39 (25.7%), 40 to 49 (16.3%), and 50 and older (5.2%). All but two of these groupings have ten year increments – 19 and under and 50 and older. The 19 and under category included offenders aged 14 to 19 years old and the 50 and older category included offenders 50 to 86 years old. Fifty and older was the last age group selected as aging offenders, to remain consistent with the North Carolina DOC's definition of aging inmates as prisoners aged 50 and older.

Figure 6.1 illustrates the age breakdowns of probationers and prisoners for the FY 2003/04 sample of 56,983 offenders. Overall, offenders aged 50 and older comprised 5% of the

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[68] One of the more widely tested measures was the "Salient Factor Score" developed for use in federal parole decisions.

sample (n=2,938). Similarly, 5% of both the probationers and prisoners consisted of offenders aged 50 and older. The proportion of offenders aged 50 and older who either entered probation or were released from prison is lower than the 11% of aging inmates who are currently in prison. The difference in these percents is related to two factors. First, the recidivism sample does not include offenders sentenced under Fair Sentencing while the percent of aging inmates currently in prison does include such offenders. Second, under Structured Sentencing there are a number of offenders who received life sentences without parole or long sentences for serious offenses and were not eligible for release during FY 2003/04. (For example, the lowest sentence in the presumptive range for Prior Record Level I for a B1 felony is 192 months (*see* Appendix D)).
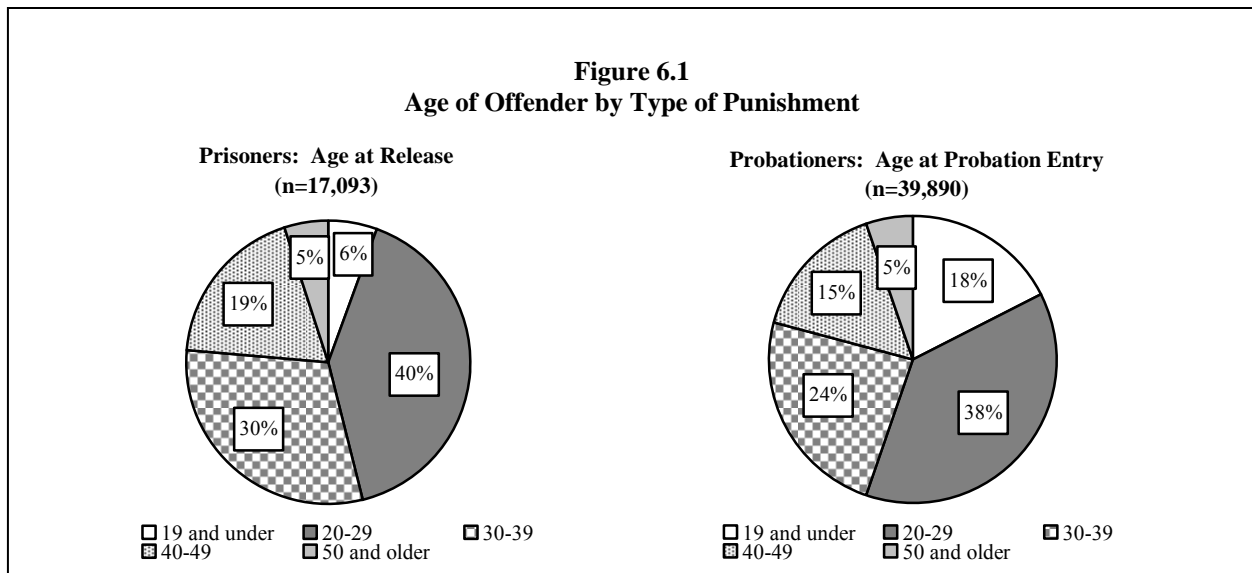
Figure 6.1
Age of Offender by Type of Punishment

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Table 6.1 contains information describing the personal characteristics of the FY 2003/04 sample for all offenders, probation entries, and prison releases with breakdowns provided by age. Overall, as age increased, the percentage of offenders who were male, married, and had more than twelve years of education increased. Probationers aged 50 and older were more likely to be male (79.0) and married (28.3%) compared to probationers aged 49 and younger (74.1% male and 14.1% married). Similarly, 57.7% of probationers aged 50 and older had twelve or more years of education as compared to 45.6% of probationers who were younger than 50.

A similar trend was noted when looking at prisoners' gender, marital status, and educational attainment. Prisoners aged 50 and older were more likely to be male (92.1%) and married (18.7%) compared to prisoners younger than 50 (87.4% male and 12.6% married). Likewise, 50.2% of prisoners aged 50 and older had twelve or more years of education as compared to 34.1% of prisoners younger than 50.

Table 6.1
Personal Characteristics by Age of Offender

Age at Probation Entry or Prison Release	N	% Male	% Black	% Married	% With Twelve Years of Education or More	% With Substance Abuse
Probation Entries						
19 and Under	7,038	81.0	49.3	1.9	18.8	23.8
20-29	15,035	75.1	49.1	11.2	44.5	30.6
30-39	9,542	68.8	46.6	21.7	58.3	35.2
40-49	6,155	72.1	49.7	23.3	59.4	38.9
49 and Under	37,770	74.1	48.6	14.1	45.6	31.8
50 and Older	2,120	79.0	49.8	28.3	57.7	29.3
PROBATION SUBTOTAL	39,890	74.4	48.7	14.8	46.3	31.7
Prison Releases						
19 and Under	941	91.8	61.3	2.2	7.0	40.9
20-29	7,084	90.6	59.9	9.5	23.9	48.2
30-39	5,089	83.2	59.0	16.1	44.3	63.3
40-49	3,161	85.4	61.3	16.8	48.5	68.4
49 and Under	16,275	87.4	60.0	12.6	34.1	56.4
50 and Older	818	92.1	61.9	18.7	50.2	58.1
PRISON SUBTOTAL	17,093	87.6	60.1	12.9	34.9	56.5
TOTAL	56,983	78.3	52.1	14.2	42.7	39.1

Note: There are missing values for self-reported years of education.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Offender risk level differed substantially by age of offender (*see* Table 6.2). Overall, as offenders' age increased their risk level decreased regardless of whether a probationer or prisoner. It is notable that a very small percent of probationers and prisoners aged 50 and older were high risk. The proportion of probationers aged 50 and older who were high risk was much lower than probationers under 50 (1.5% compared to 5.8%). Similarly, 8.2% of aging prisoners were high risk as compared to 18.9% of prisoners younger than 50.

Each offender's risk score is based on personal characteristics, criminal history, and current offense information. Criminal history is one of the most important predictors of risk of rearrest. Offenders' involvement in crime continued with age, but most reached a point of aging out of such behavior. Older offenders who remained involved in crime and were high risk had more time to accumulate criminal histories which, in turn, made them more likely to receive active time for their current offenses than other offenders without such criminal histories – all factors associated with being higher versus lower risk.

Table 6.2
Offender Risk Level by Age of Offender

Age at Probation Entry or Prison Release	N	% Low Risk	% Medium Risk	% High Risk
Probation Entries				
19 and Under	7,038	36.4	60.6	3.0
20-29	15,035	38.7	53.6	7.7
30-39	9,542	61.4	32.7	5.9
40-49	6,155	75.6	20.1	4.4
49 and Under	37,770	50.0	44.2	5.8
50 and Older	2,120	91.3	7.2	1.5
PROBATION SUBTOTAL	39,890	52.2	42.2	5.6
Prison Releases				
19 and Under	941	6.7	76.3	17.0
20-29	7,084	11.3	67.5	21.1
30-39	5,089	26.9	54.0	19.1
40-49	3,161	45.3	40.6	14.1
49 and Under	16,275	22.5	58.6	18.9
50 and Older	818	69.9	21.9	8.2
PRISON SUBTOTAL	17,093	24.8	56.8	18.4
TOTAL	56,983	44.0	46.6	9.4

Note: Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Criminal History and Current Conviction: Information on prior arrests and current conviction for the FY 2003/04 sample is presented in Table 6.3. It is important to note that prior arrests were defined as fingerprinted arrests that occurred before the current conviction that placed the offender in this sample and, therefore, may include the arrest(s) for the current conviction. Generally speaking, as age increased so too did the average number of prior arrests. The average number of prior arrests for probationers (3.7) and prisoners (6.9) aged 50 and older was higher than their respective subgroup aged 49 and younger (3.1 and 5.3). This finding is not surprising given that older offenders had longer periods of time to engage in and be arrested for criminal behavior.

Of the 2,938 offenders aged 50 and older in the FY 2003/04 sample, 2,120 were placed on probation and 818 entered prison as a result of their current conviction. Differences in the most serious current conviction by age were noted for prisoners but not for probationers. A higher proportion of prisoners aged 50 and older had a Class B1-E felony as their current conviction as compared to prisoners under the age of 50 (11.4% versus 9.5%) which may be related to the length of time served for these serious offenses. Conversely, fewer inmates 50 and older had a current conviction for a Class F-I felony than did inmates under the age of 50 (60.9% as compared to 67.0%). Looking at misdemeanors, 27.8% of prisoners aged 50 and older had a misdemeanor for their current conviction as compared to 23.5% for prisoners under the age of 50. This may be related to older offenders having more time to accrue a lengthy criminal history which might lead to active time for their misdemeanor offense.

Aging Offenders within the Prison System

This section offers information on the process by which offenders are oriented to prison and subsequently move through the prison system during their period of incarceration. An understanding of this process and the decisions that affect it will provide a context for looking at specific issues relative to aging inmates within the prison environment.

Initial Processing and Classification of Inmates

All offenders undergo the same type of processing upon their commitment to prison. N.C.G.S. § 148-12 states that the DOC "shall, as soon as practicable, establish diagnostic centers to make social, medical, and psychological studies of persons committed to the Department" prior to being given a permanent prison assignment. There are a total of eight processing centers located within various prisons across the state, two for women and six for men.[69] The offender's offense type (*e.g.*, felony or misdemeanor), gender, and age (for males only) are used to determine the center to which he/she is sent.

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[69] Female offenders are processed at either North Carolina Correctional Institution for Women (NCCIW) or Fountain Correctional Center for Women. Male offenders are processed at one of the following facilities: Western Youth Institution, Polk Correctional Institution, Central Prison, Craven Correctional Institution, Piedmont Correctional Institution, or Neuse Correctional Institution.

Table 6.3
Prior Arrests and Current Conviction by Age of Offender

Age at Probation Entry or Prison Release	N	Average # of Prior Arrests	Offense Class for Current Conviction		
			% B1-E Felony	% F-I Felony	% Misd
Probation Entries					
19 and Under	7,038	1.7	1.9	27.1	71.0
20-29	15,035	2.8	1.3	36.4	62.3
30-39	9,542	3.6	0.9	32.8	66.3
40-49	6,155	4.1	0.9	31.3	67.8
49 and Under	37,770	3.1	1.3	32.9	65.8
50 and Older	2,120	3.7	1.5	32.9	65.6
PROBATION SUBTOTAL	39,890	3.1	1.3	32.9	65.8
Prison Releases					
19 and Under	941	2.8	4.5	71.1	24.4
20-29	7,084	4.4	11.9	70.8	17.3
30-39	5,089	6.1	7.8	64.7	27.5
40-49	3,161	6.9	8.1	61.0	31.0
49 and Under	16,275	5.3	9.5	67.0	23.5
50 and Older	818	6.9	11.4	60.9	27.8
PRISON SUBTOTAL	17,093	5.4	9.6	66.7	23.7
TOTAL	56,551	3.9	3.8	43.1	53.1

Note: Due to the length of sentences imposed for Class B1 felonies, there were no prisoners released in the FY 2003/04 sample with a most serious conviction for a Class B1 felony. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Upon being placed at their respective diagnostic centers, inmates undergo a variety of evaluations prior to being moved in with the general population of the prison to which they will be assigned. The diagnostic process is similar for all offenders and consists of interviews to gather general information as well as medical, mental health, substance abuse, and educational screenings. With regard to the medical and mental health screenings, each inmate is assigned to one of four acuity levels by a registered or licensed practical nurse, which signifies the level of nursing care that the inmate requires. The acuity level plays a role in the assignment of inmates to custody levels and, at times, specific prison facilities. In fact, according to DOP's Director of Health Services, the condition of an inmate's health and the level of required nursing services are more important than their age in determining his/her custody classification and prison assignment. Acuity levels will be discussed more thoroughly later in this chapter.

In addition to the determination of the inmate's acuity level, custody classification recommendations are also dictated by an offender's score on eight initial case factors, with the total score indicating which of three custodial levels the offender should be assigned: close, medium, or minimum. (According to the DOP, independent of initial custody assignments, the majority of inmates on any given day are in minimum custody.) The current case factors consist of the following information on each inmate: primary offense of conviction, secondary offense of conviction, prior institutional violence, escape history, prior felonies, prior infraction record, time remaining on sentence, and age range. Each of the factors has a weighted point value. For example, with the case factor related to age, as an inmate reaches a certain age, points are subtracted.

Medical personnel utilize one other component, commonly referred to by its acronym, Pulheat,[70] to rate an inmate's overall functional physical ability in specific areas. Pulheat does not play a part in deciding custody classification, but it is used to determine an inmate's activity level[71] and to document an inmate's special needs in order to facilitate work/program assignment and proper placement.

With the completion of diagnostic screenings and the compilation of a final case factor score, a prison case analyst submits a custody level recommendation to the diagnostic center's facility administrator. The administrator makes the final decision, unless there are circumstances that merit a waiver of the classification rules. In those cases, DOP's Classification and Technical Support Section staff have the final authority to approve the classification decision. Examples of rule waivers include: offenders who have serious, pending convictions, prior incarcerative experiences (especially with serious infractions), or severe medical problems. Inmates who are known to be gang members are always given a close custody classification.

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[70] Pulheat stands for physical capability, upper extremities, lower extremities, hearing, eyes, activity grade, and transit medical needs.
[71] There are five activity levels: 1= unrestricted activity, 2=minimum restrictions, 3=moderate restrictions, 4=severe restrictions, and 5=no work, recreation, or training.

Reclassification of Inmates

Once an inmate is assigned to a prison facility following their stay at a diagnostic unit, there are generally no classification reviews during the first six months. During the first three years of an inmate's sentence and the last three years of an inmate's sentence or parole release date, the custody classification is reviewed every six months. Otherwise, an inmate's custody level is reviewed annually. It is notable that, unless there is an exception, the classification rule is that inmates must be within five years of their release date before they can be reclassified from higher custody levels to minimum custody.

Like the initial custody classification of inmates, a set of case factors are used in the reclassification review. Some of the case factors are the same as the initial factors, but there are variables that are added that document the offender's behavior during incarceration. These factors are: primary offense of conviction, secondary offense of conviction, institutional violence, escape history, rule infractions, infraction severity, prior felonies, time remaining on sentence, portion of sentence served, age range, and job/program performance. As was the case with the initial case factors, all of the factors – such as age range and primary conviction – have weighted values, but not necessarily similar to their weight in the initial case factoring assessment. For example, with the age range factor, beginning at age 25, one point is subtracted. This continues for purposes of reclassification until the inmate reaches the age of 44, when the maximum number of points (*i.e.*, six) that can be subtracted for the age factor is reached.

Acuity and activity levels are reevaluated on an "as needed" basis, but generally at least once every 12 months. If an inmate's acuity level rises above the lowest level (*i.e.,* self-care), signifying the necessity for additional medical or mental health care, the offender's acuity level is likely to be assessed on a more frequent basis.

It should be noted that, when special circumstances warrant, prison administrators can override the custody level based on the case factor points and assign an inmate to a custody level different than the one indicated by the total point count. Overrides can be either positive or negative. Positive overrides result in an inmate being "promoted" to a less restrictive custody level. The most common type of positive override occurs when an inmate is moved from a higher custody level to a lower one in order to expedite his/her release (*e.g.*, moving an inmate to a prison closer in proximity to the area where he/she will be released). Negative overrides, which result in an inmate being "demoted" to a more restrictive custody level, generally involve situations in which the inmate consistently displays disruptive or assaultive behavior.

Inmates can also be subject to special reviews that fall outside of the scheduled reclassification reviews. For example, inmates involved in serious infractions can be demoted and moved to a higher custody level (*e.g.*, medium to close). Conversely, inmates who are doing well or who develop special needs (*e.g.*, serious medical or mental health issues) can have their custody classification lowered. In fact, when inmates' health and ensuing medical needs become an issue, custody classification staff and medical staff jointly decide on the most appropriate option for prison assignment.

Finally, other factors such as age can trigger the movement of an inmate from one facility to another. Male inmates who are over 50 years old, especially those who have significant medical or mental health needs, can be moved from higher custody levels to one of the two minimum security prisons that serve the geriatric prison population – McCain Correctional Hospital or Randolph Correctional Center. However, it should be noted that inmates of any age who have serious health issues can be moved to a facility that has the acuity level that best meets their medical needs. In extreme cases that involve an inmate who is terminally ill or permanently and totally disabled, N.C.G.S. § 148-4(8) authorizes the DOC Secretary to extend the limits of the inmate's confinement to receive palliative care outside of a prison facility.

Special Issues Pertaining to the Aging Inmate Population

<u>Medical Issues</u>

Addressing the complex medical needs of the aging inmate population, which are different from those of younger inmates, is one of the most challenging and costly matters presently facing the State's prison system.[72] Although medical issues can occur at any age, the elderly in prison are no different than those in society at large in that older persons have more problems resulting from deteriorating health than younger ones. The 2001 Bureau of Justice Statistics bulletin, *Medical Problems of Inmates*, 1997, indicated that nearly 40% of state inmates age 45 or older had experienced medical problems since admission to prison as compared with 25% for ages 35-44, 17% for ages 25-34, and 12% for ages 24 or younger. According to *Estelle v. Gamble*, 429 U.S. 97, (1976), all inmates have the constitutional right to health care. N.C.G.S. § 148-19(a) makes similar provisions for "adequate health services to prisoners" in North Carolina, stating that "the general policies, rules, and regulations of the DOC shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis for all types of patients."[73]

As previously noted, all offenders entering prison must first undergo a series of assessments, including those designed to evaluate their medical and mental health status and needs. From the onset of the incarceration period, the assessment of an inmate's acuity level, or the level of nursing care that is required, is a consideration in determining not only the inmate's custody classification but the prison to which the inmate will be assigned. There are four levels of acuity which have been used by the DOP for the past five years to determine the degree of health care that an inmate needs for his/her physical and mental health needs, and especially the number of hours needed for the nursing staff. Likewise, each prison is assigned one of these acuity levels signifying the level of health care that is offered at the facility and to ensure that there is adequate medical coverage.

The majority of the prisons are acuity level 1 facilities which house primarily acuity level 1 inmates, those who can take care of their health needs (*i.e.*, self-care). Acuity level 2 prisons are facilities that have the nursing capability to care for inmates who require medication and more monitoring by nursing staff. This second acuity level (as well as acuity levels 3 and 4) has

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[72] Much of the information on health care in the State's DOP was provided in interviews with Dr. Paula Smith, the DOP's Director of Health Services, and her staff.
[73] Health services are comprised of five areas: medical, dental, mental health, prescription drugs, and nursing.

two sub-levels: 2A facilities offer medical care, while 2B facilities offer mental health care. Prisons with an acuity level 3 offer care to inmates who have either a chronic disease or require care in a long-term medical unit (acuity level 3A) or a residential mental health unit (acuity level 3B). Facilities designated as acuity level 4 house inmates in the highest acuity level who are in need of 24-hour nursing care (either medical or mental health) and who have received treatment in acute care, skilled nursing facilities or an infirmary in a prison.[74] Prisons can house inmates with personal acuity levels equal to or lower than the facility's acuity level. For example, acuity level 4 prisons can also house inmates who are at level 1, 2, or 3. DOP staff indicated that all facilities have a proportion of healthy inmates who are needed to perform various jobs within the prison units (*e.g.*, work in the kitchen).

In DOP's 2007 report on the aging inmates in North Carolina, it was noted that 8% of the inmates age 50 or older had medical conditions serious enough to require placement in a prison with an acuity level of 3 or 4, while only 2% of the total prison population were in need of that high level of health care (Price, 2007). According to Dr. Paula Smith, the DOP's Director of Health Services, nursing care and coverage has become an important issue since 24% of the nursing positions in 2007 were vacant, and an increasing percentage of medical services were performed by contracted medical personnel.[75] Thus, the acuity level plays a major role in driving the delivery of health care and its costs within the prison system.

Unlike the population at large, where historically the point for defining the elderly has been 65 years old, the physical and mental aging process begins at an earlier age within the prison system. As stated earlier, the age of 50 has become the dividing line between the younger and the aging sub-populations within the DOP. There are several reasons for the boundary being set at this age. Dr. Smith indicated that, since inmates have usually lived harder lives and have not addressed their medical needs prior to entering prison, their bodies have aged approximately 10 years beyond that of the average person of the same age. Furthermore, a large portion of inmates have hastened the aging process by leading lifestyles which have included poverty-related issues (*e.g.*, lack of access to health care, awareness of health care issues), substance abuse, and poor decision-making (Anno et al., 2004). In their 2006 report on aging inmates, the Southern Legislative Conference noted that the more rapid advancement of aging among inmates could be attributed to "the basic stress of prison life, which includes anxiety associated with a change in environment; isolation and often ostracism from family and friends; the prospect of living a large portion of one's life in confinement; and the threat of victimization, which disproportionately affects older inmates" (Williams, 2006).

Just as the aging process begins at an earlier age for inmates, so does the advancement of mental and physical health ailments. Medical staff within the prison system noted that there are medical and mental conditions that are associated with the aging process, including arthritis, high blood pressure, complications from certain diseases like diabetes, female-specific issues, deterioration of eyes and teeth, Alzheimer's and other forms of dementia, and depression. In 2007, 39% of the DOC's aging prisoners had some type of chronic disease (NC General

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[74] There are only seven prisons that are designated at acuity level 4: Alexander, Central, Maury, McCain, NC Correctional Institution for Women (NCCIW), Piedmont, and Western Youth Institution.
[75] Interview with Dr. Paula Smith, Director of Health Services, NC Division of Prisons, October 16, 2007.

Assembly Fiscal Research Division, 2007). Chronic diseases among older inmates can include "heart disease, hypertension, diabetes, and chronic obstructive lung disease" (Anno et al., 2004).

The growing number of aging inmates requiring medical attention coupled with rising health care costs have contributed significantly to the dramatic increases that the DOP has seen in its medical budget. From 2004 to 2006, medical expenditures within the prison system rose 36% (NC General Assembly Fiscal Research Division, 2007). Since FY 2004/05, inmate medical expenditures have been greater than the inmate medical budget authorized by the General Assembly (NC Department of Correction, 2007). For example, the FY 2006/07 budget for inmate care, including staff costs, pharmacy, and external care, was $187,000,000; however, expenditures amounted to $208,000,000 (NC Department of Correction, 2007). Of this total expended amount, $33,824,060 was spent on health care for inmates age 50 or older. Stated another way, this was a yearly average of $5,425 per older inmate, more than four times greater than the average health care cost for an inmate under the age of 50 (Price, 2007).

A major portion of the health care expenses for the aging prisoners can be attributed to external care costs. External care refers to the health care given to inmates whose medical conditions are serious enough to require hospital services outside the realm of those that can be provided by the prison system. Medical facilities such as the University of North Carolina hospitals, Wake Medical Center, Catawba Memorial Hospital, and Duke University Hospital are frequently used for inmates who are in need of external care. In FY 2006/07, an estimated $25,645,641 was spent on external care for inmates older than 50. This represented 76% of the total health care expenditures for the aging inmates for that year (Price, 2007).

Housing

Aging offenders who are not in need of special medical or mental health services can be housed at any prison that is appropriate for their custody level. There are three custodial levels to which inmates can be assigned: close, medium, and minimum. Forty-seven percent of the older inmates are in medium custody prisons, followed by 38% in minimum custody facilities, and 13% in the most restrictive or close custody prisons (Price, 2007).

As inmates reach 50 years old and older, their acuity level becomes increasingly important in determining their prison assignment. While there is no prison within the DOP that offers specialized geriatric care, there are a few designated facilities that offer varying levels of medical and mental health services to any inmate if their acuity level changes and indicates a need for a higher degree of nursing care, as in the case of some older inmates. Elderly inmates who have the most serious health problems are usually housed at one of the following prisons that are rated at acuity level 4 and offer 24-hour nursing care: NCCIW, Central Prison, Maury Correctional Institution, Alexander Correctional Institution, or McCain Correctional Hospital. NCCIW and Central are both close custody prisons that feature infirmary beds for the most seriously ill inmates as well as residential mental health beds. It should be noted that NCCIW is the facility where all of the females receive health services. Maury and Alexander are both close custody facilities that serve male inmates with chronic medical or mental health problems.

McCain, which serves as the primary health center for minimum custody adult male inmates, offers acute care and skilled nursing care. Although there are younger age groups at McCain, it generally has one of the highest proportions of the aging inmate population within the prison system. McCain has a separate area that is devoted to the elderly, disabled, and others whose medical condition requires an environment that closely resembles a nursing home. McCain also has a rehabilitation therapist on its medical staff.

Pender Correctional Institution and Randolph Correctional Center are facilities housing inmates with an acuity level of 3 or below who have a chronic disease or are in need of long-term care. Pender is a medium custody facility that offers primarily medical care. Randolph, a minimum custody facility, has a separate wing that has been established primarily for elderly inmates requiring long-term care (especially inmates with Alzheimer's) who cannot be housed with the general population.

Health services staff indicated that, with the growing number of aging inmates, the prison system has been faced with the fact that this group has health needs that are different from the younger inmates and therefore require different types of health services. Some of the prisons that are acquiring more elderly inmates are older facilities that have had to be retrofitted to meet current standards for the handicapped.

Programs

Prison assignment for aging inmates is primarily driven by their acuity level, with less weight given to their activity level. As noted earlier, the activity level of an inmate is used to rate an inmate's functional abilities in order to determine an appropriate work or program assignment within the prison to which he/she is assigned. As inmates age, their medical condition and health care become a resource priority for prison officials. As a result, resources directed at programming and activities for older inmates become more limited.

Elderly inmates who are not in need of special medical or mental health services can be assigned to any prison that is appropriate for their custody level, consequently, giving them access to the same programming that is available to the general prison population. In fact, there has been minimal programming aimed at the specific needs of aging inmates up until this point. However, the DOP's program and health services staffs are currently developing a collaborative program effort that will offer services more directed at the aging prison population. This programming is aimed at providing a life skills program for geriatric as well as other inmates. The idea behind this type of programming is to give inmates a structured activity to engage in on a daily basis. This life skills program is scheduled to be implemented during the first quarter of 2008 at Randolph Correctional Center.

It is notable that one of the recommendations in both the 2006 and 2007 DOP reports on aging inmates speaks to the issue of programming for this population. It was recommended that the DOP "review geriatric-specific programs in other states and determine which ones could be implemented successfully in North Carolina." According to the 2007 report which provided an update on the status of this recommendation, program services staff within DOP are currently reviewing other programs (Price, 2006; 2007).

Health Indicators for the FY 2003/04 Sample – Prisoners Only

Information on acuity level (i.e., level of required nursing care),[76] activity restrictions,[77] and health visits was only available for the 17,093 prison releases in the sample and are presented in Table 6.4. The general trend was that as age increased so too did acuity level, activity restrictions, and number of health visits. Increases in health indicators were gradual until the last age category – age 50 and older. The large increase in health indicators in this category occurred because this grouping contained prisoners 50-81 years old; a much larger interval than in the other age categories.

Not surprisingly, a higher proportion of prisoners aged 50 and older needed medication administered by a facility nurse/staff person or needed nursing care than overall prisoners. Thirty percent of aging inmates needed assistance with medication and 4.1% had a chronic disease or needed inpatient care as compared to 14.1% with medication administration and 1.6% with a chronic disease or an inpatient status for prisoners under the age of 50.

Similar findings were seen for inmate activity level with a higher percent of aging inmates having activity restrictions than all prisoners. A look at the most severely restricted category which combines two levels – "severely restricted activity" and "no work, recreation, or training" – indicated that 1.6% of aging prisoners fell into this category as compared to 0.4% of prisoners under the age of 50. Turning to moderately restricted activity, 9.1% of aging prisoners as compared to 1.5% of prisoners under age 50 had such restrictions.

In line with the previous findings, older prisoners had more visits on average to the nurse or doctor and more mental health visits than did younger prisoners. As seen in Table 6.4, prisoners aged 50 and older had an average of 64 visits to the nurse or doctor as compared to 29 for prisoners 49 and younger. When examining medical visits by length of time served, prisoners aged 50 and older had about twice as many visits as prisoners aged 49 and younger during each interval of months served in prison (0 to 4, 5 to 8, 9 to 24, and 25 or more months served). Turning to mental health visits, an increase was seen again by age; however, the increase was not as dramatic as in medical visits to a nurse or doctor. Prisoners aged 50 and older had 11 mental health visits on average as compared to 7 for prisoners aged 49 and younger. An inspection of mental health visits by time served showed prisoners aged 50 and older had more mental health visits than prisoners aged 49 and younger during each interval of time served; however, the difference in the two age groups was much smaller than seen in medical visits.

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[76] For the purposes of this analysis, the acuity level discussed is the level that was assigned during the diagnostic/intake process and used to assign inmates to a custody level and possibly a specific prison facility.
[77] Activity levels used in this analysis are the first level assigned to inmates when entering prison. These levels indicate inmates' overall physical functional abilities when entering prison.

Table 6.4
Health Indicators by Age of Offender
Prisoners Only

Age at Prison Release	N	Acuity Level[78]			Activity Level[79]				Average # of Health Visits	
		Well/ Meds Dispensed by Self	Meds Dispensed by Nurse/ Staff	Chronic Disease or Inpatient	% Unrestricted	% Minimum Restriction	% Moderate Restriction	% Severe or Complete Restriction	Medical	Mental Health
19 & Under	941	91.8	6.8	1.4	95.6	2.9	1.3	0.2	17	5
20-29	7,084	89.5	9.2	1.3	93.4	5.1	1.1	0.4	23	6
30-39	5,089	81.4	17.0	1.6	87.2	11.0	1.5	0.4	32	8
40-49	3,161	75.5	22.5	2.1	79.2	17.7	2.7	0.4	39	9
49 & Under	16,275	84.4	14.1	1.6	88.9	9.3	1.5	0.4	29	7
50 & Older	818	66.0	30.0	4.1	56.6	32.7	9.1	1.6	64	11
PRISON TOTAL	17,093	83.5	14.8	1.7	87.3	10.4	1.9	0.4	30	7

Note: There are 86 missing cases for Acuity Level and 137 missing cases for Activity Level. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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[78] This category combines two of the DOC's categories which include all of the following: chronic disease, chronic and residential mental health, residential mental health, inpatient medical, inpatient medical/mental health, and inpatient mental health.
[79] This category combines two of the DOC's categories which include inmates with "severely restricted activity" and "no work, recreation, or training."

Criminal Justice Outcome Measures for the FY 2003/04 Sample

  This section contains information on the three criminal justice outcome measures – rearrest, reconviction, and reincarceration during the three-year follow-up period.

  Recidivist Arrests: Overall, 20.3% of offenders aged 50 and older were rearrested during the three-year follow-up as compared to 38.7% of all offenders. When separating offenders aged 50 and older into probationers and prisoners, both groups had a lower rearrest rate than the overall sample and their respective subgroup (*see* Table 6.5). Probationers aged 50 and older were the least likely to be rearrested (17.2%) followed by prisoners aged 50 and older (28.4%) as compared probationers and prisoners under the age of 50 (34.7% and 51.3% respectively).

  Overall, 38.7% (n=22,036) of the total FY 2003/04 sample was responsible for an average of 2.1 arrest events and was accountable for 45,819 arrests. Among those aged 50 and older, 20.3% (n=596) were rearrested during the follow-up period with an average of 1.8 arrest events and a total of 1,044 arrests.

  Looking at probationers, 364 probationers aged 50 and older were accountable for 568 arrest events during the follow-up period. On average, probationers aged 50 and older had fewer arrests than probationers under the age of 50 (1.6 as compared to 2.0 arrests). Among prisoners, 232 prisoners had a total of 476 arrest events and were responsible on average for 2.1 arrests during follow-up. Similar to the findings above, this average was lower than the average, 2.3 arrest events, for prisoners younger than 50.

  Rearrest rates also varied by punishment type, age, and risk level of offender during the three-year follow-up period (*see* Table 6.6). When controlling for risk, most of the differences between age and rearrest diminished. However, the difference in rearrests by age within probationers and prisoners remained even when controlling for risk except for medium risk probationers. For example, low risk probationers who were 50 and older were rearrested at a rate of 14.0% as compared to 20.2% for probationers under 50 years of age. A comparable difference was noted among high risk probationers with those aged 50 and older having a rearrest rate of 68.8% versus 73.6% for probationers younger than 50. Prisoners followed a similar pattern with low risk prisoners aged 50 and older having a rearrest rate of 19.2% as compared to 25.9% for prisoners under the age of 50. A larger discrepancy was noted in rearrest rates between high risk prisoners who were older versus younger than 50 years of age (62.7% as compared to 76.3%).

  Probationers who were rearrested during the three-year follow-up period had similar times to rearrest averaging 12.6 to13.3 months independent of age. Among prisoners who were rearrested during the three-year follow-up period, time to rearrest varied by age group and averaged from 10.8 months (19 and under) to 13.9 months (40-49 year olds). Generally, older prisoners had a longer time to rearrest with an average time to rearrest of 13.7 months for prisoners aged 50 and older.

Table 6.5
Rearrest Information by Age of Offender

Age at Probation Entry or Prison Release	# With Any Rearrest	Rearrest Rate	Overall Rearrests	
			#	Avg.
Probation Entries				
19 and Under	3,054	43.4	6,635	2.2
20-29	5,442	36.2	10,518	1.9
30-39	2,983	31.3	5,683	1.9
40-49	1,613	26.2	2,873	1.8
49 and Under	13,092	34.7	25,709	2.0
50 and Older	364	17.2	568	1.6
PROBATION SUBTOTAL	13,456	33.7	26,277	2.0
Prison Release				
19 and Under	617	65.6	1,613	2.6
20-29	3,858	54.5	8,921	2.3
30-39	2,558	50.3	5,822	2.3
40-49	1,315	41.6	2,710	2.1
49 and Under	8,348	51.3	19,066	2.3
50 and Older	232	28.4	476	2.1
PRISON SUBTOTAL	8,580	50.2	19,542	2.3
TOTAL	22,036	38.7	45,819	2.1

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

The differences in rearrest rates are important findings; however, they cannot be fully accounted for by an offender's age without controlling for other factors. Multivariate models (*see* Chapter 4, Table 4.1) were estimated to control for differences between offenders based on demographic variables, criminal history, current offense, and time at risk during the three-year follow-up. These results indicated that as age increased by one year, the probability of rearrest decreased by 0.7% controlling for other factors. An additional multivariate model was estimated that included the same variables as those in Chapter 4 (Table 4.1) with the addition of a variable indicating if an offender was 50 and older to allow for comparisons to those offenders under 50 years old. Offenders aged 50 and older were 3.2% less likely to be arrested than offenders less than 50 years of age controlling for other variables in the model. In summary, the effect of being

Table 6.6
Rearrest Rates by Offender Risk Level and Age of Offender
During the Three-Year Follow-Up Period

Age at Probation Entry or Prison Release	% Rearrest by Offender Risk Level		
	Low	Medium	High
Probation Entries			
19 and Under	25.7	52.0	85.4
20-29	18.9	43.2	74.8
30-39	19.7	45.9	70.1
40-49	19.3	43.2	66.9
49 and Under	20.2	45.9	73.6
50 and Older	14.0	47.4	68.8
PROBATION SUBTOTAL	19.6	45.9	73.6
Prison Releases			
19 and under	33.3	64.1	85.0
20-29	24.5	52.4	77.1
30-39	27.5	52.8	75.0
40-49	24.9	49.1	73.5
49 and Under	25.9	60.0	76.3
50 and Older	19.2	44.7	62.7
PRISON SUBTOTAL	25.0	52.8	76.0
TOTAL	20.5	48.5	75.0

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

an offender aged 50 or older remained and was related to a lower rate of rearrest when other differences between offenders were held constant.

Recidivist Arrests and Health Indicators – Prisoners Only: Rearrest rates also varied by age and health indicators (*see* Table 6.7). Overall, rearrest rates decreased as acuity level increased – prisoners who were well had a rearrest rate of 51.0% as compared to 45.2% for those on medication dispensed by facility staff and 39.1% for those who were chronically ill or had an inpatient status. Similarly, rearrest rates decreased as activity level restrictions moved from unrestricted to severe or complete restriction.

The differences in rearrest remained between different ages of offenders even when controlling for health indicators with older offenders having lower rearrest rates. For example, prisoners aged 50 and older on medication dispensed by facility staff had a rearrest rate of 26.0%

Table 6.7
Rearrest Rates by Age of Offender and Health Indicators
Prisoners Only

Age at Prison Release	N	% Rearrest by Offender Health Indicators						
		Acuity Level[80]			Activity Level[81]			
		Well/ Meds Dispensed by Self	Meds Dispensed by Nurse/ Staff	Chronic Disease &/or Inpatient	Unrestricted	Minimum Restriction	Moderate Restriction	Severe or Complete Restriction
19 & Under	941	65.7	69.7	36.4	66.0	72.2	50.0	0.0
20-29	7,084	54.7	53.0	45.6	54.1	60.6	58.3	28.6
30-39	5,089	50.6	48.4	46.6	49.9	52.0	46.2	64.3
40-49	3,161	42.4	38.0	37.9	41.5	43.0	29.2	57.1
49 & Under	16,275	51.9	47.2	42.9	51.5	51.0	43.7	47.7
50 & Older	818	29.4	26.0	24.5	27.7	31.2	25.9	0.0
PRISON TOTAL	17,093	51.0	45.2	39.1	50.8	48.4	38.4	39.6

Note: There are 86 missing cases for Acuity Level and 137 missing cases for Activity Level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

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[80] This category combines two of the Department of Correction's categories which include all of the following: chronic disease, chronic and residential mental health, residential mental health, inpatient medical, inpatient medical/mental health, and inpatient mental health.
[81] This category combines two of Department of Correction's categories which include inmates with "severely restricted activity" and "no work, recreation, or training."

as compared to 47.2% of prisoners under the age of 50. Looking at activity level, prisoners aged 50 and older without activity restrictions had a rearrest rate of 27.7% as compared to 51.5% for prisoners younger than 50. Similarly, prisoners aged 50 and older with moderate restrictions in activity had lower rearrest rates than younger prisoners (25.9% versus 43.7%). Comparisons are not as meaningful in the severe/complete restriction category due to the small number of offenders in this group.

Examining rearrest rates by age and health indicators, as done above, does not take into account differences in offenders' demographics, criminal history, and current offense. In order to hold these factors constant while predicting the rate of rearrest, multivariate models were estimated. The effect of acuity level and activity level on rearrest diminished after controlling for personal characteristics (*e.g.,* age), criminal history, and current offense information. This suggests that age was a more important predictor of rearrest than acuity level or activity level.

Recidivist Convictions: As noted in Table 6.8, older offenders had lower reconviction rates during the three-year follow-up period than did younger offenders. Overall, 13.0% (n=382) of offenders aged 50 and older had a recidivist conviction as compared to 26.4% of the entire sample. Probationers aged 50 and older had a reconviction rate of 10.5% which was lower than that of prisoners aged 50 and older (19.6%) and lower than the reconviction rate of probationers under the age of 50 (23.3%). Similar findings were noted for prisoners aged 50 and older with a reconviction rate of 19.6% compared to 36.3% for prisoners younger than 50.

For all offenders convicted during the three-year follow-up period, offenders aged 50 and older averaged 16.2 months to reconviction as compared to 17.1 for all offenders. A similar difference in time to first reconviction was noted when comparing older probationers to younger probationers (16.1 versus 17.1 months) and prisoners aged 50 and older to prisoners younger than 50 (16.3 as compared to 17.1 months).

Recidivist Incarcerations:[82] Overall, 17.7% (n=521) of offenders aged 50 and older had a recidivist incarceration during the three-year follow-up as compared to 29.1% of all offenders (*see* Table 6.8). When separating offenders aged 50 and older into probationers and prisoners, both groups had a lower recidivist incarceration rate than the overall sample and their respective subgroup. Probationers aged 50 and older were the least likely to have a recidivist incarceration (16.7%) followed by prisoners aged 50 and older (20.5%) as compared to probationers and prisoners younger than age 50 (26.7% and 37.0%, respectively) and the entire sample (29.1%).

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[82] It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. It does not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a technical revocation during the follow-up period.

Table 6.8
Criminal Justice Outcome Measures by Age of Offender
During the Three-Year Follow-Up Period

Age at Probation Entry or Prison Release	N	Criminal Justice Outcome Measures		
		% Rearrest	% Reconviction	% Reincarceration
Probation Entries				
19 and Under	7,038	43.4	31.4	27.3
20-29	15,035	36.2	23.7	26.6
30-39	9,542	31.3	20.2	27.4
40-49	6,155	26.2	17.7	25.0
49 and Under	37,770	34.7	23.3	26.7
50 and Older	2,120	17.2	10.5	16.7
PROBATION SUBTOTAL	39,890	33.7	22.6	26.1
Prison Releases				
19 and Under	941	65.6	51.3	46.8
20-29	7,084	54.5	38.1	37.5
30-39	5,089	50.3	35.5	38.0
40-49	3,161	41.6	28.9	31.3
49 and Under	16,275	51.3	36.3	37.0
50 and Older	818	28.4	19.6	20.5
PRISON SUBTOTAL	17,093	50.2	35.5	36.2
TOTAL	56,983	38.7	26.4	29.1

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Interim Outcome Measures

In addition to recidivism outcomes presented in the previous section, information is provided on two interim outcomes – technical revocation of probation or post-release supervision for offenders while under supervision in the community and infractions for prisoners while incarcerated.

Technical Revocations: Technical revocations during the three-year follow-up period were used as an indicator of offender misconduct for the FY 2003/04 sample. This analysis was limited to revocations that were technical in nature since revocations for new crimes would overlap with the recidivist arrest data. Generally, older offenders had lower revocation rates than younger offenders. Overall, 16.7% of offenders aged 50 and older had a technical revocation during the three-year follow-up as compared to 27.4% of all offenders (*see* Table 6.9). When

Table 6.9
Interim Outcome Measures by Age of Offender

Age at Probation Entry or Prison Release	N	Interim Outcome Measures	
		Technical Revocation Rate	% With 1 or More Infractions
Probation Entries			
19 and Under	7,038	36.8	N/A
20-29	15,035	30.4	N/A
30-39	9,542	30.1	N/A
40-49	6,155	30.3	N/A
49 and Under	37,770	31.5	N/A
50 and Older	2,120	19.5	N/A
PROBATION SUBTOTAL	39,890	30.8	N/A
Prison Releases			
19 and Under	941	31.1	59.6
20-29	7,084	20.9	52.3
30-39	5,089	19.0	39.7
40-49	3,161	14.9	31.2
49 and Under	16,275	19.8	44.7
50 and Older	818	9.3	28.5
PRISON SUBTOTAL	17,093	19.3	43.9
TOTAL	56,983	27.4	N/A

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

separating offenders aged 50 and older into prisoners and probationers, both groups had lower technical revocation rates than the overall sample and their respective subgroup. Prisoners aged 50 and older were the least likely to have a technical revocation (9.3%) followed by probationers aged 50 and older (19.5%), as compared to prisoners and probationers under the age of 50 (19.8% and 31.5%, respectively) and the entire sample (27.4%).

Infractions: Prison infractions during incarceration for the current conviction were used as an indicator of prisoner misconduct for the FY 2003/04 prison releases. On average, older prisoners had fewer prison infractions than did younger prisoners – 71.5% of prisoners aged 50 and older did not have any infractions versus 44.7% for prisoners under the age of 50 (*see* Table 6.9). On average, prisoners aged 50 and older had 0.9 prison infractions as compared to 2.4 for prisoners aged 19 and under, 2.7 for prisoners aged 20-29, 1.7 for prisoners aged 30-39, and 1.1 for prisoners aged 40-49. When examining prison infractions by the length of time served, older offenders incurred fewer prison infractions than did younger prisoners during each interval of months served in prison (0 to 4, 5 to 8, 9 to 24, and 25 or more months served).

The differences in prison infractions are notable findings; however, they cannot be fully accounted for by an offender's age without controlling for other factors. A multivariate model was estimated to control for differences between offenders based on demographic variables, criminal history, and current offense. Findings indicated that being an offender aged 50 and older was not significantly related to the number of infractions incurred while in prison. Generally speaking, although age appeared an important predictor of prison infractions in the above discussion, when holding all other variables in the model constant the effects of age diminished. One important factor predicting prison infractions was time served. With each additional month in prison, infractions increased by 0.2 with all else held constant.

Summary and Conclusions

Having highlighted youthful offenders in its last recidivism report, the Sentencing Commission decided to focus on the offender group at the other end of the age continuum: aging offenders. This study looked at two divergent issues linked together by their relevance to aging offenders. First, the chapter examined the link between age and recidivism for North Carolina populations and tested the "aging out" hypothesis – whether an increase in offender age leads, on average, to a decrease in recidivist arrests and convictions, while controlling for the impact of other relevant factors. The study provided empirical grounds to compare the recidivism of offenders older than 50 with those younger than 50 for the entire sample, as well as comparing the effect of aging on recidivism between probationers and prisoners.

Second, the chapter reviewed the implications of graying inmate populations on the management of prisons, especially as they impact health care, housing and programming issues, and overall resources. Prisons nationwide have been experiencing considerable growth in the number of aging inmates (Anno et al., 2004), with North Carolina following the same trend. The Department of Correction, which uses age 50 as the beginning point for their older inmates, has seen the number of those inmates double over the last eight years (Price, 2007) and constitute 11% of the total prison population as of December 2007 (NC Department of Correction Automated System Query, 2007). A major reason for this increase can be attributed to the

enactment of Structured Sentencing, which brought about longer sentences for the most serious offenders. The inmates who are remaining in prison for lengthy terms (including life sentences) are continuing to grow older while they serve their sentence and increase in number since there is no longer an opportunity for discretionary release on parole.

Five percent of the 56,983 offenders in the sample were aged 50 and older at the time they were placed on probation (n=2,120) or released from prison (n=818). Those offenders 50 years and older were more likely to be male, married, and had more education. Based on recorded health indicators available only for prisoners, offenders 50 years or older at release also had more health problems than their younger counterparts.

Older offenders accrued, on average, more prior arrests and had a higher percent of current convictions for violent (Classes B1 through E) offenses, but had considerably lower risk scores than did offenders younger than 50.

Findings about recidivism seemed to support the "aging out" hypothesis: older offenders, whether on probation or released from prison, had lower rearrest rates than younger probationers, younger prison releases, or the sample as a whole. In fact, while offenders 50 and older constituted 5% of the sample, they accounted for only 2.3% of the 45,819 recidivist arrests of the entire cohort during the three-year follow-up. Figure 6.2 displays graphically the relationship between age and rearrests for the entire sample.
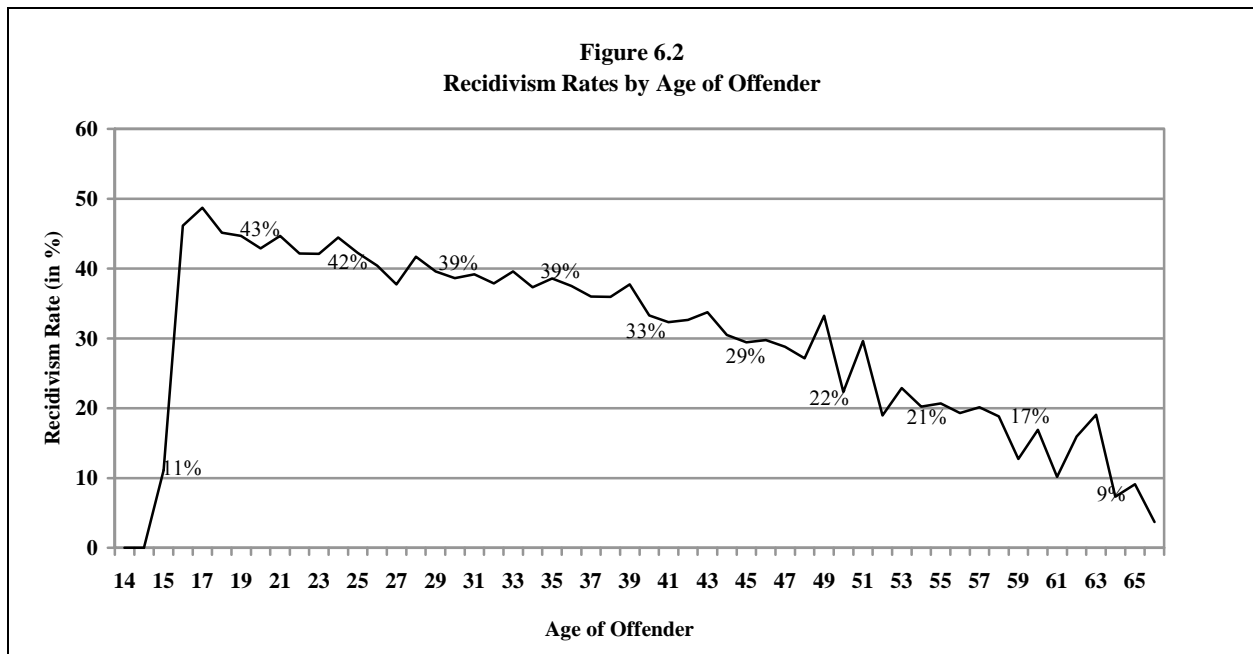
Figure 6.2
Recidivism Rates by Age of Offender

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Rearrest rates were lower for older prisoners even when controlling for risk level. Rearrest rates were lower for older probationers at low and high risk levels, however, with no consistent decline of rearrest by age for probationers at medium risk level. Further multivariate

analysis confirmed that, even after controlling for all other factors, the probability of rearrest decreased with each year of age, and especially for those aged 50 and older as a group.

Many of the issues faced by corrections in North Carolina and elsewhere involve addressing the medical, housing, and programmatic needs of the aging inmate population. For the state's inmates who begin their incarceration period at age 50 or older, or who attain this age during the course of their prison sentence, their age and, more importantly, their medical condition become important factors in determining the facility to which they will be assigned. In fact, the acuity level is the component that drives the delivery of health care and its related costs within the prison system.

The medical care that is provided to older inmates poses perhaps the biggest challenge for the prison system. Many offenders have led lifestyles that have not been conducive to taking care of their health, and have subsequently left them with medical and mental conditions that are typical of persons more advanced in age. While deteriorating health concerns can occur at any age, the growing geriatric prison population is seeing more than its share of problems. In 2007, 8% of the aging inmates had medical or mental health problems serious enough to warrant the highest levels of nursing care, as opposed to 2% of the total prison population (Price, 2007). Also, during that year, the Fiscal Research Division of the General Assembly reported that 39% of aging prisoners within our state's prison system suffered from some type of chronic disease. All of this computes to steep, ever-rising medical costs incurred by the DOC in both internal and external inmate care, and an increased need for hard-to-retain medical personnel.

It should be noted that, for inmates with terminal illnesses or permanent and total disabilities who do not pose a significant risk to public safety, the DOC Secretary is authorized by law to extend the limits of confinement so that, under certain circumstances, such inmates can receive care outside of prison (with DOC responsible for the health care costs). Health services staff noted that this law is utilized very infrequently. The current law is based on medical conditions and does not specifically address the elderly inmate.

With regard to housing, aging prisoners can be placed at any prison that is appropriate for their custody and acuity levels. Housing does not become an issue for older inmates unless they exhibit physical or mental health problems that warrant special treatment. When this occurs, aging inmates are sent to prison facilities that can meet these needs since there are no prisons solely dedicated to this subgroup. However, it should be noted that there are several prisons that have been selected to accommodate larger proportions of elderly prisoners with significant medical or mental health difficulties.

The need to develop more programming that is age-specific to the older prison population has been recognized in DOP's 2006 and 2007 reports on aging inmates (Price, 2006; 2007). Even though older prisoners constitute a relatively small percentage of the total prison population, their percentage is growing, and this group will require different types of programming than the programs and services presently utilized for younger prisoners. There are current efforts by the prison system's program services and medical staffs to move in that direction.

On a final note, it should be mentioned again that the FY 2003/04 sample studied included only 5% aging offenders, a relatively small percentage compared to 11% in DOC's current prison population, and to the projected future increases in this group driven by a stacking of violent offenders with long-term or life-without-parole prison sentences under SSA.

CHAPTER SEVEN
SUMMARY AND CONCLUSIONS

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

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

The sample selected for study included all offenders released from prison or placed on probation during Fiscal Year 2003/04 and followed for a fixed period of three years. All 56,983 offenders in the sample were sentenced under Structured Sentencing, affording a comprehensive look at the patterns of recidivism following the enactment of the State's 1994 sentencing reform. In addition to describing the recidivism of the sample as a whole, two specific groups were selected for further analysis – prisoners on Post-Release Supervision (PRS) and aging offenders.

Of the 56,893 offenders in the current sample, 70% were placed on probation and 30% were released from prison in FY 2003/04; 78% were male and 52% were black. Offenders with one or more prior fingerprinted arrest accounted for a total of 182,979 prior arrests for the entire sample, and 47% of the offenders had a most serious current conviction for a felony offense. Nine percent of the sample were at high risk for future recidivism, 47% were at medium risk and 44% were at low risk. Offender risk was found to increase by type of punishment, with community punishment probationers having the lowest risk scores and prison releases having the highest risk scores.

The report includes information on "time at risk" during the follow up period as context to an offender's opportunity to recidivate, with 71% of the sample being at risk for the entire three-year follow-up period. The following table summarizes three-year recidivism rates by the three outcome measures used in the study.

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

Punishment Type	Rearrest	Reconviction	Reincarceration
Probation entries	33.7%	22.6%	26.1%
Prison releases	50.2%	35.5%	36.2%
All offenders	38.7%	26.4%	29.1%

Examination of rearrest rates over the three-year follow-up period indicated that rearrests increased from year to year, but at a decreasing rate. Overall, almost 39%, or 22,036 of the

56,983 offenders, were rearrested during the three-year follow-up period, accounting for the 45,819 recidivist arrests incurred by the entire sample. Rearrest rates increased by punishment type from community to intermediate to prison. Rates also varied by offender risk levels, with much of the variation in rearrest rates by punishment type disappearing when controlling for offender risk.

Information was also provided on two interim outcome measures, prison infractions and technical revocations, as indicators of offender misconduct while in prison or under community supervision. Overall, nearly 44% of prisoners had an infraction while incarcerated for their current offense, with an average of 2 infractions for all prisoners. The three-year rate for technical revocations while under supervision in the community was 27.4%.

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

The subsample of 17,093 offenders released from prison during FY 2003/04 also included 1,634 inmates who had served time for the most serious felonies (defined under Structured Sentencing as Classes B1 though E) and were released from prison onto Post-Release Supervision (PRS). A detailed look at this group allowed, for the first time, an analysis of the relationship between PRS and recidivism. Compared to all prison releases, those on PRS included proportionately more male, black, and less-educated offenders, as well as a significantly lower rate of high risk offenders.

Prisoners on PRS were also distinct from other prisoners with less serious felony convictions (*i.e.*, Classes F through I) in their recidivism, with an approximately 6% lower rate of rearrest, reconviction, and reincarceration. While constituting 9.6% of the prison releases, post-release supervisees accounted for 7.9% of the total number of the arrests incurred by all prisoners during the three-year follow-up. Controlling for offender risk level all but eliminated the difference in rearrest rates between prisoners with and without PRS, except for the low-risk group, where prisoners on supervision had lower rearrest rates. A multivariate analysis confirmed that, when controlling for other relevant factors, no significant differences in recidivism remained between the two groups of prison releases.

Singling out PRS for study in this report also allowed for a comparison of how supervision affects recidivism across sentencing structures – between post-release supervision of SSA inmates and parole supervision of FSA inmates. Interestingly, the SSA and FSA prisoner groups supervised after release had similar rearrest rates of 43%-44%. More importantly, the multi-sample comparison also showed that prisoners without any supervision following their release had higher rearrest rates than those with some form of supervision, whether it was post-release supervision for SSA offenders or parole supervision for FSA offenders.

PRS involves a process in which the Post Release Supervision and Parole Commission (PRSPC), the Division of Prisons (DOP) and the Division of Community Corrections (DCC) have interrelated responsibilities. Since the creation of PRS, the DOP and the PRSPC have been the primary agents in the pre-release planning for prisoners eligible for supervision upon release, with the DCC having a lesser role. With the DOC's increased emphasis on reentry efforts for inmates, there has been a recent initiative to include DCC earlier in the release planning stages in order to further promote the smooth transition of these more serious inmates into the community. This coordinated, cooperative effort complements the reentry philosophy of DOC.

The number and proportion of aging offenders, and especially those in prison, is of growing concern nationwide. Offenders aged 50 and older, defined by DOC as aging, comprise 11% of the current prison population in North Carolina, and constituted 5% of this study's sample. Aging offenders in the sample were more likely to be male, married and had more education and, from information available for prisoners only, more health problems than their younger counterparts. Older offenders also accrued, on average, more prior arrests and had a higher percent of current convictions for violent (Classes B1 through E) offenses, but had considerably lower risk scores than did offenders younger than 50.

Findings about recidivism seemed to support the "aging out" hypothesis: offenders aged 50 and older, whether on probation or released from prison, had lower rearrest rates than younger probationers, younger prison releases, or the sample as a whole. In fact, while offenders 50 and older constituted 5% of the sample, they accounted for only 2.3% of the 45,819 recidivist arrests of the entire cohort during the three-year follow-up.

Rearrest rates were lower for older offenders even when controlling for all other factors, including risk levels – in a multivariate analysis the probability of rearrest still decreased with each year of aging and especially for those aged 50 and older as a group.

As we have seen with the increases over the past several years, the growth in the aging offender population, and especially those in prison, will continue, driven by a stacking of violent offenders with long-term or life-without-parole sentences. Addressing the medical, housing, and programmatic needs of aging inmates will remain important issues for the DOC as this population continues to rise. For the State's aging inmates, their age, and more importantly the level of required medical care become critical factors in determining facility designation and resource needs. Many of the older inmates have led pre-prison lifestyles which have left them with significant medical and mental conditions typical of persons more advanced in age. With this trend likely to continue, DOC will face the challenges of rising medical costs and retaining adequate staff to meet the needs associated with caring for aging inmates. The DOP may also find it necessary to make other housing decisions which could result in increased separation of elderly prisoners from the general prison population and in further renovation of facilities which are outdated and in need of retrofitting. In addition to housing, the DOP has also recognized the need to develop more programming that is age-specific to the older prison population, and there are efforts currently underway to move in that direction as resources permit. Caring for this population will require not only further correctional action, but also legislative attention.

When information from the current report is added to the Sentencing Commission's previous recidivism reports, a broader spectrum of findings and tentative conclusions emerge. These reports, covering large samples of offenders released in North Carolina between FY 1993/94 and FY 2003/04, provide a framework to look at trends in the State's recidivism rates and related factors.

- *Statewide recidivism rates have been remarkably consistent over the past ten years.*

  The following table presents overall recidivism rates (measured as rearrest) from the Commission's current report and from four previous reports with similar three-year follow-up periods.

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

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

  The findings indicate that recidivism rates for all offenders have been stable over the sample years, given the differences in sentencing law and sample composition – the five samples studied had rates ranging between 37% and 39%. Structured Sentencing might have had an impact on recidivism rates by altering the deterrent effect of sentencing laws and by altering the characteristics, or "mix," of groups of offenders, but the findings so far seem to support the conclusion that while the recidivism of different groups of offenders has changed, the overall recidivism rate stayed about the same.

- *Intermediate punishment, as expected, provides an effective alternative in the range of graduated sanctions between probation and incarceration.*

  The groups of offenders sentenced under SSA to an intermediate sanction have been of special interest in the Sentencing Commission's series of recidivism studies. Many of these offenders would have received a prison sentence under FSA. The more intense level of supervision in the community under SSA was designed to give them a second chance – and the state a less expensive option – in lieu of incarceration. Findings of this and previous reports confirmed that, while the general profile of intermediate probationers more closely mimicked that of prisoners than of community probationers, their rearrest rates were considerably and consistently lower than those of prisoners. This finding lends continued support to the notion of intermediate sanctions (recently enhanced by the added sanction of Drug Treatment Courts) as an effort to combine greater offender control for public safety with more intensive programming for the offender in the community. Especially when the correctional response is intensive, well-targeted for an offender's needs, and is most

concentrated in the first year of supervision, it seems to produce a correctional alternative that is less expensive and more successful in reducing future rearrests. Focusing more supervision and resources in the first year of an offender's placement in the community seemed to hold true for released prisoners as well, reaffirming the value of some type of reentry or post-release supervision.

- *Offender age is a powerful predictor of future recidivism, and highlights the special needs and challenges in managing both youthful and aging offenders.*

  The information compiled in the Commission's five recidivism reports to date has produced a growing list of factors with tested validity to help predict offender recidivism. In addition to race and gender, age has emerged as a strong predictive indicator of criminality, whether age was measured in yearly increments or in categorical intervals such as youthful and elderly offenders. Youthful offenders often demonstrate a rapidly escalating pattern and frequency of rearrests, and pose special challenges whether on probation or in prison. Older offenders seem to age out of criminality with a gradual decline in rearrests, but with a growing need for specialized health, housing and programming resources, especially when incarcerated. Dealing more effectively with both groups might require the development of further legislative and correctional options.

- *Expectations for correctional success in preventing future criminality should be viewed realistically.*

  Components of an offender's criminal history, current offense, and experiences with the correctional system are all elements strongly correlated with continued criminal behavior. Expectations for rehabilitative success and deterrence should be articulated in this context, and be realistic in weighing criminogenic factors brought with an offender into the system compared to the short time and limited resources at the DOC's disposal to reverse their impact.

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

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

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

  As we learn more about offenders and whether they will recidivate, the more critical question for policy makers is how to target resources efficiently to prevent future

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

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APPENDIX A

ADULT RECIDIVISM RATES
BY STATE

Appendix A
Adult Recidivism Rates by State

State	Recidivism Rate	Population Studied	Definition of Recidivism	Date of Study
Connecticut	Prison Sample: *No Post Prison Supervision* Rearrest (2 years): 56% Reconviction (2 years): 39% Reincarceration (2 years): 21% Probation Sample: Rearrest (2 years): 41% Reconviction (2 years): 20% Reincarceration (2 years): 11%	Inmates released from prison or placed on probation in 2004	New criminal activity by a person after a criminal conviction that resulted in imprisonment or another sanction (probation, diversionary sentence, or fine) • Rearrest for a new misdemeanor or felony • Reconviction on those charges • Reimprisonment or sentence to another court imposed sanction	2008
Florida	Reconviction: 3 years: 49% 5 years: 48% Reincarceration: 3 years: 26% 5 years: 37%	Inmates released from Florida prisons from July 1995 to June 2001	• Reconviction for a new serious offense (felony offense) • Reincarceration to prison for a new offense	2003
Illinois	Reincarceration: 3 years: 54.6%	Inmates who exited prison in 2001	The rate at which inmates return to prison within three years	2004
Massachusetts	Reincarceration: 3 years: 39%	Inmates released in 1999	An offender reincarcerated for at least 30 days during the three-year follow-up period	2005

State	Recidivism Rate	Population Studied	Definition of Recidivism	Date of Study
South Carolina	Reincarceration: 3 years: 32.7%	Inmates who were released in 2003	Percent who returned to the South Carolina Department of Correction	2006
Texas	Prison Sample (2 Cohorts): Reincarceration: 3 years: 31.2% and 28.3%	Inmates who were released during fiscal years 2000 and 2001	Reincarceration in either a state jail or prison facility	2005
Virginia	Reincarceration: 3 years: 29%	Inmates released in 1999	Reincarceration for a new crime or a technical violation within three years of their release	2003
West Virginia	1 Yr Reincarceration Rate: 19.6% 2 Yr Reincarceration Rate: 21.4% 3 Yr Reincarceration Rate: 26.4%	Inmates released in 2001-2003	Convicted of a new felony offense and returned to DOC within 3 years of their release	2007
Bureau of Justice Statistics	Rearrest: 3 years: 68% Reconviction: 3 years: 47% Reincarceration (new crime): 3 years: 25% Reincarceration (technical violation): 3 years: 26%	Prisoners released in 1994 from 15 states	Rearrest, reconviction, reincarceration for a new crime, and reincarceration for a technical violation of release conditions	2002

APPENDIX B

GLOSSARY OF MAJOR VARIABLES

GLOSSARY OF MAJOR VARIABLES

Acuity: The level of patient acuity equates to the number of hours needed for nursing staff to care for the inmate's physical and mental health needs.

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

Aging Offender: Offenders in the FY 2003/04 sample who were aged 50 or older either at entry to probation or release from prison for the conviction that placed them in the sample.

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

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

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

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

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

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

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

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

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

Prior Arrests: North Carolina Department of Justice fingerprinted arrest data were used to determine prior arrests. Prior arrests were defined as fingerprinted arrests that occurred before the current conviction that placed the offender in this sample and, therefore, may include the arrest(s) for the current conviction. In actuality, all offenders in the sample (100%) should have at least one prior arrest – the arrest that resulted in the conviction that placed the offender in the study sample. Lack of at least one prior arrest may result from an arrest for which an offender was not fingerprinted (*e.g.*, a misdemeanor offense for which fingerprinting is not required), indictment without an arrest, or if no match was found for an offender in the DOJ criminal history database. Each prior arrest was counted in the category for the offense involved: violent, property, drug, and other. If a prior arrest event (a single arrest date) involved more than one type of offense, it was counted in each offense category. For example: if an offender had two prior arrest events, one arrest event that included a violent charge and a property charge, and another arrest event that included a property charge and a drug charge, that resulted in a count of one prior violent arrest, two prior property arrests, and one prior drug arrest, as well as an overall count of two prior arrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes – for example, arrests for technical violations of probation or parole.

Prison Releases: An offender who was sentenced under the Structured Sentencing Act, served his/her maximum sentence minus earned time and time for pre-conviction confinement, and was released back into the community usually without any supervision. The Structured Sentencing Act mandates a nine-month post-release supervision period for all inmates convicted of a felony in offense classes B1 through E, while SSA prisoners convicted of felonies in offense classes F through I or convicted of misdemeanors are released without supervision.

Probation Entries with a Community Punishment: An offender who was sentenced under the Structured Sentencing Act and received a community punishment. Community punishments may consist of a fine, unsupervised probation (although unsupervised probationers were excluded from the sample), or supervised probation, alone or with one or more of the following conditions: outpatient drug/alcohol treatment, community service, assignment to TASC, payment of restitution, or any other conditions of probation that are not considered an intermediate punishment. Also referred to as probationers with a community punishment or community punishment probationers.

Probation Entries with an Intermediate Punishment: An offender who was sentenced under the Structured Sentencing Act and received an intermediate punishment. An intermediate punishment requires a period of supervised probation with at least one of the following conditions: special probation, assignment to a residential treatment program, house arrest with electronic monitoring, intensive probation, assignment to a day reporting center, or assignment to a drug treatment court program. Also referred to as probationers with an intermediate punishment or intermediate punishment probationers.

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

Pulheat: Pulheat rated inmates' physical health and functional abilities and was determined by the medical provider.

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

Recidivist Arrests: North Carolina Department of Justice fingerprinted arrest data were used to determine recidivist arrests. Recidivist arrests (also referred to as rearrests) were defined as fingerprinted arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample. Each rearrest was counted in the category for the offense involved: violent, property, drug, and other. If a rearrest event (a single arrest date) involved more than one type of offense, it was counted in each offense category. For example: if an offender had two rearrest events, one arrest event that included a violent charge and a property charge, and another arrest event that included a property charge and a drug charge, that resulted in a count of one violent rearrest, two property rearrests, and one drug rearrest, as well as an overall count of two rearrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes – for example, arrests for technical violations of probation or parole.

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

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

defined as incarcerations that occurred during the follow-up period for offenders who have no prior incarcerations, as well as for those who have prior incarcerations. It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. The data do not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a technical revocation of probationary supervision during the follow-up period.

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

Substance Abuser: Any offender who was identified as having a substance abuse problem by either a prison assessment or a probation assessment.

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

Time at Risk: Each offender's actual "time at risk" to reoffend during the follow-up period was calculated by identifying their periods of incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period. Since each county jail maintains its own data, it was not possible to account for time served in county jails during the follow-up period.

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

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

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

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

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

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

Youthful Offender: Offenders in the FY 2003/04 sample who had not yet reached their 21st birthday either at entry into prison or placement on probation for the conviction that placed them in the sample.

APPENDIX C

C-1: INDIVIDUAL PROGRAM AND CORRECTIONAL SUPERVISION SUMMARIES

C-2: SUMMARY INFORMATION FOR CORRECTIONAL PROGRAMS

APPENDIX C-1
INDIVIDUAL PROGRAM AND CORRECTIONAL SUPERVISION SUMMARIES

ALL PRISON RELEASES AND PROBATION ENTRIES

Introduction

The FY 2003/04 sample is comprised of 56,983 offenders who either entered probation or were released from prison during that period. This is the first recidivism study with only offenders sentenced under Structured Sentencing.

FY 2003/04 Sample

The sample is comprised of all SSA offenders who were placed on supervised probation or were released from prison during FY 2003/04, with the following exclusions:

❑   offenders with a most serious current conviction for driving while impaired (DWI); and

❑   offenders with a most serious current conviction for a misdemeanor traffic offense.

Overall, 78.3% were male, 52.1% were black, 63.1% were single, and less than half (42.7%) had twelve years or more of education. Over three-quarters (81.7%) of the sample had at least one prior fingerprinted arrest, with an average of 3.9 prior arrests. Forty-seven percent of the sample had a most serious current conviction (*i.e.*, the conviction which placed them in the sample) for a felony offense. The majority of current convictions were for three categories of offenses: misdemeanor property offenses (23.0%), felony property offenses (17.9%), and felony drug offenses (17.7%). Overall, 38.7% of the sample had a recidivist arrest for any offense in the three-year follow up. For those who were rearrested during the three-year follow-up period, their first rearrest occurred an average of 12.8 months after entry to probation or release from prison.

Methodological Improvements in the Analysis of Probation Entries

For the FY 2003/04 probation entries, methodological improvements were made in determining program assignments while under correctional supervision. The prior reports included conditions that the judge ordered at initial sentencing as well as any additional conditions ordered due to the probationer's lack of compliance during the follow-up period. These conditions can include at least one of the following: special probation, intensive supervision assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or assignment to a drug treatment court program. By including all conditions during the follow-up period, it was unclear when the recidivist activity occurred in relation to the assignment. Because of the data collection improvements in the Department of Correction's Offender Population Unified System (OPUS), this report captures only the conditions of probation ordered at the probationer's initial sentencing and, therefore, provides a more accurate account of the probationer's recidivist activity occurring during or subsequent to the assignment of initial conditions.

Number of Offenders (N): 56,983

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	3.7
Male	78.3	Class F - I Felonies	42.8
Female	21.7	Class A1 - 3 Misdemeanors	52.7
		Class Unknown	0.8
Race:	%		
Black	52.1	Mean months served in prison (prisoners only)	13.1
Non-Black	47.9		

CURRENT OFFENSE CLASS continued
(merged above)

Average Age: 31

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Marital Status:	%
Single	63.1
Divorced/Separated	18.9
Married/Widowed	15.3
Other/Unknown	2.7

Recidivist Arrest Rates:	%
One-Year Follow-Up Period	21.2
Two-Year Follow-Up Period	32.0
Three-Year Follow-Up Period	38.7
Mean Number of Recidivist Arrests	2.1
Average Months to First Recidivist Arrest	12.8

% With 12 Years of Education or More: 42.7

% With Substance Abuse Indicated: 39.1

Recidivist Conviction Rates:	
One-Year Follow-Up Period	9.5
Two-Year Follow-Up Period	19.5
Three-Year Follow-Up Period	26.4
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.1

RISK LEVEL

	%
Low	44.0
Medium	46.6
High	9.4

Recidivist Incarcerations:	
One-Year Follow-Up Period	12.0
Two-Year Follow-Up Period	22.5
Three-Year Follow-Up Period	29.1
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	15.8

CRIMINAL HISTORY

Mean Number of Prior Arrests   3.9

CORRECTIONAL SUPERVISION

Probation Entries	
Community Punishment	28,233
Intermediate Punishment	11,667
Intensive Supervision Probation[a]	5,770
Special Probation[a]	4,853
Community Service[a]	11,415
Drug Treatment Court[a]	119
House Arrest with Electronic Monitoring[a]	774
Prison Releases	
Prison Release	17,093
Post-Release Supervision	1,634

CURRENT OFFENSE TYPE

	%
Violent Felony	8.3
Property	17.9
Drug Felony	17.7
Other Felony	3.1
Violent Misdemeanor	15.1
Property Misdemeanor	23.0
Drug	10.1
Other Misdemeanor	4.8

[a] Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

PROBATION – COMMUNITY PUNISHMENT

Probation is considered a community punishment except when certain conditions (known as intermediate punishments) are imposed. The purposes of probation supervision are to control the offender in the community, provide opportunities for substance abuse and mental health treatment, ensure compliance with the conditions of probation, and enforce the conditions of probation through the violation process. Unless the court makes a specific finding that a longer or shorter term of probation is necessary, the court imposes a term which is no less than twelve and no more than thirty months for a felon sentenced to a community punishment. Special conditions may be imposed to further restrict freedom and limit movement in the community, to add more punitive measures, or to establish a complete individual treatment plan addressing the special needs and risk of the offender and providing realistic opportunities for behavioral changes which will ultimately lead to the successful completion of the supervision period. If the offender violates the conditions of probation, certain restrictive conditions that are considered intermediate punishments may be utilized at that time by the court, such as: special probation, intensive supervision, house arrest with electronic monitoring, day reporting centers, and drug treatment courts.

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

A case management plan incorporates two classes of officers: the community punishment officer, who fulfills the more traditional basic probation/parole officer role, and the intermediate punishment officer, who supervises intermediate punishment level cases and community punishment level probation violators. Community officers (PPO I) supervise community punishment level cases which require less field contacts with offenders. The goal for the community punishment officer is to carry a caseload of 110 offenders.

Number of Offenders (N): 28,223

PERSONAL CHARACTERISTICS

Gender:	%
Male	70.7
Female	29.3

Race:	%
Black	46.8
Non-Black	53.2

Average Age:	30

Marital Status:	%
Single	62.7
Divorced/Separated	17.0
Married/Widowed	16.2
Other/Unknown	4.1

% With 12 Years of Education or More:	48.3

% With Substance Abuse Indicated:	29.6

RISK LEVEL

	%
Low	58.0
Medium	38.3
High	3.7

CRIMINAL HISTORY

Mean Number of Prior Arrests	2.7

CURRENT OFFENSE TYPE

	%
Violent Felony	0.5
Property Felony	7.4
Drug Felony	8.7
Other Felony	0.7
Violent Misdemeanor	20.5
Property Misdemeanor	37.1
Drug Misdemeanor	17.1
Other Misdemeanor	8.0

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	0.0
Class F - I Felonies	16.5
Class A1 - 3 Misdemeanors	82.1
Class Unknown	1.4

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

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

Recidivist Arrest Rates:	%
One-Year Follow-Up Period	16.6
Two-Year Follow-Up Period	25.2
Three-Year Follow-Up Period	30.9
Mean Number of Recidivist Arrests	1.9
Average Months to First Recidivist Arrest	13.0

Recidivist Conviction Rates:	
One-Year Follow-Up Period	7.4
Two-Year Follow-Up Period	14.9
Three-Year Follow-Up Period	20.6
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	17.2

Recidivist Incarcerations:	
One-Year Follow-Up Period	6.1
Two-Year Follow-Up Period	13.3
Three-Year Follow-Up Period	18.3
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.5

CORRECTIONAL SUPERVISION

Probation Entries

Intensive Supervision Probation[a]	100
Special Probation[a]	381
Community Service[a]	7,720
Drug Treatment Court[a]	18
House Arrest with Electronic Monitoring[a]	26

[a] Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

PROBATION – INTERMEDIATE PUNISHMENT

Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation, intensive supervision assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or assignment to a drug treatment court program. Unless the court makes a specific finding that a longer or shorter term of probation is necessary, the court imposes a term which is no less than eighteen and no more than thirty-six months for a felon sentenced to an intermediate punishment.

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

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

A case management plan incorporates two classes of officers: intermediate punishment officers, who supervise intermediate punishment level cases and community punishment level probation violators, and community punishment officers, who fulfill the more traditional basic probation/parole officer role. The intermediate punishment officers (PPO III and PPO II) are required to conduct the vast majority of offender contacts in the field, away from the relative safety of the office. This intermediate punishment officer (PPO II) has a caseload goal of 60. The intermediate punishment officers specializing in intensive supervision cases (PPO III) carry 25 intensive cases.

Number of Offenders (N): 11,667

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	4.3
Male	83.3	Class F - I Felonies	71.6
Female	16.7	Class A1 - 3 Misdemeanors	23.8
		Class Unknown	0.3
Race:	%		
Black	53.3	Mean months served in prison (prisoners only)	N/A
Non-Black	46.7		

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	4.3
Class F - I Felonies	71.6
Class A1 - 3 Misdemeanors	23.8
Class Unknown	0.3
Mean months served in prison (prisoners only)	N/A

PERSONAL CHARACTERISTICS

Gender:	%
Male	83.3
Female	16.7

Race:	%
Black	53.3
Non-Black	46.7

Average Age: 31

**CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP**

Marital Status:	%
Single	63.2
Divorced/Separated	18.8
Married/Widowed	15.1
Other/Unknown	2.9

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	22.4
Two-Year Follow-Up Period	33.5
Three-Year Follow-Up Period	40.6
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	12.7

% With 12 Years of Education or More: 41.4

% With Substance Abuse Indicated: 36.7

Recidivist Conviction Rates:	
One-Year Follow-Up Period	10.4
Two-Year Follow-Up Period	20.4
Three-Year Follow-Up Period	27.5
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	16.8

RISK LEVEL

	%
Low	38.2
Medium	51.6
High	10.2

Recidivist Incarcerations:	
One-Year Follow-Up Period	25.3
Two-Year Follow-Up Period	38.8
Three-Year Follow-Up Period	45.2
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	12.6

CRIMINAL HISTORY

Mean Number of Prior Arrests 4.0

CORRECTIONAL SUPERVISION

CURRENT OFFENSE TYPE

	%
Violent Felony	14.3
Property Felony	27.2
Drug Felony	29.7
Other Felony	4.9
Violent Misdemeanor	9.9
Property Misdemeanor	8.5
Drug Misdemeanor	3.6
Other Misdemeanor	1.9

Probation Entries	
Intensive Supervision Probation[a]	5,670
Special Probation[a]	4,472
Community Service[a]	3,695
Drug Treatment Court[a]	101
House Arrest with Electronic Monitoring[a]	748

[a] Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

INTENSIVE SUPERVISION PROBATION

Intensive supervision probation is considered an intermediate punishment and is the most frequently used of the intermediate punishments. Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation, assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or assignment to a drug treatment court program. Since intensive probation is the most restrictive level of supervision, its purpose is to target high risk offenders. If the offender's class of offense and prior record level authorize an intermediate punishment as a sentence disposition, the judge has the discretion to place an offender on intensive supervision. Offenders may also be placed on the sanction from a less restrictive supervision level (*i.e.*, community punishment) as a result of the probation violation process. Offenders remain on intensive probation for an average of six to eight months before completing their probationary term on a less restrictive level of intermediate supervision.

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

A case management plan incorporates two classes of officers: intermediate punishment officers, who supervise intermediate punishment level cases and community punishment level probation violators, and community punishment officers, who fulfill the more traditional basic probation/parole officer role. The intermediate punishment officers specializing in intensive supervision cases (PPO III) carry 25 intensive cases.

Intensive Supervision Probation	
FY 2003/04	

Number of Offenders (N): 5,770

PERSONAL CHARACTERISTICS

Gender:	%
Male	83.4
Female	16.6

Race:	%
Black	53.4
Non-Black	46.6

Average Age:	30

Marital Status:	%
Single	63.2
Divorced/Separated	17.9
Married/Widowed	15.9
Other/Unknown	3.0

% With 12 Years of Education or More:	41.1

% With Substance Abuse Indicated:	36.5

RISK LEVEL

	%
Low	36.4
Medium	53.2
High	10.4

CRIMINAL HISTORY

Mean Number of Prior Arrests	4.0

CURRENT OFFENSE TYPE

	%
Violent Felony	14.9
Property Felony	29.7
Drug Felony	36.0
Other Felony	5.0
Violent Misdemeanor	5.7
Property Misdemeanor	4.9
Drug Misdemeanor	2.9
Other Misdemeanor	0.9

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	4.8
Class F - I Felonies	80.4
Class A1 - 3 Misdemeanors	14.3
Class Unknown	0.5

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

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

Recidivist Arrest Rates:	%
One-Year Follow-Up Period	22.3
Two-Year Follow-Up Period	34.2
Three-Year Follow-Up Period	41.4
Mean Number of Recidivist Arrests	2.0
Average Months to First Recidivist Arrest	12.8

Recidivist Conviction Rates:	
One-Year Follow-Up Period	10.6
Two-Year Follow-Up Period	20.1
Three-Year Follow-Up Period	27.4
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	16.9

Recidivist Incarcerations:	
One-Year Follow-Up Period	29.6
Two-Year Follow-Up Period	42.5
Three-Year Follow-Up Period	48.7
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	11.8

CORRECTIONAL SUPERVISION

Probation Entries	
Community Punishment	100
Intermediate Punishment	5,670
Special Probation	1,028
Community Service	2,739
Drug Treatment Court	42
House Arrest with Electronic Monitoring	177

NOTE: Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

SPECIAL PROBATION

Special probation (also known as a split sentence) is an intermediate punishment. Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation, intensive supervision, assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or assignment to a drug treatment court program. In cases utilizing the condition of special probation, an offender is required to submit to a period or periods of incarceration in prison or jail during the probationary term. The period of incarceration cannot exceed one-fourth of the minimum sentence or six months, whichever is less. The term of probation may include special conditions, such as a recommendation for work release or serving the active term in an inpatient facility.

As a highly restrictive form of probation, special probation is used primarily for offenders in need of a high level of control and supervision while remaining in the community. Offenders may be placed on special probation from a less restrictive supervision level as a result of the probation violation process. Offenders that are given this sanction are supervised by probation officers of the Division of Community Corrections within the Department of Correction. DCC's Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Department of Correction requires that officers adhere to minimum contact standards.

A case management plan incorporates two classes of officers: intermediate punishment officers, who supervise intermediate punishment level cases and community punishment level probation violators, and community punishment officers, who fulfill the more traditional basic probation/parole officer role. The intermediate punishment officers (PPO III and PPO II) are required to conduct the vast majority of offender contacts in the field, away from the relative safety of the office. This intermediate punishment officer (PPO II) has a caseload goal of 60. The intermediate punishment officers specializing in intensive supervision cases (PPO III) carry 25 intensive cases.

Special Probation
FY 2003/04

Number of Offenders (N): 4,853

PERSONAL CHARACTERISTICS		**CURRENT OFFENSE CLASS**	
			%
Gender:	%	Class B1 - E Felonies	4.2
Male	84.0	Class F - I Felonies	60.9
Female	16.0	Class A1 - 3 Misdemeanors	34.1
		Class Unknown	0.8
Race:	%		
Black	51.5	Mean months served in prison (prisoners only)	N/A
Non-Black	48.5		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

			%
Average Age:	31		
		Recidivist Arrest Rates:	
Marital Status:	%	One-Year Follow-Up Period	21.7
Single	62.1	Two-Year Follow-Up Period	31.9
Divorced/Separated	20.3	Three-Year Follow-Up Period	39.0
Married/Widowed	15.0	Mean Number of Recidivist Arrests	2.0
Other/Unknown	2.6	Average Months to First Recidivist Arrest	12.8
% With 12 Years of Education or More:	41.5	**Recidivist Conviction Rates:**	
		One-Year Follow-Up Period	9.8
% With Substance Abuse Indicated:	36.2	Two-Year Follow-Up Period	19.5
		Three-Year Follow-Up Period	26.3
RISK LEVEL		Mean Number of Recidivist Convictions	1.4
	%	Average Months to First Recidivist Conviction	16.9
Low	42.2		
Medium	48.1	**Recidivist Incarcerations:**	
High	9.7	One-Year Follow-Up Period	22.5
		Two-Year Follow-Up Period	35.6
CRIMINAL HISTORY		Three-Year Follow-Up Period	41.9
		Mean Number of Recidivist Incarcerations	1.2
Mean Number of Prior Arrests	4.0	Average Months to First Recidivist Incarceration	12.9

CURRENT OFFENSE TYPE		**CORRECTIONAL SUPERVISION**	
	%		
Violent Felony	14.1	*Probation Entries*	
Property Felony	23.1	Community Punishment	381
Drug Felony	23.9	Intermediate Punishment	4,472
Other Felony	4.8	Intensive Supervision Probation	1,028
Violent Misdemeanor	15.4	Community Service	1,027
Property Misdemeanor	12.2	Drug Treatment Court	11
Drug Misdemeanor	3.1	House Arrest with Electronic Monitoring	107
Other Misdemeanor	3.4		

NOTE: Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

COMMUNITY SERVICE WORK PROGRAM – PROBATION

In existence in North Carolina since 1981, the community service work program offers offenders an opportunity to repay the community for damages resulting from their criminal acts. Community service work requires the offender to work for free for public and nonprofit agencies. It also requires each offender to pay a fee of $200 to participate in the program. This fee goes to the General Assembly.

Community service work is a community punishment. It can be imposed as the sole condition of probation if the offender's offense class and prior record or conviction level authorize a community punishment as a sentence disposition, or it can be used in conjunction with other sanctions.

Community service staff interview offenders, assign them to work at various agencies, and monitor their progress in the program. After the initial interview, staff are required to have monthly contact with the offender, the agency, or, in the case of supervised probation, the supervising officer. This contact is usually achieved by the offender reporting in person or by telephone to the community service staff or by the staff contacting the agency to check on the offender. If the offender is placed on basic supervised probation or intensive probation, community service staff must report compliance or noncompliance to the probation/parole officer who will take appropriate actions.

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

Number of Offenders (N): 11,415

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	1.5
Male	73.0	Class F - I Felonies	38.3
Female	27.0	Class A1 - 3 Misdemeanors	58.8
		Class Unknown	1.4
Race:	%		
Black	46.6	Mean months served in prison (prisoners only)	N/A
Non-Black	53.4		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

			%
Average Age:	28	**Recidivist Arrest Rates:**	
		One-Year Follow-Up Period	18.2
Marital Status:	%	Two-Year Follow-Up Period	27.3
Single	67.1	Three-Year Follow-Up Period	33.5
Divorced/Separated	14.8	Mean Number of Recidivist Arrests	1.9
Married/Widowed	14.2	Average Months to First Recidivist Arrest	12.9
Other/Unknown	3.9		
		Recidivist Conviction Rates:	
% With 12 Years of Education or More:	44.3	One-Year Follow-Up Period	7.8
		Two-Year Follow-Up Period	16.0
% With Substance Abuse Indicated:	29.4	Three-Year Follow-Up Period	22.3
		Mean Number of Recidivist Convictions	1.4
RISK LEVEL		Average Months to First Recidivist Conviction	17.4
	%		
Low	51.2	**Recidivist Incarcerations:**	
Medium	44.1	One-Year Follow-Up Period	12.4
High	4.7	Two-Year Follow-Up Period	21.9
		Three-Year Follow-Up Period	27.2
CRIMINAL HISTORY		Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	14.9
Mean Number of Prior Arrests	2.8		

CURRENT OFFENSE TYPE

CORRECTIONAL SUPERVISION

	%		
Violent Felony	5.0	*Probation Entries*	
Property Felony	16.6	Community Punishment	7,720
Drug Felony	16.5	Intermediate Punishment	3,695
Other Felony	2.4	Intensive Supervision Probation	2,739
Violent Misdemeanor	11.1	Special Probation	1,027
Property Misdemeanor	30.7	Drug Treatment Court	26
Drug Misdemeanor	11.2	House Arrest with Electronic Monitoring	266
Other Misdemeanor	6.5		

NOTE: Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

HOUSE ARREST WITH ELECTRONIC MONITORING

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

House arrest with electronic monitoring as a condition of supervised probation is an intermediate punishment. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment as a sentence disposition, the judge has the discretion to place an offender on house arrest with electronic monitoring. Judges may also use this sanction in response to an offender's violation of the conditions of probation.

The Post-Release Supervision and Parole Commission may impose house arrest with electronic monitoring for offenders on parole or post-release supervision. They may also modify the conditions for offenders on parole or post-release supervision to reflect the addition of house arrest with electronic monitoring in response to violations.

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

House arrest with electronic monitoring uses computer technology to monitor and restrict the offender's movement. Other than approved leave to go to work or to receive rehabilitative services, the offender is restricted to his/her home. Through the use of a transmitter strapped to an offender's ankle and linked by telephone lines to a central computer, a continuous signal is emitted. If this signal is interrupted by the offender going beyond the authorized radius of the receiver, the host computer records the date and time of the signal's disappearance. The computer will also record the date and time the signal resumes. If a signal interruption occurs during a period when the probationer or parolee should be at home, the violation is checked by the probation/parole officer or by a designated electronic house arrest response officer.

Number of Offenders (N): 774

PERSONAL CHARACTERISTICS		**CURRENT OFFENSE CLASS**	

PERSONAL CHARACTERISTICS

	%
Gender:	%
Male	83.2
Female	16.8
Race:	%
Black	54.8
Non-Black	45.2
Average Age:	30
Marital Status:	%
Single	63.6
Divorced/Separated	18.5
Married/Widowed	15.7
Other/Unknown	2.2
% With 12 Years of Education or More:	41.9
% With Substance Abuse Indicated:	35.1

RISK LEVEL

	%
Low	38.0
Medium	51.5
High	10.5

CRIMINAL HISTORY

Mean Number of Prior Arrests	3.9

CURRENT OFFENSE TYPE

	%
Violent Felony	14.6
Property Felony	26.9
Drug Felony	29.0
Other Felony	5.8
Violent Misdemeanor	9.3
Property Misdemeanor	7.0
Drug Misdemeanor	4.4
Other Misdemeanor	3.0

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	4.8
Class F - I Felonies	70.9
Class A1 - 3 Misdemeanors	23.5
Class Unknown	0.8
Mean months served in prison (prisoners only)	N/A

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	18.9
Two-Year Follow-Up Period	29.6
Three-Year Follow-Up Period	36.2
Mean Number of Recidivist Arrests	1.9
Average Months to First Recidivist Arrest	13.5
Recidivist Conviction Rates:	
One-Year Follow-Up Period	6.6
Two-Year Follow-Up Period	17.6
Three-Year Follow-Up Period	24.8
Mean Number of Recidivist Convictions	1.3
Average Months to First Recidivist Conviction	18.6
Recidivist Incarcerations:	
One-Year Follow-Up Period	21.3
Two-Year Follow-Up Period	36.2
Three-Year Follow-Up Period	42.1
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	13.2

CORRECTIONAL SUPERVISION

Probation Entries	
Community Punishment	26
Intermediate	748
Intensive Supervision Probation	177
Special Probation	107
Community Service	266
Drug Treatment Court	0

NOTE: Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

DRUG TREATMENT COURT

The drug treatment court program (DTC) was established by the General Assembly in 1995 to enhance and monitor the delivery of treatment services to chemically dependent adult offenders while holding those offenders accountable for complying with their court-ordered treatment plans. DTC became an intermediate punishment effective July 26, 2004 which requires a sentence of supervised probation. DTC assignment requires the offender to comply with the rules adopted for the program pursuant to Article 62 of Chapter 7A of the General Statutes and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

The DTC is administered by the Administrative Office of the Courts; however, DTC represents the coordinated efforts of the judiciary, prosecution, defense bar, adult probation, law enforcement, social services, and treatment communities to actively intervene and break the cycle of substance abuse, addiction, and crime.

Adult DTC is a non-adversarial, court supervised, year-long regimen of intensive substance abuse treatment, drug testing, and other related treatment and rehabilitative services. All DTC offenders appear before a specially trained judge at, typically, biweekly status hearings. Prior to the status hearing, the DTC core team (*e.g.,* individuals representing the various agencies mentioned above) meets to review each offender's drug tests results, treatment attendance, behavior in the community, and treatment plan progress since the last status hearing. The core team makes recommendations concerning the imposition of appropriate sanctions and rewards. At the status hearing, the judge engages each offender in open dialogue concerning his/her progress or lack thereof and, if appropriate, imposes rewards or sanctions designed to further stimulate the offender's movement through the treatment process.

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

Drug Treatment Court
FY 2003/04

Number of Offenders (N): 119

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	0.0
Male	58.8	Class F - I Felonies	58.8
Female	41.2	Class A1 - 3	41.2
		Class Unknown	0.0
Race:	%		
Black	49.6	Mean months served in prison (prisoners only)	N/A
Non-Black	50.4		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

Average Age: 34

			%
Marital Status:	%	**Recidivist Arrest Rates:**	
Single	59.7	One-Year Follow-Up Period	26.9
Divorced/Separated	20.2	Two-Year Follow-Up Period	31.1
Married/Widowed	15.1	Three-Year Follow-Up Period	37.8
Other/Unknown	5.0	Mean Number of Recidivist Arrests	2.3
		Average Months to First Recidivist Arrest	11.2
% With 12 Years of Education or More:	55.1		
		Recidivist Conviction Rates:	
% With Substance Abuse Indicated:	53.8	One-Year Follow-Up Period	12.6
		Two-Year Follow-Up Period	22.7
RISK LEVEL		Three-Year Follow-Up Period	29.4
	%	Mean Number of Recidivist Convictions	1.6
Low	46.2	Average Months to First Recidivist Conviction	15.7
Medium	45.4		
High	8.4	**Recidivist Incarcerations:**	
		One-Year Follow-Up Period	20.2
CRIMINAL HISTORY		Two-Year Follow-Up Period	23.5
		Three-Year Follow-Up Period	29.4
Mean Number of Prior Arrests	4.2	Mean Number of Recidivist Incarcerations	1.3
		Average Months to First Recidivist Incarceration	12.6
CURRENT OFFENSE TYPE			
	%	**CORRECTIONAL SUPERVISION**	
Violent Felony	0.8		
Property Felony	21.9	*Probation Entries*	
Drug Felony	35.3	Community Punishment	18
Other Felony	0.8	Intermediate Punishment	101
Violent Misdemeanor	6.7	Intensive Supervision Probation	42
Property Misdemeanor	13.5	Special Probation	11
Drug Misdemeanor	15.1	Community Service	26
Other Misdemeanor	5.9	House Arrest with Electronic Monitoring	0

NOTE: Due to data collection improvements in DOC's OPUS, the program assignment captures only the conditions of probation ordered at the probationer's initial sentencing.

PRISON RELEASES

Under the Structured Sentencing Act (SSA), which became effective for those offenses committed on or after October 1, 1994, offenders are released after serving their maximum sentence minus earned time and/or credit for pre-trial (or pre-conviction) confinement.

Since parole was eliminated when Structured Sentencing was enacted, offenders are not subject to any community supervision unless they have been incarcerated for a felony in the range from Class B1 (excluding those offenders sentenced to life without parole) through Class E. Offenders who fall into this range are placed on post-release supervision by the Post-Release Supervision and Parole Commission upon the completion of their prison sentence. Offenders who are placed on post-release supervision are generally supervised for a period of nine months by a probation officer of the Division of Community Corrections within the Department of Correction. Revocation of this term of supervision is authorized only by the Post-Release Supervision and Parole Commission.

Number of Offenders (N): 17,093

PERSONAL CHARACTERISTICS		**CURRENT OFFENSE CLASS**	
			%
Gender:	%	Class B1 - E Felonies	9.6
Male	87.6	Class F - I Felonies	66.7
Female	12.4	Class A1 - 3 Misdemeanors	23.7
		Class Unknown	0.0
Race:	%		
Black	60.1	Mean months served in prison (prisoners only)	13.1
Non-Black	39.9		

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

Average Age: 32

Marital Status:	%	**Recidivist Arrest Rates:**	%
Single	63.8	One-Year Follow-Up Period	28.0
Divorced/Separated	22.1	Two-Year Follow-Up Period	42.3
Married/Widowed	14.0	Three-Year Follow-Up Period	50.2
Other/Unknown	0.1	Mean Number of Recidivist Arrests	2.3
		Average Months to First Recidivist Arrest	12.6

% With 12 Years of Education or More: 34.9

		Recidivist Conviction Rates:	
% With Substance Abuse Indicated:	56.5	One-Year Follow-Up Period	12.4
		Two-Year Follow-Up Period	26.5

RISK LEVEL

	%	Three-Year Follow-Up Period	35.5
		Mean Number of Recidivist Convictions	1.5
Low	24.8	Average Months to First Recidivist Conviction	17.1
Medium	56.8		
High	18.4	**Recidivist Incarcerations:**	
		One-Year Follow-Up Period	12.8

CRIMINAL HISTORY

		Two-Year Follow-Up Period	26.6
		Three-Year Follow-Up Period	36.2
Mean Number of Prior Arrests	5.4	Mean Number of Recidivist Incarcerations	1.2
		Average Months to First Recidivist Incarceration	17.1

CURRENT OFFENSE TYPE

	%	**CORRECTIONAL SUPERVISION**	
Violent Felony	17.1		
Property Felony	28.9	*Prison Releases*	
Drug Felony	24.3	Post-Release Supervision	1,634
Other Felony	6.0		
Violent Misdemeanor	9.8		
Property Misdemeanor	9.6		
Drug Misdemeanor	3.1		
Other Misdemeanor	1.2		

POST-RELEASE SUPERVISION PRISON RELEASES

Under the Structured Sentencing Act, an offender sentenced for a Class B1 through E felony is released from prison after serving their maximum prison sentence, less nine months, less any earned time awarded by the Department of Correction or the custodian of a local confinement center. The offender is then supervised in the community for a period of nine months. (If an offender is convicted of a Class B1 through E sex offense, the period of post-release supervision is five years.) Conditions of post-release supervision are set by the Post-Release Supervision and Parole Commission and may be reintegrative or controlling. For any violation of a controlling condition or for repeated violation of a reintegrative condition, the Commission may continue the supervisee on existing supervision, modify the conditions of supervision, or revoke post-release supervision. If revoked, the offender will be reimprisoned for up to the time remaining on the maximum prison sentence. The offender will not receive any credit for the time spent on post-release supervision. An offender who has been reimprisoned prior to completing post-release supervision may again be released on post-release supervision subject to the provisions that govern initial release. The offender may not refuse post-release supervision.

Post-Release Supervision Prison Releases
FY 2003/04

Number of Offenders (N): 1,634

PERSONAL CHARACTERISTICS

	%
Gender:	
Male	92.8
Female	7.2
Race:	
Black	69.2
Non-Black	30.8
Average Age:	31
Marital Status:	
Single	70.2
Divorced/Separated	16.0
Married/Widowed	13.7
Other/Unknown	0.1
% With 12 Years of Education or More:	32.0
% With Substance Abuse Indicated:	59.6

RISK LEVEL

	%
Low	31.4
Medium	59.6
High	9.0

CRIMINAL HISTORY

Mean Number of Prior Arrests	4.4

CURRENT OFFENSE TYPE

	%
Violent Felony	82.0
Property Felony	4.3
Drug Felony	2.0
Other Felony	11.7
Violent Misdemeanor	0.0
Property Misdemeanor	0.0
Drug Misdemeanor	0.0
Other Misdemeanor	0.0

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	100.0
Class F - I Felonies	0.0
Class A1 - 3 Misdemeanors	0.0
Class Unknown	0.0
Mean months served in prison (prisoners only)	48.9

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	21.0
Two-Year Follow-Up Period	36.4
Three-Year Follow-Up Period	44.7
Mean Number of Recidivist Arrests	2.1
Average Months to First Recidivist Arrest	14.3
Recidivist Conviction Rates:	
One-Year Follow-Up Period	6.6
Two-Year Follow-Up Period	19.7
Three-Year Follow-Up Period	28.6
Mean Number of Recidivist Convictions	1.4
Average Months to First Recidivist Conviction	19.4
Recidivist Incarcerations:	
One-Year Follow-Up Period	11.6
Two-Year Follow-Up Period	22.6
Three-Year Follow-Up Period	30.1
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	16.3

CORRECTIONAL SUPERVISION

Not Applicable

CORRECTIONAL (ACADEMIC) EDUCATION

The academic component of the correctional education program is administered by the Educational Services section within the Department of Correction's (DOC) Division of Prisons (DOP). A collaborative arrangement exists between the DOC and the North Carolina Community College System (NCCCS) for the planning, delivery and cost of the academic education programs. The NCCCS provides teachers for the adult prisons, while the DOP provides teachers for the youth facilities. The academic education program includes the following curricula: Adult Basic Education (ABE), General Education Development (GED), Exceptional Student Program (ESP), Title I Program, and English as a Second Language (ESL). The ABE and GED curricula are the major components of the academic education program (the other three curricula are remedial programs) and provide the course work which prepares an inmate for the high school equivalency (GED) exam.

Inmates are chosen for an education assignment by the program staff and classification committee within the prison where they are housed. This decision is based on a review of the inmate's math and reading levels, age, interest in academics, length of sentence, and history of infractions. An education assignment is generally a priority for inmates in youth facilities who have not obtained their high school diploma or GED. It is federally mandated for inmates who are under the age of 21 and have been identified with a disability to be educationally served in the exceptional student program. Once final approval is given, the inmate is given an education assignment and is placed in classes appropriate to his/her academic functioning. Inmates can be enrolled in classes on a full-time basis, or a part-time basis if the inmate has another assignment within the prison.

Correctional (Academic) Education
FY 2003/04

Number of Offenders (N): 4,523

PERSONAL CHARACTERISTICS

Gender:	%
Male	84.9
Female	15.1

Race:	%
Black	62.2
Non-Black	37.8

Average Age:	28

Marital Status:	%
Single	73.1
Divorced/Separated	15.5
Married/Widowed	11.4
Other/Unknown	0.0

% With 12 Years of Education or More:	11.5

% With Substance Abuse Indicated:	58.5

RISK LEVEL

	%
Low	19.5
Medium	62.0
High	18.5

CRIMINAL HISTORY

Mean Number of Prior Arrests	4.8

CURRENT OFFENSE TYPE

	%
Violent Felony	29.8
Property Felony	28.9
Drug Felony	24.9
Other Felony	7.3
Violent Misdemeanor	3.7
Property Misdemeanor	4.0
Drug Misdemeanor	0.9
Other Misdemeanor	0.5

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	20.6
Class F - I Felonies	70.2
Class A1 - 3 Misdemeanors	9.2
Class Unknown	0.0

Mean months served in prison (prisoners only)	20.8

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	29.5
Two-Year Follow-Up Period	45.0
Three-Year Follow-Up Period	52.8
Mean Number of Recidivist Arrests	2.3
Average Months to First Recidivist Arrest	12.5

Recidivist Conviction Rates:	
One-Year Follow-Up Period	12.5
Two-Year Follow-Up Period	27.8
Three-Year Follow-Up Period	37.2
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.3

Recidivist Incarcerations:	
One-Year Follow-Up Period	11.8
Two-Year Follow-Up Period	25.9
Three-Year Follow-Up Period	35.0
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.3

CORRECTIONAL SUPERVISION

Prison Releases

Post-Release Supervision	932

CORRECTION ENTERPRISES

Correction Enterprises is a self-supporting, prison industry program operated by the Department of Correction in various prison units across the state. Correction Enterprises provides the state's inmates with opportunities to learn job skills by producing goods and services for the DOC and other tax-supported entities. At the same time, through offering employment experience to inmates, it aids to instill a work ethic in inmates and to teach or upgrade inmates' job skills so that they have a greater chance of maintaining stable employment upon their release from prison.

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

Number of Offenders (N): 2,029

PERSONAL CHARACTERISTICS

Gender:	%
Male	90.6
Female	9.4

Race:	%
Black.	64.3
Non-Black	35.7

Average Age:	33

Marital Status:	%
Single	61.9
Divorced/Separated	21.2
Married/Widowed	16.8
Other/Unknown	0.1

% With 12 Years of Education or More:	37.5

% With Substance Abuse Indicated:	63.2

RISK LEVEL

	%
Low	27.0
Medium	53.7
High	19.3

CRIMINAL HISTORY

Mean Number of Prior Arrests	5.8

CURRENT OFFENSE TYPE

	%
Violent Felony	31.9
Property Felony	25.8
Drug Felony	22.0
Other Felony	10.6
Violent Misdemeanor	4.6
Property Misdemeanor	3.5
Drug Misdemeanor	1.2
Other Misdemeanor	0.4

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	28.4
Class F - I Felonies	61.8
Class A1 - 3 Misdemeanors	9.8
Class Unknown	0.0

Mean months served in prison (prisoners only)	29.2

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	25.4
Two-Year Follow-Up Period	40.5
Three-Year Follow-Up Period	49.5
Mean Number of Recidivist Arrests	2.3
Average Months to First Recidivist Arrest	13.6
Recidivist Conviction Rates:	
One-Year Follow-Up Period	11.4
Two-Year Follow-Up Period	24.7
Three-Year Follow-Up Period	34.6
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.9
Recidivist Incarcerations:	
One-Year Follow-Up Period	12.8
Two-Year Follow-Up Period	26.8
Three-Year Follow-Up Period	36.7
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.2

CORRECTIONAL SUPERVISION

Prison Releases

Post-Release Supervision	576

DIVISION OF ALCOHOLISM AND CHEMICAL DEPENDENCY PROGRAMS

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

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

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

Brief intervention programs consist of 48 hours of intervention services over an eight-week period to introduce the recovery process to inmates. Intermediate treatment programs have varying lengths from 35 days to 180 days and are located in 13 residential settings in prisons across the state. The Drug Alcohol Recovery Treatment (DART) program is the name for all intermediate treatment programs available to inmates prior to FY 2005/06. Long-term residential treatment programs range in length from 180-365 days and are designed to treat the seriously addicted inmates who are in need of intensive treatment within the North Carolina prison system.

Once an inmate completes the residential portion at one of the prison-based DACDP treatment programs, the inmate either is released at the end of his sentence, or returns to the regular population and is encouraged to participate in Aftercare, a formal 8-12 week track designed to help the inmate transition to the general population and remain in recovery. An additional prerelease 12-week component is also available for inmates approaching release who indicate a need for renewed focus on recovery planning prior to release. Inmates learn that recovery does not come as the result of treatment but as the result of hard work on real issues once treatment services decrease.

Division of Alcoholism and Chemical Dependency Programs
(formerly DART – Prison)
FY 2003/04

Number of Offenders (N): 3,886

PERSONAL CHARACTERISTICS

	%
Gender:	
Male	91.0
Female	9.0
Race:	%
Black	57.9
Non-Black	42.1
Average Age:	32
Marital Status:	%
Single	63.7
Divorced/Separated	21.9
Married/Widowed	14.3
Other/Unknown	0.1
% With 12 Years of Education or More:	34.2
% With Substance Abuse Indicated:	78.5

RISK LEVEL

	%
Low	20.7
Medium	57.0
High	22.3

CRIMINAL HISTORY

Mean Number of Prior Arrests	5.9

CURRENT OFFENSE TYPE

	%
Violent Felony	30.7
Property Felony	32.2
Drug Felony	25.3
Other Felony	10.1
Violent Misdemeanor	0.9
Property Misdemeanor	0.5
Drug Misdemeanor	0.2
Other Misdemeanor	0.1

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	21.1
Class F - I Felonies	77.3
Class A1 - 3 Misdemeanors	1.6
Class Unknown	0.0
Mean months served in prison (prisoners only)	22.6

CRIMINAL JUSTICE OUTCOMES: THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	30.3
Two-Year Follow-Up Period	44.6
Three-Year Follow-Up Period	52.8
Mean Number of Recidivist Arrests	2.4
Average Months to First Recidivist Arrest	12.6
Recidivist Conviction Rates:	
One-Year Follow-Up Period	12.4
Two-Year Follow-Up Period	27.7
Three-Year Follow-Up Period	37.7
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.6
Recidivist Incarcerations:	
One-Year Follow-Up Period	12.8
Two-Year Follow-Up Period	27.3
Three-Year Follow-Up Period	37.4
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.4

CORRECTIONAL SUPERVISION

Prison Releases

Post-Release Supervision	822

Note: The Drug Alcohol Recovery Treatment (DART) program was the name for all intermediate treatment programs available to inmates prior to FY 2005/06. Prisoners in this table participated in the DART program.

SEX OFFENDER ACCOUNTABILITY AND RESPONSIBILITY (SOAR)

The Sex Offender Accountability and Responsibility (SOAR) program, which began in 1991, serves incarcerated male felons who are in need of treatment for sexual crimes. Inmates who are selected to participate in the program must meet certain criteria. These criteria include inmates who: have a felony conviction, are age 21 or older, are in medium or minimum custody, volunteer for the program, admit to committing a sexual offense, do not have a severe mental illness, have at least a 6th grade reading level, and are willing and able to participate in highly confrontational groups as part of the treatment. Inmates who are eligible are identified in their units by the Director of Psychological Services and referred directly to SOAR staff, who then make the final selection of participants.

The program spans two separate 20 week cycles that serve approximately 40 inmates per cycle, or 80 inmates per year. When participants have completed the SOAR program without any significant violations, they are returned to the regular inmate population.

In an effort to create a continuum of care, a Pre-SOAR program exists in a limited number of prisons. Pre-SOAR is not a treatment modality, but an introductory orientation to the program that presents SOAR concepts and vocabulary to inmates. The program requires one to two hours of work per week for a total of 10-16 weeks. Pre-SOAR is directed toward those inmates who qualify for SOAR treatment but who are not chosen due to limited space, or who have special needs (*e.g.*, attention deficit disorder, hearing impaired).

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

Number of Offenders (N): 37

PERSONAL CHARACTERISTICS		CURRENT OFFENSE CLASS	
			%
Gender:	%	Class B1 - E Felonies	40.6
Male	100.0	Class F - I Felonies	59.4
Female	0.0	Class A1 - 3 Misdemeanors	0.0
		Class Unknown	0.0
Race:	%		
Black	16.2	Mean months served in prison (prisoners only)	47.4
Non-Black	83.8		

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

Average Age: 39

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	5.4
Two-Year Follow-Up Period	10.8
Three-Year Follow-Up Period	13.5
Mean Number of Recidivist Arrests	1.8
Average Months to First Recidivist Arrest	15.0

Marital Status: %
Single 29.7
Divorced/Separated 32.4
Married/Widowed 35.1
Other/Unknown 2.7

% With 12 Years of Education or More: 77.8

% With Substance Abuse Indicated: 54.1

Recidivist Conviction Rates:	
One-Year Follow-Up Period	5.4
Two-Year Follow-Up Period	5.4
Three-Year Follow-Up Period	8.1
Mean Number of Recidivist Convictions	1.0
Average Months to First Recidivist Conviction	16.0

RISK LEVEL

	%
Low	82.1
Medium	18.9
High	0.0

Recidivist Incarcerations:	
One-Year Follow-Up Period	2.7
Two-Year Follow-Up Period	8.1
Three-Year Follow-Up Period	13.5
Mean Number of Recidivist Incarcerations	1.0
Average Months to First Recidivist Incarceration	20.5

CRIMINAL HISTORY

Mean Number of Prior Arrests 2.4

CORRECTIONAL SUPERVISION

CURRENT OFFENSE TYPE

Prison Releases
Post-Release Supervision 15

	%
Violent Felony	97.3
Property Felony	0.0
Drug Felony	0.0
Other Felony	2.7
Violent Misdemeanor	0.0
Property Misdemeanor	0.0
Drug Misdemeanor	0.0
Other Misdemeanor	0.0

VOCATIONAL EDUCATION

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

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

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

If inmates are under the age of 18 and do not have a high school diploma or high school equivalency diploma, they are targeted for placement in an academic education program, such as Adult Basic Education or General Education Development (GED). In order to be eligible for vocational education courses that lead to a degree (*i.e.,* curriculum), an inmate must have a high school diploma or GED. For all other vocational education courses (*i.e.,* continuing education), a high school diploma or GED is not required. Once educational credentials have been confirmed, an inmate's work history, interest in education, sentence length, and history of infractions are all factors that are considered for a vocational education placement.

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

Vocational Education
FY 2003/04

Number of Offenders (N): 3,473

PERSONAL CHARACTERISTICS

	%
Gender:	%
Male	82.1
Female	17.9

	%
Race:	%
Black	59.0
Non-Black	41.0

Average Age:	31

	%
Marital Status:	%
Single	65.8
Divorced/Separated	20.1
Married/Widowed	14.0
Other/Unknown	0.1

% With 12 Years of Education or More:	40.7

% With Substance Abuse Indicated:	60.2

RISK LEVEL

	%
Low	26.0
Medium	56.8
High	17.2

CRIMINAL HISTORY

Mean Number of Prior Arrests	5.2

CURRENT OFFENSE TYPE

	%
Violent Felony	34.3
Property Felony	29.6
Drug Felony	21.4
Other Felony	8.9
Violent Misdemeanor	2.1
Property Misdemeanor	2.6
Drug Misdemeanor	0.8
Other Misdemeanor	0.3

CURRENT OFFENSE CLASS

	%
Class B1 - E Felonies	26.2
Class F - I Felonies	67.9
Class A1 - 3 Misdemeanors	5.9
Class Unknown	0.0

Mean months served in prison (prisoners only)	26.7

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

	%
Recidivist Arrest Rates:	
One-Year Follow-Up Period	26.7
Two-Year Follow-Up Period	41.3
Three-Year Follow-Up Period	48.9
Mean Number of Recidivist Arrests	2.4
Average Months to First Recidivist Arrest	12.8
Recidivist Conviction Rates:	
One-Year Follow-Up Period	11.2
Two-Year Follow-Up Period	25.1
Three-Year Follow-Up Period	33.8
Mean Number of Recidivist Convictions	1.5
Average Months to First Recidivist Conviction	17.4
Recidivist Incarcerations:	
One-Year Follow-Up Period	10.8
Two-Year Follow-Up Period	23.6
Three-Year Follow-Up Period	32.8
Mean Number of Recidivist Incarcerations	1.2
Average Months to First Recidivist Incarceration	17.5

CORRECTIONAL SUPERVISION

Prison Releases

Post-Release Supervision	911

WORK RELEASE

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

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

Work Release
FY 2003/04

Number of Offenders (N): 1,000

PERSONAL CHARACTERISTICS

Gender: %
Male 86.2
Female 13.8

Race: %
Black 58.4
Non-Black 41.6

Average Age: 37

Marital Status: %
Single 52.2
Divorced/Separated 28.0
Married/Widowed 19.7
Other/Unknown 0.1

% With 12 Years of Education or More: 51.8

% With Substance Abuse Indicated: 64.3

RISK LEVEL

%
Low 39.9
Medium 45.5
High 14.6

CRIMINAL HISTORY

Mean Number of Prior Arrests 6.0

CURRENT OFFENSE TYPE

%
Violent Felony 31.4
Property Felony 22.6
Drug Felony 26.7
Other Felony 18.0
Violent Misdemeanor 0.5
Property Misdemeanor 0.6
Drug Misdemeanor 0.2
Other Misdemeanor 0.0

CURRENT OFFENSE CLASS

%
Class B1 - E Felonies 33.7
Class F - I Felonies 65.0
Class A1 - 3 Misdemeanors 1.3
Class Unknown 0.0

Mean months served in prison (prisoners only) 38.3

CRIMINAL JUSTICE OUTCOMES:
THREE-YEAR FOLLOW-UP

%
Recidivist Arrest Rates:
One-Year Follow-Up Period 17.9
Two-Year Follow-Up Period 30.6
Three-Year Follow-Up Period 38.0
      Mean Number of Recidivist Arrests 2.4
Average Months to First Recidivist Arrest 14.1

Recidivist Conviction Rates:
One-Year Follow-Up Period 7.0
Two-Year Follow-Up Period 19.3
Three-Year Follow-Up Period 26.1
      Mean Number of Recidivist Convictions 1.5
Average Months to First Recidivist Conviction 18.4

Recidivist Incarcerations:
One-Year Follow-Up Period 7.4
Two-Year Follow-Up Period 17.0
Three-Year Follow-Up Period 25.4
      Mean Number of Recidivist Incarcerations 1.1
Average Months to First Recidivist Incarceration 18.8

CORRECTIONAL SUPERVISION

Prison Releases
Post-Release Supervision 337

APPENDIX C-2
SUMMARY INFORMATION FOR CORRECTIONAL PROGRAMS

Name	N	Risk Level			Criminal Justice Outcomes: Three-Year Follow-Up		
		Low	Med	High	Rearrest	Reconv.	Reincarc.
Community Punishment Probation	28,223	58.0%	38.3%	3.7%	30.9%	20.6%	18.3%
Intermediate Punishment Probation	11,667	38.2%	51.6%	10.2%	40.6%	27.5%	45.2%
Intensive Supervision Probation	5,770	36.4%	53.2%	10.4%	41.4%	27.4%	48.7%
Special Probation	4,853	42.2%	48.1%	9.7%	39.0%	26.3%	41.9%
Community Service – Probation Entries	11,415	51.2%	44.1%	4.7%	33.5%	22.3%	27.2%
House Arrest with Electronic Monitoring	774	38.0%	51.5%	10.5%	36.2%	24.8%	42.1%
Drug Treatment Court	119	46.2%	45.4%	8.4%	37.8%	29.4%	29.4%
Prison Releases	17,093	24.8%	56.8%	18.4%	50.2%	35.5%	36.2%
Prison Releases: Post Release	1,634	31.4%	59.6%	9.0%	44.7%	28.6%	30.1%
Correctional (Academic) Education	4,523	19.5%	62.0%	18.5%	52.8%	37.2%	35.0%
Correction Enterprises	2,029	27.0%	53.7%	19.3%	49.5%	34.6%	36.7%
DACDP DART – Prison	3,886	20.7%	57.0%	22.3%	52.8%	37.7%	37.4%
SOAR	37	82.1%	18.9%	0.0%	13.5%	8.1%	13.5%
Vocational Education	3,473	26.0%	56.8%	17.2%	48.9%	33.8%	32.8%
Work Release	1,000	39.9%	45.5%	14.6%	38.0%	26.1%	25.4%
ENTIRE SAMPLE	56,983	44.0%	46.6%	9.4%	38.7%	26.4%	29.1%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

APPENDIX D

PUNISHMENT CHARTS

FELONY PUNISHMENT CHART
PRIOR RECORD LEVEL

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

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

Revised: 08-04-95

MISDEMEANOR PUNISHMENT CHART

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

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

APPENDIX E

Measuring Offender Risk

Prediction of Risk

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

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

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

Measuring Risk

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

Figure E-1
Variables Included in Risk

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

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

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

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

In order to differentiate the scores into low-, medium-, and high-risk categories, *risk scores* – not the sample of offenders – were divided into terciles.[83] The range of risk scores was 0.01 to 0.99; thus, "Low Risk" offenders had a score between 0.01 and 0.33; "Medium Risk" offenders had a score between 0.34 and 0.66, and "High Risk" offenders had a risk score between 0.67 and 0.99. Using the new methodology, 44.0% of the offenders were "Low Risk," 46.6% were "Medium Risk," and 9.4% were "High Risk."[84] Risk categories were then used in the multivariate analyses.

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

[84] Data from previous Correctional Evaluation Reports was examined using this new approach to determine the stability of low, medium, and high risk groups from sample year to sample year. In FY 1998/99, 48.0% were "Low Risk," 42.7% were "Medium Risk," and 9.3% were "High Risk." In FY 2001/02, 45.7% were "Low Risk," 44.5% were "Medium Risk," and 9.8% were "High Risk."

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

APPENDIX F

MULTIVARIATE TABLES

Multiple Regression Results of Personal and Criminal Justice Factors on Prison Infractions: Prisoners
FY 2003/04 (n=17,093)

Independent Variables

	b	se
Personal Characteristics		
Age (each year)	NS	
Black	0.2037*	0.0947
Male	-0.6693**	0.1513
Married	NS	
Education	-0.2352**	0.0826
Employed	NS	
Substance Abuser	NS	
Youthful Offender	1.4959**	0.1446
Risk Score	0.0249*	0.0102
Current Offense Information		
Felony	NS	
Maximum Sentence Imposed (months)	-0.0600**	0.0043
Time Spent in Prison (months)	0.1951**	0.0075
Criminal History		
Age at First Arrest	NS	
# Prior Arrests	NS	
Prior Drug Arrest	-0.4556**	0.0909
Most Serious Prior Arrest	NS	
# Times on Probationary Supervision	-0.1038*	0.0420
# Prior Revocations	NS	
# Prior Incarcerations	0.1165**	0.0287

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

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data

Appendix F, Table F.2

Effect of Personal and Criminal Justice Factors on Technical Revocation: Probationers FY 2003/04
(n=39,890)

Model 5: All Probation Entries (n=39,890)
Average Technical Revocation Probability=30.8%

Independent Variables	
Personal Characteristics	
Age (each year)	0.5%
Black	6.4%
Male	6.8%
Married	-6.3%
12 or More Years of Education	-10.1%
Employed	-8.4%
Substance Abuser	6.6%
Youthful Offender	7.6%
Risk Score	*NS*
Current Offense Information	
Felony	-6.7%
Criminal History	
Age at First Arrest	*NS*
# Prior Arrests	*NS*
Prior Drug Arrest	2.2%
Most Serious Prior Arrest	2.1%
# Times on Probationary Supervision	1.1%
# Prior Revocations	7.6%
# Prior Incarcerations	*NS*
Type of Community Supervision	
Probation with Community Punishment	*reference category*
Probation with Intermediate Punishment	10.1%

NS indicates that the effect is not statistically significant as p>.05.

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data