

North Carolina
Sentencing and Policy Advisory Commission

**Correctional Program Evaluation:
Offenders Placed on Probation or
Released from Prison in FY 2013**

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



Submitted Pursuant to N.C. Gen. Stat. § 164-47 (2015)

April 15, 2016

Prepared by:

*Tamara Flinchum
Ginny Hevener*

*Michelle Hall
Jennifer Wesoloski*

Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in FY 2013

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

North Carolina Sentencing and Policy Advisory Commission

P.O. Box 2448
Raleigh, NC 27602
(919) 890-1470

www.nccourts.org/courts/crs/councils/spac

The Honorable W. Erwin Spainhour
Chairman

Michelle Hall
Executive Director

**NC SENTENCING AND POLICY ADVISORY COMMISSION
MEMBERSHIP**

Hon. W. Erwin Spainhour, Chairman
Superior Court Judge

Art Beeler
Lieutenant Governor's Appointee

Hon. Darren Jackson
State Representative

Hon. Charles E. Brown
NC District Court Judges' Association

Hon. Maureen Krueger
NC Conference of District Attorneys

Paul G. Butler, Jr.
NC Post-Release Supervision & Parole Commission

Ilona Kusa
NC Victim Assistance Network

Sheriff James E. Clemmons
NC Sheriffs' Association

Hon. Floyd McKissick
State Senator

Lisa Costner
NC Bar Association

Dr. Harvey Lee McMurray
Academic Member

Chief Scott Cunningham
NC Association of Chiefs of Police

Robert C. Montgomery
NC Attorney General's Office

Hon. Warren Daniel
State Senator

Luther Moore
NC Retail Merchants' Association

Hon. N. Leo Daughtry
State Representative

Judge Fred G. Morrison, Jr.
Justice Fellowship

Louise Davis
NC Community Sentencing Association

Hon. Shirley B. Randleman
State Senator

Judge Richard A. Elmore
NC Court of Appeals

Hon. June Ray
NC Association of Clerks of Superior Court

Judge Robert C. Ervin
NC Conference of Superior Court Judges

Billy J. Sanders
Commission Chairman's Appointee

Hon. John Faircloth
State Representative

Keith S. Shannon
Private Citizen, Governor's Appointee

Christopher Fialko
NC Advocates for Justice

Hon. Thomas Thompson
NC Association of County Commissioners

David Guice
NC Department of Public Safety

**NC SENTENCING AND POLICY ADVISORY COMMISSION
STAFF**

Michelle Hall

Executive Director

John Madler

Associate Director for Policy, Staff Attorney

Ginny Hevener

Associate Director for Research

Tamara Flinchum

Senior Research & Policy Associate

Sara Perdue

Senior Research & Policy Associate

Rebecca Murdock

Research & Policy Associate

Jennifer Wesoloski

Research & Policy Associate

Shelley Kirk

Administrative Secretary

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
CHAPTER ONE: INTRODUCTION	1
Defining Recidivism	2
Structured Sentencing, Correctional Practices, and Recidivism in North Carolina	2
Comparison of Recidivism Rates for North Carolina Offenders	4
Research Design and Methodology	6
Sample	6
Follow-Up Period	6
Criminal Justice Outcome Measures	6
Data Sources	6
Report Outline	7
CHAPTER TWO: STATISTICAL PROFILE AND CRIMINAL JUSTICE OUTCOMES OF THE FY 2013 SAMPLE	8
FY 2013 Offender Profile	8
Offender Type	8
Personal Characteristics	9
Criminal History	10
Most Serious Current Conviction	11
Criminal Justice Outcomes	13
Criminal Justice Outcome Measures	13
Definition of the Follow-Up Period	13
Recidivist Arrests	13
Recidivist Convictions	15
Recidivist Incarcerations	16
Criminal Justice Outcome Measures by Groups	16
Personal Characteristics	16
Offense Class of the Conviction, Habitual Felons, and Registered Sex Offenders	17
Summary	19
CHAPTER THREE: PROBATION ENTRIES IN FY 2013	21
Statistical Profile of the FY 2013 Probation Entries	21
Offender Risk and Need Assessments	24
Supervision in the Community	26
Interim Outcome Measures	27
Probation Violations	28
Responses to Violations of Probation	29
Quick Dip Confinement – QDC	29
Confinement in Response to Violation – CRV	30
Revocation	31
Confinement in Response to Violation and Revocation	32
Criminal Justice Outcome Measures	33
Recidivist Arrest and Risk and Need Levels	33
Recidivist Arrest and Supervision Level	34

Summary.....	34
CHAPTER FOUR: PRISON RELEASES IN FY 2013	37
Defining Post-Release Supervision and Post-Release Supervision Status.....	37
Statistical Profile of the FY 2013 Prison Releases.....	38
Personal Characteristics.....	38
Criminal History	39
Incarceration Profile	41
Criminal Justice Outcomes	42
Recidivist Arrest, Conviction, and Incarceration.....	42
Criminal Justice Outcomes by Most Serious Conviction.....	43
Summary.....	44
CHAPTER FIVE: CONCLUSIONS	46
Conclusions.....	46
Early Observations of the Effect of the Justice Reinvestment Act on Recidivism	48
APPENDIX A: FINGERPRINTED ARRESTS BY FISCAL YEAR	51
APPENDIX B: GLOSSARY OF MAJOR TERMS AND VARIABLES	53
APPENDIX C: SUMMARIZED FINDINGS FOR THE FY 2013 SAMPLE	63
APPENDIX D: ADDITIONAL TABLES FOR THE FY 2013 SAMPLE	74
APPENDIX E: ADDITIONAL TABLES FOR THE FY 2013 PROBATION ENTRIES	78

TABLES

Table 1: Criminal Justice Outcomes for North Carolina Offenders: Two-Year Follow-Up.....	i
Table 1.1: Recidivist Arrest Rates for North Carolina Offenders	5
Table 2.1: Personal Characteristics.....	9
Table 2.2: Prior Criminal Justice Contacts.....	10
Table 2.3: Most Serious Current Conviction	12
Table 2.4: Recidivist Arrest Rates.....	14
Table 2.5: Recidivist Arrests by Crime Type: Two-Year Follow-Up	14
Table 2.6: Recidivist Conviction Rates	15
Table 2.7: Recidivist Convictions by Crime Type: Two-Year Follow-Up.....	15
Table 2.8: Recidivist Incarceration Rates	16
Table 2.9: Criminal Justice Outcomes by Personal Characteristics.....	17
Table 2.10: Criminal Justice Outcomes by Most Serious Current Conviction.....	18
Table 3.1: Personal Characteristics.....	22
Table 3.2: Prior Criminal Justice Contacts.....	23
Table 3.3: Offender Risk and Need Levels	25
Table 3.4: Areas of Need Identified	25
Table 3.5: Offender Supervision Level	26

Table 3.6: Supervision Level Distribution Based on Risk and Need Levels for Probation Entries	27
Table 3.7: Violation Rates	28
Table 3.8: CRV Rates	31
Table 3.9: Revocation Rates.....	32
Table 3.10: CRV and Revocation Rates: Two-Year Follow-Up	32
Table 3.11: Recidivist Arrest Rates.....	33
Table 4.1: Personal Characteristics.....	38
Table 4.2: Prior Criminal Justice Contacts.....	39
Table 4.3: Incarceration Profile.....	41
Table 4.4: Recidivist Arrest Rates.....	42
Table 4.5: Recidivist Conviction Rates	42
Table 4.6: Recidivist Incarceration Rates	43
Table 4.7: Criminal Justice Outcomes by Most Serious Current Conviction.....	44
Table 5.1: Recidivist Arrest Rates for North Carolina Offenders	47
Table 5.2: Violation and Revocation Rates for North Carolina Probationers	49
Table 5.3: Recidivist Incarceration Rates for North Carolina Offenders.....	49
Table A.1: Fingerprinted Arrests by Fiscal Year	52
Table C.1: FY 2013 Sample	64
Table C.2: Male Offenders	66
Table C.3: Female Offenders.....	68
Table C.4: Youthful Offenders.....	70
Table C.5: Aging Offenders	72
Table D.1: Recidivist Arrest Rates by Offense Class.....	75
Table D.2: Recidivist Conviction Rates by Offense Class.....	76
Table D.3: Recidivist Incarceration Rates by Offense Class	77
Table E.1: Probation Entries without a RNA Completed and Supervision Level Assigned	79
Table E.2: Violation Rates by Supervision Level Distribution Based on Risk and Need Levels for Probation Entries: Two-Year Follow-Up	80
Table E.3: Number of QDC by Supervision Level Distribution Based on Risk and Need Levels for Probation Entries: Two-Year Follow-Up	80
Table E.4: Number of CRVs by Supervision Level Distribution Based on Risk and Need Levels for Probation Entries: Two-Year Follow-Up	81
Table E.5: Revocation Rates by Supervision Level Distribution Based on Risk and Need Levels for Probation Entries: Two-Year Follow-Up	81
Table E.6: Recidivist Arrest Rates by Supervision Level Distribution Based on Risk and Need Levels for Probation Entries: Two-Year Follow-Up	82
Table E.7: Recidivist Arrest Rates.....	83

FIGURES

Figure 1: Criminal Justice Outcomes by Supervision Level for Probation Entries: Two-Year Follow-Up ..	ii
Figure 2: Criminal Justice Outcomes by PRS Status for Prison Releases: Two-Year Follow-Up.....	iii
Figure 2.1: Number of Prior Arrests.....	11
Figure 2.2: Number of Recidivist Arrests for Offenders with Any Arrest: Two-Year Follow-Up	14
Figure 2.3: Criminal Justice Outcomes: Two-Year Follow-Up.....	20
Figure 3.1: Offense Type of the Most Serious Current Conviction for Probation Entries	24
Figure 3.2: Recidivist Arrest Rates by Risk and Need Levels for Probation Entries: Two-Year Follow-Up	33
Figure 3.3: Recidivist Arrest Rates by Supervision Level for Probation Entries: Two-Year Follow-Up	34
Figure 3.4: Criminal Justice Outcomes by Supervision Level for Probation Entries: Two-Year Follow-Up	35
Figure 4.1: Offense Class of the Most Serious Current Conviction for Prison Releases	40
Figure 4.2: Offense Type of the Most Serious Current Conviction for Prison Releases	40
Figure 4.3: Criminal Justice Outcomes for Prison Releases: Two-Year Follow-Up	45

ACRONYMS

ASR	Advanced Supervised Release
CCH	Computerized Criminal History
CRV	Confinement in Response to Violation
DPS	Department of Public Safety
DWI	Driving While Impaired
FDBV	Felony Death by Vehicle
FY	Fiscal Year
G.S.	General Statute
JRA	Justice Reinvestment Act
OPUS	Offender Population Unified System
OTI	Offender Traits Inventory
OTI-R	Offender Traits Inventory-Revised
PRS	Post-Release Supervision
QDC	Quick Dip Confinement
RNA	Risk and Need Assessment
SBI	State Bureau of Investigation
SMCP	Statewide Misdemeanant Confinement Program
SSA	Structured Sentencing Act
TECS	Treatment for Effective Community Supervision

EXECUTIVE SUMMARY

Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in FY 2013

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 (N.C.G.S. § 164-47). 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 their risk of reoffending (i.e., their recidivism). This study examines recidivism for Structured Sentencing Act (SSA) offenders who were released from prison or placed on supervised probation in FY 2013. Recidivism was defined broadly as arrest, conviction, or incarceration during a fixed two-year follow-up period. The Executive Summary highlights the key findings and policy implications from the 2016 report.

The passage of the Justice Reinvestment Act (JRA) in 2011 resulted in substantial changes to sentencing practices and correctional policies within North Carolina's criminal justice system. Outcomes reported for probationers in the FY 2013 sample offer a first look at the effects of the JRA during the early phase of implementation. It is too soon to examine the effect of the JRA on criminal justice outcomes for prisoners, because so few in the sample were subject to the changes under the law.

FY 2013 Sample Profile and Outcomes

- The sample of 48,976 offenders was comprised of 35,103 probation entries (72%) and 13,873 prison releases (28%).
- Overall, 78% were male and 50% were black. Prison releases were more likely than probation entries to be high school dropouts, to be unemployed, and to have a substance abuse need and/or history of drug addiction.
- By sample definition, all prisoners in the sample had a current conviction for a felony offense, while the majority of probationers had a conviction for a misdemeanor offense (62%).
- Offenders with a current conviction for a felony offense had higher recidivism rates for all three criminal justice outcome measures compared to those with a misdemeanor offense. Offenders with a Class F through Class I felony had higher recidivist arrest and conviction rates than the other offense class groups (Class B1 through Class E felons or Class A1 through Class 3 misdemeanants).
- Compared to probation entries, prison releases tended to have more extensive prior criminal histories and higher recidivism rates for all three criminal justice outcome (see Table 1).

Table 1
Criminal Justice Outcomes for North Carolina Offenders: Two-Year Follow-Up

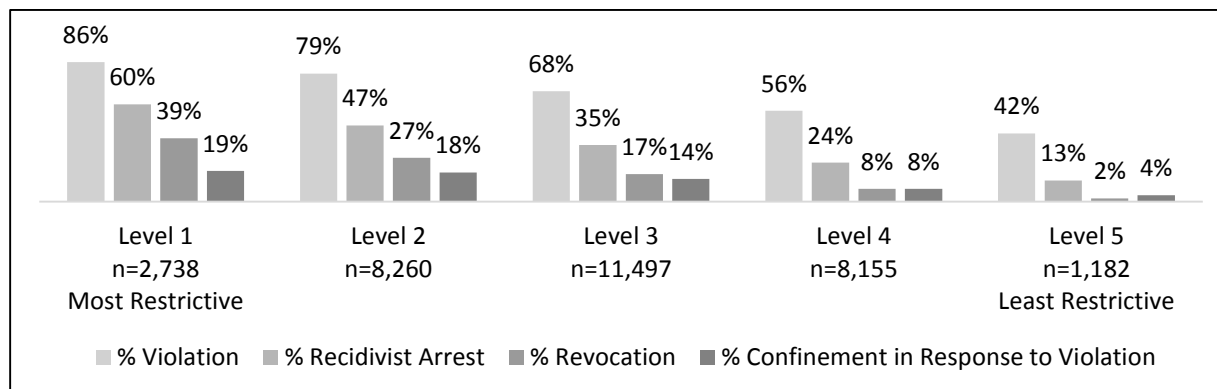
Sample Entry Type	N	% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
Probation Entries	35,103	38	19	14
Prison Releases	13,873	48	26	21
All Offenders	48,976	40	21	16

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Probation Entries

- All probationers in the FY 2013 probation entry sample were processed and supervised under the provisions and policies implemented under the JRA.
- A comparison of probationers by current conviction revealed that felons were assessed as higher risk than misdemeanants; however, felons and misdemeanants had similar need levels.
- Based on assessed risk and need, more felons were assigned to the most restrictive supervision levels (Levels 1 and 2), while more misdemeanants were assigned to the least restrictive supervision levels (Levels 4 and 5).
- Felons had more prior contacts with the criminal justice system compared to misdemeanants, and also had higher recidivist arrest rates.
- Recidivist arrest rates, as well as the rates for other criminal justice outcome measures, varied by supervision level, with probationers in Supervision Level 1 having the highest rates and those in Supervision Level 5 having the lowest rates (see Figure 1).

Figure 1
Criminal Justice Outcomes by Supervision Level for Probation Entries: Two-Year Follow-Up



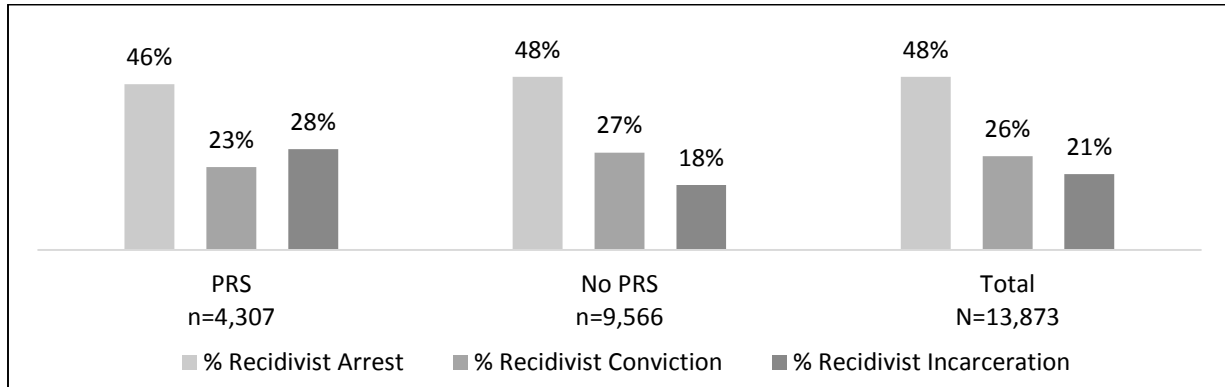
Note: This analysis is based on the 31,832 probationers with a supervision level assigned.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Correctional Program Evaluation Data

Prison Releases

- With so few prisoners in the sample subject to the provisions of the JRA (11%), the FY 2013 prison release sample provides a baseline for comparison for future reports.
- The majority (69%) of the 13,873 prisoners in the sample were released without post-release supervision (PRS); 31% were released with PRS.
- Most prison releases with PRS had a current conviction for a Class B1 through Class E felony, while nearly all prison releases without PRS had a current conviction for a Class F through Class I felony.
- Prisoners released without PRS had more extensive prior criminal histories and were more likely to have a recidivist arrest or a recidivist conviction, while prisoners with PRS were more likely to have a recidivist incarceration (see Figure 2).

Figure 2
Criminal Justice Outcomes by PRS Status for Prison Releases: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012/13 Correctional Program Evaluation Data

Conclusions

- Statewide recidivism rates have generally been consistent over the past decade. Increases in the recidivism rates over the past few years primarily result from an increase in the fingerprinting of misdemeanor arrests.
- Consistent findings over time point to the relative success of probationers compared to prisoners; however, more complete information is needed to understand the magnitude of the effect of prisonization on offender behavior. As risk data become available for all prisoners, future research that examines these differences should allow for a greater understanding of offender profiles in the context of criminal justice outcomes.
- The JRA has contributed to a decline in the recidivist incarceration rate in North Carolina, primarily as a result of two changes mandated in the legislation: limiting revocations of probation for technical violations and shifting misdemeanants out of the state prison system. Similarly, revocation rates for probationers have decreased, also as a result of the limitations placed on revocations.
- Offender risk assessments are a valuable tool in predicting recidivism. Current findings indicate that the RNA, mandated by the JRA, and the resulting supervision levels accurately identify those more likely to reoffend and place them in the appropriate, more restrictive supervision levels.
- The expansion of PRS to all felons under the JRA will have increasing importance in the criminal justice system and in future studies of recidivism. Current findings point to differences by PRS status for criminal justice outcomes, possibly as a result of the offense class of the current conviction and/or supervision itself. As more prisoners exit onto PRS, its impact on offender behavior can be examined, with future studies assessing whether PRS affects recidivism rates differently for certain groups of offenders.
- The Sentencing Commission's recidivism studies are limited by the lack of available statewide jail data, affecting both the recidivist incarceration measure and the population of offenders for whom recidivism can be examined. The development of a statewide automated jail database would allow for a more comprehensive study and understanding of offender behavior in North Carolina.

The Sentencing Commission looks forward to combining the lessons learned from previous studies of recidivism and from the first empirically measurable effects of the JRA in an effort to evaluate the promising new approach to offender supervision, treatment, and services.

CHAPTER ONE INTRODUCTION

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

Studies that measure recidivism are a nationally accepted way to assess the effectiveness of in-prison and community corrections programs in preventing future criminal behavior. The North Carolina General Assembly, aware of this trend, incorporated the study of recidivism into the Sentencing and Policy Advisory Commission's¹ original mandate in 1990. During the 1998 Session, the General Assembly redrafted the Commission's mandate to study recidivism and expanded its scope to include a more in-depth evaluation of correctional programs. The statute gives the following directive:

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Division of Adult Correction of the Department of Public Safety shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs. During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall coordinate the collection of all data necessary to create an expanded database containing offender information on prior convictions, current conviction and sentence, program participation, and outcome measures. Each program to be evaluated shall assist the Commission in the development of systems and collection of data necessary to complete the evaluation process. The first evaluation report shall be presented to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 15, 2000, and future reports shall be made by April 15 of each even-numbered year.²

The current study is the ninth biennial Correctional Program Evaluation Report and it contains information about offender characteristics, correctional programs and sanctions, outcome measures, and an expansive methodological approach to examine the relationship between offender risk factors, correctional programs, and recidivism rates.

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

² N.C. Gen. Stat. (hereinafter G.S.) § 164-47.

Defining Recidivism

The North Carolina General Assembly directed the Sentencing Commission to measure the rates of recidivism of criminal offenders involved in state-supported correctional programs. The legislation calling for these measurements made it clear that recidivism meant repeat criminal behavior, and implied that measuring recidivism was to be a way of evaluating correctional programs and sanctions.

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 for convicted offenders. Policy makers such as legislators tend to be concerned with whether the programs ultimately reduce criminal behavior – a program may be successful in supervising, educating, training, or counseling offenders, but if it does not reduce their subsequent criminal behavior, they still pose a threat to public safety.

There is no single official definition of recidivism. Researchers have used a variety of definitions and measurements, including rearrest, reconviction, and 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 arrests as the primary measure of recidivism, supplemented by information on convictions and incarcerations, 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. Arrests, as used in this research, take into account not only the frequency of repeat offending but also its seriousness and the nature of the victimization (for example, crimes against the person, crimes involving theft or property damage, or crimes involving illegal drugs). The volume of repeat offending is handled by recording the number of arrests for crimes of various types.

Structured Sentencing, Correctional Practices, and Recidivism in North Carolina

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 an individual offender's fear of the consequences of crime in different ways and thereby changing his or her likelihood of reoffending. Guidelines might also impact recidivism by altering the characteristics, or "mix," of groups of offenders – for example, probationers or prisoners. Impacting the composition of groups of offenders has been, from the start, one of the changes contemplated by the guidelines sentencing movement, and this alteration may well affect group recidivism rates.

Sentencing guidelines have sought to make offenders convicted of violent crimes, as well as repeat offenders, more likely to receive active prison sentences and to serve longer prison terms. At the same time, guidelines were intended to make first-time offenders charged with nonviolent crimes less likely to be imprisoned, and to have them serve shorter terms if imprisoned. As a result, guidelines in North Carolina and elsewhere have tended to shift some offenders to probation who formerly would have

gone to prison, and others to prison who formerly might have received probation. This shift was expected to change recidivism rates by re-mixing not only the offense profile of various groups but, perhaps more importantly, the profile of their criminal histories.

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

With the passage of the Justice Reinvestment Act (JRA) of 2011, North Carolina has again implemented substantial changes to the state's sentencing practices and correctional policies.³ The primary changes to sentencing under the JRA included redefining Community and Intermediate punishments, modifications to the existing habitual felon status offense, the creation of a new status offense for habitual breaking and entering, and the establishment of Advanced Supervised Release (ASR). Under the JRA, the distinction between Community and Intermediate punishments was drastically diminished. An Intermediate punishment still requires supervised probation, but all other conditions are optional. Special probation (i.e., a split sentence) and drug treatment court are the only conditions that are limited to Intermediate punishments. The JRA created a habitual breaking and entering status offense; offenders who commit their second felony breaking and entering offense are sentenced in Class E. The existing habitual felon law was modified under the JRA; habitual felons are sentenced four classes higher than the class of the current offense, but no higher than Class C. ASR was created under the JRA for offenders receiving active sentences. ASR allows judges to decide at sentencing (without objection from the prosecutor) whether an eligible offender will be ordered to the program. ASR entitles an offender, upon successful completion of programming during incarceration, to be released from prison at a reduced minimum sentence.

In terms of correctional practices, the majority of the changes under the JRA affected how offenders are supervised in the community. The JRA codified the use of a validated risk and needs assessment (RNA) as a strategy in managing offenders and allocating resources in the community. Supervision and other resources are targeted based on offenders' levels of risk and need. The JRA expanded the delegation of authority to probation officers, giving them authority to impose most of the current conditions of probation and the authority to respond to violations by placing probationers in jail for two- or three-day periods (quick dip confinements or QDCs) without a court hearing. Under the JRA, prison time imposed for technical violations of probation was limited. The penalty for a first or second technical violation of probation is a confinement in response to violation (CRV), set at 90 days imprisonment for a felon and up to 90 days for a misdemeanor.⁴ The court is allowed to revoke probation and activate the suspended sentence in response to a third technical violation (i.e., after an offender has served two prior CRVs). Otherwise, revocation is authorized only if the probationer commits a new crime or absconds. Offenders who have their probation revoked and serve their entire suspended sentence are placed on post-release supervision (PRS).

³ For more details on the Justice Reinvestment Act, see the Sentencing Commission's reports titled *Justice Reinvestment Act Implementation Evaluation Report* at <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp>.

⁴ In 2015, the Legislature eliminated the CRV for Structured Sentencing misdemeanants, providing instead that the court may revoke probation for misdemeanants who have served two separate QDCs imposed by either the court or the probation officer.

PRS under the JRA is expanded to include all felons. Nine months of supervision is required for Class F through Class I felons. Twelve months of PRS is required for Class B1 through Class E felons released from prison. Similar to probation, prison time imposed for technical violations on PRS is limited. The penalty for a first, second, or third technical violation is set at three months of imprisonment. Upon the fourth technical violation, the Post-Release Supervision and Parole Commission may revoke PRS and impose the rest of the prison sentence. PRS can also be revoked if the supervisee commits a new crime or absconds, or if the supervisee was originally convicted of a sex offense and subsequently violates a condition of supervision.

The JRA created the Treatment for Effective Community Supervision (TECS) Program, which focuses on providing services and treatment for certain high risk offenders supervised in the community. Programs eligible for TECS funding include substance abuse treatment programs and cognitive-behavioral programming and other evidence-based programming.

Lastly, the JRA shifted misdemeanants out of the state prison system by creating the Statewide Misdemeanant Confinement Program (SMCP). The SMCP finds space to house eligible misdemeanants in local jails participating in the program. Originally under the JRA, misdemeanants with sentences between 91 and 180 days, excluding sentences for impaired driving offenses, were sentenced to the SMCP. The Legislature subsequently amended the statutes to provide that all misdemeanants with sentences greater than 90 days, and all offenders convicted of impaired driving offenses regardless of sentence length, will serve their active sentences in local jails through the SMCP.

By design, the JRA is expected to have the greatest impact on the community corrections population. The JRA intends to improve offender behavior through supervision strategies based on a validated RNA, new sanctions to respond to noncompliance on probation, supervision of all felons upon release from prison, and evidence-based practices and programming in the community. The current study provides an examination of criminal justice outcomes for the first sample of probationers sentenced under and subject to the changes under the JRA.⁵ It is too soon to examine the effect of the JRA (i.e., the expansion of PRS) on criminal justice outcomes for prisoners because so few were subject to the changes under the law.⁶ Future samples will include more prisoners sentenced under the JRA, offering insight into the effect of PRS on criminal justice outcomes. The recidivism of offenders will serve as one measure of the success of JRA policies in reducing repeat criminality and enhancing public safety, while managing correctional resources in a more cost-effective way.⁷

Comparison of Recidivism Rates for North Carolina Offenders

The Sentencing Commission's previous recidivism reports provide a framework to examine trends in recidivism rates for North Carolina offenders. Table 1.1 presents overall recidivism rates (measured as recidivist arrests) for SSA offenders for the Commission's past five studies. For this comparison, the prison sample for each of these studies was limited to prison releases with a felony conviction. Recidivist arrests for each sample included all fingerprinted arrests during a two-year follow-up period.⁸

⁵ The JRA provisions relating to probation supervision apply to probation violations occurring on or after December 1, 2011.

⁶ The JRA provisions relating to the prison release sample apply to offenses committed on or after December 1, 2011.

⁷ The Sentencing and Policy Advisory Commission and the Department of Public Safety are directed to jointly conduct ongoing evaluations regarding the implementation of the Justice Reinvestment Act of 2011. The fifth annual report to the General Assembly is due on April 15, 2016.

⁸ Arrests for impaired driving or other traffic offenses were excluded, as were arrests that were not for crimes, such as arrest for technical violations of probation.

The recidivism rates for the FY 2002 sample through the FY 2006 sample were nearly identical (within one percentage point) across samples. Recidivist arrest rates ranged from 31% to 32% for all offenders, from 27% to 28% for probationers, and from 42% to 43% for prisoners. However, notable increases in the recidivism rates were found for the FY 2009 sample – increasing to a recidivist arrest rate of 38% for all offenders, 35% for probationers, and 47% for prisoners. Smaller increases in recidivism rates were found for the FY 2011 sample.

Table 1.1
Recidivist Arrest Rates for North Carolina Offenders

Sample Year	Sample Size	Recidivist Arrest Rates: Two-Year Follow-Up		
		Probationers	Prisoners	All Offenders
FY 2002	54,263	27	42	31
FY 2004	52,926	28	43	31
FY 2006	55,780	28	42	32
FY 2009	56,574	35	47	38
FY 2011	52,823	37	49	40

Note: The prison sample for each of these studies was limited to prisoners with a felony conviction.

SOURCE: NC Sentencing and Policy Advisory Commission

The increases in recidivism rates for the FY 2009 and FY 2011 samples prompted further investigation into possible reasons for the change, focusing on whether the increases capture an actual upswing in criminal behavior or reflect a change in the methodology of measuring that behavior, or both.^{9,10} The primary explanation for the increase in recidivism rates points to a change in field technology. In North Carolina, law enforcement agencies are only required by statute (G.S. 15A-502) to fingerprint felony arrests. While historically most of these agencies have also fingerprinted the more serious misdemeanor arrests, improved fingerprinting technology in sheriffs' offices and police departments has led in recent years to a greater number of fingerprinted misdemeanor arrests. Some agencies, mainly located in urban areas, have begun fingerprinting all misdemeanor arrests. As a result, a more accurate – and higher – rate of misdemeanor arrests is now captured in North Carolina's arrest data, significantly increasing the number and proportion of offenders who are consequently categorized as "recidivists" based on these arrests.¹¹

⁹ See the Sentencing Commission's June 2014 technical brief *Increase in Misdemeanor Fingerprinted Arrests* for further details (http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/Recid_0809n.pdf).

¹⁰ For a discussion of the impact of technology changes on the recidivism of released prisoners, see Bureau of Justice Statistics' *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>.

¹¹ As shown in Appendix A, the volume of misdemeanor-only fingerprinted arrests increased substantially from FY 2007 through FY 2010. In FY 2006, misdemeanor-only arrests represented 34% of all fingerprinted arrests; they represented 51% of all fingerprinted arrests by FY 2009 and 56% by FY 2010.

Research Design and Methodology

The Sentencing Commission's mandate, revised and expanded in 1998, directed the Sentencing Commission to conduct a study with a comprehensive approach in capturing relevant empirical information. The theoretical model adopted to study recidivism pointed to data collection in three time frames for each offender: preexisting factors such as demographic characteristics and criminal history; current criminal justice involvement including current conviction, sentence, correctional sanctions, and correctional program participation; and future measures of social reintegration such as arrests, convictions, and incarcerations during follow-up.¹²

Sample

The sample selected for the current study included all offenders released from state prison or placed on supervised probation during FY 2013, with some exceptions; offenders with a most serious conviction for Driving While Impaired (DWI), offenders with a most serious conviction for a misdemeanor traffic offense, and offenders released from prison with a misdemeanor conviction were excluded from the study.¹³ The final study sample includes 48,976 offenders sentenced under Structured Sentencing, affording a comprehensive look at the recidivism of offenders in North Carolina.

Follow-Up Period

Recidivism studies utilize varying lengths of time as their follow-up period, depending on the availability of data and other resources. This report provides information on the recidivism of the FY 2013 sample of offenders using a fixed two-year follow-up period.

Criminal Justice Outcome Measures

Recidivism was defined broadly to cover the offender's possible span of reinvolvement in the North Carolina criminal justice system, to include arrests, convictions, and incarcerations in the state prison system during the follow-up period. For offenders on probation, additional interim outcome measures were examined as an indicator of misconduct while under supervision in the community during the two-year follow-up. These interim outcome measures included violations of probation and certain responses to violations of probation (QDC, CRV, and revocations).

Data Sources

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

- The North Carolina Department of Public Safety's (DPS) Offender Population Unified System (OPUS) was used to identify offenders in the FY 2013 sample and to obtain information on demographic

¹² Preexisting factors and current criminal justice involvement are also components for assessing risk levels for offenders and in targeting offenders for different correctional sanctions and treatment programs.

¹³ As of January 1, 2015, all misdemeanants serving active sentences will be housed in local jails, many through the SMCP. Prior to changes under the JRA in 2011 and in subsequent legislation in 2014, a large number of misdemeanants served their active sentences in state prisons. Previous recidivism samples included those misdemeanants released from prison; however, they were not included in the current sample due to small numbers and because they are no longer representative of misdemeanants serving sentences in prison.

characteristics, offender risk and need assessments, current convicted offense and sentence,¹⁴ correctional sanction and treatment programs, and prior and recidivist probation and incarceration measures.

- The North Carolina State Bureau of Investigation's (SBI) Computerized Criminal History (CCH) system was used to provide fingerprinted arrest records for prior and recidivist arrests, as well as recidivist convictions. As discussed previously, all felony arrests in North Carolina are fingerprinted (G.S. 15A-502). While historically only the most serious misdemeanor arrests have been fingerprinted, enhancements in law enforcement technology have led to the fingerprinting of more misdemeanors. The study excludes arrests for impaired driving or other traffic offenses, as well as arrests that were not for crimes (e.g., arrests for technical violations of probation).

A case profile was constructed for each sample offender based on the data obtained from OPUS and the CCH. The final data set for this study consists of over 300 items of information (or variables) for the sample of 48,976 offenders placed on probation or released from prison between July 1, 2012 and June 30, 2013 and followed for two years.¹⁵

Report Outline

As mentioned previously, this report offers a first look at the recidivism of probationers since the provisions of the JRA went into effect, with *all* probationers in the sample subject to the provisions of the JRA. However, with so few prisoners in the sample subject to the provisions of the JRA (only 11%), it is too soon to examine the effect of the JRA on criminal justice outcomes for prisoners.

Chapter Two presents a descriptive profile of the FY 2013 sample (including demographic, criminal history, and current offense information) and a summary of their subsequent (i.e., recidivist) criminal involvement. The analyses in this chapter provide information on the sample as a whole and also offer a comparative look at the characteristics and recidivism of offenders released from prison and those placed on supervised probation.

Chapter Three provides a more detailed examination of FY 2013 probation entries, with a comparison of misdemeanor and felony probationers. The chapter includes information on risk, need, and supervision levels; a focus on probation violations and specific responses to those violations (including QDC, CRV, and revocation) as interim outcome measures; and a summary of recidivist activity during the two-year follow-up.

Chapter Four provides a further examination of FY 2013 prison releases, with a comparison of offenders released from prison with and without PRS. The chapter offers a descriptive comparison of the two groups of prisoners in terms of their personal characteristics and prior criminal history, as well as their recidivism during follow-up.

Chapter Five concludes with a discussion of consistent findings across the Sentencing Commission's recidivism reports, as well as early observations on recidivism in North Carolina following the enactment of the JRA.

¹⁴ In the context of this study, "current" refers to the most serious conviction and sentence for which the offender was placed on probation or released from prison within the sample time frame.

¹⁵ Definitions for primary analysis variables and key terms are provided in Appendix B.

CHAPTER TWO

STATISTICAL PROFILE AND CRIMINAL JUSTICE OUTCOMES OF THE FY 2013 SAMPLE

Chapter One defines the study sample as SSA offenders who were either placed on supervised probation or were released from prison during FY 2013. Chapter Two examines the FY 2013 sample by offender type (i.e., probation entries and prison releases) and the sample as a whole.¹⁶ A statistical profile of the sample is provided that includes personal characteristics, prior criminal history, and most serious current conviction by offense class and offense type. Criminal justice outcomes for the sample are also examined, with a focus on recidivist arrests, convictions, and incarcerations by offender type, personal characteristics, and most serious current conviction.^{17,18}

Chapter One outlines the changes to sentencing and corrections due to the enactment of the JRA in 2011.¹⁹ The effective dates of the JRA and their application have implications related to the internal composition of FY 2013 sample. JRA provisions affecting probationers are applicable based on the date of violations of probation (probation violations occurring on or after December 1, 2011). All probationers in the FY 2013 sample were subject to provisions of the JRA related to community supervision (e.g., limits to revocations of probation for technical violations, new sanctions available for probation officers to respond to violations of probation, supervision practices based on a validated RNA). JRA provisions affecting prisoners are applicable based on the date of offense (offenses committed on or after December 1, 2011). Only a small portion of the prison releases in the FY 2013 sample were sentenced on or after December 1, 2011 and therefore subject to the provisions of the JRA related to prisons (e.g., the expansion of PRS to include all felons). While outcomes reported for probationers in the FY 2013 sample offer a first look at the effects of the JRA during the early phase of implementation, outcomes for prisoners examined in this report cannot be linked to changes under the JRA.

FY 2013 Offender Profile

Offender Type

There were 48,976 SSA offenders who were placed on supervised probation or released from prison during FY 2013. Offenders with a most serious current conviction for driving while impaired (DWI), offenders with a most serious current conviction for a misdemeanor traffic offense, and offenders released from prison with a misdemeanor conviction were excluded from the sample.²⁰ The majority of offenders entered the sample as a supervised probation entry (72%); the remaining 28% entered the sample as a prison release.

¹⁶ Throughout the report, the term “prisoners” is used interchangeably with “prison releases” and the term “probationers” is used interchangeably with “probation entries.”

¹⁷ A glossary of primary analysis variables and key terms is provided in Appendix B.

¹⁸ See Appendix C for summarized descriptions of the sample.

¹⁹ The implementation of the JRA is summarized in the Sentencing Commission’s reports titled *Justice Reinvestment Act Implementation Evaluation Report* at <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp>.

²⁰ As of January 1, 2015, all misdemeanants serving active sentences will be housed in local confinement facilities, many through the SMCP (misdemeanants with sentences greater than 90 days or with convictions for impaired driving offenses serve their sentence through the SMCP). Prior to changes under the JRA in 2011 and subsequent legislation in 2014, a large number of misdemeanants served their active sentences in state prisons. Previous recidivism samples included those misdemeanants released from prison; however they were not included in the current sample due to small numbers and because they are no longer representative of misdemeanants serving sentences in prison.

Personal Characteristics

Table 2.1 contains information describing the personal characteristics of the FY 2013 sample. Of the 48,976 offenders, 78% were male, 50% were black, 68% were single, 61% dropped out of high school, 43% were employed, and 48% were identified as having a substance abuse need and/or a history of drug addiction. Probationers had a lower percentage of males than prisoners and, on average, were slightly

Table 2.1
Personal Characteristics

Personal Characteristics	Probation Entries n=35,103 %	Prison Releases n=13,873 %	Total N=48,976 %
Gender			
Female	26	10	22
Male	74	90	78
Race			
Black	47	57	50
White	48	37	45
Other/Unknown	5	6	5
Age at Sample Entry			
Under 21 Years	17	7	14
21-29 Years	36	36	35
30-39 Years	23	28	25
40-49 Years	15	19	16
50 Years and Older	9	10	10
Marital Status			
Single	68	68	68
Divorced/Separated	18	19	18
Married/Widowed	14	13	14
Other/Unknown	0	0	0
Education			
High School Graduate	45	26	39
High School Dropout	55	74	61
Employment			
Employed	45	38	43
Unemployed	55	62	57
Substance Abuse			
None Indicated	63	29	52
Substance Abuse or Need	37	71	48

Note: Eighty-five offenders were missing education, 295 were missing employment, and 3,233 were missing substance abuse information. Of the 48,976 offenders with ethnicity available, 3% were Hispanic.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

younger (32 years compared to 34 years respectively). Compared to probationers, prisoners were more likely to have dropped out of high school and less likely to be employed. A higher percentage of prisoners were identified as having a substance abuse need and/or a history of drug addiction.

Criminal History

Prior criminal justice contacts, including prior arrests, probation admissions, probation revocations, and incarcerations are examined in Table 2.2. Regardless of the measure used to track prior criminal history, prisoners tended to have a more extensive prior criminal history than probationers.

Table 2.2
Prior Criminal Justice Contacts

Prior Criminal Justice Contacts	Probation Entries n=35,103	Prison Releases n=13,873	Total N=48,976
Prior Arrests			
% with Any Arrest	77	94	82
Total # of Arrests	109,560	86,666	196,226
Average # of Arrests	4	7	5
Prior Probation Admissions			
% with Any Probation Admission	53	87	63
Total # of Probation Admissions	40,366	33,484	73,850
Average # of Probation Admissions	2	3	2
Prior Probation Revocations			
% with Any Probation Revocation	33	58	40
Total # of Probation Revocations	20,902	17,412	38,314
Average # of Probation Revocations	2	2	2
Prior Incarcerations			
% with Any Incarceration	27	57	35
Total # of Incarcerations	20,765	23,126	43,891
Average # of Incarcerations	2	3	3

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Prior arrests have consistently been found to be a strong predictor of recidivism.²¹ As a whole, 82% of the FY 2013 sample had at least one prior fingerprinted arrest. Compared to probationers, prisoners were more likely to have a prior fingerprinted arrest (77% and 94% respectively) and to have a higher average number of prior arrests (see also Figure 2.1).

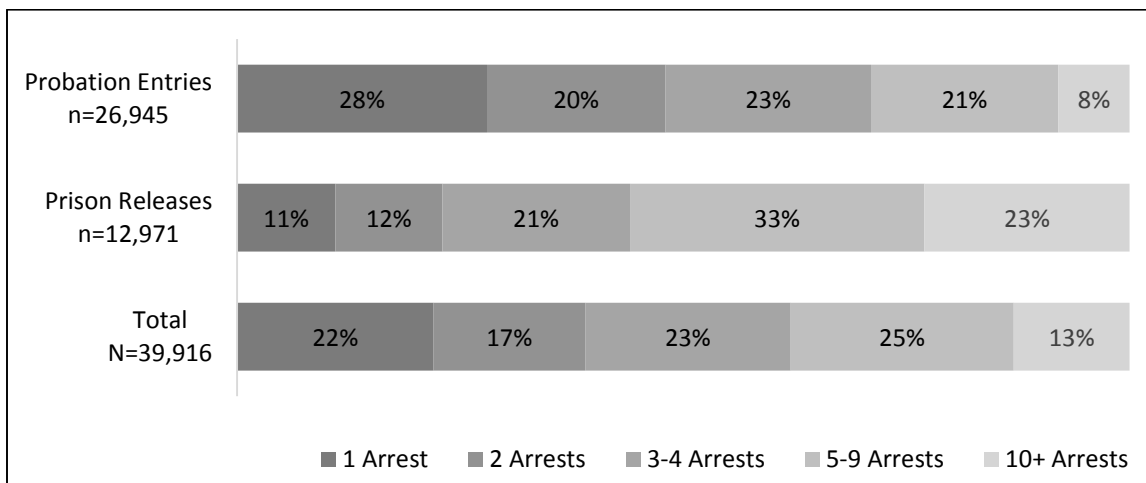
²¹ See the Sentencing Commission's prior recidivism reports at <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/Recidivism/AdultRec.asp>.

Overall, 63% of the sample had at least one prior probation admission and averaged 2 prior probation admissions. Compared to probationers, prisoners were more likely to have a prior probation admission (53% and 87% respectively) and to have a slightly higher average number of prior probation admissions.

Forty percent of the sample had a prior probation revocation and averaged 2 prior probation revocations. Compared to probationers, prisoners were more likely to have at least one prior probation revocation, although both groups had a similar average number of prior probation revocations.

Overall, 35% of the sample had at least one prior incarceration with an average of 3 prior incarcerations. Prior incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a probation or PRS revocation. Prisoners were more likely to have a prior incarceration than probationers (57% and 27% respectively) and had a slightly higher average number of prior incarcerations.

Figure 2.1
Number of Prior Arrests



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Most Serious Current Conviction²²

Table 2.3 presents information on the offense class of the conviction for the FY 2013 sample by offender type. Under Structured Sentencing, offenses are classified based on offense seriousness. The type of sentence imposed and the sentence length are based on the offense class for the most serious conviction and on the offender's prior criminal history.²³ Offenders convicted of Class B1 through Class D felonies are required to receive an active sentence and offenders convicted of Class E through Class I felonies may receive either an active sentence or Community/Intermediate punishment (i.e., probation)

²² For the sake of brevity, the term "most serious current conviction" is often referred to as "conviction."

²³ For further information about Structured Sentencing, see

<http://www.nccourts.org/Courts/CRS/Councils/spac/Sentencing/Training/Manuals.asp> and
<http://www.nccourts.org/Courts/CRS/Councils/spac/Sentencing/Punishment.asp>.

depending on their prior criminal history.^{24,25} Offenders convicted of Class A1 through Class 3 misdemeanors may receive either an active sentence or Community/Intermediate punishment (i.e., probation).²⁶ Offenders convicted of a felony offense serve their active sentences in prison, while offenders convicted of a misdemeanor offense serve their active sentences in jail or through the SMCP depending on their offense date, sentence length, or conviction type.²⁷

Table 2.3
Most Serious Current Conviction

Most Serious Current Conviction	Probation Entries n=35,103 %	Prison Releases n=13,873 %	Total N=48,976 %
Offense Class			
Class B1 – E Felony	2	23	8
Class F – I Felony	36	77	47
Felony Subtotal	38	100	55
Class A1 – 3 Misdemeanor	62	0	45
Offense Type			
Person	21	26	23
Property	45	35	42
Drug	26	24	25
Other	8	15	10

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Overall, 55% of the sample had a conviction for a felony offense and 45% had a conviction for a misdemeanor offense. By sample definition, in FY 2013, all prisoners had a conviction for a felony offense, while the majority of probationers had a conviction for a misdemeanor offense (62%). Thirty-eight percent of probationers had a felony conviction; 2% were sentenced in Class E and the remaining 36% were sentenced in Class F through Class I.

Table 2.3 also presents information on the conviction by offense type (i.e., person, property, drug, other). Overall, 42% of the sample had a conviction for a property offense, followed by 25% for drug offenses, 23% for person offenses, and 10% for other offenses.²⁸ The majority of prisoners had a

²⁴ Offenders convicted of first degree murder (Class A) may receive either a death sentence or life without parole under Structured Sentencing, with the exception of offenders under age 18 at the time of offense who may receive a sentence of life with parole.

²⁵ If extraordinary mitigation is found, the court may impose an Intermediate punishment when only an active punishment is authorized for offenders sentenced for a Class B2 through Class D felony with one to four prior record points. G.S. 15A-1340.13(g) and (h). Class D has an additional exception to the felony punishment chart – an Intermediate punishment can be imposed for felony death by vehicle (FDBV) if the conviction falls within Prior Record Level I through Prior Record Level III.

²⁶ Effective December 1, 2013, the judgment for an offender convicted of a Class 3 misdemeanor who has no more than 3 prior convictions shall consist only of a fine.

²⁷ See id. at line 18.

²⁸ Of the 11,026 offenders with a conviction for a person offense, 9% (n=988) had a conviction for an offense which requires registration as a sex offender under Article 27A of Chapter 14 of the NC General Statutes.

conviction for property and person offenses (35% and 26% respectively), while the majority of probationers had a conviction for property and drug offenses (45% and 26% respectively).

Criminal Justice Outcomes

As noted above, all probationers in the FY 2013 sample were subject to changes to criminal justice laws and practices enacted by the JRA. The results for probationers reported in this section reflect the early phase of implementation of the JRA. In contrast, the results for prisoners reported in this section are not reflective of the JRA because so few were subject to the changes under the legislation.

Criminal Justice Outcome Measures

The Sentencing Commission uses recidivist arrests as its primary measure of recidivism, supplemented by information on recidivist convictions and recidivist incarcerations, to assess the extent of an offender's repeat involvement in the criminal justice system. The following sections examine these criminal justice outcome measures by offender type and for the sample as a whole. Regardless of the measure used to capture repeat involvement in the criminal justice system, prisoners had a greater likelihood of having a recidivist event than probationers.

Definition of the Follow-Up Period

Each offender in the FY 2013 sample was followed for a period of two years to determine whether repeat criminal behavior occurred, with one-year and two-year recidivism rates reported.²⁹ The two-year follow-up period was calculated on an individual basis using the prison release date plus two years for prison releases and using the probation entry date plus two years for probation entries. A fixed follow-up period was used in an attempt to obtain the same "window of opportunity" for each offender to recidivate. In actuality, the same window of opportunity was not necessarily available due to periods of prison or jail confinements imposed for a variety of reasons. As a result, offenders without a recidivist arrest in the follow-up may appear to be a success but may have actually experienced another type of criminal justice failure during that period (e.g., absconding, revocations of probation or PRS, technical violations of probation resulting in a CRV, technical violations of PRS resulting in a three-month revocation).

Recidivist Arrests

Recidivist arrest rates for the one-year and two-year follow-up are shown in Table 2.4. Overall, 40% of the FY 2013 sample had a recidivist arrest during the follow-up, with the first recidivist arrest occurring, on average, 9 months after entry to probation or release from prison. Compared to probationers, prisoners had a higher rate of recidivist arrest during the follow-up (38% and 48% respectively). However, the number of months to the first recidivist arrest was similar for probationers and prisoners (8 and 9 respectively), as was the number of recidivist arrests during the two-year follow-up (see Figure 2.2).

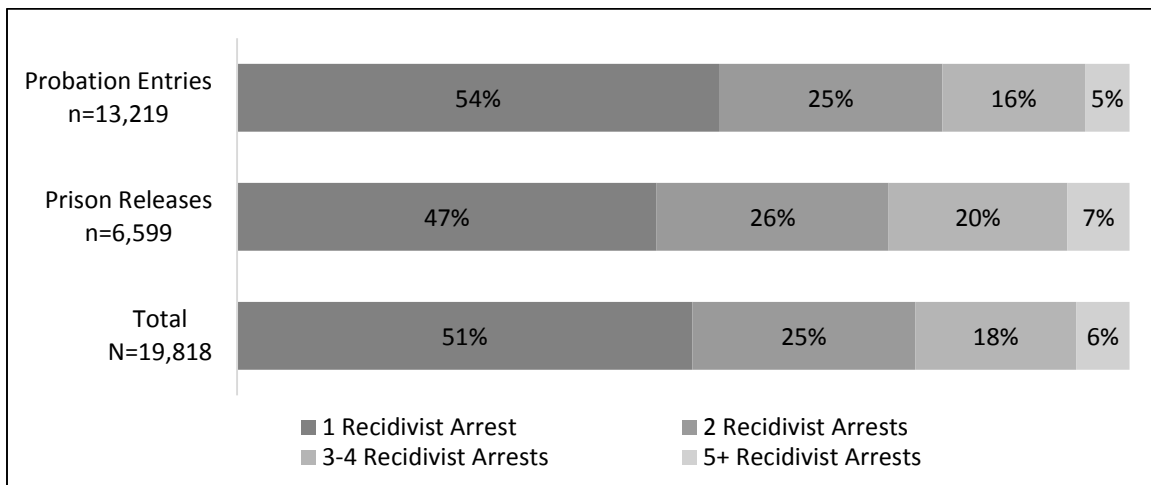
²⁹ Statistics reported for the two-year follow-up period include information on events that occurred during the first year of follow-up. As a result, the recidivism rates reported for each follow-up period cannot be added together across follow-up periods.

Table 2.4
Recidivist Arrest Rates

Sample Entry Type	N	# with Any	% Recidivist Arrest	
			One-Year Follow-Up	Two-Year Follow-Up
Probation Entries	35,103	13,219	26	38
Prison Releases	13,873	6,599	31	48
Total	48,976	19,818	28	40

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Figure 2.2
Number of Recidivist Arrests for Offenders with Any Arrest: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table 2.5 provides information on the number of arrests for offenders who had a recidivist arrest during the follow-up period, as well as the types of crimes for which they had a recidivist arrest. The 19,818

Table 2.5
Recidivist Arrests by Crime Type: Two-Year Follow-Up

Sample Entry Type	N	# with Any	Total Arrests		# of Arrests by Crime Type			
			#	Avg.	Person	Property	Drug	Other
Probation Entries	35,103	13,219	25,136	2	5,243	10,805	5,948	9,357
Prison Releases	13,873	6,599	13,945	2	3,306	6,062	3,417	5,265
Total	48,976	19,818	39,081	2	8,549	16,867	9,365	14,622

Note: Multiple crime types may be linked to an arrest record. As a result, the number of recidivist arrests by crime type cannot be added together to equal the total number of arrests.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

offenders who had a recidivist arrest during the follow-up accounted for a total of 39,081 arrests. Prisoners and probationers were most likely to have a recidivist arrest for property and “other” crime types and averaged 2 recidivist arrests during the follow-up. Although probationers were less likely to have a recidivist arrest than prisoners, they accounted for a higher volume of arrests due to the larger number of probation entries in the FY 2013 sample.

Recidivist Convictions

Table 2.6 presents information on recidivist conviction rates during the one-year and two-year follow-up. Overall, 21% of the FY 2013 sample had a recidivist conviction during the follow-up with the first recidivist conviction occurring, on average, 12 months after entry to probation or release from prison. Although recidivist conviction rates were similar for probationers and prisoners during the one-year follow-up (9% and 11% respectively), prisoners were more likely to have a recidivist conviction than probationers during the two-year follow-up (26% and 19% respectively).

Table 2.6
Recidivist Conviction Rates

Sample Entry Type	N	# with Any	% Recidivist Conviction	
			One-Year Follow-Up	Two-Year Follow-Up
Probation Entries	35,103	6,627	9	19
Prison Releases	13,873	3,543	11	26
Total	48,976	10,170	10	21

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Table 2.7 provides information on the number of convictions for offenders who had a recidivist conviction during the follow-up period, as well as the types of crimes for which they had a recidivist conviction. Both prisoners and probationers were most likely to have a recidivist conviction for a property offense and averaged 1 recidivist conviction during the follow-up. While a lower percentage of probationers than prisoners had a recidivist conviction, probationers accounted for a higher number of convictions than prisoners due to the larger number of probation entries in the FY 2013 sample.

Table 2.7
Recidivist Convictions by Crime Type: Two-Year Follow-Up

Sample Entry Type	N	# with Any	Total Convictions		# of Convictions by Crime Type			
			#	Avg.	Person	Property	Drug	Other
Probation Entries	35,103	6,627	8,578	1	1,312	4,157	2,233	2,089
Prison Releases	13,873	3,543	4,692	1	845	2,215	1,167	1,280
Total	48,976	10,170	13,270	1	2,157	6,372	3,400	3,369

Note: Multiple crime types may be linked to a conviction. As a result, the number of recidivist convictions by crime type cannot be added together to equal the total number of convictions.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Recidivist Incarcerations

Recidivist incarceration rates for the one-year and two-year follow-up are shown in Table 2.8. Recidivist incarcerations may have occurred as a result of the sentence imposed for a new crime committed or due to a probation or PRS revocation during the follow-up period.

Overall, 16% of the FY 2013 sample had a recidivist incarceration during the follow-up, with the first recidivist incarceration occurring an average of 11 months after entry to probation or release from prison. Of those with a recidivist incarceration, the majority of offenders had 1 recidivist incarceration during follow-up (87%). Prisoners were more likely to have a recidivist incarceration than probationers (21% and 14% respectively).

Table 2.8
Recidivist Incarceration Rates

Sample Entry Type	N	# with Any	% Recidivist Incarceration	
			One-Year Follow-Up	Two-Year Follow-Up
Probation Entries	35,103	4,810	7	14
Prison Releases	13,873	2,970	12	21
Total	48,976	7,780	9	16

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Criminal Justice Outcome Measures by Groups

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

Personal Characteristics

Table 2.9 provides recidivism rates by the offender's personal characteristics: gender, race, age at probation entry or prison release, marital status, education, employment, and substance abuse need and/or a history of drug addiction.³⁰ Overall, males, black offenders, single offenders, high school dropouts, unemployed offenders, and offenders with a substance abuse need and/or a history of drug addiction had higher recidivism rates for all three criminal justice outcome measures when compared to their counterparts. Recidivism rates were highest for the youngest offenders across all three measures of recidivism but declined as an offender's age at sample entry increased.

³⁰ Descriptive statistics for the sample are shown in Table 2.1.

Table 2.9
Criminal Justice Outcomes by Personal Characteristics

Personal Characteristics	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
Gender				
Female	10,648	30	14	8
Male	38,328	43	23	18
Race				
Black	24,403	45	23	16
White	22,122	36	19	16
Other/Unknown	2,451	31	13	13
Age at Sample Entry				
Under 21 Years	6,889	52	29	18
21-29 Years	17,424	46	24	18
30-39 Years	12,073	38	18	16
40-49 Years	7,886	34	17	14
50 Years and Older	4,704	23	12	9
Marital Status				
Single	33,388	44	23	17
Divorced/Separated	8,896	34	17	16
Married/Widowed	6,536	30	15	12
Other/Unknown	156	33	14	10
Education				
High School Graduate	19,280	33	16	10
High School Dropout	29,611	46	24	20
Employment				
Employed	24,678	37	18	15
Unemployed	23,350	43	23	16
Substance Abuse				
None Indicated	24,000	36	17	12
Substance Abuse or Need	21,743	45	24	19
Total	48,976	40	21	16

Note: Eighty-five offenders were missing education, 295 were missing employment, and 3,233 were missing substance abuse information.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

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

In Table 2.10, recidivism rates were examined by offense class and offender type. As mentioned in the previous section, prisoners in the sample had higher recidivism rates than probationers across all three

criminal justice outcome measures. Generally, this pattern is repeated when comparing recidivism rates for prisoners and probationers across offense class groupings.³¹

Table 2.10
Criminal Justice Outcomes by Most Serious Current Conviction

Most Serious Current Conviction	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
Offense Class				
Probation Entries				
Class B1 – E Felony	626	28	12	18
Class F – I Felony	12,575	40	20	25
Felony Subtotal	13,201	39	19	25
Class A1 – 3 Misdemeanor	21,902	37	19	7
Total	35,103	38	19	14
Prison Releases				
Class B1 – E Felony	3,189	43	19	24
Class F – I Felony	10,684	49	27	21
Total	13,873	48	26	21
All Offenders				
Class B1 – E Felony	3,815	40	18	23
Class F – I Felony	23,259	44	23	23
Felony Subtotal	27,074	43	23	23
Class A1 – 3 Misdemeanor	21,902	37	19	7
Total	48,976	40	21	16
Specific Groups of Interest				
Habitual Felons	659	48	22	27
Sex Offenders	988	26	14	21

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Focusing on the sample as a whole, offenders with a current conviction for a felony offense had higher recidivism rates for all three criminal justice outcomes compared to those with a misdemeanor offense. However, it must be noted that the Class A1 through Class 3 misdemeanor group is comprised only of probation entries. As noted previously, no misdemeanor prison releases were included in the sample. When comparing offenders with a felony, those with a Class F through Class I conviction had higher recidivist arrest and conviction rates (44% and 23% respectively) than those with a Class B1 through Class E conviction (40% and 18% respectively). There were no differences between the two groups for recidivist incarceration rates.

Recidivism rate comparisons can also be made between probationers and prisoners within the same offense class groupings. Prisoners with a Class B1 through Class E felony had higher recidivism rates than

³¹ See Appendix D for recidivism rates for offenders in each offense class.

their probation counterparts for all three measures.³² Prisoners with a Class F through Class I felony conviction had higher recidivist arrest and conviction rates (49% and 27% respectively) than probationers in the same class group (40% and 20% respectively). However, probationers with a Class F through Class I felony conviction had higher incarceration rates than their prison counterparts (25% compared to 21% respectively). This finding is likely linked to supervision during follow-up for Class F through Class I probationers and the possibility of being incarcerated for revocations of probation. In contrast, the majority of Class F through Class I felony prisoners in the FY 2013 sample do not have PRS following their release from prison.

Represented within Class B1 through Class E convictions is a specific group of offenders – habitual felons. An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be an habitual felon (G.S. 14-7.1 to -7.6). An habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, an habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C.

In FY 2013 there were 659 habitual felons released from prison with a habitual felon conviction. Recidivism rates for habitual felons were compared to recidivism rates for prison releases with habitual felons excluded in order to assess whether habitual felons were more similar to offenders with a conviction for a Class B1 through Class E felony or to offenders with a conviction for a Class F through Class I felony. Recidivist arrest rates for habitual felons were similar to recidivist arrest rates for prisoners convicted of a Class F through Class I felony (48% and 49% respectively). However, the recidivist conviction and recidivist incarceration rates of habitual felons (22% and 27% respectively) more closely resembled prisoners with a Class B1 through Class E felony (19% and 24% respectively).

Offenders who are required to register as sex offenders under Article 27A of Chapter 14 of the NC General Statutes are also a group of special interest. Those convicted of a reportable offense are required to register as sex offenders. A reportable offense is defined as “an offense against a minor, a sexually violent offense, or an attempt to commit” such offenses. Of the 988 offenders in the sample convicted of an offense for which registration as a sex offender is required, 58% were prisoners and 42% were probationers; 33% were convicted of a Class B1 through Class E felony, 59% were convicted of a Class F through Class I felony, and 8% were convicted of a Class A1 through Class 3 misdemeanor.³³ Overall, 26% of the offenders required to register as a sex offender had a recidivist arrest, 14% had a recidivist conviction, and 21% had a recidivist incarceration. Sex offenders generally had lower recidivism rates than most groups.

Summary

Chapter Two examined the FY 2013 sample by offender type (i.e., probation entries and prison releases) and as a whole. A statistical profile of offenders in North Carolina was provided and included the characteristics of the sample and their prior, current, and recidivist criminal justice contacts.

³² Nearly all probation entries in Class B1 through Class E have a Class E conviction.

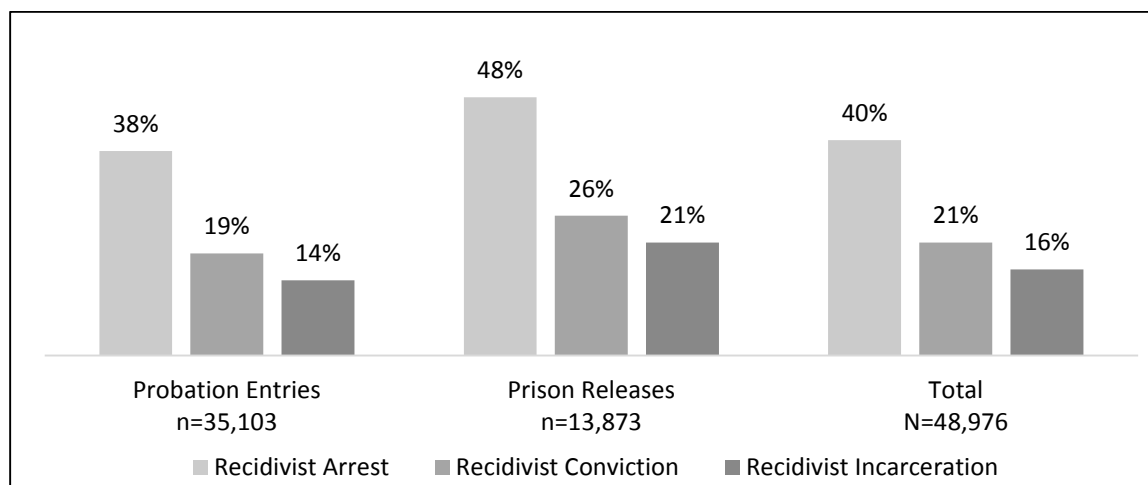
³³ The Class A1 through Class 3 misdemeanor group is comprised only of probation entries. As described previously, no misdemeanor prison releases were included in the sample.

Compared to probationers, prisoners were more likely to have dropped out of high school and less likely to be employed. A higher percentage of prisoners were identified as having a substance abuse need and/or a history of drug addiction. These personal characteristics were also linked to higher recidivism rates for all three measures – recidivist arrest, recidivist conviction, and recidivist incarceration.

Four measures were used to examine prior criminal justice contacts – prior arrests, prior probation admissions, prior probation revocations, and prior incarcerations. Compared to probationers, prisoners had more extensive prior criminal history for all four measures. Prisoners were much more likely to have a prior arrest than probationers (94% and 77% respectively) and had more arrests on average (7 and 4 respectively). Although prisoners were also more likely to have a prior probation admission, a prior probation revocation, or a prior incarceration, the average number of prior criminal justice contacts for each of those measures was similar for both groups.

Three measures of recidivism – recidivist arrest, conviction, and incarceration – were used to assess repeat involvement with the criminal justice system. Compared to probationers, prisoners had higher recidivism rates for all three measures (see Figure 2.3). Although prisoners had higher rates of recidivism, probationers and prisoners had the same average number of recidivist arrests and recidivist convictions.

Figure 2.3
Criminal Justice Outcomes: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

A major limitation in the examination of both prior and recidivist incarcerations is the lack of available jail data. Incarceration in county jails, either as a result of new sentences or revocations, is not included as part of the prior or recidivist incarceration measures because there are no statewide automated jail data in North Carolina. Statewide automated jail data would allow for a more complete examination of offender behavior in North Carolina.

As described in this chapter, the JRA affected all probationers and a portion of prison releases in the FY 2013 sample. Outcomes reported in this chapter for probationers offer a first look at the effect of the JRA during the early phase of implementation. More detail related to the effects of the JRA on interim and criminal justice outcome measures for probationers is provided in Chapter Three.

CHAPTER THREE

PROBATION ENTRIES IN FY 2013

Chapter Two provides a sample-wide profile of North Carolina offenders and their recidivism. This chapter turns to a further examination of the probationers in the sample. As discussed in Chapter One, the impact of the JRA is expected to be greatest on the state's community corrections population, and the FY 2013 probation entries are the first recidivism sample to be processed and supervised under the provisions and policies implemented under the JRA. With this special focus, Chapter Three examines the risk and need assessments (RNA) and the determination of supervision level; probation violations and specific responses to those violations (e.g., interim outcomes); and the recidivist behavior of the probationers (e.g., criminal justice outcomes).³⁴

Statistical Profile of the FY 2013 Probation Entries

The DPS provides supervision and services to all offenders in the community based on their risk, need, and supervision level. In FY 2013, there were 35,103 probation entries in the sample. In order to examine the changes implemented under the JRA (e.g., the interim outcomes), Chapter Three focuses on the 31,832 probationers who had a RNA completed and a supervision level assigned based on that RNA.³⁵ The Sentencing Commission's prior recidivism studies focused on the type of punishment for probationers (e.g., Community or Intermediate punishment). With Community and Intermediate punishments redefined under the JRA, this chapter instead compares probationers as felons or misdemeanants based on their current conviction. The majority (62%) had a misdemeanor as their most serious current conviction; the remaining probationers (38%) had a felony as their most serious current conviction. While the type of conviction is not necessarily relevant to the DPS with regards to how the offender is supervised in the community, it does guide the length of probation supervision which may be relevant to how violations of probation are handled either by the court or through the use of the DPS's delegated authority and is explained in more detail later in the chapter.³⁶ The supervision period for probationers with a current misdemeanor conviction was shorter (an average of 16 months) compared to probationers with a current felony conviction (an average of 28 months).³⁷

Table 3.1 contains information describing the personal characteristics of the probationers. Of the 31,832 probationers, 73% were male, 47% were black, 35% were aged 21-29 years, 68% were single, 55% had dropped out of high school, 45% were employed, and 37% were identified as having a substance abuse need and/or a history of drug addiction. Felons were more likely to be male compared to misdemeanants (80% and 69% respectively). Felons also were more likely to be a high school dropout and have a greater proportion identified with substance abuse education or treatment needed and/or a self-reported history of drug addiction. The average age at probation admission was 32 with no differences in age for felons and misdemeanants.

³⁴ A glossary of primary analysis variables and key terms is provided in Appendix B.

³⁵ Of the 9% of the probationers missing a completed RNA, most (6%) had a misdemeanor as the most serious conviction while the remainder had a felony conviction (3%). See Table E.1 in Appendix E for interim and criminal justice outcomes for those offenders.

³⁶ In addition, felons serve longer active sentences than misdemeanants if probation is revoked; felons serve their sentences in the state prison system while misdemeanants serve their sentences in local jails.

³⁷ Although there are some exceptions, under current law misdemeanor probationers receive a probation sentence of not less than 6 months and not more than 24 months, depending upon whether they receive a Community or Intermediate punishment, while felony probationers receive a probation sentence of not less than 12 months and not more than 36 months, depending upon whether they receive a Community or Intermediate punishment.

Table 3.1
Personal Characteristics

Personal Characteristics	Probation Entries		
	Misdemeanants n=19,711 %	Felons n=12,121 %	Total N=31,832 %
Gender			
Female	31	20	27
Male	69	80	73
Race			
Black	46	48	47
White	49	48	48
Other/Unknown	5	4	5
Age at Sample Entry			
Under 21 Years	18	16	17
21-29 Years	35	36	35
30-39 Years	22	25	23
40-49 Years	15	14	15
50 Years and Older	10	9	10
Marital Status			
Single	68	68	68
Divorced/Separated	14	15	14
Married/Widowed	18	17	18
Other/Unknown	0	0	0
Education			
High School Graduate	47	43	45
High School Dropout	53	57	55
Employment			
Employed	45	46	45
Unemployed	55	54	55
Substance Abuse			
None Indicated	65	60	63
Substance Abuse or Need	35	40	37

Note: Forty-four offenders were missing education information with 13 missing employment information. Of the 31,832 probationers with ethnicity available, 2% were Hispanic.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

The criminal history of probationers is examined in Table 3.2. Overall, 77% of the probationers had a prior arrest, 53% had a prior probation admission, 32% had a prior probation revocation, and 26% had a prior incarceration. Felons had more prior criminal justice contacts than misdemeanants for all four measures examined.

Table 3.2
Prior Criminal Justice Contacts

Prior Criminal Justice Contacts	Probation Entries		
	Misdemeanants n=19,711	Felons n=12,121	Total N=31,832
Prior Arrests			
% with Any Arrest	70	86	77
Total # of Arrests	52,735	42,699	95,434
Average # of Arrests	4	4	4
Prior Probation Admissions			
% with Any Probation Admission	50	59	53
Total # of Probation Admissions	21,446	14,317	35,763
Average # of Probation Admissions	2	2	2
Prior Probation Revocations			
% with Any Probation Revocation	29	36	32
Total # of Probation Revocations	10,550	7,328	17,878
Average # of Probation Revocations	2	2	2
Prior Incarcerations			
% with Any Incarceration	23	31	26
Total # of Incarcerations	10,581	7,020	17,601
Average # of Incarcerations	2	2	2

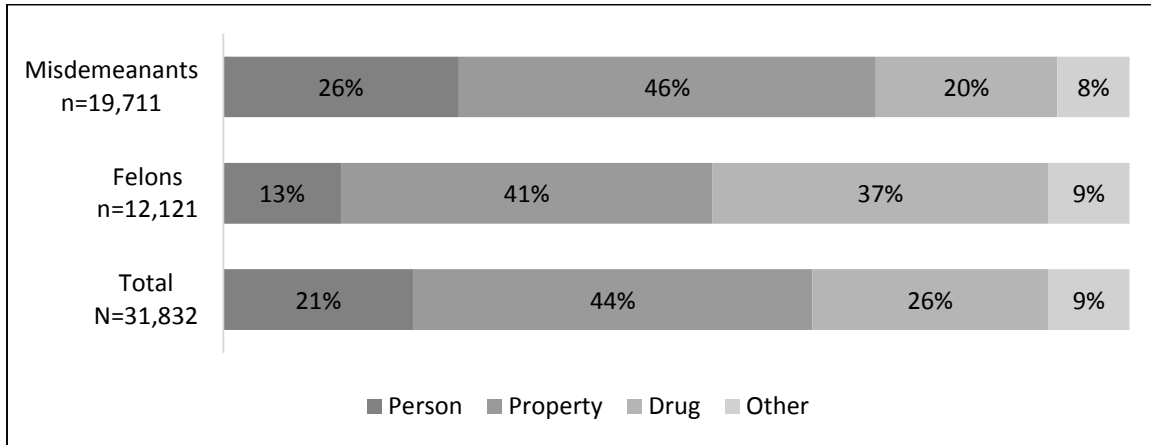
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

The majority of felons had a conviction for a Class H or Class I offense (46% and 26% respectively), while the majority of misdemeanants had a conviction for a Class 1 or Class A1 offense (62% and 18% respectively).³⁸ The majority of probationers committed a property offense (44%) as their current conviction with both felons and misdemeanants committing property offenses most frequently (41% and 46% respectively). (See Figure 3.1.) Felons had fewer person offenses and more drug offenses (13% and 37% respectively) compared to misdemeanants (26% and 20% respectively).³⁹

³⁸ See Chapter Two for more details regarding the offense class and type of the conviction for probation releases.

³⁹ Felons who commit person offenses tend to receive an active punishment (i.e., prison) by the court and are not sentenced to probation supervision.

Figure 3.1
Offense Type of the Most Serious Current Conviction for Probation Entries



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Offender Risk and Need Assessments

With the passage of the JRA, North Carolina joined a growing number of states that utilize some measure of risk and need to assess offenders, determine supervision type and level, and provide rehabilitative and other services. The legislation requires the DPS to use a validated instrument to assess each probationer's risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level. The DPS currently uses the Offender Traits Inventory-Revised (OTI-R) to assess offender risk and the Offender Self-Report instrument and the Officer Interview and Impressions instrument to assess offender need in order to determine supervision level, program placement, and other interventions for probationers.⁴⁰

The OTI-R was fully implemented by the spring of 2012 and is administered within the first 60 days of probation supervision.⁴¹ Each offender is assigned to one of five risk levels based on their score: extreme, high, moderate, low, and minimal. Table 3.3 provides the risk level distribution for probationers. Overall, 7% were assessed as extreme risk, 15% were assessed as high risk, 42% as moderate risk, 30% as low risk, and 6% as minimal risk. More felons were assessed as extreme or high risk compared to misdemeanants, while more misdemeanants were assessed as low and minimal risk compared to felons.

The need portion of the assessment addresses six criminogenic factors including dysfunctional family, criminal peers, anti-social personality, anti-social values, substance abuse, and self-control. Similar to risk, the need assessment divides the probationers into five need levels: extreme, high, moderate, low, and minimal.⁴² Overall, 26% were assessed as extreme need, 18% as high need, 36% as moderate need, 16% as low need, and 4% as minimal need (see Table 3.3). Examination of need level shows little difference between felons and misdemeanants – 24% of misdemeanants and 28% of felons were

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

⁴¹ For this report, RNA data were based on assessments completed on or after the probation entry that placed the offender in the sample, and could have occurred at any point during the two-year follow-up period.

⁴² See the DPS's *DCC Needs Assessment: Construction, Validation, and Initial Needs Levels* for a description of how the needs assessment was created and the linkages between the offender's responses and the areas of need. March, 2010.

assessed as extreme need, while 4% of misdemeanants and 3% of felons were assessed as minimal need.

Table 3.3
Offender Risk and Need Levels

Probation Entries	N	% Offender Risk Level				
		Extreme	High	Moderate	Low	Minimal
Misdemeanants	19,711	5	13	42	33	7
Felons	12,121	9	19	43	25	4
Total	31,832	7	15	42	30	6

Probation Entries	N	% Offender Need Level				
		Extreme	High	Moderate	Low	Minimal
Misdemeanants	19,711	24	18	37	17	4
Felons	12,121	28	18	35	16	3
Total	31,832	26	18	36	16	4

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table 3.4 provides information on the areas of need that were flagged from the need portion of the RNA. The areas identified assist the probation officer in potential referrals or services that the offender

Table 3.4
Areas of Need Identified

Areas of Need	Probation Entries		
	Misdemeanants	Felons	Total
	n=19,711 %	n=12,121 %	N=31,832 %
Academic/Vocational	25	27	26
Anti-social Personality	8	11	9
Anti-social Values	11	12	11
Criminal Peers	23	28	25
Dysfunctional Family	28	27	28
Employment	29	33	30
Financial	13	12	12
Housing	14	14	14
Legal	28	26	28
Physical	18	17	18
Substance Abuse	35	39	36
Self-Control	15	14	15
Transportation	32	35	33
Mental Health	29	29	29

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

may need. Substance abuse (36%), transportation (33%), and employment (30%) were identified as the top areas of need. Felons and misdemeanants were very similar in the areas of need identified.

Supervision in the Community

The DPS determines a probationer's supervision level based on the intersection of the offender's risk level and need level. The supervision levels range from 1 to 5 with Level 1 being the highest. Once supervision level is determined, the minimum contact requirements for probation officers are set. Level 1 (the most restrictive) requires one home contact and one offender management contact per month, while Level 5 (the least restrictive) requires remote reporting monthly.⁴³

Table 3.5 provides a description of supervision levels for misdemeanants and felons. Overall, 8% of probationers were assessed in Supervision Level 1, 26% in Level 2, 36% in Level 3, 26% in Level 4, and 4% in Level 5. More felons were placed in the most restrictive supervision levels, Levels 1 and 2 (12% and 30% respectively), than misdemeanants (7% and 23% respectively). More misdemeanants were placed in the least restrictive supervision levels, Levels 4 and 5 (28% and 4% respectively), than felons (22% and 3% respectively).

Table 3.5
Offender Supervision Level

Probation Entries	N	% Offender Supervision Level				
		Most Restrictive (Level 1) to Least Restrictive (Level 5)				
		Level 1	Level 2	Level 3	Level 4	Level 5
Misdemeanants	19,711	7	23	38	28	4
Felons	12,121	12	30	33	22	3
Total	31,832	8	26	36	26	4

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table 3.6 shows the distribution of probationers by risk, need, and supervision levels. As categorized according to the DPS's risk instrument, the majority of probationers were moderate and low risk (42% and 30% respectively). For need level, the majority of probationers were moderate and extreme need (36% and 26% respectively). In addition to providing the distribution by risk level and by need level, the table also provides the distribution for each combination of risk level and need level.

⁴³ See the Sentencing Commission's reports titled *Justice Reinvestment Act Implementation Evaluation Report* at <http://www.nccourts.org/Courts/CRS/Councils/spac/Publication/JRIReports.asp>.

Table 3.6
Supervision Level Distribution Based on Risk and Need Levels for Probation Entries

Need Level	Risk Level					#/% by Need Level
	Extreme	High	Moderate	Low	Minimal	
Extreme	693 2%	L1 1,533 5%	3,990 13%	1,815 6%	219 1%	8,250 26%
High	512 2%	1,052 3%	2,504 8%	L3 1,409 4%	222 1%	5,699 18%
Moderate	662 2%	1,583 5%	4,844 15%	3,723 12%	742 2%	11,554 36%
Low	218 1%	L2 643 2%	1,941 6%	L4 1,938 6%	441 1%	5,181 16%
Minimal	27 0%	85 0%	282 1%	567 2%	L5 187 1%	1,148 4%
#/% by Risk Level	2,112 7%	4,896 15%	13,561 42%	9,452 30%	1,811 6%	31,832 100%

Note: Percentages may not round to 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Interim Outcome Measures

The JRA changed how probation officers supervise offenders and their possible responses to violations of probation by expanding their delegated authority, limiting revocations of probation, and establishing CRVs. The JRA expanded delegated authority in two ways – by adding to the list of conditions a probation officer may impose on a probationer (e.g., QDC, house arrest with electronic monitoring) and by broadening the circumstances in which the officer may impose them. While the RNA guides the level at which offenders will be supervised and helps probation officers to select programs and services aimed at changing criminogenic needs, delegated authority enables probation officers to graduate sanctions in response to non-compliance by offenders. For this analysis, only three sanctions for violations of probation were examined – QDC, CRV, and revocations – those created by or most directly impacted by the JRA.

Of the probation entries in the FY 2013 sample, misdemeanants were sentenced to an average of 16 months of supervised probation, while felons were sentenced to an average of 28 months. As a result, some misdemeanants were not on probation supervision for the entire two-year follow-up period, while the majority of felons were on supervision for the entire follow-up. The probation violation and type of responses to the violations (i.e., QDC, CRV, revocation) capture any violations or responses that occurred while on probation supervision during the two-year follow-up period. In addition, these violations or responses may have occurred in relation to the offense for which the offender was selected for the study sample or for a new probation sentence that was imposed during follow-up.

Probation Violations

For the 31,832 probationers, violations of probation were used as an indicator of misconduct while under supervision in the community during the two-year follow-up. Data on probation violations were analyzed based on “completed” violations. Completed violations either have been disposed of by the court at a violation hearing or handled by the DPS through the use of delegated authority. In addition, the type of violation was examined using the following categories in order of most serious to least serious: criminal (pending criminal charge(s) or a new conviction), absconding (excludes criminal or other technical violations), or technical (excludes criminal or absconding violations).⁴⁴ Probationers may have more than one type of violation on the same day (e.g., a technical violation for having a positive drug test and a criminal violation for a new conviction) and may have multiple violations during the follow-up period. For analysis, examination of type of violation was based on the most serious violation that occurred during follow-up (hereinafter referred to as most serious violation).

Overall, 52% of the probationers had at least one violation during the one-year follow-up period and 68% had at least one violation during the two-year follow-up (see Table 3.7). More misdemeanants than felons had a violation during the two-year follow-up. Based on the most serious violation for probationers with at least one violation, 30% had a criminal violation, 18% had an absconding violation, and 52% had a technical violation. Both felons and misdemeanants had more technical violations as their most serious type of violation. Felons had more criminal violations (34%) and fewer technical violations (46%) as their most serious violation compared to 27% of the misdemeanants with a criminal violation and 56% with a technical violation as their most serious violation.

Table 3.7
Violation Rates

Probation Entries	N	% with Any Violation		% Most Serious Violation (n=21,770):		
		One-Year Follow-Up	Two-Year Follow-Up	Criminal	Absconding	Technical
Misdemeanants	19,711	57	70	27	17	56
Felons	12,121	44	66	34	20	46
Total	31,832	52	68	30	18	52

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

For analysis purposes, only one violation per violation hearing date (or date the violation was handled by the DPS) was counted. The 21,770 probationers with at least one violation accounted for a total of 35,385 violations during follow-up, with an average of 2 probation violations. For probationers with at least one violation, a higher percentage of misdemeanants had only one violation (62%) and fewer had three or more violations (12%) compared to felons (54% and 18% respectively). Among probationers who had a violation, the first violation tended to occur early in the supervision period, generally by the

⁴⁴ Refer to the DPS’s *DCC Exits FY 2008-2009 Update of Probation Revocation to Prison Report*, February 10, 2010, for categorization and definitions of probation violations and revocations. While by definition a “criminal” violation may result from pending charges, it is generally the policy of the DPS to only consider criminal charges that result in conviction as a “criminal” violation. In the case of pending charges, probation officers may use elements of the pending charges to support a technical violation of probation (e.g., a charge for public intoxication could be used to support a technical violation of the probation condition of not using or possessing alcohol).

eighth month. Misdemeanants had their first violation on average at 8 months, while felons had their first violation on average at 9 months. When violation rates were examined by supervision level, the more restrictive the supervision level (e.g., Level 1) the higher the violation rate compared to the least restrictive supervision level (e.g., Level 5) – a stair-step progression with Level 1 at 86%, Level 2 at 79%, Level 3 at 68%, Level 4 at 56%, and Level 5 at 42%.⁴⁵

Responses to Violations of Probation⁴⁶

Information is provided on three responses to probation violations – 1) QDC in local jail facilities (i.e., two- or three-day periods of confinement), 2) CRV in prisons for felons (i.e., 90 days) or typically in local jail facilities for misdemeanants (i.e., up to 90 days), and 3) revocations of probation.⁴⁷

Quick Dip Confinement — QDC

QDC was added as a tool to be used in response to probation violations. It was designed to be an immediate response to offender non-compliance. Offenders could be confined in local jails for either two- or three-day periods. By DPS policy, eligible offenders for QDC are those supervised in Levels 1, 2, and 3 – offenders with the highest levels of supervision.⁴⁸ While the QDC went into effect for persons placed on probation on or after December 1, 2011, the implementation of the sanction was delayed until July 1, 2012 while the DPS developed policies and procedures regarding its use. This delay may have impacted the initial use of the QDC sanction.⁴⁹ During the two-year follow-up, 745 of the 21,770 probationers with a violation had either a two- or three-day QDC imposed. More probationers were confined for a three-day QDC (n=429) compared to a two-day QDC (n=296) while 20 offenders had both. Hereinafter, two- and three-day QDCs are combined for analysis.

Overall, 1% of the probationers had at least one QDC during the one-year follow-up period and 2% had at least one QDC during the two-year follow-up. Misdemeanants and felons had similar rates of QDC during the one-year follow-up (1% and 2% respectively) and during the two-year follow-up (2% and 3% respectively). For probationers with a QDC during the two-year follow-up period, the first QDC occurred on average 11 months after admission to probation; misdemeanants had a shorter time to their first QDC at 9 months than felons at 12 months. Although the utilization of QDC as a sanction for probationers was low, a stair-step progression was found in the QDC rates when examined by supervision level. Probationers in the more restrictive supervision levels had higher QDC rates: Level 1 at 5%, Level 2 at 3%, Level 3 at 3%, and Level 4 at less than 1%. No probationers had a QDC at Level 5.⁵⁰

⁴⁵ See Appendix E for violations rates by the distribution of the risk and need levels during the two-year follow-up.

⁴⁶ As previously mentioned, responses to violations of probation are not directly linked to a specific violation committed by the probationer.

⁴⁷ There were other sanctions available in response to violations of probation (e.g., curfew, house arrest with electronic monitoring) that were not examined.

⁴⁸ Effective December 1, 2015, the DPS changed its policy to allow probation officers to utilize QDC for all levels of offenders; however, it is not the first response to non-compliance and cannot be the response for non-willful violations (e.g., non-payment of fines).

⁴⁹ See *id.* at line 42.

⁵⁰ See Appendix E for the number of QDCs by the distribution of the risk and need levels during the two-year follow-up.

It is difficult to draw any conclusions because of the small number of probationers who had a QDC during the two-year follow-up; however, future recidivism studies should provide more insight to this sanction and its outcomes.⁵¹

Confinement in Response to Violation — CRV

The JRA made substantial changes to the responses to probation violations in terms of confinement. With the JRA, revocation and activation of the suspended sentence may only occur for those who abscond supervision or commit a new crime. A CRV may be imposed for technical violations of probation, with revocation possible only after the imposition of two prior CRVs. Felons who received a CRV are housed in the state prison system, while misdemeanants who received a CRV prior to December 2015, were housed primarily in local jail facilities.⁵² However, because there is no statewide automated jail data system, information on the impact of CRVs on local jail populations is unknown.⁵³

In 2014, the DPS announced its pilot program for a designated CRV center that would offer an approach tailored for felony CRV offenders.⁵⁴ The CRV Centers began receiving felons in December of 2014. Effective January 1, 2016, the DPS made into policy that CRV centers are to be classified as treatment beds (i.e., not prison beds); however, probationers who received a CRV disposition for violations of probation and are not eligible (e.g., medical or mental health reasons) will serve their CRV in a prison facility. Although a small portion of the FY 2013 probation entries may have spent their CRV in a CRV center during the follow-up period due to technical violations of probation, those probationers were not identified in this study since the CRV center's implementation occurred near the end of the follow-up period.

In 2015, the Legislature again made changes to the application of CRVs by eliminating the period of CRV for misdemeanants sentenced to probation under Structured Sentencing.⁵⁵ The amendment also provides that the court may revoke probation for the misdemeanant after he has received two separate periods of short-term confinement (i.e., QDC), which may be imposed either by the court or by the probation officer through delegated authority. This change applies to persons placed on probation on or after December 1, 2015 and will impact the Sentencing Commission's future recidivism studies in that only felons will be eligible for CRVs.

Overall, 8% of probationers had at least one CRV during the one-year follow-up period and 14% had at least one CRV during the two-year follow-up (see Table 3.8).⁵⁶ Misdemeanants had a higher percentage

⁵¹ In 2015, the Legislature eliminated the period of CRV for misdemeanants and provided that the court may revoke probation for the misdemeanant after he received two separate periods of short-term confinement (i.e., QDC), which may be imposed either by the court or by the probation officer through delegated authority.

⁵² Misdemeanants serve CRVs where they would have served their active sentence. The JRA required misdemeanants with a sentence imposed of more than 90 days and up to 180 days to be housed in county jails through the SMCP. During the 2014 Session, the SMCP was expanded to include misdemeanants with sentences greater than 180 days, as well as those sentenced for impaired driving.

⁵³ Data are available from the NC Sheriffs' Association for the SMCP; however, these data represent only a small portion of the state's jail population.

⁵⁴ Further information about CRV Centers can be found at <https://www.ncdps.gov/Adult-Corrections/Community-Corrections/Confinement-in-Response-to-Violation-CRV>.

⁵⁵ The CRV remains as a sanction for offenders sentenced to probation for impaired driving offenses.

⁵⁶ The implementation of CRVs occurred during the follow-up period of this report and some slippage happened in the tracking of CRVs and its evolution as an available sanction by probation officers and court officials. The number of CRVs for each probationer was not reported since the tracking of CRVs in OPUS was in its implementation phase and multiple sources in OPUS were used to identify CRV status. Future reports should have better reporting for CRVs.

who received a CRV compared to felons during the one-year follow-up (11% and 5% respectively) and for the two-year follow-up (16% and 10% respectively). This may be attributed to the shorter supervision length of misdemeanants compared to felons and the use of terminal CRVs⁵⁷ for misdemeanants.⁵⁸

Table 3.8
CRV Rates

Probation Entries	N	# with at Least One CRV	% CRV	
			One-Year Follow-Up	Two-Year Follow-Up
Misdemeanants	19,711	3,164	11	16
Felons	12,121	1,184	5	10
Total	31,832	4,348	8	14

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

For probationers with a CRV during the two-year follow-up, their first CRV occurred on average 11 months after admission to probation; misdemeanants had a shorter time to their first CRV at 10 months than felons at 12 months. Overall, probationers in the more restrictive supervision levels had more CRVs imposed compared to those in the less restrictive supervision levels (i.e., a stair-step progression): Level 1 at 19%, Level 2 at 18%, Level 3 at 14%, Level 4 at 8%, and Level 5 at 4%.⁵⁹

Revocation

For probationers, revocations of probation were also examined as an indicator of misconduct during the two-year follow-up. As mentioned above, revocation and activation of the suspended sentence may only occur for those who abscond supervision or commit a new crime or after the imposition of two CRVs for technical violations following the JRA implementation. Similar to violations of probation, revocations were categorized in order of most serious to least serious as follows: criminal, absconding, or technical. Unlike probation violations where multiple violations can occur on the same date, the probationer can have only one revocation per date. A probationer may have multiple revocations during the follow-up period only if he or she has more than one probation sentence. For analysis, examination of type of revocation was based on the most serious revocation that occurred during follow-up (hereinafter referred to as “most serious revocation”).

Overall, 10% of probationers had a revocation of probation during the one-year follow-up period and 19% had a revocation during the two-year follow-up (see Table 3.9). Misdemeanants were more likely to have their probation revoked during the one-year follow-up than felons with felons “catching up” to misdemeanants by the two-year follow-up.

⁵⁷ A terminal CRV occurs when the probation period is terminated following the period of confinement, either because the period of confinement “used up” the remainder of the offender’s sentence or the court modified the sentence and ordered probation to terminate after the completion of the period of confinement.

⁵⁸ See id. at line 42.

⁵⁹ See Appendix E for the number of CRVs by the distribution of the risk and need levels during the two-year follow-up.

Table 3.9
Revocation Rates

Probation Entries	N	% with Any Revocation		% Most Serious Revocation (n=5,959): Two-Year Follow-Up		
		One-Year Follow-Up	Two-Year Follow-Up	Criminal	Absconding	Technical
Misdemeanants	19,711	11	18	26	55	19
Felons	12,121	9	19	33	53	14
Total	31,832	10	19	29	54	17

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Based on the most serious revocation, 54% had an absconding revocation, 29% had a criminal revocation, and 17% had a technical revocation. For both felons and misdemeanants, the majority had an absconding revocation as the most serious type of revocation. Felons tended to have more criminal revocations and fewer technical revocations than misdemeanants. For probationers with a revocation of probation during the two-year follow-up period, their first revocation occurred an average of 12 months after probation entry; misdemeanants had a shorter time to revocation at 11 months than felons at 13 months. Probationers supervised in the more restrictive supervision levels had higher revocation rates compared to those in the least restrictive supervision levels (i.e., a stair-step progression): Level 1 at 39%, Level 2 at 27%, Level 3 at 17%, Level 4 at 8%, and Level 5 at 2%.⁶⁰

Confinement in Response to Violation and Revocation

Prior to the JRA, revocations of probation were the result of criminal, absconding, or technical violations. After the JRA, revocations of probation were the result of criminal or absconding violations or after the imposition of two CRVs for technical violations. To address whether the process of violating probationers changed – not the specific sanction available to them (i.e., CRV, revocation) – Table 3.10 examines the combination of having a CRV or a revocation during the two-year follow-up for the FY 2013 probation entries. Overall, 31% of probationers had a CRV or a revocation during the two-year follow-up, while felons had 27% with at least one CRV or revocation and misdemeanants had 33%.⁶¹

Table 3.10
CRV and Revocation Rates: Two-Year Follow-Up

Probation Entries	N	% CRV	% Revocation	% CRV or Revocation
Misdemeanants	19,711	16	18	33
Felons	12,121	10	19	27
Total	31,832	14	19	31

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

⁶⁰ See Appendix E for the revocation rates by the distribution of the risk and need levels during the two-year follow-up.

⁶¹ Combining CRV and revocation rates permit comparisons to revocation rates from prior recidivism studies by the Sentencing Commission.

Criminal Justice Outcome Measures

As described in Chapter Two, the Sentencing Commission's main measure of recidivism is fingerprinted arrests. For all probation entries in the sample (n=35,103), the recidivist arrest rate was 26% during the one-year follow-up and 38% during the two-year follow-up (see Chapter Two). For the 31,832 probationers examined in this chapter, the overall recidivist arrest rate was 25% for the one-year follow-up and 37% for the two-year follow-up (see Table 3.11). Misdemeanants had lower recidivist arrest rates than felons. The average time to the first recidivist arrest was 9 months for misdemeanants and 8 months for felons.

Table 3.11
Recidivist Arrest Rates

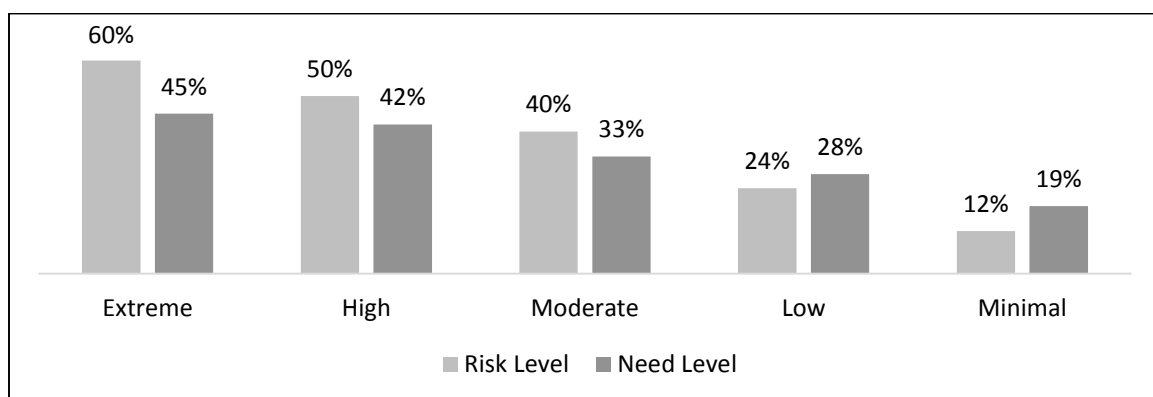
Probation Entries	N	% Recidivist Arrest	
		One-Year Follow-Up	Two-Year Follow-Up
Misdemeanants	19,711	24	35
Felons	12,121	27	39
Total	31,832	25	37

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Recidivist Arrest and Risk and Need Levels

Figure 3.2 shows the rearrest rates during the two-year follow-up by risk and need level. Probationers assessed as extreme risk had the highest rearrest rates at 60% followed by high risk at 50%, moderate risk at 40%, low risk at 24%, and minimal risk at 12%. Examining recidivist arrests and need level show the same stair-step pattern seen with risk level. There were few differences between misdemeanants and felons examining recidivist arrest by risk and need levels.⁶²

Figure 3.2
Recidivist Arrest Rates by Risk and Need Levels for Probation Entries: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

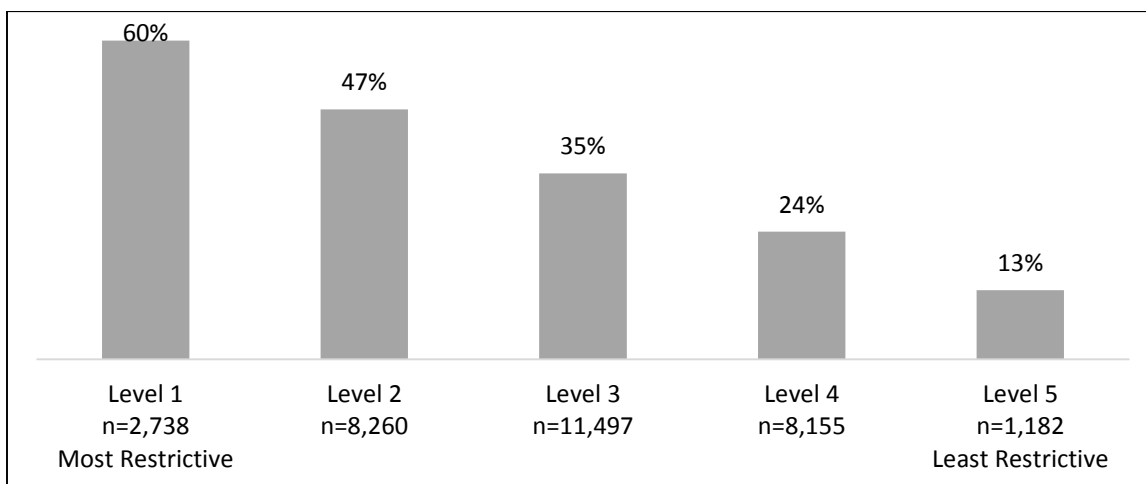
⁶² See Appendix E for recidivist arrest rates by the distribution of the risk and need levels and by risk, need, and supervision levels for misdemeanants and felons during the two-year follow-up.

The 11,667 probationers with at least one recidivist arrest accounted for 21,605 recidivist arrests with an average of 2 arrests per offender regardless of risk level. A similar pattern was found based on need level for probationers. The average time to the first recidivist arrest was 9 months for probationers. Extreme and high risk probationers had their first recidivist arrest on average at 8 months compared to the remaining three risk level groups that had their first recidivist arrest around 9 months. For need level, no distinctive pattern for the time to the first rearrest between the five groups emerged.

Recidivist Arrest and Supervision Level

Similar to the pattern in rearrest rates by risk level and by need level, Figure 3.3 shows the same stair-step pattern in rearrest rates by supervision level – overall, the higher the supervision level the higher the rearrest rates. Sixty percent of Level 1 probationers had a recidivist arrest; 47% of Level 2, 35% of Level 3, 24% of Level 4, and 13% of Level 5. In general, probationers averaged 2 arrests per offender regardless of supervision level. Looking at the time to first recidivist arrest, Level 1 (the most restrictive) had the shortest amount of time to rearrest compared to probationers supervised in Level 5 (the least restrictive) – the time ranged from an average of 8 months to 10 months.

Figure 3.3
Recidivist Arrest Rates by Supervision Level for Probation Entries: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

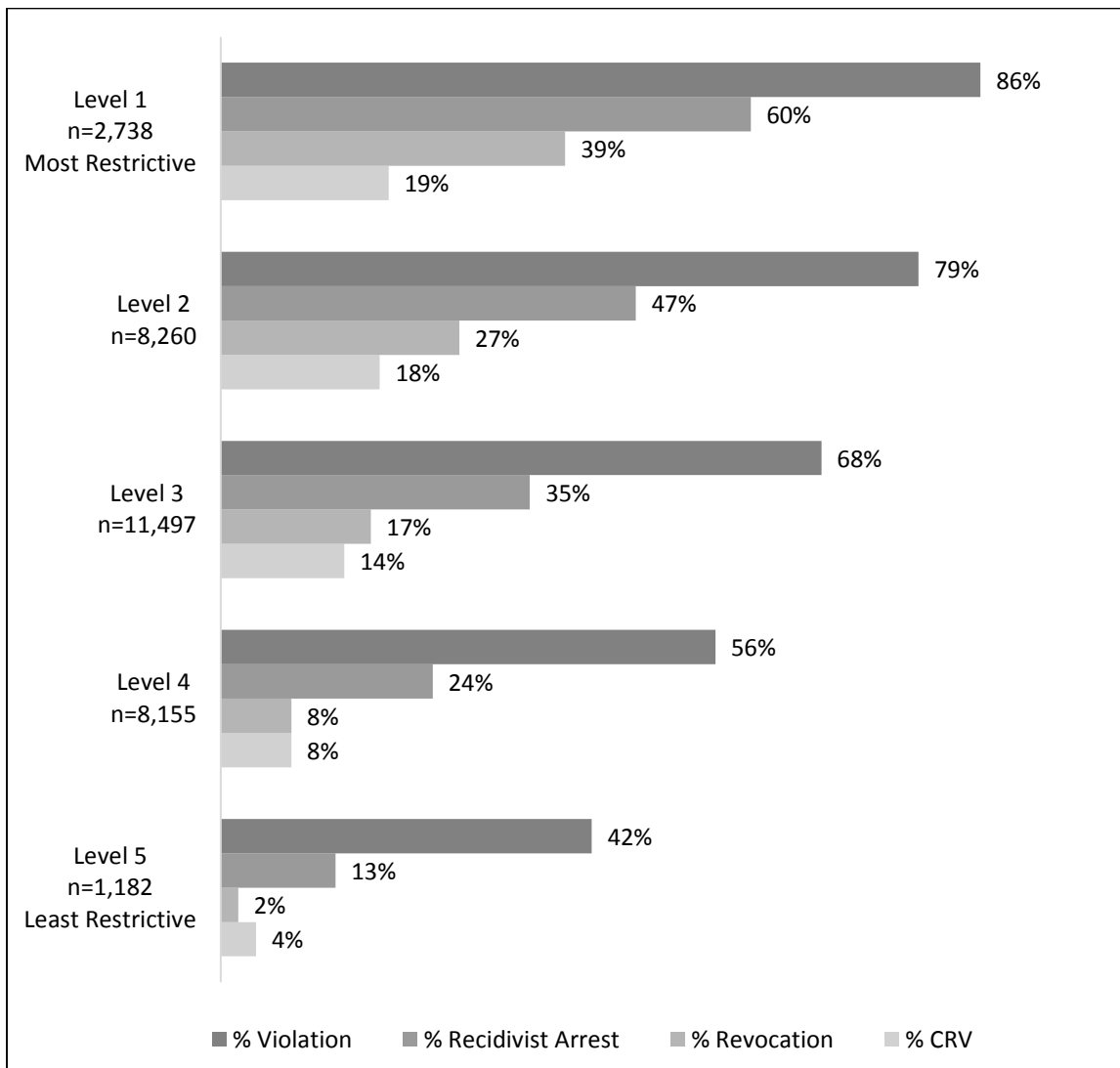
Summary

Chapter Three provides a closer examination of the FY 2013 sample's probationers in terms of risk, need, and supervision levels. Under the new legal provisions and policies of the JRA, more emphasis is given to risk, need, and supervision levels; probation violations and responses to those violations; and recidivism.

Ninety-one percent of the probationers (n=31,832) had a supervision level assigned based on the RNA. (See Figure 3.4.) The majority were misdemeanants (62%) based on their current conviction. Felons were more likely to be male, be a high school dropout, and have a greater proportion with substance abuse and/or need than misdemeanants. Felons had more prior contacts (i.e., fingerprinted arrests, probation admissions, probation revocations, incarcerations) with the criminal justice system than

misdemeanants. More felons than misdemeanants had higher risk and need levels. Eight percent of probationers were assigned to Supervision Level 1 (the most restrictive based on contacts with the probation officer), 26% to Level 2, 36% to Level 3, 26% to Level 4, and 4% to Level 5 (the least restrictive).

Figure 3.4
Criminal Justice Outcomes by Supervision Level for Probation Entries: Two-Year Follow-Up



Note: The QDC rates by supervision level were 5% for Level 1, 3% for Level 2 and 3%, and less than a percentage point for Level 4 with no QDCs in Level 5.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Probation violations and responses to violations were analyzed as interim outcome measures for probationers by conviction. Sixty-eight percent of probationers had at least one violation during the two-year follow-up. Misdemeanants had higher violation rates than felons. For felons and misdemeanants with at least one violation, most had a technical violation as their most serious violation. Three responses to violations were examined – QDCs, CRVs, and revocations. Over 700 probationers had a two- or three- day QDC – a graduated sanction that can be used through the use of

the DPS's delegated authority or as ordered by the court. Since QDCs implemented later during the follow-up period, no meaningful conclusions were presented. With its more immediate implementation following the enactment of the JRA, 14% of probationers had at least one CRV with misdemeanants having more CRVs (16%) than felons (10%). Revocations of probation may only occur due to criminal or absconding violations or after two CRVs for technical violations due to the JRA. Nineteen percent of probationers had a revocation during the two-year follow-up with no differences between misdemeanants and felons. Looking at violations and responses to violations by supervision level, a stair-step pattern emerged – probationers with the highest risk of reoffending in Supervision Level 1 had more violations (86%), QDCs (5%), CRVs (19%), and revocations (39%) during the two-year follow-up compared to the remaining four groups (*see* Figure 3.4). Level 5 probationers had the least proportion of offenders with violations, QDCs, CRVs, and revocations compared to the other supervision levels.

Finally, recidivist arrests were examined based on risk, need, and supervision levels for probationers. Figure 3.4 shows the same stair-step pattern in recidivist arrest rates by supervision level – the higher the supervision level the higher the rearrest rates. Sixty percent of Level 1 probationers had a recidivist arrest; 47% of Level 2, 35% of Level 3, 24% of Level 4, and 13% of Level 5.

Chapter Four examines the profile and outcomes for the FY 2013 prison releases.

CHAPTER FOUR

PRISON RELEASES IN FY 2013

Chapter Three examines probationers in the sample, with the goal of determining the effects of the JRA on the state's community corrections population during early implementation. Chapter Four turns to a further examination of the prisoners in the FY 2013 sample. This chapter examines the felony prison releases by post-release supervision (PRS) status (i.e., PRS, no PRS), provides a description of these offenders, and details their past, current, and recidivist involvement in the criminal justice system.⁶³

As mentioned in Chapter One, few prisoners in the FY 2013 sample were subject to the provisions of the JRA (11%). Consequently, the results presented in Chapter Four cannot be directly linked to any legislative or policy changes associated with the JRA. However, the FY 2013 prison release sample provides a baseline from which to compare future samples and to evaluate JRA outcomes and effectiveness.

Defining Post-Release Supervision and Post-Release Supervision Status

PRS is the mandatory period of supervision an offender serves in the community after serving an active sentence in prison. For offenses occurring prior to December 1, 2011, a period of nine months of supervision is required for Class B1 through Class E felons; offenders convicted of a Class F through Class I felony are released from prison with no supervision. For offenses occurring on or after December 1, 2011 (the effective date of the JRA), PRS is expanded to include all felons. After serving an active sentence, a period of nine months of supervision is required for Class F through Class I felons; twelve months of PRS is required for Class B1 through Class E felons.⁶⁴

The FY 2013 prison release sample includes offenders with and without PRS. PRS status was determined based on the offense class of the most serious conviction (Class B1 through Class E felony or Class F through Class I felony) and the offense date (before or after the effective date of the JRA), as described above. The reason for which an offender entered prison (categorized broadly into three categories – conviction for a new crime, probation revocation, and PRS revocation) was another factor in determining PRS status.⁶⁵ For the FY 2013 sample, all Class B1 through Class E felony prison releases were assumed to have PRS, unless they entered prison for a revocation of PRS;⁶⁶ Class F through Class I felony prison releases with a pre-JRA offense date were assumed to be released without PRS, while those with a post-JRA offense date were assumed to be released from prison with PRS.⁶⁷

The FY 2013 sample included 13,873 felony prison releases. The majority (69% or n=9,566) were released from prison without PRS; the remaining 31% (n=4,307) were released from prison onto PRS. Overall, 65% of prison releases originally entered prison for a new crime, 32% entered prison for a probation revocation, and 3% entered prison for a PRS revocation.

⁶³ A glossary of primary analysis variables and key terms is provided in Appendix B.

⁶⁴ Offenders convicted of a sex offense are required to be supervised for five years. The revocation period for Class B1 through Class E sex offenders is five years and the revocation period for Class F through Class I sex offenders is nine months.

⁶⁵ OPUS data indicating whether a prisoner was released onto PRS or released without PRS were not available.

⁶⁶ In the FY 2013 sample, a small number of Class B1 through Class E felony prison releases (n=426) originally entered prison for a PRS revocation and therefore exited prison without PRS.

⁶⁷ Future samples will include Class F through Class I felons who enter prison for a revocation of PRS; however, there were no Class F through Class I felons who entered prison for this reason in the FY 2013 sample of prison releases.

Statistical Profile of the FY 2013 Prison Releases

Personal Characteristics

Table 4.1 contains information describing the personal characteristics of the prison releases by PRS status. The composition of the prison sample by PRS status was similar for gender, education, and

Table 4.1
Personal Characteristics

Personal Characteristics	Prison Releases		
	PRS n=4,307 %	No PRS n=9,566 %	Total N=13,873 %
Gender			
Female	8	11	10
Male	92	89	90
Race			
Black	64	55	57
White	30	40	37
Other/Unknown	6	5	6
Age at Release from Prison			
Under 21 Years	8	6	7
21-29 Years	36	36	36
30-39 Years	26	29	28
40-49 Years	19	19	19
50 Years and Older	11	10	10
Marital Status			
Single	72	66	68
Divorced/Separated	17	21	19
Married/Widowed	11	13	13
Other/Unknown	0	0	0
Education			
High School Graduate	26	26	26
High School Dropout	74	74	74
Employment			
Employed	36	38	38
Unemployed	64	62	62
Substance Abuse			
None Indicated	25	30	29
Substance Abuse or Need	75	70	71

Note: Thirty offenders were missing education, 254 were missing employment, and 88 were missing substance abuse information. Of the 13,873 offenders with ethnicity available, 3% were Hispanic.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

employment. However, the sample distribution varied in terms of race, marital status, and substance abuse need and/or history of drug addiction. Prison releases with PRS were more likely to be black compared to prisoners without PRS (64% and 55% respectively) and more likely to be single (72% compared to 66%). A greater proportion of those with PRS had a substance abuse need and/or history of drug addiction (75%) when compared to those without PRS (70%). The average age at prison release was 34; there were no differences in age between groups.

Criminal History

The criminal history of prisoners is examined in Table 4.2. Regardless of the measure, prisoners released without PRS tended to have more extensive prior criminal histories than prisoners released onto PRS. Of prisoners released without PRS, 95% had a prior arrest, 60% had a prior probation revocation, and 59% had a prior incarceration. Ninety percent of prison releases with PRS had a prior arrest, 54% had a prior probation revocation, and 52% had a prior incarceration. The greatest difference between groups occurred for prior probation admissions – 93% of prisoners without PRS had a prior probation admission compared to 76% of prisoners with PRS.

Table 4.2
Prior Criminal Justice Contacts

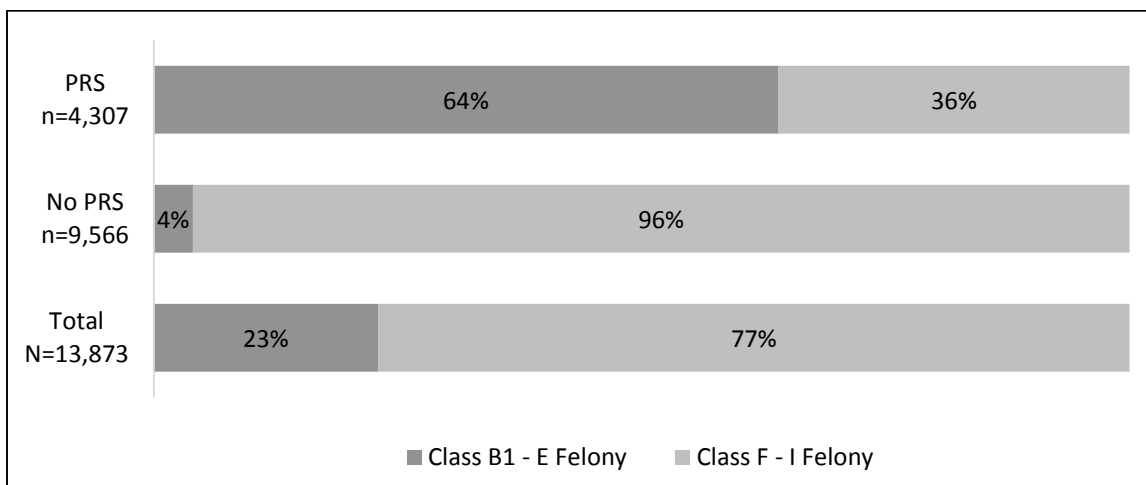
Prior Criminal Justice Contacts	Prison Releases		
	PRS n=4,307 %	No PRS n=9,566 %	Total N=13,873 %
Prior Arrests			
% with Any Arrest	90	95	94
Total # of Arrests	24,765	61,901	86,666
Average # of Arrests	6	7	7
Prior Probation Admissions			
% with Any Probation Admission	76	93	87
Total # of Probation Admissions	8,697	24,787	33,484
Average # of Probation Admissions	3	3	3
Prior Probation Revocations			
% with Any Probation Revocation	54	60	58
Total # of Probation Revocations	4,933	12,479	17,412
Average # of Probation Revocations	2	2	2
Prior Incarcerations			
% with Any Incarceration	52	59	57
Total # of Incarcerations	6,784	16,342	23,126
Average # of Incarcerations	3	3	3

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Figure 4.1 presents information on the offense class of the current conviction for the FY 2013 prison releases. Overall, the majority of prison releases (77%) had a conviction for a Class F through Class I felony. Most prison releases with PRS had a current conviction for a Class B1 through Class E felony

(64%), while nearly all prison releases without PRS had a current conviction for a Class F through Class I felony (96%).

Figure 4.1
Offense Class of the Most Serious Current Conviction for Prison Releases

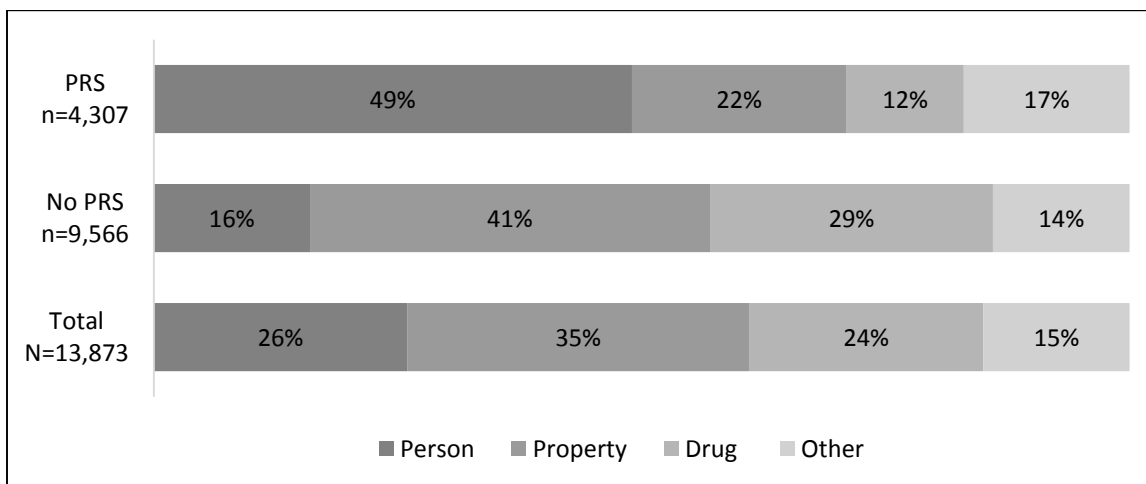


Note: All Class B1 through Class E prison releases without PRS entered prison for a PRS revocation.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

The distribution of the current conviction by offense type (i.e., person, property, drug, other) is provided in Figure 4.2. The majority of prisoners released onto PRS had convictions for person offenses (49%) and property offenses (22%), while prisoners released without PRS had convictions for property offenses (41%) and drug offenses (29%).

Figure 4.2
Offense Type of the Most Serious Current Conviction for Prison Releases



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Incarceration Profile

The incarceration profile for the FY 2013 prison releases by PRS status is provided in Table 4.3 and includes information on a prisoner's highest custody level and average time served while incarcerated.⁶⁸ Overall, 17% of prisoners had close custody, 48% had medium custody, and 35% had minimum custody as their highest custody level. Prison releases with PRS were more likely than their counterparts to have close custody (the most restrictive custody level) as their highest custody level (30% and 12% respectively), while prison releases without PRS were more likely than their counterparts to have minimum custody as their highest custody level (41% and 21% respectively). This is largely based on the offense class of the current conviction – prisoners with a Class B1 through Class E felony are more likely than prisoners with a Class F through Class I felony to be assigned to higher custody levels, based on DPS custody classification policy.

Over half of prison releases without PRS served an average sentence of one year or less (26% served 6 months or less, 28% served 7 to 12 months), while over half of prison releases with PRS served an average sentence of more than 25 months (51%). These findings are consistent with the offense class composition of prisoners by PRS status. Prisoners released onto PRS, mainly offenders with a Class B1 through Class E conviction, have longer sentences, while prisoners released without PRS, Class F through Class I offenders, have shorter sentences.

Table 4.3
Incarceration Profile

Incarceration Profile	Prison Releases		
	PRS n=4,307 %	No PRS n=9,566 %	Total N=13,873 %
Highest Custody Level			
Close	30	12	17
Medium	49	47	48
Minimum	21	41	35
Time Served			
6 Months or Less	22	26	25
7-12 Months	15	28	24
13-24 Months	12	27	22
25 Months or More	51	19	29

Note: Of the 13,873 prison releases, there were 162 with a missing highest custody level.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

⁶⁸ Upon prison admission, the DPS processes, evaluates, and assigns prisoners a custody level based on numerous factors, including the crime committed, social background, and criminal history. While incarcerated, inmates may be moved into higher or lower custody levels based on their behavior to maintain order in the prison, protect staff, and provide inmate safety. Inmates in close custody present the highest risk, while inmates in minimum custody present the least risk. For more information on custody levels, see http://www.doc.state.nc.us/dop/policy_procedure_manual/C.0900_09_24_07.pdf and <https://www.ncdps.gov/Adult-Corrections/Prisons/Classification>.

Criminal Justice Outcomes

As described in Chapter Two, the Sentencing Commission's main measure of recidivism is fingerprinted arrests, supplemented by information on recidivist convictions and recidivist incarcerations. Overall, prisoners without PRS had worse criminal justice outcomes for two measures, recidivist arrest and recidivist conviction. Prisoners with PRS had worse criminal justice outcomes for recidivist incarceration.

Recidivist Arrest, Conviction, and Incarceration

Recidivist arrest rates for the one-year and two-year follow-up are shown in Table 4.4. Overall, 48% of prison releases had a recidivist arrest during the follow-up, with the first recidivist arrest occurring, on average, 9 months after prison release. Prisoners without PRS had slightly higher rates of recidivist arrest compared to those with PRS during the follow-up (48% and 46% respectively). The average number of months to first recidivist arrest was similar for prisoners with PRS and those without PRS (10 and 9 months respectively). Overall, 47% had one recidivist arrest, 26% had two recidivist arrests, 20% had three to four recidivist arrests, and 7% had five or more recidivist arrests. There were no differences in the number of recidivist arrests by PRS status.

Table 4.4
Recidivist Arrest Rates

PRS Status	N	Total Arrests	% Recidivist Arrest	
			One-Year Follow-Up	Two-Year Follow-Up
PRS	4,307	3,873	29	46
No PRS	9,566	10,072	33	48
Total	13,873	13,945	31	48

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Table 4.5 presents the recidivist conviction rates for the one-year and two-year follow-up. Overall, 26% of prison releases had a recidivist conviction during the follow-up with the first recidivist conviction occurring, on average, 13 months after release. Twenty-seven percent of prisoners released without PRS had a recidivist conviction, while 23% of prison releases with PRS had a recidivist conviction. For both groups, the first recidivist conviction occurred an average of 13 months after prison release.

Table 4.5
Recidivist Conviction Rates

PRS Status	N	Total Convictions	% Recidivist Conviction	
			One-Year Follow-Up	Two-Year Follow-Up
PRS	4,307	1,255	10	23
No PRS	9,566	3,437	11	27
Total	13,873	4,692	11	26

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Class F through Class I felons typically have higher recidivist arrest and recidivist conviction rates than Class B1 through Class E felons.⁶⁹ Because the majority of prisoners released without PRS are Class F through Class I felons, this may partially account for their higher recidivist arrest and recidivist conviction rates when compared to their counterparts.

Recidivist incarceration rates for the one-year and two-year follow-up are shown in Table 4.6. Overall, 21% of prison releases had a recidivist incarceration during the follow-up, with the first recidivist incarceration occurring, on average, 11 months after prison release. Prisoners with PRS had higher recidivist incarceration rates (28%) than prisoners without PRS (18%) and had their first recidivist incarceration, on average, sooner than prison releases without PRS (8 months and 13 months respectively). Higher recidivist incarceration rates for prisoners released onto PRS may be attributable to their supervision; offenders on PRS can be revoked and subsequently incarcerated for violations of the terms of their supervision.

Table 4.6
Recidivist Incarceration Rates

PRS Status	N	Total Incarcerations	% Recidivist Incarceration	
			One-Year Follow-Up	Two-Year Follow-Up
PRS	4,307	1,451	22	28
No PRS	9,566	1,938	8	18
Total	13,873	3,389	12	21

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation

Criminal Justice Outcomes by Most Serious Conviction

In Table 4.7, recidivism rates were examined by offense class and PRS status. Prisoners without PRS who had a Class B1 through Class E conviction had higher recidivism rates across all three criminal justice outcome measures when compared to prisoners with PRS in the same offense class grouping. In FY 2013, all Class B1 through Class E offenders exiting prison without PRS entered prison for a PRS revocation (n=426). Since these offenders had already violated terms of their supervision as evidenced by their PRS revocations, it is not surprising they have more contact with the criminal justice system during the two-year follow-up when compared to their counterparts.

Prisoners with PRS who had a Class F through Class I conviction had higher recidivism rates across all three criminal justice outcome measures when compared to prisoners without PRS in the same offense class grouping. However, with only 14% of offenders in Class F through Class I exiting prison onto PRS in FY 2013, the effect of PRS for this group on recidivist arrests, convictions, and incarcerations is not able to be measured at this point. As more Class F through Class I felons are released from prison onto PRS, it will be possible to examine the effect of PRS on criminal justice outcomes for this group.

⁶⁹ See analysis of criminal justice outcomes by most serious current conviction in Chapter Two, Table 2.10.

Table 4.7
Criminal Justice Outcomes by Most Serious Current Conviction

Most Serious Current Conviction	N	Criminal Justice Outcomes: Two-Year Follow-Up		
		% Recidivist Arrest	% Recidivist Conviction	% Recidivist Incarceration
PRS				
Class B1 – E Felony	2,763	40	17	22
Class F – I Felony	1,544	56	33	39
Total	4,307	46	23	28
No PRS				
Class B1 – E Felony	426	58	32	36
Class F – I Felony	9,140	48	26	17
Total	9,566	48	27	18
Prison Releases				
Class B1 – E Felony	3,189	43	19	24
Class F – I Felony	10,684	49	27	21
Total	13,873	48	26	21

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

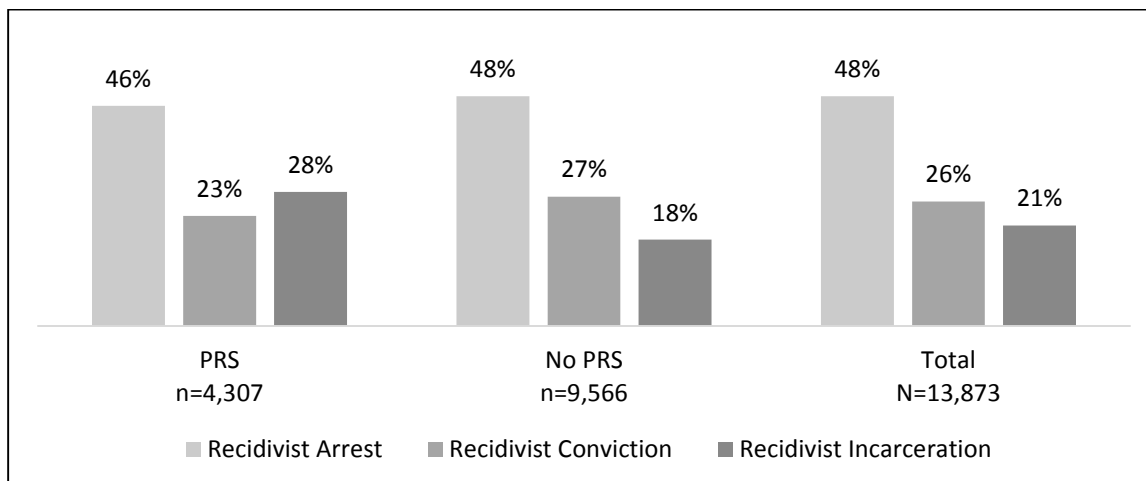
Summary

Chapter Four examined the FY 2013 felony prison release sample by PRS status. The majority of the 13,873 prisoners in the sample were released without PRS (69% or n=9,566). Overall, 65% originally entered prison for a new crime, 32% entered prison for a probation revocation, and 3% entered prison for a revocation of PRS. The composition of the prison sample by PRS status was similar for gender, education, and employment. However, prisoners released onto PRS were more likely to be black, single, and to have a substance abuse need and/or history of drug addiction than their counterparts.

Four measures were used to examine prior criminal justice histories – prior arrests, prior probation admissions, prior probation revocations, and prior incarcerations. Compared to prisoners with PRS, prisoners released without PRS had more extensive prior criminal histories for all four measures, with the biggest difference occurring for prior probation admissions (93% of prisoners without PRS had a prior probation admission compared to 76% of prisoners with PRS).

Three measures of recidivism – recidivist arrest, conviction, and incarceration – were used to assess repeat involvement with the criminal justice system. Overall, prisoners without PRS were more likely to have a recidivist arrest or a recidivist conviction, while prisoners with PRS were more likely to have a recidivist incarceration (see Figure 4.3).

Figure 4.3
Criminal Justice Outcomes for Prison Releases: Two-Year Follow-Up



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Differences in recidivist arrest and conviction rates by PRS status may be related to the offense class of the most serious conviction, while the difference in the recidivist incarceration rate is likely related to supervision. Nearly all prisoners released without PRS were Class F through Class I felons, a group that tends to have higher recidivist arrest and recidivist conviction rates compared to Class B1 through Class E felons. Prisoners released onto PRS can be revoked and subsequently incarcerated for violations of PRS, possibly accounting for their higher recidivist incarceration rate compared to prisoners released without PRS.

A major limitation in the examination of criminal justice outcomes for prisoners is the lack of information for all prison releases on a key predictor of recidivism – risk. As discussed in Chapter Three, a validated risk and need assessment is administered for probationers to determine supervision level, program placement, and other interventions. A similar instrument has not been validated on prisoners for use at prison intake. Implementation of a validated risk and need assessment for prisoners would allow for a more complete examination and understanding of criminal justice outcomes.

The JRA is expected to have an impact on prison releases as more offenders are convicted and released from prison for offenses occurring on or after December 1, 2011 (the effective date of the JRA). The proportion of prisoners released onto PRS in Class F through Class I is expected to increase over time, shifting the overall distribution of PRS status for prison releases. Changes in sample composition, PRS status, and criminal justice outcomes for prison releases will continue to be monitored in future reports. As such, the FY 2013 prison release sample provides a baseline to compare future samples and to examine the effect of the JRA on criminal justice outcomes.

Chapter Five concludes with a discussion of consistent findings across the Sentencing Commission’s recidivism reports, as well as early observations on recidivism in North Carolina following the enactment of the JRA.

CHAPTER FIVE 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 ninth correctional program evaluation in compliance with the expanded mandate (G.S. 164-47). In its studies of recidivism, the Sentencing Commission uses arrests as the primary measure of recidivism, supplemented by information on convictions and incarcerations, to assess the extent of an offender's repeat involvement in the criminal justice system.

The sample selected for this study included offenders released from prison or placed on probation during FY 2013, followed for a fixed period of two years. Of the 48,976 offenders in the current sample, 72% (n=35,103) were placed on probation and 28% (n=13,873) were released from prison. The majority of probationers had a most serious conviction for a misdemeanor offense (62%), while the majority of prisoners had a most serious conviction for a Class F through Class I felony offense (77%). This report examines probationers by current conviction (i.e., felony, misdemeanor) and supervision level, and prisoners by PRS status (i.e., PRS, no PRS).

Of the sample as a whole, 78% were male and 50% were black. Eighty-two percent of the offenders had one or more prior fingerprinted arrests, accounting for a total of 196,226 prior arrests for the sample. Over half (55%) of the offenders had a most serious current conviction for a felony offense. Overall, 40% (n=19,818) of the 48,976 offenders studied had a recidivist arrest during the two-year follow-up period, accounting for a total of 39,081 arrests. Twenty-one percent of the FY 2013 sample had a recidivist conviction during the two-year follow-up period and 16% of the sample had a recidivist incarceration during the two-year follow-up period.

Conclusions

The issue of correctional resources and, specifically, their effectiveness in increasing public safety and deterring future crime have continued to be of interest to legislators and policy makers. It is the goal of most programs to sanction and control offenders, to offer them opportunities that will assist in altering negative behavioral patterns, and, consequently, to lower the risk of reoffending. Studies that measure recidivism are a nationally accepted way to assess the effectiveness of in-prison and community corrections programs in preventing future criminal behavior. In contemplating effective ways to implement or change existing programs, policies, or practices designed to reduce recidivism, it is important to consider consistent findings related to criminal justice outcomes.

The Sentencing Commission's previous recidivism reports provide a framework to examine trends in recidivism rates and related factors for North Carolina offenders. Table 5.1 presents overall recidivism rates (measured as recidivist arrests) for SSA offenders for the Commission's past five studies and the current study.⁷⁰

⁷⁰ For consistency with the FY 2013 sample, the prison sample for each of the previous studies was limited to prison releases with a felony conviction.

Table 5.1
Recidivist Arrest Rates for North Carolina Offenders

Sample Year	Sample Size	Recidivist Arrest Rates: Two-Year Follow-Up		
		Probationers	Prisoners	All Offenders
FY 2002	54,263	27	42	31
FY 2004	52,926	28	43	31
FY 2006	55,780	28	42	32
FY 2009	56,574	35	47	38
FY 2011	52,823	37	49	40
FY 2013	48,976	38	48	40

Note: The prison sample for each of these studies was limited to prisoners with a felony conviction.
SOURCE: NC Sentencing and Policy Advisory Commission

The series of studies indicates that statewide recidivism rates have been consistent over the past fourteen years, with a measurable increase in the rates in two of the more current samples (FY 2009 and FY 2011). The primary explanation for the increase in recidivism rates is a change in field technology. Improved fingerprinting technology in sheriffs' offices and police departments has led in recent years to a greater number of fingerprinted misdemeanor arrests, which coincides with these increases. However, the overall recidivist arrest rate for the FY 2013 sample is identical to the rate from the previous sample. It is unclear if the improvements in technology in terms of fingerprinted arrests have had the greatest effect on recidivism rates already or whether further increases will occur.

Consistent findings over time point to the relative success of probationers compared to prisoners. For the primary measures of recidivism (arrest, conviction, and incarceration), probationers have lower rates than prisoners. However, a major limitation in the examination of criminal justice outcomes for prisoners is the lack of information for all prison releases on a key predictor of recidivism – risk. Without comparable risk data for prisoners, it is not possible to examine an important factor that might be contributing to recidivist behavior beyond sentence type (i.e., probation versus prison). Controlling for risk would allow for a greater understanding of offender profiles in the context of criminal justice outcomes, as well as the magnitude of the effect of prisonization on offender behavior. The DPS now administers its validated RNA to all offenders supervised in the community, including those released from prison onto PRS. As more offenders are released onto PRS, more will have completed RNAs – allowing for the analysis of risk, need, and supervision level for all offenders.

Sentencing Commission studies have consistently found that past behavior is a strong predictor of future behavior. Specifically, offenders with more extensive criminal history tend to have worse criminal justice outcomes. As discussed above, prisoners have higher recidivism rates compared to probationers; prisoners also have more extensive prior contact with the criminal justice system compared to probationers. This finding also holds true when examining specific groups of probationers and prisoners. Felony probationers in the FY 2013 sample were found to have more prior contact with the criminal justice system compared to misdemeanor probationers; felony probationers also had higher rates of recidivist arrest. Prisoners in the sample without PRS had more extensive prior criminal histories and

higher rates of recidivist arrest compared to those prisoners with PRS. While past behavior is an important component in understanding criminal justice outcomes, complete risk information would allow for the study of the totality of offenders' characteristics as summarized into risk, as well as the magnitude of its effect on recidivism rates.

As noted in this report and previous recidivism reports, a limitation in the Sentencing Commission's recidivism studies is the lack of available statewide jail data. Because of that, the recidivist incarceration measure is incomplete as it only accounts for incarcerations in the state prison system. In addition, an offender's true time at risk (or window of opportunity to recidivate) during the two-year follow-up period cannot be accurately measured. Beyond those limitations, an examination of recidivism for a large number of North Carolina offenders – those who serve their sentences in local jails – cannot be measured. The development of a statewide automated jail database would allow for a more comprehensive study and understanding of offender behavior in North Carolina.

Early Observations of the Effects of the Justice Reinvestment Act on Recidivism

As noted throughout the report, the passage of the JRA in 2011 resulted in substantial changes to sentencing practices and correctional policies within North Carolina's criminal justice system. Part of the intent of the JRA is to reduce recidivism by more effectively targeting correctional resources and utilizing evidence-based supervision practices. It is important to note that changing offender behavior takes time and may be influenced by external factors (e.g., changes in criminal justice trends). Outcomes reported for probationers in this report offer a first look at the impact of the JRA during the early phase of implementation and offer a baseline for future comparisons of the effect of JRA policies and practices. It is too soon to examine the effect of the JRA on criminal justice outcomes for prisoners, because so few in the sample were subject to the changes under the law.

The Sentencing Commission's series of reports has consistently confirmed the value of offender risk assessments as a predictive tool for recidivism and noted its potential use at various points in the criminal justice decision making process. The current study, based on the validated RNA mandated by the JRA to determine supervision levels for probationers, has again proven this tool to be a predictor of repeat offender behavior. When probationers were examined by supervision level, a stair-step progression in interim outcomes and recidivism rates was found. This finding suggests the RNA and resulting supervision levels accurately identify those more likely to reoffend and place them in the appropriate, more restrictive supervision levels.

Another consistent finding across studies is the need for effective targeting of correctional resources for certain offenders to control their risk of reoffending and address their needs. Under the JRA, the evidence-based approach to targeting and matching (informed by the RNA and supervision level) is expected to lead to better offender outcomes. The examination of outcomes by supervision levels over time will provide an understanding of whether the tailored approach to supervising decreases the likelihood of reoffending and noncompliant behavior while on supervision.

A recurring theme in the recidivism studies points to the fact that offenders who fail to comply with conditions or commit new crimes are likely to do so relatively early in the follow-up period. This finding highlights the importance of not only the targeting of correctional resources, but also their timing, in order to reduce recidivism. Components of the JRA address the timing and graduated severity of responses to probation violations (i.e., QDCs and CRVs), in order to stop or delay certain behaviors before they lead to further violations of supervision or new criminal behavior. While probationers

examined in this sample offer a first look at the use of new available sanctions, it is too soon to measure their effect on certain outcome measures – such as recidivist arrest rates – although it is anticipated that the use of other sanctions short of revocation may contribute to improved outcomes for offenders (e.g., successful completion of probation).

As intended, the JRA has already affected revocation rates for probationers. Prior to the JRA, revocations of probation occurred as the result of criminal, absconding, or technical violations. After the JRA, revocations of probation can only occur as the result of criminal or absconding violations or after the imposition of two CRVs for technical violations. Table 5.2 provides a comparison of violation and revocation rates for probation entries for the past three recidivism studies. While violation rates have increased, revocation rates for probationers have decreased substantially. The decreases for FY 2011 and FY 2013 can be attributed to the limits to revocations of probation for technical violations and the establishment of CRVs. Of interest for future studies will be an examination of whether options available to respond to probationer noncompliance, short of revocation, are effective in reducing reoffending.

Table 5.2
Violation and Revocation Rates for North Carolina Probationers

Sample Year	Sample Size	Two-Year Follow-Up	
		Violation Rates	Revocation Rates
FY 2009	40,156	63	36
FY 2011	33,900	66	31
FY 2013	31,832	68	19

Note: The probation sample for each of the studies was limited to probationers with a risk assessment completed.
SOURCE: NC Sentencing and Policy Advisory Commission

The JRA has also contributed to the decline in the recidivist incarceration rate in North Carolina. Table 5.3 shows the recidivist incarceration rates for probation entries, prison releases, and all offenders for the past three recidivism studies. The decreases in the recidivist incarceration rates for FY 2011 and FY 2013 are primarily the result of two provisions in the JRA legislation – the limits to revocations of probation for technical violations replaced by the use of CRVs and the shifting of misdemeanants out of the state prison system (active sentences for misdemeanants and misdemeanor probation revocations are served in local jails rather than in prison).

Table 5.3
Recidivist Incarceration Rates for North Carolina Offenders

Sample Year	Sample Size	Recidivist Incarceration Rates: Two-Year Follow-Up		
		Probationers	Prisoners	All Offenders
FY 2009	56,574	24	24	24
FY 2011	52,823	22	20	22
FY 2013	48,976	14	21	16

Note: The prison sample for each of these studies was limited to prisoners with a felony conviction.
SOURCE: NC Sentencing and Policy Advisory Commission

The expansion of PRS to all felons under the JRA will have increasing importance in the criminal justice system and in future studies of recidivism. While previous Commission recidivism studies examined prison releases by PRS status, the number of offenders released onto PRS was small. Over time, the proportion of prisoners released onto PRS in Class F through Class I is expected to increase, shifting the overall distribution of PRS status for prison releases and increasing the population under supervision. Current findings point to differences by PRS status for criminal justice outcomes, possibly as a result of the offense class of the current conviction and/or supervision itself. As more prisoners exit onto PRS, its impact on offender behavior can be examined.

Future studies can also address whether PRS has an impact on recidivism for certain groups of offenders by comparing outcomes from past studies (e.g., Class F through Class I felons who were not previously supervised following release from prison). Also of interest will be the examination of the effect of PRS on recidivist incarceration rates. With more offenders released onto PRS, it is possible that recidivist incarcerations for prisoners will increase as a result of revocations of PRS.

Expectations for success in preventing future criminality should be viewed realistically. Components of an offender's criminal history, current offense, and experiences with the correctional system are all elements strongly correlated with continued criminal behavior. The probability of rehabilitative success and recidivism reduction should be articulated in this context. Offender's criminogenic factors should be weighed realistically compared to the short time and limited resources at the DPS's disposal to reverse their impact. Notwithstanding this caveat, the Sentencing Commission looks forward to continuing its collaborative work with the DPS to combine the lessons learned from previous studies of recidivism and from the first empirically measurable effects of the JRA in an effort to evaluate the promising new approach to offender supervision, treatment, and services.

APPENDIX A

Fingerprinted Arrests by Fiscal Year

Table A.1
Fingerprinted Arrests by Fiscal Year

Fiscal Year	Total Arrests		Felony Arrests			Misdemeanor-Only Arrests		
	#	% Annual Change	#	% Annual Change	% of Total	#	% Annual Change	% of Total
2000	89,661	N/A	58,826	N/A	66%	30,835	N/A	34%
2001	96,593	8%	64,496	10%	67%	32,097	4%	33%
2002	103,125	7%	68,843	7%	67%	34,282	7%	33%
2003	107,022	4%	71,980	5%	67%	35,042	2%	33%
2004	109,098	2%	71,987	0%	66%	37,111	6%	34%
2005	117,416	8%	76,373	6%	65%	41,043	11%	35%
2006	120,082	2%	79,263	4%	66%	40,819	-1%	34%
2007	127,264	6%	80,000	1%	63%	47,264	16%	37%
2008	151,160	19%	85,643	7%	57%	65,517	39%	43%
2009	187,628	24%	92,253	8%	49%	95,375	46%	51%
2000	209,083	11%	92,575	0%	44%	116,508	22%	56%
2011	210,207	1%	92,647	0%	44%	117,560	1%	56%
2012	216,540	3%	96,382	4%	45%	120,158	2%	55%
2013	210,055	-3%	95,378	-1%	45%	114,677	-5%	55%
2014	204,441	-3%	94,795	-1%	46%	109,646	-4%	54%
2015	203,645	0%	94,359	0%	46%	109,286	0%	54%

Note: Bolded fiscal years indicate the NC Sentencing and Policy Advisory Commission's Correctional Program Evaluation samples. Years with substantial "% Annual Change" for Misdemeanor-Only Arrests are shaded.
SOURCE: State Bureau of Investigation Criminal Information and Identification Section/Division of Criminal Information Network

APPENDIX B

Glossary of Major Terms and Variables

GLOSSARY OF MAJOR TERMS AND VARIABLES

Age: Age (in years) at entry to probation or release from prison. Age is reported as a mean or categorized by the following age groups: less than 21, 21 to 29, 30 to 39, 40 to 49, and 50 and older.

Aging Offender: An offender who is 50 years or older at probation entry or prison admission, as reported in Appendix C.

Arrest: A record of a fingerprinted arrest in North Carolina maintained in the SBI CCH system. An arrest for which an offender was not fingerprinted (e.g., a misdemeanor offense for which fingerprinting is not required), indictment without an arrest, or failure to find a match for an offender in the SBI CCH database results in the lack of an arrest record. The lack of an arrest record was interpreted as the lack of an arrest. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes, such as arrests for technical violations of probation. Arrests associated with the current conviction are excluded. The study examined two types of arrest:

- **Prior Arrest:** Fingerprinted arrest that occurred before the current conviction that placed the offender in this sample.
- **Recidivist Arrest:** Fingerprinted arrest that occurred within the two-year follow-up period. Each recidivist arrest was counted in the category for the offense involved: person, property, drug, and other. If an arrest event (a single arrest date) involved more than one type of offense, it was counted in each offense category. For example, if an offender had two arrest events (dates) – one arrest event that consisted of a person charge and a property charge and a second arrest event that consisted of a property charge and a drug charge – this situation resulted in a count of one person arrest, two property arrests, and one drug arrest, as well as an overall count of two arrests.

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

Confinement in Response to Violation (CRV): A sanction imposed for technical violations of probation during the two-year follow-up. Revocation for technical violations is possible only after the imposition of two prior CRVs. CRV data were extracted from OPUS using prison admissions data for felons and probation violations data for misdemeanants.

Conviction: A conviction for an offense in the North Carolina state court system. Convictions for impaired driving or other traffic offenses were excluded from analysis, as were convictions that were not for crimes, such as convictions for technical violations of probation. The study examined three types of convictions:

- **Prior Conviction:** A conviction that occurred before the current conviction that placed the offender in this sample, based on data recorded in the SBI CCH system.

- **Current Conviction (Most Serious):** The conviction that placed the offender in the sample as a probation entry or prison release during FY 2013, based on information in OPUS. Conviction offenses were ranked in terms of seriousness based on offense class and sentence length. The offense corresponding to the highest offense class was selected as the most serious current conviction for analysis purposes. If the offender had more than one conviction in this class, then the offense with the longest sentence length was selected. In addition, the current conviction was categorized by offense type: person, property, drug, and other.
- **Recidivist Conviction:** A conviction that occurred within the two-year follow-up period, based on data recorded in the SBI CCH system. The arrest corresponding to the conviction had to have occurred during the follow-up period also. Each conviction was counted in the category for the offense involved: person, property, drug, and other. If a conviction event (a single conviction date) involved more than one type of offense, it was counted in each offense category. For example: if an offender had two conviction events (dates) – one conviction event consisted of a person charge and a property charge, and the second consisted of a property charge and a drug charge – this situation resulted in a count of one person conviction, two property convictions, and one drug conviction, as well as an overall count of two convictions.

Criminal History: Criminal history measures are defined by prior contacts with the adult criminal justice system and do not include any contact the offender may have had with the juvenile justice system. A combination of measures were used to examine the offender's criminal history such as prior arrests, probation admissions, revocations of probation, and incarcerations. Each of these terms is defined in this glossary.

Criminal Justice Outcome Measures: Measures used to assess the extent of an offender's repeat involvement in the criminal justice system (i.e., recidivism). The primary measure of recidivism is recidivist arrests, supplemented by information on recidivist convictions and recidivist incarcerations.

CRVs and Revocations: A combination variable identifying probation entries with either a CRV or a revocation during the two-year follow-up, which permits comparisons to revocation rates reported in previous recidivism studies by the Sentencing Commission.

CRV Center: A DPS facility which houses felony probationers serving a CRV for a technical violation(s) of probation. The first CRV Centers were opened in December 2014. As a result, very few of FY 2013 probation entries may have spent their CRV in a CRV Center during the follow-up period.

Custody Level: Upon prison admission, the DPS processes, evaluates, and assigns prisoners a custody level based on numerous factors, including the crime committed, social background, and criminal history. While incarcerated, inmates may be moved into higher or lower custody levels based on their behavior to maintain order in the prison, protect staff, and provide inmate safety. Inmates in close custody present the highest risk, while inmates in minimum custody present the least risk. Three levels of custody (close, medium, and minimum) were reported for this analysis.

Delegated Authority: Judicial authorities that are delegated to probation officers and allow the probation officer to impose specific additional conditions without bringing the probationer back to court.

Drug Offense: Violation of laws pertaining to controlled substances. This category includes the possession, sale, delivery, manufacture, and trafficking of controlled substances. This category is used to describe current convictions, recidivist arrests, and recidivist convictions.

Education: A dichotomous measure extracted from OPUS to determine whether the offender graduated from high school or dropped out of school/obtained a GED. Education data are updated regularly when the offender comes into contact with the DPS.

Employed: A dichotomous measure extracted from OPUS to determine whether the offender was part of the work force. Employment data are updated regularly when the offender comes into contact with the DPS. Examples of offenders who were not a part of the work force are disabled persons, homemakers, students, and military personnel.

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

Gender: A male or female designation as identified in OPUS.

Graduated Sanctions: Used by the probation officer in response to offender non-compliance while on community supervision. Responses are intended to be graduated, in terms of severity, with probation officers first using less restrictive responses (where appropriate) to address non-compliance before using the more restrictive options.

Habitual Felon: A 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 a habitual felon. A habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, a habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C.

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

Incarceration: Confinement in North Carolina’s prison system as a result of an active sentence imposed for a criminal conviction or revocation of supervision; data based on OPUS records. Does not include incarceration in jails, other states, or Federal facilities. In addition, offenders who served a CRV for technical violations or who entered prison as a safekeeper or a pre-sentence diagnostic were not included in the measure. The study examined three types of incarceration:

- **Prior Incarceration:** An incarceration period that ended before the current probation admission (for probationers) or current prison admission (for prisoners).
- **Current Incarceration:** For sample prisoners, the incarceration period associated with the current conviction.
- **Recidivist Incarceration:** An incarceration that occurred during the follow-up period.

Interim Outcome Measures: For probationers, interim outcome measures included violations of probation and specific responses to those violations as indicators of misconduct while supervised in the community during the two-year follow-up. Three sanctions for violations of probation (QDCs, CRVs, and revocations) were examined and are defined in this glossary.

Justice Reinvestment Act (JRA): The JRA, with initial implementation beginning on December 1, 2011, redefines community and intermediate punishments, expands the delegation of authority to probation officers, and limits the time an offender may serve for violations of probation. It creates a new status offense of habitual breaking and entering, changes habitual felon punishments, authorizes early release from prison under certain conditions, and expands post release supervision to all incarcerated felons. To keep offenders in the community, the JRA refocuses the Criminal Justice Partnership Program through the creation of the Treatment for Effective Community Supervision program. Finally, the JRA requires the DPS to use a validated instrument to assess each probationer for risk of reoffending and criminogenic needs and to place the probationer in the appropriate supervision level. JRA provisions affecting probationers are applicable based on the date of violations of probation (probation violations occurring on or after December 1, 2011). JRA provisions affecting prisoners are applicable based on the date of offense (offenses committed on or after December 1, 2011).

Marital Status: OPUS identifies marital status as single, divorced, separated, married, widowed, other, and unknown. Marital status was categorized as single, divorced/separated, married/widowed, and other/unknown. In Appendix C, a dichotomous measure was used for marital status, categorized as married or not married.

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

Offender Population Unified System (OPUS): The DPS's management information system containing data about prisoners and probationers. It is the source of all data pertaining to the offender's personal characteristics, prior probation admissions and revocations, current conviction information, and all incarceration periods. For probationers, it was also the source for data for probation violations, QDCs, CRVs, and revocations of probation during the two-year follow-up.

Offender Traits Inventory-Revised (OTI-R): The OTI-R is a validated instrument used to assess the offender's risk of reoffending administered by probation officers within 60 days of admission to probation or PRS. Each offender is assigned to one of five levels of risk based on their score: extreme,

high, moderate, low, or minimal. The OTI-R was fully implemented by the spring of 2012. OTI-R results are reported for probation entries only in this analysis.

Offender Type: The sample is defined as SSA offenders who were either placed on supervised probation or were released from prison during FY 2013. If an offender in the sample was both released from prison and placed on probation during FY 2013, the first event that occurred during that fiscal year determined the offender's identification as a prison release or probation entry.

Offense Class: The offense class associated with the most serious current conviction offense, as identified in OPUS. Ranges from the least serious offense class (a Class 3 misdemeanor) to the most serious offense class (a Class B1 felony).

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

Offense Type (Category): Offenses were broadly classified into the following categories: person, property, drug, and other. A definition for each type of offense appears in this glossary. Offense type is used to describe current convictions, recidivist arrests, and recidivist convictions.

Other Offense: An offense not categorized as a person, property, or drug offense. Examples include habitual felons, prostitution, obscenity, contributing to the delinquency of a minor, and abandonment or non-support of a child. This category is used to describe current convictions, recidivist arrests, and recidivist convictions.

Person Offense: An offense against the person involving force or threat of force. Includes offenses such as murder, rape, voluntary and involuntary manslaughter, kidnapping, robbery, first degree arson, and all types of assault. This category is used to describe current convictions, recidivist arrests, and recidivist convictions.

Post-Release Supervision (PRS): The mandatory period of supervision an offender serves in the community after serving an active sentence in prison. For offenses occurring prior to December 1, 2011, a period of nine months of supervision is required for Class B1 through Class E felons; offenders convicted of a Class F through Class I felony are released from prison with no supervision. For offenses occurring on or after December 1, 2011 (the effective date of the JRA), PRS is expanded to include all felons. After serving an active sentence, a period of nine months of supervision is required for Class F through Class I felons; twelve months of PRS is required for Class B1 through Class E felons. Offenders convicted of a sex offense are required to be supervised for five years. The revocation period for Class B1 through Class E sex offenders is five years and the revocation period for Class F through Class I sex offenders is nine months.

Post-Release Supervision (PRS) Status: Since the DPS's OPUS does not have an indicator for PRS, PRS status was determined based on the offense class of the most serious conviction (Class B1 through Class E felony or Class F through Class I felony) and the offense date (before or after the effective date of the JRA). The reason for which an offender entered prison (categorized broadly into three categories – conviction for a new crime, probation revocation, and PRS revocation) was another factor in determining PRS status. For the FY 2013 sample, all Class B1 through Class E felony prison releases were assumed to have PRS, unless they entered prison for a revocation of PRS; Class F through Class I felony prison releases with a pre-JRA offense date were assumed to be released without PRS, while those with a post-JRA offense date were assumed to be released from prison with PRS.

Prior Probation Admissions: As identified in OPUS, any probation admission that occurred prior to the offender's probation or prison admission. It excludes the current probation admission for probationers.

Prison Releases: Offenders in the sample identified in OPUS as being released from prison with a felony conviction during FY 2013. If the offender had more than one event (i.e., probation entry or prison release) during FY 2013, the first event was selected. The sample delineates prison releases as prison releases with post-release supervision (PRS) and prison releases without PRS (No PRS). Also referred to as "prisoners."

Probation Entries: Offenders in the sample identified in OPUS as being placed on supervised probation during FY 2013. If the offender had more than one event (i.e., probation entry or prison release) during FY 2013, the first event was selected. The sample delineates probation entries by the current conviction: felons and misdemeanants. Also referred to as "probationers."

Probation Violation: A violation of supervision conditions during the follow-up period (probationers only). A violation is included in the study if it was a "completed" violation – meaning the violation was either disposed of by the court in a violation hearing or handled by the DPS using delegated authority. Probation violations fall into three categories:

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

Property Offense: Violation of criminal laws pertaining to property. Includes offenses such as burglary, breaking and/or entering, larceny, fraud, forgery and/or uttering, receiving and/or possessing stolen goods, and embezzlement. This category is used to describe current convictions, recidivist arrests, and recidivist convictions.

Quick Dip Confinement (QDC): An immediate response to offender non-compliance where offenders are confined for either two- or three-day periods (no more than six days per month) in a local jail. Two- and three-day QDCs were combined for reporting purposes.

Race: OPUS identifies race as Asian/Oriental, black, American Indian, white, other, and unknown. Race was categorized as black, white, and other/unknown for this analysis.

Recidivism: In general, the reoccurrence of criminal activity. Because it is rarely possible to observe actual criminal activity, researchers typically define recidivism in terms of contacts with the criminal justice system following an initial contact. In this study, recidivism is defined in terms of contacts with the North Carolina criminal justice system during the two-year follow-up period after entry into the sample. Three specific measures of recidivism used are arrest, conviction, and incarceration. In addition,

four interim outcome measures examined are probation violations, QDCs, CRVs, and revocations for probationers. This appendix contains definitions of each of these measures.

Responses to Violations of Probation: The JRA changed possible responses to violations of probation. For this analysis, only three sanctions for violations of probation that were created by and most directly impacted by the JRA were examined: QDCs, CRVs, and revocations. This appendix contains definitions of each of these measures.

Revocation: A revocation of community supervision due to violation(s) and the activation of the suspended prison sentence. Prior to the implementation of the JRA, revocations of probation or PRS included revocations due to technical violations along with those for new crimes and absconding. After the implementation of the JRA, revocations included violations due to a new crime or absconding and only included revocations for technical violations after two CRVs are imposed for probationers and after three technical violations are imposed for PRS offenders. The JRA changes to revocations apply to probationers under supervision in the community effective December 1, 2011 and to prison releases placed on PRS for offenses committed on or after December 1, 2011. The study identifies two types of revocation:

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

Risk and Need Assessments (RNA): The DPS uses the Offender Traits Inventory-Revised (OTI-R) to assess offender risk and the Offender Self-Report instrument and the Officer Interview and Impressions instrument to assess offender need in order to determine supervision level, program placement, and other interventions for probationers. These assessments (or RNA) are administered within the first 60 days of probation supervision.

Risk Level: The projected probability of recidivist arrest, based on the offender's OTI-R score. Each offender is assigned to one of five risk levels: extreme, high, moderate, low, and minimal. The OTI-R has been validated on probationers, but not on prisoners.

Sample: Offenders selected for the recidivism study who were sentenced under the SSA and placed on supervised probation or released from North Carolina's prison system during FY 2013. If an offender had both a probation admission and a prison release during FY 2013, the first event was selected. Offenders with a most serious conviction for Driving While Impaired (DWI), offenders with a most serious conviction for a misdemeanor traffic offense, and offenders released from prison with a misdemeanor conviction were excluded from the study.

Sex Offender: An offender required to register as a sex offender under Article 27A of Chapter 14 of the NC General Statutes. Those convicted of a reportable offense are required to register as sex offenders. A reportable offense is defined as "an offense against a minor, a sexually violent offense, or an attempt to commit" such offenses. Offenses against a minor and sexually violent offenses are defined in G.S. 14-208.6.

Statewide Misdemeanant Confinement Program (SMCP): Established by the JRA and operated by the NC Sheriffs' Association, the SMCP finds space to house eligible misdemeanants in participating local jails. All SSA misdemeanants who receive a sentence greater than 90 days, and all misdemeanants convicted of impaired driving offenses regardless of sentence length, serve their time in participating local jails through the SMCP. Originally, the SMCP was limited to SSA misdemeanants who received a sentence of between 91 and 180 days of confinement; it was expanded October 1, 2014, and again January 1, 2015.

Structured Sentencing Act (SSA): The SSA, effective October 1, 1994, is the method of sentencing offenders in North Carolina. It classifies offenders on the basis of the severity of their crime and on the extent and gravity of their prior criminal record. Based on these two factors, Structured Sentencing provides judges with sentencing options for the type and length of sentences that may be imposed. The SSA increases consistency, certainty, and truth in the sentencing of offenders, sets priorities for the use of correctional resources, and balances sentencing policies with correctional resources.

Substance Abuse: A dichotomous measure of whether the offender reported a history of drug addiction on the OTI and/or the risk and need assessments (RNA) indicated substance abuse as an area of need for the offender. These measures do not assess alcohol/substance abuse or addiction. The OTI is usually administered as part of the prison intake process, while the RNA is usually administered within 60 days upon admission to probation or PRS. OTI and RNA data are extracted from OPUS.

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

Supervision Level: The level of supervision ordered for a probationer based on the intersection of the offender's risk level (determined by the OTI-R) and need level (based on the Offender Self-Report and the Officer's Interview/Impressions Worksheet). The supervision levels range from 1 to 5 with Level 1 being the most restrictive and Level 5 being the least restrictive. In general, Level 1 probationers need the greatest level of programming compared to Level 5 probationers.

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

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

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

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

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

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

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

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

Type of Prison Entry: The reason for which an offender entered prison categorized broadly into three categories – conviction for a new crime, probation revocation, and PRS revocation. Used as a factor in determining PRS status.

Youthful Offender: Youthful offenders are defined as offenders less than 21 years old at probation entry or prison admission, as reported in Appendix C.

APPENDIX C

Summarized Findings for the FY 2013 Sample

Table C.1
FY 2013 Sample

		Probation Entries n=35,103	Prison Releases n=13,873	Total N=48,976
Criminal Justice Outcome Measures				
Recidivist Arrests				
Two-Year Follow-Up	%	38	48	40
Number of Recidivist Arrests	Avg.	2	2	2
Months to First Recidivist Arrest	Avg.	8	9	9
Recidivist Convictions				
Two-Year Follow-Up	%	19	26	21
Number of Recidivist Convictions	Avg.	1	1	1
Months to First Recidivist Conviction	Avg.	12	13	12
Recidivist Incarcerations				
Two-Year Follow-Up	%	14	21	16
Number of Recidivist Incarcerations	Avg.	1	1	1
Months to First Recidivist Incarceration	Avg.	11	11	11
Personal Characteristics				
Male	%	74	90	78
Race				
Black	%	47	57	50
White	%	48	37	45
Other/Unknown	%	5	6	5
Age at Probation Entry or Prison Release	Avg.	32	34	32
Married	%	13	11	12
High School Dropout	%	55	74	61
Employed	%	45	38	43
Substance Abuse or Need	%	37	71	48
Criminal History				
Prior Arrests	%	77	94	82
Prior Probation Admissions	%	53	87	63
Prior Probation Revocations	%	33	58	40
Prior Incarcerations	%	27	57	35
Current Offense Class				
Class B1 – E Felonies	%	2	23	8
Class F – I Felonies	%	36	77	47
Class A1 – 3 Misdemeanors	%	62	--	45

Table C.1 (continued)
FY 2013 Sample

		Probation Entries	Prison Releases
Current Supervision – Probation Entries		n=31,832	
Risk Level			
Extreme Risk	%	7	
High Risk	%	15	
Moderate Risk	%	42	
Low Risk	%	30	
Minimal Risk	%	6	
Need Level			
Extreme Need	%	26	
High Need	%	18	
Moderate Need	%	36	
Low Need	%	16	
Minimal Need	%	4	
Supervision Level			
Level 1 (Most Restrictive)	%	8	
Level 2	%	26	
Level 3	%	36	
Level 4	%	26	
Level 5 (Least Restrictive)	%	4	
Interim Outcome Measures – Probation Entries		n=31,832	
Violations			
Two-Year Follow-Up	%	68	
Months to First Violation	Avg.	8	
Confinement in Response to Violations (CRV)			
Two-Year Follow-Up	%	14	
Months to First CRV	Avg.	10	
Revocations			
Two-Year Follow-Up	%	19	
Months to First Revocation	Avg.	11	
Current Incarceration – Prison Releases			n=13,873
Time Served in Months	Avg.		26
Highest Custody Level			
Close	%		17
Medium	%		48
Minimum	%		35

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table C.2
Male Offenders

		Probation Entries n=25,850	Prison Releases n=12,478	Total N=38,328
Criminal Justice Outcome Measures				
Recidivist Arrests				
Two-Year Follow-Up	%	41	49	43
Number of Recidivist Arrests	Avg.	2	2	2
Months to First Recidivist Arrest	Avg.	8	9	8
Recidivist Convictions				
Two-Year Follow-Up	%	21	26	23
Number of Recidivist Convictions	Avg.	1	1	1
Months to First Recidivist Conviction	Avg.	12	13	12
Recidivist Incarcerations				
Two-Year Follow-Up	%	16	22	18
Number of Recidivist Incarcerations	Avg.	1	1	1
Months to First Recidivist Incarceration	Avg.	11	11	11
Personal Characteristics				
Race				
Black	%	49	60	53
White	%	46	34	42
Other/Unknown	%	5	6	5
Age at Probation Entry or Prison Release	Avg.	31	34	32
Married	%	12	11	12
High School Dropout	%	57	75	63
Employed	%	47	39	45
Substance Abuse or Need	%	39	70	50
Criminal History				
Prior Arrests	%	79	94	84
Prior Probation Admissions	%	57	87	67
Prior Probation Revocations	%	36	59	43
Prior Incarcerations	%	31	58	40
Current Offense Class				
Class B1 – E Felonies	%	2	24	9
Class F – I Felonies	%	39	76	51
Class A1 – 3 Misdemeanors	%	59	--	40

Table C.2 (continued)
Male Offenders

		Probation Entries	Prison Releases
Current Supervision – Probation Entries		n=23,288	
Risk Level			
Extreme Risk	%	9	
High Risk	%	18	
Moderate Risk	%	46	
Low Risk	%	25	
Minimal Risk	%	2	
Need Level			
Extreme Need	%	25	
High Need	%	20	
Moderate Need	%	35	
Low Need	%	17	
Minimal Need	%	3	
Supervision Level			
Level 1 (Most Restrictive)	%	10	
Level 2	%	29	
Level 3	%	36	
Level 4	%	22	
Level 5 (Least Restrictive)	%	3	
Interim Outcome Measures – Probation Entries		n=23,288	
Violations			
Two-Year Follow-Up	%	69	
Months to First Violation	Avg.	8	
Confinement in Response to Violations (CRV)			
Two-Year Follow-Up	%	14	
Months to First CRV	Avg.	11	
Revocations			
Two-Year Follow-Up	%	21	
Months to First Revocation	Avg.	11	
Current Incarceration – Prison Releases		n=12,478	
Time Served in Months	Avg.		27
Highest Custody Level			
Close	%		18
Medium	%		48
Minimum	%		34

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table C.3
Female Offenders

		Probation Entries n=9,253	Prison Releases n=1,395	Total N=10,648
Criminal Justice Outcome Measures				
Recidivist Arrests				
Two-Year Follow-Up	%	29	36	30
Number of Recidivist Arrests	Avg.	2	2	2
Months to First Recidivist Arrest	Avg.	9	10	9
Recidivist Convictions				
Two-Year Follow-Up	%	14	18	14
Number of Recidivist Convictions	Avg.	1	1	1
Months to First Recidivist Conviction	Avg.	13	13	13
Recidivist Incarcerations				
Two-Year Follow-Up	%	7	12	8
Number of Recidivist Incarcerations	Avg.	1	1	1
Months to First Recidivist Incarceration	Avg.	11	11	11
Personal Characteristics				
Race				
Black	%	40	35	40
White	%	55	61	56
Other/Unknown	%	5	4	4
Age at Probation Entry or Prison Release	Avg.	32	35	33
Married	%	13	15	13
High School Dropout	%	50	64	52
Employed	%	38	22	36
Substance Abuse or Need	%	32	82	39
Criminal History				
Prior Arrests	%	70	91	72
Prior Probation Admissions	%	45	88	51
Prior Probation Revocations	%	24	49	27
Prior Incarcerations	%	16	41	19
Current Offense Class				
Class B1 – E Felonies	%	1	14	3
Class F – I Felonies	%	27	86	34
Class A1 – 3 Misdemeanors	%	72	--	63

Table C.3 (continued)
Female Offenders

		Probation Entries	Prison Releases
Current Supervision – Probation Entries		n=8,544	
Risk Level			
Extreme Risk	%	2	
High Risk	%	8	
Moderate Risk	%	33	
Low Risk	%	42	
Minimal Risk	%	15	
Need Level			
Extreme Need	%	28	
High Need	%	13	
Moderate Need	%	40	
Low Need	%	15	
Minimal Need	%	4	
Supervision Level			
Level 1 (Most Restrictive)	%	4	
Level 2	%	18	
Level 3	%	37	
Level 4	%	34	
Level 5 (Least Restrictive)	%	7	
Interim Outcome Measures – Probation Entries		n=8,544	
Violations			
Two-Year Follow-Up	%	67	
Months to First Violation	Avg.	8	
Confinement in Response to Violations (CRV)			
Two-Year Follow-Up	%	12	
Months to First CRV	Avg.	10	
Revocations			
Two-Year Follow-Up	%	14	
Months to First Revocation	Avg.	11	
Current Incarceration – Prison Releases			n=1,395
Time Served in Months	Avg.		18
Highest Custody Level			
Close	%		11
Medium	%		41
Minimum	%		48

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

**Table C.4
Youthful Offenders**

		Probation Entries n=5,917	Prison Releases n=1,899	Total N=7,816
Criminal Justice Outcome Measures				
Recidivist Arrests				
Two-Year Follow-Up	%	49	62	52
Number of Recidivist Arrests	Avg.	2	2	2
Months to First Recidivist Arrest	Avg.	8	8	8
Recidivist Convictions				
Two-Year Follow-Up	%	27	37	30
Number of Recidivist Convictions	Avg.	1	1	1
Months to First Recidivist Conviction	Avg.	12	13	12
Recidivist Incarcerations				
Two-Year Follow-Up	%	15	31	19
Number of Recidivist Incarcerations	Avg.	1	1	1
Months to First Recidivist Incarceration	Avg.	12	10	11
Personal Characteristics				
Male	%	81	97	85
Race				
Black	%	53	72	57
White	%	40	22	36
Other/Unknown	%	7	6	7
Age at Probation Entry or Prison Release	Avg.	19	21	19
Married	%	1	2	2
High School Dropout	%	71	89	76
Employed	%	25	14	23
Substance Abuse or Need	%	37	79	48
Criminal History				
Prior Arrests	%	63	88	69
Prior Probation Admissions	%	20	69	32
Prior Probation Revocations	%	12	26	15
Prior Incarcerations	%	4	18	8
Current Offense Class				
Class B1 – E Felonies	%	3	39	11
Class F – I Felonies	%	31	61	39
Class A1 – 3 Misdemeanors	%	66	--	50

Table C.4 (continued)
Youthful Offenders

		Probation Entries	Prison Releases
Current Supervision – Probation Entries		n=5,401	
Risk Level			
Extreme Risk	%	4	
High Risk	%	15	
Moderate Risk	%	61	
Low Risk	%	18	
Minimal Risk	%	2	
Need Level			
Extreme Need	%	39	
High Need	%	21	
Moderate Need	%	29	
Low Need	%	10	
Minimal Need	%	1	
Supervision Level			
Level 1 (Most Restrictive)	%	10	
Level 2	%	33	
Level 3	%	40	
Level 4	%	16	
Level 5 (Least Restrictive)	%	1	
Interim Outcome Measures – Probation Entries		n=5,401	
Violations			
Two-Year Follow-Up	%	77	
Months to First Violation	Avg.	7	
Confinement in Response to Violations (CRV)			
Two-Year Follow-Up	%	20	
Months to First CRV	Avg.	10	
Revocations			
Two-Year Follow-Up	%	24	
Months to First Revocation	Avg.	11	
Current Incarceration – Prison Releases		n=1,899	
Time Served in Months	Avg.		29
Highest Custody Level			
Close	%		39
Medium	%		40
Minimum	%		21

Note: Youthful offenders are defined as offenders less than 21 years old at prison admission or probation entry.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table C.5
Aging Offenders

		Probation Entries n=3,292	Prison Releases n=1,006	Total N=4,298
Criminal Justice Outcome Measures				
Recidivist Arrests				
Two-Year Follow-Up	%	20	30	22
Number of Recidivist Arrests	Avg.	2	2	2
Months to First Recidivist Arrest	Avg.	8	9	9
Recidivist Convictions				
Two-Year Follow-Up	%	9	17	11
Number of Recidivist Convictions	Avg.	1	2	1
Months to First Recidivist Conviction	Avg.	11	12	11
Recidivist Incarcerations				
Two-Year Follow-Up	%	8	12	9
Number of Recidivist Incarcerations	Avg.	1	1	1
Months to First Recidivist Incarceration	Avg.	10	11	10
Personal Characteristics				
Male	%	76	91	80
Race				
Black	%	47	56	49
White	%	50	42	48
Other/Unknown	%	3	2	3
Age at Probation Entry or Prison Release	Avg.	56	57	56
Married	%	24	16	22
High School Dropout	%	46	59	49
Employed	%	42	36	41
Substance Abuse or Need	%	32	69	41
Criminal History				
Prior Arrests	%	78	93	82
Prior Probation Admissions	%	62	87	67
Prior Probation Revocations	%	35	64	41
Prior Incarcerations	%	39	73	47
Current Offense Class				
Class B1 – E Felonies	%	2	16	6
Class F – I Felonies	%	34	84	45
Class A1 – 3 Misdemeanors	%	64	--	49

Table C.5 (continued)
Aging Offenders

		Probation Entries	Prison Releases
Current Supervision – Probation Entries		n=3,004	
Risk Level			
Extreme Risk	%	3	
High Risk	%	9	
Moderate Risk	%	28	
Low Risk	%	42	
Minimal Risk	%	18	
Need Level			
Extreme Need	%	16	
High Need	%	17	
Moderate Need	%	40	
Low Need	%	22	
Minimal Need	%	5	
Supervision Level			
Level 1 (Most Restrictive)	%	3	
Level 2	%	15	
Level 3	%	37	
Level 4	%	36	
Level 5 (Least Restrictive)	%	9	
Interim Outcome Measures – Probation Entries		n=3,004	
Violations			
Two-Year Follow-Up	%	50	
Months to First Violation	Avg.	9	
Confinement in Response to Violations (CRV)			
Two-Year Follow-Up	%	9	
Months to First CRV	Avg.	10	
Revocations			
Two-Year Follow-Up	%	9	
Months to First Revocation	Avg.	11	
Current Incarceration – Prison Releases		n=1,006	
Time Served in Months	Avg.		23
Highest Custody Level			
Close	%		4
Medium	%		35
Minimum	%		61

Note: Aging offenders are defined as offenders 50 years and older at prison admission or probation entry.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

APPENDIX D

Additional Tables for the FY 2013 Sample

Table D.1
Recidivist Arrest Rates by Offense Class

Offense Class	Recidivist Arrest: Two-Year Follow-Up					
	Probation Entries		Prison Releases		Total	
	N	%	N	%	N	%
Felonies						
Class B1	--	--	23	30	23	30
Class B2	--	--	169	18	169	18
Class C	--	--	986	42	986	42
Class D	4	0	903	43	907	43
Class E	622	28	1,108	47	1,730	40
Class F	1,485	32	1,419	38	2,904	35
Class G	1,606	37	2,119	46	3,725	42
Class H	6,086	42	5,268	53	11,354	47
Class I	3,398	40	1,878	49	5,276	43
Subtotal	13,201	39	13,873	48	27,074	43
Misdemeanors						
Class A1	3,977	37	--	--	3,977	37
Class 1	13,415	38	--	--	13,415	38
Class 2	3,069	32	--	--	3,069	32
Class 3	1,441	36	--	--	1,441	36
Subtotal	21,902	37	--	--	21,902	37
Total	35,103	38	13,873	48	48,976	40

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table D.2
Recidivist Conviction Rates by Offense Class

Offense Class	Recidivist Conviction: Two-Year Follow-Up					
	Probation Entries		Prison Releases		Total	
	N	%	N	%	N	%
Felonies						
Class B1	--	--	23	17	23	17
Class B2	--	--	169	5	169	5
Class C	--	--	986	18	986	18
Class D	4	0	903	20	907	20
Class E	622	12	1,108	23	1,730	19
Class F	1,485	15	1,419	20	2,904	17
Class G	1,606	16	2,119	23	3,725	20
Class H	6,086	22	5,268	31	11,354	26
Class I	3,398	20	1,878	27	5,276	23
Subtotal	13,201	19	13,873	26	27,074	23
Misdemeanors						
Class A1	3,977	18	--	--	3,977	18
Class 1	13,415	20	--	--	13,415	20
Class 2	3,069	15	--	--	3,069	15
Class 3	1,441	18	--	--	1,441	18
Subtotal	21,902	19	--	--	21,902	19
Total	35,103	19	13,873	26	48,976	21

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table D.3
Recidivist Incarceration Rates by Offense Class

Offense Class	Recidivist Incarceration: Two-Year Follow-Up					
	Probation Entries		Prison Releases		Total	
	N	%	N	%	N	%
Felonies						
Class B1	--	--	23	13	23	13
Class B2	--	--	169	11	169	11
Class C	--	--	986	26	986	26
Class D	4	0	903	23	907	22
Class E	622	18	1,108	26	1,730	23
Class F	1,485	21	1,419	14	2,904	18
Class G	1,606	21	2,119	16	3,725	18
Class H	6,086	27	5,268	24	11,354	26
Class I	3,398	25	1,878	21	5,276	23
Subtotal	13,201	25	13,873	21	27,074	23
Misdemeanors						
Class A1	3,977	8	--	--	3,977	8
Class 1	13,415	7	--	--	13,415	7
Class 2	3,069	5	--	--	3,069	5
Class 3	1,441	5	--	--	1,441	5
Subtotal	21,902	7	--	--	21,902	7
Total	35,103	14	13,873	21	48,976	16

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

APPENDIX E

Additional Tables for the FY 2013 Probation Entries

Table E.1
Probation Entries without a RNA Completed and Supervision Level Assigned

	N	# (%) Missing RNA and Supervision Level	# with RNA and Supervision Level
Misdemeanants	21,902	2,191 (10%)	19,711
Felons	13,201	1,080 (8%)	12,121
Total	35,103	3,271 (9%)	31,832

Interim Outcomes

Probation Entries without RNA and Supervision Level	N	% Violation		% CRV		% Revocation	
		Follow-Up One-Year	Follow-Up Two-Year	Follow-Up One-Year	Follow-Up Two-Year	Follow-Up One-Year	Follow-Up Two-Year
Misdemeanants	2,191	72	72	11	11	50	55
Felons	1,080	51	52	3	6	39	47
Total	3,271	65	65	8	9	47	52

Criminal Justice Outcomes

Probation Entries without RNA and Supervision Level	N	% Recidivist Arrest	
		One-Year Follow-Up	Two-Year Follow-Up
Misdemeanants	2,191	39	51
Felons	1,080	31	39
Total	3,271	37	48

Note: Two misdemeanants received a QDC in the first year of follow-up.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table E.2
Violation Rates by Supervision Level Distribution Based on Risk and Need Levels for
Probation Entries: Two-Year Follow-Up

Need Level	Extreme	High	Risk Level Moderate	Low	Minimal	Rate by Need Level
Extreme	86% L1	86%	79%	67%	52%	78%
High	88%	81%	75% L3	62%	44%	73%
Moderate	84%	77%	71%	55%	47%	66%
Low	81% L2	76%	65% L4	49%	40%	59%
Minimal	70%	66%	55%	45% L5	34%	48%
Rate by Risk Level	85%	81%	73%	57%	44%	68%

Note: See Table 3.6 in Chapter Three for the distribution of probationers by supervision level based on risk and need levels.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table E.3
Number of QDC by Supervision Level Distribution Based on Risk and Need Levels for
Probation Entries: Two-Year Follow-Up

Need Level	Extreme	High	Risk Level Moderate	Low	Minimal	# by Need Level
Extreme	32 L1	77	161	39	3	312
High	17	32	85 L3	30	3	167
Moderate	17	41	152	23	1	234
Low	5 L2	17	6 L4	2	0	30
Minimal	0	2	0	0 L5	0	2
# by Risk Level	71	169	404	94	7	745

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table E.4
Number of CRVs by Supervision Level Distribution Based on Risk and Need Levels for
Probation Entries: Two-Year Follow-Up

Need Level	Extreme	High	Risk Level Moderate	Low	Minimal	# by Need Level
Extreme	134	303	798	246	14	1,495
	L1					
High	88	177	453	186	12	916
Moderate	94	258	685	294	40	1,371
Low	33	93	234	120	18	498
Minimal	3	10	21	28	6	68
# by Risk Level	352	841	2,191	874	90	4,348

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table E.5
Revocation Rates by Supervision Level Distribution Based on Risk and Need Levels for
Probation Entries: Two-Year Follow-Up

Need Level	Extreme	High	Risk Level Moderate	Low	Minimal	Rate by Need Level
Extreme	44%	36%	25%	14%	7%	26%
	L1					
High	41%	33%	24%	12%	6%	23%
Moderate	36%	27%	18%	8%	4%	16%
Low	30%	22%	14%	7%	1%	12%
Minimal	11%	14%	7%	4%	2%	5%
Rate by Risk Level	39%	30%	20%	9%	4%	19%

Note: See Table 3.6 in Chapter Three for the distribution of probationers by supervision level based on risk and need levels.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

Table E.6
Recidivist Arrest Rates by Supervision Level Distribution Based on Risk and Need Levels for Probation
Entries: Two-Year Follow-Up

Need Level	Risk Level					Rate by Need Level
	Extreme	High	Moderate	Low	Minimal	
Extreme	63% L1	57%	46%	30%	20%	45%
High	64%	51%	44% L3	30%	12%	42%
Moderate	56%	46%	37%	22%	13%	33%
Low	50% L2	42%	34% L4	20%	10%	28%
Minimal	56%	32%	26%	16% L5	8%	19%
Rate by Risk Level	60%	50%	40%	24%	12%	37%

Note: See Table 3.6 in Chapter Three for the distribution of probationers by supervision level based on risk and need levels.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 Correctional Program Evaluation Data

**Table E.7
Recidivist Arrest Rates**

by Risk Level						
Probation Entries	N	% Recidivist Arrest: Two-Year Follow-Up				
		Extreme	High	Moderate	Low	Minimal
Misdemeanants	19,711	62	51	40	24	13
Felons	12,121	57	49	42	25	12
Total	31,832	60	50	40	24	12
by Need Level						
Probation Entries	N	% Recidivist Arrest: Two-Year Follow-Up				
		Extreme	High	Moderate	Low	Minimal
Misdemeanants	19,711	43	41	32	28	17
Felons	12,121	48	44	36	29	23
Total	31,832	45	42	33	28	19
by Supervision Level						
Probation Entries	N	% Recidivist Arrest: Two-Year Follow-Up				
		Level 1	Level 2	Level 3	Level 4	Level 5
Misdemeanants	19,711	63	47	34	24	12
Felons	12,121	57	48	37	24	14
Total	31,832	60	47	35	24	13

SOURCE: NC Sentencing and Policy Advisory Commission, Correctional Program Evaluation Data