North Carolina
Sentencing and Policy Advisory Commission

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

Prepared By

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EXECUTIVE SUMMARY

Introduction

In 1998, the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission to prepare biennial reports evaluating the effectiveness of the State's correctional programs (Session Law 1998-212, Section 16.18). This study constitutes the fifth report in compliance with the directive and analyzes a sample of 56,983 offenders released from prison or placed on probation in FY 2003/04 using a three-year follow-up period. It is the first report to include only offenders sentenced under the Structured Sentencing Act (SSA). The study defines recidivism as rearrest, reconviction, and reincarceration. In addition, two interim outcome measures were examined: 1) technical revocation of probation or post-release supervision for offenders supervised in the community and 2) prison infractions during incarceration for prisoners in the sample. This report also focuses on offenders placed on post-release supervision and the aging offender population.
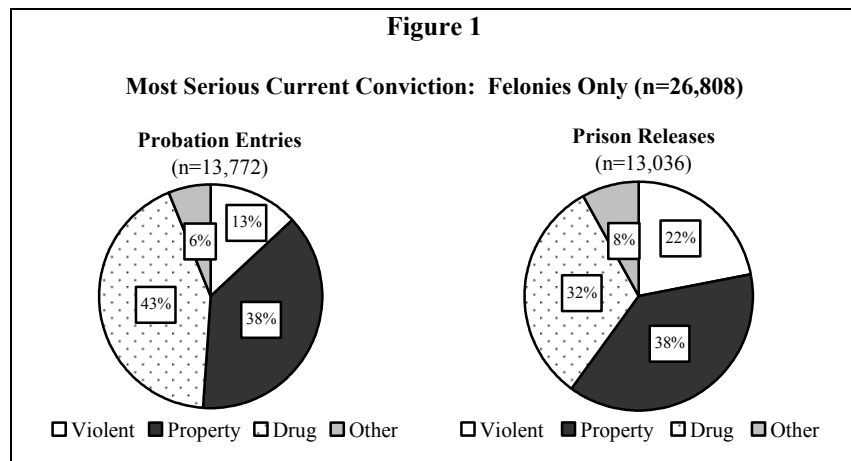
Data Sources

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

## *Statistical Profile of the FY 2003/04 Sample*

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

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

Figure 1

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

Probation Entries (n=13,772)

Violent 43%, Property 38%, Drug 13%, Other 6%

Prison Releases (n=13,036)

Violent 22%, Property 38%, Drug 32%, Other 8%

□ Violent ■ Property □ Drug □ Other

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

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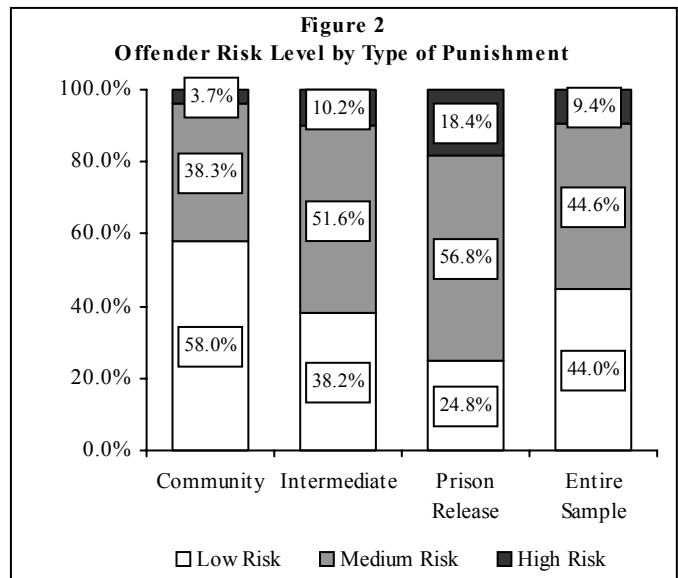
Figure 2
Offender Risk Level by Type of Punishment

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

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

Time at Risk

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

Criminal Justice Outcome Measures

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

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

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

Figure 3
Rearrest Rates: Three-Year Follow-Up

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

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

As noted earlier, rearrest rates for the entire sample were 21.2%, 32.0%, and 38.7% for the first, second, and third year of follow-up, respectively. For those rearrested during the three years, the average time to first rearrest was 12.8 months after entry to probation or release from prison. By the end of the three-year follow-up, the FY 2003/04 sample accounted for 45,819 recidivist arrests, including 9,342 arrests for violent offenses.
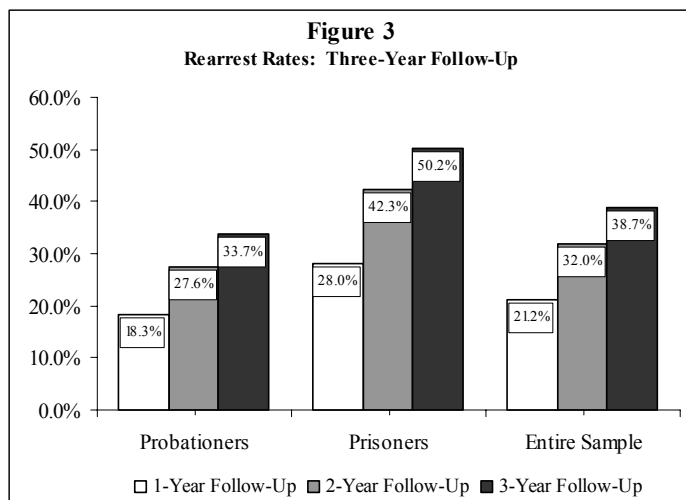
Figure 4
Criminal Justice Outcomes by Type of Punishment: Three-Year Follow-Up
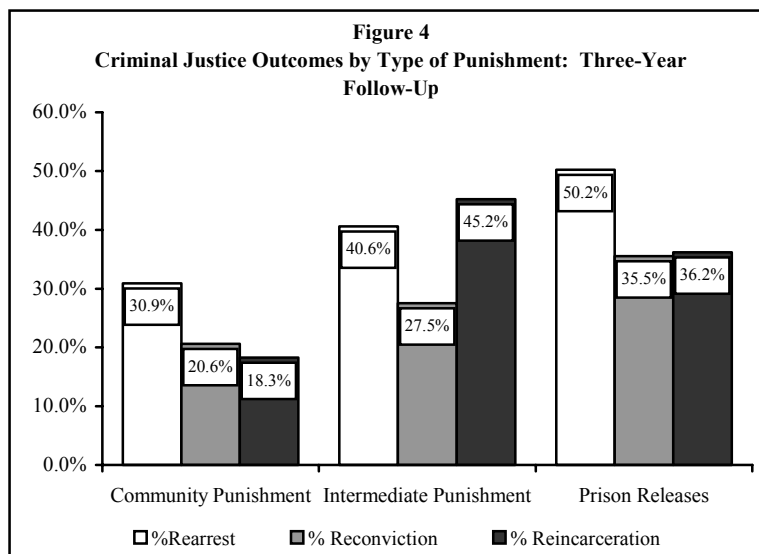
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2003/04 Correctional Program Evaluation Data
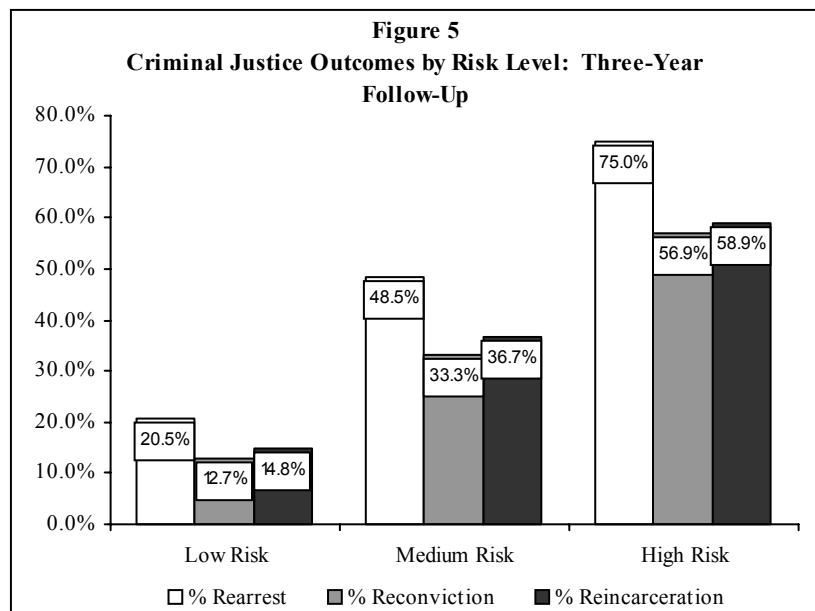
Overall, 9.5% of the sample had a reconviction in the first year of follow-up, 19.5% by the second year, and 26.4% by the third year. For those with a reconviction during the three-year follow-up, the average time to reconviction was 17.1 months. The sample accrued 21,866 recidivist convictions of which 3,445 reconvictions were for a violent offense.

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

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

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

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

Figure 5
Criminal Justice Outcomes by Risk Level: Three-Year Follow-Up

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

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

Interim Outcome Measures

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

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

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

Multivariate Analysis

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

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

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

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

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

Offenders on Post-Release Supervision

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

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

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

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

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

Overall, 44.7% of prisoners with PRS and 50.8% of prisoners with no PRS were rearrested during the three-year follow-up period. Controlling for offender risk level all but eliminated the difference in rearrest rates between prisoners with and without PRS, except for the low-risk group, where prisoners on supervision had lower rearrest rates. A multivariate analysis confirmed that, when controlling for other relevant factors, no significant differences in recidivism remained between the two groups of prison releases.
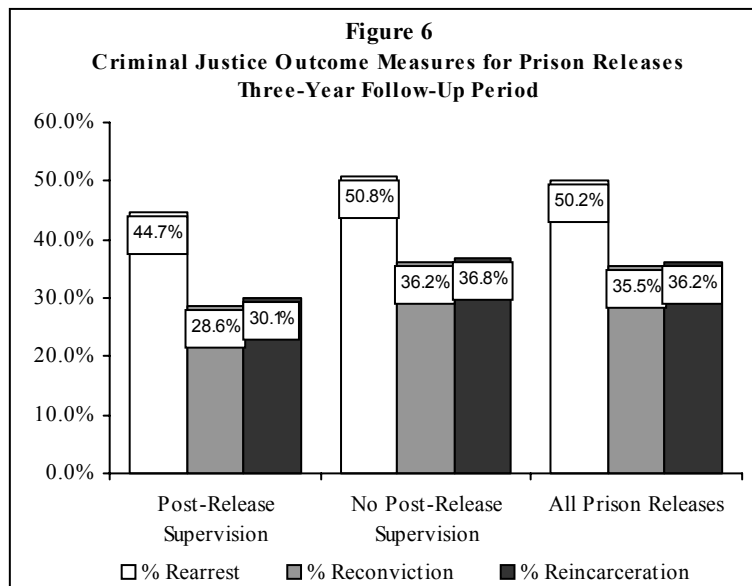
Figure 6
Criminal Justice Outcome Measures for Prison Releases
Three-Year Follow-Up Period

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

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

Aging Offender Population

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

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

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

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

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

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

Figure 7
Rearrest Rates by Age of Prisoner and Risk Level

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

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

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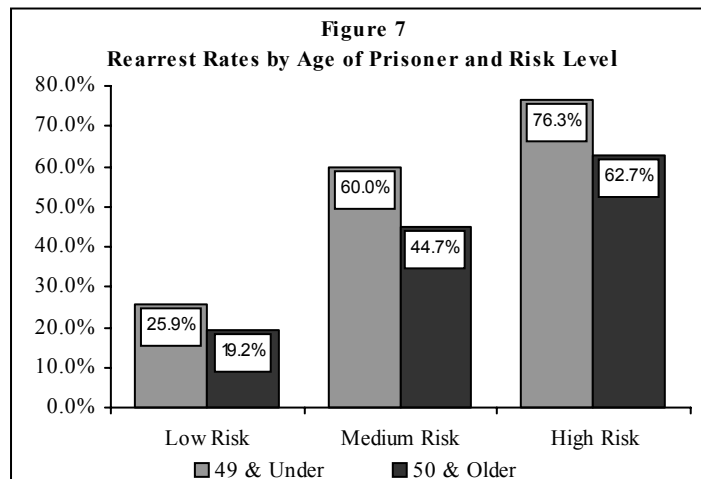
seen in Figure 7, there was an even larger difference in rearrest rates among high risk prisoners who were older versus younger than 50 years of age (62.7% as compared to 76.3%). The difference in rearrest rates between offenders aged 50 and older as compared to 49 and younger remained in multivariate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

Summary and Conclusions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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                    ┌─────────────────────────────────┐
                    │  All Probation and Prison Releases │
                    │            (N=56,983)             │
                    │                                   │
                    │       Rearrest:  38.7%            │
                    │       Reconviction:  26.4%        │
                    │       Reincarceration:  29.1%     │
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Probation Entries (n=39,890) Rearrest: 33.7% Reconviction: 22.6% Reincarceration: 26.1%	**Prison Releases** (n=17,093) Rearrest: 50.2% Reconviction: 35.5% Reincarceration: 36.2%

| **Community Punishment**
(n=28,223)

Rearrest: 30.9%
Reconviction: 20.6%
Reincarceration: 18.3% | **Intermediate Punishment**
(n=11,667)

Rearrest: 40.6%
Reconviction: 27.5%
Reincarceration: 45.2% | **Post-Release Supervision**
(n=1,634)

Rearrest: 44.7%
Reconviction: 28.6%
Reincarceration: 30.1% | **No Post-Release Supervision**
(n=15,459)

Rearrest: 50.8%
Reconviction: 36.2%
Reincarceration: 36.8% |