

Sentencing Commission Recidivism Report Available

Author : Jamie Markham

Categories : [Sentencing](#), [Uncategorized](#)

Tagged as : [recidivism](#), [risk assessment](#), [Sentencing Commission](#)

Date : May 2, 2016

The North Carolina Sentencing and Policy Advisory Commission and the Division of Adult Correction recently released their [Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in FY 2013](#)—known better as the recidivism report. Every biennial report is interesting—who wouldn't want to know how present sentencing choices affect future crime?—but this report is especially interesting because it is the first one to include a sizable number of defendants sentenced and supervised after Justice Reinvestment. We can begin to see if the law is working as intended.

Under [G.S. 164-47](#), the Sentencing Commission and DAC must jointly report to the General Assembly on the recidivism rates of prisoners and probationers every other year. The report defines recidivism as an arrest, conviction, or subsequent incarceration during a two-year period after being placed on probation or released from imprisonment. The report sample included over 35,000 probationers and nearly 14,000 inmates released from prison.

The report slices and dices the recidivism rates for probationers and prisoners in many ways—by gender, race, age, and marital status, among other personal characteristics. I encourage anyone interested in the particulars to read the full report. There are a few things I wanted to highlight in today's post.

More recidivism, or better recordkeeping? The latest recidivism rates for all offenders were consistent with those observed over the past decade. The overall recidivist arrest rate sits at 40 percent. That is up from 31 percent in FY 2002, but the report speculates that the increase has more to do with better record keeping—particularly fingerprinting misdemeanor arrests—than with an actual increase in criminal behavior.

Prison versus probation. By any measure (new arrest, new conviction, or new imprisonment), released *prisoners* recidivate more than *probationers*. Around 38 percent of probationers are arrested within two years, compared to 48 percent of released prisoners. That fits with the armchair criminology notion that defendants—especially young defendants—who go to prison are surrounded by other criminals who steer them toward more crime. But the data don't necessarily support that explanation. The released prisoners were all felons, whereas most of the probationers were misdemeanants. The released prisoners also had more extensive prior criminal histories. So, the report isn't really able to offer an apples-to-apples comparison of the two dispositional cohorts. In the future, we may have better risk assessment data for the prison inmates (we already have good data for the probationers), which will help the Commission compare outcomes for similarly risky defendants based more squarely on sentence disposition alone.

The value of DAC's risk assessment. The report confirmed the value of DAC's risk assessment as a predictive tool, nothing that “[w]hen probationers were examined by supervision level [background [here](#)], a stair-step progression in interim outcomes and recidivism rates was found.” Report at 48. In general a probationer's risk level is determined in the first 60 days of supervision, but it could be determined earlier as part of a presentence investigation at the judge's request.

The impact of post-release supervision. Class F–I felons released from prison had a higher rate of rearrest (44 percent) than Class B1–E felons (40 percent). Most of the low-level felons released in 2013 committed their offense before December 1, 2011, and thus did not have post-release supervision. It will be interesting to see how the

expansion of post-release supervision after Justice Reinvestment impacts the recidivism rates of low level felons. Early indications (shown in Table 4.7 of the report) are that low-level felons with post-release supervision have the *highest* recidivism rates of any group.

Habitual felons and sex offenders. Recidivism rates for habitual felons are similar to non-habitual offenders. Report at 19. Sex offenders generally had lower recidivism rates than other offenders. *Id.*

Absconders. There are some interesting data about probation violations. Most probationers (68 percent) have at least one violation within two years of being placed on probation. Most of those violations are technical (that is, not a new crime or absconding), but among probationers who get revoked, a surprising (to me) number are absconders—55 percent, compared to 26 percent for a new criminal offense. I wonder if the number of absconders will decrease in light of the appellate courts' restrictive interpretation of absconding, described [here](#).

Revocation rates. The overall two-year revocation rate for probationers has dropped to 19 percent. Historically, that number would hover closer to one third (it was 36 percent in 2009, for example), so we have seen a substantial decline. That is no surprise, though, given the limits on revocation authority under Justice Reinvestment. If you add the percentage of probationers receiving periods of confinement in response to violation (CRV) to the percentage getting revoked, you get to 31 percent during a two-year follow-up period. Report at 32.

Those are just some of the highlights. Thank you again to the talented staff at the Sentencing Commission who, in partnership with DAC, prepare this essential report.