

Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2004 Releases

A report in compliance with Footnote 91 of the 2005 Appropriations Bill, SB05-209

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*A report submitted to the General Assembly's
Joint Budget Committee to satisfy the conditions
of Footnote 91 of the 2005 Appropriations Bill, SB05-209*

October 8, 2005

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FOOTNOTE 91

This report satisfies the conditions laid out in Footnote 91 of the General Assembly's 2005 Appropriations Bill, SB05-209

Judicial Department, Probation and Related Services -- The Judicial Department is requested to provide by November 1 of each year a report on pre release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including

- *adult and juvenile intensive supervision,*
- *adult and juvenile minimum, medium, and maximum supervision,*
- *the female offender program, and*
- *the specialized drug offender program.*

The department is requested to include information about the disposition of pre-release failures and post-release recidivists, including

- *how many offenders are incarcerated (in different kinds of facilities) and*
- *how many return to probation as the result of violations.*

For the tenth consecutive year, the Judicial Branch's Division of Probation Services has met the conditions of the above footnote by preparing a report on recidivism. This report stands as an independent document intended to fulfill the requirements contained in footnote 91 of the 2005 Appropriations Bill.

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Executive Summary

Introduction

The Judicial Branch's Division of Probation Services annually prepares a report on recidivism among probationers. This executive summary provides an overview of the findings of the full report on the pre-release failure and one-year post-release recidivism for probationers terminated during FY2004.

This report uses two definitions of recidivism: one that pertains to pre-release recidivism/failure and the second pertaining to recidivism post-release. These are defined as follows:

Pre-release recidivism/failure:

An adjudication or conviction for a felony or misdemeanor, or a technical violation relating to a criminal offense, while under supervision in a criminal justice program.

Post-release recidivism:

A filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense.

Research Questions

The General Assembly's footnote, requiring this study, requests the following research questions be answered.

1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?
2. What proportion of probationers had a juvenile delinquency petition or a criminal case filed in Colorado within one year of termination of probation (post-release recidivism)?
3. What are the differences in pre-release and post-release recidivism rates for the following groups:
 - regular probationers in each supervision level,
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, the adult female offender program, and the specialized drug offender program)?

4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both new crime and technical violations) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2004? Also, where are probationers placed upon failure?

Like many state agencies, Colorado Probation was affected by budget reductions in FY03 and FY04. Loss of probation staff resulted in increase caseload size. The average caseload size for adult regular probation grew from 229 (in FY03) to 238 (in FY04) offenders per officer. Regular juvenile caseloads grew from 72 (in FY03) to 86 (in FY04) youth per officer. Two specialized programs, the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP) were discontinued. FOP and SDOP officers were re-assigned to regular caseloads to address the increase caseload size. Besides growing in size, regular caseloads became more complex and reflected an increase in criminal risk. Caseload size for Adult Intensive Supervision (AISP) increased from 20 (in FY03) to 45 (in FY04) offenders per officer, while Juvenile Intensive Supervision (JISP) increased from 18 (in FY03) to 35 (FY04) youth per officer. (Note: In FY05, the FOP and the adult and juvenile ISP programs were partially restored and in FY06 those programs were fully restored). *The findings in this report cover the time period affected by budget reductions, staff layoff and resulting increased caseload size.*

Findings

1. Probation Termination: Success and Failure (pre-release recidivism/failure)
 - In the past successful termination rates have remained relatively stable. More recently a greater decrease in successful terminations has occurred approximately three-quarters of youth (68.8%) and slightly less than two-thirds of adult probationers (62.6%) terminate successfully. (See Table 1.) This represents 3.0% decrease in successful terminations for juveniles and a 4.4% decrease in successful terminations for adults from FY03 and FY04.
 - Youth on probation terminated for technical violations of probation in 25.0% of cases and adults failed for technical violations in 31.8% of the cases. These rates reflect notable increases from previous years (2.4% for juveniles and 4.2% for adults. (See Table 1.)
 - Similar to past years, youth terminated for the commission of a new crime in 6.2% of the cases whereas adults failed for the commission of a new crime in 5.6% of the cases. (See Table 1.)
2. *Probation's post-release recidivism rate, one year after termination*
 - For offenders released from regular probation supervision, 15.4% of youth and 7.9% of adults received a new filing within one year of termination from probation. There was very little difference in post release recidivism rates between FY2004 and FY2003. (See Table 2.)
3. Differences in pre- and post-release failure by supervision level (Pre-release failure includes technical violations and new crimes *during* supervision. Post-release failure refers to crimes committed within one year post-termination from supervision).

- For both youth and adults, those supervised at the maximum supervision level and those classified as administrative cases (a classification category used to denote offenders who are under the jurisdiction of probation, but who may be currently supervised by other agencies, including community corrections, county jails or detention centers) were the most likely to fail both pre-release and post-release. The higher failure rate among administrative cases is not surprising, given the range of offenders included in this classification category, which includes a mixture of risk levels and supervision outside of probation. Similarly, the higher rate of failure among maximum level probationers is consistent with risk classification tools, in which high risk/maximum level supervision offenders are often more than twice as likely as those classified at lower supervision levels to commit a new crime while under supervision (See Tables 3 & 5).
 - Among the two (formerly four)¹ specialized probation programs, Juvenile Intensive Supervision Probation (JISP), Adult Intensive Supervision Probation (AISP), pre-release failures are greater than on regular probation supervision, which is expected, given that the specialized programs are designed to supervise higher risk offenders. While successful terminations from AISP have decreased, this is in large part due to increase technical violations rather than new crime. (See Tables 4 & 6).
 - Those juveniles who had a new case filed within one year of successfully terminating JISP and completing probation decreased by 9.7% in FY2004 compared to FY2003. Those adults who had a new case filed within one year of successfully terminating AISP and completing probation decreased by 4.1% in FY2004 compared to FY2003 (See Tables 8 and 10).
4. *Overall success and failure rates among Colorado probationers: How many offenders terminated supervision successfully and remained crime-free (measured by a new court filing) within one year of termination?*
- More than one half (58.2%) of juveniles remain successful one year after release from probation. This represents a small decrease (2.2%) from FY2003 (See Table 11).
 - Approximately one quarter (22.1%) of JISP terminations were successful for youth terminating directly from intensive supervision. However, when considering those youth who successfully terminated JISP and then transferred to regular probation supervision, the success rate almost doubles to 48.8%. This is a slight increase from FY2003. (See both “successful” columns of Table 12).
 - More than one half of adult probationers (57.7%) were successful one year post-release. The reduction in success rate from the prior year (61.4%) was driven primarily by an increase in technical violations. Increased caseload size resulting from budget reductions may have contributed to lower overall success rates. (See Table 15.)
 - The Adult Intensive Supervision Program produced an overall success rate of 10.2%, an increase of nearly four percentage points over the previous year (6.4%), for those AISP offenders terminating directly from intensive supervision. It should be noted that the majority of adults supervised on a specialized program are transferred to regular probation supervision and

¹ The Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP) were discontinued in FY03 as a result of budget cuts

when considering these offenders, the success rates increases to 43.9%. (See both “successful” columns of Table 16.)

5. *Disposition of pre-release failures and post-release recidivists*

- Both youthful and adult offenders supervised on regular probation are most frequently sentenced to detention or a county jail for technical violations. Offenders who commit new crimes while under supervision were sentenced primarily to the Division of Youth Corrections and the Department of Corrections. (See Tables 13 and 17.)
- Youth and adults on specialized programs, who tend to be more serious offenders, are most frequently incarcerated at the Division of Youth Corrections or Department of Corrections when they violate their probation sentence. (See Tables 13 and 17.)
- Of those cases where information is available, post-release recidivists (juveniles and adults) were most frequently re-sentenced to probation, although nearly as many juveniles were sentenced to the Division of Youth Services. (See Tables 14 and 18.)

Summary

The findings in this report highlight the fact that probation programs are successful in helping offenders remain crime free during periods of supervision. Indeed, juvenile and adult probationers were successful (they were successfully terminated from probation and remained crime free for one year after termination) in more than one half of all cases, (58.2% of juveniles, 57.7% of adults, See Tables 7 & 11). Average caseloads had increased for this time period due to budget reductions. Both adults and juveniles classified as high risk are less likely to successfully terminate, and less likely to remain crime-free after termination than their lower-risk counterparts.

Post-termination recidivism rates are relatively stable. It is notable that the post-termination recidivism rates for adult (3.9%) and juvenile (10.1%) offenders in specialized programs is lower than adult (7.9%) and juvenile (15.4%) offenders in regular supervision, suggesting that the more intensive supervision may have a more lasting effect.

In the intensive supervision programs designed to divert youth and adults who would otherwise be incarcerated, overall success rates (successful probation termination and no post-release recidivism and those transferred to regular supervision) range from 48.8% for the juvenile intensive supervision program to 43.9% for the adult intensive supervision program. When considering only those offenders terminated directly from specialized probation programs, success rates range from 10.2% - 21.1%. These lower rates are heavily influenced by the pre-release failure rates and the common practice of “stepping down” of successful ISP offenders from specialized programs to regular probation supervision. The largest type of failure among all specialized programs is in the area of technical violations. Statewide responses to technical violations continue to be on the priority list of supervision issues to address.

The decision to transfer a probationer from a specialized probation program to regular probation supervision is based on local policy. Only recently have we been able to begin tracking those offenders who transfer from a specialized probation program to regular

probation supervision. While we are able to report the termination status as they leave a specialized program, we have not yet been able to report the final termination status of these offenders as they exit regular probation supervision. This is an area of study that we intend to pursue.

INTRODUCTION

On June 30, 2004 there were 47,076 offenders on probation in Colorado, including 39,207 adult and 7,869 juvenile probationers in both regular and specialized programs. Probation officers across the state work within a range of regular and specialized probation programs, working to assess, supervise, educate and refer their probationers to a host of treatment and skill-building programs. Probation officers use validated instruments to assess offenders according to the level of risk they pose to the community, their ability to function in pro-social ways and the skills they need to make amends to victims and communities they have harmed. Probationers are supervised within the community according to their assessed risk level, and they are referred to appropriate community-based treatment and skill-based programs, based upon their assessed needs. Budget cuts in FY2004 resulted in the elimination of the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP). The Adult and Juvenile Intensive Supervision programs (AISP and JISP) were also impacted by budget cuts. Probation staff reductions resulted in increased caseload sized per officer. Probation officers supervising general caseloads maintained average caseloads of over 238 adults and nearly 90 juveniles. It should be noted that the Female Offender Program has since been restored.

Colorado probation's *Statement of Common Ground* emphasizes the need to maintain community safety through appropriate supervision and attention to the risk and needs of offenders *as well as* the need to identify and serve crime victims and the community at large. Embedded in this philosophy of restorative justice is the need to hold offenders accountable for their criminal behavior and to require offenders to repair the harm caused to the victim and/or the community. Additionally, a restorative justice philosophy invites crime victims and community members to actively participate in the restoration response.

Under the framework of restorative justice, crime is believed to be a community problem, and, therefore, community involvement should be encouraged. Additionally, the presence of informal social controls, and the collaborative efforts of community agents and criminal justice agencies are believed to significantly impact crime (Fulton, 1996). Restorative justice activities implemented in Colorado probation include involving offenders in meaningful community service endeavors and other offender reparation activities.

It is important to note that all of probation's specialized programs were designed to be alternatives to incarceration. Thus, offenders placed in these programs have higher levels of risk (risk is related to the probability of program failure and the commission of a new crime), and typically have higher levels of identified needs. For these reasons, program success levels are expected to be lower for offenders in specialized programs than for those on regular probation.

OVERVIEW

The Colorado General Assembly first requested the Judicial Branch's Division of Probation Services (DPS) to prepare an annual report on pre- and post-release recidivism rates of offenders terminated from probation in 1996. While this mandate has not been funded, the Division of Probation Services has made every effort to produce a report that is both useful to the General Assembly and to probation departments in Colorado.

Based upon a recommendation of the State Auditor's Office in its December 1998 audit of juvenile probation, the Division of Probation Services convened a group of representatives from criminal justice agencies to develop a uniform definition of recidivism. With the use of this definition, policy makers can more easily compare outcomes across state criminal justice agencies in Colorado. The group agreed on a definition of pre-release recidivism and post-release recidivism. These definitions are as follows:

Pre-release recidivism:

An adjudication or conviction for a felony or misdemeanor, or a technical violation relating to a criminal offense, while under supervision in a criminal justice program.

Post-release recidivism:

A filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense.

These definitions are consistent with the definition of recidivism used by the Division of Probation Services since 1998, thus comparisons can easily be made between the probation outcomes reported in 1998, 1999, 2000, 2001, 2002, 2003, 2004 and those reported here.

METHODOLOGY

The 2004 recidivism study is based upon the entire population of probationers terminated from probation during the 2004 fiscal year. This design allows for one full year of follow-up to determine, *for those who successfully terminated*, what proportion received a filing in Colorado for a new criminal offense within the year following their termination. In addition to recidivism findings for the 2004 cohort of probationers terminated, the current report, based upon further recommendations by the State Auditor's Office, presents disposition and placement findings for those who recidivated or failed pre-release from the current, 2004 cohort.

Data

For the 2004 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2004. The data file was generated from the Judicial Branch's Management Information System, ECLIPSE.

The termination files were combined with a file of all misdemeanor and felony criminal cases and juvenile delinquency petitions filed in Colorado's district and county courts in FY2004 and FY2005 to derive post-release recidivism rates for those probationers who successfully completed probation². The recidivism period is limited to a uniform one-year time at risk. It should be noted that this method can result in over estimates especially when considering that filing may not result in conviction. Pre-release failure rates were derived based upon the type of termination (e.g. termination for technical violation or new crime).

Analysis

To meet the request of the General Assembly, the following research questions guided the analysis.

1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?
2. What proportion of probationers had a juvenile delinquency petition or a criminal case filed within one year of termination of probation (post-release recidivism)?
3. What are the differences in pre-release and post-release recidivism rates for the following groups:
 - regular probationers in each supervision level,
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, the adult female offender program, and the specialized drug offender program)?
4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both new crime and technical violations) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2004. Also, where are probationers placed upon failure?

To answer the research questions posed, we first disaggregated the data by offender case type (juvenile and adult). Second, placement categories were created for adult and juvenile probationers, designating their supervision level or specialized program type at termination. The data were further disaggregated by termination type (success/fail), and the failures were further analyzed to determine, for pre-release failures, where the

² Denver County court cases are not included in this cohort because the cases from this court are not part of the judicial system's information management system (ECLIPSE). However, this data may be included in future years as this court comes on-line with ECLIPSE.

offender was ultimately placed and, for those successfully terminated from probation, the proportion who received a criminal filing for a new crime.

Data for FY2004 releases allow us to determine which proportion of offenders in specialized programs were terminated directly from the specialized program and which offenders were transferred to regular probation supervision upon completion of a specialized program. Termination data for both situations are presented in this report, to provide additional information to the reader. These data will be described in the pertinent sections.

- 1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?**

**Table 1
REGULAR PROBATION
Juvenile and Adult Probation Comparison
FY2003 and FY2004 Terminations**

TERMINATION TYPE	JUVENILE FY 2003	JUVENILE FY 2004	ADULT FY2003	ADULT FY2004
Successful	71.8% (3,953)	68.8% (3,574)	67.0% (11,568)	62.6% (10,719)
Failure: Technical	22.6% (1,245)	25.0% (1,298)	27.6% (4,765)	31.8% (5,457)
Failure: New Crime	5.6% (312)	6.2% (320)	5.4% (920)	5.6% (960)
TOTAL	100% (5,510)	100% (5,192)	100% (17,253)	100% (17,136)

Table 1 compares the termination data for juveniles and adults terminating from regular probation programs during FY2003 and FY2004. In terms of outcome, for both juveniles and adults, pre-release recidivism (new crimes) increased slightly, however technical failure rates increased markedly. Historically, termination rates have varied by one or two percentage points from year to year. One possible explanation of the lower success rate is the increase caseload size as a result of budget reductions. One of the indicators is the marked increase in technical violations. As caseloads grow, officers have less time to effectively manage technical violations resulting in revocations of probation.

2. What proportion of probationers, who terminated successfully, had a juvenile delinquency petition or a criminal case filed on them within one year of termination of probation (post-release recidivism)?

**Table 2
REGULAR PROBATION
Comparison of Juvenile and Adult Successful Terminations
And Proportion with New Case Filed
FY2003 and FY2004 Terminations**

POST-RELEASE RECIDIVISM	JUVENILES FY2003	JUVENILES FY2004	ADULTS FY2003	ADULTS FY2004
New Case Filed	15.8% (626)	15.4%(550)	8.4% (966)	7.9%(847)
No New Case Filed	84.2% (3,327)	84.6%(3,024)	91.6% (10,602)	92.1% (9872)
TOTAL	100% (3,953)	100% (3,574)	100% (11,568)	100% (10719)

Table 2 reflects the post-release recidivism rates for all juveniles and adults, respectively. More specifically, Table 2 compares, for regular probationers who successfully terminated probation during FY2003 and FY2004, the proportion that remained crime free and the proportion that had a new juvenile delinquency petition or criminal case filed against them within one year of termination from supervision. The rate at which juveniles had new case(s) filed after a successful termination remained constant between FY03 (15.8%) and FY04 (15.4%) Adult post-release recidivism rates also decreased slightly from (8.4%) to (7.9%) between FY03 and FY04, which was a greater change.

- 3. What are the differences in pre-release and post-release recidivism rates for the following groups:**
- **regular probationers in each supervision level,**
 - **probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, the adult female offender program, and the specialized drug offender program)?**

Pre-release Recidivism and Failure Rates

Colorado Probation Officers use the LSI (Level of Supervision Inventory) to classify adults according to risk level and the CYO-LSI (Colorado Young Offender Level of Supervision Inventory) to classify juvenile offenders. The LSI is a research-based reliable and valid risk instrument that helps predict outcome, success on supervision and recidivism. The LSI is commonly used by probation and parole officers and other correctional workers in the United States and abroad. The CYO-LSI is based on similar research used to develop the LSI, but it was developed by Colorado criminal justice

professionals and validated on a Colorado sample of juvenile offenders. Both of these classification tools result in one of three supervision levels: minimum, medium or maximum. In addition, probation uses the management classification level of “administrative” to denote those offenders who are under the jurisdiction of probation, but who may be currently supervised by other agencies, including community corrections or county jail for adults; and residential child care facilities for juveniles. The administrative classification includes offenders of all risk levels, including a high proportion assessed as high risk. Some probationers classified as administrative may also have completed all of the court requirements for probation, but still have outstanding restitution or fees to pay.

The higher rate of failure among maximum level probationers is consistent with risk prediction classification tools, in which high risk/maximum level supervision offenders are often more than twice as likely as those classified at lower supervision levels to commit a new crime while under supervision. It is important to note that the LSI and CYO-LSI are instruments in which the probationer is scored on a number of risk factors, the sum of which comprise a total score. The probationer is initially assigned a risk level based upon the category (minimum, medium or maximum) in which his or her score falls. On average, probationers are re-assessed every six months, and supervision strategies and level of supervision intensity change with the corresponding changes in the risk level score. Classification categories are determined according to policy, which has set the scores that correspond to each risk level. The policy determining risk categories is typically based on research that determines where cut-points are most appropriately set, given actual failure rates among the study group and resulting in more predictive cut-points.

Table 3
REGULAR PROBATION:
Juvenile Probation Termination Type by Supervision Level – FY2004
Compared with Overall Termination Type FY2003

SUPERVISION LEVEL	JUVENILE PROBATIONERS TERMINATED			
	Success	Fail: Technical	Fail: New Crime	Total
Juvenile Probationers Terminated FY2004				
Regular: Administrative	49.1% (599)	45.1% (551)	5.8% (71)	100% (1221)
Regular: Unclassified	69.4% (68)	22.4% (22)	8.2% (8)	100% (98)
Regular: Minimum	91.4% (1,424)	6.7% (105)	1.9% (29)	100% (1,558)
Regular: Medium	76.8% (1,111)	17.7% (256)	5.5% (80)	100% (1,447)
Regular: Maximum	42.9% (372)	41.9% (363)	15.2% (132)	100% (867)
TOTAL REGULAR PROBATION	68.8% (3,574)	25.0% (1,298)	6.2% (320)	100% (5,192)
Juvenile Probationers Terminated FY2003				
TOTAL REGULAR PROBATION	71.8% (3,953)	22.6% (1,244)	5.6% (312)	100% (5,509)

Table 3 reflects the termination rates for juveniles on regular probation supervision, by risk/classification level. (Table 4 reflects the termination rates for juveniles on intensive supervision probation.) Both tables compare the overall termination rates for FY2004 with those in FY2003. As represented in Table 3, the 68.8% overall successful termination rate of juvenile probationers on regular supervision for FY2004 is lower than the 71.8% success rate reported for youth in FY2003, this is also lower than the success rate of 73.0% in FY2002 (not shown). Of juveniles that terminated probation in FY2004, 25.0% failed for violating the terms and conditions of probation (including absconding from supervision), and 6.2% failed by committing a new crime. These figures reflect an increase in technical violations in FY2003 (22.6%) and a slight increase from the FY2003 new crime failure rate of 5.6%.

As has been true historically, juveniles supervised at the maximum and administrative levels on regular probation had the lowest success rates (42.9% and 49.1%, respectively). Youth classified at the maximum level represented the highest proportion of offenders terminating for the commission of a new crime and were two times more likely to re-offended than any other classification level. The rate at which maximum supervision level juveniles terminated due to a new crime increased by 1.4% between FY2003 (13.8% not shown) and FY2004 (15.2%). It is expected that those classified at the higher risk levels would fail at a greater rate than the lower classification levels; indeed, that is the reason we develop levels of risk. Similarly, it is not surprising that youth *classified as administrative* cases fail at higher rates, given that this caseload constitutes a large number of cases that are either higher risk or are supervised by another entity in tandem with probation (such as detention or other placement facilities), or both.

Table 4
Juvenile Intensive Supervision Probation:
Termination Type – FY2004
Compared with Juvenile ISP Termination Type FY2003

PROGRAM	JUVENILE ISP PROBATIONERS TERMINATED				
	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
Juvenile Intensive Probation FY2004	26.8% (101)	24.5% (93)	37.4% (142)	11.3% (43)	100% (379)
Juvenile Intensive Probation FY2003	25.7% (116)	26.8% (121)	35.3% (159)	12.2% (55)	100% (451)

Table 4 indicates that JISP clients succeeded 51.3% of the time³, but failed for committing technical violations in approximately one third of the cases (37.4%) and failed due to a new crime in 11.3% of the cases. These findings reflect a slight decrease in successes from FY2003 termination results in which 52.5% of youth succeeded on JISP. An additional 35.3% failed for a technical violation and 12.2% failed for a new crime. This higher failure rate among JISP probationers compared to regular supervision probationers is not surprising, given that these juveniles are considered the most high risk offenders on probation, and often have the most severe levels of needs.⁴ This classification of offender would also likely be committed to a Division of Youth Corrections facility in the absence of the JISP sentencing option.

The decision to transfer a probationer (both juveniles and adults) from a specialized probation program to regular probation supervision is based on local policy. Only recently have we been able to begin tracking those offenders who transfer from a specialized probation program to regular probation supervision. While we are able to report the termination status as they leave a specialized program, we have not yet been able to report the final termination status of these offenders as they exit regular probation supervision.

Table 5
REGULAR PROBATION:
Adult Probation Termination Type by Supervision Level – FY2004
Compared with Termination Type FY2003

SUPERVISION LEVEL	ADULT PROBATIONERS TERMINATED			
	Success	Fail: Technical	Fail: New Crime	Total
Adult Probationers Terminated FY2004				
Regular: Administrative	40.0% (2,688)	55.2% (3,712)	4.8% (322)	100% (6721)
Regular: Unclassified	75.1% (368)	21.4% (105)	3.5% (17)	100% (490)
Regular: Minimum	90.0% (3,959)	8.1% (358)	1.9% (82)	100% (4399)
Regular: Medium	78.5% (2,908)	16.0% (591)	5.5% (203)	100% (3,702)
Regular: Maximum	43.7% (796)	37.9% (691)	18.4% (336)	100% (1,823)
TOTAL REGULAR PROBATION	62.6% (10,719)	31.8% (5,457)	5.6% (960)	100% (17,136)
Adult Probationers Terminated FY2003				
TOTAL REGULAR PROBATION	67.0% (11,568)	27.6% (4,765)	5.4% (920)	100% (17,253)

³ JISP clients who successfully terminated included 24.5% who were successfully terminated from JISP and then moved to regular supervision and 26.8% who were successfully terminated directly from JISP and released from supervision.

⁴ The Office of the State Auditor's report of findings from the 1998 audit of juvenile probation found that high risk juveniles on probation and on JISP frequently have high levels of need as well.

Table 5 reflects the pre-release termination status for regular adult offenders by supervision level. Similar to the juvenile probationers, adult probationers supervised at administrative and maximum levels⁵ were the least likely to successfully terminate probation (40.0% and 43.7%, respectively). The higher failure rate among administrative cases is not surprising, given the range of offenders included in this classification category, which includes a mixture of risk levels and supervision outside of probation. Similarly, those classified at the maximum supervision level are considered to be at the highest risk for re-offense. Probationers who were last supervised at the administrative and maximum levels were by far the most likely to terminate due to technical violations as well as a new crime, with one exception. That is, adults last classified at the medium level were nearly as likely to fail for a new crime (5.5%) as those adults classified as administrative (4.8%). Termination findings for adults on regular probation supervision for FY2004 (62.6% success rate) are markedly lower than those reported for FY2003 probation releases, in which a 67.0% success rate was reported.

Table 6
SPECIALIZED PROGRAMS:
Adult Probation Termination Type by Program – FY2004
Compared with Specialized Programs Termination Type FY2003

PROGRAM	Successful on Specialized Program		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Specialized Program			
FY2004 Specialized Programs Terminations					
Adult Intensive Supervision Probation (AISP)	36.2% (343)	8.0% (77)	42.6% (404)	13.2% (125)	100% (949)
Specialized Drug Offender Program (SDOP) *					
Female Offender Program (FOP) *					
FY2003 Specialized Programs Terminations					
Adult Intensive Supervision Probation (AISP)	46.6% (336)	7.0% (50)	31.2% (224)	15.2% (109)	100% (719)
Specialized Drug Offender Program (SDOP)	72.9% (231)	6.6% (21)	15.8% (50)	4.7% (15)	100% (317)
Female Offender Program (FOP)	73.2% (224)	7.8% (24)	15.7% (48)	3.3% (10)	100% (306)

*Programs were discontinued in FY2004 due to budget reductions.

⁵ Higher rates of failure among those classified as administrative are expected, since this classification level comprises offenders of all risk levels, and actually denotes a supervision *classification* as opposed to *risk level*. In addition to comprising all levels of risk, these offenders were also likely to be under active supervision by another criminal justice entity, such as community corrections.

Table 6 presents termination data for adults supervised in specialized probation programs; it includes the success rates for those offenders who completed the specialized program and then continued under regular probation supervision and those who completed the specialized program and ended supervision directly from the specialized program, as well as failure rates for those probationers in a specialized program. Two specialized programs, the Female Offender Program (FOP) and the Specialized Drug Offender Program (SDOP) were discontinued in FY2004; officers who staffed those programs were reassigned to address staff layoffs. Concomitantly, caseloads for adult and juvenile ISP were increased from 20 to 45 adult offenders and from 18 to 35 juvenile offenders. Maximum risk offenders were added to ISP caseloads. Note: In FY2005, ISP and FOP were partially restored and in FY2006 AISP, JISP and FOP were fully restored.

The success rates for Adult Intensive Supervision Probation (AISP) decreased significantly between FY2003 (53.6%) and FY2004 (44.2%), a 9.4% drop. The decrease in large part is the result of an increase in technical violations from 31.2% in FY2003 to 42.6% in FY2004. This is a similar finding to that of the lower success rate in regular supervision probation, however more profound. Also similar to the regular supervision rate, it is likely that the increased caseload size of the very high risk offenders made it more difficult for officers to effectively manage technical violations resulting in a significantly increased rate (11.4%). Interestingly, the failure for new crime decreased, 13.2% for FY2004 as compared to a rate of 15.2% the previous year.

Post-release Recidivism Rates Among Probationers who Successfully Terminate

To answer the second portion of question number three, we selected only those probationers who successfully terminated probation, and analyzed the data to determine what proportion had new cases filed in court. Tables 7 and 8 present the post-release recidivism findings for juveniles; Tables 9 and 10 present these findings for adults.

**Table 7
REGULAR PROBATION:
Juvenile Post-release Recidivism by Last Supervision Level – FY2004
Compared with Overall Post-Release Recidivism Findings – FY2003**

JUVENILES WHO SUCCESSFULLY TERMINATED PROBATION			
SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2004 Successful Terminations			
Regular: Administrative	12.9% (77)	87.1% (522)	100% (599)
Regular: Unclassified	10.3% (7)	89.7% (61)	100% (68)
Regular: Minimum	13.8% (197)	86.2% (1,227)	100% (1,424)
Regular: Medium	16.8% (187)	83.2% (924)	100% (1,111)
Regular: Maximum	21.8% (81)	78.2% (291)	100% (372)
Total	15.4% (549)	84.6% (3,025)	100% (3,574)
FY2003 Successful Terminations			
Total	15.8% (626)	84.2% (3,327)	100% (3,953)

Table 7 indicates that 15.4% of juveniles who terminated regular probation successfully in FY2004 went on to have a new delinquency petition filed in court within one year of termination. This rate was as low as 7.8% in FY2000 and as high as 16.5% in FY2002. While we noted a significant increase between fiscal years 2000 and 2001, since then, the rate at which those juveniles who successfully terminated and went on to receive a new filing within one year, have stabilized, suggesting the rate may have peaked in FY2001 and is now decreasing and moving towards previous rates.

As expected, youth classified at higher supervision levels had higher rates of recidivism. The recidivism rate for probationers at the maximum supervision level was 21.8%, at the medium supervision level it was 16.8%, and at the minimum supervision level it was 13.8%. The recidivism rate among those offenders last classified at administrative level was (12.9%). Juveniles classified as administrative, tend to be higher criminal risk and include youth in residential placement.

Table 8
JUVENILE ISP:
Post-Release Recidivism – FY2004
Compared with Post-Release Recidivism Findings – FY2003

JISP Clients Who Successfully Terminated JISP and Completed Probation			
PROGRAM	New Case Filed	No New Case Filed	Total
JISP FY2004	10.1% (9)	89.9% (84)	100% (93)
JISP FY2003	19.8% (24)	80.2% (97)	100% (121)

Note that this table 8 indicates that approximately one tenth (10.1%) of JISP clients who successfully terminated probation and were released from supervision during FY2004 went on to have a new delinquency petition or criminal case filed in court within one year. This figure reflects a significant improvement over FY2003 in which the post-release recidivism rate was 19.8%.

Note that Table 8 represents only those 93 youth released from supervision altogether. An additional 101 youth successfully completed the terms of JISP and were transferred to regular probation supervision during the study year (See Table 4). Outcome behavior for these youth will be included in the *regular supervision* population as they complete probation supervision.⁶ If the 101 youth transferred to regular supervision were included in this analysis, they would likely be included in the “No New Case Filed” column⁷ and the revised “New Case Filed” rate would be 3.8%.

⁶ The addition of new codes in ICON now allows us to identify probationers who transfer from specialized program supervision to regular supervision. Data limitations did not allow for specific tracking of these offenders within the “regular supervision” cohort of offenders.

⁷ The calculation for this figure is 101+93=194 with a grand total of 237 (9 + 194) and 9/237=3.8%.

Table 9
REGULAR PROBATION:
Adult Post-Release Recidivism by Last Supervision Level – FY2004
Compared with Overall Post-Release Recidivism Findings – FY2003

ADULTS WHO SUCCESSFULLY TERMINATED PROBATION			
SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2004 Successful Terminations			
Regular: Administrative	6.7% (180)	93.3% (2,508)	100% (2,688)
Regular: Unclassified	6.5% (24)	93.5% (344)	100% (368)
Regular: Minimum	6.5% (257)	93.5% (3,702)	100% (3,959)
Regular: Medium	9.5% (275)	90.5% (2,633)	100% (2,908)
Regular: Maximum	14.0% (111)	86.0% (685)	100% (796)
Total	7.9% (847)	92.1% (9,872)	100% (10,719)
FY2003 Successful Terminations			
Total	8.4% (967)	91.6% (10,603)	100% (11,570)

Table 9 reflects that, overall, 7.9% of adult probationers who terminated successfully from probation during FY2004 were subsequently brought to court on new charges. This rate had decreased slightly over the FY2003 rate of 8.4%.

Those probationers last supervised at the maximum level were the most likely to have a new crime filed against them within one year of termination (14.0%), followed closely by those classified at the medium supervision level (9.5%). Among 10,719 successful probation terminations, the vast majority of adults (92.1%) who successfully terminate from regular probation do not recidivate within one year of termination.

Table 10
SPECIALIZED PROBATION PROGRAMS:
Adult Successful Terminations and
Proportion with New Case Filed – FY2004
Compared with Overall Post-Release Recidivism Findings – FY2002

POST-RELEASE RECIDIVISM	New Case Filed	No New Case Filed	TOTAL
Adults Who Successfully Terminated a Specialized Program and Completed Probation FY2004			
AISP	3.9% (3)	96.1% (73)	100% (76)
SDOP*			
FOP*			
Adults Who Successfully Terminated a Specialized Program and Completed Probation FY2003			
AISP	8.0% (4)	92.0% (46)	100% (50)
SDOP	19.0% (4)	81.0% (17)	100% (21)
FOP	16.7% (4)	83.3% (20)	100% (24)

*Programs were discontinued in FY2004 due to budget reductions.

Table 10 reflects, for adult specialized program participants who successfully terminated probation, the proportion that remained crime free and those who had a new criminal case filed against them within one year. As reported for the JISP cohort of terminated probationers, Table 10 reflects only those offenders who completely terminated from specialized supervision, and not those transferred to regular probation for continued supervision. Those adult offenders who transferred to regular supervision are included in Table 6.

In FY2004, the actual *number* of cases filed post-release on adults who successfully completed AISP remained fairly constant to FY2003 figures (3 new cases in FY2004 vs. 4 new cases among the three programs in FY2003). As a percentage, however, AISP experienced a significant decrease in recidivism of 4.1% between FY2003 and FY2004. Again, the Female Offender Program and the Specialized Drug Offender Programs were discontinued in FY2004 as a result of budget reductions.

4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both new crime and technical violations) are combined with post-release recidivism, what is the failure rate of probationers? Also, where are probationers placed upon failure?

To answer the fourth question for the FY2004 termination cohort, we combined the pre-release and post-release failure categories to arrive at an overall probation failure rate by supervision level. Additionally, we combined the pre-release recidivism rate and the post-release recidivism rate to derive an overall recidivism rate. Finally, for comparison's sake, the overall figures for the FY2003 study period are presented for each level of supervision. (As a result, totals in Table 11 do not match totals in other tables that address *only* pre-release failures or *only* post-release recidivism.) These findings are presented for juveniles and adults.

**Table 11
REGULAR PROBATION
Overall Juvenile Program Failures and Successes – FY2004
Compared with Overall Post-Release Recidivism Findings – FY2003**

SUPERVISION LEVEL	Pre-release Failure: Technical ⁸	Pre-release Failure: New Crime ⁹	Successful and Post-release Recidivism ¹⁰	Successful ¹¹	Total
Juvenile Terminations FY2004					
Regular: Administrative	45.1% (551)	5.8% (71)	6.3% (77)	42.8% (522)	100% (1221)
Regular: Unclassified	22.4% (22)	8.2% (8)	7.1% (7)	62.3% (61)	100% (98)
Regular: Minimum	6.7% (105)	1.9% (29)	12.6% (197)	78.8% (1,227)	100% (1,558)
Regular: Medium	17.7% (256)	5.5% (80)	12.9% (187)	63.9% (924)	100% (1,447)
Regular: Maximum	41.9% (363)	15.2% (132)	9.3% (81)	33.6% (291)	100% (867)
TOTAL REGULAR PROBATION	25.0% (1,298)	6.2% (320)	10.6% (549)	58.2% (3,025)	100% (5,192)
Juvenile Terminations FY2003					
TOTAL REGULAR PROBATION	22.6% (1244)	5.7% (312)	11.3% (626)	60.4% (3,327)	100% (5,509)

As indicated in Table 11, the overall success rate for juveniles supervised on regular probation in FY2004 was 58.2%, which is slightly lower than the overall success rate in FY2003 of 60.4%. Not surprisingly, those youth supervised at the maximum supervision level and classified as administrative cases had the lowest success rates (33.6% and 42.8%, respectively).

⁸ The probationers included in this category terminated unsuccessfully from probation due to a technical violation(s).

⁹ The probationers included in this category terminated unsuccessfully from probation due to a new crime.

¹⁰ The probationers included in this category terminated successfully from probation and then recidivated within one year of termination.

¹¹ The probationers included in this category terminated successfully from probation and did not recidivate within one year of termination.

Table 12
JUVENILE ISP:
Overall Program Failure and Success – FY2004 and FY2003

PROGRAM	Pre-release Failure: Technical ¹²	Pre-release Failure: New Crime ¹³	Post-release Recidivism ¹⁴	Successfully terminated directly from JISP and did not recidivate ¹⁵	Successfully terminated from JISP & transferred to regular supervision ¹⁶	Total
JISP FY2004	37.5% (142)	11.4% (43)	2.4% (9)	22.1% (84)	26.6% (101)	100% (379)
JISP FY2003	35.3% (159)	12.2% (55)	5.3% (24)	21.5% (97)	25.7% (116)	100% (451)

Table 12 represents all those juveniles who completed JISP and illustrates the rate at which these juveniles failed and succeeded. The failures include those youth who, during supervision on JISP, were terminated for a technical violation(s) or for the commission of a crime and those who “failed” by recidivating within one year of termination from JISP. The successes include those youth who terminated the JISP program successfully and either terminated supervision at that point or transferred to regular probation supervision upon completion of JISP.

It is a common practice among probation departments statewide to “step offenders down” from the intensive level of supervision in specialized programs to less intensive levels on regular probation prior to release from supervision. Given that slightly more than one-quarter (26.6%) of youth are transferred from JISP to regular probation supervision, it is most accurate to consider those youth in the overall success rate. However it is useful to look at the data in two ways: the success rate of those juveniles who terminate supervision directly from JISP and the success rate of those juveniles who terminate JISP and then transfer to regular probation supervision.

The overall success rate of those juveniles who terminate directly from JISP is relatively low (22.1%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 48.7% success rate, compared to 47.2% in FY2003. This overall success rate for FY2004 is calculated by adding the two “successful” columns in Table 12 together (22.1% and 26.6%).

¹²The probationers included in this category terminated unsuccessfully from JISP due to a technical violation(s).

¹³ The probationers included in this category terminated unsuccessfully from JISP due to a new crime.

¹⁴ The probationers included in this category terminated successfully and directly from JISP and recidivated within one year of termination.

¹⁵ The probationers included in this category terminated successfully and directly from JISP and did not recidivate within one year of termination.

¹⁶ The probationers included in this category terminated successfully from JISP and were then transferred to regular probation supervision. Their final termination status (e.g. failure/success/recidivism) is unknown and will be reflected in the overall program failure and success rates for regular probation.

As explained earlier, lower rates of success are to be expected with higher risk cases. In the absence of a program like JISP, or without the ability to place youth under extremely close supervision conditions; these youth would likely be placed in commitment facilities with the Division of Youth Corrections. In this respect, JISP is cost-effective with these high risk and high need youth, whereby all of these youth would likely have been placed in NYC at a cost of \$66,795¹⁷ per year compared to \$3,795 on JISP¹⁸. In summary, JISP redirected 185 youth from NYC in FY2004 and, of those, we know more than half of them (84 of 185 = 45.4%) were successful. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

Table 13
JUVENILE REGULAR PROBATION and JISP
Placement of Juvenile Probationers Who
Terminated Probation for Technical Violations or a New Crime: FY2004

PLACEMENT	Incarceration: Dept. of Corrections or Div. of Youth Corrections	Detention/ County Jail	Fines, Fees, Comm. Service, Other (includes no sentence)	TOTAL
Pre-Release Failure: Technical Violation				
Juvenile Regular Probation	45.0% (584)	53.0% (688)	2.0% (26)	100% (1,298)
JISP	73.6% (117)	25.5% (40)	.9% (2)	100% (159)
Pre-Release Failure: New Crime				
Juvenile Regular Probation	55.3% (177)	39.2% (125)	5.5% (18)	100% (320)
JISP	84.8% (47)	12.2% (7)	3.0% (1)	100% (55)

¹⁷ The commitment figure was provided by the Division of Youth Corrections and is based on average daily population for state owned beds at a daily rate of \$183.00 per day in 2003-2004.

¹⁸ The JISP figure is based on the Judicial Branch's annual cost per case for FY2005.

Table 14
JUVENILE REGULAR PROBATIONERS and JISP
Placement of Juvenile Probationers Who Successfully Completed Probation
and had a New Filing Post-Release: FY2004

PLACEMENT	Incarceration: Dept. of Corrections or Div. of Youth Corrections	Community Corrections	Detention/ County Jail	Supervised Probation	Fines, Fees, Comm. Service, Other	Not Yet Sentenced or Case Dismissed	TOTAL
Juvenile Regular Probation	8.5% (47)	0% (0)	1.2% (7)	9.1% (50)	5.5% (30)	75.7% (415)	100% (549)
JISP	0% (0)	0% (0)	55.5% (5)	11.1% (1)	11.1% (1)	22.3% (2)	100% (9)

Tables 13 and 14 reflect the placement of youth who failed their probation terms or recidivated after successfully terminating from probation. Those youth who failed probation due to a technical violation or a new crime committed while on supervision are represented in Table 13. Those youth who received a new filing after successfully terminating probation are represented in Table 14.

In addition to the probationers reflected in Table 13, some youth are revoked and reinstated on probation and others are revoked and placed in community corrections. The probationers who fall into either of these categories are not tracked as failures in the Judicial Department's management information system because they continue under the jurisdiction of probation and, in the case of revoked and reinstated probationers, under direct supervision by probation.

As expected, placement data for many youth who recidivated after terminating probation is unknown. Post-release recidivism is defined and measured as a filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense. By definition then, *filings* for youth who terminated in FY2004 were tracked through June 30, 2005. It often takes a year *from the time of filing*, which could have occurred as late as June 2005, for sentencing or placement determination to occur and therefore that data are not yet available.

A youth must be 18 or older at the time of revocation to be sentenced to the county jail, and then the term cannot exceed 180 days. Table 13 indicates that the majority of youth supervised on regular probation supervision are sentenced to detention for technical violations (53.0%). The majority of youth whose probation is revoked for a new crime committed while under supervision are sentenced to the Division of Youth Corrections (55.3%). The second most frequently used placement for youth on regular probation who were revoked for technical violations was Division of Youth Corrections (45.0%). For a new crime, the second most common placement was detention (39.2%). As expected, the reverse was true for those youth who were supervised on JISP, a program typically consisting of more serious offenders. More JISP youth were incarcerated at the Division of Youth Corrections than were sentenced to detention when they committed a technical violation (73.6%) or a new crime (84.8%). Fewer JISP youth were given a detention

sentence for a technical violation (25.5%) and for a new crime (12.2%). Less than 6.0% of all youth failing either regular probation or JISP received a fine, fee or community service as the only response to that failure.

Table 14 reflects that youth who recidivated after successfully completing probation *whose cases have been adjudicated and a sentencing decision has been made* (75.7% of these cases have not yet reached disposition), were most likely to be placed on probation (9.1%) followed by a commitment to the Division of Youth Corrections (8.5%). Just over one percent (1.2%) of these youth was sentenced to detention. For those youth who recidivated after successfully completing JISP *and whose cases have reached disposition* (22.3% of these cases have not yet reached disposition), more than half (55.5%) were sentenced to detention or jail.

As reflected in Table 14, approximately two out of nine cases have not yet reached disposition. As that data becomes available we would anticipate seeing many more offenders falling into the other placement categories (incarceration, community corrections, detention/jail, probation) while the number of cases in the fines/fee, community service and other category would remain relatively small. The cases falling into this latter category may be lower level and less serious offenses that are being resolved more quickly (therefore showing up in the data results sooner) and receiving the lighter sanction of a fine or community service work.

Table 15
REGULAR PROBATION
Overall Adult Program Failures and Successes – FY2004
Compared with Overall Post-Release Recidivism Findings – FY2003

SUPERVISION LEVEL	Pre-release Failure: Technical ¹⁹	Pre-release Failure: New Crime ²⁰	Successful and Post-release Recidivism ²¹	Successful ²²	Total
Adult Terminations FY2004					
Regular: Administrative	55.2% (3,712)	4.8% (322)	6.7% (180)	37.3% (2,508)	100% (6,721)
Regular: Unclassified	21.4% (105)	3.5% (17)	4.9% (24)	70.2% (344)	100% (490)
Regular: Minimum	8.1% (358)	1.9% (82)	5.9% (257)	84.1% (3,702)	100% (4,399)
Regular: Medium	16.0% (591)	5.5% (203)	7.4% (275)	71.1% (2,633)	100% (3,702)
Regular: Maximum	37.9% (691)	18.4% (336)	6.1% (111)	37.6% (685)	100% (1,823)
TOTAL REGULAR PROBATION	31.8% (5,457)	5.6% (960)	4.9% (847)	57.7% (9,872)	100% (17,136)
Adult Terminations FY2003					
TOTAL REGULAR PROBATION	27.6% (4,765)	5.3% (920)	5.6% (967)	61.4% (10,601)	100% (17,253)

Table 15 indicates the overall success rate of adult regular probation, defined as those offenders who successfully terminated probation *and* remained crime-free for one year post-termination is lower than reported last year: 57.7% in FY2004 compared to 61.4% of FY2003 probation terminations. Offenders supervised at the maximum supervision level and classified as administrative had the lowest overall success rate (37.6% and 37.3% respectively), and the failure was largely due to technical violations of their probation supervision (37.9%).

¹⁹ The probationers included in this category terminated unsuccessfully from regular probation supervision due to a technical violation(s).

²⁰ The probationers included in this category terminated unsuccessfully from regular probation supervision due to a new crime.

²¹ The probationers included in this category terminated successfully from regular probation supervision but recidivated within one year of termination.

²² The probationers included in this category terminated successfully from regular probation supervision and did not recidivate within one year of termination.

Table 16
SPECIALIZED PROGRAMS (Adult Intensive Supervision Probation, Specialized Drug Offender Program and Female Offender Program)
Overall Adult Program Failures and Successes: FY2004 and FY2003

SUPERVISION LEVEL	Pre-release Failure: Technical ²³	Pre-release Failure: New Crime ²⁴	Post-release Recidivism ²⁵	Successfully terminated directly from specialized probation and did not recidivate ²⁶	Successfully terminated from specialized & transferred to regular supervision ²⁷	Total
Adult Specialized Program Terminations FY2004						
AISP	42.6% (404)	13.2% (125)	0.3% (3)	7.8% (74)	36.1% (343)	100% (949)
SDOP *						
FOP*						
Adult Specialized Program Terminations FY2003						
AISP	31.2% (224)	15.2% (109)	0.6% (4)	6.4% (46)	46.7% (336)	100% (719)
SDOP	15.8% (50)	4.7% (15)	1.3% (4)	5.4% (17)	72.9% (231)	100% (317)
FOP	15.7% (48)	3.3% (10)	1.3% (4)	6.5% (20)	73.2% (224)	100% (306)

* Program discontinued as a result of budget reductions.

Table 16 reflects, as expected, that overall adult offenders in specialized programs performed more poorly than those on regular probation supervision. Adults terminated from the intensive supervision probation program had an overall success rate of 43.9%, with a 36.1% success rate for those offenders who transferred from AISP to regular probation supervision and 7.8% for those offenders who did not continue on any supervision following an AISP sentence. This 43.9% overall success rate for AISP represents a decrease to the overall success rate compared to 53.1% among AISP clients in FY2003. It should be noted that technical violations for FY2004 outpaced technical violations for FY2003 by a margin of 11.4% (42.6% and 31.2% respectively). This result may be further evidence of the impact of increased caseloads.

Again, it is important to note that the intensive supervision program is a prison-avoidant program, and all offenders in these programs succeeded and remained crime free in nearly one half of the cases. In the absence of these programs, these offenders quite likely would have served time in prison, at a costly sum, both in human and fiscal terms.

²³ The probationers included in this category terminated unsuccessfully from a specialized program due to a technical violation(s).

²⁴ The probationers included in this category terminated unsuccessfully from a specialized program due to a new crime.

²⁵ The probationers included in this category terminated directly and successfully from a specialized program and recidivated within one year of termination.

²⁶ The probationers included in this category terminated directly and successfully from a specialized program and did not recidivate within one year of termination.

²⁷ The probationers included in this category terminated successfully from specialized programs and were then transferred to regular probation supervision. Their final termination status (e.g. failure/success/recidivism) is unknown and will be reflected in the overall failure and success rates for regular probation supervision.

Data on overall success rates can be useful to probation administrators, planners, and officers in developing strategies to assist probationers in increasing success rates. The lower rates of success among those probationers who terminated directly from a specialized program are heavily influenced by the pre-release failure rates and the most common practice of “stepping down” offenders from specialized programs to regular probation supervision. Most pre-release failures are due to technical violations, which can be addressed up front with strategies to prevent probationers from engaging in technical violation behaviors.

Table 17
ALL ADULT PROBATION PROGRAMS
Placement of Adult Probationers Who Terminated Probation
for Technical Violations or a New Crime: FY2004

PLACEMENT	Incarceration: Dept. of Corrections	County Jail	Fines, Fees, Comm. Service, Other (includes no sentence)	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation ²⁸	26.1% (1424)	70.0% (3,820)	3.9% (213)	100% (5,457)
AISP	87.0% (282)	10.2% (33)	2.8% (9)	100% (404)
Pre-Release Failure: New Crime				
Adult Regular Probation	48.6% (467)	44.9% (431)	6.5% (62)	100% (960)
AISP	87.8% (87)	6.1% (6)	6.1% (6)	100% (125)

Table 17 reflects the placement of those offenders who failed probation due to a technical violation or a new crime committed while on supervision. The majority of adults supervised on regular probation who receive technical violations are sentenced to the county jail (70.0%) and secondly to the Department of Corrections (26.1%). Probationers who failed probation for the commission of a new crime were more likely to be incarcerated at the Department of Corrections (48.6%) and to the county jail (44.9%). As expected, adults who terminated from the Intensive Probation Supervision Program, regardless of whether that failure was due to a technical violation or a new crime, were most likely to be incarcerated at the Department of Corrections (DOC).

In addition to the probationers reflected in Table 17, some probationers are revoked and reinstated on probation and others are revoked and placed in community corrections. The probationers who fall into either of these categories are not tracked as failures in Judicial’s management information system because they continue under the jurisdiction of probation and, in the case of revoked and reinstated probationers, under direct supervision by probation.

²⁸ Note that, for regular probation, a revocation is only counted in the data base for those offenders who actually terminate probation. For this reason, we cannot, at this time, account for those offenders who are revoked and reinstated to probation.

Table 18
ALL ADULT PROBATIONERS
Placement of Adult Probationers Who Successfully Terminated Probation
and had a New Filing Post-Release: FY2004

PLACEMENT	Incarceration Dept. of Corrections	Community Corrections	County Jail	Probation	Fines, Fees, Comm. Service, Other	Not Yet Sentenced or Case Dismissed	TOTAL
Adult Regular Probation ⁸	3.1% (27)	.1% (1)	2.2% (19)	6.3% (51)	.9% (8)	87.4% (741)	100% (847)
AISP	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	100.0% (3)	100% (3)

Table 18 represents placement for those offenders who successfully completed probation, but had a new filing post-release. As expected, placement data for many adult offenders who recidivated after terminating probation is unknown. Post-release recidivism is a filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense. By definition then, *filings* for adults who terminated in FY2004 were tracked through June 30, 2005. It often takes a year *from the time of filing*, which could have occurred as late as June 2006, for sentencing or placement determination to occur and therefore that data are not yet available.

Table 18 reflects that the placement for those adults who recidivated *after* terminating from regular probation supervision, *and whose case had not reached disposition* (87.4%). Adult recidivists were most often sentenced to another probation sentence (6.3%) or to incarceration at DOC (3.1%). The number of adults who recidivated after terminating from a specialized program are so low that it is impossible to draw any conclusions about these offenders from the data provided in Table 18.

Summary: 2004 Termination Cohort

The Judicial Branch has produced a report on recidivism rates among probationers since 1996. Since 1998, the method and measures reported have been consistent with those reported here. Recidivism among probationers has remained relatively stable – particularly while offenders are under the supervision of the probation department. Once terminated, new crime rates do increase, but rates of recidivism among probationers has remained relatively low at less than ten percent for adults and less than twenty percent for juveniles on regular probation. Adults and juveniles supervised in specialized programs have higher rates of new crimes committed once terminated from probation, but these are still generally less than twenty percent across all programs.

The findings in this report highlight the fact that probation programs are successful in helping offenders remain crime free during periods of supervision. Indeed, juvenile and adult probationers were successful (they were successfully terminated from probation and remained crime free for one year after termination) in more than one half of all

cases, (58.2% of juveniles, 57.7% of adults)²⁹. Overall success rates were lower than previous years, which may be a result of the increased caseload size, an effect of budget reductions. The lower rate of success was due to an increased rate of technical violations. Increase caseload size can restrict timely and effective responses when technical violations emerge. Both adults and juveniles classified as high risk are less likely to successfully terminate, and less likely to remain crime-free after termination than their lower-risk counterparts.

Post-termination recidivism rates, which spiked in FY2001, have remained relatively stable over the years this report has been produced. In FY2004, post-release recidivism rates were 15.4% for juvenile probationers and 7.9% for adult probationers³⁰. This represents a slight decrease from FY2003 for juveniles and for adults.

Across specialized programs, those programs designed to divert youth and adults who would otherwise be incarcerated, overall success rates range from 48.7%³¹ for the juvenile intensive supervision program and 43.9%³² for the adult intensive supervision program. When considering only those offenders terminated from specialized probation programs altogether, success rates range from 10.2% - 22.1%. These lower rates are heavily influenced by the pre-release failure rates and the most common practice of “stepping down” offenders from specialized programs to regular probation supervision. The largest type of failure among all specialized programs is in the area of technical violations. An increase in the rate of technical violations is also observed in the specialized offender population, a possible artifact of the increased caseloads for this time period. Statewide responses to technical violations continue to be on the priority list of supervision issues to address.

The decision to transfer a probationer from a specialized probation program to regular probation supervision is based on local policy. Only recently have we been able to begin tracking those offenders who transfer from a specialized probation program to regular probation supervision. While we are able to report the termination status as they leave a specialized program, we have not yet been able to report the final termination status of these offenders as they exit regular probation supervision.

The Division of Probation Services and probation departments statewide take seriously the need to protect the public’s safety and, in particular, prevent probationers from engaging in future criminal behavior. Recidivism is an important performance measure for the criminal justice system. The public expects that offenders supervised within the criminal justice system are being supervised effectively.

²⁹ See tables 11 and 15

³⁰ See Table 2

³¹ See Table 12

³² See table 16

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