

Pre-Release Termination and Post-Release Recidivism Rates of Colorado's Probationers: FY 2006 Releases

A report in compliance with Footnote 92 of the 2007 Appropriations Bill, SB07-239

October 15, 2007

Prepared by

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Recidivism Rates of Colorado's Probationers:
FY 2006 Releases**

*A report submitted to the General Assembly's
Joint Budget Committee to satisfy the conditions
of Footnote 92 of the 2007 Appropriations Bill, SB07-239*

October 15, 2007

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FOOTNOTE 92

This report satisfies the conditions laid out in Footnote 92 of the General Assembly's 2007 Appropriations Bill, SB07-239, which states:

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 the following: 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 twelfth consecutive year, the Judicial Branch's Division of Probation Services meets the conditions of the above footnote by submitting this report on recidivism; however, it should be noted the specialized drug offender program was eliminated in FY2003, so statistics are not provided on the program. This report stands as an independent document intended to fulfill the requirements contained in Footnote 92 of the 2007 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 rates for probationers terminated during FY2006.

This report uses two definitions of recidivism: one that pertains to pre-release recidivism/failure (while still on probation supervision) and the second pertaining to recidivism post-release (after terminating from probation supervision). 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, and
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation and the adult female 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 FY2006? Also, where were probationers placed upon failure?

Findings

1. Probation Termination: Success and Failure (pre-release recidivism/failure)

- Successful termination rates have remained relatively stable. For FY2006, more than two thirds (69.6%) of juveniles terminated successfully from regular supervision. This represents an increase of 1.5% from the FY2005 rate of 68.1%. The successful termination rate of 60.7% for adults in FY2006 is compared to 61.3% from the previous year. This is a slight decrease of .06% in successful terminations. (Table 1)
- Juveniles on probation terminated for technical violations of probation in 23.8% of cases. This rate reflects a decrease from the previous year's rate of 25.7%. The adult technical violation rate of 33.0% in FY2006 is slightly higher than the 32.6% rate in FY2005. (Table 1)
- Pre-release recidivism rates have remained relatively stable. Juveniles were terminated from probation for the commission of a new crime in 6.6% of the cases, which is slightly higher than the 6.2% rate from FY2005. The adult new crime rate of 6.3% reflects a slight increase from the 6.1% rate of the FY2005 releases. (Table 1).

2. Probation's Post-Release Recidivism Rate, One Year after Termination

- For juveniles who successfully completed regular probation supervision, 15.4% received a new filing in FY2006 compared to 16.6% in FY2005. (Table 2)
- Adults, who completed regular probation successfully, received a new filing at a rate of 8.2%, compared to the 8.0% rate of the previous year. (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 filed within one year post-termination from supervision).

- For both juveniles and adults, those supervised at the maximum supervision level and those classified as administrative² cases were the most likely to fail at the pre-release stage. The higher failure rate among maximum level probationers was 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. Similarly, the higher failure rate among administrative cases was not surprising, given the range of these offenders included a mixture of risk levels and supervision outside of probation like community corrections. Juveniles and adults failed at an increasing frequency, as their assessed risk level (minimum, medium, maximum) increased, both pre- and post-release. This is expected, as the assessed risk levels should be predicting increased failure with increased risk level. (Tables 3 and 5)
- Among the three specialized probation programs of Juvenile Intensive Supervision Probation (JISP), Adult Intensive Supervision Probation (AISP), and the Female Offender Program (FOP), pre-release failures were greater

² Administrative is a classification category used to denote offenders who were under the jurisdiction of probation, but who may have been supervised by other agencies, including community corrections, county jails or detention centers but may have been otherwise classified at any one of the designated risk levels (e.g. minimum, medium, maximum).

than on regular probation supervision, which is expected, given that the specialized programs are designed to supervise higher risk offenders. Pre-release failure rates were 55.4%, 46.1%, and 43.3% for JISP, AISP, and FOP, respectively. (Tables 4 and 6)

- Successful terminations from AISP have increased 1.9%, which is reflective of a 3.0% decrease in technical violations; however, there was a 1.1% increase in new crimes. (Table 6)
- Successful terminations from FOP decreased slightly in FY2006 to 56.7%, from 57.9% in FY2005. (Table 6)
- The percentage of juveniles who had a new case filed within one year of successfully terminating JISP increased in FY2006 to 25.6% (23 juveniles) from 10.0% (9 juveniles) in FY2005. (Table 8)
- The percentage who had a new case filed within one year of successfully terminating AISP increased to 17.1% (13 offenders) in FY2006 from 1.4% (1 offender) in FY2005. The percentage who had a new case filed within one year of successfully terminating FOP increased to 12.5% (2 offenders) in FY2006 from 0.0% in FY2005. These significant increases in specialized can be attributed to a change in the data collected to calculate this information, which is discussed in more detail in the Methodology section. In sum, during May 2006, Denver County cases (misdemeanors cases only) became available, when they had not been used in previous years' analyses; therefore, more new filings were found for the current cohort. (Table 10)

4. **Overall Success and Failure Rates among Colorado Probationers:** *How many offenders terminated supervision successfully and remained crime-free (measured by a new criminal filing) within one year of termination?*

- More than one half (58.9%) of juveniles remain successful one year after release from probation. This represents an increase of 2.1% from FY2005. (Table 11)
- A small percentage (13.4%) of juveniles supervised in JISP, terminated directly and were successful. However, when considering those juveniles who successfully terminated JISP and then transferred to regular probation supervision, the percentage almost triples to 40.0%. This is a decrease of 6.8% from the rate of 46.8% in FY2005. (Table 12)
- The overall success rate (55.7%) for regular adult probation is slightly lower than the 56.4% rate from FY2005. (Table 15)
- AISP produced an overall success rate of 52.9%, an increase of 1.0% from the previous year's rate of 51.9%. (Table 16)
- The post-release recidivism rate for AISP, when compared to the overall successes and failures, was noteworthy, as 1.0% of those who successfully completed the program and terminated had a new filing one year post-release. (Table 16)

- FOP had an overall success rate of 54.9%, which is a decrease of 3.0% from the rate of 57.9% in FY2005. (Table 16)

5. Disposition Of Pre-Release Failures And Post-Release Recidivists

- Both juvenile and adult offenders supervised on regular probation were most frequently placed in a detention facility or sentenced to county jail for revocations based on technical violations. Adults and juveniles, who were revoked from probation for new crimes while under supervision, were incarcerated (detention, jail, Division of Youth Corrections or Department of Corrections) about 90% of the time. (See Tables 13 and 17)
- Juvenile and adults on specialized programs were most likely incarcerated at the Division of Youth Corrections or Department of Corrections when they violated their probation sentence. (See Tables 13 and 17)
- Of those cases where information was available, post-release recidivists, who had previously completed regular juvenile probation or JISP, were most frequently sentenced to probation on the new offense. Adults, who completed regular probation or AISP, received a sentence to jail somewhat more frequently, than a sentence to probation, when they committed a new crime after having successfully completed probation. (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, 69.6% of juvenile and 60.7% of adult regular probationers were successful on probation (Table 1). Both juveniles and adults, classified as high risk, are less likely to successfully terminate and less likely to remain crime-free after termination than their lower-risk counterparts.

In the intensive supervision programs, designed to divert juveniles and adults who would have otherwise been incarcerated, overall success rates (successful probation termination and no post-release recidivism and those transferred from specialized to regular supervision) range from 40.0% for the juvenile intensive supervision program, 52.9% for the adult intensive supervision program and 54.9% for the female offender program (See Tables 12 and 16). The most frequent type of failure among all specialized programs is in the area of technical violations. It should be noted a technical violations committee has been working to implement strategies to reduce technical violations in all probation programs.

The following table is a synopsis of the findings of this report, noting that “Success” is a positive termination from probation and “Overall Success” is a positive termination and no post-release recidivism.

Supervision Level	Success	Pre-release		Post-release New Crime	Overall Success
		Tech. Violation	New Crime		
Juvenile Regular	69.6%	23.8%	6.6%	15.4%	58.9%
JISP	44.6%	43.8%	11.6%	25.6%	40.0%
Adult Regular	60.7%	33.0%	6.3%	8.2%	55.7%
AISP	53.9%	31.4%	14.7%	17.1%	52.9%
FOP	56.7%	37.2%	6.2%	12.5%	54.9%

INTRODUCTION

On June 30, 2006, there were 54,524 offenders on probation in Colorado, including 46,842 adult and 7,682 juvenile probationers in both regular and specialized programs. Probation officers across the state work within a range of regular and specialized probation programs 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 and identify their ability to function in pro-social ways, as well as 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. Programs have been developed that are designed to match the intensity of supervision to the risk and need of each probationer. Programs include regular probation supervision and specialized intensive probation supervision. Budget cuts in FY2003 resulted in the elimination of the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP). The FOP has since been restored and expanded. The SDOP has not been restored, and the Division of Probation Services is in the process of exploring new strategies to address the needs of higher risk substance abusing offenders. The Adult and Juvenile Intensive Supervision programs (AISP and JISP) were also impacted by budget cuts in FY2003; however, both programs have 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; 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, such as mediation and community accountability boards.

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 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

In 1996 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. 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 could 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 annual probation outcomes reported in fiscal years 1998 through the present FY2006.

METHODOLOGY

The annual recidivism study is based upon the entire population of probationers terminated from probation during the previous fiscal year. This design allows for 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 2006 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, FY2006 cohort.

Data

For the FY2006 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2006. The data file was generated from the Judicial Branch's Management Information System, ICON/ECLIPSE. During the timeframe, for which the current cohort was studied, the Information System began integrating misdemeanor filings from Denver County Court. Therefore, the past years' cohorts' new crime data was based on filings in Colorado but did not include any filings which may have occurred in Denver County Court. For example, in FY2005, 53 offenders had new cases out of Denver District Court and none were available from the County Court; however, in FY2006, when Denver County Court was queried with Denver District Court, 391 offenders had new cases. This is an increase of 338 misdemeanor cases, which would not have been detected with cohorts in the past. Now that Denver County Court data are available, an increase in post-release recidivism should be expected.

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 FY2006 and FY2007 to derive post-release recidivism rates for those probationers, who successfully completed probation. The recidivism period is limited to a uniform one-year time at risk. It

should be noted this method can result in over estimates, especially when considering that a 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 and
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, and the adult female 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 FY2006? 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 offender was ultimately placed and, for those successfully terminated from probation, the proportion who received a criminal filing for a new crime.

Data for FY2006 terminations 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 Terminations
 FY2005 and FY2006 Comparison

TERMINATION TYPE	JUVENILE FY 2005	JUVENILE FY 2006	ADULT FY2005	ADULT FY2006
Successful	68.1% (3,579)	69.6% (3,553)	61.3% (12,233)	60.7% (11,882)
Failure: Technical	25.7% (1,353)	23.8% (1,217)	32.6% (6,507)	33.0% (6,452)
Failure: New Crime	6.2% (326)	6.6% (336)	6.1% (1,217)	6.3% (1,231)
TOTAL	100% (5,258)	100% (5,106)	100% (19,957)	100% (19,565)

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2005 and FY2006. The juveniles who successfully completed probation (69.6%) rose this year by 1.5%, while technical violations decreased by almost 2.0% and new crimes increased slightly. For adults, the successful completions (60.7%) decreased slightly from FY2005, explained by the slight increase in technical violations and new crimes. Historically, termination rates have varied by one or two percentage points from year to year.

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:
 Juvenile and Adult Successful Terminations and Proportion with New Case Filed
 FY2005 and FY2006 Comparison

POST-RELEASE	JUVENILE FY2005	JUVENILE FY2006	ADULT FY2005	ADULT FY2006
New Case Filed	16.6% (594)	15.4% (548)	8.0% (983)	8.2% (980)
No New Case Filed	83.4% (2,985)	84.6% (3,005)	92.0% (11,250)	91.8% (10,902)
TOTAL	100% (3,579)	100% (3,553)	100% (12,233)	100% (11,882)

Table 2 reflects the post-release recidivism rates for juveniles and adults, respectively. More specifically, Table 2 compares, for regular probationers who successfully terminated probation during FY2005 and FY2006, the proportion of juveniles and adults that remained crime-free and the proportion that had a new delinquency petition or criminal case filed against them within one year of termination from supervision. The rate at which juveniles had a new case filed after a successful termination decreased slightly from FY2005 (16.6%) to FY2006 (15.4%). For adults, the new cases filed increased a fraction of a percentage, from 8.0% in FY2005 to 8.2% in FY2006.

3. What are the differences in pre-release and post-release recidivism rates for the following groups:

- **regular probationers in each supervision level, and**
- **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 Service Inventory) to classify juvenile offenders. The LSI is a research-based, reliable and valid, risk instrument predicts 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, for which these levels are overridden to reflect alternative placements. 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 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 and the intensity of supervision is matched to that assessed level of risk. 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 sets the scores that correspond to each risk level. The policy determining risk categories is typically based on research that determines where cut-off points are most appropriately set, given actual failure rates among the study group and resulting in more predictive cut-off points.

Table 3
REGULAR PROBATION:
 Juvenile Probation Termination Type by Supervision Level – FY2006
 Compared with Overall Termination Type - FY2005

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2006				
Regular: Admin.	48.0% (506)	45.9% (483)	6.2% (65)	100% (1,055)
Regular: Unclassified	58.1% (43)	36.5% (27)	5.4% (4)	100% (74)
Regular: Minimum	93.5% (1,496)	4.4% (70)	2.1% (34)	100% (1,600)
Regular: Medium	75.2% (1153)	18.0% (276)	6.8% (104)	100% (1,533)
Regular: Maximum	42.1% (355)	42.7% (360)	15.3% (129)	100% (844)
TOTAL	69.6% (3,553)	23.8% (1,217)	6.6% (336)	100% (5,106)
FY2005				
TOTAL	68.1% (3,579)	25.7% (1,351)	6.2% (326)	100% (5,256)

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 FY2006 with those in FY2005. Termination rates in FY2006 were consistent with the rates in FY2005, with only slight variations. As represented in Table 3, the 69.6% overall successful termination rate of juvenile probationers on regular supervision for FY2006 was higher than the 68.1% success rate reported for juveniles in FY2005. Of juveniles that terminated probation in FY2006, 23.8% failed for violating the terms and conditions of probation (including absconding from supervision), and 6.6% failed by committing a new crime. These figures reflect a decrease in technical violations from FY2005 by almost 2% and a slight increase (.4%) from the FY2005 new crime failure rate of 6.2%.

As has been true historically, juveniles supervised at the maximum and administrative levels on regular probation had the lowest success rates (42.1% and 48.0%, respectively). Juveniles classified at the maximum level represented the highest proportion of offenders terminated for the commission of a new crime. The rate at which maximum supervision level juveniles terminated due to a new crime increased by 2.3% between FY2005 (13.0% not shown) and FY2006 (15.3%). It is expected that those classified at the higher risk levels would fail at a greater rate than the lower classification levels. Similarly, it is not surprising that juveniles classified as administrative cases failed at higher rates, given this caseload constituted a large number of cases that were higher risk but supervised by another entity in tandem with probation, such as detention or other placement facilities.

Table 4
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Termination Type
 FY2005 and FY2006 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
JSIP FY2006	26.6% (133)	18.0% (90)	43.8% (219)	11.6% (58)	100% (500)
JISP FY2005	29.0% (135)	19.7% (92)	39.1% (182)	12.2% (57)	100% (466)

Table 4 indicates that JISP clients succeeded 44.6% of the time³ but failed for committing technical violations in 43.8% of the cases and failed due to a new crime in 11.6% of the cases. These findings reflect a 4.1% decrease in successes from FY2005 termination results in which 48.7% of juvenile succeeded on JISP. Technical violations in FY2006 were 4.7% higher than in FY2005, which accounts for the decreased success rate, as failure due to new crimes fell a negligible .6%. This higher failure rate among JISP probationers, compared to regular supervision probationers is not surprising; these juveniles are considered the most high risk offenders on probation and often have the most significant levels of need.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.

³ JISP clients who successfully terminated included 26.6% who were successfully terminated from JISP and then moved to regular supervision and 18.0% 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.

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 track those offenders who transferred 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 – FY2006
 Compared with Overall Termination Type – FY2005

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2006				
Regular: Admin.	30.0% (2,054)	63.6% (4,358)	6.5% (444)	100% (6,856)
Regular: Unclassified	75.3% (736)	22.4% (219)	2.4% (23)	100% (978)
Regular: Minimum	92.1% (5,644)	6.3% (388)	1.6% (94)	100% (6,126)
Regular: Medium	75.3% (2,729)	18.8% (683)	5.9% (213)	100% (3,625)
Regular: Maximum	36.3% (719)	40.6% (804)	23.1% (457)	100% (1,980)
TOTAL	60.7% (11,882)	33.0% (6,452)	6.3% (1,231)	100% (19,565)
FY2005				
TOTAL	61.3% (12,233)	32.6% (6,507)	6.1% (1,217)	100% (19,957)

Table 5 reflects the termination status for regular adult offenders by supervision level. Similar to the juvenile probationers, adult probationers supervised at maximum and administrative levels⁵ were the least likely to successfully terminate probation (36.3% and 30.0%, respectively). Those classified at the maximum supervision level are considered to be at the highest risk for re-offense. Similarly, the higher failure rate among administrative cases is not surprising, given the range of offenders in this classification category, which includes a mixture of risk levels and supervision outside of probation. Probationers, who were supervised at the maximum and administrative levels, were by far the most likely to terminate due to technical violations, as well as a new crime. Overall, 6.3% of adults on regular probation supervision were terminated due to a new crime.

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
SPECIALIZED PROGRAMS:
 Adult Specialized Termination Type by Program
 FY2005 and FY2006 Comparison

PROGRAM	Success		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Specialized Program			
FY2006 Specialized Programs Terminations					
AISP	48.3% (655)	5.6% (76)	31.4% (426)	14.7% (199)	100% (1,356)
FOP	42.5% (48)	14.2% (16)	37.2% (42)	6.2% (7)	100% (113)
FY2005 Specialized Programs Terminations					
AISP	46.6% (599)	5.4% (69)	34.4% (443)	13.6% (175)	100% (1,286)
FOP	39.5% (15)	18.4% (7)	31.6% (12)	10.5% (4)	100% (38)

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, ending supervision directly from the specialized program, as well as failure rates for those probationers in a specialized program.

The combined success rates (transferred to regular and terminated directly) for Adult Intensive Supervision Probation (AISP) increased between FY2005 (52.0%) and FY2006 (53.9%) by 1.9%. The increase, in large part, was the result of a decrease in technical violations from 34.4% in FY2005 to 31.4% in FY2006. However, there was a 1.1% increase in new crimes, with 14.7% failing for a new crime in FY2006 as compared to 13.6% in FY2005.

The combined success rate for the Female Offender Program (FOP) was 56.7% in FY2006, a decrease from the rate of 57.9% in FY2005. Although there was a 4.3% drop in new crime rates from FY2005 to FY2006, technical violation rates were up by 5.6%, in FY2006.

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. Tables 7 (Regular Probation) and 8 (JISP) present the post-release recidivism findings for juveniles; Tables 9 (Regular Probation) and 10 (AISP) present these findings for adults.

Table 7
REGULAR PROBATION:
 Juvenile Post-Release Recidivism by Supervision Level – FY2006
 Compared with Overall Post-Release Recidivism Findings – FY2005

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2006			
Regular: Admin.	12.6% (64)	87.4% (442)	100% (506)
Regular: Unclassified	11.6% (5)	88.4% (38)	100% (43)
Regular: Minimum	12.2% (182)	87.8% (1,314)	100% (1,496)
Regular: Medium	19.0% (219)	81.0% (934)	100% (1,153)
Regular: Maximum	22.0% (78)	78.0% (277)	100% (355)
Total	15.4% (548)	84.6% (3,005)	100% (3,553)
FY2005			
Total	16.6% (594)	83.4% (2,985)	100% (3,579)

Table 7 indicates that the majority (84.6%) of juveniles, who terminated regular probation successfully in FY2006, remained crime-free for at least one year post-termination. The remaining 15.4% had a delinquency petition or criminal filing within one year of termination.

As expected, juveniles classified at higher supervision levels had higher rates of recidivism. The recidivism rate for probationers at the maximum supervision level was 22.0%, at the medium supervision level it was 19.0%, and at the minimum supervision level it was 12.2%, just as predicted by their CYO-LSI scores, in which decreasing levels of supervision reflect decreasing risk to re-offend. The recidivism rate among those offenders last classified at administrative level was 12.6%. Juveniles classified as administrative tend to assess with higher criminal risk and need and include juveniles in residential placement.

Table 8
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Post-Release Recidivism
 FY2005 and FY2006 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
JISP FY2006	25.6% (23)	74.4% (67)	100% (90)
JISP FY2005	10.0% (9)	90.0% (83)	100% (92)

Table 8 reflects that 74.4% of juveniles, who terminated JISP in FY2006, remained crime-free for at least one year post-termination. The remaining 25.6% had a delinquency petition or criminal filing in court within one year of termination. This is a 15.6% increase in post-release recidivism from the rate of 10.0% in FY2005. Note that Table 8 represents only those 90 juveniles released from JISP directly. An additional 133 juveniles successfully completed the terms of JISP and were transferred to regular probation supervision during the study year. Outcome behavior for those juveniles was included in the *regular supervision* population, as they terminated from regular probation supervision (Table 4).⁶

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.

Table 9
REGULAR PROBATION:
 Adult Post-Release Recidivism by Supervision Level – FY2006
 Compared with Overall Post-Release Recidivism Findings – FY2005

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2006			
Regular: Admin.	7.3% (150)	92.7% (1,904)	100% (2,054)
Regular: Unclassified	4.9% (36)	95.1% (700)	100% (736)
Regular: Minimum	6.1% (343)	93.9% (5,301)	100% (5,644)
Regular: Medium	11.9% (326)	88.1% (2,403)	100% (2,729)
Regular: Maximum	17.4% (125)	82.6% (594)	100% (719)
Total	8.2% (980)	91.8% (10,902)	100% (11,882)
FY2005			
Total	8.0% (983)	92.0% (11,250)	100% (12,233)

Table 9 reflects that 91.8% of adult probationers, who terminated successfully from regular probation during FY2006, remained crime-free for at least one year post-termination. The remaining 8.2% were subsequently charged with a new crime within one year of termination. These overall percentages are unchanged from last year's figures. Those probationers supervised at the maximum level were the most likely to have a new crime filed against them within one year of termination (17.4%).

Table 10
SPECIALIZED PROGRAMS:
 Post-Release Recidivism by Program
 FY2005 and FY2006 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
FY2006			
AISP	17.1% (13)	82.9% (63)	100% (76)
FOP	12.5% (2)	87.5% (14)	100% (16)
FY2005			
AISP	1.4% (1)	98.6% (68)	100% (69)
FOP	0% (0)	100.0% (7)	100% (7)

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 adult offenders who successfully 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 FY2006, 82.9% of AISP offenders remained crime-free for at least one year post-termination, a decrease from the FY2005 rate of 98.6%. The actual *number* of adults who had successfully completed AISP and had a new case filed post-release increased from one offender in FY2005 to thirteen offenders in FY2006. As a percentage, this is an increase from 1.4% in FY2005 to 17.1% in FY2006 and can be attributed to the addition of Denver County misdemeanor filings.

Over twice as many women were terminated from FOP in FY2006 (16) than in FY2005 (7). Of the 16 women who successfully completed the Female Offender Program in FY2006, there were two new cases filed one year following termination, resulting in a recidivism rate of 12.5%. This is a 12.5% increase from FY2005, in which there were no new crimes for the terminated cohort. Historical rates for FOP on this measure include recidivism rates of 5.9% and 16.7% for FY2002 and FY2003 (not shown), respectively. It should be noted, the FOP was temporarily discontinued in FY2005.

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 FY2006 termination cohort, we combined the pre-release failure and post-release recidivism 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. 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. Finally, for comparison's sake, the overall figures for the FY2006 study period are presented for each level of supervision, with the FY2005 overall rates.

Table 11
REGULAR PROBATION:
Overall Juvenile Probation Failure and Success by Supervision Level – FY2006
Compared with Overall Failure and Success – FY2005

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
Juvenile Terminations FY2006					
Regular: Admin.	45.9% (484)	6.2% (65)	6.1% (64)	41.9% (442)	100% (1,055)
Regular: Unclassified	36.5% (27)	5.4% (4)	6.8% (5)	51.4% (38)	100% (74)
Regular: Minimum	4.4% (70)	2.1% (34)	11.4% (182)	82.1% (1,314)	100% (1,600)
Regular: Medium	18.0% (276)	6.8% (104)	14.3% (219)	60.9% (934)	100% (1,533)
Regular: Maximum	42.7% (360)	15.3% (129)	9.2% (78)	32.8% (277)	100% (844)
TOTAL	23.8% (1,217)	6.6% (336)	10.7% (548)	58.9% (3,005)	100% (5,106)
Juvenile Terminations FY2005					
TOTAL	25.7% (1,351)	6.2% (326)	11.3% (594)	56.8% (2,985)	100% (5,258)

Table 11 represents all those juveniles, who terminated regular probation supervision, and illustrates the rate at which these juveniles failed and succeeded. The failures included those juveniles who, during supervision, were terminated for a technical violation or for the commission of a crime and those who “failed” by recidivating within one year of termination. As indicated in Table 11, the overall success rate for juveniles supervised on regular probation in FY2006 was 58.9%, which is higher than the overall success rate in FY2005 of 56.8%. Not surprisingly, those juveniles supervised at the maximum supervision level and classified as administrative cases had the lowest success rates (32.8% and 41.9%, respectively).

Table 12
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Overall Program Failure and Success
 FY2005 and FY2006 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism	Successfully terminated directly from JISP & did not recidivate	Successfully terminated from JISP & transferred to regular supervision	Total
JISP FY2006	43.8% (219)	11.6% (58)	4.6% (23)	13.4% (67)	26.6% (133)	100% (500)
JISP FY2005	39.1% (182)	12.2% (57)	1.9% (9)	17.8% (83)	29.0% (135)	100% (466)

Table 12 represents all those juveniles who completed JISP and illustrates the rate at which these juveniles failed and succeeded. The failures included juveniles who, during supervision on JISP, were terminated for a technical violation or for the commission of a crime and those who “failed” by recidivating within one year of termination from JISP. The successes include those juvenile 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 more than one-quarter (26.6%) of juveniles were transferred from JISP to regular probation supervision, it is most accurate to consider those juveniles in the overall success rate. However, it is useful to look at the data in two ways: the success rate of those juveniles who terminated supervision directly from JISP and the success rate of those juveniles who terminated JISP and then transferred to regular probation supervision.

The overall success rate of those juveniles who terminated directly from JISP was relatively low (13.4%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 40.0% success rate, compared to 46.8% in FY2005. This overall success rate for FY2006 is calculated by adding together the two “successful” columns in Table 12 (13.4% and 26.6% for FY2006). This 6.8% drop in the success rate was mostly due to a 3.9% increase in technical violations and a 2.7% increase in post-release recidivism.

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 juveniles under extremely close supervision conditions, these juveniles would likely be placed in commitment facilities with the Division of Youth Corrections (DYC). In this respect, JISP is cost-effective with these high risk and high need juveniles, whereby all of these juveniles would likely have been placed in DYC at a cost of \$65,254⁷ per year compared to \$4,433.72 on JISP.⁸ In summary, JISP redirected 200⁹ juveniles from DYC in FY2006 and, of those, we know one-third of them (67 of 200 = 33.5%) were successful. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

⁷ The commitment figure was provided by the Division of Youth Corrections Budget Office FY2006.

⁸ The JISP figure is based on the Judicial Branch’s annual cost per case for FY2006.

⁹ This analysis includes offenders who succeeded and were terminated (67) and those that succeeded and were transferred to regular probation (133).

Table 13
JUVENILE REGULAR PROBATION and JISP:

Placement of Juvenile Probationers Who Terminated Probation for Technical Violations or a New Crime - FY2006

PROGRAM	Incarceration: DYC/DOC	Detention/ County Jail	Alternate Sentence ¹⁰	Total
Pre-Release Failure: Technical Violation				
Juvenile Regular	39.8% (484)	53.2% (647)	7.1% (86)	100% (1,217)
JISP	63.5% (139)	32.4% (71)	4.1% (9)	100% (219)
Pre-Release Failure: New Crime				
Juvenile Regular	46.4% (156)	44.6% (150)	8.9% (30)	100% (336)
JISP	69.0% (40)	22.4% (13)	8.6% (5)	100% (58)

Table 14
JUVENILE REGULAR PROBATION and JISP:

Placement of Juvenile Probationers Who Successfully Completed Probation and had a New Filing Post-Release - FY2006

PROGRAM	Incarceration: DYC/DOC	Community Corrections	Detention/ County Jail	Supervised Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	Total
Juvenile Regular	3.8% (21)	0.2% (1)	8.9% (49)	11.9% (65)	2.4% (13)	72.8% (399)	100% (548)
JISP	8.7% (2)	0% (0)	4.3% (1)	21.7% (5)	0.0% (0)	65.2% (15)	100% (23)

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

In addition to the probationers reflected in Table 13, some juveniles were revoked and reinstated on probation, and others were revoked and placed in community corrections. The probationers who fell into either of these categories were not tracked as failures in the Judicial Department's management information system because they continued 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 juveniles, who recidivated after terminating probation, is unknown. Post-release recidivism is defined and measured as a filing for a misdemeanor or felony criminal offense within one year of termination from program placement. Consequently, filings for juveniles, who terminated in FY2006, were tracked through June 30, 2007. It often takes a year *from the time of filing*, which could have occurred as late as June 2007, for sentencing or placement determination to occur; therefore, some data is not yet available.

¹⁰ Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence.

A juvenile must be 18 or older at the time of revocation to be sentenced to the county jail and the term cannot exceed 180 days. Table 13 indicates the majority of juveniles supervised on regular probation were sentenced to detention/jail for technical violations (53.2%). Another 39.8% of these juveniles were committed to NYC, while a small group (7.1%) was granted some other type of punishment or was released from probation with no further consequence.

Also reflected in Table 13, juveniles, who were revoked from JISP due to technical violations or a new crime, were sentenced to the NYC at a higher rate. Compared to juveniles under regular supervision, who were sentenced to NYC in 39.8% of the cases, JISP juveniles were committed 63.5% of the time. JISP juveniles were incarcerated in detention or jail in 32.4% of the cases, whereas they received some other alternative or no sentence in 4.1% of the cases.

Table 14 includes juveniles, who recidivated after successfully completing regular probation. It should be noted, 72.8% of those new cases have not arrived at disposition yet, so placement data is unavailable. For those who recidivated and were sentenced, 8.9% were sentenced to incarceration and 11.9% were granted probation. Of the remaining cases, 3.8% of the juveniles were sentenced to NYC, .2% received a direct sentence to community corrections, and 2.4% received an alternative sentence or none at all.

Table 14 also includes 23 juveniles who successfully completed JISP but had a new filing within one year from termination. Of those juveniles' new cases, most (65.2%) have not reached disposition or were dismissed. Of the cases in which there has been a sentencing determination, 21.7% were granted probation, 8.7% were committed to NYC, 4.3% were sentenced to detention or jail, and none were placed in community corrections or granted a lesser alternative sentence. These percentages should be interpreted cautiously, as the population of those actually sentenced on new charges was small.

Table 15
REGULAR PROBATION
Overall Adult Probation Failure and Success by Supervision Level – FY2006
Compared with Overall Post-Release Failure and Success – FY2005

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2006					
Regular: Admin.	63.6% (4,358)	6.5% (444)	2.2% (150)	27.8% (1,904)	100% (6,856)
Regular: Unclassified	22.4% (219)	2.4% (23)	3.7% (36)	71.6% (700)	100% (978)
Regular: Minimum	6.3% (388)	1.5% (94)	5.6% (343)	86.5% (5,301)	100% (6,126)
Regular: Medium	18.8% (683)	5.9% (213)	9.0% (326)	66.3% (2,403)	100% (3,625)
Regular: Maximum	40.6% (804)	23.1%(457)	6.3% (125)	30.0% (594)	100% (1,980)
TOTAL	33.0% (6,452)	6.3% (1,231)	5.0% (980)	55.7%(10,902)	100% (19,565)
FY2005					
TOTAL	32.6% (6,507)	6.1% (1,217)	4.9% (982)	56.4%(11,251)	100% (19,957)

Table 15 depicts the overall success rate of adult regular probation, defined as those who successfully terminated probation *and* remained crime-free for one year. This number has fallen slightly from 56.4% in FY2005 to 55.7% in FY2006. Offenders supervised at the

maximum supervision level and classified as administrative had the lowest overall success rates (30.0% and 27.8% respectively), and the failure was largely due to technical violations of their probation supervision (40.6% for maximum and 63.6% for administrative).

Table 16
SPECIALIZED PROGRAMS
Overall Adult Specialized Failure and Success by Program
FY2005 and FY2006 Comparison

PROGRAM	Pre-release Failure: Technical ¹¹	Pre-release Failure: New Crime ¹²	Post-release Recidivism ¹³	Successfully terminated directly from specialized probation & did not recidivate ¹⁴	Successfully terminated & transferred to regular supervision ¹⁵	Total
FY2006						
AISP	31.4% (426)	14.7% (199)	1.0% (13)	4.6% (63)	48.3% (655)	100%(1,356)
FOP	37.2% (42)	6.2% (7)	1.8% (2)	12.4% (14)	42.5% (48)	100%(113)
FY2005						
AISP	34.4% (443)	13.6% (175)	0.1% (1)	5.3% (68)	46.6% (599)	100%(1,286)
FOP	31.6% (12)	10.5% (4)	0% (0)	18.4% (7)	39.5% (15)	100%(38)

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 52.9%, with a 48.3% success rate for those offenders who transferred from AISP to regular probation supervision and 4.6% for those offenders who did not continue on any supervision following an AISP sentence. This 52.9% overall success rate for AISP represents a 1.0% increase compared to the FY2005 overall success rate of 51.9%.

It should be noted that the rate of technical violations (31.4%) for AISP decreased by 3.0% from the previous year (34.4%). This decrease may be attributed to ongoing efforts throughout probation to reduce terminations based on technical violations.

The overall success rate for the Female Offender Program was 54.9% (12.4% and 42.5% combined) with 1.8% post-release recidivism for those who terminated directly from the program. In summary, FOP redirected 62¹⁶ offenders from DOC in FY2006 and, of the 14 women who were successful and terminated, two of them had a new criminal filing within the first year following termination from probation.

¹¹ The probationers included in this category terminated unsuccessfully from a specialized program due to a technical violation.

¹² The probationers included in this category terminated unsuccessfully from a specialized program due to a new crime.

¹³ The probationers included in this category terminated directly and successfully from a specialized program and recidivated within one year of termination.

¹⁴ The probationers included in this category terminated directly and successfully from a specialized program and did not recidivate within one year of termination.

¹⁵ 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.

¹⁶ This analysis includes offenders who succeeded and were terminated (14) and those that succeeded and were transferred to regular probation (48).

Again, it is important to note that the intensive supervision programs are prison-diversion programs, and all offenders in these programs succeeded and remained crime-free in a little more than half of the cases. In the absence of programs like AISP and FOP, or without the ability to place higher risk probationers under extremely close supervision conditions, these offenders would likely have been sentenced to the Department of Corrections (DOC). Comparatively, the cost of sentencing an offender to the Department of Corrections is \$27,588¹⁷ per year compared to \$2,863 on AISP and \$2,496 for FOP.¹⁸ In summary, AISP redirected 718¹⁹ offenders from DOC in FY2006.

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. Most pre-release failures are due to technical violations, which are being addressed more aggressively throughout probation. These efforts appear to be making an impact, as failures due to technical violations are decreasing.

Table 17
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Terminated Probation
 for Technical Violations or a New Crime - FY2006

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation ²⁰	19.1% (1,232)	64.0% (4,130)	16.9% (1,090)	100% (6,452)
AISP	76.5% (326)	16.7% (71)	6.8% (29)	100% (426)
FOP	47.6% (20)	38.1% (16)	14.3% (6)	100% (42)
Pre-Release Failure: New Crime				
Adult Regular Probation	46.1% (568)	45.6% (561)	8.3% (102)	100% (1,231)
AISP	93.0% (185)	6.5% (13)	0.5% (1)	100% (199)
FOP	100% (7)	0.0% (0)	0.0% (0)	100% (7)

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 received technical violations, were more likely to be sentenced to the county jail (64.0%) and secondly to the Department of Corrections (19.1%). Probationers on regular supervision, who failed probation for the commission of a new crime, were most likely to be incarcerated in DOC (46.1%) or the county jail (45.6%). They received an alternative sentence in 8.3% of the cases.

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

¹⁷ This annualized cost of a prison bed was provided by the Office of Planning and Analysis at the Department of Corrections, November, 2006.

¹⁸ The JISP figure is based on the Judicial Branch's annual cost per case for FY2006.

¹⁹ This analysis includes offenders who succeeded and were terminated (63) and those that succeeded and were transferred to regular probation (655).

²⁰ 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.

likely to be incarcerated at the Department of Corrections. Over three-quarters (76.5%) of the technical violators were sentenced to DOC, while 93.0% of those committing a new crime received this type of sentence.

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 Department management information system because they continued under the jurisdiction of probation and, in the case of revoked and reinstated probationers, under direct supervision by probation.

Table 18
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Successfully Terminated Probation
 and had a New Filing Post-Release - FY2006

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternative Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
Regular Probation	2.3% (23)	0.2% (2)	12.7% (124)	7.4% (73)	2.1% (21)	75.2% (737)	100% (980)
AISP	15.4% (2)	0.0% (0)	23.1% (3)	0.0% (0)	0.0% (0)	61.5% (8)	100% (13)
FOP	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	100% (2)	100% (2)

Table 18 represents placement for those adult offenders who successfully completed regular or specialized probation but had a new filing post-release. Placement data for most adult offenders (75.2%, 61.5%, and 100% of regular, AISP, and FOP, respectively), who recidivated after terminating probation, is unknown, as a disposition has not been reached or the case was dismissed. Post-release recidivism is a filing for a felony or misdemeanor for a criminal offense within one year of successful termination from program placement. By definition then, *filings* for adults who terminated in FY2006 were tracked through June 30, 2007. It often takes a year *from the time of filing*, which could have occurred as late as June 2007, for sentencing or placement determination to occur and therefore that data are not yet available.

Table 18 reflects of 24.8% of offenders, who had terminated from regular supervision and their new charges reached disposition, the majority (12.7%) were sentenced to the county jail, 7.4% received a probation sentence, 2.3% were sentenced to the Department of Corrections, and 2.1% received an alternate sentence or no sentence at all. A very small percentage (.2%) were sentenced directly to community corrections.

The number of adults who recidivated after terminating from a specialized program was quite small (13 from AISP and 2 from FOP) compared to regular probation. Less than half of the AISP cases had a disposition, but none of the new charges filed against previous FOP participants had reached disposition prior to the current analysis; therefore, limited conclusions are available for AISP only. For this population, incarceration was the only placement used, when sentenced on a new case. The majority (23.1%) were subsequently sentenced to jail, and the remainder (15.4%) were sentenced to the Department of Corrections. These placements are not surprising, given specialized programs are prison diversion programs for high risk individuals and subsequent crimes would result in incarceration of some type.

Summary: FY2006 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. There was one change in the data collected this year. In years past, Denver County's misdemeanor filing data was unavailable to the Division of Probation Services (DPS). This data became available to DPS in May 2006. Subsequently, higher rates of post-release recidivism were anticipated with the current termination cohort because researchers had more data available. Although this will be consistent for future year's data, the reader is cautioned when reviewing past reports for comparison reasons. This data collection change may explain the increases in the post-release recidivism rate of AISP and JISP participants. These rates increased 15.7% and 15.6% in these populations, respectively, from FY2005 to FY2006.²¹

Recidivism among probationers has remained relatively stable – particularly while offenders are under the supervision of the probation department. Once terminated, rates of recidivism among probationers have remained relatively low; less than ten percent for adults and less than twenty percent for juveniles on regular probation.²² Adults and juveniles assessed at higher levels of risk/need have higher rates of new crimes once terminated from probation, but these rates hover around twenty percent across regular supervision.²³

The findings in this report indicate juvenile and adult probationers terminated from probation and remained crime-free for one year after termination in over one-half of all cases with overall success rates of 58.9% for juveniles and 55.7% for adults.²⁴ Overall success rates were slightly higher for juvenile and adult regular supervision than FY2005. Both adults and juveniles, classified as higher risk, are less likely to successfully terminate and 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 FY2006, post-release recidivism rates were 15.4% for juvenile probationers and 8.2% for adult probationers.²⁵ This represents a decrease of 1.2% over FY2005 rates for juveniles and a slight increase (.2%) from FY2005 for adults.

Across specialized programs, which are designed to divert juvenile and adults who would otherwise be incarcerated, overall success rates range from 46.8%²⁶ for the juvenile intensive supervision program, 52.9% for the adult intensive supervision program, and 54.9% for participants in the Female Offender program.²⁷ Overall success rates are heavily influenced by the pre-release failure rates. Historically and in FY2006, the most common 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 and have seen some decrease in regular juvenile probation and AISP.

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

²¹ Tables 8 and 10

²² Table 2

²³ Tables 7 and 9

²⁴ Tables 11 and 15

²⁵ Table 2

²⁶ Table 12

²⁷ Table 16

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. This can be accomplished with quality staff and training and adequate resources within probation and in those critical services (e.g. substance abuse, mental health, domestic violence treatment) necessary to probationers' success.

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