

# Pre-Release Termination and Post-Release Recidivism Rates of Colorado's Probationers: FY 2008 Releases

October 20, 2009

Prepared by

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**Pre-Release Termination and Post-Release  
Recidivism Rates of Colorado's Probationers:  
FY 2008 Releases**

*A report submitted to the General Assembly's  
Joint Budget Committee to satisfy the conditions  
of request #4, pursuant to provisions established in SB09-259*

October 20, 2009

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## **Request #4 for Information from the Judiciary, FY09-10**

This report satisfies the conditions outlined in request #4, pursuant to provisions established in SB09-259, 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. 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 fourteenth consecutive year, the Judicial Branch's Division of Probation Services meets the conditions of the above request by submitting this report on recidivism. This report stands as an independent document intended to fulfill the requirements contained in request #4.

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***Pre-Release Termination and Post-Release  
Recidivism Rates of Colorado's Probationers:  
FY2008 Releases***

## **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 FY2008.

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**

At the General Assembly's request, the following research questions will 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 intensive 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 technical violations and new crime) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2008? 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 juveniles and have increased for adults. For FY2008, 72.5% of juveniles terminated successfully from regular supervision. This represents an increase of .8% from the FY2007 rate of 71.7%. The successful termination rate of 64.4% for adults in FY2008 is compared to 61.1% from the previous year. This is an increase of 3.3 % in successful terminations. (Table 1)
- Juveniles on probation terminated for technical violations of probation in 20.9% of cases. This rate reflects a decrease from the previous year's rate of 21.5%. The adult technical violation rate of 29.3% in FY2008 is lower than the 31.8% rate in FY2007. (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 lower than the 6.8% rate from FY2007. The adult new crime rate of 6.3% reflects a decrease from the 7.1% rate of the FY2007 releases. (Table 1).

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

- For juveniles who successfully completed regular probation supervision, 15.2% received a new filing in FY2008 compared to 16.2% in FY2007. (Table 2)
- Adults, who completed regular probation successfully, received a new filing at a rate of 7.3%, compared to the 8.5% 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 administrative<sup>1</sup> 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 expected, given the range of these offenders included a mixture of risk levels and supervision outside of probation, such as county jail work release programs. 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)
- In the intensive probation programs of Juvenile Intensive Supervision Probation (JISP) and Adult Intensive Supervision Probation (AISP), pre-release failures were greater than on regular probation supervision, which is expected, given that the intensive programs are designed to supervise higher risk offenders. Pre-release failure rates were 58.9% and 45.5% for JISP and AISP, respectively. More probationers in intensive programs fail due to technical violations than new crimes. (Tables 4 and 6)

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<sup>1</sup> 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 county jails, detention centers, or various residential placements, but may have been otherwise classified at any one of the designated risk levels (e.g. minimum, medium, maximum).

- Successful terminations from AISP have decreased 1.5% (54.5% in FY2008 from 56.0% in FY2007), which is reflective of a 3.1% increase in pre-release new crimes. (Table 6)
- Successful terminations from FOP increased in FY2008 to 65.1%, a 2.4% increase from 62.7% in FY2007. (Table 6)
- The percentage of juveniles who had a new case filed within one year of successfully terminating JISP increased in FY2008 to 29.7% from 24.5% in FY2007. (Table 8)
- The percentage who had a new case filed within one year of successfully terminating AISP increased to 10.0% in FY2008 from 2.7% in FY2007. The percentage who had a new case filed within one year of successfully terminating FOP increased slightly to 8.7% in FY2008 from 8.3% in FY2007. (Table 10) The rates in intensive programs are volatile due to the varying sample size each year. In FY2008, these rates were based on five AISP and two FOP probationers.

#### 4. Overall Success and Failure Rates among Colorado Probationers

- Almost two-thirds (61.4%) of all terminated juveniles remain successful one year after release from probation. This represents an increase of 1.3% from FY2007. (Table 11)
- The overall success rate for juveniles who terminated from JISP was 37.3%. This is a decrease of 5.9% from the overall success rate of 43.2% in FY2007. (Table 12)
- The overall success rate (59.7%) for regular adult probation is higher than the 55.9% rate from FY2007. (Table 15)
- AISP produced an overall success rate of 54.1%, a decrease of 1.8% from the previous year's rate of 55.9%. (Table 16)
- FOP had an overall success rate of 63.9%, which is an increase of 2.3% from the rate of 61.6% in FY2007. (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 (Division of Youth Corrections or Department of Corrections, as well as detention or jail) about 94% of the time. (Tables 13 and 17)
- Juvenile and adults in intensive programs were most likely incarcerated at the Division of Youth Corrections or Department of Corrections when they violated their probation sentence. (Tables 13 and 17)
- Of those cases where information was available, post-release recidivists who had previously successfully completed regular juvenile probation or JISP were most frequently sentenced to probation on the new offense. Adults who successfully completed regular probation received a sentence to probation more frequently than any other sentence when they committed a new crime after having successfully completed probation. The five AISP recidivists were placed equally, with one each in community

corrections, county jail, and probation, with two of the recidivists' cases either dismissed or had not reached disposition yet. Neither of the two FOP recidivists had a record of disposition in their new cases. (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. Specifically, 72.5% of juvenile and 64.4% of adult regular probationers were successful on probation (Table 1). These FY08 rates are increases in the rates from FY07. Both juveniles and adults, classified as high risk, were 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 intensive to regular supervision) ranged from 37.3% for the juvenile intensive supervision program and 54.1% for the adult intensive supervision program to 63.9% for the female offender program (See Tables 12 and 16). The most frequent type of failure among all intensive supervision programs was technical violations; however, these rates are trending down.

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 within the first year from release.

### Recidivism Summary for FY2008 Termination Cohort

Supervision Level	Success	Pre-release		Post-release Recidivism	Overall Success
		Tech. Violation	New Crime		
<b>Juvenile</b>					
Regular	72.5%	20.9%	6.6%	15.2%	61.4%
JISP <sup>2</sup>	41.1%	40.8%	18.1%	29.7%	37.3%
<b>Adult</b>					
Regular	64.4%	29.3%	6.3%	7.3%	59.7%
AISP <sup>3</sup>	54.5%	31.5%	14.0%	10.0%	54.1%
FOP <sup>4</sup>	65.1%	26.2%	8.7%	8.7%	63.9%

<sup>2</sup> The rates in intensive programs are volatile due to the varying sample size.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

## INTRODUCTION

On June 30, 2008, there were 60,401 offenders on probation in Colorado, including 52,731 adult and 7,670 juvenile probationers in both regular and intensive programs.<sup>5</sup> Probation officers across the state work within a range of regular and intensive 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 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; however, more specialty courts (e.g. drug, DUI) are being developed throughout the state to address the offenders who are high risk and have high treatment needs. 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 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 the community. Additionally, a restorative justice philosophy invites crime victims and community members to actively participate in the restoration process. Under the framework of restorative justice, crime is believed to be a community problem; therefore, community involvement is 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 intensive 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 intensive 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.

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<sup>5</sup> An additional 28,825 DUI offenders were monitored or supervised by state or private probation that were not part of this study.

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 the following definitions of recidivism:

*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 FY2008. It should be noted that the category of technical violations includes probationers who absconded from supervision, as well as those revoked for technical reasons.

## **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 FY2008 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, FY2008 cohort.

### ***Data***

For the FY2008 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2008. The data file was generated from the Judicial Branch's management information system, E-clipse. 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 FY2008 and FY2009 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). Denver County information was not available to DPS for recidivism analysis until the FY2007 report. The inclusion of Denver County data had a limited influence on the recidivism rates, once they were incorporated in the analyses with the FY2006 and 2007 cohorts. During the completion of the present report, DPS was notified that Denver County data would be unavailable for this year's analysis and future analyses. As a result, the decrease in recidivism rates may be partially due to the exclusion of Denver County data; however, the decreases are not solely due to methodological changes.

### ***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 intensive 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 FY2008? Also, where are probationers placed upon failure?

To answer these research questions, the data were disaggregated by offender case type (juvenile and adult). Second, placement categories were created for adult and juvenile probationers, designating their supervision level or intensive 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 FY2008 terminations identify which proportion of offenders in intensive programs were terminated directly from the intensive program and which offenders were transferred to regular probation supervision upon completion of an intensive 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 associated 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  
 FY2008 and FY2007 Comparison

<b>TERMINATION TYPE</b>	<b>JUVENILE FY 2007</b>	<b>JUVENILE FY 2008</b>	<b>ADULT FY2007</b>	<b>ADULT FY2008</b>
Successful	71.7% (3,315)	72.5% (3,410)	61.1% (12,053)	64.4% (13,258)
Failure: Technical	21.5% (995)	20.9% (985)	31.8% (6,269)	29.3% (6,040)
Failure: New Crime	6.8% (313)	6.6% (310)	7.1% (1,395)	6.3% (1,295)
<b>TOTAL</b>	<b>100% (4,623)</b>	<b>100% (4,705)</b>	<b>100% (19,717)</b>	<b>100% (20,593)</b>

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2008 and FY2007. The juveniles who successfully completed probation (72.5%) rose this year by .8%, while technical violations decreased by .6% and new crimes decreased slightly (.2%). For adults, the successful completions (64.4%) increased (3.3%) from FY2007. There was a 2.5% decrease in technical violations and a .8% decrease in new crimes.

**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  
FY2008 and FY2007 Comparison

POST-RELEASE	JUVENILE FY2007	JUVENILE FY2008	ADULT FY2007	ADULT FY2008
New Case Filed	16.2% (537)	15.2% (520)	8.5% (1,028)	7.3% (973)
No New Case Filed	83.8% (2,778)	84.8% (2,890)	91.5% (11,025)	92.7% (12,285)
TOTAL	100% (3,315)	100% (3,410)	100% (12,053)	100% (13,258)

Table 2 reflects the post-release recidivism rates for juveniles and adults. More specifically, Table 2 compares, for regular probationers who successfully terminated probation during FY2008 and FY2007, 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 successful termination from supervision. The rate at which juveniles had a new case filed after a successful termination decreased 1.0% from FY2007 (16.2%) to FY2008 (15.2%). For adults, the new cases filed decreased 1.2%, from 8.5% in FY2007 to 7.3% in FY2008.

**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 intensive probation programs (adult and juvenile intensive supervision probation, and the adult female 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 that 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 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 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 and needs scores. 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 – FY2008  
Compared with Overall Termination Type - FY2007

<b>SUPERVISION LEVEL</b>	<b>Success</b>	<b>Fail: Technical</b>	<b>Fail: New Crime</b>	<b>Total</b>
<b>FY2008</b>				
Regular: Admin.	49.7% (520)	43.3% (453)	7.0% (73)	100% (1,046)
Regular: Unclassified	75.0% (12)	18.8% (3)	6.2% (1)	100% (16)
Regular: Minimum	93.7% (1,528)	4.7% (76)	1.6% (26)	100% (1,630)
Regular: Medium	77.9% (1,015)	15.3% (200)	6.8% (88)	100% (1,303)
Regular: Maximum	47.2% (335)	35.6% (253)	17.2% (122)	100% (710)
<b>TOTAL</b>	<b>72.5% (3,410)</b>	<b>20.9% (985)</b>	<b>6.6% (310)</b>	<b>100% (4,705)</b>
<b>FY2007</b>				
<b>TOTAL</b>	<b>71.7% (3,315)</b>	<b>21.5% (995)</b>	<b>6.8% (313)</b>	<b>100% (4,623)</b>

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 termination rates for FY2008 with those in FY2007. Termination rates in FY2008 were consistent with the rates in FY2007, with only slight variations. As represented in Table 3, the 72.5% successful termination rate of juvenile probationers on regular supervision for FY2008 was higher than the 71.1% success rate reported for juveniles in FY2007. Of juveniles that terminated probation in FY2008, 20.9% 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 FY2007 by .6% and a decrease (.2%) from the FY2007 new crime failure rate of 6.8%.

As has been true historically, juveniles supervised at the maximum and administrative levels on regular probation had the lowest success rates (47.2% and 49.7%, respectively). Juveniles classified at the maximum level represented the highest proportion of offenders terminated for technical violations and the commission of a new crime. 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  
 FY2008 and FY2007 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
JSIP FY2008	28.2% (140)	12.9% (64)	40.8% (203)	18.1% (90)	100% (497)
JISP FY2007	28.8% (148)	19.0% (98)	40.7% (209)	11.5% (59)	100% (514)

Table 4 indicates that JISP clients succeeded 41.1% of the time<sup>6</sup>, failed for committing technical violations in 40.8% of the cases, and failed due to a new crime in 18.1% of the cases. These findings reflect a 6.7% decrease in successes from FY2007 termination results in which 47.8% of juveniles succeeded on JISP. Technical violations in FY2008 were .1% higher than in FY2007, but the increased new crime rate, which is 6.6% higher than FY2007 is the reason for the lower rates of success in this cohort<sup>7</sup>. This higher failure rate among JISP probationers, compared to regular supervision probationers is expected; these juveniles are considered the most high risk offenders on probation and often have the most significant levels of need. 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 an intensive probation program to regular probation supervision is based on local policy. While termination status is available, when they terminate or transfer out of an intensive program, it is not possible to report separately the final termination status of the offenders who transfer to regular probation supervision, due to limitations in the management information system. Instead, those offenders who transferred from intensive to regular supervision are integrated into the terminations from regular supervision.

<sup>6</sup> JISP clients who successfully terminated included 28.2% who were successfully terminated from JISP and then moved to regular supervision and 12.9% who were successfully terminated directly from JISP and released from supervision.

<sup>7</sup> Both JISP and AISP are being evaluated to determine how the probationers in these programs may be more successful.

**Table 5**  
**REGULAR PROBATION:**  
 Adult Probation Termination Type by Supervision Level – FY2008  
 Compared with Overall Termination Type – FY2007

<b>SUPERVISION LEVEL</b>	<b>Success</b>	<b>Fail: Technical</b>	<b>Fail: New Crime</b>	<b>Total</b>
<b>FY2008</b>				
Regular: Admin.	34.3% (2,627)	59.5% (4,548)	6.2% (474)	100% (7,649)
Regular: Unclassified	76.9% (83)	21.3% (23)	1.8% (2)	100% (108)
Regular: Minimum	94.3% (7,147)	4.0% (307)	1.7% (126)	100% (7,580)
Regular: Medium	78.2% (2,709)	14.5% (501)	7.3% (254)	100% (3,464)
Regular: Maximum	38.6% (692)	36.9% (661)	24.5% (439)	100% (1,792)
<b>TOTAL</b>	<b>64.4% (13,258)</b>	<b>29.3% (6,040)</b>	<b>6.3% (1,295)</b>	<b>100% (20,593)</b>
<b>FY2007</b>				
<b>TOTAL</b>	<b>61.1% (12,053)</b>	<b>31.8% (6,269)</b>	<b>7.1% (1,395)</b>	<b>100% (19,717)</b>

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 levels<sup>8</sup> were the least likely to successfully terminate probation (38.6% and 34.3%, 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 level were more likely to terminate due to technical violations, as well as a new crime.

**Table 6**  
**INTENSIVE PROGRAMS<sup>9</sup>:**  
 Adult Intensive Termination Type by Program  
 FY2008 and FY2007 Comparison

<b>PROGRAM</b>	<b>Success</b>		<b>Fail: Technical</b>	<b>Fail: New Crime</b>	<b>Total</b>
	<b>Transfer to Regular Probation</b>	<b>Terminate Directly from Intensive Program</b>			
<b>FY2008</b>					
AISP	50.8% (677)	3.7% (50)	31.5% (420)	14.0% (187)	100% (1,334)
FOP	51.7% (89)	13.4% (23)	26.2% (45)	8.7% (15)	100% (172)
<b>FY2007</b>					
AISP	53.2% (717)	2.8% (37)	33.1% (446)	10.9% (147)	100% (1,347)
FOP	49.5% (90)	13.2% (24)	28.0% (51)	9.3% (17)	100% (182)

<sup>8</sup> 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 county jail work release programs.

<sup>9</sup> Both JISP and AISP are being evaluated to determine how the probationers on these programs may be more successful.

Table 6 presents termination data for adults supervised in intensive probation programs; it includes the success rates for those offenders who completed the intensive program and then transferred to regular probation supervision and those who completed the intensive program, ending supervision directly from the intensive program, as well as failure rates for those probationers during supervision in a intensive program.

The combined success rates (transferred to regular and terminated directly) for Adult Intensive Supervision Probation (AISP) decreased between FY2007 (56.0%) and FY2008 (54.5%) by 1.5%. The decrease, in large part, was the result of an increase in new crimes from 10.9% in FY2007 to 14.0% in FY2008. However, there was a 1.6% decrease in technical violations, with 31.5% failing for a technical violations in FY2008 as compared to 33.1% in FY2007.

The combined success rate for the Female Offender Program (FOP) was 65.1% in FY2008, a 2.4% increase from the rate of 62.7% in FY2007. There was a 1.8% drop in technical violations from FY2007 to FY2008, and new crime rates were down by .6% in FY2008.

**Post-Release Recidivism Rates Among  
Probationers who Successfully Terminate**

To answer the second portion of question number three, only those probationers, who successfully terminated probation, were analyzed 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 – FY2008  
Compared with Overall Post-Release Recidivism Findings – FY2007**

<b>SUPERVISION LEVEL</b>	<b>New Case Filed</b>	<b>No New Case Filed</b>	<b>Total</b>
<b>FY2008</b>			
Regular: Admin.	16.1% (84)	83.9% (437)	100% (521)
Regular: Unclassified	18.2% (2)	81.8% (9)	100% (11)
Regular: Minimum	12.4% (189)	87.6% (1,340)	100% (1,529)
Regular: Medium	17.0% (172)	83.0% (843)	100% (1,015)
Regular: Maximum	21.9% (73)	78.1% (261)	100% (334)
Total	15.2% (520)	84.8% (2,890)	100% (3,410)
<b>FY2007</b>			
Total	16.2% (537)	83.8% (2,778)	100% (3,315)

Table 7 indicates that the majority (84.8%) of juveniles, who terminated regular probation successfully in FY2008, remained crime-free for at least one year post-termination. The remaining 15.2% 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 21.9%, at the medium supervision level it was 17.0%, and at the minimum supervision level it was 12.4%, 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 classified at the administrative level

was 16.1%. 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  
 FY2008 and FY2007 Comparison

<b>PROGRAM</b>	<b>New Case Filed</b>	<b>No New Case Filed</b>	<b>Total</b>
JISP FY2008	29.7% (19)	70.3% (45)	100% (64)
JISP FY2007	24.5% (24)	75.5% (74)	100% (98)

Table 8 reflects that 70.3% of juveniles, who terminated JISP in FY2008, remained crime-free for at least one year post-termination. The remaining 29.7% had a delinquency petition or criminal filing in court within one year of termination. This is a 5.2% increase in post-release recidivism from the rate of 24.5% in FY2007. Note that Table 8 represents only those 64 juveniles released from JISP directly. An additional 140 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).<sup>10</sup>

**Table 9**  
**REGULAR PROBATION:**  
 Adult Post-Release Recidivism by Supervision Level – FY2008  
 Compared with Overall Post-Release Recidivism Findings – FY2007

<b>SUPERVISION LEVEL</b>	<b>New Case Filed</b>	<b>No New Case Filed</b>	<b>Total</b>
<b>FY2008</b>			
Regular: Admin.	6.2% (162)	93.8% (2,465)	100% (2,627)
Regular: Unclassified	4.8% (4)	95.2% (79)	100% (83)
Regular: Minimum	5.8% (413)	94.2% (6,734)	100% (7,147)
Regular: Medium	10.9% (296)	89.1% (2,413)	100% (2,709)
Regular: Maximum	14.2% (98)	85.8% (594)	100% (692)
Total	7.3% (973)	92.7% (12,285)	100% (13,258)
<b>FY2007</b>			
Total	8.5% (1,028)	91.5% (11,025)	100% (12,053)

Table 9 reflects that 92.7% of adult probationers, who terminated successfully from regular probation during FY2008, remained crime-free for at least one year post-termination. The remaining 7.3% had a filing for a new crime within one year of termination. These overall percentages are slightly higher than last year's figures, in which 91.5% had no record of recidivism. As the LSI predicts, while the risk classification increases in severity (minimum to maximum) so increases the percent of recidivists in each classification level. Table 9 demonstrates that those probationers supervised at the minimum level were the least likely to recidivate (5.8%), while those offenders supervised at the maximum level were the most likely to have a new crime filed against them within one year of termination (14.2%).

<sup>10</sup> The codes in E-clipse allow us to identify probationers who transfer from intensive program supervision to regular supervision. Data limitations do not allow for specific tracking of these offenders within the "regular supervision" cohort of offenders.

**Table 10**  
**INTENSIVE PROGRAMS:**  
 Post-Release Recidivism by Program  
 FY2008 and FY2007 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
FY2008			
AISP	10.0% (5)	90.0% (45)	100% (50)
FOP	8.7% (2)	91.3% (21)	100% (23)
FY2007			
AISP	2.7% (1)	97.3% (36)	100% (37)
FOP	8.3% (2)	91.7% (22)	100% (24)

Table 10 reflects, for adult intensive 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 intensive supervision, and not those who transferred to regular probation for continued supervision. Those adult offenders who transferred to regular supervision are included in Table 6.

In FY2008, 90.0% of AISP offenders remained crime-free for at least one year post-termination, a decrease from the FY2007 rate of 97.3%. The actual *number* of adults who successfully completed AISP and had a new case filed post-release increased from one offender in FY2007 to five offenders in FY2008.

Of the 23 women who successfully completed the Female Offender Program in FY2008, there were two new cases filed one year following termination, resulting in a recidivism rate of 8.7%. This is a .4% increase from FY2007. Historical rates for FOP on this measure have been unstable. Recidivism rates of 5.9% and 16.7% were measured for FY2002 and FY2003 (not shown); and since that time, the number of participants has been low and susceptible to large percentage fluctuations in the variable. It is noteworthy, the FOP was also temporarily discontinued in late FY2003.

**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 FY2008 termination cohort, the pre-release failure and post-release recidivism categories were combined to arrive at an overall probation failure rate by supervision level. Additionally, the pre-release recidivism and the post-release recidivism rates were combined 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 FY2008 study period are presented for each level of supervision, with the FY2007 overall rates.

**Table 11**  
**REGULAR PROBATION:**  
Overall Juvenile Probation Failure and Success by Supervision Level – FY2008  
Compared with Overall Failure and Success – FY2007

<b>SUPERVISION LEVEL</b>	<b>Pre-release Failure: Technical</b>	<b>Pre-release Failure: New Crime</b>	<b>Successful but with Post-release Recidivism</b>	<b>Overall Success Rate</b>	<b>Total</b>
<b>FY2008</b>					
Regular: Admin.	43.3% (453)	7.0% (73)	7.9% (83)	41.8% (437)	100% (1,046)
Regular: Unclassified	18.8% (3)	6.2% (1)	18.8% (3)	56.2% (9)	100% (16)
Regular: Minimum	4.7% (76)	1.6% (26)	11.5% (188)	82.2% (1,340)	100% (1,630)
Regular: Medium	15.3% (200)	6.8% (88)	13.2% (172)	64.7% (843)	100% (1,303)
Regular: Maximum	35.6% (253)	17.2% (122)	10.4% (74)	36.8% (261)	100% (710)
<b>TOTAL</b>	<b>20.9% (985)</b>	<b>6.6% (310)</b>	<b>11.1% (520)</b>	<b>61.4% (2,890)</b>	<b>100% (4,705)</b>
<b>FY2007</b>					
<b>TOTAL</b>	<b>21.5% (995)</b>	<b>6.8% (313)</b>	<b>11.6% (537)</b>	<b>60.1% (2,778)</b>	<b>100% (4,623)</b>

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 FY2008 was 61.4%, which is higher than the overall success rate in FY2007 of 60.1%. As would be expected, those juveniles supervised at the maximum supervision level had the lowest overall success rate (36.8%).

**Table 12**  
**JUVENILE INTENSIVE SUPERVISION PROBATION:**  
Overall Program Failure and Success  
FY2008 and FY2007 Comparison

<b>PROGRAM</b>	<b>Pre-release Failure: Technical</b>	<b>Pre-release Failure: New Crime</b>	<b>Post-release Recidivism<sup>11</sup></b>	<b>Successfully terminated directly from JISP &amp; did not recidivate</b>	<b>Successfully terminated from JISP &amp; transferred to regular supervision</b>	<b>Total</b>
JISP FY2008	40.8% (203)	18.1% (90)	3.8% (19)	9.1% (45)	28.2% (140)	100% (497)
JISP FY2007	40.7% (209)	11.5% (59)	4.7% (24)	14.4% (74)	28.8% (148)	100% (514)

Table 12 represents all those juveniles who completed JISP and illustrates the rate at which those 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

<sup>11</sup> The probationers included in this category terminated directly and successfully from a intensive program and recidivated within one year of termination.

juveniles 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 down offenders” 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 (28.2%) of juveniles were transferred from JISP to regular probation supervision, it seems prudent 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 (9.1%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 37.3% success rate, compared to 43.2% in FY2007. This overall success rate for FY2008 is calculated by adding together the two “successful” columns in Table 12 (9.1% and 28.2% for FY2008). This 5.9% decrease in the overall success rate was mostly due to a 6.6% increase in pre-release recidivism rates.

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 \$84,596<sup>12</sup> per year per offender compared to \$5,359.27 per year per probationer on JISP.<sup>13</sup> In summary, JISP redirected as many as 185<sup>14</sup> juveniles from DYC in FY2008 and, of those, we know one-quarter of them (45 of 185 = 24.3%) was successful overall. 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 - FY2008

<b>PROGRAM</b>	<b>Incarceration: DYC/DOC</b>	<b>Detention/ County Jail</b>	<b>Alternate Sentence<sup>15</sup></b>	<b>Total</b>
<b>Pre-Release Failure: Technical Violation</b>				
Juvenile Regular	34.7% (342)	58.9% (580)	6.4% (63)	100% (985)
JISP	60.1% (122)	38.4% (78)	1.5% (3)	100% (203)
<b>Pre-Release Failure: New Crime</b>				
Juvenile Regular	42.9% (133)	45.8% (142)	11.3% (35)	100% (310)
JISP	77.8% (70)	14.4% (13)	7.8% (7)	100% (90)

<sup>12</sup> The commitment figure was provided by the Division of Youth Corrections Budget Office FY2008.

<sup>13</sup> The JISP figure is based on the Judicial Branch's annual cost per case for FY2008.

<sup>14</sup> This analysis includes offenders who successfully terminated and did not recidivate (45) and those that succeeded and were transferred to regular probation (140).

<sup>15</sup> Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence.

**Table 14**  
**JUVENILE REGULAR PROBATION and JISP:**

Placement of Juvenile Probationers Who Successfully Completed Probation and had a New Filing Post-Release - FY2008

<b>PROGRAM</b>	<b>Incarceration: DYC/DOC</b>	<b>Community Corrections</b>	<b>Detention/ County Jail</b>	<b>Supervised Probation</b>	<b>Alternate Sentence</b>	<b>Not Yet Sentenced or Case Dismissed</b>	<b>Total</b>
Juvenile Regular	1.5% (8)	0.2% (1)	1.7% (9)	16.0% (83)	10.2% (53)	70.4% (366)	100% (520)
JISP	0.0% (0)	0.0% (0)	10.5% (2)	21.0% (4)	5.3% (1)	63.2% (12)	100% (19)

Tables 13 and 14 reflect the placement of juveniles, who failed probation supervision and 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.

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 FY2008, were tracked through June 30, 2009. It often takes a year *from the time of filing*, which could have occurred as late as June 2009, for sentencing or placement determination to occur; therefore, some data is not yet available.

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. For regular juvenile probationers, Table 13 shows that the majority (58.9%) of those revoked for technical violations were sentenced to detention/jail. Another 34.7% of those juveniles were committed to DYC, while a small group (6.4%) was granted some other type of punishment or was released from probation with no further consequence. For regular juvenile probationers, who were revoked for a new crime, the majority (45.8%) were given detention/jail sentences, while 42.9% were placed at DYC, and 11.3% were afforded alternate sentences.

Also reflected in Table 13, juveniles on JISP, who were revoked due to technical violations, were placed at DYC in 60.1% of the cases, while 38.4% of them received detention/jail and 1.5% received an alternate sentence. When JISP juveniles were revoked due to a new crime, 77.8% of them were placed at DYC. A smaller proportion (14.4%) received a detention/jail time, and 7.8% of them received an alternate sentence.

Table 14 includes juveniles, who recidivated after successfully completing regular probation. It should be noted, 70.4% of those new cases have not arrived at disposition yet or have been dismissed, so placement data is unavailable. For those who recidivated and were sentenced,

1.5% were sentenced to DYC/DOC, .2% to community corrections, 1.7% were sentenced to detention/jail, and 16.0% were granted probation. Of the remaining cases, 10.2% of the juveniles received an alternative sentence.

Table 14 also includes 19 juveniles who successfully completed JISP but had a new filing within one year from termination. Of those juveniles' new cases, most (63.2%) have not reached disposition or were dismissed. Of the cases in which there has been a sentencing determination 10.5% were sentenced to detention or jail, 21.0% were granted probation, and 5.3% received an alternative sentence. These percentages should be interpreted cautiously, as the population of those actually sentenced on new charges (7) was small.

**Table 15**  
**REGULAR PROBATION**

Overall Adult Probation Failure and Success by Supervision Level – FY2008  
Compared with Overall Post-Release Failure and Success – FY2007

<b>SUPERVISION LEVEL</b>	<b>Pre-release Failure: Technical</b>	<b>Pre-release Failure: New Crime</b>	<b>Successful but with Post-release Recidivism</b>	<b>Overall Success Rate</b>	<b>Total</b>
<b>FY2008</b>					
Regular: Admin.	59.5% (4,548)	6.2% (474)	2.1% (162)	32.2% (2,465)	100% (7,649)
Regular: Unclassified	21.3% (23)	1.9% (2)	3.7% (4)	73.1% (79)	100% (108)
Regular: Minimum	4.1% (307)	1.7% (126)	5.4% (413)	88.8% (6,734)	100% (7,580)
Regular: Medium	14.5% (501)	7.3% (254)	8.5% (296)	69.7% (2,413)	100% (3,464)
Regular: Maximum	36.9% (661)	24.5% (439)	5.5% (98)	33.1% (594)	100% (1,792)
<b>TOTAL</b>	<b>29.3% (6,040)</b>	<b>6.3% (1,295)</b>	<b>4.7% (973)</b>	<b>59.7%(12,285)</b>	<b>100% (20,593)</b>
<b>FY2007</b>					
<b>TOTAL</b>	<b>31.8% (6,269)</b>	<b>7.1% (1,395)</b>	<b>5.2% (1,028)</b>	<b>55.9%(11,025)</b>	<b>100% (19,717)</b>

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 improved from 55.9% in FY2007 to 59.7% in FY2008. Offenders supervised at the maximum supervision level and classified as administrative had the lowest overall success rates (33.1% and 32.2% respectively), and the failure was largely due to technical violations of their probation supervision (36.9% for maximum and 59.5% for administrative).

**Table 16**  
**INTENSIVE PROGRAMS**  
Overall Adult Intensive Failure and Success by Program  
FY2008 and FY2007 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism <sup>16</sup>	Successfully terminated directly from intensive probation & did not recidivate	Successfully terminated & transferred to regular supervision	Total
FY2008						
AISP	31.5% (420)	14.0% (187)	0.4% (5)	3.3% (45)	50.8% (677)	100%(1,334)
FOP	26.2% (45)	8.7% (15)	1.2% (2)	12.2% (21)	51.7% (89)	100% (172)
FY2007						
AISP	33.1% (446)	10.9% (147)	0.0% (1)	2.7% (36)	53.2% (717)	100%(1,347)
FOP	28.0% (51)	9.3% (17)	1.1% (2)	12.1% (22)	49.5% (90)	100% (182)

Table 16 reflects adults terminated from the intensive supervision program had an overall success rate of 54.1%, with a 50.8% success rate for those offenders who transferred from AISP to regular probation supervision and 3.3% for those offenders who did not continue on any supervision following an AISP sentence. This 54.1% overall success rate for AISP represents a 1.8% decrease compared to the FY2007 overall success rate of 55.9%. This decrease in overall success is mostly attributable to the 3.1% increase in the pre-release new crime rate from 10.9% in FY2007 to 14.0% in FY2008.

The overall success rate for the Female Offender Program was 63.9% (12.2% and 51.7% combined) with 1.2% post-release recidivism for those who terminated directly from the program. In summary, FOP redirected as many as 110<sup>17</sup> offenders from DOC in FY2008 and, of the 23 women who were successful and terminated, two of them had a new criminal filing within the first year following termination from probation.

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 just over one-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 \$30,388<sup>18</sup> per year per offender compared to \$3,491.59 per year per probationer on AISP and \$2,697.04 per year per probationer for FOP.<sup>19</sup> In addition to the 110 diverted women in FOP, AISP redirected as many as 722<sup>20</sup> offenders from DOC in FY2008.

<sup>16</sup> The probationers included in this category terminated directly and successfully from a intensive program and recidivated within one year of termination.

<sup>17</sup> This analysis includes offenders who successfully terminated and did not recidivate (21) and those who successfully terminated intensive supervision and were transferred to regular probation (89).

<sup>18</sup> This annualized cost of a prison bed was provided by the Department of Corrections, FY2008.

<sup>19</sup> The AISP/FOP figures are based on the Judicial Branch's annual cost per case for FY2008.

<sup>20</sup> This analysis includes offenders who successfully terminated and did not recidivate (45) and those who succeeded and were transferred to regular probation (677).

**Table 17**  
**ADULT PROBATION PROGRAMS:**  
 Placement of Adult Probationers Who Terminated Probation  
 for Technical Violations or a New Crime - FY2008

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence	TOTAL
<b>Pre-Release Failure: Technical Violation</b>				
Adult Regular Probation <sup>21</sup>	15.9% (960)	66.8% (4,035)	17.3% (1,045)	100% (6,040)
AISP	77.9% (327)	18.1% (76)	4.0% (17)	100% (420)
FOP	73.3% (33)	26.7% (12)	0.0% (0)	100% (45)
<b>Pre-Release Failure: New Crime</b>				
Adult Regular Probation	40.8% (528)	53.3% (690)	5.9% (77)	100% (1,295)
AISP	95.2% (178)	3.2% (6)	1.6% (3)	100% (187)
FOP	86.7% (13)	13.3% (2)	0.0% (0)	100% (15)

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 (66.8%) and secondly to an alternative (17.3%). Probationers on regular supervision, who failed probation for the commission of a new crime, were most likely to be incarcerated in the county jail (53.3%) or DOC (40.8%). They received an alternative sentence in 5.9% of the new cases.

As expected, adults who terminated from the intensive 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. Just over three-quarters (77.9%) of the technical violators were sentenced to DOC, while 95.2% of those committing a new crime received this type of sentence.

The results for the Female Offender Program were similar to Adult ISP, with almost three-quarters (73.3%) of the technical violators sentenced to prison and 86.7% of all pre-release recidivists going to 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 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.

<sup>21</sup> 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**  
**ADULT PROBATION PROGRAMS:**  
 Placement of Adult Probationers Who Successfully Terminated Probation  
 and had a New Filing Post-Release - FY2008

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternative Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
Regular Probation	0.6% (6)	0.3% (3)	4.8% (47)	14.9% (145)	5.3% (51)	74.1% (721)	100% (973)
AISP	0.0% (0)	20.0% (1)	20.0% (1)	20.0% (1)	0.0% (0)	40.0% (2)	100% (5)
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 intensive probation but had a new filing post-release. Placement data for most regular adult offenders (74.1%) 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 criminal offense within one year of successful termination from program placement. By definition then, filings for adults who terminated in FY2008 were tracked through June 30, 2009.

Table 18 reflects for offenders, who terminated from regular supervision and their new charges reached disposition, the majority (14.9%) were sentenced to probation. The remainder were placed as follows: .6% were sentenced to the Department of Corrections, .3% community corrections, 4.8% county jail, and 5.3% received an alternate sentence.

The number of adults who recidivated after terminating from an intensive program was quite small (five from AISP and two from FOP) compared to regular probation; therefore, limited conclusions are available for these programs. For the five AISP recidivates, three had dispositions in their cases and were placed equally in community corrections, jail and on probation. The two FOP recidivates had no disposition information for their new crimes.

### **Summary: FY2008 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, 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.<sup>22</sup> Adults and juveniles assessed at higher levels of risk/need have higher rates of new crimes once terminated from probation, but these rates average around twenty percent across regular supervision.<sup>23</sup>

The findings in this report indicate juvenile and adult probationers, who terminated from probation, remained crime-free for one year after termination in about 60% of all cases, with

<sup>22</sup> Table 2

<sup>23</sup> Tables 7 and 9

overall success rates of 61.4% for juveniles and 59.7% for adults.<sup>24</sup> Overall success rates were higher for juvenile and adult regular supervision in FY2008 than in FY2007. Both juveniles and adults, classified as higher risk, were less likely to successfully terminate and remain crime-free after termination than their lower-risk counterparts.

Post-termination recidivism rates have remained relatively stable over the years this report has been produced. In FY2008, post-release recidivism rates were 15.2% for juvenile probationers and 7.3% for adult probationers.<sup>25</sup> These represent decreases of 1.0% over FY2007 rates for juveniles and 1.2% for adults.

Across intensive programs, which are designed to divert juvenile and adults who would otherwise be incarcerated, overall success rates range from 37.3%<sup>26</sup> for the juvenile intensive supervision program and 54.2% for the adult intensive supervision program to 63.9% for participants in the Female Offender program.<sup>27</sup> Overall success rates are heavily influenced by the pre-release failure rates. Historically and in FY2008, the most common type of failure among all intensive programs is in the area of technical violations; however, these rates have been trending down, as statewide responses to technical violations continue to be on the priority list of supervision issues to address.

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. 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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<sup>24</sup> Tables 11 and 15

<sup>25</sup> Table 2

<sup>26</sup> Table 12

<sup>27</sup> Table 16

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