



COLORADO PROBATION RECIDIVISM STUDY

Fiscal Year 2023

Colorado Judicial Branch

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Colorado Probation Recidivism Study

Fiscal Year 2023 Report for Fiscal Year 2022 Terminations, Fiscal Year 2021 Terminations Year Two Recidivism, and Fiscal Year 2020 Terminations Year Three Recidivism

On June 30, 2022, there were 65,640 individuals on probation in Colorado, including 63,413 adults and 2,227 juveniles in both regular and intensive programs, and 2,864 monitored DUI cases.¹ Probation officers across the state work within a range of regular and intensive probation programs to assess, supervise, educate, and refer probationers to a host of treatment and skill-building programs. Probation officers use validated instruments to assess an individual's level of risk and criminogenic needs, as well as determine the skills they require to make amends to victims and communities and avoid further criminal behavior. Probationers are supervised within the community according to their assessed risk level and are referred to appropriate community-based treatment and skill-based programs related to their assessed needs. Programs have been designed to match the intensity of supervision to the risk and need of each probationer. Available probation programs include regular probation supervision for adults and juveniles, intensive probation programs for adults (Limit Setter Intensive Probation-LSIP, Casework Control Intensive Probation-CCIP, Female Offender Program-FOP, and Sex Offender Intensive Probation-SOISP) and juveniles (Juvenile Intensive Supervision-JISP). Many problem-solving courts (e.g. Drug, DUI, Veteran's) are also in use throughout the state to address those probationers who are higher risk and have significant treatment needs. It is important to note that all of probation's intensive programs were originally designed to be alternatives to incarceration. Thus, individuals in these programs tended to have higher levels of risk (risk is related to the probability of program failure and commission of a new crime) and more serious offenses. For these reasons, program success levels were expected to be lower for probationers in intensive programs than for those on regular probation. Since October 1, 2013, the adult intensive supervision program is no longer a sentencing option for the courts, and therefore not an alternative to incarceration. Instead, probationers are placed in intensive programs by the probation departments based on assessed risk and needs. Additionally, beginning in fiscal year 2018, FOP transitioned to the Casework Control Intensive Probation (CCIP) program which includes high risk and high-need probationers regardless of gender. Within this report individuals are identified as having participated in an intensive program during their stay on probation. Therefore, even with the move away from the FOP program, some women in this study are still associated with the FOP program. Each of the intensive programs (LSIP, CCIP, FOP, SOISP, and JISP) will be identified in this report to allow for comparisons of outcomes across the programs.

Colorado probation has been conducting an annual recidivism study since 1996. In reports published from 1996 through 2020, pre-release recidivism was defined as termination from probation for a new felony or misdemeanor criminal act or technical violations, and post-release recidivism was defined as a new misdemeanor or felony filing within one year of successful termination from probation. In 2019 the Colorado State Legislature passed Senate Bill (SB) 19-108 creating a Juvenile Justice Reform Committee tasked with implementing sweeping juvenile justice reform throughout the state. Senate Bill 19-108 necessitated a change in the definition of recidivism used by the Division of Probation Services for juvenile probationers. To maintain consistency in how Colorado reports recidivism for probationers, the definition of recidivism for adult probationers was also changed. Recidivism for Colorado probation is now defined using two components: pre-release and post-release. Pre-release recidivism is defined as a new deferred agreement, adjudication, or conviction while under probation supervision. Post-release recidivism is defined as a new deferred agreement, adjudication, or conviction one, two, and three years' post-release from probation regardless of whether that release is considered successful.

This definition is a departure from previous definitions in several ways. First, pre-release recidivism is now defined by a new deferred agreement, adjudication, or conviction rather than a termination from probation for a new criminal act or technical violations. This separates new criminal activity from the type of probation termination. It is not uncommon for a probationer to have some new criminal activity, and still successfully complete probation. This change will allow us to identify criminal behavior separate from the ultimate resolution of the probation sentence. Second, the post-release

¹ The total of 65,640 includes individuals under state and private probation supervision and an additional 2,864 DUI offenders were monitored by state probation.

portion of the definition moves away from the filing of charges to a finding of guilt on the case. The use of a conviction (or an adjudication for juveniles or the presence of a deferred agreement for adults and juveniles) is consistent with criminal justice reform practices that emphasize the importance of admissions or findings of guilt and not relying solely on the filing of charges (that may be dismissed or have not reached guilty findings) to make assumptions about continued criminal conduct. Finally, the new definition is not limited to those probationers who have successfully completed probation. Capturing long-term outcomes for individuals regardless of how they ended their time on probation will provide a more complete picture of the outcomes of individuals sentenced to probation. Table 1, below, compares the two definitions. While this shift in definition may generate slight changes in the recidivism rates reported, general trends in probation outcomes should remain consistent.

Table 1: Comparison of 1997 to 2022 Definition of Recidivism

Comparison of Recidivism Definitions				
	Previous Definition		Current Definition	
	Pre-Release	Post-Release	Pre-Release	Post-Release
Who?	All negative probation terminations-no lifetime SO	All successful terminations	All probation terminations-all probationers	All probation terminations-all probationers
What?	An adjudication or conviction for a felony or misdemeanor, or a technical violation relating to a criminal offense	New filing for a felony or misdemeanor	New deferred agreement, adjudication, or conviction for a felony or misdemeanor	New deferred agreement, adjudication, or conviction for a felony or misdemeanor
When?	Based on probation termination status	Within 1 year of successful termination	During probation supervision-from initial sentence date to termination date	Post termination from probation for 1, 2, and 3 years

Methodology²

The annual recidivism study is based upon the entire population of probationers terminated from probation during fiscal years 2022 and 2021 for year two recidivism, and 2020 for year three recidivism. This includes individuals who participated in intensive programs as well as those on regular supervision. The one-year lag in reporting allows for cases terminated from probation to be followed for at least one full year to identify any instances of new convictions and to capture any new sentences associated with negative terminations and post-release recidivism.

² Methodological note: Previous recidivism studies weighted the termination counts to match the number of people reported in Judicial’s Annual Statistical Report, which led to an estimate of recidivism and of subsequent sentences. This was necessary due to the technical limitations of data reporting out of the Judicial case management system. The Annual Report counts a probationer as terminated from probation if they have no active cases remaining and had a case terminated in the fiscal year being reported. Unfortunately, the individuals included in this count cannot be identified and therefore cannot be matched to court records to identify pre/post-release recidivism or sentencing information. The State Court Administrator’s Office is working to remedy system limitations using available business intelligence tools to generate a report to include the names of individuals counted in the terminations reported each year. In the interim, a query of terminated probationers will be used without weighting. Individuals may have multiple cases that terminate during fiscal year 2022 or have a case terminate in fiscal year 2022 and still be active on probation for another case. This will lead to a slight increase in the number of people who are reported to have terminated in the recidivism study compared to the Annual Report, however, the general distributions of termination rates remain consistent. Additionally, past studies did not include terminations from SOISP unless they had transitioned out of intensive supervision and were terminated from regular probation. These cases are now included in this report and will be identified where appropriate.

Data

For each termination cohort, a query was written to extract a data file of all adults and juveniles who had a case terminated from probation during the previous fiscal year. The data file was generated from the Judicial Branch’s business intelligence system, Cognos, which queries a copy of the case management system data. The termination files were combined with a file of all misdemeanor, felony, DUI, and juvenile delinquency convictions in Colorado’s district and county courts to derive pre- and post-release recidivism rates for those probationers who successfully completed probation. Beginning with the FY2022 report, convictions in Denver County Court have been included in this recidivism analysis for cases filed beginning in fiscal year 2022. Pre-release recidivism rates are obtained by matching a data set of convictions from January 1, 2010, through the end of the fiscal year 2022 to identify instances of a new conviction occurring between a probationer’s sentence to probation and the date their case was terminated from probation. Post-release recidivism is obtained by matching a set of convictions from the beginning of the fiscal year in which a case was terminated (e.g., July 1, 2020 for the fiscal year 2021 terminations and July 1, 2021 for fiscal year 2022 terminations) and identifying any convictions that occurred after the case was terminated from probation and up to three years later. For this report, the initial one-year recidivism rate will be provided for cases terminated in fiscal year 2022, the two year rate will be added for those cases terminated in fiscal year 2021 referenced in the previous year’s report, and the three year rate will be added for those cases terminated in fiscal year 2020 referenced in the report from two years ago. Although business returned to a more traditional cadence in fiscal year 2022, some impacts due to the COVID 19 pandemic may still be present.

Analysis

To continue to meet the evolving reporting requirements on outcomes for probation in Colorado, the following research questions guided this report:

1. What are the success rates and revocation rates for individuals who are terminated from probation?
2. How prevalent is pre-release recidivism? What are the outcomes for probationers with pre-release recidivism?
3. How prevalent is post-release recidivism for individuals terminated from probation? How are probationers sentenced following post-release recidivism?
4. What differences exist in pre-release recidivism, termination rates, and post-release recidivism for probationers by risk level and intensive program participation?
5. Where are probationers sentenced upon unsuccessful completion of a probation sentence?

In time, this new study methodology will evolve to include more specific information on the programs, services, and outcomes of individuals sentenced to probation in Colorado. As additional data become available, the report will include information on specialized (e.g., problem solving court, domestic violence/mental health/economic crime supervision) programs, changes in risk and need factors, and participation in treatment services for substance use and mental health disorders in compliance with the recommendations of the Juvenile Justice Reform Committee created under SB19-108.

Figure 1: Recidivism Measurement Timeline



Figure 1 provides a general overview of how the new recidivism study will capture pre- and post-release recidivism. The study begins with a cohort of individuals with a case terminated in the fiscal year prior to the study to allow time for at least one year of post-release recidivism. Pre-release recidivism will be captured from the initial sentence date of the terminated case and any deferred agreement, adjudication, or conviction for a misdemeanor or felony offense that occurs between the initial sentence date and the termination date.

The following sections of the report will present the results of the updated recidivism study methodology. First, general descriptive information is provided on the population of adults and juveniles terminated from probation in fiscal year 2022. Next, general outcomes including pre-release recidivism, probation termination rates, and post-release recidivism will be provided. Post-release recidivism in year two and three following termination from probation is also provided for the previous 2 years' cohorts (i.e., fiscal year 2021 and 2020 terminations, respectively). Additional sentencing information for negatively terminated probation cases and probationers with post-release recidivism is also included for the current year's recidivism study cohort (i.e., fiscal year 2022 in this report). Following the general outcomes results, additional sections will provide the same information separated by risk level at the start of probation and by probation program (regular versus intensive probation). The report concludes with information on the length of stay on probation for fiscal year 2022 terminations.

Results

Cohort Descriptive Information

In fiscal year 2022, 35,663 unique individuals had a termination from probation (regular or intensive supervision). Of these, 34,058 were on probation for an adult case and 1,605 were on probation for a juvenile delinquency case. For probationers who have multiple cases terminated in the same fiscal year, the termination with the earliest original sentence date was used. Additionally, for those with both an intensive supervision termination and regular probation supervision termination, the individual will only be counted once in the fiscal year. A probationer was counted in the intensive programs count if they had participated in an intensive program at any point during their probation sentence. Individuals terminated from probation who also participated in an intensive program account for 1,144 (3.4%) adults and 72 (4.5%) juveniles in the fiscal year 2022 termination cohort. The typical adult terminated from probation is a Caucasian male around 37 years of age, and the typical juvenile terminated from probation is an 18-year-old Caucasian male. The population of probationers terminated in fiscal year 2022 is generally reflective of the probation population described in the annual report, where approximately 25% of the population is female, most are Caucasian, and individuals between the ages of 25 and 39 years make up nearly half of the population. Around 73% of adults and 80% of juveniles terminated from probation are male (see Table 2). While the judicial case management system allows for identification outside of the male-female binary, a very small number (22 total terminations) do not report gender as male or female. Additionally, the majority of adult and juveniles terminated from probation are identified as Caucasian (82.3% of adults and 68.6% of juveniles).³ Table 3 provides additional information on race/ethnicity for individuals terminated from probation.

Table 2: Gender Distributions for Probationers Terminated in FY2022

	Female		Male		Not Specified		Total	
	N	%	N	%	N	%	N	%
Adult	9,226	27.1%	24,812	72.9%	20	0.06%	34,058	100%
Juvenile	323	20.1%	1,280	79.8%	2	0.12%	1,605	100%
Total	9,549	26.8%	26,092	73.2%	22	0.06%	35,663	100%

³ Demographic information is received through electronic transfer or paper filings from Law Enforcement and/or the District Attorney. Judicial's case management system currently blends race and ethnicity fields.

Table 3: Race/Ethnicity for Probationers Terminated in FY2022

	Caucasian		African American		Hispanic		Asian/ Indigenous/Other		Total	
	N	%	N	%	N	%	N	%	N	%
Adult	28,036	82.3%	2,811	8.3%	2,128	6.2%	1,083	3.2%	34,058	100%
Juvenile	1,101	68.6%	253	15.8%	189	11.8%	62	3.9%	1,605	100%
Total	29,137	81.7%	3,064	8.6%	2,317	6.5%	1,145	3.2%	35,663	100%

The median age for adults terminated from regular probation in fiscal year 2022 was 35.2 years and for juveniles was 18.2 years. Individuals who participated in LSIP tended to be younger at termination (31.5 years) and individuals who participated in FOP and SOISP tended to be older at termination (37.1 years and 39.1 years, respectively). Juveniles on JISP tended to be slightly older at termination (18.9 years) compared to those on regular juvenile probation (18.2 years). Table 4 provides additional information on age at termination by probation population for adults and juveniles.

Table 4: Average Age at Termination for Probationers Terminated in FY2022

	N	Average	Median	Std. Deviation
Regular Adult	32,913	37.5	35.2	11.9
Limit Setter Intensive Probation (LSIP)	371	33.3	31.5	9.6
Casework Control Intensive Probation (CCIP)	442	37.4	35.8	9.9
Female Offender Program (FOP)	13	39.2	37.1	7.3
Sex Offender Intensive Probation (SOISP)	318	41.4	39.1	13.5
Regular Juvenile	1,534	18.1	18.2	2.1
Juvenile Intensive Probation (JISP)	72	18.6	18.9	1.5

Individuals on probation are assessed for their level of risk to engage in new criminal behavior using validated and reliable risk assessment instruments. Colorado probation officers use the Level of Supervision Inventory (LSI) to classify adults according to risk level and the Colorado Juvenile Risk Assessment (CJRA)⁴ to classify juveniles. In fiscal year 2021 the Youth Level of Service Inventory (YLS) was implemented. Juvenile risk assessment data in this report reflects a combination of CJRA and YLS assessments. As the YLS replaces the CJRA for all juveniles, additional risk and need assessment information will be available for all juveniles. The LSI is a research-based, reliable, and valid, actuarial risk instrument. The LSI is commonly used by probation and parole officers and other correctional workers in the United States and abroad. The CJRA is also an actuarial risk assessment that identifies a youth’s likely risk to reoffend and is based on a validated juvenile risk assessment tool used in Washington State. Likewise, the YLS is a commonly used juvenile assessment tool similar to the LSI. All three classification tools result in one of three supervision levels: low, moderate, or high. The higher rate of failure among higher risk probationers is consistent with risk prediction classification tools, in which high risk individuals are often more than twice as likely, as those classified at lower risk, to commit a new crime while under supervision. It is important to note the LSI, CJRA, and YLS are instruments in which the probationer is scored on several risk factors, the sum of which comprise a total score which is then classified into a risk level. On average, probationers are re-assessed every six months, and supervision strategies and level of supervision intensity change with corresponding changes in the risk and needs scores. Classification categories are determined according to policy, which 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.

The majority (46.8%) of adults terminated in fiscal year 2022 are assessed as low risk at the start of probation, 26.6% are considered moderate risk, and 16.6% are high risk (see Table 5). For juveniles, 43.5% are classified as low risk, 27.8% as

⁴ Beginning July 1, 2021 juveniles starting probation are assessed using the Youth Level of Service Inventory (YLS). Future studies will use the results of YLS to produce risk levels for juveniles.

moderate risk, and 19.5% as high risk. For a portion of the terminated population (10% of adults and 9.2% of juveniles), risk level at the start of probation was not available in the data. Data on risk may be unavailable due to several factors. First, the individual may be placed on alcohol monitoring where the use of a risk and needs assessment is not required. Second, the individual may have requested to serve their probation sentence in another state and not had an assessment prior to leaving Colorado. Third, there may be variations in probationers' names that limit the ability to match court records to the probation assessment record. Finally, the individual may have failed to appear to have the assessment completed. Data for individuals missing an assessment are still included in the analysis and identified as having a missing assessment in any tables reporting on risk.

Table 5: Starting Risk Level for Probationers Terminated in FY2022, FY2021, and FY2020

FY2022 Terminations										
	High		Moderate		Low		Missing		Total	
	N	%	N	%	N	%	N	%	N	%
Adult	5,669	16.6%	9,055	26.6%	15,929	46.8%	3,405	10.0%	34,058	100%
Juvenile	313	19.5%	446	27.8%	698	43.5%	148	9.2%	1,605	100%
Total	5,982	16.8%	9,501	26.6%	16,627	46.6%	3,553	10.0%	35,663	100%
FY2021 Terminations										
	High		Moderate		Low		Missing		Total	
	N	%	N	%	N	%	N	%	N	%
Adult	4,777	12.8%	8,746	23.4%	16,422	44.0%	7,364	19.7%	37,309	100%
Juvenile	368	17.0%	527	24.4%	998	46.1%	270	12.5%	2,163	100%
Total	5,145	13.0%	9,273	23.5%	17,420	44.1%	7,634	19.3%	39,472	100%
FY2020 Terminations										
	High		Moderate		Low		Missing		Total	
	N	%	N	%	N	%	N	%	N	%
Adult	6,396	16.0%	8,603	21.6%	20,312	51.0%	4,542	11.4%	39,853	100%
Juvenile	487	21.3%	578	25.3%	1,028	45.0%	189	8.3%	2,282	100%
Total	6,883	16.3%	9,181	21.8%	21,340	50.7%	4,731	11.2%	42,108	100%

Outcomes

Most adults and juveniles completed probation successfully and remained crime free for at least one-year following termination. This is true even if they had a pre-release recidivism event. Table 6 and Figure 2 provide the termination, pre-release recidivism, and post-release recidivism rates for adults and juveniles who terminated from probation in fiscal year 2022.

Pre-Release Recidivism

Pre-release recidivism occurred in 13.9% of adult terminations and 19.9% of juvenile terminations in fiscal year 2022. Of note, pre-release recidivism did not automatically lead to an unsuccessful termination from probation—6.2% of adults and 11.1% of juveniles had pre-release recidivism events and completed probation successfully. Rates of pre-release recidivism were substantially higher for individuals who terminated from probation unsuccessfully. Pre-release recidivism events occurred for 25.6% of adults and 32.6% of juveniles who were terminated from probation due to technical violations. Unsurprisingly, most probationers who were terminated for a new crime also had pre-release recidivism identified. While all probationers terminated for a new crime would have pre-release recidivism, due to

various factors including coding practices, plea agreements, or variations in individuals' names used in the court and probation records, some of these individuals terminated for a new crime may not have had a new deferred agreement, adjudication, or conviction identified prior to their termination from probation.

Figure 2: Adult and Juvenile Outcomes for FY2022 Terminations (Regular and Intensive Combined)



Termination Rates

Across all probation programs, 65.2% of adults and 71.6% of juveniles successfully completed probation in fiscal year 2022. When individuals unsuccessfully terminated from probation the most common reason for adults was absconding (14%) and for juveniles was a new crime (11%). For adults the next most common reason was technical violations (11.7%) followed by a new criminal conviction (7.4%). For juveniles, the second most common reason for unsuccessful termination was technical violations (10.9%) followed by absconding (5.6%). A relatively small portion of adults and juveniles are terminated from probation for reasons that are considered neither successful nor unsuccessful. Neutral terminations include, but are not limited to, death or deportation of an individual and occur in 1.7% of adult and 0.9% of juvenile terminations.

Post-Release Recidivism

Overall post-release recidivism rates within the first year are below 11% for those who successfully complete probation—5.6% for adults and 10.8% for juveniles. Rates of post-release recidivism are higher for individuals who unsuccessfully terminate from probation. Identifying post-release recidivism rates for absconders poses some challenges. Individuals terminated for absconding have been out of contact with probation for at least three months and therefore may no longer reside in the state or may be careful to avoid contact with law enforcement and the courts. Post-release recidivism rates for adults are highest for individuals who were terminated from probation for new crimes at 20.9%. For juveniles, post-release recidivism rates are highest for those who terminated for technical violations at 20%.

Table 6: Probation Outcomes for FY2022, FY2021, and FY2020 Terminations (Regular and Intensive Combined)

	All FY2022 Terminations		% Terms with Pre-release recidivism		% Terms with Post-release recidivism first year		% Terms with Post-release recidivism second year		% Terms with Post-release recidivism third year	
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile
Successful	65.2%	71.6%	6.2%	11.1%	5.6%	10.8%	--	--	--	--
Technical Violation	11.7%	10.9%	25.6%	32.6%	19.8%	20.0%	--	--	--	--
New Crime	7.4%	11.0%	61.2%	64.4%	20.9%	18.6%	--	--	--	--
Abscond	14.0%	5.6%	15.8%	22.2%	12.2%	13.3%	--	--	--	--
Neutral/ Other	1.7%	0.9%	9.2%	0.0%	0.0%	0.0%	--	--	--	--
Total	100.0%	100.0%	13.9%	19.9%	9.2%	12.7%	--	--	--	--
	All FY2021 Terminations		% Terms with Pre-release recidivism		% Terms with Post-release recidivism first year		% Terms with Post-release recidivism second year		% Terms with Post-release recidivism third year	
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile
Successful	67.7%	74.5%	9.1%	12.1%	3.1%	6.0%	4.6%	8.3%	--	--
Technical Violation	8.7%	11.2%	35.5%	35.5%	13.1%	12.8%	10.1%	15.7%	--	--
New Crime	6.3%	9.0%	75.1%	72.2%	18.2%	19.6%	12.2%	13.9%	--	--
Abscond	15.6%	4.7%	21.7%	21.8%	9.6%	8.9%	7.6%	10.9%	--	--
Neutral/ Other	1.7%	0.7%	14.8%	26.7%	0.8%	0.0%	0.6%	0.0%	--	--
Total	100.0%	100.0%	17.6%	20.7%	5.9%	8.0%	5.9%	9.7%	--	--

	All FY2020 Terminations		% Terms with Pre-release recidivism		% Terms with Post-release recidivism first year		% Terms with Post-release recidivism second year		% Terms with Post-release recidivism third year	
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile
Successful	65.7%	72.5%	16.9%	20.3%	6.1%	9.2%	4.7%	7.6%	3.2%	5.2%
Technical Violation	13.0%	13.4%	46.6%	39.5%	17.4%	15.7%	14.1%	17.0%	6.4%	5.6%
New Crime	7.6%	9.4%	86.8%	85.2%	18.6%	21.8%	14.7%	14.8%	8.3%	6.5%
Abscond	12.3%	4.2%	23.1%	21.3%	6.5%	2.1%	5.6%	8.5%	4.1%	8.5%
Neutral/ Other	1.4%	0.5%	15.8%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	100.0%	100.0%	27.0%	29.5%	8.5%	10.9%	6.7%	9.6%	4.1%	5.5%

Placement for Negative Terminations

When a probationer is unsuccessful on probation, a new sentence is often entered on the case once probation is terminated. Table 7 presents the sentences received by individuals upon unsuccessful termination from probation. Sentences include incarceration (including Division of Youth Services or Department of Corrections), jail or juvenile detention, community corrections facility, and non-custodial sentences (e.g., probation, community services, fine or fees). Due to the timing of the study, new criminal cases have approximately one year to reach resolution to be included in the study. Additionally, it is uncertain if pandemic related delays in court operations continued during part of fiscal year 2022. As a result, approximately half of all cases terminated from probation for technical violations, new crimes, or absconding did not have a new sentence entered. As expected, the rate of missing sentences was higher for probationers who were terminated for absconding (64.3% for adults and 66.7% for juveniles). When a new sentence was entered, adults were commonly sentenced to jail. For adults terminated for technical violations, 49.1% were sentenced to jail and for adults terminated for new crimes, 39.5% were sentenced to jail. Sentences to the Department of Corrections (DOC) occur around 7.4% of terminated adult probationers and are more likely for new crime (12.6%) than technical violations (7.3%). Juveniles are more likely to be sentenced to the Division of Youth Services (DYS) for new crime violations (17.5%) than for technical violations (16%). However, juveniles terminated for technical violations are more likely to be sentenced to detention than are juveniles terminated for new crimes (21.7% and 12.4%, respectively). Non-custodial sentences which include probation, community services, and fines, occur less frequently following unsuccessful termination from probation (3.4% of adult terminations and 6.6% of juvenile terminations). For adults, non-custodial sentences are more common for absconding (4.4%) or technical violations (2.9%) than for new crime (2.5%). However, for juveniles, non-custodial sentences are more common for new crime (8.5%) compared to technical violations (4.0%) or absconding (7.8%).

Table 7: Placement Following Negative Termination from Probation for FY2022 Terminations (Regular and Intensive combined)

FY2022											
	Negative Termination Type	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced	
		N	%	N	%	N	%	N	%	N	%
Adult	Tech Viol	293	7.3%	1,962	49.1%	8	0.2%	114	2.9%	1,619	40.5%
	New Crime	318	12.6%	993	39.5%	7	0.3%	62	2.5%	1,135	45.1%
	Absconding	225	4.7%	1,225	25.8%	37	0.8%	209	4.4%	3,059	64.3%
	Total	836	7.4%	4,180	37.1%	52	0.5%	385	3.4%	5,813	51.6%
Juvenile	Tech Viol	28	16.0%	38	21.7%	0	0.0%	7	4.0%	102	58.3%
	New Crime	31	17.5%	22	12.4%	0	0.0%	15	8.5%	109	61.6%
	Absconding	4	4.4%	19	21.1%	0	0.0%	7	7.8%	60	66.7%
	Total	63	14.3%	79	17.9%	0	0.0%	29	6.6%	271	61.3%

Sentences for One-Year Post-Release Recidivism

Post-release recidivism within the first year following any type of probation termination (successful or unsuccessful) occurred in 9.2% of adults and 12.8% of juveniles. For adults, most instances of recidivism were sentenced to jail (41.5%) or were given a non-custodial sentence (39.7%). Around 6.5% received a sentence to DOC. For juveniles, 61.2% received a non-custodial sentence for a new conviction within one-year of termination, 11.2% were sentenced to DYS or DOC and 15.5% were sentenced to jail or detention. A probationer who terminated from probation for a juvenile delinquency case is counted within the juvenile terminations, yet the post-release recidivism event may have occurred after the individual was 18 years of age. As a result, these individuals may be sentenced to DOC or jail. If the recidivism event occurred when the individual was still under 18 years of age, DYS or detention sentences would occur.

Table 8: Placement Following One-Year Post-Release Recidivism for FY2022 Terminations (Regular and Intensive Combined)

	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total Recid
	N	%	N	%	N	%	N	%	N	%	N
Adult	201	6.4%	1,305	41.5%	104	3.3%	1,249	39.7%	288	9.2%	3,147
Juvenile	23	11.2%	32	15.5%	2	1.0%	126	61.2%	23	11.2%	206

Outcomes by Risk Level

As discussed above, risk is strongly associated with probation outcomes, with higher risk probationers being more likely to terminate unsuccessfully from probation and more likely to engage in both pre- and post-release recidivism. Risk was defined using the LSI (adult), CJRA (juvenile), or YLS (juvenile) assessment closest to the original sentence date.

Pre-Release Recidivism by Risk Level

Table 9 displays the pre-release recidivism rates for probationers terminated in fiscal year 2022. For both adults and juveniles less than one-fifth had a new deferred agreement, adjudication, or conviction while on probation. For adults terminated in fiscal year 2022, 27.2% of high risk, 17.6% of moderate risk, and 7.6% of low risk had pre-release recidivism events. For juveniles, 33.7% of high risk, 22.9% of moderate risk, and 11.8% of low risk probationers had pre-release recidivism.

Table 9: Pre-Release Recidivism by Risk Level at Start for FY2022, FY2021, and FY2020 Terminations (Regular and Intensive Combined)

FY2022							
		Pre-Release Recidivism		No Pre-Release Recidivism		Total	
		N	%	N	%	N	%
Adult Regular Probation	HIGH	1,373	27.2%	3,683	72.8%	5,056	100.0%
	MODERATE	1,538	17.6%	7,214	82.4%	8,752	100.0%
	LOW	1,201	7.6%	14,503	92.4%	15,704	100.0%
	Missing	393	11.6%	3,008	88.4%	3,401	100.0%
	Total	4,505	13.7%	28,408	86.3%	32,913	100.0%
Juvenile Regular Probation	HIGH	93	33.7%	183	66.3%	276	100.0%
	MODERATE	99	22.9%	333	77.1%	432	100.0%
	LOW	80	11.8%	600	88.2%	680	100.0%
	Missing	25	17.1%	121	82.9%	146	100.0%
	Total	297	19.4%	1,237	80.6%	1,534	100.0%
FY2021							
		Pre-Release Recidivism		No Pre-Release Recidivism		Total	
		N	%	N	%	N	%
Adult Regular Probation	HIGH	1,584	39.0%	2,473	61.0%	4,057	100%
	MODERATE	1,953	23.4%	6,384	76.6%	8,337	100%
	LOW	1,471	9.1%	14,747	90.9%	16,218	100%
	Missing	1,124	15.4%	6,163	84.6%	7,287	100%
	Total	6,132	17.1%	29,767	82.9%	35,899	100%
Juvenile Regular Probation	HIGH	111	33.9%	216	66.1%	327	100%
	MODERATE	121	24.4%	374	75.6%	495	100%
	LOW	118	12.2%	850	87.8%	968	100%
	Missing	39	15.4%	215	84.6%	254	100%
	Total	389	19.0%	1,655	81.0%	2,044	100%

FY2020							
		Pre-Release Recidivism		No Pre-Release Recidivism		Total	
		N	%	N	%	N	%
Adult Regular Probation	HIGH	2,649	47.1%	2,973	52.9%	5,622	100%
	MODERATE	3,129	34.0%	6,077	66.0%	9,206	100%
	LOW	3,141	16.6%	15,771	83.4%	18,912	100%
	Missing	900	19.9%	3,621	80.1%	4,521	100%
	Total	9,819	25.7%	28,442	74.3%	38,261	100%
Juvenile Regular Probation	HIGH	125	39.8%	189	60.2%	314	100%
	MODERATE	180	33.3%	360	66.7%	540	100%
	LOW	204	19.1%	864	80.9%	1,068	100%
	Missing	28	15.2%	156	84.8%	184	100%
	Total	537	25.5%	1,569	74.5%	2,106	100%

Terminations by Risk Level

Like pre-release recidivism, termination rates are closely associated with risk level. Low risk probationers are much more likely to terminate successfully compared to medium or high risk probationers. Table 10 presents termination rates by risk level for adults and juveniles terminated from probation in FY2022. Successful terminations occur in 83.5% of low risk adult probationers, 59% of moderate risk, and 33.8% of high risk. Adults who are assessed as high risk have the highest rate of terminations for technical violations (26.9%) compared to moderate and low risk probationers (14.6% and 5%, respectively). Terminations for new crime is rare for low risk probationers, accounting for only 2.8% of their terminations. For moderate risk probationers, new crime accounts for 9.2% of terminations and for high risk the rate is 18.7%. Absconding is also associated with risk with 7.5% of low risk, 14.9% of moderate risk, and 18.1% of high risk adults terminated for absconding in fiscal year 2022. Similar trends are visible for juveniles terminated from probation in fiscal year 2022. For juveniles, 83.5% of low risk, 69.3% of moderate risk, and 55.3% of high risk probationers terminated successfully. Terminations due to technical violations accounted for 4.7% of low risk, 12.8% of moderate risk, and 19.2% of high risk terminations. Terminations for new crime occur for 6.3% of low risk juveniles, 12.3% of moderate risk juveniles, and 17.3% of high risk juveniles. Absconding rates were at 4.7% for low and moderate risk juveniles and 7.7% for high risk juveniles.

Table 10: Termination Rates by Risk Level at Probation Start for FY2022, FY2021, and FY2020 Terminations (Regular and Intensive Combined)

FY2022												
		Successful		Tech Viol		New Crime		Abscond		Neutral		Total
		N	%	N	%	N	%	N	%	N	%	N
Adult	HIGH	1,918	33.8%	1,526	26.9%	1,062	18.7%	1,026	18.1%	137	2.4%	5,669
	MOD	5,345	59.0%	1,321	14.6%	833	9.2%	1,348	14.9%	208	2.3%	9,055
	LOW	13,301	83.5%	798	5.0%	439	2.8%	1,199	7.5%	192	1.2%	15,929
	Missing	1,653	48.5%	351	10.3%	181	5.3%	1,182	34.7%	38	1.1%	3,405
	Total	22,217	65.2%	3,996	11.7%	2,515	7.4%	4,755	14.0%	575	1.7%	34,058
Juvenile	HIGH	173	55.3%	60	19.2%	54	17.3%	24	7.7%	2	0.6%	313
	MOD	309	69.3%	57	12.8%	55	12.3%	21	4.7%	4	0.9%	446
	LOW	583	83.5%	33	4.7%	44	6.3%	33	4.7%	5	0.7%	698
	Missing	84	56.8%	25	16.9%	24	16.2%	12	8.1%	3	2.0%	148
	Total	1149	71.6%	175	10.9%	177	11.0%	90	5.6%	14	0.9%	1,605
FY2021												
		Successful		Tech Viol		New Crime		Abscond		Neutral		Total
		N	%	N	%	N	%	N	%	N	%	N
Adult	HIGH	1,958	41.0%	940	19.7%	727	15.2%	1,047	21.9%	105	2.6%	4,777
	MOD	5,410	61.9%	957	10.9%	731	8.4%	1,458	16.7%	190	2.2%	8,746
	LOW	13,821	84.2%	798	4.9%	439	2.7%	1,213	7.4%	151	0.8%	16,422
	Missing	4,066	55.2%	560	7.6%	450	6.1%	2,091	28.4%	197	2.7%	7,364
	Total	25,255	67.7%	3,255	8.7%	2,347	6.3%	5,809	15.6%	643	1.7%	37,309
Juvenile	HIGH	207	56.3%	67	18.2%	62	16.8%	25	6.8%	7	1.9%	368
	MOD	379	71.9%	69	13.1%	55	10.4%	21	4.0%	3	0.6%	527
	LOW	838	84.0%	76	7.6%	49	4.9%	33	3.3%	2	0.2%	998
	Missing	187	69.3%	30	11.1%	28	10.4%	22	8.1%	3	1.1%	270
	Total	1,611	74.5%	242	11.2%	194	9.0%	101	4.7%	15	0.7%	2,163

FY2020												
		Successful		Tech Viol		New Crime		Abscond		Neutral		Total
		N	%	N	%	N	%	N	%	N	%	N
Adult	HIGH	2,209	34.6%	1,770	27.8%	1,170	18.3%	1,133	17.8%	96	2.1%	6,378
	MOD	5,652	58.3%	1,559	16.1%	927	9.6%	1,401	14.4%	159	1.5%	9,698
	LOW	16,014	83.4%	1,138	5.9%	553	2.9%	1,293	6.7%	210	1.6%	19,208
	Missing	2,272	50.0%	721	15.9%	389	8.6%	1,065	23.4%	95	1.1%	4,524
	Total	26,147	65.7%	5,188	13.0%	3,039	7.6%	4,892	12.3%	560	1.4%	39,826
Juvenile	HIGH	201	51.4%	96	24.6%	71	18.2%	19	4.9%	4	1.0%	391
	MOD	407	68.8%	89	15.0%	69	11.7%	23	3.9%	4	0.7%	592
	LOW	918	83.1%	90	8.1%	58	5.2%	36	3.3%	3	0.3%	1,105
	Missing	129	66.5%	30	15.5%	18	9.3%	16	8.2%	1	0.5%	194
	Total	1,655	72.5%	305	13.4%	216	9.5%	94	4.1%	12	0.5%	2,282

Sentences for Negative Termination by Risk Level

Once individuals are terminated from probation for noncompliance, new crimes, or absconding they are typically resentenced, and these sentences can vary based on the type of negative termination and the risk level of the probationer. Table 11 presents the sentences adult probationers received following unsuccessful termination from probation by the probationer's risk level near the start of probation. Adults who were terminated from probation for technical violations or new crimes were most likely to be sentenced to jail. This is expected given that the individual was unsuccessful on community-based supervision and jail is the next most restrictive sentence. A greater proportion of high risk probationers were sentenced to DOC (9.4% for technical violations and 15.1% for new crimes) compared to moderate risk (7.4% for technical violations and 12.6% for new crimes) or low risk (3.5% for technical violations and 8% for new crimes). It is important to note that around 40% of adults terminated for technical violations and 21% of adults terminated for new crimes had not been resentenced.

Table 11: Placements Following Negative Terminations for Adults by Risk Level for FY2022 Terminations

		DOC		Jail		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Risk	N	%	N	%	N	%	N	%	N	%	N
Tech Viols	HIGH	144	9.4%	728	47.7%	3	0.2%	29	1.9%	622	40.8%	1,526
	MOD	98	7.4%	671	50.8%	4	0.3%	48	3.6%	500	37.9%	1,321
	LOW	28	3.5%	402	50.4%	-	0.0%	32	4.0%	336	42.1%	798
	Missing	23	6.6%	161	45.9%	1	0.3%	5	1.4%	161	45.9%	351
	Total	293	7.3%	1,962	49.1%	8	0.2%	114	2.9%	1,619	40.5%	3,996
New Crime	HIGH	160	15.1%	413	38.9%	3	0.3%	24	2.3%	462	43.5%	1,062
	MOD	105	12.6%	343	41.2%	1	0.1%	21	2.5%	363	43.6%	833
	LOW	35	8.0%	169	38.5%	1	0.2%	14	3.2%	220	50.1%	439
	Missing	18	9.9%	68	37.6%	2	1.1%	3	1.7%	90	49.7%	181
	Total	318	12.6%	993	39.5%	7	0.3%	62	2.5%	521	20.7%	2,515
Absc	HIGH	56	5.5%	345	33.6%	3	0.3%	32	3.1%	590	57.5%	1,026
	MOD	60	4.5%	276	20.5%	3	0.2%	33	2.4%	976	72.4%	1,348
	LOW	17	1.4%	180	15.0%	-	0.0%	30	2.5%	972	81.1%	1,199
	Missing	92	7.8%	424	35.9%	31	2.6%	114	9.6%	521	44.1%	1,182
	Total	225	4.7%	1,225	25.8%	37	0.8%	209	4.4%	3,059	64.3%	4,755
Total	HIGH	360	10.0%	1,486	41.1%	9	0.2%	85	2.4%	1,674	46.3%	3,614
	MOD	263	7.5%	1,290	36.8%	8	0.2%	102	2.9%	1,839	52.5%	3,502
	LOW	80	3.3%	751	30.8%	1	0.0%	76	3.1%	1,528	62.7%	2,436
	Missing	133	7.8%	653	38.1%	34	2.0%	122	7.1%	772	45.0%	1,714
	Total	836	7.4%	4,180	37.1%	52	0.5%	385	3.4%	5,813	51.6%	11,266

Table 12 presents the placements for juveniles who had negative terminations from probation by risk level. The number of juveniles resentenced following unsuccessful termination from probation is relatively small, which complicates comparisons of rates between termination types and risk levels. Generally, higher risk juveniles are more likely to be sentenced to DYS following unsuccessful termination from probation compared to lower risk juveniles.

Table 12: Placements Following Negative Terminations for Juveniles by Risk Level for FY2022 Terminations

	Risk	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
		N	%	N	%	N	%	N	%	N	%	N
Tech Viols	HIGH	13	21.7%	9	15.0%	0	0.0%	2	3.3%	36	60.0%	60
	MOD	10	17.5%	12	21.1%	0	0.0%	2	3.5%	33	57.9%	57
	LOW	1	3.0%	10	30.3%	0	0.0%	3	9.1%	19	57.6%	33
	Missing	4	16.0%	7	28.0%	0	0.0%	0	0.0%	14	56.0%	25
	Total	28	16.0%	38	21.7%	0	0.0%	7	4.0%	102	58.3%	175
New Crime	HIGH	12	22.2%	6	11.1%	0	0.0%	5	9.3%	31	57.4%	54
	MOD	10	18.2%	7	12.7%	0	0.0%	7	12.7%	31	56.4%	55
	LOW	3	6.8%	6	13.6%	0	0.0%	3	6.8%	32	72.7%	44
	Missing	6	25.0%	3	12.5%	0	0.0%	0	0.0%	15	62.5%	24
	Total	31	17.5%	22	12.4%	0	0.0%	15	8.5%	109	61.6%	177
Absc	HIGH	3	12.5%	7	29.2%	0	0.0%	2	8.3%	12	50.0%	24
	MOD	0	0.0%	4	19.0%	0	0.0%	2	9.5%	15	71.4%	21
	LOW	0	0.0%	7	21.2%	0	0.0%	1	3.0%	25	75.8%	33
	Missing	1	8.3%	1	8.3%	0	0.0%	2	16.7%	8	66.7%	12
	Total	4	4.4%	19	21.1%	0	0.0%	7	7.8%	60	66.7%	90
Total	HIGH	28	20.3%	22	15.9%	0	0.0%	9	6.5%	79	57.2%	138
	MOD	20	15.0%	23	17.3%	0	0.0%	11	8.3%	79	59.4%	133
	LOW	4	3.6%	23	20.9%	0	0.0%	7	6.4%	76	69.1%	110
	Missing	11	18.0%	11	18.0%	0	0.0%	2	3.3%	37	60.7%	61
	Total	63	14.3%	79	17.9%	0	0.0%	29	6.6%	271	61.3%	442

Post-Release Recidivism by Risk Level

Post-release recidivism rates are generally low across both adult and juvenile probationers regardless of risk level. For both adult and juvenile probationers, post-release recidivism rates are associated with risk level (see Table 13). High risk adult probationers terminated from probation in fiscal year 2022 were most likely to have a new deferred agreement or conviction within one year of termination compared to moderate or low risk adults. Post-release recidivism occurred in 18% of high risk adult terminations, 9.7% of moderate risk terminations, and 5.1% of low risk terminations. Post-release recidivism occurred in 16.3% of high risk juvenile terminations, 14.6% of moderate risk juvenile terminations, and 10.9% of low risk juvenile terminations. First time recidivists in year two following termination from probation in the fiscal year 2021 cohort are also associated with risk and are similar to first time recidivism rates in year one following termination. First time recidivists in year three following termination from probation in the fiscal year 2020 cohort are associated with risk as well, though less strongly, and are generally lower than year 2 and year 1 recidivism rates. The decrease in the strength of the relationship between recidivism and risk three years after termination may be due to factors that could increase individuals' risk in the absence of supervision activities.

Table 13: First Post-Release Recidivism by Risk Level at Probation Start for FY2022, FY2021, and FY2020 Terminations (Regular and Intensive Combined)

FY2022							
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
		N	%	N	%	N	%
Adult Probation	HIGH	1,018	18.0%	--	--	--	--
	MOD	875	9.7%	--	--	--	--
	LOW	809	5.1%	--	--	--	--
	Missing	431	12.7%	--	--	--	--
	Total	3,133	9.2%	--	--	--	--
Juvenile Probation	HIGH	51	16.3%	--	--	--	--
	MOD	65	14.6%	--	--	--	--
	LOW	76	10.9%	--	--	--	--
	Missing	12	8.1%	--	--	--	--
	Total	204	12.7%	--	--	--	--
FY2021							
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
		N	%	N	%	N	%
Adult Probation	HIGH	593	12.4%	461	9.7%	--	--
	MODERATE	557	6.4%	643	7.4%	--	--
	LOW	444	2.7%	676	4.1%	--	--
	Missing	602	8.2%	437	5.9%	--	--
	Total	2,196	5.9%	2,217	5.9%	--	--
Juvenile Probation	HIGH	49	13.3%	49	13.3%	--	--
	MODERATE	52	9.9%	68	12.9%	--	--
	LOW	54	5.4%	77	7.7%	--	--
	Missing	19	7.0%	16	5.9%	--	--
	Total	174	8.0%	210	9.7%	--	--

FY2020							
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
		N	%	N	%	N	%
Adult Probation	HIGH	1,020	16.0%	824	12.9%	430	6.7%
	MOD	1,037	10.7%	798	8.2%	465	4.8%
	LOW	1,006	5.2%	788	4.1%	570	3.0%
	Missing	317	7.0%	275	6.1%	151	3.3%
	Total	3,380	8.5%	2,685	6.7%	1,616	4.1%
Juvenile Probation	HIGH	57	14.6%	63	16.1%	27	6.9%
	MOD	87	14.7%	65	11.0%	37	6.3%
	LOW	87	7.9%	73	6.6%	55	5.0%
	Missing	18	9.3%	17	8.8%	6	3.1%
	Total	249	10.9%	218	9.6%	125	5.5%

Sentences for One-Year Post-Release Recidivism by Risk Level

Sentences for probationers with a post-release recidivism event within the first year after being terminated from probation by the probationers' risk levels near the start of probation are presented in Table 14. Around 9.2% of adults and 11.2% of juveniles with instances of post-release recidivism one-year post termination had not yet been sentenced. For adults with post-release recidivism, sentences to jail were most common and occurred for 49.9% of high risk, 39.2% of moderate risk and 30.9% of low risk adults. Sentences to DOC occurred in 10% of post-release recidivism for high risk, 4% of post-release recidivism for moderate risk, and only 1.8% for low risk. Probationers who were high risk were less likely than moderate or low risk probationers to receive a non-custodial sentence following post-release recidivism.

Juveniles with post-release recidivism within one year of termination were most likely to be sentenced to a non-custodial sentence, with 50% of high risk, 69.2% of moderate risk, and 61% of low risk juveniles being sentenced to a non-custodial sentence. Twenty-five percent (25%) of high risk juveniles were sentenced to DYS or DOC following post-release recidivism. Sentences to DYS and DOC were less frequent for moderate (4.6%) and low (7.8%) risk juveniles.

Table 14: Placements Following Post-Release at Year One Recidivism by Risk Level for FY2022 Terminations

FY2022												
		DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
Risk		N	%	N	%	N	%	N	%	N	%	N
Adult	HIGH	102	10.0%	510	49.9%	45	4.4%	292	28.5%	74	7.2%	1,023
	MOD	35	4.0%	345	39.2%	24	2.7%	397	45.1%	80	9.1%	881
	LOW	15	1.8%	251	30.9%	12	1.5%	423	52.1%	111	13.7%	812
	Missing	49	11.4%	199	46.2%	23	5.3%	137	31.8%	23	5.3%	431
	Total	201	6.4%	1,305	41.5%	104	3.3%	1,249	39.7%	288	9.2%	3,147
Juvenile	HIGH	13	25.0%	9	17.3%	1	1.9%	26	50.0%	3	5.8%	52
	MOD	3	4.6%	8	12.3%	1	1.5%	45	69.2%	8	12.3%	65
	LOW	6	7.8%	13	16.9%	0	0.0%	47	61.0%	11	14.3%	77
	Missing	1	8.3%	2	16.7%	0	0.0%	8	66.7%	1	8.3%	12
	Total	23	11.2%	32	15.5%	2	1.0%	126	61.2%	23	11.2%	206

Overall, for both adults and juveniles risk is strongly related to pre-release recidivism, termination type, and post-release recidivism. Sentences following negative terminations and post-release recidivism tend to be more restrictive for higher risk individuals, though low numbers for juveniles with a recidivism event one year post-termination from probation cause the incarceration rate for low risk juveniles to appear higher than may be expected.

Outcomes by Probation Program

During their time on probation some probationers will be placed into an intensive program. These programs are designed to provide additional structure and resources to higher risk, and in some programs higher need probationers. For adults, placement in an intensive program is determined using a series of assessments to identify the risk level and needs of probationers. The Limit Setter Intensive Probation (LSIP) program is designed for high risk probationers who do not exhibit many needs in the areas of substance use or mental health treatment. In contrast, the Casework Control Intensive Probation (CCIP) program is designed for individuals who are both high risk and high need. CCIP is similar to the historical Female Offender Program (FOP) but is not limited to females. The FOP program has been phased out of use and most probationers participating in FOP were transitioned to CCIP. The fiscal year 2022 termination cohort still includes a very small number of people who participated in the FOP program. Adult Sex Offender Intensive Probation (SOISP) and Juvenile Intensive Probation (JISP) are sentencing options used by the court. Most probationers spend their sentence on regular probation. Regular probation can include specialized supervision for economic crime, domestic violence, mental health, problem solving courts, and non-intensive sex offenders. For ease of discussion these are all discussed under regular probation in this report.

Regular Probation

Regular probation represents the largest portion of the probation population, and accounts for 96.6% of adult terminations and 95.6% of juvenile terminations in fiscal year 2022. Table 15 presents pre-release recidivism rates for regular adult and regular juvenile probationers terminated in fiscal year 2022. Just over 13% of adults and 19% of juveniles in the fiscal year 2022 cohort had pre-release recidivism.

Table 15: Pre-Release Recidivism for Regular Adult and Juvenile Probationers Terminated in FY2022, FY2021 and FY2020

FY2022						
	Pre-release Recidivism		No Pre-release Recidivism		Total	
	N	%	N	%	N	%
Regular Adult Probation	4,505	13.7%	28,408	86.3%	32,913	100%
Regular Juvenile Probation	297	19.4%	1,237	80.6%	1,534	100%
FY2021						
	Pre-release Recidivism		No Pre-release Recidivism		Total	
	N	%	N	%	N	%
Regular Adult Probation	6,132	17.1%	29,767	82.9%	35,899	100%
Regular Juvenile Probation	389	19.0%	1,655	81.0%	2,044	100%

FY2020						
	Pre-release Recidivism		No Pre-release Recidivism		Total	
	N	%	N	%	N	%
Regular Adult Probation	9,819	25.7%	28,442	74.3%	38,261	100%
Regular Juvenile Probation	537	25.5%	1,569	74.5%	2,106	100%

Most individuals on regular probation terminate successfully. As demonstrated in

Table 16, 65.8% of regular adult probationers and 72.0% of regular juvenile probationers complete probation successfully. Terminations for technical violations occur for 11.4% of adults and 11.0% of juveniles. New crimes represent 7.2% of adult and 10.6% of juvenile terminations. Adults have a much higher rate of terminations for absconding (13.9%) compared to juveniles (5.5%).

Table 16: Termination Type for Regular Adult and Juvenile Probationers Terminated in FY2022, FY2021, and FY2020

FY2022												
	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Regular Adult	21,653	65.8%	3,759	11.4%	2,376	7.2%	4,587	13.9%	538	1.6%	32,913	100%
Regular Juvenile	1,105	72.0%	168	11.0%	163	10.6%	85	5.5%	13	0.8%	1,534	100%
FY2021												
	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Regular Adult	24,529	68.3%	3,008	8.4%	2,202	6.1%	5,571	15.5%	589	1.6%	35,899	100%
Regular Juvenile	1,542	75.4%	225	11.0%	168	8.2%	96	4.7%	13	0.6%	2,044	100%
FY2020												
	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Regular Adult	25,407	66.4%	4,811	12.6%	2,810	7.3%	4,702	12.3%	551	1.4%	38,261	100%
Regular Juvenile	1,566	74.4%	271	12.9%	174	8.3%	84	4.0%	11	0.5%	2,106	100%

Placements following negative terminations for regular adult and juvenile probationers are presented in Table 17. For adults the most common type of sentence following a negative termination is jail—49.7% for technical violations and 40.1% for new crimes. The majority (64.3%) of regular adult terminations for absconding had not been resentenced. Similarly for juvenile probationers, the most common type of sentence for technical violations is also jail or detention at 21.4%, though new crimes are more often sentenced to DYS at 17.8%. Juveniles were sentenced to DYS in 15.5% of terminations for technical violations and sentenced to jail or detention for 12.3% of terminations for new crime. As with adults, 67.1% of juveniles terminated for absconding had not been resentenced. Community corrections sentences were infrequent for both adult and juvenile probationers, as were non-custodial sentences.

Table 17: Placements Following Negative Terminations for Regular Probation

FY2022												
		DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Term Type	N	%	N	%	N	%	N	%	N	%	N
Regular Adult	Tech Viol	244	6.5%	1,870	49.7%	7	0.2%	110	2.9%	1,528	40.6%	3,759
	New Crime	272	11.4%	953	40.1%	7	0.3%	61	2.6%	1,083	45.6%	2,376
	Abscond	215	4.7%	1,185	25.8%	37	0.8%	202	4.4%	2,948	64.3%	4,587
	Total	731	6.8%	4,008	37.4%	51	0.5%	373	3.5%	5,559	51.8%	10,722
Regular Juvenile	Tech Viol	26	15.5%	36	21.4%	0	0.0%	7	4.2%	99	58.9%	168
	New Crime	29	17.8%	20	12.3%	0	0.0%	14	8.6%	100	61.3%	163
	Abscond	3	3.5%	18	21.2%	0	0.0%	7	8.2%	57	67.1%	85
	Total	58	13.9%	74	17.8%	0	0.0%	28	6.7%	256	61.5%	416

Table 18 provides one-year post-release recidivism rates for regular adult and juvenile probationers by termination type. This table demonstrates that most individuals on regular probation who terminate successfully remain crime-free for at least one-year post-release—one-year recidivism rates are 5.5% for adults and 10.7% for juveniles. Of those who terminated negatively from probation for technical violations, 19.9% of adults and 20.8% of juveniles were convicted of a new crime within one year. Individuals terminated from probation for the commission of new crimes had the highest rates of post-release recidivism for adults at 21% and the second highest for juveniles at 19%. For the cohort completing probation in fiscal year 2021 the likelihood of having a first-time recidivism event in year two is slightly higher than the likelihood in year one. For adults 5.9% of all terminations had their first recidivism event in the second year following release from probation. Only 4.5% of adult probationers who terminated successfully recidivated in year two. For juveniles, 9.4% recidivated for the first time in year two. For the cohort completing probation in fiscal year 2020, the likelihood of having a first-time recidivism event in year three is lower than the likelihood in year 2. For adults, 4% of terminations had their first recidivism event in the third year following probation termination. Only 3.1% of adults who successfully completed probation recidivated in year 3. For juveniles, 5.5% recidivated for the first time in year 3.

Table 18: Post-Release Recidivism Rates for Regular Adult and Juvenile Probationers Terminated in FY2022, FY2021, and FY2020

FY2022							
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
		N	%	N	%	N	%
Regular Adult	Successful	1,195	5.5%	--	--	--	--
	Tech Viol	749	19.9%	--	--	--	--
	New Crime	498	21.0%	--	--	--	--
	Abscond	565	12.3%	--	--	--	--
	Neutral	-	0.0%	--	--	--	--
	Total	3,007	9.1%	--	--	--	--
Regular Juvenile	Successful	118	10.7%	--	--	--	--
	Tech Viol	35	20.8%	--	--	--	--
	New Crime	31	19.0%	--	--	--	--
	Abscond	11	12.9%	--	--	--	--
	Neutral	-	0.0%	--	--	--	--
	Total	195	12.7%	--	--	--	--

FY2021							
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
		N	%	N	%	N	%
Regular Adult	Successful	737	3.0%	1,103	4.5%	--	--
	Tech Viol	389	12.9%	308	10.2%	--	--
	New Crime	407	18.5%	275	12.5%	--	--
	Abscond	535	9.6%	420	7.5%	--	--
	Neutral	5	0.8%	4	0.7%	--	--
	Total	2,073	5.8%	2,110	5.9%	--	--
Regular Juvenile	Successful	89	5.8%	125	8.1%	--	--
	Tech Viol	29	12.9%	31	13.8%	--	--
	New Crime	35	20.8%	25	14.9%	--	--
	Abscond	8	8.3%	11	11.5%	--	--
	Neutral	0	0.0%	-	0.0%	--	--
	Total	161	7.9%	192	9.4%	--	--
FY2020							
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
		N	%	N	%	N	%
Regular Adult	Successful	1,533	6.0%	1,195	4.7%	800	3.1%
	Tech Viol	857	17.8%	661	13.7%	305	6.3%
	New Crime	520	18.5%	414	14.7%	237	8.4%
	Abscond	293	6.2%	260	5.5%	188	4.0%
	Neutral	0	0.0%	0	0.0%	0	0.0%
	Total	3,203	8.4%	2,530	6.6%	1,530	4.0%
Regular Juvenile	Successful	139	8.9%	116	7.4%	83	5.3%
	Tech Viol	47	17.3%	45	16.6%	17	6.3%
	New Crime	41	23.6%	24	13.8%	8	4.6%
	Abscond	2	2.4%	8	9.5%	7	8.3%
	Neutral	0	0.0%	0	0.0%	0	0.0%
	Total	229	10.9%	193	9.2%	115	5.5%

Placements following post-release recidivism within one-year of probation termination in fiscal year 2022 for regular probationers by termination type are presented in Table 19. For regular adults, the most common sentence for post-release recidivism was jail, followed closely by non-custodial sentences. Just over 40% of adults supervised under regular probation programs with post-release recidivism were sentenced to jail upon conviction. Individuals with post-release recidivism following successful completion of probation were most likely (56.3%) to receive a non-custodial, followed by a jail sentence (28%), then DOC and community corrections (both 1.3%). Of the adults supervised under regular probation programs terminated for technical violations with post-release recidivism, 52.5% were sentenced to jail, 30.8% to a non-custodial sentence, 5.7% to DOC, and 3.4% to community corrections. Adults who terminated from probation for the commission of a new crime and had post-release recidivism were most likely to receive a jail sentence (52.8%), followed by a non-custodial sentence (24.3%), DOC (11.2%), and community corrections (4.4%).

Table 19: Placements Following One-Year Post-Release Recidivism for FY2022 Regular Probation Terminations

FY2022												
		DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Term Type	N	%	N	%	N	%	N	%	N	%	N
Regular Adult	Successful	15	1.3%	336	28.0%	15	1.3%	674	56.3%	158	13.2%	1,198
	Tech Viol	43	5.7%	396	52.5%	26	3.4%	232	30.8%	57	7.6%	754
	New Crime	56	11.2%	265	52.8%	22	4.4%	122	24.3%	37	7.4%	502
	Abscond	74	13.1%	248	43.7%	36	6.3%	177	31.2%	32	5.6%	567
	Total	188	6.2%	1,245	41.2%	99	3.3%	1,205	39.9%	284	9.4%	3,021
Regular Juvenile	Successful	3	2.5%	14	11.8%	1	0.8%	85	71.4%	16	13.4%	119
	Tech Viol	4	11.4%	6	17.1%	0	0.0%	22	62.9%	3	8.6%	35
	New Crime	11	34.4%	8	25.0%	0	0.0%	10	31.3%	3	9.4%	32
	Abscond	2	18.2%	3	27.3%	1	9.1%	5	45.5%	0	0.0%	11
	Total	20	10.2%	31	15.7%	2	1.0%	122	61.9%	22	11.2%	197

In FY2022, for juveniles with post-release recidivism, the most common sentence was non-custodial. Just over 70% of juvenile probationers who successfully completed regular probation supervision programs and had post-release recidivism were given a non-custodial sentence, as were 62.9% of juveniles terminated for technical violations. Juveniles who were terminated from probation in FY2022 for a new crime and who had post-release recidivism were more likely to be sentenced to DOC or DYS (34.4%) compared to any other sentence type, followed by a non-custodial sentence (31.3%).

Intensive Probation⁵

Individuals placed in intensive probation programs are higher risk and higher need than those on regular supervision. It is expected that they will have lower overall success rates and higher recidivism rates than regular probationers. These programs also represent a small portion of the fiscal year 2022 terminations. Table 20 demonstrates the higher rates of pre-release recidivism found in the intensive programs, apart from SOISP. As a group, individuals who have committed sexual offenses tend to have lower recidivism rates than probationers sentenced for other types of offenses. Pre-release recidivism rates for adult intensive programs are highest for FOP at 38.5%, though only 13 individuals fell into this category in fiscal year 2022. LSIP was the next highest at 25.9%, followed by CCIP at 21.9%, and SOISP at 11%. Intensive juvenile probation has a pre-release recidivism rate of 29.2%. Pre-release recidivism rates for all intensive programs decreased from fiscal year 2021.

⁵ Individuals included in this section of the recidivism report participated in an intensive program while on probation supervision and may have terminated directly from the intensive program or regular probation following completion of the intensive program. This differs from Probation's Annual Report where terminations from intensive programs include those individuals who terminate from probation while being supervised in an intensive program.

Table 20: Pre-Release Recidivism for Intensive Adult and Juvenile Probationers Terminated in FY2022, FY2021, and FY2020

FY2022						
	Pre-Release Recidivism		No Pre-Release Recidivism		Total	
	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	96	25.9%	275	74.1%	371	100.0%
Casework Control Intensive Probation (CCIP)	97	21.9%	345	78.1%	442	100.0%
Female Offender Program (FOP)	5	38.5%	8	61.5%	13	100.0%
Sex Offender Intensive Probation (SOISP)	35	11.0%	283	89.0%	318	100.0%
Juvenile Intensive Probation (JISP)	21	29.2%	51	70.8%	72	100.0%
FY2021						
	Pre-Release Recidivism		No Pre-Release Recidivism		Total	
	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	205	36.5%	357	63.5%	562	100%
Casework Control Intensive Probation (CCIP)	173	34.0%	336	66.0%	509	100%
Female Offender Program (FOP)	31	42.5%	42	57.5%	73	100%
Sex Offender Intensive Probation (SOISP)	35	13.3%	229	86.7%	264	100%
Juvenile Intensive Probation (JISP)	58	47.9%	63	52.1%	121	100%
FY2020						
	Pre-Release Recidivism		No Pre-Release Recidivism		Total	
	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	336	55.4%	271	44.6%	607	100%
Casework Control Intensive Probation (CCIP)	141	47.6%	155	52.4%	296	100%
Female Offender Program (FOP)	151	54.3%	127	45.7%	278	100%
Sex Offender Intensive Probation (SOISP)	81	21.1%	302	78.9%	383	100%
Juvenile Intensive Probation (JISP)	98	55.4%	79	44.6%	177	100%

In addition to higher rates of pre-release recidivism, intensive programs are likely to see overall lower success rates. The termination rates presented in Table 21 account for individuals who participated in an intensive supervision program during their probation sentence. These terminations could occur directly from an intensive program or once the individual transitioned from intensive supervision to regular supervision. In FY2022, 48% of LSIP participants were successful, 18.1% were terminated for technical violations, 13.5% for new crimes, and 18.3% for absconding. For CCIP program participants, 39.8% terminated successfully, 25.3% for technical violations, 15.2% for new crimes, and 17.4% for absconding. FOP participants had a success rate of 61.5%. Terminations for technical violations represent 23.1% of all FOP terminations, followed by 7.7% for both absconding and new crime. SOISP had the highest success rate at 63.2%. It also has lowest rates of terminations for technical violations (17%), new crime, and absconding (both 6.9%).

Juveniles who participated in JISP successfully terminated probation at a rate of 62.5%. Just under twenty percent (18.1%) were terminated for new crime and 11.1% for technical violations. As with regular juveniles, JISP participants had lower rates of absconding (6.9%) compared to many of their adult counterparts.

Table 21: FY2022, FY2021, and FY2020 Probation Terminations for Intensive Programs

FY2022												
Program	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	178	48.0%	67	18.1%	50	13.5%	68	18.3%	8	2.2%	371	100%
Casework Control Intensive Probation (CCIP)	176	39.8%	112	25.3%	67	15.2%	77	17.4%	10	2.3%	442	100%
Female Offender Program (FOP)	8	61.5%	3	23.1%	1	7.7%	1	7.7%	0	0.0%	13	100%
Sex Offender Intensive Probation (SOISP)	201	63.2%	54	17.0%	22	6.9%	22	6.9%	19	6.0%	318	100%
Juvenile Intensive Probation (JISP)	45	62.5%	8	11.1%	13	18.1%	5	6.9%	1	1.4%	72	100%
FY2021												
Program	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	283	50.4%	81	14.4%	87	15.5%	100	17.8%	11	2.0%	562	100%
Casework Control Intensive Probation (CCIP)	229	45.0%	95	18.7%	41	8.1%	118	23.2%	26	5.1%	509	100%
Female Offender Program (FOP)	52	71.2%	9	12.3%	2	2.7%	9	12.3%	1	1.4%	73	100%
Sex Offender Intensive Probation (SOISP)	161	61.0%	62	23.5%	16	6.1%	11	4.2%	14	5.3%	264	100%
Juvenile Intensive Probation (JISP)	70	57.9%	17	14.0%	25	20.7%	5	4.1%	4	3.3%	121	100%

FY2020												
Program	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	272	44.8%	148	24.4%	106	17.5%	77	12.7%	4	0.7%	607	100%
Casework Control Intensive Probation (CCIP)	102	34.5%	80	27.0%	57	19.3%	52	17.6%	5	1.7%	296	100%
Female Offender Program (FOP)	124	44.6%	73	26.3%	40	14.4%	40	14.4%	1	0.4%	278	100%
Sex Offender Intensive Probation (SOISP)	241	62.9%	75	19.6%	28	7.3%	20	5.2%	19	5.0%	383	100%
Juvenile Intensive Probation (JISP)	90	50.8%	35	19.8%	40	22.6%	11	6.2%	1	1.8%	177	100%

Table 22 details the placement of individuals who participated in an intensive program and were terminated from probation for technical violations, new crimes, or absconding. Adults who participated in LSIP, CCIP, or FOP who terminated from probation for technical violations are more likely to receive sentences to jail over any other sentence (if sentenced)—43.3% for LSIP, 50.9% for CCIP, and 33.3% for FOP. The same is true for participants in LSIP when terminated for new crimes, although the majority of terminations for new crimes for LSIP participants (40%) had not yet been sentenced. Negative terminations from SOISP are much more likely to receive a sentence to DOC (64.8% for technical violations and 68.2% for new crime), and less likely to receive a jail sentence (7.4% for technical violations and none for new crime) compared to other intensive program participants. Individuals on SOISP have been convicted of a felony sexual offense where probation supervision on SOISP is an alternative to a sentence to the Department of Corrections. Individuals in other intensive programs have been convicted of either misdemeanor or felony offenses. Juveniles who participated in JISP are equally likely to receive a sentence to DYS or detention for any negative termination, although as with adult intensive programs many of these juveniles had not yet been sentenced (57.7%). Non-custodial sentences have increased minimally for the terminations in fiscal year 2022 compared fiscal year 2021.

Table 22: FY2022 Placement Following Negative Termination from Intensive Programs

		DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Prog	N	%	N	%	N	%	N	%	N	%	N
Tech Viols	LSIP	5	7.5%	29	43.3%	1	1.5%	1	1.5%	31	46.3%	67
	CCIP	9	8.0%	57	50.9%	0	0.0%	3	2.7%	43	38.4%	112
	FOP	0	0.0%	1	33.3%	0	0.0%	0	0.0%	2	66.7%	3
	SOISP	35	64.8%	4	7.4%	0	0.0%	0	0.0%	15	27.8%	54
	JISP	2	25.0%	3	37.5%	0	0.0%	0	0.0%	3	37.5%	8
New Crime	LSIP	15	30.0%	15	30.0%	0	0.0%	0	0.0%	20	40.0%	50
	CCIP	16	23.9%	26	38.8%	0	0.0%	1	1.5%	24	35.8%	67
	FOP	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1
	SOISP	15	68.2%	0	0.0%	0	0.0%	0	0.0%	7	31.8%	22
	JISP	2	15.4%	1	7.7%	0	0.0%	1	7.7%	9	69.2%	13
Absc	LSIP	4	5.9%	21	30.9%	0	0.0%	3	4.4%	40	58.8%	68
	CCIP	5	6.5%	17	22.1%	0	0.0%	3	3.9%	52	67.5%	77
	FOP	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1
	SOISP	1	4.5%	2	9.1%	0	0.0%	1	4.5%	18	81.8%	22
	JISP	1	20.0%	1	20.0%	0	0.0%	0	0.0%	3	60.0%	5
Total	LSIP	24	13.0%	65	35.1%	1	0.5%	4	2.2%	91	49.2%	185
	CCIP	30	11.7%	100	39.1%	0	0.0%	7	2.7%	119	46.5%	256
	FOP	0	0.0%	1	20.0%	0	0.0%	0	0.0%	4	80.0%	5
	SOISP	51	52.0%	6	6.1%	0	0.0%	1	1.0%	40	40.8%	98
	JISP	5	19.2%	5	19.2%	0	0.0%	1	3.8%	15	57.7%	26

One-year post-release recidivism rates are presented in Table 23. Other than FOP, which is a very small group, individuals who participated in CCIP had the highest post-release recidivism rate of all adult intensive programs. The recidivism rate for FOP was 15.4%, followed by CCIP at 15.2%, and LSIP at 13.7%. Recidivism rates in all programs are generally low for those who successfully complete probation (10.1% for LSIP, 10.2% for CCIP, and 12.5% for FOP). SOISP had a very low post-release recidivism rate of 1.9%. This suggests that once a probationer successfully completes SOISP, they are generally unlikely to recidivate within the first year post-termination.

Table 23: Intensive Programs Post-Release Recidivism Rates for FY2022 Terminations

		Post-Release Recidivism FY2022 Terminations					
		Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
Intensive Program	Termination Type	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	Successful	18	10.1%	--	--	--	--
	Tech Viol	15	22.4%	--	--	--	--
	New Crime	8	16.0%	--	--	--	--
	Abscond	10	14.7%	--	--	--	--
	Neutral	0	0.0%	--	--	--	--
	Total	51	13.7%	--	--	--	--
Casework Control Intensive Probation (CCIP)	Successful	18	10.2%	--	--	--	--
	Tech Viol	25	22.3%	--	--	--	--
	New Crime	17	25.4%	--	--	--	--
	Abscond	7	9.1%	--	--	--	--
	Neutral	0	0.0%	--	--	--	--
	Total	67	15.2%	--	--	--	--
Female Offender Program (FOP)	Successful	1	12.5%	--	--	--	--
	Tech Viol	0	0.0%	--	--	--	--
	New Crime	1	100.0%	--	--	--	--
	Abscond	0	0.0%	--	--	--	--
	Neutral	0	0.0%	--	--	--	--
	Total	2	15.4%	--	--	--	--
Sex Offender Intensive Probation (SOISP)	Successful	4	2.0%	--	--	--	--
	Tech Viol	1	1.9%	--	--	--	--
	New Crime	1	4.5%	--	--	--	--
	Abscond	0	0.0%	--	--	--	--
	Neutral	0	0.0%	--	--	--	--
	Total	6	1.9%	--	--	--	--
Juvenile Intensive Probation (JISP)	Successful	6	13.3%	--	--	--	--
	Tech Viol	0	0.0%	--	--	--	--
	New Crime	2	15.4%	--	--	--	--
	Abscond	1	20.0%	--	--	--	--
	Neutral	0	0.0%	--	--	--	--
	Total	9	12.5%	--	--	--	--

Table 24: Intensive Programs Post-Release Recidivism Rates for FY2021 and FY2020 Terminations

	Post-Release Recidivism FY2021 Terminations					
	Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
	N	%	N	%	N	%
Intensive Program						
Limit Setter Intensive Probation (LSIP)	56	10.0%	61	10.9%	--	--
Casework Control Intensive Probation (CCIP)	55	10.8%	33	6.5%	--	--
Female Offender Program (FOP)	6	8.2%	7	9.6%	--	--
Sex Offender Intensive Probation (SOISP)	7	2.7%	7	2.7%	--	--
Juvenile Intensive Probation (JISP)	12	9.9%	17	14.0%	--	--
	Post-Release Recidivism FY2020 Terminations					
	Post-Release Recidivism (Year 1)		Post-Release Recidivism (Year 2)		Post-Release Recidivism (Year 3)	
	N	%	N	%	N	%
Intensive Program						
Limit Setter Intensive Probation (LSIP)	83	14.9%	77	12.7%	42	6.9%
Casework Control Intensive Probation (CCIP)	52	14.6%	31	10.5%	18	6.1%
Female Offender Program (FOP)	31	11.2%	27	9.7%	15	5.4%
Sex Offender Intensive Probation (SOISP)	12	2.9%	19	5.0%	10	2.6%
Juvenile Intensive Probation (JISP)	19	13.2%	26	14.7%	11	6.2%

Similar to individuals terminated from regular probation in fiscal year 2021, individuals who participated in an intensive program had higher first time recidivism rates in year two compared to year one except for CCIP, which had a lower post-release recidivism rate in year 2. First time post-release recidivism in year three for individuals terminated in fiscal year 2020 who participated in intensive programs decreased quite a bit for all programs compared to the year two rate.

As Table 25 demonstrates, adult intensive program participants who have post-release recidivism are commonly sentenced to jail or non-custodial sentences. Due to the generally small number of individuals who participate in intensive programs, terminate from probation, and then go on to recidivate, the placement patterns identified in this table should be interpreted with caution. A small number of adults are sentenced to DOC following post-release recidivism from an intensive probation program, with those who participated in SOISP having the highest rate at 16.7%. For juveniles who recidivate following participation in JISP, they are most likely to receive a DOC/DYS or a non-custodial sentence.

Table 25: Placements Following Year One Post-Release Recidivism for Intensive Program Terminations in FY2022

FY2022												
Program	DOC/DYS		Jail/ Detention		Community Corrections		Non- Custodial Sentence		Not yet sentenced		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	5	9.8%	24	47.1%	2	3.9%	17	33.3%	3	5.9%	51	100.0%
Casework Control Intensive Probation (CCIP)	7	10.4%	32	47.8%	3	4.5%	25	37.3%	0	0.0%	67	100.0%
Female Offender Program (FOP)	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Sex Offender Intensive Probation (SOISP)	1	16.7%	2	33.3%	0	0.0%	2	33.3%	1	16.7%	6	100.0%
Juvenile Intensive Probation (JISP)	3	33.3%	1	11.1%	0	0.0%	4	44.4%	1	11.1%	9	100.0%

Individuals who terminated from probation in fiscal year 2022 and had participated in an intensive program during their probation were more likely to have pre- and post-release recidivism and negatively terminate from probation compared to those who were never in an intensive program.

Length of Stay

Length of stay on probation was defined as the number of months that elapsed from the initial sentence to probation to the termination date. The median length of stay on probation for adult probationers is 16.49 months and for juveniles is 12.98. Adults who successfully completed probation in fiscal year 2022 had a median length of stay of 17.35 months. Terminations for new crimes occurred around 16.95 months and for technical violations at around 13.86 months. The median length of stay prior to termination for absconding is 15.90 months for adults. In most instances, probation departments will hold a probation case open for between three and six months while they attempt to locate and reconnect with a missing probationer. Therefore, most probationers appear to abscond within the first 10 to 12 months of probation. Unlike adults, juveniles who successfully terminate from probation have the shortest length of stay (12.25 months) compared to those terminated for technical violations (14.95 months), new crimes (16.49 months), or absconding (19.01 months). It is important to note that a termination for absconding is an administrative decision on the part of probation and not based on a finding by the court. After substantial efforts have been made to locate an individual, including requesting a warrant, over the course of three to six months the probation department closes the case to allow the supervising officer to manage the volume of active caseloads. The warrant issued by the court remains active, and if the individual is located probation may resume. In the fiscal year 2022 termination cohort, the median length of stay for adults and juveniles more closely resemble the length of stay in the fiscal year 2020 termination cohort than the 2021 cohort. This may indicate that court operations returned to a more normalized cadence in fiscal year 2022 following the impacts of the COVID-19 pandemic. See Table 26.

Table 26: Median Length of Stay (in months) for FY2022, FY2021, and FY2020 Terminations

FY2022						
	Successful	Technical Violations	New Crime	Absconding	Neutral	Total
Adult	17.35	13.86	16.95	15.90	13.31	16.49
Juvenile	12.25	14.95	16.49	19.01	9.72	12.98
FY2021						
	Successful	Technical Violations	New Crime	Absconding	Neutral	Total
Adult	19.15	21.26	20.11	18.23	16.62	19.19
Juvenile	12.42	18.04	19.38	19.29	16.39	14.00
FY2020						
	Successful	Technical Violations	New Crime	Absconding	Neutral	Total
Adult	18.04	15.75	16.59	16.3	13.22	17.94
Juvenile	12.19	16.00	16.08	16.76	9.77	13.77

As is shown in Table 27, probationers who had pre-release recidivism events in the fiscal year 2022 termination cohort had a longer median length of stay. For adults the median length of stay for a probationer with no pre-release recidivism was 15.08 months and for an adult who had pre-release recidivism the length of stay was 23.49 months (over 8 months longer in duration regardless of the termination type). Similarly, for juveniles the median length of stay for a probationer without pre-release recidivism was 12.09 months and for a juvenile with pre-release recidivism was 21.42 months.

Table 27: Length of Stay for Adult and Juvenile Probationers

FY2022					
	Pre-Release Recidivism	N	Median	Mean	Std. Dev.
Adult	No	29,321	15.08	18.32	14.34
	Yes	4,737	23.49	26.48	17.54
	Total	34,058	16.49	19.45	15.10
Juvenile	No	1,286	12.09	14.82	9.93
	Yes	319	21.42	23.46	12.57
	Total	1,605	12.98	16.53	11.05

FY2021					
	Pre-Release Recidivism	N	Median	Mean	Std. Dev.
Adult	No	30,733	18.07	21.48	14.94
	Yes	6,576	25.66	29.67	18.55
	Total	37,309	19.19	22.92	15.95
Juvenile	No	1,716	12.35	14.96	9.37
	Yes	447	21.39	24.4	14.29
	Total	2,163	14.00	16.91	11.24
FY2020					
	Pre-Release Recidivism	N	Median	Mean	Std. Dev.
Adult	No	29,298	16.05	19.26	14.07
	Yes	10,528	23.23	26.31	17.5
	Total	39,826	17.94	21.12	15.37
Juvenile	No	1,647	12.03	14.22	8.48
	Yes	635	20.07	22.12	12.5
	Total	2,282	13.08	16.42	10.39

Probation length of stay also varies by whether an individual participates in an intensive program and how a probationer completes probation (see Table 28). In general, successful terminations have a slightly longer length of stay. For regular adult probation the median length of stay for successful probationers is 17.05 months. For intensive programs the length of stay for successful probationers ranges from 23.26 months in CCIP to 55.59 months in SOISP, excluding the small number of individuals in FOP with a median of 57.74 months. Sentences to SOISP can range in length from around 2 years to indefinite or lifetime compared to 12 to 24 months for most probation sentences.

Table 28: FY2022 Length of Stay for Adults by Probation Program⁶

Program	Termination Type	Median	Mean	Std. Deviation
Regular Adult Probation	Successful	17.05	19.58	13.79
	Technical Violation	13.73	16.69	15.80
	New Crime	16.90	18.77	14.37
	Abscond	15.84	18.82	14.63
	Neutral	13.11	19.15	20.28
	Total	16.20	19.08	14.35
Limit Setter Intensive Probation (LSIP)	Successful	24.02	28.18	21.84
	Technical Violation	14.72	17.38	13.26
	New Crime	24.38	23.05	15.47
	Abscond	22.75	25.64	17.49
	Neutral	17.95	20.20	10.02
	Total	23.80	24.90	19.11
Casework Control Intensive Probation (CCIP)	Successful	23.26	21.47	9.80
	Technical Violation	14.55	16.12	11.56
	New Crime	12.32	14.36	11.92
	Abscond	17.71	18.66	9.27
	Neutral	14.92	15.00	11.72
	Total	17.77	18.40	10.88
Female Offender Program (FOP)	Successful	57.74	53.41	21.53
	Technical Violation	38.83	32.33	29.62
	New Crime	53.98	53.98	0.00
	Abscond	34.69	34.69	0.00
	Neutral	N/A	N/A	N/A
	Total	53.98	47.15	22.68
Sex Offender Intensive Probation (SOISP)	Successful	55.59	62.21	34.62
	Technical Violation	26.76	33.96	28.34
	New Crime	25.61	37.71	34.62
	Abscond	21.01	25.19	21.73
	Neutral	11.93	45.01	52.10
	Total	47.49	52.13	36.66

For juveniles terminated following regular probation, the median length of stay was 12.80 months, and for those who participated in JISP the median length of stay was 19.25 months (see Table 29). Juveniles who terminated successfully from regular probation (excluding neutral terminations) had the shortest length of stay of 12.19 months, while JISP participants who terminated for absconding had the longest length of stay of 29.44 months. It is worth noting that juvenile programs in general have relatively low populations relative to adult programs. This is particularly true of JISP (see Table 21 for detailed numbers), so interpretation of variations in length of stay for these populations should be made with caution.

⁶ An entry of N/A indicates no terminations of that type for the given program in the year. A standard deviation of 0 indicates that only one termination of that type occurred in the year.

Table 29: FY2022 Length of Stay for Juveniles by Probation Programs

Program	Termination Type	Median	Mean	Std. Deviation
Regular Juvenile Probation	Successful	12.19	15.78	10.27
	Technical Violation	14.93	17.41	13.67
	New Crime	15.80	17.72	12.69
	Abscond	18.20	18.99	9.75
	Neutral	9.33	12.38	9.14
	Total	12.80	16.31	10.97
Juvenile Intensive Probation (JISP)	Successful	17.95	19.89	12.26
	Technical Violation	22.41	22.16	10.62
	New Crime	17.84	20.75	10.52
	Abscond	29.44	33.47	10.28
	Neutral	27.89	27.89	0.00
	Total	19.25	21.36	11.90

Future Studies

The new and modernized recidivism study is a work in progress, with this iteration marking the first year in which year three recidivism numbers are reported. It was important to address the changing nature of the recidivism definition first and then work toward adding the additional measures of interest as data become available. As our business intelligence tools and data structure are improved, future studies will be able to incorporate more information on probationers’ participation in specialized caseloads (e.g. economic crime, mental health, domestic violence, and problem solving court supervision) and programs during their stay on probation. Measures of individual needs, including assessments and referrals for behavioral health disorders, will be included in future reports as they become feasible. The additional measures listed below will be reported for each year’s terminated population as they become available:

1. Proportion of probationers assessed/screened for risk for reoffending
2. Risk assessment/screening override rate
3. Proportion of probationers screened for behavioral health needs
4. Proportion of probationers with each criminogenic need identified by the risk and needs assessment
5. Proportion of probationers with specific behavioral health needs (mental health, substance use, trauma)
6. Probationers referred for further behavioral health evaluation
7. Probationers receiving treatment for behavioral health needs
8. Changes in specific need domains from intake to completion
9. Risk level reduction (from initial to last).
10. Improvements in protective factors (from initial to last)

Conclusions

This report represents the continuation of a major update to Colorado Probation’s recidivism study methodology begun in fiscal year 2021. In response to legislative changes resulting from SB19-108 (Juvenile Justice Reform) new definitions of recidivism were implemented for both juveniles and adults on probation. Pre-release recidivism is defined as a new deferred agreement, adjudication, or conviction for a new felony or misdemeanor offense while on probation. Post-release recidivism is defined as a new deferred agreement, adjudication, or conviction for a new felony or misdemeanor offense within one, two, and, three years post discharge from probation. This report includes the year one recidivism rate for the cohort of cases terminated from probation in fiscal year 2022; the year one and year two recidivism rates for the fiscal year 2021 cohort; and the year one, year two, and year three recidivism rates for the fiscal year 2020 cohort.

Most probationers successfully complete probation in around 16.5 months for adults and 13 months for juveniles and remain crime free following release. Pre-release recidivism was not uncommon, but has reduced from the previous fiscal year (13.9% of adults and 19.9% of juveniles), and both adults and juveniles are likely to successfully complete probation supervision (65.2% and 71.6%, respectively). Successful terminations are more common in lower risk probationers (83.5% for adults and juveniles) compared to higher risk probationers (33.8% for adults and 55.3% for juveniles). Since most intensive programs are designed for higher risk probationers, successful termination rates in these programs are lower compared to regular probation (see Table 16 and Table 21). Following unsuccessful terminations, most adults are given a jail sentence (Table 7) and juveniles are sentenced to either the Division of Youth Services (DYS) or juvenile detention. Post-release recidivism within one year of discharge from probation in fiscal year 2022 occurred in 8.4% of adults and 11.4% of juveniles. When post-release recidivism does occur, sentences for adults typically involve jail or a non-custodial sentence such as probation. For juveniles, post-release recidivism sentences are usually non-custodial (Table 8). This year is the first report in which we are able to include first time recidivism events past two years. For probationers terminated in fiscal year 2020, recidivism rates at three years are quite a bit lower than first time recidivism rates in year two following termination and continue to be related to risk at the start of probation. For probationers terminated in fiscal year 2021, recidivism rates at two years are similar to, but slightly elevated from, first time recidivism rates in year one.

Colorado probation continues to engage in the implementation of evidence-based and evidence-informed practices. These practices include the use of validated risk and need assessments, making programmatic decisions based on assessment results, and responding to probationers' behaviors. These practices continue to shape the course of outcomes for probationers in Colorado. As this recidivism report continues to evolve, the impact of these practices will be documented through the reporting of risk and need information, outcomes for both specialized and intensive probation programs, the use of incentives and sanctions, and the impact of these practices on outcomes. Colorado probation is committed to engaging in practices that facilitate behavior change to contribute to a safer Colorado.