

Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2003 Releases

A report in compliance with Footnote 85 of the 2004 Appropriations Bill, HB04-1422

November 1, 2004

Prepared by

*Division of Probation Services,
Research and Evaluation Unit
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Recidivism Rates of Colorado's Probationers:
FY 2003 Releases**

*A report submitted to the General Assembly's
Joint Budget Committee to satisfy the conditions
of Footnote 85 of the 2004 Appropriations Bill, HB04-1422*

November 1, 2004

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FOOTNOTE 85

This report satisfies the conditions laid out in Footnote 85 of the General Assembly's 2004 Appropriations Bill, HB04-1422:

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

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

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

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

For the ninth consecutive year, the Judicial Branch's Division of Probation Services has met the conditions of the above footnote by preparing a report on recidivism. This report stands as an independent document intended to fulfill the requirements contained in footnote 85 of the 2004 Appropriations Bill.

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Executive Summary

Introduction

The Judicial Branch's Division of Probation Services annually prepares a report on recidivism among probationers. This executive summary provides an overview of the findings of the full report on the pre-release failure and one-year post-release recidivism for probationers terminated during FY2003.

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

Pre-release recidivism/failure:

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

Post-release recidivism:

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

Research Questions

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

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

4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both new crime and technical violations) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2003? Also, where are probationers placed upon failure?

Findings

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

- Successful termination rates have remained relatively stable over the last several years. Slightly more than two-thirds youth (71.8%) and adult probationers (67.0%) terminate successfully. (See Table 1.)
- Youth on probation terminated for technical violations of probation in 22.6% of cases and adults failed for technical violations in 27.6% of the cases. These rates are relatively consistent with rates from previous years. (See Table 1.)
- Similar to past years, youth terminated for the commission of a new crime in 5.6% of the cases whereas adults failed for the commission of a new crime in 5.4% of the cases. (See Table 1.)

2. Probation's post-release recidivism rate, one year after termination.

- For offenders released from regular probation supervision, 15.8% of youth and 8.4% of adults received a new filing within one year of termination from probation. After showing a significant increase in recidivism rates in FY2001, the rates for both FY2002 and FY2003 reflect more historical trends. (See Table 2.)

3. Differences in pre- and post-release failure by supervision level. Pre-release failure includes technical violations and new crimes *during* supervision. Post-release failure refers to crimes committed one year post-termination from supervision.

- For both youth and adults, those supervised at the maximum supervision level and those classified as administrative cases (a classification category used to denote offenders who are under the jurisdiction of probation, but who may be currently supervised by other agencies, including community corrections or county jails or detention centers) were the most likely to fail both pre-release and post-release. The higher failure rate among administrative cases is not surprising, given the range of offenders included in this classification category, which includes a mixture of risk levels and supervision outside of probation. Similarly, the higher rate of failure among maximum level probationers is consistent with risk classification tools, in which high risk/maximum level supervision offenders are often more than twice as likely as those classified at lower supervision levels to commit a new crime while under supervision.
- Among the four specialized probation programs, Juvenile Intensive Supervision Probation (JISP), Adult Intensive Supervision Probation (AISP), the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP), pre- and post-release failures have historically been greater than on regular probation supervision, which is expected, given that the specialized programs are designed to supervise higher risk cases. For FY2003 terminations this trend continued with both JISP and AISP, but did

not follow for the SDOP or FOP programs. This better performance within these two programs is more likely a reflection of the budget-forced closure of these programs than a reflection of better performance. (See discussion under Table 6 for more details.)

4. *Overall success and failure rates among Colorado probationers: How many offenders terminated supervision successfully and remained crime-free (measured by a new court filing) within one year of termination?*
 - Slightly less than two-thirds (60.3%) of juveniles remain successful one year after release from probation. (See Table 11.)
 - Approximately one half (47.2%) of youth who successfully terminated JISP were successful: approximately fifth (21.5%) of JISP direct terminations were successful one year post release and 25.7% of JISP clients successfully terminated JISP and then transferred to regular probation supervision. (See both “successful” columns of Table 12.)
 - Approximately three in five adult probationers (61.4%) are successful one year post-release. (See Table 15.)
 - Within adult specialized programs, the combined success rates for those who directly terminated the program and remained crime free one year out and those who terminated the program and transferred to regular probation supervision ranged from 53.1% of AISP to a high of 79.7% for the female offender program (FOP). When looking only at those adults in specialized programs who directly terminated the program, the success rate ranged from as low as 6.3% for intensive supervision probation to 18.8% for the female offender program. (See both “successful” columns of Table 16.)
5. *Disposition of pre-release failures and post-release recidivists*
 - Youth supervised on regular probation are slightly more likely to be placed in detention or county jail for a technical violation on probation (51.0%) than they are to be incarcerated in the Division of Youth Corrections (DYC) or the Department of Corrections (DOC). When youth terminate probation for the commission of a new crime, they are as likely to be placed in detention/county jail (48.1%) as they are to be incarcerated at DYC/DOC.
 - Adults supervised on regular probation are more likely to be placed in the county jail upon revocation for a technical violation (68.8%) and slightly more likely to be incarcerated at DOC upon termination for a new crime (49.3% DOC vs 45.3% jail).
 - Youth and adults on specialized programs, who tend to be more serious offenders, are most frequently incarcerated at the Division of Youth Corrections or Department of Corrections when they violate their probation sentence – regardless of whether the violation is technical or for a new crime. (See Tables 13 and 17.)
 - Of those cases where information is available, post-release recidivists (juveniles and adults) were most frequently sentenced to either the county jail or incarceration. (See Tables 14 and 18.)

Summary

The findings in this report highlight the fact that probation programs are successful in helping offenders remain crime free during periods of supervision. Indeed, juvenile and adult probationers were successful (they were successfully terminated from probation

and remained crime free for one year after termination) in nearly two-thirds of all cases, (61.0% of juveniles, 64.5% of adults). Both adults and juveniles classified as high risk are less likely to successfully terminate, and less likely to remain crime-free after termination than their lower-risk counterparts.

Post-termination recidivism rates are moving towards more historical rates after a significant increase in FY2001. This is true of both juveniles and adults which reflect a continued stabilization of recidivism rates.

Across specialized programs, those programs designed to divert youth and adults who would otherwise be incarcerated, overall success rates range from 47.2% for the juvenile intensive supervision program to 79.7% for the female offender program. The largest type of failure among all specialized programs is in the area of technical violations. Statewide responses to technical violations continue to be on the priority list of supervision issues to address.

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

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.

INTRODUCTION

On June 30, 2004 there were 50,427 offenders on probation in Colorado, including 42,013 adult and 8,414 juvenile probationers in both regular and specialized programs. Probation officers across the state work within a range of regular and specialized probation programs, working to assess, supervise, educate and refer their probationers to a host of treatment and skill-building programs. Probation officers use validated instruments to assess offenders according to the level of risk they pose to the community, their ability to function in pro-social ways and the skills they need to make amends to victims and communities they have harmed. Probationers are supervised within the community according to their assessed risk level, and they are referred to appropriate community-based treatment and skill-based programs, based upon their assessed needs. While this report covers terminations for FY2003, budget cuts in FY2004 resulted in the elimination of all specialized probation programs except for intensive supervision probation; however, the female offender program (FOP) was re-established for fiscal year 2004-05, beginning July 1, 2004. As a result of continued budget strains, probation officers in FY2004 supervised average caseloads of over 230 adults and nearly 90 juveniles.

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

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

The Division of Probation Services routinely conducts performance reviews of the activities in probation departments across the state. The reviews focus on two primary areas undertaken by probation departments: 1) investigation and assessment and 2) case management/supervision. In addition to these major probation responsibilities, recent reviews have looked at issues of data quality, workload levels and caseload distribution. These reviews are conducted to ensure that practices within the probation departments meet or exceed expected levels of performance.

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

OVERVIEW

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

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

Pre-release recidivism:

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

Post-release recidivism:

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

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

METHODOLOGY

The 2004 recidivism study is based upon the population of probationers terminated from probation during the 2003 fiscal year. This design allows for one full year of follow-up to determine, *for those who successfully terminated*, what proportion received a filing for a new criminal offense within the year following their termination. In addition to recidivism findings for the 2003 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, 2003 cohort.

Data

For the 2003 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2003. The data file was generated from the Judicial Branch's ICON (Integrated Colorado On-Line Network) management information system.

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 FY2003 and FY2004 to derive post-release recidivism rates for those probationers who successfully completed probation¹. The recidivism period is limited to a uniform one-year time at risk. Pre-release failure rates were derived based upon the type of termination (e.g. termination for technical violation or new crime).

Analysis

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

1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?
2. What proportion of probationers had a juvenile delinquency petition or a criminal case filed within one year of termination of probation (post-release recidivism)?
3. What are the differences in pre-release and post-release recidivism rates for the following groups:
 - regular probationers in each supervision level,
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, the adult female offender program, and the specialized drug offender program)?
4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both new crime and technical violations) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2003? Also, where are probationers placed upon failure?

To answer the research questions posed, we first disaggregated the data by offender case type (juvenile and adult). Second, placement categories were created for adult and juvenile probationers, designating their supervision level or specialized program type at termination. The data were further disaggregated by termination type (success/fail), and the failures were further analyzed to determine, for pre-release failures, where the offender was ultimately placed and, for those successfully terminated from probation, the proportion who received a criminal filing for a new crime.

¹ Denver County court cases are not included in this cohort because the cases from this court are not part of the judicial system's information management system (ICON). However, this data may be included in future years as this court comes on-line with ICON.

Data for FY2003 releases allow us to determine which proportion of offenders in specialized programs were terminated directly from the specialized program and which offenders were transferred to regular probation supervision upon completion of a specialized program. Termination data for both situations are presented in this report, to provide additional information to the reader. These data will be described in the pertinent sections.

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

Table 1 compares the termination data for juveniles and adults terminating from regular probation programs during FY2002 and FY2003. Interestingly, the number of offenders terminating increased by nearly 8% for juveniles and nearly 11% for adults during FY2003; an increase unseen in previous years. It is likely that officers terminated appropriate cases in preparation for loss of staff anticipated due to budget cuts. In terms of outcome, for both juveniles and adults, pre-release recidivism and failure rates increased slightly. It is not unusual for termination figures to vary by one or two percentage points from year to year, however. There is no clear *trend* to indicate more failures or more successes. Rather, successful termination rates have remained relatively stable over the last several years. Approximately three-quarters of youth and slightly more than two-thirds of adult probationers terminate successfully.

**Table 1
REGULAR PROBATION
Juvenile and Adult Probation Comparison
FY2002 and FY2003 Terminations**

TERMINATION TYPE	JUVENILE FY 2002	JUVENILE FY 2003	ADULT FY2002	ADULT FY2003
Successful	73.0% (3,732)	71.8% (3,953)	69.5% (10,822)	67.0% (11,568)
Failure: Technical ²	20.8% (1,063)	22.6% (1,245)	25.8% (4,019)	27.6% (4,765)
Failure: New Crime	6.2% (317)	5.6% (312)	4.7% (739)	5.4% (920)
TOTAL	100% (5,112)	100% (5,510)	100% (15,580)	100% (17,253)

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 reflects the post-release recidivism rates for all juveniles and adults, respectively. More specifically, Table 2 compares, for regular probationers who successfully terminated probation during FY2002 and FY2003, the proportion that remained crime free and the proportion that had a new juvenile delinquency petition or

² Note that, in this report, technical violations includes offenders whose cases have been terminated as a result of absconsion, or leaving probation supervision on one's own volition.

criminal case filed against them within one year of termination from supervision. Juveniles who terminated during FY2003 fared slightly better than the FY2002 cohort (15.8% vs 16.4%, respectively), however, this decrease is not statistically significant. Adult post-release recidivism rates, however, increased by 1.2%, from 7.2% to 8.4% between FY2002 and FY2003, a greater change, but still not statistically significant.

Table 2
REGULAR PROBATION
Comparison of Juvenile and Adult Successful Terminations
And Proportion with New Case Filed
FY2002 and FY2003 Terminations

POST-RELEASE RECIDIVISM	JUVENILES FY2002	JUVENILES FY2003	ADULTS FY2002	ADULTS FY2003
New Case Filed	16.4% (614)	15.8% (626)	7.2% (780)	8.4% (966)
No New Case Filed	83.6% (3,118)	84.2% (3,327)	92.8% (10,042)	91.6% (10,602)
TOTAL	100% (3,732)	100% (3,953)	100%(10,822)	100% (11,568)

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

Pre-release Recidivism and Failure Rates

Colorado Probation Officers use the LSI (Level of Supervision Inventory³) to classify adults according to risk level and the CYO-LSI (Colorado Young Offender Level of Supervision Inventory) to classify juvenile offenders. The LSI is a research-based reliable and valid risk instrument that helps predict outcome, success on supervision and recidivism. The LSI is commonly used by probation and parole officers and other correctional workers in the United States and abroad. The CYO-LSI is based on similar research used to develop the LSI, but it was developed by Colorado criminal justice professionals and validated on a Colorado sample of juvenile offenders. Both of these classification tools result in one of three supervision levels: minimum, medium or maximum. In addition, probation uses the management classification level of “administrative” to denote those offenders who are under the jurisdiction of probation, but who may be currently supervised by other agencies, including community corrections or county jail for adults; and residential child care facilities for juveniles. The administrative classification includes offenders of all risk levels, including a high proportion assessed as high risk. Some probationers classified as administrative may also have completed all of the court requirements for probation, but still have outstanding restitution or fees to pay.

³ Colorado Probation uses the LSI, not the LSI-R. The two instruments are nearly identical to one another, but the distinction has to do with copyright and use agreements.

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

Table 3 reflects the termination rates for juveniles on regular probation supervision, by risk/classification level. (Table 4 reflects the termination rates for juveniles on intensive supervision probation.) Both tables compare the overall termination rates for FY2003 with those in FY2002. As represented in Table 3, the 71.8% overall successful termination rate of juvenile probationers on regular supervision for FY2003 is somewhat lower than the 73.0% success rate reported for youth in FY2002, this is also lower than the success rate of 75.6% in FY2001 (not shown). Of juveniles that terminated probation in FY2003, 22.6% failed for violating the terms and conditions of probation (including absconding from supervision), and 5.6% failed by committing a new crime. These figures reflect a slight increase in technical violations over FY2002 (20.8%) and a slight decrease from the FY2002 new crime failure rate of 6.2%.

As has been true historically, juveniles supervised at the maximum and administrative levels on regular probation had the lowest success rates (45.3% and 45.6%, respectively). Youth classified at these two levels represented the highest proportion of offenders terminating for the commission of a new crime; however, those classified at the maximum supervision level were more than twice as likely to be terminated for the commission of a new crime than those classified as administrative cases. The rate at which maximum supervision level juveniles terminated due to a new crime remained nearly the same between FY2002 (13.4% not shown) and FY2003 (13.8%). It is expected that those classified at the higher risk levels would fail at a greater rate than the lower classification levels; indeed, that is the reason we develop levels of risk. Similarly, it is not surprising that youth *classified as administrative* cases fail at higher rates, given that this caseload constitutes a large number of cases that are either higher risk or are supervised by another entity in tandem with probation (such as detention or other placement facilities), or both.

Table 3
REGULAR PROBATION:
Juvenile Probation Termination Type by Supervision Level – FY2003
Compared with Overall Termination Type FY2002

SUPERVISION LEVEL	JUVENILE PROBATIONERS TERMINATED			
	Success	Fail: Technical	Fail: New Crime	Total
Juvenile Probationers Terminated FY2003				
Regular: Administrative	45.6% (503)	48.4% (533)	6.0% (66)	100% (1102)
Regular: Unclassified	85.0% (153)	12.8% (23)	2.2% (4)	100% (180)
Regular: Minimum	92.4% (1,691)	5.6% (103)	2.0% (36)	100% (1,830)
Regular: Medium	78.5% (1,230)	15.7% (246)	5.8% (91)	100% (1,567)
Regular: Maximum	45.3% (377)	40.9% (340)	13.8% (115)	100% (832)
TOTAL REGULAR PROBATION	71.8% (3,953)	22.6% (1,244)	5.6% (312)	100% (5,509)
Juvenile Probationers Terminated FY2002				
TOTAL REGULAR PROBATION	73.0% (3,732)	20.8% (1,063)	6.2% (317)	100% (5,112)

Table 4 indicates that JISP clients succeeded 52.5% of the time⁴, but failed for committing technical violations in approximately one third of the cases (35.3%) and failed due to a new crime in 12.2% of the cases. These findings reflect a slight decrease in successes from FY2002 termination results in which 54.4% of youth succeeded on JISP. An additional 34.4% failed for a technical violation and 11.2% failed for a new crime. This higher failure rate among JISP probationers compared to regular supervision probationers is not surprising, given that these juveniles are considered the most high risk offenders on probation, and often have the most severe levels of needs.⁵ This classification of offender would also likely be committed to a Division of Youth Corrections facility in the absence of the JISP sentencing option.

⁴ JISP clients successfully terminated included 25.7% who were successfully terminated from JISP and moved to regular supervision and 26.8% were successfully terminated from JISP and released from supervision.

⁵ The Office of the State Auditor's report of findings from the 1998 audit of juvenile probation found that high risk juveniles on probation and on JISP frequently have high levels of needs as well.

Table 4
Juvenile Intensive Supervision Probation:
Termination Type – FY2003
Compared with Juvenile ISP Termination Type FY2002

PROGRAM	JUVENILE ISP PROBATIONERS TERMINATED				
	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
Juvenile Intensive Probation FY2003	25.7% (116)	26.8% (121)	35.3% (159)	12.2% (55)	100% (451)
Juvenile Intensive Probation FY2002	23.3% (83)	31.1% (111)	34.4% (123)	11.2% (40)	100% (357)

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

Table 5 reflects the pre-release termination status for regular adult offenders by supervision level. Similar to the juvenile probationers, adult probationers supervised at administrative and maximum levels⁶ were the least likely to successfully terminate probation (43.7% and 51.9%, respectively). The higher failure rate among administrative cases is not surprising, given the range of offenders included in this classification category, which includes a mixture of risk levels and supervision outside of probation. Similarly, those classified at the maximum supervision level are considered to be at the highest risk for re-offense. Probationers who were last supervised at the administrative and maximum levels were by far the most likely to terminate due to technical violation as well as a new crime, with one exception. That is, adults last classified at the medium level were nearly as likely to fail for a new crime (5.4%) as those adults classified as administrative (4.6%). Termination findings for adults on regular probation supervision for FY2003 (67.0% success rate) are consistent with those reported for FY2002 probation releases, in which a 69.5% success rate was reported.

⁶ Higher rates of failure among those classified as administrative are expected, since this classification level comprises offenders of all risk levels, and actually denotes a supervision *classification* as opposed to *risk level*. In addition to comprising all levels of risk, these offenders were also likely to be under active supervision by another criminal justice entity, such as community corrections.

Table 5
REGULAR PROBATION:
Adult Probation Termination Type by Supervision Level – FY2003
Compared with Overall Termination Type FY2002

SUPERVISION LEVEL	ADULT PROBATIONERS TERMINATED			
	Success	Fail: Technical	Fail: New Crime	Total
Adult Probationers Terminated FY2003				
Regular: Administrative	51.9% (3,792)	43.5% (3,179)	4.6% (330)	100% (7301)
Regular: Unclassified	71.8% (366)	25.3% (129)	2.9% (15)	100% (510)
Regular: Minimum	90.6% (3,912)	7.8% (333)	1.6% (71)	100% (4316)
Regular: Medium	79.4% (2,801)	15.2% (537)	5.4% (190)	100% (3,528)
Regular: Maximum	43.7% (697)	36.7% (587)	19.6% (314)	100% (1,598)
TOTAL REGULAR PROBATION	67.0% (11,568)	27.6% (4,765)	5.4% (920)	100% (17,253)
Adult Probationers Terminated FY2002				
TOTAL REGULAR PROBATION	69.5% (10,822)	25.8% (4,019)	4.7% (739)	100% (15,580)

Table 6
SPECIALIZED PROGRAMS:
Adult Probation Termination Type by Program – FY2003
Compared with Specialized Programs Termination Type FY2002

PROGRAM	Successful on Specialized Program		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Specialized Program			
FY2003 Specialized Programs Terminations					
Adult Intensive Supervision Probation (AISP)	46.6% (336)	7.0% (50)	31.2% (224)	15.2% (109)	100% (719)
Specialized Drug Offender Program (SDOP)	72.9% (231)	6.6% (21)	15.8% (50)	4.7% (15)	100% (317)
Female Offender Program (FOP)	73.2% (224)	7.8% (24)	15.7% (48)	3.3% (10)	100% (306)
FY2002 Specialized Programs Terminations					
Adult Intensive Supervision Probation (AISP)	46.2% (418)	7.0% (63)	35.8% (324)	11.0% (99)	100% (904)
Specialized Drug Offender Program (SDOP)	49.6% (97)	14.3% (28)	27.6% (54)	8.5% (17)	100% (196)
Female Offender Program (FOP)	35.8% (61)	20.1% (34)	40.0% (68)	4.1% (7)	100% (170)

Table 6 presents termination data for adults supervised in specialized probation programs; it includes the success rates for those offenders who completed the specialized program and then continued under regular probation supervision and those who completed the specialized program and ended supervision directly from the specialized program, as well as failure rates for those probationers in a specialized program.

The data indicate that offenders terminate successfully from specialized programs well over half of the time (to derive these figures, combine the first and second columns of figures in Table 6 which show a success rate of 53.6% for AISP, 79.5% for SDOP, and 81.0% for FOP). The success rates for Adult Intensive Supervision Probation (AISP) increased slightly between FY2002 and FY2003. During that same time period success rates for the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP) increased significantly (15.6% and 25.1%, respectively). These apparently improved success rates are somewhat artificial in that both of these programs were terminated at the end of the FY2003 fiscal year due to impending budget cuts. All offenders who were being supervised in those programs on June 30, 2003 (the last day of the fiscal year) were terminated, successfully, and were either transferred to regular probation supervision or were terminated completely. Unfortunately, we do not have any

mechanism to isolate this artificial inflation in the successful termination figures in these program populations.

Between FY2002 and FY2003, the failure rate for the commission of a new crime increased for ISP clients from 11.0% to 15.2%. These rates decreased for the SDOP and FOP programs, and terminations due to technical violations significantly decreased for these two programs. Given the relatively low rates of terminations for new crimes historically, the artificial increase in successful terminations is most likely indicated in the lower technical violation rates.

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

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

**Table 7
REGULAR PROBATION:
Juvenile Post-release Recidivism by Last Supervision Level – FY2003
Compared with Overall Post-Release Recidivism Findings – FY2002**

JUVENILES WHO SUCCESSFULLY TERMINATED PROBATION			
SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2003 Successful Terminations			
Regular: Administrative	12.5% (63)	87.5% (439)	100% (502)
Regular: Unclassified	17.0% (26)	83.0% (127)	100% (153)
Regular: Minimum	13.6% (230)	86.4% (1,461)	100% (1,691)
Regular: Medium	18.0% (222)	82.0% (1008)	100% (1,230)
Regular: Maximum	22.5% (85)	77.5% (292)	100% (377)
Total	15.8% (626)	84.2% (3,327)	100% (3,953)
FY2002 Successful Terminations			
Total	16.5% (614)	83.5% (3,118)	100% (3,732)

Table 7 indicates that 15.8% (n=626) of juveniles who terminated regular probation successfully in FY2003 went on to have a new delinquency petition filed in court within one year of termination. This rate was as low as 7.8% (n=343) in FY2000 and as high as 16.5% (n=614) in FY2002. While we noted a significant increase between fiscal years 2000 and 2001, since then the rate at which those juveniles who successfully terminated went on to receive a new filing within one year have stabilized, suggesting the rate may have peaked in FY2001 and is now decreasing and moving towards previous rates.

As expected, youth classified at higher supervision levels had higher rates of recidivism. The recidivism rate for probationers at the maximum supervision level was 22.5%, at the medium supervision level it was 18.0%, and at the minimum supervision level it was 13.6%. The lowest recidivism rate was among those offenders last classified at

administrative level (12.5%), which is quite the opposite of the adult offenders in that classification group.

**Table 8
JUVENILE ISP:
Post-Release Recidivism by Last Supervision Level – FY2003
Compared with Overall Post-Release Recidivism Findings – FY2002**

JISP Clients Who Successfully Terminated JISP and Completed Probation			
PROGRAM	New Case Filed	No New Case Filed	Total
JISP FY2003	19.8% (24)	80.2% (97)	100% (121)
JISP FY2002	21.6% (24)	78.4% (87)	100% (111)

Table 8 indicates that approximately one fifth (19.8%) of JISP clients who successfully terminated probation and were released from supervision during FY2003 went on to have a new delinquency petition or criminal case filed in court within one year. This figure reflects a slight improvement over FY2002 in which the post-release recidivism rate was 21.6%.

Note that this table represents only those 121 youth released from supervision altogether. An additional 116 youth successfully completed the terms of JISP and were transferred to regular probation supervision during the study year (See Table 4). Outcome behavior for these youth will be included in the *regular supervision* population as they complete probation supervision.⁷ If the 116 youth transferred to regular supervision were included in this analysis, they would likely be included in the “No New Case Filed” column⁸ and the revised “New Case Filed” rate would be 10.1%.

**Table 9
REGULAR PROBATION:
Adult Post-Release Recidivism by Last Supervision Level – FY2003
Compared with Overall Post-Release Recidivism Findings – FY2002**

ADULTS WHO SUCCESSFULLY TERMINATED PROBATION			
SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2003 Successful Terminations			
Regular: Administrative	6.6% (250)	93.4% (3,543)	100% (3,793)
Regular: Unclassified	9.3% (34)	90.7% (332)	100% (366)
Regular: Minimum	7.1% (276)	92.9% (3,636)	100% (3,912)
Regular: Medium	11.6% (324)	88.4% (2,477)	100% (2,801)
Regular: Maximum	11.9% (83)	88.1% (615)	100% (698)
Total	8.4% (967)	91.6% (10,603)	100% (11,570)
FY2002 Successful Terminations			
Total	7.2% (780)	92.8% (10,042)	100% (10,822)

⁷ The addition of new codes in ICON now allows us to identify probationers who transfer from specialized program supervision to regular supervision. Data limitations did not allow for specific tracking of these offenders within the “regular supervision” cohort of offenders.

⁸ The calculation for this figure is 97+116=213 with a grand total of 237 (24+213) and 24/237=10.1%.

Table 9 reflects that, overall, 8.4% of adult probationers who terminated successfully from probation during FY2003 were subsequently brought to court on new charges. This rate had increased slightly over the FY2002 rate 7.2%.

Those probationers last supervised at the maximum level were the most likely to have a new crime filed against them within one year of termination (11.9%), followed closely by those classified at the medium supervision level (11.6%). Among 11,570 successful probation terminations, the vast majority of adults (91.6%) who successfully terminate from regular probation do not recidivate within one year of termination.

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

In FY2003, the actual *number* of cases filed post-release on adults who successfully completed specialized programs remained fairly constant to FY2002 figures (12 new cases among the three programs in FY2003 vs 12 new cases among the three programs in FY2002). As a percentage, however, AISP experienced a slight increase of 1.4% between FY2002 and FY2003, while the percentage of new cases filed for SDOP and FOP program completers increased by 4.7% and 10.8%, respectively. This drastic increase in the rate of new filings for SDOP and FOP is likely due to the lower number of cases documented as successfully completing the program and terminating placement altogether.

Table 10
SPECIALIZED PROBATION PROGRAMS:
Adult Successful Terminations and
Proportion with New Case Filed – FY2003
Compared with Overall Post-Release Recidivism Findings – FY2002

POST-RELEASE RECIDIVISM	New Case Filed	No New Case Filed	TOTAL
Adults Who Successfully Terminated a Specialized Program and Completed Probation FY2003			
AISP	8.0% (4)	92.0% (46)	100% (50)
SDOP	19.0% (4)	81.0% (17)	100% (21)
FOP	16.7% (4)	83.3% (20)	100% (24)
Adults Who Successfully Terminated a Specialized Program and Completed Probation FY2002			
AISP	9.5% (6)	90.5% (57)	100% (63)
SDOP	14.3% (4)	85.7% (24)	100% (28)
FOP	5.9% (2)	94.1% (32)	100% (34)

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 FY2003 termination cohort, we combined the pre-release and post-release failure categories to arrive at an overall probation failure rate by supervision level. Additionally, we combined the pre-release recidivism rate and the post-release recidivism rate to derive an overall recidivism rate. Finally, for comparison's sake, the overall figures for the FY2002 study period are presented for each study group. (As a result, totals in Table 11 do not match totals in other tables that address *only* pre-release failures or *only* post-release recidivism.) These findings are presented for juveniles and adults.

Table 11
REGULAR PROBATION
Overall Juvenile Program Failures and Successes – FY2003
Compared with Overall Post-Release Recidivism Findings – FY2002

SUPERVISION LEVEL	Pre-release Failure: Technical ⁹	Pre-release Failure: New Crime ¹⁰	Successful and Post-release Recidivism ¹¹	Successful ¹²	Total
Juvenile Terminations FY2003					
Regular: Administrative	48.4% (533)	6.0% (66)	5.7% (63)	39.9% (440)	100% (1102)
Regular: Unclassified	12.8% (23)	2.2% (4)	14.4% (26)	70.6% (127)	100% (180)
Regular: Minimum	5.6% (103)	2.0% (36)	12.6% (230)	79.8% (1,461)	100% (1,830)
Regular: Medium	15.7% (246)	5.8% (91)	14.2% (222)	64.3% (1008)	100% (1,567)
Regular: Maximum	40.9% (340)	13.8% (115)	10.2% (85)	35.1% (292)	100% (832)
TOTAL REGULAR PROBATION	22.6% (1244)	5.7% (312)	11.4% (626)	60.3% (3,327)	100% (5,509)
Juvenile Terminations FY2002					
TOTAL REGULAR PROBATION	20.8% (1,063)	6.2% (317)	12.0% (614)	61.0% (3,118)	100% (5,112)

⁹ The probationers included in this category terminated unsuccessfully from probation due to a technical violation(s).

¹⁰ The probationers included in this category terminated unsuccessfully from probation due to a new crime.

¹¹ The probationers included in this category terminated successfully from probation and then recidivated within one year of termination.

¹² The probationers included in this category terminated successfully from probation and did not recidivate within one year of termination.

Table 12
JUVENILE ISP:
Overall Program Failure and Success – FY2003 and FY2002

PROGRAM	Pre-release Failure: Technical ¹³	Pre-release Failure: New Crime ¹⁴	Post-release Recidivism ¹⁵	Successfully terminated directly from JISP and did not recidivate ¹⁶	Successfully terminated from JISP & transferred to regular supervision ¹⁷	Total
JISP FY2003	35.3% (159)	12.2% (55)	5.3% (24)	21.5% (97)	25.7% (116)	100% (451)
JISP FY2002	34.5% (123)	11.2% (40)	6.7% (24)	24.4% (87)	23.2% (83)	100% (357)

As indicated in Table 11, the overall success rate for juveniles supervised on regular probation in FY2003 was 60.3%, remaining consistent with the overall success rate in FY2002 of 61.0%. Not surprisingly, those youth supervised at the maximum supervision level and classified as administrative cases had the lowest success rates (35.1% and 39.9%, respectively).

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

It is a common practice among probation departments statewide to “step offenders down” from the intensive level of supervision in specialized programs to less intensive levels on regular probation prior to release from supervision. Given that slightly more than one-quarter (25.7%) of youth are transferred from JISP to regular probation supervision, it is most accurate to consider those youth in the overall success rate. However it is useful to look at the data in two ways: the success rate of those juveniles who terminate supervision directly from JISP and the success rate of those juveniles who terminate JISP and then transfer to regular probation supervision.

¹³ The probationers included in this category terminated unsuccessfully from JISP due to a technical violation(s).

¹⁴ The probationers included in this category terminated unsuccessfully from JISP due to a new crime.

¹⁵ The probationers included in this category terminated successfully and directly from JISP and recidivated within one year of termination.

¹⁶ The probationers included in this category terminated successfully and directly from JISP and did not recidivate within one year of termination.

¹⁷ The probationers included in this category terminated successfully from JISP and were then transferred to regular probation supervision. Their final termination status (e.g. failure/success/recidivism) is unknown and will be reflected in the overall program failure and success rates for regular probation.

The success rate of those juveniles who terminate directly from JISP is relatively low (21.5%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 47.2% success rate, compared to 47.6% in FY2002. This success rate for FY2003 is calculated by adding the two “successful” columns in Table 12 together (21.5% and 25.7%).

As explained earlier, lower rates of success are to be expected with higher risk cases. In the absence of a program like JISP, or without the ability to place youth under extremely close supervision conditions, these youth would likely be placed in commitment facilities with the Division of Youth Corrections. In this respect, JISP is cost-effective with these very high risk and high need youth, whereby all of these youth would likely have been placed in DYC at a cost of \$68,317¹⁸ per year compared to \$5,487 on JISP¹⁹. In summary, JISP redirected 213 youth from DYC in FY2003 and, of those, we know more than half of them (97 of 213 = 45.5%) were successful. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

Table 13
JUVENILE REGULAR PROBATION and JISP
Placement of Juvenile Probationers Who
Terminated Probation for Technical Violations or a New Crime: FY2003

PLACEMENT	Incarceration: Dept. of Corrections or Div. of Youth Corrections	Detention/ County Jail	Fines, Fees, Comm. Service, Other (includes no sentence)	TOTAL
Pre-Release Failure: Technical Violation				
Juvenile Regular Probation	46.0% (563)	51.0% (624)	3.0% (37)	100% (1,224)
JISP	57.9% (92)	41.3% (66)	.8% (1)	100% (159)
Pre-Release Failure: New Crime				
Juvenile Regular Probation	47.4% (148)	48.1% (150)	4.5% (14)	100% (312)
JISP	80.3% (44)	17.6% (9)	2.1% (2)	100% (55)

¹⁸ The commitment figure was provided by the Division of Youth Corrections and is based on average daily population for state owned beds at a daily rate of \$187.17 per day in 2001-2002.

¹⁹ The JISP figure is based on the Judicial Branch's actual cost of care for FY2004.

Table 14
JUVENILE REGULAR PROBATIONERS and JISP
Placement of Juvenile Probationers Who Successfully Completed Probation
and had a New Filing Post-Release: FY2003

PLACEMENT	Incarceration: Dept. of Corrections or Div. of Youth Corrections	Community Corrections	Detention/ County Jail	Supervised Probation	Fines, Fees, Comm. Service, Other	Not Yet Sentenced or Case Dismissed	TOTAL
Juvenile Regular Probation	11.3% (71)	0% (0)	21.5% (135)	8.4% (53)	.3% (2)	41.6% (365)	100% (626)
JISP	33.3% (8)	0% (0)	20.8% (5)	0% (0)	4.1% (1)	41.8% (10)	100% (24)

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

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

As expected, placement data for many youth who recidivated after terminating probation is unknown. Post-release recidivism is defined and measured as a filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense. By definition then, *filings* for youth who terminated in FY2003 were tracked through June 30, 2004. It often takes a year *from the time of filing*, which could have occurred as late as June 2004, for sentencing or placement determination to occur and therefore that data are not yet available.

A youth must be 18 or older at the time of revocation to be sentenced to the county jail, and then the term cannot exceed 180 days. Table 13 indicates that the majority of youth supervised on regular probation supervision are sentenced to detention for technical violations (51.0%) and a new crime (48.1%) committed while under supervision. The second most frequently used placement for youth on regular probation was incarceration for technical violations (46.0%) and a new crime (47.4%). As expected, the reverse was true for those youth who were supervised on JISP, a program typically consisting of more serious offenders. More JISP youth were incarcerated at the Department of Corrections or Division of Youth Corrections than were sentenced to detention when they committed a technical violation (57.9%) or a new crime (80.3%). Fewer JISP youth were given a detention sentence for a technical violation (41.3%) and for a new crime (17.6%). Less than five percent of all youth failing either regular probation or JISP received a fine, fee or community service as the only response to that failure.

Youth who recidivated after successfully completing probation *whose cases have been adjudicated and a sentencing decision has been made* (41.6% of these cases have not yet reached disposition), were most likely to be placed in detention (21.5%) followed by a commitment to either the Division of Youth Corrections or the Department of Corrections (11.3%). Just less than ten percent (8.4%) of these youth were placed back on supervised probation. For those youth who recidivated after successfully completing JISP *and whose cases have reached disposition* (41.8% of these cases have not yet reached disposition), one third (33.3%) were committed to incarceration, whereas 20.8% were sentenced to detention or jail.

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

Table 15 indicates the overall success rate of adult probation, defined as those offenders who successfully terminated probation *and* remained crime-free for one year post-termination is lower than that reported last year: 61.4% in FY2003 compared to 64.5% of FY2002 probation terminations. Offenders supervised at the maximum supervision level had the lowest overall success rate (38.5%), and the failure was largely due to technical violations of their probation supervision (36.7%).

Table 15
REGULAR PROBATION
Overall Adult Program Failures and Successes – FY2003
Compared with Overall Post-Release Recidivism Findings – FY2002

SUPERVISION LEVEL	Pre-release Failure: Technical ²⁰	Pre-release Failure: New Crime ²¹	Successful and Post-release Recidivism ²²	Successful ²³	Total
Adult Terminations FY2003					
Regular: Administrative	43.5% (3,179)	4.5% (330)	3.5% (250)	48.5% (3,542)	100% (7,301)
Regular: Unclassified	25.3% (129)	2.9% (15)	6.7% (34)	65.1% (332)	100% (510)
Regular: Minimum	7.7% (333)	1.6% (71)	6.4% (276)	84.3% (3,636)	100% (4,316)
Regular: Medium	15.2% (537)	5.4% (190)	9.2% (324)	70.2% (2,477)	100% (3,528)
Regular: Maximum	36.7% (587)	19.6% (314)	5.2% (83)	38.5% (614)	100% (1,598)
TOTAL REGULAR PROBATION	27.6% (4,765)	5.3% (920)	5.6% (967)	61.4% (10,601)	100% (17,253)
Adult Terminations FY2002					
TOTAL REGULAR PROBATION	25.8% (4,019)	4.7% (738)	5.0% (780)	64.5% (10,043)	100% (15,580)

Overall and as expected, adult offenders in specialized programs (Table 16, below) performed more poorly than those on regular probation supervision. Adults terminated from the intensive supervision probation program had an overall success rate of 53.1%, with a 46.7% success rate for those offenders who transferred from AISP to regular probation supervision and 6.4% for those offenders who did not continue on any supervision following an AISP sentence. This 52.9% overall success rate for AISP is nearly identical to the overall success rate of 53.1% among AISP clients in FY2002.

Offenders in the specialized drug offender program demonstrated an overall success rate of 78.3%, with a 72.9% success rate for those offenders who transferred from SDOP to regular probation supervision and a 5.4% success rate for those who left supervision altogether upon completion of SDOP. This overall success rate of 72.9% for SDOP is nearly an eleven percent improvement over the FY2002 success rate of 61.7%. As discussed previously, this is likely due to the high number of cases terminated on June 30, 2003 to prepare for program termination due to budget cuts.

Women placed in the female offender program had an overall success rate of 79.7%, with a 73.2% success rate for those offenders who transferred from FOP to regular probation supervision and a 6.5% success rate for those women who left supervision

²⁰ The probationers included in this category terminated unsuccessfully from regular probation supervision due to a technical violation(s).

²¹ The probationers included in this category terminated unsuccessfully from regular probation supervision due to a new crime.

²² The probationers included in this category terminated successfully from regular probation supervision but recidivated within one year of termination.

²³ The probationers included in this category terminated successfully from regular probation supervision and did not recidivate within one year of termination.

altogether upon completion of FOP. This overall success rate for FOP is significantly higher than the 54.7% success rate in FY2002, however, this is likely due to the inflated program terminations due to budget cuts.

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

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

Table 16
SPECIALIZED PROGRAMS (Adult Intensive Supervision Probation, Specialized Drug Offender Program and Female Offender Program)
Overall Adult Program Failures and Successes: FY2003 and FY2002

SUPERVISION LEVEL	Pre-release Failure: Technical ²⁴	Pre-release Failure: New Crime ²⁵	Post-release Recidivism ²⁶	Successfully terminated directly from specialized probation and did not recidivate ²⁷	Successfully terminated from specialized & transferred to regular supervision ²⁸	Total
Adult Specialized Program Terminations FY2003						
AISP	31.2% (224)	15.2% (109)	0.6% (4)	6.4% (46)	46.7% (336)	100% (719)
SDOP	15.8% (50)	4.7% (15)	1.3% (4)	5.4% (17)	72.9% (231)	100% (317)
FOP	15.7% (48)	3.3% (10)	1.3% (4)	6.5% (20)	73.2% (224)	100% (306)
Adult Specialized Program Terminations FY2002						
AISP	35.8% (324)	11.0% (99)	0.7% (6)	6.3% (57)	46.2% (418)	100% (904)
SDOP	27.6% (54)	8.7% (17)	2.0% (4)	10.7% (21)	51.0% (100)	100% (196)
FOP	40.0% (68)	4.1% (7)	1.2% (2)	18.8% (32)	35.9% (61)	100% (170)

²⁴ The probationers included in this category terminated unsuccessfully from a specialized program due to a technical violation(s).

²⁵ The probationers included in this category terminated unsuccessfully from a specialized program due to a new crime.

²⁶ The probationers included in this category terminated directly and successfully from a specialized program and recidivated within one year of termination.

²⁷ The probationers included in this category terminated directly and successfully from a specialized program and did not recidivate within one year of termination.

²⁸ The probationers included in this category terminated successfully from specialized programs and were then transferred to regular probation supervision. Their final termination status (e.g. failure/success/recidivism) is unknown and will be reflected in the overall failure and success rates for regular probation supervision.

Table 17
ALL ADULT PROBATION PROGRAMS
Placement of Adult Probationers Who Terminated Probation
for Technical Violations or a New Crime: FY2003

PLACEMENT	Incarceration: Dept. of Corrections	County Jail	Fines, Fees, Comm. Service, Other (includes no sentence)	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation ²⁹	26.2% (1,248)	68.8% (3,278)	5.0% (239)	100% (4,765)
AISP	87.1% (195)	11.4% (25)	1.5% (4)	100% (224)
SDOP	60% (30)	28.0% (14)	12.0% (6)	100% (50)
FOP	86.6% (42)	13.4% (6)	0% (0)	100% (48)
Pre-Release Failure: New Crime				
Adult Regular Probation	49.3% (454)	45.3% (417)	5.4% (49)	100% (920)
AISP	96.1% (104)	2.9% (3)	1.0% (1)	100% (109)
SDOP	87.5% (13)	12.5% (2)	0% (0)	100% (15)
FOP	80.0% (8)	20% (2)	0% (0)	100% (10)

Table 18
ALL ADULT PROBATIONERS
Placement of Adult Probationers Who Successfully Terminated Probation
and had a New Filing Post-Release: FY2003

PLACEMENT	Incarceration Dept. of Corrections	Community Corrections	County Jail	Probation	Fines, Fees, Comm. Service, Other	Not Yet Sentenced or Case Dismissed	TOTAL
Adult Regular Probation ⁸	6.7% (65)	.7% (7)	26.8% (258)	10.4% (100)	.9% (9)	45.5% (521)	100% (960)
AISP	25.0% (1)	0% (0)	25.0% (1)	25.0% (1)	0% (0)	25.0% (1)	100% (4)
SDOP	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	100% (4)	100% (4)
FOP	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	100% (4)	100% (4)

Tables 17 and 18 reflect the placement of adults who failed their probation terms or recidivated after successfully terminating from probation. Those offenders who failed probation due to a technical violation or a new crime committed while on supervision are represented in Table 17. Those offenders who received a new filing after successfully terminating probation are represented in Table 18.

²⁹ 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.

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

As expected, placement data for many adult offenders who recidivated after terminating probation is unknown. Post-release recidivism is a filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense. By definition then, *filings* for adults who terminated in FY2002 were tracked through June 30, 2003. It often takes a year *from the time of filing*, which could have occurred as late as June 2003, for sentencing or placement determination to occur and therefore that data are not yet available.

Table 17 indicates that the majority of adults supervised on regular probation supervision are sentenced to a county jail for technical violations (68.8%) and secondly to incarceration (26.2%). Probationers who failed probation for the commission of a new crime were most likely to be incarcerated at the Department of Corrections (49.3%) and secondly to the county jail (45.3%). As expected, adults who terminated one of the specialized programs, regardless of whether that failure was due to a technical violation or a new crime, were most likely to be incarcerated at the Department of Corrections (DOC).

Table 18 reflects that the placement for those adults who recidivated *after* terminating from regular probation supervision, *and whose case had reached disposition* (54.5%), was most often another probation sentence (10.4%) or to incarceration at DOC (6.7%). The number of adults who recidivated after terminating from a specialized program are so low that it is impossible to draw any conclusions about these offenders from the data provided in Table 18.

Summary: 2003 Termination Cohort

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

The findings in this report highlight the fact that probation programs are successful in helping offenders remain crime free during periods of supervision. Indeed, juvenile and adult probationers were successful (they were successfully terminated from probation and remained crime free for one year after termination) in nearly two-thirds of all cases, (60.4% of juveniles, 61.4% of adults). Both adults and juveniles classified as high risk

are less likely to successfully terminate, and less likely to remain crime-free after termination than their lower-risk counterparts.

Post-termination recidivism rates, which spiked in FY2001, have remained relatively stable over the years this report has been produced. In FY2003, post-release recidivism rates were 15.8% for juvenile probationers and 8.4% for adult probationers. This represents a slight decrease from FY2002 for juveniles and a slight increase for adults.

Across specialized programs, those programs designed to divert youth and adults who would otherwise be incarcerated, overall success rates range from 47.2% for the juvenile intensive supervision program to 78.3% for the specialized drug offender program. When considering only those offenders terminated from specialized probation programs altogether, success rates range from 5.4% - 21.5%. These lower rates are heavily influenced by the pre-release failure rates and the most common practice of “stepping down” offenders from specialized programs to regular probation supervision. The largest type of failure among all specialized programs is in the area of technical violations. Statewide responses to technical violations continue to be on the priority list of supervision issues to address.

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

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

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