

Pre-Release Termination and Post-Release Recidivism Rates of Colorado's Probationers: FY 2007 Releases

October 15, 2008

Prepared by

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**Pre-Release Termination and Post-Release
Recidivism Rates of Colorado's Probationers:
FY 2007 Releases**

*A report submitted to the General Assembly's
Joint Budget Committee to satisfy the conditions
of request #5, pursuant to provisions established in HB08-1321*

October 15, 2008

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Request #5 for Information from the Judiciary, FY2008-09

This report satisfies the conditions outlined in request #5, pursuant to provisions established in HB08-1321, which states:

Judicial Department, Probation and Related Services -- The Judicial Department is requested to provide by November 1 of each year a report on pre-release rates of recidivism and unsuccessful terminations and post-release recidivism rates among offenders in all segments of the probation population, including the following: Adult and juvenile intensive supervision; adult and juvenile minimum, medium, and maximum supervision; the female offender program; and the specialized drug offender program. The department is requested to include information about the disposition of pre-release failures and post-release recidivists, including how many offenders are incarcerated (in different kinds of facilities) and how many return to probation as the result of violations.

For the thirteenth consecutive year, the Judicial Branch's Division of Probation Services meets the conditions of the above request by submitting this report on recidivism; however, it should be noted the specialized drug offender program was eliminated in FY2003, so statistics are no longer provided on the program. This report stands as an independent document intended to fulfill the requirements contained in request #5.

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***Pre-Release Termination and Post-Release
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FY2007 Releases***

Executive Summary

Introduction

The Judicial Branch's Division of Probation Services annually prepares a report on recidivism among probationers. This executive summary provides an overview of the findings of the full report on the pre-release failure and one-year post-release recidivism rates for probationers terminated during FY2007.

This report uses two definitions of recidivism: one that pertains to pre-release recidivism/failure (while still on probation supervision) and the second pertaining to recidivism post-release (after terminating from probation supervision). These are defined as follows:

Pre-release recidivism/failure:

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

Post-release recidivism:

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

Research Questions

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

1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?
2. What proportion of probationers had a juvenile delinquency petition or a criminal case filed in Colorado within one year of termination of probation (post-release recidivism)?
3. What are the differences in pre-release and post-release recidivism rates for the following groups:
 - regular probationers in each supervision level, and
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation and the adult female offender program¹)?

¹ Request #5 for Information from the Judiciary includes a request for data from the Specialized Drug Offender Program (SDOP); however, this program was eliminated in FY2003, no longer exists, and is not included in the present analysis.

4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both technical violations and new crime) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2007? Also, where were probationers placed upon failure?

Findings

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

- Successful termination rates have improved slightly. For FY2007, 71.7% of juveniles terminated successfully from regular supervision. This represents an increase of 2.1% from the FY2006 rate of 69.6%. The successful termination rate of 61.1% for adults in FY2007 is compared to 60.7% from the previous year. This is a slight increase of .4% in successful terminations. (Table 1)
- Juveniles on probation terminated for technical violations of probation in 21.5% of cases. This rate reflects a decrease from the previous year's rate of 23.8%. The adult technical violation rate of 31.8% in FY2007 is lower than the 33.0% rate in FY2006. (Table 1)
- Pre-release recidivism rates have remained relatively stable. Juveniles were terminated from probation for the commission of a new crime in 6.8% of the cases, which is slightly higher than the 6.6% rate from FY2006. The adult new crime rate of 7.1% reflects an increase from the 6.3% rate of the FY2006 releases. (Table 1).

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

- For juveniles who successfully completed regular probation supervision, 16.2% received a new filing in FY2007 compared to 15.4% in FY2006. (Table 2)
- Adults, who completed regular probation successfully, received a new filing at a rate of 8.5%, compared to the 8.2% rate of the previous year. (Table 2)

3. Differences In Pre- And Post-Release Failure By Supervision Level (Pre-release failure includes technical violations and new crimes *during* supervision. Post-release failure refers to crimes filed within one year post-termination from supervision).

- For both juveniles and adults, those supervised at the maximum supervision level and those classified as administrative² cases were the most likely to fail at the pre-release stage. The higher failure rate among maximum level probationers was consistent with risk classification tools, in which high risk/maximum level supervision offenders are often more than twice as likely as those classified at lower supervision levels to commit a new crime while under supervision. Similarly, the higher failure rate among administrative cases was expected, given the range of these offenders included a mixture of risk levels and supervision outside of probation like county jail work release programs. Juveniles and adults failed at an increasing frequency, as their assessed risk level (minimum, medium, maximum) increased, both pre- and

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

post-release. This is expected, as the assessed risk levels should be predicting increased failure with increased risk level. (Tables 3 and 5)

- Among the three specialized probation programs of Juvenile Intensive Supervision Probation (JISP), Adult Intensive Supervision Probation (AISP), and the Female Offender Program (FOP), pre-release failures were greater than on regular probation supervision, which is expected, given that the specialized programs are designed to supervise higher risk offenders. Pre-release failure rates were 52.2%, 44.0%, and 37.3% for JISP, AISP, and FOP, respectively. More probationers fail due to technical violations than new crime. (Tables 4 and 6)
 - Successful terminations from AISP have increased 2.1% (53.9% in FY2006 to 56.0% in FY2007), which is reflective of a 1.7% increase in technical violations but a 3.8% decrease in new crimes. (Table 6)
 - Successful terminations from FOP increased in FY2007 to 62.7%, a 6.0% increase from 56.7% in FY2006. (Table 6)
 - The percentage of juveniles who had a new case filed within one year of successfully terminating JISP decreased in FY2007 to 24.5% from 25.6% in FY2006. (Table 8)
 - The percentage who had a new case filed within one year of successfully terminating AISP decreased to 2.7% in FY2007 from 17.1% in FY2006. Fewer probationers were in the FY2007 cohort (37) compared to FY2006 (76), which impacts these percentages. Still, only one probationer, who terminated directly from AISP, recidivated within one year of termination. The percentage who had a new case filed within one year of successfully terminating FOP decreased to 8.3% in FY2007 from 12.5% in FY2006. (Table 10)
4. **Overall Success and Failure Rates among Colorado Probationers:** *How many offenders terminated supervision successfully and remained crime-free (measured by a new criminal filing) within one year of termination?*
- Almost two-thirds (60.1%) of successfully terminated juveniles remain successful one year after release from probation. This represents an increase of 1.2% from FY2006. (Table 11)
 - A small percentage (14.4%) of juveniles supervised in JISP, terminated directly and did not recidivate. However, when considering those juveniles who successfully terminated JISP and then transferred to regular probation supervision, the percentage triples to 43.2%. This is an increase of 3.2% from the overall success rate of 40.0% in FY2006. (Table 12)
 - The overall success rate (55.9%) for regular adult probation is slightly higher than the 55.7% rate from FY2006. (Table 15)
 - AISP produced an overall success rate of 55.9%, an increase of 3.0% from the previous year's rate of 52.9%. (Table 16)

- The post-release recidivism rate for AISP was noteworthy, as only one of those who successfully completed the program and terminated had a new filing one year post-release. (Table 16)
- FOP had an overall success rate of 61.6%, which is an increase of 6.7% from the rate of 54.9% in FY2006. (Table 16)
- The post-release recidivism rate for FOP, when compared to the overall successes and failures, was 1.1%, down from 1.8% in the FY2006 cohort. (Table 16)

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

- Both juvenile and adult offenders supervised on regular probation were most frequently placed in a detention facility or sentenced to county jail for revocations based on technical violations. Adults and juveniles, who were revoked from probation for new crimes while under supervision, were incarcerated (Division of Youth Corrections or Department of Corrections, as well as detention or jail) about 90% of the time. (Tables 13 and 17)
- Juveniles and adults on specialized programs were most likely incarcerated at the Division of Youth Corrections or Department of Corrections when they violated their probation sentence. (Tables 13 and 17)
- Of those cases where information was available, post-release recidivists, who had previously completed regular juvenile probation or JISP, were most frequently sentenced to probation on the new offense. Adults, who completed regular probation, received a sentence to jail somewhat more frequently, than a sentence to probation, when they committed a new crime after having successfully completed probation. The single AISP recidivist was placed in DOC, and the two FOP recidivates were sentenced to jail. (Tables 14 and 18)

Summary

The findings in this report highlight the fact that probation programs are successful in helping offenders remain crime-free during periods of supervision. Specifically, 71.7% of juvenile and 61.1% of adult regular probationers were successful on probation (Table 1). Both juveniles and adults, classified as high risk, were less likely to successfully terminate and less likely to remain crime-free after termination than their lower-risk counterparts.

In the intensive supervision programs, designed to divert juveniles and adults who would have otherwise been incarcerated, overall success rates (successful probation termination and no post-release recidivism and those transferred from specialized to regular supervision) ranged from 43.2% for the juvenile intensive supervision program and 55.9% for the adult intensive supervision program to 61.6% for the female offender program (See Tables 12 and 16). The most frequent type of failure among all specialized programs was in the area of technical violations. It should be noted specific strategies to reduce technical violations have been identified and will be implemented in

FY2009. Results from the strategies should begin to appear in the termination rates of the FY2011 termination cohort.

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

Recidivism Summary for
FY2007 Termination Cohort

Supervision Level	Success	Pre-release		Post-release Recidivism	Overall Success
		Tech. Violation	New Crime		
Juvenile					
Regular	71.7%	21.5%	6.8%	16.2%	60.1%
JISP	47.8%	40.7%	11.5%	24.5%	43.2%
Adult					
Regular	61.1%	31.8%	7.1%	8.5%	55.9%
AISP	56.0%	33.1%	10.9%	2.7%	55.9%
FOP	62.7%	28.0%	9.3%	8.3%	61.6%

INTRODUCTION

On June 30, 2007, there were 57,068 offenders on probation in Colorado, including 49,448 adult and 7,620 juvenile probationers in both regular and specialized programs.³ Probation officers across the state work within a range of regular and specialized probation programs to assess, supervise, educate and refer their probationers to a host of treatment and skill-building programs. Probation officers use validated instruments to assess offenders according to the level of risk they pose to the community and identify their ability to function in pro-social ways, as well as the skills they need to make amends to victims and communities they have harmed. Probationers are supervised within the community according to their assessed risk level, and they are referred to appropriate community-based treatment and skill-based programs, based upon their assessed needs. Programs have been developed that are designed to match the intensity of supervision to the risk and need of each probationer. Programs include regular probation supervision and specialized intensive probation supervision. Budget cuts in FY2003 resulted in the elimination of the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP). The FOP has since been restored and expanded. The SDOP has not been restored. The Adult and Juvenile Intensive Supervision programs (AISP and JISP) were also impacted by budget cuts in FY2003; however, both programs have been restored.

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

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

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

OVERVIEW

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

³ An additional 29,157 DUI offenders were monitored or supervised by state or private probation that were not part of this study.

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

Pre-release recidivism:

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

Post-release recidivism:

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

These definitions are consistent with the definition of recidivism used by the Division of Probation Services since 1998, thus comparisons can easily be made between the annual probation outcomes reported in fiscal years 1998 through the present FY2007. It should be noted that the category of technical violations includes those probationers who absconded from supervision, as well as those revoked for technical reasons.

METHODOLOGY

The annual recidivism study is based upon the entire population of probationers terminated from probation during the previous fiscal year. This design allows for follow-up to determine, *for those who successfully terminated*, what proportion received a filing in Colorado for a new criminal offense within the year following their termination. In addition to recidivism findings for the 2007 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, FY2007 cohort.

Data

For the FY2007 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2007. The data file was generated from the Judicial Branch's Management Information System, ICON/ECLIPSE. The termination files were combined with a file of all misdemeanor and felony criminal cases and juvenile delinquency petitions filed in Colorado's district and county courts in FY2007 and FY2008 to derive post-release recidivism rates for those probationers, who successfully completed probation. The recidivism period is limited to a uniform one-year time at risk. It should be noted this method can result in over estimates, especially when considering that a filing may not result in conviction. Pre-release failure rates were derived based upon the type of termination (e.g. termination for technical violation or new crime).

Analysis

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

1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?
2. What proportion of probationers had a juvenile delinquency petition or a criminal case filed within one year of termination of probation (post-release recidivism)?
3. What are the differences in pre-release and post-release recidivism rates for the following groups:
 - regular probationers in each supervision level and
 - probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, and the adult female offender program)?
4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both new crime and technical violations) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2007? Also, where are probationers placed upon failure?

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

Data for FY2007 terminations identify which proportion of offenders in specialized programs were terminated directly from the specialized program and which offenders were transferred to regular probation supervision upon completion of a specialized program. Termination data for both situations are presented in this report to provide additional information to the reader. These data will be described in the pertinent sections.

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

Table 1
REGULAR PROBATION:
 Juvenile and Adult Probation Terminations
 FY2006 and FY2007 Comparison

TERMINATION TYPE	JUVENILE FY 2006	JUVENILE FY 2007	ADULT FY2006	ADULT FY2007
Successful	69.6% (3,553)	71.7% (3,315)	60.7% (11,882)	61.1% (12,053)
Failure: Technical	23.8% (1,217)	21.5% (995)	33.0% (6,452)	31.8% (6,269)
Failure: New Crime	6.6% (336)	6.8% (313)	6.3% (1,231)	7.1% (1,395)
TOTAL	100% (5,106)	100% (4,623)	100% (19,565)	100% (19,717)

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2006 and FY2007. The juveniles who successfully completed probation (71.7%) rose this year by 2.1%, while technical violations decreased by 2.3% and new crimes increased slightly (.2%). For adults, the successful completions (61.1%) increased slightly (.4%) from FY2006. There was a 1.2% decrease in technical violations and a .8% increase in new crimes. Historically, termination rates have varied by one or two percentage points from year to year.

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

Table 2
REGULAR PROBATION:
Juvenile and Adult Successful Terminations and Proportion with New Case Filed
FY2006 and FY2007 Comparison

POST-RELEASE	JUVENILE FY2006	JUVENILE FY2007	ADULT FY2006	ADULT FY2007
New Case Filed	15.4% (548)	16.2% (537)	8.2% (980)	8.5% (1,028)
No New Case Filed	84.6% (3,005)	83.8% (2,778)	91.8% (10,902)	91.5% (11,025)
TOTAL	100% (3,553)	100% (3,315)	100% (11,882)	100% (12,053)

Table 2 reflects the post-release recidivism rates for juveniles and adults. More specifically, Table 2 compares, for regular probationers who successfully terminated probation during FY2006 and FY2007, the proportion of juveniles and adults that remained crime-free and the proportion that had a new delinquency petition or criminal case filed against them within one year of success termination from supervision. The rate at which juveniles had a new case filed after a successful termination increased slightly from FY2006 (15.4%) to FY2007 (16.2%). For adults, the new cases filed increased a fraction of a percentage, from 8.2% in FY2006 to 8.5% in FY2007.

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

- *regular probationers in each supervision level, and*
- *probationers in each of the specialized probation programs (adult and juvenile intensive supervision probation, and the adult female offender program)?*

Pre-Release Recidivism and Failure Rates

Colorado probation officers use the LSI (Level of Supervision Inventory) to classify adults according to risk level and the CYO-LSI (Colorado Young Offender Level of Service Inventory) to classify juvenile offenders. The LSI is a research-based, reliable and valid, risk instrument that predicts outcome (success on supervision and recidivism). The LSI is commonly used by probation and parole officers and other correctional workers in the United States and abroad. The CYO-LSI is based on similar research used to develop the LSI, but it was developed by Colorado criminal justice professionals and validated on a Colorado sample of juvenile offenders. Both of these classification tools result in one of three supervision levels: minimum, medium, or maximum. In addition, probation uses the management classification level of “administrative” to denote those offenders who are under the jurisdiction of probation, but who

may be currently supervised by other agencies, including county jail for adults and residential child care facilities for juveniles. The administrative classification includes offenders of all risk levels, including a high proportion assessed as high risk, for which these levels are overridden to reflect alternative placements. Some probationers classified as administrative may also have completed all of the court requirements for probation but still have outstanding restitution or fees to pay.

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

Table 3
REGULAR PROBATION:
 Juvenile Probation Termination Type by Supervision Level – FY2007
 Compared with Overall Termination Type - FY2006

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2007				
Regular: Admin.	49.2% (467)	44.0% (418)	6.8% (64)	100% (949)
Regular: Unclassified	51.9% (14)	40.7% (11)	7.4% (2)	100% (27)
Regular: Minimum	92.3% (1445)	5.3% (83)	2.4% (37)	100% (1,565)
Regular: Medium	78.3% (1,037)	15.4% (204)	6.3% (83)	100% (1,324)
Regular: Maximum	46.4% (352)	36.8% (279)	16.8% (127)	100% (758)
TOTAL	71.7% (3,315)	21.5% (995)	6.8% (313)	100% (4,623)
FY2006				
TOTAL	69.6% (3,553)	23.8% (1,217)	6.6% (336)	100% (5,106)

Table 3 reflects the termination rates for juveniles on regular probation supervision, by risk/classification level. Table 4 reflects the termination rates for juveniles on intensive supervision probation. Both tables compare the termination rates for FY2007 with those in FY2006. Termination rates in FY2007 were consistent with the rates in FY2006, with only slight variations. As represented in Table 3, the 71.7% successful termination rate of juvenile probationers on regular supervision for FY2007 was higher than the 69.6% success rate reported for juveniles in FY2006. Of juveniles that terminated probation in FY2007, 21.5% failed for violating the terms and conditions of probation (including absconding from supervision), and 6.8% failed by committing a new crime. These figures reflect a decrease in technical violations from FY2006 by 2.3% and a slight increase (.2%) from the FY2006 new crime failure rate of 6.6%.

As has been true historically, juveniles supervised at the maximum and administrative levels on regular probation had the lowest success rates (46.4% and 49.2%, respectively). Juveniles classified at the maximum level represented the highest proportion of offenders terminated for the commission of a new crime. The rate at which maximum supervision level juveniles terminated due to a new crime increased by 1.5% between FY2006 (15.3% not shown) and FY2007 (16.8%). It is expected that those classified at the higher risk levels would fail at a greater rate than the lower classification levels. Similarly, it is not surprising that juveniles classified as administrative cases failed at higher rates, given this caseload constituted a large number of cases that were higher risk but supervised by another entity in tandem with probation, such as detention or other placement facilities.

Table 4
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Termination Type
 FY2006 and FY2007 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
JSIP FY2007	28.8% (148)	19.0% (98)	40.7% (209)	11.5% (59)	100% (514)
JISP FY2006	26.6% (133)	18.0% (90)	43.8% (219)	11.6% (58)	100% (500)

Table 4 indicates that JISP clients succeeded 47.8% of the time⁴ but failed for committing technical violations in 40.7% of the cases and failed due to a new crime in 11.5% of the cases. These findings reflect a 3.2% increase in successes from FY2006 termination results in which 44.6% of juveniles succeeded on JISP. Technical violations in FY2007 were 3.1% lower than in FY2006, which nearly accounts for the increased success rate, as failure due to new crimes fell a negligible .1%. This higher failure rate among JISP probationers, compared to regular supervision probationers is expected; these juveniles are considered the most high risk offenders on probation and often have the most significant levels of need. This classification of offender would also likely be committed to a Division of Youth Corrections facility in the absence of the JISP sentencing option.

The decision to transfer a probationer (both juveniles and adults) from a specialized probation program to regular probation supervision is based on local policy. While termination status is available, when they terminate or transfer out of a specialized program, it is not possible to report separately the final termination status of the offenders who transfer to regular probation supervision, due to limitations in the management information system. Instead, those offenders who transferred from specialized to regular supervision are integrated into all termination from regular supervision.

⁴ JISP clients who successfully terminated included 28.8% who were successfully terminated from JISP and then moved to regular supervision and 19.0% who were successfully terminated directly from JISP and released from supervision.

Table 5
REGULAR PROBATION:
 Adult Probation Termination Type by Supervision Level – FY2007
 Compared with Overall Termination Type – FY2006

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2007				
Regular: Admin.	36.2% (2,891)	57.0% (4,561)	6.8% (545)	100% (7,997)
Regular: Unclassified	74.7% (124)	22.3% (37)	3.0% (5)	100% (166)
Regular: Minimum	91.9% (5,932)	6.2% (403)	1.9% (122)	100% (6,457)
Regular: Medium	74.7% (2,507)	17.2% (579)	8.1% (273)	100% (3,359)
Regular: Maximum	34.5% (599)	39.6% (689)	25.9% (450)	100% (1,738)
TOTAL	61.1% (12,053)	31.8% (6,269)	7.1% (1,395)	100% (19,717)
FY2006				
TOTAL	60.7% (11,882)	33.0% (6,452)	6.3% (1,231)	100% (19,565)

Table 5 reflects the termination status for regular adult offenders by supervision level. Similar to the juvenile probationers, adult probationers supervised at maximum and administrative levels⁵ were the least likely to successfully terminate probation (34.5% and 36.2%, respectively). Those classified at the maximum supervision level are considered to be at the highest risk for re-offense. Similarly, the higher failure rate among administrative cases is not surprising, given the range of offenders in this classification category, which includes a mixture of risk levels and supervision outside of probation. Probationers, who were supervised at the maximum were more likely to terminate due to technical violations, as well as a new crime.

Table 6
SPECIALIZED PROGRAMS:
 Adult Specialized Termination Type by Program
 FY2006 and FY2007 Comparison

PROGRAM	Success		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Specialized Program			
FY2007 Specialized Programs Terminations					
AISP	53.2% (717)	2.8% (37)	33.1% (446)	10.9% (147)	100% (1,347)
FOP	49.5% (90)	13.2% (24)	28.0% (51)	9.3% (17)	100% (182)
FY2006 Specialized Programs Terminations					
AISP	48.3% (655)	5.6% (76)	31.4% (426)	14.7% (199)	100% (1,356)
FOP	42.5% (48)	14.2% (16)	37.2% (42)	6.2% (7)	100% (113)

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

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

The combined success rates (transferred to regular and terminated directly) for Adult Intensive Supervision Probation (AISP) increased between FY2006 (53.9%) and FY2007 (56.0%) by 2.1%. The increase, in large part, was the result of a decrease in new crimes from 14.7% in FY2006 to 10.9% in FY2007. However, there was a 1.7% increase in technical violations, with 33.1% failing for a technical violation in FY2007 as compared to 31.4% in FY2006.

The combined success rate for the Female Offender Program (FOP) was 62.7% in FY2007, a 6.0% increase from the rate of 56.7% in FY2006. There was a 9.2% drop in new technical violations from FY2006 to FY2007, but new crime rates were up by 3.1%, in FY2007.

Post-Release Recidivism Rates Among Probationers who Successfully Terminate

To answer the second portion of question number three, only those probationers, who successfully terminated probation, were analyzed to determine what proportion had new cases filed. Tables 7 (Regular Probation) and 8 (JISP) present the post-release recidivism findings for juveniles; Tables 9 (Regular Probation) and 10 (AISP) present these findings for adults.

Table 7
REGULAR PROBATION:
Juvenile Post-Release Recidivism by Supervision Level – FY2007
Compared with Overall Post-Release Recidivism Findings – FY2006

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2007			
Regular: Admin.	14.6% (68)	85.4% (399)	100% (467)
Regular: Unclassified	21.4% (3)	78.6% (11)	100% (14)
Regular: Minimum	13.1% (189)	86.9% (1,256)	100% (1,445)
Regular: Medium	18.5% (192)	81.5% (845)	100% (1,037)
Regular: Maximum	24.1% (85)	75.9% (267)	100% (352)
Total	16.2% (537)	83.8% (2,778)	100% (3,315)
FY2006			
Total	15.4% (548)	84.6% (3,005)	100% (3,553)

Table 7 indicates that the majority (83.8%) of juveniles, who terminated regular probation successfully in FY2007, remained crime-free for at least one year post-termination. The remaining 16.2% had a delinquency petition or criminal filing within one year of termination.

As expected, juveniles classified at higher supervision levels had higher rates of recidivism. The recidivism rate for probationers at the maximum supervision level was 24.1%, at the medium supervision level it was 18.5%, and at the minimum supervision level it was 13.1%, just as predicted by their CYO-LSI scores, in which decreasing levels of supervision reflect decreasing risk to re-offend. The recidivism rate among those offenders classified at the administrative level

was 14.6%. Juveniles classified as administrative tend to assess with higher criminal risk and need and include juveniles in residential placement.

Table 8
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Post-Release Recidivism
 FY2006 and FY2007 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
JISP FY2007	24.5% (24)	75.5% (74)	100% (98)
JISP FY2006	25.6% (23)	74.4% (67)	100% (90)

Table 8 reflects that 75.5% of juveniles, who terminated JISP in FY2007, remained crime-free for at least one year post-termination. The remaining 24.5% had a delinquency petition or criminal filing in court within one year of termination. This is a 1.1% decrease in post-release recidivism from the rate of 25.6% in FY2006. Note that Table 8 represents only those 98 juveniles released from JISP directly. An additional 148 juveniles successfully completed the terms of JISP and were transferred to regular probation supervision during the study year. Outcome behavior for those juveniles was included in the *regular supervision* population, as they terminated from regular probation supervision (Table 4).⁶

Table 9
REGULAR PROBATION:
 Adult Post-Release Recidivism by Supervision Level – FY2007
 Compared with Overall Post-Release Recidivism Findings – FY2006

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2007			
Regular: Admin.	7.5% (216)	92.5% (2,675)	100% (2,891)
Regular: Unclassified	6.5% (8)	93.5% (116)	100% (124)
Regular: Minimum	6.9% (410)	93.1% (5,522)	100% (5,932)
Regular: Medium	11.4% (286)	88.6% (2,221)	100% (2,507)
Regular: Maximum	18.0% (108)	82.0% (491)	100% (599)
Total	8.5% (1,028)	91.5% (11,025)	100% (12,053)
FY2006			
Total	8.2% (980)	91.8% (10,902)	100% (11,882)

Table 9 reflects that 91.5% of adult probationers, who terminated successfully from regular probation during FY2007, remained crime-free for at least one year post-termination. The remaining 8.5% were subsequently charged with a new crime within one year of termination. These overall percentages are nearly unchanged from last year's figures, in which 91.8% had no record of recidivism. As the LSI predicts, while the risk classification increases in severity (minimum to maximum) so increases the percent of recidivists in each classification level. Table 9 demonstrates that those probationers supervised at the minimum level were the least likely to recidivate (6.9%), while those offenders supervised at the maximum level were the most likely to have a new crime filed against them within one year of termination (18.0%).

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

Table 10
SPECIALIZED PROGRAMS:
 Post-Release Recidivism by Program
 FY2006 and FY2007 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
FY2007			
AISP	2.7% (1)	97.3% (36)	100% (37)
FOP	8.3% (2)	91.7% (22)	100% (24)
FY2006			
AISP	17.1% (13)	82.9% (63)	100% (76)
FOP	12.5% (2)	87.5% (14)	100% (16)

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

In FY2007, 97.3% of AISP offenders remained crime-free for at least one year post-termination, an increase from the FY2006 rate of 82.9%. The actual *number* of adults who had successfully completed AISP and had a new case filed post-release decreased from thirteen offenders in FY2006 to one offender in FY2007. As a percentage, this is a decrease from 17.1% in FY2006 to 2.7% in FY2007.

Of the 24 women who successfully completed the Female Offender Program in FY2007, there were two new cases filed one year following termination, resulting in a recidivism rate of 8.3%. This is a 4.2% decrease from FY2007. Historical rates for FOP on this measure have been unstable. Recidivism rates of 5.9% and 16.7% were measured for FY2002 and FY2003 (not shown); and since that time, the number of participants has been low and susceptible to large percentage fluctuations in the variable. It is noteworthy, the FOP was also temporarily discontinued in FY2006.

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 FY2007 termination cohort, the pre-release failure and post-release recidivism categories were combined to arrive at an overall probation failure rate by supervision level. Additionally, the pre-release recidivism and the post-release recidivism rates were combined to derive an overall recidivism rate. As a result, totals in Table 11 do not match totals in other tables that address *only* pre-release failures or *only* post-release recidivism. Finally, for comparison's sake, the overall figures for the FY2007 study period are presented for each level of supervision, with the FY2006 overall rates.

Table 11
REGULAR PROBATION:
Overall Juvenile Probation Failure and Success by Supervision Level – FY2007
Compared with Overall Failure and Success – FY2006

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
Juvenile Terminations FY2007					
Regular: Admin.	44.0% (418)	6.8% (64)	7.2% (68)	42.0% (399)	100% (949)
Regular: Unclassified	40.7% (11)	7.5% (2)	11.1% (3)	40.7% (11)	100% (27)
Regular: Minimum	5.3% (83)	2.4% (37)	12.1% (189)	80.2% (1,256)	100% (1,565)
Regular: Medium	15.4% (204)	6.3% (83)	14.5% (192)	63.8% (845)	100% (1,324)
Regular: Maximum	36.8% (279)	16.8% (127)	11.2% (85)	35.2% (267)	100% (758)
TOTAL	21.5% (995)	6.8% (313)	11.6% (537)	60.1% (2,778)	100% (4,623)
Juvenile Terminations FY2006					
TOTAL	23.8% (1,217)	6.6% (336)	10.7% (548)	58.9% (3,005)	100% (5,106)

Table 11 represents all those juveniles, who terminated regular probation supervision, and illustrates the rate at which these juveniles failed and succeeded. The failures included those juveniles who, during supervision, were terminated for a technical violation or for the commission of a crime and those who “failed” by recidivating within one year of termination. As indicated in Table 11, the overall success rate for juveniles supervised on regular probation in FY2007 was 60.1%, which is higher than the overall success rate in FY2006 of 58.9%. As would be expected, those juveniles supervised at the maximum supervision level had the lowest overall success rate (35.2%).

Table 12
JUVENILE INTENSIVE SUPERVISION PROBATION:
Overall Program Failure and Success
FY2006 and FY2007 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism⁷	Successfully terminated directly from JISP & did not recidivate	Successfully terminated from JISP & transferred to regular supervision	Total
JISP FY2007	40.7% (209)	11.4% (59)	4.7% (24)	14.4% (74)	28.8% (148)	100% (514)
JISP FY2006	43.8% (219)	11.6% (58)	4.6% (23)	13.4% (67)	26.6% (133)	100% (500)

Table 12 represents all those juveniles who completed JISP and illustrates the rate at which those juveniles failed and succeeded. The failures included juveniles who, during supervision on JISP, were terminated for a technical violation or for the commission of a crime and those who “failed” by recidivating within one year of termination from JISP. The successes include those

⁷ The probationers included in this category terminated directly and successfully from a specialized program and recidivated within one year of termination.

juveniles who terminated the JISP program successfully and either terminated supervision at that point or transferred to regular probation supervision upon completion of JISP.

It is a common practice among probation departments statewide to “step down offenders” from the intensive level of supervision in specialized programs to less intensive levels on regular probation prior to release from supervision. Given that more than one-quarter (28.8%) of juveniles were transferred from JISP to regular probation supervision, it seems prudent to consider those juveniles in the overall success rate. However, it is useful to look at the data in two ways: the success rate of those juveniles who terminated supervision directly from JISP and the success rate of those juveniles who terminated JISP and then transferred to regular probation supervision.

The overall success rate of those juveniles who terminated directly from JISP was relatively low (14.4%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 43.2% success rate, compared to 40.0% in FY2006. This overall success rate for FY2007 is calculated by adding together the two “successful” columns in Table 12 (14.4% and 28.8% for FY2007). This 3.2% increase in the success rate was mostly due to a 3.1% drop in technical violations, while pre-and post-release recidivism rates stayed almost the same, decreasing .2% and increasing .1%, respectively.

As explained earlier, lower rates of success are to be expected with higher risk cases. In the absence of a program like JISP, or without the ability to place juveniles under extremely close supervision conditions, these juveniles would likely be placed in commitment facilities with the Division of Youth Corrections (DYC). In this respect, JISP is cost-effective with these high risk and high need juveniles, whereby all of these juveniles would likely have been placed in DYC at a cost of \$65,254⁸ per year compared to \$5,359.27 on JISP.⁹ In summary, JISP redirected as many as 222¹⁰ juveniles from DYC in FY2007 and, of those, we know one-third of them (74 of 222 = 33.3%) were overall 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 - FY2007

PROGRAM	Incarceration: DYC/DOC	Detention/ County Jail	Alternate Sentence¹¹	Total
Pre-Release Failure: Technical Violation				
Juvenile Regular	34.4% (342)	55.1% (548)	10.5% (105)	100% (995)
JISP	67.9% (142)	28.2% (59)	3.9% (8)	100% (209)
Pre-Release Failure: New Crime				
Juvenile Regular	47.3% (148)	40.3% (126)	12.4% (39)	100% (313)
JISP	71.2% (42)	20.3% (12)	8.5% (5)	100% (59)

⁸ The commitment figure was provided by the Division of Youth Corrections Budget Office FY2006.

⁹ The JISP figure is based on the Judicial Branch’s annual cost per case for FY2008.

¹⁰ This analysis includes offenders who succeeded and were terminated (74) and those that succeeded and were transferred to regular probation (148).

¹¹ Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence.

Table 14
JUVENILE REGULAR PROBATION and JISP:

Placement of Juvenile Probationers Who Successfully Completed Probation and had a New Filing Post-Release - FY2007

PROGRAM	Incarceration: DYC/DOC	Community Corrections	Detention/ County Jail	Supervised Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	Total
Juvenile Regular	1.9% (10)	0.0% (0)	13.9% (75)	17.9% (96)	1.4% (8)	64.8% (348)	100% (537)
JISP	4.2% (1)	0.0% (0)	4.2% (1)	16.6% (4)	0.0% (0)	75.0% (18)	100% (24)

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

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

Post-release recidivism is defined and measured as a filing for a misdemeanor or felony criminal offense within one year of termination from program placement. Consequently, filings for juveniles, who terminated in FY2007, were tracked through June 30, 2008. It often takes a year *from the time of filing*, which could have occurred as late as June 2008, for sentencing or placement determination to occur; therefore, some data is not yet available.

A juvenile must be 18 or older at the time of revocation to be sentenced to the county jail and the term cannot exceed 180 days. For regular juvenile probationers, Table 13 shows that the majority (55.1%) of those revoked for technical violations were sentenced to detention/jail. Another 34.4% of those juveniles were committed to DYC, while a small group (10.5%) was granted some other type of punishment or was released from probation with no further consequence. For regular juvenile probationers, who were revoked for a new crime, the majority (47.3%) were placed at DYC, while 40.3% were given detention/jail sentences, and 12.4% were afforded alternate sentences.

Also reflected in Table 13, juveniles on JISP, who were revoked due to technical violations, were placed at DYC in 67.9% of the cases, while 28.2% of them received detention/jail and 3.9% received an alternate sentence. When JISP juveniles were revoked due to a new crime, 71.2% of them were placed at DYC. A smaller proportion (20.3%) received a detention/jail time, and 8.5% of them received an alternate sentence.

Table 14 includes juveniles, who recidivated after successfully completing regular probation. It should be noted, 64.8% of those new cases have not arrived at disposition yet or have been

dismissed, so placement data is unavailable. For those who recidivated and were sentenced, 1.9% were sentenced to DYC/DOC, 13.9% were sentenced to jail, and 17.9% were granted probation. Of the remaining cases, 1.4% of the juveniles received an alternative sentence or none at all.

Table 14 also includes 24 juveniles who successfully completed JISP but had a new filing within one year from termination. Of those juveniles' new cases, most (75.0%) have not reached disposition or were dismissed. Of the cases in which there has been a sentencing determination 4.2% were committed to DYC/DOC, 4.2% were sentenced to detention or jail, and 16.6% were granted probation. These percentages should be interpreted cautiously, as the population of those actually sentenced on new charges was small.

**Table 15
REGULAR PROBATION**

Overall Adult Probation Failure and Success by Supervision Level – FY2007
Compared with Overall Post-Release Failure and Success – FY2006

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2007					
Regular: Admin.	57.0% (4,561)	6.8% (545)	2.7% (216)	33.5% (2,675)	100% (7,997)
Regular: Unclassified	22.3% (37)	3.0% (5)	5.4% (9)	69.9% (116)	100% (166)
Regular: Minimum	6.2% (403)	1.9% (122)	6.3% (410)	85.5% (5,522)	100% (6,457)
Regular: Medium	17.2% (579)	8.1% (273)	8.5% (286)	66.1% (2,221)	100% (3,359)
Regular: Maximum	39.6% (689)	25.9% (450)	6.2% (107)	28.3% (491)	100% (1,738)
TOTAL	31.8% (6,269)	7.1% (1,395)	5.2% (1,028)	55.9%(11,025)	100% (19,717)
FY2006					
TOTAL	33.0% (6,452)	6.3% (1,231)	5.0% (980)	55.7%(10,902)	100% (19,565)

Table 15 depicts the overall success rate of adult regular probation, defined as those who successfully terminated probation *and* remained crime-free for one year. This number improved slightly from 55.7% in FY2006 to 55.9% in FY2007. Offenders supervised at the maximum supervision level and classified as administrative had the lowest overall success rates (28.3% and 33.5% respectively), and the failure was largely due to technical violations of their probation supervision (39.6% for maximum and 57.0% for administrative).

Table 16
SPECIALIZED PROGRAMS
Overall Adult Specialized Failure and Success by Program
FY2006 and FY2007 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism ¹²	Successfully terminated directly from specialized probation & did not recidivate	Successfully terminated & transferred to regular supervision	Total
FY2007						
AISP	33.1% (446)	10.9% (147)	0.0% (1)	2.7% (36)	53.2% (717)	100%(1,347)
FOP	28.0% (51)	9.3% (17)	1.1% (2)	12.1% (22)	49.5% (90)	100% (182)
FY2006						
AISP	31.4% (426)	14.7% (199)	1.0% (13)	4.6% (63)	48.3% (655)	100%(1,356)
FOP	37.2% (42)	6.2% (7)	1.8% (2)	12.4% (14)	42.5% (48)	100%(113)

Table 16 reflects adults terminated from the intensive supervision program had an overall success rate of 55.9%, with a 53.2% success rate for those offenders who transferred from AISP to regular probation supervision and 2.7% for those offenders who did not continue on any supervision following an AISP sentence. This 55.9% overall success rate for AISP represents a 3.0% increase compared to the FY2006 overall success rate of 52.9%. This increase in overall success is mostly attributable to the 3.8% decrease in the pre-release new crime rate from 14.7% in FY2006 to 10.9% in FY2007.

The overall success rate for the Female Offender Program was 61.6% (12.1% and 49.5% combined) with 1.1% post-release recidivism for those who terminated directly from the program. In summary, FOP redirected as many as 112¹³ offenders from DOC in FY2007 and, of the 24 women who were successful and terminated, two of them had a new criminal filing within the first year following termination from probation.

Again, it is important to note that the intensive supervision programs are prison-diversion programs, and all offenders in these programs succeeded and remained crime-free in a little more than half of the cases. In the absence of programs like AISP and FOP, or without the ability to place higher risk probationers under extremely close supervision conditions, these offenders would likely have been sentenced to the Department of Corrections (DOC). Comparatively, the cost of sentencing an offender to the Department of Corrections is \$30,388¹⁴ per year compared to \$3,491.59 on AISP and \$2,697.04 for FOP.¹⁵ In summary, AISP redirected as many as 753¹⁶ offenders from DOC in FY2007.

¹² The probationers included in this category terminated directly and successfully from a specialized program and recidivated within one year of termination.

¹³ This analysis includes offenders who succeeded and were terminated (22) and those that succeeded and were transferred to regular probation (90).

¹⁴ This annualized cost of a prison bed was provided by the Department of Corrections, FY2008.

¹⁵ The AISP/FOP figures are based on the Judicial Branch's annual cost per case for FY2008.

¹⁶ This analysis includes offenders who succeeded and were terminated (36) and those that succeeded and were transferred to regular probation (717).

Table 17
ADULT PROBATION PROGRAMS:
Placement of Adult Probationers Who Terminated Probation
for Technical Violations or a New Crime - FY2007

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation ¹⁷	16.6% (1,040)	65.1% (4,081)	18.3% (1,148)	100% (6,269)
AISP	82.5% (368)	12.1% (54)	5.4% (24)	100% (446)
FOP	49.0% (25)	35.3% (18)	15.7% (8)	100% (51)
Pre-Release Failure: New Crime				
Adult Regular Probation	42.8% (597)	49.7% (693)	7.5% (105)	100% (1,395)
AISP	93.2% (137)	6.8% (10)	0.0% (0)	100% (147)
FOP	94.1% (16)	5.9% (1)	0.0% (0)	100% (17)

Table 17 reflects the placement of those offenders who failed probation due to a technical violation or a new crime committed while on supervision. The majority of adults supervised on regular probation, who received technical violations, were more likely to be sentenced to the county jail (65.1%) and secondly to an alternative (18.3%). Probationers on regular supervision, who failed probation for the commission of a new crime, were most likely to be incarcerated in the county jail (49.7%) or DOC (42.8%). They received an alternative sentence in 7.5% of the cases.

As expected, adults who terminated from the intensive supervision program, regardless of whether that failure was due to a technical violation or a new crime, were most likely to be incarcerated at the Department of Corrections. Over three-quarters (82.5%) of the technical violators were sentenced to DOC, while 93.2% of those committing a new crime received this type of sentence.

The results for the Female Offender Program were similar to Adult ISP, with almost one-half (49.0%) of the technical violators sentenced to prison and 94.1% of all pre-release recidivists going to DOC.

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

¹⁷ Note that, for regular probation, a revocation is only counted in the data base for those offenders who actually terminate probation. For this reason, we cannot, at this time, account for those offenders who are revoked and reinstated to probation.

Table 18
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Successfully Terminated Probation
 and had a New Filing Post-Release - FY2007

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternative Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
Regular Probation	2.0% (21)	0.3% (3)	11.1% (114)	9.0% (93)	0.4% (4)	77.1% (793)	100%(1,028)
AISP	100% (1)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	100% (1)
FOP	0.0% (0)	0.0% (0)	100% (2)	0.0% (0)	0.0% (0)	0.0% (0)	100% (2)

Table 18 represents placement for those adult offenders who successfully completed regular or specialized probation but had a new filing post-release. Placement data for most regular adult offenders (77.1%) who recidivated after terminating probation, is unknown, as a disposition has not been reached or the case was dismissed. Post-release recidivism is a filing for a felony or misdemeanor for a criminal offense within one year of successful termination from program placement. By definition then, filings for adults who terminated in FY2007 were tracked through June 30, 2008.

Table 18 reflects for offenders, who had terminated from regular supervision and their new charges reached disposition, the majority (11.1%) were sentenced to the county jail, 9.0% received a probation sentence, 2.0% were sentenced to the Department of Corrections, and .4% received an alternate sentence or no sentence at all.

The number of adults who recidivated after terminating from a specialized program was quite small (one from AISP and two from FOP) compared to regular probation; therefore, limited conclusions are available for these programs. For AISP the single recidivate was sentenced to DOC on the new crime. The two FOP recidivates received sentences to the county jail for their new crimes.

Summary: FY2007 Termination Cohort

The Judicial Branch has produced a report on recidivism rates among probationers since 1996. Since 1998, the method and measures reported have been consistent with those reported here.

Recidivism among probationers has remained relatively stable – particularly while offenders are under the supervision of the probation department. Once terminated, rates of recidivism among probationers have remained relatively low; less than ten percent for adults and less than twenty percent for juveniles on regular probation.¹⁸ Adults and juveniles assessed at higher levels of risk/need have higher rates of new crimes once terminated from probation, but these rates average around twenty percent across regular supervision.¹⁹

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

¹⁸ Table 2

¹⁹ Tables 7 and 9

overall success rates of 60.1% for juveniles and 55.9% for adults.²⁰ Overall success rates were higher for juvenile and adult regular supervision in FY2007 than in FY2006. Both juveniles and adults, classified as higher risk, were less likely to successfully terminate and remain crime-free after termination than their lower-risk counterparts.

Post-termination recidivism rates, which spiked in FY2001, have remained relatively stable over the years this report has been produced. In FY2007, post-release recidivism rates were 16.2% for juvenile probationers and 8.5% for adult probationers.²¹ These represent slight increases of .8% over FY2006 rates for juveniles and .3% for adults.

Across specialized programs, which are designed to divert juvenile and adults who would otherwise be incarcerated, overall success rates range from 43.2%²² for the juvenile intensive supervision program and 55.9% for the adult intensive supervision program to 61.6% for participants in the Female Offender program.²³ Overall success rates are heavily influenced by the pre-release failure rates. Historically and in FY2007, the most common type of failure among all specialized programs is in the area of technical violations. Statewide responses to technical violations continue to be on the priority list of supervision issues to address. Specific strategies to reduce the number of terminations due to technical violations have been developed and will be implemented in FY2009 .

The Division of Probation Services and probation departments statewide take seriously the need to protect the public's safety and, in particular, prevent probationers from engaging in future criminal behavior. Recidivism is an important performance measure for the criminal justice system. The public expects that offenders supervised within the criminal justice system are being supervised effectively. This can be accomplished with quality staff and training and adequate resources within probation and in those critical services (e.g. substance abuse, mental health, domestic violence treatment) necessary to probationers' success.

²⁰ Tables 11 and 15

²¹ Table 2

²² Table12

²³ Table 16

BIBLIOGRAPHY

Donziger, Steven (Ed.). 1996. *The Real War On Crime: The Report of the National Criminal Justice Commission*, Harper Perennial.

Fulton, Betsy. 1996. *Restoring Hope Through Community Partnerships: The Real Deal in Crime Control*, The American Probation and Parole Association, Lexington, Kentucky.

Office of Probation Services. 2000. *State of State Report on Pre-Sentence Investigation and Assessment Activities*, Colorado Judicial Department, Denver, Colorado.

Piehl, Anne Morrison. 1998. *Economic Conditions, Work and Crime*, in The Handbook of Crime and Punishment, edited by Michael Tonry, Oxford University Press.

Pullen, Suzanne. 1999. *Report to the Colorado General Assembly and the Legislative Audit Committee Concerning a Consistent and Common Definition of Recidivism in the Juvenile and Criminal Justice System*, Colorado Judicial Branch, Denver, Colorado.

Simon, Rita J. and Landis, Jean. 1991. *The Crimes Women Commit: The Punishments they Receive*, Lexington Books, Lexington, Massachusetts.