

# Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2002 Releases

A report in compliance with Footnote 107 of the 2003 Appropriations Bill, SB03-258

November 1, 2003

Prepared by

*Division of Probation Services,  
Research and Evaluation Unit  
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Recidivism Rates of Colorado's Probationers:  
FY 2002 Releases**

*A report submitted to the General Assembly's  
Joint Budget Committee to satisfy the conditions  
of Footnote 107 of the 2003 Appropriations Bill, SB03-258*

November 1, 2003

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## FOOTNOTE 107

This report satisfies the conditions laid out in Footnote 107 of the General Assembly's 2003 Appropriations Bill, SB 03-258:

*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 eighth 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 107 of the 2003 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 FY2002.

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 FY2002? 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. Approximately three-quarters of youth (73.0%) and slightly more than two-thirds of adult probationers (69.5%) terminate successfully. (See Table 1.)
- Youth on probation terminated for technical violations of probation in 20.8% of cases and adults failed for technical violations in 25.8% of the cases. These rates are consistent with rates from previous years. (See Table 1.)
- Similar to past years, youth terminated for the commission of a new crime in 6.2% of the cases whereas adults failed for the commission of a new crime in 4.7% of the cases. (See Table 1.)

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

- For offenders released from regular probation supervision, 16.4% of youth and 7.2% of adults received a new filing within one year of termination from probation. After showing a significant increase in recidivism rates in FY2001, these rates for FY2002 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 are greater than on regular probation supervision, which is expected, given that the specialized programs are designed to supervise higher risk cases.

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 (61.0%) of juveniles remain successful one year after release from probation. (See Table 11.)
  - Approximately one quarter (24.4%) of JISP terminations were successful. However, when considering those youth who successfully terminated JISP and then transferred to regular probation supervision, the success rate almost doubles to 47.6%. (See both “successful” columns of Table 12.)
  - Just less than two-thirds of adult probationers (64.5%) are successful one year post-release. (See Table 15.)
  - Within adult specialized programs, the success rate ranged from as low as 6.3% for intensive supervision probation to 18.8% for the female offender program. However, the majority of adults supervised on a specialized program are transferred to regular probation supervision and when considering these offenders, the success rates increase to a range of 52.5% for intensive supervision probation to 61.7% for the specialized drug offender program. (See both “successful” columns of Table 16.)
  
5. *Disposition of pre-release failures and post-release recidivists*
  - The majority of offenders (both youth and adults) supervised on regular probation are most frequently sentenced to detention or a county jail for technical violations and new crimes committed while under supervision. (See Tables 13 and 17.)
  - 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. (See Tables 13 and 17.)
  - Of those cases where information is available, post-release recidivists (juveniles and adults) were most frequently re-sentenced to probation. (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 decrease in post-release recidivism rates of 3.1% and 4.1% respectively.

Across specialized programs, those programs designed to divert youth and adults who would otherwise be incarcerated, overall success rates range from 47.6% for the juvenile intensive supervision program to 61.7% for the specialized drug offender program. When considering only those offenders terminated from specialized probation programs

altogether, success rates range from 6.3% - 24.4%. These lower rates are heavily influenced by the pre-release failure rates and the 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. 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, 2003 there were 50,876 offenders on probation in Colorado, including 42,012 adult and 8,864 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 FY2002, budget cuts in FY2004 have resulted in the elimination of all specialized probation programs except for intensive supervision probation. As a result, probation officers supervising general caseloads now maintain an average caseload of 238 adults and 86 juveniles, while caseloads for intensive supervision probation have been increased and are now capped at 35 for juveniles and 45 for adults.<sup>1</sup>

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,

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<sup>1</sup> These figures were obtained from the Colorado Judicial Branch FY2005 Budget Request preparation documents, and are based upon distributions of staff expected to supervise offenders (versus preparing pre-sentence investigation reports).

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 and those reported here.

## **METHODOLOGY**

The 2003 recidivism study is based upon the population of probationers terminated from probation during the 2002 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 2002 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, 2002 cohort.

## **Data**

For the 2002 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2002. 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 FY2002 and FY2003 to derive post-release recidivism rates for those probationers who successfully completed probation<sup>2</sup>. 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 FY2002? 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.

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<sup>2</sup> 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.

New data for FY2002 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 FY2001 and FY2002. For juveniles, 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. These same rates for adults remained constant.

Overall, successful termination rates decreased slightly between FY2001 and FY2002, for both juveniles and adults. 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  
FY2001 and FY2002 Terminations**

TERMINATION TYPE	JUVENILE FY 2001	JUVENILE FY 2002	ADULT FY2001	ADULT FY2002
Successful	75.6% (4,246)	73.0% (3,732)	70.4% (10,898)	69.5% (10,822)
Failure: Technical	19.2% (1,081)	20.8% (1,063)	25.3% (3,914)	25.8% (4,019)
Failure: New Crime	5.2% (292)	6.2% (317)	4.3% (675)	4.7% (739)
TOTAL	100% (5,619)	100% (5,112)	100% (15,487)	100% (15,580)

**2. What proportion of probationers 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 FY2001 and FY2002, the proportion that remained crime free and the proportion that had a new juvenile delinquency petition or criminal case filed against them within one year of termination from supervision. Last year's recidivism report noted the first time since recidivism findings were reported to the General Assembly, a significant increase in the post-release recidivism rates. The

juvenile rates reported last year were 7.8% for FY2000 and 19.5% for FY2001. The FY2002 rate of post-release recidivism for juveniles reflects more historical trends at 16.4% and suggests perhaps that the rate for FY2001 is an anomaly and may not climb that high again.

Filings for a new crime among adult probationers successfully terminated from probation during FY2002 also decreased (by 4.1%) compared to those released in FY2001.

**Table 2**  
**REGULAR PROBATION**  
**Comparison of Juvenile and Adult Successful Terminations**  
**And Proportion with New Case Filed**  
**FY2001 and FY2002 Terminations**

POST-RELEASE RECIDIVISM	JUVENILES FY2001	JUVENILES FY2002	ADULTS FY2001	ADULTS FY2002
New Case Filed	19.5% (827)	16.4% (614)	11.3% (1,227)	7.2% (780)
No New Case Filed	80.5% (3,419)	83.6% (3,118)	88.7% (9,671)	92.8% (10,042)
TOTAL	100% (4,246)	100% (3,732)	100% (10,898)	100% (10,822)

- 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**

Probation uses the LSI (Level of Supervision Inventory) 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.

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 FY2002 with those in FY2001. As represented in Table 3, the 73.0% overall successful termination rate of juvenile probationers on regular supervision for FY2002 is somewhat lower than the 75.6% success rate reported for youth in FY2001. Of juveniles that terminated probation in FY2002, 20.8% failed for violating the terms and conditions of probation (including absconding from supervision), and 6.2% failed by committing a new crime. These figures too, reflect a slight increase from the 19.2% technical failure and 5.2% new crime failure reported in FY2001.

As has been true historically, juveniles supervised at the maximum and administrative levels on regular probation had the lowest success rates (53.4% and 50.9%, 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 terminated for the commission of a new crime more frequently than those classified as administrative cases. The rate at which maximum supervision level juveniles terminated due to a new crime decreased slightly in FY2002 (13.4%) compared to the failure rate for this group and for a new crime in FY2001 (14.7%). 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 – FY2002**  
**Compared with Overall Termination Type FY2001**

SUPERVISION LEVEL	JUVENILE PROBATIONERS TERMINATED			
	Success	Fail: Technical	Fail: New Crime	Total
Juvenile Probationers Terminated FY2002				
Regular: Administrative	50.8% (498)	40.8% (399)	8.4% (82)	100% (979)
Regular: Unclassified	82.0% (200)	15.5% (38)	2.5% (6)	100% (244)
Regular: Minimum	91.8% (1,523)	6.4% (106)	1.8% (30)	100% (1,659)
Regular: Medium	75.0% (1,110)	18.3% (271)	6.7% (99)	100% (1,480)
Regular: Maximum	53.4% (401)	33.2% (249)	13.4% (100)	100% (750)
TOTAL REGULAR PROBATION	73.0% (3,732)	20.8% (1,063)	6.2% (317)	100% (5,112)
Juvenile Probationers Terminated FY2001				
TOTAL REGULAR PROBATION	75.6% (4,245)	19.2% (1,080)	5.2% (292)	100% (5,617) <sup>3</sup>

Table 4 indicates that JISP clients succeeded 54.4% of the time<sup>4</sup>, but failed for committing technical violations in approximately one third of the cases (34.4%) and failed due to a new crime in 11.2% of the cases. These findings reflect a slight improvement over FY2001 termination results in which 51.6% of youth succeeded on JISP. An additional 37.9% failed for a technical violation and 10.5% 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.<sup>5</sup> This classification of offender would also likely be committed to a Division of Youth Corrections facility in the absence of the JISP sentencing option.

<sup>3</sup> Missing data in some categories prohibits exact matches within certain categories. In this case, missing supervision level data in the Success and *Fail: Technical* categories result in lower totals than reported in Table 1. Missing data occurs when one piece of information is missing (was not entered by the probation officer) in an analysis requiring two or more pieces of information. For example, in this table, we might have the termination type (succeed or fail) but the supervision level may be missing. Missing data is likely to occur in various tables throughout this report.

<sup>4</sup> JISP clients successfully terminated included 23.3% who were successfully terminated from JISP and moved to regular supervision and 31.1% were successfully terminated from JISP and released from supervision.

<sup>5</sup> 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 – FY2002**  
**Compared with Juvenile ISP Termination Type FY2001**

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 FY2002	23.3% (83)	31.1% (111)	34.4% (123)	11.2% (40)	100% (357)
Juvenile Intensive Probation FY2001	25.9% (104)	25.7% (103)	37.9% (152)	10.5% (42)	100% (401)

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 levels<sup>6</sup> were the least likely to successfully terminate probation (52.3% and 45.7%, 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 as likely to fail for a new crime (4.8%) as those adults classified as administrative (4.6%). Termination findings for adults on regular probation supervision for FY2002 (69.5% success rate) are consistent with those reported for FY2001 probation releases, in which a 70.4% success rate was reported.

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

**Table 5**  
**REGULAR PROBATION:**  
**Adult Probation Termination Type by Supervision Level – FY2002**  
**Compared with Overall Termination Type FY2001**

SUPERVISION LEVEL	ADULT PROBATIONERS TERMINATED			
	Success	Fail: Technical	Fail: New Crime	Total
Adult Probationers Terminated FY2002				
Regular: Administrative	52.3% (3,112)	43.2% (2,571)	4.5% (272)	100% (5,955)
Regular: Unclassified	82.7% (571)	15.6% (108)	1.7% (13)	100% (692)
Regular: Minimum	89.8% (2,902)	8.4% (271)	1.8% (57)	100% (3,230)
Regular: Medium	81.2% (3,728)	14.0% (642)	4.8% (220)	100% (4,590)
Regular: Maximum	45.7% (509)	38.4% (427)	15.9% (177)	100% (1,113)
TOTAL REGULAR PROBATION	69.5% (10,822)	25.8% (4,019)	4.7% (739)	100% (15,580)
Adult Probationers Terminated FY2001				
TOTAL REGULAR PROBATION	70.4% (10,897)	25.3% (3,915)	4.3% (675)	100% (15,487)

**Table 6**  
**SPECIALIZED PROGRAMS:**  
**Adult Probation Termination Type by Program – FY2002**  
**Compared with Specialized Programs Termination Type FY2001**

PROGRAM	Successful on Specialized Program		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Specialized Program			
<b>FY2002 Specialized Programs Terminations</b>					
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)
<b>FY2001 Specialized Programs Terminations</b>					
Adult Intensive Supervision Probation (AISP)	43.5% (415)	12.3% (117)	32.4% (309)	11.8% (112)	100% (953)
Specialized Drug Offender Program (SDOP)	44.3% (105)	14.8% (35)	29.5% (70)	11.4% (27)	100% (237)
Female Offender Program (FOP)	44.2% (49)	14.4% (16)	36.9% (41)	4.5% (5)	100% (111)

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 more than 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 53.2% for AISP, 63.9% for SDOP, and 55.9% for FOP). The success rates for both Adult Intensive Supervision Probation (AISP) and the Female Offender Program (FOP) decreased slightly in FY2002 (by 2.6% and 2.7% respectively) while the success rate for the Specialized Drug Offender Program (SDOP) increased by 4.8%. This improved success rate reflects a decrease in both technical violations and new crime.

Between FY2001 and FY2002, the failure rate for the commission of a new crime remained relatively constant or decreased for all types of specialized offender programs. These rates decreased by .8% for Adult ISP, 2.9% for SDOP, and .4% for FOP.

Women offenders supervised in the female offender program continue to be the least likely group of specialized probationers to be revoked for the commission of a new crime (4.1%). Women in FOP were most likely to negatively terminate for a technical violation (40.0%), which includes those people who have absconded. The female population served in this program is, by design, a group of women who otherwise would have been sentenced to prison. Women in the criminal justice system are typically difficult to find appropriate services for, given their unique needs, including care for minor children, economic needs and, often, high rates of substance abuse and victimization from domestic violence (Donziger, 1996; Simon and Landis, 1991).

### 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 – FY2002**  
**Compared with Overall Post-Release Recidivism Findings – FY2001**

JUVENILES WHO SUCCESSFULLY TERMINATED PROBATION			
SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2002 Successful Terminations			
Regular: Administrative	14.1% (70)	85.9% (428)	100% (498)
Regular: Unclassified	14.5% (29)	85.5% (171)	100% (200)
Regular: Minimum	15.0% (228)	85.0% (1,295)	100% (1,523)
Regular: Medium	18.9% (210)	81.1% (900)	100% (1,110)
Regular: Maximum	19.2% (77)	80.8% (324)	100% (401)
Total	16.5% (614)	83.5% (3,118)	100% (3,732)
FY2001 Successful Terminations			
Total	19.5% (827)	80.5% (3,419)	100% (4,246)

Table 7 indicates that 16.5% (n=614) of juveniles who terminated regular probation successfully in FY2002 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 19.5% (n=827) in FY2001. While we noted a significant increase between fiscal years 2000 and 2001, the rate at which those juveniles who successfully terminated went on to receive a new filing within one year, suggests that 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 19.2%, at the medium supervision level it was 18.9%, and at the minimum supervision level it was

15.0%. The lowest recidivism rates were among those offenders last classified as administrative (14.1%) or unclassified (14.5%).

**Table 8**  
**JUVENILE ISP:**  
**Post-Release Recidivism by Last Supervision Level – FY2002**  
**Compared with Overall Post-Release Recidivism Findings – FY2001**

<b>JISP Clients Who Successfully Terminated JISP And Completed Probation</b>			
<b>PROGRAM</b>	<b>New Case Filed</b>	<b>No New Case Filed</b>	<b>Total</b>
JISP FY2002	21.6% (24)	78.4% (87)	100% (111)
JISP FY2001	26.2% (27)	73.8% (76)	100% (103)

Table 8 indicates that approximately one quarter (21.6%) of JISP clients who successfully terminated probation and were released from supervision during FY2002 went on to have a new delinquency petition or criminal case filed in court within one year. This figure reflects an improvement over FY2001 in which the rate was 26.2%.

Note that this table represents only those 111 youth released from supervision altogether. An additional 83 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.<sup>7</sup> If the 83 youth transferred to regular supervision were included in this analysis, they would likely be included in the “No New Case Filed” column<sup>8</sup> and the revised “New Case Filed” rate would be 12.4%.

**Table 9**  
**REGULAR PROBATION:**  
**Adult Post-Release Recidivism by Last Supervision Level – FY2002**  
**Compared with Overall Post-Release Recidivism Findings – FY2001**

<b>ADULTS WHO SUCCESSFULLY TERMINATED PROBATION</b>			
<b>SUPERVISION LEVEL</b>	<b>New Case Filed</b>	<b>No New Case Filed</b>	<b>Total</b>
<b>FY2002 Successful Terminations</b>			
Regular: Administrative	5.4% (169)	94.6% (2,943)	100% (3,112)
Regular: Unclassified	5.8% (33)	94.2% (538)	100% (571)
Regular: Minimum	6.5% (189)	93.5% (2,713)	100% (2,902)
Regular: Medium	8.7% (326)	91.3% (3,402)	100% (3,728)
Regular: Maximum	12.4% (63)	87.6% (446)	100% (509)
<b>Total</b>	<b>7.2% (780)</b>	<b>92.8% (10,042)</b>	<b>100% (10,822)</b>
<b>FY2001 Successful Terminations</b>			
<b>Total</b>	<b>11.3% (1,226)</b>	<b>88.7% (9,671)</b>	<b>100% (10,897)</b>

<sup>7</sup> 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.

<sup>8</sup> The calculation for this figure is 83+87=170 with a grand total of 194 (24+170) and 24/194=12.4%.

Table 9 reflects that, overall, 7.2% of adult probationers who terminated successfully from probation during FY2002 were subsequently brought to court on new charges. This rate had increased significantly in FY2001 when the rate was 11.3%, up from 6.8% in FY2000. Similar to the juveniles, it appears that the adults' rate of post-release recidivism may have peaked in FY2001 and is now decreasing and moving towards previously occurring rates.

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 (12.4%). Among nearly 11,000 successful probation terminations, between 5.4% and 12.4% of offenders classified in each of these categories had a new filing. In other words, the vast majority of adults (92.8%) 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 FY2002, the post-release recidivism rates for adults on specialized programs remained fairly constant in comparison with FY2001 figures. AISP experienced a slight increase of 1.9% (up from 7.6% in FY2001), SDOP data reflects a small decrease of 2.4% (down from 16.7% in FY2001), and FOP essentially remained the same, decreasing .4% (down from 6.3% in FY2001).

**Table 10**  
**SPECIALIZED PROBATION PROGRAMS:**  
**Adult Successful Terminations and**  
**Proportion with New Case Filed – FY2002**  
**Compared with Overall Post-Release Recidivism Findings – FY2001**

POST-RELEASE RECIDIVISM	New Case Filed	No New Case Filed	TOTAL
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)
Adults Who Successfully Terminated a Specialized Program and Completed Probation FY2001			
AISP	7.6% (9)	92.4% (109)	100% (118)
SDOP	16.7% (6)	83.3% (30)	100% (36)
FOP	6.3% (1)	93.7% (15)	100% (16)

As in previous years, (see previous recidivism findings reported in 2001 and 2002), women who terminated successfully from the female offender program perform better than adult offenders released from the other specialized probation programs. Only two

women in the current study received a new filing during the one-year at-risk period. Slightly more than eighty-five percent (85.7%) of those offenders who successfully terminated from the specialized drug offender program remained crime-free during this same period while 90.5% of those completing the adult intensive supervision program did not recidivate.

**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 FY2002 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 FY2001 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 – FY2002  
Compared with Overall Post-Release Recidivism Findings – FY2001**

SUPERVISION LEVEL	Pre-release Failure: Technical <sup>9</sup>	Pre-release Failure: New Crime <sup>10</sup>	Successful and Post-release Recidivism <sup>11</sup>	Successful <sup>12</sup>	Total
<b>Juvenile Terminations FY2002</b>					
Regular: Administrative	40.7 (399)	8.4% (82)	7.2% (70)	43.7% (428)	100% (979)
Regular: Unclassified	15.6% (38)	2.5% (6)	11.8 (29)	70.1% (171)	100% (244)
Regular: Minimum	6.4% (106)	1.8% (30)	13.7% (228)	78.1% (1,295)	100% (1,659)
Regular: Medium	18.3% (271)	6.7% (99)	14.2% (210)	60.8% (900)	100% (1,480)
Regular: Maximum	33.2% (249)	13.3% (100)	10.3% (77)	43.2% (324)	100% (750)
<b>TOTAL REGULAR PROBATION</b>	<b>20.8% (1,063)</b>	<b>6.2% (317)</b>	<b>12.0% (614)</b>	<b>61.0% (3,118)</b>	<b>100% (5,112)</b>
<b>Juvenile Terminations FY2001</b>					
<b>TOTAL REGULAR PROBATION</b>	<b>19.2% (1,080)</b>	<b>5.2% (292)</b>	<b>14.7% (826)</b>	<b>60.9% (3,419)</b>	<b>100% (5,617)</b>

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

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

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

<sup>12</sup> 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 – FY2002 and FY2001**

PROGRAM	Pre-release Failure: Technical <sup>13</sup>	Pre-release Failure: New Crime <sup>14</sup>	Post-release Recidivism <sup>15</sup>	Successfully terminated directly from JISP and did not recidivate <sup>16</sup>	Successfully terminated from JISP & transferred to regular supervision <sup>17</sup>	Total
JISP FY2002	34.5% (123)	11.2% (40)	6.7% (24)	24.4% (87)	23.2% (83)	100% (357)
JISP FY2001	37.8% (152)	10.5% (42)	6.7% (27)	19.0% (76)	26.0% (104)	100% (401)

As indicated in Table 11, the overall success rate for juveniles supervised on regular probation in FY2002 was 61.0%, remaining consistent with the overall success rate in FY2001 of 60.9%. Not surprisingly, those youth supervised at the maximum supervision level and classified as administrative cases had the lowest success rates (43.2% and 43.7%, 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 nearly one-quarter (23.2%) 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.

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

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

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

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

<sup>17</sup> 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 (24.4%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 47.6% success rate, compared to 44.9% in FY2001. This 47.6% success rate for FY2002 is calculated by adding the two “successful” columns in Table 12 together (24.4% and 23.2%). While the 24.4% success rate of those juveniles who terminate JISP without the benefit of regular probation supervision is low, it is an improvement (a 5.4% increase) over FY2001 in which only 19.0% of these juveniles succeeded.

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 \$68,317<sup>18</sup> per year compared to \$5,487 on JISP<sup>19</sup>. In summary, JISP redirected 170 youth from DYC in FY2002 and, of those, we know more than half of them (87 of 170 = 51.2%) 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: FY2002**

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	38.5% (404)	59.4% (631)	2.1% (28)	100% (1,063)
JISP	61.7% (76)	35.7% (44)	2.6% (3)	100% (123)
Pre-Release Failure: New Crime				
Juvenile Regular Probation	44.0% (139)	52.5% (166)	3.5% (12)	100% (317)
JISP	64.7% (26)	32.5% (11)	2.8% (3)	100% (40)

<sup>18</sup> 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.

<sup>19</sup> 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: FY2002**

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	2.1% (13)	.2% (1)	1.1% (7)	9.8% (60)	7.7% (47)	79.1% (486)	100% (614)
JISP	0	0	4.2% (1)	8.3% (2)	8.3% (2)	79.2% (19)	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 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 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 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.

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 (59.4%) and a new crime (52.5%) committed while under supervision. The second most frequently used placement for youth on regular probation was incarceration for technical violations (38.5%) and a new crime (44.0%). 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 (61.7%) or a new crime (64.7%). Fewer JISP youth were given a detention sentence for a technical violation (35.7%) and for a new crime (32.5%).

The placement for those youth who recidivated after terminating from either regular probation supervision or JISP, and whose placement has been determined, was often

another probation sentence or, almost as frequently a fine/fee, community service or some other type of sentence. Table 14 reflects nearly ten percent (regular probation = 9.8% and JISP = 8.3%) of youth being sentenced again to probation and approximately 8.0% (regular probation = 7.7% and JISP= 8.3%) of youth being given a fine/fee, community service work or other sentence.

As reflected in Table 14, the vast majority of 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**  
**REGULAR PROBATION**  
**Overall Adult Program Failures and Successes – FY2002**  
**Compared with Overall Post-Release Recidivism Findings – FY2001**

SUPERVISION LEVEL	Pre-release Failure: Technical <sup>20</sup>	Pre-release Failure: New Crime <sup>21</sup>	Successful and Post-release Recidivism <sup>22</sup>	Successful <sup>23</sup>	Total
<b>Adult Terminations FY2002</b>					
Regular: Administrative	43.2% (2,571)	4.6% (272)	2.8% (169)	49.4% (2,943)	100% (5,955)
Regular: Unclassified	15.6% (108)	1.7% (12)	4.8% (33)	77.9% (539)	100% (692)
Regular: Minimum	8.4% (271)	1.8% (57)	5.8% (189)	84.0% (2,713)	100% (3,230)
Regular: Medium	14.0% (642)	4.8% (220)	7.1% (326)	74.1% (3,402)	100% (4,590)
Regular: Maximum	38.4% (427)	15.8% (177)	5.7% (63)	40.1% (446)	100% (1,113)
<b>TOTAL REGULAR PROBATION</b>	<b>25.8% (4,019)</b>	<b>4.7% (738)</b>	<b>5.0% (780)</b>	<b>64.5% (10,043)</b>	<b>100% (15,580)</b>
<b>Adult Terminations FY2001</b>					
<b>TOTAL REGULAR PROBATION</b>	<b>25.3% (3,915)</b>	<b>4.4% (675)</b>	<b>7.9% (1,226)</b>	<b>62.4% (9,671)</b>	<b>100% (15,487)</b>

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

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

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

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

**Table 16**  
**SPECIALIZED PROGRAMS (Adult Intensive Supervision Probation, Specialized Drug Offender Program and Female Offender Program)**  
**Overall Adult Program Failures and Successes: FY2002 and FY2001**

SUPERVISION LEVEL	Pre-release Failure: Technical <sup>24</sup>	Pre-release Failure: New Crime <sup>25</sup>	Post-release Recidivism <sup>26</sup>	Successfully terminated directly from specialized probation and did not recidivate <sup>27</sup>	Successfully terminated from specialized & transferred to regular supervision <sup>28</sup>	Total
<b>Adult Specialized Program Terminations FY2002</b>						
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)
<b>Adult Specialized Program Terminations FY2001</b>						
AISP	32.5% (309)	11.7% (112)	.9% (9)	11.4% (109)	43.5% (415)	100% (954)
SDOP	29.4% (70)	11.3% (27)	2.5% (6)	12.6% (30)	44.2% (105)	100% (238)
FOP	37.0% (41)	4.5% (5)	.9% (1)	13.5% (15)	44.1% (49)	100% (111)

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 64.5%, compared to 62.4% of FY2001 probation terminations. Offenders supervised at the maximum supervision level had the lowest overall success rate (40.1%), and the failure was largely due to technical violations of their probation supervision (38.4%).

Overall and as expected, adult offenders in specialized programs (Table 16) performed more poorly than those on regular probation supervision. Adults terminated from the intensive supervision program had an overall success rate of 52.5%, with a 46.2% success rate for those offenders who transferred from AISP to regular probation supervision and 6.3% for those offenders who did not continue on any supervision following an AISP sentence. This 52.5% overall success rate for AISP is somewhat lower than the FY2001 rate of 54.6%.

Offenders in the specialized drug offender program demonstrated an overall success rate of 61.7%, with a 51.0% success rate for those offenders who transferred from SDOP to regular probation supervision and a 10.7% success rate for those who left

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

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

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

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

<sup>28</sup> 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.

supervision altogether upon completion of SDOP. This overall success rate of 61.7% for SDOP is nearly a five percent improvement over the FY2001 success rate of 56.8%.

Women placed in the female offender program had an overall success rate of 54.7%, with a 35.9% success rate for those offenders who transferred from FOP to regular probation supervision and a 18.8% success rate for those women who left supervision altogether upon completion of FOP. This 54.7% overall success rate for FOP is down 2.9% from 57.6% in FY2001.

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 17**  
**ALL ADULT PROBATION PROGRAMS**  
**Placement of Adult Probationers Who Terminated Probation**  
**for Technical Violations or a New Crime: FY2002**

PLACEMENT	Incarceration: Dept. of Corrections	County Jail	Fines, Fees, Comm. Service, Other (includes no sentence)	TOTAL
<b>Pre-Release Failure: Technical Violation</b>				
Adult Regular Probation <sup>29</sup>	28.7% (1,153)	65.1% (2,617)	6.2% (249)	100% (4,019)
AISP	87.0% (282)	10.2% (33)	2.8% (9)	100% (324)
SDOP	35.3% (19)	53.4% (29)	11.3% (6)	100% (54)
FOP	66.2% (45)	17.6% (12)	16.2% (11)	100% (68)
<b>Pre-Release Failure: New Crime</b>				
Adult Regular Probation	44.0% (325)	49.0% (362)	7.0% (52)	100% (739)
AISP	87.8% (87)	6.1% (6)	6.1% (6)	100% (99)
SDOP	80.3% (14)	11.2% (2)	8.5% (1)	100% (17)
FOP	44.0% (3)	28.0% (2)	28.0% (2)	100% (7)

<sup>29</sup> Note that, for regular probation, a revocation is only counted in the data base for those offenders who actually terminate probation. For this reason, we cannot, at this time, account for those offenders who are revoked and reinstated to probation.

**Table 18**  
**ALL ADULT PROBATIONERS**  
**Placement of Adult Probationers Who Successfully Terminated Probation**  
**and had a New Filing Post-Release: FY2002**

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 <sup>8</sup>	2.4% (19)	.8% (6)	2.8% (22)	9.0% (71)	7.0% (54)	78.0% (608)	100% (780)
AISP	0% (0)	0% (0)	0% (0)	0% (0)	0% (0)	100% (6)	100% (6)
SDOP	25.0% (1)	0% (0)	0% (0)	0% (0)	0% (0)	75.0% (3)	100% (4)
FOP	0% (0)	0% (0)	0% (0)	0% (0)	50.0% (1)	50.0% (1)	100% (2)

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.

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 (65.1%) and a new crime (49.0%) committed while under supervision. The second most frequently used placement for adults on regular probation was incarceration. Adults who failed due to technical violations were incarcerated 28.7% of the time and those who committed a new crime were incarcerated 44.0% of the time. As expected, the reverse was true for those adults who were under one of the specialized programs typically reserved for more serious offenders. More adults in a specialized program were incarcerated at the Department of Corrections (DOC) than were sentenced to a county jail. The only exception is in the specialized drug offender program where more offenders did not go to DOC. They were more likely to be given a county jail sentence, most likely as a condition of a probation sentence in order to continue addressing the offenders' substance abuse problem. This community placement is appropriate since these offenders generally have many needs and are typically non-violent.

Table 18 reflects that the placement for those adults who recidivated *after* terminating from regular probation supervision was most often another probation sentence (9.0%) but almost as frequently, a fine/fee, community service or some other type of sentence (7.0%). 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: 2002 Termination Cohort**

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 decrease in post-release recidivism rates of 3.1% and 4.1% respectively.

Across specialized programs, those programs designed to divert youth and adults who would otherwise be incarcerated, overall success rates range from 47.6% for the juvenile intensive supervision program to 61.7% for the specialized drug offender program. When considering only those offenders terminated from specialized probation programs altogether, success rates range from 6.3% - 24.4%. 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. 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.

## BIBLIOGRAPHY

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

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

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

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

Pullen, Suzanne. *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, June 1999.

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