

PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2009 RELEASES

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FY2009 RELEASES

PREPARED BY:
EVALUATION UNIT
DIVISION OF PROBATION SERVICES
STATE COURT ADMINISTRATOR'S OFFICE
COLORADO JUDICIAL BRANCH

PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2009 RELEASES

A REPORT SUBMITTED TO THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE TO SATISFY CONDITIONS OF REQUEST #3, PURSUANT TO PROVISIONS ESTABLISHED IN HB10-1376

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Prepared by

Dana Wilks
Kris Nash
Division of Probation Services

COLORADO JUDICIAL BRANCH

Gerald A. Marroney, State Court Administrator
Thomas Quinn, Director, Division of Probation Services
Eileen Kinney, Manager, Evaluation Unit, Division of Probation Services

REQUEST #3 FOR INFORMATION FROM THE JUDICIARY, FY10-11

This report satisfies the conditions outlined in request #3, pursuant to provisions established in HB10-1376, which states:

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

For the fifteenth consecutive year, the Judicial Branch's Division of Probation Services meets the conditions of the above request by submitting this report on recidivism. This report stands as an independent document intended to fulfill the requirements contained in request #3.

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PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2009 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 FY2009.

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

- Pre-release recidivism/failure: an adjudication or conviction for a felony or misdemeanor, or a technical violation relating to a criminal offense, while under supervision in a criminal justice program.
- Post-release recidivism: a filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense.

RESEARCH QUESTIONS

At the General Assembly's request, the following research questions will be answered:

1. What proportion of probationers were terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers were terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers successfully terminated?
2. What proportion of probationers had a juvenile delinquency petition or a criminal case filed in Colorado within one year of termination of probation (post-release recidivism)?
3. What are the differences in pre-release and post-release recidivism rates for the following groups: regular probationers in each supervision level, and probationers in each of the intensive probation programs (adult and juvenile intensive supervision probation and the adult female offender program)?
4. What is the overall failure rate of juvenile and adult probationers? That is, when unsuccessful terminations (both technical violations and new crime) are combined with post-release recidivism, what is the overall failure rate for probationers who terminated in FY2009? Also, where were probationers placed upon failure?

FINDINGS

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

- Successful termination rates have remained relatively stable for juveniles and have increased for adults. For FY2009, 73.7% of juveniles terminated successfully from regular supervision. This represents an increase of 1.2% from the FY2008 rate of 72.5%. The successful termination rate of 68.9% for adults in FY2009 is compared to 64.4% from the previous year, an increase of 4.5% in successful terminations. (Table 1)
- Juveniles on probation terminated for technical violations of probation in 19.3% of cases. This rate reflects a decrease from the previous year's rate of 20.9%. The adult technical violation rate of 25.0% in FY2009 is lower than the 29.3% rate in FY2008. (Table 1)
- Pre-release recidivism rates have remained relatively stable. Juveniles were terminated from probation for the commission of a new crime in 7.0% of the cases, which is slightly higher than the 6.6% rate from FY2008. The adult new crime rate of 6.1% reflects a slight decrease from the 6.3% rate of the FY2008 releases. (Table 1).

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

- For juveniles who successfully completed regular probation supervision, 15.3% received a new filing in FY2009 compared to 15.2% in FY2008. (Table 2)
- Adults, who completed regular probation successfully, received a new filing at a rate of 6.7%, compared to the 7.3% 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 administrative¹ cases were the most likely to fail at the pre-release stage. The higher failure rate among maximum level probationers was consistent with risk classification tools, in which high risk/maximum level supervision offenders are often more than twice as likely as those classified at lower supervision levels to commit a new crime while under supervision. Similarly, the higher failure rate among administrative cases was expected, given the range of these offenders included a mixture of risk levels and supervision outside of probation, such as county jail work release programs. Juveniles and adults failed at an increasing frequency, as their assessed risk level (minimum, medium, maximum) increased, both pre- and post-release. This is expected, as the assessed risk levels should be predicting increased failure with increased risk level. (Tables 3 and 5)
- Successful terminations from Juvenile Intensive Supervision Probation (JISP) increased 3.9% (45.0% FY2009, 41.1% FY2008), mostly due to a 3.1% reductions in technical violation rates from FY2008. (Tables 4)

¹ Administrative is a classification category used to denote offenders who were under the jurisdiction of probation, but who may have been supervised by other agencies, including county jails, detention centers, or various residential placements, but may have been otherwise classified at any one of the designated risk levels (e.g. minimum, medium, maximum).

- Successful terminations from AISP have increased 12.0% (66.5% in FY2009 from 54.5% in FY2008), which is reflective of an 8.8% decrease in technical violations and 3.2% in the pre-release new crime rates. (Table 6)
- Successful terminations from FOP increased in FY2009 to 73.1%, an 8.0% increase from 65.1% in FY2008. (Table 6)
- The percentage of juveniles who had a new case filed within one year of successfully terminating JISP decreased in FY2009 to 12.3% from 29.7% in FY2008. It should be noted that significant fluctuations occur in this rate due to the small number of terminations. (Table 8)
- The percentage who had a new case filed within one year of successfully terminating AISP increased to 11.3% in FY2009 from 10.0% in FY2008. The percentage who had a new case filed within one year of successfully terminating FOP increased to 9.7% in FY2009 from 8.7% in FY2008. (Table 10) The rates in intensive programs are volatile due to the varying sample size each year. In FY2009, these rates were based on six AISP and three FOP probationers.

4. Overall Success and Failure Rates among Colorado Probationers

- Almost two-thirds (62.4%) of all terminated juveniles remain successful one year after release from probation. This represents an increase of 1.0 from FY2008. (Table 11)
- The overall success rate for juveniles who terminated from JISP was 43.5%. This is an increase of 6.2% from the overall success rate of 37.3% in FY2008. (Table 12)
- The overall success rate (64.3%) for regular adult probation is higher than the 59.7% rate from FY2008. (Table 15)
- AISP produced an overall success rate of 66.0%, an increase of 11.9% from the previous year's rate of 54.1%. (Table 16)
- FOP had an overall success rate of 71.6%, which is an increase of 7.7% from the rate of 63.9% in FY2008. (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) over 85% of the time. (Tables 13 and 17)
- Juvenile and adults in intensive programs were most likely incarcerated at the Division of Youth Corrections or Department of Corrections when they violated their probation sentence. (Tables 13 and 17)
- Of those cases where information was available, post-release recidivists who had previously successfully completed regular juvenile probation or JISP were most frequently sentenced to probation on the new offense. Adults who successfully completed regular probation received a sentence to the county jail more frequently than any other sentence when they committed a

new crime after having successfully completed probation. Of the AISP (1) and FOP (1) recidivists with a disposition, both were sentenced to jail on the new case.(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 and following completion of probation sentences. Specifically, 73.7% of juvenile and 68.9% of adult regular probationers were successful on probation (Table 1). These FY09 rates are increases in the rates from FY08. Both juveniles and adults, classified as high risk, were less likely to successfully terminate and less likely to remain crime-free after termination; however their lower-risk counterparts (individuals on minimum supervision level) completed probation over 94% of the time.

In the intensive programs, designed to divert juveniles and adults who may have otherwise been incarcerated, overall success rates (successful probation termination and no post-release recidivism and those transferred from intensive to regular supervision) ranged from 43.5% for the juvenile intensive supervision program and 66.0% for the adult intensive supervision program to 71.6% for the female offender program (See Tables 12 and 16). The most frequent type of pre-release failure among all intensive programs was technical violations; however, these rates are trending downward.

The following table is a synopsis of the findings of this report, noting that “Success” is a positive termination from probation and “Overall Success” is a positive termination and no post-release recidivism within the first year from termination. Notably, FY2009 is marked by increased success rates in all adult and juvenile regular and intensive programs. These improved rates are related with decreases in the number of probationers terminating negatively due to technical violations. It would appear that officers across the state are making well-informed decisions on violation responses, as the subsequent recidivism rates have held steady or even decreased. This data bodes well for a system focused on longer-term behavior change, as opposed to short-term compliance.

**Recidivism Summary for
FY2009 Termination Cohort²**

Supervision Level	Success	Pre-Release Failure		Post-release Recidivism	Overall Success
		Tech. Violation	New Crime		
Juvenile					
Regular	73.7%	19.3%	7.0%	15.3%	62.4%
JISP ³	45.0%	37.7%	17.3%	12.3%	43.5%
Adult					
Regular	68.9%	25.0%	6.1%	6.7%	64.3%
AISP ⁴	66.5%	22.7%	10.8%	11.3%	66.0%
FOP ⁵	73.1%	19.9%	7.0%	9.7%	71.6%

² Termination data and PRE-release recidivism data is available in the Judicial Branch's Annual Report, for the 2010 termination, cohort and can be accessed via the web: <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>. Because post-release recidivism data is collected one year after termination, it is not included in the Annual Report. This variable will not be calculated or published until the completion of next year's recidivism report.

³ The rates in intensive programs are volatile due to the varying sample size.

⁴ Ibid.

⁵ Ibid.

INTRODUCTION

On June 30, 2009, there were 61,549 offenders on probation in Colorado, including 54,162 adult and 7,387 juvenile probationers in both regular and intensive programs.⁶ Probation officers across the state work within a range of regular and intensive probation programs to assess, supervise, educate and refer their probationers to a host of treatment and skill-building programs. Probation officers use validated instruments to assess an individual's level of risk and identify their ability to function in a pro-social manner, as well as determining the skills they need to make amends to victims/communities and avoid further criminal behavior. Probationers are supervised within the community according to their assessed risk level, and they are referred to appropriate community-based treatment and skill-based programs, based upon their assessed needs. Programs have been developed that are designed to match the intensity of supervision to the risk and need of each probationer. Programs include regular probation supervision and intensive probation programs. Budget cuts in FY2003 resulted in the elimination of the Specialized Drug Offender Program (SDOP) and the Female Offender Program (FOP). The FOP has since been restored and expanded. The SDOP has not been restored; however, more specialty courts (e.g. Drug, DUI) are being developed throughout the state to address the offenders who are higher risk and have significant treatment needs. The Adult and Juvenile Intensive Supervision programs (AISP and JISP) were also impacted by budget cuts in FY2003; however, both programs have been restored.

Colorado Probation's *Statement of Common Ground* emphasizes the need to maintain community safety through appropriate supervision and attention to the risk and needs of probationers, 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 probationers accountable for their criminal behavior and to require them to repair the harm caused to the victim and the community. Additionally, a restorative justice philosophy invites crime victims and community members to actively participate in the restoration process. Under the framework of restorative justice, crime is believed to be a community problem; therefore, community involvement is encouraged. Additionally, the presence of informal social controls, and the collaborative efforts of community agents and criminal justice agencies, are believed to significantly impact crime (Fulton, 1996). Restorative justice activities implemented in Colorado Probation include involving probationers in meaningful community service endeavors and other reparation activities, such as mediation and community accountability boards.

It is important to note that all of probation's intensive programs were originally designed to be alternatives to incarceration. Thus, offenders placed in these programs tend to 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 probationers in intensive programs than for those on regular probation.

OVERVIEW

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

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

⁶ An additional 27,939 DUI offenders were monitored or supervised by state or private probation that were not part of this study.

more easily compare outcomes across state criminal justice agencies in Colorado. The group agreed on the following definitions of recidivism:

- Pre-release recidivism: An adjudication or conviction for a felony or misdemeanor, or a technical violation relating to a criminal offense, while under supervision in a criminal justice program.
- Post-release recidivism: A filing for a felony or misdemeanor within one year of termination from program placement for a criminal offense.

These definitions are consistent with the definition of recidivism used by the Division of Probation Services since 1998, thus comparisons can easily be made between the annual probation outcomes reported in fiscal years 1998 through the present 2009.

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 FY2009 cohort of probationers terminated, the current report, presents disposition and placement findings for those who recidivated or experienced pre-release failure.

DATA

For the FY2009 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2009. The data file was generated from the Judicial Branch's management information system, E-clipse. The termination files were combined with a file of all misdemeanor and felony criminal cases and juvenile delinquency petitions filed in Colorado's district and county courts in FY2009 and FY2010 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). It should be noted that the category of technical violations includes probationers who absconded from supervision, as well as those revoked for technical reasons.

ANALYSIS

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

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

is the overall failure rate for probationers who terminated in FY2009? Also, where are probationers placed upon failure?

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

Data for FY2009 terminations identified which proportion of probationers in intensive programs were terminated directly from the intensive program and which individuals were transferred to regular probation supervision upon completion of an intensive program. Termination data for both situations are presented in this report to provide additional information to the reader. These data will be described in the associated sections.

FINDINGS

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
 FY2009 and FY2008 Comparison

TERMINATION TYPE	JUVENILE FY 2008	JUVENILE FY 2009	ADULT FY2008	ADULT FY2009
Successful	72.5% (3,410)	73.7% (3,485)	64.4% (13,258)	68.9% (15,515)
Failure: Technical	20.9% (985)	19.3% (912)	29.3% (6,040)	25.0% (5,622)
Failure: New Crime	6.6% (310)	7.0% (332)	6.3% (1,295)	6.1% (1,376)
TOTAL	100% (4,705)	100% (4,729)	100% (20,593)	100% (22,513)

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2009 and FY2008. The juveniles who successfully completed probation (73.7%) rose this year by 1.2%, while technical violations decreased by 1.6% and new crimes increased slightly (.4%) to 7.0%. For adults, the successful completions (68.9%) increased 4.5% from FY2008 (64.4%). This jump in successful completions is mostly due to a 4.3% drop in the technical violation rate from 29.3% (FY2008) to 25.0% (FY2009), as the proportion of terminations due to new crimes remained relatively stable (6.3% in FY2008 and 6.1% in FY2009)

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
FY2009 and FY2008 Comparison

POST-RELEASE	JUVENILE FY2008	JUVENILE FY2009	ADULT FY2008	ADULT FY2009
New Case Filed	15.2% (520)	15.3% (532)	7.3% (973)	6.7% (1,040)
No New Case Filed	84.8% (2,890)	84.7% (2,953)	92.7% (12,285)	93.3% (14,475)
TOTAL	100% (3,410)	100% (3,485)	100% (13,258)	100% (15,515)

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 FY2009 and FY2008, the proportion of juveniles and adults that remained crime-free and the proportion that had a new delinquency petition or criminal case filed against them within one year of successful termination from supervision. The rate at which juveniles had a new case filed after a successful termination remained about the same from FY2008 (15.2%) to FY2009 (15.3%). For adults, the new cases filed decreased .6%, from 7.3% in FY2008 to 6.7% in FY2009.

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

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

Colorado probation officers use the Level of Supervision Inventory (LSI) to classify adults according to risk level and the Colorado Young Offender Level of Service Inventory (CYO-LSI) to classify juveniles. 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 higher proportion assessed as high risk, for which these levels are overridden to reflect alternative placements. Some probationers classified as administrative may also have completed all of the court requirements for probation but still have outstanding restitution or fees to pay.

The higher rate of failure among maximum level probationers is consistent with risk prediction classification tools, in which high risk/maximum level supervision offenders are often more than twice as likely, as those classified at lower supervision levels, to commit a new crime while under supervision. It is important to note the LSI and CYO-LSI are instruments in which the probationer is scored on a number of risk factors, the sum of

which comprise a total score. The probationer is initially assigned a risk level based upon the category (minimum, medium, or maximum) in which his score falls and the intensity of supervision is matched to that assessed level of risk. On average, probationers are re-assessed every six months, and supervision strategies and level of supervision intensity change with the corresponding changes in the risk and needs scores. Classification categories are determined according to policy, which sets the scores that correspond to each risk level. The policy determining risk categories is typically based on research that determines where cut-off points are most appropriately set, given actual failure rates among the study group and resulting in more predictive cut-off points.

TABLE 3
JUVENILE REGULAR PROBATION:
 Probation Termination Type by Supervision Level – FY2009
 Compared with Overall Termination Type - FY2008

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2009				
Regular: Admin.	43.1% (356)	47.2% (389)	9.7% (80)	100% (825)
Regular: Unclassified	70.0% (7)	10.0% (1)	20.0% (2)	100% (10)
Regular: Minimum	94.1% (1,699)	3.9% (70)	2.0% (36)	100% (1,805)
Regular: Medium	79.1% (1,095)	14.1% (195)	6.8% (95)	100% (1,385)
Regular: Maximum	46.6% (328)	36.5% (257)	16.9% (119)	100% (704)
TOTAL	73.7% (3,485)	19.3% (912)	7.0% (332)	100% (4,729)
FY2008				
TOTAL	72.5% (3,410)	20.9% (985)	6.6% (310)	100% (4,705)

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 FY2009 with those in FY2008. Termination rates in FY2009 were consistent with the rates in FY2008, with only slight variations. As represented in Table 3, the 73.7% successful termination rate of juvenile probationers on regular supervision for FY2009 was higher than the 72.5% success rate reported for juveniles in FY2008. Of juveniles that terminated probation in FY2009, 19.3% failed for violating the terms and conditions of probation (including absconding from supervision), and 7.0% failed by committing a new crime. These figures reflect a decrease in technical violations from FY2008 by 1.6 % and an increase (.4%) from the FY2008 new crime failure rate of 6.6%.

As has been true historically, juveniles supervised at the maximum level and administrative classification on regular probation had the lowest success rates (46.6% and 43.1%, respectively). However, when interpreting Table 3, the results reflect the predictive value of the CYO-LSI. Disregarding the data for the administrative classification (probation usually does not have direct supervision over these individuals) and the unclassified

group (meaningful analysis is not possible due to the small number of probationers), the success rates are inversely related to the risk score. In other words, as a juvenile's risk score increases, the success rate decreases. Similarly, as risk increases, the juveniles' odds of failing, due to technical violations or new crime, increase.

TABLE 4
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Termination Type
 FY2009 and FY2008 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
JSIP FY2009	33.1% (180)	11.9% (65)	37.7% (205)	17.3% (94)	100% (544)
JISP FY2008	28.2% (140)	12.9% (64)	40.8% (203)	18.1% (90)	100% (497)

Table 4 indicates that JISP clients succeeded 45.0% of the time⁷, failed for committing technical violations 37.7% of the time, and failed due to a new crime 17.3% of the time. These findings reflect a 3.9% increase in successes from FY2008 termination results in which 41.1% of juveniles succeeded on JISP. Technical violations in FY2009 were 3.1% lower than in FY2008, and the new crime rate was .8% lower than FY2008⁸. This higher failure rate among JISP probationers, compared to juveniles on regular supervision is expected; these juveniles are considered the higher risk and often have the most significant levels of need. This classification of probationer would also likely be committed to a Division of Youth Corrections facility in the absence of the JISP sentencing option.

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

⁷ JISP clients who successfully terminated included 33.1% who were successfully terminated from JISP and then moved to regular supervision and 11.9% who were successfully terminated directly from JISP and released from supervision.

⁸ Both JISP and AISP are being evaluated to determine how the probationers in these programs may be more successful.

TABLE 5
ADULT REGULAR PROBATION:
 Probation Termination Type by Supervision Level – FY2009
 Compared with Overall Termination Type – FY2008

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2009				
Regular: Admin.	25.1% (1,534)	66.9% (4,085)	8.0% (484)	100% (6,103)
Regular: Unclassified	78.8% (67)	18.8% (16)	2.4% (2)	100% (85)
Regular: Minimum	94.9% (10,166)	3.3% (359)	1.8% (193)	100% (10,718)
Regular: Medium	79.3% (3,036)	13.1% (503)	7.6% (289)	100% (3,828)
Regular: Maximum	40.0% (712)	37.1% (659)	22.9% (408)	100% (1,779)
TOTAL	68.9% (15,515)	25.0% (5,622)	6.1% (1,376)	100% (22,513)
FY2008				
TOTAL	64.4% (13,258)	29.3% (6,040)	6.3% (1,295)	100% (20,593)

Table 5 reflects the termination status for regular adult probationers by supervision level. Similar to the juvenile probationers, adults supervised at the maximum level and classified as administrative⁹ were the least likely to successfully terminate probation (40.0% and 25.1%, respectively). Those supervised at the maximum supervision level are considered to be at the highest risk for failure. Similarly, the higher failure rate among those classified as administrative is not surprising, given the range of probationers in this category, which includes a mixture of risk levels and supervision outside of probation. As was the case for juveniles, reflected in Table 3, the results for adult regular probationers demonstrate the LSI’s predictive strength. When considering those adults directly supervised by probation at the minimum, medium, and maximum supervision levels, the results show that individuals assessed as maximum were less likely to succeed and more likely to fail due to technical violations or new crimes. Conversely, low risk individuals succeed at a much higher rate, experiencing few pre-release failures due to technical violations or new crimes.

⁹ 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
ADULT INTENSIVE PROGRAMS¹⁰:
 Intensive Termination Type by Program
 FY2009 and FY2008 Comparison

PROGRAM	Success		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Intensive Program			
FY2009					
AISP	62.1% (757)	4.4% (53)	22.7% (277)	10.8% (132)	100% (1,219)
FOP	57.7% (116)	15.4% (31)	19.9% (40)	7.0% (14)	100% (201)
FY2008					
AISP	50.8% (677)	3.7% (50)	31.5% (420)	14.0% (187)	100% (1,334)
FOP	51.7% (89)	13.4% (23)	26.2% (45)	8.7% (15)	100% (172)

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

The combined success rate (transferred to regular and terminated directly) for Adult Intensive Supervision Probation (AISP) increased between FY2008 (54.5%) and FY2009 (66.5%) by 12.0%. This increase was the result of a substantial decrease in technical violations from 31.5% in FY2008 to 22.7% in FY2009 and a smaller decrease in the new crime rate, with 14.0% terminating due to a new crime in FY2008 as compared to 10.8% in FY2009.

The combined success rate for the Female Offender Program (FOP) also showed improvement in the FY2009 cohort. From a success rate of 65.1% in FY2008, the FY2009 rate increased to 73.1% increase in FY2009. There was a 6.3% drop in technical violations from FY2008 (26.2%) to FY2009 (19.9%), and new crime rates were down by 1.7% in FY2009.

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.

¹⁰ Both JISP and AISP are being evaluated to determine how the probationers on these programs may be more successful.

TABLE 7
JUVENILE REGULAR PROBATION:
 Post-Release Recidivism by Supervision Level – FY2009
 Compared with Overall Post-Release Recidivism Findings – FY2008

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2009			
Regular: Admin.	16.9% (60)	83.1% (295)	100% (355)
Regular: Unclassified	28.6% (2)	71.4% (5)	100% (7)
Regular: Minimum	12.5% (213)	87.5% (1,486)	100% (1,699)
Regular: Medium	16.6% (182)	83.4% (913)	100% (1,095)
Regular: Maximum	22.8% (75)	77.2% (254)	100% (329)
Total	15.3% (532)	84.7% (2,953)	100% (3,485)
FY2008			
Total	15.2% (520)	84.8% (2,890)	100% (3,410)

Table 7 indicates that the majority (84.7%) of juveniles, who terminated regular probation successfully in FY2009, remained crime-free for at least one year post-termination. The remaining 15.3% 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 22.8%, at the medium supervision level it was 16.6%, and at the minimum supervision level it was 12.5%, just as predicted by their CYO-LSI scores, in which decreasing supervision levels reflect decreasing risk to re-offend. The recidivism rate among those offenders classified as administrative was 16.9%. 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
 FY2009 and FY2008 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
JISP FY2009	12.3% (8)	87.7% (57)	100% (65)
JISP FY2008	29.7% (19)	70.3% (45)	100% (64)

Table 8 reflects that 87.7% of juveniles, who terminated their probation sentence directly from JISP in FY2009, remained crime-free for at least one year post-termination. The remaining 12.3% had a delinquency

petition or criminal filing in court within one year of termination. This is a 17.4% decrease in post-release recidivism from the rate of 29.7% in FY2008. Note that Table 8 represents only those 65 juveniles released from JISP directly. An additional 180 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).¹¹

TABLE 9
ADULT REGULAR PROBATION:
 Post-Release Recidivism by Supervision Level – FY2009
 Compared with Overall Post-Release Recidivism Findings – FY2008

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2009			
Regular: Admin.	7.8% (120)	92.2% (1,414)	100% (1,534)
Regular: Unclassified	12.1% (8)	87.9% (59)	100% (67)
Regular: Minimum	5.1% (518)	94.9% (9,648)	100% (10,166)
Regular: Medium	9.5% (289)	90.5% (2,747)	100% (3,036)
Regular: Maximum	14.7% (105)	85.3% (607)	100% (712)
Total	6.7% (1,040)	93.3% (14,475)	100% (15,515)
FY2008			
Total	7.3% (973)	92.7% (12,285)	100% (13,258)

Table 9 reflects that 93.3% of adult probationers, who terminated successfully from regular probation during FY2009, remained crime-free for at least one year post-termination. The remaining 6.7% had a filing for a new crime within one year of termination. These overall percentages are better than last year's figures, in which 92.7% had no record of recidivism. As the LSI predicts, while the risk classification increases in severity (minimum to maximum) so increases the percent of recidivists in each classification level. Table 9 demonstrates that those probationers supervised at the minimum level were the least likely to recidivate (5.1%), while those individuals supervised at the maximum level were the most likely to have a new crime filed within one year of termination (14.7%).

¹¹ The codes in E-clipse allow DPS to identify probationers who transfer from intensive probation supervision to regular supervision. Data limitations prevent specific tracking of these offenders within the "regular supervision" cohort of offenders.

TABLE 10
ADULT INTENSIVE PROGRAMS:
 Post-Release Recidivism by Program
 FY2009 and FY2008 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
FY2009			
AISP	11.3% (6)	88.7% (47)	100% (53)
FOP	9.7% (3)	90.3% (28)	100% (31)
FY2008			
AISP	10.0% (5)	90.0% (45)	100% (50)
FOP	8.7% (2)	91.3% (21)	100% (23)

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

In FY2009, 88.7% of AISP offenders remained crime-free for at least one year post-termination, a decrease from the FY2008 rate of 90.0%. The actual *number* of adults who successfully completed AISP and had a new case filed post-release increased from five offenders in FY2008 to six offenders in FY2009.

Of the 31 women who successfully completed the Female Offender Program in FY2009, there were three individuals with a new filing one year following termination, resulting in a recidivism rate of 9.7%. This is a 1.0% increase from FY2008. It should be noted, historical rates for FOP on this measure have been unstable. Since implementation of FOP supervision in Colorado, recidivism rates have ranged from 5.9% to 16.7% because the number of participants has been low and susceptible to large percentage fluctuations in the variable.

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 FY2009 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 FY2009 study period are presented for each level of supervision, with the FY2008 overall rates.

TABLE 11

JUVENILE REGULAR PROBATION:

Overall Probation Failure and Success by Supervision Level – FY2009
 Compared with Overall Failure and Success – FY2008

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2009					
Regular: Admin.	47.1% (389)	9.7% (80)	7.3% (60)	35.9% (296)	100% (825)
Regular: Unclassified	10.0% (1)	20.0% (2)	20.0% (2)	50.0% (5)	100% (10)
Regular: Minimum	3.9% (70)	2.0% (36)	11.8% (213)	82.3% (1,486)	100% (1,805)
Regular: Medium	14.1% (195)	6.9% (95)	13.1% (182)	65.9% (913)	100% (1,385)
Regular: Maximum	36.5% (257)	16.9% (119)	10.7% (75)	35.9% (253)	100% (704)
TOTAL	19.3% (912)	7.0% (332)	11.3% (532)	62.4% (2,953)	100% (4,729)
FY2008					
TOTAL	20.9% (985)	6.6% (310)	11.1% (520)	61.4% (2,890)	100% (4,705)

Table 11 represents all those juveniles, who terminated regular probation supervision, and illustrates the rate at which juveniles failed and succeeded. The failures included those juveniles who, during supervision, were terminated for a technical violation or for the commission of a new 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 FY2009 was 62.4%, which is 1.0% higher than the overall success rate in FY2008 of 61.4%. As would be expected, those juveniles supervised at the maximum supervision level and classified as Administrative had the lowest overall success rates (35.9%).

TABLE 12

JUVENILE INTENSIVE SUPERVISION PROBATION:

Overall Program Failure and Success
 FY2009 and FY2008 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism ¹²	Successfully term'd directly from JISP & did not recidivate	Successfully term'd from JISP & transferred to reg supervision	Total
JISP FY2009	37.7% (205)	17.3% (94)	1.5% (8)	10.5% (57)	33.0% (180)	100% (544)
JISP FY2008	40.8% (203)	18.1% (90)	3.8% (19)	9.1% (45)	28.2% (140)	100% (497)

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

Table 12 represents all those juveniles who completed JISP and 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 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 intensive programs to less intensive levels on regular probation prior to release from supervision. Given that one-third (33.0%) of juveniles were transferred from JISP to regular probation supervision, it seems prudent to consider those juveniles in the overall success rate. Subsequently, 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 (10.5%). However, when all JISP releases are considered (including those transferred to regular supervision), the program shows a 43.5% success rate, compared to 37.3% in FY2008. This overall success rate for FY2009 is calculated by adding together the two “successful” columns in Table 12 (10.5% and 33.0% for FY2009). This 6.2% increase in the overall success rate was due to decreases in the technical violation rates and pre- and post-release recidivism rates.

As explained earlier, lower rates of success are to be expected with higher risk cases. In the absence of a program like JISP, or without the ability to place juveniles under extremely close supervision conditions, these juveniles would likely be placed in commitment facilities with the Division of Youth Corrections (DYC). In this respect, JISP is cost-effective with these high risk and high need juveniles, whereby all of these juveniles would likely have been placed in DYC at a cost of \$84,596¹³ per year per offender compared to \$5,905.00 per year per probationer on JISP.¹⁴ In summary, JISP redirected as many as 237¹⁵ juveniles from DYC in FY2009 and of those, we know one-quarter of them (57 of 237 = 24.1%) was successful overall. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

¹³ The commitment figure was provided by the Division of Youth Corrections Budget Office FY2009.

¹⁴ The JISP figure is based on the Judicial Branch's annual cost per case for FY2009.

¹⁵ This analysis includes offenders who successfully terminated and did not recidivate (57) and those that succeeded and were transferred to regular probation (180).

TABLE 13

JUVENILE REGULAR PROBATION and JISP:
 Placement of Juvenile Probationers Who Terminated Probation
 for Technical Violations or a New Crime - FY2009

PROGRAM	Incarceration: DYC/DOC	Detention/ County Jail	Alternate Sentence ¹⁶	Total
Pre-Release Failure: Technical Violation				
Juvenile Regular	33.2% (303)	58.1% (530)	8.7% (79)	100% (912)
JISP	62.5% (128)	34.1% (70)	3.4% (7)	100% (205)
Pre-Release Failure: New Crime				
Juvenile Regular	42.1% (140)	44.6% (148)	13.3% (44)	100% (332)
JISP	64.1% (60)	29.2% (28)	6.7% (6)	100% (94)

TABLE 14

JUVENILE REGULAR PROBATION and JISP:
 Placement of Juvenile Probationers Who Successfully Completed Probation
 and had a New Filing Post-Release - FY2009

PROGRAM	Incarceration: DYC/DOC	Community Corrections	Detention/ County Jail	Supervised Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	Total
Juvenile Regular	2.4% (13)	.4% (2)	15.2% (81)	21.4% (114)	1.1% (6)	59.4% (316)	100% (532)
JISP	12.5% (1)	0% (0)	25.0% (2)	37.5% (3)	0% (0)	25.0% (2)	100% (8)

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 FY2009, were tracked through June 30, 2010. It often takes a year from the time of filing, which could have

¹⁶ Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence.

occurred as late as June 2010, for sentencing or placement determination to occur; therefore, some data is not yet available.

A juvenile must be 18 or older at the time of revocation to be sentenced to the county jail and the term cannot exceed 180 days. For regular juvenile probationers, Table 13 shows that the majority (58.1%) of those revoked for technical violations were sentenced to detention/jail. Another 33.2% of those juveniles were committed to NYC, while a small group (8.7%) 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 (44.6%) were given detention/jail sentences, while 42.1% were placed at NYC, and 13.3% were afforded alternate sentences.

Also reflected in Table 13, juveniles on JISP, who were revoked due to technical violations, were placed at NYC 62.5% of the time, while 34.2% of them received detention/jail and 3.4% received an alternate sentence. When JISP juveniles were revoked due to a new crime, 64.1% of them were placed at NYC. A smaller proportion (29.2%) received a detention/jail time, and 6.7% of them received an alternate sentence.

Table 14 includes juveniles, who recidivated after successfully completing regular probation. It should be noted, 59.4% of those new cases have not arrived at disposition yet or have been dismissed, so placement data is unavailable. For those who recidivated and were sentenced, 2.4% were sentenced to NYC/DOC, .4% to community corrections, 15.2% were sentenced to detention/jail, and 21.4% were granted probation. The remaining cases 1.1% of the juveniles received an alternative sentence.

Table 14 also includes eight juveniles who successfully completed JISP but had a new filing within one year from termination. Of those juveniles' new cases, 25% (2) have not reached disposition or were dismissed. Of the cases in which there has been a sentencing determination 12.5% (1) were sentenced to DOC, and 25.0% (2) were sentenced to detention or jail, 37.5% (3) were granted probation. These percentages should be interpreted cautiously, as the population of those actually sentenced on new charges (6) was small.

TABLE 15
ADULT REGULAR PROBATION
Overall Probation Failure and Success by Supervision Level – FY2009
Compared with Overall Post-Release Failure and Success – FY2008

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2009					
Regular: Admin.	66.9% (4,085)	7.9% (484)	2.0% (120)	23.2% (1,414)	100% (6,103)
Regular: Unclassified	18.8% (16)	2.4% (2)	9.4% (8)	69.4% (59)	100% (85)
Regular: Minimum	3.4% (359)	1.8% (193)	4.8% (518)	90.0% (9,648)	100% (10,718)
Regular: Medium	13.1% (503)	7.6% (289)	7.5% (289)	71.8% (2,747)	100% (3,828)
Regular: Maximum	37.1% (659)	22.9% (408)	5.9% (105)	34.1% (607)	100% (1,779)
TOTAL	25.0% (5,622)	6.1% (1,376)	4.6% (1,040)	64.3% (14,475)	100% (22,513)
FY2008					
TOTAL	29.3% (6,040)	6.3% (1,295)	4.7% (973)	59.7% (12,285)	100% (20,593)

Table 15 depicts the overall success rate of adult regular probation, defined as those who successfully terminated probation *and* remained crime-free for one year. This number improved from 59.7% in FY2008 to 64.3% in FY2009. Offenders supervised at the maximum supervision level and classified as administrative had the lowest overall success rates (34.1% and 23.2% respectively), and the failure was largely due to technical violations of their probation supervision (37.1% for maximum and 66.9% for administrative).

TABLE 16
ADULT INTENSIVE PROGRAMS
 Overall Intensive Failure and Success by Program
 FY2009 and FY2008 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism ¹⁷	Successfully term'd directly from intensive probation & did not recidivate	Successfully term'd & transferred to regular supervision	Total
FY2009						
AISP	22.7% (277)	10.8% (132)	.5% (6)	3.9% (47)	62.1% (757)	100% (1,219)
FOP	19.9% (40)	7.0% (14)	1.5% (3)	13.9% (28)	57.7% (116)	100% (201)
FY2008						
AISP	31.5% (420)	14.0% (187)	0.4% (5)	3.3% (45)	50.8% (677)	100%(1,334)
FOP	26.2% (45)	8.7% (15)	1.2% (2)	12.2% (21)	51.7% (89)	100% (172)

Table 16 reflects that adults who terminated from the adult intensive programs had an overall success rate of 66.0%, with a 62.1% success rate for those offenders who transferred from AISP to regular probation supervision and 3.9% for those offenders who did not continue on any supervision following an AISP sentence. This 66.0% overall success rate for AISP represents an 11.9% increase compared to the FY2008 overall success rate of 54.1%. This increase in overall success is mostly attributable to the 8.8% decrease in the technical violation rate from 31.5% in FY2008 to 22.7% in FY2009.

The overall success rate for the Female Offender Program was 71.6% (13.9% and 57.7% combined) with 1.5% post-release recidivism for those who terminated directly from the program. In summary, FOP redirected as many as 144¹⁸ offenders from DOC in FY2009 and, of the 31 women who were successful and terminated, three of them had a new criminal filing within the first year following termination from probation.

Again, it is important to note that intensive programs were originally designed as prison-diversion programs, and all offenders in these programs succeeded and remained crime-free in the majority 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

¹⁷ The probationers included in this category terminated directly and successfully from an intensive program and recidivated within one year of termination.

¹⁸ This analysis includes offenders who successfully terminated and did not recidivate (28) and those who successfully terminated intensive supervision and were transferred to regular probation (116).

\$32,338¹⁹ per year per offender compared to \$3,909.00 per year per probationer on AISP and \$3,182.00 year per probationer for FOP.²⁰ In addition to the 144 diverted women in FOP, AISP redirected as many as 804²¹ offenders from DOC in FY2009

TABLE 17
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Terminated Probation
 for Technical Violations or a New Crime - FY2009

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation²²	12.5% (703)	71.2% (4,003)	16.3% (916)	100% (5,622)
AISP	74.4% (206)	21.7% (60)	3.9% (11)	100% (277)
FOP	60.0% (40)	37.5% (15)	2.5% (1)	100% (40)
Pre-Release Failure: New Crime				
Adult Regular Probation	30.2% (415)	61.9% (852)	7.9% (109)	100% (1,376)
AISP	93.2% (123)	6.0% (8)	.8% (1)	100% (132)
FOP	71.4% (10)	28.6% (4)	0% (0)	100% (14)

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 (71.2%) and secondly to an alternative (16.3%). Probationers on regular supervision, who failed probation for the commission of a new crime, were most likely to be incarcerated in the county jail (61.9%) or DOC (30.2%). They received an alternative sentence in 7.9% of the new cases.

As expected, adults who terminated from AISP, 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. About three-quarters (74.4%) 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 AISP, with about two-thirds (60.0%) of the technical violators sentenced to prison and 71.4% of all pre-release recidivists going to DOC.

¹⁹ This annualized cost of a prison bed was provided by the Department of Corrections, FY2009.

²⁰ The AISP/FOP figures are based on the Judicial Branch's annual cost per case for FY2009.

²¹ This analysis includes offenders who successfully terminated and did not recidivate (47) and those who succeeded and were transferred to regular probation (757).

²² Note that, for regular probation, a revocation is only counted in the data base for those offenders who actually terminate probation. For this reason, we cannot, at this time, account for those offenders who are revoked and reinstated to probation.

In addition to the probationers reflected in Table 17, some probationers were 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.

TABLE 18
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Successfully Terminated Probation
 and had a New Filing Post-Release - FY2009

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
Regular	2.8% (29)	.7% (7)	18.4% (192)	13.3% (138)	.4% (4)	64.4% (670)	100% (1,040)
AISP	0% (0)	0% (0)	1.7% (1)	0% (0)	0% (0)	83.3% (5)	100% (6)
FOP	0% (0)	0% (0)	33.3% (1)	0% (0)	0% (0)	66.7% (2)	100% (3)

Table 18 represents placement for those adult offenders who successfully completed regular or an intensive program but had a new filing post-release. Placement data for most regular adult offenders (64.4%) who recidivated after terminating probation, is unknown, as a disposition has not been reached or the case was dismissed at the time of this writing. Post-release recidivism is a filing for a felony or misdemeanor criminal offense within one year of successful termination from program placement. By definition then, filings for adults who terminated in FY2009 were tracked through June 30, 2010.

Table 18 reflects for individuals, who terminated from regular supervision and their new charges reached disposition, the majority (18.4%) were sentenced to jail. The remaining individuals were placed as follows: 2.8% were sentenced to the Department of Corrections, .7% community corrections, 13.3% probation, and .4% received an alternate sentence.

The number of adults who recidivated after terminating from an intensive program was quite small (six from AISP and three from FOP) compared to regular probation; therefore, limited conclusions are available for these programs. For the six AISP recidivates, one case had a disposition and was sentenced to the county jail. One of the three FOP recidivates had a disposition, which was also to the county jail.

SUMMARY: FY2009 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. It is imperative for Colorado Probation to continue to build on the evidence-based principles of effective intervention²³ in order to effect behavior change. Success in keeping recidivism rates low enhances public safety and minimizes the possibility of future harm to victims and communities.

²³ Bogue, et al., 2004

Furthermore, with the completion of quality assessments, appropriate supervision, and treatment matching that is responsive to individual needs, Probation will continue to minimize the number of individuals who terminate probation due to technical violations. Summarily, these efforts will result in lower numbers of non-violent offenders entering the costly system of incarceration, saving the state expense while enhancing community safety.

The findings in this report indicate that about two-thirds of all juveniles and adults sentenced to regular probation supervision complete their sentence successfully and remain crime-free for at least one year after termination. Specifically, the overall success rates for juveniles was 62.4% and 64.3% for adults,²⁴ which is higher than in FY2008 (61.4% and 59.7%, respectively)

Post-termination recidivism rates have remained relatively stable, with slight variations from year to year. In FY2009, post-release recidivism rates were 15.3% for juvenile probationers and 6.7% for adult probationers.²⁵ These rates are a slight increase of .1% over FY2008 rates for juveniles but a decrease of .6% for adults.

Across intensive programs, which were originally designed to divert juvenile and adults who might otherwise be incarcerated, overall success rates improved in all programs in the FY2009. The rates were 43.5%²⁶ for the juvenile intensive supervision program, 66.0% for the adult intensive supervision program and 71.6% for participants in the Female Offender program.²⁷ Overall success rates are heavily influenced by the pre-release failure rates. Historically and in FY2009, the most common type of failure among all intensive programs is in the area of technical violations; however, these rates have been trending down, as statewide responses to technical violations continue to be on the priority list of supervision issues to address.

In conclusion, FY2009 is marked by increased success rates in all adult and juvenile regular and intensive programs. These increased rates are correlated with decreases in the number of probationers terminating negatively as the result of technical violations. It would appear that officers across the state are making well-informed decisions on violation responses, as the subsequent recidivism rates have held steady or even decreased. This data bodes well for a system focused on longer-term behavior change, as opposed to short-term compliance.

²⁴ Tables 11 and 15

²⁵ Table 2

²⁶ Table 12

²⁷ Table 16

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