

PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2010 RELEASES

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FY2010 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: FY2010 RELEASES

**A REPORT SUBMITTED TO THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE TO SATISFY
CONDITIONS OF REQUEST #2, PURSUANT TO PROVISIONS ESTABLISHED IN SB11-209**

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Prepared by

Dana Wilks
Kris Nash
Division of Probation Services

COLORADO JUDICIAL BRANCH

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

REQUEST #2 FOR INFORMATION FROM THE JUDICIARY, FY2011-12

This report satisfies the conditions outlined in request #2, pursuant to provisions established in SB11-209, 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 sixteenth 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 #2.

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PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2010 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 FY2010.

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 FY2010? 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 FY2010, 73.0% of juveniles terminated successfully from regular supervision. This represents a slight decrease of .7% from the FY2009 rate of 73.7%. The successful termination rate

of 73.3% for adults in FY2010 is compared to 68.9% from the previous year, an increase of 4.4% in successful terminations. (Table 1)

- Juveniles on probation terminated for technical violations of probation in 19.9% of cases. This rate reflects a small increase from the previous year's rate of 19.3%. The adult technical violation rate of 21.2% in FY2010 is lower than the 25.0% rate in FY2009. (Table 1)
- Pre-release recidivism rates have remained relatively stable. Juveniles were terminated from probation for the commission of a new crime in 7.1% of the cases, which is one-tenth of a percent higher than the 7.0% rate from FY2009. The adult new crime rate of 5.5% reflects a decrease from the 6.1% rate of the FY2009 releases. (Table 1).

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

- For juveniles who successfully completed regular probation supervision, 14.1% received a new filing in FY2010 compared to 15.3% in FY2009. (Table 2)
- Adults, who completed regular probation successfully, received a new filing at a rate of 6.1%, compared to the 6.7% 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 is consistent with risk classification tools, in which higher 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 .8% (45.8% FY2010, 45.0% FY2009). (Table 4)
- Successful terminations from AISP decreased less than one percent (65.6% in FY2010 from 66.5% in FY2009). (Table 6)
- Successful terminations from FOP decreased in FY2010 to 69.2%, a 3.9% decrease from 73.1% in FY2009. (Table 6)
- The percentage of juveniles who had a new case filed within one year of successfully terminating JISP increased in FY2010 to 12.5% from 12.3% in FY2009. (Table 8)
- The percentage who had a new case filed within one year of successfully terminating AISP decreased to 6.8% in FY2010 from 11.3% in FY2009. The percentage who had a new case filed within one

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, various residential placements, or on a "banked" probation caseload but may have been otherwise classified at any one of the designated risk levels (e.g. minimum, medium, maximum).

year of successfully terminating from FOP also decreased (9.7% in FY2009 to 4.5% in FY2010). (Table 10) The rates in intensive programs are volatile due to the small, varying sample size each year. In FY2010, these rates were based on five AISP and one FOP probationers.

4. Overall Success and Failure Rates among Colorado Probationers

- Almost two-thirds (62.7%) of all juveniles terminated successfully from probation supervision remain crime-free one year after release from probation. This represents an increase of .3% from FY2009. (Table 11)
- The overall success rate for juveniles who terminated from JISP was 44.1%. This is an increase of .6% from the overall success rate of 43.5% in FY2009. (Table 12)
- The overall success rate (68.9%) for regular adult probation is higher than the 64.3% rate from FY2009. (Table 15)
- AISP produced an overall success rate of 65.2%, a decrease of less than one percent from the previous year's rate of 66.0%. (Table 16)
- FOP had an overall success rate of 68.5%, which is a decrease of 3.1% from the rate of 71.6% in FY2009. (Table 16)

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

- Both juvenile and adult regular probationers terminated for technical violations were most frequently placed in a detention facility or sentenced to county jail. Adults and juveniles, who were revoked from probation for new crimes while under supervision, were incarcerated (Division of Youth Corrections or Department of Corrections, as well as detention or jail) about 90% of the time (89.0% for juveniles and 91.3% for adults). (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, regardless if the revocation was for a technical violation or new crime. (Tables 13 and 17)
- Of those cases where disposition information was available, those post-release recidivists who had previously successfully completed regular juvenile probation were sentenced to detention or jail more than any other placement. Recidivists (a total of two) who were terminated successfully from JISP were sentenced to probation and granted an alternative sentence on the new offenses. 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, they were sentenced to jail and granted an alternative sentence on the new cases, respectively. (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, 73.0% of juvenile and 73.3% of adult regular probationers were successful on probation (Table 1). Both juveniles and adults, classified as high risk, were less likely to successfully terminate and less likely to remain crime-free after termination; however, their lower-risk counterparts (individuals on minimum supervision level) successfully completed their probation sentences over 94% of the time.

In the intensive programs, designed to divert higher risk juveniles and adults who may have otherwise been incarcerated, overall success rates (successful probation termination with no post-release recidivism and those transferred from intensive to regular supervision) ranged from 44.1% for the juvenile intensive supervision program and 65.2% for the adult intensive supervision program to 68.5% 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 have been trending downward for the past several years.

The following tables summarize the findings of this report. The FY2010 cohort experienced the lowest post-recidivism rates for the regular probation programs in the past ten years. This is significant, given that the vast majority of all individuals under supervision are included in this population. This data bodes well for a system focused on longer-term behavior change, as opposed to short-term compliance. It also equates to increased public safety for the citizens of Colorado.

All Programs: Termination Type for FY2010 Cohort

PROGRAM	TERMINATION TYPE		
	SUCCESS	TECHNICAL VIOLATION	NEW CRIME
REGULAR JUVENILE	73.0% (3,285)	19.9% (898)	7.1% (318)
JUVENILE ISP	45.8% (217)	34.8% (165)	19.4% (92)
REGULAR ADULT	73.3% (25,030)	21.2% (7,250)	5.5% (1,859)
ADULT ISP	65.6% (809)	23.9% (295)	10.5% (130)
ADULT FOP	69.2% (99)	21.7% (31)	9.1% (13)

All Programs: Post-Release Recidivism Rates for FY2010 Cohort

PROGRAM	NO RECIDIVISM	POST-RELEASE RECIDIVISM
REGULAR JUVENILE	85.9% (2,821)	14.1% (464)
JUVENILE ISP	87.5% (56)	12.5% (8)
REGULAR ADULT	93.9% (23,505)	6.1% (1,525)
ADULT ISP	93.2% (69)	6.8% (5)
ADULT FOP	95.5% (21)	4.5% (1)

INTRODUCTION

On June 30, 2010, there were 73,669 offenders on probation in Colorado, including 67,271 adult and 6,398 juvenile probationers in both regular and intensive programs.² 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 criminogenic needs, as well as determining the skills they require 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 for adults (AISP), juveniles (JISP), and female offenders (FOP). Many specialty courts (e.g. Drug, DUI) are being implemented and utilized throughout the state to address the offenders who are higher risk and have significant treatment needs. It is important to note that all of probation's intensive programs were originally designed to be alternatives to incarceration. Thus, 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.

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.

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 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.

² The total of 73,669 includes individuals under state and private (DUI and non-DUI) probation supervision. An additional 9,049 DUI offenders were monitored by state probation but were not part of this study.

- 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 2010.

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 FY2010 cohort of probationers terminated, the current report presents disposition and placement findings for those who recidivated or experienced pre-release failure.

DATA

For the FY2010 termination cohort, a query was written to extract a data file of all adult and juvenile probationers who terminated probation during FY2010. 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 FY2010 and FY2011 to derive post-release recidivism rates for those probationers, who successfully completed probation.³ 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.

Recently, a confluence of events made it possible to include in the recidivism analysis individuals who terminated probation sentences for DUI convictions. In the past, these probationers could not be queried from the management information system. Additionally, recent statute changes made it possible for these individuals to receive an active probation sentence, as opposed to basic compliance monitoring. This year's cohort begins to include these probationers. Consequently, the number of adult regular probationers in this analysis includes the terminations of 10,657 DUI offenders, which would not have been included in the prior years' study cohorts. As a result, the outcomes in adult regular have been affected. Specifically, the adult success rate of 73.3% would have been 69.3% without the inclusion of DUI offenders; the technical violation rate of 21.2% would have been 24.2% without the inclusion of DUI offenders; and the new crime rate of 5.5% would have been 6.6% without the DUI offenders.

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 Denver County data is not included in this analysis, as the data is not available in the probation management information system.

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 FY2010? 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 FY2010 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 FY2010 Comparison

TERMINATION TYPE	JUVENILE FY 2009	JUVENILE FY 2010	ADULT FY2009	ADULT FY2010
Successful	73.7% (3,485)	73.0% (3,285)	68.9% (15,515)	73.3% (25,030)
Failure: Technical	19.3% (912)	19.9% (898)	25.0% (5,622)	21.2% (7,250)
Failure: New Crime	7.0% (332)	7.1% (318)	6.1% (1,376)	5.5% (1,859)
TOTAL	100% (4,729)	100% (4,501)	100% (22,513)	100% (34,139)

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2009 and FY2010. Rates have remained steady from FY2009, with little variation in the percentages for juvenile terminations. The juveniles who successfully completed probation (73.0%) dropped slightly (.7%) this year, while technical violations increased by .6% and new crimes increased by one-tenth of

a percent to 7.1%. For adults, the successful completions (73.3%) increased 4.4% from FY2009 (68.9%). The data reflects a decrease of 3.8% in the technical violation rate from 25.0% (FY2009) to 21.2% (FY2010), and the proportion of terminations due to new crimes decreased (6.1% in FY2009 to 5.5% in FY2010).

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 FY2010 Comparison

POST-RELEASE	JUVENILE FY2009	JUVENILE FY2010	ADULT FY2009	ADULT FY2010
New Case Filed	15.3% (532)	14.1% (464)	6.7% (1,040)	6.1% (1,525)
No New Case Filed	84.7% (2,953)	85.9% (2,821)	93.3% (14,475)	93.9% (23,505)
TOTAL	100% (3,485)	100% (3,285)	100% (15,515)	100% (25,030)

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 FY2010, 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 decreased from FY2009 (15.3%) to FY2010 (14.1%). For adults, the new cases filed decreased .6%, from 6.7% in FY2009 to 6.1% in FY2010.

2. 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, actuarial 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 – FY2010
 Compared with Overall Termination Type - FY2009

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2010				
Regular: Admin.	43.7% (324)	46.7% (346)	9.6% (71)	100% (741)
Regular: Unclassified	66.7% (4)	16.7% (1)	16.7% (1)	100% (6)
Regular: Minimum	94.2% (1,582)	3.8% (63)	2.0% (34)	100% (1,679)
Regular: Medium	78.3% (1,090)	15.5% (216)	6.2% (86)	100% (1,392)
Regular: Maximum	41.7% (285)	39.8% (272)	18.5% (126)	100% (683)
TOTAL	73.0% (3,285)	19.9% (898)	7.1% (318)	100% (4,501)
FY2009				
TOTAL	73.7% (3,485)	19.3% (912)	7.0% (332)	100% (4,729)

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 FY2010 with those in FY2009. Termination rates in FY2010 were consistent with the rates in FY2009, with only slight variations. As represented in Table 3, the 73.0% successful termination rate of juvenile probationers on regular supervision for FY2010 was slightly lower than the 73.7% success rate reported for juveniles in FY2009. Of juveniles that terminated probation in FY2010, 19.9% failed for violating the terms and conditions of probation (including absconding from supervision), and 7.1% failed by committing a new crime. These figures reflect an increase of .6% in technical violations from FY2009 and an increase of .1% from the FY2009 new crime failure rate.

As has been true historically, juveniles supervised at the maximum level and administrative classification on regular probation had the lowest success rates (41.7% and 43.7%, 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
 FY2010 and FY2009 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
JSIP FY2010	32.3% (153)	13.5% (64)	34.8% (165)	19.4% (92)	100% (474)
JISP FY2009	33.1% (180)	11.9% (65)	37.7% (205)	17.3% (94)	100% (544)

Table 4 indicates that JISP clients succeeded 45.8% of the time⁴, failed for committing technical violations 34.8% of the time, and failed due to a new crime 19.4% of the time. These findings reflect a .8% increase in successes from FY2009 termination results in which 45.0% of juveniles succeeded on JISP. Technical violations in FY2010 were 2.9% lower than in FY2009, but the new crime rate was 2.1% higher than FY2009⁵. 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.

⁴JISP clients who successfully terminated included 32.3% who were successfully terminated from JISP and then moved to regular supervision and 13.5% who were successfully terminated directly from JISP and released from supervision.

TABLE 5
ADULT REGULAR PROBATION:
 Probation Termination Type by Supervision Level – FY2010
 Compared with Overall Termination Type – FY2009

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2010				
Regular: Admin.	25.6% (1,959)	66.8% (5,114)	7.7% (588)	100% (7,661)
Regular: Unclassified	61.7% (37)	28.3% (17)	10.0% (6)	100% (60)
Regular: Minimum	94.9% (17,220)	3.3% (601)	1.7% (316)	100% (18,137)
Regular: Medium	80.5% (4,810)	12.2% (728)	7.3% (435)	100% (5,973)
Regular: Maximum	43.5% (1,004)	34.2% (790)	22.3% (514)	100% (2,308)
TOTAL	73.3% (25,030)	21.2% (7,250)	5.5% (1,859)	100% (34,139)
FY2009				
TOTAL	68.9% (15,515)	25.0% (5,622)	6.1% (1,376)	100% (22,513)

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 administrative⁶ were the least likely to successfully terminate probation (43.5% and 25.6%, 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.

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

TABLE 6
ADULT INTENSIVE PROGRAMS:
 Intensive Termination Type by Program
 FY2010 and FY2009 Comparison

PROGRAM	Success		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Intensive Program			
FY2010					
AISP	59.6% (735)	6.0% (74)	23.9% (295)	10.5% (130)	100% (1,234)
FOP	53.8% (77)	15.4% (22)	21.7% (31)	9.1% (13)	100% (143)
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)

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) decreased less than one percent between FY2009 (66.5%) and FY2010 (65.6%). This decrease was the result of a small increase in technical violations from 22.7% in FY2009 to 23.9% in FY2010 with a smaller decrease in the new crime rate: 10.8% terminated due to a new crime in FY2009 as compared to 10.5% in FY2010.

The combined success rate for the Female Offender Program (FOP) decreased in the FY2010 cohort. From a success rate of 73.1% in FY2009, the FY2010 rate decreased to 69.2% in FY2010. There was a 1.8% rise in technical violations from FY2009 (19.9%) to FY2010 (21.7%), and new crime rates were up by 2.1% in FY2010; although, the actual number of offenders decreased from 40 (FY2009) to 31 (FY2010) for technical violations and from 14 (FY2009) to 13 (FY2010) for new crime.

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

TABLE 7
JUVENILE REGULAR PROBATION:
 Post-Release Recidivism by Supervision Level – FY2010
 Compared with Overall Post-Release Recidivism Findings – FY2009

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2010			
Regular: Admin.	17.9% (58)	82.1% (266)	100% (324)
Regular: Unclassified	25.0% (1)	75.0% (3)	100% (4)
Regular: Minimum	11.4% (180)	88.6% (1,402)	100% (1,582)
Regular: Medium	15.3% (167)	84.7% (923)	100% (1,090)
Regular: Maximum	20.4% (58)	79.6% (227)	100% (285)
Total	14.1% (464)	85.9% (2,821)	100% (3,285)
FY2009			
Total	15.3% (532)	84.7% (2,953)	100% (3,485)

Table 7 indicates that the majority (85.9%) of juveniles, who terminated regular probation successfully in FY2010, remained crime-free for at least one year post-termination. The remaining 14.1% 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 20.4%, at the medium supervision level it was 15.3%, and at the minimum supervision level it was 11.4%, 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 17.9%. Juveniles classified as administrative tend to assess with higher criminal risk and need and include juveniles in residential placement, therefore it would logically be higher than average. Furthermore, the higher rate is influenced by the small number of juveniles in this category.

TABLE 8
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Post-Release Recidivism
 FY2010 and FY2009 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
JISP FY2010	12.5% (8)	87.5% (56)	100% (64)
JISP FY2009	12.3% (8)	87.7% (57)	100% (65)

Table 8 reflects that 87.5% of juveniles, who terminated their probation sentence directly from JISP in FY2010, remained crime-free for at least one year post-termination. The remaining 12.5% had a delinquency petition or criminal filing in court within one year of termination. This is a .2% increase in post-release recidivism from the rate of 12.3% in FY2009. Note that Table 8 represents only those 64 juveniles successfully terminated from JISP directly. An additional 153 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).⁷

TABLE 9
ADULT REGULAR PROBATION:
 Post-Release Recidivism by Supervision Level – FY2010
 Compared with Overall Post-Release Recidivism Findings – FY2009

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
FY2010			
Regular: Admin.	9.5% (186)	90.5% (1,773)	100% (1,959)
Regular: Unclassified	13.5% (5)	86.5% (32)	100% (37)
Regular: Minimum	4.1% (714)	95.9% (16,506)	100% (17,220)
Regular: Medium	9.8% (470)	90.2% (4,340)	100% (4,810)
Regular: Maximum	14.9% (150)	85.1% (854)	100% (1,004)
Total	6.1% (1,525)	93.9% (23,505)	100% (25,030)
FY2009			
Total	6.7% (1,040)	93.3% (14,475)	100% (15,515)

Table 9 reflects that 93.9% of adult probationers, who terminated successfully from regular probation during FY2010, remained crime-free for at least one year post-termination. The remaining 6.1% had a filing for a new crime within one year of termination. These overall percentages are better than last year's figures, in which 93.3% 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 (4.1%), while those individuals supervised at the maximum level were the most likely to have a new crime filed within one year of termination (14.9%).

⁷ 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
 FY2010 and FY2009 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
FY2010			
AISP	6.8% (5)	93.2% (69)	100% (74)
FOP	4.5% (1)	95.5% (21)	100% (22)
FY2009			
AISP	11.3% (6)	88.7% (47)	100% (53)
FOP	9.7% (3)	90.3% (28)	100% (31)

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 FY2010, 93.2% of AISP offenders remained crime-free for at least one year post-termination, an increase from the FY2009 rate of 88.7%. Interpreting this data is cautioned as the sample size is so small. For example, the actual number of adults who successfully completed AISP and had a new case filed post-release decreased from six offenders in FY2009 to five offenders in FY2010.

Of the 22 women who successfully completed the Female Offender Program in FY2010, there was one individual with a new filing one year following termination, resulting in a recidivism rate of 4.5%. This is a 5.2% decrease from FY2009. It should be noted, historical rates for FOP on this measure have been unstable. Since FY2005, the number of participants has been low and susceptible to large percentage fluctuations in the variable. Specifically, FOP supervision in Colorado has experienced recidivism rates ranging from 12.5% to 4.5%, over the past six study cohorts.

3. 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 FY2010 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 FY2010 study period are presented for each level of supervision, with the FY2009 overall rates.

TABLE 11
JUVENILE REGULAR PROBATION:
 Overall Probation Failure and Success by Supervision Level – FY2010
 Compared with Overall Failure and Success – FY2009

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2010					
Regular: Admin.	46.7% (346)	9.6% (71)	7.8% (58)	35.9% (266)	100% (741)
Regular: Unclassified	16.7% (1)	16.7% (1)	16.7% (1)	50.0% (3)	100% (6)
Regular: Minimum	3.8% (63)	2.0% (34)	10.7% (180)	83.5% (1,402)	100% (1,679)
Regular: Medium	15.5% (216)	6.2% (86)	12.0% (167)	66.3% (923)	100% (1,392)
Regular: Maximum	39.8% (272)	18.5% (126)	8.5% (58)	33.2% (227)	100% (683)
TOTAL	19.9% (898)	7.1% (318)	10.3% (464)	62.7% (2,821)	100% (4,501)
FY2009					
TOTAL	19.3% (912)	7.0% (332)	11.3% (532)	62.4% (2,953)	100% (4,729)

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 FY2010 was 62.7%, which is .3% higher than the overall success rate in FY2009 of 62.4%. As would be expected, those juveniles supervised at the maximum supervision level had the lowest overall success rates (33.2%).

TABLE 12
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Overall Program Failure and Success
 FY2010 and FY2009 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism⁸	Successfully term'd directly from JISP & did not recidivate	Successfully term'd from JISP & transferred to reg supervision	Total
JISP FY2010	34.8% (165)	19.4% (92)	1.7% (8)	11.8% (56)	32.3% (153)	100% (474)
JISP FY2009	37.7% (205)	17.3% (94)	1.5% (8)	10.5% (57)	33.0% (180)	100% (544)

⁸ 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 almost one-third (32.3%) 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 a relatively low (11.8%) proportion of the total JISP terminations. However, when all the successful JISP terminations are considered (including those transferred to regular supervision), the program shows a 44.1% success rate, compared to 43.5% in FY2009. This overall success rate is calculated by adding together the two “successful” columns in Table 12. This .6% increase in the overall success rate was mainly due to a decrease in the technical violation 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/high need juveniles, whereby all of these juveniles would likely have been placed in DYC at a cost of \$84,596⁹ per year per offender compared to \$5,905.00 per year per probationer on JISP.¹⁰ In summary, JISP redirected as many as 209¹¹ juveniles from DYC in FY2010 and of those, we know one-quarter of them (56 of 209 = 26.8%) was successful overall. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

⁹ The commitment figure was provided by the Division of Youth Corrections Budget Office FY2009.

¹⁰ The JISP figure is based on the Judicial Branch’s annual cost per case for FY2009.

¹¹ This analysis includes offenders who successfully terminated and did not recidivate (56) and those that succeeded and were transferred to regular probation (153).

TABLE 13

JUVENILE REGULAR PROBATION and JISP:
 Placement of Juvenile Probationers Who Terminated Probation
 for Technical Violations or a New Crime - FY2010

PROGRAM	Incarceration: DYC/DOC	Detention/ County Jail	Alternate Sentence ¹²	Total
Pre-Release Failure: Technical Violation				
Juvenile Regular	36.0% (323)	56.0% (503)	8.0% (72)	100% (898)
JISP	53.9% (89)	43.0% (71)	3.0% (5)	100% (165)
Pre-Release Failure: New Crime				
Juvenile Regular	45.3% (144)	43.7% (139)	11.0% (35)	100% (318)
JISP	70.7% (65)	25.0% (23)	4.3% (4)	100% (92)

TABLE 14

JUVENILE REGULAR PROBATION and JISP:
 Placement of Juvenile Probationers Who Successfully Completed Probation
 and had a New Filing Post-Release - FY2010

PROGRAM	Incarceration: DYC/DOC	Community Corrections	Detention/ County Jail	Supervised Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	Total
Juvenile Regular	2.8% (13)	.2% (1)	9.9% (46)	7.8% (36)	8.8% (41)	70.5% (327)	100% (464)
JISP	0.0% (0)	0.0% (0)	0.0% (0)	12.5% (1)	12.5% (1)	75.0% (6)	100% (8)

Tables 13 and 14 reflect the placement of juveniles, who failed probation supervision or 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 FY2010, were tracked through June 30, 2011. It often takes a year from the time of filing, which could have

¹² Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence.

occurred as late as June 2011, 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 (56.0%) of those revoked for technical violations were sentenced to detention/jail. Another 36.0% of those juveniles were committed to NYC, while a small group (8.0%) was granted some other form of punishment or was released from probation with no further consequence. For regular juvenile probationers, who were revoked for a new crime, 43.7% were given detention/jail sentences, while 45.3% were placed at NYC, and 11.0% were afforded alternate sentences.

Also reflected in Table 13, juveniles on JISP, who were revoked due to technical violations, were placed at NYC 53.9% of the time, while 43.0% of them received detention/jail and 3.0% received an alternate sentence. When JISP juveniles were revoked due to a new crime, 70.7% of them were placed at NYC. A smaller proportion (25.0%) received a detention/jail time, and 4.3% of them received an alternate sentence.

Table 14 includes juveniles, who recidivated after successfully completing regular probation. It should be noted, 70.5% 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, 2.8% were sentenced to NYC/DOC, .2% to community corrections, 9.9% were sentenced to detention/jail, and 7.8% were granted probation. The remaining cases, 8.8% 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, 75% (6) have not reached disposition or were dismissed. Of the two cases in which there has been a sentencing determination, one was sentenced to probation and the other received an alternative sentence. Results should be interpreted cautiously, due to the small numbers.

TABLE 15
ADULT REGULAR PROBATION
Overall Probation Failure and Success by Supervision Level – FY2010
Compared with Overall Post-Release Failure and Success – FY2009

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2010					
Regular: Admin.	66.8% (5,114)	7.7% (588)	2.4% (186)	23.1% (1,773)	100% (7,661)
Regular: Unclassified	28.3% (17)	10.0% (6)	8.3% (5)	53.3% (32)	100% (60)
Regular: Minimum	3.3% (601)	1.7% (316)	3.9% (714)	91.0% (16,506)	100% (18,137)
Regular: Medium	12.2% (728)	7.3% (435)	7.9% (470)	72.7% (4,340)	100% (5,973)
Regular: Maximum	34.2% (790)	22.3% (514)	6.5% (150)	37.0% (854)	100% (2,308)
TOTAL	21.2% (7,250)	5.5% (1,859)	4.5% (1,525)	68.9% (23,505)	100% (34,139)
FY2009					
TOTAL	25.0% (5,622)	6.1% (1,376)	4.6% (1,040)	64.3% (14,475)	100% (22,513)

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 64.3% in FY2009 to 68.9% in FY2010. Offenders supervised at the maximum supervision level and classified as administrative had the lowest overall success rates (37.0% and 23.1% respectively), and the failure was largely due to technical violations of their probation supervision (34.2% for maximum and 66.8% for administrative).

TABLE 16
ADULT INTENSIVE PROGRAMS
 Overall Intensive Failure and Success by Program
 FY2010 and FY2009 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism ¹³	Successfully term'd directly from intensive probation & did not recidivate	Successfully term'd & transferred to regular supervision	Total
FY2010						
AISP	23.9% (295)	10.5% (130)	.4% (5)	5.6% (69)	59.6% (735)	100% (1,234)
FOP	21.7% (31)	9.1% (13)	.7% (1)	14.7% (21)	53.8% (77)	100% (143)
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)

Table 16 reflects that adults who terminated from the adult intensive programs had an overall success rate of 65.2%, with a 59.6% success rate for those offenders transferring from AISP to regular probation supervision and 5.6% for those offenders who did not continue on any supervision following an AISP sentence. This 65.2% overall success rate for AISP represents a slight decrease (.8%) compared to the FY2009 overall success rate of 66.0%.

The overall success rate for the Female Offender Program was 68.5% (14.7% and 53.8% combined) with .7% post-release recidivism for those who terminated directly from the program. In summary, FOP redirected as many as 98¹⁴ offenders from DOC in FY2010 and, of the 22 women who were successful and terminated, one 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 \$32,338¹⁵ per year per offender compared to \$3,909.00 per year per probationer on AISP and \$3,182.00

¹³ The probationers included in this category terminated directly and successfully from an intensive program and recidivated within one year of termination.

¹⁴ This analysis includes offenders who successfully terminated and did not recidivate (21) and those who successfully terminated intensive supervision and were transferred to regular probation (77).

¹⁵ This annualized cost of a prison bed was provided by the Department of Corrections, FY2009.

year per probationer for FOP.¹⁶ In addition to the 98 diverted women in FOP, AISP redirected as many as 804¹⁷ offenders from DOC in FY2010.

TABLE 17
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Terminated Probation
 for Technical Violations or a New Crime - FY2010

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation¹⁸	9.9% (718)	76.0% (5,510)	14.1% (1,022)	100% (7,250)
AISP	67.8% (200)	25.8% (76)	6.4% (19)	100% (295)
FOP	61.3% (19)	32.3% (10)	6.5% (2)	100% (31)
Pre-Release Failure: New Crime				
Adult Regular Probation	20.0% (372)	71.3% (1,325)	8.7% (162)	100% (1,859)
AISP	86.2% (112)	13.1% (17)	.7% (1)	100% (130)
FOP	76.9% (10)	23.1% (3)	0.0% (0)	100% (13)

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 (76.0%) and secondly to an alternative (14.1%). Probationers on regular supervision, who failed probation for the commission of a new crime, were most likely to be incarcerated in the county jail (71.3%) or DOC (20.0%). They received an alternative sentence in 8.7% 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 two-thirds (67.8%) of the technical violators were sentenced to DOC, while 86.2% of those committing a new crime received this type of sentence.

The results for the Female Offender Program were similar to AISP, with 61.3% of the technical violators sentenced to prison and 76.9% of all pre-release recidivists going to DOC.

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

¹⁶ The AISP/FOP figures are based on the Judicial Branch's annual cost per case for FY2009.

¹⁷ This analysis includes FOP individuals who successfully terminated and did not recidivate (21) and those who successfully terminated intensive supervision and were transferred to regular probation (77); as well as AISP individuals who successfully terminated and did not recidivate (69) and those who succeeded and were transferred to regular probation (735).

¹⁸ 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.

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 - FY2010

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
Regular	1.1% (17)	.1% (1)	11.0% (168)	6.5% (99)	.3% (5)	81.0% (1,235)	100% (1,525)
AISP	0% (0)	0% (0)	20.0% (1)	0% (0)	0% (0)	80.0% (4)	100% (5)
FOP	0% (0)	0% (0)	0% (0)	0% (0)	100% (1)	0% (0)	100% (1)

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 (81.0%) 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 FY2010 were tracked through June 30, 2011.

Table 18 reflects for individuals, who terminated from regular supervision and their new charges reached disposition, the majority (11.0%) were sentenced to jail. The remaining individuals were placed as follows: 1.1% were sentenced to the Department of Corrections, .1% community corrections, 6.5% probation, and .3% received an alternate sentence.

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

SUMMARY: FY2010 TERMINATION COHORT

The Judicial Branch has produced a report on recidivism rates among probationers since 1996. Since 1998, the methods 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 intervention¹⁹ 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.

Furthermore, with the completion of actuarial 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-

¹⁹ Bogue, et al., 2004

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 62.7% and 68.9% for adults,²⁰ which is higher than in FY2009 (62.4% and 64.3%, respectively)

Post-termination recidivism rates for regular probationers have remained relatively stable, with slight variations from year to year. In FY2010, post-release recidivism rates were 14.1% for juvenile probationers and 6.1% for adult probationers.²¹ These rates reflect decreases over FY2009 rates of 1.2% for juveniles and .6% for adults. FY2010 rates are the lowest rates experienced by juveniles and adults, since the FY2000 juvenile cohort and the FY1999 adult cohort.

Regarding intensive programs, the overall success rates were 44.1.8%²² for the juvenile intensive supervision program, 65.2% for the adult intensive supervision program and 68.5% for participants in the Female Offender program.²³ Overall success rates were heavily influenced by the pre-release failure rates. Historically and in FY2010, 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 a priority.

In conclusion, FY2010 is marked by increased success rates in adult and juvenile regular programs. These increased rates are significant, given that the vast majority of individuals on probation are under regular probation supervision. Equally, these programs terminate the highest number of individuals, which is important when examining post-release recidivism numbers. For example, although the adult post-release recidivism rate decreased only .6% between last year's cohort and this year's study cohort, this reduction translates into 152 actual offenders who did not recidivate but might have if the FY2009 recidivism rate had remained constant in FY2010. This raw number equates to enhanced public safety and fiscal savings for the state. This outcome also bodes well for a system focused on longer-term behavior change, as opposed to short-term compliance.

²⁰ Tables 11 and 15

²¹ Table 2

²² Table 12

²³ Table 16

BIBLIOGRAPHY

Bogue, B., Campbell, N., Carey, M., Clawson, E., Faust, D., Foria, K. et al. 2004. *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*. Washington, D.C.: national Institute of Corrections and Crime and Justice Institute.

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

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

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

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

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

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