

# PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2013 RELEASES

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FY2013 RELEASES

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# PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2013 RELEASES

**A REPORT SUBMITTED TO THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE TO SATISFY  
CONDITIONS OF REQUEST #3, PURSUANT TO PROVISIONS ESTABLISHED IN HB14-1336.**

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## REQUEST #3 FOR INFORMATION FROM THE JUDICIARY, FY2013-14

This report satisfies the conditions outlined in request #3, pursuant to provisions established in HB14-1336, 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 nineteenth 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: FY2013 RELEASES

## Executive Summary

### INTRODUCTION

The Division of Probation Services, in the State Court Administrator's Office of the Judicial Branch, 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 FY2013.

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 FY2013? Also, where were probationers placed upon failure?

### FINDINGS

1. **Probation Termination: Success and Failure (pre-release recidivism/failure)**
  - Successful termination rates decreased for both juveniles and adults from the previous year. For FY2013, 72.5% of juveniles terminated successfully from regular supervision. This represents a 2.2%

decrease from the FY2012 rate of 74.7%. The successful termination rate of 73.1% for adults in FY2013 is compared to 74.5% from the previous year, a decrease of 1.4% in successful terminations. (Table 1)

- Juveniles unsuccessfully terminated for technical violations of probation in 20.0% of cases in FY2013. This rate reflects a 2.3% increase from the previous year's rate of 17.7%. The adult technical violation rate of 21.7% in FY2013 is higher than the 20.5% rate in FY2012. (Table 1)
- Pre-release recidivism rates have remained relatively stable. Juveniles were terminated from probation for the commission of a new crime in 7.5% of the cases, with a slight decrease in the rate from FY2012. The adult new crime rate of 5.3% reflects a slight increase from the 5.1% rate of the FY2012 releases. (Table 1).

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

- For juveniles who successfully completed regular probation supervision, 13.5% received a new filing in FY2013 compared to 14.6% in FY2012. (Table 2)
- Adults, who completed regular probation successfully, received a new filing at a rate of 5.2%, compared to the 6.0% 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 administrative<sup>1</sup> 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) decreased 5.5% (44.7% in FY2013 from 50.2% in FY2012). (Table 4)
- Successful terminations from Adult Intensive Supervision Probation (AISP) decreased by 2.8% (61.2% in FY2013 from 64.0% in FY2012). (Table 6)
- Successful terminations from Female Offender Probation (FOP) decreased by 0.3% in FY2013 to 66.4%, from 66.7% in FY2012. (Table 6)

<sup>1</sup> 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).



- The number of juveniles who had a new case filed within one year of successfully terminating JISP was slightly higher in FY2013 (10) than FY2012 (9). The rate of post-release recidivism in JISP for FY2013 (20.0%) was higher than in FY2012 (15.0%). (Table 8)
- The percentage of offenders who had a new case filed within one year of successfully terminating the Adult Intensive Supervision Program (AISP) decreased to 9.1% in FY2013 from 13.5% in FY2012. The percentage of offenders that had a new case filed within one year of successfully terminating from the Female Offender Program (FOP) also decreased from 11.1% in FY2012 to 5.3% in FY2013 (Table 10). The rates in intensive programs are volatile due to the small, varying sample size from year to year.

#### 4. Overall Success and Failure Rates among Colorado Probationers

- Of all juveniles who terminated successfully from probation supervision, 62.7% remained crime-free one year post probation release. This represents a 1.0% decrease from FY2012. (Table 11)
- The overall success rate for juveniles who terminated from the Juvenile Intensive Supervision Program (JISP) was 41.6%. This is a decrease of 6.4% from the overall success rate of 48.0% in FY2012. (Table 12)
- The overall success rate of 69.3% for regular adult probation in FY2013 is slightly lower than the 70.0% rate from FY2012. (Table 15)
- The Adult Intensive Supervision Program produced an overall success rate of 60.7%, a decrease of 2.7% from the previous year's rate of 63.4%. (Table 16)
- The Female Offender Program had an overall success rate of 65.7%, which is a slight increase of 0.3% from the rate of 65.4% in FY2012. (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. Juveniles who were revoked from probation for new crimes while under supervision, were sentenced to Division of Youth Corrections (DYC), the Department of Corrections (DOC) or detention/jail 79.0% of the time, while adults were sentenced to jail or DOC 85.7% of the time. (Tables 13 and 17)
- Juvenile and adults in intensive programs were most likely sentenced to DYC/DOC 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 probation more than any other placement (43.1%). Of the ten juveniles who terminated successfully from JISP and committed a new offense after supervision, one was sentenced to DYC/DOC, one was sentenced to detention/jail, five were sentenced to probation, one received an alternative sentence and two have not reached disposition as of the writing of this report. Adults who successfully completed regular probation received a sentence to probation (23.8%) or the county jail (25.1%) more frequently than any other sentences when they committed a new crime after having successfully completed probation.

Of the six AISP recidivists, five were sentenced to jail and one was sentenced to probation. The one FOP recidivists was sentenced to probation (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, 72.5% of juveniles and 73.1% of adults on regular probation were successful on probation (Table 1, Page 3). 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 92% of the time (Tables 3 and 5).

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 41.6% for the Juvenile Intensive Supervision Program (JISP) and 60.7% for the Adult Intensive Supervision Program (AISP) to 65.7% for the Female Offender Program (FOP) (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, but most recently have increased slightly.

The following tables summarize the findings of this report. The FY2013 cohort experienced the lowest post-release recidivism rates for the regular adult probation programs in the past ten years, decreasing by nearly one percent from FY2012. This is significant, given that the vast majority of individuals under supervision are included in this population. This data bodes well for a system focused on longer-term behavior change, as well as short-term compliance with probation conditions and orders of the Court. It also equates to increased public safety for the citizens of Colorado.

**All Programs: Termination Type for FY2013 Cohort**

PROGRAM	TERMINATION TYPE		
	SUCCESS	TECHNICAL VIOLATION	NEW CRIME
REGULAR JUVENILE	72.5% (2,517)	20.0% (695)	7.5% (261)
JUVENILE ISP	44.7% (144)	37.3% (120)	18.0% (58)
REGULAR ADULT	73.1% (24,558)	21.7% (7,277)	5.2% (1,776)
ADULT ISP	61.2% (672)	27.2% (299)	11.6% (127)
ADULT FOP	66.4% (101)	28.3% (43)	5.3% (8)

**All Programs: Post-Release Recidivism Rates for FY2013 Cohort**

PROGRAM	NO RECIDIVISM	POST-RELEASE RECIDIVISM
REGULAR JUVENILE	86.5% (2,176)	13.5% (341)
JUVENILE ISP	80.0% (40)	20.0% (10)
REGULAR ADULT	94.8% (23,271)	5.2% (1,287)
ADULT ISP	90.9% (60)	9.1% (6)
ADULT FOP	94.7% (18)	5.3% (1)

## INTRODUCTION

On June 30, 2013, there were 75,260 offenders on probation in Colorado, including 70,429 adult and 4,831 juvenile probationers in both regular and intensive programs.<sup>2</sup> Probation officers across the state work within a range of regular and intensive probation programs to assess, supervise, educate and refer 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 problem-solving courts (e.g. Drug, DUI) are utilized throughout the state to address those 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 may 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 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 2013.

## 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 FY2013 cohort of terminated probationers, the

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<sup>2</sup> The total of 75,260 includes individuals under state and private (DUI and non-DUI) probation supervision. An additional 5,547 DUI offenders were monitored by state probation but were not part of this study.

current report presents disposition and placement findings for those who recidivated or experienced pre-release failure.

## DATA

For the FY2013 termination cohort, a query was written to extract a data file of all adults and juveniles who terminated probation during FY2013. 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, felony, DUI, and juvenile delinquency petitions filed in Colorado's district and county courts in FY2013 and FY2014 to derive post-release recidivism rates for those probationers who successfully completed probation.<sup>3</sup> The post-release 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 and recidivism 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 FY2013? 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 analyzed to determine, for pre-release failures, where the probationer was ultimately placed. For those successfully terminated from probation, the proportion who received a criminal filing for a new crime within one year were also identified.

Data for FY2013 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.

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<sup>3</sup>Although available in 2009, Denver County data is no longer included in this analysis, as the data is not available in the probation management information system.

**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  
 FY2012 and FY2013 Comparison

TERMINATION TYPE	JUVENILE FY2012	JUVENILE FY2013	ADULT FY2012	ADULT FY2013
Successful	74.7% (2,855)	72.5% (2,517)	74.5% (24,471)	73.1% (24,558)
Failure: Technical	17.7% (680)	20.0% (695)	20.5% (6,721)	21.7% (7,277)
Failure: New Crime	7.6% (291)	7.5% (261)	5.1% (1,668)	5.2% (1,776)
<b>TOTAL</b>	100% (3,826)	100% (3,473)	100% (32,860)	100% (33,611)

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2012 and FY2013. Rates have changed slightly from FY2012 to FY2013. The juveniles who successfully completed probation (72.5%) decreased by 2.2% from the previous year. Technical violations increased by nearly the same amount (2.3%) while new crimes stayed nearly the same. For adults, the successful terminations (73.1%) decreased by more than one percent from FY2012 (74.5%). The data reflects an increase of 1.2% in the technical violation rate from 20.5% (FY2012) to 21.7% (FY2013), and the proportion of terminations due to new crimes increased slightly (5.1% in FY2012 to 5.2% in FY2013).

*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  
 FY2012 and FY2013 Comparison

POST-RELEASE	JUVENILE FY2012	JUVENILE FY2013	ADULT FY2012	ADULT FY2013
New Case Filed	14.6% (418)	13.5% (341)	6.0% (1,469)	5.2% (1,287)
No New Case Filed	85.4% (2,437)	86.5% (2,176)	94.0% (23,002)	94.8% (23,271)
<b>TOTAL</b>	100% (2,855)	100% (2,571)	100% (24,471)	100% (24,558)

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 FY2013, 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 by nearly one percent from FY2012 (14.6%) to FY2013 (13.5%). For adults, new case filings decreased nearly one percent, as well, from 6.0% in FY2012 to 5.2% in FY2013.

**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 Juvenile Risk Assessment, or CJRA) 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 CJRA 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 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 modified 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 CJRA 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 (minimum, medium, or maximum) based upon the category 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 – FY2013  
 Compared with Overall Termination Type - FY2012

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
<b>FY2013</b>				
<b>Regular: Admin.</b>	33.7% (159)	53.6% (253)	12.7% (60)	100% (472)
<b>Regular: Unclassified</b>	50.0% (4)	37.5% (3)	12.5% (1)	100% (8)
<b>Regular: Minimum</b>	92.0% (1,267)	5.3% (73)	2.7% (37)	100% (1,377)
<b>Regular: Medium</b>	76.4% (859)	16.8% (189)	6.8% (77)	100% (1,125)
<b>Regular: Maximum</b>	46.5% (228)	36.0% (177)	17.5% (86)	100% (491)
<b>TOTAL</b>	72.5% (2,517)	20.0% (695)	7.5% (261)	100% (3,473)
<b>FY2012</b>				
<b>TOTAL</b>	74.6% (2,855)	17.8% (680)	7.6% (291)	100% (3,826)

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 FY2013 with those in FY2012. Termination rates in FY2013 varied somewhat with the rates in FY2012. As represented in Table 3, the 72.5% successful termination rate of juvenile probationers on regular supervision for FY2013 was lower than the 74.6% success rate reported for juveniles in FY2012. Of juveniles that terminated probation in FY2013, 20.0% failed for violating the terms and conditions of probation (including absconding from supervision), and 7.5% failed by committing a new crime. These figures reflect an increase of 2.2% in technical violations from FY2012 and a slight decrease from the FY2012 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 (46.5% and 33.7%, respectively). However, when interpreting Table 3, the results reflect the predictive value of the CJRA. 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  
 FY2013 and FY2012 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
<b>JSIP FY2013</b>	29.2% (94)	15.5% (50)	37.3% (120)	18.0% (58)	100% (322)
<b>JISP FY2012</b>	35.1% (139)	15.1% (60)	34.7% (137)	15.1% (60)	100% (396)

Table 4 indicates that JISP clients succeeded 44.7% of the time<sup>4</sup>, failed for committing technical violations 37.3% of the time, and failed due to a new crime 18.0% of the time in FY2013. These findings reflect a decrease of 5.5% in successes from FY2012 termination results in which 50.2% of juveniles succeeded on JISP. Technical violations in FY2013 were 2.6% higher than in FY2012, while the new crime rate increased by 2.9% from FY2012 to 18.0% in FY2013. This higher failure rate among JISP probationers, compared to juveniles on regular supervision is expected; these juveniles are considered 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 those who transfer from an intensive program 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 regular probation terminations.

<sup>4</sup>JISP clients who successfully terminated included 29.2% who were successfully terminated from JISP and then moved to regular supervision and 15.5% who were successfully terminated directly from JISP and released from supervision.

**TABLE 5**  
**ADULT REGULAR PROBATION:**  
 Probation Termination Type by Supervision Level – FY2013  
 Compared with Overall Termination Type – FY2012

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
<b>FY2013</b>				
<b>Regular: Admin.</b>	17.2% (1,187)	73.1% (5,048)	9.7% (668)	100% (6,903)
<b>Regular: Unclassified</b>	66.7% (28)	26.2% (11)	7.1% (3)	100% (42)
<b>Regular: Minimum</b>	96.2% (17,328)	2.7% (492)	1.1% (196)	100% (18,016)
<b>Regular: Medium</b>	81.1% (5,122)	12.6% (794)	6.3% (397)	100% (6,313)
<b>Regular: Maximum</b>	38.2% (893)	39.9% (932)	21.9% (512)	100% (2,337)
<b>TOTAL</b>	73.1% (24,558)	21.6% (7,277)	5.3% (1,776)	100% (33,611)
<b>FY2012</b>				
<b>TOTAL</b>	74.5% (24,470)	20.4% (6,722)	5.1% (1,668)	100% (32,860)

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 administrative<sup>5</sup> were the least likely to successfully terminate probation (38.2% and 17.2%, 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 (Table 3), the results for adult regular probationers support 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.

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

**TABLE 6**  
**ADULT INTENSIVE PROGRAMS:**  
 Intensive Termination Type by Program  
 FY2013 and FY2012 Comparison

PROGRAM	Success		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Intensive Program			
<b>FY2013</b>					
<b>AISP</b>	55.2% (606)	6.0% (66)	27.2% (299)	11.6% (127)	100% (1,098)
<b>FOP</b>	53.9% (82)	12.5% (19)	28.3% (43)	5.3% (8)	100% (152)
<b>FY2012</b>					
<b>AISP</b>	59.4% (679)	4.6% (52)	25.0% (286)	11.0% (126)	100% (1,143)
<b>FOP</b>	55.1% (86)	11.6 (18)	25.6% (40)	7.7% (12)	100% (156)

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 by 2.8% between FY2012 (64.0%) and FY2013 (61.2%). This decrease was the result of an increase of 2.2% in technical violations from 25.0% in FY2012 to 27.2% in FY2013. There was a slight increase of just over one-half of a percent in the new crime rate: 11.0% terminated due to a new crime in FY2012 as compared to 11.6% in FY2013.

The combined success rate for the Female Offender Program (FOP) slight decreased in the FY2013 cohort, from a success rate of 66.7% in FY2012 to 66.4% in FY2013. There was an increase of 2.7% in technical violations from FY2012 (25.6%) to FY2013 (28.3%), and the new crime rate was down by 2.4% in FY2013 (5.3%) from 7.7% in FY2012.

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 – FY2013  
 Compared with Overall Post-Release Recidivism Findings – FY2012

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
<b>FY2013</b>			
<b>Regular: Admin.</b>	17.6% (28)	82.4% (131)	100% (159)
<b>Regular: Unclassified</b>	0.0% (0)	100% (4)	100% (4)
<b>Regular: Minimum</b>	11.1% (141)	88.9% (1,126)	100% (1,267)
<b>Regular: Medium</b>	14.3% (123)	85.7% (735)	100% (858)
<b>Regular: Maximum</b>	21.1% (48)	78.9% (180)	100% (228)
<b>Total</b>	13.5% (340)	86.5% (2,176)	100% (2,516)
<b>FY2012</b>			
<b>Total</b>	14.6% (417)	85.4% (2,438)	100% (2,855)

Table 7 indicates that the majority (86.5%) of juveniles, who terminated regular probation successfully in FY2013, remained crime-free for at least one year post-termination. The remaining 13.5% 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 21.1%, at the medium supervision level 14.3%, and at the minimum supervision level 11.1%. This is consistent with assessment (CJRA) scores, in which decreasing supervision levels reflect decreasing risk to re-offend. The recidivism rate among those offenders classified as administrative was 17.6%. Juveniles classified as administrative tend to assess with higher criminal risk and need and include juveniles in residential placement, therefore recidivism rates for this supervision level would logically be higher than average.

TABLE 8  
**JUVENILE INTENSIVE SUPERVISION PROBATION:**  
 Post-Release Recidivism  
 FY2013 and FY2012 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
<b>JISP FY2013</b>	20.0% (10)	80.0% (40)	100% (50)
<b>JISP FY2012</b>	15.0% (9)	85.0% (51)	100% (60)

Table 8 reflects that 80.0% of juveniles, who terminated their probation sentence directly from JISP in FY2013, also remained crime-free for at least one year post-termination. The remaining 20.0% had a delinquency petition or criminal filing in court within one year of termination. This is a 5% increase in post-release recidivism from the rate of 15.0% in FY2012. Note that in FY2013 (Table 8) only 50 juveniles successfully terminated from JISP directly. An additional 94 juveniles successfully completed the terms of JISP and were transferred to regular probation supervision during the study year. Termination data for those juveniles will be included in the *regular supervision* population, as they terminate from probation supervision (Tables 4 and 7).<sup>6</sup>

TABLE 9  
**ADULT REGULAR PROBATION:**  
 Post-Release Recidivism by Supervision Level – FY2013  
 Compared with Overall Post-Release Recidivism Findings – FY2012

SUPERVISION LEVEL	New Case Filed	No New Case Filed	Total
<b>FY2013</b>			
<b>Regular: Admin.</b>	11.2% (133)	88.8% (1,054)	100% (1,187)
<b>Regular: Unclassified</b>	11.1% (3)	88.9% (24)	100% (27)
<b>Regular: Minimum</b>	3.3% (580)	96.7% (16,749)	100% (17,329)
<b>Regular: Medium</b>	8.4% (432)	91.6% (4,690)	100% (5,122)
<b>Regular: Maximum</b>	15.6% (139)	84.4% (754)	100% (893)
<b>Total</b>	5.2% (1,287)	94.8% (23,271)	100% (24,558)
<b>FY2012</b>			
<b>Total</b>	6.0% (1,469)	94.0% (23,002)	100% (24,471)

Table 9 reflects that 94.8% of adult probationers who terminated successfully from regular probation during FY2013 remained crime-free for at least one year post-termination. The remaining 5.2% had a filing for a new crime within one year of termination. This is a decrease of 0.8% from last year's figures, in which 94.0% 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 (3.3%), while those individuals supervised at the maximum level were the most likely to have a new crime filed within one year of termination (15.6%).

<sup>6</sup> 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  
 FY2013 and FY2012 Comparison

PROGRAM	New Case Filed	No New Case Filed	Total
<b>FY2013</b>			
<b>AISP</b>	9.1% (6)	90.9% (60)	100% (66)
<b>FOP</b>	5.3% (1)	94.7% (18)	100% (19)
<b>FY2012</b>			
<b>AISP</b>	13.5% (7)	86.5% (45)	100% (52)
<b>FOP</b>	11.1% (2)	88.9% (16)	100% (18)

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 606 adult offenders who transferred to regular supervision are included in Table 6.

In FY2013, 90.9% of AISP offenders remained crime-free for at least one year post-termination, a 4.4% increase from the FY2012 rate of 86.5%. Interpreting this data is cautioned as the sample size is small. The actual number of adults who successfully completed AISP increased from 52 offenders in FY2012 to 66 offenders in FY2013, a difference of 14 offenders.

Of the 19 women who successfully completed the Female Offender Program in FY2013, one individual had a new filing one year following termination, resulting in a recidivism rate of 5.3%. This is a 5.8% decrease from FY2012. 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 nine 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 FY2013 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 FY2013 study period are presented for each level of supervision, with the FY2012 overall rates.

**TABLE 11**  
**JUVENILE REGULAR PROBATION:**  
 Overall Probation Failure and Success by Supervision Level – FY2013  
 Compared with Overall Failure and Success – FY2012

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
<b>FY2013</b>					
<b>Regular: Admin.</b>	53.6% (253)	12.7% (60)	5.9% (28)	27.8% (131)	100% (472)
<b>Regular: Unclassified</b>	37.5% (3)	12.5% (1)	0.0% (0)	50.0% (4)	100% (8)
<b>Regular: Minimum</b>	5.3% (73)	2.7% (37)	10.2% (141)	81.8% (1,126)	100% (1,377)
<b>Regular: Medium</b>	16.8% (189)	6.8% (77)	11.0% (124)	65.3% (735)	100% (1,125)
<b>Regular: Maximum</b>	36.0% (177)	17.5% (86)	9.8% (48)	36.7% (180)	100% (491)
<b>TOTAL</b>	20.0% (695)	7.5% (261)	9.8% (340)	62.7% (2,177)	100% (3,473)
<b>FY2012</b>					
<b>TOTAL</b>	17.8% (680)	7.6% (291)	10.9% (417)	63.7% (2,438)	100% (3,826)

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 FY2013 was 62.7%, which is one percent lower than the overall success rate in FY2012 of 63.7%. As would be expected, those juveniles supervised at the maximum and administrative supervision levels had the lowest overall success rates (36.7% and 53.6% respectively).

**TABLE 12**  
**JUVENILE INTENSIVE SUPERVISION PROBATION:**  
 Overall Program Failure and Success  
 FY2013 and FY2012 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism <sup>7</sup>	Successfully term'd directly from JISP & did not recidivate	Successfully term'd from JISP & transferred to reg supervision	Total
<b>JISP FY2013</b>	37.3% (120)	18.0% (58)	3.1% (10)	12.4% (40)	29.2% (94)	100% (322)
<b>JISP FY2012</b>	34.5% (137)	15.2% (60)	2.2% (9)	12.9% (51)	35.1% (139)	100% (396)

<sup>7</sup> 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 include 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 slightly less than one-third (29.2%) 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 (12.4%) was a relatively low 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 41.6% success rate in FY2013, compared to 48.0% in FY2012. This overall success rate is calculated by adding together the two “successful” columns in Table 12.

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 \$65,587<sup>8</sup> per year per offender compared to \$7,851 per year per probationer on JISP.<sup>9</sup> In summary, JISP redirected as many as 134<sup>10</sup> juveniles from DYC in FY2013 and of those, we know nearly one-third of them (40 of 134 = 29.9%) were successful overall. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

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<sup>8</sup> The commitment figure was provided by the Division of Youth Corrections Budget Office FY2013. DYC method of calculation changed from prior years.

<sup>9</sup> The JISP figure is based on the Judicial Branch’s annual cost per case for FY2013.

<sup>10</sup> This analysis includes offenders who successfully terminated and did not recidivate (40) and those that succeeded and were transferred to regular probation (94).



TABLE 13

**JUVENILE REGULAR PROBATION and JISP:**  
 Placement of Juvenile Probationers Who Terminated Probation  
 for Technical Violations or a New Crime - FY2013

PROGRAM	Incarceration: DYC/DOC	Detention/ County Jail	Alternate Sentence <sup>11</sup>	Total
<b>Pre-Release Failure: Technical Violation</b>				
Juvenile Regular	24.2% (168)	52.9% (368)	22.9% (159)	100% (695)
JISP	55.9% (67)	38.3% (46)	5.8% (7)	100% (120)
<b>Pre-Release Failure: New Crime</b>				
Juvenile Regular	35.2% (92)	43.8% (114)	21.0% (55)	100% (261)
JISP	63.8% (37)	27.6% (16)	8.6% (5)	100% (58)

TABLE 14

**JUVENILE REGULAR PROBATION and JISP:**  
 Placement of Juvenile Probationers Who Successfully Completed Probation  
 and had a New Filing Post-Release - FY2013

PROGRAM	Incarceration: DYC/DOC	Community Corrections	Detention/ County Jail	Supervised Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	Total
Juvenile Regular	3.5% (12)	0.6% (2)	13.8% (47)	43.1% (147)	8.2% (28)	30.8% (105)	100% (341)
JISP	10.0% (1)	0.0% (0)	10.0% (1)	50.0% (5)	10.0% (1)	20.0% (2)	100% (10)

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 Branch'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 FY2013, were tracked through June 30, 2014. It often takes a year *from the time of filing*, which could have

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

occurred as late as June 2014, 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 slightly more than half (54.3%) of those revoked for technical violations were sentenced to detention/jail. Another 23.2% of those juveniles were committed to NYC, and 22.5% were granted some other form of punishment or were released from probation with no further consequence. For regular juvenile probationers, who were revoked for a new crime, 35.2% were placed at NYC, while 43.8% were given detention/jail sentences and 21.0% were afforded alternate sentences.

Also reflected in Table 13, juveniles on JISP who were revoked due to technical violations were placed at NYC 55.9% of the time, while 38.3% of them received detention/jail and 5.8% received an alternate sentence. When JISP juveniles were revoked due to a new crime, 63.8% of them were placed at NYC. A much smaller proportion (27.6%) received a detention/jail time, and 8.6% received an alternate sentence.

Table 14 includes juveniles who recidivated after successfully completing regular probation. It should be noted 30.8% of those new cases have not arrived at disposition yet or have been dismissed, so placement data is unavailable. For those who recidivated and were sentenced, 3.5% were sentenced to NYC/DOC, 0.6% (2) were sentenced to community corrections, 13.8% were sentenced to detention/jail, and 43.1% were granted probation. The juveniles in the remaining 8.2% of the cases received an alternative sentence.

Table 14 also includes ten juveniles who successfully completed JISP but had a new filing within one year from termination. Of those juveniles' new cases, 20.0% (2) have not reached disposition or were dismissed. Of the eight cases in which there has been a sentencing determination, one received detention/jail sentence, five were granted probation and one received an alternate sentence. Results should be interpreted cautiously, due to the small numbers.

Table 15  
**ADULT REGULAR PROBATION**

Overall Probation Failure and Success by Supervision Level – FY2013  
Compared with Overall Post-Release Failure and Success – FY2012

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
<b>FY2013</b>					
<b>Regular: Admin.</b>	73.1% (5,048)	9.7% (668)	1.9% (133)	15.3% (1,054)	100% (6,903)
<b>Regular: Unclassified</b>	23.8% (11)	9.5% (3)	7.1% (3)	59.6% (25)	100% (42)
<b>Regular: Minimum</b>	2.7% (492)	1.1% (196)	3.2% (580)	93.0% (16,748)	100% (18,016)
<b>Regular: Medium</b>	12.6% (794)	6.3% (397)	6.8% (432)	74.3% (4,690)	100% (6,313)
<b>Regular: Maximum</b>	39.9% (932)	21.9% (512)	5.9% (139)	32.3% (754)	100% (2,337)
<b>TOTAL</b>	21.6% (7,277)	5.3% (1,776)	3.8% (1,287)	69.3% (23,271)	100% (33,611)
<b>FY2012</b>					
<b>TOTAL</b>	20.4% (6,722)	5.1% (1,668)	4.5% (1,469)	70.0% (23,002)	100% (32,860)

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 decreased slightly from 70.0% in FY2012 to 69.3% in FY2013. Offenders supervised at the maximum supervision level and classified as administrative had the lowest overall success rates (32.3% and 15.3% respectively), and the failure was largely due to technical violations of their probation supervision (39.9% for maximum and 73.1% for administrative).

TABLE 16  
**ADULT INTENSIVE PROGRAMS**  
 Overall Intensive Failure and Success by Program  
 FY2013 and FY2012 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism <sup>12</sup>	Successfully term'd directly from intensive probation & did not recidivate	Successfully term'd & transferred to regular supervision	Total
<b>FY2013</b>						
<b>AISP</b>	27.2% (299)	11.6% (127)	0.5% (6)	5.5% (60)	55.2% (606)	100% (1,098)
<b>FOP</b>	28.3% (43)	5.3% (8)	0.7% (1)	11.8% (18)	53.9% (82)	100% (152)
<b>FY2012</b>						
<b>AISP</b>	25.0% (286)	11.0% (126)	0.6% (7)	3.9% (45)	59.5% (679)	100% (1,143)
<b>FOP</b>	25.6% (40)	7.7% (12)	1.3% (2)	10.3% (16)	55.1% (86)	100% (156)

Table 16 reflects that adults who terminated from the adult intensive programs had an overall success rate of 60.7%, with a 55.2% success rate for those offenders transferring from AISP to regular probation supervision and 5.5% for those offenders who did not continue on any supervision following an AISP sentence. This 60.7% overall success rate for AISP represents a 2.7% decrease compared to the FY2012 overall success rate of 63.4%.

The overall success rate for the Female Offender Program was 65.7% (11.8% and 53.9% combined). FOP redirected as many as 100<sup>13</sup> offenders from DOC in FY2013 and, of the 19 women who were successful and terminated directly from FOP, only one 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 DOC.

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

<sup>13</sup> This analysis includes offenders who successfully terminated and did not recidivate (18) and those who successfully terminated intensive supervision and were transferred to regular probation (82).

Comparatively, the cost of sentencing an offender to the Department of Corrections is \$34,956<sup>14</sup> per year per offender compared to \$3,826 per year per probationer on AISP and \$3,387 per year per probationer for FOP.<sup>15</sup> In addition to the 100 diverted women in FOP, AISP redirected as many as 666<sup>16</sup> offenders from DOC in FY2013.

TABLE 17  
**ADULT PROBATION PROGRAMS:**  
 Placement of Adult Probationers Who Terminated Probation  
 for Technical Violations or a New Crime - FY2013

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence	TOTAL
<b>Pre-Release Failure: Technical Violation</b>				
<b>Adult Regular Probation<sup>17</sup></b>	5.9% (432)	62.1% (4,517)	32.0% (2,327)	100% (7,276)
<b>AISP</b>	45.8% (137)	23.1% (69)	31.1% (93)	100% (299)
<b>FOP</b>	37.2% (16)	23.3% (10)	39.5% (17)	100% (43)
<b>Pre-Release Failure: New Crime</b>				
<b>Adult Regular Probation</b>	19.6% (348)	66.1% (1,175)	14.3% (254)	100% (1,777)
<b>AISP</b>	83.8% (106)	10.9% (14)	5.3% (7)	100% (127)
<b>FOP</b>	25.0% (2)	25.0% (2)	50.0% (4)	100% (8)

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 terminated for technical violations received a sentence to county jail (62.1%) and secondly an alternative sentence (32.0%). The remaining (5.9%) received a sentence to DOC. Probationers on regular supervision who failed probation for the commission of a new crime also received a sentence to county jail (66.1%) or DOC (19.6%). The remaining 14.3% received an alternative sentence.

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 sentenced to DOC. Slightly less than one-half (45.8%) of the technical violators and 83.8% of those committing a new crime received a sentence to DOC.

The results for the Female Offender Program (FOP) were similar to AISP, with 37.2% of the technical violators sentenced to prison and 25.0% of pre-release recidivists terminating for a new crime 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

<sup>14</sup> This annualized cost of a prison bed was provided by the Department of Corrections, FY2012.

<sup>15</sup> The AISP/FOP figures are based on the Judicial Branch's annual cost per case for FY2012.

<sup>16</sup> This analysis includes FOP individuals who successfully terminated and did not recidivate (16) and those who successfully terminated intensive supervision and were transferred to regular probation (86); as well as AISP individuals who successfully terminated and did not recidivate (45) and those who succeeded and were transferred to regular probation (679). See Table 16.

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

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 - FY2013

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
<b>Regular</b>	4.8% (61)	1.8% (23)	25.1% (323)	23.8% (306)	7.1% (92)	37.4% (482)	100% (1,287)
<b>AISP</b>	0.0% (0)	0.0% (0)	83.3% (5)	16.7% (1)	0.0% (0)	0.0% (0)	100% (6)
<b>FOP</b>	0.0% (0)	0.0% (0)	0.0% (0)	100% (1)	0.0% (0)	0.0% (0)	100% (1)

Table 18 represents placement for those adult offenders who successfully completed regular supervision or an intensive program but had a new filing post-release. Placement data for most regular adult offenders who recidivated after terminating probation (37.4%), 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 FY2013 were tracked for one year through June 30, 2014.

Table 18 reflects for individuals, who terminated from regular supervision and their new charges reached disposition, the majority were sentenced to county jail (25.1%) or probation (23.8%). The remaining individuals were placed as follows: 4.8% were sentenced to the Department of Corrections, 1.8% to community corrections, and 7.1% received an alternate sentence.

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

**SUMMARY: FY2013 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. 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 intervention<sup>18</sup> 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

<sup>18</sup> Bogue, et al., 2004

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 approximately 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 rate for juveniles was 62.7% and 69.3% for adults,<sup>19</sup> which is lower than in FY2012 (63.7% and 70.7%, respectively).

Post-termination recidivism rates for regular probationers have remained relatively stable, with slight variations from year to year. In FY2013, post-release recidivism rates were 13.5% for juvenile probationers and 5.2% for adult probationers.<sup>20</sup> These rates reflect a decrease of 1.1% from FY2012 for juveniles and a decrease of .8% for adults. FY2013 rates are the lowest rates experienced by adults, since the FY1999 adult cohort.

Regarding intensive programs, the overall success rates were 41.6%<sup>21</sup> for the Juvenile Intensive Supervision Program, 60.7% for the Adult Intensive Supervision Program and 65.4% for participants in the Female Offender program.<sup>22</sup> Overall success rates were heavily influenced by the pre-release failure rates. Historically, and in FY2013, the most common type of failure among all intensive programs is in the area of technical violations. As statewide responses to technical violations continue to be a priority, these rates have been trending down, although FY2013 shows a slight increase in technical violations in a couple of case types.

In conclusion, FY2013 is marked by relatively stable rates of program success amongst probationers, with some exceptions. Success rates in AISP and FOP, intensive programs for highest risk probationers, increased from FY2012. Pre-release recidivism rates remained stable or decreased except for AISP. While post-release recidivism data for AISP and FOP are too small for drawing conclusions, remarkably, post-release recidivism rates were similar to previous relatively low rates.

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<sup>19</sup> Tables 11 and 15

<sup>20</sup> Table 2

<sup>21</sup> Table 12

<sup>22</sup> Table 16

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