

PRE-RELEASE TERMINATION AND POST-RELEASE RECIDIVISM RATES OF COLORADO'S PROBATIONERS: FY2019 RELEASES

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PREPARED BY:
Erin Crites, Ph.D.
EVALUATION UNIT
DIVISION OF PROBATION SERVICES
STATE COURT ADMINISTRATOR'S OFFICE
COLORADO JUDICIAL BRANCH

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COLORADO'S PROBATIONERS: FY2019 RELEASES

**A REPORT SUBMITTED TO THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE TO SATISFY
CONDITIONS OF REQUEST #3, PURSUANT TO PROVISIONS ESTABLISHED IN SB15-234.**

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Prepared by
Erin Crites, Ph.D.
Division of Probation Services

COLORADO JUDICIAL BRANCH

Steven Vasconcellos, State Court Administrator
Glenn Tapia, Director, Division of Probation Services
Sherri Hufford, Manager, Evaluation Unit, Division of Probation Services

REQUEST #3 FOR INFORMATION FROM THE JUDICIARY

This report satisfies the conditions outlined in request #3, pursuant to provisions established in SB15-234, 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 twenty-fifth 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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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 FY2019.

This report uses two definitions of recidivism: one concerns pre-release recidivism/failure (occurs while an individual is still on probation) and the second concerns post-release recidivism (occurring 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 was terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers was 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 FY2019? Also, where were probationers placed upon failure?

FINDINGS

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

- Successful Termination rates for adults and juveniles increased in FY2019. For FY2019, 74.5% of juveniles terminated successfully from regular supervision. This represents a 1.7 percentage point increase from the FY2018 rate of 72.8%. The successful termination rate of 65.3% for adults in

FY2019 reflects an increase of 0.6 percentage points in successful terminations compared to 64.7% from the previous year (Table 1).

- Juveniles unsuccessfully terminated probation for technical violations in 18.1% of cases in FY2019. This is a 2.2 percentage point decrease from the previous year's rate of 20.3%. The adult technical violation rate decreased 0.4 percentage points to 28.1% (Table 1).
- Pre-release recidivism rates changed slightly for FY2019 terminations compared to FY2018 terminations. Juveniles were terminated from probation for the commission of a new crime in 7.4% of the cases in FY2019, a 0.5 percentage point increase from FY2018. The adult new crime rate of 6.6% reflects a decrease from the rate of 6.8% in FY2018 releases (Table 1).

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

- For juveniles who successfully completed regular probation supervision, 12.3% received a new filing in FY2019. The rate decreased 0.8 percentage points from FY2018 (Table 2).
- Adults, who completed regular probation successfully, received a new filing at a rate of 5.9%, compared to the 5.4% rate of the previous year (Table 2).

3. Differences In Pre- And Post-Release Failure By Supervision Level (Pre-release recidivism includes terminations from probation due to technical violations or new crimes. Post-release recidivism refers to filings within one year post-successful termination from supervision).

- For both juveniles and adults, those supervised at the maximum supervision level and those classified as administrative¹ cases were most likely to fail at the pre-release stage. The higher failure rate among maximum level probationers is consistent with the principles underlying risk classification tools, in which higher risk/maximum level supervision offenders are more likely than those classified at lower supervision levels to commit a new crime while under supervision. Similarly, the higher failure rate among administrative cases is expected, given these offenders included a range of risk levels and individuals under supervision by agencies outside of probation, such as county jail work release programs. Juveniles and adults fail at increasing rates as assessed risk levels (minimum, medium, maximum) increase. This positive correlation between supervision level and failure rates are expected based on the predictive validity of risk assessment tools (LSI and CJRA) used by probation (Tables 3 and 5).
- Successful terminations from Juvenile Intensive Supervision Probation (JISP) increased 7 percentage points (50.4% in FY2019 from 43.4% in FY2018) (Table 4).
- Successful terminations from Adult Intensive Probation (AISP) increased by 0.8 percentage points (56.4% in FY2019 from 55.6% in FY2018) (Table 6).
- Successful terminations from Female Offender Program (FOP) decreased by 0.8 percentage points (50.8% in FY2019 from 51.6% in FY2018) (Table 6).

¹ Administrative is a classification category used to denote individuals 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 (i.e. minimum, medium, maximum).

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- The number of juveniles who had a new case filed within one year of successfully terminating JISP was lower in FY2019 (5) compared to 8 in FY2018. The rate of post-release recidivism in JISP for FY2019 (17.2%) was 11.4 percentage points lower than the rate 28.6% for FY2018 (Table 8).
 - The percentage of adults who had a new case filed within one year of successfully terminating the Adult Intensive Probation (AISP) increased to 22.6% in FY2019 from 20.0% in FY2018. The percentage of adults that had a new case filed within one year of successfully terminating from the Female Offender Program (FOP) decreased from 13.5% (5 people) in FY2018 to 8.7% (2 people) in FY2019 (Table 10). Intensive program numbers are small, making recidivism rates vary substantially from year to year.

4. Overall Success and Failure Rates among Colorado Probationers

- Of all juveniles who terminated successfully from probation supervision, 65.3% remained crime-free one-year post probation release. This represents a 2 percentage point increase from FY2018 (Table 11).
- The overall success rate for juveniles who terminated from the Juvenile Intensive Supervision Program (JISP) was 46.7 %. This is an increase of 8.5 percentage points from the overall success rate of 38.2% in FY2018 (Table 12).
- The overall success rate of 61.5% for regular adult probation in FY2019 is slightly higher than the 61.3% rate in FY2018 (Table 15).
- The Adult Intensive Supervision Program produced an overall success rate of 52.8 %, a decrease of 0.4 percentage points from the previous year's rate of 53.2% (Table 16).
- The Female Offender Program had an overall success rate of 49.8 %, which is an increase of 0.5 percentage points from the rate of 49.3% in FY2018 (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 sentenced to detention or to county jail (34.8% of juveniles and 60.1% of adults). Juveniles revoked from probation for new crimes while under supervision were sentenced to the Division of Youth Services (DYS)² or the Department of Corrections (DOC) 33.3% of the time, or jail/juvenile detention 22.0% of the time. Adults revoked for new crimes while under supervision were sentenced to DOC 21.3% of the time, or jail 55.2% of the time (Tables 13 and 17).
- Juveniles terminated from intensive programs for either a technical violation or new crime were more likely to be sentenced to DYS. Adults in intensive programs were most likely to be sentenced to jail when they had a technical violation of their probation sentence but were more likely to be sentenced to DOC when terminated for a 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 again more than any other placement (53.3% of those sentenced). Of the 5 juveniles who terminated successfully from JISP and committed a new offense after supervision, 2 were sentenced to probation, and 3 had

² The Division of Youth Corrections (DYC) was officially renamed to the Division of Youth Services (DYS) in the FY17 legislative session.

not reached disposition as of the writing of this report. Adults who successfully completed regular probation and committed a new offense for which they have been sentenced received a sentence to probation (42.5%) or the county jail (43.4%) more frequently than any other sentences when they committed a new crime after successfully completing probation. Over 40% of the adult recidivists did not have a placement for their new filing. Of the 14 AISP recidivists, 4 were sentenced to jail, 2 were sentenced to community corrections, 2 were sentenced to probation, and 6 had not reached disposition or the case was dismissed. Two FOP participants recidivated after successfully completing FOP. One was sentenced to jail and 1 to probation (Tables 14 and 18).

SUMMARY

The findings in this report suggest that probation programs can be successful in helping offenders remain crime-free during periods of supervision and following completion of probation sentences. Specifically, 74.5% of juveniles and 65.3% 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, while their lower-risk counterparts (individuals on minimum supervision level) successfully completed their probation sentences 95.4% and 92.3% of the time for adults and juveniles, respectively (Tables 3 and 5).

In the intensive programs, designed to divert higher risk juveniles 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 46.7% for the Juvenile Intensive Supervision Program (JISP) and 52.8% for the Adult Intensive Probation (AISP) to 49.8% 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.

The following tables summarize the findings of this report.

All Programs: Termination Type for FY2019 Cohort

PROGRAM	TERMINATION TYPE		
	SUCCESS	TECHNICAL VIOLATION	NEW CRIME
REGULAR JUVENILE	74.5% (1,508)	18.1% (367)	7.4% (150)
JUVENILE ISP	50.4% (69)	29.9% (41)	19.7% (27)
REGULAR ADULT	65.3% (23,186)	28.1% (9,984)	6.6% (2,326)
ADULT ISP	56.4% (217)	31.2% (120)	12.5% (48)
ADULT FOP	50.8% (101)	36.7% (73)	12.6% (25)

The FY2019 cohort experienced increases in successful terminations for regular juvenile and adult probation, and intensive adult and juvenile probation. Only the female offender program showed a slight decrease in its the rate of successful terminations. Post-release recidivism rates decreased in regular juvenile and intensive juvenile probation and the female offender program. Adult ISP saw slight increases in post-release recidivism in FY2019. The structure of the new intensive programs for adults should include a period of supervision on

regular supervision prior to termination. It is expected that once these intensive programs are full and properly implemented very few will terminate probation directly from an intensive program. As such, post release recidivism for probationers who complete intensive programs and transfer to regular supervision will be captured in the regular probation recidivism rates.

All Programs: Post-Release Recidivism Rates for FY2019 Cohort³

PROGRAM	NO RECIDIVISM	POST-RELEASE RECIDIVISM
REGULAR JUVENILE	87.7% (1,323)	12.3% (185)
JUVENILE ISP	82.8% (24)	17.2% (5)
REGULAR ADULT	94.1% (21,823)	5.9% (1,363)
ADULT ISP	77.4% (48)	22.6% (14)
ADULT FOP	91.3% (21)	8.7% (2)

³ For intensive programs, post-release recidivism is only calculated for probationers who were successfully terminated directly from an intensive program. It does not include individuals who completed an intensive program successfully and transitioned to regular probation. Therefore, while adding the two columns of this table for regular adult and regular juvenile will total the successful terminations in the table on p. x, adding the columns for intensive programs will not match the successful terminations reported on p. x.

INTRODUCTION

On June 30, 2019, there were 77,988 offenders on probation in Colorado, including 74,604 adult and 3,384 juvenile probationers in both regular and intensive programs.⁴ 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 for adults and juveniles; and intensive probation programs for adults (AISP), juveniles (JISP), and women (FOP). Many problem-solving courts (e.g. Drug, DUI) are in use 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 tended 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. Since October 1, 2013 the adult intensive supervision program is no longer a sentencing option for the courts. Instead, probationers are placed in intensive programs based on risk and criminogenic needs. Additionally, beginning in FY2018, the FOP is transitioning from a female-only program. The program will be renamed Casework Control Intensive Program (CCIP) and include high-risk and high-need probationers of gender. Currently, the adult intensive numbers reported in this study include individuals who are under both the former AISP and FOP guidelines. No males were included in the FOP numbers presented in this FY2019 cohort as the new CCIP program had not yet been in place long enough to see terminations.

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.

⁴ The total of 74,604 includes individuals under state and private probation supervision. An additional 3,534 DUI offenders were monitored by state probation but were not part of this study.

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.

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 FY2019 cohort of terminated probationers, the current report presents disposition and placement findings for those who recidivated or experienced pre-release failure.

DATA

For the FY2019 termination cohort, a query was written to extract a data file of all adults and juveniles who terminated probation during FY2019. 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 FY2019 and FY2020 to derive post-release recidivism rates for those probationers who successfully completed probation.⁵ 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 FY2019? 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

⁵ Denver County data is not included in this analysis, as the data is not available in the Judicial case management system.

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 FY2019 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 terminated from probation for the commission of a new crime (pre-release recidivism)? What proportion of probationers terminated for a technical violation (pre-release failure)? Finally, what proportion of probationers terminated successfully?*

TABLE 1
REGULAR PROBATION:
 Juvenile and Adult Probation Terminations
 FY2018 and FY2019 Comparison

TERMINATION TYPE	JUVENILE FY2018	JUVENILE FY2019	ADULT FY2018	ADULT FY2019
Successful	72.8% (1,688)	74.5% (1,508)	64.7% (23,694)	65.3% (23,186)
Failure: Technical	20.3% (472)	18.1% (367)	28.5% (10,420)	28.1% (9,984)
Failure: New Crime	6.9% (160)	7.4% (150)	6.9% (2,493)	6.6% (2,326)
TOTAL	100% (2,320)	100% (2,025)	100% (36,607)	100% (35,496)

Table 1 compares the termination data for juveniles and adults released from regular probation supervision during FY2018 and FY2019. Rates have changed slightly from FY2018 to FY2019. The rate of juveniles successfully completing probation (74.5%) increased by 1.7 percentage points from the previous year. Technical violations decreased by 2.2 percentage point, while new crimes increased by 0.5 percentage points. For adults, the rate of successful terminations in FY2019 (65.3%) increased by 0.6 percentage points from FY2018 (64.7%).

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

TABLE 2

REGULAR PROBATION:

Juvenile and Adult Successful Terminations and Proportion with New Case Filed
FY2018 and FY2019 Comparison

POST-RELEASE	JUVENILE FY2018	JUVENILE FY2019	ADULT FY2018	ADULT FY2019
New Case Filed	13.1% (221)	12.3% (185)	5.4% (1,272)	5.9% (1,323)
No New Case Filed	86.9% (1,467)	87.6% (1,323)	94.6% (22,422)	94.1% (21,823)
TOTAL	100% (1,688)	100% (1,508)	100% (23,694)	100% (23,186)

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 FY2019, 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. Post-release recidivism for juveniles decreased from FY2018 (13.1%) to FY2019 (12.3%). For adults, new case filings increased from 5.4% in FY2018 to 5.9% in FY2019.

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

- regular probationers in each supervision level, and
- probationers in each of the intensive probation programs (Adult and Juvenile Intensive Supervision Probation, and the Adult Female Offender Program)?

Colorado probation officers use the Level of Supervision Inventory (LSI) to classify adults according to risk level and the Colorado Juvenile Risk Assessment (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 also an actuarial risk assessment that identifies a youth's likely risk to reoffend and is based on a validated juvenile risk assessment tool used in Washington State. 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 or her 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 – FY2019
 Compared with Overall Termination Type - FY2018

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2019				
Regular: Admin.	28.5% (80)	55.5% (156)	16.0% (45)	100% (281)
Regular: Unclassified	100% (6)	0.0% (0)	0.0% (0)	100% (6)
Regular: Minimum	92.3% (717)	5.1% (40)	2.6% (20)	100% (777)
Regular: Medium	80.8% (501)	13.9% (86)	5.3% (33)	100% (620)
Regular: Maximum	59.8% (204)	24.9% (85)	15.2% (52)	100% (341)
TOTAL	74.5% (1,508)	18.1% (367)	7.4% (150)	100% (2,025)
FY2018				
TOTAL	72.8% (1,688)	20.4% (472)	6.9% (159)	100% (2,319)

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 total termination rates for FY2019 with those in FY2018. The increase in the success rate for regular juvenile probationers is a result of the decrease in terminations for technical violations. As represented in Table 3, the 74.5% successful termination rate of juvenile probationers on regular supervision for FY2019 was 1.7 percentage points higher than the 72.8% success rate reported for juveniles in FY2018. Of the juveniles that terminated probation in FY2019, 18.1% failed for violating the terms and conditions of probation (including absconding from supervision), and 7.4% failed by committing a new crime. These figures reflect a decrease in technical failures and an increase in failures due to new crime.

As has been true historically, juveniles supervised at the maximum level and administrative classification on regular probation had the lowest success rates (59.8% and 28.5%, respectively). The results of Table 3 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 scores increase, juvenile’s likelihood of failing due to technical violations or new crime also increases.

TABLE 4
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Termination Type
 FY2019 and FY2018 Comparison

PROGRAM YEAR	Successful on JISP		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from JISP			
JSIP FY2019	29.2% (40)	21.2% (29)	29.9% (41)	19.7% (27)	100% (137)
JSIP FY2018	25.0% (38)	18.4% (28)	34.2% (52)	22.4% (34)	100% (152)

Table 4 indicates that in FY2019 JISP clients succeeded 50.4% of the time⁶, failed for committing technical violations 29.9% of the time, and failed due to a new crime 19.7% of the time. These findings reflect an increase of 7 percentage points in successes from FY2018 termination results in which 43.4% of juveniles succeeded on JISP. Technical violations in FY2019 were 4.3 percentage points lower than in FY2018, and the new crime rate decreased by 2.7 percentage points. 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. In the absence of the JISP sentencing option, these youth would likely be committed to a Division of Youth Services facility.

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 case management system. Instead, those probationers who transferred from intensive programs to regular supervision are integrated into regular probation terminations.

⁶ JISP clients who successfully terminated included 25.0% who successfully completed JISP and then transferred to regular supervision and 18.4% who were successfully terminated directly from JISP and were released from supervision.

TABLE 5
ADULT REGULAR PROBATION:
 Probation Termination Type by Supervision Level – FY2019
 Compared with Overall Termination Type – FY2018

SUPERVISION LEVEL	Success	Fail: Technical	Fail: New Crime	Total
FY2019				
Regular: Admin.	10.3% (937)	77.7% (7,044)	11.9% (1,079)	100% (9,060)
Regular: Unclassified	60.5% (26)	30.2% (13)	9.3% (4)	100% (43)
Regular: Minimum	95.4% (16,636)	3.6% (620)	1.0% (176)	100% (17,432)
Regular: Medium	76.0% (4,748)	17.6% (1,100)	6.3% (396)	100% (6,244)
Regular: Maximum	30.9% (839)	44.4% (1,207)	24.7% (671)	100% (2,717)
TOTAL	65.3% (23,186)	28.1% (9,984)	6.6% (2,326)	100% (35,496)
FY2018				
TOTAL	64.7% (23,694)	28.5% (10,420)	6.8% (2,493)	100% (36,607)

Table 5 reflects the termination status for regular adult probationers by supervision level. Overall, the successful termination rate increased for adult probationers from FY2018. Like the juvenile probationers, adults supervised at the maximum level and classified as administrative⁷ were the least likely to successfully terminate probation (30.9% and 10.3%, respectively). Those supervised at the maximum supervision level are considered to be at the highest risk for failure. However, in FY2019 the maximum supervision levels saw a slight increase in their relative success rates, while all other levels decreased in success. 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.

⁷ 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
 FY2019 and FY2018 Comparison

PROGRAM	Success		Fail: Technical	Fail: New Crime	Total
	Transfer to Regular Probation	Terminate Directly from Intensive Program			
FY2019					
AISP	40.3% (155)	16.1% (63)	31.2% (120)	12.5% (48)	100% (385)
FOP	39.2% (78)	11.6% (23)	36.7% (73)	12.6% (25)	100% (199)
FY2018					
AISP	43.4% (249)	12.2% (70)	28.0% (161)	16.4% (94)	100% (574)
FOP	34.1% (72)	17.5% (37)	33.2% (70)	15.2% (32)	100% (211)

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 success rate (transferred to regular and terminated directly) for intensive adult probation (AISP) increased by 0.8 percentage points between FY2018 (55.6%) and FY2019 (56.4%). This increase was the result of decreases in new crime. Failures due to new crime decreased from 16.4% in FY2018 to 12.5% in FY2019, while technical violations increased from 28.0% in FY2018 to 31.2% in FY2019.

The combined success rate for the Female Offender Program (FOP) decreased in the FY2019 cohort, from a success rate of 51.6% in FY2018 to 50.8% in FY2019. Although there was an increase of 3.5 percentage points in technical violations from FY2018 (33.2%) to FY2019 (36.7%), the new crime rate decreased 2.6 percentage points. Fluctuations in success rates are expected due to the small number of probationers in intensive programs.

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. Probationers who successfully complete an intensive program and transition to regular supervision will be included in the study upon final termination from probation supervision. Tables 7 (Juvenile Regular Probation) and 8 (JISP) present the post-release recidivism findings for juveniles; Tables 9 (Adult Regular Probation) and 10 (AISP) present these findings for adults.

TABLE 7
JUVENILE REGULAR PROBATION:
 Post-Release Recidivism by Supervision Level – FY2019
 Compared with Overall Post-Release Recidivism Findings – FY2018

SUPERVISION LEVEL	No New Case Filed	New Case Filed	Total
FY2019			
Regular: Admin.	85.0% (68)	15.0% (12)	100% (80)
Regular: Unclassified	83.3% (5)	16.7% (1)	100% (6)
Regular: Minimum	91.1% (653)	8.9% (64)	100% (717)
Regular: Medium	86.4% (433)	13.6% (68)	100% (501)
Regular: Maximum	80.4% (164)	19.6% (40)	100% (204)
Total	87.7% (1,323)	12.3% (185)	100% (1,508)
FY2018			
Total	86.9% (1,467)	13.1% (221)	100% (1,688)

Table 7 indicates that the majority (87.7%) of juveniles, who terminated regular probation successfully in FY2019, remained crime-free for at least one-year post-termination. The remaining 12.3% had a delinquency petition or criminal filing within one year of successful termination.

As expected, juveniles classified at higher supervision levels have higher rates of recidivism. The recidivism rate for juvenile probationers at the maximum supervision level is 19.6%, at the medium supervision level 13.6%, and at the minimum supervision level 8.9%. This is consistent with assessment (CJRA) scores associated with these supervision levels, in which decreasing supervision levels reflect decreasing risk to re-offend. The recidivism rate among those classified as administrative was 15.0%. 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 are expected to be higher than average.

TABLE 8
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Post-Release Recidivism
 FY2019 and FY2018 Comparison

PROGRAM	No New Case Filed	New Case Filed	Total
JISP FY2019	82.8% (24)	17.2% (5)	100% (29)
JISP FY2018	71.4% (20)	28.6% (8)	100% (28)

Table 8 reflects that 82.8% of juveniles, who terminated their probation sentence directly from JISP in FY2019, also remained crime-free for at least one-year post-termination. The remaining 17.2% had a delinquency petition or criminal filing in court within one year of termination. This is an decrease in post-release recidivism from FY2018. Note that in FY2019 (Table 8), 29 juveniles successfully terminated directly from JISP. An additional 40 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).⁸

TABLE 9
ADULT REGULAR PROBATION:
 Post-Release Recidivism by Supervision Level – FY2019
 Compared with Overall Post-Release Recidivism Findings – FY2018

SUPERVISION LEVEL	No New Case Filed	New Case Filed	Total
FY2019			
Regular: Admin.	89.6% (840)	10.4% (97)	100% (937)
Regular: Unclassified	92.3% (24)	7.7% (2)	100% (26)
Regular: Minimum	96.0% (15,971)	4.0% (665)	100% (16,636)
Regular: Medium	90.0% (4,275)	10.0% (473)	100% (4,748)
Regular: Maximum	85.0% (713)	15.0% (126)	100% (839)
Total	94.1% (21,823)	5.9% (1,363)	100% (23,186)
FY2018			
Total	94.6% (22,422)	5.4% (1,272)	100% (23,694)

Table 9 reflects that 94.1% of adult probationers who terminated successfully from regular probation during FY2019 remained crime-free for at least one-year post-termination. The remaining 5.9% had a filing for a new crime within one year of termination. This is a slight increase from last year's figures, in which 5.4% had a record of recidivism. Consistent with the LSI's predictive validity, as the risk classification increases in severity (minimum to maximum) the percent of recidivists in each classification level also increases. Table 9 demonstrates that those probationers supervised at the minimum level were the least likely to recidivate (4.0%), while those individuals supervised at the maximum level were most likely to have a new crime filed within one year of termination (15.0%).

⁸ The codes in Judicial's case management system identify probationers who transition 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
 FY2019 and FY2018 Comparison

PROGRAM	No New Case Filed	New Case Filed	Total
FY2019			
AISP	77.4% (48)	22.6% (14)	100% (62)
FOP	91.3% (21)	8.7% (2)	100% (23)
FY2018			
AISP	80.0% (56)	20.0% (14)	100% (70)
FOP	86.5% (32)	13.5% (5)	100% (37)

Table 10 indicates, for adult intensive supervision program participants who successfully terminated probation, the proportion that remained crime-free or 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 completed successfully terminated from intensive supervision, and not those who completed the intensive program and transferred to regular probation for continued supervision. When those adults who transferred to regular supervision are terminated, they will be included in Table 6.

In FY2019, 77.4% of AISP offenders remained crime-free for at least one-year post-termination, a 2.6 percentage point decrease from the FY2018 rate of 80.0%. Interpreting the data is cautioned as the sample size is small.

Of the 23 women who successfully completed the Female Offender Program in FY2019 and were terminated from probation, 2 individuals had a new filing within one year of completion, resulting in a recidivism rate of 8.7%. This is a decrease from FY2018. It should be noted, historical rates for FOP have fluctuated due to the small number of probationers who terminate from probation while participating in this program. Since FY2005, the number of participants has been low and susceptible to large fluctuations in calculated rates. Specifically, FOP supervision in Colorado has experienced recidivism rates ranging from 23.1% to 2.9%, over the past ten study cohorts. The FOP program will soon be modified and will focus on both male and female offenders who have higher risk and needs and present with greater stability issues.

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

To answer the fourth question for the FY2019 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 FY2019 study period are presented for each level of supervision, with the FY2018 overall rates.

TABLE 11
JUVENILE REGULAR PROBATION:
 Overall Probation Failure and Success by Supervision Level – FY2019
 Compared with Overall Failure and Success – FY2018

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2019					
Regular: Admin.	55.5% (156)	16.0% (45)	4.3% (12)	24.2% (68)	100% (281)
Regular: Unclassified	0.0% (0)	0.0% (0)	16.7% (1)	83.3% (5)	100% (6)
Regular: Minimum	5.1% (40)	2.6% (20)	8.4% (64)	83.9% (653)	100% (777)
Regular: Medium	13.9% (86)	5.3 % (33)	11.0% (68)	69.8% (433)	100% (620)
Regular: Maximum	24.9% (85)	15.2% (52)	11.7% (40)	48.1% (164)	100% (341)
TOTAL	18.1% (367)	7.4% (150)	9.2% (185)	65.3% (1,323)	100% (2,025)
FY2018					
TOTAL	20.4% (472)	6.9% (159)	9.5% (220)	63.3% (1,468)	100% (2,319)

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 FY2019 was 65.3%, which is an increase of 2 percentage points from 63.3% in FY2018. As would be expected, those juveniles supervised at the maximum and administrative supervision levels had the lowest overall success rates (48.1% and 24.2% respectively).

Table 12 represents 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 nearly 30% 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.

TABLE 12
JUVENILE INTENSIVE SUPERVISION PROBATION:
 Overall Program Failure and Success
 FY2019 and FY2018 Comparison on

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism ⁹	Successfully term'd directly from JISP & did not recidivate	Successfully term'd from JISP & transferred to reg supervision	Total
JISP FY2019	29.9% (41)	19.7% (27)	3.6% (5)	17.5% (24)	29.2% (40)	100% (137)
JISP FY2018	34.2% (52)	22.4% (34)	5.3% (8)	13.2% (20)	25.0% (38)	100% (152)

The overall success rate of those juveniles who terminated directly from JISP (17.5%) represents a relatively small proportion of the total JISP terminations. When all the successful JISP terminations are considered (including those transferred to regular supervision), the program shows a 46.7% success rate in FY2019, which is 8.5 percentage points higher compared to 38.2% in FY2018. 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 Services (DYS). In this respect, JISP is cost-effective with these high risk/high need juveniles, whereby these juveniles would likely have been placed in DHS at a cost of \$96,652¹⁰ per year per offender compared to \$3,463 per year per probationer on JISP.¹¹ In summary, JISP redirected as many as 64¹² juveniles from DHS, and in FY2019, 24 were successful overall. That is, they completed JISP successfully and did not recidivate for at least one year following their completion of JISP.

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 information system because they continued under the jurisdiction of probation and, in the case of revoked and reinstated probationers, under direct supervision by probation.

⁹ The probationers included in this category terminated directly and successfully from an intensive program and recidivated within one year of termination.

¹⁰ The commitment figure was provided by the Division of Youth Services Budget Office FY2019.

¹¹ The JISP figure is based on the Judicial Branch’s annual cost per case for FY2019.

¹² This analysis includes offenders who successfully terminated and did not recidivate (24) and those that succeeded and were transferred to regular probation (40).

TABLE 13

JUVENILE REGULAR PROBATION and JISP:
Placement of Juvenile Probationers Who Terminated Probation
for Technical Violations or a New Crime - FY2019

PROGRAM	Incarceration: DYS/DOC	Detention/ County Jail	Alternate Sentence ¹³	Total
Pre-Release Failure: Technical Violation				
Juvenile Regular	15.8% (58)	34.9% (128)	49.3% (181)	100% (367)
JISP	40.8% (17)	29.6% (12)	29.6% (12)	100% (41)
Pre-Release Failure: New Crime				
Juvenile Regular	33.3% (50)	22.0% (33)	44.7% (67)	100% (150)
JISP	33.3% (9)	41.4% (11)	25.9% (7)	100% (27)

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 FY2019, were tracked through June 30, 2020. It often takes a year *from the time of filing*, which could have occurred as late as June 2019, 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 34.9% of those revoked for technical violations were sentenced to either detention or jail. Another 15.8% of those juveniles were committed to DYS, and 49.3% were granted some other sentence, were released from probation with no further consequence, or had not yet been resented. For regular juvenile probationers, who were revoked for a new crime, 33.3% were placed at DYS, while 22.0% were given detention/jail sentences and 44.7% were afforded alternate sentences or had not yet been sentenced.

Also reflected in Table 13, juveniles on JISP who were revoked due to technical violations were placed at DYS 40.8% of the time, while 29.6% of received detention/jail and 29.6% received an alternate sentence or had not yet been sentenced. When JISP juveniles were revoked due to a new crime, 33.3% were placed at DYS. A much larger proportion (41.4%) received a detention/jail time, and 25.9% received an alternate sentence or had not yet been sentenced.

Table 14 includes juveniles who recidivated after successfully completing regular probation. It should be noted 55.7% 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, 2.7% were sentenced to DYS/DOC, 11.3% were sentenced to detention/jail, and 29.7% were granted probation. One juvenile (0.5%) received an alternative sentence..

¹³ Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence (to date). The higher proportion of cases falling into this category in the FY19 cohort is likely due, in part, to the COVID-19 pandemic that shut down or limited court operations for the first half of calendar year 2020.

TABLE 14

JUVENILE REGULAR PROBATION and JISP:
Placement of Juvenile Probationers Who Successfully Completed Probation
and had a New Filing Post-Release - FY2019

PROGRAM	Incarceration: DYS/DOC	Community Corrections	Detention/ County Jail	Supervised Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	Total
Juvenile Regular	2.7% (5)	0.0% (0)	11.3% (21)	29.7% (55)	0.5% (1)	55.7% (103)	100% (185)
JISP	0.0% (0)	0.0% (0)	0.0% (0)	40.0% (2)	0.0% (0)	60.0% (3)	100% (5)

Table 14 also includes five juveniles who successfully completed JISP but had a new filing within one year from termination. Of the five JISP terminations with post-release recidivism, two were granted probation and three had not yet been sentenced. Results should be interpreted cautiously, due to the small numbers.

Table 15

ADULT REGULAR PROBATION

Overall Probation Failure and Success by Supervision Level – FY2019
Compared with Overall Post-Release Failure and Success – FY2018

SUPERVISION LEVEL	Pre-release Failure: Technical	Pre-release Failure: New Crime	Successful but with Post-release Recidivism	Overall Success Rate	Total
FY2019					
Regular: Admin.	77.7% (7,043)	11.9% (1,080)	1.1% (97)	9.3% (840)	100% (9,060)
Regular: Unclassified	30.2% (13)	9.3% (4)	4.7% (2)	55.8% (24)	100% (43)
Regular: Minimum	3.6% (620)	1.0% (176)	3.8% (665)	91.6% (15,971)	100% (17,432)
Regular: Medium	17.6% (1,100)	6.3 % (396)	7.6% (473)	68.5% (4,275)	100% (6,244)
Regular: Maximum	44.4% (1,207)	24.7% (671)	4.6% (126)	26.2% (713)	100% (2,717)
TOTAL	28.1% (9,983)	6.6% (2,327)	3.8% (1,363)	61.5% (21,823)	100% (35,496)
FY2018					
TOTAL	28.5% (10,420)	6.8% (2,493)	3.5% (1,272)	61.3% (22,422)	100% (36,607)

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. The overall success rate increased slightly from 61.3% in FY2018 to 61.5% in FY2019. Offenders supervised at the maximum supervision level and

classified as administrative had the lowest overall success rates (26.2% and 9.3% respectively), and failures were largely due to technical violations of probation (44.4% for maximum and 77.7% for administrative).

TABLE 16
ADULT INTENSIVE PROGRAMS
 Overall Intensive Failure and Success by Program
 FY2019 and FY2018 Comparison

PROGRAM	Pre-release Failure: Technical	Pre-release Failure: New Crime	Post-release Recidivism ¹⁴	Successfully term'd directly from intensive probation & did not recidivate	Successfully term'd & transferred to regular supervision	Total
FY2019						
AISP	31.2% (120)	12.5% (48)	3.6% (14)	12.5% (48)	40.3% (155)	100% (385)
FOP	36.7% (73)	12.6% (25)	1.0% (2)	10.6% (21)	39.2% (78)	100% (199)
FY2018						
AISP	28.0% (161)	16.3% (94)	2.4% (14)	9.8% (56)	43.4% (249)	100% (574)
FOP	33.2% (70)	15.2% (32)	2.4% (5)	15.2% (32)	34.1% (72)	100% (211)

Table 16 reflects that probationers who terminated from AISP had an overall success rate of 52.8%, with 40.3% transferring from AISP to regular probation supervision and 12.5% who successfully completed AISP and did not have a new filing. The overall success rate for AISP represents a 0.4 percentage point decrease in success compared to the FY2018 overall success rate of 53.2%.

The overall success rate for the Female Offender Program was 49.8% (39.2% and 10.6% combined). FOP redirected as many as 99¹⁵ offenders from DOC in FY2019; and, of the 23 women who were successful and terminated directly from FOP, only 2 had new criminal filings 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 many probationers succeeded and remained crime-free. In the absence of intensive programs, or without the ability to place higher risk probationers under extremely close supervision conditions, these offenders would likely have been incarcerated. Comparatively, the cost of sentencing an offender to the Department of Corrections is \$42,665¹⁶ per year per offender and county jails cost \$20,050¹⁷ per offender per year, compared to \$3,884 per year per probationer on AISP and \$2,976 per year per probationer for FOP.¹⁸ In

¹⁴ The probationers included in this category terminated directly and successfully from an intensive program and recidivated within one year of termination.

¹⁵ 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 (78).

¹⁶ This annualized cost of a prison bed was provided by the Department of Corrections, FY2019.

¹⁷ This annualized cost of a jail bed was calculated using the DOC Jail reimbursement rate of \$54.93 per inmate per day in the FY2019 Long Bill.

¹⁸ The AISP/FOP figures are based on the Judicial Branch's annual cost per case for FY2019.

addition to the 99 diverted women in FOP, AISP redirected as many as 203¹⁹ offenders from being incarcerated in FY2019.

TABLE 17
ADULT PROBATION PROGRAMS:
 Placement of Adult Probationers Who Terminated Probation
 For Technical Violations or a New Crime - FY2019

PLACEMENT	Incarceration: DOC	County Jail	Alternative Sentence ²⁰	TOTAL
Pre-Release Failure: Technical Violation				
Adult Regular Probation²¹	7.1% (702)	60.0% (5,996)	32.9% (3,286)	100% (9,984)
AISP	10.0% (12)	60.8% (73)	29.2% (35)	100% (120)
FOP	19.2% (14)	58.9% (43)	21.9% (16)	100% (73)
Pre-Release Failure: New Crime				
Adult Regular Probation	21.3% (495)	55.2% (1,285)	23.5% (546)	100% (2,326)
AISP	52.1% (25)	43.8% (21)	4.2% (2)	100% (48)
FOP	52.0% (13)	36.0% (9)	12.0% (3)	100% (25)

Table 17 reflects the placement of those offenders who failed probation due to a technical violation or a new crime committed while on supervision. Most adults supervised on regular probation who terminated for technical violations received a sentence to county jail (60.0%) and secondly an alternative sentence (32.9%). The remaining 7.1% received a sentence to DOC. Probationers on regular supervision who failed probation for the commission of a new crime were also most likely to receive a sentence to county jail (55.2%) or an alternative sentence (23.5%). The remaining 21.3% received a sentence to DOC.

Adults who terminated from AISP due to a technical violation were most likely to be sentenced to jail (60.8%) or have an alternative sentence (29.2%). Only 10% received a DOC following termination from AISP for technical violations. Those probationers terminated from AISP for the commission of a new crime were more likely to be sentenced to DOC (52.1%).

¹⁹ 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 (78); as well as AISP individuals who successfully terminated and did not recidivate (48) and those who succeeded and were transferred to regular probation (203). See Table 16.

²⁰ Alternate sentences include, but are not limited to: fines, community service, classes, or no subsequent sentence (to date). The higher proportion of cases falling into this category in the FY19 cohort is likely due, in part, to the COVID-19 pandemic that shut down or limited court operations for the first half of calendar year 2020.

²¹ Note that, for regular probation, a revocation is only counted in the data base for those offenders who terminate probation. For this reason, we cannot, at this time, account for those offenders who are revoked and reinstated to probation.

Those in the Female Offender Program (FOP) who terminated for technical violations were more likely to receive jail sentences than sentences to DOC. For technical violations 58.9% received a jail sentence, while 19.2% received a sentence to DOC. When terminated for committing a new offense, FOP participants were more likely receive a sentence to DOC (52.0%) than a sentence (36.0%).

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 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 - FY2019

PLACEMENT	Incarceration: DOC	Community Corrections	County Jail	Probation	Alternate Sentence	Not Yet Sentenced or Case Dismissed	TOTAL
Regular	4.0% (54)	1.3% (18)	18.3% (249)	17.9% (244)	0.7% (9)	57.9% (789)	100% (1,363)
AISP	0.0% (0)	14.3% (2)	28.6% (4)	14.3% (2)	0.0% (0)	42.9% (6)	100% (14)
FOP	0.0% (0)	0.0% (0)	50.0% (1)	50.0% (1)	0.0% (0)	0.0% (0)	100% (2)

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 many regular adult offenders who recidivated after terminating probation (57.9%) is unknown, as either a disposition has not been reached at the time of this writing or the case was dismissed. Post-release recidivism is defined as a filing for a felony or misdemeanor criminal offense within one year of successful termination from program placement. Filings for adults who terminated in FY2019 were tracked for one year through June 30, 2020. The high proportion of cases falling into the not yet sentenced or case dismissed category in the FY19 cohort may be due, in part, to the COVID-19 pandemic that shut down or limited court operations for the first half of calendar year 2020.

Table 18 also shows, of those individuals who terminated from regular supervision and had new charges that reached disposition, 18.3% were sentenced to jail, and 17.9% to probation. The remaining individuals were placed as follows: 4.0% were sentenced to the Department of Corrections, 1.3% to community corrections, and 0.7% received an alternate sentence.

The number of adults who recidivated after terminating from an intensive program was quite small (14 from AISP and 2 from FOP) compared to regular probation; therefore, limited conclusions are available for these programs. For the 14 AISP individuals who recidivated, 2 cases were sentenced to community corrections, 4 to county jail, 2 were given probation, and 6 did not yet have a sentence. Two FOP participants recidivated after successfully completing FOP. One was sentenced to county jail and one received a probation sentence.

SUMMARY: FY2019 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 intervention²² in order to effect long-term behavior change. Success in keeping recidivism rates low enhances public safety and minimizes the possibility of future harm to victims and communities.

The findings in this report indicate that 65.3% of juveniles and 61.5% adults sentenced to regular probation supervision complete their sentence successfully and remain crime-free for at least one year after termination.²³

Post-termination recidivism rates for regular probationers have remained relatively stable, with slight variations from year to year. In FY2019, post-release recidivism rates were 12.3% for juvenile probationers and 5.9 % for adult probationers.²⁴ These rates reflect a decrease of 0.8 percentage points for juveniles and an increase of 0.5 percentage points for adults from FY2018.

Regarding intensive programs, the overall success rates were 46.7%²⁵ for the Juvenile Intensive Supervision Program, 52.8% for the Adult Intensive Probation, and 49.8% for participants in the Female Offender program.²⁶ Overall success rates were heavily influenced by the pre-release failure rates. Historically, and in FY2019, the most common type of failure among all intensive programs is technical violations.

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-violent offenders entering the costly system of incarceration, saving the state expense while enhancing community safety.

²² Bogue, et al., 2004

²³ Tables 11 and 15

²⁴ Table 2

²⁵ Table 12

²⁶ Table 16

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