



COLORADO PROBATION RECIDIVISM STUDY

Fiscal Year 2021 for 2020 Releases

Colorado Judicial Branch

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Colorado Probation Recidivism Study

Fiscal Year 2021 Report for Fiscal Year 2020 Terminations

On June 30, 2020, there were 71,612 individuals on probation in Colorado, including 68,554 adults and 3,058 juveniles in both regular and intensive programs, and 3,125 monitored DUI cases.¹ 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 determine 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 are referred to appropriate community-based treatment and skill-based programs related to their assessed needs. Programs have been designed to match the intensity of supervision to the risk and need of each probationer. Available probation programs include regular probation supervision for adults and juveniles; and intensive probation programs for adults (Limit Setter Intensive Probation-LSIP, Casework Control Intensive Probation-CCIP, Female Offender Program-FOP, and Sex Offender Intensive Probation-SOISP), and juveniles (Juvenile Intensive Supervision-JISP). Many problem-solving courts (e.g. Drug, DUI, Veteran's) are also in use throughout the state to address those probationers 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, individuals 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 more serious offenses. For these reasons, program success levels were 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, and therefore not an alternative to incarceration. Instead, probationers are placed in intensive programs based on assessed risk and needs. Additionally, beginning in fiscal year 2018, FOP is transitioning to the Casework Control Intensive Probation (CCIP) program and includes high-risk and high-need probationers regardless of gender. Each of the intensive programs (LSIP, CCIP, FOP, SOISP, and JISP) will be identified in this report to allow for comparisons of outcomes across the programs.

Colorado probation has been conducting an annual recidivism study since 1996. In reports published from 1996 through 2020, pre-release recidivism was defined as termination from probation for a new felony or misdemeanor criminal act or technical violations, and post-release recidivism was defined as a new misdemeanor or felony filing within one year of successful termination from probation. In 2019 the Colorado State Legislature passed Senate Bill 19-108 creating a Juvenile Justice Reform Committee tasked with implementing sweeping juvenile justice reform throughout the state. Senate Bill 19-108 necessitated a change in the definition of recidivism used by the Division of Probation Services for juvenile probationers. To maintain consistency in how Colorado reports recidivism for probationers, the definition of recidivism for adult probationers was also changed. Recidivism for Colorado probation is now defined using two components: pre-release and post-release. Pre-release recidivism is defined as a new deferred agreement, adjudication, or conviction while under probation supervision. Post-release recidivism is defined as a new deferred agreement, adjudication, or conviction one, two, and three years post-release from probation regardless of whether that release is considered successful.

This definition is a departure from previous definitions in several ways. First, pre-release recidivism is now defined by a new deferred agreement, adjudication, or conviction rather than a

¹ The total of 68,554 includes individuals under state and private probation supervision and 3,125 DUI offenders were monitored by state probation.

termination from probation for a new criminal act or technical violations. This separates new criminal activity from the type of probation termination. It is not uncommon for a probationer to have some new criminal activity, and still successfully complete probation. This change will allow us to identify criminal behavior separate from the ultimate resolution of the probation sentence. Second, the post-release portion of the definition moves away from the filing of charges to a finding of guilt on the case. The use of a conviction (or an adjudication for juveniles or the presence of a deferred agreement for adults and juveniles) is consistent with criminal justice reform practices that emphasize the importance of admissions or findings of guilt and not relying solely on the filing of charges (that may be dismissed or have a not guilty findings) to make assumptions about continued criminal conduct. Finally, the new definition is not limited to those probationers who have successfully completed probation. Capturing long-term outcomes for individuals regardless of how they ended their time on probation will provide a more complete picture of the outcomes of individuals sentenced to probation. Table 1, below, compares the two definitions. While this shift in definition may generate slight changes in the recidivism rates reported, general trends in probation outcomes should remain consistent.

Table 1: Comparison of 1997 to 2021 Definition of Recidivism

Comparison of Recidivism Definitions				
	Previous Definition		Current Definition	
	Pre-Release	Post-Release	Pre-Release	Post-Release
Who?	All negative probation terminations-no lifetime SO	All successful terminations	All probation terminations-all probationers	All probation terminations-all probationers
What?	An adjudication or conviction for a felony or misdemeanor, or a technical violation relating to a criminal offense,	New filing for a felony or misdemeanor	New deferred agreement, adjudication, or conviction for a felony or misdemeanor	New deferred agreement, adjudication, or conviction for a felony or misdemeanor
When?	Based on probation termination status	Within 1 year of successful termination	During probation supervision-from initial sentence date to termination date	Post termination from probation for 1, 2, and 3 years

Methodology²

The annual recidivism study is based upon the entire population of probationers terminated from probation during fiscal year 2020. This includes individuals who participated in intensive programs as well as those on regular supervision. The one-year lag in reporting allows for cases terminated from probation to be followed for at least one full year to identify any instances of new convictions and to capture any new sentences associated with negative terminations and post-release recidivism.

Data

For the fiscal year 2020 termination cohort, a query was written to extract a data file of all adults and juveniles who had a case terminated from probation during fiscal year 2020. The data file was generated from the Judicial Branch's business intelligence system, Cognos, which queries a copy of the case management system data. The termination files were combined with a file of all misdemeanor, felony, DUI, and juvenile delinquency convictions in Colorado's district and county courts to derive pre- and post-release recidivism rates for those probationers who successfully completed probation.³ Pre-release recidivism rates are obtained by matching a data set of convictions from Jan 1, 2010, through the end of the fiscal year 2021 to identify instances of a new conviction occurring between a probationer's sentence to probation and the date their case was terminated from probation. Post-release recidivism is obtained by matching a set of convictions from the beginning of the fiscal year in which a case was terminated (e.g. July 1, 2019 for the fiscal year 2020 terminations) and identifying any convictions that occurred after the case was terminated from probation and up to three years later. For this initial study only one year of follow up was available for post-release recidivism. Additional years of follow up will be added in subsequent reports. Additionally, the COVID-19 pandemic beginning in March of 2020 had substantial impacts on court and probation operations in the last have fiscal 2020 and thru fiscal year 2021. Results reported here reflect data available as of end of fiscal year 2021. As the courts resume more regular operations and catch up on cases filed during the height of the pandemic, convictions may show up in years two and three for this cohort.

² Methodological note: Previous recidivism studies weighted the termination counts to match the number of people reported in Judicial's Annual Statistical Report, which led to an estimate of recidivism and of subsequent sentences. This was necessary due to the technical limitations of data reporting out of the Judicial case management system. The Annual Report counts a probationer as terminated from probation if they have no active cases remaining and had a case terminated in the fiscal year being reported. Unfortunately, the individuals included in this count cannot be identified and therefore cannot be matched to court records to identify pre/post-release recidivism or sentencing information. The State Court Administrator's Office is working to remedy system limitations using available business intelligence tools to generate a report to include the names of individuals counted in the terminations reported each year. In the interim, a query of terminated probationers will be used without weighting. Individuals may have multiple cases that terminate during fiscal year 2020 or have a case terminate in fiscal year 2020 and still be active on probation for another case. This will lead to a slight increase in the number of people who are reported to have terminated in the recidivism study compared to the Annual Report, however, the general distributions of termination rates remain consistent. Additionally, past studies did not include terminations from SOISP unless they had transitioned out of intensive supervision and were terminated from regular probation. These cases are now included in this report and will be identified where appropriate.

³ Denver County data is not included in this analysis, as the data is not available in the Judicial case management system. However, we expect to include Denver County beginning in FY2022.

Analysis

To continue to meet the evolving reporting requirements on outcomes for probation in Colorado, the following research questions guided this report:

1. What are the success rates and revocation rates for individuals who are terminated from probation?
2. How prevalent is pre-release recidivism? What are the outcomes for probationers with pre-release recidivism?
3. How prevalent is post-release recidivism for individuals terminated from probation? How are probationers sentenced following post-release recidivism?
4. What differences exist in pre-release recidivism, termination rates, and post-release recidivism for probationers by risk level and intensive program participation?
5. Where are probationers sentenced upon unsuccessful completion of a probation sentence?

In time, this new study methodology will evolve to include more specific information on the programs, services, and outcomes of individuals sentenced to probation in Colorado. As additional data become available, the report will include information on specialized (e.g. problem solving court, domestic violence/mental health/economic crime supervision) programs, changes in risk and need factors, and participation in treatment services for substance use and mental health disorders in compliance with the recommendations of the Juvenile Justice Reform Committee created under SB19-108.

Figure 1: Recidivism Measurement Timeline

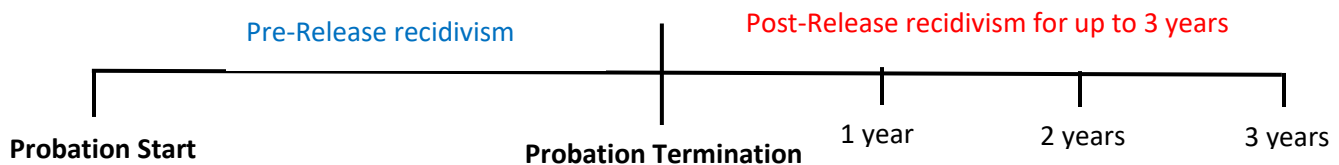


Figure 1 provides a general overview of how the new recidivism study will capture pre- and post-release recidivism. The study begins with a cohort of individuals with a case terminated in the fiscal year prior to the study to allow time for at least one year of post-release recidivism. Pre-release recidivism will be captured from the initial sentence date of the terminated case and any deferred agreement, adjudication, or conviction for a misdemeanor or felony offense that occurs between the initial sentence date and the termination date.

The following sections of the report will present the results of the updated recidivism study methodology. First, general descriptive information is provided on the population of adults and juveniles terminated from probation in fiscal year 2020. Next, general outcomes including pre-release recidivism, probation termination rates, and post-release recidivism will be provided. Additional sentencing information for negatively terminated probation cases and probationers with post-release recidivism is also included. Following the general outcomes results, additional sections will provide the same information separated by risk level at the start of probation and by probation program (regular versus intensive probation). The report concludes with information on the length of stay on probation for fiscal year 2020 terminations.

Results

Cohort Descriptive Information

In fiscal year 2020, 42,108 unique individuals had a termination from probation (regular or intensive supervision). Of these 39,826 were on probation for an adult case and 2,282 were on probation for a juvenile delinquency case. For probationers who have multiple cases terminated in the same fiscal year, the termination with the earliest original sentence date was used. Additionally, for those with both an intensive supervision termination and regular probation supervision termination, the individual will only be counted once in the fiscal year. A probationer was counted in the intensive programs count if they had participated in an intensive program at any point during their probation sentence. Individuals terminated from probation who also participated in an intensive program account for 1,463 (3.7%) adults and 117 (5.1%) juveniles in the fiscal year 2020 termination cohort. The typical adult terminated from probation is a Caucasian male around 34 years of age, and the typical juvenile terminated from probation is an 18-year-old Caucasian male. The population of probationer terminated in fiscal year 2020 is generally reflective of the probation population described in the annual report, where approximately 30% of the population is female, most are Caucasian, and individuals between the ages of 25 and 39 years make up nearly half of the population.

Table 2: Gender Distributions for Probationers Terminated in FY2020

	Female		Male		Not Specified		Total	
	N	%	N	%	N	%	N	%
Adult	11,198	28.1%	28,612	71.8%	16	<0.0%	39,826	100%
Juvenile	514	22.5%	1,764	77.3%	4	0.2%	2,282	100%
Total	11,712	27.8%	30,376	72.1%	20	<0.0%	42,108	100%

Table 3: Race/Ethnicity for Probationers Terminated in FY2020

	Caucasian		African American		Hispanic		Asian/Indigenous /Other		Total	
	N	%	N	%	N	%	N	%	N	%
Adult	32,661	82.0%	3,047	7.7%	2,894	7.3%	1,224	3.1%	39,826	100%
Juvenile	1,561	68.4%	319	14.0%	297	13.0%	105	4.6%	2,282	100%
Total	33,834	80.4%	3,366	8.0%	3,191	7.6%	1,329	3.2%	42,108	100%

The median age for adults terminated from regular probation in fiscal year 2020 was 36.9 years and for juveniles was 17.7 years. Individuals who participated in LSIP, CCIP, and FOP tended to be younger at termination (32.4 years, 36.9 year, and 35.3 years, respectively) and individuals who participated in SOISP tended to be older at termination (41.6 years). Juveniles on JISP tended to be older at termination (18.2 years) compared to those on regular juvenile probation. Table 4 provides additional information on age at termination by probation population for adults and juveniles.

Table 4: Average Age at Termination for Probationers Terminated in FY2020

	N	Average	Median	Std. Deviation
Regular Adult	38,261	36.85	34.25	11.96
<i>Limit Setter Intensive Probation (LSIP)</i>	607	32.35	30.53	8.81
<i>Casework Control Intensive Probation (CCIP)</i>	296	36.93	35.72	10.05
<i>Female Offender Program (FOP)</i>	278	35.34	33.98	8.81
<i>Sex Offender Intensive Probation (SOISP)</i>	383	41.58	38.75	13.33
Regular Juvenile	2,106	17.68	17.81	1.98
<i>Juvenile Intensive Probation (JISP)</i>	177	18.22	18.25	1.58

Probationers terminated in fiscal year 2020 reflect the general population of individuals on probation. Nearly 72% of adults and 77.3% of juveniles terminated from probation are male (see Table 2). While the judicial case management system allows for identification outside of the male-female binary, a very small number (20 total terminations) do not report gender as male or female. Additionally, the majority of adult and juveniles terminated from probation are identified as Caucasian (82.0% of adults and 68.4% of juveniles).⁴ Table 3 provides additional information on race/ethnicity for individuals terminated from probation.

Individuals on probation are assessed for their level of risk to engage in new criminal behavior using validated and reliable risk assessment instruments. Colorado probation officers use the Level of Supervision Inventory (LSI) to classify adults according to risk level and the Colorado Juvenile Risk Assessment (CJRA)⁵ to classify juveniles. The LSI is a research-based, reliable, and valid, actuarial risk instrument. 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 classification tools result in one of three supervision levels: low, moderate, or high. The higher rate of failure among higher risk probationers is consistent with risk prediction classification tools, in which high risk individuals are often more than twice as likely, as those classified at lower risk, 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 several risk factors, the sum of which comprise a total score which is then classified into a risk level. On average, probationers are re-assessed every six months, and supervision strategies and level of supervision intensity change with corresponding changes in the risk and needs scores. Classification categories are determined according to policy, which 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.

The majority of adults (51%) are assessed as low risk at the start of probation, 21.6% are considered moderate risk, and 16.1% are high risk (see Table 5). For juveniles, 45% are classified as low risk, 25.3% as moderate risk, and 21.3% as high risk. For a portion of the terminated population (11.4% of adults and 8.3% of juveniles), risk level at the start of probation was not available in the data. Data on risk may be unavailable due to several factors. First, the individual could be on alcohol monitoring where the use of a risk and needs assessment is not required. Second, there may be variations in probationers’

⁴ Race and ethnicity are combined in the judicial case management system and is entered by court staff from information provided in the summons, affidavit, arrest report, or complaint filed with the court.

⁵ Beginning July 1, 2021 juveniles will be assessed using the Youth Level of Service Inventory (YLS). Future studies will use the results of YLS to produce risk levels for juveniles.

names that limit the ability to match court records to the probation assessment record. Third, the individual may have failed to appear to have the assessment completed. Data for individuals missing an assessment are still included in the analysis and identified as having a missing assessment in any tables reporting on risk.

Table 5: Starting Risk Level for Probationers Terminated in FY2020

	High		Mod		Low		Missing		Total	
	N	%	N	%	N	%	N	%	N	%
Adult	6,396	16.1%	8,603	21.6%	20,312	51.0%	4,542	11.4%	39,826	100%
Juvenile	487	21.3%	578	25.3%	1,028	45.0%	189	8.3%	2,282	100%
Total	6,883	16.3%	9,181	21.8%	21,340	50.7%	4,731	11.2%	42,108	100%

Outcomes

Most adults and juveniles completed probation successfully and remained crime free for at least one-year following termination. This is true even if they had a pre-release recidivism event. Table 6 and Figure 2 provide the termination, pre-release recidivism, and post-release recidivism rates for adults and juveniles who terminated from probation in fiscal year 2020.

Pre-Release Recidivism

Pre-release recidivism occurred in 27% of adult terminations and 29.5% of juvenile terminations. Of note, pre-release recidivism did not automatically lead to an unsuccessful termination from probation--16.9% of adults and 20.3% of juveniles had pre-release recidivism events and completed probation successfully. Rates of pre-release recidivism were substantially higher for individuals who terminated from probation unsuccessfully. Pre-release recidivism events occurred for 46.6% of adults and 39.5% of juveniles who were terminated from probation due to technical violations. Unsurprisingly, most probationers who were terminated for a new crime also had pre-release recidivism identified. Technically all probationers terminated for a new crime would have pre-release recidivism. However, due to various factors including coding practices, plea agreements, or variations individuals' names used in the court and probation records, some of these individuals terminated for a new crime may not have had a new deferred agreement, adjudication, or conviction identified prior to their termination from probation.

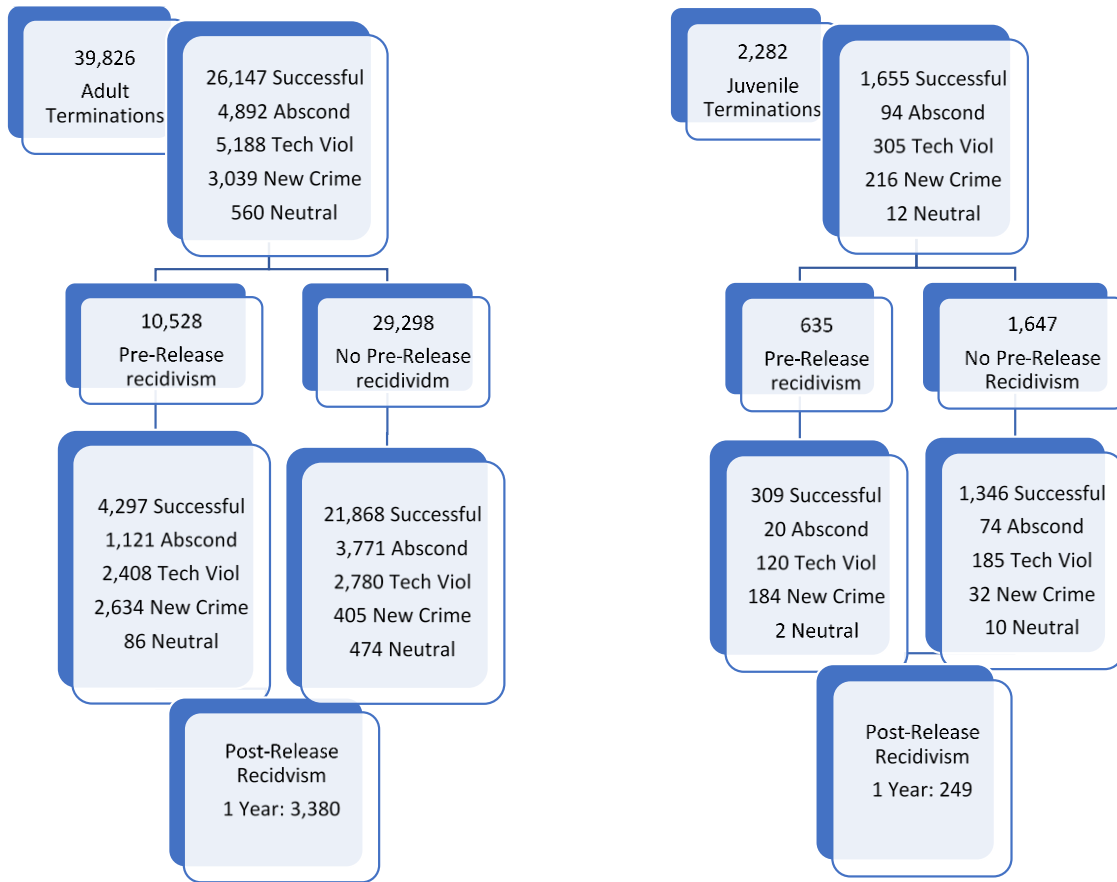


Figure 2: Adult and Juvenile Outcomes for FY2020 Terminations (Regular and Intensive Combined)

Termination Rates

Across all probation programs, 65.7% of adults and 72.5% of juveniles successfully completed probation. When individuals unsuccessfully terminated from probation the most common reason is technical violations (13.0% of adults and 13.4% of juveniles). For adults the next most common reason was absconding (12.3%) followed by a new criminal conviction (7.6%). For juveniles, the second most common reason for unsuccessful termination was new crime (9.4%) followed by absconding (4.2%). A relatively small portion of adults and juveniles are terminated from probation for reasons that are considered neither successful nor unsuccessful. Neutral terminations include, but are not limited to, death or deportation of an individual and occur in 1.5% of adult and 0.5% of juvenile terminations.

Post-Release Recidivism

Overall post-release recidivism rates are below 10% for those who successfully complete probation—6.1% for adults and 9.2% for juveniles. Rates of post-release recidivism are higher for individuals who unsuccessfully terminate from probation except for absconders. Identifying post-release recidivism rates for absconders poses some challenges. Individuals terminated for absconding have been

out of contact with probation for at least three months and therefore may no longer reside in the state or may be careful to avoid contact with law enforcement and the courts. Post-release recidivism rates are highest for individuals who were terminated from probation for new crimes—18.6% for adults and 21.8% for juveniles.

Table 6: Probation Outcomes for FY2020 Terminations (Regular and Intensive Combined)

	All FY2020 Terminations		% Terms with Pre-release recidivism		% Terms with Post-release recidivism first year	
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile
Successful	65.7%	72.5%	16.9%	20.3%	6.1%	9.2%
Technical Violation	13.0%	13.4%	46.6%	39.5%	17.4%	15.7%
New Crime	7.6%	9.4%	86.8%	85.2%	18.6%	21.8%
Abscond	12.3%	4.2%	23.1%	21.3%	6.5%	2.1%
Neutral/Other	1.4%	0.5%	15.8%	16.7%	0.0%	0.0%
Total	100%	100%	27.0%	29.5%	8.5%	10.9%

Placement for Negative Terminations

When a probationer is unsuccessful on probation, a new sentence is often entered on the case once probation is terminated. Table 7 presents the sentences received by individuals upon unsuccessful termination from probation. Sentences include Incarceration (including Division of Youth Services or Department of Corrections), jail or juvenile detention, community correction’s facility, non-custodial sentences (e.g. probation, community services, fine or fees). Due to the timing of the study, new criminal cases have approximately one year to reach resolution to be included in the study. As a result, approximately half of all cases terminated from probation for technical violations, new crimes, or absconding did not have a new sentence entered. The rate of missing sentences was higher for probationers who were terminated for absconding (78.5% for adults and 84.2% for juveniles). When a new sentence was entered, adults were commonly sentenced to jail. For adults terminated for technical violations, 51.5% were sentenced to jail and for adults terminated for new crimes, 46.4% were sentenced to jail. Sentences to the Department of Corrections (DOC) occur around 8% of terminated adult probationers and are more likely for new crime (14.9%) than technical violations (8.7%). Juveniles are more likely to be sentenced to the Division of Youth Services (DYS) for new crime violations (32.2%) than for technical violations (21.6%). However, juveniles terminated for technical violations are more likely to be sentenced to detention than are juveniles terminated for new crimes (32.4% and 21.0%, respectively). Non-custodial sentences which include probation, community services, and fines occur in about 4% of terminated probationers (4.1% of adult terminations and 4.6% of juvenile terminations). For adults, non-custodial sentences are more common for technical violations (5.5%) than for either new crime (3.3%) or absconding (3.2%). However, for juveniles non-custodial sentences are more common for absconding (6.3%) compared to technical violations (4.6%) or new crime (3.7%).

Table 7: Placement Following Negative Termination from Probation for FY2020 Terminations (Regular and Intensive combined)

	Negative Termination Type	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced	
		N	%	N	%	N	%	N	%	N	%
Adult	Tech Viol	449	8.7%	2,669	51.5%	3	<0.0%	283	5.5%	1,783	34.4%
	New Crime	454	14.9%	1,410	46.4%	6	0.2%	100	3.3%	1,071	35.2%
	Absconding	129	2.6%	727	14.9%	38	0.8%	157	3.2%	3,840	78.5%
	Total	1,032	7.9%	4,806	36.6%	47	0.4%	540	4.1%	6,694	51.0%
Juvenile	Tech Viol	66	21.6%	99	32.4%	1	0.3%	14	4.6%	126	41.2%
	New Crime	69	32.2%	45	21.0%	0	0.0%	8	3.7%	92	43.0%
	Absconding	1	1.1%	8	8.4%	0	0.0%	6	6.3%	80	84.2%
	Total	136	22.1%	152	24.7%	1	0.2%	28	4.6%	298	48.5%

Sentences for One-Year Post-Release Recidivism

Post-release recidivism within the first year following any type of probation termination (successful or unsuccessful) occurred in 8.5% of adults and 10.9% of juveniles. At the writing of this report, 31.2% of adult and 27.7% of juveniles with a conviction within one-year of termination from probation had not yet been sentenced. For adults, most instances of recidivism were sentenced to jail (34.9%) or were given a non-custodial sentence (22.8%). Few (7.4%) received a sentence to DOC. For juveniles, 41.4% received a non-custodial sentence for a new conviction within one-year of termination, 15.3% were sentenced to DYS or DOC and 14.5% were sentenced to jail or detention. A probationer who terminated from probation for a juvenile delinquency case is counted within the juvenile terminations, but the post-release recidivism event may have occurred after the individual was 18 years of age. As a result, these individuals may be sentenced to DOC or jail. If the recidivism event occurred when the individual was still under 18 years of age, DYS or detention sentences would occur.

Table 8: Placement Following One-Year Post-Release Recidivism for FY2020 Terminations (Regular and Intensive Combined)

	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total Recid
	N	%	N	%	N	%	N	%	N	%	N
Adult	249	7.4%	1,178	34.9%	127	3.8%	772	22.8%	1,054	31.2%	3,380
Juvenile	38	15.3%	36	14.5%	3	1.2%	103	41.4%	69	27.7%	249

Length of Stay

Length of stay on probation was defined as the number of months that elapsed from the initial sentence to probation to the termination date. The median length of stay on probation for adult probationers is 17.94 months and for juveniles is 13.77. Adults who successfully completed probation in fiscal year 2020 had a median length of stay of 18.04 months. Terminations for new crimes occurs around 16.59 months and for technical violations at around 15.75 months. Prior to filing for revocation probation staff give probationers ample time to come into compliance. The median length of stay prior to termination for absconding is 16.3 months for adults. In most instances, probation departments will hold a probation case open for between three and six months while they attempt to locate and reconnect with a missing probationer. Therefore, most probationers appear to abscond within the first 10 to 12 months of probation. Unlike adults, juveniles who are successful have the shortest length of stay (12.19 months) compared to those terminated for technical violations (16 months), new crimes (16.08 months), or absconding (16.76 months). It is important to note that a termination for absconding is an administrative decision on the part of probation and not based on a finding by the court. After substantial efforts have been made to locate an individual, including requesting a warrant, over the course of three to six months the probation department closes the case to allow the supervising officer to manage the volume of active caseloads. The warrant issued by the court remains active, and if the individual is located probation may resume. See Table 9.

Table 9: Median Length of Stay (in months) for FY2020 Terminations

	Successful	Technical Violations	New Crime	Absconding	Neutral	Total
Adult	18.04	15.75	16.59	16.30	13.22	17.94
Juvenile	12.19	16.00	16.08	16.76	9.77	13.77

Outcomes by Risk Level

As discussed above, risk is strongly associated with probation outcomes, with higher risk probationers being more likely to terminate unsuccessfully from probation and more likely to engage in both pre- and post-release recidivism. Risk was defined using the LSI (adult) or CJRA (juvenile) assessment closest to the original sentence date.

Pre-Release Recidivism by Risk Level

Table 10 displays the pre-release recidivism rates for probationers terminated in fiscal year 2020. For both adults and juveniles approximately one-fourth had a new deferred agreement, adjudication, or conviction while on probation. For adults terminated in fiscal year 2020, 47.1% of high risk, 34.0% of medium risk, and 16.6% of low risk had pre-release recidivism events. For juveniles, 39.8% of high risk, 33.3% of medium risk, and 19.1% of low risk probationers had pre-release recidivism.

Table 10: Pre-Release Recidivism by Risk Level at Start for FY2020 Terminations (Regular and Intensive Combined)

		Pre-Release Recidivism		No Pre-Release Recidivism		Total	
		N	%	N	%	N	%
Adult Regular Probation	HIGH	2,649	47.1%	2,973	52.9%	5,622	100%
	MOD	3,129	34.0%	6,077	66.0%	9,206	100%
	LOW	3,141	16.6%	15,771	83.4%	18,912	100%
	Missing	900	19.9%	3,621	80.1%	4,521	100%
	Total	9,819	25.7%	28,442	74.3%	38,261	100%
Juvenile Regular Probation	HIGH	125	39.8%	189	60.2%	314	100%
	MOD	180	33.3%	360	66.7%	540	100%
	LOW	204	19.1%	864	80.9%	1,068	100%
	Missing	28	15.2%	156	84.8%	184	100%
	Total	537	25.5%	1,569	74.5%	2,106	100%

Terminations by Risk Level

Like pre-release recidivism, termination rates are also closely associated with risk level. Low risk probationers are much more likely to terminate successfully compared to medium or high-risk probationers. Table 11 presents termination rates by risk level for adults and juveniles terminated from probation in FY2020. Successful terminations occur in 83.4% of low risk adult probationers, 58.3% of moderate risk, and 34.6% of high risk. Adult who are high risk have the highest rate of terminations for technical violations (27.8%) compared to moderate and low risk probationers (16.1% and 5.9%, respectively). Terminations for new crimes is rare for low risk probationers, accounting for only 2.9% of their terminations. For moderate risk probationers terminations for new crime account for 9.6% of terminations and for high risk the rate is 18.3%. Absconding is also associated with risk, although the differences are not as large--6.7% of low risk, 14.4% of moderate risk, and 17.8% of high-risk adults were terminated for absconding in fiscal year 2020. Similar trends are visible for juveniles terminated from probation in fiscal year 2020. For juveniles, 83.1% of low risk, 68.8% of moderate risk, and 51.4% of high-risk probationers terminated successfully. Terminations due to technical violations accounted for 5.2% of low risk, 11.7% of moderate risk, and 18.2% of high-risk terminations. Absconding rates were under 4% for low and moderate risk juveniles (3.3% and 3.95%, respectively), and slightly higher (4.9%) for high risk juveniles.

Table 11: Termination Rates by Risk Level at Probation Start for FY2020 Terminations (Regular and Intensive Combined)

		Successful		Tech Viol		New Crime		Abscond		Neutral		Total
		N	%	N	%	N	%	N	%	N	%	N
Adult	HIGH	2,209	34.6%	1,770	27.8%	1,170	18.3%	1,133	17.8%	96	2.1%	6,378
	MOD	5,652	58.3%	1,559	16.1%	927	9.6%	1,401	14.4%	159	1.5%	9,698
	LOW	16,014	83.4%	1,138	5.9%	553	2.9%	1,293	6.7%	210	1.6%	19,208
	Missing	2,272	50.0%	721	15.9%	389	8.6%	1,065	23.4%	95	1.1%	4,524
	Total	26,147	65.7%	5,188	13.0%	3,039	7.6%	4,892	12.3%	560	1.4%	39,826
Juvenile	HIGH	201	51.4%	96	24.6%	71	18.2%	19	4.9%	4	1.0%	391
	MOD	407	68.8%	89	15.0%	69	11.7%	23	3.9%	4	0.7%	592
	LOW	918	83.1%	90	8.1%	58	5.2%	36	3.3%	3	0.3%	1,105
	Missing	129	66.5%	30	15.5%	18	9.3%	16	8.2%	1	0.5%	194
	Total	1,655	72.5%	305	13.4%	216	9.5%	94	4.1%	12	0.5%	2,282

Sentences for Negative Termination by Risk Level

Once individuals are terminated from probation for noncompliance, new crimes, or absconding they are typically resentenced, and these sentences can vary based on the type of negative termination and the risk level of the probationer. Table 12 presents the sentences adult probationers received following unsuccessful termination from probation by the probationer’s risk level near the start of probation. Adults who were terminated from probation for technical violations or new crimes were most likely to be sentenced to jail. This is expected given that the individual was unsuccessful on community-based supervision and jail is the next most restrictive sentence. A greater proportion of high risk probationers were sentenced to DOC (11.5% for technical violations and 17.3% for new crimes) compared to moderate risk (9.3% for technical violations and 14.5% for new crimes) or low risk (4.0% for technical violations and 9.6% for new crimes). It is important to note that a sizeable portion (between 31.7% and 39.1%) of adults terminated for technical violations or new crimes had not been resentenced. The rates of probationers not having been resentenced double for those probationers terminated for absconding.

Table 12: Placements Following Negative Terminations for Adults by Risk Level

		DOC		Jail		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Risk	N	%	N	%	N	%	N	%	N	%	N
Tech Viols	HIGH	203	11.5%	839	47.4%	2	0.1%	83	4.7%	643	36.3%	1,770
	MOD	145	9.3%	839	53.8%	1	0.1%	31	2.0%	497	31.9%	1,559
	LOW	46	4.0%	626	55.0%	0	0.0%	105	9.2%	361	31.7%	1,138
	Missing	55	7.6%	356	49.4%	1	0.1%	27	3.7%	282	39.1%	721
	Total	449	8.7%	2,670	51.5%	3	0.1%	183	3.5%	1,783	34.4%	5,188
New Crime	HIGH	202	17.3%	510	43.6%	4	0.3%	68	5.8%	433	37.0%	1,170
	MOD	134	14.5%	448	48.3%	1	0.1%	31	3.3%	313	33.8%	927
	LOW	53	9.6%	281	50.8%	0	0.0%	38	6.9%	181	32.7%	553
	Missing	65	16.7%	169	43.4%	1	0.3%	10	2.6%	144	37.0%	389
	Total	454	14.9%	1,408	46.3%	6	0.2%	100	3.3%	1,071	35.2%	3,039
Absc	HIGH	64	5.6%	223	19.7%	18	1.6%	57	5.0%	771	68.0%	1,133
	MOD	38	2.7%	237	16.9%	9	0.6%	37	2.6%	1,080	77.1%	1,401
	LOW	16	1.2%	137	10.6%	0	0.0%	40	3.1%	1,100	85.1%	1,293
	Missing	11	0.5%	130	6.0%	13	0.6%	60	2.8%	1,316	60.5%	2,175
	Total	129	2.6%	727	14.9%	38	0.8%	157	3.2%	3,841	78.5%	4,892
Total	HIGH	469	11.5%	1,572	38.6%	24	0.6%	208	5.1%	1,847	45.3%	4,073
	MOD	317	8.2%	1,524	39.2%	11	0.3%	99	2.5%	1,890	48.6%	3,887
	LOW	115	3.9%	1,044	35.0%	0	0.0%	183	6.1%	1,642	55.0%	2,984
	Missing	131	4.0%	655	19.9%	15	0.5%	97	3.0%	1,742	53.0%	3,285
	Total	1,032	7.9%	4,805	36.6%	47	0.4%	440	3.4%	6,695	51.0%	13,119

Table 13 presents the placements for juveniles who had negative terminations from probation by risk level. High risk juveniles are most likely to receive a sentence to DYS for termination for either technical violations (34.4%) or new crimes (40.8%). For technical violations their rate of sentences to DYS is double that for moderate risk (34.4% compared to 15.7%) and triple the rate for low risk (34.4% compared to 11.1%). For new crimes 40.8% of high-risk juveniles are sentenced to DYS and 21.1% are sentenced to detention. Low risk juveniles have a slightly higher detention rate compared to moderate risk juveniles (22.4% compared to 20.0%) for new crimes. Approximately one-fourth (25.6%) of moderate risk youth are resentenced to DYS following termination for new crimes.

Table 13: Placements Following Negative Terminations for Juveniles by Risk Level

	Risk	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
		N	%	N	%	N	%	N	%	N	%	N
Tech Viols	HIGH	33	34.4%	28	29.2%	1	1.0%	4	4.2%	30	31.3%	96
	MOD	14	15.7%	29	32.6%	0	0.0%	4	4.5%	42	47.2%	89
	LOW	10	11.1%	34	37.8%	0	0.0%	6	6.7%	40	44.4%	90
	Missing	9	30.0%	7	23.3%	0	0.0%	0	0.0%	14	46.7%	30
	Total	66	21.6%	98	32.1%	7	2.3%	17	5.6%	126	41.3%	305
New Crime	HIGH	29	40.8%	15	21.1%	0	0.0%	4	5.6%	30	42.3%	71
	MOD	23	25.6%	18	20.0%	0	0.0%	2	2.2%	42	46.7%	90
	LOW	12	20.7%	13	22.4%	0	0.0%	2	3.4%	31	53.4%	58
	Missing	5	27.8%	1	5.6%	0	0.0%	0	0.0%	12	66.7%	18
	Total	69	31.9%	47	21.8%	0	0.0%	8	3.7%	92	42.6%	216
Absc	HIGH	0	0.0%	2	10.5%	0	0.0%	3	15.8%	14	73.7%	19
	MOD	0	0.0%	1	4.3%	0	0.0%	0	0.0%	22	95.7%	23
	LOW	0	0.0%	4	11.1%	0	0.0%	3	8.3%	29	80.6%	36
	Total	1	1.1%	8	8.5%	0	0.0%	6	6.4%	79	84.0%	94
	Missing	1	1.6%	1	1.6%	0	0.0%	0	0.0%	40	62.5%	64
Total	HIGH	62	33.3%	45	24.2%	1	0.5%	11	5.9%	74	39.8%	186
	MOD	37	18.3%	48	23.8%	0	0.0%	6	3.0%	106	52.5%	202
	LOW	22	12.0%	51	27.7%	0	0.0%	11	6.0%	100	54.3%	184
	Missing	15	13.4%	9	8.0%	0	0.0%	0	0.0%	66	58.9%	112
	Total	136	22.1%	153	24.9%	1	0.2%	28	4.6%	297	48.3%	615

Post-Release Recidivism by Risk Level

Post-release recidivism rates are generally low across both adult and juvenile probationers regardless of risk level. For both adult and juvenile probationers, post-release recidivism rates are associated with risk level (see Table 14). High risk adult probationers terminated from probation in fiscal year 2020 were most likely to have a new deferred agreement or conviction within one year of termination compared to moderate or low risk adults. Post-release recidivism occurred in 16.0% of high-risk adult terminations, 10.7% of moderate risk terminations, and 5.2% of low risk terminations. Post-release recidivism occurred in 14.6% of high-risk juvenile terminations, 14.7% of moderate risk juvenile terminations, and 7.9% of low risk juvenile terminations.

Table 14: Post-Release Recidivism by Risk Level at Probation Start for FY2020 Terminations (Regular Combined)

		Post-Release Recidivism		No Post-Release Recidivism		Total	
		N	%	N	%	N	%
Adult Regular Probation	HIGH	1020	16.0%	5358	84.0%	6,378	100%
	MOD	1037	10.7%	8661	89.3%	9,698	100%
	LOW	1006	5.2%	18202	94.8%	19,208	100%
	Missing	317	7.0%	4225	93.0%	4,542	100%
	Total	3380	8.5%	36446	91.5%	39,826	100%
Juvenile Regular Probation	HIGH	57	14.6%	334	85.4%	391	100%
	MOD	87	14.7%	505	85.3%	592	100%
	LOW	87	7.9%	1018	92.1%	1,105	100%
	Missing	18	9.3%	176	90.7%	194	100%
	Total	249	10.9%	2033	89.1%	2,282	100%

Sentences for One-Year Post-Release Recidivism by Risk Level

Sentences for probationers with a post-release recidivism event within the first year after being terminated from probation by the probationers' risk levels near the start of probation are presented in Table 15. As with resentences upon negative termination from probation, around 35% of those adults and juveniles with instances of post-release recidivism one-year post termination had not yet been sentenced. For adults with post-release recidivism, sentences to jail were most common and occurred for 36.2% of high risk, 31.8% of moderate risk and 28.8% of low risk adults. Sentences to DOC occurred in 10.6% of post-release recidivism for high risk, 6.6% of post-release recidivism for moderate risk, and only 2.0% for low risk. Probationers who were high risk were less likely than moderate or low risk probationers to receive a non-custodial sentence following post-release recidivism.

Juveniles with post-release recidivism within one-year of terminations were most likely to be sentenced to a non-custodial sentence. One-third of high-risk juveniles and 37.9% of both moderate and low risk juveniles were sentenced to a non-custodial sentence. Nearly one-fourth (24.6%) of high-risk juveniles were sentenced to DYS or DOC following post-release recidivism. Sentences to DYS and DOC were much less frequent for moderate (14.9%) and low (7.0%) risk juveniles. Moderate and low risk juveniles were about as likely to be sentenced to either DYS/DOC or Jail/Detention following post-release recidivism—14% for moderate risk and 7%. High risk juveniles were less likely to be sentenced to Jail/Detention (15.8%) than they were to DOC/DYS (24.6%).

Table 15: Placements Following Post-Release Recidivism by Risk Level

		DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Risk	N	%	N	%	N	%	N	%	N	%	N
Adult	HIGH	108	10.6%	369	36.2%	52	5.1%	197	19.3%	294	28.8%	1,020
	MOD	68	6.6%	330	31.8%	45	4.3%	254	24.5%	340	32.8%	1,037
	LOW	20	2.0%	290	28.8%	11	1.1%	223	22.2%	462	45.9%	1,006
	Missing	28	8.8%	133	42.0%	10	3.2%	55	17.4%	91	28.7%	317
	Total	224	6.6%	1,122	33.2%	118	3.5%	729	21.6%	1,187	35.1%	3,380
Juvenile	HIGH	14	24.6%	9	15.8%	1	1.8%	19	33.3%	14	24.6%	57
	MOD	13	14.9%	13	14.9%	0	0.0%	33	37.9%	28	32.2%	87
	LOW	6	7.0%	6	7.0%	1	1.2%	33	37.9%	41	47.1%	87
	Missing	4	22.2%	3	16.7%	0	0.0%	8	44.4%	3	16.7%	18
	Total	37	14.9%	31	12.5%	2	0.8%	93	37.4%	86	34.5%	249

Overall, for both adults and juveniles risk is strongly related to pre-release recidivism, termination type, and post-release recidivism. Sentences following negative terminations and post-release recidivism tend to be more restrictive for higher risk individuals.

Outcomes by Probation Program

During their time on probation some probationers will be placed into an intensive program. These programs are designed to provide additional structure and resources to higher risk, and in some programs higher need probationers. For adults, placement in an intensive program is determined using a series of assessments to identify the risk level and needs of probationers. The Limit Setter Intensive Probation (LSIP) program is designed for high risk probationers who do not exhibit many needs in the areas of substance use or mental health treatment. In contrast, the Casework Control Intensive Probation (CCIP) program is designed for individuals who are both high risk and high need. CCIP is like the historical Female Offender Program (FOP) but is not restricted to females. The FOP program is being phased out of use and most probationers participating in FOP will be transitioned to CCIP. The fiscal year 2020 termination cohort includes participants in the FOP program but beginning with the fiscal year 2021 cohort the FOP program will be discontinued. Adult Sex Offender Intensive Probation (SOISP) and Juvenile Intensive Probation (JISP) are sentencing options used by the court. Most probationers spend their sentence on regular probation. Regular probation can include specialized supervision for economic crime, domestic violence, mental health, problem solving courts, and non-intensive sex offenders. For ease of discussion these are all discussed under regular probation in this report.

Regular Probation

Regular probation represents the largest portion of the probation population, and accounts for 96% of adult terminations and 92% of juvenile terminations in fiscal year 2020. Table 16 presents pre-release recidivism rates for regular adult and regular juvenile probationers terminated in fiscal year 2020. Approximately one-fourth of adults and juveniles had pre-release recidivism.

Table 16: Pre-Release Recidivism for Regular Adult and Juvenile Probationers Terminated in FY2020

	Pre-release Recidivism		No Pre-release Recidivism		Total	
	N	%	N	%	N	%
Regular Adult Probation	9,819	25.7%	28,442	74.3%	38,261	100%
Regular Juvenile Probation	537	25.5%	1,569	74.5%	2,106	100%

Most regular probationers terminate successfully from probation. As demonstrated in Table 17 66.4% of regular adult probationers and 74.4% of regular juvenile probationers complete probation successfully. Terminations for technical violations occur for 12.6% of adults and 12.9% of juveniles. New crimes represent 7.3% of adult and 8.3% of juvenile terminations. Adults have a much higher rate of terminations for absconding (12.3%) compared to juveniles (4.0%).

Table 17: Termination Type for Regular Probation

	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Regular Adult	25,407	66.4%	4,811	12.6%	2,810	7.3%	4,702	12.3%	551	1.4%	38,261	100%
Regular Juvenile	1,566	74.4%	271	12.9%	174	8.3%	84	4.0%	11	0.5%	2,106	100%

Placements following negative termination for regular adult and juvenile probationers are presented in Table 18. For adults the most common type of sentence following a negative termination is jail—52.4% for technical violations and 46.5% for new crimes. The majority (82.8%) of regular adult terminations for absconding had not been resentenced. For regular juvenile probationers who negatively terminate from probation for technical violations 33.6% were sentenced to detention and 18.8% were sentenced to DYS. When regular juvenile probationers terminated for new crimes, 27.6% were sentenced to DYS and 23.0% were sentenced to detention. As with adults, 82.1% of juveniles terminated for absconding had not been resentenced. Community corrections sentences were infrequent for both adult and juvenile probationers, as were non-custodial sentences.

Table 18: Placements Following Negative Terminations for Regular Probation

	Term Type	DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
		N	%	N	%	N	%	N	%	N	%	N
Adult	Tech Viol	364	7.6%	2,523	52.4%	3	<0.0%	276	5.7%	1,924	40.0%	4,811
	New Crime	413	14.7%	1,308	46.5%	5	0.1%	96	3.4%	1,089	38.8%	2,810
	Abscond	115	2.5%	696	14.8%	38	0.8%	151	3.2%	3,891	82.8%	4,702
	Total	892	7.2%	4,527	36.7%	46	0.4%	523	4.2%	6,904	56.0%	12,323
Juvenile	Tech Viol	51	18.8%	91	33.6%	1	0.4%	12	4.4%	116	42.8%	271
	New Crime	48	27.6%	40	23.0%	0	0.0%	8	4.6%	78	44.8%	174
	Abscond	1	1.2%	8	9.5%	0	0.0%	6	7.1%	69	82.1%	84
	Total	100	18.9%	139	26.3%	1	0.2%	26	4.9%	263	49.7%	529

Table 19 provides one-year post-release recidivism rates for regular adult and juvenile probationers by termination type. This table demonstrates that most individuals on regular probation who terminate successfully remain crime-free for at least one-year post-release—94.0% of adults and 91.1% of juveniles. Additionally, of those probationers who terminated negatively from probation for technical violations, 82.2% of adults and 82.7% of juveniles remained recidivism-free for at least one year. Individuals terminated from probation for the commission of new crimes had the highest rates of post-release recidivism at 18.5% for adults and 23.6% for juveniles.

Table 19: One-Year Post-Release Recidivism Rates for Regular Probation Terminations

		Post-Release Recidivism (Year 1)		No Post-Release Recidivism		Total	
		N	%	N	%	N	%
Regular Adult	Successful	1,533	6.0%	23,874	94.0%	25,407	100%
	Tech Viol	857	17.8%	3,954	82.2%	4,811	100%
	New Crime	520	18.5%	2,290	81.5%	2,810	100%
	Abscond	293	6.2%	4,409	93.8%	4,702	100%
	Neutral	0	0.0%	531	100%	531	100%
	Total	3,203	8.4%	35,058	91.6%	38,261	100%
Regular Juvenile	Successful	139	8.9%	1427	91.1%	1566	100%
	Tech Viol	47	17.3%	224	82.7%	271	100%
	New Crime	41	23.6%	133	76.4%	174	100%
	Abscond	2	2.4%	82	97.6%	84	100%
	Neutral	0	0.0%	11	100.0%	11	100%
	Total	229	10.9%	1877	89.1%	2106	100%

Placements following post-release recidivism within one-year of probation termination for regular probationers by termination type are presented in Table 20. For regular adults, the most common sentence for post-release recidivism was jail. Thirty-five percent (35%) of adults supervised under regular probation programs with post-release recidivism were sentenced to jail upon conviction. Individuals with post-release recidivism following successful completion of probation were most likely (52.6%) to have not yet received a sentence, followed by a jail sentence (26.7%), a non-custodial sentence (17.9%), DOC (10.3%), and community corrections (1.0%). Of the adults supervised under regular probation programs terminated for technical violations with post-release recidivism 29.8% had not been sentenced, 38.9% were sentenced to jail, 16.5% to DOC, 16.2% to a non-custodial sentence, and 4.9% to community corrections. Adults who terminated from probation for the commission of a new crime and had post-release recidivism were most likely to receive a jail sentence (46.2%), followed by a non-custodial sentence (13.3%), DOC (7.8%), and community corrections (6.3%).

For juveniles with post-release recidivism, the most common sentence was non-custodial. Around forty-five percent (45.3%) of juvenile probationers who successfully completed regular probation supervision programs and had post-release recidivism were given a non-custodial sentence, as were 46.8% of juveniles terminated for technical violations. Juveniles who were terminated from

probation for a new crime and who had post-release recidivism were more likely to be sentenced to DYS or DOC (46.3%) compared to any other sentence type.

Table 20: Placements Following One-Year Post-Release Recidivism for FY2020 Regular Probation Terminations

		DOC/DYS		Jail/ Detention		Community Corrections		Non- custodial Sentence		Not yet sentenced		Total
	Term Type	N	%	N	%	N	%	N	%	N	%	N
Regular Adult	Successful	27	10.3%	410	26.7%	16	1.0%	274	17.9%	806	52.6%	1,533
	Tech Viol	88	16.5%	333	38.9%	42	4.9%	139	16.2%	255	29.8%	857
	New Crime	86	7.8%	240	46.2%	33	6.3%	69	13.3%	92	17.7%	520
	Abscond	23	7.0%	139	47.4%	27	9.2%	45	15.4%	59	20.1%	293
	Total	224	1.8%	1,122	35.0%	118	3.7%	527	16.5%	1,212	37.8%	3,203
Regular Juvenile	Successful	7	5.0%	18	12.9%	0	0.0%	63	45.3%	51	36.7%	139
	Tech Viol	11	23.4%	5	10.6%	2	4.3%	22	46.8%	7	14.9%	47
	New Crime	19	46.3%	8	19.5%	0	0.0%	7	17.1%	7	17.1%	41
	Abscond	0	0.0%	0	0.0%	0	0.0%	1	50.0%	1	50.0%	2
	Total	37	16.2%	31	13.5%	2	0.9%	93	40.6%	66	28.8%	229

Intensive Probation

Individuals placed on intensive probation are higher risk and higher need than those on regular supervision. It is expected that they will have lower overall success rates and higher recidivism rates than regular probationers. These programs also represent a small portion of the fiscal year 2020 terminations populations. Table 21 demonstrates the higher rates of pre-release recidivism found in the intensive programs, apart from SOISP. As a group, individuals who have committed sexual offenses tend to have lower recidivism rates than probationers sentenced for other types of offenses. Over half (55.4%) of LSIP participants had pre-release recidivism. Similar rates are found for FOP (54.3%) and a slightly lower rate for CCIP (47.6%). SOISP has the lowest rate of pre-release recidivism of 21.1%.

Table 21: Pre-Release Recidivism for Intensive Adult and Juvenile Probationers Terminated in FY2020

	Pre-Release Recidivism		No Pre-Release Recidivism		Total	
	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	336	55.4%	271	44.6%	607	100%
Casework Control Intensive Probation (CCIP)	141	47.6%	155	52.4%	296	100%
Female Offender Program (FOP)	151	54.3%	127	45.7%	278	100%
Sex Offender Intensive Probation (SOISP)	81	21.1%	302	78.9%	383	100%
Juvenile Intensive Probation (JISP)	98	55.4%	79	44.6%	177	100%

In addition to higher rates of pre-release recidivism, intensive programs are likely to see overall lower success rates. The termination rates presented below account for individuals who participated in an intensive supervision program during their probation sentence. These terminations could occur directly from an intensive program or once the individual transitioned from intensive supervision to regular supervision. For fiscal year 2020 terminations for LSIP participants, 44.8% were successful, 24.4% were for technical violations, 17.5% for new crimes, and 12.7% for absconding. For CCIP program participants, 34.5% terminated successfully, 27.0% for technical violations, 19.3% for new crimes, and 17.6% for absconding. FOP participants had a success rate of 44.4%. FOP terminations for technical violations represent 26.3% of all FOP terminations, followed by 14.4% for new crime and 14.4% for absconding. SOISP had the highest success rate at 62.9%. That program also had much lower rates of terminations for technical violations (19.6%), new crime (6.2%), and absconding. However, the program did have a higher number of neutral terminations than other intensive programs.

Juveniles who participated in JISP successfully terminated probation at a rate of 50.8%. Close to twenty percent (19.8%) were terminated for technical violations and 22.6% for new crime. As with regular juveniles, JISP participants had lower rates of absconding compared to their adult counterparts.

Table 22: FY2020 Probation Terminations for Intensive Programs

Program	Successful		Tech Viol		New Crime		Abscond		Neutral		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	272	44.8%	148	24.4%	106	17.5%	77	12.7%	4	0.7%	607	100%
Casework Control Intensive Probation (CCIP)	97	34.5%	80	27.0%	57	19.3%	52	17.6%	5	1.7%	296	100%
Female Offender Program (FOP)	99	44.6%	73	26.3%	40	14.4%	40	14.4%	1	0.4%	278	100%
Sex Offender Intensive Probation (SOISP)	203	62.9%	75	19.6%	28	7.3%	20	5.2%	19	5.0%	383	100%
Juvenile Intensive Probation (JISP)	90	50.8%	35	19.8%	40	22.6%	11	6.2%	1	1.8%	177	100%

Table 23 details the placement of individuals who participated in an intensive program and were terminated from probation for technical violations, new crimes, or absconding. Adults who participated in LSIP, CCIP, or FOP who terminated from probation for technical violations are more likely to receive sentences to jail over any other sentence—46.6% for LSIP, 46.3% for CCIP, and 43.8% for FOP. The same is true for participants in LSIP, CCIP, and FOP who are terminated for new crimes. Forty percent (40.6%) of LSIP, 50.9% of CCIP and 50% of FOP terminations for new crimes were sentenced to jail. Negative terminations from SOISP are much more likely to receive a sentence to DOC (76.0% for technical violations and 32.1% for new crime), and less likely to receive a jail sentence (10.7% for technical violations and 35.7% for new crime) compared to other intensive program participants. Individuals on SOISP have been convicted of a felony sexual offense where probation supervision on SOISP is an alternative to a sentence to the Department of Corrections. Individuals in other intensive programs have been convicted of either misdemeanor or felony offenses. Juveniles who participated in JISP are more

likely to receive a sentence to DYS for any negative termination compared to a sentence to detention. Non-custodial sentences were more common for FOP and SOISP participants terminated for new crimes than for any other combination of program and termination type.

Table 23: Placement Following Negative Termination from Intensive Programs

		DOC/DYS		Jail/ Detention		Community Corrections		Non-custodial Sentence		Not yet sentenced		Total
	Prog	N	%	N	%	N	%	N	%	N	%	N
Tech Viols	LSIP	11	7.4%	69	46.6%	0	0.0%	5	3.4%	63	42.6%	148
	CCIP	6	7.5%	37	46.3%	0	0.0%	0	0.0%	37	46.3%	80
	FOP	11	15.1%	32	43.8%	0	0.0%	2	2.7%	28	38.4%	73
	SOISP	57	76.0%	8	10.7%	0	0.0%	0	0.0%	10	13.3%	75
	JISP	15	42.9%	8	22.9%	0	0.0%	2	5.7%	10	28.6%	35
New Crime	LSIP	15	14.2%	43	40.6%	1	0.9%	2	1.9%	45	42.5%	106
	CCIP	8	14.0%	29	50.9%	0	0.0%	1	1.8%	19	33.3%	57
	FOP	9	22.5%	20	50.0%	0	0.0%	10	25.0%	10	25.0%	40
	SOISP	9	32.1%	10	35.7%	0	0.0%	9	32.1%	9	32.1%	28
	JISP	21	52.5%	5	12.5%	0	0.0%	0	0.0%	14	35.0%	40
Absc	LSIP	6	7.8%	14	18.2%	0	0.0%	1	1.3%	56	72.7%	77
	CCIP	3	5.8%	10	19.2%	0	0.0%	5	9.6%	34	65.4%	52
	FOP	2	5.0%	5	12.5%	0	0.0%	0	0.0%	33	82.5%	40
	SOISP	3	15.0%	2	10.0%	0	0.0%	0	0.0%	15	75.0%	20
	JISP	0	0.0%	0	0.0%	0	0.0%	0	0.0%	11	100%	11
Total	LSIP	32	9.7%	126	38.1%	1	0.3%	8	2.4%	164	49.5%	331
	CCIP	17	9.0%	76	40.2%	0	0.0%	6	3.2%	90	47.6%	189
	FOP	22	13.6%	57	35.2%	0	0.0%	12	7.4%	71	43.8%	162
	SOISP	69	52.3%	20	15.2%	0	0.0%	9	6.8%	34	25.8%	132
	JISP	36	41.9%	13	15.1%	0	0.0%	2	2.3%	35	40.7%	86

One-year post-release recidivism rates are presented in Table 24. Individuals who participated in LSIP had the highest post-release recidivism rate of all adult intensive programs. The recidivism rate for LSIP was 13.7%, followed by CCIP at 14.6%, and FOP at 11.2%. Recidivism rates in all programs are lowest for those who successfully complete probation. For those who successfully completed probation recidivism rates were lower than the program averages—11.4% for LSIP, 7.2% for CCIP, and 8.1% for FOP. SOISP had a very low post-release recidivism rate of 2.9%. This suggests that once a probationer successfully completes SOISP, they are generally unlikely to recidivate within the first year post-termination.

Table 24: Intensive Programs Post-Release Recidivism Rates for FY2020 Terminations

		Post-Release Recidivism					
		Year 1		No Post-Release Recid		Total	
Intensive Program	Termination Type	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	Successful	31	11.4%	241	85.8%	272	100%
	Tech Viol	21	14.2%	127	83.0%	148	100%
	New Crime	18	17.0%	88	83.1%	106	100%
	Abscond	13	16.9%	64	86.3%	77	100%
	Neutral	0	0.0%	4	88.6%	4	100%
	Total		83	13.7%	524	100.0%	607
Casework Control Intensive Probation (CCIP)	Successful	9	7.2%	88	80.8%	97	100%
	Tech Viol	17	19.2%	63	71.8%	80	100%
	New Crime	18	28.2%	39	87.2%	57	100%
	Abscond	8	12.8%	44	85.4%	52	100%
	Neutral	0	0.0%	5	92.8%	5	100%
	Total		52	14.6%	244	100.0%	296
Female Offender Program (FOP)	Successful	10	8.1%	89	89.9%	99	100%
	Tech Viol	8	11.0%	65	89.0%	73	100%
	New Crime	8	20.0%	32	80.0%	40	100%
	Abscond	5	12.5%	35	87.5%	40	100%
	Neutral	0	0.0%	1	100.0%	1	100%
	Total		31	11.2%	247	88.8%	278
Sex Offender Intensive Probation (SOISP)	Successful	8	3.3%	195	98.5%	203	100%
	Tech Viol	1	1.3%	74	94.4%	75	100%
	New Crime	2	3.8%	26	93.8%	28	100%
	Abscond	1	5.0%	19	97.5%	20	100%
	Neutral	0	0.0%	19	97.5%	19	100%
	Total		12	2.9%	371	97.5%	383
Juvenile Intensive Probation (JISP)	Successful	13	14.4%	77	97.1%	90	100%
	Tech Viol	1	2.9%	34	87.5%	35	100%
	New Crime	5	12.5%	35	100.0%	40	100%
	Abscond	0	0.0%	11	89.3%	11	100%
	Neutral	0	0.0%	1	85.6%	1	100%
	Total		19	10.7%	158	100.0%	177

As Table 25 demonstrates, intensive program participants who have post-release recidivism are commonly sentenced to either jail or a non-custodial sentence. Due to the generally small number of individuals who participate in intensive programs, terminate from probation, and then go on to recidivate, the placement patterns identified in this table should be interpreted with caution. A small number of individuals are sentenced to DOC following post-release recidivism from an intensive probation program. For juveniles who recidivate following participation in JISP, they are most likely to receive a non-custodial or jail/detention sentence.

Table 25: Placements Following Post-Release Recidivism for Intensive Program Terminations

Program	DOC/DYS		Jail/ Detention		Community Corrections		Non- Custodial Sentence		Not yet sentenced		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Limit Setter Intensive Probation (LSIP)	13	15.7%	21	25.3%	2	2.4%	19	22.9%	28	33.7%	83	100%
Casework Control Intensive Probation (CCIP)	7	13.5%	21	40.4%	5	9.6%	11	21.2%	8	15.4%	52	100%
Female Offender Program (FOP)	3	9.7%	10	32.3%	1	3.2%	11	35.5%	6	19.4%	31	100%
Sex Offender Intensive Probation (SOISP)	2	16.7%	4	33.3%	1	8.3%	2	16.7%	3	25.0%	12	100%
Juvenile Intensive Probation (JISP)	1	5.3%	5	26.3%	1	5.3%	10	52.6%	2	10.5%	19	100%

Individuals who terminated from probation in fiscal year 2020 and had participated in an intensive program during their probation were more likely to have pre- and post-release recidivism and negatively terminate from probation compared to those who were never in an intensive program.

Length of Stay

In addition to capturing outcomes for probationers who terminated from probation in fiscal year 2020, this report also provides information on the amount of time elapsed from initial sentence to final termination. Length of stay on probation is often a function of sentence length and compliance. As is shown in Table 26 probationers who had pre-release recidivism events had a longer median length of stay. For adults the median length of stay for a probationer with no pre-release recidivism was 16.05 months and for an adult who had pre-release recidivism the length of stay was 23.23 months (over 7 months longer in duration regardless of the termination type). Similarly, for juveniles the median length of stay for a probationer without pre-release recidivism was 12.03 months and for a juvenile with pre-release recidivism was 20.07 months.

Table 26: Length of Stay for Adult and Juvenile Probationers

	Pre-Release Recidivism	N	Median	Mean	Std. Dev.
Adult	No	29,298	16.05	19.26	14.07
	Yes	10,528	23.23	26.31	17.50
	Total	39,826	17.94	21.12	15.37
Juvenile	No	1,647	12.03	14.22	8.48
	Yes	635	20.07	22.12	12.50
	Total	2,282	13.08	16.42	10.39

Probation length of stay also varies by whether an individual participates in an intensive program and how a probationer completes probation. In general, successful terminations have the longest length of stay in all adult probation programs. For regular adult probation the median length of stay for successful probationers is 18 months. For intensive programs the length of stay for successful probationers ranges from 17.56 months in CCIP to 48.13 months in SOISP. Sentences to SOISP can range in length from around 2 year to indefinite or lifetime compared to 12 to 24 months for most probation sentences.

Table 27: Length of Stay for Adults by Probation Program

Program	Termination Type	Median	Mean	Std. Deviation
Regular Adult Probation	Successful	18.00	21.08	13.84
	Technical Violation	15.61	19.34	15.30
	New Crime	16.56	20.24	15.14
	Abscond	16.33	20.43	15.97
	Neutral	12.88	17.99	19.01
	Total	17.77	20.68	14.50
Limit Setter Intensive Probation (LSIP)	Successful	27.29	35.43	23.60
	Technical Violation	17.97	22.30	15.89
	New Crime	20.96	25.61	18.56
	Abscond	21.06	28.04	21.22
	Neutral	11.75	33.01	43.96
	Total	23.95	29.58	21.63
Casework Control Intensive Probation (CCIP)	Successful	17.56	19.93	10.69
	Technical Violation	12.53	15.52	10.64
	New Crime	11.11	13.74	9.97
	Abscond	10.89	12.82	7.99
	Neutral	7.06	19.22	22.74
	Total	13.11	16.29	10.71

Program	Termination Type	Median	Mean	Std. Deviation
Female Offender Program (FOP)	Successful	30.85	35.27	19.97
	Technical Violation	21.42	27.21	20.76
	New Crime	21.72	27.73	23.37
	Abscond	16.62	21.85	13.70
	Neutral	30.10	30.09	.
	Total	24.66	30.12	20.43
Sex Offender Intensive Probation (SOISP)	Successful	48.13	60.96	38.42
	Technical Violation	19.58	31.08	28.97
	New Crime	19.66	26.91	22.77
	Abscond	13.03	20.80	19.99
	Neutral	25.53	38.35	31.59
	Total	41.63	49.40	37.81

For juveniles terminated following regular probation, the median length of stay was 12.65 months, and for those who participated in JISP the median length of stay was 21.04 months. Juveniles who terminated successfully from regular probation had the shortest length of stay of 12.11 months, while JISP participants who terminated successfully from probation had the longest length of stay of 22.83 months. The length of stay of 46.88 months for a neutral termination from JISP represents one youth and should be considered an outlier.

Table 28: Length of Stay for Juveniles by Probation Programs

Program	Termination Type	Median	Mean	Std. Deviation
Regular Juvenile Probation	Successful	12.11	15.05	9.68
	Technical Violation	15.90	18.36	10.37
	New Crime	15.33	18.04	10.80
	Abscond	16.69	20.88	11.97
	Neutral	9.63	9.41	5.62
	Total	12.65	15.93	10.09
Juvenile Intensive Probation (JISP)	Successful	22.83	22.99	10.85
	Technical Violation	19.24	19.50	11.21
	New Crime	17.17	22.23	14.65
	Abscond	19.83	20.36	12.45
	Neutral	46.88	46.88	.
	Total	21.04	22.12	12.04

Future Studies

The new and modernized recidivism study is a work in progress. It was important to address the changing nature of the recidivism definition first and then work toward adding the other measures of interest as data become available. Future plans include the incorporation of cases from Denver County Court which may be added in the fiscal year 2022 report. A five-year MOU is being drafted with Denver County Court to facilitate the inclusion of these data in future studies. As our business intelligence tools and data structure are improved, future studies will be able to incorporate additional information on probationers' participation in specialized caseloads (e.g. economic crime, mental health, domestic violence, and problem solving court supervision) and programs during their stay on probation. Measures of individual needs, including assessments and referrals for substance use and mental health disorders, will ideally be included in future reports. Programming is currently underway in the case management system to capture and extract these data. The additional measures listed below will be reported for each year's terminated population as they become available:

1. Proportion of probationers assessed/screened for risk for reoffending
2. Risk assessment/screening override rate
3. Proportion of probationers screened for behavioral health needs
4. Proportion of probationers with each criminogenic need identified by the risk and needs assessment
5. Proportion of probationers with specific behavioral health needs (mental health, substance use, trauma)
6. Probationers referred for further behavioral health evaluation
7. Probationers receiving treatment for behavioral health needs
8. Changes in specific need domains from intake to completion
9. Risk level reduction (from initial to last).
10. Improvements in protective factors (from initial to last)

Conclusions

This report represents the first major update to Colorado Probation's recidivism study methodology since 1996. In response to legislative changes resulting from SB19-108 (Juvenile Justice Reform) new definitions of recidivism were implemented for both juveniles and adults on probation. Pre-release recidivism is defined as a new deferred agreement, adjudication, or conviction for a new felony or misdemeanor offense while on probation. Post-release recidivism is defined as a new deferred agreement, adjudication, or conviction for a new felony or misdemeanor offense within one, two, and three years post discharge from probation. In this first year following this new methodology, post-release recidivism was limited to one year.

Most probationers successfully complete probation in around 18 months for adults and 12 months for juveniles and remain crime free following release. Although pre-release recidivism was not uncommon (27% of adults and 29.5% of juveniles), both adults and juveniles are likely to successfully complete probation supervision (65.7% and 72.5%, respectively). Successful terminations are more common in lower risk probationers (83.4% for adults and 83.1% for juveniles) compared to higher risk probationers (34.6% for adults and 51.4% for juveniles). Since most intensive programs are designed for higher risk probationers, successful termination rates in these programs are lower compared to regular probation (see Table 17 and Table 22). Following unsuccessful terminations, most adults are given a jail sentence (Table 7) and juveniles are sentenced to either the Division of Youth Services (DYS) or juvenile

detention. Post-release recidivism within one year of discharge from probation in fiscal year 2020 occurred in 8.5% of adults and 10.9% of juveniles. When post-release recidivism does occur, sentences for adults typically involve jail or a non-custodial sentence such as probation. For juveniles, post-release recidivism sentences are usually non-custodial (Table 8).

Colorado probation continues to engage in the implementation of evidence-based and evidenced-informed practices. These practices including the use of validated risk and need assessments, making programmatic decisions based on assessment results, and using structured reinforcements for probationers' behaviors. These practices continue to shape the course of outcomes for probationers in Colorado. As this recidivism report continues to evolve, the impact of these practices will be documented through the reporting of risk and need information, outcomes for both specialized and intensive probation programs, the use of incentives and sanctions, and the impact of these practices on outcomes. Colorado probation is committed to engaging in practices that facilitate behavior change to contribute to a safer Colorado.