2018-19

NEW JERSEY JUDICIARY

ANNUAL REPORT
TO THE **GOVERNOR** AND **LEGISLATURE**
ON
PROBATION RECIDIVISM

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New Jersey Courts
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TABLE OF CONTENTS

I.   EXECUTIVE SUMMARY

Background

On November 9, 2015, New Jersey Statutes Annotated § 2C:45-6 was enacted. This legislation requires that the Administrative Director of the Courts establish a program to record and analyze the recidivism of adult probationers. The information to be recorded includes arrests, convictions resulting from the arrests, participation in treatment and other factors such as race, gender, ethnicity, and age[1]. The following report was prepared pursuant to the statute and provides details and characteristics of recidivism rates for adults sentenced to probation during the 2014 and 2015 calendar year.

Overall, this recidivism report provides evidence that New Jersey's Probation Division is providing a positive sentencing option that is effective at rehabilitating clients and an important factor in reducing recidivism. The report defines recidivism by statute as arrests for all offenses committed by persons on probation within three years following their sentence of probation. Only adult probationers sentenced to probation in 2014 and 2015 were included in the report.

Recidivism Outcomes for the 2014 and 2015 Adult Cohorts

2014 Adult Cohort (total of 20,485 clients)

Arrested 47.6%
Convicted 36.1%
NOT Convicted 11.5%
NOT Arrested 52.4%

2015 Adult Cohort (total of 19,602 clients)

Arrested 37.3%
Convicted 28.7%
NOT Convicted 8.6%
NOT Arrested 62.7%

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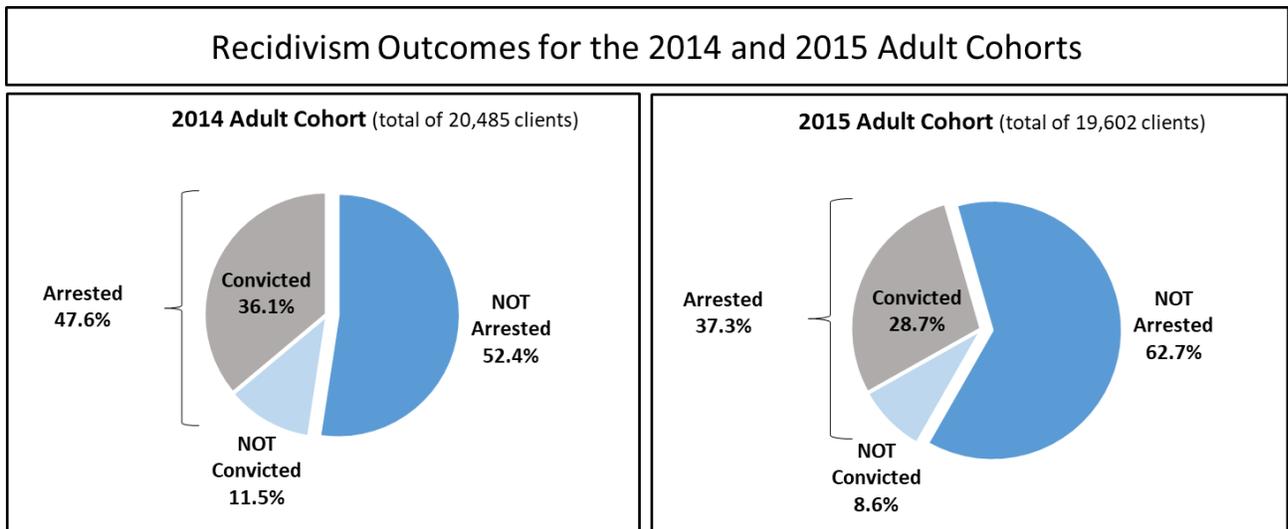
[1] N.J.S.A. 2C:45-6

Key Findings

The majority of clients who were sentenced to probation in 2014 and 2015 were not arrested and/or convicted of an offense during the recidivism period. In addition, recidivism rates continued to improve in the 2015 adult cohort compared to the 2014 adult cohort.

- The percentage of sentenced clients who were arrested and convicted was 36.1% in the 2014 adult cohort and 28.7% in the 2015 adult cohort. In other words, 6 in 10 clients in the 2014 adult cohort and 7 in 10 in the 2015 adult cohort remained conviction free during the recidivism period.

- The recidivism rate declined from 47.6% in the 2014 adult cohort to 37.3% in the 2015 adult cohort. This means that 5 in 10 clients in the 2014 cohort and 6 in 10 in the 2015 cohort remained arrest free during the recidivism period.

Regarding the clients who were arrested and/or convicted of an offense, the report indicates an overall de-escalation in the severity of offenses with which recidivists were charged.

- Arrest and conviction charges were more likely to be less than or equal to the original charge that resulted in initial probation sentences.

- The rate of clients arrested multiple times declined from 28.8% in the 2014 cohort to 19.2% in the 2015 cohort.

- In both cohorts drug and property offenses made up the majority of the most serious arrest and conviction crime-types.

The report also shows that most clients sentenced to probation in 2014 and 2015 received positive outcomes during the recidivism period.

- The majority of clients were not arrested or not convicted of an offense during the recidivism period.

- Of the clients who were convicted, most were sentenced to probation or received no probation or custodial sentence. Combined with the number of clients who were not

arrested or convicted, this means that about 9 in 10 clients remained in the community where they can still be productive citizens.

- Custodial sentences made up a small amount of the overall outcomes for clients in both the 2014 and 2015 cohorts. Only about 1 in 10 clients sentenced to probation in 2014 and 2015 were subsequently sentenced to incarceration.

Some challenges that the report confirms include:

- Identifying the needs of clients and securing appropriate resources to assist in preventing new arrests.
- Employing rehabilitation strategies to help reduce addiction and drug usage.
- Disproportionate minority representation.

The Probation Division is dedicated to the advancement towards evidence-based supervision strategies, otherwise known as Enhanced Outcome Based Supervision (EOBS). This recidivism report is an important part of measuring progress towards reaching these goals. Though the report highlights some challenges, the larger picture shows that probation is a vital sentencing alternative to incarceration. Overall, as this report details, Probation Services is working as intended to positively impact recidivism and promote desistance among clients.

II.   INTRODUCTION

PROBATION RECIDIVISM REPORT

New Jersey Probation is committed to the welfare and safety of children, families, and communities through fair treatment of all individuals by promoting positive behavioral change through the use of evidence-based practices; ensuring that individuals remain accountable to their families and communities; engaging and collaborating with the community, system-partners, and staff; while responding proactively to change. Probation is a sentencing alternative to incarceration that allows selected individuals convicted of a crime the opportunity of serving a criminal sentence in the community under the supervision of a probation officer. Probation's goal is to help reintegrate its clients into the community as responsible, law-abiding individuals, thus preventing confinement and its adverse consequences.[2,3]

Probation supervision allows community members who have been convicted the opportunity to remain in the community while maintaining gainful employment and staying connected to their families. Probation officers utilize various intervention strategies that reinforce prosocial behavior to ultimately help change thinking in clients on probation. In determining the appropriate interventions an objective appraisal must be made of each client's background, risk, and needs. Moreover, by identifying criminogenic needs of each individual, probation officers can intervene with evidence-based strategies designed to change behavior. Probation officers seek to assist individuals on probation in maintaining sobriety, locating mental health treatment services, obtaining or maintaining employment, and finding vocational training. A probation officer's primary functions are to promote positive behavior change and enforce court ordered conditions, with the ultimate goals of leading to desistance (lessening crime), and increased community safety. "In a desistance framework, crime reduction is viewed as a complicated change process in which individuals learn to be law abiding over time. In contrast,

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[2] New Jersey Courts, Office of Probation Services. https://www.judiciary.state.nj.us/courts/probation/probation.html?lang=eng (last visited June 18, 2019).
[3] *See,* e.g., Stevens H. Clarke, *What is the Purpose of Probation and Why Do We Revoke it?* 25 Crime and Delinquency (1979); Nigel Walker, *Side-Effects of Incarceration,* 23 British Journal of Criminology 23 (1983).

recidivism is a binary frame—people either succeed or they fail. Desistance allows for degrees of success even if there are occasional setbacks."[4] As necessary, a probation officer will have to utilize sanctions or violate an individual's probation term in order to promote community safety.

On November 9, 2015, legislation was enacted requiring the Administrative Director of the Courts to establish a program to record and analyze the recidivism of all persons sentenced to probation to measure the effectiveness of the state's rehabilitation programs.[5] Definitions of recidivism vary from state to state, but it is generally defined as a relapse into criminal behavior after a person has been sanctioned for a previous crime. [6] In the statute, recidivism is defined as arrests "for all offenses committed by persons on probation within three years following their sentence of probation."[7]

Probation Services prepared this report pursuant to the above-mentioned legislation which requires that such recidivism report—summarizing rates, trends, and patterns—be prepared annually for distribution to the Legislature, Governor, and general public.[8] Probation Services collected and analyzed data on all persons sentenced to adult probation in 2014 (2014 adult cohort) and 2015 (2015 adult cohort) to assess who was arrested within a three-year period from their sentence date (2014/2015 arrest cohort). For the purpose of this report, this three-year period will be referred to as the 'recidivism period'[9]. The conviction and sentencing outcomes that were analyzed were the results of those arrests during the recidivism period, however, because conviction and sentencing resolutions vary widely from case to case, these outcomes may have occurred outside of the three-year recidivism period[10].

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[4] Jeffrey Butts and Vincent Schiraldi, *Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections,* Harvard Kennedy School Papers from the Executive Session on Community Corrections (Mar. 2018).
[5] N.J.S.A. 2C:45-6(a).
[6] National Institute of Justice, *Measuring Recidivism.* (Jul. 31, 2019). https://nij.ojp.gov/topics/articles/measuring-recidivism; and, N.J.S.A. 2C:45-6b (setting forth the data points relevant to recidivism).
[7] N.J.S.A. 2C:45-6(b).
[8] N.J.S.A. 2C:45-6,(c),(d).
[9] The recidivism period for the 2014 adult cohort is measured from sentencing in 2014 to three years after in 2017. The 2015 adult cohort is measured from sentencing in 2015 to three years after in 2018.
[10] Arrest, conviction and sentencing data for both cohorts included information that was available in the database up to the date of retrieval. See Methodology in *Appendix A* for more detail.

As set forth in the recidivism legislation:

> The program shall record data regarding types of crimes committed by offenders that result in a sentence of probation, the arrests for all offenses committed by persons on probation within three years following their sentence of probation and any convictions resulting from the arrests, crimes committed while on probation, the number of repeat offenders and the number of persons on probation concurrently serving a parole sentence. This data shall be analyzed to determine whether the rates and nature of arrests and convictions differ according to the criminal histories and personal characteristics of persons on probation, the treatment they received during the period of probation, participation and involvement in rehabilitation initiatives and programs, and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, sex, ethnicity, and age.[11]

In May 2017, Probation Services began working with the Judiciary's Information Technology Office (ITO) to extract data for this report. More information about methodology and the different databases that were queried, and the evolving method of querying, can be found in *Appendix A.*

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[11] N.J.S.A. 2C:45-6 (b).

III.   DEMOGRAPHICS OF ADULTS SENTENCED TO PROBATION IN 2014 AND 2015

The statute requires the Judiciary to measure and analyze demographics of the entire adult cohort, as well as those who reoffended within the recidivism period.[12] The first section of this report compares the demographics of the entire adult cohort for 2014 and 2015. The total number of clients that were sentenced to Probation Services in 2014 and 2015 were 20,485 and 19,602, respectively.

Figure 1. Race/Ethnicity Distribution of the 2014 and 2015 Adult Cohort [13]
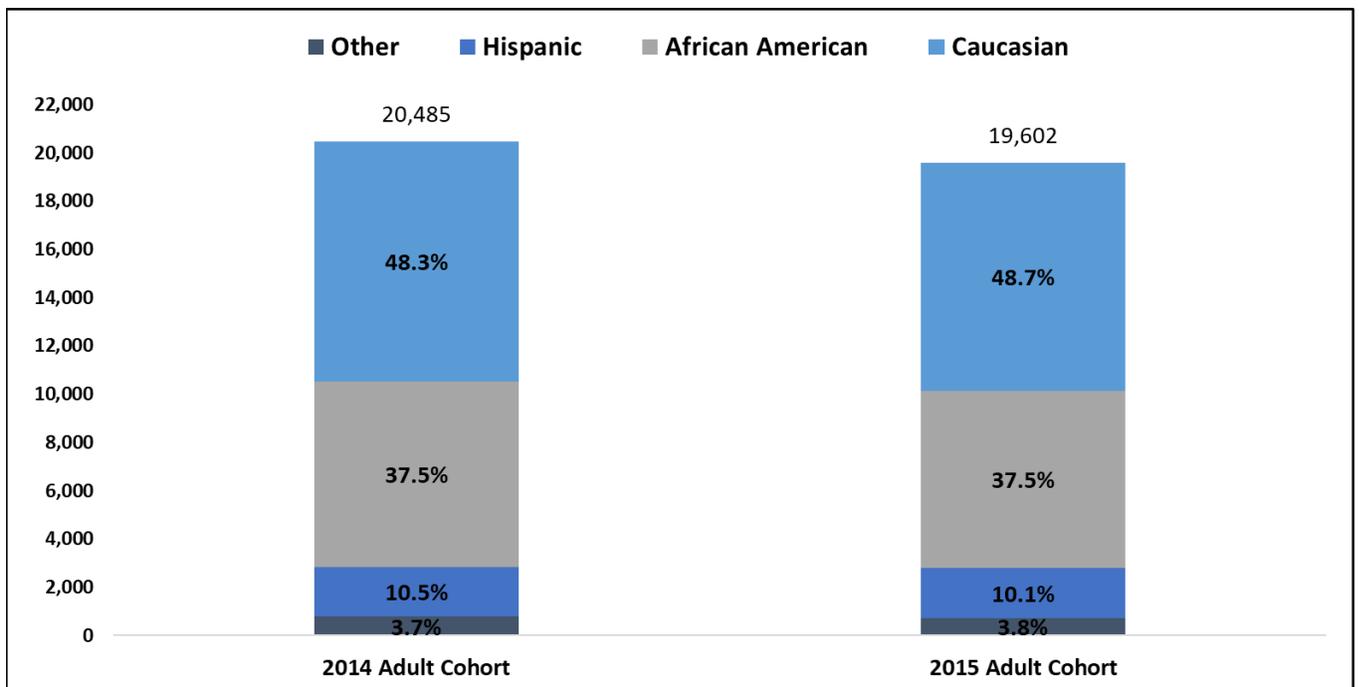
A comparison of the cohort of clients sentenced to probation in 2014 to clients sentenced in 2015 shows that there was no noteworthy change in the race distribution. Approximately half of the adult cohort was Caucasian, followed by African American and Hispanic.

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[12] The statute requires the Judiciary to record "arrests for all offenses committed by persons on probation" and "crimes committed while on probation" (N.J.S.A. 2C:45-6 (b)). However, Probation only has access to data on criminal complaints and subsequent convictions, not on actual reoffending behavior.

[13] Other includes Alaskan Native, American Indian, Asian, and clients without a category.

Figure 2. Sex Distribution of the 2014 and 2015 Adult Cohort [14]

2014 Adult Cohort

Unknown
4 or 0.02%

Female
3,906
19.1%

Male
16,575
80.9%

2015 Adult Cohort

Unknown
2 or 0.01%

Female
3,869
19.7%
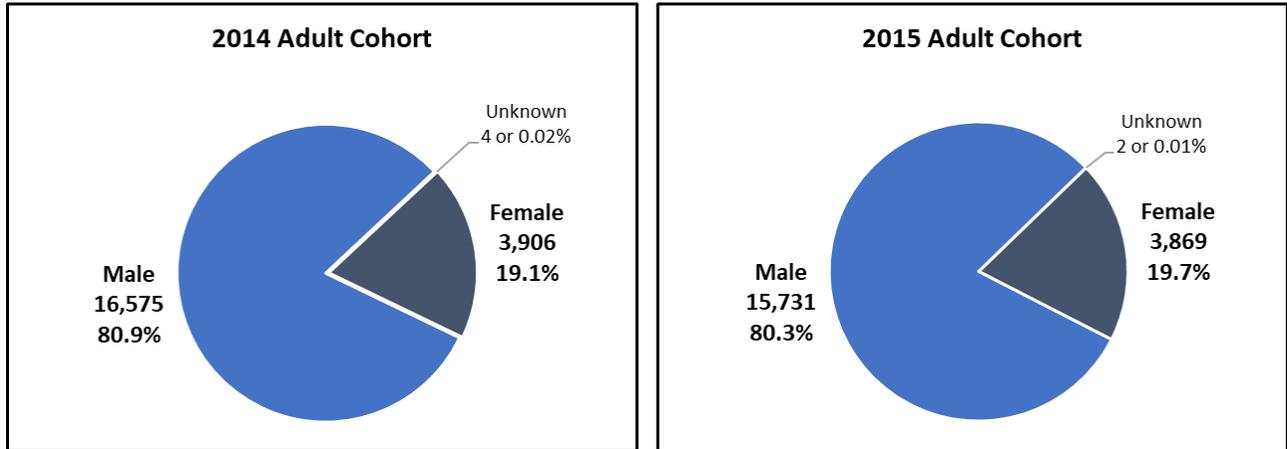
Male
15,731
80.3%

There was also no major change in the sex distribution when comparing the 2014 and 2015 cohorts. Most clients were males, with females making up less than 20% in both cohorts.

Figure 3. Age Distribution of the 2014 and 2015 Adult Cohort[15]

2014 Adult Cohort   2015 Adult Cohort

Age	2014 Adult Cohort	2015 Adult Cohort
16-19	4.1%	3.3%
20-29	42.3%	41.7%
30-39	25.7%	27.1%
40-49	16.4%	15.9%
50-59	9.5%	9.8%
60-69	1.7%	1.8%
70-79	0.3%	0.3%
80-89	0.01%	0.01%
Unknown	0.02%	0.02%
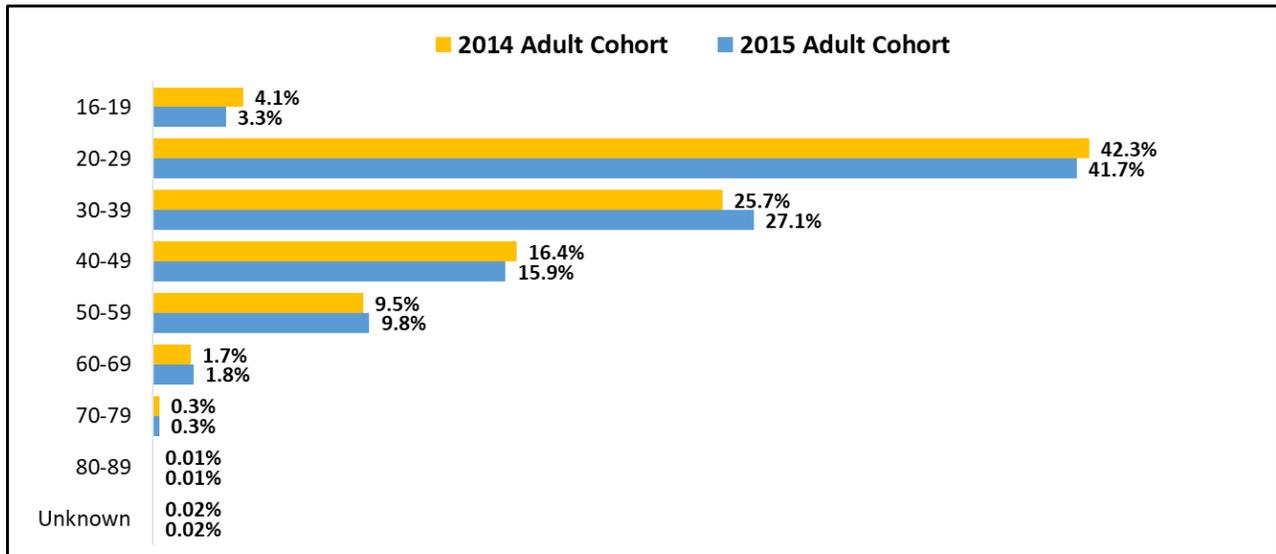
A comparison of the age distribution for the 2014 and 2015 cohort shows that there was no substantial change between the two cohorts. In 2014 and 2015 the 20 to 29-year-old age group represented the largest number of clients who were sentenced to probation, followed by the 30-39 age range.

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[14] Unknown indicates clients who do not have an entry for their sex or age in the probation database.
[15] The 16 and 17-year-old clients in the cohorts were cases that were bumped up to a sentence in Adult Probation.

Figure 4. Mean, Median, and Mode Age of the 2014 and 2015 Adult Cohort
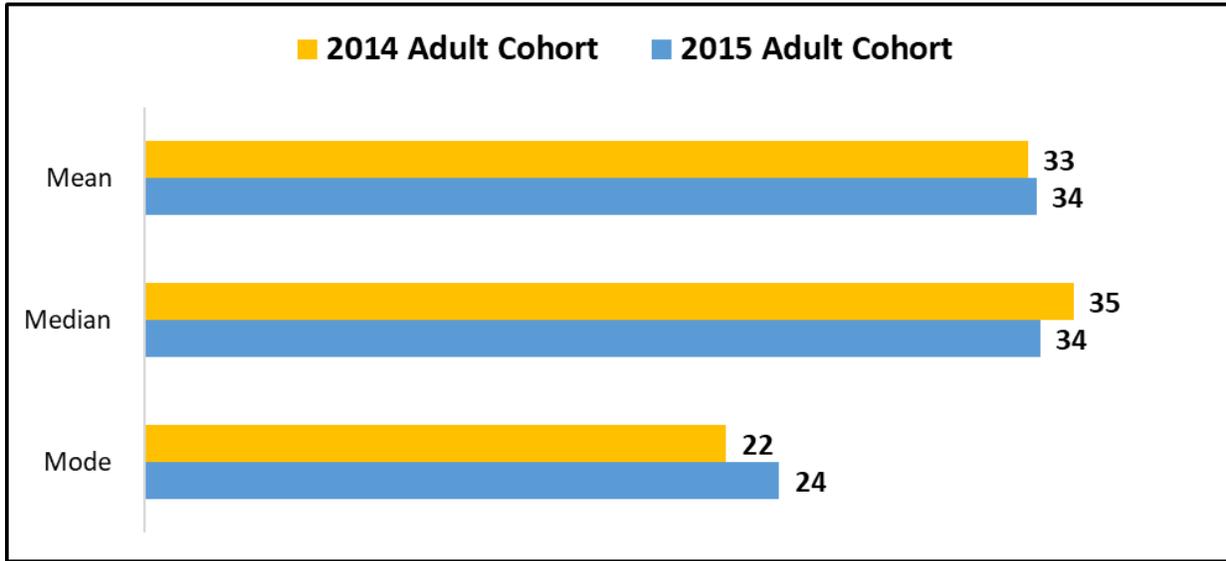
The mean is the average age of the clients within the cohort, the median is the middle age within the cohort, and the mode is the most common age that appears multiple times within the data set. The mode or most frequent age within the cohort was slightly different from 2014 to 2015. However, there was no major change in the mean and median age.

Figure 5. Crime Type Distribution of the Most Serious Offense for the 2014 and 2015 Adult Cohort
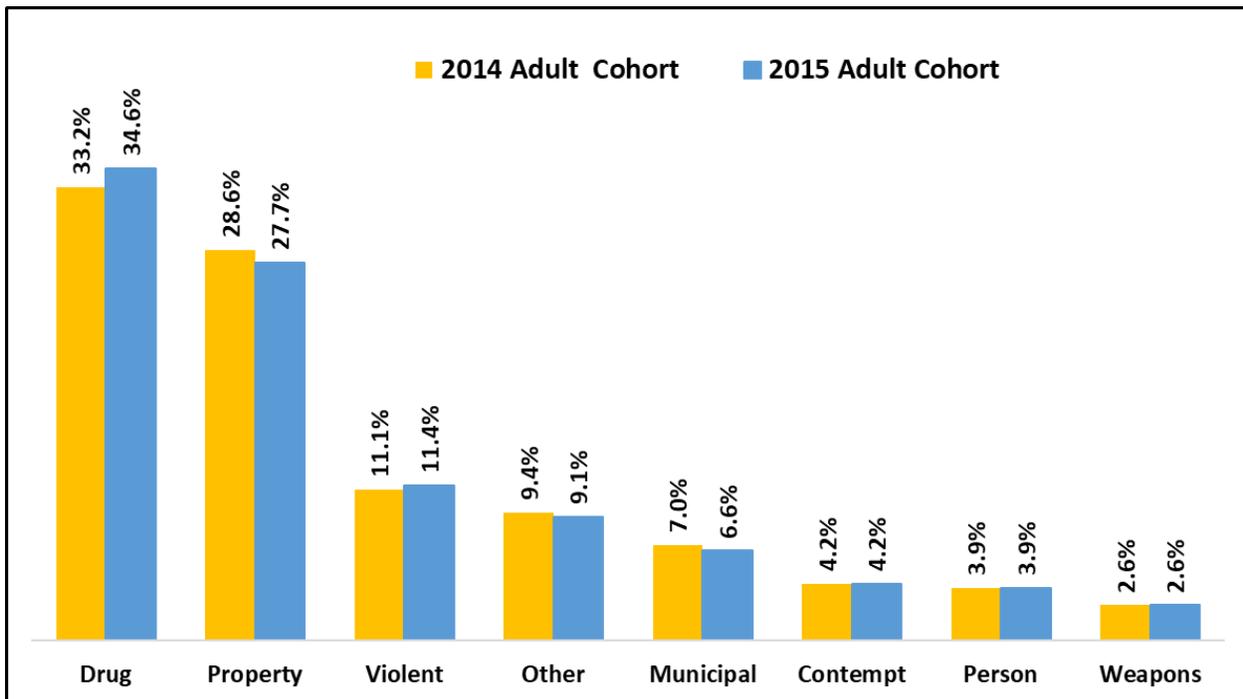
Drug and property crimes were the most serious offenses that the majority of clients were sentenced to probation for in both 2014 and 2015. In contrast, clients who had weapons and persons crimes as their most serious offense made up the smallest crime-type categories in both cohorts. There was no noteworthy change in the distribution rate of the most serious offense between the 2014 and 2015 cohort.

Figure 6. Crime Type Distribution by Race/Ethnicity of the 2014 and 2015 Adult Cohort[16]
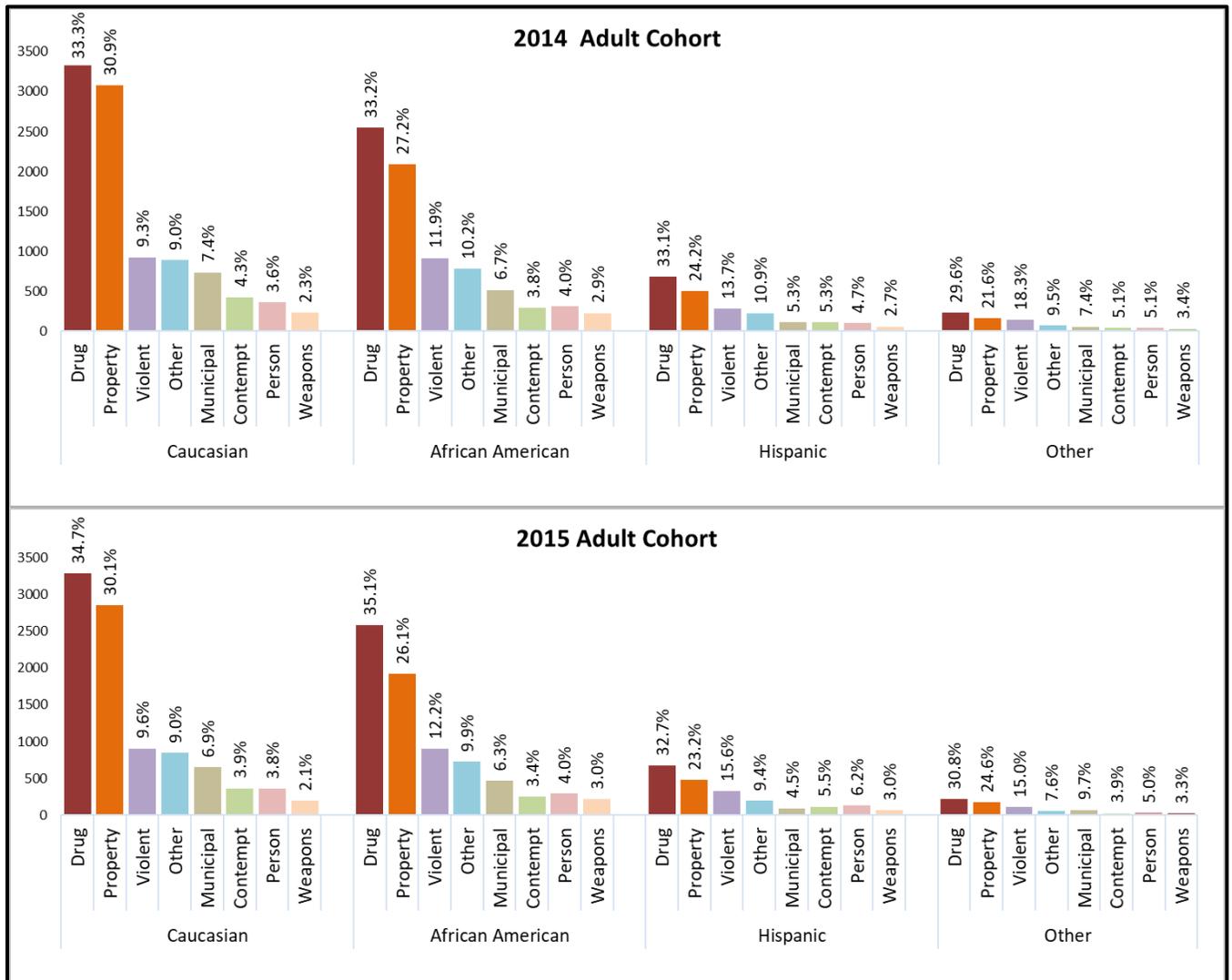
There was no major change in the crime type by race distribution when comparing the 2014 and 2015 cohorts. Most of the clients sentenced to probation in 2014 and 2015 for drug

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[16] Other includes crime types classified in *Appendix B*, as well as crime types that could not be classified.

and property crimes were Caucasian and African American. There was also very little difference in the rates across race/ethnicity. More information about crime type categories can be found in *Appendix B.*

NATIONAL TRENDS IN PROBATION DEMOGRAPHICS

The characteristics of the adult cohort for 2014 and 2015 were parallel to many of the national trends in probation during the same time period. According to data collected by the Bureau of Justice Statistics (BJS), the probation population has declined between 2014 and 2015 both in New Jersey and nationally[17]. In addition, race, sex, and crime type distribution for the two years are similar to national trends. On the national level, drug and property related crimes also made up most offenses on probation[18]. Between 2014 and 2015 the national rate of property crimes mirrored the numbers in New Jersey with little change between the two years. There was also no major change in the rates of drug related crimes nationally between 2014 and 2015. Although the adult cohort matched national trends in most respects, there were two small variances in crime type distribution. New Jersey held a larger percentage of drug related offenses on probation compared to the national rate (approximately between 8% and 9% higher than the national percentage). In contrast, New Jersey had a lower percentage of violent crime compared to the national rate (approximately between 8% and 9% lower than the national percentage).

Data reported by BJS are estimates based on data collected through the Annual Probation Survey and is dependent on the voluntary participation of state central reporters and separate state, county and court agencies. In addition to this, definitions of crime categories, particularly violent crime, differ from state to state. Therefore, comparisons between New Jersey and other States are limited. This section compares general trends and is not meant to be an exact comparison.

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[17] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. *Probation and Parole in the United States, 2015* (2016).

[18] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. *Probation and Parole in the United States, 2015* (2016).

IV. ARRESTS

In this report, recidivism is defined by statute as arrests for any offense committed by a client sentenced to probation within three years following their probation sentence. Pursuant to the statute, the characteristics of arrests for the 2014 and 2015 adult cohort during the recidivism period will be discussed in this section. This section will provide information about the number of individuals who remained arrest free, reflecting the effectiveness of probation officers and client compliance with the terms of supervision. The arrest data is comprised of adult clients who were arrested within the three-year recidivism period after their initial probationary sentence. Of the 2014 (20,485 clients) and the 2015 (19,602 clients) cohorts a total of 9,753 and 7,307 defendants were arrested respectively. This indicates a drop in the recidivism rate from 47.6% in the 2014 adult cohort to 37.3% in the 2015 adult cohort. In other words, 5 in 10 clients were not arrested in the 2014 adult cohort and 6 in 10 clients were not arrested in the 2015 adult cohort.

Figure 7. Arrests and Non-Arrests in the 2014 and 2015 Adult Cohort
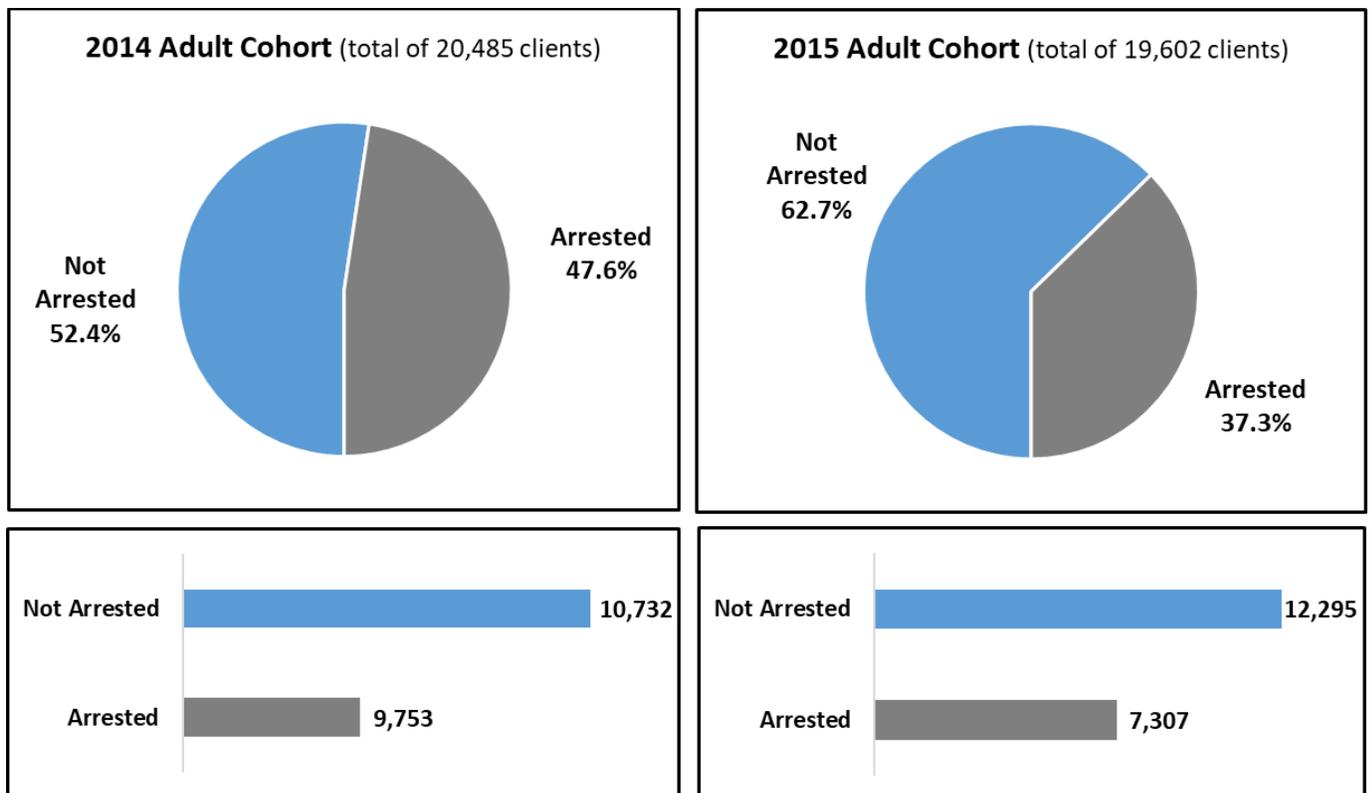
RECIDIVISM RATES IMPROVED IN 2015 COHORT COMPARED TO 2014 COHORT

Figure 7 shows a comparison of the rates of clients who were not arrested and those who were arrested in the 2014 and 2015 cohort. In the 2015 cohort the number of clients who remained arrest free increased notably by about 10% compared to the 2014 cohort. In the 2014 cohort 52.4% of clients remained arrest free and in the 2015 cohort 62.7% of clients remained arrest free during the three-year recidivism period. These improvements in recidivism rates from 2014 to 2015 were consistent across sex and race/ethnicity. These breakouts are illustrated in *Appendix D*.

RATE OF FIRST ARREST DECLINED EVERY SIX MONTHS

Examining the time to first arrest/recidivism event can be useful in differentiating between clients who are arrested early from those who remain arrest free for longer periods of time. Measuring the length of time to the recidivism event can also help policymakers determine an appropriate period of supervision for defendants sentenced to probation[19].

Figure 8. Percent of Clients in the 2014 and 2015 Cohort who were Arrested, by Time of First Arrest

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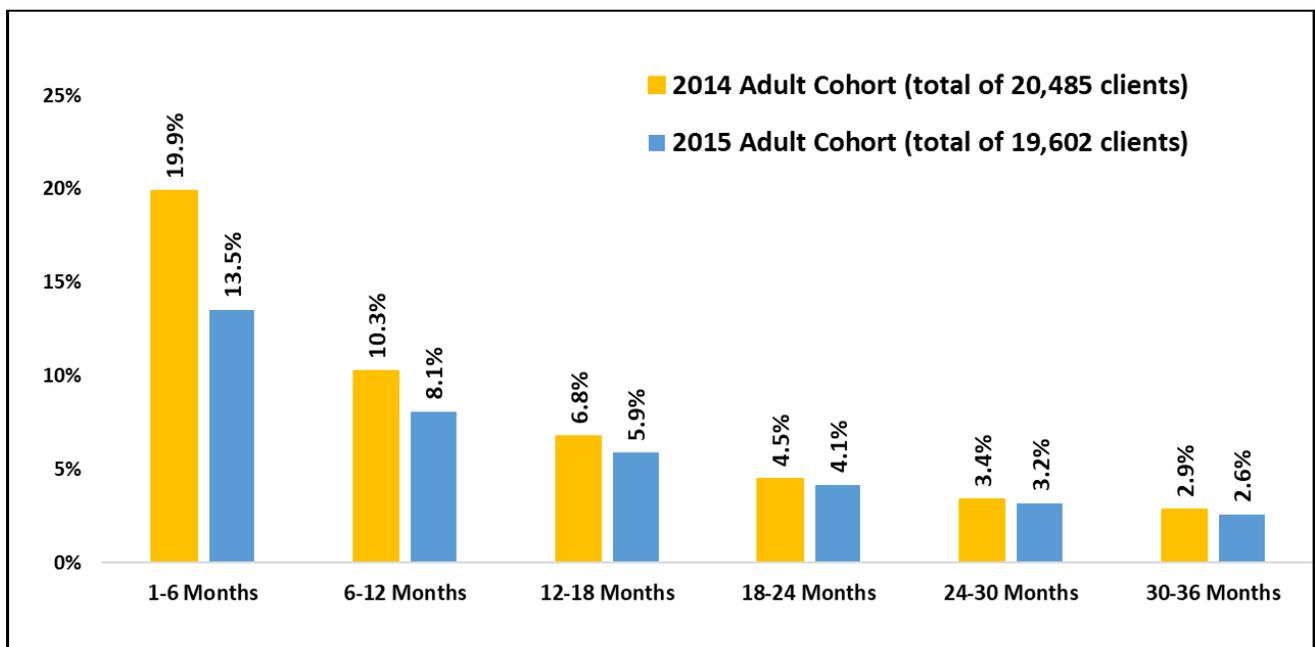
[19] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period 2005-2014.* (2018) and United States Sentencing Commission. Recidivism Among Federal Offenders: A Comprehensive Overview. (2016).

The arrest data for both the 2014 and 2015 adult cohort indicates that clients were arrested the first time at the highest rates in the first six months after they were sentenced to probation, and that the number of first arrests decreased gradually every six months. Figure 8 shows the percent of clients sentenced to probation in 2014 and 2015 who were arrested, by the time period of their first arrest. In the first six months 19.9% and 13.5% of clients in the 2014 and 2015 cohorts were arrested for the first time, respectively. Following this, each six-month time interval had fewer clients being arrested for the first time than in the previous six months. For example, in the six to twelve-month interval 10.3% and 8.1% of clients in the 2014 and 2015 cohorts were arrested for the first time, respectively. This declined gradually to the final time period of thirty to thirty-six months, to 2.9% of clients in the 2014 cohort and 2.6% of clients in the 2015 cohort. This indicates that more than half of arrested clients sentenced to probation in 2014 and 2015 recidivated in the first year following their sentence. These trends were consistent across sex and race/ethnicity. Additional breakdowns showing when the first arrest/recidivism event occurred with totals are shown in *Appendix E*.

RECIDIVISM RATE IN SIX-MONTH INTERVALS

Figure 9 shows the cumulative percent of clients who were arrested, by the time period of their first arrest/recidivism event. Essentially, the chart illustrates the recidivism rate over the three-year period broken down into six-month intervals. The overall curve suggests that as time goes on, the recidivism rate rises gradually at a lesser rate each six months. The chart also illustrates that clients in the 2015 cohort remained arrest free longer than those in the 2014 cohort. For example, in the first six months 19.9% of clients in the 2014 cohort did not get arrested compared to 13.5% of clients in the 2015 cohort. On average across the three-year recidivism period, recidivism rates were about 9% lower in the 2015 cohort compared to the 2014 cohort.

Figure 9. Recidivism Rate in Six-Month Intervals/Cumulative Percent of Clients who were Arrested, by the Time Period of First Arrest
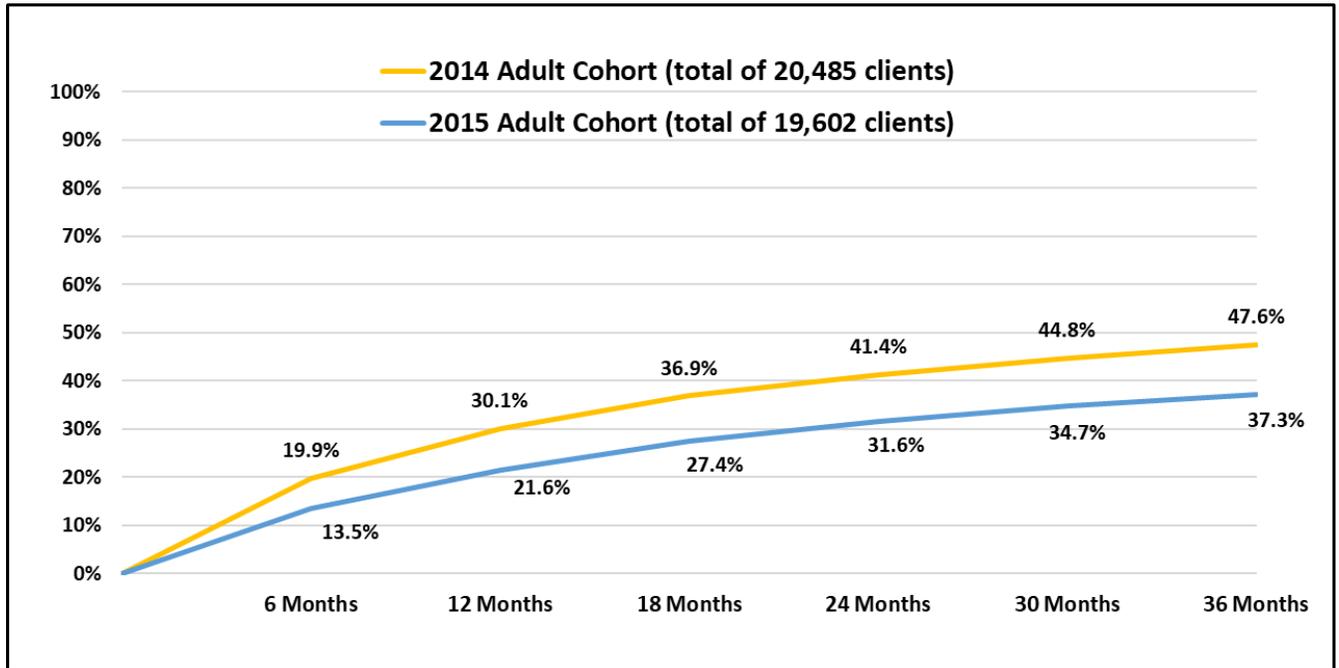
ARREST DISTRIBUTION PER CLIENT

The statute also requires the Judiciary to identify "the number of repeat offenses."[20] Figure 10 shows the rate of clients who remained arrest free, those who were arrested once and clients who were arrested two or more times during the recidivism period. It is a simple count showing the number and percentage of clients who fell into each category. The columns in figure 10 show the entire adult cohort and the pies show the subpopulation of clients who were arrested. As shown in the columns of the chart, the majority of clients were not arrested. However, if they were, they were more likely to be arrested two or more times. As shown in the pie charts in figure 10, of the 9,753 clients arrested in the 2014 adult cohort, 60.4% of them were arrested two or more times. There was a notable improvement on these numbers in the 2015 adult cohort. Of the 7,307 clients arrested in the 2015 cohort 51.6% of them were arrested two or more times. This indicates a decrease in the rate of multiple arrests by about 9%. These improvements to the rates of multiple arrests was consistent across race/ethnicity and sex. For these breakdowns see *Appendix F*.

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[20] N.J.S.A. 2C:45-6 (b).

Figure 10. Arrest Distribution Per Client in the 2014 and 2015 Adult Cohorts

Note: The column charts show the percentage of clients in each category, as a percent of the entire cohort. The pie charts show percentage of clients in each category, as a percent of those who were arrested (arrest cohort).
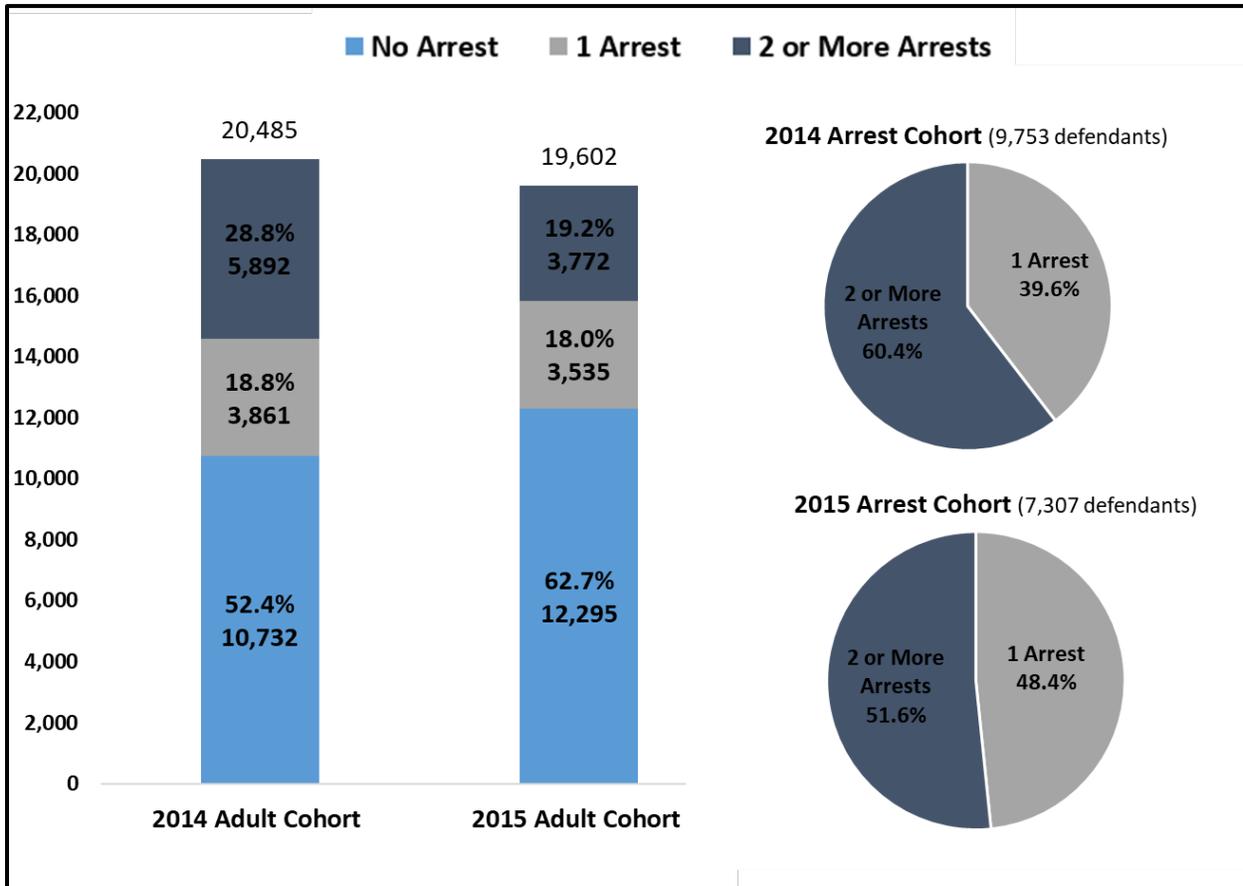
MOST SEVERE ARREST BY CRIME-TYPE

This section summarizes the most severe charge by crime-type for which clients in the 2014 and 2015 cohort were arrested. Since some clients were arrested multiple times during the recidivism period, the data in this section considers all arrests that occurred during the three-year time window and identifies and analyzes only the most serious/severe charge for each defendant. The crime-type subcategories are listed in *Appendix B*. The methodology for identifying the degree of the crime included the actual degree, first, second, third, fourth, disorderly persons, and petty disorderly persons, as reflected in the Judiciary's systems. Offenses that did not have a degree listed in the system were ranked according to the category hierarchy as reflected in *Appendix B* in the following order in decreasing severity: Violent, Person, Property,

Weapons, Drugs, Contempt, Other and Municipal. A breakdown of the type of offenses found in the three most serious offense categories (Violent, Persons and Property) for which members of the cohort were arrested is shown in *Appendix C*. With system wide technology enhancements that are currently being implemented, the degrees of arrest offenses will be more clearly reflected in future annual reports. Figure 11 summarizes the frequency and rate in which each adult client was arrested during the recidivism period by the most serious crime-type with which they were arrested. The percentages in this section are calculated as a percent of the subpopulation of adult clients who recidivated (arrest cohort).

Figure 11. Comparison of Arrest Per Defendant by the Most Serious Crime Type [21]
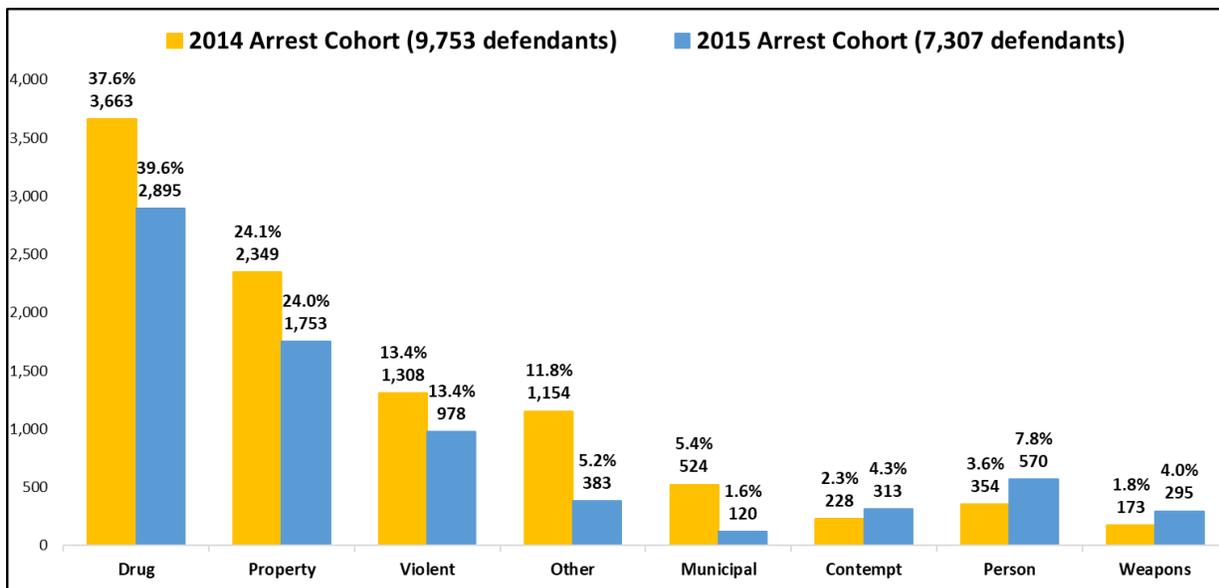
Note: Defendants could have been arrested or charged for more than one offense or crime-type during the three-year recidivism period; the most serious/severe one is reported in this chart.

DRUG AND PROPERTY OFFENSES MADE UP THE MAJORITY OF MOST SERIOUS ARRESTS

Figure 11 shows a comparison of the frequency of the most severe charge for those who were arrested in the 2014 and 2015 cohorts. In both the 2014 and 2015 cohorts, drug and property offenses made up most arrests. This paralleled the trend of the original most severe

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[21] The most serious arrest charge is the most severe charge which resulted in a client's arrest during the three-year recidivism period. i.e. If a client had multiple arrests or charges, the most severe charge supersedes less severe charges.

charges[22] shown in the previous section (figure 5), which also showed drug and property crimes as the leading offenses which resulted in initial sentences to probation in 2014 and 2015. Of the 9,753 clients arrested in the 2014 cohort, 37.6% of the most serious arrests were drug related, and of the 7,307 clients arrested in the 2015 cohort, 39.6% of the most serious arrests were drug related. This was followed by property offenses which was at about 24% for both cohorts. In addition to this, as shown in figure 11, there was an overall decline in frequency across most crime-types in the 2015 cohort compared to 2014. Notably, drug, property and violent crime categories declined in the 2015 cohort. The largest decline between the 2014 and 2015 cohorts was in the other and municipal crime categories[23].

SEVERITY COMPARISON OF THE MOST SERIOUS ORIGINAL AND ARREST CHARGES

In addition to recidivism as a method of determining the success of clients under supervision, Probation Services also takes desistance into account. Whereas recidivism is a binary framework defined by a single event in which a client is arrested, desistance is a process that is not limited to abstinence from crime, but also includes reduction in the frequency and/or seriousness of offending[24]. The previous segment presented data on the number of arrests, showing a decline in the rate of multiple arrests from the 2014 to 2015 cohort. This section explores the severity of the arrests. Like the crime-type analysis, this section utilizes the most serious arrest charge of each defendant and compares it to the most serious original offense[25]. In other words, the most serious original and arrest offense of each defendant in the arrest cohort was identified, and the collection of most serious original and most serious arrest charges were compared. Figure 12 shows a comparison of the severity of original and arrests/recidivating charges. It addresses the question of whether arrest charges were more severe, less severe or the same severity as the original charge. The percentages in figure 12 are calculated as a percent

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[22] Original most serious charge refers to the most severe preliminary charge which resulted in the initial probation sentence in 2014 or 2015.

[23] The subcategories for other are shown in *Appendix B*. Other also includes charges that were unidentifiable or in cases where the data was corrupted. As we move closer to 2017, the year that criminal justice reform was implemented, we anticipate that there will be improvements to the quality of data.

[24] John H. Laub and Robert J. Sampson, *Understanding Desistance from Crime*, 28 Crime and Justice 1 (2001).

[25] The most serious original charge is the most severe charge which resulted in a client's initial sentence to probation in 2014 or 2015. i.e. If a client had multiple charges, the most severe charge supersedes less severe charges.

of the subpopulation of adult clients who recidivated (arrest cohort).

As shown in figure 12, 32.3% of most serious arrest charges in the 2014 arrest cohort and 43.2% in the 2015 arrest cohort were offenses that were more serious than the original most serious charge. The chart also shows that combined, the majority of most serious arrests were charges that were the same or less severe than the original most serious charge which resulted in initial probationary sentences. In the 2014 arrest cohort 67.8% of most serious arrests were charges that were the same or less severe than the original and in the 2015 arrest cohort 56.8% of most serious arrests were charges that were the same or less severe than the original charge. Although the 2015 arrest cohort shows a slight increase in severity rates, there was still an overall decline in the number of arrests. Additional breakdowns of severity comparisons by sex and race/ethnicity are shown in *Appendix H*.

In the following section severity rates of convictions will also be examined and compared to the original offense (figure 16). This comparison will provide an additional perspective since it is the final resolution of the charge.

Figure 12. Severity of Most Serious Original Charge Compared to Most Serious Arrest Charge

2014 Arrest Cohort (total of 9,753 defendants)
Less Severe 32.2%
More Severe 32.3%
Same Severity 35.6%
67.8%

2015 Arrest Cohort (total of 7,307 defendants)
Less Severe 19.8%
More Severe 43.2%
Same Severity 37.0%
56.8%

2014	
Less Severe	3,137
Same Severity	3,468
More Severe	3,148

2015	
Less Severe	1,448
Same Severity	2,705
More Severe	3,154

Note: Defendants could have been arrested or charged for more than one offense or crime-type during the three-year recidivism period. Similarly, the client's initial sentenced to probation could have been for more than one offense. The most serious/severe charges are compared in this chart.

V.   CONVICTIONS

This section examines the characteristics of the convictions resulting from arrests that occurred during the recidivism period. When a client is arrested for an offense, the matter must then be brought to a resolution, which may or may not result in a conviction. A conviction will arise on any charge through a verdict of guilt by jury or by an admission of guilt by plea—or, in the case of quasi-criminal municipal offenses, a finding of guilt by a judge.[26]   Typical non-conviction resolutions include; dismissal of the charges, withdrawal of the complaint or charging document, or a non-guilty verdict. It should also be noted that the data extraction methods used were not able to capture the specific reasons for non-convictions. Therefore, some defendants may still have cases pending a resolution at the time the conviction data was harvested. In future reports we will attempt to distinguish non-convictions which have been resolved from those which are still undecided.

The conviction data was obtained from adult clients in the 2014 and 2015 cohorts, who after their initial probationary sentence, were arrested within the recidivism period, and subsequently convicted. If any arrest during the recidivism period resulted in a conviction, then the individual was counted as convicted. Multiple convictions were not accounted for. The analysis captures whether a client was or was not convicted of an arrest that occurred during the recidivism period. Although all the arrests occurred during the three-year recidivism period, some of the convictions occurred outside of this time window. Conviction data for both cohorts was harvested during the same time period and the most current conviction data available at that time of extraction was used for analysis. Although this method provides the most up-to-date information, it also means that the 2014 cohort had an additional year of follow up for conviction (from 2014 to data extraction in 2019) and sentencing outcomes compared to the 2015 cohort[27] (from 2015 to data extraction in 2019).

Although by statute this report measures recidivism as the first instance of arrest during the three-year recidivism period, it is also valuable to examine the conviction data of clients because it incorporates confirmation from the justice system that the defendant is guilty of committing the offense. Definitions

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[26] N.J.S.A. 2C:44-4a.
[27] Additional details about methodology are shown in *Appendix A.*

and measures of recidivism vary and institutions throughout the United States have adopted different ways of measuring recidivism. It is useful to consider conviction data as arrest rates reveal law enforcement involvement, yet also presume that a person is innocent of a crime. In this section conviction rates offer a supplemental viewpoint to show the effectiveness of Probation and client compliance with the terms of supervision.

According to the conviction data, on average across both cohorts the majority of clients arrested during the recidivism period were later convicted of an offense. As shown in figure 13, of the 9,753 clients arrested in the 2014 cohort, 75.7% were convicted. Of the 7,307 clients arrested in the 2015 cohort, 77% were convicted. This indicates that about a quarter of arrested clients were not convicted of any offenses. More specifically, 2,366 recidivists from the 2014 cohort and 1,683 recidivists from the 2015 cohort remained conviction free as of the date of data extraction.

Figure 13. Conviction Outcomes in the 2014 and 2015 Adult Cohort
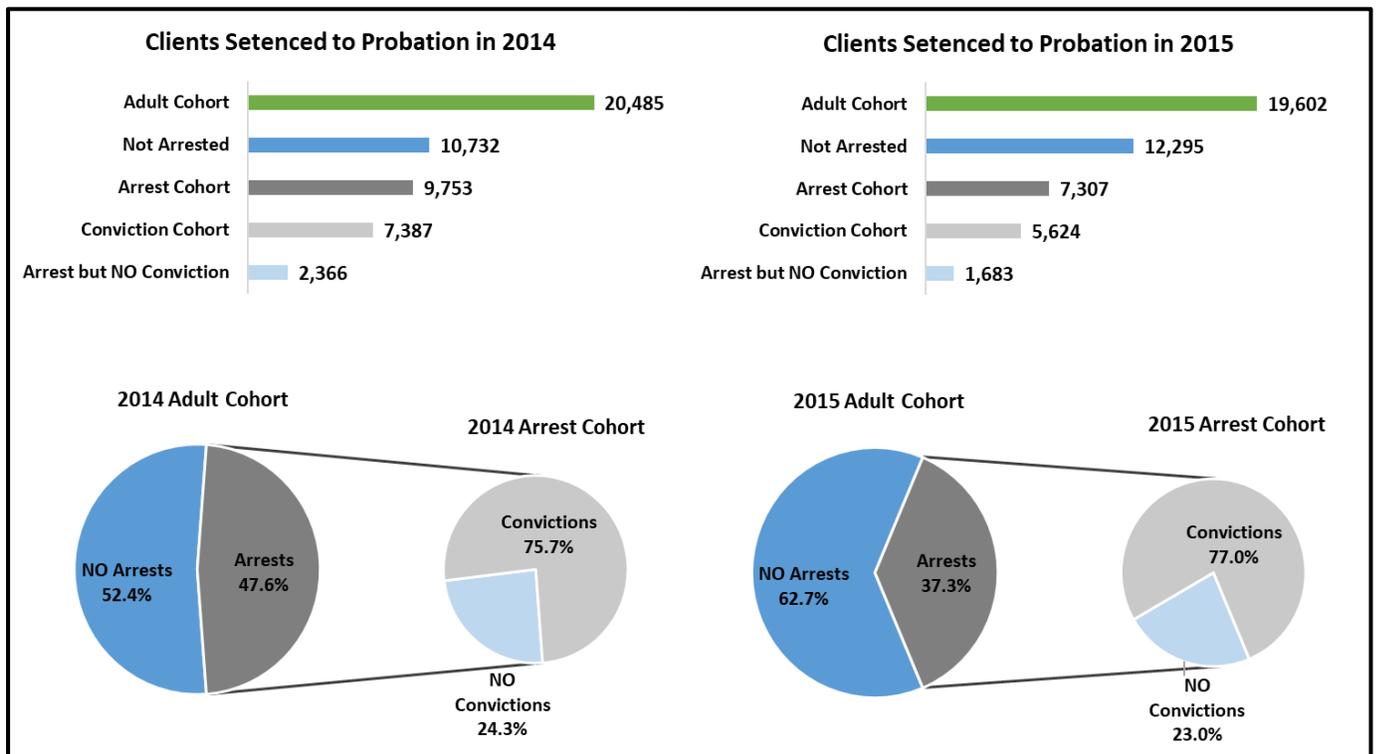
CONVICTION AS A MEASURE OF RECIDIVISM

Although by statute this report classifies a person as a recidivist if he or she has been arrested for a new crime, convictions are also a widely accepted measure of recidivism. Using convictions as the measure of recidivism, a person would only be classified a recidivist if an arrest resulted in a subsequent conviction. Based on the conviction data for the 2014 and 2015 cohort this would indicate a lower recidivism rate since not all arrests result in a conviction. Figure 14 shows the conviction, non-conviction and non-arrests as percentages of the entire 2014 and 2015 adult cohorts. As shown in figure 14, the percentage of clients who were arrested and convicted in the 2014 cohort was 36.1% and 28.7% in the 2015 cohort. In effect, in the 2014 cohort, 6 in 10 adult clients were not convicted or arrested of any offenses during the recidivism period and in the 2015 cohort 7 in 10 adult clients were not convicted or arrested of an offense that occurred during the recidivism period. Combining the number of clients who were not arrested with the clients who were arrested but not convicted, suggests that Probation Services had an average success rate of about 68% across both cohorts. In other words, on average, 7 in 10 clients sentenced to probation in 2014 and 2015 remained in the community with no new convictions.

Figure 14. Overall Cessation of Offending in the 2014 and 2015 Adult Cohort
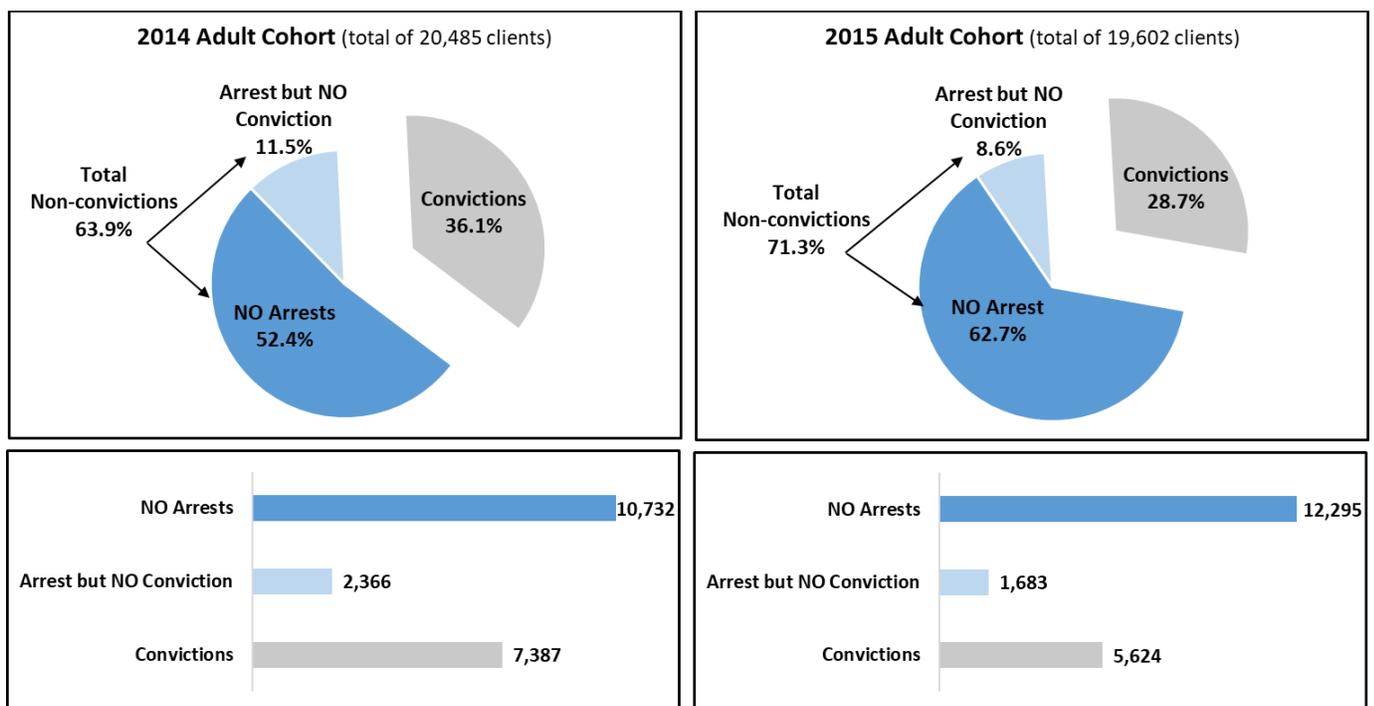
MOST SERIOUS CONVICTION OFFENSES BY CRIME-TYPE

This section summarizes the most serious offense by crime-type for which arrested clients were convicted. Figure 15 illustrates the most serious conviction crime-types in the 2014 and 2015 conviction cohort.

Earlier, the arrest section of this report identified drug offenses as the leading most serious arrest crime type, followed by property offenses. Conviction data for both cohorts followed the same general trend, but with smaller margins between the two leading offenses and an overall decline in the most severe crime-types. On average across both cohorts about 3 in 10 most serious convictions were drug related and about 2 in 10 were property crimes. Together the other six crime-types (municipal, other, violent, contempt, persons and weapons crimes) made up about half of the most serious crime-types

Figure 15. Comparison of Conviction Charge Per Defendant by the Most Serious Crime Type[28]
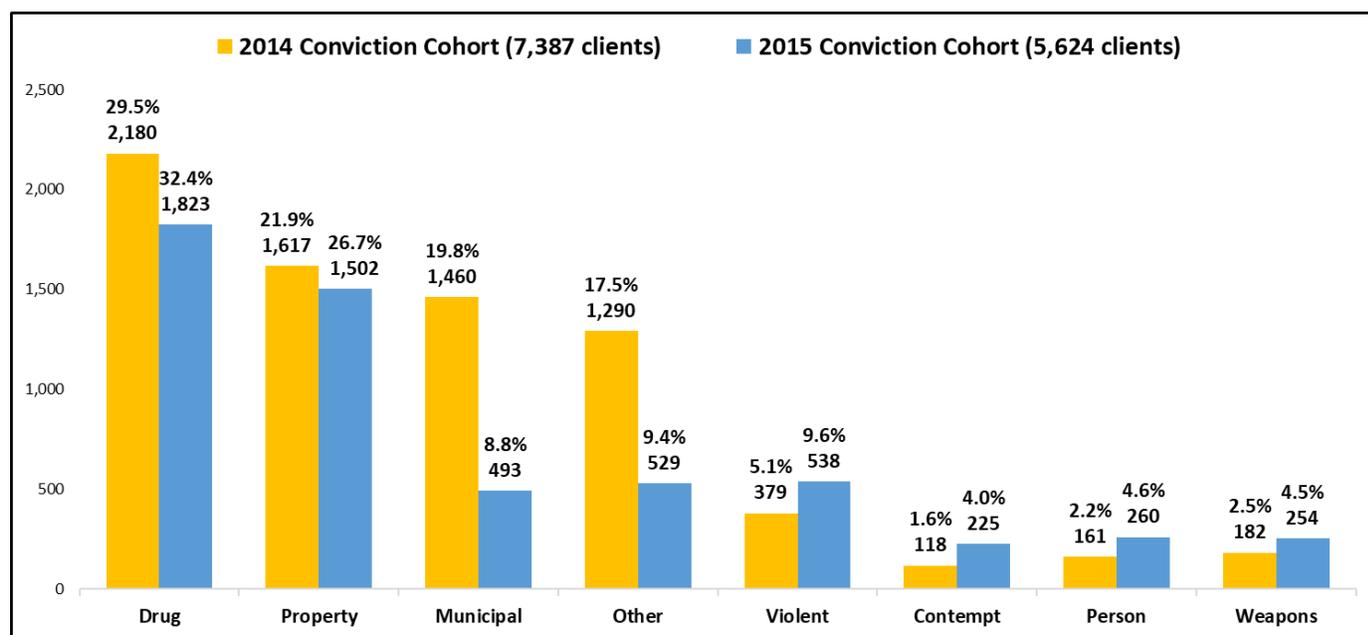
Note: Defendants could have been convicted or charged for more than one offense or crime-type; the most serious/severe one for each defendant is reported in this chart.

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[28] The most serious conviction charge is the most severe charge which resulted in a recidivist's conviction after their initial probation sentence. i.e. If a defendant was convicted of multiple charges, the most severe charge supersedes the less sever charges.

SEVERITY OF ORIGINAL OFFENSE COMPARED TO CONVICTION CHARGE

Earlier in the arrest section, severity of the original and arrest offenses were compared. Like the arrest section, the most serious conviction charges were compared to the most serious original charge to examine whether convictions were more severe, less severe or the same severity as the original charge. Figure 16 shows this comparison of the severity of the original and conviction charge. Additional breakdowns by sex and race/ethnicity are illustrated in *Appendix K.*

The vast majority of clients from both cohorts leave the three-year recidivism period with no convictions. Of the clients who were convicted of a crime, most charges were for offenses that were the same severity or less severe than the original offense. As shown in figure 16, on average for both cohorts, about 69% of most serious convictions were for charges that were the same or less severe than the original most serious charge which resulted in initial probationary sentences. Of all the most serious convictions for both cohorts about 31% were more severe than the original most serious charge.

Figure 16. Severity of Original Charge Compared to Conviction Charge

Note: Defendants could have been convicted for more than one offense or crime-type during the three-year recidivism period. Similarly, the client's initial sentenced to probation could have been for more than one offense. The most serious/severe charges are compared in this chart.
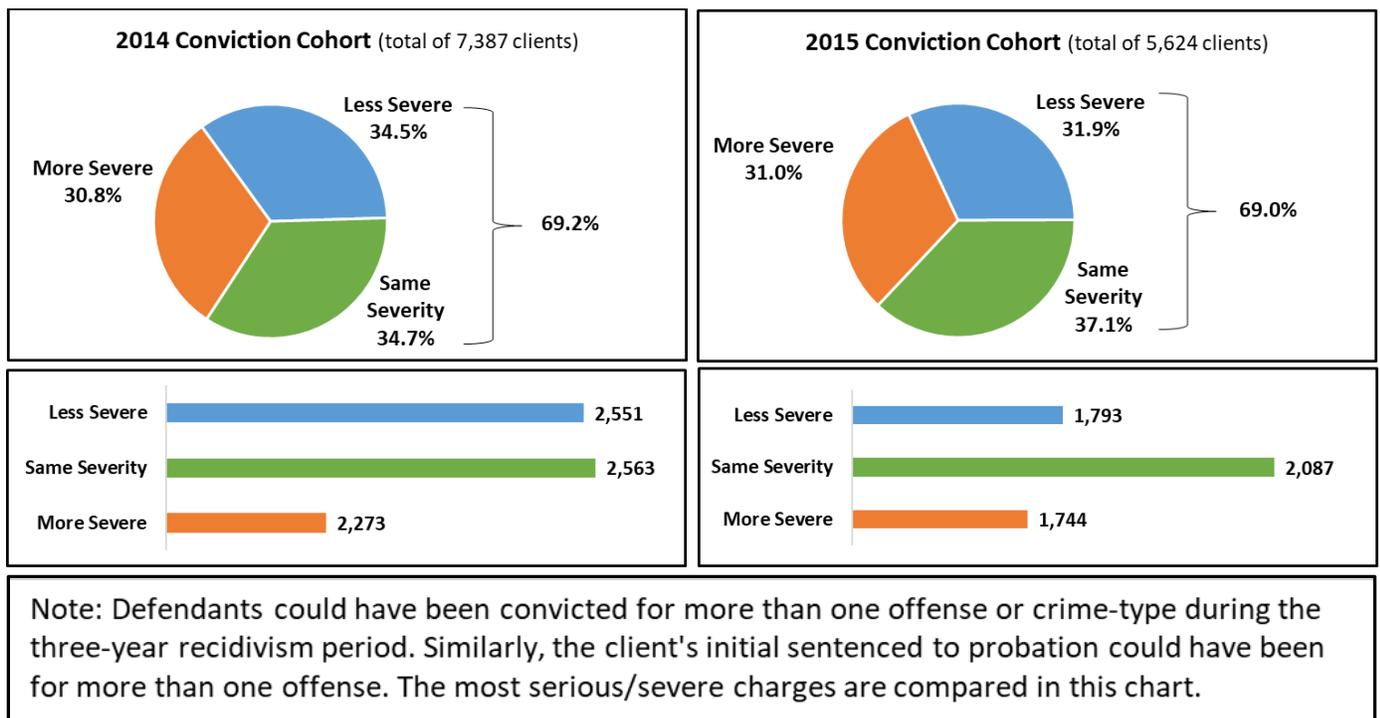
VI.   SENTENCING

A sentence occurs after conviction when a judge imposes punishment and/or treatment. The sentence may include fines, penalty fees, community service, and assessments. The sentence will also include, where appropriate, restitution to the victim for any financial loss. Very often, the sentence will also impose a term of probation and/or imprisonment[29]. Since sentencing occurs at varying times after arrest and conviction, some of the sentencing outcomes may have occurred outside of the recidivism period depending on when the defendant was arrested and convicted. Outcomes shown are the results of data available as of the retrieval dates from the databases described in the Methodology in *Appendix A*. ACS and FACTS data was collected in July 2019 and PG data was collected in September 2019.

This section discusses sentencing data of clients who were arrested during the recidivism period and subsequently convicted. The data is categorized by convicted recidivated adult clients who received a sentence of incarceration, probation[30] or neither incarceration nor probation. It should also be noted that the data extraction methods used were not able to capture the specific reasons for the neither incarceration nor probation category. Some defendants may have been convicted of offenses that were not serious enough to warrant a severe sentence of probation or incarceration— their sentence may have included community service and/or fines. Other defendants may still have cases pending a sentencing resolution as of the time the data was harvested. In future reports we will attempt to determine which defendants have not yet been sentenced.

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[29] See N.J.S.A. 2C:43-2b.
[30] Split sentences where the defendant was sentenced to both probation and a custodial sentence was included in the probation sentence category.

Figure 17. Sentencing Outcomes for Convicted Clients

2014 Conviction Cohort (total of 7,387 clients)

2015 Conviction Cohort (total of 5,624 clients)
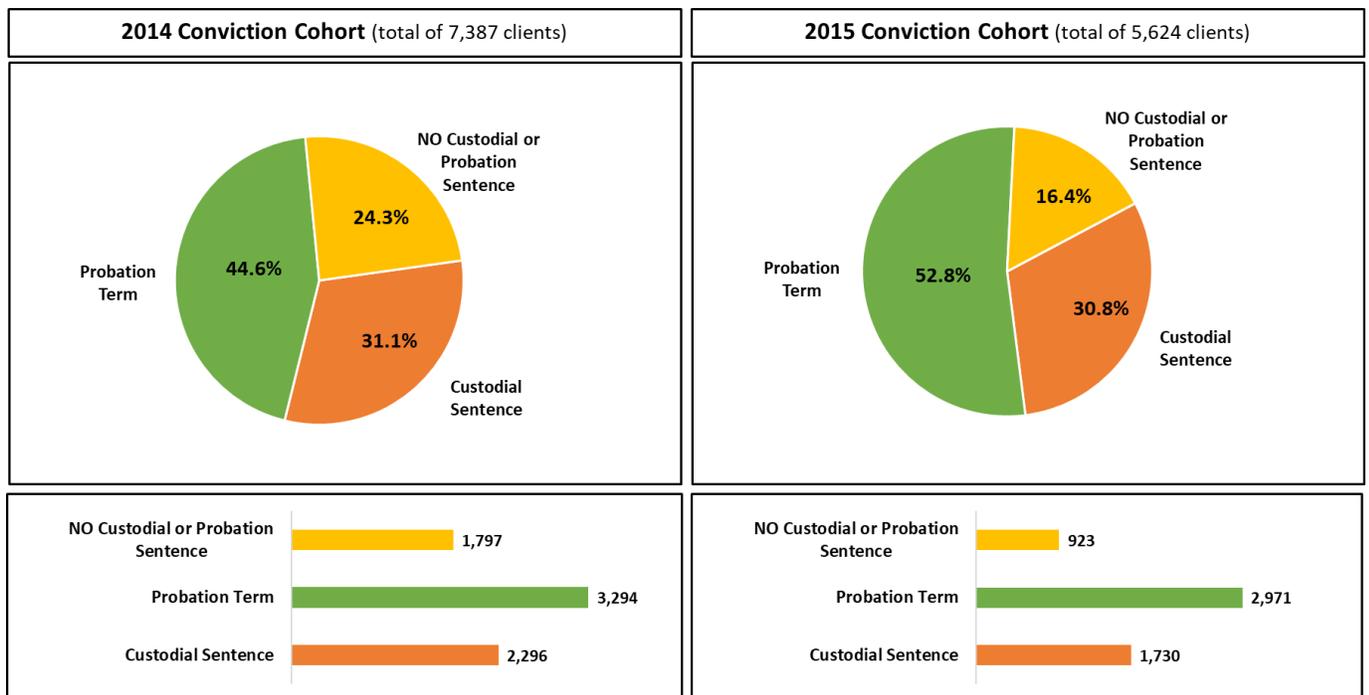
SENTENCING OUTCOMES AMONG CONVICTED CLIENTS

Figure 17 illustrates that as of the time the data was harvested, most convicted clients were sentenced to a probation term. 44.6% of convicted clients in the 2014 cohort and 52.8% of convicted clients in the 2015 cohort were sentenced to probation. Custodial sentences made up a smaller percentage of sentencing outcomes for convicted clients. On average across both cohorts about 31% of convicted clients were subsequently sentenced to a custodial term. In addition to this, some convicted clients were awaiting sentencing or received no custodial or probation sentence. As shown in the chart, 24.3% of convicted clients from the 2014 cohort and 16.4% in the 2015 cohort were awaiting sentencing or received no probation or custodial sentence.

OVERALL CLIENT OUTCOMES

Figure 18 shows the overall summary of client outcomes in the entire 2014 and 2015 adult cohorts. Of the overall client outcomes, most clients remained free of arrests and convictions. Of the clients who were convicted, most were sentenced to probation or received no probation or custodial sentence. Combined with the number of clients who were not arrested or convicted, this means that the vast majority of clients remained in the community after the recidivism period. As shown in figure 18, this amounts to about 88.8% of clients in the 2014 cohort and approximately 91.2% in the 2015 cohort. In other words, about 9 in 10 clients in both cohorts continued to live in the community where they can still be productive citizens.

Figure 18. Summary of Overall Client Outcomes in the 2014 and 2015 Adult Cohort
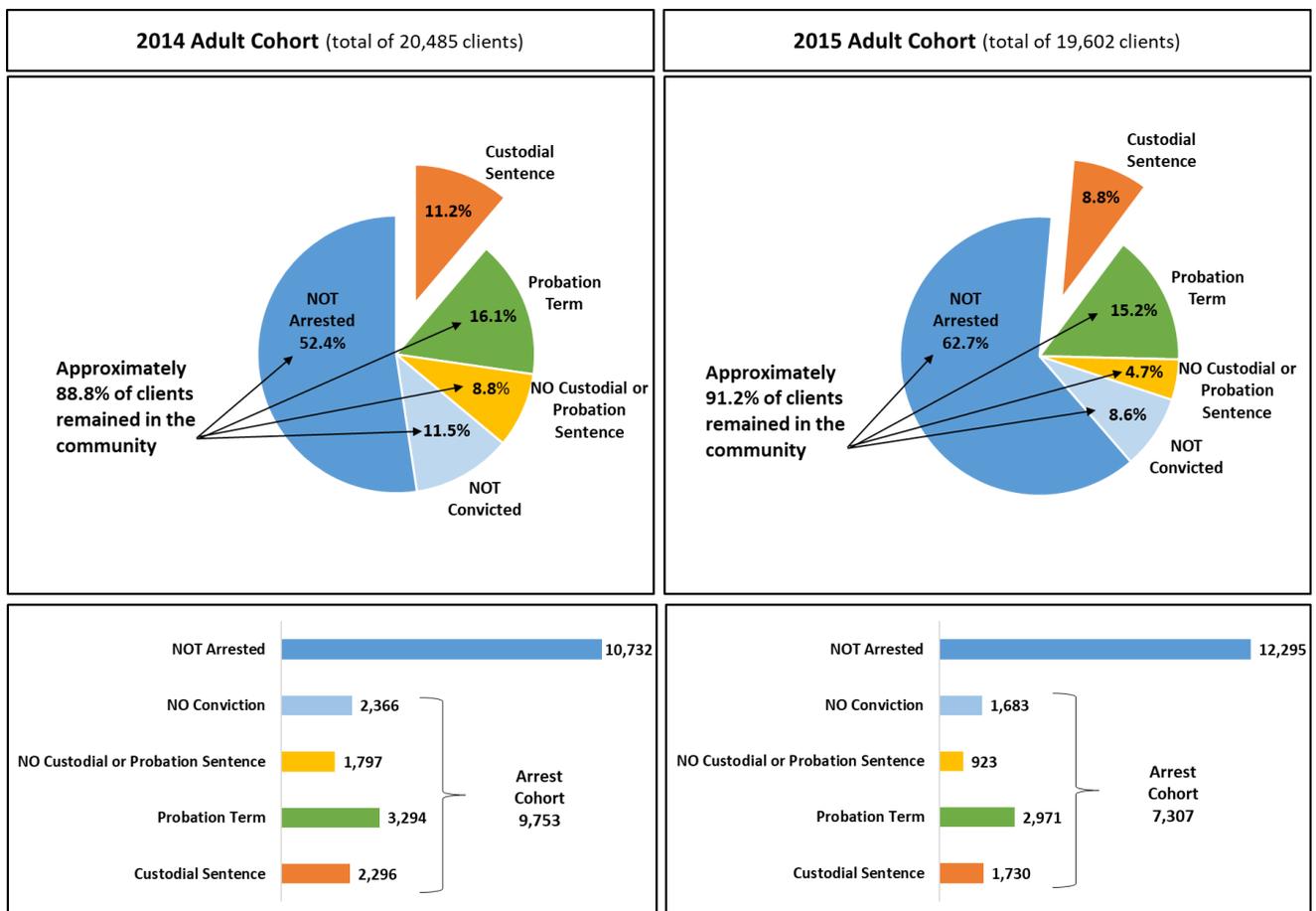
VII. ONGOING INITIATIVES: TREATMENT

Treatment, through probation, is a therapeutic program administered by mental health and medical professionals in areas involving mental health, drugs and alcohol, domestic violence, and sexually abusive behavior. A client may be referred for such treatment in one of two ways. First, the court may order the client to complete treatment. Such an order constitutes a special condition of probation, with which the client is obligated to comply. Second, a client may be referred to treatment by a probation officer—after having been sentenced. In such a scenario, the court may not have imposed treatment on the client, but he or she may nevertheless be identified as a person in need of treatment by a probation officer. A Standard Condition of Probation authorizes a probation officer to order an evaluation and course of treatment.[31]

The data presented in this section is limited due to challenges related to data collection and treatment resources throughout the state. The numbers presented in figures 21 and 22 only represent data from the 2015 cohort. There was insufficient data to present information on the 2014 cohort. With ongoing developments of new data collection protocols and technology we intend to ensure that improvements continue. Importantly, in 2019 the Automated Trial Court Services Unit has initiated comprehensive enhancements to the Probation Services legacy system that will help provide more precise treatment data in future reports. In addition, Probation Services has started the implementation of policies to provide specific training, quality control measures, and distribution of various outlier reports. These outlier reports will assist managers, supervisors, and probation officers with identification of cases requiring additional entry of treatment codes.

The data in Figure 19 only represents adult clients in the 2015 cohort who were able to be identified as participating in some form of treatment. The figure includes both inpatient and outpatient treatment. Figure 19 shows 7,835 clients within the 2015 adult probation cohort who were identified as participating in some form of treatment during the recidivism period measured

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[31] At intake, standard conditions of probation are provided-to and signed-by the client. See N.J.S.A. 2C:45-1f and R. 3:21-7(a). Standard condition number seven reads: "You shall cooperate in any medical and/or psychological examinations, tests and/or counseling your probation officer recommends."

from 2015 through 2018. In future reports we aim to provide more in-depth and accurate data about treatment and outcomes.

Figure 19. Clients Identified as Receiving Treatment in the 2015 Adult Cohort

2015 Adult Cohort (total of 19,602 clients)

Recorded as Treated 39.97% or 7,835 clients

No Treatment 60.03% or 11,767 clients
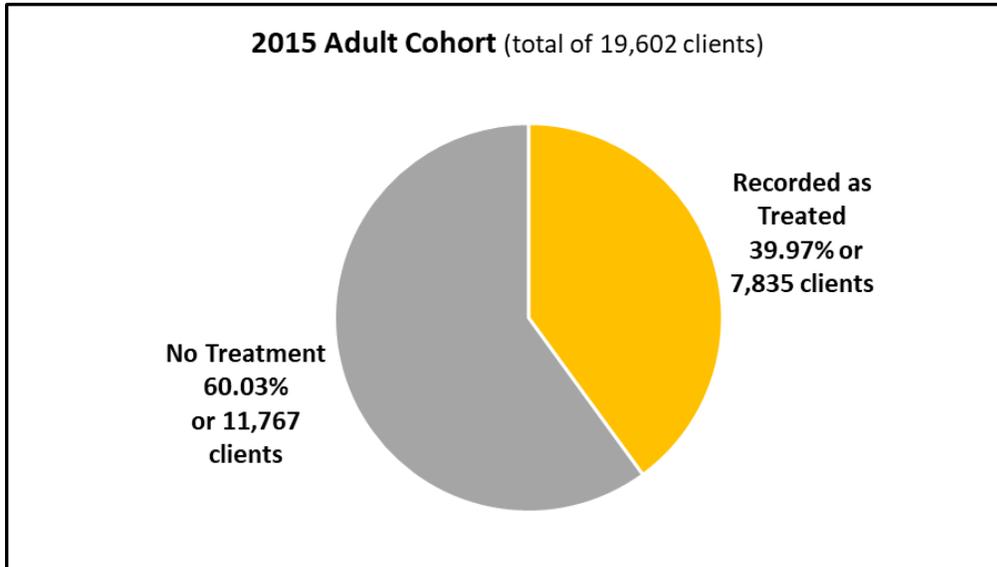
Figure 20 compares the recidivism and non-recidivism rates for clients in the 2015 cohort who were identified as receiving treatment. The data utilized for this comparison is reliant on the entries made by officers into the legacy probation system. This data is somewhat limited, and it is not representative of actual treatment impacts.

Figure 20. Arrest and Non-arrest Rates of Treated Clients

2015 Treatment Cohort (total of 7,835 clients)

Arrested 42% or 3,291 clients

Not Arrested 58% or 4,544 clients
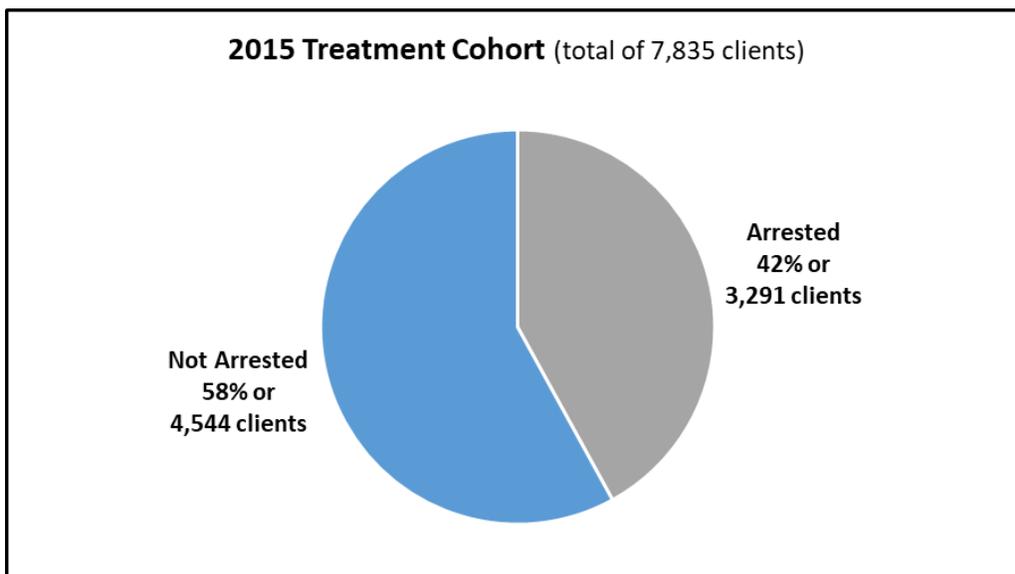
The availability of treatment resources fluctuates throughout the State. That is to say, the State relies on services from third-party treatment providers, and the availability of these providers may fluctuate based on various factors—such as transportation, language barriers, and funding. These areas of treatment include mental health treatment, domestic violence treatment (batterer's intervention counseling), sex-specific treatment, and drug/alcohol treatment. As part of its ongoing efforts to produce positive outcomes for the population of clients in need of treatment options, Probation Services is currently developing policies and procedures to enhance relationships with community partners, which will increase communication to solve ongoing problems—such as reduction of wait-time for treatment. Regardless of whether the client was sentenced to treatment, or when the client tests positive for drugs and/or alcohol, the probation officer will refer the client to obtain a substance abuse evaluation. Most of these evaluations are conducted by licensed substance abuse evaluators who are employed by the Judiciary. The substance abuse evaluators first determine whether treatment is necessary, and if so, the level of treatment. They then connect the client to inpatient or outpatient services. The substance abuse evaluators take on the crucial role of building relationships with community resources. They also address difficulties that may arise with linking clients to the appropriate services. Probation is continuing to implement new policies and procedures to improve access to other areas of community treatment and services.

VIII. ENHANCE OUTCOME BASED SUPERVISION (EOBS)

Probation Services is moving towards the use of evidence-based supervision strategies, otherwise known as Enhanced Outcome Based Supervision (EOBS). The core of evidence-based supervision is to base practices and programming in research rather than anecdotal stories and innuendo. This change entails a strategic paradigm shift from focusing largely on punishment, enforcement and monitoring, to using evidence-based practices aimed at promoting positive behavior change and desistance among probation clients[32]. The implementation of these strategies will be accomplished through statewide trainings; including training on the Ohio Risk Assessment System (ORAS), Core Correctional Practices (CCP), Structured Response Grid (SRG), and Motivational Interviewing.

Effectively implementing evidence-based supervision requires the use of a validated risk and needs assessment (RNA) which identifies each client's risk of recidivating. Information acquired from the RNA helps to ensure that each client receives the appropriate risk classification and interventions. The Judiciary is currently in the process of implementing the Ohio Risk Assessment System (ORAS). The ORAS is an actuarial risk and needs assessment that identifies a client's criminogenic needs or static and dynamic factors that push a person toward anti-social or criminal behavior. The ORAS will help officers to assess clients, target interventions, and inform case planning and treatment referrals based on each individual client's needs[33].

In 2020, Probation Services initiated preliminary trainings of the ORAS and is in the process of creating a statewide quality assurance plan to ensure fidelity of the ORAS instrument, as well as other evidence-based tools that are being implemented (CCP, SRG, and Motivational Interviewing). The ORAS training is a three-day course developed by the University of Cincinnati. The training focuses on certifying participants on the scoring of the ORAS, teaching participants effective interviewing skills and creating individualized case plans using results from the ORAS.

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[32] Harvard Kennedy School Executive Session on Community Corrections, *Towards an Approach to Community Corrections for the 21st Century: Consensus Document of the Executive Session on Community Corrections* (2017).
[33] Ohio Department of Rehabilitation and Corrections. Ohio Risk Assessment System. https://www.drc.ohio.gov/oras (last visited April 23, 2020).

In 2018, Probation Services began training managers, officers, and staff in Core Correctional Practices (CCP). The training was also developed by the University of Cincinnati and focused on the following:

> Core Correctional Practices is a two-day training that instructs [probation officers and] correctional workers on the core skills needed to support cognitive behavioral programming. The training is relevant to direct care, security staff, and treatment staff. Specific topics to be discussed include: (a) a brief description of the principles of effective interventions (b) an overview of the core correctional practices (relationships skills, effective use of reinforcement, effective use of disapproval, effective use of authority, prosocial modeling, cognitive restructuring, social skills training and problem solving skills), (c) practice of each of the core correctional practices occurs and implementation strategies are discussed, (d) principles of an effective behavior management system is emphasized.[34]

As of the end of 2019 all managers, officers, and staff have completed this training. It is our hope that equipping probation officers with these additional skills will improve the effectiveness of community supervision and overall desistance.

The Probation Division's goal is to help reintegrate its clients into the community as responsible, law-abiding community members with the use of practices that are rooted in research. Probation is in the process of implementing these strategies statewide and developing plans to ensure fidelity throughout the state. It is our belief that these evidence-based practices will help Probation Services in its commitment to the welfare and safety of children, families, and communities, and promoting positive behavioral change in clients.

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[34] University of Cincinnati, Core Correctional Practices.
https://www.uc.edu/content/dam/uc/corrections/docs/Training%20Overviews/CCP%20-%20Overview.pdf (last visited October 23, 2019).

IX. SUMMARY

At their best, probation officers serve as a client's supporter and role model, committed to the client's rehabilitation, with the help of family, friends, and the community—all in an effort to achieve a normal and productive life. The Probation Division is also dedicated to the advancement towards evidence-based supervision strategies, otherwise known as Enhanced Outcome Based Supervision (EOBS). This recidivism report is an essential part of measuring progress towards reaching these goals. Although the report highlights some challenges which Probation Services continues to address, the larger picture shows that probation is an effective sentencing alternative to incarceration. Overall, as this report details, Probation Services is working as intended to positively impact recidivism and promote desistance among clients.

By statute for purposes of this report, a person is classified as a recidivist if he or she has been arrested for a new crime within three years following his or her sentence to probation. However, arrest data in the absence of subsequent outcomes only presents one aspect of recidivism. Therefore, this report also examines conviction and sentencing data to provide a more holistic view of reoffending. In calendar years 2014 and 2015, a total of 20,485 and 19,602 people were sentenced to adult probation, respectively. The report shows that the majority of these clients who were sentenced to probation in 2014 and 2015 were not arrested and/or convicted of an offense during the recidivism period. In addition, the report shows that recidivism rates continued to improve in the 2015 adult cohort compared to the 2014 adult cohort.

Regarding recidivism by conviction, the conviction data was taken from adult clients who, after their initial probationary sentence, were arrested within the three-year recidivism period, and subsequently convicted. The conviction data shows that 6 in 10 adult clients sentenced in 2014 and 7 in 10 adult clients in 2015 were not convicted or arrested of any offenses during the recidivism period. While the recidivism rate, by arrest, was 47.6% and 37.3% in the 2014 and 2015 adult cohorts, respectively, the percentage of clients who were convicted and arrested was only 36.1% and 28.7% in the 2014 and 2015 adult cohorts, respectively. In other words, of all adult clients who were sentenced to probation in 2014 and 2015, only 4 in 10 clients in 2014 and 3 in 10 clients in 2015, were subsequently convicted after an arrest during the three-year recidivism period.

Regarding the clients who were arrested and/or convicted of an offense after their initial probation sentence, the report indicates an overall de-escalation in the severity of offenses with which recidivists were charged. Figure 11 and 15 show the majority of the most serious arrest and conviction charges were drug-related followed by property-related. Figure 12 and 16 illustrate that arrest and conviction charges were more likely to be less than or equal to the original charge that resulted in initial probation sentences. Figure 10 shows the rate of clients arrested multiple times declined from 28.8% in the 2014 cohort to 19.2% in the 2015 cohort.

The report also examines other patterns including the time to first arrest/recidivism event, which can be useful in differentiating between clients who are arrested early from those who remain arrest free for longer periods of time. Figure 8 shows that the rate of first arrest is highest within the first six months of the recidivism period—then, gradually decreases over the remaining period of thirty-six months. Figure 9 illustrates that recidivists in the 2015 cohort remained arrest free longer than those in the 2014 cohort. Measuring the length of time to the recidivism event can also help policymakers determine an appropriate period of supervision for defendants sentenced to probation.

The sentencing section of the report indicates that most clients sentenced to probation in 2014 and 2015 received positive outcomes during the recidivism period. The majority of clients were not arrested or not convicted of an offense during the recidivism period. Figure 17 shows that of the clients who were convicted, most were sentenced to probation or received no probation or custodial sentence. Combined with the number of clients who were not arrested or convicted, this means that about 9 in 10 clients remained in the community where they can still be productive citizens. Figure 18 illustrates that custodial sentences made up a small amount of the overall outcomes for clients in both the 2014 and 2015 cohorts. Only about 1 in 10 clients sentenced to probation in 2014 and 2015 were subsequently sentenced to incarceration.

Lastly, the report also highlights some challenges within probation, particularly treatment; as well as other limitations of data quality described in the methodology section (*Appendix A*). The primary challenges that the report confirms includes: Identifying the needs of clients and securing appropriate resources to assist in preventing new arrests, employing rehabilitation strategies to

help reduce addiction and drug usage, and a disproportionate minority representation. However, Probation Services is committed to continuously identifying challenges, and progressively making improvements to better serve its clients and the larger community.

Though this report confirms some challenges and limitations, overall, this recidivism report provides evidence that New Jersey's Probation Division is providing a positive sentencing option that is effective at rehabilitating clients and an important factor in reducing recidivism.

Appendix A

METHODOLOGY

The data for this report includes persons sentenced to adult probation in the calendar year 2014 and 2015 and summarizes the characteristics of those persons who recidivated within three years from their sentence. The population was split into two different cohorts. The 2014 adult cohort includes clients who were sentence to adult probation in 2014, and the 2015 adult cohort includes clients who were sentence to adult probation in 2015. The cohorts only include persons sentenced to adult probation from municipal, superior, domestic violence and drug court, and excludes other cases supervised by Probation Services, such as persons sentenced to conditional discharge, community service, pretrial intervention or collections only.

The data was gathered from the Judiciary's legacy systems which includes the Probation Division's Comprehensive Automated Probation System (CAPS), the Automated Complaint System (ACS), PROMIS/Gavel System (P/G), and Family Automated Case Tracking System (FACTS). Historically, the legacy systems were not programmed or developed to communicate with one another, resulting in data inconsistencies and retrieval issues. For example, documentation of criminal offense degree entered by a police officer into ACS could be modified by the prosecutor, in P/G. ITO also had difficulties retrieving accurate arrest and sentencing data through the data warehouse and identifying clients for the cohort. Algorithms were created by ITO and probation services to identify clients based on date of birth, State Bureau Identification Number (SBI), and other specific individual identifiers. In addition, we utilized the MADE files that were developed for criminal justice reform to identify clients who had been arrested. Retrieval of the data revealed inconsistencies between the systems as to how the details of arrests are recorded. This made the comparison of offense data between the various systems less thorough than it could otherwise have been

The analysis was then narrowed to adult clients in both cohorts who incurred a new arrest(s) within three years following their probation sentence(2014/2015 arrest cohort). The first arrest during the three-year period determined whether or not a given person was said to have recidivated. The arrest/recidivism rate presented shows the percentage of clients from

each adult cohort who were arrested for a new offense within the recidivism period. However, many clients had more than one arrest. As a result, the report also captures the number of persons who were arrested once and those who were arrested two or more times (as shown in figure 9). In the analysis of arrest crime-types and severity, the report considers all arrests that occurred during the recidivism period and identifies and analyzes only the most serious/severe offense for each defendant. In other words, if an individual was arrested twice during the recidivism period, the most serious crime is used for crime-type and severity analysis (as shown in figures 10 to 12) and may not necessarily be the first arrest.

The conviction and sentencing outcomes were the results of those arrests that occurred during the recidivism period. In other words, if any arrest during the three-year recidivism period led to a conviction or sentence, the client was included in the conviction and sentencing data. However, because the amount of time taken from date of arrest to date of conviction and sentencing vary widely from case to case, these outcomes may have occurred outside of the three-year recidivism period. Arrest, conviction and sentencing data for both cohorts were harvested at the same time and includes information that was available in the database as of that date and time. ACS and FACTS data was collected in July 2019 and PG data was collected in September 2019.

The conviction data presented includes defendants from each cohort who were convicted of any arrest that occurred during the three-year recidivism period. Like the arrest data, the report considers all conviction charges but only analyzes the most serious/severe conviction charge of each person in the crime-type and severity analysis (as shown in figures 14 to 16). In other words, if an individual was convicted of multiple charges, the most serious charge was used for analysis.

The sentencing rates presented were separated into three categories describing the different outcomes for persons who were convicted of any arrest that occurred during the recidivism period. The incarceration rate presented is the percentage of convicted clients from each cohort who were sentenced to a custodial term for any arrest that occurred during the recidivism period. The probation sentencing rate is the percentage of convicted clients from each cohort who were sentenced to a probation term or a split term (custody and probation)

for any arrest that occurred during the recidivism period. The rate of neither probation nor incarceration was the percentage of convicted clients from each cohort who did not receive a sentence of probation or incarceration.

Data extraction methods used were not able to capture the specific reasons for non-convictions or neither probation nor incarceration sentence outcomes. Therefore, some defendants may still have cases pending a resolution at the time the conviction and sentencing data was harvested. In future reports we will attempt to distinguish persons who have resolved cases from those which are still undecided.

Appendix B
Sub-categories of Offenses—Most Severe to Least Severe

1. VIOLENT

Homicide

Assault

Disarming Officer

Terrorism

Sexual Offenses

2. PERSON

Child Labor

Children and Family

Kidnapping and Related

Prostitution

Reckless Endangering

Robbery

Threats

Stalking

Sex Offender Registration

3. PROPERTY

Burglary and Intrusion

Fraud

Fraud and Forgery

Property

Theft

Racketeering

Casino Related

Gambling Offense

4. WEAPONS

Firearm Related

Weapons

5. DRUGS

Drug Related

DWI

Sentence

State Park Code

6. CONTEMPT

Transportation

Contempt

Fishing

Perjury and Falsification

Alcohol Related

Nonsupport

Contract

Accomplice

7. OTHER

Inchoate

Agriculture

Fines and Restitution

Animal Related

Obstructing

Arts

Biased

8. Municipal

Code Related

Ordinances

Explosives

Hazardous Waste

Health Related

License Related

Maritime

Medical

Motor Vehicle

White Collar

Permit and Code

School

Appendix C

Recidivating Offenses for Violent, Property, and Person Crime Types

Crime Type

Cohort Year

2014

Crime Type	Number of Offenses (2014)
Property -Theft	3,316
Violent -Assault	2,551
Property -Burglary and Int..	1,710
Property -Property	1,083
Property -Fraud and Forge..	590
Person -Threats	585
Person -Robbery	541
Violent -Sexual Offenses	284
Person -Kidnapping and R..	125
Person -Prostitution	91
Person -Stalking	70
Violent -Homicide	64
Person -Children and Fami..	51
Person -Sex Offender Regi..	49
Person -Reckless Endange..	16
Property -Casino Related	14
Violent -Disarming Officer	6
Property -Racketeering	5
Property -Gambling Offen..	3
Violent -Terrorism	2
Person -Human Trafficking	2
Property	1

2015

Crime Type	Number of Offenses (2015)
Property -Theft	1,433
Violent -Assault	886
Property -Burglary and Int..	688
Property -Property	364
Property -Fraud and Forge..	264
Person -Threats	292
Person -Robbery	201
Violent -Sexual Offenses	129
Person -Kidnapping and R..	58
Person -Prostitution	25
Person -Stalking	19
Violent -Homicide	17
Person -Children and Fami..	19
Person -Sex Offender Regi..	31
Person -Reckless Endange..	4
Property -Casino Related	13
Violent -Disarming Officer	2
Property -Racketeering	4
Property -Gambling Offen..	3
Violent -Terrorism	3

Crime Type

- Person -Children and Family
- Person -Human Trafficking
- Person -Kidnapping and Related
- Person -Prostitution
- Person -Reckless Endangering
- Person -Robbery
- Person -Sex Offender Registration
- Person -Stalking
- Person -Threats
- Property
- Property -Burglary and Intrusion
- Property -Casino Related
- Property -Fraud and Forgery
- Property -Gambling Offense
- Property -Property
- Property -Racketeering
- Property -Theft
- Violent -Assault
- Violent -Disarming Officer
- Violent -Homicide
- Violent -Sexual Offenses
- Violent -Terrorism

Appendix D

Race/Ethnicity	Sex	2014 COHORT				2015 COHORT			
		Non-Recidivists	Recidivists	Cohort Total	Recidivism Rate	Non-Recidivists	Recidivists	Cohort Totals	Recidivism Rate
Caucasian	Female	1,247	1,034	2,281	45.3%	1,469	825	2,294	36.0%
	Male	4,170	3,518	7,688	45.8%	4,611	2,558	7,169	35.7%
	Unknown	1	0	1	0.0%	0	0	0	0.0%
	Total: Caucasian	5,418	4,552	9,970	45.7%	6,080	3,383	9,463	35.7%
African American	Female	734	499	1,233	40.5%	857	338	1,195	28.3%
	Male	2,932	3,512	6,444	54.5%	3,441	2,719	6,160	44.1%
	Unknown	1	1	2	50.0%	0	0	0	0.0%
	Total: African American	3,667	4,012	7,679	52.2%	4,298	3,057	7,355	41.6%
Hispanic	Female	181	77	258	29.8%	211	57	268	21.3%
	Male	945	864	1,809	47.8%	1,181	615	1,796	32.2%
	Unknown	0	0	0	0.0%	0	0	0	0.0%
	Total: Hispanic	1,126	941	2,067	45.5%	1,392	672	2,064	32.6%
Other	Female	99	35	134	26.1%	81	31	112	27.7%
	Male	421	213	634	33.6%	442	164	606	27.1%
	Unknown	1	0	1	0.0%	2	0	2	0.0%
	Total: Other	521	248	769	32.2%	525	195	720	27.1%
Sex	Total: Female	2,261	1,645	3,906	42.1%	2,618	1,251	3,869	32.3%
	Total: Male	8,468	8,107	16,575	48.9%	9,675	6,056	15,731	38.5%
	Total: Unknown	3	1	4	25.0%	2	0	2	0.0%
	TOTAL	10,732	9,753	20,485	47.6%	12,295	7,307	19,602	37.3%

Non-Recidivists and Recidivists Totals and Rates by Sex and Race/Ethnicity

Appendix E

First Rearrests/Recidivism Event Broken Down into Six Month Intervals by Sex and Race/Ethnicity

Race/Ethnicity	Sex	2014 COHORT					
		0-6 Months	6-12 Months	12-18 Months	18-24 Months	24-30 Months	30-36 Months
Caucasian	Female	462	222	138	74	74	64
	Male	1,464	743	495	334	285	197
	Unknown	0	0	0	0	0	0
	Total: Caucasian	1,926	965	633	408	359	261
African American	Female	193	89	84	65	27	41
	Male	1,488	782	495	315	218	214
	Unknown	1	0	0	0	0	0
	Total: African American	1,682	871	579	380	245	255
Hispanic	Female	32	19	6	5	10	5
	Male	352	175	126	100	61	50
	Unknown	0	0	0	0	0	0
	Total: Hispanic	384	194	132	105	71	55
Other	Female	8	6	6	8	3	4
	Male	69	65	35	18	16	10
	Unknown	0	0	0	0	0	0
	Total: Other	77	71	41	26	19	14
2014 COHORT TOTAL		**4,069**	**2,101**	**1,385**	**919**	**694**	**585**

Race/Ethnicity	Sex	2015 COHORT					
		0-6 Months	6-12 Months	12-18 Months	18-24 Months	24-30 Months	30-36 Months
Caucasian	Female	305	161	126	102	68	63
	Male	951	533	417	275	203	179
	Unknown	0	0	0	0	0	0
	Total: Caucasian	1,256	694	543	377	271	242
African American	Female	109	66	46	50	42	25
	Male	997	605	428	279	232	178
	Unknown	0	0	0	0	0	0
	Total: African American	1,106	671	474	329	274	203
Hispanic	Female	19	13	8	7	6	4
	Male	202	154	89	80	49	41
	Unknown	0	0	0	0	0	0
	Total: Hispanic	221	167	97	87	55	45
Other	Female	10	9	7	2	2	1
	Male	53	41	29	14	18	9
	Unknown	0	0	0	0	0	0
	Total: Other	63	50	36	16	20	10
2015 COHORT TOTAL		**2,646**	**1,582**	**1,150**	**809**	**620**	**500**

Appendix F

Race/Ethnicity	Sex	2014 Cohort			2015 Cohort		
		No Re-Arrest	1 Re-Arrest	2 or More	No Re-Arrest	1 Re-Arrest	2 or More
Caucasian	Female	1,247	419	615	1,469	416	409
	Male	4,170	1,406	2,112	4,611	1,216	1,342
	Unknown	1	0	0	0	0	0
	Total: Caucasian	5,418	1,825	2,727	6,080	1,632	1,751
African American	Female	734	218	281	857	207	131
	Male	2,932	1,287	2,225	3,441	1,239	1,480
	Unknown	1	1	0	0	0	0
	Total: African American	3,667	1,506	2,506	4,298	1,446	1,611
Hispanic	Female	181	37	40	211	36	21
	Male	945	379	485	1,181	318	297
	Unknown	0	0	0	0	0	0
	Total: Hispanic	1,126	416	525	1,392	354	318
Other	Female	99	20	15	81	16	15
	Male	421	94	119	442	87	77
	Unknown	1	0	0	2	0	0
	Total: Other	521	114	134	525	103	92
TOTAL		10,732	3,861	5,892	12,295	3,535	3,772
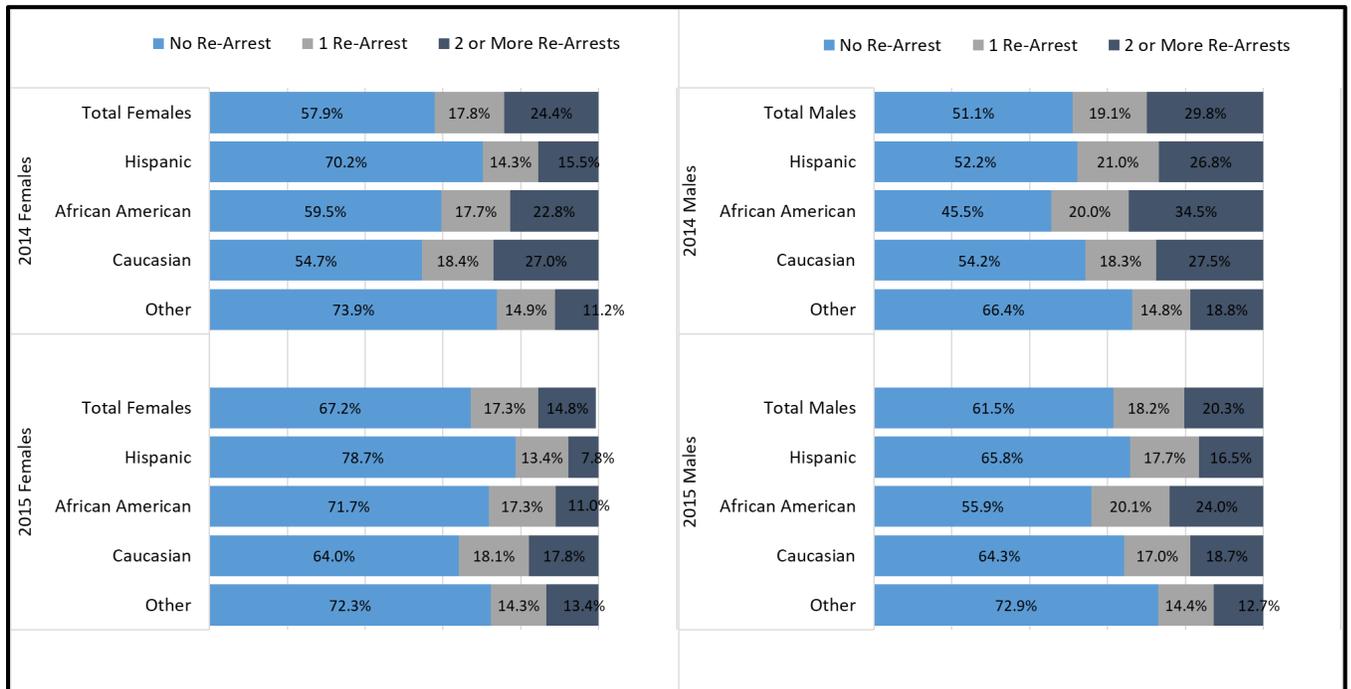
Appendix G
Breakdown of Most Serious Arrest Crime-Type by Sex and Race/Ethnicity

Appendix H

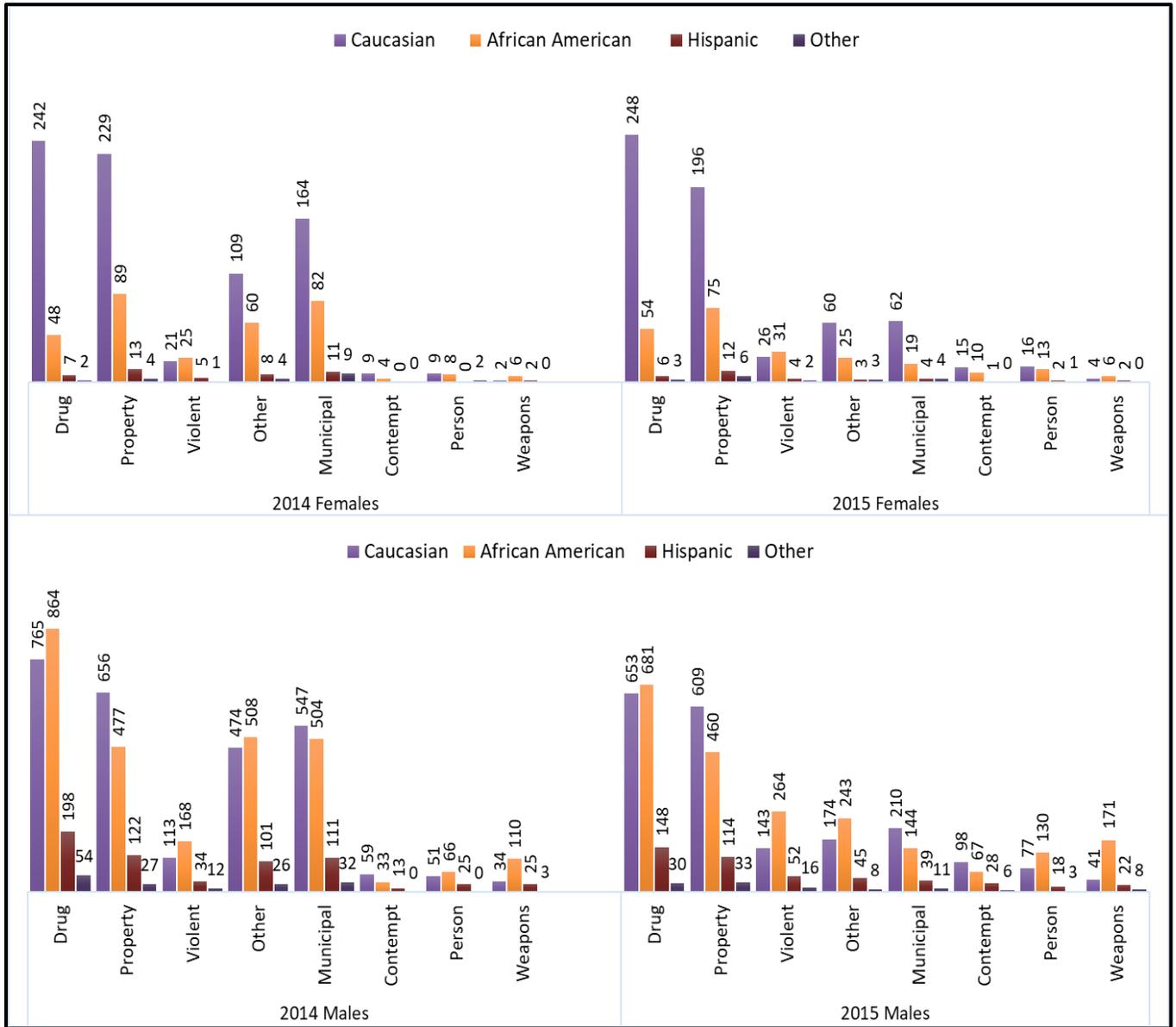| Race/Ethnicity	Sex	2014 COHORT				2015 COHORT			
		Not Rearrested	Less Severe	Same Severity	More Severe	Not Rearrested	Less Severe	Same Severity	More Severe
Caucasian	Female	1,247	317	407	310	1,469	182	343	300
	Male	4,170	1,169	1,290	1,059	4,611	536	986	1,036
	Unknown	1	0	0	0	0	0	0	0
	Total: Caucasian	5,418	1,486	1,697	1,369	6,080	718	1,329	1,336
African American	Female	734	156	163	180	857	68	125	145
	Male	2,932	1,079	1,216	1,217	3,441	493	937	1,289
	Unknown	1	1	0	0	0	0	0	0
	Total: African American	3,667	1,236	1,379	1,397	4,298	561	1,062	1,434
Hispanic	Female	181	26	24	27	211	9	24	24
	Male	945	309	272	283	1,181	124	227	264
	Unknown	0	0	0	0	0	0	0	0
	Total: Hispanic	1,126	335	296	310	1,392	133	251	288
Other	Female	99	8	16	11	81	7	12	12
	Male	421	72	80	61	442	29	51	84
	Unknown	1	0	0	0	2	0	0	0
	Total: Other	521	80	96	72	525	36	63	96
Sex	**Total: Female**	2,261	507	610	528	2,618	266	504	481
	Total: Male	8,468	2,629	2,858	2,620	9,675	1,182	2,201	2,673
	Total: Unknown	3	1	0	0	2	0	0	0
	TOTAL	10,732	3,137	3,468	3,148	12,295	1,448	2,705	3,154

Title: Severity of Most Serious Original Charge Compared to Most Serious Arrest Charge, by Sex and Race/Ethnicity

Race/Ethnicity	Sex	2014 COHORT				2015 COHORT			
		Not Convicted	Convicted	Cohort Total	Conviction Rate	Not Convicted	Convicted	Cohort Total	Conviction Rate
Caucasian	Female	1,496	785	2,281	45.3%	1,670	624	2,294	36.0%
	Male	4,989	2,699	7,688	45.8%	5,164	2,005	7,169	35.7%
	Unknown	1	0	1	0.0%	0	0	0	0.0%
	Total: Caucasian	6,486	3,484	9,970	34.9%	6,834	2,629	9,463	27.8%
African American	Female	911	322	1,233	40.5%	962	233	1,195	28.3%
	Male	3,714	2,730	6,444	54.5%	4,032	2,128	6,160	44.1%
	Unknown	2	0	2	50.0%	0	0	0	0.0%
	Total: African American	4,627	3,052	7,679	39.7%	4,994	2,361	7,355	32.1%
Hispanic	Female	212	46	258	29.8%	234	34	268	21.3%
	Male	1,180	629	1,809	47.8%	1,330	466	1,796	32.2%
	Unknown	0	0	0	0.0%	0	0	0	0.0%
	Total: Hispanic	1,392	675	2,067	32.7%	1,564	500	2,064	24.2%
Other	Female	112	22	134	26.1%	93	19	112	27.7%
	Male	480	154	634	33.6%	491	115	606	27.1%
	Unknown	1	0	1	0.0%	2	0	0	0.0%
	Total: Other	593	176	769	22.9%	586	134	718	18.7%
Sex	**Total: Female**	2,731	1,175	3,906	30.1%	2,618	1,251	3,869	32.3%
	Total: Male	10,363	6,212	16,575	37.5%	9,675	6,056	15,731	38.5%
	Total: Unknown	4	0	4	0.0%	2	0	2	0.0%
	TOTAL	13,098	7,387	20,485	36.1%	13,978	5,624	19,602	28.7%

Non-Conviction and Conviction Totals and Rates, by Sex and Race/Ethnicity

Appendix J
Breakdown of Most Serious Conviction Crime-Type by Sex and Race/Ethnicity

■ Caucasian ■ African American ■ Hispanic ■ Other

2014 Females

Crime	Caucasian	African American	Hispanic	Other
Drug	242	48	7	2
Property	229	89	13	4
Violent	21	25	5	1
Other	109	60	8	4
Municipal	164	82	11	9
Contempt	9	4	0	0
Person	9	8	0	2
Weapons	2	6	2	0

2015 Females

Crime	Caucasian	African American	Hispanic	Other
Drug	248	54	6	3
Property	196	75	12	6
Violent	26	31	4	2
Other	60	25	3	3
Municipal	62	19	4	4
Contempt	15	10	1	0
Person	16	13	2	1
Weapons	4	6	2	0

■ Caucasian ■ African American ■ Hispanic ■ Other

2014 Males

Crime	Caucasian	African American	Hispanic	Other
Drug	765	864	198	54
Property	656	477	122	27
Violent	113	168	34	12
Other	474	508	101	26
Municipal	547	504	111	32
Contempt	59	33	13	0
Person	51	66	25	0
Weapons	34	110	25	3

2015 Males

Crime	Caucasian	African American	Hispanic	Other
Drug	653	681	148	30
Property	609	460	114	33
Violent	143	264	52	16
Other	174	243	45	8
Municipal	210	144	39	11
Contempt	98	67	28	6
Person	77	130	18	3
Weapons	41	171	22	8

49

Severity of Most Serious Original Charge Compared to Most Serious Conviction Charge, by Sex and Race/Ethnicity								
		2014 COHORT				**2015 COHORT**			
Race/Ethnicity	**Sex**	Not Convicted	Less Severe	Same Severity	More Severe	Not Convicted	Less Severe	Same Severity	More Severe
Caucasian	Female	1,496	253	290	242	1,670	219	236	169
	Male	4,989	945	958	796	5,164	673	748	584
	Unknown	1	0	0	0	0	0	0	0
	Total: Caucasian	6,486	1,198	1,248	1,038	6,834	892	984	753
African American	Female	911	129	95	98	962	80	85	68
	Male	3,714	908	948	874	4,032	618	777	733
	Unknown	2	0	0	0	0	0	0	0
	Total: African American	4,627	1,037	1,043	972	4,994	698	862	801
Hispanic	Female	212	22	10	14	234	8	15	11
	Male	1,180	228	197	204	1,330	154	180	132
	Unknown	0	0	0	0	0	0	0	0
	Total: Hispanic	1,392	250	207	218	1,564	162	195	143
Other	Female	112	11	6	5	93	7	6	6
	Male	480	55	59	40	491	34	40	41
	Unknown	1	0	0	0	2	0	0	0
	Total: Other	593	66	65	45	586	41	46	47
Sex	**Total: Female**	2,731	415	401	359	2,959	314	342	254
	Total: Male	10,363	2,136	2,162	1,914	11,017	1,479	1,745	1,490
	Total: Unknown	4	0	0	0	2	0	0	0
	TOTAL	13,098	2,551	2,563	2,273	13,978	1,793	2,087	1,744

Appendix L

Race/Ethnicity	Sex	2014 Cohort					2015 Cohort				
		No Arrest	Arrest but No Conviction	No Custodial/ Probation Sentence	Probation Term	Custodial Sentence	No Arrest	Arrest but No Conviction	No Custodial/ Probation Sentence	Probation Term	Custodial Sentence
Caucasian	Female	1,247	249	235	417	133	1,469	201	122	384	118
	Male	4,170	819	714	1,311	674	4,611	553	362	1,154	489
	Unknown	1	0	0	0	0	0	0	0	0	0
	Total: Caucasian	5,418	1,068	949	1,728	807	6,080	754	484	1,538	607
African American	Female	734	177	103	135	84	857	105	50	127	56
	Male	2,932	782	533	1,053	1,144	3,441	591	283	999	846
	Unknown	1	1	0	0	0	0	0	0	0	0
	Total: African American	3,667	960	636	1,188	1,228	4,298	696	333	1,126	902
Hispanic	Female	181	31	21	21	4	211	23	5	23	6
	Male	945	235	138	285	206	1,181	149	76	214	176
	Unknown	0	0	0	0	0	0	0	0		0
	Total: Hispanic	1,126	266	159	306	210	1,392	172	81	237	182
Other	Female	99	13	7	10	5	81	12	5	9	5
	Male	421	59	46	62	46	442	49	20	61	34
	Unknown	1	0	0	0	0	2	0	0	0	0
	Total: Other	521	72	53	72	51	525	61	25	70	39
Sex	Total: Female	2,261	470	366	583	226	2,618	341	182	543	185
	Total: Male	8,468	1,895	1,431	2,711	2,070	9,675	1,342	741	2,428	1,545
	Total: Unknown	3	1	0	0	0	2	0	0	2	0
	TOTAL	10,732	2,366	1,797	3,294	2,296	12,295	1,683	923	2,971	1,730

51

ADMINISTRATIVE OFFICE OF THE COURTS

STUART RABNER
CHIEF JUSTICE

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

RASHAD SHABAKA-BURNS
DIRECTOR, OFFICE OF PROBATION SERVICES

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MAY 2020