

Recidivism for Individuals Sentenced to Probation

The Recidivism for Individuals Sentenced to Probation Report details arrest, conviction and incarceration data for individuals who were sentenced to probation.

Cohort

This report analyzes the recidivism of individuals sentenced to probation from 2012 through 2021 for criminal convictions or Youthful Offender (YO) adjudications stemming from arrests for misdemeanor or felony offenses that required fingerprints to be taken.

- An individual may be counted in multiple cohort years but within each year, an individual is only counted once for their first probation sentence.
- An individual sentenced to “jail and probation”, also known as a split sentence, is included in the cohort based on the start date of their probation sentence.

Note: State law details the types of crimes that require fingerprints to be taken upon arrest (see CPL Article 160). YO status is granted by the court and results in a conviction being sealed and only available under limited circumstances (see CPL Article 720). Individuals between 16 and 17 years old at time of crime are only included in the cohorts through the end of 2019, at which point the Raise the Age legislation had taken full effect and most of these cases were being processed in family court.

Outcome Measures

This report tracks arrests, convictions and incarceration that occurred after the probation start date. Follow-up periods range from one to five years, with earlier cohorts having longer follow-up windows.

Recidivism Types

- **Arrest:** Any arrest for felony or misdemeanor offense requiring fingerprints to be taken within the follow-up period. The arrest cannot be for a crime committed before the follow-up period.
- **Conviction:** Any arrest as defined above within the follow-up period that resulted in a conviction or YO adjudication. To allow for case processing time, conviction rates are not presented for the two most recent cohort years.
- **Incarceration:** Any criminal conviction or YO adjudication as defined above that resulted in a term of incarceration: prison, jail, jail + probation, or time served.

Individuals may have multiple recidivism events during the follow-up periods, but each person is only counted once for each recidivism type within each cohort.

Offense Types

Misdemeanor or Felony: Any misdemeanor or felony offense in state law that requires fingerprints to be taken upon arrest.

Felony offenses: Any felony level offense.

Violent Felony: Any felony offense included in state Penal Law Section 70.02, and Class A violent felonies.

Note: This report replaces the *Probationer Felony Re-Arrest Rates Following Sentence to Probation Report*. It uses updated data and methodology and as a result, comparisons should not be drawn between the data in each report.

**Recidivism for Individuals Sentenced to Probation
Erie County**

Arrest

Arrest for Felony or Misdemeanor Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	24.7%	37.0%	44.8%	50.1%	52.4%
2013	1,172	24.3%	33.8%	41.4%	46.4%	50.5%
2014	1,061	21.9%	31.8%	38.7%	44.7%	49.1%
2015	1,022	18.6%	29.8%	36.2%	40.9%	43.7%
2016	1,028	23.2%	34.6%	41.0%	45.3%	47.7%
2017	928	23.7%	33.8%	38.7%	43.5%	47.6%
2018	899	24.4%	32.3%	37.8%	43.0%	
2019	869	20.9%	30.0%	36.1%		
2020	424	17.9%	27.6%			
2021	556	19.1%				

Arrest for Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	11.6%	19.9%	24.7%	29.3%	31.5%
2013	1,172	12.0%	18.3%	23.4%	28.2%	31.6%
2014	1,061	10.6%	16.8%	21.2%	26.3%	30.9%
2015	1,022	9.3%	16.5%	22.3%	26.8%	29.6%
2016	1,028	11.6%	17.9%	23.6%	26.4%	29.1%
2017	928	11.7%	18.8%	23.0%	26.7%	30.6%
2018	899	13.6%	18.6%	24.0%	28.0%	
2019	869	12.9%	18.6%	24.2%		
2020	424	11.1%	18.4%			
2021	556	10.8%				

Arrest for Violent Felony Offenses (incl. VFO like Class A-1)

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	4.7%	7.7%	9.4%	11.4%	12.5%
2013	1,172	4.4%	6.7%	9.3%	10.9%	12.8%
2014	1,061	4.3%	6.4%	9.0%	10.9%	12.9%
2015	1,022	3.5%	5.7%	8.1%	9.9%	11.5%
2016	1,028	3.5%	6.4%	9.3%	10.7%	12.5%
2017	928	2.6%	6.3%	8.0%	10.0%	12.6%
2018	899	5.1%	7.7%	10.7%	13.2%	
2019	869	4.7%	7.2%	9.9%		
2020	424	3.1%	5.7%			
2021	556	3.2%				

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Conviction

Conviction for Felony or Misdemeanor Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	12.3%	20.1%	24.9%	28.5%	31.2%
2013	1,172	11.6%	17.7%	22.8%	27.9%	31.3%
2014	1,061	12.3%	18.9%	23.4%	27.0%	31.0%
2015	1,022	9.6%	16.4%	21.3%	25.1%	26.9%
2016	1,028	11.5%	17.1%	21.5%	23.7%	
2017	928	11.5%	17.8%	21.2%		
2018	899	12.3%	16.5%			
2019	869	7.6%				

Conviction for Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	3.3%	6.3%	8.5%	10.1%	11.5%
2013	1,172	3.2%	5.4%	7.5%	10.1%	12.8%
2014	1,061	3.8%	6.2%	8.4%	10.2%	12.3%
2015	1,022	2.2%	4.2%	7.6%	9.4%	10.8%
2016	1,028	4.2%	7.1%	9.1%	10.2%	
2017	928	3.6%	6.1%	7.4%		
2018	899	5.0%	6.3%			
2019	869	3.3%				

Conviction for Violent Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	1.6%	2.6%	3.0%	3.5%	3.9%
2013	1,172	1.2%	2.1%	3.0%	4.0%	4.9%
2014	1,061	1.3%	2.1%	3.0%	3.5%	4.2%
2015	1,022	0.9%	1.6%	2.6%	3.1%	4.1%
2016	1,028	1.6%	1.9%	2.6%	3.1%	
2017	928	1.0%	2.6%	3.1%		
2018	899	2.1%	2.9%			
2019	869	1.5%				

Conviction Resulting in Incarceration

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	1,289	8.8%	15.1%	18.6%	21.1%	22.5%
2013	1,172	9.1%	13.1%	17.3%	19.9%	21.6%
2014	1,061	10.1%	15.1%	17.8%	20.3%	21.8%
2015	1,022	7.1%	11.2%	14.6%	16.6%	17.6%
2016	1,028	7.8%	11.8%	14.9%	15.9%	
2017	928	8.5%	12.3%	14.1%		
2018	899	7.9%	10.1%			
2019	869	5.6%				