

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.

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Arrest

Arrest for Felony or Misdemeanor Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	40	17.5%	25.0%	32.5%	40.0%	45.0%
2013	45	13.3%	22.2%	31.1%	40.0%	44.4%
2014	51	23.5%	29.4%	31.4%	33.3%	37.3%
2015	27	14.8%	25.9%	29.6%	33.3%	40.7%
2016	32	18.8%	25.0%	37.5%	40.6%	40.6%
2017	42	11.9%	26.2%	26.2%	28.6%	31.0%
2018	45	8.9%	17.8%	22.2%	26.7%	
2019	32	15.6%	21.9%	31.3%		
2020	13	7.7%	7.7%			
2021	29	17.2%				

Arrest for Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	40	5.0%	12.5%	25.0%	27.5%	30.0%
2013	45	6.7%	15.6%	20.0%	24.4%	28.9%
2014	51	9.8%	19.6%	19.6%	23.5%	23.5%
2015	27	11.1%	14.8%	14.8%	18.5%	22.2%
2016	32	9.4%	9.4%	18.8%	28.1%	28.1%
2017	42	4.8%	9.5%	9.5%	9.5%	9.5%
2018	45	4.4%	8.9%	13.3%	15.6%	
2019	32	3.1%	9.4%	15.6%		
2020	13	0.0%	7.7%			
2021	29	10.3%				

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	40	2.5%	2.5%	2.5%	5.0%	5.0%
2013	45	0.0%	0.0%	2.2%	4.4%	4.4%
2014	51	2.0%	3.9%	3.9%	5.9%	7.8%
2015	27	0.0%	0.0%	0.0%	3.7%	3.7%
2016	32	0.0%	0.0%	0.0%	3.1%	3.1%
2017	42	0.0%	0.0%	0.0%	0.0%	0.0%
2018	45	0.0%	0.0%	0.0%	0.0%	
2019	32	0.0%	0.0%	6.3%		
2020	13	0.0%	0.0%			
2021	29	3.4%				

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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	40	15.0%	25.0%	32.5%	37.5%	40.0%
2013	45	6.7%	13.3%	20.0%	31.1%	35.6%
2014	51	15.7%	25.5%	25.5%	25.5%	25.5%
2015	27	11.1%	22.2%	25.9%	25.9%	25.9%
2016	32	18.8%	25.0%	34.4%	40.6%	
2017	42	9.5%	14.3%	14.3%		
2018	45	6.7%	15.6%			
2019	32	9.4%				

Conviction for Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	40	5.0%	7.5%	12.5%	15.0%	17.5%
2013	45	4.4%	8.9%	13.3%	20.0%	24.4%
2014	51	5.9%	11.8%	13.7%	15.7%	17.6%
2015	27	3.7%	7.4%	7.4%	7.4%	7.4%
2016	32	9.4%	9.4%	15.6%	28.1%	
2017	42	2.4%	4.8%	4.8%		
2018	45	0.0%	6.7%			
2019	32	0.0%				

Conviction for Violent Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	40	0.0%	0.0%	2.5%	2.5%	2.5%
2013	45	0.0%	0.0%	2.2%	2.2%	2.2%
2014	51	2.0%	3.9%	3.9%	5.9%	5.9%
2015	27	0.0%	0.0%	0.0%	0.0%	0.0%
2016	32	0.0%	0.0%	0.0%	3.1%	
2017	42	0.0%	0.0%	0.0%		
2018	45	0.0%	0.0%			
2019	32	0.0%				

Conviction Resulting in Incarceration

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2012	40	10.0%	17.5%	20.0%	22.5%	22.5%
2013	45	4.4%	11.1%	17.8%	24.4%	31.1%
2014	51	11.8%	15.7%	15.7%	17.6%	19.6%
2015	27	7.4%	11.1%	11.1%	11.1%	11.1%
2016	32	9.4%	15.6%	21.9%	25.0%	
2017	42	7.1%	11.9%	11.9%		
2018	45	4.4%	11.1%			
2019	32	3.1%				