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NEW JERSEY JUDICIARY

2017 ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE ON PROBATION RECIDIVISM

Submitted by:

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ANNUAL PROBATION RECIDIVISM REPORT (2017)

Executive Summary

On November 9, 2015, N.J.S.A. 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 rearrests, convictions resulting from the rearrest, participation in treatment and other factors such as race, gender, ethnicity, and age. The following report was prepared pursuant to the statute and provides details and characteristics of recidivism rates for adults sentenced to probation during the 2013 calendar year.

Highlights from this report include:

- Approximately 13,591 people were sentenced to adult probation in 2013—which constituted 2 in every 1,000 New Jersey adults.
- 6 in 10 adult probationers in the entire remained arrest-free within the Recidivism Period (44.13% rearrest rate).
- Probationers are far less likely to be rearrested after completion of their probationary term—in fact, those probationers are 94% less likely to recidivate.
- The longer an adult probationer successfully navigates through supervision, the more likely he/she is to succeed and not be rearrested.
- 8 in 10 adult probationers in the entire cohort remained conviction free (23% conviction rate).
- Approximately one-half of probationer rearrests do not result in convictions.
- The conviction data suggests the Probation Division has a 77% success rate of adult probationer rehabilitation.
- Male probationers were overrepresented in the adult probation cohort.
- African Americans of both genders were overrepresented in the adult probation cohort.
- Males were rearrested more frequently than females.
- African Americans are rearrested at a higher rate than other race/ethnicities.
- Adult probationers are equally likely to have one arrest, as they are to have multiple arrests.
- Hispanics are less likely to be rearrested multiple times.
- The largest category of rearrests involved drug related offenses, including driving under the influence.
- Adult probationers were more likely to be rearrested on charges equal to or less than the original charge that placed them on probation.
- The majority of successful completions of treatment were for both inpatient and outpatient drug/alcohol treatment.

Some challenges that the report confirms include:

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

The Judiciary, Probation Division, is moving toward the use of evidence-based supervision strategies. It is the expectation of Probation Services, that by equipping probation officers with these tools, they will be better able to address some of these challenges and further reduce recidivism. Through its implementation of a result-driven outcome-based supervision model, the Probation Division will further promote and secure the welfare and safety of children, families, and New Jersey communities. Overall, this Recidivism Report provides evidence that New Jersey's Probation Division is providing a positive sentencing option that is effective at reducing recidivism.

PROBATION RECIDIVISM REPORT

The role of the Probation Division is to promote the welfare and safety of children, families, and communities in New Jersey. Probation is a sentencing alternative to incarceration that allows selected offenders the opportunity of serving a criminal sentence in the community, under the supervision of a probation officer. The primary hope is that, during the period of probation, probationers will establish themselves as law-abiding and useful members of the public, thus avoiding the need for confinement and its adverse consequences.[1]

Probation supervision allows offenders the opportunity of remaining in the community, maintaining gainful employment, and being a positive asset to their families. Probation officers accomplish this by supervising offenders, monitoring behaviors, and intervening to produce positive outcomes. Probation officers, additionally, enforce court orders by requiring that probationers submit to drug screening, drug/alcohol treatment, mental health counseling, perform community service, obtain employment, attend school or training, and pay court ordered fines and penalties.

On November 9, 2015, legislation was enacted requesting the Administrative Director of the Courts establish a program to record and analyze the recidivism of adult probationers.[2] (See Attachment A). Recidivism is the tendency of a probationer to relapse into a previous pattern of criminal conduct. As explained by the National Institute of Justice:

> Recidivism is one of the most fundamental concepts in criminal justice. It refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime. Recidivism is measured by criminal acts that resulted in rearrests, reconviction or return to prison with or without a new sentence during a three-year period following the [probationer's sentence date].[3]

Probation Services prepared this report pursuant to the above-mentioned legislation, entitled, "Program to Record, Analyze Recidivism of Persons Sentenced to Probation."[4] The legislation requires that such recidivism report—summarizing rates, trends, and patterns—be prepared annually for distribution to the Legislature, Governor, and general public.[5] The purpose of this report is to assist with measuring the effectiveness of New Jersey's rehabilitation initiatives and programs of adult probationers.[6]

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[1] Adamo v. McCorkle, 13 N.J. 561, 563 (1953), certif. den., 347 U.S. 928 (1954).
[2] N.J.S.A. 2C:45-6, subsection a.
[3] National Institute of Justice, *Recidivism*, www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx (last visited Oct. 23, 2017); and, N.J.S.A. 2C:45-6b (setting forth the data points relevant to recidivism).
[4] Enacted on Nov. 9, 2015, by P.L. 2015, c. 144, and made effective on Nov. 8, 2016; see also Attachment A.
[5] N.J.S.A. 2C:45-6, subsections c and d.
[6] N.J.S.A. 2C:45-6, subsection a.

METHODOLOGY

This report summarizes adult probationer characteristics as relating to new arrests, from within the three-year period after being sentenced to probation, and any subsequent convictions[7] resulting from those new arrests. The U.S. Department of Justice and N.J.S.A. 2C:45-6b clarify that the period of analysis begins on the date the person was sentenced to adult probation, and ends three years afterward.[8] For the purposes of this report, this three-year period will be referred to as the 'Recidivism Period.'

As set forth in the recidivism legislation, the following are the points of data analysis:

> 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 probationers 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 probationers concurrently serving a parole sentence.[[9]] These data shall be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of probationers, 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, gender, ethnicity, and age.[10]

The cohort for this report includes adult probationers who were sentenced to a period of probation, in calendar year 2013 ("adult probation cohort"). The inquiry was then narrowed to adult probationers in the cohort who incurred a new arrest(s), including any convictions resulting from those arrests, within the Recidivism Period ("rearrest cohort" and "conviction cohort," respectively). As such, the data for this report was collected from persons sentenced to adult probation in calendar year 2013, including those persons who then recidivated within three years from their sentence date.

In February 2017, Probation Services began collaborating with the Judiciary's Information Technology Office ("ITO") for extraction of data from the legacy systems. These legacy systems include the Probation Division's system, Comprehensive Automated Probation System (CAPS), in addition to 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 degree by a police officer, into ACS, could be modified by the prosecutor, in P/G. ITO also had difficulties retrieving accurate sentencing data through the data warehouse. As such, retrieval of the data revealed inconsistencies between the systems—and, at times, no data was even available. In order to accumulate the data for Attachment C, of the number of offenses per violent and property subcategories, a manual review of the systems was conducted.

In light of Criminal Justice Reform,[11] the Judiciary made significant technological enhancements that included upgrades to the Judiciary's legacy systems. This, in turn, led to advances in the CAPS legacy

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[7] For the purposes of this report, 'conviction' is defined by N.J.S.A. 2C:44-4a, which reads: "Prior Conviction of an offense. An adjudication by a court of competent jurisdiction that the defendant committed an offense constitutes a prior conviction." By way of further explanation, 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.

[8] William Rhodes, Ph.D., et al., *Recidivism of Offenders on Federal Community Supervision*, pages 26-27 (Jan. 2013).

[9] Due to access restrictions, Probation Services is unable to identify recidivism data on probationers who are concurrently serving a parole sentence.

[10] N.J.S.A. 2C:45-6, subsection b.

[11] P.L. 2014, c. 031.

system. As such, in April 2017, the CAPS legacy system was moved into a newly created data warehouse, along with ACS, P/G, and FACTS. These enhancements allowed Probation Services to compile the data necessary for this report. Probation Services and ITO then located and identified the necessary data, and extracted it using WebFocus. The identified data parameters are:

- Adult probationers with a State Bureau of Investigation (SBI) number sentenced to probation (both in and out-of-state), regardless of committing a new offense(s);
- CAPS case disposition types include: Superior Court (SP), Municipal Court (MP), Domestic Violence (DV), and Drug Court (DC);
- Original offense(s) at time of arrest and sentencing;
- Adult probationers with one new arrest during the Recidivism Period;
- Adult probationers with more than one new arrest during the Recidivism Period;
- New offenses that occurred both on active adult probation and after termination, within the Recidivism Period;
- Adult probationers who—during the Recidivism Period—successfully completed treatment, were unsuccessfully terminated, and whose treatment was withdrawn; but,
- Adult probationers discharged due to death were excluded.

Regarding categorization of the rearrest cohort by crime-type, Probation Services reviewed and classified each offense listed in New Jersey's Unified Statute Table. These offenses, in turn, were used by ITO to create the data tables in this document. These offenses were then categorized and ranked in the following order: Violent, Person, Property, Weapons, Drugs, White Collar, Contempt, Other, and Municipal. (For offense subcategories, see Attachment B.) In cases where offenders were charged with multiple offenses, only one charge was identified and used in the tables.[12] The charge used in the tables was the highest ranked charge. This was determined through first ranking the charges by order of criminal degree, then category hierarchy. On charges where a degree was not available, only category hierarchy was used in determining the highest ranked charge.

Recidivism data on arrest, conviction, and sentencing was then retrieved from ACS, P/G, FACTS, and CAPS. The data in the following tables were collected from the identified charges within the Recidivism Period, and show the demographics and recidivism characteristics of the adult probation cohort.

[12] In the entire data warehouse, a total of 34,591 individual charges were identified for 5,998 adult probationers who were rearrested, from 2013 to 2016.

DEMOGRAPHICS OF ADULT PROBATIONERS SENTENCED IN 2013

The statute asks the Judiciary to measure and analyze demographics of adult probationers, along with recidivism rates and characteristics of the offenses for those probationers who were rearrested during the recidivism period. The first section of this report compares the demographics of the overall New Jersey adult population (extracted from the 2013 Census data) with adults who were sentenced to probation in 2013.

TABLE 1 -2013 Cohort Characteristics as Compared to Estimated Census Data

	Adult Probationer Cohort				NJ Adult Census Data Estimate for July 2013		
Race/Ethnicity	**Gender**	**Total**	**Percentage**	**Mean Age**	**Total**	**Percentage**	**Percentage Difference**
African American	Female	713	29.14%	34	470,846	13.19%	**15.95%**
	Male	4,085	36.66%	33	397,279	12.01%	**24.65%**
	Other	0	0.00%	0	0	0.00%	0.00%
	Total: African American	**4798**	35.30%	**33**	868,125	12.62%	**22.68%**
Asian	Female	27	1.10%	40	320,888	8.99%	-7.89%
	Male	118	1.06%	35	297,580	8.99%	-7.93%
	Other	0	0.00%	0	0	0.00%	0.00%
	Total: Asian	**145**	1.07%	**36**	618,468	8.99%	-7.93%
Caucasian	Female	1,499	61.26%	34	2,140,330	59.97%	1.29%
	Male	5,325	47.79%	33	1,981,978	59.90%	-12.11%
	Other	1	100.00%	20	0	0.00%	100.00%
	Total: Caucasian	**6825**	50.22%	**33**	4,122,308	59.93%	-9.72%
Hispanic	Female	153	1.37%	33	596,056	16.70%	-15.33%
	Male	1,304	9.59%	32	595,487	18.00%	-8.40%
	Other	0	0.00%	0	0	0.00%	0.00%
	Total: Hispanic	**1457**	10.72%	**32**	1,191,543	17.32%	-6.60%
Native American	Female	0	0.00%	0	4,968	0.14%	-0.14%
	Male	6	0.05%	34	4,606	0.14%	-0.09%
	Other	0	0.00%	0	0	0.00%	0.00%
	Total: Native American	**6**	0.04%	**34**	9,574	0.14%	**-0.10%**
Other Race/Ethnicity	Female	28	1.14%	31	0	0.00%	
	Male	222	1.99%	32	0	0.00%	
	Other	0	0.00%	0	0	0.00%	
	Total: Other Race/Ethnity	**250**	1.84%	**32**	0	0.00%	
Unknown Race/Ethinicty	Female	27	1.10%	38	0	0.00%	
	Male	83	0.74%	36	0	0.00%	
	Other	0	0.00%	0	0	0.00%	
	Total: Unknown Race/Ethnicity	**110**	0.81%	**36**	**0**	0.00%	
Native Hawiian & Pacific Islander	Female	0	0.00%	0	1,105	0.03%	
	Male	0	0.00%	0	1,021	0.03%	
	Other	0	0.00%	0	0	0.00%	
	Total Hawaiian & Pacific Islander	**0**	0.00%	**0**	2,126	0.03%	
Non-Hispanic Two or More Races	Female	0	0.00%	0	34,916	0.98%	
	Male	0	0.00%	0	30,989	0.94%	
	Other	0	0.00%	0	0	0.00%	
	Total:Non-Hispanic Two or More Races	**0**	0.00%	**0**	65,905	0.96%	
	TOTAL	**13,591**	100.00%	**33**	**6,878,049**	100.00%	
Gender	Total Female	2,447	18.03%	34	3,569,109	51.89%	-33.86%
	Total Male	11,143	81.96%	33	3,308,940	48.11%	33.85%
	Other	1	0.01%	20	0	0.00%	0.01%
	Total by Gender	**13,591**	**100.00%**	**33**	6,878,049	100.00%	

During calendar year 2013, a total of 13,591 adults were sentenced to probation supervision in New Jersey ("adult probation cohort"). Table 1 categorizes the adult probation cohort by gender,

race/ethnicity, and age. This Table further compares the number of individuals in the adult probation cohort (with respective percentages attributed to gender and for each race/ethnicity category) to the 2013 New Jersey Census estimate. [13] This Table also identifies the percentage difference between the adult probation cohort and the New Jersey Census estimate. The 2013 New Jersey Census estimate is 6,878,049 adults in the total population. In 2013, 13,591 adults were sentenced to probation. Overall, this data shows that in calendar year 2013, 2 in every 1,000 New Jersey adults, were sentenced to a term of adult probation supervision.[14] The average age of an adult probationer was 33 years old.

Male Probationers Overrepresented in Adult Probation Cohort

The gender data reflected in the table highlights several notable points. In particular, females represent a little over half of the New Jersey adult population (51.89%); however, they represent 18.03% of the adult probation cohort (-33.86%). This represents a mere 4 adult females in every 10,000 New Jersey adults of both genders—or, 7 in every 10,000 females. Males, on the other hand, represent a little less than half the New Jersey population (48.11%), and yet comprised a majority of the adult probation cohort (81.96%). This equates to 16 adult males in 10,000 New Jersey adults of both genders—or, 34 in every 10,000 males. As such, males were overrepresented in the adult probation cohort by 33.85%.

African Americans of Both Genders Overrepresented in Adult Probation Cohort

The Race/Ethnicity data underscores some trends that are seen in Probation. Consistent with the New Jersey Census data, the majority of adult probationers fell into the Caucasian, Hispanic, and African American race/ethnicity categories. African Americans, of both genders (4,798 adult probationers), represent 35.30% of the adult probation cohort, while representing 12.62% (868,125 adults) of the New Jersey Population. They were the only Race/Ethnicity that is overrepresented in the probation population, by +22.68%. Conversely, while Caucasians have the greatest number of adult probationers in the cohort 50.22% (6,825 adult probationers), they make up 59.93% (4.1 million adults) of the New Jersey population. This shows that Caucasians were underrepresented by 9.72% in the probation cohort, when compared to the Census data (4.1 million). Notably, however, Caucasian females (1,499 adult probationers) were overrepresented in the probation population, by +1.29%. Hispanics (1,457 adult probationers), similar to Caucasians, were underrepresented in the probation population (1.2 million), by a rate of -6.60%. All other Race/Ethnicities were underrepresented, by -8% or less.[15]

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[13] Department of Labor and Workforce Development, *Population & Household Estimates*, http://lwd.dol.state.nj.us/labor/lpa/census/2010/2010census_index.htm (last visited October 10, 2017).

[14] This ratio was obtained by dividing the adult probation cohort (13,591) by the 2013 Census estimate (6,878,049).

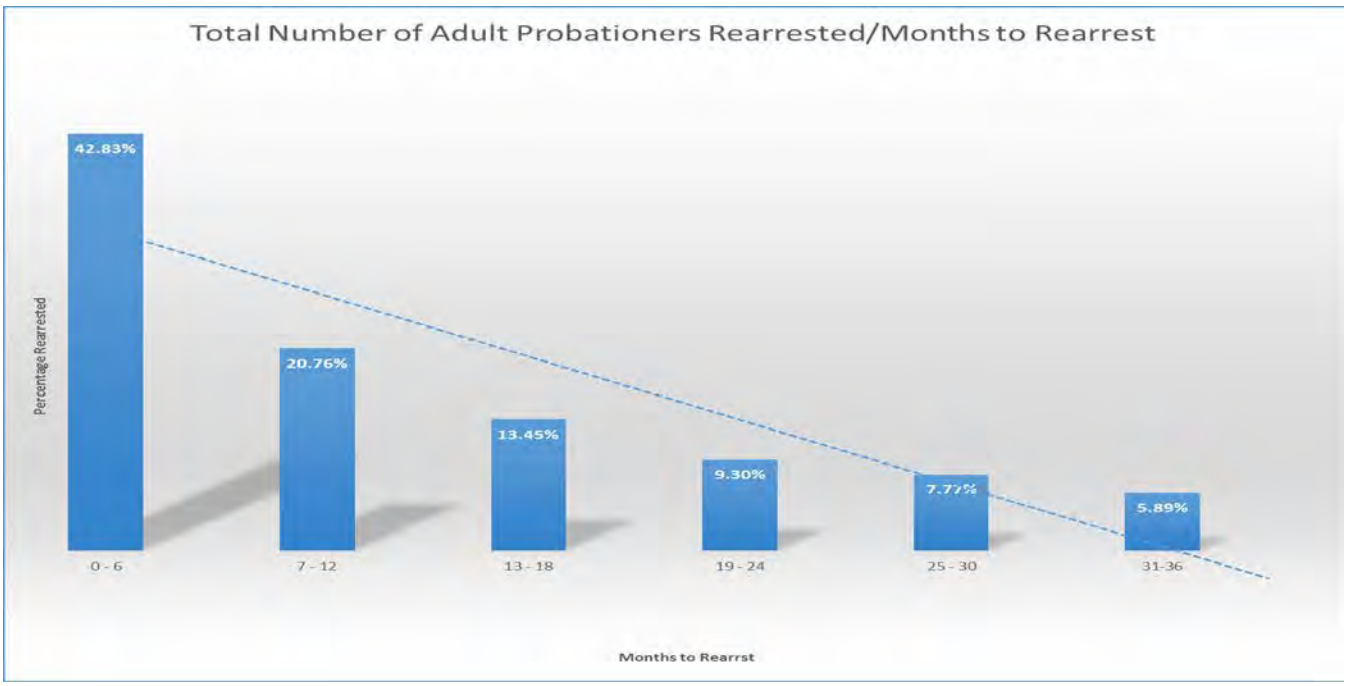
[15] It should be noted that CAPS does not provide for the entry of "Native Hawaiian & Pacific Islander" or "Non-Hispanic Two or More Races," as is represented in the Census data—so people from these categories, if they had been sentenced to probation, would have been added to one of the other categories. These categories, therefore, represent zero in the columns for the adult probationer cohort.

REARREST

Pursuant to the statute, the characteristics of rearrests for adult probationers will be discussed in this section. For this report, the recidivism period is measured from the date that the person was sentenced to adult probation and it ends three years afterward. The rearrest data is comprised of adult probationers who, after their initial probationary sentence, were rearrested within the three-year Recidivism Period. The next four tables in this report highlight the characteristics of adult probationers rearrested at least once within the Recidivism Period (5,998), as compared to the adult probation cohort (13,591). To determine the recidivism rate, by rearrest, the total number of probationers rearrested at least once, during the Recidivism Period, was divided by the adult probation cohort. This resulted in a showing of 6 in 10 adult probationers who were not rearrested within the Recidivism Period—or, a rearrest rate of 44.13%.

Rearrest Most Likely Within First 6 Months of Probation Supervision

The time frame of when a rearrest occurs is important to help Probation Officers determine when interventions are required. This data shows the longer an adult probationer successfully navigates through supervision, the more likely he or she will succeed. The chart below shows the likelihood of probationer rearrest is greatest within the first six months of the Recidivism Period, which is the 6 month period after a defendant is sentenced to probation. A total of 2,569 or 42.83% of arrests occurred within this 6 month period. After that 6 month time period, the rate for the first rearrest steadily decreases over the remaining period of thirty months.[16]



Males Rearrested More Frequently Than Females

Males were more likely to be rearrested during the recidivism period than females: 45 males in 100 adult male probationers (or 45.37%) were rearrested, as compared to 39 females in 100 adult female probationers (38.50%). Table 2 shows the timeframes for rearrests by gender. During the first 6 months following a probation sentence, 398 or 16.26% of females were rearrested, while 2,171 or 19.48% of

[16] The recidivism rate first dips from 18.90% to 9.16%, then to 5.94%, down to 4.11%, then to 3.43%, and finally to 2.60%.

males were rearrested. Similarly, between the 7 to 18 month timeframe, men were rearrested at a much higher rate than females. Once both males and females reach 19-36 months of the recidivism period, the rearrest rates tend to even out with only slight differences.

TABLE 2 - Total Adult Probationers by Gender and Months to Rearrest															
	0 - 6		7 - 12		13 - 18		19 - 24		25 - 30		31-36		Rearrest Cohort	Cohort	Rearrest Percentage
Gender															
Female	398	16.26%	183	7.48%	121	4.94%	98	4.00%	81	3.31%	61	2.49%	942	2,447	38.50%
Male	2,171	19.48%	1,062	9.53%	686	6.16%	460	4.13%	385	3.46%	292	2.62%	5,056	11,143	45.37%
Other	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	1	0.00%
Rearrest Total & Percentage	**2,569**	**18.90%**	**1,245**	**9.16%**	**807**	**5.94%**	**558**	**4.11%**	**466**	**3.43%**	**353**	**2.60%**	**5,998**	**13,591**	**44.13%**
Category Percentage of Rearrests	**42.83%**		**20.76%**		**13.45%**		**9.30%**		**7.77%**		**5.89%**				

Rearrests By Race/Ethnicity

The Race/Ethnicity groups of Caucasian (2,819), African American (2,467), and Hispanic (577) made up the majority of the rearrest cohort. When compared to the adult probation cohort, these groups had a rearrest rate of 40% or more (Table 3).

From the entire adult probation cohort (13,591), Caucasians represent 50.22% (6,825) and African Americans represent 35.30% (4,798). As seen in Table 3, however, despite the lower number of African Americans in the entire adult probation cohort, they nevertheless comprised a rearrest rate of 51.42%, as contrasted against the rearrest rate of 41.30% for Caucasian adult probationers. Although half of Native Americans were rearrested, they only represented .04% of the adult probation cohort. All other Race/Ethnicity groups were rearrested at a rate less than 40%.

TABLE 3 - Total Number of Adult Probationers Rearrested, Catagorized by Race/Ethnicity and Months to Rearrest															
	0 - 6		7 - 12		13 - 18		19 - 24		25 - 30		31-36		Rearrest Cohort	Cohort	Rearrest Percentage
Race / Ethnicity															
African American	1,082	22.55%	540	11.25%	308	6.42%	205	4.27%	190	3.96%	142	2.96%	2,467	4,798	51.42%
Asian	17	11.72%	8	5.52%	4	2.76%	3	2.07%	4	2.76%	1	0.69%	37	145	25.52%
Caucasian	1,208	17.70%	561	8.22%	403	5.90%	275	4.03%	208	3.05%	164	2.40%	2,819	6,825	41.30%
Hispanic	219	15.03%	122	8.37%	79	5.42%	63	4.32%	55	3.77%	39	2.68%	577	1457	39.60%
Native American	1	16.67%	1	16.67%	0	0.00%	0	0.00%	0	0.00%	1	16.67%	3	6	50.00%
Other	40	16.00%	12	4.80%	12	4.80%	12	4.80%	7	2.80%	5	2.00%	88	250	35.20%
Unknown	2	1.82%	1	0.91%	1	0.91%	0	0.00%	2	1.82%	1	0.91%	7	110	6.36%
Total	**2,569**	**18.90%**	**1,245**	**9.16%**	**807**	**5.94%**	**558**	**4.11%**	**466**	**3.43%**	**353**	**2.60%**	**5,998**	**13,591**	**44.13%**
Category Percentage by Rearrest	**42.83%**		**20.76%**		**13.45%**		**9.30%**		**7.77%**		**5.89%**				

Recidivism Rates for One Rearrest or Multiple Rearrests

The statute also required identification of multiple rearrests. The data below shows adult probationers were equally likely to have one arrest as multiple arrests. Tables 4 and 5 provide data on the 5,998 adult probationers rearrested only once during the Recidivism Period, and those arrested multiple times. ('Multiple times' means the probationer was arrested more than once on different occasions.) Overall, probationers tend to be rearrested once or multiple times at the same rate. As shown in Table 4, of the 5,998 individuals rearrested within the three-year Recidivism Period, a total of 2988 probationers or 49.82% were rearrested once, while 3,010 probationers or 50.18% were rearrested multiple times during that same time period (Table 5).

Hispanics Less Likely to be Rearrested Multiple Times

When examining this same data by race and ethnicity, African Americans serving a probation sentence were rearrested multiple times, at a greater rate of 27.14%, as opposed to being rearrested only once, at 24.28%. Conversely, Hispanics were rearrested multiple times at a lower rate of 17.84%, as opposed to being rearrested only once, at 21.76%. Caucasians were rearrested once and multiple times at about the same rate, 20.94% and 20.37%, respectively.

TABLE 4 - Total Adult Probationers Rearrested One Time, Catagorized by Race / Ethnicity

	Rearrest Cohort	Cohort Totals	Rearrest Percentage
Race / Ethnicity			
African American	1,165	4,798	24.28%
Asian	23	145	15.86%
Caucasian	1,429	6,825	20.94%
Hispanic	317	1457	21.76%
Native American	2	6	33.33%
Other	48	250	19.20%
Unknown	4	110	3.64%
Total	**2,988**	**13,591**	21.99%

TABLE 5 - Total Adult Probationers with Multiple Rearrests, Catagorized by Race / Ethnicity

	Rearrest Cohort	Cohort	Rearrest Percentage
Race / Ethnicity			
African American	1,302	4,798	27.14%
Asian	14	145	9.66%
Caucasian	1,390	6,825	20.37%
Hispanic	260	1457	17.84%
Native American	1	6	16.67%
Other	40	250	16.00%
Unknown	3	110	2.73%
Total	**3,010**	**13,591**	22.15%

Rearrest Offenses/Crime-Type

Identification of the different types of offenses was also required by the statute. This section summarizes the offense crime-types for which probationers were rearrested. The crime-type subcategories are listed in Attachment B. The table shows these crime-types by race/ethnicity and by gender. 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 Attachment B. With system wide technology enhancements implemented in calendar year 2016, the degrees of rearrest offenses will be more clearly reflected in future annual reports. As the violent and property-related subcategories have the greatest number of rearrests and range of offenses, the number of offenses for both of these subcategories are provided in Attachment C. Table 6 summarizes the rate that the 5,998 adult probationers were rearrested during the Recidivism Period by crime-type.

TABLE 6 - Total Number of Adult Probationers Rearrested Catagorized by Race/Ethnicity and Crime Type																		
	Violent		Person		Property		Weapons		Drug		Contempt		Other		Municipal		Rearrest Cohort	Rearrest Percentage
Race / Ethnicity																		
African American	714	28.94%	173	7.01%	637	25.82%	107	4.34%	704	28.54%	27	1.09%	67	2.72%	38	1.54%	2,467	41.13%
Asian	8	21.62%	2	5.41%	10	27.03%	2	5.41%	15	40.54%	0	0.00%	0	0.00%	0	0.00%	37	0.62%
Caucasian	543	19.26%	145	5.14%	976	34.62%	30	1.06%	910	32.28%	66	2.34%	90	3.19%	59	2.09%	2,819	47.00%
Hispanic	174	30.16%	33	5.72%	144	24.96%	19	3.29%	164	28.42%	14	2.43%	21	3.64%	8	1.39%	577	9.62%
Native American	1	33.33%	0	0.00%	1	33.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	33.33%	3	0.05%
Other	22	25.00%	6	6.82%	25	28.41%	0	0.00%	31	35.23%	0	0.00%	4	4.55%	0	0.00%	88	1.47%
Unknown	1	14.29%	0	0.00%	2	28.57%	0	0.00%	1	14.29%	0	0.00%	2	28.57%	1	14.29%	7	0.12%
Total/Category Percentage	**1,463**	**24.39%**	**359**	**5.99%**	**1,795**	**29.93%**	**158**	**2.63%**	**1,825**	**30.43%**	**107**	**1.78%**	**184**	**3.07%**	**107**	**1.78%**	**5,998**	**100.00%**
Female	194	20.59%	59	6.26%	364	38.64%	4	0.42%	262	27.81%	14	1.49%	25	2.65%	20	2.12%	942	15.71%
Male	1,269	25.10%	300	5.93%	1,431	28.30%	154	3.05%	1,563	30.91%	93	1.84%	159	3.14%	87	1.72%	5,056	84.29%
Total/Category Percentage	**1,463**	**24.39%**	**359**	**5.99%**	**1,795**	**29.93%**	**158**	**2.63%**	**1,825**	**30.43%**	**107**	**1.78%**	**184**	**3.07%**	**107**	**1.78%**	**5,998**	**100.00%**

Drug Related Offenses Make Up the Majority of Rearrests

Most adult probationers completed the three-year Recidivism Period without rearrest. When they were rearrested, however, the majority of offenses involved drug-related (30.43%)—including Driving While Intoxicated—followed by property-related offenses (29.93%) and violent offenses (24.39%). As shown in Attachment C, the majority of property-related offenses involved disorderly persons/petty disorderly persons (DP/PDP) shoplifting offenses. Moreover, the data also shows 54.96% of violent offenses were DP/PDP or domestic violence related simple assaults. Notably, weapons, contempt, and person related offenses occurred at a rearrest rate that was below 6%—or, 6 out of 100 adult probationers.

Caucasians and Asians had the highest rates of rearrest involving drug-related offenses at 32.28% and 40.54%, respectively. Both African-Americans and Hispanics were rearrested at a rate of 28% for drug-related offenses. All of the race/ethnicity categories were rearrested at a rate above 24% for property-related offenses, with Caucasians being the highest (34.62%), and Hispanics being the lowest (24.96%). Violent offenses comprised of 1,463 rearrests, with African-Americans and Hispanics rearrested at a rate between 28% and 30%. Because half of the Native American cohort (6) was rearrested (3), the Table shows inflated numbers for violent, property, and municipal related offenses for this group. All other Race/Ethnicity groups not discussed here were rearrested at a rate below 10%.

Table 6 also summarizes, by gender and crime-type of rearrest, the adult probationers who were rearrested within the Recidivism Period. Significantly, females were most often rearrested on property-related offenses (38.64%), drug-related (27.81%), and violent (20.59%); whereas, males were rearrested at a higher rate of 30.91% for drug-related offenses, followed by property (28.30%), and violent (25.10%). Overall, females were arrested at a higher rate than males for offenses involving persons and property.

Rearrests Occurring During and After Probation Supervision

This report earlier set forth in Tables 2 and 3, the months in which adult probationers were rearrested during the recidivism period. As reflected in those tables, most rearrests occurred within the first six months following the sentence to probation. Tables 7 compares those same rearrest rates, by race/ethnicity, of adult probationers rearrested during their probationary term against those who were

rearrested after their probationary term had been completed. By way of explanation, a probationary sentence may range from one to five years; and, the Recidivism Period measured in this report is three years from the date of the 2013 probationary sentence. As such, some probationers may have completed probation supervision prior to the close of the three-year Recidivism Period. For example, a probationer may have been sentenced to one year of probation, in 2013, with a balance of two years remaining within the three-year Recidivism Period. Others may have served a probation sentence for the entire three-year recidivism period. Table 7 highlights the rearrest difference during the Recidivism Period between those probationers who committed a new offense while on probation versus those who committed a new offense after the completion of their probation term.

Table 7 - Comparison between Arrest During Term and After Term by Ethnicity

	During Term Arrest	Cohort Percentage	After Term Arrest	Cohort Percentage	Total Rearrests	Percentage of Total	Cohort
Race/Ethnicity							
African American	2,144	44.69%	320	6.67%	2,464	51.35%	4,798
Asian	33	22.76%	4	2.76%	37	25.52%	145
Caucasian	2,499	36.62%	422	6.18%	2,921	42.80%	6,825
Hispanic	493	33.84%	84	5.77%	577	39.60%	1,457
Native American	2	33.33%	0	0.00%	2	33.33%	6
Other	69	27.60%	2	0.80%	71	28.40%	250
Unknown	6	5.45%	19	17.27%	25	22.73%	110
Total	5,147	37.87%	851	6.26%	5,998	44.13%	13,591

Rearrests Far Less Likely to Occur After Completion of Probation

Probationers were far less likely to be rearrested after completion of their probationary term—in fact, probationers were 94% less likely to recidivate (Table 7). While 37.87% of adult probationers were rearrested during their probationary term, a mere 6.26% were rearrested after completion of probation supervision. While the average rate of probationers rearrested during their probationary term is 37.87%, African Americans were the only Race/Ethnicity that was rearrested, during their probationary period, at a higher rate (44.69%) than the average. All other Race/Ethnicity groups were rearrested below the average rate, between 36% and 22% (excluding 'Unknown'). In conclusion, Table 7 data shows that after completion of the probation program, probationers are 94% less likely to recidivate.

Nature of Rearrests as Compared to Original Charges

This next section discusses in detail, adult probationers whose charges upon rearrest were either more severe, in both degree severity and category hierarchy, or equal to their original charge. The original charge is the one that resulted in a conviction and sentence, in year 2013, to probation. The severity was determined by the statutory degree of the crime or offense – for example, Third Degree versus Disorderly Persons, and the categories of crimes and offenses were ranked in the following order: Violent, Person, Property, Weapons, Drugs, White Collar, Contempt, Other, and Municipal. (For offense subcategories, see Attachment B).

Rearrests More Likely to Occur on a Charge Equal To or Less Than the Original Charge

Probationers who were rearrested were more frequently rearrested on a charge equal to or less than the original charge that placed them on supervision. Overall, of the rearrested cohort (5,998), 22 in 100 adult probationers were rearrested on charges less than their 2013 probationary sentence.[17] Table 8 shows that, of the 5,998 probationers rearrested during the Recidivism Period, a total of 2,483 were rearrested for offenses higher than their original charges. Nineteen in 100 adult probationers were rearrested on violent-related offenses that exceeded the severity of their original charge.[18] This was followed by property-related offenses, which was 12 in 100; and, drug-related offenses, 6 in 100.

TABLE 8 - Adult Probationers with Charges Exceeding Original Sentence, Catagorized by Race/Ethnicity and Crime Type

	Violent		Person		Property		Weapons		Drug		Contempt		Other		Municipal		Rearrest Total	Cohort	Rearrest Percentage
Race / Ethnicity																			
African American	547	11.40%	138	2.88%	258	5.38%	6	0.13%	149	3.11%	4	0.08%	3	0.06%	0	0.00%	1,105	4,798	23.03%
Asian	5	3.45%	1	0.69%	4	2.76%	0	0.00%	2	1.38%	0	0.00%	0	0.00%	0	0.00%	12	145	8.28%
Caucasian	429	6.29%	113	1.66%	383	5.61%	1	0.01%	146	2.14%	13	0.19%	4	0.06%	0	0.00%	1,089	6,825	15.96%
Hispanic	133	9.13%	22	1.51%	55	3.77%	2	0.14%	28	1.92%	2	0.14%	1	0.07%	0	0.00%	243	1457	16.68%
Native American	1	16.67%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	6	16.67%
Other	14	5.60%	5	2.00%	4	1.60%	0	0.00%	3	1.20%	0	0.00%	2	0.80%	0	0.00%	28	250	11.20%
Unknown	2	1.82%	1	0.91%	2	1.82%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	110	4.55%
Total	**1,131**	**8.32%**	**280**	**2.06%**	**706**	**5.19%**	**9**	**0.07%**	**328**	**2.41%**	**19**	**0.14%**	**10**	**0.07%**	**0**	**0.00%**	**2,483**	**13,591**	**18.27%**
Category Percentage	**45.55%**		**11.28%**		**28.43%**		**0.36%**		**13.21%**		**0.77%**		**0.40%**		**0.00%**		**100.00%**		

Rearrest Percentage: is calculated by dividing the Rearrest Total by Cohort Total.

Category Percentage: is calculated by dividing the Crime Type Category Total by the Rearrest Total.

As compared to the entire adult probation cohort (13,591), Caucasians and African Americans standout as having rearrest numbers greater than one thousand (1,089 and 1,105, respectively) for offenses exceeding the original sentence. However, of all Caucasians sentenced to probation (the Caucasian cohort of 6,825), only 15.96% (1,089) were rearrested on charges that exceeded their original sentence. This contrasts against all African Americans in the cohort (the African American cohort of 4,798), of whom 23.03% (1,105) were rearrested on charges that exceeded their original sentence. All other Race/Ethnicity groups not discussed were rearrested at a rate lower than 17%.

TABLE 9 - Adult Probationers with Charges Same as Original Sentence, Catagorized by Race/Ethnicity and Crime Type

	Violent		Person		Property		Weapons		Drug		Contempt		Other		Municipal		Rearrest Total	Cohort	Rearrest Percentage
Race / Ethnicity																			
African American	122	2.54%	15	0.31%	445	9.27%	7	0.15%	454	9.46%	14	0.29%	13	0.27%	7	0.15%	1,077	4,798	22.45%
Asian	2	1.38%	0	0.00%	12	8.28%	0	0.00%	13	8.97%	1	0.69%	0	0.00%	0	0.00%	28	145	19.31%
Caucasian	99	1.45%	12	0.18%	303	4.44%	1	0.01%	255	3.74%	15	0.22%	14	0.21%	8	0.12%	707	6,825	10.36%
Hispanic	33	2.26%	6	0.41%	122	8.37%	3	0.21%	151	10.36%	2	0.14%	4	0.27%	2	0.14%	323	1457	22.17%
Native American	0	0.00%	0	0.00%	1	16.67%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	6	16.67%
Other	6	2.40%	0	0.00%	18	7.20%	0	0.00%	28	11.20%	0	0.00%	0	0.00%	0	0.00%	52	250	20.80%
Unknown	0	0.00%	0	0.00%	1	0.91%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	110	0.91%
Total	**262**	**1.93%**	**33**	**0.24%**	**902**	**6.64%**	**11**	**0.08%**	**901**	**6.63%**	**32**	**0.24%**	**31**	**0.23%**	**17**	**0.13%**	**2,189**	**13,591**	**16.11%**
Category Percentage	**11.97%**		**1.51%**		**41.21%**		**0.50%**		**41.16%**		**1.46%**		**1.42%**		**0.78%**		**100.00%**		

Rearrest Percentage: is calculated by dividing the Rearrest Total by Cohort Total.

Category Percentage: is calculated by dividing the Crime Type Category Total by the Rearrest Total.

[17] This is the result of subtracting, from the rearrest cohort, both the 2,483 probationers whose rearrest exceeded their original charge (Table 8), and the 2,189 probationers whose rearrest was equal in severity (Table 9). The result was 1,326 probationers whose rearrest was less than their original charge.

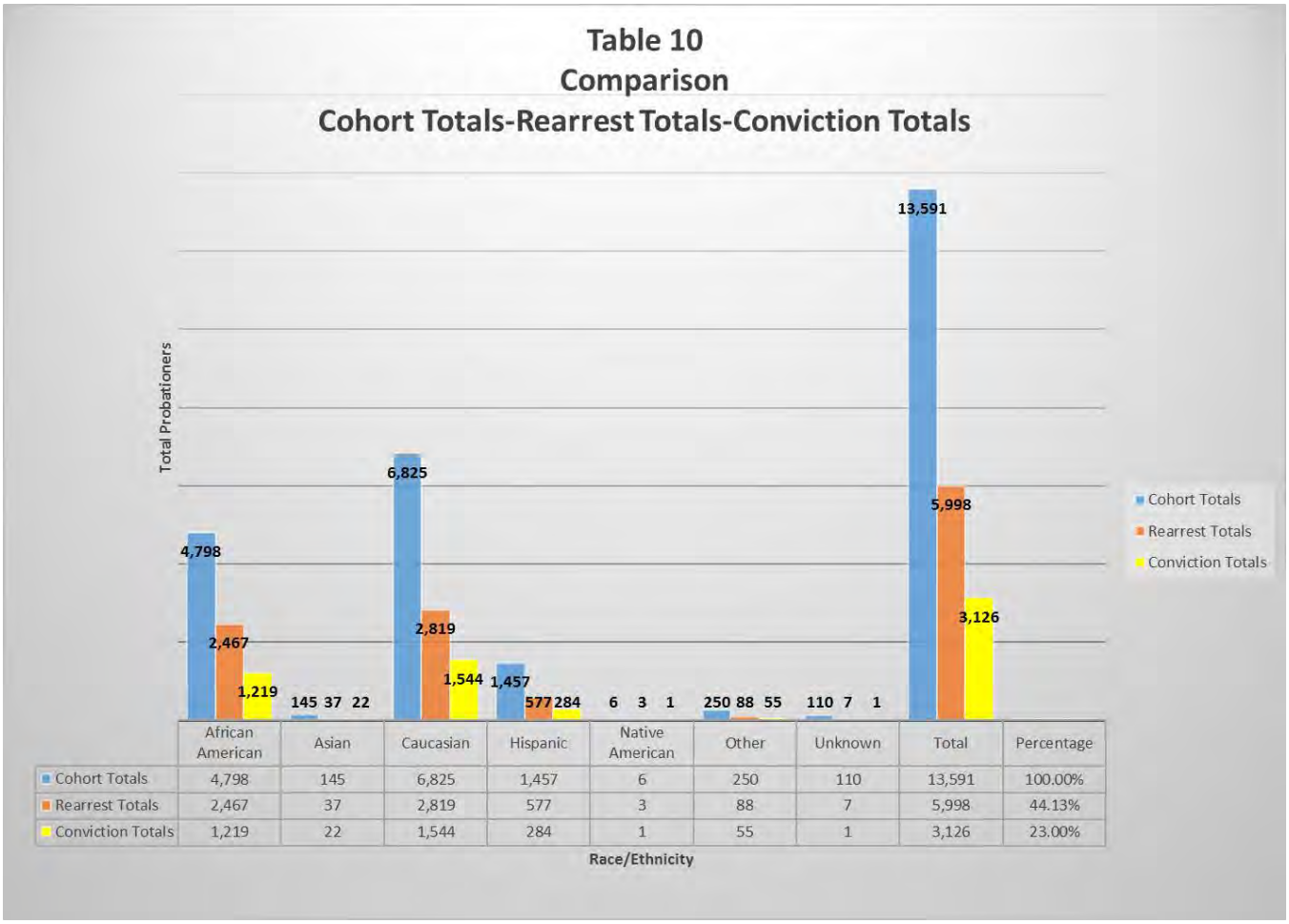
[18] This is the result of dividing the number of violent charges (1,131) by the rearrest cohort (5,998), with a result of 18.85%.

The previous table summarizes probationers who were rearrested on charges that were equal, in both degree severity and category hierarchy, to their original charge (Table 9). Of all probationers who were rearrested in the Recidivism Period (5,998), 37 in 100 were rearrested on charges that were equal to their original charge. Further, when considering crime-type categories, 15 in 100 adult probationers were rearrested on either property or drug related offenses. African Americans, Hispanics, and "Other" Race/Ethnicity groups were rearrested on charges that were equal to their original charge, at a rate of 20% or higher.

CONVICTIONS

Throughout this report a focus has been on the characteristics of adult probationers who were rearrested, when those rearrests occurred, and the type of crime or offense involved. Once a probationer 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 judge.[19] Typical non-conviction resolutions are dismissal of the charges, withdrawal of the complaint or charging document, or a non-guilty verdict. This next section examines the number of the convictions resulting from rearrests.

The conviction data was taken from adult probationers who, after their initial probationary sentence, were rearrested within the Recidivism Period, and subsequently convicted. The conviction data suggests the Probation Division has a 77% success rate of adult probationer rehabilitation.[20] Stated differently, the average conviction rate of the adult probation cohort is 23%. Table 10 compares three categories: the adult probation cohort (13,591), the rearrest cohort (5,998), and the resulting conviction cohort (3,126).



	African American	Asian	Caucasian	Hispanic	Native American	Other	Unknown	Total	Percentage
Cohort Totals	4,798	145	6,825	1,457	6	250	110	13,591	100.00%
Rearrest Totals	2,467	37	2,819	577	3	88	7	5,998	44.13%
Conviction Totals	1,219	22	1,544	284	1	55	1	3,126	23.00%

Approximately One-Half of Probationer Rearrests Do Not Result in Convictions

Of the 5,998 probationers who were rearrested during the recidivism period, 3,126 or 52.11% were convicted of an offense. Most striking, the remaining 2,872 rearrests did not result in a subsequent

[19] See also N.J.S.A. 2C:44-4a.

[20] This is the result of subtracting the 23% conviction rate, in Table 10, from the entire cohort (100%). Also, the difference between the 44.13% (of all rearrests) and the subsequent conviction rate (of 23%) is 21.13%.

conviction.[21] As such, 47.88% of all rearrested probationers were not subsequently convicted. In other words, roughly half of all probationers who were rearrested were not subsequently convicted of any of the charges for which they had been rearrested.

The average conviction rate is 23% of the entire adult probation cohort (13,591), which includes probationers who were rearrested and those who were not (Table 10). The conviction rate for each race/ethnicity differs. For example, the total number of African Americans on adult probation supervision during the Recidivism Period was 4,798. Of those 4,798 African-American probationers, 2,497 were rearrested resulting in 1,219 convictions. As such, African Americans were rearrested and convicted at the highest rate, at 25.41%—or, 26 in every 100 adult African American probationers.[22] All other Race/Ethnicity groups were convicted at a rate that was lower than the 23% average.[23] Specifically, Caucasians were convicted at a rate of 22.62% and Hispanics were convicted at a rate of 19.49%.

When further comparing probationers who were rearrested and their resulting convictions, 52% of rearrested probationers were convicted. Again, those convictions vary by race and ethnicity. Rearrested Caucasians, Asians, and Other Race/Ethnicity groups were convicted at a higher rate than the 52% average.[24] On the other hand, of the African American rearrest cohort (2,467), 49.41% were subsequently convicted. Moreover, of the Hispanic rearrest cohort (577), 49.22% were subsequently convicted.

Convictions by Offense/Crime-Type

Previously, Table 6 of this report identifies the types of offenses resulting in rearrest. Probationers were most often rearrested for crimes and offenses involving property, drugs or violence, at a rate of 29.93%, 30.43% and 24.39%, respectively. Table 11 identifies the rate that those rearrested adult probationers are convicted by crime-type.

TABLE 11 - Total Number of Adult Probationers Convicted, Catagorized by Race/Ethnicty and Crime Type

	Violent		Person		Property		Weapons		Drug		Contempt		Other		Municipal		Conviction Total	Cohort	Percentage
Race / Ethnicity																			
African American	356	7.42%	97	2.02%	353	7.36%	50	1.04%	336	7.00%	3	0.06%	11	0.23%	13	0.27%	1,219	4,798	25.41%
Asian	6	4.14%	1	0.69%	3	2.07%	2	1.38%	10	6.90%	0	0.00%	0	0.00%	0	0.00%	22	145	15.17%
Caucasian	308	4.51%	77	1.13%	605	8.86%	17	0.25%	473	6.93%	8	0.12%	30	0.44%	26	0.38%	1,544	6,825	22.62%
Hispanic	89	6.11%	12	0.82%	68	4.67%	9	0.62%	88	6.04%	5	0.34%	9	0.62%	4	0.27%	284	1457	19.49%
Native American	0	0.00%	0	0.00%	1	16.67%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	6	16.67%
Other	12	4.80%	3	1.20%	18	7.20%	0	0.00%	20	8.00%	0	0.00%	2	0.80%	0	0.00%	55	250	22.00%
Unknown	0	0.00%	0	0.00%	1	0.91%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	110	0.91%
Total	**771**	**5.67%**	**190**	**1.40%**	**1,049**	**7.72%**	**78**	**0.57%**	**927**	**6.82%**	**16**	**0.12%**	**52**	**0.38%**	**43**	**0.32%**	**3,126**	**13,591**	**23.00%**
Category Percentage	**24.66%**		**6.08%**		**33.56%**		**2.50%**		**29.65%**		**0.51%**		**1.66%**		**1.38%**		**100.00%**		

Rearrest Percentage: is calculated by dividing the Conviction Total by Cohort Total.

Category Percentage: is calculated by dividing the Crime Type Category Total by the Conviction Total.

[21] The difference is likely from findings of not-guilty, dismissals, and complaint withdrawals. This number of 2,872 rearrests was obtained by subtracting, from the rearrest cohort (5,998), the conviction cohort (3,126). The unconvicted number (2,872) was then divided by the rearrest cohort (5,998), to obtain a resulting rate of 47.88% of all rearrested probationers who were not subsequently convicted.

[22] This number was obtained by dividing, from Table 10, the "Conviction Totals" by the "Cohort Totals."

[23] Caucasians (22.62%); Other (22%); Hispanic (19.49%); Native American (16.67%); Asian (15.17%); and, Unknown (.9%).

[24] Of the Caucasian rearrest cohort (2,819), 54.77% were subsequently convicted. Of the Asian rearrest cohort (37), 59.46% were subsequently convicted. Of the Other rearrest cohort (88), 62.50% were subsequently convicted.

Comparable to the rearrest data in Table 6, the majority of convictions for rearrested probationers were property related (33.56%), drug related (29.65%), and violence related (24.66%) offenses. Of all Race/Ethnicity groups, Caucasians had the greatest number of convictions, in the property related crime-type. Convictions of African Americans were equally distributed between violent, property, and drug related convictions.

Nature of Convictions as Compared to Original Sentence

Similar to how Tables 8 and 9 compare the severity of rearrests to the original charges, the next two tables (Tables 12 and 13), compare the seriousness of convictions to the original adult probation sentence. Table 12 shows that, of the 3,126 probationers convicted during the Recidivism Period, 19 in 100 adult probationers were convicted of violent related offenses that exceeded, in both degree severity[25] and category hierarchy, [26] the charges of their original sentence. This was followed by property-related (13 in 100) and drug related (5 in 100) offenses.

TABLE 12 - Total Convictions that Exceed Original Adult Probation Sentence, Catagorized by Race/Ethnicy and Crime Type

	Violent		Person		Property		Weapons		Drug		Contempt		Other		Municipal		Conviction Total	Cohort	Percentage
Race / Ethnicity																			
African American	266	5.54%	79	1.65%	145	3.02%	2	0.04%	81	1.69%	1	0.02%	0	0.00%	0	0.00%	574	4,798	11.96%
Asian	4	2.76%	0	0.00%	0	0.00%	0	0.00%	1	0.69%	0	0.00%	0	0.00%	0	0.00%	5	145	3.45%
Caucasian	239	3.50%	62	0.91%	239	3.50%	1	0.01%	71	1.04%	0	0.00%	2	0.03%	0	0.00%	614	6,825	9.00%
Hispanic	71	4.87%	10	0.69%	24	1.65%	0	0.00%	12	0.82%	1	0.07%	1	0.07%	0	0.00%	119	1457	8.17%
Native American	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	6	0.00%
Other	8	3.20%	3	1.20%	4	1.60%	0	0.00%	3	1.20%	0	0.00%	2	0.80%	0	0.00%	20	250	8.00%
Unknown	1	0.91%	1	0.91%	1	0.91%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	110	2.73%
Total	**589**	**4.33%**	**155**	**1.14%**	**413**	**3.04%**	**3**	**0.02%**	**168**	**1.24%**	**2**	**0.01%**	**5**	**0.04%**	**0**	**0.00%**	**1,335**	**13,591**	**9.82%**
Category Percentage	**44.12%**		**11.61%**		**30.94%**		**0.22%**		**12.58%**		**0.15%**		**0.37%**		**0.00%**		**100.00%**		

Conviction Percentage: is calculated by dividing the Conviction Total by Cohort Total.

Category Percentage: is calculated by dividing the Crime Type Category Total by the Conviction Total.

As compared to the entire adult probation cohort (13,591), Caucasians and African Americans standout as having the highest conviction numbers. However, of all Caucasians sentenced to probation, only 9% were convicted of charges that exceeded their original sentence. Compared to all African Americans in the cohort (the African American cohort of 4,798), 11.96% were convicted on charges that exceeded their original sentence. All other Race/Ethnicity groups not discussed were convicted at a rate lower than 9%.

Below is a summary of adult probationers who were convicted on charges that were equal, in both degree severity and category hierarchy, to their original charge. Of all probationers who were convicted in the Recidivism Period (5,998), 36 in 100 were convicted on charges that were equal to their original charge. Additionally, Table 13 also shows that, of all convictions, 17 in 100 involved property-related

[25] Severity was determined by criminal degree—for example, Third Degree versus Disorderly Persons.

[26] The categories were ranked in the following order: Violent, Person, Property, Weapons, Drugs, White Collar, Contempt, Other, and Municipal. (For offense subcategories, see Attachment B.)

offenses, and 14 in 100 involved drug related offenses. Caucasians were the only Race/Ethnicity group with a conviction rate less than the average 8.32%, when compared against the Caucasian adult probation cohort (6,825). All other Race/Ethnicity groups had conviction rates higher than the average, ranging from 10% to 17%.

TABLE 13 - Total Convictions Same as Original Adult Probation Sentence, Catagorized by Race/Ethnicity and Crime Type

	Violent		Person		Property		Weapons		Drug		Contempt		Other		Municipal		Conviction Total	Cohort	Percentage
Race / Ethnicity																			
African American	59	1.23%	8	0.17%	256	5.34%	1	0.02%	226	4.71%	0	0.00%	3	0.06%	4	0.08%	557	4,798	11.61%
Asian	1	0.69%	0	0.00%	7	4.83%	0	0.00%	7	4.83%	0	0.00%	0	0.00%	0	0.00%	15	145	10.34%
Caucasian	37	0.54%	3	0.04%	185	2.71%	0	0.00%	129	1.89%	0	0.00%	1	0.01%	2	0.03%	357	6,825	5.23%
Hispanic	19	1.30%	0	0.00%	73	5.01%	2	0.14%	70	4.80%	0	0.00%	1	0.07%	3	0.21%	168	1457	11.53%
Native American	0	0.00%	0	0.00%	1	16.67%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	6	16.67%
Other	5	2.00%	0	0.00%	13	5.20%	0	0.00%	14	5.60%	1	0.40%	0	0.00%	0	0.00%	33	250	13.20%
Unknown	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	110	0.00%
Total	**121**	**0.89%**	**11**	**0.08%**	**535**	**3.94%**	**3**	**0.02%**	**446**	**3.28%**	**1**	**0.01%**	**5**	**0.04%**	**9**	**0.07%**	**1,131**	**13,591**	**8.32%**
Category Percentage	**10.70%**		**0.97%**		**47.30%**		**0.27%**		**39.43%**		**0.09%**		**0.44%**		**0.80%**		**100.00%**		

Conviction Percentage: is calculated by dividing the Conviction Total by Cohort Total.

Category Percentage: is calculated by dividing the Crime Type Category Total by the Conviction Total.

Convictions Occurred on Charges Less Than Original Sentence

It is noteworthy that 21 in 100 adult probation convictions were on charges that were less than the original charge when sentenced to the original term of probation. Although not represented in Table 13, 660 adult probationers were convicted of charges that were less than, in both degree severity and category hierarchy, their original conviction.[27] This comprises 11.00% of all probationers rearrested during the Recidivism Period (5,998), and 21.11% of all convictions (3,126).

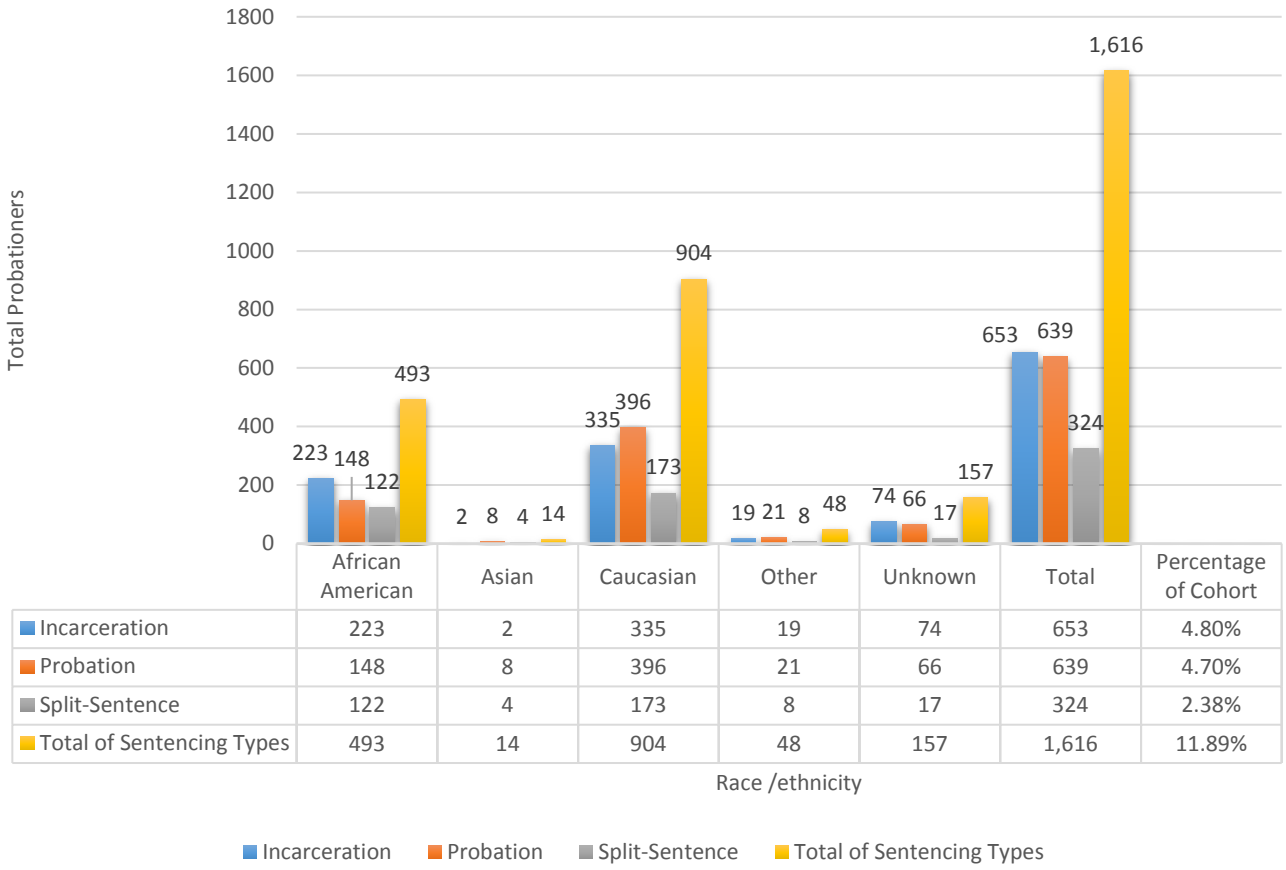
[27] This number was the result of subtracting from all probationers convicted during the Recidivism Period (3,126), both the 1,335 probationers whose conviction exceeded their original conviction (Table 16), and the 1,131 probationers whose conviction was equal in severity (Table 17). The result was 660 probationers whose conviction was less than their original conviction.

SENTENCE

A sentence is when, after conviction, 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. See N.J.S.A. 2C:43-2b.

This section discusses sentencing data, after rearrest and subsequent conviction.[28] The data is categorized by convicted adult probationers who received a sentence of either incarceration, probation, or both (referred to as a 'split-sentence'). Of the adult probation cohort (13,591), 4.80% received a sentence of incarceration, 4.70% received a probationary sentence, and 2.38% received a split-sentence.

Table 14
Total Sentencing Types by Race/Ethnicity



	African American	Asian	Caucasian	Other	Unknown	Total	Percentage of Cohort
Incarceration	223	2	335	19	74	653	4.80%
Probation	148	8	396	21	66	639	4.70%
Split-Sentence	122	4	173	8	17	324	2.38%
Total of Sentencing Types	493	14	904	48	157	1,616	11.89%

Adult probationers who did not receive a sentence in any of these three categories were not included in the Table. (For example, adult probationers who received only fines and/or penalties are not reflected in the Table.) As 1,616 adult probationers were sentenced to either incarceration, probation, or split-sentence the remaining 1,510 sentences fell within a sentencing option other than probation supervision

[28] Upon compiling the data, it was found that Hispanics were not identified in Table 14. The data for this group, however, may have been aggregated into either "Other" or "Unknown" Race/Ethnicity categories. Future reports will provide more precise Race/Ethnicity sentencing data.

or incarceration[29]—comprising 11 in 100 adult probationers.[30]

African Americans and Caucasians represent the highest number of individuals sentenced to probation, incarceration or a split sentence. As compared to African Americans, Caucasians most often received a sentence in one of these three categories, but also more often received a probationary sentence. Compared to all Caucasians already serving a probation sentence, Caucasians who were convicted on a new offense, received a sentence in one of these three categories at a rate of 13.25%.[31] Of these sentences, Caucasians received an incarceration sentence at a rate of 4.9%; probation at a rate of 5.8%; and, split-sentence at a rate of 2.5%. On the other hand, convicted African Americans received a sentence in one of these three categories at a rate of 10.28% of their cohort (4,798).[32] Of these sentences, African Americans received an incarceration sentence at a rate of 4.56%; probation at a rate of 3.1%; and, split-sentence at a rate of 2.5%.

[29] This number of unrepresented sentences (1,510) was obtained by subtracting the total defendants represented in Table 14 (1,616) from the total number of convictions (3,126).

[30] The rate of 11.11% was obtained by dividing the remaining 1,510 sentences by the adult probationer cohort (13,591).

[31] The rate of 13.25% was obtained by dividing the number of Caucasians sentenced (904) by the total Caucasian cohort (6,825).

[32] The rate of 10.28% was obtained by dividing the number of African Americans sentenced (493) by the total African American cohort (4,798).

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 probationer may be referred for such treatment in one of two ways. First, a court may order the probationer to complete treatment. Such an order constitutes a special condition of probation, with which the probationer is obligated to comply. Second, a probationer 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 probationer, but he or she may nevertheless be identified as a person in need of treatment by a probation officer. Standard Condition number seven authorizes a probation officer to order an evaluation and course of treatment.[33]

The treatment data in Tables 15 and 16 was obtained from treatment codes entered in the Judiciary's systems when the case was processed in 2013. This data is somewhat limited. Since 2013, however, the Administrative Office of the Courts—Probation Division—has made comprehensive enhancements to the Probation Division legacy system that will provide for inclusion of more precise treatment data in future reports. In addition, the Probation Division has implemented 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 Tables 15 and 16 only represent adult probationers in the cohort (13,591) who have successfully completed some form of treatment. These Tables include both inpatient and outpatient treatment. Table 15 shows that 22.96% of the adult probation cohort (13,591) successfully completed some form of treatment. Table 16 shows that 6.98% of rearrested adult probationers successfully completed some form of treatment. For both Tables, the majority of treatment completions occurred under both Drug/Alcohol inpatient and outpatient categories.

TABLE 15 - Total Successful Treatment for all Adult Probationers

	Drug/Alcohol Inpatient	Drug/Alcohol Outpatient	Mental Health	Mental Health	Sexually Abusive Behavior Inpatient	Sexually Abusive Behavior	Treatment Total	Cohort	Percentage
Race / Ethnicity									
African American	209	371	10	116	1	7	714	4798	14.88%
Asian	5	14	2	15	0	3	39	145	26.90%
Caucasian	783	1,040	43	215	0	26	2107	6,825	30.87%
Hispanic	50	114	3	41	0	7	215	1,457	14.76%
Native American	1	1	0	0	0	0	2	6	33.33%
Other	14	22	0	6	0	0	42	250	16.80%
Unknown	0	0	0	2	0	0	2	110	1.82%
Total	**1062**	**1562**	**58**	**395**	**1**	**43**	3121	**13591**	22.96%
Category Percentage	**34%**	**50%**	**2%**	**13%**	**0%**	**1%**	**100%**		

Percentage: is calculated by dividing the Treatment Total by Cohort Total.

Category Percentage: is calculated by dividing the Treatment Category Total by the Tretment Total.

[33] At intake, standard conditions are provided-to and signed-by the probationer. 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."

TABLE 16 - Total Treatment for Rearrested Adult Probationers									
	Drug / Alcohol Inpatient	Drug / Alcohol Outpatient	Mental Health	Mental Health	Sexually Abusive Behavior Inpatient	Sexually Abusive Behavior	Treatment Total	Cohort	Percentage
Race / Ethnicity									
African American	65	86	4	26	1	0	182	4798	3.79%
Asian	2	4	1	0	0	0	7	145	4.83%
Caucasian	233	238	11	47	0	2	531	6,825	7.78%
Hispanic	0	0	0	0	0	0	0	1,457	0.00%
Native American	0	0	0	0	0	0	0	6	0.00%
Other	15	8	0	4	0	1	28	250	11.20%
Unknown	87	92	3	15	1	2	200	110	181.82%
Total	**402**	**428**	**19**	**92**	**2**	**5**	948	**13591**	6.98%
Category Percentage	**42%**	**45%**	**2%**	**10%**	**0%**	**1%**	**100%**		

Percentage: is calculated by dividing the Treatment Total by Cohort Total.

Category Percentage: is calculated by dividing the Treatment Category Total by the Tretment Total.

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 on the basis of 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 probationers in need of treatment options, the Probation Division 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.

As indicated by data in both Tables 15 and 16, Drug/Alcohol treatment services are the type of services most often used by the Probation Division. Regardless of whether the probationer was sentenced to treatment, or when the probationer tests positive for drugs and/or alcohol, the probation officer will refer the probationer 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 probationer 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.

SUMMARY

At their best, probation officers serve as a probationer's supporter, and role model, committed to the probationer's rehabilitation, with the help of family, friends, and community—all in an effort to achieve a normal and productive life. For this reason, the Judiciary, Probation Division, has published this Recidivism Report—showing the effectiveness of New Jersey's adult probation rehabilitation initiatives and programs.

Recidivism is measured by the rate of rearrest, from within the three-year period after the person had been sentenced to probation, and any subsequent conviction. In calendar year 2013, a total of 13,591 people were sentenced to adult probation—as identified by the data parameters (Table 1). This constituted 2 in every 1,000 New Jersey adults. Most generally, the data shows that after completion of New Jersey's adult probation program, 94% of adult probationers had no further contact with the criminal justice system—within the Recidivism Period (Table 8). The data also shows that 6 in 10 adult probationers remained arrest-free within the Recidivism Period—with a rearrest rate of 44.13% (Tables 2 & 3). Significantly, however, the conviction data shows that 8 in 10 adult probationers remained conviction-free—with a conviction rate of 23% (Table 10).

The data shows the likelihood of probationer rearrest is greatest within the first six months of the Recidivism Period—then, steadily decreases over the remaining period of thirty months (Tables 2 & 3). The Race/Ethnicity groups most often rearrested were Caucasian, African American, and Hispanic (Table 3). Despite the greater number of Caucasians (6,825) who served a sentence of adult probation, as contrasted against African Americans (4,798), Caucasians were less likely to be rearrested (41.30%) than were African Americans (51.42%). Table 6 shows the majority of rearrest offenses were drug-related (30.43%)—including Driving While Intoxicated—followed by property-related (29.93%) and violent (24.39%). This data shows, of all rearrested adult probationers (5,998), that 22 in 100 were rearrested on charges that were less severe than the charges of their 2013 probationary sentence (Tables 8 & 9). Significantly, however, of all adult probationers that were rearrested, only about half were subsequently convicted (Table 10).

Regarding recidivism by conviction, the conviction data was taken from adult probationers who, after their initial probationary sentence, were rearrested within the Recidivism Period, and then subsequently convicted. The conviction data shows that 8 in 10 adult probationers completed probation without conviction (Table 10). While the recidivism rate, by rearrest, was 44.13%, the conviction rate was only 23% (Table 10). Notably, of all Caucasians that were rearrested, only 54.77% were subsequently convicted; whereas, both African Americans and Hispanics were subsequently convicted at a lower approximate rate of 49% (Table 10). In other words, for all groups, only about half of all adult probationers who were rearrested were subsequently convicted on any charges for which they had been rearrested. Notably, 21 in 100 convictions were on charges that were less severe than the charges of their original conviction.

Consistent with the role of the Probation, the Division is moving toward the use of evidence-based supervision strategies, otherwise known as Mission Based Supervision. Implementation of these strategies will be accomplished through statewide training, including training on Risk-Needs-Responsivity, Core Correctional Practices, and Motivational Interviewing. Probation officers will receive enhanced skills such as the use of positive behavioral reinforcement, effective use of disapproval, appropriate use of authority, prosocial modeling, and cognitive restructuring of criminogenic thoughts and behaviors. It is our hope that equipping probation officers with these additional skills will improve the effectiveness of community supervision, improve compliance, and lower recidivism.

ATTACHMENT A

CHAPTER 144

AN ACT concerning participation in treatment and reentry initiatives during incarceration, participation in treatment and rehabilitation initiatives during sentence of probation, amending P.L.2009, c.329, and supplementing chapter 45 of Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to read as follows:

C.30:4-91.15 Program to record and analyze recidivism.

3. a. The Commissioner of Corrections, in conjunction with the Juvenile Justice Commission and the State Parole Board, shall establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles, whether on parole or upon the completion of their maximum sentences. The purpose of this program shall be to assist in measuring the effectiveness of the State's reentry initiatives and programs.

b. The program shall record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. These data shall be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, gender, ethnicity, and age.

c. The commissioner shall prepare and disseminate semi-annual reports summarizing the recidivism rates, patterns, and other findings and analyses resultant of the information gathered pursuant to this section. These reports shall include summaries of the treatmentreceived by the releasees and any participation and involvement in reentry initiatives by the releasees, and shall make recommendations concerning the effectiveness of the treatment programs and reentry initiatives. These reports shall be available to the general public and shall not contain any personally identifying information. To facilitate the accessibility of these reports to the general public, the commissioner shall, to the greatest extent possible, utilize the Internet.

d. The commissioner shall annually prepare and transmit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a summary of the recommendations set forth in the reports prepared pursuant to subsection c. of this section, along with any recommendations the department, Juvenile Justice Commission or the State Parole Board may have for legislation to improve the effectiveness of the State's reentry initiatives and programs.

C.2C:45-6 Program to record, analyze recidivism of persons sentenced to probation.

2. a. The Administrative Director of the Courts shall establish a program to record and analyze the recidivism of all persons sentenced to a period of probation pursuant to N.J.S.2C:43-2 and N.J.S.2C:45-1 et seq. The purpose of this program shall be to assist in measuring the effectiveness

of the State's rehabilitation initiatives and programs.

b. 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 probationers 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 probationers concurrently serving a parole sentence. These data shall be analyzedto determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of probationers, the treatment they received during the period of probation, participation and involvement in rehabilitation initiatives andprograms, and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, gender, ethnicity, and age.

c. The Administrative Director of the Courts shall prepare and disseminate to the public annual reports summarizing the recidivism rates, patterns, and other findings and analyses resultant of the information gathered pursuant to this section. These reports shall include summaries of the treatment received by the probationers and shall make recommendations concerning the effectiveness of the rehabilitation initiatives and programs. These reports shall be available to the general public and shall not contain personally identifying information. To facilitate the accessibility of these reports to the general public, the administrative director shall, to the greatest extent possible, utilize the Internet.

d. The Administrative Director of the Courts shall annually prepare and transmit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the reports prepared, along with any recommendations the Administrative Office of the Courts may have for legislation to improve the effectiveness of the State's rehabilitation initiatives and programs.

3. This act shall take effect on the 365th day following enactment.

Approved November 9, 2015.

ATTACHMENT B

Sub-categories of Offenses

VIOLENT
Homicide
Assault
Disarming Officer
Terrorism
Sexual Offenses

PERSON
Child Labor
Children and Family
Kidnapping and Related
Prostitution
Reckless Endangering
Robbery
Threats
Stalking
Sex Offender Registration

PROPERTY
Burglary and Intrusion
Fraud
Fraud and Forgery
Property
Theft
Racketeering
Casino Related
Gambling Offense

WEAPONS
Firearm Related
Weapons

DRUGS
Drug Related
DWI

WHITE COLLAR
Bribery and Corruption
Corporate
Elections
Expungement Disclosure
Finance Related
Official Misconduct

CONTEMPT
Contempt
Perjury and Falsification
Nonsupport

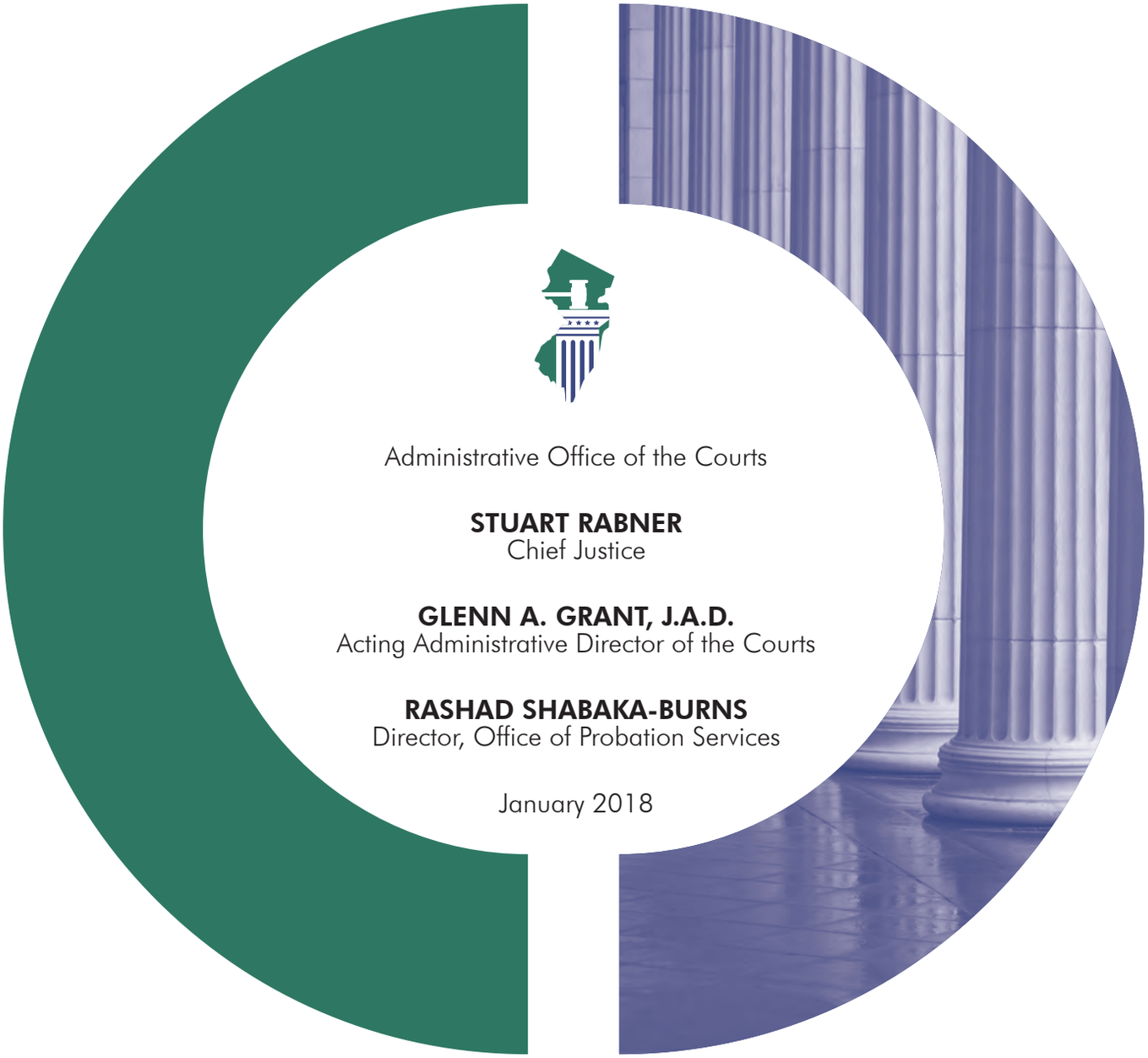
OTHER
Agriculture
Animal Related
Arts
Biased
Code Related
Explosives
Hazardous Waste
Health Related
License Related
Maritime
Medical
Motor Vehicle
Permit and Code
School
Sentence
State Park Code
Transportation
Fishing
Alcohol Related
Contract
Accomplice
Inchoate
Fines and Restitution
Obstructing

ATTACHMENT C

Number of Offenses per Sub-category for Violent and Property Offense

Violent Crime Category										
Charge Type	1st Degree	2nd Degree	3rd Degree	4th Degree	Municipal DP/PDP	Domestic Violence	Indictment No outcome	Sealed	Total	Percentage Category
Simple Assault	0	0	4	6	107	682	0	5	**804**	54.96%
Aggravated Assault	0	89	79	4	7	0	5	0	**184**	12.58%
Ass Assault w/ Deadly Weapon	5	37	63	16	2	0	17	0	**140**	9.57%
Agg Assault against LEO	1	12	77	18	7	0	3	0	**118**	8.07%
Endangering Welfare of Children	1	28	26	5	1	0	5	0	**66**	4.51%
Sexual Assault	14	28	0	0	0	0	3	0	**45**	3.08%
Murder	26	1	0	0	0	0	0	0	**27**	1.85%
Throwing Bodily Fluids @ Corrections Officer	0	0	8	11	2	0	0	0	**21**	1.44%
Assault by Auto/Vessel	0	2	7	11	1	0	0	0	**21**	1.44%
Criminal Attempt Murder	12	0	0	0	0	0	0	0	**12**	0.82%
Criminal Sexual Contact	0	0	2	2	0	0	3	0	**7**	0.48%
Lewdness & Other Sex Crimes	0	0	1	3	3	0	0	0	**7**	0.48%
Manslaughter	1	2	0	0	0	0	1	0	**4**	0.27%
Leaving an Accident Scene	0	0	2	1	0	0	0	0	**3**	0.21%
Disarm LEO or Corrections	0	1	1	1	0	0	0	0	**3**	0.21%
Death by Auto	0	0	1	0	0	0	0	0	**1**	0.07%
Total	60	200	271	78	130	682	37	5	**1463**	100.00%
Percentage	4.10%	13.67%	18.52%	5.33%	8.89%	46.62%	2.53%	0.34%	100.00%	

Property Crime Category									
Charge Type	1st Degree	2nd Degree	3rd Degree	4th Degree	Municipal DP/PDP	Indictment with no outcome	Sealed	Total	Percentage Category
Shoplifting	0	0	45	55	418	5	1	**524**	29.24%
Burglary	0	3	325	8	13	12	1	**362**	20.20%
Theft	0	3	118	36	80	14	0	**251**	14.01%
Criminal Mischief	0	2	40	20	151	3	2	**218**	12.17%
Criminal Trespass	0	0	7	19	143	0	2	**171**	9.54%
Receiving Stolen Property	0	7	69	15	26	6	0	**123**	6.86%
Credit Card Crime	0	0	17	8	2	0	0	**27**	1.51%
Unlawful Taking of a means of Conveyance	0	0	7	10	5	3	0	**25**	1.40%
Forgery	0	0	15	3	3	0	0	**21**	1.17%
False ID/Identity Crime	1	1	5	6	4	1	0	**18**	1.00%
Bad Checks	0	0	5	1	1	4	0	**11**	0.61%
Other Property Offenses	0	0	4	2	2	1	0	**9**	0.50%
Money Laundering	0	0	3	0	0	5	0	**8**	0.45%
Fencing	0	0	4	0	3	0	0	**7**	0.39%
Counterfeiting	0	1	3	3	0	0	0	**7**	0.39%
Arson	0	4	1	0	0	0	0	**5**	0.28%
Racketeering	5	0	0	0	0	0	0	**5**	0.28%
Computer Crime	0	1	2	0	0	0	0	**3**	0.17%
Total	6	22	668	186	851	54	6	1792	100.00%
Percentage	0.33%	1.23%	37.28%	10.38%	47.49%	3.01%	0.33%	100.00%	



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January 2018