Recidivism for Individuals Sentenced to Probation in New York State

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 2010 through 2018 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).

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.
- **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

Rest of State

Arrest

Arrested for Felony or Misdemeanor Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	21.5%	32.0%	38.7%	43.5%	47.2%
2011	23,929	22.1%	32.3%	39.1%	43.4%	47.3%
2012	23,512	22.4%	32.4%	38.6%	43.5%	47.2%
2013	22,766	22.1%	32.3%	38.7%	43.6%	47.4%
2014	21,288	21.1%	31.3%	38.0%	42.8%	46.5%
2015	19,628	21.1%	30.8%	37.3%	42.1%	
2016	19,592	21.5%	31.4%	37.6%		
2017	19,297	21.1%	30.5%			
2018	18,093	20.8%				

Arrested for Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	10.3%	16.6%	21.2%	24.9%	27.9%
2011	23,929	10.0%	16.3%	20.7%	24.4%	27.5%
2012	23,512	10.2%	16.2%	20.6%	24.5%	27.7%
2013	22,766	10.1%	16.1%	20.9%	24.8%	28.0%
2014	21,288	9.9%	15.9%	20.6%	24.5%	27.7%
2015	19,628	10.1%	16.2%	20.8%	24.5%	
2016	19,592	10.3%	16.4%	20.9%		
2017	19,297	10.4%	16.3%			
2018	18,093	10.4%				

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

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	3.0%	5.1%	6.6%	7.8%	8.9%
2011	23,929	2.9%	4.8%	6.3%	7.5%	8.5%
2012	23,512	2.8%	4.7%	6.1%	7.3%	8.4%
2013	22,766	2.7%	4.5%	5.9%	7.1%	8.2%
2014	21,288	2.5%	4.3%	5.8%	7.1%	8.2%
2015	19,628	2.7%	4.4%	5.7%	6.9%	
2016	19,592	2.6%	4.3%	5.8%		
2017	19,297	2.4%	4.2%			
2018	18,093	2.4%				

Recidivism for Individuals Sentenced to Probation
Rest of State
Conviction

Conviction of Felony or Misdemeanor Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	13.6%	21.1%	26.4%	30.5%	33.9%
2011	23,929	13.8%	21.4%	26.7%	30.4%	33.8%
2012	23,512	14.1%	21.6%	26.8%	30.9%	34.0%
2013	22,766	14.0%	21.7%	26.8%	30.8%	34.0%
2014	21,288	13.7%	21.1%	26.2%	30.0%	32.5%
2015	19,628	14.1%	21.4%	26.1%	29.2%	
2016	19,592	13.6%	20.4%	24.1%		

Conviction of Felony Offenses

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	4.4%	7.4%	9.9%	12.0%	14.0%
2011	23,929	4.1%	7.2%	9.7%	11.9%	13.7%
2012	23,512	4.4%	7.3%	9.7%	12.0%	13.9%
2013	22,766	4.3%	7.2%	9.8%	11.8%	13.7%
2014	21,288	4.2%	7.2%	9.4%	11.5%	12.9%
2015	19,628	4.2%	7.2%	9.5%	10.9%	
2016	19,592	4.1%	6.8%	8.6%		

Conviction of Violent Felony Offenses (incl. VFO like Class A-1)

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	1.1%	1.8%	2.4%	2.8%	3.2%
2011	23,929	1.0%	1.7%	2.1%	2.7%	3.1%
2012	23,512	1.0%	1.7%	2.1%	2.5%	2.9%
2013	22,766	0.9%	1.5%	2.0%	2.4%	2.8%
2014	21,288	0.8%	1.4%	1.9%	2.3%	2.6%
2015	19,628	0.8%	1.4%	1.8%	2.0%	
2016	19,592	0.9%	1.4%	1.8%		

Conviction Leading to Incarceration

Dispo. Yr	Cohort N	1 Year	2 Years	3 Years	4 Years	5 Years
2010	25,045	9.7%	14.9%	18.7%	21.6%	23.6%
2011	23,929	9.8%	15.2%	18.9%	21.5%	23.7%
2012	23,512	10.0%	15.6%	19.2%	21.8%	23.9%
2013	22,766	9.8%	15.3%	18.9%	21.4%	23.4%
2014	21,288	9.8%	14.9%	18.2%	20.9%	22.3%
2015	19,628	9.9%	15.0%	18.4%	20.3%	
2016	19,592	9.3%	14.1%	16.6%		