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ATTORNEY GENERAL

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UNIVERSITY OF LOUISVILLE

## FELONY PROBATION AND RECIDIVISM IN KENTUCKY

With the ever-mounting tension between the public's demand to see convicted criminals "behind bars" and the criminal justice community's need to alleviate prison crowding, the use of probation is attracting close attention. Additionally, the Rand Corporation's January 1985 report on convicted felons and recidivism rates in California raised public attention to the effectiveness of probation supervision (Petersilia et al., 1985). In response to this growing interest, Dr. Gennaro F. Vito conducted a recidivism analysis (rearrest, conviction, and reincarceration) of 317 convicted felons on probation in Kentucky since 1982 (using data collected for a larger project by the Kentucky Criminal Justice Statistical Analysis Center on the feasibility of instituting an offender-based tracking system, see SAC bulletin, March 1986).\* The results of Dr. Vito's study follow.

### Probation Rates by Type of Crime

In both studies, the majority of offenders sentenced to probation had been convicted of property crime, with an additional one-fourth serving a probation sentence for more violent crimes such as robbery and aggravated assault.

**Table 1**  
**Conviction Offenses for Probationers**

	Kentucky	California
burglary/property crimes .....	63%	68%
robbery/aggravated assault .....	26	23
manslaughter .....	4	0
arson .....	3	0
rape/sex crimes .....	2	0
drugs and miscellaneous .....	2	9

### Recidivism Analysis

In the Kentucky study, each category of recidivism (rearrest, conviction and reincarceration) was examined, and reincarceration rates were split between those offenders returned to prison convicted of a new crime and those returned for a technical violation of probation supervision. Overall, approximately 22% of the felony probationers were rearrested, and 18% of the total group were eventually convicted of a new crime as the result of their rearrest.

The table below compares those recidivism categories with the Rand results.

**Table 2**  
**Comparison of Recidivism Results**

	Kentucky	California
rearrest .....	22%	65%
convicted .....	18	51
reincarcerated for new offense .....	12	22*
reincarcerated for probation violation .....	7	*

\*The Rand study failed to consider incarceration for a probation violation as a separate category of recidivism.

Although the two groups under study appeared remarkably similar in some areas, it is clear from Table 2 that probation recidivism rates differed dramatically. Of course, there are any number of variables which could account for these differences (e.g., caseload size, style of probation supervision, demographic and urbanization patterns of Kentucky and California).

Next, Dr. Vito examined the types of crimes committed by felony probation recidivists (excluding technical

\*While comparisons with the Rand results are made, it should be noted that in neither study can the recidivism results be generalized to all adult probationers. The findings of both studies must be interpreted cautiously since the samples were selected in such a way that the research subjects were not necessarily representative of either California's or Kentucky's felony probationer population. For example, the Kentucky study did not draw its sample from all Kentucky felony probationers; rather, this sample of 317 represents the processing of over 5,000 felony offenders arraigned in district court of three selected judicial districts (6th, 14th and 30th). Also, the Rand study used a 40-month follow-up period and the Kentucky study used a 36-month follow-up.

violators). Misdemeanors and property felonies accounted for the major portion of rearrests and convictions (approximately 70% each). However, in terms of reincarceration rates, felonies had a majority with a total of 65%.

Additionally, Dr. Vito broke down the recidivism results based on the original conviction offense charges filed against felony probationers. Persons convicted of burglary were most likely to be charged with another property crime (56%) and accounted for 41% of all technical violators. Probationers previously convicted of larceny-theft were most likely to be charged with a violent crime (31%) or a misdemeanor (36%). Drug offenders accounted for only a small number (4%) of all recidivist offenses.

The above distribution was roughly comparable to that reported in the Rand study with property crimes accounting for 51% of all new crimes (led by theft, forgery and auto theft with 29%) and violent crimes amounting to 24% of the charged crimes (led by robbery with 9%). However, in terms of the volume and seriousness of crime committed by recidivists, the crimes committed by the Rand study sample far outstripped those committed by the Kentucky sample of felony probationers. The Rand researchers concluded that "recidivists in these two counties concentrate on serious property and violent crimes—the crimes that society considers most threatening" and "that recidivists have a strong tendency to be reconvicted [sic] of the same type of crime." This was clearly not the case in the Kentucky study. Here, offenders did not seem to specialize at all and, in terms of recidivism, misdemeanor offenses and technical violations of probation conditions were more prevalent than were property and violent felonies.

### Implications and Conclusions

Comparison of the Kentucky and Rand studies' findings indicate that probation supervision appears to be relatively effective in containing or limiting recidivism, with both studies showing reincarceration rates far below the "30% threshold of failure" identified in previous studies of felony probationer recidivism. Indeed, it was not the purpose of either study to indict the respective state probation departments. It should be noted that Kentucky has already implemented several recommendations which were made as a result of the Rand study (for example, charging probationers fees to cover the cost of their parole supervision and limiting caseloads of probation officers in order to intensify supervision). But as the criminal justice system struggles with balancing the demand of the public for incarceration of convicted offenders and the federal mandates for reducing prison populations, probation supervision may be viewed as a "cure-all" for any number of correctional ills. The goals of probation must

be clearly specified and quantified—and future research must examine additional variables to determine effectiveness and cost savings. We must not be quick to endorse or condemn probation supervision as it attracts new attention as a potential solution to the crime problem and as its mission is clarified.

#### Reference

Petersilia, J., Turner, S., Kahan, J., and Peterson, J. (1985) *Granting Felons Probation: Public Risks and Alternatives*. Santa Monica: Rand Corporation.



#### Other SAC publications:

- Persistent Felony Offenders in Kentucky: A Profile of the Institutional Population**, by Dr. Deborah G. Wilson.
- Child Abuse and Neglect in Kentucky: 1978–1984**, by Dr. Gordon Bonham.
- The Aftermath of Criminal Victimization: A Statewide Survey**, by Dr. Knowlton Johnson, Dr. Gary Sykes and Ned Snow.
- An Offender-based Tracking System Study of Three Judicial Districts in the Commonwealth of Kentucky**, by Dr. Gennaro Vito and Jack Ellis.
- Strengthening Kentucky's Capacity to Produce Criminal Justice Statistical Information: A Needs-Use Assessment**, by Dr. Knowlton Johnson, Linda Burgess, and Sherry Hutcherson.
- Kentucky Inmate Population: Profile and Projections**, by Dr. Knowlton Johnson, Dr. Michael Price, Jack Ellis and Barbara Meredith.
- Persistent Felony Offenders in Kentucky: A Comparison of Incarcerated Felons** by Dr. Deborah G. Wilson and Dr. Gennaro Vito.

Executive summaries or complete copies of these reports are available at cost by writing:

Mr. Jack Ellis  
Kentucky Criminal Justice SAC  
Urban Studies Center  
University of Louisville  
Louisville, KY 40292

# **ANNOUNCING**

## THE SECOND ANNUAL KENTUCKY CONFERENCE ON CRIMINAL JUSTICE RESEARCH AND STATISTICS

September 4-5, 1986

The Seelbach Hotel

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in Kentucky

A detailed conference schedule will be in the mail soon.  
For more information contact Jack Ellis, SAC Manager,  
(502) 588-6626.

The Criminal Justice Statistical Analysis Center (SAC) is operated by the Urban Studies Center, College of Urban and Public Affairs, University of Louisville, under the auspices of the Office of the Attorney General, Commonwealth of Kentucky, in collaboration with the Bureau of Justice Statistics.

### ***Registration Form***

**YES!** Please register me for the Second Annual  
Kentucky Conference on Criminal Justice  
Research and Statistics, September 4-5, 1986.

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Conference registration fee is \$50 (includes Friday  
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Hotel accommodations are available at The Seelbach  
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Mail completed Registration Form and registration fee by  
August 22 to:

Jack Ellis  
Urban Studies Center  
University of Louisville  
Louisville, KY 40292

## Message From The Attorney General

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The 1985 report, *Crime in Kentucky*, has been released by State Police Commissioner Morgan T. Elkins and Governor Martha L. Collins. I commend the Commissioner and his staff for the excellent report; it is highly readable and outlines the instances of Part I crimes in the Commonwealth.

Part I crimes are the most serious offenses committed and include murder, rape, robbery, aggravated assault, burglary, larceny, theft and auto theft. There are several disturbing items in the report, including a 14% increase in reported aggravated assault, a 10% increase in robbery, and a 5% increase in murder reports. The other violent crime reported—rape—showed a slight decrease of 1.9%. However, it is disturbing that most violent crimes show an upward trend.

One upward trend in the report which is noteworthy is the clearance rate. Clearance rates are defined as the percentage of cases cleared through arrest or exceptional means compared to the total number of offenses reported or known by the police. In 1980, 18% of all Part I crimes were cleared compared to a 25% clearance rate for all Part I crimes in 1985. I want to commend police officers and other officials throughout the state for this steady improvement and to encourage

them to continue working toward improving this figure. It is a sad commentary that only one in four Part I crimes will be solved by arrest; however, that clearance rate is comparable to other jurisdictions across the country. Clearly, we need to commit more resources to our local police, to crime prevention programs and to programs which enhance victim participation in the criminal justice system.

I urge you to review this year's *Crime in Kentucky* report. Copies are available from the Kentucky State Police Record's Section, 1250 Louisville Road, Frankfort, KY 40601.

Sound information is essential to making good decisions. I encourage your continued support of the SAC and other agencies which are developing criminal justice information. We in the criminal justice system have been slow in realizing the importance of data in making our case for additional resources. This year's SAC Conference is devoted to exploring how data can affect policy and how to use data to make good policy decisions. Plan to attend and share. I'll see you there.

David L. Armstrong

