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CRIME, CRIMINAL JUSTICE
AND PROBATION, 1986

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NASSAU COUNTY PROBATION DEPARTMENT

CRIME, CRIMINAL JUSTICE AND PROBATION

Preliminary Analysis of Selected Programs
in the Criminal Division for 1986, including
a Review of Some of the Major Issues,
Trends and Problems in Criminal Justice

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ACQUISITIONS

INTRODUCTION

This report consists of two principal parts. Part one will include a review of some of the major issues, trends and problems in criminal justice. The second part will present the results of a preliminary analysis of currently available annual data covering selected programs in the Criminal Division for the year 1986. Using a comparative analysis methodology, the findings and conclusions for 1986 are compared with those for 1985, and, for some areas, with the past seven years. In addition to the descriptive narrative, tables and graphs are also included. The analysis and the results therefrom are expected to contribute in some measure to the following objectives:

1. Identify significant changes in programs or services.
2. Reveal patterns or trends which could impact on programs in the future.
3. Measure organizational efficiency and effectiveness.
4. Anticipate problem areas.
5. Relationship of the findings and conclusions to organizational goals and objectives.
6. Relationship of the findings to social problems or forces external to the Probation Department.

CRIME, CRIMINAL JUSTICE AND PROBATION IN 1986. A BURGEONING CRIMINAL JUSTICE SYSTEM REMAINS UNDER PRESSURE

As in previous years, the major focus of this report is on the programs, services and activities of the Criminal Division for 1986. However, it should prove helpful to both a better understanding of the results of this analysis and to place in perspective the findings and conclusions therefrom, to briefly review some of the issues, trends and problems on the national, state and community level that have had an impact on probation in the past and could continue to do so in the future.

In reviewing the events of the past year and looking ahead to 1987, we find a burgeoning criminal justice system marked by controversy and stress. There appears to be general agreement that the crisis in our prisons and jails is responsible for much of the current stress throughout the system. This, of course, is not surprising given the present situation, but there are tradeoffs, both positive and negative, for, on the one hand, while an organization under stress is vulnerable to further exacerbation of its problems, on the other hand, it is also more amenable to positive change and reform. Some recent trends help place the problem in perspective and will be discussed in greater detail elsewhere in this report. The nation's prison population has grown for 11 straight years. In New York State, the comparable statistic is 14 consecutive years. The total corrections population nationwide has reached nearly three million men and women, and while almost two-thirds of this group is on probation, some three-quarters of a million inmates are also incarcerated. Furthermore, it was recently reported that 3% of all adult males in the United States were under some type of correctional supervision at the beginning of 1986.

Given the above trends, it is not unexpected that in 1986 two issues continued to rank at or near the top of the list of problems facing the Criminal Justice system. Number one, of course, is the need for prison and jail space, the associated problem of crowding in these institutions and the massive expenditures of funds to build additional facilities. In second place, but closely related to the top issue, is the subject of alternatives to incarceration. Although the focus of much attention at all levels of government, it remains controversial because of the community-safety issue and the underfunding of many of these programs. Thus, what is needed here is less attention and more resources. However, because facilities for incarceration are costly to build and operate, only limited funds remain, with the result that alternative programming goes without. There is increasing evidence, though, that while the nation's current infatuation with and overreliance on the imprisonment sanction has not ended, it appears to be waning.

Despite extensive efforts in past years to improve the prevention and control of crime in the United States through a more efficient and effective criminal justice system, we still have a serious problem. On the national level, a recent assessment, however, was optimistic in that we are making progress but also noted that much remains to be done. In the war on crime, while there appears to be general agreement on goals, differences over philosophy, objectives and the means to achieve them abound. Given the present climate of crisis and stress, reformers and advocates of change continue to advance their various positions and programs. Some of the more controversial issues, trends or problems that were the focus of attention over the past year are touched upon briefly below.

CONTROVERSY and STRESS HIGHLIGHT CHALLENGES to CRIMINAL JUSTICE

1. CRIME TRENDS - -Although crime trends are presented to help place the crime problem in realistic perspective, the results of the past two years have made the task a more difficult one. Recent reports on crime have revealed mixed and controversial results. The major reporting systems have conveyed two different trends - one favorable, the other unfavorable. The Uniform Crime Reports (UCR), after three years of declines, reported increases in crime for 1985 and 1986. The National Crime Survey (NCS), which focuses on victims, has revealed declines for four consecutive years. Explanations for these contradictory findings range from more drug arrests, on the negative side, to demographic changes, on the positive side.

2. PROBATION: PAST AS FUTURE - - Is the future of probation in its past? One view finds that probation is no longer a true alternative to prison or jail but has become a supplement.¹ Thus, probation's very success ultimately became its weakness as it moved away from the early model established at its birth. While some critics speak of the repackaging of probation and its current focus on punishment, control and surveillance in a negative light, others view the intensive probation supervision movement as the ideal vehicle for its rebirth and reform. Final judgments must await more definitive studies. Until then, there is the danger that intensive probation could be oversold.

3. THE PRISON AND JAIL CRISIS - - Can a policy based on punishment and high levels of incarceration reduce present levels of crime? While this get-tough approach has succeeded in filling our correctional facilities, the drop in the crime index in the early 1980's was viewed as a vindication of such a policy. Now, with the more recent increases in the Crime Index, it is, of course, subject to question. Critics view the policy as a short-sighted and simplistic solution. For them, American society and its social institutions are generating more and more individuals with a predisposition to criminality than our systems can cope with. Accordingly, if we are to have long-term success, the root causes of crime must also be dealt with.

1. Lipchitz, Joseph W., "Back To The Future : An Historical View Of Intensive Probation", Federal Probation, Vol. L., No. 2, June 1986.

4. ALTERNATIVES TO INCARCERATION - - While the prison crisis has given a special urgency to the alternative sentencing movement, many reformers support the concept on its own merit. One critic speaks of "breaking out of prison" ² and sees a need for greater selectivity in the imprisonment decision. Although alternatives to incarceration can encompass a wide range of programs, ranging from fines, restitution and community service to house arrest or electronic home detention, more often than not it is spelled PROBATION, for probation is the linch-pin for most, if not all, community-based corrections programs. Furthermore, if intensive probation were not available, it would have to be invented.
5. SUBSTANCE ABUSE AND CRIME - - A strong anti-drug and anti-alcohol backlash helped put this issue in the spotlight. While the nation has had to confront a major drug problem for the past two decades, 1986 saw a dramatic resurgence of this problem, due in large part by what appeared to be an epidemic of cocaine use, including the derivative crack. Although the evidence points to a strong linkage between substance abuse and crime, critics viewed the recent flurry of activity and attention as misplaced, or drugs as a sideshow. Crack, too, was seen as a scapegoat. In short, attention was misdirected at a symptom while the major problems of the family, race and poverty are neglected.
6. CRIME AND ITS CAUSES - - Due to gaps in our knowledge base, the debate over causes appears endless. The controversy is an important one, however, for it has significant and pragmatic implications for criminal justice policy. Is most crime the result of individual differences or a predisposition to criminality, or is crime linked to a malfunctioning society? Faulty causal analyses of crime and criminal behavior can lead to flawed, or at best, short-term solutions. One result, for example, could be that our programs focus on symptoms, such as drugs, instead of root causes. Another is to place the blame for the crime epidemic and the proliferation of drugs on so-called liberal judges, as suggested by the Federal administration, despite the crisis in our prisons after 11 consecutive years of growth.

2. Gibbons, Don C. "Breaking Out of Prison", Crime and Delinquency, Vol. 32, No. 4, October 1986.

7. CRIMINAL JUSTICE AND REFORM - - Although institutional change is traditionally slow, progress can be accelerated by sound experimental programs that are supported by solid research. It was recently noted that "research that is not utilized is wasted, and research lacking a strong role by criminal justice administrators will have limited applicability and use." ³ The best hope for reform and change, then, is from within the system itself. For example, there is evidence to suggest that some offenders are serving longer periods of incarceration than necessary while others could be punished in ways short of prison or jail. The goal should be crime control strategies that will achieve an acceptable balance of community protection, punishment and offender rehabilitation.

In order to provide the reader with a broader frame of reference on crime, criminal justice and probation in the 1980's, the remainder of Part I of this report will review in more detail the controversial issues and trends cited above. Accordingly, subsequent sections will include (1) Crime Trends: Recent Findings Provoke Controversy; (2) The Criminal Justice Response: Its Impact on Probation and Correctional Systems; (3) Is The Future of Probation In Its Past? (4) Substance Abuse And Crime; (5) Criminality and Its Causes: Policy Implications of Different Perspectives; (6) Criminal Justice: The Struggle For System Reform and Change Continues; (7) The Rand Studies: A New Report Sheds Further Light On The Effectiveness of Prison And Probation Sanctions.

CRIME TRENDS - RECENT FINDINGS PROVOKE CONTROVERSY

More so than in recent years, reports of crime trends and related statistics made available in 1986 contained findings that offered both positive and negative support to how the war on crime is progressing. Depending on which type of report is used, there is evidence to support both favorable and unfavorable positions relative to real increases or decreases in the number of crimes committed in the United States. For many years, the reliability of our nation's crime statistics has been considered suspect by many students of the field. More recently, efforts to improve the quality of older reporting systems, as well as bringing new ones on line, have met with some success. However, in 1986, with the major reporting systems conveying two different trends, the results were bound to be controversial. These crime trends are set forth in more detail below. First, however, some general comments on the reporting systems themselves and the possible reasons behind the increases and decreases in crime being reported.

3. Burkhardt, Walter R. "Intensive Probation Supervision: An Agenda For Research and Evaluation", Federal Probation, Vol. L, No. 2, June 1986.

Crime statistics, despite their controversial aspects, are vital to a better understanding of the crime problem, for, despite shortcomings, they do monitor the scope and magnitude of crime, as well as provide a measure of the effectiveness of the nation's crime prevention efforts in the fight against crime. Thus, crime statistics and trends provide us with information to measure the impact of crime on both the community and the nation. There are two major sources of crime statistics and trends at the national level. The first and oldest of the two is the Uniform Crime Reports (UCR), which is under the supervision of the Federal Bureau of Investigation and focuses on crimes reported or known to police. The second one, the National Crime Survey (NCS), became operational in 1973 and is under the control of the Bureau of Justice Statistics. This survey adds a new dimension to the nation's crime profile by focusing on victims and households touched by crime in a given year. Thus, it is important not only because it measures selected personal and household crimes, but also those not reported to the police. In fact, the most recent NCS survey reported that almost two-thirds of all personal and household crimes, as well as about one-half of all violent crimes, were not reported to police. The recent decreases in the crime rate as reported by the NCS has been attributed to two major factors: first, there has been a significant decline in the nation's crime-prone age group - primarily males in the years 15-24; second, the deterrent effect of conservative, get-tough criminal justice policies and the closely related incapacitative effect of much higher imprisonment rates. On the negative side and more controversial, are the increases, reported by the UCR. Explanations for the increases ranged from a greater willingness to report crime to a criminal justice system that is now viewed as tougher on offenders, on the one hand, to a more severe drug problem, as well as shifts in the nation's population, on the other.

A review of the major crime trends at the national, state, and local level, as reported in 1986, reveals the more controversial aspects of this subject. First, based on the Uniform Crime Reports (UCR) ⁴ for the first six months of 1986, in comparison to a similar period in 1985, reported crime increased by 8% at the national level. This compares with a 3% increase for a similar period in 1985 versus 1984. Also, the overall crime index for reported crime increased by 5% in 1985. This compares with declines of 3% in 1984, 7% in 1983 and 3% in 1982. The semiannual increase for the 1986 UCR was consistent for all regions of the United States and also reflected increases for the major crime types - violent crimes up 14%, while property crimes were up 7%. Thus, the increases in 1985 and 1986 follow three straight years of declines in UCR crime. A more favorable crime trend was revealed in the

4. Uniform Crime Reports, Federal Bureau of Investigation U. S. Dept. of Justice, October 1986.

National Crime Survey (NCS) report released in 1986 and which measures crime victimization levels.⁵ Overall, the NCS reported 1.9% fewer crimes in 1985 than in 1984 (34.9 million versus 35.5 million) and the lowest number in 13 years of reporting. With 35.7 million victimizations in 1973, they rose to 41.5 million in 1981, the peak year and have declined for four consecutive years for a combined drop of 15.9%. Additional findings point to a 3.4% drop in the victimization rate for crimes of personal theft, a 2.2% drop in the burglary rate and a 1.9% decline in the household larceny rate. The victimization rate for violent crimes (rapes, robberies, and assaults) dropped 4.4%. In sum, the NCS findings report 700,000 fewer victimizations in 1985 than in 1984, as well as four straight years of declines in overall crimes since 1981.

Closer to home and at the local level, crime trends in New York State and Nassau County were less favorable than in recent years. In 1985, based on the Uniform Crime Report index offenses, reported serious crime increased by 0.4% in New York State. In Nassau County in 1985 there was an increase of 1.9%. This follows on a decline of 4.2% in New York State and no changes in Nassau County in 1984. Also, in 1985, the trends by type of crime - violent and non-violent or property - were more mixed. In Nassau County, violent crimes declined by 3.7%, as compared with a 1.9% increase in New York State. Non-violent or property crime increased by 2.3% in Nassau County and a slight 0.1% in New York State.⁶

More recent UCR data covering the first six months of 1986 are also less favorable and reflect a further increase of 6.9% for New York State (11.3% violent crime and 5.9% property crimes) and an increase of 1.3% in Nassau County. Table I below contains a detailed analysis for this latter period for Nassau County by type of offense. Although it can be seen here that despite the small overall increase of only 1.3%, the number of violent crimes jumped by 16.7%, with almost all of this increase being in the aggravated assault (25.7%) and robbery (14.0%) categories.⁷

5. Criminal Victimization, Bureau of Criminal Justice Statistics Bulletin, U.S. Dept. of Justice, October 1986.
6. Crime and Justice, Annual Report, N.Y.S. Division of Criminal Justice Services, 1985.
7. Uniform Crime Reporting Program, N.Y.S. Division of Criminal Justice Services, December 1986.

TABLE I

PART I INDEX OFFENSES REPORTED/KNOWN TO
POLICE IN NASSAU COUNTY FOR THE
YEARS JAN.-JUNE 1985 AND JAN.-JUNE 1986

<u>Index Offenses</u>	<u>Jan.-June 1986</u>	<u>Jan.-June 1985</u>	<u>Inc/ Dec over Previous No.</u>	<u>Inc/ Dec over Period %</u>
Murder	15	16	- 1	-6.2
Negligent Manslaughter	5	4	+ 1	+25.0
Forcible Rape	61	78	- 17	-21.8
Robbery	780	684	+ 96	+14.0
Aggravated Assault	723	575	+148	+25.7
Burglary	4,589	4,349	+240	+5.5
Larceny	12,282	12,473	-191	-1.5
Motor Vehicle Theft	<u>3,167</u>	<u>3,172</u>	- 5	- 0.2
Total	21,622	21,351	+271	+1.3

TOTAL INDEX OFFENSES CLASSIFIED BY TYPE-
VIOLENT AND NON-VIOLENT FOR THE
YEARS JAN.-JUNE 1985 AND JAN.-JUNE 1986

<u>Type Offense</u>	<u>Jan.-June 1986</u>	<u>Jan.-June 1985</u>	<u>Inc/Dec over Previous No.</u>	<u>Inc/Dec over Year %</u>
Violent	1,584	1,357	+227	+16.7
Non-Violent	<u>20,038</u>	<u>19,994</u>	+ 44	+ 0.2
Total	21,622	21,351	+271	+ 1.3

Another report released in 1986 contains findings which are supportive of the favorable victimization survey findings but are in direct contrast with the UCR data noted above. The report revealed that the percentage of households touched by crime in 1985 dropped to 25% versus a higher 26% in 1984 and a record high of 32% in 1975. Thus, according to this measure, crime in 1985 had reached its lowest level for the 11-year period. A household is considered touched by crime and included in the count if during the year it sustained a burglary, auto theft, or household larceny or if a household member was raped, robbed or assaulted or was a victim of a personal larceny. Accordingly, it was estimated that 22.1 million households were touched by crime in 1985, down from 22.8 million the previous year. Other findings in the report, which have been consistent for the 11-year period, indicate that suburban households are less vulnerable to crime than urban ones but more vulnerable than rural households. It was also noted that other households are at greater risk for crime. They include black households, households with higher incomes, and households in central cities.⁸

In sum, the above crime trends are presented to help place the crime problem in a realistic perspective. However, the results of the past two years, as noted previously, have made the task a more difficult and controversial one. On a more optimistic note, a recent view of the National Crime Survey results concluded that "crime remains a serious problem for our society. The evidence is that we are making progress, but much remains to be done".

THE CRIMINAL JUSTICE RESPONSE: ITS IMPACT ON PROBATION AND CORRECTIONAL SYSTEMS

One of the more controversial issues in the current criminal justice policy debate centers on whether or not punishment and high levels of incarceration can reduce present levels of crime. Those who favor a get-tough approach viewed the drop in the Crime Index for the years 1982-1984 as a vindication of such a policy. Others, of course, see the recent rise in the Crime Index as weakening this argument. Furthermore, they view this type of approach as a simplistic solution to a very complex problem. For them, American society and its social institutions are generating more and more individuals with a predisposition to criminality than our systems can cope with. Thus, if we are to have long-term success, the root causes of crime must also be dealt with. In this regard, while the criminal-justice response alone may fall short of the mark, its impact on corrections has been highly dramatic.

8. Households Touched by Crime, Bureau of Criminal Justice Statistics Bulletin, U. S. Dept. of Justice, October 1986.

It was recently reported that 3% of all adult males in the United States were under some type of correctional supervision at the beginning of 1986.⁹ In short, the total corrections population nationwide had reached nearly three million men and women, including those in prison or jail, on probation or parole. Not surprisingly, the largest group was on probation, some 1.9 million adults, or almost two-thirds (64.4%) of the total corrections population. It was of course, the incarcerated group, some 750,000 adults, that received the most attention, because of overcrowding in our prisons and jails and the shortage of space, despite massive building programs across the country. The prison population alone, both state and Federal, had exceeded over half a million (503,601) at the start of 1986. By mid-year, the prison population had increased another 5% to a record high 528,945 inmates.¹⁰

Another controversial issue that also impacts on the correctional process has to do with what some critics refer to as the selectivity of the imprisonment decision. On the one side are those who see the need for greater use of alternatives to incarceration while on the other are those who contend that current prison sentences are used to punish only the most serious offenders. Some recent findings shed light on both sides of this issue. First, it has been reported that for the last two years the nation's probation caseload has been growing faster than the incarcerated population. Thus, probation cases increased by 18% to reach 1.9 million adults while those imprisoned increased by only 15%, to 750,000 inmates. The question that comes to mind, of course, is whether the difference here can be attributed to a growing interest in alternative sentencing or the decline in available prison space. The answer, perhaps, is some of both.

A second finding relates to the seriousness of the offender population in the nation's prisons. Does it include offenders who could more appropriately be sentenced to alternative programs. Perhaps, a closer look at the inmate population of New York State's prisons can answer this question. At the beginning of 1986, the total prison population had reached 34,739 inmates. A brief profile of this group is informative¹¹

9. Probation and Parole, Bureau of Justice Statistics' Bulletin, U. S. Dept. of Justice, January 1987.
10. Prisoners At Mid-Year 1986, Bureau of Justice Statistics U. S. Dept. of Justice, September 1986.
11. Crime and Justice, Annual Report, N. Y. S. Division of Criminal Justice Services, 1985.

- A median age of approximately 28 years.
- More than three-quarters (77.3%) were Black (50.5%) or Hispanic (26.8%).
- More than two-thirds (69.4%) were serving maximum sentences in the range of 6 years or more to life terms.
- More than three-quarters (79.0%) of those admitted to custody the previous year (1985) were violent or prior felons.
- More than three-quarters (77.6%) of the offenders were committed for violent offenses, crimes-against-persons, or other serious crimes (See Table IA below).

TABLE IA
NEW YORK STATE PRISON POPULATION UNDER CUSTODY
JANUARY 1, 1986

<u>Offense</u>	<u>Number</u>	<u>Percent</u>
Robbery	10,804	31.1%
Murder and Other Homicide	6,253	18.0%
Burglary	4,863	14.0%
Dangerous Drugs	4,655	13.4%
Rape and Other Sex Offenses	2,189	6.3%
Dangerous Weapons	1,529	4.4%
Assault	1,320	3.8%
All Other Felonies	2,779	8.0%
Youthful Offenders	347	1.0%
TOTAL	34,739	100.0%

Although New York State's prison population has risen rapidly in recent years and continued to rise in 1986 (it was approaching 39,000 at the close of the year, for a 12% increase), a review of the above profile data, especially when considered in conjunction with mandatory sentencing laws and a conservative justice philosophy, and while not excluding the possibility that some offenders may have been suitable for alternative sentencing, it would appear that those offenders in custody were appropriately sentenced. A more precise answer, of course, would require a detailed analysis of each offender on a case by case basis. We do know, however, that the overall probation caseload in New York State increased by 19.1% over the past two years, while the prison population increased by only 13.8%.

IS THE FUTURE OF PROBATION IN ITS PAST?

It is often said that the past is more valuable than the future. In this same context, we sometimes speak of the past as prologue. Perhaps in these troubled times for probation, we can find some guidance from its past. If so, we must be informed of the persistence of social forces and the slow process of change. A previous report in this series also took note of this process thusly. In the years to come, probation will continue to meet its problems with new methods and programs. However, the need for change must be tempered with the experience and wisdom gained by probation during its over 100 years of existence. In this regard, probation must learn to manage controversy, dissension and debate so as to shape probation and its future from within and on its own terms and not be subjected to the whim of outside forces. In planning for the future, we must not be afraid to assess our past with its successes and its failures. It may be that for probation, the emphasis on quality rather than the new or innovative could, in the long run, produce more effective results.

It is said that the crisis in our prisons and jails is responsible for much of the current stress throughout the Criminal Justice system. The severe shortage of space in these facilities has placed the spotlight on alternatives to incarceration (ATI). While not to belabor the point, more often than not alternatives to incarceration is spelled PROBATION. Furthermore, probation is the linch-pin for most, if not all, community-based corrections programs. More importantly, while the prison crisis has certainly given added impetus to the ATI movement, many justice reformers support it on straight philosophical grounds. A recent review of this type of support included the following points: ¹²

- There is a large number of lawbreakers who do not require imprisonment, as well as a number of others who, if incarcerated, ought to be kept in custody for relatively short periods of time. (Prison commitment rates vary markedly from state to state, with the result that the extent of overuse of incarceration differs from one jurisdiction to another.) Additionally, risk-management and risk-assessment classification devices have been developed that make it possible to arrive at informed choices about who is to be sent to prison and who is to be dealt with in some other manner.

12. Gibbons, Op.Cit.

- If the use of incarceration is to be reduced, alternatives to prison must be implemented that provide both for more intensive control and supervision of offenders than has traditionally been found in probation programs and that also endeavor to reintegrate lawbreakers into prosocial patterns of behavior in the community.
- There is already in existence an array of community-based alternatives to incarceration, including house arrest; the use of electronic bracelets and other electronically augmented intensive surveillance programs; shock incarceration of individuals for short terms in prison followed by community supervision; restitution and community service programs, and the like. Moreover, it should be possible to invent other innovative ways of handling offenders in the community without creating markedly greater risks to the general public.
- It would be Pollyannish to assume that alternatives to incarceration can easily be established and properly implemented without leading to various unanticipated effects such as widening of the control nets or shifting custodial programs from the state to the local level. At the same time, such caveats ought not to discourage completely our efforts to find alternatives to incarceration.
- The choice to be made is not an economic one in which we can either opt for the very expensive disposition of incarceration or some low-cost alternative form of handling offenders in the community. Correctional programs that are likely to allay the citizen's fears about criminals who "ought to be behind bars" and that also provide a satisfactory degree of control over those persons cannot be established or funded "on the cheap."

Although the focus of much attention in recent years, at all levels of government, ATI remains controversial because of the community-safety issue and the under-funding of many of these programs. Also, if ATI was the priority item for the criminal justice system in 1986, by comparison, for probation, the spotlight was on intensive supervision programs. And to paraphrase one of the above points, quality probation cannot be had on the cheap. Therein lies a paradox. A recent editorial expressed a view of corrections

as a system with a number of vital components that must all work together if the system is to function effectively.¹³ The central point in the editorial is the critical need for corrections to convey this message to the public. Thus, the title, "Selling the Whole Package." Accordingly, probation practitioners must communicate to the larger community that probation is a vital component of a balanced correctional system. Because probation is less visible to the public, this is considered a difficult task. The editorial goes on to endorse probation as a realistic alternative to incarceration. While not to question the good intentions here, are these comments on target or do they amount to a put-down for probation? Given certain historical facts - that probation had its early beginnings almost 150 years ago, that it already manages two-thirds of the total correctional caseload - one is tempted to opt for the latter. On the other hand, we know, too, that probation remains largely unrecognized, overworked, overcriticized and underfunded.

Is probation working? Some see the present crisis as an ideal opportunity for much needed reform. Although some critics speak of the repackaging of probation and its current focus on punishment, control and surveillance in a negative light, others view the intensive probation supervision movement as the ideal vehicle for this reform effort. Is probation in need of change or reform? One view of the problem is that probation is no longer a true alternative to prison or jail but has become a supplement.¹⁴ Thus probation's success, as measured by its growth and institutionalization, ultimately led to its weakness, as probation moved away from the early model established by John Augustus. Accordingly, intensive probation supervision is viewed as an opportunity to return to this earlier model pioneered by Augustus and characterized by "a limited number of clients, a clear desire to help reform the individual, close supervision of the client, and a positive plan of assistance and a job to provide a new alternative for behavior."¹⁵

Actually, the above view may be premature, if not too optimistic, for a recent comprehensive review of intensive probation supervision across the nation revealed considerable confusion about its purpose, or what it is, including what it consists of, target population, program design, and effectiveness. Although these

13. Travisono, Anthony P. "Selling the Whole Package", Corrections Today, Vol. 48, No. 1, February 1986.

14. Lipchitz, Op.Cit.

15. Ibid.

programs are characterized by differences and variations in many important features. And while the degree of emphasis may vary on those they share, many of the programs do share some common elements. Most, if not all, were developed as an alternative to imprisonment, if not to reduce prison crowding. Burkhardt (1986) speaks of the emphasis on control and surveillance (some with electronic devices), retribution or punishment (using community service, for example) and the payment of fees. He views treatment and rehabilitative efforts as secondary.¹⁶ On this latter point, Byrne (1986) differs somewhat by noting mandatory treatment condition requirements in almost all states with these programs. He further observes "a resistance to changing the treatment orientation of probation, even with the most serious offenders under supervision."¹⁷

How effective is intensive probation supervision? Although small caseloads and frequent probationer contacts allow for multiple program objectives, it has been observed that the tendency has been to load up on numerous program features with no prior knowledge available on their contribution to program outcomes. The results of some early evaluations of these programs appear to be favorable. But, because these efforts have been found wanting, the results have definite limitations. Thus, Burkhardt notes "few evaluations of intensive probation supervision meet even the most basic methodological criteria."¹⁸ The task, however, is not an easy one. Byrne sums up the current problem with the observation "that any generalizations about the overall effectiveness of intensive supervision will be misleading because of the differences in program philosophy, target populations, and the basic elements of program design. Importantly, research which attempts to examine the relative impact of specific design features has not been conducted."¹⁹

On a more optimistic note, the apparent great diversity to be found in intensive supervision programs across the country, and which some critics see as signs of confusion and weakness, could turn out to be a strong asset for probation in the future. A final judgment, though, must await the completion of evaluation studies in the years ahead. Until then, there is the danger that intensive probation supervision could be oversold.

16. Burkhardt, Op.Cit.

17. Byrne, James M. "The Control Controversy: A Preliminary Examination of Intensive Probation Supervision Programs In The Unites States", Federal Probation, Vol. L, No. 2, June 1986.

18. Burkhardt, Op. Cit.

19. Byrne, Op. Cit.

SUBSTANCE ABUSE AND CRIME

While the nation has had to confront a major drug program for the past two decades, the year 1986 saw a dramatic resurgence of this issue, with primary attention focusing on what appeared to be an epidemic of cocaine use, along with the cocaine derivative, crack. Led by strong public and political forces and supported by a strong anti-drug and anti-alcohol backlash, the issue reached a climax toward the end of the year with the signing into law of the Federal Anti-Drug Abuse Act of 1986. Another more pedestrian substance problem which continued to confront the criminal justice system and tax its limited resources was the abuse of alcohol, especially in the form of DWI activity.

Given the spotlight on drugs and the apparent upsurge in cocaine and crack, information from recent studies only served to highlight some of the paradoxes associated with the drug problem. New evidence indicates that drug use is declining or, with cocaine use, stable and leveling off. If this is the case, why the new focus on the issue at this time? One source noted that "societies tend to react against drugs slowly, and the reaction usually comes just after the popularity of drugs has peaked. Learning to hate drugs comes not so much from a government brochure as from repeated observation of the damage to acquaintances and society." 20

Obviously, the so-called cocaine/crack epidemic has been a significant catalyst for this latest effort. A growing awareness of its destructiveness to all segments of society, extremely high rates of addiction and its link to a recent rise in the crime rate have in the public's eye further exacerbated a chronic problem and fed the backlash.

There is growing evidence that the American public's tolerance for drug abuse is waning. Efforts to eliminate the social acceptability of drug abuse may be working. The demand for drug testing, while controversial, is increasing. Thus, it appears that the costs of our drug and alcohol abuse problems - both social and economic - have reached an intolerable level. Therefore, because of the strong linkage between these problems and crime, policies and programs which succeed in reducing the demand for drug and alcohol abuse, will also have a salutary effect on the level of crime. This effort is probably long overdue. It has been noted that by focusing law enforcement efforts on the supply side of the equation and largely ignoring the demand side, or users, the result has been a de facto decriminalization of use. 21

20. Kerr, Peter, "Anatomy of the Drug Issue: How, After Years, It Erupted", N. Y. Times, November 17, 1986.
21. National Institute of Justice, "Drugs, Alcohol and Crime," Research Program Plan, U. S. Dept. of Justice, November 1986.

The linkage between both drug abuse and alcohol abuse and crime is a strong and well-documented one. The association between both types of substances and crime and their impact on the criminal justice system was much in evidence in recent studies. However, given the extent of these problems, even greater knowledge is needed to inform, guide and develop policies and programs to control substance abuse in general and related crime. Its importance at the national level, where drug abuse is viewed as a critical problem, is also revealed by its high current position on the research priorities list.

The relationship between substance abuse, either drugs or alcohol, or both, and crime, while not without controversy, can also be observed in the following highlights from recent studies: ²²

- "Compared to 40% of the general U. S. population, 78% of state prisoners and 75% of all jail inmates reported having used drugs at sometime in their lives. Marijuana is the most commonly used drug by state prisoners and jail inmates.
- Habitual offenders and persons convicted of assault, burglary, and rape were more likely than other state prisoners to have been very heavy drinkers. Alcohol was most likely to have been used by jail inmates convicted of public order offenses and violent crimes, particularly manslaughter and assault.
- Just before committing the crime for which they were imprisoned:
 - almost one-third of state prisoners and one-fourth of convicted jail inmates reported that they had drunk very heavily;
 - almost one-third of state prisoners and one-fourth of convicted jail inmates said they had been under the influence of an illegal drug;
 - three-fifths of state prisoners who were under the influence of drugs had also been drinking."

While the spotlight was on drug abuse in 1986, the focus continued on alcohol abuse also, primarily because of Anti-DWI efforts. However, the problem with alcohol is much broader in scope, although the DWI problem remains a massive one. A recent

22. Crime and Crime Prevention Statistics, National Crime Prevention Council.

review of the research on the link between alcohol and crime put this point in perspective when it noted that "the statistical association between alcohol use and crime is overwhelming." This strong relationship was reported to be present in numerous studies on different kinds of crime, from murder - where alcohol was involved in as high as two-thirds of the cases - to sexual offenses where it was involved in at least 40% of the cases.²³ So, while all the research studies point to a strong association between alcohol, drugs and crime there still is insufficient knowledge to pinpoint the precise type of causal relationship. To help fill this gap, research at the Federal level through the National Institute of Justice has a program with the dual objectives of (1) increasing our understanding of the nature and extent of drug-related crime, and (2) improving our abilities to control drug abuse and drug-related criminality.²⁴

Thus, the search for root causes continues even while the war is being fought, for on one side of the issue or debate are those who view drugs and alcohol as symptoms. Throwing larger and larger sums of money at them will not touch the problem. Using this perspective, crime, too, becomes a symptom of a larger disorder. Accordingly, the focus of effort becomes controversial, wherein crack becomes a scapegoat while the major problems of the family, race and poverty are neglected. For more on this subject, see page 21 of this report.

CRIMINALITY AND ITS CAUSES: POLICY IMPLICATIONS OF DIFFERENT PERSPECTIVES

The debate over the causes of crime appears endless. Arguments are constantly being advanced in support of one perspective or another, with most of them fitting -- with some oversimplification -- into the so-called conservative - liberal dichotomy. That the search for new theories and causes of crime is a continuing one itself offers strong testimony to the gaps in our present knowledge base. Criminal justice reformers, of course, are very much aware of these gaps and what Gibbons (1986) calls the paucity of unequivocal criminological scientific generalizations.²⁵ One does not have to look much beyond the present level of crime, with persistence and complexity being its paramount features, for evidence of this deficiency. However, essentially the same conclusion was reached in one form or another in a number of recent

23. Wilson, James Q. and Herrnstein, Richard J., Crime and Human Nature, Simon and Schuster, New York, N. Y., 1985.

24. National Institute of Justice, Op.Cit.

25. Gibbons, Op.Cit.

studies. Jenkins (1985) speaks of the present limitations of science in the prevention and control of antisocial behavior. He notes that "at our present level of knowledge, human behavior is predictable only in the most general sense." ²⁶ Pearson (1985) in an effort to integrate many of the criminological theories comments that "the field lacks a unified conceptual framework, despite all of the theory and research in criminology." ²⁷ Rosen (1985) addresses the crime problem by noting "it is this complexity which may explain why American criminology has not been notably successful in explaining delinquency. No current theory seems able to adequately deal with the complexity that exists." ²⁸

If the above description of the present status of American criminology is anywhere near accurate, one can better understand the confusion that now exists in the criminal justice system. This is reflected in the lack of consensus on some goals and objectives, the question of credibility and the effectiveness of the system, the lack of coordination between the system's components, and the overemphasis on some programs (prisons) to the neglect of others (probation). Thus, criminology in searching for the causes of crime is seeking to build a pragmatic knowledge base, one which can be used to guide and inform the development of criminal justice policy. In recent years, the area, which has generated the most controversy - one that is particularly attractive to reform groups of all persuasion - is the penal sanctioning process. Over the past two years, the controversy has been further exacerbated and the arguments sharpened by the publication of two books and the subsequent response to them. ^{29,30} In essence, these books offer two contrasting positions or perspectives on crime and criminal behavior, as well as its prevention and control. Both volumes were discussed in some detail in an earlier report in this series so only their major themes will be covered here. Of more immediate interest and significance are the contrasting positions themselves and their implications for criminal justice policy.

26. Jenkins, Richard L., "No Single Cause Juvenile Delinquency and the Search For Effective Treatment", American Correctional Association, College Park, Maryland, 1985.
27. Pearson, Frank S. and Weiner, Neil A., "Criminology - Towards An Integration of Criminological Theories", Journal of Criminal Law and Criminology, Vol. 76, No. 1, Spring 1985.
28. Rosen, Lawrence, "Family and Delinquency: Structure or Function?" Criminology, Vol. 23, No. 3, August 1985.
29. Wilson, James Q. and Herrnstein, Richard J., Crime And Human Nature, Simon and Schuster, New York, N. Y. 1985.
30. Currie, Elliott, Confronting Crime An American Challenge, Pantheon Books, New York, N. Y. 1985.

Wilson and Herrnstein (1985), in their highly publicized volume, stress constitutional and heredity factors in explaining individual differences in criminality. Thus, in their view, constitutional and biological factors, which are also related to psychological traits, predispose some individuals to crime. They include age, sex or gender, intelligence, physique or body-types, and personality. Although they view their theory or model as a comprehensive one, they appear to stress those conditions in society which are generating those individuals with a predisposition to criminality. For their critics, on the other hand, the Wilson and Herrnstein approach, however, is hardly a balanced one but one that is rightly accused of overemphasizing individual differences and certain predisposing constitutional and biological factors in explaining crime. Gibbons (1986), among others, is not convinced by their arguments and sees their evidence as wanting. Moreover, he sees this type of knowledge as being supportive of a conservative perspective which places great emphasis on punishment and incarceration, a policy, for him, that is wasteful and destructive, and when used on massive scale, inconsistent with the values of a democratic society.

Gibbons, and others, seek a more humane way to prevent and control crime. He sees support for this opposite perspective in the evidence advanced by Currie. Knowledge of this kind is important to the liberal reform groups and has pragmatic implications for a range of policy issues, with the concern for sanctions being an important one. For Currie, crime is linked to a malfunctioning society. He focuses his argument on environmental and social factors. Thus, high levels of crime are the result of poverty, unemployment, the decline of community and family violence. To reduce crime will call for the restructuring of social conditions, which will require the commitment of large public resources to social programs, such as public or public-private job creation activities and income support programs for families. His approach would deemphasize imprisonment in favor of alternatives to incarceration. Alternative sentencing would stress community-based programs and intensive probation.

Faulty causal analyses of crime and criminal behavior can lead to flawed or, at best, short-term solutions that waste resources but do not touch the root causes of crime. It can be observed at the level of the individual offender and higher, at the system level itself, when the focus is on symptoms rather than the larger problem. At the individual offender level, Challeen (1986) speaks of shifting the blame onto symptoms such as drugs or alcohol, for example, when the focus should be on the dishonest and irresponsible behavior of the criminal.³¹ Thus, the symptom is not

31. Challeen, Dennis A., Making It Right A Common Sense Approach To Criminal Justice, Melius and Peterson Publishing Corporation, Aberdeen, S. D., 1986.

the real source of the problem. A prominent, controversial and recent example of the symptom versus root cause at the criminal justice system level centers on the crime problem itself, rising crime rates and the role played by drugs, particularly cocaine and its new derivative, crack. In 1986, these drugs became the focus of a major new effort at all levels of government. Walinsky (1986) viewed the activity as grandstanding by offering an easy but flawed solution to crime. He speaks of crack as a scapegoat when the target should be crime, race and poverty. Thus, drugs are not the main cause of crime. Instead of crack, the root causes are disintegrating families and communities, disorganized schools and a growing population of the unacculturated, unsocialized and uneducated, with no job skills and ill-equipped for useful work. 32

CRIMINAL JUSTICE: THE STRUGGLE FOR SYSTEM REFORM AND CHANGE CONTINUES

In recent years, would-be reformers of American criminal justice have taken heart, for it is a given that a social institution under stress is vulnerable to change. And for many criminal justice reformers and critics, change is long overdue. While the direction of change is always controversial, the debate is being fueled by near record crime levels, over-burdened courts near the breaking point and record high correctional populations in every program - prisons, jails, probation and parole. Not surprisingly, given the problems, the debate has centered on such issues as sentencing policies and guidelines, alternative sentencing with particular emphasis on alternatives to incarceration, and crime control strategies that achieve an acceptable balance of community protection, punishment and offender rehabilitation.

Recent surveys indicate that by far the most important problem confronting the criminal justice system is prison and jail crowding. The crisis generated by the need for more space is believed to be responsible for much of the system's current stress.

33 Disregarding for a moment the philosophical controversy over the rightness or wrongness of the sentencing policy that led to the crisis in the first place, recent efforts at solutions have centered on (1) prison and jail expansion; (2) programs to reduce inputs and (3) programs to hasten outputs. Despite an increase in new prisons and jails and the use of new and faster construction methods, the system has found that more prisons and jails equals more and more inmates. Programs that endeavor to reduce inputs have centered on various combinations of alternatives to incarceration. Here, support

32. Walinsky, Adam, "Crack As A Scapegoat", New York Times September 16, 1986.

33. National Institute of Justice, Construction Bulletin, U. S. Department of Justice, June 1986.

for community-based correctional programs has continued to gain momentum. Programs to increase outputs from prison and jail include early release, with or without parole, and shorter sentences. Although early release programs are considered controversial and only short-term, emergency solutions to overcrowding, they have been successful and cost effective in controlling overcrowding, with only a minimal risk to public safety.

Results from recent research studies have also identified more permanent solutions to the prison/jail issue with changes to sentencing policies that will insure more effective use of these facilities. Because space is at a premium, it must be viewed as a valuable resource and not wasted. Thus, sentences should be no longer than absolutely necessary or appropriate without endangering the community. According to Austin (1986) "utilitarian concerns of expensive and ineffective incarceration versus excessive risk to public safety must be evaluated in the context of due process, equal protection, and the proportionality of punishment." In this context, then, there is evidence to suggest that some offenders are serving longer periods of incarceration than necessary while others could be punished in other ways short of prison or jail. ³⁴

Even before the current crisis in the nation's prisons and jails, critics of criminal justice had expressed concern at the system's overreliance on incarceration. Now, with the prison and jail population at record levels, some reformers see the best hope for meaningful changes in present imprisonment policies as coming from within the criminal justice system itself. But the public must be better informed of the tradeoffs, that effective alternatives do exist; that successful crime prevention and control efforts can be achieved with selective programs that limit the risk to community safety. Gibbons (1986) speaks of breaking out of prison and, of course, he is not talking about escapes by inmates. ³⁵ He sees a need for greater selectivity in determining who should go to prison. As a substitute, he emphasizes a range of alternatives to incarceration which should meet both the needs of the community and the offender. Challen (1986), in a broad approach, addresses what he believes to be a flawed criminal justice system that is doomed to failure. Some of his ideas, as expressed in a recent book, are discussed below. ³⁶

Written from the perspective of a long-time Judge, Challen indicates that in attempting to simplify the problems confronting the system for better understanding by both the lay and professional person, he may have left himself open to criticism of

34. Austin, James, "Using Early Release To Relieve Prison Crowding: A Dilemma in Public Policy", Crime and Delinquency, Vol. 32, No. 4, October 1986.

35. Gibbons, Op.Cit.

36. Challen, Op.Cit.

oversimplification. Interestingly enough, he has accused the criminal justice system of using the same approach, i.e. - using simple solutions to solve the complex problem of crime. His contention is that because the system is flawed, neither conservative or liberal solutions or approaches to crime control will work. Of primary concern is the overreliance on punishment and incarceration. Not only is it expensive and counterproductive but for the vast majority of offenders unnecessary. Most of the book's contents focus on a description of the basic criminal types, the so-called character disorders, and the sentencing policies and process that must manage these offenders. While a prison sentence is appropriate for the violent offender and the sociopath or con man (the book refers to them as slicks), as a group they make up only 5% of the total criminal population. The book defines the other 95% as losers with low self-esteem, irresponsible offenders who commit property crimes for which incarceration only serves to further exacerbate their basic problem - irresponsibility. It is this latter group that is placing a great burden on the courts and, because of inappropriate sentences, crowding in our prisons and jails and stress on the entire criminal justice system.

Solutions to these problems confronting the system apparently center on obtaining more knowledge of character disorders and better sentences. The author is critical of probation (a great idea that doesn't work). Here again, the sentencing process is viewed as the culprit. Controlled by the Judge, if the sentence makes no sense, then what probation does cannot be made credible. Therefore, judges must become specialists in sentencing or turn over the role to others. Probation officers are recommended for this function.

Can the system be changed to deal more effectively with the vast majority of criminal offenders, the so-called losers? "Making It Right" is generally optimistic, but there are tough choices to be made. Accordingly, "what can be resolved is whether we want a criminal justice system that creates responsibility or one that takes away all responsibility, a system that creates self-sufficiency or perpetuates useless dependency, a system that puts something back into society or one that drains society of its productivity. The answer should be simple but we can't opt for responsibility, self-sufficiency and productivity and hold onto vengeance and retribution at the same time." Thus, the author speaks for alternative sentencing, with programs that force offenders to be responsible for their lives, to own their own problems and to seek change from within. For this kind of climate to flourish, criminal justice practitioners must be willing to take risk, to replace vengeance with understanding.

THE RAND STUDIES: A NEW REPORT SHEDS FURTHER LIGHT ON THE EFFECTIVENESS OF PRISON AND PROBATION SANCTIONS

For the second straight year, 1986 saw the publication of another Rand Report that has relevance for probation. Entitled "Prison Versus Probation - Implications For Crime and Offender Recidivism", it has received considerable attention within the criminal justice system.³⁷ However, unlike the first report, which was released in 1985 to nationwide publicity, the 1986 report has attracted only parochial interest. Moreover, with the 1985 study, attention was focused on the more negative findings - high recidivism rates and the view that most felons placed on probation are a serious threat to the public. Thus, the adverse nature of the findings probably more than any other single factor led to the subsequent nationwide publicity and more attention than any previous single report in the history of probation.³⁸ By comparison, the publicity and attention given the 1986 report outside the criminal justice system itself was nil and, as we shall see, the paradox here is that the findings and conclusions from this second Rand study were far more favorable for probation.

Before discussing the second Rand study in more detail, a review of the 1985 report will help place the findings and conclusions for the 1986 effort in perspective. In brief, the 1985 study encompassed a 40-month followup of 1,672 adult males convicted of felonies and sentenced to probation in two California counties. During the followup period, almost two-thirds (65%) of the probationers were arrested; more than one-half (51%) were convicted and more than one-third were sentenced to prison or jail. Furthermore, it was reported that 75% of the new charges were for serious crimes including burglary, robbery, and theft. Thus, you have support for the study's major conclusion that "felons granted probation present a serious threat to public safety."

Other points made in the Rand report link the above findings to the crisis in prison and jail overcrowding and the decline in probation resources. In short, doing more with less has left probation in California ill-equipped to deal with felony probationers which are arriving in greater numbers because of the shortage of prison cells. So, at a time when more felons are being placed on probation, budgets are being reduced to build more prisons. Because traditional probation, with its orientation to rehabilitation, was not structured for the serious felony offender, probation departments are trying to meet this reality with two new approaches. One, Intensive Supervision Programs, was highly

37. Prison Versus Probation In California Implications For Crime And Offender Recidivism, The Rand Corporation, Santa Monica, Ca., July 1986.
38. Granting Felons Probation Public Risks and Alternatives, The Rand Corporation, Santa Monica, Ca., January 1985.

endorsed by the study while the second one, what it called "the repackaging of probation", uses the so-called justice model probation to meet "the public's demand for more rigorous, punitive and intrusive restrictions on liberty." The study viewed this approach with disfavor as being premature.

Rand saw the need for another study, or second phase, to compare outcome results or recidivism rates of felony offenders sentenced to probation with those sentenced to prison. In addition, an effort was made to compare the costs to the public of these two different sanctions. Once again the location of this effort was California. In brief, the study, using a matched sample of 1,022 felony offenders (511 probationers and 511 prisoners) and a followup period in the community of 24 months, found the recidivism or failure rates for both groups of offenders to be high. However, the prison group had a higher rate of failure than the probation group (72% rearrested versus 63%). Furthermore, the average cost for the prison group was almost double that for the probation group. Thus, for the three-year period following sentencing, costs, including rearrests, per offender came to \$11,600 for the felony probation group and \$23,400 for the prison group.

A summary of what the study considers its most important findings are set forth below. These in turn are followed by its major conclusions.

- Both prisoners and felony probationers in our sample had high rates of return to criminal activity.
- After controlling for the known factors associated with both prison sentencing and recidivism, we found that across offender types and recidivism measures, imprisonment was associated with a higher probability of recidivism than was probation.
- For property offenders, the increased probability was statistically significant: The prisoners were 17 percent more likely than the probationers to have a new filed charge, and 14 percent more likely to have a new conviction.
- During the three-year study period, the prisoners, who served an average of 12.5 months in prison, committed an estimated 20 percent less crime than the probationers, who served an average of 3.3 months in local jails.
- The incapacitation effect for the prisoners is nontrivial, and public safety is clearly served by incapacitating these offenders.

- In terms of extended effects (i.e., post-release arrests, convictions, and incarcerations) and total system resources, both prison and probation are more expensive than has previously been assumed, and the cost difference between the two sanctions is smaller than previously assumed. Our estimates show that on average, felony probationers convicted in California in 1980 cost the system about \$12,000 in the three-year period after their conviction, while the average prisoner cost about \$23,000 over the same three-year period.

The conclusions set forth below are viewed by the authors of the Rand study as its most important ones.

1. Public safety would clearly benefit from somehow incapacitating a larger proportion of the felons represented in the study's matched sample of prisoners and felony probationers.
2. Building more prisons can move toward accomplishing this goal, but cannot fully realize it.
3. Relying on only one form of incapacitation necessarily limits society's ability to respond to the overall crime problem. In addition to imprisonment, other means of incapacitating felony offenders may be necessary to control the threat of serious crimes from felony offenders released to the community from prison and on probation.
4. Intensive probation supervision, electronic monitoring, house arrest, and other "intermediate" sanctions are untested, but promising new ways to ease prison overcrowding while better incapacitating felony offenders who now receive traditional probation sentences.

Do the results of the Rand studies have implications for criminal justice in such areas as sentencing policy, community-based alternatives and program development? While calling the results suggestive and warning against generalizing to specific policy recommendations, it is believed they will have a significant impact on the prison versus probation debate. The magnitude of the problems in criminal justice, the crisis in our prisons, as well as the high cost of this sanction, can only serve to reinforce the critical need for what the report terms intermediate sanctions. If probation wasn't available, especially intensive probation supervision, to meet this need at a reasonable cost, it would have to be invented.

SUMMARY OF CRIMINAL DIVISION PROGRAMS

A brief summary of some of the highlights and significant findings and conclusions from this analysis of Criminal Division programs is set forth below.

- Is probation working in Nassau County? Although not immune from the controversies and stress that characterize the challenges to criminal justice everywhere, nonetheless, probation in Nassau County has been and continues to be on the cutting edge of program development and probation practice in New York State. In recent years, in order to meet the problems of crime in general and the crisis in our prisons and jail in particular, new and innovative programs have included community services, a DWI unit, services to victims, sex offender research, electronic home detention and enhanced pretrial detention reduction services.
- In its quest for quality probation, management has been guided by two major points. First, there is a need for flexibility and multiple objectives in programming. Thus, while rehabilitation should still be stressed, for example, support can also be given to control and surveillance objectives without deemphasizing the treatment model. Moreover, strong emphasis is placed on the more attractive cost of probation programs. Second, is the knowledge that for probation to be successful it needs to develop and nurture strong links to the community. Furthermore, the community will also benefit from such an effort, for the level of crime in a community is a major factor in its quality of life, and quality probation can make a significant contribution in the area of crime prevention. Despite the recent small increases in the crime rate, social, political and economic conditions in Nassau County remain generally strong. This is particularly true of the economy, as supported by high family income and employment levels. On the other hand, the County's contiguous location between New York City and Suffolk County also makes it vulnerable to problems in those areas. This is very evident, for example, in the investigation program where more than one-quarter (28.3%) of the cases are non-residents, and in the compact unit where transfers of probation cases out of Nassau County outnumber those being transferred in by almost three to one.

- For most offenders, their initial contact with the probation process begins in the investigation program. The presentence investigation report (PSI) plays a critical role in the sentencing decision by the Court and in subsequent decisions related to the delivery of services, either while on probation or incarcerated. Within the Criminal Division, the investigation program is second in size to the supervision program, as well as the second largest in the Department. Here, the work is labor intensive; there is a fixed amount of time to complete the report; there are deadlines to meet. Thus, the quality of the finished product is directly related to the size of the workload and the time available to complete the tasks.

- In 1986, there were two developments favorable to the improved effectiveness of the program and the quality of the PSI. First, there was an increase in staff. Second, in comparison to the dramatic jump the previous year, there was only a moderate rise in cases. Accordingly, investigation assignments rose 1.4%, from 6,670 in 1985 to 6,762 in 1986. Those investigations with court dispositions rose by 4.4% to reach 6,904. Moreover, investigation units were able to raise their proportion of all investigation assignments received to 87.5%, up from 80.4% in 1985. This led to a significant drop in the number of overflow assignments to the supervising units. Within the investigation units, despite a 10.5% rise in their workload, a larger increase in their staffing levels was able to keep the average monthly probation officer investigation caseload below the level for the previous year. The average number of investigation contacts per case remained generally stable with no significant change recorded. A review of staff PSI recommendations indicates that probation officers continue to take a tougher, more punitive position than the courts, as supported by the finding that in 1986 some 30.3% of the probation cases were actually recommended for commitment versus 28.2% in 1985.

- In 1986, as in recent years, DWI offenders continued as the dominant feature of both the investigation and supervision programs. This was so despite the fact that activity for this offense remained generally flat. Thus, while the overall total of PSI's for 1986 increased by 4.4%, the DWI segment dropped slightly. This finding, however, must be viewed in context with its relationship to the previous year's peak activity. So, while DWI's remained at a high level, the increase in the investigation program was absorbed by other crimes such as larcenies. See Table II below.

TABLE II
Total Presentence Investigations, Investigations Involving DWI
Offenses, % Increase Over the Previous Year, For The
Years 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Investigations w/Dispostions	4,557	5,234	5,370	5,434	5,498	6,611	6,904
% Increase over Previous Year	+ 4.6	+14.9	+ 2.6	+ 1.2	+ 1.2	+20.2	+ 4.4
DWI Offenses	389	568	766	1,063	1,168	1,746	1,730
% Increase over Previous Year	-11.6	+46.0	+34.9	+38.8	+ 9.9	+49.5	- 0.9
% DWI Offenses In All Investigations	8.5	10.8	14.3	19.6	21.2	26.4	25.1

Further analysis of the 1986 program data reveal additional findings which also support the continuing DWI offender impact on Criminal Division programs:

- In 1986, DWI offenders comprised 25.1% of all PSI's, down slightly from 26.4% in 1985.
- In 1986, DWI offenses ranked first as the single most frequent criminal offense in the investigation caseload for the second year in a row, with 1,730, or 25.1% of the total.
- DWI's, with 1,531 cases placed on probation, had a probation rate (percent of cases sentenced to probation) in 1986 of 88.5%. This compares with an average overall probation rate for all cases of 61.0%. Also for larcenies only, for example, the probation rate was a lower 48.2%.
- In 1986, of the 4,212 offenders sentenced to probation by the Nassau County Courts, fully 36.3%, or 1,531, were DWI cases. The next largest probation group was larceny cases with 766, or 18.2% of the new probation cases.

- Although the overall probation rate for DWI cases was a high 88.5%, it varied significantly (split sentence or straight probation) by court of jurisdiction, with the majority (47.4%) in County Court (felony jurisdiction) receiving a split sentence (jail/probation), while the majority (82.7%) in District Court received straight probation. See Table IIA below.

TABLE IIA

DWI INVESTIGATIONS WITH DISPOSITIONS BY COURT AND TYPE OF SENTENCE FOR 1986

Type	COUNTY		DISTRICT		ALL	
	No.	%	No.	%	No.	%
Probation	113	34.4	1,158	82.7	1,271	73.5
Probation/Jail	156	47.4	104	7.4	260	15.0
Committed	58	17.6	56	4.0	114	6.6
Other	2	0.6	83	5.9	85	4.9
TOTAL	329	100.0	1,401	100.0	1,730	100.0

- In 1986, the investigation program workload, including both assignments and dispositions, in comparison to the previous year when there was a dramatic jump in investigations, revealed a more moderate increase. The sentencing decisions, however, produced somewhat different results. Accordingly, the number of offenders sentenced to probation declined from 4,269 in 1985 to 4,212 in 1986, a drop of 1.3%, but still at a high level. This, in turn, was the result of a drop in the probation rate (proportion of investigation cases disposed of by the courts that are sentenced to probation) from 64.6% to a lower 61.0%. Also, there was a further decline in the proportion of the new probation group that received a split sentence of jail/probation - from 22.0% to 19.4%. The decline in new probation cases was most evident in District Court (misdemeanor jurisdiction) which accounted for all of the falloff. On the other hand, the County Court (felony jurisdiction) sentenced more offenders to probation.

- Despite the problem of overcrowding in our prisons and jail, the investigation program reported an increase in both the commitment rate and in the absolute number of commitments. The commitment rate rose from 25.8% in 1985 to 28.7% in 1986. Overall, commitments increased by 16.0%. The absolute rise in commitments was consistent for all courts with the greatest rise in the County Court. The increase was also consistent for place of incarceration. Thus, County jail commitments rose from 1,160 to 1,298, for an increase of 11.9%, while State prison commitments rose 546 to 681, for an increase of 16.0%. Commitment rates continue to vary significantly by court of jurisdiction - 48.1% in the County Court versus a lower 23.4% in the District Court. County Court also makes greater use of the split sentence, with 48.3% of the new probationers receiving jail time as part of their sentence.

- The criminals that entered probation programs in 1986 continue to be a diverse group, both in terms of offenses and prior criminality, as well as other characteristics. Thus, you have high-rate offenders and first timers, although the latter appear to be a distinct minority, while the former put a heavy demand on probation resources. Research studies have noted "for the high-rate offender, crime is usually but one manifestation of a life that is generally disorderly and pathological. The high-rate offender tends also to be the failing student, the drunken driver, the unreliable employee, and the abusive or neglectful parent. An inquiry into the causes of criminality is at the same time an inquiry into the causes of general defects in character and behavior." ³⁹ In recent years, probation programs have had their greatest impact from DWI offenders. More than any other single factor, this trend has contributed to a changing offender profile. Accordingly, the offender population continues to be older (average age 26.4 years in 1986 versus 22.8 years in 1980) with 36.2% in the 30 years of age and older group versus 25.2% in 1980.

39. Farrington, D. P., Ohlin, L. E., and Wilson, J. Q., Understanding And Controlling Crime, Springer - Verlag, New York, 1986.

Also, as we shall see below, age has a significant relationship to probation supervision outcome results. While the trend for drug offenders has remained generally flat, Cocaine itself continued to further its dominance as the major drug of abuse, with 59.7% of the drugs so identified. Crack also appeared in the caseload for the first time. Prior criminality or recidivism, although increasing in 1986 to 68.1% of the investigation caseload, nonetheless was below the 70% level for the fourth consecutive year. Other characteristics or categories of the caseload, which reflected some changes during the past year, include non-whites (40.3%, up from 37.3%), females (14.4%, up from 13.3%), felony offenders (25.8%, up from 24.8%) and non-residents (28.3%, up from 27.8%).

- The supervision of sentenced criminal offenders in the community continues to be probation's major activity, and in Nassau County, the largest single program operated by the Probation Department. The program seeks to provide quality probation services using a balanced multiple objective approach. Despite higher caseload/staffing ratios in recent years, these objectives continue to be met. In 1986, although the overall supervision program sustained a further increase, it was below the dramatic jump of the previous year. Nonetheless, the long-term trend has been upward while staff increases have not kept pace with this growth. Over the course of this year, the caseload rose by 5.0%, or 390 cases, for a total of 8,165 at the close of the year. The five-year growth rate, by comparison, has been a dramatic 60.1%. An Analysis of all separate programs revealed that the drug and alcohol units had absorbed almost all of the new growth in 1986. Moderate staff increases here, however, were helpful in controlling the increased workload. Thus, bases on year-end comparisons -- 1986 versus 1985 -- and using the average probation officer caseload, the final growth results for all units were generally flat. Another favorable development was the decline in the number of PSI assignments to the regular supervision units (40.3%) and the drug and alcohol (29.0%) units.

In sum, the end results reveal a small decline in the average probation officer caseload at the end of the year to 87.9 cases, down from 89.4 cases, plus an average of 1 PSI assignment per month in the regular supervision units. For the drug and alcohol units, there was a small increase in the average probation officer's caseload at the end of the year to 101.3 cases, up from 100.1 cases, plus an average of 1 PSI assignment per month. It is anticipated that future staff increases will offset any new growth in workload, as well as contribute to lower caseload/staff ratios over the long term.

- An objective of the supervision program is to prevent crime by reducing the recidivism of its probationers. An assessment of supervision's effectiveness in 1986 using program results for the year, as measured by probationer discharge outcomes and violation of probation rates, reveals improved results, with performance levels in some areas above those for the previous year. The success rate (% of probationers discharged as improved) for the drug and alcohol program rose to 78.0%, as compared with a previous record high of 76.2% in 1984. In the regular supervision program, the success rate dropped for the third consecutive year, from 67.0% in 1985 to 65.6% in 1986. It is believed that the difference in outcome results between these two major programs is related to significant variations in their respective offender populations, with the drug and alcohol units dominated by DWI cases that are generally older and at lower-risk. The success rate for probationers also varies significantly by Court of Jurisdiction and age. Youthful offenders in the County Court (felony jurisdiction) had the lowest (47.8%) while District Court probationers had the highest (72.6%) success rate. The violation of probation filed rate (violations filed per 100 cases under supervision for the year) for the overall supervision program fell from 9.7 in 1985 to 9.1 in 1986.

- In recent years, interest in alternative sentencing, as well as the prison and jail crisis, has had its impact on the special services programs in the Criminal Division, including pretrial services, intensive supervision, DWI services, and compact. The demand for pretrial services was mixed in 1986. In the release-on-recognizance program, there was a decline of 10.8%, while in the conditional release (CROC) program, there was an increase of 14.3%. ROR cases fell from 4,952 to 4,417. CROC cases rose from 4,643 to 5,309. In the intensive supervision program, which is based on the low caseload-high risk concept, total case activity declined by 4.2%, while the success rate for probationers discharged as improved rose slightly. Likewise, the violations filed rate and the violations commitment rate improved over the previous year. The DWI program - a low caseload high-service activity - after two complete years of operation, saw its average caseload rise from 21.1 cases in 1985 to 30.8 cases in 1986. More importantly, in comparison to the Division's other programs, it had an above-average success rate (83.7%) and a below-average failure rate. The compact unit, which supervises both active cases (those awaiting final action and acceptance) and service cases (those where final transfer has been effected but local jurisdiction has been retained), saw a decline in its workload in 1986. By the close of the year, total active cases had dropped by 6.8% to 765, while service cases fell by 1.7% to 570. This falloff was also reflected in the average caseload per probation officer, which at the end of the year had dropped to 95.6 active cases and 71.9 service cases.

The above conclusions are supported by the findings highlighted below and discussed in more detail in subsequent sections of this report.

- A small increase of 1.4% in presentence investigation assignments, from 6,670 in 1985 to 6,762 in 1986, for an increase of 92 for the year. All of the increase was in the County Court, while the District Court share declined.
- A larger increase of 4.4% in the total number of investigations with Court dispositions, from 6,611 in 1985 to 6,904 in 1986, for an increase of 293 cases for the year. Again, most of the increase here was in the County Court, while there was a further drop in the number of youthful offenders.
- A small decline of less than one percent (0.9) in DWI investigation offenses, from 1,746 in 1985 to 1,730 in 1986, a decline of 16 cases. It remains the single most frequent offense in the investigation program.
- A small increase of 1.1% in drug abuse investigations for offenses involving dangerous drugs and/or controlled substances, from 648 in 1985 to 655 in 1986.
- Although burglaries continued to falloff with a drop of 4.5%, both larcenies and robberies had increases of 8.2% and 21.8% respectively. But, there was little change in the proportion of property-type crime.
- A further increase in the average age of the investigation population, from 25.8 years to 26.4 years, with a continuing rise in the 30 and over age group.
- A decline of 1.3% in the number of cases receiving a sentence of probation, from 4,269 in 1985 to 4,212 in 1986, a drop of 57 cases.
- The overall probation rate for the investigation caseload -- proportion of cases receiving a sentence to probation -- declined, from 64.6% in 1985 to 61.0% in 1986.

- An increase in the overall commitment rate for the investigation caseload, from 25.8% in 1985 to 28.7% in 1986.
- A decline of 13.1% in the use of shock probation, from 939 in 1985 to 816 in 1986, while its share of the total number of offenders sentenced to probation fell from 22.0% in 1985 to 19.4% in 1986.
- Sentences of investigation cases in County Court (felony jurisdiction) reflected an increase of 10.9% in probation cases in open court in 1986 and a decline of 18.2% in Youth Part, while commitments increased by 17.6% in open Court and 52.9% in Youth Part.
- Sentences of investigation cases in District Court (misdemeanor jurisdiction) reflected a small decline in probation cases in open Court in 1986 of 1.2% and a decline in Youth Part of 14.0% while commitments increased in open Court by 14.0% and in Youth Part by 11.5%.
- After five consecutive years of declines, there was an increase in the recidivism rate in the investigation program, from 66.5% in 1985 to 68.5% in 1986. However, it was the fourth straight year that the rate fell below 70%. High for this statistic in recent years was 78.4% in 1977.
- Non-whites accounted for 40.3% of the investigation caseload in 1986, up from 37.3% in 1985; for whites, it was 62.7% in 1985 and 59.7% in 1986.
- In pretrial services, ROR investigations declined over the previous year by 10.8%, while the CROC total caseload for 1986 rose for the third straight year for an increase of 14.3%.
- An increase of 11.0% in the total number of probationers under post-adjudication supervision for some period during the year for a record high during 1986, from 11,243 in 1985 to 12,482 in 1986.

- An increase of 10.4% in the average annual total monthly post-adjudication supervision caseload, from 7,562 cases in 1985 to 8,346 in 1986.
- An increase of 8.3% in the size of the average yearly probation officer's monthly supervision caseload in the drug and alcohol units, from 96.3 cases in 1985 to 104.3 cases in 1986. Add to this an average of 1 new PSI report per probation officer per month during 1986, as compared with 1.61 in 1985.
- An increase of 5.8% in the size of the average yearly probation officer's monthly supervision caseload in the regular supervision units, from 84.2 cases in 1985 to 89.2 cases in 1986. Add to this an average of 1 new PSI report per probation officer per month during 1986, as compared with 1.61 in 1985.
- A decline, for the fifth straight year, in the probationer turnover rate, from 73% in 1985 to 72% in 1986.
- An increase in the success rate (% of cases discharged as improved) for the drug and alcohol units, from 74.6% in 1985 to 78% in 1986.
- A decline in the success rate (% of cases discharged as improved) for the regular supervision units, from 67.0% in 1985 to 65.6% in 1986.
- Outcome results for the DWI program, after its second complete year of operation, revealed an above-average success rate of 83.7%.
- An increase of 3.8% in the number of violations of probation filed by the Criminal Division, from 1,094 in 1985 to 1,136 in 1986, but a decline in the overall violation filed rate, from 9.7 violations per 100 cases under supervision during 1985 to a lower 9.1 violations in 1986.

- A small decline of 1.5% in the average (median period) length of time spent on probation supervision, from 20.4 months in 1985 to 20.1 months in 1986; however, this statistic continues to vary significantly by Court of Jurisdiction - 30.1 months for County Court (felony jurisdiction) supervision cases and a lower 17.7 months for District Court cases in 1986.
- Non-whites, with a lower probation rate than whites, accounted for only 25.5% of the new probationers entering the supervision caseload in 1986, while their share of the investigation caseload was a higher 40.3%.

INVESTIGATION PROGRAM

Investigations assignments referred to the Criminal Division by the Courts during a given year are generally a more accurate barometer of the current workload for that function than the number of investigation cases sentenced or otherwise disposed of by the courts during the same year. This was the pattern in both 1984 and 1985. In 1986, however, the opposite was the case, with the number of dispositions being greater than the number of assignments by 2.1%. Moreover, in terms of methodology and analysis, the dispositions group does provide a richer source of data on the investigation program. Therefore, investigation assignments referred by the courts will be discussed, but only briefly.

During 1986, the total number of investigation assignments reached 6,762, for an increase of 92, or 1.4% above the total 6,670 in 1985. This rate of increase compares with a much larger rate of 17.7% in 1985, 3.8% in 1984 and 1.4% in 1983. Furthermore, with the increase for 1986, although small, investigations reached another record high for this program. Drug offenses and DWI offenses did not rise dramatically in 1986, as in the previous year, but generally remained at their previous levels. See Table 11B.

An analysis of the investigations assignments by court of jurisdiction reveals all of the increase to be in the County Court, unlike the two previous years when there were declines. In 1986, the County Court, with felony jurisdiction, accounted for 2,184, or 32.3% of the overall assignment total, while the District Court, with misdemeanor jurisdiction, contributed 4,578, or 67.7% of the total 6,762. In comparison to 1985, this represents a decline of 159 cases, or 3.5%, in

District Court and an increase of 251, or 12.9% in the County Court. See Table III.

An analysis of the investigation cases involving drug abuse offenses for 1986 reflects a small increase of only 1.1%, from 648 in 1985 to 655 in 1986, a rise of 7 cases. This compares with an increase of 147 cases, or 29.3% in 1985.

An analysis of the types of drug offenses and the kinds of drugs involved in these offenses is set forth in Table IV. Sale or attempted sale of a controlled substance is the most frequent drug offense in the County Court with two-thirds of the offenses falling in this category. In District Court, possession or attempted possession of a controlled substance is the single most frequent offense with three-quarters of the drug cases in this category. Among the various types of drugs involved in these offenses, cocaine, with a further increase for the year, continues to be the dominant drug, by far, and accounted for three-fifths of all the various drugs. Another significant change was the appearance for the first time of the cocaine derivative crack. In 1986, it ranked third on the list of drugs, after cocaine and marijuana.

Investigations With Dispositions

The number of investigation cases sentenced or otherwise disposed of by the courts experienced a somewhat larger increase in comparison to the number of investigations assigned during 1986. Investigations with court dispositions totaled 6,904 in 1986, as compared with 6,611 in 1985, for an increase of 293, or 4.4%. This compares with a 20.2% increase in 1985 but only a 1.2% rise in both 1984 and 1983.

TABLE III
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT

<u>Court</u>	1985		1986		Inc/Dec 1986 over 1985	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	1,722	26.0	2,054	29.8	+ 332	+19.3
Youth Part, County	298	4.5	255	3.7	- 43	-14.4
District	3,893	58.9	4,001	57.9	+ 108	+ 2.8
Youth Part, District	<u>698</u>	<u>10.6</u>	<u>594</u>	<u>8.6</u>	<u>- 104</u>	<u>-14.9</u>
Total	6,611	100.0	6,904	100.0	+ 293	+ 4.4

INVESTIGATION ASSIGNMENTS BY COURT

<u>Court</u>	1985		1986		Inc/Dec 1986 over 1985	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County and Youth Part, County	1,933	29.0	2,184	32.3	+ 251	+12.9
District and Youth Part, District	<u>4,737</u>	<u>71.0</u>	<u>4,578</u>	<u>67.7</u>	<u>- 159</u>	<u>- 3.4</u>
Total	6,670	100.0	6,762	100.0	+ 92	+ 1.4

TABLE IV

DRUG ABUSE INVESTIGATION ASSIGNMENTS FROM COUNTY AND DISTRICT COURTS 1985-1986COUNTY COURT

	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Poss. and/or sale of att. sale	193	58.9	208	63.4	+15	+ 7.8
Poss. or att. poss.	112	34.1	97	29.6	-15	+ 3.4
Poss. Forged Instrument	8	2.4	9	2.8	+ 1	+12.5
DWI - Drugs	11	3.4	8	2.4	- 3	-27.3
Other	4	1.2	6	1.8	+ 2	+50.0
TOTAL	328	100.0	328	100.0	0	0.0

DISTRICT COURTType of Offense

Poss. or att. Poss.	244	76.3	252	77.1	+ 8	+ 3.3
Sale or att. Sale	34	10.6	23	7.0	-11	-32.3
Att. Prom. Prison Contra.	1	0.3	2	0.6	+ 1	+100.0
DWI -Drugs	32	10.0	21	6.4	-11	-34.4
Poss. Forged Instrument	6	1.9	14	4.3	+ 8	+133.3
Other	3	0.9	15	4.6	+12	+400.0
TOTAL	320	100.0	327	100.0	+ 7	+ 2.2

COUNTY COURT	328	50.6	328	50.1	0	0.0
DISTRICT COURT	320	49.4	327	49.9	+ 7	+ 2.2
TOTAL	648	100.0	655	100.0	+ 7	+ 1.1

Type of Drug Involved in Offenses for Drug Abuse Assignments for County and District Courts

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Cocaine	393	54.1	431	59.7	+38	+ 9.7
Marijuana	160	22.0	122	16.9	-38	-23.7
Crack	0	0.0	43	5.9	+43	+100.0
Heroin	34	4.7	39	5.4	+ 5	+14.7
Valium	18	2.5	22	3.0	+ 4	+22.2
LSD	44	6.1	10	1.4	-34	-77.3
PCP	13	1.8	8	1.1	- 5	-38.5
Angel Dust	0	0.0	6	0.8	+ 6	+100.0
Quaaludes	8	1.1	3	0.4	- 5	-62.5
Hashish	4	0.5	4	0.6	0	0.0
Barbiturates	5	0.7	2	0.3	- 3	-60.0
Amphetamines	5	0.7	2	0.3	- 3	-60.0
Diazepam	4	0.5	2	0.3	- 2	-50.0
Other	39	5.3	28	3.9	-11	-28.2
Total	727	100.0	722	100.0	- 5	- 0.7

Once again, despite the moderate increase in 1986, total investigations with court dispositions reached a record high for the year.

Courts of Jurisdiction

An analysis of the distribution of cases disposed of by the courts of jurisdiction reveals only a small increase in District Court, a decline in Youth Part, District Court, but a significant increase in County Court and, again, a decline in Youth Part, County Court. In brief, with the fall in youthful offenders, almost all of the increase was accounted for in the County Court. Thus, County Court dispositions rose by 332, or 19.3%, from 1,722 in 1985 to 2,054 in 1986. District Court cases rose by a smaller 108, or 2.8%, from 3,893 in 1985 to 4,001 in 1986. Youth Part, District Court cases dropped by 104, or 14.9%, from 698 cases to 594. Youth Part, County Court cases also fell by 43, or 14.4%, from 298 to 255. In summary, fully 98.6% of the increase in Court dispositions in 1986 was accounted for in County Court, which includes felony jurisdiction. See Tables III and V.

Age of Offenders

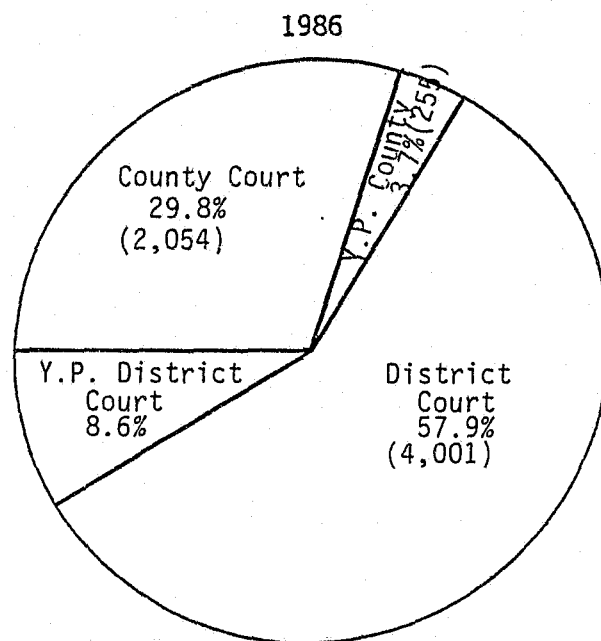
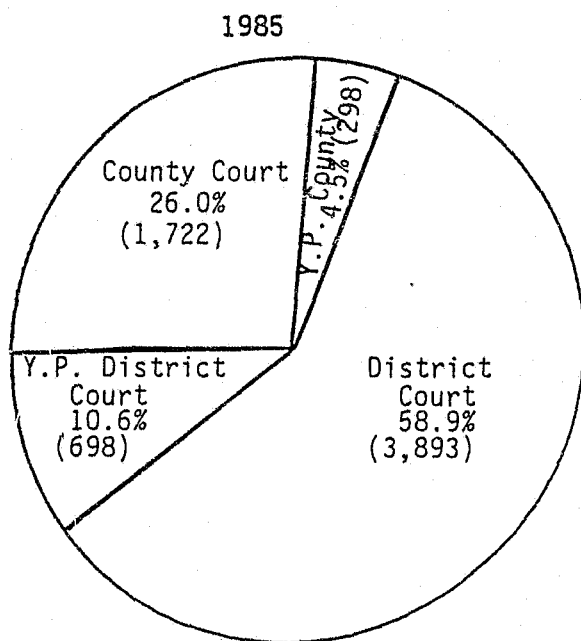
In 1986, as in previous years, the long-term aging of the general population of Nassau County continued to have an impact on the offender population entering probation programs. For the seventh straight year, the average age (median) of the offenders in the investigation program rose in 1986. From a low of 22.6 years in 1979, it rose over the the years to its present level of 26.4 years in 1986. As we shall see later in this report, this trend also continues to have a significant impact on the supervision program. Further evidence of an

TABLE V
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT

Frequency and Percentage Distribution

Court	1985		1986	
	No.	%	No.	%
County	1,722	26.0	2,054	29.8
Youth Part, County	298	4.5	255	3.7
District	3,893	58.9	4,001	57.9
Youth Part, District	698	10.6	594	8.6
Total	6,611	100.0	6,904	100.0



older offender is also revealed in the proportion of offenders in the 16-20 age group, which also sustained a drop for the seventh straight year, from 42.6% in 1979 to 23.6% in 1985. In addition, there is a continuing decline in the mid and upper twenties age groups as indicated by the drop in the 16-29 age group, from 74.8% in 1979 to 63.8% in 1986. What of the offenders in the 30 years and over age group? The trend here also continues with the aging of the offender population most evident in this proportion of offenders, from 25.2% in 1979 to a larger 36.2% in 1986. See Tables VI and VII.

Sex of Offenders

The proportion of male and female cases in the investigation program experienced a further small change in 1986, with a continuing increase in female cases with dispositions. The distribution of the investigation caseload was 5,913, or 85.6%, males and 991, or 14.4%, females. Thus, males increased their share of the caseload by 3.1% versus a larger 12.9% increase for the female segment. See Table VIII.

It appears that female offenders continue to be managed differently by the courts than their male counterparts, but there is also evidence that the gap has closed in recent years. However, variations in the male and female offense profiles remain. For example, in 1986 females were more likely to be involved in larceny (44.4%) than males (19.4%) and forgery (3.0% versus 1.1%) and less likely in burglaries (1.4% versus 5.8%) and robberies (1.4% versus 2.5%) and D.W.I. (17.1% versus 26.4%).

In 1986, the probation rate for males was 60.8%, as compared with 62.2% for females. Here, the gap has gotten smaller. The

TABLE VI
CRIMINAL DIVISION

AGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS
DURING THE YEARS 1980 - 1986

<u>Age Category</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Median age - years	22.8	23.4	24.3	24.7	24.9	25.8	26.4
% in 16-20 age group	41.3%	38.2%	35.0%	32.0%	31.7%	27.1%	23.6%
% in 16-29 age group	74.8%	73.8%	70.2%	70.5%	68.9%	65.9%	63.8%
% in 30 and over age group	25.2%	26.2%	29.8%	29.5%	31.1%	34.1%	36.2%

TABLE VII
CRIMINAL DIVISION

AGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING
THE YEARS 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
% in 16-20 age group	41.3%	38.2%	35.0%	32.0%	31.7%	27.1%	23.6%
% in 16-29 age group	74.8%	73.8%	70.2%	70.5%	68.9%	65.9%	63.8%
% in 30 and over age group	25.2%	26.2%	29.8%	29.5%	31.1%	34.1%	36.2%

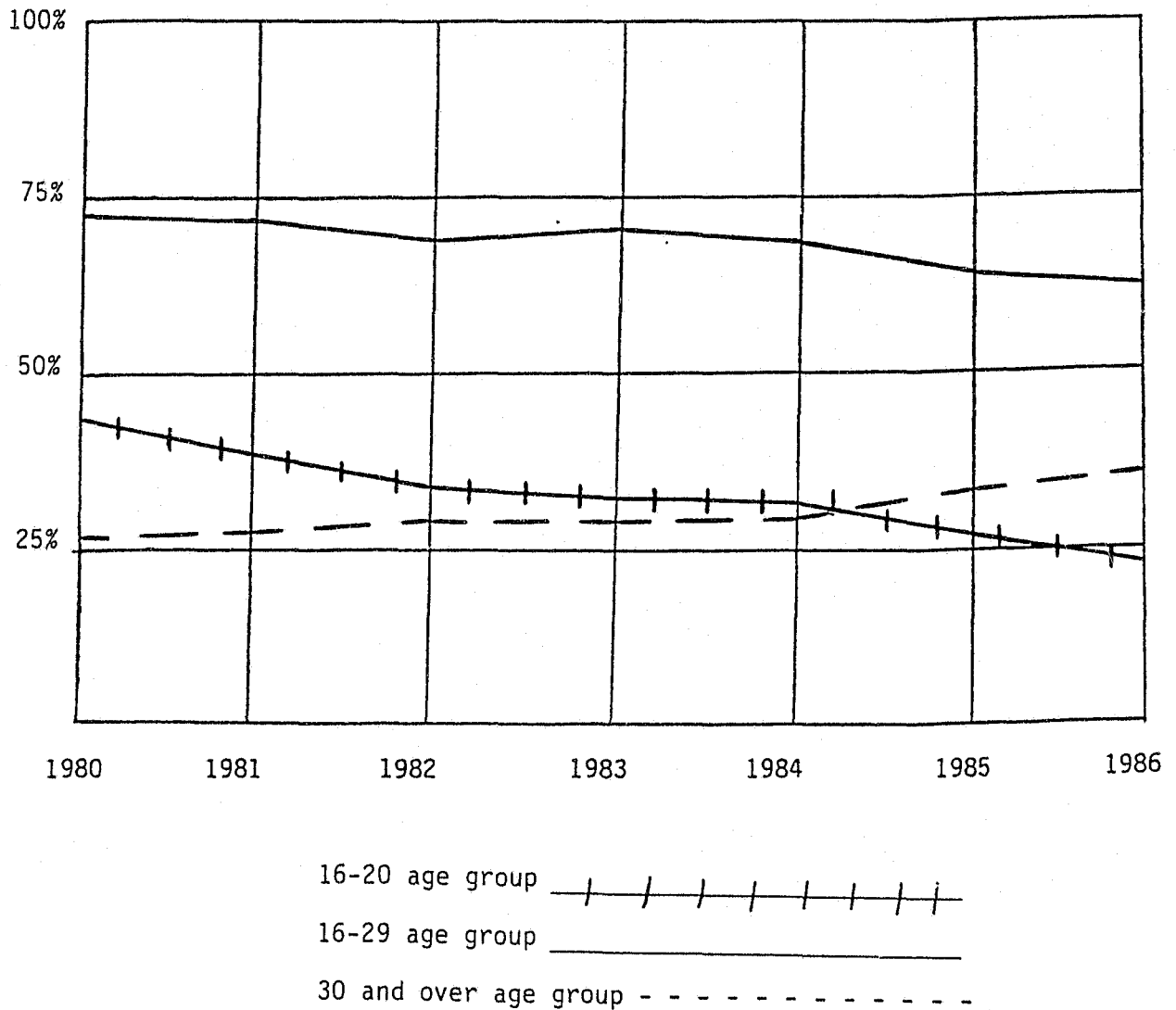


TABLE VIII
CRIMINAL DIVISION

SEX OF OFFENDER OF INVESTIGATIONS WITH DISPOSITIONS
DURING THE YEARS 1985-1986

Sex	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Male	5,734	86.7	5,913	85.6	+ 179	+ 3.1
Female	<u>877</u>	<u>13.4</u>	<u>991</u>	<u>14.4</u>	<u>+ 114</u>	<u>+12.9</u>
Total	6,611	100.0	6,904	100.0	+ 293	+ 4.4

INVESTIGATION ASSIGNMENTS BY SEX
DURING THE YEARS 1985-1986

Sex	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Male	5,746	86.1	5,826	86.2	+ 80	+ 1.4
Female	<u>924</u>	<u>13.9</u>	<u>936</u>	<u>13.8</u>	<u>+ 12</u>	<u>+ 0.2</u>
Total	6,670	100.0	6,762	100.0	+ 92	+ 1.4

commitment rate for males was 30.1% versus a smaller 19.9% for females. Although females continue to have a lower chance of being incarcerated than do males, in recent years the gap here has also gotten smaller. Thus, the commitment rate, for example, for females in 1980 was only 10.9% and by 1986 it had risen to 19.9%. Furthermore, 12.5% of the males received a split sentence (jail/probation) in 1986, as compared with only 7.7% of the females. But, compare this outcome with 16.3% and 7.5% respectively for 1980 and you can see the gap here has also been closed.

Although female offenders, as a group, in the past have been older than male offenders, the gap in recent years has gotten smaller. As a group, however, females continue to be somewhat older. In 1986, the median age for females was 27.4 years versus a younger 26.4 years for males.

Residence of Offenders

In 1986, the proportion of the investigation caseload that consists of non-residents of Nassau County rose after two years of small declines. The distribution was 4,951, or 71.7%, County residents and 1,953, or 28.3%, non-residents. Thus, in comparison to 1985, non-residents increased in number by 6.3%, while residents increased by a smaller 3.7%. As in previous years, the chances of being a non-resident continued to vary by both court of jurisdiction and sex. In 1986, County Court cases had the highest proportion of non-residents (30.8%) followed by District Court with 28.3%. Non-resident youthful offenders, however, continue to have smaller segments in both County

TABLE IX
CRIMINAL DIVISION

RESIDENCY OF OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1980-1986

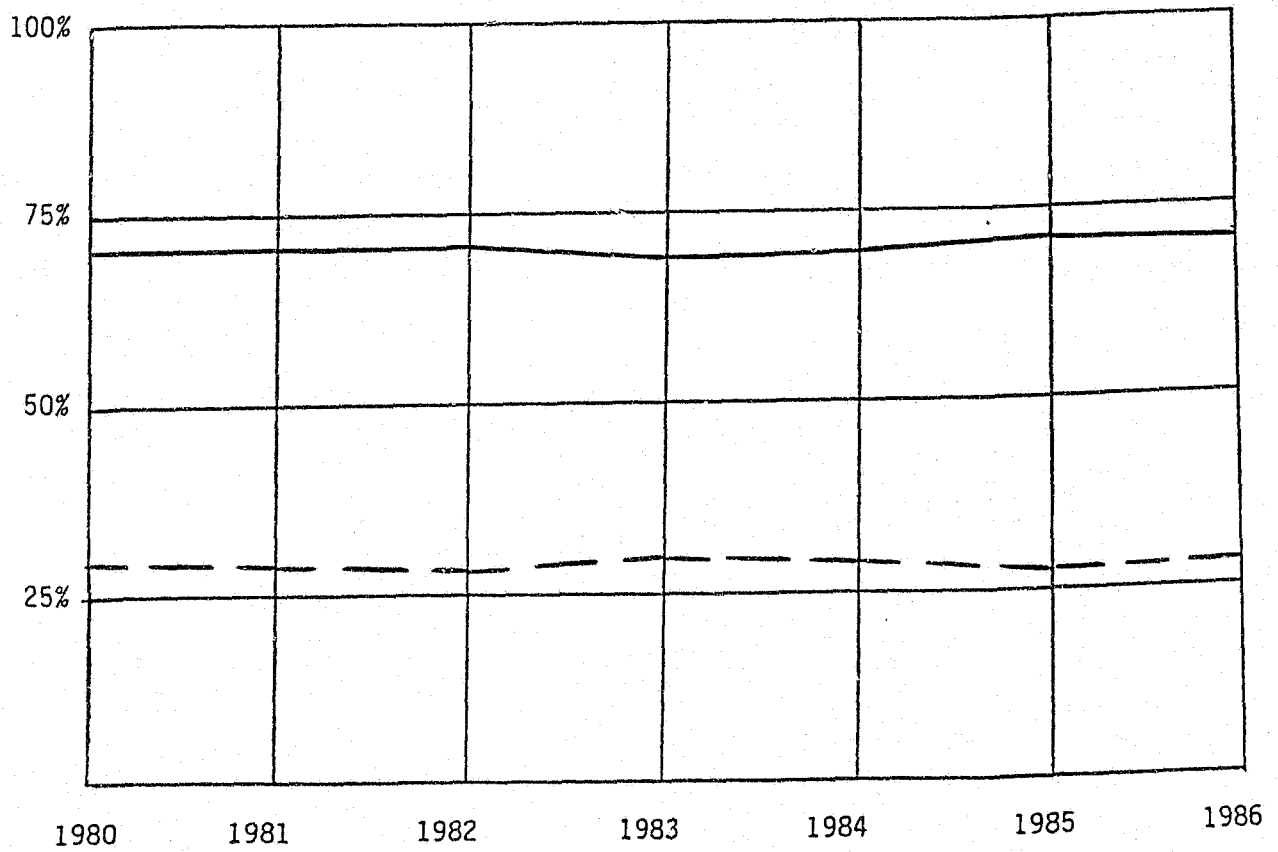
<u>Residency</u>	1980		1981		1982		1983	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County	3,238	71.1	3,730	71.3	3,843	71.6	3,821	70.3
Non-resident	<u>1,319</u>	<u>28.9</u>	<u>1,504</u>	<u>28.7</u>	<u>1,527</u>	<u>28.4</u>	<u>1,613</u>	<u>29.7</u>
Total	4,557	100.0	5,234	100.0	5,370	100.0	5,434	100.0

<u>Residency</u>	1984		1985		1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County	3,894	70.8	4,774	72.2	4,951	71.7
Non-resident	<u>1,604</u>	<u>29.2</u>	<u>1,837</u>	<u>27.8</u>	<u>1,953</u>	<u>28.3</u>
Total	5,498	100.0	6,611	100.0	6,904	100.0

TABLE X
CRIMINAL DIVISION

PERCENTAGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS
BY RESIDENCY FOR THE YEARS 1980-1986

<u>Residency</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Nassau County	71.1	71.3	71.6	70.3	70.8	72.2	71.7
Non-resident	28.9	28.7	28.4	29.7	29.2	27.8	28.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



Nassau County Resident _____

Non-resident - - - - -

Court (21.6%) and District Court (22.6%). Also, female offenders continued to have a higher proportion of non-residents with 31.5% versus a smaller 27.7% for male offenders. See Tables IX and X.

Type of Sentence

Analysis of the major types of sentences or dispositions for the 1986 investigation caseload revealed, after two years of increases, a decline in the probation rate (proportion of cases sentenced to probation) and an increase in the commitment rate. The decline in the probation rate follows a record high for this statistic in 1985. Other types of sentences, as a group, primarily fines and discharges, experienced a small increase for the second year in a row.

Along with the decline in the probation rate, from 64.6% in 1985 to 61.0% in 1986, there was also a small decline in the actual number of offenders sentenced to probation, including both straight probation and the split sentence (jail/probation) or shock probation, where a period of jail time precedes probation supervision. As indicated in Table XI below, although there was a small increase in the straight probation group of 1.9%, there was a larger falloff of 13.1% in the split sentence group. Accordingly, total probation cases fell from 4,269 in 1985 to 4,212, a decline of 57 cases, or 1.3%. The use of the split sentence continues to vary by court and sex. It was highest in the County Court probation group with 48.3%. It was also higher for males (20.6%) than females (12.3%).

TABLE XI
DISTRIBUTION OF PROBATION SENTENCES FOR THE
INVESTIGATION PROGRAM FOR THE YEARS 1985-1986

	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Probation	<u>3,330</u>	<u>78.0</u>	<u>3,396</u>	<u>80.6</u>	<u>+ 66</u>	<u>+ 1.9</u>
Probation/Jail	<u>939</u>	<u>22.0</u>	<u>816</u>	<u>19.4</u>	<u>-123</u>	<u>--13.1</u>
Total	4,269	100.0	4,212	100.0	-- 57	- 1.3

The increase in the overall commitment rate from 25.8% in 1985 to a higher 28.7% in 1986, along with the rise in investigations, has had a significant impact on the commitment total, which increased by 16.0%. Although the actual increase was distributed equally between the County jail and state prison, the percentage rise was greater for the latter. Thus, County jail commitments rose from 1,160 to 1,298, an increase of 138, or 11.9%, while state prison commitments increased from 546 to 681, an increase of 137, or 16.0%. See Table XII below.

TABLE XII
DISTRIBUTION OF THE COMMITMENT POPULATION FOR THE
INVESTIGATION PROGRAM FOR THE YEARS 1985 TO 1986

	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Nassau County Jail	<u>1,160</u>	<u>68.0</u>	<u>1,298</u>	<u>65.6</u>	<u>+138</u>	<u>+11.9</u>
State Prison	<u>546</u>	<u>32.0</u>	<u>681</u>	<u>34.4</u>	<u>+135</u>	<u>+24.7</u>
Total	1,706	100.0	1,979	100.0	+273	+16.0

In 1986, in the investigation program, as in previous years, both the probation and commitment rates continued to vary significantly by Court of jurisdiction. County Court cases had the highest commitment rate - 48.1% - and the lowest probation rate - 46.6%. In contrast to County Court, which has felony jurisdiction, District Court has a higher probation rate - 65.5% versus 46.6% - and a lower commitment rate - 23.4% versus 48.1%. See Tables XIII - XVI.

Class of Offenders

An analysis of the investigation caseload by class of offender for 1986, in comparison to 1985, revealed an increase in the proportion of felony convictions and a decline in the proportion of misdemeanor convictions. Thus, the proportion of the investigation caseload in the felony conviction category rose from 24.8% in 1985 to 25.8% in 1986. On the other hand, the proportion of misdemeanor cases fell from 75.1% in 1985 to 74.2% in 1986. In brief, while both categories had increases, it was larger for the felonies at 8.2% as compared with a 3.2% increase for misdemeanors. See Table XVII.

In reviewing just the County Court activity, which has felony jurisdiction and including youthful offenders, we find that of the 2,309 cases, only 1,780, or 77.1%, had felony convictions. This was below the felony conviction rate of 81.4% in 1985 and the 93% rate in 1980.

TABLE XIII
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT AND TYPE OF SENTENCE

<u>COURTS</u>	1985		1986		Inc/Dec 1986 over 1985	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>ALL COURTS</u>						
Probation	4,269	64.6	4,212	61.0	-57	-1.3
Committed	1,706	25.8	1,979	28.7	+273	+16.0
Other	636	9.6	713	10.3	+77	+12.1
Total	6,611	100.0	6,904	100.0	+293	+ 4.4
<u>COUNTY COURT</u>						
Probation	864	50.2	958	46.6	+94	+10.9
Committed	840	48.8	988	48.1	+148	+17.6
Other	18	1.0	108	5.3	+90	+500.0
Total	1,722	100.0	2,054	100.0	+332	+19.3
<u>YOUTH PART, COUNTY</u>						
Probation	275	92.3	225	88.2	-50	-18.2
Committed	17	5.7	26	10.2	+9	+52.9
Other	6	2.0	4	1.6	-2	-33.3
Total	298	100.0	255	100.0	-43	-14.4
<u>DISTRICT COURT</u>						
Probation	2,652	68.1	2,619	65.5	-33	-1.2
Committed	821	21.1	936	23.4	+115	+14.0
Other	420	10.8	446	11.1	+26	+6.2
Total	3,893	100.0	4,001	100.0	+108	+ 2.8
<u>YOUTH PART, DISTRICT</u>						
Probation	478	68.5	410	69.0	-68	-14.2
Committed	26	3.7	29	4.9	+3	+11.5
Other	194	27.8	155	26.1	-39	-20.1
Total	698	100.0	594	100.0	-104	-14.9

TABLE XIV
CRIMINAL DIVISION

PERCENTAGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS
BY TYPE OF SENTENCE DURING THE YEARS 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Probation	61.5	59.2	62.5	60.4	63.4	64.6	61.0
Commitment	26.3	30.7	30.3	30.7	28.0	25.8	28.7
Other	<u>12.2</u>	<u>10.1</u>	<u>7.2</u>	<u>8.9</u>	<u>8.6</u>	<u>9.6</u>	<u>10.3</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

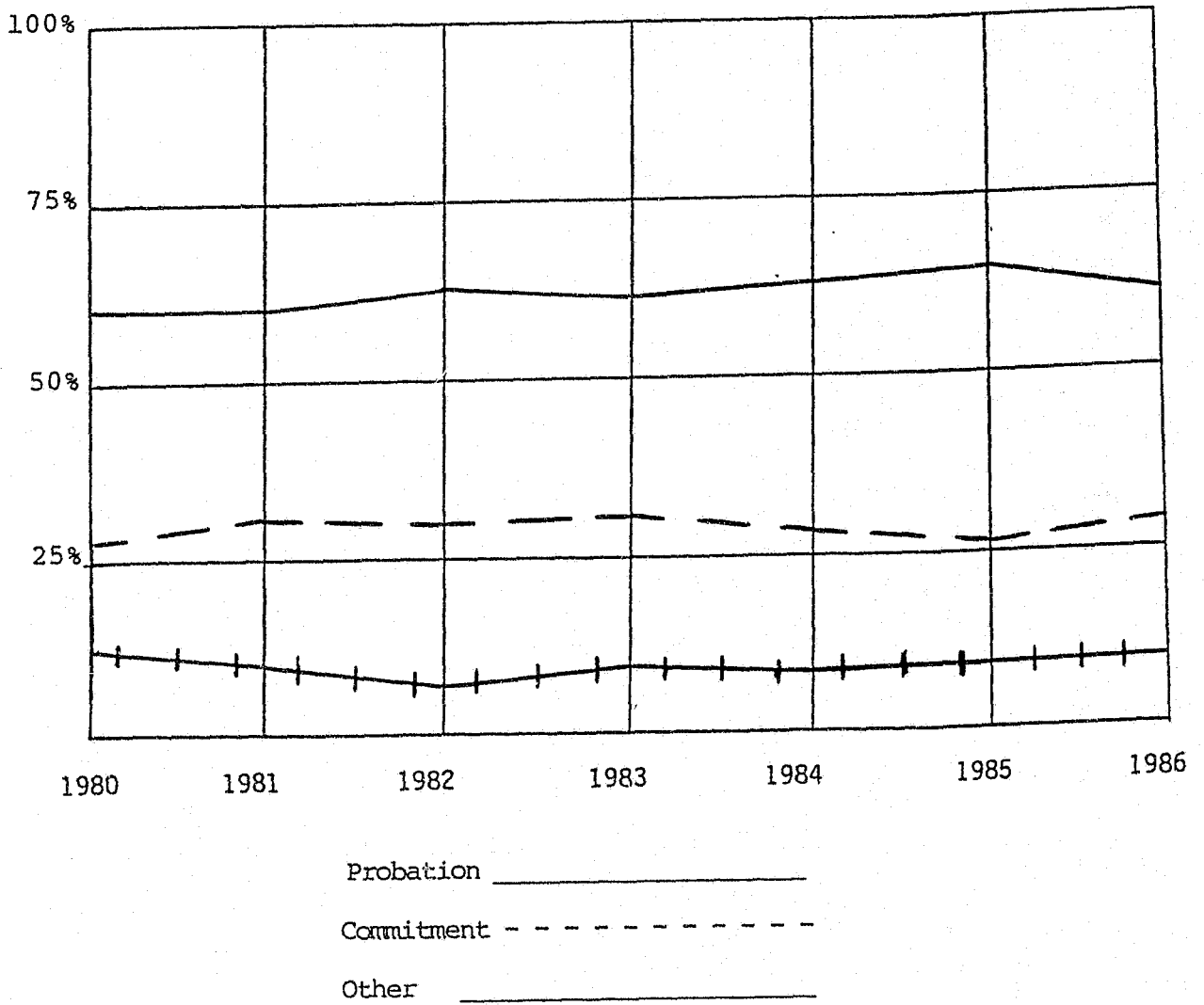


TABLE XV
CRIMINAL DIVISION

TYPES OF SENTENCES FOR OFFENDERS INVESTIGATED WITH
DISPOSITIONS DURING THE YEARS 1985-1986

Type	1985		1986		Inc/Dec 1985 over 1986	
	No.	%	No.	%	No.	%
Probation	4,269	64.6	4,212	61.0	-57	- 1.3
Committed	1,706	25.8	1,979	28.7	+273	+16.0
Discharges & Fines	630	9.5	702	10.2	+72	+11.4
Dismissals & Acquittals	6	0.1	11	0.1	+ 5	+83.3
Total	6,611	100.0	6,904	100.0	+293	+ 4.4

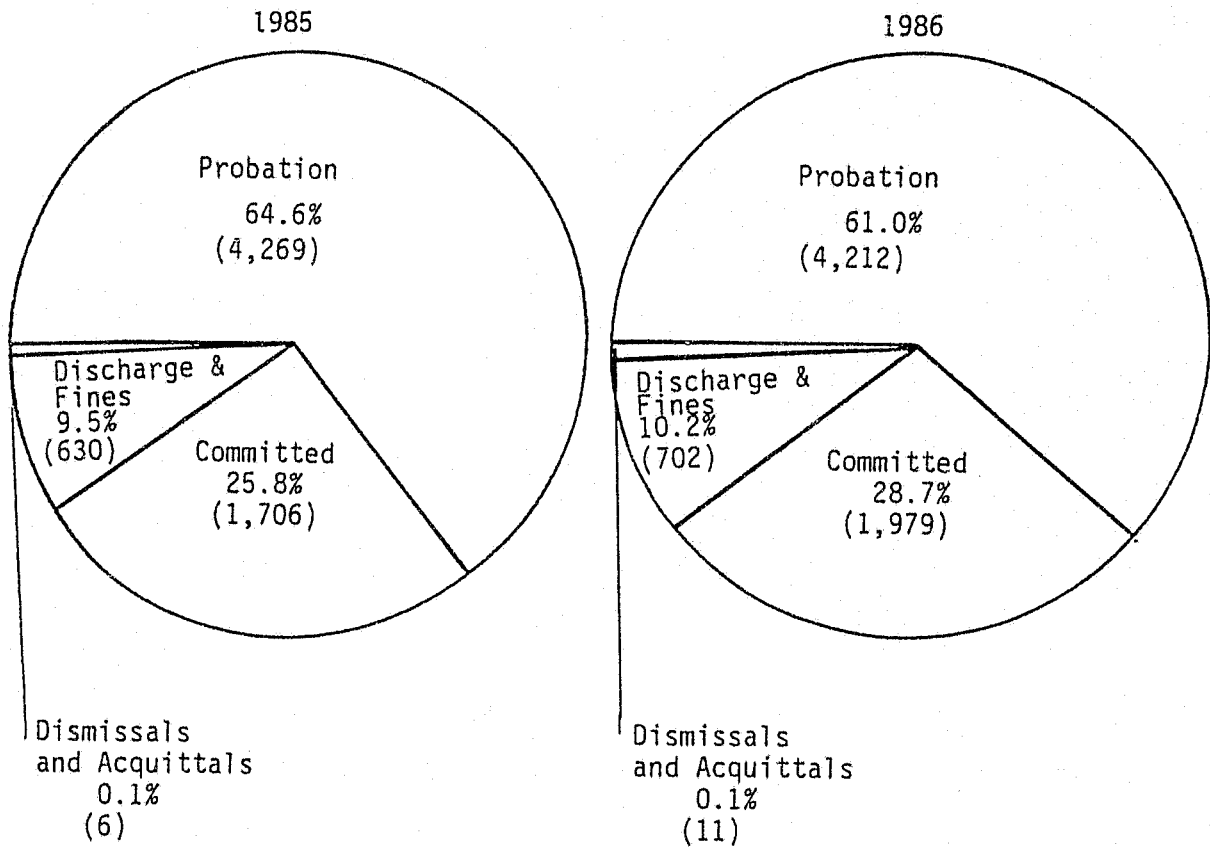


TABLE XVI
CRIMINAL DIVISION

TYPES OF SENTENCES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1980-1986

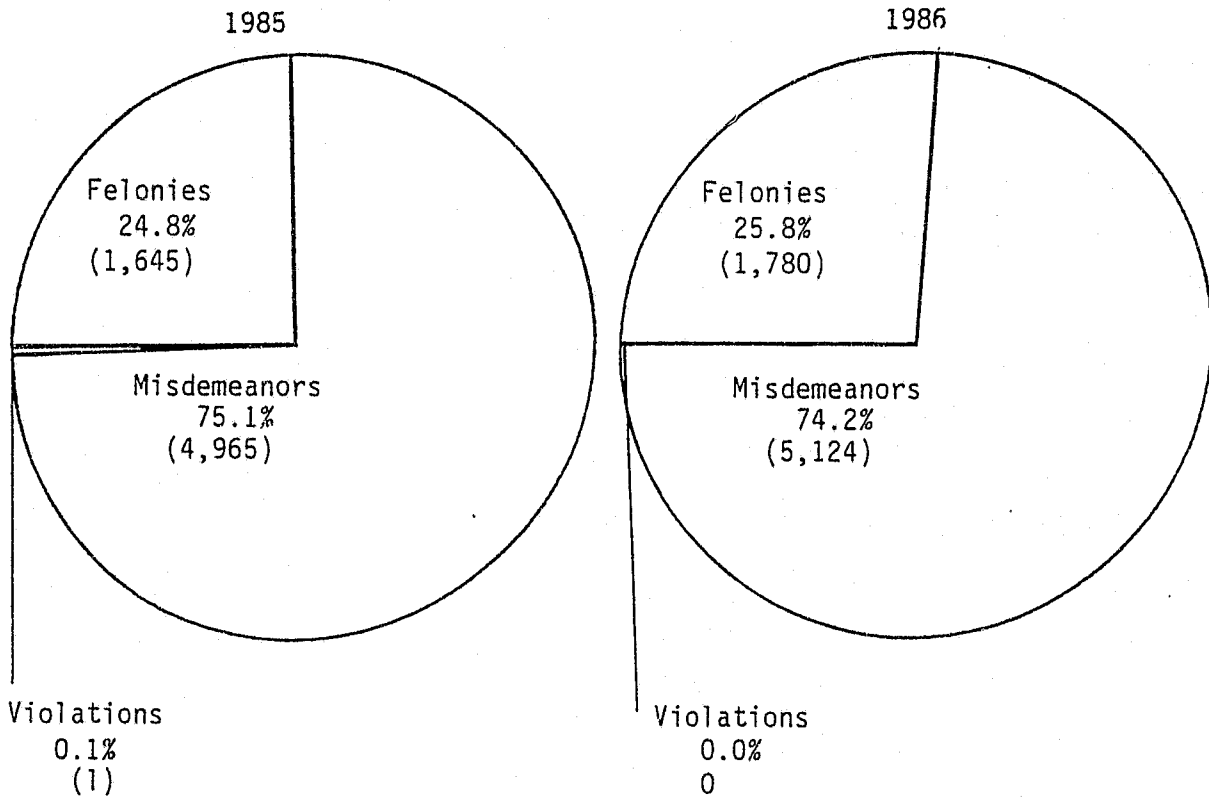
Type	1980		1981		1982		1983	
	No.	%	No.	%	No.	%	No.	%
Probation	2,804	61.5	3,099	59.2	3,353	62.5	3,285	60.4
Commitment	1,199	26.3	1,609	30.7	1,629	30.3	1,666	30.7
Other	554	12.2	526	10.1	388	7.2	483	8.9
Total	4,557	100.0	5,234	100.0	5,370	100.0	5,434	100.0

Type	1984		1985		1986	
	No.	%	No.	%	No.	%
Probation	3,486	63.4	4,269	64.6	4,212	61.0
Commitment	1,538	28.0	1,706	25.8	1,979	28.7
Other	474	8.6	636	9.6	713	10.3
Total	5,498	100.0	6,611	100.0	6,904	100.0

TABLE XVII
CRIMINAL DIVISION

CLASSIFICATION OF OFFENDERS INVESTIGATED WITH
DISPOSITIONS DURING THE YEARS 1985-1986

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Felonies	1,645	24.8	1,780	25.8	+135	+7.6
Misdemeanors	4,965	75.1	5,124	74.2	+159	+3.2
Violations	1	0.1	0	0.0	0	0.0
Total	6,611	100.0	6,904	100.0	+294	+4.4



Major Categories of Crime

A crime specific analysis, including the major categories of crime (crime-against-persons, property, drug offenses and DWI's, other) as well as other selected offenses for 1986, has revealed further changes in crime trends, some of which have been underway for the past few years. The proportion of property-type crimes declined slightly for the sixth straight year, from 47.1% in 1985 to 46.8% in 1986. Larceny continues to be the single most frequent property crime, accounting for 49.2% of this category (up from 47.1% in 1985) and 23.0% of the overall investigation caseload (up from 22.2% in 1985). Burglary remains the second ranking property-type crime, but experienced a falloff for the fifth straight year.

The proportion of crimes-against-persons declined in its share of the investigation caseload for the second straight year, from 9.5% in 1985 to 8.6% in 1986. Assaults were down in 1986. It is the single most frequent person-type crime, accounting for 69.2% of this category in 1986 (down from 69.8% in 1985) and 5.9% of the overall caseload (down from 6.7% in 1985). Sexual offenses are the second ranking person-type crime, accounting for 11.6% of this category (down from 14.8% in 1985).

The proportion of drug offenses declined slightly, from 9.3% in 1985 to 8.8% in 1986. Possession of a controlled substance is the single most frequent drug offense, accounting for 54.4% of all drug offenses (up from 44.8% in 1985) and 4.8% of the overall investigation caseload. Sale

of a controlled substance is the second ranking drug offense, accounting for 34.7% of this category in 1986.

Driving while intoxicated (DWI), after five consecutive years of large increases, appears to have stabilized in 1986, and actually declined over the previous year by less than one percent (0.9%). Other types of offenses, as a group, experienced a significant rise and increased its proportion of the caseload, from 7.6% in 1985 to a higher 10.7% in 1986. See Tables XVIII, XIX, and XX.

Further analysis of the various types of crimes, included in the investigation caseload, using a comparative ranking for the two years - 1985 and 1986, provides additional evidence of the changes in the offender profile. Of the total investigation caseload with dispositions in 1986, the ten most frequent criminal offenses accounted for 81.3% of the 6,904 cases. They are set forth below, in table XXI, in rank order, along with a comparable distribution for 1985. A review of these data reveal the identical offenses for both years and only small changes in their respective ranking. DWI's continues to rank first, despite a small decline, with one-quarter of the caseload. Larcenies is second, followed by assaults and burglaries. As the single most frequent offense, however, DWI's continue, for the second consecutive year to dominate the

TABLE XVIII
CRIMINAL DIVISION

TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH
DISPOSITIONS DURING THE YEARS 1985-1986

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Crimes-against-persons	630	9.5	597	8.6	- 33	- 5.2
Crimes-against-property	3,115	47.1	3,230	46.8	+115	+ 3.7
Drug Offenses	616	9.3	610	8.8	- 6	- 0.9
DWI Offenses	1,746	26.5	1,730	25.1	- 16	- 0.9
Other	504	7.6	737	10.7	+233	+46.2
Total	6,611	100.0	6,904	100.0	+293	+ 4.4

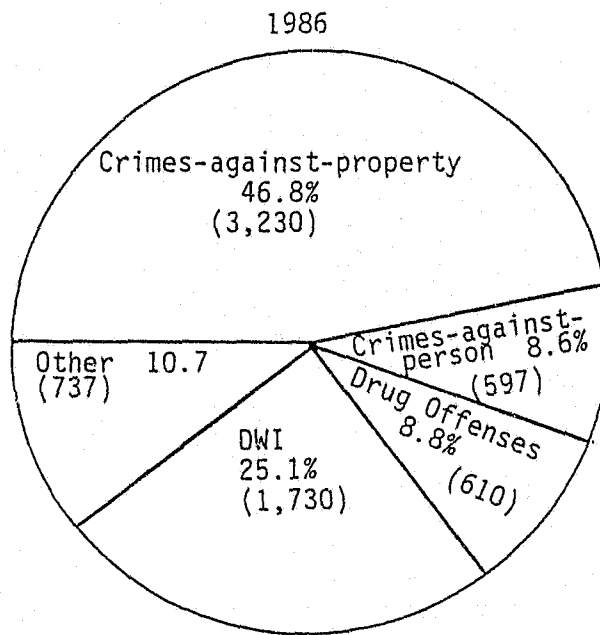
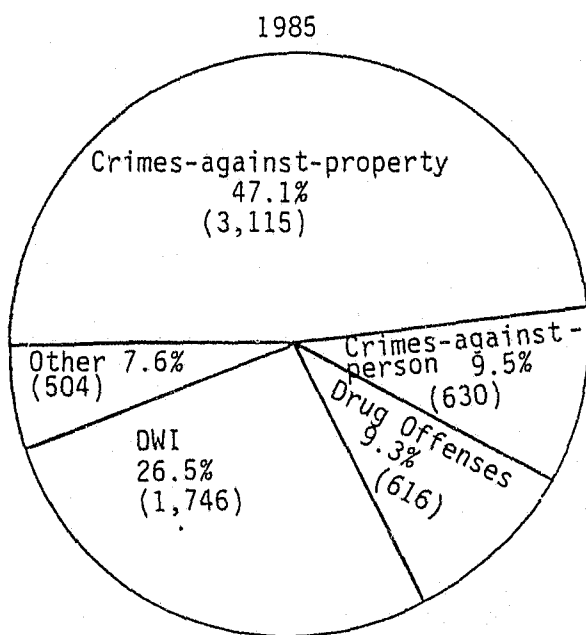


TABLE XX
CRIMINAL DIVISION

TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1980-1986

Type	1980		1981		1982		1983	
	No.	%	No.	%	No.	%	No.	%
Crimes-against-person	452	9.9	509	9.7	514	9.6	500	9.2
Crimes-against-property	2,934	64.4	3,242	61.9	3,106	57.8	2,942	54.2
Drug Offenses	418	9.2	517	9.9	521	9.7	464	8.5
Other	753	16.5	966	18.5	1,229	22.9	1,528	28.1
Total	4,557.	100.0	5,234	100.0	5,370	100.0	5,434	100.0

Type	1984		1985		1986	
	No.	%	No.	%	No.	%
Crimes-against person	550	10.0	630	9.5	597	8.6
Crimes-against-property	2,879	52.4	3,115	47.1	3,230	46.8
Drug Offenses	490	8.9	616	9.3	610	8.8
Other	1,579	28.7	2,250	34.1	2,467	35.8
Total	5,498	100.0	6,611	100.0	6,904	100.0

investigation program. Also, because of the high probation rate for this offense, it has had a dramatic impact on the supervision program. Other changes evident in the table are the following: assaults and burglaries both experienced declines of 6.1% and 4.5% respectively but continue to rank third and fourth. Criminal mischief offenses also declined, by 10.3%, and its ranking fell from seventh to eighth place. Robberies experienced the greatest increase - 21.8% - and rose to sixth place, from eighth place in 1985. Possession of a dangerous weapon increased by 20.1% but remained in tenth place.

TABLE XXI

TEN RANKING CRIMINAL OFFENSES FOR THE INVESTIGATION
PROGRAM FOR 1985 AND 1986

1985				1986			
Rank	Offense	N	% Total	Rank	Offense	N	% Total
1	DWI	1,746	26.4	1	DWI	1,730	25.1
2	Larceny	1,468	22.2	2	Larceny	1,588	23.0
3	Assault	440	6.7	3	Assault	413	5.9
4	Burglary	375	5.7	4	Burglary	358	5.2
5	Poss. Cont. Subst.	276	4.2	5	Poss. Cont. Subst.	332	4.8
6	Poss. Stol. Ppty.	271	4.1	6	Robbery	285	4.1
7	Crim. Mischief	263	3.9	7	Poss. Stol. Ppty	277	4.0
8	Robbery	234	3.5	8	Crim. Mischief	236	3.4
9	Sale Cont. Subst.	197	2.9	9	Sale Cont. Subst.	212	3.1
10	Poss. Dang. Weap.	149	2.2	10	Poss. Dang. Weap.	179	2.6

Recidivism

Recidivism, in the context used in this report, gives some indication of the degree of previous criminality of the investigation caseload with dispositions during a given year. This, of course, includes but is not limited to those cases that were previously known to probation

and the Criminal Division. During 1986, the overall recidivism rate (% of cases investigated and disposed of during the year with a record of prior convictions as an adult or juvenile) rose from 66.5% in 1985 to 68.5% in 1986.

Although there was an increase in the recidivism rate in the investigation program, after five consecutive years of declines, 1986 was the fourth straight year that the rate fell below 70%. Also, while the declines, for the most part, have been small and gradual ones, (the rates were generally higher in the 1970's), it is believed that the falloff here is linked to the change in the offender population as indicated by the drop in property-type crimes, such as burglary and robbery, and the dramatic rise in DWI offenders. However, despite the drop in the recidivism rate, the vast majority - two-thirds of the investigations caseload - continue to have a prior record conviction. Thus, the present data base continues to provide ample evidence to dispel the myth that probation is only for first-time offenders. Furthermore, in terms of risk assessment, the recidivism variable is an important and powerful one, for according to the most recent research findings based on local studies, the presence or absence of a prior criminal or juvenile record continues to have a significant impact on the offender's adjustment to probation supervision and outcome after discharge. See Tables XXII and XXIII.

Pretrial Services

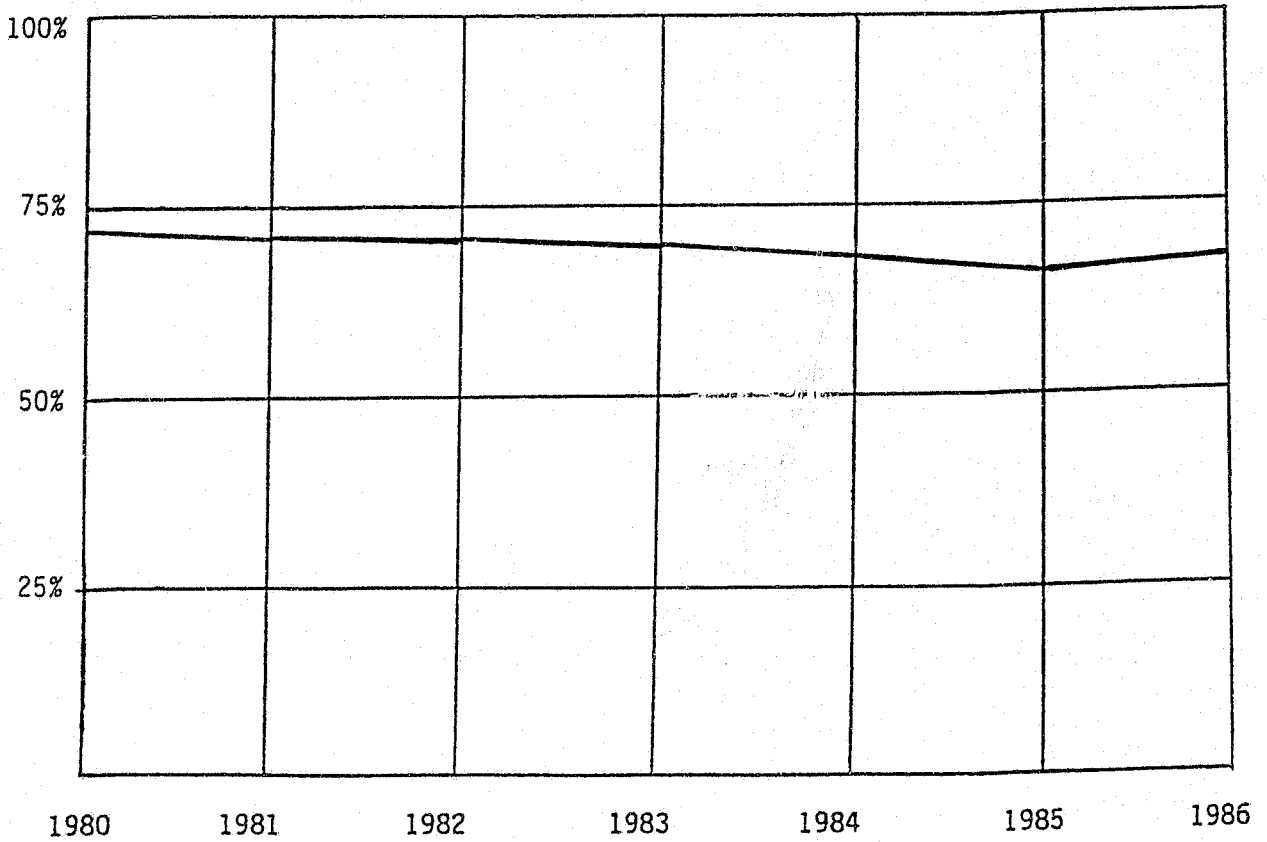
Pretrial services had a mixed year in 1986. Of the two major programs that fall within this area only one, the Release-On Recognizance (ROR) program, sustained a moderate decline. The Conditional Release Program (CROC), however, experienced an increase for the third consecutive year.

TABLE XXII
CRIMINAL DIVISION

RECIDIVISM

PERCENTAGE OF INVESTIGATIONS WITH DISPOSITIONS DURING
THE YEARS 1980-1986 WITH A PRIOR CONVICTION RECORD

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Total Cases	4,557	5,234	5,370	5,434	5,498	6,611	6,904
Percent Recidivist	71.1%	71.1%	70.9%	69.4%	68.4%	66.5%	68.5%



Recidivism Rate _____

TABLE XXIII
CRIMINAL DIVISION

RECIDIVISM IN INVESTIGATION CASELOAD
PERCENTAGE OF INVESTIGATIONS WITH DISPOSITIONS DURING THE YEARS
1981-1986 WITH A PRIOR CONVICTION RECORD

<u>Type</u>	<u>1981</u>		<u>1982</u>		<u>1983</u>		<u>1984</u>		<u>1985</u>		<u>1986</u>	
		(N)		(N)		(N)		(N)		(N)		(N)
All Cases	71.7%	(5234)	70.9%	(5370)	69.4%	(5434)	68.4%	(5498)	66.5%	(6611)	68.5%	(6904)
<u>Court</u>												
County	76.3%	(1476)	70.7%	(1581)	71.9%	(1643)	73.7%	(1654)	71.1%	(1722)	72.2%	(2054)
Y. P. County	48.8%	(383)	44.5%	(391)	47.1%	(295)	35.4%	(322)	32.6%	(298)	27.1%	(255)
District	80.9%	(2632)	82.3%	(2728)	77.3%	(2847)	78.2%	(2855)	73.4%	(3893)	74.4%	(4001)
Y. P. District	41.9%	(743)	40.4%	(670)	38.4%	(649)	29.4%	(677)	31.5%	(698)	33.7%	(594)

The ROR program, after two consecutive years of increases, experienced a moderate falloff in its workload. Total ROR investigations fell from 4,952 in 1985 to a lower 4,417 in 1986, for a decline of 535 cases, or 10.8%. Analysis by type of crime, felony or misdemeanor, revealed that all of the decline was in the misdemeanor category. In 1986, felony cases actually increased from 2,385 the previous year to 2,410, a gain of 25 cases, or 1.1%. On the other hand, misdemeanor cases fell from 2,567 in 1985 to 2,007 in 1986, for a decline of 560 cases, or 21.8%. Analysis of the ROR workload by Court of jurisdiction reveals a sharp falloff in District Court. In 1986, its caseload fell by 579 cases, or 12.6%, from 4,609 in 1985 to 4,030. County Court, however, with a smaller caseload experienced an increase of 44 cases, or 12.8%, from 343 in 1985 to 387 in 1986. The end result saw the proportion of the ROR caseload from County Court rise from 6.9% to 8.8% in 1986. See Tables XXIV and XXV.

The Conditional Release Program (CROC) experienced its third straight year of growth. During 1986, a total of 5,309 defendants received the services of this program, up from 4,643 in 1985, for an increase of 666 cases, or 14.3%. This compares with a 23.1% increase the previous year. Also, further evidence of the increase in this program can be observed in the average monthly total CROC caseload, which rose from 1,431 in 1985 to 1,546 in 1986, a gain of 115 cases, or 8.0%. Analysis of the CROC cases by type of Crime, felony or misdemeanor, revealed all of the increase to be in the misdemeanor group, which rose by 22.9%, as compared with no increase in the felony group. The end result was that misdemeanor cases comprised 67.3% of the CROC caseload in 1986, as compared with only 62.7% in 1985.

TABLE XXIV
CRIMINAL DIVISION

RELEASE-ON RECOGNIZANCE INVESTIGATIONS COMPLETED, BY TYPE
OF CRIME, FELONY OR MISDEMEANOR, DURING THE YEARS 1985 and
1986

<u>Type of Crime</u>	1985		1986		Inc/Dec 1986 over 1985	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony	2,385	48.2	2,410	54.6	+ 25	+ 1.1
Misdemeanor	2,567	51.8	2,007	45.4	-560	-21.8
Total	4,952	100.0	4,417	100.0	-535	-10.8
<u>Sex</u>						
Male	4,308	87.0	3,785	85.7	-523	-12.1
Female	644	13.0	632	14.3	- 12	- 1.9
Total	4,952	100.0	4,417	100.0	-535	-10.8

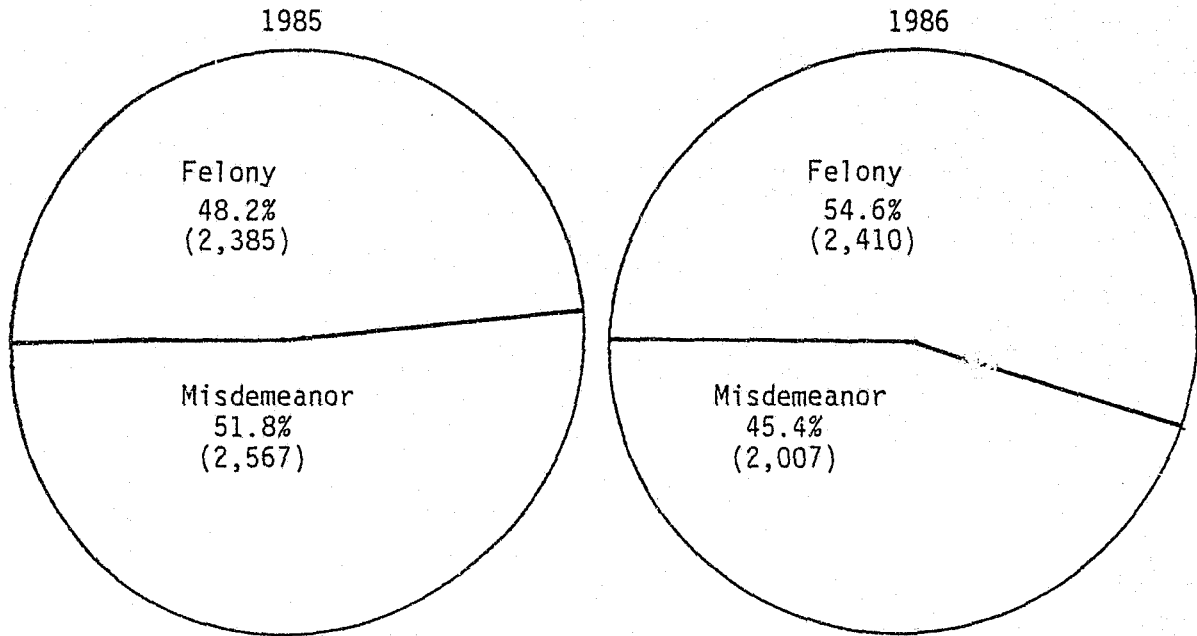
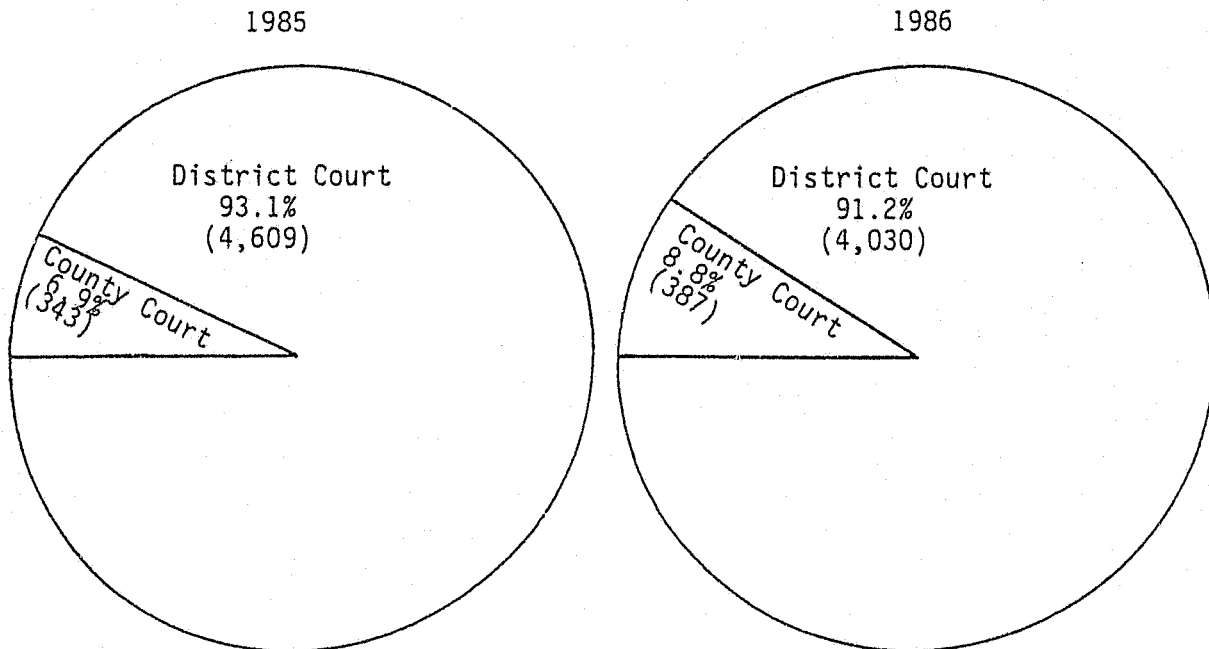


TABLE XXV
CRIMINAL DIVISION

RELEASE-ON-RECOGNIZANCE INVESTIGATIONS COMPLETED, BY COURT
OF JURISDICTION, DURING THE YEARS 1985 AND 1986

Court	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
County	343	6.9	387	8.8	+ 44	+12.8
District	4,609	93.1	4,030	91.2	-579	-12.6
Total	4,952	100.0	4,417	100.0	-535	-10.8
<u>Sex</u>						
Male	4,308	87.0	3,785	85.7	-523	-12.1
Female	644	13.0	632	14.3	- 12	- 1.9
Total	4,952	100.0	4,417	100.0	-535	-10.8



Distribution of the CROC caseload by sex revealed no change, with increases for both males and females close to the average increase for the program. Thus, females comprised 19.2% of the CROC caseload in both 1985 and 1986. See Table XXVI below, and Table XXVII.

TABLE XXVI

PRETRIAL CONDITIONAL RELEASE PROGRAM

	<u>1985</u>	<u>1986</u>	<u>Inc/Dec</u> <u>1986 over 1985</u>	
			<u>No.</u>	<u>%</u>
Total Cases under Supervision	4,643	5,309	+666	+14.3
Average Monthly Total Caseload	1,431	1,546	+115	+ 8.0

CRIMINAL DIVISION SUPERVISION PROGRAM

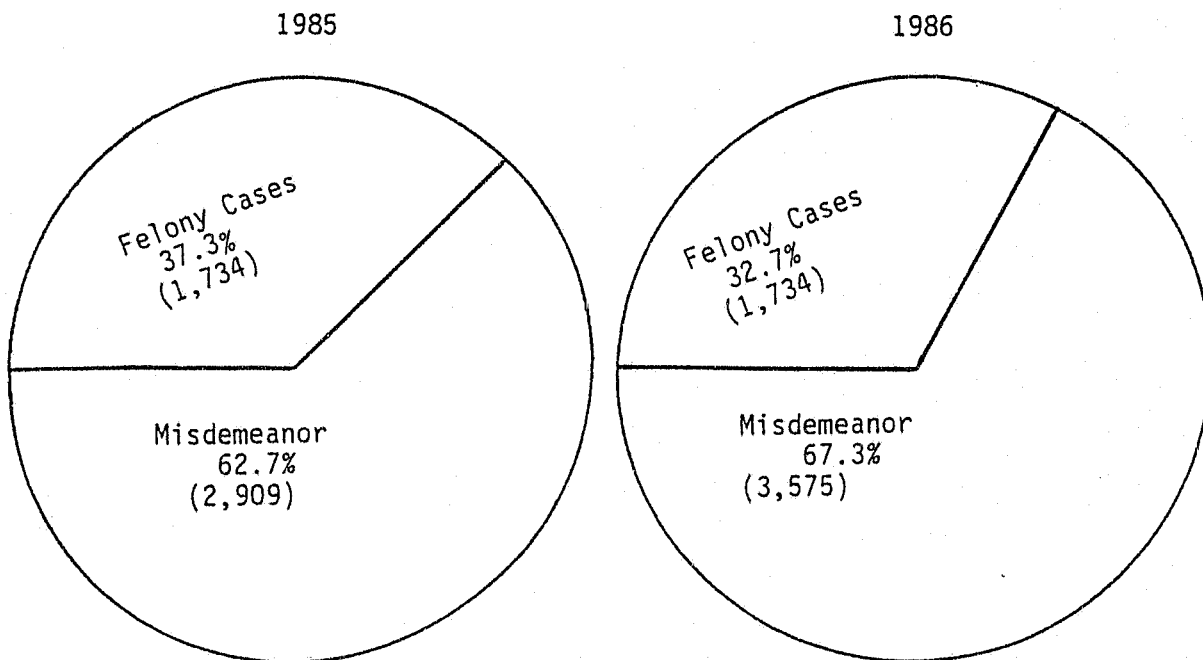
Alternatives to incarceration has become a popular and much discussed concept, both in and outside of criminal justice. Although it can encompass a wide range of programs, ranging from fines, restitution and community service to house arrest or electronic home detention, more often than not it is spelled PROBATION, for probation is the linch-pin for most, if not all, community-based corrections programs.

In recent years, a seemingly intractable crime problem, as well as other problems associated with the criminal justice system, such as prison and jail overcrowding, have had their impact on all aspects of the probation process. However, despite the development of a wide range of new programs and services to meet these demands, as well as the needs

TABLE XXVII
CRIMINAL DIVISION

TOTAL PRETRIAL CONDITIONAL RELEASE PROGRAM
CASELOAD DISTRIBUTED BY TYPE OF OFFENSE, FELONY OR MISDEMEANOR,
FOR THE YEARS 1985 AND 1986

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Felony	1,734	37.3	1,734	32.7	0	0.0
Misdemeanor	2,909	62.7	3,575	67.3	+666	+22.9
Total	4,643	100.0	5,309	100.0	+666	+14.3
<u>Sex</u>						
Male	3,753	80.8	4,288	80.8	+535	+14.2
Female	890	19.2	1,021	19.2	+131	+14.7
Total	4,643	100.0	5,309	100.0	+666	+14.3



of a changing philosophy of justice, the supervision of sentenced criminal offenders in the community continues to be probation's major effort, and, in Nassau County, the largest single program operated by the Probation Department. At the close of 1986, some 8,767 offenders were on probation in both the Criminal and Family Divisions, with the vast majority - 93.1% - being adult criminal offenders under supervision by the Department's Criminal Division. In recent years, the problems of probation supervision in general have been exacerbated by overcrowding in our prisons and jails. Efforts to meet this challenge have focused on the need for quality probation, which has never been greater, and a new emphasis on the so-called justice model probation, or a just deserts approach to offenders.

Given today's climate in criminal justice, it is probably more critical than ever whereby in assessing the supervision program an effort must be made to keep in perspective the multiple objectives of probation. Also, as part of this process, it is necessary to keep in mind the related problems of recidivism and repeat offenders, as well as rising caseloads. These problems, while not new, have been further exacerbated by the shortage of space in our prisons and jails and the public's demand for some kind of punishment, on the one hand, and the decline in resources available for governmental services in general, on the other.

Probation has had to confront this dilemma while maintaining a balance in its multiple objective approach and still provide punishment through a just deserts model. Quality probation can make a difference here, for the effectiveness and efficiency with which the supervision program accomplishes its principal objectives of maintaining selected criminal offenders in the community during the correctional process and to

provide effective monitoring of and services to probationers to promote law-abiding behavior can have a significant impact on the aforementioned problems. Thus, the supervision program must emphasize quality probation, for by doing so it can reduce crime and, most importantly, can do so far more economically with selected offenders than prisons and jails, thereby conserving these limited resources for the more serious offender.

In 1986, the problems associated with probation supervision were not unlike those experienced in previous years. Once again, however, selected trends were also present in 1985 which could, over time, have a favorable impact on some of these problems in the future. For the past year, though, high levels of recidivists (68.5%) in the investigation program continued to assure that high-risk probationers enter the supervision caseload because almost two-thirds (61.0%) of the investigation caseload is sentenced to probation. Furthermore, the probationer with the prior record is a higher risk for failure and, as such, can require more staff resources. Accordingly, the supervision process, a complex task under ideal conditions, was made more difficult in 1986 by a higher caseload, crime-prone recidivists, and other time-consuming tasks, such as violations of probation and presentence investigation reports.

As discussed elsewhere in this report, the supervision program also benefited from the continuation of a number of positive trends. In 1986, as in recent years, the probationers, as a group, were older, with fewer property offenders, such as burglary and robbery types, but more DWI offenders. Also, the results in the operational area were positive. A review and comparative analysis of selected activities in the Criminal Division's supervision program, including the regular and drug and

alcohol supervision units, the intensive supervision units and the compact and warrant units, indicate that the program is meeting its operational objectives. In addition, a special DWI Unit formed in 1984 was able to handle more cases in 1986. Also, some units received additional staff. But, perhaps the most significant factor in accomplishing the program's mission was the support received by a long-term staff with extensive experience and limited turnover.

Another new addition to probation supervision is the Electronic Home Detention Program, which became operational during September 1986. Starting as an experimental project with strict criteria for selection and a small number of offenders, its first cases were those who otherwise would have received a split sentence. Although too soon to make any conclusive judgments on the program's effectiveness, the concept itself is a flexible one which can be employed in different ways and at a number of stages in the Criminal Justice process. If successful, home detention could have a significant impact on probation programs.

Using a brief summary of statistical highlights, the year 1986 saw an overall increase of 11.0% in the total supervision caseload, an increase of 5.9% in the average probation officer's caseload in the regular units, an increase of 8.3% in the average probation officer's caseload in the drug and alcohol units and a decline of 4.6% in the average caseload of a probation officer in the intensive supervision program. Unlike the previous two years, most of the increase in the supervision program was in the drug and alcohol units. Thus, the average probation officer's

caseload in the drug and alcohol units rose from 96.3 cases in 1985 to 104.3 cases in 1986. This compares with a rise in the regular units of from 84.2 cases in 1985 to 89.1 cases in 1986.

Other findings for the regular units for 1986 indicate a further decline in the success rate for discharged probationers, a decline in the average number of contacts per probationer and a small increase in the violation rate. Findings for the drug and alcohol units reveal an increase in the success rate for discharged probationers, a decline in the average number of contacts per probationer, but an improved violation rate, it being lower than the previous year. For the intensive supervision program, there was a small decline in the average caseload and a small increase in the average number of case contacts. The outcome results were similar to the previous year but with some improvement noted in selected areas. Thus, there was a slightly lower violation rate and a lower commitment rate. Moreover, the success rate for discharged probationers was higher. Findings for the compact unit reflect a decline in the overall caseload, as well as a drop in the average probation officer's caseload. Other findings for the year 1986 are set forth below, along with a more detailed analysis of the entire supervision program.

Probationer Turnover Rate

During 1986, the probationer turnover rate declined for the fifth straight year, from 73% in 1985 to 72% in 1986. High in recent years was an 81% turnover rate in 1979. The probationer turnover rate represents the movement or flow of cases during a given year, and includes those placed on probation by the local courts, transfers in an

out of the county and all discharges, and to some extent reflects the degree of caseload instability or mobility of cases in the Criminal Division, or more specifically in the supervision program. See Table XXVIII.

Post-adjudicatory Supervision

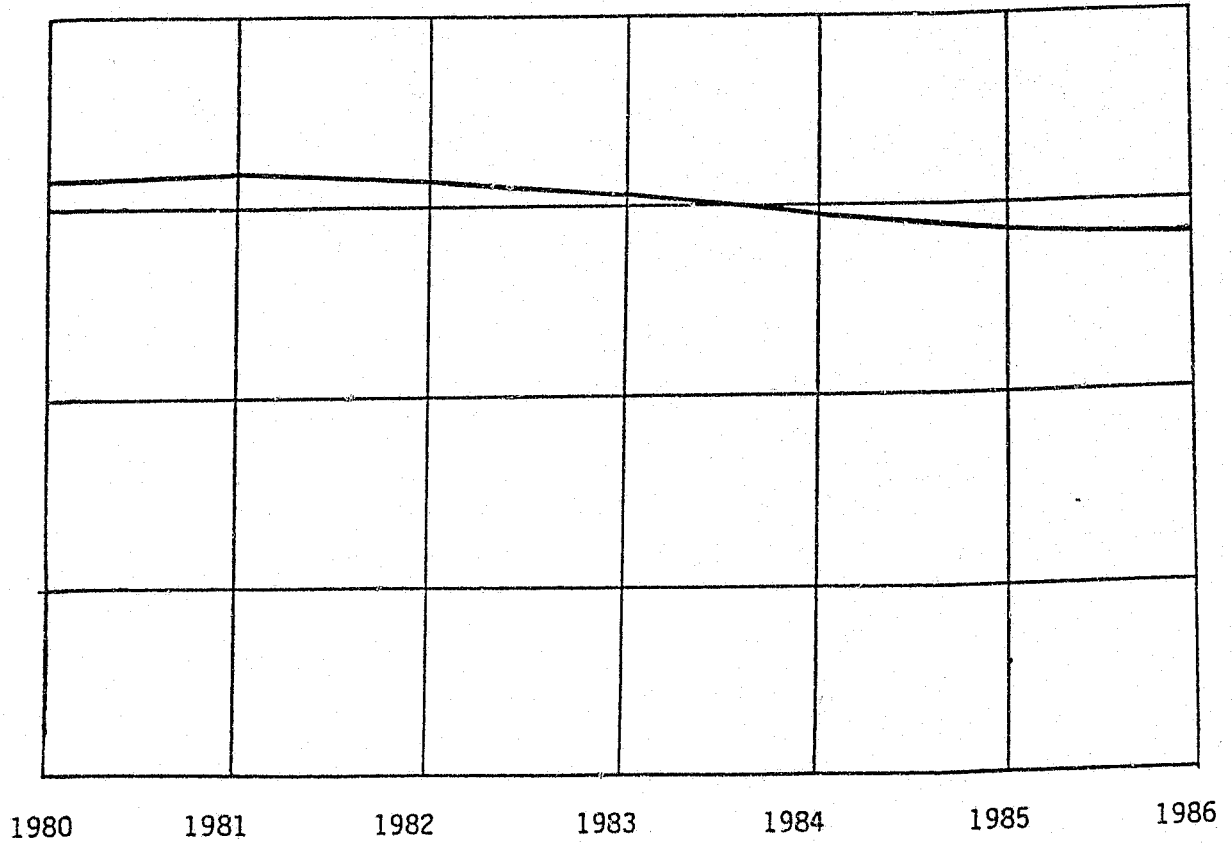
The total number of probationers under post-adjudicatory supervision, either in the regular, drug and alcohol, DWI, intensive supervision or compact unit programs for some period of time during 1986, increased by 11.0%, rising from 11,243 in 1985, for an increase of 1,239 active supervision cases. It was the twelfth straight year for increases in this statistic and represents another record high for total cases in the post-adjudicatory supervision program. The rate of increase, however, was somewhat smaller in 1986, dropping to 11.0%, down from 14.2% in 1985. See Table XXIX.

The regular supervision program's share of the total caseload increased by 5.2%, from 4,056 in 1985 to 4,269 in 1986. The drug and alcohol program increased its share by 15.9%, from 4,311 in 1985 to 4,999 in 1986. The intensive supervision program, completing its eighth year of operation, experienced a small decrease of 4.2%, from 689 in 1985 to a lower 660 in 1986. The DWI program, in its third year of operation, had a total 212 cases for the year, up from 169 cases in 1985, for an increase of 25.4%. See Table XXX.

TABLE XXVIII
CRIMINAL DIVISION

PROBATIONER TURNOVER RATE DURING THE YEARS 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Total Cases Post-adj. under Supervision	7,502	8,231	8,816	9,291	9,845	11,243	12,482
Cases Entering/ Departing Caseload	5,854	6,515	6,909	7,074	7,291	8,195	9,008
Turnover Rate	78%	79%	78%	76%	74.1%	72.9%	72.2%



Probationer Turnover Rate _____

TABLE XXIX
CRIMINAL DIVISION

TOTAL ACTIVE (POST-ADJUDICATORY) SUPERVISION CASELOAD DURING
THE YEARS 1980-1986

	1980	1981	1982	1983	1984	1985	1986
Total Post Adjud. Cases under Superv.	7,502	8,231	8,816	9,291	9,845	11,243	12,482
Inc/Dec over Previous Year	+ 864	+ 729	+ 585	+ 475	+ 554	+1,398	+1,239
% Inc/Dec over Previous Year	+13.0%	+ 9.7%	+ 7.1%	+ 5.4%	+ 5.9%	+14.2%	+11.0%

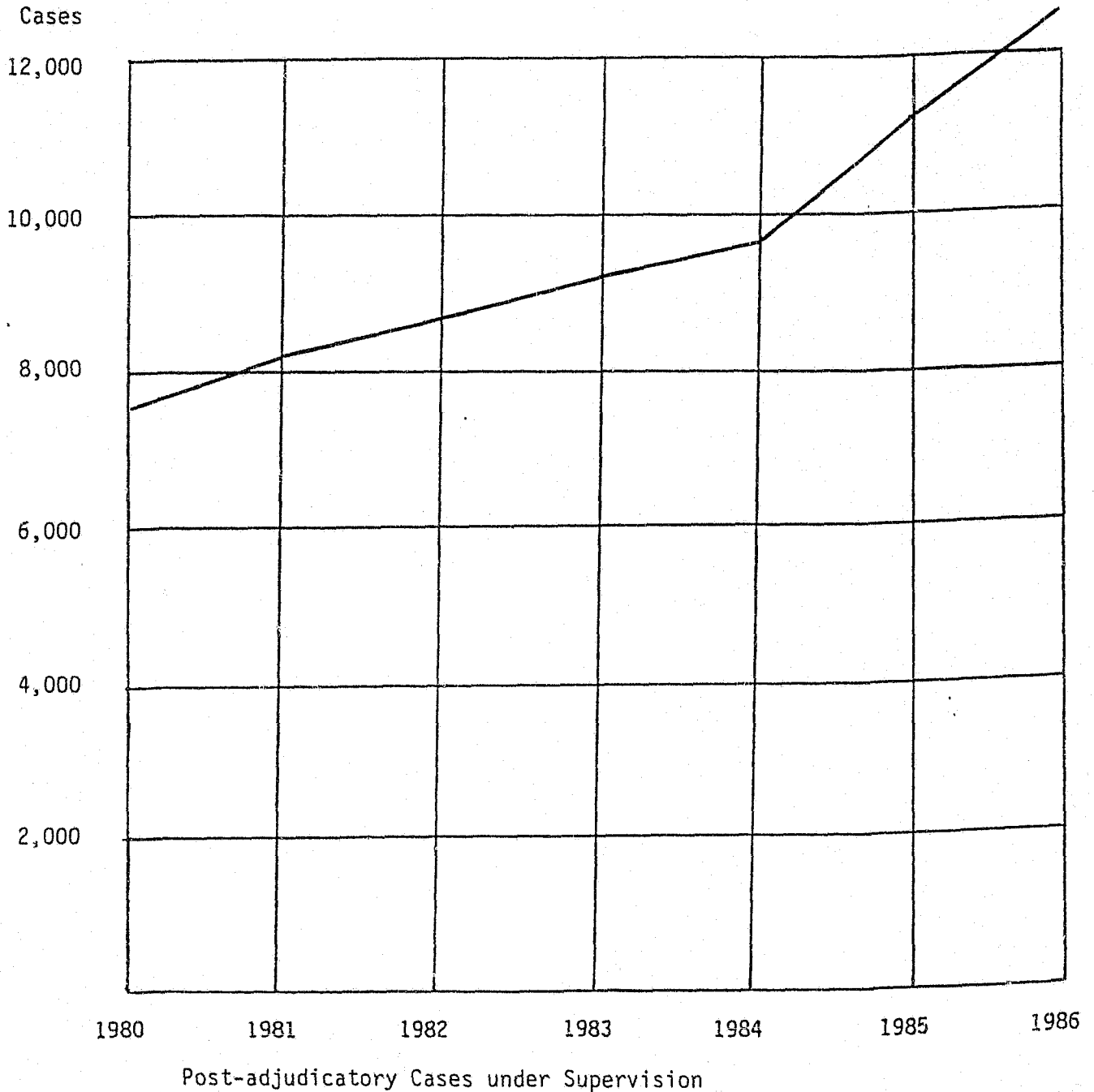
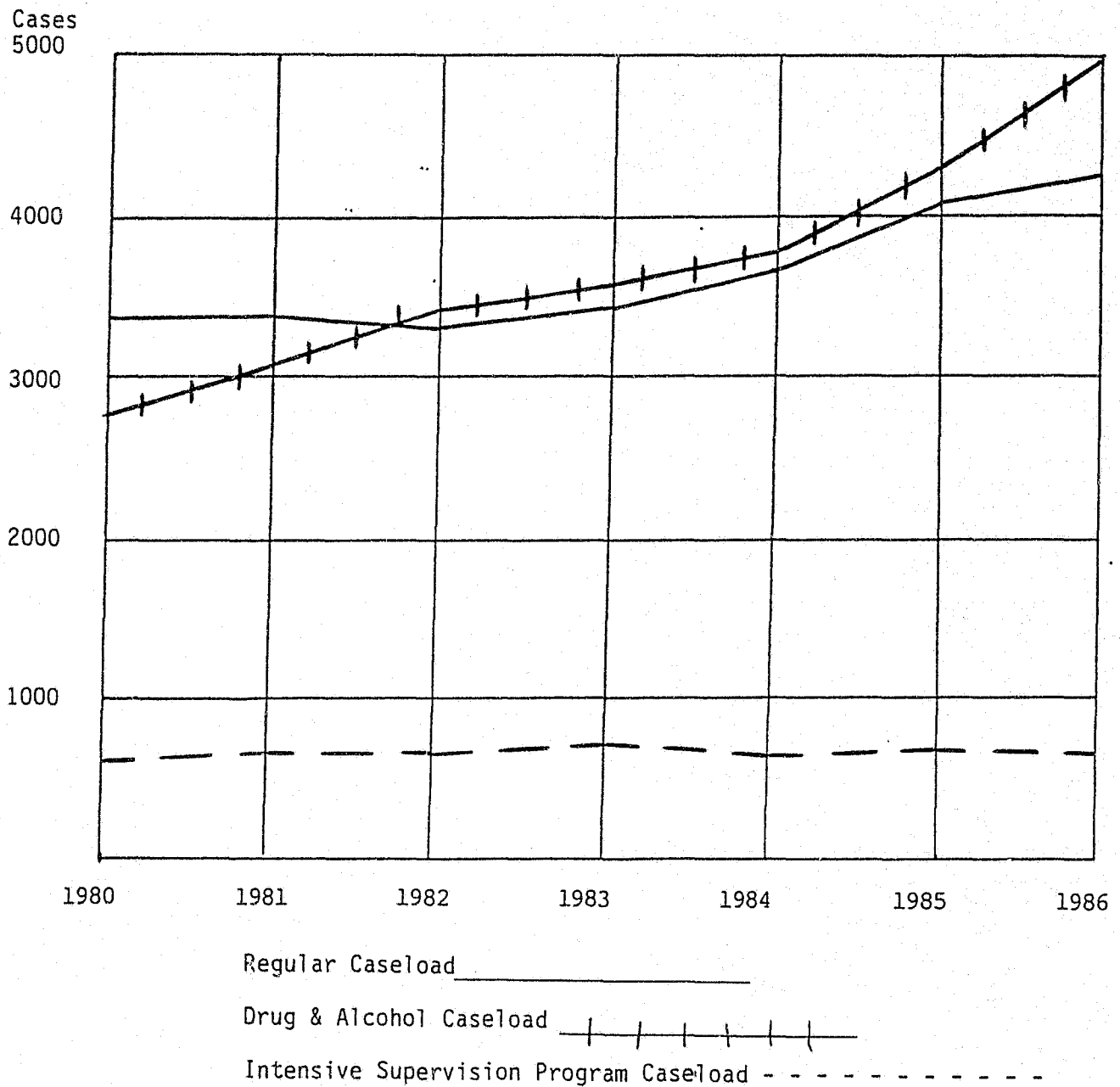


TABLE XXX
CRIMINAL DIVISION

TOTAL REGULAR SUPERVISION CASELOAD, DRUG AND ALCOHOL SUPERVISION CASELOAD AND INTENSIVE SUPERVISION PROGRAM CASELOAD FOR THE YEARS 1980-1986

Type	1980	1981	1982	1983	1984	1985	1986
Regular	3,360	3,366	3,315	3,451	3,715	4,056	4,269
Drug & Alcohol	2,792	3,032	3,385	3,590	3,773	4,311	4,999
Intensive Supervision Program	612	709	657	688	663	689	660



As we shall see in more detail in subsequent sections of this report, the above changes in the total cases for the various programs continued to have an impact on the average probation officer's caseload for most of the programs. The impact, however, was greater on some units than others.

Another key caseload indicator, the annual average total monthly Criminal Division post-adjudicatory supervision caseload, also reflected a continuing increase in 1986, from 7,562 cases in 1985 to 8,346, for an increase of 784, or 10.4%.

Perhaps more revealing from the perspective of the individual programs and the changes thereto over the course of the year is the comparative analysis set forth below, with caseloads presented for each program as of JANUARY 1, 1986 and JANUARY 1, 1987. As revealed by these data, while the overall increase in cases came to 390, or 5.0%, because of declines in some programs the actual increase in the drug and alcohol units came to a larger 442 cases, or 14.7%. This was the second consecutive year for these units to lead the way in case increases. See Table XXXI below.

TABLE XXXI

TOTAL CRIMINAL DIVISION SUPERVISION CASELOAD BY TYPE OF PROGRAM

	1/1/86	1/1/87	Inc/Dec	
	<u>No.</u>	<u>No.</u>	<u>No.</u>	<u>%</u>
Regular Probation	2,861	2,814	- 47	- 1.6
Drug and Alcohol	3,003	3,445	+442	+14.7
DWI	154	156	+ 2	+ 1.3
Intensive Supervision	420	381	- 39	- 9.3
Compact	821	765	- 56	- 6.8
Warrant	516	604	+ 88	+17.1
Total	<u>7,775</u>	<u>8,165</u>	<u>+390</u>	<u>+ 5.0</u>

NEW PROBATIONERS

The number of adult criminal offenders sentenced to probation by the Nassau County Courts declined slightly, from 4,269 in 1985 to 4,212 in 1986, for a drop of 57 cases, or 1.3%. All of the decline here was accounted for by the falloff in the split sentence or jail/probation segment of 13.1% while the straight probation cases actually increased by 1.3%. Thus, the split sentence group saw its share of new probationers drop from almost one-quarter in 1984 to one-fifth in 1986. See Table XI.

Transfers of Probationers from other jurisdictions outside the County of Nassau into the Criminal Division for supervision rose by 2.9% in 1986, as compared with 5.3% in 1985. These transfers into Nassau County totaled 488, up from 474 in 1985 and 450 in 1984. The number of

outgoing transfers, probationers from the Criminal Division being transferred to jurisdictions outside Nassau County, rose by a significant 24.0%, from 1,137 in 1985 to 1,410 in 1986.

Probationer discharge activity rose significantly in 1986, from 2,315 to 2,898, an increase of 25.2%. This compares with total discharges of 2,372 in 1983 and 2,334 in 1984. Therefore, unlike the two previous years when the decline in discharges was believed to be linked to a longer average time period on probation, in 1986, along with the increase in discharge activity, there was a decline in the period on probation. In further regard to probationers discharged in 1986, the results pertaining to their success rate, as compared with the previous year were mixed. The success rate was higher for the drug and alcohol cases and lower for the regular probation cases. See Tables XL and XLII.

Average Age of Probationer Entering Supervision Program

The year 1986 saw the continuation of a long-term trend whereby the supervision caseload, as a group, reflected an older population. Inasmuch as the high-risk offender is usually younger, an aging probation caseload should have a favorable impact on recidivism rates and supervision program outcome results. The average age of the new probationers entering the caseload in 1986 rose for the seventh straight year, from 26.2 years in 1985 to 26.6 years in 1986. Further evidence of this aging of the supervision caseload is supported by the fact that in 1985, 56.5% of the new cases were 25 years or older, but in 1986, it had jumped to 58.1%. This compares with only 38% in 1980.

Likewise, there was an increase in the 30 years and over age group. See Table XXXII.

Supervision Caseload By Type of Crime and Supervision Category

Based on the Criminal Division's average monthly supervision caseload, analysis has revealed almost no change in the proportions of felony and misdemeanor cases. Thus, it was reported that the proportion of felony cases was 35.2% in 1985 and 35.3% in 1986, while the proportion of misdemeanor cases was 64.8% in 1985 and 64.7% in 1986. See Table XXXIII. Using another perspective, analysis of the supervision caseload by Court of Jurisdiction and beginning and end of year totals has revealed the proportion of County Court (felony jurisdiction) supervision cases to be 38.0% at the beginning of 1986 and 38.7% at the close of 1986. Total caseload was 7,775 cases at the beginning of the year and 8,165 cases at the end of the year.

An analysis of the caseload by differential supervision categories, using the state mandated types initiated in 1985, namely intensive, medium, minimum and other reveals that during the average month in 1986 probationers were distributed as follows: Intensive -- 15.8%, Medium -- 21.0%, Minimum -- 54.3% and other 8.9%. A comparison of these findings with those in 1985 reveals a drop in cases in the intensive category and an increase in the minimum category. See Table XXXIV.

TABLE XXXII
CRIMINAL DIVISION

AGES OF PROBATIONERS ENTERING THE SUPERVISION
PROGRAM DURING THE YEARS 1985 AND 1986

Ages	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
16-18 years	754	15.9	630	13.4	-124	-16.4
19-21 years	702	14.8	686	14.6	-16	-2.3
22-24 years	607	12.8	653	13.9	+46	+7.6
25-29 Years	906	19.1	921	19.6	+15	+1.7
30+ years	1,774	37.4	1,810	38.5	+36	+2.0
Total	4,743	100.0	4,700	100.0	-43	-0.9
Median Age	26.2 years		26.6 years			

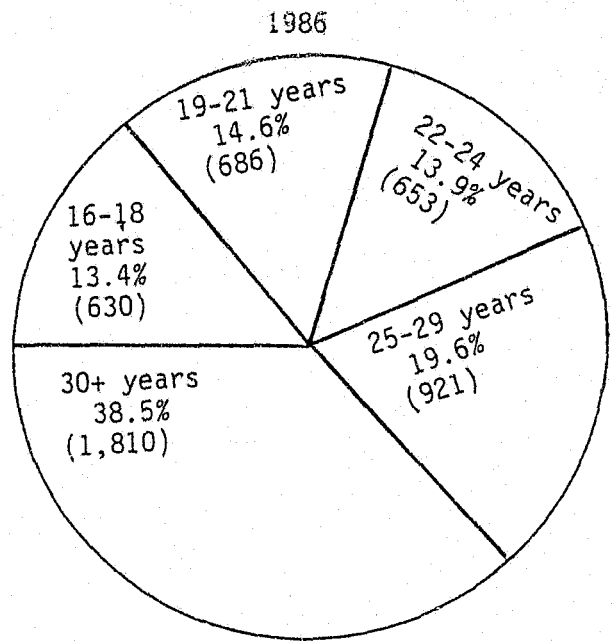
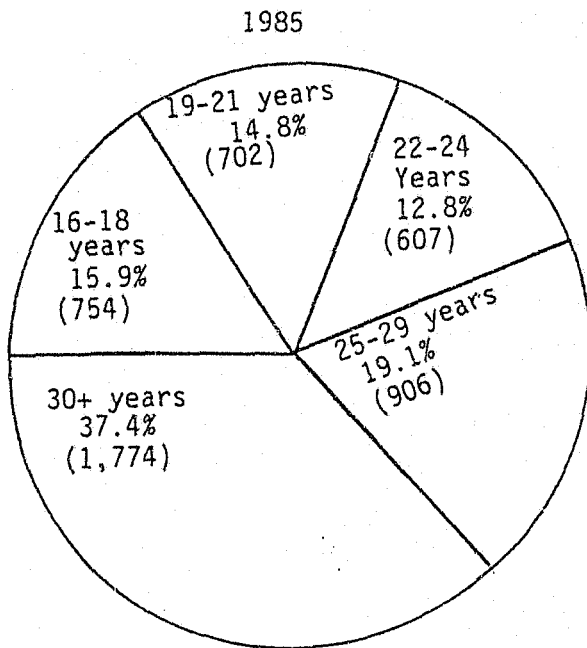


TABLE XXXIII
CRIMINAL DIVISION

AVERAGE MONTHLY SUPERVISION PROGRAM CASELOAD
DISTRIBUTED BY THE AVERAGE NUMBER AND PERCENTAGE
OF CASES BY TYPE OF CONVICTION, FELONY OR
MISDEMEANOR, FOR THE YEARS 1985 AND 1986

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Felony Cases	2,560	35.2	2,819	35.3	+259	+10.1
Misdemeanor Cases	4,712	64.8	5,168	64.7	+456	+ 9.7
Total	7,272	100.0	7,987	100.0	+715	+ 9.8

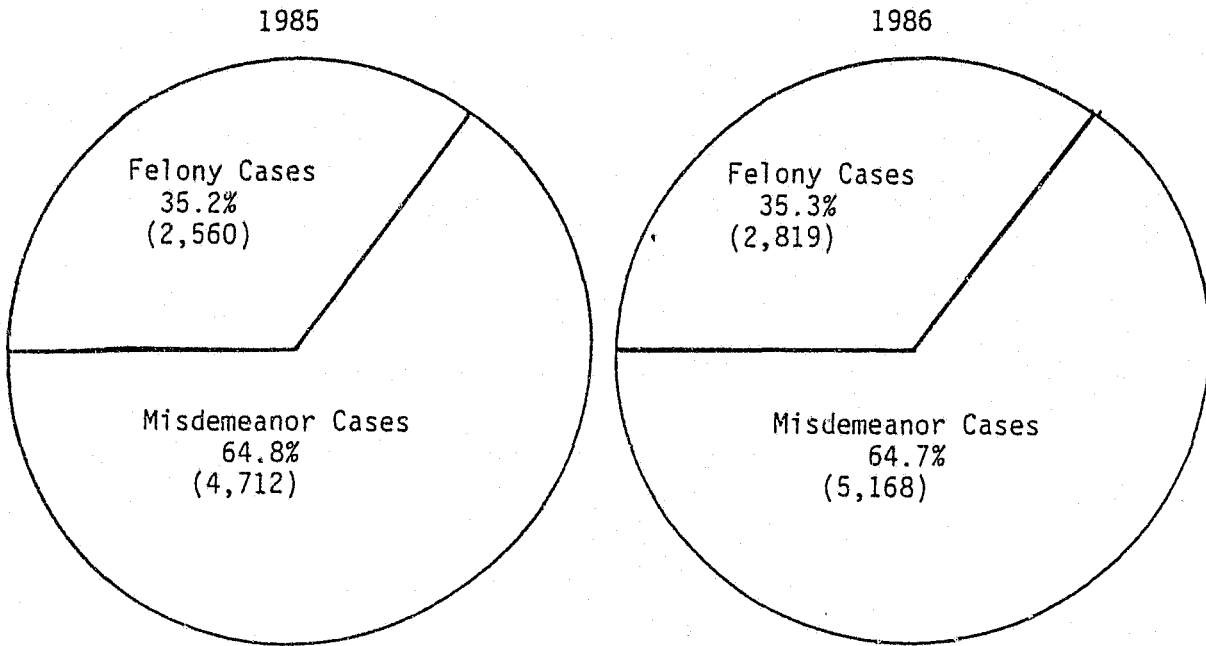
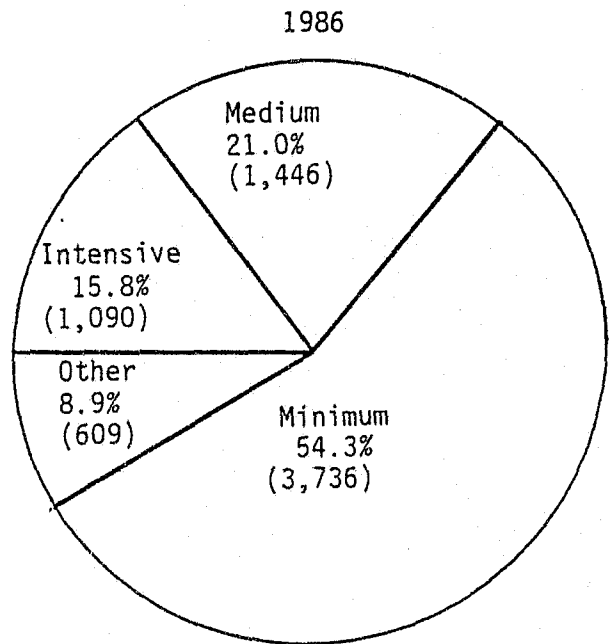
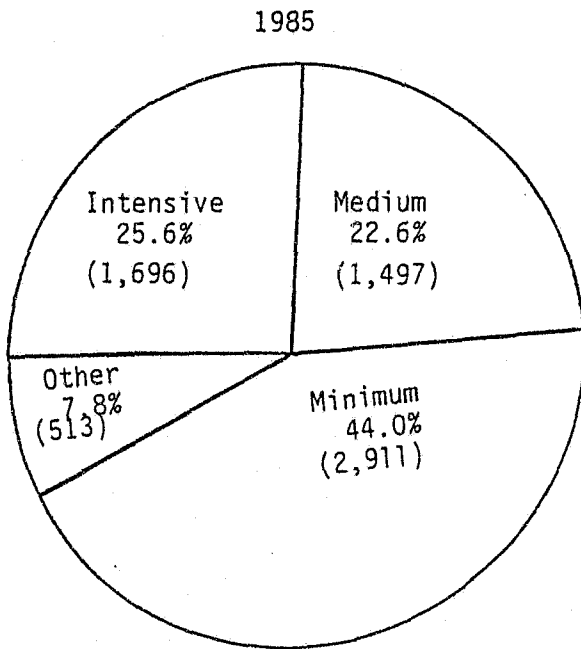


TABLE XXXIV
CRIMINAL DIVISION

AVERAGE MONTHLY SUPERVISION PROGRAM CASELOAD DISTRIBUTED
BY THE AVERAGE NUMBER AND PERCENTAGE OF PROBATIONERS
DIFFERENTIALLY CLASSIFIED BY TYPE OF SUPERVISION CATEGORY
FOR THE YEARS 1985 AND 1986

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
Intensive	1,696	25.6	1,090	15.8	-606	-35.7
Medium	1,497	22.6	1,446	21.0	- 51	- 1.7
Minimum	2,911	44.0	3,736	54.3	+825	+28.3
Other	513	7.8	609	8.9	+ 96	+18.7
Total	6,617	100.0	6,881	100.0	+264	+ 3.9



Time On Probation

The length of time spent on probation for the average probationer before discharge continues to vary by type of program and Court of Jurisdiction. In recent years, the trend, in general, has been toward a longer supervision period. In 1985, the trend appears to have peaked, for in 1986 there was a decline in the average supervision period. Thus, the average length of time (median period) spent on probation supervision for all probationers discharged during 1986 was 20.1 months, down slightly from 20.4 months in 1985. This decline was also consistent in both major programs. In the drug and alcohol program, the average supervision period declined from 21.4 months in 1985 to 20.5 months in 1986. In the regular units, there was a similar decline, from 19.5 months in 1985 to a lower 18.8 months in 1986.

Average time spent on probation also continues to vary significantly by court of jurisdiction. In 1986, County Court (felony jurisdiction) probationers' average period under supervision rose from 29.4 months in 1985 to 30.1 months in 1986. In District Court, the pattern was reversed. Here, the average time on probation declined from 18.1 months to 17.7 months in 1986. See Table XXXV.

Average Probation Officer Supervision Caseload

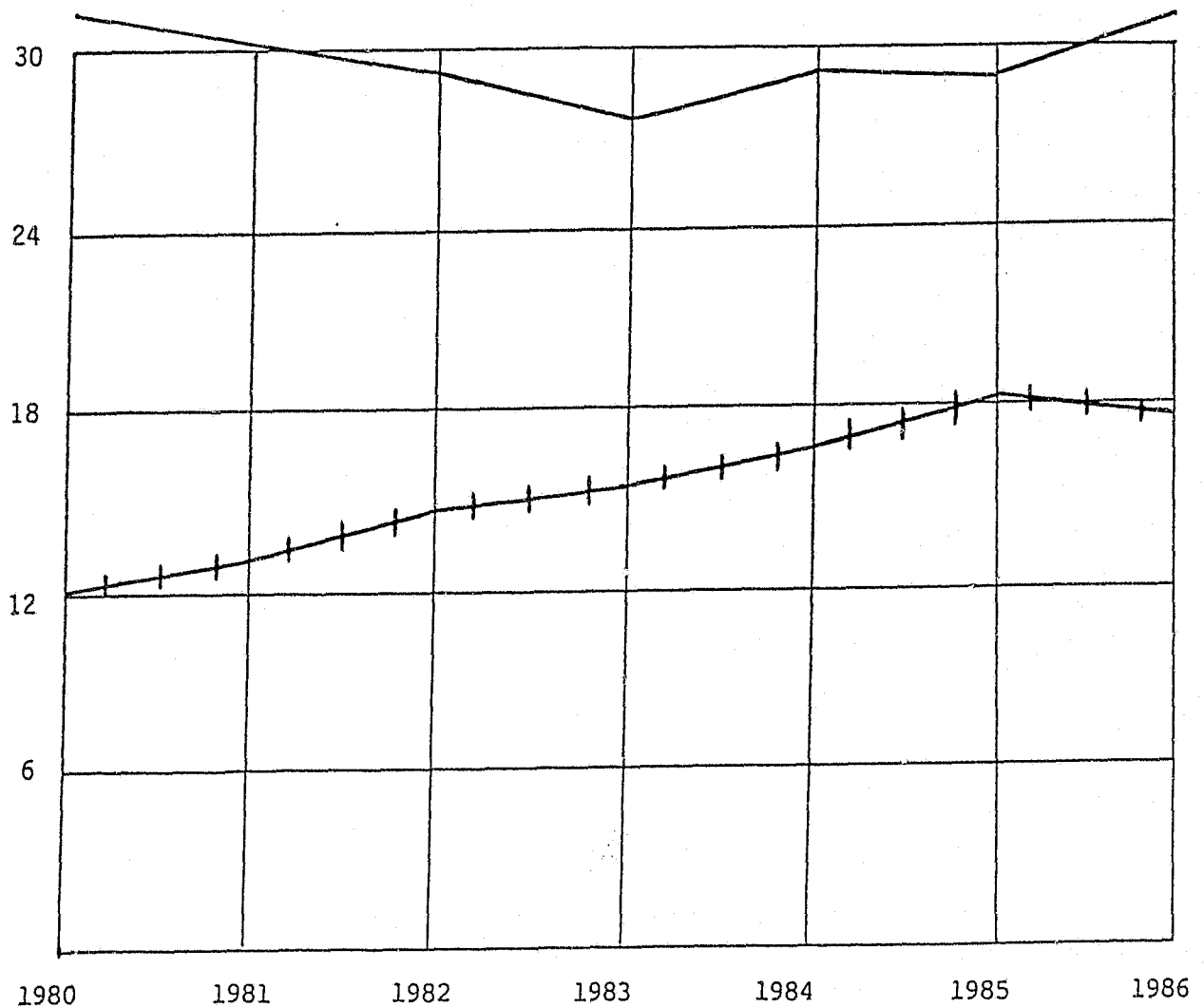
This section will focus on probation officer caseload size and changes thereto over the course of the year, as well as comparisons with previous years. In recent years, because of a growing interest in intensive supervision, the prison crisis, and overburdened Probation

TABLE XXXV
CRIMINAL DIVISION

MEDIAN PERIOD (MONTHS) SPENT ON SUPERVISION FOR PROBATIONERS
DISCHARGED DURING THE YEARS 1980-1986

Type Unit	1980	1981	1982	1983	1984	1985	1986
All Units	15.6	16.9	17.9	18.3	19.8	20.4	20.1
Regular	15.6	14.7	16.8	17.1	17.7	19.5	18.8
Drug & Alcohol	18.0	20.6	19.5	19.9	21.2	21.4	20.5
<u>Court</u>							
County Court Probationers	30.9	30.1	29.6	27.6	29.6	29.4	30.1
District Court Probationers	12.0	13.1	14.4	15.5	16.9	18.1	17.7

Months



County Court Probationers _____

District Court Probationers _____

Departments across the country, the subject of caseloads has become a controversial one. It also continues to be an important research issue. No magic numbers have been identified and the factors involved are numerous and complex, for caseload size is believed to be just one of a number of important variables that have a significant relationship to program objectives and program outcomes. It is known that an optimum size caseload, in combination with other factors, can have a positive impact on the management of probationers, and other objectives, by influencing, in part, the quantity and quality of services they receive while on probation. In 1986, within the Criminal Division's major supervision programs, average caseload size continued its upward trend of recent years.

Probation officer caseload sizes and changes thereto can be analyzed and measured in two different ways. In the first method, the size of the average probation officer's supervision caseload can be computed for each program for the entire year and then compared with previous years. Using this method, the average caseload for 1986 in the regular supervision units rose by 5.8%, from 84.2 cases in 1985 to a higher 89.1 cases in 1986. In the drug and alcohol units, the upward trend was even more significant with an increase of 8.3%, from 96.3 cases in 1985 to a higher 104.3 cases in 1986. Once again, the final average caseload for this program was a record high for the department. In the intensive supervision program, the average caseload for the year declined

by 4.6%, from 32.6 cases in 1985 to a lower 31.1 cases in 1986. The DWI program, after two years of operations, saw its average caseload rise from 21.1 cases in 1985 to 30.8 cases in 1986. See Table XXXVI.

Using the second method, the average monthly probation officer caseloads are computed and analyzed by monitoring the changes each month over the 12 - month period. Using this approach for 1986, the regular supervision caseload began the year with an average probation officer caseload of 90.3 cases in January, the high for the year, but remained at a slightly lower level for most of the year before declining to 87.9 cases, the low for the year, in December. The overall decline here was 2.7% for the year. See Table XXXVII.

The drug and alcohol program began the year with an average probation officer caseload of 100.1 cases in January, climbed steadily to a peak of 106.9 cases in June before dropping to a second low for the year of 100.3 cases in December. See Table XXXVII.

In the DWI Unit, the average caseload was 30.2 cases in January, dropped to a low of 28.8 cases in June and closed out the year with 31.2 cases in December. See Table XXXVII.

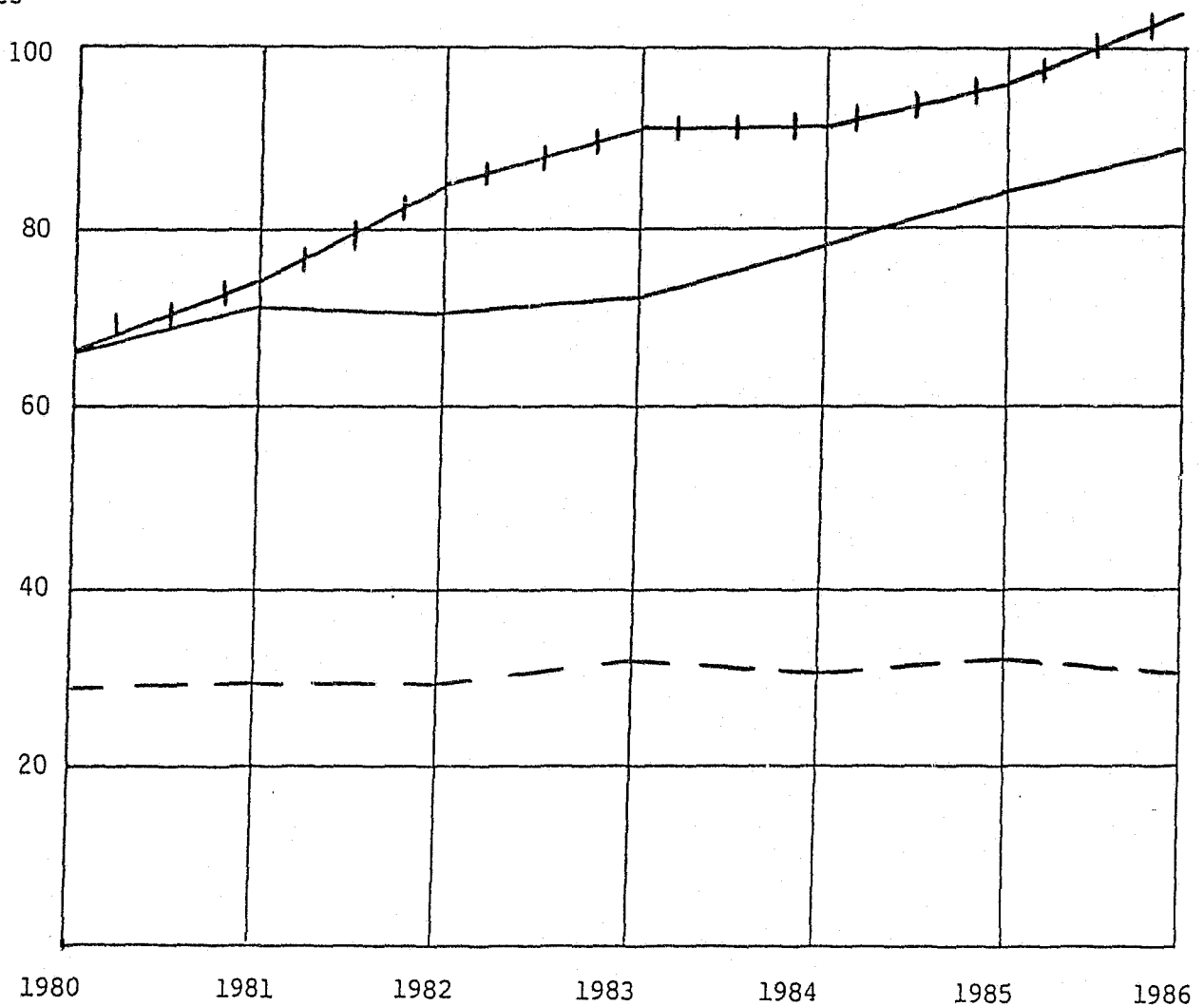
In the intensive supervision program, the average probation officer caseload at the beginning of the year was 31.2 cases. It remained generally at this level before dropping to 29.3 cases in December. See Table XXXVII.

In the Compact Unit, the average probation officer caseload for active cases was 107.2 cases in January, rose to a high of 108.2 in February and then dropped off to close the year at 95.6 cases in

TABLE XXXVI
CRIMINAL DIVISION
SUPERVISION CASELOADS BY YEAR AND TYPE
MEAN NUMBER OF ACTIVE CASES PER PROBATION OFFICER

<u>Unit</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Regular	64.8	71.7	70.9	73.2	78.6	84.2	89.1
Drug & Alcohol	64.8	72.7	84.8	91.3	91.7	96.3	104.3
Intensive Supervision Program	28.9	29.2	29.1	32.8	31.5	32.6	30.8

Cases



Regular Unit _____

Drug & Alcohol Unit | | | | | | | | | |

Intensive Supervision Program Unit - - - - -

TABLE XXXVII
CRIMINAL DIVISION

MONTHLY AVERAGE (MEAN) SIZE SUPERVISION CASELOADS
CRIMINAL DIVISION - PERIOD JAN. THRU DEC. 1986

Supervision Caseloads Mean No. of Cases per P.O.	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug..</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>12 Mo. Period</u>
REGULAR UNITS													
Active	90.3	89.6	88.8	89.6	89.4	89.1	88.9	88.4	89.2	88.4	89.4	87.9	89.1
DRUG & ALCOHOL UNITS													
Active	100.1	101.2	103.3	103.7	105.8	106.9	104.7	104.5	105.7	107.3	106.5	101.3	104.3
DWI UNIT													
	30.2	30.0	30.2	30.2	29.0	28.8	31.6	31.6	32.4	32.6	32.0	31.2	30.8
INTENSIVE SUPERVISION PROGRAM													
Active	31.2	31.8	31.8	31.6	32.0	31.8	31.5	31.2	29.6	30.5	30.4	29.3	31.1
COMPACT UNIT													
Active	107.2	108.2	104.9	102.2	103.5	103.1	105.9	95.5	99.1	99.5	99.2	95.6	101.9
Service	66.0	74.2	68.7	70.1	72.1	68.5	68.2	71.1	71.4	71.3	71.6	71.9	70.4

December, for a decline for the year of 10.8%. Service cases began the year with an average caseload of 66 cases; it rose to 74.2 cases in February and closed the year at 71.9 cases in December. See Table XXXVII.

In sum, although the overall supervision program caseload increased in 1986, in comparison to the previous year, the impact on average probation officer caseload sizes was greatest in the two major programs, regular supervision and drug and alcohol supervision. Higher caseloads have been the norm in recent years, due primarily to the rise in the level of new probationers entering the caseload. Furthermore, the impact would have been greater if not for an increase in staff for some programs. Even so, over a five-year period, the average probation officer's caseload in the regular program increased by one-quarter (24.3%) while the average caseload in the drug and alcohol program jumped by an even larger 43.5%. Why this significant increase? A large part of this growth can be traced directly to the continuing high level of DWI offender activity in the investigation program and the high probation rate (88.5% in 1986) for this type of case.

SUPERVISION CONTACTS

An analysis of the annual average monthly number of contacts per probationer per month for 1986 has revealed for all programs combined a small decline in contacts. Total overall contacts dropped by 1.6%. As was the pattern in 1985, the falloff in 1986 was small but the effect in recent years has been cumulative. In the past, the trend of fewer average contacts per probationer per month was thought to be related to rising caseloads but with no increase in staff. In 1986, the decline, although small, varied by type of program. In assessing the average number of contacts and changes thereto over time, it should be kept in mind that we are referring to averages for the so-called typical probation case. The actual number of each case will vary, of course, depending, for the most part, on the supervision category assigned - intensive, medium, or minimum - as well as other factors, such as the judgment of the probation officer. Also, as noted elsewhere in this report (see page 86) the number of probationers in the intensive supervision category fell in 1986, as compared to 1985, while those in the minimum category, where fewer contacts are required, increased in 1986.

Using the end of month total caseload for the years 1986 and 1985, the average annual monthly number of contacts per probationer per month were computed and are set forth below in Table XXXVIII. See also Table XXXIX.

TABLE XXXVIII

AVERAGE ANNUAL MONTHLY NUMBER
OF CONTACTS PER PROBATIONER PER MONTH

<u>All Units</u>	1985	1986
Office	1.25	1.08
Home	0.54	0.45
Other	1.95	1.78
	<u>3.74</u>	<u>3.31</u>
<u>Drug & Alcohol Units</u>		
Office	0.96	0.83
Home	0.50	0.38
Other	1.95	1.41
	<u>3.06</u>	<u>2.62</u>
<u>Regular Units</u>		
Office	1.35	1.17
Home	0.53	0.46
Other	1.71	1.62
	<u>3.59</u>	<u>3.25</u>
<u>Intensive Supervision Program Units</u>		
Office	1.87	1.84
Home	0.80	0.80
Other	4.73	4.83
	<u>7.40</u>	<u>7.47</u>
<u>DWI Unit</u>		
Office	3.20	2.64
Home	0.97	0.91
Other	5.62	4.36
	<u>9.79</u>	<u>7.91</u>

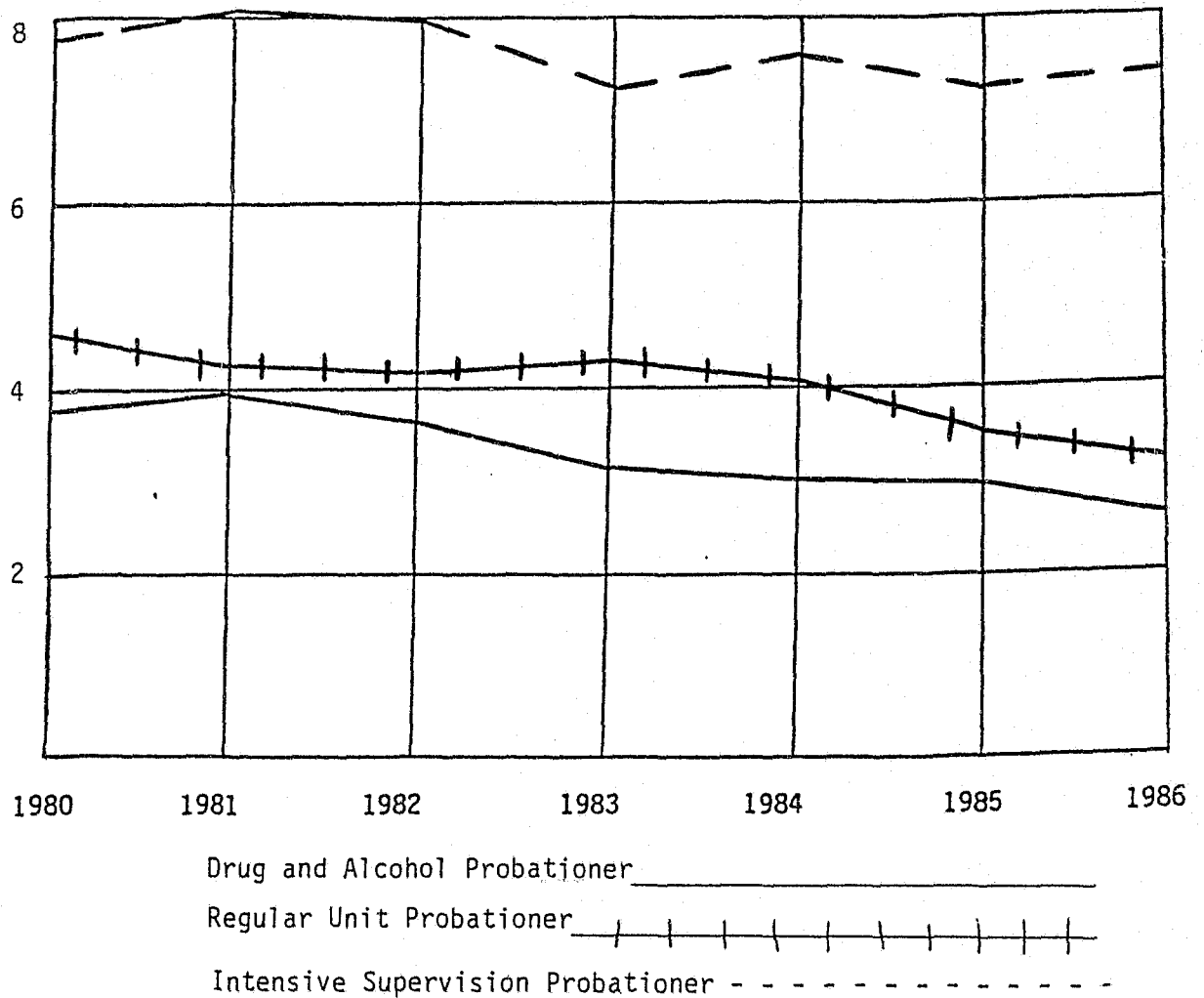
In sum, the above findings bring into focus the linkage between probationer contacts and the quality of the supervision process in the Criminal Division. More to the point is the extent of the impact, if any, the decline in supervision contacts has on probationer outcome and

TABLE XXXIX
CRIMINAL DIVISION

AVERAGE TOTAL NO. CONTACTS PER PROBATIONER PER MONTH
FOR THE YEARS 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Drug & Alcohol Unit	3.89	4.00	3.77	3.24	3.15	3.06	2.62
Regular Unit	4.54	4.20	4.15	4.28	4.05	3.59	3.25
Intensive Supervision Program	7.80	8.08	8.00	7.38	7.71	7.40	7.47

Contacts



program effectiveness. In the next section of this report, we will look at this subject in greater detail. For the present, however, we do know that our programming does not permit the kind of fine tuning that would result in a more precise cause and effect relationship between contacts and program outcome. Moreover, our present system of differential supervision categories does act as a safety net in that it should insure those probationers in need of greater attention are more likely to be assigned to the intensive supervision category and receive more contact while those with a lesser need would be assigned to a more appropriate medium or minimum category and receive fewer contacts. Over the course of 1986, there was a significant shift of probationers out of Level I, or intensive, and into Level III, or minimum. Thus, the intensive category fell from 25% in January 1986 to 10% in December 1986. Therefore, while the decline in contacts is real, its impact on the quality of probation may be largely mitigated by the differential supervision assignment process.

ASSESSMENT OF SUPERVISION UNITS IN CORRECTIONAL EFFORT

For purposes of assessing the overall effectiveness of the major supervision programs in the Criminal Division, this analysis will use the type of discharges received by probationers to determine the success and failure rates for the supervision programs, as well as the violations of probation activity - which will be covered in the next section - to measure progress in attaining program objectives.

The success rates for the two major supervision programs revealed mixed results in 1986, improvement for the drug and alcohol units and decline in the regular units. For the drug and alcohol units, their success rate was the highest in the past ten years. For the regular units, the decline was the third in three years, after a record high in 1983. A comparative analysis of these two major programs for 1985 and 1986 reveals that the success rate (% of probationers discharged as improved) for the drug and alcohol program rose from 74.6% in 1985 to a record high 78% in 1986. On the other hand, the failure rate (% of probationers discharged as unimproved or committed) dropped from 20.1% to 17.2% in 1986. See Tables XL and XLI.

For the regular supervision program, the pattern was the reverse. The success rate declined from 67.0% in 1985 to 65.6% in 1986. Also, the failure rate rose from 28.9% in 1985 to 31.7% in 1986. Despite the drop in outcome results here, however, they were still somewhat above those for the years 1981 and 1982. See Table XLII and XLIII.

The outcome results for the DWI program, after its second complete year of operation and in comparison to the other programs, revealed an above average success rate and a below average failure rate. Although there were too few discharges in the program's first full year of operation for a valid comparison in 1986, based on 49 discharges, the DWI program's success rate was a high 83.7%.

An analysis of the discharged probationers from the Criminal Division by Court of Jurisdiction revealed significant variations in their success and failure rates. Youthful offenders from County Court had the

TABLE XL
CRIMINAL DIVISION

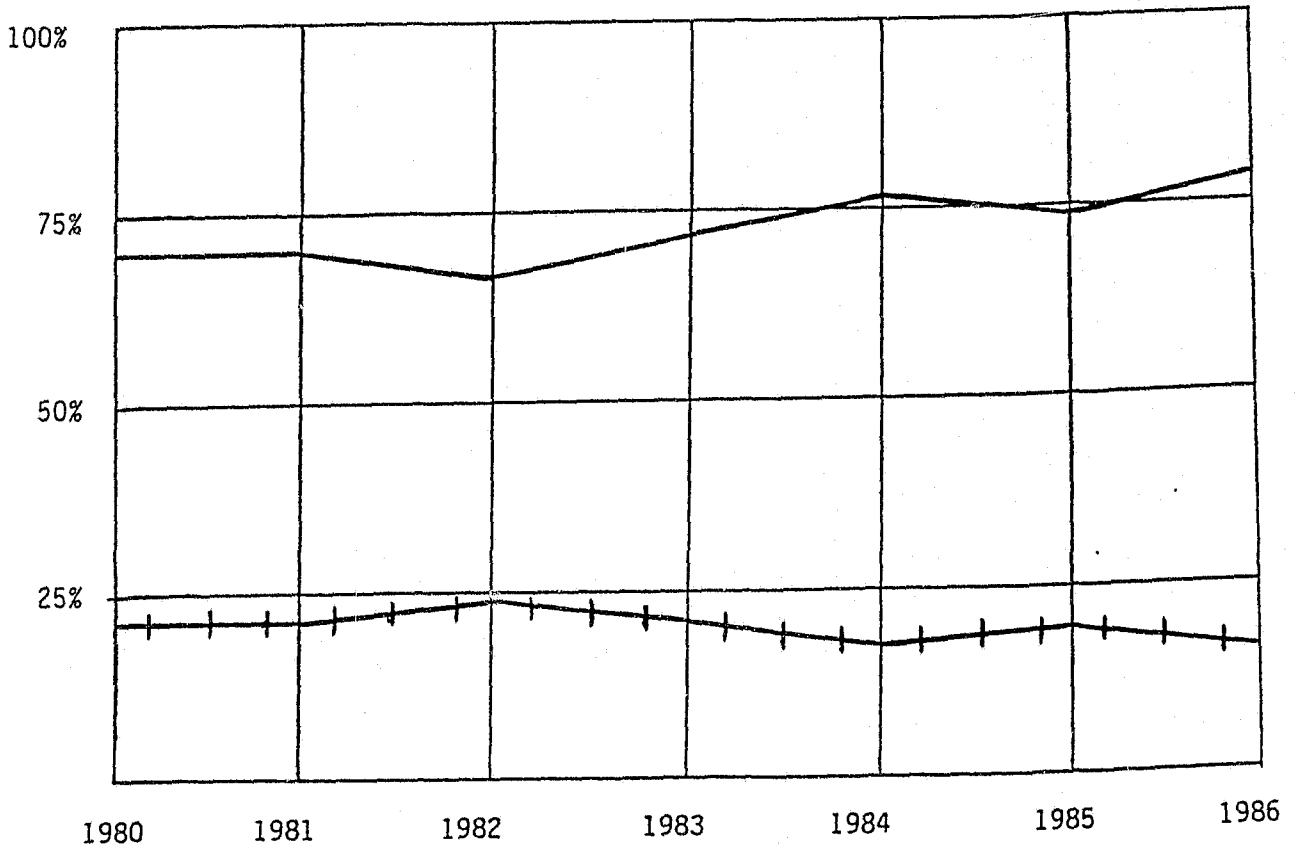
ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS
DRUG AND ALCOHOL UNITS - CRIMINAL DIVISION

	1981		1982		1983		1984		1985		1986	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<u>PROBATION DISCHARGES</u>												
Improved	555	69.7	666	68.0	731	70.1	816	76.2	800	74.6	1,036	78.0
Unimproved)	78		105		95		76		79		99	
Committed) -	98	22.1	138	24.8	123	20.9	109	17.3	136	20.1	115	16.2
Absconded)	0		0		0		0		0		0	
Deceased)	9		12		19		14		16		14	
Other) -	<u>56</u>	<u>8.2</u>	<u>59</u>	<u>7.2</u>	<u>75</u>	<u>9.0</u>	<u>56</u>	<u>6.5</u>	<u>41</u>	<u>5.3</u>	<u>64</u>	<u>5.8</u>
Total	796	100.0	980	100.0	1043	100.0	1071	100.0	1072	100.0	1328	100.0
<u>SUPERVISION CASELOADS</u>												
Mean No. of Cases per P.O.												
ACTIVE	72.7		84.8		91.3		91.7		96.3			104.3
SERVICE	0.1		-		-		-		-		-	-

TABLE XLI
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS
PERCENTAGE OF DRUG UNIT PROBATIONERS DISCHARGED BY TYPE
OF DISCHARGE DURING THE YEARS 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Improved	69.6	69.7	68.0	70.1	76.2	74.6	78.0
Unimproved Committed Absconded	22.1	22.1	24.8	20.9	17.3	20.1	16.2
Deceased/Other	<u>8.3</u>	<u>8.2</u>	<u>7.2</u>	<u>9.0</u>	<u>6.5</u>	<u>5.3</u>	<u>5.8</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



Success Rate _____

Failure Rate | | | | | | |

TABLE XLII
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS
REGULAR UNITS - CRIMINAL DIVISION

PROBATION DISCHARGES	1981		1982		1983		1984		1985		1986	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Improved	633	64.7	656	64.1	725	70.1	670	68.4	651	67.0	785	65.6
Unimproved)	108		130		106		107		129		169	
Committed) -	185	29.9	166	28.9	151	24.8	148	26.1	152	28.9	199	30.7
Absconded)	0		0		0		0		0		0	
Deceased)	5		3		3		8		6		12	
Other) -	<u>48</u>	<u>5.4</u>	<u>68</u>	<u>7.0</u>	<u>50</u>	<u>5.1</u>	<u>46</u>	<u>5.5</u>	<u>33</u>	<u>4.0</u>	<u>32</u>	<u>3.7</u>
Total	979	100.0	1023	100.0	1035	100.0	979	100.0	971	100.0	1197	100.0

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SUPERVISION
CASELOADS

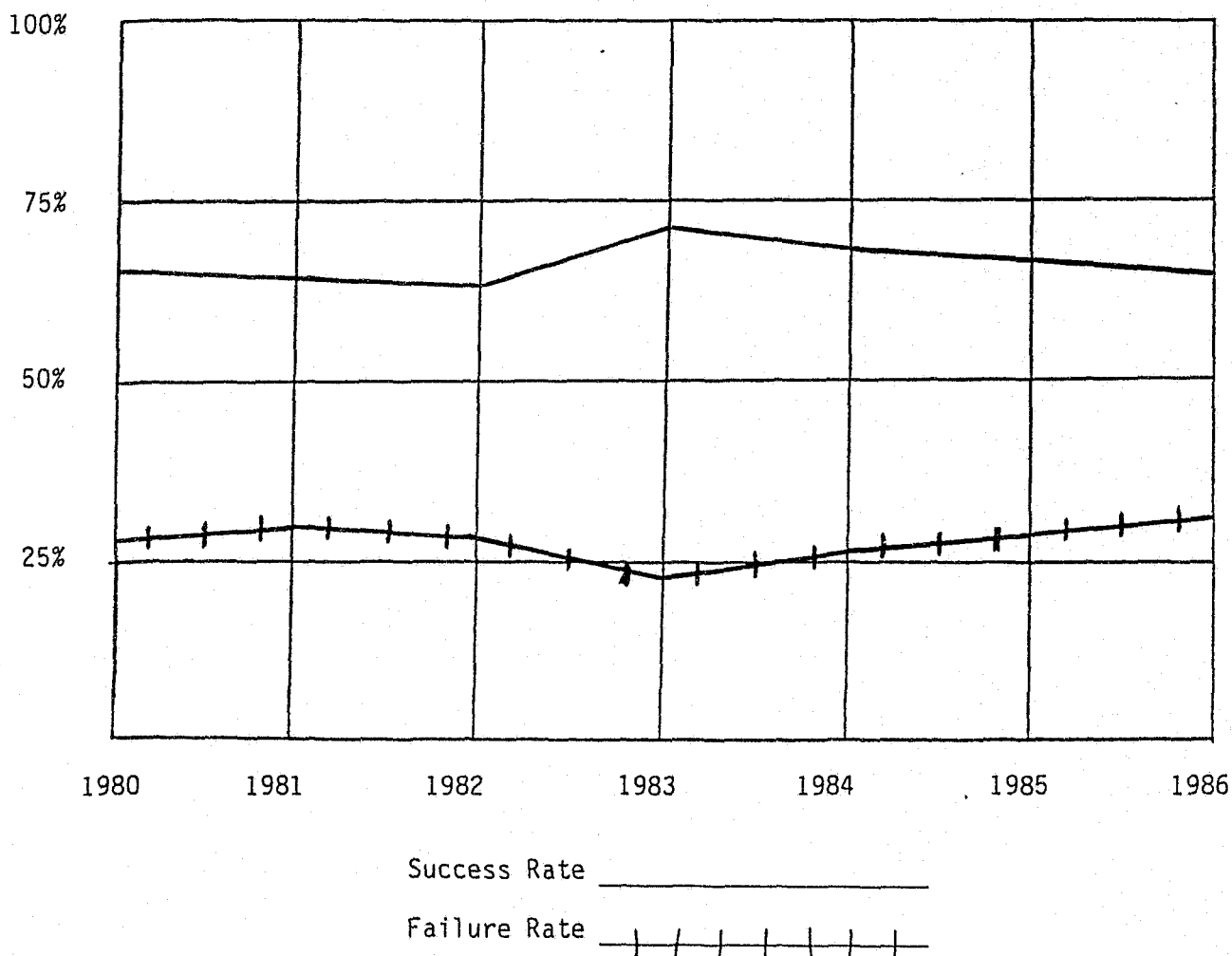
Mean No. of
Cases per P.O.

ACTIVE	71.1	70.9	73.2	78.6	84.2	89.1
SERVICE	0.4	-	-	-	-	-

TABLE XLIII
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS -PERCENTAGE
OF REGULAR UNIT PROBATIONERS DISCHARGED BY TYPE OF DISCHARGE
DURING THE YEARS 1980-1986

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Improved	66.3	64.7	64.1	70.1	68.4	67.1	65.6
Unimproved Committed Absconded	28.2	29.9	28.9	24.8	26.1	28.9	30.7
Deceased/Other	<u>5.5</u>	<u>5.4</u>	<u>7.0</u>	<u>5.1</u>	<u>5.5</u>	<u>4.0</u>	<u>3.7</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



lowest success rate at 47.8%, followed by youthful offenders from District Court with 58.4%. Regular District Court probationers had a success rate of 72.6%, as compared with a lower success rate in County Court of 63.2%.

An analysis of the success rate by sex revealed no significant differences between male and female probationers. For males, 67.1% were discharged as improved, as compared with 66.3% for the females.

In 1985 and again in 1986, the publication of RAND studies (see page 24 of this report) on probation focused national attention on the concept of intensive supervision for probationers. The study viewed the concept as a very positive alternative to many of the problems confronting both probation and corrections, including the overcrowding of prisons and jails. New York State and Nassau County have employed the concept for the past eight years. The central feature of the local intensive supervision program is that, in theory, it concentrates its resources on the high-risk offender population by using a low caseload-high service model. These features of the intensive supervision program (ISP) should be kept in mind when comparing its outcome results with the other major supervision programs of the Criminal Division. Accordingly, the ISP results for 1986 continue to be supportive of the program's primary focus--a higher-risk offender population.

The findings for 1986 are based on 189 discharged probationers--close to the 182 in 1985. Comparatively speaking, while the ISP success rate remains low, in 1986, it rose to 22.2% (up from 13.7% in 1985 and 19.3% in 1984) while the failure rate dropped to 70.9% (down from 78.6% the previous year). In brief, the ISP failure rates remain much higher than the Division's other programs.

Because of inter-unit transfers to other Division programs, however, these discharge failure rates may not be fully representative of the ISP program's effectiveness or its total value to the Criminal Division.

VIOLATIONS OF PROBATION

Violations of probation activity is the second measure used to assess supervision program effectiveness. In the Criminal Division, it is monitored with two indicators: (1) the number of violations of probation filed during the year and (2) the number of violations of probation disposed of by the Courts during the year. In the past, variations in violation activity have been attributed to a combination of factors, including larger caseloads, more high-risk probationers and better enforcement of the rules and regulations for probation supervision.

The number of violations of probation filed in a given year is considered a more timely and accurate barometer of this type of activity than is the number disposed of by the Courts for the year. In 1986, the number filed (1,136) exceeded the number of violations disposed of (847) by 34.1%. Furthermore, the number of violations of probation filed in 1986 rose to a record level of 1,136, or 3.8% above the 1985 total of 1,094. Nevertheless, because the total supervision caseload also increased by 11.0% (from 11,243 to 12,482 in 1986), the violations of probation filed rate (the number of violations filed per 100 cases

under supervision) actually declined, from 9.7 violations in 1985 to 9.1 violations in 1986. See Table XLIV for a detailed analysis of the violations of probation filed rates for the past seven years.

An analysis of the types of violations of probation that were filed in 1986 by the Criminal Division -- new charge/conviction, absconded and other (technical) -- revealed significant changes in two of the three categories, which were in large part the result of procedural changes in the Division's accounting system for classifying violations. Thus, the new charge/conviction category increased its share in 1986 to 39.0% versus only 9.6% in 1985. On the other hand, the other (technical) category declined in its share, from 78.1% in 1985 to a lower 47.1% in 1986. The absconded category of violations of probations remained generally stable across both years. See Table XLV.

Violations of probation disposed of by the courts rose in 1986, from 810 in 1985 to a higher 847 in 1986, for an increase of 4.6%. Moreover, the increase, while small, was consistent for most of the programs. Thus, in the drug and alcohol units, violations rose from 265 in 1985 to 268 in 1986, an increase of 1.1%. In the regular units, the increase in violations was larger, from 304 in 1985 to 332 in 1986, for an increase of 9.2%. See Table XLVI. Other programs also revealed increases. For example, in the Compact Unit, violations disposed of during the year rose from 83 in 1985 to 91 in 1986, for an increase of 9.6%.

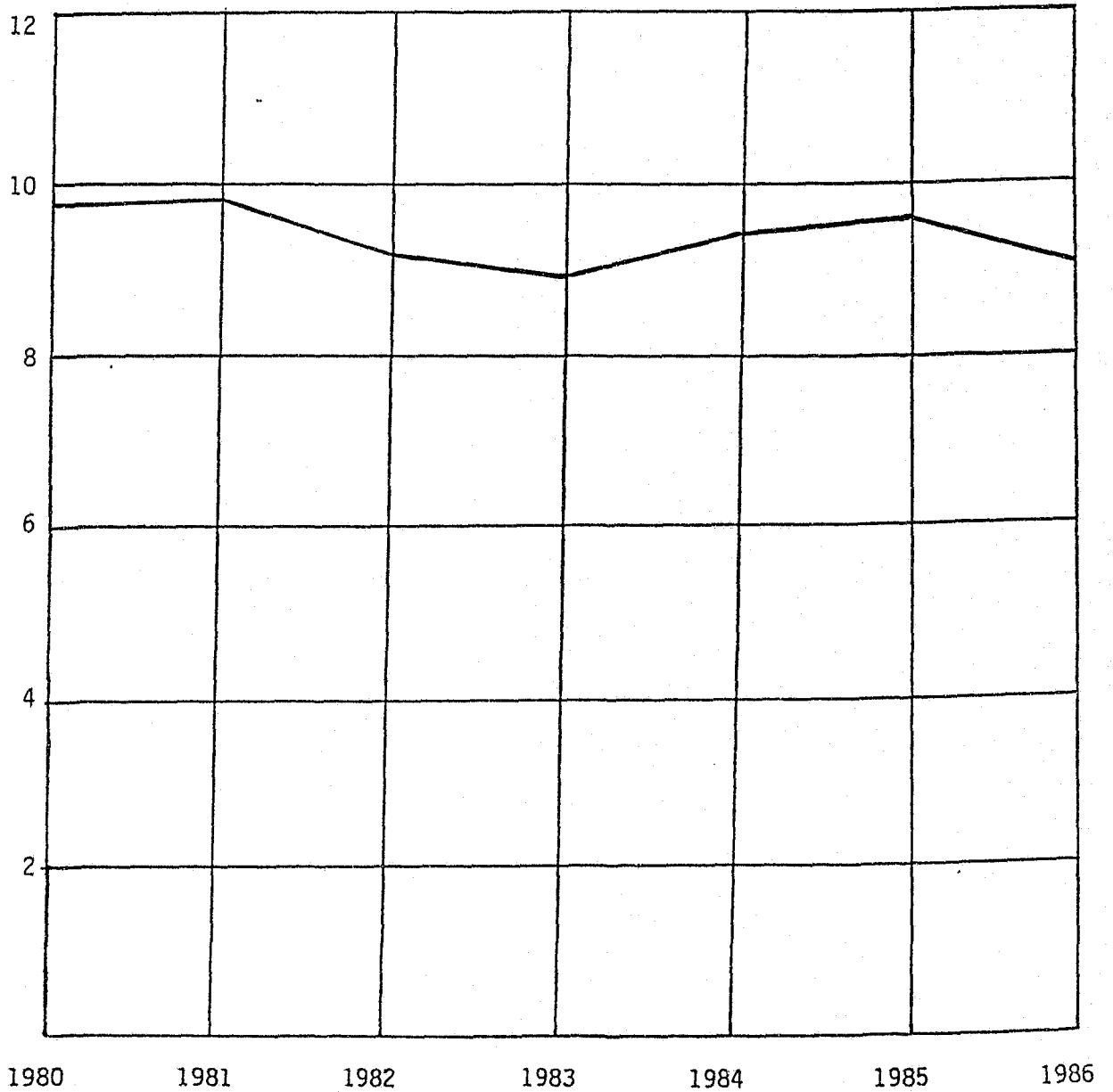
The overall commitment rate for all violations of probation cases disposed of, after six consecutive years of increases, fell from a high of 57.2% in 1985 to a lower 47.1%. Why the falloff? Perhaps the current

TABLE XLIV
CRIMINAL DIVISION

VIOLATIONS OF PROBATION FILED DURING THE YEARS 1980-1986
VIOLATION RATE PER 100 CASES UNDER SUPERVISION

<u>Total Super. Program</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Total No. of Cases under Supervision	7,502	8,231	8,816	9,291	9,845	11,243	12,482
No. of Violations	734	814	816	849	948	1,094	1,136
Violation Rate	9.8	9.9	9.3	9.1	9.6	9.7	9.1

Violation Rate

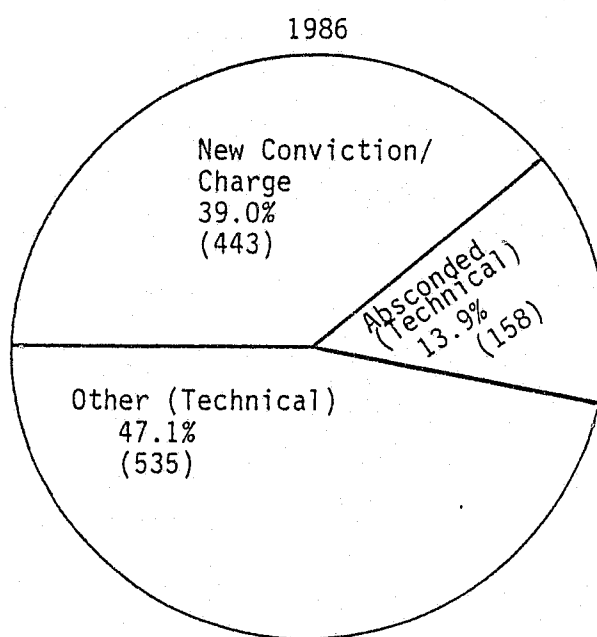
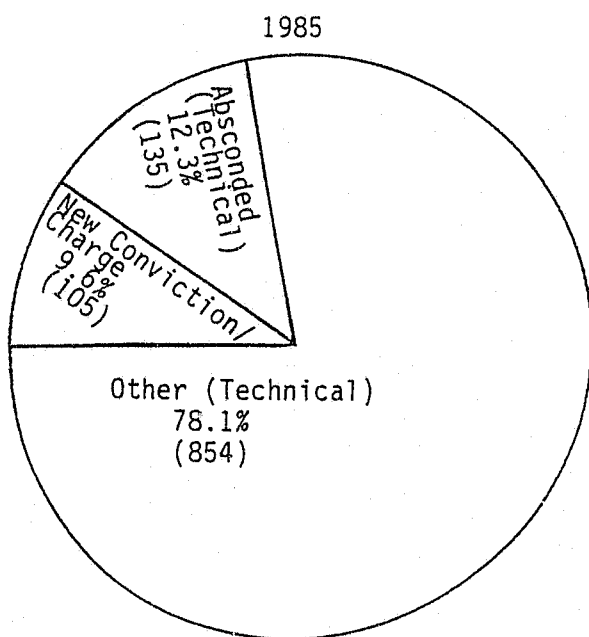


Violations of Probation Filed Rate _____

TABLE XLV
CRIMINAL DIVISION

NUMBER AND TYPE OF VIOLATIONS OF PROBATION FILED BY
THE CRIMINAL DIVISION DURING THE YEARS 1985 and 1986

Type	1985		1986		Inc/Dec 1986 over 1985	
	No.	%	No.	%	No.	%
New Conviction/Charge	105	9.6	443	39.0	+338	+321.9
Absconded (Technical)	135	12.3	158	13.9	+ 23	+17.0
Other (Technical)	854	78.1	535	47.1	-319	-37.3
Total	1,094	100.0	1,136	100.0	+ 42	+ 3.8



crisis in our prisons and jail was a factor here. The violations committed rate continues to vary by supervision program. It was highest in the intensive supervision program at 63.3% (down from 73.9% in 1985); followed by 48.2% in the regular supervision units (down from 58.2% in 1985) 41.0% in the drug and alcohol units (down from 50.9% in 1985) and 41.8% in the compact unit (down from 44.6% in 1985). The violations commitment rate was lowest in the DWI unit at 20.0%.

The violations of probation rate for disposed of cases (number of violations disposed of per 100 cases under supervision) revealed mixed results for the major supervision programs. The violation rate for the regular supervision units reflected a small increase, from 7.5 violations per 100 cases under supervision in 1985 to 7.8 violations in 1986. For the drug and alcohol units, there was a decline for the third straight year, from 6.1 violations per 100 under supervision in 1985 to 5.4 violations in 1986. See Table XLVI.

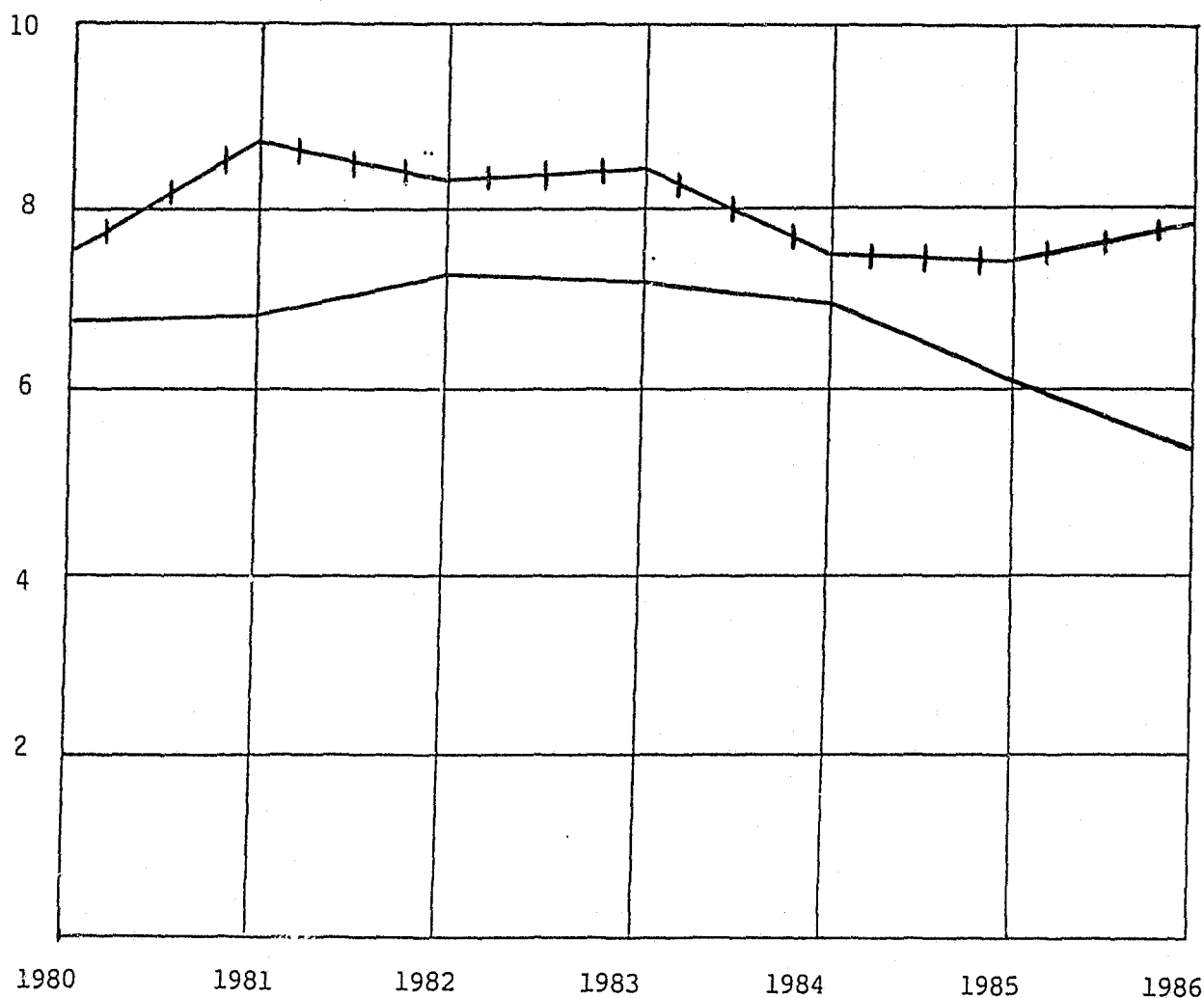
Given the widespread interest in intensive probation, how does the local ISP compare with other Criminal Division programs in this area? A comparative analysis reveals a continuing large gap in violations of probation activity. The findings here are generally consistent with those of the past eight years, with ISP rates remaining at a much higher level in 1986.

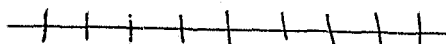
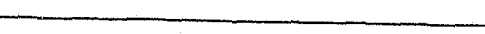
TABLE XLVI
CRIMINAL DIVISION

VIOLATIONS OF PROBATION WITH DISPOSITIONS DURING THE YEARS 1980-1986
VIOLATION RATE PER 100 CASES UNDER SUPERVISION BY

<u>Drug & Alcohol Unit</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Total No. of Cases under Supervision	2,792	3,032	3,385	3,590	3,773	4,311	4,999
No. of Violations	191	209	246	258	263	265	268
Violation Rate	6.8	6.9	7.3	7.2	7.0	6.1	5.4
<u>Regular Unit</u>							
Total No. of Cases under Supervision	3,360	3,366	3,315	3,451	3,715	4,056	4,269
No. of Violations	256	297	274	292	282	304	332
Violation Rate	7.6	8.8	8.3	8.5	7.6	7.5	7.8

Violation Rate



Regular Supervision Unit 
Drug and Alcohol Unit 

The ISP violations of probation filed rate did not change significantly, from 27.3 violations per 100 cases in 1985 to 26.5 violations in 1986. Thus, its rate was still more than triple that of the other programs - 26.5 violations per 100 cases under supervision versus only 8.1 violations. Other ISP indicators also continue to reflect a similar pattern. The violation disposition rate was more than triple that for the other Criminal Division programs (21.1% versus 5.9%) while the violation commitment rate, although somewhat smaller, still remained significantly higher (63.3% versus 43.9%) too. See Table XLVII.

TABLE XLVII
CRIMINAL DIVISION

VIOLATION OF PROBATION ACTIVITY
SUMMARY COMPARATIVE ANALYSIS OF THE CRIMINAL DIVISION
(-ISP) WITH THE INTENSIVE SUPERVISION PROGRAM FOR 1986

	<u>Criminal Division (-ISP)</u>	<u>Intensive Supervision Program</u>
Total No. of Cases Under Supervision	11,822	660
No. of Violations of Probation Filed	961	175
Violations Filed Rate (%)	8.1%	26.5%
No. of Violations of Probation Disposed of for 1986	708	139
Violations Disposition Rate (%)	5.9%	21.1%
Violation Cases Committed	311	88
Violation Commitment Rate (%)	43.9%	63.3%