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AN EVALUATION OF THE
SUFFOLK COUNTY COMMUNITY SERVICE PROGRAM:
AN ALTERNATIVE TO JAIL

December, 1984

NCJRS

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EXECUTIVE SUMMARY

- o In the fall of 1980, the Suffolk County Executive ordered the creation of a task force to "examine the problems and consequences of the overcrowded conditions at the Suffolk County Correctional Facilities."¹ In June of 1981, upon the recommendation of the Task Force, County officials established the Community Service Program.
- o The Suffolk County Community Service Program formalized for the local criminal courts the available option of sentencing offenders to perform community service in lieu of sentencing them to jail.

Goals of the Community Service Program

- o In its pilot stage, the Community Service Program was conceptualized as an additional sentencing option that could be appropriate as an alternative to incarceration in some cases or as an add-on to probation in others. The current program, in response to an acknowledged need in the County, emphasizes the use of community service sentencing as an alternative to incarceration solely and explicitly to achieve the following goal: to "reduce [the] potential population at the Suffolk County Jail facilities."²
- o The program strived to achieve this goal by:
 - accepting from the local criminal courts offenders who, under normal circumstances, would have been sentenced to jail.
 - screening these offenders for program suitability.
 - placing accepted offenders in pre-arranged situations where they must perform a specific number of hours of supervised, non-paid community service work in direct proportion to the number of days they would have been incarcerated.
 - informing the court of the defendants' compliance with their community service sentences.

Referral and Selection

- o Two different procedures for implementing the program have been used: pre-sentence referral and post-sentence referral. The program now operates almost exclusively under the pre-sentence referral procedure.
- o Operationally, the two procedures were similar. The ability to refer to the program offenders who would otherwise have been incarcerated was not influenced by the type of procedure.

- o A statistical equation based on an historical sample of cases sentenced in Suffolk County prior to the introduction of the program indicated that:
 - many of the offenders referred to the program were not likely to have been sentenced to jail even in the absence of the program.
 - when compared with non-program cases, offenders referred to the program were more like those incarcerated than those not incarcerated.
- o As the program matured, there was a decline in the percentage of referrals involving offenders who had low probabilities of incarceration. The percentage of referrals that involved offenders with high probabilities of incarceration did not change and remained at a very low level.
- o When compared with offenders not referred to the program:
 - program referrals were more likely to be younger than 19 years of age (37% vs 27%), white (86% vs 76%), or employed or in school (81% vs 71%).
 - program referrals were more likely to have been charged with a felony (68% vs 47%) or convicted (50% vs 21%) of a felony.
- o Almost half of the offenders referred to the program fit one of two profiles:
 - 28 percent were referred from an upper court on a felony charge and not detained prior to sentencing. They were white males who were employed or going to school at the time of arrest.
 - 21 percent were referred from a lower court on a non-felony charge and were not detained prior to sentencing. They too were white males who were employed or going to school at the time of arrest.

Sentences and Placement

- o The program arranged approximately seven and one-half hours of community service work as an alternative for each day of a jail sentence.
- o Sentences of community service allowed offenders to remain in the community while being subject to certain constraints. Generally, these sentences were considered by the community to be less severe punishment than jail, but not an easy way out for the offender. They were also viewed as providing offenders with the opportunity to both gain self-esteem and repay the community.
- o Offenders were placed with not-for-profit social service agencies and were generally assigned to perform maintenance work.
- o Offenders sentenced to community service were closely supervised by a staff member from the placement site, a program staff member, and, when sentenced to probation, a probation officer.

- o Among those offenders for whom a determination could be made, 82.7 percent successfully completed their community service sentences.

Impact of the Program

- o From the inception of the program to the end of the study period, the Suffolk County jail population increased 37.1 percent; nonetheless, it was concluded that the program had a decarcerative impact. Taking into account the probability of incarceration and various estimates of the time that would otherwise have been served in jail, it was estimated that offenders sentenced to the program were diverted from 4,199 to 4,461 jail days over 27 months. This produced an approximate savings of five and one-half jail beds per day. Therefore, the increase in total jail population probably would have been greater if not for the program.
- o The program provided a cost effective sentencing option. It cost an estimated \$187,577 to operate the program for 27 months; during that time, the program returned an estimated value of \$230,828 to the community through community service performed and jail costs saved.
- o In terms of rearrests and reconvictions, the offenders sentenced to community service posed no greater risk to public safety than the (generally less serious) offenders sentenced to probation or other non-incarcerative sentences.

Community Views

- o The following quotes illustrate views often expressed during interviews held with members of the local community.
 - I think it [the program] is good and it's necessary, and responds to needs that have to be confronted and addressed. (Defense Attorney)
 - I think the more alternatives you have when it comes to sentencing, the better. . . . It gives you more fine tuning. (Defense Attorney)
 - I like to think that all of us, if not most of us, are conscientious and concerned about the type of sentence we impose; and when you labor with a borderline situation, or I should say when you suffer with it, it [community service] is a fantastic alternative. (Judge)
 - The people you send [to the program] are either first offenders, or offenders of a non-violent crime that haven't been in jail before. (Judge)
 - To the extent that any restriction on your liberty is a punishment, I guess it [community service] is. . . . But anything on the outside [of jail] is not the same as being inside. (Assistant District Attorney)

- There's no way to explain freedom. And that's what it really was. It was a limited freedom, but it was still freedom. I wasn't locked up in jail. (Offender)
- To me [public safety] is not an issue, for the simple reason that you are not going to impose community service if you feel that that person is a definite threat to society. (Judge)
- Typical assignments for, I'd say, two-thirds of the clients are maintenance kinds of activities: working in county or state parks, working in local not-for-profit agencies, social agencies. (Program Staff Member)
- Some of them are doing useful things, others are just doing nonsense. (Probation Officer)
- I say to them when they come in, 'Look, I'm not your mother. . . . You do what is expected of you, and you do it well, and you are not going to hear from me.' (Community Service Provider)
- They [the clients] were an asset. . . . I must say that with each offender that I meet, it is like a brand new experience. So far, and I think I have dealt with five offenders, it has been a very rewarding experience. Not only for the offender, but for me. Because I have been assured that this is not a program that I have to be afraid of at all. (Community Service Provider)

Recommendations

- o To increase the decarcerative impact of the program, program officials must consider three factors: 1) the probability of incarceration of referred offenders, 2) the volume of cases accepted by the program, and 3) the length of time offenders would otherwise have served in jail. Specifically:
 - Program staff should make an effort to encourage referrals from the upper courts since it was these courts that handled offenders with a higher average probability of incarceration.
 - Program records should be maintained in such a manner that they can be easily linked to specific probation pre-sentence reports, thus facilitating future monitoring or evaluation efforts.
- o Given a problem of severe jail overcrowding, counties planning alternative to jail programs should realize that community service programs such as that in Suffolk County can help to reduce pressure on increasing jail populations; however, with the current level of commitment, they cannot be expected to eliminate overcrowding, and in absolute terms, may not even reduce it.

Notes

¹Suffolk County Criminal Justice Coordinating Council, Suffolk County Community Service Program Progress Report, Draft, March, 1982, p. 2.

²Suffolk County Criminal Justice Coordinating Council, Alternatives to Incarceration Program, Application, 1982, p. 6.

I. INTRODUCTION

In a recent report, the National Institute of Justice (NIJ) noted "One of the most critical issues facing the corrections system of the 1980's is the escalating number of prison inmates and the lack of space in which to house them."¹ This problem is exacerbated by current trends in sentencing; many states have shifted to mandatory sentences that incorporate more severe penalties for repeat felons. The NIJ report concludes that "State legislatures consider prison space a scarce and costly resource to be used as judiciously as possible."²

Advisors to both the federal and state governments have been calling for the selective development of alternatives to incarceration to alleviate the problems associated with a scarcity of prison and local jail bedspace.³ Existing programs offer alternatives to prison⁴ and alternatives to jail;⁵ many are designed to incorporate community-based corrections.⁶

In New York State, the Executive Advisory Commission on the Administration of Justice appointed by the Governor in 1981 recommended that the State adopt sentencing guidelines that would considerably limit judicial discretion.⁷ While calling for a swifter and more certain form of punishment, the Commission also recommended that "... the State should intensify its efforts to provide alternative forms of punishment and supervision that are more effective than probation but less expensive than incarceration."⁸ Given the scarcity of prison and local jail bedspace and the move toward determinate sentences, viable alternatives to incarceration have become crucial to effective judicial decision making. A valid and potentially replicable model for evaluating these programs is a prerequisite to knowledgeable and consistent sentencing decisions.

The Office of Policy Analysis, Research and Statistical Services (OPARSS) of the New York State Division of Criminal Justice Services (DCJS) has conducted an evaluation of the Suffolk County Community Service Program. The program is designed to offer a community service alternative to incarceration for offenders likely to be sentenced to jail. The evaluation provides officials with information

on the potential for success of a community service sentencing alternative in Suffolk County and may also serve as a research model for the assessment of similar programs in other jurisdictions.

The Suffolk County Community Service Program

The combined jail capacity of the Suffolk County Correctional Facility in Riverhead and the Honor Farm in Yaphank is 376. In 1978, the average daily population was 422, or 12.2 percent above capacity. By 1981, there was a daily average of 590 inmates in the two facilities, 56.9 percent above capacity.⁹ A local study released in 1980 estimated that the average per day cost of keeping a single inmate in the county jail was at least \$71; \$100 per person per day if bonding and amortization were included.¹⁰ Given the high costs of construction, and the rejection of the prison bond issue by the state's voters (which included \$125 million for the construction, expansion and renovation of local jails), no new cells were likely to be constructed.

In the fall of 1980, the Suffolk County Executive ordered the creation of a task force to "examine the problems and consequences of the overcrowded conditions at the Suffolk County Correctional Facilities."¹¹ The Sheriff's Office received a grant of \$20,000 from the National Institute of Justice to set up the task force with the stipulation that community representatives be included.

The task force was created with a diverse membership including county legislative, executive, and judicial policymakers, representatives from the Sheriff's Office, the Probation Department, and from local criminal justice oriented organizations. Many of the latter had been associated with the Suffolk County Conference on Juvenile and Criminal Justice. This Conference was established in 1974 as a private, not-for-profit citizens' group.¹²

Earlier in 1980, the Conference had sponsored a formal meeting in Suffolk County on community service sentencing. The outcome was a community service sentencing pre-pilot project administered by the Voluntary Action Center of the

local chapter of the American Red Cross.¹³ The pre-pilot project began in the summer of 1980 and worked through one District Court Judge to place 20 non-violent offenders charged with misdemeanors in public health and educational facilities. These offenders were sentenced to between 20 and 80 hours of community service; only one failed to fulfill the terms of his or her sentence.

The pre-pilot project was not designed to operate as an alternative to incarceration program. Rather, its objective was to demonstrate that community service was a viable sentencing option. Conference members did believe that if more options were available for sentencing, this would indirectly help to alleviate jail overcrowding. The viability of community service was demonstrated to their satisfaction because the project showed the willingness of not-for-profit agencies in the county to use the services of non-violent offenders..

When the County Task Force was formed, those Task Force members who had also been members of the Conference provided information about the success of the pre-pilot project. The Task Force then became a county subcommittee and recommended a community service sentencing program to the county. In June, 1981, county officials established the Community Service Program with an initial budget of \$37,237 from county funds.

The Suffolk County Probation Department was first asked to operate a pilot Community Service Program. The Department declined because the \$37,237 would be insufficient to do any more than hire one additional probation officer. The Suffolk County Conference on Juvenile and Criminal Justice also declined; members feared that a direct link to the county program would inhibit the Conference as an independent advocate for change in the criminal justice system. Eventually, in July, 1981, the Suffolk County Chapter of the American Red Cross agreed to become the directing agency for the program. This proved to be an advantageous arrangement since the Red Cross had gained experience through the pre-pilot project, had connections with local community service organizations and volunteer agencies, and had an established reputation for good work in Suffolk County.

The county awarded the \$37,237 to the local chapter of the Red Cross to operate the Community Service Program for one year from August 1, 1981 to July 31, 1982. The award supported one full-time director and a part-time secretary and paid for office supplies and some equipment. The county also "loaned" the program office equipment and furniture for an indefinite period of time and provided space in a county office building in Hauppauge. The program was under contract to provide placement for 60 to 100 court referrals during the first year.¹⁴

According to a county official, the Suffolk County Community Service Program is an undertaking of the Suffolk County Chapter of the American Red Cross. The Red Cross received a contract from the county through the county Criminal Justice Coordinating Council. The Council is a unit of the Suffolk County Executive's Office, Human Resources Division. In 1984, the Program had eight full- or part-time employees and, as in its earliest days, several student interns. It operates under an annual budget in excess of \$85,000¹⁵ and has already handled more than 450 court referrals. Program clients have been placed at approximately 200 different agencies throughout the county.

In general, the operation of the Community Service Program is not complicated. (See Section III for details.) A sentence to community service through the program is initiated by an official referral from a judge. By the referral, the judge indicates that the offender is otherwise likely to be sentenced to jail. Program staff review the case in terms of their own criteria and determine whether or not to accept the offender as a program client. If the offender is accepted, placement is arranged at a local social service agency where the offender will be supervised by a staff member from the placement site, a Community Service Program staff member, and, when appropriate, a probation officer. Clients generally were assigned to do maintenance work, but were assigned to other types of tasks when they already had the skills necessary to do such work.

Evaluation Questions and Design

Austin and Krisberg reviewed the research literature on alternatives to incarceration and indicated that evaluations of these programs suffered from a lack of methodologically rigorous research designs.¹⁶ The authors emphasized that research on alternatives has not included process descriptions; instead, research has focused on program outcomes and their operationalization. They identified three necessary areas of assessment: 1) the assumptions on which the reform was based, 2) the extent to which the alternative is used in lieu of incarceration (i.e., selection issues and the impact on prisons), and finally 3) the effectiveness of the program in reducing recidivism and improving public safety.¹⁷ This evaluation addresses all of these areas and includes a process analysis.

Selection Issues

An important process issue concerns the selection of offenders for the program. If program operators accept any category of offenders for program treatment other than the intended group, they may "widen the net" of punishment for less serious offenders and do little or nothing to reduce the jail and prison populations in the jurisdictions under study. Beyond this, alternatives may also create "stronger nets" by augmenting the state's capacity to control citizens through expansion of its powers of intervention, and "different nets" by creating new control systems through the transfer of jurisdictional authority from one agency to another.¹⁸

Both Hylton¹⁹ and Miller²⁰ examined the effects of community correctional programs in different jurisdictions and found that the programs actually served to alter the "net" of punishment of offenders. Such examples of evaluation research findings serve to illustrate the importance of investigating how the referral and screening functions of alternative programs determine eligibility of offenders and affect prison and local jail populations.

Evaluation Design

Much of the research that evaluates alternative programs suffers from a lack of adequate controls, a failure to include detailed process descriptions, and the presence of unexplained plausible rival hypotheses that may account for the observed effects.²¹ Many of these shortcomings may be overcome by research designs that contain both quantitative and qualitative components. A multi-faceted evaluation model can provide program "consumers" with a thorough understanding of the objectives and processes that constitute the program.

The design used for this evaluation of the Suffolk County Community Service Program combines qualitative and quantitative research methods to test explicit hypotheses about program design and implementation; about the social, political, and organizational contexts within which the program operates; and about the program's impact on sentencing patterns and public safety. The methods are designed explicitly to control for threats to the validity of conclusions specific to each hypothesis. The design includes a base expectancy model for deriving quantitative estimates of actual decarcerative impact, and incorporates recent advances in methods for generating and validating qualitative interpretations of interview data. (The methods used are discussed in detail in Part Two of this report.) The specific questions addressed by this evaluation are:

- o What are the goals of the Community Service Program?
- o How does the Community Service program operate in Suffolk County?
- o What are the characteristics of program clients?
- o To what extent does the program serve offenders who are otherwise likely to be incarcerated?
- o What is the nature of program sentences and placements?
- o What has been the impact of the program in Suffolk County?

Quantitative Analyses

Quantitative data are used to address questions about the characteristics and selection of program clients and about program outcomes. The evaluation compares program clients, other offenders sentenced to jail, and other offenders given non-incarcerative sentences with respect to the seriousness of arrest and conviction charges, the length of prior record, extralegal factors (for example, age, sex, employment or education), and the statistically estimated probability of incarceration.

Data were collected primarily from probation and program records. A model-based approach was used to simulate the behavior of the local criminal justice system in the absence of the program. "Base expectancies"²² were generated to specify how program participants most likely would have been handled if the program did not exist. The necessary base expectancies were produced by using mathematical models derived from maximum likelihood binary logit analyses.²³ (See Part Two for details.) The base expectancy approach was also used to provide some of the data needed to estimate the decarcerative impact of the program.

Qualitative Analyses

Qualitative data were used to address the questions concerning the processes of program operation and about the perceptions of members of the local criminal justice community about the program. Intensive interviews were conducted with members of the program staff and officials, the Sheriff and other County officials, members of the staff of the District Attorney's Office, defense attorneys, probation officers, local community service providers, officials of the Red Cross, County and District Court judges, and program clients. In all, thirty-five people were interviewed. A different interview schedule was used with respondents from each subgroup.

Respondents were asked open-ended questions from a structured interview schedule about their own understanding of the goals and objectives of the program.

They were also asked about their knowledge and understanding of the operation of the program, their opinions about the program, and about the relationship of the program with the local community.

After the interviews were conducted, evaluators organized their interpretation of the interview data as a written set of statements regarding the program processes, context, and outcomes. These statements were then used to develop group-specific feedback questionnaires for each subgroup of respondents. The questionnaires were submitted both to original respondents and to others, asking them the extent to which they agreed or disagreed with each statement. Their responses provided feedback with which to 1) assess the degree to which the evaluators had constructed a valid interpretation of the original interview data and 2) enhance the interpretations of the interview data with data from a greater number of respondents from each subgroup. Evaluators used the responses to refine and expand their own understanding of the operation of the Community Service Program in Suffolk County. (See Part Two for details.)

Notes

¹United States Department of Justice, National Institute of Justice, Criminal Justice Research - Biennial Report, Fiscal Years 1980 and 1981 (Washington, D.C., 1982).

²NIJ, op. cit., note 1, at p. 52.

³Executive Advisory Commission on the Administration of Justice, Recommendations to the Governor Regarding the Administration of the Criminal Justice System (Albany, New York: November, 1982); National Advisory Commission on Criminal Justice Standards and Goals, Report on Corrections (Washington, D.C.: United States Department of Justice, 1973); New York State Special Commission on Attica, Attica (New York: Bantam Books, 1972); American Bar Association, Project on Standards for Criminal Justice, Standards Relating to Sentencing Alternatives and Procedures (New York: Institute of Judicial Administration, 1968); President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, D.C.: United States Government Printing Office, 1967).

⁴These include, for example, Client Specific Planning (which operates nationally and has a New York State office in Onondaga County), the Offender Rehabilitation Project located in the District of Columbia, and the Special Defender Service Program operated in New York by New York City Legal Aid.

⁵In New York State, these include the Genesee County Community Service/Restitution Program, the New York City Community Service Sentencing Project, the Suffolk County Community Service Program, and the Treatment Alternatives to Street Crime (TASC) projects in various locations throughout the State.

⁶Advocates include E. K. Nelson, Jr., R. Cushman, and N. Harlow, Program Models-Unification of Community Corrections, United States Department of Justice, National Institute of Justice (Washington, D.C.: United States Government Printing Office, 1980); National Advisory Commission on Criminal Justice Standards and Goals, op. cit., note 5, at pp. 221-46; President's Commission on Law Enforcement and Administration of Justice, op. cit., note 5, at pp. 165-71; M. Q. Warren, "The Community Treatment Project: History and Prospects," Law Enforcement Science and Technology (1967), pp. 191-200; S. Kobrin, "The Chicago Area Project - A 25-Year Assessment," The Annals of the American Academy of Political and Social Science (March, 1959), pp. 20-29.

⁷In 1983 the New York State Legislature passed an act creating the New York State Committee on Sentencing Guidelines and charged it with the responsibility to "transmit sentencing guidelines and recommend statutory amendments required for their implementation to the governor and legislature on January fifteenth, nineteen hundred and eighty-five." N.Y.S 6811 and N.Y.A 8077, 206 Sess. (1983).

⁸Executive Advisory Commission on the Administration of Justice, op. cit., note 5, at p. 27.

⁹Suffolk County Criminal Justice Coordinating Council, Suffolk County Community Service Program Progress Report, Draft, March, 1982, p. 1.

¹⁰Ibid., p. 2.

¹¹Ibid.

¹²This discussion of the background of the Suffolk County Community Service Program is based on written materials and interviews with individuals involved in the early stages of the development of the program.

¹³The Voluntary Action Center was a local clearinghouse under contract with the American Red Cross to place volunteers seeking community service assignments.

¹⁴The inception, implementation and operation of the Suffolk County Community Service Program is discussed in Section III of this report.

¹⁵Since 1982, the Suffolk County Community Service Program has received partial funding from the State of New York. For the budget year 1984-85, the program will receive \$83,500 from the State.

¹⁶J. Austin and B. Krisberg, "The Unmet Promise of Alternatives to Incarceration", Crime and Delinquency (July, 1982), pp. 374-409.

¹⁷Ibid., pp. 377-78.

¹⁸Ibid., p. 377.

¹⁹J. H. Hylton. Community Corrections and Social Control: A Canadian Perspective (Regina: University of Regina, 1980).

²⁰D. Miller. Alternatives to Incarceration: From Total Institutions to Total Systems (Unpublished Doctoral Dissertation, University of California at Berkeley, 1980).

²¹Compare, J. Hudson, B. Galaway, and S. Novack. National Assessment of Adult Restitution Programs (Duluth: University of Minnesota, School of Social Development, December, 1980); J. Hudson and B. Galaway. National Assessment of Adult Restitution Programs-Preliminary Report II: A Review of Restitution Research (Duluth: University of Minnesota, School of Social Development, April, 1979).

²²D. M. Gottfredson. "The Base Expectancy Approach," in N. Johnston, L. Savitz, and M. Wolfgang (eds.), The Sociology of Punishment and Correction (New York: John Wiley and Sons, 1970).

²³M. Nerlove and J. S. Press. Univariate and Multivariate Log-Linear and Logistic Models, Rand Corporation, R-1306-EDA/NIA, 1973; R. B. Avery. Qualitative Dependent Variable Program CRAWTRAN (Pittsburgh: Carnegie-Mellon University, 1980); W. J. Dixon, et al. BMDP Statistical Software, 1981 (Berkeley: University of California Press, 1981).

PART ONE: FINDINGS

II. THE GOALS OF THE SUFFOLK COUNTY COMMUNITY SERVICE PROGRAM

The Suffolk County Conference on Juvenile and Criminal Justice was formed by private citizens in 1974 to provide a forum for advocating change in the criminal justice system. Early in 1980 the Conference sponsored a formal meeting in Suffolk County on community service sentencing. Community service was then conceptualized as an additional sentencing option that could be appropriate as an alternative to incarceration in some cases or as an add-on to probation in other cases.¹ As a result of the meeting, the Conference organized a community service sentencing pilot project to ascertain "the probable extent to which an alternative sentencing program could be used by the Court, [could] gain public acceptance, and [could] work procedurally."² The pilot project "was not designed to specifically provide an alternative to incarceration function."³

In the fall of 1980, the Suffolk County Executive established a task force "to examine the problems and consequences of the overcrowded conditions at the Suffolk County Correctional Facilities."⁴ The task force worked through a sub-committee structure; a Court Process Sub-Committee considered alternatives to incarceration as a means of relieving local jail overcrowding. With encouragement by one of its members who was originally affiliated with the Conference, the Court Process Sub-Committee passed the following resolution:

The use of community service and other alternatives will be utilized by the judiciary when incarceration is being seriously considered, and not as an 'add-on' to existing dispositional alternatives normally utilized.⁵

With this sub-committee recommendation and with the knowledge of the procedural success of the pilot project, "County officials in June, 1981 moved to establish the Community Service Program [of Suffolk County]."⁶

Current Goals of the Program

The pilot project de-emphasized the alternative to incarceration function of community service sentencing; the stated goal of the Suffolk County Conference on Juvenile and Criminal Justice was, "To develop a program which allows the option of Community Service for offenders of a less serious nature."⁷ The current program, responding to an acknowledged need in the County, emphasizes the use of community service sentencing as an alternative to incarceration explicitly to reduce the extent of jail overcrowding. According to a draft Progress Report released by program officials in March, 1982, "The intent of the Suffolk County Community Service Program is to be a true alternative to incarceration. Thus it will avoid, to the extent possible, accepting offenders who would not normally be sentenced to jail in any event."⁸ Further, in a 1983 proposal to New York State for funding, the primary goal of the program was identified as: "Continue to reduce potential population at the Suffolk County Jail facilities."⁹ Evaluators found this to be the goal of the program today; Red Cross, County, and program officials and staff unanimously intend the program to be an alternative to incarceration to "reduce jail overcrowding." That is, the goal of the program is to reduce the extent of local jail overcrowding; the primary objective (means of achieving the goal) is to promote community service as an alternative to sentences of incarceration.

Current Community Views

Most of the members of the local criminal justice community who responded to the questionnaire¹⁰ used for this evaluation were aware of the explicit goal of the Community Service Program. Of all¹¹ respondents (N=90), 67.8 percent gave a positive¹² response to the statement, "The goal of the program is to reduce jail overcrowding by providing an alternative to incarceration"; in addition, 62.2 percent responded positively to the statement, "A sentence of community service is a reasonable alternative to incarceration." Among clients

of the program who responded to the questionnaire (N=10), 90.0 percent gave a positive response to the statement, "A purpose of the program was to keep me out of jail."

Interviews¹³ with members of the local criminal justice community illustrate a general awareness of the explicit goal of the program, but an awareness tempered by a degree of uncertainty. Comments from interviewees include:

. . . I don't really know what the goals of the program are. I think the particular goal of that program is to provide a viable alternative to jail. (District Court Judge)

. . . Their goal, number one, is to eliminate all the overcrowding of unnecessary people in our prisons [sic]. . . . That is probably the goal of [the program]. (Community Service Provider)

. . . I don't understand what the goal is, except to dispose of cases with other than jail sentences. I'm not sure what the goal is regarding society at large. . . . Nobody has an idea of really what they are doing. (Probation Officer)

This familiarity mixed with uncertainty about the goal of the program is complicated by the fact that other goals are also attributed to the program by various members of the local criminal justice community.

Of all questionnaire respondents, 70.0 percent positively viewed community service as "a way to make the offender pay back the community." Interview responses that focus on the goal of serving the community, occasionally attaching it to the goal of providing an alternative to jail, include:

I think [the goal is] to alleviate unnecessary jail sentences and at the same time to provide necessary services to a community that doesn't have enough volunteer help. Basically those two. (Defense Attorney)

If you would have sent [the defendants] to jail it would cost the community a tremendous amount of money. This way you are putting them to work for the community, so you not only get the

money, you are getting something in return. (District Court Judge)

These respondents indicated that a purpose of the program is to help the community by saving money and by providing needed services.

Other members of the local criminal justice community indicated that a goal of the program was to help defendants. Of all questionnaire respondents, 56.7 percent gave a positive response to a statement about community service as "a way to rehabilitate the offender" and 62.2 percent responded positively to a statement about community service as "a way for an offender to gain self-esteem." Among clients, 70.0 percent agreed that a purpose of the program was "to rehabilitate me."

Opinions were also solicited regarding the goal that ought to be pursued (in contrast to the goal that is being pursued); members of the local criminal justice community seemed to be very supportive of the program as a means of adding a new (or at least undeveloped) dimension to sentencing. That is, they were favoring the original aim of the designers of the Community Service Program: to establish a sentencing option between incarceration and probation in severity that might indirectly impact on jail overcrowding.

More than 90 percent of the judges who responded to the questionnaire (N=11) either agreed or strongly agreed that the program provided the court "with a sentencing option previously underutilized"; similarly, 81.8 percent of defense attorneys (N=11) and 59.1 percent of assistant district attorneys (N=22) responded positively to that statement. The desirability of having the program provide such an option is also apparent in comments from interviewees.

For example:

As I said in the beginning, my general opinion is that the judge should have the widest possible latitude for sentences. Community service is a valuable, viable alternative sentence to all other things a person. . . [pause]. . . anything from conditional discharge to probation to community service to incarceration. Anything which is appropriate and agreeable to

all of the people involved should be available to the judge. So I think it is a good option in terms of sentencing. But if you take the [program] goal as it was stated to be [an alternative to jail], I would have to say that it, if not failed, it's immeasurable. (Assistant District Attorney)

I am not opposed to community service. As a matter of fact, I think community service should be used, not as an alternative to jail, but as part of a sentence say of probation. It could be used in lieu of restitution if the case warrants restitution; then, in lieu of a person who is financially unable to make restitution, that person may be able to perform community service. (District Court Judge)

I think the more alternatives you have when it comes to sentencing, the better. . . . It gives you more fine tuning. . . . The more alternatives you have, the more you can pick the appropriate sentence for the appropriate individual, given the circumstances of that particular crime. There may be certain circumstances where certain people have been on probation and the next step is jail; it gives you another step, sometimes, community service. (Defense Attorney)

As I told you, I am very much in favor [of community service]. My primary reason is the borderline case. Imposing sentences is an awesome responsibility. I like to think that all of us, if not most of us, are conscientious and concerned about the type of sentence we impose; and when you labor with a borderline situation, or I should say when you suffer with it, it [community service] is a fantastic alternative. (District Court Judge)

Summary

The original idea of the Suffolk County Conference on Juvenile and Criminal Justice, organizers of the prototype of the Community Service Program of Suffolk County, was to develop a program that would make available a sentencing option for use with those offenders whose offenses were too serious to warrant probation, yet not serious enough to warrant jail. In effect, their emphasis was on all borderline cases, not only on cases likely to otherwise result in incarceration. The idea met with only limited support. Then program organizers linked their idea to the problem of overcrowding in the local jail: a community service sentence could be used specifically and only as an alternative to a

sentence of jail thereby to reduce the local jail population. The program was soon funded by the County, then the State, and continues to operate today. The irony of this development is that many of those interviewed for this evaluation indicated that they favor community service as a sentencing option for borderline cases, while disapproving of it as an alternative to jail.

Notes

¹Suffolk County Criminal Justice Coordinating Council, Suffolk County Community Service Program Progress Report, Draft, March, 1982, p. 3.

²Ibid., p. 3.

³Ibid.

⁴Ibid., p. 2.

⁵Ibid., p. 3.

⁶Ibid., p. 4.

⁷Suffolk County Conference on Juvenile and Criminal Justice, Community Service Program, Draft, April, 1981, p. 3.

⁸Suffolk County Criminal Justice Coordinating Council, op. cit., note 1, p. 4.

⁹Suffolk County Criminal Justice Coordinating Council, Alternatives to Incarceration Program, Application, 1983, p. 6.

¹⁰For details about the questionnaire, see Part Two of this report.

¹¹"All" refers to all respondents to the questionnaire except clients (who were given a different set of statements to respond to). Included are Red Cross, County, and program officials; program staff; judges; assistant district attorneys; defense attorneys; probation officers; and community service providers.

¹²Responses of "strongly agree" and "agree" together are defined as positive responses.

¹³For details about the interviews, see Part Two of this report.

III. SELECTION OF OFFENDERS: REFERRAL PROCEDURES

The Community Service Program of Suffolk County formalized for the local criminal courts the available option of sentencing an offender to perform community service in lieu of a sentence of jail. Offenders could be sentenced to community service as a condition of probation or as a requirement of a conditional discharge.

Program Operating Procedures

A sentence to community service through the program is initiated by an official referral from a judge.¹ The program staff assume from this referral that the offender has been convicted, if not already sentenced, and is likely to be sentenced to jail. They review the case in terms of their own criteria² and decide whether or not to accept the offender as a program client.³ Two different procedures for implementing this process have evolved in the criminal justice system of Suffolk County: pre-sentence referral and post-sentence referral.⁴

The Post-Sentence Referral Procedure⁵

When the program was initiated on August 1, 1981, New York State Law allowed a sentence of community service only ". . . upon conviction of a misdemeanor or violation. . . ." ⁶ Consequently the program was originally introduced through the Suffolk County District Court and the outlying Magistrates Courts. (These courts handle the majority of misdemeanor offenses.) The Administrative Judge of the District Court believed that only offenders already sentenced to jail should be referred to the program; he argued that this would help to assure that the program would be a true alternative to incarceration. Program officials needed his support and believed in his sincerity, so the program began with a post-sentence referral procedure.

Sources of Recommendation. A community service sentence could be initiated when a judge was seriously considering a jail sentence for an offender. The judge might personally suggest that community service would be more appropriate or the defense attorney might recommend it. Of defense attorneys who responded to the questionnaire used for this evaluation (N=11), a majority agreed that they would use the program for all jail-bound clients (54.5 percent) and only for jail-bound clients (54.5 percent); about one-third (36.4 percent) would use the program only when the court appeared to be inclined to impose a community service sentence.

Prosecuting attorneys working for the Suffolk County District Attorney's Office would not, as one administrative Assistant District Attorney said, "steer people to community service." Another administrator from the same office said that the prosecutor working on a particular case might, if asked, offer No Opinion when community service was being recommended as a sentence.

Sentencing and Referral Mechanism. A sentence to community service through the program could be imposed as a Conditional Discharge or as a condition of probation. In either case, the offender would be sentenced to a specific period of "incarceration or community service if accepted by the Community Service Program."⁷ As a condition of probation, the community service would be part of a split sentence with the community service in lieu of the jail portion of the sentence.⁸ In either case, the Court Clerk would calculate the number of community service hours to be performed based on the number of jail days in the sentence.⁹ Then a form called Referral to Alternative Assignment¹⁰ would be filled out by the Clerk. On the form would be information identifying the case, the judge, and the offender. The form specified the number of hours of community service and the jail days being diverted and would order the offender to appear for an interview with program staff at a given time and place.

Program Review and Placement. When the offender appeared for the interview, his or her eligibility would be measured against prescribed exclusionary criteria. Legal information about the offender would have been

obtained from probation records under the formal authority of the sentencing judge. After the interview the offender would leave. A decision would be made by the program director, and the Court Clerk would be notified through a referral form. If the offender had failed to appear for the interview, the Court Clerk would have been notified of that and an arrest warrant would have been issued.

After the program interview, the offender would have had to return to the Court Clerk at a date and time specified on the referral form. Then he or she would have learned whether they had been accepted by the program. Rejection by the program would result in the offender being taken immediately into custody by the Sheriff's Office for transport to the county jail in accordance with the original sentence. If the offender was accepted by the program, he or she would have been directed to contact the program office within 48 hours for assignment to a community service placement.

Program staff would notify the court when the offender began the community service and again when the offender completed the community service. If the offender did not appear at the community service worksite or failed to complete the community service, the Court Clerk would have been notified and, theoretically, the offender would have been apprehended, brought back to court, and remanded to jail to fulfill the original sentence. (One interviewed judge said that he would ignore the original sentence and would wait for the offender to return to court on another offense charge.)

The Pre-Sentence Referral Procedure

Effective September 1, 1981 the New York State Law [Penal Law Section 65.10 (2)(h)] was amended such that a sentence of community service could "... be imposed upon conviction of a misdemeanor, violation, or Class D or Class E felony, or as a youthful offender finding replacing any such conviction. . . ."

As a result of expanding the legality of a community service sentence beyond that for misdemeanor and violation convictions, program staff approached the Superior Courts of Suffolk County. (The Superior Courts include the Supreme Court and County Court, both of which deal mainly with felony cases.)

The Administrative Judge of the County Court and program officials reached an agreement concerning the use of community service as a sentence in the felony courts. The agreement differed from that previously established with the lower courts. In Supreme and County Court, most sentences of community service would be imposed as a condition of probation and offender eligibility for the program would be determined and made known to the judge prior to sentencing. The following procedure was then adopted.

Referral Mechanism. Upon conviction of a defendant the judge might have considered community service as an alternative to the jail portion of a split sentence. The judge would then set a sentencing date and the court would fill out a form called Referral to Alternative Assignment. (This form is similar to the one for District Court, the main difference being that it schedules a sentencing disposition date rather than a simple reporting date.) The court also would complete a form authorizing the program staff access to probation records. The Court Clerk would give the offender copies of these forms and direct him or her to meet with the Probation Liaison located in the courthouse.

Program Review. The Liaison would set dates for the offender to be interviewed by an investigating probation officer and by a member of the program staff. Program staff would interview the offender, request and obtain the case information from the Probation Department necessary to make a decision, and make a decision as to eligibility for the program. The offender would leave after the interview without knowing the decision.

Sentencing. By the time the offender appeared in court for sentencing, the judge would have received both the PSR from the probation officer and the formal decision of the program director. If the judge decided to use community service

as an alternative sentence, and the offender was eligible for the program, the judge would have sentenced the offender to a term of probation with community service as a special condition. The judge would set the number of hours of community service and the program officials would set the time limit for completion (within the framework of the probation sentence). If the judge decided to use community service as an alternative sentence but the offender was found ineligible for the program, the judge could still sentence the offender to community service, but not under the direction of the program.

Program Placement. Offenders sentenced to community service were directed to the Probation Liaison who would read the offender the orders and conditions of the probation sentence, including the special condition of community service. The offender would then be directed to report to a supervising probation officer and to contact the program staff within one week of sentencing.

At the program office the offender would be assigned to a community service placement. Offenders who failed to complete their community service assignment or to contact the program staff would be reported to the probation officer. The probation officer could try to resolve the problem or could notify the court through a Declaration of Delinquency or Violation of Probation. As offenders successfully completed their community service they too would be reported to the probation officer. Then the probation officer could recommend an early termination of the probation sentence.

A Comparison of the Procedures

On January 1, 1984 program officials approached the new Administrative Judge of the District Court in Suffolk County. At that time they requested that the post-sentence procedure being used in District Court be modified to resemble the pre-sentence procedure being used in the Superior Courts. That request was granted on January 17, 1984. At that time the program began to operate under a uniform procedure servicing all criminal courts in Suffolk County.¹¹

The original argument for the post-sentence procedure was that it would assure that the program receive only offenders who were truly incarceration-bound. However, a program official later took the position that experience with the program has demonstrated that the pre-sentence procedure allows program staff greater opportunity to communicate with those members of the local criminal justice community involved in the sentencing decision and thereby increases "our ability to determine whether or not an offender was truly incarceration-bound."

Program officials had generally not been comfortable with the post-sentence procedure. According to one official:

Procedurewise, we found that when community service was considered before sentence, and was part of a possible plea negotiation, we would not have many [cases] 'fall between the cracks' and we, in turn, would have more time to do a more thorough evaluation than for those referred at sentence. We also were uncomfortable with the fact that we, in essence, were making a final sentencing decision. With the District Court [post-sentence] procedure, the offenders had a dual sentence: either '30 days jail or 150 hours community service if eligible.' With [our] legal counsel, we felt the judge should truly make the decision and [the program] should only screen for eligibility. . . . [Further], using the Superior Courts' [pre-sentence] procedure, if we felt he [the offender] was not truly a candidate [for the program], we could communicate this to the judge prior to sentence and the judge then [could make] the final decision.

During the period of this study (August 1, 1981 to October 31, 1983), 288 cases were accepted into the Suffolk County Community Service Program. About 60 percent of these cases were referred under the post-sentence procedure. Almost one-half were referred by District Court Judges (see Table 3.1). Data collected on these cases were used to address questions about the comparability of the procedures, independent of the personal beliefs and opinions of program, county, and criminal justice officials.

Table 3.1
Accepted Cases: Referral Time and Source

	<u>N</u> (Total Accepted=288)	<u>%</u>
<u>Referral Time</u>		
Pre-Sentence	117	40.8
Post-Sentence	170	59.2
Missing Data	1	-
<u>Court of Referral</u>		
Supreme	41	16.0
County	87	33.9
District	124	48.2
Justice	3	1.2
Town	2	0.8
Missing Data	31	-

Probability of Incarceration. A primary concern of this program was to select offenders who, without the intervention of the program, otherwise would have been incarcerated. Regression methods were used to generate a quantitative estimate of the risk of incarceration for program cases in order to estimate which procedure produced cases with a higher mean risk of incarceration. Variables associated with incarceration were identified. These variables were: prior criminal history, conviction class and type, offender demographics, and others. (See Part Two of this report for more details). Since it was believed that level of court was associated with the probability of incarceration and since it was known that type of referral procedure was also associated with level of court, it was decided to make the comparison within level of court.

Table 3.2
Estimated Probability of Incarceration by Referral Procedure
and Level of Court

<u>Estimated Probability of Incarceration</u>	Level of Court			
	Lower Court		Upper Court	
	Pre-Sentence	Post-Sentence	Pre-Sentence	Post-Sentence
Mean	0.239	0.231	0.557	0.530
Standard Deviation	0.149	0.171	0.186	0.188
N	13	126	132	29

Source: Probation Data

Because level of court was associated with referral procedure, there were few upper court cases referred post-sentence and even fewer lower court cases referred pre-sentence. This made it more difficult to estimate the effect of the referral procedure used because there were few similar cases that were only different in the procedure used.

As a result of this confounding, it was not possible to know with certainty whether the probability of incarceration for offenders sentenced to the program was a function of the referral procedure or the level of court. However, because Table 3.2 shows that within level of court both procedures result in a similar mean probability of incarceration, this suggests that cases referred prior to sentencing were no less likely to be incarcerated than were cases referred after sentencing.

Table 3.2 also shows that within referral procedure, change in level of court was associated with substantial differences in the mean probability of incarceration. For example, for cases referred pre-sentence, the average for

lower court cases was 0.239. For upper court cases the average was 0.557. For cases referred post sentence, the average for lower court cases was 0.231. For upper court cases the average was 0.530. This shows that cases referred from the upper courts were in general much more at risk of incarceration than cases referred from the lower courts.

Probation Officer Recommendation. The qualitative research uncovered evidence that probation officer recommendation may have been affected by differences in when a case was referred. There may have been a policy in the Probation Office of recommending incarceration when the sentence deemed most appropriate by the judge was community service. According to 83.3 percent of the investigating probation officers who responded to the questionnaire (N=12), they "cannot directly recommend a sentence of community service;" 75.0 percent of the investigating probation officers indicated that "the only way in which an offender can be sentenced to community service is if the investigating probation officer recommends jail." But they were, according to 75.0 percent of these respondents, "formally notified prior to sentencing that a judge is considering a sentence of community service for an offender." Therefore, they might recommend jail while referring to community service in the summary section of the PSR that precedes the actual recommendation. As one interviewed probation officer said:

We can't state [that the community service is appropriate] as part of the final windup of the evaluative analysis section of the pre-sentence report. We can throw in a brief paragraph that stipulates that the community service agency has been contacted regarding the defendant's status and has or has not indicated an interest in him. But in the final recommendation section we cannot recommend community service. We must recommend incarceration.

Judges were supposed to sentence to community service through the program only incarceration bound cases. However, if a probation officer recommended community service for a case, it would be difficult to argue that that case

was incarceration bound. This is because the probation officer had recommended a non-incarcerative sentence (e.g., community service) and probation officer recommendation is usually a very good predictor of sentence. One way out of this dilemma was to recommend incarceration when it was believed the judge wanted to sentence the offender to community service.

This question was addressed by comparing expected to observed recommendations. Regression methods were used to predict probation officer recommendation. The prediction was based upon cases which had been sentenced prior to the operation of the program (historical cases). The variables identified as important were: prior criminal history, conviction class, conviction type, and offender demographics. Since the values of these variables are determined at or before conviction they could not have been affected by program referral. As a result, a prediction based upon these variables would not be distorted by the effects of program referral. Since the observed probation officer sentence recommendation would be a combination of these independent variables and the effect of program referral, the difference between observed and predicted probation officer recommendation can be attributed to the effects of program referral. Table 3.3 presents this comparison. Table 3.3 shows that for cases not referred, the percentage of observed and predicted incarceration recommendations were similar. The same was true for cases referred to the program pre-sentence. However, for cases referred post-sentence, the percentage of cases for which the probation officer recommended incarceration far exceeded the percentage of cases expected to receive such a recommendation. Since most of the cases referred post-sentence were lower court cases and therefore misdemeanor convictions, it is especially implausible that 70.2 percent of such a group would normally have received recommendations of incarceration. While the prediction equation appears to underpredict an incarceration recommendation by six percentage points, this still leaves a huge discrepancy that is attributable to the affects of program referral. It may be

Table 3.3
Predicted and Observed Probation Officer Recommendation
by Referral

	Referral			
	Not Referred		Referred	
	Historical ^a	Current ^b	Pre-Sentence	Post-Sentence
Expected Recommendation was Jail	27.7% (656)	25.1% (1297)	60.7% (150)	19.0% (153)
Observed Recommendation was Jail	34.6% (716)	33.9% (1335)	66.2% (151)	70.2% (155)

Source: Probation Data

^aCases reaching disposition prior to inception of the program.

^bCases reaching disposition during operation of the program.

concluded that the post-sentence procedure for referring cases to the program influenced the recommendations probation officers were making to judges. When the probation officer knew that the sentence was to be "jail or community service", recommendations that probably would otherwise have been "non-incarceration" appear to have been changed to "jail".

Notes

¹The referral would be made official when the judge filled out and submitted a "Client Referral by Court" form to the program. This was one of 33 forms designed and used by the program in 1981. The program has relied heavily on the use of paper forms to assure the official nature of all procedures. There were seven Community Service Program forms (e.g., Staff Log of Client Services, Staff Schedules, Time Guidelines), six Community Service Agency forms (e.g., Agency Request for Volunteers, Agency Volunteer Screening Report, Memorandum of Agreement), seven offender forms (e.g., Volunteer Application, Offender Assignment Questionnaire, Consent to Participate in the Project), four court forms (e.g., Initial Client Referral by Court, Waiver of Confidentiality of Criminal Record, Notice to Community Service Referrals), two District Court forms (Report of Failure to Appear-Conditional Discharge, Report of Unsatisfactory Service-Conditional Discharge), two Supreme Court forms (Waiver of Confidentiality, Referral to Alternative Assignment), two Probation forms (Report of Failure to Appear-Condition of Probation, Report of Unsatisfactory Service-Condition of Probation), and three Sheriff's Department forms (Consent to Interview, Release from Jail, Initial Custody Interviews). The program has carefully maintained files on all cases, so forms have been regularly updated to reflect changes in program procedures and changes in (or a better understanding of) local criminal justice processing. Consequently, the number and types of forms vary at any given time.

²The program selection criteria exclude offenders with any of the following characteristics: 1) sex offenders (excluding statutory rape); 2) history of habitual assaultive and/or destructive behavior; 3) offenders with a history of extreme physical or mental illness; 4) any offenders whose prior history is indicative of an inability to satisfactorily perform community service; 5) possession of a dangerous weapon during the commission of a crime; or 6) driving while intoxicated if personal injury or death results, or if a first offense (program form numbered CSP-1-81:REV 83). To become a client the defendant must reside in Suffolk County and have been convicted in Suffolk County.

³Data collected from program records indicated that occasionally a case that does not really meet the program criteria will nonetheless be accepted by the program. Included, for example, were federal cases and referrals from judges from outside of Suffolk County. According to a program official, these cases were accepted on an individual basis for case-specific reasons.

⁴The interview data were used to generate outlines of the operating procedures. Copies of the outlines were submitted to program officials for their review to verify the validity of the evaluators' understanding of these procedures.

⁵Except for the time that the referral is made and the effects of that timing, the two procedures are, operationally, similar in most respects.

⁶PL 65.10 (2)(h) prior to 9-1-81.

7From a supplement to Suffolk County Community Service Program-Progress Report, March, 1982.

8A "split sentence" denotes a sentence of probation with a condition that the offender be incarcerated for a period of the probation. [See Penal Law Section 60.01 (2)(d)]

9The Court Clerk would usually use the formula established by the program: one day in jail was equivalent to seven hours of community service, with a provision made to account for a "good time" reduction of the jail sentence.

10This form was designed by the program officials specifically for use with post-sentence referrals.

11Program and county officials considered the program in its first year of operation to be a "pilot" project. It is therefore not surprising that some changes in procedure were suggested as the program evolved.

IV. SELECTION OF OFFENDERS: COMMUNITY VIEWS AND COMMUNITY PRACTICES

The Community Service Program of Suffolk County was designed to offer local courts a sentencing option for offenders likely to be sentenced to jail. Under Penal Law Section 65.10 (2)(h), offenders convicted of violations, misdemeanors, class D or E felonies and those adjudicated youthful offenders for such crimes are all eligible for a sentence of community service. Among these offenders, program criteria¹ exclude: 1) sex offenders, 2) those with a history of assaultive or destructive behavior or of extreme mental or physical illness, 3) offenders for whom there is reason to believe there is an inability to perform community service, 4) those who possessed a dangerous weapon during the commission of their current offense, 5) and those who were charged with driving while intoxicated when this offense resulted in personal injury or death, or was a first offense.

The law and the program criteria provide a standard for the selection of cases to be sentenced to the program. Further, members of the local criminal justice community involved in making the decision to sentence an offender to community service are individuals, each of whom has unique concerns, beliefs, and opinions about the case in question. Thus the selection issue is complex.

Alternative to incarceration programs have been the focus of criticism² regarding their ability to select appropriate offenders. They have been criticized for: 1) widening the net of punishment by selecting offenders who would not have been incarcerated in any case and 2) selecting certain categories of offenders and not others on the basis of characteristics such as race and social class. With respect to probability of incarceration³ and to legal and personal characteristics, the selection of Community Service Program clients is discussed below in terms of: 1) who members of the local criminal justice community think should be selected, 2) who they think were being selected, and 3) who the pre-sentence report and case record data⁴ show were selected.

Community Views: Who Should Be Served

Many members of the local criminal justice community seemed to recognize that the Suffolk County Community Service Program is intended formally to be an alternative to incarceration and hence that offenders sentenced to the program should be truly jail-bound. This was particularly highlighted by the responses of judges and defense attorneys interviewed for this analysis.

Of those defense attorneys who responded to the questionnaire (N=11), 54.5 percent gave a positive response to the statement, "As a defense attorney, I recommend the program whenever I am convinced that my client will be sentenced to jail." It may therefore be argued that many defense attorneys believed that the program should be considered for all defendants who are likely to be sentenced to jail. It may further be argued that many believed that the program should be limited only to jail-bound offenders; 54.5 percent responded in a positive manner to the statement, "As a defense attorney, I only recommend the program when I am certain that my client would otherwise go to jail." The fact that these are not universal beliefs or practices among defense attorneys is underscored by the words of one who said:

We would recommend it [the program] to anyone who we thought would be accepted by the program and approved by the judge, and we recommend it in every case where there is a likelihood or even possibility of jail. But there is a tendency perhaps, by some--I don't know where I heard this--to put people in the program who would normally be sentenced to probation. We have never done that.

From the interviews with judges it is apparent that there are some judges, at least, who believe that offenders should only be sentenced to the program if they are otherwise going to be sentenced to jail. When asked why he had sentenced only ten cases to the program, a district court judge said:

I'm not using it [more often] because they [probation officers] don't recommend that much jail. I am saving this [the program] for people that should be in jail. If I wanted to help everybody, I would put them all in community service. This is an alternative, in my mind, to jail.

The response from another judge helps to clarify the conditions under which jail-bound offenders are considered for community service. Asked how he determines when to sentence an offender to the program, this judge, who had served in several different courts, said:

To begin with, it's a pretty well established decision that jail is indicated [in these cases]. So straight probation is out. We're talking jail. [But] there's other input and other reasons why jail would create such a hardship to the community and to so many people, that there should be an alternative.

Members of the local criminal justice community who were respondents for this analysis further identified the particular characteristics of offenders or conditions of offenses that they believed made a case appropriate for the program.

Assuming that the program itself is acceptable, there is strong support for the use of community service sentences with young offenders. To the statement, "Community service is most appropriate for the young offender," 80.0 percent of all respondents to the questionnaire either agreed or strongly agreed. Nothing of note was said about whether or not minorities or the poor should be availed of the service, despite the concerns that respondents seemed to express about whether or not these categories of offenders were in fact being served by the program.

Respondents also demonstrated strong feelings about the legal categories of offenders they believed should be sentenced to the program. Of all respondents, 85.5 percent considered community service most appropriate for "the non-violent offender" and 76.6 percent considered it most appropriate for "the first-time offender." It appears that members of the local criminal justice community considered the less serious offenders to be more appropriate for community service sentences. This is supported by responses from interviewees. For example:

Let's face it. The people you send [to the program] are either first offenders, or offenders of a non-violent crime that haven't been in jail before. I wouldn't send a proven criminal

for community service, or somebody with a past record. (County Court Judge)

We would not take anyone convicted of a drug related crime nor convicted of anything violent because we do have [our own] clients in and out. (Community Service Provider)

I liked it very much with first offenders, especially younger first offenders. I also liked it very much in instances where the person, although he may not have been a first offender, had not been in jail before. . . . Of course, most of the time you can only use it in non-violent types of crimes. (Former District Court Judge)

In general, the local community preferred that the program be used in those cases where neither jail nor probation would be appropriate. As one judge who served in both County and District Courts said:

There are occasions when the destruction to the individual and his family and his livelihood by incarceration mandates some alternative to incarceration. And yet we can't accomodate it through the ordinary provisions of probation. It seems to me that he should pay the community back in some measure for what he has done. The Community Service [Program] answers that demand.

Community Views: Who Is Being Served

Of the program clients (N=10) who responded to the questionnaire used for this analysis, 90 percent either strongly agreed or agreed with the statement, "If not for the program, I would have gone to jail." Of all other questionnaire respondents, 51.7 percent similarly responded positively to the statement, "Offenders sentenced to the program would otherwise have been sentenced to jail." Apparently, members of the local criminal justice community generally believed that the program selected offenders who were likely to be incarcerated, but did not always do so.⁵

Responses from interviewees support this conclusion. Many respondents specified what they believed to be the percentage of program clients who would have been sentenced to jail. A District Court judge said that 70 to 75 percent would have gone to jail; a prosecuting attorney said 60 percent; a defense

attorney said 100 percent. Several others simply said "most", "the majority", or "more than half." There were a few interviewees who believed that most program clients were not likely to have gone to jail, even in the absence of the program. In response to a question about the likelihood of jail for program clients known to him (N=less than 10), a probation officer said, "I don't think there is one that would have gone to jail." In addition, respondents generally seemed to believe that offenders being sentenced to the Community Service Program were young males without serious criminal records or offenses and were people in need of help from the community.

A common concern about community service programs in general is that minorities and the poor may not be fairly represented among program clients. In Suffolk County there seemed to be a lack of consensus with respect to this issue. Of all members of the local criminal justice community who responded to the questionnaire, 48.8 percent agreed or strongly agreed with the statement, "Offenders with private attorneys more readily receive sentences of community service than do similar offenders without private attorneys." However, to the statement, "Among those offenders referred to the program, members of minority groups are underrepresented," only 23.3 percent of all respondents responded positively while 56.7 percent indicated that they were "uncertain".

Some interview respondents argued that minorities and the poor were treated fairly by the Community Service Program. A defense attorney who handles many minority clients said:

The program is including the minorities. . . . Let's put it this way; I never had anyone who was in the program come to me and say, 'These people are driving me crazy. They are giving me more work than they give to the blond blue-eyed boy.' . . . The extent of my experience has been, I think, that they [minorities] have been fairly treated by the program.

Others believed that the poor and minorities are underrepresented. One probation officer said that "the people who are being picked are basically middle class people. . . ." According to one community service provider who supervised twelve program clients:

The weakness in the program is that you don't get minority people. I am not sure of the statistics in Suffolk County, but we have not had one black person [in our organization] doing community service.

A defense attorney who agreed that these groups do not have equal access to the program tried to explain. He said:

We have been pretty selective in who we send to them [the program.]. . . There are people who I think we could have recommended who we didn't. . . . It's unfortunate. If you are black and living in Amityville or Wynecanch or North Bellport, it's unfortunate that you usually don't have the overall resources to complete a program like this. You don't have the support of the family. You don't have a lot of things, God knows.

Who Is Really Being Served

Personal and Legal Characteristics

Community Service Program clients may be characterized statistically in terms of personal and legal characteristics and in terms of their relative probability of incarceration. For each of these areas, all offenders who were referred to the program and all who were subsequently accepted by the program can be compared to samples of others who were sentenced but not referred during the period of the study. Table 4.1 provides such a comparison in terms of personal characteristics. Program cases generally were more likely to have been younger than 19 years of age, white, or employed or in school than were offenders not referred to the program. The greatest difference between program and non-program cases was in terms of race. This difference was statistically significant and remained evident even when controlling for conviction class, pre-trial detention, employment/school status, sex, and level of court. The

subset of clients who were actually accepted into the program seem to have been similar in personal characteristics to the set of all referred offenders from which they were selected, except possibly in terms of age.

Table 4.1
Personal Characteristics of Program Clients and Others

	<u>Program Cases</u>			<u>Non-Program Cases (Current)</u>		
	All Referred (N=350)	Accepted (N=288)	Rejected (N=62)	Total (N=1354)	Incar-cerated (N=362)	Not Incar-cerated (N=960)
19 Yrs. or Younger at Offense	36.7%	34.6%	46.4%	27.2%	26.0%	28.1%
White	86.0	85.9	86.4	75.7	65.5	79.7
Male	90.3	89.3	94.9	86.5	91.7	84.5
Married	17.6	17.3	19.3	20.1	16.2	21.3
Employed or in School	80.8	80.0	84.2	71.2	65.6	73.2

Source: Probation Data

^aAll percentages have been adjusted for missing cases

^bThis number is greater than the sum of the subcategories due to missing values for this variable.

Program clients may also be compared to other offenders in terms of their prior criminal record and the offense that resulted in their current disposition. Table 4.2 presents this comparison. Program clients were similar to other offenders not referred to the program in terms of prior criminal record, but not in terms of the top charge for their current offense. Generally, they seem to have been more like other offenders who were sentenced to jail in terms of the level of their top indictment (or information) and conviction charges and more like other offenders who were not incarcerated in terms of the type of offense.

Table 4.2
Legal Characteristics of Program Clients and Others

	<u>Program Cases</u>			<u>Non-Program Cases (Current)</u>		
	All Referred (N=350)	Accepted (N=288)	Rejected (N=62)	Total (N=1354) ^b	Incar- cerated (N=362)	Not Incar- carcerated (N=960)
<u>Prior Record</u>						
No Prior Juvenile Criminal History	82.4% ^a	83.4%	78.0%	86.3%	76.0%	89.9%
No Prior Adult Arrests	24.9	23.3	32.2	19.9	9.4	24.3
No Prior Adult Felony Convictions	91.9	91.6	93.2	89.6	78.2	94.7
No Prior Adult Misdemeanor Convictions	62.6	61.5	67.8	64.5	44.5	72.7
No Prior Jail Sentences	86.9	86.3	89.8	84.1	65.7	91.4
No Prior Prison Sentences	97.8	98.1	96.6	97.4	94.5	99.0
<u>Current Offense</u>						
Top Indictment Charge=Felony	68.3%	59.4%	83.9%	47.1%	63.1%	41.2%
Top Conviction Charge=Felony	50.4	47.4	64.3	21.0	47.6	11.4
Type of Indictment Charge=Property	37.9	36.5	44.6	38.3	46.8	35.8
Type of Conviction Charge=Property	38.9	32.6	44.6	37.9	45.4	35.4

Source: Probation Data

^aAll percentages have been adjusted for missing cases.

^bThis number is greater than the sum of the subcategories due to missing values for this variable.

The personal and legal characteristics of offenders referred to the program may be characterized in terms of two profiles. The profiles were constructed by categorizing offenders according to combinations of six statistically selected variables. (See Part Two for details.) In 91 cases, the offender was referred to the program from an upper court on a felony charge, was not detained prior to sentencing, and was a white male either employed or in school at the time of his arrest. In 69 other cases, the offender was referred to the program from a lower court on a charge that was not a felony, was not detained prior to sentencing, and was a white male either employed or in school at the time of his arrest. In addition, there were 53 offenders who differed from the first profile and 50 offenders who differed from the second profile on only one variable (the overlap of cases between these two groups was only six cases). In all, 51 percent of the cases fell into one of the two profiles; 33 percent of the cases differed from one or the other profile by only one variable. These profiles do not necessarily distinguish referred offenders from others not referred; they simply summarize the combined characteristics of a large number of offenders referred to the program.

Probability of Incarceration

An important question for alternative to incarceration programs is whether or not offenders selected for the program were in fact otherwise likely to have been incarcerated. For the Suffolk County Community Service Program, selection occurred at two levels: offenders were first selected by the court for referral to the program and then referred offenders were or were not accepted by program officials.

For the offenders in each of the samples used in this analysis, a statistical probability of incarceration (jail) was derived with a logistic regression equation. (See Part Two of this report for details.) The equation was constructed on an historical sample of cases sentenced in Suffolk County prior to the introduction of the program, and validated on the current sample of offenders. The variables included in the equation were: 1) number of prior adult arrest events, 2) number of prior adult felony arrest charges, 3) number

of prior adult probation sentences, 4) top conviction charge type, 5) sex of defendant, 6) top conviction charge class, 7) race of defendant, 8) number of prior Youthful Offender sentences received, 9) age at offense, 10) total number of all information/indictment charges, and 11) number of co-defendants. (Probation officer recommendation was not included in this equation since it was found to have changed in meaning after the program was introduced.) The statistical model based on this equation correctly classified the outcome in 79.0 percent of the cases used to validate the model. This compares to a base rate of 73.6 percent if all cases were arbitrarily classified in the modal category. The optimum cutpoint separating those cases likely to be incarcerated from those not likely to be incarcerated was 0.458.

For cases referred to the program and cases subsequently accepted by the program, Table 4.3 presents the percentages of those predicted likely to have been sentenced to jail. According to the model, a majority of the offenders referred to the program were not likely to have been sentenced to jail even in the absence of the program. The same may be said about those accepted into the program. But of those rejected by the program after having been referred by the court, half were predicted likely to have been sentenced to jail. (In fact, 66.1 percent of the rejected cases were ultimately sentenced to jail.)

Table 4.3
Program Cases: Probability of Incarceration^a

<u>Prediction^b</u>	<u>All Referrals</u> (N=301)	<u>Accepted</u> (N=245)	<u>Rejected</u> (N=56)
Incarceration	41.5%	39.6%	50.0%
Non-Incarceration	58.5	60.4	50.0
Total	100.0%	100.0%	100.0%

^aCutpoint set at 0.458.

^bPredictions could not be made for cases with missing values on the variables used to generate the probabilities.

It could be argued that the program has widened the net of punishment by selecting for community service offenders who would otherwise have received a non-incarcerative sentence. However, when compared to the risk scores of other offenders sentenced in Suffolk County during the same period, this argument loses some of its strength. Table 4.4 presents the probabilities of incarceration by subcategories of scores for program and non-program cases.

Table 4.4
Probability of Incarceration: Program and Non-Program Cases

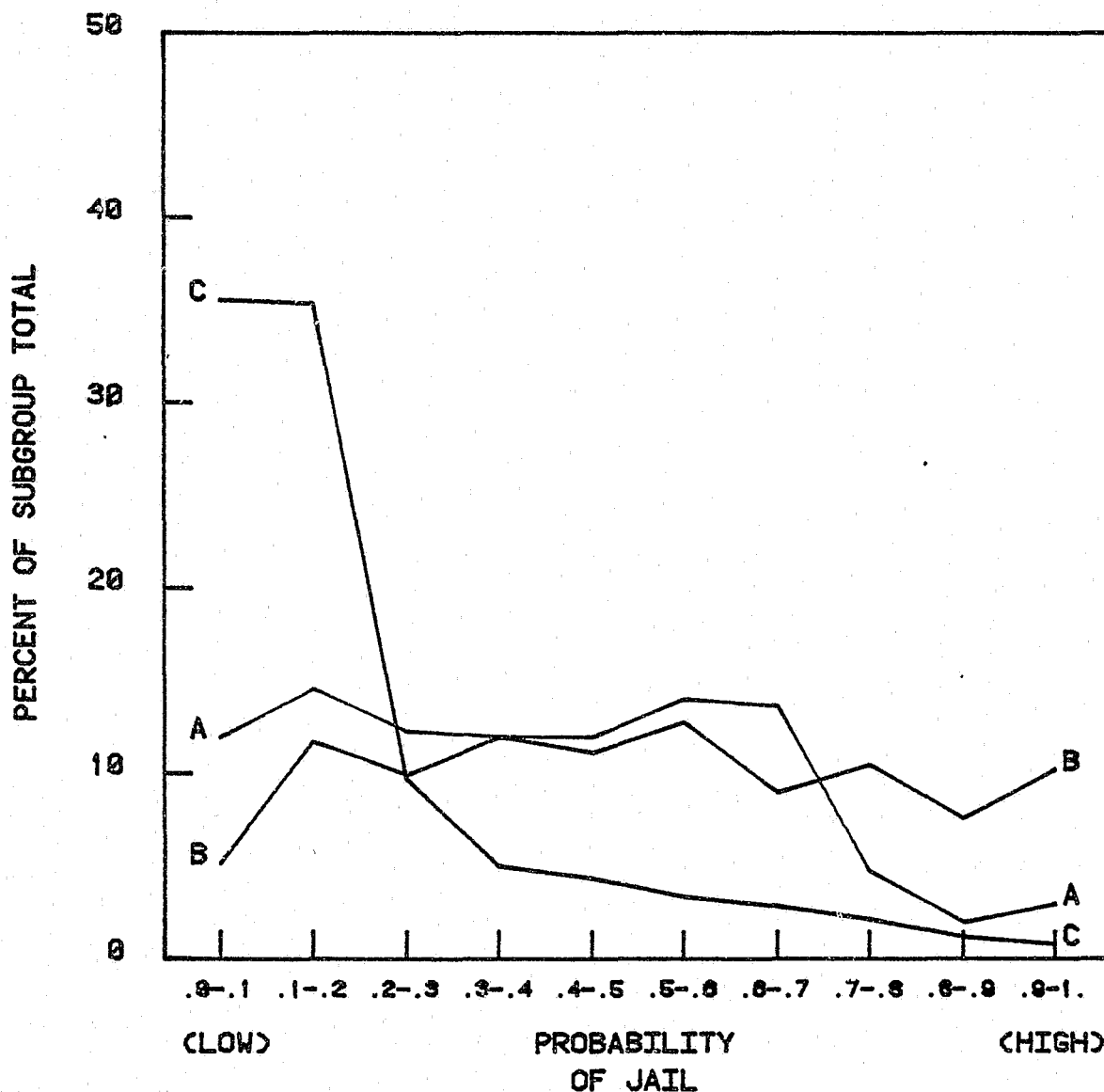
<u>Probability of Incarceration</u>	<u>Program Cases</u>			<u>Non-Program Cases (Current)</u>			
	All Referrals (N=301)	Accepted (N=245)	Rejected (N=56)	Total (N=1285)	Incar- cerated (N=343)	Not Incar- cerated (N=922)	
0.00-0.10	12.0%	11.8%	12.5%	27.4%	5.2%	35.6%	
-0.20	14.6	15.5	10.7	28.9	11.7	35.4	
-0.30	12.3	12.7	10.7	9.7	9.9	9.7	
Optimum	-0.40	12.0	12.2	10.7	6.9	12.0	5.0
Cut-	-0.50	12.0	11.8	12.5	6.2	11.1	4.3
point=0.458	-0.60	14.0	13.9	14.3	5.8	12.8	3.3
-0.70	13.6	13.1	16.1	4.5	9.0	2.8	
-0.80	4.7	3.7	8.9	4.3	10.5	2.1	
-0.90	2.0	2.4	0.0	2.9	7.6	1.2	
0.91-1.00	3.0	2.9	3.6	3.3	10.2	0.8	

Referred and accepted cases had a similar pattern of probabilities of incarceration and were both more similar in pattern to other offenders who were sentenced to jail than to other offenders who were not. This is made clearer in Figure 4.1 below.

While it appears that program cases (referred and accepted) generally had risk scores similar to other offenders actually sentenced to jail, at the ends of the continuum (very low and very high probabilities of incarceration) they

FIGURE 4.1

PROBABILITY OF INCARCERATION:
PROGRAM AND NON-PROGRAM CASES (CURRENT)



LEGEND

A -> Program Cases : All Referred N=301
 B -> Non-Program Cases (Current): Incarcerated N=343
 C -> Non-Program Cases (Current): Not-Incarcerated N=922

NOTES

- (1) Mandatory Incarceration Cases Excluded
 (2) Optimum Cutpoint (In/Out) = 0.458

were not especially like either subgroup of other offenders. In fact, the distribution of risk scores for all referrals cannot be considered a random sample from any of the non-program "populations" (total, incarcerated, not incarcerated) used for comparative purposes.⁶

Based upon the risk scores generated from the logistic regression equation, the following observations may be made:

- a small majority (54.8%) of offenders who were incarcerated were drawn from the middle range (.21 to .70) with most others (28.3%) in the highest range (.71 to 1.00);
- the greatest majority (71.0%) of offenders not incarcerated were from the lowest range (0.00 to .20) with the second greatest number from the middle range;
- offenders referred to the program were largely (63.9%) from the middle range with most others from the lowest range.

It can be concluded that offenders referred from the program constituted a unique group, yet were more like those incarcerated than those not incarcerated.

Notes

¹These criteria are taken from "Guidelines for the Community Service Program," originally issued by the Suffolk County Community Service Program in January, 1981 and revised in January, 1983.

²For a review, see Austin and Krisberg, op. cit., note 18, pp. 374-409.

³Likelihood of incarceration has been estimated using logistic regression procedures described in detail in Part Two of this report.

⁴The collection and analysis of data for this report are described in Part Two.

⁵As noted in the section of the report on the procedures of the program, the program does not actually select cases; they are referred by the court.

⁶Based on the results of a Kolmogorov-Smirnov test, $p < .01$ in all three cases. For details on the test used, see S. Siegel, Nonparametric Statistics for the Behavioral Sciences (New York: McGraw-Hill Book Company, 1956), pp. 47-52.

V. COMMUNITY SERVICE PROGRAM SENTENCES AND PLACEMENTS

The Suffolk County Community Service Program offers community service sentences as an alternative to jail sentences. The hypothetical function of jail is to punish, incapacitate, and possibly rehabilitate criminal offenders.¹ It is reasonable to expect that community service sentences and placements will likewise² punish, incapacitate, and possibly rehabilitate criminal offenders.

The Nature of the Community Service Sentence

An offender sentenced to community service is free to remain in the community, at home, under the constraints of the community service sentence. That is obviously different from being in jail. But a community service sentence as an alternative to a jail sentence should also be equivalent to that jail sentence in some sense.

Severity

Program Officials and Staff. Program officials and staff who were interviewed believed that community service sentences are sometimes as punitive as jail sentences. Responding to an interview question about the equivalence of punishment between jail and community service, a program official recognized the difficulty in defining punishment, but did say:

[Among] the offenders who have been in jail before and opt to come on community service, many of them opt to go back to jail. We have had two that have opted to go back to jail, simply because they say they don't have to get up in the morning, they don't have to wait for a bus or walk or ride their bicycles. They don't have to worry about carfare or something to get to the placement or to work. They don't have to worry about anybody breathing down their neck. In the jail they have people that they can talk to, they have card games that they can do.

Another program official continued:

Some defense attorneys don't want to use us because they get pressure from their clients; let me do the time in county jail, it's easier..

The designers and operators of the Community Service Program expressed a belief that the community service sentence is punishment comparable to a jail sentence. "We are trying to punish them," one concluded.

Criminal Justice Community. There were members of the local criminal justice community who agreed that community service sentences are a form of punishment. One defense attorney said, "I think it is definitely punishment." More often responses were similar to that of the judge who said, "In my mind, community service isn't punishment". Yet only 22.2% of questionnaire respondents agreed that "Community Service is an easy way out for a defendant."

The general opinion within the community was that the severity of community service sentences rested somewhere between the severity of jail and that of probation. Of all respondents to the questionnaire (N=90), 45.6 percent agreed or strongly agreed that community service sentences are greater punishment than probation; 74.4 percent similarly expressed agreement that community service is a lesser punishment than jail.

Most interview respondents believed that community service may be a punitive sentence, though not in the way that jail is. This was true for individuals representing different positions within the criminal justice system, as indicated by the example below.

To the extent that any restriction on your liberty is a punishment, I guess it [community service] is. . . . But anything on the outside [of jail] is not the same as being inside. (Assistant District Attorney)

I don't equate anything with jail that is out of jail.
(Defense Attorney)

I would say that obviously incarceration is a much more severe punishment. Your liberty is deprived completely. [With

community service] it is only partially deprived. (County Court Judge)

Nonetheless, some did emphasize that community service is not an easy sentence. One District Court Judge made this clear when he said:

I didn't think it was any punishment. I was nervous at the beginning, because I thought it was a joke. I thought I was dealing with a bunch of ultraliberals. . . . Then I found out that it was a tough program to the point where one fellow would rather be in jail than do community service. And then I said to myself, they are actually doing something right. . . . It is not a fun and games program.

Offenders. Clients also seemed to believe community service is not an easy sentence, though certainly less difficult than going to jail. Of all clients who responded to the questionnaire (N=10), 100.0 percent agreed that community service was "better than going to jail"; only 40.0 percent agreed that the purpose of the program was to punish offenders; and 50.0 percent agreed that "My community service sentence was not easy for me to complete."

One client who was interviewed clearly expressed the paradoxical nature of punishment inherent in a community service sentence. The extent to which he felt punished, how that punishment related directly to his community service sentence, and his understanding of how the punishment of community service was not the same as the punishment of jail were clearly expressed when he said:

Let's put it this way, all the years that I spent in college to get [my degree], I might as well just throw it out the window. There isn't really [an employer in my field], at the present time, that is going to hire me. . . . It has been two years, now, a year since the sentence and two years totally. . . . I think it is probably going to take another two years to financially recover from it. At the time I got popped [arrested], I was going to buy a house, etc. . . . Now that's gone. Now I'm still paying off debts and things like that, directly attributed to the crimes. So, yeah, I think it was exact punishment, because I'm still paying for it: I know I won't do it again.

He went on to explain how the punishment was directly related to his community service sentence.

I had to have it [the community service] done in a year. 840 hours had to be done in a year. . . . It was tough. There were some times I was working six days a week, seven hours a day. It was tough. Sometimes when you don't really feel like doing it, I had to do it.

Yet he also recognized that community service is not equivalent punishment to jail when he said:

There's no way to explain freedom. And that's what it really was. It was a limited freedom, but it was still freedom. I wasn't locked up in jail. I could still go home and watch TV. And I could still go to ball games, do the things I did beforehand. There was a restriction on them, but it still beat not having them at all.

Benefit to the Offender

Some respondents suggested other ways in which community service sentences could be said to have an inherent value. Reference was made to what such sentences can do for the defendants and to what they can do for the community.

A majority of respondents to the questionnaire believed that a community service sentence could help the defendant. Of all respondents, 56.7 percent agreed or strongly agreed that a community service sentence is "a way to rehabilitate the offender." To the statement that a community service sentence is "a way for an offender to gain self-esteem," 47.8 percent expressed agreement while 32.2 percent expressed uncertainty, leaving few who disagreed. An example of how this is possible was given by an interviewed District Court Judge. He said:

I got one letter from somebody that went into community service, I think with a hospital, I'm not sure, and [he] showed an aptitude for it, and he ended up working there as a full-time employee. I felt that that person, when I looked at his background, just needed some direction. . . It seems to give them a sense of pride. They're doing something.

Clients had very strong feelings about what a community service sentence had done or could do for them. Fully 80.0 percent of those who responded to the questionnaire believed that "Doing community service helped me to feel good

about myself." The comments attached by them to the questionnaires suggest the different ways in which particular individuals felt they benefited from the community service sentences.

'I thank God' that Suffolk County enrolled me and allowed me to fulfill my obligation in the Community Service Program. Not only am I thankful, but I support the idea 100%. An individual can fulfill an obligation to the people as well as getting a sense of achievement within the community. My community service was such that I met people, worked with people, and helped people and I felt good doing that.

I think that overall this program is the best thing to happen in our court system that I have ever seen. It has helped me to know that helping people is one of life's most greatest gifts!

My comments about Community Service is it really helped me. I think more people should do this instead of going to jail. The Community Service gave me another chance to make up what I owed to my community for the crimes I committed. Just because of Community Service I am now a better person. Community Service to me is much better than going to jail. I thank the Community Service for helping me.

Benefit to the Community

There was also support in the local community for the belief that community service sentences benefit the community. Of all questionnaire respondents, 70.0 percent agreed that a community service sentence is "a way to make the offender pay back the community." Similarly, 90.0 percent of client respondents agreed that "Doing community service gave me a chance to pay back the community for my offense." The following comments from interviewees suggest how community service sentences can offer an offender the opportunity to repay the community in a way that would not otherwise be possible.

I think community service is best used as a method of a person repaying the community or people in general where the public has been harmed. And the classic example of that are the welfare fraud cases, where the taxpayers have been harmed.
(District Court Judge)

I feel, in conjunction with probation, community service can be very effective. [It offers] some service back to the community for the offense committed, which is very important, because on

probation you don't get a return to the community in that sense. (Probation Officer)

Members of the local criminal justice community generally agreed that community service offers the offender an opportunity to repay the community while not engendering an unacceptable risk to the public. This conclusion was generally coupled with the belief that only non-violent offenders were being served by the program. A District Court Judge made this clear when he said:

To me [public safety] is not an issue, for the simple reason that you are not going to impose community service if you feel that that person is a definite threat to society. But I should ask what you mean by public safety. Are you talking about physical harm to the people, or any kind of harm to the whole community? . . . With regard to a violent type of person who has a proclivity to do physical harm to another being, you're not going to consider community service. You're not going to consider community service for, what shall we say, the repeater, who has been in and out of the criminal justice system.

This does not imply that a community service sentence inherently reduces the risk to public safety in the same way as a jail sentence, which incapacitates the offender. Repeatedly, interview respondents suggested that the extent to which community service sentences do not threaten public safety is dependent on the type of offenders given such sentences.

A probation officer suggested that the local Probation Department plays a role in assuring that the Community Service Program selects only offenders who would not pose an unacceptable risk to the safety of the community. He said:

[The Program] contacts us to question us regarding our knowledge of a defendant. In the event we perform the pre-sentence interview, questions [are asked] regarding beliefs, regarding violent behavior on a defendant's part, whether or not he would be motivated to do something against the community's interest or against the program's interest while he is involved. In addition, they get copies of the nature of the offense and the arrest report, providing we have the release. So they have some means of establishing whether or not the individual would meet their criteria for participation and at the same time not screw up while he was on [community

service]--do something that would affect the public's interest, be violent, [or] be dangerous.

The extent to which a particular group of offenders poses an increased risk to public safety may be measured in terms of their rate of recidivism while in the community. Table 5.1 shows the rate of recidivism for offenders accepted by the Community Service Program compared to that of other offenders. There are no

Table 5.1
Recidivism Within Twelve Months^a of Sentence:
Program Cases and Non-Program Cases

<u>Measure of</u> <u>Recidivism^b</u>	<u>Program</u> <u>Cases</u>	<u>Non-Program Cases</u>		<u>Total</u> <u>(N=2084)</u>
	<u>(N=288)</u>	<u>Incarcerated</u> <u>(N=590)</u>	<u>Not Incarcerated</u> <u>(N=1458)</u>	
Subsequent Felony Arrest	6.9%	16.6%	6.7%	9.5%
Subsequent Felony Conviction	2.8	7.5	2.4	3.8
Subsequent Misd. Arrest	9.0	14.4	9.9	11.3
Subsequent Misd. Conviction	3.8	6.6	3.3	4.2

^aTwelve months was used to assure comparable time frames.

^bAt least one occurrence within the twelve months; for incarcerated cases, time served in jail was included in the twelve months.

groups of offenders with whom program clients can be compared directly; as was shown earlier, they are a specially selected group, generally not as serious in criminal record as those sentenced to jail, yet more serious than those sentenced to probation. Their rate of recidivism similarly places them in a position between offenders sentenced to jail and others not so sentenced. However, in the case of recidivism they were more like those other offenders sentenced to probation. It cannot be determined from the information available to evaluators how much of this pattern of results is due to differential effectiveness and how much is due to selection artifacts. Nevertheless,

sentencing the intermediate group to community service appears to entail no greater risk to public safety than does the normal practice of sentencing less serious offenders to probation or other non-incarcerative sentences.

Summary

The quality of any community service sentence was considered by the community to be a function of careful selection of appropriate offenders by the program in cooperation with other members of the community. Generally, community service sentences were considered to be less severe punishment than jail, but not an easy way out for offenders. They were also viewed as providing the offender with an opportunity to regain self-esteem while simultaneously allowing the offender to repay the community without creating too great a risk to public safety.

The Nature of the Community Service Placement

Offenders sentenced to community service were placed with particular community service organizations. Generally these were not-for-profit agencies organized to provide a social service to the local community. According to a program official, there were 230 agencies in Suffolk County willing to accept placement of Community Service Program clients as of June, 1984.

Program officials and staff suggested that an effort was made to match the skills and background of each client with the needs and requirements of the agency at which he or she would be placed. Interviews were conducted with the client and with staff of the organization at which placement was being arranged. One program staff member described the content of the interviews held both with staff at the placement sites and with program clients.

I go out in the community and explain the program, explain the kinds of people that we have on the program, and get a feel for what the agency is like and what their needs are so that we can have a better blend. . . . Also, I can describe to them what I am asking from them in terms of supervision. It is a two way

thing. I can find out what their needs are and they can understand what we are asking of them.

In terms of interviewing the client, this staff member continued:

At the intake interview you try to get an assessment a little bit of what the person's skills are and what their time constraints are and where they live so that by the time that person is accepted into the program I can scout out places for them. If I see that it is likely that a person is going to be accepted, then I will look and see, in that particular town where he lives, what is available that matches his skills.

Once a program client was assigned to a placement, the staff of the agency to which he or she was assigned generally conducted another interview. At this interview, the seriousness of the assignment might have been explained to the program client. According to one community service provider:

All of them [the clients] must understand that this is not a game type of thing. They have an obligation and they are expected to fulfill that obligation or you have your alternatives. . . . With the Community Service Program person, the alternative is jail. They understand that when they come to us. They must know that we understand it.

Similarly, another community service provider indicated that the initial interview at the placement agency is used to discuss expectations to determine whether or not to accept the program client as a "volunteer." She said:

Usually a boy shows up at the door and we interview him and tell him what we would expect of him and what he can expect from us. He would be treated respectfully here. Very few people would know his background. We just expect that he do the things that we require. If we are going to accept him we let him know immediately. If we are not, we tell him that we don't think that he would work out in the agency.

Members of the local criminal justice community expressed varying opinions about the relative meaningfulness of the work that program clients were actually assigned to do as their sentences. An interviewed probation officer who described his experience with program clients suggested that the work may on occasion have been meaningful, but often was not.

I haven't had all that many [program clients], less than ten. Some of them are doing useful things, others are just doing

nonsense. One guy was raking leaves at Wildwood State Park. He said that it was nonsense. He said that it was just a joke, that he is out there raking leaves and there's 500 acres in a State Park. Another guy was working with street kids down at Hope House at Port Jefferson. [Another] was doing good work, working for this new church over in Setauket. When work for that ran out, he was sweeping floors in the fire house. That's ridiculous. What's the point of community service? Others have been at a children's home, but not working with the kids; helping out in the maintenance, planting flowers, that type of thing. Basically, when they get assigned to a place, . . . they have some work and when the work is done, they [the organizations] don't send them on their way. They just keep them there in case something comes up. And they are putting in hours that way.

In particular, the work that program clients were assigned to do as a community service sentence was most often maintenance work. This was suggested by a program staff member who said:

Typical assignments for, I'd say, two-thirds of the clients are maintenance kinds of activities: working in county or state parks, working in local not-for-profit agencies, social agencies.

A program client provided details about the type of work a client might do. He said:

One day a week I would work in the house, which was where all the outpatients lived, and I would do maintenance work there, like fix windows, clean up around the place [the outside of the house], anything from putting a washer into a leaky sink. I'd cook for them sometimes. . . . Then, the other days, I would go over to where they have the thrift shop and go on a run, where someone was donating a bunch of stuff, with the truck. And I would go load it on the truck and bring it back. Or he would have me helping customers, or just going through a lot of stuff that was donated, seeing if it was worth keeping or throw it away.

When a client came to an agency with particular skills, however, the agency might have tried to take advantage of those skills. For example, a community service provider said:

I did have a carpenter [client "volunteer"]. There was no way I could train him. He just amazed me. There's somebody that came to me with a particular skill. Remarkable. There are things that you like to get done in a facility like this that

you don't have the manpower to do it, the knowledge to do it, or you can manage to get the supplies but then you are still stuck. When I would talk to him and explain to him that this is what I envision, he would just go right ahead and do it. I was amazed at the basic individual talent, his expertise, and his quiet manner of being able to go ahead and do these types of things.

In conclusion, clients generally were assigned to do maintenance work, but were assigned to other types of tasks when they already had the skills necessary to do such work.

The Extent of Supervision

Offenders sentenced to the Community Service Program had the community service part of their sentences monitored by two or three separate individuals: the program staff member assigned to the case, the community service provider to whom the client was assigned, and, when the client was sentenced to community service as a condition of probation, a probation officer. The result was what many interview respondents referred to as "tight" supervision of program clients.

Program staff had the greatest responsibility for the supervision of program clients doing community service as their sentence. This was acknowledged by the judges who responded to the questionnaire (72.7 percent agreed or strongly agreed that they "feel confident that the staff of the program will make sure that the sentence is carried out") and by staff members themselves (85.7 percent strongly agreed that this responsibility "rests more with me than it does with supervising probation officers").

Program staff members suggested that they closely monitor the activities and progress of their clients during the community service sentence. One respondent described the ways in which this is done as follows:

On the adult level there is phone contact made with the agency once a week during the first month of placement and then approximately every two weeks after that to determine how the person is doing. . . . We monitor them very, very closely. Of course, you know one of our terms and conditions--two times if

they are absent, two times consecutively without notifying the agency or this office, they are in jeopardy of being terminated from this program. They know it.

That this actually happened was supported by the client who said, "they checked up on me many times" and by the community service provider who said, "Any time that we have any difficulties we immediately report to the . . . program, to the case worker there that is involved with the individual. I have to say, there are very tight controls on these people."

The favorable comments about the high level of supervision by program staff were made somewhat less persuasive by a statement in the 1983-84 Annual Report of the program. It appears that the use by the program of volunteers to supervise clients had been a problem. According to the Report, a lack of funds led to a reliance on unpaid volunteers who lacked "the motivation and dedication required to see most offenders through the program" and "the knowledge and skills required to supervise problem cases."³

Program officials did maintain explicit records of contacts made by staff concerning particular cases. Direct records of contacts by type of contact and by person contacted were maintained; so too were records of the date of each contact (on what was called a "time card"). Both provide some measure of the extent of actual supervision by program staff.

The time card data provide the most complete record of the number of contacts that a staff member assigned to a case had with the client, the placement site supervisor, or with anyone else associated with the same case. Each time a contact was made, the date of the contact was noted on the time card. According to the time card data, the median number of contacts for cases that reached successful conclusions during the period of the study (N=201) was 10.0; for cases that reached failed conclusions during this period (N=42) the median number of contacts was 5.0. It appears that contacts were less numerous in cases that failed (though this may be due to the fact that failed cases did not last for the full term of the sentence, so fewer contacts would have been possible).⁴

The direct contact data provide more detail about the nature of the contacts; they refer specifically to the type of contact and the person contacted. Table 5.2 summarizes these data for all cases successfully or unsuccessfully terminated during the period of the study.

Table 5.2
Median Number of Contacts by Program Staff
Per Case: By Outcome of Case, Type of Contact, and
Person Contacted

	Outcome of Case	
	Successful Completion (N=201, Missing = 10)	Failure to Complete (N=42, Missing = 8)
<u>Type of Contact</u>		
Personal Interview	0.30	0.27
Written	0.10	0.13
Telephone	5.44	7.50
<u>Person Contacted</u>		
Client	1.00	1.50
Placement Supervisor	7.89	5.30
Court/Probation	0.11	0.24
Family/Friends	0.02	0.05

In general, it may be concluded that contacts with the placement supervisors were most common, followed by contacts with clients; contacts with the court, probation officers, friends, or family were relatively infrequent. Though the overall pattern of contacts seems to have been the same in successful and failed cases, placement supervisors were contacted more often in successful cases (possibly due to the fact that failed cases did not last for the full term of the placement) and clients were contacted (probably by telephone) more often when their community service sentences ended in failure (perhaps due to a need to discuss the problems that led to the failure).

When program clients were sentenced to probation, their community service was also monitored by a probation officer. However, for the probation officer, community service was only part of the sentence and the program client was only one of about seventy cases. Of the supervising probation officers who responded to the questionnaire (N=14), only 14.3 percent agreed or strongly agreed that they "conduct frequent on-site visits to monitor the offender's compliance with his or her condition of community service." This may have been because, as 92.9 percent of these same probation officers agreed, responsibility "for ensuring that offenders perform their community service rests more on the staff of the program than with the probation officers." One interviewed probation officer said that he mainly handled the community service part of his probationer's sentence by going through the program staff member. He said:

Well, if I got a guy on probation, I like to keep pretty close tabs on my caseload. So what I do is, I'll call up whoever the contact is and just the general number, and find out what the status is, and occasionally I'll call to see how he's doing. What they do is, if there's a problem, if he's missing, if he's not cooperating, they usually call me, send me a letter. If there's an official reprimand to him, I'll straighten it out. I'll get a copy of the letter from the program to him.

Clearly, probation officers did take some responsibility for the supervision of their clients on community service. As one program client said:

I really don't know if he [my probation officer] called the Center [where I was placed]. I know he stopped by my house many times and talked to my mother, and things like that. I would see him twice a week, I mean twice a month. He'd ask how many hours I had left [on community service], how's it going, etc. He'd check out on me. Whether he came down to the Center or not, I really wouldn't know because I wouldn't get there until afterward anyway. So I really didn't know.

The staff at the placement site naturally had supervisory responsibility as well. Only they were at the site and thus able to monitor the daily activity and progress of program clients. Of the community service providers who responded to the questionnaire, 66.6 percent agreed or strongly agreed that their organization "closely supervises the work of program clients" assigned to them. Fifty percent of the clients who responded agreed that they were "closely supervised" by the people they had to work for.

Statements from interview respondents suggest that the amount of supervision provided by on-site community service agency staff varied by the needs of the case. According to one client, he required and was given little supervision. He said:

They treated me very well. I'd say 85 percent of the time I wasn't supervised in the sense where I was a criminal and they were watching me as if I was going to do something. There were times when I ran the whole thing for the day or a couple of days, because they had errands to run, functions, etc., etc.. I had keys to the place. They just treated me like another worker.

The relativity of the level of supervision by on-site staff is further suggested by the community service provider who said:

They just require that they know where they stand. I say to them when they come in, 'Look, I'm not your mother. I'm not going to go chasing after you. Nor am I going to write any letters saying you were here when you were not here. I'm not going to write letters anticipating that you will be here in a week or two. You do what is expected of you, and you do it well, and you are not going to hear it from me.' . . . They're here in lieu of going to jail. Therefore, if they didn't show up, without a legitimate reason, or if they didn't telephone, we would only put up with that once. We would talk to them and say, 'Look, the next time you don't come and you don't notify us, you are out. It is your obligation to call us if you are sick. It is your obligation to call us if you don't have transportation.'

From the interview data, it may be concluded that program clients were viewed by those supervising them as offenders who had been given one more chance to prove that they could take responsibility for their own actions.

Fulfillment of the Sentence

The success or failure of a program client to fulfill the community service sentence may be measured in terms of whether or not the client successfully completed the full term of his or her sentence. Of the 288 program clients in this study who were actually sentenced to the community service program, 82.7 percent of those whose cases were no longer in progress (N=243) had successfully fulfilled the community service part of their sentences. (See Table 5.3)

Table 5.3
Outcomes of All Accepted Cases

<u>Outcome</u>	<u>Frequency</u>	
	<u>N</u>	<u>%</u>
Success	201	69.8
Failure	42	14.6
In Progress	45	15.5
Total	288	99.9

The characteristics of clients who succeeded in the program are compared to the characteristics of those who did not in Table 5.4 below. Generally it appears that the clients who succeeded in the program, were more likely than those who did not succeed to have one or more of the following characteristics: they were more often married, employed full-time, or graduated from high school; they generally had fewer events in their prior criminal histories; or they were more frequently charged with or convicted of a felony.

Another way to measure the success of program clients is in terms of the quality of their work at the placement site. The on-site community service providers generally rated the quality of the work done by program clients as satisfactory. As one said:

I would say it is satisfactory. Some [clients] are very good, some are not as good. Out of all that we have had we did say that we would employ two. . . . In fact, one we did hire.

In an even stronger statement, another community service provider said:

They [the clients] were an asset. . . . I must say that with each offender that I meet, it is like a brand new experience. So far, and I think I have dealt with five offenders, it has been a very rewarding experience. Not only for the offender, but for me. Because I have been assured that this is not a program that I have to be afraid of at all.

Table 5.4
Client Characteristics By Outcome of Case

<u>Characteristic</u>	<u>Outcome</u>	
	Successfully Completed (Total N=201)	Failed to Complete (Total N=42)
<u>Extralegal</u>		
19 Years or younger at offense	35.2%*	35.1%
White	88.3	73.7
Male	89.6	94.9
Married	19.8	2.7
Income Less Than \$15,000 Per Year	74.6	89.5
Employed Full-Time	60.2	45.2
Did Not Complete High School	42.3	54.8
<u>Legal</u>		
<u>Prior Record</u>		
No Prior Juvenile Criminal History	86.1%	69.2%
No Prior Adult Arrests	24.7	10.3
No Prior Adult Felony Charges	67.0	56.4
No Prior Adult Misdemeanor Charges	39.6	18.0
No Prior Adult Felony Convictions	94.5	79.5
No Prior Adult Misdemeanor Convictions	63.2	56.4
No Prior YO Sentences	84.5	74.4
No Prior Adult Probation Sentences	81.3	61.5
No Prior Jail Sentences	87.9	71.8
No Prior Prison Sentences	97.8	100.0
<u>Current Offense</u>		
Top Indictment Charge = Felony	59.8	38.5
Top Conviction Charge = Felony	46.3	33.4
Offense Type = Drug	14.6	5.4
Conviction Type = Drug	14.6	5.4
<u>Process</u>		
Predicted Likely to Have Been Incarcerated	39.0%	34.3%
Case Disposed by Plea	98.8	100.0
Detained Pre-Trial	16.4	21.6
P.O. Recommendation=Jail or Jail and Probation	68.0	72.0

* All percentages are adjusted to exclude missing cases.

The program staff kept records of the performance of clients based on reports from the placement site supervisor. Clients were rated in terms of their attendance, the quality of their work, and the extent to which the

placement supervisor was generally satisfied with their performance. A summary of these data are presented in Table 5.5.

Table 5.5
Client Community Service Performance Measures
By Outcome

<u>Outcome</u>	<u>Performance Measure</u>		
	Client was <u>not</u> absent or tardy to excess	The quality of the client's work was satisfactory or better	The placement supervisor was satisfied with client's overall performance
Successful Completion Total N=201	95.3% Missing =51	99.4% M=46	83.3% M=46
Failure to Complete Total N=42	33.3% M=30	91.7% M=30	20.0% M=32

The data indicate that the quality of work by program clients was generally considered satisfactory for all clients, though clients who eventually succeeded in completing their community service sentence seemed to have had better attendance and to have been more likely to have satisfied their placement site supervisor with their overall performance. That is, attendance seems to have been more of a problem than was quality of work.

The extent to which program clients successfully completed their community service sentences appears also to have been influenced by the level of on-site supervision. This was suggested by the community service provider who said:

If they [the clients] are supervised well, they do everything. If they don't do it well, we expect them to do it again. After the first couple of times you don't have any problems--as soon as they realize that you are going to check up on what they have done. The program is set up in such a way that if you really had a problem with somebody, you just say to them, 'Look, if this continues you are not coming back here. We just will not accept you.'

From the responses to the questionnaire, it may be concluded that community service providers more often than not were in agreement about the regularity with which clients completed their sentences. To the statement, "Community Service Program clients assigned to our organization successfully complete their community service with us," 41.7 percent strongly agreed or agreed while only 16.7 percent expressed disagreement. To the statement, "Program clients do all of the community service work that they are assigned to do," 25.0 percent of community service providers expressed agreement and 16.6 percent expressed disagreement.

When a program client did not complete the community service assignment, the community service provider normally would report them to the program case manager and the program would then report to the court. Of those who responded to the questionnaire, 100.0 percent of program staff and 66.7 percent of community service providers agreed that the community service organizations did not hesitate to report clients who failed to complete their community service assignments. Further, 100.0 percent of program staff strongly agreed that they do "inform the court of an offender's compliance with his or her sentence of community service when the offender fails to perform his or her community service."

Interviews with judges suggested that the program staff did contact the court when a client failed to complete the community service sentence. For example, one judge said, "certainly either we or the Probation Department are advised if the person does not comply." Once the situation reached that point, the client could have been sent to jail, as indicated by the judge who said, "I issue a warrant and he is picked up and sent to jail."

When program clients were on probation, only their probation officer had the legal authority to bring them to court with a violation of probation. However, at least one probation officer believed that he had no authority to violate clients for failing to comply with the terms of their community service. He said:

If they violate the community service program, there is nothing that I can do. That is up to the community service people. I just got to monitor that aspect of it and if they are falling behind and so forth, I tell them to straighten it out. But if they don't, there's really nothing that I can do about it. . .

In terms of day to day activity, only the staff of the agency at which a program client was placed were in a position to know how well the client was doing. They seemed generally to be satisfied with the work of the program clients for their organizations. Some went so far as to describe how they believed the program had changed offenders placed with them. As one community service provider said:

As a result of this [program], I have seen a boy turn his whole life around. He didn't know where he was going.

Of course, there have been negative experiences as well. As one community service provider who responded to the questionnaire commented:

Our agency has had only one experience. Attendance was so poor it required entirely too much paid staff time to follow up on the whereabouts of the assigned person. We declined to participate further in the program.

When a program client did complete the community service sentence, a program staff member still had a number of responsibilities. As one staff member said:

We send the paperwork back to the court, of a successful completion, that they have complied with the order of so many hours of community service. Usually, if their evaluation from the agency has something specific to say, we will mention that in the report. It is also sent to the Probation Department, if it is a condition of probation. Many times we follow up with our clients. If there are any specific needs that have been determined during their supervision--it might be schooling, they might be out of work, they might need a job placement--we would refer them to the appropriate agency for help.

To whatever extent this was actually done in all cases, and to whatever extent it was possible, overall it is clear that many people in the community worked

together to see that community service sentences were not just an easy way out for offenders in Suffolk County.

Notes

¹See, for example, U.S. Department of Justice, Bureau of Justice Statistics, Report to the Nation on Crime and Justice - The Data (Washington, D.C., 1983); J. J. Galvin, et al. Instead of Jail: Pre- and Post-Trial Alternatives to Jail Incarceration, Volume 4, Sentencing the Misdemeanant, National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice (Washington, D.C., 1977); H. L. A. Hart. Punishment and Responsibility (Oxford: Clarendon Press, 1968).

²It is not expected that community service sentences will be any better than jail sentences at fulfilling these functions. As an alternative, they should be equal but different.

³Community Service Program of Suffolk County, Annual Report, 1983-84.

⁴This hypothesis could not be tested, since the data on the date of failure are not available.

VI. IMPACT OF THE COMMUNITY SERVICE PROGRAM

Reducing the local jail population and reducing it at a reasonable cost have been two main objectives of the Community Service Program. To achieve these objectives is to prevent certain occurrences from taking place. Therefore, to assess the extent to which the program has achieved these objectives, it is necessary to use estimates based on statistical analysis rather than observed effects. Furthermore, it is important to discuss the impact that the program has had not only on the mechanics of the system, but also on the people involved with the system.

Impact on the Criminal Justice System

Decarcerative Impact

To assess the extent to which the Community Service Program has provided a decarcerative impact, four separate estimates were calculated. (See Table 6.1.) The first estimate is based on the program's recording of judge's sentences and it assumes that all program clients would actually have been sentenced to jail had they not been sentenced to community service. The remaining three estimates are the product of different estimates of sentence length weighted by the probability of incarceration for each program client who successfully completed or was in the process of completing their community service sentence. (See Part Two for details.) The different estimates of sentence length are: judge's sentence, a multiple regression estimate of sentence length based on non-program offenders, and the mean sentence length for non-program offenders.¹

Table 6.1
Estimates of Decarcerative Impact*

TYPE OF ESTIMATE	JAIL DAYS DIVERTED	MINUS GOOD TIME CREDIT	DECARCERATIVE IMPACT IN DAYS
Judges' Sentence	14,366	X 2/3 =	9,577
Judges' Sentence weighted by Probability of Incarceration	6,298	X 2/3 =	4,199
Multiple Regression Estimate weighted by Probability of Incarceration	6,691	X 2/3 =	4,461
Mean Sentence Length weighted by Probability of Incarceration	6,962	X 2/3 =	4,641

*Jail days diverted is based on a total of 246 program clients who successfully completed or were in the process of completing their community service sentence. For each estimate, the number of cases with missing data was multiplied by the average number of jail days diverted and the result was added to the total figure.

Information in Table 6.1 would suggest that the program has had a decarcerative impact. When accounting for good time credit, the estimates of decarcerative impact range from 4,199 jail days diverted to 9,577 jail days diverted. All three of the estimates that incorporated probability of incarceration produced relatively consistent results; the estimate based solely on program data (judges' sentence) showed a much higher (more than double) decarcerative impact. The "judges' sentence" variable is based on data from program records reflecting a proposed sentence length that the offender would have been expected to serve in absence of the program; the other estimates were all based on statistical models derived from court data reflecting jail sentences actually imposed.

Though the program may have produced a decarcerative impact, the jail population in Suffolk County grew from 575 inmates in August, 1981 to 747

inmates in October, 1983. According to some county officials, there exists a "pool" of offenders who should be but who are not incarcerated due solely to the lack of available jail space. These officials would contend that any decarcerative impact (in terms of available jail space) resulting from the program would be nullified by the subsequent incarceration of individuals selected from the "pool" of non-program offenders.

In sum, the program can be credited with having produced a decarcerative impact in that it may have prevented an even greater expansion of the jail population than actually occurred.

The above estimates were based on the first 288 accepted program cases. However, since new programs frequently take some time to establish a routine, it may have been that the earlier cases were systematically different from later cases. To investigate this possibility, the program cases were divided into four six month groups and the mean probability of incarceration of each subgroup was calculated. To serve as a comparison group, the current but not referred cases were also grouped into six month categories.

Table 6.2^a
Changes in the Probability of Incarceration Over Time
Accepted Program Cases Compared to Current, Not Referred Cases

		Oct. 1981 through Apr. 1982	May 1982 through Oct. 1982	Nov. 1982 through Apr. 1983	May 1983 through Oct. 1983
Program Cases Accepted	Mean N	0.38 (41)	0.40 (73)	0.34 (63)	0.46 (68)
Current Cases Jailed	Mean N	0.53 (106)	0.50 (81)	0.43 (81)	0.57 (75)
Current Cases Not Jailed	Mean N	0.24 (245)	0.21 (213)	0.19 (251)	0.18 (213)

^aAll dates refer to date of sentence.

The table shows an apparent rise in the mean probability of incarceration of fourth period accepted program cases in comparison to earlier periods. This change is larger than that evidenced in the non-incarcerated cases and of a similar magnitude to the incarcerated cases. Because this change in mean value could have been accomplished by any number of different types of changes in the underlying distribution, the distributions are presented in Figure 6.1. Figure 6.1 shows that the reason program cases were on the average more likely to be incarcerated was due to a reduction in the percentage of program cases at the low risk levels (0.0 to 0.3). The distribution for the last six months was less erratic than that for the first six months.

As a result, the distribution of cases for the last six month period became more similar to the distribution of incarcerated cases. The most substantial difference that still exists is shown in Figure 6.1 to be at the very high probability levels (0.8 to 1.0). This suggests that as the program has "settled into" its de facto role, it has improved its ability to accept appropriate cases and has increased its decarcerative efficiency. It is unknown whether this process is continuing, nor is it possible to project where it will lead.

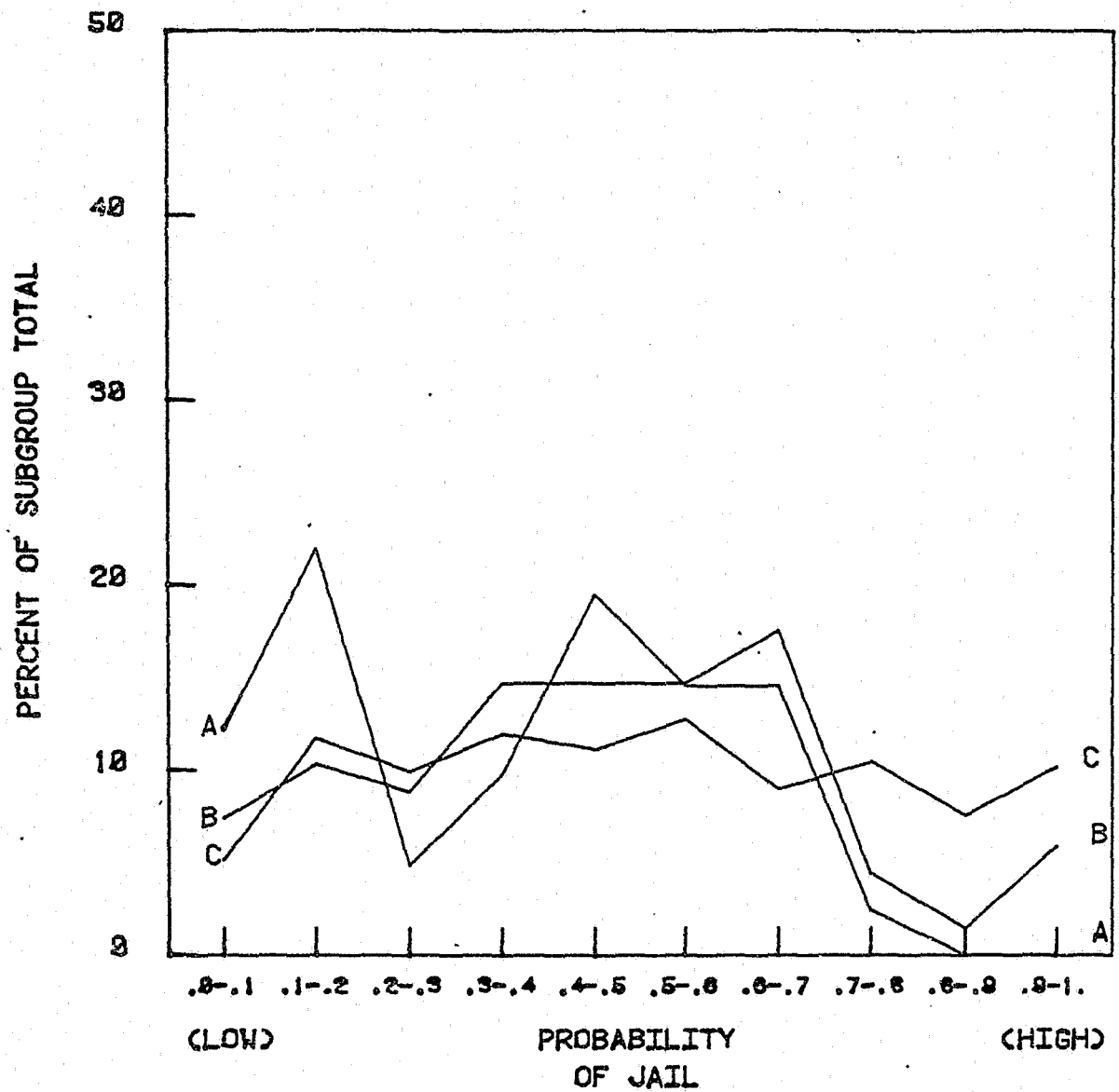
Financial Impact

Proponents of the Community Service Program argue that it is more cost beneficial to sentence an offender to community service than it is to incarcerate an offender for a related period of time. This section compares the costs and benefits of operating the Community Service Program.

Table 6.3 presents the total direct costs of operating the program from its inception on August 1, 1981 to the completion of the evaluation study period on October 31, 1983. Table 6.4 presents the indirect costs associated with operating the program.

FIGURE 6.1

PROBABILITY OF INCARCERATION:
PROGRAM VERSUS INCARCERATED CASES



LEGEND		
A ->	Program Cases: First six months	N= 41
B ->	Program Cases: Last six months	N= 68
C ->	Incarcerated Cases: Current, not referred	N=343
NOTES		
(1) Rejected cases were excluded		

When the program was first introduced, the county supplied surplus office equipment at no cost to the program. Later on, the program purchased its own furnishings. The program has access to a large county telephone system and pays a monthly charge for each phone line. Lastly, the program office is housed in a county building at no cost to the program. Though this does not create any extra expense to the county, the county does lose income it could have obtained through renting the space.

Table 6.3
Direct Cost to State and County to Implement the
Community Service Program - August 1, 1981 to October 31, 1983

DATE	STATE	COUNTY	TOTAL
August 1, 1981 to July 29, 1982	\$ 0	\$ 37,237	\$ 37,237
April 1, 1982 to May 31, 1983	60,000	25,861	85,861
June 1, 1983 to October 31, 1983	33,665	10,722	44,387
TOTAL	\$93,665	\$73,820	\$167,485

Source: Grantee Fiscal Cost Reports sent to New York State Division of Criminal Justice Services by the Suffolk County Criminal Justice Coordinating Council.

There are additional indirect costs that are related to sentencing an offender to perform community service. These costs include: 1) probation supervision resulting solely from a decision to sentence an offender to community service, 2) court costs for processing offenders who are charged with failure to perform their community service and, 3) incarceration costs for those program clients who originally were not likely to be incarcerated, but who were eventually incarcerated for failure to complete their community service.

Table 6.4
Indirect Costs to the County Associated with
Implementing the Program - August 1, 1981 to October 31, 1983

Office Equipment ^a	\$ 2,800
Telephone Service ^b	6,552
Rent ^c	10,740
<hr/>	
TOTAL	\$ 20,092

^aCost of office equipment is based on sales price minus depreciation.

^bCost of telephone service is based on total number of phones per month times an average cost of \$63.00.

^cCost of rent includes electricity, heat, maintenance and janitorial services. Cost based on \$10 per square foot per year.

These indirect costs are difficult to measure and, when measured, can be misleading. For example, it costs Suffolk County an average of \$802 to provide probation supervision for one adult probationer for one year.² It would be incorrect, however, to state that it would cost the county an additional \$802 per year for every program client placed on probation. This is because the \$802 figure is an average. It was derived by dividing the number of offenders on probation at any one time by the total amount of money used by the Probation Department to perform probation supervision for one year. The monies allocated to the Probation Department are fixed. Therefore, an offender sentenced to probation as a result of a community service sentence may not create any meaningful added cost to the county. This postulate holds true up to a "saturation point" where cases above that point would demand the employment of additional personnel and would result in a significant cost to the county.

This same argument can be applied to program clients who require additional court proceedings and for those clients who eventually receive incarceration. The present structures needed to handle these situations exist and unless these situations cause the structures to surpass their respective "saturation point", the added costs to the county would be negligible.

These indirect costs associated with placing offenders on community service should not be considered added costs to the county. There is no reason to believe that program clients have caused either probation supervision, the court system, or the local jail to reach their respective "saturation point."

When dealing with the costs of operating a program, it is equally important to discuss the benefits derived from the program.³ One major benefit resulting from the Suffolk County Community Service Program is that program clients perform work without receiving monetary compensation. Though all work is performed for not-for-profit organizations and may have been work that otherwise would have gone undone, it still is work that was completed for the community. Valuing each hour of work at the minimum wage provides one estimate by which to measure this benefit provided by the program. (See Table 6.5.)

Table 6.5
Estimated Monetary Value of Community Service
Work Performed by Program Clients -
August, 1981 To October, 1983

Number of Hours of Community Service Performed*		New York State Minimum Wage		Estimated Monetary Value
49,595	X	\$ 3.35	=	\$ 166,143

* Number of hours were pro-rated for those program clients whose term of community service extended beyond October 31, 1983. Number of hours for those clients who failed their community service sentence was unknown. For those cases, number of hours was estimated by taking one-half of the hours of community service assigned by the court.

Another major benefit of the program is the money the county saves by not having to incarcerate offenders who otherwise would have been sentenced to jail. It has been estimated that the decarcerative impact provided by the program ranges from 4,119 jail days diverted to 9,577 jail days diverted. (See Table 6.1.) For purposes of cost analysis, the decarcerative impact established by

the third estimate of Table 6.1 (4,461 jail days diverted) will be used. This estimate is closest to the mean of the three estimates producing the most consistent results and it is based on actual sentence length.

Table 6.6 shows that at a cost of \$14.50 to incarcerate one inmate for one day in the county jail (see Table 6.7), the county theoretically saved \$64,685.

In sum, the Community Service Program was very successful in providing a cost beneficial alternative to jail. It cost a total of \$187,577 to operate the program for 27 months and during that time, the program returned an estimated value of \$230,828 back to the community through community service performed and jail costs saved.

The Community Service Program and The Local Criminal Justice Community

The Community Service Program has been operated by the county and the local chapter of the American Red Cross. It evolved from several years of meetings among individuals and groups interested and involved in the criminal justice system of Suffolk County, and began with widespread local support. Of all respondents to the questionnaire used for this analysis (N=90), 78.9 percent agreed or strongly agreed that the program was needed. A high level of local support is likely to be favorable to successful operation of an alternative to incarceration program, especially if it translates into cooperation and confidence.⁴

Opinions of members of the local criminal justice community about the value of the program have changed as the program has emerged from its early "pilot"

Table 6.6
Estimate of Amount of Money that the
Program Saved the County in Terms of Jail Costs

Estimated Decarcerative Impact Provided by Program		Cost to Incarcerate One Inmate for One Day		Savings to the County
4,461 days	X	\$14.50	=	\$64,685

Table 6.7
Cost to Incarcerate One Inmate for
One day in the Suffolk County Jail.^a
(Correctional Facility in Riverhead and Minimum Security Facility in Yaphank)

ITEM		COST		
1) Prisoner Maintenance (Food, clothing, etc.)		1,449,960 ^b		
2) Health Services (Physical and Mental)		1,142,000 ^c		
3) Operation Costs (Heating, maintenance, utilities, etc.)		1,198,606 ^d		
4) Personal Services (Salaries, vacation pay, etc.)		STATIC ^e		
5) Supplies (Policeman supplies, recreational, etc.)		STATIC		
TOTAL		=	\$3,790,566	
TOTAL COST	Average Daily Number of Inmates in 1983 ^f	Days in Year	Cost Per Inmate Per Day	
\$3,790,566	÷ 716	÷ 365	= \$14.50	

^aBased on the year 1983.

^bSource: 1984 Suffolk County Annual Budget.

^cTelephone conversation with Dr. Steibel - Suffolk County Patient Care Service.

^dTelephone conversation with Mr. Donald Fahey - Suffolk County Executive Office.

^eStatic costs are those costs which would remain unaffected by changes in the jail population. This assumes that the changes do not cause the jail population to surpass its "saturation point." Presently, these static costs account for 72.2 percent of the total jail costs. The difference between the \$14.50 a day estimate and the \$71 a day estimate referred to by county and program officials is the inclusion of static costs.

^fDerived from information provided by Mrs. Anne Bernagozzi of the Suffolk County Sheriff's Department.

stage. At first the program was met with some skepticism. This skepticism is obvious in the words of a defense attorney who has practiced in Suffolk County for more than ten years. He said:

Most defense attorneys I deal with consider "community service" as a gimmick to avoid jail only. The idea of benefitting the community is the farthest thing from most attorneys' minds. They are merely concerned with obtaining a better result for their clients than is recommended by the probation report or was previously bargained for. The idea of benefitting the community or regaining self-esteem and dignity never plays any part in the defendant's motivation in my experience.

But many members of the local criminal justice community began to think differently as a result of their experience with the program. For example, a District Court judge said:

I was skeptical at first. I have seen other programs. . . where people were volunteering, helping in churches and all; and it became a disaster. I thought I was going to end, basically, up with another [such] program. Then, my eyes opened up when I got a letter from [the] Community Service [Program Office] stating that a particular defendant that I had sentenced to their care would prefer to be in jail; the program was too vigorous for him. The program went up [in my eyes] about 250 percent. I was immensely impressed with it.

Comments by interviewed respondents about the program were overwhelmingly positive; whatever criticism there was tended to be limited to suggestions for improvement. Comments included:

I think it's a good program. I think it's well-intentioned. I think it needs to be tightened up a little bit. I think the [program] people need to realize that they are dealing with offenders. . . . These are serious offenses, especially if you're the victim. . . . I think that it [the program] needs to be structured better; they need to be stricter. (Probation Officer)

I think it [the program] is excellent. (District Court Judge)

One of the reasons I like sentencing to community service, I realize for many of these people [clients], it is the first time that they've had contact [with the criminal justice system] and they've gotten kindness from people that they've

seen or worked with. And they've gotten some guidance and support from them as well. (County Court Judge)

I think it is a needed program. I think there are some situations that call for it. (Judge who has served in various courts.)

I think it [the program] is good and it's necessary, and responds to needs that have to be confronted and addressed. (Defense Attorney)

I think it [the program] is a great idea. I like the concept of putting people into the community that they live in, to give them some idea of what else is going on aside from their usually very narrow lifestyles. (District Court Judge)

I think it [the program] is excellent. (Defense Attorney)

[The program is] worthwhile. (Administrative Assistant District Attorney)

Generally the relationship that the program has had with the local criminal justice community could be characterized as good. Of all respondents to the questionnaire, 35.6 percent agreed or strongly agreed with the statement "The program has an excellent relationship with the local criminal justice community"; only 20.0 percent of all respondents disagreed or strongly disagreed with this statement.

The positive attitudes toward the program may be a function of a community perception that program staff have been willing to cooperate with the local criminal justice system. Asked about the extent to which the program had cooperated or worked with them, judges generally gave positive responses such as:

Totally. They are very efficient. They have their system set up very well.

Totally responsible. [When] I get on the phone and call them with a question, I get the answer.

. . . They were always available if I needed them. . . .

The relationship between the program staff and probation officers is an area where the potential for strained relations is greatest. The program functionally fulfills many components of the probation role: investigation of offenders, sentence recommendation, placement and supervision of offenders. Yet it appears that even on this level there is only minimal if any tension. Questionnaire respondents generally responded positively to statements about this relationship. Among program staff, 85.7 percent strongly agreed that "I have always had a good relationship with the Probation Department in terms of [both] getting information necessary to screen offenders and supervising clients." Of supervising probation officers, 64.3 percent agreed that "the program staff have always had a good relationship with the Probation Department in terms of supervising clients." Of investigating probation officers, 83.3 percent agreed the "the program staff has always had a good relationship with the Probation Department in terms of getting information about potential program clients." As one probation officer said, "From my own experience, the (program) staff have always been cooperative with me, and have supplied me with any requested information promptly and courteously."

It appears that overall the members of the criminal justice community of Suffolk County have had confidence in the Community Service Program and the people who operate it. Perhaps it is a result of how the program officials have worked to integrate the program into the local criminal justice system. And perhaps it is the people, mostly unpaid, who staff the program. As a program official said, "People make the program work."

Notes

¹Judge's sentence was based on program cases (N=246). The multiple regression estimates (N=468) and mean estimates (N=590) were based on historical and current not referred cases.

²Telephone conversation with Mr. James Golbin of the Suffolk County Probation Department on May 23, 1984. Source: 1984 Suffolk County Annual Budget.

³M.S. Thompson, Benefit - Cost Analysis for Program Evaluation, (Sage Publications, Beverly Hills, Ca.) 1980, p. 48.

⁴Compare, H. Brownstein, S. Jacobs, K. Jamieson, V. Manti, and K. Resnick, An Evaluation of Client Specific Planning: An Alternative to Incarceration, Albany, NY: Division of Criminal Justice Services, 1984, pp. 67-73.

VII. CONCLUSION

The Community Service Program of Suffolk County was formed in 1981 through the cooperative efforts of County, Red Cross, and local criminal justice officials, and citizens concerned with the problem of jail overcrowding in Suffolk County. The program was designed to promote the use of community service sentences for offenders who would otherwise have been sentenced to jail so as to help alleviate the overcrowding of the local jail.

The success or failure of the program can be measured on several different levels. A successful program would have: 1) accomplished its objectives, 2) done so in a cost effective manner, and 3) done so in such a way as to have gained the support of the local community whose cooperation was needed in order for the program to operate at all.

In terms of meeting its goals and objectives, the Community Service Program failed in an absolute sense, but was very successful in relative terms. It failed in that it did not reduce the local jail population. (The jail population increased 37.1 percent during the first 27 months of the program.) It succeeded in that it contributed to the prevention of even a greater expansion of the jail population than actually occurred. That is, the program was responsible for diverting offenders from an estimated 4,461 jail days or, from another perspective, it had an average decarcerative impact of five and one-half jail beds per day.

Related to the goal of reducing the local jail population were the objectives of receiving court referrals and accepting offenders for the program who would otherwise have been sentenced to jail. The program was relatively successful in achieving these objectives. According to the statistical model generated to estimate the likelihood of incarceration, program clients were more like other offenders incarcerated than they were like others not incarcerated. Further, the data reported in this evaluation indicate that over time the

program had increasingly reduced its rate of acceptance of those offenders least likely to have gone to jail in the absence of the program.

Another problem related to the selection of offenders was an inability to serve all of the community equitably. Whatever the intentions of county, court, and program officials (and evaluators have reason to believe that they did intend to serve all members of the community), minorities were under-represented both among offenders referred to the program and among offenders accepted by the program. Of all cases referred to the program during the study period, 86.0 percent were white; similarly 85.9 percent of offenders accepted into the program during this period were white. For a comparable sample of offenders sentenced in Suffolk County during this same period but not referred to the program, only 75.7 percent were white. Though not a dramatically large difference, the difference is statistically significant and remains evident even when controlling for conviction class, pre-trial detention, employment or school status, sex, and level of court.

The selection of offenders for community service sentences occurs at two levels. First the offender must be referred by the court to the program, then the program must determine the eligibility of the referred offender for acceptance into the program. That is, the program is dependent upon the court to refer a pool of jail-bound offenders from whom the program must select those suitable for community service. Given that many offenders referred to the program were statistically estimated to have been likely to be sentenced to terms other than jail, the program itself had little choice but to accept some offenders who probably would have received non-incarcerative sentences even in the absence of the program. The same may be said about the disproportionately low number of offenders from minority groups included among program clients.

Independent of any limitations in its ability to meet its selection related objectives, the program was very successful in meeting its procedural or operational objectives. During the period of the study, it did handle 350 court referrals and did place 288 of these actually sentenced to community service.

Of those placed by the end of the study period, 201 had successfully completed the community service to which they were sentenced, 45 cases were still in progress, and only 42 program clients had failed to serve their full sentence. Further, by June, 1984 there were 230 social service agencies in Suffolk County willing to accept placement of Community Service clients.

In terms of cost effectiveness, it appears that the Community Service Program has been very successful. For the period of this study, it was estimated that the cost to the County and the State of operating the program was \$187,577. For the same period, the program returned to the community an estimated value of \$230,828 through community service performed and jail costs saved.

The area in which the Community Service Program has probably had its greatest success is the area of community support. Despite the fact that the program seeks to bring about change in an established system, other participants in that system have been surprisingly supportive of the program. From the 35 individuals interviewed and the 100 who responded to the questionnaire, comments about the program were overwhelmingly positive. Whatever criticism there was tended to be limited to suggestions for improvement. Overall, members of the local criminal justice community appear to have become confident in the program and in the people who operate it. Even respondents who indicated opposition to the use of community service as an alternative to incarceration had positive comments to make about the program.

The positive attitudes about the program are probably a function of a community perception that program staff have been willing to cooperate with the local criminal justice community. Widespread support for the program was generated over the several years preceding the introduction of the program through meetings among individuals and groups interested in and involved in the criminal justice system of Suffolk County.

Overall, the Community Service Program of Suffolk County has been successful. In the relatively short time that it has been in existence, it has clearly had an impact on the processing of criminal cases in Suffolk County. Many offenders have been sentenced to the program. The program is well known and, to a large extent, respected among members of the criminal justice community. Most offenders sentenced to the program have succeeded in completing their sentences of community service.

Recommendations

In order for the Suffolk County Community Service Program to better achieve its goal of producing a decarcerative impact, program officials must consider three things: 1) the extent to which offenders selected for the program have a substantial risk of incarceration, 2) the absolute volume of cases accepted by the program, and 3) the proportion of offenders accepted who are likely to otherwise have served lengthy jail terms. In terms of the program as a whole, they should explicitly incorporate all three as structurally interrelated objectives of the program.

Program officials do not actually select cases, they only accept or reject referrals. Therefore, the above stated objectives cannot be accomplished directly by the program. To accomplish them, program officials need to encourage those individuals responsible for referrals to use the program more frequently and to use it in a way that is consistent with the goal and with the objectives of the program. In particular, efforts should be made to encourage referrals from the upper courts specifically, since it was these courts that handled offenders with the higher average probability of incarceration.

Program officials have, in fact, regularly met with local criminal justice and county officials to discuss the program and to cooperatively work toward its evolution as an alternative to jail. In this report, it has been concluded that they maintain a good relationship with the criminal justice community. While they use this relationship to indirectly advocate for the program, they

consciously avoid taking an advocacy role on the level of individual client referrals. This is good in that it allows the program officials to encourage the use of the program as suggested above, yet does not put them in a position of appearing to attempt to usurp the authority of the judges.

Advocacy for the program through regular meetings with members of the local criminal justice community has already proven successful for program officials and should continue to do so. One program official recently reported to evaluators that since the end of the study period, this approach has been used with some success to increase the number of offenders from minority groups referred to the program.

In what was called its "pre-pilot" stage, the Suffolk County Community Service Program demonstrated the viability of placing criminal offenders in community service positions. Then, in the earliest days of program operation, program officials showed that the program can be used with some measure of success to provide an alternative for offenders who otherwise might have been sentenced to jail. This report described how members of the local criminal justice community are now often willing to accept a community service sentence as an alternative to a jail sentence for selected offenders. To assess continued progress towards the program goal, program officials need to regularly monitor the progress of the program relative to its objectives. The program does maintain records on its clients, but not on other offenders; those are maintained by the Probation Department. Consequently, a cooperative monitoring effort would be required to be able to compare characteristics of offenders served by the program to those of others. Program records should be maintained in such a manner that they can easily be linked to specific pre-sentence reports. (This would also facilitate future evaluations.) If resources were available, statistical models could be generated on a regular (e.g., annual) basis to assess the relative success of the program to serve offenders otherwise likely to have been incarcerated. At the very least, a comparative analysis on an aggregate level of program and non-program cases (comparing in terms of

variables such as those used in the model developed for this evaluation) should be conducted periodically.

In conclusion, it is clear that the Community Service Program is evolving into an integral component of the Suffolk County criminal justice system. It is also clear that program officials are anxious to work with the community to assure that however the program evolves, it will be viable. Other counties interested in establishing alternative to jail programs should look to the experience of the Suffolk County program; they will learn how the program achieved its relative success by working with county and criminal justice officials to develop a program that can truly serve the needs of the community.

PART TWO: METHODS

VIII. INTERVIEW DATA: COLLECTION AND VALIDITY

Qualitative methods of data collection and analysis are most appropriate when an evaluation is focused on understanding program processes, context, and outcomes.¹ An established qualitative method is intensive interviewing.² Intensive interviewing is less structured than the standard form of interviewing generally associated with social surveys, but more structured than informal conversational interviewing; the interviewer uses an interview guide of topics to be covered or a standardized interview schedule of specific open-ended questions in a specific order.³

Intensive interviewing was used to collect subjective interpretations concerning the operation and outcomes of the Suffolk County Community Service Program. Interviews were conducted in Suffolk County with individuals whose positions in the local community suggested that they would be knowledgeable of the development or operation of the program. Respondents included county officials (including the head of the Criminal Justice Coordinating Council and the Sheriff), the Executive Director of the local chapter of the American Red Cross, County and District Court judges, program staff (including the Director and the Associate Director), members of the staff of the District Attorney's Office, defense attorneys, offenders referred to the program, probation officers, and local community service providers. At least two and as many as ten people from each major subgroup were interviewed.

From November, 1983 to March, 1984, 35 people were interviewed. Interviews ranged from 20 minutes to more than two hours, with an average time of approximately 40 minutes. Respondents were asked about their knowledge of and experience with the Community Service Program and about their impressions and opinions of it. Questions were raised with regard to program goals and objectives, implementation and operation of the program, and the relationship of the program and its participants to the local community.

Intensive interview data are collected in the form of subjective meanings that participants in a social setting attribute to their interactions with others in that same setting. Consequently, interpretations of such data are frequently criticized as lacking validity.⁴ Validity refers to "the extent to which an instrument and the rules for its use in fact measure what they purport to measure."⁵ It has been suggested that a standard for the measurement of validity in qualitative research is implicit in terms of what Weber⁶ called "adequacy with respect to meaning."⁷ Then social scientists using intensive interviewing or other qualitative methods can and should ground their constructs as observers in those of the participants in the setting being observed.⁸

The validity of the interpretations of the interview data collected for the evaluation of the Suffolk County Community Service Program was assessed by using a modification of the Delphi technique.⁹ The Delphi technique was originally developed as "a systematic procedure for soliciting and organizing 'expert' forecasts about the future through the use of anonymous, iterative responses to a series of questionnaires, and controlled feedback of group opinions . . . (to) converge on a consensus forecast (of future outcomes)."¹⁰ The modification was conceived by the Office of Policy Analysis, Research and Statistical Services for its evaluation of another alternative sentencing project, Client Specific Planning in Onondaga County, New York.¹¹ In contrast to the Delphi technique, the procedure for assessing the validity of the interpretations of the interview data sought consensus with regard to the meanings of the social action involved in the development, implementation, and operation of the Community Service Program.

A feedback mechanism was used to assess the validity of the evaluators' interpretation of the interview data collected about the program. Feedback was sought from individuals who were at least theoretically likely to have participated in the realization of the program, whether or not they were interviewed. (If the evaluators' interpretation was valid, anyone who participated in the realization of the program should have been able to agree in some measure to its validity.) Generally, the technique for assessing validity involved: 1) the construction of the evaluators' social scientific interpretation of the responses of the interviewees, 2) review of that interpretation in written form by individuals who

participated in the realization of the program, 3) judgments by those individuals regarding the extent to which the evaluators' interpretation is consistent with their own common sense interpretations of the same thing, and 4) appropriate revision of the evaluators' interpretation so that it is "subjectively adequate" and hence more valid than it would have been if this technique were not utilized.

For each subgroup of respondents interviewed, a separate interpretation was constructed. The interpretations were written as sets of statements in logical order, each independently representing some aspect of what the evaluators believed were the participants' understandings of the program processes, context, and outcomes. If the evaluators' interpretation of the program process, context, and outcomes was subjectively adequate, then any individual participating in the realization of the program should have been able to recognize some degree of "truth" in the evaluators' construction.¹² Therefore, individuals asked to review the construction included persons who were originally interviewed and others who were not. (This had the added benefit of providing evaluators with information from a greater number of participants.) In addition, narrative reports of the evaluators' interpretation of the history and operation of the program were submitted to program officials for their review and response.

Nine different types of questionnaires were developed to obtain feedback from respondents. Each type was specifically tailored to one subgroup of respondents. The respondents within each group to whom the questionnaires were mailed was determined by considering the characteristics and the requests (of officials) of each subgroup. Questionnaires were mailed to all those respondents in subgroups where the total population was known and was relatively low in number (e.g., program staff, total N=8). Systematic samples (selecting every nth case) were generated for subgroups where the total population was relatively large and perhaps even ill-defined (e.g., Defense Attorneys, total N=242).¹³ For the subgroup of program clients, it was possible to produce a random sample because the total population was known and the population was of adequate size (N=350).¹⁴ For two subgroups, prosecutors and probation officers, officials requested that all of their respective questionnaires be sent to one individual in their subgroup who

would review the questionnaire and distribute it to the appropriate people. (This latter method actually produced a higher rate of return.)

Table 8.1 provides a list of the number of questionnaires that were mailed and the return rate of those questionnaires by subgroup.

TABLE 8.1
Questionnaire Mailing and Return Rate by Subgroup

Subgroup	Number of Questionnaires Mailed	Number of Questionnaires Returned	Percentage of Questionnaires Returned
Program Staff	8	7	88%
Judges	44	11	25%
Defense Attorneys	30	11	37%
Prosecutors	30	22	73%
Community Service Providers	30	12	40%
Supervising Probation Officers	20	14	70%
Investigating Probation Officers	20	12	60%
Program Clients	50	10	20%
Sheriff	1	1	100%
TOTAL	233	100	43%

Responses to the interpretive statements of the questionnaires were collected using a Likert-type format. Likert scales are normally used to measure the attitudes of individuals by having them review a set of interrelated statements and placing "themselves on an attitude continuum for each statement."¹⁵ The continuum ranges from strong agreement through uncertainty to strong disagreement and responses are usually weighted from one to five.

Table 8.2 lists all of the statements contained in the nine questionnaires. These statements did not necessarily reflect the opinions of the evaluators who constructed them. The statements were created to confirm certain interpretations and to clarify others. In general, it provided the evaluators with a broad base with which to further ensure their interpretations of how the respondents viewed the program. Table 8.2 provides the mean scale score for each subgroup¹⁶ on every statement presented to that subgroup.

TABLE 8.2
The Mean Score of Each Subgroup
by Questionnaire Statement

STATEMENTS	Program Staff N=7 and Officials	Judges N=11	Defense Attorneys N=11	Asst. District Attorneys N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob. Officers N=12	Clients N=10
1) The Suffolk County Community Service Program is needed in Suffolk County.	1.0	1.7	1.7	2.4	1.2	2.4	1.7	
2) The goal of the program is to reduce jail overcrowding by providing an alternative to incarceration.	1.0	2.4	1.7	2.7	1.9	2.4	2.8	
3) A sentence of community service is greater punishment than probation.	1.0	2.8	2.7	3.4	2.3	3.4	3.1	
4) A sentence of community service is less punishment than going to jail.	4.5	2.0	1.5	1.8	2.1	1.7	1.7	
5) A sentence of community service is a way to rehabilitate the offender.	1.8	2.5	2.0	3.1	1.8	2.8	2.0	
6) A sentence of community service is a way to make the offender pay back the community.	1.0	2.6	2.2	2.4	1.9	2.3	1.8	
*7) A sentence of community service is a threat to public safety.	5.0	4.3	4.3	3.3	4.2	4.0	3.8	
*8) A sentence of community service is an easy way out for an offender.	5.0	3.6	3.8	2.9	4.1	2.9	3.9	
9) A sentence of community service is a reasonable alternative to incarceration.	1.1	2.3	1.9	2.9	1.8	2.8	2.3	
10) A sentence of community service is a way for an offender to gain self-esteem.	1.4	2.4	2.5	3.3	2.2	2.3	2.8	
11) Offenders sentenced to the program would otherwise have been sentenced to jail.	1.6	2.6	2.7	2.9	2.3	2.8	2.5	
*12) Offenders with private attorneys more readily receive sentences of community service than do similar offenders without private attorneys.	3.6	3.6	2.9	2.5	2.4	2.0	2.7	
13) Community service is most appropriate for the young offender.	1.0	1.9	1.4	2.2	1.4	1.9	2.3	

STATEMENTS

	Program Staff N=7 and Officials	Judges N=11	Defense Attorneys N=11	Asst. District Attorneys N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob. Officers N=12	Clients N=10
14) Community service is most appropriate for the non-violent offender.	1.0	1.6	1.9	2.0	1.5	1.7	1.7	
15) Community service is most appropriate for the first-time offender.	1.4	1.8	1.7	2.1	1.5	2.1	2.3	
*16) Among those offenders referred to the program, members of minority groups are under-represented.	3.4	3.0	3.0	3.2	2.2	2.8	3.1	
17) The program has an excellent relationship with the local criminal justice community.	1.1	2.6	2.4	3.7	2.7	3.1	2.8	
18) For the program to be a true alternative to incarceration, offenders must be sentenced to jail before they can even be screened for program consideration.	2.1							
19) There are more offenders in Suffolk County who could benefit from the program than are currently being served by it.	1.1	2.8	1.8					
20) The program could increase the number of its clients by actively seeking clients in the courtroom.	1.6							
21) Community Service Organizations do not hesitate to report clients to the program for failure to perform this community service.	1.3							
22) Probation officers cannot directly recommend a sentence of community service through the program.	1.7						2.1	
23) Probation officers who supervise program clients are in regular contact with (program staff).	1.3							
24) Responsibility for offenders performing their community service rests more with (program staff) than it does with supervising probation officers.	1.0					1.6		

STATEMENTS

	Program Staff N=7	Judges N=11	Defense Attorneys N=11	Asst. District Attorney N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob. Officers N=12	Clients N=10
25) (Program staff) more tightly supervise offenders sentenced to community service than do supervising probation officers.	1.0							
26) (Program staff) inform the court of an offender's compliance with his or her sentence of community service when the offender is first placed.	1.0							
27) (Program staff) inform the court of an offender's compliance with his or her sentence of community service when the offender completes one-half of his assigned hours.	1.6							
28) (Program staff) inform the court of an offender's compliance with his or her sentence of community service when the offender fails to perform his community service.	1.0							
29) (Program staff) inform the court of an offender's compliance with his or her sentence of community service when the offender successfully completes his community service.	1.0							
30) (Program staff) do not directly inform the court of a client's compliance with his or her sentence; rather (program staff) inform the court through the Probation Department.	1.3					3.3		
31) (Program staff) have always had a good relationship with the Probation Department in terms of getting information necessary to screen offenders.	1.0						2.1	
32) (Program staff) have always had a good relationship with the Probation Department in terms of supervising clients.	1.0					2.5		
33) The program has a good relationship with the local criminal justice community.	1.1	2.7				2.8	2.6	
*34) Program staff should actively seek clients in the courtroom.		4.3						

STATEMENTS

	Program Staff N=7 and Officials	Judges N=11	Defense Attorneys N=11	Asst. District Attorneys N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob Officers N=12	Clients N=10
*35) For the program to be a true alternative to incarceration, it must only consider offenders already sentenced to jail.		3.3						
*36) In some cases, offenders are sentenced to jail solely to make them eligible for the Community Service Program.		4.1		3.2				
37) The credibility of the program is enhanced by the fact that program staff report client progress to the courts.		2.3						
38) Once a sentence of community service is imposed, I (a judge) feel confident that the staff of the program will make sure that the sentence is carried out.		2.4						
39) As a judge in Suffolk County, I am unfamiliar with the detailed operations of the Community Service Program.		3.7						
40) The Community Service Program provides the court with a sentencing option previously under-utilized.		2.0	1.8	2.4				
41) As a defense attorney, I recommend the program whenever I am convinced that my client will be sentenced to jail.			2.3					
*42) As a defense attorney, I only recommend the program when I believe the court will accept Community Service as a sentence.			3.6					
43) As a defense attorney, I only recommend the program when I am certain that my client would otherwise go to jail.			2.8					
*44) As a prosecutor, I am extremely knowledgeable about all aspects of the Community Service Program.				3.6				
45) Community Service placement needs to be more directly linked to the offender's present offense.				2.4		2.4	2.2	

STATEMENTS

	Program Staff N=7 and Officials	Judges N=11	Defense Attorneys N=11	Asst. District Attorneys N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob. Officers N=12	Clients N=10
*46) The public views community service as just another way for an offender to avoid incarceration.				2.3				
47) Community Service Program clients assigned to our organization (a community service provider) successfully complete their community service with us.					2.7			
48) Program clients do all of the community service work that they are assigned to do.					2.8			
49) My organization (a community service provider) closely supervises the work of program clients that are assigned to us.					1.5			
50) My organization (a community service provider) does not hesitate to report clients to the program for failure to perform their community service.					1.3			
51) Program staff conduct frequent on-site visits to monitor program clients.					2.6			
52) Probation officers do not conduct frequent on-site visits to monitor program clients.					2.6			
*53) Program clients do work that non-paid volunteers ordinarily would not be asked to do.					4.0			
54) The program has a good relationship with the local community.					2.4			
55) When supervising a program client (a probation officer) conducts frequent on-site visits to monitor the offender's compliance with his or her condition of community service.						4.1		
56) Program clients who are sentenced to probation are assigned to the ISP (Intensive Supervision Program) unit.						3.9		
57) As a supervising Probation Officer, I am in regular contact with program staff.						3.0		

STATEMENTS

	Program Staff N=7 and Officials	Judges N=11	Defense Attorneys N=11	Asst. District Attorneys N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob. Officers N=12	Clients N=10
58) The only way in which an offender can be sentenced to community service is if the investigating probation officer recommends jail.							2.1	
59) As an investigating probation officer, if I feel that community service is the most appropriate sentence in a given case, I will recommend incarceration in order to make the offender eligible for the program.							3.3	
60) As an investigating probation officer, I am formally notified prior to sentencing that the judge is considering a sentence of community service for an offender.							2.3	
61) Before I (a program client) was sentenced, the Suffolk County Community Service Program was clearly explained to me.								2.0
62) If not for the program, I (a program client) would have gone to jail.								1.6
63) A purpose of the program was to help me (a program client).								2.1
64) A purpose of the program was to rehabilitate me (a program client).								3.3
65) A purpose of the program was to keep me (a program client) out of jail.								1.6
66) A purpose of the program was to punish me (a program client).								3.3
67) Doing community service was better than going to jail.								1.2
68) The program staff were very helpful to me (a program client) during my sentence.								2.2
69) Doing community service gave me (a program client) a chance to pay back the community for my offense.								1.6

STATEMENTS

	Program Staff and Officials N=7	Judges N=11	Defense Attorneys N=11	Asst. District Attorneys N=22	Comm. Service Providers N=12	Supervising Prob. Officers N=14	Investigating Prob. Officers N=12	Clients N=10
70) Doing community service helped me (a program client) to feel good about myself.								1.8
71) My community service sentence was not easy for me (a program client) to complete.								2.8
72) During the time of my community service sentence, I (a program client) was closely supervised by people who I had to work for.								2.8
73) During the time of my community service, I (a program client) was closely supervised by staff of the Community Service Program.								3.6
74) Community service was a fair sentence for my offense (a program client).								1.8

Notes: o 1=strongly agree; 5 strongly disagree

* These items were inverted as a control mechanism, so a higher number reflects a positive response.

Using the Likert-type format, interpretive statements prepared by the evaluators each¹⁷ were rated by respondents in terms of their level of agreement or disagreement with the statement. This allowed the evaluators to assess the level of consensus between their own interpretations and those of the respondents as a group, as subgroups, and as individuals. Responses were weighted from one (strongly agree) to five (strongly disagree) so that group, subgroup, and individual scores could be assessed for each statement.

Notes

¹See, for example, M. Q. Patton. Utilization - Focused Evaluation (Beverly Hills: Sage Publications, 1978); I. Deutscher. "Toward Avoiding the Goal Trap in Evaluation Research," Readings in Evaluation Research, ed. F. G. Caro (New York: Russell Sage Foundation, 1977).

²M. Q. Patton. Qualitative Evaluation Methods (Beverly Hills: Sage Publications, 1980); J. T. Murphy. Getting the Facts (Santa Monica: Goodyear Publishing Co., Inc., 1980); C. H. Weiss. "Interviewing in Evaluation Research," Handbook of Evaluation Research, Volume I, ed. E. L. Struening and M. Guttentag (Beverly Hills: Sage Publications, 1975), pp. 355-95; R. Bogdan and S. J. Taylor. Qualitative Research Methods (New York: John Wiley and Sons, 1975); R. L. Gordon. Interviewing (Beverly Hills: Sage Publications, 1975); L. Schatzman and A. Strauss. Field Research (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1973); C. F. Cannell and R. L. Kahn. "Interviewing," The Handbook of Social Psychology, ed. G. Lindzey and E. Aronson (Reading, MA: Addison-Wesley, 1968), pp. 526-95.

³Patton, op. cit., note 2.

⁴Compare, P. Adler and P. A. Adler. "Symbolic Interactionism," Introduction to the Sociologies of Everyday Life, ed. J. D. Douglas, et al. (Boston: Allyn and Bacon, Inc., 1980), pp. 20-66; M. Spector and R. R. Faulkner. "Thoughts on Five New Journals and Some Old Ones," Contemporary Sociology, July (1980), pp. 477-82.

⁵Cannell and Kahn, op. cit., note 2, p. 532.

⁶M. Weber. The Theory of Social and Economic Organization, Tr. A. M. Henderson and T. Parsons (New York: The Free Press, 1947).

⁷See, for example, H. H. Brownstein. "The Adequacy of Intensive Interview Data: Preliminary Suggestions for the Measurement of Validity," Humanity and Society, August (1983), pp. 301-20; Bogdan and Taylor, op. cit., note 2; Schatzman and Strauss, op. cit., note 2.

⁸Compare, A. Schutz. Collected Papers - II Studies in Social Theory (The Hague: Martinus Nijhoff, 1964); A. Schutz. Collected Papers - I The Problems of Social Reality (The Hague: Martinus Nijhoff, 1962).

⁹For an explanation of the Delphi technique, see K. N. Wright. "A Delphi assessment of the Effects of a Declining Economy on Crime and Criminal Justice," Federal Probation, July (1982), pp. 36-40; also, W. G. Sullivan and W. W. Claycombe Fundamentals of Forecasting (Reston, VA: Reston Publishing Co., Inc., 1977).

¹⁰Sullivan and Claycombe, op. cit., note 9, p. 140.

¹¹H. H. Brownstein and V. D. Manti. "Criminal Justice Research: Qualitative Approaches," (Paper presented at the meeting of the Association for Humanist Sociology, Washington, D.C., October, 1982).

¹²Compare, Schutz, op. cit., note 8, 1962, p. 44.

13The systematic sampling of defense attorneys, community service providers, and judges were generated from lists provided by the Suffolk County Criminal Bar Association, the United Way of Long Island, and the New York State Division of Criminal Justice Services respectively.

14To increase the likelihood of having questionnaires completed and returned by clients, all such questionnaires were mailed from and returned to the Program Office. In turn, program staff mailed the client responses to the evaluators.

15A. N. Oppenheim. Questionnaires Design and Attitude Measurement (New York: Basic Books, Inc. 1966).

16The subgroup representing the sheriff consisted of only one respondent. Due to the confidentiality of the questionnaire, the response from the subgroup will not be presented in this table.

17Different from Likert-type attitude scales, the response format used for this evaluation need not be concerned with unidimensionality (assuring that all statements measure the same thing). In this case, each statement is designed to stand alone.

IX. QUANTITATIVE METHODS: RESEARCH DESIGN AND ANALYTIC TECHNIQUES

Introduction

The meaning of the quantitative results presented in this report is dependent upon how the data were collected and analyzed. Methods were selected to maximize the validity and reliability of the results for the quantitative evaluation objectives. These objectives were:

- 1) Compare and contrast the legal and extralegal characteristics of program participants to non-participants.
- 2) Describe how clients were referred to the program. Describe the jail days "imposed" and the hours of community service work clients were assigned.
- 3) Describe the performance of the client at the placement and the amount of supervision by program staff.
- 4) Estimate the probability of incarceration of program cases. Compare and contrast the probability of incarceration of program participants to other subgroups.
- 5) Estimate the decarcerative impact of the program. Estimate the amount of restitution to the community. Compare the relative costs and benefits of the program to the costs of incarceration.
- 6) Compare the recidivism rates of program cases to other subgroups.

The specific topics discussed in this chapter are: sampling design; data collection; research design; and analytic techniques. The data collection for the probation pre-sentence investigation report (PSR) variables was different from that used for the program variables and so these procedures are presented separately.

Sampling Design

Program Cases and Variables

Population. The population of program cases consisted of all cases which had been referred to the program office.

Sampling Frame. The program office maintained an intake ledger of all cases referred to the program. This was used as the sampling frame and probably contained all the cases in the population.

Sampling Method, Size and Completion Rate. A 100 percent sample of all cases referred to the program between October 1, 1981 and October 31, 1983 was selected (N=350). All case folders were located.

Variable Selection. Research staff reviewed case folders to ascertain what data were available. Data on program functioning and on client characteristics that were not available from the pre-sentence reports were sought. Case folders typically contained many documents, but all data of interest were on five forms. Most important of these was the form used to screen referrals.¹ The other forms referred to: work performance²; needs assessment and referral³; and a supervision log. The supervision log was inadequately maintained, so data from client time cards was also collected.

Data Collection: Variables. The coder was given a coding form and a coding guide. Research staff field tested the form and the guide and trained the coder in their use. The coder began on January 5, 1984 and completed her work on January 27, 1984.

Probation Cases and Variables

Population. The population consisted of all cases in Suffolk County, New York that met the statutory criteria for program participation. These criteria

were specified in New York Penal Law Section 65.10 (2)(h) which authorized a sentence to community service as a condition of probation or as part of a conditional discharge for persons convicted of a violation, misdemeanor, class D or E felony, or any such conviction which had been replaced by a Youthful Offender finding.⁴

Sampling Frame. A list of program eligible cases⁵ did not exist. However, the Suffolk County Probation Department maintained an intake ledger of all requests for background investigations. Background investigations were usually conducted to prepare pre-sentence investigation reports. Some of these were for convictions too serious for community services sentences. Some background investigations were for other reasons: pre-pleas, family court requests, adoption, child custody, and home study requests.

The ledger book contained, among other things, probation case number, date of referral, and defendant's name. The probation case number is a unique number assigned to each person referred to the Probation Department for investigation. If a subject re-entered the probation system; he retained his original number. The left page was usually reserved for these repeat cases and new cases were recorded on the right page. Because of this, the ledger contained some blank left pages within the sampling frame. Ledger entries were generally entered by date of referral. Some pages had been cut out, but no cases appeared to be missing. A ledger book coding guide was provided to maintain consistency.

Sampling Method. The datafile was to be composed of persons sentenced between October 1, 1980 and October 31, 1983. Too many program eligible cases were expected for a 100% sample to be feasible. A sample of cases was selected from the ledger by selecting a random sample of ledger pages.

Most of the entries for the period of interest (October 1, 1980 through October 31, 1983) were in one ledger book. However, two weeks worth of cases were in an earlier ledger, and twenty six weeks were in a later ledger. Since each week typically occupied 4.3 pages, it was necessary to include the last

nine pages of the earlier ledger ($4.3 \times 2 = 9$) and the first 112 pages of the later ledger ($4.3 \times 26 = 112$). The main ledger book, with 496 pages, was used as a base. Using the middle ledger as a base, the page boundaries were -9 through 608.

The goal was to collect 2,000 program eligible cases. It was expected that some of the sample cases would be missing, unavailable, or not actually program eligible, so it was decided to oversample by selecting 2,500 cases.

On the average there were twenty potentially eligible cases⁶ per page, so 125 pages were sampled ($125 = 2,500 \div 20$). As noted earlier, the range of pages to be sampled ranged from -9 through 608. Since the random number table⁷ did not include negative numbers, the range was changed to 1 through 617. After the list of random numbers had been compiled, nine was subtracted from each random number. If the remainder was less than or equal to zero, the page number referred to the earlier ledger book. If the remainder was greater than zero and less than or equal to 496, the page number referred to the middle ledger book. If the remainder was greater than 496, then 496 was subtracted and this page number referred to the later ledger book.

Sample Size and Completion Rate. Only a very few cases were never located or could not be released to the coding team. The final number of cases sampled was 2,552.

Data Collection: Case Folders. The probation case folder number and location⁸ for each potentially eligible case on the sampled pages was recorded on the ledger book coding sheet.

Most of the program cases had been referred to the Probation Department for a PSR. Program case data was matched to probation data by finding the probation number for a program subject's name and then matching on docket number. If there was not a match on docket number the coders looked for a pre-sentence

report which referred to the program. Probation data was found for almost all program cases.

Variable Selection. Research staff reviewed probation case folders to ascertain what data were available. Data on defendant characteristics, offense, prior record, and sentence for the current offense were available.

Data Collection: Variables. Probation case folders typically contained many documents, but all of the data collected could be found in the PSR and the criminal court investigation face sheet. Most of the data collected were from the face sheet. The versions of the face sheet had been used by the probation department so the data were collected from two similar but not identical documents. Two codesheets for the data were developed so it could be collected in the order in which it appeared on the face sheet.

Recidivism Variables. The Computerized Criminal History/Offender Based Transaction Statistics (CCH/OBTS) file maintained by the Division of Criminal Justice Services was used to obtain recidivism data for both program and non-program cases. The CCH data were matched to appropriate cases by comparison of identifiers including the NYSID number assigned to all fingerprinted offenders in New York State. Measures of recidivism used in this analysis include: subsequent felony arrests and convictions, subsequent misdemeanor arrests and convictions. Recidivism analyses were limited to offenses reported to DCJS by October of 1984.

After univariate data cleaning was completed, a BMDP system file was created. Then data cleaning focused on errors that were revealed when related variables were crosstabulated. For example, a table showing the association between sentence type and minimum incarceration length might show some cases to be sentenced to straight probation and receiving a minimum incarceration sentence of six months. This would indicate an error in one of the variables. All variables which might be useful in uncovering such errors were crosstabulated. Errors were resolved by reference to the original data sheets,

related variables, and the CCH/OBTS file. The data were then considered ready for data analysis.

Research Design

The goal of the Suffolk program was to decrease the jail population. The ability of the program to decrease the jail population was dependent upon three related factors: 1) the number of cases referred and accepted; 2) the average probability of incarceration of these cases; and 3) the expected sentence length. Obtaining data on the number of cases was easy; the difficulty was in estimating the probability of incarceration and the expected sentence length of program cases. Once a case enters the program its conditional probability of incarceration and expected sentence length become zero. Therefore, to evaluate the program's effect on the jail population it was necessary to estimate the probability of incarceration and expected sentence length in the absence of the program.

Most evaluation designs try to maximize identification of treatment effects. The most strongly recommended designs for the evaluation of treatment effects are true experimental designs.⁹ One characteristic these designs share is random allocation of subjects to treatment and control groups. Random allocation allows the presumption the groups are similar in all respects within a known probability of error. If the groups were known to be comparable prior to the intervention, post intervention differences between treatment and control groups would be more easily attributed to a treatment effect.¹⁰ However, a true experimental design could not be used for evaluation of this program because cases were not assigned to program participation randomly, but on the basis of selection by judges and program staff. As a result, there was not a control group which could be used to isolate a treatment effect.

Regression analysis provides an alternative method of estimating the absolute and relative probability that a case or group will experience a

specified outcome. A regression model based on historical experience can be used to generate "base expectancies."

. . . [This approach] can. . . be used to provide a predicted base-line probability of some observable behavior in the absence of any future treatment. [It is] particularly useful in "after the fact" evaluations where genuine pretest measures are unavailable.

. . . When the base-expectancy probabilities are compared to actual post-treatment behavior, the incremental effects of the treatment alone can then be estimated."¹¹

As noted earlier, the post-treatment probability of incarceration and the expected sentence length of program cases will be zero. As a result, the treatment effect will be equal to the base-expectancy probability.

Regression equations develop base expectancies on cases which are similar to the treatment group and for which both predictor and dependent variable values are known. They do this by identifying important variables and the relative contribution of each. The contribution of each variable is combined into a score. Each score is associated with an observed distribution of cases on the dependent variable and this can be used as the predicted probability for other (treatment) cases which receive the same score. This prediction rule (equation) is usually tested by applying it to a second and similar set of cases for which the outcome is known. The equation is validated to the extent predicted and observed outcomes converge.¹² If validated, the equation is then applied to the treatment cases. Since the base expectancy score functions as a pretest, it can be used to identify treatment effects.¹³

In this instance, the base expectancies were developed on cases reaching disposition prior to program start up. It was possible that the association between a variable and incarceration would, for such cases, be different for cases reaching disposition after program start up. For example, a variable might be positively associated with an increase in the probability of incarceration for program cases, yet be negatively associated with the probability of incarceration for non-program cases. If this occurred, the

resulting base expectancies would be incorrect. The qualitative research suggested this might have occurred for the variable of probation officer recommendation. Quantitative investigation confirmed this and so the variable of probation officer recommendation was not included in the equation.

This technique is only a partial remedy for a lack of randomization.¹⁴ The base expectancy approach simulates a pretest¹⁵ but this does not control for all threats to validity. It does not control for history, maturation, or regression.^{16 17 18 19} History refers to events, other than the treatment effect, which would alter the probability of incarceration of the cases. Since for accepted program cases the probability of incarceration was zero, any threats due to history would have to occur between the pretest and the treatment effect. The question then becomes how much time elapsed between the pretest and the treatment. The date of sentence can be used as the date of treatment, but since the pretest was simulated by an equation, what would the date of the "pretest" be? Since the equation was constructed from PSR data, the earliest the pretest could be considered to have occurred is during the pre-sentence investigation. Since the pre-sentence investigation is conducted between conviction and sentencing, the elapsed time between pretest and treatment would rarely be more than a few weeks. This suggests a rather small opening for historical effects. Also, the qualitative investigation did not uncover any events which would likely alter the probability of incarceration of cases between the "pretest" and the treatment. Finally, ". . . to become a plausible rival hypothesis, such an event should have occurred to most of the [subjects] in the group under study. . . ." ²⁰ Since cases were convicted and sentenced over a large time period, few cases had the same "window", so it is unlikely that a few historical events could have affected a large number of cases.

Maturation refers to biological or psychological processes which vary and might affect the score on the dependent variable.²¹ No plausible maturational threats were discovered.

Regression towards the mean can be a threat to some research designs. However, regression effects usually affect groups selected for their extreme scores.²² Program cases were not selected for their extreme scores. Nor were they referred to the program due to extreme scores. In fact, there are persuasive reasons to believe such cases were more like middle cases than extreme cases.

To summarize, most threats to internal validity could be eliminated, or if present, appeared to have had little opportunity to become confounded with a treatment effect. The most serious problem concerns selection effects which the base expectancy approach is designed to control.

Multivariate Analytic Techniques

Multivariate techniques were used to: 1) establish the base expectancy of incarceration for program cases, and 2) measure the decarcerative impact of the program. This required the ability to predict the probability of incarceration and to estimate sentence lengths. Similar to other prediction studies this required five major steps: 1) definition of the dependent variable, 2) selection of cases, 3) construction of the equation, 4) validation of the equation, and 5) application of the equation.^{23,24}

Probability of Incarceration

Definition of the Dependent Variable. A case was coded as not incarcerated if it received a sentence of probation, conditional discharge, intermittent incarceration, fine and/or restitution, probation and fine or restitution, time served, community service, or other. A case was coded as incarcerated if it received a sentence of jail, jail and probation, jail and fine, or jail and restitution.

Selection of Cases. The introduction of the program into the Suffolk County criminal justice system could have altered established sentencing practices. Because a goal was to estimate the probability of incarceration of each case irrespective of the program, it was decided to construct the prediction equation only on those cases which had been disposed prior to October, 1981 (historical cases). Because the program was designed to divert jail bound offenders and did not focus on prison bound offenders, historical cases which received a prison sentence were excluded. Because a prediction equation was unnecessary for mandatory incarceration cases, these were also excluded.

Equation Construction: Identification. It was anticipated that probation officer recommendation (POREC) would be strongly associated with sentence. The qualitative research uncovered evidence that some probation officer's recommendations were affected if they knew a judge was considering sentencing a case to the program. Knowledge that the case was being considered for the program increased the probability the probation officer would recommend incarceration (because judges were supposed to refer only jail bound defendants). If this were the case and POREC was used to estimate the probability of incarceration then program cases would be predicted to be in greater risk of incarceration than they actually were. However, if POREC was a strong predictor of incarceration but was not confounded with program participation, then exclusion of it would reduce the accuracy of the prediction equation.

This problem was addressed by constructing a prediction equation for POREC on the historical cases and comparing the predicted to the observed POREC across four subgroups: not referred, historical; not referred, current; referred, pre-sentence; and, referred, post-sentence. If there was no interaction between POREC and program participation, then the difference between predicted and observed POREC should be similar for all four subgroups. Table 9.1 presents the results.

Table 9.1
Predicted and Observed Probation Officer
Recommendation by Referral

	Referral			
	Not Referred		Referred	
	Historical	Current	Pre-Sentence	Post-Sentence
Predicted POREC=In	27.7% (656)	25.1% (1297)	60.7% (150)	19.0% (153)
Observed POREC=In	34.6% (716)	33.9% (1335)	66.2% (151)	70.3% (155)

There is a striking discrepancy between predicted and observed POREC for one subgroup. Nineteen percent of the cases referred to the program post sentence were expected to have a POREC of incarceration. Three and one-half times as many (70.3%) actually received a POREC of incarceration. This strongly suggested that POREC was affected by the probation officer's knowledge that the judge was considering referring the case to the program. As a result, POREC was not included in the equation used to estimate the probability of incarceration.

Selection of independent variables was a three step process. Substantive considerations were used first to reduce the pool of variables. Factor analysis was carried out on the historical cases²⁵ (N=520)²⁶ to further reduce the pool. Logistic regression was used to select the best variables from among this pool.

A maximum likelihood factor analysis was performed with a maximum of seven factors allowed, and the factors were rotated to satisfy the orthogonal "equimax" criterion. Seven factors were identified: minor priors; major priors; offense type-DWI; offense class; offense type-other; age; and offense

type-person. The variable highest on each factor was selected if it had a substantial bivariate association with sentence. Variables which did not load on any factor were also selected if they had a substantial bivariate association with sentence. Potential suppressor variables were identified by examining the factor loadings for evidence of "indirect" associations with sentence; potential suppressors were added if not already selected by the previous criteria. The result of the factor analysis was a pool of twenty-two variables.^{27,28}

A stepwise logistic regression was run with these variables. Logistic regression is one method for identifying the most important variables influencing a dichotomous variable and of assigning coefficients to those variables to optimize predictive accuracy.²⁹ For the same reasons as the factor analysis, cases were limited to historical cases which were neither mandatory incarceration cases nor which had received a prison sentence (N=577). Nominal and ordinal level variables were dichotomized or dummy coded. Approximate asymptotic covariance estimate (ACE) was used for the stepping computations because it was considerably faster than the maximum likelihood ratio method³⁰ (approximately five and one-half times faster for the first computer run).

Backward stepping was used but variables which had been previously identified as predictors of POREC were not allowed to be removed. The first run was able to delete twelve variables. A second run was able to remove one additional variable. This final set consisted of eleven variables³¹: number of prior adult arrest events*, felony arrest charges*, youthful offender sentences, and probation sentences*; conviction offense type of DWI (dichotomy)*; conviction class* (dummy coded, A Misdemeanors assigned zeroes throughout); age at offense; race*; sex*; number of indictment charges; and number of codefendants.

Equation Construction: Estimation. After identifying the pertinent variables, the next step was to estimate the weight (coefficient) of each variable. A logistic regression was run on the remaining eleven variables

*These regressors or variables were forced to remain in the equation because they were predictors of POREC.

(N=646). Because the purpose of this regression was to produce coefficients, maximum likelihood method was used. The results are displayed in Table 9.2.

Table 9.2
Logistic Coefficients of the Predicted Incarceration Equation

Regressor	Coefficient	Standard Error	Coefficient ÷ Standard Error
1. Prior Adult Arrest Events	0.119	0.031	3.870
2. Prior Adult Felony Arrest Charges	0.058	0.058	0.990
3. Prior Adult Probation Sentences	0.345	0.176	1.960
4. Conviction Offense Type-DWI	-0.332	0.419	-0.794
5. Sex	-0.740	0.394	-1.880
6. Conviction Class-D Felony	2.320	0.391	5.930
7. Conviction Class-E Felony	1.460	0.309	4.730
8. Conviction Class-B Misdemeanor	-1.110	0.338	-3.290
9. Conviction Class-Less than B Misdemeanor	0.135	0.448	0.300
10. Race	0.237	0.246	0.963
11. Prior Youthful Offender Sentences	0.668	0.207	3.230
12. Age at Offense	-0.020	0.012	-1.650
13. Number of Indictment Charges	0.108	0.070	1.530
14. Number of Codefendants	-0.402	0.157	-2.560
15. Constant	-0.919	0.667	-1.380

This equation correctly classified 80.3 percent of the cases. However, it was necessary to validate this equation before it could be used to estimate the probability of incarceration of the program cases.

Validation. Regression equations constructed on one set of cases usually lose predictive power when applied to another set of cases. This is called shrinkage. "The reason for shrinkage is that in calculating the weights to obtain a maximum R, the zero-order correlations are treated as if they were error free. This is of course never the case. Consequently, there is a certain amount of capitalization on chance, and the resulting R is biased upwards."³² It was desirable to be able to estimate the degree of this shrinkage.

Shrinkage was estimated by applying the equation built on the historical cases to the current cases and computing the percentage of cases correctly classified. When this was done, 79.0 percent of all cases were correctly classified. Since this is only slightly less than the predictive accuracy of the equation on the construction cases, shrinkage was minimal and the equation was, to that extent, validated. That is, it was expected that its predictions for the probability of incarceration for the program cases would be correct 79.0 percent of the time. However, since the base rate was 73.6 percent, the increase in predictive accuracy from the equation was limited.

Decarcerative Impact

Definition of the Dependent Variable. Decarcerative impact was estimated as the sum of the products of each case's probability of incarceration and sentence length. Presumptive and empirically estimated values for the probability of incarceration and sentence length were used. These components were combined in four different ways in order to bracket the true decarcerative impact within a probable range. These four combinations for estimating decarcerative impact were:

1. Assuming all accepted clients would have been incarcerated for the number of days "sentenced" to jail.*
2. The estimated probability of incarceration multiplied by the number of days "sentenced" to jail.*
3. The estimated probability of incarceration multiplied by the mean sentence length for the historical and current not referred cases.
4. The estimated probability of incarceration multiplied by the estimated number of days in jail.

The development of the probability of incarceration estimates was described in the preceding section. The remainder of this section will be devoted to how the model for estimating sentence length was identified, estimated, and validated.

Equation Construction: Identification and Estimation. The starting pool of variables were the twelve initially identified for the profile analysis (see following section). To these twelve were added a few variables that were suspected might affect sentence length. These starting independent variables were: age (collapsed and uncollapsed), race, sex, prior jail sentences, number of pre-trial detention days, prior adult arrest events, prior felony convictions, prior jail sentences, number of indictment charges, employed or in school, marital status, indictment charge, juvenile criminal history, level of court, conviction class, and pretrial detention status.

A forward regression inclusion procedure was used to isolate a subset of predictors. It was run on all non-program cases which had received an incarceration sentence of one to six months.³³ Default selection criteria were used and all variables met the selection criteria. It was then decided to review the increase in the adjusted R-squared at each step and to delete those variables which did not appreciably increase the predictive ability of the

*Sentenced is in quotation marks to highlight the assumption being made. That is, the assumption that the sentence assigned would have been imposed if the program had not been available.

equation. Weights were estimated for the following variables: number of pre-trial detention days, prior felony conviction charges, juvenile criminal history, prior adult jail sentences (collapsed and uncollapsed), conviction class, marital status, number of indictment charges, level of court, prior adult arrest events; and employed or in school. The adjusted R-squared was 0.28.

Validation. Because the adjusted R-squared was 0.28, even if shrinkage was minimal, the ability to predict sentence length was poor. For this reason, it was decided to use more than one method of estimating sentence length because inaccurate estimates of sentence length would have resulted in inaccurate estimates of decarcerative impact. Three estimates of sentence length were used: the sentence length assigned by the judge, the estimated sentence length,³⁴ and the mean sentence length of all incarcerated cases.³⁵ Holding the probability of incarceration constant, these three estimates of sentence length yielded consistent results: 4,199 days (judge's stated sentence); 4,461 days (estimated sentence length); and 4,641 days (mean sentence length) (see Table 6.1). Because these estimates were similar, the decarcerative impact of the program during the sample period was probably in the vicinity of 4,200 to 4,600 days.

Profile Analysis

The profile analysis was carried out to determine if the characteristics of program clients could be summarized by a few variables.

Initially, twelve variables were identified as able to characterize program cases at the univariate level.³⁶ A table of these variables was constructed to see if cases fell into a few categories. They did not. Stepwise logistic regression was used to drop variables which were not sufficiently associated with program referral. This reduced the number of variables to eight. The stepwise logistic regression was replicated using discriminant analysis and this rendered very similar results.

Analysis of the table generated by these eight variables revealed that the profiles identified could be well represented by six of eight variables. These six variables were: conviction class, race, pretrial detention, employed or in school, level of court, and sex. These six variables defined the two profiles which were discussed in Part One.

Realization of Design

This evaluation was conducted in such a way as to minimize the potential effects of recognized threats to internal validity. The specific means for accomplishing this end were discussed earlier in this section. Generally, care was taken to integrate what was known and what was learned about: 1) the characteristics of the program being evaluated, 2) the research design components, and 3) the threats to the validity of the final product.

The research design indicated that three sets of program-relevant issues would be addressed: program design and implementation, program context, and program outcomes. The design further specified particular quantitative and qualitative methods that would be used in the analysis of these issues. All of them were addressed by the proposed methods during the analysis stage of the evaluation.

Inevitably, specific research questions and related hypotheses were refined during the analysis. For example, preliminary interpretations of both the qualitative and the quantitative data informed evaluators that the question of recidivism of program clients was not as meaningful as expected in terms of understanding the Suffolk County Community Service Program. It was learned from the interview data that the program does not presume to be able to rehabilitate offenders, so recidivism after completion of a community service sentence should not be considered a failure of the program. It was also learned, in this case from analysis of program case data, that most program clients who would otherwise have been sentenced to jail would have been sentenced to sixty days or

less in jail in the absence of the program. Recidivism as a measure of deterrence or incapacitation loses some of its utility in such a limited time frame.

With or without refinement, every question proposed for analysis was addressed.³⁷ The analysis thus considered: 1) the existence of program guidelines and the extent of their understanding by program staff and the local criminal justice community, 2) the types of offenders served by the program relative to their personal and legal characteristics and estimated probability of having been sentenced to jail, 3) the extent to which the program goals and objectives were understood and pursued in the local community, with an emphasis on understanding the level of cooperation involved in their implementation, and 4) outcomes of the operation of the program in terms of decarcerative impact, recidivism, and a cost analysis. Findings regarding each of these questions addressed were presented as appropriate in the report.

Notes

¹The variables selected from this form included among other things: occupation, residential stability, number of dependents, economic status, school status, jail days, hours assigned, and screening decision.

²The variables selected from this form included data on attendance, quality of work, and overall performance at the work site.

³The variables selected from this form included data on client needs and referrals of the client to other agencies. These needs and referrals were categorized as: basic, financial, medical/dental, counseling, substance abuse, legal assistance, educational guidance, job placement, vocational training and other.

⁴McKinney's Consolidated Law of New York Annotated §65.10 (2)(h). The initial statutory authorization for community service was established in 1978, but at that time limited sentences of community service to non felony convictions (McKinney's Consolidated Law of New York Annotated Supplementary Practice Commentaries. Cumulative Annual Pocket Part, pp. 95-96).

⁵"Program eligible case" refers to cases which met the statutory requirements for a sentence to community service. This includes cases which could not have been referred to the Suffolk County Community Service Program because they were sentenced prior to the start up of the program.

⁶A potentially eligible case was one where: (1) the referral date was between October 1, 1980 and October 31, 1983; and (2) the referral was from a Supreme, County, District, Justice, Local or Town Court.

⁷Wallis and Roberts, Statistics (New York: Free Press, 1956), pp. 631-635.

⁸Case folders were located by referring to a defendant's name in the probation office's name card file.

⁹Campbell, Donald T. and Julian C. Stanley. Experimental and Quasi-Experimental Designs for Research (Chicago: Rand McNally, 1963), p. 13.

¹⁰Cook, Thomas D. and Donald T. Campbell. Quasi-Experimentation: Design and Analysis Issues for Field Settings (Chicago, Rand McNally, 1979), p. 341.

¹¹Blumstein, Alfred and Jacqueline Cohen. "Control of Selection Effects in the Evaluation of Social Problems," Evaluation Quarterly Vol. 3, No. 4 (1979), p. 584.

¹²Ibid., p. 596.

¹³Ibid., p. 595.

¹⁴Ibid., p. 605.

¹⁵Ibid., p. 595.

¹⁶Campbell, op. cit., note 9, at p. 8.

¹⁷Since the quantitative evaluation was not concerned with replication of the program, issues of external validity are not addressed.

¹⁸Testing is usually included as a threat to validity in one group pretest posttest designs. It was excluded because the pretest was simulated by the base expectancy approach. Since the pretest was simulated, it could not have had an effect and so testing could not have threatened validity. For the same reason, instrumentation could not have threatened validity.

¹⁹Interaction among these threats were not considered.

²⁰Campbell, op. cit., note 9, at p. 7.

²¹Campbell, op. cit., note 9, at pp. 7-8.

²²Campbell, op. cit., note 9, at p. 11.

²³Gottfredson, Don M. "Assessment of Prediction Methods," The Sociology of Punishment and Correction. (New York: John Wiley and Sons, Inc. 1970), p. 748.

²⁴Steps one through four are discussed in this methods section. Step five is presented in the substantive section of this report.

²⁵The variables were: court; type of conviction; pre-trial detention; number of detention days; age at offense; race; sex; employed or in school; marital status; lives with; indictment charge an attempt?; number of indictment charges; conviction charge an attempt?; number of conviction charges; number of codefendants; indictment class; conviction class; juvenile history; number of prior adult: arrest events, felony arrest charges, misdemeanor arrest charges, felony conviction charges, misdemeanor conviction charges, probation sentences, jail sentences, prison sentences; number of prior youthful offender sentences; defendants YO status; indictment and conviction offense type (dummy coded, property offenses assigned zeroes throughout); and sentence.

²⁶The reduction in cases was due to missing values.

²⁷Number of prior adult: arrest events, felony arrest charges, misdemeanor arrest charges, felony conviction charges, misdemeanor conviction charges, probation sentences, jail sentences, prison sentences; number of prior youthful offender sentences received; conviction offense type (dummy coded, property offense received zeroes); conviction class (dummy coded, A Misdemeanor received zeroes); level of court, age at offense, race, sex, employed or in school?; marital status; number of indictment charges; pre-trial detention; number of detention days; was defendant granted youthful offender status?; and, number of codefendants.

²⁸The number of variables was less than the number of regressors because some variables were dummy coded.

²⁹Hanushek, Eric A., and John E. Jackson. Statistical Methods for Social Scientists (New York: Academic Press, 1977), p. 190-191.

³⁰Laszlo Engelman. "Stepwise Logistic Regression" in BMDP Statistical Software, 1981. W.J. Dixon, Chief Editor. (Berkeley: University of California Press, 1981), p. 330.

³¹The eleven variables were represented by fourteen regressors.

³²Kerlinger Fred N. and Elazar J. Pedhazur. Multiple Regression in Behavioral Research (New York: Holt, Reinhart and Winston, Inc., 1971), p. 282.

33A cutoff point of six months was used because very few program cases received a sentence greater than six months.

34Estimated sentences greater than 180 days were set to 180 days. Estimated sentences less than zero days were set to zero days.

35Based on all incarcerated non-program cases with a sentence less than or equal to six months.

36Age, race, sex, employed or in school, marital status, top indictment charge, juvenile criminal history, prior felony conviction charges, prior jail sentences, level of court, conviction class, and pre-trial detention.

37See, An Evaluation of the Community Service Program in Suffolk County, New York, A Proposal, Albany, New York: Division of Criminal Justice Services.