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FINAL REPORT

**RESEARCH ON NEW JERSEY'S
INTENSIVE SUPERVISION PROGRAM**

November 27, 1987

Prepared by

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INTENSIVE SUPERVISION PROGRAM

TABLE OF CONTENTS

Highlights	i
Executive Summary	1
Acknowledgments	9
1. Background and Issues (By Jackson Toby)	11
2. An Overview of the Research Project	19
3. The Program Impact Model of New Jersey's ISP	29
4. Early Assessment by Criminal Justice Professionals ...	51
5. Research on Program Implementation	90
6. Characteristics of Offenders in ISP and in the Comparison Groups	112
7. Effects of ISP: Recidivism	142
8. Effects of ISP: Punishment, Prison Space, Costs, and Benefits	175
9. Conclusion	197
Glossary	201
References	205
Appendix 1: ISP Expenditures	208
Appendix 2: Explanatory Notes on Cost Estimation	210
Appendix 3: Interview Protocol for Survey	212

EXECUTIVE SUMMARY OF THE RESEARCH REPORT ON NEW JERSEY'S
INTENSIVE SUPERVISION PROGRAM

This is an overview of research conducted by the Institute for Criminological Research of Rutgers University funded by the National Institute of Justice to evaluate New Jersey's Intensive Supervision Program (ISP) for controlling felony offenders in the community. The central idea of the program is that certain offenders sentenced to prison by trial judges (and actually committed to prison) can be resentenced into a program of intensive supervision in the community by a specially created panel of judges appointed by the Chief Justice.

Although New Jersey's Intensive Supervision Program (ISP) is a complex program with many facets, the program reflects four paramount goals:

a. to improve the use of scarce prison resources by releasing selected offenders from incarceration into the community after they serve three or four months of their prison term, thus saving prison space to confine the more serious offenders.

b. to have the program be monetarily cost beneficial and cost effective compared to ordinary incarceration.

c. to prevent criminal behavior by those selected offenders while they are in the community. This goal encompasses not only holding down rates of new felonies, but

also preventing misdemeanors. (What most states refer to as felonies, New Jersey labels "indictable offenses," and what are referred to as misdemeanors in most states are roughly comparable to "disorderly persons offenses" in New Jersey.)

d. to deliver appropriate, intermediate punishment in the community for those selected offenders instead of the prison sentence.

Ten major program components of New Jersey's ISP are intended to function collectively as means to the four ISP goals: (1) participants must serve a few months in prison, (2) a selective intake of offenders, (3) the total active caseload should be in the range of 375 to 500 participants, (4) intensive supervision contacts, (5) revocation of failures, (6) required payment of fines, restitution, fees, etc., (7) required employment, (8) community service work, (9) special counseling, (10) community sponsor and network team support.

How effectively has each component been implemented?

(1) ISP participants have served a minimum of two months in prison, and the median time served is about three-and-a-half months.

(2) The caseload was not intended to include the most dangerous offenders in New Jersey's prisons, and indeed they have been excluded. Nevertheless, the program was designed for felons, and our findings show that the ISP caseload seems

typical of many felons in America's prisons, though not violence-prone felons. Their instant offenses were indeed serious offenses (mainly burglary and small-time drug sales), and most had at least one prior felony conviction. Most do not have a high school diploma, and most have drug or alcohol problems.

(3) The program goal was to have 375 to 500 active participants in ISP. The active caseload reached this objective in the second quarter of 1986, and at this writing there are 411 active participants.

(4) The intensity of the supervision of program participants by ISP officers has met or exceeded the program objectives. By design, participants in their first six months of ISP (the beginner's phase) are contacted most frequently. The typical median monthly contacts of participants in the beginner's phase have been 31 total contacts per month, including 12 face-to-face contacts by their ISP officer, 7 curfew checks, and 4 urinalysis contacts per month. Even individuals who are in the intermediate and advanced phases of participation in the program are contacted much more frequently than is possible under ordinary probation or parole.

(5) In conformity with the program design, ISP has not tolerated program rule violations. Approximately 40 percent of program terminations are returns to prison (approximately 60 percent are successful terminations). Those who are returned to prison are not re-admitted to ISP.

(6) The required payment of fines, restitution, fees, etc. has been implemented. This is discussed in the "General Monetary Consequences" section below and in the body of the report.

(7) The employment requirement has been satisfied throughout the operation of ISP to date. For the twenty-four months in 1985-1986 only 3.5 percent of the active participants in ISP were unemployed per month.

(8) The median monthly hours of community service work has always met the requirement of 16 hours per month.

(9) ISP participants have attended counseling and rehabilitative programs (e.g., Narcotics Anonymous) as required by the program. In each of the sample months we examined, over 95 percent of the participants had been attending the treatment in that month.

(10) Community sponsor and network team members have been a part of the ISP structure since the program's inception. In addition to contacting participants, ISP officers also talk with the community sponsors at least monthly and review the participant's progress.

Another planned feature of ISP was that it inculcate a sense of individual responsibility for their actions in the participants. This theme is raised with some frequency by ISP officers, but we feel unable to assess it as a program component. There is no adequate way to measure how much of a participant's conformity reflects a sense of individual

responsibility and how much is a result of supervision and control by ISP officers. Individual responsibility may be considered an element of the background "philosophy" of ISP rather than a program component per se.

We have monitored these ten program components from the inception of ISP. Our conclusion is that the actual, real-world operation of ISP has matched closely the original plans.

Given that ISP has been implemented as it was planned to be, to what degree does the program achieve the goals set for it?

a. USE OF CORRECTIONAL SYSTEM RESOURCES. In 1986 ISP reached its objective of having an active caseload of at least 375 offenders. In view of the fact that the program reached its minimum planned size, what effect does it have on the availability of prison space?

A random sample of 500 felons sentenced to prison for ISP-eligible crimes before ISP was instituted formed a pool for one of our comparison groups. These offenders, who served their ordinary terms of imprisonment and then served ordinary terms of parole, are labeled the OTI group for short. Approximately one hundred of them match the ISP cases in terms of prior criminal records and background factors. The ISP group served a median of 109 days in prison per person, whereas

the matched OTI group served a median of 308 days in prison per person. Thus, ISP saves about 200 prison days per participant. In 1986, for example, 311 offenders entered ISP. Using that year's cohort as a basis, 62,000 offender-days of prison time were saved. It is apparent that the prison space ISP saved was used to confine presumably worse offenders. (That presumption is based on denial of their applications by a resentencing panel so that they remain in prison.)

The average costs per ISP offender for their typical instant correctional period (including 109 days in prison @ \$59, then 449 days in ISP @ \$15) is approximately \$13,000. The average costs per OTI offender for their typical correctional period (308 days in prison @ \$59, then 896 days on parole @ \$2 to \$3) is approximately \$20,000 to \$21,000. The estimated cost savings is approximately \$7,000 per offender for the combined period of instant imprisonment and supervision in the community. If estimates for next incarcerations are included, ISP saves roughly \$7,000 to \$8,000 per offender compared with ordinary terms of incarceration and parole.

b. GENERAL MONETARY CONSEQUENCES. The Intensive Supervision Program has produced a high rate of employment: The monthly records for 1985-1986 show that, of the active participants able to work, 93.3 percent were employed full time, 3.1 percent were employed part time, and only 3.5 percent were unemployed. The participants' median yearly gross income while in ISP was approximately \$10,000. The OTI offenders' median yearly income

(adjusted upward to take inflation into account) was roughly \$5,000. The high employment levels resulted in an increase in legitimate earnings (compared to OTI) of roughly \$5,000 (using medians) or \$4,000 (measured using means) per person per year. The higher earnings produced proportional increases in taxes paid, payments of child support, restitution, etc. In only a few special cases have ISP participants received welfare payments. Also, at the current active caseloads of about 400 participants, ISP provides community service work totaling about \$200,000 per year (valued at the minimum wage rate).

c. CONTROLLING CRIMINAL BEHAVIOR. Offenders in ISP had lower recidivism rates than offenders in the comparison groups. In most analyses the new conviction rate of the ISP group averaged roughly 10 percentage points lower than that of the matched OTI group. Thus, 12 percent of the ISP group had an arrest that led to a conviction at the end of two years, compared to 23 percent of the matched OTI group. Also, 8 percent of the ISP group had an arrest that led to a felony conviction at the end of two years, compared to 14 percent of the matched OTI group. To take another perspective, at the end of the second year the recidivism rate of ISP was about half that of the matched OTI group. The differences were statistically significant. Statistical controls for propensity to recidivate were included in the analyses. However, because random assignment to form a true control group was not permissible, it is possible that some or all of the observed significant decrease in recidivism

was due to the selective screening component of the Intensive Supervision Program, instead of (or in addition to) its supervision and counselling components. In any event we are confident that ISP at least did not increase recidivism rates.

d. INTERMEDIATE PUNISHMENT. In our judgment ISP has provided a form of punishment that is intermediate in severity between ordinary terms of imprisonment on the one hand and ordinary probation on the other hand. We base this assessment on the planned onerous restrictions on the freedom of participants, on a small survey in which criminal justice professionals in New Jersey were asked about this (as well as about other topics), and on the fact that roughly one in ten inmates withdrew their applications to ISP because in their view ISP is too tough and/or too lengthy compared to the alternative of spending a few more months in prison before release on parole.

In short, ISP does improve the use of prison space without increasing recidivism, it has been cost effective compared to ordinary terms of imprisonment and parole, it has been monetarily beneficial (in terms of earnings, taxes, payments to a fund for victims, etc.), and it does provide a level of punishment intermediate between ordinary probation on the one hand and ordinary terms of incarceration on the other hand.

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-- F.S.P.

Chapter 1. BACKGROUND AND ISSUES

By

Jackson Toby

In America today policy makers are devoting more attention than ever before to the specific issues of crime and punishment. The public demands laws that clearly aim at enhancing general deterrence through stiffer penalties for certain types of crimes.... But at the same time in many states there is an explicit concern about prison population sizes and prison costs. This raises questions about which criminals really must be imprisoned to give adequate protection to society. And naturally this leads to corollary questions regarding the crime control effectiveness of alternative punishments (National Institute of Justice, 1985: 21).

In many correctional systems in the United States the sheer number of convicted felons has overwhelmed the capacity of correctional facilities to utilize severe punishment (incarceration) to deter potential offenders. Stopgap responses are possible, such as treating temporary detention facilities as centers for long-term incarceration and converting structures designed for other purposes into secure prisons, but there are not enough appropriate structures to convert. New correctional facilities can be built, but it takes years to build a prison and to set up services to receive inmates. Moreover, a prison-construction program requires massive public funds.

Thus, an incentive exists to devise community correctional programs for convicted offenders now flooding into

incarcerative institutions (Toby, 1982). An obstacle to such an expansion of community corrections is that ordinary community programs are not designed for the serious offenders now given prison sentences. "Serious" does not necessarily mean violent. By conventional legal and social standards, convicted felons are serious offenders.* Drug dealers, recidivist burglars, and offenders who have perpetrated major frauds are serious offenders, by law and in the eyes of the public (see, for example, Rossi et al., 1974). Most citizens think that such criminals deserve some substantial punishment for their crimes.

What is happening now in many jurisdictions is that serious but nonviolent criminals receive one of two types of correctional response:

1. Incarceration, that is, isolating the offender under extremely restrictive, harsh -- and costly -- conditions.
2. Probation, which is, in practice, only mildly restrictive, and is a very lenient punishment for felons.

* The felony vs. misdemeanor distinction is a conventional one, although somewhat ambiguous. In general, felonies (1) are more serious crimes than misdemeanors and (2) carry maximum sentences of incarceration of at least one year in a state prison, whereas misdemeanors carry maximum sentences of incarceration of less than one year (see, for example, Senna and Siegel, 1978: 77-78). New Jersey's criminal code specifies degrees of seriousness of crimes ranging (in decreasing seriousness) from 1 down to 4; below that are Disorderly Persons offenses. Offenses of seriousness 1 through 4 correspond to felonies, and Disorderly Persons offenses correspond to misdemeanors.

As a result of the dilemma, policy makers and researchers have begun to experiment with programs to control, punish, and reform felons in the community. There are historical precedents for intensive supervision. For example, such programs as California's Special Intensive Parole Unit experiments in the 1950's and the San Francisco Project in the 1960's were designed as intensive supervision. But they emphasized rehabilitation as the paramount goal. Today's intensive supervision programs emphasize punishment of the offender and control of the offender in the community at least as much as they do rehabilitation (Burkhart, 1986).

A few small-scale, experimental intensive supervision programs have been operating in particular counties, such as Lucas County, Ohio. The Lucas County unit currently consists of four officers, each in charge of no more than 25 cases, and a supervisor, who also handles 15 cases. In this program the offenders are contacted at least four times per month; two of the contacts are face-to-face. Latessa (1987a; 1987b) found that the Lucas County unit did divert a significant number of offenders from prison (at a substantial cost savings) and did improve employment rates. However, offenders in the unit had somewhat higher recidivism rates than those found in a control group.

The first large-scale program of intensive community supervision was Intensive Probation Supervision (IPS) in Georgia. In 1984 nineteen counties in Georgia were operating IPS. The supervision requirements are five face-to-face

contacts per week during Phase I (the probationer's first three months in the program), decreasing to two face-to-face contacts in Phase III. The program requirements also include mandatory curfew, mandatory employment, routine and unannounced alcohol and drug testing, and 132 hours of community service work. The high-frequency contacts with the IPS probationer involve a collaborative relationship between a Probation Officer, in charge of treatment, counseling, and case management, and a Surveillance Officer, who is in charge of curfew checks, weekly checks of arrest records, and urine screening to detect drug use.

The Georgia caseload did not consist of offenders actually committed to prison before admission to IPS. However, on the basis of general sentencing patterns, particular cases where sentences had been amended from incarceration to IPS, and statistical comparisons of ordinary probationers, inmates, and IPS offenders, the researchers infer that IPS accounted for a substantial diversion from prison. They found a cost savings of nearly \$6,000 per offender. While the revocation rate was higher than that of regular probationers, the rate of subsequent serious crime was lower than that found in comparison groups. Details of the Georgia program and evaluation research findings can be found in Erwin (1984; 1986) and Erwin and Bennett (1987).

Georgia and New Jersey pioneered large-scale programs that target felons and include punitive aspects and tight supervision. By 1986 most states had begun at least pilot

intensive supervision projects of this sort, and at least six more states had begun statewide intensive supervision programs more or less like those in Georgia and New Jersey. Byrne (1986) recently reviewed the use of intensive probation supervision in the United States. His interstate comparison shows that the numbers of direct personal contacts required ranged from two per month to seven per week. Some programs have specified no curfew checks, other specified three curfew checks per week. Most involved only a few selected counties in the state; only nine states had statewide programs. At the time of this writing, James Byrne is conducting an evaluation of the Massachusetts intensive supervision program.

THE BACKGROUND OF NEW JERSEY'S INTENSIVE SUPERVISION PROGRAM

A subcommittee at the 1982 Judicial Conference in New Jersey discussed establishing a program for controlling moderately serious felons in the community under intensive supervision after they had served a few months of incarceration. The conference endorsed this concept (Judicial Conference on Probation, 1982). At the same time, members of the Executive Branch, including Governor Kean, explored similar ideas as part of a response to the rapidly increasing prison population (Kean, 1982). Subsequently, the Governor's proposals to the legislature included plans for an intensive

supervision program. The Legislature approved and appropriated \$1 million to the Administrative Office of the Courts, effective January 3, 1983 to develop and implement the Intensive Supervision Program (ISP). Under the auspices of Chief Justice Robert N. Wilentz and the justices of the State Supreme Court, an ISP Resentencing Panel was appointed (consisting of Judge John A. Marzulli, Judge William F. Harth and Judge Theodore Z. Davis) and an Advisory Board was formed (chaired by Judge Marzulli) to prepare a detailed plan for ISP. The detailed plan was approved in June. Consultations about the plans for ISP had included Robert D. Lipscher, Administrative Director of the Courts, and Harvey M. Goldstein, Assistant Director for Probation Services at the Administrative Office of the Courts. Wilbur E. Brown, who had long experience with probation on the county level, was appointed the director of the Intensive Supervision Program. (In December, 1984 Mr. Brown finished a leave of absence and returned to his previous position; Richard Talty has been the Director of ISP since that time.)

THE ISSUES INVOLVED IN INTENSIVE SUPERVISION

The following are some of the issues that need to be addressed concerning the concept of intensive supervision in the United States.

(1) Can intensive supervision, backed up with a credible threat of imprisonment, reduce recidivism?

(2) What practical effect can intensive supervision programs have on prison population sizes and prison costs?

(3) What types of criminals are good candidates for intensive supervision programs? What types are good candidates in terms of likelihood of individual success?

(4) Can a case management classification system identify which offenders need which level of supervision (Bennett, 1987)?

(5) Is the target group for intensive supervision an optimal choice relative to risky offenders in the whole correctional system (Clear, Flynn, and Shapiro, 1987)?

(6) Does the program produce "net widening" -- and is this good or bad (Clear, Flynn, and Shapiro, 1987, Pearson and Bibel, 1986)? Net widening might enable intensive supervision programs to help prevent some crimes. For example, if professional fences, who are infrequently imprisoned, were sentenced into intensive supervision programs, enough fences might be put out of business to reduce the salability of stolen goods and therefore prevent some burglaries and larcenies.

(7) Can intensive supervision satisfy just-punishments requirements, that is, can intensive supervision deliver just deserts to felons in community settings?

(8) Does the program provide too little control or too much control (Clear, Flynn, and Shapiro, 1987)?

(9) How difficult or satisfying a job is intensive supervision for the officers supervising offenders (Whitehead and Lindquist, 1987)? Does the high frequency of field

contacts improve job satisfaction or increase job stress?

(10) Is intensive supervision cost effective? What is the optimal caseload per officer? What is the optimal number of contacts? (Latessa, 1987)

(11) Are intensive supervision programs acceptable to professionals in the criminal justice system?

(12) What other jurisdictions can usefully adopt intensive supervision programs? How transferrable are these programs (Clear, Flynn, and Shapiro, 1987; Petersilia, 1987)?

These issues provide an orientation for assessing intensive supervision programs in general. The particular research project reported here will help to answer only a few of these important questions. That is, the present project provides information on the effects of ISP on recidivism, on use of prison space, on just punishment requirements, on cost effectiveness, and on the acceptability of intensive supervision in the opinions of professionals in the criminal justice system.

Obviously, no program is a panacea. Only by assessing its strengths and weaknesses can the concept of intensive community supervision be translated into effective practice. Ultimately we will learn its most appropriate role in correctional systems.

Chapter 2: AN OVERVIEW OF THE RESEARCH PROJECT

Our involvement with the program is that of independent researchers (at Rutgers University's Institute for Criminological Research) funded by the National Institute of Justice. ISP policymakers agreed to an evaluation research study of the program in return for periodic feedback and sharing of findings. The Administrative Director of the Administrative Office of the Courts was particularly interested in the formative research aspects of the project.

More specific goals of our study conform to standard evaluation research methods (Rossi and Freeman, 1982:86; Morris and Fitz-Gibbon, 1978). The research was designed to involve two phases: a formative evaluation phase, followed by a summative evaluation phase. During the formative evaluation phase we developed a program impact model. Instituting a large-scale, complicated program such as an intensive supervision program is a complicated process. Our first priority was to engage in an "evaluability assessment" of the plans for ISP, particularly the charter document describing the program, which came to be called the Blue Book (New Jersey Administrative Office of the Courts, 1983). The important question at this stage was: What aspects of the program design could be satisfactorily studied empirically? Programs are evaluable to the degree that cause-effect linkages are stated

or implied in the planners' descriptions. Often, the program impact model will consist of means-goals linkages that are stated or implied (Rutman, 1980). The research problem is one of specifying the hypothesized programmatic causes and program effects. A list of specific programmatic means (program components) that were intended to lead to achievement of a set of fairly unambiguous goals was constructed from the Blue Book and from discussion with the administrators of the program. This program impact model is presented in Chapter 3.

We also developed indicators of the degree of program implementation and assessed the degree of program implementation that existed during the research period. It sometimes happens that a promising program model is developed and careful summative research is conducted that shows either significant or nonsignificant effects, but no data is collected concerning whether the program was implemented in the field as it had been designed. In such studies significant effects may be due to an important variation in the way that the program was implemented, or insignificant results may be the result of a failure to implement the program exactly as it was designed, rather than to an ineffective program concept per se (Rezmovic, 1984). For example, an intensive supervision program design may call for a high frequency of supervision contacts, required employment, and a certainty of severe punishment for program violations. A key question is: Were these and other program

components in fact components of the program as it actually operated in the field? The issue of program implementation is covered in Chapter 5.

The Administrative Office of the Courts had provided oversight and coordinative functions for county probation departments in New Jersey, but prior to the establishment of ISP they had not run a statewide probation program. ISP started from scratch in 1983, and for various reasons, including a desire to learn from the early, small-scale stages of the program, it grew slowly. During this formative phase, we attempted to provide a tentative assessment of how well the program seemed to be achieving its goals by conducting structured interviews with judges, prosecutors, and public defenders in the state. The results of this survey of early reactions to the Intensive Supervision Program are presented in Chapter 4.

The summative evaluation aspects of the research are intended to address the questions: What were the effects of ISP? To what degree was each of the program goals achieved?

We do not know of any empirical study in social science beyond criticism. Problems in doing research on human behavior are especially difficult when a true experiment has not been conducted (including random assignment of subjects to either the experimental or the control group). We think that the most useful view of any social science research is neither to

suppose that it is a paragon of accuracy and precision (because it was conducted by professional researchers), nor to assume that it is nothing more than mere subjective opinion (because there are always methodological problems in research and thus always some degree of error present). One way of examining the relative advantages and limitations of a research study is to use Cook and Campbell's (1979) list of four kinds of research validity (and, conversely, four potential sources of invalidity).

1. Construct validity deals with the degree to which the theoretical concepts (constructs) orienting a research project (e.g., the abstract program goals and the conceptualized programmatic means to those goals) are accurately represented by concrete indicators or measurements. Consider, for example, the concept of "legitimate employment." Most people would agree that computation of the percentage of participants who present pay stubs each month has a high degree of validity as an indicator of legitimate employment. However, in studying real-world problems, researchers often have to settle for using indicators that have a substantial degree of imperfection. With respect to the concept of criminal recidivism, for example, researchers often have to settle for using records of re-arrests or records of re-convictions, even though a significant number of crimes may be committed that never lead to an arrest. Those operational measures are known to underestimate the true rate of recidivism. Thus, those indicators have less satisfactory construct validity.

The quality of the recidivism data in this particular project is not satisfactory. We had to rely on New Jersey's Systems and Communications (SAC) central repository of arrest, court processing, and custody change records received from police departments, courts, and correctional agencies. Any large transaction record system will find errors in such data bases; it would not be surprising to find that one percent of such notifications contained an error. For the information actually found in the SAC data the error rate probably is on the order of one in one hundred. However, data checking showed a much higher frequency of errors of omission: some of the local agencies and departments were apparently not keeping up with the work of sending notifications of criminal justice processing events to SAC. It appears that roughly one in ten events (e.g., arrests, custody changes) had not been entered in SAC, and some particular variables have omission rates of twenty percent. Unfortunately, this level of error is not uncommon in criminal history records (Bureau of Justice Statistics, 1985). Thus, our recidivism analyses are more weakened with errors of omission than those in studies based on more complete data bases.

The adequacy of the construct validity of other particular indicators will be discussed in various subsequent chapters as the need arises.

2. Internal validity is concerned with issues of "local molar causal validity" in a study (Campbell, 1986). The question is: "[D]id this complex treatment package make a real

difference in this unique application at this particular place and time?" (Campbell, 1986: 69). The term "molar" was chosen to emphasize that in social science experimental treatments are rarely, if ever, simple and homogeneous. Even tightly controlled true experiments generally involve a complex treatment package. Because the Intensive Supervision Program is definitely not simple and homogeneous in nature, it is worth noting Campbell's reaction to treatment complexity. He argues that evaluating complex treatment packages is necessary and scientifically efficient. When it is hypothesized that a particular combination of several treatment variables should produce a significant effect, it would be inefficient to work from the bottom up, testing each variable separately, then each pair of variables separately, then each triplet of variables and so forth. It makes sense to test the whole hypothesized package first, and then look for refinements later when the answer to the molar research question is known. Campbell (1986: 70) also points out that

Basic scientists put a premium on clarity of causal inference and hence limit, trim, and change problems so that they can be solved with scientific precision given the current state of the art... This strategy is not available to applied scientists. They should stay with the mandated problem, doing the best they can to achieve scientific validity but (in order to stay with the problem) often making use of methods providing less precision of causal inference where necessary.

Another issue of internal validity is whether the treatment (rather than something else present) really caused significant effects in the particular setting (e.g., New

Jersey's Intensive Supervision Program, 1983-1986).

The type of research design implemented in a study is the key to the degree of confidence one can have that a causal linkage has been demonstrated. Because there are several different means-goals linkages hypothesized in this research project, each involving different indicators, the study uses more than one research design. A discussion of one research design, however, should illustrate the logic. Some of the variables in the study, such as convictions for offenses, have been recorded for the offenders released from incarceration into ISP and for a comparison group of offenders who were released after their ordinary term of incarceration (OTI) to ordinary parole. These variables provide a kind of Pretest-Posttest design because they were recorded both before the imprisonment and also after conditional release into the community. The best way to assess the overall comparability of the experimental and comparison groups is to use a strictly random device to assign individuals to one or the other group. Unfortunately, the ISP program design approved by the state of New Jersey did not allow random assignment of inmates to ISP or a control group. We had to study the program as it was instituted and make the best of what is technically termed a non-equivalent control group, pretest-posttest design (Campbell and Stanley, 1963; Fitz-Gibbon and Morris, 1978).

Three methods were used to try to provide fair analytical comparisons between the experimental and the comparison group. First, a random sample of 500 offenders was drawn from lists of

sentencings for offenses that are eligible crime types in ISP and also so that the ordinary term of incarceration (OTI) comparison group would be on parole at about the same time that the experimental group would be in ISP. Secondly, a statistical technique (discriminant analysis) was used to compare the OTI group with the ISP caseload in terms of criminal history and social background variables and approximately 130 OTI offenders were found to be a closer match to the ISP group on those background variables than they were to the rest of their own OTI group. This "CLOSE OTI" group was compared to the ISP group in our analyses. Third, statistical techniques were used to construct a risk-of-recidivism scale, and that risk scale was introduced into our analyses so that ISP individuals would be compared to OTI individuals having a roughly comparable likelihood of recidivating. These three procedures will be explained in detail in the chapter comparing the characteristics of the offenders in ISP to those in the comparison groups (Chapters 6) and in the chapter analyzing the comparative rates of new violations (Chapter 7). Although these efforts to produce comparability are definitely worthwhile, none of them is as effective as random assignment would have been at producing a predictably equivalent comparison group. Thus, in spite of our efforts to achieve comparability, we cannot rule out the possibility that some pre-existing difference between the ISP and comparison groups

(above and beyond the minor differences expected due to random variation) might account for differences in recidivism, employment, and other effect variables. (See any good textbook on experimental methods for a detailed exposition of this point.)

3. External validity is concerned with generalizability of research results. If a treatment is found to produce significant effects on a specific variable in one study, to what other types of people, settings, and so forth, are those results likely to generalize? The only way to be sure is to conduct more research on specific other types of people, in specific other settings, etc. However, a practical rule of thumb is that the findings of an initial research project are most likely to generalize satisfactorily to similar research projects. Campbell maintains that this "principle of proximal similarity ... [can be applied] with most confidence where treatment, setting, population, desired outcome, and year are closest in some overall way to the original program treatment" (1986: 75). Thus, the findings we shall present on New Jersey's ISP are most likely to generalize satisfactorily to other jurisdictions the more similar the program components are, the more similar the program goals are, the more similar the offender population is, and so forth. Both the explanation of the program model (Chapter 3) and the descriptive statistics on the characteristics of offenders in ISP (Chapter 6) can be read with a view toward assessing the likely generalizability of results to particular other jurisdictions.

4. Statistical conclusion validity is concerned with the quality of statistical analyses conducted. Were the statistical procedures used in the study appropriately chosen and appropriately carried out? Statistics depend on fundamental assumptions about the data collection process; were those assumptions reasonable? The reasonableness of the statistical procedures used can be assessed in the later chapters of this report, particularly Chapter 7.

Chapter 3: THE PROGRAM IMPACT MODEL OF NEW JERSEY'S
INTENSIVE SUPERVISION PROGRAM

As mentioned in Chapter One, the Administrative Office of the Courts, with the full support of the executive and legislative branches, instituted the Intensive Supervision Program within its Probation Services Division in 1983. Before this innovation the Administrative Office of the Courts had not engaged in field supervision, although it had provided supervisory and coordinative services to the county probation departments. The central idea of the program is that certain offenders sentenced to prison by trial judges (and actually committed to prison) can be resentenced into ISP by a specially created panel of judges appointed by the Chief Justice. The program design articulated in the final draft of the New Jersey Administrative Office of the Courts document titled Intensive Supervision Program (AOC, 1983) reflects four paramount goals:

1. to release selected offenders from incarceration into the community after they have served a minimum of sixty days of their prison term in order to make scarce prison space available for more serious offenders. We term this the improved-use-of-prison-space goal.

2. to provide alternative, appropriate, intermediate punishment in the community for those selected offenders instead of the prison sentence (AOC, pp. iii, iv, 3). This is the intermediate-punishment goal.

3. to run this Intensive Supervision Program effectively at costs significantly lower than the costs of incarceration (AOC, 7). This is the cost-effectiveness goal.

4. to reduce criminal behavior by those selected offenders while they are in the community (AOC, iii, 3). We label this the reduction-of-recidivism goal.

We identify ten major program components of New Jersey's ISP. In developing these program components, ISP administrators looked at, and learned from, intensive supervision programs in Georgia, New York, and Texas. The essential structure of the ISP New Jersey established can be grasped most easily by means of a description of each component of the program in turn.

1. A Few Months in Prison

Each offender who enters ISP must first serve a few months of his prison sentence (AOC, p. 3). Typically, offenders will serve three or four months in prison before release into ISP.

2. Program Caseload

The program objective is to handle a total active caseload of 375 to 500 offenders (AOC, p. 7). The program is statewide and is run from the Administrative Office of the Courts in Trenton. For efficiency, ISP officers work out of three ISP regional offices in the state.

3. Selective Intake of Offenders.

The selection of participants is a careful and complicated process, involving seven separate steps or "levels of eligibility" (AOC, pp. 10 ff.). In the interest of (relative) brevity, only the major steps and selection criteria will be described here. (More information on the seven steps is presented in Chapter Five.)

Inmates sentenced to prison are provided with brief brochures (in English and in Spanish) that describe the program in simple terms. The brochure includes a form that can be sent to ISP to alert them that the individual would like to learn more about the program.

Any applicant whose current conviction is for homicide, robbery, or a sex crime or whose sentence includes a minimum period of parole ineligibility is not eligible to participate in the Intensive Supervision Program. This is part of the ISP charter, and it reflects a consensus to exclude the most serious crime types from ISP. Of the crime-types eligible for further consideration, the most common are burglaries and major thefts, small-time drug sales, and fraud.

Applications with eligible crime-types are given to an ISP officer in the applicant's intended region of residence. The ISP officer then interviews the applicant in prison, to get information on such things as:

1. biographical data;

2. problem areas (such as remaining legal problems, financial problems, family problems, drug problems, and so forth).

3. the applicant's first attempt to formulate personal goals and plans to be followed, if admitted to ISP; and

4. persons in the community who are willing to assist the inmate upon release, that is, a potential community sponsor and possible network team members. (See section 10, below, for a description of those roles.) (When an applicant could not think of a law-abiding citizen willing to help him live up to the program requirements, ISP staff have found suitable citizen volunteers.)

Having completed the interview with the inmate-applicant, the ISP officer contacts the potential community sponsor and network team members identified by the applicant. A criminal history check is done on them. If the citizen-volunteers are found to be law-abiding citizens, a meeting is arranged with them. At the first meeting with those community members, the ISP officer provides a detailed description of the program, the role of the community sponsor and network team, and how the offender must put together an acceptable plan for productive life in the community as part of his application process. Once the community members understand their role and have agreed to perform specific activities to fulfill that role, the case plan is reviewed in detail with the applicant. Then, all parties must sign the applicant's plan for the program.

One to two months elapse before the next action is taken by the Screening Board. This is to allow time for the prosecutor, sentencing judge, police, and victim to respond to the notification that the inmate has applied for admission to ISP with whatever comments and recommendations they may have. The Screening Board acts as a party of three, chaired by an administrator in ISP (designated by the director of ISP) and including an administrator from the Department of Corrections (who is designated by the Deputy Director of the Department of Corrections), and a citizen member. The Screening Board sits at various sites throughout the state, and four public-spirited citizens (appointed by the Chief Justice) form a pool from which the citizen member is drawn at any specific location. The Screening Board reviews the application and statements by the prosecutor, sentencing judge, police and victim; the applicant's judgment of conviction and prison record; the probation department report; the evaluation of the application by ISP staff; and, other materials.

At this stage in the ISP process, the Screening Board interviews the applicant to assess his sincerity and motivation to carry out the obligations articulated in the plan.

The last step in the ISP application process occurs when the ISP Resentencing Panel holds a hearing on the applications. The Resentencing Panel was created specifically for the Intensive Supervision Program. Judges are appointed to the panel by the Chief Justice to make the final decisions on the selection of offenders for ISP and to monitor the offenders'

continuing compliance with the program requirements. When ISP was small, the panel consisted of three judges. Now that the active caseload is about 400, there are six judges who sit as a party of three at various locations throughout the state. All interested persons, including the prosecutor, victim, etc., are invited to attend the resentencing hearing. Based on the material submitted and testimony offered at the hearing, the Resentencing Panel accepts or rejects the application --- or in some cases advises that part of the application be revised and resubmitted at a future date.

What ISP is looking for in the selection process is not to find perfect applicants, but rather to screen out unacceptable applicants. Roughly 95 percent of the rejections of applicants are due to (in descending frequency) ineligible crime type, mandatory term of parole ineligibility, or a prior record that is too lengthy or that includes a violent crime. Roughly five percent of applications are rejected due to the applicant revealing a lack of motivation or sincerity (e.g., the applicant is reluctant to abide by one or more of the rules, such as the curfew, or the applicant has lied in the applications process).

4. Intensive Supervision Contacts.

If an application has passed the careful screening process, the offender is informed that his or her application is being viewed positively and is released from prison for a

90-day trial period of ISP. If the offender participates satisfactorily another 90-day trial period is granted. If the participant continues to participate satisfactorily during the second 90-day period, the Resentencing Panel vacates the present sentence of incarceration and resentsences the individual to ISP for the maximum term of the sentence of incarceration (but not more than five years) minus time served. At the same hearing the individual is then officially placed in the Intensive Supervision Program.

The required frequency of supervision contacts is designed to monitor participants most closely in their early days in ISP. As they prove themselves reliable, less-frequent contacts are required. There are seven phases of supervisory control. For convenience, we shall term the stages the Beginner, Intermediate, and Advanced stages, followed by a Senior stage consisting of steps one through four.

(a) The Beginner's stage covers the participant's first two 90-day trial periods. In this stage the participants are contacted by their officer at least 20 times per month. Of the 20 contacts each month, during the first 180 days in the program at least 12 are face-to-face, usually in the participant's home, occasionally at work. Four of the contacts are curfew checks made late at night to make sure that the participant is obeying the curfew: the general rule is that each ISP participant must be home every night from 10:00 p.m. to 6:00 a.m. The remainder of the 20 contacts per month are by telephone.

(b) During the Intermediate stage, days 181 through 300 in the program, at least eight contacts are face-to-face each month, including two curfew checks.

(c) In the Advanced stage, days 301 through 420, the minimum is six face-to-face contacts per month, including one curfew check.

(d) The Senior stage, known as "re-entry," has four steps designed to prepare the participant for the complete removal of supervision that will occur in four more months (when the participant achieves graduation from the program, i.e., unconditional discharge). Normally, each of the Senior steps lasts one month. In Senior step one, there are four face-to-face contacts, and twelve telephonic. In Senior step two there are three face-to-face and nine telephonic. In step three there are two face-to-face and six telephonic. In the last Senior step there is one face-to-face and three telephonic contacts required.

In some cases, usually in the Beginner or Intermediate stage, ISP officers have imposed stricter curfews of 9:00 P.M. or even 8:00 P.M. On the other hand, when a participant has been doing very well in the program for several months, the curfew hours have been made more lenient and in some successful cases relaxed entirely for short periods of time. In some cases the Senior stage has been abbreviated because of the high reliability of a participant. In other cases the Senior period

has been extended for a couple of months, usually because the participant had not yet completed one of his obligations (e.g., owed some hours of community service to the program, or owed a small portion of a required fine or fee).

All participants undergo EMIT urinalysis tests for a wide spectrum of controlled substances -- including marijuana (THC) -- without warning and on a random basis in the first three months. If a participant were to dispute the results, a blood sample test can be ordered. Offenders with a history of drug abuse or alcohol abuse continue to undergo random urinalysis tests four times per month until the Senior stage.

5. Revocation of Failures.

If a participant in ISP fails to abide by the program requirements (e.g., staying law-abiding and drug-free, abiding by the curfew, performing community service work, etc.), he will be immediately returned to prison (AOC, pp. 4, 7).

6. Fines, Restitution, Fees, and Other Payments

Depending on the circumstances of the individual case, the participant may be required to pay fines, make restitution, make payments to a general victim compensation fund, pay fees to help defray program costs, pay child support and/or alimony, and settle other debts the individual may have incurred.

7. Required Employment.

The program rules state that failure to be employed, without good cause, after the first 90-day period will result in a return to prison (AOC, p. 28). The participant must present all pay stubs to the ISP officer as verification of employment.

8. Community Service Work.

The program requires at least 16 hours of community service by each participant per month (AOC, p. 28). Additional hours may be required in special circumstances, for example, if the participant has not yet found full-time employment or training (and thus has too much free time on his hands) or for a "first offense" curfew violation. In the Senior stage the number of community service hours that are required decreases to twelve, then to eight, to four, and finally to zero.

9. Special Counseling and/or Treatment

ISP requires that participants with an identified problem (e.g. drug or alcohol dependence, compulsive gambling) make use of specialized counseling/treatment services (AOC, pp. 22-23, 28). Many participants take part in evening group counseling scheduled by their ISP officer. Most participants also take part in one or more other specialized counseling programs that are not provided by ISP per se, but by other organizations in

the community. The specialized counseling programs available for participants include counseling for drug abuse, alcohol abuse, gambling, family problems, minor emotional or psychological problems, and financial counseling.

10. Community Sponsor and Network Team Support.

Each participant is to have a community sponsor and may also have other support persons who help monitor the participant's progress throughout his involvement in the program and provide help and guidance (AOC, p. v, 11-12, 20-21, 28). A major responsibility of the community sponsor is to "have custody of" the ISP client during the first two 90-day "trial" periods. This custodial responsibility consists in the community sponsor's helping to check that the participant is conforming to his program plan (e.g., that the participant goes to work at the expected time, that he attends the counselling sessions, etc.), helping to monitor compliance with the curfew, helping to monitor compliance with any special conditions of acceptance, and by helping the client obtain community resources that may be needed to fulfill his ISP plan.

Depending on the circumstances of the individual case, a family member may be allowed to be a community sponsor. In the Beginner's phase the community sponsor is contacted by the ISP officer at least twice per month to find out the community sponsor's perception of how well the participant has been meeting the program requirements.

Network team members have more limited duties. Examples include supervising the performance of the required community service, providing transportation, etc.

The program emphasizes the need for the participant to take responsibility for his actions (AOC, p. 3). This is one of the concerns the ISP officers have when they visit the client and discuss the client's progress with him. However, we are unable to measure individual responsibility and adequately distinguish it from conformity that is due to the external supervisory control provided by the ISP officers. Perhaps this is better considered to be part of the background "philosophy" of ISP rather than a component of the program per se.

We have outlined the paramount goals for the program mentioned in the Intensive Supervision Program document and outlined the specific activities required. Another aspect of the plan is the specific criteria for successful discharge from ISP. In addition to the general criterion of continued cooperation with the program by the participant, the specific criteria for successful discharge are

1. no new arrests,
2. payment of fines, restitution etc.,
3. maintenance of full-time employment,
4. fulfillment of the participant's plan,
5. fulfillment of the required community service,
6. fulfillment of any special conditions attached to the participant's admission to the program.

A participant's minimum term in ISP is determined by a formula that is based on the length of his (or her) instant sentence, but everyone is required to spend at least a year in ISP. Upon admission to ISP, the participant is given a maximum term in ISP but, depending on his success in the program and the length of his instant sentence, the Resentencing Panel of judges may discharge him before that maximum period. Many participants received five-year sentences or indeterminate sentences which require a minimum of sixteen months in ISP. Consequently, the average successful participant spends a year-and-a-half in the program, at which time he is given an unconditional discharge. That is, ISP graduates are not transferred to ordinary probation or parole; they are completely free. (ISP policy makers considered that there would be little added value in following the year-and-a-half terms of intensive supervision with a protracted period of the low frequency of contacts found in ordinary probation or parole.)

A few minor implemental changes have been made to the original ISP "blueprint" as a result of actual operational experience. One change which has been made is that offenders had to have been incarcerated a minimum of 30 days before they could initiate an application to ISP and incarcerated at least another 30 days before a hearing could be held. The ban against submitting an application in the first thirty days has

been dropped, but that change appears to have had no effect on the sixty-day minimum prison time required prior to release into ISP and little or no effect on the average time that offenders served in prison (three-and-a-half months, on the average). Another change is that offenders had been required to have full-time employment arranged prior to acceptance into ISP. Now the general rule is that they find full-time employment within thirty days of admission into the program.

It is worth pointing out the three ways in which New Jersey's ISP is different from other model programs. One is the requirement that a few months of the prison sentence actually be served by the offender. Another is the requirement that the offender voluntarily apply for ISP. A third difference is the role of a "Resentencing Panel" consisting of three Superior Court judges who make the final decisions on admissions to ISP, who periodically review the progress of each program participant, and, if it appears that a participant may have violated program rules, who hold hearings to decide whether a participant should be returned to prison. In other jurisdictions, judges have much less substantial involvement in the ISPs. In New Jersey, however, the Resentencing Panel is a stable, cohesive small group of judges (originally three, now six) who are intimately aware of program operations and the progress of ISP participants. It is not surprising that the participants are expected to accept the program "philosophy,"

as do the ISP officers; in New Jersey the judges on the panel are equally committed to the ideals and principles of the program.

INFERRED CAUSE-EFFECT LINKAGES UNDERLYING THE PROGRAM DESIGN

Obviously ISP is a "complex treatment package." Policy-makers believed that the program components as a whole would produce a reasonable level of achievement of the goals (also taken as a whole). It should be worthwhile, however, to explore some of the cause-effect linkages that, we infer, underlie the program design. The following program impact model is a system of hypotheses of cause--effect relationships.

1. As depicted in Figure 3.1, the goal of improved use of prison space is affected by the selective intake of offenders. Assuming a fixed stock of prison space (and associated facilities) in the short run, selectively giving less serious offenders less time in prison than was previously the case (on the average), necessarily leaves more space per year for more serious offenders. The program objective of handling an active caseload of 375 to 500 offenders sets the goal: the additional prison space aimed for. Strictly in terms of this prison-space goal, however, the requirements that participants first serve a few months of their prison sentence, and that violators be returned to prison reduce somewhat the gain in the use of prison space.

Figure 3.1. Inferred Causes Affecting Improvements in the Use of Prison Space.

PROGRAM COMPONENTS AND MEANS:

GOALS:

1. A few months in prison

2. Program caseload

3. Selective intake

4. Intensive supervision

5. Revoke failures

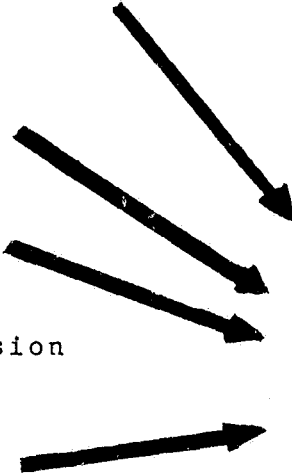
6. Fines, payments

7. Employment

8. Community service

9. Counseling

10. Community volunteers



Prison space

Figure 3.2. Inferred Causes Affecting the Level of Punishment.

PROGRAM COMPONENTS AND MEANS:

GOALS:

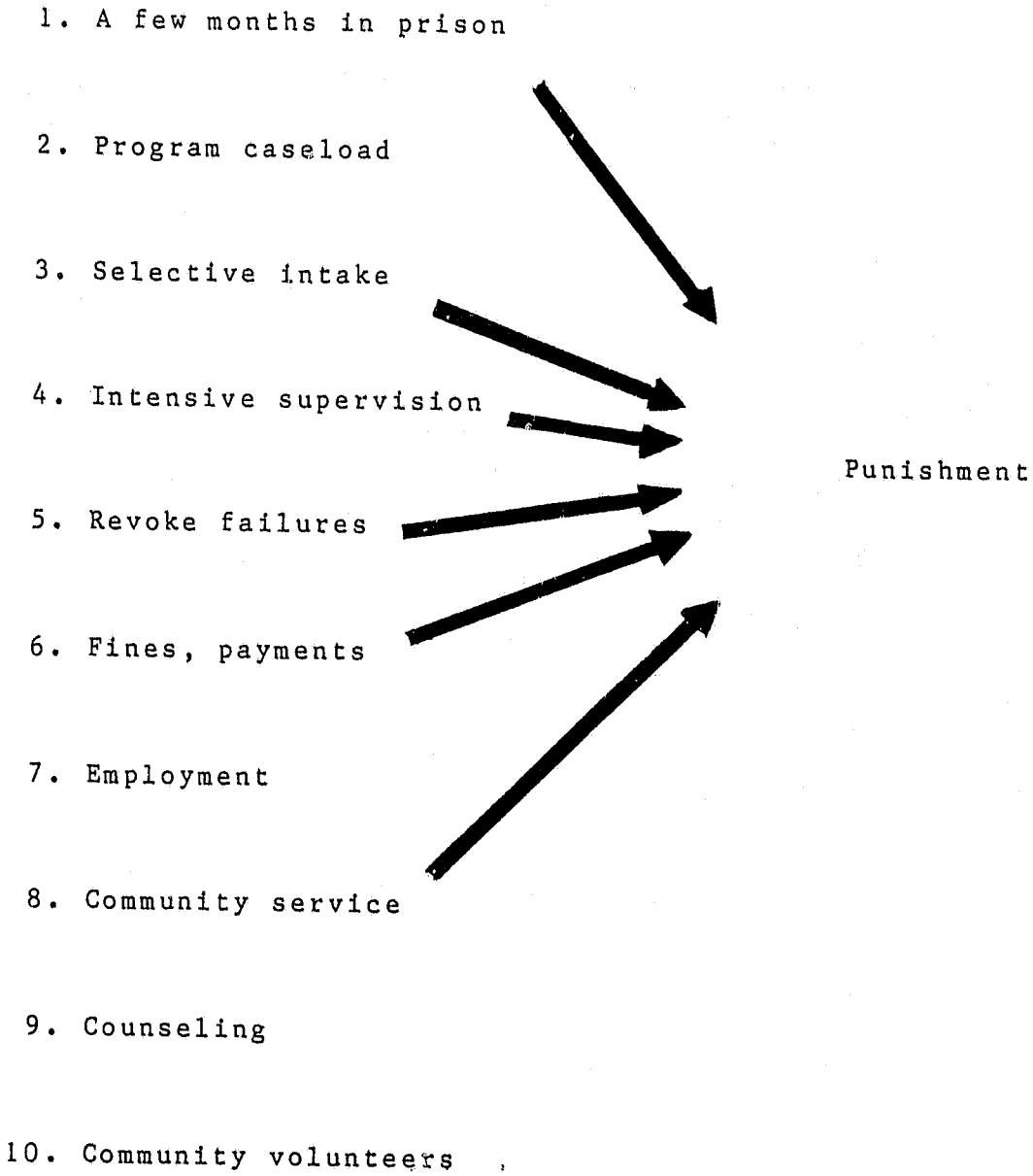


Figure 3.3. Inferred Causes Affecting Improvements in Cost effectiveness.

PROGRAM COMPONENTS AND MEANS:

GOALS:

1. A few months in prison
2. Program caseload
3. Selective intake
4. Intensive supervision
5. Revoke failures
6. Fines, payments
7. Employment
8. Community service
9. Counseling
10. Community volunteers

Cost effectiveness

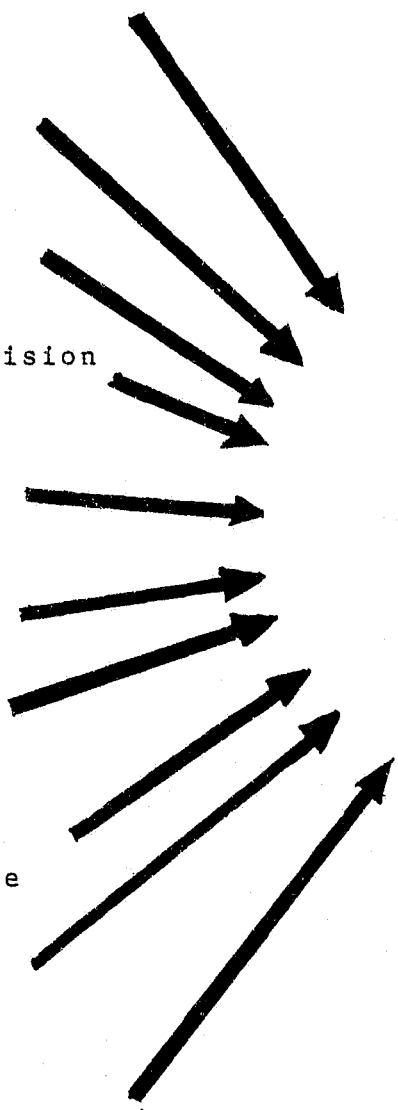
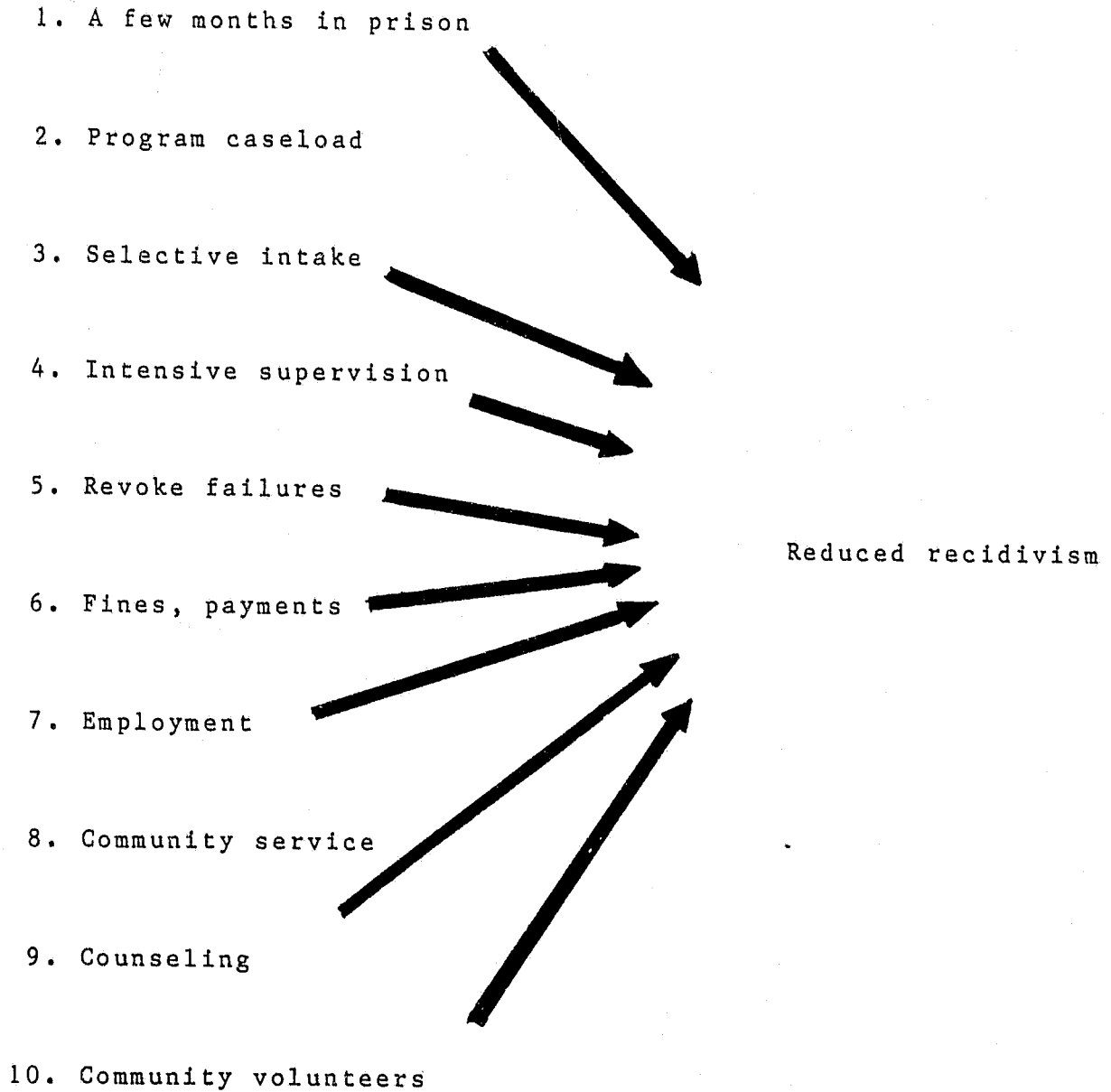


Figure 3.4. Inferred Causes Affecting Reductions in the Rate and Seriousness of New Crimes.

PROGRAM COMPONENTS AND MEANS:

GOALS:



2. The goal of appropriate intermediate level punishment for the offenders' crimes is affected

(a) by the fact that participants must first serve a few months in prison (typically three to five months, depending on the time it takes to develop an application and personal plan and to pass through a careful screening process);

(b) by the selective intake of offenders, in that the more serious felony offenders (e.g., violent criminals), who deserve the severe punishment of longer incarceration, are excluded from admission to the program by the terms of the ISP charter;

(c) by the restrictions on participants' freedom (e.g., all must abide by strict curfews and restrictions on travel; participants are subject to searches of their persons and even their homes) and, in part by the frequent supervision contacts during the day;

(d) by the revocation of ISP for participants who commit a new crime or wilfully violate the program rules;

(e) by payments of fines, restitution, payments to a general victim compensation fund, and program fees;

(f) by 16 hours of unpaid community service work per month.

3. The cost effectiveness goal aims at achieving the various benefits of the program at less cost per offender. In a

general sense, the cost effectiveness of ISP is affected by the costs (and the benefits) of the few months in prison prior to ISP admission, the size of the caseload, the costs (and benefits) of maintaining such a high intensity of supervision, the costs of revocation of failed participants, the benefits of received payments of fines and other payments, the benefits of employment and community service, and the costs (and benefits) of specialized counseling programs for participants, and so forth.

4. The goals of reducing the rate and seriousness of new crimes committed by ISP participants should be affected

(a) by the incapacitative time the ISP participants spend in prison;

(b) by selection of participants who do not constitute a high risk to the community;

(c) by curfew and travel restrictions and in general by the very high frequency of supervision and monitoring checks by ISP officers;

(d) by the deterrent effect of returning violators to prison;

(e) by the generalized deterrent effect of fines, restitution, community service, etc. for the last crime, the instant offense;

(f) by the requirement that the participants be employed in a legitimate job (thus getting money through legitimate means);

(g) by participation in counseling and treatment programs to get help with alcohol, drug abuse, gambling, or other problems that could be criminogenic;

(h) by the combination of monitoring, help, and emotional support that was hypothesized would be provided by the community sponsors and network team members.

The multiplicity of causal arrows in Figures 3.1 through 3.4 illustrates that ISP is indeed a complex treatment package. If all four Figures were combined into one Figure depicting the entire program model, the tangle of causal arrows would make the Figure unreadable. More importantly, it would be impossible to test each of the hypothesized causal links in a single research project; the effects could not all be simultaneously estimated from the data. The four Figures and the remarks relating to them present reasonable implications that seem to underlie the New Jersey Intensive Supervision Program model. They can also guide the analysis of the data and aid in the interpretations of results that will be presented in this report.

This model is a revised version of a program impact model developed during the formative phase of the research project. The next chapter presents another formative activity, that of surveying in the early months of ISP operation the reactions of criminal justice professionals to the program.

Chapter 4: EARLY ASSESSMENT OF THE PROGRAM
BY CRIMINAL JUSTICE SYSTEM PROFESSIONALS

One concern of the formative phase of the research was the question of how this program to supervise felons in the community would be viewed by professionals in New Jersey's criminal justice system: judges, prosecutors, public defenders, and others. We conducted an opinion survey to find out. The survey was conducted in spring and summer of 1984. This was before ISP had reached a total admissions number of 200, and none of the participants had had enough time to complete the program. The survey was intended to provide early feedback to ISP policy-makers about how ISP fitted into the wider criminal justice system, how well-understood the program was, and what knowledgeable criminal justice professionals perceived as its strengths and weaknesses. The survey was not intended to be a representative survey of all judges, prosecutors, public defenders, and other criminal justice professionals in New Jersey. We anticipated that knowledge of ISP would be differentiated: in 1984 ISP was still in its formative stage and most criminal justice professionals would have little or no knowledge about the program, although the small numbers of people who had dealt with ISP directly would be fairly knowledgeable about it. A random sample from the population of all criminal justice professionals would have produced mostly

"don't know" responses to our set of questions. A random sample survey would have been a poor use of our limited resources. Therefore, our intent was to use a purposive or quota sampling method (Babbie, 1973: 106-108) to concentrate on people who had some knowledge of ISP in each of New Jersey's twenty-one counties.

METHODS

Institute for Criminological Research staff planned to conduct interviews with perhaps seventy or eighty professionals in New Jersey's criminal justice system about ISP. Our initial goal was to interview one judge, one prosecutor, and one public defender in each of New Jersey's 21 counties, and to interview perhaps another ten or twenty people in a variety of professional positions, including prison administrators, county jail administrators, and parole administrators. We used published directories to locate potential interviewees from each county and of each of those criminal justice roles. Another criterion for relating persons to be included in the survey was that the potential interviewee was willing to be interviewed. Several potential interviewees we contacted expressed interest in our study, but candidly said that they did not really know anything about the Intensive Supervision Program. However, there was a difference between judges,

prosecutors, and public defenders, on the one hand, and the other criminal justice professionals (administrators in the Department of Corrections and in Parole).

When judges, prosecutors and public defenders told us that they did not really know about ISP, they referred us to a colleague that they thought did know something about ISP. Typically, the response was, "Gee, I don't really know anything about that. You ought to talk to _____. I think he knows about the Intensive Supervision Program. Let me get you his number...." Although some of the people in corrections and parole that we contacted did know about ISP, others said that they didn't know enough about it to be interviewed on the subject and either could not think of anyone who did know about ISP or they mentioned the names of the few people we had already interviewed. Thus, since many of the people in corrections and parole whom we contacted felt inadequately informed about ISP, we decided to be satisfied with four completed interviews with people other than judges, prosecutors, and public defenders.

We also found relatively few public defenders willing and able to be interviewed. Again, the main problem was that several public defenders said that they did not know enough to be interviewed about the program. A typical response was that they remembered reading something about the program, but they didn't know enough to discuss it. Public defenders were

located in fourteen counties who were knowledgeable about ISP, and they agreed to be interviewed. Twenty judges and twenty two prosecutors also gave interviews on the subject. (During a telephone interview with a prosecutor, he asked that his colleague, who had strong opinions about ISP, take part as well on an extension line; so there were two interviewees in that county.)

An initial mailing to potential interviewees included an introduction from the director of the Intensive Supervision Program asking that person to cooperate with our interview study and a letter from us outlining the purpose of the interviews and promising that the anonymity of the interviewees would be maintained. A few interviewees wanted further assurances that their anonymity would be preserved --- seemingly because they did not want a negative reaction from "higher ups" or from colleagues. On the other hand, a few interviewees said that anonymity didn't concern them: their opinions on ISP had been voiced in the past.

Almost all of the interviews were conducted over the telephone. A few preferred an in-person interview, so those were conducted face-to-face. After preliminary remarks, such as thanking them for taking time out of their busy schedules, the following introductory remarks were made:

"As we mentioned previously, we at Rutgers who are doing the external evaluation research on the Intensive Supervision Program which went into operation last Fall would like to get the opinions of a sampling of professionals in the criminal justice system about this program. The Intensive Supervision Program was designed

to select certain types of offenders who have served three or four months of their prison sentence and release them to live and work in the community under intensive supervision. Instead of saying Intensive Supervision Program from here on, I'll just call it ISP. Is that all right?

I'd like to begin with questions about the program components of ISP. For each component of the program, I'll first ask a multiple choice question. I'll follow that with an opportunity for you to provide your own open-ended comment on that program component, if you care to.

Here's the first multiple choice question:

- 1.1 The screening of offenders for ISP is
 - a. too lenient
 - b. about right
 - c. too strict
 - d. I don't have enough information to say."

All multiple choice items were followed with open-ended questions in order to give the interviewees an opportunity to explain the basis of their ideas and to explain their thoughts in depth and in detail if they wished --- or to correct a possible misinterpretation of their answer to the multiple choice item. The multiple choice items were included to provide some "forced choice" distinct alternatives that lend themselves to concise graphic and statistical analysis. The open-ended questions were included so that the interviewees could discuss ISP in their own words, from their points of view.

The topic areas of the questions were chosen to elicit ideas on the stated goals of ISP and the program components designed to serve as means to the goals. Four of the major goals of ISP are:

1. to use available prison space more effectively
2. to provide appropriate intermediate punishment
3. to be cost effective
4. to control recidivism

Questions were asked on each one of these topics.

ISP is a complex program with many components that are designed to serve as means to those goals. We asked about the following specific program components to elicit ideas about the specific operation of ISP.

1. careful screening of offenders for ISP
2. intensive supervision and monitoring of ISP participants
3. performance of community service work

We would have liked to question the interviewees about the ISP requirement of employment, about ISP collection of program fees from some participants, about ISP counseling sessions, and the ISP insistence that certain participants take part in drug abuse or alcoholism treatment programs, and so forth. However, there is not enough time in a one-shot interview with busy people to cover all of the components of ISP. On the other hand, the interviewees could have commented on any component of ISP as part of their response to open-ended questions; indeed, some did comment on components we did not focus on. The entire interview protocol is reproduced in Appendix 3.

FINDINGS

Our findings follow the order in which the questions were asked during the interviews.

- 1.1 The screening of offenders for ISP is
- a. too lenient
 - b. about right
 - c. too strict
 - d. I don't have enough information to say."

Screening Of Offenders For ISP

Value Label	Value	Frequency	Percent
Too Lenient	1	21	35
About Right	2	18	30
Too Strict	3	8	13
Not Enough Information	4	13	22
Total		60	100

The next table shows how the responses to the item on screening varied by the role the respondent performs in the criminal justice system. As you will see, opinions on many items do vary by criminal justice role. Roughly speaking, prosecutors think that the program is not a tough enough response for the offense, public defenders think the program is too tough, and judges tend to fall in between.

Screening Of Offenders For ISP By Role In Criminal Justice System.
(Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutors	Judges	Public Defenders	Other	Row Total
Too Lenient	17 77%	3 15%	1 7%		21 35%
About Right	4 18%	9 45%	2 14%	3 75%	18 30%
Too Strict		1 5%	6 43%	1 25%	8 13%
Not Enough Information	1 5%	7 35%	5 36%		13 22%
Column Total	22 100%	20 100%	14 100%	4 100%	60 100%

Notes were taken on the interviewee's comments and answers to open-ended questions. Samples of representative remarks are presented in appropriate sections of this report. Obviously, it would have been tedious to include all of the interview material --- all 60 detailed interviews --- in a chapter already of substantial length. We have done our best to present samples of the comments and answers that show the most typical responses and that also show something of the variation in opinions. The percentage of interviewees having opinions of a particular types is better shown in the analyses of the multiple-choice items.

Comments and answers to open-ended questions have been given coded IDs to maintain anonymity. The coding system is complex: some interviewees have more than one ID assigned to them.

JG = Judge

PR = Prosecutor

PD = Public Defender

OT = Other (e.g., corrections)

Notes on the exact words used by the interviewee are enclosed in quotation marks. Other notes are accurate paraphrases.

1.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

JG 162 "I am pleased with the screening process. They seem to be quite careful - I think they do a very thorough job."

JG 165 "I agree with ISP screening decisions - those released into ISP and those detained."

JG 170 "Work-ups are complete and well done."

JG 172 Respondent has received many notes stating that offenders were being screened in order to enter ISP. However he had not heard the results of the screening. Recently, he received a letter from someone in ISP saying that a specific offender had been rejected. It alarmed him because he then assumed that all other offenders who had applied had been accepted.

JG 176 "I have received numerous requests for information about offenders from the ISP screening group. They have followed my advice; therefore I am pleased with the ISP screening process."

PR 103 Those applying for ISP are drug dealers, white-collar criminals who are repeat offenders and must be incarcerated.

PR 104 "How can we expect to find 350 to 500 who qualify?... There are fewer who qualify than they initially thought. Therefore, choices are being made for ISP who are questionable risks. For some it is their third offense (burglary or drugs). The screening is too liberal. There are only 100 in the state who could qualify for ISP at best."

- PR 111 Poor quality of ISP applicants -- The Prosecutor's Office has spent a great deal of money, time, research to gain a significant sentence for the offender only to see him released through ISP. The offender is usually a repeat offender (drug dealers and welfare fraud).
- PR 117 "Many candidates for ISP are drug offenders with many probation violations. Even the most lenient judges give great thought to each case before sentencing. Once sentenced, the offender must serve his time as punishment."
- PR 125 "Just a general impression -- I do get notice of those being considered. Those clearly entitled seem to get through the screening process, and those not entitled do not get through."
- PR 139 "The reports are not thorough. Past offenses are missing. The sponsor's ability to guide is favorably colored. The plans are not realistic or factual."
- PD 118 "I have read 8 to 10 reports which I get before the hearing. These reports are comprehensive and thorough."
- PD 120 "ISP is reserved for people who shouldn't be in jail in the first place."
- OT 105 He is very familiar with the screening program and feels it is about right at present so the program can get off the ground. It must have public approval; therefore, there is a need for a strict screening process.
- OT 152 "It is difficult to get a sufficient number of candidates for the program due to rigorous screening."

1.3 Could you suggest any ways in which ISP could improve the screening of offenders for ISP?

- JG 173 "To prove the success of the ISP program they are not willing to take some risks. Consider an offender who made a mistake at 18 and then had a clean record for 5 years. ISP seems unwilling to approach that gray area. They want 100% success."
- JG 174 "More definitive guidelines." My concern is that offenders with the same records and having committed the same offense can receive different sentences. One will receive a sentence specifying minimum time to be served - the other will not have to serve minimum time and

therefore will be eligible for ISP. They could be in adjoining cells. Inequity creates problems."

JG 182 "No, I'm assuming that they (ISP screeners) have the benefit of the presentencing reports. In most instances my feelings were negative and they went along with my recommendations.

JG 272 "I cannot suggest improvements without in-depth information."

PR 129 "The screening board should be aware of the true nature of the crime and the offender's past record. The screening board must look more deeply, beyond the conviction itself, to the offender's past violence."

PR 149 Must have more thorough background information about the offender before admittance to the program.

PR 203 The prosecutor and trial judge should be given veto power at a final screening hearing to insure appropriate screening.

PR 204 Pressure to have 300 to 500 in ISP must be reduced. Offenders must qualify, regardless of numbers. "Lets take only those who we feel confident can make it."

2.1 One of the objectives of ISP is to supervise and monitor the offenders in the community. Would you say that ISP supervision and monitoring is

- a. excessive or counterproductive
- b. about right
- c. insufficient
- d. not enough information to say

Supervision and Monitoring of the Offenders

Value Label	Value	Frequency	Percent
Excessive	1	3	5
	1.5*	1	2
About Right	2	18	30
	2.5*	1	2
Insufficient	3	6	10
Not Enough Information	4	30	50
Declined to Answer	9	1	2
		60	101

*When an interviewee chose a response between two values (e.g., "I would say in between 'excessive' and 'about right'), we used a .5 value between the two values (e.g., 1.5).

Supervision and Monitoring of the Offenders By Role In Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total
Excessive	1 5%		2 14%		3 5%
				1 25%	1 2%
About Right	2 10%	6 30%	7 50%	3 75%	18 31%
	1 5%				1 2%
Insufficient	5 24%		1 7%		6 10%
Not Enough Information	12 57%	14 70%	4 29%		30 51%
Column Total	21 101%	20 100%	14 100%	4 100%	59 101%

2.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

JG 160 "We have no information about supervision or monitoring."

JG 175 "I hear good reports about ISP supervision and monitoring. It's much more intensive than probation supervision."

JG 270 "I have no information or feedback about supervision and monitoring."

PR 123 Theoretically it's sufficient, but practically it is inadequate. People who can be influenced, such as uncles, wives and mothers, are sponsors. The community network team was a charade. Those listed were sometimes unaware that they were part of the network team. The community sponsor is supposed to monitor the curfew, etc. . . . Family members were unable to do this

before. Why should we believe that they will be able to assume the responsibility now?

PR 211 ISP supervision and monitoring plans are such that it is impossible to monitor on a 24 hour basis. He feels that most of the offenders in New Jersey need 24 hours a day supervision. The fact that mothers, sisters, other relatives, clergy, and store owners are sponsors worried him. They are not capable of dealing with this type of offender.

PR 304 "They are trying their damndest." Tight supervision is essential, it is not burdensome. It must be done, and the curfew enforced.

PD 101 Standards -- a few are silly. Example: maintaining a daily diary. Curfews are too restrictive. The judges are heavy handed, too demanding, too punitive. This causes some candidates to fall apart (candidates have a difficult time coping as is).

PD 150 I've talked to several people who have had some knowledge about ISP supervision, and they feel the strings could be a bit looser. "Supervision and monitoring should be less of a threat."

PD 218 "I have spoken with ISP officers and feel that the supervising and monitoring is intensive and well done."

OT 110 "Supervision and monitoring is very strict." He seemed most concerned that nonadherence to curfew constituted a violation. He, however, felt the program should be strict to show the public that it is carefully monitored.

OT 205 Supervision and monitoring must be intense for the program to work. The ISP requirements for supervision and monitoring are extremely strict and necessary.

2.3 Could you suggest any ways in which ISP could improve the supervision and monitoring of offenders in ISP?

JG 273 "No - not enough information."

PR 229 The concern is -- if caseload was increased to 19 to 20 offenders per ISP officer, the program would lose its effectiveness. "ISP supervision and monitoring --- at present, with small caseloads --- it could not be improved. It is excellent."

PR 137 "Check the background of community sponsors carefully. Make sure plans for employment materialize."

PD 220 "No, it's good."

3. One of the goals of ISP is to provide an intermediate form of punishment that is more severe than probation and less severe than regular terms of incarceration. Please imagine a scale from 1 to 9 with standard probation assigned the number one and serving a regular term of incarceration assigned the number nine. Five is the exact middle of the scale. Where would you place ISP on the scale?

1	2	3	4	5	6	7	8	9
pro-								incar-
bation								ceration

ISP Severity Compared with Probation and Incarceration

Value Label	Value	Frequency	Percent
Probation	1	2	4
	2	10	19
	2.5*	6	11
	3	5	9
	3.5*	1	2
	4	6	11
	5	7	13
	5.5	1	2
	6	4	8
	7	6	11
	8	2	4
	8.5	1	2
	Incarceration	9	2
Don't Know	98	4	*
Declined to Answer	99	3	*
Total		60	100

*These were excluded when computing the following summary statistics:

Mean = 4.3 Median = 4.0 Standard Deviation = 2.2

ISP Severity Compared with Probation and Incarceration by Role in Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

		Prosecutor	Judge	Public Defender	Other	Row Total
Probation	1	2 10%				2 4%
	2	7 33%	2 12%	1 9%		10 19%
	2.5	4 19%	2 12%			6 11%
	3	4 19%	1 6%			5 9%
	3.5	1 5%				1 2%
	4		1 6%	4 36%	1 25%	6 11%
	5		5 29%	1 9%	1 25%	7 13%
	5.5		1 6%			1 2%
	6	2 10%	1 6%	1 9%		4 8%
	7	1 5%	3 18%		2 50%	6 11%
	8			2 18%		2 4%
	8.5			1 9%		1 2%
Incarceration	9		1 6%	1 9%		2 4%
Column Total		21 101%	17 101%	11 99%	4 100%	53 100%

4.1 Now, thinking in terms of the same scale with standard probation assigned the number one and regular incarceration the number nine, where do you think an ideal Intensive Supervision Program should be?

1	2	3	4	5	6	7	8	9
pro-								
bation								incar-
								ceration

Ideal Severity of ISP

Value Label	Value	Frequency	Percent
Probation	1	3	6
	2	1	2
	2.5	2	4
	3	2	4
	4	4	8
	5	10	20
	5.5	2	4
	6	1	2
	6.5	1	2
	7	12	25
7.5	5	10	
8	4	8	
Incarceration	9	2	4
Dont Know	98	2	*
Declined to Answer	99	9	*
Total		60	99

*These were excluded when computing the following summary statistics:

Mean = 5.7 Median = 6.0 Standard Deviation = 2.1

Ideal Severity of ISP by Role in Criminal Justice System.
 (Each cell contains the number of interviewees and below that
 the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total	
Probation	1 11%	2 6%	1 6%		3 6%	
	2		1 9%		1 2%	
	2.5 6%	1 6%	1 6%		2 4%	
	3 6%	1 6%	1 9%		2 4%	
	4		3 27%	1 25%	4 8%	
	5 11%	2 11%	4 25%	2 18%	10 20%	
	5.5 6%	1 6%	1 6%		2 4%	
	6			1 9%	1 2%	
	6.5 6%	1 6%			1 2%	
	7 28%	5 28%	6 38%		12 25%	
	7.5 11%	2 11%	3 19%		5 10%	
	8 11%	2 11%		2 18%	4 8%	
	Incarceration	9 6%	1 6%	1 9%		2 4%
		Column Total	18 102%	16 100%	11 99%	4 100%

Difference Between Ideal Severity and Actual Severity of ISP

	Value	Frequency	Percent
	-3.50	1	2
	-2.00	2	4
	-1.00	3	6
	0.00	21	44
	1.00	5	10
	1.50	1	2
	2.00	2	4
	2.50	1	2
	3.00	2	4
	4.00	4	8
	5.00	3	6
	6.00	2	4
	7.00	1	2
Don't Know/Declined to Answer		12	*
Total		60	98

*These were excluded when computing the following summary statistics for the sample as a whole:

Mean = 1.2 Median = 0.0 Standard Deviation = 2.3

Since there tend to be differences related to the respondent's role in the criminal justice system, the summary statistics on the differences between the interviewee's expressed ideal severity of ISP and the perceived actual severity were also broken down by the role in the criminal justice system:

Role in C.J.S.	Mean	Median	Standard Deviation	Number Answering
Prosecutor	2.833	3.000	2.431	18
Judge	0.933	0.000	1.801	15
Public Defender	-0.409	0.000	1.158	11

Thus, on the average, prosecutors thought that ideally the severity of ISP should be about three points higher on the nine point scale. Judges and public defenders, on the average, thought that the actual severity of ISP was close to the ideal severity for ISP, with a slight tendency for public defenders to assess the program as a little too severe.

If the interviewee gave a number in answer to item 4.1 that was different from the number given in item 3, he was asked the following question:

4.2 What sort of changes would help ISP approximate the ideal point on that severity of sentence scale?

JG 169 "Change ISP to the intended severity of punishment when sentenced."

JG 260 "What do we know about this program? All we do is receive notice that Joe Doe has been placed in the program - what happens from then on? Who knows?!"

JG 275 "After 3 months in ISP, if the offender is meeting his requirements, the supervision and monitoring could be relaxed a bit."

JG 276 Respondent would like to note here that X County has an excellent probation department. He is therefore very comfortable with ISP close to probation in severity of punishment.

PR 113 The same conditions should be applied to probation by the sentencing judge. Eliminate ISP -- use ISP standards and qualifications for probation.

PR 131 "Make those who were given longer sentences do more community service work."

PR 303 ISP should be a work release program where the participants would only be released for an eight hour work schedule. They would then be supervised in a

prison setting for the remaining 16 hours.

PR 404 It should be a work release program where they return to a custodial situation at night. The evening hours should be used for study, giving them an opportunity to develop technical skills while under custodial supervision. Keep them away from the criminal element. They commit the crimes at night. They should report back at 6 PM to a supervised setting.

PD 130 "There are three changes that must be made to approximate the ideal point on the severity scale:
1) Make ISP available sooner. By the time an offender can apply, he is eligible for parole, and ISP is worse than parole.
2) Allow all types of offenders into ISP. Admit first and second degree offenders first.
3) Provide a place for them to stay. You would be surprised if you could see, as I do, that most of them have no place to go. They must have a place to stay where they can be supervised."

PD 201 The problem is not severity of punishment. The problem is that the program is geared for the white middle class -- too inflexible. Blacks find it harder to find a wholesome sponsor, to handle the complicated applications process, keep a diary, etc.

OT 252 "We must realize that the offender may be sentenced to a short term. In this case they weigh the onerous aspects of ISP, and they may feel it is easier to do time. Therefore, we cannot make ISP more onerous than (4.) on the scale."

- 5.1 The community service work that the offenders do is
- a. excessive or unwarranted
 - b. about right
 - c. insufficient
 - d. not enough information to say

Load of Community Service Work

Value Label	Value	Frequency	Percent
Excessive	1	3	5
About Right	2	14	23
Insufficient	3	3	5
Not Enough Information	4	38	63
Don't Know	8	1	2
Declined to answer	9	1	2
Total		60	100

Load of Community Service Work by Role in Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total
Excessive	1 5%		1 7%	1 25%	3 5%
About Right	3 14%	5 28%	4 29%	2 50%	14 24%
Insufficient	2 9%		1 7%		3 5%
Not Enough Information	16 73%	13 72%	8 57%	1 25%	38 66%
Column Total	22 101%	18 100%	14 100%	4 100%	58* 100%

*When an analysis for the whole sample lists a total number of cases less than 60, this means that there were a couple of "don't know" or "declined to answer" responses left out to avoid cluttering the table with two extra categories containing very few cases.

5.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

JG 166 "Again, I'm not familiar enough with specifics but generally feel community service is helpful for the community and the offender."

JG 178 "I feel strongly that this should be required as a punitive measure."

JG 370 "I do not have any information about actual community service work."

PR 135 "It is my personal feeling that community service does nothing for the offender and less for the public. The public is offended when it is exposed to criminals who should be serving time in prison."

PD 132 He does not feel that community service is a form of punishment. He feels that it is constructive

rehabilitative work, since some offenders have never been able to hold a job for more than two weeks.

- PD 301 The number of hours seems about right.
- OT 305 Offenders must perform some type of community service work as a punitive measure.
- OT 352 "My general impression is that community service is about right."

5.3 Could you suggest any ways in which ISP could improve the community service component of ISP?

- JG 167 "Broaden the areas of community service:
clean up the parks
work in hospitals
maintain and work in the community buildings."
- JG 282 "I feel that there should be more community service work opportunities."
- PR 504 Should have menial jobs such as painting fences, cutting grass in parks, helping in hospital emergency rooms --after all this is a punishment and should be hard work. They should never be placed in an environment where theft is possible for they have a different mind set. Sometimes the victim has been asked what the offender can do for him as a form of repayment. The victim is horrified, never wishing to have further contact with the offender.
- PD 151 "The offenders' skills should be put to use to serve the community."
- OT 210 "If the offender is unemployed and does not have a family, he could be required to devote 40 hours per week to community service."

5.4.1 Assuming that an offender admitted to ISP was working at a full-time job and also attending rehabilitative counseling sessions, how many hours of community service should the offender be required to serve per month?

- JG 163 "About twenty hours per month"
- JG 168 "20 to 40 hours per month (5 to 10 hours per week)"
- JG 171 "I cannot possibly answer this without knowing the

specific criminal and crime committed."

- JG 179 "35 to 40 hours per month"
JG 262 "16 to 36 hours per month (4 to 8 hours each weekend)"
JG 265 "30 hours per month."
JG 267 "16 hours."
JG 278 "15 to 20 hours"
JG 372 "40 hours per month (10 hours per week)"
JG 373 "16 hours (4 hours per week)"
JG 382 "40 hours per month."
JG 470 "16 to 20 hours per month"
PR 115 "10 hours per month."
PR 217 "20 hours a month or 100 hours in 6 months time."
PR 225 "15."
PD 232 "12 hours a week. (48 hours a month)"
PD 250 "5 hours a week -- 20 hours per month."
PD 251 "At least 3 hours a day (90 per month)."
PD 320 "20."
OT 405 "3 hours per weekend (12-15) per month."

5.4.2 Why do you think that number of hours is appropriate?

- JG 263 Respondent feels that an offender's full time job is not enough. He would actually like to see offender work 60 hours per week as the judge does. He feels that community service work should be a punitive aspect of ISP.
- JG 268 "Consider each offender - his type of job, his abilities and require at least 5 hours of community service per week as a punitive assignment."
- JG 279 "At least one day of the weekend should be devoted to community service work as a reminder of the seriousness of the crime and the sentence."

- JG 362 "To keep them busy and productive on weekends."
- JG 374 "With an 8 hour work day and two hours of counseling about twice a week, the offender should have no more than 4 hours of community service work on Saturdays."
- JG 482 "10 hours per week should be sufficient if the offender has an 8 hour job and is receiving several hours of counseling."
- PR 329 "Some could manage 20 hours a month and others less when being kept busy with other productive chores."
- PD 112 "Too many variables are involved to establish a set number of hours. Too many hours can be counterproductive for an offender and may lead to disaster if he has no free time to unwind after a full day of work plus counseling."
- PD 128 "Seek appropriate hours considering each individual case."
- PD 136 "One hour every working day is reasonable."
- PD 351 "To use skills and serve the community."
- PD 401 Sixteen hours seems okay -- there is no magical number.
- OT 310 "Again, I feel if an offender can hold down a full-time job plus rehabilitative counseling, he should only be required to serve a few hours per month in community service."
- OT 452 "One working day per week should be sufficient to satisfy requirements for community service."

6.1 Think of comparing the types of offenders released into ISP with similar offenders having served a regular term of imprisonment and then being released on parole. Compared to regular terms of incarceration followed by parole, would you say that re-arrests for committing crimes would be

- a. higher in ISP
- b. about the same in ISP
- c. lower in ISP
- d. not enough information to say

Re-arrest Rate Compared to Parole

Value Label	Value	Frequency	Percent
Higher in ISP	1	2	3
The Same in ISP	2	4	7
Lower in ISP	3	22	37
Not Enough Information	4	28	47
Don't Know	8	1	2
Declined to Answer	9	3	5
Total		<u>60</u>	<u>101</u>

Re-Arrest Rate Compared to Parole By Role in Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total
Higher in ISP	1 5%	1 6%			2 4%
The Same in ISP	3 14%		1 7%		4 7%
Lower in ISP	3 14%	7 41%	9 64%	3 75%	22 39%
Not Enough Information	14 67%	9 53%	4 29%	1 25%	28 50%
Column Total	21 100%	17 100%	14 100%	4 100%	56 100%

6.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

As might be expected, the overwhelming majority of interviewees answered this item with a "guesstimate" --- necessarily so, because at the time of the interviews no adequate data existed comparing recidivism on parole with recidivism on ISP. Thus, the overwhelming majority of interviewees indicated that their response was based on speculation or a general impression, so we won't bother listing those answers.

7.1 Think of comparing the types of offenders put into ISP with similar offenders put on regular probation. Compared to regular probation, would you say that re-arrests for committing crimes would be

- a. higher in ISP
- b. about the same in ISP
- c. lower in ISP
- d. not enough information to say

Re-arrest Rate Compared to Probation

Value Label	Value	Frequency	Percent
Higher in ISP	1	8	13
The same in ISP	2	6	10
Lower in ISP	3	19	32
Not enough information	4	23	38
Don't Know	8	1	2
Declined to Answer	9	3	5
Total		<u>60</u>	<u>100</u>

Re-Arrest Rate Compared to Probation By Role in Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total
Higher in ISP	5 23%	2 12%		1 25%	8 14%
The Same in ISP	4 18%		2 15%		6 11%
Lower in ISP	3 14%	8 47%	6 46%	2 50%	19 34%
Not Enough Information	10 46%	7 41%	5 39%	1 25%	23 41%
Column Total	22 101%	17 100%	13 100%	4 100%	56 100%

7.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

Naturally enough, the overwhelming majority of interviewees answered this item with a "guesstimate" because at the time of the interviews no adequate data existed comparing recidivism on probation with recidivism on ISP. Here again the overwhelming majority of interviewees indicated that their answer was based on speculation or a general impression.

- 8.1 One more goal of ISP is to have less serious offenders spend less time in prison in order to have more prison time and space available for more serious offenders. With regard to allocating prison time and prison space to offenders, does ISP
- a. help improve the use of prison time and space
 - b. make no significant difference in the allocation of prison time and space
 - c. worsen the allocation of prison time and space

Use of Prison Time and Space

Value Label	Value	Frequency	Percent
Help	1	29	48
No Difference	2	16	27
Worsen	3	1	2
Not Enough Information	4	6	10
Don't Know	8	1	2
Declined to Answer	9	7	12
Total		<u>60</u>	<u>101</u>

This is an appropriate place to note that, in response to a few of the multiple choice items, one or two interviewees objected to the response choices offered and declined to select any of the choices. For example, a couple of interviewees said, in effect, "I object to the whole idea of an ISP, so I don't want to express preferences for alternative ways of organizing ISP." Several people objected to this particular item on the use of prison time and space; some of these said it was a loaded question. We did not perceive the question that way. As we understand the term, a loaded question is one which is set up in a one-sided or prejudiced way, so reasonable people will be constrained to choose one particular response because the other responses are, a priori, so intolerable or

irrational. First, we wanted to include an item on the use of prison time and space because this is one of the major goals of the Intensive Supervision Program. Second, although we expected that many people would infer that "ISP helps improve the use of prison time and space," we also thought that some reasonable people would choose the option, "ISP makes no significant difference in the allocation of prison time and space," (perhaps because the ISP caseload is small). Indeed, even option C, "ISP worsens the allocation of prison time and space," is not an illogical or patently unreasonable response: it seemed possible that some people might think that ISP was letting the wrong type of offenders out of prison, thus worsening the use of prison time and space. And, in fact, about one quarter of the interviewees chose option B, and one did choose option C. However, we recognize that no item is perfect, and it may be best to interpret the meaning of the results based on this item with particular caution.

Use of Prison Time and Space by Role in Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total
Help	4 21%	13 81%	8 62%	4 100%	29 56%
No Difference	12 63%	2 13%	2 15%		16 31%
Worsen	1 5%				1 2%
Not Enough Information	2 11%	1 6%	3 23%		6 12%
Column Total	19 100%	16 100%	13 100%	4 100%	52 101%

8.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

- JG 374 "It is much too soon to tell and the question is worded so that 'a' is the only logical response; therefore rigged to show ISP in a favorable light."
- JG 375 "Those removed from prison will naturally allow more space for other more serious offenders."
- PR 237 "The number of offenders in ISP is too small to make a significant difference."
- PR 403 Two or three years ago his response would have been yes, but at present, several new modular prison facilities in Cumberland County and Fort Dix have lessened the prison space problem.

8.3 Do you have any suggestions or comments on the use of prison time and space?

- JG 475 "There are a lot of people who qualify for a non-custodial sentence but, because of presumptive prison sentences, are in prison. ISP is a fine program for these people."
- PR 143 "If more prisons are needed to provide space, then they should be built."
- PR 239 "ISP is a stopgap measure to solve prison overcrowding. We need, instead of ISP, to build more prisons."
- PR 503 Society is better protected through ISP as long as there are offenders who can qualify.

- 9.1 Finally, would you say that
- a. ISP should be continued as is with no major changes
 - b. ISP should be continued in essentially the same form, but with at least one major change
 - c. ISP should be fundamentally redesigned
 - d. ISP should not be renewed; the criminal justice system is better without an ISP
 - e. don't know, can't say

Opinion on Continuation of ISP Program

Value Label	Value	Frequency	Percent
Continue, No Change	1	15	25
Continue, Change	2	18	30
Re-designed	3	7	12
Don't Renew It	4	11	18
Combination of 3 & 4		1	2
Don't Know	5	7	12
Declined to Answer	9	1	2
Total		<u>60</u>	<u>101</u>

Opinion on Continuation of ISP program By Role in Criminal Justice System. (Each cell contains the number of interviewees and below that the percentage based on the total in the column.)

	Prosecutor	Judge	Public Defender	Other	Row Total
Continue No Change		9 50%	4 29%	2 50%	15 26%
Continue change	6 27%	3 17%	7 50%	2 50%	18 31%
Re-Designed	6 27%		1 7%		7 12%
Either Re-Design or Don't Renew		1 6%			1 2%
Do Not Renew It	10 46%	1 6%			11 19%
Do Not Know		4 22%	2 14%		6 10%
Column Total	22 100%	18 101%	14 100%	4 100%	58 100%

9.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

JG 365 "We should keep the program as it is until data is in."

JG 368 "The program has good potential and should be continued as is for the present. I haven't seen much of it and am waiting for more information."

JG 472 "I take no position - I feel that the sentencing judge should be informed of the offender's entry into ISP and should receive progress reports while offender is in the program. Otherwise there's no way to judge the effectiveness of the program."

JG 575 Respondent is aware of some offenders in ISP whose "lives have completely changed around due to fine guidance in the program."

- PR 121 "I feel the program should remain as is with one change: the prosecutors should have veto power and it should be a pre-trial alternative."
- PR 231 "It should be similar to PTI [Pre-Trial Intervention]. The prosecutor should have veto powers."
- PR 249 "Since the concept is a good one, the problem would be to make this concept available as a sentencing tool rather than a post-sentencing program."
- PR 317 Money now used for ISP should be used to improve our parole and probation system.
- PR 325 "There should be continued changes as we are able to establish the strengths and weaknesses in the program."
- PR 411 A plan such as ISP has its place during the initial sentencing process -- not after the judicial decision has been made, not once sentenced.
- PR 429 "The ISP alternative should be left open to the sentencing judge." Giving the offender another shot at freedom through ISP shows a lack of respect for sentencing judges.
- PR 603 The prosecutor must be given veto power at the final screening to insure appropriate candidates.
- PD 236 "The blanket prohibition is unnecessary. They should allow offenders into the program through a graded score system. All those who score over 90 should be able to apply for ISP."
- PD 318
- 1) "More should be admitted into ISP."
 - 2) Need more ISP officers.
 - 3) "Each county should have its own 3 judge sentencing panel -- rather than one 3 judge panel for all counties. If each county had its own 3 judge panel, the judges would be more familiar with each case."
 - 4) "More ISP funding."
- PD 332 ISP is an excellent program. They should try to coordinate regular probation and parole with ISP.
- PD 350 "ISP is an inventive program -- just loosen the criteria a bit."
- PD 420 "A lot of those in the ISP program need nothing other than probation."

- PD 501 ISP should be continued in essentially the same form with two major changes:
1. more flexibility in supervision
 2. more high-risk cases taken in
- OT 505 The major change would be to broaden eligibility -- change restrictive qualifications "At the moment restrictions are very tight but must be to make the program fly."
- OT 610 "ISP was established to alleviate prison overcrowding. After being given a taste of ISP, I am completely in favor of the program with only one minor change: relaxation of certain conditions of ISP. Once an offender proves himself by a good track record, curfew and drinking rules should be relaxed. It is difficult for anyone holding a full-time job and trying to support a family to survive when there's no time to relax."
10. Do you have any other comments you would like to make about any aspect of ISP?
- JG 266 "ISP is a worthwhile project whose main reason was to lessen the prison population - it can accomplish much more by lowering the recidivism rate - thereby, a two-fold accomplishment."
- JG 271 "I must repeat: as soon as the prison population is diminished, the program should be eliminated."
- JG 582 I believe in being flexible and trying new things. Let's experiment further before drawing conclusions."
- PR 147 "Eliminate ISP."
- PR 221 "My main concern is that drug offenders should not be eligible for the program."
- PR 231 "I think the program has merit as long as the applicants are very carefully screened and then intensively supervised."
- PR 235 The screening process concerns the respondent. He feels there is an inadequate investigation of the applicant's background.
- PR 703 I do not think it will work in New Jersey: there are not sufficient numbers of offenders who qualify for ISP.

- PD 212 The shock value from prison is accomplished in 2 or 3 weeks for some offenders -- therefore the ISP screening process should begin sooner in individual cases.
- PD 228 "ISP is a terrific idea. I think many are going to prison for nonviolent crimes who should not be there. If they have job possibilities and did not commit a violent crime, they should not be in jail.... I fear that the powerful prosecutor groups will eliminate the program."
- PD 336 "I am in favor of the program. I hope it will continue and that money to fund it will be made available."
- PD 418 The respondent says that the Camden County ISP officers are excellent. "They are sensitive and knowledgeable people."
- PD 451 "We need more information about ISP."
- OT 102 The type of offender who is suggested for ISP does not need more than 2 or 3 weeks of incarceration to benefit from the shock value of prison.
- OT 552 The problem is that, when an offender is unemployed, he is given more community service --- hard labor. The offender should be given more time with his ISP officer to work to secure employment. There should be some provision for vocational training to permit permanent job preparation.
- OT 710 The respondent is favorably impressed with the community plan with its Network Team, Sponsors and verified employment. He was amazed to see that law enforcement officers (sometimes the Chief of Police) are Community Sponsors.

DISCUSSION OF FINDINGS

In our opinion there are three major generalizations to be drawn from this survey of criminal justice professionals concerning New Jersey's Intensive Supervision Program. First, a clear majority of these professionals with a broad range of experience in the problems confronting the criminal justice

system favor the general idea of an Intensive Supervision Program for New Jersey: of those 52 who expressed an opinion, only 11 (i. e., 21 percent) responded that "ISP should not be renewed; the criminal justice system is better without an ISP." (One interviewee suggested that ISP should either be fundamentally redesigned or not renewed.) Thus, 77 percent favor some type of ISP. Another seven think that the program needs to be fundamentally redesigned. Thus, conversely, 63 percent seem to think that the program is satisfactory in most respects, although this includes 35 percent who would like to see a major change. (There is wide variation and dissensus with respect to the kind of changes these interviewees would like to see.)

Second, although these respondents understood the general principles of the Intensive Supervision Program, a substantial proportion of them did not have much information about important particulars of the program. By way of illustration, the combined percentages of those responding "Don't Know" and "Don't Have Enough Information" about an aspect of ISP ranged from 22 percent on the screening process through 50 percent on the topic of supervision and monitoring to 65 percent on the load of community service work.

Third, the ideas and opinions expressed were strongly associated with the interviewee's role in the criminal justice system. This is not surprising; an occupational role generally

shapes and influences the ideas of the individuals working in that position. For one thing, the information needs of the role and the information channels associated with the role usually mean selective attention to some problems and occurrences rather than others and also selective receipt of information about those problems and occurrences. For another thing, the priorities and goals built into roles vary greatly. What is a matter of indifference to an incumbent of one type of role may be a matter of vital importance to an incumbent of a different occupational role. This sample exemplifies the phenomenon. Dedicated incumbents of the prosecutor's role naturally focus on the potential problem of "bad risks" or "people who have already been dealt with too leniently" getting into a program that may be "too loose" or "too soft." Public defenders trying to fulfill their role of representing the interests of the defendant strive to get "the best sentence possible" and to emphasize treating and helping the offender rather than punishment.

On the issue of the screening of offenders for ISP, the typical response of the prosecutors was that it was too lenient; the judges typically fell either into the "about right" response category or said they lacked information; the public defenders typically either said it was too strict or said they lacked information. On the issue of possible differences between the ideal severity of an ISP and the actual

severity of New Jersey's ISP, on a nine point scale, on the average, the prosecutors thought New Jersey's ISP fell below the ideal severity level and should be nearly three points higher in terms of severity. Judges, on the average, assessed ISP as being a little (less than one point) under the ideal severity level. Public defenders assessed it as being approximately at --- or just a bit over --- the severity level they considered ideal for ISP. Most prosecutors thought that ISP would make no significant difference in terms of the use of prison time and space, but most judges and most public defenders thought ISP would help with this problem. In line with these role-related perspectives, almost half of the prosecutors said that ISP should not be renewed; a little more than half of the judges indicated that ISP should be renewed without being "fundamentally redesigned"; three-quarters of the public defenders were in agreement with the judges on this.

As we see it, these are the major "themes" in the survey data. The details of these patterns can also be informative. We encourage those interested in that informative lower level of abstraction to read the tables one more time in light of the comments and answers to the open-ended questions. We think this yields a more detailed understanding of what concerns motivated the interviewees to choose a particular answer on the multiple-choice items.

CONCLUSION

Most of the criminal justice professionals we sampled supported the general idea of an Intensive Supervision Program. However, there are two other generalizations that must be taken into account: (1) many of the interviewees were somewhat dissatisfied with one or another aspect of the program (with, predictably, a lot of disagreement about what specifically is good and what specifically is not good about the program), and (2) a significant fraction of the criminal justice community was very dissatisfied with the program. However, if the survey were conducted now, the results might be different. This survey was conducted when ISP was still in its first year, none of the participants had had time to complete the program, and most of the criminal justice professionals had not received much detailed information on how the program had been operating in its first nine months or so. On the other hand, it should also be noted that at least some prosecutors have continued to voice sharp, public criticism of the program.

Chapter 5: PROGRAM IMPLEMENTATION

In Chapter 3 we identified ten major program components of New Jersey's Intensive Supervision Program design. To what degree has this program design actually been implemented? We shall examine the components in the same order in which they were discussed in chapter 3.

1. A Few Months in Prison

Each offender who enters ISP must first serve a few months of his prison sentence. Only two participants served less than the required 60 days of the instant incarceration, counting credit for jail time served before commitment to state prison. (One served 48 days and the other served 49 days; in each case there were unusual particular circumstances.) The median time actually served in prison was 3.6 months, and the mean prison time served was 4.2 months (with a standard deviation of 2.3 months). What this means is that the great majority spent between two and six months in prison, a few spent considerably more than six months and thereby increased the mean time served.

2. Program Caseload

The program objective is to handle a total active caseload of 375 to 500 offenders. Tables 5.1 and 5.2 display the changes in the ISP caseload on a quarterly basis through September, 1986 (which was the cutoff point for most of the

Table 5.1. Changes in ISP Caseload Over the Research Period.

<u>As of</u>	Returned to Prison, Action Initiated By:					
	<u>Accepted into ISP</u>	<u>Law Enforce- ment</u>	<u>ISP Program Staff</u>	<u>Success- fully Completed 1 year</u>	<u>Success- fully Completed Program</u>	<u>Active in ISP</u>
12/31/83	54	0	0	0	0	54
1/1/84 - 3/31/84	40	0	7	0	0	87
4/1/84 - 6/30/84	64	3	10	0	0	138
7/1/84 - 9/30/84	58	2	6	1	1	188
10/1/84 - 12/31/84	51	2	7	38	6	223
1/1/85 - 3/31/85	57	4	15	23	18	243
4/1/85- 6/30/85	80	8	11	45	19	285
7/1/85- 9/30/85	57	1	20	42	29	295
10/1/85- 12/31/85	93	3	11	36	21	350
1/1/86- 3/31/86	54	2	17	39	20	363
4/1/86 6/30/86	93	8	26	50	38	382
7/1/86- 9/30/86	71	8	25	36	33	381
TOTALS	772	41	156	310	185	

Table 5.2. Cumulative Changes in ISP Caseload Over the Research Period.

<u>As of</u>	<u>Accepted into ISP</u>	<u>Returned to Prison, Action Initiated By:</u>		<u>Successfully Completed 1 year</u>	<u>Successfully Completed Program</u>	<u>Active in ISP</u>
		<u>Law Enforcement</u>	<u>ISP Program Staff</u>			
12/31/83	54	0	0	0	0	54
1/1/84 - 3/31/84	94	0	7	0	0	87
4/1/84 - 6/30/84	158	3	17	0	0	138
7/1/84 - 9/30/84	216	5	23	1	1	188
10/1/84 - 12/31/84	267	7	30	39	7	223
1/1/85 - 3/31/85	324	11	45	62	25	243
4/1/85- 6/30/85	404	19	56	107	44	285
7/1/85- 9/30/85	461	20	76	149	73	295
10/1/85- 12/31/85	554	23	87	185	94	350
1/1/86- 3/31/86	608	25	104	224	114	363
4/1/86- 6/30/86	701	33	130	274	152	382
7/1/86- 9/30/86	772	41	156	310	185	381

data collection). As mentioned above, the numbers of cases in ISP grew slowly. However, the size of the active caseload reached the program objective of 375 active participants in the second quarter of 1986. At this writing (June, 1987) the active caseload was 411 participants.

3. Selective Intake of Offenders.

The selection of participants is administratively partitioned into seven separate steps or "levels of eligibility." As of June 30, 1986 (the last complete review of the decisions made at each screening level) 4,373 applications had been evaluated in at least the first of the screening levels (see Table 5.3). At that time, and using that base, 706 applications (16.1 percent) had been approved for the program, 547 (12.5 percent) were pending consideration at one of the levels beyond level one, 439 (10.0 percent) chose to withdraw their applications, and 2,681 applications (61.3 percent) had been rejected at some stage in the process.

The reasons given by the ten percent who withdrew their applications show that the overwhelming majority of them decided that the Intensive Supervision Program was too punitive and/or too lengthy, compared to the remainder of the actual prison sentence they would probably serve. Some applicants find out that they are likely to be given work release in a few more months or even that their parole hearing will occur in several months and that they have a very good

Table 5.3. THE STATUS OF APPLICATIONS TO ISP AS OF JUNE 30, 1986

Level	Pending Evaluation	Total Evaluated	Withdrew	Evaluated as Ineligible	Evaluated as Eligible
1	50	4,343	0	959	3,414
2	73	3,341	1	1,472	1,868
3	472	1,396	361	0	1,035
4	0	1,035	0	48	987
5	0	987	59	131	797
6	0	797	10	0	787
7	2	785	8	71	706
Total:	597		439	2,681	

Discretionary Screening: Levels 4 through 7 combined.

4-7	2	1,033	77	250	706
		100.0%	7.5%	24.2%	68.3%

chance of being released on parole. About one tenth of the applicants prefer those prospects to at least a year (and probably a year-and-a-half) of demanding, intensive supervision.

Of the 2,681 applications that had been rejected, 35.8 percent were rejected at level one. Level one criteria specify that applications with the following are ineligible for ISP: if the instant offense was for homicide, robbery, or a sex crime if the instant sentence carries a mandatory term of parole ineligibility, or if the applicant does not have a New Jersey residence. About a third of the rejected applications did not meet the clearly specified minimal criteria. Presumably, inmates submit an application on the remote chance that somehow they will be accepted anyway.

Another 54.9 percent of the rejections occur at level two. At level two, the application is reviewed for the offense degree and for any violent aspect of the instant criminal act, even though the instant offense category does not in general indicate violence. For example, if the instant conviction was for burglary, does the record show that violence was involved in the incident as well? Concerning the degree of the instant offense, in New Jersey felonies are graded from low level felonies (fourth degree) up through extremely serious felonies (first degree). In screening applications for ISP no first-degree offenses are admitted, and the presumption is against admitting second-degree felony cases, unless unusual

mitigating factors are revealed upon detailed examination of the case. Only a handful of these applicants have been admitted to ISP.

Therefore, levels one and two combined account for a total of 90.7 percent of the rejected applications. These rejections are not discretionary in the ordinary sense of that term. ISP was never intended to include persons who committed crimes of violence cases or other very serious felonies. Thus, about nine out of ten of the rejections occur because the applications do not meet the fundamental eligibility requirements of the program.

Level three is essentially a stage to check that the proper detailed information has been added to the application file preparatory to review by the Screening Board. No cases have been rejected at this level.

At level four, 1.8 percent of the rejections occur. Here the Screening Board assesses the detailed information on the case. The overwhelming majority of these rejections occur because of the applicant's record prior to the instant offense. Most commonly these rejections result from the applicant having a prior violent offense or having a long prior record of other types of serious convictions (in effect, a career criminal).

Level five involves an interview of the applicant by the Screening Board to determine his "sincerity and motivation to

carry out those obligations" formulated in his case plan. At this stage, 4.9 percent of the rejections occurred. Typical reasons for rejecting an application at this level are that the applicant is reluctant to accept one or more of the program or case plan requirements, that the applicant has been untruthful about his case, or that the applicant was guilty of a serious infraction while in prison.

Level six is a stage to check that all of the potentially useful, detailed information has been added to the application file (including records of the Screening Board interview) preparatory to review by the Resentencing Panel. No cases have been rejected at this level.

At the final stage, level seven, 2.6 percent of the rejections occur. This is the hearing by the Resentencing Panel of judges. Of the rejections at this stage, the vast majority are due to the seriousness of the offense. In these cases, although the crime type is in general eligible for ISP, the judges decided that the applicant's particular criminal action was so serious that a longer term in prison was appropriate. To illustrate, the issue might involve the point at which drug users who sell drugs on a small scale to support their habits shade into real drug dealers. For this fraction of the rejections, the judges decided that the particular offense required a prison term longer than just a few months, or that the risk to the community was too high.

To reiterate, at least 90 percent of the rejections of the applications received are straightforward implementations of the program design. The percentages just presented tell only part of the story, because the base includes many cases that are automatically ineligible with no discretion involved. Thus, it may be informative to examine the breakdowns based on the applications that had passed the level three screening, since discretion begins to play a significant role at level four. Of the applications that passed level three, 68.3 percent had been approved for ISP by June, 1986; 7.5 percent chose to withdraw their applications, 24.2 percent were found to be unacceptable for the program. The remainder were applications pending at levels four through seven.

The screening process is a thorough one, and it does conform to the program design. The next chapter will describe the background characteristics of the offenders who have been admitted to ISP and compare them to other sample groups of offenders.

4. Intensive Supervision Contacts.

In 1983 and 1984, the guidelines for supervision contacts had not yet been differentiated in terms of Beginner, Intermediate, Advanced, and Senior stages. (In 1985 in order that participants would not undergo a sudden shift from intensive supervision to no supervision after graduation, the Senior stage was introduced as a period of phasing down the intensity of supervision, a transitional period of adjustment

preparatory to unconditional discharge.) In 1983 and 1984 the guidelines were twenty contacts per month, to include at least twelve face-to-face contacts, and at least two of the twenty were to be curfew checks. There was little variation from month to month. The following typical statistics refer to data for November, 1984. At that time, there were 183 active participants who had been in the program at least for a full month. Data collected from field records of contacts show that the mean total of all types of contacts with each participant was 28.3 per month; the median was 26. At one extreme, five percent of the participants were contacted by officers 54 or more times; at the other end of the distribution, five percent had no more than 15 total contacts. Of these contacts, the mean number of curfew contacts ISP officers made with each client in the month was 5.8. The median was 4 curfew contacts per client. At one extreme, five percent of the clients experienced 18 or more curfew checks; at the other end of the distribution, five percent had no more than one curfew check in that month.

In 1985 the frequency-of-contact guidelines were further differentiated in terms of the seven stages discussed above. The Beginner's stage covers the participant's first 180 days. In this period the participants should be contacted by their officer at least 20 times per month. Of the 20 contacts, during the first 180 days in the program at least 12 should be face-to-face, usually in the participant's home, occasionally at work. Four of the contacts should be curfew checks. The

remainder of the 20 contacts per month can be by telephone. During the Intermediate stage, days 181 through 300 in the program, at least eight contacts should be face-to-face each month, including two curfew checks. In the Advanced stage, days 301 through 420, the minimum is six face-to-face contacts per month, including one curfew check. Normally, each of the Senior steps lasts one month. In Senior step one, there should be four face-to-face contacts, and 12 telephonic. In Senior step two there should be three face-to-face and nine telephonic, etc..

To exemplify the data found in sample months in 1985 and 1986 we present in Table 5.4 the data for September, 1986 compiled by ISP staff. That was the cutoff point for most of our data collection (including the arrest, court processing, and correctional data). September, 1986, was typical of the ISP operations data obtained in other months.

At the end of September, 1986 there were 381 participants on the ISP active rolls. During September, twenty-four participants were in custody pending a violation hearing, and twelve more were absconders not yet in custody. Thus, 345 were active in the program and participating satisfactorily in the program at that time. Of these, thirty had just been released into ISP during that month. Ten were medically disabled or hospitalized. So, 305 participants in the program were available for all of the program-required activities throughout September.

Table 5.4. Selected Indicators of Program Operation, Broken Down by the Three Primary Requirement Statuses (Participants who are just beginning the program; or intermediate; or advanced).*

	Beginner Participants (31 - 180** days in ISP)	Intermediate Participants (181 - 300 days in ISP)	Advanced Participants (301 - 420 days in ISP)
<u>Supervision by Officers:</u>			
Median Total Contacts per Month (includes phone)	31	25	22
Median Face-to-face Contacts per Month***	12	9	8
Median Curfew Contacts per Month	10	4	2
Median Urinalyses per Participant per Month	4	4	3
<u>Employment Status</u>			
Full-time	95.6%	91.8%	96.0%
Part-time	1.9%	2.7%	0.0%
Student	0.0%	0.0%	0.0%
Unemployed	2.8%	5.5%	4.0%
Total	100.3%	100.0%	100.0%
<u>Community Service Work</u>			
Median Hours per Month	16	16	16
Number of Cases	126	83	57

* Participants who have successfully completed 421 or more days fall under a condition of progressively reduced requirements in order to monitor their adjustment to increased freedom. Because there are four subsets of requirements for these Senior Participants, there are very few participants in each subset; we have excluded those Seniors to avoid misinterpretation and to avoid cluttering the table with many small numbers.

** Because the statistics are calculated on the basis of a full month, participants who had not yet completed their first full month in ISP are excluded.

*** Telephonic contacts can be found by subtracting face-to-face from the total.

The planned high frequency of supervision contacts of program participants by ISP officers has met the program objectives. The numbers for the Beginner participants are striking; medians of 12 face-to-face contacts in the month, 10 curfew checks, and four contacts to take urine samples. Thus, the overall frequency of supervision contacts with the participants is extremely high by probation or parole standards and consistent with the program objective. This high frequency of supervision has been possible because over time the caseload has ranged from ten to eighteen participants per officer. If this caseload seems impractically low, remember that ISP is a true alternative to supervising an inmate in prison for the remainder (several months) of his prison sentence. It is not a program to intensify ordinary probation or parole supervision.)

Due to limited resources, a thorough ethnographic study was not possible. To provide some independent examination of the nature of ISP contacts, observations were made of field contacts with twenty-two ISP participants (comprising part of the caseloads of three ISP officers). A dominant impression was that of the considerable time spent driving to make the contacts. The contacts themselves were obviously routine visits. In almost all of the field contacts, the "atmosphere" of the visit was routine and friendly, a mixture of general pleasantries and program-oriented questions about the participant's work, reminders about community service

appointments to be kept, inspection of the participants "diary" of daily activities, questions about how the participant had been getting along with family members and/or co-workers, reminders about the importance of keeping within their budget, and so forth. In three contacts the participant was asked to provide a urine sample. About sixteen of the twenty-two contacts lasted ten to fifteen minutes. Four took roughly a half-hour to three-quarters of an hour. Two contacts lasted well over an hour. One of the longest field contacts was with a participant who was nervous and lacked confidence about being able to "stay off" drugs; the other was with a surly participant who complained bitterly about the program rules, insinuating that she might not continue to comply with them. Contacts that lasted longer than twenty minutes generally included the ISP officer's warnings and advice about how to stay out of trouble and remain in the program. (It should be noted that ISP administrators have permitted, as a professional courtesy, several outsiders with a serious professional interest in the program to accompany ISP officers on their field contacts.)

Even with caseloads that are tiny by ordinary probation standards, ISP demands a great deal of its officers. Officers are available to participants on a 24-hour-a-day basis through the use of beepers. Some officers spend roughly 25 percent of their time driving to make contacts with offenders, community

sponsors, etc.. (Even though ISP is subdivided into three regions and every effort is made to assign caseloads as geographically clustered as possible, nevertheless the travel time is considerable.) In addition to supervising their caseloads, officers spend roughly 25 percent of their time developing applications for ISP, and most of the applications are rejected. ISP officers average over a fifty-hour work week that always includes evenings, generally covers weekends (except for special occasions when other officers take over their caseload), and frequently entails nighttime curfew checks. (ISP officers are not unionized.) Not every officer is suited for intensive supervision work. Indeed, one officer was removed from ISP because he had not been making the required numbers of contacts.

Administratively, the supervision performed by the ISP officers (and the applications development they do) is overseen by three regional supervisors. ISP supervisors frequently go out in the field with the officers to get direct knowledge of the operations and to advise their officers. Regional supervisors spend as much as half of their time in field supervision. Also, an officer's occasional weekend off, an occasional illness, etc., necessitate officers temporarily taking over one another's caseloads. That too is likely to reveal previous shirking of job duties or incompetence on the part of an officer. Thus, we are confident that ISP has actually been an intensive supervision program, not merely a "paper program."

The average annual percent of officers resigning from ISP has been about 12 percent. In our opinion, the demands of the ISP officer's job played a role in many of those decisions: the long hours and the feeling that they can never get away from the job. That is not surprising; such demanding work may be too much for most people. However, ISP officers were very selectively recruited from the probation offices in New Jersey's twenty-one counties (and a few from social work agencies). The two major attractions of the ISP officer position seemed to be (1) a significant increase in salary (the amount of the increase varies, of course, depending on the individual's salary in his or her prior job) and (2) a chance to work closely with ten to twenty offenders instead of wrestling with paperwork on, say, a caseload of one hundred. The officers we have talked to generally indicated that the apparent salary difference was not what kept them working in the Intensive Supervision Program, since they had to work significantly longer and during much less convenient hours to earn that higher salary. What kept them in ISP was the opportunity to "do probation work the way it ought to be done" and "to work closely with just a few people so you can make a difference in their lives."

5. Revocation of Failures.

A program requirement is that participants who fail to abide by the program rules will be immediately returned to prison. In part, this is another reflection of the intensity

of the supervision. ISP officers go out in the field actively looking for violations. They conduct curfew checks; they test for drug use; they will not tolerate non-performance of community service or non-payment of fines, restitution, etc., and in various other ways run a tight program. Because of the closeness and strictness of the supervision, a high percentage of individuals in this program are returned to prison. As of June 12, 1987, 302 participants had graduated from ISP, 274 had been returned to prison because of violations, 10 had received other miscellaneous terminations (deaths, successful legal appeal, etc.), and 411 were under active supervision. Excluding those still under supervision, 46.8 percent of the terminations were returns to prison. This figure is somewhat misleading, because there is a time bias: it takes a lot longer for participants to become graduates (roughly a year-and-a-half) than it does for participants to become failures (most of whom are returned to prison within their first six months in the program). Most of the data we have collected for this research project pertain to the 554 individuals who entered ISP on or before December 31, 1985. It is worth noting that a time bias still persists even for that group. As of April, 1987, 64 of the 554 were still on active supervision; they had not had enough time to complete the program. Excluding those sixty-four, we found that 41.3 percent of the terminations were returns to prison. Since 64

were still on active supervision and since it takes much longer for successful participants to terminate than it does for failures, we estimate that the complete return-to-prison rate that will be found after enough time has elapsed will be 40 percent or less.

In any event, the returns-to-prison rate, while it is disturbing in terms of the personal failures it reflects, also reflects adherence to a program designed to be strict.

6. Fines, Restitution, Fees, and Other Payments

Depending on the circumstance of the individual case, the participant may be required to pay fines, make restitution, make payments to a general victim compensation fund, pay fees to help defray program costs, pay child support and/or alimony, and settle other debts the individual may have incurred.

The participant's progress in making all such payments that have been ordered is monitored by the Resentencing Panel when they evaluate each participant at his 90th day and his 180th day in the program, and every four months thereafter. All of the participants who have been discharged from ISP (i.e., successful terminations) have either met all of their financial obligations in full or (in a few cases) are still making payments on large obligations that could not be paid in full in just a year-and-a-half. The details of the amounts collected are presented in Chapter 8 where the costs and benefits of ISP are discussed.

7. Employment.

The participant must present pay stubs to the ISP officer as verification of employment. Data from the sample month of September, 1986 presented in Table 5.3, shows that less than four percent of the participants able to work were unemployed. More generally, the employment requirement has been satisfied throughout the research period. For example, for the twenty-four months in 1985-1986 only 3.5 percent of the active participants in ISP were unemployed per month. These were participants who were actively trying to find a job, but were unable to find one in a particular month.

8. Community Service Work.

The program requires at least 16 hours of community service by each participant per month. Table 5.3 shows that the program requirement of community service work was met in this typical month, and indeed it had been met in each of the months sampled throughout the research period. Participants are permitted to "bank" sixteen hours of community service to avoid falling short in a particular month due to circumstances beyond their control. As a result there has been very little variation around the monthly median; if a person falls short four hours in a particular month, he draws four hours from his stockpile to cover it.

Most of the community service jobs consisted of physical labor (e.g., sweeping and cleaning). This contributes to the

designed punitive aspect of the program. Some examples of the community service work projects are: rebuilding an eight-cabin complex used as a residential facility for juvenile alcoholics, restoring school buildings in the inner-city, refurbishing buildings for the Red Cross, miscellaneous maintenance work for the Salvation Army, YMCA, hospitals, etc..

9. Special Counseling and/or Treatment

ISP requires that participants with an identified problem (e.g. drug or alcohol dependence, compulsive gambling) make use of specialized counseling/treatment services. Most participants take part in evening group-counseling sessions led by their ISP officer. These are mostly peer-support discussion sessions. They are usually scheduled once a week and last one to two hours. Most participants also take part in one or more other specialized counseling programs. The specialized counseling programs available for participants include counseling for drug abuse, alcohol abuse, gambling, family problems, minor emotional or psychological problems, and counseling to straighten out financial problems.

Attendance by ISP participants at counseling and rehabilitative programs (e.g., Narcotics Anonymous) has been very good. In each of the sample months we examined, over 95 percent of the participants with an identified problem had been attending the indicated treatment program in that month.

Incidentally, Narcotics Anonymous or other drug abuse treatment is part of the treatment plan for approximately 30 percent of the active cases. Many case plans include other drug rehabilitation programs; some are in addition to, some instead of, Narcotics Anonymous. Alcoholics Anonymous is part of the treatment plan for approximately 20 percent of the participants.

10. Community Sponsor and Network Team Support.

Each participant has a community sponsor and other support persons who monitor the participant's progress in the program and provide help and guidance. We have no objective measurement of the degree of effectiveness of this part of the program plan. With our limited resources we could not interview the sponsors and other support persons to inquire how diligently they had performed their responsibilities. Moreover, ISP officers, because they are in regular contact with the community members as well as with the participants, would probably have a more accurate assessment of the contribution that the community members make. ISP officers indicate that most of the community sponsors and network team members are making a positive contribution to the program. Unfortunately, they also note that a small fraction of these community volunteers tire of their responsibility in a few months and no longer are much help in advising and supervising

the participants. The less satisfactory community volunteers, in the opinion of ISP staff, tend to be those who had no prior involvement with the participant or his family prior to their involvement in the Intensive Supervision Program.

In conclusion, the quality of program implementation has been very good. We have monitored these program components from the inception of ISP. In our opinion the real-world operation of ISP has matched closely the original program plans.

Chapter 6: CHARACTERISTICS OF OFFENDERS IN ISP AND IN THE
COMPARISON GROUPS

The focus of the research is, of course, the experimental Intensive Supervision Program. The major criteria of eligibility of applicants for ISP are that the applicant was not sentenced for homicide, robbery, or a sex crime and the sentence for the offense does not include a mandatory parole ineligibility term. Of course, the crime for which the offender was given a prison sentence will have been a felony, generally a third degree or fourth degree offense.

Our research plan was to examine the ISP group in relation to three potential comparison groups, but data problems narrowed our choice to one of those sample groups and to a selective subsample of that group. The three potential comparison group samples were drawn from the stream of offenders meeting the same sentence criteria and whose dates of release into the community overlap the time in which the ISP participants have been living in the community.

Thus, from lists of all sentencings that occurred from January 1, 1981 through November 30, 1983 for felony offenses, we excluded any sentencings for crimes that would have excluded the offender from ISP. The resulting list comprised third and fourth degree felons who (1) served an ordinary probation sentence, or (2) served a split sentence (county jail, then

ordinary probation), or (3) served an ordinary term of incarceration in the state prison system, followed by an ordinary term on parole.

The probation comparison population was then narrowed to cases that received a probation sentence between December 1, 1982 and November 30, 1983. This formed the probation sampling frame. Those dates permitted us lead-time to begin coding cases, while the period of the probationers' release in the community would be close to that for the ISP group.

Identical cutoff dates were used to form the split sentence population, those cases given a term of less than a year to be served in a county jail, followed by a mandatory term of probation.

The ordinary term of imprisonment (OTI) population was comprised of cases sentenced to prison between January 1, 1981 and December 31, 1981. Those dates allowed time for virtually all of these third and fourth degree felons to be released from prison under parole in the community during a period close to that when the ISP group was in the community.

A computer program for random sampling was used to select 500 probation cases, 500 split sentence cases, and 500 ordinary term of incarceration (OTI) cases as potential comparison groups. Fewer than 500 split-sentence cases listed met our criteria, and it turned out that a few of the ones listed as a split sentence were actually ordinary probation cases or OTI cases. Those were added to the appropriate groups.

As will be explained more fully in the next chapter, the data available in the criminal records of the individuals in the samples did not allow us to replicate a risk-of-recidivism scale in common use (such as the Wisconsin scale). However, we were able to use the variables that were present in the records to construct a risk scale based on the recidivism found in the total number of cases we had collected. The variables that were predictive of recidivism for the cases we had collected were: type of instant offense (burglary, drugs, other), number of prior criminal charges, employment status at time of sentence, education, living situation at time of sentence, age, and race.* Adding an individual's score on each variable yields a scale score that somewhat improves our ability to predict recidivism (but is nevertheless very imperfect). To avoid giving the impression that our risk scale was properly tested on other similar groups before using it on the study groups, we simply term it the "final study risk scale." This scale should not be used as a basis for making criminal justice decisions about individual cases. Table 6.1 shows the distributions of the ISP cases and the potential comparison group cases on the Final Study Risk Scale, after dividing it into low-, medium-, and high-risk categories.

* Some variables, such as race, are clearly inappropriate to use as criteria in criminal justice decision making. However, the use of such variables is justified in exploratory research such as this. Presumably, "race" is indirectly measuring some significant sociological differences that were not specifically recorded in the case files. However, it's predictive power is not great: deleting race from the set of variables resulted in an R-squared decrease of .013.

Table 6.1 DISTRIBUTION OF THE SCORES ON THE FINAL STUDY RISK SCALE IN THE ISP SAMPLE AND IN THE THREE POTENTIAL COMPARISON GROUPS. (The entry in each cell is the column percent.)

<u>STUDY</u> <u>RISK SCALE</u> <u>SCORE:</u>	<u>SAMPLE GROUP:</u>			
	PROBATION	SPLIT SENTENCE	ISP	OTI
Low risk	47.6	30.1	50.3	12.5
Medium risk	34.5	43.0	29.3	40.4
High risk	17.9	26.9	20.4	47.1
Total Percent	100.0	100.0	100.0	100.0
Number of cases	505	411	554	510
Mean score:	12.7	13.8	12.5	15.1
Std. Deviation:	2.9	2.8	3.2	2.6
Median score:	13.0	14.0	12.0	15.0

Unanticipated problems frequently arise in the course of research. We expected the usual snags and difficulties that we would deal with and work our way through satisfactorily. However, we were confronted with a few major unexpected problems. We had anticipated that most of the data needed for comparison groups would be computerized -- or at least in centralized repositories -- and that most of the needed information would be conveniently laid out on a face sheet, a risk assessment sheet, and a needs assessment sheet. Our field work soon deflated those expectations. First, the data on the probation sample and the data on the split sentence sample were dispersed around New Jersey's twenty-one counties. Second, some of the needed data was dispersed throughout thick case files; in only a few of the departments was most of the information easily available on summary sheets. Thus, we had to spend much more time than expected reading miscellaneous material to locate necessary data.

Third, and most serious, the computer data-base repository of notifications of arrests, court-processing and custody changes (commonly called the SAC data) requires a unique identification number (SBI number) for use. In past years (including the time frame we were concerned with), in many cases an SBI number was not recorded in a file record, and in other cases the SBI number was in error. The process of attempting to track down an accurate SBI number was time

consuming. The ISP central office and the Department of Corrections Office of Policy and Planning made special efforts to help us locate accurate SBI numbers for sample cases in their files (the ISP and OTI cases, respectively). However, there was no comparable centralized record system for the probation and split-sentence cases to try to locate an SBI through some collateral source, so a large percent of the probation and split-sentence case files could not be accurately matched with the SAC data base. Table 6.2 shows the relative success in accurately matching SAC arrest, court, and custody event data with the case files we had coded in the field.

Table 6.2. RELATIVE SUCCESS IN ACCURATELY MATCHING SAC ARREST, COURT, AND CUSTODY EVENT DATA WITH THE CASE FILES OF SOCIAL BACKGROUND DATA.

	<u>SAMPLE GROUP:</u>			
	PROBATION	SPLIT SENTENCE	ISP	OTI
Field Case Files	505	411	554	510
SAC data	326	317	527	485
Percent of Field Case Files Matched with SAC data	64.6	77.1	95.1	95.1

We decided that the matching rate was adequate for the ISP group and for the OTI group (which had always been the primary comparison group because the offenders had been

sentenced to prison). However, the attrition of 35.4 percent of probation cases and 22.9 percent of the split sentence cases, made us decide to exclude our probation cases as a comparison group entirely and to examine the split sentence cases only peripherally and speculatively rather than as a reasonably adequate comparison group. In the last section of this chapter we shall compare the cases in our final samples with those not matched in SAC and thus not available for recidivism analyses.

CHARACTERISTICS OF THE ISP PARTICIPANTS

We know something about the kinds of offenders admitted into ISP through the analysis of the outcomes at each screening level (discussed earlier). Frequency distributions and descriptive statistics on the characteristics of the ISP participants tell us a great deal more about the ISP caseload as an aggregate. At this point, we shall first describe the ISP caseload discursively, but the details are available in the tables presented later in this chapter.

The most serious of the crimes for which the ISP participants received their instant sentence to prison was typically the distribution of a drug (43 percent) or burglary (23 percent), together comprising most of the ISP caseload. About two-thirds of ISP participants had at least one prior felony conviction before their instant sentence conviction. About half of them had two or more prior felony convictions.

Approximately 30 percent of them served at least one sentence of incarceration of more than thirty days before their instant offense.

Ninety percent of those accepted into ISP were male. About 58 percent were white, 32 percent were black, and nine percent were Hispanic. These percentages are about what we would expect to find in minimum security prisons in the United States as a whole. About half of those accepted into ISP had neither a high school diploma nor a G.E.D. About 28 percent of them were unemployed at the time of their sentencing for their instant offense. According to presentence report data, 57 percent of them had a drug problem and 29 percent had an alcohol problem. In 8 percent of the cases a member of their family was noted in the presentence investigation as having a criminal record.

These facts suggest that the ISP caseload is reasonably typical of the less serious, less violence-prone prison inmates in the United States. The ISP caseload consists of felonious offenders, and the New Jersey experience with ISP should be informative for the rest of the country.

COMPARISON OF ISP AND OTI

Since ISP participants are felons sentenced to prison who actually begin serving their sentence, a natural rough comparison is with a group of offenders who committed

ISP-eligible crime types who served ordinary terms of imprisonment. The ordinary term of imprisonment (OTI) comparison-group consists of a random sample of approximately 500 cases who served their term in prison and were released on parole before ISP began operations. Just as in the ISP group, in the OTI group the offender's instant offense was not a crime of violence, organized-crime offense or sex crime, but it was a third- or fourth-degree felony. Tables 6.3 through 6.9 show the effect of the ISP screening process with the full ordinary term of incarceration sample (FULL OTI) as a comparison group.

Almost all of the OTI group had been sentenced in 1981 (chosen to allow time for them to serve their full prison sentences), whereas the median year for ISP was 1984. Within the noted range of offenses ISP has selected a higher proportion of drug felonies than are found in the OTI group (Tables 6.3 and 6.4). (There are indications that drug offenders have been incarcerated at an increasing rate in New Jersey through the 1980s; the disproportion of drug offenders in the samples may, in part, reflect this.) The drug offenders in ISP are mainly small-time user-seller offenses: persons with drug habits who "retail" some drugs mainly to support their own habit. On the other hand, ISP has selected disproportionately few burglars.

ISP and FULL OTI were significantly different in terms of several other background variables. For instance, the number of prior felony convictions differed in each group: the median

Table 6.3. MOST SERIOUS INSTANT OFFENSE* OF THE INTENSIVE SUPERVISION PROGRAM (ISP) CASES AND THE FULL SAMPLE OF ORDINARY TERM OF IMPRISONMENT (FULL OTI) CASES. (Violations that led to revocations of probation or parole are included.) (The entry in each cell is the column percent.)

INSTANT OFFENSE:	ISP	FULL OTI
Drug offenses	43.2	22.5
Burglary	23.3	45.1
Larceny-theft	11.0	7.5
Violation of Probation/parole	5.4	2.9
Stolen property	4.3	4.1
Attempt, Conspiracy	4.2	4.9
Fraud, forgery	3.6	2.0
Property damage	1.8	0.4
Weapons offenses	0.9	7.5
Miscellaneous Other Offenses	2.3	1.2
Total Percent	100.0	100.0
Number of cases	553	510

*Based on the New Jersey Criminal Code categories.

Table 6.4. MOST SERIOUS INSTANT OFFENSE* OF THE ISP CASES AND THE FULL SAMPLE OF ORDINARY TERM OF IMPRISONMENT (FULL OTI) CASES. (The entry in each cell is the column percent.)

INSTANT OFFENSE:	ISP	FULL OTI
Drug offenses	46.9	24.6
Burglary	24.4	44.2
Fraud, forgery	8.7	3.5
Larceny-theft	7.4	8.8
Stolen property	4.3	4.0
Property damage	2.3	0.8
Weapons offenses	1.2	7.3
Miscellaneous Other Offenses	4.8	6.8
Total Percent	100.0	100.0
Number of cases	516	480

* Using NCIC crime categories (i.e., the uniform offense classification of the National Crime Information Center).

number of convictions in the ISP group was one, in FULL OTI the median was four (Table 6.5). Only about 30 percent of the ISP participants had a prior incarceration of longer than thirty days, whereas about 60 percent of FULL OTI did (Table 6.6). ISP had 58 percent white offenders, while FULL OTI had 34 percent, and ISP had 51 percent lacking a high school diploma, compared to 62 percent in FULL OTI (Table 6.7). Also, only 28 percent of the ISP group had been unemployed at the time of the instant sentence, whereas 58 percent of the FULL OTI group had been unemployed (Table 6.8).

In view of the differences between ISP and FULL OTI on variables that might well be associated with recidivism, with amount earned while in the community, etc., some way of controlling for or compensating for the important differences needed to be used. We used two procedures to compensate to some degree for important differences that may exist. One procedure was to include the Study Risk Scale in our analyses of recidivism to help control for the likely recidivism risk differences between the two groups (discussed in the next chapter). The other procedure was the use of a statistical technique (discriminant analysis) to select a subsample of OTI cases such that the known overall differences between the two groups would be minimized.

Discriminant analysis is a statistical procedure that shows which variables serve to differentiate groups and how much of a discriminating effect each variable has in

Table 6.5. NUMBER OF PRIOR FELONY CONVICTIONS IN THE ISP SAMPLE AND THE FULL OTI SAMPLE. (The entry in each cell is the column percent.)

PRIOR CONVICTIONS:	ISP	FULL OTI
0	32.8	15.0
1	19.2	12.6
2	14.7	10.8
3	9.1	7.5
4	6.5	8.7
5	3.8	7.9
6	4.7	6.1
7	1.3	6.5
8	2.0	4.3
9	2.2	4.3
10 or more	3.7	16.3
Total Percent	100.0	100.0
Number of cases	552	493
Mean:	2.5	5.1
Standard Deviation:	3.4	4.8
Median:	1.0	4.0

Table 6.6. NUMBER OF PRIOR INCARCERATIONS, PRIOR FELONY CHARGES, AND AGE AT DATE OF SENTENCE FOR THE ISP SAMPLE AND THE FULL OTI SAMPLE.

	ISP	FULL OTI
PRIOR INCARCERATIONS:		
0	68.9	38.7
1	16.8	25.3
2 or more	14.4	36.0
Total Percent	100.0	100.0
Number of cases	549	491
NUMBER OF FELONY CHARGES PRIOR TO INSTANT OFFENSE:		
Mean:	3.8	8.5
Standard Deviation:	5.0	8.3
Median:	2.0	6.0
Number of cases	551	494
AGE AT DATE OF SENTENCE:		
Mean:	28.4	27.0
Standard Deviation:	8.4	7.9
Median:	25.6	24.9
Number of cases	554	506

Table 6.7. SEX, RACE, AND EDUCATION OF ISP AND FULL OTI OFFENDERS.

<u>SEX:</u>	ISP	FULL OTI
Male	90.3	94.3
Female	9.7	5.7
Row Total	100.0	100.0
Number of Cases	(554)	(510)

<u>RACE:</u>	ISP	FULL OTI
Black	32.0	47.2
Hispanic	9.4	19.1
White	58.0	33.8
Other	0.5	0.0
Row Total	100.0	100.0
Number of Cases	(553)	(509)

<u>EDUCATION:</u>	ISP	FULL OTI
HS Dropout	51.0	61.9
HS Grad	26.0	24.6
HS + Voc.	6.0	3.2
Some College	12.5	9.6
College Graduate	4.5	0.6
Row Total	100.0	100.0
Number of Cases	(553)	(499)

Table 6.8. EMPLOYMENT, DRUG AND ALCOHOL PROBLEMS AT TIME OF SENTENCE FOR ISP AND FULL OTI OFFENDERS.

EMPLOYMENT:

	ISP	FULL OTI
Unemployed	28.1	57.6
Part-time Job	9.8	3.2
Full-time Job	60.1	36.6
Student/Other	2.0	2.6
Row Total	100.0	100.0
Number of Cases	(551)	(505)

DRUG USE NOTED:

	ISP	FULL OTI
Yes	57.3	46.3
No or not stated	42.7	53.7
Row total	100.0	100.0
Number of Cases	(553)	(510)

ALCOHOL PROBLEM:

	ISP	FULL OTI
Yes	29.1	19.4
No or not stated	70.9	80.6
Row Total	100.0	100.0
Number of Cases	(553)	(510)

Table 6.9. FAMILY CRIMINAL RECORD AND LIVING SITUATION AT TIME OF SENTENCE FOR ISP AND FULL OTI OFFENDERS.

CRIMINAL RECORD IN FAMILY:

	ISP	FULL OTI
Yes	8.3	11.8
No or not stated	91.7	88.2
Row Total	100.0	100.0
Number of Cases	(554)	(510)

LIVING SITUATION AT TIME OF INSTANT SENTENCE:

	ISP	FULL OTI
LIVING WITH:		
Spouse & child	23.1	12.1
Just child	2.3	2.0
Just spouse	7.8	10.1
Parent & sibling	28.2	30.2
Just parent	20.0	19.0
Just sibling	6.3	8.1
Friends	4.2	4.6
Alone	5.1	10.9
Other	3.1	3.0
COLUMN TOTAL	100.0	100.0
Number of Cases	554	496

combination with the other variables. The question the procedure answers is: from a pool of potential variables, which variables have the most contrasting values in the targeted groups when the variables are analyzed in concert? Secondly, discriminant analysis constructs a statistically optimal equation for combining the best set of variables to predict which group any particular case is likely to belong to.

In September and October of 1986 we performed discriminant analyses on the data we had collected from the field (SAC data was not yet available for analysis) to find a discriminant function that would best differentiate between cases in ISP and cases in FULL OTI. That is, we wanted to find a statistical combination of variables that showed the greatest differences between the ISP and FULL OTI groups. In the absence of the SAC data on recidivism (which were not available for analysis until 1987), we found the combination of variables that best discriminated between the two groups was: number of prior convictions, number of prior felony charges, number of prior sentences to probation or parole, length of instant prison sentence, employment status at time of sentence, instant offense type (weapons offense, burglary, drugs, theft, fraud, or revocation of probation or parole), race, sex, alcohol problem, drug problem, and level of education. The resulting equation is composed of the standardized discriminant function coefficients listed in Table 6.10.

Table 6.10. STANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS FOR OVERALL DIFFERENCES BETWEEN ISP AND FULL OTI, WITH ASSOCIATED WILKS' LAMBDA VALUES AND SIGNIFICANCE LEVELS.

Variable	Standardized Canonical Discriminant Function Coefficient	Wilks' Lambda	Signif.
Prior convictions	0.48021	0.90073	.0000
Prior felony charges	0.17353	0.69923	.0000
Prior Probation/Parole	0.23447	0.70947	.0000
Prison sentence	0.15557	0.70502	.0000
Employment	0.37835	0.85259	.0000
Weapon offense	0.30001	0.81753	.0000
Burglary offense	0.20731	0.78301	.0000
Drug offense	0.26773	0.70164	.0000
Theft offense	0.11582	0.69417	.0000
Fraud	0.08988	0.69279	.0000
Revocation violation	0.24636	0.71531	.0000
Race	0.33978	0.75135	.0000
Sex	0.09868	0.69680	.0000
Alcohol problem	0.26492	0.73657	.0000
Drug problem	0.20728	0.72411	.0000
Education level	0.09547	0.69490	.0000

That equation correctly classified 74.5 percent of the cases. Next, that equation was used to construct a discriminant function score for each individual in the ISP and FULL OTI groups. Most of the ISP cases had positive discriminant function scores, and most of the FULL OTI cases had negative values for the discriminant function scores. Naturally, a minority of ISP cases had scores that were more like scores found in the FULL OTI group, and a minority of the FULL OTI cases had scores that were close to the kinds of scores found in the ISP group. We selected the FULL OTI cases

that had discriminant function scores close to the typical ISP scores (i.e., those with positive scores, rather than negative) to be a fairly close approximation of the ISP cases. We call this subsample of 132 cases the CLOSE OTI subsample.

Tables 6.11 through 6.18 show that this CLOSE OTI subsample is a much fairer overall comparison group than the full ordinary term of incarceration group. The distributions of the most serious instant offenses are very similar in the two groups (Tables 6.11 and 6.12). The distributions of sex, race, and education are similar (Table 6.15). The distributions of employment, drug use, and alcohol problems are similar (Table 6.16). The distribution of having a family member with a criminal record is also very similar (Table 6.17).

Still, this selection of the CLOSE OTI subsample could not eradicate all the differences. The median number of prior convictions is one in the ISP group, but two in the CLOSE OTI group (Table 6.13). In the ISP group, 31 percent had a prior incarceration, whereas 55 percent of CLOSE OTI did (Table 6.14). Also, in terms of the Final Study Risk Scale, ISP had a median score of 12, whereas the median for CLOSE OTI WAS 14.0 (Table 6.18).

In summary, the CLOSE OTI comparison subsample is a reasonable comparison group in terms of the known variables that characterize the ISP pool of offenders. However,

Table 6.11. MOST SERIOUS INSTANT OFFENSE* OF THE ISP CASES AND THE SUBSAMPLE OF OTI CASES CLOSE IN BACKGROUND CHARACTERISTICS TO THE ISP CASELOAD (CLOSE OTI). (Violations that led to revocations of probation or parole are included).

INSTANT OFFENSE:	ISP	CLOSE OTI
Drug offenses	43.2	44.7
Burglary	23.3	25.0
Larceny-theft	11.0	6.8
Violation of Probation/parole	5.4	3.0
Stolen property	4.3	3.8
Attempt, Conspiracy	4.2	6.8
Fraud, forgery	3.6	4.5
Property damage	1.8	0.0
Weapons offenses	0.9	0.0
Miscellaneous Other Offenses	2.3	1.5
Total Percent	100.0	100.0
Number of cases	553	132

*Based on the New Jersey Criminal Code categories.

Table 6.12. MOST SERIOUS INSTANT OFFENSE* OF THE ISP CASES AND THE CLOSE OTI CASES.

INSTANT OFFENSE:	ISP	CLOSE OTI
Drug offenses	46.9	48.4
Burglary	24.4	28.7
Fraud, forgery	8.7	5.7
Larceny-theft	7.4	8.2
Stolen property	4.3	1.6
Property damage	2.3	0.0
Weapons offenses	1.2	0.8
Miscellaneous Other Offenses	4.8	6.6
Total Percent	100.0	100.0
Number of cases	516	122

* Using NCIC crime categories.

Table 6.13. NUMBER OF PRIOR FELONY CONVICTIONS IN THE ISP SAMPLE AND THE CLOSE OTI SUBSAMPLE.

PRIOR CONVICTIONS:	ISP	CLOSE OTI
0	32.8	22.0
1	19.2	21.2
2	14.7	13.6
3	9.1	11.4
4	6.5	7.6
5	3.8	9.1
6	4.7	5.3
7	1.3	1.5
8	2.0	2.3
9	2.2	1.5
10 or more	3.7	4.5
Total Percent	100.0	100.0
Number of cases	552	132
Mean:	2.5	2.8
Standard Deviation:	3.4	2.8
Median:	1.0	2.0

Table 6.14. NUMBER OF PRIOR INCARCERATIONS, PRIOR FELONY CHARGES, AND AGE AT DATE OF SENTENCE FOR THE ISP SAMPLE AND THE CLOSE OTI SAMPLE.

	ISP	CLOSE OTI
PRIOR INCARCERATIONS:		
0	68.9	54.5
1	16.8	26.5
2 or more	14.3	19.0
Total Percent	100.0	100.0
Number of cases	549	132
NUMBER OF FELONY CHARGES PRIOR TO INSTANT OFFENSE:		
Mean:	3.8	5.0
Standard Deviation:	5.0	5.1
Median:	2.0	4.0
Number of cases	551	132
AGE AT DATE OF SENTENCE:		
Mean:	28.4	28.2
Standard Deviation:	8.4	9.1
Median:	25.6	25.6
Number of cases	554	130

Table 6.15. SEX, RACE, AND EDUCATION OF ISP AND CLOSE OTI OFFENDERS.

SEX:

	ISP	CLOSE OTI
Male	90.3	90.9
Female	9.7	9.1
Row Total	100.0	100.0
Number of Cases	(554)	(132)

RACE:

	ISP	CLOSE OTI
Black	32.0	30.3
Hispanic	9.4	12.9
White	58.0	56.8
Other	0.5	0.0
Row Total	100.0	100.0
Number of Cases	(553)	(132)

EDUCATION:

	ISP	CLOSE OTI
HS Dropout	51.0	55.3
HS Grad	26.0	25.0
HS + Voc.	6.0	4.5
Some College	12.5	12.9
College Graduate	4.5	2.3
Row Total	100.0	100.0
Number of Cases	(553)	(132)

Table 6.16. EMPLOYMENT, DRUG AND ALCOHOL PROBLEMS AT TIME OF SENTENCE FOR ISP AND CLOSE OTI OFFENDERS.

EMPLOYMENT:

	ISP	CLOSE OTI
Unemployed	28.1	33.3
Part-time Job	9.8	0.0
Full-time Job	60.1	63.6
Student/Other	2.0	3.1
Row Total	100.0	100.0
Number of Cases	(551)	(132)

DRUG USE NOTED:

	ISP	CLOSE OTI
Yes	57.3	55.3
No or not stated	42.7	44.7
Row total	100.0	100.0
Number of Cases	(553)	(132)

ALCOHOL PROBLEM:

	ISP	CLOSE OTI
Yes	29.1	27.3
No or not stated	70.9	72.7
Row Total	100.0	100.0
Number of Cases	(553)	(132)

Table 6.17. FAMILY CRIMINAL RECORD AND LIVING SITUATION AT TIME OF SENTENCE FOR ISP AND CLOSE OTI OFFENDERS.

CRIMINAL RECORD IN FAMILY:

	ISP	CLOSE OTI
Yes	8.3	9.8
No or not stated	91.7	90.2
Row Total	100.0	100.0
Number of Cases	(554)	(132)

LIVING SITUATION AT TIME OF INSTANT SENTENCE:

LIVING WITH:	ISP	CLOSE OTI
Spouse & child	23.1	12.5
Just child	2.3	2.3
Just spouse	7.8	8.6
Parent & sibling	28.2	30.5
Just parent	20.0	17.2
Just sibling	6.3	7.0
Friends	4.2	5.5
Alone	5.1	15.6
Other	3.0	0.8
Column Total	100.0	100.0
Number of Cases	554	128

Table 6.18. DISTRIBUTION OF THE SCORES ON THE FINAL STUDY RISK SCALE IN THE ISP SAMPLE AND THE CLOSE OTI SUBSAMPLE.

<u>STUDY</u> <u>RISK SCALE</u> <u>SCORE:</u>	ISP	CLOSE OTI
Low risk		
5	0.2	0.0
6	1.6	0.8
7	4.7	3.8
8	6.5	0.8
9	6.0	5.4
10	9.0	2.3
11	10.3	8.5
12	11.9	10.0
13	10.8	14.6
14	8.7	13.1
15	9.8	14.6
16	9.0	15.4
17	6.0	8.5
18	3.4	0.8
19	1.4	0.8
20	0.4	0.8
21	0.2	0.0
High risk		
Total Percent	100.0	100.0
Number of cases	553	130
Mean score:	12.5	13.5
Std. Deviation:	3.2	2.8
Median score:	12.0	14.0

"reasonable" is not the same as "equivalent"; there do exist the potentially significant differences noted in the previous paragraph. Moreover, it is also possible that other significant differences exist between the two groups: other potentially important variables which are not included in the case records of offenders. Random assignment of individuals to the experimental or the control group would have been the best way to handle such difficulties, but we must work with the real-world situation as we find it.

Table 6.19 displays some background characteristics of the cases in our initial samples that we were able to link to the SAC data compared with the cases we were unable to find in SAC. The ISP sample linked with SAC seems to be, on the average, slightly higher risk than the ISP cases that could not be linked with SAC. On the other hand, the FULL OTI SAC sample may be a little lower risk than the FULL OTI cases not linked with SAC. One possibility is that differences of that size would have no significant effect on recidivism. However, if both of these loss-of-cases differences do have a significant effect, the effect would probably be to understate the success of ISP. That is, on the average, a few of the lower-risk ISP cases do not appear in the recidivism analyses, while a few of the higher-risk FULL OTI cases do not appear in the recidivism analyses. There do not seem to be any differences in the CLOSE OTI group beyond the usual random variation.

Table 6.19. CASES IN THE FINAL SAMPLES COMPARED TO THE CASES NOT MATCHED TO THE SAC DATA BASE. (Cell entries are medians.)

ISP	Cases Matched in SAC	Cases Not Matched in SAC
Study Risk	10.0	9.0
Prior Convictions	1.0	0.0
Prior Felony Charges	2.0	0.0
Age at Sentence	25.5	29.1
Maximum Number of Cases	527	27
FULL OTI		
Study Risk	13.0	13.0
Prior Convictions	4.0	6.0
Prior Felony Charges	6.0	7.0
Age at Sentence	24.9	25.3
Maximum Number of Cases	484	25
CLOSE OTI		
Study Risk	11.5	12.0
Prior Convictions	2.0	1.0
Prior Felony Charges	4.0	4.0
Age at Sentence	25.7	25.2
Maximum Number of Cases	122	10

Chapter 7: EFFECTS: IMPACT ON RECIDIVISM

We are ready to consider the degree to which the Intensive Supervision Program has been able to achieve the four paramount goals of the program impact model: (1) reduction of recidivism, (2) intermediate punishment, (3) improved use of prison space, and (4) cost-effectiveness.

PROBLEMS OF MEASUREMENT AND DESIGN

It would be unrealistic to expect any correctional program that releases convicted felons into the community to be risk free. Most felony offenders who are committed to prison are released on parole in a couple of years. Within three years of their release on parole, about 30 percent of offenders commit a new felony that leads to their return to prison (Bureau of Justice Statistics, 1984). Therefore, the commission of new crimes by ISP participants will be assessed in relation to our sample of offenders who served their ordinary term of incarceration and then were released on parole (the FULL OTI and CLOSE OTI groups). Thus, our baseline is not a zero rate of new crimes, but rather a lower rate than that found in a realistic correctional alternative.

Due to problems in the statewide computerized arrest, court processing, and custody record data-base, the recidivism

figures we present should be considered as rough estimates rather than precisely accurate figures. A major part of our study data set was extracted from the centralized criminal justice record data-base (the SAC data-base). We have checked entries in the SAC data on our samples against what our own researchers had coded from documentary records in the field. We found an error rate in SAC of roughly 10 percent of court processing and custody-change events. For a few of the variables in the computerized records, the error rate reaches 20 percent (e.g., the earliest felony conviction listed in SAC for the offenders -- probably the data are less complete the more distant the events are in the past). The overwhelming majority of the errors found are errors of omission. Events occurred that were never transmitted into the SAC data-base. Therefore, all of our analyses of reconvictions and time in prison are subject to a significant degree of error. In general, our results will undercount the numbers of criminal justice events that actually occurred: arrests are underenumerated, convictions are underenumerated, custody-changes are underenumerated.

As mentioned in Chapter 2, with respect to recidivism, this study has a non-equivalent control group, pretest-posttest design. That is, we have arrest, conviction, and custody-change data both before and after the OTI group's instant conviction, instant commitment to prison, and instant

release onto parole. We also have arrest, conviction, and custody-change data both before and after the ISP group's instant conviction, instant commitment to prison, and instant release onto ISP. This is not a randomized, controlled experiment, and there are potential, design-related sources of error. Using Campbell and Stanley's (1963: pp. 5-6) categorization of twelve types of error, we are concerned about three potential sources of error that might distort our analyses. Campbell and Stanley refer to these sources of error as instrumentation, selection, and history.

Instrumentation Error. When the experimental group and the control group are not randomly constructed but taken as they are found, measurement error may be relatively higher in one group than the other. That is a possibility in this study. It may be the case that ISP, as a experimental program with high quality staff and monitored by outside researchers, has done better at recording information and transmitting it to SAC. This might include recording program-generated arrests of ISP participants. Thus, it is possible that ISP has been recording returns to prison and discharges more completely than has been the case for both the FULL OTI AND CLOSE OTI groups.

Selection Error. Another potential source of error stemming from the lack of random assignment is differential selection of subjects for the experimental and comparison groups. The ISP group is formed by a combination of offender

self-selection and selection by a Screening Board and Resentencing Panel. Consequently, it is possible that some variable or variables we do not have measures of (e.g., intensity of dislike of prison) might be the cause of observed differential outcomes between the experimental and comparison group, rather than such focal variables as the intensity of the supervision, the intermediate punishment component, and/or the rehabilitative component.

History Error. Another source of error that ought to be considered is due to specific events intervening between the pretest data and the posttest data that may have affected the dependent variable. The research design does not allow us to rule out this possibility. The OTI cases have sentence dates that cluster in 1981, but the sentence dates for the ISP cases cluster in the years 1983 through 1985. There are indications that in New Jersey in the 1980s there may have been an increase in the intensity of efforts to arrest and convict drug offenders as a particular targeted group. In fact, the ISP group does have a higher proportion of drug offense cases than the FULL OTI group does. This enhanced law enforcement might in itself produce higher recidivism rates for the ISP group, and these higher rates would be unrelated to the merits or deficiencies of the Intensive Supervision Program per se.

ASSESSING THE EFFECTS OF ERROR

In general, our results will undercount the numbers of arrests, convictions, and custody-changes that actually occurred. As long as this is borne in mind, the underenumeration is not a serious problem. The problem becomes serious to the extent that the degree of undercounting is different in the experimental group vs. the comparison group. Based on our examination of patterns in our data set (and what we have seen and heard in the field) we have no reason to think that ISP events are more underenumerated than the OTI cases -- if anything, the reverse is more likely. Although we do not have data bearing on the potential problem of differential instrumentation error, our educated guess is that the effect is likely to be a more serious underestimation of arrests, convictions, and returns to prison for the OTI group than for the ISP group. This would understate the relative success of ISP.

The same assessment holds for the only potential "history" problem we are aware of, the increased criminal justice intensity directed against drug offenders. If this error is significant, it would be a bias against ISP, rather than against the FULL OTI group. That is, it would not "stack the deck" in favor of ISP. Furthermore, the CLOSE OTI group matches ISP well in terms of drug offenses, so that comparison group is unlikely to be affected by this problem.

The other potential source of error is differential selection. There are two very different ways of approaching this, and the reader will judge the reasonableness of the alternatives. One approach to a potential problem of differential selection is to introduce cross-tabulational or statistical controls for important differences into the analyses. We used two methods to try to "control for" differences between the ISP and OTI samples. First, we used discriminant analysis to select the CLOSE OTI subsample. CLOSE OTI was as close as practically possible to the ISP group in terms of the significantly discriminating variables we had available. In addition, we constructed a Study Risk scale of propensity for recidivism, and included that in our analyses. Nevertheless, it is possible that some variable or variables we do not have measures of (e.g., intensity of dislike of prison), and thus could not control for, might be the cause of observed differential outcomes between the experimental and comparison group. We controlled for the important variables available to us, but we do not know how much of the differences we found are due to variables other than the focal combination of intensity of supervision, punitive components, rehabilitative components, etc.

This brings us to an alternative way of viewing differential selection. Selection can be regarded not as a methodological problem, but rather an explicit part of the

program itself. The policy makers explicitly included provisions for careful screening of applicants as part of the program design. There is also an explicit concern for using the level of motivation of the applicant as one of the factors to consider in evaluating applications. If one adopts this perspective, the selection process is part of the complex program treatment package, and not a source of error. From this perspective, the evaluation of ISP underestimates its success in terms of recidivism. If we compared ISP with FULL OTI without controls for variables relevant to the selection process (that is, with a sample that is more typical of the general population of medium-security prisons), the comparative results would be even better. In any case, future research must be done to attempt to ascertain the effects of the constituent components of the complex treatment package. (It will be seen that leaving selection effects to future research is what has to be done under the first alternative as well.)

What is the "bottom line" of this section? There are two main points. On the one hand, problems inherent in the research design and problems in the data set mean that our findings will not be nearly as convincing as a randomized experiment would have been. On the other hand, it seems reasonable to conclude, nevertheless, that the research constituted an adequate (albeit approximate) comparative analysis.

THE METHOD OF SURVIVAL ANALYSIS

What is the best way to analyze recidivism? The survival analysis statistical method is designed to provide reasonable estimates of proportions of individuals who, after entering some initial state (e.g., health) either stay in that initial state (stay healthy) or change to a different state (e.g., develop cancer), taking into account that different individuals have different lengths of time in the initial state, and that some may still be in the initial state when the study ends. For our present interests, survival analysis will provide reasonable estimates of the proportions of individuals who, after entering the initial state of being recidivism-free at the point of their instant release into supervision in the community (ISP or parole), either stay in that initial state (stay recidivism-free) or change to a recidivist state (get arrested and/or convicted), taking into account that different individuals have different lengths of time at risk in ISP or on parole, and that some may still be recidivism-free when the study ends. This statistical method is well-suited for recidivism analysis. One reason is that it reflects the timing of recidivism (a person who was recidivism-free for 23 months was more successful than someone who committed a crime in the second month). A second advantage of survival analysis is that partial periods of exposure to risk contribute to the analysis, rather than being completely discarded. Thus, individuals who were still recidivism-free and at some early months of ISP or

parole when the study ended, are taken into account. So are the partial periods of exposure of individuals who died while recidivism-free on ISP or on parole. Such cases, cut off by a lack of time, rather than by recidivism, are termed "censored" cases.

THE RATE AND SERIOUSNESS OF NEW CRIMES

One measure of recidivism is arrests for new offenses, whether the individual has actually been convicted of that offense within the study period or not. Table 7.1.A and 7.1.B present relatively detailed survival tables for the ISP group and the CLOSE OTI group, respectively. (The numbers of cases are restricted to the individuals whose SBI number could be found in the SAC data-base, minus cases that had missing values on any of the variables needed for the analysis.) The ISP portion of the table shows 512 individuals who started the program. In the first thirty days, three of them were arrested. The end of the second year (the 730th day) is part of the interval starting with day 720. Only 123 cases had that length of time at risk, and two more were arrested in that interval. The cumulative proportion of ISP participants who survived arrest-free for two years at risk was .7372, that is,

Table 7.1.A. PROPORTIONS OF ISP INDIVIDUALS SURVIVING WITH NO NEW ARREST OFFENSE (WHETHER CONVICTED OR NOT) BY TIME AT RISK ON INTENSIVE PROBATION.

Survival Variables	No.	No.	No.	Cumulativ	Hazard	Std
Inter	Enter	Exposed	No.	Proporbn	Rate***	Error
-val	-ing	to	of	Survivg		of
Start	This	Risk**	Arrest	at End of		Cumulativ
Time	Inter		Events	Interval		Survivg
(days)	-val*					
0	512	512.0	3	0.9941	.0002	.003
30	509	508.0	4	0.9863	.0003	.005
60	503	499.5	9	0.9685	.0006	.008
90	487	483.0	4	0.9605	.0003	.009
120	475	473.5	2	0.9565	.0001	.009
150	470	464.0	3	0.9503	.0002	.010
180	455	449.5	2	0.9461	.0001	.010
210	442	438.5	5	0.9353	.0004	.011
240	430	427.0	3	0.9287	.0002	.012
270	421	398.5	5	0.9170	.0004	.013
300	371	362.5	4	0.9069	.0004	.013
330	350	341.0	5	0.8936	.0005	.014
360	327	321.0	1	0.8908	.0001	.015
390	314	305.5	1	0.8879	.0001	.015
420	296	286.5	5	0.8724	.0006	.016
450	272	261.5	2	0.8658	.0003	.017
480	249	242.0	7	0.8407	.0010	.019
510	228	222.0	4	0.8256	.0006	.020
540	212	202.5	5	0.8052	.0008	.021
570	188	180.0	3	0.7918	.0006	.022
600	169	163.5	5	0.7675	.0010	.024
630	153	150.0	0	0.7675	.0000	.024
660	147	143.0	0	0.7675	.0000	.024
690	139	132.5	3	0.7502	.0008	.026
720	123	115.5	2	0.7372	.0006	.027
750+	106	57.5	9	0.6218	****	.042

* Some individuals are still active in ISP; thus, the number entering time intervals can decrease by more than the number of arrests. Also, individuals who have a record of re-incarceration without a new arrest (e.g., for technical violations) are withdrawn at that time from the number entering the next interval.

** Defined as the number who entered the specific time interval minus one-half the number who did not complete that interval of time.

*** For cases entering the interval, this is the probability per day that they be arrested during that interval.

**** Hazard rates and standard errors are not meaningful for the final, open-ended interval.

Table 7.1.B. PROPORTIONS OF CLOSE OTI INDIVIDUALS SURVIVING WITH NO NEW ARREST OFFENSE (WHETHER CONVICTED OR NOT) BY TIME AT RISK ON PAROLE.

Survival Inter- -val Start Time (days)	Variables No. Enter- -ing This Inter- -val*	No. Exposed to Risk**	No. of Arrest Events	Cumulativ Proportn Survivg at End of Interval	Hazard Rate***	Std Error of Cumulativ Survivg
0	114	114.0	2	0.9825	.0006	.012
30	112	112.0	6	0.9298	.0018	.024
60	106	106.0	6	0.8772	.0019	.031
90	100	100.0	2	0.8596	.0007	.033
120	98	98.0	4	0.8246	.0014	.036
150	94	94.0	2	0.8070	.0007	.037
180	92	92.0	2	0.7895	.0007	.038
210	90	90.0	1	0.7807	.0004	.039
240	89	89.0	1	0.7719	.0004	.039
270	88	88.0	1	0.7632	.0004	.040
300	87	87.0	0	0.7632	.0000	.040
330	87	87.0	2	0.7456	.0008	.041
360	85	84.5	0	0.7456	.0000	.041
390	84	84.0	1	0.7367	.0004	.041
420	83	82.5	0	0.7367	.0000	.041
450	82	82.0	0	0.7367	.0000	.041
480	82	82.0	1	0.7278	.0004	.042
510	81	81.0	1	0.7188	.0004	.042
540	80	79.5	0	0.7188	.0000	.042
570	79	79.0	0	0.7188	.0000	.042
600	79	78.5	3	0.6913	.0013	.043
630	75	75.0	0	0.6913	.0000	.043
660	75	75.0	2	0.6729	.0009	.044
690	73	73.0	1	0.6636	.0005	.045
720	72	72.0	2	0.6452	.0009	.045
750+	70	42.0	14	0.4301	****	.056

Lee-Desu statistic = 13.315, D.F. = 1, p = .0003

73.72 percent. This compares favorably to the cumulative proportion of CLOSE OTI participants who survived arrest-free for two years at risk: .6452, that is, 64.52 percent. Thus, the recidivism rate of the ISP group (i.e., the opposite of the survival rate) was roughly 9.2 percentage points lower than that of the CLOSE OTI group. As background information, we will also report Lee-Desu statistics regarding the statistical significance of the survival tables being compared -- even though the lack of random assignment and the measurement error make their validity questionable.

Unless otherwise noted, the tables and comparison statistics in the rest of this chapter were the outcomes of survival analyses. However, since people usually discuss such outcomes in terms of recidivism, we shall report recidivism rates rather than survival rates. (Recidivism proportions are one minus the cumulative proportion surviving or, in percent form, 100% minus the cumulative percent surviving.) For clarity of presentation, we have collapsed the number of time intervals to four (six months, one year, a year-and-six-months, two years at risk). Table 7.2 is a simplification of Table 7.1. Because the time intervals are slightly different, the percentages and the recidivism differentials in Table 7.2 can be slightly different: the differential at two years is 9.8 instead of 9.2.

Another measure of recidivism is conviction for a crime. If we were to use the actual date of conviction, we would be counting the time after the arrest devoted to prosecution and

Table 7.2. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST
(WHETHER IT LED TO A CONVICTION OR NOT): ISP AND CLOSE OTI CASES.

Time until the arrest	ISP		CLOSE OTI		(Differential)
	Cumulative Percent	with a New Arrest*	Cumulative Percent	with a New Arrest*	
6 months	5.1%	(512)	19.3%	(114)	14.2% **
1 year	10.8%	(452)	25.5%	(92)	14.7%
1 year & 6 months	18.0%	(320)	28.2%	(84)	10.2%
2 years	24.7%	(204)	34.6%	(79)	9.9%

Lee-Desu statistic = 13.315, D.F. = 1, p = .0003

* The number of cases entering the time interval is in parentheses.

** The "differential" refers to the CLOSE OTI cumulative percent with a new arrest minus the ISP cumulative percent with a new arrest. (See the entry under "differential" in the Glossary of this report.)

court processing as recidivism-free time. To avoid that misleading inclusion of prosecution-and-court-processing time, we consistently use the time-to-an-arrest-that-resulted-in-a-conviction as the dependent variable. Table 7.3 presents the results. Approximately 12 percent of the ISP group had an arrest that led to a conviction at the end of two years, compared to 23 percent of the CLOSE OTI group.

A third measure of recidivism is conviction for a felony (an indictable offense). To avoid that misleading inclusion of prosecution- and court-processing time, we consistently use the time-to-an-arrest-that-resulted-in-a-conviction-for-a-felony as the dependent variable. As Table 7.4 shows, 7.52 percent of the ISP group had an arrest that led to a felony conviction at the end of two years, compared to 14.32 percent of the CLOSE OTI group. The percent differentials in the three tables just presented range from 6.80 to 14.69, clustering around a ten percentage point difference. These analyses certainly do not reveal any increase in new crimes associated with the Intensive Supervision Program. Indeed the analyses are more in line with the hypothesis that ISP reduced recidivist crime. However, we must bear in mind the lack of random assignment to the groups and the error component in the SAC data. We should interpret the statements of the probability that the observed differences could be due to random variation (e.g., $p = .0003$, $p = .0000^*$,

* The computations were done with SPSS-X, which uses an equals sign and the number of digits to convey the probability interval. The meaning is not that the probability is exactly zero, but rather that the probability is less than .0001.

Table 7.3. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST THAT LED TO A CONVICTION: ISP AND CLOSE OTI CASES.

Time until the arrest that led to the conviction	ISP		CLOSE OTI		(Differential)	
	Cumulative Percent with a New Arrest that Led to a Conviction*		Cumulative Percent with a New Arrest that Led to a Conviction*			
6 months	2.3%	(510)	12.3%	(114)	10.0%	**
1 year	4.0%	(453)	17.6%	(100)	13.6%	
1 year & 6 months	6.9%	(322)	21.2%	(92)	14.3%	
2 years	12.3%	(208)	23.1%	(85)	10.8%	

Lee-Desu statistic = 23.725, D.F. = 1, p = .0000

* The number of cases entering the time interval is in parentheses.

** The "differential" refers to the CLOSE OTI cumulative percent with a new arrest minus the ISP cumulative percent with a new arrest. (See the entry under "differential" in the Glossary of this report.)

Table 7.4. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST THAT LED TO A CONVICTION FOR A FELONY OFFENSE: ISP AND CLOSE OTI CASES.

Time until the arrest that led to the conviction	ISP		CLOSE OTI		(Differential)	
	Percent	Number	Percent	Number	Percent	Number
6 months	1.7%	(510)	8.8%	(114)	7.1%	**
1 year	2.9%	(453)	12.4%	(103)	9.5%	
1 year & 6 months	4.7%	(322)	14.3%	(95)	9.6%	
2 years	7.5%	(208)	14.3%	(88)	6.8%	

Lee-Desu statistic = 14.059, D.F. = 1, p = .0002

* The number of cases entering the time interval is in parentheses.

** The "differential" refers to the CLOSE OTI cumulative percent with a new arrest minus the ISP cumulative percent with a new arrest. (See the entry under "differential" in the Glossary of this report.)

p = .0002, listed in the tables) as only rough indications of the credibility of the hypothesis that there are actual differences between the two groups. To interpret them literally (e.g., "the probability that the observed difference could be due to random variation is less than .0001") would be to overestimate the power of the research design and the accuracy of our data.

It is worth noting that the four tables just presented implicitly examine the link between recidivism and the ISP vs. OTI difference, controlling for several variables. As discussed in Chapter 6, CLOSE OTI was selected from FULL OTI on the basis of a discriminant function that weighted the effects of sixteen variables (see Table 6.10). Survival analysis using CLOSE OTI rather than FULL OTI implicitly controls (to a substantial extent) for a variety of differences that distinguished ISP and FULL OTI.

STATISTICAL PROCEDURES IN DEVELOPING THE STUDY RISK SCALES

Another way of controlling for pre-existing differences between ISP and FULL OTI is to concentrate on differences in risk of recidivism, rather than a broad set of variables that in general differentiate the groups. In several exploratory analyses, we pooled the ISP and FULL OTI individuals so they were temporarily not identified by group, and used as the dependent variable the time elapsing from instant release from prison until the next arrest that resulted in a conviction.

Many exploratory analyses were done. (For individuals who had not recidivated within our observation period, we assigned arbitrary lengthy times: two years, three years, four years in different runs.) We introduced many variables as potentially significant independent variables in many runs of stepwise regression. Of the many candidate variables, the ones that were consistently significant and mutually independent predictors of the length of time until recidivism in stepwise regressions were those listed in Table 7.5.*

This Initial Study Risk Scale was trichotomized and included as a control variable in survival analyses comparing ISP and FULL OTI, successively in terms of arrests, convictions, and felony convictions. (The form of the findings is the same as that found in Tables 7.6, 7.7, and 7.8, but those tables are based on the Final Study Risk Scale.) In each of the analyses ISP had significantly lower recidivism than FULL OTI.

The risk scale had been developed with exploratory methods. Time-to-recidivism was used with a variety of ending times assigned to non-recidivists. Ordinal-level variables were treated as though they were interval-level (Labovitz,

* The candidate variables that were not as good predictors and were not individually statistically significant in the regression with the six successful variables were: sex, incarceration sentence (in months), numbers of prior convictions, prior incarcerations, times on probation or parole, prior revocations from probation or parole, and (from the presentence investigation report) having a family member who is known to have a criminal record, having a drug, alcohol, or gambling problem.

Table 7.5. ONE TYPICAL SET OF RESULTS OF STEPWISE REGRESSION WITH TIME ELAPSED UNTIL THE NEXT ARREST THAT LED TO A CONVICTION AS THE DEPENDENT VARIABLE.

VARIABLE	Unstandardized Regression Coefficient	T Value	Signif.
Instant Offense (burglary vs. other vs. drug)	-204.82	-6.230	.0000
Number of Felony Charges	-21.06	-5.371	.0000
Unemployment	-231.10	-4.090	.0000
Race (nonwhite vs. white)	-215.68	-3.874	.0000
Living Situation	-72.65	-2.448	.0145
Low Educational Attainment	-66.59	-2,681	.0075
(Constant)	3147.80	+21.062	.0000

Adjusted R^2 = 15.4% F = 30.05 Signif. = .0000

1970; Bollen and Barb, 1981) in order to use the exploratory method of stepwise regression. Subsequently, to strengthen the analysis, the following additional analyses were conducted. In one additional approach, all of the variables in the scale were transformed into either dichotomies or trichotomies, and a stepwise hierarchical loglinear analysis (using backward elimination) was conducted. The variables associated with the recidivist/non-recidivist dichotomy (at the .05 level) were unemployment, nonwhite race, three or more felony charges, and lack of high school graduation. Only part of the instant offense trichotomy was significantly related, and living situation was not significantly associated with recidivism.

In another approach, an event history analysis was conducted with interval-level variables (and ordinal-level variables treated as interval level variables) included in a survival analysis. All of the six variables in the scale were significantly related to non-recidivist survival rates. Finally, in a more strictly conventional approach, all of the ordinal-level independent variables were dichotomized (except instant offense which was kept as a three-value interval-level variable) in event history survival analyses. Another variable which had approached, but not reached, significance in the stepwise multiple regressions, namely age at time of instant sentence, was also included. The ISP vs. FULL OTI dichotomy was also included to check whether variables were associated with recidivism regardless of the group type. Living situation was the only variable which did not reach the level of significance. Thus, age at the time of sentence appeared to be an additional candidate variable for a risk scale.

In light of the more extensive analyses just described, a second, final risk scale was constructed. The Final Study Risk Scale consisted of adding together for each individual that person's scores on the following variables: instant offense (drug = 0, other = 1, burglary = 2); number of prior felony charges (0 = 0, 1 = 1, 2 or 3 = 2, 4 through 7 = 3, 8 through maximum = 4); unemployment at time of instant sentence (working = 1, not working = 2); race (white non-Hispanic = 1, black or

Hispanic or other = 2); living situation at time of instant sentence (with own child = 1, just with spouse/paramour = 2, other = 3, alone or with friends = 4); low educational attainment (high school plus further education = 1, only completed high school = 2, did not finish high school = 3); age at time of instant sentence (minimum through 20 = 4, 21 through 25 = 3, 26 through 30 = 2, 31 through maximum = 1).

In Table 7.6 the results of a survival analysis are presented in the form of cumulative rates of new arrests by group type (ISP vs. the FULL OTI group) controlling for the Final Study Risk Scale. It shows the relationships between new arrests and group type within three sub-categories of the Final Study Risk Scale. The sub-categories constitute low-risk, medium-risk, and high-risk of recidivism. At each level of the risk scale, the ISP group consistently has lower rates of new arrests over time than does the FULL OTI group.

Table 7.7 shows the same kind of analysis for next-arrest-that-led-to-a-conviction as the measure of new criminality. ISP has lower recidivism. In Table 7.8 the same pattern is found with the most serious recidivism measure, next-arrest-that-led-to-a-conviction-for-a-felony. The ISP group shows lower felony recidivism.

Table 7.6. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST (WHETHER IT LED TO A CONVICTION OR NOT) FOR ISP AND FULL OTI CASES, CONTROLLING FOR THE FINAL STUDY RISK SCALE (TRICHOTOMIZED).

ISP FULL OTI (Differential)
Cumulative Percent with a New Arrest

STUDY RISK = Minimum to 12

Time until the
arrest that led
to the conviction

	ISP	FULL OTI	(Differential)
6 months	0.8% (259)	5.7% (53)	4.9%
1 year	4.9% (251)	9.4% (50)	4.5%
1 year & 6 months	7.8% (226)	15.1% (48)	7.3%
2 years	10.4% (213)	18.9% (45)	8.5%

Lee-Desu statistic = 15.753, D.F. = 1, p = .0001

STUDY RISK = 13 to 15

Time until the
arrest that led
to the conviction

	ISP	FULL OTI	(Differential)
6 months	5.1% (145)	18.2% (181)	13.1%
1 year	9.1% (124)	30.9% (148)	21.8%
1 year & 6 months	16.8% (108)	38.7% (125)	21.9%
2 years	21.4% (94)	46.7% (109)	25.3%

Lee-Desu statistic = 34.996, D.F. = 1, p = .0000

STUDY RISK = 16 to Maximum

Time until the
arrest that led
to the conviction

	ISP	FULL OTI	(Differential)
6 months	15.9% (108)	37.7% (205)	21.8%
1 year	27.2% (77)	54.5% (127)	27.3%
1 year & 6 months	36.9% (48)	65.5% (91)	28.6%
2 years	42.3% (36)	71.5% (69)	29.2%

Lee-Desu statistic = 23.757, D.F. = 1, p = .0000

Table 7.7. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST THAT LED TO A CONVICTION: ISP AND FULL OTI CASES, CONTROLLING FOR THE FINAL STUDY RISK SCALE (TRICHOTOMIZED).

ISP FULL OTI (Differential)

Cumulative Percent with a New Arrest that
Led to a Conviction

STUDY RISK = Minimum to 12

Time until the
arrest that led
to the conviction

	ISP	(N)	FULL OTI	(N)	(Differential)
6 months	0.0%	(259)	3.8%	(53)	3.8%
1 year	1.3%	(250)	5.7%	(51)	4.4%
1 year & 6 months	2.6%	(227)	9.4%	(50)	6.8%
2 years	3.9%	(218)	9.4%	(48)	5.5%

Lee-Desu statistic = 16.379, D.F. = 1, p = .0001

STUDY RISK = 13 to 15

Time until the
arrest that led
to the conviction

	ISP	(N)	FULL OTI	(N)	(Differential)
6 months	2.2%	(144)	10.5%	(181)	8.3%
1 year	4.7%	(125)	17.2%	(161)	12.5%
1 year & 6 months	5.7%	(106)	24.6%	(148)	18.9%
2 years	10.6%	(97)	29.8%	(132)	19.2%

Lee-Desu statistic = 25.996, D.F. = 1, p = .0000

STUDY RISK = 16 to Maximum

Time until the
arrest that led
to the conviction

	ISP	(N)	FULL OTI	(N)	(Differential)
6 months	8.3%	(107)	23.0%	(205)	14.7%
1 year	9.7%	(78)	36.9%	(157)	27.2%
1 year & 6 months	17.5%	(52)	45.4%	(126)	27.9%
2 years	22.0%	(37)	51.6%	(107)	29.6%

Lee-Desu statistic = 21.394, D.F. = 1, p = .0000

Table 7.8. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST THAT LED TO A CONVICTION FOR A FELONY OFFENSE: ISP AND FULL OTI CASES, CONTROLLING FOR THE FINAL STUDY RISK SCALE (TRICHOTOMIZED).

Cumulative Percent with a New Conviction for a Felony (an Indictable Offense).

	ISP		FULL OTI		(Differential)
STUDY RISK = Minimum to 12					
Time until the arrest that led to the conviction					
6 months	0.0%	(275)	0.0%	(53)	0.0%
1 year	1.6%	(266)	0.0%	(51)	-1.6%
1 year & 6 months	1.6%	(242)	2.0%	(50)	0.4%
2 years	2.0%	(233)	2.0%	(48)	0.0%

Lee-Desu statistic = 6.308, D.F. = 1, p = .0120

STUDY RISK = 13 to 15

Time until the arrest that led to the conviction					
6 months	2.1%	(154)	6.8%	(181)	4.7%
1 year	3.6%	(134)	9.8%	(161)	6.2%
1 year & 6 months	3.6%	(114)	14.2%	(148)	10.6%
2 years	5.5%	(105)	14.8%	(132)	9.3%

Lee-Desu statistic = 7.647, D.F. = 1, p = .0057

STUDY RISK = 16 to Maximum

Time until the arrest that led to the conviction					
6 months	5.2%	(108)	13.4%	(205)	8.2%
1 year	6.6%	(79)	21.0%	(157)	14.4%
1 year & 6 months	14.5%	(53)	25.6%	(126)	11.1%
2 years	16.8%	(38)	27.8%	(107)	11.0%

Lee-Desu statistic = 7.340, D.F. = 1, p = .0067

Another way of analyzing the data is to use event history survival analysis (Allison, 1984; Tuma, 1980). Tables 7.9, 7.10, and 7.11 are a more refined event history analysis of the data presented in Tables 7.6, 7.7, and 7.8, respectively. The findings are materially the same. The only notable difference is that in Table 7.11 several of the coefficients no longer reach the level of statistical significance -- including the group type variable (FULL OTI vs. ISP). Note, however, that the coefficient for group type is actually equal to that in Table 7.9, so the seeming difference is probably simply an artifact of the small number of cases that have convictions for felonies.

In Chapter 6 it was pointed out that 22.9 percent of the split sentence cases in our sample could not be matched with the correct individuals in the SAC data. Because of this it is not worthwhile to examine split-sentence cases extensively as a comparison group. However, for whatever speculative interest it may have, we present in Table 7.12 the same kind of analysis comparing split-sentence cases with the ISP cases on the next-arrest-that-led-to-a-conviction variable, controlling for the Final Study Risk Scale. In this comparison as well, ISP has lower recidivism rates.

Up to this point we have been concerned with recidivism measured in terms of the relative frequencies (and timing) of arrests and convictions. The qualitative nature of the

Table 7.9. EVENT HISTORY SURVIVAL ANALYSIS IN TERMS OF ARRESTS, WHETHER OR NOT CONVICTED.

<u>Variable</u>	<u>Parameter</u>	<u>Std. Error</u>	<u>Parameter F Ratio</u>	<u>Antilog of Parameter</u>
Constant	-10.018	.5654	324.192*	.00003
FULL OTI (vs. ISP)	.3757	.1273	8.713*	1.456
Unemployment	.6166	.1175	27.526*	1.853
Nonwhite Race	.3735	.1142	10.697*	1.453
No. of Prior Charges	.2019	.04181	23.321*	1.224
Low Age at Sentence	.02695	.007726	12.169*	1.027
Low Education	.1862	.05849	10.137*	1.205
Instant Offense (Burglary = high, Drug = low)	.3795	.06751	31.611*	1.462
Living Situation	.02102	.1279	0.027	1.021

N = 932 Chi-Squared = 237.10 Df = 8 p = .000

* Significant at the one-tailed, .05 level.

Table 7.10. EVENT HISTORY SURVIVAL ANALYSIS IN TERMS OF ARRESTS THAT LED TO A CONVICTION.

<u>Variable</u>	<u>Parameter</u>	<u>Std. Error</u>	<u>Parameter F Ratio</u>	<u>Antilog of Parameter</u>
Constant	-1.206	.8299	211.063*	.000006
FULL OTI (vs. ISP)	.6732	.1902	12.520*	1.960
Unemployment	.5331	.1539	11.998*	1.704
Nonwhite Race	.3522	.1480	5.660*	1.422
No. of Prior Charges	.2365	.05406	19.138*	1.267
Low Age at Sentence	.02877	.01043	7.612*	1.029
Low Education	.2826	.08357	11.438*	1.327
Instant Offense (Burglary = high, Drug = low)	.3844	.08900	18.654*	1.469
Living Situation	.1910	.1659	1.326	1.210

N = 930 Chi-Squared = 180.85 Df = 8 p = .000

* Significant at the one-tailed, .05 level.

Table 7.11. EVENT HISTORY SURVIVAL ANALYSIS IN TERMS OF ARRESTS THAT LED TO A FELONY CONVICTION.

<u>Variable</u>	<u>Parameter</u>	<u>Std. Error</u>	<u>Parameter F Ratio</u>	<u>Antilog of Parameter</u>
Constant	-10.117	1.092	104.658*	.00004
FULL OTI (vs. ISP)	.3848	.2467	2.432	1.469
Unemployment	.2621	.2082	1.586	1.300
Nonwhite Race	.2768	.2080	1.772	1.319
No. of Prior Charges	.3059	.07981	14.689*	1.358
Low Age at Sentence	.03492	.01526	5.234*	1.036
Low Education	.3135	.1212	6.692*	1.368
Instant Offense (Burglary = high, Drug = low)	.3539	.1258	7.911*	1.425
Living Situation	.2614	.2388	1.198	1.299

N = 930 Chi-Squared = 78.28 Df = 8 p = .000

* Significant at the one-tailed, .05 level.

Table 7.12. COMPARATIVE CUMULATIVE PERCENT WITH A NEW ARREST THAT LED TO A CONVICTION: ISP AND SPLIT SENTENCE CASES, CONTROLLING FOR THE FINAL STUDY RISK SCALE (TRICHOTOMIZED).

		ISP	SPLIT SENT. (Differential)			
		Cumulative Percent with a New Arrest that Led to a Conviction				
STUDY RISK = Minimum to 12						
Time until the arrest that led to the conviction						
	6 months	0.0%	(262)	1.4%	(74)	1.4%
1 year		1.2%	(253)	4.1%	(72)	2.9%
1 year & 6 months		2.5%	(232)	5.5%	(69)	3.0%
2 years		3.8%	(223)	7.0%	(65)	3.2%
Lee-Desu statistic = 4.302, D.F. = 1, p = .0381						
STUDY RISK = 13 to 15						
Time until the arrest that led to the conviction						
	6 months	2.1%	(151)	5.7%	(140)	3.6%
1 year		4.5%	(132)	14.4%	(132)	9.9%
1 year & 6 months		5.3%	(113)	19.5%	(118)	14.2%
2 years		10.0%	(104)	21.8%	(107)	11.8%
Lee-Desu statistic = 10.179, D.F. = 1, p = .0014						
STUDY RISK = 16 to Maximum						
Time until the arrest that led to the conviction						
	6 months	8.0%	(110)	17.9%	(75)	9.9%
1 year		9.4%	(81)	31.1%	(57)	21.7%
1 year & 6 months		16.7%	(55)	37.1%	(46)	20.4%
2 years		20.9%	(40)	40.2%	(42)	19.3%
Lee-Desu statistic = 10.065, D.F. = 1, p = .0015						

recidivism has been measured only in terms of felony convictions and convictions in general. Since the number of convictions for new crimes is relatively small, we can present fairly detailed National Crime Information Center (NCIC) categories for the recidivist offenses. Table 7.13 shows new convictions the offense types of the new convictions. There does not seem to be a difference in the seriousness of new crimes committed.

Let's focus for a moment just on the ISP cases. The recidivism survival analyses show that less than ten percent of the caseload experienced an arrest during a year-and-a-half in the community (the typical length of ISP) -- an arrest that subsequently led to a conviction. Most of their new offenses were Disorderly Persons offenses (misdemeanors). Based on survival analysis of returns to prison (not shown), the estimated percent who are returned to prison in the ISP group is approximately 40 percent (compared to 32 percent in the CLOSE OTI group). Thus, roughly three-quarters of the ISP participants returned to prison, were returned for program rule violations, rather than for criminal violations. This is clearly due in part to the intensiveness of the supervision in the field. Testing of urine samples for traces of drugs, enforcement of curfews, etc. are not part of ordinary probation or parole.

Table 7.13. NEW CONVICTIONS WITHIN TWO YEARS OF INSTANT RELEASE TO SUPERVISION IN THE COMMUNITY, ISP vs. CLOSE OTI. (Table entries are numbers of cases and percents.)

OFFENSE TYPE: *	ISP		CLOSEOTI	
Felony Assault	2	(5.6%)	0	(0.0%)
Felony Drug Offenses	5	(13.9%)	5	(21.7%)
Robbery	2	(5.6%)	4	(17.4%)
Burglary	5	(13.9%)	3	(13.0%)
Felony Stolen Property	3	(8.3%)	1	(4.3%)
Fraud over \$200	2	(5.6%)	1	(4.3%)
Larceny over \$200	1	(2.8%)	1	(4.3%)
Weapons Offense	3	(8.3%)	0	(0.0%)
Resisting Officer	1	(2.8%)	0	(0.0%)
Criminal trespass	2	(5.6%)	2	(8.7%)
Misdemeanor Stolen Property	0	(0.0%)	1	(4.3%)
Fraud under \$200	1	(2.8%)	0	(0.0%)
Larceny under \$200	5	(13.9%)	2	(8.7%)
Misdemeanor Drugs	1	(2.8%)	2	(8.7%)
Disorderly Conduct	1	(2.8%)	1	(4.3%)
Other Misdemeanors	1	(2.8%)	0	(0.0%)
Total new convictions	36	(100.3%)	23	(99.7%)
Number in sample	527		115	

* Coded from New Jersey Criminal Statute citations.

One last matter should be touched on in this section on recidivism. Is there a recognizable type of offender who is a poor prospect for an intensive supervision program of this sort? We conducted several discriminant analyses to explore this issue. In these analyses the dependent variable was whether individuals had been successful in ISP or returned to prison. We introduced the usual diverse set of plausible predictor variables. Few would be surprised at the lists of variables that were found to be statistically significantly related to success (contrasted with failure): having few or no prior convictions, not having an instant conviction of burglary, having been employed at the time of the instant sentence, having higher educational attainment, not having a drug problem, etc.. We recommend against using such factors in a scale to decide about admissions to ISP at the present time. At least at this early stage of research on intensive supervision, our risk-of-failure scales are not accurate enough. The highest accuracy we were able to obtain was 72 percent correct out of all the predictive decisions to accept or reject. Within the subgroup of people who had failed ISP, our discriminant function had predicted that 44 percent of them would succeed. Part of the predictive difficulty is that the ISP cases have already been selectively chosen, so there is less variability (less of an informative difference) to help in making predictions. Nevertheless it would be unwise to rely on this sort of risk-of-failure-in-ISP scale at this time.

Worse inaccuracy would result from heavy reliance on any one or two of the "risk factors." Burglars as a group have significantly higher failure rates in ISP (on the average) than participants whose instant offenses had been other crime types. However, statistical significance does not necessarily imply practical significance. We would not recommend that applicants be denied admittance to ISP simply because their instant offense was burglary. The extant ISP screening process rightly considers multiple variables simultaneously. In terms of risk to the community and the probability that an individual will be returned to prison, it makes sense to deny admittance to a burglar who has, for instance, five prior (nonviolent) felony convictions and two prior revocations of ordinary probation or parole. But, a burglar with just one prior (nonviolent) felony conviction and no prior revocation of ordinary probation or parole may be a reasonably good prospect for ISP.

Chapter 8: EFFECTS: PUNISHMENT, PRISON SPACE, COSTS, AND
BENEFITS

In addition to the goal of reducing the rate of new violations, three more areas need to be assessed: the delivery of intermediate punishment, improvement in the use of prison space, and the relative costs and benefits of the program.

APPROPRIATE INTERMEDIATE PUNISHMENT

The degree of achievement of this goal is difficult to assess objectively. At least three considerations bear on this issue: the opinions expressed in our survey of criminal justice professionals, the program requirements that ISP participants live under, and the choices potential participants make about applying to enter ISP.

The survey of criminal justice professionals was explained in some detail in Chapter 4, but it is worthwhile to recapitulate some findings that are relevant to the question of the appropriateness of the punitive aspects of ISP. One of the questions asked of judges, prosecutors, public defenders, and other criminal justice professionals was:

3. One of the goals of ISP is to provide an intermediate form of punishment that is more severe than probation and less severe than regular terms of incarceration. Please

imagine a scale from 1 to 9 with standard probation assigned the number one and serving a regular term of incarceration assigned the number nine. Five is the exact middle of the scale. Where would you place ISP on the scale?

1	2	3	4	5	6	7	8	9
pro- bation								incar- ceration

The summary statistics for the answers to this item were a mean of 4.3, a standard deviation of 2.2, and a median response of 4.0. This suggests that, on the average, these criminal justice professionals did think that ISP was at an intermediate point on the scale of punitiveness. Another item asked was:

4.1 Now, thinking in terms of the same scale with standard probation assigned the number one and regular incarceration the number nine, where do you think an ideal Intensive Supervision Program should be?

1	2	3	4	5	6	7	8	9
pro- bation								incar- ceration

The summary statistics for this item were a mean of 5.7, a standard deviation of 2.1, and a median response of 6.0. This suggests that the typical opinion was that ISP was one or two points less severe than it ideally should be.

Since there tend to be differences related to the respondent's role in the criminal justice system, the summary statistics on the differences between the interviewee's expressed ideal severity of ISP and the perceived actual severity were also broken down by the role in the criminal justice system:

Role in C.J.S.	Mean	Median	Standard Deviation	Number Answering
Prosecutor	2.83	3.00	2.43	18
Judge	0.93	0.00	1.80	15
Public Defender	-0.41	0.00	1.16	11

Thus, on the average, prosecutors thought that ideally the severity of ISP should be about three points higher on the nine point scale. Judges and public defenders, on the average, thought that the actual severity of ISP was close to the ideal severity for ISP, with a slight tendency for public defenders to assess the program as a little too severe. However, as noted in Chapter 4, although these respondents understood the general principles of the Intensive Supervision Program, many of them did not have much information about important particulars of the program. (The interviews were conducted in the first year of the program.) For example, the combined percentages of those responding "Don't Know" and "Don't Have Enough Information" on the topic of supervision and monitoring was about 50 percent; on the topic of the community service workload the combined percentage was 65 percent.

Another perspective on the appropriateness of the punitive aspects of ISP is to consider the onerousness of the particular requirements that bind the participants. First, it must be remembered that part of the program design is that ISP participants actually serve a few months of the their prison sentence. On the average, ISP participants actually serve 3.6

months in prison before they are admitted into ISP. Second, ISP enforces payments of fines, restitution, payments to a general victim compensation fund, and usually charges program fees (unless the participant truly cannot afford them). Third, all participants are subject to punitive constraints on their freedom. Among these constraints are strictly enforced curfews (which are particularly unpleasant for offenders in their late teens and twenties) and being subject to unannounced taking of urine samples, searches of one's person and home, etc.. Fourth, all participants perform sixteen hours of unpaid community service work per month, most of which is onerous (by design). Successful participants will have performed over 200 hours of community service before they graduate. The work is, in most cases, physical labor performed on weekends, and it thus contributes another measure of onerousness to the program.

Another perspective on the appropriateness of the punitive dimensions of ISP is provided by noting that some applicants who would probably be accepted into the program withdraw their applications. In Chapter 5 we pointed out that roughly one-in-ten of the applications for ISP are withdrawn because the inmate has decided that ISP is too tough and/or too lengthy compared to the alternative of spending a few more months in prison and release onto parole.

With these three fragmentary pieces of evidence in mind, we conclude that ISP has achieved the goal of providing an intermediate level of punishment in the community.

IMPROVED USE OF PRISON SPACE

The following figures published by the Bureau of Justice Statistics (1986) show the numerical dimensions of the prison crowding problem in New Jersey. At year-end 1985, there were 11,335 state prisoners in New Jersey sentenced to more than a year of incarceration. The design capacity (defined as the number of inmates that planners or architects intended for the facilities) was 9,287. By this standard, there were 2,048 too many prisoners in the state prison system. The operational capacity of the state's corrections institutions (defined as the number of inmates that can be accommodated based on each facility's staff and services) was 11,564. By this standard, the prisons could at that point in time admit only 229 more offenders. However, at the same time 1,486 state prisoners were being held in local jails because of the year-round problem of prison crowding. These figures are typical of the prison crowding problem in New Jersey in recent years: there have been roughly two thousand to four thousand state prisoners above capacity.

How does New Jersey's Intensive Supervision Program help offset the prison crowding problem? As mentioned previously, assuming a fixed stock of prison space (and associated facilities) per year, and assuming that most non-violent offenders are willing to enter ISP, the careful selection

process conducted by the Screening Board and the Resentencing Panel of judges gives some of those less serious offenders less time in prison than was previously the case (on the average). This necessarily leaves more space per year for the more serious offenders.

In 1986 ISP reached its objective of having an active caseload of at least 375 offenders. In view of the fact that the program reached its minimum planned size, what effect does that have on the availability of prison space?

As previously explained, a random sample of 500 felons sentenced for ISP-eligible crimes before ISP was instituted formed a pool for one of our comparison groups, designated the OTI group. These offenders served their ordinary terms of imprisonment and then served ordinary terms of parole. A little more than one hundred of them, the CLOSE OTI subsample, match the ISP cases reasonably well in terms of prior criminal records and background factors. The ISP group served a median of 109 days in prison per person, whereas the CLOSE OTI group served a median of 308 days in prison per person. Thus, ISP saves an estimated 199 prison days per participant.

Since ISP policy is to return participants to prison not only because of new crimes but also because of violations of program rules (e.g., for drug use revealed through urinalyses and for violations of curfew) as well as for new offenses, they return offenders to prison at a higher rate than parole does.

However, because most are returned for program rule violations, they spend less time in prison when returned than the CLOSE OTI returnees (most of whom have committed serious crimes). In contrast to calculating the time served in prison for the instant sentence, calculating the time served in prison for the next sentence is only a rough estimate. Because of the incompleteness of the SAC data, we can only estimate the percentage of the CLOSE OTI offenders who are returned to prison (records kept by ISP are apparently complete). Furthermore, because many of those returned to prison were still serving their next prison sentence at the close of our data collection (September 30, 1986), the length of the next prison time served must be estimated as well.

The survival analysis statistical method is designed to provide reasonable estimates of proportions of individuals who after entering some initial state either stay in that initial state or change to a different state, knowing that different individuals have different lengths of time in the initial state, and that some may still be in the initial state when the study ends. The estimated percent who are returned to prison in the ISP group is approximately 40 percent, compared to 32 percent in the CLOSE OTI group. The ISP participants returned to prison have a median survival time in prison (i.e., time served before changing to the alternative state of being released from prison) of 300 days (exactly). The CLOSE OTI

offenders returned to prison have a median survival time (before their next release) of 434 days. For ISP, weighting the 300 days next time in prison by the 40 percent who are returned yields an estimate of 120 days per typical ISP participant for the next time served in prison. For CLOSEOTI, weighting the 434 days next time in prison by the 32 percent who are returned yields an estimate of 139 days per typical CLOSE OTI individual. Adding these estimates of prison time to the figures for the time served for the instant sentence yields a total (instant plus next) prison time of 229 days for the ISP and 447 days for CLOSE OTI. Thus, this expanded calculation shows that ISP saves an estimated 219 days of prison time per participant.

In 1986, 311 offenders entered ISP. Using that year's cohort as a basis, and using only the estimates of instant sentence prison time, approximately 62,000 offender-days of prison time were saved (which is 170 offender-years). Still using that cohort, but using the total (instant plus next) prison time estimate, approximately 68,000 offender-days of prison time were saved (which is 186 offender-years).

Based on what is known of the careful, seven-step screening process for ISP (e.g., of the 4,373 applications received from prisoners, only 16 percent were approved for the program), we infer that most of the prison space ISP saved was used to confine more serious offenders. Through the screening, applications from the more serious offenders are denied, and they remain in prison.

Of course, ISP could not by itself eliminate the prison overcrowding problem, However, ISP does make a significant contribution. The program is achieving its goal of improving the use of prison space.

COST EFFECTIVENESS

What is the cost of handling offenders in the Intensive Supervision Program compared to the cost of having similar offenders (the CLOSE OTI subsample) serve their ordinary terms of imprisonment followed by ordinary terms of parole? We have a line item budget of actual expenditures for ISP (see Appendix 1), but the costs of incarceration and parole for such offenders have to be estimated from aggregate actual expenditures in the New Jersey Budget.

One way of estimating the costs of having an offender serve his ordinary term of incarceration is to make use of the fact that at least a thousand state prisoners have been held in county jails because of prison crowding. The Department of corrections has to pay the counties a daily per capita rate of \$49.55 -- roughly \$50 -- for holding them. However, there are other administrative functions that the Department of Corrections has to perform with regard to these particular offenders and with regard to their fractional part of overall planning and management in the Department of Corrections.

These administrative costs are not included in the \$50 daily per capita figure; therefore \$50 should be considered a lower-bound cost-of-incarceration estimate.

Another way of estimating the costs of an ordinary term of incarceration is to analyze the State of New Jersey Budget, Fiscal Year 1987-1988 listings of actual expenditures for Fiscal Year 1986. Costs were calculated for the eight state prison facilities (plus county jails housing state prisoners) that have released prisoners into ISP, weighted to reflect the proportion of the ISP caseload each contributed. The Budget uses a convention of separating system-wide program support costs and also costs of central planning, direction, and management (including debt service) from the listed costs of the individual facilities. Comparable program support, planning, and management functions are performed almost entirely within ISP and show up in the ISP budget. We added to the ISP budget an estimate of the fraction of program support and management costs provided by the Division of Probation Services and fractions of the salaries of Screening Board and Resentencing Panel members. In an effort to achieve comparability, we apportioned the system-wide program support costs plus the central planning, direction and management cost to reflect the percentage of the state prison population each facility served in Fiscal Year 1986. The fraction of those total costs proportionately associated with the facilities

feeding prisoners into ISP was added to the incarceration costs. The weighted costs of the prisons that feed offenders into ISP plus the fraction of the apportioned system-wide and central planning, direction, and management costs equaled \$59 per person per day.

Similarly, costs of the State Parole Board were apportioned in terms of the functions they perform that are comparable to functions performed by ISP (e.g., holding hearings, considering discharges and revocations) and added to the per capita costs of the Office of Parole and Community Programs. Our estimate of parole costs per person is in the \$2 to \$3 range per person per day. In our computations we use a cost of \$2.5 daily per capita.

In Table 8.1 we present the cost estimates. In panel A we list estimates using the lower-bound incarceration estimate based on the per diem paid to county jails to house state prisoners, that is \$50 daily per capita. In panel B we use an estimate based on an analysis of state budget figures (\$59 daily per capita). The cost of the Intensive Supervision Program itself is approximately \$15 daily per capita; for the typical participant's time spent in ISP that comes to about a little under \$7,000. If the costs of the median time spent in prison for the instant sentence are added to that, the total comes to about \$12,000 per participant.

Using the lower-bound incarceration cost estimates, we find the average costs per ISP offender for their typical

Table 8.1. COMPARATIVE PER CAPITA COSTS OF ISP VERSUS CLOSE OTI ESTIMATED FROM STATE OF NEW JERSEY BUDGET (1987) LISTINGS OF FISCAL YEAR 1986 ACTUAL EXPENDITURES. (For explanatory notes, see Appendix 2.)

	ISP	CLOSE OTI	Differential
A. Lower-bound estimates: using \$50 daily per capita for incarceration cost and excluding indirect administrative costs from the ISP daily per capita.			
Instant Prison Time	109 days @ \$50 = \$5,450	308 days @ \$50 = \$15,400	
Supervision in the Community	449 days ISP @ \$13 = \$5,837	896 days Parole @ \$2.5 = \$2,240	
Next Prison Time	120 days @ \$50 = \$6,000	139 days @ \$50 = \$6,950	
TOTAL	\$17,287	\$24,590	\$7,303

B. Using \$59 daily per capita for incarceration cost and full ISP daily per capita.

Instant Prison Time	109 days @ \$59 = \$6,431	308 days @ \$59 = \$18,172	
Supervision in the Community	449 days ISP @ \$15 = \$6,735	896 days Parole @ \$2.5 = \$2,240	
Next Prison Time	120 days @ \$59 = \$7,080	139 days @ \$59 = \$8,201	
TOTAL	\$20,246	\$28,613	\$8,367

correctional period (including 109 days in prison @ \$50, then 449 days in ISP @ \$13, then the proportion who are returned to prison for a next sentence weighted at 120 days) is approximately \$17,300. (Participants who are returned to prison are not readmitted to ISP.) The average cost per OTI offender for their typical correctional period (308 days in prison @ \$50, then 896 days on parole @ \$2.5) is approximately \$24,600.

The estimated cost savings is approximately \$7,300 per offender for the combined periods of imprisonment and supervision in the community.

Using the incarceration cost estimate of \$59 daily per capita, we find the average cost per ISP offender for their typical correctional period to be approximately \$20,200, while the corresponding figure for the ordinary term of incarceration and parole is \$28,600. The difference is approximately \$8,400. Because the \$50 rate seems to underestimate the administrative costs of incarceration, and because there may be unknown errors in the other estimates, we feel more comfortable summarizing our cost effectiveness estimate as follows. Over their respective typical correctional periods, ISP saves roughly \$7,000 to \$8,000 per offender compared with ordinary terms of incarceration and parole.

ASSESSMENT OF THE BENEFITS AND COSTS OF ISP

The previous section is a standard cost-effectiveness analysis, and as such it relies on expenditure statements to

gauge the comparative costs of alternative ways of dealing with a problem. This is useful information. However, in this section we turn to a more general question: What are the comparative benefits and costs of ISP? Our approach to this broad question is to specify particular affected groups, to reiterate some findings previously discussed on important outcome variables, to report purely qualitative assessments of some non-quantifiable variables, and to comment on some multi-level program options (Pearson, 1987). Table 8.2 provides a guide for this discussion.

1. New Violations and Returns to Prison. These factors were discussed in detail in Chapter 7. For most New Jersey citizens the main concern is probably public safety, the desire to reduce the rate of new violations. As we have seen, the data favors the conclusion that ISP does not increase the rate of new crimes (including felony offenses). If one assumes that our lack of a randomized experiment and the substantial measurement error in the recidivism data are not excessive, it is probable that ISP significantly reduces the rate of new crimes. We have also seen that roughly 40 percent of those who enter ISP engage in program violations. The overwhelming majority of these are drug use (detected through urinalysis) or curfew violations. However, curfew is not enforced in ordinary probation or parole, and it is likely that drug use occurs at

Table 8.2. CATEGORIZING THE BENEFITS AND COSTS OF NEW JERSEY'S ISP.

BENEFITS AND COSTS:

for N.J. citizens	<u>1. NEW VIOLATIONS COMMITTED</u> Rates of new crimes and other violations compared to CLOSE OTI.
for ISP participants	Rates of subsequent incarcerations compared to CLOSE OTI.
for N.J. citizens	<u>2. IMPACT ON PUNISHMENT</u> Satisfaction of just deserts and deterrence
for ISP participants	Choice rate compared to ordinary term of incarceration (OTI).
for N.J. citizens (in general)	<u>3. USE OF CJS RESOURCES</u> Quantitative assessment of consequent use of prison space. Cost-effectiveness compared to CLOSE OTI subsample.
for ISP participants	Chosen by them.
for N.J. citizens	<u>4. GENERAL MONETARY CONSEQUENCES</u> Tax revenues collected during time ISP participants would have been in prison; fees paid to ISP. Welfare cost reduction (child support).
for ISP participants	Net earnings during the time ISP participants would have been incarcerated.
for others: crime victims	Differences in restitution and in payments to a general victim compensation fund.
children	Child support payments during the time ISP participants would have been incarcerated.
for ISP participants	<u>5. OTHER NON-MONETARY CONSEQUENCES</u> Impact on drug/alcohol abuse. General orientation to life.
for others: specific community groups	Estimated value of community service at minimum wage rate.

the same rate in probation or parole but is undetected. Thus, ISP should not be rated less successful because of these violations of program rules. For ordinary citizens, ISP does not diminish public safety relative to the alternative of ordinary terms of incarceration and parole.

From the point of view of the participants, entering ISP constitutes a significant risk. Roughly 40 percent are returned to prison, and that subgroup serves a median of 300 days before release on parole. It seems likely that, from the point of view of many of those returnees, they would have "made out better" if they had not entered ISP. Nevertheless, most ISP participants do succeed, and even some of the ones who were returned to prison expressed appreciation for the program. So, the program would seem to be a good choice in the view of most participants --- but not for a minority of them.

2. Impact on Punishment. Most citizens believe that correctional systems for adult felons should deliver punishment to the offenders (although most also believe that attempts should be made to rehabilitate offenders). In part the desire for a punitive component of correctional systems reflects a deterrence conception (a belief that punishing offenders for their crimes lowers the likelihood that they will recidivate). In part it reflects a just deserts conception (serious crimes merit a substantial punishment simply as a matter of justice

and proportionality). Our survey of criminal justice professionals suggests that, typically, ISP was rated as an intermediate level of punishment, but (in this early assessment anyway) it was viewed as slightly less punitive than it ideally should be. The actual requirements of the program do provide a punitive component. Also, approximately one in ten applicants likely to be accepted choose to serve their ordinary term of incarceration and parole rather than to enter ISP. In our opinion the current level of punitiveness should satisfy the concerns of the citizenry.

From the point of view of the vast majority of offenders eligible for ISP, the punitive aspect should not be excessive.

3. Use of Criminal Justice System Resources. For citizens of New Jersey, two other concerns (both discussed in this chapter) are whether ISP improves the use of scarce prison space and whether it is cost effective relative to its realistic alternative. Of the instant time actually served in prison, ISP saves about 200 incarceration days per offender. When a weighted estimate of the fractional next time served in prison is added to that figure, ISP saves 219 days per person, relative to similar offenders serving an ordinary term of incarceration. As discussed in the previous section, ISP saves roughly \$7,000 to \$8,000 compared to ordinary terms of incarceration and parole.

With regard to the eligible offenders, who in a sense are "consumers" of the criminal justice system resources, the vast majority choose the ISP program rather than ordinary incarceration.

4. General Monetary Consequences. The Intensive Supervision Program has produced a high rate of employment: The monthly records for 1985-1986 show that, of the active participants able to work, 93.3 percent were employed full time, 3.1 percent were employed part-time, and only 3.5 percent were unemployed. The participants' median yearly gross income while in ISP was \$9,997. The CLOSE OTI offenders' median yearly income was \$4,774. (Both statistics were adjusted upward to take inflation into account.) The high employment levels resulted in an increase in legitimate earnings (compared to OTI) of approximately \$5,200 (using medians) or \$3,700 (measured using means) per person per year. The higher earnings produced proportional increases in taxes paid, payments of child support, restitution, etc.. In only a few special cases have ISP participants received welfare payments. Also, at the current active caseloads of about 400 participants, ISP provides community service work totaling about \$250,000 per year (valued at the minimum wage rate of \$3.35 per hour). (See Tables 8.3 and 8.4)

Of those monetary effects of the program, for most New Jersey citizens the benefits are mainly the increases made in

Table 8.3. ISP AND CLOSE OTI ANNUALIZED 1986 GROSS EARNINGS COMPARED.

	ISP	CLOSE OTI	
I. Gross Earnings (no adjustment for inflation from 1981 to 1986)			
Median	9,692	3,395	
Mean	11,549	6,032	
(Std. Deviation)	(8,868)	(7,383)	
No. of Cases	269*	98**	
II. Gross Earnings (adjusted to 1986 dollar values)			
			Difference:
Median	9,997	4,774	5,223
Mean	11,834	8,152	3,682
(Std. Deviation)	(8,959)	(10,059)	
No. of Cases	269*	98**	

* The data are based on the active cases in the 24-month 1985-1986 period.

** The number is significantly less than 132 because parole offices are required to keep detailed information on cases for only two years after the parolee's termination of parole or transfer to another office. Thus, earnings data were no longer available for many of the CLOSE OTI individuals.

Table 8.4. ANNUALIZED FINANCIAL DATA FOR ISP PARTICIPANTS. (Computed from monthly financial records for 1985 and 1986.)

I. Categories applicable to all participants.

	Median	Mean	(Std. Deviation)
A. Federal tax	715	1,107	(1,369)
B. State tax	148	237	(381)
C. Net pay = (Gross - A - B)	8,829	10,205	(---)
D. Victim fund	25	53	(113)

II. Categories not applicable to most participants. (Thus, most participants legitimately have zero values for these categories.)

E. Fines	0	171	(926)
F. Restitution	0	213	(1,014)
G. Family Support	0	141	(511)
H. ISP fees	0	111	(558)

III. Subgroups of ISP with particular payment obligations.

	Number of Cases:			
E. Fines	75	235	777	(1,984)
F. Restitution	62	183	1,384	(3,032)
G. Family support	50	407	746	(951)
H. ISP fees	82	111	379	(982)
I. Victim fund	193	50	94	(185)

the payments of taxes, child support, and ISP program fees that result from the high employment rate compared to the CLOSE OTI group. For the ISP participants, there is an increased labor time cost, in the sense that a higher percentage of them are working than would otherwise be. However, the participants get the monetary benefits of roughly \$4,000 to \$5,000 higher earnings per year, on the average. For crime victims, the benefits are the restitution payments they receive from the participant who victimized him or her (when there was a particular known victim) or payments received from the general fund for victims (which many participants make payments to). For children of ISP participants, a benefit is the difference in the payments they receive from the participants relative to what the payments would have been under lower levels of employment and lower earnings.

5. Other Non-Monetary Consequences. Particular organizations in New Jersey communities (e.g., the Y.M.C.A.) receive the benefit of the unpaid community service work that the participants do. As mentioned, in the aggregate the value of this benefit has been on the order of \$250,000 per year. Last, but far from least, are the unmeasured rehabilitative benefits that many (perhaps even most) participants derive from the required special counseling (drug abuse, alcoholism, etc.), the ISP run group counseling sessions, the counseling by individual

ISP officers, the contacts with the better community sponsors, the effects of being successful at a legitimate job for over a year, and so forth.

Chapter 9: CONCLUSION AND RECOMMENDATIONS

New Jersey's Intensive Supervision Program consists of an active caseload of approximately 400 offenders released from state prisons (with drug offenses or burglary being the most common instant offenses); they are typical of nonviolent prisoners in most state penitentiaries. The line officers are a statewide unit of 25 specially selected supervising officers who provide frequent contacts with the offenders in their homes and at their workplaces. The types of contacts include counseling, curfew enforcement, taking urine samples to detect drug use, supervision of community service work, etc.). Participants remain in ISP for a term of approximately a year-and-half before receiving an unconditional discharge. The program itself costs approximately \$7,000 per offender; the program plus the costs of the few months served in prison before release into ISP costs about \$12,000 per offender.

Our conclusion is that ISP, while no panacea, has achieved the goals that were set for it. ISP provides intermediate punishment in the form of serving 3 or 4 months of their prison sentence, obedience to curfews, performance of 16 hours of unpaid community service work per month, and swift re-incarceration for program violations (about 40 percent of those terminating ISP are returned to prison -- mainly for drug use and curfew violations). Problems with the recidivism

data constrain us to consider our recidivism analyses rough estimates, but ISP seems to lower recidivism rates compared to those of similar offenders who had served ordinary terms of imprisonment (followed by ordinary terms of parole) prior to the inception of the Intensive Supervision Program.

ISP has brought about at least modest savings of prison space that implies either modest reduction of overcrowding or use of the prison time and space for more serious offenders. ISP is relatively cost effective, yielding more economic benefits than does the ordinary pattern of (lengthier) imprisonment and parole. Among other benefits of the program are high employment rates that produce significantly higher average earnings for the participant caseload compared to the comparison group of offenders. The higher earnings mean higher rates of taxes paid, higher rates of child support, high rates of payment of restitution, etc. The program also provides unpaid community service work to non-profit organizations on the order of \$250,000 per year.

In view of the above, the continuance of New Jersey's Intensive Supervision Program would seem a wise investment of correctional resources.

What of the future? An important priority is to maintain the morale of the officers. All too commonly, new programs have been instituted that have worked well at the start due to the dedication and enthusiasm of the staff. Many such programs gradually retrogressed into ineffectiveness because morale of the line officers gradually eroded.

Two characteristics of the ISP policy makers and staff impressed us from the outset: their initiative in programmatic innovation and their willingness to cooperate fully with an outside research evaluation of the program. This reflects their confidence in the program, their morale, and their open, experimental approach to community corrections. New Jersey and other states might well explore extensions of the Intensive Supervision Program. Can a case management classification system be validated on ISP-type offenders? If so, that could help reduce the return-to-prison rate. It could also reduce the cost of ISP if participants with less risk could be contacted in the field less frequently than twenty times per month. An idea that ISP administrators have been exploring is that of setting up a half-way house for offenders who show promise as a potential ISP participant, but who need a minimal form of residential supervision to ease the transition from prison to the normal intensive supervision for people residing at home. Another area to explore is that of the 40 percent who are returned to prison. Is there something lacking for those cases? Is it that they need even more intensive supervision? If so, when participants exhibit warning signs of likely failure, perhaps they could either be put under "house arrest" with electronic surveillance wristlets (ISP has tried this with several participants), or perhaps they could be moved into an ISP halfway house.

Are there general crime prevention possibilities for ISP? As mentioned in Chapter 1, if sufficient numbers of fences (who are not usually committed to state prison) could be brought within the scope of ISP, would that disrupt sales of illegal goods enough to make a dent in the rate of burglaries and larcenies? Lastly, we noted at several points that New Jersey's ISP is a complex treatment package. Further research needs to be done to find out what parts of the program really make a positive impact on which outcome variables. Some of the components are evidently effective. Which ones?

GLOSSARY

ADVANCED STAGE. A set of requirements for supervision and participation applying to individuals who have participated successfully in ISP for at least 301 days and as much as 420 days.

BEGINNER'S STAGE. The first and most intensive phase of an individual's supervision and participation in ISP. It is a set of requirements that extends from the first day of release from prison through two ninety-day trial periods in the program, i.e., it is the initial 180-day stage. If the participant successfully completes the Beginner stage, he or she then enters the Intermediate stage.

CLOSE OTI. This is a subset of the FULL OTI comparison group. A discriminant function analysis was used to identify those cases in the FULL OTI group who more similar to most ISP cases in terms of a set of criminal history and social background variables than they were similar to most of the FULL OTI cases. Thus, the CLOSE OTI group is a much closer match to the ISP cases than the FULL OTI group is.

COMMUNITY SPONSOR. Each participant in ISP is required to have a law-abiding citizen in his community take custody of him throughout his participation in the program. The custodial responsibilities mainly consist in regularly contacting the participant to help ensure that he is living up to his program plan and regularly meeting with the ISP officer to discuss the participant's progress.

DIFFERENTIAL. The differential is a percentage point difference. In this report we subtracted the percent recidivating in ISP from the percent recidivating in the OTI group (or the CLOSE OTI group). This differential

should not be confused with what some people term the "percent difference." The "percent difference" would be calculated as the ISP percent recidivating divided by the OTI percent recidivating, with the resulting number multiplied by 100 percent. For example, if 20 percent of the ISP group recidivated and 30 percent of the OTI group recidivated, the differential would be 10 percentage points. In "percent difference" or "relative percent" terms, ISP recidivism would have been 66.7 percent of the OTI recidivism.

DISORDERLY PERSONS OFFENSE. This is a legal term denoting crimes of lesser seriousness than indictable offenses. Disorderly persons offenses correspond to what are termed misdemeanors in other states.

FULL OTI. This is a set of OTI cases selected to serve as at least a crude comparison group for the ISP cases. A random sample from a computerized file of all of the (non-suspended) sentences to prison recorded in 1981, for crime types that would not automatically exclude the individual from ISP, constituted the FULL OTI comparison group.

INDICTABLE OFFENSE. This is a legal term denoting crimes of greater seriousness than disorderly persons offenses. Indictable offenses correspond to what are termed felonies in other states.

INSTANT SENTENCE. This is the sentence which immediately, or immediately after one sentenced period of incarceration, resulted in the offender serving a term of supervision in the community. For ISP cases, the instant sentence is the sentence to prison from which they were released into ISP. For OTI cases, the instant sentence is the sentence to prison from which they were released onto ordinary

parole. For split sentence cases, the instant sentence is that of a specific term in jail to be followed by a specific term of ordinary probation.

INTERMEDIATE STAGE. A set of requirements for ISP supervision and participation applying to individuals who have participated successfully in ISP for at least 181 days and as much as 300 days.

ISP. Intensive Supervision Program. This program carefully selects certain inmate applicants for early release from prison into a program of intensive supervision in the community.

NETWORK TEAM MEMBER. Each participant in ISP is encouraged to have one or more law-abiding citizens in his community who help ensure continued compliance with his program plan. Examples of the functions that Network Team members perform include supervising the performance of the required community service work, providing transportation, etc..

OTI. These comparison group cases served an ordinary term of imprisonment (OTI), followed by ordinary terms on parole. They are examined in comparison to the ISP cases that, by definition, receive early release from prison and intensive supervision in the community.

SENIOR STAGE. A set of requirements for ISP supervision and participation applying to individuals who have participated successfully in ISP for at least 420 days. The requirements in this period are "phased down" (gradually eased) in four steps to ensure that the

individual is prepared for the complete freedom, the unconditional discharge, that is normally granted after four successful months in the Senior stage.

SPLIT SENTENCE. These comparison group cases had been sentenced to serve a specific term of less than one year in jail (rather than state prison) to be followed by a specific term of ordinary probation. They are examined in comparison to the ISP cases that, by definition, receive early release from prison and intensive supervision in the community.

STUDY RISK SCALE. A scale (consisting of six social background variables) that was modestly predictive of recidivism in this particular sample of offenders. The scale was used only to help control for differences between ISP and FULL OTI in likelihoods of recidivism that existed prior to release into ISP or prior to release onto parole. The scale is not appropriate to use as an aid in criminal justice decision making.

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APPENDIX 1: INTENSIVE SUPERVISION PROGRAM ACTUAL
EXPENDITURES FISCAL YEAR 1986.

Personnel Services	
Professional Staff	\$1,296,132.94
Hourly Staff	\$41,516.36
Summer/Seasonal	\$859.22
Overtime	\$25,526.88

TOTAL PERSONNEL SERVICES	\$1,364,035.40
MATERIALS AND SUPPLIES	
Copy Machine Rental	\$30,754.02
Duplicating Supplies	\$6,796.94
Printing	\$1,185.47
Office Supplies	\$9,105.70
Computer Supplies	\$110.32
Other Printing and Supplies	\$499.33
Car Services-Gas & Oil	\$24,116.07
Vehicular-Other	\$3,457.35
Books	\$761.58
Subscriptions	\$50.00
Bottled Water	\$1,654.05
Other Household	\$3,517.01

TOTAL MATERIALS AND SUPPLIES	\$82,007.84
SERVICES OTHER THAN PERSONNEL	
Travel-Local	\$9,209.61
Overtime Meals	\$17,818.02
Travel-Conference	\$5,004.66
Telephone	\$100,000.00 *
Postage	\$1,360.00
Insurance	\$2,933.00
Data Processing Maintenance	\$253.00
Data Processing Purchases	\$14,440.00
Consultants	
Part-Time	\$42,304.54
Purchase of Services	\$16,628.18
Memberships	\$0.00
Staff Training	\$2,632.36
Dinner/Lunch Meetings	\$703.73
Temporary Services	\$3,548.25
Other Services	\$139,526.00

TOTAL SERVICES OTHER/PERSONNEL	\$356,361.35

MAINTENANCE AND FIXED CHARGES	
Equipment Maintenance	\$1,949.16
Vehicle Maintenance	\$23,723.61
Building Leases	\$567.50
Rental-Other	\$14,657.63

TOTAL MAINT. & FIXED CHARGES	\$40,897.90
CAPITAL CONSTRUCT.-IMPROVEMENTS	
Equipment	\$0.00
New Vehicle	\$0.00
Replacement Vehicle	\$75,373.00
Other Equipment	\$2,287.00

TOTAL CAP. CONSTR.-IMPROVEMENTS	\$77,660.00

COST EXCL. PERSONNEL SERVICES	\$556,927.09

COSTS INCL. PERSONNEL SERVICES	\$1,920,962.49

ISP REIMBURSEMENT FEES	\$15,911.17

PROGRAM COST	\$1,905,051.32

* This was not based on itemized charges, but it is the actual total charge against ISP by the state.

APPENDIX 2: EXPLANATORY NOTES ON COST ESTIMATION

Daily per capita cost of ISP. \$15 estimate: We added to the ISP total program cost \$70,000 to reflect the shadow cost of the donated part-time services provided by two volunteer members of the screening board and the resentencing panel of judges, and the ten percent of time allocated to ISP by the Assistant Director for Probation Services. This produces a FY 86 total ISP cost of \$1,975,000. The average ISP caseload in that period was 361 participants. This yields a daily per capita cost of \$14.99, approximately fifteen dollars.

\$13 estimate: Because the \$50 daily per capita estimate of incarceration cost (based on a per diem to county jails) leaves out indirect administrative costs, similar indirect costs for ISP were deducted from ISP costs. The total annual amount deducted from ISP for salary and non-salary indirect administrative expenses was \$146,284, leaving a total adjusted ISP cost of \$1,758,767. This yields a daily per capita estimate for ISP costs of \$13.35.

Daily per capita Incarceration cost for ISP-type offenders.
ISP received offenders from the following correctional facilities:

FACILITY	NUMBER	PROPORTION OF TOTAL
1. Annandale	201	.3729
2. Yardville	72	.1336
3. Trenton	63	.1169
4. Clinton	59	.1095
5. Mid-State	36	.0668
6. Leesburg	34	.0631
7. Southern State	22	.0408
8. Bordentown	21	.0390
9. County jails	31	.0575
TOTAL	539	1.0000

We started with the FY 86 expenditures for each facility listed in the State of New Jersey Budget - Fiscal Year 1987-1988. Some relevant correctional costs were listed in separate categories: System-wide Program Support (\$8,600,000), and Central Planning, Direction, and Management, \$41,927,000). These indirect costs were apportioned to the nine facilities on the basis of the proportion of the total prison population each one held. The apportioned costs were added to the published costs, yielding our estimated daily per capita costs for the nine facilities. These estimated costs were then weighted to reflect the proportion of the ISP caseload each contributed. This weighted, incarceration cost estimate equals \$59 daily per capita.

Parole Daily per Capita Cost. To the daily per capita cost of the Office of Parole and Community Programs we added estimated apportioned costs of the Parole Board. The apportioned costs were based on estimates of the proportions of the number of "actions" reported by the Parole Board (e.g., hearings, discharge decisions, revocations decisions) that seemed comparable to the functions performed by ISP. These estimates ranged from \$2 to \$3 daily per capita.

APPENDIX 3:
SCHEDULE OF QUESTIONS FOR INTERVIEWS WITH
CRIMINAL JUSTICE SYSTEM PROFESSIONALS
CONCERNING THE INTENSIVE SUPERVISION PROGRAM

We at Rutgers who are doing the external evaluation research on the Intensive Supervision Program which went into operation last Fall would like to get the opinions of a sampling of professionals in the criminal justice system about this program. The Intensive Supervision Program was designed to select certain types of offenders who have served three or four months of their prison sentence and release them to live and work in the community under intensive supervision. Instead of saying Intensive Supervision Program from here on, I'll just call it ISP. Is that all right?

I'd like to begin with questions about the program components of ISP. For each component of the program, I'll first ask a multiple choice question. I'll follow that with an opportunity for you to provide your own open-ended comment on that program component, if you care to.

Here's the first multiple choice question:

- 1.1 The screening of offenders for ISP is
- a. too lenient
 - b. about right
 - c. too strict
 - d. I don't have enough information to say.

(THE FOLLOWING ARE THE FORMS OF THE STANDARD PROBES TO BE USED AFTER EACH MULTIPLE CHOICE ITEM -- EXCEPT WHEN THE RESPONDENT GAVE ANSWER "d")

1.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

1.3 Could you suggest any ways in which ISP could improve the screening of offenders for ISP?

(All questions will be supplemented with standard probes as needed: Could you explain that? Could you give an example of what you mean?...etc. When the interviewee gives answer d (not

enough information to say), the interviewer will try the following sort of probe: "Is it that you haven't heard at all about this component of ISP or that you haven't heard enough about it to offer an opinion?")

2.1 One of the objectives of ISP is to supervise and monitor the offenders in the community. Would you say that ISP supervision and monitoring is

- a. excessive or counterproductive
- b. about right
- c. insufficient
- d. not enough information to say

2.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

2.3 Could you suggest any ways in which ISP could improve the supervision and monitoring of offenders in ISP?

3. One of the goals of ISP is to provide an intermediate form of punishment that is more severe than probation and less severe than regular terms of incarceration. Please imagine a scale from 1 to 9 with standard probation assigned the number one and serving a regular term of incarceration assigned the number nine. Five is the exact middle of the scale. Where would you place ISP on the scale?

1	2	3	4	5	6	7	8	9
pro- bation								incar- ceration

4.1 Now, thinking in terms of the same scale with standard probation assigned the number one and regular incarceration the number nine, where do you think an ideal Intensive Supervision Program should be?

1	2	3	4	5	6	7	8	9
pro- bation								incar- ceration

(IF the number given in item 4.1 is DIFFERENT from the number given in item 3, ask the following:)

4.2 What sort of changes would help ISP approximate the ideal point on that severity of sentence scale?

5.1 The community service work that the offenders do is

- a. excessive or unwarranted
- b. about right
- c. insufficient
- d. not enough information to say

5.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

5.3 Could you suggest any ways in which ISP could improve the community service component of ISP?

5.4.1 Assuming that an offender admitted to ISP was working at a full-time job and also attending rehabilitative counseling sessions, how many hours of community service should the offender be required to serve per month?

5.4.2 Why do you think that number of hours is appropriate?

6.1 Think of comparing the types of offenders released into ISP with similar offenders having served a regular term of imprisonment and then being released on parole. Compared to regular terms of incarceration followed by parole, would you say that re-arrests for committing crimes would be

- a. higher in ISP
- b. about the same in ISP
- c. lower in ISP
- d. not enough information to say

6.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

7.1 Think of comparing the types of offenders put into ISP with similar offenders put on regular probation. Compared to regular probation, would you say that re-arrests for committing crimes would be

- a. higher in ISP
- b. about the same in ISP
- c. lower in ISP
- d. not enough information to say

7.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

7.3 Do you have any suggestions or comments on ISP and recidivism?

8.1 One more goal of ISP is to have less serious offenders spend less time in prison in order to have more prison time and space available for more serious offenders. With regard to allocating prison time and prison space to offenders, does ISP

- a. help improve the use of prison time and space
- b. make no significant difference in the allocation of prison time and space
- c. worsen the allocation of prison time and space
- d. not enough information to say

8.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

8.3 Do you have any suggestions or comments on the use of prison time and space?

9.1 Finally, would you say that

- a. ISP should be continued as is with no major changes
- b. ISP should be continued in essentially the same form, but with at least one major change
- c. ISP should be fundamentally redesigned
- d. ISP should not be renewed; the criminal justice system is better without an ISP
- e. don't know, can't say

9.2 Could you tell me what, specifically, you base your opinion on OR would you say it is just a general impression you have?

10. Do you have any other comments you would like to make about any aspect of ISP?

"Thank you very much..."