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NASSAU COUNTY PROBATION DEPARTMENT

CRIME, CRIMINAL JUSTICE AND PROBATION

Preliminary Analysis of Selected Programs
in the Criminal Division for 1987, including
a Review of Some of the Major Issues,
Trends and Problems in Criminal Justice

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ACQUISITIONS

INTRODUCTION

This report consists of two principal parts. Part one will include a review of some of the major issues, trends and problems in criminal justice. The second part will present the results of a preliminary analysis of currently available annual data covering selected programs in the Criminal Division for the year 1987. Using a comparative analysis methodology, the findings and conclusions for 1987 are compared with those for 1986, and, for some areas, with the past seven years. In addition to the descriptive narrative, tables and graphs are also included. The analysis and the results therefrom are expected to contribute in some measure to the following objectives:

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

CRIME, CRIMINAL JUSTICE AND PROBATION IN 1987. PRESENT CRIME STRATEGIES FACE GREATER SCRUTINY.

As in previous years, the major focus of this report is on the programs, services and activities of the Criminal Division for 1987. However, it should prove helpful to both a better understanding of the results of this analysis and to place in perspective the findings and conclusions therefrom, to briefly review some of the issues, trends and problems on the national, state and community level that have had an impact on probation in the past and could continue to do so in the future.

As criminal justice and probation move closer to a new decade, they continue to struggle with some very old problems - - street crime, substance abuse, sentencing reform and prison and jail overcrowding; at the same time, new issues, such as AIDS, have come on the scene to add further controversy and stress to an already highly vulnerable and burgeoning criminal justice system. Moreover, despite the progress in recent years, with new strategies and programming, criticism is never far away. Criminal justice is attacked as being a system of injustice, or as a life support system for criminals.

Is the system on track? Can justice be served? The results of a recent national public survey and the National Citizens Forums on crime are enlightening. According to the survey Americans support punishment in the form of more incarceration and longer sentences for criminals. Probation was viewed as appropriate only when combined with incarceration but not as a substitute for prison. The results of the National Citizens Forums were similar in that participants believed that crime could be reduced by a greater reliance on incarceration. It was noted, however, that social factors - - unemployment, poverty, etc., the so-called root causes of crime - - should not be neglected by the government. Given these results, as will be made clearer in subsequent sections of this report, the public does not appear to be fully informed on some aspects of the crime problem, while being misinformed on others. Obviously, greater public information efforts are called for by Criminal Justice agencies in general and probation in particular.

In New York State, there is increasing evidence that past reform developments have produced a highly expensive but unbalanced system of questionable effectiveness, one that places an extreme overreliance on prisons but lacks credible alternatives for prison-bound offenders. More recently, efforts to reduce reliance on incarceration have received increased attention at the state level. Some alternatives to incarceration, including intensive supervision probation, have been designed - - like the prison sanction they are to replace - - to contribute, to some degree, to the objectives of retribution, incapacitation and deterrence. In contrast, Nassau County Probation has sought a programming strategy that would achieve an acceptable balance of community protection, punishment and offender rehabilitation. The wisdom of this probation strategy is becoming more apparent, as evidenced in subsequent sections of this report.

Some of the more controversial issues, trends or problems that were the focus of attention over the past year are touched upon briefly below:

1. CRIME TRENDS - - Recent reports reveal both good and bad news. On the national level, the major reporting systems continue to identify both favorable and unfavorable trends, with conflicting and controversial results. The Uniform Crime Reports (UCR) have now reported increases in crime for three straight years - - 1985, 1986 and 1987. The National Crime Survey (NCS), which focuses on victims, has reported five consecutive years of declines in overall crime since 1981. Explanations for these contradictory trends range from more victims willing to report crimes to the police to more actual crime, exacerbated by a growing drug problem among the urban poor, being committed. Trends in crime at the local level also reveal mixed results - - unfavorable for New York State and favorable for Nassau County. Based on UCR crime index offenses, reported serious crime reflected increases in New York State for the three-year period 1985-1987. In Nassau County, however, while there was a small increase in 1985, there were declines in reported serious crime for both 1986 and 1987.

2. THE CRIMINAL JUSTICE RESPONSE - - Given the size of the crime problem, has the system's response been adequate? Based on a philosophy (justice model) where the ideal is to let the punishment fit the crime, a criminal justice response exemplified by a policy calling for high levels of incarceration found vindication when the crime rate was declining, but now, with crime on the increase, it is viewed by some critics as a failure. Meanwhile, despite the controversy over strategy, the total correctional population nationwide has reached a record 3.2 million men and women (1 out of every 55 adults in the U. S.), including those in prison or jail, on probation or parole. Efforts to reduce reliance on incarceration has received increased attention but only limited success. In New York State, for example, although greater resources are being targeted on alternatives, the upward climb of the State's prison population continued unabated, even as the probation caseload was reaching record levels.

3. SENTENCING REFORM - - Has the reform movement reached a watershed or its high water mark? Over the past decade and a half, high levels of incarceration have remained a constant in corrections in the United States, but of late there has been signs that perhaps the overreliance on the imprisonment sanction may be diminishing. The trend appears to have continued in 1987, with mixed signals present in the form of support for and against the reform issue. While critics cite the high custodial costs and the extraordinary expenses involved in new construction, a recent study, however, concludes that it costs society less to incarcerate because large numbers of crimes are averted. In New York State, though, opposition is mounting against present anticrime policies, which focus on incarceration and have resulted in a prison population that went from 12,500 to over 40,000 inmates in 15 years, as a failure. In short, the system is viewed by some critics as unbalanced and in need of more credible alternatives. Thus, while rehabilitation and treatment were viewed for a number of years as unacceptable or irrelevant objectives in criminal justice circles, they are now slowly beginning to move back into the mainstream of correctional discussion.

4. SUBSTANCE ABUSE AND CRIME - - For criminal justice, after more than two decades of waging an intensive but largely unsuccessful war against dangerous drugs and, in more recent years, alcohol, the drug problem -- over the past year -- has been marked by a number of significant events. The results of a recent study by the National Institute of Justice identified a much stronger relationship between street crime, criminals and drug abuse than generally expected, which led to the conclusion that despite past efforts, drug abuse remains at epidemic levels among the urban poor. Further support for this conclusion was also revealed in the recent finding that within the New York State prison population, dangerous drugs is now the single most frequent commitment offense ranking above both burglary and first-degree robbery, which, for many years, formerly held this status. On the more favorable side, there is some indication that drug abuse among the young may have reached a watershed. A recent national survey pointed to a decline in the abuse of most dangerous drugs, excluding alcohol.

5. PROBATION AND THE INTENSIVE SUPERVISION MOVEMENT

- - For corrections, history will most likely remember the 1980's as a paradoxical period, for, on the one hand, there is the dramatic focus on incarceration and the ensuing crisis in prison overcrowding and, on the other hand, a counter effort to develop viable community-based sanctions or alternatives that will mitigate the crisis. Developments during the present decade have resulted in a convergence of forces that have given impetus to a variety of new programs, with intensive supervision probation (ISP) being the centerpiece of this effort. Among other factors, the search for intermediate punishment, or punishment of the mid-range, was viewed as critical inasmuch as traditional probation was believed to lack credibility in this regard. Like prison, these programs were to provide, to some degree, retribution, incapacitation, and deterrence. How effective is ISP? Has the concept been oversold? Although some studies reveal promising results, others raise questions and are critical. Perhaps, the proliferation of intensive probation is another example of the so-called bandwagon effect in program development. The next few years should provide some definitive answers.

6. EMPLOYMENT AND CRIME - - The relationship between employment and crime, if any, remains a complex and controversial issue for criminal justice. Despite the fact that the preponderance of evidence from recent studies continue to support this relationship, the apparent lack of a complete consensus has left room for further disagreement. The debate frequently centers on the direct causality question. Does unemployment cause crime? The issue is not purely academic, but one that has pragmatic implications for crime control programs. Should more resources be directed at job training and remedial education programs? Is a full employment policy necessary at the Federal level, supported by public sector development of employment opportunities? The results of most studies on the linkage between employment and crime reveal positions that range from only limited support to those where a strong relationship is identified, with the unemployed more likely to have higher rates of crime. The findings from studies of probation are also supportive of this relationship, with probationers who were unemployed offenders more likely than those employed to make a poor adjustment on probation and to have a higher probability for post-probation failure.

7. PREDICTION AND RECIDIVISM - - Can we predict future behavior? Can we identify the high-rate and high-risk offenders, the so-called recidivists? Prediction and recidivism are closely linked and work hand in hand conceptually to bring order and rational thinking to the decision-making process. Also, in a broader context, they focus attention on critical areas, redirect resources, help shape new policies and programs and provide a measure of system effectiveness. For example, the use of prediction and classification instruments has become widespread, touching every stage of the criminal justice system and the correctional process. How effective are they? Have they been oversold? Some recent studies have been less than optimistic about their overall reliability in general, while other studies were particularly negative over their use in sentencing. In sum, while the jury is still out on a definitive answer, the use of prediction in Criminal Justice, though widely used in many areas, remains a controversial issue. Despite its questionable accuracy, and while not an exact science, the use of prediction is still viewed as a valuable tool, when used in moderation and in appropriate areas.

In order to provide the reader with a broader frame of reference on crime, criminal justice and probation as we move toward a new decade, the remainder of Part I of this report will review in more detail some of the controversial issues and trends cited above. Accordingly, subsequent sections will include (1) Crime Trends: Reports In 1987 Reveal Mixed Results; (2) The Criminal Justice Response: Its Impact On Probation and Correctional Systems; (3) Sentencing Reform: Watershed or High-Water Mark?; (4) Probation and The Intensive Supervision Movement: Has The Concept Been Oversold?; (5) Employment And Crime: Is There A Relationship Here?; (6) Predictions And Recidivism: Can They Enhance Decision Making In Criminal Justice?

CRIME TRENDS: REPORTS IN 1987 REVEAL MIXED RESULTS

For the decade of the 1980's, the nation's crime picture, as revealed by the various crime reporting systems, has been marked by good and bad news, as well as controversy. Reported crime trends have identified mixed results -- some favorable, some unfavorable. In addition, in some recent years, major reporting systems have conveyed two contrasting trends with controversial results. A brief summary of the Uniform Crime Reporting system for the United States reveals that since 1981 -- the peak year for the Crime Index, with 13.4 million reported crimes -- there has been three consecutive years of declines, 1982, 1983 and 1984, followed by two consecutive years of increases -- 1985 and 1986. This rising trend appears to be continuing in 1987, with a further increase reported for the first six months of 1987. Additional crime trends, at the national, state

and local levels, are set forth in more detail below. First, however, some general comments on the reporting systems themselves and some possible explanations for the trends in crime being reported.

Crime statistics -- despite their controversial aspects -- like all statistics, are nothing more than the means of conveying information. In this case, they are vital to a better understanding of the crime problem, for, despite shortcomings, they do monitor the scope and magnitude of crime, as well as provide a measure of the effectiveness of the nation's crime prevention efforts in the fight against crime. Thus, crime statistics and trends provide us with information to measure the impact of crime on both the community and the nation. There are two major sources of crime statistics and trends at the national level. The first and oldest of the two is the Uniform Crime Reports (UCR), which is under the supervision of the Federal Bureau of Investigation and focuses on crimes reported or known to police. The second one, the National Crime Survey (NCS), became operational in 1973 and is under the control of the Bureau of Justice Statistics. This survey adds a new dimension to the nation's crime profile by focusing on victims and households touched by crime in a given year. Thus, it is important not only because it measures selected personal and household crimes, but also those not reported to the police.

Moreover, as confirmed by the NCS surveys, the majority of all personal and household crimes are not reported to the police. For example, in 1985 almost two-thirds was not reported, but in 1986 this nonreporting of crimes had declined, so that while in 1985 only approximately 33% of NCS crimes were reported to the police, in 1986, however, this statistic had risen to 37%. Thus, it appears that more victims of crimes are willing to report to the police, which -- as we will see below -- could account for some of the reported increases in the crime rate by the UCR, while at the same time the NCS reports have been reflecting declines. In the past, explanations for the decline in the crime rate, as reported by the NCS, have included the drop in the crime-prone age group of young males, as well as higher incarceration rates that serve to incapacitate more offenders. On the other hand, increases, as reported by the UCR, have been explained by such factors as more citizen reporting to police, a growing drug problem and more actual crimes being committed.

A review of the major crime trends at the national, state and local level, as reported in 1987, reveals, among other things, a continuation of the contradictory trends between the UCR and NCS findings. First, based on the Uniform Crime Reports (UCR)¹ for the first six months of 1987, in comparison to a similar period in 1986,

1. Uniform Crime Reports, Federal Bureau of Investigation, U.S. Dept. of Justice, October 1987.

reported crime increased by 1% at the national level. This compares with an 8% increase for a similar period in 1986 versus 1985. Also, the overall crime index for reported crime increased by 6% in 1986 and 5% in 1985. This compares with declines of 3% in 1984, 7% in 1983 and 3% in 1982. In further regard to the semi-annual increase for the 1987 UCR, the rate of increase at 1% was smaller and also varied by crime type - violent crimes were down 1% while property crime was up 2%. Thus, it appears that we will have three straight years of increases in 1987, 1986 and 1985, which follow three consecutive years of declines in the UCR Crime Index. Continuing at the national level, the National Crime Survey (NCS) report released in 1987, and which measures crime victimization levels, once again reveals a more favorable crime trend.² Overall, the NCS reported 2% fewer crimes in 1986 than in 1985 (34.1 million versus 34.9 million) and the lowest total in 14 years of reporting. In brief, with 35.7 million victimizations in 1973, they rose to 41.5 million in 1981, the peak year, and have declined for five consecutive years for a combined drop of 17.8%. Additional findings in the 1987 report point to a 6% drop in violent crime (rapes, robberies, assaults) while the rates for burglary, household larceny and motor vehicle theft remained essentially unchanged between 1986 and 1985. In sum, the NCS findings report 750,000 fewer victimizations in 1986 than in 1985, as well as five straight years of declines in overall crimes since 1981.

A review of crime trends closer to home and at the local level for New York State and Nassau County in recent years reveal mixed results. In 1986, based on the Uniform Crime Report index of offenses, reported serious crime increased by 3.1% in New York State. In Nassau County in 1986, there was a decrease of 5.9%. This follows an increase of 0.4% in New York State and an increase of 1.9% in Nassau County in 1985. Also, in 1986, the trends by type of crime - - violent and nonviolent or property - - were also mixed. In Nassau County, violent crime increased by 10.9%, as compared with a 5.9% increase in New York State. Nonviolent or property crime dropped by 7.0% in Nassau County and increased by 2.6% in New York State.³

More recent UCR data covering the first six months of 1987 also reveal mixed results - - favorable for Nassau County and unfavorable for the State - - and reflect a 3% increase for New York State (1.7% for violent crime and 3.3% for property crime) and a 8.2% decline for Nassau County. Table 1 below contains a detailed analysis for this latter period for Nassau County by type of offense. Although it can be seen here that

2. Criminal Victimization, Bureau of Criminal Justice Statistics Bulletin, U. S. Dept. of Justice, October 1987.
3. Crime and Justice, Annual Report, N.Y.S. Division of Criminal Justice Services, December 1987.

while there were declines in both violent (-2.8%) and non-violent property crimes (-8.7%), almost all of the overall falloff was accounted for by the drop in property crime.⁴

TABLE I

PART I INDEX OFFENSES REPORTED/KNOWN TO POLICE IN NASSAU COUNTY FOR THE YEARS JAN.-JUNE 1986 AND JAN.-JUNE 1987

Index Offenses	Jan.-June 1987	Jan.-June 1986	Inc/Dec. over Previous Period	
			No.	%
Murder	21	14	+ 7	+50.0
Negligent Manslaughter	1	7	- 6	-85.7
Forcible Rape	69	64	+ 5	+ 7.8
Robbery	782	807	- 25	- 3.1
Aggravated Assault	713	740	- 27	- 3.7
Burglary	4,406	4,774	-368	- 7.7
Larceny	11,468	12,389	-921	- 7.4
Motor Vehicle Theft	<u>3,035</u>	<u>3,539</u>	<u>-504</u>	<u>-14.2</u>
Total	20,495	22,334	-1,839	- 8.2

TOTAL INDEX OFFENSES CLASSIFIED BY TYPE-VIOLENT AND NON-VIOLENT FOR THE YEARS JAN.-JUNE 1986 AND JAN.-JUNE 1987

Type Offense	Jan.-June 1987	Jan.-June 1986	Inc/Dec over Previous Year	
			No.	%
Violent	1,586	1,632	- 46	-2.8
Non-Violent	<u>18,909</u>	<u>20,702</u>	<u>-1,793</u>	<u>-8.7</u>
Total	20,495	22,334	-1,839	-8.2

4. Uniform Crime Reporting Program, N.Y.S. Division of Criminal Justice Services, December 1987.

Another perspective on crime trends at the national level can be observed in a report released in 1987, which focuses on households across the country that were touched by crime.⁵ The report revealed that the proportion of the Nation's households touched by crime in 1986 remained the same as that for 1985 when it was reported to be 1 in 4, or 25%. This compares with 26% in 1984 and 1 in 3 in 1975. For measurement purposes, a household is considered touched by crime and included in the count if during the year it sustained a burglary, auto theft, or household larceny or if a household member was raped, robbed or assaulted or was a victim of a personal larceny. Thus, according to this measure, crime in 1986 continued at its lowest level for the 12-year period beginning in 1975. As in previous years, a household's vulnerability to crime was in part determined by its location, income and race. Accordingly, in 1986, black households, households with high incomes and households in urban areas were at greater risk for crime than others.

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

Given the current dimensions of the crime problem, has the criminal justice response been adequate? While a measured response may be the ideal, in general, the philosophy of the system (justice model) in recent years has been, in brief, to let the punishment fit the crime, which, of course, is in contrast to an earlier philosophy (rehabilitation model) where the punishment was to fit the individual and his needs. For some three years during the present decade -- 1982-1984 -- when the UCR Crime Index was dropping, a criminal justice response that was exemplified by a policy calling for high levels of incarceration was viewed not only as more than adequate, but the decline itself was seen as a vindication of a general get-tough approach to justice. Since 1985, however, with the Crime Index on the rise this argument is open to question. Moreover, in New York State in 1987 a number of organizations and significant individuals went on record, including the Chairman of the New York State Assembly Corrections Committee, as opposing high rates of incarceration as a failure and that longer sentences do not deter crime (see section on sentencing reform, page 13).

Despite the controversy over correctional policy, however -- with the objective being crime control strategies that will achieve an acceptable balance of community protection, punishment and offender rehabilitation -- there was one constant in 1987, that being the continuing record growth in all correctional systems at

5. Households Touched By Crime, Bureau of Criminal Justice Statistics Bulletin, U.S. Dept. of Justice, June 1987.

both the national and state level. It was recently reported that 1 out of every 55 adults in the United States were under some type of correctional supervision at the beginning of 1987.⁶ In brief, the total corrections population nationwide had reached a record 3.2 million men and women, including those in prison or jail, on probation or parole. Not surprisingly, three-quarters of the offenders were being supervised in the community, either on probation or parole. The probation population alone reached 2.1 million, or almost two-thirds (64.6%) of the overall total. The increasing interest in alternatives to incarceration was also evident in the finding that over a four-year period, the community-based offender population had increased by one-third, as compare with the incarcerated group, which had grown by a smaller one-quarter. Despite overcrowding and a shortage of space, the prison population, state and federal, had reached well over half a million (545,133) at the start of 1987. Furthermore, by the middle of the year, the prison population had increase another 4.7% to a record high of 570,519 inmates.⁷

Correctional population trends at the national level were also very much in evidence in New York State. Efforts to reduce reliance on incarceration has received increased attention at the State level. Despite greater resources being targeted on alternatives to incarceration programming, however, the upward climb of the State's prison population continued unabated, even as the probation caseload was reaching record levels. Thus, at the beginning of 1987, the total prison census had reached 38,449 inmates. By the end of the year, it was reported to be 40,763, for a 6.0% increase in 1987. Moreover, some significant changes were taking place within the population itself. First, a brief profile of the inmate group in place at the beginning of 1987 is informative.⁸

6. Probation and Parole, Bureau of Justice Statistics Bulletin, U.S. Dept. of Justice, December 1987.
7. Prisoners At Mid-Year 1987, Bureau of Justice Statistics, U.S. Dept. of Justice, September 1987.
8. Crime and Justice, Annual Report 1986, N.Y.S. Division of Criminal Justice Services, December 1987.

- A median age of approximately 28.6 years.
- More than three-quarters (78.6%) were black (50.1%) or hispanic (26.8%).
- More than three-quarters (79.5%) of the offenders had less than a high school education (some high school or below).
- More than two-thirds (68.4%) were serving maximum sentences in the range of 6 years or more to life terms.
- More than three-quarters (76.3%) of those admitted to custody the previous year (1986) were violent or prior felons.
- Commitment offenses for dangerous drugs, with 15.5% of the inmate population, moved into third place while burglary dropped to fourth place (see Table 1A below).

TABLE 1A
NEW YORK STATE PRISON POPULATION UNDER CUSTODY
JANUARY 1, 1987

<u>Offense</u>	<u>Number</u>	<u>Percent</u>
Robbery	11,342	29.5%
Murder and Other Homicide	6,267	16.3
Dangerous Drugs	5,959	15.5
Burglary	5,153	13.4
Rape and Other Sex Offenses	2,461	6.4
Dangerous Weapons	1,461	3.8
Assault	1,423	3.7
All Other Felonies	3,999	10.4
Youthful Offenders	384	1.0
TOTAL	38,449	100.0%

Along with the continued rise in the State's prison population in 1987, analysis of their commitment offenses has revealed that the dangerous drug cohort -- those committed for selling or possessing drugs and comprising 20% of all inmates -- had continued its expansion of the previous year, with an increase of 38.6%, as compared with an overall inmate increase of only 6%. According to recent information from the N.Y.S. Department of Correctional Services, dangerous drugs is now the single most frequent commitment offense ranking above first-degree robbery, which formerly held this status for many years. Why the change at this time? It is surmised that "the popularity of the cheap cocaine derivative

crack, tougher drug laws, greater law-enforcement efforts and a quicker pace of drug cases through the courts were the principal factors accounting for the surge of inmates convicted of drug crimes".⁹

SENTENCING REFORM: WATERSHED OR HIGH-WATER MARK?

Beginning in the 1970's and continuing to the present time, sentencing reform has been a major priority on the nation's Criminal Justice agenda. Why the need for reform and has it been successful? The impetus for the reform movement itself came, in part, from a combination of factors, including high levels of crime, a nationwide trend toward conservatism in general, and a perception by the public that the system was soft on crime and criminals. The end result has been a plethora of "get tough" anticrime laws and policies which, in turn, have led to a crisis in our prisons and jails, with overcrowding the rule in spite of huge expenditures to increase capacity. As we shall see, whether or not the effort has met with success is debatable. There appears to be general agreement, however, that the crisis in our prisons and jails is responsible for much of the current stress throughout the system, and probation, of course, was not exempt.

Has the sentencing reform movement reached its high-water mark? In 1986, it was noted that there is increasing evidence that while the nation's current infatuation with and overreliance on the imprisonment sanction has not ended, it appears to have diminished. The trend continued in 1987, with mixed signals present in the form of support for and against the reform issue. In regard to the former, the most significant event was the successful effort by the U.S. Sentencing Commission to implement sentencing guidelines and other reforms at the Federal level on November 1, 1987. Authorized by the Comprehensive Crime Control Act of 1984, they are to provide consistency in the sentencing process by reducing judicial discretion and replacing it with determinate sentences. Federal parole is to be eliminated inasmuch as the inmates will serve their full sentences except for credit for good behavior time. On the negative side, critics foresee a significant increase in the Federal prison system's inmate population and further overcrowding problems until capacity is increased.

Critics of sentencing policies that rely extensively on punishment through incarceration frequently cite both the high custodial costs and the extraordinary expenses involved in new

9. McFadden, Robert D., Drug Cases Top Others In Prisons, New York Times, January 5, 1988.

prison construction. A new study sponsored by the National Institute of Justice takes aim at these critics and their fiscal concerns.¹⁰ Using a cost-benefit analysis, the study concludes that it costs society less to incarcerate because large numbers of crimes are averted by imprisonment. Thus, the failure to incarcerate is reported to be 17 times more expensive than incarceration. Is it cost effective for a state or community to increase its prison capacity? The study's answer to this question was conclusive. It noted "the results overwhelmingly support the case for more prison capacity. Incapacitating prison-eligible offenders now crowded out by today's space constraints would likely cost communities less than they now pay in social damages and prevention."¹¹ Furthermore, the study also concludes that the cost savings realized by a community from the effects of incapacitation actually underestimates the total savings because it does not include those sums that can be attributed to deterrence or preventing crimes by other potential offenders. Inasmuch as the certainty and severity of punishment are key factors here, by increasing prison capacity, the credibility of a community's deterrence policy is enhanced.

The other side of the sentencing reform issue can be observed in New York State. Here, in recent years, opposition has been increasing against the so-called "get-tough-against-crime" laws and policies from a variety of sources, including the State legislature and other groups and organizations. Some examples follow: The Director of the N.Y.S. Coalition for Criminal Justice Inc. views the State's massive 15-year imprisonment program as a failure since the crime rate is higher now than when it started. He speaks favorably of treatment and rehabilitation programs as alternatives to imprisonment, with those offenders who receive treatment being less likely to commit further crimes. "Despite this evidence, alternative sentences geared to rehabilitation remain underfinanced, underpromoted and limited because of the policy of mandatory imprisonment."¹²

The Chairman of the New York State Assembly Corrections Committee takes a similar position.¹³ He also views the anticrime policies of the past two decades -- with their focus on incarceration -- as expensive failures. Thus, while the State's prison population

10. Zedlewski, Edwin W., Making Confinement Decisions, National Institute of Justice, July 1987.

11. Ibid.

12. Murphy, J., Letter to the New York Times, July 1987.

13. Feldman, Dan, "Longer Sentences Do Not Deter Crime," New York Times, October 3, 1987.

jumped from 12,500 to some 40,000 inmates during the period, the impact on the state's crime rate was not significant. He believes that longer prison sentences do not deter crime. More on this point later. On the positive side, he sees the movement to alternatives, such as intensive probation supervision, as warranting greater support. Accordingly, "The expansion of alternatives to incarceration also reflects a growing recognition that a portion of our criminal population will respond to opportunities for rehabilitation if we make them available. In fact, it is increasingly apparent that more emphasis on rehabilitation may actually help reduce crime."¹⁴

As we can see from the above comments, the role that longer sentences to prison play in crime control is controversial. Some advocates view the longer sentence as important to incapacitation policy. A deterrence-oriented policy, on the other hand, is more concerned with increasing the risks of incarceration and the certainty of receiving punishment. Zedlewski (1987) notes that "the evidence on increasing sentence lengths is more ambiguous."¹⁵ Feldman (1987) has concluded that longer sentences do not deter crime. Some additional light was shed on this issue by a recent study on the recidivism of a population of prison parolees. It found that "time served in prison had no consistent impact on recidivism rates - those who had served 6 months or less in prison were about as likely to be rearrested as those who had served more than 2 years."¹⁶

A recent report by the Correctional Association of New York examined the impact that sentencing reform has had on the Criminal Justice system in New York State. In brief, the study found that changes in the Penal and Criminal Procedure Laws involving second and persistent felony offenders, violent offenders and handguns, along with the mandatory sentencing provisions therein, has produced a highly expensive but unbalanced system of questionable effectiveness, one that places an extreme overreliance on prisons but lacks credible alternatives for prison-bound offenders. Despite a massive increase in capacity, the demand for more space continues. The resultant drain on funds has weakened other community-based correctional programs. The report offers a new approach that would divert prison-bound non-violent offenders into improved and enhanced local programs.¹⁷

14. Ibid.

15. Zedlewski, Op. Cit.

16. Beck, Allen J., Recidivism of Young Parolees, Bureau of Justice Statistics, U.S. Dept. of Justice, May 1987.

17. Mathias, Robert A., The Road Not Taken: Cost-Effective Alternatives To Prison For Non-Violent Felony Offenders In New York State, The Correctional Association of New York, September 1986.

In New York State, according to the Correctional Association, the forces behind the need for changes can be observed, in part, in a comparative analysis of mandatory sentences. In the early 1970's mandatory sentences to prison amounted to only 7% of the total, but by the mid 1980's, the same statistic had jumped to 80%. Likewise, in the early '70's no offender went to prison because of a previous conviction, while by the year 1984 "nearly one-third of all prison sentences had to be imposed because of a previous conviction."¹⁸ Their approach calls for targeting two prison-bound offender groups for possible diversion to an enhanced intensive probation supervision program. The first group, second felony non-violent offenders, requires a change to the Second Felony Offender Law before they would be eligible for alternative sentencing. However, this is not true for the second group -- the prison-bound but probation eligible non-violent felony offenders. It is estimated that significant cost savings would be realized by diverting offenders from these two groups. In addition, credible alternatives to prison should result in a lower risk of recidivism for participants.

As the sentencing reform movement picked up momentum during the 1970's and '80's, one of the oldest controversies in corrections, the punishment versus rehabilitation debate, became almost a dead issue. Supported by a critical and conservative public that viewed punishment as a sort of magic bullet and incarceration as the only sound way to administer it, the advocates of a strong prison expansion policy advanced their programs. In the ensuing climate, the rehabilitation concept, its very credibility threatened, lost ground. Punishment and the justice model moved out front. For example, the Federal Comprehensive Crime Control Act of 1984 reflected this position by providing further clarification of the purpose of imprisonment. Punishment and incapacitation are viewed as acceptable objectives, but the new law rules out rehabilitation as being inappropriate.

For those in criminal justice, as well as for many in the larger community, probation has always been closely linked to rehabilitation. Given the conservative climate, probation was placed on the defensive. Must it compete with prisons on the levels of punishment that were available to each? Was its present position untenable? For some observers, probation has met these challenges with the so-called justice model probation concept - new and tougher programs with intermediate range punishments such as intensive probation and electronic home detention.

At the local level, probation in Nassau County has sought a programming strategy that would achieve an acceptable balance of community protection, punishment and offender rehabilitation.

18. Ibid.

Moreover, despite a climate in the 1970's that led to a decided tilt to punishment, it also sought to achieve a sort of parity on the punishment versus rehabilitation issue. In short, the point being made at that time was that probation should not try to compete with prisons on levels of punishment. We should continue to stress rehabilitation with strong emphasis on the more attractive cost of probation programs. Further, this approach does not rule out flexibility and a multiple objective mix to our programs. We can still support the control objective, for example, without deemphasizing the treatment model.

As this brief review of sentencing reform has made abundantly clear, the wisdom of the above probation strategy is becoming more apparent as evidenced in the growing dissatisfaction with tough anticrime laws and policies that have led to prison overcrowding and the higher costs associated with incarceration, but, at the same time, more and more critics are coming forward, as noted above, to question their effectiveness in controlling and deterring crime. Also, while rehabilitation and treatment were viewed for a number of years as unacceptable or irrelevant objectives in criminal justice circles, they are now slowly beginning to move back into the mainstream of correctional discussion.

PROBATION AND THE INTENSIVE SUPERVISION MOVEMENT: HAS THE CONCEPT BEEN OVERSOLD?

The decade of the 1980's has been a period of crisis and change for probation. While most observers view the changes as part of a positive reform effort that was long overdue, there are some critics who see probation during this period as being subjected to the whim of outside forces. Thus, instead of probation being shaped from within and on its own terms, strong external issues have provided the driving force for recent changes. Be that as it may, developments during the present decade have resulted in the convergence of forces which have given impetus to a variety of new programs, with intensive supervision probation (ISP) being the centerpiece of this effort, but it also includes home detention or confinement, with or without electronic surveillance, as well as a mix of other alternatives such as community service and restitution.

The forces at work that are responsible for this reform effort are varied. Prison and jail overcrowding, of course, is a significant and continuing factor. The search for what has been called intermediate punishment or punishment of the mid-range was viewed as critical inasmuch as traditional probation was believed to lack credibility in this regard. The availability of electronic technology that was dependable and could be provided at a reasonable cost for surveillance, monitoring and confinement functions added to the credibility of probation. Also, the availability of risk

assessment and needs assessment instruments for placement and classification purposes provide a scientific basis for probation decisions.

While the new probation programs have been propelled by common forces, they do provide a range of alternatives to meet a variety of criminal offenders. Moreover, although programmatic differences do exist, they also share common characteristics and contribute to such mutual criminal justice objectives as retribution, incapacitation and deterrence. For Mc Carthy (1987), these new programs are intermediate sanctions, which share several important features:¹⁹

1. "They are community-based penalties. The offender remains in the community, usually living at the same residence and maintaining existing employment and family ties.
2. They are designed to be humane, but punitive. Because these penalties represent the community's response to at least moderately severe criminal acts, they deliberately impose suffering through the deprivation of liberty. Offenders must adhere to curfews, and accept intense monitoring of their activities at home and elsewhere.
3. These sanctions are expected to protect the community from crime. Through the use of surveillance and curfews, incapacitation is accomplished in a community setting.
4. These sanctions are expected to cost less than institutions."

In reviewing the above comments on probation programs, a number of questions come to mind. Why the national trend to intensive probation? How effective are these programs? Do their outcome results justify the current impetus to implement intensive probation nationwide? Although evaluation studies to date have revealed mixed results, a number of other issues are now being viewed with concern, as we shall see, by critics of this effort. First, however, some brief background observations may be helpful. In conjunction with a justice model philosophy, where the focus on retribution, incapacitation and deterrence is paramount, probation, in many states across the country, has moved aggressively with new and innovative programs to counter what the critics have cited as serious criminals "getting off" with probation and being provided

19. McCarthy, Belinda R., (ed), Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Surveillance, Willow Tree Press, Inc., 1987.

with no programs and little supervision. Central to this effort, of course, has been the crisis in prisons and jails and the need for alternate forms of sentences that can provide credible punishment, or the above cited objectives of retribution, incapacitation and deterrence, while reducing the pressures on institutions. The program that has received the most attention in this regard is the intensive supervision program, or intensive probation.

Was the rush to place intensive probation programs in operation justified? Recent studies have not been supportive.²⁰ They cite lack of any new probation techniques nor was there any reason to expect a significant impact on recidivism. Clear et al (1987) was not optimistic - "Of course, the new call for intensive probation is not based on a firm grounding of social science. The social science base for intensive probation reform is at best only promising - and at worse down right shaky. Far from a reasoned outgrowth of a program of research and evaluation, the new movement toward intensive probation is actually a rapid response to a serious problem: system overcrowding. Nearly every jurisdiction in the United States lacks the correctional resources to carry out its promises. Intensive probation is popular largely for its perceived curative powers in regard to this problem."²¹

Although intensive probation has been operational in New York State since 1978, it has experienced its greatest growth during the present decade. More recently, its popularity has increased significantly because of the support given the concept in the RAND Study on probation.²² Similar programs now exist in a number of other states. While differing in a number of programmatic areas, what they appear to have in common are tougher sanctions, increased supervision, stricter conditions, the objective being to put greater demands on the offender. Despite the presence of some rehabilitation - oriented components in these programs, the major emphasis is on control and strict accountability.

20. Clear, Todd R., Flynn, Suzanne and Shapiro, Carol, Intensive Supervision In Probation, In Belinda Mc Carthy, Op. Cit.
21. Ibid.
22. Petersilia, Joan, et al, Prison Versus Probation In California Implications For Crime And Offender Recidivism, The Rand Corporation, Santa Monica, CA, July 1986.

Latessa (1987), in a study on the effectiveness of intensive supervision, looked at the impact of the program on high-risk probationers. He indicated that "the three major issues surrounding the use of intensive supervision have been the effectiveness question; the caseload size and classification issue; and the debate over the number and quality of contacts."²³ He found no significant differences between the high-risk group in intensive supervision and a control group of traditional probationers in regard to either recidivism or social adjustment. He did indicate, however, that the level of contacts and services fell below program objectives. One tentative, positive conclusion was that it appears that high-risk offenders can be supervised on probation without jeopardizing the safety of the community.

Bennett (1987), in a recent evaluative research study on intensive service probation, found that program outcome results revealed only partial success. While there was no reduction in recidivism, there was significant improvement in the social adjustment of the high-risk probationers in such areas as employment. This study also found that only minimal supervision is required for part of the offender population, including male felons, to achieve favorable outcome. On the other hand, although this study did not identify any links to recidivism, it indicated as worthy of further research the increased frequency and intensity of face-to-face contacts.²⁴

Clear et al (1987) views what he calls the proliferation of intensive programs with a sense of unease. They describe this effort as being one of convenience, an exercise in expediency. They are concerned with four major issues - transferability of interventions, the target group, a programmatic emphasis on control, and the net of social control.²⁵

- Transferability of interventions - - because an intensive program is effective in one state, does not guarantee its success when transferred to another state. Programs, if they are to work, must be tailored to one's own jurisdiction. Crime conditions and criminal justice procedures differ from one area or state to the next, so the emphasis must be on process as well as on program elements.

23. Latessa, Edward J., The Effectiveness of Intensive Supervision With High Risk Probationers, In Belinda McCarthy, Op. Cit.

24. Bennett, Lawrence A., A Reassessment Of Intensive Service Probation, In Belinda McCarthy, Op. Cit.

25. Clear et al, Op. Cit.

- The target group - - a rational risk-management policy is critical to a program's effectiveness, if resources are not to be wasted. Risk assessment and needs classification procedures are essential to select and classify only those offenders who meet program objectives and standards. In short, low-risk offenders should not receive the services meant for high-risk probationers.
- A programmatic emphasis on control - - In many intensive programs, control methods have become redundant to the point of overkill. The emphasis on control is often at the expense of meeting the service needs of probationers. Moreover, this overemphasis on control is frequently misdirected at the wrong segment of the offender population.
- The net of social control - - here, the typical net-widening argument whereby a new program may contribute to a larger net of social control is not at issue. Although many intensive probationers are diversions from a prison-bound population, failures in these programs frequently receive sanctions that are tougher than the original incarceration period would have been. Thus, the objective of reducing the level of incarceration is frequently negated by the perceived need to be tough on crime as a public relations gesture to a skeptical community.

Another recent report by the RAND Corp. revealed, after studying many alternative sentencing programs across the U. S., a cautious optimism about their effectiveness. For example, the study found that recidivism rates for ISP programs ranged from 30% for all offenders to less than 5% for violent offenders or those in house arrest programs. However, the report did note "the question remains whether offenders have done well in these programs because the programs have exerted sufficient controls, or because the participants were simply low-risk to begin with." ²⁶

Of all the ISP programs nationwide, perhaps the best known are those in the states of Georgia and New Jersey. Some early evaluations of these operating programs appear to have been favorable. As we can see from this brief review, however, other studies of program outcomes have revealed mixed results. A recent report on ISP in the State of Kentucky found the results

26. Petersilia, Joan, Expanding Options For Criminal Sentencing, The RAND Corporation, Santa Monica, CA., November, 1987.

of their program to be highly favorable, citing, for example an 83% success rate and noting that "the evidence is substantial that intensive supervision is a safe and cost-effective alternative to incarceration."²⁷

The effectiveness question, though, and whether or not the ISP concept has been oversold will more than likely continue to remain as controversial issues for years to come. The more successful programs themselves have only been in operation, relatively speaking, for short periods. Moreover, there are other problems. For example, Burkhart (1986) notes "few evaluations of intensive probation supervision meet even the most basic methodological criteria."²⁸ Program diversity also adds to the controversy. Byrne (1986) observes "that any generalizations about the overall effectiveness of intensive supervision will be misleading because of the differences in program philosophy, target populations, and the basic elements of program design. Importantly, research which attempts to examine the relative impact of specific design features has not been conducted."²⁹

The overselling of intensive probation would not be a new phenomenon in corrections. Other observers speak of the panacea phenomenon, or the search for the magic bullet, the hot idea. In the past, other programs and concepts have also been oversold on the basis of extremely limited research. In regard to the proliferation of intensive probation, perhaps this, too, is another example of the so-called bandwagon effect in program development.

In the final analysis, however, the success or failure of the ISP concept, as with any program, should rest on the application of good management, detailed planning and the timely use of valid research results.

27. Criminal Justice Newsletter, Vol. 18, No. 23, December 1, 1987.

28. Burkhart, Walter R., "Intensive Probation Supervision: An Agenda For Research And Evaluation," Federal Probation, Vol. L, No. 2, June 1986.

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

EMPLOYMENT AND CRIME: IS THERE A RELATIONSHIP HERE?

Issues that center on employment and its relationship to crime, like many other criminal justice issues, are both complex and controversial. The very complexity of the problem, of course, accentuates the need for first rate studies, quality data and optimum methodologies. Obviously, numerous variables linked to the nation's economy, the labor market and the population itself can impact on the problem. Thus, economic conditions, a changing labor market and the personal and social factors of the population can all affect the results of any study on the employment - crime issue.

The complexity of this subject and the conflicting results of some studies have led to disagreement and further controversy. Is high unemployment associated with higher rates of crime? Do higher levels of employment lead to lower levels of crime? Does unemployment cause crime? Some of the disagreement on the answers to these questions focus on the direct causality issue. Despite the fact that the preponderance of evidence from recent studies continue to support the employment and crime relationship, the apparent lack of complete consensus has left room for further disagreement. Wilson and Herrnstein (1985), in a highly acclaimed study on crime, which also included a detailed review of many studies on this subject, could offer only limited support for the unemployment causes crime proposition. More on their conclusions later.³⁰ In contrast, however, Duster (1987), while not supporting a direct causal relationship, notes that although "unemployment does not cause crime," the relationship is still a strong one and that "the employed commit far less street crime than the unemployed."³¹ He also points out that "there is a wealth of data that show that individuals who experience unemployment are, in fact, more likely to have higher rates of crime." Moreover, age also appears to be a significant factor in the relationship, with the unemployed young more vulnerable to commit crime, as compared with those employed or in school.³²

Support for one perspective or another on the employment - crime issue frequently fits into the so-called conservative - liberal dichotomy. Thus, for some, the liberal approach would be supportive of the malfunctioning society position, which views unemployment as one of a number of social factors linked to high levels of crime. In contrast, the conservative approach would be

30. Wilson, James Q. and Herrnstein, Richard J., Crime And Human Nature, Simon and Schuster, New York, N.Y., 1985.
31. Duster, Troy, "Crime, Youth Unemployment, and the Black Urban Underclass," Crime And Delinquency, Vol. 33, No. 2, April 1987.
32. Duster, Op. Cit.

supportive of individual differences and a predisposition to criminality position and thus view unemployment as having a limited role in causing crime. How does the nation's population-at-large view the controversy? A recent report from the National Issues Forum by the Public Agenda Foundation for the Domestic Policy Association revealed the nation's citizens to be on the middle ground, with support evident for both tougher sentencing and the reform of social conditions. Accordingly, it was reported that Forum "participants agreed by a three-to-one ratio that a chief cause of the high crime rate is that too few criminals are sent to prison. At the same time, a strong consensus emerged that social conditions - principally unemployment and poverty - are major factors in causing crime."³³

More recent studies have dealt with the employment and crime issue but, at the same time, have also been concerned with the broader problem of race and crime. Given the fact, for example, that blacks while comprising only 12% of the population in the United States make up over 50% of the nation's prison population, this concern is both timely and critical. Some of these studies, however, see the relationship as being linked more to social class than race per se. Thus, economic forces are viewed as shaping the behavior of minority youth. Attention is focused on economic inequality and, for example, the growing gap between blacks and whites on income, employment, wealth and poverty and the strong relationship between unemployment and contact with the justice system.

Wilson (1987) in a new book directs his efforts to explaining the presence of a black underclass in our inner cities (where the level of crime is at its highest) and the need for new public policies.³⁴ Racism is not the major evil here, but structural changes in the economy and the labor market have led to high levels of unemployment. Wilson sees a need for full employment policies if we are to rescue our inner cities. While this could lead to inflation, it would be a lesser evil when compared to present conditions. Job training and remedial education programs are also critical to prepare workers for a changing work place, where service jobs, which demand greater skills, are increasing while manufacturing employment is declining.

33. Crime Prevention Coalition, Catalyst, Vol. 7, No. 6, August 1987.

34. Wilson, William J., The Truly Disadvantaged The Inner City, The Underclass, and Public Policy, University of Chicago Press, 1987.

Other studies take a negative view on job-training. For example, it was noted "that so many job-training programs aimed at young persons with especially poor employment records have little or no effect on either employment or crime suggests that long-term personal and social factors are more important than the immediate availability of jobs or training in explaining the crime rates of persons who are likely to be high-rate offenders."³⁵

Joe (1987), while not ruling out either racial discrimination in the system, or that minorities are more likely to be involved in delinquency or crime, focuses on the economic forces which shape the behavior of minority youth. His findings deal primarily with blacks and the picture that emerges is a bleak one, with economic inequality and the increasing gap between blacks and whites on such measures as income, employment, wealth and poverty creating a growing disadvantaged class, which can only result in greater social disorganization and more delinquency and crime.³⁶

In another study, Duster (1987) focuses his attention on race, youth unemployment and crime. He sees a strong relationship between unemployment and contact with the criminal justice system. Thus, it is not by chance that blacks are disproportionately represented in both categories. A changing economy and structural unemployment have led to massive labor problems that have impacted disproportionately on blacks, particularly the young. Government policies, in recent years, have further exacerbated the problem. The conclusion to be drawn from these studies is clear. In order to significantly reduce juvenile delinquency and crime, the nation must first reduce the existing economic inequality, close the income gap between the races and reduce unemployment. Inasmuch as the private sector cannot do it, government policy must change to permit public-sector development of employment opportunities.³⁷

As noted above, Wilson and Herrnstein could offer only limited support for the link between unemployment and crime. They sum up their position thusly - "our assessment of the evidence leads us to conclude that common causes - the 'no effect' theory - explain most of the observed connection between unemployment and crime, with some influences (how much, we cannot say) from need effect, the affluence effect, and the envy effect. These latter effects probably operate over the entire life history of a person and thus can be observed only dimly (if at all) at the moment when that person is choosing between crime and noncrime."³⁸

35. Wilson and Herrnstein, Op. Cit.

36. Joe, Tom, "Economic Inequality: The Picture in Black and White," Crime And Delinquency, Vol. 33, No. 2, April 1987.

37. Duster, Op. Cit.

38. Wilson and Herrnstein, Op. Cit.

Is there a linkage between employment status and probation? What do empirical data at the local level reveal? Past research studies have identified the existence of a number of significant relationships between employment problems and crime. As a group, criminal offenders are frequently unskilled, have unstable employment records and are often unemployed when arrested. Also, these same variables have been closely linked to recidivism, with an offender's outcome on probation or parole significantly related to the employment area. In short, the risk for failure on probation appears to be greater for the probationer who is unemployed or has a record of poor job stability. Also of interest is the fact that research studies that have focused on the needs of probationers have identified full-time employment as one need that is frequently mentioned. Given this background, it would appear that employment programs, which are successful in getting and keeping probationers gainfully employed, can make a significant contribution to probation's effectiveness.

The results of a recent study, in general, continue to support the above conclusions. Employment status, for probationers who were not full-time students, was identified as a high-risk factor. The study linked the offender's employment status upon arrest and/or entry to probation to their subsequent adjustment on probation, and their post-probation outcome. The findings reveal that offenders who are unemployed when arrested and/or sentenced to probation are more likely than those employed to make an unsatisfactory adjustment on probation as indicated by more arrests and violations of probation filed and type of discharge from supervision (more likely to be discharged unimproved, or committed), as well as have a higher probability for post-probation failure.

PREDICTION AND RECIDIVISM: CAN THEY ENHANCE DECISION MAKING IN CRIMINAL JUSTICE?

For much of the past two decades, the criminal justice system has focused an increasing amount of attention on the concepts of prediction and recidivism. Continued high levels of crime and limited resources had forced policy makers at various levels of government and managers in all parts of the criminal justice system to take a closer look at their problems and the deficiencies associated with the system itself. It became evident to many that new strategies were called for, if a more efficient and effective criminal justice system was to make any headway with an apparently intractable crime problem.

The selection of prediction and recidivism as important concepts and tools in the war on crime was not a haphazard one. Both can contribute to efforts that focus attention on critical areas, redirect resources, help shape new policies and programs and, of course, provide a necessary measure of system effectiveness. Prediction and recidivism are closely linked and work hand in hand

conceptually to bring order and rational thinking to the decision making process. Central to this effort were two questions. Can we predict future behavior? Can we identify the high-rate and high-risk offenders, the so-called recidivists? Although a complete consensus was never evident, it appears -- given the activities of the 1970's and '80's -- that the answers, for the most part, were in the affirmative. The use of prediction and classification instruments has become widespread, touching every stage of the criminal justice system and the correctional process - from pretrial release decisions and sentencing guidelines, through probation, prison and parole activities. How effective are they? It is perhaps too early to say with any certainty. Recently, however, there have been some studies and reports that have questioned their effectiveness in selected areas. Therefore, given the present state of the art, perhaps for some functions prediction and classification -- as with other past criminal justice programs -- have been oversold. More on this point later, but first some brief comments on recidivism and prediction.

Recidivism is a broad term used to indicate a return to criminal behavior by offenders. It has important implications for criminal justice policy in general and for the various components of the criminal justice system, as well as the larger community. Although the exact amount of crime that can be attributed to recidivism is unknown, recidivists or repeat offenders, particularly the high-rate offenders, are believed to be responsible for a large segment of the total crime problem. Thus, a small group of offenders can be responsible for a highly disproportionate number of new crimes. For example, a recent study of a large prison parole population (N=11,347) found that only "10% of the parolees were arrested for 40% of the subsequent offenses."³⁹ Recidivism is also used in evaluation studies to assess program effectiveness. Recidivism rates, of course, can vary with the type of offender population being assessed, the length of the follow-up period, as well as the measures selected, such as arrests, convictions or incarcerations.

Beginning in the 1970's, the growing interest in recidivism was linked to the increasing number of new laws, policies and programs that focus on recidivists. This concern for the high-rate repeat offender was encompassed in a variety of items, including sentencing reform to achieve mandatory, determinate and enhanced sentences, dangerous - offender strategies, selective incarceration, plus a wide range of new correctional and probation initiatives.

39. Beck, Allen J., Recidivism of Young Parolees, Bureau of Justice Statistics Special Report, U.S. Dept. of Justice, May 1987.

Recidivism and the call for increased use of prediction instruments is, as noted above, linked to decision making in criminal justice or, more precisely, the failure of the decision-making process. For example, the findings from one study led a Federal official to view the results as raising "serious questions about the impact of probation and parole decisions on public safety and create a challenge for those who shape sentencing policy." The study in question found that a large segment of the offenders entering prison - some 41.6% during one year - are either on probation or parole for prior offenses at the time of their admissions. Accordingly, it was suggested "that improved selection for probation (versus prison) could possibly avert as much crime through incapacitation as proper selection for parole or other conditional release."⁴⁰

The subject of probation failures who would be - from the community's stand point - better off in prison is only one side of a controversial issue. On the other side are those offenders sentenced to prison who, according to some observers, may well be suitable for a probation sentence. The issue has been further exacerbated by prison and jail overcrowding. Perhaps probation management needs to make a greater contribution to sentencing policy. The issue is not a new one. Some aspects of it were addressed by an earlier study. Widespread confusion and a lack of consensus on such key terms as recidivism, success and failure, adjustment and outcome do not help probation's image. There is a need for specific and generally acceptable definitions for these complex variables. Comparable recidivism statistics must be developed so that eventually usable bench-marks are available which probation agencies can use in evaluating their services. This would be in conjunction with a uniform probation reporting system, which would also result in a standardization of terms and concepts.⁴¹

Can we predict future behavior? It has been noted that "in criminology and criminal justice, prediction generally means an assessment of some expected future behavior by a person." Furthermore, the main objective of most prediction research in criminal justice was to predict recidivism.⁴² If in theory, we can

40. Examining Recidivism, Bureau of Justice Statistics, U.S. Dept. of Justice, February 1985.
41. Albanese, Jay S., Fiore, Bernadette A., Powell, Jerie H., Storti, Janet R., Is Probation Working? A Guide For Managers and Methodologists, University Press of America, Washington, D.C., 1981.
42. Gottfredson, Don M., "Prediction and Classification in Criminal Justice Decision Making," In Don Gottfredson and Michael Tonry (eds.) Prediction and Classification Criminal Justice Decision Making, University of Chicago Press, Chicago, Ill., 1987.

predict future criminal behavior, then, we could identify the high-risk offender. In recent years, interest in both prediction and recidivism was heightened by the attention that has centered on the concept of selective incapacitation.⁴³ In theory, it is an attractive concept because in use it would reduce the crime rate, provide relief to the prison - overcrowding issue by reducing the inmate population and, at the same time, provide relief to the taxpayer. This would be accomplished by predicting and incapacitating the so-called high-rate offenders for longer periods of time. Those offenders that represent a lower risk or are deemed to be low-rate types would receive shorter sentences or probation. A prediction instrument and scoring device consisting of factors with the power to discriminate among offenders would be used in these decisions. Recent studies of the selective incapacitation concept, however, have questioned its viability as a sentencing policy on several grounds, including its fairness (it is viewed as biased against blacks, the poor and women) and the accuracy of the predictive instrument itself.⁴⁴

Along with the courts, prisons and parole, probation has also moved to employ the use of guidelines, prediction and classification procedures in their decision-making process. In the 1970's, New York State, along with other states, began using both risk assessment and needs assessment instruments and scores for entry to selected programs, such as intensive supervision. This was followed in the early 1980's in New York State with the use of prediction for recidivism and needs assessment scores for classifying probationers for different levels of supervision. The risk assessment instruments used both criminal and non-criminal factors in their scoring index. It is these latter factors, the so-called status factors, which include such items as employment and education, that have come under recent criticism for their impact on racial minorities. Because status factors are often correlated with race, as well as with recidivism, it is argued that they should not be included in sentencing guidelines because of the discrimination charge. In this regard, a recent study concluded that "guidelines can omit status factors related to race and still identify high-risk criminals with nearly the degree of accuracy they now achieve, but they cannot omit racially correlated criteria that reflect crime seriousness unless society is willing to have all serious offenders treated less severely because many of them are black."⁴⁵

43. Greenwood, P., Selective Incapacitation, RAND, Santa Monica, California, 1982.
44. Decker, Scott H. and Salert, Barbara, "Selective Incapacitation: A Note On Its Impact On Minorities," Journal of Criminal Justice, Vol. 15, 1987.
45. Petersilia, Joan and Turner, Susan, "Prediction and Racial Minorities," In Don Gottfredson and Michael Tonry (eds.) Prediction and Classification Criminal Justice Decision Making, University of Chicago Press, Chicago, Ill., 1987.

How accurate are the prediction instruments now being used in the criminal justice system? Some recent studies have been less than optimistic about their overall reliability in general, while other studies were particularly negative over their use in sentencing. Decker and Salert (1987) note that "there have been few reliable and accurate predictors of future criminality." Although they are less than perfect and not suitable for sentencing, this does not rule out their use in other functional areas. Thus, "when such devices are used for preventive means that are general and do not penalize individuals directly, then our tolerance for the prediction of false positives is certainly greater. One thinks of the use of prediction for community crime prevention efforts in this sense. However, when the results of prediction are used to penalize individuals directly by curtailing their liberty, we must expect greater accuracy in prediction."⁴⁶

Given the present state of the art, just what level of predictive accuracy can we expect? Also can we look forward to any improvement in the near term. In addressing these questions, Petersilia (1987) noted that "using the most comprehensive data and advanced statistical techniques, research has not been able to predict recidivism with more than 70 percent accuracy. Given that criminal behavior is strongly influenced by opportunism, contextual factors, and offenders' emotional and psychological makeup, it may be that research along these lines is not worthwhile to press. Moreover, unless models can be developed that achieve complete accuracy, there will always be legal and ethical bars to using prediction for such purposes as selective incapacitation."⁴⁷

Another recent report that focuses on, among other things, the predictability of recidivism also found a problem with the accuracy of a number of prediction instruments, which were examined as a part of a follow-up study on prison inmates, and concluded that they do not accurately predict which inmates will recidivate. This study, however, was ambivalent on their continued use. On the one hand, it noted that they were only 5 to 10% more accurate than predictions based on chance. On the other hand, it went on to say that "nevertheless, because most of the models predicted certain indexes of recidivism better than chance, there is some justification for their use." In regard to the high degree of recidivism among released prison inmates, however, the study did not equivocate in its recommendation that crime can be significantly reduced by the incarceration of more offenders or incarcerating them longer.⁴⁸

46. Decker, Op. Cit.

47. Petersilia, Op. Cit.

48. Klein, Stephen P. and Caggiano, Michael N., The Prevalence, Predictability, and Policy Implications of Recidivism, RAND Corp., Santa Monica, California, 1986.

Zedlewski (1987) reached a similar conclusion in a study on making confinement decisions and argued for a strong incapacitation policy. Moreover, on the subject of prediction he also noted that "our abilities to predict criminality are so limited, however, that many releasees are likely to be more criminal than some who are imprisoned."⁴⁹

In summary, the above comments point to the belief that the use of prediction in criminal justice, though widely used in many areas, remains a controversial issue. Despite its questionable accuracy, however, and while far from being an exact science, the use of prediction is still viewed as a valuable tool, when used in moderation and in areas where appropriate and justified. Morris and Miller (1987) have come up with three principles to help guide the use of the prediction in sentencing and related areas.⁵⁰

- Punishment should not be imposed, nor the term of punishment extended, by virtue of the use of predictions of dangerousness, beyond that which would be justified as a deserved punishment independent of that prediction.
- Provided that the previous limitation is respected, predictions of dangerousness may properly influence sentencing decisions and other decisions in the criminal law.
- The base expectancy rate for violence of the criminal predicted as dangerous must be shown by reliable evidence to be substantially higher than the base expectancy rate of another criminal with a closely similar record and convicted of a closely similar crime, but not predicted to be usually dangerous, before the greater dangerousness of the former may be relied on to intensify or extend his punishment.

49. Zedlewski, Op. Cit.

50. Morris, Norval and Miller, Marc, Predictions of Dangerousness in the Criminal Law, National Institute of Justice, U.S. Dept. of Justice, March 1987.

SUMMARY OF CRIMINAL DIVISION PROGRAMS

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

-- Perhaps, for the purpose of an updated frame of reference as we approach a new decade, a better understanding of the current status of the Criminal Division Programs can be had from a brief look at the past, to include a review of the present decade, with highlights of key trends, changes and other findings, as well as the results of two new studies, one recently completed and a second ongoing. The effects that substance abuse in general has on probation programs cannot be overstated. Despite a 20-year war on drugs, there is still no end in sight. Although the numbers of our drug offenders declined in the late 70's, the 80's have brought a strong resurgence. Likewise, a strong anti-alcohol backlash -- which first became evident at the beginning of this decade -- with a focus on DWI offenders, has, with sharp rises during the intervening years, come to dominate our major caseloads.

-- Within Nassau County, past and continued demographic changes, especially the aging of the general population, have, in turn, resulted in an older offender population. This trend was abetted by crime-specific changes in offense profiles -- far more DWI offenders who are, on average, older and fewer types of some property-offenders who are, on average, younger. Generally, older offenders are viewed as more amenable to probation supervision. The results from some of these changes are evident in the findings and conclusions of a recent study. Its purpose was to determine the Department's overall workload since 1980 and to assess whether or not the authorized personnel strength has kept pace with the workload. In brief, within the Criminal Division, investigations had increased by 51.5%, while the supervision caseload had jumped by a higher 105.8%. But, during this same period, personnel strength had risen by only 14.1%. Will this growing gap between personnel staffing levels and workloads have serious implications for the quality of probation programs in the future? Although too soon to answer with any certainty, early, preliminary findings from another

long-term, ongoing study shed some light on this question, and the results are not unfavorable. Thus, the majority of the probationers -- some two-thirds -- released from supervision in a given year are discharged as improved and, more importantly, of those so discharged only one-third are post-probation failures, i.e., with one or more arrests during a five-year followup period for the years 1982 - 1987.

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

-- In 1987, although there were moderate changes in the investigation program, the quality of the PSI and the overall effectiveness of the program did not decline. Total investigation assignments rose 1.9%, from 6,762 in 1986 to 6,889 in 1987. Those investigations with court dispositions fell by 0.6% to a level of 6,861. The investigation units themselves were able to maintain essentially the same proportion of all the investigation assignments received, from 87.5% in 1986 to 87.9% in 1987. Thus, overflow PSI's to the supervision units were kept at the same level as the previous year. Within the investigation units, there was a 2.3% increase in their workload and a 4.3% decline in their average staffing level, which resulted in an increase of 7.1% in the average monthly probation officer investigation caseload for 1987. The average number of investigation contacts per case - 26.5% - remained stable, with a slight increase reported. A review of staff PSI recommendations indicate that probation officers continue to take a tougher, more punitive position than the courts, as supported by the finding that in 1987 some 30% of the cases sentenced to probation were actually recommended for commitment.

-- In 1987, as in the previous year, there were fewer DWI offenders in the investigation program. Moreover, the decline of 5.8% was greater in 1987. Thus, the peak year for this cohort was in 1985. However, the rapidity of growth and the magnitude of this problem was such that despite the recent falloff in DWI offenders, they continue to dominate the caseload, and their impact on both the investigation and supervision programs is significant. While the DWI offenders were declining, along with some property-type offenders, the drug abuse cohort experienced a sharp rise, with the end result being a generally stable investigation caseload. See Table II below.

TABLE II

Total Presentence Investigations, Investigations Involving DWI Offenses, % Increase Over the Previous Year, For The Years 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Investigations w/Dispositions	5,234	5,370	5,434	5,498	6,611	6,904	6,861
% Inc/Dec Over Previous Year	+14.9	+ 2.6	+ 1.2	+ 1.2	+20.2	+ 4.4	- 0.6
DWI Offenses	568	766	1,063	1,168	1,746	1,730	1,630
% Inc/Dec Over Previous Year	+46.0	+34.9	+38.8	+ 9.9	+49.5	- 0.9	- 5.8
% DWI Offenses In All Investigations	10.8	14.3	19.6	21.2	26.4	25.1	23.8

Further analysis of the 1987 DWI offender data reveal findings that point to their continuing dramatic presence in Criminal Division programs.

-- In 1987, DWI offenders comprised 23.8% of all PSI's, down from 25.1% in 1986.

-- In 1987, DWI offenses ranked first as the single most frequent criminal offense in the investigation caseload for the third year in a row, with 1,630, or 23.8% of the total.

- DWI's, with 1,384 cases placed on probation, had a probation rate (% of the cases sentenced to probation) in 1987 of 84.9%. This compares with an average overall probation rate for all cases of 60.7%. Also for larcenies only, for example, the probation rate was a lower 48.2%.
- In 1987, of the 4,168 offenders sentenced to probation by the Nassau County Courts, fully 33.2%, or 1,384, were DWI cases. The next largest groups were larceny cases with 16% of the new probationers and drug cases with 12%.
- Although the overall probation rate for DWI cases was a high 84.9%, it varied significantly (split sentence or straight probation) by court of jurisdiction, with the majority (44.2%) in County Court (felony jurisdiction) receiving a split sentence (jail/probation), while the majority (81.4%) in District Court received straight probation. See Table IIA below.

TABLE IIA

DWI INVESTIGATIONS WITH DISPOSITIONS BY COURT
AND TYPE OF SENTENCE FOR 1987

Type	COUNTY		DISTRICT		ALL	
	No.	%	No.	%	No.	%
Probation	111	33.9	1,060	81.4	1,171	71.8
Probation/Jail	145	44.2	68	5.2	213	13.1
Committed	70	21.3	64	4.9	134	8.2
Other	2	0.6	110	8.5	112	6.9
TOTAL	328	100.0	1,302	100.0	1,630	100.0

- In comparison to past years when Criminal Division programs were marked by consistent and often sharp increases, an analysis of the 1987 data has revealed changes in workloads, and some other variables, to have been dramatically flat. The reasons for this outcome at this time are mixed but include some declines, as well as staff increases. Within the investigation program, sentencing decisions have affected the mix. For the second consecutive year, the number of offenders sentenced to probation fell from 4,212 in 1986 to 4,168 in 1987, a drop of 1.0%. Moreover, the probation rate itself (proportion of investigation cases disposed of by the courts that

are sentenced to probation) also fell from 61.0% to 60.7%. Also, the number of shock probation cases dipped slightly from 816 to 811 in 1987. Likewise, the proportion of the new probation cohort that received shock probation (jail/probation) remained flat at 19.5%. District Court (misdemeanor jurisdiction) accounted for all of the falloff in new probation cases, while for the second consecutive year the County Court (felony jurisdiction) sentenced more offenders to probation.

-- Despite growing evidence of the alleged failure of current incarceration policies in New York State, the investigation program, for the second consecutive year, reported an increase in both the commitment rate and in the absolute number of commitments. Moreover, the number of commitments reached a record high, while the commitment rate was the highest in a decade. The commitment rate rose from 28.7% in 1986 to 31.1% in 1987. Overall, commitments rose by 7.7% to a high 2,132. The increase in commitments, however, was not consistent by place. Thus, County jail sentences rose from 1,298 to a higher 1,455, for an increase of 12.1%, while State prison sentences remained flat, with a slight decline of 0.6% to number 677 in 1987. Commitment rates continue to vary significantly by court of jurisdiction -- 47.1% in the County Court versus a lower 28.0% in the District Court. County Court, with its felony jurisdiction, also makes greater use of the split sentence, with 49.0% of the new probationers receiving jail time as part of their sentence in 1987.

-- For the supervision program, 1987 could be a year of transition. The supervision of sentenced criminal offenders in the community continues to be probation's major activity, and in Nassau County, the largest single program operated by the Probation Department. Using a balanced multiple objective approach, the program seeks to provide quality probation services and does so under sometimes difficult conditions, as evidenced by the more than doubling (105.8%) of the active supervision caseload since 1980. Although this caseload rose by 3.8%, for a total of 8,427 at the close of the year, most analyses indicate that the workload in 1987 was, for the most part, flat, more so than any recent year. There was some growth in the drug and alcohol sector, but this was absorbed by additional supervision staff. In short, we have a mixed picture. A slowdown in the rate of growth in the overall supervision program has had a favorable impact on

average probation officer caseload sizes, especially in the two major programs -- regular supervision and drug and alcohol supervision. The decade of the 80's has been characterized by ever increasing caseloads. The year 1987 was different in that it was marked by the first significant declines in recent years. It should be noted that some of this decline can be attributed to an increase in staff in selected units. Moreover, average caseloads in general remain, in comparison to previous years, at a high level. For example, five years ago the average caseload in the drug and alcohol units was 14.0% lower. In the regular supervision units, it was 23.4% lower. In recent years, this trend of higher caseloads has been driven by high levels of DWI and drug offender activity in the investigation program and with sentencing resulting in high probation rates for both types of cases. Comparative results for the major supervision programs reveal that for the average probation officer in the drug and alcohol program the caseload declined from 104.3 cases in 1986 to a lower 96.7 cases in 1987. Likewise, their work reflected a decline to an average of less than one (0.89) new PSI report per probation officer per month in 1987. In the regular supervision units, the average caseload for probation officers declined from 89.1 cases in 1986 to 87.5 cases in 1987. Add to this an average of less than one (0.94) new PSI report per probation officer per month. Before further relief can be expected in this area, additional staff increases are a must.

-- The supervision program endeavors to prevent crime by reducing the recidivism of its probationers. How did the program fare in 1987? An assessment of supervision's effectiveness, using program results for the year, as measured by probationer discharge outcomes and violation of probation rates, reveals mixed results, with performance levels in some areas below those for the previous year. The success rate (% of probationers discharged as improved) for the drug and alcohol program fell to 75.9%, from a record high the previous year of 78%. Similarly, in the regular supervision program, the success rate dropped for the fourth consecutive year, from 65.6% in 1986 to 62.2% in 1987. Concomitantly, the failure rates, including those committed, rose in both programs. The gap in outcome results between the major programs is believed to be linked to variations in their respective caseloads, with DWI cases, generally older and at lower-risk, concentrated in the drug and alcohol units. The success rate for probationers

also varies significantly by age and court of jurisdiction. Thus, youthful offenders in the County Court (felony jurisdiction) had the lowest (47.0%) while District Court probationers had the highest (71.9%) success rate. The violations of probation filed rate (No. of violations filed per 100 cases under supervision for the year) for the overall supervision program fell to its lowest level in over a decade, from 9.1 in 1986 to 8.5 in 1987.

-- Greater diversity in the probation process and the need for differential services has led to more special service units in the Criminal Division; some of these include pretrial services, intensive supervision, DWI services and compact. The demand for pretrial services was mixed in 1987. In the release-on-recognizance (ROR) program, there was a further decline of 9.7%, while in the conditional release (CROC) program there was a further increase of 15.8%. ROR cases fell from 4,417 in 1986 to a lower, 3,990 in 1987. CROC cases rose from 5,309 to a higher 6,149. In the intensive supervision program, which is based on the low caseload - high-risk concept, total case activity declined only slightly, by 1.4%, to 651, while the success rate for probationers discharged as improved remained generally stable, but low, at 24.4%. However, while the violations commitment rate rose to a higher level. The DWI program -- after three complete years of operation, saw its average caseload rise from 30.8 cases in 1986 to 32.5 cases in 1987. Moreover, DWI cases, in comparison to other programs, continue to have an above-average success rate (82.9%) and a below-average failure rate. The compact unit, which supervises both active cases (those awaiting final action and acceptance by another jurisdiction) and service cases (those where final transfer has been effected but a local jurisdiction has been retained) saw an increase in its workload in 1987. By the close of the year, total active cases had risen by 6.8% to 817, while service cases increased by 20.5% to 687. This resulted in an average caseload per probation officer at the end of 1987 of 90.8 active cases and 85.9 service cases.

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

- An increase of 1.9, to a record high, in presentence investigation assignments, from 6,762 in 1986 to a higher 6,889 in 1987, for an increase of 127 for the year. This increase was distributed over both County Court and District Court.
- A small decline of 0.6% in the total number of investigations with court dispositions, from 6,904 in 1986 to 6,861 in 1987, for a decrease of 43 cases for the year. Here, too, the decline was distributed over both County Court and District Court.
- A decline, for the second consecutive year, of 5.8% in DWI investigation offenses, from 1,730 in 1986 to a lower 1,630 in 1987, a drop of 100 cases. Despite the decline, it remains the single most frequent offense in the investigation program.
- A significant increase of 56.5% in drug abuse investigations for offenses involving dangerous drugs and/or controlled substances, from 655 in 1986 to 1,025 in 1987, an increase of 370 cases.
- Property-type offenses declined, including a continuing falloff in burglaries with a drop of 16.2%, while larcenies and robberies had declines of 12.4% and 18.2% respectively.
- Unlike the seven previous years where there were increases in the average age of the investigation population, in 1987 it remained flat, with a slight decline from 26.4 years to 26.2 years.
- A decline, for the second consecutive year, of 1.0% in the number of cases receiving a sentence of probation, from 4,212 in 1986 to 4,168 in 1987, a drop of 44 cases.
- The overall probation rate for the investigation caseload -- proportion of cases receiving a sentence to probation -- declined, from 61.0% in 1986 to 60.7% in 1987.
- An increase in the overall commitment rate for the investigation caseload, for the second consecutive year, from 28.7% in 1986 to a higher 31.1% in 1987.

- The use of shock probation remained generally stable, with 816 jail/probation cases in 1986 and 811 in 1987, while its share of the total number of offenders sentenced to probation did not vary, it being 19.4% in 1986 and 19.5% in 1987.
- Sentences of investigation cases in County Court (felony jurisdiction) reflected an increase of 9.9% in probation cases in open court in 1987 and no change in youth part, while commitments declined in open court by 1.7% and in youth part by 1.7%.
- Sentences of investigation cases in District Court (misdemeanor jurisdiction) reflected a decline in probation cases of 6.6% in open court in 1987 and an increase in youth 8.5%, while commitments increased in open court by 17.1% and in youth part by 41.4%.
- The recidivism rate in the investigation program remained generally stable, it being 68.5% in 1986 and 68.3% in 1987. Moreover, it was the fifth consecutive year that the rate fell below 70%. High for this statistic in recent years was 78.4% in 1977.
- Non-whites accounted for 41.9% of the investigation caseload in 1987, up from 40.3% in 1986 and 37.3% in 1985; for whites, it was 58.1% in 1987 and 59.7% in 1986 and a higher 62.7% in 1985.
- In pretrial services, ROR investigations declined, for the second consecutive year, by 9.7%, while the CROC total caseload for 1987 rose for the fourth straight year for an increase of 15.8%.
- An increase of 3.8% in the total number of probationers under post-adjudicatory supervision for same period during the year, from 12,482 in 1986 to 12,951 cases in 1987. This was the lowest absolute increase in ten years and the lowest percentage increase since 1974.
- An increase of 3.7% in the average annual total monthly post-adjudicatory supervision caseload, from 8,346 in 1986 to 8,654 in 1987. Here, too, the rate of increase has declined.
- A decline of 7.3% in the size of the average yearly probation officer's monthly supervision caseload in the drug and alcohol units, from 104.3 cases in 1986 to 96.7 cases in 1987. Add to this an average of less than one (0.89) new PSI report per probation officer per month during 1987, as compared with 1 in 1986 and 1.6 in 1985.

- A decline of 1.8% in the size of the average yearly probation officer's monthly supervision caseload in the regular supervision units, from 89.2 cases in 1986 to a lower 87.5 cases in 1987. Add to this an average of less than one (0.94) new PSI report per probation officer per month during 1987, as compared with 1 in 1986 and 1.61 in 1987.
- A decline, (in the probationer turnover rate) for the sixth straight year, from 72% in 1986 to 70.8% in 1987; high for this statistic in recent years was an 81% turnover rate in 1979.
- A decline in the success rate (% of cases discharged as improved) for the drug and alcohol units, from 78% in 1986 to a lower 75.9% in 1987.
- A decline in the success rate (% of cases discharged as improved) for the regular supervision units, from 65.6% in 1986 to a lower 62.2% in 1987.
- Outcome results for the DWI program, after its third complete year of operation, revealed an above-average success rate of 82.9%.
- A decline of 3.5% in the total number of violations of probations filed by the Criminal Division, from 1,136 in 1986 to 1,096 in 1987, as well as a decline in the overall violation filed rate, from 9.1 violations per 100 cases under supervision during 1986 to a lower 8.5 violations per 100 cases in 1987.
- A small increase of 2.4% in the average (median period) length of time spent on probation supervision, from 20.1 months in 1986 to 20.6 months in 1987; however, this statistic continues to vary significantly by court of jurisdiction -- 30.1 months for County Court (felony jurisdiction) supervision cases and a lower 18.2 months for District Court cases in 1987.
- Non-whites, with a lower probation rate than whites, accounted for only 29% of the new probationers entering the supervision caseload in 1987, while their share of the investigation caseload was a higher 41.9%.

INVESTIGATION PROGRAM

Investigation assignments referred to the Criminal Division by the Courts during a given year are generally a more accurate barometer of the current workload for that function than the number of investigation cases sentenced or otherwise disposed of by the Courts during the same year. This was the pattern in 1987, as well as in 1984 and 1985. However, 1986 was an exception, with the number of dispositions being greater than the number of assignments by 2.1%. In 1987, the number of assignments was greater than the number of dispositions by less than one percent (0.4%). But, in terms of methodology and analysis, the dispositions group does provide a richer source of data on the investigation program. Therefore, investigation assignments referred by the Courts will be discussed here, but only briefly.

During 1987, the total number of investigation assignments reached 6,889, for an increase of 127, or 1.9% above the total 6,762 in 1986. This rate of increase compares with 1.4% in 1986, 17.7% in 1985 and 3.8% in 1984. In addition, with the increase for 1987, although small, investigations reached another record high for this program. Drug offenses rose dramatically in 1987, while DWI offenses declined for the second year in a row from a peak in 1985. See Table IIB.

An analysis of the investigation assignments by Court of jurisdiction reveals most of the increase to be in the County Court, which was similar to the previous year. In 1987, the County Court, with felony jurisdiction, accounted for 2,279, or 33.1% of the overall assignment total, while the District Court, with misdemeanor jurisdiction, contributed 4,610, or 66.9% of the total 6,889. In comparison to 1986, this represents an increase of 32 cases, or 0.7%,

in District Court and an increase of 95 cases, or 4.3%, in the County Court. See Table III.

An analysis of the investigation cases involving drug abuse offenses for 1987 reflects a dramatic increase of 56.5%, from 655 in 1986 to 1,025 in 1987, a jump of 370 cases. This compares with a small increase of only 1.1% in 1986.

An analysis of the types of drug offenses and the kinds of drugs involved in these offenses is set forth in Table IV. Sale or attempted sale of a controlled substance is the most frequent drug offense in County Court with almost two-thirds (63.4%) of the offenses falling in this category. In District Court, possession or attempted possession of a controlled substance is the single most frequent offense with more than three-quarters (76%) of the drug cases in this category. Among the various types of drugs involved in these offenses, cocaine, with a further increase for the year, continues to be the dominant drug, by far, accounting for more than one-half (54.9%) of all the various drugs. Another significant change was the jump in the number of cases with the cocaine derivative crack. In 1987, it ranked second on the list of drugs, after cocaine and ahead of marijuana. In 1986, it first appeared on the list of drugs and in 1987 increased its share by 483.7%.

Investigations With Dispositions

The number of investigation cases sentenced or otherwise disposed of by the Courts were only slightly below (0.4%) the number of investigations assigned during 1987 and slightly below (0.6%) the number sentenced in 1986. Investigations with Court dispositions totaled 6,861

TABLE III
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT

<u>Court</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	2,054	29.8	2,062	30.0	+ 8	+ 0.4
Youth Part, County	255	3.7	254	3.7	- 1	- 0.4
District	4,001	57.9	3,910	57.0	- 91	- 2.3
Youth Part, District	<u>594</u>	<u>8.6</u>	<u>635</u>	<u>9.3</u>	<u>+ 41</u>	<u>+ 6.9</u>
Total	6,904	100.0	6,861	100.0	- 43	- 0.6

INVESTIGATION ASSIGNMENTS BY COURT

<u>Court</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County and Youth Part, County	2,184	32.3	2,279	33.1	+ 95	+ 4.3
District and Youth Part, District	<u>4,578</u>	<u>67.7</u>	<u>4,610</u>	<u>66.9</u>	<u>+ 32</u>	<u>+ 0.7</u>
Total	6,762	100.0	6,889	100.0	+ 127	+ 1.9

in 1987, as compared with 6,904 in 1986, for a small drop of 43 cases, or 0.6%. This compares with increases of 4.4% in 1986 and 20.2% in 1985. In short, after a number of years of increases, the investigation program was generally flat in 1987. See Table IIB.

Courts of Jurisdiction

An analysis of the distribution of cases disposed of by the courts of jurisdiction reveals only small changes - the largest being a decline in District Court for regular cases and an increase in youthful offenders in District Court. Thus, County Court dispositions rose by 8, or 0.4%, from 2,054 in 1986 to 2,062 in 1987. Youth Part, County Court remained essentially unchanged, from 255 cases in 1986 to 254 in 1987. District Court cases fell by 91, or 2.3%, from 4,001 in 1986 to 3,910 in 1987. Youth Part, District Court rose by 41 cases, or 6.9%, from 594 to 635. In summary, changes in the major Courts of Jurisdiction were small and not significant. See Tables III and V.

Age of Offenders

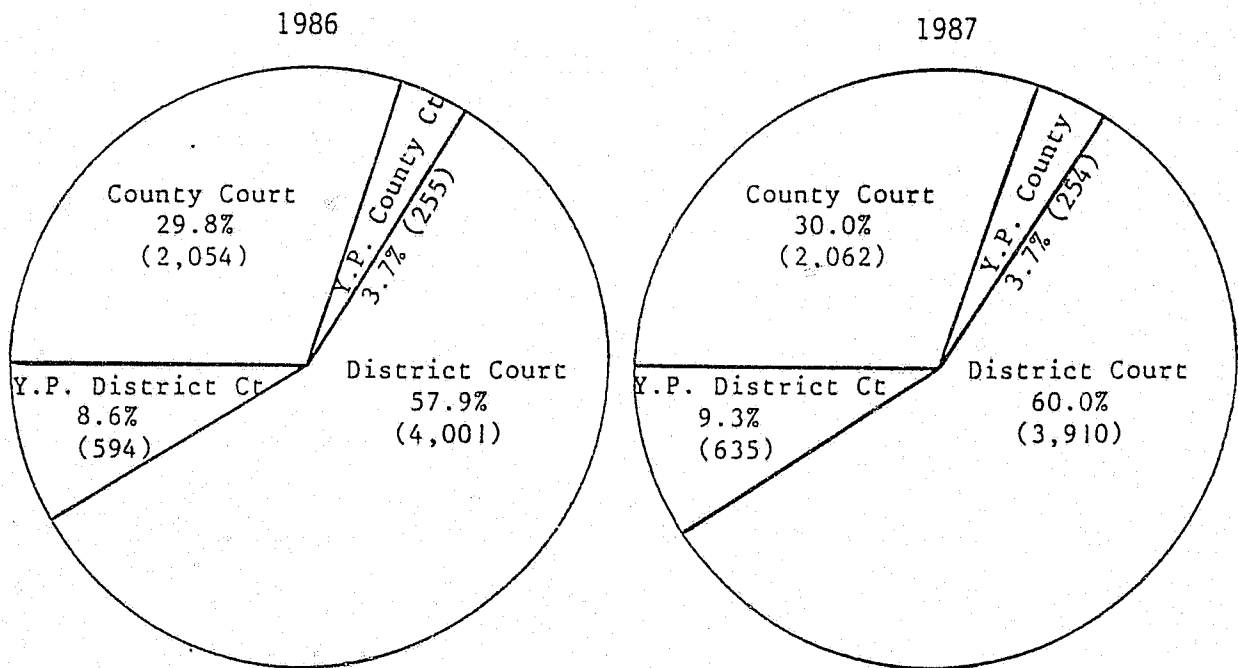
Unlike the seven previous years, when the long-term aging of the general population of Nassau County had an impact on the offender population entering probation programs whereby the average (median) age of the offenders in the investigation program rose each year, in 1987, statistics for the age factor remained generally flat. From a low of 22.6 years in 1979, the average age rose to a high of 26.4 years in 1986 but remained generally flat in 1987, declining slightly to 26.2 years. As we shall see later in this report, the aging trend noted here also had a significant impact on the supervision program. Further evidence of the peaking of this long-term aging trend is also revealed in the proportion

TABLE V
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT

Frequency and Percentage Distribution

<u>Court</u>	1986		1987	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	2,054	29.8	2,062	30.0
Youth Part, County	255	3.7	254	3.7
District	4,001	57.9	3,910	60.0
Youth Part, District	594	8.6	635	9.3
Total	6,904	100.0	6,861	100.0



of offenders in the 16 - 20 age group. After declining for seven straight years, from a high of 42.6% in 1979 to a low of 23.6% in 1986, in 1987 it rose slightly to 23.8%. Likewise, the proportion of offenders in the 16 -29 age group - after dropping in previous years - rose to 64.9% of the offenders in 1987, from a low of 63.8% in 1986. Perhaps, the trend most evident of the aging of the offender population could be observed in the 30 years and over age group. Thus, their proportion rose from a low of 25.2% in 1979 to a high of 36.2% in 1986. In 1987, it fell slightly to 35.1%. See Tables VI and VII.

Sex of Offenders

The proportions of male and female cases in the investigation program, in comparison to 1986, changed very little in 1987. Both categories sustained small declines. The distribution of the investigation caseload was 5,891, or 85.9%, males and 970, or 14.1%, females. Thus, males declined in their share by a small 0.4% versus a larger 2.1% decline for the female segment. See Table VIII.

Are female offenders managed differently by the Courts than their male counterparts. It would appear that way, but the difference here does not appear to be as significant as in the past. Moreover, variations in the male and female offense profiles remain. For example, in 1987 females were more likely to be involved in larceny (43.1%) than males (16.5%) and forgery (7.3% versus 2.5%) and less likely in burglaries (1.7% versus 4.8%) and robberies (0.7% versus 3.8%) and D.W.I. (13.7% versus 25.4%).

In 1987, the probation rate for males was 60.6%, as compared with 61.8% for females. Here, in comparison to the past, the gap has all

TABLE VI
CRIMINAL DIVISION

AGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS
DURING THE YEARS 1981-1987

<u>Age Category</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Median age - years	23.4	24.3	24.7	24.9	25.8	26.4	26.2
% in 16-20 age group	38.2%	35.0%	32.0%	31.7%	27.1%	23.6%	23.8%
% in 16-29 age group	73.8%	70.2%	70.5%	68.9%	65.9%	63.8%	64.9%
% in 30 and over age group	26.2%	29.8%	29.5%	31.1%	34.1%	36.2%	35.1%

TABLE VIII
CRIMINAL DIVISION

SEX OF OFFENDER OF INVESTIGATIONS WITH DISPOSITIONS
DURING THE YEARS 1986-1987

<u>Sex</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Male	5,913	85.6	5,891	85.9	-22	-0.4
Female	<u>991</u>	<u>14.4</u>	<u>970</u>	<u>14.1</u>	<u>-21</u>	<u>-2.1</u>
Total	6,904	100.0	6,861	100.0	-43	-0.6

INVESTIGATION ASSIGNMENTS BY SEX
DURING THE YEARS 1986-1987

<u>Sex</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Male	5,826	86.2	5,928	86.1	+102	+1.8
Female	<u>936</u>	<u>13.8</u>	<u>961</u>	<u>13.9</u>	<u>+ 25</u>	<u>+2.7</u>
Total	6,762	100.0	6,889	100.0	+127	+1.9

but disappeared. The commitment rate for males was 32.5% versus a smaller 22.7% for females. Although females continue to have a lower chance of being incarcerated than do males, in recent years, the difference here has also gotten smaller. Thus, the commitment rate, for example, for females in 1980 was only 10.9%, but by 1987, it had more than doubled to 22.7%. Moreover, 12.7% of the males received a split sentence (jail/probation) in 1987, as compared with only 6.7% of the females. But here, too, the difference has gotten smaller. For example, this distribution was 16.3% males and 7.5% females in 1980.

As a group, females continue to be somewhat older than males, although in recent years the gap here has gotten smaller. In 1987, the median age for females was 26.6 years versus a younger 26.2 years for males.

In summary, differences continue to exist in the way the Courts manage female and male offenders. Part of the differences can no doubt be attributed to gender, a carry over from the past, and attitudes which are changing slowly. However, differences between females and males are evident in offense profiles and their degree of criminality.

Residence of Offenders

In 1987, the proportion of the investigation caseload that consists of non-residents of Nassau County remained generally stable despite a decline in overall cases. The distribution was 4,888, or 71.2%, County residents and 1,973, or 28.8%, non-residents. Thus, in comparison to 1986, non-residents increased in number by 1.0%, while residents declined by 1.3%. As in previous years, the chances of being a non-resident continued to vary by both court of jurisdiction and sex. In

1987, County Court had the highest proportion of non-residents (31.6%) followed by District Court with 27.9%. Non-resident youthful offenders, however, continue to have somewhat smaller segments in both County Court (26.4%) and District Court (25.7%). On the other hand, female offenders have a higher proportion of non-residents with 32.4% versus a smaller 28.2% for male offenders. See Tables IX and X.

Type of Sentence

Analysis of the major types of sentences or dispositions for the 1987 investigation caseload revealed for the second straight year a decline in the probation rate (proportion of cases sentenced to probation) and an increase in the commitment rate. The second consecutive decline in the probation rate follows a record high for this statistic in 1985. Other types of sentences, as a group, primarily fines and discharges, experienced a significant decline.

Along with the decline in the probation rate, from 61.0% in 1986 to 60.7% in 1987 (it was 64.6% in 1985), there was also a small decline of 1% in the actual number of offenders sentenced to probation, including both straight probation and the split sentence (jail/probation) or shock probation, where a period of jail time precedes probation supervision. As indicated in Table XI below, there was a decline in the straight probation group of 1.1% and a somewhat smaller decline of 0.6% in the split sentence group. Accordingly, total probation cases fell from 4,212 in 1986 to 4,168 in 1987, for a decline of 44 cases, or 1.0%. The use of the split sentence continues to vary by court and sex. It was highest in the County Court probation group with 49.0%. It was also higher for males (20.9%) than for females (10.9%).

TABLE IX
CRIMINAL DIVISION

RESIDENCY OF OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1981-1987

<u>Residency</u>	1981		1982		1983		1984	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County	3,730	71.3	3,843	71.6	3,821	70.3	3,894	70.8
Non-resident	1,504	28.7	1,527	28.4	1,613	29.7	1,604	29.2
Total	5,234	100.0	5,370	100.0	5,434	100.0	5,498	100.0

<u>Residency</u>	1985		1986		1987	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County	4,774	72.2	4,951	71.7	4,888	71.2
Non-resident	1,837	27.8	1,953	28.3	1,973	28.8
Total	6,611	100.0	6,904	100.0	6,861	100.0

TABLE X
CRIMINAL DIVIISION

PERCENTAGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS
BY RESIDENCY FOR THE YEARS 1981-1987

<u>Residency</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Nassau County	71.3	71.6	70.3	70.8	72.2	71.7	71.2
Non-Resident	28.7	28.4	29.7	29.2	27.8	28.3	28.8
Total	100.0	100.0	100.0	100.0	100.0	100.8	100.0

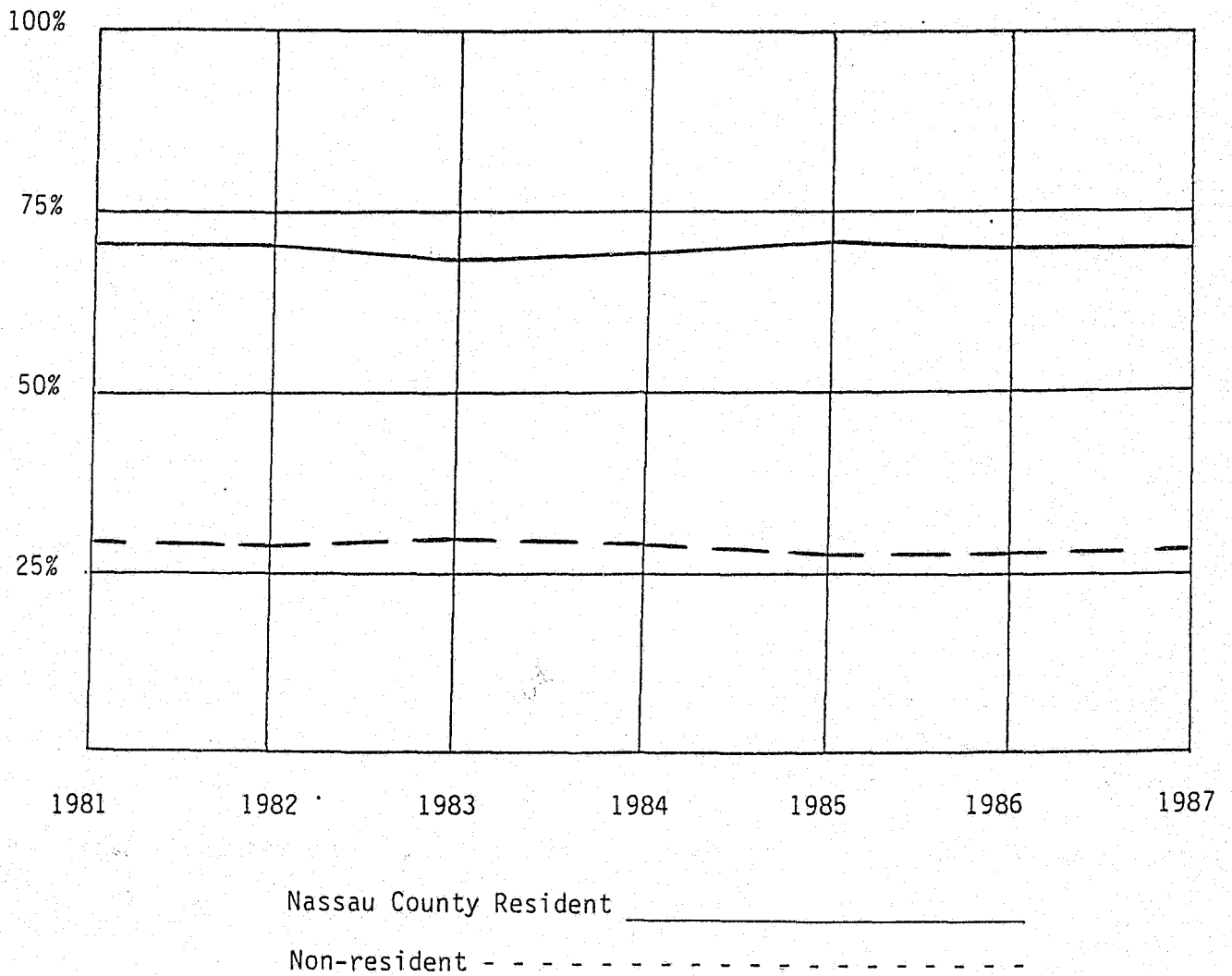


TABLE IV

DRUG ABUSE INVESTIGATION ASSIGNMENTS FROM COUNTY AND DISTRICT COURTS 1986-1987COUNTY COURT

	1986		1987		Inc/Dec. 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Poss.and/or sale or att. sale	208	63.4	375	63.4	+167	+ 80.3
Poss.or att.poss.	97	29.6	196	33.2	+ 99	+102.1
Poss. Forged Instrument	9	2.8	0	0.0	- 9	-100.0
DWI - Drugs	8	2.4	11	1.9	+ 3	+ 37.5
Other	6	1.8	9	1.5	+ 3	+ 50.0
TOTAL	<u>328</u>	<u>100.0</u>	<u>591</u>	<u>100.0</u>	<u>+263</u>	<u>+ 80.2</u>

DISTRICT COURTType of Offense

Poss.or att.Poss.	252	77.1	330	76.0	+ 78	+ 30.9
Sale or att. Sale	23	7.0	26	6.0	+ 3	+ 13.0
Att.Prom. Prison Contra.	2	0.6	1	0.2	- 1	- 50.0
DWI - Drugs	21	6.4	39	9.0	+ 18	+ 85.7
Poss.Forged Instrument	14	4.3	5	1.2	- 9	- 64.3
Other	15	4.6	33	7.6	+ 18	-120.0
TOTAL	<u>327</u>	<u>100.0</u>	<u>434</u>	<u>100.0</u>	<u>+107</u>	<u>+ 32.7</u>

COUNTY COURT	328	50.1	591	57.7	+263	+ 80.2
DISTRICT COURT	<u>327</u>	<u>49.9</u>	<u>434</u>	<u>42.3</u>	<u>+107</u>	<u>+ 32.7</u>
TOTAL	<u>655</u>	<u>100.0</u>	<u>1025</u>	<u>100.0</u>	<u>370</u>	<u>+ 36.1</u>

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

<u>Type</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Cocaine	431	59.7	619	54.9	+188	+43.6
Marijuana	122	16.9	144	12.7	+22	+1.8
Crack	43	5.9	251	22.3	+208	+483.7
Heroin	39	5.4	49	4.4	+ 10	+25.6
Valium	22	3.0	11	1.0	- 11	-50.0
LSD	10	1.4	6	0.5	- 4	-40.0
PCP	8	1.1	8	0.7	0	0.0
Angel Dust	6	0.8	4	0.3	- 2	-33.3
Quaaludes	3	0.4	1	0.0	- 2	-66.7
Hashish	4	0.6	4	0.4	0	0.0
Barbiturates	2	0.3	4	0.4	+ 2	+100.0
Amphetamines	2	0.3	0	0	- 2	-100.0
Diazepam	2	0.3	0	0	- 2	-100.0
Other	28	3.9	26	2.3	- 2	- 7.1
Total	<u>722</u>	<u>100.0</u>	<u>1,127</u>	<u>100.0</u>	<u>+405</u>	<u>+56.0</u>

TABLE XI
DISTRIBUTION OF PROBATION SENTENCES FOR THE
INVESTIGATION PROGRAM FOR THE YEARS 1986-1987

	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Probation //	<u>3,396</u>	<u>80.6</u>	<u>3,357</u>	<u>80.5</u>	<u>- 39</u>	<u>- 1.1</u>
Probation/Jail	<u>816</u>	<u>19.4</u>	<u>811</u>	<u>19.5</u>	<u>- 5</u>	<u>- 0.6</u>
Total	<u>4,212</u>	<u>100.0</u>	<u>4,168</u>	<u>100.0</u>	<u>- 44</u>	<u>- 1.0</u>

The increase in the overall commitment rate for the second consecutive year, from 28.7% in 1986 to 31.1% in 1987 (it was 25.8% in 1985) has had a continuing impact on the commitment total, which increased by 7.7%. All of this increase was in the County jail category, while there was a slight decline in those offenders sentenced to State Prison. Thus, County Jail commitments rose from 1,298 in 1986 to 1,455 in 1987, an increase of 157, or 12.1%, while State Prison sentences declined 681 to 677, a drop of 4, or 0.6%. See Table XII below.

TABLE XII
DISTRIBUTION OF THE COMMITMENT POPULATION FOR THE
INVESTIGATION PROGRAM FOR THE YEARS 1986 TO 1987

	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County Jail	<u>1,298</u>	<u>65.6</u>	<u>1,455</u>	<u>68.2</u>	<u>+157</u>	<u>+12.1</u>
State Prison	<u>681</u>	<u>34.4</u>	<u>677</u>	<u>31.8</u>	<u>- 4</u>	<u>- 0.6</u>
Total	<u>1,979</u>	<u>100.0</u>	<u>2,132</u>	<u>100.0</u>	<u>+153</u>	<u>+ 7.7</u>

In 1987, in the investigation program, as in previous years, both the probation and commitment rates continued to vary significantly by court of jurisdiction. County Court cases had the highest commitment rate - 47.1% - and the lowest probation rate - 51.1%. In contrast to County Court, which has felony jurisdiction, District Court has a higher probation rate - 62.5% versus 51.1% - and a lower commitment rate - 28.0% versus 47.1%. See Tables XIII - XVI.

Class of Offenders

An analysis of the investigation caseload by class of offender for 1987, in comparison to 1986, revealed a further small increase in the proportion of felony convictions and a decline in the proportion of misdemeanor convictions. Thus, the proportion of the investigation caseload in the felony conviction category rose from 25.8% in 1986 to 26.5% in 1987, while the number of felony cases rose from 1,780 to 1,818. On the other hand, the proportion of misdemeanor cases fell from 74.2% in 1986 to 73.5% in 1987. In short, the felony category increased by 2.1% while the misdemeanor category fell by 1.6%. See Table XVII.

In reviewing just the County Court activity, which has felony jurisdiction and including youthful offenders, we find that of the 2,316 cases, only 1,818, or 78.5%, had felony convictions. This compares with a felony conviction rate of 77.1% in 1986 and a higher 93% in 1980.

Major Categories of Crime

A crime-specific analysis, including the major categories of crime (crime-against-persons, property, drug offenses, DWI's and other), as well as other selected offenses for 1987, has revealed further changes

TABLE XIII
CRIMINAL DIVISION

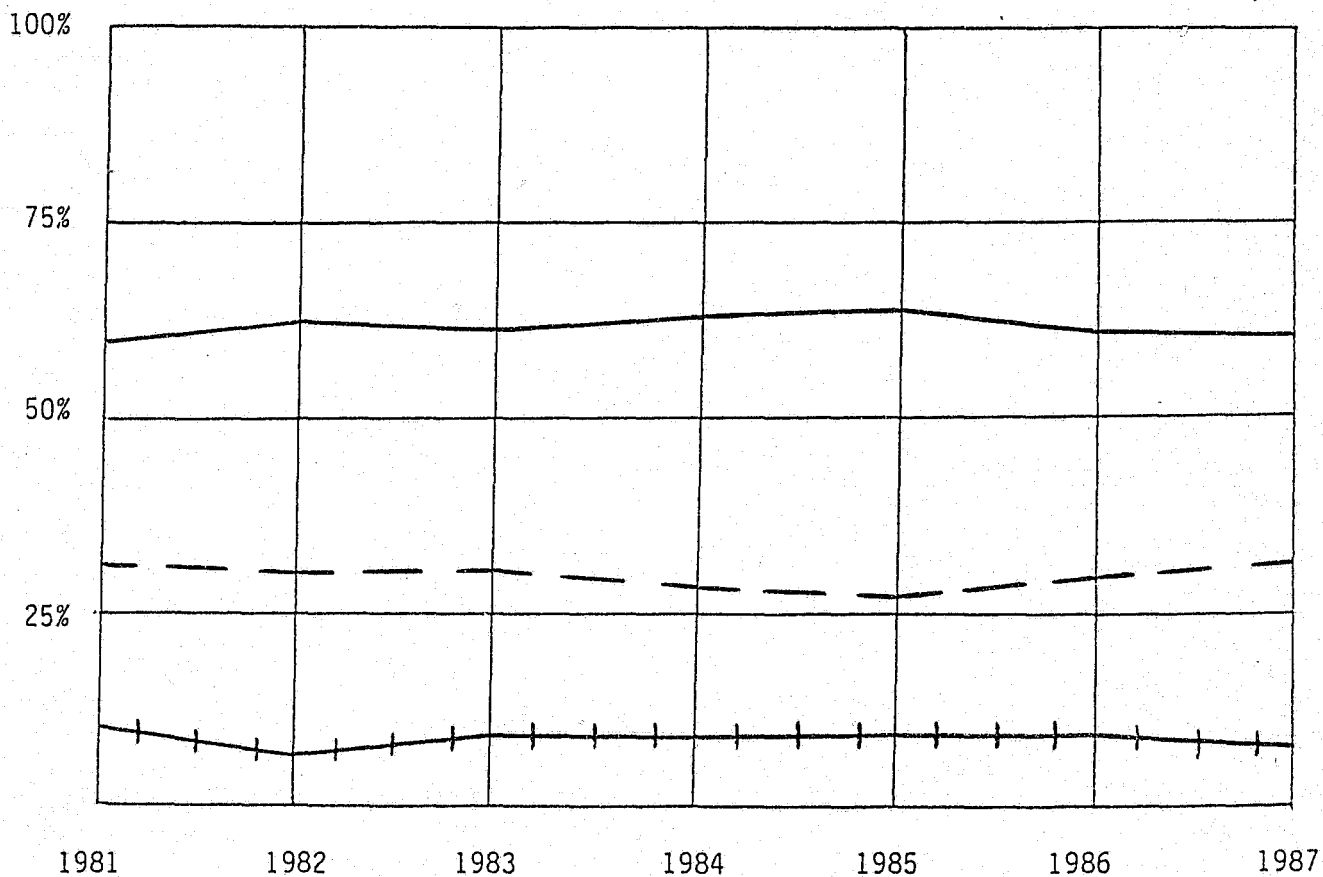
INVESTIGATIONS WITH DISPOSITIONS BY COURT AND TYPE OF SENTENCE

<u>COURTS</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>ALL COURTS</u>						
Probation	4,212	61.0	4,168	60.7	- 44	- 1.0
Committed	1,979	28.7	2,132	31.1	+153	+ 7.7
Other	<u>713</u>	<u>10.3</u>	<u>561</u>	<u>8.2</u>	<u>-152</u>	<u>-21.3</u>
Total	6,904	100.0	6,861	100.0	- 43	- 0.6
<u>COUNTY COURT</u>						
Probation	958	46.6	1,053	51.1	+ 95	+ 9.9
Committed	988	48.1	971	47.1	- 17	- 1.7
Other	<u>108</u>	<u>5.3</u>	<u>38</u>	<u>1.8</u>	<u>- 70</u>	<u>-64.8</u>
Total	2,054	100.0	2,062	100.0	+ 8	+ 0.4
<u>YOUTH PART, COUNTY</u>						
Probation	225	88.2	225	88.6	0	0.0
Committed	26	10.2	24	9.4	- 2	- 7.7
Other	<u>4</u>	<u>1.6</u>	<u>5</u>	<u>2.0</u>	<u>+ 1</u>	<u>+25.0</u>
Total	255	100.0	254	100.0	- 1	- 0.4
<u>DISTRICT COURT</u>						
Probation	2,619	65.5	2,445	62.5	-174	- 6.6
Committed	936	23.4	1,096	28.0	+160	+17.1
Other	<u>446</u>	<u>11.1</u>	<u>369</u>	<u>9.5</u>	<u>- 77</u>	<u>-17.3</u>
Total	4,001	100.0	3,910	100.0	- 91	- 2.3
<u>YOUTH PART, DISTRICT</u>						
Probation	410	69.0	445	70.1	+ 35	+ 8.5
Committed	29	4.9	41	6.4	+ 12	+ 41.4
Other	<u>155</u>	<u>26.1</u>	<u>149</u>	<u>23.5</u>	<u>- 6</u>	<u>- 3.9</u>
Total	594	100.0	635	100.0	+ 41	+ 6.9

TABLE XIV
CRIMINAL DIVISION

PERCENTAGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS
BY TYPE OF SENTENCE DURING THE YEARS 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Probation	59.2	62.5	60.4	63.4	64.6	61.0	60.7
Commitment	30.7	30.3	30.7	28.0	25.8	28.7	31.1
Other	<u>10.1</u>	<u>7.2</u>	<u>8.9</u>	<u>8.6</u>	<u>9.6</u>	<u>10.3</u>	<u>8.2</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



Probation _____
Commitment - - - - -
Other | | | | | | | | | |

TABLE XV
CRIMINAL DIVISION

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

Type	1986		1987		Inc/Dec 1987 over 1986	
	No.	%	No.	%	No.	%
Probation	4,212	61.0	4,168	60.7	- 44	- 1.1
Committed	1,979	28.7	2,132	31.1	+153	+ 7.7
Discharges & Fines	702	10.2	555	8.1	-147	-20.9
Dismissals & Acquittals	11	0.1	6	0.1	- 5	-45.5
Total	6,904	100.0	6,861	100.0	- 43	- 0.6

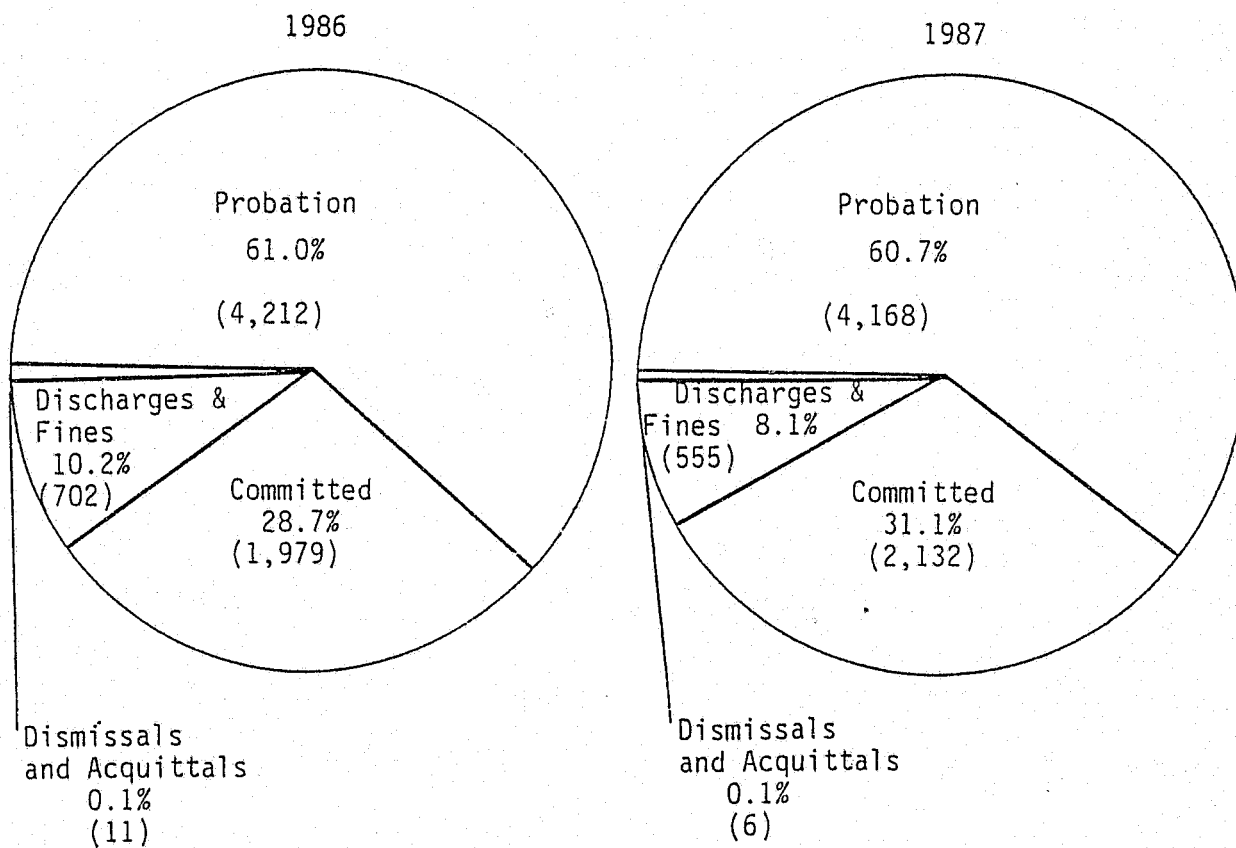


TABLE XVI
CRIMINAL DIVISION

TYPES OF SENTENCES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1981-1987

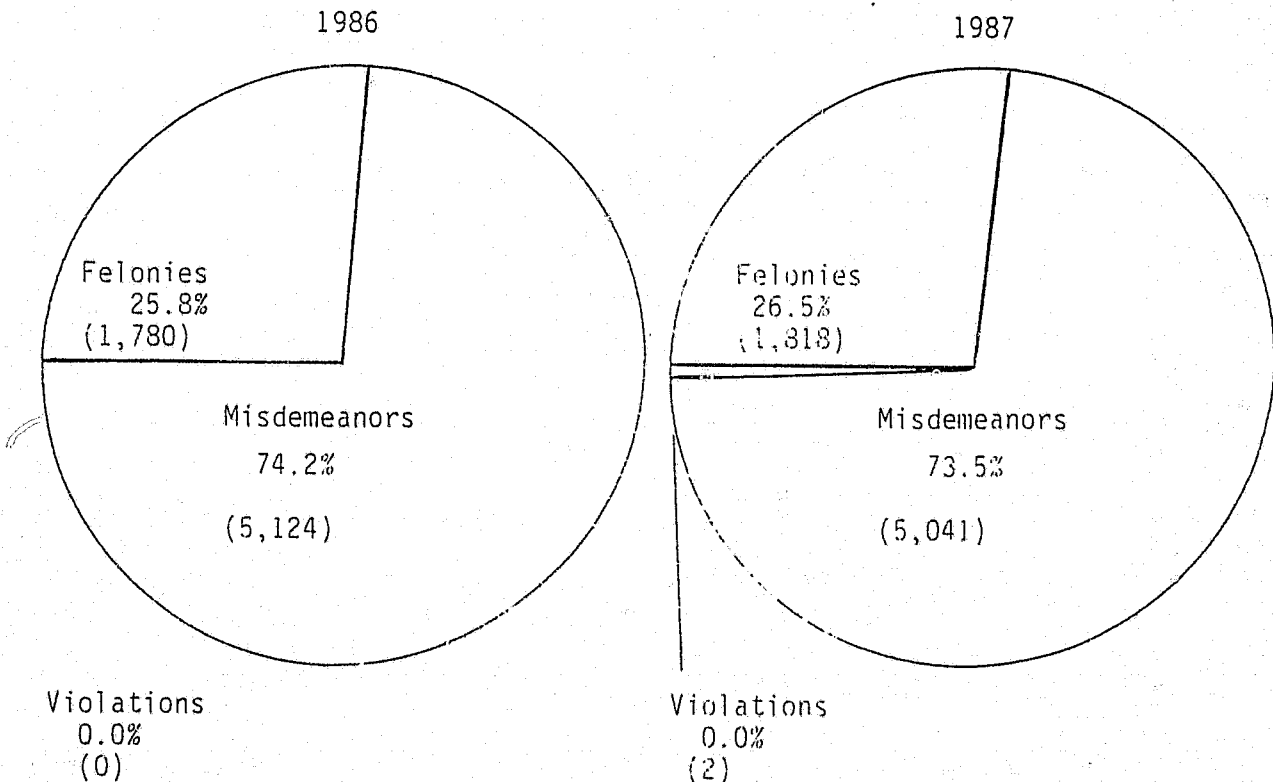
<u>Type</u>	1981		1982		1983		1984	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Probation	3,099	59.2	3,353	62.5	3,285	60.4	3,486	63.4
Commitment	1,609	30.7	1,629	30.3	1,666	30.7	1,538	28.0
Other	526	10.1	388	7.2	483	8.9	474	8.6
Total	<u>5,234</u>	<u>100.0</u>	<u>5,370</u>	<u>100.0</u>	<u>5,434</u>	<u>100.0</u>	<u>5,498</u>	<u>100.0</u>

<u>Type</u>	1985		1986		1987	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Probation	4,269	64.6	4,212	61.0	4,168	60.7
Commitment	1,706	25.8	1,979	28.7	2,132	31.1
Other	636	9.6	713	10.3	561	8.1
Total	<u>6,611</u>	<u>100.0</u>	<u>6,904</u>	<u>100.0</u>	<u>6,861</u>	<u>100.0</u>

TABLE XVII
CRIMINAL DIVISION

CLASSIFICATION OF OFFENDERS INVESTIGATED WITH
DISPOSITIONS DURING THE YEARS 1986-1987

Type	1986		1987		Inc/Dec 1987 over 1986	
	No.	%	No.	%	No.	%
Felonies	1,780	25.8	1,818	26.5	+ 38	+ 2.1
Misdemeanors	5,124	74.2	5,041	73.5	- 83	- 1.6
Violations	0	0.0	2	0.0	+ 2	0.0
	6,904	100.0	6,861	100.0	+ 43	+ 0.6



in crime trends, some of which have been underway for the past few years. The proportion of property-type crimes dropped again, for the seventh straight year, from 46.8% in 1986 to 44.8% in 1987. Larceny continues to be the single most frequent property crime, accounting for 45.3% of this category (down from 49.2% in 1986) and 20.3% of the overall investigation caseload (down from 23.0% in 1986). Possession of stolen property is the second ranking property-type crime, while burglary, which dropped again for the seventh straight year, fell to third.

The proportion of crimes-against-persons declined in its share of the investigation caseload for the third straight year, from 8.6% in 1986 to 7.8% in 1987. Assaults were down again in 1987. It is the single most frequent person-type crime, accounting for 70.9% of this category in 1987 (up from 69.2% in 1986) and 5.5% of the overall caseload (down from 5.9% in 1986). Sexual offenses are the second ranking person-type crime, accounting for 10.3% of this category (down from 11.6% in 1986).

The proportion of drug offenses rose significantly, from 8.8% in 1986 to 13.4% in 1987. Possession of a controlled substance is the single most frequent drug offense, accounting for 52.2% of all drug offenses (down from 54.4% in 1986) and 7.0% of the overall investigation caseload. Sale of a controlled substance is the second ranking drug offense, accounting for 37.9% of this category in 1987, and 5.1% of the overall investigation caseload.

Driving while intoxicated (DWI) declined for the second consecutive year. It fell by 5.8%. After five straight years of large increases, it reached a peak in 1985. Other types of offenses, as a group, experienced a small decline in its proportion, from 10.7% in 1986 to 10.2% in 1987. See Tables XVIII, XIX, and XX.

Further analysis of the various types of crimes included in the investigation caseload, using a comparative ranking for the two-year period 1986 - 1987, provides additional evidence of the changes in the offender profile. Of the total investigation caseload with dispositions in 1987, the ten most frequent criminal offenses accounted for 79.4% (5,448) of the total 6,861 cases. They are set forth below, in Table XXI, in rank order, along with a comparable distribution for 1986. A review of these data reveal the identical offenses for both years but some significant changes in their respective ranking. DWI's, despite a second year decline, continues to rank first, with 23.8% of the caseload. Larcenies rank second, followed by possession of a controlled substance, assault and sale of a controlled substance. As the single most frequent offense, DWI's continue, for the third consecutive year, to dominate the investigation program. Furthermore, because of the high probation rate for this offense, it also continues to have a dramatic impact on the supervision program. Other significant changes evident in Table XXI pertain to the decline in property crime, represented by burglary - off 16.2% and robbery - off 18.2% and now ranked seventh and eighth respectively, and the rise in drug offenses, represented by possession of controlled substances - up 44.9%, and now ranked third, and sale of a controlled substance - up 65.1%, and now ranked fifth.

TABLE XVIII
CRIMINAL DIVISION

TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH
DISPOSITIONS DURING THE YEARS 1986-1987

Type	1986		1987		Inc/Dec 1987 over 1986	
	No.	%	No.	%	No.	%
Crimes-against- persons	597	8.6	536	7.8	- 61	- 10.2
Crimes-against- property	3,230	46.8	3,071	44.8	- 159	- 4.9
Drug Offenses	610	8.8	922	13.4	+ 312	+ 51.1
DWI Offenses	1,730	25.1	1,630	23.8	- 100	- 5.8
Other	737	10.7	702	10.2	- 35	- 4.7
Total	6,904	100.0	6,861	100.0	- 43	- 0.6

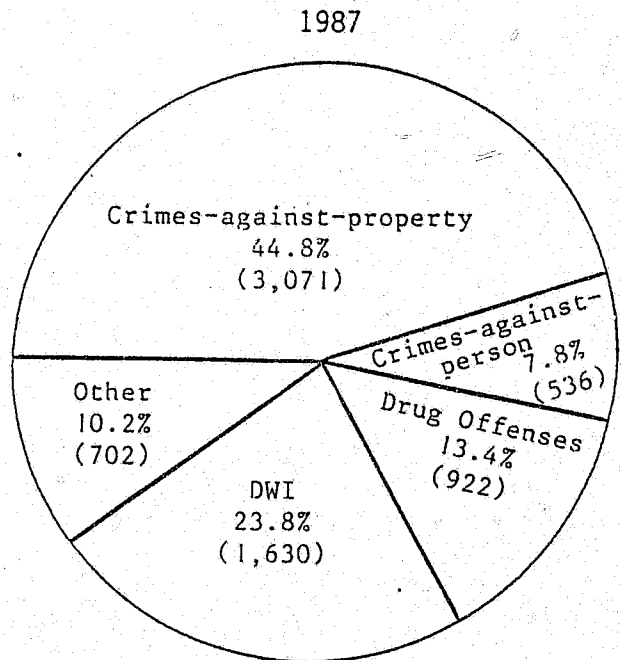
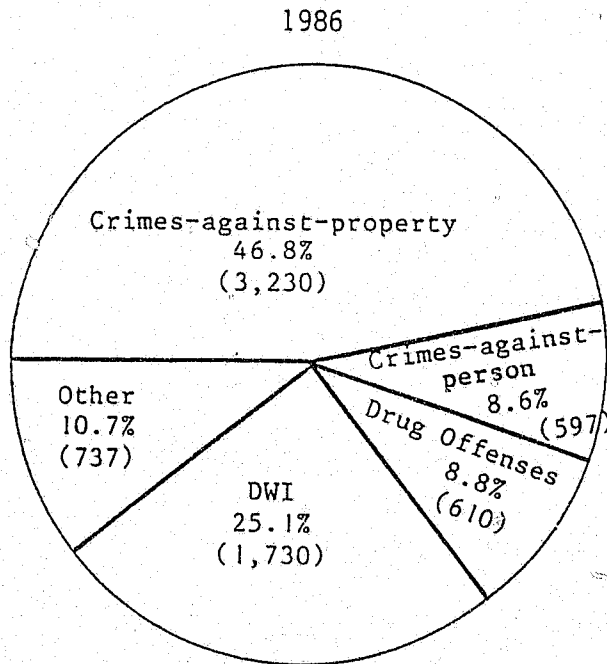
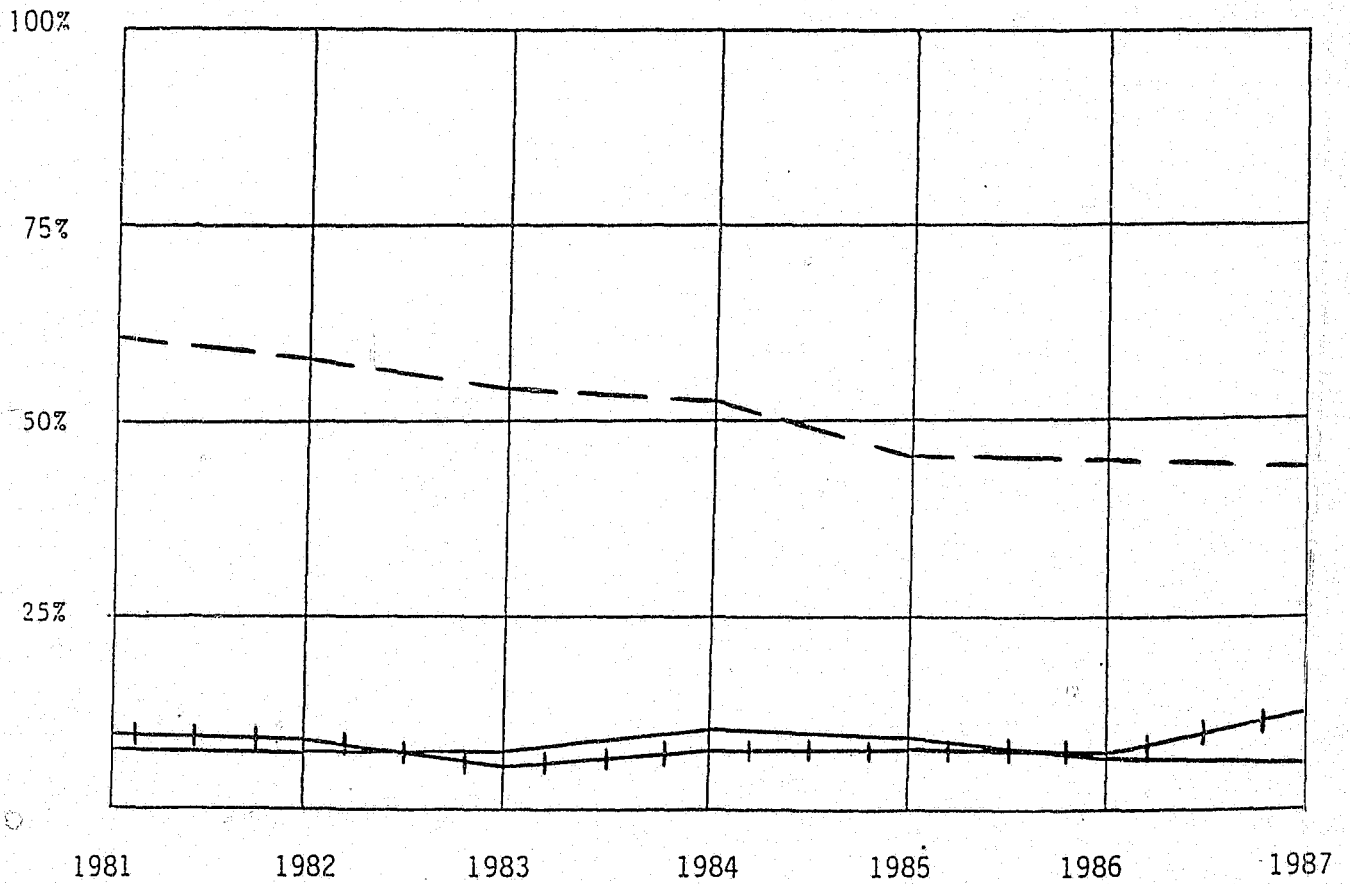


TABLE XIX
CRIMINAL DIVISION

PERCENTAGE OF TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Crimes-against-person	9.7	9.6	9.2	10.0	9.5	8.6	7.8
Crimes-against-property	61.9	57.8	54.2	52.4	47.1	46.8	44.8
Drug Offenses	9.9	9.7	8.5	8.9	9.3	8.8	13.4
Other	<u>18.5</u>	<u>22.9</u>	<u>28.1</u>	<u>28.7</u>	<u>34.1</u>	<u>35.8</u>	<u>34.0</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



Crime-against-person _____
 Crime-against-property - - - - -
 Drug Offenses | | | | | | | | | |

TABLE XX

CRIMINAL DIVISION

TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1981-1987

<u>Type</u>	1981		1982		1983		1984	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Crimes-against-person	509	9.7	514	9.6	500	9.2	550	10.0
Crimes-against-property	3,242	61.9	3,106	57.8	2,942	54.2	2,879	52.4
Drug Offenses	517	9.9	521	9.7	464	8.5	490	8.9
Other	966	18.5	1,229	22.9	1,528	28.1	1,579	28.7
Total	<u>5,234</u>	<u>100.0</u>	<u>5,370</u>	<u>100.0</u>	<u>5,434</u>	<u>100.0</u>	<u>5,498</u>	<u>100.0</u>

<u>Type</u>	1985		1986		1987	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Crimes-against-person	630	9.5	597	8.6	536	7.8
Crimes-against-property	3,115	47.1	3,230	46.8	3,071	44.8
Drug Offenses	616	9.3	610	8.8	922	13.4
Other	2,250	34.1	2,467	35.8	2,332	34.0
Total	<u>6,611</u>	<u>100.0</u>	<u>6,904</u>	<u>100.0</u>	<u>6,861</u>	<u>100.0</u>

TABLE XXI

TEN RANKING CRIMINAL OFFENSES FOR THE INVESTIGATION
PROGRAM FOR 1986 AND 1987

1986				1987			
Rank	Offense	N	% Total	Rank	Offense	N	% Total
1	DWI	1,730	25.1	1	DWI	1,630	23.8
2	Larceny	1,588	23.0	2	Larceny	1,391	20.3
3	Assault	413	5.9	3	Poss.Cont.Subst.	481	7.0
4	Burglary	358	5.2	4	Assault	380	5.5
5	Poss.Cont.Subst.	332	4.8	5	Sale Cont.Subst.	350	5.1
6	Robbery	285	4.1	6	Poss.Stol.Ppty	306	4.5
7	Poss.Stol.Ppty	277	4.0	7	Burglary	300	4.4
8	Crim.Mischief	236	3.4	8	Robbery	233	3.4
9	Sale Cont.Subst.	212	3.1	9	Crim.Mischief	222	3.2
10	Poss.Dang.Weap.	179	2.6	10	Poss.Dang.Weap.	155	2.3

Recidivism

Recidivism, in the context used in this report, gives some indication of the degree of previous criminality of the investigation caseload with dispositions during a given year. This, of course, includes but is not limited to those cases that were previously known to probation and the Criminal Division. During 1987, the overall recidivism rate (% of cases investigated and disposed of during the year with a record of prior convictions as an adult or juvenile) fell only slightly, from 68.5% in 1986 to 68.3%.

An analysis of the trend in recidivism rates in the investigation program reveals that 1987 was the fifth consecutive year that the rate fell below 70%. Also, there were five straight years of declines before a low of 66.5% was reached in 1985 to be followed by a small increase to its present level of 68.3%. During the previous decade, the recidivism rate for this program was generally higher.

Moreover, it is believed that the falloff here is linked to the change in the offender population, as indicated by the drop in property-type crimes, such as burglary and robbery, and the dramatic rise in DWI offenders, which has remained generally flat for the past two years. But despite a lower recidivism rate than in past years, it still remains high enough to create difficult problems for the supervision program. Note that more than two-thirds (68.3%) of the investigation caseload continues to have a record of prior conviction. Thus, difficult offenders continue to enter the supervision caseload, for in terms of risk assessment, the recidivism variable is an important and powerful one, and according to the most recent research findings based on local studies, the presence or absence of a prior criminal or juvenile record has a significant impact on the offender's adjustment to probation supervision and outcome after discharge. See Tables XXII and XXIII.

Pretrial Services

In 1987, pretrial services reported a mixed year for their two major programs. The Release-On-Recognizance (ROR) program sustained a decline for the second consecutive year while the Conditional Release Program (CROC) experienced an increase for the fourth straight year.

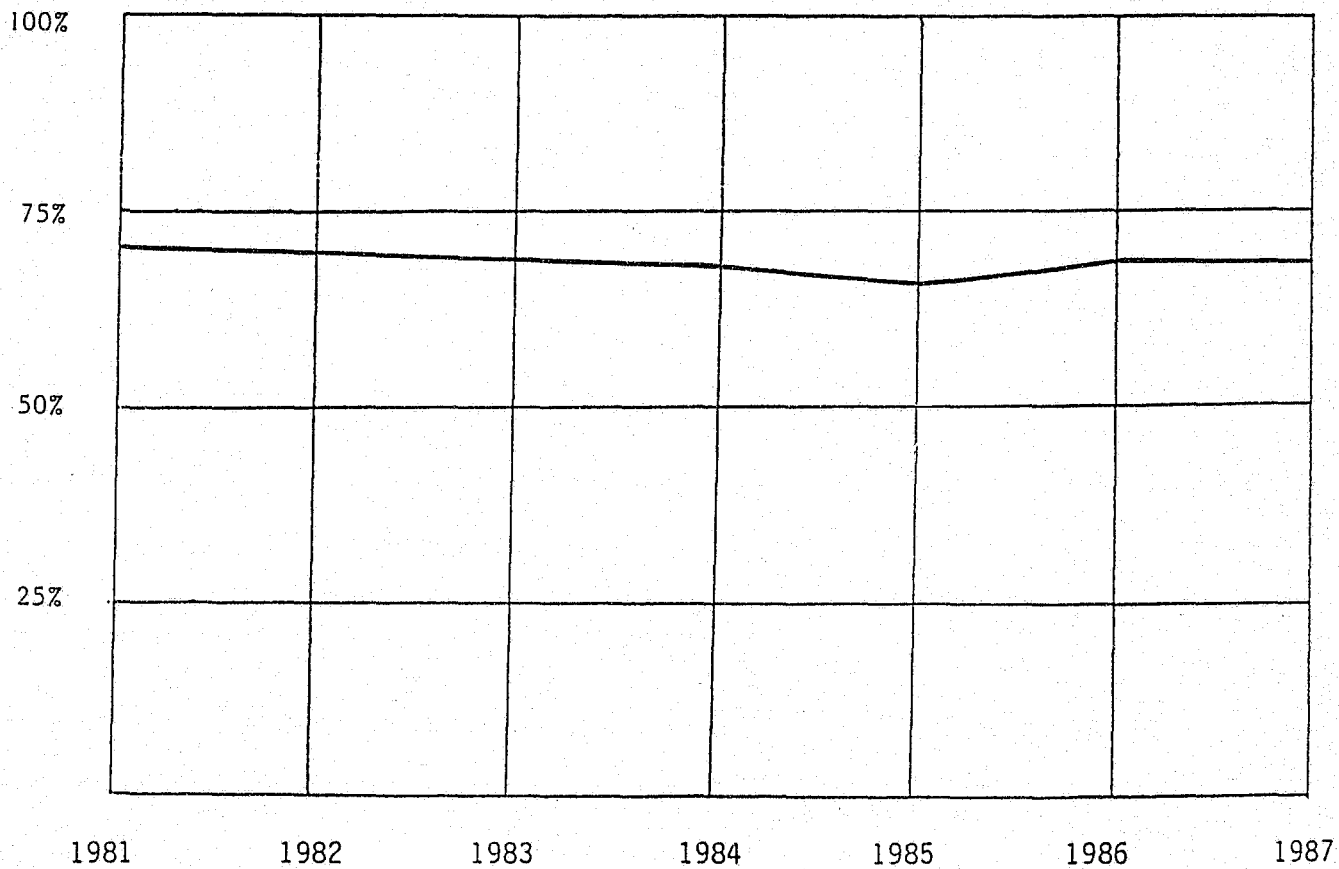
The ROR program, after two consecutive years of increases, sustained a drop in its workload for both 1986 and 1987. Total ROR investigations fell from 4,417 in 1986 to a lower 3,990, for a decline of 427, or 9.7%. Total cases in 1985 reached 4,952. Analysis by type of crime, felony or misdemeanor, revealed that -- as in the previous year -- all of the decline was in the misdemeanor category. In 1987, felony

TABLE XXII
CRIMINAL DIVISION

RECIDIVISM

PERCENTAGE OF INVESTIGATIONS WITH DISPOSITIONS DURING
THE YEARS 1981-1987 WITH A PRIOR CONVICTION RECORD

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Total Cases	5,234	5,370	5,434	5,498	6,611	6,904	6,861
Percent Recidivist	71.1%	70.9%	69.4%	68.4%	66.5%	68.5%	68.3%



Recidivism Rate _____

TABLE XXIII
CRIMINAL DIVISION

RECIDIVISM IN INVESTIGATION CASELOAD
PERCENTAGE OF INVESTIGATIONS WITH DISPOSITIONS DURING THE YEARS
1982-1987 WITH A PRIOR CONVICTION RECORD

<u>Type</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
All Cases	70.9% (N) (5370)	69.4% (N) (5434)	68.4% (N) (5498)	66.5% (N) (6611)	68.5% (N) (6904)	68.3% (N) (6861)
<u>Court</u>						
County	70.7% (1581)	71.9% (1643)	73.7% (1654)	71.1% (1722)	72.2% (2054)	73.8% (2062)
72 Y.P. County	44.5% (391)	47.1% (295)	35.4% (322)	32.6% (298)	27.1% (255)	32.7% (254)
District	82.3% (2728)	77.3% (2847)	78.2% (2855)	73.4% (3893)	74.4% (4001)	74.5% (3910)
Y.P. District	40.4% (670)	38.4% (649)	29.4% (677)	31.5% (698)	33.7% (594)	26.6% (635)

cases actually rose by a small number, from 2,410 the previous year to 2,452, a gain of 42, or 1.7%. On the other hand, misdemeanor cases dropped sharply, from 2,007 in 1986 to 1,538 in 1987, for a decline of 469 cases, or 23.4%. Analysis of the ROR workload by court of jurisdiction reveals another sharp falloff in the District Court. In 1987, its caseload fell by 399 cases, or 9.9%, from 4,030 in 1986 to 3,631 in 1987. Moreover, County Court, with a smaller caseload, also declined by 28 cases, or 7.2%, from 387 in 1986 to 359 in 1987. The end result saw the proportion of the ROR caseload from County Court rise from 8.8% to 9.0% in 1987. The distribution of the caseload by gender changed only slightly; the proportion of females was 14.3% in 1986 and dropped to 13.9% in 1987. See Tables XXIV and XXV.

The Conditional Release Program (CROC) experienced its fourth straight year of growth. During 1987, a total of 6,149 defendants received the services of this program, up from 5,309 in 1986, for an increase of 840 cases, or 15.8%. Also, further evidence of the increase in this program can be observed in the average monthly total CROC caseload, which rose from 1,546 in 1986 to 1,727 in 1987, a rise of 181 cases, or 11.7%. Analysis of the CROC cases by type of crime, felony or misdemeanor, reveals the increase to be distributed over both categories but somewhat larger for misdemeanor cases, with 16.9% versus 13.6% for the felony group. The end result was that misdemeanor cases comprised 68.0% in 1987, which was similar to the previous year. Distribution of the CROC caseload by sex revealed an above average increase for females, it being 22.2% versus only 14.3% for males. Thus, females comprised 20.3% of the CROC caseload in 1987 and 19.2% in 1986. See Table XXVI below and Table XXVII.

TABLE XXIV
CRIMINAL DIVISION

RELEASE-ON RECOGNIZANCE INVESTIGATIONS COMPLETED, BY TYPE
OF CRIME, FELONY OR MISDEMEANOR, DURING THE YEARS 1986 and 1987

<u>Type of Crime</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony	2,410	54.6	2,452	61.5	+ 42	+ 1.7
Misdemeanor	2,007	45.4	1,538	38.5	- 469	-23.4
Total	4,417	100.0	3,990	100.0	- 427	- 9.7
<u>Sex</u>						
Male	3,785	85.7	3,437	86.1	- 348	- 9.2
Female	632	14.3	553	13.9	- 79	-12.5
Total	4,417	100.0	3,990	100.0	- 427	- 9.7

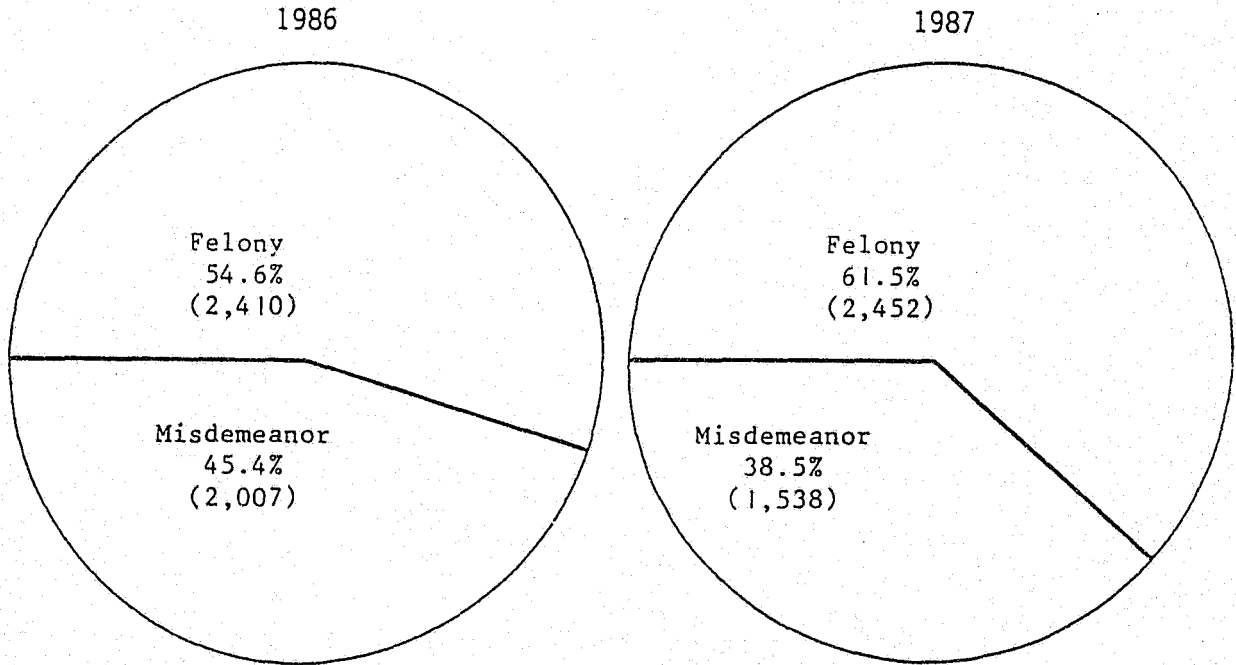


TABLE XXV
CRIMINAL DIVISION

RELEASE-ON-RECOGNIZANCE INVESTIGATIONS COMPLETED, BY COURT
OF JURISIDCTION, DURING THE YERAS 1986 and 1987

<u>Court</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	387	8.8	359	9.0	- 28	- 7.2
District	<u>4,030</u>	<u>91.2</u>	<u>3,631</u>	<u>91.0</u>	<u>-399</u>	<u>- 9.9</u>
Total	4,417	100.0	3,990	100.0	-427	- 9.7
<u>Sex</u>						
Male	3,785	85.7	3,437	86.1	-348	- 9.2
Female	<u>632</u>	<u>14.3</u>	<u>553</u>	<u>13.9</u>	<u>- 79</u>	<u>-12.5</u>
Total	4,417	100.0	3,990	100.0	-427	- 9.7

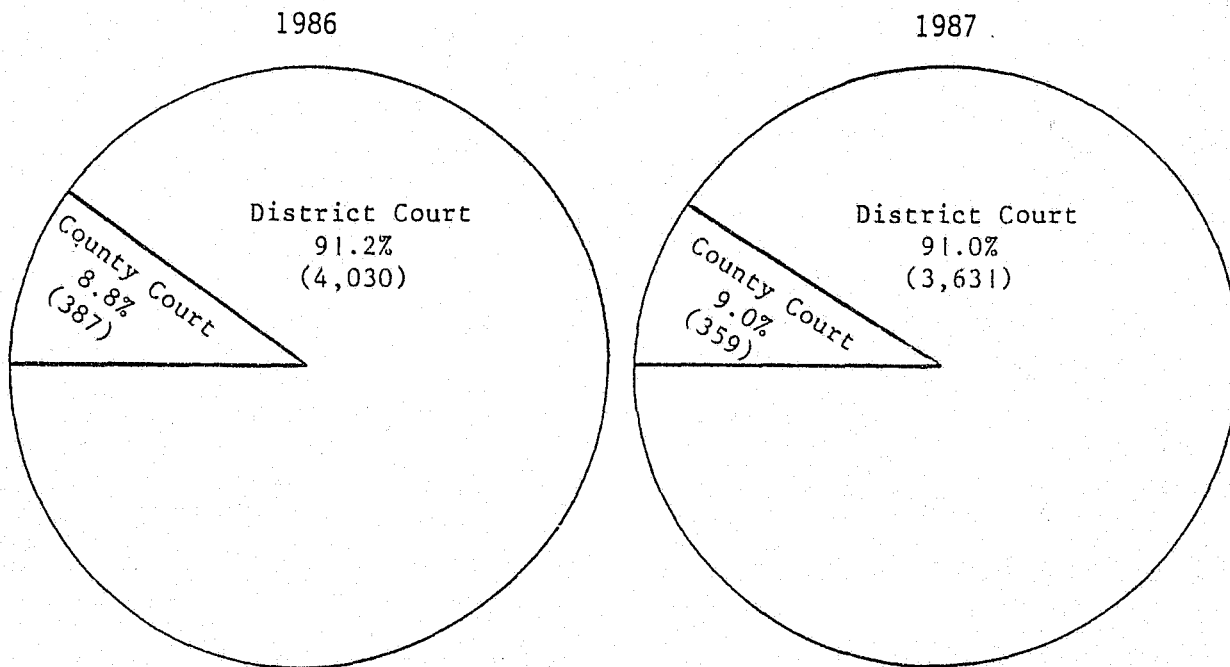


TABLE XXVI

PRETRIAL CONDITIONAL RELEASE PROGRAM

	<u>1986</u>	<u>1987</u>	<u>Inc/Dec</u>	
			<u>1987</u> <u>No.</u>	<u>over</u> <u>%</u> <u>1986</u>
Total Cases under Supervision	5,309	6,149	+840	+15.8
Average Monthly Total Caseload	1,546	1,727	+181	+11.7

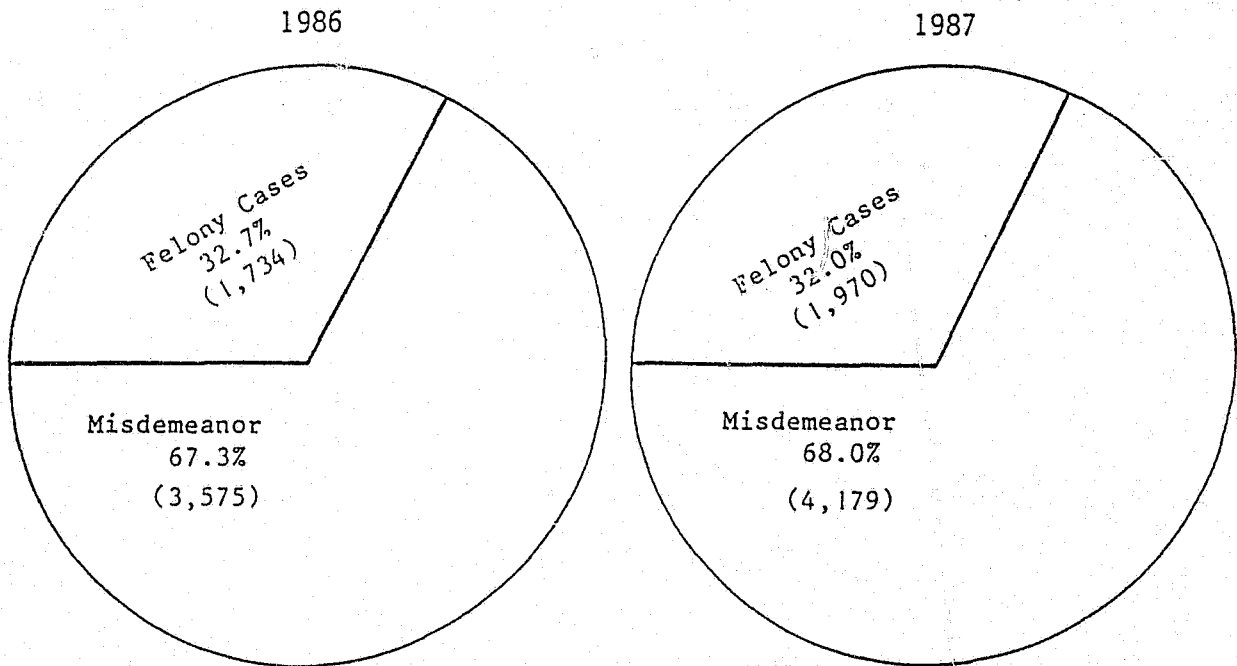
CRIMINAL DIVISION SUPERVISION PROGRAM

In this section, a brief look at the past should be informative and helpful in placing the supervision program in perspective for the present and future. The impact of the crime problem in this area has been very dramatic as evidenced by the more than doubling (105.8%) of the active supervision caseload since 1980. During the past year, sentencing reform was a popular subject in New York State. For the present, though, alternatives to incarceration (ATI) continues to be the focus of much of the attention and effort in the corrections field. The ATI and community-based programming concepts encompass a range of activities, including fines, restitution, community service, house arrest and electronic home detention. No matter how these programs are configured, more often than not they can be spelled PROBATION. And rightly so, for probation is the linch-pin, and should remain so, for most community-based corrections.

TABLE XXVII
CRIMINAL DIVISION

TOTAL PRETRIAL CONDITIONAL RELEASE PROGRAM
CASELOAD DISTRIBUTED BY TYPE OF OFFENSE, FELONY OR MISDEMEANOR,
FOR THE YEARS 1986 AND 1987

<u>Type</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony	1,734	32.7	1,970	32.0	+236	+13.6
Misdemeanor	3,575	67.3	4,179	68.0	+604	+16.9
Total	5,309	100.0	6,149	100.0	+840	+15.8
<u>Sex</u>						
Male	4,288	80.8	4,901	79.7	+613	+14.3
Female	1,021	19.2	1,248	20.3	+227	+22.2
Total	5,309	100.0	6,149	100.0	+840	+15.8



Probation programs today remain a blend of the old and the new. A seemingly intractable crime problem, as well as other problems associated with the criminal justice system, such as prison and jail overcrowding, have had their impact on all aspects of the probation process. However, despite the development of a wide range of new programs and services to meet these demands, as well as the needs of a changing philosophy of justice, the supervision of sentenced criminal offenders in the community continues to be probation's major effort, and, in Nassau County, the largest single program operated by the Probation Department. At the close of 1987, some 9,012 offenders were on probation in both the Criminal and Family Divisions, with the vast majority - 93.5% - being adult criminal offenders under supervision by the Department's Criminal Division. In recent years, the problems of probation supervision in general have been exacerbated by overcrowding in our prisons and jails. Efforts to meet this challenge have focused on the need for quality probation, which has never been greater, and a new emphasis on the so-called justice model probation, or a just deserts approach to offenders. Most importantly, the rehabilitation concept was never discarded, discredited though it may have been in some criminal justice circles.

Given today's climate in criminal justice, it is probably more critical than ever whereby in assessing the supervision program an effort must be made to keep in perspective the multiple objectives of probation. Also, as part of this process, it is necessary to keep in mind the related problems of recidivism and repeat offenders, as well as rising caseloads. These problems, while not new, have been further

exacerbated by the shortage of space in our prisons and jails and the public's demand for some kind of punishment, on the other hand, and the decline in resources available for governmental services in general, on the other.

Probation has had to confront this dilemma while maintaining a balance in its multiple objective approach and still provide punishment through a just deserts model. Quality probation can make a difference here, for the effectiveness and efficiency with which the supervision program accomplishes its principal objectives of maintaining selected criminal offenders in the community during the correctional process and to provide effective monitoring of and services to probationers to promote law-abiding behavior can have significant impact on the aforementioned problems. Thus, the supervision program must emphasize quality probation, for by doing so it can reduce crime and, most importantly, can do so far more economically with selected offenders than prisons and jails, thereby conserving these limited resources for the more serious offender.

In 1987, the problems associated with probation supervision were not unlike those experienced in previous years. Once again, however, selected trends were also present in 1987 which could, over time, have a favorable impact on some of these problems in the future. For the past year, though, high levels of recidivists (68.3%) in the investigation program continued to assure that high-risk probationers enter the supervision caseload because almost two-thirds (60.7%) of the investigation caseload is sentenced to probation. Furthermore, the probationer with the prior record is a higher risk for failure and, as such, can require more staff resources. Accordingly, the supervision

process, a complex task under ideal conditions, was made more difficult in 1987 by a higher caseload, crime-prone recidivists, and other time-consuming tasks, such as violations of probation and presentence investigation reports.

As discussed elsewhere in this report, the supervision program also benefited from the continuation of a number of positive trends. In 1987, as in recent years, the probationers, as a group, were older, with fewer property offenders, such as burglary and robbery types, but more DWI and drug abuse offenders. Also, the results in the operational area were positive. A review and comparative analysis of selected activities in the Criminal Division's supervision program, including the regular and drug and alcohol supervision units, the intensive supervision units and the compact and warrant units, indicate that the program is meeting its operational objectives. In addition, a DWI unit formed in 1984 continued to manage special cases in 1987. Also, some drug and alcohol supervision units received additional staff. Not to be underestimated in accomplishing the program's mission was the support received by a long-term staff with extensive experience and limited turnover.

A brief summary statement, using a comparative analysis and statistical highlights for the two-year period, would indicate that the supervision workload in 1987 was for the most part flat, more so than any recent year. What growth there was, was largely in the drug and alcohol sector and was absorbed by additional supervision staff. In comparison to 1986, the year 1987 saw an increase of 3.8% in the total overall caseload, but a decline of 1.8% in the average probation officer's caseload in the regular units, a decline of 7.3% in the average

probation officer's caseload in the drug and alcohol units, and a decline of 7.7% in the average caseload of a probation officer in the intensive supervision program. Thus, the average probation officer's caseload in the drug and alcohol units fell from 104.3 cases in 1986 to 96.7 cases in 1987. This compares with a similar decline in the regular units of from 89.1 cases in 1986 to 87.5 cases in 1987.

Other findings for the regular units for 1987 indicate a further decline in the success rate for the discharged probationers, a small decline in the average number of contacts per probationer and an increase in the violation rate. Findings for the drug and alcohol units reveal a decline in the success rate for discharged probationers, an increase in the average number of contacts per probationer, and an increase in the violation rate. For the intensive supervision program, there was an increase in the average number of case contacts. The ISP probationer discharge outcome results were again mixed but similar to the previous year, with some small improvements noted in selected areas. Although there was a slightly lower violation rate, the violation commitment rate was higher. Also, the success rate for ISP probationers rose slightly. Findings for the compact unit reflect an increase in the overall caseload, but a small drop in the average probation officer's active caseload. Other findings for the year 1987 are set forth below, along with a more detailed analysis of the entire supervision program.

Probationer Turnover Rate

During 1987, the probationer turnover rate declined for the sixth straight year, from 72% in 1986 to a lower 70.8% in 1987. High in recent years was an 81% turnover rate in 1979. The probationer turnover

rate represents the movement or flow of cases during a given year, and includes those placed on probation by the local courts, transfers in and out of the county and all discharges, and to some extent reflects the degree of caseload instability or mobility of cases in the Criminal Division, or, more specifically, in the supervision program. See Table XXVIII.

Post-Adjudicatory Supervision

The total number of probationers under post-adjudicatory supervision in the regular, drug and alcohol, DWI, intensive supervision and compact unit programs for some period of time during 1987, increased by 3.8%, for the lowest absolute increase in ten years and the lowest percentage increase since 1974. This caseload rose from 12,482 in 1986 to 12,951 in 1987, for an increase of 469. Although this was the thirteenth straight year for increases in this statistic and represents another record high in the active post-adjudicatory program, it is, as noted above, below average for recent years. See Table XXIX.

The regular supervision program's share of the total caseload increased by 3.8%, from 4,269 in 1986 to 4,431 cases in 1987. The drug and alcohol program increased its share by 10.4%, from 4,999 in 1986 to 5,519 cases in 1987. The intensive supervision program, completing its ninth year of operation with a generally flat workload, fell from 660 in 1986 to 651 cases in 1987. The DWI program, in its fourth year of operation, had a total of 206 cases for the year, down from 212 cases in 1985, for a small decline of 2.8%. See Table XXX.

As we shall see in more detail in subsequent sections of this report, the above changes in the total cases for the various programs

TABLE XXVIII
CRIMINAL DIVISION

PROBATIONER TURNOVER RATE DURING THE YEARS 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Total Cases Post-adj. under Supervision	8,231	8,816	9,291	9,845	11,243	12,482	12,951
Cases Entering/ Departing Caseload	6,515	6,909	7,074	7,291	8,195	9,008	9,171
Turnover Rate	79%	78%	76%	74.1%	72.9%	72.2%	70.8%

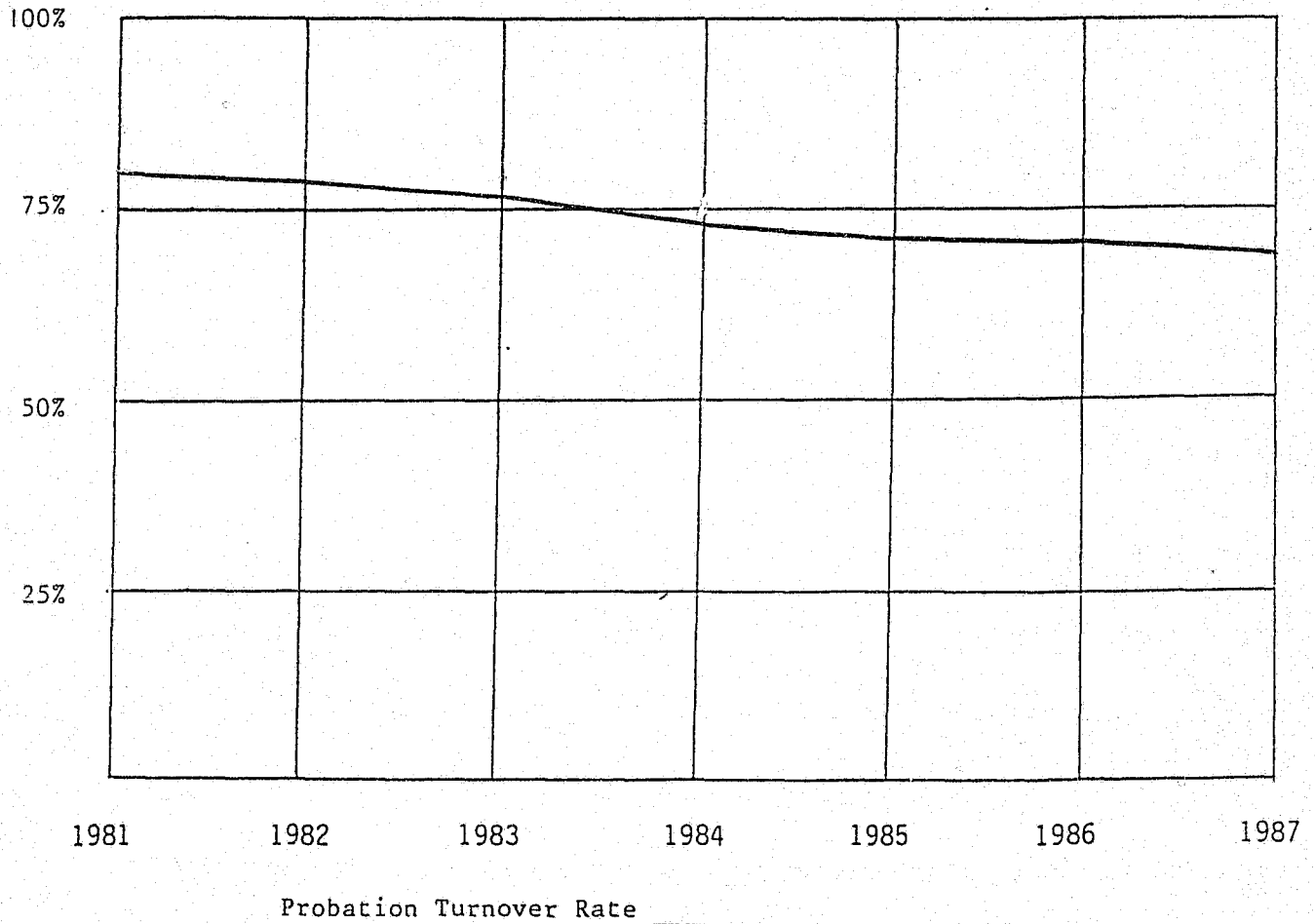
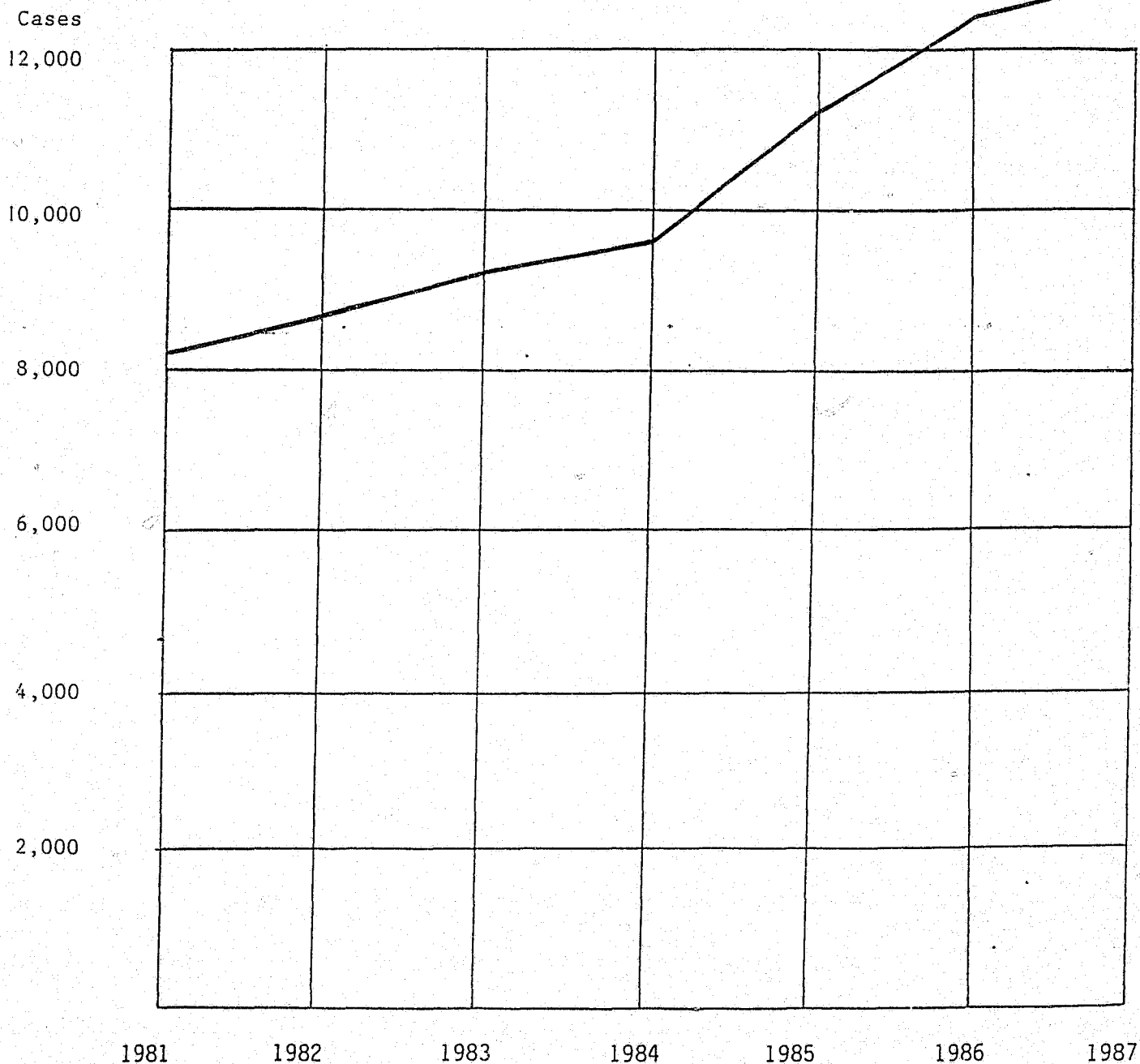


TABLE XXIX
CRIMINAL DIVISION

TOTAL ACTIVE (POST-ADJUDICATORY) SUPERVISION CASELOAD DURING
THE YEARS 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Total Post Adjud.							
Cases under Superv.	8,231	8,816	9,291	9,845	11,243	12,482	12,951
Inc/Dec over							
Previous Year	+ 729	+ 585	+ 475	+ 554	+1,398	+1,239	+ 469
% Inc/Dec. over							
Previous Year	+ 9.7%	+ 7.1%	+ 5.4%	+ 5.9%	+14.2%	+11.0%	+ 3.8%

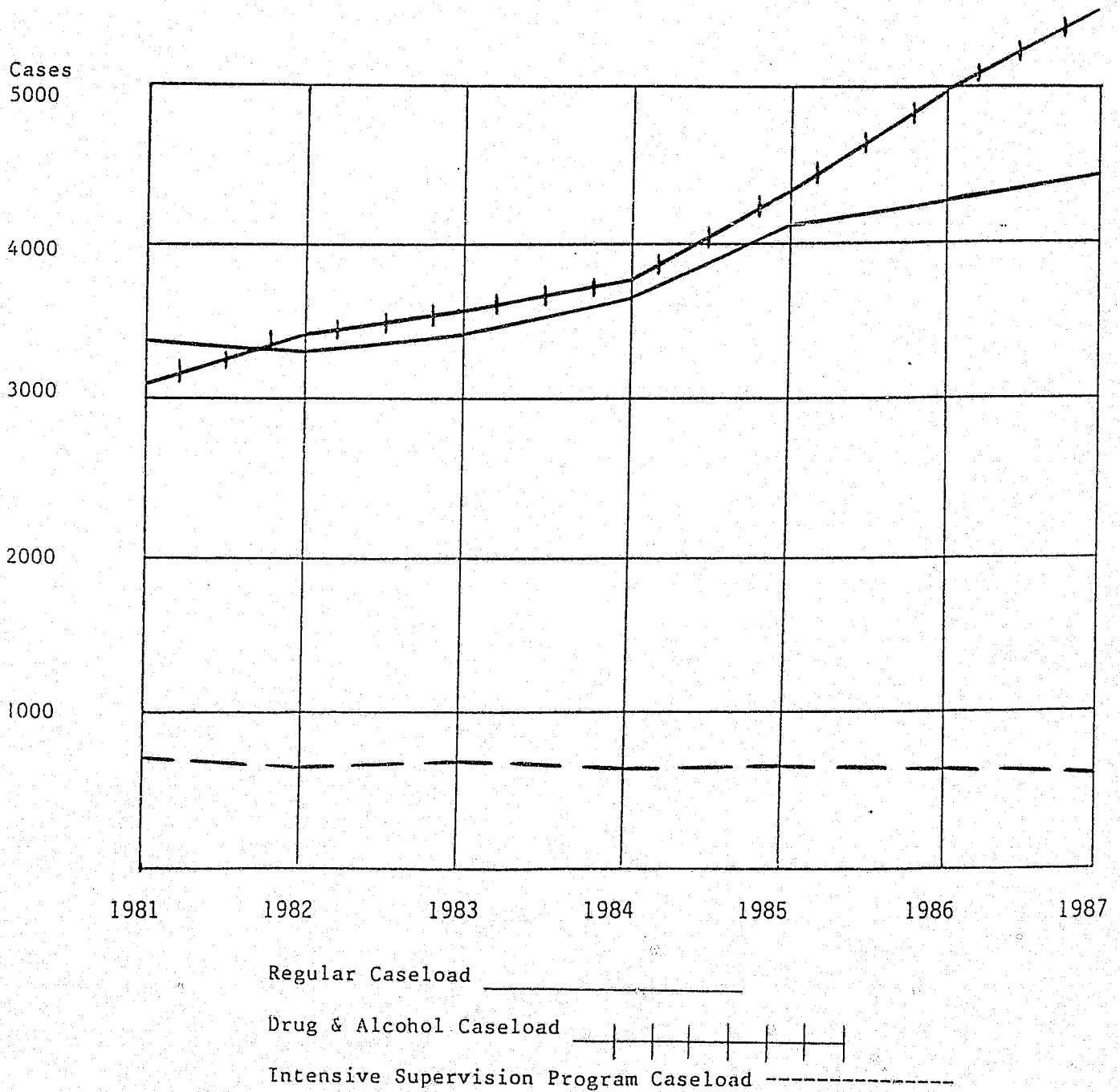


Post-adjudicatory Cases under Supervision

TABLE XXX
CRIMINAL DIVISION

TOTAL REGULAR SUPERVISION CASELOAD, DRUG AND ALCOHOL SUPERVISION CASELOAD AND INTENSIVE SUPERVISION PROGRAM CASELOAD FOR THE YEARS 1981-1987

Type	1981	1982	1983	1984	1985	1986	1987
Regular	3,366	3,315	3,451	3,715	4,056	4,269	4,431
Drug & Alcohol	3,032	3,385	3,590	3,773	4,311	4,999	5,519
Intensive Super- vision Program	709	657	688	663	689	660	651



were to have a favorable impact on the average probation officer's caseloads for most of the programs.

Another key caseload indicator, the annual average total monthly Criminal Division post-adjudicatory supervision caseload, also reflected a continuing increase -- but smaller than in previous years -- in 1987, from 8,346 in 1986 to 8,654, for an increase of 308, or 3.7%. This compares with an increase of 10.4% the previous year.

Another perspective, one that is perhaps more revealing of the individual supervision programs and the changes thereto over the course of the year, is the comparative analysis set forth below, with caseloads presented for each program as of January 1, 1987 and January 1, 1988. As revealed by these data, although the overall increase came to 262 cases, or 3.2%, the majority of the rise in cases was in the drug and alcohol units, which jumped by 219 cases, or 6.4%. This was the third consecutive year for these units to lead the way in case increases. See Table XXXI below.

TABLE XXXI

TOTAL CRIMINAL DIVISION SUPERVISION CASELOAD BY TYPE OF PROGRAM

	1/1/87	1/1/88	Inc/Dec	
	<u>No.</u>	<u>No.</u>	<u>No.</u>	<u>%</u>
Regular Probation	2,814	2,900	+ 86	+ 3.1
Drug and Alcohol	3,445	3,664	+219	+ 6.4
DWI	156	151	- 5	- 3.2
EHD	0*	21	+ 21	+100.0
Intensive Supervision	381	334	- 47	-12.3
Compact	765	817	+ 52	+ 6.8
Warrant	604	540	- 64	-10.6
Total	<u>8,165</u>	<u>8,427</u>	<u>+262</u>	<u>+ 3.2</u>

*Although this program was operational on this date with 7 cases assigned, the probationers were counted with other Criminal Division programs until March 1987.

NEW PROBATIONERS

The number of adult criminal offenders sentenced to probation by the Nassau County Courts declined slightly for the second consecutive year, from 4,212 in 1986 to 4,168, for a drop of 44 cases, or 1.0%. Most of the falloff here was accounted for by a drop in straight probation cases of 1.1%, while the split sentence or jail/probation segment fell by a small 0.6%. See Table XI.

Transfers of Probationers from other jurisdictions outside the County of Nassau into the Criminal Division for supervision rose by a significant 21.0%, as compared to 2.9% in 1986. Thus, transfers into Nassau County totaled 618, up from 488 in 1986 and 474 in 1985. The number of outgoing transfer cases, probationers from the Criminal Division being transferred to jurisdictions outside Nassau County fell by 9.9%, from 1,410 in 1986 to a lower 1,271 in 1987.

Probationer discharge activity rose again in 1987, from 2,898 in 1986 to 3,114, an increase of 7.5%. This compares with an increase of 25.2% the previous year and total discharges of 2,315 in 1985 and 2,334 in 1984. Also, along with the increase in the number of discharges, analysis has revealed a small increase in the average length of time spent on probation. In further regard to probationers discharged in 1987, the results pertaining to their success rate, as compared with the previous year, were lower. This was applicable to both the regular probation cases and the drug and alcohol cases. See Tables XL and XLII.

Average Age of Probationer Entering Supervision Program

The year 1987 saw the stabilization of a long-term trend whereby in recent years the supervision caseload, as a group, reflected an older population. This was viewed as a positive trend inasmuch as the high-risk offender is often younger, and an aging probation caseload should over time have a favorable impact on recidivism rates and supervision program outcome results. The average age of the new probationers entering the caseload in 1987 declined slightly, after seven consecutive years of increases, from 26.6 years in 1986 to 26.1 years in 1987. Further evidence of this apparent peaking of the aging trend of the supervision caseload is supported by the fact that in 1986, 58.1% of the new cases were 25 years or older, but in 1987, it fell to 56.5%. But still far above the 38% in 1980. See Table XXXII.

Supervision Caseload By Type of Crime and Supervision Category

Using the Criminal Division's average monthly supervision caseload, analysis has revealed almost no change in the proportions of felony and misdemeanor cases. Thus, it was reported that the proportion of felony cases was 35.3% in 1986 and 35.4% in 1987, while the proportion of misdemeanor cases was 64.7% in 1986 and 64.6% in 1987. See Table XXXIII. Based on another perspective, analysis of the total supervision caseload by court of jurisdiction, and using beginning and end of year totals, has revealed the proportion of County Court (felony jurisdiction) supervision cases to be 38.7% at the beginning of 1987 and 39.3% at the close of 1987. Total caseload was 8,165 cases at the beginning of the year and 8,427 cases at the end of the year.

TABLE XXXII
CRIMINAL DIVISION

AGES OF PROBATIONERS ENTERING THE SUPERVISION
PROGRAM DURING THE YEARS 1986 AND 1987

Ages	1986		1987		Inc/Dec 1987 over 1986	
	No.	%	No.	%	No.	%
16-18 years	630	13.4	708	14.8	+ 78	+ 11.0
19-21 years	686	14.6	689	14.4	+ 3	+ 0.4
22-24 years	653	13.9	685	14.3	+ 32	+ 4.9
25-29 years	921	19.6	957	20.0	+ 36	+ 3.8
30+ years	<u>1,810</u>	<u>38.5</u>	<u>1,747</u>	<u>36.5</u>	- 63	- 3.6
Total	4,700	100.0	4,786	100.0	+ 86	+ 1.8
Median Age	26.6 years		26.1 years			

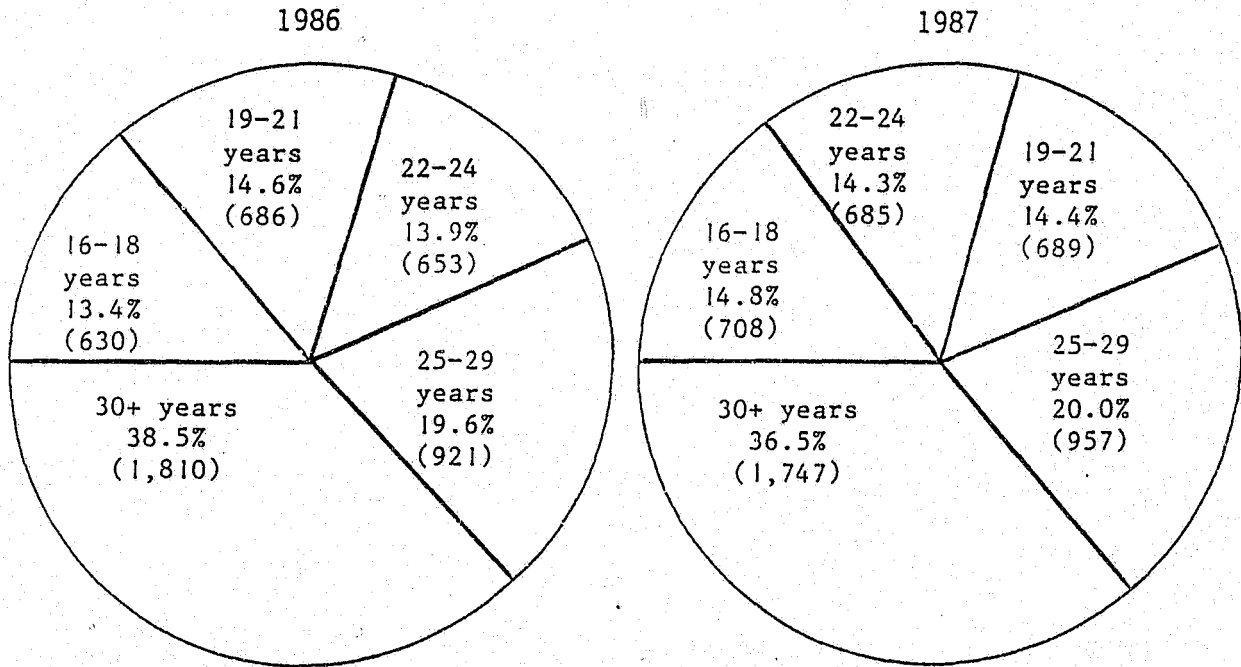
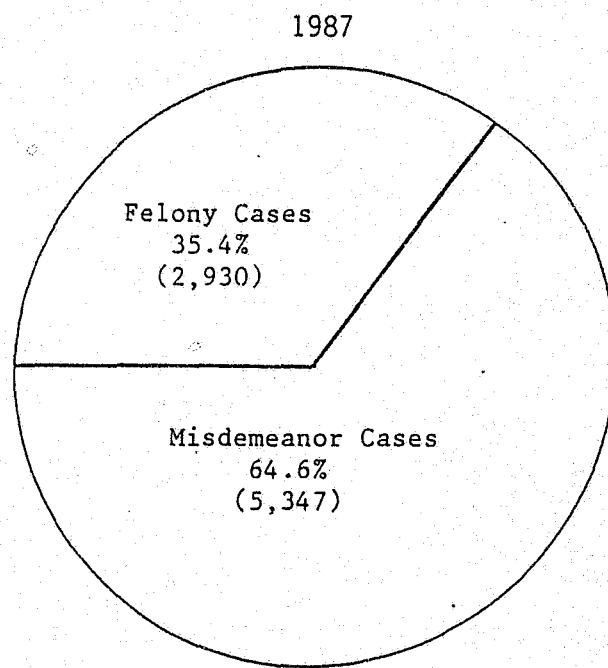
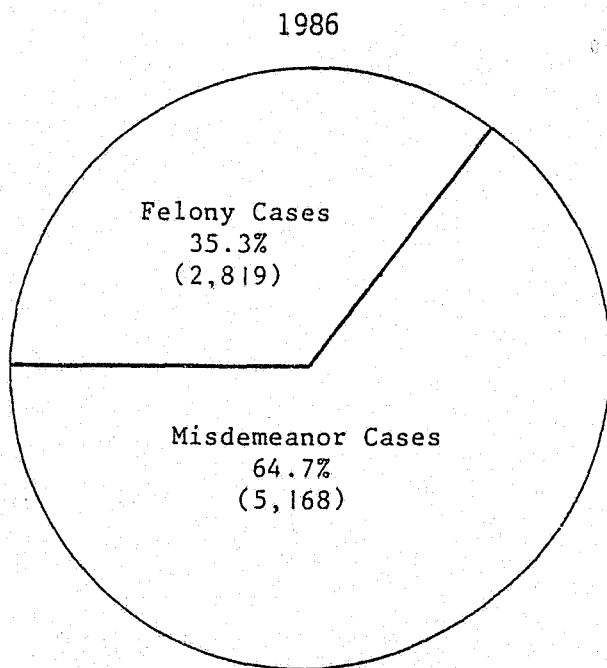


TABLE XXXIII
CRIMINAL DIVISION

AVERAGE MONTHLY SUPERVISION PROGRAM CASELOAD
DISTRIBUTED BY THE AVERAGE NUMBER AND PERCENTAGE
OF CASES BY TYPE OF CONVICTION, FELONY OR
MISDEMEANOR, FOR THE YEARS 1986 AND 1987

<u>Type</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony Cases	2,819	35.3	2,930	35.4	+ 111	+ 3.9
Misdemeanor Cases	<u>5,168</u>	<u>64.7</u>	<u>5,347</u>	<u>64.6</u>	<u>+ 179</u>	<u>+ 3.5</u>
Total	7,987	100.0	8,277	100.0	+ 290	+ 3.6



An analysis of the caseload by differential supervision categories, using the state mandated types initiated in 1985, namely intensive, medium, minimum and other reveals that during the average month in 1987 probationers were distributed as follows: Intensive -- 7.6%; Medium -- 17.3%; Minimum -- 65.5%; and Other -- 9.6%. A comparison of these findings with those in 1986 reveals a continuing sharp drop in cases in the intensive and medium categories and a significant increase in the minimum category. See Table XXXIV.

Time On Probation

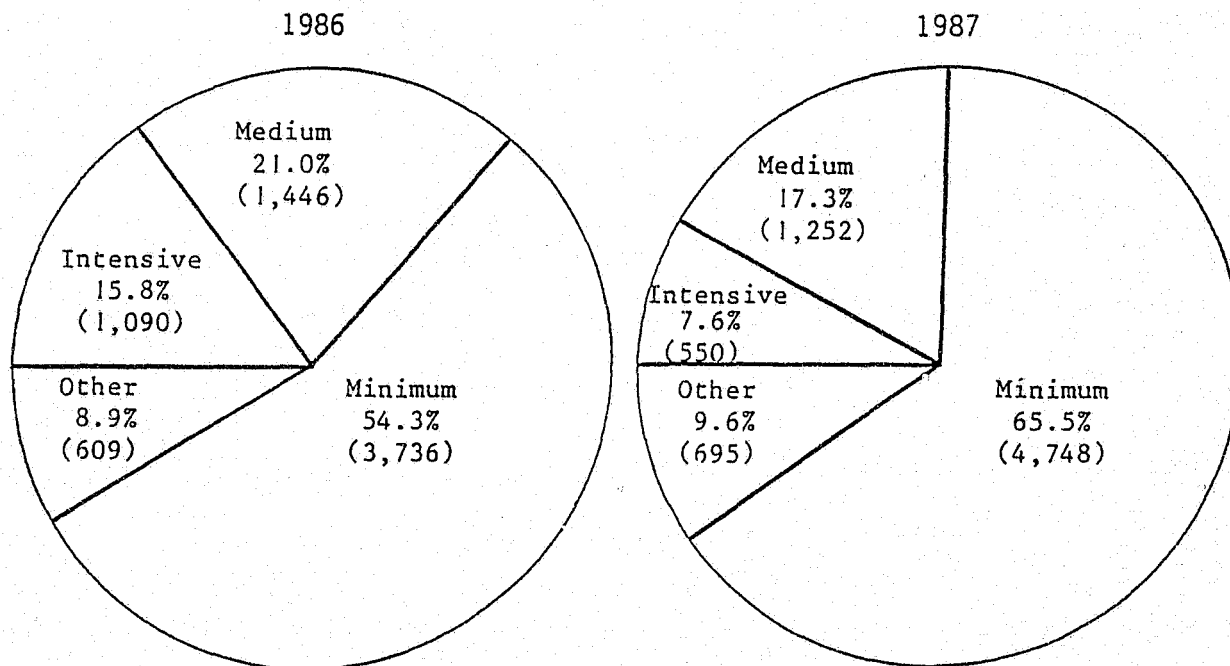
The length of time spent on probation for the average probationer before discharge continues to vary by type of program and court of jurisdiction. In recent years, the trend, in general, has been toward a longer supervision period. Although this was not the case in 1986, there was an increase in 1987 but not for all programs. Thus, the average length of time (median period) spent on probation supervision for all probationers discharged during 1987 was 20.6 months, up from 20.1 months in 1986. This increase was not consistent for both major programs. In the regular units, there was an increase -- from 18.8 months in 1986 to a longer 20.4 months in 1987. In the drug and alcohol units, there was a further decline, from 20.5 months in 1986 to 20.1 months in 1987.

Average time spent on probation also continues to vary significantly by court of jurisdiction. In 1987, County Court (felony jurisdiction) probationers' average period under supervision remained stable with the previous year, it being 30.1 months in 1986 and

TABLE XXXIV
CRIMINAL DIVISION

AVERAGE MONTHLY SUPERVISION PROGRAM CASELOAD DISTRIBUTED
BY THE AVERAGE NUMBER OF PROBATIONERS
DIFFERENTIALLY CLASSIFIED BY TYPE OF SUPERVISION CATEGORY
FOR THE YEARS 1986 AND 1987

Type	1986		1987		Inc/Dec 1987 over 1986	
	No.	%	No.	%	No.	%
Intensive	1,090	15.8	550	7.6	- 540	- 49.5
Medium	1,446	21.0	1,252	17.3	- 194	- 13.4
Minimum	3,736	54.3	4,748	65.5	+ 1,012	+ 27.1
Other	609	8.9	695	9.6	+ 86	+ 14.1
Total	6,881	100.0	7,245	100.0	+ 364	+ 5.3



30.1 months in 1987. In District Court there was an increase. Here, the average time on probation rose from 17.7 months in 1986 to 18.2 months in 1987. See Table XXXV.

Average Probation Officer Supervision Caseload

This segment of the report will focus on probation officer caseload size and changes thereto over the course of the year, as well as comparisons with previous years. Because of the strong interest in intensive supervision, the prison crisis, and overburdened Probation Departments with limited resources, the subject of caseloads remains a controversial one. It is also an important research issue. No magic numbers have been identified and the factors involved are numerous and complex, for caseload size is believed to be just one of a number of important variables that have a significant relationship to program objectives and program outcomes. For example, it is known that an optimum size caseload, in conjunction with other factors, can have a positive impact on the management of probationers, and other objectives, by influencing, in part, the quantity and quality of services they receive while on probation. In 1987, within the Criminal Division's major supervision program, the average caseload size experienced its first significant decline in the present decade, which heretofore has been noted for its upward trend.

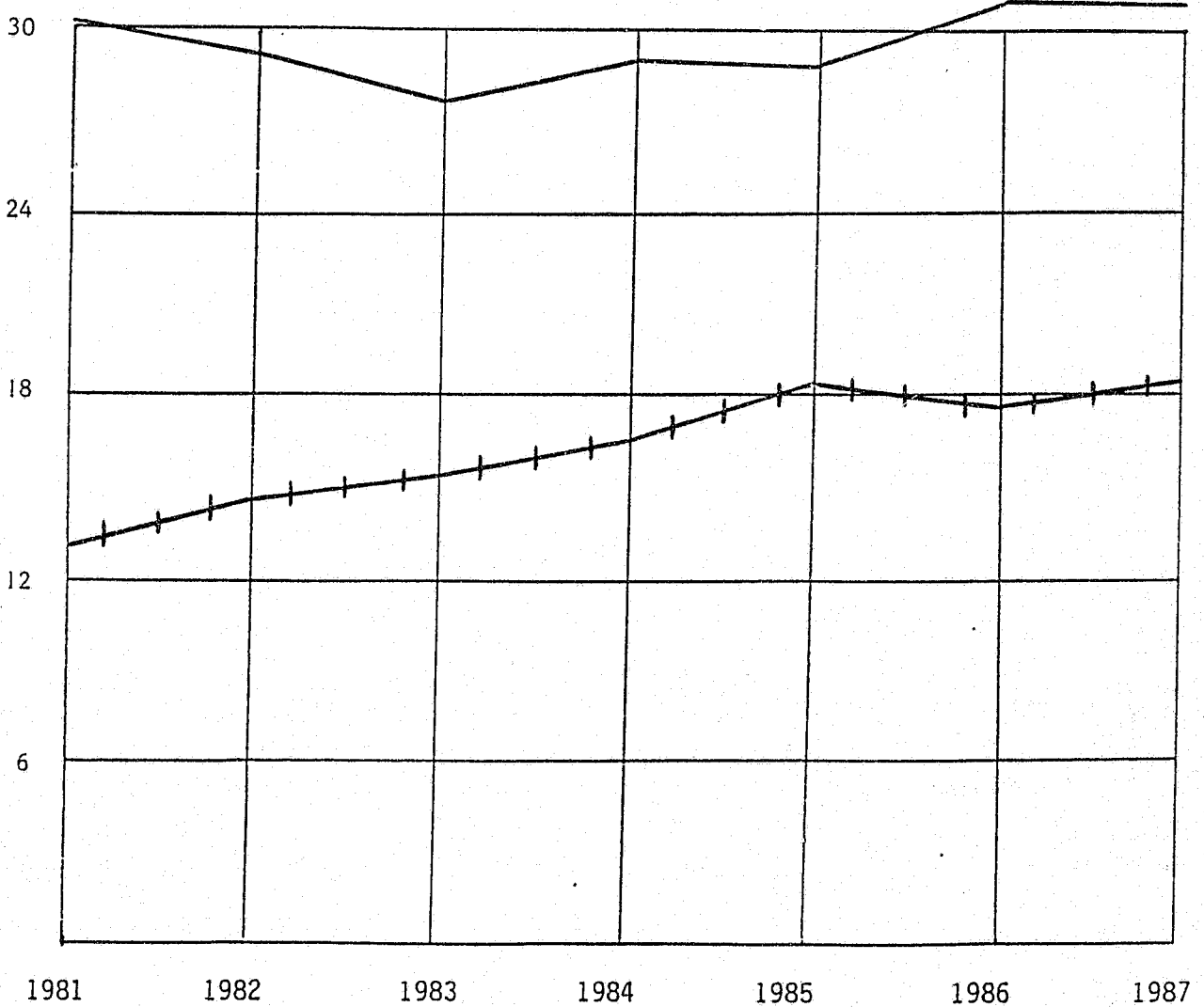
Probation officer caseload sizes and changes thereto can be analyzed and measured in two different ways. In the first method, the size of the average probation officer's supervision caseload can be computed for each program for the entire year and then compared with previous years. Using this method, the average caseload for 1987 in the

TABLE XXXV
CRIMINAL DIVISION

MEDIAN PERIOD (MONTHS) SPENT ON SUPERVISION FOR PROBATIONERS
DISCHARGED DURING THE YEARS 1981-1987

Type Unit	1981	1982	1983	1984	1985	1986	1987
All Units	16.9	17.9	18.3	19.8	20.4	20.1	20.6
Regular	14.7	16.8	17.1	17.7	19.5	18.8	20.4
Drug & Alcohol	20.6	19.5	19.9	21.2	21.4	20.5	20.1
<u>Court</u>							
County Court Probationers	30.1	29.6	27.6	29.6	29.4	30.1	30.1
District Court Probationers	13.1	14.4	15.5	16.9	18.1	17.7	18.2

Months



County Court Probationers _____

District Court Probationers _____

regular supervision units fell by 1.8%, from 89.1 cases in 1986 to a lower 87.5 cases in 1987. In the drug and alcohol units, the falloff was more significant, with a decline of 7.3%, from 104.3 cases in 1986 to a lower 96.7 cases in 1987. The drop here is significant in that in 1986, this program's final average caseload was a record high for the Department. In the intensive supervision program, the average caseload for the year declined by 7.7%, from 31.1 cases in 1986 to 28.7 cases in 1987. The DWI program, after three years of operations, saw its average caseload rise again, from 30.8 cases in 1986 to a higher 32.5 cases in 1987. See Table XXXVI.

Using the second method, the average monthly probation officer caseloads are computed and analyzed by monitoring the changes each month over the 12 - month period. Using this approach for 1987, the regular supervision caseload began the year with an average probation officer caseload of 87.7 cases in January, declined to a low of 84.2 cases in March and then gradually increased to reach a peak of 90.6 cases in December. The overall increase here was 3.3% for the year. See Table XXXVII.

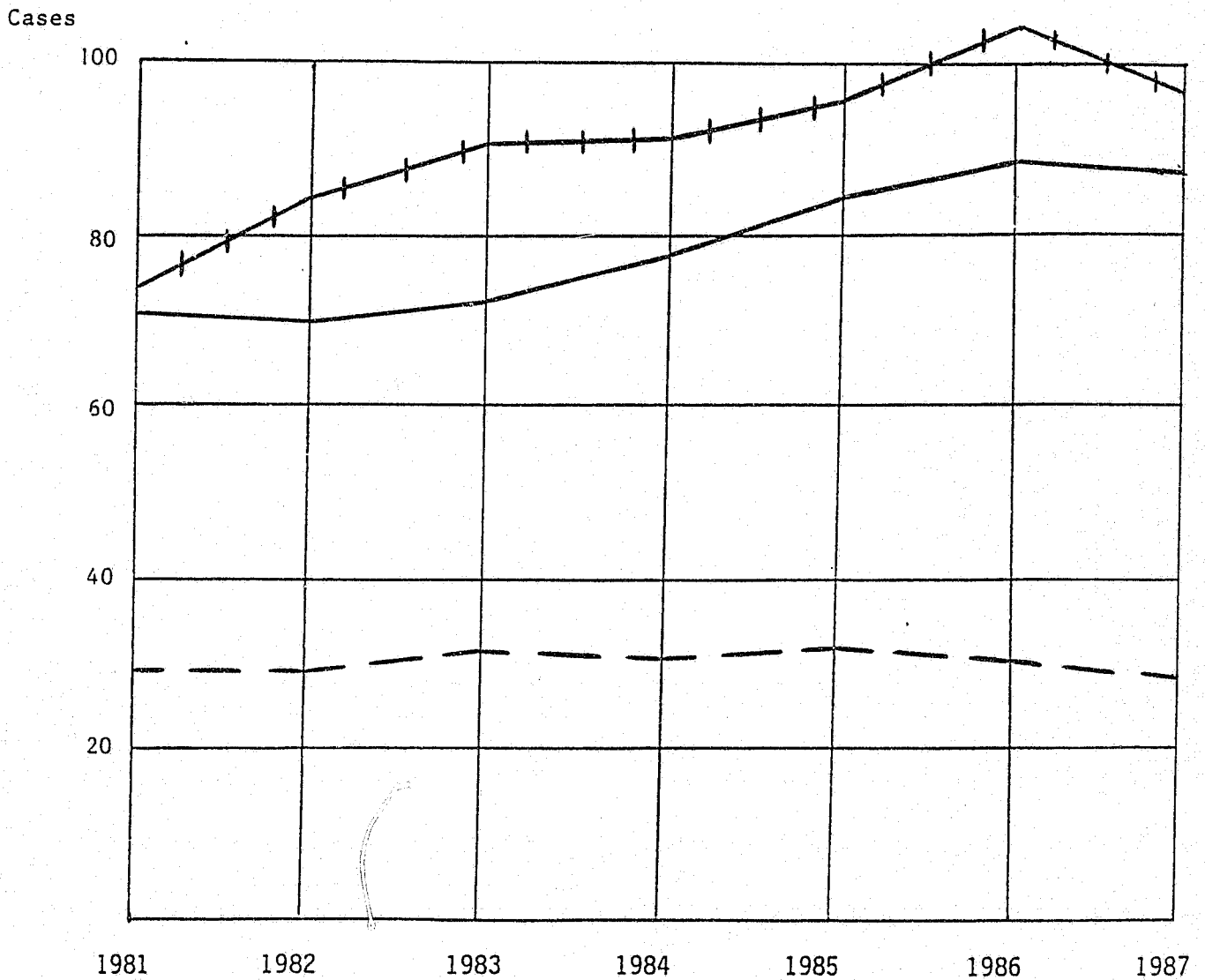
The drug and alcohol program began the year with an average probation officer caseload of 99.2 cases, then fell to a low of 91.5 cases in June before gradually increasing to 99.0 cases in December. See Table XXXVII.

In the DWI unit, the average caseload was 31.4 cases in January, rose to a high for the year of 34.6 cases in May and then declined to a low of 30.2 cases in December. Thus, the drop over the course of the year was 3.8%. See Table XXXVII.

TABLE XXXVI
CRIMINAL DIVISION

SUPERVISION CASELOADS BY YEAR AND TYPE
MEAN NUMBER OF ACTIVE CASES PER PROBATION OFFICER

<u>Unit</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Regular	71.7	70.9	73.2	78.6	84.2	89.1	87.5
Drug & Alcohol	72.7	84.8	91.3	91.7	96.3	104.3	96.7
Intensive Supervision Program	29.2	29.1	32.8	31.5	32.6	31.1	28.7



Regular Unit _____

Drug & Alcohol Unit _____

Intensive Supervision Program Unit - - - - -

TABLE XXXVII
CRIMINAL DIVISION

MONTHLY AVERAGE (MEAN) SIZE SUPERVISION CASELOADS
CRIMINAL DIVISION - PERIOD JAN. THRU DEC. 1987

Supervision Caseloads Mean No. of Cases per P.O.	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>12 Mo. Period</u>
REGULAR UNITS													
Active	87.7	86.9	84.2	84.2	85.7	86.2	86.7	88.4	89.3	89.7	89.9	90.6	87.5
DRUG & ALCOHOL UNITS													
Active	99.2	99.1	95.2	96.3	96.6	91.5	94.4	96.5	96.4	97.4	98.7	99.0	96.7
97 DWI UNIT	31.4	31.8	32.8	33.4	34.6	34.2	34.2	33.4	32.4	31.0	30.8	30.2	32.5
INTENSIVE SUPERVISION PROGRAM													
Active	29.3	28.8	27.8	28.8	29.4	29.8	31.2	30.5	29.3	27.8	26.5	25.7	28.7
EHD													
Active	-----	-----	2.5	5.5	10.5	11.0	8.0	8.5	6.0	6.0	8.5	10.5	6.4
COMPACT UNIT													
Active	101.0	100.4	100.7	100.2	99.0	97.6	96.0	102.3	102.5	99.1	89.1	90.8	98.2
Service	70.2	73.0	77.0	76.4	77.0	79.0	79.6	79.3	90.5	86.9	90.0	85.9	80.3

In the intensive supervision program, the average probation officer caseload at the beginning of the year was 29.3 cases. It reached a high for the year of 31.2 cases in July and then fell to a low for the year of 25.7 cases in December. See Table XXXVII.

In the Compact Unit, the average probation officer caseload for active cases was 101 cases in January, reached a high for the year of 102.5 cases in September, and then fell to a low of 90.8 cases in December, for a decline of 10.1%. In contrast, service cases rose significantly. From an average of 70.2 cases per officer in January, it rose to 90.5 cases in September before dropping to 85.9 cases in December. Here, the increase for the year was 22.4%. See Table XXXVII.

In sum, a slowdown in the rate of growth in the overall supervision program has had a favorable impact on average probation officer caseload sizes, especially in the two major programs -- regular supervision and drug and alcohol supervision. The decade of the 80's has been characterized by ever increasing caseloads. The year 1987 was different in that it was marked by the first significant declines in recent years. It should be noted that some of this decline can be attributed to an increase in staff in selected units. Moreover, average caseloads in general remain, in comparison to previous years, at a high level. For example, five years ago the average caseload in the drug and alcohol units was 14.0% lower. In the regular supervision units, it was 23.4% lower. In recent years, this trend of higher caseloads has been driven by high levels of DWI and drug offender activity in the investigation program and with sentencing resulting in high probation rates for both types of cases.

SUPERVISION CONTACTS

In probation, the efficacy of the supervision process is largely dependent on the quality and quantity of contacts with the probationer. A key question here relates to what impact, if any, variations in contacts will have on probation outcome results? An analysis of the annual average monthly number of contacts per probationer per month for 1987 has revealed for all programs combined a small increase in contacts. Thus, total overall contacts rose by 1.8%. Although the rise in contacts was small, the trend in recent years has been downward. Also, in the past, the trend of fewer average contacts per probationer per month was thought to be related to rising caseloads but with no increase in staff. In 1987, the increase, although small, varied by type of program with some reflecting declines. In assessing the average number of contacts and changes thereto over time, it should be kept in mind that we are referring to averages for the so-called typical probation case. The actual number of each case will vary, of course, depending, for the most part, on the supervision category assigned -- intensive, medium, or minimum -- as well as other factors, such as the judgment of the probation officer. Also, as noted elsewhere in this report (see page), the number of probationers in the intensive supervision category fell in 1987, as compared to 1986, while those in the minimum category, where fewer contacts are required, increased in 1987.

Using the end of month total caseload for the years 1986 and 1987, the average annual monthly number of contacts per probationer per month were computed and are set forth below in Table XXXVIII. See also Table XXXIX.

TABLE XXXVIII

AVERAGE ANNUAL MONTHLY NUMBER
OF CONTACTS PER PROBATIONER PER MONTH

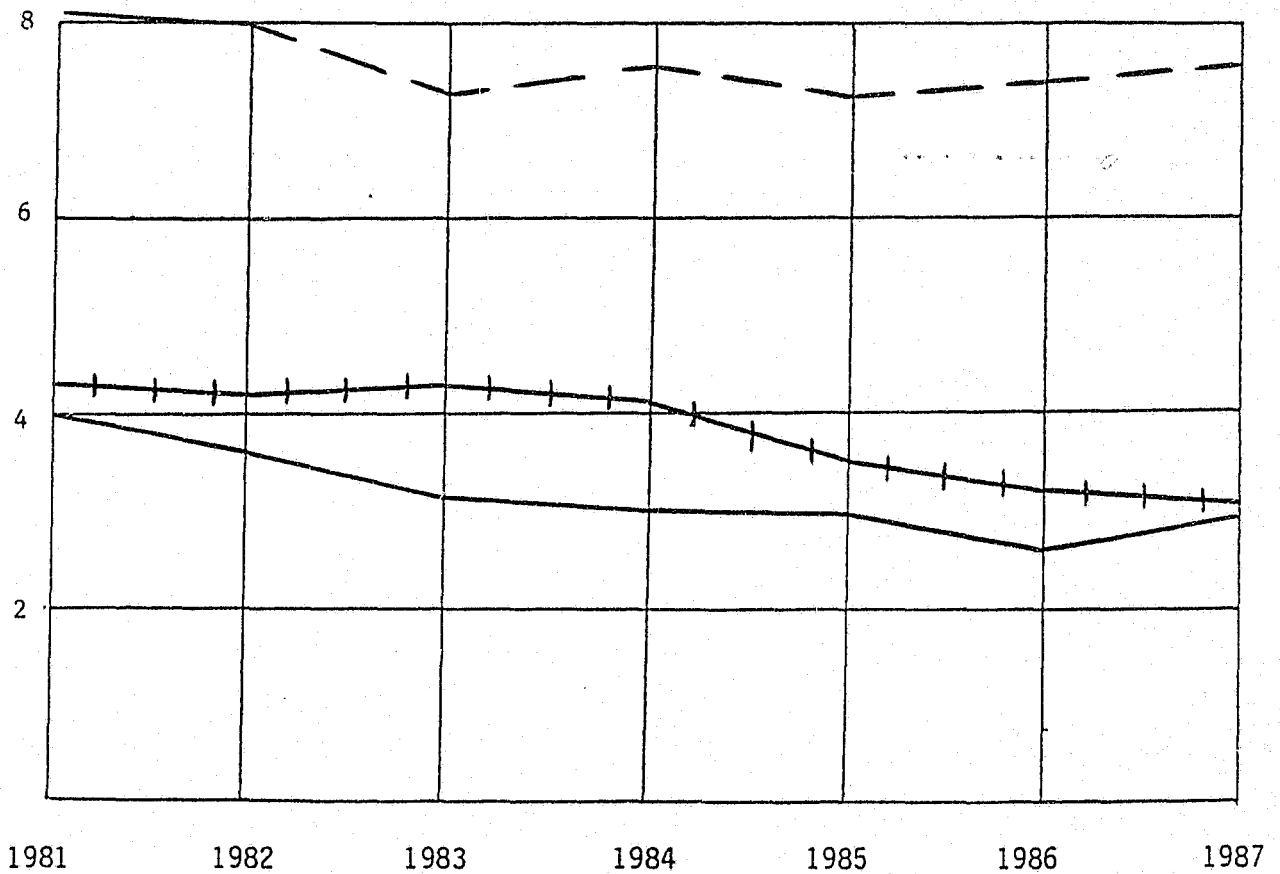
<u>All Units</u>	1986	1987
Office	1.08	1.09
Home	0.45	0.45
Other	1.78	1.83
	<u>3.31</u>	<u>3.37</u>
<u>Drug & Alcohol Units</u>		
Office	0.83	0.92
Home	0.38	0.37
Other	1.41	1.66
	<u>2.62</u>	<u>2.95</u>
<u>Regular Units</u>		
Office	1.17	1.15
Home	0.46	0.45
Other	1.62	1.50
	<u>3.25</u>	<u>3.10</u>
<u>Intensive Supervision Program Units</u>		
Office	1.84	1.74
Home	0.80	0.88
Other	4.83	5.02
	<u>7.47</u>	<u>7.64</u>
<u>DWI Unit</u>		
Office	2.64	1.98
Home	0.91	0.83
Other	4.36	3.50
	<u>7.91</u>	<u>6.31</u>
<u>EHD Unit</u>		
Office	0	2.12
Home	0	0.62
Other	0	3.09
		<u>5.83</u>

TABLE XXXIX
CRIMINAL DIVISION

AVERAGE TOTAL NO. CONTACTS PER PROBATIONER PER MONTH
FOR THE YEARS 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Drug & Alcohol Unit	4.00	3.77	3.24	3.15	3.06	2.62	2.95
Regular Unit	4.20	4.15	4.28	4.05	3.59	3.25	3.10
Intensive Supervision Program	8.08	8.00	7.38	7.71	7.40	7.47	7.64

Contacts



Drug and Alcohol Probation _____

Regular Unit Probationer | | | | | | | | | |

Intensive Supervision Probationer - - - - -

In brief, a review of the above data should bring into context the linkage between probationer contacts and the quality of the supervision process in the Criminal Division. Furthermore, it should focus attention on the question at the beginning of this section relating to what impact, if any, variations in contacts will have on probationer outcome results and program effectiveness. In the next section of this report, we will look at this subject in some detail. To sum up the subject of contacts, however, two points stand out. First, our programming does not provide the fine tuning that would result in a more precise cause and effect relationship between contacts and program outcome results. Second, our present system of differential supervision categories, which provide varying levels of required contacts, does act as a safety net in that it should insure those probationers in need of greater attention are more likely to be assigned to the intensive supervision category and receive more contact, while those with a lesser need would be assigned to a more appropriate medium or minimum category and receive fewer contacts. A comparative analysis, using the average monthly supervision caseload for the years 1986 and 1987, has revealed a continuing shift of probationers out of Level I, or intensive, and into level III, or minimum. Thus, the intensive category had 15.8% of the total caseload in 1986 but only 7.6% of the total caseload in 1987. On the other hand, the minimum category rose from 54.3% of the caseload to a higher 65.5% in 1987. In short, two-thirds of the cases require only the lowest level of contacts. Accordingly, from a management perspective, variations in program contact levels, and their affect on the quality of probation, should be largely mitigated by differential supervision assignment process. See also Table XXXIV.

ASSESSMENT OF SUPERVISION UNITS IN CORRECTIONAL EFFORTS

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

The success rates for the two major supervision programs revealed consistent but declining results for the year 1987, in comparison to 1986. For the drug and alcohol units, their success rate, after a record high the previous year, declined in 1987. For the regular units, the decline was the fourth in four years, after a record high in 1983. A comparative analysis of these two major programs for 1986 and 1987 reveals that the success rate (% of probationers discharged as improved) for the drug and alcohol program fell from 78% in 1986 to a lower 75.9% in 1987. During the same period, the failure rate (% of probationers discharged as unimproved or committed) rose from 17.2% in 1986 to a higher 20.5% in 1987. See Tables XL and XLI.

For the regular supervision program, the pattern was the same. Here, the success rate also declined, from 65.6% in 1986 to a lower 62.2% in 1987. During the same period, the failure rate rose from 31.7% in 1986 to 36% in 1987. Thus, the success rate for this program is at its lowest for the present decade. See Tables XLII and XLIII.

TABLE XL
CRIMINAL DIVISION

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

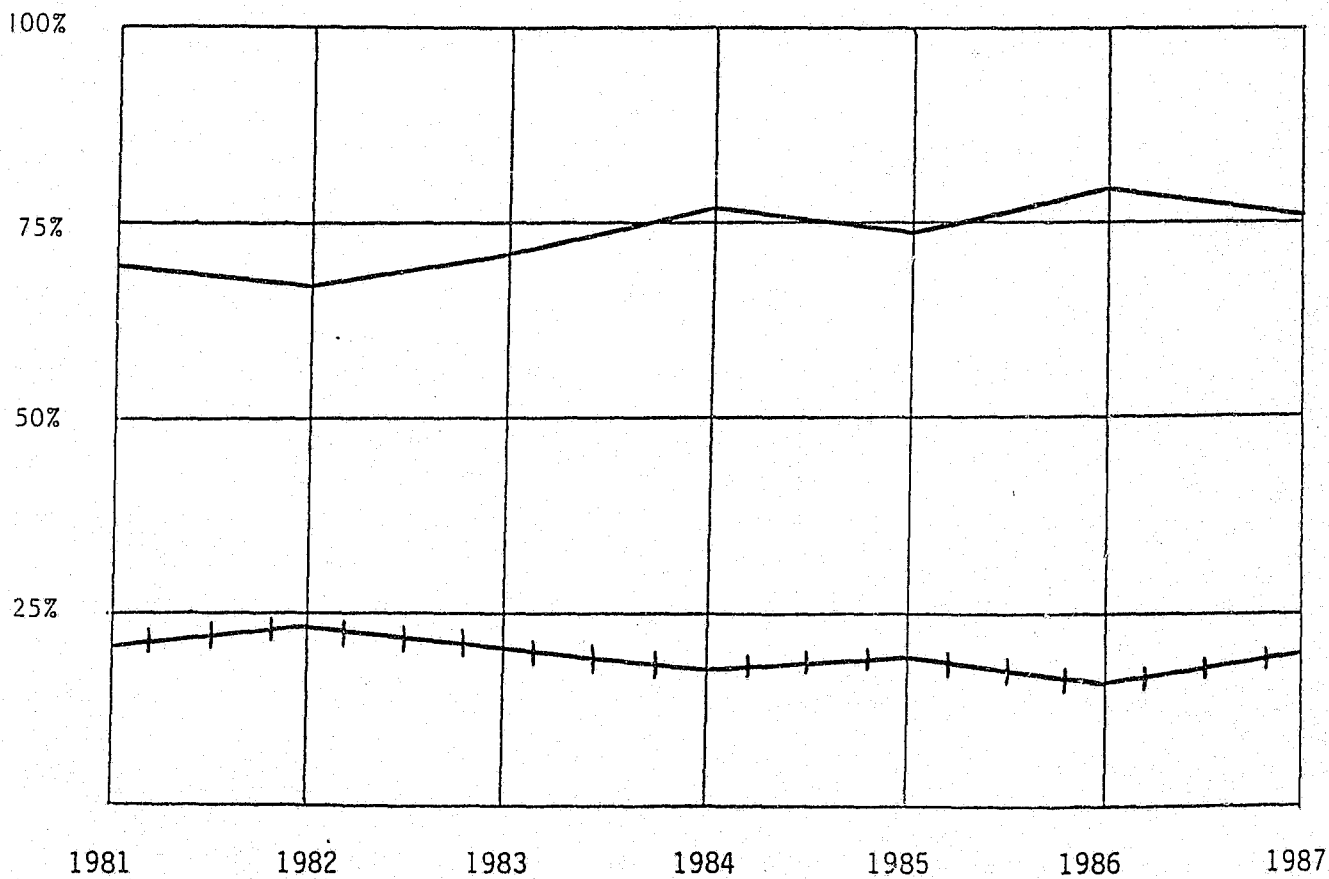
PROBATION DISCHARGES	1982		1983		1984		1985		1986		1987	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Improved	666	68.0	731	70.1	816	76.2	800	74.6	1036	78.0	1127	75.9
Unimproved)	105		95		76		79		99		108	
Committed) -	138	24.8	123	20.9	109	17.3	136	20.1	115	16.2	196	20.5
Absconded)	0		0		0		0		0		0	
Deceased)	12		19		14		16		14		20	
Other) -	59	7.2	75	9.0	56	6.5	41	5.3	64	5.8	34	3.6
Total	980	100.0	1043	100.0	1071	100.0	1072	100.0	1328	100.0	1485	100.0
SUPERVISION CASELOADS												
Mean No. of Cases per P.O.												
ACTIVE	84.8		91.3		91.7		96.3		104.3		96.7	

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TABLE XLI
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS
PERCENTAGE OF DRUG UNIT PROBATIONERS DISCHARGED BY TYPE
DISCHARGE DURING THE YEARS 1981-1987

	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Improved	69.7	68.0	70.1	76.2	74.6	78.0	75.9
Unimproved	(((((((
Committed	(((((((
Absconded	(((((((
Deceased/Other	8.2	7.2	9.0	6.5	5.3	5.8	3.6
Total	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>



Success Rate _____
Failure Rate _____

TABLE XLII
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS
REGULAR UNITS - CRIMINAL DIVISION

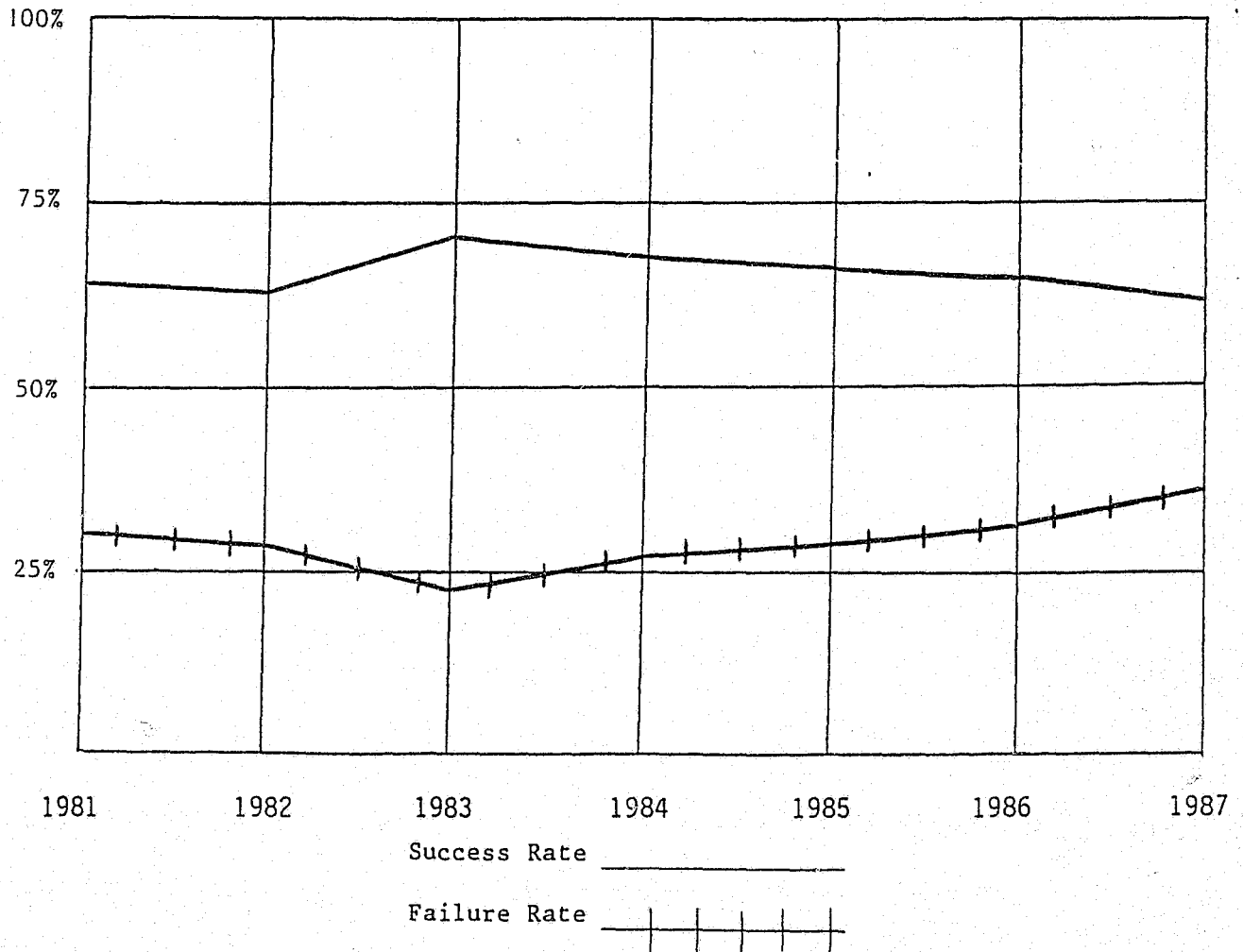
PROBATION DISCHARGES	1982		1983		1984		1985		1986		1987	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Improved	656	64.1	725	70.1	670	68.4	651	67.0	785	65.6	746	62.2
Unimproved)	130		106		107		129		169		201	
Committed) -	166	28.9	151	24.8	148	26.1	152	28.9	199	30.7	230	36.0
Absconded)	0		0		0		0		0		0	
Deceased)	3		3		8		6		12		2	
Other) -	68	7.0	50	5.1	46	5.5	33	4.0	32	3.7	20	1.8
Total	1023	100.0	1035	100.0	979	100.0	971	100.0	1197	100.0	1199	100.0
<u>SUPERVISION CASELOADS</u>												
Mean No. of Cases per P.O.												
ACTIVE	70.9		73.2		78.6		84.2		89.1		87.5	

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TABLE XLIII
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS PERCENTAGE
OF REGULAR UNIT PROBATIONER DISCHARGED BY TYPE OF DISCHARGE
DURING THE YEARS 1981-1987

	1981	1982	1983	1984	1985	1986	1987
Improved	64.7	64.1	70.1	68.4	67.1	65.6	62.2
Unimproved) Committed) - Absconded)	29.9	28.9	24.8	26.1	28.9	30.7	36.0
Deceased/Other	5.4	7.0	5.1	5.5	4.0	3.7	1.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



The outcome results for the DWI program, after its third year of operation and in comparison to the other programs, revealed a continuing high success rate and a lower failure rate. The results were similar to the previous year. Based on a total of 47 discharges (there were 49 the year before), the DWI success rate in 1987 was 82.9%. It was 83.7% in 1986.

An analysis of the discharged probationers from the Criminal Division by Court of Jurisdiction revealed significant variations in their success and failure rates. Youthful offenders from County Court have the lowest success rate at 47%, followed by Youthful offenders from District Court with a success rate of 54.7%. Regular District Court probationers have a success rate of 71.9%, as compared with a lower success rate of 59.9% in County Court.

An analysis of program outcome results by gender revealed a higher success rate for females and a higher failure rate for males. Thus, for females, 70.7% were discharged as improved, as compared with a smaller 64.7% for males.

How did the intensive supervision program (ISP) outcome results compare with those discussed above for the Criminal Division's other supervision programs? First, some general comments. New York State and Nassau County have employed the ISP concept for the past nine years. More recently, the concept has been the subject of nationwide attention (see page) of this report), with similar programs being implemented across the country, and is viewed as a positive alternative to many of the problems confronting both probation and corrections, especially the crisis in our prisons and jails. In Nassau County, as elsewhere, the key feature of the local ISP program is the concentration of resources on a

high-risk offender population through the use of a low caseload - high service management approach. This should be kept in mind when comparing ISP outcome results with other supervision programs in the Criminal Division, particularly its focus on a higher-risk offender population.

The ISP findings for 1987 are based only on 168 discharged probationers, below the 189 in 1986 (inter-unit transfers are not included here). As in previous years, comparatively speaking, the ISP success rate remains low at 24.4%, while the failure rate was a high 74.4%, significantly higher than the Division's other programs. A mitigating factor in these results is the inter-unit transfers of ISP probationers to other Division programs, so the higher discharge failure rates may not be representative of the ISP program's overall effectiveness or its total value to the Criminal Division.

VIOLATIONS OF PROBATION

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

The number of violations of probation filed in a given year is considered a more timely and accurate barometer of this type of activity than is the number disposed of by the courts for the year. In 1987, the

the number filed (1,096) exceeded the number of violations disposed of (993) by 10.4% but below the 34.1% difference the previous year. In addition, the number of violations of probation filed in 1987 declined, from a record level of 1,136 in 1986, to 1,096, a drop of 3.5%. Moreover, because there was an increase -- although smaller than past years -- in the total supervision caseload of 3.8% (from 12,482 to 12,951 in 1987), the violations of probation filed rate (the number of violations filed per 100 cases under supervision) fell to its lowest level in over a decade, from 9.1 violations in 1986 to 8.5 violations in 1987. See Table XLIV for a detailed analysis of the violations of probation filed rates for the past seven years.

An analysis of the types of violations of probation that were filed in 1987 by the Criminal Division -- new conviction/charge, absconded, other (technical) -- revealed, as in the previous year, further significant changes in two of the three categories. Also, once again the changes here are in large part the result of procedural changes in the Division's accounting system for classifying violations. Accordingly, the new conviction/charge category increased its share from 39.0% in 1986 to a higher 48.4% in 1987. On the other hand, the other (technical) category declined in its share, 47.1% in 1986 to a lower 39% in 1987. The absconded category of violations of probation has remained generally stable for the last three years. See Table XLV.

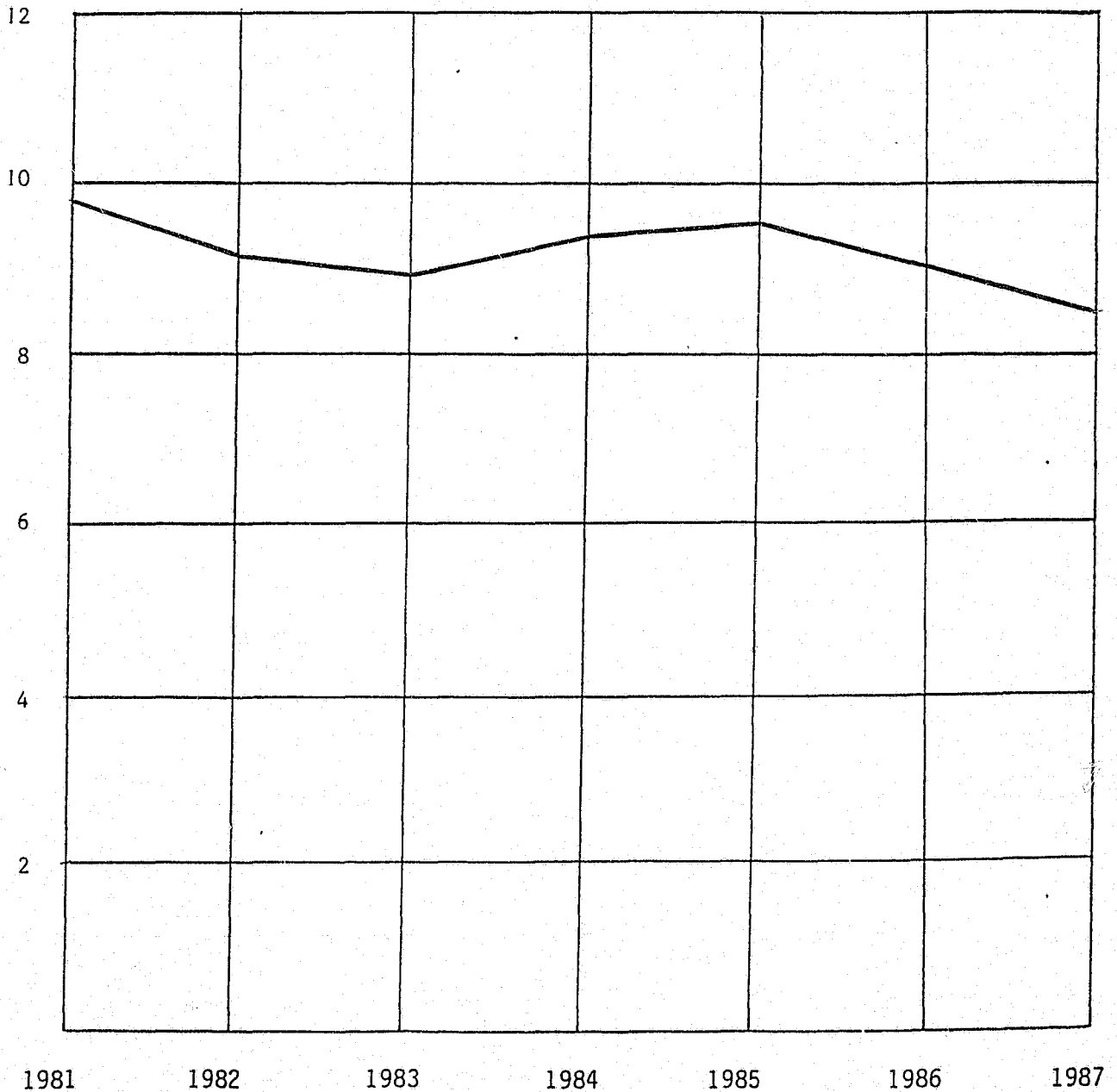
Violations of probation disposed of by the courts rose sharply in 1987, from 847 in 1986 to a higher 993 in 1987, for an increase of 17.2%. For the most part, the increase was consistent for the major supervision programs. In the drug and alcohol units, violations also rose sharply in 1987, from 268 in 1986 to 377, for an increase of 40.7%.

TABLE XLIV
CRIMINAL DIVISION

VIOLETIONS OF PROBATION FILED DURING THE YEARS 1981-1987
VIOLETION RATE PER 100 CASES UNDER SUPERVISION

<u>Total Super. Program</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Total No. of Cases under Supervision	8,231	8,816	9,291	9,845	11,243	12,482	12,951
No. of Violations	814	816	849	948	1,094	1,136	1,096
Violation Rate	9.9	9.3	9.1	9.6	9.7	9.1	8.5

Violation Rate

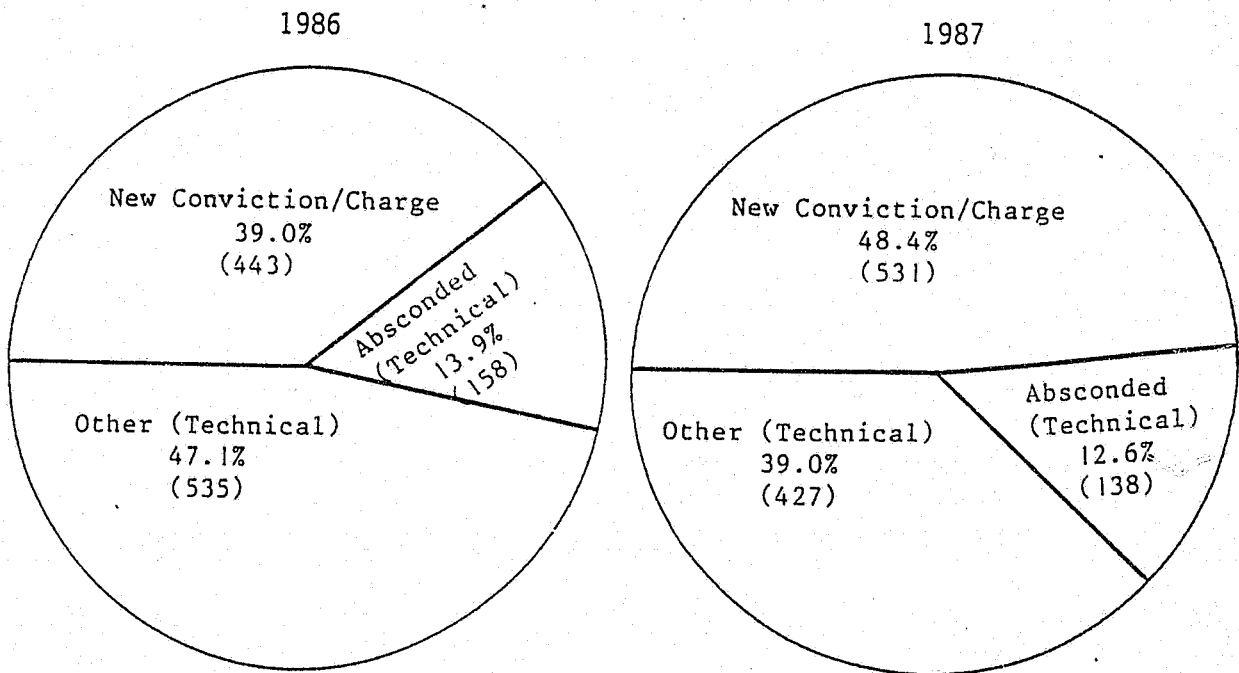


Violations of Probation Filed Rate _____

TABLE XLV
CRIMINAL DIVISION

NUMBER AND TYPE OF VIOLATIONS OF PROBATION FILED BY
THE CRIMINAL DIVISION DURING THE YEARS 1986 AND 1987

<u>Type</u>	1986		1987		Inc/Dec 1987 over 1986	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
New Conviction/ Charge	443	39.0	531	48.4	+ 88	+ 19.9
Absconded (Technical)	158	13.9	138	12.6	- 20	- 12.7
Other (Technical)	<u>535</u>	<u>47.1</u>	<u>427</u>	<u>39.0</u>	<u>-108</u>	<u>- 20.2</u>
Total	1,136	100.0	1,096	100.0	- 40	- 3.5



Violations also rose in the regular units, but the increase was smaller, from 332 in 1986 to 368 in 1987, up 10.8%. See Table XLVI. Other programs also had increases. For example, in the Compact unit, violations disposed of during the year rose from 91 in 1986 to 105 in 1987, for an increase of 10.8%.

The overall commitment rate for all violations of probation cases disposed of in 1987 rose from a lower 47.1% in 1986 to a higher 57.5%. Thus, there have been increases in this statistic for seven of the last eight years. The violations committed rate continues to vary by supervision program. It was highest in the intensive supervision program at 72.7% (up from 63.3% in 1986), followed by 62.5% in the DWI unit (up from 20.0% in 1986), 59.2% in the regular supervision units (up from 48.2% in 1986), 53.1% in the drug and alcohol units (up from 41.0% in 1986) and 49.5% in the compact unit (up from 41.8% in 1986). In short, the violation commitment rate was at a higher level for all programs in 1987.

The violations of probation rate for disposed of cases in 1987 (number of violations disposed of per 100 cases under supervision) revealed increases for the major supervision programs, with the largest in the drug and alcohol program. The violation of probation rate for the regular supervision units had a smaller increase, from 7.8 violations per 100 cases under supervision in 1986 to a higher 8.3 violations in 1987. For the drug and alcohol units, the increase was greater, from 5.4 violations per 100 cases under supervision in 1986 to 6.8 violations in 1987. In sum, although the increase in the violation rate was larger in the drug and alcohol units in 1987, the rate itself remained at a higher level in the regular units. See Table XLVI.

TABLE XLVI
CRIMINAL DIVISION

VIOLATIONS OF PROBATION WITH DISPOSITONS DURING THE YEARS 1981-1987
VIOLATION RATE PER 100 CASES UNDER SUPERVISION BY

<u>Drug & Alcohol Unit</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Total No. of Cases under Supervision	3,032	3,385	3,590	3,773	4,311	4,999	5,519
No. of Violations	209	246	258	263	265	268	377
Violation Rate	6.9	7.3	7.2	7.0	6.1	5.4	6.8

Regular Unit

Total No. of Cases under Supervision	3,366	3,315	3,451	3,715	4,056	4,269	4,431
No. of Violations	297	274	292	282	304	332	368
Violation Rate	8.8	8.3	8.5	7.6	7.5	7.8	8.3

Violation Rate

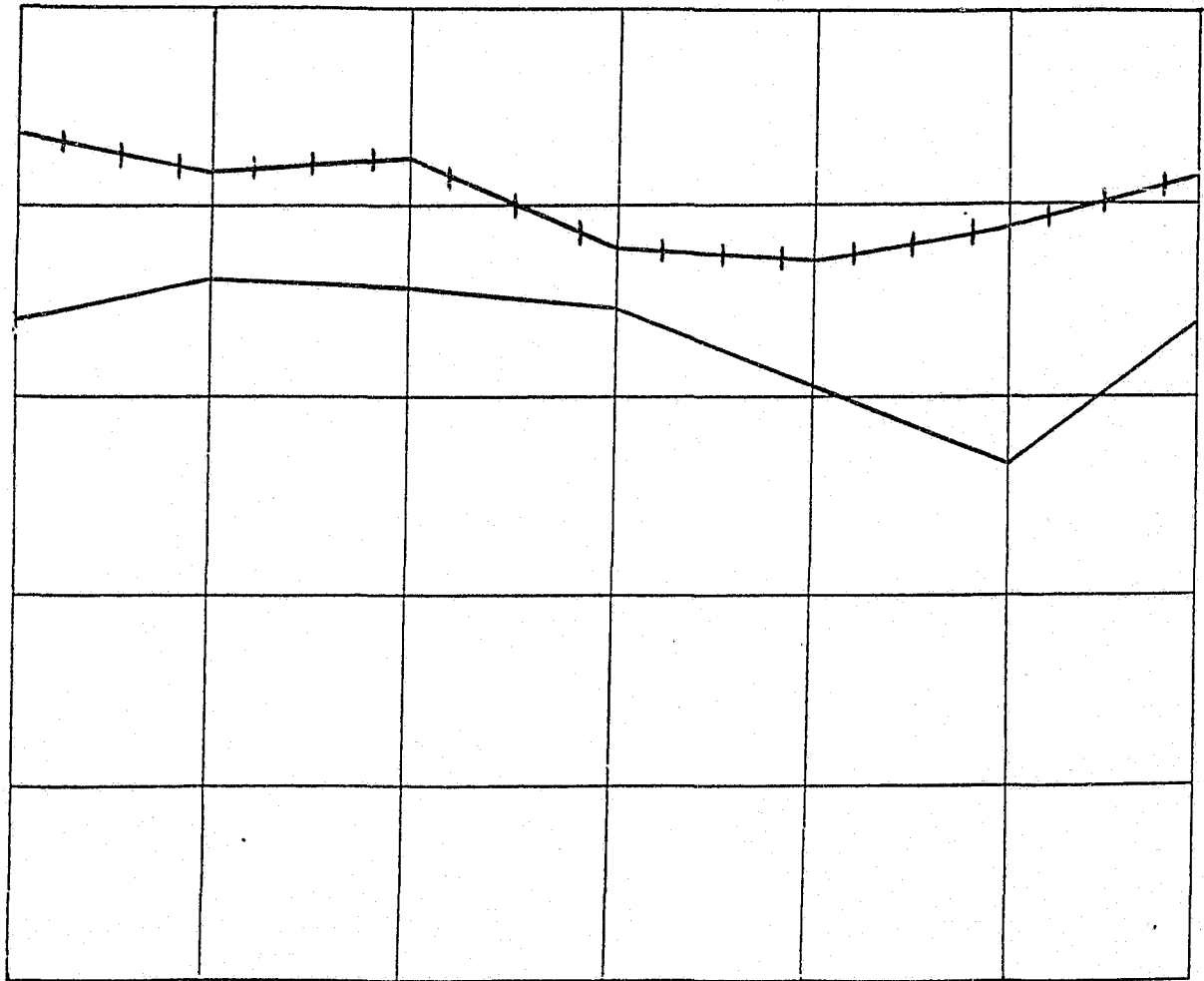
10

8

6

4

2



1981

1982

1983

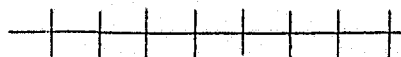
1984

1985

1986

1987

Regular Surpervision Unit



Drug and Alcohol Unit



How does the intensive supervision program (ISP) compare with the results achieved by other Criminal Division programs in this area. A comparative analysis reveals a significant difference in violation of probation activity. Moreover, the findings here are in keeping with the higher - risk offenders in ISP and are generally consistent with the results of the past nine years, with ISP rates at a higher level in 1987. The ISP violations of probation filed rate in 1987 was somewhat lower, from 26.5 violations per 100 cases under supervision in 1986 to 23.3 in 1987. Despite the small decline, its rate remains more than triple that of the other programs -- 23.3 violations per 100 cases under supervision versus only 7.7. Other ISP indicators are also at a higher level, including the violation disposition rate and the violation commitment rate. See Table XLVII.

TABLE XLVII
CRIMINAL DIVISION
VIOLATION OF PROBATION ACTIVITY
SUMMARY COMPARATIVE ANALYSIS OF THE CRIMINAL DIVISION
(-ISP) WITH THE INTENSIVE SUPERVISION PROGRAM FOR 1987

	<u>Criminal Division (-ISP)</u>	<u>Intensive Supervision Program</u>
Total No. of Cases Under Supervision	12,300	651
No. of Violations of Probation filed	944	152
Violations filed Rate (%)	7.7%	23.3%
No. of Violations of Probation Disposed of for 1987	865	128
Violations Disposition Rate (%)	7.0%	19.7%
Violation Cases Committed	478	93
Violation Commitment Rate (%)	55.3%	72.7%