

Probation

Performing Pretrial Services: A Challenge in the Federal Criminal Justice System *James R. Marsh*

A Sanction Program for Noncompliant Offenders in the District of Nevada *John Allan Gonska*

Recruitment and Retention in Community Corrections: Report From a National Institute of Corrections *National Institute of Corrections*

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**—What Works With Juvenile Offenders: A
the Literature and Experience**..... *Peter W. Greenwood*

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This Issue in Brief

Performing Pretrial Services: A Challenge in the Federal Criminal Justice System.—Contending that “the Federal release and detention process is far from routine and mundane,” author James R. Marsh explains in depth the challenges Federal pretrial services officers face daily. He discusses the responsibilities inherent in pretrial services—to assess the risks defendants pose, to complete investigations and prepare reports for the court, and to supervise defendants released pending disposition of their cases—and the challenges that accompany such responsibilities.

A Sanction Program for Noncompliant Offenders in the District of Nevada.—When probationers do not comply with the terms and conditions of supervision, probation officers must report the noncompliant behavior and take steps to correct it. Author John Allan Gonska describes how the U.S. probation office in the District of Nevada addressed the issue of noncompliance by creating a sanction program. The author explains how the program was developed and how it works, giving examples of violations and appropriate sanctions for them under the program.

Recruitment and Retention in Community Corrections: Report From a National Institute of Corrections Conference.—With a changing workforce and a changing work environment, how do community corrections agencies recruit and retain qualified employees? The National Institute of Corrections sponsored a conference to explore this issue with a group of community corrections managers from around the country. This article reports on the group’s discussion—which focused on probation and parole image, the recruiting market, qualifications, training, and motivation—and offers the group’s recommendations.

Pretrial Diversion: A Solution to California’s Drunk-Driving Problem.—Author Lea L. Fields explains how California currently has an array of pretrial diversion programs to address offenses ranging from drug abuse to domestic violence to sexual molestation but has no such program for drunk driving. The author examines drunk-driving diversion programs in

Oregon and Monroe County, New York, explains the benefits of these types of programs, and tells how a diversion program for drunk drivers could be set up in California.

The Continuum of Force in Community Supervision.—In these times of increased emphasis on offender control, some community corrections agencies may be providing their officers with lethal weapons such as revolvers and less-than-lethal weapons such as stun guns and personal defense sprays with little or no guidance as to when their use is appropriate. Author Paul W. Brown stresses the importance of proper training and describes the “continuum of force,” the primary tool for providing guidance to officers in the use of force. He explains how the continuum of force works, focusing

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Differences Among Eligibles: Who Gets An ISP Sentence?

BY PHILIP L. REICHEL AND BILLIE D. SUDBRACK*

ALLEN AND Simonsen (1992) identify the search for punishments more effective than court-ordered probation and less severe than long-term incarceration as one of the more important developments in corrections over the last 15 years. These *intermediate sanctions* (or intermediate punishments) are said to provide a punishment option that fills the gap between traditional probation and traditional incarceration while still providing both public safety and appropriate punishment for offenders.

A variety of programs currently represent intermediate sanctioning. Among the more popular are shock incarceration (or boot camps), intensive supervision probation (or intensive probation supervision), day reporting centers, house arrest (or home confinement), community service, restitution, residential community corrections (or halfway houses), and expanded use of traditional and day fines. Importantly, these programs are not mutually exclusive, and it is not uncommon for an offender to receive several intermediate sanctions simultaneously. For example, someone on intensive supervision probation (ISP) may also be paying restitution, be performing community service, and be subjected to curfew requirements constituting house arrest.

Initial motivation for intermediate sanctions seems in many locales to have been a response to prison overcrowding and efforts to find less costly alternatives to incarceration. In addition, the concept has certain philosophical appeal by recognizing the need to have gradations in sanction severity to match the gradations in offense severity (Office of Justice Programs, 1990). However, both the practical and ideological appeal of the intermediate sanctioning is premised on the resulting program's ability to hold offenders accountable for their actions in a manner that contributes to public safety.

Designing programs to achieve goals like reducing prison overcrowding and the taxpayers' burden while providing sanctions that reflect the seriousness of the offender's actions and maintain public safety is no easy task. Not surprisingly, evaluating programs with such

goals is equally difficult. Evaluations of intermediate sanction programs have been program descriptions or have looked at the behavioral outcomes of persons assigned to the programs (see Baird & Wagner, 1991; Beck & Klein-Saffran, 1991; Blomberg, Bales, & Reed, 1993; Pearson & Harper, 1990; Petersilia & Turner, 1990 and 1991; Papy & Nimer, 1991). Such descriptions and outcome measures are not only hindered by the definitional problems associated with the term "successful," but also by the methodological difficulties inherent in designing program evaluations. Burkhart noted that by the mid-1980's few evaluations of intensive supervision probation met "... even the most basic methodological criteria" (1986, p. 76). One of his specific arguments was that attention to program outcome should occur only after the issue of offender classification and assignment had received careful consideration. We share Burkhart's view and believe that research on offender classification and assignment has not been conducted as completely as its importance requires.

The importance of considering offender classification is highlighted by Petersilia and Turner's (1991) evaluation of intensive supervision programs in three California counties. These counties were among 14 sites nationwide that participated in a Bureau of Justice Assistance program evaluation. The program sites chose whether to engage in a "probation-enhancement ISP program" (high-risk probationers on regular probation are placed under increased or stricter supervision) or a "prison-diversion ISP program" (ISP becomes an alternative sanction for offenders who would otherwise go to prison). The three California sites chose versions of a probation-enhancement ISP program. The fact that only 2 of the 14 sites nationwide implemented prison-diversion ISP programs (Petersilia & Turner, 1991) highlights two important points: (1) Comparison studies must be sure similar program types are being measured so researchers will avoid comparing outcomes of probation-enhancement programs with those of prison-diversion programs; and (2) the hesitancy of communities to participate in prison-diversion programs where an agency outside the community will monitor offender classification and assignment (ensuring subjects are truly being diverted from prison) suggests we must be cautious of programs claiming to be prison-diversion.

We believe these two points reenforce Burkhart's emphasis on the issue of offender classification and assignment as a necessary precursor to outcome-

*Dr. Reichel is professor and Ms. Sudbrack is former student, Department of Sociology, University of Northern Colorado. This is a revised version of a paper presented at the 1993 annual meeting of the American Society of Criminology in Phoenix, Arizona. The authors would like to thank Jeff Carpenter and Janice Keller for their assistance in data collection.

based studies of intermediate sanction programs in general. Our specific interest is with ISP programs. The study described here compares and contrasts the characteristics of persons who meet initial eligibility requirements for ISP yet differ regarding their eventual recommendation by an ISP assignment committee.

An ISP Program

The ISP program evaluated here has been operating in one of Colorado's judicial districts since January 1989. The program guidelines call for a single ISP officer whose caseload consists entirely of ISP clients and is not to exceed 25 clients at one time. The program is part of a state-wide process with an official goal to provide ". . . supervision, surveillance and appropriate services to offenders who without this program would have been incarcerated in the Colorado Department of Corrections, or community corrections programs" (Colorado Judicial Department, 1990, p. 1). This goal statement places the ISP program among those following a *prison-diversion* philosophy rather than one of *probation-enhancement*.

Persons are placed in the ISP program through referral from either the judge or the probation department. The referral process, which precedes sentencing, involves a request by the court that the ISP program consider the offender for placement. Upon receiving the court's request, the ISP officer reads the presentence investigation (PSI) report and interviews the offender. The ISP Assignment Committee (consisting of the ISP officer, that officer's supervisor, and the chief probation officer) then meets to determine the offender's suitability for ISP. Factors considered by the committee include the presentence investigation report, the risk/needs assessment, and an offender selection worksheet (reporting items such as the offender's criminal history score and indicating aggravating circumstances linked to the subject's offense history). Other factors the committee must consider are not so clearly categorized. For example, some clients may not want to be involved in the program. The ISP officer reported that occasionally a person who is referred to the program informs the committee that he or she doesn't want a babysitter and will not accept an ISP placement. Also, there are times when a person has been inappropriately referred. For example, the person may not actually be eligible for probation due to statutory prohibitions.

After considering the necessary factors, the ISP Assignment Committee's recommendation is forwarded to the judge who has final determination regarding sentence. If the judge does sentence the offender to ISP, the offender signs a terms and conditions agreement and supervision begins.

Referrals may also originate from the probation department. For example, the ISP Assignment Committee may consider an offender that the PSI compiler identified as a potential ISP candidate. While this type of referral by-passes the initial review by the judge, that judge will eventually have the final say since all ISP program assignments are ultimately made through court sentencing after recommendation by either the court or the probation department.

Because Colorado ISP programs have *prison-diversion* goals, they provide an interesting opportunity to study the issue of offender classification and assignment. Since anyone sentenced to ISP in this Colorado judicial district must receive the recommendation of the ISP Assignment Committee, we were particularly interested in identifying any differences that may exist between the offenders receiving the committee's endorsement (ISP is recommended) or rejection (ISP is not recommended). To ensure a dichotomous dependent variable (ISP is either recommended or not recommended), we included in the rejection category any referrals who told the committee they refused an ISP placement. Unfortunately, data collection techniques did not allow us to determine how many referrals took themselves out of consideration. Discussion with the ISP officer suggests that the number is not high.

Fairly objective criteria were established at both state and local levels to determine if an offender should be selected for the ISP program. The process begins by considering any defendant who is being recommended or considered by the probation department for sentencing to the Department of Correction or to residential community corrections, yet is still eligible for probation (i.e., is not under mandatory sentencing guidelines). Those eligibles are referred to the ISP officer for initial review. Following the ISP officer's review, the offender's application is sent to the probation department's ISP Assignment Committee. Recommendation by the Assignment Committee is based on three factors: (1) can the offender reasonably be expected to successfully complete the ISP program?; (2) will the offender likely benefit from the program?; and (3) will society be safe with the offender free in the community?

Determining the offender's relation to the three factors is accomplished in part through the Offender Selection Worksheet. Since this is a prison-diversion program the intent is to place on ISP only those offenders who would otherwise go to prison or residential community corrections. This "target population" is identified through an offender profile as developed in four sections of the Offender Selection Worksheet. Section I reports on the current offense(s) by noting the offense title, the date of occurrence, and the statu-

tory citation. Section II computes the offender's criminal history score by assigning weights for six items (e.g., each prior felony conviction is multiplied by 1.0 to achieve a certain point total).

In Section III, the offender's risk and need scores are recorded from scaling instruments that categorize offenders by risk of recidivism and need for services. The worksheet includes a nine-celled matrix of risk and need scores in which both risk and need are separated into maximum, medium, and minimum categories. The target population (i.e., those offenders presumed to be on their way to prison or residential community corrections) is said to fall into one of four cells: the three cells comprising any "maximum risk" person regardless of the "need" level or the one cell holding "medium risk" but "maximum need" offenders.

Section IV identifies "aggravating factors" and is used when an offender's criminal history score is significantly below the target score (e.g., 2.0) and/or the risk/need score does not place the offender in a target cell. These aggravating factors can be used to justify placement of an offender in the ISP program even though the offender does not meet the target population as identified by Sections II and III of the worksheet. An example of an aggravating factor is a situation in which the offense may have been quite heinous, yet the defendant entered a plea to a substantially lesser crime.

In a final section of the worksheet (Section V) the ISP officer provides a narrative recommendation regarding the appropriateness of ISP for this offender. The program guidelines explain that "The recommendation should consider the target profiles provided in Section I, II, III, & IV" (Colorado Judicial Department, July 1990, p. 13). Importantly, the guidelines do not require the ISP officer to make a specific recommendation resulting from material in any or all of the sections.

The worksheet and ISP officer's recommendation then go to the ISP Assignment Committee of the probation department. The committee reviews the presentence investigation report, the Offender Selection Worksheet, and other criteria the committee deems necessary for making an informed and responsible decision. After review by the committee, a recommendation either for or against ISP placement is then sent to the judge. Importantly, just as there are no state guidelines requiring the ISP officer to make a specific recommendation based on the Offender Selection Worksheet, there are no requirements placed on the probation department's ISP Assignment Committee to make a specific recommendation to the judge as a result of that committee's deliberations or findings. This means that despite program guidelines, the process of offender classification and assignment may still be somewhat subjective. As a result, we are back to Burkhardt's (1986) concern about the necessity of studying offender classification and assignment before outcome-based studies can be adequately interpreted.

Research on the decisionmaking process of people-processing units is quite complex and typically requires both qualitative and quantitative methods. The study reported here is a preliminary step toward a more complete analysis. Our initial interest is in identifying any differences there might be between the two groups resulting from those persons who meet the initial criteria for an ISP program then receive either a favorable (yes ISP) or unfavorable (no ISP) recommendation by the probation department's ISP Assignment Committee.

Our research question is: Are there differences between those persons recommended for ISP by the Assignment Committee and those persons not recommended?

Method

Subjects

Subjects for the study were the 171 cases appearing on a probation supervisor's list of persons referred for consideration to the ISP Assignment Committee in a Colorado judicial district. Referrals to that committee initially came from one of two sources: (1) judges hearing cases in either of two state criminal courts in that jurisdiction and (2) the probation department's PSI report writers or regular probation officers. The PSI report writers may identify the case as a possibility for ISP while completing a background investigation. For clients not doing well on regular probation, the probation officer might support revocation of regular probation only if the district attorney will agree to have the client placed on ISP.

Cases were from 1989 (N=44), 1990 (N=59), and 1991 (N=48). Twenty other cases were included on the supervisor's list and were therefore considered for ISP during 1989, 1990, or 1991. However, that list did not provide a specific date on which the ISP Assignment Committee heard those 20 cases. The probation supervisor who provided the list cannot guarantee this sample of 171 cases constitutes the entire population of cases the Assignment Committee heard over these 3 years. This list was generated by hand before the probation department became fully computerized. While the probation supervisor suspects that all persons heard by the Committee are indicated on the list, we err on the side of caution and assume our sample is nonrandom.

Subjects were 143 males and 24 females (missing gender data = 4) with education backgrounds varying from completing third grade to obtaining a graduate degree. Furthermore, subjects included 81 white/Anglos, 81 Hispanics, and 4 "others" (missing data = 22) whose ages ranged from 18 to 51 years.

Variables Linked to an Offender Profile

Since our research question asks if the offenders recommended for ISP by the Assignment Committee differ from those not recommended, we must identify

some characteristics on which we can compare the "offender profile" in the two groups. We identify offender profile with the variables of risk score, need score, criminal history score, and offense type since these are important for the Offender Selection Worksheet. In addition, we include the variables of gender, ethnicity, and age since these may influence decision-making. Finally, we include education, employment, drug use, and alcohol use variables since they may be among the factors which influence the subjective decisionmaking by committee members.

Apparatus

Analysis of variables was conducted with the SPSS PC+ statistical program. The dependent variable was the recommendation by the ISP Assignment Committee (COMMREC) which either accepted or rejected the subject for the ISP program. Thirteen independent variables were used to determine factors that may distinguish subjects recommended for ISP from those not recommended. Ten of the independent variables used constant category labels throughout the statistical analysis. In addition to the gender category (SEX), subjects were identified by race/ethnicity (RACE) as being white/Anglo, Hispanic, or "other." The subject's age at first conviction (FSTCNV) was separated into categories of "19 and younger," "20 to 23," and "24 and older." PSI reports provided information about the subject's criminal history score (CHS) which collapsed into the categories of "0.00 to 1.99" and "2.00 and above." Finally, the year in which the committee reviewed the client (ISPRVW) could be 1989, 1990, or 1991.

Five other independent variables with constant categories came from the risk and needs scales given the subject during the presentence investigation process. Subjects were scored on their employment status (EMP) as being "secure," "insecure," or "unemployable." Drug scores (DRUG) and alcohol scores (ALC) were assigned as "no problem," "occasional problem," and "frequent problem." Finally, the overall scores given the subject on both risk (RISK) and needs (NEED) scales were categorized in terms of the scales' recommended supervision level as "minimum," "medium," or "maximum."

Three independent variables were categorized differently depending on the statistical analysis being used. The subject's age at the time of review by the committee (AGERVW), the subject's highest level of education completed (EDUC), and the offense charged at the instance of review (OFFCHG) were all separated into different categories at different times. Twenty-one current offense categories were identified and ranged from probation revocation, theft, and burglary to drug offenses, sexual assault, and negligent

homicide. The resulting offense categories were regrouped according to the needs of different analyses.

Procedure

Data were gathered from the case files for each of the 171 subjects on the original list from the probation supervisor. The PSI reports were the primary information source, but items were also gathered from other file sources. The probation department was in the process of computerizing its files during the research period, and as a result there were times when data could not be found. The difficulty is highlighted by instances such as the four cases for which we could not determine the subject's gender—an item one would think should be easily found in any file. Missing data ranged from zero cases in the committee recommendation (COMMREC) variable to 88 cases where the offender's age at first conviction was not determined (FSTCNV).

Results

Our dependent variable, the recommendation of the Assignment Committee (COMMREC), is a dichotomous nominal level measurement, so we rely on Cramer's V to determine the strength of the relationship between variables and *lambda* and *tau* for indication of the proportionate reduction in error (PRE) when predicting the dependent variable upon knowing the independent variable. Correlation coefficients were computed, but none of the independent variables showed significance with the dependent variable (COMMREC).

Table 1 reports the results of crosstabulations (with COMMREC as the dependent variable against the 13 independent variables) which identified three variables (ISPRVW, OFFCHG, AGERVW) as having a moderate association (Dometrius, 1992) with the Assignment Committee's recommendation. But despite the moderate association, *lambda* suggests none of the three is helpful in predicting the committee's recommendation. However, *tau* values suggest knowledge of the year the committee made its recommendation (ISPRVW) and the convicting offense (OFFCHG) would each provide a 5 percent reduction in error when predicting COMMREC. Knowing the offender's age when reviewed by the committee (AGERVW) reduces the error in predicting COMMREC by 4 percent. Obviously, the moderate associations do not effectively translate into predictors of the dependent variable.

Three (EDUC, EMP, FSTCNV) of the remaining 10 variables showed a small but consequential (Dometrius, 1992) association. As with the three variables having even stronger associations, *lambda* and *tau* values did not suggest these three variables could provide a PRE any greater than 2 percent. Finally, the variables of CHS, RISK, NEED, SEX, RACE, DRUG, and ALC had unim-

TABLE 1. RESULTS OF MEASURES OF ASSOCIATION BETWEEN THE DEPENDENT VARIABLE (ASSIGNMENT COMMITTEE RECOMMENDATION) AND INDEPENDENT VARIABLES GROUPED AS INAPPROPRIATE, APPROPRIATE, OR POSSIBLE DISCRIMINATORS

VARIABLE	Cramer's V	Lambda	Tau	Chi Square (prob.)
Inappropriate Discriminators				
ISPRVW	.22**	.00	.05	.023
SEX	.03	.00	.00	.748
RACE	.08	.00	.01	.295
AGERVW	.21**	.00	.04	.087
EDUC	.12*	.00	.01	.437
FSTCNV	.13*	.00	.02	.514
Appropriate Discriminators				
CHS	.01	.00	.00	.944
RISK	.09	.00	.01	.522
NEED	.08	.00	.01	.572
OFFCHG	.23**	.00	.05	.165
Possible Discriminators				
EMP	.13*	.00	.02	.402
DRUG	.06	.00	.00	.850
ALC	.06	.00	.00	.817

** = Moderate association (Dometrius, 1992, p. 314)

* = Small but consequential association (Dometrius, 1992, p. 314)

portant association with the committee's recommendation, and according to *lambda* and *tau* were of no help in predicting what the committee would recommend.

Chi-square statistic was also computed for each of the 13 independent variables' relationship with COMMREC. As table 1 shows, an independent relation exists between COMMREC and each of the independent variables except the year in which the ISP review took place (ISPRVW).

Since the year in which the committee's review occurred (ISPRVW) had the only significant chi-square statistic ($p = 0.023$), one of the highest *tau* values (5 percent), and a moderate association (Cramer's $V = .22$), we ran cross-tabulations with the two other moderately associated variables (OFFCHG and AGERVW) against COMMREC while controlling for ISPRVW. However, distribution of OFFCHG and AGERVW, when broken down by year, did not provide a sufficient number of cells with expected frequencies over five to provide a valid chi square measure.

Since the Colorado program has prison-diversion as a stated goal, we were interested in the offense charged for the persons considered for the ISP program in relation to the year in which the case was reviewed. Presumably, more serious offenders are

placed on ISP than are less serious offenders. Cross-tabs were computed between COMMREC and OFFCHG while controlling for ISPRVW. We were interested in determining if the committee recommendations varied each year by the type of offense committed by the applicants. None of the chi square statistics were significant; in each year more than 20 percent of the cells had expected frequencies less than 5, and neither *lambda* nor *tau* suggested any predictive value of offense type by year. It was interesting to note, however, that the offense type (when offense is collapsed into "sentence adjustments," "nonviolent," "drug," and "violent") most frequently found among the 44 persons considered in 1989 was sentence adjustment ($N = 20$ or 45.5 percent), while in 1990 and 1991 it was nonviolent crimes ($N = 26$ or 44.7 percent in 1990; $N = 33$ or 68.6 percent in 1991).

Discussion

Interpreting the Results

It occurs to us that the 13 variables considered here should not necessarily have similar relationships with our dependent variable of committee recommendation. Committee decisions recommending for or against ISP placement should not, for example, be influenced by the subject's gender (SEX), ethnicity (RACE), age at time of review (AGERVW), age at first conviction (FSTCNV), educational level (EDUC), or the year in which the committee's review (ISPRVW) occurs. A strong association between these variables and the committee's recommendation would be curious at best and sexist or racist at worst. For convenience we place these six variables in a category called "Inappropriate Discriminators" (see table 1).

Because the state guidelines for ISP programs suggest a target population, there are other variables that should discriminate between persons recommended for ISP and those not recommended. The offenders' criminal history score (CHS) and identification as having minimum, medium, or maximum risk (RISK) and needs (NEED) should help set one group apart from the other. Similarly, since the program is identified as prison-diversion, the convicting offense should discriminate those recommended for ISP from those not recommended. We place these four variables in a category called "Appropriate Discriminators."

Finally, there are some variables that may or may not be expected to be associated with the committee's recommendation. For example, one could argue that the offenders' employability (EMP) and level of problems with alcohol (ALC) and drugs (DRUG) should not determine if the offenders receive an ISP placement. On the other hand, these variables are important aspects of an offender's risk and need score, so we might

expect an association similar to that found on the RISK and NEED variables. These three variables are placed in a category called "Possible Discriminators."

Inappropriate discriminators. Neither the subject's gender (SEX) or ethnicity (RACE) was associated with the committee's recommendation. In each case, Cramer's V showed essentially no association, and both *lambda* and *tau* indicated the variables had no predictive value when COMMREC was dependent. Three of the other four variables identified as inappropriate discriminators had small but consequential (EDUC and FSTCNV) or moderate (AGERVW) association with COMMREC but had no predictive value when COMMREC was dependent and had no significant chi square statistic. The following discussion, therefore, is limited to pointing out interesting but insignificant trends.

The subject's age at the time of review by the ISP Assignment Committee (AGERVW) showed a moderate association (Cramer's $V = .21$) with the committee's recommendation. The distribution was bi-modal with 30.4 percent of the 18- to 20-year-olds and 41.9 percent of those 31 and older receiving favorable recommendations. Only 19.1 percent of the 21- to 25-year-olds and 22.2 percent of those age 26 to 30 received favorable recommendations. While these differences were not statistically significant, the direction may suggest an interest by the committee to provide younger people with an opportunity in the community and to view the older person as being better able to handle the requirements of intensive supervision.

Age also may play a role in terms of the subject's first conviction. Age at first conviction and committee recommendation showed a small but consequential association (Cramer's $V = .13$) with 35.0 percent of those who were over age 23 at the time of their first conviction getting a favorable recommendation. Those who were under age 20 received a favorable recommendation in 21.7 percent of their cases while 23.5 percent of those age 20 through 23 were recommended for the program. Possibly, the committee considered those persons whose first conviction did not occur until after age 23 to have a less developed criminal career and more responsive to the ISP regimen.

Another interesting, though not significant, association was between education level (EDUC) and committee recommendation (Cramer's $V = .12$). Fifty percent of the subjects with more than a high school education ($N = 6$) received a favorable recommendation compared to only 27.4 percent of those with less than a high school education ($N = 73$). High school graduates ($N = 44$) received a favorable recommendation in 34.1 percent of their cases. The committee may have considered those persons with less than a high school education to be less employable and less established

in the community—and therefore less likely to succeed on ISP.

The only variable significantly associated with the committee's recommendation was ISPRVW (the year in which the recommendation was made), which had a chi square of 7.495 ($p = 0.0236$). While nearly the same number of cases were reviewed each year (1989 = 44 cases; 1990 = 59 cases; 1991 = 48 cases), the committee gave a favorable recommendation to 40.7 percent of the 1990 cases compared to 27.3 percent in 1989 and only 16.7 percent in 1991. We see several possible explanations for these differences. A low percentage of favorable recommendations in the program's first year (1989) is not surprising since the committee may have been understandably cautious. During the second year, an increase in favorable recommendations may reflect the committee's increased comfort level and the ISP officer's increased experience. The decrease of favorable recommendations in 1991 to a level below that in the program's first year is curious. But, since the caseload is restricted to a maximum of 25, after 2 years of operation there may have been fewer slots available for new cases to be assigned.

Appropriate discriminators. Three variables were expected to be associated with COMMREC since the Offender Selection Worksheet highlights these scores (CHS, RISK, NEED) as important to the decisionmaking process. Surprisingly, none of them had a significant relationship with the committee's recommendation. For example, the ISP officer informed us that the program is geared toward those offenders with a criminal history score at 2.0 and above. Of the 118 cases including a criminal history score, 55 were under 2.0 and 63 were at 2.0 and over. There was no significant difference in favorable or unfavorable recommendations by the committee on the basis of this score (chi square = .005; $p = .944$). One-third of the persons scoring under 2.0 (32.7 percent) and one-third of those at 2.0 and over (33.3 percent) received a favorable recommendation.

The Offender Selection Worksheet also identifies those people with risk scores in the maximum range as composing an ISP program target group. In our sample, 73.0 percent of all persons considered by the committee were considered maximum risk, but only 28.6 percent received a favorable committee recommendation. Over 20 percent of the cross-tabulation cells had expected frequencies under 5, so the chi square statistic is not helpful. The direction, however, is interesting since 50 percent of those considered minimum risk ($N = 4$) and 35 percent of those at medium risk ($N = 40$) received a favorable recommendation.

The need score shows a similar lack of distinction. While the target group for ISP supposedly has maximum needs (except where the person's risk score is minimum) the cross-tabulation showed no significant

difference between need score and committee recommendation (chi square = 1.119; $p = .5716$). Most of the persons (62.0 percent) considered by the committee scored in the medium need category, while those with maximum needs comprised 26.4 percent and those with minimum needs were 11.7 percent. While those overall percentages seem consistent with the program's target group, the resulting distribution of favorable recommendations did not differentiate by need score (26.3 percent of minimum, 33.7 percent of medium, and 25.6 percent of maximum received a favorable recommendation).

Possible discriminators. Two of these variables (DRUG and ALC) showed no association with COMMREC and had no predictive value when COMMREC was dependent. The small but consequential association between the subject's employment score (EMP) on the risk/needs scale and the committee recommendation (Cramer's $V = .13$) supports the possibility that the committee's decision may be influenced by the subject's employability. While 35.5 percent of those considered to have no employment difficulties received a favorable recommendation, only 15.4 percent of those considered unemployed or virtually unemployable were favorably recommended.

Other discriminators. Since only 1 of the 13 variables considered in this study had a statistically significant relationship with the ISP Assignment Committee's recommendation, it seems obvious that the committee's decision is based on variables not yet considered. Of course, it is also possible that the committee is simply making random assignments, but that would be unlike committees and a position we are not ready to accept at this point. Instead, we propose that subjective criteria not measured by these 13 variables are being used to make favorable and unfavorable recommendations.

There are several opportunities in the decisionmaking process for subjective judgments. As described earlier, the ISP officer is not required to make a specific recommendation resulting from completing the Offender Selection Worksheet, and the ISP Assignment Committee is not required to make a specific recommendation based on the outcome of its deliberations. Even factors that may appear to be objective actually have subjective components. For example, the risk/needs scores are the result of how the PSI writer or probation officer interprets things such as the extent to which alcohol or drugs affect the client's life. Despite training sessions to encourage similar interpretations among risk/needs scorers, it seems likely there is still room for subjective evaluation.

In addition to subjective factors linked to the process, placement on ISP is probably influenced by community factors. While the stated goal of Colorado's ISP program is to provide supervision, surveillance, and appropriate services to offenders who would otherwise go to prison, the local guidelines require consideration of factors such

as the offender's likelihood of success on the program and the offender's threat to society. A person deemed appropriate for ISP in the mid-sized city of Ft. Collins may have received regular probation in Denver or may have been sent to prison if sentenced in the small town of Brush. As a result, factors other than the ones measured in this study likely influence recommendations for or against ISP placement.

Anecdotal information supports the role of subjective criteria in the decisionmaking process. For example, the ISP officer informed us that whether or not an offender has a telephone can influence the decision. Without a phone the offender cannot be placed on electronic monitoring, so the committee may decide the offender is not appropriate for placement. In addition, we were told of a mother being placed on ISP because sending her to prison would result in the loss of her children—a situation the ISP officer deemed undesirable and unnecessary. Variables such as these are not easily operationalized or made objective. However, they may be playing an important role in the decisionmaking process and should therefore be looked at more closely.

Summary

Probably the most remarkable finding in this study is the absence of any significant relationship between the ISP Assignment Committee's recommendation in favor or against ISP assignment and any of the independent variables other than the year in which the committee heard the case. Such independence is laudable for variables such as gender, age, ethnicity, and education. However, the independence found with variables that are supposed to identify a target population for the ISP program (e.g., the offender's criminal history, risk and need scores) suggests this particular program may not be one of prison-diversion as the state guidelines proclaim. These findings of "no difference" between the offenders recommended for ISP and those not recommended reemphasizes Burkhart's (1986) concern that program evaluations must first deal with issues of offender classification and assignment.

Additional study in this area should include qualitative methods that allow researchers to observe the deliberations in the ISP Assignment Committee meetings. From this qualitative research, quantitative measures can follow that allow better identification and testing of variables used in decisionmaking.

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