

RESEARCH REPORT NO. 59

✕ Civil Addicts Marginally Retained by
the California Rehabilitation Center,
✕ Institutional and Community Behavior

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✓ California Department of Corrections - Research Unit

June 1977

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CIVIL ADDICTS marginally retained by
THE CALIFORNIA REHABILITATION CENTER:
Institutional and Community Behavior

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Southern California Research Group
Office of Research
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Department of Corrections
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Administrative Abstract

During late 1974 the California Rehabilitation Center (CRC) greatly expanded the retention of otherwise excludable civil addicts (marginally retained addicts). This resulted in a decrease of the exclusion of admissions from one in six to one in ten. Exclusions result from histories of excessive criminality, aggression, drug sales activity, or currently not benefitting from the Civil Addict Program (CAP). The underlying and heretofore untested rationale is that these particular narcotics addicts would be untreatable or uncontrollable. A high rate of exclusion represents conflict between the courts and CRC, inefficiency in the commitment process, and lengthy, expensive and perhaps unnecessary state prison sentences.

The efficacy of expanding the policy was tested by comparing the post selection behavior of a sample of marginally retained cases to that of two samples of more clearly acceptable cases. Altogether, the study population consisted of 350 civil addicts representative of administrative classification actions taken during the last quarter of 1974.

The marginal sample was slightly more delinquent in the institution (CRC) in a statistically significant sense, but not in a practical sense. Their delinquency consisted of more relatively minor acts (e.g., out-of-bounds, tattooing) rather than of serious ones (e.g., use of narcotics or assault), and may have resulted from being kept in CRC much longer, which was made a condition of retention. There was no difference among the samples on comprehensive measures of outpatient adjustment in the community (e.g., arrests, convictions, narcotics use, absconding).

The group that was excluded during the selection quarter (n=111) was tracked through subsequent adjudication. It was discovered that the majority received a local community level disposition (jail and/or probation) and, therefore, spent about the same time in custody as did the marginal sample which remained in CRC.

The major conclusion of the study, that *expanding the marginal retention policy did not lower program performance or increase the level of delinquent behavior in a practical sense*, led to the following recommendations for consideration:

1. Continue the policy at least at its present level;
2. Expand the policy to include some cases presently being excluded;
3. Manage some state prison committed addicts in CRC;
4. Carefully interpret the relation between increased length of stay and increased minor delinquency;
5. Modify the current exclusionary criteria.

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"Let the jury consider their verdict," the King said, for about the twentieth time that day.

"No, no!" said the Queen. "Sentence first-- verdict afterwards."

"Stuff and nonesense!" said Alice loudly. "The idea of having the sentence first."

--Lewis Carroll.
*Alice's Adventures
in Wonderland.*

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CHAPTER 1

INTRODUCTION AND IMPORTANCE OF STUDY

Within California the state's Civil Addict Program (CAP) has become an increasingly important disposition for male narcotic addicts who have been convicted of a felony crime. From 1962 to 1975 the proportion of male felony commitments rose gradually from 58 percent to 93 percent. This resulted from the unique location of the CAP between local community and state prison sentencing alternatives, which makes it subject to the impact of plea bargaining and diversion programs.

Not all narcotic addicts convicted of felonies receive the benefits of CAP commitment. Many are felt to be excessively criminal, aggressive, or involved in drug sales activity and, therefore, are sentenced to lengthy prison terms for reasons of punishment, retribution or deterrence. Some are not committed because it is predicted that they will be rejected as unfit by the California Rehabilitation Center (CRC), which is the institutional phase of the CAP. The law has given CRC, through the Director of Corrections, the unusual discretionary power to reject any case determined to be unfit for treatment or control within the CAP.

During 1973 and 1974 CRC made frequent use of this power--male commitments were excluded and returned to court at a rate of one in six (579 of 1776 during 1974). These were all men who had been legally certified to be narcotic addicts or not far from it. Although a felt need for greater punishment, etc. may enter into the decision to exclude, the basic rationale in most cases seems to be expected

misbehavior or lack of potential for treatment or control. The following is stressed in the opening letter to CRC's exclusion guidelines:

Effective treatment programs require that certain individuals be excluded from the California Rehabilitation Center in order to maintain the institutional setting and therapeutic climate necessary to the success of the program.

Because of a desire to extend the benefit of CAP placement, during 1974 CRC expanded a policy of retaining, on a marginal basis, many of these otherwise excludable addicts. The result was a lowering of the rejection rate from one in six to one in ten. This policy also applied to readmissions who were also being excluded at the 16 percent rate because they did not appear to be benefiting from the program.

In spite of the advantage the marginal retention policy might offer for other aspects of the criminal justice system, as discussed below, CRC was concerned about the behavioral impact of these persons. Accordingly, a study was designed to compare the subsequent institutional (CRC) and community (outpatient) behavior of these marginally retained addicts to the behavior of more clearly acceptable civil addicts. The primary concern of this report is with the comparison on institutional and outpatient behavior, while secondary goals are to present relevant legal, historical and descriptive information about the exclusion decision, and to determine whether addicts representing various degrees of administrative acceptability can be differentiated objectively from one another on relevant background characteristics.

Importance of the Study

Obviously, the rejection by CRC of about 16 percent of court admissions is descriptive to some degree of inefficiency in the commitment process. What constitutes an efficient rate depends upon a number of factors, including how one interprets the relevant legislative

sections. However, the following examples may be helpful: appeals, not necessarily successful were filed on only 7.4 percent of superior court dispositions made during 1973 (Department of Justice); recently, superior courts accepted 91 percent of California Department of Corrections diagnostic study (1203.03 P.C.) recommendations for county probation (McKay, 1976); and California courts accepted 96 percent of the recommendations probation officers made for probation (Dickover and Durkee, 1974).

Several human and fiscal costs are caused by a high rate of exclusion. The narcotic addict who is excluded may, at the least, be subjected to uncertainty and anxiety about his future, and at the most, be deprived of his liberty because of a lengthy prison sentence. The public may be deprived of the savings associated with a CAP commitment compared to a state prison sentence with little or no apparent gain in public protection.

The decision-makers may also experience frustration. The court judges may feel that because of their more comprehensive perspective of the criminal justice system, they are in the best position to make the best resolution of a "normal" addict, and, having already done so, resent having to re-review the case. Furthermore, judges have experienced a lower level of disagreement with other decision-makers as noted above. CRC administrative staff have as much confidence in the validity of their decisions, feeling they have had more intensive experience with narcotic addicts and, therefore, should be more expert in this specific area. They undoubtedly regret the large portion of time and resources that must be devoted to the exclusion process rather than to the mandated objectives of treatment and control.

In terms of monetary costs, during 1973 the cost of staff time devoted to exclusion was over \$250,000.00 or 15.3 percent of CRC's treatment and administrative budget. CRC's expenses may be the lesser proportion of total exclusion costs because each exclusion

means transportation back to the jurisdiction of the committing court, housing in jail, possible bail expenses for the defendant and family, and cost of defense attorney or public defender. It is more expensive to commit persons to state prisons compared to the CAP because of the much longer initial period of incarceration.

The findings of this study should be directly applicable to determining whether it is feasible to continue the marginal retention policy as a means of reducing the level of inefficiency and associated human and fiscal expenses.

Findings of the study should also have policy implications in another area of court and Department of Corrections interaction. The policy that should be considered would involve selecting some addicts committed to state prison and returning them to court for CAP commitment. A recent study (Wilson, 1976) suggests that a sizable proportion of men and women addicts just received in state prison from court fit the profile of acceptable CAP candidates, at least as marginal cases.

CHAPTER 2

BACKGROUND INFORMATION AND DESCRIPTION OF CRC EXCLUSION PROCESS

Within this chapter are presented legal considerations, historical trends, and other factors necessary for a more complete understanding of the exclusion decision. Finally, the current CRC exclusion process is described.

Legal Considerations

Although the California State Legislature created the CAP for the non-punitive treatment and control of narcotic addicts,¹ the CAP was obviously not intended to be the disposition for all addicts. First,

¹California Welfare and Institutions Code (W&IC), Section 3000.

simultaneously with the enactment of CAP legislation,² the penalties for narcotic and drug felony offenses, particular those involving sales activity, were increased greatly. The term for simple possession of heroin was set at two to ten years with parole possible after serving two years in prison, while for sales of opiates the term became five years to life with parole possible after three years.

Second, the civil commitment procedures were made more stringent for those convicted of specific serious offenses. These offenses, which are listed in Section 3052 of the Welfare and Institutions Code (W&IC) are "murder, assault with intent to commit murder, attempt to commit murder, kidnapping, robbery, burglary in the first degree, mayhem," felony assaults,³ rape and other serious sex crimes,⁴ other felonies involving bodily harm or attempt, and narcotic, marijuana and dangerous drugs offenses involving sales or transportation, with minimum terms in state prison of more than five years.⁵

Initiation of civil commitment for those convicted of offenses not listed in Section 3052 is entirely up to the judge. However, initiating commitment of a person convicted of a Section 3052 offense required more:

In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the District Attorney and defendant, order commitment notwithstanding Section 3052. (Section 3051, W&IC)

During 1972, the requirement of the district attorney's concurrence was found unconstitutional (*People vs. Navarro*, 497 P.2d 481), but the original stipulation remains a clear indication that civil commit-

²W&IC, Section 3000-3311.

³*California Penal Code*, Section 245.

⁴*California Penal Code*, Chapter 1 (commencing with Section 261 of Title 1 of Part 1 (except subdivision 1 of Section 261)).

⁵*California Health and Safety Code*, Article 1 (commencing at 11500) or II (commencing at 11530) of Chapter 5, or Article 4 (commencing at 11710) of Chapter 7, of Division 10.

ment of these cases was to be made with restraint. In spite of this court decision, as discussed later in relation to plea bargaining, the district attorney remains influential.

It should be added that after the criminal court judge initiates the commitment process, the offender must be certified to be a narcotic addict or in imminent danger thereof. Certification includes examination by two physicians, a hearing in civil court, and a possible jury trial if the offender opposes commitment.

The third legal consideration, and a very important one, is that final approval of the civil commitment has been granted the Director of Corrections in Section 3053 W&IC:

If at any time following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that the person, because of excessive criminality or for other relevant reasons, is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

Obviously, the law has given the Director wide discretion, which has been delegated to the Superintendent of CRC, in determining which persons are excludable. This discretionary power has frequently been contested in court, but in no instance has an appellate court found abuse of discretion (Rossbacher, 1976).

Civil Addict Program Exclusionary Criteria

By authority granted in Section 3053, the Director of Corrections has established a set of guidelines to help determine which addicts are unfit for commitment (Department of Corrections, 1973). They are periodically revised and distributed to courts, probation departments, public defenders, district attorneys, and others who might be involved with committing persons to CRC. (The complete guidelines have been attached as Appendix A.)

The guidelines are based on the broad offense categories of Section 3052: serious crimes against the person, excessive sales (narcotics, dangerous drugs, or marijuana), and other serious offenses with lengthy prison terms. However, the guidelines go considerably beyond the offenses mentioned in 3052. First, although Section 3052 refers only to the commitment offense, the CAP guidelines deal with the person's entire criminal history. For example, "not suitable for civil commitment would be cases in which a history of assaults, battery and other offenses against the person is indicated" or "those who have a pattern of aggression which precedes their addiction and continues after their addiction."

Second, the guidelines expand as follows the concept of excessive criminality to include property offenses such as burglary which have occurred extensively: "persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable...."

Third, persons who are not deemed appropriate for the maintaining of a therapeutic atmosphere in a relatively open institutional setting such as CRC may be excluded. These include escape risks, recalcitrants, those previously exposed to therapy without gain, those with major medical or psychiatric disorders, a history of arson, and extreme protective custody cases.

Fourth, persons previously accepted for the program may be excludable if they prove to be nonamenable; that is "individuals who cannot or will not participate in all phases of the program; those whom we are neither treating nor controlling." Examples are inpatients "unwilling to participate" or who use narcotics within CRC, and outpatients who "rapidly or repeatedly abscond from supervision," "repeatedly relapse to drug use with little or no progress," or "continue to commit the same offenses as their commitment offenses or other criminal offenses."

Finally, the guidelines direct that special consideration be given to persons with other confinement pending, about to be deported, previously excluded, and already under felony parole supervision.

An evaluative point to be made about the criteria is that they are relatively subjective. As the above verbatim excerpts indicate, examples are provided, but they are not specific in terms of "how many" or "how much" or "how often."

Commitment, Exclusion, and Court Disposition Trends

It should be clear that determining which cases should be committed to the CAP is not simple. Although the law excludes specific offenses, it allows for exceptions. The CAP which has final approval has expanded the unfit category considerably and in a relatively subjective manner. In this section some historical data on commitments, exclusions, and return to court dispositions will be presented, which should provide some idea of how the courts and the CAP have interpreted or responded to the various restrictions on commitment.

Commitment Trends. The historical behavior of the court relevant to the commitment of excludable cases may be determined, to some extent, by examining the annual commitments of persons whose offense was listed in Section 3052 W&IC. First, the data will be discussed as it applied to the behavior of superior court judges in committing 3052 W&IC offenders relative to other felony offenders (See Appendix-Table B-1). There has been a gradual increase in all Section 3052 related commitments from 22.3 percent in 1962 (the second year of the CAP) to 30.1 percent during 1968 and 34.9 percent during 1975 (most current data available). For the group of offenses related to sales activity, the commitment rates have been consistent, 22.0 percent in 1962 and 20.7 percent in 1975. For the group of serious crimes committed against the person, there has been a large increase in commitment rates from 0.4 percent during 1962 to 14.3 percent during 1975.

Second, commitment of Section 3052 related offenders increased dramatically relative to total admissions, from 12.9 percent in 1962 to 35.5 percent in 1974. This occurred because the proportion of felony offenders rose gradually from a little more than half (57.8 percent) of the 1962 commitment group to almost all (93.4 percent) of the 1975 group.

Exclusion Trends. It is also informative to examine annual exclusionary actions of the California Rehabilitation Center (CRC) which is the institution of initial placement for new admissions from court and for readmissions from outpatient status. Most exclusions of new admissions are based on behavior prior to admission, and therefore, are descriptive of disagreement between the court and CRC. Expressed as percent of total new admissions from court, exclusions of new admissions rose from 0.7 percent in 1962 to 14.6 percent in 1965, dropped to 10 percent in 1966 and 1967, and then plummeted to 3.3 percent in 1968 (See Appendix Table B-2). The latter drop was due primarily to a decision made by the new Director of Corrections to retain serious offenders within the CAP, but to house them elsewhere within the Department of Corrections besides CRC. The new policy was short-lived and the exclusion rate rose again to 10.2 percent in 1969 and remained constant until 1973, when it reached highs of 16.3 percent that year and 15.8 percent in 1974. It dropped to 10.4 percent during 1975 as a result of the marginal retention policy.

Readmissions are excluded for behavior within the CAP either in the institution or on outpatient status. Through 1968 relatively few readmissions were excluded with the highest rate being 3.4 percent for 1966 (Appendix Table B-2). However, the rate jumped considerably from 1.5 percent in 1968 to 11.5 percent in 1969, dropped slightly for the next three years, and rose to 13.6 percent in 1973 and 15.5 percent in 1974. The rise after 1968 was due simply to an administrative decision to exclude more readmissions rather than to retain them for control purposes as had been previous practice. It was felt,

particularly after a serious disturbance at CRC during 1968, that some readmissions were not profiting from the CAP themselves and were interfering with the progress of others. During 1975, the rate dropped to 8.0 percent because use of the marginal retention policy had been expanded.

Commitment and Exclusion Trends Compared. In Figure 1, percents of both Section 3052 W&IC commitments and exclusions of new admissions are plotted for 1962-1975. The trend of each is generally upward, and although the slope of Section 3052 commitments is slightly steeper, the lines are relatively parallel from year to year. The deviations occur for 1968 for reasons discussed above, for 1973 possibly because CRC applied the exclusion criteria more stringently, and for 1975 because of expansion of the marginal retention policy. This congruence

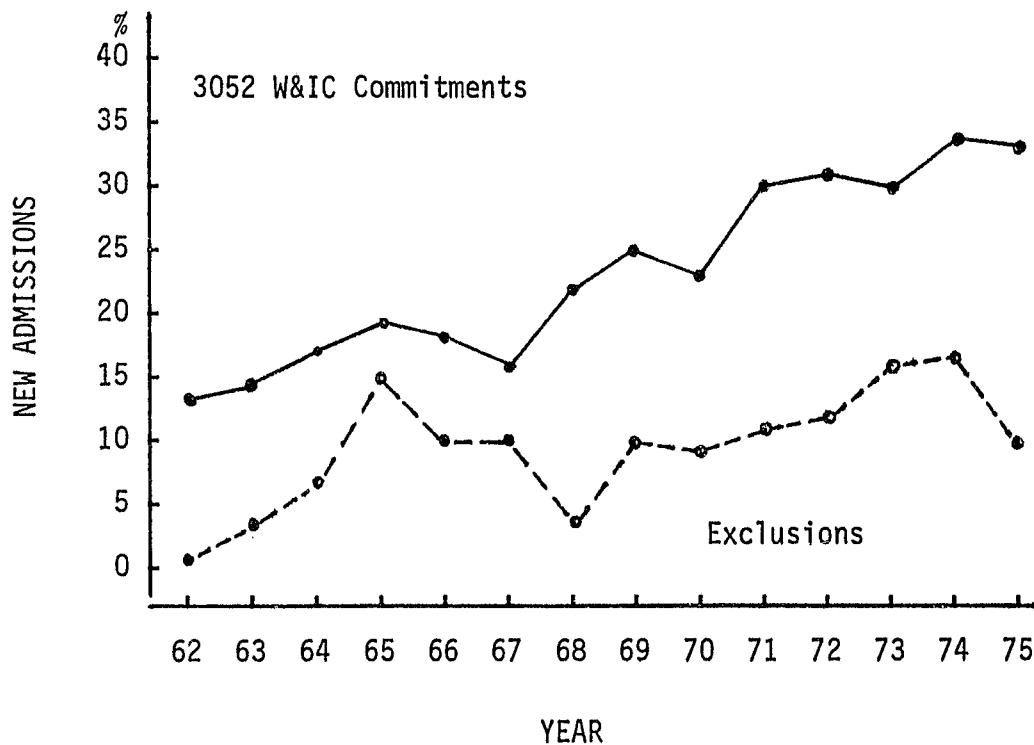


Figure 1

Commitment of 3052 W&I Code Offenders and Exclusion of New Admissions from CRC as Percent of all Male Admissions.

suggests that CRC has been influenced greatly in its decision to exclude by Section 3052, but that CRC does not exclude all 3052 commitments. It is probable that the court learns from exclusions made by CRC and alters its commitment practices accordingly during the subsequent year.

Disposition of exclusions returned to court. Upon exclusion, persons committed to the CAP pursuant to conviction of a criminal offense are returned to court for sentencing on that offense. A clue about the consistency of the judge's opinion on how these cases should be handled is the level of disposition made at this hearing. The disposition of 69 male new admissions who were excluded and returned to superior court during early 1973 for sentencing on a felony commitment are shown in Table 1 (Beckett, 1974). It is revealing that less than half or 45 percent were sentenced to state prison, a more serious disposition than CRC, while 46 percent received the less serious disposition

Table 1

Disposition of Residents Reviewed during First Quarter of
1973 and Returned as Unfit to Superior Court

	Disposition			Total (N)
	Community or Jail and/or Probation	State Prison	CRC or not Available	
<u>All Exclusions</u>	53.8%	38.2%	7.0%	(130)
<u>Admission Type</u>				
New	46.4	44.9	8.7	(69)
Re	62.3	32.8	4.9	(61)
<u>Reason Excluded</u>				
Criminality	55.6	44.4	-	(9)
Sales	40.0	40.0	20.0	(10)
Assaultive	38.5	61.5	-	(13)
Recalcitrance	23.1	61.5	15.4	(13)
Unresponsive	100.0	-	-	(2)
Medical	54.5	36.4	9.1	(11)
P.C. ^a Homosexual	71.4	28.6	-	(7)
Non Amen-Non Violent	63.0	32.6	4.4	(46)
Non Amen-Violent	40.0	50.0	10.0	(10)
Other Confinement	77.8	11.1	11.1	(9)

^aProtective custody.

tion of county jail and/or probation. Because of their felony conviction each of these offenders was eligible for prison, but the court was consistent in its position that a less serious disposition was appropriate for half of them. This disposition pattern also held true for those being excluded for excessive criminality, excessive sales activity, and assaultive behavior: 55 percent; 40 percent, and 39 percent, respectively, were given county level dispositions.

Explanatory Factors

Several factors may be associated with the patterns in the data presented above, and, to some degree, explain the lack of greater agreement between the court and CRC.

Diversion Programs. During the last decade, there has been increasing emphasis on handling all offenders at the lowest level of severity of disposition possible within the criminal justice system. Examples of such diversion programs are probation subsidy, local drug programs, Penal Code 1000 drug diversion, and methadone maintenance. As a disposition for the addict convicted of a crime, CRC lies between state prison and county jail and/or probation, which means the diversion emphasis probably resulted in a CRC commitment for many who previously would have been punished with a state prison sentence. (In fact, counties receive probation subsidy funds for making CRC commitments.) Simultaneously, CRC was determined to be too severe a disposition for most addicts convicted of a misdemeanor offense and many convicted of a less serious felony offense. Together, these factors contributed to a gradual increase in the proportion of serious felony related commitments.

Plea Bargaining. The unique position of the CAP has also made it an important plea bargaining option. The prevalence of plea bargaining within California is evidenced alone by the fact that 72.2 percent of felony defendants convicted during 1973 pled guilty! A recent study of commitments to CRC from Los Angeles found that a plea

of guilty had been entered in every case (Rossbacher, 1976). There was some benefit to the defendant in each plea: multiple counts were dropped in 33 percent, additional charges were dropped in 31 percent, prior conviction allegations were dropped in 12 percent, and pleas to lesser charges were accepted in 35 percent. For the addict convicted of a serious felony offense, a CAP commitment compared to state prison would be very desirable, if only in terms of time served prior to first parole. During 1975, the median time served in CRC before first release was seven months with persons rarely serving more than 15 months; in contrast, the median time spent in state prison for robbery first was 44 months, and for sale of heroin was 46 months (see Appendix Table B-3).

For the district attorney, CAP is useful as a bargaining tool for obtaining a conviction in a weak case or a conviction for a more serious offense. Although the district attorney's concurrence is no longer a legal requirement for commitment of Section 3052 offenders, he may still wield considerable influence in the eventual success of such commitment attempts through informal or formal contacts with CRC. By concurring with civil commitment, the district attorney may avoid bargaining downward a serious offense, and quite frequently may strike a bargain, such as "Commitment to CRC for robbery first, but if excluded by CRC, then the offense will be reduced to Grand Theft." Because of the increasingly high public concern about violent and aggressive crimes, the district attorney may have increasingly concentrated on "bargaining upward" in this fashion, resulting in the relatively greater rise in commitments to CRC of this group compared to drug sales and other felony offenders.

Subjective Criteria. A third factor to be considered is the subjective nature of the criteria published by the Department of Corrections. Although they provide generalized examples of unfit cases they are not specific; for example, how many convictions of assaultive crimes, over how long a period, indicate a "pattern of aggression"?

In fact, they do not specify whether convictions are necessary as evidence of behavior or whether mere arrests are sufficient. Similarly, how many drug sales, of what quantity or dollar value makes a drug seller? How many prior prison or jail sentences are indicative of "excessive criminality"?

The result is that CRC, the court, and district attorney have considerable flexibility in making their decisions, and perhaps this is necessary considering the complexity of factors involved. However, considering the hundreds of persons at the community level involved in the commitment process and the subjective nature of the criteria, it is not surprising that many commitment "errors" are made.

Inconsistent Interpretation. Additionally, it is likely that CRC has not interpreted the guidelines consistently over time, which would tend to further confuse those in the community who must rely on past experience to add specificity to the guidelines. An example of inconsistency is when the director decided in 1968 to make fewer exclusions. This sort of change abruptly alters the quality of decision-making feedback for the judge, and probably results in the abandonment of many prior ideas of what constitutes a "normal" CRC case. Too many fluctuations in interpretation make it more difficult for the judge and other community decision-makers to develop consistent and usable stereotypes.

CRC Exclusion Process

Review for unfit cases has been conducted in three ways throughout the history of CRC. During the early years review was conducted almost entirely by a single associate superintendent. About 1967 this responsibility was delegated to three program administrators because of the increased workload and emphasis at that time on decentralizing decision-making. This arrangement produced inconsistent decisions, was otherwise inefficient, and was replaced by the current process in late 1970.

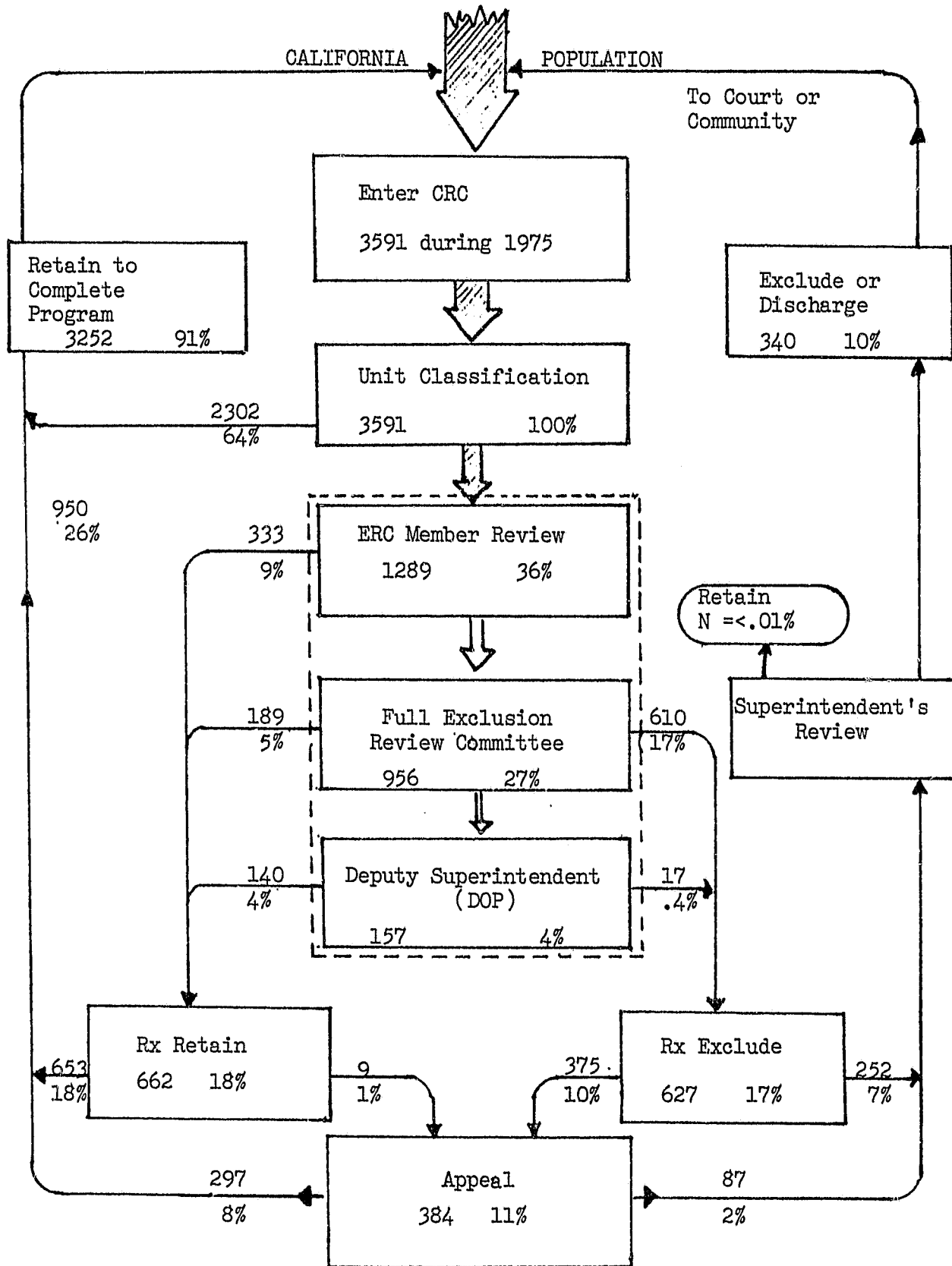


Figure 2. Basic Flow of California Rehabilitation Center Exclusion Process during 1975 (Percents figured using 1975 Admissions as the base).

The current procedure contains several levels of review by committees and senior administrators, and was designed to balance effectiveness and due process. An important aspect of the procedure is that once initial screening has occurred, it is biased more toward retention than exclusion. Decisions to exclude are subject to several reviews and appeals, but decisions to retain are rarely reconsidered unless new information appears or if the civil addict appeals.

The following description of the process uses data for 1975, a year during which a total of 3591 male new admissions and readmissions were received by CRC. This figure was used as the base for each of the decision rates illustrated in Figure 2. At the end of the process it can be seen that 340 persons or 9.5 percent of admissions were selected to be returned to court for exclusion. All but a few cases involving legal errors are excluded through this process.

Unit Classification. After preliminary casework has been completed, all admissions appear in person before the Unit Classification Committee for initial program assignment and exclusion review. Persons may also appear for re-review because of some new behavior or information relevant to their assignment or exclusion. Committee members have been instructed to interpret the exclusion guidelines stringently and to refer every case which fits them to the next level of review, the Exclusion Review Committee (ERC). During 1975, 1289 cases or 36 percent of admissions were selected for higher review, while the remaining 64 percent were retained with no further exclusion review.

ERC Review. The ERC was composed of five or six high level administrators, who rotated each week to meet as a quorum of three. Preliminary to review by the quorum one member screened all cases for those which could be retained with no further review. During 1975, a single member retained 333 cases which was 26 percent of all cases referred to the ERC. The resident does not make a personal appearance during this stage or during the later meeting of the quorum.

The remaining 956 cases were reviewed by the other two members, which was followed by a meeting of the quorum, discussion, and vote on the disposition of each case. By unanimous agreement, the committee retained 189 or 20 percent and recommended 610 or 64 percent be excluded. Disagreements on 157 cases (16 percent) were resolved by the deputy superintendent, usually after a personal interview with the case. His decision was to retain most of them (140 or 89 percent). In summary, after review at the ERC level 627 persons or 49 percent of those referred to the ERC had been recommended for exclusion.

Appeal. An extremely important aspect of the process is the provision for a person to appeal the recommendation of the ERC to the deputy superintendent and/or superintendent. The appellant is usually interviewed by one of these administrators. During 1975, 297 or 77 percent of 384 appellants were successful.⁶ In summary, before appeal, exclusion had been recommended for 627 or 17 percent of admissions, while after appeal, 340 or 10 percent were finally excluded. As a condition of retention, most of these cases were given a minimum eligible referral date of nine or twelve months from date of admission, which means a considerably longer than average stay.

Each case selected for exclusion as the end result of the above process is carefully reviewed by the superintendent of CRC. He usually makes no change in the recommendation, but if he does disagree the case may be sent back for reconsideration, improved documentation, or handled as an appeal.

Summary and Comment

Two parallel historical trends are relevant to the exclusion issue: the increasing commitment of addicts convicted of crimes against the person, and the increasing exclusions by CRC of these

⁶Twelve of these appeals were of a recommendation for retention.

and other persons considered to be unfit for the CAP. Over the years increased plea bargaining and emphasis on diversion have contributed to the commitment of more persons convicted of serious felonies, while equivocal legal codes and subjective guidelines which have been inconsistently interpreted have contributed to lack of agreement between the courts and CRC. The superior courts sentence about half of returned CRC exclusions to community level supervision, which is consistent with an apparent desire to keep these addicts out of state prison.

To a large extent, the decision-making behaviors of both the courts and CRC are interdependent and self-adjusting. If the court commits a borderline case which CRC accepts, then the court will send more of this type; or conversely, if many courts persist on sending a previously excluded type, then CRC may begin to accept this type. In fact, the marginal retention policy currently being evaluated may be an example of the latter adjustment.

The multileveled CRC exclusion process may initially seem conservative in that it identifies a large pool of potential exclusions (i.e., 36 percent of admissions were selected for higher exclusion review). However, the remainder of the process is biased toward making it more difficult to exclude than retain, in that about a fourth of the eligible pool are actually excluded (9.5 percent of admissions).

CHAPTER 3

METHODOLOGY

General Research Design

The primary goal of the study was to evaluate the decision to retain within CRC a number of marginally acceptable civil addicts. Accordingly, the general design of the study was to compare the postselection institutional and outpatient (parole) behavior of a sample of marginal retention cases to the behavior of two samples of more clearly acceptable cases. A secondary analytical goal was to determine whether the relatively subjective exclusion process could be described objectively. Therefore, a sample of cases who were actually excluded from CRC was added to the study. These four groups were then compared on objectively measured preselection factors felt to be relevant to the exclusion decision.

During a September 1974 meeting between researchers and CRC personnel involved in the exclusion process, it was decided to make the study prospective rather than retrospective. Accordingly, selection of the study samples was based on classification decisions made during the period of October 1, 1974 through December 31, 1974.

As indicated previously, new admissions from court and readmissions from outpatient supervision present somewhat different exclusionary concerns. The former are reviewed on the basis of behavior before commitment and the latter reviewed on behavior after commitment. Accordingly, most of the analysis will consider these two groups separately.

Definition of Study Samples

Three retention samples as defined below were selected for comparison and separated into subsamples of new admissions and readmissions (Table 2). Although no attempt was made to stratify

for admission type during the selection process, the resultant difference between retention groups on this factor was not statistically significant ($\chi^2 (2) = 1.184, p \text{ n.s.}$). When the excluded sample was included in the analysis, however, the disproportionate share of excluded readmissions resulted in a statistically significant difference ($\chi^2 (3) = 8.503, p < .05$).

Table 2
The Study Samples by Admission Type

Group	Retention Level			Excluded Sample	Total
	Unit	ERC	Marginal		
New Admissions					
n	64	78	73	52	267
%	66.0	60.0	59.3	46.8	57.9
Re-Admissions					
n	33	52	50	59	194
%	34.0	40.0	40.7	53.2	42.1
Total Admissions					
n	97	130	123	111	461
%	100.0	100.0	100.0	100.0	100.0

Note: Retention level by admission: $\chi^2 (2) = 1.18, p = 0.55$;
all four samples by admission: $\chi^2 = 8.50, p = .04$.

Marginal retention sample. The marginal retention sample was defined as all persons who were retained after administrative review at the highest level (deputy superintendent and/or superintendent). Two types of cases fit this definition: (a) those recommended for exclusion by the ERC who were retained after administrative appeal ($n = 97$), and (b) those who were retained upon administrative resolution of a difference of opinion (DOP) in the Exclusion Review Committee or ERC ($n = 26$).

ERC retention sample. The next comparison group, one of moderate acceptability, was defined as all those who were reviewed by the ERC and retained at that level with no further review.

Unit retention sample. The final retention sample was selected from admissions who were retained by the unit classification committee. Logically, therefore, this group represents the most acceptable CAP candidate. Because this group represents about 65 percent of admissions, it was decided to select a 30 percent random sample for the study. Before the sample was selected, readmissions who would have a less than 60-day stay (limited placement) were removed from the population in order to make the institutional exposure time of the three samples less uneven.

Excluded sample. The final comparison sample included all 111 civil addicts who were determined to be unfit for the civil addict program and, subsequently, were returned to court for exclusion discharge.

Representativeness of Study Samples

As indicated in Table 3, the decision rates of the sample selection quarter are relatively similar to 1975 and very similar to 1976. Therefore, the results of this study should be generalizable to current CRC exclusionary practice. In making this statement, it has been necessary to assume that cases reviewed during each period were similar in acceptability and that decision-makers interpreted the criteria uniformly.

Table 3

Disposition of Male Admissions Reviewed for Exclusion
1973-1976 and the Study Quarter (Fourth Quarter 1974)

Disposition	Period of Review				
	1973	1974	4th Quarter 1974	1975	1976
Male CRC Admissions ^a	3827	3846	905	3591	4151
Unit Retained	2214	2344	543	2089	2498
% of Admissions	57.9	60.9	60.0	58.2	60.2
ERC Retained	762	475	134	735	731
% of Admissions	19.9	12.4	14.8	20.5	17.6
Marginal Retained	221	429	117	427	455
% of Admissions	5.8	11.2	12.9	11.9	11.1
Excluded	630	598	111	340	467
% of Admissions	16.5	15.5	12.3	9.5	11.3

^a Combined court admissions and readmissions.

^b Exclusion Review Committee difference of opinion and exclusion recommendation cases retained after administrative review.

Preselection Variables

After selection (defined by date of classification action), the file of each civil addict was searched for objective demographic and criminal history factors which might be relevant to the classification decision. For all but the unit retained sample the subjective reason for exclusion review was recorded and categorized according to the exclusion criteria (see Chapter 2 and Appendix A).

Age at selection, ethnic status, time in the CAP, time in CRC at selection, number of readmissions, and the minimum eligible referral date (if set) were recorded. Ethnic status was dummy coded (0 = no; 1 = yes) for the three largest groups so that it could be included in a multivariate analysis.

Criminal history factors included number of convictions of offenses listed in Section 3052 W&IC (in subcategories of violence, assault, sex, and sales), number of escapes, and use or possession of weapons (0 = no; 1 = yes). Prior incarcerations were recorded and quantified by combining number and level (0 = none; 1 = 1 or two jail or juvenile; 2 = 3 or more jail or juvenile; 3 = one prison; 4 = more than one prison). Years from both first arrest (as entered on the CII report) and first opiate use to selection were recorded.

The criminal offense or event leading to the current CAP commitment was recorded and quantified in several ways. First, it was assigned a value using an offense severity scale developed for this study (Appendix Table B-4). The scale is based on suggested primary base ranges for term setting used by the California Adult Authority, which in turn are based on historical, nationwide practice.⁷ All misdemeanor offenses received a weight of one, while such felony offenses as battery with a suggested median term of four years was

⁷"Suggested Primary Base Ranges - Adult Authority and Women's Board of Terms and Paroles," unpublished document, California Department of Corrections.

scored two, burglary second with a suggested median term of six years was scored three, and sales of opiates with a suggested median term of eight years was scored five. Second, commitment offense was dummy coded (0 = no; 1 = yes) according to whether it was listed as a violent or assaultive offense in Section 3052, or listed as a drug sales related offense in Section 3052.

Institutional Behavioral Factors

After each of the retention sample subjects left CRC, his central file was again reviewed for information about institutional adjustment from the date of selection for the study to the date of departure from CRC. General information recorded included date and type of departure, while more specific data were collected on program performance and disciplinary infractions.

Program performance. Work, vocational, and educational reports were reviewed in order to develop a score for each of the three areas (superior or A = 1; above average or B = 2; average or C = 3; below average or D = 4; failure or F = 5). Because of the opportunity for residents to participate in more than one program area, two overall performance scores were calculated, an average score (arithmetic mean of program scores) and a best program score (the simple highest score).

The final casework document, usually the "Referral" or "Closing Summary" was content analyzed to quantify the correctional counselor's overall evaluation of the case with emphasis placed on description of participation in group counseling or dormitory leadership. Superlatives such as "very positive," "exemplary," or "a leader," gained an above average ranking (value of one); merely meeting expectations-- "active," "satisfactory," or "gradually improved"--led to an average ranking (value of two); and limited participation or being a negative influence--"complainer," "half-hearted," "very hostile," or "withdrawn"--led to a below average ranking (value of three).

Table 4

 Disciplinary Behavior Scale and Seriousness Score

<u>Disciplinary Behavior Scale</u>		
<u>Type of Behavior</u>	<u>Examples</u>	<u>Code or Values</u>
<u>Major Incident (Violent)</u>	Participation in group disturbance, possession of dangerous weapon, assaulted or injured staff or resident; hit employee with fists	(6)
<u>Major Incident (Non-Violent)</u>	Use of narcotics or drugs, escape or attempt; sniffing volatile substance; arson; large scale destruction of property; homosexual behavior	(5)
<u>Moderate Incident (Violent)</u>	Fist fight with resident, no injury; verbal threat of injury or violence toward resident or staff	(4)
<u>Moderate Incident (Non-Violent)</u>	Possession of narcotics, drugs or outfit; gambling; tattooing	(3)
<u>Defiance of authority or serious deviance</u>	Refusal to obey direct order; refusing to work, attend school or otherwise to program; late return on TCR; disrespect	(2)
<u>Minor deviant behavior</u>	Out-of-Bounds; curfew violation; smoking in theatre; eating twice, early; cord on radio; altering ID card; late to group, school, work; flagging; failure to report for interview	(1)

Disciplinary Seriousness Score

This score summarizes the total delinquent behavior of the resident during his institutional stay. The score is calculated by categorizing each incident according to the Disciplinary Behavior Scale and assigning it the appropriate value. If the incident resulted in a CDC-115, its value doubled. The properly weighted values are summed to obtain the Disciplinary Seriousness Score.

Disciplinary infractions. Information about misbehavior was coded primarily from the CDC-128 or CDC-115 report forms with the latter generally being used for reporting more serious infractions. First, the number of each of these was simply counted. Each incident was then rated according to a seriousness scale which was adapted from that developed by Mueller and Jaman (1966), and which is summarized in Table 4. The second variable consisted of the single most serious incident committed by each subject rated according to the above seriousness scale. Finally, an overall disciplinary seriousness score was calculated for each subject by summing the seriousness score of each incident weighted by the type of report (CDC-128 weighted one time and CDC-115 weighted two times).

Outpatient Behavior Factors

The next stage of the study was to collect information relevant to behavior after release from CRC to community supervision (outpatient status or OPS). Each subject released to OPS was followed for one year unless return to CRC, discharge or death occurred sooner. Because of varying dates of release, the behavior measured reflects community activity from November 1974 (first subject released) to March 1977. Official California Department of Corrections Parole reports and Criminal Identification and Investigation reports (CII or "Rap Sheets") were used as the source of information.

The status of each person at the end of the one year follow-up period was categorized according to physical location and/or whether conditions of release had been violated. Two categories describe being under satisfactory OPS supervision: *no violation*, and *reinstated* or violations of outpatient conditions reported but not felt to be serious enough for return to CRC. The other statuses are *at-large* or having absconded from supervision, *returned to CRC*, *discharged*, or *dead*. Seriousness of return to CRC was quantified as

follows: 0 = not returned; 1 = gate turn-in or limited placement (involves a short stay of 30 to 60 days); 2 = TFC (a technical return for a median stay of four to five months); and 3 = WNC (returned as a consequence of a new commitment to CRC for a median stay of nine months).

Several measures of extent of criminal activity were developed. The number of arrests, misdemeanor court convictions, and superior court convictions were recorded. Each conviction was weighted according to the offense severity scale previously used for scaling the commitment offense (Appendix Table B-4), and the weights were summed to derive a criminal severity score (CSS). The weight and length of sentence and type of most serious convicted offense were also recorded (see Appendix Table B-4).

Use of narcotics was quantified as follows: none = 0; once or twice = 1; frequently = 2, and addicted (daily use) = 3. Drug or narcotic sales activity was measured similarly: none = 0, suspected = 1, and convicted of a sales related offense listed in 3052 W&IC = 2. Two additional pieces of at-large data were recorded: number of times at-large, and most serious at-large event (less than six months; or six months or more).

Finally, the overall outpatient behavior was ranked according to the single most serious behavior or event which occurred during the follow-up period. Scores on the OPS Outcome Index can range from one (clean) to 13 (sentenced to state prison) and are defined in Appendix Table B-5. The index is patterned after that used for routine follow-up of Department of Corrections felon parolees (Jaman, 1971).

Excluded Sample

Obviously, institutional and outpatient behavior of the excluded cases could not be measured. However, in order to aid interpretation of the results of the study, some follow-up infor-

mation on this group was collected. A current CII report on each case was obtained in March 1977 which provided the disposition of each person in criminal court after exclusion and the length of custody and probation sentence. Court records officers were also contacted for missing dispositions.

Analysis

For each of the three sets of variables (preselection factors, institutional behavior, and outpatient behavior) the study samples were compared separately within new and readmission categories. This procedure involves the potential for a large number of statistical comparisons which, correspondingly, involves a high probability of discovering false (chance) differences between samples. This problem was avoided by using a variation on the protected "t" strategy suggested by Cohen and Cohen (1975). First, where possible, a multivariate discriminant function analysis was used to compare the study samples on the complete set of variables at the same time (Nie, Hull, et al., 1975).⁸ If the samples proved to differ statistically at the .05 level of significance, then the samples were compared on each variable within the set using linear one-way analysis of variance or its equivalent. Finally, for each variable which was statistically significant at the .05 level, "t"-tests were used to identify statistical differences between a specific sample and the other samples. Analysis was terminated at the level where the desired statistically significant difference was not obtained.

⁸It was not possible to use discriminant function analysis for the comparison on institutional behavior. This was due to the unavailability of scores for some cases on some important variables, especially those related to program activity. Unfortunately, eliminating the cases with missing information from the analysis significantly altered the relationships of the retention samples on the remaining variables.

In the analysis of the preselection variables, it was possible to further specify the differences between samples using an additional discriminant analysis. All variables were entered, but one at a time in stepwise fashion, using Wilk's lambda criterion and an inclusion level of $F \leq 2$ (Nie, Hull, et al., 1975). The intent here was to identify the optimal, linear, nonredundant combination of variables which explained the greatest degree of variance among the samples.

CHAPTER 4

ANALYSIS: PRESELECTION VARIABLES

The basic objective within this chapter is to contrast the study samples in terms of preselection factors, with particular emphasis on how the marginal retention group differs from the other two retention samples and from the excluded sample. The secondary question is whether the samples can be differentiated on the objective factors in a manner consistent with the subjective reasons given for exclusion review.

New Admissions

Following the analytical procedure outlined in the preceding chapter, the first step was to contrast the four samples on 16 preselection variables simultaneously, using linear multiple discriminant analysis. This yielded one statistically significant function ($p < .001$) with a canonical correlation (R_c) of .43, which justified proceeding with the one-way analysis of variance tests on each preselection variable. As shown in Table 5, the four samples differed significantly on five variables: escape history, years since first arrest, years since first heroin use, proportion Mexican-descent, and proportion committed on a violent or aggressive offense (e.g., robbery first or assault).

As allowed next under the "protected t " procedure, t -tests were conducted between individual samples only on each of the five overall significant variables (Table 5). These tests revealed that the ERC, marginal, and excluded samples are similar to one another and significantly greater than the unit sample on proportion of aggressive offense commitments. The excluded sample is similar to the marginal group and significantly greater than the unit and ERC samples on arrest span, and greater than all three retention samples on narcotic use span, history of escape, and proportion Mexican-descent.

Table 5

Means, Standard Deviations (), and *F* Values for Study Samples
on Pre-selection Variables for New Admissions

	1 Unit (N = 64)	2 ERC (N = 78)	3 Marginal (N = 73)	4 Excluded (N = 52)	<i>F</i>
Violence History	.08 (.27)	.13 (.38)	.25 (.46)	.17 (.38)	2.40
Assault History	.25 (.56)	.13 (.38)	.25 (.46)	.23 (.47)	1.09
Sex Crime History	.0 (.0)	.01 (.11)	.01 (.12)	.04 (.19)	.97
Sales History	.30 (.58)	.45 (.57)	.34 (.56)	.35 (.56)	1.00
Weapons	.53 (.50)	.57 (.50)	.74 (.44)	.58 (.50)	2.55
Escape	.20 (.51)(4)	.27 (.88)(4)	.14 (.35)(4)	.56 (1.23)(123)	3.28*
Incarcerations	1.61 (1.16)	1.47 (1.10)	1.82 (1.11)	1.96 (1.07)	2.46
Age (Years)	27.23 (5.63)	26.50 (5.11)	28.36 (6.01)	29.13 (7.19)	2.51
Arrest Span (Years)	8.69 (5.52)(4)	8.65 (5.52)(4)	10.14 (6.03)	11.75 (7.19)(12)	3.49*
Narcotic Use Span (Years)	7.46 (4.87)(4)	7.09 (5.01)(4)	8.05 (5.42)(4)	10.31 (6.52)(123)	4.06**
Mexican-descent	.31 (.47)(4)	.26 (.44)(4)	.29 (.46)(4)	.50 (.50)	3.21*
Black	.20 (.41)	.22 (.42)	.29 (.46)	.17 (.38)	.46
Offense Severity	3.22 (.68)	3.55 (1.05)	3.47 (.99)	3.46 (1.20)	1.32
Agg. or Viol. Offense	.03 (.18)(234)	.18 (.39)(1)	.26 (.44)(1)	.27 (.45)(1)	5.34**
Sales Offense	.16 (.37)	.24 (.43)	.19 (.40)	.21 (.41)	.58
Discriminant Score	.52 (234)	.19 (134)	-.14 (124)	-.73 (123)	19.23***

p* < .05; *p* < .01; ****p* < .001

Note: Subscripted number (s) adjacent to sample mean indicates from which other sample (s) that sample deviates significantly as result of t-test (*p* < .05).

All four groups are similar, of course, on the remaining 11 variables for which the overall analysis of variance was not statistically significant. Contrasting the samples on their mean discriminant score revealed that each sample deviated in a statistically significant manner from each of the other three.⁹

The stepwise discriminant analysis combined three of the pre-selection variables into two statistically significant functions which together explain 15 percent of the variance between samples ($R_c = .34$ and $.19$). The first and most important function contrasts the excluded sample with the three retention samples. As indicated in Table 6 the size of structure coefficients¹⁰ reveal the most important factors which determine exclusion to be commitment for a violent or aggressive offense and greater span of narcotics usage. The second function distinguishes the marginal sample from the other samples on the basis of a lower escape history and greater commitment rate for a violent or aggressive offense. Arrest span and proportion Mexican-descent were rejected by the analytical program because they were correlated with the above variables, and, therefore, did not add significantly to the explanation of variance.

The adequacy of the discriminant functions may be tested further by using them to classify the study population into the four comparison groups. It was possible to correctly classify 31.8 percent of all the new admissions cases, with best classification being achieved with the unit sample (71.8 percent) and worst with the ERC sample (none).

⁹The discriminant analysis attempts to calculate one or more linear functions by weighting and combining variables so that the distance between groups is maximized. For each subject, adding the products of the discriminant weight times the respective variable score results in a discriminant score.

¹⁰Correlating the discriminant scores with the variable scores yields a structure coefficient which is used to determine the relative importance of each variable (Cooley and Lohnes, 1971).

Table 6

Discriminant Function Coefficients (DFC) and Structure Coefficients (SC) for Stepwise Discriminant Analysis of New Admission Retention Samples on Preselection Variables

Variables	Function I ^a		Function II ^b	
	DFC	SC	DFC	SC
Escape History	.44	.48	-.63	-.69
Length of Use	.64	.58	-.16	-.34
Aggressive Commitment Offense	.71	.59	.68	.74
<u>Centroids</u>				
Unit			-.39	-.21
ERC			-.15	.07
Marginal			.08	.24
Excluded			.60	-.18

^a Canonical Correlation = .34

^b Canonical Correlation = .19

Readmissions

The multiple discriminant analysis using 18 preselection variables simultaneously proved to be significant ($p < .001$) when applied to the readmission samples. As shown in Table 7, the subsequent series of univariate one-way analysis of variance tests identified statistically significant differences on four factors.

Results of comparing individual samples on these four significant variables are also shown in Table 7. Both the marginal and excluded samples are similar on assaultive history and greater than the unit sample in prior incarcerations. The marginal sample is greater than

Table 7

Means, Standard Deviations (), and *F* Values for Study Samples
on Pre-selection Variables for Re-Admissions

	1 Unit (N = 33)	2 -ERC (N = 52)	3 Marginal (N = 50)	4 Excluded (N = 59)	<i>F</i>
Violence History	.06 (.24)	.02 (.14)	.06 (.24)	.07 (.31)	.42
Assault History	.0 (.0)(34)	.08 (.27)(34)	.26 (.53)(12)	.24 (.50)(12)	4.07**
Sex Crime History	.0 (.0)	.02 (.14)	.0 (.0)	.03 (.18)	.88
Sales History	.33 (.54)	.38 (.60)	.34 (.50)	.19 (.43)	1.42
Weapons	.36 (.49)(3)	.40 (.50)(3)	.66 (.48)(124)	.31 (.46)(3)	5.40**
Escape	.0 (.0)(4)	.15 (.50)	.10 (.30)(4)	.31 (.56)(13)	4.02**
Incarcerations	1.18 (.88)(34)	1.56 (.89)	1.92 (1.16)(1)	1.66 (.86)(1)	4.04**
Age (Years)	29.09 (6.79)	28.50 (5.65)	29.90 (5.68)	29.41 (5.74)	.50
Arrest Span (Years)	10.48 (6.06)	9.92 (5.61)	12.06 (6.04)	11.88 (6.11)	1.56
Narcotics Use Span (Years)	9.61 (6.24)	9.48 (5.49)	11.54 (5.96)	10.49 (6.09)	1.23
Times	2.69 (.77)	2.94 (.92)	2.80 (.86)	2.95 (.82)	.87
Years in CAP	3.24 (1.44)	3.98 (2.09)	4.30 (1.95)	3.95 (1.87)	2.11
Mexican descent	.30 (.47)	.25 (.44)	.28 (.45)	.39 (.49)	.95
Black	.18 (.39)	.25 (.44)	.26 (.44)	.14 (.35)	1.13
Offense Severity	3.33 (1.14)	3.12 (1.04)	3.16 (1.04)	2.80 (1.14)	2.03
Agg. or Viol. Offense	.06 (.24)	.06 (.24)	.12 (.33)	.02 (.13)	1.67
Sales Offense	.24 (.44)	.19 (.40)	.12 (.33)	.14 (.35)	.94
Discriminant Score	.59 (23)	-.03 (13)	-.75 (124)	.34 (3)	19.89***

p* < .05; *p* < .01; ****p* < .001

Note: Subscripted number (s) adjacent to sample mean indicates from which other sample (s) that sample deviates significantly as result of t-test (*p* < .05).

Table 8

Discriminant Function Coefficients (DFC) and Structure Coefficients (SC) for Stepwise Discriminant Analysis of Readmission Retention Samples on Preselection Variables

Variables	Function I ^a		Function II ^b	
	DFC	SC	DFC	SC
Assault History	-.49	-.65	-.38	-.16
Weapons	-.31	-.48	.77	.72
Escape History	-.29	-.30	-.55	-.68
Incarcerations	-.65	-.69	.06	.09
<u>Centroids</u>				
Unit	.65		.18	
ERC	.16		.04	
Marginal	-.42		.36	
Excluded	-.14		-.44	

^a Canonical Correlation = .36

^b Canonical Correlation = .32

all others in use of possession of weapons, while the excluded sample is greater than all others in number of escapes. Comparing the samples on the overall discriminant score showed that the marginal sample varied significantly from each of the other three, the excluded sample deviated only from the marginal sample, and the unit and ERC samples were statistically different from one another.

All four variables which were significant on the univariate *F* tests emerged from the stepwise discriminant analysis (Table 8). Two statistically significant functions were formed which together explain 23 percent of the variance between samples ($R_c = .36$ and $.32$). The first function contrasts the unit with the other samples, showing

the unit sample to be characterized by the relative absence of prior incarcerations and history of assault convictions. The second function separates the excluded sample from the others, especially the marginal sample, showing it to be positively correlated with escapes and negatively with use or possession of weapons. Of all readmissions, 38.9 percent were correctly classified (Appendix Table B-9). Best results were obtained with the unit sample (65.6 percent) and worst with the ERC sample (25.0 percent).

Subjective Reasons for Review

The subjective reasons given by the decision-makers for review are presented in Tables 9 and 10. The unit sample was not included because they were not reviewed specifically for exclusion, so no reasons were available.

New Admissions. The most frequent reasons given for exclusion review of the combined new admission samples were excessive criminality (33.5 percent), drug sales activity (25.2 percent), and violence or aggression (30.5 percent) prior to commitment (Table 9). To some extent, these were represented in the preceding analysis by the appropriate objectively measured variables.

Table 9

Reasons ERC, Marginal and Excluded
New Admission Samples were Reviewed for Exclusion

	Samples			Total (N=203)
	ERC (N=78)	Marginal (N=73)	Excluded (N=52)	
Excessive Criminality	30.8%	43.8%	23.1%	33.5%
Drug Sales	35.9	17.8	11.5	25.2
Violence	28.2	37.0	25.0	30.5
Other Criteria ^a	3.8	0	13.5	4.9
Used Drugs in CRC	1.3	1.4	7.7	3.0
Violence in CRC	0	0	7.7	2.0
Unresponsive to CRC	0	0	9.6	2.5
New Admissions Total	100.0%	100.0%	100.0%	100.0%

^aIncludes medical problems, unresponsive in previous placements, need for protective custody, deportation pending, history of arson or homosexuality.

The samples differ first in the high proportion of ERC cases reviewed for excessive sales (35.9 percent) compared to the marginal (17.8 percent) and excluded (11.5 percent) samples. Second, fully a quarter of the excluded cases were reviewed for behavior in CRC: use of narcotics or drugs, violence, or unresponsiveness compared to less than two percent of the ERC and marginal samples. This latter difference did not appear in the objective comparison, because relevant objective measures were not used in the study.

Readmissions. The most frequent reasons given for review of the combined readmission samples had to do with behavior while on outpatient status: repeated criminality (49.1 percent), repeated relapse or absconding (25.2 percent), and violence (8.2 percent). These were all represented by appropriate objective factors (i.e., history of assault convictions, weapons, and incarcerations).

Just as with new admissions, however, a very large proportion of the excluded sample were reviewed on the basis of behavior in CRC prior to selection for the study. For combined reasons of use of drugs in CRC, unresponsiveness to program, and violence in CRC, 34 percent of the excluded sample were reviewed compared to four percent of the marginal sample and two percent of the ERC sample.

Table 10

Reasons ERC, Marginal and Excluded
Readmissions Samples were Reviewed for Exclusion

	Samples			Total (N=159)
	ERC (N=50)	Marginal (N=50)	Excluded (N=59)	
Medical, psychiatric	2.0%	0%	6.8%	3.1%
Unresponsive in CRC	0	0	15.3	5.7
Used drugs in CRC	2.0	4.0	11.9	6.3
Violence in CRC	0	0	6.8	2.5
Repeated use, RAL on OPS	36.0	24.0	16.9	25.2
Repeated criminality on OPS	58.0	56.0	35.6	49.1
Violence on OPS	2.0	16.0	6.8	8.2
Readmission Total	100.0%	100.0%	100.0%	100.0%

Table 11

Summary of Differences Among Samples on
Subjective and Objective Preselection Factors

Factors (New Admissions)	Samples			
	Unit	ERC	Marginal	Excluded
Reviewed for Behavior in CRC		<2%	<2%	25%
Years of Narcotics Use	7.5	7.1	8.1	10.3
Number of Escapes	.20	.27	.14	.56
Aggressive Commitment Offense	3%	18%	26%	27%
(Re-admissions)				
Reviewed for Behavior in CRC		2%	4%	34%
Number of Escapes	None	.15	.10	.31
History of Assault	None	.08	.26	.24
Incarcerations	1.18	1.56	1.92	1.66
Use or Possession of Weapons	36%	40%	66%	31%

Summary

Results of the preceding series of analyses are summarized in Table 11. The new admission and readmission sample profiles are similar. First, the marginal and excluded samples are equally greater in proportion of aggressive offense commitments. Second, the excluded sample is greater than the retention samples in escape history and proportion reviewed for CRC behavior.

CHAPTER 5

RESULTS: INSTITUTIONAL BEHAVIOR

The unavailability of scores on many of the institutional behavior variables (e.g., work, education, best program) made it impractical to begin the analysis with the multivariate discriminant function analysis (see footnote 8). Therefore, the first step was to compare the three retention samples on each variable, one at a time, using multiple linear regression analysis with the retention groups being a set of "effects" coded independent variables. The resultant unstandardized regression coefficients have the advantage of contrasting each retention group mean with the unweighted mean of all the groups. Consistent with the "protected t " strategy, these contrasts are interpreted only for variables whose multiple correlation coefficient (R) is statistically significant at the .05 level.

New Admissions

Univariate analysis. As summarized in Table 12, retention sample is related in a statistically significant sense to four of the thirteen variables: number of assignments, and both time-in-program variables, but not to the program performance indicators (e.g., work, best program).

Under the "protected t " procedure, only the marginal sample varied statistically from the others on number of CDC-115 reports, being larger. Both the unit and marginal samples deviate significantly on number of program assignments, with the latter having more. Each of the three groups differ statistically from the others on time-in-program measures with the number of months spent being less for the unit sample followed in turn by the ERC and marginal samples (e.g., time from admission of 6.9, 8.3, and 11.6 months, respectively).

Table 12

Means, Standard Deviations (), Number and R Values for CRC Retention Groups Compared on Institutional Behavior Variables for New Admissions

	Unit	ERC	Marginal	R
Work assignment	2.05* ^a (.66) 37	2.32 (.63) 47	2.37 (.81) 54	.179
Vocational training	2.00 (.78) 14	1.90 (.76) 23	1.79 (.73) 29	.105
Education	2.11 (.90) 18	1.95 (.73) 38	1.79 (.93) 24	.139
Program Assignments (Number)	1.08*** ^a (.72) 64	1.38 (.71) 78	1.47* (.69) 73	.223** ^b
Average Program	2.01 (.64) 52	2.04 (.60) 69	2.07 (.66) 67	.038
Best Program	1.88 (.61) 52	1.84 (.65) 69	1.80 (.74) 67	.046
Counselor's rating	1.93 (.72) 59	1.76 (.69) 76	1.71 (.63) 66	.134
CDC-128 (Number)	.94 (1.25) 64	1.10 (1.58) 78	1.40 (1.53) 73	.127
CDC-115 (Number)	.14 (.47) 64	.15 (.40) 78	.36** ^a (.65) 73	.189* ^b
Worst disciplinary	.73 (1.14) 64	.76 (.91) 78	1.01 (1.14) 73	.119
Disciplinary Serious- ness Score	1.89 (3.39) 64	1.60 (2.58) 78	2.79 (3.32) 73	.166
Select to release (Months)	5.85*** ^a (1.60) 63	6.45*** ^a (2.11) 77	9.81*** ^a (2.52) 72	.635*** ^b
Admit to Release (Months)	6.90*** ^a (1.63) 64	8.27 (2.22) 78	11.64*** ^a (2.52) 73	.674*** ^b

* $p < .05$; ** $p < .01$; *** $p < .001$

^aSignificance level of partial regression coefficient associated with this mean (df = N-K-1).

^bSignificance level of multiple correlation coefficient.

Practical significance. The preceding section revealed the marginal sample to have been more delinquent within CRC according to one of four measures in a statistical sense. However, this does not mean, necessarily, that the difference is also of practical significance. In fact, the lack of difference between the samples on the other measures, particularly the Disciplinary Seriousness Score (DSS), suggests that the behavior which led the marginal sample to accumulate about twice as many CDC-115's as either of the other samples was not much more serious.

To more clearly examine the above possibility, all disciplinary infractions accumulated by those whose DSS was four or above were categorized and listed in Table 13. A cutting point was selected in order to focus attention on those who were more seriously delinquent; those with a DSS below four could not have received a CDC-115 for behavior worse than minor deviance or a CDC-128 worse than minor non-delinquency. CDC-115's are indicated by an asterisk (*) in Table 13. Of CDC-115's received by the marginal sample, only one (use of stimulant drug) fell in a serious delinquency category, six fell in moderate non-violence, and fourteen were for minor deviance or defiance of authority. The conclusion must be that although the marginal sample accumulated more CDC-115 disciplinary reports, most of them were not for extremely disruptive behavior. Furthermore, a glance at the rest of Table 13 leads one to conclude that the level of delinquency as reported on both the CDC-128 and CDC-115 was not serious for all samples combined.

Table 13

Disciplinary Seriousness Accumulated by New Admissions Whose
Disciplinary Seriousness Score was Above Four by Retention Sample

Type of Incident	Sample			Total (N=45)
	Unit (N=8)	ERC (N=12)	Marginal (N=25)	
Major violence				
Assaulted a resident	1*	0	0	1*
Major non-violence				
Positive test for drug use	1*	3*(2)	1*	5*(4)
Used heroin	1*	0	0	1*
Moderate violence				
Fighting	0	0	1	1
Moderate non-violence				
Tattooing	5*(4)	1*	2*	8*(7)
Gambling	0	0	1*	1*
Circulation of illegal mail	0	0	1*	1*
Narcotics Kit	0	0	1*	1*
Stole Valium	0	0	1*	1*
Sniffing	0	1	0	1
Defiance of Authority				
Disobeyed order	0	1*	3*(2)	4*(3)
Verbally hostile toward MTA, disrespectful	0	2	0	2
Cursed officer	0	0	2*	2*
In staff barber shop	0	0	1*	1*
Minor Deviance				
Absent or tardy (work, educ., voc.)	2*(1)	8	18*(4)	28*(5)
Out-of-Bounds	3	6	12	21
Lack of responsibility on job	1	0	2	3
Count violation	1	1	1	3
Curfew violation	1	5	9	15
Disobey order	1	1*	8*(2)	10*(3)
Stealing or cheating	0	1	5*(1)	6*(1)
Dining violation	2	1	1*	4*(1)
Behavior or "conduct"	1	0	3	4
"Mouthing off"	0	0	1	1
Contraband, cord on radio, excessive clothing	8*	11*(1)	9	28*(3)
Altering I. D.	1	0	0	1
Horseplay	0	0	1	1
Mail rules	0	0	2*(1)	2*(1)
Smoking in Theatre	0	1	0	1
Leaving early for meal	0	1*	0	1*
Failed to shave	0	0	1	1
Total Incidents	29*(10)	44*(7)	87*(21)	160*(38)

*Asterisk indicates that incident was reported on CDC-115.
Where not all incidents in a category were reported on
CDC-115, number following asterisk indicates how many were.

Although somewhat redundant, it is informative to examine the single most serious behavior exhibited by the study samples. As noted above, and reaffirmed from the contingency analysis presented in Table 14, the samples were not statistically different on this variable ($\chi^2 (12) = 14.78, p \text{ n.s.}$). Altogether, 86.5 percent of the cases engaged in either no or very minor delinquency at the worst, while an additional 11.1 percent engaged in defiance of authority or minor non-violent acts. Only five subjects or 2.4 percent of the entire new admission study population engaged in relatively serious activity. For three cases, this behavior was the use of heroin or other drugs within CRC, while the fourth engaged in a fist fight with another resident, and the fifth (a unit sample member) assaulted and injured a resident.

Table 14

Most Serious Behavior by Retention
Group for New Admissions

Behavior	Retention Group			Total
	Unit	ERC	Marginal	
None	33	32	27	92
%	51.6	41.0	37.0	42.8
Minor Deviance	25	39	30	94
%	39.1	50.0	41.1	43.7
Defiance of Authority	1	4	8	13
%	1.6	5.1	11.0	6.0
Minor Non-Violence	3	2	6	11
%	4.7	2.6	8.2	5.1
Minor Violence	0	0	1	1
%	-	-	1.4	0.5
Major Non-Violence	1	0	0	1
%	1.6	-	0	0.5
Major Violence	1	1	1	3
%	1.6	1.3	1.4	1.4
Total	64	78	73	215
%	100.0	100.0	100.0	100.0

Note: $\chi^2 = 14.78$ with 12 degrees of freedom, $p = .25$.

The retention samples were also not statistically significant on the proportion returned to court for exclusion ($\chi^2 (4) = 5.02, p \text{ n.s.}$). Overall, ten new admissions were excluded, 95.3 percent were released to outpatient status, and the others were discharged due to expiration of their legal commitment. As listed in Table 15, two cases were excluded for using heroin or possessing a narcotics kit, two for failing to meet retention stipulations by engaging in too much minor deviance, one for receiving stolen property, one for assaulting a resident, and four for factors unrelated to institutional behavior (e.g., a medical problem or extradition).

Table 15

Reason Excluded and Reason Originally
Reviewed for Exclusion for New Admissions

Reason Finally Excluded (After selection)	Reason Reviewed (Selected for Study)
(Marginal Retention Cases)	
1. Received stolen property from a resident.	Violence (used tire iron in GTP).
2. Federal detainer - not related to CRC behavior.	Lengthy criminal history (1 CYA, 2 federal prison)
3. Possession of narcotics kit in CRC.	Lengthy criminal history (1 CYA, 3 jail sentences).
4. Did not live up to stipulations (minor disciplinaries received) and wanted by Sheriff.	Excessive violence (CYA for armed robbery).
5. "Negative behavior, disruptive to program" (cursing an officer, disobeying direct order, stealing).	Lengthy criminal history, including violence.
(ERC Retention Cases)	
1. Extradition.	Possibility of other agency interests.
2. Medical problem (neurodermatitis).	Series of purse snatches (injured victim in one).
(Unit Retention Cases)	
1. Assaulted resident, medical attention needed.	Not reviewed.
2. Extradition.	Not reviewed.
3. Used heroin in CRC.	Not reviewed.

Readmissions

Univariate analysis. The effects coded regression analysis showed the retention samples to differ in a statistically significant manner on two of four measures of delinquent activity (disciplinary seriousness score, and worst disciplinary) and both time-in-program measures. (Table 15). Significance tests of the partial regression coefficients showed the marginal group means to be greater and the unit group means to be lower on each of these variables, while the ERC group deviated only on the time-in-program factors. As was the result with new admissions, the groups did not deviate in a statistically significant manner on the measures of program participation such as work performance or counselor's rating. In contrast to new admissions, the groups did not differ in number of separate program assignments.

Practical significance. Again, although the marginal sample is statistically more delinquent as measured by two factors, the means are small and suggestive of relatively mild misbehavior (worst behavior = 1.20, and seriousness score = 2.52). The crosstabulation (Table 17) of retention sample and disciplinary seriousness score (DSS) indicates that each group was characterized by a low level of delinquency. For example, 100 percent, 96 percent, and 90 percent of the unit, ERC, and marginal groups, respectively, compiled a DSS below eight, which is descriptive of relatively minor deviancy as noted in detail in the section on new admissions. Compared to the unit group in particular, however, the marginal group is over represented in the most severe category (12-18).

Means, Standard Deviations (), Number and R Values for CRC Retention Groups Compared on Institutional Behavior Variables for Readmissions

Variable	Unit	ERC	Marginal	R
Work assignment	2.49 (.81) 31	2.54 (.71) 41	2.29 (.67) 44	.150
Vocational training	1.75 (.96) 4	2.00 (.76) 8	2.29 (.76) 7	.265
Education	2.00 (.94) 10	2.00 (.67) 10	2.14 (.90) 7	.075
Program Assignments (Number)	1.36 (.60) 33	1.13 (.60) 52	1.16 (.58) 50	.158
Average Program	2.34 (.64) 32	2.37 (.65) 46	2.25 (.60) 47	.087
Best Program	2.09 (.78) 32	2.24 (.70) 46	1.15 (.62) 47	.085
Counselor's rating	1.90 (.55) 30	1.79 (.62) 48	1.76 (.57) 45	.097
CDC 128 (Number)	.52 (.71) 33	.81 (1.07) 52	1.08 (1.31) 50	.198
CDC 115 (Number)	.06 (.24) 33	.11 (.38) 52	.24 (.62) 50	.159
Worst disciplinary	.48* ^a (.57) 33	.67* ^c (.94) 52	1.20** ^a (1.47) 50	.263** ^b
Disciplinary seriousness score	.63* ^a (.93) 33	1.44 (2.75) 52	2.52** ^a (4.02) 50	.241* ^b
Select to Release (Mos.)	5.12*** ^a (2.08) 31	6.40 (2.35) 48	7.36** ^a (2.76) 49	.335*** ^b
Admit to Release (Mos.)	6.17*** ^a (2.05) 33	7.80 (2.50) 52	9.77*** ^a (3.71) 50	.437*** ^b

* $p < .05$; ** $p < .01$; *** $p < .001$.

^aSignificance level of partial regression coefficient associated with this mean (df = N-K-1).

^bSignificance level of multiple correlation coefficient

Table 17

Disciplinary Seriousness Score by
Retention Sample for Readmissions

Score	Unit	ERC	Marginal	Total
None	54.6%	50.0%	34.0%	42.4%
1-3	42.2	38.4	44.0	41.5
4-7	3.0	7.7	12.0	8.2
8-11	-	-	2.0	0.7
12-18	-	3.9	8.0	4.4
Total	100.0	100.0	100.0	100.0

Note: χ^2 for uncollapsed table = 23.47 with 24 degrees of freedom, $p = .49$.

Table 18

Most Serious Behavior by Retention
Samples for Readmissions

Behavior	Unit	ERC	Marginal	Total
None	18	26	17	61
%	54.5	50.0	34.0	45.2
Minor Deviant	14	22	22	58
%	42.4	42.3	44.0	43.0
Defiance of Authority	1	1	5	7
%	3.0	1.9	10.0	5.2
Moderate Non- Violence	0	2	1	3
%		3.8	2.0	2.2
Moderate Violence	0	0	1	1
%			2.0	0.7
Major Non- Violence	0	1	3	4
%		1.9	6.0	3.0
Major Violence	0	0	1	1
%			2.0	0.7
Total	33	52	50	135
	100.0%	100.0%	100.0%	100.0%

Note: $\chi^2 = 13.39$ with 12 degrees of freedom, $p = .34$.

A more clear perspective is apparent from examining the cross-tabulation of worst behavior and retention sample (Table 18). All the unit cases were involved in defiance of authority at the worst, as were all but five marginal cases. Two of the six seriously delinquent cases involved unauthorized use of medication (APC, propoxyphene), but they were eventually released to outpatient status. Two cases who used heroin and two involved in fighting with other residents were excluded.

Altogether, 93.3 percent of the readmission samples were released to OPS, 5.2 percent to court for exclusion, and 1.2 percent discharged end of term or reinstated (*Bye* hearing). Although of the seven exclusions two were ERC cases and five were marginal cases, the statistical analysis indicated that the three retention samples were not significantly different ($\chi^2 (4) = 7.72, p \text{ n.s.}$) in this respect. Reasons for exclusions are listed in Table 19 and describe two for fighting, three for using heroin or possessing a kit, one for not remaining disciplinary free, and one unknown.

Table 19

Reason Finally Excluded and Reason Originally Reviewed for Readmissions	
Reason Finally Excluded (After selection)	Reason Reviewed (Selected for Study)
(Marginal Retention Cases)	
1. Altercation with resident resulting in injury.	Continued Criminality on OPS.
2. Used heroin in CRC.	New criminality on OPS (Burg. 2nd).
3. Did not stay disciplinary free (several minor infractions).	Continued criminality on OPS (Third return).
4. Fist fight with resident.	Several returns and failed to submit to search.
5. Used heroin in CRC	Repeated failure on OPS.
(ERC Retention Cases)	
1. Possession narcotics kit	Excessive criminality (1 CYA, 4 jail).
2. Unknown (file not available).	Repeated criminality on OPS.

Length of Stay and Disciplinary Behavior

The greatest difference between the retention samples, within both new and readmission groups, was time spent in CRC after selection. In each case the marginal sample was kept longest followed in turn by the ERC and unit samples (e.g., for new admissions, mean time was 9.8, 6.5, and 5.9 months, respectively). It was wondered, therefore, to what extent the slightly greater disciplinary activity of the marginal samples was due to having spent more time in CRC after selection.

The question was first approached by comparing the samples within admission type on a rate of monthly disciplinary activity. Number of CDC-115 reports for new admissions and the DSS for readmissions were divided by their respective time from selection to release values to calculate the monthly rate. The result was that the previously found statistically significant differences disappeared (Table 20).

Table 20

Means and *R* Values for Retention Samples Compared on Rates of Disciplinary Activity per Month and during First Period of Stay at CRC

	Retention Sample			<i>R</i> ^a
	Unit	ERC	Marginal	
	Monthly Rate			
New Admissions (CDC-115 Reports)	.021	.023	.038	.119
Readmissions DSS ^b	.20	.22	.33	.129
	(DSS) First Period ^c			
New Admissions	1.88	1.42	1.77	.001
Readmissions	.45	.90	.92	.010

^aNote: None of the multiple correlation coefficients (*R*) are statistically significant.

^bDisciplinary Seriousness Score.

^cFirst period extends through seven and five months after admission for new and readmissions, respectively.

This finding demonstrates the existence of a similar relationship between time and delinquency within each retention sample, but does not necessarily establish that increased time led to increased delinquency. At this point, the opposite relationship could be true: that increased delinquency led to increased time. In order to be true, this very plausible alternative hypothesis must meet a second requirement for showing causation, that increased delinquency activity occurred before the decision about time (Hirschi and Selvin, 1967).

First, it was reasoned that if the ERC and marginal samples had higher delinquency scores than the unit sample at the time most of the unit sample had been released or were near release, this would be an indication of increased delinquency having preceded the release decision. Accordingly, a new DSS was computed based on behavior through the seventh and fifth months from admission for new and re-admissions, respectively, time periods which approximate the mean length of stay of the unit samples (the DSS was selected because it is a comprehensive measure of delinquency). As shown in the bottom of Table 20, the relationship between the earlier DSS and retention sample was not statistically significant, which fails to support the alternative hypothesis that increased disciplinary activity led to a longer stay for the ERC and marginal samples.

A second test was conducted on the marginal samples, using the minimum eligible referral date (MERD) as a guidepost. The MERD was set by the deputy superintendent when the marginal case was originally retained (at sample selection time) and stipulates that the 21 to 60 day release process cannot begin until this date is reached. The MERD was typically set at nine or twelve months from admission, well above the average length of stay. Therefore, it was hypothesized that if delinquent behavior preceded the release decision, then the release date would deviate from the MERD accordingly--well afterward if delinquency was severe, or near it if nonexistent or low.

A deviation from the MERD score was calculated for each marginal case by subtracting the MERD from the actual date of release to OPS. (Only those released to OPS were included, for obvious reasons.) This MERD deviation score was correlated with the DSS, within each admission type. The resultant coefficients were low, .10 (new admissions), and .22 (readmissions), and not statistically significant. This lack of relationship may also be seen by examining Table 22, which contrasts categories of each variable. Within new admissions, for example, the proportions of cases kept after the MERD were similar for various levels of delinquency--none, four of 19 or 21 percent; low (DSS of one-three), five of 20 or 25 percent; and serious (DSS of four or more), two of 16 or 13 percent. Therefore, it must be concluded that determination of release time for the marginal sample was not made on the basis of delinquent behavior as measured by the DSS.

Table 21

Relationship between Disciplinary Seriousness Score (DSS) and Deviation of Release to Outpatient Status from Minimum Eligible Referral Date (MERD) for Marginal New and Readmissions

DSS	Month of Release and MERD				Total
	Under MERD	Same or Next	2nd or 3rd	4th or More	
New Admissions ^a					
0	1	14	4	0	19
1 - 3	3	12	2	3	20
4 or more	0	14	1	1	16
Total	4	40	7	4	55
Row %	7.3%	72.7%	12.7%	7.3%	100.0%
Readmissions ^b					
0	0	8	1	2	11
1 - 3	2	12	2	1	17
4 or more	2	3	0	2	7
Total	4	23	3	5	35
Row %	11.4%	65.8%	8.6%	14.3%	100.0%

^aCorrelation based on ungrouped data = .103, *p* n.s.

Correlation based on ungrouped data = .220, *p* n.s.

In most cases (i.e., 72.7 percent of new admissions and 65.8 percent of readmissions), the release time appears to have been determined primarily by the MERD which was set at selection, well before delinquency could have occurred.

The preceding series of analyses eliminated the alternative hypothesis that increased delinquency caused the ERC and marginal samples to stay longer than the unit sample. Therefore, indirectly, the possibility that *the greater length of stay of the marginal sample led to its increased delinquent behavior* is supported. This conclusion must be tentative because in order to demonstrate conclusively that length of stay caused delinquency, a third condition, nonspuriousness, would have to be met (Hirschi and Selvin, 1967). This would involve showing that the association between the two factors was not caused by a third factor. However, for the purpose of this study it is sufficient to demonstrate that increased delinquency was not the causative factor of the longer stay.

CHAPTER 6

RESULTS: OUTPATIENT BEHAVIOR AND
DISPOSITION OF EXCLUDED SAMPLE*Outpatient Behavior*

The following comparisons of retention samples on outpatient behavior do not include, of course, the 19 subjects who were released from CRC for exclusion, deportation, or end-of-term discharge. Those released to outpatient supervision included 205 new admissions and 126 readmissions.

New Admissions. As indicated in Table 22 there is a statistically significant relationship ($\chi^2 (10) = 19.56, p < .05$) between new admission retention level and official status at the end of follow-up. Further analysis using phi test shows this to be due to the larger proportion the ERC sample has in the reinstated category (38.2 percent) compared to the other samples (unit = 18.0 percent, marginal = 25.0 percent). None of the samples differ in a statistically significant manner from the other two in regard to proportion in the other official categories.

Analysis of the relationship between retention samples and the remaining 13 behavioral measures, however, failed to replicate or explain the above more favorable outcome of the ERC sample. The linear discriminant function analysis, which contrasted the retention samples on all the variables simultaneously, resulted in a canonical correlation of .28 which is not statistically significant ($p = .66$). Although this finding meant the analysis should be terminated, it was decided to proceed with the univariate analysis for heuristic purposes. Application of the effects coded multiple regression procedure failed to reveal a single statistically significant relationship between retention sample and any of the measures; multiple correlations were extremely low, ranging from .018 to .172 (Table 23).

An additional test the overall measure of community behavior, the OPS Outcome Index, was collapsed into categories as shown in Table 24 and reanalyzed using chi square. Again the relationship proved to be not statistically significant ($\chi^2 (10) = 6.11, p \text{ n.s.}$).

Table 22

Status at Termination of Outpatient Follow-Up
for New Admission Retention Samples (Percent)

Category	Unit (N = 61)	ERC (N = 76)	Marginal (N = 68)	χ^2
One-Year Status				
No Violation	11.5%	19.7%	14.7%	
Reinstated	18.0	38.2* ^c	25.0	
At-Large	6.6	-	7.4	
Returned to CRC	55.7	38.2	42.6	
Discharged	8.2	2.6	10.3	
Dead ^a	-	1.3	-	19.56* (df=10)
Return Type				
Short-term ^b	36.1	17.1	27.9	
Technical	18.0	19.7	14.7	
New Commitment	3.3	1.3	-	10.05 (df=6)
Discharge Type				
End-of-term	-	-	-	
Excluded: At-Large	-	-	1.5	
State Prison	8.2	2.6	8.8	4.90 (df=4)

* $p < .05$

^aDeath due to a drug overdose.

^bVoluntary or limited placement (LP) return.

^cResult of phi test: $\phi = .18, \chi^2 (1) = 6.45, p < .02$

Table 23

Means, Standard Deviations (), and R Values for CRC Retention
Samples Compared on Outpatient Behavior Variables for New Admissions

Variable	Unit (N = 61)	ERC (N = 76)	Marginal (N = 68)	R
Months of Follow-Up	9.02 (3.03)	9.52 (3.52)	8.97 (3.46)	.077
Number of RAL's	.20 (.40)	.13 (.34)	.19 (.40)	.080
Most Serious RAL	.28 (.58)	.13 (.34)	.26 (.59)	.018
Number of Arrests	.64 (.73)	.62 (.73)	.51 (.74)	.073
Number Misdemeanor Convictions	.25 (.47)	.28 (.48)	.18 (.49)	.089
Number Felony Convictions	.23 (.46)	.22 (.48)	.21 (.44)	.021
Total Convictions	.49 (.65)	.51 (.70)	.38 (.60)	.089
Most Serious Conviction	1.45 (1.60)	.93 (1.39)	1.04 (1.77)	.055
Severity of Disposition	1.20 (1.88)	.93 (1.42)	1.03 (1.87)	.064
Criminal Severity Score	1.34 (2.01)	1.09 (1.75)	1.18 (2.01)	.054
Drug Sales Activity	.02 (.13)	.03 (.23)	.09 (.33)	.127
Narcotics Use	1.72 (1.03)	1.46 (1.08)	1.50 (1.01)	.107
Outcome Index	6.74 (3.78)	5.87 (3.79)	6.50 (3.76)	.098

Table 24

New Admission Retention Samples Compared
on Outpatient Outcome Index (Categories)

	Sample			Total (N = 205)
	Unit (N = 61)	ERC (N = 76)	Marginal (N = 68)	
<u>Favorable</u>				
Clean (1) ^a	9.8%	14.5%	10.3%	11.7%
Other (2 - 5)	26.2	31.6	23.5	27.3
Short Return (6)	24.6	18.4	27.9	23.4
<u>Unfavorable</u>				
Miscellaneous (7-10)	13.1%	15.8%	16.2%	15.1%
Technical Return (11)	14.8	15.8	13.2	14.6
New commitment to CRC or State Prison (12-13)	11.5	3.9	8.8	7.8
Total Percent	100.0%	100.0%	100.0%	100.0%
$\chi^2 (10) = 6.11, p \text{ n.s.}$				

^aNumbers in parentheses refer to rank on extended index.

Readmissions. Results of the discriminant analysis comparing readmission retention samples on outpatient behavior revealed them also not to differ in a statistically significant sense ($R_c = .29$; $p = .97$). Similarly, the chi square analysis of the samples on official status and the categorized OPS Outcome Index was not significant. These comparisons are summarized in Tables 25, 26, and 27.

Table 25

Status at Termination of Outpatient Follow-Up
for Re-admission Retention Samples (Percent)

Category	Unit (N = 33)	ERC (N = 48)	Marginal (N = 45)	χ^2
One Year Status				
No Violation	3.0%	16.7%	15.6%	
Reinstated	24.2	22.9	20.0	
At-Large	6.1	2.1	2.2	
Returned to CRC	54.5	41.7	44.4	
Discharged	6.1	16.7	17.8	
Dead ^a	6.1	-	-	13.18 (df=10)
Return Type				
Short-term ^b	18.2	18.8	22.2	
Technical	30.3	22.9	17.8	
New Commitment	6.1	-	4.4	4.75 (df=6)
Discharge Type				
End-of-term	3.1	4.2	6.7	
Excluded: at-large	-	2.1	-	
State Prison	3.1	10.4	11.1	4.08 (df=6)

^a One death was due to a drug overdose and one to natural causes.

^b Voluntary or limited placement (LP) return.

Table 26

Means, Standard Deviations (), and R Values for CRC Retention
Samples Compared on Outpatient Behavior Variables for Re-Admissions

Variable	Unit (N = 33)	ERC (N = 48)	Marginal (N = 45)	R
Months of Follow-Up	8.36 (3.70)	9.10 (3.42)	8.69 (3.58)	.083
Number of RAL's	.27 (.45)	.27 (.45)	.27 (.45)	.006
Most Serious RAL	.33 (.59)	.31 (.55)	.29 (.45)	.033
Number of Arrests	.73 (.76)	.71 (1.01)	.78 (.82)	.035
Number Misdemeanor Convictions	.33 (.60)	.29 (.54)	.22 (.47)	.084
Number Felony Convictions	.21 (.42)	.25 (.48)	.22 (.47)	.035
Total Convictions	.55 (.62)	.54 (.71)	.42 (.54)	.093
Most Serious Conviction	1.03 (1.33)	1.08 (1.58)	.93 (1.34)	.046
Severity of Disposition	1.19 (1.65)	1.21 (1.88)	1.20 (2.11)	.004
Criminal Severity Score	1.12 (1.49)	1.48 (2.64)	1.22 (2.31)	.067
Drug Sales Activity	.06 (.35)	.10 (.37)	.07 (.25)	.060
Narcotics Use	1.79 (.99)	1.67 (1.02)	1.62 (1.01)	.066
Outcome Index	7.55 (3.54)	6.88 (4.13)	6.78 (4.31)	.079

Table 27

Re-admission Retention Samples Compared
on Outpatient Outcome Index (Categories)

	Sample			Total (N = 126)
	Unit (N = 33)	ERC (N = 48)	Marginal (N = 45)	
<u>Favorable</u>				
Clean (1) ^a	6.1%	14.6%	17.8%	13.5%
Other (2 - 5)	21.2	20.8	20.0	20.6
Short Return (6)	18.2	16.7	20.0	18.3
<u>Unfavorable</u>				
Miscellaneous (7-10)	21.2%	18.8%	8.9%	15.9%
Technical Return (11)	24.2	18.8	17.8	19.8
New Commitment or CRC or State Prison (12-13)	9.1	10.4	15.6	11.9
Total Percent	100.0%	100.0%	100.0%	100.0%
$\chi^2 (10) = 5.65, \underline{p} \text{ n.s.}$				

^a Number in parentheses refer to rank on extended index.

Disposition of Excluded Sample

The civil addicts who were designated for exclusion during the sample selection period were followed through subsequent adjudication in order to determine their disposition and time incarcerated. The rationale was to provide an improved perspective on what might have happened to the marginally retained addicts had they, too, been excluded.

All of the excluded addicts were returned to criminal court for sentencing on their original criminal conviction. The sentence received for all but two who were returned and accepted at CRC and three for which information was not available are reported in Table 28 by admission type.

Table 28

Court Sentencing Disposition of Excluded Sample and Time Served
by New Admissions (N = 48) and Readmissions (N = 58)

Percent	Disposition			Total
	Community or Probation	Jail or Jail and Probation	State Prison	
New Admissions	27.1%	33.3%	39.6%	100.0%
Readmissions	53.5	27.6	19.0	100.0
<u>Months Served (Means)^a</u>				
New Admissions	4.0	10.1	22.1	13.2
Readmissions	3.5	11.0	18.5	8.3

^aTime served was calculated from date last admitted to CRC until end of disposition. Calculation of jail time does not include time off for good behavior or credit for time served prior to commitment to CRC.

Of the new admissions, exactly a third were sentenced to jail or jail and probation, which is a disposition about equivalent to commitment to CRC. Slightly more were sentenced to state prison and slightly less were released directly to the community. In contrast, more than half of the readmission sample received the more lenient disposition of release to the community, followed by sentence to jail, and state prison. Due to the nature of their commitment offense 88 percent of the new admission and 94 percent of the readmission samples were eligible for a state prison sentence.

Time spent incarcerated was figured from the date of most recent arrival at CRC until the person was legally released to the community after the custody portion of his sentence, if any. For those released to the community or sentenced to state prison exact termination dates were available. However, for the jail cases it was necessary to estimate when the sentence would terminate based on the court order. Therefore, jail time as reported here is probably an overestimate because it doesn't reflect credit for time served or good time.

Mean time served for each dispositional group is also presented in Table 28. As expected, those sent to state prison served the longest sentence and those released to the community the shortest. Overall, new admissions who were excluded served 13.2 months from admission to CRC compared to 11.6 months for new admissions who were marginally retained. Readmissions who were excluded served 8.3 months compared to 9.8 months served by those marginally retained.

CHAPTER 7

DISCUSSION, CONCLUSIONS, RECOMMENDATIONS

Post Selection Behavior

The basic purpose of the study was to evaluate the efficacy of retaining within CRC a number of civil addict admissions who otherwise would have been excludable according to CRC's exclusionary criteria. This was done by comparing the subsequent adjustment of a sample of this marginally retained group to samples of two more clearly acceptable groups of admissions.

Briefly, there was no practical difference in the way these samples behaved in the institution or on outpatient status subsequent to selection. This was in spite of some highly relevant preselection differences: marginal new admissions had a higher proportion of commitments due to an aggressive offense (e.g., robbery, burglary first, assault); and marginal readmissions were greater in extent of assaultive history, incarcerations, and use or possession of weapons.

Institutional Behavior. No statistically significant differences were found when the retention samples were compared on program performance factors such as work, education, or counselor's rating. However, when compared on several measures of delinquency, small but statistically significant differences appeared. Marginal new admissions were greater on number of CDC-115 disciplinary reports, while marginal readmissions were greater on an overall disciplinary seriousness score (DSS) and most serious behavior.

The above differences, however, were not judged to be of practical significance for several reasons. First, most acts of misbehavior were relatively minor (e.g., tatooing, out-of-bounds), and the marginal sample engaged in more of these rather than in more serious mis-

behavior (e.g., use of narcotics or assault). Of the marginal samples, one of 73 new admissions and four of 50 readmissions engaged in serious misbehavior; one of each admission type engaged in aggressive behavior. Second, the difference between retention samples was so small that knowledge of marginal group membership would be of little use in predicting future institutional behavior. Third, as discussed later, it is probable that the greater length of stay of the marginal group contributed to its slightly higher rate of delinquency. Finally, the retention samples did not differ in a statistically significant sense on whether they left CRC by exclusion or referral to outpatient supervision.

Compared to state prison, the overall level of misbehavior within CRC seems lower. One of the few studies to provide comparable data is reported by Jaman (1968). She measured the first year behavior of a representative sample of felons admitted to all state prisons during 1964, and found similar rates of non-delinquency and major incidents but a higher rate of moderately serious activity as shown below.

<u>Delinquency</u>	<u>New Admissions</u>		<u>Readmissions</u>	
	<u>Jaman</u>	<u>CRC*</u>	<u>Jaman</u>	<u>CRC*</u>
None	42%	46%	53%	49%
Moderately Serious	12	5	9	2
Major Incident	2	2	4	2

*CRC figures were weighted to reflect the fact that the unit sample was a 30% sub-sample.

Jaman's figures reflect a period of relative calm in California's prisons¹¹ so they probably underestimate current disciplinary activity. If so, the overall level of misbehavior within CRC would seem less serious if compared to the current prison climate.

¹¹Major incidents in CDC institutions did not rise until 1970 (Cohen, et al., 1975).

Length of stay and misbehavior. Detailed analysis suggested that the considerably longer stay of the marginal group contributed to their slightly higher delinquency scores (e.g., release was made after an average stay of 11.6 months, 8.7 months, and 6.9 months for the marginal, ERC and unit new admission samples, respectively). Within admission type, the monthly rate of delinquency was found to be the same for all retention samples, and time for the marginal sample was shown to have been set at selection as a condition of retention rather than as a function of delinquent behavior.

As noted by others (Goffman, 1961; Street, et al., 1966; Cressey, 1965; Perrow, 1970), institutional living requires obeying a large group of rules which are set strictly for the orderly functioning of the institution, but which are not paralleled in the outside community. For CRC, some examples would be "plugging in an electric radio," rules pertaining to count, and "having excessive clothing." This study found that the majority of disciplinary infractions committed by all samples combined were of organization maintaining rules rather than behavior which could be prosecuted in court (see Table 13). *Concluded simply, the marginal sample had more time to break more of these rules.*

Outpatient Behavior. After release from CRC to outpatient (parole) supervision, the retention samples were followed up for 12 months unless return to CRC or discharge occurred sooner. Community behavior was measured comprehensively by 14 variables which included official status, arrests, convictions, sentences, narcotics use and sales, and absconding from supervision. Only one of the resultant 28 major comparisons was statistically significant. This favored the ERC new admission sample (moderately acceptable addicts) but in view of the large number of comparisons and lack of replication on any of the other measures, this finding has little meaning.

The Excluded Sample

Civil addicts who were designated for exclusion from CRC during the selection period were found to be similar to the marginal retention sample in extent of aggressive behavior (commitment on aggressive offense and assaultive history). However, the excluded sample differed from each of the retention groups in more having been reviewed for recent misbehavior in CRC, greater escape history, and more years of narcotics use (new admissions only). The lack of complete similarity between the marginal and excluded sample makes it difficult to predict how the latter would have behaved had it been retained within CRC.

The excluded cases were also tracked through their subsequent return to criminal court and first incarceration, if any. It was found that only 39.6 percent of new admissions and 22.1 percent of readmissions received the more serious disposition than CRC of a sentence to state prison. Consequently, the excluded sample ended up spending about the same time in custody as did the marginal retention samples. These dispositions closely replicate those received by cases returned to court about a year earlier (summarized herein in Table 1). The conclusion must again be reached that the court was consistent in its original position that a disposition less severe than state prison was appropriate for most of the cases.

Preselection Factors

A secondary goal of the study was to determine whether the three retention samples and excluded sample could be differentiated from one another on the basis of objective preselection characteristics. The patterns of deviation as summarized earlier in this chapter were statistically significant and were along dimensions suggested by the subjective exclusion criteria and reasons given for exclusion review. A stepwise discriminant analysis explained 15 percent and 23 percent of the group variance for the new admissions and readmissions, respectively, figures which are relatively low but

commensurate with the results of similar studies. The unexplained variance may be due to the reliance of decision-makers on objective factors not measured, such as the quantity of heroin involved in a sale; or on subjective factors such as arrests not resulting in conviction; or quality of behavior in CRC prior to selection. Also, the impact of a large number of decision-makers who had varying definitions of the "normal addict", purpose of the civil addict program, and exclusion criteria may further complicate explanation of the exclusion decision.

This analysis suggests that, especially with inclusion of more precise and comprehensive measures as suggested above, it might be profitable to construct an objective screening device for use in court and administrative review. However, this would require large construction and validation samples, and before undertaking such a project, careful consideration should be given as to what the scale is supposed to measure or predict. As the results of this study demonstrate, the current exclusionary criteria do not predict misbehavior in a useful manner; what is to be gained by developing an objective tool for application in classifying according to the current criteria? If the avoidance of serious misbehavior is to be the major rationale for exclusion, it makes more sense to base the scale on factors which predict serious misbehavior.

Major Conclusions and Suggestions

- 1. The Marginal Retention Policy should be continued.*

Based on the results of the study, retaining excludable cases at CRC did not decrease the quality of program participation, increase the level of serious institutional misbehavior, or increase the risk of misbehavior on outpatient status. The similarity of decision rates between late 1974 when the study samples were selected and 1975 and 1976 suggests that CRC has applied the Marginal Retention Policy at the same level. Therefore, there seems to be no reason to decrease the use of the policy.

2. *The Marginal Retention Policy could be expanded, to some extent, to include cases currently excluded without undue risk of misbehavior.*

The caution in this statement comes not from the findings of this study, but from the limitations of the study. To the extent the excluded case fits the profile of the marginal or other retention samples, the findings suggest it should be retained. However, to the extent the case is more like those currently being excluded (e.g., escape history, and/or recent serious delinquency in CRC) the results of this study do not apply because the performance of this type has not yet been evaluated.

3. *Some addicts currently being sentenced to State Prison could be diverted to the Civil Addict Program.*

A recent study (Wilson, 1976) indicated that about 13.7 percent of all male state prison commitments received during a two month period would be acceptable at CRC. Acceptability was determined by the deputy superintendent at CRC who was also the key administrator involved in retaining the marginal cases studied herein. Wilson estimates that each year 660 male addicts could be managed at CRC rather than in state prison. Due to the shorter initial period of confinement at CRC, this translates into a net saving of 2800 months in prison and eliminates the need for 1931 prison beds. Although an additional 509 CRC beds would be needed, the savings are obvious. The relevance of the current study is that even if these addicts were retained in CRC on a marginal basis, and not all would be, the risk of serious misbehavior would be no worse than that expected for the typical CRC commitment.

4. *The association of increased minor delinquency with increased time in CRC should be interpreted carefully.*

This consequence of institutional living should be considered when evaluating the performance of marginal retention cases or others

confined for an unusually long stay. Also, it may be unreasonable for some persons to refrain completely from breaking minor rules, no matter what the expected punishment. It does not necessarily follow, however, that removing the time stipulation or equalizing the length of stay would result in decreased delinquency. The stipulation of a longer stay as a condition for retention may serve as a constant, tangible reminder of marginal status which may in turn motivate the person to exert increased self-control. However, given that the legislative intent is that the Civil Addict Program be "non-punitive," it may be inconsistent to set length of stay based on the commitment offense or other precommitment factors not directly related to the problem of addiction.¹² Therefore, it may be wise to seek and use alternative motivational mechanisms.

5. Consideration should be given to modifying the exclusionary criteria.

The current criteria do not predict institutional or outpatient misbehavior which makes the current exclusionary process meaningless in this respect. The results of this study do not indicate how the criteria should be modified, just that it should be done. The "How?" would be better answered by attempting to directly describe the relationship between preselection factors and institutional and outpatient behavior.

At this point it seems timely to recognize that many exclusions are based at least partially on reasons unrelated to expected behavior (e.g., punishment, deterrence, or retribution). The extent to which exclusion decisions should be based on non-behavioral reasons is beyond the scope of this study. These are philosophical questions which can be dealt with as policy issues by the Department of Corrections in cooperation with the Narcotic Addict Evaluation Authority,

¹²The law states clearly: "... addicts shall be treated for such condition [addiction to narcotics] and its underlying causes, and that such treatment shall be carried out for non-punitive purposes...." (*Welfare and Institutions Code, Section 3000*).

courts, and legislature. It might be desirable, however, to deal with these issues simultaneously with developing exclusionary criteria which are more behaviorally oriented.

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APPENDIX A

C I V I L
A D D I C T
P R O G R A M

G U I D E L I N E S A N D C R I T E R I A

F O R T H O S E E L I G I B L E

Department of Corrections
State of California

August 30, 1973

August 30, 1973

Dear Sir:

The guidelines and criteria applicable to persons being considered for placement in the civil addict program have been reissued with few changes. Effective treatment programs require that certain individual be excluded from the California Rehabilitation Center in order to maintain the institutional setting and therapeutic climate necessary to the success of the program.

While 91 percent of our residents arrive with felony convictions, the median stay in our institutions is now seven months, down from the 15 months of our earlier experiences. Our most recent statistics show that of all the first releases in 1971, 61 percent of the females and 56 percent of the males were still in the community a year later. Of those who returned, less than four percent came back with a new commitment. To continue improvement and success in our treatment, we would welcome more addicts with misdemeanor convictions to assist in balancing the population and wish to particularly re-emphasize our program's ability to aid the addicted individuals requires the population free of persons who engage in excessive criminality, assaultiveness, violent behavior and sales of narcotics far in excess of need to support their habit.

The continuing positive results of our experience has been in large part dependent upon the judgment and assistance of the judiciary in applying the criteria to the frequently difficult task of deciding whether to refer a person to the Center. Should the rationale or applicability of the criteria prove unclear in any instance or if you have any questions about the civil addict program, the persons on the attached list would welcome the opportunity to provide information.

Your support and cooperation is deeply appreciated.

Sincerely yours,

/s/ R. K. Procunier
Director of Corrections

Attachments

August 30, 1973

EXCLUSIONARY CRITERIA
CIVIL ADDICT PROGRAM

Section 3053 of the Welfare and Institutions Code provides for the exclusion of certain types of cases from the civil addict program. While continuing to provide treatment and control for those persons committed under Welfare and Institutions Code Section 3000 et seq., we will retain only those which fall within the legislative intent of this civil program.

The following will serve as guidelines in determining suitability of cases for the civil addict program. There may be instances in which some cases will be returned to court as unsuitable, even though no alternate method of control is available at the state level. The civil addict program will not retain cases solely for containment purposes when they are determined to be clearly unsuitable under our selection criteria.

I. SUITABLE FOR CIVIL ADDICT PROGRAM

A. Primary Problem - Opiate Addiction

The case history reveals that the person has a primary problem of addiction to narcotics, or is in imminent danger of becoming addicted, rather than criminal or delinquent patterns of behavior of which the addiction is only a part.

B. Manageable Within Program Resources

The person can be controlled, treated, programmed and managed in a minimum security, open-dormitory facility.

C. Trafficking in Narcotics Minimal

Any trafficking in narcotics, marijuana, or dangerous drugs has been of a relatively minor extent and only to provide for subject's need for narcotics.

D. Over Age 18

This civil program is specifically designed for adult offenders.

E. Previous Commitments

The person is deemed to be a tractable, non-violent, nonaggressive individual, and previous commitments have been mainly to county jail facilities.

II. UNSUITABLE FOR CIVIL ADDICT PROGRAM

A. Excessive Criminality

1. Criminal History: Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

Examples would be patterns of burglaries, robberies, forgeries, grand theft. Cases which fall within this category may include but are not limited to:

- a. A long history of criminal behavior.
- b. Criminal behavior which precedes their addiction history and continues after their addiction.
- c. Those who have served multiple periods of incarceration.
- d. Persons whose histories indicate criminal activity unrelated to immediate need for narcotics.
- e. Where an individual has been previously in a California adult correctional institution, granted parole by the Adult Authority or the Women's Board of Terms and Parole, and the parole has been revoked by the paroling authority and return to prison ordered.

B. Sales of Narcotics, Dangerous Drugs or Marijuana

Our primary concern is to distinguish those individuals who sell on a limited basis for their own needs from those who are more extensively and seriously involved in trafficking. This would include:

1. Those who appear to be involved in a large scale trafficking operation.
2. Persons found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own immediate need for narcotics.

C. Assaultive Behavior

Not suitable for civil commitment would be cases in which a history of assaults, battery and other offenses against the person is indicated. Examples would be:

1. Those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between, or it may demonstrate itself in a series of acts preceding the instant arrest.
2. Those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction.
3. Those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior.
4. Single acts of aggression may warrant exclusion when:
 - a. The act was of such nature that it demonstrates aggression which was aggravated or vicious.
 - b. When the individual involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

D. Other Relevant Reasons:

1. **Recalcitrance:** Case history shows subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and security of the open dormitory and minimum security facilities of the civil addict program.
2. **Unresponsive to Program:** Case history shows that while the person is a narcotic addict, or in imminent danger thereof, he has been previously exposed to therapy and rehabilitation programs without significant gains (either within the California Departments of the Youth Authority, Health or Corrections, federal or other programs).
3. **Other Medical or Psychiatric Disorders:**

Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotic addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide.

- a. **Sex deviates --** Case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society.

- b. Chronic psychotics -- Persons who would require treatment for their psychosis before the addiction problem could be approached. Treatment for serious mental illness is not available in the civil addict program.
- c. Serious medical disorders:
 1. Persons with such serious medical problems that treatment for their narcotic addiction is secondary.
 2. Persons whose medical problems are severe and may be deemed irreversible.
 3. Persons diagnosed as senile and unable or unwilling to become involved in our programming.
4. Nonamenable to Civil Addict Program: These are individuals who cannot or will not participate in all phases of the program; those whom we are neither treating nor controlling. Examples would be:
 - a. Those who while on the inpatient phase of the program fail or are unwilling to participate in programming; for example, group process, work or special programming.
 - b. Those who attempt/introduce, passes, or use narcotics, dangerous drugs or paraphernalia within the facility.
 - c. Those who have been released or who rapidly or repeatedly abscond from supervision.
 - d. Those who repeatedly relapse to narcotic or drug use with little or no progress demonstrated when they are released from the institution.
- E. Arson History: A person whose case history indicates that he/she has committed arson, or arson-like acts (i.e., sets fires, sets off explosions, fire bombs, etc.).
- F. Extreme Protective Custody Cases:
 1. Those who for various reasons have to be kept in protective custody status and who thus are unable to become involved in any meaningful program.
 2. Those who will be released to the custody of another jurisdiction and who will be required to serve a subsequent period of institutionalization (minor offenses, such as traffic warrants or failure to provide, will not warrant exclusion).

3. Persons who are confirmed, overt or provocative homosexuals cannot be adequately controlled or protected in the open dormitory setting.

III. CASES REQUIRING SPECIAL CONSIDERATION PRIOR TO CIVIL ADDICT PROGRAM COMMITMENT

The Department of Corrections recommends that very careful consideration for alternative dispositions be given before the below-listed categories are committed to the civil addict program:

A. Other Confinement Pending

Persons with unresolved probation where the ultimate outcome would be a period of confinement in county or federal facilities upon release from the civil addict program. If probation supervision can run concurrent with civil commitment, these persons may be considered.

B. Deportation Warrant Outstanding

Persons where a warrant for deportation has been issued.

C. Previous Exclusion

Persons who have been previously discharged from the civil addict program under Section 3053, Welfare and Institutions Code.

D. Parolees

Persons already under felony parole supervision of the Department of Corrections.

In consideration of such referrals, the court is invited to ascertain the views of the Superintendent of the California Rehabilitation Center and of the Adult Authority or Women's Board of Terms and Parole before arriving at its decision (In re Rascon, 64 Cal. 2d 523 1966). Such referrals should include:

1. Only those persons whose major problems appear to be the result of addiction rather than disposition to serious criminality.
2. Those cases in which the restrictions of Section 3052 of the Welfare and Institutions Code have been waived.

Table B-1

Men Committed to California Rehabilitation Center Pursuant to Conviction of Serious Offense^a Compared to both Felony and All New Admissions: 1962-1975

Type / Year:	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975
New Admissions	984	1063	1107	913	1085	1428	1555	1981	1974	2186	1872	1832	1776	1524
Felony Admissions	569	697	787	715	768	986	1129	1603	1621	1980	1723	1704	1655	1423
% Felony	57.8	65.6	71.1	78.3	70.8	69.0	72.6	80.9	82.1	90.6	92.0	93.0	93.8	93.4
<u>Crimes Against Person^b</u>														
Number	2	8	21	33	34	50	99	158	152	220	229	179	226	203
% New Admissions	0.2	0.7	1.9	3.6	3.1	3.5	6.4	8.0	7.7	10.1	12.2	9.8	12.7	13.3
% Felony Admissions	0.4	1.1	2.7	4.6	4.4	5.1	8.8	9.9	9.4	11.1	13.3	10.5	13.6	14.3
<u>Sales Related Offenses^c</u>														
Number	125	144	172	143	160	176	236	333	307	432	355	363	383	294
% New Admissions	12.7	13.5	15.5	15.7	14.7	12.3	15.2	16.8	15.6	19.8	19.0	19.8	21.6	19.3
% Felony Admissions	22.0	20.7	21.9	20.0	20.8	17.8	20.9	20.8	18.9	21.8	20.6	21.3	23.0	20.7
<u>Total Person and Sales</u>														
Number	127	152	193	176	194	226	335	491	459	652	584	542	609	497
% New Admissions	12.9	14.3	17.4	19.3	17.9	15.8	21.5	24.8	23.3	29.8	31.2	29.6	34.3	32.6
% Felony Admissions	22.3	21.8	24.5	24.6	25.3	22.9	29.7	30.6	28.3	32.9	33.9	31.8	36.6	34.9

^aFelony offenses listed in Section 3052 of Welfare and Institutions Code.

^bIncludes: Homicide, Robbery, Felony assault, Burglary 1st, and with explosives, and attempt of above.

^cIncludes: Sale or possession for sale of marijuana, dangerous drugs, and opiates, manufacturing for sale.

Source: "Characteristics of Male Civil Narcotic Addicts Admitted to California Rehabilitation Center" Administrative Information and Statistics Section, Research Unit, Department of Corrections.

Table B-2

Men Discharged as Unfit from California Rehabilitation
Center Compared to Admissions, 1962-1975

Year:	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975
<u>New Admissions^a</u>														
Received from Court	984	1063	1107	913	1085	1428	1555	1981	1974	2186	1872	1832	1776	1524
Excluded	7	32	72	133	111	142	51	203	177	238	223	299	280	155
Excluded (%)	0.7	2.9	6.5	14.6	10.2	9.9	3.3	10.2	9.0	10.9	11.9	16.3	15.8	10.2
<u>Re-Admissions^b</u>														
Received	6	155	421	628	873	1271	1641	1709	1603	1808	1983	2341	1930	2102
Excluded	0	1	4	14	30	21	25	197	155	156	183	314	299	169
Excluded (%)	-	0.6	1.0	2.2	3.4	1.7	1.5	11.5	9.7	8.6	9.2	13.6	15.5	8.0
<u>Total</u>														
Received	990	1218	1528	1541	1958	2699	3196	3690	3577	3994	3855	4173	3706	3626
Excluded	7	33	76	147	141	163	76	400	332	394	406	613	579	324
Excluded (%)	0.7	2.6	5.0	9.5	7.2	6.0	2.4	10.8	9.3	9.7	10.5	14.7	15.6	8.9

^aDischarged as unfit from CRC prior to any release to outpatient status.

^bDischarged as unfit from CRC after return from one or more outpatient experiences.

Source: "Method of Release: Men Released from Institution," Administrative Information and Statistics Section, Research Division, Department of Corrections.

Table B-3

Time Served in Prison by Male Felons First
Paroled during 1975 for Selected Offenses

Offense	Penal Code Section	Statutory Sentence (years)	Months to Minimum Eligible Parole	Number Released	Median Months Served	Middle 80% Range
*Murder, 1st	190	Death or Life	84 (life)	122	153.5	100-217
*Manslaughter	193	6 mos.-15 yrs.	6	268	48	32- 76
*Robbery 1st	213	5 yrs.-Life	20	1012	44	32- 81
*Robbery 2nd	213	1 yr. -Life	12	563	38	24- 65
*Assault with Deadly Weapon	245(a)	6 mos.-Life	6	439	41	26- 71
*Burglary 1st	461	5 yrs.-Life	20	207	43	29- 82
Burglary 2nd	461	1 yr. -15 yrs.	12	961	31	19- 56
Grand Theft	489	6 mos.-10 yrs.	6	213	30	18- 48
Petty Theft w/prior	666, 667	6 mos.-5 yrs.	6	24	21	15- 32
Forgery	473	1 yr. -14 yrs.	12	225	28	18- 47
*Rape, violent	261.3	3 yrs.-Life	12	145	55	34-108
Possession of Heroin	H&S 11350	2 yrs.-10 yrs.	24	222	36	25- 62
*Possession of Heroin for Sale	H&S 11351	5 yrs.-15 yrs.	30	101	42	31- 58
*Sale of Heroin	H&S 11352	5 yrs.-Life	36	214	46	36- 72
*Sale of Marijuana	H&S 11360	5 yrs.-Life	36	64	42	28- 58
*Sale of Dangerous Drugs	H&S 11379	5 yrs.-Life	36	104	43	36- 55

*Offenses specified in Section 3052 of the Welfare and
Institutions Code.

Table B-4
Offense Severity Scale Based on California Adult Authority
Suggested Primary Base Ranges for Men¹

TYPE OF OFFENSE			Mean Term	Severity Score
<u>T³ = 0</u> (a) ² Homicide (b.1) Kidnap for ransom (c.1) Rape w/GB Injury	<u>T = 3</u> (j.1) Burg w explosives (m.1) Habitual criminal		13- Life	} 8
<u>T = 1</u> (c.2) Rape w force		<u>T = 6</u> Induce minor to use (g.1) Dang. Drugs (h.1) Marijuana (f.1,2) Opiates	10- 12	
(b.2) Kidnap (e.1) Firearm in jail (b.3) Assault w Deadly W.	<u>T = 4</u> (d.1) Robbery 1 (j.1) Burglary 1	<u>T = 7</u> Sales of: (f.3) Opiates (g.2) Dang. Drugs (h.2) Marijuana	9 8	} 5
	(d.2) Robbery 2	Poss. for Sale of: (f.4) Opiates (g.3) Dang. Drugs (h.3) Marijuana	7	
<u>T = 2</u> (c.3) Seduce for prosti- tution (k.1) Willful cruelty (l.1) Escape prison/force (e.2) Ex-con with gun (l.2) Escape jail/force (b.4) Battery (k.2) Abortion (e.3) Poss. weapon (l.3) Escape w/o force	<u>T = 5</u> (j.2) Burglary 2 (j.3) Forgery (m.2) Bribe official (d.3) Arson (j.4) P Theft w prior (m.3) Bribe witness	<u>T = 8</u> (f.5) Poss. Opiates (g.4,5) Poss. D.D. (h.4-6) Poss. Mari- juana (prison) (f.6) Sales in lieu of	6 5 4	} 3 } 2
<u>T = 9</u> Misdemeanor convictions (sentence to jail with less than 1 year) No Criminal charge commitments			1 0	

¹ Offenses are categorized according to rounded midpoint of range of combined typical and aggravated terms.

² Characters enclosed in parentheses refer to section of "Suggested Primary Base Ranges."

³ "T" means general level of seriousness of offense: very serious = 0, 3; serious = 1, 4, 6, 7; moderate = 2, 5, 8; and minor = 9.

Table B-5

Definition of Outpatient Outcome Index

<u>Rank</u>	<u>Description</u>
1	No difficulty reported.
2	3151; arrested or charged by parole agent only.
3	Arrest and release by other agency (no conviction).
4	At-large (RAL) for six or less months with no felony warrant outstanding.
5	Jail under 90 days or any jail sentence all suspended, misdemeanor probation (under 5 years), fine, or jail forfeited.
6	Short return to CRC, Limited Placement.
7	Disposition pending.
8	RAL - felony warrant, or 6 months or longer. Criminally insane. Death in commission of a crime or due to overdose. Arrest on felony charge and release (guilt admitted and restitution provided).
9	90-180 days jail time served.
10	Jail over 6 months, 5 year felony probation, prison suspended.
11	Return to CRC-TFC (except limited placement).
12	Return to CRC with new commitment (WNC).
13	Sentenced to State Prison and discharged from CRC.

Table B-6

Preselection Characteristics of
Study Population, by Admission Type

	<u>Admissions</u>	<u>Readmissions</u>	<u>Total</u>
Age (mean yrs.)	27.3	29.2	
Years in CAP	First (1.0)	Third (3.9)	
Months in CRC at Selection (mean)	1.6	1.8	1.7
Times in CRC	1.0	2.8	1.8
<u>Prior Incarcerations</u>			
None	15.3%	13.4%	14.6%
Jail or Juvenile Prison	61.1 23.6	70.2 16.4	64.6 20.9
Arrest history (years)	9.2	10.9	9.8
Narcotics use history (years)	7.5	10.3	8.6
Age first arrest (years)	18.2	18.3	18.3
<u>Ethnic Status</u>			
White	45.8%	46.6%	46.1%
Mexican descent	28.5	27.8	28.2
Black	23.8	24.1	23.9
Escape	14.9%	8.2%	12.3%
<u>Criminal History^a</u>			
Violent	14.4%	4.5%	10.6%
Assaultive	19.1	11.2	15.5
Sex	0.9	0.7	0.9
Sales related	32.1	30.6	31.5
Not Section 3052	44.2%	59.0%	49.9%
Use or possession of weapon or other aggression	61.6%	48.9%	56.7%
<u>Commitment Offense</u>			
Violent or assaul- tive ^a	16.3%	8.2%	13.2%
Drug sales related ^a	7.0	11.9	8.9
Severity	3.4	3.2	3.3

^aOffenses listed in Section 3052 W&I Code.

Note: This table includes retention samples only.

CONTINUED

1 OF 2

Appendix Table B-7

Percents of Study Subjects in Various
Outpatient Behavior Categories by Admission Type

Behavior Categories	Percents		
	New Admissions (N = 205)	Re-admissions (N = 126)	Total (N = 331)
Satisfactory supervision	43.4%	34.9%	40.2%
Returned to CRC			
Total Returned	45.4%	46.0%	45.6%
Gate Turn-In or Limited Placement	26.3	19.8	23.9
Other TFC	17.6	23.0	19.6
WNC	1.5	3.2	2.1
Discharged Total	6.8%	14.4%	9.7%
State Prison	6.3	8.8	7.3
Excluded at-large	.5	.8	.6
End-of-term	-	4.8	1.8
At-Large Activity			
Absconded	17.1%	27.0%	20.8%
Over 6 mos. or with Felony Warrant	4.4	3.2	3.9
Criminal Activity			
Not arrested	53.7%	49.2%	52.0%
Not convicted	61.5	56.3	59.5
Convicted of serious offense (weighted 4 or more)	10.3	6.4	8.8
Convicted of aggressive offense	7.8	4.0	6.3
Drugs or Narcotics			
No sales activity	96.6%	93.7%	95.5%
No narctoic use	21.0	17.5	19.6
Used one or twice	23.9	18.3	21.8
Used frequently	34.1	42.9	37.5
Addicted	21.0	21.4	21.1
Dispositions			
Under 90 days	12.9%	14.4%	13.3%
90 - 180 days	10.9	12.0	11.2
Over 180 days or Felony Probation	6.5	4.0	6.0
Return to CRC-WNC	1.5	3.2	2.1
State Prison	6.5	8.8	7.3
None	60.7	57.6	58.9

Table B-8

Classification Results for New Admission:
Samples on Preselection Factors

Actual Sample	N of Cases	Predicted Sample Membership			
		Unit	ERC	Marginal	Excluded
Unit	(63)	49 77.8%	0 0.0%	4 6.3%	10 15.9%
ERC	(76)	49 64.5%	0 0.0%	15 19.7%	12 15.8%
Marginal	(71)	41 57.7%	0 0.0%	16 22.5%	14 19.7%
Excluded	(51)	20 39.2%	0 0.0%	13 25.5%	18 35.3%
Percent correctly classified = 31.8%					

Table B-9

Classification Results for Re-Admission
Samples on Preselection Factors

Actual Sample	N of Cases	Predicted Sample Membership			
		Unit	ERC	Marginal	Excluded
Unit	(32)	21 65.6%	5 15.6%	5 15.6%	1 3.1%
ERC	(52)	18 34.6%	13 25.0%	14 26.9%	7 13.5%
Marginal	(50)	13 26.0%	5 10.0%	24 48.0%	8 16.0%
Excluded	(59)	16 27.1%	14 23.7%	12 20.3%	17 28.8%
Percent correctly classified = 38.9%					