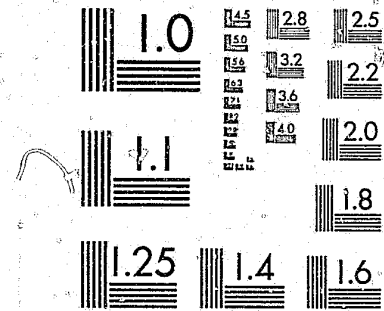


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OFFICE OF POLICY ANALYSIS, RESEARCH & STATISTICAL SERVICES

NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES

✓ AN EVALUATION OF CLIENT SPECIFIC PLANNING:
AN ALTERNATIVE TO INCARCERATION

May, 1984

94214



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DIVISION OF CRIMINAL JUSTICE SERVICES
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Deputy Commissioner

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PREFACE

The New York State Division of Criminal Justice Services undertook an evaluation of the Client Specific Planning model as implemented in Onondaga County, New York. The focus of the evaluation is on the ability of Client Specific Planning to provide viable alternatives to incarceration by recommending community-based sentences for offenders likely to be incarcerated.

The evaluation design combines advanced qualitative and quantitative research methods to test the design and implementation of the model and to determine its impact on sentencing patterns and public safety. The evaluation will provide officials with information on the viability of Client Specific Planning as a sentencing alternative and will serve as a research model for assessment of similar programs in other jurisdictions.

We wish to thank all those who have contributed to the successful completion of this project. Special thanks go to Jim Blake for programming, Sharon Stimson and the data collectors and coders, and to Joan Burgess, Shelley Robinson and others for typing.

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EXECUTIVE SUMMARY

Programs offering alternatives to incarceration for certain offenders, who under normal circumstances would be incarcerated, can be a valuable supplement to the criminal justice system of New York State. These programs offer the potential for more individualized sentencing in that they provide additional sentencing options. Further, they have the potential for enhancing the correctional system in that they address the issues of prison overcrowding, the high cost of incarceration, and the negative effects of incarceration on offenders and their families. During the first 22 months of its operation, Client Specific Planning, as provided by the New York Center for Sentencing Alternatives in Onondaga County, did not achieve this potential.

Introduction

- o The Client Specific Planning (CSP) service is designed to promote and develop alternative sentences for offenders who are otherwise likely to be sentenced to prison or lengthy jail terms.
- o At the request of a defense attorney, a CSP case developer prepares a comprehensive package of supervised community-based sanctions to be presented to the court as an alternative sentencing plan.
- o The New York Center for Sentencing Alternatives, located in Onondaga County, provides the CSP service in New York State.

The Operation of CSP in Onondaga County

- o The New York Center worked from outside the established criminal justice community, using CSP to bring about change in the conventional pattern of sentencing offenders.
- o The New York Center directed its services toward defense attorneys; defense attorneys are among those able to estimate likelihood of incarceration for their clients, they provide access to the decision making process in the courtroom, and they are most likely to favor alternatives to incarceration.
- o CSP plans generally included some combination of supervision, residence, community service, and counseling.
- o CSP plans focused on the needs of the client relative to the instant offense. They were not particularly individualized with respect to conditions surrounding the lives of the clients such as employment and education.

- o CSP plans differed from pre-sentence reports prepared by the Probation Department in that CSP plans emphasized post-conviction handling of an offender, while pre-sentence reports emphasized the present offense and the prior criminal record of an offender.
- o The quality of the CSP plans prepared by the New York Center staff can be characterized as professional. They reflected a high standard of preparation and presentation.
- o Once a CSP plan had been accepted by the Court, neither the New York Center nor defense attorneys using the service made much effort to assist the local criminal justice system in implementing the plan.
- o A fiscal evaluation of the efficiency of the operation of the service could not be conducted because evaluators were not given access to adequate information about the financing of CSP cases.

Characteristics and Outcomes of CSP Cases in Onondaga County

- o During the first 22 months of its operation, the New York Center prepared 31 CSP plans for defendants facing sentencing in Onondaga County Courts; of these, 19 were accepted or conditionally accepted by the court.
- o As a group, clients selected by the New York Center were not otherwise likely to have received sentences of incarceration.
- o For CSP clients generally, the probability of being incarcerated was not reduced by having a CSP plan presented to the Court.
- o Offenders released with CSP plans were a slightly greater risk to public safety than were a comparable group of offenders released to the community in Onondaga County.

CSP and the Criminal Justice Community in Onondaga County

- o Few people in the criminal justice community of Onondaga County had a clear and thorough understanding of CSP.
- o Proponents of CSP focused on the practical qualities of the service and considered it "always workable," innovative, and a viable alternative to incarceration.
- o Opponents of CSP focused on its concept and considered the service "naive," biased toward the defense, and viewed it as having little credibility within the criminal justice community.

Conclusion

- o The manner in which the New York Center operated CSP in Onondaga County prevented the service from reaching its potential.
- o The philosophy of the New York Center was wholly adversarial. This effectively precluded the possibility of cooperation with components of the system other than defense attorneys.
- o In order for the CSP service to have a genuine decarcerative impact in Onondaga County, without unacceptable increases in the risk to public safety, some fundamental changes in operation would be necessary.
 - The providers of CSP need to cooperate to a greater extent with members of the criminal justice community in order to increase awareness and knowledge of the service. This should improve the ability of the New York Center to more appropriately select offenders for alternative sentences.
 - While greater integration into and cooperation with the system is necessary, the advocacy role of the CSP service should not be compromised. The value of CSP is to provide a "second opinion" when routine processing seems likely to result in the incarceration of an offender.
 - CSP providers need to take more responsibility for seeing that CSP plans are provided to the Court and Probation Department, and that they are carried out as written.
- o If such operational changes were made, and if the philosophical posture of the New York Center were modified to permit cooperative efforts with the system, the CSP service could become a valuable supplement to the criminal justice system of Onondaga County.

I. INTRODUCTION

Client Specific Planning

The Client Specific Planning (CSP) service is designed to promote and develop alternative sentences for offenders who are otherwise likely to be incarcerated. The service is operated in Onondaga County by the New York Center for Sentencing Alternatives under contract to the National Center on Institutions and Alternatives (NCIA), Washington, D.C., and has been funded through a grant from the Edna McConnell Clark Foundation. Funds for CSP have also been appropriated by New York State for the implementation and operation of the service in Onondaga and Erie Counties.

The function of the CSP service is the development of individualized, alternative plans for offenders who are likely to be sentenced to prison or lengthy jail terms. At the request of a defense attorney, a CSP case developer prepares a comprehensive package of supervised community-based sanctions to be presented to the court as an alternative sentencing plan. The CSP service is intended for clients who have been or are likely to be convicted of felonies or serious misdemeanors; clients may also include offenders facing revocation of parole or probation. CSP plans may include one or more of the following components: living arrangements, community service, employment, financial restitution, therapy, substance abuse treatment, education, vocational training/rehabilitation, medical treatment, and supervision. These plans emphasize the creative use of existing community resources and do not rely on the development of new programs.

CSP plans emphasize restitution and punishment while allowing for rehabilitation. The plans are designed to assure the sentencing judge and the community that the offender can be punished and that community safety can be maintained without incarcerating the offender. Plans developed by CSP case planners are not intended to be an "easy way out" for offenders. Rather, they involve a degree of restrictiveness that is considered by case planners to be appropriate to the circumstances of the individual cases.

In cases involving mandatory incarceration, CSP case planners may recommend that an offender serve the minimum term possible, enhanced by a community-based alternative to complete the sentence. When available, and when CSP case planners consider it appropriate, plans may recommend house arrest, work release, split sentences, locked psychiatric facilities, or other short-term residential arrangements.

Background

The prison population in New York State has more than doubled in the past decade from 12,400 in 1972 to more than 27,000 in July of 1982 (115 percent of operational capacity).¹ In addition to being overcrowded, penal institutions are expensive to operate. According to the Department of Correctional Services (DOCS), there were 30,903 inmates in the State's forty prisons by the end of the year 1983, and the average annual cost for incarcerating each prisoner was \$17,000.² Overall, the New York State 1983-84 State Purposes budget provided over \$546 million to the Department of Correctional Services for state prison operations (excluding capital construction costs) and over \$32 million to the forensic service program of the Office of Mental Health for services to corrections and parole.³

Critics have charged that incarceration does not rehabilitate offenders and it therefore protects the community only temporarily.⁴ It has even been suggested that incarceration is counterproductive. Some researchers believe that persons

¹Executive Advisory Commission on the Administration of Justice (Liman Commission), Recommendations to Governor Hugh L. Carey Regarding Prison Overcrowding, (Albany, NY: July 19, 1982), pp.1-2.

²Telephone interview with a representative of the office of Lou Ganim, Director of Public Information, New York State Department of Correctional Services, February 10, 1984.

³Chapter 50, Laws of 1983.

⁴See, for example, Menninger, Karl, The Crime of Punishment (New York: The Viking Press, 1968); Mitford, Jessica, Kind and Usual Punishment (New York: Alfred A. Knopf, 1973); National Advisory Commission on Criminal Justice Standards and Goals, Corrections (Washington, D.C.: 1973); The Correctional Association of New York, Attica 1982 - An Analysis of Current Conditions in New York State Prisons (New York: 1982).

living in prison for lengthy periods of time acquire the anti-social values and customs of a prison subculture,⁵ thereby decreasing their chances of making an adjustment to society upon release.⁶

Given the problems of prison overcrowding, prison costs, and the possible consequences of imprisonment, there has been a search for safe, economical, and effective community-based alternatives. A number of states and counties have experimented with services and programs which offer plans other than incarceration for the sentencing of offenders.⁷ Many of these alternative sentencing programs were initially established with funding provided by the federal government through the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice. The Executive Advisory Commission on the Administration of Justice (Liman), the National Advisory Commission on Criminal Justice Standards and Goals, the New York State Special Commission on Attica (McKay), the American Bar Association Project on Standards for Criminal Justice, and the President's Commission on Law Enforcement and Administration of Justice have all recommended the development of such alternatives.⁸

⁵See, for example, Sykes, Gresham H. The Society of Captives (Princeton, NJ: Princeton University Press, 1958); Johnson, R. Culture and Crisis in Confinement (Lexington, MA: Lexington Books, 1976); Toch, Hans, Living In Prison (New York: The Free Press, 1977).

⁶See, for example, Gruninger, W. "Criminalization, Prison Roles, and Normative Alienation: A Cross-Cultural Study," (Doctoral dissertation, University of Washington, 1974); Messinger, Sheldon L. "Issues in the Study of the System of Prison Inmates", Issues in Criminology (Fall, 1969), pp. 133-44.

⁷Some of these will be discussed shortly.

⁸Executive Advisory Commission on the Administration of Justice, Recommendations to the Governor Regarding the Administration of the Criminal Justice System (Albany, November, 1982); National Advisory Commission on Criminal Justice Standards and Goals, Report on Corrections (Washington, D.C.: U.S. Department of Justice, 1973); New York State Special Commission on Attica, Attica (New York: Bantam Books, 1972); American Bar Association, Project on Standards for Criminal Justice, Standards Relating to Sentencing Alternatives and Procedures (New York: Institute of Judicial Administration, 1968); President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections (Washington, D.C.: U.S. Government Printing Office, 1967).

Many alternative to incarceration programs concentrate on offenders who are facing jail rather than prison sentences. There are several such programs in New York State, including:

- 1) the Suffolk County Community Service Program which is designed to make available to the Court the option of supervised community service placements for jail-bound offenders;
- 2) the Genesee County Community Service/Restitution Program which broadens the responsibility of the local Sheriff's Department beyond providing jail services to providing alternatives to incarceration through community service and monetary restitution;
- 3) the New York City Court Employment Project which, upon court referrals, determines the goals of an offender and assists in the achievement of those goals through educational and employment assistance;
- 4) the Treatment Alternatives to Street Crime project, an independent agency which makes available a complete range of alcohol treatments for people convicted of driving while intoxicated; and
- 5) the New York City Community Service Sentencing Project, which offers a sentence of conditional discharge plus 70 hours of supervised community service in lieu of a jail sentence.

Each of these programs emphasizes treatment, punishment, or some combination of the two.

Other programs focus on prison-bound offenders. One example is the Offender Rehabilitation Project located in the District of Columbia. In this project, reports are prepared to assist defense attorneys in negotiating pre-trial dispositions or community-based sentences for serious offenders. The purpose is to intervene in the "revolving door" of criminality through psychological and physical treatment of the offender. Another example is the Community Diversion Incentive Program located in Virginia. It is a citizen volunteer program that accepts non-violent felons who appear to be prison bound. Individualized treatment plans (consisting of community service, restitution, vocational counseling, employment, and substance abuse treatments) are submitted to the Court as a sentencing recommendation. If the alternative sentence is granted and the offender does not comply, the original sentence is imposed.

Similar programs in New York State include:

- 1) Client Specific Planning (the object of this evaluation);
- 2) the Special Defender Service Program, which is operated by New York City Legal Aid and prepares pre-sentence memoranda that offer sentences of community service rather than sentences of incarceration for felons; and
- 3) the Intensive Supervision Program (operated by local probation departments across the state), which handles probationers who are considered to have a high risk of failure or who would otherwise have been incarcerated and provides closer supervision by limiting caseloads to 25 probationers per officer.

The Client Specific Planning service was selected for evaluation because it was being considered for funding by the State, because it was designed to serve prison-bound offenders, and because it was the only such program in New York State that had not been evaluated.

Evaluation Questions

This evaluation examined Client Specific Planning as it was operated in Onondaga County by the New York Center for Sentencing Alternatives. In designing the evaluation, the objectives of the New York Center, the National Center on Institutions and Alternatives, and the State of New York were considered.

The goal of the National Center on Institutions and Alternatives is to promote alternatives to incarceration. CSP was developed to achieve this goal. According to NCIA, the objectives of CSP are to restore to the victim, community, and offender that which has been lost through criminal activity. Therefore, sentencing plans are developed that include restitution, community service, and offender treatment while considering public safety.

The New York Center used CSP to pursue its own objective of deinstitutionalization. While CSP plans may have included some form of offender treatment, rehabilitation was not a stated objective. Instead, the Center defined success in terms of the number of people diverted from prison, and measured success by the number of CSP plans accepted by the courts.

In establishing evaluation questions, certain State priorities were considered in addition to the objectives of NCIA and the New York Center. As with NCIA and the New York Center, the State is interested in decarceration. However, the State also requires knowledge of the extent to which an alternative sentencing option provides for public safety and offers sanctions at least as effective as those currently meted out.

The specific questions addressed by this evaluation were:

- o How does Client Specific Planning operate in Onondaga County? (Section II)
- o What are the characteristics of CSP clients? (Section III)
- o What are the characteristics of CSP plans? (Section III)
- o To what extent does CSP serve offenders who are otherwise likely to be incarcerated? (Section III)
- o To what extent are CSP plans accepted by judges? (Section III)
- o To what extent do CSP clients recidivate? (Section III)
- o How is CSP perceived by the criminal justice community in Onondaga County? (Section IV)

Research Methods⁹

A multi-faceted research design is necessary to adequately evaluate the effectiveness and impact of any social program or service¹⁰. Therefore, the design for the evaluation of Client Specific Planning in Onondaga County incorporated both quantitative and qualitative methods.

⁹The research methods are discussed in detail in PART TWO (Sections VI and VII) of this report.

¹⁰D. C. Gibbons, B. D. Lebowitz, and G. F. Blake, "Program Evaluation in Correction," Crime and Delinquency (July, 1976), pp.309-21.

Qualitative Methods

Qualitative methods are appropriate when the focus of the evaluation is on understanding of processes, context, and outcomes.¹¹ For this purpose, the evaluation of CSP used an established qualitative method - intensive interviewing - to study questions concerning the operation and perceptions of CSP.

Intensive interviews were conducted in Onondaga County with individuals familiar with the CSP service. The interviews took place during April and May, 1982, and ranged from twenty minutes to almost two hours in length. The respondents included all five CSP case planners, nine defense attorneys, nine of 31 prosecuting attorneys, eight judges, ten of the 63 probation officers, and six representative of local community service organizations. For each separate group of respondents, a unique set of interview questions was developed. Each interview schedule was oriented to the particular position of the respondents relative to both the criminal justice system and the CSP service.

The evaluators used respondent feedback to assess the validity of their interpretations and understanding about the CSP service in Onondaga County. For each of the six groups of respondents, a separate report was prepared. Each report presented the interviewers' understanding of what was learned from the corresponding group of respondents. Each interpretive report was submitted for review to the respondents from whom the data were originally collected. For example, the judges who were interviewed were asked to review the interpretive report about the position and perspective of local judges with respect to CSP.

¹¹See, for example, Deutscher, I. "Toward Avoiding the Goal Trap in Evaluation Research" in F.G. Caro (ed.), Readings in Evaluation Research. New York: Russell Sage Foundation, 1977; Patton, M.Q. Utilization-Focused Evaluation. Beverly Hills: Sage Publications, 1978.

The interpretive reports ranged in length from nine to 21 pages. Each respondent was furnished a copy of the appropriate report and was asked to provide written responses to five questions:

1. To what extent do you think that the preliminary report is a valid interpretation of how you and your colleagues understand Client Specific Planning?
2. Please clarify any misinterpretations presented in this preliminary report.
3. In trying to understand your experience with Client Specific Planning, what does the preliminary report overemphasize?
4. In trying to understand your experience with Client Specific Planning what does the preliminary report underemphasize?
5. Please add anything else that would help us to better interpret your understanding of Client Specific Planning.

The responses to the questionnaire were used in several ways. When errors in a given interpretive report were identified, appropriate corrections or clarifications were made. In some of the instances where respondents indicated that evaluations had overemphasized or underemphasized some aspect of their perspective on CSP, this influenced the tone and direction of the final evaluation report.

All responses to the questionnaire were considered and weighed in writing this final report. Nonetheless, the report presents a composite interpretation, reflecting how the evaluators understand CSP and its place in the criminal justice system in Onondaga County. The responses to the questionnaires themselves were viewed as data bearing on the validity of the evaluators' interpretations. Those data provide objective evidence that the evaluators' interpretations of each group's perspective of CSP are valid.

The interview data do not permit objective validation of the composite picture constructed by the evaluators, since no one group interviewed was involved in all components of the process being studied. The validity of that composite must be judged on the plausibility of the evaluators' arguments, and on whether the evaluators have appropriately weighed the information supplied by persons who were interviewed. The composite interpretation constructed by the evaluators is presented in Section II.

Quantitative Methods

Many of the key research questions in the evaluation of CSP imply comparisons between measures of actual results and measures of results that would be expected in the absence of the service. For example, it is useful to know whether CSP clients posed a lesser (or greater) threat to public safety than if they had been sentenced to probation without CSP plans. A precise answer to this question would require random assignment of prison-bound offenders to an experimental group (probation sentence with CSP) and a control group (probation sentence without CSP). Then comparisons could be made between the two groups' arrest rates, reconviction rates, and so on.

Random allocation of cases is rarely feasible for programs operating in the criminal justice system because of the values involved. In the above example, offenders who are normally sentenced to prison would have to be sentenced to probation instead, and the decision about whether to enhance a probation sentence through Client Specific Planning would have to be left to chance. Probably, neither the prosecution nor the defense would approve of such a procedure. Consequently, "experimental" investigation of program impact was not attempted.

The alternative strategy adopted in this investigation involved comparisons among naturally-occurring groups. Certain comparisons can provide policy-relevant information, even without random assignment of cases. To continue the example, rearrest rates for CSP clients can be compared to rearrest rates for offenders

normally sentenced to probation without CSP. That particular comparison will not support conclusions about the causal influence of CSP plans on recidivism, because normal probationers are probably systematically different from CSP clients. Nevertheless, the group of normal probationers provides an important reference point for informing decision-makers about the relative risk to public safety posed by the offenders diverted through CSP intervention. Specifically, it can be determined whether that risk is different from the risk routinely accepted when normal probationers are not incarcerated.

Group comparisons. The evaluation study produced quantitative information regarding client characteristics, the contents of CSP plans, the acceptance of CSP plans by judges, and recidivism among CSP clients. A number of comparisons were made in order to provide reference points for interpreting that information. CSP clients were compared to other felons sentenced in Onondaga County with respect to the seriousness of arrest and conviction charges, the length of prior record, and extralegal factors such as age, education, employment status, and type of counsel. Evaluators compared the contents of CSP plans with client and case characteristics in order to determine the degree to which the plans were individualized. Characteristics of the cases accepted by the court were compared with characteristics of those rejected. Finally, rearrests of CSP clients were compared with rearrests of normal probationers. Descriptions of CSP clients, descriptions of CSP plans, and analyses addressing selection, diversion and recidivism of CSP clients are presented in Section III.

Statistical Models. One of the central questions in the evaluation was whether the offenders served by Client Specific Planning were actually ones who would otherwise have been sentenced to incarceration. The relevant comparison is between the actual incidence of incarceration among CSP clients and the incidence that would have been expected for those same offenders in the absence of the service. However, no division of contemporary offenders into discrete groups will

generate precisely that comparison. Instead, the evaluation of CSP used statistical models to generate "base expectancies"¹² against which actual results could be compared.

Results expected in the absence of the program were estimated by using statistical models of sentencing behavior. Historical and contemporary data regarding the sentencing of felony offenders were used to construct equations that incorporate the factors found to predict incarceration in Onondaga County. Those equations were used to estimate the probabilities that CSP clients would have been sentenced to incarceration in the absence of the service, thereby providing a reference point for assessing the decarcerative impact of the service. The results of those analyses are also presented in Section III.

¹²Gottfredson, D.M. "The Base Expectancy Approach." The Sociology of Punishment and Correction in N. Johnston, L. Savitz, and M. Wolfgang (eds.), New York: John Wiley and Sons, 1970, 807-13.

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PART ONE
FINDINGS

II. HOW CLIENT SPECIFIC PLANNING OPERATED IN ONONDAGA COUNTY

In the late 1970's, citizens in the Syracuse, New York, area established the Onondaga County Coalition for Alternatives to Incarceration.¹³ They were dedicated to the promotion and development of alternative sentences for offenders whom they believed were being incarcerated simply because there was a lack of adequate alternatives. As part of its program, the members of the Coalition arranged for speakers to come to Syracuse to present new ideas about alternatives to incarceration. In September, 1980, a speaker was brought to Syracuse from the National Center on Institutions and Alternatives.

The speaker from NCIA advocated Client Specific Planning, an approach through which members of the Coalition would be able to propose sentencing alternatives to local courts. By early 1981, the CSP service was available in Onondaga County through the Coalition. That July, the New York Center for Sentencing Alternatives evolved from the Coalition and became the provider of CSP for New York State.

Located in downtown Syracuse, near the County Courthouse, the New York Center was a small office of two full-time professionals (co-directors) and a secretary. Their primary occupation was to provide the CSP service, but they were interested in all aspects of alternative sentencing. To expand their ability to provide CSP to the community, part-time consultants (case planners) were employed as needed.

The Role and Training of CSP Case Planners

CSP is a radical departure from conventional procedures for handling the sentencing of criminal offenders who traditionally have been incarcerated. The New York Center staff believed replacing established sentencing practices with innovative alternatives to be an uphill battle. Thus, they believed it was important to indoctrinate each case planner with the rationale for CSP so that the planners would believe in this approach strongly enough to convince others of its value.

¹³This section is based on data from the interviews conducted in Onondaga County. The data are discussed in Section VI.

When selecting trainees to become case planners, the New York Center strove to recruit individuals whose experience, in conjunction with formal CSP training, would allow him or her to "...continue to grow and develop..." Prospective case planners were taught to think about sentencing in terms of the CSP philosophy. They were told what was expected of them in terms of commitment to the client and, more importantly, commitment to alternative sentencing. Among the CSP case planners in Onondaga County, many had social work or social service experience and, in general, they considered themselves to be advocates for the rights of others.

Once individuals were selected by the co-directors of the New York Center to be CSP case planners, each had to complete a two day training session sponsored by the NCIA. The training emphasized both the skills and the attitudes necessary to fulfill the required duties. Technically, the training covered the preparation of CSP reports, ideas on how to handle different situations, mock trials, and legal information for those with limited experience in the criminal justice field. According to case planners, this part of the training was intensive. The final stage of training involved the actual completion of a CSP plan in tandem with an experienced case planner.

Initiation Of A CSP Case

The processing of CSP cases could begin in one of three ways: A case could be referred by a defense attorney, a social service agency, or at the request of the defendant.¹⁴ For the CSP office to accept a case, official authorization had to be obtained from the defense attorney. This was necessary because the New York Center relied heavily upon the defense attorney to help determine whether or not the defendant, without intervention, was likely to be incarcerated, and because the Center needed the clout that only the defense attorney could provide when representing the defendant in a criminal proceeding.

¹⁴The CSP service was also available to attorneys for use with clients at parole hearings. An attorney who handled cases at parole hearings reported to have used CSP more frequently than any other attorneys interviewed indicated they had used it. However, the Parole Board has not been amenable to the use of CSP plans for offenders being considered for parole. Therefore, it is not possible to know how parolees released with CSP plans would be supervised.

When a case was referred to the New York Center, an office administrator and a planner had to decide whether to accept or reject the case. By office standards, cases were generally rejected only if it appeared that the defendant was not likely to be incarcerated or would be incarcerated for a period of less than one year. However, if the defendant was totally opposed to even a shorter period of incarceration, the office could accept the case. It appears that cases were rejected if they were not serious enough, but never because they were too serious.

Once the New York Center accepted a case, it was assigned to a case planner. Each planner had the option to refuse to work on a given case. Philosophically, CSP is intended to serve any defendant who is likely to be incarcerated, regardless of the seriousness of the offense; practically, case planners were employed as consultants who were paid for the plans they actually developed; and personally, each case planner was an individual with biases about how particular types of offenders should be handled. Therefore, the office administrators may have accepted a case as appropriate for a CSP plan and the planner to whom it was assigned may have refused to develop the plan. In such cases, the assignment was normally given to another planner.

Development Of A CSP Plan

When a CSP case was assigned to a case planner, he or she would contact the defense attorney for relevant legal background information about the defendant. A defendant was usually contacted by the case planner within three days of initial referral. If not in custody, the defendant was usually interviewed at the New York Center office. If an offender was in custody, the CSP planner would interview that individual in jail or prison.

A defendant ordering a CSP plan was required to pay a fee for the service. Representatives of the New York Center claimed that this had no effect on the CSP service. They argued that the fee symbolized to the defendants that they must take responsibility for their actions, helped to determine if the defendant really wanted the service, and dismissed any perceptions that CSP was "...some social agency... handing out services to anybody..."

The CSP fee was based on a sliding scale. For those who could afford it, the New York Center could have charged \$200 per day, and case planners took the equivalent of four days to complete the plan. The fee amount was sometimes determined by whether or not the defendant could afford private counsel. For indigents, the defendant was required to pay a minimum of \$25, "...to cover expenses." CSP was funded through a grant awarded to NCIA by the Edna McConnell Clark Foundation.¹⁵ Under the arrangement, 80 percent of all fees collected by the CSP office in Onondaga County were given to NCIA. The remaining 20 percent covered expenses incurred by the local CSP office. In return, the salaries of the case planners were provided by NCIA through the grant. One case planner stated:

We're also serious about...making this (CSP) as much self sufficient as we can and believe that by charging fees for our services we're going to be much more able to continue operating.

The actual preparation of a plan began when the planner met with the defendant and, sometimes simultaneously, with the defense attorney. The development of the plan was an interactive process. The CSP planner explained to both parties "...what we (CSP) are and what we are not." Once this had been discussed, frequently the defense attorney would inform the planner of what he or she believed should be the components of a CSP plan needed to avoid incarceration. The case planner then presented the components of a plan designed specifically for the particular defendant. The outline of the CSP plan was then discussed with the defendant. It was important that the defendant realize that he or she could be incarcerated for failure to comply with the conditions of a CSP plan.

After meeting with the defense attorney and the defendant, the CSP case planner would seek information from the family of the defendant, community social service agencies, the Probation Department, and other relevant people and organizations. The planner would usually inform the defendant that these sources

¹⁵Since the time that the interviews were conducted (April-May 1982), funds for CSP have also been provided by New York State for the implementation and operation of the service.

might be contacted and the defendant may have signed a release, making the information more readily accessible to the case planner. Though many sources were contacted to obtain background information about the client, CSP planners lacked legal authority to collect the information. As a result, CSP plans provided sketchy reports on the background of the client, particularly the prior criminal history, and emphasized instead the alternative sanctions that could be imposed. In devising alternative sanctions, planners sought suggestions not only from the defense attorney, but also from representatives of the community groups that would participate in the plans.

The case planner kept the defense attorney and defendant informed of components of the CSP plan as it was being prepared. The defendant could have rejected the plan at any time during its development.

In attempting to develop the CSP plan as a viable alternative to incarceration, case planners theoretically worked to include community service, restitution, employment, education, drug or alcohol treatment (or both), psychological treatment, and a residential setting in appropriate cases. Residence may have included a halfway house, or a drug or alcohol rehabilitative setting. Employment, a significant component of some CSP plans, often proved difficult for case planners to arrange for their clients. However, when employment could not be found, the case planner may have used some form of job training as a substitute. Community service, on the other hand, was somewhat more available for CSP clients.

When a CSP client was scheduled to perform service for a community organization (sometimes prior to acceptance of the CSP plan by the court), the CSP case planner, the client, and the organizational representative mutually decided what services the person would perform. For example, in the case of a community center in Onondaga County, the CSP planner determined how many hours the client should work to fulfill his sentence, and the organization stood "in readiness to act as some sort of resource." In the case of a local "grass roots" organization, the representative said, "They give us generally some idea of what they're thinking about, then they ask us what we have." If a CSP client was accepted by a program,

the community service organization generally wrote a letter formally accepting the CSP client and this letter was included in the CSP package presented to the court at the time of sentencing.

It should be noted that not all community service organizations were equally willing to accept CSP clients.¹⁶ When the CSP planner called an organization with a potential "volunteer," the governing Board of the organization generally was consulted. In the case of a local "grass roots" organization that had worked with CSP clients, clients were informally interviewed to determine their level of personal responsibility. But, as the director of that organization said, "If I decide to take on a person, I have to clear it with the Board.... We've never rejected anybody, (pause) not that we wouldn't." In this case, as in many others, a CSP client might be rejected if he or she were "homicidal," "a person who's going to do... physical harm," a person "that had psychological difficulties," or a person who could not meet the daily obligations of the position. In some cases, such as a government operated community service organization, representatives made it clear that their organizations had reservations about accepting any CSP clients. In general, these organizations were concerned about dealing with individuals convicted of serious offenses.

As indicated above, the process by which case planners prepared CSP plans for clients focused on the development of the components of the plan rather than on an investigation of the background of the client. While the planner was preparing the CSP plan for presentation to the court, the Onondaga County Probation Department would also be preparing a sentencing recommendation as part of the pre-sentence report (PSR) for the same case. The two reports would usually be developed independently. There was little, if any, contact between the case planner developing the CSP plan and the probation officer conducting the pre-sentence

¹⁶The ultimate goals of community organizations and the nature of the relationship between any particular community group and the New York Center may indirectly impact on the overall effectiveness of the CSP service, but they were beyond the scope of this evaluation project.

investigation. Consequently, other than CSP staff, many of those interviewed believed that CSP was a duplication of the efforts of the Probation Department.

In fact, the CSP plan and the PSR differed along a number of dimensions. In contrast to the 15 working days within which a CSP case planner would have a plan ready for his or her client, a probation officer in Onondaga County generally had four to five weeks to conduct an investigation if the convicted defendant was released prior to sentencing, and three to four weeks if the defendant was detained. However, any given investigation was one of many that the probation officer was conducting at any one time.

The probation officer uses the investigation to prepare the pre-sentence report, which is both an overall social and legal history of the defendant, and an interpretation of that history. According to one probation officer, this report includes:

... biographical data, prior criminal history, the social history, an analysis of the criminal history, employment background, military involvement, schooling -- education, medical background -- which would include both the physical and mental side of it, defendant's statement, restitution elements when applicable, ...your final analysis, ...and of course the recommendation, ...plan of treatment.

The pre-sentence reports included considerably more detail about the background of the defendant than did CSP plans. The recommendation is an essential element of the PSR. According to probation officers, the recommendation "flows logically" from the investigation and their analysis of the case. In some instances, probation officers may be convinced that a defendant would be a threat to the community or that incarceration is legally required. In these cases, incarceration would be recommended. In other cases, probation officers consider probation to be the appropriate sentence, and recommend probation. When probation was granted, three mandatory conditions were imposed in conjunction with selected special conditions "tailored" to the particular characteristics of the case and

the defendant. The Onondaga County Probation Department had a list of nineteen items that have been included with some frequency as conditions of probation. (See Appendix.) Other conditions could also be imposed.

Finally, there were three structural differences between CSP plans and PSRs. First, the CSP plan emphasized a recommended treatment for the client whereas the PSR, despite culminating with a sentencing recommendation, gave more attention to reporting the investigation of the background of the offender. In this sense, the two reports were supplementary. Second, CSP plans explicitly advocated alternatives to incarceration while PSRs did not favor any type of sentence to the exclusion of others. The probation officer may have recommended incarceration in some cases and an alternative in others. Third, the PSR was prepared by order of and for the court, and the CSP plan was prepared specifically for a client, the defendant, through his or her attorney.

Presentation Of A CSP Plan

The ability of a judge to impose the most appropriate sentence is usually a function of the amount and quality of information available and of the different recommendations he or she can review concerning the case. Considering the number of criminal cases processed through the court, it is important for judges to be able to rely upon other knowledgeable and relevant individuals for pertinent information and for possible sentencing recommendations. As one judge noted, the courts are dealing with "paper people." That is, the fate of a defendant must be decided by a judge who only knows him or her through written material provided by others. According to this judge, the presence of the defendant in court is of limited utility in the formulation of an appropriate sentence since "everyone is at their best behavior in front of the judge." Thus, the judge must reach a sentencing decision while relying upon the differing recommendations of advocates for the prosecution and for the defense.

The CSP plan is a sentencing recommendation to the court. It is presented by a defense attorney when it appears a client is likely to be incarcerated. A defense attorney is concerned with getting "the best outcome" for his or her client. CSP is designed to intersect with both the interests of the defense attorney and the State by advocating for alternatives to incarceration that have a meaningful sanctioning component.¹⁷

From interviews with case planners in Onondaga County, it appears that they were advocates for CSP plans as representing viable alternatives to incarceration. However, case planners seemed to be more interested in advocating the release of the client than in advocating the CSP plan as a sentence equivalent to incarceration. This diminished their credibility with the local criminal justice community. For example, one judge noted that CSP planners were "more interested in keeping people out of jail than (in) the proper sentence."

Despite this credibility problem, 31 CSP plans were presented to the Onondaga County court during the period of this study.¹⁸ These plans were presented during plea bargaining or after a determination of guilt.

When a prosecutor, in representing the interests of the State, argued for a restrictive sentence for a particular defendant, the defense attorney would generally argue for a less restrictive sentence. Defense attorneys may have used CSP plans as bargaining tools. When the CSP plan was included as part of a plea

¹⁷In their application to New York State for funding (June, 1981), the New York Center and the NCIA jointly wrote, "The Client Specific Planning (CSP) Model has as its primary purpose the systematized development of individualized, court-acceptable, alternative-to-prison, sentencing plans for offenders who are found or plead guilty to charges and who, without such plans, would be incarcerated." (Page 8) New York Center Staff who were interviewed emphasized the need for viable alternatives that are not simply an easy way out for offenders.

¹⁸During the same time frame, the New York Center completed about 58 additional plans for clients outside Onondaga County. This evaluation is limited to those cases prepared for Onondaga County Courts.

bargain agreement, both the prosecutor and the defense attorney would recommend the plan as a sentence.

If a plea bargain was reached without the inclusion of a CSP plan, a defense attorney could present the plan to the sentencing judge at a later time. If the judge believed that the information or recommendation of the CSP plan should have been considered, he or she could have reconvened all relevant parties to suggest renegotiation of the original agreement.¹⁹

If no plea bargain was reached and it was determined that a case had to be brought to trial, then the prosecutor would be an "adversary, right down the line." If the defendant was found guilty, the prosecutor would "recommend the maximum sentence." In such cases, the defense attorney would present the plan directly to the sentencing judge in an effort to influence the decision of the judge.

Most case planners agreed that care in the presentation of the CSP document is critically important. All plans were typed, covered, and bound. Each was individually titled and included the plan itself as well as letters of confirmation from community members and service providers expressing willingness to accept the offender if a non-incarcerative sentence was imposed. Seven copies were made, one of which remained with the New York Center office. The other six were given to the defense attorney who was responsible for distributing them to the judge, prosecuting attorney, defendant, probation officer, and any third party advocates. Frequently however, defense attorneys did not distribute all copies of the plan.

CSP plans that were presented to the court at the time of sentencing could have been modified by the judge or by the defense attorney. Judicial modifications of a plan were not necessarily undesirable to case planners, as indicated by the planner who said, "If that's what it takes to keep a defendant out of prison, that's fine." In anticipation of such modification, planners would provide judges with choices, such as two different restitution plans.

¹⁹To the knowledge of the evaluators, this has never occurred in Onondaga County.

The defense attorney could also influence the modification of a CSP plan at the time of sentencing. Depending upon the perceived inclination of the court toward a specific sentence for the defendant, an attorney might modify the plan to whatever degree seemed necessary to obtain the least restrictive sentence. For example, following the presentation of a CSP plan, a judge might have been inclined to sentence an offender to a purely incarcerative sentence because the plan was not perceived as sufficiently punitive. At that point, the defense attorney could point out that, although not formally stated in the plan, provision could be made for weekend incarceration of the offender.

As its developer, the case planner should have had the best understanding of the CSP plan and the rationale for its acceptance as a viable alternative to incarceration. Therefore, the planner's presence in court at the time of sentencing can be useful; he or she can be consulted regarding the content and value of the plan. According to one planner, the actual physical presence of the case planner in the courtroom can have a favorable effect on the outcome of the case. In Onondaga County, planners interviewed said that they were generally present for sentencing, but were rarely asked to comment on the plan.

Implementation of a CSP Plan

New York Center staff suggested that CSP plans presented to the court could have had any of several outcomes. The plans could have been accepted in total as part of the formal sentence, or could have been accepted with modifications proposed by the judge or defense attorney. The plans could have been rejected, in which case they would either have no influence on sentencing decisions, or could have indirectly contributed to less restrictive sentences.

The New York Center did not assume responsibility for the supervision of its clients. When a CSP plan was accepted by the court as a formal sentence, it was intended to be incorporated into the formal orders and conditions of probation. It then would become the legal responsibility of the Probation Department to supervise

compliance of the offender with the terms of the plan. At times, a group of three or four concerned citizens working as third party advocates were also involved in implementation.

When a case is first assigned to a probation officer for supervision, the officer receives the PSR, a listing of the orders and conditions of the probation sentence, and any other pertinent documents. If a CSP plan was included as an order and condition of probation, that should also be received by the probation officer.

Probation officers in Onondaga County who conducted field supervision were responsible for caseloads of fifty to seventy probationers. In addition to supervision, each typically conducted three to five investigations per month. While most saw this as a manageable caseload, others were concerned that the volume of cases made it impossible for a probation officer to supervise every condition of a probation sentence. For example, some probation officers indicated it was not possible to make a monthly home visit to each of seventy probationers. Similarly, adequate supervision of CSP clients may not have been feasible because of their caseloads and the extensive conditions associated with the plans. CSP case planners never discussed this issue with the Probation Department.²⁰

Of the probation officers interviewed in Onondaga County, very few had actual experience with the CSP service or with CSP plans. Of the six interviewed who supervised probationers in the field, one had handled one CSP case and another had

²⁰New York Center staff members emphasized their need to work from outside of the established criminal justice community. They believed this helped them to achieve and maintain credibility with defense attorneys and to be most effective in providing alternatives to the prison sentences traditionally provided by the system for serious offenders. Therefore, they did not formally introduce CSP to the Probation Department, the District Attorney's Office, nor local judges; and they limited their informal contacts regarding CSP with these criminal justice officials.

handled one or two cases. Therefore, it was difficult to determine whether CSP conditions were supervised as consistently as other conditions of probation. However, the experience of one probation officer is notable. He had a case for which he did have a copy of the plan. In this instance, the probationer had a problem with the CSP plan. According to the probation officer:

Their (the CSP) treatment plan was identical to one that the probation officer came up with. One exception is they recommended community service, which I feel was inappropriate in this case, and I'm having a heck of a time getting it completed... The (probationer) is handicapped... which is making the community service very difficult. We've gone to three different places and he's just not able to physically do it at all... I offered to take it back (to court) on a reconsideration and have it deleted.

This example suggests that, in at least one instance, there was a willingness to allow the CSP client some flexibility in adhering to the plan. Additionally, since the probation officer originally recommended a sentence of probation, one might question whether this offender would otherwise have been incarcerated but for the intervention of CSP.

If a plan is accepted by the court as sentence, there must be a mechanism for assuring that the offender will follow the conditions of that sentence. For sentences of probation, that mechanism is the fact that the court mandates the orders and conditions of probation, thereby authorizing the probation officer to enforce them. In some instances where a CSP plan was included into the orders and conditions of probation, the probation department did not receive the plan. Of 1,750 cases assigned to probation in Onondaga County during the period of this study, the local Probation Department could identify 12 cases for which reports had been prepared by the New York Center. In only six of these 12 cases did the Probation Department have the written CSP plans included in the defendant's case folder. This problem was highlighted by a probation officer who was not sure she

had ever handled a CSP case. She said:

We don't usually get those plans... when we get the case for supervision.... We don't actually get that workup, which is too bad... I'm sure there's cases that I have now that those (CSP) reports were done on... unless a lawyer happens to mention to you if he has that report (CSP) in his files, they would never get to us!

In some instances, a judge would sentence a CSP client to probation without including the CSP plan in the formal orders and conditions of probation. In such cases, the probation officer did not know whether or not the conditions of the plan were intended to be enforced. Even if they were, the probation officer had no legal authority to enforce them. According to one Onondaga County probation officer:

Unless they get to us... and put them (the CSP conditions) into the actual form here (that) the judge signs, they're only suggestions.... The judge could just write (the CSP conditions) in... but they hardly ever do.... They may verbally say those things... but unless it really comes down to the signed conditions, they're probably not going to be followed through.

In addition to their supervision by probation officers, CSP clients may also have been supervised by third party advocates, such as their supervisors at a community service placement. Generally, it was assumed by the community service providers interviewed that CSP clients would do whatever was necessary to avoid incarceration. However, there were concerns about reporting CSP clients who violate their obligations as community service workers.

Community service providers interviewed for this evaluation were generally individuals who had direct supervisory responsibility for the CSP client "volunteers." While they tried to treat CSP clients like all other volunteers, there seemed to be special concern about the prospect of having to report the client for failing to fulfill the obligations of what was in fact a court imposed sentence. Since CSP was perceived by providers as an alternative to incarceration, failure to fulfill any component of the plan could have potentially resulted in the incarceration of the client.

Among community service providers in Onondaga County, there was a general reluctance to report CSP clients for noncompliance. For example, the representative of one community-based organization immediately responded to the question of compliance:

Thank God I haven't been faced with that. First I'd call a (CSP) counselor and set up a meeting between the three of us.... We would work it out like we work with things here, with the face-to-face relationship. I would try that before I would actually do a written report on the individual or ask that the individual be removed... I would even try to get them placed someplace else before I would, you know, turn them away from our door or tell Client Specific Planning I couldn't use this individual.... In-house, if we don't have some kind of evaluation mechanism to evaluate how you're getting along, then we shouldn't be dealing with the program altogether.

Community service providers are in the business of contributing to the well-being of the community and its members. To report a person for not having done his or her job may be viewed as giving up on that person. Therefore, it is not surprising that they would be reluctant to report CSP clients who were unsuccessful as "volunteers." In addition, a client whose community service placement was terminated because he or she had created problems, may have been effectively "blackballed" from serving in other organizations, and this increased the moral dilemma for the community service providers.

While there was a concern about CSP "volunteers" among community service providers, their first responsibility was to their own clients. Therefore, each organization had criteria to determine when the CSP "volunteers" became a threat to the organization or to its clients. Generally, these were the same criteria used with all organization volunteers and tended to focus on disruptions to program operation.

At the time of the interviews, 19 CSP cases had been accepted by the courts in Onondaga County. Understandably, neither the ten probation officers nor the six community service providers who were interviewed had supervised many CSP clients.

As noted above, only two probation officers interviewed were certain of having handled CSP clients. Among the community service providers, one respondent stated that three clients had been placed with his organization and that those three had "more than worked out." In fact, one of these clients continued to work as a volunteer at the organization after his sentence was completed. In addition, two CSP clients were accepted, prior to their sentencing, by another organization. (By placing a client in a community service setting prior to sentencing, the New York Center hoped to demonstrate compliance with the plan and to increase the likelihood that the court would accept the plan.) According to the respondent from that organization, one of the clients "... did what he was asked to do and more. And the other, when he was here, did what he was supposed to do." The former, described as "incredibly responsible," worked successfully with the organization until his sentencing by the court, at which time he was released on an Adjournment in Contemplation of Dismissal. The latter was eventually sentenced to incarceration. Three of the other community service organizations had each agreed to accept, or at least consider, particular CSP clients, but the courts did not approve those plans. The sixth organization did not use CSP clients because it was a referral center which provided other community service organizations with volunteers.

III. CSP CASES IN ONONDAGA COUNTY: CHARACTERISTICS AND OUTCOMES

This section of the report provides a description and an analysis of the CSP cases and their outcomes in Onondaga County. Data are provided to help describe the characteristics of clients and their plans, and to assess the extent to which the service was a viable alternative to incarceration.

The following concerns the CSP service as offered by the New York Center for Sentencing Alternatives in Onondaga County during the first 22 months of its operation. From January, 1981 to October, 1982, the New York Center prepared 31 CSP plans for 30 defendants who were facing sentencing in Onondaga County Court.²¹ (During this period about which data were collected, the New York Center prepared as many as 58 other plans for defendants outside the County.) The data were obtained from New York Center records and from official court records. This report considers the 31 CSP cases relative to 1,649 non-CSP cases from Onondaga County.

Characteristics of CSP Clients

Client Specific Planning is designed to promote and develop alternatives to incarceration for offenders likely to be incarcerated. Accordingly, CSP clients should have characteristics similar to those of other offenders who were sentenced to incarceration in Onondaga County.

Personal Characteristics

In that the New York Center charges a fee for the CSP service, it may be argued that particular categories of offenders were not as readily availed of the service as were others. Table 3.1 provides a comparison of the age, gender, race, and attorney type²² of CSP clients and of the sampled non-CSP offenders in Onondaga County during the evaluation period.

²¹One defendant in Onondaga County had two plans prepared for him or her.

²²For purposes of analysis, attorney type is viewed, in part, as an indicator of client income. Though indirect and imperfect, it reflects the fact that only defendants earning less than a set monthly income (relative to particular criteria of personal wealth) are eligible for free counsel through the County's assigned counsel program; others seeking legal representation must hire private counsel at their own expense.

Table 3.1

Extralegal Factors: CSP and Non-CSP Cases

		<u>CSP</u>		<u>Non-CSP</u>	
		%	N	%	N
<u>Age</u>	14 to less than 16	0.0	0	0.7	12
	16 to less than 19	25.8	8	27.2	449
	19 to less than or equal to 23	29.0	9	30.6	504
	Older than 23	45.2	14	40.5	668
	Unknown	0.0	0	1.0	16
	Total		31		1646
<u>Gender</u>	Male	87.1	27	90.1	1485
	Female	12.9	4	9.3	153
	Unknown	0.0	0	0.7	11
	Total		31		1649
<u>Race</u>	White	64.5	20	62.6	1032*
	Black	35.5	11	30.4	501
	Unknown	0.0	0	7.0	116
	Total		31		1649
<u>Attorney Type</u>	Assigned or Appointed	80.6	25	71.7	1182
	Private	16.1	5	25.0	412
	Unknown	3.2	1	3.3	55
	Total		31		1649

Source: Court Data

* Since the variable was not included in the court data, values were taken from the DCJS Computerized Criminal Histories file.

According to the court data presented in Table 3.1, CSP clients were generally similar to non-CSP clients in terms of age, gender, and race. This suggests that the CSP cases were not statistically biased on these characteristics. These data do suggest that CSP clients were slightly more likely to have their attorney appointed or assigned than were non-CSP clients. However, data from another source, the New York Center, lead to a different conclusion.

Table 3.2

Comparison of Program Data and Court Data in Terms of Attorney Type For CSP Clients

<u>Attorney Type</u>	New York Center Data		Court Data	
	%	N	%	N
Assigned or Appointed	51.6	16	80.6	25
Private	48.4	15	16.1	5
Unknown	0.0	0	3.2	1

Source: New York Center Data and Court Data.

Table 3.2 shows that estimates of whether or not CSP clients were represented by assigned or appointed attorney varied greatly by the data source used; according to the New York Center data, 51.6% of CSP clients had assigned or appointed attorneys; according to court data, 80.6% of CSP clients had assigned or appointed attorneys. There are reasons to believe that the Center data are more accurate: 1) the New York Center worked directly through defense attorneys and 2) defense attorneys interviewed for this evaluation suggested that since the Center charges a fee for the CSP service, they were hesitant to use the service with assigned

clients who would not have been able to pay the fee. This being the case, the evaluators conclude that through CSP the New York Center served a disproportionately high number of offenders who were represented by private attorneys; of the CSP clients, 48.4% appear to have had private attorneys, whereas only 25.0% of all other offenders in Onondaga County were represented by private attorneys.

Legal History

Since CSP is designed to serve offenders likely to be incarcerated, clients should be offenders with relatively serious prior records or relatively serious instant offenses or both. Using court data, Table 3.3 shows the adult and juvenile legal records of CSP clients and other offenders about whom data were collected. If CSP clients were incarceration-bound, they should have characteristics more similar to other offenders incarcerated than to those not incarcerated.

The distribution of top conviction charge for CSP clients was not substantially different from the distribution of top conviction charge for other offenders in the county, though perhaps slightly more like other offenders who were incarcerated: 64.5% of CSP clients were convicted of D or E felonies compared with 65.6% of other incarcerated and 73.3% of other not incarcerated offenders; 22.6% of CSP clients were convicted of A, B, or C felonies compared with 26.5% of other incarcerated and 9.9% of other not incarcerated offenders. With respect to top arrest charge, the CSP clients as a group again appear more like other offenders who were incarcerated: 51.7% of CSP clients were arrested for a D or E felony compared with 62.9% of the other incarcerated and 74.6% of other not incarcerated offenders; 45.2% of CSP clients were arrested for an A, B, or C felony as compared with 33.0% of other incarcerated and 21.2% of other not incarcerated offenders.

The prior records of CSP clients appear to be more like other offenders who were not incarcerated: 38.7% of CSP clients are known to have had one or more prior adult arrests, compared with 59.7% of other incarcerated and 42.7% of other

Table 3.3
The Instant Offense and Prior Record of CSP Clients
and Other Offenders

	CSP		Non-CSP					
	(N=31)		Incarcerated (N=733)		Not Incarcerated (N=909)		Unknown or Missing (N=7)	
	%	N	%	N	%	N	%	N
<u>Instant Offense</u>								
<u>Top Conviction Charge</u>								
Felony A	0.0	0	1.5	11	0.1	1	0.0	0
B	6.5	2	10.1	74	2.0	18	0.0	0
C	16.1	5	14.9	109	7.8	71	0.0	0
D	54.8	17	49.1	360	50.5	459	42.9	3
E	9.7	3	16.5	121	22.9	208	28.6	2
Misdemeanor A	6.5	2	5.0	37	11.0	100	14.3	1
B	0.0	0	0.1	1	1.2	11	0.0	0
Unknown or Missing	6.5	2	2.7	20	4.5	41	14.3	1
<u>Top Arrest Charge</u>								
Felony A	0.0	0	3.3	24	0.9	8	0.0	0
B	19.4	6	13.6	100	7.0	64	0.0	0
C	25.8	8	16.1	118	13.3	121	14.3	1
D	32.3	10	48.7	357	50.9	463	57.1	4
E	19.4	6	14.2	104	23.7	215	28.6	2
Misdemeanor A	3.2	1	3.4	25	3.0	27	0.0	0
B	0.0	0	0.1	1	0.2	2	0.0	0
Unknown or Missing	0.0	0	0.5	4	1.0	9	0.0	0
<u>Prior Record</u>								
<u>Adult Arrests</u>								
None	29.0	9	8.0	59	25.9	235	14.3	1
One	12.9	4	7.4	54	11.2	102	0.0	0
Two or More	25.8	8	52.3	383	31.5	286	85.7	6
Unknown	32.3	10	32.3	237	31.5	286	0.0	0
<u>Juvenile Arrests</u>								
No	38.7	12	29.5	216	47.9	435	71.4	5
Yes	29.0	9	38.1	279	20.4	185	28.6	2
Unknown	32.3	10	32.5	238	31.8	289	0.0	0

Source: Court Data

not incarcerated offenders; 29.0% of CSP clients are known to have had a juvenile arrest record compared with 38.1% of other incarcerated and 20.4% of other not incarcerated offenders.

Generally, it appears that as a group CSP clients were more like incarcerated offenders in terms of instant offense and more like the non-incarcerated offenders in terms of prior record. This may not be meaningful in terms of the ability of the New York Center to have selected incarceration-bound offenders. Table 3.4 shows that the Center did not have accurate knowledge of the criminal record information contained in the official court records. Having collected data from their clients, the defense attorneys, and from others willing to provide information, the Center recorded a charge as the instant offense without indicating what type of charge it was. In terms of this charge variable, the New York Center did not have accurate information about the instant offenses of its clients; the charges recorded by the Center were often higher than the conviction charges recorded by the court. In terms of prior records, no definitive conclusion may be reached; the evaluation court data file includes a large number of missing or unknown values for this variable.

Probability of Incarceration

Since an objective of CSP is to reduce the likelihood that defendants will receive sentences of incarceration, the success of the CSP process must be assessed in terms of whether CSP clients were in fact likely to receive a sentence of incarceration in the absence of the service. Therefore, CSP clients should have a probability of incarceration closer to that of offenders sentenced to prison under normal circumstances than to offenders sentenced to probation.

To assess the extent to which CSP clients were among those offenders who were more likely to be incarcerated, three estimates of the risk of incarceration were used: the sentencing recommendation of the probation officer (from the pre-sen-

Table 3.4
Comparison of Program Data and Court Data
in Terms of Instant Offense and Prior Record

		New York Center Data		Court Data				
		Instant Offense						
		Charge*		Top Conviction Charge		Top Arrest Charge		
		%	N	%	N	%	N	
<u>Charge Class</u>	Felony A	0.0	0	0.0	0	0.0	0	
	B	22.6	7	6.5	2	19.4	6	
	C	19.4	6	16.1	5	25.8	8	
	D	25.8	8	54.8	17	32.8	10	
	E	16.1	5	9.7	3	19.4	6	
	Misdemeanor A	6.5	2	6.5	2	3.2	1	
	B	3.2	1	0.0	0	0.0	0	
	Unknown or Missing	6.5	2	6.5	2	0.0	0	
			Prior Record					
			Number Past Charges *		Adult Arrests		Juvenile** Arrests	
		%	N	%	N	%	N	
<u>Number of Charges</u>	None	29.0	9	29.0	9		X	
	One	32.3	10	12.9	4		X	
	Two or More	38.7	12	25.8	8		X	
	Unknown or Missing	0.0	0	32.3	10		X	

Source: New York Center Data and Court Data
*The New York Center data does not make a finer distinction.
**The court data collected for this variable are not comparable.

tence report prepared for the court) and two statistical models.²³

Table 3.5, below, shows the actual sentence for non-CSP clients in relation to probation officer recommendation. It suggests that the recommendation of the probation officer is itself a reasonable indicator of probability of incarceration. Of those offenders for whom the probation officer recommended incarceration, incarceration was the sentence in 73.6% of the cases; of those for whom the probation officer recommended non-incarceration, offenders were not incarcerated

Table 3.5

Sentence Received by Probation Officer Recommendation:
Non-Mandatory Incarceration; Non-CSP Cases

Sentence Received	Probation Officer Recommendation		TOTAL
	Incarceration	Non - Incarceration	
Incarceration	73.6% (209)	11.9% (81)	30.2% (290)
Non - Incarceration	26.4% (75)	88.1% (597)	69.8% (672)
TOTAL	100.0% (284)	100.0% (678)	100.0% (962)

²³The set of methods on which this section is based and the procedures for generating the models to estimate the risk of incarceration are discussed fully in Section VII of this report.

88.1% of the time. However, the predicted utility of the probation officer recommendation can be improved upon if it is combined with other variables in a statistical model.

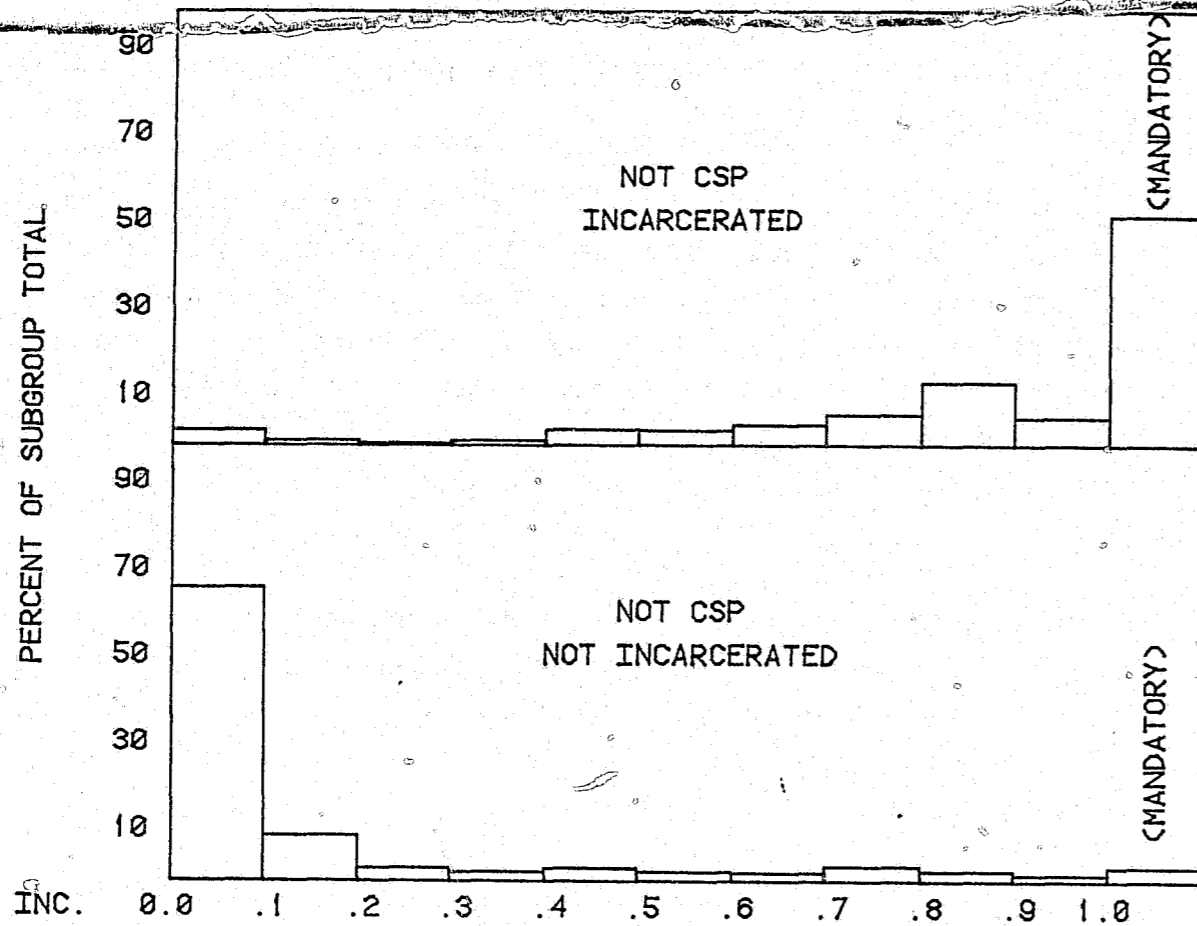
A statistical model to predict incarceration was constructed using a set of variables identified as most important in the determination of incarceration or not incarceration. The model included: probation officer recommendation (most important), age of the defendant, number of adult felony arrests, class of conviction for the instant offense, and type of conviction offense for the instant offense. Using this model, risk scores (scores reflecting relative risk of incarceration) were generated for individual offenders and for subgroups of offenders.

In Figure 3.1, offenders incarcerated and offenders not incarcerated are both categorized by risk scores. These scores are generated from the model with probation officer recommendation as its most important variable (Model A). It shows the probability of incarceration, as defined by risk score, for CSP clients relative to the other categories of offenders.

From this figure, it appears that CSP clients, in terms of their risk of incarceration, were more like other offenders not incarcerated than they were like others who were incarcerated. The modal risk score category for CSP clients is the same as the modal risk score category for offenders who were not incarcerated; for both it was the risk category with the lowest probability of incarceration (<.10). About 67% of the not CSP, not incarcerated cases and about 41% of the CSP cases had less than one chance in ten of being incarcerated. The CSP cases are somewhat more dispersed throughout the remaining risk score categories, some falling in higher risk categories including four (18.2% of the cases) who were convicted of offenses for which a sentence of incarceration was mandated. However, the non-CSP offenders who were incarcerated are most heavily concentrated in the mandatory incarceration category.

Figure 3.1

PROBABILITY OF INCARCERATION BY SUBGROUP
 MODEL A: (INCLUDES PROBATION OFFICER RECOMMENDATION)



PROB. OF INC.	0.0	.1	.2	.3	.4	.5	.6	.7	.8	.9	1.0
NOT CSP, INC											
PERCENT	3.5	1.3	0.5	1.2	3.7	3.5	4.9	7.1	14.6	6.6	53.0
FREQUENCY	(21)	(8)	(3)	(7)	(22)	(21)	(29)	(42)	(87)	(39)	(315)
NOT CSP, NOT INC											
PERCENT	67.3	10.4	3.0	2.1	2.9	2.1	2.0	3.5	2.4	1.4	3.2
FREQUENCY	(448)	(69)	(20)	(14)	(19)	(14)	(13)	(23)	(16)	(9)	(21)
CSP CLIENTS											
PERCENT	40.9	0.0	0.0	9.1	4.6	0.0	13.6	13.6	0.0	0.0	18.2
FREQUENCY	(9)	(0)	(0)	(2)	(1)	(0)	(3)	(3)	(0)	(0)	(4)

- NOTES: 1. Model A correctly categorizes 86.8% of nonmandatory cases when cutoff is $p = .425$.
2. Missing data for some variables prevented making probability estimates for 9 of the 31 CSP cases.

Model A emphasizes probation officer recommendation for estimating the risk of incarceration, and has an accuracy rate of 86.8% (compared with a base rate of 70.1% for this group of cases). Despite this high rate of accuracy, the model has a weakness. A large number of sampled cases were missing data for the variables used to construct the model.²⁴ These cases had to be excluded when the model was constructed. A second model was therefore constructed using a set of variables that did not include probation officer recommendation and allowed a greater number of cases to be included.

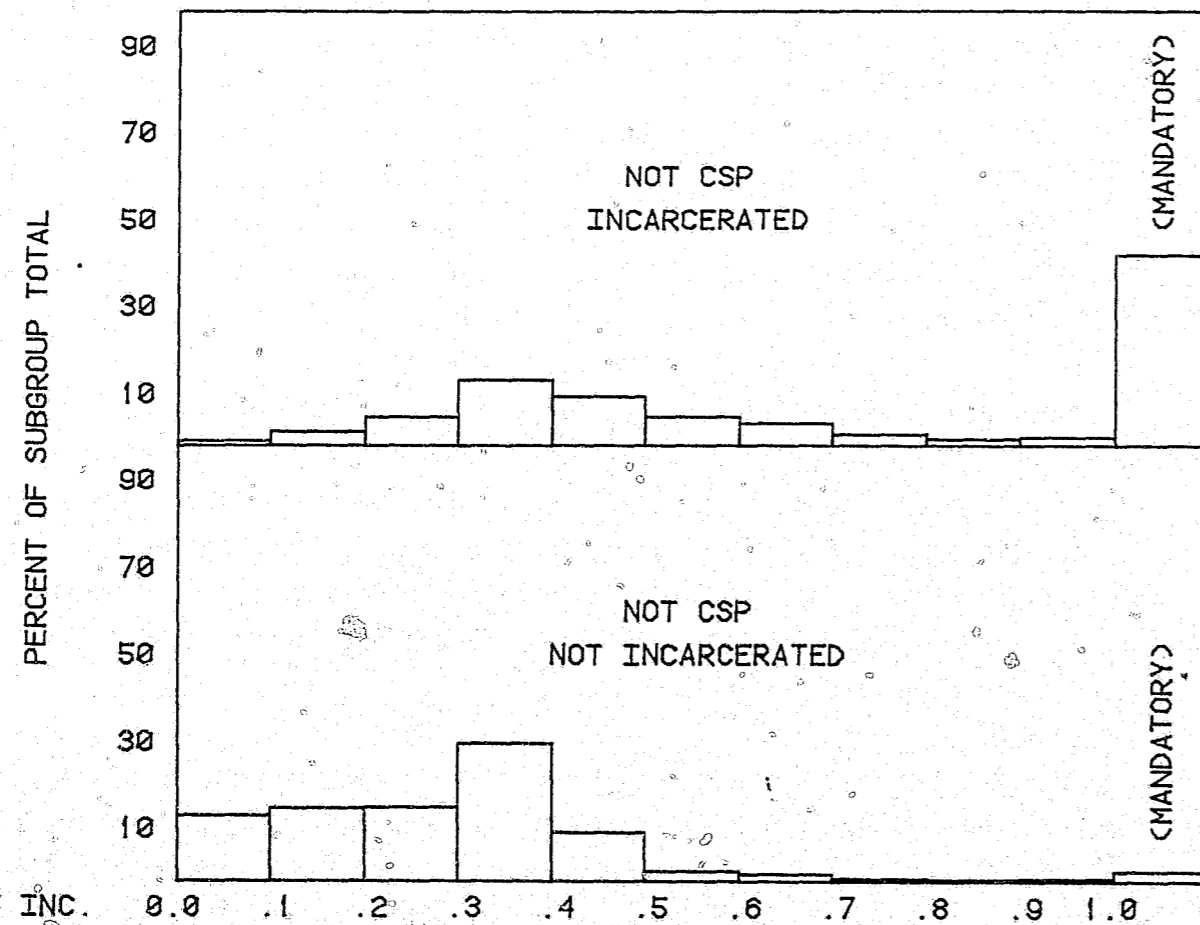
The second model, Model B, was constructed with the following variables: number of adult felony arrests, age, conviction class, and type of conviction offense. Compared to Model A, Model B used more cases to generate risk scores, but it has a lesser ability to classify cases by risk of incarceration (an accuracy rate of 75.1% relative to a base rate of 67.9%). Figure 3.2, below, compares CSP clients with non-CSP offenders, incarcerated and not incarcerated, relative to the risk scores generated by Model B.

For Model B, the optimum cutoff point separating those cases likely to be incarcerated from those likely not to be incarcerated is 0.458. The data indicate that CSP clients most often fall on the likely not to be incarcerated side of this cutoff (although they are frequently close to it). Of the CSP cases, 72.3% have risk scores less than or equal to 0.4. Of the non-CSP offenders who were not incarcerated, 80.5% have risk scores in this range compared with only 26.5% of the non-CSP offenders who were incarcerated. The modal risk category for CSP clients includes risk scores between 0.3 and 0.39 (31.0% of CSP cases). This category also includes the greatest number of non-CSP offenders not incarcerated (31.6%) and the

²⁴After the administrative judge of the County Court agreed to our collection of data from the court records, one senior County Court judge refused permission to collect data from pre-sentence reports prepared for his cases. As a result, data records are incomplete for 10 of the CSP cases and approximately one-third of the remaining cases. A cross-tabulation of judges by sentencing decisions did not reveal any substantial differences in their sentencing practices. Therefore, the exclusion of the cases of one judge in the construction of Model A is not likely to have an appreciable impact on the differences between Model A and Model B.

Figure 3.2

PROBABILITY OF INCARCERATION BY SUBGROUP
 MODEL B: (EXCLUDES PROBATION OFFICER RECOMMENDATION)



PROB. OF INC.	0.0	.1	.2	.3	.4	.5	.6	.7	.8	.9	1.0
NOT CSP, INC											
PERCENT	1.3	3.2	6.7	15.3	11.3	6.7	5.3	2.6	1.5	2.1	43.9
FREQUENCY	(9)	(23)	(48)	(110)	(80)	(48)	(38)	(19)	(11)	(15)	(315)
NOT CSP, NOT INC											
PERCENT	15.0	16.9	17.0	31.6	11.3	2.3	1.8	0.6	0.3	0.7	2.4
FREQUENCY	(130)	(146)	(147)	(273)	(98)	(20)	(16)	(5)	(3)	(6)	(21)
CSP CLIENTS											
PERCENT	17.2	6.9	17.2	31.0	10.3	0.0	3.5	0.0	0.0	0.0	13.8
FREQUENCY	(5)	(2)	(5)	(9)	(3)	(0)	(1)	(0)	(0)	(0)	(4)

- NOTES: 1. Model B correctly categorizes 75.1% of nonmandatory cases when cutoff is $p = .458$.
2. Missing data for some variables prevented making probability estimates for 2 of the 31 CSP cases.

second greatest number of those incarcerated (15.3%). Therefore, Model B shows that, in terms of risk score, CSP clients more closely resemble non-CSP offenders not incarcerated, but does not distinguish them as clearly from non-CSP offenders incarcerated as does Model A.

Generally, the statistical models used to predict probability of incarceration support the conclusion that CSP clients were more similar to other offenders not incarcerated than they were to offenders incarcerated. As a group, CSP clients were not likely to receive sentences of incarceration, even in the absence of the CSP service. (Actual outcomes are discussed later.) Table 3.6, lists all CSP clients with their risk scores (from Model A, since this model includes the probation officer recommendation and has a higher accuracy rate than Model B) and characteristics for the variables used to generate the scores.

CSP Plans

To divert an offender who would otherwise be incarcerated from being so sentenced, the New York Center uses a CSP plan to try to convince the judge that there is a viable alternative to incarceration for the offender. To do this, the Center, theoretically, prepares a plan which includes components consistent with the characteristics and needs of the client for whom it is being prepared. That is, the plans are intended to be "client specific."

As noted in the introductory section of this report, CSP plans are supposed to include one or more of the following: living arrangements, community service, employment, financial restitution, therapy, substance abuse treatment, education, vocational training/rehabilitation medical treatment, supervision or reporting, and even a minimal period of incarceration when appropriate. Table 3.7 shows that most of these were included in one or more of the plans prepared by the New York Center for clients in Onondaga County.

Table 3.6

CSP Cases: Probability of Incarceration and Other Characteristics

Sentence			Case Characteristics				
Predicted		Observed	Probation Officer Rec.	Prior Felony Arrests	Conv. Class	Conv. Type	Age
In/Out	Prob	In/Out					
M	M	Out	Missing	0	CF	PROP	24
Out	.02	Out	None Made	0	CF	PERS	66
Out	.05	Out	Jail and Prob	0	DF	PERS	18
Out	.05	Out	Probation	0	DF	PROP	16
Out	.04	Out	Probation	0	DF	PROP	18
Out	.30	Out	None Made	0	CF	DRUG	20
Out	.05	Out	Other	0	DF	DRUG	21
In	.77	In	Incarceration	2	DF	PROP	27
M	M	Out	Missing	1	AM	OTH	59
* In	.91	In	Incarceration	1	CF	ROB	18
In	.69	Out	Incarceration	0	DF	PERS	21
Out	.04	Out	Probation	0	DF	PROP	20
* M	M	In	Missing	3	BF	ROB	31
M	M	Out	Missing	0	DF	ROB	20
Out	.03	Out	Probation	0	DF	PROP	25
M	M	Out	Missing	0	DF	DRUG	23
In	.60	Out	Incarceration	0	DF	PERS	26
In	.80	In	Incarceration	0	DF	PROP	17
Out	.07	In	Probation	1	DF	PROP	16
Out	.08	In	Jail and Prob	0	DF	PROP	16
* M	M	In	Missing	5	BF	DRUG	64
* M	M	In	Missing	1	CF	ROB	26
Out	.38	In	None Made	1	DF	PROP	27
In	.64	Out	Incarceration	0	DF	PROP	28
M	M	Out	None Made	3	M	M	22
M	M	In	Missing	0	EF	PROP	22
M	M	In	Missing	0	AM	PERS	24
M	M	Out	Jail and Prob	0	M	M	18
M	M	Out	Missing	1	EF	PROP	19
In	.73	Out	Incarceration	6	EF	OTH	37
In	.42	In	Incarceration	0	DF	DRUG	31

* Mandatory Incarceration Case.
M = Missing

Table 3.7
Components of CSP Plans

Component (Recommended in Plan)	Percent of Plans Including This Component (N=31)
Reporting to Authority	94
Plan be Included in Orders and Conditions of Probation	87
Residence	87
Community Service	84
Community Supervision	77
Drug or Alcohol Counseling	68
Financial Restitution	36
Education	36
Employment	32
Incarceration or Detention	13
Supporting Letters Attached to Plan	94

Source: New York Center Data

A few observations can be made from the percentages presented in Table 3.7. Most CSP plans included a recommendation that the offender report during the sentence period to an authority (94%). Naturally, very few recommended that the client be incarcerated (13%). Community service was recommended in 84% of the plans, but employment was recommended in only 32% of the plans. This is consistent with what CSP case planners told the evaluators; employment is more difficult to arrange for a convicted offender than is community service. Almost all CSP plans (94%) had letters from members of the community attached showing support for the release of the client. This is important in that community support is needed for a CSP plan to work and these letters demonstrate that CSP planners do extensive background work for each plan.

This information leads to the conclusion that the New York Center prepared CSP plans that were consistent with the goals and objectives of client specific planning in general. It says nothing about the extent to which CSP as implemented in Onondaga County provided alternative sentencing plans that were truly client specific. For CSP plans to be truly specific, they must respond to the conditions surrounding the life of the offender and to the nature of the illegal act committed by the offender. Therefore, the evaluators used the data provided by the New York Center about the clients and the plans and matched individual characteristics of clients to specific components of the plans.

Table 3.8 relates some conditions surrounding the lives of CSP clients to components of their plans. In terms of the relationships examined, it appears that the CSP plans of the New York Center had not been particularly individualized; a place of residence was recommended in 87.1% of all cases and community service was recommended for 83.9% of all clients. In fact, it could be argued that specific recommendations, when they were made, were made on the basis of expedience rather than on the basis of need. For example, for employed clients, employment was recommended in 75.0% of all cases, whereas it was recommended for only 5.3% of the cases involving unemployed CSP clients. Given that 61.3% of all clients were unemployed at the time of their current offense, employment was recommended in only 32.3% of all cases and employment training in only 29.0% of all cases.

Conclusions about the client specificity of CSP plans based on the relationships between CSP plan recommendations and offense type, presented in Table 3.9, are more positive than those based on the relationship between CSP plan recommendations and the conditions surrounding the life of the client. Of the clients charged with drug related offenses, 37.5% were recommended in their CSP plans for drug counseling (compared to 40.0% of those charged with all other offenses). Drug offenses included sale as well as possession, so some offenders

Table 3.8
Recommendations in CSP Plans and Conditions
Surrounding the Lives of the Clients

Plan Includes:		1. Employment at Time of Offense					
		Yes (N=12)		No (N=19)			
		%	N	%	N		
Employment Recommendation	Yes	75.0	9	5.3	1		
	No	25.0	3	94.7	18		
Employment Training Recommendation	Yes	16.7	2	36.8	7		
	No	83.3	10	63.2	12		

		2. Previous Community Service					
		Number of Previous Community Service/Volunteer Assignments					
		None (N=23)		One (N=5)		Two or More (N=3)	
		%	N	%	N	%	N
Community Service Recommendation	Yes	82.6	19	80.0	4	100.0	3
	No	17.4	4	20.1	1	0.0	0

		3. Permanent Living Arrangement									
		Own Home (N=10)		Parent's Home (N=12)		Relative's Home (N=1)		Group Home (N=1)		Jail (N=7)	
		%	N	%	N	%	N	%	N	%	N
Residence Recommendation	Yes	100.0	10	91.7	11	0.0	0	100.0	1	71.4	5
	No	0.0	0	8.3	1	100.0	1	0.0	0	28.6	2

		4. Education Completed					
		Grade 11 or Less (N=19)		High School Graduate (N=7)		More Than High School (N=5)	
		%	N	%	N	%	N
Education Recommendation	Yes	47.4	9	14.3	1	20.0	1
	No	52.6	10	85.7	6	80.0	4

Source: New York Center Data

Table 3.9
Recommendations in CSP Plans and Instant Offense*

Plan
Includes:

1. Drug and Alcohol Offenses and Counseling

		Instant Offense**					
		Alcohol (N=2)		Drug (N=8)		Other (N=20)	
		%	N	%	N	%	N
Counseling Recommendation	Alcohol: Yes	100.0	2	12.5	1	25.0	5
	No	0.0	0	87.5	7	75.0	15
	Drug: Yes	50.0	1	37.5	3	40.0	8
	No	50.0	1	52.5	5	60.0	12

2. Offense Type and Restitution

		Instant Offense Type***					
		Person (N=8)		Property (N=10)		Other (N=11)	
		%	N	%	N	%	N
Financial Restitution Recommendation	Yes	37.5	3	50.0	5	18.2	2
	No	62.5	5	50.0	5	81.8	9

Source: New York Center Data

Notes:

* One case was excluded from the table due to missing data.

** Alcohol = PL 1192.1 or 1192.2
Drug = PL 220.37, 220.39, 221.45, 221.50, 221.??
Other = All other

*** Person = PL 120.10, 125.15, 130.65, 160.05, 160.10, 160.15
Property = PL 140.20, 140.25, 150.05, 155.30, 155.35, 165.45, 165.??, 170.25
Other = PL 1192.2, 220.37, 220.39, 221.45, 221.50, 221.??, violation of probation.

may not have been viewed as needing drug counseling. Further, financial restitution was recommended more often for person offenders (37.5%) and property offenders (50.0%) than for others who committed offenses (18.2%) where financial loss to the victim would have been less likely.

Outcomes of CSP

Sentencing Outcome

Of the 31 CSP plans prepared by the New York Center for clients in Onondaga County during the study period, 19 were accepted or conditionally accepted by the court and 12 were rejected. Table 3.10 presents a comparison of New York Center clients whose plans were accepted and those whose plans were not. Given the small number of cases in each category, any conclusions drawn from Table 3.10 are necessarily tentative. However, it appears that CSP plans were more frequently accepted as sentences by the court if clients were young, white, not in jail at the time of sentencing, or represented by a private attorney.

To assess the likelihood that CSP itself had an impact on the sentencing decision of the court, the number of CSP cases actually resulting in a sentence of incarceration is compared in Table 3.11 to the number of CSP cases for which a sentence of incarceration is predicted. If CSP did encourage the court to sentence offenders who would have otherwise been incarcerated to non-incarceration, then there should be fewer cases of CSP clients actually incarcerated than there are cases of CSP clients for whom incarceration is predicted.

Table 3.11 uses both Model A and Model B to predict the probability of incarceration for CSP clients. Model A is stronger in that it includes probation officer recommendation and has a higher accuracy rate (86.8%); Model B provides balance in that it allows predictions for one-third more cases while maintaining an accuracy rate of 75.1%. Model A predicts that overall 6.7 of these 19 cases were likely to have resulted in incarceration; in fact seven of the 19 resulted in incarceration. Model B provides predictions for 29 CSP cases, predicting

Table 3.10
Extralegal Factors: CSP Cases Accepted and Not Accepted

		CSP Cases Accepted by the Court (N=19)		CSP Cases Not Accepted by the Court (N=12)	
		%	N	%	N
<u>Age</u>	16 to less than 19	21.1	4	25.0	3
	19 to less than or equal to 23	47.4	9	25.0	3
	Older than 23	31.6	6	50.0	6
<u>Gender</u>	Male	84.2	16	91.7	11
	Female	15.8	3	8.3	1
<u>Race</u>	White	73.7	14	50.0	6
	Black	26.3	5	50.0	6
<u>Living Arrangement</u>	Own Home	31.6	6	33.3	4
	Parent's Home	47.4	9	25.0	3
	Relative's Home	5.3	1	0.0	0
	Group Home	5.3	1	0.0	0
	Jail	10.5	2	41.7	5
<u>Marital Status</u>	Single	68.4	13	58.3	7
	Married	10.5	2	16.7	2
	Separated	0.0	0	8.3	1
	Divorced	5.3	1	16.7	2
	Widowed	5.3	1	0.0	0
	Cohabiting	10.5	2	0.0	0
<u>Education Completed</u>	Grade 11 or less	63.2	12	58.3	7
	High School Graduate	21.1	4	25.0	3
	More than High School	15.8	3	16.7	2
<u>Employment at Time of Arrest</u>	Yes	36.8	7	41.7	5
	No	63.2	12	58.3	7
<u>Attorney Type</u>	Appointed	36.8	7	75.0	9
	Private	63.2	12	25.0	3

Source: New York Center Data

Table 3.11
Predicted Versus Observed Incarcerations:
Two Models

	<u>Model A</u>	<u>Model B</u>
	With Probation Officer Recommendation	Without Probation Officer Recommendation
Total Number Of Predictions	19 1	29 3
Number of Cases Predicted Incarcerated ²	6.7	8.0
Number of All Cases Actually Incarcerated (for which a prediction was possible)	7	12

¹Contains three fewer cases than the table showing Probability of Incarceration by Model A for subgroups because three of the four mandatory incarceration cases in the other table had missing values for probability of incarceration and could not be included in this table.

²Computed by summing the predicted probabilities for all CSP cases with non-missing data.

³Includes four cases of mandatory incarceration.

incarceration in 8.0; twelve of these 29 cases actually resulted in incarceration. For both groups, CSP plans did not appreciably reduce the aggregate incarceration rate in relation to the rate that would have been expected in the absence of the service. However, this does not necessarily mean that CSP did not have an influence in individual cases.

Recidivism

If the New York Center were to persuade the community and the courts that CSP could identify viable alternatives to incarceration, then it would need to demonstrate that CSP did not jeopardize public safety when offenders were released who would otherwise be incarcerated. For this reason, the recidivism rates of CSP clients were examined. It may be argued that since the presumed alternative was incarceration, a single case of recidivism by any CSP client is a measurable increase in the risk to public safety that would not have occurred if the offender had been incarcerated. That is, the recidivism rate for any experimentally relevant control group is effectively zero. Table 3.12, below, uses re-arrest to examine the recidivism rates of those CSP clients who were released into the community with CSP plans.

Table 3.12 presents the number of misdemeanor and felony arrests for CSP clients, categorized by probability of incarceration using Model A (the stronger predictor). The number of new arrests for each client is measured relative to the shortest minimum and the longest minimum period of incarceration that could have been imposed had the client been incarcerated in a state prison for the conviction offense. From these statistics, it appears that had all CSP clients been incarcerated for even the minimum amount of time permissible, a total of six new arrests could have been avoided.

The use of zero as a comparison for measuring the recidivism rate of CSP clients may be too stringent. Table 3.13 shows a comparison of recidivism rates for CSP clients and other offenders in the Onondaga County sample.

Table 3.12

RECIDIVISM RATE AS MEASURED BY ARRESTS For CSP Clients Who Were Not Incarcerated And Whose CSP Plans Were (According To Program Data) Accepted Or Conditionally Accepted By The Court¹

NUMBER OF ARRESTS

	Number of CSP Clients	Number of Arrests Between Sentencing and the Shortest Minimum Defendant Could Have Served in a State Prison ²		Number of Arrests Between Sentencing and the Longest Minimum Defendant Could Have Served in a State Prison ²	
		Felony	Misdemeanor	Felony	Misdemeanor
Predicted Outcome					
Incarceration	5	0 * (0)	0 (0)	1 (1)	0 (0)
(Model A Using Probation Officer Recommendation)					
Non - Incarceration	6	3 (3)	2 (1)	3 (3)	7 (4)
No Prediction Made	7	1 (1)	0 (0)	1 (1)	0 (0)

¹Information in this table differs from information in subsequent arrest tables due to constant updating of the criminal history data base.

²The minimum range of state incarceration was determined for each of the above CSP clients. The shortest minimum and the longest minimum represent the lower and upper limits of that range, respectively.

* Numbers in parentheses refer to number of people arrested, numbers not in parentheses refer to number of arrests.

Table 3.13

Subsequent Arrests for Non Incarcerated Cases Convicted
During 1981-1982
CSP Versus Non-CSP Cases

	Subsequent Misdemeanor Arrests*		Subsequent Felony Arrests		Subsequent Arrests*	
CSP Cases	4	21%	4	21%	5	26%
Arrests	9	.47 arrest/case (19)	5	.26 arrest/case (19)	14	.74 arrest/case (19)
Non-CSP Cases	70	16%	56	13%	100	23%
Arrests	100	.23 arrest/case (435)	85	.19 arrest/case (436)	185	.43 arrest/case (435)

*One non-CSP case was excluded because the number of subsequent misdemeanor arrests was unknown.

Note: Percentages and rates are based upon the total number of cases occurring in each category. (e.g., four of the 19 CSP cases had a subsequent misdemeanor arrest; i.e., 21.1%). The percentages and rates are based on the total number of cases in a category, whether the number refers to cases or arrests.

From Table 3.13, it appears that for both misdemeanors and felonies, CSP clients were more likely (through the period of the study) to be re-arrested than were sampled non-CSP offenders convicted during 1981-82. In terms of the number of arrests, CSP clients had a higher rate of misdemeanor arrests (.47 versus .23) and a higher rate of felony arrests (.26 versus .20). In terms of the number of offenders arrested, CSP clients again had a higher recidivism rate than the other offenders. Twenty-one percent of the CSP clients were arrested for misdemeanors compared with 16% of the others; 21% of the CSP clients were arrested for felonies as compared to 13% of the others. Clearly, these particular CSP clients created a slightly greater risk to public safety than did other offenders released to the community in Onondaga County.

Potential for Expansion

The analysis presented leads to the conclusion that the CSP service in Onondaga County did not meet its goals of selecting offenders who were otherwise likely to be incarcerated, and providing them with viable and acceptable alternatives to a sentence of incarceration. However, the findings about the operation of the CSP service in Onondaga County indicate that the implementation of the service by the New York Center, rather than the CSP model itself, may have been responsible for the shortcomings.

CSP can play a unique role in the criminal justice system; it is an advocate for alternatives to incarceration for offenders who would otherwise be incarcerated. Its failure to effectively serve this role in Onondaga County appears to be directly related to the fact that the New York Center showed a disinclination to work with the local criminal justice community. Although the advocacy role of the service should not be compromised, increased communication with the local criminal justice community would have improved the effectiveness of CSP. This might have been accomplished by formalizing the role of CSP as a legitimate component of the local criminal justice system. This would have made CSP available to a greater number of appropriate offenders in Onondaga County.

In Onondaga County in 1980, there were approximately 200 convicted offenders for whom probation officers recommended incarceration, and for whom incarceration was not legally mandated. Because probation officer recommendation is a good indicator of probability of incarceration, these 200 offenders would have been logical candidates for referral to CSP. By cooperating with the local probation department, a CSP service could identify such offenders and consider their eligibility for CSP plans.

IV. CLIENT SPECIFIC PLANNING AND THE CRIMINAL JUSTICE COMMUNITY
IN ONONDAGA COUNTY

This section focuses on the experience of six distinct groups with Client Specific Planning in Onondaga County -- staff and case planners of the New York Center, defense attorneys, prosecutors, judges, probation officers, and representatives of community service organizations. (See Section VI for details regarding the interview data on which this section is based.)

The New York Center for Sentencing Alternatives

As the providers of CSP in Onondaga County, the staff of the New York Center were knowledgeable about the service. As previously noted, each staff member completed a two-day training session which emphasized both the skills necessary to prepare CSP plans and the philosophy behind such plans.

The individual case planners interviewed in Onondaga County all agreed that the CSP service should be available to serious offenders who are likely to be sentenced to prison. Nonetheless, they all indicated a sensitivity to the concern for safety in the community. For example, one planner said, "When there really is a question of safety... we will do a very different type of plan... (where we would) recommend a much more secure handling of a client." However, the consensus of opinion among planners was that the release of a serious offender into the community has a "minimal" affect on public safety as long as the offender "stays with the plan." Generally, these planners viewed CSP as "a very realistic" alternative to incarceration and the plans they produce for clients as "very good."

During its first 22 months of operation, the New York Center viewed its experience with the CSP service as positive and considered CSP as a viable alternative to incarceration. The Center chose to use CSP as means of achieving its goal of decarceration. Planners believed that CSP enabled the New York Center to influence sentencing decisions and to assist in changing the way the criminal justice system handles offenders.

Defense Attorneys

In general, defense attorneys in Onondaga County did not have a thorough knowledge of CSP. Although there was an initial meeting that introduced CSP to approximately 30 defense attorneys, there had been no other formal presentation about the CSP service to defense attorneys (or other criminal justice groups) in Onondaga County. Consequently, defense attorneys had incomplete and inaccurate information about CSP. For example, when it was mentioned to a defense attorney that CSP case planners believed that CSP could be used as a tool for plea bargaining or for obtaining a shorter sentence for a client facing mandatory incarceration, the defense attorney said, "I guess I could use it for that." Such uncertainty revealed a lack of understanding of the full potential of the CSP service.

Defense attorneys were also not always aware of the extent to which clients had to pay for the CSP service. The New York Center was able to subsidize the fees of some clients who could not pay for the service. Most of the attorneys interviewed did not know that indigent defendants only had to pay a \$25 minimum fee for the CSP service. Therefore, they did not refer indigent cases to CSP, even when they believed it would have been otherwise useful to do so.

All nine defense attorneys who were interviewed had some experience with the CSP service. However, in most cases their experience was limited to one or two cases. One explanation for the limited use is that defense attorneys were not fully aware of the variety of CSP services.

Generally, defense attorneys interviewed had positive comments regarding their experience with the CSP service. For example:

- "I just find them a wonderful resource."
- "...magnificent job."
- "CSP came up with all good things."
- "CSP has potential."

"(CSP) worked in some cases, but not in others."

There were no clearly negative statements by defense attorneys about their experience with the CSP service.

Although these attorneys reported favorable opinions regarding CSP, in general their responses must be viewed with caution. This is because they did not necessarily share a common view of the purpose behind CSP. Defense attorneys believed that CSP had one or more of the following purposes: social work, rehabilitation, development of non-incarcerative sentences for defendants who are not a threat to society, and development of non-incarcerative sentences for defendants who are considered serious offenders. Therefore, it is difficult to know exactly what it was to which they were responding favorably.

While defense attorneys may not have agreed about the concept behind CSP, they did use the service to fulfill their own needs and, in general, reported satisfaction with the results. Further, they consistently acknowledged that CSP is truly client-specific in that its focus is on the individual. For example, one attorney said: "I think that the objectives would primarily be to analyze that particular individual and set up a realistic plan...realistic in the sense that it's something the person can actually do and get a benefit from, rather than being 'pie in the sky'...." In a very straightforward manner, another attorney said that the objective of CSP is "to keep people out of jail and to keep them out of trouble in the future." Generally, they all seemed to agree with the defense attorney who, when asked about personal objectives in using the CSP service, replied, "My objective is to do what I feel is extremely in the client's very best interest."

Finally, defense attorneys did not view CSP as providing a "break" for a defendant. As one attorney said:

I don't think that it's an easy way out. It's certainly...less restrictive. Nothing can be more restrictive than to absolutely take away a person's freedom...If judges were to perceive it as that, then it would not be effective and over a period of time it would fall into disuse. And I think that the reports that I've seen, some of which have been more restrictive than I would have argued for myself, say a lot for them.

Prosecutors

Nine Onondaga County prosecutors were interviewed regarding CSP. Two of the nine prosecutors were totally unaware of the service. The remaining seven prosecutors stated that they were familiar with some "outside agency" which prepared alternative to incarceration plans. However, they were not familiar enough to provide the exact name of the service or the name of the organization that provided it. The prosecutors' lack of familiarity with CSP can be explained by the lack of any formal introduction of this service to the District Attorney's Office and by the existence of only a small number of actual CSP plans. Among those prosecutors who were familiar with CSP plans, they reported first hearing about the existence of a plan at the "pre-trial" stage or on the "day of sentencing." It is at this time that a defense attorney should have (but may not have) supplied a prosecutor with a copy of the plan.

Although prosecutors in Onondaga County had limited experience with CSP, they had a definite opinion about the CSP service; they viewed it negatively. The District Attorney's Office had its own system for determining alternatives to incarceration, and that system did not include the CSP service. Onondaga County prosecutors claimed to review all possible alternatives to incarceration in the early stages of a criminal proceeding; a sentence of incarceration imposed by a court indicates that all available alternatives have been exhausted and that the defendant has "earned" such a sentence. Consequently, prosecutors viewed any alternative that is proposed at time of sentencing as redundant and irrelevant. Onondaga County prosecutors characterized the CSP service as "unrealistic," "unsatisfactory," "lousy," "boilerplate(d)," and "missing the whole mark." The most positive statement made by any prosecutor concerning a CSP plan was that it was "extremely complete."

Among those prosecutors interviewed, CSP was viewed as "over-oriented toward the defendant" and therefore an obstacle to successful prosecution. Though they had limited knowledge of the service, prosecutors generally believed that case

planners were not familiar with "community habits...and background of (the) defendant," and, therefore, that the CSP plans lacked credibility.

These prosecutors believed that the CSP reports lacked objectivity. CSP reports were seen as aiding the defense by providing "a much more glowing report about the defendant," thereby giving the defense attorney "more ammunition" with which to fight in court. In general, the prosecutors indicated that CSP was compromising public safety and providing just another "escape valve" by which a defendant could avoid appropriate punishment. These respondents agreed that the CSP plans were "concerned with the defendant, not the victim or society" and reported that they were "frustrated" by CSP with respect to the amount of punishment it provided. Needless to say, prosecutors indicated that CSP has had little or no affect on their sentencing recommendations.

Judges

Those judges interviewed in Onondaga County knew about CSP, but lacked extensive experience with the service. As with prosecutors, the judges' unfamiliarity with CSP may be explained by a lack of formal introduction of the service and by the relatively few cases that had been presented in court. They indicated that they believed the providers of CSP were "naive" in that they demonstrated an inadequate understanding of the criminal justice process. One judge said that CSP plans were "...more interested in keeping people out of jail than (in) the proper sentence."

Judges' experiences with CSP appear to have been influenced by the context in which a CSP plan had been recommended. As one judge stated, "I look more at the reasons for a recommendation than (at) the recommendations themselves." Recognizing that CSP is defense oriented, some judges viewed the service as having little or no influence on their sentencing decision. One judge said he believed an alternative CSP sentence was designed to appear harsh in an attempt to sway him from an incarcerative sentence. Other judges indicated that the plans presented to them were unrealistic in terms of offender compliance. However, there were judges

who credited CSP with a high quality of work and for the effort to present innovative ideas. Judges with positive opinions described the CSP service as "well prepared," representative of "better ideas," and "always realistic." Judges with negative opinions viewed CSP as "naive," "not objective" and therefore, of little credibility. The varying opinions are best capsulized by one judge who said that CSP was "a super program which requires a lot of work and a lot of attention," but that the planners were "spinning their wheels" by focusing on the wrong defendants. In general, judges viewed CSP as providing an opportunity for a defendant to avoid incarceration. They agreed that everyone deserves such an opportunity, but they also argued that for some offenders (i.e., repeat or violent felons), the opportunity is past.

Probation Officers

Some of the Onondaga County probation officers who were included in this evaluation had never heard of CSP. Others indicated knowledge of an organization that provided alternative to incarceration plans, but could not name it. Of those probation officers who were aware of this service, most did not know that it charged defendants a fee. Some probation officers seemed to believe that CSP was a service which provided judges, and sometimes probation officers, with a "reasonable alternative program" for offenders likely to be incarcerated. One probation officer saw CSP as a "lawyer's tool" used to obtain a reduced sentence for a defendant. Other officers indicated that the CSP service provided "another overall opinion other than from this (Probation) Department" that could "work out alternatives to incarceration using community service."

According to probation administrators, few probation officers in Onondaga County had had actual experience with the CSP service. Of those interviewed, the six probation officers normally assigned to the supervision of probationers, were able to identify only three CSP clients on their combined caseloads. One of the officers who was personally supervising a CSP client had never seen the actual plan. Of the four probation officers interviewed who prepare pre-sentence reports, only one was certain that a CSP plan was being prepared on a case he was

investigating. This limited experience with CSP was partly related to the defense orientation of CSP and reliance upon defense attorneys to disseminate the plans to probation officers. It is of particular interest because CSP plans accepted by the court were nominally intended by case planners to become part of the orders and conditions of probation under which a probation officer supervises a probationer. Unless the conditions of the plan are also formally made orders and conditions of probation, they are not legally enforceable by the probation officer supervising the client.

In general, Onondaga County probation officers who were interviewed had positive opinions about the potential of Client Specific Planning. As one officer said:

In summary, I can tell you I think it's a very valuable tool for the person's rehabilitation and social functioning in the community. It obviously assists you a great deal in making what I call sort of a plan of treatment for this person, should they be released to the community.

Similarly, other probation officers saw the potential for CSP in the criminal justice system. According to one probation officer:

I think basically if they could come a little down to earth, they'd be excellent... I think that if you really (offer) them ... a night with people like us to talk to about what's realistic past the conviction, I think they really could do an excellent job.

These positive attitudes toward CSP referred, however, to the potential rather than to the actual operation of the service.

Negative comments about CSP appear to be at least partly related to the fact that CSP functioned in an area traditionally reserved for the Probation Department. The resulting frustration was clearly expressed by the probation officer who said:

I think... that what I'm feeling now... and what I think might be a general feeling, is a kind of... resentment directed toward an outside agency making evaluations and making plans.... My feeling would be a little mistrustful as though possibly these people don't really know what it's about. This is... not a rational thing... but I think it's real.

In this case, the probation officer went on to say that the one CSP plan he had seen was well done.

One probation officer had a totally negative opinion of CSP. He said:

They're an advocacy group. I don't believe they're an objective group. They're carrying a banner to keep people out of jail, and I don't think they're right all the time. I think some people have to be incarcerated. I weigh very heavily the needs of the individual against the protection from that individual. I don't think they do. These people are advocates.

Although several probation officers did express positive opinions of CSP, negative or uncertain opinions about the service are not surprising. CSP was perceived by some as duplicating the services of probation, and some officers responded negatively out of an apparent concern for this issue of jurisdiction.

Community Service Organizations

CSP case developers frequently solicited the services of community organizations in preparing CSP plans. Consequently, representatives of these organizations appeared to have a better knowledge of the CSP service than did others of the Onondaga County criminal justice community. When asked about CSP plans, the respondent from a small locally operated community service organization immediately and accurately stated, "They're alternatives to incarceration or to lighten sentencing." The respondent from a community center type organization said, "...I see it as a way of... preventing some misjudged folks from going into (a) prison environment and coming out hardened in ways that they were not before they went in." Based on the interviews, it appears that representatives of large

centralized organizations know less about CSP than those of small local organizations. For example, when asked about the goals of CSP, the respondent from a government operated organization said, "I don't (know)." Similarly, another said, "I guess I never really thought about it."

Nonetheless, representatives of community service organizations in Onondaga County who were interviewed had limited experience with CSP cases. Their total experience consisted of four cases, plus three that were accepted by various organizations, but were awaiting court action at the time the interviews were held.

In general, those interviewed had a favorable opinion of CSP. One respondent said:

I think it's a very good program... they've done a very professional job. They screen their clients before they even speak to me... so they don't bother me with a lot of things that might not even come to be.

In contrast, a respondent from a small, privately operated organization working with children supported the idea of CSP but had some concern about the implementation of the service. She said:

I like the program... (But) there's always a risk that something could go wrong when I'm dealing with this kind of person... I feel very safe when the (CSP) counselor calls me and says, 'We have this person.' I feel safe that they're screened... I'd hate to see somebody needing numbers and putting people in placements they weren't as sure about. That would scare me.

Similarly, a respondent from a governmental organization working with handicapped individuals indicated support for the concept but concern about the actual use of CSP clients. He said, "I can see the potential for this sort of program, being a good thing and wanting to help the person. But at the same time, we cannot risk our own clients (by) dealing with someone of that nature." The likelihood that a community service provider expressed reservations about using CSP clients was

related to the type of clients that were served by the organization. Some representatives of community organizations, while supporting the idea of CSP, said they could not risk using a convicted offender due to the vulnerability of the clients they served.

V. CONCLUSION

The object of this evaluation has been the Client Specific Planning project in Onondaga County. The project is designed to promote and develop sentencing alternatives for offenders otherwise likely to be incarcerated. Such programs or services are potentially a valuable supplement to the State's criminal justice system. In theory, they can work to improve the correctional system in that they address the issues of prison overcrowding, the high cost of incarceration, the negative side effects of being incarcerated, and they permit more precise sentencing in that they provide additional sentencing options. However, the ability of any given project to further these aims depends not only on the theoretical efficacy of the program model, but also on the degree to which the program is implemented as designed. The likelihood of successful implementation depends, in turn, on the social and political context in which the programs operate.

The Social and Political Context of CSP
in Onondaga County

The New York Center for Sentencing Alternatives, the provider of the CSP service in Onondaga County, is an outsider to the local criminal justice community. Neither its staff nor others in the community consider CSP to be a component of the local criminal justice system.

There is limited experience with and little knowledge about the CSP service among members of the local community. Few of those interviewed had ever heard of the service, or of the organization that provides the service. The Onondaga County Probation Department reviewed its active records for the 22 months the CSP service had been operating and found only six cases with written CSP plans in the probation folder, and six other cases with an indication that a CSP plan was part of the sentence but for which no written plan was in the folder. Similarly, an informal survey of Onondaga County Assistant District Attorneys produced only five names. Many persons interviewed could not even name the service.

To some extent, the role of the New York Center as an outsider to the local criminal justice system is true to the nature of Client Specific Planning. Since releasing offenders who would otherwise be sent to prison is not always a popular idea among members of the local criminal justice community, Center staff choose to work as advocates for alternatives to incarceration from the outside, gaining access to the system through defense attorneys. Most of those interviewed agreed that there should be alternatives to incarceration, but not necessarily for serious, prison-bound offenders. Among participants in the criminal justice system, defense attorneys were the most inclined to favor alternatives to incarceration for prison-bound offenders.

The limited extent to which the CSP service had been introduced to the local criminal justice community supports the conclusion that the New York Center staff choose to work from outside the system. Formal introduction of the CSP service in Onondaga County has been restricted almost exclusively to defense attorneys. When the service first became available in the area, a public presentation was made to defense attorneys. On a few occasions, there have been formal presentations about the service to individual local community service organizations which might accept CSP clients for community service work. Through the end of the evaluation period, there had never been a formal presentation of the service made to judges, the District Attorney's Office, nor to the Probation Department.

Center staff maintained a client advocacy position even in their relationship with the evaluators. Despite formally agreeing to cooperate in the evaluation, the New York Center staff seemed disinclined to facilitate the evaluation of the CSP service by the State. For fear of what they thought might happen to their clients if names were released to the State, names of CSP clients were never provided for the evaluation. An agreement to give the names to an independent third party made the evaluation possible, but extremely difficult. For example, questions about particular CSP cases could not be answered, as they normally would, by going back to the original data file containing extensive information on all sample cases. Further, when the evaluators were conducting interviews in Onondaga County, New

York Center staff requested that CSP not be mentioned by name to interviewees who were members of the local criminal justice community, so as not to bring attention to the service. Evaluators agreed to use indirect questioning to encourage the respondents to mention CSP on their own, but so many were unaware of the existence of the service that this approach was very cumbersome. Finally, evaluators were not given access to adequate information about the financing of CSP cases from either the National Center on Institutions and Alternatives, the originators of the CSP model, or the New York Center. This precluded any cost analysis of the service.

Given that the New York Center does want to influence sentencing decisions in Onondaga County, operating from outside of the local criminal justice system has created a problem. Members of the local criminal justice community (those who do know of the CSP service) are somewhat hostile toward the Center. Among interview respondents, even those who generally favor the idea of alternatives to incarceration (as many do) tend to criticize the provider of CSP on the grounds that 1) they select cases that are too serious, and 2) even when the quality of their plans is high, they duplicate the work of probation officers. Whether or not such negative feelings are justified, it is difficult to effectively implement a service disfavored by members of the community for which the service is intended.

The Implementation of the CSP Service in Onondaga County

The New York Center was unable to effectively provide the decarcerative service it intended to provide. In several ways, this failure was related to its position external to the criminal justice system.

To prepare alternative sentencing plans that are truly client specific (that is, tailored to the specific offender), specific information about the offender is needed. Staff of the New York Center, as outsiders to the criminal justice system, cannot always get this information. They are dependent on defense attorneys, who

themselves are dependent on others for criminal history information about the client. Comparisons of Center records with court records showed that the Center often did not even have accurate information about the charges for which their clients were convicted.

To influence sentencing decisions, participation in the sentencing process is necessary. The participation of the New York Center staff in the sentencing process was more limited than it had to be. In terms of external constraints, their ability to contribute CSP plans to the process was through defense attorneys, so it was always indirect. They rarely participated at crucial stages in the sentencing process in ways that were potentially available to them. For example, they made no effort to see that their carefully prepared recommendations were made orders and conditions of probation when the judge sentenced the client to probation rather than incarceration on the basis of a CSP plan. (Only this would have made the probation officer responsible for seeing that the defendant fulfilled the terms of the plan.) Further, they did not take steps to ensure that members of the criminal justice community involved in the sentencing of a particular CSP client actually received copies of the plan. (Instead they gave six copies to the defense attorney with instructions to distribute them.)

Once an offender was sentenced to a CSP plan, the New York Center assumed little or no responsibility for seeing that the plans were followed by those sentenced to them. Center staff members did not coordinate their efforts with the Probation Department nor did they discuss the plan or the defendant with the probation officer to whom the client was assigned for supervision. Further, they could not provide information about what happened to their clients (even in general) once they were sentenced.

Despite their lack of participation or responsibility in the local criminal justice system, the quality of the CSP reports prepared by the staff of the New York Center can be characterized as professional. Judges and other members of the local criminal justice community who were interviewed for this evaluation frequently had

praise for the quality of the CSP reports. From the few sample CSP plans seen by evaluators, the New York Center reports seem to meet high standards of preparation and presentation; they were well-written and well-organized.

While the quality of the reports appeared to be high, the operation of the New York Center office and the organization of its records must be rated as poor. For example, Center staff were unable, through the course of the evaluation, to provide evaluators with an exact number of CSP cases handled in Onondaga County.

Effectiveness of CSP in Onondaga County

For the purpose of this evaluation, three issues regarding the effectiveness of CSP were selected for study: the selection of incarceration-bound offenders, the diversion of offenders from incarceration, and the risk to community safety.

The New York Center prepared 31 CSP plans in Onondaga County during the first 22 months of providing the service. Overall, Client Specific Planning has not proved to be an effective alternative to incarceration.

- 1) Based on the statistical models used to assess the probability of incarceration, CSP clients generally had probabilities of incarceration more similar to other offenders not incarcerated than to other offenders who were incarcerated. Thus it does not appear that the CSP service was operating as an effective alternative to incarceration.
- 2) Of the 31 CSP plans prepared for clients in Onondaga County, 19 were accepted by the court.
- 3) Using the strongest available model to assess probability of incarceration, it was determined that only 6.7 of 19 CSP clients (for whom assessments could be made) were likely to have been incarcerated in the absence of the program; in fact, seven (7) were incarcerated.

- 4) The CSP client offenders released to the community were more likely to have subsequent misdemeanor and felony arrests than were non-CSP offenders convicted in Onondaga County during 1981-82.

Recommendations

The evaluation of Client Specific Planning in Onondaga County demonstrated that the way the New York Center operated CSP in that county prevented the service from becoming as effective as it could have been.

Since the evaluation, the New York Center has made efforts to improve its office procedures and recordkeeping and to handle more cases. Still, there has been no evidence to suggest that an effort is being made to coordinate activities or to further cooperate with the local criminal justice community.

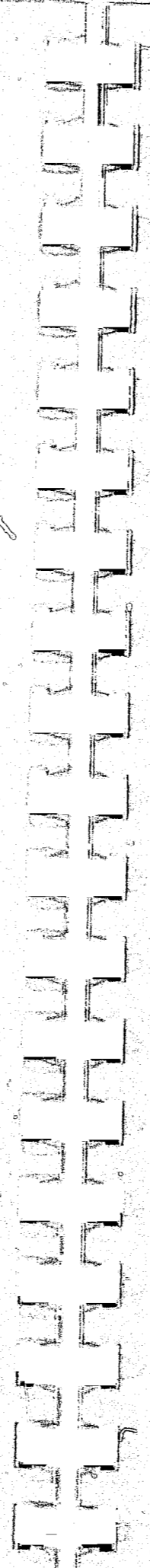
Despite observed shortcomings of the New York Center, a CSP service utilized as a supplement to local criminal justice systems has the potential to provide viable alternatives to incarceration for selected offenders. This objective is most likely to be attained under the following conditions:

1. Alternative sentencing services need to cooperate with the local criminal justice community. Cooperation would help to increase awareness and knowledge of the service and perhaps to reduce hostility toward the promotion and development of alternatives to incarceration for prison-bound offenders. In addition, cooperation would help the service to select offenders who are most appropriate for alternative sentences. Objective case screening criteria, such as those identified from court records for this evaluation (probation officer recommendation, age, number of adult felony arrests, conviction type, and conviction class), could be used to select clients. In particular, cooperation with the local

Probation Department could help the service to select offenders who are truly likely to be incarcerated.

2. While greater integration into and cooperation with the system is necessary, the advocacy role of alternative sentencing services should not be lost. Such services are valuable precisely because they provide a "second opinion" when routine processing seems likely to result in the incarceration of an offender.
3. Services such as CSP should take more responsibility for a) seeing that the plans accepted by the court are made orders and conditions of probation and b) that those assigned to supervise their clients (such as probation officers and community service organizations) are made fully cognizant of the components of the plan. This would make them more credible as sources of alternatives to incarceration. Then the use of alternatives for incarceration-bound offenders might be more readily acceptable to the court.

If this were the context in which the New York Center were to operate, Client Specific Planning as an alternative to incarceration would have a greater likelihood of succeeding as an integral and useful addition to the criminal justice system of New York State.



PART TWO
METHODS

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VI. THE INTERVIEW DATA: COLLECTION AND VALIDITY

In order to evaluate the outcomes of the CSP service in Onondaga County and the processes through which the service operates, both qualitative and quantitative research methods were used. This section of the report focuses on the qualitative aspects of the research design, the next on the quantitative aspects.

Questions about the operation and perceptions of Client Specific Planning in Onondaga County were studied using a basic qualitative method of research, ²⁵ intensive interviewing. Interviews were conducted in Onondaga County with individuals who at least theoretically, were familiar with Client Specific Planning. The interviews were conducted during April and May, 1982. Interviews ranged from twenty minutes to almost two hours in length. The respondents included all five CSP case planners (including the co-directors of the New York Center for Sentencing Alternatives), nine defense attorneys (selected from a list of approximately 200, and including one attorney who handles primarily parole cases), nine of 31 prosecuting attorneys (including the District Attorney), eight judges (including one Supreme Court Judge, three County Court Judges, and four City Court Judges), ten of 63 probation officers (including four whose primary responsibility was the investigation of offenders referred by the court and six who principally supervised probationers), and six representatives of local community service organizations (which had dealt with CSP clients).

As compared with the highly structured, standardized form of interviewing generally associated with social research, intensive interviewing is characterized by "free-flowing, open-ended interviews, probing for more and more detail."²⁶ Much time and great effort are combined to provide the interviewer with "access (to) the perspective of the person being interviewed."²⁷ This distinctive quality of intensive interviewing has resulted in its widespread recognition by social

²⁵Murphy, Jerome T. Getting The Facts (Santa Monica: Goodyear Publishing Co., Inc., 1980), 73-107.

²⁶Ibid., 75.

²⁷Patton, M.Q. Qualitative Evaluation Methods (Beverly Hills: Sage Publications, 1980), 196.

scientists as a legitimate method of data collection.²⁸ However, this same quality has similarly been the basis for the criticism that interpretations of intensive interview data lack validity.²⁹

In general, validity may be defined as "the extent to which an instrument and the rules for its use in fact measure what they purport to measure."³⁰ The argument that interpretations of intensive interview data lack validity is based on the notion that subjective data are difficult if not impossible to measure against an external standard of reality.³¹ However, it has also been argued that the validity of interpretations of intensive interview data is implicit in terms of what Weber³² called "adequacy with respect to meaning."³³ Accordingly, the sociologist using intensive interviewing as a method of data collection can and

²⁸See, for example, Murphy, op. cit., note (fn25); Patton, op.cit., note (fn27); C.H. Weiss, "Interviewing in Evaluation Research," in E.L. Struening and M. Guttentag, eds., Handbook of Evaluation Research Volume I, (Beverly Hills, Sage Publications, 1975), pp. 355-95; R. Bogdan and S.J. Taylor, Introduction to Qualitative Research Methods, (New York: John Wiley and Sons, 1975); R.L. Gordon, Interviewing, (Beverly Hills: Sage Publications, 1975); L. Schatzman and A. Strauss, Field Research, (Englewood Cliffs, NJ: Prentice - Hall, Inc., 1973); G.F. Cannell and R.L. Kahn, "Interviewing", in The Handbook of Social Psychology, G. Lindzey and E. Aronson, eds., (Reading, MA: Addison-Wesley, 1968), pp. 526-95.

²⁹Compare, P. Adler and P.A. Adler, "Symbolic Interactionism," in J.D. Douglas, et al., Introduction to the Sociologies of Everyday Life, (Boston: Allyn and Bacon, Inc., 1980), pp. 20-66; M. Spector and R.R. Faulkner, "Thoughts on Five New Journals and Some Old Ones", Contemporary Sociology, July (1980), 477-82.

³⁰Cannell and Kahn, op. cit., note (fn28), p. 532.

³¹See, for example, D. Leat, "Misunderstanding Verstehen," The Sociological Review - New Series, October (1972), 29-38; A.W. DiQuattro, "Verstehen Is An Empirical Concept", Sociology and Social Research, October (1972), 32-42.

³²M. Weber, The Theory of Social and Economic Organization, Tr. A.M. Henderson and T. Parsons, (New York: The Free Press, 1947).

³³See, for example, H.H. Brownstein, "The Adequacy of Intensive Interview Data: Preliminary Suggestions for the Measurement of Validity," Humanity and Society, August (1983), 301-20; Bogdan and Taylor, op. cit., note (fn28); Schatzman and Strauss, op. cit., note (fn28).

should ground his or her social scientific constructs as an observer in the common sense constructs of the participants in the social setting or phenomenon being observed.³⁴ That is, the "sociologist's conceptual scheme (should be) in a dialectical relationship with the empirical data."³⁵

To assess the subjective adequacy and hence validity of interpretations of data collected through intensive interviewing, researchers can use a procedure similar to the Delphi technique. The Delphi technique³⁶ was originally developed as "a systematic procedure for soliciting and organizing 'expert' forecasts about the future through the use of anonymous, iterative responses to a series of questionnaires, and controlled feedback of group opinions."³⁷ It is designed to "converge on a consensus forecast" of future outcomes.³⁸ In contrast, the technique for assessing the validity of interpretations of intensive interview data requires consensus with regard to the meaning of social action.

The procedure for assessing the validity of the interpretations of intensive interview data needs a controlled feedback mechanism through which the interpretations of the researcher are validated by those individuals who participate in the realization of the social phenomenon or setting being studied and from whom responses have been solicited. Generally, the procedure involves:

³⁴Compare, A. Schutz, Collected Papers-II Studies in Social Theory, (The Hague: Martinus Nijhoff, 1964); A. Schutz, Collected Papers - I The Problems of Social Reality, (The Hague: Martinus Nijhoff, 1962).

³⁵p. Berger and H. Kellner, Sociology Reinterpreted, (Garden City, L.I.: Anchor Press/Doubleday, 1981).

³⁶K.N. Wright, "A Delphi Assessment of the Effects of a Declining Economy on Crime and Criminal Justice," Federal Probation, July (1982), 36-40; W.G. Sullivan and W.W. Claycombe, Fundamentals of Forecasting, (Reston: Reston Publishing Co., Inc., 1977).

³⁷Sullivan and Claycombe, op. cit., note (fn36), 140.

³⁸ibid., 140.

1) the construction of a social scientific interpretation of the interview data or responses, 2) review of that interpretation by individuals who participate in the realization of the phenomenon or setting, 3) judgments by those and similarly situated other individuals regarding the extent to which the social scientific interpretation is consistent with their own common sense interpretations of the same phenomenon or settings, and 4) appropriate revision of the social scientific interpretation so that it is subjectively adequate and hence more valid than it would have been had such a procedure not be utilized.³⁹

The sample of respondents for the evaluation of CSP in Onondaga County was purposely and systematically selected on the basis of two criteria - the position of each in the criminal justice community and their respective likelihood of having had some contact with CSP. Each respondent was asked questions about his or her experience with the local criminal justice system, experience with alternative sentencing recommendations or treatment plans, experience with CSP, and their knowledge of and opinions regarding this service.

For each separate group of respondents, a unique questionnaire was developed, giving attention to the particular position of the respondents of that group relative to both the criminal justice system and the CSP service. All questions were open-ended, allowing respondents to express themselves in their own words. The format of the interview schedules was that of a structured interview guide approach.⁴⁰ That is, specific questions were prepared in a specific order to be read to each respondent; but interviewers were prepared to modify or reorganize questions during the interview. (All interviews were conducted by the same two evaluators who developed the interview schedules.) This allowed for comparability of the responses (of different respondents to the same questions) while also permitting the interviewers to probe and pursue a particular line of questioning that seemed to have unique potential for generating data relevant to the understanding of CSP in Onondaga County.

³⁹Brownstein, op. cit., note (fn33).

⁴⁰Patton, op. cit., note (fn27).

To assess the validity of interpretations of the interview data by the evaluators, six separate reports were prepared -- one for each of the groups interviewed. Each report represented the interviewers' understanding of the knowledge, experience, and opinions of the respondents of a given category. The evaluators wanted to assess the validity of their understanding and interpretation of the way each category of respondents respectively understood and interpreted CSP. Therefore, each interpretive report was submitted to the respondents who had individually provided the data from which that report was written. For example, the judges who were interviewed were asked to review an interpretive report about the position and the perspective of the local judges with regard to CSP.

Along with an interpretive report (each of which ranged from nine to 21 pages in length), each respondent received a questionnaire with five questions:

1. To what extent do you think that the preliminary report is a valid interpretation of how you and your colleagues understand Client Specific Planning?
2. Please clarify any misinterpretations presented in this preliminary report.
3. In trying to understand your experience with Client Specific Planning, what does the preliminary report overemphasize?
4. In trying to understand your experience with Client Specific Planning, what does the preliminary report underemphasize?
5. Please add anything else that would help us to better interpret your understanding of Client Specific Planning.

Respondents were asked to read the report and to respond to the five questions. The purpose was to determine the degree of consensus between the interpretations of the evaluators and the interpretations of the respondents. That is, evaluators wanted to determine whether their interpretation as outsiders was valid; were their social scientific interpretations subjectively adequate relative to the common sense interpretations of actual and potential participants in the realization of CSP in Onondaga County?

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1 OF 2

1) the construction of a social scientific interpretation of the interview data or responses, 2) review of that interpretation by individuals who participate in the realization of the phenomenon or setting, 3) judgments by those and similarly situated other individuals regarding the extent to which the social scientific interpretation is consistent with their own common sense interpretations of the same phenomenon or settings, and 4) appropriate revision of the social scientific interpretation so that it is subjectively adequate and hence more valid than it would have been had such a procedure not be utilized.³⁹

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If a response to the questionnaire was not received in two weeks, respondents received a second copy of the questionnaire with a letter requesting again that the questionnaire be completed and returned. The letter also informed respondents, "If you decide not to comment on the report, then we will assume that you are satisfied with our interpretation."

In all, 17 (37 percent) of 46 respondents commented on the reports. Of these, 15 returned their questionnaires by mail and two, the co-directors of the New York Center, commented on their report in person. At least one respondent from each category reviewed and commented on the report interpreting the experience and perspective of his or her category of respondents.

Generally, responses to all six reports were favorable with regard to the validity of the interpretation of the evaluators. For example:

Quite valid, concise, and understandable.

The report seems valid.

The preliminary report appears to be right on target regarding CSP.

Some other respondents were more careful to indicate that their support of the validity of the evaluators' interpretation was specific to a particular report; yet the respondents in these cases felt free to speak for all members of the category with which they were identified. Such comments included:

It appears to be a fair appraisal of the (defense) attorney's understanding of Client Specific Planning.

I have received your preliminary report and believe that (it) accurately sets forth our (prosecuting attorneys') comments in regard to the program.

Others responded "fair," "good," "pretty good," "accurate," and so on. These comments together support the conclusion that the interpretations by the evaluators of CSP (and of the perspectives within the local criminal justice community regarding that service) are valid.

Of all the respondents who commented on the reports concerning the initial interviews, two were clearly unfavorable regarding the validity of the evaluators' interpretation. Both were from probation officers. Specifically, these respondents wrote:

In general, the preliminary report is okay. However, I thought it emphasizes the positive attitude the Probation Department holds for CSP. My colleagues and I do not regard CSP very highly.

It appeared you were faulting us for knowing very little about the (CSP) Program. The CSP reports are very rarely accessible and they aren't realistic.

Other negative comments were more general. For example:

(The report) didn't quite capture... the real innovation that I think Client Specific Planning is. (CSP case planner)

Client Specific Planning is beneficial, but without proper supervision or monitoring, could lead to potentially disastrous results. (Community service provider)

Perhaps you could add as illustrations some of the creative alternatives worked into CSP plans which differentiate them (offenders) from simply being 'on probation.' (Defense attorney)

This report overemphasizes its ability to make judgements about how Onondaga County Probation staff view CSP. How can staff be expected to see CSP as a tool to help Probation when only one Probation officer has access to the CSP report? ... (Probation Department Official)

Other respondents were concerned with the clarification of specific points in particular interpretive reports. Such comments included:

I don't have a social work background. (CSP case planner)

Two things seem overemphasized: 1. The claimed broad belief that CSP is a good idea. As the community service institutional person, I have found that older staff members seem to be less persuaded that CSP provides the kind of volunteers that community centers need. 2. The claim that community service centers resist reporting clients. (Community Service Provider)

Please note some errors or omissions: a) p. 2, line 21--An Investigation must be completed before a sentence of Probation b) p. 3, line 10--Normally it takes less than 24 hours for a case to be assigned to a Probation Officer. c) p. 5, line 11--The average supervision caseload is 57. d) p. 9, line 22--This part is very confusing and does not accurately reflect recommendation, revocations, etc. (Probation Department Official)

In each of these cases the respondent is referring to the particular interpretive report which he or she had reviewed and is requesting clarification of some aspect of that report.

The responses to the questionnaires were used in several ways. When particular errors in a given interpretive report were specified, appropriate corrections or clarification were made. In some instances where respondents indicated that evaluators has overemphasized or underemphasized some aspect of their perspective on CSP, this influenced the tone and direction of the overall evaluation report.

All responses to the questionnaire were considered and weighed when writing this final report. Nonetheless, the evaluation report is a reflection of how the evaluators understand CSP and its place in the criminal justice system of Onondaga County. The responses to the questionnaires themselves became data for the analysis of the validity of the interpretation of CSP by the evaluators. In this case, despite the limited number of responses to the questionnaire, these data provided reasonable support for the conclusion that the understanding and explanation of CSP by evaluators is a valid interpretation.

VII. QUANTITATIVE METHODS: VARIABLES AND MODELS

Introduction

The probability of incarceration discussed in Section III was derived from a logistic regression analysis. Equations were used to estimate the probability of incarceration for each CSP case when possible and for each group in certain comparison subgroups.

Overall Design and Rationale

The most strongly recommended designs for the evaluation of a treatment effect are referred to as true experimental designs.⁴¹ One characteristic these designs share is random allocation of subjects to treatment and control groups. Random allocation of subjects to treatment and control groups allows presumption that the groups are similar in all respects within a known probability of error. If the groups are known to be comparable prior to the intervention, post intervention differences between treatment and control groups are more easily attributed to a treatment effect.⁴² The degree to which the treatment group was at risk of incarceration would be, within sampling error, the same as the control group.

Random allocation of subjects to groups is rarely feasible for programs operating in the criminal justice system because of the values involved. For this project, the decision was whether to release an incarceration bound offender to the community. Probably, neither the state nor the defense would approve of this decision being left to a chance process. In any event, selection for the CSP program was not through random allocation. Defendants were referred to CSP by defense attorney, then screened by the CSP staff. As a result, the degree to which these defendants were at risk of incarceration was unknown, nor was there a control group to compare a treatment effect.

⁴¹Campbell, Donald T. and Julian C. Stanley. Experimental and Quasi-Experimental Designs for Research (Chicago: Rand McNally, 1963), p.13.

⁴²Cook, Thomas D. and Donald T. Campbell. Quasi-Experimentation: Design and Analysis Issues for Field Settings (Chicago, Rand McNally, 1979), p. 341.

Regression analysis provides one way of addressing both of these issues by generating predicted scores for subgroups and cases. All prediction studies consist of five major steps: (1) definition of the dependent variable, (2) selection of cases and independent variables, (3) construction of the equation, (4) validation of the equation, and (5) application of the equation.^{43, 44}

Specific Procedures

Definition of the Dependent Variable

The purpose of CSP is to divert defendants from prison. This suggests that a sentence to prison be counted as incarceration and any other sentence be counted as non-incarceration. This was not done for two reasons. First, a jail sentence would be counted as a success when only the place of the incarceration would have changed. The second reason was statistical. Prison sentences accounted for approximately 32 percent of all sentences. Jail and prison sentences combined accounted for approximately 45 percent of all sentences in the sample. This is an advantage, because for dichotomous dependent variables, the closer the distribution of cases to 50 percent, the greater the potential for an equation to increase predictive power beyond the marginal distribution.

Not all sentences which included jail time were counted as an incarceration. Sentences to time served were not included because CSP operates after conviction and could not have an effect on pretrial confinement. Sentences to jail and probation or sentences to fine/restitution and jail were coded as non-incarceration because the jail time appeared to usually consist of time served prior to sentencing. Intermittent incarceration was counted as non-incarceration because the CSP program does not target this group. To summarize, prison and straight jail sentences were counted as incarceration, all other sentences were counted as non-incarceration.⁴⁵

⁴³Gottfredson, Don M. "Assessment of Prediction Methods," The Sociology of Punishment and Correction. (New York: John Wiley and Sons, Inc. 1970), p. 748.

⁴⁴Results of the application of these equations is discussed in Section III.

⁴⁵Some sample cases were sentenced under mandatory incarceration laws where the mandatory incarceration requirement could be satisfied by a very limited jail stay. Because of how sentence was dichotomized, some of these mandatory incarceration cases are coded as receiving a non-incarcerative sentence.

Selection of Cases and Independent Variables

Very few Onondaga CSP cases had been completed at the time these data were collected. It was unnecessary and undesirable to draw a sample. Data on all 31 CSP cases were collected.

The CSP program began in 1981. A 50 percent random sample of felony indictments which resulted in a conviction during 1981 or 1982 was drawn (N=783). The introduction of CSP into the criminal justice system in Onondaga could theoretically have disrupted established sentencing practices. For this reason, data on all felony indictments resulting in a conviction during 1980 were also collected (N=866).

After deciding what cases to select, it was necessary to decide what information on each case should be collected. It was not known in advance what combination of variables would produce the best prediction equation. Data on offense, prior criminal activity, defendant characteristics, and the criminal justice process (e.g., amount of bail, type of attorney, etc.) were collected.

Only a few of these variables appeared to be influential in the decision to incarcerate. Superfluous variables were eliminated. These were variables which: (1) had a minor zero order association with the dependent variable; or (2) consisted overwhelmingly of one value; or, (3) may have been better indicators of sentencing outcomes than of factors affecting outcomes.

Construction of the Equation

The final stage of the variable selection process was carried out using logistic regression. Logistic regression is one method for identifying the most important variables influencing a dichotomous variable and of assigning coefficients to those variables to optimize predictive accuracy.⁴⁶ Variables not yet dropped were culled using a backward stepwise procedure.⁴⁷ These contained

⁴⁶Hanushek, Eric A., and John E. Jackson. Statistical Methods for Social Scientists (New York: Academic Press, 1977), pp. 190-191.

⁴⁷The stepwise logistic regression procedure in the BMDP statistical software package (revised 1981) was used. Computations were carried out on the Burroughs 6900 computer system.

variables with differing patterns of missing values across cases. A case was dropped if it had a missing value for any variable. This resulted in too many cases being dropped. Those variables having the least influence on the dependent variable were dropped and the equation was recomputed. (When variables were dropped more cases could be included, and this affected the coefficients.) This was repeated until only a few variables were left which characterized well the sentencing outcome. Finally, only those thought most important were forced simultaneously into the equation. These variables were: probation officer recommendation, number of prior adult felony arrests, conviction class, type of conviction offense, and defendant age. This was Model A.

The most influential variable in Model A was the probation officer recommendation. There was some question as to whether probation officer's recommendation always functioned as an independent variable. Also, it was unknown if the CSP staff could learn of the recommendation in time to create a plan. As a result of these concerns, it was decided that an equation without this variable should be developed. Probation officer recommendation was dropped and the equation was reconstructed. For this model the most influential variables were: conviction class, type of conviction offense, number of prior adult felony arrests, and age of the defendant. This was model B.

Validation

Regression equations constructed on one set of cases usually lose predictive power when applied to another set of cases. This is called shrinkage. "The reason for shrinkage is that in calculating the weights to obtain a maximum R, the zero-order correlations are treated as if they were error free. This is of course never the case. Consequently, there is a certain amount capitalization on chance, and the resulting R is biased upwards."⁴⁸ It is necessary to be able to estimate the degree of shrinkage. Cross validation is one method for obtaining such an estimate. This is accomplished by using a subgroup to construct the equation (called the construction sample) and then applying it to a separate subgroup

⁴⁸Kerlinger, Fred N. and Elazar J. Pedhazur. Multiple Regression in Behavioral Research (New York: Holt, Reinhart and Winston, Inc., 1973), p. 282.

(called the validation sample). The predictions made are then compared to the observed outcomes. The decrease in the percentage of cases correctly predicted from the construction sample to the validation sample is the expected shrinkage. The percentage of cases correctly predicted is an estimate of the percentage of cases that will be correctly predicted when the equation is applied to other cases.⁴⁹

Introduction of the CSP program into the Onondaga criminal justice system could have disrupted traditional sentencing practices. Dividing the sample into any subgroups other than pre and post program startup could have masked systematic differences in the data and could have underestimated shrinkage. For this reason, the total sample was divided into two parts. One contained only those cases which were prior to program startup (historical sample). The other contained only non-CSP cases which occurred on or after program startup (current sample). All equations were constructed on both of these subsamples. Equations constructed on the historical cases were then validated on the current cases. The equations constructed on the current cases were then validated on the historical cases.

The original intention had been to select the equations which showed the least shrinkage. However, shrinkage was minimal. For example, when Model A was constructed on the historical data and then applied to the current data predictive accuracy decreased from 89.1 percent to 84.4 percent. Model A was also constructed on the current data and validated on the historical data. Predictive accuracy decreased from 88.3 percent to 86.2 percent. The procedure was similar for Model B. When Model B was constructed on the current data and validated on the historical data predictive accuracy decreased from 76.8 percent to 72.7 percent. Model B was also constructed on the historical data and validated on the current data; in that instance, predictive accuracy increased from 72.8 percent to 76.1 percent.

Because shrinkage was minimal, it was decided to pool the historical and the current cases and to construct the equations on all the cases. This resulted in equations with a predictive accuracy of 86.8 percent for Model A and 75.1 percent for Model B. Because these equations were constructed on all of the available cases, there were no remaining cases for validation purposes. However, the

⁴⁹Ibid., pp., 283-284.

shrinkage would not likely be greater than that evidenced by the equations built on the split samples, and that shrinkage was minimal.

The Equations

Model A, which incorporated probation officer recommendation, number of adult felony arrests, conviction class, type of conviction offense, and age of the defendant was a powerful predictor of incarceration. There were 912 cases with valid data on all of the variables. For these cases, 639 cases were not incarcerated, for a base rate of 70.1 percent. Model A was able to substantially improve upon this predictive accuracy by weighting the five independent variables. The predictive accuracy was improved by 23.8 percent (relative to the base rate) to 86.8 percent. The vast majority of this improvement was due to the influence of probation officer recommendation. (All categorical variables were "effect coded.")

For the recommendation variable, the category of no recommendation was compared to each of the other categories. A recommendation of incarceration had the strongest impact. The other categories of recommendation, in descending order of influence, were probation, split sentence, and "other."

For conviction class, B misdemeanors were compared to each of the other conviction classes. In general, the more serious the conviction class, the greater the probability of incarceration. For type of conviction, person offenses were compared to all other types of offenses. For this comparison, robbery and property offenses increased the probability of incarceration. Weapon, drug, and "other" offenses decreased the probability of incarceration. The greatest change in the probability of incarceration was a result of the contrast between person and robbery offenses.

There were two remaining variables: number of prior adult felony arrests and age of the defendant. Both of these were interval level variables so there was only one coefficient for each. Number of prior adult felony arrests had the greater influence, and in the expected direction. The effect for age was very slight. Overall, with the other variables held constant, the probability of incarceration for older persons was slightly less than that for younger persons.

Model B differed from Model A in that it did not include probation officer recommendation. The remaining variables were: number of prior adult felony arrests, conviction class, type of conviction offense, and age of the defendant. (Categorical variables were effect coded as in Model A). There were 1,234 cases with valid data on all of the variables. (Model A had fewer cases because that model included the probation officer recommendation variable. This variable had a relatively high rate of missing values.) For the cases included in Model B, 838 were not incarcerated, for a base rate of 67.9 percent. Model B was able to improve upon this predictive accuracy by weighting the four independent variables. The predictive accuracy was improved by 10.6 percent, to 75.1 percent.

Of the four variables, conviction class had the greatest impact. In general, the higher the conviction class, the greater the probability of incarceration. Type of conviction offense compared person offenses to each of the other offense types. Property offenses and especially robbery offenses each had a higher probability of incarceration than did person offenses. Weapon, drug, and "other" offenses had a relatively lesser rate of incarceration. Of the two remaining variables, number of prior adult felony arrests and age of defendant, the prior adult felony arrests variable had a very strong effect in the expected direction. Age had a very slight effect. All else being equal, older offenders were slightly less likely to be incarcerated.

Comparisons Between the Equations

Model A was constructed with one more variable than Model B. Model B was constructed with more cases than model A. Because of these differences the variables used by both models received different weights. Another effect of these differences was that Model B was not as good a predictor as Model A. The predictive power of Model A was 15.6 percent greater than Model B (86.8 versus 75.1 percent). When probation officer recommendation was dropped and the coefficients recomputed, change in the coefficient for the age variable was nominal. The coefficients for the number of prior adult felony arrests increased substantially. The coefficients for conviction class and type of conviction offense generally decreased.

Since probation officer recommendation is based in part on conviction class and type of conviction offense, it was expected that after it was dropped, the effects of conviction class and type would have increased. Instead the opposite happened. This may be due to an interactive effect between recommendation and conviction class and type. Also, it appears that recommendations focused on prior record, because when the recommendation variable was removed, the effect for the prior record variable increased. The coefficients for each model are listed in Table 7.1.

Table 7.1
Regression Coefficients:¹ Model A and Model B

Variables	Model A	Model B
Constant	-0.740	-0.138
Number of Prior Adult Felony Arrests	0.283	0.463
Age	-0.074	-0.069
Conviction Class ²		
BM vs. BF	-1.243	-0.850
BM vs. CF	0.766	0.599
BM vs. DF	0.580	0.345
BM vs. EF	0.662	0.535
BM vs. AM	0.275	0.377
Conviction Type ²		
Person vs. Weapon	-0.613	-0.070
Person vs. Robbery	0.848	0.461
Person vs. Property	0.355	0.198
Person vs. Drug	-0.303	-0.963
Person vs. Other	-0.340	-0.241
Probation Officer Recommendation ²		
None vs. Incarceration	2.449	N.A.
None vs. Split Sentence	-1.480	N.A.
None vs. Probation	-1.954	N.A.
None vs. Other	-0.979	N.A.
None vs. Assumed None	0.921	N.A.

¹These coefficients reflect the effect of the independent variable on the natural logarithm of the odds of being incarcerated.

²The categorical variables were effect coded.

APPENDIX
ONONDAGA COUNTY
ADULT CONDITIONS OF PROBATION

GENERAL CONDITIONS:

1. Report to a Probation Officer as directed by the Court or the Probation Officer and permit the Probation Officer to visit him (her) at his (her) place of abode or elsewhere.
2. Remain within the jurisdiction of the Court unless granted permission to leave by the Court or the Probation Officer.
3. Answer all reasonable inquiries by the Probation Officer and promptly notify the Probation Officer of any change in address or employment.

OTHER CONDITIONS:

4. Residence to be approved by the Probation Officer; not to change place of residence or be away from home overnight without prior permission of the Probation Officer.
5. Attend school regularly; not to quit school without prior permission of the Probation Officer.
6. Obtain steady, approved employment; not to quit or change place of employment without prior permission of the Probation Officer.
7. Abstain from the use of any and all intoxicating beverages; keep out of all places where they are sold or served.
8. Seek and accept treatment, either inpatient or outpatient, for your alcohol problem as directed by the Probation Officer.
9. Be at home each evening by _____ and remain there unless given prior permission by the Probation Officer to remain out later.
10. Not to own or operate a motor vehicle or make application for an operator's license without prior permission of the Probation Officer.
11. Pay restitution through the Probation Department in an amount to be determined by the Probation Officer.
12. Not to associate with anyone on probation, parole, or persons of known questionable character.
13. Do not use narcotics, dangerous drugs, barbiturates or marijuana unless specifically prescribed by a physician; in addition, not to possess or sell same.
14. Attend a facility of the New York State Division For Youth and remain under their jurisdiction until released by them for a period not to exceed two (2) years.

15. Keep out of all further trouble.

SPECIAL DRUG CONDITIONS:

16. That you permit search of your person and seizure of any narcotic implements and/or illegal drugs found; such search to be conducted by a Probation Officer or a Probation Officer and his agent.
17. That you permit search of your vehicle and place of abode where such place of abode is legally under your control, and seizure of any narcotic implements and/or illegal drugs found; such search to be conducted by a Probation Officer or a Probation Officer and his agent.
18. When ordered by the Probation Department, you are to submit to any recognized tests that are available to the Probation Department to determine whether you have been using drugs.
19. That you enter a facility for the treatment of drug abuse at such time as deemed necessary by the Probation Department, and that you remain in the facility until satisfactorily completing the program, including all aftercare deemed necessary by the facility.

END