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AN EVALUATION OF THE
COURT EMPLOYMENT PROJECT'S FY84
ALTERNATIVES-TO-INCARCERATION PROGRAM:
FINAL REPORT

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Introduction

This report presents an evaluation of the Court Employment Project's (CEP) Alternatives-to-Incarceration (ATI) Program for Fiscal Year 1984 (FY84). The New York City Criminal Justice Agency (CJA) conducted this evaluation at the request of the Mayor's Office of The Criminal Justice Coordinator with the help of funds provided by that office, the New York State Division of Probation and Correctional Alternatives (DPCA), the Florence V. Burden Foundation, and the Albert Kunstader Family Foundation.

The evaluation reflected the goals and operations of CEP as they were in FY84. (See Section I.A.) But it was not intended to assess all aspects of CEP operations in that period. Rather, the evaluation was focused on the ATI Program's impact on the recidivism of its participants. (See Section I.B.)

A. ATI Program Overview and FY84 Evaluation Focus

The goal of the ATI Program in FY84 was to identify defendants who were "jail-bound," generally at conviction, and to offer them counseling, job training, tutoring, and employment opportunities. Efforts were directed at modifying the life styles that brought defendants to court and that limited their employability. Upon successful completion of the ATI Program (in six months), the court was then to impose a sentence of probation.

CEP originally developed as a model program for pretrial diversion, growing out of criminal justice reforms begun in the 1960's. An evaluation of CEP's 1977 pretrial efforts concluded that a diversion from prosecution alternative cannot be assumed to have a positive impact in the complex decision-making processes that accompanies prosecution: Offenders randomly assigned to CEP fared little better in terms of court and

other outcomes than did offenders randomly assigned to a control group. Largely in response to these conclusions, CEP changed its major program focus in 1979 from pretrial supervision to post conviction supervision of offenders facing jail sentences.¹

During FY84, with the help of both Federal and State monies, CEP provided New York City with sentencing alternatives to targeted populations according to a formula worked out between CEP and the Criminal Justice Coordinator.² In addition, during FY84 CEP was instrumental in obtaining the release of pretrial detainees and received no separate funding for these efforts. Other CEP programs provided jobs or job training which were services that could be offered to qualified ATI participants. These targeted defendants included defendants 16 through 21 years old facing a jail (or prison) sentence of 90 days or more, but not mandatory sentences. (See footnote 3 on page 3).

The present evaluation focuses on the 172 clients who were between the ages of 16 and 21 years old at the time they entered the ATI Program between July 1, 1983, and June 30, 1984. (The few clients over 21 years old were excluded as outside CEP's intended age cap for the period.) All had a case pending in the Supreme Courts of New York County, Bronx County, Kings County, or Queens County. It was Court-related personnel who generally referred potential clients to CEP for screening. (See Chapter IV.)

¹See Sally (Hillsman) Baker and Susan Sadd, The Court Employment Project Evaluation: Final Report (New York: Vera Institute of Justice, 1979) and Sally (Hillsman) Baker and Susan Sadd, Diversion of Felony Arrests: An Experiment in Pretrial Intervention (Washington, D.C.: National Institute of Justice, 1981).

²Court Employment Project, "Supervised Release: 4th Quarter and Annual Report - FY 83/84," (New York: Court Employment Project, 1984). The narrative about the ATI Program presented in this Section of the report is a compilation of staff conversations and of information in the CEP report, hereafter cited as "Annual Report - FY 83/84." For changes in the ATI Program since FY84, see Appendix A of this evaluation report, prepared by CEP staff. Other CEP programs are also detailed in that Appendix which, while not part of the ATI Program itself, were nevertheless services available to ATI clients.

While some referrals to CEP did come from Criminal Court, they were excluded here. In the 1970's, CEP changed from a focus on misdemeanor cases to one on felony cases. This change, coupled with the shift in emphasis to the post conviction stage of court processing, addressed two important limitations of many pretrial diversion programs: (1) the inability to identify serious cases, and (2) the inability to intervene for cases which would truly have serious outcomes in terms of sanctions, stigma, or both for the defendant. It was in this context that the current evaluation took place. By focusing on Supreme Court cases, the evaluation, as well as the ATI Program itself, than should have identified clients with the most prison time that could be saved, if they were sentenced to probation instead of prison. At the time of CEP intervention, the best plea offer available to all clients was a jail sentence of at least 90 days, although most offers involved more time (Chapter III).

Criteria other than jail-boundedness, however, also governed CEP's screening of potential ATI clients. In addition, seriousness of the current offense, mandated sentences, and, prior criminal record affected the selection of candidates for the ATI Program³ and the likelihood that the court would agree to allow a defendant to participate.

³According to a leaflet circulated by CEP to get referrals, in addition to accepting adults 21 years old or younger whose best plea offer was a jail sentence of 90 days or more, other criteria were applied. For those charged with B and C felonies to be accepted, they had to be eligible for youthful offender (YO) treatment, have had few or no prior convictions, or have had mitigating circumstances making possible a sentence other than one of incarceration. Those indicted on B and C felonies who were too old for YO treatment could have been admitted pre-plea with reduced prison sentences as the goal of participation. Generally, those facing mandatory sentences were not accepted, including those with prior felony convictions for which youthful offender treatment was not granted. Clients were to have been free of current drug and alcohol addiction and not have required institutionalization for psychological problems. Arson and sex offense cases required a special clearance by CEP.

CEP operated the ATI Program in each of the four counties, maintaining court liaison personnel there. These personnel did the initial screening of potential ATI clients⁴ and advocated for the court's approval to admit certain defendants into the ATI Program. Desired court outcomes of ATI participation were established for each participant for sentencing, release from detention and youthful offender treatment, where appropriate. Court liaison personnel also appeared with accepted clients at all court appearances subsequent to their entry into the ATI Program through their completion of the program. Reports prepared by the ATI staff were presented to the court at each appearance so it could monitor the client's progress in the Program.

CEP's case management of accepted clients was run from its central office in Manhattan which housed supervisory staff and many support services. Once the court agreed to allow defendants to enter the ATI Program, they were required to attend supervision sessions with their case managers. Initially held daily, the frequency of these sessions decreased as the client demonstrated progress in the program (although their frequency was increased again should the client require more structure).

Through these supervision sessions, the individual needs of the clients were assessed and progress in the program was measured against these needs. The goals of the individually based counseling in the sessions, for example, might have included working toward increasing self-esteem or the development of good work habits. As needed, clients were referred for tutoring to General Equivalency Diploma (GED) classes, to training programs, to a job developer, to treatment programs and to employment possibilities.

According to CEP, successful termination from the ATI Program occurred when the six month program was completed and the client had demonstrated positive changes

⁴According to the "Annual Report - FY 83/84," in this period, there were 870 interviews with potential ATI clients. Additional interviews were conducted with families and other court personnel in regard to these potential clients. No data were available for this time period on those not accepted into the ATI Program.

in his life. In cases where some prison time was required, positive ATI participation that was instrumental in reducing the sentence imposed also resulted in successful termination. Uncooperative clients were terminated unsuccessfully from the Program.

Other clients received administrative discharges from the ATI Program. Considered by CEP as "non-negative" terminations, administrative discharges were given: if a client never showed up for supervision, if he were transferred to a specialized program (e.g., drug treatment), or if a client was incarcerated for a crime occurring before CEP intervention.

Chapters II and III of this report describe, respectively, ATI client characteristics at intake and the characteristics of the intake case. Chapter IV discusses the type and scope of the CEP intervention during the FY84 period. The remaining chapters of the report assess the actual impact of the ATI Program.

B. Assessing ATI Program Impact

The primary question asked of the evaluation concerned the effect of the ATI Program on recidivism rates:

- (1) How did the recidivism patterns of ATI clients compare to those convicted of similar charges and with similar prior criminal records who did receive prison sentences or sentences of probation without CEP intervention?⁵ (See Chapter VIII.)

It was anticipated that, given the types of clients served, the recidivism rates of CEP clients would be lower than those for offenders who served prison sentences and

⁵In contrast to the earlier CEP evaluation, there existed no randomly assigned control group against which to assess the recidivism of ATI participants in an experimental design. The comparisons here were made to match samples of probationers and of state custody releases.

no more than those for offenders sentenced to probation without ATI intervention. Such an outcome, once priors and age had been taken into account, would demonstrate that "jail-bound" ATI clients could be sentenced to probation after CEP supervision rather than incarceration, with no greater risk to the community than existed for those sentenced to probation without CEP.

If, on the other hand, the recidivism rates of the ATI clients were more similar to those of the previously incarcerated group, it could be concluded that the program had identified a "jail-bound" group, but that it had no measurable effect on the likelihood that its clients would commit future crimes. However, it might still be demonstrated: that rearrests of the ATI clients were at least delayed, starting later in the sample period from those of the comparison group; that the rearrests were for less serious charges; or, that reconviction rates were lower. This analysis addresses all these possibilities.

Before assessing the deterrent effect of ATI participation, the report addresses several other questions:

(2) What was the nature of clients' participation in the ATI Program? (See Chapter V.)

- How many counseling sessions did they attend?
- How many were placed in school or training programs or in employment?
- How long was their participation in the Program and under what condition did they exit the Program?
- In terms of the ATI Program staff's evaluation, what types of clients completed the Program successfully?

- (3) What was the relationship of Program participation to the actual sentences received by ATI clients? (See Chapter VI.)
 - To what extent did CEP identify a truly "jail-bound" pool of eligibles? Were the sentences ATI clients actually received less severe than would be expected for others similarly charged and with the same criminal history?

- (4) What were the recidivism patterns of ATI clients during Program participation? (See Chapter VII.)
 - Did the patterns change after ATI participation had ended?

The results of the recidivism analysis will be used to focus the conclusions of the evaluation presented in Chapter IX.

II

ATI Client Characteristics at Intake

This Chapter presents a profile of ATI clients at the time their participation in the ATI Program began. The data presented here were drawn from ATI client files, primarily from the interview information obtained by CEP staff at the time of intake. This interview generally occurred within a few days of the Court's agreement to place a defendant in the ATI Program. (See Chapter IV.) During this interview, the background information collected included the client's family ties and living situation, his or her school and employment status, welfare status and sources of income, as well as other information that was used to individualize the type of counseling, training, or placement the client would receive. Clients with a scheduled intake interview within FY84 defined the sample cohort for this evaluation. The client characteristics reported below are summarized in Table II-1.

A. Sex, Ethnicity, and Age

A total of 168 males and 4 females entered the ATI Program between July 1, 1983, and June 30, 1984. Two-thirds (66.9%) of the 172 clients comprising this cohort were black and most of the remaining third (29.1%) were Hispanic.

The average (mean) age of these clients at the time of their intake into the ATI Program was 18.1 years old. Half of the clients entering the ATI Program during this sample period were, in fact, 17 or 18 years old: 29.7% and 20.3%, respectively. In addition, one in seven clients were 19 years old (14.5%) at intake and a similar proportion were 20 years old (14.0%), or 16 years old (13.4%). Fewer than one in ten clients (8.1%) were in the oldest age group included in the evaluation, those 21 years old at intake.

TABLE II-1

SUMMARY OF CLIENT CHARACTERISTICS AT INTAKE

1. SEX			4. LIVING SITUATION			7. SOURCE OF FINANCIAL SUPPORT			
	<u>N</u>	<u>%</u>		<u>N</u>	<u>%</u>		<u>N</u>	<u>%</u>	<u>%</u>
MALE	168	97.7%	PARENTS OR GUARDIAN	136	80.5%	PARENTS OR GUARDIANS ^a	97	56.4%	65.5%
FEMALE	4	2.3	RELATIVES & SIBLINGS	22	13.0	EMPLOYMENT	15	8.7	10.1
			SPOUSE	3	1.8	PUBLIC ASSISTANCE ONLY	25	14.5	16.9
TOTAL	172	100.0%	NON-RELATIVES	8	4.7	NONE	11	6.4	7.4
			SUBTOTAL	169	100.0%	SUBTOTAL	148	86.0%	100.0%
			Not Available	3		Not Available	24	14.0	
			TOTAL	172		TOTAL	172	100.0%	
2. ETHNICITY			5. HIGHEST GRADE COMPLETED ^d			8. DRUG USE			
BLACK	115	66.9%	6TH-8TH GRADE	34	20.7%	MARIJUANA ONLY	78	45.3%	54.9%
HISPANIC	50	29.1	9TH GRADE	64	39.0	MARIJUANA & COCAINE	34	19.8	23.9
WHITE	6	3.5	10TH-11TH GRADE	51	31.1	OTHER ^b	10	5.8	7.0
OTHER	1	0.6	12TH GRADE OR GE	15	9.1	NEVER USED	20	11.6	14.1
TOTAL	172	100.0%							
			SUBTOTAL	164	100.0%	SUBTOTAL	142	82.6%	100.0%
			Not Available	8		Not Available	30	17.4	
			TOTAL	172		TOTAL	172	100.0%	
3. AGE AT INTAKE			6. EMPLOYMENT AND SCHOOL STATUS			9. CRIMINAL HISTORY			
16 YEARS OLD	23	13.4%	EMPLOYMENT & SCHOOL	3	1.7%	2.0%	FIRST ARREST	58	34.1%
17 YEARS OLD	51	29.7	EMPLOYMENT ONLY	27	15.7	18.2	NO CONVICTION	27	15.9
18 YEARS OLD	35	20.3	SCHOOL ONLY	29	16.9	19.6	OPEN CASES ONLY	58	34.1
19 YEARS OLD	25	14.5	NEITHER	89	51.7	60.1	MISDEMEANOR CONVICTION	24	14.1
20 YEARS OLD	24	14.0					ANY FELONY CONVICTION	3	1.8
21 YEARS OLD	14	8.1							
TOTAL	172	100.0%							
			SUBTOTAL	148	86.0%	100.0%	SUBTOTAL	170	100.0%
			Not Available	24	14.0		Not Available	2	
			TOTAL	172	100.0%		TOTAL	172	

^aIncludes two clients also supported by welfare and one client also supported by employment.

^bIncludes alcohol use only and various combinations of heroin, cocaine, PCP and hallucinogenics.

B. Family Ties and Living Situation

Nearly all clients for whom marital status was available (96.8% out of 135) reported that they were single. Nevertheless, 16.0% of the clients reported having dependents whom they needed to support.

No clients reported living alone. Four-fifths of the clients were living with at least one parent or guardian (80.5%) and most (58.0%, not shown) were also living with siblings or others, in addition to parents or guardians. About one in eight clients (13.0%), on the other hand, lived just with siblings and other relatives while less than 5 percent (4.7%) lived with friends and other non-relatives at the time of the intake interview. Only 1.8% of the clients reported living with a spouse.

C. School and Employment Status at Intake

At the time of the intake interview, two out of five clients (39.9%) reported that they had completed the ninth grade and another fifth (20.7%) reported that they had completed no more than eight years of education. Just 15 clients (8.7%) reported that they had completed high school or had their equivalency diploma.

Despite the low proportion of clients completing high school, only 26.7% of all clients reported that they were enrolled in school at the time of the intake interview. Half that proportion, 13.0%, were attending school full time at the time of the interview,¹ including one client who had completed high school and was attending college.

A total of 30 clients (20.2% of those with complete information) were employed at least part time at intake. Just three of these clients were also attending school at intake. Altogether, about two-fifths of the clients (39.8%) were either employed, in school, or both.

¹Three clients who were attending school entered the ATI Program during the summer months were excluded from this proportion.

D. Sources of Financial Support

Clearly, the overwhelming majority of the clients entering the ATI Program during FY84 were not supporting themselves through employment. Less than one in ten clients reported employment as providing at least part of their income. Not surprisingly, given the age and living situation of these clients, about two thirds of them reported that they were supported, at least in part, by parents or guardians (65.5%). Various forms of public assistance helped support about one fifth (20.8%) of the clients. Eleven clients (7.4%) reported no source of income.

E. Reported Drug Use

During the intake interview, clients were asked about their drug use. Although this information was incomplete for 17.4% of the sample, clients overwhelmingly reported using drugs;² only 20 clients (11.6%) reported they had never used drugs. However, the largest proportion of clients (78 or 45.3%) reported using marijuana and no other drug. The most common report of multiple drug use was marijuana and cocaine (19.8%). Frequency of drug use was not available for more than one quarter of the sample. When it was available, occasional use was commonly reported and daily use was reported by 27 clients (15.7% of all clients, 21.8% of those reporting frequency of use, not shown).

F. Prior Criminal Justice System Involvement³

For one-third of the ATI clients (34.1%), the sample arrest was their first.

²Client files were often unclear as to whether the clients were actually using drugs at the time of the intake interview, or, if they were reporting previous drug use.

³Data on prior criminal justice system involvement were drawn from the CJA database and from other manual coding of the criminal history records (rap sheets) maintained by the Division of Criminal Justice Services (DCJS), not from CEP records.

Almost another one in six clients (15.9%) had no convictions at the time of their arrest for the sample offense, although another third (34.1%) had cases pending at that time. The remaining 25 clients (15.9%) for whom information was complete had convictions, but just two of these clients (1.8%) had a felony conviction. Most of those having misdemeanor convictions (n=19), and no felony convictions, had just one misdemeanor conviction at arrest. By the time of the intake (sample) date,⁴ however, six clients had been convicted of a violent felony offense (excluding the sample offense) and two clients had been convicted of non-violent felony offenses.

G. Summary

A total of 172 clients entered the ATI Program between July 1, 1983, and June 30, 1984. The "typical" client was male and most often black. The average age was 18 years old, although the ages of this cohort ranged from 16 through 21 years old at intake. Almost all were single and generally lived with parents or guardians who were the most common sources of the clients' financial support. Most clients had completed no more than nine years of schooling, and relatively few clients were attending school or were employed at intake. Most clients reported that they had used drugs, although occasional use of marijuana was the most common.

Two-thirds of this cohort had had arrests prior to their arrest on their most severe intake case, but by their intake date few clients had been convicted of felonies. The nature of the current intake charges pending against the clients, and, the court status of their case at the time of intake are the subject of the next chapter.

⁴These data were not available for clients whose criminal history records were sealed. (See Chapter VIII.)

III

Intake Case Characteristics

In this Chapter, the characteristics of the Court case on which the defendant was accepted into the ATI Program are described, including the stage of court processing at the time of intake, the number of cases pending against the client, and the charges associated with the case. As stated in the introduction to this report, not all defendants referred to CEP by court personnel fit formal ATI criteria, and not all defendants fitting these criteria had CEP intervention accepted as a viable sentencing alternative by their presiding judges.

A. Number and Court Processing Stage of Intake Cases

Nearly all the ATI clients (86.6%) accepted into the Program had one intake case; 21 clients (12.2%) had two intake cases and two clients had three cases.¹ For more than three-quarters of the defendants (77.3%), the intake case was the only court action pending at the time of admission. Thirty clients (17.4%) had one other open case pending.

The intake case varied somewhat according to the stage of court processing (Table III-1.)² A little over half the clients (56.5%) were accepted into the ATI

¹Throughout the rest of this report, the "intake case" for clients having multiple intake cases will refer to the case with the most severe Penal Law charge pending at intake. (See Section III.D. below.)

²CEP intervention was not always initiated in the most severe intake case. For example, a client may have been referred on a Criminal Court case, but also have had a Supreme Court case pending disposition or for which a violation-of-probation potentially would result from the Criminal Court case. In such instances, the client was considered a Supreme Court intake by CEP and CEP staff went to court on these cases as well. However, in some potential violation-of-probation cases, the violation was not yet filed and did not appear on the Supreme Court calendar. CEP hoped its intervention would prevent the violation's filing. This situation explains the subset of violation-of-probation cases with only Criminal Court activity noted in Table II-1. Because the only court activity was in Criminal Court, occasionally sentence and charge information reported in later Chapters for intake cases may seem inconsistent with a cohort of Supreme Court intakes.

TABLE III-1

COURT PROCESSING STAGE OF MOST SEVERE INTAKE CASE AT INTAKE

	<u>N</u>	<u>%</u>
PRE-PLEA	52	30.6%
AT OR AFTER PLEA ^a	96	56.5
VIOLATION OF PROBATION	16	9.4
VIOLATION OF PROBATION/ ^b CRIMINAL COURT ONLY	6	3.5
SUBTOTAL	<u>170</u>	<u>100.0%</u>
Not Available	2	
TOTAL	<u>172</u>	

^aPresentence.

^bCourt activity on rearrest in Criminal Court only. The violation of probation for the Supreme Court case was not filed, but rather may have been filed depending on the outcome of the rearrest.

Program after conviction in Supreme Court, and 30.6% entered the Program prior to disposition. Finally, 22 clients (12.9%) were admitted to the ATI Program after being brought back to court on a violation of probation.

The proportion of cases entering the ATI Program predisposition was rather large considering the main ATI objective to effect sentences promised at conviction. Generally, this could be explained in two ways: First, in such cases, CEP hoped to intervene in the plea-bargaining process and secure probation or reduced jail-time promises at an earlier stage. Second, CEP secured the release for many predisposition clients who had long periods of pretrial detention; these clients became "alternative-to-detention" (ATD) clients. In FY84, CEP received no funding separate from ATI monies to intervene in ATD cases. The expectations for intervention outcomes are detailed in the next Chapter.

B. Alternative Sentence Offer

As described in the introduction to this report, clients admitted to CEP's ATI Program were placed in the program in lieu of a prison or jail sentence, which would be imposed if he failed to complete the program. Generally, if a client successfully completed the ATI Program and was convicted of a felony, then he would be continued on probation for a total of 5 years. Table III-2 summarizes the alternative prison/jail sentences to be imposed upon unsuccessful termination.

All clients with stated alternatives had alternative sentence offers of at least 90 days as stipulated by ATI Program criteria. Nevertheless, these sentence offers tended to be fairly low, consistent with the age and limited prior criminal background of the ATI clients. More than a third of the clients with sentence offers (36.4%) were offered jail terms of one year or less, although less than one in six clients had sentence offers under one year. An additional 41.7% were offered indeterminate sentences with minimum sentences of one to one-and-a-half years. Maximum prison terms ranged from

TABLE III-2

ALTERNATIVE SENTENCE OFFERS FOR ATI CLIENTS
PRIOR TO ATI PARTICIPATION

<u>DETERMINATE SENTENCES:</u>	<u>N</u>	<u>%</u>	<u>%</u>
LESS THAN 1 YEAR	20 ^a	13.6%	15.2%
1 YEAR	28	19.0	21.2
SUBTOTAL DETERMINATE	<u>48</u>	<u>32.7%</u>	<u>36.4%</u>
<u>INDETERMINATE SENTENCES:</u>			
1 YEAR MINIMUM; MAXIMUM: 3-4 YEARS	33	22.4	25.0
1 YEAR 3 MONTHS TO 1 YEAR 6 MONTHS MINIMUM; MAXIMUM: 4 YEARS TO 4 YEARS 6 MONTHS	22	15.0	16.7
2 YEARS MINIMUM; MAXIMUM: 4-7 YEARS	14	9.5	10.6
2 YEARS 4 MONTHS TO 5 YEARS MINIMUM; MAXIMUM: 7 YEARS 6 MONTHS TO 15 YEARS	5	3.4	3.8
NO MINIMUM GIVEN; MAXIMUM: 6 YEARS TO 7 YEARS 6 MONTHS	6	4.1	4.5
15 YEARS	4	2.7	3.0
SUBTOTAL INDETERMINATE	<u>84</u>	<u>57.1%</u>	<u>63.6%</u>
SUBTOTAL ALL ALTERNATIVE SENTENCES	<u>132</u>	<u>89.8%</u>	<u>100.0%</u>
NO PLEA OFFER ^b	15	10.2	
SUBTOTAL ALTERNATE SENTENCES	<u>147</u>	<u>100.0%</u>	
Not Available	25		
TOTAL ALL CLIENTS	<u>172</u>		

^a14 of these 20 clients were promised six months imprisonment.
No client was promised less than 90 days.

^bIncludes 13 ATD clients and 2 clients for whom no offer was given.

three years to 15 years. For 15 clients, no sentence offer was made at the time of intake into the ATI Program. These clients either were ATD clients or had open plea offers at the time of CEP intervention.

C. Client Release Status and Bail Amounts at Intake

Table III-3 summarizes the client's most severe release status across cases at the time of intake into ATI. Slightly over half the defendants (55.7%) were released at this point, mostly by having made bail (32.3%); an additional 17.4% had been released on their own recognizance. Among the defendants in detention, most were held on bail (39.5% of the total sample) and 4.8% were remanded without bail.

The bail amounts (summed across intake cases) in effect for the ATI clients at the time of admission are displayed in Table III-4 by detention status. Not surprisingly, clients held on bail were more likely than those released to have had bail set in the highest category, \$2,501-\$25,000 (35.5% versus 13.2%), and less likely to have had low bail set (\$150-\$500; 16.1% and 30.2%, respectively).

D. Most Severe Charge at Intake

Finally, Table III-5 summarizes the most severe Penal Law charge in effect at the time of intake. The first part of this table shows that most ATI clients were charged with robbery (57.1%) or burglary (20.6%). The only other charge categories with more than three clients were weapon offenses (9.4%) and drugs (6.5%).

The second half of Table III-5 shows the severity level of the intake charge. The most serious charges were B felonies, imposed for 37.6% of the defendants. About one fourth of the clients (27.1%) entered the ATI Program with the least serious felonies (D and E).

TABLE III-3

CLIENT'S RELEASE STATUS AT INTAKE^a

	<u>N</u>	<u>%</u>
RELEASED ON RECOGNIZANCE	29	17.4%
BAIL SET, MADE	54	32.3
RELEASED, DON'T KNOW TYPE	1	0.6
ON PROBATION	9	5.4
SUBTOTAL RELEASED	<u>93</u>	<u>55.7%</u>
BAIL SET, NOT MADE	66	39.5
REMAND ^b	8	4.8
SUBTOTAL DETAINED	<u>74</u>	<u>44.3%</u>
SUBTOTAL KNOWN STATUS	<u>167</u>	<u>100.0%</u>
Release Status Not Available	5	
TOTAL	<u>172</u>	

^aMost severe status across intake cases.

^bIncludes one client held on a violation of probation, and later released to CEP.

TABLE III-4

BAIL AMOUNT SET PRIOR TO ACCEPTANCE INTO THE ATI PROGRAM
BY DETENTION STATUS

	<u>RELEASED ON BAIL</u>		<u>HELD ON BAIL</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
\$150-\$500	16	30.2%	10	16.1%	26	22.6%
\$501-\$1100	11	20.8	15	24.2	26	22.6
\$1101-\$2500	19	35.8	15	24.2	34	29.6
\$2501-\$25000	7	13.2	22	35.5	29	25.2
SUBTOTAL KNOWN BAIL	<u>53</u>	<u>100.0%</u>	<u>62</u>	<u>100.0%</u>	<u>115</u>	<u>100.0%</u>
BAIL AMOUNT NOT AVAILABLE	1		4		5	
TOTAL BAIL SET	<u>54</u>		<u>66</u>		<u>120</u>	
			REMAND ^a		8	
			PROBATION		9	
			ROR		29	
			RELEASED, DON'T KNOW TYPE		1	
			Release Status Not Available		5	
			TOTAL		<u>172</u>	

^aIncludes one client held on his violation of probation and later released to CEP.

TABLE III-5

MOST SEVERE INTAKE CHARGE

<u>INTAKE CHARGE</u>	<u>N</u>	<u>%</u>	<u>PENAL LAW SEVERITY</u>	<u>N</u>	<u>%</u>
ASSAULT	1	0.6%	B FELONY	64	37.6%
ATTEMPTED MURDER	1	0.6	C FELONY	56	32.9
RAPE	1	0.6	D & E FELONIES	46	27.1
BURGLARY	35	20.6	A MISDEMEANOR	4 ^a	2.4
ARSON	1	0.6	SUBTOTAL	<u>170</u>	<u>100.0%</u>
LARCENY	3	1.8	Not Available	2	
ROBBERY	97	57.1	TOTAL	<u>172</u>	
PROPERTY	2	1.2			
BAIL JUMPING	1	0.6			
DRUGS	11	6.5			
MARIJUANA	1	0.6			
WEAPONS	16	9.4			
SUBTOTAL	<u>170</u>	<u>100.0%</u>			
Not Available	2				
TOTAL	<u>172</u>				

^aThree of the four clients having misdemeanor intake charges were accepted into the ATI Program at the time of their plea to those charges in Supreme Court. The fourth client had a violation of probation filed in Supreme Court on a plea to bail jumping. Subsequently, the charge on the case leading to the bail jumping indictment was uncovered. In that case, the client had been placed on probation after plea to second degree robbery, a C felony.

E. Summary

The "typical" ATI client, then, was admitted to the ATI Program on only one case, with no other cases pending. Although the majority of clients were admitted post-plea, almost one third were taken into the Program prior to disposition. They were equally likely to be detained or released, and generally charged with robbery. Finally, the alternative prison sentence offers which would go into effect upon unsuccessful termination were consistent with the young age and limited conviction history of the ATI clients: most were for one or one-and-a-half years, although maximum prison-term offers went as high as 15 years.

IV
CEP Intervention

The focus of this Chapter is CEP's intervention on behalf of an ATI client. The perspective is from that of CEP (not its clients) and the type and intensity of its organizational efforts both with the criminal justice system and directly with the client. The Chapter thus presents a detailed overview of the ATI Program during FY84 from the time of a client's referral to CEP (Section IV.A.), the date of his intake interview (Section IV.B.), and the expectations for the outcome of his participation (Section IV.C.) through CEP's supervision of the client during his participation in the Program (Section IV.D.). A summary of CEP intervention can be found in Section IV.E. Chapter V will then detail the client's behavior in the ATI Program.

A. Referral to CEP

1. Referral Source

A number of different actors in the criminal justice system referred clients to CEP. However, during FY84, most clients were referred by their attorneys: 44.1% were referred by Legal Aid Society lawyers and another 15.9% by private attorneys (including those assigned to the "18B panel" and appointed to represent indigent defendants in cases not handled by Legal Aid). The next most frequent single referral source in this time period was a judge (13.5%), followed by probation and parole officers (7.6%). In agreement with statements about referral sources, CEP court personnel made few referrals themselves (3.5%).¹ (See Table IV-1.)

¹See "Annual Report - FY 83/84" p.26. This report noted that because of its personnel's heavy workload, court personnel had few resources with which to find eligible defendants without the referral of others. The descriptive information in this section concerning the operation of the ATI Program was drawn from the annual reports for FY'84 and FY'85 as well as from conversations with CEP personnel.

TABLE IV-1

SOURCE OF REFERRAL TO CEP

	<u>N</u>	<u>%</u>
LEGAL AID	75	44.1%
PRIVATE ATTORNEY	27	15.9
SUBTOTAL ATTORNEYS	<u>102</u>	<u>60.0%</u>
JUDGE	23	13.5
OTHER COURT PERSONNEL	9	5.3
PROBATION/PAROLE OFFICER	13	7.6
CRIMINAL JUSTICE AGENCY	9	5.3
POLICE OFFICER	1	0.6
CEP STAFF	6	3.5
CLIENT	6	3.5
OTHER	1	0.6
SUBTOTAL	<u>170</u>	<u>100.0%</u>
Not Available	2	
TOTAL	<u>172</u>	

2. Length of Time from Referral to ATI Intake

After referral, CEP court liaison personnel interviewed the potential clients to determine their eligibility for the ATI Program. If the defendant was found to fit the eligibility criteria for the ATI Program, court liaison personnel appeared in court to present the presiding judge with information on the ATI Program and to advocate for the defendant so that he be allowed to enter the ATI Program.

For many clients, the judge's decision about a client's eligibility for the ATI Program was immediate and the in-house intake interview was scheduled within two weeks of the initial referral (and most often within a couple of days of the judge's decision). But, for others, the efforts of CEP staff on their behalf lasted as long as ten months (303 days). During this period, the CEP staff would make repeated presentations to the judge in an attempt to persuade the judge to allow the defendant to enter the ATI Program. Information on the time from the referral to the scheduled intake interview was incomplete for over one-third of the clients; nevertheless the available data indicated that about one-third of the clients eventually accepted into the ATI Program (32.7%), CEP staff was involved in the client's case for more than one month before their intake interview. Staff appeared to have worked longer for clients having cases with potential violations of probation (VOP's) pending than on behalf of clients whose intake cases had not yet been sentenced, but the number of VOP cases pending with complete information was small. The mean time from referral to intake date was 28.6 days and the median was 14.8 days (Table IV-2).

B. Intake Rate During The Sample Period

More clients entered the ATI Program in the second half of the fiscal year than did in the first half. One-third (33.7%) of all clients had their intake interview between February 1984, and April 1984. (Table IV-3.) The largest number of clients interviewed in any month was 21 (March 1984) and the fewest clients interviewed in any month was eight (September 1983).

TABLE IV-2

TIME FROM REFERRAL DATE TO INTAKE DATE
BY COURT PROCESSING STAGE OF MOST SEVERE INTAKE CASE

	<u>PRE-PLEA</u>		<u>AT OR AFTER PLEA</u>		<u>VIOLATION OF^a PROBATION</u>		<u>SUBTOTAL</u>		<u>Not Available</u>	<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>N</u>	<u>%</u>
SAME OR 1 DAY	6	21.4%	15	22.1%	4	30.8%	25	22.9%	1	26	23.6%
2 - 14 DAYS	5	17.9	19	27.9	4	30.8	28	25.7	-	28	25.5
15 - 30 DAYS	7	25.0	11	16.2	2	15.4	20	18.3	-	20	18.2
31 - 60 DAYS	10	35.7	14	20.6	-	-	24	22.0	-	24	21.8
61 - 303 DAYS	-	-	9	13.2	3	23.1	12	11.0	-	12	10.9
SUBTOTAL	<u>28</u>	<u>100.0%</u>	<u>68</u>	<u>100.0%</u>	<u>13</u>	<u>100.0%</u>	<u>109</u>	<u>100.0%</u>	<u>1</u>	<u>110</u>	<u>100.0%</u>
Not Available	24		28		9		61		1	62	
TOTAL	<u>52</u>		<u>96</u>		<u>22</u>		<u>170</u>		<u>2</u>	<u>172</u>	

^aIncludes six clients who only had pending Supreme Court violations of probation, but court activity in Criminal Court only.

TABLE IV-3

MONTH OF INTAKE INTO THE ATI PROGRAM

	<u>N</u>	<u>%</u>
JULY 1983	13	7.6%
AUGUST 1983	11	6.4
SEPTEMBER 1983	8	4.7
OCTOBER 1983	10	5.8
NOVEMBER 1983	18	10.5
DECEMBER 1983	12	7.0
JANUARY 1984	17	9.9
FEBRUARY 1984	19	11.0
MARCH 1984	21	12.2
APRIL 1984	18	10.5
MAY 1984	14	8.1
JUNE 1984	11	6.4
TOTAL	<u>172</u>	<u>100.0%</u>

C. Desired Effects of ATI Participation

1. Change in Detention Status Effected By Acceptance into the ATI Program

The most immediate effect of acceptance into the ATI Program was the release of those clients detained before their acceptance into the ATI Program. The extent of this effect varied by the court status of the intake case at the time of their acceptance into the Program (Table IV-4).

The majority (58.8%) of the clients who entered the Program before the disposition of their intake case were released from pretrial detention because of CEP's intervention. For some of these clients, this was the primary purpose of CEP's intervention (see Section IV.C.2 below) as no plea and sentence offer had yet been made. Most of these clients (43.1%) were released specifically to CEP's supervision, although 13.7% of the pretrial clients were released on their own recognizance. Just one client had a new bail set as a result of CEP intervention which he posted to obtain his release from pretrial detention.

About one-third of those clients (31.9%) who entered the ATI Program at or after plea were released to CEP supervision, including two clients who had previously been released on bail. An additional 10.6% of the clients entering the ATI Program before sentencing had been held before their acceptance into the ATI Program and were released on their own recognizance at acceptance. Among those clients with pending violations of probation at intake, CEP supervision resulted in the release of six clients (28.6%) who were detained at the time of CEP intervention.

CEP intervention resulted in the release of clients who had been detained as long as 577 days. Information on how long defendants had been detained was not available for one-third of the clients released because of CEP intervention (25 of 74, not shown). However, over two-fifths of those for whom detention length was known had been detained more than two months (60 days) before CEP intervention.

TABLE IV-4

RELEASE STATUS CHANGE AFTER ACCEPTANCE INTO THE ATI PROGRAM
BY COURT PROCESSING STAGE OF MOST SEVERE INTAKE CASE

	<u>PRE-PLEA</u>		<u>AT OR AFTER PLEA</u>		<u>VIOLATION OF^a PROBATION</u>		<u>SUBTOTAL</u>		<u>Not Available</u>	<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>N</u>	<u>%</u>
RELEASED ON RECOGNIZANCE	7	13.7%	10	10.6%	-	-	17	10.2%	-	17	10.2%
RELEASED TO CEP	22	43.1	30	31.9	6	28.6	58	34.9	-	58	34.7
NEW BAIL SET & POSTED	1	2.0	-	-	-	-	1	0.6	-	1	0.6
NO CHANGE, RELEASED	21	41.2	54	57.4	15	71.4	90	54.2	1	91	54.5
SUBTOTAL	<u>51</u>	<u>100.0%</u>	<u>94</u>	<u>100.0%</u>	<u>21</u>	<u>100.0%</u>	<u>166</u>	<u>100.0%</u>	<u>1</u>	<u>167</u>	<u>100.0%</u>
Not Available	1		2		1		4		1	5	
TOTAL	<u>52</u>		<u>96</u>		<u>22</u>		<u>170</u>		<u>2</u>	<u>172</u>	

^aIncludes six clients who only had pending Supreme Court violations of probation, but court activity in Criminal Court only.

2. Desired Outcome at Intake by Alternate Sentence Offer and Court Status of the Intake Case

For most clients, in contrast to the alternate jail sentences promised by the court, the desired outcome at intake of ATI participation was to be a sentence of probation (or restoration to probation) and, where appropriate, that the client be granted youthful offender (YO) status.² Probation (or its restoration) was the desired court outcome at intake for a total of 156 clients (92.8% those for whom these outcomes were known). Youthful offender treatment was sought for 99 clients (58.9%), none of whom were known to have had such treatment part of their alternate sentence offer at the time of CEP intervention. When only those 16 through 18 years old (those eligible for YO treatment) were considered, YO treatment was sought for over three-quarters (83 clients or 76.1%) of the 109 clients in that age range. Most of the remaining clients (12 of 16) for whom YO treatment was sought were 19 years old at intake, but were younger at the time of the commission of their sample offense; CEP sought YO treatment for almost half (48.0%) of the 19-year-old clients.

Table IV-5 presents the desired court effects of CEP intervention and participation in the ATI Program according to the court status of the most severe intake case. In ten of the 13 predisposition cases for which no alternative offer was given, CEP hoped the clients would be sentenced to probation, although its immediate objective was to have most of them released from detention.³ No sentence promise had been made for one other client who entered the ATI Program at or after plea and for one of the clients with a pending violation of probation.

²CEP records listed two desired effects. Aside from recording the desire for youthful offender treatment for these clients as the second effect, six clients had some other effect listed. Only the first desired effect is reported here for these clients. In New York State, YO status will seal the conviction record of adolescents (under 19 years old.)

³These alternative-to-detention clients would fall into a distinct program under current CEP funding. There was no separate funding of alternative-to-detention interventions in FY84.

TABLE IV-5

DESIRED EFFECT AT INTAKE ON MOST SEVERE INTAKE CASE
BY COURT PROCESSING STAGE OF MOST SEVERE INTAKE CASE

	<u>PRE-PLEA</u>		<u>AT OR AFTER PLEA</u>		<u>VIOLATION OF^a PROBATION</u>		<u>SUBTOTAL</u>		<u>Not Available</u>	<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>N</u>	<u>%</u>
PROBATION	43	86.0%	93	96.9%	19	90.5%	155	92.8%	1	156	92.9%
CONDITIONAL DISCHARGE	-	-	1	1.0	1	4.8	2	1.2	-	2	1.2
REDUCED JAIL	5	10.0	2	2.1	-	-	7	4.2	-	7	4.2
RELEASE ON RECOGNIZANCE	2	4.0	-	-	1	4.8	3	1.8	-	3	1.8
SUBTOTAL	50	100.0%	96	100.0%	2	100.0%	167	100.0%	1	168	100.0%
Not Available	2		-		1		3		1	4	
TOTAL	52		96		22		170		2	172	
% TO RECEIVE YOUTHFUL OFFENDER		60.8%		68.4%		18.8%		59.6%			

^aIncludes six clients who only had pending Supreme Court violations of probation, but court activity in Criminal Court only.

3. Desired Outcome at intake of ATI Participation by Age, Priors, and Most Severe Intake Charge

While CEP sought the imposition of probation in almost all intake cases, the likelihood that some other effect was sought at intake (or was also sought) was greater for some subgroups of clients than for others. Probation was sought for all 16-year-old clients; but, reduced jail as a desired outcome at intake was sought for one in ten of the oldest, 20 and 21-year-old clients (10.8%). Not surprisingly, probation was the desired outcome at intake of all but two clients whose arrest on their intake offense was their first. Other outcomes were desired more frequently at intake for those with previous arrests. Probation was sought for over 90% of those clients charged with robbery or burglary; those clients charged with other offenses more frequently had an effect other than probation as desired court outcomes at intake. These desired effects were unrelated to the Penal Law severity of the intake charge (not shown).

D. Staff Involvement with ATI Clients

Chapter V will detail the clients' participation in the ATI Program. Here, an overview of the Program is given from the perspective of the involvement of CEP staff during the course of a client's participation. This staff was comprised of not only social workers, but also paraprofessional staff who were involved in supervising ATI clients.

1. Length of Participation in the ATI Program

According to CEP staff and its ATI Program description, clients normally spent six months in the ATI Program to complete it. For the clients entering the ATI Program in FY84, the average (mean) length of participation in the Program was somewhat less than six months: 162.4 days. However, the median time in the Program for this cohort was 183.2 days. Thus, half of the clients spent more than six months in the Program, although the participation of about a third (32.6%) of the clients ended

during the seventh month. Nevertheless, more than one-fifth (22.7%) of the clients spent over seven months in the ATI Program. The longest amount of time spent under CEP supervision by any client in this cohort was more than one year (496 days).

2. Supervision Levels and Changes in Supervision Levels

During a client's participation in the ATI Program, the intensity of CEP supervision, and hence staff involvement varied. Throughout participation, CEP staff worked to enroll clients in appropriate activities such as schooling, training or employment. Every client entering the Program was also required in the beginning of his participation to attend daily (Monday through Friday) sessions with his CEP case manager.⁴ Generally, it was expected that a client would remain in this "maximum" level of supervision for about one month after intake. This was the period for assessing the needs of the client and individualizing his treatment plan and goals of participation:

A major focus is on the maximization of the amount of structure in participants' lives while attempting to modify the behavior which brought them to court and which prevents them from being employable.⁵

With demonstrated progress toward individual goals and successful participation (e.g., attendance and cooperation), clients were promoted to a "medium" supervision level which involved just three sessions per week with a case manager. Again, ATI participants would most likely spend one month under this level of supervision by CEP staff. Promotion to a "minimum" level of supervision was contingent on further progress toward personal goals, and, generally, placement in a Program. Contact with CEP

⁴Changes have occurred in the structure of supervision sessions since FY84. Sessions now are more likely to be a combination of individual and group sessions, although the majority remain individual sessions.

⁵"Annual Report-FY 84/85" op.cit., p.21.

staff for a client under minimum supervision consisted of one in-person session and one phone conversation per week.

Just over half (51.2%) of the sample cohort progressed through all three levels of supervision while more than one-quarter never left maximum supervision (27.9%). Information on how long participants remained under maximum supervision (the first level of supervision) was incomplete for almost one in three (28.2%) of those clients ever promoted from maximum supervision. Nevertheless, Table IV-6 demonstrates that about one-third of the clients whose level of supervision ever changed were promoted in the normative one month time from intake, and another quarter were promoted within the fifth week (35 days). The median time to the first change was 33.0 days. The remaining clients took longer to be promoted. This pattern held both for those clients who eventually were promoted through all three levels and for those promoted to medium supervision, but never to minimum supervision. In addition, more than two-fifths (43.8%) of those clients remaining in maximum supervision throughout their ATI participation (their length of participation will be discussed in Chapter V) were scheduled to be involved with CEP staff on a daily basis for a period of time exceeding two and one half months. Thus, staff involvement with clients was maintained at an intensive level for this cohort over a considerable period of their ATI participation.

The next Chapter of this report will discuss the extent to which participants actually attended their scheduled sessions and how changes in supervision levels were related to successful completion of the ATI Program.

3. Number of Court Appearances with ATI Clients and Progress Reports Prepared

Once the court agreed to have a defendant participate in the ATI Program, CEP court-liaison personnel accompanied clients to all subsequent court appearances on both intake and other open cases. Formal reports on the client's participation and progress in the ATI Program were prepared and presented at almost every court appearance.

TABLE IV-6

NUMBER OF DAYS AFTER INTAKE TO FIRST CHANGE IN SUPERVISION
STATUS BY SUPERVISION LEVEL

	<u>CHANGES^a TO MEDIUM AND MINIMUM</u>		<u>CHANGE^b TO MEDIUM ONLY</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
11 - 30 DAYS	24	37.5%	9	36.0%	33	37.1%
31 - 35 DAYS	16	25.0	6	24.0	22	24.7
36 - 49 DAYS	18	28.1	2	8.0	20	22.5
50 - 77 DAYS	4	6.3	4	16.0	8	9.0
78 - 225 DAYS	2	3.1	4	16.0	6	6.7
SUBTOTAL	<u>64</u>	<u>100.0%</u>	<u>25</u>	<u>100.0%</u>	<u>89</u>	<u>100.0%</u>
Not Available	24		11		35	
SUBTOTAL	<u>88</u>		<u>36</u>		<u>124</u>	
MEAN DAYS		38.1		44.5		39.9
MEDIAN DAYS		32.8		33.3		33.0
						48
						<u>172</u>

^aIncludes one client who went from maximum to medium, later to minimum supervision and then back to maximum again.

^bIncludes six clients who went from maximum to medium supervision and then back to maximum again.

CEP staff accompanied clients to as many as 22 court appearances following their entrance into the Program.⁶

Table IV-7 displays the number of progress reports CEP staff prepared and presented to court on behalf of the sample cohort. One-quarter of the clients had five or more progress reports presented to the court on their behalf. The average number of these reports was 3.5 and the median was 2.8 reports.

E. Summary

Referrals of potential clients to CEP were most commonly made by their attorneys. CEP staff often worked in the court for more than two weeks before a judge would accept the ATI Program as a viable sentencing alternative for a potential client. The most immediate effect of CEP intervention was seen in the release of previously detained clients, who had been detained as long as 577 days. The majority of the clients were released to CEP's supervision.

Of course, overwhelmingly, the most commonly desired outcomes of ATI participation by CEP at intake was that a client be sentenced to probation upon successful completion of the Program. This expectation was not uniformly desired for all clients. For older clients and those with more serious criminal histories, reduced jail terms were sometimes the optimum outcome desired. In addition, CEP hoped that youthful offender status would be granted for over half of the clients, including over three-quarters of those still in the YO-eligible age range (16 through 18 years old) at intake.

The median time under CEP supervision for this cohort was 183.2 days, with one client in the Program as long as 496 days. CEP staff involvement with clients began at a daily (five times a week) level and was reduced to three and finally to two times a week as the client demonstrated progress toward individual goals set in these

⁶Four clients accepted into the Program, however, had no subsequent appearances and CEP staff never appeared with them, although exit reports were prepared for them.

TABLE IV-7

NUMBER OF PROGRESS REPORTS PRESENTED TO COURT

	<u>N</u>	<u>%</u>
1 REPORT	22	12.8%
2 REPORTS	53	30.8
3 REPORTS	32	18.6
4 REPORTS	21	12.2
5 REPORTS	17	9.9
6 REPORTS	12	7.0
7-22 REPORTS	15	8.7
TOTAL	<u>172</u>	<u>100.0%</u>

MEAN NUMBER OF REPORTS 3.5

MEDIAN NUMBER OF REPORTS 2.8

sessions and was placed in Programs. An average of three reports were prepared for the court's monitoring of a client's progress. Thus, over a period of time that for many clients extended beyond seven months, CEP staff worked individually with clients, helped place them in Programs, attended court with them, and prepared reports that helped the courts monitor their progress.

V

Client Participation in the ATI Program

This Chapter describes the clients' participation in the ATI Program. Their attendance at supervision sessions is detailed in Section V.A, Program placements are discussed in Section V.B, the number and types of infractions of ATI requirements incurred by this cohort of clients are the subject of Section V.C, and Section V.D. presents data on termination from the ATI Program and whether it was successful or unsuccessful. The reasons for unsuccessful termination are discussed. The type of exit from the Program is also related to a client's length of participation in the ATI Program and other aspects of participation. The final section, Section V.E., summarizes the findings concerning client participation in the ATI Program.

A. Attendance at Supervision Sessions

Attendance at supervision sessions run by CEP staff was a minimum requirement of the ATI Program for all clients. As stated in Chapter IV, supervision sessions with CEP staff were structured to meet the needs of individual clients. During these sessions, staff attempted to motivate clients to attend school or look for employment. Discussions might have involved the development of good work habits and more general issues concerning the development of positive self concepts. Required attendance at the sessions imposed a minimal structure on the clients' lives during their ATI participation. For FY84, these sessions were individual counseling sessions between CEP staff and ATI clients. (Sessions now include both individual and some group sessions.)

The frequency of supervision sessions varied by the level of supervision in which the client was placed. All clients were placed under maximum supervision when they entered the ATI Program (see Chapter IV). Their supervision level was reduced if they demonstrated responsible behavior and progress toward individual goals during supervision sessions or when they were placed.

According to the profile of maximum, medium, and minimum supervision levels presented in Chapter IV, on average, then, a client was expected to attend an average of at least 20 supervision sessions while under maximum supervision, at least 15 sessions under medium supervision, and about 15 in-person sessions under minimum supervision, for a total of at least 50 sessions. Thus, a client would average roughly 50 scheduled sessions, if he completed the program in a six month period.

Among those clients with complete attendance information (primarily those successfully completing the Program),¹ the actual number of scheduled sessions ranged from a low of 16 sessions for those never leaving maximum supervision to a high of 216 sessions for those clients who progressed through all three levels of supervision (Table V-1). The average (mean) number of sessions scheduled with CEP staff during participation in the ATI Program was 71.1 and the median was 67.4 sessions. Those clients who changed levels of supervision had more sessions scheduled than did the 48 clients who never left maximum supervision during their ATI participation who averaged just over 40 sessions.

¹Information on the actual number of scheduled sessions and on attendance at these sessions was incomplete for 71 clients. The information was more likely to be incomplete for those clients eventually terminated unsuccessfully from the ATI Program (n=31 or 43.7% of all unsuccessful terminations; see Section V.D. below) than it was to be incomplete for those successfully leaving the ATI Program (n=27 or 26.7% of all successful terminations). In addition, as Section V.D. will detail, clients who received "administrative discharges" from the ATI Program, usually within one month of their entrance into the program, often received them because, in fact, they never attended scheduled sessions. There were 13 clients receiving such discharges and for whom no information on attendance at supervision sessions was available, as many as eight of whom presumably attended no sessions.

TABLE V-1

NUMBER OF SCHEDULED SUPERVISION SESSIONS AT CEP
BY CHANGE IN SUPERVISION LEVEL DURING ATI PARTICIPATION

FROM MAXIMUM LEVEL OF SUPERVISION:

<u>NUMBER OF SESSIONS:</u>	<u>CHANGES^a TO MEDIUM AND MINIMUM</u>	<u>CHANGE^b TO MEDIUM ONLY</u>	<u>NO CHANGE, MAXIMUM ONLY</u>	<u>TOTAL</u>
MINIMUM	35	36	16	16
MAXIMUM	216	161	71	216
MEAN	75.3	74.9	42.9	71.1
MEDIAN	70.4	63.0	41.0	67.4
N	67	21	13	101
<u>Number Of Sessions Not Available:</u>				
Administrative Discharge	0	2	11	13
Unsuccessful/ Not Available	0	8	23	31
Successful/ Not Available	21	5	1	27
TOTAL	<u>88</u>	<u>36</u>	<u>48</u>	<u>172</u>

^aIncludes one client who went from maximum to medium, later to minimum supervision and then back to maximum again.

^bIncludes six clients who went from maximum to medium supervision and then back to maximum again.

Few clients attended all scheduled sessions (although half of the clients had fewer than eight unexcused absences from supervision sessions, not shown). There was no correlation between the percentage of unexcused absences from supervision sessions and the number of scheduled sessions. Overall, the mean percentage of unexcused absences from supervision was 17.6% and the median was 11.9%. Thus, half of the clients for whom attendance information was complete missed more than one in ten scheduled sessions without being excused from them. Some clients missed as many as 93.3% of their scheduled sessions.

When the total number of missed sessions, both excused and unexcused, was considered, those clients with fewer sessions scheduled missed them at a higher rate than those with more sessions scheduled. The correlation between the percentage of missed sessions and the number of sessions was $-.234$. The mean rate of missed sessions was 26.0% and the median was 23.0%. Only eight clients attended all scheduled supervision sessions. The impact of missing supervision sessions on successful completion of the ATI Program will be discussed in Section V.D.

B. Program Participation and Successful Placements

1. Number of Placements and The Need For Placements

In addition to attendance at supervision sessions with CEP staff, most ATI clients were placed in educational or training programs or in employment. All but 45 clients (26.3%) were placed in some program as a result of their ATI participation. Most clients had just one or two placements (8.1% and 26.3%, respectively), with the average number of placements being 1.5, and the median 1.3 programs. Nevertheless, almost one fifth of the clients (19.3%) were placed three or more times as a result of their ATI participation.

The more scheduled sessions with CEP staff the clients had, the more likely they were to have multiple placements as a result of their ATI participation (Table V-2).

TABLE V-2

ATI PLACEMENTS BY NUMBER OF SCHEDULED SUPERVISION SESSIONS

NUMBER OF ATI PLACEMENTS	16 - 50 SESSIONS		51 - 65 SESSIONS		66 - 80 SESSIONS		81 OR MORE SESSIONS		SUBTOTAL		Administrative Discharge, Sessions Not Available		Unsuccessful, Sessions Not Available		Successful, Sessions Not Available		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NOT PLACED	9	37.5%	5	21.7%	2	8.7%	1	3.2%	17	16.8%	10	76.9%	17	56.7%	1	3.7%	45	26.3%
1 PLACEMENT	7	29.2	9	39.1	6	26.1	7	22.6	29	28.7	2	15.4	9	30.0	8	29.6	48	28.1
2 PLACEMENTS	6	25.0	4	17.4	11	47.8	11	35.5	32	31.7	1	7.7	1	3.3	11	40.7	45	26.3
3-7 PLACEMENTS	2	8.3	5	21.7	4	17.4	12	38.7	23	22.8	-	-	3	10.0	7	25.9	33	19.3
SUBTOTAL	24	100.0%	23	100.0%	23	100.0%	31	100.0%	101	100.0%	13	100.0%	30	100.0%	27	100.0%	171	100.0%
Not Available	-		-		-		-		-		-		1		-		1	
TOTAL	24		23		23		31		101		13		31		27		172	
% OF ALL ATI CLIENTS	23.8%		22.8%		22.8%		30.7%		100.0%									

Thus, the clients who received the most CEP supervision also received other training or became employed. These clients tended to be in the ATI Program longer. The number of placements was greater for those clients in school at intake than it was for those employed; this will be further discussed in the next section when the types of placements are described.

2. Types of Placements

ATI clients were placed in both in-house programs run by CEP and in programs and employment outside CEP. Placements included education-related programs such as tutoring and high school-equivalency programs as well as job training and actual employment. Some clients were also placed in drug or alcohol treatment programs.

More than one quarter of the ATI clients were placed both in CEP programs and in placements outside CEP (26.9%). In addition, better than one in eight (13.5%) ATI clients spent time in CEP-run programs and another third (33.3%) were placed only in programs outside of CEP. Not surprisingly, clients placed in both in-house and outside programs had more placements than others during their ATI participation (Table V-3). More than two fifths of those placed in both in-house and outside programs (45.7%) had at least three placements.

Overall, 18.1% of the clients were placed in school or training programs or both, while over half (54.4%) of the clients were placed in employment or had employment opportunities in addition to education-related or training programs (Table V-4). In keeping with the goal of the Program, three quarters (75.3%) of the clients who were neither in school nor employed at the time they began the ATI Program were placed in programs, with most (38.2%) of these clients being placed for some period of time in school or training programs, in addition to having a job placement. Almost half of the clients who were in school when they began the ATI Program (48.2%) received job placements while about one quarter of those employed (or employed and in school) at

TABLE V-3

TOTAL NUMBER OF ATI PLACEMENTS BY LOCATION OF PLACEMENT

NUMBER OF PLACEMENTS	NOT PLACED		CEP IN-HOUSE PLACEMENTS		OUTSIDE PLACEMENTS		CEP IN-HOUSE AND OUTSIDE PLACEMENTS		SUBTOTAL		Not Available	TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	N	%
NOT PLACED	45	100.0%	-	-	-	-	-	-	45	26.3%	-	45	26.3%
1 PLACEMENT	-	-	17	73.9%	31	54.4%	-	-	48	28.1	-	48	28.1
2 PLACEMENTS	-	-	6	26.1	14	24.6	25	54.3%	45	26.3	-	45	26.3
3 OR MORE PLACEMENTS	-	-	-	-	12	21.1	21	45.7	33	19.3	-	33	19.3
SUBTOTAL	45	100.0%	23	100.0%	57	100.0%	46	100.0%	171	100.0%	-	171	100.0%
Not Available	-	-	-	-	-	-	-	-	-	-	1	1	-
TOTAL	45	-	23	-	57	-	46	-	171	-	1	172	-
% OF All ATI CLIENTS	26.3%	-	13.5%	-	33.3%	-	26.9%	-	100.0%	-	-	-	-

TABLE V-4

TYPE OF ATI PLACEMENT BY EMPLOYMENT AND SCHOOL STATUS AT INTAKE

STATUS AT INTAKE:

TYPE OF PLACEMENT	<u>EMPLOYED^a</u>		<u>IN SCHOOL ONLY</u>		<u>NEITHER</u>		<u>SUBTOTAL</u>		<u>Not Available</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
EMPLOYMENT AND SCHOOL OR TRAINING PROGRAM	4	13.3%	11	37.9%	34	38.2%	49	33.1%	6	26.1%	55	32.2%
EMPLOYMENT ONLY	12	40.0	3	10.3	20	22.5	35	23.6	3	13.0	38	22.2
SCHOOL AND/OR TRAINING PROGRAM	4	13.3	11	37.9	12	13.5	27	18.2	4	17.4	31	18.1
OTHER ^b	1	3.3	-	-	1	1.1	2	1.4	-	-	2	1.2
NOT PLACED	9	30.0	4	13.8	22	24.7	35	23.6	10	43.5	45	26.3
SUBTOTAL	30	100.0%	29	100.0%	89	100.0%	148	100.0%	23	100.0%	171	100.0%
Not Available	-	-	-	-	-	-	-	-	1	-	1	-
TOTAL	30		29		89		148		24		172	

^aIncludes three clients who were both in school and employed.

^bIncludes one client who was doing volunteer tutoring and another client who was placed in a treatment program.

intake received additional schooling or training. Clients not employed at intake, then, appeared to be more "available" for multiple placements: Receiving additional educational and job training did not preclude job placement while ongoing employment perhaps decreased the need for additional education and training.

The placement in educational versus employment programs was fairly consistent with expectations for the need of a particular type of program according to client's age, but not clearly consistent with expectations for needed placements associated with clients' completed schooling. The youngest clients, those 16 years old, were most likely to be placed in educational and training programs (52.2%). The oldest clients, those 20 and 21 years old at intake, were least likely to be placed at all (31.6%) followed by those 17 years old at intake (30.0%). The oldest clients, if they were placed, were placed in employment (34.2%) while the clients who were in the 18- and 19-year-old age groups were most likely to be placed in some combination of both school or training programs and employment (Table V-5).

When the type of placement was associated with years of completed schooling, clients with the fewest years of completed schooling were least likely to be placed in any program (29.4%, Table V-6); but, when they were placed, they were as likely to be placed in employment (23.5%) as they were to be placed in educational and training programs, or both. Clients who had completed most of high school or were high school graduates, on the other hand, were most likely to be placed in educational programs as well as employment, despite their higher educational level at intake.

3. Reasons for Ending Placements

The 103 clients placed in programs outside CEP averaged 1.4 placements for a total of 147 placements. Over half (55.1%) of the 147 outside placements continued at exit. There were several reasons why the remaining placements ended. A small proportion (4.8%) of the outside placements ended because the programs were completed.

TABLE V-5

TYPE OF ATI PLACEMENT BY AGE OF CLIENT AT INTAKE

TYPE OF PLACEMENT	16 YEARS OLD		17 YEARS OLD		18 YEARS OLD		19 YEARS OLD		20-21 YEARS OLD		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
EMPLOYMENT AND SCHOOL OR TRAINING PROGRAM	4	17.4%	14	28.0%	14	40.0%	10	40.0%	10	26.3%	52	30.4%
EMPLOYMENT ONLY	2	8.7	13	26.0	7	20.0	6	24.0	13	34.2	41	24.0
SCHOOL AND/OR TRAINING PROGRAM	12	52.2	8	16.0	7	20.0	3	12.0	1	2.6	31	18.1
OTHER ^a	-	-	-	-	-	-	-	-	2	5.3	2	1.2
NOT PLACED	5	21.7	15	30.0	7	20.0	6	24.0	12	31.6	45	26.3
SUBTOTAL	23	100.0%	50	100.0%	35	100.0%	25	100.0%	38	100.0%	171	100.0%
Not Available	-		1		-		-		-		1	
TOTAL	23		51		35		25		38		172	

^aIncludes one client who was doing volunteer tutoring and one client in a treatment program and no other placement.

TABLE V-6

TYPE OF PLACEMENT BY HIGHEST GRADE COMPLETED AT INTAKE

TYPE OF PLACEMENT	8TH GRADE OR LESS		9TH GRADE		10TH GRADE		11TH & 12TH GRADE		SUBTOTAL		Not Available	TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	N	%
EMPLOYMENT AND SCHOOL OR TRAINING PROGRAM	8	23.5%	17	26.6%	15	33.3%	8	44.4%	48	29.8%	4	52	30.4%
EMPLOYMENT ONLY	8	23.5	12	18.8	14	31.1	4	22.2	38	23.6	3	41	24.0
SCHOOL AND/OR TRAINING PROGRAM	8	23.5	17	26.6	4	8.9	1	5.6	30	18.6	1	31	18.1
OTHER ^a	-	-	1	1.6	-	-	1	5.6	2	1.2	-	2	1.2
NOT PLACED	10	29.4	17	26.6	12	26.7	4	22.2	43	26.7	2	45	26.3
SUBTOTAL	34	100.0%	64	100.0%	45	100.0%	18	100.0%	161	100.0%	10	171	100.0%
Not Available	-		1		-		-		1		-	1	
TOTAL	34		65		45		18		162		10	172	

^aIncludes one client who was doing volunteer tutoring and one client in a treatment program and no other placement.

These placements were all educational or training programs. Almost one quarter (23.8%) of the placements ended when clients left the placements. Clients were dismissed from 7.5% of the placements. The remaining 8.8% were ended for some other reason. (Chapter VI will detail how many clients continued in these placements at exit as well as in in-house placements or in their pre-ATI placements.)

4. Length of Placements

As previously demonstrated, the number of placements reflected, in part, the finite length of a particular program (e.g., until completion of an equivalency diploma) and the client's availability for multiple placements because he left or was released from a program. The length of time clients spent in placements similarly varied. For clients for whom their time in any placements was known, the median time in a client's shortest placement was 44.4 days while the median time in a client's longest placement was 73.2 days.

Clients who were placed in school or training programs, in addition to employment, had the greatest likelihood of being in a placement longer than three months (86 days was their median time versus 70.5 days for those placed in employment only and 54.5 days for those placed in school and training programs, Table V-7). Those clients placed in school or training programs were most likely to have a finite period to completion, but those clients placed in employment only had a similar range of time in their longest placement.

While a client's longest placement did not necessarily continue at exit, those clients still in placements at the time their ATI participation ended were more likely to have spent longer periods of time in placements than were those not placed at exit. More than one fifth (22.4%) of those placed by CEP and still placed at exit had spent five months or more in at least one placement compared with just one tenth (10.3%) of those placed, but who did not continue in any placement at exit (not shown). Clients

TABLE V-7

LONGEST TIME IN ANY PLACEMENT BY TYPE OF PLACEMENT

<u>LENGTH OF TIME IN PLACEMENT</u>	<u>EMPLOYMENT AND SCHOOL OR TRAINING</u>	<u>EMPLOYMENT ONLY</u>	<u>SCHOOL AND/ OR TRAINING</u>	<u>OTHER</u>	<u>SUBTOTAL ALL PLACEMENTS</u>
MINIMUM DAYS	14.0	7.0	6.0	-	-
MAXIMUM DAYS	454.0	204.0	211.0	-	454.0
MEAN DAYS	113.1	80.6	73.3	-	91.7
MEDIAN DAYS	86.0	70.5	54.5	-	73.0
N	45	36	26	1	108
Not Available	<u>7</u>	<u>5</u>	<u>5</u>	<u>1</u>	<u>18</u>
SUBTOTAL	52	41	31	2	126
					45
					1
					<u>172</u>

NOT PLACED
Placement Information
Not Available

TOTAL

whose longest placement was six weeks or less were most likely to have left programs without being dismissed from them. (Clients whose longest placement was no more than six weeks accounted for 12 of the 35 placements ended because the client left.)

C. Infractions of ATI Requirements

Upon entering the ATI Program, clients were advised of the program requirements for attendance at sessions and placements, for arriving on time and for demonstrating other cooperative work habits, and, for not being rearrested. Contracts signed by the clients stated that they understood their responsibilities. Client files contained subsequent contracts that were sometimes signed after infractions to remind the client of his obligations. Infractions of the ATI requirements were to be reported to the court.

Over half of the ATI clients (54.7%) had infractions of program requirements that were reported to court. Most clients (32.6%) had infractions reported to court in just one progress report. Another 13.4% had two infractions reported and 8.7% of the clients had infractions noted in three to six of the progress reports CEP staff prepared for the courts (not shown).

By far, infractions concerning the client's behavior at supervision were known about and reported to the courts for more clients (34.9%) than were infractions concerning behavior at placements or placement interviews (7.6%). Rearrest incidents, external to both supervision and placements, were reported for almost one-fifth of the clients (18.6%).²

²Another type of infraction was also apparent to the court: failure to appear at court appearances. A total of 17 clients failed to appear on an intake or open case during their ATI participation. While these clients comprised about 10% of the cohort, their numbers were too small for separate analysis.

Clients having just one infraction reported to court were most likely to have a rearrest be the reported infraction (33.9%, Table V-8). Obviously, the report of one rearrest often ended a client's ATI participation. For those clients having multiple infractions reported, absenteeism was the most common reason.

Infractions were reported most often for those clients who were 16 years old at intake (73.8%, Table V-9), and least often for those 17 and 18 years old (43.1% and 48.7%). Clients who were in school at intake were less likely to have reported infractions (30.9%) than were clients employed (60.0%) or neither employed nor in school at intake (55.0%). Most of the reported infractions for the 16-year-old group were a result of rearrests (47.8% of all 16 year olds). For all other age groups, absences and lateness were the most common with clients who were 19 years old at intake and were most likely to have absences or lateness to supervision (or to placements) reported to the court (44.0%). Somewhat more clients employed at intake (46.7%) also had lateness or absences as reported infractions.

When infraction-reporting was considered in conjunction with other ATI participation measures, infraction reports were least likely for those clients who passed through all three levels of supervision (21.5%), for those with about the average length of ATI participation (25.1%), and, for those placed in a combination of employment and educational or training programs (24.9%, Table V-10). Absenteeism and lateness were most commonly reported as infractions for those clients whose level of supervision was never reduced from maximum supervision (62.5%), for those with the shortest participation in the ATI Program (61.0%) and, correspondingly, for those never placed in programs (55.6%). These clients quite likely did not progress through the Program because of their absences. Those clients with somewhat less than the required length of participation in the ATI Program, and those who were under maximum and medium

TABLE V-8

TYPE OF INFRACTION OF ATI REQUIREMENTS
BY NUMBER OF COURT REPORTS MENTIONING INFRACTIONS

COURT REPORTS OF INFRACTIONS:

<u>TYPE OF INFRACTION</u>	<u>1 REPORT</u>		<u>2-6 REPORTS</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
LATENESS OR LATENESS AND ABSENCES	3	5.4%	6	15.8%	9	9.6%
ABSENCES	26	46.4	22	57.9	48	51.1
REARREST	19	33.9	4	10.5	23	24.5
REARREST & ABSENCES OR LATENESS	3	5.4	6	15.8	9	9.6
OTHER	5	8.9	-	-	5	5.3
SUBTOTAL	56	100.0%	38	100.0%	94	100.0%
				NO INFRACTIONS	78	
				TOTAL	<u>172</u>	

TABLE V-9

INFRACTIONS OF ATI REQUIREMENTS BY AGE AND EMPLOYMENT STATUS AT INTAKE

(N=100.0%)	<u>% WITH NO INFRACTIONS</u>	<u>% WITH LATENESS AND/OR ABSENCES</u>	<u>% WITH REPORTED REARRESTS OR REARRESTS AND ABSENCES</u>	<u>% OTHER</u>	<u>SUBTOTAL % WITH ANY INFRACTION</u>
<u>AGE</u>					
16 YEARS OLD (23)	26.2%	26.0%	47.8%	(-)	73.8%
17 YEARS OLD (51)	56.9%	23.5%	15.7%	3.9%	43.1%
18 YEARS OLD (35)	51.3%	37.2%	8.6%	2.9%	48.7%
19 YEARS OLD (25)	40.0%	44.0%	16.0%	(-)	60.0%
20-21 YEARS OLD (38)	39.5%	39.4%	15.8%	5.3%	60.5%
<u>EMPLOYMENT AND SCHOOL STATUS AT INTAKE</u>					
EMPLOYED (30)	40.0%	46.7%	13.3%	(-)	60.0%
IN SCHOOL (29)	69.1%	10.3%	17.2%	3.4%	30.9%
NEITHER (89)	45.0%	31.5%	21.3%	2.2%	55.0%
Not Available (24)	25.0%	50.0%	16.6%	8.4%	75.0%

TABLE V-10

INFRACTIONS OF ATI REQUIREMENTS BY PROGRAM PARTICIPATION CHARACTERISTI

% WITH INFRACTIONS:

(N=100.0%) <u>LENGTH OF PARTICIPATION</u>	<u>% WITH NO INFRACTIONS</u>	<u>% WITH LATENESS AND/OR ABSENCES</u>	<u>% WITH REPORTED REARRESTS OR REARRESTS AND ABSENCES</u>	<u>% OTHER</u>	<u>SUBTOTAL % WITH ANY INFRACTIONS</u>
11-90 DAYS (41)	7.3%	61.0%	24.4%	7.3%	92.7%
91-180 DAYS (36)	24.9%	33.4%	38.9%	2.8%	75.1%
181-210 DAYS (56)	74.9%	19.7%	3.6%	1.8%	25.1%
211-495 DAYS (39)	61.5%	23.1%	15.4%	(-)	38.5%
<u>CHANGES IN SUPERVISION LEVEL</u>					
CHANGES TO MEDIUM & MINIMUM ^a (88)	78.5%	13.6%	6.8%	1.1%	21.5%
CHANGES TO MEDIUM ONLY (36)	19.4%	41.7%	38.9%	(-)	80.6%
NO CHANGE, MAXIMUM ONLY (48)	6.2%	62.5%	25.0%	6.3%	93.8%
<u>TYPE OF ATI PLACEMENT</u>					
EMPLOYMENT & SCHOOL OR TRAINING PROGRAM (52)	75.0%	15.3%	7.7%	1.9%	24.9%
EMPLOYMENT ONLY (41)	45.3%	36.6%	12.2%	4.8%	53.6%
SCHOOL AND/OR TRAINING PROGRAM (31)	41.9%	25.8%	32.3%	(-)	58.1%
OTHER	50.0%	(-)	(-)	50.0%	50.0%
NOT PLACED (45)	13.3%	55.6%	28.9%	2.2%	86.7%
Not Available (1)	(-)	100.0%	(-)	(-)	100.0%

^aIncludes one client who went from maximum to medium, later to minimum supervision and then back to maximum again.

^bIncludes six clients who went from maximum to medium supervision and then back to maximum again.

supervision only were most likely to have rearrests included among infractions reported to the court (38.9%). Rearrest was more likely to be reported as an infraction for those clients who were not placed (28.9%) and for those placed in school or training programs, but not in employment (32.3%) than for those with other placements.

D. Termination of ATI Participation

Over half of the clients entering the ATI Program in FY84 (57.6%) completed the Program successfully. (See Chapter I for CEP's criteria for successful termination.) More than one-third of the clients were terminated unsuccessfully (37.8%) and 13 clients (4.7%) received administrative discharges: two for addiction,³ six for non-participation in the Program and five because of incarceration or further detention on their intake case.

In FY84, CEP gave administrative discharges to cover three circumstances: for failure to attend sessions in the first month after intake, for transfer to another program, and for clients who were doing well in the program, but who were incarcerated (see Chapter I). For the purposes of analysis, those clients transferred to treatment programs in FY84 were considered "successful" terminations while all other administrative discharges were considered "unsuccessful" terminations (see footnote 3 above). Current CEP practice gives administrative discharges only to those clients failing to attend

³Both clients discharged from the ATI Program for addiction were placed in treatment programs. Subsequent analyses that refer only to successful or unsuccessful termination from the program will treat these clients as "successful" because of their placements, bringing the total proportion of successful terminations to 58.7%. This interpretation is consistent with CEP's description of these discharges as being "non-negative" outcomes in their Annual Report, FY84. The other types of administrative discharges, according to the Annual Report were also considered by CEP as "non-negative" outcomes, but will be treated as "unsuccessful" in subsequent analysis to distinguish them from successful completions. The reasons for their discharges generally overlap with clients receiving unsuccessful terminations; the two types of exit were distinguished more by their length of participation in the program.

sessions and has increased the applicable time frame for administrative discharge for poor attendance to two months. Clients transferred to another program now have "successful-transfer" as their exit type, while those doing well in the program, but incarcerated are now considered more broadly as "successful" terminations.

1. Successful versus Unsuccessful Termination and ATI Participation

a) Reason for Unsuccessful Termination

The most common reasons for unsuccessful termination, were lack of cooperation, poor attendance, or both (20.4%) followed by rearrest or a combination of rearrest and uncooperative behavior (18.0%). Three clients who never had infractions reported to court were eventually terminated "unsuccessfully" from the ATI Program. These clients were incarcerated on their intake cases and were administratively discharged from the Program (see footnote 3). Two others receiving such discharges also had infractions reported to court. In contrast, most clients who did have infractions reported to the courts were terminated unsuccessfully from the ATI Program. The type of infractions of ATI requirements that were reported to court for these clients were related to the stated reasons for unsuccessful termination. (Table V-11).

Nevertheless, about one-third (31.6%) of the clients who had infractions reported to court were successfully terminated when the infractions concerned lateness or absenteeism. When the reported infraction was a rearrest incident, however, less than one in six (15.6%) clients successfully completed the ATI Program. Rearrest was an additional reason for the termination of four clients (7.0%) who had been cited for other infractions prior to their termination from the ATI Program.

TABLE V-11

REASONS FOR UNSUCCESSFUL EXIT FROM THE ATI PROGRAM BY TYPES OF INFRACTIONS OF ATI REQUIREMENTS

UNSUCCESSFUL EXIT REASONS:	ABSENCES & LATENESS OR BOTH		REARREST		REARREST & LATENESS OR ABSENCES		SUBSTANCE ABUSE		OTHER		NO INFRACTIONS		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NO OR POOR ATTENDANCE	13	22.8%	-	-	-	-	-	-	-	-	-	-	13 ^a	7.6%
LACK OF COOPERATION & POOR ATTENDANCE	22	38.6	-	-	-	-	-	-	-	-	-	-	22 ^b	12.8
INCARCERATED	-	-	-	-	-	-	-	-	2	66.7%	3	3.8%	5 ^c	2.9
REARRESTED	-	-	12	52.2%	4	44.4%	-	-	-	-	-	-	16	9.3
LACK OF COOPERATION & REARRESTED	4	7.0	6	26.1	5	55.6	-	-	-	-	-	-	15	8.7
SUBTOTAL UNSUCCESSFUL	39	68.4%	18	78.3%	9	100.0%	-	-	2	66.7%	3	3.8%	71	41.3%
TREATMENT PROGRAM (Admin. Discharge)	-	-	-	-	-	-	2	100.0%	-	-	-	-	2	1.2
SUCCESSFUL	18	31.3	5	21.7	-	-	-	-	1	33.3	75	96.2	99	57.6
TOTAL	57	100.0%	23	100.0%	9	100.0%	2	100.0%	3	100.0%	78	100.0%	172	100.0%

^aFour of the 13 clients received administrative discharges rather than unsuccessful terminations.

^bTwo of the 22 clients received administrative discharges rather than unsuccessful terminations.

^cAll five clients received administrative discharges. CEP currently "successfully" terminates clients incarcerated on previous or intake cases and other wise doing well in the ATI Program. See Section V.D.

b) Length of ATI Participation and Type of Termination

The median time spent in the ATI Program for those successfully completing it was 194.0 days, or about six and one half months. Those clients terminated unsuccessfully from the ATI Program were in the Program for a median of 84.3 days, less than half the median time for those completing the Program. When the average number of days in the Program was compared for the two groups, similar differences were observed: 211.5 days for those completing the program successfully versus 92.7 days for those terminated unsuccessfully from the program. Less than one in ten (7.7%) of the clients in the ATI Program more than seven months were terminated unsuccessfully from the ATI Program. In contrast, a smaller proportion (2.4%) of those in the Program three months or less completed the Program successfully.

On average, those clients successfully completing the ATI Program had about 20 more scheduled supervision sessions with CEP staff than did those unsuccessfully terminated from the ATI Program. Clients successfully completing the ATI Program averaged 77.5 scheduled sessions with a median 71.2 sessions while those terminated unsuccessfully from the program averaged 55.1 scheduled sessions with a median of 50.8 sessions. There was then a smaller percentage increase in the number of scheduled sessions for those successfully completing the Program compared to those clients terminated unsuccessfully from the Program, despite the fact that those successfully completing the Program spent more than twice the average time in it.⁴

These figures reflected the lower number of scheduled sessions in the medium and minimum levels of supervision more prevalent among those successfully completing

⁴As discussed in Section V.A., however, information on scheduled sessions was unavailable for more clients who never left maximum supervision, most of whom were unsuccessfully terminated from the ATI Program. Since under maximum supervision more sessions were scheduled, the average may be skewed too low. But, it was also demonstrated that those clients never leaving maximum supervision tended to have infractions of absenteeism and shorter periods of participation than did those who moved to lower supervision levels. These factors would be consistent with a lower average number of scheduled sessions.

the program. In fact, the rate of successful completion of the ATI Program increased with the number and types of levels of supervision through which a client progressed. Overall, the rate of successful termination from the ATI Program for those never leaving maximum supervision was 4.2% (Table V-12). In contrast, one-third of the clients never placed under minimum supervision (i.e., placed under maximum and medium supervision only) finished the Program successfully (33.3%) while 98.9% of those clients progressing through all three levels of supervision successfully completed the ATI Program. The average length of participation (both mean and median days) similarly increased with the number of levels of supervision through which a client progressed.

The types of programs in which clients were placed as a result of their ATI participation clearly distinguished those clients likely to complete the ATI Program successfully from those terminated unsuccessfully. Only three of the clients never placed (6.7%) finished the ATI Program successfully. Almost three-fifths of those placed in educational or training programs (58.1%) and about three-fourths of those placed in employment (73.2%) completed the ATI Program successfully. The success rate for those placed in educational or training programs, in addition to employment, was higher: More than nine out of ten clients (92.3%) finished the Program successfully. Higher success rates were again correlated with longer lengths of participation in the ATI Program.

2. Type of Termination and Client Characteristics

Consistent with the findings concerning reported infractions, proportionately fewer 16-year-old clients (43.5%), and clients employed at intake (53.3%) successfully completed the ATI Program relative to other clients. Those clients who were 17 (62.7%) or 18 (68.6%) years old, and those in school at intake (72.4%), on the other hand, were more likely to complete the ATI Program successfully. As Section V.B. demonstrated,

TABLE V-12

RATE OF SUCCESSFUL COMPLETION OF THE ATI PROGRAM AND
AVERAGE LENGTH OF PARTICIPATION BY ATI PARTICIPATION CHARACTERISTICS

(N=100.0%)	<u>LENGTH OF PARTICIPATION</u>		
	<u>%</u> <u>SUCCESSFUL</u>	<u>MEAN</u> <u>DAYS</u>	<u>MEDIAN</u> <u>DAYS</u>
<u>CHANGE IN</u> <u>SUPERVISION LEVEL</u>			
CHANGES TO MEDIUM AND MINIMUM ^a (88)	98.9%	213.8	194.5
CHANGE TO MEDIUM ONLY ^b (30)	33.3%	156.6	173.5
NO CHANGE, MAXIMUM ONLY (48)	4.2%	72.7	63.5
<u>TYPE OF PLACEMENT</u>			
EMPLOYMENT AND SCHOOL OR TRAINING PROGRAM (52)	92.3%	222.9	202.5
EMPLOYMENT ONLY (41)	73.2%	177.9	185.5
SCHOOL AND/OR TRAINING PROGRAM (31)	58.1%	173.8	184.0
OTHER (2)	100.0%	126.5	126.5
NOT PLACED (45)	6.7%	74.7	62.8
Not Available (1)	-	50.0	50.0

^aIncludes one client who went from maximum to medium, later to minimum supervision and then back to maximum again.

^bIncludes six clients who went from maximum to medium supervision and then back to maximum again.

these latter clients were also most likely to be placed in employment, and, in addition, to have completed training or other educational programs; such placements were also associated with successful completion of the ATI Program. (See Table V-13.)

Successful outcomes were also related to self-reported frequency of drug use. Three-quarters of the clients reporting that they never used drugs completed the ATI Program successfully (75.0%) compared with about two-thirds of those reporting occasional use of drugs (68.7%) or only using them on weekends (65.5%) and just over half of those reporting daily drug use (51.8%). Frequency of drug use, however, was unavailable for two-fifths of those clients terminated unsuccessfully from the program. The type of drugs clients reported using was unrelated to successful ATI Program completion.

When the prior criminal justice system involvement of the ATI clients was considered, more than two-thirds of those arrested for the first time for their sample offense (68.9%) completed the ATI Program successfully while about half that proportion (37.9%) of those with prior convictions at the time of their sample arrest had successful outcomes. In between these two groups, clients who had pending cases, but no convictions, fared somewhat better than those without pending cases (60.3% and 55.6%, respectively).⁵

3. Type of Termination and Intake Case Characteristics

Successful completion of the ATI Program was unrelated to having pending cases at intake, but those clients with multiple intake cases (n=23) were more likely to complete the program successfully (73.9%) than were the majority of clients with one

⁵When the criminal history information coded as of the intake date was examined, two of the eight clients with felony convictions at that date completed the ATI Program successfully. The highest success rate (90.0%) was observed for those clients for whom rap sheets were unavailable. This finding reinforced the belief that these clients had less severe criminal histories and had their previous records sealed.

TABLE V-13

RATE OF SUCCESSFUL COMPLETION OF THE ATI PROGRAM AND
AVERAGE LENGTH OF PARTICIPATION BY SELECTED CLIENT CHARACTERISTICS

(N=100.0%)		<u>LENGTH OF PARTICIPATION</u>		(N=100.0%)	<u>LENGTH OF PARTICIPATION</u>		
	<u>% SUC- CESSFUL</u>	<u>MEAN DAYS</u>	<u>MEDIAN DAYS</u>		<u>% SUC- CESSFUL</u>	<u>MEAN DAYS</u>	<u>MEDIAN DAYS</u>
1. <u>AGE</u>				3. <u>FREQUENCY OF DRUG USE</u>			
16 YEARS OLD (23)	43.5%	157.8	121.0	DAILY (27)	51.8%	166.9	181.8
17 YEARS OLD (51)	62.7%	164.2	185.0	WEEKENDS (29)	65.5%	186.2	189.0
18 YEARS OLD (35)	68.6%	180.8	185.8	OCCASIONALLY (48)	88.7%	171.2	185.5
19 YEARS OLD (25)	56.0%	168.3	200.8	NEVER USED DRUGS (20)	75.0%	162.3	184.5
20-21 YEARS OLD (38)	55.3%	142.1	169.5	Not Available (48)	41.7%	136.9	103.5
2. <u>EMPLOYMENT AND SCHOOL STATUS AT INTAKE</u>				4. <u>CRIMINAL HISTORY</u>			
EMPLOYED OR EMPLOYED AND IN SCHOOL (30)	53.3%	158.3	179.5	FIRST ARREST (58)	68.9%	166.9	185.0
SCHOOL ONLY (29)	72.4%	181.4	186.3	NO CONVICTION (27)	55.6%	186.2	185.0
NEITHER (89)	60.7%	166.6	183.4	OPEN CASES ONLY (58)	60.3%	171.2	183.5
Not Available (24)	41.7%	129.3	103.5	ANY CONVICTION (27)	37.9%	162.3	138.0
				Not Available (2)	50.0%	136.9	101.5

intake case (56.3%, not shown). The court processing status of the intake case was also related to successful completion of the ATI Program. Those clients who entered the ATI Program at or after conviction were more likely to complete the Program successfully (63.5%) than were those clients entering the Program predisposition (55.8%) or those who had a possible violation of probation pending in Supreme Court at intake (40.9%, Table V-14).

The type of intake case (i.e., its charge at intake) was also related to successful completion of the Program. Clients whose most severe charge at intake was a robbery offense were more likely to complete the program successfully (67.0%) than were those charged with burglary (54.3%) or with some other offense (44.7%). Clients whose top intake charge was a C felony (44.6%) were less likely to complete the ATI Program successfully than were those charged with either more severe (68.8%) or less severe (63.0%) felonies.

E. Summary of ATI Participation

Overall, the majority of the clients entering the ATI Program during FY84 did complete the Program successfully (58.7%). The following picture emerged concerning successful participation in the ATI Program. Successful participation was more likely among those clients completing the ATI Program closest to the median time (183.2 days, roughly six months), who also tended to have about the average number of scheduled supervision sessions (about 80), to have been promoted to minimum supervision within that period of time, and to attend the sessions more frequently than did those clients having fewer sessions scheduled (although few clients attended all scheduled sessions). These "average" clients were also more likely to be placed in multiple programs and to have a placement that continued at exit. The rate at which infractions of ATI requirements were reported to court was less for these clients than for others, and those infractions reported were less likely to include a rearrest.

TABLE V-14

RATE OF SUCCESSFUL COMPLETION OF THE ATI PROGRAM AND
AVERAGE LENGTH OF PARTICIPATION BY INTAKE CASE CHARACTERISTICS

<u>PROCESSING STAGE OF INTAKE CASE</u>	<u>% SUC- CESSFUL</u>	<u>LENGTH OF PARTICIPATION</u>	
		<u>MEAN DAYS</u>	<u>MEDIAN DAYS</u>
(N=100.0%)			
PRE-PLEA (52)	55.8%	170.6	179.5
AT OR AFTER PLEA (96)	63.5%	166.1	185.0
VIOLATION OF PROBATION ^a (22)	40.9%	129.0	90.5
Not Available (2)	100.0%	140.5	140.5
<u>INTAKE CHARGE</u>			
ROBBERY (97)	67.0%	182.0	185.7
BURGLARY (35)	54.3%	139.4	179.0
ALL OTHERS (38)	44.7%	140.6	145.5
Not Available (2)	-	34.0	34.0
<u>SEVERITY OF INTAKE CHARGE</u>			
B FELONY (64)	68.8%	190.6	185.0
C FELONY (56)	44.6%	142.0	157.5
D OR E FELONIES (46)	63.0%	154.0	182.8
MISDEMEANORS (4)	75.0%	158.3	172.0
Not Available (2)	-	34.0	34.0

^aIncludes six clients where there was court activity on a rearrest in Criminal Court only. The violation of probation for the Supreme Court was not filed, pending the outcome of the rearrest.

Factors associated with this "successful" client included age and employment and school status at intake. The youngest clients, those 16 years old at intake, fared less well during their ATI participation than did 17- and 18-year-old clients. Clients in school at the time they entered the ATI Program did better than those employed at intake. Those employed at intake were likely to be terminated from the Program because of lack of cooperation and absenteeism. Clients neither in school nor employed at intake, however, were placed in programs, but tended to be reported for rearrests. Those clients charged with robbery at intake, those arrested for the first time, and those without convictions prior to their sample arrest were more likely to complete the Program successfully. Clients entering the Program after conviction and before sentencing, the primary targeted group for ATI efforts, in fact, were more successful than those entering the Program predisposition or on a potential violation of probation.

The impact of changing supervision levels during ATI participation on successful participation suggests, that, on the one hand, CEP staff correctly identified those clients who perhaps needed more counseling and supervision and maintained intensive supervision on them. But, on the other hand, continuing these clients under more stringent reporting requirements did not often appear, in the long run, to lead to a successful outcome. Those clients never leaving maximum supervision with its daily reporting requirements tended to leave the program after a short period of participation and to be rearrested.

VI

Client Status at Termination and Court Outcomes

A. Introduction

The previous chapter described a client's participation in the ATI Program and his termination from it. This Chapter now turns to the client and court outcomes and how they were related to the level of a client's participation in the ATI Program. Specifically, Section VI.A. compares a client's employment and school status and his welfare status at exit to those respective statuses at intake. Court outcomes, including the sentence imposed on the most severe intake case, are the subject of the subsequent two sections.

Section VI.C. compares the actual court outcomes these clients received with those desired at intake by CEP as described in Chapter IV. This section also includes a discussion of the variation in the types of participation and exit from the Program that were related to prison or non-prison outcomes. These outcomes are also associated with client and intake case characteristics.

Section VI.D. addresses a larger issue concerning the court outcomes: To what extent do non-jail outcomes reflect the successful intervention of the ATI Program in an otherwise jail-bound group? This section first identifies a group of offenders, matched to ATI clients for age, criminal history and charge, and briefly describes their court outcomes. The extent to which these offenders without an ATI Program were incarcerated would suggest the strength of the impact of CEP intervention. These outcomes are then viewed as expected outcomes for the ATI clients and are compared to the actual outcomes they received. The implications of this comparison for incarceration cost savings are also presented. This discussion is followed by a summary in Section VI.E.

B. Changes in Client Status at Exit Compared to Intake and Type of Termination

1. Employment and School Status at Exit

Over half (54.8%) of the clients entering the ATI Program in FY84 were in school, training programs, employment or some combination of these placements at the time they left the ATI Program, compared to 39.9% at intake, an increase of 14.9 percentage points. Another 1.8% of the clients for whom this information was available were in other types of placements: treatment programs or volunteer tutoring programs. More than one-fifth (22.1%) of the clients were unemployed and in neither school nor training programs while 13.9% of the clients were incarcerated at exit and thereby ineligible for placement.

Clients who were employed or in school programs at intake tended to be found in the same type of placement at exit. But these placements were rarely exactly the same as those in which the clients were found at intake. Most of the clients not placed or ineligible for placement at exit were neither in school nor employed when their ATI participation began. (See Table VI-1). Nevertheless, 53.4% of the clients not in school nor employed at intake were in school or training programs, were employed, or had a combination of these placements at exit.

Eight clients continued only in their pre-ATI placements at exit. The remaining 87 clients placed at exit continued in at least one ATI placement, sometimes in addition to their pre-ATI placement. Thus, even those clients who had been employed at intake received new job placements, which continued at exit and those in school at intake received additional training, tutoring, or schooling which continued at exit.

The type of placement clients received during their ATI participation was therefore related to their school and employment status at exit (Table VI-2). In addition, two-thirds of those clients not placed by CEP were no longer in pre-CEP placements at exit (or had none in which to continue). The likelihood of a client being incarcerated

TABLE VI-1

EMPLOYMENT AND SCHOOL STATUS AT EXIT BY EMPLOYMENT AND SCHOOL STATUS AT INTAKE

STATUS AT INTAKE:

STATUS AT EXIT:	<u>EMPLOYED^a</u>		<u>IN SCHOOL ONLY</u>		<u>NEITHER</u>		<u>SUBTOTAL</u>		<u>Not Available</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
EMPLOYED AND SCHOOL OR TRAINING PROGRAM	3	10.3%	4	13.8%	8	9.1%	15	10.3%	1	5.0%	16	9.6%
EMPLOYED	13	44.8	5	17.2	27	30.7	45	30.8	5	25.0	50	30.1
SCHOOL OR TRAINING PROGRAM	-	-	11	37.9	12	13.6	23	15.8	2	10.0	25	15.1
JOB SEARCH	1	3.4	3	10.3	6	6.8	10	6.8	1	5.0	11	6.6
OTHER	1	3.4	-	-	1	1.1	2	1.4	1	5.0	3	1.8
UNEMPLOYED	7	24.1	1	3.4	22	25.0	30	20.5	8	40.0	38	22.9
INCARCERATED	4	13.8	5	17.2	12	13.6	21	14.4	2	10.0	23	13.9
SUBTOTAL	29	100.0%	29	100.0%	88	100.0%	146	100.0%	20	100.0%	166	100.0%
Not Available	1		-		1		2		4		6	
TOTAL	30		29		89		148		24		172	

^aIncludes three clients who were both in school and employed.

TABLE VI-2

EMPLOYMENT AND SCHOOL STATUS AT EXIT BY TYPE OF ATI PLACEMENT

STATUS AT EXIT	EMPLOYED AND SCHOOL OR TRAINING		EMPLOYMENT ONLY		SCHOOL AND/OR TRAINING		OTHER		NOT PLACED		Not Available	TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	N	%
EMPLOYED AND SCHOOL OR TRAINING PROGRAM	13	25.0%	1	2.6%	1	3.4%	-	-	1 ^a	2.3%	-	16	9.6%
EMPLOYED	19	36.5	28	71.8	1	3.4	-	-	2 ^a	4.5	-	50	30.1
SCHOOL OR TRAINING PROGRAM	10	19.2	1 ^a	2.6	13 ^b	44.8	-	-	1 ^c	2.3	-	25	15.1
JOB SEARCH	5	9.6	1	2.6	4	13.8	-	-	1	2.3	-	11	6.6
OTHER	-	-	1	2.6	-	-	2	100.0	-	-	-	3	1.8
UNEMPLOYED	3	5.8	2	5.1	3	10.3	-	-	30	68.2	-	38	22.9
INCARCERATED	2	3.8	5	12.8	7	24.1	-	-	9	20.5	-	23	13.9
SUBTOTAL	52	100.0%	39	100.0%	29	100.0%	2	100.0%	44	100.0%	-	166	100.0%
Not Available	-	-	2	-	2	-	1	-	1	-	1	6	-
TOTAL	52	-	41	-	31	-	2	-	45	-	1	172	-

at exit was greater for these clients and for those placed only in school or training programs, than for those receiving job placements.

Not surprising was the finding that being placed at exit was related to successful termination. All clients employed as well as being in school or training programs at exit, and all of those actively looking for work at exit, were terminated successfully from the ATI Program (Table VI-3). Four-fifths of the clients continuing in school or training programs, or just in employment also completed the ATI Program successfully. In contrast, just two of the clients unemployed at exit (5.3%) finished the ATI Program successfully.

2. Welfare Status at Exit

Ten (10) of the 26 clients on welfare when their ATI participation began received no public assistance at exit. Two clients not on welfare at intake, however, did receive some form of public assistance at exit, bringing to 18 the known number of clients on welfare at exit. (Data on exit welfare status were not available for 44 clients). Although the number of clients on welfare was small, it did appear that those known to be on welfare at exit were less likely to complete the ATI Program successfully (8 of 18 did, 44.4%) than were those not on welfare at the time their ATI participation ended (63 of 109 or 57.8%).

Five of the ten clients no longer receiving public assistance at exit were neither in school nor employed at intake. Those clients no longer receiving welfare, however, generally were placed at exit. Seven of the ten clients were employed or employed in addition to attending a training or educational program at the end of their ATI participation. Another client, though not employed at exit, was actively looking for a job and one other client had some other placement.

TABLE VI-3

REASONS FOR UNSUCCESSFUL EXIT FROM THE ATI PROGRAM BY EMPLOYMENT AND SCHOOL STATUS AT EXIT

	EMPLOYMENT & SCHOOL OR TRAINING		EMPLOYED		SCHOOL AND/ OR TRAINING PROGRAM		JOB SEARCH		OTHER		UN- EMPLOYED		INCAR- CERATED		Not Available	TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	N	%
UNSUCCESSFUL EXIT:																	
REASONS:																	
NO OR POOR ATTENDANCE	-	-	1	2.0%	1	4.0%	-	-	-	-	11	28.9%	-	-	-	13 ^a	7.6%
LACK OF COOPERATION & POOR ATTENDANCE	-	-	3	6.0	-	-	-	-	-	-	16	42.1	1	4.3%	2	22 ^b	12.8
INCARCERATED	-	-	-	-	-	-	-	-	-	-	-	-	5	21.7	-	5 ^c	2.9
REARRESTED	-	-	-	-	2	8.0	-	-	-	-	2	5.3	11	47.8	1	16	9.3
LACK OF COOPERATION & REARRESTED	-	-	3	6.0	1	4.0	-	-	-	-	7	18.4	2	8.7	2	15	8.7
SUBTOTAL UNSUCCESSFUL	-	-	7	14.0%	4	16.0%	-	-	-	-	36	94.7%	19	82.6%	5	71	41.3%
TREATMENT PROGRAM	-	-	-	-	-	-	-	-	2	66.7%	-	-	-	-	-	2	1.2
SUCCESSFUL EXIT	16	100.0%	43	86.0	21	84.0	11	100.0%	1	33.3	2	5.3	4	17.4	1	99	57.6
TOTAL	16	100.0%	50	100.0%	25	100.0%	11	100.0%	3	100.0%	38	100.0%	23	100.0%	6	172	100.0%

^aFour of the 13 clients received administrative discharges rather than unsuccessful terminations.

^bTwo of the 22 clients received administrative discharges rather than unsuccessful terminations.

^cAll five clients received administrative discharges. CEP currently "successfully" terminates clients incarcerated on previous or intake cases and otherwise doing well in the ATI Program. See Section V.D.

C. Court Outcomes Associated with ATI Participation

As stated in Section IV, for nine out of ten clients entering the ATI Program in FY84, CEP staff hoped to obtain sentences of probation or to have probation restored for those potentially to be found in violation of probation on the client's intake cases.¹ For other clients, CEP staff hoped ATI participation would influence sentencing judges to reduce jail time or to have conditional discharges imposed, or to influence release conditions and have clients released on their own recognizance. These desired outcomes at intake depended on the severity of the charge and the court status of the intake case. (See Table IV-5 and Chapter IV). In addition, CEP staff hoped to obtain youthful offender (YO) status for 99 of the 172 clients entering the ATI Program during FY84.

1. Actual Outcomes versus Those Desired At Intake

Regardless of the sentence actually imposed, almost half (84 clients or 48.8%) of the clients entering the ATI Program in FY84 had YO status granted on their most severe intake case. This figure includes seven out of ten (69.7%) of those for whom CEP actively sought this status (not shown). When only those in the 16- through 18-year-old age group (the YO eligible ages) were considered, 71 (65.1%) of the 109 clients in that age range received YO treatment. This was about 10 percentage points lower than CEP had hoped for this age group. Most of the remaining clients (11 of 13) granted YO treatment were 19 years old at intake (see Chapter IV).

When those successfully completing the ATI Program were examined, the correspondence between the desire for YO treatment by CEP at intake and actual YO outcomes at sentencing increased (although the number of clients within some of the YO-eligible age groups was quite small). All eight 16-year-old clients successfully

¹Similar, reduced sentences were sought on open cases, most often misdemeanor cases, in addition to the client's more severe intake cases. See Chapter IV.

completing the Program and for whom such treatment was a desired outcome of participation at intake were granted YO treatment. YO status was also granted for 21 of the 24 17-year-old clients and 15 of the 19 18-year-old clients who completed the Program successfully and for whom CEP sought such treatment at intake.

Most clients (64.9%) did receive sentences of probation on their most severe intake case while less than one in three (28.7%) received sentences that included some period of incarceration.² Two thirds (67.1%) of those clients for whom probation or the restoration of probation were sought received probation as the sentence on their most severe intake case. Conditional discharges were granted for another 3.2% of these clients. One quarter of the clients (26.5%) for whom probation sentences were sought at intake, however, received sentences of imprisonment. (See Table VI-4.)

Table VI-5 presents the amount of prison or jail time imposed on all clients sentenced to imprisonment or to imprisonment and probation on their intake cases (n=49). While the majority (55.1%) of these clients were sentenced to felony time (indeterminate sentences of more than one year), one fifth (20.4%) of the clients were sentenced to a minimum of just one year. As most incarcerated offenders tend to be imprisoned near the minimum time imposed on their cases, this brings to almost two-thirds (65.3%) the proportion of clients sentenced to imprisonment who would be likely to be incarcerated for one year or less. Nevertheless, almost one-fifth of the clients sentenced to imprisonment (18.4%) had minimum prison terms imposed ranging from two to four years with maximum terms reaching as high as twelve years.

For 42 of the 49 clients sentenced to imprisonment, CEP had sought some other sentence at intake. Information on the alternate maximum prison time promised in

²This number may have underestimated clients receiving imprisonment and probation since client files did not consistently record these sentences, if the client's pretrial detention satisfied the imprisonment time. Such split sentences are usually imposed in relatively few cases; it is unlikely that the conclusion presented would be altered, if more complete information was available.

TABLE VI-4

FINAL COURT OUTCOME ON MOST SEVERE INTAKE CASE BY DESIRED EFFECT OF ATI PARTICIPATION

<u>COURT OUTCOME:</u>	<u>DESIRED EFFECT:</u>												
	<u>PROBATION</u>		<u>CONDITIONAL DISCHARGE</u>		<u>REDUCED JAIL</u>		<u>RELEASE ON RECOGNIZANCE</u>		<u>SUBTOTAL</u>		<u>Not Available</u>	<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>N</u>	<u>%</u>
<u>INCARCERATION:</u>													
IMPRISONMENT	33	21.3%	1	50.0%	4	57.1%	-	-	38	22.8%	2	40	23.4%
IMPRISONMENT & PROBATION	8	5.2	-	-	1	14.3	-	-	9	5.4	-	9	5.3
SUBTOTAL INCARCERATION	41	26.5%	1	50.0%	5	71.4%	-	-	47	28.1%	2	49	28.7%
<u>NO INCARCERATION:</u>													
PROBATION	104	67.1	1	50.0	2	28.6	2	66.7	109	65.3	2	111	64.9
CONDITIONAL DISCHARGE	5	3.2	-	-	-	-	1	33.3	6	3.6	-	6	3.5
SUBTOTAL, NO INCARCERATION	109	70.3%	1	50.0%	2	28.6%	3	100.0%	115	68.9%	2	117	68.4%
ABATED	1	0.6	-	-	-	-	-	-	1	0.6	-	1	0.6
NO SENTENCE, WARRANT ORDERED	2	1.3	-	-	-	-	-	-	2	1.2	-	2	1.2
NO CONVICTION	2	1.3	-	-	-	-	-	-	2	1.2	-	2	1.2
SUBTOTAL	155	100.0%	2	100.0%	7	100.0%	3	100.0%	167	100.0%	4	171	100.0%
Not Available	1		-		-		-		1		-	1	
TOTAL	156		2		7		3		168		4	172	

TABLE VI-5

SENTENCE AMOUNTS FOR ATI CLIENTS
WHO WERE SENTENCED TO TIME ON THEIR MOST SEVERE INTAKE CASES

<u>DETERMINATE SENTENCES:</u>	<u>N</u>	<u>%</u>
INTERMITTENT TIME ONLY	1	2.0%
4 MONTHS OR LESS	6	12.2%
MORE THAN 4 MONTHS	7	14.3%
1 YEAR	8	16.3%
SUBTOTAL DETERMINATE	<u>22</u>	<u>44.9%</u>
 <u>INDETERMINATE SENTENCES:</u>		
1 YEAR MINIMUM; MAXIMUM: 3 YEARS	10	20.4%
1 YEAR 4 MONTHS TO 1 YEAR 6 MONTHS MINIMUM; MAXIMUM: 4 YEARS	8	16.3%
2 - 4 YEARS MINIMUM; MAXIMUM: 5-12 YEARS	9	18.4%
SUBTOTAL INDETERMINATE	<u>27</u>	<u>55.1%</u>
TOTAL SENTENCED TO IMPRISONMENT	<u>49</u>	<u>100.0%</u>

court at the time of CEP intervention revealed that 17 clients (40.5%) did receive maximum sentences that were less than promised before entering ATI. Another seven clients received the promised sentence. Six clients actually received longer sentences than promised before CEP intervention.³ In addition, of the five clients receiving prison sentences⁴ and for whom reduced jail time was sought, two received a lesser sentence than was promised before CEP intervention and one client received the previously promised amount of time. (No plea offer had been made for the remaining two clients before they entered the ATI Program.)

Summary. For clients entering CEP's Alternatives-to-Incarceration Program in FY84, most clients did have sentences other than incarceration, usually probation (64.9%), imposed on their most severe intake case. The amount of prison time imposed on those clients receiving prison sentences was generally one year or less. About two-fifths (38.8%) of the clients (19 clients total) sentence to imprisonment received maximum prison times that were less than that promised before entering the ATI Program. The next section focuses on who received probation sentences.

2. Probation Outcomes and Program Participation

Clients successfully completing the ATI Program were at least twice as likely as those unsuccessfully terminated from the ATI Program to receive a sentence of probation, regardless of the reason for the other termination. More than four-fifths (83.2%)

³Information on the alternate sentence offer was not available for 11 clients, eight of whom were alternative-to-detention clients, i.e., the court status of their intake case was preplea.

⁴Throughout the remainder of this report, "prison sentences" will be used to refer to either jail or prison sentences.

of those successfully completing the program were sentenced to probation. (See Table VI-6.) Another 3.8% received conditional discharges or probation and some other sentence, but not incarceration.

In contrast, less than two-fifths (38.0%) of those unsuccessfully terminated received probation sentences. (See Table VI-6 and Graph VI-1.) Two-fifths (41.9%) of those terminated from the ATI Program for reasons that included a rearrest received probation and somewhat fewer of those terminated for other reasons (37.1%) received probation as a sentence. These clients (dismissed from the ATI Program because of a rearrest) were most likely to receive prison sentences on their most severe intake case (54.8%). Just five clients who completed the ATI Program successfully were sentenced to imprisonment and another six received sentences of imprisonment and probation (11.0%, taken together, not shown). Underscoring this and previous findings concerning successful completion of the ATI Program and length of participation in the program, was the dramatic increase in the probability of probation sentences for those participating in the Program over six months: two-fifths of those participating in the ATI Program between three and six months (42.1%) received probation sentences while nine in ten of those completing the Program within the seventh month after intake received probation sentences (90.6%) and four in five of those in the Program longer than seven months (80.0%) received probation sentences.

Reinforcing the relationship between program participation and successful completion of the ATI Program already described, the likelihood of a probation sentence was inversely related to the number of levels of supervision through which a client progressed. Those clients who advanced through all three levels of supervision during their participation were more likely to receive probation sentences (80.7%) than were those under maximum and medium supervision only (66.7%) or those who never left maximum supervision (33.3%). Similarly, clients who were placed in programs during their ATI participation received probation sentences more frequently than did those not placed; but, the type of placement made little difference in the likelihood of such

TABLE VI-6

PROBATION OUTCOMES ON MOST SEVERE INTAKE CASE
BY PROGRAM PARTICIPATION CHARACTERISTICS

<u>UNSUCCESSFUL EXIT REASONS:</u>	<u>N=100.0%</u>	<u>% SENTENCED^a TO PROBATION</u>
NO & POOR ATTENDANCE/LACK OF COOPERATION & POOR ATTENDANCE	35	37.1%
INCARCERATED	5	20.0%
REARRESTED/REARRESTED AND LACK OF COOPERATION	31	41.9%
SUBTOTAL UNSUCCESSFUL	<u>71</u>	38.0%
SUCCESSFUL EXIT	101	83.2%
<u>LENGTH OF PARTICIPATION</u>		
11-90 DAYS	41	36.6%
91-180 DAYS	38	42.1%
181-210 DAYS	53	90.6%
211-496 DAYS	40	80.0%
<u>CHANGE IN SUPERVISION LEVEL</u>		
CHANGES TO MEDIUM AND MINIMUM ^b	88	80.7%
CHANGE TO MEDIUM ONLY ^b	36	66.7%
NO CHANGE, MAXIMUM ONLY ^c	48	33.3%
<u>TYPE OF ATI PLACEMENT</u>		
EMPLOYMENT & SCHOOL OR TRAINING PROGRAM	52	75.0%
EMPLOYMENT ONLY	41	75.6%
SCHOOL AND/OR TRAINING PROGRAM	31	80.6%
OTHER	2	100.0%
NOT PLACED	45	31.1%
Not Available	1	-

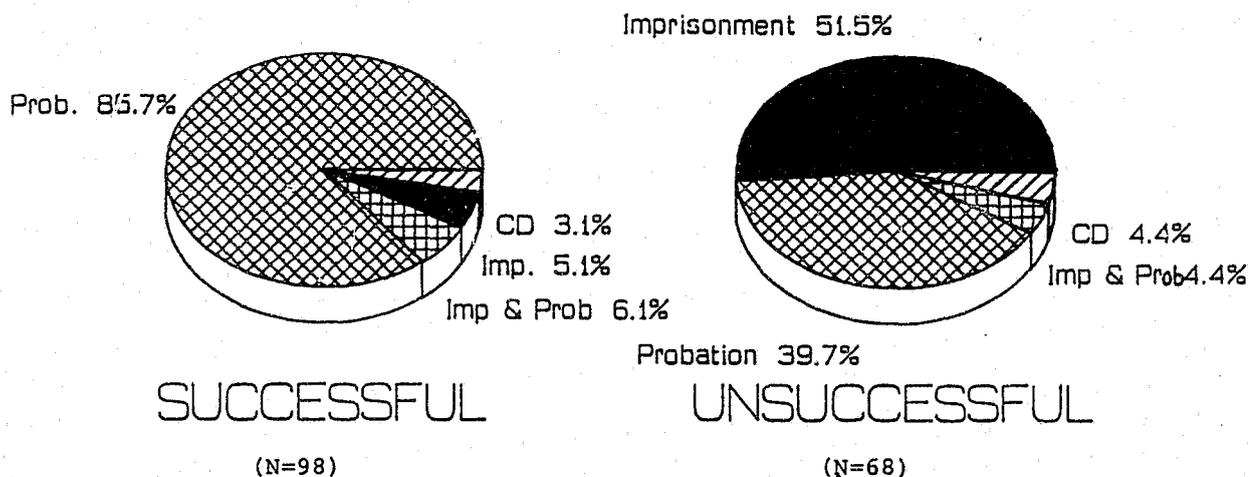
^aAn additional 3.5% of the 172 clients received conditional discharges.

^bIncludes one client who went from maximum to medium, later to minimum supervision and then back to maximum again.

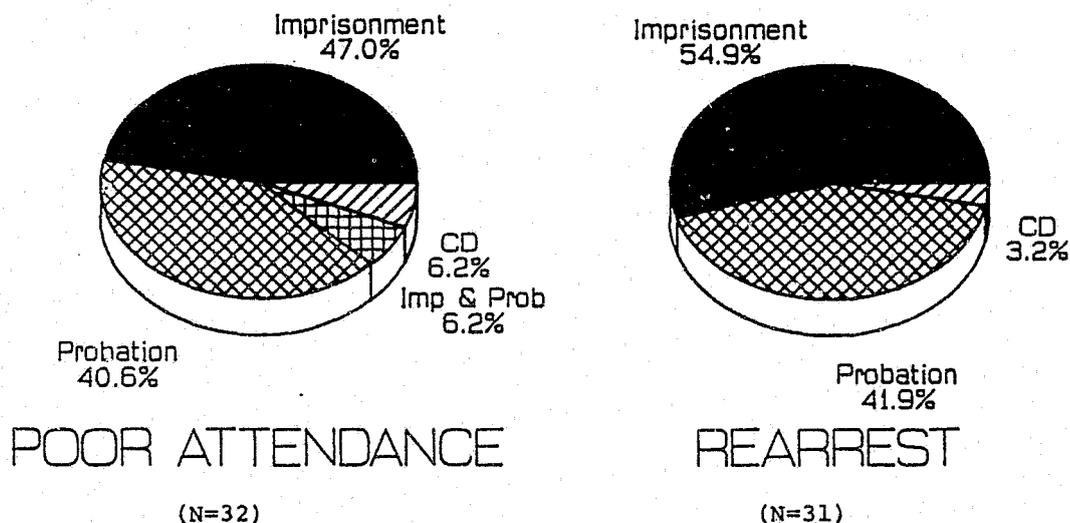
^cIncludes six clients who went from maximum to medium supervision and then back to maximum again.

GRAPH VI-1

SENTENCE TYPE BY EXIT TYPE FOR SENTENCED CLIENTS ONLY



REASON FOR UNSUCCESSFUL TERMINATION^a



^a Excluded are the five cases administratively discharged from the ATI Program because of incarceration.

sentences. Not quite one-third of the clients not placed by CEP staff (31.1%) received a sentence of probation while three-quarters or more of those in each placement category received probation sentences.

3. Probation Outcomes and Client Characteristics

In Table VI-7, probation outcomes are displayed by client characteristics. The proportions of probation sentences for clients successfully completing the Program within each client subgroup are also displayed. These latter proportions are, not surprisingly, consistently higher than those for all clients.

Age. As discussed in Chapter IV, CEP staff hoped at intake that probation would be the sentence that all 16-year-old clients would receive. However, consistent with their poorer performance in the ATI Program relative to other clients, just over half (56.5%) of the 16-year-old clients received probation sentences on their most severe intake case. A similar proportion (55.3%) of the 20- and 21-year-old clients, who were the next most likely group to be unsuccessfully terminated from the Program also received probation sentences. In addition, the proportion of probation sentences granted even for those successfully completing the Program in this age group was 66.7%, the lowest for any subgroup of "successful" clients. Clients who were 17 years old at intake, most of whom completed the ATI Program successfully, were most likely to receive probation sentences on their intake cases (72.5%); fully 93.8% of those in this age group successfully completing the ATI Program received probation sentences.

Employment and School Status at Intake. Surprisingly, clients employed at intake differed only 7.1 percentage points from those neither employed nor in school at that time in the proportions receiving probation sentences (66.7% and 59.6%, respectively). The difference between the proportion of those employed receiving probation and that of those in school at intake was a total of 16 percentage points. This finding is again consistent with the previous Chapter: the ATI success rate of those employed at

TABLE VI-7

PROBATION OUTCOMES ON MOST SEVERE INTAKE CASE
BY CLIENT CHARACTERISTICS

<u>AGE</u>	<u>ALL CLIENTS</u>		<u>"SUCCESSFUL" CLIENTS ONLY</u>	
	<u>N=100.0%</u>	<u>% SENTENCED^a TO PROBATION</u>	<u>N=100.0%</u>	<u>% SENTENCED TO PROBATION</u>
16 YEARS OLD	23	56.5%	10	80.0%
17 YEARS OLD	51	72.5%	32	93.8%
18 YEARS OLD	35	65.7%	23	91.3%
19 YEARS OLD	25	68.0%	14	71.4%
20-21 YEARS OLD	38	55.3%	21	66.7%
<u>EMPLOYMENT AND SCHOOL STATUS AT INTAKE</u>				
<u>EMPLOYMENT OR EMPLOYMENT AND SCHOOL</u>				
	30	66.7%	16	87.5%
SCHOOL ONLY	29	82.7%	21	85.7%
NEITHER	89	59.6%	52	78.8%
Not Available	24	58.3%	9	88.9%
<u>CRIMINAL HISTORY</u>				
FIRST ARREST	58	70.7%	40	85.0%
PREVIOUS ARREST:				
NO CONVICTION	27	63.0%	15	73.3%
OPEN CASES ONLY	58	67.2%	35	88.6%
<u>SUBTOTAL PREVIOUS ARREST,</u>				
NO CONVICTION	<u>85</u>	65.9%	<u>50</u>	84.0%
ANY CONVICTION	27	48.1%	9	66.7%
Not Available	2	50.0%	1	100.0%
<u>REPORTED FREQUENCY OF DRUG USE</u>				
DAILY	27	63.0%	14	71.4%
WEEKENDS	29	62.1%	19	78.9%
OCCASIONALLY	48	62.5%	32	81.3%
NEVER USED DRUGS	20	80.0%	15	86.7%
Not Available	48	62.5%	20	95.0%

^aAn additional 3.5% of the 172 clients received conditional discharges.

intake was low relative to that of those in school at intake who were most likely to be placed in programs during their ATI participation as well as to finish the Program successfully.

Criminal History. When the court outcomes for clients with varying prior criminal justice involvement were compared, clients who had previous convictions at the time of their arrest on their most severe intake case were least likely to be sentenced to probation on that case (48.1%) and those arrested for the first time on their intake case were most likely to receive probation sentences (70.7%). Those clients with pending cases, but no convictions at the time of their arrest on their most severe intake case received sentences of probation somewhat more often than those with no convictions and no pending cases. Together, about two-thirds (65.9%) of those with previous arrests and no convictions received probation sentences. These findings were consistent with those relating criminal history (specifically, first arrests and open cases) to successful completion of the ATI Program.

Drug Use. Self-reported drug use at the time of the intake interview distinguished clients who were likely to receive probation sentences from those who were less likely. Those clients reporting only marijuana use were generally more likely to receive non-prison sentences than were those reporting that they used some other drug or some other drug in addition to marijuana (82.7% of those reporting marijuana use received non-prison sentences, not shown). Four-fifths (80.0%) of those reporting that they never used drugs received probation sentences while about three-fifths of those reporting drug use, regardless of its frequency, received probation on their most severe intake case.

4. Actual Outcome and Intake Case Characteristics

The type of sentence imposed on the most severe intake case was more related to the intake offense than to the court processing stage of the case at the time the client entered the ATI Program. Probation sentences were most likely among those charged

with robbery (68.0%), and for those whose most severe intake charges were D or E felonies (76.1%; all of the four clients charged with misdemeanors also received probation sentences). Probation sentences were more common among those convicted on their intake case, but not yet sentenced at the time the client entered the ATI Program (68.8%) and least likely among those clients pending disposition at intake (55.8%, Table VI-8).

D. Actual Outcomes and Projected Jail-boundedness

In this section, we attempt to assess the extent to which CEP intervened for a truly prison- or jail-bound group. To address this question, data were drawn from a previous CJA study to form a matched comparison group to the ATI participants, so that their sentences could be compared to those received by CEP clients.

1. The 1981 Comparison Dataset

A total of 10,559 cases comprised a 30% random sample of CJA-interviewed⁵ summary arrests between February 15 and May 31, 1981. The CJA computerized database provided arrest and criminal history information, as well as most Criminal Court outcome data. Manual coding of OCA records supplemented CJA's Criminal Court data and was the source of Supreme Court outcome data. The Division of Criminal Justice Services (DCJS) provided additional court outcome information.

In order to provide a sample for comparison to the ATI data, all 16- through 21-year-old indicted defendants were selected. Among this subgroup, defendants whose number of previous misdemeanor or felony convictions exceeded that of any ATI client

⁵In 1981, CJA interviewed almost all defendants arrested and brought to central booking facilities in every borough, who were charged with at least a misdemeanor offense. CJA did not interview defendants issued desk appearance tickets (DATs), those arrested solely on bench warrants, defendants arraigned in the hospital, those charged with lesser offenses within the Administrative Code or the Vehicle and Traffic Law, those charged with subway "fare-beating," nor those arrested for prostitution or loitering charges in Manhattan.

TABLE VI-8

PROBATION OUTCOMES ON MOST SEVERE INTAKE CASE
BY INTAKE CASE CHARACTERISTICS

<u>INTAKE CHARGE</u>	<u>N=100.0%</u>	<u>% SENTENCED TO PROBATION^a</u>
ROBBERY	97	68.0%
BURGLARY	35	57.1%
ALL OTHERS	38	63.2%
Not Available	2	-
 <u>SEVERITY OF INTAKE CHARGE</u>		
B FELONY	64	64.1%
C FELONY	56	53.6%
D OR E FELONIES	46	76.1%
MISDEMEANORS	4	100.0%
Not Available	2	-
 <u>COURT PROCESSING STAGE AT INTAKE</u>		
PRE-PLEA	52	55.8%
AT OR AFTER PLEA	96	68.8%
VIOLATION OF PROBATION ^b	22	59.1%
Not Available	2	100.0%

^aAn additional 3.5% of the 172 clients received conditional discharges.

^bIncludes six clients who had pending Supreme Court violations of probation, but court activity in Criminal Court only.

were excluded as were those whose disposition charge was an A felony and those prosecuted in Staten Island. Defendants whose indictment charges⁶ exactly matched the most severe intake charges of ATI clients were selected from the remaining cases. A total of 644 cases satisfied these criteria. Because court outcomes were likely to vary according to prosecutorial differences in the counties in which cases were prosecuted, the 644 cases were weighted to approximate the distribution of the counties in which the most severe intake case for ATI clients as prosecuted. The weighted sample size was 171. Details of the sample selection and weighting procedures can be found in Appendix B.

The distribution (in the weighted sample) of the characteristics used initially to select the sample, while similar in many respects to those among the ATI group, differed in other respects. In comparison to the ATI group, 17-year-old defendants were underrepresented in the 1981 group while the oldest and youngest clients were overrepresented. Proportionately more defendants in this comparison group had prior felony convictions. The last difference (in felony convictions) could affect the comparison of sentencing patterns; this difference, while just over four percentage points, would still increase the likelihood of prison sentences among the 1981 group. Thus, the sentencing information presented below will control for criminal history.

Overall, defendants in the 1981 comparison sample were somewhat more likely to be charged with the lower felonies (at indictment) than were ATI clients (at intake). Charge deterioration from indictment to conviction in 1981 group would heighten this difference. However, when the severity of robbery charges (the largest single offense category) were compared for the two groups, the 1981 comparison group was more likely to have C felony robbery charges (43.1%) than were ATI clients (34.0%) who, in

⁶The last amended charge in Criminal Court was used in those cases (mainly of youthful offenders) where indictment charges were not available. See Appendix B.

turn, had somewhat more B felony robbery charges. Sentencing patterns will also be examined within charge severity categories.

2. Distribution of Sentences Imposed in the 1981 Data

Table VI-9 displays the Supreme Court outcomes for the 1981 weighted comparison group by criminal history categories. While some ATI clients whose cases had not yet reached disposition at the time of their ATI participation began and were not convicted on their intake cases, the fact that the majority of clients entered the ATI Program at or after conviction suggested that two percentages be presented in the outcome table for this comparison: the first, based on all outcomes; and, the second, based on convictions only. Finally, to help account for any disparate sentencing in the 1981 group because of the somewhat higher proportion of defendants with prior felony convictions, a subtotal is provided in Table VI-9 which excludes those with felony convictions.

In this comparison group, chosen regardless of final outcome, 17.0% of the defendants were not convicted of any charges in Supreme Court. In addition, the plea offers of the comparison group were not known. Thus, how many of the comparison group would be expected to receive prison or probation sentences could not be determined. Probation and other non-prison sentences were imposed in about one in three cases (27.6%), for a total of 44.6% who had their cases disposed without conviction or would not go to prison if convicted. The comparable rate for the ATI clients was 70.2%. (See Table VI-4 above.) In contrast, over half of the court outcomes (54.5%) resulted in the incarceration of the defendant in the 1981 sample.

Looking only at those defendants convicted in Supreme Court, Table VI-9 shows that two-thirds of the convicted defendants (65.6%) received prison sentences and one-third did not. Excluding those defendants with prior felony convictions from those

TABLE VI-9

SUPREME COURT OUTCOMES BY CRIMINAL HISTORY FOR THE 1981 CJA SAMPLE MATCHED TO ATI CLIENTS (WEIGHTED BY COUNTY)

SUPREME COURT OUTCOME:	FIRST ARREST		PREVIOUS ARREST, NO CONVICTION		PREVIOUS MISDEMEANOR CONVICTIONS ONLY		SUBTOTAL		PRIOR FELONY CONVICTIONS		TOTAL	
	^a %	^b %	%	%	%	%	%	%	%	%	%	%
CONVICTIONS:												
IMPRISONMENT	24.1%	29.6%	53.9%	66.2%	74.1%	83.3%	46.3%	56.1%	82.1%	91.5%	48.4%	58.3%
IMPRISONMENT & PROBATION	6.9	8.5	7.1%	8.7	3.7%	4.2	6.4%	7.8%	-	-	6.1	7.3
SUBTOTAL	31.0%	38.3%	61.0%	74.9%	77.8%	87.5%	52.8%	63.9%	82.1%	91.5%	54.5%	65.6%
PROBATION	46.6	57.5	19.9	24.4	7.4	8.3	27.7	33.5	4.2	4.7	26.3	31.6
OTHER SENTENCE	1.7	2.1	0.3	0.4	3.7	4.2	1.4	1.7	-	-	1.3	1.5
SENTENCE PENDING	0.5	0.7	0.3	0.4	-	-	0.3	0.4	3.4	3.8	0.5	0.5
Sentence Not Available	1.2	1.4	-	-	-	-	0.4	0.5	-	-	0.4	0.5
SUBTOTAL CONVICTIONS	81.0%	100.0%	81.5%	100.0%	88.9%	100.0%	82.6%	100.0%	89.7%	100.0%	83.0%	100.0%
Weighted N		47		57		24		128		9		137
NO CONVICTION	19.0		18.5		11.1		17.4		10.3		17.0	
SUBTOTAL ALL OUTCOMES	100.0%		100.0%		100.0%		100.0%		100.0%		100.0%	
Weighted N	58		70		27		155		10		165	
Outcome Not Available	3		3		-		6		-		6	
TOTAL (WEIGHTED)	61		73		27		161		10		171	

^aPercentage based on all known outcomes.

^bPercentage based on convictions only.

1000

totals made less than a three percentage point difference in the likelihood of a non-prison versus a prison sentence, but this difference was in the expected direction, (i.e., the exclusion of defendants with felony convictions increased the likelihood of a non-prison sentence in each of the remaining categories of criminal history).

Taking the specific categories of criminal history into account, however, showed that the likelihood of incarceration increased as the severity of the defendant's prior criminal justice involvement increased. The likelihood of a prison sentence rose from 38.3% for those arrested for the first time in the Spring of 1981 and convicted on those charges to 91.5% for those with previous felony convictions at the time of their sample arrest. Correspondingly, the likelihood of probation as a sentence was halved with each increase in severity of prior record from 57.5% of those convicted on their first arrest to 4.7% of those convicted on felonies prior to their 1981 arrest and reconvicted on that arrest.

3. Projected and Actual Incarceration

According to the 1981 comparison dataset, despite the promise of incarceration in almost all of the ATI clients' intake cases, about a third of these cases might have received non-prison sentences, if sentencing decisions based roughly on this charge and on criminal history distribution paralleled those for this 1981 group. So far, in this Chapter, the actual distribution of the sentences imposed on ATI clients indicated that a somewhat greater proportion of ATI clients actually did receive non-prison sentences.

Table VI-10 displays the percentage point differences between the actual distribution of probation sentences among the ATI group and that projected on the basis of patterns in the 1981 group, disregarding those with previous felony convictions in

TABLE VI-10

PERCENTAGE-POINT DIFFERENCE OF ACTUAL PROBATION OUTCOMES
AND EXPECTED PROBATION OUTCOMES BY CRIMINAL HISTORY

ACTUAL^a - EXPECTED^b PERCENTAGES IN PROBATION SENTENCES:

FIRST ARREST	+13.2	(70.7% - 57.5%)
PREVIOUS ARREST:		
NO CONVICTIONS	+41.5	(65.9% - 24.4%)
CONVICTIONS ^c	+39.8	(48.1% - 8.3%)
TOTAL	+31.4	(64.9% - 83.5%)

^aActual outcome for ATI clients (n=171), Table VI-7.

^bEstimates based on sentences for defendants without prior felony convictions in the 1981 dataset (weighted n=128), Table VI-9.

^cFor the "expected" figures, those with misdemeanor convictions only were employed. The "actual" figures for the ATI group included both clients with misdemeanor convictions and the few with felony convictions at the time of arrest.

the latter group.⁷ These differences are also presented for different categories of criminal history.

These differences indicated that the incidence of sentences of probation and other non-prison sentences was again greater among the ATI group than would be expected from 1981 data, and that these differences were greater for those with arrests prior to that for their intake cases than for those arrested for the first time. Overall, the incidence of probation sentences was 31.4 percentage points (64.9% minus 33.5%) greater than would be expected from the 1981 dataset. For those with previous arrests, but no convictions, this difference was 41.5 percentage points (65.9% minus 24.4%) and for those with previous convictions, it was 39.8 percentage points (48.1 minus 8.3%). There were correspondingly proportionately fewer prison sentences actually imposed on ATI clients than would be expected from the 1981 dataset. Put another way, if 90 of 137 convictions in the 1981 dataset received incarceration sentences, then of the 169 clients who entered the ATI in FY84 and were convicted, the expected number of prison sentences based on the experience of 1981 sample would be 108. In fact, only 49 clients received prison sentences.

When clients with predisposition intake cases were examined separately, the overall difference with the 1981 group diminished by almost ten percentage points (56.6% of the ATI group received probation for a difference of 23.1 percentage points). Because the 1981 group was selected without regard to disposition and plea offer, their court outcomes should more directly match the outcomes for ATI clients with predis-

⁷Defendants with felony convictions were discounted to provide a more conservative estimate of the differences between the 1981 group and the ATI group. That is, by excluding those with felony convictions the projected proportion of cases in which probation might be granted would likely be higher and differences with the ATI group less pronounced. This would strengthen any observed difference in favor of CEP. Another factor that would potentially strengthen this difference in favor of CEP was that the plea offers the 1981 group received were not known. That is, it was not possible to examine actual sentencing outcomes in the 1981 group only for those previously promised incarceration, and, who would thus more accurately match ATI clients.

position intake cases whose incarceration plea offers at intake were most subject to subsequent negotiation.

There were fewer ATI clients with predisposition intake cases who were arrested for the first time than there were first time arrestees among defendants in the 1981 dataset, but probation sentences were consistently imposed at a greater rate in the ATI group for all categories of criminal history. Another difference between these two groups was that robbery offenses accounted for over ten percentage points more of the intake charges for predisposition ATI clients than they did of the indictment charges for defendants in the 1981 dataset. For these charges, however, the proportion of ATI clients with predisposition intake cases who received probation was 54.0 percentage points higher (or 63.9%) than that of convicted defendants in the 1981 group. Nonetheless, in combination, these factors may have contributed to the overall diminished difference in probation sentences.

As previously stated, because prosecutorial policies may have varied across Supreme Court jurisdictions, the likelihood of probation sentences, in the aggregate, were likely to vary by county of prosecution, all else being equal. In fact, the percentage point difference between Brooklyn probation outcomes in the 1981 sample and the ATI group were greater (+39.0) than that observed overall. In Bronx cases, the difference in probation outcomes between the two groups was 20 percentage points (although the Bronx ATI cases were twice as likely to be B felonies).

The slightly different charge severity distributions in the two groups noted previously would favor a larger proportion of probation outcomes overall in the 1981 comparison group. However, the ATI group consistently got probation at a much greater rate in every severity category than did defendants in the 1981 dataset, even when prior criminal justice system involvement was taken into account.

These findings suggest that participation in the ATI Program did increase the likelihood that clients would be granted probation and would not be incarcerated.

These effects were seen most dramatically among those with previous arrests. Nevertheless, for those arrested for the first time, where the expectation for the probation sentences would be greatest even without CEP intervention, the ATI group still received proportionally more non-prison sentences than would be projected by the 1981 data.

4. Implications for Incarceration Time and Cost Savings

Given the fact that probation sentences were imposed more frequently for the ATI group than would have been expected from the 1981 data, what projected savings in incarceration time might be attributed to ATI participation? How might these savings be translated into jail-day and cost savings?

a. Incarceration Time Savings

A conservative estimate of incarceration savings was constructed using the distribution of incarceration sentences in the 1981 comparison sample (see Appendix B). It was projected in the previous section that 108 of the 169 ATI clients convicted on their sample offense would be sentenced to incarceration (or a split sentence of incarceration and probation). Using the proportions of jail and prison time imposed in the 1981 comparison sample, the projected number of incarceration days for the ATI group was 40,628.⁸ The actual number of days of incarceration imposed for the 49 clients receiving incarceration sentences was 16,250 days, a savings of 24,378 days of incarceration.

b. Incarceration Cost Savings

Two estimates of projected and actual state prison time costs⁹ were used to

⁸This projection is based on estimates for 109 cases due to rounding. See Appendix B.

⁹The projected incarceration estimates and costs were based on local jail days for determinate sentences, and minimum prison terms imposed for indeterminate sentences. Current operating costs of incarceration were provided by the New York City Office of Management and Budget (local time, \$32.69/day) and New York State Department of Correctional Services (state time). CEP costs averaged current ATI costs with Alternative-to-Detention (ATD) Program costs (\$9.59/day for an average of 162.4 days). These programs, now separate, were both encompassed by the ATI Program in FY84.

construct a range of potential incarceration cost savings the ATI Program effected. One estimate was based on the yearly per capita costs at the DOCS' facility in Elmira which houses inmates 16 through 20 years old (\$41.81/day). A second higher estimate (\$47.47/day) averaged Elmira costs with the DOCS system-wide per capita costs because at least part of the sentences for those 16 through 21 years old would be served at other institutions.

The estimated incarceration costs for the 49 clients who received jail or prison sentences plus ATI Program operating costs, represented a substantial savings over the projected incarceration costs for the ATI group. The estimated incarceration costs for the projected 40,628 days of incarceration according to the first estimate was approximately \$2,077,365 and for the actual 16,250 days imposed it was \$1,104,429. The respective figures according to the second estimate were approximately \$2,307,317 and \$1,196,404. Thus, the potential incarceration cost savings of the ATI Program were estimated to be between \$972,936 and \$1,110,913, the differences in the costs the two estimates provided.

These estimates, based on the 1981 comparison sample, are most likely conservative, given the more severe sentencing climate in which the FY84 ATI clients were sentenced. Both estimates excluded probation and parole costs. Had these costs been included, these savings would still be considerable because both of those costs are less expensive than incarceration.

E. Summary

This chapter has described the client and court outcomes of ATI participation. At exit, over half the clients were in school, training programs or employment. In fact, two-fifths were employed at exit compared to just one-fifth at intake. And, as a benefit of placement, somewhat fewer clients than at intake were receiving public assistance. Clients who had been placed when they entered the Program tended to be

found in the same type of program (although rarely the same one) at exit. Clients placed at exit, of course, were more likely to have completed the ATI Program successfully than those not placed. Just two clients not placed at exit were successfully terminated.

Successful termination from the ATI Program, in turn, increased the likelihood that a client was sentenced to probation and not imprisonment on his most severe intake case. Incarceration was avoided by almost two-thirds of the clients overall, but by over four-fifths of those successfully completing the ATI Program. A total of 49 clients were incarcerated on their most severe intake case, although most of these clients would probably serve one year or less in jail. The maximum time imposed in about two-fifths of the incarceration cases was also less than that promised before CEP intervention.

To be sure, CEP had hoped that even more clients would be given probation sentences. As Chapter IV showed, there was some variation in CEP's expectations at intake for non-probation outcomes, however, according to the age and criminal history of the client. The actual sentences received by the clients did vary by these same characteristics, but not always in the same direction as CEP's initial expectations. Rather, the associations of these characteristics with actual court outcomes generally followed the patterns established for their respective association with ATI Program outcomes.

For example, CEP had hoped at intake that all 16-year-old clients would receive probation sentences, but, in fact, just over half were placed on probation. This was, however, consistent with the poor performance of 16-year-old clients in the ATI Program reported in the previous chapter. On the other hand, 17-year-old clients, who had a high successful completion rate, were most likely to receive probation sentences on their most severe intake case.

Age differences in sentence outcomes were greater than those across many other categories of client characteristics. However, clients whose intake case arrest was their

first were much more likely to receive probation sentences than were those with previous convictions at the time of their arrest on their intake case. And, the likelihood of probation was much greater among those who reported never using drugs than among those who reported drug use at intake.

Finally, the Chapter addressed the possibility that, despite the almost universal promise of imprisonment on intake cases prior to CEP intervention, not all clients were necessarily prison- or jail-bound. A sample was drawn from a random sample of summary arrests in the Spring of 1981 used in a previous CJA study. Defendants were matched to ATI clients' age, criminal history and intake charges and cases were weighted to approximate the county distribution of ATI intake cases. Comparisons of the sentences this group received to those received by the ATI group revealed that, while about a third of the ATI group would have been projected to receive sentences other than incarceration on the basis of the 1981 data, clearly more clients who participated in the ATI Program avoided incarceration. The difference in the incidence of probation sentences between that projected from 1981 data and the actual incidence in the ATI clients was, in fact, greatest for those having previous arrests at the time of their sample arrest.

The comparison to the 1981 data also provided estimates of the incarceration time and cost savings participation in the ATI Program may have yielded. A total savings of 24,378 days of incarceration was estimated. The estimated cost savings were roughly \$1,000,000.

VII

Recidivism and ATI Participation

As stated in the introduction to this report, one rationale for alternative-to-incarceration programs is that, with their intervention, some groups of otherwise jail-bound defendants may be released to the community with no more impact on its safety. That is, a successful program, held to a stringent criterion of success, will help reduce the recidivism rate of their clients. CEP, however, set no goal for its ATI Program with regard to expectations for a "reduction" in the recidivism rate of its clients. Nonetheless, inferences can be made about the potential curtailing of recidivism Program participation effected. Recidivism here will be measured primarily by the occurrence of rearrests for an ATI client and their timing for different subgroups of clients. The next chapter will compare the rearrest patterns of ATI clients with those of similar offenders who did not participate in the ATI Program.

Several sources of data were used in this Chapter to examine the recidivism patterns of ATI clients. First, the client files maintained by CEP contained information on rearrests and whether or not they were reported to court. Other data on rearrests reported here came from the CJA database by computer matching the NYSID numbers (the New York State identification number assigned to fingerprint records maintained by DCJS) of ATI clients with arrests in the database for which the top charge was at least a misdemeanor. All rearrests within one year of a client's intake date were isolated, counted, and their court outcomes coded. This information was supplemented by manual coding of criminal history sheets maintained by DCJS. The rearrests of the ATI clients were then divided between those occurring during participation and those "delayed" and occurring after termination from the Program, but within one year of their intake date into the ATI Program. The patterns of rearrests during versus after participation are discussed in Section VII.A.

As Chapter V demonstrated, not all rearrests by ATI clients that were known to CEP staff were used to terminate clients from the ATI Program. The discussion of rearrest as a reason for unsuccessful termination from the ATI Program, begun in Section V.C., will be continued in Section VII.B. The timing of the first rearrest is explored in Section VII.C. The last Section, (Section VII.D.) summarizes the Chapter's findings.

A. Rearrests During Versus After ATI Participation

As Chapter V indicated, few clients remained in the ATI Program for a full year. Thus, for most clients, by examining rearrests within a year of their intake date, information on rearrest patterns for some period after their exit from the ATI Program was available. This information permits the examination of whether for some clients a rearrest was delayed only for the length of their participation in the ATI Program.

A total of 50 clients (29.1%) had rearrests during their ATI participation.¹ The rearrest rate during participation varied by the type of termination from the program: over half of those clients terminated unsuccessfully from the ATI Program (53.5%) had a rearrest during their ATI participation while little more than one in ten (11.9%) of those successfully finishing the Program or placed in treatment programs had a rearrest during their participation.

An additional 35 clients (20.3%) had no rearrests during their participation in the ATI Program, but did have a rearrest within one year of their intake date. The addition of these clients to those rearrested during participation raised the overall rearrest rate within the year comprising the follow-up period to 49.4%.

¹For clients who were in the ATI Program over one year, only those rearrests within one year of their intake date were counted. Within the one-year follow-up period, no data were available on a client's actual time "at risk" in the community. For all cases, this time was affected by such events as time out of New York State or time in incarceration that were not accounted for in these data. The rearrest rates controlling for time at risk would have been higher than those reported here.

1. Client and Case Characteristics and Rearrest Patterns

Age. Younger clients (16 and 17 years old) were generally more likely to be rearrested during their ATI participation than after it ended. Chapter V demonstrated how many and how quickly 16-year-old clients left the ATI Program. Proportionately fewer clients in the 16-year-old age group were rearrested after their ATI participation (8.7%) than were rearrested in any other age group past their ATI participation. The rate of rearrest among 16-year-old clients during their ATI participation was so great that they had the highest overall rearrest rate during the one-year follow-up period (65.2%, Table VII-1).

Those clients who were 20 or 21 years old at intake, on the other hand, were somewhat more likely than those 18 or 19 years old at intake to be rearrested during their ATI participation, but were more likely than the clients in any other age group to be rearrested after their participation ended (31.6%). Their overall rate of rearrest during the sample period (57.9%) was second only to that of the 16-year-old age group. (Their participation in the ATI Program may have merely delayed their rearrest behavior.) The 18-year-old clients had the lowest overall rate (40.0%) during the follow-up period. They were as likely, and, the 19-year-old clients about as likely, to be rearrested during their ATI participation as they were to be rearrested after that participation. One-fifth of the clients in each of these age groups were rearrested during participation and another fifth (or somewhat more) were rearrested after their participation ended.

Criminal History. Rearrest patterns were not clearly associated with the severity of the client's previous criminal justice system involvement. Clients with previous arrests, but no convictions at the time of their arrest on the sample case, had the highest overall rearrest rate in the period. They were more likely to be rearrested during their ATI participation (37.0%) as well as after their participation (29.6%) than

TABLE VII-1

FIRST REARREST^a DURING VERSUS AFTER ATI PARTICIPATION
BY AGE OF CLIENT AT INTAKE

	<u>16</u> <u>YEARS OLD</u>		<u>17</u> <u>YEARS OLD</u>		<u>18</u> <u>YEARS OLD</u>		<u>19</u> <u>YEARS OLD</u>		<u>20-21</u> <u>YEARS OLD</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
NO REARRESTS	8	34.8%	28	54.9%	21	60.0%	14	56.0%	16	42.1%	87	50.6%
NONE DURING ATI	2	8.7	8	15.7	7	20.0	6	24.0	12	31.6	35	20.3
DURING ATI	13	56.5	15	29.4	7	20.0	5	20.0	10	26.3	50	29.1
TOTAL	23	100.0%	51	100.0%	35	100.0%	25	100.0%	38	100.0%	172	100.0%

^aRearrests within one year of a client's intake date.

were clients with other types of criminal justice involvement at the time of their sample arrest. Clients arrested for the first time on their sample offense, least likely to be rearrested overall, were less likely than clients with previous arrests to be rearrested during their ATI participation (24.1%), but as likely as those with pending cases at the time of their arrest to be rearrested subsequent to their ATI participation (17.2%, Table VII-2).

Court Processing Stage. Rearrest rates varied by the court processing status of the most severe intake case. Clients whose intake case had not yet reached disposition (34.6%) and those with pending violations of probation (31.2%) were more likely to be rearrested during ATI participation than were those convicted on their intake case and pending sentence (26.0%) at intake. After participation, VOP clients at intake had the highest rate of rearrest (45.5%) and the highest overall rearrest rate in the one-year study period of 76.7% while those convicted and pending sentence at intake had the lowest overall rate (42.7%, compared to 51.9% for predisposition-intake clients).

Sample Offense. Clients whose most severe intake charge was robbery were most likely to be rearrested during their participation in ATI (33.0%), but least likely to be rearrested after their participation had ended. In contrast, clients whose sample offense was not robbery or burglary were least likely to be rearrested during their ATI participation (21.1%) but most likely to be rearrested after participation and within one year of their intake date (Table VII-3). These latter clients had the highest rearrest rate throughout the sample period while clients charged with robbery had the lowest overall rearrest rate.

Summary. During ATI participation, the youngest clients (16 years old at intake), those clients whose most severe intake charge was robbery, those with previous arrests but no convictions, and those with predisposition intake cases were most likely to be rearrested. In contrast, the oldest clients (20 or 21 years old at intake), those with VOP intake cases, and those whose most severe intake charge was neither a robbery nor burglary offense, were more likely to be first rearrested after their ATI participation

TABLE VII-2

FIRST REARREST DURING VERSUS AFTER ATI PARTICIPATION
BY CRIMINAL HISTORY

	<u>PREVIOUS ARRESTS:</u>												
	<u>FIRST ARREST</u>		<u>NO CONVICTONS</u>		<u>OPEN CASES ONLY</u>		<u>ANY CONVICTION</u>		<u>SUBTOTAL</u>		<u>Not Available</u>	<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>N</u>	<u>%</u>
NO REARRESTS	34	58.6%	9	33.3%	31	53.4%	12	44.4%	86	50.6%	1	87	50.6%
NONE DURING ATI	10	17.2	8	29.6	10	17.2	7	25.9	35	20.6	-	35	20.3
DURING ATI	14	24.1	10	37.0	17	29.3	8	29.6	49	28.8	1	50	29.1
TOTAL	58	100.0%	27	100.0%	58	100.0%	27	100.0%	170	100.0%	2	172	100.0%

TABLE VII-3

FIRST REARREST DURING VERSUS AFTER ATI PARTICIPATION
BY MOST SEVERE INTAKE CHARGE

	<u>ROBBERY</u>		<u>BURGLARY</u>		<u>ALL OTHERS</u>		<u>Not Available</u>	<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>N</u>	<u>%</u>
NO REARRESTS	53	54.6%	17	48.6%	17	44.7%	1	88	51.2%
NONE DURING ATI	12	12.4	9	25.7	13	34.2	-	34	19.8
DURING ATI	<u>32</u>	<u>33.0</u>	<u>9</u>	<u>25.7</u>	<u>8</u>	<u>21.1</u>	<u>1</u>	<u>50</u>	<u>29.1</u>
TOTAL	97	100.0%	35	100.0%	38	100.0%	2	172	100.0%

ended than were those in other age or charge groupings. For these clients, ATI participation may have only delayed their rearrests. Those with previous arrests, but no convictions, were also more likely to be rearrested subsequent to their ATI participation than were clients with different previous criminal histories, but their rate of rearrest post-participation was less than that during participation. In addition, those clients who were 18 or 19 years old at intake, those with a conviction at the time of their arrest on their intake case, and those charged with burglary, had rearrest rates after their ATI participation ended that were about the same as their respective rates during participation. By the end of the one-year follow-up period, 16-year-old clients, those with previous arrests but no convictions, those with VOP cases at intake, and those charged with offenses other than robbery or burglary had the highest overall rates of rearrest.

2. Severity of Rearrests and Their Court Outcomes During Versus After ATI Participation

Overall, one quarter (25.6%) of the clients were rearrested on a violent felony offense (VFO) according to the New York State Penal Law designation at some point during the follow-up period. Another 15.1% of all clients had a non-violent felony arrest as their most severe rearrest during the follow-up period and just 8.7% had only misdemeanor arrests.

Severity of Rearrests. Half of the 50 clients whose first rearrest was during the ATI participation and five of the 35 clients whose first rearrest was after their participation ended had multiple rearrests during the entire follow-up period. Thus, especially for those rearrested during their ATI participation, examination of the severity of their first rearrest would not necessarily reflect that of their most serious rearrest. Table VII-4 demonstrates, however, that just two clients rearrested during their ATI participation had a rearrest subsequent to their exit from the ATI Program that was

TABLE VII-4

MOST SEVERE REARREST DURING THE SAMPLE PERIOD
BY MOST SEVERE REARREST DURING ATI PARTICIPATION

DURING ATI PARTICIPATION:

<u>DURING THE SAMPLE PERIOD:</u>	<u>NO REARRESTS</u>		<u>MISDEMEANOR REARREST</u>		<u>NON- VFO FELONY REARREST</u>		<u>VFO REARREST</u>		<u>TOTAL</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
NO REARRESTS	87	71.3%	-	-	-	-	-	-	87	50.6%
MISDEMEANOR REARRESTS	10	8.2	5	71.4	-	-	-	-	15	8.7
NON-VFO FELONY REARREST	12	9.8	1	14.3	13	100.0%	-	-	26	15.1
VFO REARREST	13	10.7	1	14.3	-	-	30	100.0%	44	25.6
TOTAL	122	100.0%	7	100.0%	13	100.0%	30	100.0%	172	100.0%
% OF ALL ATI CLIENTS	70.9%		4.1%		7.6%		17.4%		100.0%	

^aFive of the 35 clients having a rearrest had more than one rearrest during the sample period.

^bSix of the seven clients had more than one rearrest during the sample period.

^cEight of the 13 clients had more than one rearrest during the sample period.

^dEleven of the 30 clients had more than one rearrest during the sample period.

more severe than any rearrest occurring during participation. Both of these clients had only misdemeanor arrests during their ATI participation.

More of the serious (VFO) rearrests occurred during participation (30) than after participation (14). In addition, the proportion of all clients who had a VFO arrest during their participation, 17.4%, was higher than that of clients not rearrested during participation who subsequently had a VFO arrest, 10.7%.

Court Outcomes. Almost one-third (32.0%) of the ATI clients were convicted of a crime resulting from a rearrest occurring during the one year period (Table VII-5). ATI clients were somewhat more likely to be convicted on felony charges (17.5%, most of which were violent felonies) than they were to be convicted on misdemeanor charges (14.5%).

Twelve clients (7.2%) had felony convictions from arrests occurring during their ATI participation and 14 (8.4%) had misdemeanor convictions. More than one in ten clients (11.0%) had rearrests during their ATI participation which did not result in a conviction for a crime (i.e., an offense with a Penal Law severity of at least a misdemeanor). Of these 19 clients, five had arrests subsequent to their participation that resulted in their conviction on felony charges. Another client convicted on misdemeanor charges for arrests occurring during his ATI participation later had an arrest for which he was convicted on a felony charge. Among those not rearrested during their participation, the conviction rate on arrests subsequent to participation was 16.5%; most of these convictions were on felony charges.

B. Rearrest and ATI Program Termination

One goal of the ATI Program was to reduce the rate at which its participants were brought back to court on new charges. However, no standard was set against which a reduction could be monitored. This section thus describes the occurrence of rearrests during participation in relation to the client's type of termination from the ATI Program, continuing the discussion begun in Chapter V concerning the extent to

TABLE VII-5

MOST SEVERE COURT OUTCOME ON A REARREST DURING THE SAMPLE PERIOD
 MOST SEVERE COURT OUTCOME ON A REARREST OCCURING DURING ATI PARTICIPATION

DURING THE SAMPLE PERIOD:	DURING ATI PARTICIPATION:										Outcome Not Available	TOTAL		
	NO REARRESTS		REARREST, NO CONVICTION		MISDEMEANOR CONVICTION		ANY FELONY CONVICTION		SUBTOTAL			N	N	%
	N	%	N	%	N	%	N	%	N	%				
NO REARRESTS	87	71.9%	-	-	-	-	-	-	87	52.4%	-	87	52.4%	
REARRESTS, NO CONVICTION	14	11.6	12	63.2	-	-	-	-	26	15.7	-	26	15.7	
MISDEMEANOR CONVICTION	9	7.4	2	10.5	13	92.9	-	-	24	14.5	-	24	14.5	
NON-VFO FELONY CONVICTION	3	2.5	-	-	1	7.1	2	16.7%	6	3.6	-	6	3.6	
VFO CONVICTION	8	6.6	5	26.3	-	-	10	83.3	23	13.9	-	23	13.9	
SUBTOTAL	121	100.0%	19	100.0%	14	100.0%	12	100.0%	166	100.0%	-	166	100.0%	
Outcome Not Available	1		-		-		-		1		5	6		
TOTAL	122 ^b		19 ^c		14 ^d		12 ^e		167		5	172		
% OF ALL ATI CLIENTS	73.1%		11.4%		8.4%		7.2%		100.0%					

^aTen of these 12 convictions were on a violent felony offense.

^bFive of the 34 clients having a rearrest had more than one rearrest during the sample period.

^cEleven of the 19 clients had more than one rearrest during the sample period.

^d11 of the 14 clients had more than one rearrest during the sample period.

^e2 of the 12 clients had more than one rearrest during the sample period.

which rearrest was given as the reason for unsuccessful termination from the ATI Program.

CEP was aware of rearrests for 40 clients, 31 of whom were terminated unsuccessfully from the ATI Program because of their rearrests. These 31 clients comprised over two-fifths of those not completing the program successfully (43.7% of 71). The remaining nine (9) clients with rearrests known to CEP were terminated successfully from the ATI Program.² (See Table VII-6.) All but three of these clients had been in the ATI Program no more than six months at the time of their first or only rearrest.

When rearrests in the CJA database and on criminal history records were examined, an additional ten clients, for a total of 50 clients (29.1%) were identified as having at least one rearrest during their participation in the ATI Program. While CEP did not appear to know of their rearrests, seven of these additional rearrestees were, nevertheless, terminated unsuccessfully from the ATI Program. The rearrest rates for those not rearrested during participation were higher for those unsuccessful in the Program: another quarter of the clients terminated unsuccessfully from the Program (25.4% or 18 clients) had a rearrest after their exit from the Program while 16.8% (17 clients) of those successfully terminated from the Program had a rearrest after exit and within the follow-up period.

1. Reason For Exit and Number of Rearrests

Most of the clients having any rearrests during their ATI participation had just one rearrest (37 of the 50 clients with rearrests; 12 did have other rearrests after exit, not shown). Nonetheless, having multiple rearrests increased the likelihood that rearrest was a reason for unsuccessful termination from the ATI Program. Nine of the 13

²When clients were known to have a rearrest, but were not terminated because of that rearrest, client files indicated that CEP staff felt that they could intervene in that case as well and affect its outcome and sentence. No data were available on the efforts CEP staff made in court on rearrest cases. These figures excluded rearrests for clients known to CEP, but which occurred after one year in the Program since these rearrests fell outside the follow-up period.

TABLE VII-6

FIRST REARREST DURING VERSUS AFTER ATI PARTICIPATION
BY TYPE OF EXIT FROM THE ATI PROGRAM

FIRST REARREST DURING ATI PARTICIPATION:	<u>UNSUCCESSFUL:</u>									
	REARREST AS REASON FOR EXIT		OTHER REASON FOR UNSUCCESSFUL EXIT		SUBTOTAL ALL UNSUCCESSFUL		SUCCESSFUL		TOTAL	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
REARRESTS KNOWN TO CEP	31	100.0%	-	-	31	43.7%	9	8.9%	40	23.3%
OTHER REARRESTS ^a	-	-	7	17.5%	7	9.9	3	3.0	10	5.8
SUBTOTAL REARRESTS DURING PARTICIPATION	31	100.0%	7	17.5%	38	53.5%	12	11.9%	50	29.1%
FIRST REARREST AFTER PARTICIPATION	-	-	18	45.0	18	25.4	17	16.8	35	20.3
NO REARRESTS WITHIN ONE YEAR OF INTAKE	-	-	15	37.5	15	21.1	72	71.3	87	50.6
TOTAL	31	100.0%	40	100.0%	71	100.0%	101	100.0%	172	100.0%
% OF ALL ATI CLIENTS		18.0%		23.3%		41.3%		58.7%		100.0%

^aRearrests found in the CJA database and on criminal history sheets by NYSID number match to these sources.

clients having multiple rearrests during their participation in the ATI Program had rearrest given as a reason for their termination from the Program. In contrast, rearrest was given as a reason for termination for 20 of the 37 clients having one rearrest during their participation. Viewed another way, 10 of the 12 clients who had a rearrest during their ATI participation and who successfully completed the Program had just one rearrest.

2. Severity of Rearrests and Termination From CEP

The majority of clients (60.0%) rearrested during their ATI participation had a violent felony offense (VFO) as the top arrest charge on at least one rearrest. Another quarter (26.0%) of the clients who were rearrested had other felony charges as the most severe offenses for which they were rearrested during their ATI participation. The likelihood that rearrest was a reason for termination from the ATI Program was associated with the severity of the rearrests. Those clients having VFO rearrests were most likely to have rearrest stated as a reason for their termination from the ATI Program, followed by those with non-VFO felonies. The few clients (n=7) having only misdemeanor arrests during their ATI participation were as likely to have rearrest as a reason for unsuccessful termination (n=3) as they were to successfully complete the ATI Program (n=3).

C. Timing of First Rearrest

The last aspect of ATI clients' rearrest behavior that will be addressed in this Chapter is how long it took for their first rearrest to occur. First, the time from intake to the first rearrest during participation will be compared to the time from exit to the first rearrest for those not previously rearrested. Second, a "survival analysis" examines in more detail the pacing of the first rearrest during ATI participation.

1. First Rearrest During Versus After Participation

The median number of days from the intake date until the first rearrest during participation was 69.0 and the mean was 82.0 days. (See Table VII-7.) Almost two-thirds of the rearrests occurring during ATI participation occurred within 90 days of intake (64.0%). The correlation between the time to the first rearrest and length of participation was quite strong ($r=0.6$). As the previous section would suggest, however, the timing of the first rearrest often, although not always, coincided with the end of ATI participation. It was this coincidence of events and not length of Program participation itself which contributed to this high correlation with rearrest.

Turning now to the timing of the first rearrest after participation for those clients not rearrested previously, the extent to which rearrests may have been merely delayed can be further examined. For the 35 clients first rearrested after their Program participation ended, the median number of days from the exit date until the first rearrest was 99.0 days and the mean was 114.4 days. These times were longer than were those just reported for the timing of the first rearrest during participation. Thus, it appears that many clients who were not rearrested during their participation, may have curtailed their behavior for months after their participation ended, half of them for more than three months.

This delay in post-participation rearrest was surprisingly greater on average for those unsuccessfully completing the ATI Program, although also more variable. While no client successfully completing the Program was rearrested within the first 26 days after his exit from the Program, the median days to a post-participation rearrest was 93.0 days and the mean was 94.2 days. In contrast, those unsuccessfully completing the Program were rearrested as quickly as eight days after exit, but had a median of 100.0 days and a mean of 133.5 days to their first rearrest after exit.

The length of time during the sample period that clients were at risk in the community to be rearrested subsequent to their ATI participation, of course, varied by how long that participation lasted. The clients ($n=7$) rearrested more than six months after

TABLE VII-7

NUMBER OF DAYS TO THE FIRST REARREST

<u>NUMBER OF DAYS TO THE FIRST REARREST:</u>	<u>FIRST REARREST OCCURRED DURING PARTICIPATION^a</u>		<u>FIRST REARREST OCCURRED AFTER PARTICIPATION^b</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
2 - 30 DAYS	10	20.0%	6	17.1%
31 - 60 DAYS	12	24.0	5	14.3
61 - 90 DAYS	10	20.0	4	11.4
91 - 180 DAYS	15	30.0	13	37.1
181 DAYS AND OVER	3	6.0	7	20.0
	—	—	—	—
TOTAL	50	100.0%	35	100.0%
MEAN DAYS TO FIRST REARREST	82.0		114.4	
MEDIAN DAYS TO FIRST REARREST	69.0		99.0	

^aNumber of days from intake to the first rearrest.

^bNumber of days from exit to the first rearrest.

their ATI participation ended were necessarily in the ATI Program six months or less so that they had half the sample period (or more) at risk after their CEP supervision. This suggests that as the time after participation increases for those in the Program more than six months, the likelihood increases that more of these clients will eventually be rearrested.

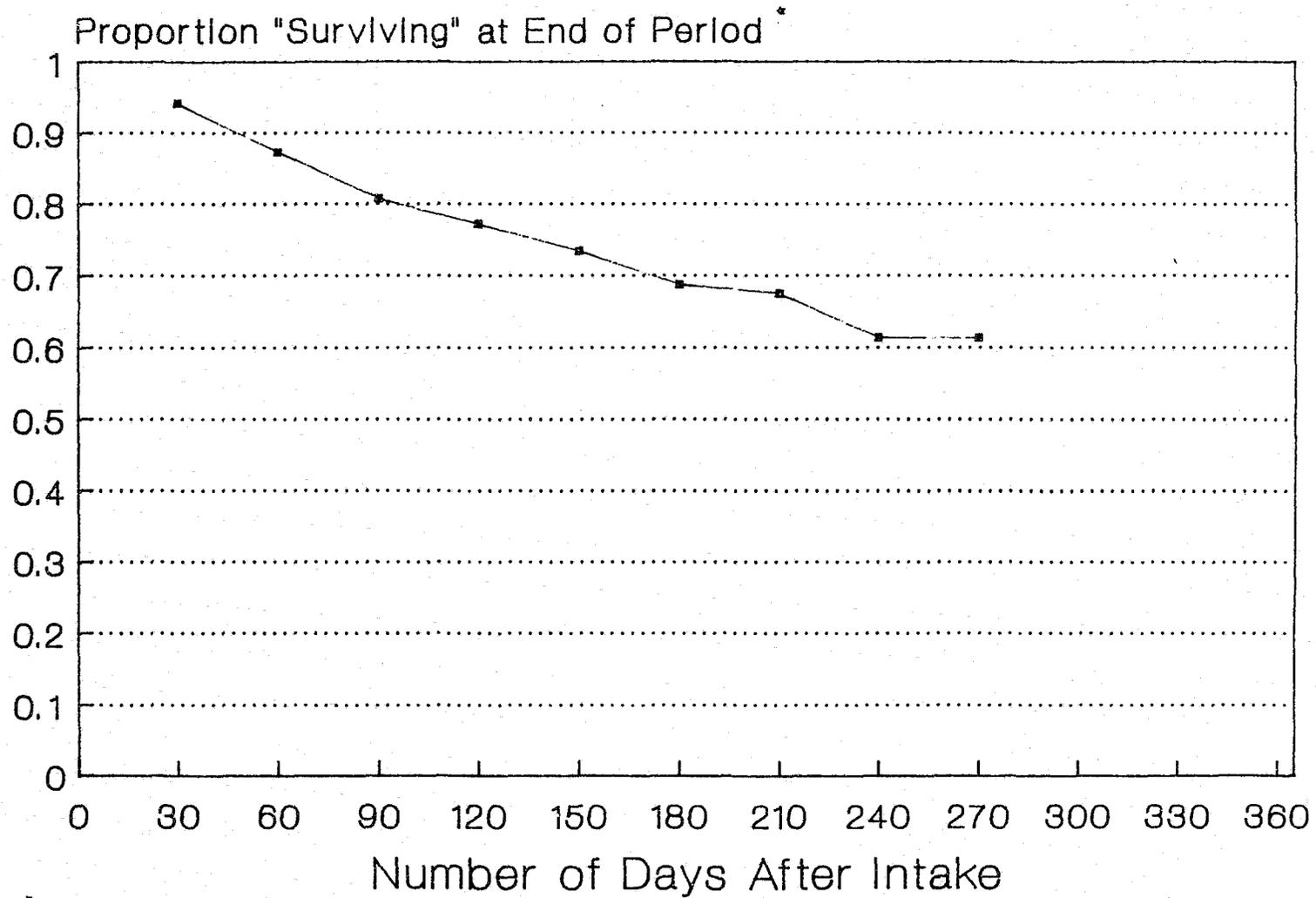
2. The Pace of Rearrests During ATI Participation: "Survival" Analysis

Another way to examine how quickly the first rearrest during participation occurred is to look at the proportion of clients remaining in the ATI Program at the end of certain time intervals without being rearrested. By graphing these proportions, how long clients "survived" in the ATI Program without a rearrest can be examined. In addition, the risk of a rearrest within a given interval can be calculated and graphed.

The survival curve for the time to the first rearrest for all ATI clients is presented in Graph VII-1. In this graph, the client's length of participation was taken into account.³ The proportion of clients not rearrested and still in the ATI Program at the end of each 30-day interval in the sample period is plotted. The curve had its steepest decline within the first 90 days after the intake date, indicating how quickly after intake clients were rearrested. This is consistent with the fact that half the rearrests occurred within 69.0 days (the median time) of intake. No rearrests occurred after the eighth month (234 days was the latest) for clients still in the ATI Program, so that the

³In survival analyses, "terminal" events are those after a designated starting point, the time to which is of interest. Here, we are interested in the occurrence of a rearrest after the intake date. "Censored" events refer to those other than those associated with the terminal event under examination which result in a case's ineligibility to ever meet that condition. In this analysis, such events would end a client's "time at risk" for rearrest during ATI participation. Exit from the ATI Program obviously ended a client's potential for a rearrest during participation. During the time interval in which a client's ATI participation ended, he was considered a "censored" observation. Such observations then adjusted the number exposed to risk (i.e., those eligible to be rearrested) during that and subsequent intervals. Including a client in the analysis beyond his exit date from the ATI Program would inflate the base against which the rates of rearrests during participation were calculated. Other events which affected a client's time at risk, such as incarceration on the sample offense, could also be considered censored events, but were not included in this analysis.

GRAPH VII-1 REARREST RATES DURING ATI PARTICIPATION



* Proportion still in the ATI Program without a rearrest.

survival curve leveled and ended after that interval. The proportion of clients remaining in the ATI Program at that time without a rearrest was 0.61.

By taking into account how long clients were in the ATI Program, the risk (rate) that a rearrest would occur within a specific 30-day interval, can be calculated for those not previously rearrested and still in the Program at the beginning of that period (i.e., for those still "at risk"). These "hazard" rates⁴ are presented in Graph VII-2. According to this graph, during the first two months after intake the risk of rearrest was climbing and then dropped off (although not steadily) reaching its lowest point six months after intake (180 days). The highest point in the graph indicates that the risk of rearrest was greatest for those ATI clients still in the ATI Program seven months after intake and who had not previously had a rearrest.

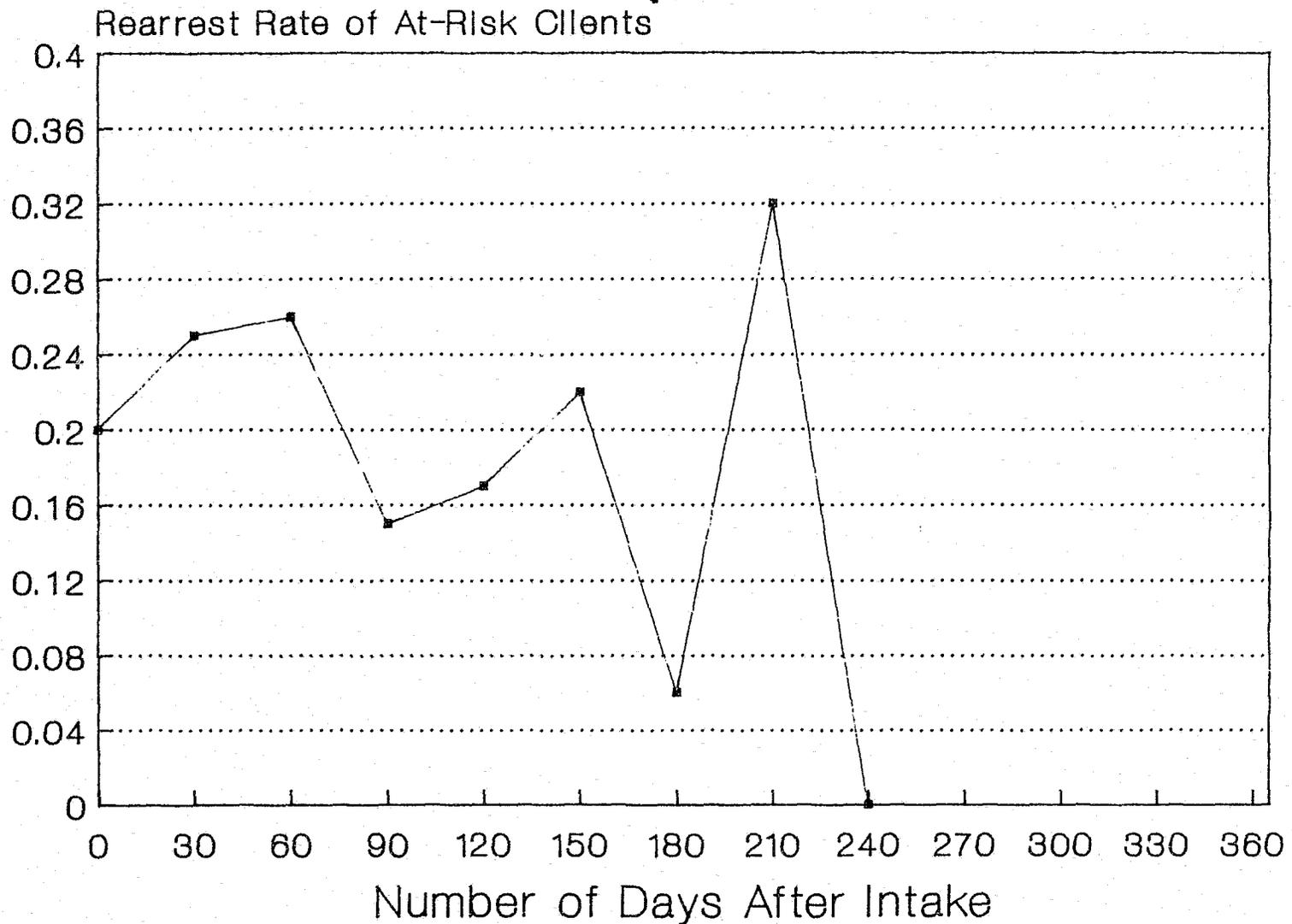
a. Timing of Rearrest and Participation in the ATI Program

The survival curve for the rearrest patterns of those clients successfully completing the ATI Program contrasted with that of those unsuccessfully terminated from the Program graphically demonstrates the different experiences of these two groups (Graph VII-3). Again, length of participation in the ATI Program was taken into account.

Both rearrests and exit from the ATI Program occurred at a much faster pace for those clients unsuccessfully terminated from the Program than for those completing the ATI Program successfully. The latest rearrest for both groups occurred during the eighth month. The proportion remaining in the Program without a rearrest after that

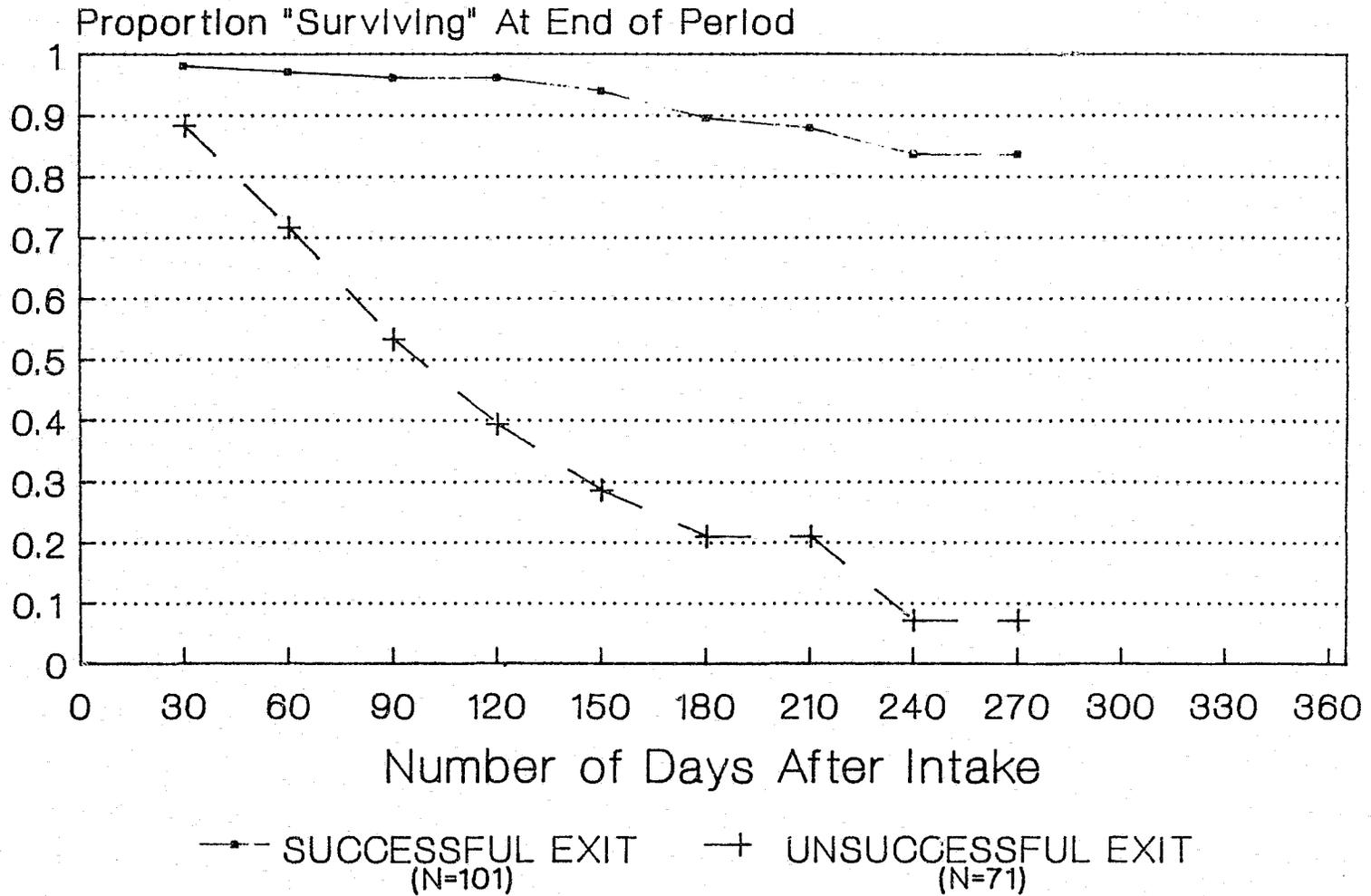
⁴The hazard rate is calculated by dividing the number rearrested per day in the interval by the average number not rearrested and still at risk (here, still in the Program) at the midpoint of the interval. See C. Hadlai Hull and Norman H. Nie, SPSS Update 7-9, 2ND ed., (New York: McGraw Hill, 1981), p.207. A study of recidivism in Illinois further analyzed this rate by applying spline regression techniques to smooth the curve by isolating critical intervals at which the slope of a regression line (time on the rate) changed. See Illinois Criminal Justice Information Authority, "The Pace of Recidivism in Illinois," (Chicago: Illinois Criminal Justice Information Authority, 1986).

GRAPH VII-2 RISK OF REARREST DURING ATI PARTICIPATION



Rates graphed are multiplied by 100.

GRAPH VII-3 REARREST RATES BY TYPE OF PROGRAM EXIT



Proportion surviving the ATI Program without a rearrest.

interval, if terminated successfully from the ATI Program, was 83.6%. However, the corresponding proportion for those terminated unsuccessfully was just 7.0%. According to the Lee-Desu statistic,⁵ the difference in these survival experiences was statistically significant ($D= 54.07$ with 1 d.f. and $p=.000$). That is, there was less than a 5% probability (in fact, less than a one percent probability) that the difference in the pacing of rearrests in the two groups was due to chance.

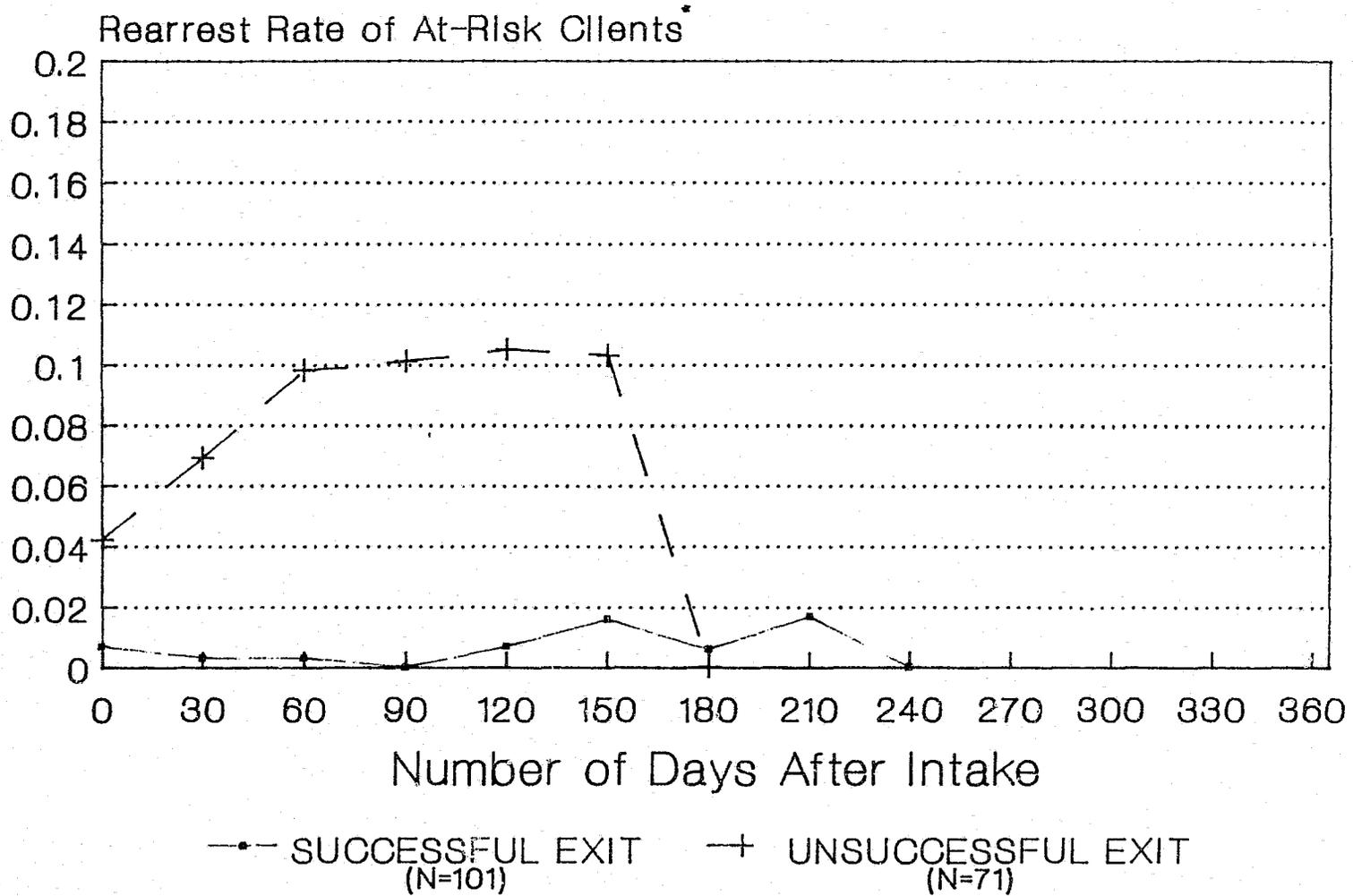
The risk of rearrest (hazard rate, Graph VII-4) for the group successfully completing the Program was greatest in the eighth month (the interval beginning at 210 days). The risk here was still very small, and differed little from that during the sixth month (beginning at 150 days). The risk of rearrest for those unsuccessfully terminated from the ATI Program, on the other hand, began at a higher point and increased during the third month, remaining fairly constant through the sixth month. The lowest risk of rearrest for this group was during the seventh month, i.e., if they remained in the Program 180 days without a rearrest.

b. Client Characteristics and Characteristics of the Intake Case

As Section VII.A. demonstrated, the likelihood of a rearrest during ATI participation was not the same for all the subgroups of clients. Here, survival analysis was used to attempt to find subgroups of clients that might have been rearrested more quickly than others. When the different rearrest experiences (survival) were compared for various client subgroups based on criminal history, the client's employment and school status at intake, the court processing stage of the intake case at the time of intake, and the most severe intake charge, no statistically significant differences were

⁵This statistic is based on an individual's score, U , which compares that individual's survival (ratio) score against all others. The D statistic, which has a distribution similar to X^2 , is then computed as a ratio of the individual differences in the subgroups to the differences in the whole sample under the null hypothesis that the survival distribution in the subgroups are from the same sample distribution. A difference is reported as "statistically significant" if there was a 5% (or less) probability that the difference was due to chance. (See SPSS Update 7-9, op. cit., pp. 207-208).

GRAPH VII-4 RISK OF REARREST BY TYPE OF PROGRAM EXIT



* Rates graphed are multiplied by 100.

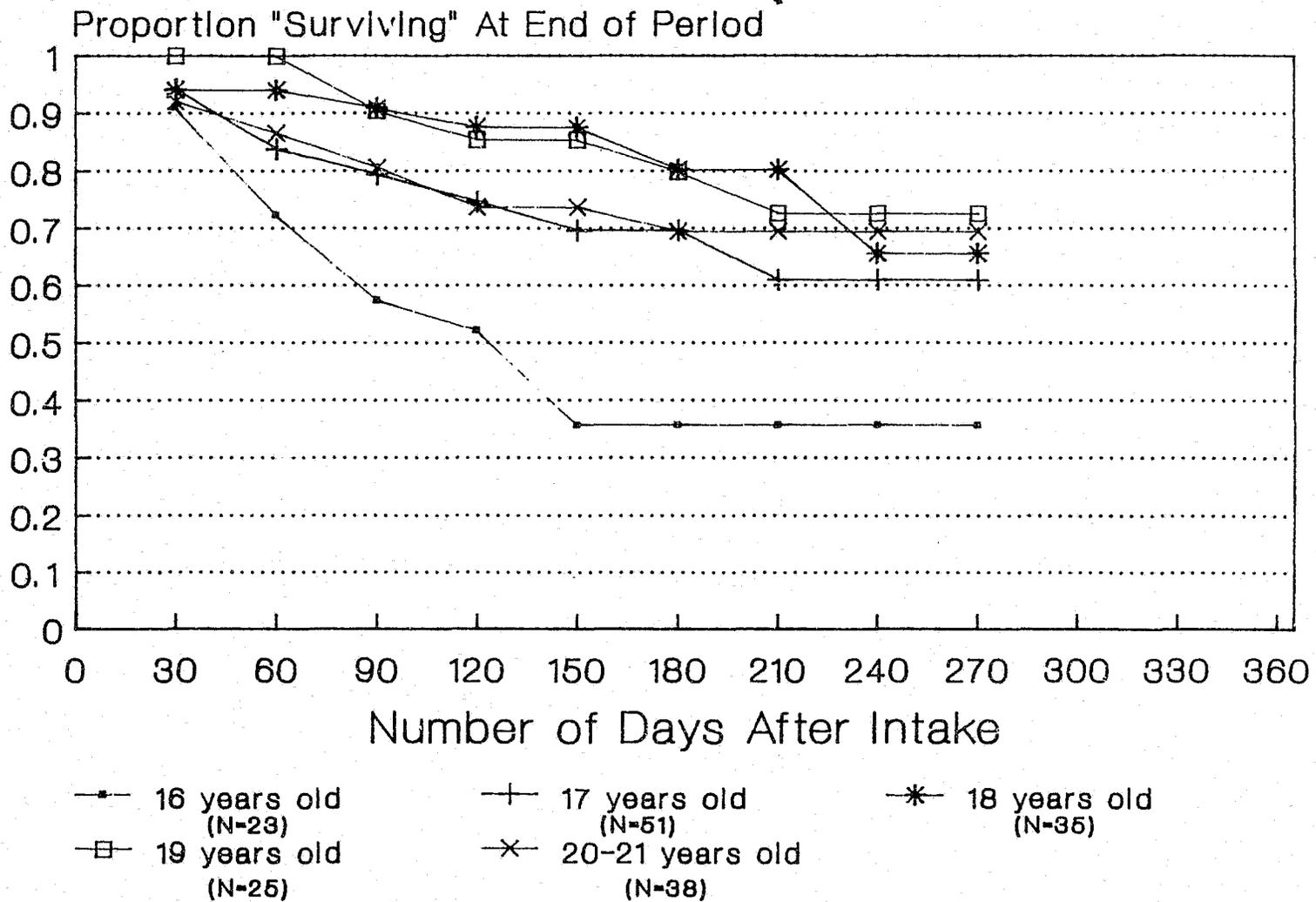
found. However, when the timing of the first rearrest during ATI participation was compared for the different age groups studied, a statistically significant difference was observed ($D=12.35$ with 4 d.f. and $p=.015$).

Clients who were 16 years old at the time of their intake interview were rearrested most quickly after entering the ATI Program (Graph VII-5). Their curve deviated markedly from those for the other age groups by 60 days and continued well below all others. Those 16-year-old clients still with the ATI Program five months after intake (and not rearrested), however, were not rearrested during the rest of their ATI participation, regardless of how long that participation lasted; i.e., the curve leveled at that interval. These findings are consistent with the lower rate of successful Program completion among this group of clients. The pacing of the rearrests for the 19-year-old clients did not clearly distinguish itself from the patterns for the other, non-16-year-old subgroups; but, it was this subgroup that had the largest proportion remaining in the ATI Program without being rearrested by end of the eighth month (240 days).

D. Summary

Chapter VII has presented the rearrest patterns of clients within one year of their intake date into the ATI Program. Within this period, 49.4% of the clients were rearrested at least once. The question of whether or not the ATI Program delayed the recidivism of the clients was also addressed. More clients were first rearrested during their participation (29.1%) than were first rearrested after their participation ended (20.3%). Rearrest, of course, most often led to unsuccessful termination from the Program. The rearrest rate for those successfully completing the Program was lower after participation than was that for those unsuccessfully terminated from the Program without being rearrested. (But, the evidence was inconclusive concerning the actual time behavior leading to a rearrest might have been delayed.) The first rearrests

GRAPH VII-5 REARREST RATES BY AGE OF CLIENT AT INTAKE



Proportion still in the ATI Program without a rearrest.

occurring during participation tended to be for more serious offenses than those occurring after participation ended.

Age, criminal history, and sample offense distinguished who was rearrested from who was not by the end of the follow-up period, and, whether the first rearrest was likely to occur during or after ATI participation. The clients most likely to be first rearrested during their ATI participation were those who were 16 years old at intake (also most likely overall), those with robbery intake charges (but least likely overall), those with predisposition intake cases and those with previous arrests but no convictions at the time of their arrest on their sample offense. After their ATI participation had ended, the oldest clients, those with VOP intake cases (highest overall among court processing stage groups) and those charged on their intake cases with charges other than burglary or robbery (highest overall among different charge groups) had the highest recidivism rates. The clients without convictions (but with previous arrests) at the time of their sample arrest also had a high rate of rearrest, subsequent to participation, and had the overall highest rearrest rate, relative to clients with other criminal histories. The rate of rearrest for first arrestees, the lowest overall, was greater after their ATI participation ended, when it equalled that of those with pending cases at the time of their sample arrest.

Other clients were as likely to be rearrested after they left the ATI Program as they were to be rearrested while they were in the ATI Program. Among these clients were those who had previous convictions at the time of their sample arrest. Those with a top intake charge of burglary and those in the intermediate age groups also demonstrated about equivalent rates of rearrest during and after participation.

When the ATI Program success rates were compared in the previous Chapter by age, the 16-year-old age group stood out because of its low success rate. Underscoring that finding here was not only the high overall rearrest rate of 16-year-olds which was clearly tied to unsuccessful termination from the Program, but also the pacing of rearrests, i.e., how quickly after intake this group of clients had another arrest. Clients in

all other age groups were rearrested at a much slower pace. The differences in the age groups' "survival" experiences, that is, how long they remained in the ATI Program without a rearrest, were the only subgroup differences in the pacing of rearrests found to be statistically significant, despite the descriptive differences in overall rearrest rates noted by criminal history and sample offense.

In Chapter VIII, the recidivism patterns of the ATI group will be compared to matched samples of offenders sentenced to probation and of those released from state custody. In that Chapter, whether or not a client was still in the ATI Program at the time of his first rearrest will not be considered. The findings presented in this Chapter suggest that, when the timing of rearrests within the whole sample period is examined, those occurring earliest will, obviously, be those clients still in the ATI Program who were likely to be terminated unsuccessfully from the Program because of their rearrest. The later into the one-year period rearrests are examined, the more likely they are to be occurring for clients who completed the Program without a rearrest. These clients, as a group, were about as likely to have successfully completed the Program as they were to have unsuccessfully completed it.

VIII

Comparative Recidivism Analysis

A. Introduction

Ideally, an assessment of the impact of the Program on recidivism required an experimental research design with like defendants randomly assigned to the ATI group or to a control group. No such design was in place for FY84. Instead, comparison groups of similar offenders who did not participate in the Program were chosen and their recidivism patterns compared to those of the ATI participants.

One group providing useful comparisons to the ATI clients was comprised of offenders receiving incarceration sentences. When matched to ATI clients, and assuming ATI participants were truly incarceration-bound, this group can be described as representing what clients might have been like without their participation in the ATI Program. It was expected that the ATI group would have a lower rearrest rate than this group, if the Program had a positive impact on recidivism.

While claims for the jail-boundedness of the ATI clients were to be investigated, it was clear that, in the absence of a model predicting jail-boundedness, in addition to examining the recidivism of those who did receive incarceration, the recidivism patterns of offenders who did not get incarceration sentences, but did get similar probation sentences without CEP intervention was another appropriate group. The impact of the ATI Program on the recidivism of its clients would then be assessed by the potential greater risk to community safety its clients presented over that of probationers.

In this Chapter then, rearrest patterns of the 172 ATI clients are compared to those of matched samples of offenders sentenced to probation and to incarceration, in order to assess the impact of the ATI Program on recidivism. Age, charge, and criminal history were used to match probationers and those released from incarceration to the ATI clients. From computerized records provided by the New York City Department of Probation, 267 probationers sentenced to felony probation between July 1, 1983,

and June 30, 1984, were selected from all those who were between the ages of 16 and 21 years old at the time of sentencing. Similarly, from records provided by the New York State Department of Correctional Services (DOCS) and the New York State Division of Parole, 254 offenders released from State custody between July 1, 1983, and June 30, 1984, were selected from all those who were 16 to 21 years old at the time of their release.

The final comparison samples were chosen by a multi-stage process of linking the records provided by these agencies to the CJA database and matching to the characteristics of the ATI group.¹ The initial sampling criteria included: having a valid NYSID number; being between the ages of 16 and 21 years old as of the sampling date between July 1, 1983, and June 30, 1984, (intake date for ATI, sentencing date for Probation, release date for DOCS/Parole). The NYSID number criterion permitted linking to the CJA database to obtain criminal history information for the initial matching of the comparison groups, and, subsequently, to rearrest information. The age criterion achieved the same ages of the groups during the "at risk" period when rearrests were to be examined. In the initial phase of the sampling, to compensate for the incomplete charge information for some YO's in the DOCS group, the Penal Law articles of the intake charges for ATI clients and of the conviction charges for the other two groups were also isolated.

The joint distribution of age and Penal Law article, and, of Penal Law article and prior criminal record at the time of arrest on their intake case were examined for the ATI clients. These distributions were used to do the actual selection of the matched comparison groups. Cases in the Probation and DOCS/Parole files having a number of prior convictions outside of the range of those for ATI clients within a particular Penal Law article were deleted. The remaining cases in each file were assigned random numbers and sorted into that numerical order. Which joint distribution

¹Details of the sample selection procedures are found in Appendix C.

determined the number of cases, however, varied for each comparison group (see Appendix C). The first "n" cases fitting one of the joint distributions (e.g., 16 years old and convicted on a robbery charge) were selected until the proportion of cases chosen approximated that of ATI clients for that distribution for a target of 225 cases in each matched group. Additional cases were added to adjust the distributions in the comparison groups to more closely match those in the ATI group in terms of age, charge, and criminal history.

Information on rearrest patterns was gathered by linking the offender's NYSID number to the computerized CJA database and by manually coding criminal history records provided by DCJS. The data collected described the rearrests occurring within one year of the respective "sample dates" of the comparison groups. Again, these three dates were the intake date of the ATI clients, the sentencing date of the probationers, and the release date from state custody of those who were incarcerated.²

Section VIII.B. summarizes the three groups in terms of the variables (age, charge, and criminal history) used to match probationers and those released from incarceration to ATI clients. Following that, Section VIII.C. describes the rearrest patterns of the ATI and the comparison groups within one year of their respective sample dates and presents data on the court outcomes of these rearrests. Section VIII.D. examines group recidivism rates in conjunction with other variables such as charge and prior criminal record. Section VIII.E. then deals with the timing of the first rearrest and to what extent the timing in the ATI group differed from that in the comparison groups. Finally, Section VIII.F. presents a summary of the Chapter's findings.

²While the comparison groups are referred to throughout the text by the agency from which they were identified, the behavior of the offenders during this year period does not necessarily reflect that of offenders on probation or parole. The probation and parole status of the sample at the time of a rearrest was not known. (Chapter VII described ATI status and rearrest patterns.)

B. Summary of Comparison Group Characteristics

This section summarizes offender and case characteristics of the Probation and DOCS/Parole groups, compared with those of the ATI client group. The details of the comparisons can be found in Appendix C after the description of the comparison sample selection procedures. Because the matching to ATI clients was based on just a few variables, it is possible that the groups differed on other characteristics that could affect their respective recidivism rates. These are discussed in Section VIII.F.

1. Offender Characteristics

The average (mean) age of the DOCS/Parole group was 17.9 years old while for both the ATI group and the Probation group it was 18.1 years. The difference in the mean ages between ATI clients and state custody releasees was not statistically significant. This difference, however, reflects the decision to include many youthful offenders under 19 years old in the DOCS/Parole sample. As a result, there were proportionately more 18-year-olds, but proportionately fewer 20- and 21-year-olds, among the state releasees when compared to ATI clients.

The distributions of prior criminal justice system involvement for the final samples still reflected the different sentences the groups received, all else being equal. The probation group had proportionately more offenders who had been arrested for the first time on their sample offense than did the ATI group. The DOCS/Parole group, on the other hand, had somewhat more offenders with previous felony convictions (4.7% in the DOCS/Parole groups versus 1.8% in the ATI group and none in the Probation group). Thus, the ATI group, who had been "rejected" for probation at least once as indicated by their plea offer prior to CEP intervention, fell between these two groups in the severity of their prior criminal justice system involvement. In the recidivism analysis that follows, therefore, criminal history will be controlled for, where appropriate.

2. Sample Case Characteristics

For the most part, sample case characteristics were equivalent among all three groups. Compared to the intake cases for ATI clients, the sample cases for state custody releasees and probationers were less likely to have been prosecuted in Kings County and more likely to have been prosecuted in Bronx County and New York County Supreme Court. Robbery and burglary offenses were as frequent among the conviction charges of probationers as among the intake charges of ATI clients. However, probationers were more likely to be convicted on lower felonies than were the ATI clients to have these charges at intake; two-thirds of the clients had B and C felony intake charges. Excluding state releasees whose conviction charges were unknown because of their youthful offender status, the charge distribution among state releasees also paralleled that among ATI clients. The distribution of the amount of prison time imposed on all state releasees suggested conviction on lesser felony charges or conviction as a first time offender.

C. Description of Recidivism Patterns Within Comparison Groups

This section begins the discussion of the recidivism patterns for the three groups within the one-year study period. Factors affecting the actual amount of time offenders in the three groups were actually "at risk" in New York State to be rearrested during the follow-up period were not controlled. Thus, not all offenders had a full one-year period of rearrest coded. As a result, the rates presented here would tend to be lower than those for which such factors were able to be controlled. For example, some probationers may have been required to spend some time in jail prior to their release to Probation. From Chapter VI, we can estimate, on the basis of the 1981 comparison dataset (Table VI-9), that about 17% of the probation group might have been sentenced to "split" sentences of some jail time (usually two months or less) and probation; some offenders, however, would be credited with pretrial detention time and

would not be incarcerated after sentencing. Another factor affecting time at risk in all three groups would be incarceration on a prior (or open) case.

1. Number and Types of Rearrests

According to Chapter VII, a total of 85 ATI clients (49.4%) were rearrested within one year of their intake dates. The majority of these clients (56) were unsuccessfully terminated from the ATI Program, regardless of whether their first rearrest occurred during or after their ATI participation.

The rearrest rate for all ATI clients (49.4%) after the one-year follow-up period was midway between that of state releasees (57.9%) and that of probationers (41.9%).³ When the proportions rearrested only once were compared, the proportion rearrested only once in the ATI group (32.6%) again fell between those of two comparison groups (41.3% and 25.8%, respectively for the DOCS/Parole and Probation groups). There was little difference across groups, however, in the likelihood of being rearrested two or more times within a year of their sample dates (16.8% of the ATI group, 16.1% of the Probation group and 16.5% for the DOCS/Parole group; Table VIII-1).

³Some rearrests for the Probation group may not have been known; thereby lowering its rearrest rate. For ATI clients and state custody releasees for whom no criminal history sheets were obtained, name searches were done in the CJA database to ascertain if a new NYSID number had been issued on a subsequent arrest (because the previous record was sealed). For these two groups, no new NYSID numbers were found by this process (see Appendix C). The data request for the Probation data did not include name so that the procedure could not be followed for this group. The proportion of offenders for whom rap sheets were not obtained was virtually the same in both the ATI group (18.2%) and the Probation group (18.8%, versus just 6.2% in the DOCS/Parole group, Appendix C). The rearrest rates for those without rap sheets (on the basis of NYSID number links to the CJA database) were also quite close (16.7% for ATI and 14.6% for Probation). While it cannot be said with certainty that there were not missed rearrests in the Probation group, it is unlikely given the experiences of the ATI group, that many more would have been isolated; both groups without rap sheets appeared to be similar in this regard. In general, the rearrest information is incomplete for all groups to the extent that rearrests were sealed and information was therefore not available on the rap sheets.

TABLE VIII-1

TOTAL NUMBER OF REARRESTS WITHIN ONE YEAR
OF THE SAMPLE DATE BY SAMPLE

<u>NUMBER OF REARRESTS</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
NO REARRESTS	87	50.6%	155	58.1%	107	42.1%
1 REARREST	56	32.6	69	25.8	105	41.3
2 REARRESTS	19	11.0	29	10.9	28	11.0
3-6 REARRESTS	10	5.8	14	5.2	14	5.5
TOTAL	172	100.0%	267	100.0%	254	100.0%

Table VIII-2 displays the distribution within each comparison group of the most severe arrest charge on any rearrest during the sample period according to whether it was a violent felony offense (VFO), some other felony, or a misdemeanor offense. One-quarter of the ATI clients (25.6%) were rearrested for at least one violent felony offense. A similar proportion of probationers (24.0%), but almost one-third of the DOCS/Parole group (32.3%) were arrested on such a charge during the sample period. The proportion of ATI clients having a non-violent felony as their most severe rearrest (15.1%) was slightly higher than that of state releasees (14.2%) and that of probationers (12.4%). The likelihood that ATI clients most severe rearrest was for a misdemeanor offense (8.7%) fell between that for probationers (5.6%) at the lower end and that for state releasees (11.4%) at the higher end.

When only those rearrested in each group were considered, the percentage of the ATI group rearrested for any felony offense (82.4%) again was midway between the two comparison groups, but it was rearrested probationers who had the highest percentage rearrested for felony offenses (86.6% versus 80.3% for rearrested state releasees). And, if rearrested, ATI clients were somewhat less likely to be arrested for violent felonies than either comparison group (51.8% versus 57.1% and 55.8%, respectively for probationers and state releasees). The ATI clients' high rate of rearrest on non-VFO felonies (30.6%) accounted for their more moderate rate of felony rearrests overall compared to rates in the two other groups. The proportion of rearrested ATI clients charged only at the misdemeanor level (17.6%) also fell between that of rearrested probationers (13.4%) and that of rearrested state releasees (19.7%).

Thus, overall, the pattern of rearrest within one year of the sample date for the ATI clients fell midway between the DOCS/Parole and Probation groups in terms of both the likelihood of, and the severity of, rearrests:

- 1) The rate of rearrest for ATI clients fell between the higher rate for state custody releasees and the lower rate for probationers. The comparison groups were as likely as the ATI group to have multiple subsequent arrests.

TABLE VIII-2

TOTAL NUMBER OF REARRESTS WITHIN ONE YEAR
OF THE SAMPLE DATE BY SAMPLE

<u>MOST SEVERE REARRESTS</u>	<u>ATI</u>			<u>PROBATION</u>			<u>DOCS/PAROLE</u>		
	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>
NO REARRESTS	87	50.6%	-	155	58.1%	-	107	42.1%	-
MISDEMEANOR REARREST	15	8.7	17.6%	15	5.6	13.4%	29	11.4	19.7%
NON-VFO FELONY REARREST	26	15.1	30.6	33	12.4	29.5	36	14.2	24.5
VFO REARREST	44	25.6	51.8	64	24.0	57.1	82	32.3	55.8
SUBTOTAL	<u>85</u>	<u>49.4%</u>	<u>100.0%</u>	<u>112</u>	<u>41.9%</u>	<u>100.0%</u>	<u>147</u>	<u>57.9%</u>	<u>100.0%</u>
TOTAL	<u>172</u>	<u>100.0%</u>		<u>267</u>	<u>100.0%</u>		<u>254</u>	<u>100.0%</u>	

^aPercentage of all cases.

^bPercentage of those with a rearrest.

- 2) As a group, ATI clients were about as likely as probationers to have a rearrest for a violent felony during the sample period. State releasees were more likely. When comparing only those actually rearrested during the sample period, however, ATI clients were somewhat less likely to be rearrested for violent felonies; probationers were most likely. Releasees from state custody were most likely to be rearrested for misdemeanors only.

2. Most Severe Rearrest Charge

Table VIII-3 displays the most severe arrest charge that occurred across all rearrests for each of the comparison groups. Robbery charges were the most common among these charges for all groups, as they were among the intake charges for the ATI clients that were used to match to the conviction charges of the comparison groups. About one-third of the top rearrests in all groups were for robbery. Burglary rearrest charges were less common in the ATI group than were burglary charges at intake. Other property crimes such as larceny and property possession charges, however, were frequently found as top rearrest charges. For the two comparison groups, burglary charges were still more common than other types of property crimes among the most serious rearrest charges.

Assault and drug offenses together were the most serious rearrest charges for 22.4% of the ATI clients who were rearrested. These offenses were more prevalent among rearrest charges than among the clients' intake charges. Their prevalence was also greater among the rearrest charges of the comparison groups than among their sample offenses, but was not as great as among the ATI group (19.6% for the rearrested probationers, and 17.0% for state custody releasees rearrested during the sample period).

3. Severity of the First Rearrest

ATI clients, if they had multiple rearrests, were rarely rearrested within the sample period for an offense that was more severe than that of their first rearrest. This was generally true for offenders in the comparison groups as well. Section VIII.E.

TABLE VIII-3

MOST SEVERE ARREST CHARGE ACROSS REARRESTS BY SAMPLE

MOST SEVERE REARRESTS CHARGE	<u>ATI</u>			<u>PROBATION</u>			<u>DOCS/PAROLE</u>		
	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>
REARRESTS:									
ASSAULT	10	5.8%	11.8%	9	3.4%	8.0%	12	4.7%	8.2%
MURDER	4	2.3	4.7	4	1.5	3.6	3	1.2	2.0
RAPE	-	-	-	3	1.1	2.7	5	2.0	3.4
BURGLARY	6	3.5	7.1	17	6.4	15.2	19	7.5	12.9
LARCENY	11	6.4	12.9	11	4.1	9.8	15	5.9	10.2
ROBBERY	28	16.3	32.9	38	14.2	33.9	48	18.9	32.7
PROPERTY	5	2.9	5.9	6	2.2	5.4	17	6.7	11.6
DRUGS	11	6.4	12.9	14	5.2	12.5	18	7.1	12.2
WEAPONS	6	3.5	7.1	5	1.9	4.5	6	2.4	4.1
OTHER ^C	4	2.3	4.1	5	1.9	4.5	4	1.6	2.7
SUBTOTAL REARRESTS	85	49.4%	100.0%	112	41.9%	100.0%	147	57.9%	100.0%
NO REARRESTS	87	50.6		155	58.1		107	42.1	
TOTAL	172	100.0%		267	100.0%		254	100.0%	

^aPercentage of all cases.

^bPercentage of those with a rearrest.

^cIncludes: kidnapping, forgery, absconding and prostitution.

will focus on the timing of the first rearrest. Here, its severity will be discussed (Table VIII-4).

ATI clients who were rearrested within a year of the sample date were least likely to be rearrested on the most severe A or B felony charges (18.8%) while state releasees were most likely (26.5% versus 23.2% for probationers). ATI clients were correspondingly most likely to have D or E felonies as the top arrest charge on their first rearrest (35.3%); probationers had the smallest proportion of these lower felony charges on their first rearrest (26.8%). About one-quarter of the ATI group (as well as of the other groups) had misdemeanors as the top charge on their first rearrests (23.5% for ATI, 25.0% for Probation, and 23.8% for DOCS/Parole). Probationers whose first arrest was for misdemeanor charges, however, were more likely than offenders in the other two groups to subsequently have a felony arrest⁴ (46.4% or 13 of the 28 probationers with misdemeanor charges on their first rearrest later had a felony arrest, not shown).

4. Court Outcomes of Rearrests

This section describes the court outcomes of rearrests occurring within one year of the sample date. The court status of these rearrests was recorded as of September 15, 1986, so that most rearrest cases would have reached their final dispositions in either New York City Criminal Courts or Supreme Courts.⁵ As of this date, one-fifth (20.3%) of the ATI group had at least one rearrest prosecuted in Supreme Court. The DOCS/Parole group, the most likely group to have felony rearrests, was more likely than the ATI group to have had at least one rearrest prosecuted there (24.8%).

⁴Almost one-quarter (24.4%) of the probationers who were rearrested had a subsequent arrest that was more severe than their first rearrest during the sample period. By contrast, just one in ten (10.5%) of those released from state custody had a more severe rearrest beyond their first (not shown).

⁵Court outcomes for rearrests occurring outside of the five counties of New York City were complete in so far as the information on the criminal history sheets was complete; where this information was not complete, the information on court outcome was considered not available.

TABLE VIII-4

PENAL LAW SEVERITY OF TOP ARREST CHARGE
ON THE FIRST REARREST BY SAMPLE

<u>PENAL LAW SEVERITY</u>	<u>ATI</u>			<u>PROBATION</u>			<u>DOCS/PAROLE</u>		
	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>
REARRESTS:									
A OR B FELONIES	16	9.3%	18.8%	26	9.7%	23.2%	39	15.4%	26.5%
C FELONY	19	11.0	22.4	28	10.5	25.0	28	11.0	19.0
D FELONY	23	13.4	27.1	21	7.9	18.8	33	13.0	22.4
E FELONY	7	4.1	8.2	9	3.4	8.0	12	4.7	8.2
MISDEMEANORS	20	11.6	23.5	28	10.5	25.0	35	13.8	23.8
SUBTOTAL									
REARRESTS	<u>85</u>	<u>49.4%</u>	<u>100.0%</u>	<u>112</u>	<u>41.9%</u>	<u>100.0%</u>	<u>147</u>	<u>57.9%</u>	<u>100.0%</u>
NO REARRESTS	87	50.6		155	58.7		107	42.1	
TOTAL	<u>172</u>	<u>100.0%</u>		<u>267</u>	<u>100.0%</u>		<u>254</u>	<u>100.0%</u>	

^aPercentage of all cases.

^bPercentage of those with a rearrest.

The Probation group, on the other hand, was somewhat less likely (18.4%, not shown) to be prosecuted in Supreme Court. Not all rearrests ended in the conviction of the defendant. The following sections summarize the conviction and sentencing patterns on these rearrests.

a. Convictions on Rearrests

One in three ATI clients (30.3%) were convicted on a rearrest occurring within one year of their respective sample dates. In contrast, one-quarter of the probationers (24.3%), but two-fifths (41.7%) of the state custody releasees were convicted of a new crime for which they were rearrested within one year of their sample dates (see Table VIII-5). The rates of conviction for violent felony charges (13.4%) and for misdemeanor charges (13.4%) in the ATI group also fell between the respective rates of conviction for these charges in the DOCS/Parole group (16.1% and 18.1%)⁶ and the Probation group (10.1% and 8.6%).

When only those who were rearrested were considered, the likelihood of a conviction in the ATI group (65.8%) was again somewhat greater than that for those in Probation group (62.5%), but lower than that for those in the DOCS/Parole group (73.6%). About three out of ten (29.1%) rearrested ATI clients were convicted on VFO charges. The rate of VFO convictions among those rearrested in the DOCS/Parole group (28.5%) was similar to that among the ATI clients, while the VFO conviction rate among the rearrested probationers was only somewhat lower (26.0%). Rearrested ATI clients were least likely to be convicted on non-VFO felonies (7.6%). Rearrested probationers were twice as likely as rearrested ATI clients to be convicted of non-VFO

⁶One offender from the DOCS/Parole group had as many as five violent felony convictions by September 15, 1986, for rearrests occurring within one year of his release from state custody. No one from the ATI group had more than one violent felony conviction by this date, while two probationers has as many as two VFO convictions arising from rearrests within the sample period (not shown).

TABLE VIII-5

MOST SEVERE DISPOSITION AS OF SEPTEMBER 15, 1986
ON ANY REARREST BY SAMPLE

MOST SEVERE OUTCOME	<u>ATI</u>			<u>PROBATION</u>			<u>DOCS/PAROLE</u>		
	<u>N</u>	<u>%</u> ^a	<u>%</u> ^b	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>
NO REARRESTS	87	50.6%	-	155	58.1%	-	107	42.1%	-
<u>REARRESTS:</u>									
NO CONVICTIONS AS OF 9-15-86 ^c	27	15.7	34.2%	39	14.6	37.5%	38	15.0	26.4%
MISDEMEANOR CONVICTION	23	13.4	29.1	23	8.6	22.1	46	18.1	31.9
NON-VFO FELONY CONVICTION	6	3.5	7.6	15	5.6	14.4	19	7.5	13.2
VFO CONVICTION	23	13.4	29.1	27	10.1	26.0	41	16.1	28.5
SUBTOTAL ALL OUTCOMES	79	45.9%	100.0%	104	39.0%	100.0%	144	56.7%	100.0%
Court Outcome Not Available	6	3.5		8	3.0		3	1.2	
SUBTOTAL REARRESTS	85	49.4%		112	41.9%		147	57.9%	
TOTAL	172	100.0%		267	100.0%		254	100.0%	

^aPercentage of all cases.

^bPercentage of those with a rearrest.

^cIncludes three ATI clients, four probationers and one releasee from state custody with rearrests still pending in court and no other conviction.

felonies as a result of rearrests within one year of their sampling date (14.4%). A similar proportion of those rearrested in the DOCS/Parole group were convicted on non-VFO felonies (13.2%).

b. Sentences Imposed on Reconvictions

Over four-fifths of the convictions in the ATI group (86.3%) sentenced by September 15, 1986, were sentenced to imprisonment (Table VIII-6). This proportion varied little across the comparison groups, but was somewhat less among the Probation group (82.5% versus 84.9% for the DOCS/Parole group).

There were some group differences, however, in the amount of prison or jail time imposed in cases sentenced to imprisonment. Table VIII-7 displays the longest time imposed on any rearrest for those sentenced to imprisonment in each of the three groups. ATI clients convicted on rearrests and sentenced to imprisonment were most likely to receive a determinate sentence of one year or less (45.5%) and probationers sentenced to prison least likely (36.5%). Nevertheless, the likelihood of receiving the longest prison times recorded (a minimum of four to 25 years with a maximum of 12 or more years) was also greatest among the ATI clients convicted on a rearrest and sentenced to imprisonment (9.1%). State releasees who were sentenced to imprisonment were next most likely to receive long prison terms. The indeterminate prison sentences imposed on probationers reconvicted on a rearrest were more moderate.

5. Summary of Rearrest Patterns

In the aggregate, the likelihood that ATI clients would be rearrested within one year of their sample dates was greater than that for probationers and lower than that for state releasees. ATI clients were least likely to be rearrested for the most severe (violent felony) offenses while offenders in the DOCS/Parole group were most likely to be rearrested for VFO charges. The rate of rearrest for misdemeanor crimes among the ATI group, however, was not as great as it was among the DOCS/ Parole group.

TABLE VIII-6

MOST SEVERE SENTENCE AS OF SEPTEMBER 15, 1986 ON ANY REARREST BY SAMPLE

<u>SENTENCE TYPE</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
IMPRISONMENT ^a	44	86.3%	52	82.5%	90	84.9%
PROBATION	1	2.0	2	3.2	3	2.8
FINE	2	3.9	4	6.3	4	3.8
CONDITIONAL DISCHARGE	4	7.8	5	7.9	9	8.5
 SUBTOTAL SENTENCED	<u>51</u>	<u>100.0%</u>	<u>63</u>	<u>100.0%</u>	<u>106</u>	<u>100.0%</u>
SENTENCE PENDING	-		1		-	
Sentence Not Available	1		1		-	
 TOTAL CONVICTIONS	<u>52</u>		<u>65</u>		<u>106</u>	
 SENTENCE PENDING AS OF 9-15-86	27		39		39	
Court Outcome Not Available	6		8		2	
 TOTAL REARRESTS	<u>85</u>		<u>112</u>		<u>147</u>	
 NO REARRESTS	87		155		107	
 TOTAL	<u>172</u>		<u>267</u>		<u>254</u>	

^aIncludes three defendants sentenced to both imprisonment and probation.

TABLE VIII-7

LONGEST AMOUNT OF PRISON TIME IMPOSED ON ANY REARREST BY SAMPLE

	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<u>DETERMINATE SENTENCES:</u>						
TIME SERVED	-	-	2	3.8%	10	11.1%
UNDER 1 YEAR	14	31.8%	8	15.4	21	23.3
1 YEAR	6	13.6	9	17.3	9	10.0
SUBTOTAL DETERMINATE SENTENCES	20	45.5%	19	36.5%	40	44.4%
<u>INDETERMINATE SENTENCES:</u>						
NO MINIMUM GIVEN: 2 YEARS MAXIMUM	1	2.3	-	-	-	-
1 YEAR TO 1 YEAR 9 MONTHS MINIMUM; MAXIMUM: 3 YEARS	6	13.6	7	13.5	12	13.3
4 YEARS TO 5 YEARS 4 MONTHS	3	6.8	8	15.4	5	5.6
2 YEARS TO 3 YEARS 6 MONTHS MINIMUM; MAXIMUM: 4 YEARS TO 4 YEARS 6 MONTHS	1	2.3	7	13.5	6	6.7
5-9 YEARS	8	18.2	7	13.5	15	16.7
4 YEARS TO 25 YEARS MINIMUM; MAXIMUM: 8-10 YEARS	1	2.3	3	5.8	5	5.6
12 OR MORE YEARS ^a	4	9.1	1	1.9	7	7.8
SUBTOTAL INDETERMINATE SENTENCES	24	54.5%	33	63.5%	50	55.6%
TOTAL SENTENCED TO IMPRISONMENT	44	100.0%	52	100.0%	90	100.0%

^aIncludes two ATI clients receiving maximum terms of life imprisonment.

Conviction rates among the ATI group again were lower than those for the DOCS/Parole group and somewhat higher than those for the Probation group, when the whole comparison groups were considered together. When conviction rates among those rearrested were considered, the likelihood of a VFO conviction in the comparison groups differed little from that in the ATI group. Imprisonment was overwhelmingly the most severe sentence imposed on convictions in the ATI group, and, in the other groups as well. The amount of imprisonment imposed on these cases reflected the distribution of VFO and other felony convictions, with ATI clients most likely to receive determinate sentences, but also a high proportion of the longest prison terms. It thus appears that greater differences existed in the likelihood of rearrest between the ATI group and the comparison groups than in the court treatment of those who were rearrested.

D. Subgroup Analysis of Rearrest Rates Within Comparison Groups

Because the comparison groups differed somewhat from the ATI group with respect to age, intake charge, and prior criminal record, it was possible that these differences accounted for the different rearrest rates observed across groups. For example, as stated in Section VIII.B., there were disproportionately more first arrestees represented among the probationers. This disparity may help account for the lower overall rearrest rate of the Probation group compared to the ATI group.

1. Rearrest Rates and Age

Among the ATI group, the youngest (16-year-old) and the oldest (20- and 21-year-old) clients had high rearrest rates (65.2% and 57.9%, respectively). Those ATI clients in all intermediate age groups (17, 18, or 19 years old) had more moderate rearrest rates (45.1%, 40.0%, and 44.0%, Table VIII-8).

When the rearrest rates of ATI clients were compared to those of probationers for specific age groups, the ATI rearrest rates were higher for all age groups, except

TABLE VIII-8

REARREST RATE BY AGE AND SAMPLE

<u>AGE</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>(N=100)</u>	<u>% WITH A REARREST</u>	<u>(N=100)</u>	<u>% WITH A REARREST</u>	<u>(N=100)</u>	<u>% WITH A REARREST</u>
16 YEARS OLD	(23)	65.2%	(36)	47.2%	(32)	62.5%
17 YEARS OLD	(51)	45.1%	(80)	37.5%	(75)	58.7%
18 YEARS OLD	(35)	40.0%	(54)	50.0%	(85)	55.3%
19 YEARS OLD	(25)	44.0%	(37)	40.5%	(26)	80.8%
20-21 YEARS OLD	(38)	57.9%	(60)	38.3%	(36)	41.7%
TOTAL	<u>(172)</u>	49.4%	<u>(267)</u>	41.9%	<u>(254)</u>	57.9%

for those 18 years old on the sample date. For those in this age group, the rate of rearrest was 10.0 percentage points lower among those in the ATI group than it was for those in the Probation group. However, the percentage point differences in the youngest and oldest age groups were even greater in the other direction: the rate of rearrest was 18.0 percentage points higher among 16 year olds in the ATI group than in the Probation group and 19.6 percentage points higher among 20 and 21 year olds in the ATI group.

When the rearrest rates of specific age groups of ATI clients were compared to those in the DOCS/Parole group, the rearrest rates of the ATI clients were lower than those for the DOCS/Parole group for all age groups except the oldest, 20- and 21-year-old, group. The recidivism rate of this group of ATI clients was 16.2 percentage points higher than that for state releasees. In contrast, the rearrest rate of the 19-year-old state releasees (who had the greatest likelihood of rearrest in any group, 80.8%) was 36.8 percentage points higher than that of 19-year-old ATI clients.

2. Rearrest Rates and Prior Criminal Justice System Involvement

Among the ATI clients, those arrested for the first time on their sample offense were least likely to be rearrested (41.4%)⁷ followed by those with open cases, but no convictions at the time of their sample arrest (46.6%). ATI clients with previous arrests but no convictions and no open cases at the time of their sample arrest, however, had the greatest likelihood of rearrest within a year of their ATI intake date (66.7%). The reasons for these differences are not clear (Table VIII-9).

⁷By the time of the sample date, those for whom prior criminal record information was available and who still had no convictions (including those arrested for the first time) had a lower rearrest rate (49.1% overall) than did those with convictions. However, for the ATI clients, the rate of rearrest for those with no convictions (58.1%) was higher than were the respective rates for probationers and state custody releasees. This rate differed little from that for those ATI clients with convictions. The high number of cases for whom prior criminal history sheets were missing or incomplete precluded further analysis of these rates.

TABLE VIII-9

REARREST RATE BY CRIMINAL HISTORY AND SAMPLE

<u>CRIMINAL HISTORY</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>(N=100)</u>	<u>% WITH A REARREST</u>	<u>(N=100)</u>	<u>% WITH A REARREST</u>	<u>(N=100)</u>	<u>% WITH A REARREST</u>
FIRST ARREST	(58)	41.4%	(114)	31.6%	(85)	51.8%
NO CONVICTIONS	(27)	66.7%	(34)	50.0%	(35)	62.9%
OPEN CASES ONLY	(58)	46.6%	(84)	48.8%	(102)	60.8%
ANY CONVICTION	(27)	57.9%	(34)	50.1%	(31)	58.1%
SUBTOTAL	<u>(170)</u>		<u>(266)</u>		<u>(253)</u>	
Not Availble	(2)		(1)		(1)	
TOTAL	<u>(172)</u>	49.4%	<u>(267)</u>	41.9%	<u>(254)</u>	57.9%

A low rate of rearrest among first arrestees and a high rate of rearrest among those previously arrested, but with no convictions by the time of the sample arrest, were also found in each of the comparison groups. Nevertheless, these rates differed from those in the ATI group.

Probationers with previous arrests, but no convictions (and no open cases) at the time of their sample arrest had a substantially lower rearrest rate (16.7 percentage points lower) than did the ATI clients with a similar criminal history who had the highest rearrest rate of all clients. In fact, probationers generally had lower rearrest rates than did ATI clients, regardless of their prior criminal justice system involvement.

On the other hand, those released from state custody generally had a greater likelihood of rearrest than did ATI clients, regardless of their criminal history at the time of their sample arrest. However, when the rearrest rate for state custody releasees with previous arrests but no convictions was compared to that for ATI clients with similar criminal histories at the time of their sample arrest, the rate for the state custody releasees was lower. The greatest difference between the rearrest rates for those released from state custody and for ATI clients, nevertheless, was in the direction of the overall direction of the comparisons for the two groups: among those who had pending cases at the time of their arrest for the sample offense the rate of rearrest was 14.2 percentage points higher in the DOCS/Parole group.

The rearrest rate of the ATI group was then actually higher than that for both comparison groups among those with previous arrests, but no convictions (and no open cases). The only subgroup for which the rearrest rate of ATI clients was lower than that of like offenders in both comparison groups was for offenders with open cases, but no convictions by the time of their sample arrest. Among those with other criminal histories, both first arrestees and those with convictions, the rearrest rates of the ATI clients were higher than those of probationers and less than those of state custody releasees.

3. Rearrest Rates and Sample Offense

ATI clients whose most severe intake charge was robbery had the lowest likelihood of rearrest within a year of their intake date while those charged with crimes other than burglary and robbery had the greatest likelihood of rearrest during this period (45.5% versus 55.3%). ATI clients whose most severe intake charge was burglary had a rearrest rate between these two rates (51.4%). This rate was virtually equivalent to that for those in the Probation group sentenced on burglary charges (51.7%). The rates for probationers convicted on other crimes, however, were lower than were those for ATI clients with non-burglary intake charges. (See Table VIII-10.)

The likelihood of rearrest among those in the ATI group with robbery intake charges was 16.6 percentage points less than it was for those in the DOCS/Parole group convicted on robbery charges. For those in the ATI group with non-robbery intake charges, the differences in their likelihood of rearrest with that of similar state custody releasees were less than four (4) percentage points: those with burglary as their sample offense had a somewhat lower rearrest rate in the ATI group while those with sample offenses other than robbery and burglary had a somewhat greater rearrest rate in the ATI group than did those convicted on similar charges in the DOCS/Parole group.

4. Summary of Subgroup Analysis of Rearrest Rates

The ATI group exhibited a greater likelihood of rearrest than did the Probation group and a smaller likelihood of rearrest than the DOCS/Parole group for almost all categories of age, criminal history and sample offense considered. This finding mirrored that for all ATI clients vis-à-vis the comparison groups. Thus, these defendant and case characteristics did not help account for overall rearrest rate differences between the ATI group and the comparison groups.

Nevertheless, the percentage point differences between the ATI group and the Probation group were more often less than were those between the ATI group and the

TABLE VIII-10

REARREST RATE BY SAMPLE OFFENSE AND SAMPLE

<u>SAMPLE OFFENSE</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>(N=100)</u>	<u>% WITH A REARREST</u>	<u>(N=100)</u>	<u>% WITH A REARREST</u>	<u>(N=100)</u>	<u>% WITH A REARREST</u>
BURGLARY	(35)	51.4%	(58)	51.7%	(35)	54.3%
ROBBERY	(97)	45.4%	(145)	37.2%	(100)	62.0%
ALL OTHERS	(38)	55.3%	(64)	43.7%	(33)	51.5%
YOUTHFUL OFFENDER ^a	(-)	-	(-)	-	(86)	57.0%
SUBTOTAL	<u>(170)</u>	2.8%	<u>(267)</u>	41.9%	<u>(254)</u>	57.9%
Not Available	(2)		(-)		(-)	
TOTAL	(172)	48.8%	(267)	41.9%	(254)	57.9%

^aCharge not available for some state custody releasees receiving youthful offender treatment. See Appendix C.

DOCS/Parole group. The rearrest rates of the ATI group and those of the comparison groups were most similar for two categories (burglary and all non-burglary and non-robbery charges) of sample offense, but the rearrest rates for those convicted of robbery in the ATI group was 17.7 percentage points lower than that rate among the DOCS/Parole group.

The ATI Program appeared to have its greatest effect on those who were 18 years old at intake and on those with no convictions, but open cases at the time of their arrest on the sample offense. For these clients, their rates of rearrest were lower than the respective rates for those of the same age or with the same criminal history in both the Probation and DOCS/Parole groups. The rearrest rates of ATI clients who were 20 and 21 years old and of those with no convictions (and no pending cases) at arrest on the sample offense, on the other hand, were actually higher than the respective rates in both of the comparison groups.

It should be pointed out that neither criminal history nor age were related to the rearrest rates of the sample as a whole in the way these variables have demonstrated relationships in other studies. While in line with expectations, those without previous arrests at the time of their arrest on the sample offense consistently had lower rearrest rates than did those with any previous criminal justice system involvement, those with prior convictions, on the other hand, did not consistently have higher rearrest rates than did those with previous criminal justice system involvement but no convictions. Perhaps more complete criminal history information as of the sample date would have helped to clarify this observation.

The lack of a relationship between age and rearrest rates was not surprising, given the limited age range of the ATI cohort. Even those who were 21 years old at the time of their ATI intake were still in their high rearrest years.

E. Timing of First Rearrest Within One Year of the Sample Date

In addition to different rates of rearrest for the comparison groups within one year of the sample date, how quickly the first rearrest occurred may have varied for each of the comparison groups. (See Section VIII.E.1. below). For specified time intervals, the proportion of cases remaining at the end of an interval which had not yet had a rearrest can be compared across comparison groups. And, the probability or risk of rearrest within a given interval can be calculated. These latter statistics comprise the survival analysis discussed in Section VIII. E.2.

1. Differences Across Comparison Groups

As shown in Table VIII-11, ATI clients were somewhat more likely to be rearrested for the first time within 30 days of the sample date than were probationers or state custody releasees (12.8%, 9.0%, and 11.8%, respectively). During the second month after the sample date, ATI clients and state releasees were much more likely than probationers to be rearrested (12.2% and 13.4% versus 5.6%, respectively). The largest proportion of probationers was rearrested in the interval between six and nine months after their sentencing (11.6%); a similar proportion of state custody releasees were rearrested for the first time in this period (11.8%).

When only those who were rearrested were considered, ATI clients who were rearrested did so most quickly, while probationers who were rearrested did so most slowly and were most likely to be rearrested six months or more after their sentencing. The likelihood of the occurrence of the first rearrest after the sample date for state custody releasees and who were rearrested was fairly uniform throughout the year following their release. The median times to the first rearrest were 120.3 days for the ATI clients and 133.0 days for those released from state custody. The median time to the first rearrest for probationers was six months (180.0 days).

TABLE VIII-11

NUMBER OF DAYS FROM SAMPLE DATE TO FIRST REARREST BY SAMPLE

NUMBER OF DAYS	<u>ATI</u>			<u>PROBATION</u>			<u>DOCS/PAROLE</u>		
	<u>N</u>	<u>a</u> %	<u>b</u> %	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>
0-30 DAYS	22	12.8%	25.9%	24	9.0%	21.4%	30	11.8%	20.4%
31-60 DAYS	21	12.2	24.7	15	5.6	13.4	34	13.4	23.1
61-180 DAYS	11	6.4	12.9	18	6.7	16.1	28	11.0	19.0
181-270 DAYS	13	7.6	15.3	31	11.6	27.7	30	11.8	20.4
271-365 DAYS	18	10.5	21.2	24	9.0	21.4	25	9.8	17.0
SUBTOTAL REARRESTS	<u>85</u>	<u>49.4%</u>	<u>100.0%</u>	<u>112</u>	<u>41.9%</u>	<u>100.0%</u>	<u>147</u>	<u>57.9%</u>	<u>100.0%</u>
NO REARRESTS	87	50.6		155	58.1		107	42.1	
TOTAL	<u>172</u>	<u>100.0%</u>		<u>267</u>	<u>100.0%</u>		<u>254</u>	<u>100.0%</u>	
MEAN DAYS			151.3			171.9			156.4
MEDIAN DAYS			120.3			180.0			133.0

^apercentage of all cases.

^bpercentage of those with a rearrest.

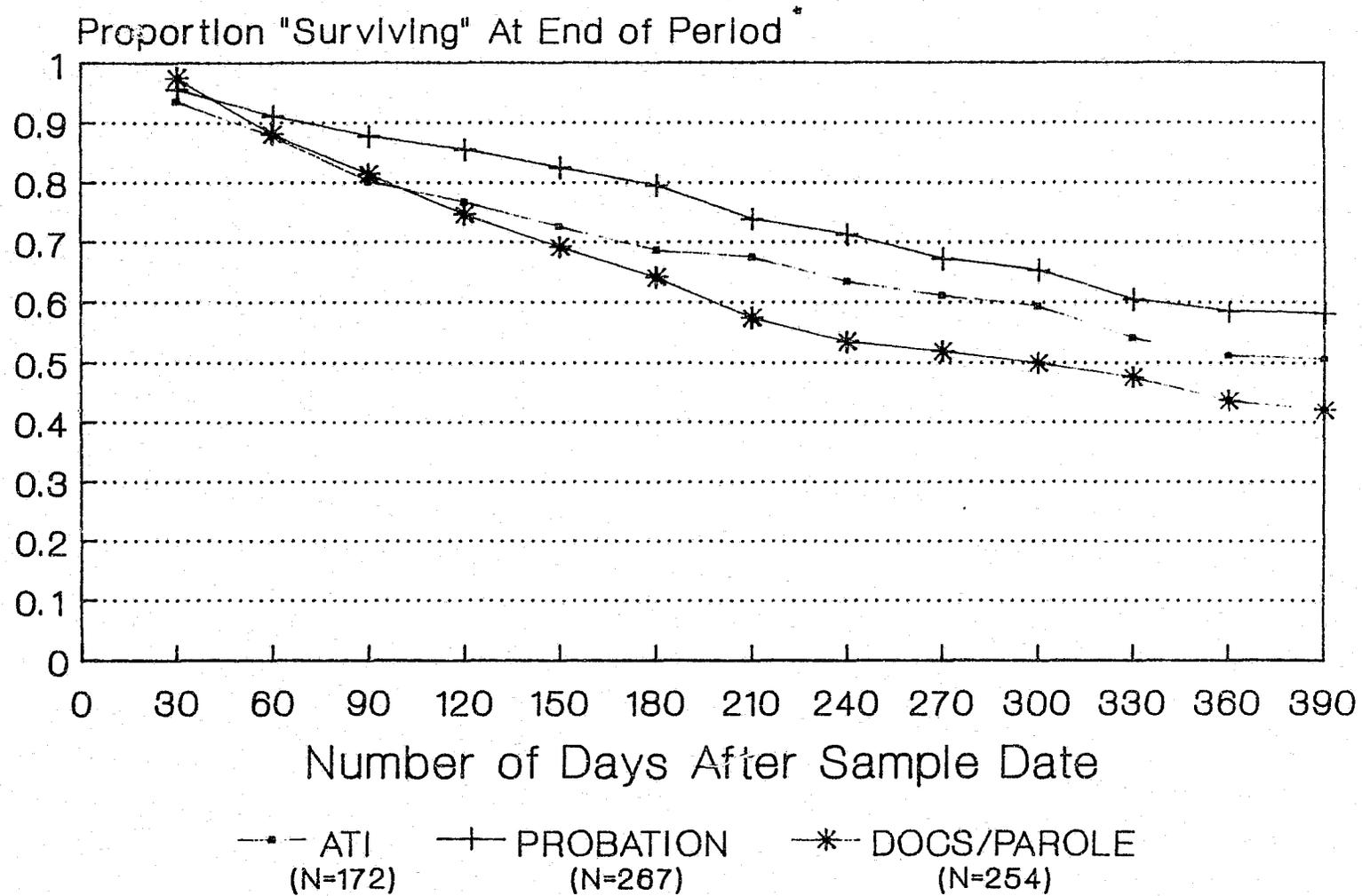
2. Survival Analysis

a) Comparison Group Differences

In addition to examining the proportion of all offenders having a rearrest in a particular time interval, the proportion "surviving" to a certain time period without a rearrest further demonstrates differences in the comparison groups. Graph VIII-1 illustrates the "survival" of those not rearrested at the end of 30 day intervals within the year following the sample date for each of the three groups. That is, each point on the graph represents the proportion of the respective sample groups not rearrested at the end of a particular interval. Again, the analysis did not take into consideration factors affecting actual time at risk during the one year period. The graphed curve for the ATI group ends at a point (.506) midway between the end points of the curves for the Probation group (.581) and for the DOCS/Parole group (.429). These last points correspond to the proportions in each group not rearrested during the entire sample period, as presented in the preceding sections. The analysis helps demonstrate the points at which the ATI group was most similar or most different from the comparison groups throughout the one-year follow-up period.

The ATI group had a faster pace of rearrest than did either comparison group early in the sample period. This is consistent with the rates of rearrest over time presented in the previous section. The DOCS/Parole group, on the other hand, had the largest proportion surviving the first month after their release. By 60 days, the cumulative proportion surviving in the Probation group was greater than in the other two groups. And, during the fourth month, the cumulative proportion of offenders without a rearrest in the DOCS/Parole group became the lowest. The pace of rearrests among the ATI group, nevertheless, stayed closer to that of the DOCS/Parole group than to that of the Probation group until the seventh month when the pace of rearrest among the DOCS/Parole group increased. From the seventh month on, the moderate pace of rearrests among the ATI group was maintained. The "survival" differences

GRAPH VIII-1 REARREST RATES BY SAMPLE



* Rearrest rates during the sample period.

between the groups were not statistically significant, when the CEP group was compared separately to the Probation group and to the DOCS/Parole group.⁸

Given that someone was not rearrested (i.e., "survived") through a given interval, what was his risk of being rearrested in the subsequent intervals? The hazard rate⁹ provided with the survival analysis addressed this question; the respective hazard rates for the comparison groups are plotted in Graph VIII-2 for the 30 day intervals within one year of the sample date. The risk of rearrest was clearly not constant for any group throughout the period.

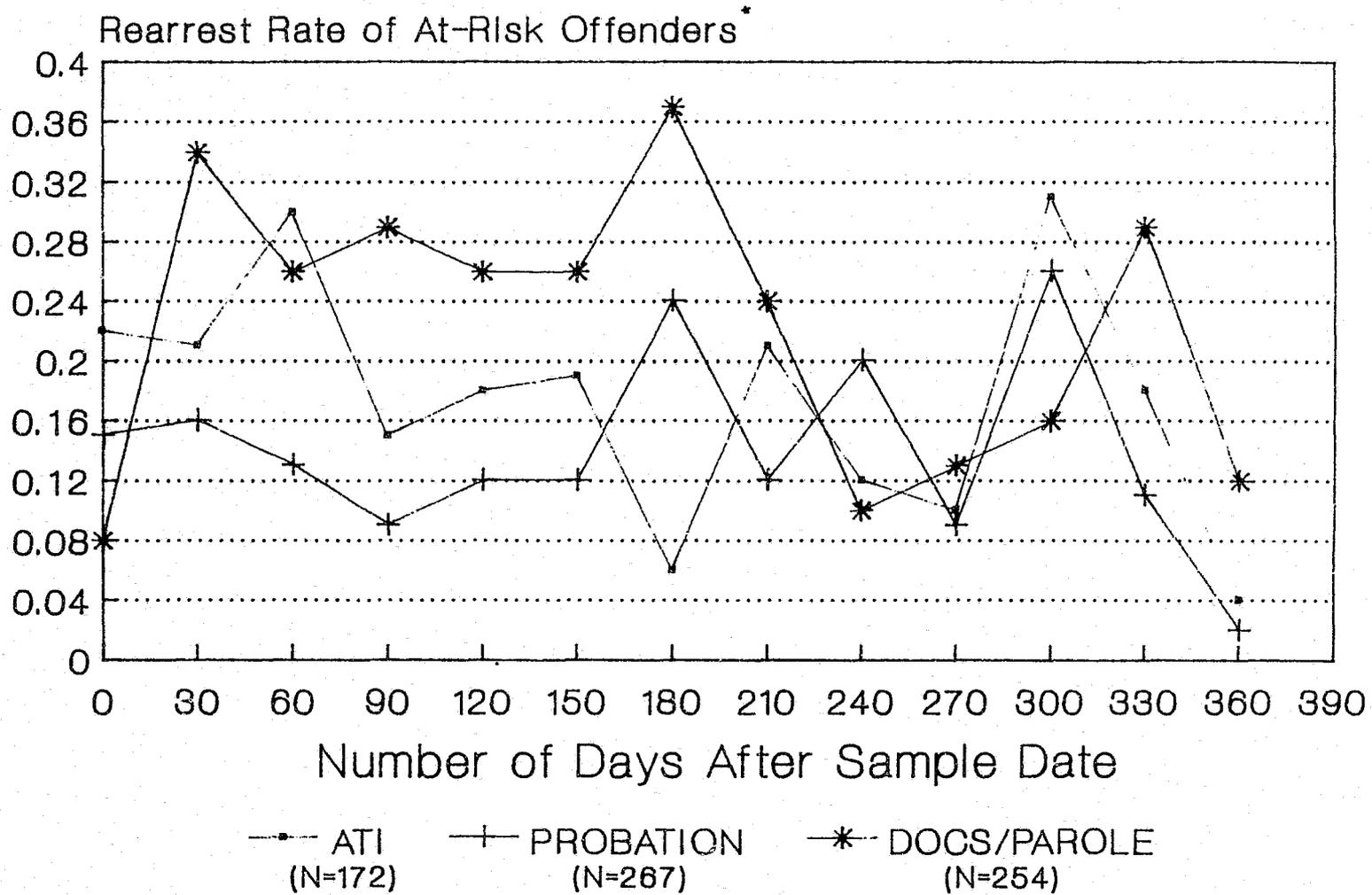
For the ATI group, the risk of rearrest was similarly high (.003) at 60 days and at 300 days (.003). And, the lowest risk of rearrest was during the sixth month (.001). The difference between the ATI group and both comparison groups was greatest in the risk of being rearrested during this sixth month; both comparison groups had higher rates.

Although the differences between the ATI group and the two comparison groups were never as great in any other interval as they were in the sixth month, several other points can be made about the differences in the risk of rearrest for the three groups throughout the year. For no interval did the risk of rearrest in the ATI group equal or surpass that for the intervals of the highest rates of risk in the DOCS/Parole group. On the other hand, the risk of rearrest in any interval among the ATI group never went below that for the interval of the lowest rate of risk among the Probation group, although Probation's lowest rate was not achieved until the end of the period. Greater differences in the rates and their patterns were observed in the first six months. The

⁸When all three groups were compared together, the differences were statistically significant. The Lee-Desu statistic, D, used for comparing the "survival experience" of the comparison groups was 13.888 with 2 d.f. and $p=.001$. The D statistic for the separate ATI and Probation comparison approached statistical significance (3.548 with 1 d.f. and $p=.0596$). For the ATI and DOCS/Parole comparison, it was 1.609 with 1 d.f. and $p=.2054$. See Chapter VII, p.142 for an explanation of this statistic.

⁹See footnote 4 in Chapter VII for how hazard rates were calculated.

GRAPH VIII-2 RISK OF REARREST BY SAMPLE



* Rates graphed are multiplied by 100.

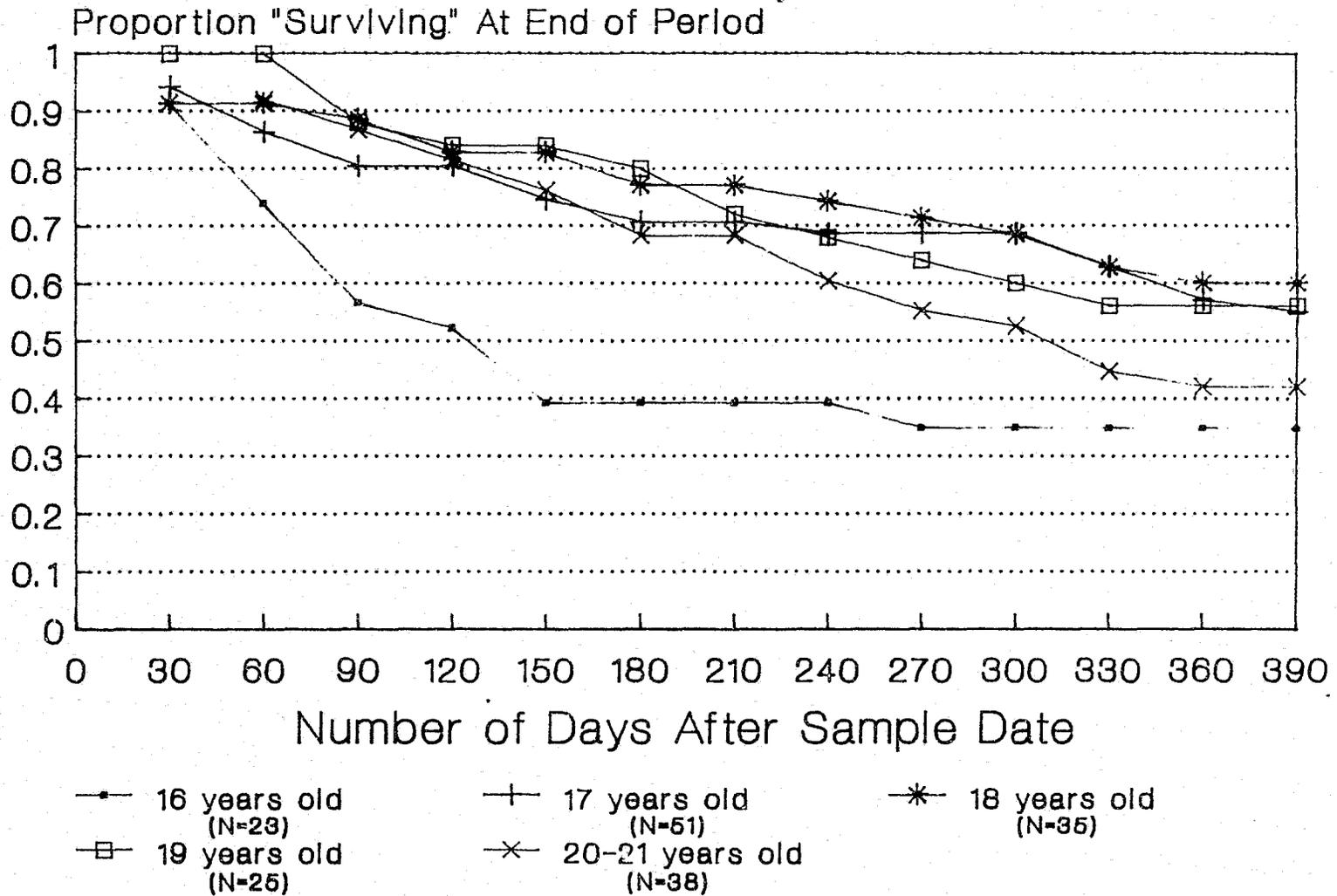
risk of rearrest was maintained at a more constant rate between the second and fifth months (although at different levels) for both the DOCS/ Parole group and the Probation group than it was for the ATI group. The more erratic shifts in the rate at which rearrests were likely to happen for the ATI group may have reflected the volatile rearrest behavior of many of those clients who did not successfully complete the ATI Program who were rearrested and terminated from the Program during this period. (See Chapter VII).

b) Effects of Age, Priors, and Charge on Survival Rates

Age. When only rearrests during ATI participation were considered in Chapter VII, 16-year-old ATI clients demonstrated a markedly faster pace of rearrest than did all other age groups. When the timing of the first rearrest during the entire sample period was examined by age (Graph VIII-3), the survival curve for 16-year-old clients was again most distinct because of how quickly they were rearrested early in the follow-up period. However, in Graph VIII-3, the survival curve for 20- and 21-year-old clients demonstrates that the pace of their rearrests picked up later in the sample period, in contrast to the more even pacing during participation observed in Chapter VII. The proportions remaining without rearrests in the intervals later in the sample period were smaller and approached those of the 16-year-old clients. In addition, the survival curve for 19-year-old clients throughout the sample period similarly showed a steady decline that was not evident when the pace of rearrests during ATI participation alone was examined.

The differences in the survival experiences throughout the entire sample period of the various age groups were not, in fact, statistically significant as were the different rearrest experiences for the various age groups when only rearrests during ATI participation were examined in Chapter VII. (Here, the D statistic was 8.35 with 4 d.f. and $p = .080$.) However, when the survival experience of each age group in the ATI group was compared with that of the respective age group in each of the comparison

GRAPH VIII-3 REARREST RATES BY AGE OF ATI CLIENTS



Rearrest rates during the sample period.

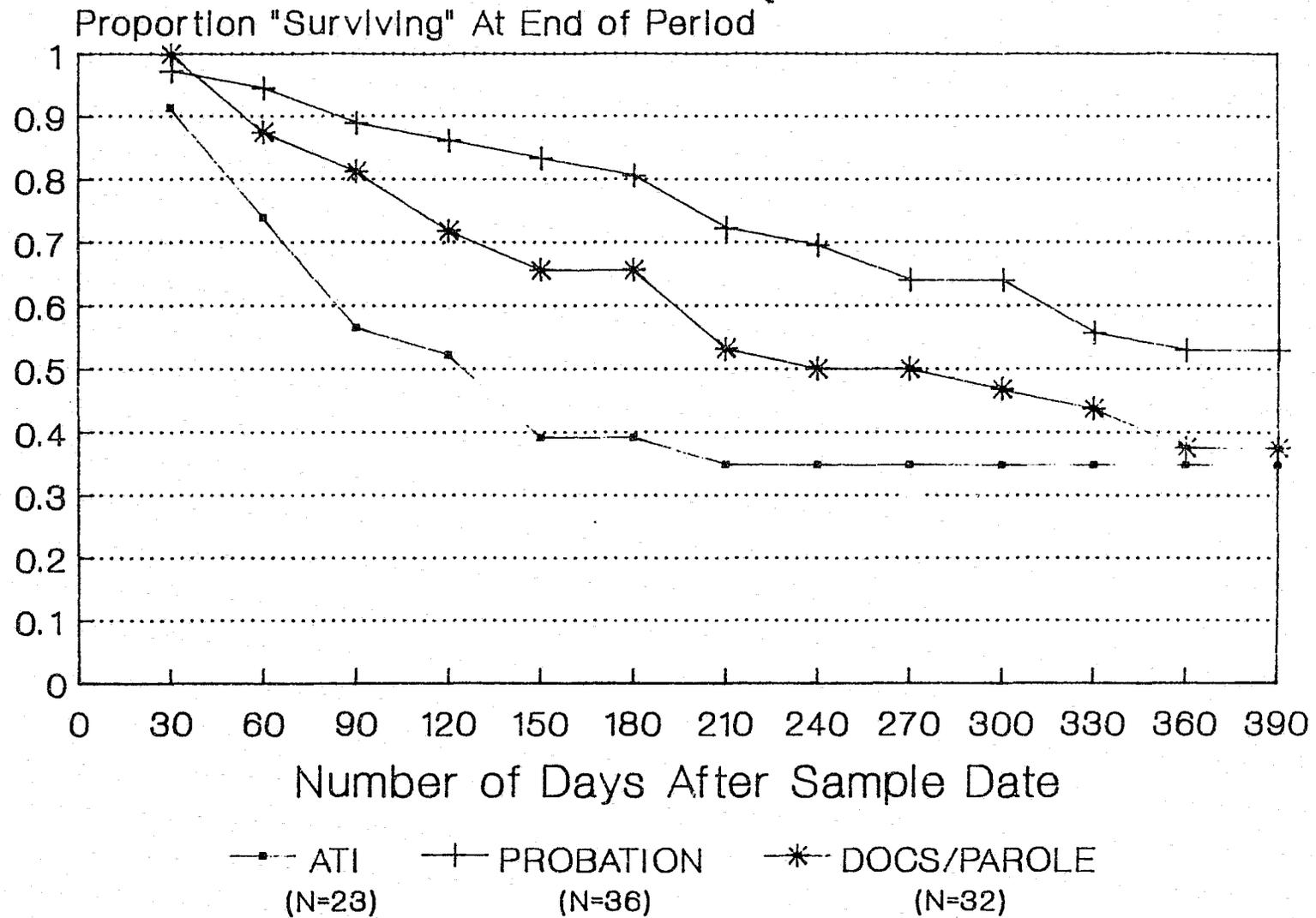
samples, some significant differences were observed. These differences were observed for 16-year-old (Graph VIII-4), and, for the two age groups in which the pace of rearrests increased for ATI clients after their ATI participation ended: the 19-year-old age group (Graph VIII-5) and the 20- and 21-year-old age group (Graph VIII-6).

The pacing of rearrests for the youngest and oldest ATI clients differed significantly from that for the youngest and oldest probationers, but not from that for state releasees of the same ages.¹⁰ The pace at which 16-year-old ATI clients were rearrested, already noted to begin the fastest of any ATI age group, resulted in proportionately fewer 16-year-old ATI clients "surviving" through even the first month without being rearrested. There was a more dramatic drop in the third month, and again in the fifth month where the difference between its graph and that of the 16-year-olds in the Probation group was greatest. The survival rate for the DOCS/Parole 16-year-olds was maintained midway between the higher Probation group rates and the lower ATI group rates, until the last two time intervals examined when its curve approached that of the ATI group.

Among 19-year-old offenders, the rate at which rearrests occurred (or did not occur) for ATI clients differed significantly from that for the DOCS/Parole group ($D=6.086$ with 1 d.f. and $p=.0136$), but not from that for the Probation group ($D=.097$ with 1 d.f. and $p=.755$). (In Section VIII.D. 19-year-old state custody releasees did have the highest overall rearrest rate for any subgroup examined.) For most time intervals graphed, the ATI curve fell between the survival rates of the probationers and those of state releasees, generally remaining closer to the higher survival rates (and lower rearrest rates) of the probationers. The survival curve of the 19-year-old state releasees diverged dramatically from that of the ATI and Probation 19-year-olds during the

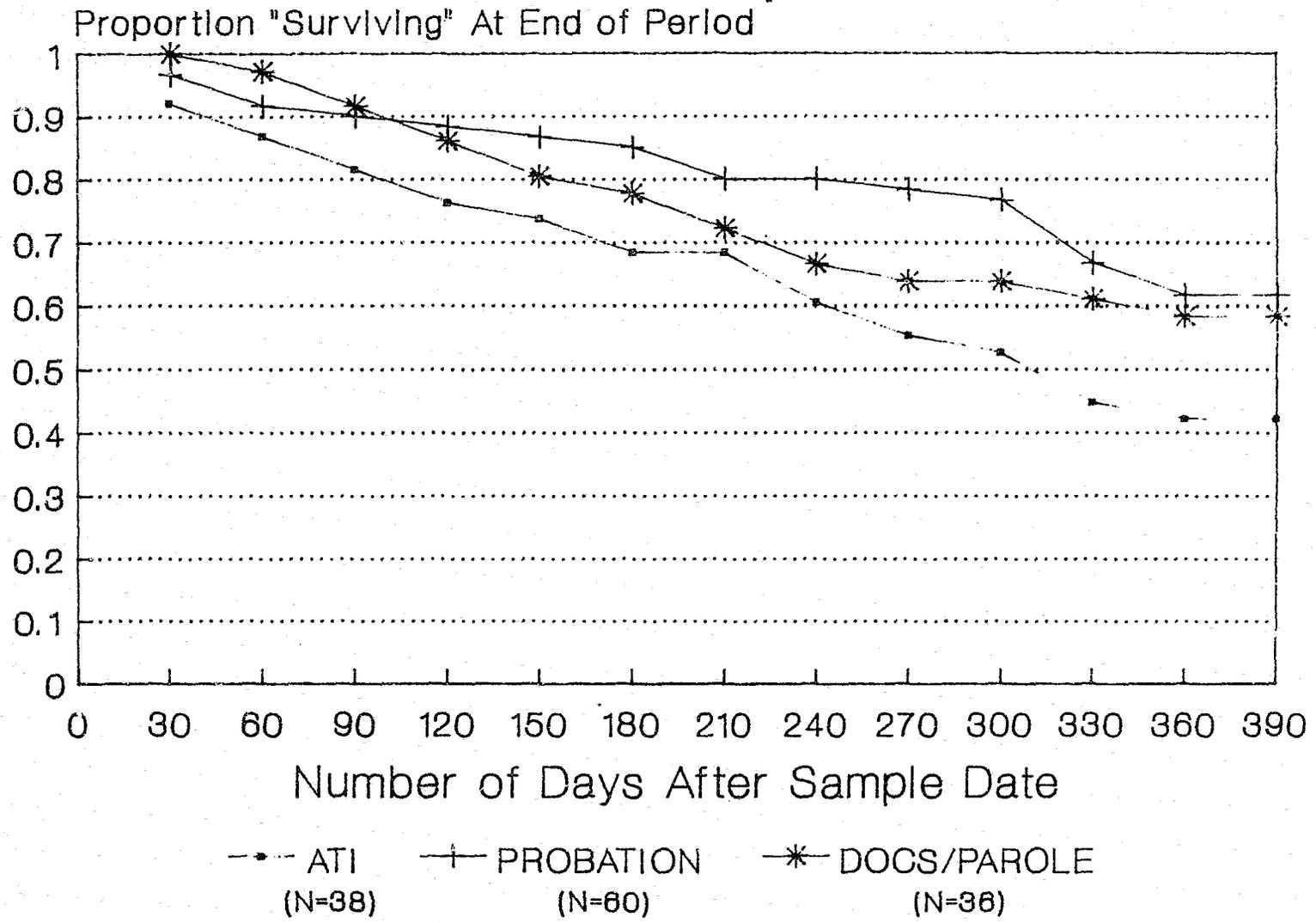
¹⁰ The D statistics were as follows: for 16-year-olds, its value for the ATI group and Probation group comparison was 5.77 with 1 d.f. and $p=.0163$ and for the ATI group and DOCS/Parole it was 1.89 with 1 d.f. and $p=.170$. The respective statistics for the 20- and 21-year-old comparisons were 4.44 with 1 d.f. and $p=.035$ and 1.85 with 1 d.f. and $p=.174$.

GRAPH VIII-4 REARREST RATES BY SAMPLE FOR 16-YEAR-OLDS ONLY



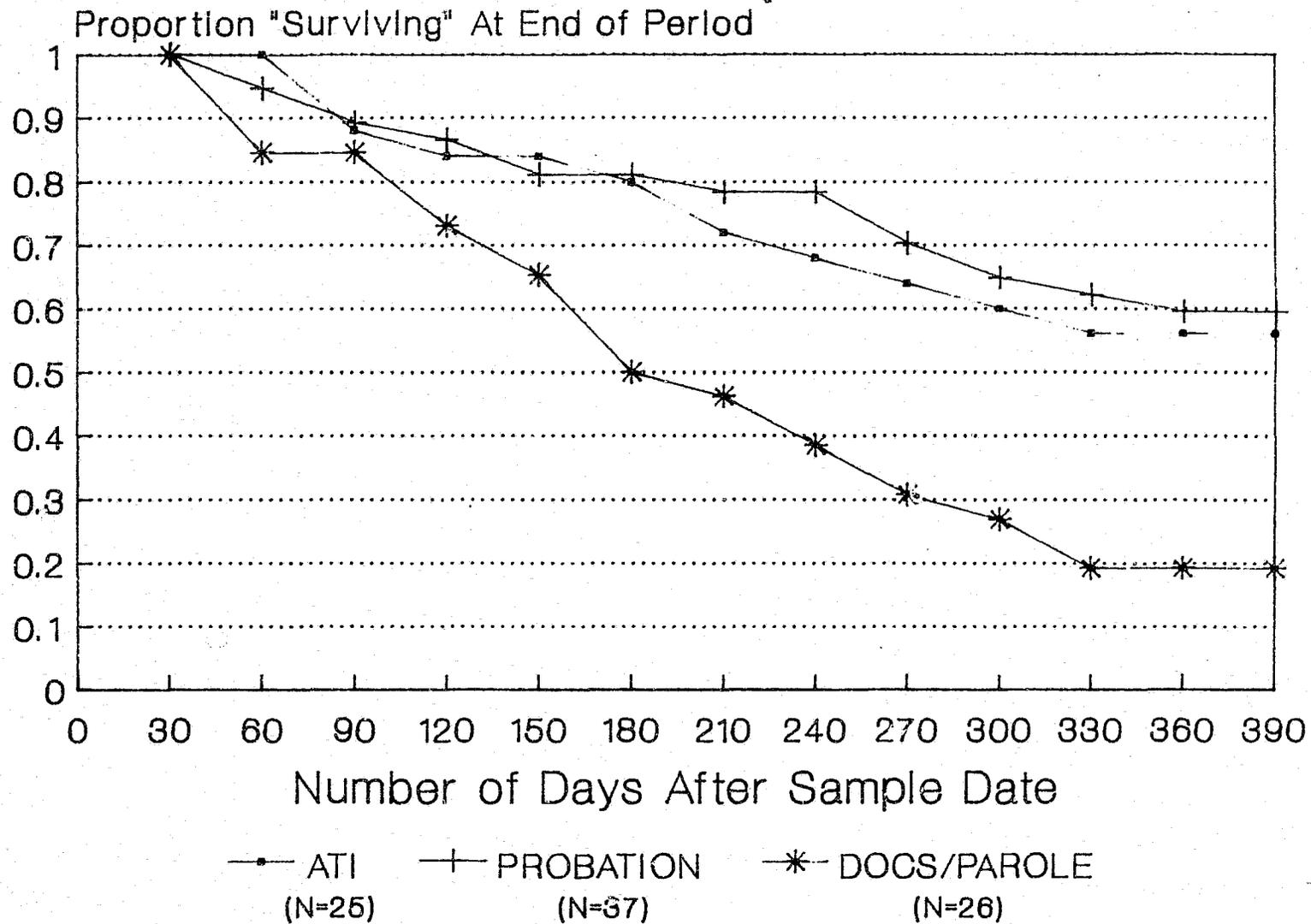
Rearrest rates during the sample period.

GRAPH VIII-6 REARREST RATES BY SAMPLE FOR 20-21-YEAR-OLDS ONLY



Rearrest rates during the sample period.

GRAPH VIII-5 REARREST RATES BY SAMPLE FOR 19-YEAR-OLDS ONLY



Rearrest rates during the sample period.

fourth month, and, by the beginning of the eighth month, the proportion of these releases remaining without being rearrested (.385) was about half that of ATI clients (.680) or probationers (.784).

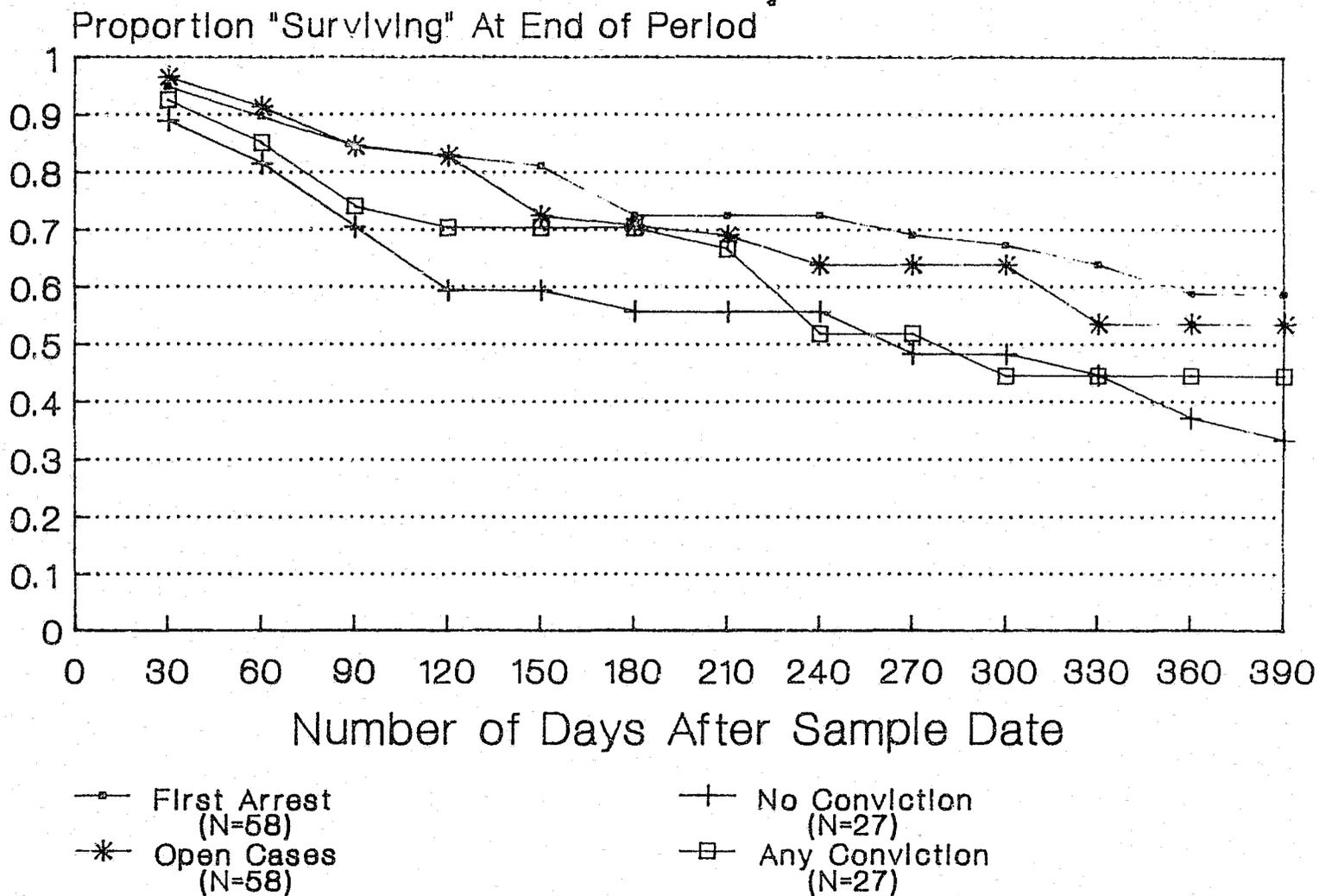
The pace of rearrest among the ATI groups again differed significantly from the Probation group among 20- and 21-year-old offenders. This group of ATI clients exhibited a high rate of rearrest overall. The pacing of these rearrests was faster in the second half of the sample period where their graph diverged most markedly from that of 20- and 21-year-old probationers. Early in the follow-up period, the rearrest rates of these two groups were more similar.

Prior Criminal Justice System Involvement. As with the rearrest patterns during ATI participation discussed in Chapter VII, the "survival experiences" of ATI clients with varying previous experiences with the criminal justice system at the time of their sample arrest were not significantly different ($D = 5.59$ with 3 d.f. and $p = .133$). The cumulative proportions surviving at the end of the 30-day intervals examined are graphed in Graph VIII-7. By inspection, the pattern for those arrested for the first time for their sample offense began to distinguish itself from that for those who had been arrested previously during the fifth month after the sample date. However, while their survival curve indicated that proportionately more in this group then continued without being rearrested, the curve remained close to that for those with pending cases, (but no convictions). The curve for those clients with no convictions on their previous arrests and who, at the end of the sample period, had the lowest proportion "surviving" without a rearrest, diverged from the other groups early in the sample period. Those with previous convictions had a large increase in the proportion rearrested during the seventh month; their curve then dropped below that for the no conviction group. But this curve then leveled off at the ninth month and that for those with no convictions on their previous arrests continued its decline.

Neither the rearrest experience of the ATI group compared to that of the Probation group nor that of the ATI group compared to that of the DOCS/Parole group were

GRAPH VIII-7

REARREST RATES BY CRIMINAL HISTORY FOR ATI CLIENTS



Rearrest rates during the sample period.

significantly different for any category of prior record, based on the D statistic for each subgroup. Thus, prior criminal justice system involvement made a difference descriptively in the overall likelihood of a rearrest in the year period examined (Section VIII.D.); but, there were no differences between the ATI group and the comparison groups in the rate at which rearrests occurred within the subgroups defined by criminal history.

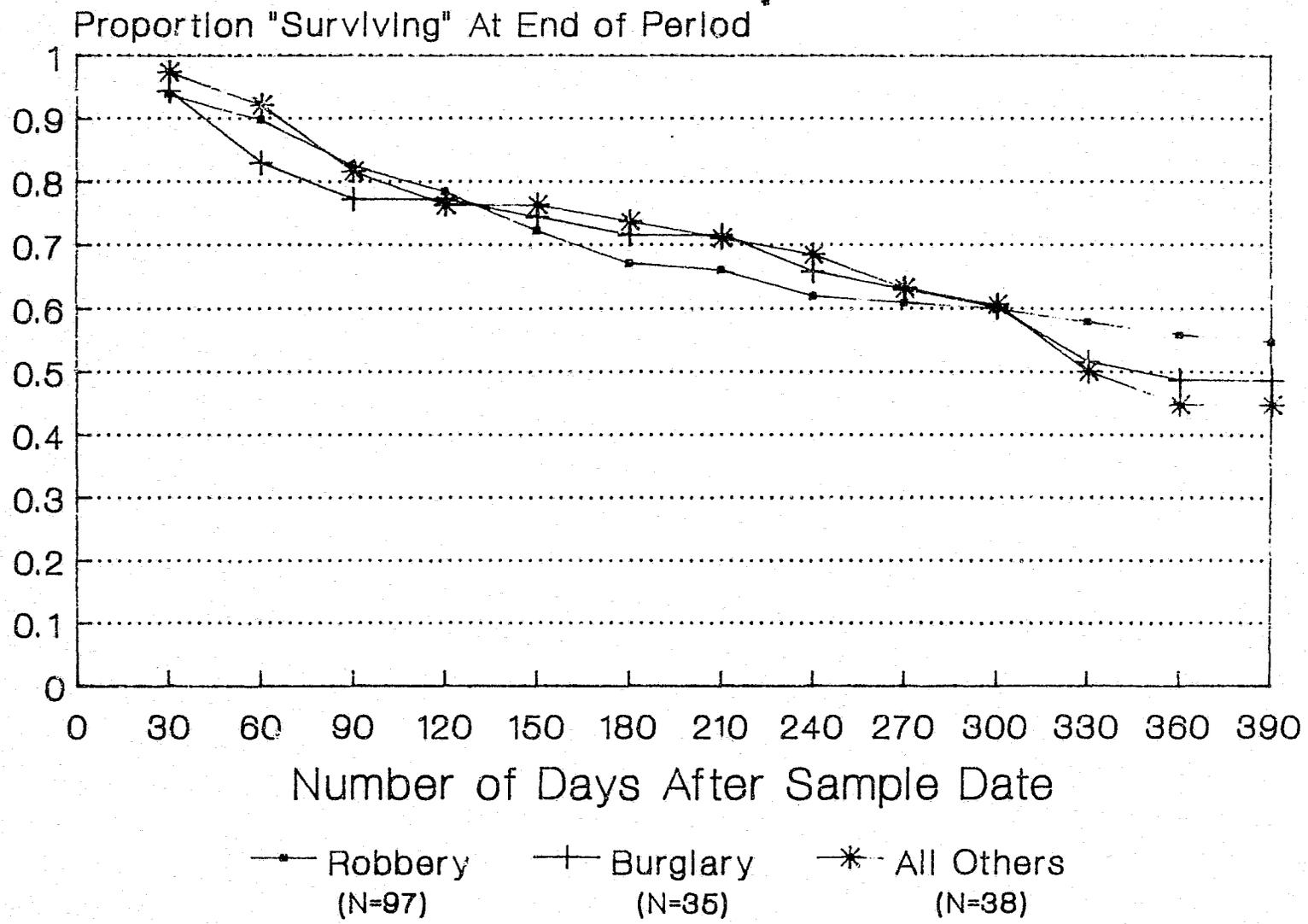
Charge. The survival experiences of ATI clients with different sample offenses were also not statistically different ($D = .32$ with 2 d.f. and $p = .852$). As Graph VIII-8 shows, the survival curves for those charged with robbery, for those charged with burglary, and for those charged with other offenses remained close together; for several intervals, the curves for two of the groups actually overlapped. However, which two charge groups overlapped varied with the time interval examined. There were also no statistically significant differences in the survival experiences between the ATI group and the Probation group or between the ATI group and the DOCS/Parole group for offenders with different sample offenses categorized by New York State Penal Law Article.

c. Survival Analysis Excluding 16-year-old Offenders

The preceding subgroup analyses of rearrests of ATI Program outcomes have suggested that ATI clients who were 16 years old at intake were not likely to demonstrate successful Program participation and had a higher rate of rearrest relative to other clients entering the ATI Program in FY84. To examine how the recidivism of the other ATI clients, without this higher risk group, compared to similar probationers and state custody releasees, the survival analysis was repeated only for those offenders 17 to 21 years old.

Excluding the 16-year-old offenders, the overall rearrest rates went down somewhat in the ATI group (47.0% versus 49.4%) but remained virtually unchanged in the Probation group (41.7% versus 41.9%) and in the DOCS/Parole group (57.2% versus

GRAPH VIII-8 REARREST RATES BY SAMPLE OFFENSE FOR ATI CLIENTS



Rearrest rates during the sample period.

57.9%). The comparison groups still matched ATI clients well in terms of sample offense, but DOCS/Parole offenders matched the ATI clients less well in terms of criminal history. (The non-16-year-old DOCS/Parole group had disproportionately more offenders with pending cases [42.3%] at the time of their sample arrest and correspondingly fewer first arrestees [28.8%] than remained in the ATI group, for which the respective proportions were 31.5% and 32.9%.) The difference between the rearrest survival curve of the 17- through 21-year-old ATI clients and those of the probationers was not statistically significant ($D = 1.25$ with 1 d.f. and $p = .265$) while that between the pace of rearrest in the ATI group and in the DOCS/Parole group approached statistical significance ($D = 3.59$, with 1 d.f. and $p = .058$). The comparisons of the ATI clients including 16-year-olds in the analysis with each of the other sample groups were reversed. That is, there was no statistically significant difference in the survival experiences between ATI clients and probationers while the difference between ATI clients and state custody releasees approached statistical significance.

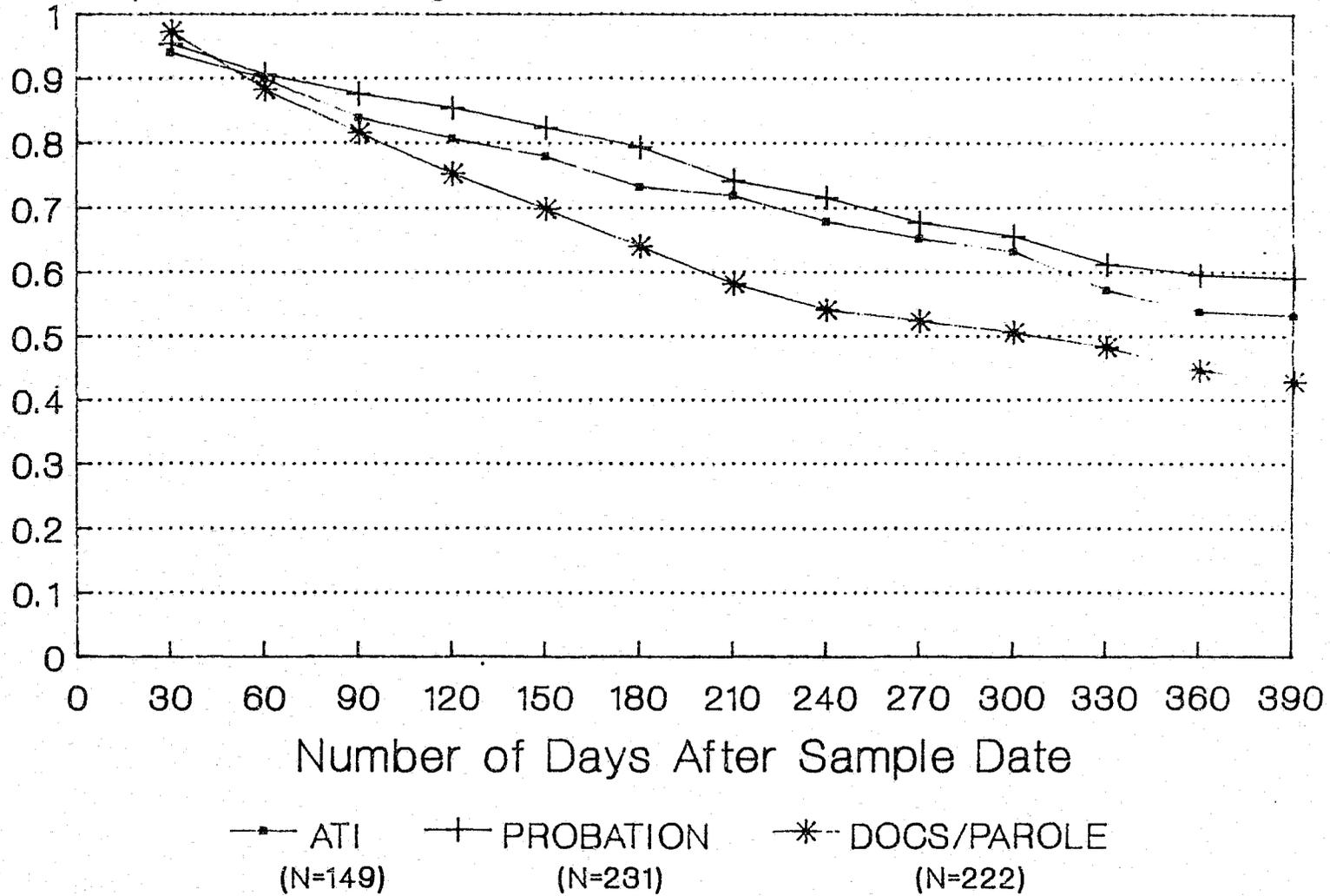
Graph VIII-9 shows, in contrast to Graph VIII-1, that the pace of rearrest in the ATI group throughout much of the follow-up period remained closer to that in the Probation group than to that in the DOCS/Parole group. The pace of rearrests in the DOCS/Parole group diverged most dramatically from the ATI and Probation groups during the seventh month (ending at 210 days).

No significant subgroup differences other than age were observed between the ATI group and the Probation group over 16 years old. However, when the ATI group over 16 years old was compared to similar state custody releasees, two statistically significant subgroup differences were observed in addition to that previously noted for the subgroup of 19-year-old offenders.

In the first instance, the pace of rearrests for ATI clients charged with robbery was slower than that for state custody releasees charged with robbery ($D = 6.21$ with 1 d.f. and $p = .013$). Without more complete charge information for Youthful Offenders

GRAPH VIII-9 REARREST RATES BY SAMPLE FOR 17-21-YEAR-OLDS

Proportion "Surviving" At End of Period



Rearrest rates during the sample period.

in the DOCS/Parole group, however, this difference may not represent the experience of all state custody releasees charged with robbery.

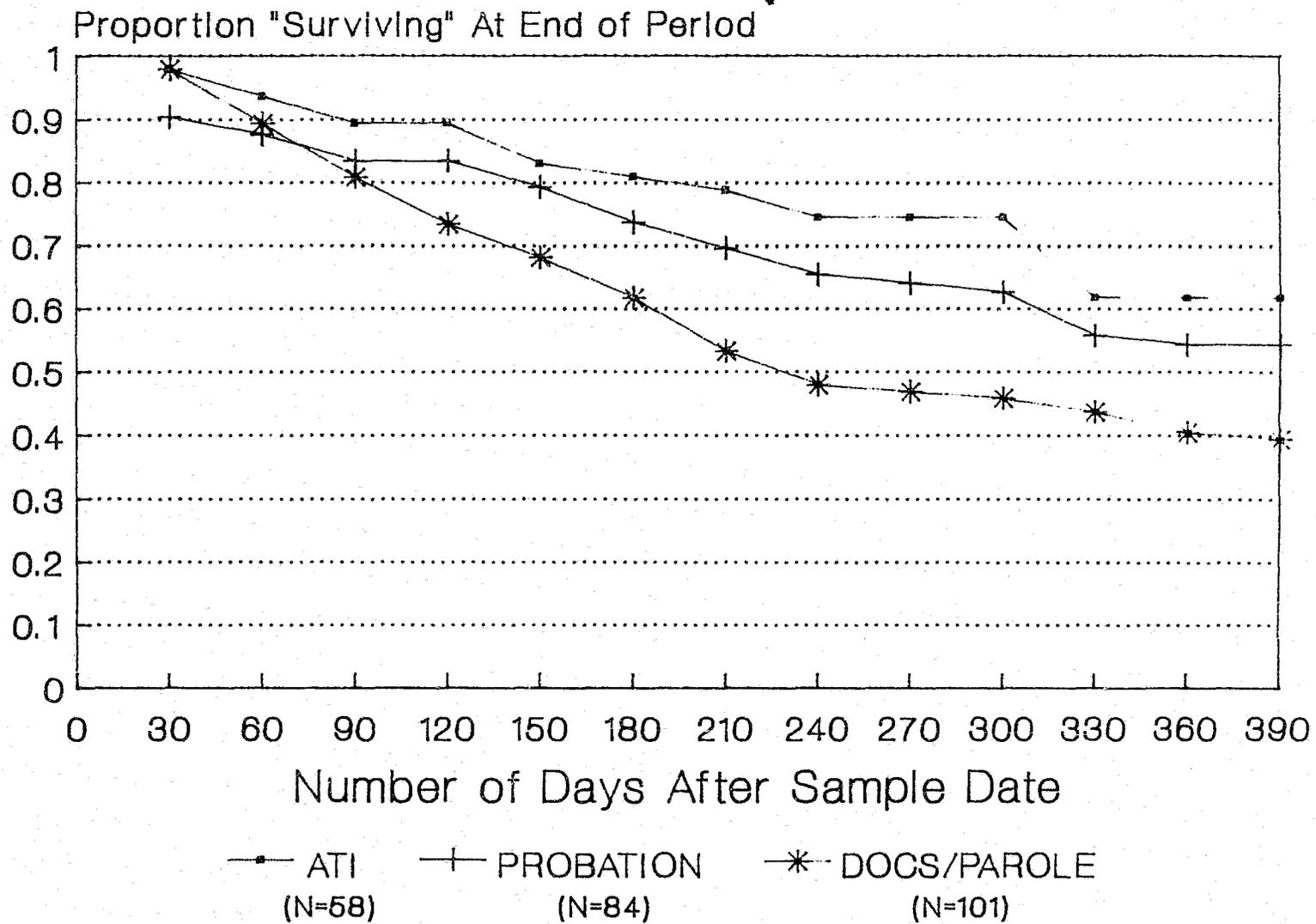
Second, for offenders with pending cases at the time of their sample arrest, the comparison of the pace of rearrests for ATI clients over 16 years old and their state custody released counterparts yielded statistically significant results ($D = 7.18$ with 1 d.f. and $p = .007$). For the entire follow-up period, the rearrest rate for the ATI clients was lower (38.7%) than that for the respective state custody releasees (60.6%) and probationers (45.8%) as well. The pace of rearrest among the state custody releasees as demonstrated in Graph VIII-10 became the fastest of the three groups during the third month and continued throughout the rest of the period. This difference and the fact that there were proportionately more state custody releasees with pending cases than among ATI clients over 16 years old help account for the overall differences between these groups that approached statistical significance.

The analysis of the 17- through 21-year-old groups also suggests that it was the 16-year-olds with pending cases at the time of their sample arrest in the ATI group who contributed to the lack of significant differences observed between the ATI group and DOCS/Parole group when the 16-year-olds were included in both groups. Excluding these clients from the analysis appeared to make the rearrest patterns of the remaining clients statistically closer to those of the probationers.

F. Summary

Recidivism patterns of the ATI clients, measured by rearrests within one year of a client's entry into the ATI Program were compared to the recidivism patterns of samples of probationers and state custody releasees. These samples were matched to the ATI group by age, charge and criminal history. The sample periods in which rearrests were examined for these groups were the year following the sentencing date for the Probation group and the year following the release date from state custody for the

GRAPH VIII-10 REARREST RATES BY SAMPLE FOR THOSE WITH OPEN CASES



Rearrest rates during the sample period.

DOCS/Parole group. Both the former and the latter dates had to occur in FY84, the year of intake dates for the ATI clients.

In general, the rearrest patterns of the ATI group fell between those of the DOCS/Parole group and those of the Probation group. In each of the following respects, the rates of rearrests among the ATI group were respectively, higher than those in the Probation group and lower than those in the DOCS/ Parole group:

- the overall rearrest rate in the sample period (49.4% versus 41.9% and 57.9%)
- the proportion whose most severe rearrest was for a violent felony offense (25.6% versus 24.0% and 32.2%)
- the proportion whose most severe rearrest was a misdemeanor (8.7% versus 5.6% and 11.4%)
- the rate of Supreme Court prosecution on rearrests (20.3% versus 18.4% and 24.8%)
- the rate of conviction on rearrests (30.3% versus 24.3% and 41.7%).

These findings were consistent with the expectations for the ATI group vis-à-vis the comparison groups, based on their previous criminal justice system involvement and the sentences imposed on their sample offenses.

In some other instances, the rearrest rates of the ATI group were found between the higher rates of the Probation group and the lower rates of the DOCS/Parole group. For example, the rate of felony offense rearrests among rearrested ATI clients (82.4%) was lower than that of probationers (86.6%) and somewhat greater than that of state releasees (80.3%). In still other instances, the ATI group was not distinguished from the comparison groups. This situation existed in regard to the likelihood of multiple rearrests during the one year follow-up period. In addition, robbery charges were most common among the top rearrest charges of the ATI clients, and, among those of the comparison groups as well.

When the pacing of the rearrests throughout the sample period was examined, the overall speed with which the first rearrest occurred was again more moderate in the ATI group than that of the DOCS/Parole group and faster than the pace at which the Probation group was rearrested. The ATI group actually exhibited the fastest pace of rearrest in the first three months compared to both matched samples. In the second half of the sample period, however, the pace of rearrests among the ATI group was more moderate, and, that of the DOCS/Parole group was faster. The Probation group had the slowest pace of rearrests throughout the year.

The risk of rearrest for those still without rearrests in any 30-day-interval across the sample period also demonstrated a more moderate rate for the ATI clients in the second half of the sample period. While the risk of rearrest in the ATI group in the first six months after intake was often higher than that for offenders after release from state custody or after sentencing to probation, the rate of risk in the ATI group never reached that of the highest rate for the state releasees. On the other hand, the risk of rearrest in any interval for the ATI clients was never as low as that in the interval of lowest risk for probationers.

Differences between the pacing of rearrests for the ATI group and those of the Probation group were only statistically significant for the subgroups of clients who did poorly in the ATI program. In Chapters V and VI above, 16-year-old clients exhibited a low rate of successful ATI Program completion, and hence shorter lengths of participation in the Program, as well as a high rearrest rate during ATI participation. The rate of rearrest after ATI participation for those 16-year-old clients not previously rearrested was, in fact, quite low. When the rearrest patterns of these clients throughout the sample period were compared to those of 16-year-old probationers and of 16-year-old state custody releasees, the ATI clients exhibited a much faster rate of rearrest than any group. The difference in the pacing of rearrests between the ATI group and the probation group was statistically significant,

that between 16-year-old clients and 16-year-old state releasees was not. The oldest ATI clients, those 20 and 21 years old at intake, also did less well in the ATI Program relative to other clients. And, their rearrest rate increased after they left the ATI Program. When their rearrest pattern was compared to that of the 20- and 21-year-olds in the comparison groups, the difference in the pace of rearrests between the ATI group and the Probation group was again statistically significant and that between the ATI group and the DOCS/Parole group was not.

Among 19-year-old offenders, the pace of the rearrests in the ATI was slower than that in DOCS/Parole group. This difference was statistically significant while the difference in the pace of rearrests between 19-year-old ATI clients and their probation counterparts was not. The 19-year-old state releasees had the highest rate of rearrest of any subgroup examined.

It was only for these selected age subgroups that statistically significant differences were found between the pace of rearrests in the ATI group and that in either comparison group. These subgroup differences did not then explain the overall slower pacing of rearrests among the ATI group when compared to that of the matched sample of state custody releasees and its faster pacing when compared to that of probationers. In describing the overall rearrest rates, client and case characteristics also did not account for the differences observed between the ATI group and the comparison groups. Most consistently, within subgroups, the rate of rearrest of the ATI group fell between those of the comparison groups. While the match of the comparison groups to the ATI group was not exact, differences between the groups in these characteristics, then, did not seem to account for the observed group differences in rearrest patterns.

When 16-year-old offenders were excluded from all groups, the pace of rearrests for the remaining offenders in the ATI group was more similar to that for the Probation group. The difference between the pace of rearrest in the ATI group and

that in the DOCS/Parole approached statistical significance. Additional subgroup differences between these latter two groups also emerged which suggested that the 16-year-old ATI clients with pending cases at the time of their sample arrest contributed to the inability to greatly distinguish between the ATI group and the DOCS/Parole group when they were included in the analysis.

Nevertheless, more detailed information on offender motivation, criminal history, or case characteristics may have helped explain differences not only in the the rate of rearrest, but also in the timing of the first rearrest in the ATI group compared to that in the comparison groups. For example, most severe sample offense may not sufficiently distinguish the sample offense characteristics of the the ATI clients from those of offenders in the comparison groups. ATI clients and probationers may both be charged with robbery, but differ with respect to their involvement in the crime. The ATI clients, promised prison sentences, may also have been charged with weapon possession or use. Probationers, with equivalent criminal histories charged in the same event may not have been involved the threat of force. As a result, risk of rearrest among ATI clients may be higher.

IX

CONCLUSION

This report has presented an evaluation of the Court Employment Project's Alternatives-to-Incarceration Program for FY84, focusing on the Program's impact on the recidivism of its clients. This Chapter concludes the report by suggesting some of the implications of the evaluation.

Overall, about three-fifths (58.8%) of the participants entering the ATI Program in FY84 completed the Program successfully. The 172 clients entering the ATI Program from Supreme Court in this fiscal year were, on average, male, black, 18 years old at intake, living with family and not employed nor in school. Most had previous arrests, but few had felony convictions at the time of their arrest on their intake case. Robbery was the most common intake charge. A client's acceptance into the ATI Program generally occurred at or after conviction, but before sentencing.

The conclusions reached concerning both the initial jail-boundedness of the clients and the Program's success in diverting participants from jail and prison outcomes are discussed in Section IX.A. The Chapter then addresses the recidivism outcomes of the analysis (Section IX.B.). These are followed by a methodological note on the selection of the matched comparison groups (Section IX.C.). The more programmatic implications of the evaluation are suggested in the next section (IX.D.). A final statement of the evaluation comprises the last section of the report (IX.E.).

A. Incarceration-Bound ATI Defendants Received Probation Sentences

CEP did intervene for a group that was overwhelmingly jail-bound and succeeded in getting probation for two-thirds of the clients, thereby confirming the Program's goal as an alternative to incarceration (Chapter VI). This conclusion was reached by examining not only the alternative sentence offers prior to CEP intervention and the detention status of the client at intake, but also the sentences imposed on

a group of defendants arrested in the Spring of 1981, chosen from a previous CJA dataset and who were matched with ATI clients by age, charge and criminal history and weighted by county of prosecution. Thus, while the alternative sentences associated with the plea bargaining offers at the time of intervention were never stated to have been less than 90 days, indicating a rejection of probation, the possibility that these were not "final" offers could be examined. That is, despite the promise of an incarceration sentence, was it reasonable to expect that all ATI clients would have been incarcerated without CEP intervention?

The findings indicate that at most 31.6% of the clients might have received probation without CEP intervention. This estimate was the proportion of convicted defendants in the 1981 comparison group who received probation. The plea offers for this group were not known. While prosecution and sentencing patterns may have changed somewhat between the time the 1981 defendants were sentenced and those patterns in late 1983 and early 1984, the trend was likely to be for more severe sentences, so that the 1981 dataset presented a conservative estimate of the effect of the ATI Program in obtaining probation sentences. (However, it is also true, that the arrest period and hence, prosecution period for some of the FY84 ATI clients overlapped with that of the comparison group.) The fact that twice this expected proportion, 64.9%, received probation in a sentencing climate that might have led to even more incarceration than observed for 1981 arrestees suggests an even more favorable accomplishment for the ATI Program.

The higher proportion of probation sentences in the ATI group had a marked effect on the amount of prison time the clients would serve. There was a savings of 24,378 days of incarceration over that projected from the 1981 data. This savings translated into state prison and local jail cost savings that were estimated to be around \$1,000,000.

B. Recidivism Outcomes

The primary focus of the evaluation was on how the recidivism patterns of ATI clients compared to two matched samples of offenders: one group sentenced to probation without CEP intervention, and, a second group sentenced to incarceration and released from state custody during FY84. The latter group permitted comparison to a group who did receive the types of sentences that ATI clients were to receive without CEP intervention. It should be kept in mind that the analysis underplayed the recidivism of all three groups because factors affecting actual time at risk during the one-year period, such as incarceration, were not controlled.

In general, the recidivism patterns of ATI clients fell midway between those of probationers and those of state custody releasees (Chapter VIII). The overall rate of rearrest for ATI clients within one year of their intake into the Program was 49.4%, compared to the lower rearrest rate of 41.9% for probationers within one year of their sentencing and to the higher rearrest rate of 57.9% for state custody releasees within one year of their release from incarceration. When the measures of recidivism were the rate of rearrest for violent felony offenses or the rate of conviction on rearrest, the rates for the ATI cohort were again between the higher rates for the DOCS/Parole group and the lower rates for the Probation group. The percentage-point differences between the ATI rates and each of the other two groups' rates, however, generally brought the ATI group rates closer to the rates of the Probation group than to those of the DOCS/Parole group.

One of the additional measures of recidivism explored in the analysis centered around the timing of the first rearrest within the one-year follow-up period. During the first few months of the period, the ATI group exhibited a faster pace of rearrest than did either comparison group. The rearrests early in the one-year study were more likely to have occurred for clients still in the ATI Program who were likely to be terminated from the Program because of their rearrest. Those clients first rearrested

later in the period were likely to have been rearrested after they left the ATI Program (Chapter VII).

Neither the difference in the timing of the first rearrests between the ATI clients and the probationers nor that between the ATI clients and state custody releasees was statistically significant. The former difference, however, approached statistical significance: there was only slightly more than a 5% probability that the difference between the rearrest experience of the ATI group and that of the Probation group was due to chance.

The most favorable outcome for the ATI Program would have been for its clients to have had rearrest patterns that were less serious than those of comparable state custody releasees and equal to (or even less serious than) that of those sentenced to probation without CEP intervention, but matched to ATI clients (Chapter I). However, the intensive supervision and placement efforts of CEP did not appear to achieve equivalence of ATI clients with probationers in the aggregate, and, while the ATI clients did better than the state custody releasees in the follow-up period, the differences in the rearrest patterns between these two groups were generally not great and rarely statistically significant.

Nevertheless, the recidivism findings were consistent with expectations for the ATI group and the final comparison groups. Assuming no deterrent effect of the ATI Program, the aggregate rate of rearrest would have been expected to be higher in the DOCS/Parole group than in the ATI group because of the DOCS/Parole group's slightly higher proportion of prior felony convictions and of its incarceration record. This discrepancy in criminal history existed despite the matching procedures used to achieve comparable samples to ATI clients in terms of charge, prior criminal justice system involvement, and age. As it turned out, almost one-third of the ATI clients (Chapter III) were facing local jail sentences, not state prison sentences, which also suggested that the incarceration sample was comprised of offenders who served more time than the ATI clients were likely to serve even without CEP intervention, and hence, who were

more serious offenders, even with similar charges. Similarly, expectations for the ATI group in the aggregate would have placed its rearrest rate somewhat higher than that for the Probation group because of the latter group's higher proportion of first arrestees, who tend to have lower rearrest rates.

What was not consistent with expectations, however, was the fact that the recidivism patterns of the ATI group remained midway between those of the more serious patterns of the DOCS/Parole group and those of the less serious patterns of the Probation group within subgroups of offenders based on charge and criminal history. In these instances, the effect of the lack of comparability of these characteristics across the groups in the aggregate was controlled (at least as far as these characteristics were concerned) and should have been irrelevant. While the aggregate patterns were maintained in these subgroups, the statistically significant differences with the Probation group occurred only in those subgroups that were least likely to complete the ATI Program successfully.

The youngest (16-year-old), and the oldest (20- and 21-year-old) ATI clients had both higher rates of rearrest by the end of the follow-up period and faster pacing of rearrests throughout the period than did probationers. These clients were also less likely to complete the ATI Program successfully than were clients in the other age groups (Chapter V). More 16-year-old clients tended to have their first rearrest earlier in the follow-up period than did those in other age groups; this contributed to the quicker pace of rearrest during the first part of the sample period in the ATI group as a whole when compared to both matched samples. This fast pace of rearrest among 16-year-old clients thus occurred while they were still participants in the ATI Program. The pace of rearrest of the 20- and 21-year-old clients, on the other hand, was fairly even during participation, but increased after they left the ATI Program (Chapter VIII).

The rearrest behavior of those clients successfully completing the ATI Program, in fact, was more like probationers and only the two subgroups of ATI clients with the lowest rates of successful Program completion had significantly faster rearrest rates

than did probationers. When one of these groups, 16-year-olds, was excluded from the survival analysis, the pace of rearrest in the remaining ATI group and that in the remaining of Probation group were more similar. In addition, the ATI group was more clearly distinguished from the remaining DOCS/Parole group.

The subgroup comparison of clients to similar state custody releasees yielded one further statistically significant result: the pace of rearrest among 19-year-old state custody releasees was significantly faster than was that of 19-year-old ATI clients. In fact, by the end of the follow-up period, 19-year-old state custody releasees had the highest rate of rearrest of all subgroups in any of the three samples. The reasons for the strength of this difference are not clear.

Placing these rates in a larger context, the rearrest patterns of 17- through 21-year-old offenders in this evaluation can be compared to those of offenders aged 17 through 20-years-old in an Illinois study of recidivism. In that study's survival analysis of rearrest, 53% of the offenders in these age groups were rearrested within eight months of their release from prison. Here, by the end of eight months, no group had a rate of rearrest that high;¹ the state custody releasees included in the evaluation had the closest rate, about 48% (Graph VIII-9).

C. Limitations of the Comparison Group Analysis

Without an experimental design with random assignment of offenders to jail or prison and probation (control groups) and to the ATI Program (experimental group), this evaluation relied on the selection of comparison groups matched to the ATI group on selected characteristics: age during the follow-up period, charge, and criminal history. As with all research in which matched comparison groups are used, questions

¹That study's survival analysis was adjusted for certain events affecting time at risk ("censored" observations, see Chapter VII) to be rearrested. The rearrest rate reported there would be higher than would be expected for offenders in this evaluation. Illinois Criminal Justice Information Authority, "The Pace of Recidivism in Illinois," (Chicago: Illinois Criminal Justice Information Authority, 1986).

remain concerning how close the match was: Were members of the comparison groups like the ATI group except for the sentences they received?

Unmeasured criteria such as motivation, demeanor, family support, or the client's involvement in the crime which may be taken into account by both CEP staff and judges could easily result in a selection bias² in ATI clients that could not be matched in the comparison groups. This "bias" would only somewhat be avoided if more information had been available on defendants screened as eligible but not accepted into the ATI Program during FY84. In addition, some selection bias was possible from the way in which researchers selected the comparison groups.

Even considering the variables used in the matching procedures, it was not possible to account for all dimensions that may distinguish the ATI group from the comparison groups. It was suggested earlier in the report (Chapter VIII) that other aspects of the crime such as the offenders' actual involvement in the crime incident was not controlled by matching solely on most severe charge and then only on the Penal Law article of that charge. Penal Law severity of the current offense, in fact, did differentiate probationers and ATI clients: ATI clients had more severe charges. Secondary charges such as weapon possession or use might also have distinguished the comparison groups. Larger samples would have additionally permitted finer distinctions in terms of the number of prior convictions.

Another consideration in the selection of comparison groups which may have better distinguished the groups chosen here would be age at the commission of the sample offense in conjunction with criminal history as of that age. The sample selection here matched the ages of offenders during the time they were to be at risk in the one-year follow-up period. This procedure attempted to account for the maturation of

²The evaluation of CEP's diversion from prosecution efforts presented a good summary of the literature in this regard, especially as it pertained to pretrial and criminal justice research. See Sally (Hillsman) Baker and Susan Sadd, The Court Employment Project Evaluation: Final Report (New York: Vera Institute of Justice, 1979).

the offenders at risk. But, clearly, state custody releasees had potentially more serious criminal records at an earlier age than did ATI clients, which may have placed them more at risk for rearrest during the follow-up period. Even without matching on this dimension, however, there was some overlap in the confluence of age and criminal history between the ATI and DOCS/Parole groups given the length of case processing for the ATI group and the fact that those clients with pending violations of probation might have been convicted a year or more prior to CEP intervention.

Yet another limitation on the selection of the DOCS/Parole group concerned the severity of sentences the ATI group would have received without CEP intervention. As previously mentioned, almost one-third of the ATI clients would have been sentenced to one year or less of jail time, not prison time. This suggests that future evaluations may want to consider a sample of Rikers Island jail releasees matched to ATI clients as an additional comparison group.

For future research, another relevant comparison group may be taken from specific subgroups of probationers: those thought to be at risk of violating their probation (e.g. Intensive Supervision Program [ISP] clients) or those placed in Probation's own Alternative Sentencing Program (ASP).³ These subgroups of probationers may more exactly match the greater "risk" potential ATI clients exhibited because they were not offered probation sentences. These programs differ from CEP's ATI Program in many aspects which include the locus of services: Probation maintains more community-based services while CEP often provides direct services (such as counseling). The variability in the services provided would necessarily permit an interesting, though

³A recent report on these two State Probation Programs suggested that these programs need reform. Its detailed analysis of Bronx cases fitting the ISP profile but before ISP existed to later ISP cases showed the same rate of violation (40%). See The Committee on Corrections, "New York State Probation's Intensive Supervision Program: A Reform in Need of Reform," The Record of The Association of The Bar of The City of New York, January/February, 1987, vol. 42, no.1, pp. 75-100.

admittedly difficult, comparison to the ATI Program. It would also be interesting to see if successful ATI clients eventually sentenced to probation become ISP probationers.

The evaluation's use of the 1981 comparison group for the examination of jail-boundedness suggested other issues to be considered in future research. Because the assessment of jail-boundedness in this evaluation was secondary to the recidivism analysis, and, in the absence of readily available comparable data sources or jail-boundedness models, the evaluation used the 1981 dataset which was not fully current with the sentencing climate the ATI group faced, detracting from the findings. An on-going research effort would ensure the availability of samples for evaluation at an expense similar to that of drawing matched comparison groups from older studies and at less expense than for collecting new data. Also, accumulated information on samples over time allows programs such as CEP's to be compared against themselves, keeping in mind program changes and policy shifts in the criminal justice system that would occur.

On-going research strategies would also permit monitoring successful clients after they had left the Program. Those who were unsuccessfully terminated from the Program for reasons other than a rearrest were more likely to be rearrested subsequent to the end of their participation (25.4%) than were those completing the Program successfully without a rearrest (16.8%, Chapter VII). However, the length of time to the first rearrest after participation produced inconsistent results with regard to the sustained effects of successful participation. Equalizing the post-participation time at risk for both groups in future research would no doubt increase the rate of rearrest among successful clients, but it would make possible a fuller examination of the sustained effects of successful participation on recidivism. Nevertheless, post-participation comparisons would continue to be complicated by the fact that most clients would then be probationers.

In addition, having samples on which to project jail-boundedness over time would assist in strengthening the evaluation of alternative programs. Such projections

would need constant refinement in shifting sentencing climates and with changes in probation and parole supervision to provide effective guidance to policy makers looking for populations at which to target alternative programs.

D. Program Implications

Because the evaluation was not intended to address issues involved in the quality of the supervision or the nature of the placements ATI clients received, recommendations about these organizational variables are not possible. The recommendations necessarily revolve around the following issues: 1. which clients were successful in the ATI Program and the inferences that can be drawn about screening clients who would be more likely to be successful and still divert a jail-bound group; 2. what aspects of supervision and placements led to successful outcomes and what strategies might be useful to maximize the effect use of the energies of CEP staff.

The examination of the rearrest patterns excluding 16-year-old offenders in the ATI, the Probation and the DOCS/ Parole groups suggests implications for CEP operations. Clearly, CEP should see that its screening procedures for the ATI Program maximize the recruitment of those most likely to be successful in the ATI Program. Nevertheless, based on the evaluation's analysis, this does not necessarily mean that certain subgroups, such as 16-year-olds, should be totally excluded from participation in the Program, but that CEP supervision may need to give special attention to these subgroups. The size of the subgroups available for analysis were small so that a difference of only one or two cases could yield quite a substantial shift in percentage points. The small subsample sizes also precluded a multivariate analysis of the data so that questions such as which 16-year-old clients performed better in the Program could not be adequately addressed.

Another group warranting special attention was comprised of some those clients who had previous arrests. Clients who were first time arrestees fared better in the ATI Program than did those previously convicted of a crime. The results for those

previously arrested, but not convicted were more mixed across Program, court, and rearrest outcomes. It would be expected that those with less severe criminal histories coming into the ATI Program would do better throughout the Program than would those with more severe criminal records. Changes in ATI eligibility criteria since FY84 (see Appendix A) are in this direction. Because prior record is a determining factor of jail- or prison-boundedness, however, the weight of other factors such as severity of the current offense must clearly be found in the sentence offers potential clients have received prior to CEP intervention. Otherwise, the diversion effect of the ATI Program would be weakened.

The timing of CEP implementation in terms of court processing relationship to Program outcomes also suggests other subgroups for special consideration. The ATI Program exhibited the highest Program success rates and the lowest rate of rearrest among the primary group its efforts targeted: those clients for whom CEP intervened at or after their plea and before their sentencing. When CEP intervened in cases at other stages of case processing, the Program success rates were lower and the rearrest rates higher. Intervention by CEP at the preplea stage of case processing, while not the same as the pretrial diversion from prosecution interventions by CEP evaluated in 1979, still meant efforts being placed at a time when the environment in which court outcomes were determined was at its most complex, making a successful intervention by one actor more difficult.⁴ Gauging the success of the Program by the same outcome measures as post-conviction interventions may be difficult when often the primary reason for intervention was to secure release from detention. Intervention in violation-of-probation cases, on the other hand, meant intervention in a group potentially at greater risk for poor outcomes because of their already pending violation. These clients may need special screening and supervision by CEP staff.

⁴(Hillsman) Baker and Sadd, 1979, The Court Employment Project Evaluation and 1982, Diversion of Felony Arrests.

Characteristics of a client's ATI participation, however, may limit the extent to which increased scrutiny and follow-up are helpful. Clients were more likely to be successful the more closely they followed the prototype and goals of the ATI Program: completion of the Program in six to seven months, securing multiple placements, and being "promoted" from the maximum level of daily supervision sessions, to medium supervision, and, finally, minimum supervision within roughly a six-month period. While a substantial proportion of the cohort remained in the Program beyond seven months and were terminated successfully from the Program, there was evidence that the longer the time spent in the maximum level of supervision, the less likely clients were to complete the Program successfully, despite CEP's intensive supervision. Those not promoted from maximum supervision tended to leave the Program quickly and to be rearrested.

The number of supervision sessions actually scheduled and the client's attendance at them were pieces of information often incomplete in client files. The limited evidence available suggested that attendance was related to favorable Program outcomes, although few clients had perfect attendance. Attendance was one of the strong predictors of successful termination in the evaluation of CEP's pretrial diversion efforts.⁵ While this is assumed to still be the case, better record-keeping would be required for a retrospective evaluation of its effect. Since FY84, measures aimed at improving CEP's record-keeping have been taken.

The types of placements received during participation was important to Program outcomes as well. A client's need of particular placements was not clearly apparent from his intake status. Those clients in school at intake fared better on most outcome measures than did those reporting they were employed at intake. For example, clients in school at intake were more likely than those employed to receive additional educational and skills training. At first glance, this was surprising; but, because those clients

⁵[Hillsman] Baker and Sadd, 1979.

employed at intake tended to be older, they may have been less inclined to seek further education and training. The lack of further education and training, in turn, resulted in limited employment possibilities and self-development which those clients receiving both educational and job placements had the opportunity to receive. While the goal of employment per se is worthwhile, perhaps more CEP efforts in encouraging the development of more skills and literacy would be important even for those employed at intake or employed as a result of their participation.

Finally, CEP is aware that its potential effectiveness may be reduced since many clients return to home and neighborhood environments every day which are un-supportive of the life style changes CEP hopes to achieve for ATI clients. Recent efforts by CEP to obtain a residential facility comprise an attempt to address this limitation of their work. Additional efforts would then need to be placed on the reintegration of participants leaving the facility and returning at some point to their home environment.

E. A Final Note

The Court Employment Project's FY84 Alternatives to Incarceration Program, then, did provide a viable alternative to the jail and prison sentence offers its participants received prior to intake, by obtaining probation sentences for almost two-thirds of them. It succeeded in gaining training and employment for many. The ATI Program also appeared to have a modest impact on the recidivism rates of clients within the first year after entering the Program.

In the aggregate, the recidivism patterns of ATI clients were consistent with the expectations for this group based solely on their previous criminal justice system involvement and that of the Probation and of DOCS/Parole groups, even if the ATI Program did not exist. However, despite the more serious prior records of ATI clients, the

risk to the community posed by those successful in the ATI Program did not appear significantly greater than that posed by offenders granted probation without CEP intervention.

The evaluation isolated some of the factors associated with successful ATI participation in FY84 and suggested some of their implications for CEP's intervention in the Supreme Court cases of offenders who are otherwise jail-bound. The evaluation also highlighted the need for an on-going research agenda to strengthen the comparisons necessary to determine the effectiveness of alternative-to-incarceration programs in general.

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APPENDIX A

**Court Employment Project's
Alternatives-to-Incarceration Program:**

**Summary of Developments
Program Year 1983/1984 to 1987/1988**

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INTRODUCTION

The Court Employment Project (CEP) is a twenty-year-old not-for-profit corporation that was created "to provide rehabilitative services for persons who are, or are likely to become, criminal offenders" (from CEP's corporate charter). From its beginning in 1967 to the present, CEP's services have focused on increased employability as the key means of rehabilitation.

CEP has continuously targeted these services at the impoverished youth who make up a large proportion of the defendants in the New York City Criminal Courts. From 1967 to 1979, CEP focused on defendants facing misdemeanor, and minor felony charges, by designing and implementing the nation's first pre-trial diversion program. Defendants could have their charges dropped if they participated in short-term weekly counseling, designed to enhance their employability, and then job placement services. In 1978 through a sophisticated controlled experiment, it became apparent that the pretrial diversion model that CEP had pioneered no longer had the jail-displacing or rehabilitative effects to which CEP aspired. Thus, in 1979, CEP refocused its energies on a more difficult sub-population of youth in the courts - defendants who had pled, or been found, guilty of felony charges that would have resulted in jail or prison sentences of at least 90 days. Through an offender's successful participation in this new Alternatives to Incarceration (ATI) program a reduction or avoidance of the imprisonment portion of his or her sentence was possible.

The greater needs of this more difficult ATI population led CEP to pursue resources for providing more than the short-term counseling and job placement services that had been provided to the pre-trial diversion population. From 1979 to 1981, there were sufficient government funds available for CEP to set up a full-time six-month counseling and employment training program specifically designed for the ATI population. A key component of this design was that all participants could be provided at least the minimum wage, through either a training stipend or paid work experience. This program ended in 1981 with the disappearance of government funded programs that included minimum wage support. CEP responded by obtaining funds for a wide variety of smaller programs; however, only one, a renovation contracting operation, had the ability to provide the participants with a legitimate means of support during the counseling and training period.

To measure the effects of the new ATI program, CEP and its government and foundation funders engaged the Criminal Justice Agency (CJA) to study the program. CJA was asked to focus on: 1) the accuracy of CEP's screening activities in selecting jail-bound defendants (i.e., whether CEP was providing a true Alternative to Incarceration); and, 2) whether participation reduced the recidivism of the defendants. CJA performed its study using data from the July 1983-June 1984 program year. Since that

time CEP has continued to accumulate experience in the operation of Alternatives to Incarceration and to make programmatic and administrative changes in response to that experience. This appendix to the CJA study briefly reviews these changes and the outlook for the future.

I. Program Developments

Since 1983/84 changes have been made in CEP's approach to many of the basic components of the ATI program. The most important are as follows:

A. Outreach

Outreach has replaced referral as the principal source of intake. During FY 83/84, intakes relied primarily upon referrals by Judges and the Legal Aid Society. Currently, as a result of close cooperation with the New York City Department of Correction and greatly increased access to court records, the great majority of alternative participants are identified through CEP's efforts. CEP also intervenes much earlier in the ATI participants' cases than previously. We are now able to identify candidates at the felony arraignment stage, near the beginning of the plea bargaining process but after the period when short term detainees would have been released. Previously we did not intervene until much later in the plea bargaining process. As a result, an ever-increasing proportion of participants are entering the program directly from pre-trial detention facilities.

B. Screening

Feedback on program outcomes and Criminal Justice System realities have led CEP to refine the screening of potential participants. Previously age (over 21), charge (homicide, rape, arson, drug sales or possession), or histories of drug use were the rejection criteria. CEP now accepts candidates over 21; this relaxation of the upper age limit was directly influenced by the New York City Department of Correction's identification of the 18-25 age group as the key population to target, in order to reduce prison overcrowding, and CEP's desire for greater flexibility in screening candidates. In addition to the cited criteria CEP now rejects candidates with significant warrant histories or more than four previous convictions. We still reject most defendants with current drug charges, but, because drug use has become nearly universal, we now accept defendants who have used drugs, rejecting only those whose use is incapacitating.

C. Counseling and Supervision

The counseling and supervision process has also evolved. A push to replace an almost exclusively street-trained staff of counselors with a balanced staff of street and university-trained personnel started in 1981. This effort has resulted in a more highly skilled staff that has both the training and the experience to counsel and supervise the target population. These counselors are adept in breaking through the street facades of the youth and then helping them to understand their past, stabilize their present living situations, and prepare for a self-sufficient future.

The upgraded skill base of the counseling staff has allowed a change from almost exclusively individual counseling to an increase in group counseling. The commonality of participants' problems (drug and/or alcohol abuse, homelessness, lack of marketable skills combined with financial responsibility for themselves and often for their families, unemployment, lack of self-control, risk of aids, ignorance of birth control, etc.) led CEP to rely increasingly on group techniques. We have also found that group counseling can reverse the direction of peer pressure and provides an opportunity for greater positive social exchange.

D. Employment Training and Job Placements

CEP's records consistently point to the positive correlation between a client's working or attending a training program and his or her avoidance of court involvement while under CEP's supervision. Preparing and placing youth with criminal records in employment is a monumental task. New York City is known as the youth unemployment capital of the United States and employment opportunities for CEP's participants are even fewer in 1988 than in 1984. CEP has responded to the massive employment and training needs by operating government-funded programs that include educational instruction, employment training and job placement services provided directly by CEP, or by referring participants to other providers, and by designing and implementing two unique employment processes "Working Solutions" and our "Uncle in the Business" program, both of which operate without government funding.

During the 1983/1984 program year CEP operated the following employment related programs:

The Information & Referral Program: Information on and referrals to employment, educational, and social services for approximately 4,000 NYC criminal defendants and their families annually.

The Working Solutions Classroom Training Program : Full-time Construction and Educational Training Opportunities, stipended at \$30/wk, for 120 youth annually. Participants must be between 16-21 and able to pass a sixth-grade reading and mathematics test as required by New York City Department of Employment.

Working Solutions Full-Time Work Program (CEP's renovation contracting business): Full-time paid work experience opportunities for up to 150 youth annually from 1982/1983 through 1986/1987. Organized to create entry-level employment opportunities, it has been a source of employment for some of the more difficult-to-place alternative participants. After five years of steady development, the number of jobs available through working solutions significantly declined in 1987/1988. This was a direct result of the loss of renovation contracts from the New York City Department of Housing Preservation and Development, which had been the largest customer. CEP continues to try to expand this operation because of the great need for paid work experience.

In addition to the three employment related programs operated in 1983/1984 CEP has been able to add the following and operate a total of five such programs in 1987/1988:

The Working Solutions Work/Study Program : Half-time renovation work experience and half-time educational training, paid at \$4/hr and stipended at \$30/wk, for 30 youth annually. Participants must be between 18-24 and able to pass sixth-grade reading and mathematics test as required by New York City Department of Employment.

The Uncle in the Business Program: By working closely with sources of persons required by the courts to perform community service (including the National Center for Institutions and Alternatives, the Community Service Program of Suffolk County, and the U.S. Department of Probation), CEP has been able to obtain the services of some extremely well-connected persons. These persons have provided skill training, mock job interviews, and referral to employment opportunities for many alternative participants.

The two nongovernment funded programs, the Working Solutions renovation contracting operation and Uncle in the Business program, were developed as a result of many ATI participants' ineligibility for government - funded employment training programs because of their lack of the prerequisite basic skills and/or because their immediate financial needs were greater than the \$30/week training stipends currently available.

Plans for the future include continued pursuit of the resources needed to provide comprehensive services. Until single contracts for the provision of comprehensive services are again available, this will be done by pursuing a range of contracts through which as many services as possible can be provided. While partial funding for employment training and job placement have been acquired, to date only the screening, outreach, and counseling components have been able to acquire sufficient resources to keep pace with the number of participants. From nine years of experience of operating the ATI program, CEP has found that literacy, health, emergency housing, and paid work experience services are needed to operate the program at an optimal level.

II. Management and Administrative Developments

As program changes and additions have been made, CEP has adapted its structure, staffing, and program support services accordingly. In addition to the typical developments of any maturing organization (refining and standardizing of operating procedures, managers becoming more knowledgeable of the fine points of the program, and staff being held to progressively higher levels of accountability), major changes have been made in the following areas:

A. Organizational Structure

The management structure of CEP has evolved significantly in terms of size, structure, and quality over the past four years. The operation of a steadily increasing number of programs, in coordination with the Alternatives to Incarceration program, has provided CEP with much needed support for supervisory and administrative positions. This improvement has allowed the Directors of CEP's program operating units to devote a greater amount of time to directly serving participants than to indirect corporate issues. In 1983/1984, CEP was organized into six departments (Fiscal, Office Management, Court Operations, Counseling, Working Solutions, and Employment Training), each headed by a manager. All six managers reported directly to the Executive Director. Since that time this sparse structure was improved with the addition of three top management positions. Since 1985 a Director of Court Programs has supervised the heads of Court Operations and of Counseling; since 1986 a Director of Program Support has supervised the heads of Fiscal and of Office Management; and since 1987 a Director of Employment Training programs has supervised the heads of Working Solutions and the Employment Training Programs.

Plans for the remainder of FY 1988 include improving the coordination between the Counseling and Employment Training Programs so that the more difficult to place participants are better prepared for job placement. External training and/or paid work experience placements have not proved feasible for this

portion of the alternative participants. The setting aside of internal opportunities specifically for this group should improve the success rate with these participants. Currently the Directors of the two units meet weekly. Regular meetings between the middle-level management of the units are being scheduled. The already funded expansion of CEP's Employment Training Programs unit and an expected expansion of the Court Programs unit will make this coordination more complicated and make the planned meetings more essential.

B. Program Decision Making

CEP's unusual concentration on serious offenders and its active role in the plea bargaining process has meant that there is no pool of experienced staff or supervisors available outside CEP, at salary levels CEP can afford. This lack of experienced job candidates, coupled with the gravity of program decisions (recommendations to the court that can affect an individual's incarceration or release), has resulted in the need to have all crucial program decisions be tightly supervised.

There has been an upward reassignment of decisions to intake, to terminate, or to continue the supervision of participants. Previously, individual staff made these decisions. This allowed direct and rapid decision-making, but it did not take advantage of the available decision-making resources. Direct supervision of intake is particularly difficult to perform because of the dozens of court rooms in session in each of New York City's five boroughs and the need for immediate decisions in each. To address that issue CEP has placed an experienced supervisor in each of CEP's four outreach offices, located in the Court buildings of the largest boroughs, with whom staff consult on all intake decisions. Of course, this also allows for closer supervision of all aspects of CEP's operation in the outreach offices and has resulted in enhanced program quality control. Important post-intake decisions, in particular those concerning a participant's continuance in the ATI program, have been reassigned first to managers and now to management teams. This increased involvement of more highly trained personnel has enabled more authoritative decision-making and more effective intervention in and resolution of problems.

C. Program Support

The operation of the ATI program requires a full set of programmatic support services. The services include, but are not limited to: bookkeeping, office management, payroll, purchasing, personnel, insurance, telephones, archiving, data processing, duplicating, and maintenance.

By program year 1988 - 1989 CEP plans to upgrade its telephone and data processing equipment and to renovate a major portion of the headquarters office space. These steps are key to program efficiency and staff morale. CEP's headquarters are in a one-hundred-year-old building in great need of renovation. The telephone and data processing equipment currently in use are technologically obsolete, in poor condition, and cannot keep pace with the ever increasing program and administrative data processing and communication needs of the corporation. Obtaining the funding needed to up-grade these corporate resources will require significant effort.

III. Program Funding

Funding for the operation of the screening, outreach, and counseling components of the ATI program has remained relatively constant from program year 1983-84 through 1986-87. Through that period, DPCA provided CEP with approximately \$250,000 annually for operation of these aspects of the ATI program for 125 participants. Small Cost of Living Adjustments (COLA) have increased the annual contract amount but not significantly.

In 1987-1988 The Office of the New York City Criminal Justice Coordinator joined New York State as a funder of CEP's ATI program. The New York City contract provided CEP with \$200,000 of City Tax Levy funds to provide alternative services to an additional fifty-five participants.

Starting in 1985-1986, in a program development effort closely related to the ATI program, DPCA has annually provided CEP with approximately \$400,000 of additional support, plus cola, to start a separate Alternatives to Detention (ATD) program for 150 participants. This program provides outreach, screening, and counseling and supervision for defendants likely to spend significant amount of time in pre-trial detention.

These levels of funding do not adequately describe the actual cost of the ATI program. Services supported by other CEP contracts, targeted at populations that overlap with the ATI population, provide numerous essential services to the participants at no cost to contracts directly funding the ATI program. The actual average cost of the alternatives programs for the 330 participants currently being served annually, can be estimated at \$4,000 per participant.

Additional funding is currently being sought: 1) to increase the number of participants in CEP's ATD program and 2) to launch an Alternatives to Incarceration or Detention program that specifically targets defendants charged with drug offenses. The current overcrowding in New York City Pre-Trial Detention facilities and rapid increase of the number of defendants charged with drug offenses have led CEP to these pursuits.

Summary

CEP has accumulated nine years of experience in the operation of an Alternatives to Incarceration program. The refinements of the program design that have occurred in the four years since the 1983/1984 program year studied by CJA resulted from program feedback, from the needs of the Criminal Justice System, and from the shifting of external social and economic conditions. By 1988, the program has become more specific in the defendants targeted to participate and more comprehensive in the set of counseling and employability services provided than it was in 1983.

With government and foundation support, CEP hopes to continue a twenty-year history of successful demonstration of viable alternatives to the traditional adjudicatory and incarcerative options available to the New York City Courts. In doing so CEP's goal is to improve the quality of justice in New York City.

APPENDIX B

**Comparison Sample Selection for
Jail-Boundedness Analysis**

Appendix BComparison Sample Selection
for Jail-Boundedness AnalysisI. Introduction

To assess the extent to which ATI participants were truly jail-bound, data were drawn from a random sample of arrests in 1981 used in a previous CJA study. The sampling procedures employed to identify defendants in that study who were similar to ATI clients are detailed in Section II. The primary matching criteria from the ATI cohort were age at intake, intake charge, and criminal history at arrest. As that section will show, these criteria were not easily matched in the 1981 dataset at the same point in case processing because of both the availability of data for the 1981 cases (e.g. only age at arrest, not date of birth) and the variable court processing stages of the ATI intake cases.

Variables affecting court outcomes, in addition to and in combination with those comprising the matching criteria, needed to be taken into account before exploring differences in the court outcomes between the ATI and comparison group. Various weighting procedures (by county of prosecution, criminal history, and charge severity) were examined and the final sample was weighted by county of prosecution. Section III describes these procedures. To assess how well the final comparison sample matched the ATI group, Section IV then compares both the weighted and unweighted distributions of selected variables in the 1981 data to their respective distributions in the ATI group. Section V discusses the amount of prison and jail time imposed on the 1981 sample which was used to project incarceration time and costs for the ATI group. A summary is presented in Section VI.

II. Selecting the Initial Sample From The 1981 Dataset

The comparison sample for the jail-boundedness analysis was drawn from a total of 10,559 cases comprising a 30% random sample of CJA-interviewed,¹ summary arrests between February 15 and May 31, 1981. The CJA computerized database provided arrest and criminal history information, as well as most Criminal Court outcome data. The criminal history and age data CJA provided, both recorded as of the time of arrest, were used to match to ATI clients' age at intake and criminal history at the time of their intake arrest. Manual coding of OCA records supplemented CJA's Criminal Court data and was the source of Supreme Court outcome data in the 1981 study. CJA and OCA, thus, both provided the charge information used to match to ATI intake charges. DCJS provided additional court outcome information. This additional information included resentencing information (for example, on violations of probation) as well as outcome information for cases which were pending at the end of the original data collection.

From the SPSS-system file containing these data, all 16- through 21-year-old defendants who were indicted were identified. Defendants whose number of previous misdemeanor or felony convictions exceeded that of any ATI client were then excluded, as were defendants prosecuted in Staten Island because the ATI Program did not operate there. Defendants whose indictment charges exactly matched the most severe intake charges of ATI clients were selected from the remaining cases. The last amended charge in Criminal Court was used for those defendants (mainly youthful

¹ In 1981, CJA interviewed almost all defendants arrested and brought to central booking facilities in every borough, who were charged with at least a misdemeanor offense. CJA did not interview defendants issued desk appearance tickets (DATs), those arrested solely on bench warrants, defendants arraigned in the hospital, those charged with lesser offenses within the Administrative Code or the Vehicle and Traffic Law, those charged with subway "fare-beating," nor those arrested for prostitution in Manhattan.

offenders) whose indictment charges were not available. The final decision to match to indictment (or last amended) charges, rather than disposition charges, responded to the fact that almost one-third of the ATI intake cases were preplea cases. As a result, all A felony cases were eventually eliminated. A total of 644 cases satisfied these criteria.

These sampling procedures ignored the distribution of cases by the county in which they were prosecuted. Yet, prosecutorial differences in the various county Supreme Courts would likely affect the court outcomes of the 1981 data which were to be compared to those of the intake cases of the ATI clients. Ideally, weighting the 1981 data to approximate the county and charge severity, or the county and criminal history distributions in the ATI group would help control for these differences when the court outcomes were compared between the two groups.

Using the case-weighting facility of SPSS,² the weighting of the 1981 data to approximate the joint distribution of sample charge severity and county of prosecution in the ATI group yielded a sample that differed (percentage-point differences) substantially from the ATI distributions. The weighting facility also yielded discrepancies that were too large when the weighting was set to approximate the criminal history distribution within the county of prosecution. However, when the weighting was attempted by county of prosecution alone, the charge severity distribution within county was closer to that in the ATI group than it was when the joint distribution itself had been used to determine case weights. It was decided to use the county weighting alone and to control for the other factors when comparing court outcomes.

Table B-1 presents the county distribution of both the original sample cases matched to the ATI group and that of the sample weighted by county of prosecution.

²Statistical Package for the Social Sciences

The weights were derived from the ATI county distribution as displayed in the last column of Table B-1. (See also Table C-2 in Appendix C).

Table B-1

County of Prosecution for 1981 Comparison Sample

	<u>1981</u>				<u>ATI</u>
	Actual		Weighted ^a		(N=172)
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>
Kings	184	28.6%	94	55.0%	50.6%
New York	199	30.9	40	23.4	19.8
Queens	124	19.3	20	11.7	16.3
Bronx	<u>137</u>	<u>21.3</u>	<u>17</u>	<u>9.9</u>	<u>13.4</u>
TOTAL	644	100.0%	171	100.0%	100.0%

^aWeighted to approximate county of prosecution distribution for ATI clients.

The distribution of the borough of prosecution in the matched 1981 sample shows, in fact, that Brooklyn cases were significantly underrepresented while the proportion of cases in all other boroughs were greater than were found for ATI intake cases in FY84. The actual number of Brooklyn cases (n=184) was sufficiently large so that inferences concerning these cases would still be reliable in the weighted sample where they had disproportionately larger representation.

Every borough of prosecution was represented in the weighted sample within five percentage points of its proportion of ATI intake cases. Within the five percent-

age point differences, Brooklyn and Manhattan cases were overrepresented while Queens and Bronx cases were underrepresented in the 1981 sample relative to their respective proportions of ATI intake cases.

III. Age, Criminal History, and Charge Compared with ATI Clients

This section details how well-matched the 1981 sample was to the ATI group. Emphasis is placed on the distribution of age, criminal history and charge in the weighted sample. Both the weighted and unweighted distributions, however, are presented in Table B-2. The comparison percentages for the ATI group were drawn from Chapters II and III.

A. Age

The comparison group chosen from the 1981 dataset had disproportionately more defendants in the youngest (16-year-old) and the oldest (21-year-old) age groups compared to ATI clients, and, correspondingly, fewer defendants in most of the other age groups. The largest percentage-point difference, 8.1%, was in the representation of 17-year-olds in the two groups: 29.7% for ATI clients versus 21.6% for the weighted 1981 comparison group.

B. Criminal History

Just over one-third (35.7%) of the weighted 1981 comparison group had been arrested for the first time on their 1981 arrest. This was similar to the proportion found among ATI clients (34.1%, Table II-2). However, there were more defendants with previous convictions (21.6%) in the weighted comparison group than in the ATI group (15.9%); this difference was comprised primarily of the difference in the respective proportions having felony convictions (5.8% for the weighted 1981 group and 1.8% for the ATI clients).

TABLE B-2

DISTRIBUTION OF AGE, CRIMINAL HISTORY AND CHARGE AMONG THE 1981 CJA SAMPLE
MATCHED TO ATI CLIENTS

AGE	1981 SAMPLE						SAMPLE OFFENSE	1981 SAMPLE					
	ACTUAL		WEIGHTED ^a		ATI			ACTUAL		WEIGHTED		ATI	
	N	%	N	%	N	%		N	%	N	%	N	%
16 YEARS OLD	115	17.9%	29	17.0%	23	13.4%	MURDER	11	1.7%	2	1.2%	1	0.6%
17 YEARS OLD	134	20.8	37	21.6	51	29.7	ROBBERY	370	57.5	104	60.8	97	57.1%
18 YEARS OLD	126	19.6	35	20.5	35	20.3	BURGLARY	115	17.9	27	15.8	35	20.6
19 YEARS OLD	96	14.9	24	14.0	25	14.5	DRUGS	48	7.5	11	6.4	11	6.5
20 YEARS OLD	88	13.7	24	14.0	24	14.0	WEAPONS	75	11.6	21	12.3	16	9.4
21 YEARS OLD	85	13.2	22	12.9	14	8.1	OTHER ^b	25	3.9	6	3.5	10	5.9
TOTAL	644	100.0%	171	100.0%	172	100.0%	TOTAL	644	100.0%	171	100.0%	170 ^c	100.0%
CRIMINAL HISTORY							SAMPLE OFFENSE SEVERITY						
FIRST ARREST	238	37.0%	61	35.7%	58	34.1%	B FELONY	235	36.5%	64	37.4%	64	37.6%
NO CONVICTIONS	271	42.1	73	42.7	85	50.0	C FELONY	182	28.3	52	30.4	56	32.9
MISDEMEANOR CON- VICTION(S)							D FELONY	204	31.7	50	29.2	38	22.4
ONLY	95	14.8	27	15.8	24	14.1	E FELONY & MISDE- MEANORS	23	3.6	5	2.9	12	7.1
FELONY CON- VICTIONS	40	6.2	10	5.8	3	1.8	TOTAL	644	100.0%	171	100.0%	170 ^c	100.0%
TOTAL	644	100.0%	171	100.0%	170 ^d	100.0%							

^aCases were weighted by county of prosecution. See Table B-1.

^bIncludes: arson, reckless endangerment, grand larceny, petite larceny and stolen property.

^cExcludes two clients for whom intake charge was not available.

^dExcludes two clients for whom criminal history information was not available.

C. Charge

Robbery was the most common offense among the intake charges for the ATI clients and somewhat more common among the indictment charges for the weighted 1981 comparison group (57.1% and 60.8%, respectively). Other offense categories (Penal Law articles) were more disproportionately represented among the indictment charges of the weighted comparison group: burglary indictment charges were underrepresented with 15.8% while weapon offenses were somewhat more frequent in 1981 sample than in the ATI group. Drug offenses about equally characterized the indictment charges in the weighted comparison group and the intake charges of ATI clients. (See Table III-5 in Chapter III.)³

Overall, when the Penal Law severity of the comparison charges was considered, the severity of the indictment charges in the weighted comparison group was somewhat less severe than ATI intake charges. However, the difference in the proportional representation of each felony category generally was less than three percentage points.

It was the larger proportion of D felonies in the weighted 1981 sample that accounted for the overall less severe description of this group compared to the ATI group (22.4% versus 31.3%). But, when all charges D felony and below were grouped together, the difference between the two groups was 2.9 percentage points. In Chapter VI, the comparison of court outcomes (specifically, the incidence of probation sentences) was made to those in the 1981 weighted sample who were convicted only. For this subgroup, the proportion of D felony indictment charges was even higher (31.3%) than in the whole weighted sample. Again, when all charges D felony and below were viewed

³ When the disposition charges of the 1981 group were compared, robbery charges were underrepresented relative to their proportion among intake charges for ATI clients. Grand larceny charges, on the other hand, were more prevalent.

together, the difference only favored the weighted 1981 dataset by 3.5 percentage points over the total proportion of these charges in the ATI group.⁴

Examining the severity of charges for the largest offense category, robbery, in each group revealed that the proportion of lower (D and E) felonies in the 1981 comparison group was actually less than the respective proportion of charges in the ATI group (10.1% versus 15.4%). Rather, for this offense category, the weighted comparison group was more likely to have C felony indictment charges (43.1%) than was the ATI group to have C felony intake charges (34.0%). The ATI group, on the other hand, did have somewhat more B felony robbery intake cases (50.5%) than did the 1981 comparison group (46.8%). When the Penal Law severity of robbery indictment charges only for those convicted in the 1981 group were compared to that of the ATI group, the percentage point differences between the two groups remained within 2.0 percentage points of those just presented.

V. Incarceration Time Imposed in 1981 Sample

In Chapter VI, the 1981 data were used not only to estimate the proportion of ATI cases that were truly jail- or prison-bound, but also to project the amount of incarceration time the ATI clients might have served without their participation in the ATI Program. According to that chapter, 90 defendants in the 1981 weighted sample were sentenced to incarceration. Table B-3 displays the amount of incarceration time

⁴Differences in the distributions of charge severity within borough were also likely to affect court outcomes. When these distributions in the ATI group and in the 1981 weighted comparison group were examined, the largest discrepancies were: somewhat fewer B felonies for Manhattan in the 1981 weighted sample and significantly fewer B felonies in the Bronx; D felonies were disproportionately high in Queens relative to their distribution among the intake charges of the ATI clients.

imposed on these defendants (Data were not available for one case in the weighted sample).

Three-fifths of the 1981 weighted sample (59.6%) were sentenced to state prison while two-fifths (40.4%) were sentenced to local jail sentences of one year or less. ATI clients were somewhat more likely to receive jail rather than prison sentences than

Table B-3

**Sentence Amounts for the 1981 Dataset and
Projected Distribution for the ATI Group**

Determinate Sentences:	Actual	Weighted		Projection For ATI	
	<u>N</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Less Than 1 Year	54	13	14.6%	16	14.7%
1 Year	<u>81</u>	<u>23</u>	<u>25.8%</u>	<u>28</u>	<u>25.7%</u>
SUBTOTAL DETERMINATE SENTENCES	135	36	40.4%	44	40.4%
Indeterminate Sentences:					
1 Year Minimum; Maximum: 3-5 Years	51	16	18.0%	20	18.3%
1 Year 4 Months to 1 Year 6 Months Minimum; Maximum: 3-7 Years	62	16	18.0%	20	18.3%
1 Year 8 Months to 7 Years 6 Months Minimum; Maximum: 4-6 Years	32	9	10.1%	11	10.1%
7-15 Years	48	9	10.1%	11	10.1%
No Minimum Given: Maximum: 3-5 Years	<u>6</u>	<u>3</u>	<u>3.4%</u>	<u>3</u>	<u>2.8%</u>
SUBTOTAL INDETER- MINATE SENTENCES	199	53	59.6%	65	59.6%
TOTAL SENTENCED TO INCARCERATION	<u>199</u>	<u>53</u>	<u>100.0%</u>	<u>109</u>	<u>100.0%</u>

were the 1981 defendants (44.9% and 55.1%, Table VI-5). Thus, the incarceration time and cost savings projected for ATI participation in Chapter VI resulted not only from the smaller proportion of clients actually receiving incarceration sentences, but also from the slightly higher proportion receiving jail, not prison sentences than would be expected from the 1981 data.

The projections for the distribution of incarceration time among the 169 convictions in the ATI group are given in the last column of Table B-3. Calculating the proportion of incarceration sentences expected in the ATI group directly from Table VI-9 would yield a total of 108 sentences of incarceration ($.639 \times 169 = 108$).

The projection for 109 cases displayed in Table B-3 was the result of rounding. Incarceration time estimates based on the distribution in the weighted sample and reported in Chapter VI accommodated projections to three decimal places.

VI. Summary

A total of 644 defendants were chosen from a random sample of 10,559 summary arrests in the spring of 1981. They were chosen to be in line with the age, intake charge, and criminal history of ATI clients. To account for prosecutorial differences in the four boroughs in which the ATI Program operated, these cases were then weighted to reflect the borough distribution of ATI intake cases. The distribution of defendant and case characteristics among the resulting 171 cases in the weighted sample, were similar to that among the ATI group. However, in the 1981 dataset, 17-year-old defendants were underrepresented while the youngest and oldest age groups were over-represented. Indictment charges were somewhat less severe, and less likely to be burglary offenses. The proportion of cases with previous felony convictions at arrest was greater in the 1981 group than was the respective proportion of convictions in the FY84 ATI group. The court outcome information reported in Chapter VI take these differences into account.

APPENDIX C

Comparison Sample Selection for Recidivism Analysis

APPENDIX CComparison Sample Selection for
Recidivism AnalysisI. Introduction

The sample selection procedures employed to match probationers and state releasees to ATI clients for the recidivism analysis presented in Chapter VIII are discussed below. The format of the data received from agencies other than CJA and how the initial pool of eligible probationers and state releasees was determined are reviewed in Section II. Section III describes how this pool of eligibles was linked to the CJA database and the potential sample cases identified. Section IV then details the actual selection of probationers and the state custody releasees matched to ATI clients. Section V briefly discusses how the recidivism data were generated for the final samples. Finally, Section VI describes the characteristics of the final matched samples in comparison to those of the ATI cohort.

II. Data Obtained from Probation, DOCS, and ParoleA. Probation

CJA obtained a data tape from the State Department of Probation through the New York City Department of Probation. The tape contained information on over 3000 defendants aged 16 through 21 years old who were placed on felony probation during the sample period. The data were transferred to CJA's computer system. Data fields that most directly affected the selection of a matched comparison sample and the recidivism analysis were checked for readability, consistency and completeness (about ten percent of the cases has some problem). Both the CJA database and Office of Court Administration (OCA) records were used to help check these data. Cases with problem data that could not be rectified with these sources were returned to the City Department of Probation for further checking.

Additional information was provided and was used to update the original data files. Among the additional pieces of information returned by Probation was a second NYSID number for several probationers. These were uncovered because the State and City Departments of Probation had the same Supreme Court case associated with different NYSID numbers belonging to the same person. The issuance of a new NYSID, either when a juvenile turned 16 years old, or because all cases under one number were sealed, had implications for all subsamples and the coding of rearrests and of detailed information on prior criminal record.

B. DOCS and Parole: State Custody Releasees

CJA also received data from the N.Y.S. Department of Correctional Services (DOCS). Procedures to examine these data paralleled those used with the Probation data. However, unlike Probation, which provided information only on probationers fitting specified criteria, DOCS sent two computer tapes of data: one containing data on all 1983 DOCS releases and the other with data on all 1984 releases. Thus, an extra step was added to the initial procedures: releasees between 16 and 21 years old, who were sentenced in New York City and who were released from DOCS custody between July 1, 1983, and June 30, 1984, had to be identified. No problem records were encountered necessitating the help of DOCS on individual records. Inmates whose release from DOCS custody occurred because of transfers to other institutions or because of some other reason such that they would not be "at risk" in the community to be rearrested were deleted from the file.

Approximately 1300 records were identified as fitting the above criteria. As suspected, few DOCS releasees were 16 and 17 years old at the time of their release. (In fact, just one 16-year-old releasee was identified who fit the other criteria.) It was also discovered that charge information for those adjudicated youthful offenders (YO) was incomplete. For some YO's, no charge information was available at all. For others, the Penal Law Article alone was provided; for these cases it was impossible to

know the Penal Law severity of these charge. (The implications of the incomplete charge information for matching to the ATI clients will be discussed below.)

To supplement the DOCS releasees with more 16-and-17-year- old state custody releasees, CJA also obtained data from the N.Y.S. Division of Parole. Attempts to obtain such data from the Division for Youth (DFY) were unsuccessful.

The tape from Parole contained all available data on every parolee who was between 16 and 21 years old at the time of parole. After identifying those entering parole during the sample period resulting from a case prosecuted in New York City, NYSID numbers of those parolees were matched against those of inmates released from DOCS custody who fit the sampling criteria. Approximately 300 parolees, most of whom were 16 and 17 years old, were identified as being released from incarceration, but not from DOCS, during this period. These cases were added to the DOCS files as potential comparison sample members.

III. Linking to the CJA Database

A. Problems of Linking to the Correct Case

CJA data on prior criminal record at the time of arrest on the sample case were to be used to select the comparison groups for the recidivism analysis. As each subgroup fitting the general sampling criteria was identified, the NYSID numbers of the cases in that group were matched against those in the CJA database in an attempt to identify the arrest linked to the potential sample case. Cases with NYSID numbers overlapping with those of ATI clients were first eliminated. Cases from Probation with NYSID numbers overlapping with those of DOCS releases were retained only in the file having the earlier sample date. Similar procedures resolved the selection of one case among multiple cases (linking to the same NYSID number) identified within the Probation and DOCS groups themselves.

Several factors made isolating the needed records in the CJA database difficult for all groups without extensive manual checking. These factors included both the characteristics of the CJA database and of the data received from the other agencies.

First, as previously mentioned, because of the age of the ATI clients, a number of offenders had two NYSID numbers. Thus, to isolate the correct arrest in the CJA database required that both CJA and the other organizations had information regarding the sample case associated with the same NYSID number.

Second, aside from CEP, only Probation provided any court-related variables which could help isolate the correct case in the CJA database. Specifically, sentencing date and indictment number were available for Probation cases which could be cross-referenced, if necessary, with data from OCA back to Criminal Court docket numbers and an arrest number, which, in turn, could be associated with CJA data. (Since accessing OCA data had to be done on a case-by-case basis, it was impractical to do it for all cases. Rather, OCA data were used for resolving discrepancies and attempting to find court information for certain classes of cases with NYSID numbers that did not link at all to the CJA database.)

For cases from DOCS and Parole, the information most proximate to court processing (and arrest) was the admission date to state custody, which could be some time after the sentence was imposed. Because the arrest resulting in that incarceration could have occurred a year or more before that date, the CJA database had to be searched back to its earliest archived data. (That is, the arrest for the potential sample case may have occurred as early as 1980.) These early CJA data were not as complete as later data and sometimes were missing NYSID numbers, prior criminal record information, and final Criminal Court outcomes. Thus, another factor affecting the correct linking of cases to the database was the completeness of early CJA data, especially coupled with the lack of court- and arrest-level identifiers provided by the other agencies.

Another factor affecting a link to the database was that it did not contain information on persons indicted before they were arrested. These defendants were not interviewed by CJA and never appeared in Criminal Court. For cases in which such an arrest was the person's only arrest, CJA would have no record for that NYSID number. The proportion of these cases, however, was expected to be small.

B. Results of NYSID Number Link to CJA Database

The cases isolated in the CJA database as linking to sample cases were those having NYSID numbers matching those in the subgroups, having felony arrest charges, and having a final Criminal Court disposition indicating transfer to the Supreme Court prior to the sentencing (Probation) or admission dates (DOCS/Parole). However, almost 20% of the NYSID numbers in the Probation file did not link to such cases in the CJA database. This proportion was twice that usually encountered in other attempts to link with the database. It was unlikely to be only because of cases in which the defendant was indicted before this arrest. Investigation (with OCA data) revealed that, again because of the time period involved, Criminal Court appearance history information was incomplete in the database and cases that looked as if they were pending in Criminal Court actually had been transferred to Supreme Court and were the correct cases.

Procedures were implemented to review cases with NYSID numbers in the Probation file that linked to the database, but which were rejected as links because of their (often incomplete) Criminal Court outcome information. The attempt to recover many of the Probation cases was successful and similar procedures were used with other subgroups. In this manner, it was also possible to manually inspect cases dismissed Criminal Court, but which may have been later submitted to a grand jury and indicted. It was also discovered when the Parole cases were linked by NYSID to the database that many appeared to have come from Family Court findings in which the teenager was sent to a DFY facility; in these cases, CJA's Criminal Court outcome indicating a transfer to Family Court identified the correct case.

To further achieve links to the CJA database, some cases were linked to arrests that approximated the time of the potential sample arrest, even if other information suggested this was not the correct arrest, so that the case could remain in the groups from which the matched comparison groups were to be drawn. The final outcome of the linking procedures is summarized in Table C-1.

Table C-1

**Results of NYSID Numbers Linked to CJA Database
for ATI Clients and Comparison Groups**

	<u># of Cases Fitting Overall Sampling Criteria^a</u>	<u># of Cases With NYSID Numbers Linking to CJA Database</u>	<u>% Linking</u>
ATI	172	172 ^b	100.0%
Probation	2877	2573	89.4%
DOCS/Parole	1646	1540	93.6%

^aSampling criteria included: having a valid NYSID number; being between the ages of 16 and 21 years old as of the sampling data between July 1, 1983, and June 30, 1984 (intake date for ATI, sentencing date for Probation, release date for DOCS/Parole).

^bOne ATI client had an intake case in which the indictment was handed down before the client was arrested. This arrest was not in the CJA database. Another arrest in the database within a month of the intake arrest was substituted so that all ATI clients were included when matching the comparison groups.

IV. Selection of Matched Comparison Groups for Recidivism
Analysis

A. Overall Selection Procedures

With the information on prior criminal record by the NYSID number link to the CJA database, all data needed to match the Probation and DOCS/Parole cases to ATI cases were complete. While it was proposed to sample 200 probationers and 200 relea-

sees from incarceration, the incomplete conviction charge data in the DOCS/Parole file as well as the tenuous association of CJA arrest-level information with certain cases in the Probation and DOCS/Parole files, suggested that it would be best to over-sample and clean cases against rap sheets for more specific prior criminal record and charge information, if available. A target number of 225 cases for each matched group was used in determining sampling procedures.

To compensate for the incomplete charge information for some YO's in the DOCS group, the Penal Law article of the intake charges for ATI clients and of the conviction charges for the other two groups were isolated. Cases in the Probation file not having a conviction charge associated with a Penal Law article found among ATI intake charges were deleted as were such cases from the DOCS/Parole file. DOCS/Parole cases having no specific charge information (other than an indication of YO treatment) were, however, retained for further consideration. Probation and DOCS/Parole cases resulting from prosecution in Staten Island were also deleted from their respective files since the ATI Program did not cover Staten Island.

The joint distributions of age and Penal Law article, and, of Penal Law article and prior criminal record were examined for the ATI clients. These distributions were used to do the actual selection of the matched comparison groups. Cases in the Probation and DOCS/Parole files having prior convictions (felony convictions for Probation, misdemeanor for DOCS), outside of the range of that for ATI clients within a particular Penal Law article were deleted. The remaining cases in each file were assigned random numbers and sorted into that numerical order. Which joint distribution determined the number of cases, however, varied for each subgroup. The first "n" cases fitting one of the joint distributions (e.g., 16 years old and convicted on a robbery charge) were selected until the proportion of cases chosen approximated that of ATI clients for that distribution.

B. Selecting The Matched Comparison Group From Probation

Overall, the probationers were slightly older and more likely to be first arrestees than were ATI clients. Neither group had many prior felony convictions. Because the greatest difference between the two groups was in the proportion of first arrestees, the distribution of charge and prior criminal record (based on first arrest and misdemeanor convictions; first arrest; not first arrest but no convictions; one misdemeanor conviction; and, two or more misdemeanor convictions) among the ATI clients was used to determine cell sizes for the Probation group. An initial group of 227 probationers was thus selected. This group had too few 16 and 17 year olds when compared to ATI clients.

Additional 16 and 17 year old probationers were then chosen who were convicted for crimes covered under the particular Penal Law articles found among ATI intake charges. A total of 40 cases were added in this manner to better approximate the distribution of 16 and 17 year old ATI clients within these charge categories. Almost all of the added cases were again first arrestees so that the proportion of first arrestees was greater here than for ATI clients. This difference was controlled statistically in the recidivism analysis.

C. Selecting The Matched Comparison Group From DOCS/Parole

Despite the additional 300 Parole cases in the DOCS file, the 16- and 17-year-old age groups were still underrepresented when compared to the ATI group. This situation was particularly apparent when the age distribution within Penal Law articles was examined. Thus, the sampling here was built up from the numbers of 16 and 17 year olds available for sampling within charge categories, rather than again selecting a sample based on approximately 225 cases fitting the joint charge and priors distribution. This procedure would have even further underrepresented the 16 and 17 year olds in the final sample. A sample of 162 was generated approximating the charge and age distribution of the ATI clients. Even to achieve this number, however, it was

necessary to substitute cases from the next higher age group to achieve proportions similar to that for the ATI group. As a result, the proportion of 18 year olds in this group was higher than among the ATI group.

Because it was hoped to have a somewhat larger comparison group, and because 16 and 17 year olds were still underrepresented, all cases in which the releasees were 18 years old or under, but for which the youthful offender charge was not available were also selected. The final size of the matched group was 254.

V. Recidivism and Detailed Criminal History Coding

Criminal history (rap) sheets maintained by the Division of Criminal Justice Services (DCJS) were obtained through the New York City Police Department for ATI clients. For about one fifth of the ATI clients, however, no record of their NYSID number was found, implying that all arrests had been sealed (dismissed or had youthful offender treatment granted). Since it was also possible that another NYSID number had been assigned to a client on a subsequent arrest, or, if another one had been assigned during the sample case, all clients for whom no rap sheets were available were searched, manually, by name against the CJA database to ascertain if another NYSID number could be found.

Upon completion of the sampling of Probation and DOCS/ Parole cases, a computer-generated list of the NYSID numbers associated with the sampled cases was produced and forwarded to the Police Department to obtain the rap sheets for the comparison groups. Procedures for checking cases (by name search) in which NYSID numbers yielded no criminal history records were used after the rap sheets were received to again check for the possibility that other NYSID numbers had been assigned to some individuals. This was only possible for the DOCS/Parole group; to obtain name for the Probation group would have required returning cases to the Department of Probation for these data.

Using the NYSID numbers associated with the sample cases, rearrests in the CJA database within one year of their respective sample dates were isolated. Case summaries for each of these arrests were generated from the CJA database to serve as the basis for the recidivism coding. These were supplemented by the rap sheets. Manual coding from these sources for all three groups generated the information on the number, severity, and court outcomes of the rearrests occurring within one year of the sample dates. OCA data were again used to help complete the court outcome information. For the ATI group, additional information on rearrests occurring while clients were still in the ATI Program was coded separately.

VI. Description of Comparison Groups

A. County of Prosecution

During FY84, half of the ATI clients (50.6%) had cases pending in Kings County Supreme Court. (See Table C-2.) In contrast, two fifths of the probationers (41.6%) were sentenced in Kings and just one third of the DOCS/Parole group (32.3%) were incarcerated on a Kings County case. These latter two groups, in turn, were more likely to have their sentences result from prosecution in the Bronx (19.9% and 21.7%, respectively) than did the ATI group (13.4%). In addition, Manhattan cases were disproportionately higher among the DOCS/Parole group (28.7% versus 19.8% for the ATI group and 22.5% for the Probation group) while about one in six cases in each group were from Queens (16.3% for ATI, 16.1% for Probation, 17.3% for DOCS/Parole).

TABLE C-2

COUNTY OF PROSECUTION BY SAMPLE

<u>COUNTY</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
BROOKLYN	87	50.6%	111	41.6%	82	32.3%
MANHATTAN	34	19.8%	60	22.5%	73	28.7%
QUEENS	28	16.3%	43	16.1%	44	17.3%
BRONX	23	13.4%	53	19.9%	55	21.7%
TOTAL	<u>172</u>	<u>100.0%</u>	<u>267</u>	<u>100.0%</u>	<u>254</u>	<u>100.0%</u>

B. Age

Table C-3 presents the distribution of age as of the respective sample dates for each of the comparison groups. There was no more than a two-percentage-point difference between the ATI group and the Probation sample for any of the age groups, 16 through 21 years old, included in the study. However, the oversampling of DOCS/Parole offenders, for whom the only charge information available indicated that they had been granted youthful offender status, resulted in more differences between the age distribution of the ATI clients and the DOCS/Parole offenders. The inclusion of the YO¹ in this group resulted in 16 and 17 year olds being represented proportionately to their representation in the ATI group; 18 year olds being over-represented relative to the ATI group (one third were 18 years old), and all others, 19 through 21 years old, being underrepresented relative to the ATI group. The average (mean) age of the DOCS/Parole group was 17.9 years old while for both the ATI group and the Probation group it was 18.1 years old. The difference in mean ages between the ATI group and the DOCS/Parole was not statistically significant.¹

¹t= 1.52, p>.10 with 332.3 d.f..

TABLE C-3AGE AS OF THE SAMPLE DATE BY SAMPLE

<u>AGE OF OFFENDER</u>	<u>ATI</u>		<u>PROBATION</u>		<u>DOCS/PAROLE</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
16 YEARS OLD	23	13.4%	36	13.5%	32	12.6%
17 YEARS OLD	51	29.7%	80	30.0%	75	29.5%
18 YEARS OLD	35	20.3%	54	20.2%	85	33.5%
19 YEARS OLD	25	14.5%	37	13.9%	26	10.2%
20 YEARS OLD	24	14.0%	33	12.4%	23	9.1%
21 YEARS OLD	14	8.1%	27	10.1%	13	5.1%
TOTAL	<u>172</u>	<u>100.0%</u>	<u>267</u>	<u>100.0%</u>	<u>254</u>	<u>100.0%</u>

C. Sample Case Characteristics1. Sample Offense

Primarily, the sample case, i.e., that case resulting in the offender being placed in ATI, on probation, or in state custody, was characterized by charge. As noted previously, the incomplete charge information for YO's in the DOCS/Parole group limited matching charges among the comparison groups to Penal Law article, regardless of section (and, hence, severity). In addition, the youngest offenders with only "YO" charge indications (i.e., regardless of charge) were included in that group to achieve a better match on age to the ATI clients. The distribution of the Penal Law Article for the "sample offense" within comparison groups is presented in Table C-4. The sample offense was the most severe intake charge for the ATI group and the most severe conviction charge for the Probation and DOCS/ Parole groups.

TABLE C-4

DISTRIBUTION OF SAMPLE OFFENSE^a BY SAMPLE

SAMPLE OFFENSE:	<u>ATI</u>			<u>PROBATION</u>			<u>DOCS/PAROLE</u>		
	<u>N</u>	<u>%</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>%</u>	
BURGLARY	35	20.3%	20.6%	58	21.7%	35	13.8%	20.8%	
ARSON	1	0.6%	0.6%	2	0.7%	1	0.4%	0.6%	
LARCENY	3	1.7%	1.8%	5	1.9%	3	1.2%	1.8%	
ROBBERY	97	56.4%	57.1%	145	54.3%	100	39.4%	59.5%	
PROPERTY	2	1.2%	1.2%	4	1.5%	3	1.2%	1.8%	
DRUGS	11	6.4%	6.5%	14	5.7%	10	3.9%	6.0%	
WEAPONS	16	9.3%	9.4%	31	11.6%	14	5.5%	8.3%	
OTHER ^b	5	2.9%	2.9%	8	3.0%	2	0.8%	1.2%	
SUBTOTAL, KNOWN CHARGES	170	98.8%	100.0%	267	100.0%	168	66.1%	100.0%	
YOUTHFUL OFFENDER	0	0.0%		0	0.0%	86	33.9%		
CHARGE NOT AVAILABLE	2	1.2%		0	0.0%	0	0.0%		
TOTAL	172	100.0%		267	100.0%	254	100.0%		

^aThe offense here is the conviction charge for PROBATION and DOCS/PAROLE. The most severe intake charge is displayed for the ATI group.

^bIncludes: assault, attempted murder, rape and bail jumping, and marijuana.

As with age, the match achieved between Penal Law article of the intake charge for the ATI group and that of the conviction charge for the Probation group was very close. The largest percentage-point difference between these two groups, just 2.3%, was in the respective proportions of cases associated with weapon charges (9.3% of the ATI group and 11.6% of the Probation group). However, when the severities of the sample offense were examined, the ATI group had proportionately more B felony charges and fewer lower felonies than did the Probation group.

One third (33.9%) of the charge information available for the DOCS/Parole group indicated only that the offender had been granted youthful offender treatment. Excluding these cases, the known conviction charges in the DOCS/Parole group appeared in roughly the same proportion as the intake charges for the ATI group. The largest percentage-point difference, 2.6%, occurred in the proportions of robbery cases in the two samples: 56.9% of the ATI group versus 59.5% of the DOCS/ Parole group.

2. Sentence

The sentences eventually imposed on the ATI clients were outcomes of their participation in the ATI Program and thus did not fairly describe sample cases at the beginning of clients' time at risk (i.e., ATI intake date). For probationers, of course, all were sentenced to felony probation (generally for a term of five years) during the sample period. It was not known the extent to which Probationers had been given "split" sentences which also required a short period of incarceration. For those released from incarceration during the sample period, however, the amount of time imposed on the sample case, of course, varied. The range of maximum prison times within ranges of minimum prison items is presented in Table C-5.

Four-fifths (80.0%) of the DOCS/Parole group had served prison sentences in which the minimum time imposed was under two years. (Another 4.8% of this group served determinate sentences of one year for which no minimum prison time was given.) In fact, the largest proportion of these former inmates (43.6%) were released from custody having served sentences with a minimum of one year and a maximum of three years. The longest maximum prison term any of this group might have served was nine years. (The actual time served was not known.) The lengths of these sentences suggested that the majority of the DOCS/Parole group were convicted of lesser felonies or as first time offenders.

TABLE C-5

SENTENCE AMOUNTS FOR SAMPLE ARREST FOR THE DOCS/PAROLE CASES

<u>SENTENCE AMOUNT</u>	<u>N</u>	<u>%</u>
1 YEAR MINIMUM;		
MAXIMUM: 3 YEARS	109	43.6%
4 YEARS	12	4.8%
1 YEAR 3 MONTHS TO 1 YEAR		
4 MONTHS MINIMUM;		
MAXIMUM: 4-8 YEARS	38	15.2%
1 YEAR 6 MONTHS TO 1 YEAR		
8 MONTHS MINIMUM;		
MAXIMUM: 3 YEARS	3	1.2%
4-5 YEARS	38	15.2%
SUBTOTAL LESS THAN 2		
YEARS MINIMUM	<u>200</u>	<u>80.0%</u>
2 YEAR MINIMUM;		
MAXIMUM: 4 YEARS	4	1.6%
6 YEARS	20	8.0%
MORE THAN 2 YEARS MINIMUM;		
MAXIMUM: 7 YEARS	3	1.2%
8-9 YEARS	2	0.8%
NO MINIMUM GIVEN;		
MAXIMUM: 1 YEAR TO 1 YEAR 6 MONTHS	13	5.2%
3-4 YEARS	8	3.2%
SUBTOTAL	<u>250</u>	<u>100.0%</u>
SENTENCE NOT AVAILABLE	4	
TOTAL	<u>254</u>	

D. Prior Criminal Justice System Involvement

Once the comparison groups were matched on charge and age, the resulting groups diverged with regard to their prior criminal record at the time of their arrest for the sample offense.² (See Table C-6). Overall, probationers were more likely to have been

²While prior criminal record was used to narrow down the pool of eligible probationers and of eligible releasees from state custody for sample selection, adjustments to the sample selection for age and charge resulted in the discrepancy in prior criminal record reported in Table C-6.

arrested for the first time on the sample offense (42.9%) than were ATI clients or state custody releasees, both of whom were about equally likely to have been arrested for the first time (34.1% and 34.0%, respectively).

TABLE C-6

CRIMINAL HISTORY AT THE TIME OF THE SAMPLE ARREST BY SAMPLE

CRIMINAL HISTORY	ATI		PROBATION		DOCS/PAROLE	
	N	%	N	%	N	%
FIRST ARREST	58	34.1%	114	42.9%	86	34.0%
PREVIOUS ARREST:						
NO CONVICTIONS	27	5.9%	34	12.8%	35	13.8%
OPEN CASES ONLY	58	34.1%	84	31.6%	101	39.9%
MISDEMEANOR CON- VICTIONS ONLY	24	14.1%	34	12.8%	19	7.5%
ONE FELONY CONVICTION	3	1.8%	0	0.0%	12	4.7%
SUBTOTAL	170	100.0%	266	100.0%	253	100.0%
NOT AVAILABLE	2		1		1	
TOTAL	172		267		254	

ATI clients were most likely to have had any previous convictions, (15.9%), but the proportion having misdemeanor convictions was only 1.3 percentage points more than that for probationers (14.1% and 12.8%, respectively). State custody releasees, on the other hand, had about half the proportion of misdemeanor convictions ATI clients had at time of their arrest on the sample offense, but were more likely to have one previous felony conviction³ (4.7% versus 1.8% for ATI clients); no probationers had a felony conviction at the time of the sample arrest.

³Releases from state custody with more than one previous felony conviction were excluded from the eligible pool for sample selection in order to match the ATI group.

By their respective sample dates, however, the proportion of cases having felony convictions had increased in all groups.⁴ (See Table C-7). Excluding the sample offense, at least 18.1% of the DOCS/Parole group had felony convictions, half of which (9.9%) were for violent felony crimes. In contrast, at least 4.8% of the ATI clients and at least 1.6% of the probationers had felony convictions by the time of their sample dates. Misdemeanor convictions were still most prevalent among the ATI groups (17.6%).

TABLE C-7

CRIMINAL HISTORY AS OF THE SAMPLE DATE^a BY SAMPLE

CRIMINAL HISTORY	ATI		PROBATION		DOCS/PAROLE	
	N	%	N	%	N	%
NO CONVICTIONS	62	37.6%	82	32.2%	78	33.5%
MISDEMEANOR CONVICTIONS	29	17.6%	23	9.0%	21	9.0%
OTHER FELONY CONVICTIONS	2	1.2%	2	0.8%	19	8.2%
VFO CONVICTIONS	6	3.6%	2	0.8%	23	9.9%
PRIORS NOT AVAILABLE	36	21.8%	98	38.4%	77	33.0%
NO RAP SHEET	30	18.2%	48	18.8%	15	6.4%
SUBTOTAL	<u>165</u>	<u>100.0%</u>	<u>255</u>	<u>100.0%</u>	<u>233</u>	<u>100.0%</u>
Not Available	7		12		21	
TOTAL	<u>172</u>		<u>267</u>		<u>254</u>	

^aDate of intake for ATI group sentencing date for the PROBATIONER group; release date from state custody for DOCS/PAROLE group.

⁴Data presented here were drawn from manual coding of rap sheets. As Table 9 demonstrates, however, these data were incomplete for a large portion of each comparison groups, primarily due to sealing of youthful offender records. Thus, the conviction rates reported here should be viewed as minimum conviction rates. The DOCS/Parole figures were least affected by these missing data.

In summary, probationers had the least serious prior criminal record and state custody releasees had the most serious prior records, despite attempts to match these groups to ATI clients, who had "moderate" previous criminal justice system involvement.