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NATIONAL INSTITUTE OF JUSTICE

Research in Brief

Charles B. DeWitt, Director

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Evaluation of the Florida Community Control Program

by Dennis Wagner and Christopher Baird

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ACQUISITIONS

In the 1990-91 fiscal year, 45,077 persons were admitted to Florida prisons, according to the Florida Department of Corrections. Admissions are projected to grow to 54,000 in 1992-93. Since the release rate has remained high, the total prison population only grew by around 2,000 from 1990 to 1991; otherwise, Florida would have one of the Nation's most severe crowding problems.

Yet, the issue facing Florida, like most of the Nation, remains. Given increasing pressure on corrections, are there other effective sanctions that could be applied to carefully selected offenders?

The Florida Community Control Program (FCCP) is an intensive-supervision house arrest program implemented by the Florida Department of Corrections in late 1983. It seeks to reduce prison and jail crowding while ensuring public safety with a punishment-oriented community-based alternative.

Florida's community control initiative represents the single largest intensive supervision prison diversion program in the Nation. More than 40,000 offenders in Florida have been placed on community control since 1983. The degree of control is relatively high: a minimum of 28 supervisory contacts a month. Supervising officers have moderate caseloads, ranging between 20 and 25 offenders.

Offenders are often under house arrest when not engaged in approved activity. Supervisors perform drug and alcohol

screening and pressure offenders (when they cannot compel them) to perform community service work, make restitution to victims, and pay supervision fees.

In 1987, the National Institute of Justice (NIJ) awarded a grant to the Florida Department of Corrections for an evaluation of FCCP. Florida selected the National Council on Crime and Delinquency (NCCD) to conduct the evaluation, which addressed three primary research questions:

- To what extent does FCCP divert offenders from prison?
- What is the impact of community control on offender criminal behavior and correctional program costs?
- How has implementation of the community control initiative affected Florida's regular probation program?

Major findings of the NCCD evaluation are summarized in this *Evaluation Bulletin*.

Community control and other punishments

Along with the creation of the Community Control Program, Florida also implemented sentencing guidelines in 1983. They recommend a sentence of either up to 2 years of community control or a 12- to 20-month prison term for offenders whose guideline scores fall within a specific range. Offenders who score below that range are recommended for a sentence

of jail or probation; those scoring above the range are recommended for a prison term that exceeds 30 months.

Thus, the Florida sentencing guidelines clearly position community control between prison and the lesser sentence of "jail or probation" in the State's continuum of punishments. At the bottom of this continuum, the guidelines provide simply for probation, with neither jail nor any other alternative specified. This report will refer to this minimum sentence as "regular probation."

Considerations of net widening

Alternative sentencing programs designed to divert offenders from prison tend to impose increased punishments on offenders who were not, in fact, prison bound. This "net widening" can significantly dilute the impact of diversion programs. With regard to FCCP, net widening occurs when offenders are sentenced to community control who might otherwise have received a lesser sentence—which by statutory definition includes a "jail or probation" sentence.

Estimating the extent to which this and other net widening occurs is one of the principal tasks of this evaluation. Past experience suggests that the procedure for selecting offenders is critical to the success of any program that attempts to affect prison admissions.

From the Director

For the past 9 years, Florida has helped relieve the pressure on corrections through what this *Evaluation Bulletin* describes as the single largest intensive supervision program in the Nation: the Florida Community Control Program (FCCP).

FCCP is in no way "soft treatment" for those sentenced to it. Although based in the community rather than behind bars, it is punishment oriented, with stringent safeguards for the public's safety. Those offenders not actually undertaking an approved activity, such as drug treatment, are often, under house arrest. Supervising officers visit them a minimum of 28 times a month, and the State's sentencing guidelines list a term in community control as just below prison—and ahead of jail—in severity.

The National Council on Crime and Delinquency was selected to undertake an evaluation of FCCP, funded by the National Institute of Justice (NIJ). Key questions in all such NIJ evaluations are how well and how economically the program accomplishes its purposes and whether a similar program deserves consideration by other jurisdictions.

In this case, the evaluators find that not only has the program helped alleviate prison crowding, the offenders who complete the program demonstrate a lower new-offense rate than those released from a prison term for similar offenses.

Charles B. DeWitt
Director
National Institute of Justice

One advantage Florida has in this regard is that the criteria for sentencing offenders to community control are fully integrated into the State's sentencing guidelines, which objectively score offender characteristics, including primary offense at conviction, additional offenses at conviction, prior convictions, legal status (probation, parole, etc.) at the time of the offense, and extent of physical injury to the victim(s).

Table 1 Diversion Status of Offenders Sentenced to Community Control in 1987

Punishment From Which Offender Was Diverted	Percent of Total FCCP Offenders
Prison	54 %
Jail or Probation	32
Regular Probation	14
Total	100 %

Estimated sentences are derived from a discriminant function analysis that examined 4,500 cases sentenced to prison, FCCP, and jail/probation during 1987.

Impact of community control on incarceration

When estimating the impact of FCCP on prison diversion, NCCD researchers considered the influence of the 1983 sentencing guidelines and the changing nature of Florida's offender population. Between 1981 and 1987, the National Crime Victimization Survey showed the crime rate increased; but additional factors combined with it to increase prison admissions. The 1983 sentencing guidelines recommended prison sentences more frequently. In part because of public interest in crime trends, the courts also tended to impose sentences that exceeded the guideline recommendations.

Although these external forces prevented any decline in the number of prison admissions, an analysis of offenders sentenced to community control in contrast to prison, jail or probation, or regular probation between 1981 and 1987 (table 1) suggests that FCCP did divert substantial numbers from prison.

In 1987, the sentencing guidelines suggest that approximately 54 percent of the offenders sentenced to FCCP would have received prison terms if the community control sentencing alternative had not been available. The remaining 46 percent of the FCCP offenders would most likely have been sentenced to jail or probation (32 percent) or regular probation (14 percent) rather than prison.

Clearly, 46 percent of the sentences to FCCP demonstrated net widening. But

this is true mainly because the guidelines correctly judge FCCP a *more* intense punishment than the jail or probation option that increases restrictions on the offender's freedom even more and costs (as we shall see) somewhat more.

Since net widening tends to divert offenders from jail, net widening has actually reduced the number of incarcerated offenders. If the sentencing guidelines had not recognized community control as a sentencing option, and if Florida had not moved statewide to implement FCCP as a strong, punishment oriented sentencing option, Florida's prison and jail crowding problems would now be significantly worse.

Effectiveness of FCCP as an alternative sanction

NCCD's evaluation to estimate the impact of FCCP on criminal behavior and correctional costs considered these questions:

- How well does FCCP control offender behavior relative to prison incarceration?
- What are the costs associated with operating the program when net widening is considered?
- What kind of offender responds best to community control punishments?

To address these questions, NCCD examined the presentence characteristics and the service costs for offenders sentenced to jail, probation, or prison, who were otherwise similar to FCCP participants.

Evaluation of FCCP as an alternative to prison

The NCCD evaluation describes the relationship between the offender's sentence (prison or FCCP) and the offender's postsentence criminal behavior while, insofar as possible, controlling for offender characteristics that may vary between the sentence groups. The central question is whether an FCCP sentence is an effective alternative to prison.

Methodology. In ideal experimental circumstances, offenders would be randomly assigned to different punishments, and conclusions about the impact of each punishment would be drawn from a comparison of postsentence criminal behavior. Because this procedure would ensure that individuals with reasonably equivalent characteristics were assigned to prison or community control, it would increase confidence that differences observed in postsentence behavior could be attributed to the type of sentence received and not to differences in offender characteristics such as age, sex, or prior offense history.

Although random assignment may be the best experimental method for testing assumptions about sentence impact, Florida's community control initiative is not an experimental program. It is, in fact, a fully implemented sentencing alternative that has been employed by the criminal justice system for several years. Consequently, experimental techniques had to be modified to compare sentencing options.

The research effort attempted to achieve equivalence between offender groups sentenced to FCCP and prison during 1985 by using Florida's sentencing guideline data to match subjects. The criteria employed in the matching procedure included sex, age, offense type and severity, and prior felony convictions (table 2).

The 630 FCCP offenders studied were predominantly (54.4 percent) either property offenders (burglary or theft) or robbers, but drug offenders were also well represented (18.4 percent of the cases). Most offenders (56.7 percent) had no felony convictions prior to their current convictions. Offenders with prior felony records typically had been convicted of less serious third- or second-degree offenses.

Because of the matching procedures used, the 630 offenders sentenced to prison had

Table 2 Prison and FCCP Presentence Characteristics

Case Characteristic		FCCP		Prison	
		Cases	%	Cases	%
Sex	Male	562	89.2%	562	89.2%
	Female	68	10.8	68	10.8
	Total	630	100.0%	630	100.0%
Age	17-21	143	22.7%	122	19.4%
	22-26	207	32.9	218	34.6
	27-33	172	27.3	184	29.2
	34 +	108	17.1	106	16.8
	Total	630	100.0%	630	100.0%
Primary Offense Type	Murder	4	0.6%	4	0.6%
	Sex Offense	33	5.2	33	5.2
	Robbery	30	4.8	30	4.8
	Violent Personal Crime	104	16.5	104	16.5
	Burglary	115	18.3	115	18.3
	Theft	198	31.4	198	31.4
	Drug Offense	116	18.4	116	18.4
	Weapons Offense	7	1.1	7	1.1
	Other Felony	23	3.7	23	3.7
	Total	630	100.0%	630	100.0%
Number of Prior Felonies	None	357	56.7%	357	56.7%
	1	107	16.9	107	16.9
	2	75	11.9	75	11.9
	3	52	8.3	52	8.3
	4 +	39	6.2	39	6.2
	Total	630	100.0%	630	100.0%
Degree of Most Serious Prior Felony	No priors	357	56.7%	357	56.7%
	Third	206	32.7	206	32.7
	Second	66	10.5	66	10.5
	First	1	0.1	1	0.1
	Life sent.	0	0	0	0
	Total	630	100.0%	630	100.0%

nearly identical characteristics (except for age, but the plus or minus 1 year allowed was still minimal). The average time served in prison prior to release was 9 months.

Conclusions. An 18-month followup was conducted after each offender's *release* from prison or *entry* into FCCP supervision to observe new conviction offenses and community control violations: re-arrests for the purpose of maintaining the public's safety. Table 3 shows the results of this followup. The research suggests that FCCP is effective with the population it was intended to serve—offenders who might otherwise be sentenced to prison.

Similar offenders who spent an average of nearly 9 months in prison had a higher rate of conviction for new offenses (24.3 percent) during an 18-month followup than their counterparts in the community control program (19.7 percent).

Although judges did sentence FCCP subjects to prison for new offenses, they assessed them significantly shorter sentences (33.1 months) than former prisoners being returned to prison for new offenses (40.8 months). The impact of FCCP thus was still apparent even for repeat offenders. In terms of controlling criminal behavior, FCCP appears to be a relatively effective punishment for many offenders.

However, the rate of technical violation among the FCCP offenders is high (9.7 percent), and most technical violators had their community control status revoked. As a result they went to prison.

Technical violations—such as an offender's removing his monitoring device or lying to get permission for a stop on the way home from work—do not necessarily pose an overt threat to public safety.

Nevertheless, when in doubt about the effect of a technical violation on public safety, probation supervisors seemed to have acted to increase restraints on the offender. The impact on program cost of sending these offenders to prison through revoking their community control is considered in the cost/benefit analysis.

Offenders best suited for FCCP

As an alternative to prison, FCCP appears to have the most favorable outcome with drug offenders. Only 11 percent of the drug offenders sentenced to FCCP were convicted of new offenses, while approximately 27 percent of the offenders sentenced to prison for drug offenses were convicted of new offenses during the 18-month followup. Although this finding is important—Florida sentences an unusually large number of drug offenders to prison—it is not unprecedented. A California research study in 1976 and many studies since found that drug offenders released from prison to close supervision involving random drug screening had a significantly lower new offense rate than members of an unsupervised comparison group (see Anglin and Hser 1990).

The results of the FCCP study are similar. Offenders sentenced to FCCP are very

closely supervised; those discharged from prison are not supervised at all. The difference in new conviction rates may be attributable to FCCP supervision, which may actively discourage drug use or encourage participation in drug treatment (see also Byrne and Kelly 1989).

The cost of community control

In estimating the relative cost of diverting offenders from prison to FCCP, or from jail or probation to FCCP, the researchers used known case-specific cost information observed between initial sentencing and the close of the 18-month followup period.

The cost model considered the following factors:

- Initial sentences to jail, prison, regular probation, or FCCP become the original cost basis for each offender. If the offender was initially sentenced to probation or FCCP and the case did not have a new offense or violation, the cost of supervision was figured to the sentence expiration date. Prison costs were calculated based on actual time served.
- A new sentence to prison, probation, or FCCP is charged as follows: For sentences or violations that resulted in a prison placement, actual time served was used if the release date was known. Otherwise, the offender was assumed to have served 40 percent of the time imposed. New sentences to FCCP or probation were assumed to be served to expiration.
- Actual sentence data for research subjects were used throughout. The costs per day for sentence options were provided by the Florida Department of Corrections. They are FCCP, \$6.49; regular probation, \$2.19; jail, \$19.52; prison, \$39.05.

Offenders on probation or FCCP status are expected to pay a fee for supervision (\$30 a month during the period examined), plus victim restitution, taxes, child support, court fees, etc. These opportunities to recover public expenditures were ignored in the cost model because it was not possible to know the total amounts collected from individual subjects or to estimate them with any precision.

The high rate of prison placement due to technical violations typically places intensive supervision programs at a cost disadvantage. For instance, offenders

Table 3 Prison and FCCP Match Group Comparison: Recidivism at 18 Months

<u>Recidivism</u>	<u>Prison Match</u>		<u>FCCP Match</u>	
None	477	75.7%	445	70.6%
Finding of Technical Violation*	N/A	N/A	61	9.7
Conviction for New Offense	153	24.3	124	19.7
Total	630	100.0%	630	100.0%

*Since offenders discharged from prison in Florida do not receive parole supervision, no technical violations are possible.

...serving a regular probation sentence may be assigned to community control for a probation violation or a new offense. Individuals already serving a community control sentence, however, are likely to go to prison for the same technical violation because imprisonment is the next punishment in Florida's hierarchy of correctional punishments. Offenders released from prison, on the other hand, are not supervised and are, therefore, not subject to punishments for technical violations. This feature of intensive supervision is part of the program's overhead cost; it is accounted for in the subsequent cost analysis.

Although jail is considered a lesser punishment than FCCP, it is more expensive. This expense detail makes it seem less like net widening when someone is sentenced to FCCP for whom the guidelines suggest jail. Ironically, the more expensive punishment—jail—may actually save money for the State (though not the public) because the jail cost may come from a county budget.

Table 4 shows the net estimated cost impact of net widening and prison diversion for a hypothetical group of 100 community control participants.

Under the assumption that in every cohort of 100 offenders sentenced to community control there are 54 diversions from prison, 14 diversions from regular probation, and 32 diversions from jail or probation (see table 1), the projected normal cost savings are \$274,654, averaging around \$2,746 per case. FCCP's reduction of Florida's correctional expenditures may be judged in the light of FCCP admissions of more than 10,000 offenders a year in recent years.

Impact of community control on regular probation

Evidence of a net-widening diversion of offenders from probation sentences to community control does raise questions concerning the program's impact on Florida's probation operations. If, for instance, a significant number of cases with sentences of regular probation or split sentences of jail followed by probation were diverted to community control during the past few years, did their removal from the probation system reduce demand for supervisory resources in regular probation? Are fewer probation officers required to

Table 4 Estimated Cost Impact of FCCP Adjusted for Net Widening

Diverted From	Number of Cases Diverted	Amount FCCP Cost Is Greater or Less Than Case Cost	Total Net Cost (minus figure equals savings)
Regular Probation	14	+ \$2,881	+ \$ 40,334
Jail or Probation	32	- 552	- 17,664
Prison	54	- 5,506	- 297,324
Total	100		- \$274,654

supervise probationers who pose less risk to the community?

The probation system's observed increase in the average officer's caseload, from approximately 80 offenders an officer in 1984 to more than 100 in 1989 makes this question worth considering. On the other hand, the caseload increase has raised concern that the demand for close surveillance in the community control program has drawn critical resources away from Florida's regular probation program.

A marked increase in the revocation rate and a decrease in supervisory fee collections has accompanied the growth in officer caseloads. Did these conditions result from a diminished ability to control offenders sentenced to probation?

In an effort to explore these questions, the evaluation study examined the impact of FCCP on the criminal risk classification of offenders sentenced to regular probation between 1985 and 1989. Offenders entering probation in 1989 were found to have slightly higher risk classifications than their 1985 counterparts. Conclusions about the potential impact of probation caseload changes were drawn by applying the logic of the National Institute of Corrections model case management procedures, which link caseload size to risk assessment.

If risk characteristics of the probation population remain unchanged over time and the caseload grows significantly (as in Florida), control over offenders must be reduced. Under the circumstances, it is reasonable to conclude that Florida's regular probation program exerted less control over offenders in 1989 than it did in 1985.

The increase in the revocation rate and the decrease in fee collections are, however, difficult to attribute entirely to caseload growth. Other factors, especially a dramatic increase in Florida drug arrests, may also have played a role.

Conclusions

Overall, the impact of FCCP on prison crowding, offender behavior, and State correctional costs has been positive. With an estimated prison diversion rate of 54 percent, community control is cost effective despite the combined effect of net widening and the punishments imposed on almost 10 percent of FCCP participants for technical violations. Furthermore, the new offense rate for community control offenders is lower than for similar offenders sentenced to prison and released without supervision. The program did not alone prevent Florida's prisons from becoming increasingly crowded, but FCCP has helped alleviate whatever crowding problem Florida has experienced since 1983.

Since the effectiveness of prison diversion programs is often viewed with considerable skepticism (see, for instance, Austin and Krisberg 1982), possible reasons for the success of Florida's prison diversion effort deserve a brief discussion.

FCCP is not an experimental program, as are most State efforts to divert offenders from prison to an intermediate punishment. Community control is a fully articulated sentencing option in Florida that has been available for several years. This is a mature program with a great deal of institutional support and credibility. The Florida Department of Corrections employs

specialized staff to supervise offenders sentenced to FCCP; decisionmakers in the criminal justice system acknowledge that the supervision provided is very intensive.

Furthermore, community control is a sentencing option clearly identified in and recommended by Florida's sentencing guideline act. The importance of sentencing guidelines to the legitimacy and success of intermediate punishments has been emphasized by Tonry and others (see Tonry 1990 or Tonry and Will 1988). The guidelines have increased the impact of FCCP. In short, Florida's community control program combines a strong intensive supervision effort with sentencing guidelines to create very favorable operating conditions. Few diversion efforts have enjoyed all these advantages (see Petersilia 1990).

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Dennis Wagner is Director of Research in the Madison (Wisconsin) office of the National Council on Crime and Delinquency, and Christopher Baird is a Senior Vice President of the Council.

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