

REVIEW DRAFT

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THE BRONX SENTENCING PROJECT

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Introduction

Since July, 1968, the Vera Institute of Justice has been preparing one-page presentence reports for use in adult parts of the Bronx Criminal Court in New York City. These reports provide the sentencing judge with objective information about the defendant's prior record, recent employment status and family ties in those cases where a full presentence investigation by the Office of Probation is not ordered. The project was undertaken under the auspices of Mayor Lindsay's Criminal Justice Coordinating Council in order to determine whether background information could be returned to the Court quickly in a relatively large number of cases. The use of "short-form" presentence reports is a response to a suggestion of the President's Crime Commission that such reports be tried out to increase the availability of social history information in adult misdemeanor cases.

The project not only presents information to the judge, but also a sentencing recommendation based on the report. This is done by means of a summary report submitted to both judge and the defendant's attorney which includes both the information and the recommendation.

The Bronx Sentencing Project determined from an analysis of presentence reports furnished to Vera by courtesy of the New York City Office of Probation that most sentences were related to combinations of information factors about the defendant's prior record, employment status, and family ties. Based on these findings, the project drew up sentencing guidelines (see Appendix 2), which were designed to reflect general sentencing patterns of the Criminal Court when these facts about a defendant were known. Before the project began, Vera reviewed the guidelines with the Office of Probation and the Administrative Judges of the Criminal Court.

In order to obtain the information needed to make a sentencing recommendation, the project developed a structured interview questionnaire which permitted information about prior record, residence, family ties, employment, narcotics usage and the circumstances of the offense to be gathered from the defendant in about 20 to 30 minutes. Information required to score the sentencing guidelines was verified by telephone or by relatives in court. In this way, it was hoped that a report could be submitted to the judge within a few hours.

In arriving at a recommendation, the various items that comprised the guidelines were scored on a weighting^{ed} basis, presumed to reflect the positive or negative behavior of the defendant. For example, items indicating steady employment

might receive a score as high as plus four, whereas items indicating a long record of prior convictions might receive a score as low as minus four. Recommendations were associated with numerical groupings within a plus eleven to a minus four range for total score. (The nature of the scoring system will be discussed in more detail in a later section of this report.)

Interviewers who worked with the project were located in an office in the Criminal Court Building. They interviewed defendants who had been convicted or pleaded guilty but had not yet been sentenced. During the period of the evaluation study (July 15, 1968 - February 28, 1969) 344 cases which met the criteria of the study were thus processed.

Interviewers were mainly recent college graduates who received on-the-job training in interviewing techniques, the structure of the Court, and making referrals to agencies. Their duties included interviewing, verifying information, preparing reports, and making presentations in court when necessary.

Since November, 1968, the project has had a resource developer on its staff who has identified community-based agencies and organizations, and who has worked with the interviewing staff to compile referral information and procedures. The project has increased the number and scope of referrals of defendants to treatment facilities such as narcotics

rehabilitation centers as well as to other agencies such as employment bureaus. Generally, defendants who scored on the sentencing guidelines for a supervised discharge were considered for referral if placement in an appropriate agency was possible.

The evaluation of the Bronx Sentencing Project has focused on assessing the relationship between Vera recommendations, actual sentences, and recidivism, as well as ~~an~~ ^{an} exploration ~~of~~ the relationships between the sentencing guidelines and these factors. A control group of cases was selected for purposes of comparison which included cases which received an Office of Probation "Investigation and Sentence" report¹ as well as cases that received no report at all. The Probation report, while similar to the Vera report in certain ways, generally takes longer to prepare and is only submitted when a judge orders it. (The Probation report was being ordered in about 12 percent of eligible cases at the time of the study).

The design of the evaluation included the following components which will be discussed in detail in the section of the report dealing with the analysis of data:

¹ See Glossary, Appendix 4

1) The testing of three hypotheses descriptive of the project's aims, which may be stated in the form of three questions: First, is there relationship between Vera's sentencing recommendation and the actual sentence given by the judge? Second, does the Vera project actually lead to fewer prison sentences? Three, does the Vera project produce undue added risk in terms of recidivism?

2) The assessment of the Vera sentencing guidelines in an effort to align them more closely with actual sentence and recidivism by modifying them on the basis of quantitative analysis of relevant data.

3) The development of a design for analysis of the community referral component of the project.

4) The establishment of a management and research information system to provide continuous monitoring and record-keeping for the project as well as pre-coded data for purposes of further program research.

The research process included the establishment of experimental and control groups, analysis of existing sources of data and the collection thereof, coding of data, programming and

analysis of data, and production of the report. This research process is described in Appendix One. The outcome is reported in the body of the text.

Summary of Findings

The following is a brief summary of research findings. A more detailed statement is found in the body of the report entitled 'The Project, The Court and Recidivism.'

The cases in the study were a random sample of 344 cases not serviced by the Vera project and all 344 cases serviced by the Vera project during the seven month period of July 15, 1968 to February 28, 1969. About 90 percent of all 688 cases selected were available for analysis. Missing information precluded analysis of the remaining cases. In terms of a variety of factors, the comparability of the experimental and control groups is upheld.

For research purposes, the aims of the Bronx sentencing Project have been stated in terms of three general hypotheses. They will be reviewed in order.

Hypothesis One. The presence of the Vera mechanism, which consists of an information report and a sentence recommendation based on sentencing guidelines, results in sentences which correspond closely to Vera's recommendations. Possible recommendation categories include "for information only" (F.I.O.), specific conditional discharge, ^{probation, fine,} general conditional discharge and unconditional discharge as defined in the glossary, Appendix 4.

The hypothesis was upheld at the .001 level of significance.^{1e)} Among all cases, there was 87 percent agreement regarding prison and 83 percent agreement regarding non-prison.

Within specific non-prison disposition categories there is somewhat less agreement; 46 percent in the Probation category, 67 percent in the Specific Conditional Discharge category, and 69 percent in the combined General Conditional and Unconditional Discharge categories. (These percentages are not based on the prison/non-prison dichotomy. Some of the disagreement occurs when a different type of non-prison sentence is granted than that recommended.)

About 90 percent of offenders who were not married and who received F.I.O. recommendations were sentenced to prison, as opposed to only 73 percent of offenders who were married and received F.I.O.

In cases where prior records were negligible or non-existent, actual sentences tended to be lighter than Vera recommendations. This result suggests that the absence of positive social history factors such as family ties and employment does not substantially affect sentencing patterns where the defendant's prior record is light.

While 94 percent of offenders with a Legal Aid attorney who received an F.I.O. recommendation also received a prison sentence, only 54 percent of offenders with private counsel and an F.I.O. recommendation did so.

The length of time elapsing between conviction and sentence reflected some important differences in relationships between Vera

recommendations and judges' decisions. Some cases were sentenced on the same day that they were convicted. These were called 'waiver' cases because the offender waived his right to an adjournment between conviction and sentence. The second category, '1-4 weeks,' represented cases of 'Record and Sentence' wherein the case was adjourned pending delivery of an updated criminal record to the sentencing judge. (These cases were often in custody pending sentence.) In the residual category, '4 weeks or more,' the judge was not usually pressed for an immediate sentencing decision. (Most of these cases were not in custody.) Agreement between recommendation and sentence was somewhat lower in the last category.

There was 95 percent agreement between Vera and judge for cases in custody on the day of sentencing. Agreement was only 68 percent for cases not in custody.

When Vera made a non-prison recommendation in cases where the last prior arrest occurred less than six months ago, the percentage of agreement between Vera's recommendation and judge's sentence dropped to 46 percent.

The differences in recidivism rates given a six-month time-at-risk showed some interesting variations. When Vera's recommendations were more severe than the actual sentence received, recidivism rates were higher than in cases receiving that same sentence but specifically recommended for such sentence. Conversely, when Vera's recommendations were more lenient than the actual sentence received, recidivism rates were lower than in cases which were recommended for and received that same actual sentence. Vera's

decision making process corresponded more closely to recidivism than those of the court among these cases.

Hypothesis 2. The presence of the Vera mechanism results in proportionately fewer prison sentences in cases in which it is present than in cases in which it is absent.

The hypothesis is rejected, with the level of significance between .20 and .30. Fifty-six percent of Vera cases received a prison sentence while 62 percent of non-serviced cases did so. In the presence of control factors, however, important variations occurred which led to a modification of the conclusion of 'no difference.'

In terms of the time elapsing between conviction and sentence, it was found that only 30 percent of Vera cases were 'waivers' while 80 percent of non-serviced cases were 'waivers.' This was largely a function of Vera's difficulty in completing pre-sentence reports within a few hours as was usually required in a waiver case and hence an inability to submit a report in a disproportionately large number of 'waiver' cases. Conversely, while 55 percent of Vera cases clustered in the '1-4 week' category, only 10 percent of non-serviced cases did so.

Forty-three percent of Vera cases were not in custody on the day of sentencing as opposed to 39 percent of non-serviced cases. Among both Vera and non-serviced cases, those in custody received far more frequent prison sentences than cases not in custody. Important differences between Vera cases and non-serviced

cases were revealed when release status on day of sentencing and time between conviction and sentence were combined as simultaneous controls.

It was found that among cases in custody on day of sentencing, Vera cases received an equal or lower percentage of prison sentences than non-serviced cases. This was also true of '1-4 week' cases not in custody. Vera did less well among 'waiver' and '4 or more weeks' cases not in custody. In neither ^{the} more successful, nor the less successful rate-of-going-to-prison categories did Vera cases show any ^{undue added} ~~increased~~ risk of recidivism.

When only cases in which Vera recommendations corresponded to actual sentences were used in a similar analysis, results were the same. Only 20 percent of these Vera cases were in categories in which Vera did not do as well or better in terms of prison sentence rates.

Fewer Vera cases than non-serviced cases received prison sentences when the results of a court ordered narcotics medical examination were controlled for. Fifty-seven percent of such Vera cases as opposed to 83 percent of non-serviced cases received prison sentences. This may have been a function of Vera's early attempts to place narcotics users in rehabilitation programs by virtue of their community referral mechanism.

Hypothesis 3. The presence of Vera mechanism has not resulted in added risk in terms of recidivism rates. The evidence indicates that the hypothesis is upheld. There was no statistically

significant difference between Vera cases and non-serviced cases. The overall recidivism rate for both Vera and non-serviced cases was about 31 percent. Similarly, the recidivism rate for Vera cases receiving both non-prison recommendations and sentences (17 percent) show no statistical difference from the recidivism rate among non-serviced cases receiving non-prison sentences (16 percent).

Evaluation of the Vera Short Form Investigation Mechanism

The Vera sentencing mechanism included a set of guidelines that were used by staff members of the Vera project to assist them in arriving at a sentencing recommendation. The guidelines were composed of 46 items indexing four variables: family ties, employment status, circumstances of present arrest, and prior criminal record. The items were assigned numerical values ranging from +4 to -4, depending on the item. A given case could receive a total score of from +11 to -4. Cases with a score of less than -1 were submitted to the judge 'for information only,' (F.I.O.); cases scoring -1 to +1 were recommended for a specific conditional discharge to a narcotics or alcoholic program if appropriate or were given F.I.O.'s; and cases with a score of more than +2 received a non-prison recommendation. Cases that received a score of exactly +2 were recommended on a discretionary basis for either F.I.O., specific conditional discharge or non-prison.

Items were studied separately and in combination in terms of their relationship to actual sentence and recidivism. Total

scores were analyzed on the same basis. Only 16 items were represented by enough cases to conduct a meaningful analysis.

Cases were re-scored on an ex post facto basis with certain re-weighting of items, with the deletion of several items, and with the addition of two new items: time of last prior arrest and positive finding on a court-ordered narcotics examination, each receiving a -1 score. In addition to these two new items, the following items were included in the new scoring procedure: lives with spouse, +3 points; supports children, +2 points; lives with children, +2 points; is employed full-time, +4 points.

With some exceptions, there was a general correspondence between the items as weighted and both sentencing patterns and recidivism. There was also a ^{positive correspondence} relationship between total scores and both recidivism and sentence.

Under the new scoring procedure it was found that more non-prison recommendations would have been made among fully verified cases with no added risk. There was some tendency for the new system to discriminate recidivist behavior more readily than the old system.

Among cases where only family ties were verified, it was found that fewer cases were given non-prison recommendations under the new system. The recidivism rate of 53 percent among

these cases justifies the conservatism of the new system.

Among cases where only occupational status was verified, the new system allowed for considerably more non-prison recommendations; 63 percent as opposed to 42 percent. It was found, however, that contrary to the 'family ties only' cases, these cases had a very low rate of recidivism, only 16 percent. Occupational status appears to be a very important factor for emphasis in the Guidelines since it was associated not only with the judges' sentencing decisions but recidivism as well.

It would appear that the new scoring system has the added advantage of being more closely related to recidivist behavior as well as being less complex in terms of scoring and verification. In addition, it does not create an undue gap between recommendation and actual sentence.

ANALYSIS OF RESEARCH FINDINGS

This section of the report contains a detailed analysis of research findings.

A brief description of the cases included in the study is presented here in terms of social characteristics, prior record, and variables selected from the court proceedings. A more detailed correlational analysis will be presented in the discussion of the study's three basic hypotheses.

The final pool of cases available for analysis was 632, after case-loss. Three hundred eleven were Vera and 321 non-Vera. Ten cases were omitted from the initial computer output due to errors in data processing, resulting in 303 Vera and 323 non-Vera cases. A subsequent computer output analyzed 305 Vera and 321 non-Vera cases.

It will be noted that the Vera universe and the non-Vera sample are comparable in terms of most of the factors reported. There were some cases where enough data were not available to make adequate comparisons. It appears that in both instances cases represent mainly a poor, urban, Negro, and Puerto Rican population having had considerable prior experience with the Courts.

TABLE 1 : PROFILE OF RESEARCH CASES, COMPARING THE VERA
UNIVERSE WITH THE NON-VERA SAMPLE.

<u>Variable</u>	<u>Vera Cases</u>	<u>Non-Vera Cases</u>
AGE:		
percent under 30 yrs.	.71	.69
SEX:		
percent male	.96	.94
ETHNICITY:		
percent Negro	.46	*
Puerto Rican	.32	*
"other"	.22	*
MARITAL STATUS:		
percent single	.36	*
married	.26	*
"other"	.32	*
no data	.06	.70
OCCUPATIONAL STATUS:		
percent full-time	.58	.42
part-time	.06	.03
unemployed	.32	.29
no data	.04	.26

TABLE 1, continued

<u>Variable</u>	<u>Vera Cases</u>	<u>Non-Vera Cases</u>
SCHOOL COMPLETED:		
percent no schooling	.03	*
less than 9 yrs.	.22	*
High School 1-3 yrs.	.50	*
High School and beyond	.19	*
no data	.06	.96
PRESENT ADDRESS:		
percent Bronx	.84	.81
Other New York City	.13	.11
"other"	.03	.03
no data	-	.05
ALL ARRESTS IN PRIOR RECORD:		
percent no arrests	.25	.34
1-2 arrests	.30	.27
3-4 arrests	.25	.20
5 or more arrests	.20	.19
ALL CONVICTIONS IN PRIOR RECORD:		
percent no convictions	.43	.48
1-2 convictions	.34	.28
3-4 convictions	.12	.11
5 or more convictions	.11	.13

TABLE 1, continued

<u>Variable</u>	<u>Vera Cases</u>	<u>Non-Vera Cases</u>
TYPE OF COUNSEL OTHER THAN AT ARRAIGNMENT:		
percent Legal Aid	.80	.73
Private Attorney	.20	.27
TIME BETWEEN CONVICTION & SENTENCE:		
percent less than 1 week	.29	.66
1-4 weeks	.53	.13
4 weeks or more	.16	.20
no data	.02	.01
RELEASE STATUS ON DAY OF SENTENCING:		
percent in custody	.56	.55
not in custody	.41	.41
no data	.03	.04
C-6 PHYSICIANS REPORT (Narcotics use):		
percent present	.16	.15
absent	.77	.73
no data	.07	.12

* Insufficient data for establishing representativeness.

The Project, The Court, and Recidivism

As stated earlier, the overall goal of the Bronx Sentencing Project has been to develop a pre-sentence report for adult misdemeanants which can, without major restructuring, be adapted for use in any high-volume misdemeanor court in an urban setting. Three hypotheses have been stated regarding the project. First, the presence of the Vera mechanism (a short form, objective, presentence report with a sentence recommendation based on empirically developed guidelines) results in sentences which correspond closely to Vera's recommendations. Second, the presence of Vera results in proportionately fewer prison sentences in cases in which it is present than in cases in which it is absent. Third, the presence of the Vera mechanism has not resulted in added risk in terms of recidivism rates.²

The findings resulting from a test of these hypotheses are reviewed below. Several variables which were found in this research to be related to the sentencing decision and recidivism have been used as controls in the analysis of the

² For the operational definition of recidivism. See Glossary, Appendix 4.

hypotheses. These control variables represent aspects of the Court process, offenders' social characteristics, and offenders' prior records.

The control variables are age, occupational status, marital status, type of counsel after arraignment, time elapsing between conviction and sentence, release status of the defendant at time of sentencing, time since last arrest, total prior arrests, total prior convictions, defendant's admission of narcotics use during a Court ordered medical examination, results of said medical examination, and verification status of Vera interview data.

Cases in which the Office of Probation submitted its own pre-sentence report based upon an investigation ordered by the judge proved very different from the remaining non-Vera cases in that the great majority had negligible prior records and received non-prison sentences. These cases were not extensively treated in the final analysis in order that Vera cases could be contrasted with comparable non-Vera cases.

Since data were collected from existing records over which the study had no control, varying amounts of missing information will be noted.

Hypothesis One. The presence of the Vera mechanism, which consists of an information report and a sentence recommendation based on sentencing guidelines, results in sentences which correspond closely to Vera's recommendations.

To test the hypothesis, sentences in cases serviced by Vera during the period July 15, 1968 - February 28, 1969 have been compared with the recommendations made in these cases. Recommendations may range from "for information only", herein after referred to as F.I.O.,³ to specific conditional ^(discharge, probation, fine, discharge) general conditional and unconditional discharge.⁴

The general findings are presented in Table One.

³ The recommendation category "for information only," (F.I.O.) requires some explanation. It was used by Vera in the presence of two conditions. First, while not actually a prison recommendation, the offender did not qualify under the sentencing guidelines for a non-prison recommendation because he scored insufficient points. Second, for a variety of reasons, Vera could not verify enough of the information given by the offender in the interview to enable a non-prison recommendation. It is possible that the judge receiving the Vera report might not recognize the distinction and might interpret "for information only" solely as a recommendation by Vera that imprisonment is the only feasible alternative. For this reason, verification status became an important control variable. The program has since amended its procedures to assure that the judge recognizes the distinction.

⁴ See Glossary, Appendix 4, for a definition of recommendation categories.

If the hypothesis is viewed with regard to agreement on whether an offender should be sentenced to prison or not, agreement on prison is found in 87 percent of the cases while agreement on non-prison is found in 83 percent of the cases. On this most general basis, the hypothesis is upheld. Agreement is present in 86 percent of all cases where data are available. (See Table 2).

Somewhat less agreement between recommendation and sentence is found in three recommendation categories; probation, specific conditional discharge, and combined general conditional and unconditional discharge. These are all non-prison categories. (See Table 4)

In the probation recommendation category, only 46 percent agreement between recommendation and sentence is found with 36 percent of offenders recommended for probation being sentenced to prison. The only control factor that appears to discriminate between probation recommendations that received a sentence of probation and those that received a sentence of prison is the time from the last prior arrest to the present conviction date. For probation sentences, only four of ten had been arrested within a year prior to the present conviction. For prison sentences, seven out of eight had been arrested within a year prior to present conviction.

TABLE 2 RELATIONSHIP BETWEEN VERA SENTENCING RECOMMENDATION AND ACTUAL SENTENCE. (Hypothesis One).

<u>Actual Sentence.</u>	<u>Recommendation</u>						<u>Total</u>
	<u>F.I.O.</u>		<u>Non-Prison</u>		<u>No Data</u>		
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	
No Data	1	0.6	-	-	1	4.2	2
Prison	138	87.3	21	16.7	13	54.2	172
Non-Prison	<u>19</u>	12.0	<u>105</u>	83.3	<u>10</u>	41.7	<u>134</u>
Total	158		126		24		308

Note: Since the full distribution of the no data cases was unknown, the chi square was computed without the no data cases. (See Table 3).

TABLE 3 HYPOTHESIS ONE. RELATIONSHIP BETWEEN
RECOMMENDATION AND ACTUAL SENTENCE.

<u>Actual Sentence</u>	<u>Vera Recommendation</u>			
	<u>For Information Only</u>		<u>Non-Prison</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Prison	138	87.9	21	16.7
Non-Prison	<u>19</u>	12.1	<u>105</u>	83.3
Total	157		126	

($\chi^2 = 146.3$, 1 d.f., $P < .001$)
Missing Units 25

TABLE 4 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE

Actual Sentence	No Data		F.I.O.		Probation		Supervised Conditional Discharge		General Conditional Discharge/Unconditional		Vera Adjournment	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
No Data	1	4.2	1	0.6	-	-	-	-	-	-	-	-
Prison	13	54.2	138	87.3	8	36.4	1	12.5	11	11.6	1	100.0
Probation	2	8.3	2	1.3	10	45.5	-	-	6	6.3	-	-
Supervised Conditional Discharge	-	-	-	-	-	-	1	12.5	-	-	-	-
General Conditional Discharge/Unconditional Discharge	7	29.2	11	7.0	3	13.6	6	75.0	66	69.5	-	-
Vera Adjournment	-	-	-	-	-	-	-	-	-	-	-	-
Fine	1	4.2	6	3.8	1	4.5	-	-	12	12.6	-	-
Total	24		158		22		8		95		1	

Total Cases, 308
Missing Units 0

In the specific conditional discharge category, the judge gave a sentence of general conditional discharge in six out of eight cases. Of these six cases, none had been convicted in the past and only two had been arrested in the past. Four of the six cases were not in custody on the day of sentencing. On the other hand, none of the six were married and five of the six were unemployed. In addition, three out of the six recidivated during a six-month time-at-risk. All six were under thirty years old. It is probable that Vera's scoring procedures regarding marital and occupational status led them to be more conservative than the judge in the face of negligible prior records. Vera's relative severity appears to be justified to some extent, given the recidivism factor although the small number of cases would suggest caution regarding any hard and fast conclusions.

In the combined General Conditional-and Unconditional-Discharge categories there is 69 percent agreement. Of the remaining 31 percent of cases, 12 percent were sentenced to prison and 13 percent were sentenced with either a fine or a choice between fine and prison.

When control variables were imposed upon the relationship between recommendation and sentence (in terms of the broad prison/non-prison categories) the following results occurred.

There was no important difference in percentage of agreement in terms of age. However, as age ascended, the percentage of defendants receiving prison sentences increased from 49 percent in the 16-20 year old category to 60 percent in the 30 years or older category. (See Table 5)

There were some differences in percentage of agreement in terms of occupational status. In terms of those F.I.O. cases that were sentenced to prison, there was 93 percent agreement on unemployed offenders and 82 percent agreement on fully employed offenders. On the non-prison side, while 85 percent of fully employed offenders received both non-prison recommendations and sentences, only 76 percent of unemployed offenders received a non-prison sentence when a non-prison recommendation was made. In addition, while only 46 percent of fully employed offenders received prison sentences, 74 percent of either partially employed or unemployed received prison sentences. (See Table 6)

Again, there were some differences in percentage of agreement in terms of marital status. While about 90 percent

TABLE 5 . RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE, CONTROLLING FOR AGE.

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>							
	Age		Age		Age		No Data	
	16 - 20		21 - 29		30+		No Data	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	1	1.1	-	-	-	-
Prison	14	87.5	78	86.7	46	88.5	-	-
Non-Prison	<u>2</u>	12.5	<u>11</u>	12.2	<u>6</u>	11.5	-	-
Total	16		90		52		-	-
	<u>Non-Prison Recommendation</u>							
No Data	-	-	-	-	-	-	-	-
Prison	3	15.8	13	17.8	5	15.2	-	-
Non-Prison	<u>16</u>	84.2	<u>60</u>	82.2	<u>28</u>	84.8	<u>-</u>	-
Total	19		73		33		-	-
	<u>No Data</u>							
No Data	1	14.3	-	-	-	-	-	-
Prison	5	71.4	8	53.3	-	-	-	-
Non-Prison	<u>1</u>	14.3	<u>7</u>	46.7	<u>2</u>	100.0	<u>-</u>	-
Total	7		15		2		-	-

Total Cases, 307
Missing Units 1

TABLE 6 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE, CONTROLLING FOR OCCUPATIONAL STATUS

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>							
	<u>Full Time</u>		<u>Part Time</u>		<u>Unemployed</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	1	1.5	-	-
Prison	65	82.3	10	100.0	60	92.3	2	66.7
Non-Prison	<u>14</u>	17.7	<u>-</u>	-	<u>4</u>	6.2	<u>1</u>	33.3
Total	79		10		65		3	
	<u>Non-Prison Recommendation</u>							
No Data	-	-	-	-	-	-	-	-
Prison	13	14.5	2	33.3	6	24.0	-	-
Non-Prison	<u>77</u>	85.3	<u>4</u>	66.7	<u>19</u>	76.0	<u>3</u>	100.0
Total	90		6		25		3	
	<u>No Data</u>							
No Data	-	-	-	-	-	-	1	12.5
Prison	5	71.4	-	-	5	62.5	3	37.5
Non-Prison	<u>2</u>	28.6	<u>1</u>	100.0	<u>3</u>	37.5	<u>4</u>	50.0
Total	7		1		8		8	

Total Cases, 305
Missing Units 3

of offenders who were not married and received F.I.O. were sentenced to prison, only 73 percent of offenders who were married and received F.I.O. did so. In addition, while only 36 percent of married offenders received prison sentences, 64 percent of others did so. (See Table 7)

Correspondence between Vera's recommendation and actual sentence varied significantly with prior record. The most outstanding point of difference was in the F.I.O. - prison sentence cell of the Table, where prior records were negligible or non-existent. In these cases, the judge was inclined to give a lighter sentence than that requested by Vera. (See Table 8 and 9)

In the Vera scoring procedure, a case with no prior arrest record received a score of plus four and in the 'no conviction' category, a plus three score. The only possible way in which these cases could receive an F.I.O. classification would be by receiving a minus two score regarding circumstances of present offense. (Circumstances included such items as sexual molestation, causing physical injury to children or aged persons, or assaulting a police officer with a dangerous weapon). It is highly improbable that such circumstances would be concentrated among

TABLE 7.

RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL
SENTENCE, CONTROLLING FOR MARITAL STATUS

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>							
	<u>Single</u>		<u>Married</u>		<u>Other</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	1	3.8	-	-	-	-
Prison	61	89.7	19	73.1	57	90.5	1	100.0
Non-Prison	<u>7</u>	10.3	<u>6</u>	23.1	<u>6</u>	9.5	-	-
Total	68		26		63		1	
	<u>Non-Prison Recommendation</u>							
No Data	-	-	-	-	-	-	-	-
Prison	6	15.4	7	14.6	8	22.2	-	-
Non-Prison	<u>33</u>	84.6	<u>41</u>	85.4	<u>28</u>	77.8	<u>3</u>	100.0
Total	39		48		36		3	
	<u>No Data</u>							
No Data	-	-	-	-	-	-	1	7.1
Prison	2	50.0	2	40.0	1	100.0	8	57.1
Non-Prison	<u>2</u>	50.0	<u>3</u>	60.0	-	-	<u>5</u>	35.7
Total	4		5		1		14	
Total Cases, 308								

TABLE 8 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE, CONTROLLING FOR TOTAL NUMBER OF PRIOR ARRESTS

<u>Actual Sentence</u>	<u>F.I.O Recommendation by Number of Prior Arrests</u>											
	0		1		2		3		4		5+	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
No Data	1	14.3	-	-	-	-	-	-	-	-	-	-
Prison	3	42.9	13	76.5	20	90.9	20	95.2	18	90.0	58	89.2
Non-Prison	<u>3</u>	42.9	<u>4</u>	23.5	<u>2</u>	9.1	<u>1</u>	4.8	<u>2</u>	10.0	<u>7</u>	10.8
Total	7		17		22		21		20		65	

Non-Prison Recommendation by Number of Prior Arrests

No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	5	8.2	5	21.7	2	13.3	4	40.0	2	22.2	2	33.3
Non-Prison	<u>56</u>	91.8	<u>18</u>	78.3	<u>13</u>	86.7	<u>6</u>	60.0	<u>7</u>	77.8	<u>4</u>	66.7
Total	61		23		15		10		9		6	

No Data on Recommendation by Number of Prior Arrests

No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	1	20.0	1	50.0	3	75.0	3	100.0	3	42.9	2	100.0
Non-Prison	<u>4</u>	80.0	<u>1</u>	50.0	<u>1</u>	25.0	-	-	<u>4</u>	47.1	-	-
Total	5		2		4		3		7		2	

Total Cases, 299
Missing Units 9

TABLE 9

RELATIONSHIP BETWEEN RECOMMENDATION AND
ACTUAL SENTENCE, CONTROLLING FOR TOTAL
NUMBER OF PRIOR CONVICTIONS.

<u>Actual Sentence</u>	<u>Number of Prior Convictions with F.I.O. Recommendation</u>											
	<u>0</u>		<u>1</u>		<u>2</u>		<u>3</u>		<u>4</u>		<u>5+</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	1	3.1	-	-	-	-	-	-	-	-	-	-
Prison	23	71.9	31	91.2	24	96.0	14	87.5	6	66.7	32	94.1
Non-Prison	8	25.0	3	8.8	1	4.0	2	12.5	3	33.3	2	5.9
Total	32		34		25		16		9		34	

<u>Actual Sentence</u>	<u>Number of Prior Convictions with Non-Prison Recommendation</u>											
	<u>0</u>		<u>1</u>		<u>2</u>		<u>3</u>		<u>4</u>		<u>5+</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	9	10.3	6	27.3	2	29.6	2	40.0	-	-	1	50.0
Non-Prison	78	89.7	16	72.7	5	71.4	3	60.0	2	100.0	1	50.0
Total	87		22		7		5		2		2	

<u>Actual Sentence</u>	<u>Number of Prior Convictions with No Data</u>											
	<u>0</u>		<u>1</u>		<u>2</u>		<u>3</u>		<u>4</u>		<u>5+</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	2	33.3	2	33.3	4	66.7	2	100.0	-	-	2	100.0
Non-Prison	4	66.7	4	66.7	2	33.3	-	-	1	100.0	-	-
Total	6		6		6		2		1		2	

Total Cases, 298
Missing Units 10

cases with no prior arrests or convictions. In fact, so few of these circumstances were present among the Vera cases that they had to be rejected in terms of quantitative analysis of the Vera Guidelines. Whatever factors took part in leading to F.I.O. in these cases were not evident.

There were considerable differences in percentage of agreement in terms of the presence of private counsel other than at arraignment. While 94 percent of offenders with Legal Aid attorneys and F.I.O. recommendations received prison sentences, only 54 percent of offenders with private counsel and F.I.O. recommendations did so. In addition, while 65 percent of legal aid cases received prison sentences, only 30 percent of cases with private counsel did so. (See Table 10)

The time elapsing between conviction and sentence was an important control variable because it reflected significant features of the case from the viewpoint of the Court process. The first category, 'less than one week', consisted mainly of 'waiver' cases, those in which the offender waived his right to a 48 hour adjournment prior to sentencing. Lawyers advise their clients to waive for a variety of reasons, all of which are presumed to work to the advantage of the client. For example, a lawyer may feel that his client had a better chance for a lighter sentence before one judge rather than another.

TABLE 10 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE, CONTROLLING FOR TYPE OF COUNSEL OTHER THAN AT ARRAIGNMENT

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>					
	<u>Legal Aid</u>		<u>Private Attorney</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	1	0.9	-	-	-	-
Prison	102	94.4	13	54.2	23	88.5
Non-Prison	<u>5</u>	4.6	<u>11</u>	45.8	<u>3</u>	11.5
Total	108		24		26	
	<u>Non-Prison Recommendation</u>					
No Data	-	-	-	-	-	-
Prison	14	19.2	6	18.2	1	5.0
Non-Prison	<u>59</u>	80.8	<u>27</u>	81.8	<u>19</u>	95.0
Total	73		33		20	
	<u>No Data</u>					
No Data	-	-	-	-	1	32.3
Prison	12	70.6	-	-	1	33.3
Non-Prison	<u>5</u>	29.4	<u>4</u>	100.0	<u>1</u>	33.3
Total	17		4		3	
Total Cases, 308						

The second category, '1-4 weeks', represented mainly cases of 'Record and Sentence' in which the case was adjourned while the judge awaited additional criminal record information regarding the offender. The final category '4 weeks or more', represented mainly cases in which either the judge or the offender was not pressed for a disposition. The majority of offenders in this category were not in custody on day of sentencing.

In F.I.O. cases 92 percent of the 'less than 1 week' cases showed agreement between Vera and Judge. There was little difference between this and the '1-4 week' category, where the percentage of agreement was 88 percent. In the '4 weeks or more' category the agreement dropped to 71 percent, but on the non-prison side rose to 92 percent. While about 60 percent of those in the first two categories were sentenced to prison, only 33 percent of those in the '4 weeks or more' category were so sentenced. (See Table 11)

Offenders were either in custody or out on bail or parole on the day of sentencing. Of the cases in custody, there was 95 percent agreement between Vera and Judge regarding prison sentence. Of cases not in custody, there was a considerably lower percentage of agreement, 66 percent. Where Vera recommended a non-prison sentence for cases in custody

TABLE 11 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE,
CONTROLLING FOR TIME BETWEEN CONVICTION AND SENTENCE.

F.I.O. Recommendation

<u>Actual Sentence</u>	<u>Less Than</u>		<u>1 - 4</u>		<u>4 - 16</u>		<u>No</u>	
	<u>1 Week</u>		<u>Weeks</u>		<u>Weeks</u>		<u>Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	-	-	1	50.0
Prison	45	91.8	80	88.4	12	70.6	1	50.0
Non-Prison	<u>4</u>	8.2	<u>10</u>	11.1	<u>5</u>	29.4	<u>-</u>	-
Total	49		90		17		2	

Non-Prison Recommendation

No Data								
Prison	5	15.2	13	20.6	2	7.7	1	25.0
Non-Prison	<u>28</u>	84.8	<u>50</u>	79.4	<u>24</u>	92.3	<u>3</u>	75.0
Total	33		63		26		4	

No Data

No Data	-	-	1	10.0	-	-	-	-
Prison	5	55.6	6	60.0	2	40.0	-	-
Non-Prison	<u>4</u>	44.4	<u>3</u>	30.0	<u>3</u>	60.0	<u>-</u>	-
Total	9		10		5		-	

Total Cases, 308

there was agreement in only 68 percent of cases while for cases not in custody there was 90 percent agreement. While 78 percent of cases in custody received prison sentences, only 29 percent of cases not in custody received prison sentences. (See Table 12)

The time from present conviction date to last prior arrest date was related to sentencing patterns. The longer the time, the less the number of prison sentences. Less than half of the cases which had the last prior arrest five or more years ago received prison sentences, while 78 percent of those whose last prior arrest was less than six months ago received the same. While there was 94 percent agreement between judge and Vera on the 'less than 6 months' cases in terms of prison, there was only 46 percent agreement when Vera made a non-prison recommendation. (See Table 13)

There was a consistent relationship between the total number of prior arrests and receipt of a prison sentence. Controlling for prior arrests there was general agreement between Vera recommendation and actual sentence except at the extremes of the distribution. In the few cases where Vera submitted a report 'for information only' (F.I.O.), where no prior record existed, the judge gave a prison sentence in only 43 percent of the cases. Conversely, in the few cases where Vera recommended non-prison

TABLE 12 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE, CONTROLLING FOR CUSTODY AT SENTENCING

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>			
	<u>Not in Custody</u>		<u>In Custody</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	1	2.6	-	-
Prison	25	65.8	110	94.8
Non-Prison	<u>12</u>	31.6	<u>6</u>	5.2
Total	38		116	
	<u>Non-Prison Recommendation</u>			
No Data	-	-	-	-
Prison	8	9.6	12	31.6
Non-Prison	<u>75</u>	90.4	<u>26</u>	68.4
Total	83		38	
	<u>No Data</u>			
No Data	-	-	1	6.3
Prison	2	28.6	11	68.8
Non-Prison	<u>5</u>	71.4	<u>4</u>	25.0
Total	7		16	
Total Cases, 298				
Missing Units 10				

TABLE 13

RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE,
CONTROLLING FOR DATE OF LAST PRIOR ARREST.

F.I.O. Recommendation

Actual Sentence

	<u>No Prior Arrest</u>		<u>Less Than 6 Months</u>		<u>6 Months 1 Year</u>		<u>2 - 5 Years</u>		<u>5+ Years</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	1	14.3	-	-	-	-	-	-	-	-	-	-
Prison	3	42.9	50	94.3	48	82.8	25	96.2	9	81.8	3	100.0
Non-Prison	3	42.9	3	5.7	10	17.2	1	3.8	2	18.2	-	-
Total	7		53		58		26		11		3	

Non-Prison Recommendation

No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	5	8.2	7	53.8	5	27.8	1	4.8	3	25.0	-	-
Non-Prison	56	91.8	6	46.2	13	72.2	20	95.2	9	75.0	1	100.0
Total	61		13		18		21		12		1	

No Data

No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	1	20.0	2	40.0	4	66.7	3	75.0	1	100.0	2	100.0
Non-Prison	4	80.0	3	60.0	2	33.3	1	25.0	-	-	-	-
Total	5		5		6		4		1		2	

Total Cases, 307
Missing Units, 1

for cases with five or more arrests, the judge gave a non-prison sentence in only 67 percent of the cases.

In the 29 cases where the offender had admitted to the use of narcotics in a Court ordered medical examination, there was strong agreement between Vera and the judge on both the prison and non-prison sides. Fifty-six percent of these cases received a prison sentence. The results were similar when the physician indicated that the results of the examination pointed to the presence of narcotics use. (See Tables 14 and 15)

As was pointed out earlier, the extent to which Vera staff were able to verify information given them by offenders during the interview was a significant factor in this study. There were three categories to consider with regard to this factor. First, information given may have been completely verified. Second, information given may have been partly verified. For example, the worker may have verified occupational status but not marital status. Third, information given may not have been verified at all. In one case, the worker may not have attempted to verify because the extent of the prior record would have made a non-prison recommendation impossible in any event. In the other case, an attempt at verification was made without success.

While 89 percent of unverified cases received prison

TABLE 14

RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL
SENTENCE, CONTROLLING FOR DEFENDANTS' ADMISSION
OF NARCOTICS USE, C-6 FORM.

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>					
	<u>Yes</u>		<u>No</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	1	0.8
Prison	16	88.9	7	87.5	115	87.1
Non-Prison	<u>2</u>	11.1	<u>1</u>	12.5	<u>16</u>	12.1
Total	18		8		132	
	<u>Non-Prison Recommendation</u>					
No Data	-	-	-	-	-	-
Prison	-	-	-	-	21	18.9
Non-Prison	<u>11</u>	100.0	<u>4</u>	100.0	<u>90</u>	81.1
Total	11		4		111	
	<u>No Data</u>					
No Data	-	-	-	-	1	5.6
Prison	2	100.0	-	-	11	61.1
Non-Prison	<u>-</u>	-	<u>4</u>	100.0	<u>6</u>	33.3
Total	2		4		18	
Total Cases, 308						

TABLE 15 RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL SENTENCE,
CONTROLLING FOR RESULTS OF C-6 NARCOTICS EXAMINATION

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>					
	<u>Positive</u>		<u>Negative</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	1	0.6
Prison	4	80.0	20	90.9	114	87.2
Non-Prison	<u>1</u>	20.0	<u>2</u>	9.1	<u>16</u>	12.2
Total	5		22		131	
	<u>Non-Prison Recommendation</u>					
No Data	-	-	-	-	-	-
Prison	-	-	2	13.3	19	17.6
Non-Prison	<u>3</u>	100.0	<u>13</u>	86.7	<u>89</u>	82.4
Total	3		15		108	
	<u>No Data</u>					
No Data	1	100.0	-	-	-	-
Prison	-	-	2	33.3	11	64.7
Non-Prison	<u>-</u>	-	<u>4</u>	66.7	<u>6</u>	35.3
Total	1		6		17	
Total Cases, 308						

sentences, only 26 percent of fully verified cases received the same. The only cases in which there was substantial disagreement between Vera and the judge were non-verified cases where Vera made a non-prison recommendation. In three out of five cases the judge sentenced to prison. (See Table 16).

The difference in recidivism rates between cases in which there was agreement on prison and supervised discharge were not great. More important, when Vera's recommendations were more severe than actual sentence received, the rates were higher than when Vera's recommendations were more lenient. It would appear that for these cases Vera's decision making process corresponded more closely to recidivism than those of the judges. (It must be noted, however, that Vera was not attempting to 'predict' recidivism in its project.) (See Table 18).

Despite the variations revealed by the use of control variables, the first hypothesis was considered to be upheld because the variations which appeared to be significant in percentage terms were not represented by large numbers of cases. The single exception was release status on the day of sentencing where substantial variation occurred among 75 cases.

TABLE 16

RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL
SENTENCE, CONTROLLING FOR VERIFICATION STATUS

Actual Sentence	<u>F.I.O. Recommendation</u>											
	<u>Fully Verified</u>		<u>None Verified</u>		<u>Family Ties Verified</u>		<u>Occupation Verified</u>		<u>No Attempt To Verify</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	1	1.4	-	-	-	-	-	-	-	-
Prison	16	88.9	67	91.8	19	73.1	6	66.7	28	93.3	4	80.0
Non-Prison	<u>2</u>	11.1	<u>5</u>	6.8	<u>7</u>	26.9	<u>3</u>	33.3	<u>2</u>	6.7	<u>1</u>	20.0
Total	18		73		26		9		30		5	
	<u>Non-Prison Recommendation</u>											
No Data	-	-	-	-	-	-	-	-	-	-	-	-
Prison	11	12.9	3	60.0	6	30.0	1	10.0	-	-	1	12.5
Non-Prison	<u>74</u>	87.1	<u>2</u>	40.0	<u>14</u>	70.0	<u>9</u>	90.0	<u>2</u>	100.0	<u>7</u>	87.5
Total	85		5		20		10		2		8	
	<u>No Data</u>											
No Data	-	-	-	-	-	-	-	-	-	-	2	22.2
Prison	-	-	1	50.0	-	-	-	-	-	-	5	55.6
Non-Prison	<u>-</u>	-	<u>1</u>	50.0	<u>1</u>	100.0	<u>-</u>	-	<u>1</u>	100.0	<u>2</u>	22.2
Total	-		2		1		-		1		9	

Total Cases, 304

Missing Units, 4

TABLE 17

RELATIONSHIP BETWEEN RECOMMENDATION AND ACTUAL
SENTENCE, CONTROLLING FOR RECIDIVISM

<u>Actual Sentence</u>	<u>F.I.O. Recommendation</u>					
	<u>No Re-Arrest</u>		<u>One Re-Arrest</u>		<u>Two or more Re-Arrests</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	1	1.1	-	-	-	-
Prison	81	86.2	42	85.7	15	100.0
Non-Prison	<u>12</u>	12.8	<u>7</u>	14.3	<u>-</u>	-
Total	94		49		15	
	<u>Non-Prison Recommendation</u>					
No Data	-	-	-	-	-	-
Prison	17	16.5	1	6.2	3	42.9
Non-Prison	<u>86</u>	83.5	<u>15</u>	93.8	<u>4</u>	57.1
Total	103		16		7	
	<u>No Data</u>					
No Data	1	7.1	-	-	-	-
Prison	9	64.3	4	40.0	-	-
Non-Prison	<u>4</u>	28.6	<u>6</u>	60.0	<u>-</u>	-
Total	14		10		-	
Total Cases, 308						

TABLE 18 RECIDIVISM RATES BY VARYING CORRESPONDENCE
BETWEEN VERA AND JUDGE.

<u>Correspondence</u>	<u>Recidivism Rates</u>
Same, prison	39%
Same, supervised discharge	36
Same, unsupervised discharge	18
Different, Vera more severe	38
Different, Vera more lenient	24

Since it would appear that even among judges there might have been some disagreement on the disposition of offenders it may be said that Vera has demonstrated considerable capacity to deliver in terms of the first major goal of its program; a correspondence between recommendation and sentencing decision. There was more than a hint that Vera's development of verified information in the areas of prior record arrest dispositions, family ties, and occupational status may have pulled them in a different direction from the judge in marginal cases.

Further discussion of the relationship between social history and prior record factors and judges' sentencing decisions appears in the section of the report discussing the revision of the Vera sentencing guidelines.

Hypothesis 2. The presence of the Vera mechanism results in proportionately fewer prison sentences in cases in which it is present than in cases in which it is absent.

In addition to correspondence with judges' sentencing decisions, the Vera program has had the goal of influencing the Court process to the extent that there would be fewer prison sentences. The rationale for establishing this goal was based upon an assumption regarding sentencing patterns. Given a choice between prison and non-prison alternatives in the absence of any mitigating information regarding the offender, the judge is presumed to play it safe in doubtful cases and opt for a prison sentence for the sake of public safety.

Three categories of cases ~~emerged~~ were available for analysis of this hypothesis; Vera cases, Probation I & S report cases, and cases which received neither service. Since Probation I & S report cases were dramatically different on the face of it,⁵ the emphasis in comparison will focus on cases serviced by Vera and non-serviced cases.

⁵ Only about 30 percent of Probation I & S report cases received prison sentences as opposed to nearly 60 percent of all other cases.

Tables 19 and 20, demonstrate that there was not an important difference between Vera cases and non-serviced cases in terms of actual sentence. In the absence of control variables it appeared that the hypothesis, as stated, was not upheld. In other words, the presence of Vera did not have a significant impact on sentencing patterns. Fifty-six percent of Vera cases received a prison sentence while 62 percent of non-serviced cases received the same. It will be seen, however, that when certain factors were controlled for, important variations were present which modified the initial conclusion of no difference.

Age, occupation, and marital status were of limited value as controls because there were a large number of non-serviced cases where the data were absent. Based upon the data available, however, marital status and occupation were important influences on actual sentence. Far fewer married people received prison sentences than others; 36 percent as opposed to 64 percent of others among Vera cases. And while among fully employed persons in the Vera sample only 47 percent received prison sentences, 73 percent of partially employed or unemployed did so. (See Tables 21 and 22).

TABLE 19 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE. (HYPOTHESIS TWO)

Actual Sentence	Mechanism					
	Vera		I & S		None	
	No.	%	No.	%	No.	%
No Data	2	0.6	1	1.6	2	0.8
Prison	169	56.1	20	32.3	155	61.5
Non-Prison	130	43.2	41	66.1	95	37.7
Total	301		62		252	

Total Cases, 615
Missing Units 10

Note: Since the sentencing distribution of five no data cases was unknown, the chi square was computed without these cases. The I & S cases proved very different from the remaining cases in that the great majority received non-prison sentences; the chi square was computed without I & S cases. (See Table 20).

TABLE 20 HYPOTHESIS TWO. RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE.

<u>Sentence</u>	<u>Vera Mechanism</u>		<u>No Mechanism</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Prison	169	56.5	155	62.0
Non-Prison	<u>130</u>	43.5	<u>95</u>	38.0
Total	299		250	

($\chi^2 = 1.52, 1 \text{ d.f.}, P < .20$)
 Missing Units 76

TABLE 21 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR MARITAL STATUS

Actual Sentence	Vera Mechanism								
	Single		Married		Other		No Data		
	No.	%	No.	%	No.	%	No.	%	
No Data	-	-	1	1.3	-	-	1	5.9	
Prison	67	62.6	28	35.9	65	65.7	9	52.9	
Non-Prison	<u>40</u>	37.4	<u>49</u>	62.8	<u>34</u>	34.3	<u>7</u>	41.2	
Total	107		78		99		17		
			I & S Mechanism						
No Data	-	-	-	-	-	-	1	2.4	
Prison	1	50.0	3	16.7	1	100.0	15	36.6	
Non-Prison	<u>1</u>	50.0	<u>15</u>	83.3	-	-	<u>25</u>	61.0	
Total	2		18		1		41		
			No Mechanism						
No Data	-	-	-	-	-	-	2	1.1	
Prison	5	50.0	28	52.8	2	28.6	120	65.9	
Non-Prison	<u>5</u>	50.0	<u>25</u>	47.2	<u>5</u>	71.4	<u>60</u>	33.0	
Total	10		53		7		182		

Total Cases, 615
Missing Units 10

TABLE 22 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR OCCUPATIONAL STATUS

<u>Actual Sentence</u>	<u>Vera Mechanism</u>							
	<u>Full Time</u>		<u>Part Time</u>		<u>Unemployed</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	1	1.0	1	7.7
Prison	80	47.4	12	70.6	71	73.2	5	38.5
Non-Prison	<u>91</u>	52.6	<u>5</u>	29.4	<u>25</u>	25.8	<u>7</u>	53.8
Total	171		17		97		13	
	<u>I & S Mechanism</u>							
No Data	-	-	-	-	1	5.6	-	-
Prison	10	29.4	-	-	7	38.9	3	30.0
Non-Prison	<u>24</u>	70.6	<u>-</u>	-	<u>10</u>	55.6	<u>7</u>	70.0
Total	34		-		18		10	
	<u>No Mechanism</u>							
No Data	-	-	-	-	-	-	2	2.7
Prison	46	47.9	9	90.0	52	71.2	48	65.8
Non-Prison	<u>50</u>	52.1	<u>1</u>	10.0	<u>21</u>	28.8	<u>23</u>	31.5
Total	96		10		73		73	

Total Cases, 612
Missing Units 13

Frequency of prison sentences was strongly related to an admission of narcotics use on a Court ordered medical examination. Among both Vera and non-serviced cases, offenders who admitted narcotics use received more prison sentences than those who did not. At the same time Vera cases received fewer prison sentences than did non-serviced cases in both the admission and non-admission categories. (See Table 23).

Similarly when the medical findings of the examination were known, Vera cases did better in both the positive and negative finding categories. (See Table 24)

Prison sentence rates ascended for both Vera and non-serviced cases as the number of prior arrests increased. The anomalous dips in the 'four prior arrest' category may have been an artifact of the small number of cases in the cells. On the other hand, Vera cases did have a somewhat lower prison sentence rate in the 'three prior arrest' category and in the 'no prior record' category. The converse was true in the 'one prior arrest' category. (See Table 25) The same pattern held when the number of prior convictions was controlled for.

In terms of the date of the last prior arrest, Vera cases fared somewhat better than non-serviced cases in the middle-

TABLE 23 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR DEFENDANT'S ADMISSION OF NARCOTICS USE ON A C-6 FORM

<u>Actual Sentence</u>	<u>Vera Mechanism</u>					
	<u>Yes</u>		<u>No</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	-	-	2	0.8
Prison	17	60.7	7	46.7	145	56.2
Non-Prison	<u>11</u>	39.3	<u>8</u>	53.3	<u>111</u>	43.0
Total	28		15		258	
	<u>I & S Mechanism</u>					
No Data	-	-	-	-	1	2.2
Prison	2	66.7	4	30.8	14	30.4
Non-Prison	<u>1</u>	33.3	<u>9</u>	69.2	<u>31</u>	67.4
Total	3		13		46	
	<u>No Mechanism</u>					
No Data	1	5.3	-	-	1	0.6
Prison	15	78.9	34	64.2	106	58.9
Non-Prison	<u>3</u>	15.8	<u>19</u>	35.8	<u>73</u>	40.6
Total	19		53		180	

Total Cases, 615
Missing Units 10

TABLE 24

RELATIONSHIP BETWEEN PRESENCE OF SENTENCING
MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR
POSITIVE FINDING ON C-6 FORM

<u>Actual Sentence</u>	<u>Vera Mechanism</u>					
	<u>Positive</u>		<u>Negative</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	1	14.3	-	-	1	0.4
Prison	4	57.1	23	56.1	142	56.1
Non-Prison	<u>2</u>	28.6	<u>18</u>	43.9	<u>110</u>	43.5
Total	7		41		253	
	<u>I & S Mechanism</u>					
No Data	-	-	-	-	1	1.9
Prison	1	100.0	3	37.5	16	30.2
Non-Prison	<u>-</u>	-	<u>5</u>	62.5	<u>36</u>	67.9
Total	1		8		53	
	<u>No Mechanism</u>					
No Data	-	-	1	2.8	1	0.4
Prison	5	83.3	27	75.0	123	58.6
Non-Prison	<u>1</u>	16.7	<u>8</u>	22.2	<u>86</u>	41.0
Total	6		36		210	

Total Cases, 615
Missing Units 10

TABLE 25 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR NUMBER OF PRIOR ARRESTS

Actual Sentence	Vera Mechanism											
	0		1		2		3		4		5+	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
No Data	1	0.8	-	-	-	-	-	-	-	-	-	-
Prison	34	27.6	38	64.4	29	78.4	18	78.3	7	58.3	34	91.9
Non-Prison	<u>88</u>	71.5	<u>21</u>	35.6	<u>8</u>	21.6	<u>5</u>	21.7	<u>5</u>	41.7	<u>3</u>	8.1
Total	123		59		37		23		12		37	
	I & S Mechanism											
No Data	1	2.0	-	-	-	-	-	-	-	-	-	-
Prison	11	22.4	3	42.9	3	100.0	-	-	-	-	2	100.0
Non-Prison	<u>37</u>	77.6	<u>4</u>	47.1	<u>-</u>	-	-	-	-	-	<u>-</u>	-
Total	49		7		3		-	-	-	-	2	
	No Mechanism											
No Data	1	1.0	1	2.0	-	-	-	-	-	-	-	-
Prison	34	35.1	29	56.9	20	80.0	21	95.5	9	75.0	36	94.7
Non-Prison	<u>62</u>	63.9	<u>21</u>	41.2	<u>5</u>	20.0	<u>1</u>	4.5	<u>3</u>	25.0	<u>2</u>	5.3
Total	97		51		25		22		12		38	

Total Cases, 597
Missing Units 28

range time categories and not quite as well in the cases in which the last prior arrest occurred five or more years ago.

(See Table 26)

It is evident from Table 27 that there was a significant relationship between the percentage of prison sentences given and verification status among Vera cases. Only 26 percent of fully verified cases received prison sentences while about 88 percent of non-verified cases did so.

TABLE 26 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE CONTROLLING FOR DATE OF LAST PRIOR ARREST.

Actual Sentence	Vera Mechanism											
	No Prior		Less 6 Months		6 Mos. 1 Year		2-5 Years		5+ Years		No Data	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
No Data	1	1.4	-	-	-	-	-	-	-	-	-	-
Prison	9	12.7	58	82.9	56	70.0	28	57.1	13	54.2	5	83.3
Non-Prison	<u>61</u>	85.9	<u>12</u>	17.1	<u>24</u>	30.0	<u>21</u>	42.9	<u>11</u>	45.8	<u>1</u>	16.7
Total	71		70		80		49		24		6	
	I & S Mechanism											
No Data	-	-	-	-	1	8.3	-	-	-	-	-	-
Prison	4	12.1	5	83.3	6	50.0	4	57.1	1	25.0	-	-
Non-Prison	<u>29</u>	87.9	<u>1</u>	16.7	<u>5</u>	41.7	<u>3</u>	42.9	<u>3</u>	75.0	-	-
Total	33		6		12		7		4			
	No Mechanism											
No Data	1	1.6	-	-	1	1.2	-	-	-	-	-	-
Prison	10	16.1	39	79.6	67	83.8	30	76.9	7	41.2	1	25.0
Non-Prison	<u>51</u>	82.3	<u>10</u>	20.4	<u>12</u>	15.0	<u>9</u>	23.1	<u>10</u>	58.8	<u>3</u>	75.0
Total	62		49		80		39		17		4	

Total Cases, 613
Missing Units 12

TABLE 27 RELATIONSHIP BETWEEN ACTUAL SENTENCE AND VERIFICATION STATUS OF VERA CASES.

Actual Sentence	Vera Mechanism						
	Fully Verified	None Verified	Family Ties Verified	Occupation Verified	No Attempt To Verify	No Data	
	No. %	No. %	No. %	No. %	No. %	No. %	
No Data	- -	1 1.2	- -	- -	- -	- -	
Prison	27 26.2	72 90.0	25 53.2	7 36.8	28 84.8	12 54.5	
Non-Prison	76 73.8	7 8.8	22 46.8	12 63.2	5 15.2	10 45.5	
Total	103	80	47	19	33	22	
Total Cases, 304							
Missing Units 4							

For the control variable of the time elapsing between conviction and sentence, the data indicated that there were substantially more 'waiver' cases on the non-serviced side and were substantially more '1-4 week' cases on the Vera side. It is known from program records that Vera experienced difficulty in generating presentence reports within a few hours and that under-representation in the 'waiver' category was to be anticipated. While only 30 percent of Vera cases were 'waivers', a full 80 percent of non-Vera cases were 'waivers.' Conversely, while 55 percent of Vera cases clustered in the '1-4 week' category, only 10 percent of non-serviced cases did so. (See Table 28)

Another control variable--custody status on the day of sentencing--when superimposed on the preceding control revealed significant differences within the 'waiver' and the '1-4 week' categories.

While 62 percent of all waiver cases received prison sentences, only 16 percent of 'waivers' not in custody did so as opposed to 88 percent of 'waivers' in custody. While 63 percent of the '1-4 week' category received prison sentences, 33 percent of '1-4 weeks' not in custody received prison sentences as opposed to 80 percent of '1-4 weeks' in custody.

Since the axes of the analysis of the second hypothesis

TABLE 2g.

RELATIONSHIP BETWEEN PRESENCE OF SENTENCING
MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR
TIME BETWEEN CONVICTION AND SENTENCE

Actual Sentence	<u>Vera Mechanism</u>							
	Less Than 1 Week		1 - 4 Weeks		4 - 16 Weeks		No Data	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
No Data	-	-	1	0.6	-	-	1	16.7
Prison	55	61.1	97	60.6	15	33.3	2	33.3
Non-Prison	<u>35</u>	38.9	<u>62</u>	38.8	<u>30</u>	66.7	<u>3</u>	50.0
Total	90		160		45		6	
	<u>I & S Mechanism</u>							
No Data	1	10.0	-	-	-	-	-	-
Prison	3	30.0	8	47.1	9	25.7	-	-
Non-Prison	<u>6</u>	60.0	<u>9</u>	52.9	<u>26</u>	74.3	<u>-</u>	-
Total	10		17		35		-	
	<u>No Mechanism</u>							
No Data	1	0.5	1	4.0	-	-	-	-
Prison	126	64.6	19	76.0	9	32.1	-	-
Non-Prison	<u>68</u>	34.9	<u>5</u>	20.0	<u>19</u>	67.9	<u>1</u>	100.0
Total	195		25		28		1	

Total Cases, 612
Missing Units 13

so far have included release status and time between conviction and sentence, and since there was an evident skewing of the distribution of cases regarding Vera and non-serviced, it was decided to observe Vera and non-serviced outcomes, controlling for both factors simultaneously.

As can be seen in the top halves of Table 29, there were four categories in which Vera cases received a lower proportion of prison sentences than did non-serviced cases. These categories included all cases in custody regardless of the amount of time between conviction and sentence as well as '1-4 week' cases not in custody. Conversely, there were two categories in which Vera cases received a higher proportion of prison sentences. These were cases not in custody at either extreme of the time continuum between conviction and sentencing.

Overall we find that Vera did equally well or better in categories in which the bulk (80 percent) of its cases fell. Furthermore, Vera performed better in the one category (waiver and in custody) where there was the largest single concentration of non-serviced cases.

In short, while the second hypothesis as stated is not upheld, in those categories where Vera did as well or better, 65 percent of its clients received prison sentences whereas 92 percent of non-serviced cases did so. In those categories where Vera did not do as well, 31 percent of its clients received prison sentences whereas only 11 percent of non-serviced cases did so.

TABLE 29 RELATIONSHIP BETWEEN PRESENCE OF MECHANISM AND TYPE OF CASE
 CONTROLLED BY ACTUAL SENTENCE AND RECIDIVISM

	Total Numbers		Prison Rates*		Non-Prison Rates*	
	<u>Sentences</u>	<u>Recidivists</u>	<u>Sentences</u>	<u>Recidivists</u>	<u>Sentences</u>	<u>Recidivists</u>
1-4 wks and not in custody	61	20	.30	.61	.70	.21
waiver and in custody	59	24	.78	.43	.22	.31
1-4 wks and in custody	92	31	.83	.33	.17	.38
4+ wks and in custody	16	6	.37	.67	.63	.20
Sub-total of types of case with prison rates same or better for Vera	228	81	.64	.42	.36	.26
waiver and not in custody	32	2	.28	.11	.72	.04
4+ wks and not in custody	26	5	.23	.33	.77	.15
Sub-total of types of case with prison rates not as good for Vera	58	7	.26	.20	.74	.09

*Note- Sentence rates are based on the total numbers of sentences; Recidivist rates are based on the sub-totals of prison sentences and of non-prison sentences.

TABLE 29

(Continued)
 RELATIONSHIP BETWEEN PRESENCE OF MECHANISM AND TYPE OF CASE
 CONTROLLED BY ACTUAL SENTENCE AND RECIDIVISM

	Total Numbers		No Mechanism		Non-Prison Rates*	
	<u>Sentences</u>	<u>Recidivists</u>	<u>Sentences</u>	<u>Recidivists</u>	<u>Sentences</u>	<u>Recidivists</u>
1-4 wks and not in custody	6	1	.67	.25	.33	.00
waiver and in custody	127	46	.93	.37	.07	.22
1-4 wks and in custody	22	9	.86	.42	.14	.33
4+ wks and in custody	15	4	.73	.36	.27	.00
Sub-total of types of case with prison rates same or better for Vera	170	60	.89	.38	.11	.17
waiver and not in custody	71	13	.13	.22	.87	.18
4+ wks and not in custody	14	1	.00	.00	1.00	.07
Sub-total of types of case with prison rates not as good for Vera	85	14	.11	.22	.89	.16

*Note - Sentence rates are based on the total numbers of sentences; Recidivist rates are based on the sub-totals of prison sentences and of non-prison sentences.

Hypothesis 3. The presence of Vera mechanism has not resulted in added risk in terms of recidivism rates.

Recidivism has been operationally defined in two ways: first, the presence of at least one re-arrest occurring in New York State during a six-month time-at-risk, for a felony or a printable misdemeanor;⁷ second, at least one conviction under the same conditions. The conviction data were insufficient to be used in the analysis for two reasons. First, there was frequently a rather long time lag between conviction and sentence, as demonstrated in an earlier part of the report

⁷ Fingerprintable misdemeanors are those defined in Section 552 of the New York Code of Criminal Procedure.

(in the section reporting time between conviction and sentence). Second, there was a time lag in reporting conviction data to the source of our criminal record information.

While it is evident that a six-month time-at-risk is not all-inclusive of possible recidivism, it was not possible to extend it further because of the time limitations imposed upon the study.

The evidence indicated that the hypothesis was upheld. There was no large difference in the recidivism rates among Vera cases and non-serviced cases. The Probation cases had a significantly lower rate as was expected in terms of the relatively low prior records and prison dispositions among those cases. The analysis will thus focus mainly on the Vera cases and the non-serviced cases.

Tables 30 and 31 show that the rate ^{recidivism} for both Vera and for non-serviced cases was 31 percent.

In both Vera and non-serviced cases, age appeared to be a significant factor in terms of recidivism with the youngest category recidivating most and the oldest least in both cases. (See Table 32)

Occupational status also discriminated in terms of

TABLE 30. RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM. (HYPOTHESIS THREE).

<u>Recidivism</u>	<u>Mechanism</u>					
	<u>Vera</u>		<u>I & S</u>		<u>None</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	94	31.2	11	17.7	78	31.1
Not Rearrested	<u>207</u>	68.8	<u>51</u>	82.3	<u>173</u>	68.9
Total	301		62		251	

Total Cases, 614
Missing Units 11

Note: I & S cases proved very different from the remaining cases in that the great majority received non-prison sentences; the chi square was computed without I & S cases. (See Table 31).

TABLE 31 HYPOTHESIS THREE, RELATIONSHIP BETWEEN PRESENCE
OF SENTENCING MECHANISM AND RECIDIVISM

<u>Recidivism</u>	<u>Vera</u> <u>Mechanism</u>		<u>No</u> <u>Mechanism</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Re-arrested	94	31.2	78	31.1
Not Re-arrested	<u>207</u>	68.8	<u>173</u>	68.9
Total	301		251	

($\chi^2 = .367$, 1 d.f., $P < .50$)
Missing Units 73

TABLE 32 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM, CONTROLLING FOR AGE

<u>Recidivism</u>	<u>Vera Mechanism</u>						<u>No Data</u>	
	<u>Age</u>		<u>Age</u>		<u>Age</u>		<u>No.</u>	<u>%</u>
	<u>16-20</u>		<u>21-29</u>		<u>30+</u>			
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>		
Rearrested	16	38.1	59	34.3	18	20.9	-	-
Not Rearrested	<u>26</u>	61.9	<u>113</u>	65.7	<u>68</u>	79.1	<u>-</u>	<u>-</u>
Total	42		172		86		-	
	<u>I & S Mechanism</u>							
Rearrested	3	23.1	7	22.6	1	5.6	-	-
Not Rearrested	<u>10</u>	76.9	<u>24</u>	77.4	<u>17</u>	94.4	<u>-</u>	<u>-</u>
Total	13		31		18		-	
	<u>No Mechanism</u>							
Rearrested	11	40.7	49	34.5	18	22.2	-	-
Not Rearrested	<u>16</u>	59.3	<u>93</u>	65.5	<u>63</u>	77.8	<u>1</u>	100.0
Total	27		142		81		1	

Total Cases, 613
Missing Units 12

recidivism. Fully employed cases recidivated least while unemployed cases combined with partially employed cases recidivated most. (See Table 33)

Marital status was also related to recidivism. While there were not enough data on non-serviced cases to warrant a firm conclusion, in the Vera category married cases displayed a recidivism rate of 26 percent as well as did 'others', while single cases display a rate of 37 percent. (See Table 34).

As will be seen in the discussion of the Vera Guidelines, both family ties and occupation were related to recidivism and appeared to be appropriate items for inclusion in the Guidelines questionnaire, if recidivism is to be a factor to consider in making a sentencing recommendation.

In both Vera and non-serviced cases, the presence of private counsel after arraignment was related to lower recidivism rates. The recidivism rate for cases with ^L legal _A aid counsel was 33 percent while for those with private counsel the rate was only 23 percent.

There were variations ^{in recidivism rates,} between Vera cases and non-serviced cases in terms of time between conviction and sentence. While Vera did somewhat better in the 'waiver' category, the non-serviced cases did somewhat better in

TABLE 33 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM, CONTROLLING FOR OCCUPATIONAL STATUS

<u>Recidivism</u>	<u>Vera Mechanism</u>							
	<u>Full Time</u>		<u>Part Time</u>		<u>Unemployed</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	44	25.7	8	47.1	36	37.1	5	38.5
Not Rearrested	<u>127</u>	74.3	<u>9</u>	52.9	<u>61</u>	62.9	<u>8</u>	61.5
Total	171		17		97		13	
	<u>I & S Mechanism</u>							
Rearrested	4	11.8	-	-	5	27.8	2	20.0
Not Rearrested	<u>30</u>	88.2	<u>-</u>	-	<u>13</u>	72.2	<u>8</u>	80.0
Total	34		-		18		10	
	<u>No Mechanism</u>							
Rearrested	25	26.0	6	60.0	24	32.9	23	31.9
Not Rearrested	<u>71</u>	74.0	<u>4</u>	40.0	<u>49</u>	67.1	<u>49</u>	68.1
Total	96		10		73		72	

Total Cases, 611
Missing Units 14

TABLE 34 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM, CONTROLLING FOR MARITAL STATUS

<u>Recidivism</u>	<u>Vera Mechanism</u>							
	<u>Single</u>		<u>Married</u>		<u>Other</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	40	37.4	21	26.9	26	26.3	7	41.2
Not Rearrested	<u>67</u>	62.6	<u>57</u>	73.1	<u>73</u>	73.7	<u>10</u>	58.8
Total	107		78		99		17	
	<u>I & S Mechanism</u>							
Rearrested	-	-	1	5.6	-	-	10	24.4
Not Rearrested	<u>2</u>	100.0	<u>17</u>	94.4	<u>1</u>	100.0	<u>31</u>	75.6
Total	2		18		1		41	
	<u>No Mechanism</u>							
Rearrested	2	20.0	19	35.8	3	42.9	54	29.8
Not Rearrested	<u>8</u>	80.0	<u>34</u>	64.2	<u>4</u>	57.1	<u>127</u>	70.2
Total	10		53		7		181	

Total Cases, 614
Missing Units 11

the '1-4 week' category. (See Table 35)

While not considerable, there were some differences in re-arrest rate when release status at day of sentencing was controlled. Vera did somewhat better among cases in custody while the opposite was true of cases not in custody.

(See Table 36.)

While there were not important difference between Vera cases and non-serviced cases when time of last prior arrest was controlled for, there were differences across the categories as a whole. The recidivism rate for those with no prior record was only 15 percent but the rate for those who had been arrested within six months of the present conviction date was 52 percent. The rates descended as the elapsed time grew greater. (See Tables 37 and 38.)

Although recidivism rates varied with number of prior convictions, the '4 convictions' category presented an interesting deviation. Although fewer Vera cases received prison sentences in this category, their recidivism rate was considerably higher. (See Table 39.)

When a C-6 form was present which recorded data on a Court ordered medical examination to determine the presence of narcotics use, a relationship between examination findings and recidivism was evident. Forty-four percent of those admitting drug use recidivated. Fifty-four percent of those

TABLE 35

RELATIONSHIP BETWEEN PRESENCE OF SENTENCING
MECHANISM AND RECIDIVISM, CONTROLLING FOR TIME
BETWEEN CONVICTION AND SENTENCE

<u>Recidivism</u>	<u>Vera Mechanism</u>							
	<u>Less Than 1 Week</u>		<u>1 - 4 Weeks</u>		<u>4 - 16 Weeks</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	25	28.0	55	34.4	13	28.9	1	16.7
Not Rearrested	<u>65</u>	72.0	<u>105</u>	65.6	<u>32</u>	71.1	<u>5</u>	83.3
Total	90		160		45		6	
	<u>I & S Mechanism</u>							
Rearrested	2	20.0	4	23.5	5	14.3	-	-
Not Rearrested	<u>8</u>	80.0	<u>13</u>	76.5	<u>30</u>	85.7	<u>-</u>	-
Total	10		17		35		-	
	<u>No Mechanism</u>							
Rearrested	63	32.5	8	32.0	6	21.4	-	-
Not Rearrested	<u>131</u>	67.5	<u>17</u>	68.0	<u>22</u>	78.6	<u>1</u>	100.0
Total	194		25		28		1	

Total Cases, 611
Missing Units 14

TABLE 36 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM, CONTROLLING FOR RELEASE STATUS AT SENTENCING

<u>Recidivism</u>	<u>Vera Mechanism</u>			
	<u>Released</u>		<u>Not Released</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	30	24.0	58	34.9
Not Rearrested	<u>95</u>	76.0	<u>108</u>	65.1
Total	125		166	
	<u>I & S Mechanism</u>			
Rearrested	5	13.9	5	23.8
Not Rearrested	<u>31</u>	86.1	<u>16</u>	76.2
Total	36		21	
	<u>No Mechanism</u>			
Rearrested	17	18.1	57	38.3
Not Rearrested	<u>77</u>	81.9	<u>92</u>	61.7
Total	94		149	

Total Cases, 591
Missing Units 34

TABLE 37 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM,
CONTROLLING FOR DATE OF LAST PRIOR ARREST

	No Prior Arrests		Less Than 6 Months		6 Months to 1 Year		2 - 5 Years		5+ Or More Years		No Data	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<u>Recidivism</u>												
Rearrested	12	16.9	37	52.9	29	36.2	11	22.4	3	12.5	4	66.7
Not Rearrested	59	83.1	33	47.1	51	63.8	38	77.6	21	87.5	2	33.3
Total	71		70		80		49		24		6	
	<u>I & S Mechanism</u>											
Rearrested	3	9.1	3	50.0	4	33.3	1	14.3	-	-	-	-
Not Rearrested	30	90.9	3	50.0	8	66.7	6	85.7	4	100.0	-	-
Total	33		6		12		7		4			
	<u>No Mechanism</u>											
Rearrested	9	14.5	25	52.1	31	38.8	10	25.6	1	5.9	1	25.0
Not Rearrested	53	85.5	23	47.9	49	61.3	29	74.4	16	94.1	3	75.0
Total	62		48		80		39		17		4	
Total Cases, 612												
Missing Units 13												

TABLE 38 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM
CONTROLLING FOR TOTAL NUMBER OF PRIOR ARRESTS

Recidivism	Vera Mechanism										
	0	1	2	3	4	5+					
	No.	No.	No.	No.	No.	No.	%	%	%	%	%
Rearrested	12	15	11	12	10	31	16.9	37.5	27.5	28.6	43.1
Not Rearrested	59	25	29	22	25	41	83.1	62.5	72.5	71.4	56.9
Total	71	40	40	34	35	72					
<u>I & S Mechanism</u>											
Rearrested	3	3	2	1	-	2	9.1	18.7	40.0	-	50.0
Not Rearrested	30	13	3	3	-	2	90.9	81.2	60.0	-	50.0
Total	33	16	5	4	-	4					
<u>No Mechanism</u>											
Rearrested	9	10	7	6	14	30	13.8	30.3	29.2	50.0	41.1
Not Rearrested	56	23	17	19	14	43	86.2	69.7	71.8	50.0	59.9
Total	65	33	24	25	28	73					

Total Cases, 602
Missing Units 23

TABLE 39 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND ACTUAL SENTENCE, CONTROLLING FOR TOTAL NUMBER OF PRIOR CONVICTIONS

Recidivism	Vera Mechanism											
	0		1		2		3		4		5+	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Rearrested	33	26.8	18	30.5	11	29.7	9	39.1	5	41.6	15	40.5
Not Rearrested	90	73.2	41	69.5	26	70.3	14	60.9	7	58.3	22	59.5
Total	123		59		37		23		12		37	
	<u>I & S Mechanism</u>											
Rearrested	9	18.3	1	14.3	-	-	-	-	-	-	1	50.0
Not Rearrested	40	81.6	6	85.7	3	100.0	-	-	-	-	1	50.0
Total	49		7		3		-		-		2	
	<u>No Mechanism</u>											
Rearrested	21	21.6	15	30.0	9	36.0	6	27.3	4	33.3	20	52.6
Not Rearrested	76	78.4	35	70.0	16	64.0	16	72.7	8	66.7	18	47.4
Total	97		50		25		22		12		38	

Total Cases, 596
Missing Units 29

wherein a positive report was submitted by a physician recidivated. (See Tables 40 and 41)

The importance of Vera's verification procedure was evident in terms of recidivism. About 18 percent of fully verified cases recidivated whereas 38 percent of unverified cases did so. (See Table 42)

At this point, the interrelationships between the two variables which appear to modify the outcome of the second hypothesis will be reviewed in the context of the other two hypotheses. The two variables are release status on the day of sentencing and time elapsing between conviction and sentence.

It was felt necessary to see whether Vera's apparent gains in the four categories reported in Table ²⁹ were purchased at the cost of added risk of recidivism.

If, for example, the presence of the Vera mechanism among certain cases was related to a lower percentage of prison sentences than would otherwise have been the case, it could not be considered a significant gain if recidivism rates among these cases was unduly high as compared to non-serviced cases in equivalent categories.

To answer this question, case were analyzed in which Vera's recommendation corresponded to

TABLE 40

RELATIONSHIP BETWEEN PRESENCE OF SENTENCING
MECHANISM AND RECIDIVISM, CONTROLLING FOR
DEFENDANTS' ADMISSION OF NARCOTICS USE ON
A C-6 FORM

<u>Recidivism</u>	<u>Vera Mechanism</u>					
	<u>Yes</u>		<u>No</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	14	50.0	8	53.3	72	27.9
Not Rearrested	<u>14</u>	50.0	<u>7</u>	46.7	<u>186</u>	72.1
Total	28		15		258	
	<u>I & S Mechanism</u>					
Rearrested	1	33.3	2	15.4	8	17.4
Not Rearrested	<u>2</u>	66.7	<u>11</u>	84.6	<u>38</u>	82.6
Total	3		13		46	
	<u>No Mechanism</u>					
Rearrested	6	31.6	19	35.8	53	29.6
Not Rearrested	<u>13</u>	68.4	<u>34</u>	64.2	<u>126</u>	70.4
Total	19		53		179	

Total Cases, 614
Missing Units 11

TABLE 41 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM, CONTROLLING FOR RESULTS OF C-6 NARCOTICS EXAMINATION

<u>Recidivism</u>	<u>Vera Mechanism</u>					
	<u>Positive</u>		<u>Negative</u>		<u>No Data</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Rearrested	5	71.4	15	36.6	74	29.2
Not Rearrested	<u>2</u>	28.6	<u>26</u>	63.4	<u>179</u>	70.8
Total	7		41		253	
	<u>I & S Mechanism</u>					
Rearrested	-	-	3	37.5	8	15.1
Not Rearrested	<u>1</u>	100.0	<u>5</u>	62.5	<u>45</u>	84.9
Total	1		8		53	
	<u>No Mechanism</u>					
Rearrested	2	33.3	15	41.7	61	29.2
Not Rearrested	<u>4</u>	66.7	<u>21</u>	58.3	<u>148</u>	70.8
Total	6		36		209	
Total Cases, 614						
Missing Units 11						

TABLE 42 RELATIONSHIP BETWEEN PRESENCE OF SENTENCING MECHANISM AND RECIDIVISM, CONTROLLING FOR VERIFICATION STATUS, VERA CASES.

Recidivism	Vera Mechanism					
	Fully Verified	Not Verified	Family Ties Verified	Occupation Verified	No Attempt To Verify	No Data
	No. %	No. %	No. %	No. %	No. %	No. %
Rearrested	18 17.5	30 37.5	18 38.3	3 15.8	13 39.4	10 45.5
Not Rearrested	85 82.5	50 62.5	29 61.7	16 84.2	20 60.6	12 54.5
Total	103	80	47	19	33	22
Total Cases, 304						
Missing Units	4					

actual sentence. If, among these cases, Vera achieved the same or lower prison sentence rates without undue added risk in terms of recidivism, then although the second hypothesis was not upheld in total, some gains could still be claimed in those categories where Vera was concentrating its efforts.

The recidivism rates shown in Table 2⁹ present the results of this analysis. Several facts may be noted. First, the cases in which Vera may claim some success in terms of prison sentence rates are harder cases. The overall percentage of cases receiving prison sentences in these categories is much higher for both Vera and non-serviced cases than in categories in which Vera does not do as well.

Second, 80 percent of all Vera cases included in this part of the analysis occurred in categories in which Vera appeared to make gains in terms of non-prison sentences, while 67 percent of non-serviced cases did so.

Third, Table 43 analyzes only those cases for which the actual sentence corresponded with the recommendation Vera had submitted. In 65 percent of the correspondence cases, in which Vera had a higher rate of non-prison, Vera submitted an F.I.O. and the judge sentenced the defendant to prison. In 35 percent of the cases, Vera recommended non-prison and the judge gave a non-prison sentence. On the prison

TABLE 43 CASES IN WHICH VERA RECOMMENDATION AND ACTUAL SENTENCE CORRESPOND, BY PRESENCE OF MECHANISM AND SUB-TOTALS OF TYPES OF CASE, CONTROLLING FOR RECIDIVISM

	<u>Vera Mechanism</u>			
	<u>Total Numbers of Corresponding Recommendations & Sentences Recom.</u>	<u>Rates of Recommendation and Sentences: Prison Cases Recom.</u>	<u>Rates of Recommendation and Sentences: Non-Prison Cases Recom.</u>	<u>Sub-totals of Types of Case</u>
Sub-total of types of case with Prison rates same or better for Vera	196	.65	.43	.35 .22
Sub-total of types of case with Prison rates not as good for Vera	48	.25	.25	.75 .08
		<u>No Mechanism</u>		
Sub-total of types of case with Prison rates same or better for Vera	170	.89	.38	.11 .17
Sub-total of types of case with Prison rates not as good for Vera	85	.11	.22	.89 .16

Note: Sentence rates are based on the total numbers of sentences; recidivist rates are based on the sub-totals of prison sentences and of non-prison sentences.

side, the recidivism rate was 43 percent, on the non-prison side, 22 percent. Among non-serviced cases, ^{in the same categories} 89 percent received prison sentences and 11 percent received non-prison sentences. Recidivism rates for the non-serviced cases were 38 percent and 17 percent respectively. In other words, percentagewise fewer cases received prison sentences on the Vera side without undue added risk.

Fourth, among cases in which Vera did not do as well as non-serviced cases in terms of percentage of prison sentences, its recidivism rates ~~was~~ ^{was} lower *for those not sentenced to prison.*

While numerical gains in terms of non-prison dispositions based on these percentages were not dramatic, nevertheless, when considered in terms of annual numbers of similar cases flowing through the Courts in New York City, the gains could be significant. It remains for Vera to consider why it did not do as well in the remaining categories, representing 'waiver' cases and '4 or more weeks' cases, neither of which were in custody on day of sentencing.

Evaluation of the Vera Short Form Investigation

Mechanism

The Vera sentencing mechanism included a set of guidelines (See Appendix 2) that were used by staff members to assist them in making recommendations to the judge regarding sentencing. The guidelines were initially devised to reflect general sentencing patterns of the Criminal Court when certain information about the defendant was known.

The guidelines were composed of 46 items indexing four variables: family ties; employment status; circumstances of the present offense; and prior record.⁸ These indices were presumed to comprise a scale of mutually exclusive items for each variable according to criteria judged to be relevant to the Court's sentencing decisions. The items were weighted on a numerical but nominal basis. A total score based on sub-scores for each of the variables could range from plus eleven to minus four.

Recommendations were based upon cutting the scale into five parts as indicated in the following table.

⁸ See Appendix 2 for a statement including the Guidelines and procedures related to their administration.

TABLE 44 RELATIONSHIPS BETWEEN VERA GUIDELINES SCORES
AND SENTENCING RECOMMENDATIONS

<u>Score Range</u>	<u>Recommendation</u>
-4 to -1	"For Information Only," tantamount to prison.
-1 to +1	Specific Conditional Discharge to Narcotics or Alcoholic Program if appropriate; otherwise, F.I.O.
+2	"For Information Only" or supervised discharge at the discretion of Vera.
+3 to +6	Supervised discharge
+7	Supervised or unsupervised discharge, at the discretion of Vera.
+8 to +11	Unsupervised discharge.

The guidelines were analyzed in a variety of ways in terms of their relationship to actual sentence and recidivism. Items were studied separately and then combined into separate empirically-based scales using first sentence and then recidivism as criteria. Total scores were observed in terms of their relationship to recidivism and sentence.

Other variables not included in the guidelines were considered for inclusion depending upon their appropriateness in terms of sentencing patterns and recidivism. The findings of the guidelines analysis follow.

Each guideline item was tabulated against actual sentence and recidivism. Any item not represented by at least ten cases was not considered appropriate for analysis. It was also decided to include only items that were verified since the verification procedure itself often disclosed invalid information. Positive responses to verified items were not as extensive as had been anticipated. Thus, only 16 out of 46 possible items were suitable for analysis. This did not mean that the other items were not relevant on some basis but simply that their utility could not be adequately judged.

The array of data in Table 45 indicates that there was a relationship between the items as weighted and the judge's decision to give a prison sentence. The actual percent of prison sentences associated with the various items represented a very broad range; from about 5 percent to about 97 percent. (Fifty-six percent of all Vera cases received prison sentences). The items broke cleanly on the Table between prior record items and social history items.

The occupational items did not seem to warrant as much score differentiation as was provided for in the Guidelines. The family ties items, on the other hand, did. (It was pointed out earlier that both occupational status and marital status were related to both

TABLE 45 RANKING OF GUIDELINE ITEMS BY PERCENT RECEIVING
A PRISON SENTENCE.

<u>Item</u>	<u>Point Value</u>	<u>Prison Sentence</u>		<u>Re-arrests</u>		<u>No. of Cases</u>
		<u>Rank</u>	<u>Percent</u>	<u>Rank</u>	<u>Rate</u>	
Present job, 3 months	+2	1	4.8	2	14.3	21
No arrest ever	+4	2	16.9	6	16.9	65
Lives with spouse	+3	3	23.5	8	20.6	68
Present job, 1 year or more	+4	4	25.0	3	15.9	44
Present job, 6 months	+3	4	25.0	1	8.3	12
Lives with children	+2	6	30.4	7	18.8	21
No Convictions	+3	7	30.5	4	16.3	118
Supports children	+2	8	36.5	9	21.2	85
Lives with parents	+2	9	43.2	14	38.7	44
Supports parents	+2	10	47.1	13	35.3	17
1 misdemeanor, last 8 years	0	11	50.8	11	31.1	61
2 misdemeanors, any time	-1	12	63.3	15	43.3	30
1 felony, any time	-2	13	77.8	5	16.7	18
3 misdemeanors, any time	-2	14	81.8	10	27.3	22
4 misdemeanors, any time	-3	15	83.3	12	33.3	12
4 misdemeanors, last 12 years	-4	16	97.2	16	47.2	36

Note: Items where less than 10 cases were present were omitted from the analysis.

actual sentence and recidivism. Fully employed people and married people received fewer prison sentences and recidivated less).

In the case of 'living with' or 'supporting parents' both in terms of sentence and subsequent recidivism, the items appeared to be receiving too high a weight. It would appear that the family relationships which were most important in terms of sentencing patterns and recidivism were with spouses and children.

Prior record items were related to sentencing patterns in a relatively uniform way. The more extensive the prior records, the higher the percentage of prison sentences.

There were not enough data to evaluate clearly whether Vera's procedure of using a cut-off point of 8 years in terms of several prior record items was useful. However, the significance of the time span of prior record is illustrated by ^{the} last two items, '4 misdemeanors any time,' and '4 misdemeanors during the past 12 years.' Both in terms of actual sentence and recidivism, there was a difference. Also as was pointed out earlier the time between present conviction and last prior arrest was related to recidivism and sentence. This suggests that prior record must be assessed in a variety of ways which include not only the raw number of prior convictions, but the intervals

between convictions or arrests and the total time span of criminal record as well.

The array of items in Table 46 indicates that the relationship between guidelines and recidivism was not clear-cut. The main variations occurred among the various misdemeanor conviction items, the felony conviction item, and the non-immediate family ties items. The "2 misdemeanor" category was more associated with recidivism than either the "3" or "4" category. The "1 felony" category was associated with recidivism at about the same percentage level as "no prior record" and "no convictions."

The three occupational items topped the list in terms of their negative relationship to recidivism.

It is evident that, while there was some relationship between item rankings in terms of the two criterion variables (sentence and recidivism), it was hardly on a one-to-one basis.

Four other factors not included in the scoring procedure that were included in the Vera Guidelines questionnaire displayed a relationship between sentence and recidivism. They

TABLE 46 RANKING OF GUIDELINE ITEMS BY RE-ARREST RATES
DURING A SIX-MONTH-TIME-AT-RISK.

<u>Item</u>	<u>Point Value</u>	<u>Prison Sentence</u>		<u>Re-arrests</u>		<u>No. of Cases</u>
		<u>Rank</u>	<u>Percent</u>	<u>Rank</u>	<u>Rate</u>	
Present job, 6 months	+3	4	25.0	1	8.3	12
Present job, 3 months	+2	1	4.8	2	14.3	21
Present job, 1 year or more	+4	4	25.0	3	15.9	44
No Convictions	+3	7	30.5	4	16.3	118
1 felony, any time	-2	13	77.8	5	16.7	18
No arrest ever	+4	2	16.9	6	16.9	65
Lives with children	+2	6	30.4	7	18.8	21
Lives with spouse	+3	3	23.5	8	20.6	68
Supports children	+2	8	36.5	9	21.2	85
3 misdemeanors, any time	-2	14	81.8	10	27.3	22
1 misdemeanor, last 8 years	0	11	50.8	11	31.1	61
4 misdemeanors, any time	-3	15	83.3	12	33.3	12
Supports parents	+2	10	47.1	13	35.3	17
Lives with parents	+2	9	43.2	14	38.7	44
2 misdemeanors, any time	-1	12	63.3	15	43.3	30
4 misdemeanors, last 12 years	-4	16	97.2	16	47.2	36

Note: Items where less than 10 cases were present were omitted from the analysis.

are as follows:

TABLE 47 . . . RELATIONSHIP BETWEEN NON-SCORED GUIDELINES FACTORS
AND BOTH PRISON SENTENCES AND RECIDIVISM

<u>Item</u>	<u>Prison</u>		<u>Recidivism</u>		<u>No. of cases</u>
	<u>rank</u>	<u>percent</u>	<u>rank</u>	<u>percent</u>	
1. union membership	1	33%	1	19%	(54)
2. contact w. community agency	2	46	2	24	(72)
3. honorable discharge	3	49	3	26	(47)
4. welfare recipient	4	74	4	34	(50)

These items, however, would be difficult to verify on the spot, and their meaning was somewhat diffuse. If these or similar items were introduced into the scoring procedure they might create some overlapping in which more than one item would be used to indicate the same variable. The clearest case of this would be union membership which would probably be strongly associated with steady employment.

The same problem was created by the possible introduction of the presence of a drug-related offense. The data indicated that drug related offenses were associated with recidivism in some way but it was not clear whether it was simply the accumulation of a long record or whether the nature of the record was more important. One item, the results of a Court

ordered medical examination to determine the presence of narcotics use, appeared to be important for consideration because when the physician found positive indication of drug presence, the recidivism rate for these offenders was 54 percent. On the other hand, whether the results of the medical exam were positive or negative did not appear to dramatically influence sentencing decision in terms of prison disposition.

Modification of Vera Guidelines

The research design indicated that an effort would be made to modify the guidelines so that they would correspond more closely to patterns of sentencing and recidivism.⁹ This was done by establishing new criteria based upon research and to rescore a number of cases ex post facto, to test the new criteria. The following modifications were made for testing

⁹ See Appendix-for a statement of the original guidelines items and their scoring values.

purposes.

1. Family ties items were collapsed to include only the following items and scores.

- a) Lives with spouse. (+3)
- b) Supports children, with or without supporting another family member. (+2)
- c) Lives with children, with or without another family member. (+2)

The other family ties items were discarded ^{either} because there were not enough data to analyze them or because where data were available, they did not indicate that the items would be of use in the modification. For example, "living with parents" was associated with a prison sentence rate of 43 percent and a recidivism rate of 39 percent; a profile hardly worth two positive points in scoring a case. (It was also felt that a reduced number of items would speed up the verification process.)

2. Occupational Status items were collapsed to include a single item; "employed full-time, regardless of the duration of the job." This item was allocated +4 points. The data indicated that full-time employment, regardless of duration, was strongly associated with both low prison

sentence rate and low recidivism rate. Elaborate distinctions regarding duration of employment appeared to be of little value.

3. Circumstances of present arrest items were excluded from the re-scoring because of very limited data with which to make any kind of judgment.

4. Prior record items were left as is, because of their relatively consistent relationship to both sentencing patterns and recidivism.

5. Two new items were added which correlated with both sentencing patterns and recidivism. These items were,

a) Time ^{to} ~~from~~ present conviction ^{since} last prior arrest, "less than six months". The recidivism rates among these cases was 53 percent. The prison sentence rate was 83 percent.

b) Presence of a positive finding on a Court ordered medical examination to determine presence of narcotics use (C-6 form). The recidivism rate among ^{these} ~~these~~ cases was 71 percent. (The number of cases available for analysis was, as noted, rather small).

Each of the two new items received a score of minus one. The outcome of the ex post facto rescoring follows.

Three subsets of cases were used in the rescoring procedures; fully verified cases, cases in which only family ties had been verified, and cases in which only occupational status had been verified. (Cases which has not been verified at all were excluded from the analysis, for the reasons that the data were either not available or were not reliable.)

Among fully verified cases under the old scoring system, 84 cases (82 percent) qualified for a definite non-prison recommendation. Under the new scoring system, 90 cases (88 percent) qualified for a definite non-prison recommendation. Under the old system, 17 percent of the cases qualifying for a non-prison recommendation actually received a prison sentence. Under the new system, there were 22 percent actually receiving a prison sentence. Recidivism rates for these cases were practically identical (15 percent and 14 percent respectively.) Thus, in the non-prison recommendation category, the new system yielded slightly more non-prison recommendations with no added

risk.¹⁰ (See Table 48).

Under the old scoring system, seven cases (7 percent) qualified for the "plus two" optional "information only"/non-prison recommendation. Under the new scoring system, eight cases so qualified. The recidivism rate under the new system was substantially higher but represented a shift of only two cases.¹¹

10 While the apparent correlation between recommendation and actual sentence diminished on an ex post facto basis (from 17 percent to 22 percent prison), it must be remembered that, in reality, the judge was not given said recommendation. Whether the nominal 5 percentage point difference would persist in reality or whether Vera's recommendation would influence the judge in the direction of a non-prison sentence for these few cases cannot be demonstrated with the data available for analysis.

11. In this section of the analysis, it must be noted that there were several points at which very few cases were available for analysis. At these points it would be presumptuous to leap to conclusions and it would seem more prudent to view the outcomes as very tentative in nature.

TABLE 48. FULLY VERIFIED CASES OLD AND NEW SCORING SYSTEMS, RECOMMENDATION, SENTENCE AND RECIDIVISM.

<u>Recommendation</u>	<u>Cases</u>		<u>Prison</u>		<u>Recidivism</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>Old System</u>						
plus 11 to plus 3, non-prison	84	.82	14	.17	13	.15
plus 2, optional	7	.07	5	.71	1	.14
plus 1 to minus 4, information only	<u>11</u>	.11	<u>8</u>	.73	<u>3</u>	.27
Total Cases	102		27		17	
<u>New System</u>						
plus 11 to plus 3, non-prison	90	.88	20	.22	13	.14
plus 2, optional	8	.08	4	.50	3	.38
plus 1 to minus 4, information only	<u>4</u>	.04	<u>3</u>	.75	<u>1</u>	.25
Total Cases	102		27		17	

In the F.I.O. category under the old scoring system, 11 cases qualified for this recommendation. Under the new system, 4 cases so qualified. The recidivism rates under both systems were nearly identical. (See Table 48)

Among fully verified cases then, it would seem that the new system, while slightly increasing risk of recidivism in the optional category where there were very few cases, allowed more non-prison recommendations with no added risk. The added advantage, of course, was that the new system reduced the number of items that workers would have to verify.

It is also noted that among the fully verified cases included in Table 48 , only 26 percent actually received prison sentences and only 17 percent were actually re-arrested during the six month time-at-risk.

Among cases where only family ties items were verified, under the old scoring system, 20 cases (43 percent) qualified for a definite non-prison recommendation. Under the new scoring system, 17 cases (36 percent) so qualified. As Table 49 shows, the general recidivism rate for these 47 cases was high; 53 percent. Notably, the actual prison sentence rate was somewhat under the average for all cases included in the Vera sample, 53 percent. Given a slight shift on the part of the new system in the direction of less non-prison recommendations,

it still must be said that neither system took enough account of the pervasively high rate of recidivism among these cases. (See Table 49).

On the other hand, in cases where only occupational status was verified, a very different picture emerged. Although the number of cases was quite small (19), the facts were most interesting. Under the old scoring system, only 42 percent were qualified for a definite non-prison recommendation. Thirty-seven percent actually went to prison. Under the new scoring system, 63 percent qualified for a non-prison recommendation. (See Table 50)

The emphasis in the new scoring system upon any kind of full-time employment receiving four positive points as opposed to the several qualifications involved in the old system, was apparently well-founded. Only 16 percent of these cases recidivated.

On the face of it, it would appear that a person with some kind of full-time employment may be a good risk in terms of recidivism. (it is entirely possible that further modification of guidelines should give even more weight to the positive influence of full-time employment status.)

There were 29 cases which contained the fact that the offender had suffered his last prior arrest less than six months ago. Since this was an additional item in the new guidelines

TABLE 49 CASES IN WHICH ONLY FAMILY TIES ARE VERIFIED,
 OLD AND NEW SCORING SYSTEMS, RECOMMENDATION,
 SENTENCE AND RECIDIVISM

<u>Recommendation</u>	<u>Cases</u>		<u>Prison</u>		<u>Recidivism</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>Old System</u>						
plus 11 to plus 3, non-prison	20	.43	9	.45	11	.65
plus 2, optional	8	.17	4	.50	5	.68
plus 1 to minus 4, information only	<u>19</u>	.40	<u>12</u>	.63	<u>9</u>	.47
Total Cases	47		25		25	
<u>New System</u>						
plus 11 to plus 3, non-prison	17	.36	7	.41	9	.53
plus 2, optional	9	.19	6	.67	6	.67
plus 1 to minus 4, information only	<u>21</u>	.45	<u>12</u>	.57	<u>10</u>	.48
Total Cases	47		25		25	

TABLE 50 CASES IN WHICH ONLY OCCUPATIONAL STATUS IS
 VERIFIED, OLD AND NEW SCORING SYSTEMS,
RECOMMENDATION, SENTENCE AND RECIDIVISM.

<u>Recommendation</u>	<u>Cases</u>		<u>Prison</u>		<u>Recidivism</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>Old System</u>						
plus 11 to plus 3, non-prison	8	.42	1	.13	1	.13
plus 2, optional	3	.16	3	1.00	0	.00
plus 1 to minus 4, information only	<u>8</u>	.42	<u>3</u>	.38	<u>2</u>	.25
Total Cases	19		7		3	
<u>New System</u>						
plus 11 to plus 3, non-prison	12	.63	3	.25	1	.08
plus 2, optional	2	.11	0	.00	1	.50
plus 1 to minus 4, information only	<u>5</u>	.26	<u>4</u>	.80	<u>1</u>	.20
Total Cases	19		7		3	

system, some comment is required.

Under the old scoring system, 59 percent of these cases received a non-prison recommendation. Coincidentally, the rate of non-prison sentences and the recidivism rate were also 59 percent. Under the new scoring system only 44 percent of the cases received a non-prison recommendation but 69 percent of these received a sentence of prison. The recidivism rate among these cases was 54 percent. (See Table 51

In summary it would seem that the new guidelines, tested by ex post facto analysis, demonstrate that occupational items may be collapsed as indicated. In addition, it is evident that when only family ties items are verified, caution should be exercised regarding a non-prison recommendation due to high recidivism rate within this category of cases. The category including only occupational status verified does not appear to warrant such caution.

Data regarding the two additional items must be judged conservatively because they were represented by a relatively small number of cases.

TABLE 51. CASES IN WHICH LAST PRIOR ARREST WAS LESS THAN 6 MONTHS AGO; OLD AND NEW SCORING SYSTEM, RECOMMENDATION AND SENTENCE, AND RECIDIVISM.

<u>Recommendation</u>	<u>Cases</u>		<u>Prison</u>		<u>Recidivism</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>Old System</u>						
plus 11 to plus 3, non-prison	17	.59	10	.59	10	.59
plus 2, optional	1	.03	1	1.00	0	.00
plus 1 to minus 4, information only	<u>11</u>	.38	<u>9</u>	.82	<u>3</u>	.27
Total Cases	29		20		13	
<u>New System</u>						
plus 11 to plus 3, non-prison	13	.44	9	.69	7	.54
plus 2, optional	8	.28	4	.50	5	.63
plus 1 to minus 4, information only	<u>8</u>	.28	<u>7</u>	.88	<u>1</u>	.13
Total Cases	29		20		13	

Evaluation of the Community Referral System

In the initial design it was stated that an attempt would be made to develop data-collecting instruments to explore certain aspects of Vera's community referral mechanism. The referral part of the project has been modified to the extent that it has not been possible to complete the research. Instead of making referrals to a variety of community-based agencies, Vera has decided to deal with a single agency, Volunteer Opportunities Incorporated (V.O.I.)

At the point in time when the research team was prepared to work out instrumentation, the V.O.I. program had not had adequate opportunity to stabilize itself in terms of its procedures.

The Volunteer Opportunities Incorporated Program (hereafter referred to as V.O.I.) works with misdemeanor offenders to assist them in re-structuring their lives in a community based program. The program works out of a center located adjacent to the Bronx Criminal Court House where many of its cases originate. It has been located there since the inception of its program in June, 1969.

Candidates for the program are offenders who have been convicted of printable misdemeanors so defined by the New York State Penal Code. The cases are normally first contacted

by the Vera Institute of Justice Bronx Sentencing Project.

(The Vera and V.O.I. programs are complementary in terms of their concern with the sentencing alternatives available to the judges in the Bronx Court, and the disposition of offenders into viable non-prison alternatives.)

INTAKE:

The intake process is usually initiated by Vera through its sentencing mechanism. Under certain conditions, Vera will recommend that the offender be placed in its custody and enrolled in the V.O.I. program. There are basically two ways in which this may occur.

1) The Formal Parole Method.

After the Vera interview with the offender has been verified, if he scores between 0 and 6 points on the guidelines, he is recommended for parole in Vera's custody for entrance into the V.O.I. program on a one month adjournment basis prior to sentence. There are 4 conditions related to his acceptance in the program. One, he must not show evidence of ^{hard core} drug addiction. Two, he must be geographically accessible to the program, most often meaning residence in the Bronx. Three, the facilities of the program must have the capability of accepting him. To date the program has been able

to take all qualified referrals. Four, his entry into the program must be by virtue of his own consent and that of his counsel. If, at the end of one month the offender is judged to be responsive to the program a longer adjournment is requested of the judge. It is possible for an offender to remain in the program for a relatively indefinite time on this basis.

2) The Temporary Case Method

In the case of the convicted offender who is awaiting sentencing on a bail or parole basis, after the Vera screening, he may enter the V.O.I. program without a formal adjournment procedure occurring, on a temporary basis between conviction and sentence. If he is judged to be responsive to the program, a recommendation is made that his case be adjourned on a long range basis for work in the program.

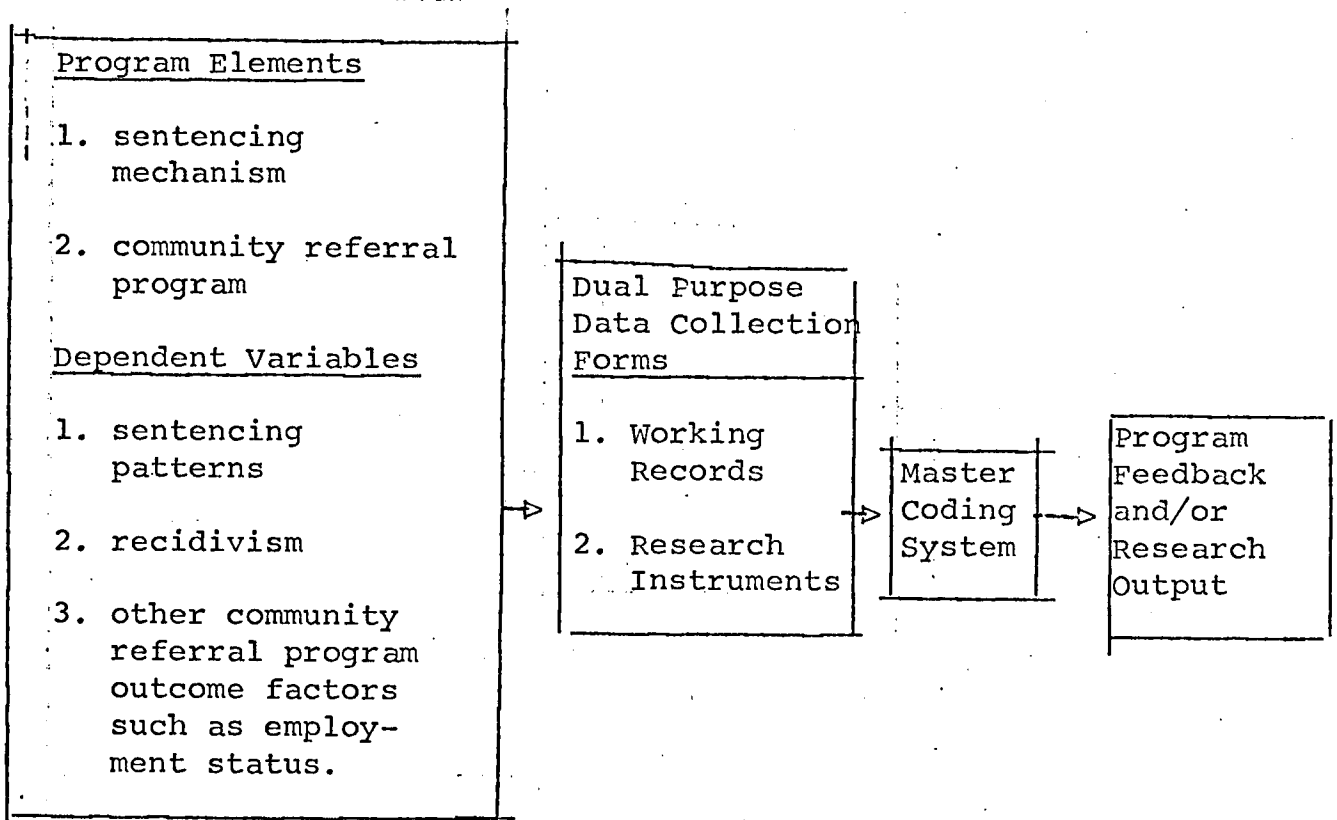
The V.O.I. program works with community resources to meet the problems of rehabilitating offenders. Since offenders are related, at least residentially to the local community it is held that it would be partly through community development activity that the offender would best be assisted. The interaction of various populations in the community then becomes an

agent of community development wherein one goal would be to generate a network of locality-based resources that could be led to work cooperatively to alleviate the problem of crime both at the level of rehabilitation and prevention. Thus, the V.O.I. program uses a variety of approaches to help the offender. These are combined in a network of activities which include group encounter, individual counselling, job guidance and placement, and family and community related supporting work.

The Establishment of a Management and Research

Information System

One of the goals of this study was for formulate a system whereby the program could be monitored on a continuing basis. The system was devised following the initial proposal as shown in the following diagram.



A document has been turned over to the Vera staff for their evaluation and modification which is essentially a master ^{information} ~~coding~~ system that is pre-coded. As staff begin to use this form (or a modified version of it), information will be accumulated in such a way as to make monitoring on a continuing basis possible. The main area of up-dating required in the form as it now exists would be the incorporation of whatever program changes have been or will be made in the interim. A copy of the coding system is found in Appendix 3.

APPENDIX ONE

The Research Process

The process of establishing a body of data for analysis is frequently complex and sometimes intriguing. This study has provided the research team with both a challenging and stimulating experience. Attempting to penetrate the meaning of a matrix of various institutional processes inevitably produces for the researchers various problems of method and field work which require some consideration in the final report. In this appendix the process of establishing a body of data for analysis is described in some detail. It is hoped that this description will help to provide an information base for possible further research.

This appendix is divided into eight sections; selecting cases for research, documents from which data were gathered, data collection, prison release dates, missing sources of data, coding procedures, case loss, and data processing.

Selecting Cases For Research

The first step in the research consisted in defining the universe of Vera cases which would be studied. All cases in which a presentence report was submitted by the Bronx Sentencing Project from July 15, 1968 to February 28, 1969, were defined as the Vera universe, with the exception of cases convicted only of violations, or of prostitution or gambling misdemeanors. These exceptions involved a small number of cases which Vera had accepted upon special request from a judge, but which fell outside Vera's usual criteria of acceptance. Vera's own policy was to accept only printable misdemeanor convictions which had been arraigned in part 1A of the Court.¹² Also excluded from the research by definition, were some cases which had been convicted and interviewed by Vera but which had not been sentenced during the research time period which ended on February 28, 1969. Such cases may have been sent by the Court for Narcotics examinations or may have failed to appear in court at the time of sentencing.

¹² Printable charges include felonies and a group of serious misdemeanors listed in section 552 of the New York State Code of Criminal Procedure. Part 1A of The Bronx Criminal Court arraigns printable charges, with the exception of gambling and prostitution charges, which, although fingerprintable, are arraigned in part 1B.

Once this definition had been decided upon, the Vera cases interviewed within the research time period were looked up in the docket books to ensure that they met the definition of a researchable case. The exact offenses of conviction were checked, as well as dates of conviction and of sentencing. Identifying data such as the spelling of names and the docket numbers were also verified. At first, the outside limit to the research time period was set at January 15, 1969, but only 289 researchable Vera cases fell within this time period. Consequently, it was decided to extend the time period to February 28. There was a risk involved in this decision. It was not certain that all cases sentenced to prison at the end of February would be released in time to allow a six-month time-at-risk to pass before we requested an updated criminal record from the New York State Identification and Intelligence System and from the New York City Police Department Bureau of Criminal Identification. However, based on experience it was judged probable that all cases would be released from prison before June, 1969. As it turned out, only two cases were subsequently dropped from the samples because of this problem. By extending the time period, we brought the total number of researchable Vera cases to 344.

The next step was to draw a researchable universe of non-Vera cases to use as a control group. The same criteria for inclusion in the research were applied to the non-Vera as had been applied to the Vera cases. Included were all non-Vera cases which had been convicted and sentenced, within the time period, on a printable charge, after arraignment in part 1A of the Court.

While all our research cases had been arraigned in part 1A, they were sentenced in other parts of the Court. Therefore, to find non-Vera cases sentenced within the time period, the Court calendars of all parts of the Court from July 15 to February 28 were read. Special data forms were used to record eligible non-Vera cases. All cases sentenced within the time period were recorded, along with all identifying data available in the Court calendars. More than 1700 calendar entries were recorded by the research staff. Each part of the calendar was read and then re-read by a second staff person. These non-Vera cases were then checked in the docket books, as the Vera cases had been, to ascertain the exact offense of conviction and exact dates of conviction and sentencing, as well as to double check identifying items such as the spelling of names and docket numbers. Thereafter, the non-Vera cases were

transcribed onto index cards and matched alphabetically and numerically to eliminate duplicate calendar entries, to remove any remaining Vera cases erroneously included in the non-Vera universe, and to group multiple dockets involving the same individual. Also, from the calendars and docket books, cases were identified for which the judge had ordered an 'Investigation and Sentence' report from the Office of Probation. These cases were to be analyzed separately in our research.

After cases had been checked in the docket books and matched on index cards, there remained a non-Vera universe of 716 eligible cases. The Fordham University computer center supplied 344 numbers randomly selected out of a field of 716, giving a 48 percent sample. The random sample of the non-Vera universe was then drawn. This sample equalled the size of the Vera universe. The completion of this part of the work, therefore, left a universe of 344 Vera cases and a random sample of 344 non-Vera cases.

Some problems incurred while selecting cases for research are worth explaining in greater detail. Before beginning to read calendars and docket books, a separate study was made of the abbreviations used by court clerks and of some handwriting idiosyncracies appearing in the documents. The court clerks

themselves were frequently consulted when clarifications were needed. Furthermore, it was soon learned that the court calendars did not always contain correct docket numbers or the correct spelling of names, nor did they contain the year of arraignment. It was especially difficult to locate a number in the docket books without knowing the year of arraignment since these books are arranged by year, then by number, and the same numbers recur year after year. Some cases recorded in the calendars as having been convicted within our time period could not be located either in the docket books or the court papers. In such cases, the name book was studied in an attempt to retrieve the correct docket numbers. Name books record arraignments by year, alphabetically, and then by docket number. Some cases were properly identified through the name books, while others were fortuitously found after some imaginative re-ordering of digits in the docket number or of letters in the name. However, a few cases remained 'lost dockets' and could not be included among the research cases due to their faulty identification in court calendars.

Another problem concerned multiple dockets for the same individual. It was decided to study individual offenders rather than individual docket numbers. This decision brought

with it two problems. Individuals had to be positively identified before their multiple dockets could be grouped. Also, decisions had to be made as to which docket of a multiple group would be considered the present research case and which would be considered part of either the individual's past record or recidivist record.

The first of these problems, the positive identification of individuals, was solved by collecting from court papers, the 'B' numbers used by the New York City Police Department Bureau of Criminal Identification and the NYSIIS number used by the New York State Identification and Intelligence System. Cases which lacked both these numbers were identified through dates of birth, addresses, and the details of their court proceedings such as charges at arrest, the arresting officer, offenses at conviction, dates of arraignment, conviction and sentencing, the disposition, or the name of the judge. Given whatever data we possessed on individuals, NYSIIS ran a name check in their name files on all cases which we had not positively identified through 'B' numbers and NYSIIS numbers. In this way, almost all cases were positively identified. Cases not positively identified could not be matched for multiple dockets, nor could a criminal record be obtained for them

from NYSIIS or BCI.

The problem of assigning the individual dockets of a multiple set to a defendant's present case, prior record, or recidivist record was settled by a simple rule of thumb. For both Vera and non-Vera offenders, the first of their cases to occur after July 15, 1968, was considered their 'present case.' All subsequent cases, even if they fell before the cut-off date for accepting cases into the research series, were considered part of the individual's recidivist record. This rule of thumb became more complicated because a case had to be both convicted and sentenced within the research time period. The complete rule for multiple dockets was to consider the first case convicted after July 15 as the individual's present case, regardless of the order in which his cases were sentenced. Occasionally, an individual with two dockets had both of them disposed of at the same hearing, so that only one sentence was recorded for both dockets. In such cases, the sentence was treated as if it had been separately imposed on each docket.

Another problem in selecting cases for research was to apply the double time criteria of conviction and sentencing dated to both the Vera and the non-Vera universe. The Vera universe had been collected according to interview dates which

fell on or just after the conviction dates. The non-Vera universe had been collected from the court calendars according to sentencing dates. This meant that the Vera universe was precisely defined at the July 15th end of the universe, but needed to be defined by sentencing dates at the February 28th end. The non-Vera universe had a precise definition by sentencing date at the February 28th end, but needed to have the conviction dates of its early cases brought within the July 15th time period. Both of these tasks were accomplished after obtaining from the docket books the missing dates of sentence for Vera cases and the missing dates of conviction for non-Vera cases. Conviction dates were not explicitly recorded in the docket books, but had to be inferred by reading the last adjournment date before the date of sentencing, or by reading the sentencing date of cases which waived the right to a 48 hour adjournment between conviction and sentence.

Since the double criteria of conviction and sentence within the time period was to be applied, it was decided to further assure the comparability of Vera and non-Vera cases by using a double cut-off time for the end of the research series. February 15th was set as the outside limit for the date of conviction on all cases, while February 28th remained the