

# NASSAU COUNTY PROBATION DEPARTMENT

## CRIME, CRIMINAL JUSTICE AND PROBATION IN 1989

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**NASSAU COUNTY PROBATION DEPARTMENT**

**CRIME, CRIMINAL JUSTICE AND PROBATION**

**Preliminary Analysis of Selected Programs  
in the Criminal Division for 1989, including  
a Review of Some of the Major Issues,  
Trends and Problems in Criminal Justice**

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## INTRODUCTION

This report consists of two principal parts. Part one will include a review of some of the major issues, trends and problems in criminal justice, with a special focus on probation in the 1980's. The second part, beginning on page 39 with a summary, will present the results of a preliminary analysis of currently available annual data covering selected programs in the Criminal Division for the year 1989. Using a comparative analysis methodology, the findings and conclusions for 1989 are compared with those for 1988, and, for some areas, with the past seven years. In addition to the descriptive narrative, tables and graphs are also included. The analysis and the results therefrom are expected to contribute in some measure to the following objectives:

1. Identify significant changes in programs or services.
2. Reveal patterns or trends which could impact on programs in the future.
3. Measure organizational efficiency and effectiveness.
4. Anticipate problem areas.
5. Relationship of the findings and conclusions to organizational goals and objectives.
6. Relationship of the findings to social problems or forces external to the Probation Department.

### CRIME, CRIMINAL JUSTICE AND PROBATION IN 1989.

As in previous years, the major focus of this report is on the programs, services and activities of the Criminal Division for 1989. However, it should prove helpful to both a better understanding of the results of this analysis and to place in perspective the findings and conclusions therefrom, to briefly review some of the issues, trends and problems on the national, state and community level that have had an impact on probation in the past and could continue to do so in the future.

## **PROBATION IN THE 1980's:** **A DECADE OF CRISIS, STRESS AND CHANGE**

As the criminal justice system enters a new decade, a review of selected issues, trends and problems that have dominated probation in the 1980's should help provide a better understanding of where we have been, where we are and, perhaps, where we are going in the 1990's. In this regard, it is often said that the past is more valuable than the future. One thing is certain, crime and substance abuse will loom large in any future history of the present decade. High levels of crime and the drug abuse epidemic were critical, high-profile public issues during the 1980's, and given its results, the so-called war against these problems is better viewed as a holding-action, or, at best, a limited war.

As the decade of the 80's began, the level of crime was such that criminal justice was confronted with years of rapid growth and higher workloads. Now, as the decade closes, critics have addressed what they consider the imminent "collapse" of the criminal justice system itself. It is becoming more apparent that criminal justice can't control crime. As noted in these reports over the years, we know with certainty that American society and its institutions are generating more criminals than the system can effectively cope with.

A causal explanation for the scope and magnitude of this problem is not without its controversy. Early in the decade, however, a highly perceptive essay appeared to get to the heart of the matter. In the essay,<sup>1</sup> entitled "The Hollowing of America," the writer focuses on Amitai Etzioni's new book "An Immodest Agenda: Rebuilding America Before the Twenty-First Century," and sees that many of our social problems can be traced to the same cause--"widespread search for self-fulfillment is crippling the family, the schools, and other institutions that mediate between the individual and the state." An ego-centered mentality, along with other attitudes that can be traced to the 1960's, has rendered significant damage to the social fabric and the social contract. He sees this manifested in a retreat from work and an inability to defer gratification, a decline in marriage, lack of parenting, and a carelessness about mores, rules and laws. Lack of enforcement further exacerbates the problem by promoting disrespect and social disintegration. The resultant social and economic costs to the United States have been tremendous. A turnaround will not be easy and Etzioni indicates it will require discarding leftover attitudes from the sixties. Obviously, these same attitudes and problems continued to bear fruit throughout the 1980's. Will the 1990's bring more of the same?

1. Time, December 20, 1982.

In 1980, the years ahead for criminal justice and probation were viewed as a time of crisis but also one of opportunity. Observers spoke of the great changes that were at hand for the system. The impetus for change was powered by a fearful and frustrated public and the perceived total failure of the system to prevent or control crime. On the national level, in addition to crime, particularly violent crime, the public's attention also focused on a sick economy with high levels of inflation and unemployment and at the failure of social policies and programs to reduce and control not only crime but also inflation and unemployment. In short, criminal justice and probation, in addition to having to deal with a tarnished image, were now expected to do more with less because of the sick economy.

Also, in 1980, a new administration was preparing to take over the government in Washington and would soon win praise for its major crime control efforts and its tough law-and-order position. Over the course of the decade, however, while these early short-term efforts were viewed as favorable in reducing crime levels, their long-term impact over most of the 1980's were less so. On the other hand, efforts to reduce inflation and unemployment were far more successful.

At the same time, in criminal justice, it was reported that on the national, state and community levels, some of the more critical issues being dealt with include plea bargaining, gun control, diversion and pretrial services, sentencing, death penalty, overuse of prisons, alternatives to incarceration and rehabilitation versus punishment. Although all of these issues touch upon probation, some obviously have greater impact than others. Strict gun control laws, restrictive plea bargaining and mandatory sentences have all resulted in a greater reliance on incarceration. The concept and validity of incapacitation (if offenders cannot be reformed, they can be locked up for longer periods and thereby reduce crime) while still questionable is also leading to more commitments. Not surprisingly, this trend has been abetted by a strong conservative trend across the nation, a general shift to the punishment concept in corrections and the loss of credibility for the rehabilitation or treatment model.

On the state level in New York, the decade began with a growing awareness that while a more effective and efficient criminal justice system was especially critical in this period of crisis, an effort must also be made to counter the public thrust to see the system and probation as convenient scapegoats, when in fact crime is powerfully affected by broad social trends. This point was made clear by the Governor's Advisory Commission on the Administration of Justice (the so-called Lyman Commission) when it noted in both its preliminary report and also the final report in 1982 that although the mission of the criminal justice system is a narrow one, the citizens of New York expect more than they have a right to. Their report, however, focused on deficiencies in the system at that time. It came down hard on the management and coordination of the system and information and data-collection efforts. Using words such as feeble, ineffective, no control, isolation and disaster to

describe present conditions, it offered a series of recommendations to create a real system of criminal justice. The thrust of these recommendations sought to correct the deficiencies noted above through greater centralization of authority and responsibility in the executive branch. Some of these specifics included:

- (1) A statewide criminal justice administrator appointed by the governor (a post filled by the present governor at the close of 1982) who would be responsible for planning, research, program development and coordination.
- (2) A criminal justice policy council with a staff to promote coordination and membership to include top officials from criminal justice. Council to be chaired by the administrator.
- (3) An integrated statewide criminal justice information system.

Given the problems confronting criminal justice at the beginning of the 1980's, the outlook was not encouraging. Criminal justice and probation managers were expected to do more with less. In meeting this challenge, they had to develop new methods and experiment with innovative concepts and programs. As described in subsequent sections of this report, probation more than met the challenge. Now, however, after ten years, the problems according to a number of measures (prison and jail populations, caseloads, and crime rates) have gotten worse.

An assessment made early in the decade may offer some guidance for the 1990's. The present climate for criminal justice agencies continues to be stressful and challenging. In coping with this reality, the shift to greater reliance on incarceration and punishment as the primary solution to the upsurge in crime appeared to pick up further momentum in 1981. In the search for new directions for criminal justice, probation, because of its key pivotal position in the system and as a proponent of multiple-objective programs, must act as a moderating force to counter both simplistic solutions and unrealistic expectations on the part of the community. At the same time, probation, as a social and bureaucratic organization, must counter its own natural resistance to change by developing and experimenting with new and innovative programs.

At the local level in Nassau County, probation met the challenge early in the decade with the development of programs geared to specific problems. This process was to continue throughout the 1980's. Thus, the year 1980 saw the birth of the warrant unit and the revitalization of pretrial services. While the warrant unit activities were to have a significant impact on the overall supervision program and probation violators, pretrial services, through the release-on-recognizance and release-under-supervision programs, made

a major contribution towards reducing overcrowding at the County Correctional Center and the resultant savings therefrom.

The development of subsequent programs to meet other problems continued over the next ten years and ranged from DWI and victim services to ESD and community services, to mention just a few. What will the 1990's bring to criminal justice? The point to be stressed here is that what ever the future holds, the lessons learned over the previous ten years will serve probation well, for the social forces now in place will undoubtedly continue to render damage to society, with predictable results for criminal justice.

Some of the issues, trends or problems that were the focus of attention over the past year or decade are touched upon briefly below.

1. CRIME TRENDS -- For the criminal justice system, crime is our only business and business is good; too good. There are more criminals than the system can effectively cope with. And while resources may not have kept pace with the size of the problem, there appears to be a greater awareness now that while optimum resources are critical, if we are to have quality programs, new approaches may be called for. Thus, faulty causal analyses of crime and criminal behavior can lead to flawed or, at best, short-term solutions that waste resources but do not touch the root causes of crime. It can be observed at the level of the individual offender and higher, at the system level itself, where the focus is on symptoms rather than the larger problem. A good example here is the recent change in the nation's drug strategy whereby greater attention is focused on the demand side because law-enforcement efforts have failed to stop the flow of drugs into the country in the past and will probably have only limited success in the future.
2. THE CRIMINAL JUSTICE RESPONSE -- In order to deliver an optimum criminal justice response to the nation's crime problem, an effective balance must be achieved in the utilization of its probation and correctional systems' resources. Efforts in the past in this regard have met with only limited success. While adequate overall funding is critical, the need for a balanced distribution of resources across the various programs is even more so. Among the issues being dealt with at the beginning of the 1980's, the overuse of prisons, alternatives to incarceration and rehabilitation versus punishment are applicable to this discussion. Now, as we start a

new decade, we see that the 1980's were marked by a shift to an even greater reliance on incarceration and punishment as the primary solution to the upsurge in crime. Despite a massive nationwide building program, however, most state prisons remain overcrowded, and incapacitation, the apparent solution of choice, has had only limited success in reducing crime and recidivism. Moreover, the past decade ended with all correctional systems reporting record levels in 1989.

3. NEW DIRECTIONS FOR PROBATION -- In recent years, every facet of probation has been the subject of study and examination, including its mission, purpose, goals and objectives, methods and programs, the professional status of probation officers and so on, it seems, without end. Reform groups remain active, but they are finding that probation can be hard to define, to pin down because, among other reasons, it is both sentence and organization, and it varies significantly in different parts of the country. In taking a close look at probation, one must be prepared, especially the newcomer, to confront one paradox after another. For example, despite the fact that two-thirds of the correctional population in the United States is managed by probation, it is considered the most misunderstood, the least visible and the most vulnerable segment of the criminal justice system. In terms of priorities, among criminal justice agencies, probation can generally be found in last place. Yet, we are in a period where the public has demanded greater accountability, improved performances and more services while expecting less governmental spending. In short, more with less.
  
4. PROBATION AT MID-DECADE -- As we enter the second half of the present decade, we find the challenges that confronted probation in the first half are still with us. The 80's have created hard times for probation. Long-term social forces, which have radically transformed post-World War II American society, have not been without their negative consequences. One outcome has been high levels of crime which, more recently, has led to severe prison and jail overcrowding. Thus, in the recent past, probation has been in large measure shaped by these issues, as well as a critical and conservative public that views punishment as a sort of magic bullet and incarceration as the only way to administer it. Probation has endeavored to meet this challenge with new programs and innovative changes including, for example, intensive supervision, justice model probation, and electronic in-house detention.

5. IS THE FUTURE OF PROBATION IN ITS PAST? -- It is often said that the past is more valuable than the future. In this same context, we sometimes speak of the past as prologue. Perhaps in these troubled times for probation, we can find some guidance from its past. If so, we must be informed of the persistence of social forces and the slow process of change. A previous report in this series also took note of this process thusly. In the years to come, probation will continue to meet its problems with new methods and programs. However, the need for change must be tempered with the experience and wisdom gained by probation during its over 100 years of existence. In this regard, probation must learn to manage controversy, dissension and debate so as to shape probation and its future from within and on its own terms and not be subjected to the whim of outside forces. In planning for the future, we must not be afraid to assess our past with its successes and its failures. It may be that for probation, the emphasis on quality rather than the new or innovative could, in the long run, produce more effective results.
  
6. PROBATION AND THE INTENSIVE SUPERVISION MOVEMENT -- The decade of the 1980's has been a period of crisis and change for probation. While most observers view the changes as part of a positive reform effort that was long overdue, there are some critics who see probation during this period as being subjected to the whim of outside forces. Thus, instead of probation being shaped from within and on its own terms, strong external issues have provided the driving force for recent changes. Be that as it may, developments during the present decade have resulted in the convergence of forces which have given impetus to a variety of new programs, with intensive supervision probation (ISP) being the centerpiece of this effort, but it also includes home detention or confinement, with or without electronic surveillance, as well as a mix of other alternatives such as community service and restitution.
  
7. THE PROBATION SANCTION -- As we move closer to the start of a new decade, we find one of probation's greatest strengths is the diversity of its programming and the flexibility of its service delivery system. As such, it is a major asset of the criminal justice system but, like an unpolished jewel, often hidden from view. In the past, we have described probation -- despite managing two-thirds of the U.S. Correctional caseload -- as essentially unrecognized, overworked, underfunded, and overcriticized. Now, with probation having reached a higher state of readiness for its mission and, undoubtedly, has achieved the best position in its long history to accomplish its multiple objectives, there is evidence, as noted elsewhere in this report, of a continuing confusion by the public

over the status of probation as a sanction and sentencing option, be it a true alternative to incarceration, or, more recently, as a growing substitute for prison or jail, or as a supplement to incarceration.

The remainder of Part I of this report will review in more detail some of the issues and trends cited above. Accordingly, subsequent sections will include (1) Crime Trends: Are We Losing The War? (2) The Criminal Justice Response: Probation Versus Other Correctional Systems' Resources; (3) New Directions For Probation; (4) Probation At Mid-Decade: The Struggle For Public Recognition And Credibility Continues; (5) Is The Future Of Probation In Its Past? (6) Probation And The Intensive Supervision Movement: Has The Concept Been Oversold? (7) The Probation Sanction: A Major But Unrecognized Asset Of The Criminal Justice System.

### CRIME TRENDS: ARE WE LOSING THE WAR?

For the criminal justice system, crime is our only business and business is good; too good. There are more criminals than the system can effectively cope with. And while resources may not have kept pace with the size of the problem, there appears to be a greater awareness now that while optimum resources are critical, if we are to have quality programs, new approaches may be called for. Thus, faulty causal analyses of crime and criminal behavior can lead to flawed or, at best, short-term solutions that waste resources but do not touch the root causes of crime. It can be observed at the level of the individual offender and higher, at the system level itself, where the focus is on symptoms rather than the larger problem. A good example here is the recent change in the nation's drug strategy whereby greater attention is focused on the demand side because law-enforcement efforts have failed to stop the flow of drugs into the country in the past and will probably have only limited success in the future.

Are we losing the war against crime? A review of some of the crime trends over the past decade would seem to indicate so. Although reported crime trends for the nation, as revealed by the various crime reporting systems, have reported both good and bad news during the 1980's, on balance the unfavorable trends have outnumbered the favorable ones seven to three for the 10-year period. A brief summary of the Uniform Crime Reporting system for the United States reveals that since 1980 there have been seven years of increases and three consecutive years of declines but they occurred early in the decade -- 1982-1984 -- and were followed by five consecutive years of increases. Since 1980, when the Crime Index revealed a total of 13.4 million reported crimes, the low year was 1984 with 11.8 million reported crimes but by 1988 had risen to 13.9 million reported crimes. Moreover, this rising trend appears to be continuing in the last year of the decade, with a further increase reported for the first six months of 1989. Additional crime trends, at the national, state and local levels, are set forth in more

detail below. First, however, some general comments on the reporting systems themselves and some possible explanations for the trends in crime being reported.

Crime statistics -- despite their controversial aspects -- like all statistics, are nothing more than the means of conveying information. In this case, they are vital to a better understanding of the crime problem, for, despite shortcomings, they do monitor the scope and magnitude of crime, as well as provide a measure of the effectiveness of the nation's crime prevention efforts in the fight against crime. Thus, crime statistics and trends provide us with information to measure the impact of crime on both the community and the nation. There are two major sources of crime statistics and trends at the national level. The first and oldest of the two is the Uniform Crime Reports (UCR), which is under the supervision of the Federal Bureau of Investigation and focuses on crimes reported or known to police. The second one, the National Crime Survey (NCS), became operational in 1973 and is under the control of the Bureau of Justice Statistics. This survey adds a new dimension to the nation's crime profile by focusing on victims and households touched by crime in a given year. Thus, it is important not only because it measures selected personal and household crimes, but also, those not reported to the police.

During the 1980's, a major controversial feature of the crime reporting systems has been the contradictory trends between the UCR and the NCS findings, with the UCR reporting increases and the NCS reporting declines for five consecutive years. This was not the case in 1987 and 1988, however, when both systems reported increases in crime. Over the years, another feature of the NCS surveys has been the finding that the majority of all crimes are not reported to the police. However, more recently this nonreporting of crimes, while still high, has declined so that for the most recent year, 36% of NCS crimes have been reported to the police. Thus, current increases in crime trends have been explained by more citizen reporting to police, along with a runaway drug problem and more actual crimes being committed.

A review of the major crime trends at the national, state and local levels, as reported in 1989, reveals, among other things, for the second year in a row an end to the contradictory trends (as noted above) between the UCR and the NCS. First, based on the Uniform Crime Reports (UCR)<sup>2</sup> for the first six months of 1989, in comparison to a similar period in 1988, reported crime increased by 3.0% at the national level. This compares with a 1.0% increase for a similar period in 1988. Also, the overall crime index for reported crime increased by 3.0% in 1988, 2.2% in 1987, 6.0% in 1986 and 5.0% in 1985. There were declines of 3.0% in 1984, 7.0% in 1983 and 3.0% in 1982. To complete the decade, there were increases of 0.1% in 1981 and 9.5% in 1980.

2. Uniform Crime Reports, Federal Bureau of Investigation, U.S. Department of Justice, November 1989.

In short, for the ten-year period, there were seven years of increases and three years of declines. In further regard to the semi-annual increase for the 1989 UCR, the rate of increase varied by crime type -- violent crimes were up by 6.0%, while property crime increased by 3.0%.

Continuing at the national level, the National Crime Survey (NCS) report released in 1989, and which measures crime victimization levels, revealed an increase in 1988, the second since 1981.<sup>3</sup> Overall, the NCS reported a 1.3% increase in crime for 1988, as compared with 1987 (35.8 million versus 35.3 million). This increase in 1988 was similar to the 1.8% increase in 1987 which, in turn, was preceded by five straight years of declines. However, both 1988 and 1987 were below the peak year of 1981 when 41.5 million victimizations were reported. Additional findings in the 1989 report reveal a 3.1% in violent crime (rape, robbery and assault) and personal theft, while the number of burglaries, household thefts and motor vehicle thefts did not change. In sum, the NCS findings report some 600,000 more victimizations in 1988 than in 1987, the second consecutive year for increases, after five straight years of declines.

Closer to home and at the local level for New York State and Nassau County, a review of crime trends reveal an overall upward trend similar to the United States but more so for the State than the County. Thus, during the period 1985-1988, the State had four years of increases while the County had two years of increases and two years of declines. In 1988, based on the Uniform Crime Report Index of offenses, reported serious crime increased by 6.4% in New York State. In Nassau County in 1988, there was a decline of 1.6%. This follows an increase of 3.6% in New York State and an increase of 1.6% in Nassau County in 1987. Also, in 1988, the trends by type of crime -- violent and non-violent or property -- were mixed. In Nassau County, violent crime increased by 5.2%, as compared with a 9.3% increase in New York State. Non-violent or property crime declined by 2.1% in Nassau County and increased in New York State by 5.8%.<sup>4</sup>

More recent UCR<sup>5</sup> data covering the first six months of 1989 also reveal mixed results -- more favorable for Nassau County but less so for the State -- and reflect a 1.7% increase for New York State (4.5% for violent crime and 1.0% increase for property crime) and a 1.1% decline for Nassau County. Table I below contains a detailed analysis for this latter period for Nassau County by type of offense. Although there was an overall decline of 1.1%, violent crime declined by 10.3% while non-violent or property crime declined by a smaller 0.3%.

3. Criminal Victimization, Bureau of Criminal Justice Statistics Bulletin, U.S. Department of Justice, October 1989.
4. Crime and Justice, Annual Report, N.Y.S. Division of Criminal Justice Services, November 1989.
5. Uniform Crime Reporting Program, N.Y.S. Division of Criminal Justice Services, December, 1989.

TABLE I

PART I INDEX OFFENSES REPORTED/KNOWN TO  
POLICE IN NASSAU COUNTY FOR THE  
YEARS JAN.-JUNE 1988 AND JAN.-JUNE 1989

<u>Index Offenses</u>	<u>Jan.-June 1989</u>	<u>Jan.-June 1988</u>	<u>Inc/Dec over Previous Period</u>	
			<u>No.</u>	<u>%</u>
Murder	19	11	+ 8	+ 72.7
Negligent Manslaughter	2	2	0	0.0
Forcible Rape	48	68	- 20	- 29.4
Robbery	676	787	- 111	- 14.1
Aggravated Assault	760	810	- 50	- 6.2
Burglary	3,515	3,598	- 83	- 2.3
Larceny	11,021	11,014	+ 7	+ 0.1
Motor Vehicle Theft	<u>3,923</u>	<u>3,905</u>	<u>+ 18</u>	<u>+ 0.5</u>
Total	19,964	20,195	- 231	- 1.1

TOTAL INDEX OFFENSES CLASSIFIED BY TYPE-  
VIOLENT AND NON-VIOLENT FOR THE  
YEARS JAN.-JUNE 1988 AND JAN.-JUNE 1989

<u>Type Offense</u>	<u>Jan.-June 1989</u>	<u>Jan.-June 1988</u>	<u>Inc/Dec over Previous Year</u>	
			<u>No.</u>	<u>%</u>
Violent	1,505	1,678	- 58	-10.3
Non-Violent	<u>18,459</u>	<u>18,517</u>	<u>- 173</u>	<u>- 0.3</u>
Total	19,964	20,195	- 231	- 1.1

Another perspective on crime trends at the national level can be observed in a report released in 1989, which focuses on households across the country that were touched by crime.<sup>6</sup> The report revealed that the proportion of the nation's households touched by crime in 1988 remained the same as that for the previous three years -- 1987, 1986 and 1985 -- when it was reported to be 1 in 4, or 25%. This compares with 26% in 1984 and 1 in 3 in 1975, its highest level since the report has been available. For measurement purposes, a household is considered touched by crime and included in the count if during the year it sustained a burglary, auto theft, or household larceny or if a household member was raped, robbed or assaulted or was a victim of a personal larceny, regardless of where the crime occurred. Accordingly, for 1988, the latest year for which data are available, households touched by crime remained at the same level as the three previous years. As in previous years, a household's vulnerability to crime was in part determined by its location, income and race. Thus, in 1988, black households, households with high incomes and households in urban areas were at greater risk for crime than others.

#### **THE CRIMINAL JUSTICE RESPONSE: PROBATION VERSUS OTHER CORRECTIONAL SYSTEMS' RESOURCES**

In order to deliver an optimum criminal justice response to the nation's crime problem, an effective balance must be achieved in the utilization of its probation and correctional systems' resources. Efforts in the past in this regard have met with only limited success. While adequate overall funding is critical, the need for a balanced distribution of resources across the various programs is even more so. Among the issues being dealt with at the beginning of the 1980's, the overuse of prisons, alternatives to incarceration and rehabilitation versus punishment are applicable to this discussion. Now, as we start a new decade, we see that the 1980's were marked by a shift to an even greater reliance on incarceration and punishment as the primary solution to the upsurge in crime. Despite a massive nationwide building program, however, most state prisons remain overcrowded, and incapacitation, the apparent solution of choice, has had only limited success in reducing crime and recidivism. Moreover, the past decade ended with all correctional systems reporting record levels in 1989.

Viewed from a perspective at the national level, it was recently reported that over 2.0% of the adult population in the United States (1 out of every 49 adults) was under some type of correctional supervision at the beginning of 1989. In brief, the total correctional population nationwide had reached a record 3.7 million men and women, including those in prison or jail, on

6. Households Touched By Crime, Bureau of Criminal Justice Statistics, U.S. Department of Justice, June 1989.

probation or parole. Furthermore, three-quarters of these offenders were being supervised in the community, either on probation or parole. The probation population alone increased by 4.9% to 2.36 million, or almost two-thirds (63.5%) of the overall total. Over a five-year period (1984-1988) the community-based offender population has increased by 37.7%, as compared with 35.4% for the incarcerated group. During the earlier years of this decade, the community-based segment was growing at a faster rate than the incarcerated segment. However, probation growth may be slowing. For example, in 1988, the probation cohort increased by 4.9% (Versus 6.0% the previous year), as compared with a higher 7.8% increase for the prison population (versus 6.9% the previous year).<sup>7</sup>

With the growing emphasis on incapacitation and punishment, it should come as no surprise that the correctional population trends moved upward to new highs. The prison population, both State and Federal, was well over a half a million (627,561) at the start of 1989. By the middle of 1989, the prison population had risen another 7.3% to a record high of 673,565 inmates.<sup>8</sup> The same trend was present in New York State where the inmate population reached 44,560 at the start of 1989, had risen another 9.2% at mid-year, and continued to climb higher, reaching 51,232 by the end of 1989. In addition, further significant changes were taking place within the population itself, especially in the drug offender segment. A brief profile of the prison inmate group in place at the beginning of 1989 is informative.<sup>9</sup>

- A median age of approximately 29.1 years.
- More than four-fifths (80.6%) of the offenders were black (50.1%) or Hispanic (30.5%).
- More than three-quarters (79.0%) of the offenders had less than a high school education (some high school or below).
- Almost two-thirds (65.8%) were serving maximum sentences in the range of 6 years or more to life terms.
- Almost three-quarters (70.9%) of those admitted to custody the previous year (1988) were violent or prior felons.
- Commitment offenses for dangerous drugs, with 25.4% of the inmate population, moved into first place while robbery dropped to second place (see Table IA below).

7. Probation And Parole, Bureau of Justice Statistics Bulletin, U.S. Department of Justice, November 1989.

8. Prisoners At Mid-Year 1989, Bureau of Justice Statistics, U.S. Department of Justice, September 1989.

9. Crime And Justice, Annual Report 1988, N.Y.S. Division of Criminal Justice Services, November 1989.

**TABLE 1A**  
**NEW YORK STATE PRISON POPULATION UNDER CUSTODY**  
**JANUARY 1, 1989**

<u>Offense</u>	<u>Number</u>	<u>Percent</u>
Dangerous Drugs	11,329	25.4%
Robbery	11,068	24.8
Murder and Other Homicide	7,398	16.6
Burglary	5,470	12.3
Rape and Other Sex Offenses	2,656	6.0
Dangerous Weapons	1,527	3.4
Assault	1,380	3.1
All Other Felonies	3,357	7.5
Youthful Offenders	<u>375</u>	<u>0.9</u>
<b>TOTAL</b>	<b>44,560</b>	<b>100.0%</b>

In New York State, as of December 31, 1989, the total correctional population of 247,317 was distributed as follows: State prison - 51,232; Parole - 35,000 (Est.); Jail - 30,493; and Probation - 130,592, or 52.8% of the total. In Nassau County, the total jail population was placed at 2,110, and the parole population at 1,150 (Est.). This compares with 8,192 criminal offenders on probation, or 71.5% of the combined jail-parole-probation population of 11,452.

#### NEW DIRECTIONS FOR PROBATION

The focus of this brief overview will be on probation and not the criminal justice system. It will include comments on selected aspects of probation in the past versus probation in the present, recent changes and trends in probation, the reform movement and justice model probation.

In recent years, every facet of probation has been the subject of study and examination, including its mission, purpose, goals and objectives, methods and programs, the professional status of probation officers and so on, it seems, without end. Reform groups remain active, but they are finding that probation can be hard to define, to pin down because, among other reasons, it is both sentence and organization, and it varies significantly in different parts of the country.

In taking a close look at probation, one must be prepared, especially the newcomer, to confront one paradox after another. For example, despite the fact that two-thirds of the correctional population in the United States is managed by probation, it is considered the most misunderstood, the least visible and the most vulnerable segment of the criminal justice system. In terms of priorities, among criminal justice agencies, probation can generally be found in last place. Yet, we are in a period where the public has demanded greater accountability, improved performances and more services while expecting less governmental spending. In short, more with less.

In this type of environment, probation has had to accustom itself to even greater scrutiny both from within and out. By and large, however, much of the impetus for change and reform has come from without. High levels of crime, the crisis in criminal justice, fiscal constraints, as well as an angry public have forced probation managers to ask tough questions. Is probation in trouble? Is probation working? Does greater effectiveness have to mean larger budgets and more staff? Since the mid 1970's, the drive for reform in probation has been aided by a conservative, get-tough attitude in a large segment of the community. Some of the results of this mind-set were touched upon in another report in this series (Irish, 1984) including the new sentencing strategies being adopted across the country, and while the debate continues, the charting of a new justice course in New York State and the growing influence of a just deserts philosophy.

In sum, the answer to the question, is probation in trouble has provided both the driving force for recent changes, as well as the continuing impetus for the ongoing reform movement in probation, for a number of studies have concluded that probation is indeed in trouble (McAnany, Thomson, and Fogel, 1984).<sup>10</sup> One comment recently described probation as a "system 'out of service' but still burdened with two-thirds of America's correctional load."<sup>11</sup>

### A Changing Probation -- Past And Present

Probation, despite its short history -- it is barely 100 years old -- and troubled present, has still managed to become an important force in criminal justice and the largest component of corrections in the United States. One may then ask, why the trouble? Why the poor image? In contrasting the probation of the past with the present, some individuals will see the differences

10. McAnany, Patrick D., Doug Thomson and David Fogel (eds), Probation and Justice Reconsideration of Mission. Cambridge, Mass.: Oelgeschlager, Gunn and Hain, Publishers, Inc., 1984.
11. Cushman, Robert C., Probation in the 1980's: A Public Administration Viewpoint. In Probation and Justice.

or changes more a matter of emphasis, while others will view the changes as more apparent than real, more form than substance. Both explanations, however, miss the mark, for as the problems are real so, too, are the needed changes and solutions. In the past, probation was seen by the public as a substitute for punishment and, more often than not, part of the soft-on-crime syndrome affecting society. Thomson<sup>12</sup> has noted that probation has often been justified in terms of its status as an alternative to prison or jail, and as such, it has been defined in negative terms. It was cheaper, more humane, less unattractive. Thus, probation was not seen as having a value on its own terms, except for those with a rehabilitation perspective. Therefore, depending on one's viewpoint, probation was seen as an alternative, as leniency, as a bargaining chip in plea bargaining, or as a good deal but not as punishment.

In the past, the focus of probation was almost exclusively on the offender with rehabilitation considered its primary objective. Fogel<sup>13</sup> notes that prior to 1970 the offender was the core of practice and that probation was basically an offender based interview technology and protected from its critics by a screening process which selected only the better offenders and not the higher level risks. Today, the exact place of rehabilitation in probation is controversial, as we shall see. Duffee<sup>14</sup> has indicated that with the decline of the rehabilitation or treatment model in corrections, probation was left holding the bag, so-to-speak, while jails and prisons could shift emphasis to punishment and incapacitation. Today, probably at best, rehabilitation is considered only one of the goals of probation but not a primary one. It is not, however, seen as a reason for a sentence but remains as a objective of corrections.

Although perhaps somewhat overdue, we do know that the focus of probation has shifted from the offender to the offended, be it the victim or the community. Some critics have faulted probation in the past for its "singular inattention to the victim." For Fogel<sup>15</sup> the mission of probation is "justice-as-fairness and its objective is equity." Thus, victim restoration is to be a central concern. Furthermore, he would limit rehabilitation services to an advocacy and brokerage basis when voluntarily accepted by the probationer. Probation would continue to provide surveillance and control for those who refuse or do not need treatment services.

12. Thomson, Doug, Prospects for Justice Model Probation. In Probation and Justice.
13. Fogel, David, The Emergence of Probation as a Profession in the Service of Public Safety: The Next Ten Years. In Probation and Justice.
14. Duffee, David E., The Community Context of Probation. In Probation and Justice.
15. Fogel, Op. Cit.

With the shift to a more justice and punishment oriented probation, probation itself is now viewed as a penal sanction and a sentence and not a substitute for one. This, too, was considered a major shift. It has been reported that in 1978 only a few states defined it as a sentence (McAnany).<sup>16</sup> Some individuals may have difficulty in viewing probation as punishment. Obviously, as such, it would not be appropriate for the more serious crimes, but many crimes are not in the serious category. Nevertheless, there is some concern. Thomson notes that "with more serious offenders sentenced to probation, probation must become more punitive in content in recognition of the harm caused by the offense."<sup>17</sup> In the same vein, Duffee has commented that if those in power in the criminal justice system "are to see probation as a viable alternative to prison, the perceived severity of the probation sanction must increase. Whether it is good for probation or probationers, probation must toughen up."<sup>18</sup> The end result will see probation increasing the ways in which it intervenes in the activities of probationers.

Along with the significant changes taking place in probation in recent years, there is a greater awareness of its diversity, that not only does it vary from state to state but also within the same state. Reform groups seeking the appropriate model for probation, whether it be the justice model or others, have also been confronted with this great diversity. And, of course, along with this finding has come a greater appreciation of the key role that the community has in this endeavor. Not only is probation now viewed as a public service agency -- as opposed to a human services agency, as in the past -- for the community, but the community is now recognized as the major force which actually shapes all aspects of probation. Thus, probation will reflect the community it serves. For example, Thomson notes that "local economic conditions may help determine the relative use of restitution and day fines, as opposed to community service orders, victim service orders and other nonmonetary sanctions."<sup>19</sup> Likewise, a community with a strong public safety orientation may have probation stress periodic confinement, home confinement, daily reporting and surveillance. As we shall see in the following sections, punishment is central to the justice model and to what is referred to as a justice model probation. In this regard, however, community is also important because it serves as the link between punishment and justice.

16. McAnany, Patrick D., Mission and Justice: Clarifying Probation's Legal Context. In Probation and Justice.

17. Thomson, Op. Cit.

18. Duffee, Op. Cit.

19. Thomson, Op. Cit.

Despite the great diversity among probation organizations, as noted above, many of them fall into a few general categories with some achieving a better "fit" than others. This is important only in the sense that some categories are deemed more flexible in their ability to adapt to change and reform efforts, such as those associated with justice model probation. In brief, according to Harlow these general categories or types of probation organizations would include (1) those with a law enforcement perspective which stresses probation as a public safety organization and share much in common with police functions. (2) Other probation departments see themselves as part of the human services system and maintain a close link to health and welfare organizations. (3) Another group of probation organizations orient themselves to the judiciary. Probation is viewed as court services. Here, the focus of such functions as offender assistance and surveillance center on the conditions of probation and what the judges expect. (4) Another large group falls into a category which adheres to a more balanced probation mission that includes such goals as offender services, community protection and services to the court, all on an equal basis.<sup>20</sup>

Using the above typology and comparing the various categories with the local operation, it would appear that the Nassau County Probation Department fits best in the latter category because the emphasis here has been on a balanced probation program which encompasses services for the offender, community protection and court services. Furthermore, management has had the flexibility needed to change, to adapt and to grow while supported by an expanding knowledge base. More recently, the department has moved in some areas in the direction of the justice model or the so-called justice model probation.

While studies have found probation organizations to vary significantly in the United States, they have also recently identified selected trends which have many of them moving in similar directions, with some changes and reforms more pronounced than others. Some examples would include more and varied programming but in a more structured framework, greater use of information and classification systems for use in decision-making at all levels of probation and supported by risk and needs assessment instruments; a greater emphasis on victim and community service programs and less stress on individual offender treatment or rehabilitative services; a shift in focus from probationer needs to public safety and community protection. Not all the reformers are in agreement with these trends. Some see the need for more drastic changes. Conrad, for example, sees the crisis in criminal justice as calling for a complete overhaul of the correctional system and specifically the probation functions. In brief, he would retain only the human

20. Harlow, Nora, Implementing the Justice Model in Probation. In Probation and Justice.

services function. The investigation function would be assumed by the courts. The law enforcement-surveillance function would be assumed by the police.<sup>21</sup>

Many of the trends and changes in probation cited above appear to be in agreement with, at least in part, the concepts of the justice model. And while there is as yet no consensus on what justice model probation can and cannot encompass, many departments appear to be moving in that direction. For example, it was recently stated by Harlow that "Los Angeles County, with the largest probation department in the world, is now planning for implementation of a relatively pure version of justice model probation (a focus on monitoring reparations and court-ordered restrictions on liberty, with services voluntary and brokered) and other jurisdictions have expressed interest in similar kinds of change."<sup>22</sup>

### The Justice Model -- Implications For Probation

Is the justice model appropriate for probation? Are the current trends in probation consistent with the justice model and so-called justice model probation? The answers to these questions continue to be the subject of some debate, for the findings of recent studies offer no consensus. Some view the problem from a strictly theoretical perspective and see the principles associated with the justice model as being in direct conflict with the utilitarian concepts that flow from traditional probation, such as rehabilitation and deterrence or prevention of crime. Others see the problem in more practical terms. Thus, because probation is not and cannot be the same everywhere, probation reforms, while appropriate in some places, would be unacceptable in others. The studies, however, point to both the advantages and disadvantages to probation of the justice model but, on balance, it appears that the tradeoff is more favorable to justice model probation. Likewise, some of the recent trends in probation are supportive of the justice model.

Since the mid 1970's, the justice model, which is based on a just deserts philosophy, has had a significant impact on the criminal justice system, primarily through the development of new sentencing strategies and guidelines. The justice model, then, is concerned with just deserts and punishment. The rationale here is the fundamental principle of deserts in punishing convicted persons is that the severity of the punishment should be

21. Conrad, John P., The Redefinition of Probation: Drastic Proposals to Solve an Urgent Problem. In Patric D. McAnany, Doug Thomson and David Fogel (eds.) Probation and Justice Reconsideration of Mission. Cambridge, Mass: Oelgeschlager, Gunn and Hain, Publishers, Inc., 1984.

22. Harlow, Op. Cit.

commensurate with the seriousness of the offender's criminal conduct." Some advocates of the justice model for probation see it as flexible enough to allow for unlimited variation in implementation. Harlow describes it as having four core values -- "proportionality (punishment to fit the crime); equity (equal time for equal crime); retrospectivity (a focus on past, not future, behaviors); and predictability (as opposed to individualization)." <sup>23</sup>

Not everyone, of course, supports the justice model as the best one for probation. Some see it as inappropriate on theoretical grounds, others, for more practical reasons. Some view the traditional roles of probation -- helping offenders and through supervision and control functions preventing future crimes -- as being in conflict with a model concerned with punishment. On the practical side, Thomson (1984), for example, is concerned that justice model probation could lead to abuses, such as excessive punishment and harassment of probationers or to net-widening whereby minor offenders could clog probation instead of using it to reduce the institutional population. <sup>24</sup>

In summary, what further changes can we expect in probation in the future? It would appear that the best judgment would call for more of the same changes and trends reported in this brief overview. Probation will undoubtedly continue to broaden its scope of activities in a more structured legal framework where emphasis is on justice and punishment and the rule of law. However, radical changes or a significant restructuring of traditional probation objectives and functions does not seem likely at this time. The justice model will continue to exercise a strong influence over all probation activities. The offender and the probationer, once the primary focus of most programs, must now share these resources with the victims and the community. Although rehabilitation and the individual treatment model has been deemphasized, services to offenders will continue to be provided, primarily in support of the higher priority objective of community protection through crime prevention.

There appears to be a growing belief that a closer identification of probation with the justice model will improve probation's image and emphasize its role as a public service agency and its concern for public safety. This, in turn, should ameliorate what critics of probation have called its reputation for leniency, as a good deal but not as punishment. Likewise, programs which focus on victims and community service should present a more balanced mission for probation and deemphasize what critics have called its overriding concern with the offender. The end result should be more favorable support from the public for its programs, for if the community sees probation as being in the front lines of the war on crime, its priority for a larger share of the criminal justice budget should be greatly enhanced.

23. Ibid

24. Thomson, Op. Cit.

## PROBATION AT MID-DECADE: THE STRUGGLE FOR PUBLIC RECOGNITION AND CREDIBILITY CONTINUES

As we enter the second half of the present decade, we find the challenges that confronted probation in the first half are still with us. The 80's have created hard times for probation. Long-term social forces, which have radically transformed post-World War II American society, have not been without their negative consequences. One outcome has been high levels of crime which, more recently, has led to severe prison and jail overcrowding. Thus, in the recent past, probation has been in large measure shaped by these issues, as well as a critical and conservative public that views punishment as a sort of magic bullet and incarceration as the only way to administer it. Probation has endeavored to meet this challenge with new programs and innovative changes including, for example, intensive supervision, justice model probation, and electronic in-house detention.

In the years to come, probation will continue to meet its problems with new methods and programs. However, the need for change must be tempered with the experience and wisdom gained by probation during its over 100 years of existence. In this regard, probation must learn to manage controversy, dissension and debate so as to shape probation and its future from within and on its own terms and not be subjected to the whim of outside forces. In planning for the future, we must not be afraid to assess our past with its successes and its failures. It may be that for probation, the emphasis on quality rather than the new or innovative could, in the long run, produce more effective results. In looking ahead to the end of this decade, an appropriate agenda may be one that was first offered at the beginning of the 1980's. Furthermore, its content is also instructive of both the persistence of social forces and the slow process of change.

Perhaps the greatest challenge to probation in the years ahead relates to the punishment versus rehabilitation issue. Although it may never be resolved to everyone's satisfaction, it remains in the best interest of probation to continue all efforts to achieve a balance between these two concepts within the criminal justice system. The present climate has led to a decided tilt to punishment. Further, monies that could have been targeted for probation programs will now go to prisons. Because of the pressures noted above, the temptation to embrace the currently more popular punishment concept at the expense of rehabilitation will be strong and must be resisted. This position is a viable one and can be supported by strong evidence from our programs. More on this shortly.

Despite the increasing use of incarceration, prisons are generally viewed as total failures from the standpoint of rehabilitation and reform. Punishment, deterrence, and incapacitation are seen as more supportable objectives. However, even this picture is not completely accurate because there is evidence in many cases that prisons do reform, but even if they were more successful, the cost-benefit ratio in comparison to probation would rule out greater utilization as far too expensive.

In essence, the point to be made here is that probation should not try to compete with prisons on levels of punishment. We should continue to stress rehabilitation with strong emphasis on the more attractive cost of probation programs. Further, this approach does not rule out flexibility and a multiple objective mix to our programs. We can still support the control objective, for example, without deemphasizing the treatment model. . . . .

A pragmatic and potential success strategy for probation to pursue in the years ahead would also encompass or be guided by the following points:

- The bedrock for probation's programs should continue to be its dual responsibility and mandate to provide protection to both the community and its potential victims, and to the criminal offender. In balancing the interest of one group against the other, decision-making by staff must take into consideration both the long and short terms results of their judgments. For example, overreliance on the punishment concept (incarceration) over the long term may turn out to be far too costly for the community and the offender (both in immediate costs and in the risk of future criminal behavior) so that in the long run the interests of neither group are well served.
- In our investigation and supervision programs, there is a need for further improvements in the areas of diagnosis and classification of offenders and probationers, and differentiation of probationers according to their needs and the risk they present to the community, and the matching of probationers and programs for optimum results.
- In recent years, our supervision programs have been confronted by greater numbers of probationers who are already, at minimum, two-time losers, who have experienced more failures than successes in life, and, as indicated by their proclivity to recidivism and failure to conform to law-abiding behavior in the past, are much

more vulnerable to a continuation of this behavior in the future. The best available evidence indicates a continuation of this trend. Programming must accept and deal with this reality even though in many cases it becomes a matter of "too little, too late."

- Accordingly, our programs should aim for earlier identification of potential recidivists, the persistent offenders who continue to commit multiple and serious offenses and probably account for a disproportionate amount of the crime. Additionally, we need to concentrate greater resources in programs to meet the needs of this group. The intensive supervision program may be an appropriate model for this effort.
- Probation must assume a more aggressive posture in publicizing the positive results of its programs. For despite the undermining attention given to the criminal justice system's highly visible failures, and in spite of the greater number of high-risk cases, our successes still far outnumber our failures. In that regard, the findings from our research are strong and conclusive.
- The majority of probationers do complete their supervision periods successfully. In recent years, approximately two-thirds of the probationers discharged in a given year were discharged as improved. Furthermore, there is a strong supportive evidence to indicate long-term success for the majority of this improved group. The preliminary results of a research study now underway in the department reveal that two-thirds of the improved cases had not reentered the criminal justice system through arrest after a post-probation followup period of six years.
- With the public's perception of crime reaching crisis proportions, the entire criminal justice system becomes a handy scapegoat for society. Perhaps more to the point is that society's expectations are unrealistic. Continued high levels of crime and delinquency should further emphasize the limitations of the present system to prevent it. Therefore, probation must not only publicize its successes, it must also inform the public of the need for greater long-range crime prevention efforts on the part of other segments of society. The public should not expect miracles. Probation must deal in the realm of probabilities. Again, the "too little, too late" quality of our caseload is supportive of this point.

## IS THE FUTURE OF PROBATION IN ITS PAST?

It is often said that the past is more valuable than the future. In this same context, we sometimes speak of the past as prologue. Perhaps in these troubled times for probation, we can find some guidance from its past. If so, we must be informed of the persistence of social forces and the slow process of change. A previous report in this series also took note of this process thusly. In the years to come, probation will continue to meet its problems with new methods and programs. However, the need for change must be tempered with the experience and wisdom gained by probation during its over 100 years of existence. In this regard, probation must learn to manage controversy, dissension and debate so as to shape probation and its future from within and on its own terms and not be subjected to the whim of outside forces. In planning for the future, we must not be afraid to assess our past with its successes and its failures. It may be that for probation, the emphasis on quality rather than the new or innovative could, in the long run, produce more effective results.

It is said that the crisis in our prisons and jails is responsible for much of the current stress throughout the Criminal Justice system. The severe shortage of space in these facilities has placed the spotlight on alternatives to incarceration (ATI). While not to belabor the point, more often than not alternatives to incarceration is spelled PROBATION. Furthermore, probation is the linch-pin for most, if not all, community-based corrections programs. More importantly, while the prison crisis has certainly given added impetus to the ATI movement, many justice reformers support it on straight philosophical grounds. A recent review of this type of support included the following points: 25

- There is a large number of lawbreakers who do not require imprisonment, as well as a number of others who, if incarcerated, ought to be kept in custody for relatively short periods of time. (Prison commitment rates vary markedly from state to state, with the result that the extent of overuse of incarceration differs from one jurisdiction to another). Additionally, risk-management and risk-assessment classification devices have been developed that make it possible to arrive at informed choices about who is to be sent to prison and who is to be dealt with in some other manner.

25. Gibbons, Don C., "Breaking Out of Prison," Crime and Delinquency, Vol. 32, No. 4, October 1986.

- If the use of incarceration is to be reduced, alternatives to prison must be implemented that provide both for more intensive control and supervision of offenders than has traditionally been found in probation programs and that also endeavor to reintegrate lawbreakers into prosocial patterns of behavior in the community.
  
- There is already in existence an array of community-based alternatives to incarceration, including house arrest; the use of electronic bracelets and other electronically augmented intensive surveillance programs; shock incarceration of individuals for short terms in prison followed by community supervision; restitution and community service programs, and the like. Moreover, it should be possible to invent other innovative ways of handling offenders in the community without creating markedly greater risks to the general public.
  
- It would be Pollyannish to assume that alternatives to incarceration can easily be established and properly implemented without leading to various unanticipated effects such as widening of the control nets or shifting custodial programs from the state to the local level. At the same time, such caveats ought not to discourage completely our efforts to find alternatives to incarceration.
  
- The choice to be made is not an economic one in which we can either opt for the very expensive disposition of incarceration or some low-cost alternative form of handling offenders in the community. Correctional programs that are likely to allay the citizen's fears about criminals who "ought to be behind bars" and that also provide a satisfactory degree of control over those persons cannot be established or funded "on the cheap."

Although the focus of much attention in recent years, at all levels of government, ATI remains controversial because of the community-safety issue and the under-funding of many of these programs. Also, if ATI was the priority item for the criminal justice system in 1986, by comparison, for probation, the spotlight was on intensive supervision programs. And to paraphrase one of the above points, quality probation cannot be had on the cheap. Therein lies a paradox. A recent editorial expressed a view of corrections as a system with a number of vital components that must all work together if the system is to function effectively. <sup>26</sup>

26. Travisono, Anthony P., "Selling the Whole Package," Corrections Today, Vol.48, No. 1, February 1986.

The central point in the editorial is the critical need for corrections to convey this message to the public. Thus, the title, "Selling the Whole Package." Accordingly, probation practitioners must communicate to the larger community that probation is a vital component of a balanced correctional system. Because probation is less visible to the public, this is considered a difficult task. The editorial goes on to endorse probation as a realistic alternative to incarceration. While not to question the good intentions here, are these comments on target or do they amount to a put-down for probation? Given certain historical facts -- that probation had its early beginnings almost 150 years ago, that it already manages two-thirds of the total correctional caseload -- one is tempted to opt for the latter. On the other hand, we know, too, that probation remains largely unrecognized, overworked, overcriticized and underfunded.

Is probation working? Some see the present crisis as an ideal opportunity for much needed reform. Although some critics speak of the repackaging of probation and its current focus on punishment, control and surveillance in a negative light, others view the intensive probation supervision movement as the ideal vehicle for this reform effort. Is probation in need of change or reform? One view of the problem is that probation is no longer a true alternative to prison or jail but has become a supplement.<sup>27</sup> Thus probation's success, as measured by its growth and institutionalization, ultimately led to its weakness, as probation moved away from the early model established by John Augustus. Accordingly, intensive probation supervision is viewed as an opportunity to return to this earlier model pioneered by Augustus and characterized by "a limited number of clients, a clear desire to help reform the individual, close supervision of the client, and a positive plan of assistance and a job to provide a new alternative for behavior."<sup>28</sup>

Actually, the above view may be premature, if not too optimistic, for a recent comprehensive review of intensive probation supervision across the nation revealed considerable confusion about its purpose, or what it is, including what it consists of, target population, program design, and effectiveness. Although these programs are characterized by differences and variations in many important features, and while the degree of emphasis may vary on those they share, many of the programs do share some common elements. Most, if not all, were developed as an alternative to imprisonment, if not to reduce prison crowding. Burkhart (1986) speaks of the emphasis on control and surveillance (some with electronic devices), retribution or

27. Lipchitz, Joseph W., "Back to the Future: An Historical View of Intensive Probation," Federal Probation, Vol. L., No. 2, June 1986.

28. Ibid.

punishment (using community service, for example) and the payment of fees. He views treatment and rehabilitative efforts as secondary.<sup>29</sup> On this latter point, Byrne (1986) differs somewhat by noting mandatory treatment condition requirements in almost all states with these programs. He further observes "a resistance to changing the treatment orientation of probation, even with the most serious offenders under supervision."<sup>30</sup>

How effective is intensive probation supervision? Although small caseloads and frequent probationer contacts allow for multiple program objectives, it has been observed that the tendency has been to load up on numerous program features with no prior knowledge available on their contribution to program outcomes. The results of some early evaluations of these programs appear to be favorable. But, because these efforts have been found wanting, the results have definite limitations. Thus, Burkhart notes "few evaluations of intensive probation supervision meet even the most basic methodological criteria."<sup>31</sup> The task, however, is not an easy one. Byrne sums up the current problem with the observation "that any generalizations about the overall effectiveness of intensive supervision will be misleading because of the differences in program philosophy, target populations, and the basic elements of program design. Importantly, research which attempts to examine the relative impact of specific design features has not been conducted."<sup>32</sup>

On a more optimistic note, the apparent great diversity to be found in intensive supervision programs across the country, and which some critics see as signs of confusion and weakness, could turn out to be a strong asset for probation in the future. A final judgment, though, must await the completion of evaluation studies in the years ahead. Until then, there is the danger that intensive probation supervision could be oversold.

29. Burkhart, Walter R. "Intensive Probation Supervision: An Agenda For Research and Evaluation," Federal Probation, Vol. L, No. 2, June 1986.
30. Byrne, James M. "The Control Controversy: A Preliminary Examination of Intensive Probation Supervision Programs in The United States," Federal Probation, Vol. L, No. 2, June 1986.
31. Burkhart, Op. Cit.
32. Byrne, Op. Cit.

## **PROBATION AND THE INTENSIVE SUPERVISION MOVEMENT: HAS THE CONCEPT BEEN OVERSOLD?**

The decade of the 1980's has been a period of crisis and change for probation. While most observers view the changes as part of a positive reform effort that was long overdue, there are some critics who see probation during this period as being subjected to the whim of outside forces. Thus, instead of probation being shaped from within and on its own terms, strong external issues have provided the driving force for recent changes. Be that as it may, developments during the present decade have resulted in the convergence of forces which have given impetus to a variety of new programs, with intensive supervision probation (ISP) being the centerpiece of this effort, but it also includes home detention or confinement, with or without electronic surveillance, as well as a mix of other alternatives such as community service and restitution.

The forces at work that are responsible for this reform effort are varied. Prison and jail overcrowding, of course, is a significant and continuing factor. The search for what has been called intermediate punishment or punishment of the mid-range was viewed as critical inasmuch as traditional probation was believed to lack credibility in this regard. The availability of electronic technology that was dependable and could be provided at a reasonable cost for surveillance, monitoring and confinement functions added to the credibility of probation. Also, the availability of risk assessment and needs assessment instruments for placement and classification purposes provide a scientific basis for probation decisions.

While the new probation programs have been propelled by common forces, they do provide a range of alternatives to meet a variety of criminal offenders. Moreover, although programmatic differences do exist, they also share common characteristics and contribute to such mutual criminal justice objectives as retribution, incapacitation and deterrence. For McCarthy (1987), these new programs are intermediate sanctions, which share several important features: <sup>33</sup>

1. "They are community-based penalties. The offender remains in the community, usually living at the same residence and maintaining existing employment and family ties.

33. McCarthy, Belinda R., (ed), Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Surveillance, Willow Tree Press, Inc., 1987.

2. They are designed to be humane, but punitive. Because these penalties represent the community's response to at least moderately severe criminal acts, they deliberately impose suffering through the deprivation of liberty. Offenders must adhere to curfews, and accept intense monitoring of their activities at home and elsewhere.
3. These sanctions are expected to protect the community from crime. Through the use of surveillance and curfews, incapacitation is accomplished in a community setting.
4. These sanctions are expected to cost less than institutions."

In reviewing the above comments on probation programs, a number of questions come to mind. Why the national trend to intensive probation? How effective are these programs? Do their outcome results justify the current impetus to implement intensive probation nationwide? Although evaluation studies to date have revealed mixed results, a number of other issues are now being viewed with concern, as we shall see, by critics of this effort. First, however, some brief background observations may be helpful. In conjunction with a justice model philosophy, where the focus on retribution, incapacitation and deterrence is paramount, probation, in many states across the country, has moved aggressively with new and innovative programs to counter what the critics have cited as serious criminals "getting off" with probation and being provided with no programs and little supervision. Central to this effort, of course, has been the crisis in prisons and jails and the need for alternate forms of sentences that can provide credible punishment, or the above cited objectives of retribution, incapacitation and deterrence, while reducing the pressures on institutions. The program that has received the most attention in this regard is the intensive supervision program, or intensive probation.

Was the rush to place intensive probation programs in operation justified? Recent studies have not been supportive.<sup>34</sup> They cite lack of any new probation techniques nor was there any reason to expect a significant impact on recidivism. Clear et al (1987) was not optimistic - "Of course, the new call for intensive probation is not based on a firm grounding of social science. The social science base for intensive probation reform is at best only promising - and at worse down right shaky. Far from a reasoned outgrowth of a program of research and evaluation, the new movement toward intensive probation is actually a rapid response to a serious problem: system

34. Clear, Todd R., Flynn, Suzanne and Shapiro, Carol, Intensive Supervision In Probation, In Belinda McCarthy, Op. Cit.

overcrowding. Nearly every jurisdiction in the United States lacks the correctional resources to carry out its promises. Intensive probation is popular largely for its perceived curative powers in regard to this problem."<sup>35</sup>

Although intensive probation has been operational in New York State since 1978, it has experienced its greatest growth during the present decade. More recently, its popularity has increased significantly because of the support given the concept in the RAND Study on probation.<sup>36</sup> Similar programs now exist in a number of other states. While differing in a number of programmatic areas, what they appear to have in common are tougher sanctions, increased supervision, stricter conditions, the objective being to put greater demands on the offender. Despite the presence of some rehabilitation - oriented components in these programs, the major emphasis is on control and strict accountability.

Latessa (1987), in a study on the effectiveness of intensive supervision, looked at the impact of the program on high-risk probationers. He indicated that "the three major issues surrounding the use of intensive supervision have been the effectiveness question; the caseload size and classification issue; and the debate over the number and quality of contacts."<sup>37</sup> He found no significant differences between the high-risk group in intensive supervision and a control group of traditional probationers in regard to either recidivism or social adjustment. He did indicate, however, that the level of contacts and services fell below program objectives. One tentative, positive conclusion was that it appears that high-risk offenders can be supervised on probation without jeopardizing the safety of the community.

Bennett (1987), in a recent evaluative research study on intensive service probation, found that program outcome results revealed only partial success. While there was no reduction in recidivism, there was significant improvement in the social adjustment of the high-risk probationers in such areas as employment. This study also found that only minimal supervision is required for part of the offender population, including male felons, to achieve

35. Ibid.

36. Petersilia, Joan, et al, Prison Versus Probation In California Implications For Crime And Offender Recidivism, The Rand Corporation, Santa Monica, CA, July 1986.

37. Latessa, Edward J., The Effectiveness of Intensive Supervision With High Risk Probationers, In Belinda McCarthy, Op. Cit.

favorable outcome. On the other hand, although this study did not identify any links to recidivism, it indicated as worthy of further research the increased frequency and intensity of face-to-face contacts.<sup>38</sup>

Clear et al (1987) views what he calls the proliferation of intensive programs with a sense of unease. They describe this effort as being one of convenience, an exercise in expediency. They are concerned with four major issues - transferability of interventions, the target group, a programmatic emphasis on control, and the net of social control.<sup>39</sup>

- Transferability of interventions - - because an intensive program is effective in one state, does not guarantee its success when transferred to another state. Programs, if they are to work, must be tailored to one's own jurisdiction....Crime conditions and criminal justice procedures differ from one area or state to the next, so the emphasis must be on process as well as on program elements.
- The target group - - a rational risk-management policy is critical to a program's effectiveness, if resources are not to be wasted. Risk assessment and needs classification procedures are essential to select and classify only those offenders who meet program objectives and standards. In short, low-risk offenders should not receive the services meant for high-risk probationers.
- A programmatic emphasis on control - - in many intensive programs, control methods have become redundant to the point of overkill. The emphasis on control is often at the expense of meeting the service needs of probationers. Moreover, this overemphasis on control is frequently misdirected at the wrong segment of the offender population.
- The net of social control - - here, the typical net-widening argument whereby a new program may contribute to a larger net of social control is not at issue. Although many intensive probationers are diversions from a prison-bound population, failures in these programs frequently receive sanctions that are tougher than the original incarceration period would have been. Thus, the objective of reducing the level of incarceration is frequently negated by the perceived need to be tough on crime as a public relations gesture to a skeptical community.

38. Bennett, Lawrence A., A Reassessment of Intensive Service Probation, In Belinda McCarthy, Op. Cit.

39. Clear et al, Op. Cit.

Another recent report by the RAND Corp. revealed, after studying many alternative sentencing programs across the U.S., a cautious optimism about their effectiveness. For example, the study found that recidivism rates for ISP programs ranged from 30% for all offenders to less than 5% for violent offenders or those in-house arrest programs. However, the report did note "the question remains whether offenders have done well in these programs because the programs have exerted sufficient controls, or because the participants were simply low-risk to begin with."<sup>40</sup>

Of all the ISP programs nationwide, perhaps the best known are those in the states of Georgia and New Jersey. Some early evaluations of these operating programs appear to have been favorable. As we can see from this brief review, however, other studies of program outcomes have revealed mixed results. A recent report on ISP in the State of Kentucky found the results of their program to be highly favorable, citing, for example an 83% success rate and noting that "the evidence is substantial that intensive supervision is a safe and cost-effective alternative to incarceration."<sup>41</sup>

The effectiveness question, though, and whether or not the ISP concept has been oversold will more than likely continue to remain as controversial issues for years to come. The more successful programs themselves have only been in operation, relatively speaking, for short periods. Moreover, there are other problems. For example, Burkhart (1986) notes "few evaluations of intensive probation supervision meet even the most basic methodological criteria."<sup>42</sup> Program diversity also adds to the controversy. Byrne (1986) observes "that any generalizations about the overall effectiveness of intensive supervision will be misleading because of the differences in program philosophy, target populations, and the basic elements of program design. Importantly, research which attempts to examine the relative impact of specific design features has not been conducted."<sup>43</sup>

40. Petersilia, Joan, Expanding Options For Criminal Sentencing, The RAND Corporation, Santa Monica, CA, November, 1987.

41. Criminal Justice Newsletter, Vol. 18, No. 23, December 1, 1987.

42. Burkhart, Op. Cit.

43. Byrne, Op. Cit.

The overselling of intensive probation would not be a new phenomenon in corrections. Other observers speak of the panacea phenomenon, or the search for the magic bullet, the hot idea. In the past, other programs and concepts have also been oversold on the basis of extremely limited research. In regard to the proliferation of intensive probation, perhaps this, too, is another example of the so-called bandwagon effect in program development.

In the final analysis, however, the success or failure of the ISP concept, as with any program, should rest on the application of good management, detailed planning and the timely use of valid research results.

### THE PROBATION SANCTION: A MAJOR BUT UNRECOGNIZED ASSET OF CRIMINAL JUSTICE SYSTEM

As we move closer to the start of a new decade, we find one of probation's greatest strengths is the diversity of its programming and the flexibility of its service-delivery system. As such, it is a major asset of the criminal justice system but, like an unpolished jewel, often hidden from view. In the past, we have described probation -- despite managing two-thirds of the U.S. Correctional caseload -- as essentially unrecognized, overworked, underfunded, and overcriticized. Now, with probation having reached a higher state of readiness for its mission and, undoubtedly, has achieved the best position in its long history to accomplish its multiple objectives, there is evidence, as noted elsewhere in this report, of a continuing confusion by the public over the status of probation as a sanction and sentencing option, be it a true alternative to incarceration, or, more recently, as a growing substitute for prison or jail, or as a supplement to incarceration.

Probation, in reaching its present status as the dominant correctional caseload and a major criminal justice asset, has been shaped dramatically by forces and events of the past two decades. Of particular significance has been a number of factors that, taken together, appear to have peaked in the 1980's with a strong impact on probation. These factors, which are all interrelated and continue to have important implications for the future of probation, include (1) high levels of crime, (2) prison and jail overcrowding, (3) the punishment versus rehabilitation issue, (4) intensive supervision and (5) felony probation and the risk of recidivism.

Recent trends point to higher levels of crime. Over the past 25 years, this has been more the rule than the exception. We know, however, that recidivism is a significant contributor to the overall crime problem. It remains a heavy burden for the criminal justice system. Nonetheless, it is also evident to those in criminal justice, as noted elsewhere in this report, that American society and its institutions are generating more and more individuals with

a predisposition to criminality in general and a vulnerability to substance abuse in particular, which, in turn, is putting great strain not only on the criminal justice system but on the larger society.

For the general public, higher levels of crime translate almost automatically to more and more prison and jail sentences with the process eventually resulting in overcrowding of these facilities. While there is obviously a direct linkage here, there is also another variable at work, namely the punishment versus rehabilitation issue. Although this issue is discussed in some detail in other sections of this report, suffice to say that beginning in the 1970's, support of the rehabilitation or treatment concept declined while punishment moved out front with the support of sentencing reform, the justice model, just deserts, and the belief that the American public wanted a "get tough" approach to reduce crime. Thus, punishment and incapacitation, generally in prison and jail, became the preferred sentencing objectives, while rehabilitation was viewed as largely inappropriate. The subsequent prison and jail problem eventually led to the felony probation issue. Probation, in turn, met this challenge with new programming, with intensive supervision probation being the centerpiece of this effort. These latter three factors -- punishment versus rehabilitation, the effectiveness of intensive supervision and felony probation and recidivism -- remain controversial issues and the subjects of continuing research. Some brief comments regarding them are included here, along with some recent research findings.

Although the punishment versus rehabilitation debate has been a part of the criminal justice - correctional philosophical scene for a long time, if not from the beginning, it is important to note that both of these concepts or positions were, for the most part, generally viewed as acceptable and legitimate objectives. This changed dramatically during the 1970's with a decided tilt to the punishment position. On the other side, rehabilitation was viewed as ineffective; it didn't work. The catch-phrase became "rehabilitation is dead." Now, however, we see evidence of change in the growing dissatisfaction with tough anticrime laws and policies that have led to prison overcrowding and the higher costs associated with incarceration. Moreover, their very effectiveness in controlling and deterring crime is being seriously questioned and debated. Not everyone, though, jumped, so to speak, on the punishment bandwagon. Probation in Nassau County, for example, has sought a programming strategy that would achieve an acceptable balance of community protection, punishment and offender rehabilitation, with the objective being to achieve a sort of parity on the punishment versus rehabilitation issue.

The wisdom of the above probation strategy is becoming more apparent and, in part, justified by the results of a recent study entitled "Is Rehabilitation Dead? The Myth of the Punitive Public." As stated by the authors, its

purpose was "to examine the extent to which treatment philosophy has indeed been tarnished and to assess the accuracy of the view that the public favors exclusively punitive policies." The results of the study were based on a random community sample, as well as a number of statewide surveys and national polls. Given the developments on this issue over the past two decades, the findings and conclusions are both informative and important. Some of them are highlighted below: 44

- Although citizens clearly want offenders punished, they continue to believe that offenders should be rehabilitated.
- The data again warns against the conclusion that the public widely rejects treatment as a legitimate correctional function.
- The rehabilitative ideal has withstood the many attempts to discredit it and remains firmly anchored in the American value structure.

Is belief in a "get tough" public viewed as a convenient rationale for stressing the punitive sanction and an excuse for underfunding programs that focus on other causes of crime? The authors argue "that the existence of a 'punitive public' is a myth that functions to limit the policy alternatives that state officials see as politically feasible." In sum, in the public's view, rehabilitation is an appropriate objective for criminal justice and corrections.

In recent years, the rapid growth of intensive supervision probation (ISP) programs across the nation has been linked to both the increase in felony probation and the presence of greater numbers of high-risk offenders in the caseload. Felony probation will be discussed below. In regard to the ISP concept, many questions remain unanswered, about its purpose and effectiveness in particular but others range from caseload size to what kinds of offenders should enter these programs. In all probability, the most important question is concerned with whether or not the ISP concept has been oversold. Was the rush to place intensive supervision programs in operation justified? Although recent studies have not been entirely supportive, these questions and their answers relate to the earlier ones on the purpose and effectiveness of the programs themselves.

44. Cullen, Francis T., Cullen, John S. and Wozniak, John F., "Is Rehabilitation Dead? The Myth of the Punitive Public," Journal of Criminal Justice, Vol. 16, No. 8, 1988.

A key feature of the ISP concept is the concentration of resources on a high-risk offender population through the use of a low caseload-high service management approach. Although lower recidivism levels were hoped for, if not expected, the results have been mixed and, at best, are inconclusive. The focus of the program has now shifted to reducing the incarceration rate without jeopardizing the safety of the community. The studies appear to be supportive of this purpose. While differing in a number of programmatic areas, what the ISP programs appear to have in common are tougher sanctions, increased supervision, stricter conditions, the objective being to put greater demands on the offender. Despite the presence of some rehabilitation - oriented components in these programs, the major emphasis is on control and strict accountability.

Some recent research has shed additional light on the aforementioned questions by looking at both intensive supervision and shock probation and goes a step further by studying a combination of both programs. The authors of this study describe shock probation "as an early release program that grants the sentencing judge the discretionary authority to release an offender from prison and place that offender on probation."<sup>45</sup> The goal here is deterrence, which, in theory, is brought about by the short prison experience. Shock probation differs from the split sentence (jail/probation) in that the release is discretionary and not a certainty.

Based on a review of earlier study results on this subject, one of the authors, in earlier research, concluded that:<sup>46</sup>

- Shock probationers generally have a higher recidivism rate than regular probationers.
- No evidence of a deterrent effect for shock probation has been documented.
- Given the financial and human costs associated with incarceration, the diversionary aspects of the program should be emphasized in the future. In short, shock probation should not be used with offenders who could be considered as candidates for regular probation.

45. Lattessa, Edward J. and Vito, Gennaro F., "The Effects of Intensive Supervision On Shock Probationers," Journal of Criminal Justice, Vol. 16, No. 8, 1988.

46. Vito, Gennaro F., "Development In Shock Probation: A Review of Research Findings And Policy Implications," Federal Probation, Vol. 48, 1984.

In further regard to the authors combination study of both programs, they compared "the performance of shock probationers placed on intensive supervision to a group of shock cases placed on regular supervision." Based on differences in recidivism rates the results were not encouraging for intensive supervision. Although the shock probationers did receive some positive results from the ISP program, including more services and what was considered to be a positive adjustment to the community, the program did not significantly lower recidivism rates for the probationers. In sum, the study concludes by questioning just what the true goals of intensive supervision probation should be.

In recent years, the subject of felony probation has attracted growing interest. Some studies have viewed its increasing use with concern. Is the public safety threatened? Do felony probationers represent a greater risk for recidivism? Studies of felony plea bargaining have found that in the past two decades it has increased dramatically in some States, driven, in part, by prison and jail overcrowding. Moreover, it was found that sentences to probation were used far more frequently with plea-bargained convictions, as compared with trial convictions, when background factors of the offenders were controlled.<sup>47</sup> The recent Rand study has noted that the growth of the probation population during the years 1974-1983 had exceeded the prison population 63% versus 48%.<sup>48</sup> It also reported that at the time of the study in 1985, felony probationers comprised over one-third of the adult probation population in the United States. A recent report by the New York State Division of Probation and Correctional Alternatives, noted that in New York State, probation sentences for probation-eligible felons increased by 42% during the five-year period 1982-1986, while sentences to State prison for the same group increased by a smaller 37%.<sup>49</sup> This trend was also present in Nassau County.

In Nassau County, the County Court has jurisdiction over felony cases while the District Court has misdemeanor jurisdiction only. Because of plea bargaining, some misdemeanor probation cases are also under the jurisdiction of the County Court. Although the increase in the County Court probationer segment has more than kept pace with the overall caseload increase, the mix

47. Campion, Dean J., "Felony Plea Bargaining and Probation: A Growing Judicial And Prosecutorial Dilemma," Journal of Criminal Justice, Vol. 16, No. 4, 1988.
48. Petersilia, Joan, Granting Felons Probation: Public Risks And Alternatives, RAND, Santa Monica, California, 1985.
49. Mauro, Dean, The Relative Utilization of Probation Vis-a-Vis Prison As A Sanction For Probation, N.Y.S Division of Probation And Correctional Alternatives, August, 1988.

of County Court probationers has changed whereby the proportion of youthful offenders has declined over the period, while the proportion of regular adult probationers has increased. This change is also reflected in the aging of the caseload and is also evident in the District Court probationers segment, too, where youthful offenders have also declined.

Probationers under the jurisdiction of the felony court represent a large segment of the Criminal Division caseload, and there is evidence that their numbers are increasing at a faster rate. Do they present a greater challenge to supervision and a higher probability for recidivism? Recent discharge outcome results indicate this is the case. An analysis of the discharged probationers from the Criminal Division for 1988, by Court of Jurisdiction, revealed significant variations in their success (probationers discharged as improved) and failure (probationers discharged as unimproved or committed) rates. Youthful offenders from the County Court have the lowest success rate at 44.8%, as compared with youthful offenders in the District Court with a success rate of 56.2%. Regular District Court probationers have a success rate of 67.2%, as compared with a lower success rate of 53.1% in County Court.

Do felony probationers represent a threat to public safety? The evidence from the present caseload reveal that they present a calculated risk, but one that is manageable, especially with probation's new programs, which permit a flexible response based on need. Probation's greatest strength is the diversity of its programming and the flexibility of its service delivery system. Therefore, depending on the needs of the community and the offender, probation is able to focus its efforts with just the right mix of punishment, control, surveillance and rehabilitation.

In sum, given optimum resources, quality probation can meet any challenge, including felony probationers. The community can have confidence that its protection is paramount to the mission of probation.

## SUMMARY OF CRIMINAL DIVISION PROGRAMS

A brief summary of some of the highlights and significant findings and conclusions from this analysis of Criminal Division programs is set forth below.

-- Probation programs are a critical link in the public's safety. Thus, the community must view probation as being in the front lines of the war on crime. The decade of the 1980's has witnessed significant changes in the investigation and supervision programs. Some of these changes were documented in research studies completed by the Department during this period. The recently completed 1989 "Probation and Recidivism" study noted, for example, that the results, while generally encouraging, reveal both good and bad trends. It found that recidivism touches all aspects of the probation process, with recidivists now dominating the caseload, and furthermore, that serious recidivists are more frequently the rule and not the exception of a generation ago. In summary, analysis of probation discharge and post-probation outcome measures has revealed significant differences in recidivism levels between the probationer populations in the 1982 and 1989 research studies. In short, the evidence indicates a further intensification of the recidivism problem during the 1980's.

-- In 1989, the major challenge faced by the Department was the effort required to maintain quality probation while confronting long-term problems and trends that have been dominant for the greater part of the decade. The impact of selective forces continued to shape probation programs and activities, including the prison and jail space crisis, the substance abuse epidemic and, as noted above, the intensification of the recidivism problem and more serious offenders. Moreover, despite growing workloads there was a cap on resources, and staff manning levels continued to decline. An example of this more with less outcome in 1989 can be observed in that for the third time in this decade, there was a significant jump in investigations thereby placing this program's trend line on a much higher plateau. Furthermore, the impact in this area was to have implications for other Criminal Division programs. Thus, the so-called caseload-creep factor was to end the decade as an important feature of the 1980's.

-- A Department with staff manning levels in decline could face a crisis, for no where is the caseload-staffing ratio more important than in the investigation program. For most offenders, their initial contact with the probation process begins here. The presentence investigation report (PSI) plays a critical role in the sentencing decision by the Court and in subsequent decisions related to the delivery of services, either while on probation or incarcerated. The work here is labor intensive; there is a fixed amount of time to complete the PSI; there are deadlines to meet. Hence, the importance of the caseload-staffing ratio, for the quality of the finished product is directly related to the size of the workload and the time available to complete the tasks.

-- In 1989, the investigation program, despite a significant jump in workload, was able to complete its objectives with present staff and the use of overtime. Total investigation assignments rose by 12.6%, from 7,922 in 1988 to 8,918 in 1989. Those investigations with court dispositions rose by 17.4% to 9,111, also a record level. The investigation units were able to increase their proportion of all the investigation assignments, it being 78.5% in 1989, up from 74.6% in 1988. However, because of the overall absolute increase, the overflow PSI's to the supervision units also continued to rise. Within the investigation units, there was a 18.4% increase in their workload, but because of a 19.2% increase in their average staffing level, the end result was a small decline of less than one percent (0.6%) in the average monthly probation officer investigation caseload for 1989. The average number of investigation contacts per case - 24.3 - remained stable and close to the 24.4 contacts in 1988. A review of staff PSI recommendations indicate that probation officers continue to take a tougher, more punitive position than the courts, as supported by the finding that in 1989 some 34% of the cases sentenced to probation were actually recommended for commitment. This compares with 34% in 1988 and 30% in 1987.

-- In 1989, unlike the previous three years when there were declines, there was a significant rise in the number of DWI offenders in the investigation program. The previous peak year for the DWI cohort was in 1985. Furthermore, the increase here in 1989 was more than enough to insure that the DWI cohort continue its position as the ranking criminal

offense and, therefore, to dominate both the investigation and supervision programs. Also, the aforementioned significant jump in the investigation program was accounted for in large part by the rise in the DWI and drug abuse cohorts. See Table II below.

TABLE II

Total Presentence Investigations, Investigations Involving  
DWI Offenses, % Increase Over The Previous Year,  
For The Years 1983 - 1989

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Investigations w/Dispositions	5,434	5,498	6,611	6,904	6,861	7,758	9,111
% Inc/Dec Over Previous Year	+ 1.2	+ 1.2	+20.2	+ 4.4	- 0.6	+13.1	+17.4
DWI Offenses	1,063	1,168	1,746	1,730	1,630	1,609	1,921
% Inc/Dec Over Previous Year	+38.8	+ 9.9	+49.5	- 0.9	- 5.8	- 1.3	+19.4
% DWI Offenses In All Investigations	19.6	21.2	26.4	25.1	23.8	20.7	21.1

Further analysis of the 1989 DWI offender data reveal findings that point to their continuing dominance in Criminal Division programs.

- In 1989, DWI offenders comprised 21.1% of all PSI's, up from 20.7% in 1988.
- In 1989, DWI offenses ranked first as the single most frequent criminal offense in the investigation caseload for the fifth year in a row, with 1,921, or 21.1% of the total.
- DWI's, with 1,631 cases placed on probation, had a probation rate (% of the cases sentenced to probation) in 1989 of 84.9%. This compares with an average overall probation rate for all cases of 57.0. Also, for larcenies only, for example, the probation rate was a lower 45.8%.

-- In 1989, of the 5,194 cases sentenced to probation by the Nassau County Courts, almost one-third (31.4%, or 1,631 cases) were DWI cases. The next largest groups were drug offense cases with 18.2% of the new probation cases, and larceny cases with 14.3%.

-- Although the overall probation rate for DWI cases was a high 84.9%, it varied significantly (split sentence or straight probation) by court of jurisdiction with the majority (42.4%) in County Court (felony jurisdiction) receiving a split sentence (jail/probation), while the majority (81.3%) in District Court received straight probation. See Table IIA below.

TABLE IIA

DWI INVESTIGATIONS WITH DISPOSITIONS BY COURT AND TYPE OF SENTENCE FOR 1989

Type	COUNTY		DISTRICT		ALL	
	No.	%	No.	%	No.	%
Probation	132	32.2	1,228	81.3	1,360	70.8
Probation/Jail	174	42.4	97	6.4	271	14.1
Committed	104	25.4	94	6.2	198	10.3
Other	0	0.0	92	6.1	92	4.8
TOTAL	410	100.0	1,511	100.0	1,921	100.0

-- The dramatic increase in the investigation program in 1989 had important implications for sentences to both probation and commitments. The number of PSI cases sentenced to probation rose from 4,574 in 1988 to a higher 5,194 in 1989, for an increase of 13.6%. Once again, however, this change was more a factor of a larger investigation caseload, for the probation rate itself (% of investigation cases disposed of by the courts that are sentenced to probation) declined, for the fourth-straight year, from 58.9% to 57.0%. Moreover, the number of shock-probation cases also increased, from 1,102 to 1,250. However, the proportion of the new probation cohort that received shock probation (jail/probation) remained stable, it being 24.1% for both 1988 and 1989. Also, although the County Court (felony jurisdiction), for the fourth-consecutive year, sentenced more offenders to probation, by far the largest increase in probation cases was accounted for by District Court.

-- Although incarceration policies in New York State remain controversial (for example, a recent New York Times editorial <sup>50</sup> noted that stronger probation departments could limit prison populations at manageable cost), the investigation program, for the fourth-consecutive year, reported an increase in both the commitment rate and in the absolute number of commitments. The commitment rate rose from 32.4% in 1988 to 35.4% in 1989. Overall, commitments were up sharply, by 28.2%, to a high of 3,221. State prison commitments experienced a larger increase than did the County Jail cohort. Thus, sentences to State prison rose by 55.2%, from 743 to 1,153, while County jail commitments increased by a smaller 16.9%, from 1,769 to 2,068 in 1989. Commitment rates also continue to vary significantly by court of jurisdiction -- 55.7% in the County Court versus a lower 29.2% in the District Court. Shock probation and the split sentence is also more frequently used in the County Court, with 56.9% of the new probationers receiving jail time as part of their sentence in 1989.

-- The supervision of sentenced criminal offenders in the community continues to be probation's major activity, and in Nassau County, the largest single program operated by the Probation Department. Using a balanced multiple-objective approach, the program endeavors to provide quality probation services despite less than ideal caseload-staffing ratios. In 1989, the supervision program continued its long-term trend of rising workloads and caseloads, a dominant feature of this decade. Likewise, the same driving forces -- rising DWI activity and the continuing drug abuse epidemic -- were largely responsible for this trend. Accordingly, the active caseload rose by 7.0% to a total of 9,430 cases at the close of 1989. Since 1980, the active supervision caseload has more than doubled (115.9%) and in five years has increased by almost one-half (45.3%). The end result here, of course, can be observed in the dramatic effect it has had on average probation officer caseload sizes. This becomes more apparent when one considers its impact on the two major programs -- regular supervision and drug and alcohol supervision. For example, five years ago the average probation officer caseload in the regular supervision units was 22.6% lower; in the drug and alcohol units, it was 6.6% lower. For 1989, a comparative review of the major

50. New York Times, March 4, 1990.

supervision programs reveal that for the average probation officer in the regular supervision units the caseload increased from 96.2 cases in 1988 to a higher 103.2 cases in 1989, for an increase of 7.3%. Add to this an average of almost two (1.9) new PSI reports per probation officer per month in 1989. In the drug and alcohol units, the average caseload for probation officers rose from 99.8 cases in 1988 to a higher 102.6 cases in 1989; add to this an average of almost two (1.7) new PSI reports per officer per month. Given these trends, the need for more staff becomes critical, if we are to maintain quality probation services.

-- The supervision program attempts to prevent crime by reducing the recidivism of its probationers. With more serious offenders entering the program in recent years, this task has become more difficult. This position is supported by the finding that in 1989, approximately one-third of the offenders (33%) sentenced to probation and under supervision were actually recommended for incarceration. An assessment of supervision's effectiveness, using program results for the year, as measured by probationer discharge outcomes and violation of probation rates, reveals improved performance levels in some areas, after declining for two or more years in the past. The success rate (% of probationers discharged as improved) for the drug and alcohol program rose, after declining for two years, from 71.7% in 1988 to 72.6% in 1989. Likewise, in the regular supervision program, the success rate rose, after declining for five-consecutive years, from 57.7% in 1988 to 63.7% in 1989. Concomitantly, the failure rate, including those committed, fell in both programs. The success rate for probationers continues to vary significantly by age and court of jurisdiction. Thus, Youthful offenders in the County Court (felony jurisdiction) has the lowest (43.9%) while District Court probationers had the highest (70.8%) success rate. Also, on the plus side, there was a small decline in the total number of violations of probation filed (1,382), while the violations of probation filed rate (No. of violations filed per 100 cases under supervision for the year) for the overall supervision program declined from its highest level of 10.1 in 1988 to a lower 9.4 in 1989.

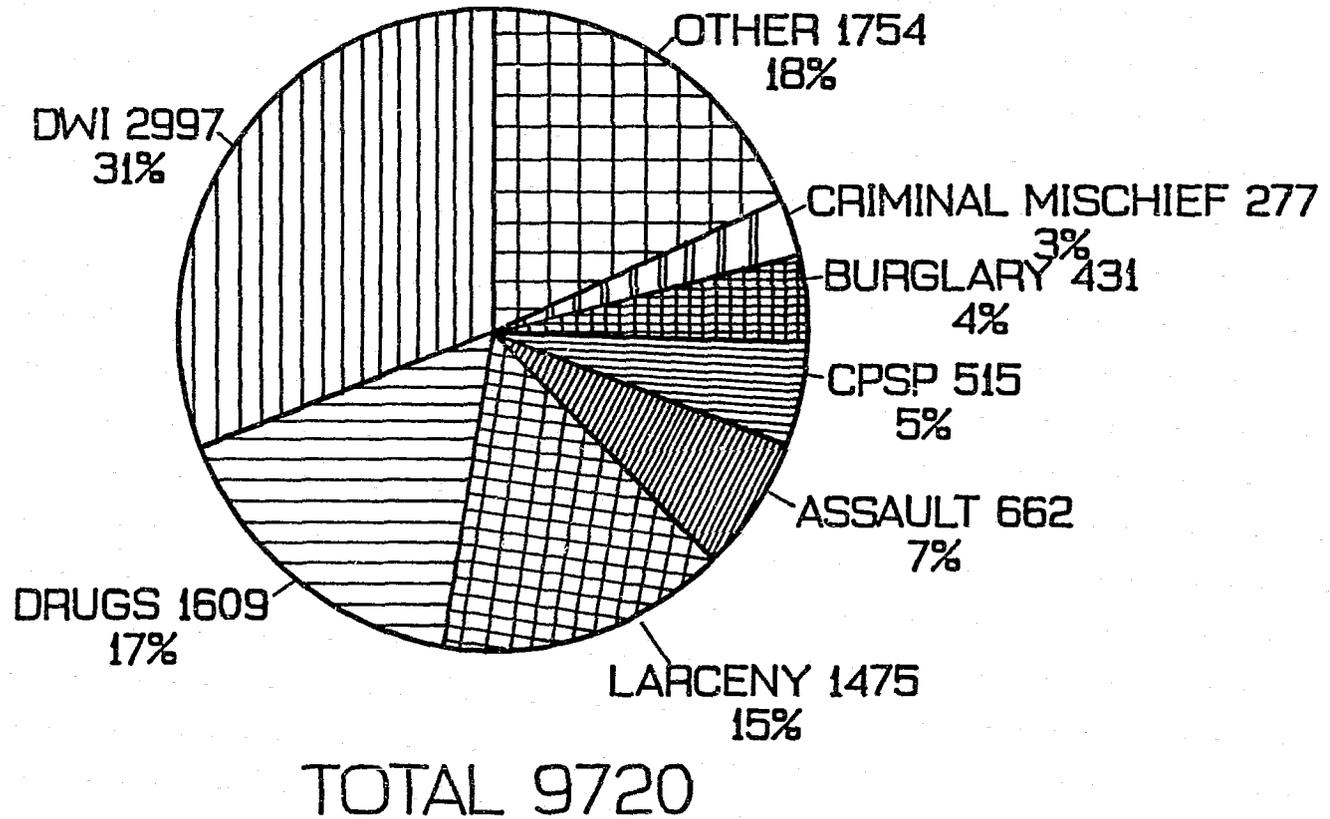
-- Special services units in the Criminal Division make an important contribution to a probation process that is becoming increasingly more complex; some of these include pretrial services, intensive supervision, Compact and electronic surveillance detention (ESD). The demand for pretrial services was greater in 1989. In the release-on-

recognizance (ROR) program, there was an increase of 15.1%, while in the conditional release (CROC) program there was an increase of 1.1%. ROR cases jumped from 4,371 in 1988 to a higher 5,029 in 1989. CROC cases rose from 5,766 to 5,831. In the intensive supervision program, which is based on the low caseload-high-risk concept, total case activity increased to 699, while the success rate for probationers discharged as improved fell to a low of 14.5%. Moreover, the violations commitment rate rose to a high of 86.8%. The Compact unit, which supervises both active cases (those awaiting final action and acceptance by another jurisdiction) and service cases (those where final transfer has been effected but a local jurisdiction has been retained) saw a jump in its workload in 1989. By the close of the year, total active cases had risen sharply by 31.6% to a level of 1,103, while service cases increased by a smaller 4.7% to 742. This resulted in an average caseload per probation officer at the end of 1989 of 138 active cases and 93 service cases. Electronic surveillance detention (ESD) completed its third year of operation and provided services to a total of 122 probation cases in 1989.

In concluding this summary, we should once again highlight those substance abuse findings that continued to dominate the investigation and supervision programs in 1989, a pattern which has been an all too familiar feature of the present decade. A crime-specific analysis of the investigation program revealed above-average increases in both the DWI and drug abuse offense categories, but more so in the latter. Thus, while overall investigations with dispositions increased by 17.4%, those in the drug offense category rose by a higher 30.4%. In the supervision program, the proportion of drug offenders rose to its present level of 17.0% of the supervision caseload in January 1990, up from 15% a year earlier. Moreover, it now ranks in second place, after DWI's, up from third place the previous year. Also, three offense categories -- DWI's, drug offenses and larcenies -- continue to account for almost two-thirds (62.6%) of the total supervision caseload. See Table IIB, page 46.

TABLE II B

# NASSAU COUNTY Adult Probation Supervision Caseload 12/31/89



Source: DPCA

The above conclusions are supported by the findings highlighted below and discussed in more detail in subsequent sections of this report.

- An increase of 12.6%, to a record high, in presentence investigation assignments, from 7,922 in 1988 to a higher 8,918 in 1989, for an increase of 996 for the year. Although this increase was distributed over both County Court and District Court, it was larger in the County Court.
- An increase of 17.4% in the total number of investigations with Court dispositions, from 7,758 in 1988 to a higher 9,111 in 1989, for an increase of 1,353. Here, too, the increase was distributed over both County and District Court.
- An increase, after three-consecutive years of small declines, of 19.4% in DWI investigation offenses, from 1,609 in 1988 to a higher 1,921 in 1989, a rise of 312 cases. It continues as the single most frequent offense in the investigation program.
- A third major increase of 32.0% in drug abuse investigations for offenses involving dangerous drugs and/or controlled substances, from 1,609 in 1988 to 2,124 in 1989, an increase of 515.
- The proportion of property-type crimes declined again, for the ninth-straight year although larceny continued as the second most frequent investigation offense.
- The average age of the investigation population rose to 26.7 years in 1989, after remaining flat for two years, it being 26.2 years for both 1988 and 1987; thus, there were increases in the average age for eight of the last ten years.
- An increase of 13.5% in the number of cases receiving a sentence of probation, from 4,574 in 1988 to a higher 5,194 in 1989, for an increase of 620, and a record high for this category.
- The overall probation rate for the investigation caseload -- proportion of cases receiving a sentence to probation -- declined, for the fourth-straight year, from 58.9% in 1988 to 57.0% in 1989. High for this statistic in this decade was 64.6% in 1985.

- An increase in the overall commitment rate for the investigation caseload, for the fourth-consecutive year, from 32.4% in 1988 to a higher 35.4% in 1989. This was a new high for this statistic in this decade.
- The use of shock probation rose, from 1,102 in 1988 to 1,250 in 1989, while its proportion of the total number of offenders sentenced to probation remained stable, it being 24.1% for both years.
- Sentences of investigation cases in County Court (felony jurisdiction) reflected an increase of 7.1% in probation cases in open court in 1989 and an increase of 6.1% for youthful offenders, while commitments increased in open court by a much larger 41.9% and for youthful offenders by 25.0%.
- Sentences of investigation cases in District Court (misdemeanor jurisdiction) reflected an increase in probation cases of 17.3% in open court in 1989 and an increase of 12.9% for youthful offenders, while commitments in open court increased by 15.6% and for youthful offenders by a larger 40.0%.
- The recidivism rate in the investigation program rose, from 66.3% in 1988 to a higher 68.5%. However, it was the seventh-consecutive year that the rate fell below 70%. High for this statistic in the past was 78.4% in 1977.
- Non-whites accounted for 45.5% of the investigation caseload in 1989, up from 43% in 1988 and 41.9% in 1987; for whites, it was 54.5% in 1989, 57% in 1988 and 58.1% in 1987. Non-whites have a higher concentration in the County Court with 57.4% of the cases.
- In pretrial services, there were increases in both their major programs. Thus, ROR investigations rose, for the second-consecutive year, by 15.1% to a level of 5,029 in 1989, while the CROC total caseload increased by 1.1% in 1989 to a level of 5,831, after a decline of 6.2% the previous year.
- An increase of 6.8% in the total number of probationers under post-adjudicatory supervision for some period during the year, from 13,763 cases in 1988 to 14,696 in 1989. This compares with a 6.3% increase the previous year.
- An increase of 6.8% in the average annual total monthly post-adjudicatory supervision caseload, from 9,080 cases in 1988 to 9,693 in 1989. Here, too, the rate of increase was above the 4.9% increase the previous year.

- An increase of 7.3% in the size of the average yearly probation officer's monthly supervision caseload in the regular supervision units, from 96.2 cases in 1988 to a higher 103.2 cases in 1989. Add to this an average of 1.9 new PSI reports per probation officer per month during 1989, as compared with 1.9 in 1988, and less than one (0.94) in 1987.
- An increase of 2.9% in the size of the average yearly probation officer monthly supervision caseload in the drug and alcohol units, from 99.8 cases in 1988 to a higher 102.7 cases in 1989. Add to this an average of 1.7 new PSI reports per probation officer per month during 1989, as compared with 1.9 in 1988 and less than one (0.89) in 1987.
- An increase in the probationer turnover rate, for the second-consecutive year, after six years of declines, from 74.1% in 1988 to 75.9% in 1989; high for this statistic in past years was an 81% turnover rate in 1979.
- An increase in the success rate (% of cases discharged as improved) for the drug and alcohol units, from 71.7% in 1988 to 72.6% in 1989. This compares with a 75.9% in 1987.
- An increase in the success rate (% of cases discharged as improved) for the regular supervision units, from 57.7% in 1988 to a higher 63.7% in 1989. It was 62.2% in 1987.
- A small decline, after a 26.7% increase the previous year, in the number of violations of probation filed by the Criminal Division, from 1,389 in 1988 to 1,382 in 1989, as well as a decline in the overall violation filed rate, from 10.1 violations in 1988 to a lower 9.4 violations in 1988 to a lower 9.4 violations in 1989.
- No change in the average (median period) length of time spent on probation supervision, it remained at 20.3 months for both 1988 and 1989; however, the average supervision period continues to vary significantly by court of jurisdiction -- 27.2 months for County Court (felony jurisdiction) supervision cases and a lower 18.3 months for District Court cases in 1989.
- Non-whites, with a lower probation rate than whites, accounted for only 31% of the new probationers entering the supervision caseload in 1989, while their share of the investigation caseload was a higher 45.5%.

## CRIMINAL DIVISION

### INVESTIGATION PROGRAM

Investigation assignments referred to the Criminal Division by the Courts during a given year are generally a more accurate barometer of the current workload for that function than the number of investigation cases sentenced or otherwise disposed of by the Courts during the same year. Although this was the pattern in both 1988 and 1987, in 1989, the number of investigation assignments fell below the number of dispositions by 2.1%. However, in terms of methodology and analysis, the dispositions group does provide a richer source of data on the investigation program. Therefore, investigation assignments referred by the courts will be discussed here, but only briefly.

During 1989, the total number of investigation assignments reached 8,918, for an increase of 996, or 12.6% above the total 7,922 in 1988. This rate of increase compares with 14.9% in 1988, 1.9% in 1987, 1.4% in 1986 and 17.7% in 1985. In addition, along with the increase in 1989, investigations reached another record high for this program. Drug offenses also rose dramatically again in 1989, for the third year in a row, while DWI offenses also increased, after declining for three straight years from a previous peak in 1985. See Table IIC.



An analysis of the investigation assignments by court of jurisdiction reveals most of the increase to be in the County Court, which was similar to the previous two years. In 1989, the County Court, with felony jurisdiction, accounted for 3,153, or 35.4% of the overall investigation assignment total, while the District Court, with misdemeanor jurisdiction, contributed 5,765, or 64.6% of the total 8,918. In comparison to 1988, this represents an increase of 546 investigations, or 19.3%, in County Court and an increase of 486, or 9.2%, in the District Court. See Table III. Overall, investigation assignments rose from 4,815 in 1980 to 8,918 in 1989, a jump of 4,103, or an 85.2% increase for the decade.

An analysis of the investigation cases involving drug abuse offenses for 1989 reflects another dramatic increase -- for the third consecutive year -- of 32%, from 1,609 in 1988 to 2,124 in 1989. This compares with an increase of 56.9% in 1988, 56.5% in 1987, but only 1.1% in 1986.

An analysis of the types of drug offenses and the kinds of drugs involved in these offenses is set forth in Table IV. Sale or attempted sale of a controlled substance is the most frequent drug offense in the County Court with more than one-half (58.9%) of the offenses falling in this category. However, possession or attempted possession of a controlled substance had the greatest increase in 1989. In District Court, possession or attempted possession of a controlled substance is the most frequent offense, with more than four-fifths (81.0%) of the drug cases in this category.

Among various types of drugs involved in these offenses, cocaine continues to be the dominant drug, accounting for almost one-half (48.8%)

TABLE III  
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT

<u>Court</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	2,393	30.9	2,946	32.3	+ 553	+ 23.1
Youth Part, County	309	3.9	326	3.6	+ 17	+ 5.5
District	4,384	56.5	5,065	55.6	+ 681	+ 15.5
Youth Part, District	<u>672</u>	<u>8.7</u>	<u>774</u>	<u>8.5</u>	<u>+ 102</u>	<u>+ 15.2</u>
TOTAL	7,758	100.0	9,111	100.0	+1,353	+ 17.4

INVESTIGATION ASSIGNMENTS BY COURT

<u>Court</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County and Youth Part, County	2,643	33.4	3,153	35.4	+ 510	+ 19.3
District and Youth Part, District	<u>5,279</u>	<u>66.6</u>	<u>5,765</u>	<u>64.6</u>	<u>+ 486</u>	<u>+ 9.2</u>
TOTAL	7,922	100.0	8,918	100.0	+ 996	+ 12.6

TABLE IV

DRUG ABUSE INVESTIGATION ASSIGNMENTS FROM COUNTY AND DISTRICT COURTS 1988-1989COUNTY COURT

	1988		1989		Inc/Dec 1989 over 1988	
	No.	%	No.	%	No.	%
Sale or Att. Sale	650	65.7	850	58.9	+200	+30.8
Poss.or Att.Poss.	322	32.5	557	38.6	+235	+72.9
Poss.Forged Instrument	0	0.0	0	0.0	0	0.0
DWI - Drugs	11	1.1	9	0.6	- 2	-18.2
Other	7	0.7	13	0.9	+ 6	+85.7
TOTAL	990	100.0	1,429	100.0	+439	+44.3

DISTRICT COURTType of Offense

Poss. or Att.Poss.	525	84.8	563	81.0	+ 38	+ 7.2
Sale or att.Sale	33	5.3	31	4.5	+ 2	+ 6.1
Att.Prom.Prison Contr.	4	0.7	5	0.7	+ 1	+25.0
DWI - Drugs	50	8.1	73	10.5	+ 23	+46.0
Poss.Forged Instrument	0	0.0	0	0.0	0	0.0
Other	7	1.1	23	3.3	+ 16	+228.6
TOTAL	619	100.0	695	100.0	+ 76	+12.3
COUNTY COURT	990	61.5	1,429	67.3	+439	+44.3
DISTRICT COURT	619	38.5	695	32.7	+ 76	+12.3
TOTAL	1,609	100.0	2,124	100.0	+515	+32.0

Type of Drug Involved in Offenses for Drug Abuse Assignments for County and District Courts

Type	1988		1989		Inc/Dec 1989 over 1988	
	No.	%	No.	%	No.	%
Cocaine	855	49.8	1,101	48.8	+ 246	+ 28.8
Crack	552	32.2	880	39.0	+ 328	+ 59.4
Marijuana	168	9.8	156	6.9	- 12	- 7.1
Heroin	90	5.2	81	3.6	- 9	- 10.0
Valium	8	0.5	2	0.1	- 6	- 75.0
LSD	7	0.4	6	0.3	- 1	- 14.3
PCP	13	0.7	12	0.5	- 1	- 7.7
Angel Dust	3	0.2	2	0.1	- 1	- 33.3
Quaaludes	1	0.1	0	0.0	- 1	-100.0
Hashish	0	0.0	1	0.1	+ 1	+100.0
Barbiturates	0	0.0	0	0.0	0	0.0
Amphetamines	0	0.0	2	0.1	+ 2	+100.0
Diazepam	2	0.1	0	0.0	- 2	-100.0
Other	17	1.0	12	0.5	- 5	- 29.4
Total	1,716	100.0	2,255	100.0	+ 539	+ 31.4

of all the various drugs. Crack, the cocaine derivative, ranked second and had the largest increase for the third consecutive year. It first appeared on this list in 1986 with 43 offenses, jumped to 552 in 1988 and 880 in 1989, for another 59.4% increase. Furthermore, if the crack cases are combined with the cocaine cases, together they account for more than four-fifths (87.8%) of all the various drugs. Marijuana and heroin continue to rank third and fourth but accounted for only 6.9% and 3.6%, respectively, of the various drugs and actually experienced small declines in 1989. See Table IV.

#### INVESTIGATIONS WITH DISPOSITIONS

The number of investigation cases sentenced or otherwise disposed of by the Courts was 2.1% above the number of investigations assigned during 1989, but, more importantly, 17.4% above the number sentenced in 1988. Investigations with Court dispositions totalled 9,111 in 1989, as compared with 7,758 in 1988, for an increase of 1,353, or 17.4%. This compares with an increase of 13.1% in 1988, a decline of 0.6% in 1987, an increase of 4.4% in 1986 and 20.2% in 1985. In short, 1989, saw the investigation program undergo its second significant increase in workload since 1985. See Table IIC. Overall, investigations with court dispositions rose from 4,557 in 1980 to 9,111 in 1989, a jump of 4,554, or a 99.9% increase for the decade.

#### COURT OF JURISDICTION

An analysis of the distribution of cases disposed of by Courts of Jurisdiction reveals an across the board increase in all the courts, with the

largest being in the County Court. Thus, County Court dispositions rose by 510, or 23.1%, from 2,393 in 1988 to 2,946 in 1989. Youth Part, County Court rose by only 17, from 309 in 1988 to 326 in 1989, for an increase of 5.5%. District Court cases increased by 681, or 15.5%, from 4,384 in 1988 to 5,065 in 1989. Youth Part, District Court rose by 102 cases, or 15.2%, from 672 in 1988 to 774 in 1989. See Tables III and V.

### AGE OF OFFENDERS

In 1989, unlike the two previous years when statistics for the age factor remained generally flat, the data reflects a further aging of the offender population. This pattern, although stable in 1988 and 1987, was much in evidence the previous seven years, when the long-term aging of the general population of Nassau County had an impact on the offender population entering probation programs, whereby the average (median) age of offenders in the investigation program rose each year. Thus, from a low of 22.6 years in 1979, the average age rose each year to a high of 26.4 years in 1986, but remained generally flat in 1987, declining slightly to 26.2 years, where it remained in 1988. In 1989, the pattern continued, with a rise in the average age to 26.7 years. In brief, during this decade the average age rose from 22.8 years in 1980 to an older 26.7 years in 1989. The aging trend noted here in the investigation caseload also has had a significant impact on the supervision program, as we shall see later in this report. Further evidence of this long-term aging trend is also revealed in the proportion of offenders in the 16-20 age group. After declining for seven straight years, from a high of

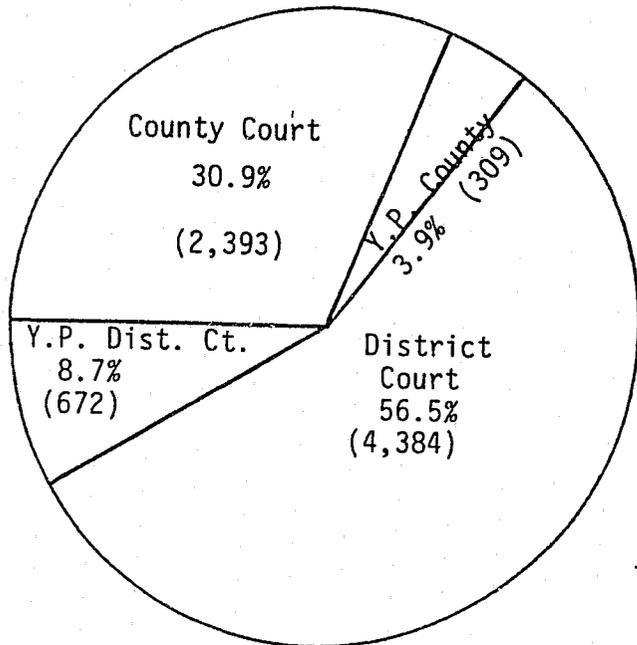
TABLE V  
CRIMINAL DIVISION

INVESTIGATIONS WITH DISPOSITIONS BY COURT

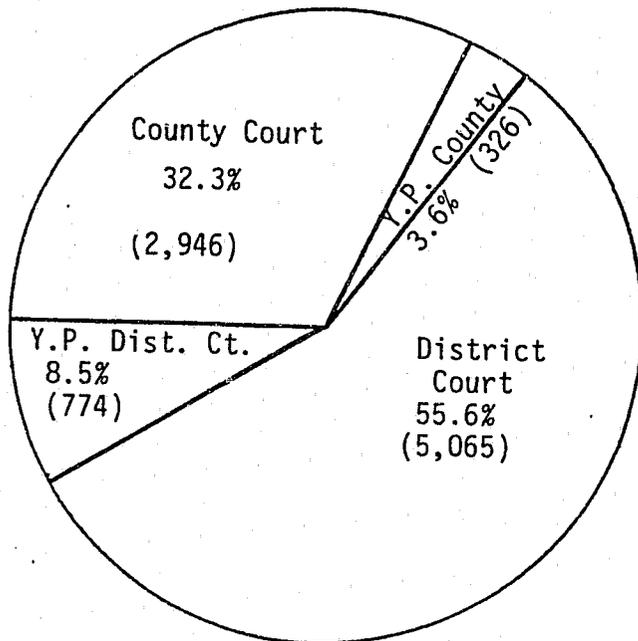
Frequency and Percentage Distribution

<u>Court</u>	1988		1989	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	2,393	30.9	2,946	32.3
Youth Part, County	309	3.9	326	3.6
District	4,384	56.5	5,065	55.6
Youth Part, District	672	8.7	774	8.5
Total	7,758	100.0	9,111	100.0

1988



1989



42.6% in 1979 to 23.6% in 1986, it rose slightly to 23.8% in 1987 and then fell to a low of 22.2% in 1989. Also, the proportion of offenders in the 16-29 age group declined to a low of 62.8% in 1989. In the past, the trend most evident of the aging of the offender population could be observed in the 30 years and over age group. This was also the case in 1989. Thus, their proportion rose from a low of 25.2% in 1979 to a high of 37.2% in 1989. In sum, the decade of the 1980's has witnessed a significant increase in the number of offenders in the 30 years and over age group. See Tables VI and VII.

#### GENDER OF OFFENDERS

The proportions of male and female cases in the investigation program, in comparison to the previous year, remained generally stable, with only a slight change in the female category. The distribution of the investigation caseload was 7,778 males, or 85.4%, and 1,333, or 14.6%, females. Thus, males increased their share by 17.1% versus a larger 19.8% increase for the female segment. See Table VIII.

The findings from this analysis of 1989 data indicate that female offenders continue to be managed somewhat differently by the Courts than their male counterparts. As noted previously, however, the differences here do not appear to be as significant as in the past. Likewise, the variations in the male and female offense profiles remain. For example, in 1989, females were more likely to be involved in larceny (35.5%) than males (14.5%), forgery (2.3% versus 1.1%) and possession of stolen property (3.6% versus 3.5%) and less likely in burglaries (1.3% versus 3.9%), robberies (0.8% versus 3.1%) and

TABLE VI  
CRIMINAL DIVISION

AGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS  
DURING THE YEARS 1983-1989

<u>Age Category</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Median age - years	24.7	24.9	25.8	26.4	26.2	26.2	26.7
% in 16-20 age group	32.0%	31.7%	27.1%	23.6%	23.8%	23.2%	22.2%
% in 16-29 age group	70.5%	68.9%	65.9%	63.8%	64.9%	65.5%	62.8%
% in 30 and over age group	29.5%	31.1%	34.1%	36.2%	35.1%	34.5%	37.2%



DWI (13.2% versus 22.4%), although here, too, the gap in their offense profiles is closing.

In 1989, the probation rate for females was 60.5%, as compared with a lower 58.4% for males. But, in comparison to the past, the gap here has also gotten smaller. The commitment rate for females was 26.4% versus a larger 36.9% for males. Although females continue to have a lower chance of being incarcerated than do males, in recent years, the difference here has also gotten smaller. For example, the commitment rate for females in 1980 was only 10.9%, but by 1989, it had more than doubled to 26.4%. The trend is also evident with the split sentence (jail/probation) where in 1989, 13.5% of the females received this type of sentence, as compared with 13.8% of the males. The difference here is also smaller than in the past. For example, in 1980, this distribution for the split sentence was 16.3% for males and only 7.5% for females.

As a group, females continue to be somewhat older than males, although in recent years the gap in age has also gotten smaller. For example, in 1980, the median age for females was 25.1 years versus a younger 23.3 years for males. By 1989, the median age for females was now 27.2 years, but the males were now older, with a median age of 26.7 years.

In summary, although the decade of the 1980's has revealed changes in this area, some differences continue to exist in the way the Courts manage female and male offenders. Some of the differences that remain, however, (for example, of those sentenced to commitments, males are more than twice as likely to go to prison, rather than jail, than are females - 37.9%

TABLE VIII  
CRIMINAL DIVISION

SEX OF OFFENDER OF INVESTIGATIONS WITH DISPOSITIONS  
DURING THE YEARS 1988-1989

<u>Sex</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Male	6,645	85.7	7,778	85.4	+1,133	+ 17.1
Female	<u>1,113</u>	<u>14.3</u>	<u>1,333</u>	<u>14.6</u>	<u>+ 220</u>	<u>+ 19.8</u>
Total	7,758	100.0	9,111	100.0	+1,353	+ 17.4

INVESTIGATION ASSIGNMENTS BY SEX  
DURING THE YEARS 1988-1989

<u>Sex</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Male	6,761	85.3	7,622	85.5	+ 861	+ 12.7
Female	<u>1,161</u>	<u>14.7</u>	<u>1,296</u>	<u>14.5</u>	<u>+ 135</u>	<u>+ 11.6</u>
Total	7,922	100.0	8,918	100.0	+ 996	+ 12.6

versus 18.2%) can no doubt be attributed to gender, a carry over from the past, and attitudes which are changing slowly. Also, while differences between males and females continue to be reflected in their offense profiles and their degree of criminality, they appear not to be as great as in the past.

#### RESIDENCE OF OFFENDERS

In 1989, the proportion of the investigation caseload that consists of non-residents of Nassau County increased its share of the overall cases. The distribution was 6,372, or 69.9%, County residents and 2,739, or 30.1% non-residents. Thus, in comparison to 1988, non-residents increased in number by 19.1%, while residents rose by a smaller 16.7%. Continuing a trend evident in previous years, the chances of being a non-resident in 1989 varied by both court of jurisdiction and gender. In 1989, Youth Part, County Court had the lowest proportion of non-residents (23.3%), followed by District Court with 29.0% and County Court with 30.7%. Youthful offenders in the District Court had the highest proportion of non-residents (35.7%). Analysis by gender found that female offenders have a higher proportion of non-residents with 31.4% versus a slightly smaller 29.8% for male offenders. See Tables IX and X.

#### TYPE OF SENTENCE

Of the major types of sentences or dispositions for the 1989 investigation caseload, analysis has revealed that for the fourth consecutive year there was a decline in the probation rate (proportion of cases sentenced to probation) and an increase in the commitment rate. The fourth consecutive

TABLE IX  
CRIMINAL DIVISION

RESIDENCY OF OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1983-1989

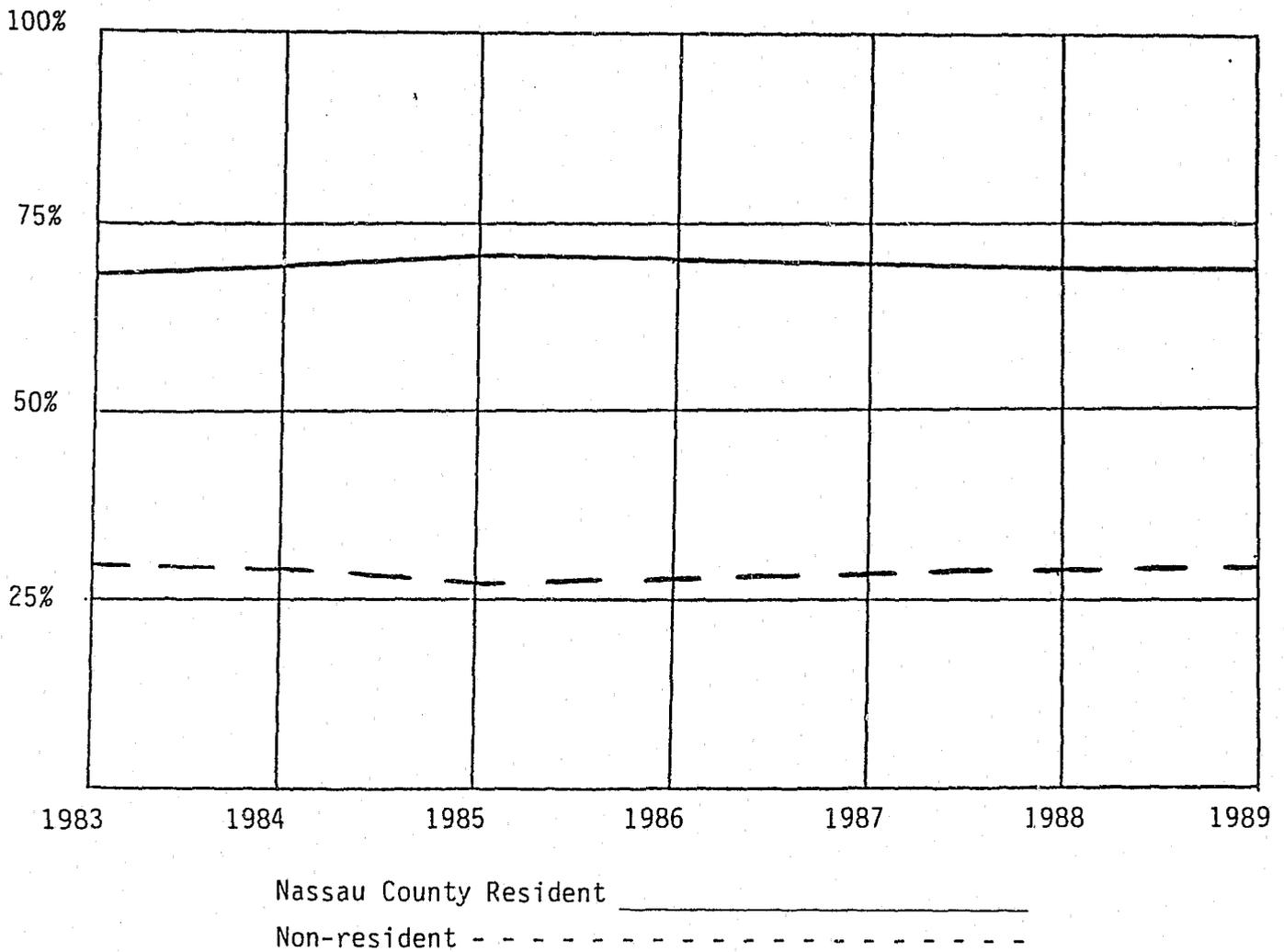
<u>Residency</u>	<u>1983</u>		<u>1984</u>		<u>1985</u>		<u>1986</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County	3,821	70.3	3,894	70.8	4,774	72.2	4,951	71.7
Non-resident	<u>1,613</u>	<u>29.7</u>	<u>1,604</u>	<u>29.2</u>	<u>1,837</u>	<u>27.8</u>	<u>1,953</u>	<u>28.3</u>
Total	5,434	100.0	5,498	100.0	6,611	100.0	6,904	100.0

<u>Residency</u>	<u>1987</u>		<u>1988</u>		<u>1989</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County	4,888	71.2	5,459	70.4	6,372	69.9
Non-resident	<u>1,973</u>	<u>28.8</u>	<u>2,299</u>	<u>29.6</u>	<u>2,739</u>	<u>30.1</u>
Total	6,861	100.0	7,758	100.0	9,111	100.0

TABLE X  
CRIMINAL DIVISION

PERCENTAGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS  
BY RESIDENCY FOR THE YEARS 1983-1989

<u>Residency</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Nassau County	70.3	70.8	72.2	71.7	71.2	70.4	69.9
Non-Resident	<u>29.7</u>	<u>29.2</u>	<u>27.8</u>	<u>28.3</u>	<u>28.8</u>	<u>29.6</u>	<u>30.1</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



decline in the probation rate follows a record high for this statistic of 64.6% in 1985. The proportion of other types of sentences, as a group, primarily fines and discharges, experienced a small decline.

Although there was a decline in the probation rate, from 58.9% in 1988 to 57.0% in 1989, there was also a below-average increase (in comparison to commitments and other types of sentences) in the actual number of offenders sentenced to probation of 13.6%, including both straight probation and the split sentence (jail/probation) or shock probation, where a period of jail time precedes probation supervision. As revealed in Table XI below, the increase in the straight-probation group of 13.6% was only slightly above the 13.4% increase in the split-sentence probation group. Thus, total probation cases rose from 4,574 in 1988 to 5,194 in 1989, for an increase of 620 cases, or 13.6%. The use of the split sentence continues to vary by court and gender. It was highest in the County Court probation group with 56.9%. It was also higher for males (24.4%) than females (22.3%).

TABLE XI  
DISTRIBUTION OF PROBATION SENTENCES FOR THE  
INVESTIGATION PROGRAM FOR THE YEARS 1988 - 1989

	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Probation	3,472	75.9	3,944	75.9	+472	+13.6
Probation/Jail	1,102	24.1	1,250	24.1	+148	+13.4
Total	4,574	100.0	5,194	100.0	+620	+13.6

The increase in the overall commitment rate for the fourth consecutive year, from 32.4% in 1988 to 35.4% in 1989 (it was a low 25.8% in 1985), has had a continuing impact on the total offenders committed, which increased by 28.2%. Most of this increase was in the State Prison category, while there was a smaller increase in those offenders sentenced to the County jail. Accordingly, State prison commitments rose from 743 in 1988 to a higher 1,153 in 1989, an increase of 410, or a significant jump of 55.2%, while County jail commitments rose from 1,769 to 2,068, an increase of 299, or 16.9%. Thus, the combined increase came to 28.2%. See Table XII.

**TABLE XII**  
**DISTRIBUTION OF THE COMMITMENT POPULATION FOR THE**  
**INVESTIGATION PROGRAM FOR THE YEARS 1988 TO 1989**

	1988		1989		Inc/Dec 1988 over 1989	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Nassau County Jail	1,769	70.4	2,068	64.2	+299	+16.9
State Prison	<u>743</u>	<u>29.6</u>	<u>1,153</u>	<u>35.8</u>	<u>+410</u>	<u>+55.2</u>
Total	2,512	100.0	3,221	100.0	+709	+28.2

In 1989, in the investigation program, as in previous years, both the probation and commitment rates continued to vary significantly by Court of Jurisdiction. County Court cases had the highest commitment rate - 55.7% - and the lowest probation rate - 43.6%. In contrast to County Court, which has

felony jurisdiction, District Court had a higher probation rate - 61.5% versus 43.6% - and a lower commitment rate - 29.2% versus 55.7%. See Tables XII - XVI.

#### CLASS OF OFFENDERS

An analysis of the investigation caseload by class of offender for 1989, in comparison to 1988, revealed an above-average increase in the number of felony convictions, for the third consecutive year, and a smaller increase in the number of misdemeanor convictions. Accordingly, the proportion of the investigation caseload in the felony conviction category rose from 27.9% in 1988 to 29.4% in 1989, while the actual number of felony cases rose from 2,163 to 2,681, an increase of 23.9%. On the other hand, the proportion of misdemeanor cases fell from 72.1% in 1988 to 70.6% in 1989. In short, while the felony category increased by 23.9%, the misdemeanor category increased by the smaller 14.9%. See Table XVII.

In reviewing just the County Court activity, which has felony jurisdiction, and including Youthful offenders, we find that of the 3,272 cases, only 2,681, or 81.9%, had felony convictions, with the remainder plea-bargained misdemeanor convictions. This compares with a felony conviction rate of 78.8% in 1988, 78.5% in 1987 and a higher 93% in 1980.

#### MAJOR CATEGORIES OF CRIME

A crime-specific analysis of the investigation caseload, including the major categories of crime (crime-against-persons, property, drug offenses, DWI's and other) as well as other selected offenses for 1989, has revealed a

TABLE XIII  
CRIMINAL DIVISION

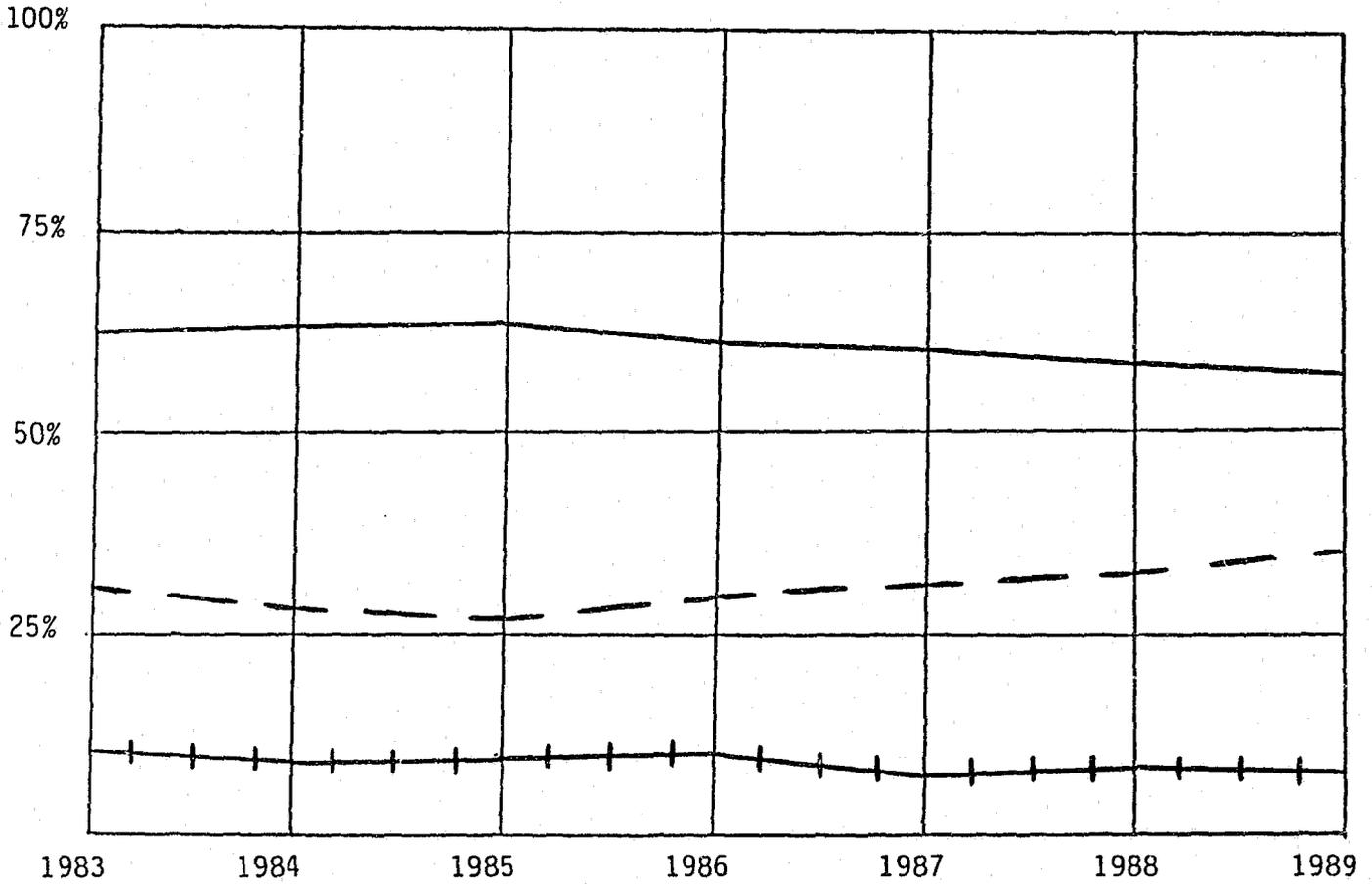
INVESTIGATIONS WITH DISPOSITIONS BY COURT AND TYPE OF SENTENCE

<u>COURTS</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
<u>ALL COURTS</u>						
Probation	4,574	58.9	5,194	57.0	+ 620	+ 13.6
Committed	2,512	32.4	3,221	35.4	+ 709	+ 28.2
Other	<u>672</u>	<u>8.7</u>	<u>696</u>	<u>7.6</u>	<u>+ 24</u>	<u>+ 3.6</u>
Total	7,758	100.0	9,111	100.0	+1,353	+ 17.4
<u>COUNTY COURT</u>						
Probation	1,198	50.1	1,283	43.6	+ 85	+ 7.1
Committed	1,157	48.3	1,642	55.7	+ 485	+ 41.9
Other	<u>38</u>	<u>1.6</u>	<u>21</u>	<u>0.7</u>	<u>- 17</u>	<u>- 44.7</u>
Total	2,393	100.0	2,946	100.0	+ 553	+ 23.1
<u>YOUTH PART, COUNTY</u>						
Probation	264	85.4	280	85.9	+ 16	+ 6.1
Committed	36	11.7	45	13.8	+ 9	+ 25.0
Other	<u>9</u>	<u>2.9</u>	<u>1</u>	<u>0.3</u>	<u>- 8</u>	<u>- 88.9</u>
Total	309	100.0	326	100.0	+ 17	+ 5.5
<u>DISTRICT COURT</u>						
Probation	2,657	60.6	3,117	61.5	+460	+ 17.3
Committed	1,279	29.2	1,478	29.2	+199	+ 15.6
Other	<u>448</u>	<u>10.2</u>	<u>470</u>	<u>9.3</u>	<u>+ 22</u>	<u>+ 4.9</u>
Total	4,384	100.0	5,065	100.0	+681	+ 15.5
<u>YOUTH PART, DISTRICT</u>						
Probation	455	67.7	514	66.4	+ 59	+ 12.9
Committed	40	6.0	56	7.2	+ 16	+ 40.0
Other	<u>177</u>	<u>26.3</u>	<u>204</u>	<u>26.4</u>	<u>+ 27</u>	<u>+ 15.3</u>
Total	672	100.0	774	100.0	+102	+ 15.2

TABLE XIV  
CRIMINAL DIVISION

PERCENTAGE OF OFFENDERS INVESTIGATED WITH DISPOSITIONS  
BY TYPE OF SENTENCE DURING THE YEARS 1983-1989

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Probation	60.4	63.4	64.6	61.0	60.7	58.9	57.0
Commitment	30.7	28.0	25.8	28.7	31.1	32.4	35.4
Other	<u>8.9</u>	<u>8.6</u>	<u>9.6</u>	<u>10.3</u>	<u>8.2</u>	<u>8.7</u>	<u>7.6</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0



Probation \_\_\_\_\_  
 Commitment - - - - -  
 Other | | | | | | | | | | | | | | | | | | | | | |

TABLE XV  
CRIMINAL DIVISION

TYPES OF SENTENCES FOR OFFENDERS INVESTIGATED WITH  
DISPOSITIONS DURING THE YEARS 1988-1989

Type	1988		1989		Inc/Dec 1989 over 1988	
	No.	%	No.	%	No.	%
Probation	4,574	58.9	5,194	57.0	+ 620	+ 13.6
Committed	2,512	32.4	3,221	35.4	+ 709	+ 28.2
Discharges & Fines	663	8.6	685	7.5	+ 22	+ 3.3
Dismissals & Acquittals	9	0.1	11	0.1	+ 2	+ 22.2
Total	7,758	100.0	9,111	100.0	+1,353	+ 17.4

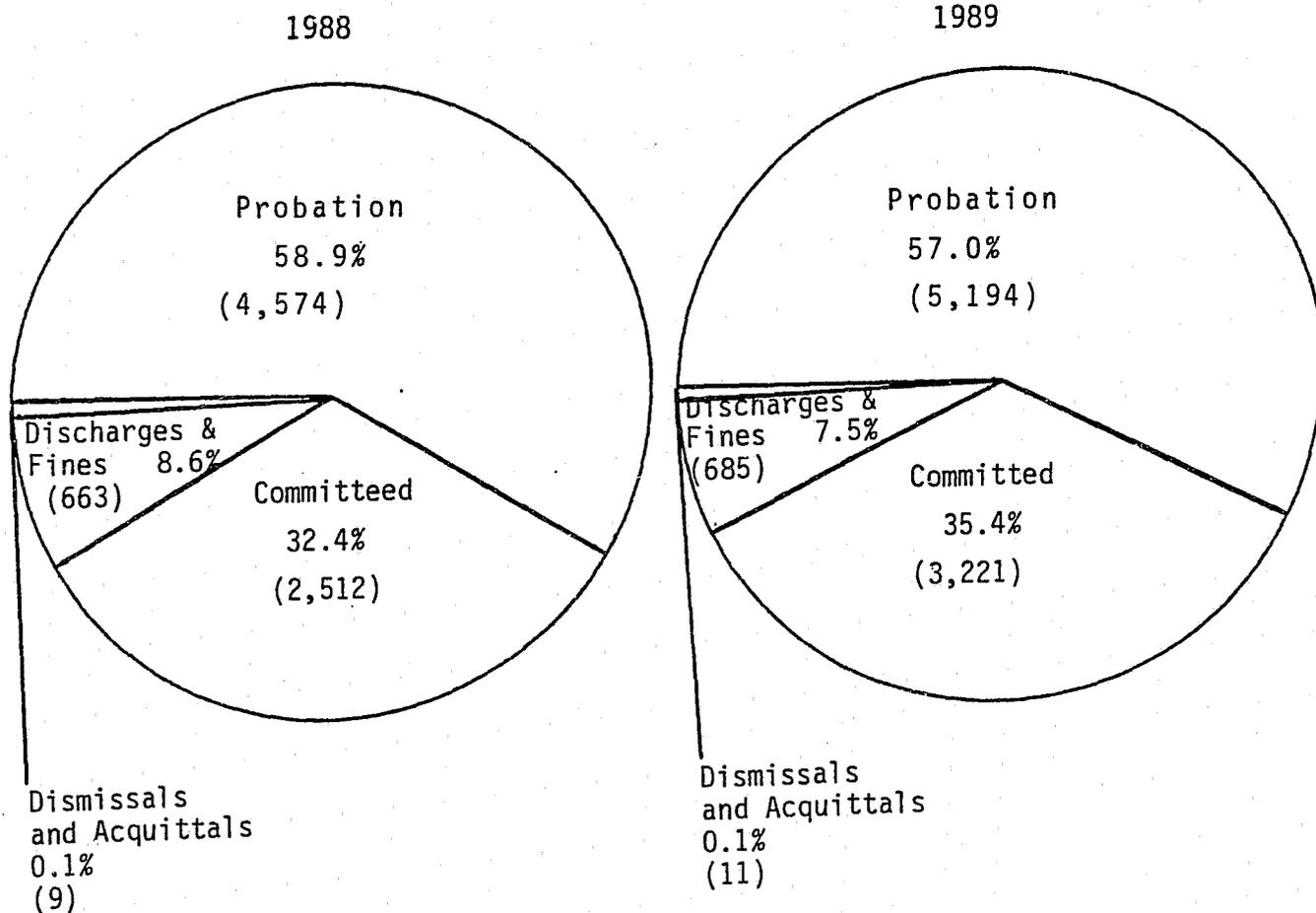


TABLE XVI  
CRIMINAL DIVISION

TYPES OF SENTENCES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1983-1989

Type	1983		1984		1985		1986	
	No.	%	No.	%	No.	%	No.	%
Probation	3,285	60.4	3,486	63.4	4,269	64.6	4,212	61.0
Commitment	1,666	30.7	1,538	28.0	1,706	25.8	1,979	28.7
Other	<u>483</u>	<u>8.9</u>	<u>474</u>	<u>8.6</u>	<u>636</u>	<u>9.6</u>	<u>713</u>	<u>10.3</u>
Total	5,434	100.0	5,498	100.0	6,611	100.0	6,904	100.0

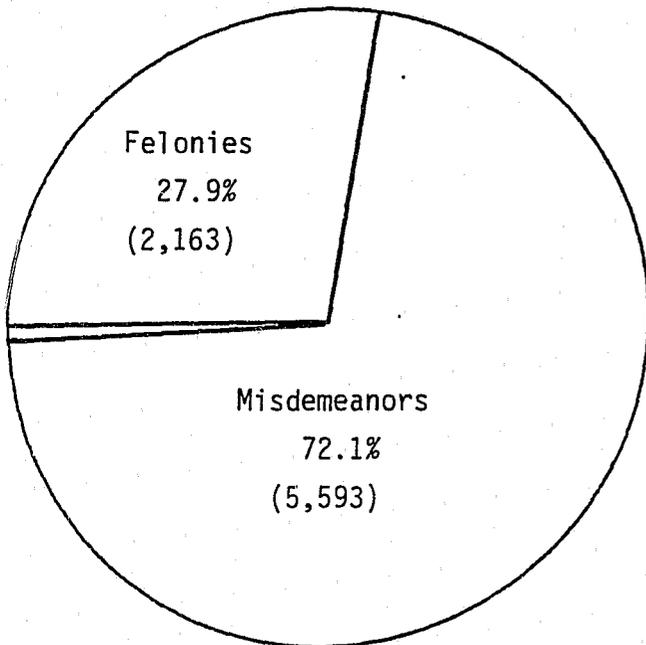
Type	1987		1988		1989	
	No.	%	No.	%	No...	%
Probation	4,168	60.7	4,574	58.9	5,194	57.0
Commitment	2,132	31.1	2,512	32.4	3,221	35.4
Other	<u>561</u>	<u>8.1</u>	<u>672</u>	<u>8.7</u>	<u>696</u>	<u>7.6</u>
TOTAL	6,861	100.0	7,758	100.0	9,111	100.0

TABLE XVII  
CRIMINAL DIVISION

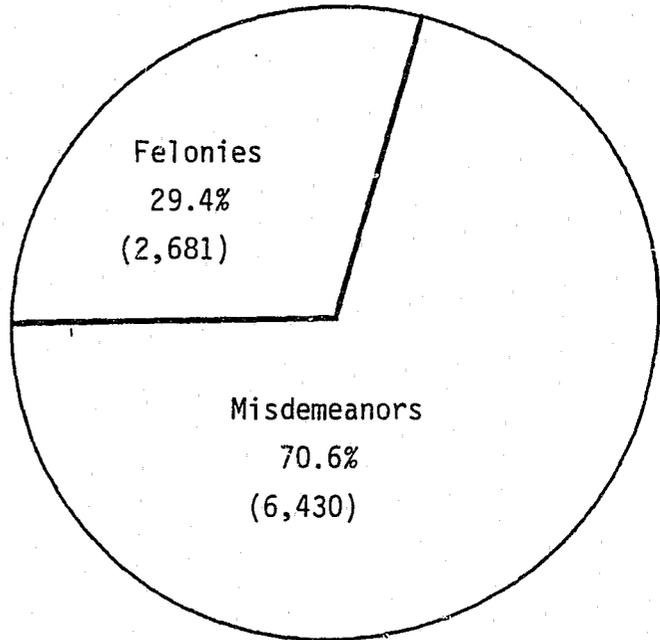
CLASSIFICATION OF OFFENDERS INVESTIGATED WITH  
DISPOSITIONS DURING THE YEARS 1988-1989

Type	1988		1989		Inc/Dec 1989 over 1988	
	No.	%	No.	%	No.	%
Felonies	2,163	27.9	2,681	29.4	+ 518	+23.9
Misdemeanors	5,593	72.1	6,430	70.6	+ 837	+14.9
Violations	2	0.0	0	0.0	- 2	-100.0
Total	7,758	100.0	9,111	100.0	+1,353	+ 17.4

1988



1989



Violations  
0.090 %  
(2)

continuation of dramatic changes in crime trends which have been underway in recent years. The proportion of property-type crimes declined again, for the ninth-straight year, from 41.9% in 1988 to 39.1% in 1989. However, there was a below-average increase of 9.5% in total property crimes. Larceny continues to be the single most frequent property crime, accounting for 45.7% (down from 46.1%) of this category and 17.8% of the overall investigation caseload (down from 19.3% in 1988). Burglary is the second ranking property-type crime, while possession of stolen property is third. The proportion of crime-against-persons declined slightly in its share of the investigation caseload, from 8.1% in 1988 to 7.9% in 1989. However, there was a below-average increase of 15.7% in total person-type crimes. Assaults were also up in 1989. It is the single most frequent person-type crime, accounting for 77.0% of this category in 1989 (up from 73.4% in 1988) and 6.1% of the overall caseload (up from 5.9% in 1988). Sexual offenses are the second ranking person-type crime, accounting for 12.4% of this category (up from 9.3% in 1988).

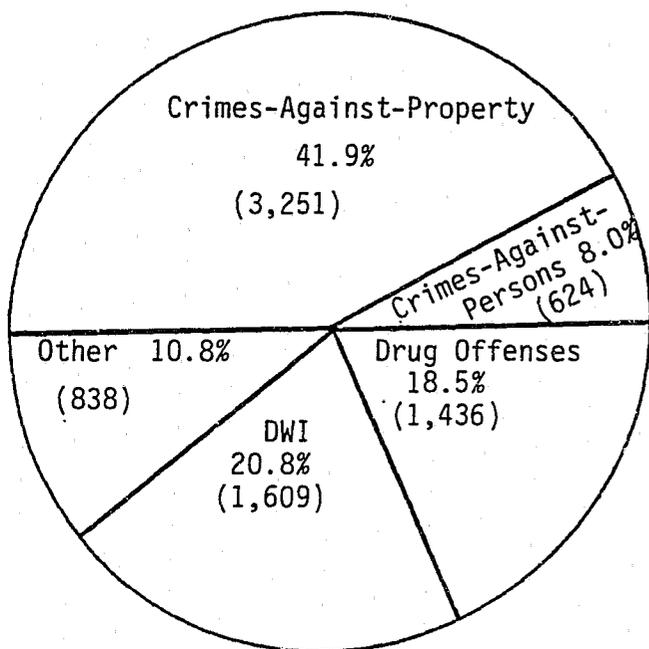
Once again, for the third-consecutive year, the proportion of drug offenses rose, from 18.5% in 1988 to 20.5% in 1989. In addition, there was a sharp, above-average increase in the total number of drug offenses of 30.4%. Possession of a controlled substance is the single most frequent drug offense, accounting for 52.2% of all drug offenses (up from 49.7% in 1988) and 10.7% of the overall investigation caseload. Sale of a controlled substance is the second ranking drug offense, accounting for 39.3% of this category in 1989 and 8.1% of the overall investigation caseload.

TABLE XVIII  
CRIMINAL DIVISION

TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH  
DISPOSITIONS DURING THE YEARS 1988-1989

Type	1988		1989		Inc/Dec 1989 over 1988	
	No.	%	No.	%	No.	%
Crimes-against- persons	624	8.0	722	7.9	+ 98	+ 15.7
Crimes-against- property	3,251	41.9	3,559	39.1	+ 308	+ 9.5
Drug Offenses	1,436	18.5	1,873	20.5	+ 437	+ 30.4
DWI Offenses	1,609	20.8	1,921	21.1	+ 312	+ 19.4
Other	838	10.8	1,036	11.4	+ 198	+ 23.6
Total	7,758	100.0	9,111	100.0	+1,353	+ 17.4

1988



1989

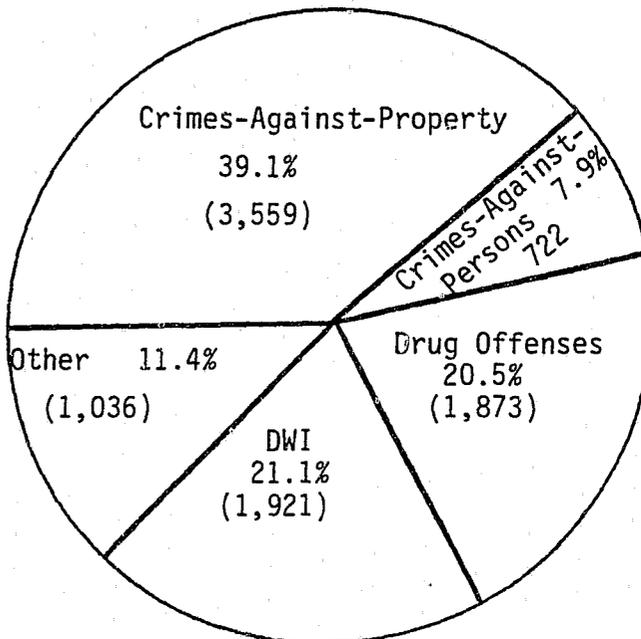




TABLE XX  
CRIMINAL DIVISION

TYPES OF CRIMES FOR OFFENDERS INVESTIGATED WITH DISPOSITIONS DURING THE YEARS 1983-1989

Type	1983		1984		1985		1986	
	No.	%	No.	%	No.	%	No.	%
Crimes-against-person	500	9.2	550	10.0	630	9.5	597	8.6
Crimes-against-property	2,942	54.2	2,879	52.4	3,115	47.1	3,230	46.8
Drug Offenses	464	8.5	490	8.9	616	9.3	610	8.8
D.W.I. Offenses	1,063	19.6	1,168	21.2	1,746	26.4	1,730	25.1
Other	<u>465</u>	<u>8.6</u>	<u>411</u>	<u>7.5</u>	<u>504</u>	<u>7.7</u>	<u>737</u>	<u>10.7</u>
TOTAL	5,434	100.0	5,498	100.0	6,611	100.0	6,904	100.0

Type	1987		1988		1989	
	No.	%	No.	%	No.	%
Crimes-against-person	536	7.8	624	8.0	722	7.9
Crimes-against-property	3,071	44.8	3,251	41.9	3,559	39.1
Drug Offenses	922	13.4	1,436	18.5	1,873	20.5
D.W.I. Offenses	1,630	23.8	1,609	20.8	1,921	21.1
Other	<u>702</u>	<u>10.2</u>	<u>838</u>	<u>10.8</u>	<u>1,036</u>	<u>11.4</u>
TOTAL	6,861	100.0	7,758	100.0	9,111	100.0

Driving while intoxicated (DWI) offenses, after three-consecutive years of small declines, experienced an above-average increase of 19.4% in 1989. After five-straight years of large increases between 1981 and 1985, it reached a peak of 1,746 cases in 1985. It rose to 1,921 in 1989. Other types of offenses, as a group, experienced an above-average increase of 23.6% in its share of the caseload. Their proportion rose from 10.8% in 1988 to 11.4% in 1989. See Tables XVIII, XIX and XX.

Further analysis of the various types of crimes included in the investigation caseload, using a comparative ranking for the two-year period 1988-1989, provides further evidence of the current offender crime profile. Of the total investigation caseload with dispositions in 1989, the ten most frequent criminal offenses accounted for 80.1% (7,296) of the total 9,111 cases. They are set forth below, in Table XXI, in rank order, along with a comparable distribution for 1988. A review of these data reveal identical offenses for both years and with only one small change in their respective ranking. DWI's continue to rank first, with 21.1% of the caseload, up from 20.7% in 1988. Larcenies rank second, followed by possession of a controlled substance, sale of a controlled substance and assault. As the single most frequent offense, DWI's continue, for the fifth consecutive year, to top the investigation program. Furthermore, because of the high probation rate for this offense, it also is the leading crime in the supervision program.

TABLE XXI

TEN RANKING CRIMINAL OFFENSES FOR THE  
INVESTIGATION PROGRAM FOR 1988 AND 1989

1988				1989			
Rank	Offense	N	% Total	Rank	Offense	N	% Total
1	DWI	1,609	20.7	1	DWI	1,921	21.1
2	Larceny	1,499	19.3	2	Larceny	1,626	17.8
3	Poss.Cont.Sub.	713	9.2	3	Poss.Cont.Sub.	978	10.7
4	Sale Cont.Sub.	593	7.6	4	Sale Cont.Sub.	736	8.1
5	Assault	458	5.9	5	Assault	556	6.1
6	Poss.Stol.Pty.	289	3.7	6	Burglary	323	3.5
7	Burglary	271	3.5	7	Poss.Stol.Pty.	322	3.5
8	Unauth.Use Veh.	263	3.4	8	Unauth.Use Veh.	307	3.4
9	Crim.Misch.	261	3.4	9	Crim.Misch.	275	3.0
10	Robbery	226	2.6	10	Robbery	252	2.8

RECIDIVISM

The recidivism variable is an important and powerful one, and, according to the most recent research findings based on local studies, the presence or absence of a prior criminal or juvenile record has a significant impact on the offender's adjustment to probation supervision and post-probation outcome after discharge. Because serious and difficult offenders continue to enter probation programs, risk assessment remains an important task.

Recidivism, in the context used in this report, gives some indication of the degree of previous criminality of the investigation caseload with dispositions during a given year. This, of course, includes but is not limited to those cases that were previously known to probation and the Criminal Division. During 1989, the overall recidivism rate (% of cases investigated and

disposed of during the year with a record of prior convictions as an adult or juvenile) rose, from 66.3% in 1988 to a higher 68.5% in 1989.

An analysis of the trend in recidivism rates in the investigation program reveals that in 1989, despite a small increase, the overall recidivism rate of 68.5% remained below the 70% level for the seventh-consecutive year. Thus, although rates in the past have been higher, at the present level, two-thirds of the investigation caseload continues to have a prior-conviction record. Also, it varies by Court so that if you discount youthful offenders, the level for County Court was 73.4% and for District Court 74.3%. In short, for a large segment of the investigation caseload, almost three-quarters of them had a prior-conviction record. See Tables XXII and XXIII.

#### PRETRIAL SERVICES

In 1989, pretrial services reported an increase for the workload in their two major programs. The Release-On-Recognizance (ROR) program had an increase for the second-consecutive year, after two years of declines, while the Conditional Release (CROC) program reported an increase after a decline the previous year, which, in turn, followed four years of increases.

The ROR program had increases in its workload for both 1988 and 1989. There were falloffs in both 1986 and 1987. Total ROR investigations rose from 4,371 in 1988 to a higher 5,029 in 1989, for an increase of 658, or 15.1%. The previous peak for cases in this program was 4,952 in 1985. Analysis by type of crime, felony or misdemeanor, revealed increases in both categories.

TABLE XXII  
CRIMINAL DIVISION

RECIDIVISM

PERCENTAGE OF INVESTIGATIONS WITH DISPOSITIONS DURING  
THE YEARS 1983-1989 WITH A PRIOR CONVICTION RECORD

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Total Cases	5,434	5,498	6,611	6,904	6,861	7,758	9,111
Percent Recidivist	69.4%	68.4%	66.5%	68.5%	68.3%	66.3%	68.5%

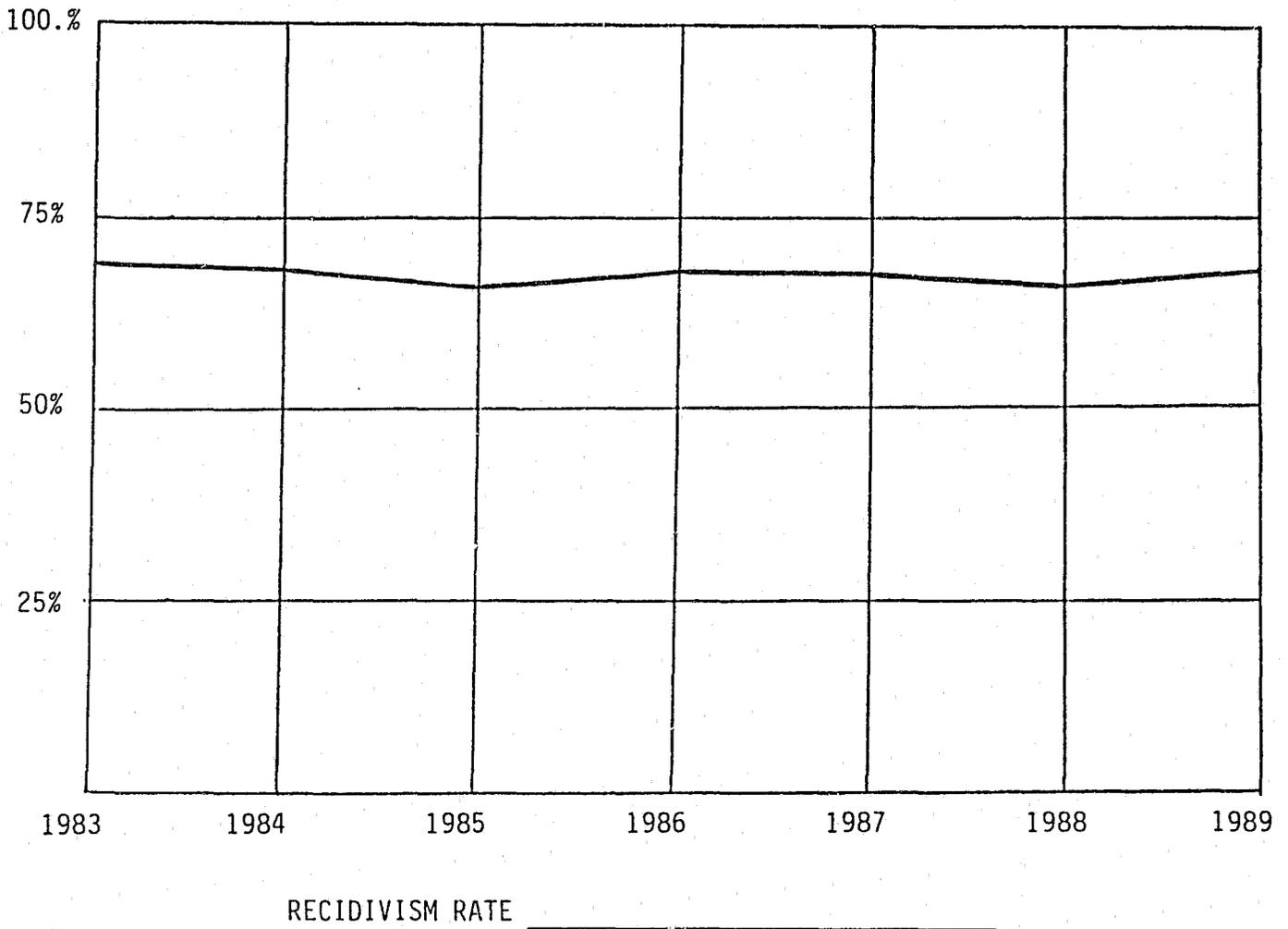


TABLE XXIII  
CRIMINAL DIVISION

RECIDIVISM IN INVESTIGATION CASELOAD  
PERCENTAGE OF INVESTIGATIONS WITH DISPOSITIONS DURING THE YEARS  
1984-1989 WITH A PRIOR CONVICTION RECORD

<u>Type</u>	<u>1984</u>		<u>1985</u>		<u>1986</u>		<u>1987</u>		<u>1988</u>		<u>1989</u>	
		<u>(N)</u>										
All Cases	68.4%	(5498)	66.5%	(6611)	68.5%	(6904)	68.3%	(6861)	66.3%	(7758)	68.5%	(9111)
<u>Court</u>												
County	73.7%	(1654)	71.1%	(1722)	72.2%	(2054)	73.8%	(2062)	73.1%	(2393)	73.4%	(2946)
Y.P. County	35.4%	( 322)	32.6%	( 298)	27.1%	(255)	32.7%	(254)	31.4%	( 309)	33.1%	(326)
District	78.2%	(2855)	73.4%	(3893)	74.4%	(4001)	74.5%	(3910)	70.8%	(4384)	74.3%	(5065)
Y.P. District	29.4%	( 677)	31.5%	( 698)	33.7%	(594)	26.6%	(635)	28.9%	(672)	27.1%	( 774)

In 1989, misdemeanor cases rose by only 2.1%, from 1,750 in 1988 to 1,786 in 1989. Of the two categories, felony cases experienced by far the larger increase -- 23.7%, from 2,621 in 1988 to 3,243 in 1989. Analysis of the ROR workload by court of jurisdiction revealed a decline in County Court and a significant increase in District Court. Thus, County Court, with the smallest number of cases, declined by 22.8%, from 381 cases in 1988 to 294 in 1989, for a drop of 87 cases. In contrast, District Court cases rose by a sharp 18.7%, from 3,990 in 1988 to 4,735 in 1989, for an increase of 745 cases. The end result saw the proportion of the ROR caseload from County Court fall from 8.7% in 1988 to 5.8% in 1989. The distribution of the caseload by gender was essentially unchanged; the proportion of females was 14.1% in 1988 and rose to 14.2% in 1989. See Tables XXIV and XXV.

The Conditional Release Program experienced a small increase in its workload in 1989, after a decline of 6.2% the previous year. This followed four-consecutive years of growth, with the total caseload reaching a peak of 6,149 in 1987. Also, further evidence of a turn around here can be observed in the average monthly total CROC caseload, which rose from 1,634 in 1988 to 1,785 in 1989, for a rise of 151 cases, or 9.2%. Analysis of the CROC cases by type of crime, felony or misdemeanor, reveals the rise in the cases was accounted for entirely in the felony-case category, which rose by 5.2%, while misdemeanor cases actually dropped by a small 0.5%. Distribution of the CROC caseload by gender revealed very little change in this area. For example, the proportion of females was 22.1% in 1988 and 22.0% in 1989. See Table XXVI below and Table XXVII.

TABLE XXIV  
CRIMINAL DIVISION

RELEASE-ON-RECOGNIZANCE INVESTIGATIONS COMPLETED, BY TYPE OF CRIME, FELONY OR MISDEMEANOR, DURING THE YEARS 1988 AND 1989

<u>Type of Crime</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony	2,621	59.9	3,243	64.5	+622	+23.7
Misdemeanor	1,750	40.1	1,786	35.5	+ 36	+ 2.1
Total	4,371	100.0	5,029	100.0	+658	+15.1
<u>Sex</u>						
Male	3,754	85.9	4,313	85.8	+559	+14.9
Female	617	14.1	716	14.2	+ 99	+16.0
Total	4,371	100.0	5,029	100.0	+658	+15.1

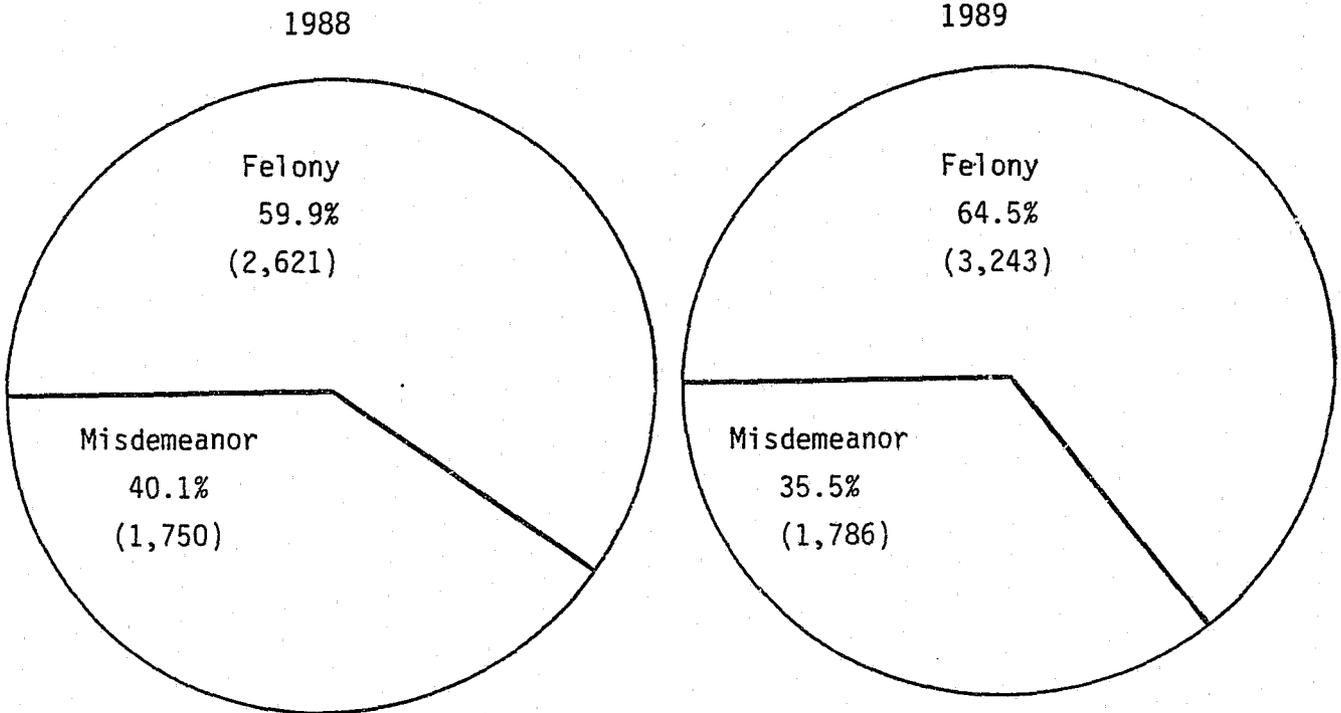
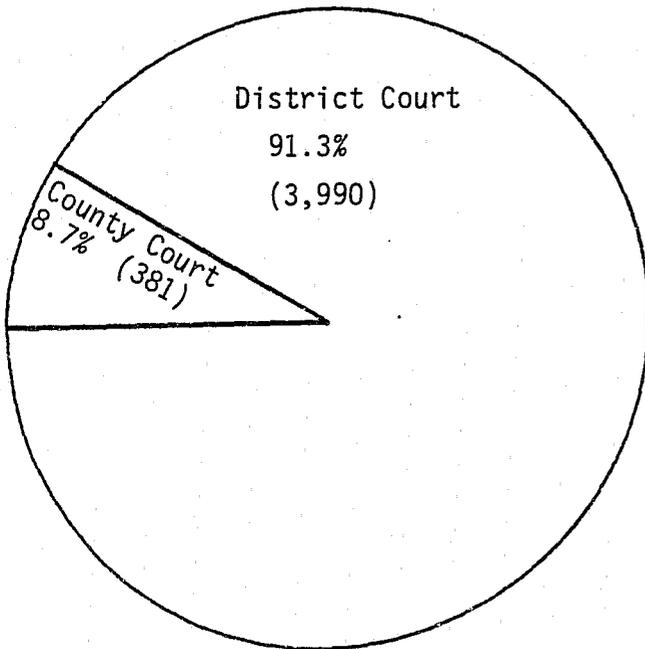


TABLE XXV  
CRIMINAL DIVISION

RELEASE-ON-RECOGNIZANCE INVESTIGATIONS COMPLETED, BY COURT  
OF JURISDICTION, DURING THE YEARS 1988 AND 1989

<u>Court</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
County	381	8.7	294	5.8	- 87	-22.8
District	<u>3,990</u>	<u>91.3</u>	<u>4,735</u>	<u>94.2</u>	<u>+745</u>	<u>+18.7</u>
Total	4,371	100.0	5,029	100.0	+658	+15.1
<u>Sex</u>						
Male	3,754	85.9	4,313	85.8	+559	+14.9
Female	<u>617</u>	<u>14.1</u>	<u>716</u>	<u>14.2</u>	<u>+ 99</u>	<u>+16.0</u>
Total	4,371	100.0	5,029	100.0	+658	+15.1

1988



1989

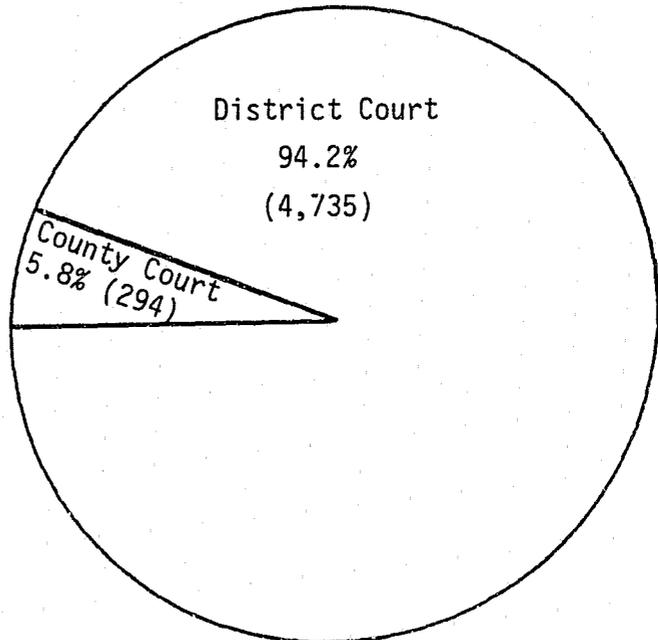


TABLE XXVI

PRETRIAL CONDITIONAL RELEASE PROGRAM

	<u>1988</u>	<u>1989</u>	<u>Inc/Dec</u> <u>1989 over 1988</u>	
			<u>No.</u>	<u>%</u>
Total Cases Under Supervision	5,766	5,831	+ 65	+1.1
Average Monthly Total Caseload	1,634	1,785	+151	+9.2

SUPERVISION PROGRAM

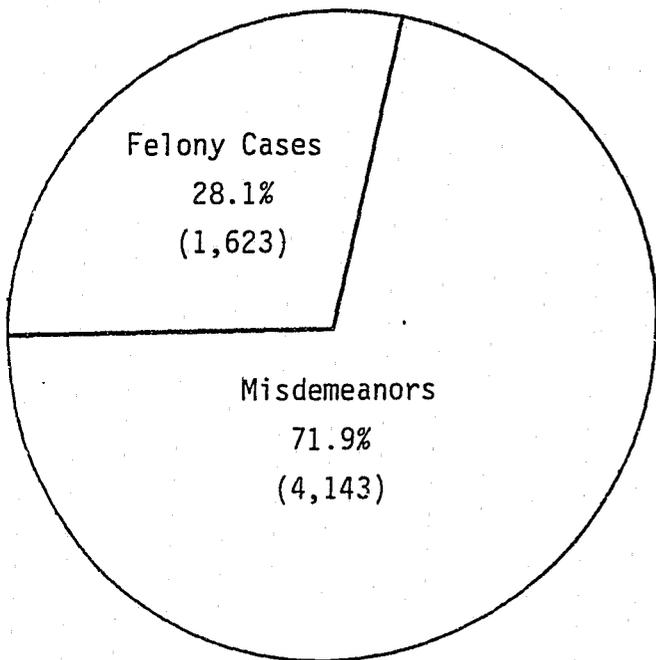
The decade of the 1980's has witnessed significant changes in the supervision program. Some of these changes were documented in research studies completed by the Department during this period. The recently completed 1989 "Probation and Recidivism" study noted, for example, that the results, while generally encouraging, reveal both good and bad trends. It found that recidivism touches all aspects of the probation process, with recidivists now dominating the caseload, and furthermore, that serious recidivists are more frequently the rule and not the exception of a generation ago. In summary, analysis of probation discharge and post-probation outcome measures has revealed significant differences in recidivism levels between the probationer populations in the 1982 and 1989 research studies. In short, the evidence indicates that there was a further intensification of the recidivism problem during the 1980's.

TABLE XXVII  
CRIMINAL DIVISION

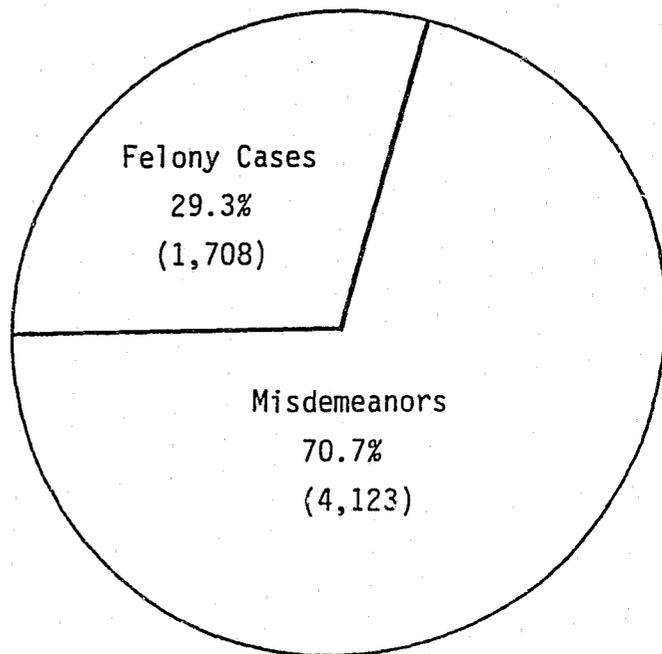
TOTAL PRETRIAL CONDITIONAL RELEASE PROGRAM  
CASELOAD DISTRIBUTED BY TYPE OF OFFENSE, FELONY OR MISDEMEANOR,  
FOR THE YEARS 1988 AND 1989

<u>Type</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony	1,623	28.1	1,708	29.3	+ 85	+ 5.2
Misdemeanor	4,143	71.9	4,123	70.7	- 20	- 0.5
Total	5,766	100.0	5,831	100.0	+ 65	+ 1.1
<u>Sex</u>						
Male	4,489	77.9	4,547	78.0	+ 58	+ 1.3
Female	1,277	22.1	1,284	22.0	+ 7	+ 0.5
Total	5,766	100.0	5,831	100.0	+ 65	+ 1.1

1988



1989



The investigation program provides the major input to the supervision program. Thus, the findings covered in the previous sections of this report impact the supervision program and over time shape its caseload. This has been amply demonstrated in recent years with both the DWI and drug abuse problems. In subsequent sections, the results of this process will become more evident.

First, a brief look at the past should be informative and helpful in placing the supervision program in perspective for the present and future. The impact of the crime problem in this area has been very dramatic as evidenced by the more than doubling of the active supervision caseload since 1980. During this ten-year period, it has risen by 115.9%. During this same period, sentencing reform was a popular subject in New York State. For the present, though, alternatives to incarceration (ATI) continues to be the apparent focus of much of the attention and effort in the corrections field. In reality, however, the major share of the corrections budget continues to support incarceration activities, including the construction of new prisons. For example, in New York State in the last four years, the State Prison inmate population increased by 47.0%, to reach a level of 51,232, as compared with a statewide probation increase of 31.7%, to reach a level of 130,592 at the close of 1989. The ATI and community-based programming concepts encompass a range of activities, including fines, restitution, community service, house arrest and electronic home detention. No matter how these programs are configured, more often than not they can be spelled PROBATION. And rightly so, for probation is the linch-pin, and should remain so, for most community-based corrections.

Probation programs today remain a blend of the old and the new. A seemingly intractable crime problem, as well as other problems associated with the criminal justice system, such as prison and jail overcrowding, have had their impact on all aspects of the probation process. However, despite the development of a wide range of new programs and services to meet these demands, as well as the needs of a changing philosophy of justice, the supervision of sentenced criminal offenders in the community continues to be probation's major effort, and, in Nassau County, the largest single program operated by the Probation Department. At the close of 1989, some 9,944 offenders were on probation in both the Criminal and Family Divisions, with the vast majority - 94.8% - being adult criminal offenders under supervision by the Department's Criminal Division. In recent years, the problems of probation supervision in general have been exacerbated by overcrowding in our prisons and jails. Efforts to meet this challenge have focused on the need for quality probation, which has never been greater, and a new emphasis on the so-called justice model probation, or a just-deserts approach to offenders. Most importantly, the rehabilitation concept was never discarded, discredited though it may have been in some criminal justice circles.

Given today's climate in criminal justice, it is probably more critical than ever whereby in assessing the supervision program an effort must be made to keep in perspective the multiple objectives of probation. Also, as part of this process, it is necessary to keep in mind the related problems of recidivism and repeat offenders, as well as rising caseloads. These problems,

while not new, have been further exacerbated by the shortage of space in our prisons and jails and the public demand for some kind of punishment, on the one hand, and the decline in resources available for governmental services in general, on the other.

Probation has had to confront this dilemma while maintaining a balance in its multiple-objective approach and still provide punishment through a just-deserts model. Quality probation can make a difference here, for the effectiveness and efficiency with which the supervision program accomplishes its principal objectives of maintaining selected criminal offenders in the community during the correctional process and to provide effective monitoring of and services to probationers to promote law-abiding behavior can have significant impact on the aforementioned problems. Thus, the supervision program must emphasize quality probation, for by doing so it can reduce crime and, most importantly, can do so far more economically with selected offenders than prisons and jails, thereby conserving these limited resources for the more serious offender.

In 1989, the problems associated with probation supervision were not unlike those experienced in previous years. Once again, however, selected trends were also present in 1989 which could, over time, have favorable impact on some of these problems in the future. For the past year, though, high levels of recidivists (68.5%) in the investigation program continued to assure that high-risk probationers enter the supervision caseload because almost three-fifths (57.0%) of the investigation caseload is

sentenced to probation. Furthermore, the probationer with the prior record is a higher risk for failure and, as such, can require more staff resources. Accordingly, the supervision process, a complex task under ideal conditions, was made more difficult in 1989 by a higher caseload, crime-prone recidivists, and other time-consuming tasks, such as violations of probation and presentence investigation reports.

As discussed elsewhere in this report, the supervision program also benefited from the continuation of a number of positive trends. In 1989, as in recent years, the probationers, as a group, were older, with fewer property offenders, such as burglary and robbery types, but more DWI and drug-abuse offenders. Also, the results in the operational area were positive. A review and comparative analysis of selected activities in the Criminal Division's supervision program, including the regular and drug and alcohol supervision units, the intensive supervision units and the compact and warrant units, indicate that the program is meeting its operational objectives. Not to be underestimated in accomplishing the program's mission was the support received by a long-term staff with extensive experience and limited turnover.

A brief summary statement, using a comparative analysis and statistical highlights for the two-year period, would indicate that the supervision workload in 1989 moved higher, more so than the previous year. What growth there was, was in the drug and alcohol sector and, even more so in the regular line supervision units. In comparison to 1988, the year 1989 saw an increase of 6.8% in the total overall caseload, an increase of 7.3% in the average probation officer's caseload in the regular units, an increase of 2.9% in the

average probation officer's caseload in the drug and alcohol units, and a 22.0% increase in the average caseload of a probation officer in the intensive supervision program. Thus, the average probation officer's caseload in the drug and alcohol units rose from 99.8 cases in the 1988 to 102.7 cases in 1989. This compares with a larger increase in the regular units of from 96.2 cases in 1988 to 103.2 cases in 1989. Also, the average caseload in the intensive supervision program rose from 28.2 cases in 1988 to 34.4 cases in 1989.

Other findings for the regular line units for 1989 indicate an increase in the success rate for discharged probationers, a small decline in the average number of contacts per probationer and a decline in the violation rate. Findings for the drug and alcohol units reveal a small increase in the success rate for discharged probationers, a small decline in the average number of contacts per probationer and a small decline in the violation rate. For the intensive supervision program, there was a small decline in the average number of case contacts. The ISP probationer discharge outcome results were once again below the level of the previous year, but they were consistent with their high-risk caseload. There was a higher violation rate, and the violation commitment rate was also higher. Also, the success rate for ISP probationers discharged declined again. Findings for the Compact unit reflect a significant increase in the overall caseload, as well as a rise in the average probation officer's caseload. Other findings for the year 1989 are set forth below, along with a more detailed analysis of the entire supervision program.

### PROBATIONER TURNOVER RATE

During 1989, the probationer turnover rate rose, for the second consecutive year, from 74.1% to a higher 75.9% in 1989. This second year of increase was preceded by six straight years of declines. The probationer turnover rate represents the movement or flow of cases during a given year, and includes those placed on probation by the local courts, transfers in and out of the County and all discharges, and to some extent reflects the degree of caseload instability or mobility of cases in the Criminal Division, or, more specifically, the supervision program. See Table XXVIII.

### POST-ADJUDICATORY SUPERVISION

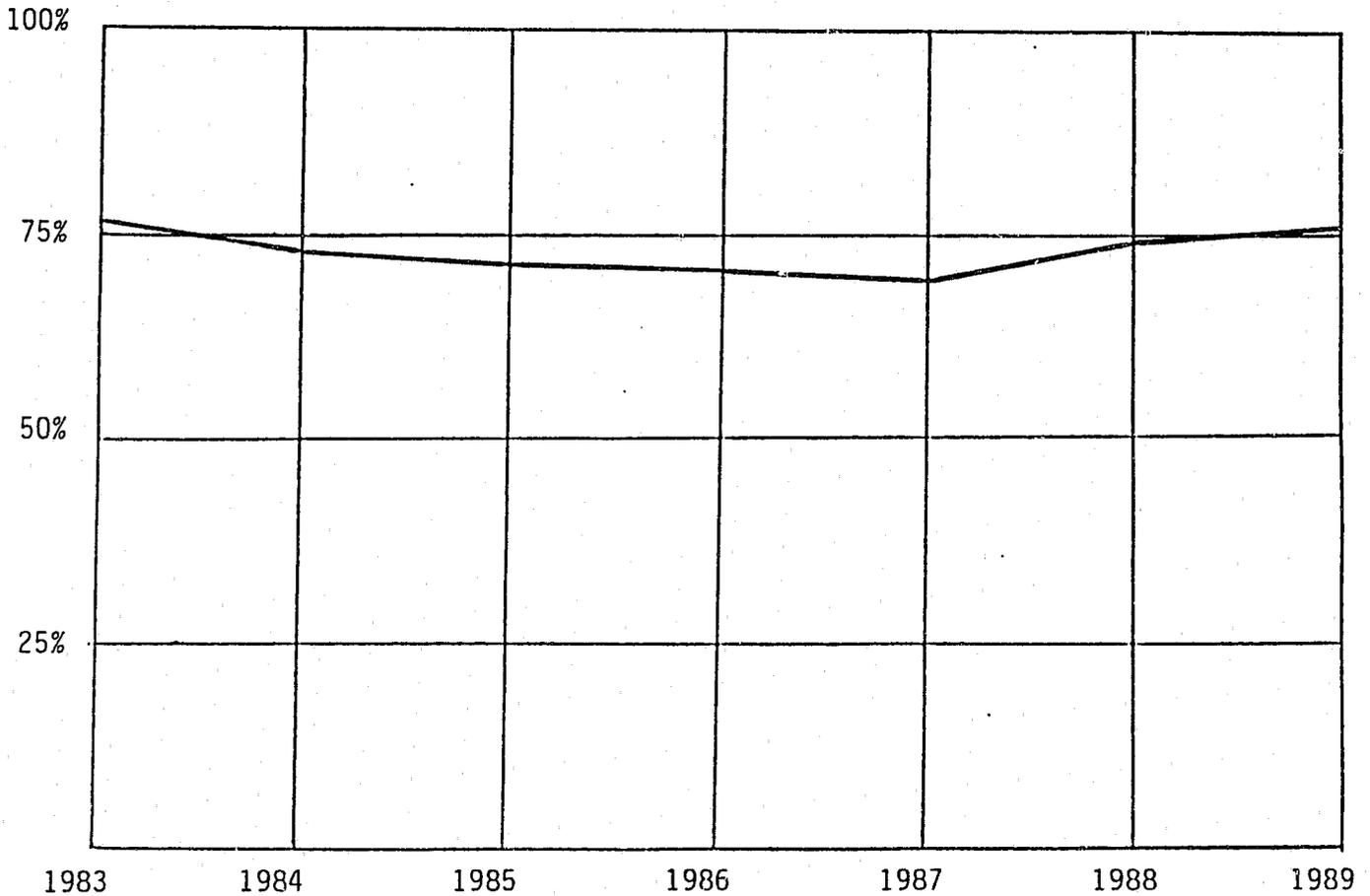
The total number of probationers under post-adjudicatory supervision in the regular, drug and alcohol, intensive supervision and compact unit programs for some period of time during 1989 rose by 6.8%. This compares with 6.3% in 1988 and 3.8% increase in 1987, which was the lowest absolute increase in ten years and the lowest percentage increase since 1974. The total caseload rose from 13,763 in 1988 to 14,696 in 1989, for an increase of 933 cases, or 6.8%. This represents another record high in the active post-adjudicatory program. See Table XXIX.

The regular supervision program's share of the total caseload increased by 6.9%, from, 4,649 in 1988 to 4,968 in 1989. The drug and alcohol program increased its share by a larger 10.0%, from 5,584 in 1988 to 6,144 in 1989. The intensive supervision program, completing its eleventh year of operation with an increase of 7.2%, moved from 652 cases in 1988 to 699 in 1989. See Table XXX.

TABLE XXVIII  
CRIMINAL DIVISION

PROBATIONER TURNOVER RATE DURING THE YEARS 1983-1989

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Total Cases Post-adj. under Supervision	9,291	9,845	11,243	12,482	12,951	13,763	14,696
Cases Entering/ Departing Caseload	7,074	7,291	8,195	9,008	9,171	10,286	11,149
Turnover Rate	76.0%	74.1%	72.9%	72.2%	70.8%	74.7%	75.9%

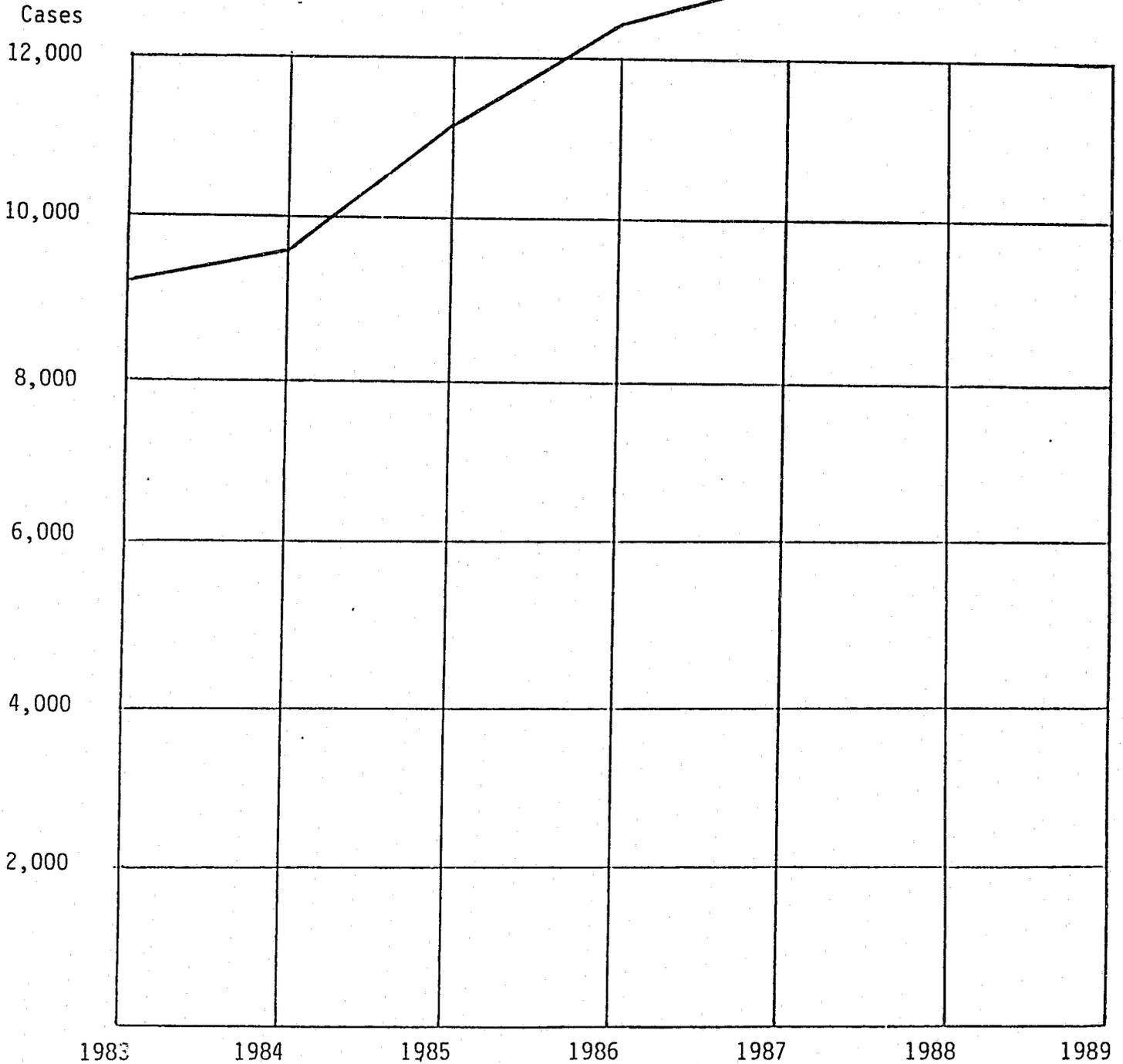


Probation Turnover Rate \_\_\_\_\_

TABLE XXIX  
CRIMINAL DIVISION

TOTAL ACTIVE (POST-ADJUDICATORY) SUPERVISION CASELOAD DURING  
THE YEARS 1983-1989

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Total Post Adjud. Cases under Superv.	9,291	9,845	11,243	12,482	12,951	13,763	14,696
Inc/Dec over Prev. Year	+ 475	+ 554	+1,398	+1,239	+ 469	+ 812	+ 933
% Inc/Dec over Prev. Year	+ 5.4%	+ 5.9%	+14.2%	+11.0%	+ 3.8%	+ 6.3%	+ 6.8%



Post-adjudicatory Cases under Supervision \_\_\_\_\_



As we shall see in more detail in subsequent sections of this report, the above changes in the total cases for the various programs were, because of caseload creep, to have a less than favorable impact on the average probation officer's caseloads for some of the programs. Another key caseload indicator, the annual average total monthly Criminal Division post-adjudicatory supervision caseload, also moved higher in 1989, from 9,080 in 1988 to 9,693, for an increase of 613 cases, or 6.8%. This compares with an increase of 4.9% the previous year.

Another perspective, one that is perhaps more revealing of the specific supervision programs and the changes thereto over the course of the year, is the comparative analysis set forth below, with caseloads presented for each program as of January 1, 1989 and January 1, 1990. As revealed by these data, although the overall increase came to 617, or 7.0%, the largest segment of this increase was contributed by the regular supervision units, which rose by 276 cases, or 8.8%, they also led the way in 1988. The program with the second largest increase was Compact, which rose by 265 cases or 31.6%. See Table XXXI.

TABLE XXXI  
TOTAL CRIMINAL DIVISION  
SUPERVISION CASELOAD BY TYPE OF PROGRAM

	<u>1/1/89</u> <u>No.</u>	<u>1/1/90</u> <u>No.</u>	<u>Inc/Dec</u> <u>No.</u>	<u>%</u>
Regular Probation	3,130	3,406	+276	+ 8.8
Drug and Alcohol	3,969	4,082	+113	+ 2.8
ESD	24	24	0	0.0
Intensive Supervision	400	411	+ 11	+ 2.7
Compact	838	1,103	+265	+ 31.6
Warrant	<u>452</u>	<u>404</u>	<u>- 48</u>	<u>- 10.6</u>
Total	8,813	9,430	+617	+ 7.0

## NEW PROBATIONER

The number of adult criminal offenders sentenced to probation by the Nassau County Courts rose significantly in 1989, for the second consecutive year, from 4,574 in 1988 to a larger 5,194 in 1989, for an increase of 620 probation cases, or 13.6%. This increase was accounted for by a 13.4% rise in split sentence or jail/probation cases and a 13.6% increase in straight probation cases. See Table XI.

Transfers of Probationers from other jurisdictions outside the County of Nassau into the Criminal Division for supervision declined by 5.5% over the previous year. Thus, transfers in Nassau County totaled 687, down from 727 in 1988. It was 618 in 1987 and 488 in 1986. The number of outgoing transfer cases, probationers from the Criminal Division being transferred to jurisdictions outside Nassau County also declined, from 1,511 in 1988 to 1,330 in 1989, a drop of 181, or 11.9%.

Probationer Discharge Activity, in keeping with a growing caseload, also jumped again in 1989, from 3,390 in 1988 to 3,919 in 1989, for an increase of 15.6%. This compares with a rate of increase of 8.9% the previous year and total discharges of 3,114 in 1987 and 2,898 in 1986. Moreover, along with the increase in the total number of discharges, analysis has revealed no significant change in the average length of time spent on probation for all discharged probationers. Also, the results pertaining to their success rate were higher in 1989. This was applicable to both regular probation cases and drug and alcohol cases.

In 1987 and 1988, success rates were lower in both programs. See Tables XL and XLII.

#### AVERAGE AGE OF PROBATIONER ENTERING SUPERVISION PROGRAM

The year 1988\* saw the continuing stabilization of a long-term trend whereby in recent years the supervision caseload, as a group, reflected an older population. This was viewed as a positive trend inasmuch as the high-risk offender is often younger, and an aging probation caseload should over time have a favorable impact on recidivism rates and supervision program outcome results. The average age of the new probationers entering the caseload in 1988 was the same as in 1987, after, seven previous years of increases, it being 26.1 years for both 1987 and 1988. Further evidence of the apparent peaking of the aging trend of the supervision caseload is supported by the fact that in 1988, 56.6% of the new cases were 25 years or older, which compares with 56.5% in 1987. In 1986, it was 58.1% but only 38% in 1988. The average (median) age for the entire supervision caseload at the close of 1988 was 26.4 years. See Table XXXII.

#### SUPERVISION CASELOAD BY TYPE OF CRIME AND SUPERVISION CATEGORY.

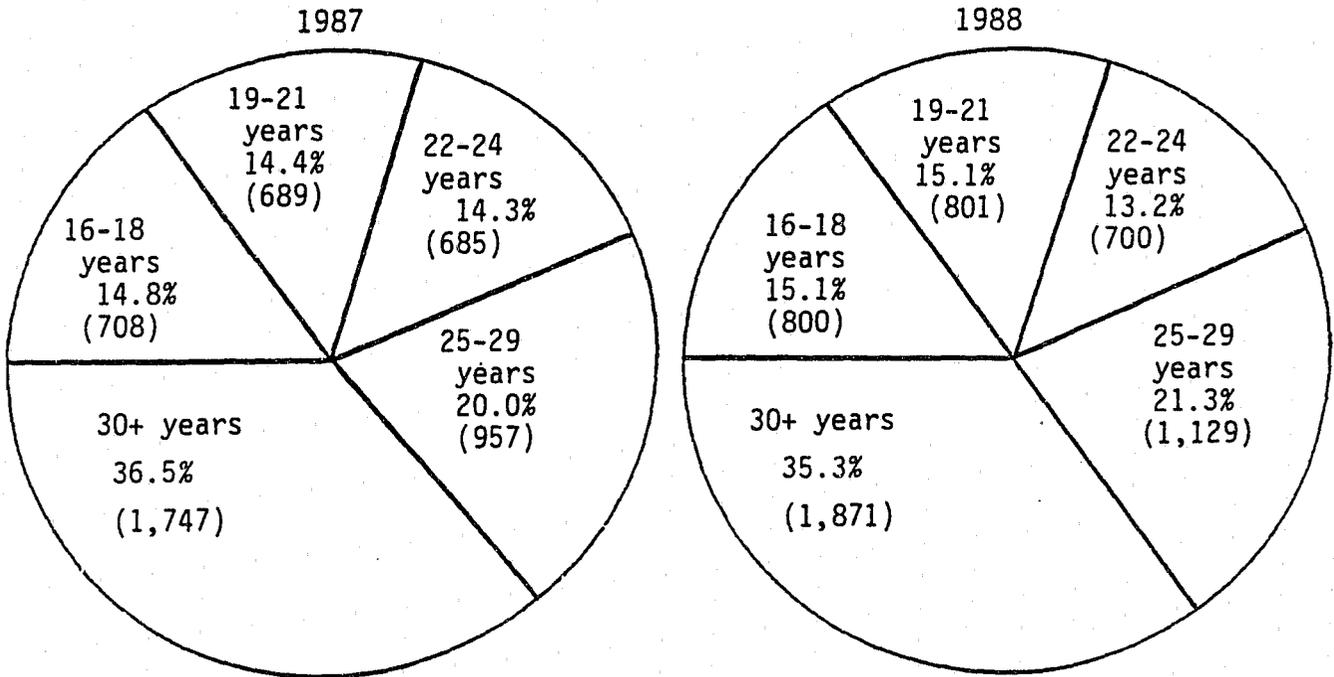
Using the Criminal Division's average monthly supervision caseload, analysis has revealed only a small change in the proportions of felony and misdemeanor cases. Accordingly, it was reported that the proportion of felony cases was 34.0% in 1988 and 33.3% in 1989,

\*Latest available data.

TABLE XXXII  
CRIMINAL DIVISION

AGES OF PROBATIONERS ENTERING THE SUPERVISION  
PROGRAM DURING THE YEARS 1987 AND 1988 \*

Ages	1987		1988		Inc/Dec 1988 over 1987	
	No.	%	No.	%	No.	%
16-18 years	708	14.8	800	15.1	+ 92	+ 12.9
19-21 years	689	14.4	801	15.1	+ 112	+ 16.3
22-24 years	685	14.3	700	13.2	+ 15	+ 2.2
25-29 years	957	20.0	1,129	21.3	+ 172	+ 17.9
30+ years	1,747	36.5	1,871	35.3	+ 124	+ 7.1
Total	4,786	100.0	5,301	100.0	+ 515	+ 10.8
Median Age	26.1 years		26.1 years			



\* Latest Available Data

while the proportion of misdemeanor cases was 66.0% in 1988 and 66.7% in 1989. See Table XXXIII. Based on another perspective, analysis of the total supervision caseload by court of jurisdiction, and using beginning and end of year totals, has revealed the proportion of County Court (felony jurisdiction) supervision cases to be 40.6% at the beginning of 1989 and 39.6% at the close of 1989. Total caseload was 8,813 at the beginning of the year and 9,430 at the end of the year.

An analysis of the caseload by differential supervision categories, using the State mandated types initiated in 1985, namely -- intensive, medium, minimum and other, reveals that during an average month in 1989, probationers were distributed as follows: intensive -- 6.6%; medium -- 13.9%; minimum -- 73.2%; and other -- 6.3%. A comparison of these findings with those in 1988 reveals the most significant change was the increase in cases in the minimum category. Here, the proportion of cases rose from 70.2% the previous year to 73.2% in 1989. This was the fourth-consecutive year for this trend. See Table XXXIV.

#### TIME ON PROBATION

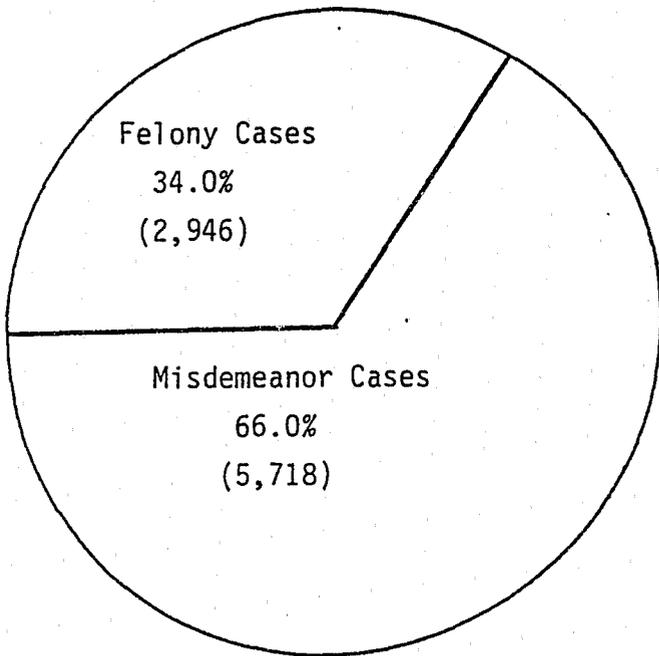
The length of time spent of probation for the average probationer before discharge continues to vary by type of program and court of jurisdiction. In recent years, the trend in this area, although somewhat mixed, has generally been toward a longer supervision period. The pattern here in 1989 was mixed. Thus, the average length of time (median period) spent on

TABLE XXXIII  
CRIMINAL DIVISION

AVERAGE MONTHLY SUPERVISION PROGRAM CASELOAD  
DISTRIBUTED BY THE AVERAGE NUMBER AND PERCENTAGE  
OF CASES BY TYPE OF CONVICTION, FELONY OR  
MISDEMEANOR, FOR THE YEARS 1988 AND 1989

<u>Type</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Felony Cases	2,946	34.0	3,080	33.3	+134	+ 4.5
Misdemeanor Cases	<u>5,718</u>	<u>66.0</u>	<u>6,168</u>	<u>66.7</u>	<u>+450</u>	<u>+ 7.9</u>
Total	8,664	100.0	9,248	100.0	+584	+ 6.7

1988



1989

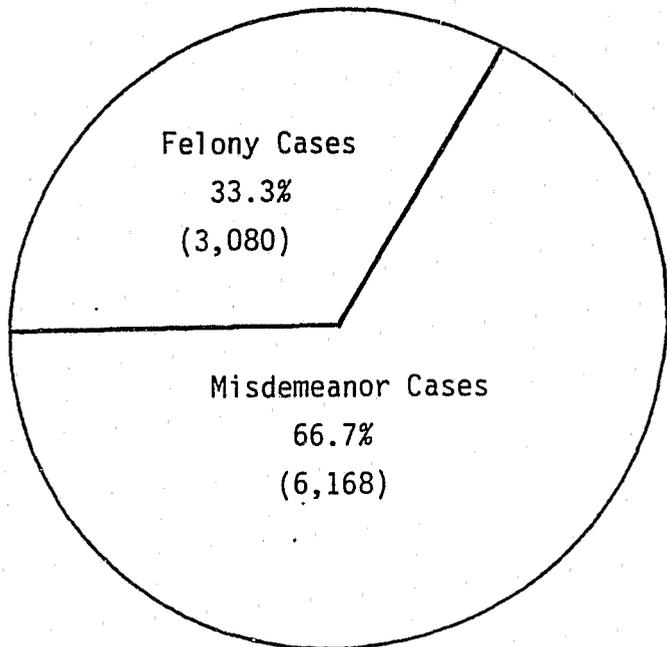
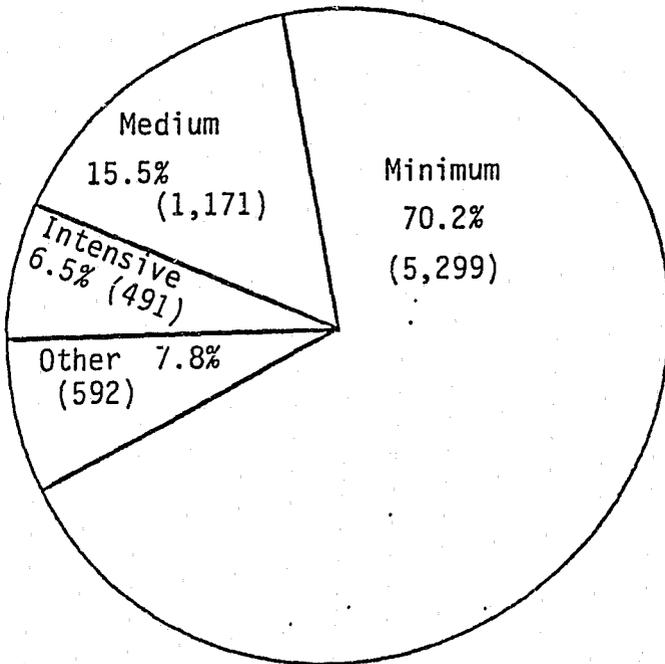


TABLE XXXIV  
CRIMINAL DIVISION

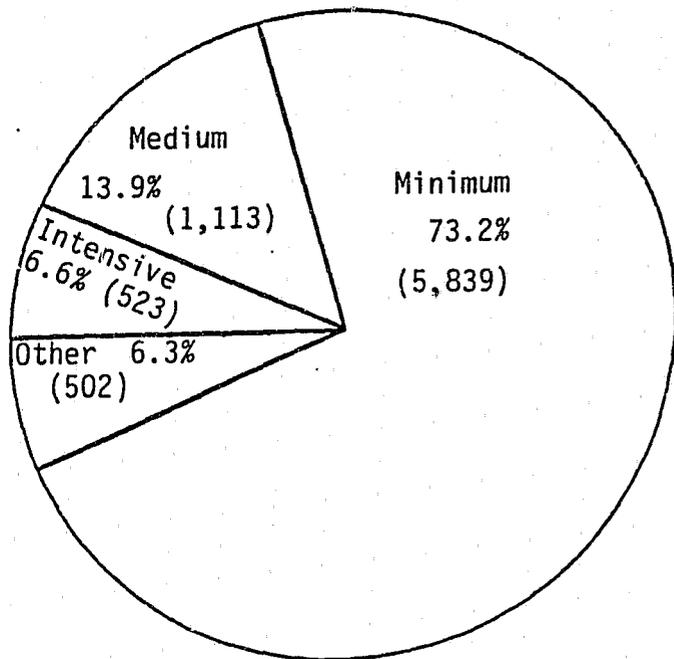
AVERAGE MONTHLY SUPERVISION PROGRAM CASELOAD DISTRIBUTED  
BY THE AVERAGE NUMBER OF PROBATIONERS  
DIFFERENTIALLY CLASSIFIED BY TYPE OF SUPERVISION CATEGORY  
FOR THE YEARS 1988 AND 1989

Type	1988		1989		Inc/Dec 1989 over 1988	
	No.	%	No.	%	No.	%
Intensive	491	6.5	523	6.6	+ 32	+ 6.5
Medium	1,171	15.5	1,113	13.9	- 58	- 4.9
Minimum	5,299	70.2	5,839	73.2	+540	+10.2
Other	592	7.8	502	6.3	- 90	-15.2
Total	7,553	100.0	7,977	100.0	+424	+ 5.6

1988



1989



probation supervision for all probationers discharged during 1989 remained unchanged and stable. It was 20.3 months for both years. However, a decline was reported for the regular supervision units, with the average period on supervision declining from 19.5 months in 1988 to a lower 18.0 months in 1989. The trend was the same in the drug and alcohol units, only less so, with the decline reported to be from 21.5 months in 1988 to a slightly shorter 21.1 months in 1989.

Average time spent on probation also continues to vary significantly by court of jurisdiction. In 1989, County Court (felony jurisdiction), in comparison to the previous year, declined, with the probationer's average period under supervision moving lower, it being 30.2 months in 1988 and 27.2 months in 1989. In the District Court, there was a smaller decline whereby the average time on probation fell from 19.3 months to a shorter 18.0 months. See Table XXXV.

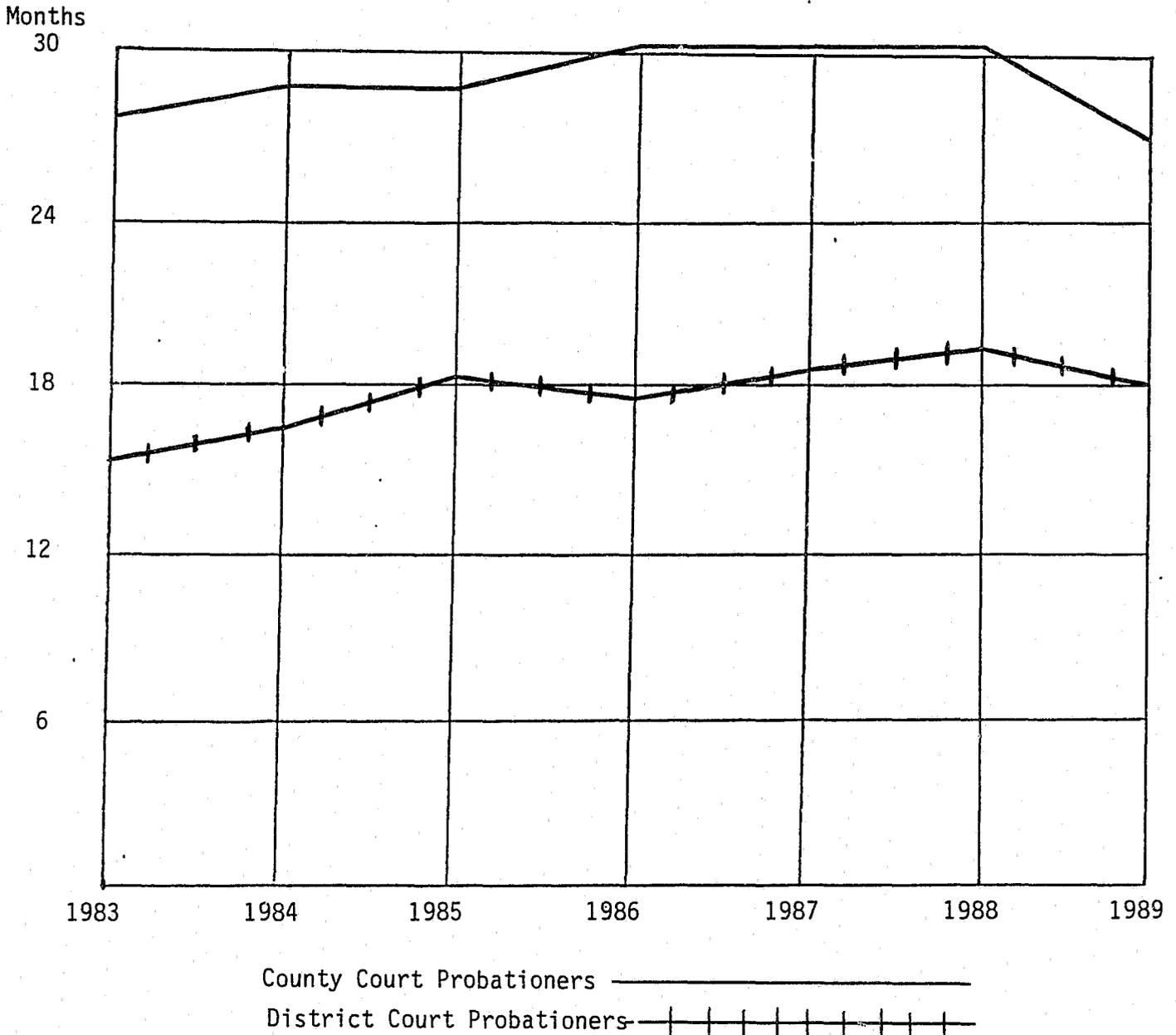
#### AVERAGE PROBATION OFFICER SUPERVISION CASELOAD

The quality of probation programs is linked to their workloads and staffing levels, with both of these factors affecting a probation officer's caseload. This segment of the report will focus on probation officer caseload size and changes thereto over the course of the year, as well as comparisons with previous years. Because of the strong interest in intensive supervision, the prison crisis, and overburdened probation departments with limited resources, the subject of caseloads remains a controversial one. It is also

TABLE XXXV  
CRIMINAL DIVISION

MEDIAN PERIOD (MONTHS) SPENT ON SUPERVISION FOR PROBATIONERS  
DISCHARGED DURING THE YEARS 1983-1989

Type Unit	1983	1984	1985	1986	1987	1988	1989
All Units	18.3	19.8	20.4	20.1	20.6	20.3	20.3
Regular	17.1	17.7	19.5	18.8	20.4	19.5	18.0
Drug & Alcohol	19.9	21.2	21.4	20.5	20.1	21.5	21.1
<u>Court</u>							
County Court Probationers	27.6	29.6	29.4	30.1	30.1	30.2	27.2
District Court Probationers	15.5	16.9	18.1	17.7	18.2	19.3	18.0



an important research issue. No magic numbers have been identified and the factors involved are numerous and complex, for caseload size is believed to be just one of a number of important variables that have a significant relationship to program objectives and program outcomes. For example, it is known that an optimum size caseload, in conjunction with other factors, can have a positive impact on the management of probationers, and other objectives, by influencing, in part, the quantity and quality of services they receive while on probation. In 1987, within the Criminal Division's major supervision program, the average caseload size experienced its first significant decline in the present decade, which heretofore has been noted for its upward trend. In 1988, the upward trend continued, and a further increase was reported for 1989.

Probation officer caseload sizes and changes thereto can be analyzed and measured in two different ways. In the first method, the size of the average probation officer's supervision caseload can be computed for each program for the entire year and then compared with previous years. Using this method, the average caseload for 1989 in the regular supervision units rose by 7.3%, from 96.2 cases in 1988 to a higher 103.2 cases in 1989. In the drug and alcohol units, the increase was a smaller 2.9%, from 99.8 cases in 1988 to a higher 102.7 cases in 1989. The previous high average caseload for this program and the Department was 104.3 cases in 1986. In the intensive supervision program, the average P.O. caseload for the year rose by 22.0%, from 28.2 cases in 1988 to 34.4 cases in 1989. In the ESD program, now in its

fourth year of operation, the average P.O. caseload rose from 14.3 cases in 1988 to 16.8 cases in 1989, an increase of 17.5%. See Table XXXVI.

Using the second method, the average monthly probation officer caseloads are computed and analyzed by monitoring the changes each month over the 12-month period. Using this approach for 1989, the regular supervision caseload began the year with an average probation officer caseload of 97.9 cases in January, continued to climb during the year and reached a peak of 106.4 cases in December. The overall increase here was 8.7% for the year. See Table XXXVII.

The drug and alcohol program began the year with an average probation officer caseload of 102.7 cases, rose to a peak of 106.6 cases in May, then fell to a low of 99.7 cases in August before rising to 102.1 cases in December, for almost no change for the year. See Table XXXVII.

In the intensive supervision program, the average probation officer caseload at the beginning of the year was 34.1 cases. It fell to a low of 32.6 cases in November and then rose to 34.3 cases in December. The increase for the year here was very small. See Table XXXVII.

In the ESD program, the average probation officer caseload at the beginning of the year was 14.7 cases. It rose to a peak of 21.5 cases in March and then declined gradually to 12.0 cases in December.

In the Compact Unit, the average probation officer caseload for active cases was 93.1 cases in January and then rose gradually during the year to reach a peak of 137.9 cases in December, for an overall increase of 48.1% for the year. Service cases increased by a smaller amount. From



TABLE XXXVII  
CRIMINAL DIVISION

MONTHLY AVERAGE (MEAN) SIZE SUPERVISION CASELOADS  
CRIMINAL DIVISION- PERIOD JAN. THRU dec. 1989

Supervision CaseLoads Mean No. of Cases per P.O.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	12 Mo. Period
REGULAR UNITS													
Active	97.9	99.2	101.6	102.4	102.8	103.7	104.1	104.6	105.1	104.9	105.7	106.4	103.2
DRUG & ALCOHOL UNITS													
Active	102.7	103.7	104.9	105.2	106.6	102.1	101.1	99.7	101.1	101.3	101.9	102.1	102.7
INTENSIVE SUPERVISION PROGRAM													
Active	34.1	34.5	35.0	35.4	35.7	35.9	35.2	33.3	34.0	33.3	32.6	34.3	34.4
ESD													
Active	14.7	20.5	21.5	20.0	20.0	20.0	16.5	12.5	14.0	14.5	15.5	12.0	16.8
COMPACT UNIT													
Active	93.1	98.8	108.4	117.6	121.0	117.9	112.2	124.9	121.9	130.1	137.6	137.9	118.4
Service	87.1	86.1	86.9	83.9	86.5	87.6	87.5	86.7	87.0	89.6	90.6	92.8	87.7

an average of 87.1 cases per officer in January, it rose to a peak of 92.8 cases in December, for an increase for the year of 6.5%. See Table XXXVII.

In sum, an upturn in the rate of increase in the overall supervision program in 1988 has had an unfavorable impact on average probation officer caseloads in most of the supervision programs, including the two major programs -- drug and alcohol supervision and regular supervision. The decade of the 80's has been characterized by caseload creep, or ever increasing caseloads. The year 1987 was an exception in that it was marked by the first declines in recent years. The upward trend returned in 1988 and 1989, and there was no increase in staff of significance. Thus, average caseloads, in comparison to previous years, remain at high levels. For example, five years ago the average caseload in the regular supervision units was 22.6% lower. In the drug and alcohol units, it was 6.6% lower. Caseload creep and the trend to higher workloads has been exacerbated in recent years by dramatic increases in DWI and drug offense activity, with both of these offenses having high probation rates.

#### SUPERVISION CONTACTS

In probation, the efficacy of the supervision process is largely dependent on the quality and quantity of contacts with the probationer. A key question here relates to what impact, if any, variations in contacts will have on probation outcome results? An analysis of the annual average monthly number of contacts per probationer per month for 1989 has revealed for all programs combined a small decline in contacts. Thus, total overall contacts

fell by 2.1%. Although the falloff in contacts was small, the trend in recent years has been downward. Also, in the past, the trend of fewer average contacts per probationer per month was thought to be related to rising caseloads but with no increase in staff. In 1989, the decline, although small, varied by type of program. In assessing the average number of contacts and changes thereto over time, it should be kept in mind that we are referring to averages for the so-called typical probation case. The actual number of each case will vary, of course, depending, for the most part, on the supervision category assigned -- intensive, medium, or minimum -- as well as other factors, such as the judgment of the probation officer. Also, as noted elsewhere in this report (see page 101), the number of probationers in the medium supervision category fell in 1989, as compared to 1988, while those in the minimum category, where fewer contacts are required, increased in 1989.

Using the end of month total caseload for the years 1988 and 1989, the average annual monthly number of contacts per probationer per month were computed and are set forth below in Table XXXVIII. See also Table XXXIX.

In sum, a review of the above data should bring into context the linkage between probationer contacts and the quality of the supervision process in the Criminal Division. Furthermore, it should focus attention on the question at the beginning of this section relating to what impact, if any, variations in contacts will have on probationer outcome results and program effectiveness. In the next section of this report, we will look at this subject

TABLE XXXVIII  
CRIMINAL DIVISION

AVERAGE ANNUAL MONTHLY NUMBER  
OF CONTACTS PER PROBATIONER PER MONTH

<u>All Units</u>		<u>1988</u>	<u>1989</u>
	Office	1.05	1.03
	Home	0.41	0.40
	Other	1.80	1.76
		<u>3.26</u>	<u>3.19</u>
 <u>Drug &amp; Alcohol Units</u>			
	Office	0.89	0.89
	Home	0.33	0.36
	Other	1.64	1.55
		<u>2.86</u>	<u>2.80</u>
 <u>Regular Units</u>			
	Office	1.09	1.04
	Home	0.40	0.36
	Other	1.52	1.58
		<u>3.01</u>	<u>2.98</u>
 <u>Intensive Supervision Program Units</u>			
	Office	1.88	2.06
	Home	0.99	0.95
	Other	5.08	4.64
		<u>7.95</u>	<u>7.65</u>
 <u>ESD Unit</u>			
	Office	2.93	2.53
	Home	0.62	0.68
	Other	4.68	6.04
		<u>8.23</u>	<u>9.25</u>



in some detail. To sum up the subject of contacts, however, two points stand out. First, our programming does not provide the fine tuning that would result in a more precise cause and effect relationship between contacts and program outcome results. Second, our present system of differential supervision categories, which provide varying levels of required contacts, does act as a safety net in that it should insure those probationers in need of greater attention are more likely to be assigned to the intensive supervision category and receive more contact, while those with a lesser need would be assigned to a more appropriate medium or minimum category and receive fewer contacts. A comparative analysis, using the average monthly supervision caseload for the years 1988 and 1989, has revealed a continuing shift of probationers out of Level II, or medium, and into Level III, or minimum. Thus, the medium category had 15.5% of the total caseload in 1988 but only 13.9% of the total caseload in 1989. On the other hand, the minimum category rose from 70.2% of the caseload to a higher 73.2% in 1989. In short, almost three-quarters of the cases require only the lowest level of contacts. Accordingly, from a management perspective, variations in program contact levels, and their affect on the quality of probation, should be largely mitigated by the differential supervision assignment process. See also Table XXXIV.

#### ASSESSMENT OF SUPERVISION UNITS IN CORRECTIONAL EFFORTS

For purposes of assessing the overall effectiveness of the major supervision programs in the Criminal Division, this analysis will use the type of discharges received by probationers to determine the success and failure rates

for the supervision programs, as well as the violations of probation activity - which will be covered in the next section - to measure progress in attaining program objectives.

The success rates for the two major supervision programs revealed consistent and higher results for the year 1989, in comparison to 1988. For the drug and alcohol units, their success rate reached a record high in 1986, fell for two consecutive years in 1987 and 1988 and then rose in 1989. For the regular units, their success rate reached a record high in 1983, fell for five consecutive years and then rose in 1989. A comparative analysis of these two major programs for 1988 and 1989 reveals that the success rate (% of probationers discharged as improved) for the drug and alcohol program rose from 71.7% in 1988 to a higher 72.6% in 1989. During the same period, the failure rate (% of probationers discharged as unimproved or committed) dropped from 26.5% in 1988 to 26.3% in 1989. See Tables XL and XLI.

For the regular supervision program, the pattern was the same only more so. Here, the success rate rose, from 57.7% in 1988 to a higher 63.7% in 1989. During the same period, the failure rate fell from 41.2% in 1988 to a lower 35.8% in 1989. Thus, this program's success rate improved in 1989, after reaching a low point for this decade the previous year. See Tables XLII and XLIII.

An analysis of the discharged probationers from the Criminal Division by Court of Jurisdiction revealed significant variations in their success and failure rates. Youthful offenders from County Court have the lowest success rate at 43.9%, as compared with Youthful offenders from District

TABLE XL  
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS  
DRUG AND ALCOHOL UNITS - CRIMINAL DIVISION

PROBATION DISCHARGES	1984		1985		1986		1987		1988		1989	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Improved	816	76.2	800	74.6	1036	78.0	1127	75.9	1072	71.7	1350	72.6
Unimproved )	76		79		99		108		163		198	
Committed ) -	109	17.3	136	20.1	115	16.2	196	20.5	233	26.5	290	26.3
Absconded )	0		0		0		0		0		0	
Deceased )	14		16		14		20		26		18	
Other )	<u>56</u>	<u>6.5</u>	<u>41</u>	<u>5.3</u>	<u>64</u>	<u>5.8</u>	<u>34</u>	<u>3.6</u>	<u>1</u>	<u>1.8</u>	<u>3</u>	<u>1.1</u>
Total	1071	100.0	1072	100.0	1328	100.0	1485	100.0	1495	100.0	1859	100.0

SUPERVISION  
CASELOADS

Mean No. of  
Cases per P.O.

ACTIVE	91.7	96.3	104.3	96.7	99.8	102.7
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TABLE XLI  
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS  
PERCENTAGE OF DRUG UNIT PROBATIONERS DISCHARGED BY TYPE  
DISCHARGE DURING THE YEARS 1983-1989

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Improved	70.1	76.2	74.6	78.0	75.9	71.7	72.6
Unimproved )							
Committed )	20.9	17.3	20.1	16.2	20.5	26.5	26.3
Absconded )							
Deceased/Other	<u>9.0</u>	<u>6.5</u>	<u>5.3</u>	<u>5.8</u>	<u>3.6</u>	<u>1.8</u>	<u>1.1</u>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

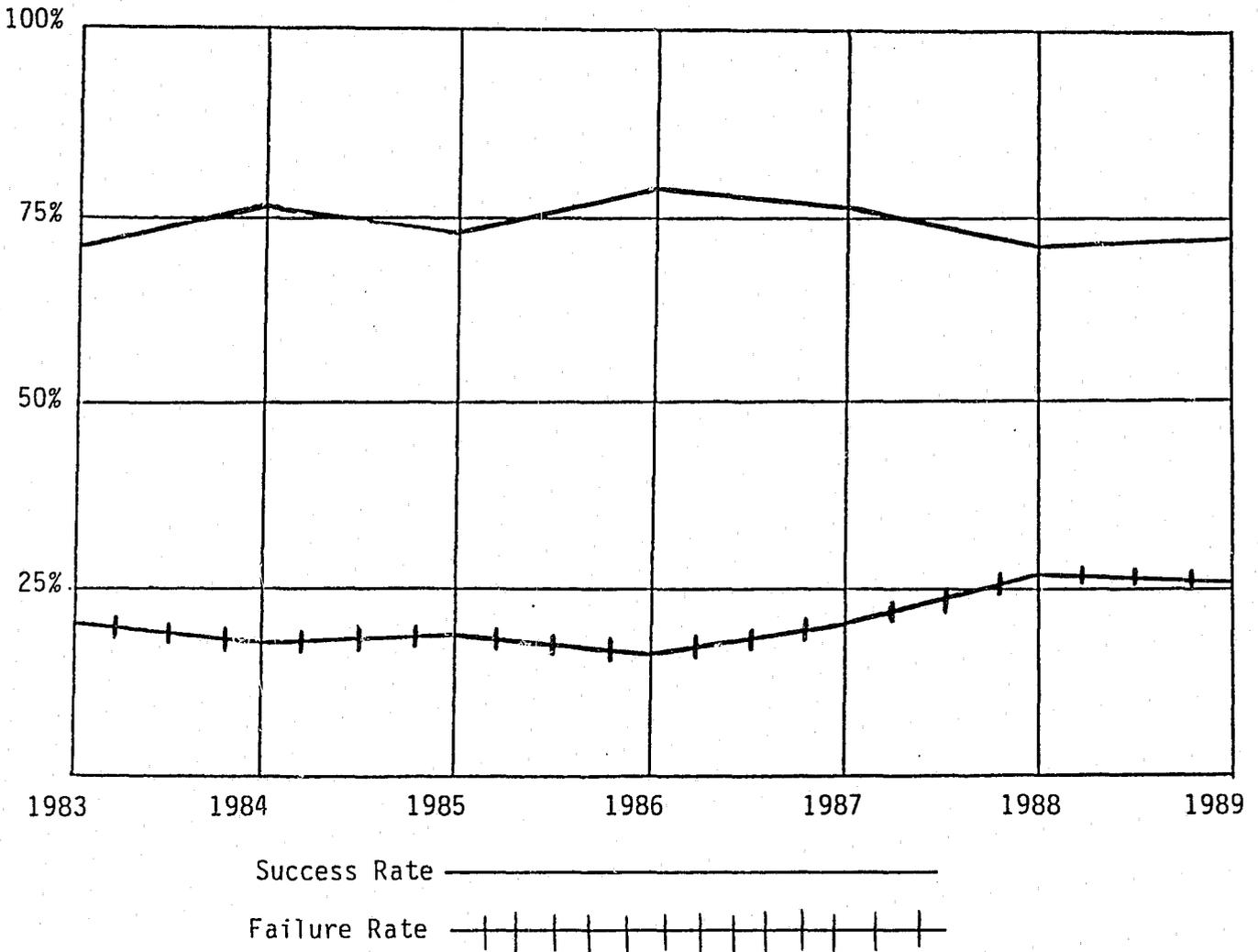


TABLE XLII  
CRIMINAL DIVISION

ASSESSMENT OF SUPERVISION IN REHABILITATION EFFORTS  
REGULAR UNITS - CRIMINAL DIVISION

PROBATION DISCHARGES	1984		1985		1986		1987		No.	1988		1989	
	No.	%	No.	%	No.	%	No.	%		No.	%	No.	%
Improved	670	68.4	651	67.0	785	65.6	746	62.2	729	57.7	894	63.7	
Unimproved )	107		129		169		201		258		228		
Committed )	148	26.1	152	28.9	199	30.7	230	36.0	262	41.2	275	35.8	
Absconded )	0		0		0		0		0		0		
Deceased )	8		6		12		2		10		7		
Other )	<u>46</u>	<u>5.5</u>	<u>33</u>	<u>4.2</u>	<u>32</u>	<u>3.7</u>	<u>20</u>	<u>1.8</u>	<u>4</u>	<u>1.1</u>	<u>0</u>	<u>0.5</u>	
Total	979	100.0	971	100.0	1197	100.0	1199	100.0	1263	100.0	1404	100.0	

SUPERVISION  
CASELOADS

Mean No. of  
Cases per P.O.

ACTIVE	78.6	84.2	89.1	87.5	96.2	103.2
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Court with a success rate of 57.9%. Regular District Court probationers have a success rate of 70.8%, as compared with a lower success rate of 54.8% in County Court.

An analysis of program outcome results by gender revealed a continuing higher-success rate for females and a higher-failure rate for males. Thus, for females, 69.3% were discharged as improved, as compared with a smaller 62.6% for males.

How did the intensive supervision program (ISP) outcome results compare with those discussed above for the Criminal Division's other supervision programs? First, some general comments. New York State and Nassau County have employed the ISP concept for the past eleven years. More recently, the concept has been the subject of nationwide attention, with similar programs being implemented across the country, and is viewed as a positive alternative to many of the problems confronting both probation and corrections, especially the crisis in our prisons and jails. In Nassau County, as elsewhere, the key feature of the local ISP program is the concentration of resources on a high-risk offender population through the use of a low caseload - high service management approach. This should be kept in mind when comparing ISP outcome results with other supervision programs in the Criminal Division, particularly its focus on a higher-risk offender population.

The ISP findings for 1989 are based on 221 discharged probationers, above the 201 in 1988 (inter-unit transfers are not included here). Comparatively speaking, as in previous years, only more so in 1989, the ISP success rate remains low at 14.5%, while the failure rate was a high

84.6%, significantly higher than the Division's other programs. A mitigating factor in these results is the inter-unit transfers of ISP probationers to other Division programs, so the higher discharge failure rates may not be representative of the ISP program's overall effectiveness or its total value to the Criminal Division.

#### VIOLATIONS OF PROBATION

Violations of probation activity is the second measure used to assess supervision program effectiveness. In the Criminal Division, it is monitored with two indicators: (1) the number of violations of probation filed during the year and (2) the number of violations of probation disposed of by the Courts during the year. In the past, variations in violation activity have been attributed to a combination of factors, including larger caseloads, more high-risk probationers and better enforcement of the rules and regulations for probation supervision.

The number of violations of probation filed in a given year is considered a more timely and accurate barometer of this type of activity than is the number disposed of by the courts for the year. In 1989, the number filed (1,382) exceeded the number of violations disposed of (1,222) by 13.1%, which was below the 18.2% difference the previous year. However, the number of violations filed in 1989 changed very little, from 1,389 in 1988 to 1,382, a decline of only 7, or 0.5%. Accordingly, because of an increase of 6.8% in the total supervision caseload for the year (from 13,763 to 14,696 in 1989), the violations of probation filed rate (the number of violations filed per

100 cases under supervision) actually declined below the level of the previous year, from 10.1 violations in 1988 to a lower 9.4 violations in 1989. See Table XLIV for a detailed analysis of the violations of probation filed rates for the past seven years. High for this statistic was the 10.1 violation rate in 1988.

An analysis of the types of violations of probation that were filed in 1989 by the Criminal Division - - new conviction/charge, absconded, and other (technical) - - revealed no major changes but a decline in one and small increases in two categories. Thus, the new conviction/charge category's share declined from 53.3% in 1988 to 50.8% in 1989. On the other hand, the next largest group's, the other (technical) violations of probation category, share rose from 35.3% in 1988 to 36.8% in 1989, while the absconded category's share also increased, from 11.4% in 1988 to 12.4% in 1989. In short, the changes here for the two-year period were of no major consequence. See Table XLV.

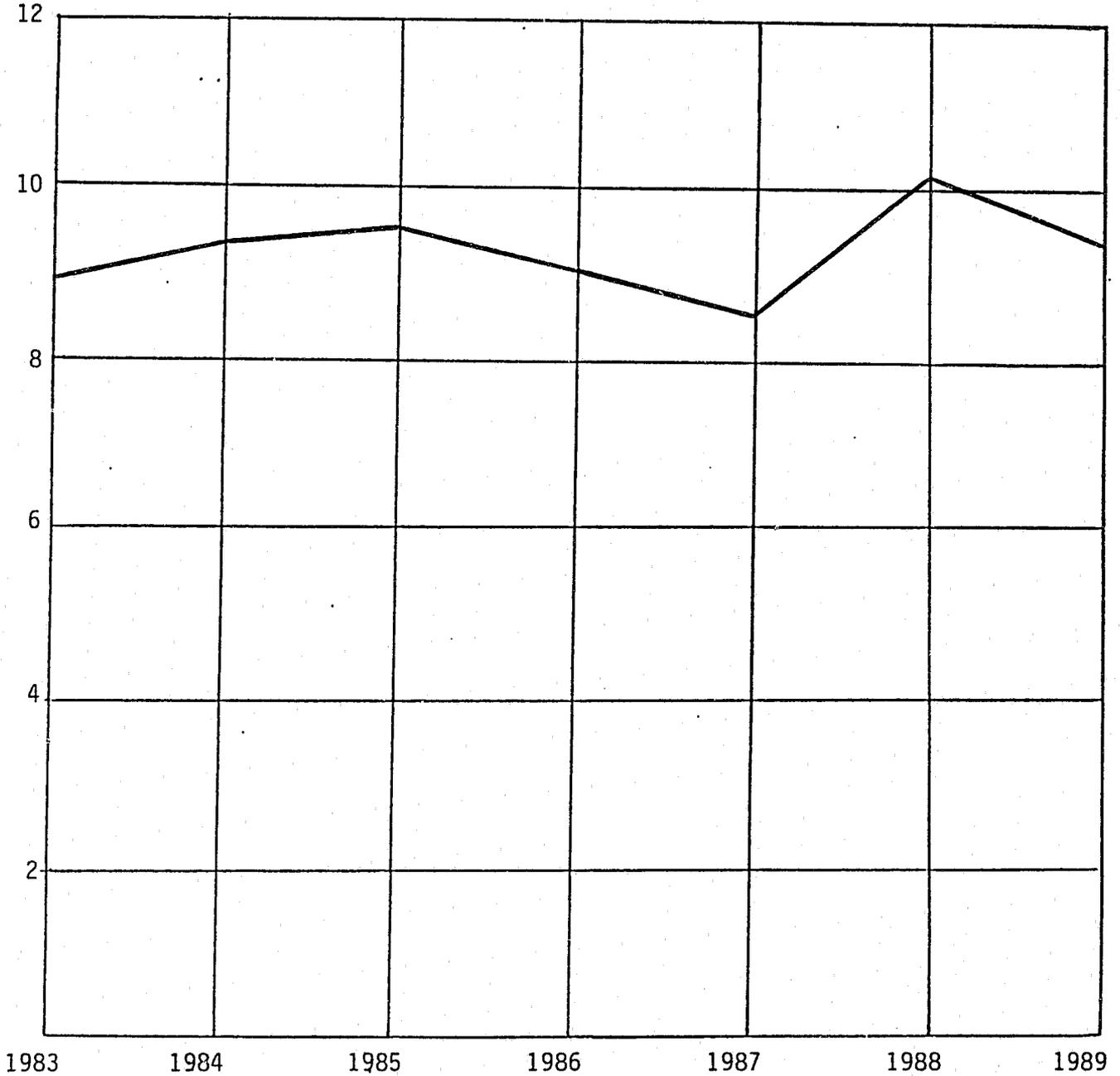
Violations of probation disposed of by the courts had a small increase of 4.0% in 1989, from 1,175 in 1988 to a higher 1,222, for an increase of 47. This compares with an 18.3% increase the previous year. Mixed results were reported here for the major supervision programs. In the drug and alcohol units, violations disposed of increased by 5.3%, from 415 in 1988 to 437 in 1989. In the regular supervision program, there was a decline of 3.0%, from 427 in 1988 to 414 in 1989. See Table XLVI. Also, in the Compact unit, violations disposed of rose from 153 in 1988 to 164 in 1989, for an increase of 7.2%.

TABLE XLIV  
CRIMINAL DIVISION

VIOLATIONS OF PROBATION FILED DURING THE YEARS 1983-1989  
VIOLATION RATE PER 100 CASES UNDER SUPERVISION

<u>Total Super. Program</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Total No. of Cases under Supervision	9,291	9,845	11,243	12,482	12,951	13,763	14,696
No. of Violations	849	948	1,094	1,136	1,096	1,389	1,382
Violation Rate	9.1	9.6	9.7	9.1	8.5	10.1	9.4

Violation Rate



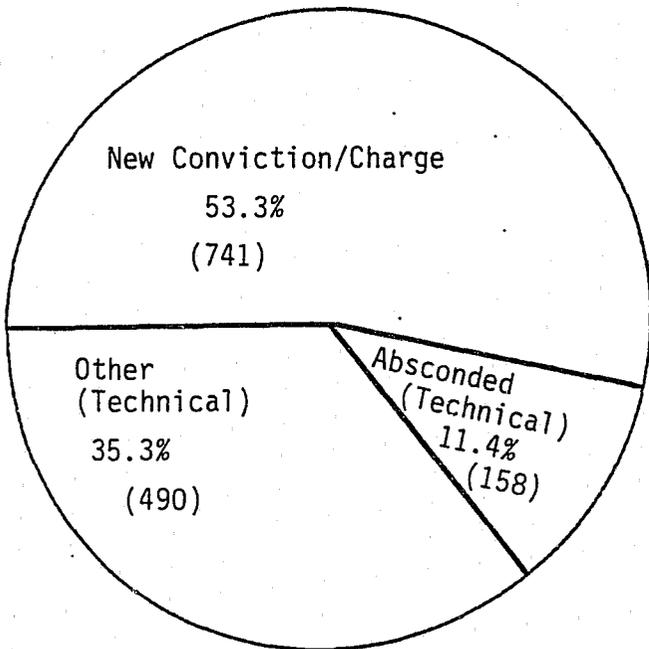
Violations of Probation Filed Rate

TABLE XLV  
CRIMINAL DIVISION

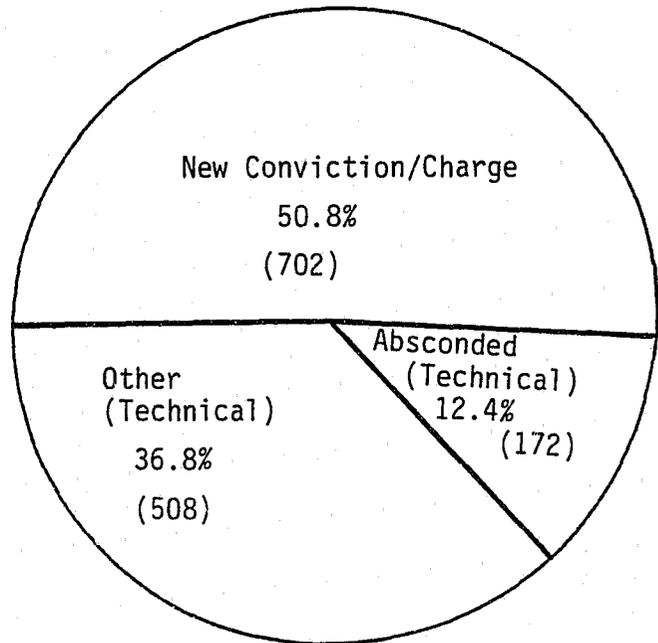
NUMBER AND TYPE OF VIOLATIONS OF PROBATION FILED BY  
THE CRIMINAL DIVISION DURING THE YEARS 1988 AND 1989

<u>Type</u>	1988		1989		Inc/Dec 1989 over 1988	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
New Conviction/ Charge	741	53.3	702	50.8	- 39	- 5.3
Absconded (Technical)	158	11.4	172	12.4	+ 14	+ 1.6
Other (Technical)	490	35.3	508	36.8	+ 18	+ 3.7
Total	1,389	100.0	1,382	100.0	- 7	- 0.5

1988



1989



The overall commitment rate for all violations of probation cases disposed of in 1989 rose again, from 58.8% in 1988 to a higher 65.1%. This continues a trend, with increases reported in this statistic for most of the present decade. The violations commitment rate also continues to vary by type of supervision program and court of jurisdiction. As in the past, it was highest in the intensive supervision program at 86.8% (up from 74.7% in 1988), followed by 63.5% in the regular supervision units (up from 59.7% in 1988), 60.4% in the drug and alcohol units (up from 54.0% in 1988), and 59.8% in the Compact unit (up from 53.6% in 1988). The program with the lowest violations commitment rate was ESD with 50.0%. Violations of probation commitment rates also varied significantly by court of jurisdiction. Accordingly, Youthful offenders in County Court had a commitment rate of 85.6%, followed by 76.2% for Adult offenders in County Court, 64.9% for Youthful offenders in the District Court, and 53.0% for Adult offenders in the District Court. Here, we can see that offenders under the felony jurisdiction of the County Court face tougher dispositions than those in the District Court for violations of their probation.

The violations of probation rate for disposed of cases in 1989 (number of violations disposed of per 100 cases under supervision) revealed declines for the major supervision programs, with the largest decline in the regular supervision units. The violation of probation rate for the drug and alcohol program had a smaller decline, from 7.4 violations per 100 cases under supervision in 1988 to a lower 7.1 violations in 1989. For the regular

supervision units, the decline was greater, from 9.2 violations per 100 cases under supervision in 1988 to a lower 8.3 violations in 1989. In sum, the decline in the violation rate was larger in the regular supervision units in 1989, but the rate itself also remained at a higher level in the regular units. See Table XLVI.

How does the intensive supervision program (ISP) compare with the results achieved by other Criminal Division programs in this area? A comparative analysis reveals a significant difference in violation of probation activity. Moreover, the findings here are in keeping with the higher-risk offenders in ISP and are generally consistent with the results of the past eleven years, with ISP rates at a higher level in 1989. The ISP violations of probation filed rate in 1989 was higher than the previous year, from 27.9 violations in 1988 to 28.8 violations in 1989. Although there was an overall increase in this statistic for the Criminal Division, the rate for the ISP program still remains more than triple that of the other programs - - 28.8 violations per 100 cases under supervision versus only 9.2. Other ISP indicators also remain at a higher level, including the violation disposition rate (26.0 vs. 7.4) and the violation commitment rate (86.8% vs. 61.2%). See Table XLVIII.



TABLE XLVII

CRIMINAL DIVISION

VIOLATION OF PROBATION ACTIVITY  
SUMMARY COMPARATIVE ANALYSIS OF THE CRIMINAL DIVISION  
(-ISP) WITH THE INTENSIVE SUPERVISION PROGRAM FOR 1989

	<u>Criminal Division (-ISP)</u>	<u>Intensive Supervision Program</u>
Total No. of Cases Under Supervision	13,997	699
No. of Violations of Probation filed	1,181	201
Violations filed Rate (%)	8.4%	28.8%
No. of Violations of Probation Disposed of for 1989	1,040	182
Violations Disposition Rate (%)	7.4%	26.0%
Violation Cases Committed	637	158
Violation Commitment Rate (%)	61.2%	86.8%