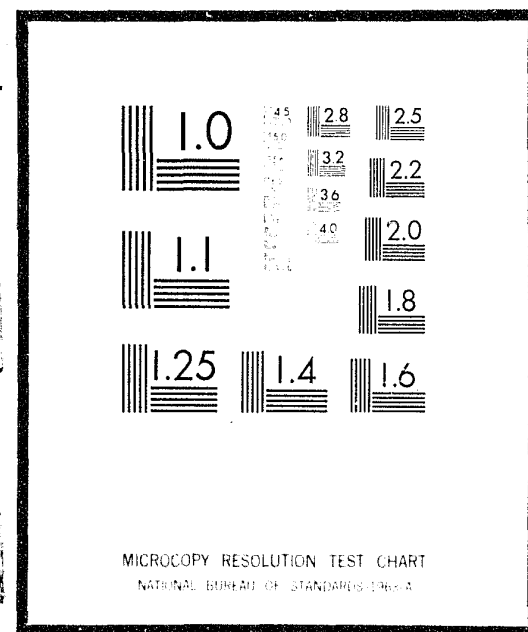


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AN EVALUATION OF THE EFFECT
ON CRIMINAL RECIDIVISM OF NEW YORK CITY PROJECTS
PROVIDING REHABILITATION AND DIVERSION SERVICES

MARCH 31, 1975

A Final Report to the
Mayor's Criminal Justice Coordinating Council

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New York State Division of Criminal Justice
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The Research Foundation and
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SUMMARY

This report describes three and one half years of work, results, conclusions, and recommendations of an evaluation of the criminological effectiveness of "people projects" funded by the Criminal Justice Coordinating Council (CJCC) of the City of New York. The projects provided educational, vocational, counseling, and diversion services, in a variety of models and under a variety of auspices, to a population typical of those involved in the city's criminal justice system.

From among 53 CJCC projects, 18 were measured for their ability to affect the criminal behavior of 2,860 of their male clients. The cost to the Law Enforcement Assistance Administration (LEAA) of the 18 projects was \$14.5 million.

DESIGN: The common goal for the projects was to be the Crime Control Act's basic goal of reducing crime. The common measure by which they were to be evaluated was arrests. To assure valid comparisons, among projects, the clients were to be divided into groups according to age and severity of criminal history prior to project entry. Only those groups that were equivalent were to be compared.

METHOD: 1) For client data from the projects, a standardized intake form system was developed, implemented, and monitored to provide the evaluation with accurate identifications and background information.

2) The identifications were then used to retrieve the arrest histories of the clients from the New York City Police Department.

3) For the measurement of severity of criminal history prior to project entry the average number of arrests was selected as a result of validation studies that compared that measure with a modification of the Sellin Scale.

RESULTS: 1) Differences among projects did not affect the arrest recidivism rates of similar types of clients. The evaluation method assessed project difference by the characteristics of type, mix or quality of services, staff-client ratios, per-capita client funding and all others as an aggregate.

2) The magnitude and severity of criminal recidivism was high. During the year after project entry, 41 percent of the 2,860 clients, or 1,182, were arrested a total of 2,072 times. Of those arrests, 29 percent, or 605, were for the violent crimes of homicide, rape, robbery, aggravated assault.

3) Criminal recidivism was affected by age, and criminal history.

Age: The highest magnitude and the most severe criminal recidivism was among juveniles aged 13 to 15. Of 559 such clients 51 percent, or 286 had one or more arrests. Their 552 arrests were, in number, almost as many as the number of clients. Of the arrests 184, or one out of three, were for violent crimes.

Severity: The severity of the average number of arrests before project entry, related to recidivism for those clients 20 and younger. The higher the severity of arrests before project entry, the more the recidivism afterward. There was no such relationship found for clients 21 and older.

4) The second year prior to project entry was compared for arrest rates with the year after project entry. The year after had significantly higher rates for clients 18 or younger and lower rates for clients aged 21 to 39.

5) Violent crime before project entry was related to violent crime after project entry.

CONCLUSIONS:

1. The rehabilitation by the projects was a failure, particularly with juveniles and in relation to violent crime. The judgment was based primarily on the cost of the recidivism to its victims. There were 605 violent crimes in relation to 2,860 clients. These represent about 50 persons killed or raped, and about 555 robbed or severely assaulted. The judgment was partially based on a comparison of the recidivism rates of the projects

with those of comparison groups. There was no significant difference. The cost was found so high that it was concluded there is no justification for continued funding of such projects with crime control and prevention funds.

2. The failure was apparently not related to implementation, program models, unemployment or poverty. The variety among projects eliminated some of these possibilities, while the others were primarily accounted for by the poor match between the rise in crime in recent years and the relative stability of poverty and unemployment.

3. Effects of violent crime on New York City.

From 1968 to 1974, there was a 67 percent increase in murders to 1,530, or about four a day. In the same period rape increased 122 percent to 4,000, robbery 43 percent to 78,900, or 220 a day, and aggravated assault by 44 percent to 41,000.

The increase in: the casual killing of and serious injuries to non-resisting victims, sadistic daytime rapes, violent crimes against the elderly by adolescents and juveniles, have altered the quality of crime in the city.

As a result, people feel vulnerable and afraid, their use of such public facilities as parks, subways, and certain streets has been curtailed either informally or officially, and some 1.3 million middle class whites have left the city since the 1960s, seriously undermining its tax base. Under present conditions crime should continue to increase.

4. To lower the incidence of crime, sanctions which can prevent and deter criminal behavior should be tried, which present court policies on detention, prosecution and sentencing do not do. To be effective, punishment should be adequate immediate, certain, and consistent. The city's criminal justice policies on incarceration are judged as deficient on all four counts.

5. Diversion, as provided by the projects, has added to the increase of crime, by diverting from detention or prosecution persons charged with violent crimes. Other forms of diversion by prosecutors and judges, through dismissal or reduction of charges, have also contributed to the problem. Most serious consequences pertain to the diversion of persons with records of violent crime. They could be detained pending determination

of guilt, rather than diverted, as a preventive measure. Diversion in cases of violent crime to avoid prosecution and sentencing could also be prohibited so that the incarceration of the guilty will deter crime by others.

6. High juvenile crime stems primarily from CJS policies because of the unwillingness or inability of courts to punish adequately juvenile offenders. Only a very few juvenile offenders are sentenced to incarceration, and those are generally released in six to eight months. Therefore, there is very little if any preventative or deterrent effect from this policy.

7. Educational, vocational and counseling services should be continued under other auspices. The finding that educational, vocational and counseling services by projects do not have the desired criminological effect does not mean that a population such as the one studied should not receive such services. Their eligibility should not hinge on whether they are criminals, but on need. That need should be determined by agencies regularly assigned to providing such services, who should also assign priorities, allocate and manage funds and programs, and determine whether projects are adequate deliverers of such services.

RECOMMENDATIONS:

1. CJCC should identify non-LEAA sources of funds for educational, vocational, and counseling services to provide more of them to persons in the criminal justice system, with emphasis on the incarcerated.

2. CJCC should help initiate these contacts and coordinate these activities for cjs agencies, but should limit the use of LEAA funds to small grants for planning and liaison.

3. CJCC should stipulate that no project be allowed to recommend diversion for, or accept from diversion, any person with a past or present arrest for violent crime.

PREFACE

The disappointing results of the study, in terms of the criminological effectiveness of the projects, do not reflect the dedication and hard work of project staffs.

BACKGROUND

A thorough appreciation of the significance of the evaluation findings presented in this report involves going beyond the data to the broader context in which the need for the investigation arose. That context was national concern during the early 1950's with an apparently major increase in the incidence and severity of crime.

Lyndon Johnson, as President in 1965, recognized the importance of the burgeoning crime rate and set up a national commission to investigate and report.⁽¹⁾

One major commission recommendation was that the administration of criminal justice needed much more coordination of its branches, and that cities should set up agencies to accomplish this. Consequently, in 1967, Mayor John V. Lindsay established for New York City the Criminal Justice Coordinating Council (CJCC), with broad representation from the various concerned elements in the city.

The other major recommendations of the commission resulted in the passage of the Safe Streets Act of 1968. This legislation then resulted in the establishment of the Law Enforcement Assistance Administration (LEAA). A substantial amount of money was allocated to the LEAA for the purpose of reducing the incidence of crime.

CJCC GOAL: From the outset, the basic objective of the Council was the reduction of crime. Certain methods to be used in accomplishing this were given priority: a) an over-all coordination of the agencies involved in the Criminal Justice System (CJS), and b) an increase in the individual efficiency of com-

(1) Commission on Law Enforcement and Administration of Justice

ponent agencies within the system, such as the courts and the Police Department.

During its first three years the Council remained a voluntary, principally advisory group with a small staff under the direction of Jay Kriegel. During this period some 30 projects were initiated, but the work of planning and implementation was accomplished for the most part under planning subcontracts to the Vera Institute of Justice, a voluntary agency.

In 1968, New York State established an Office of Crime Control Planning to receive LEAA funds and apportion them around the state. At this point Henry S. Ruth, Jr., who had been the deputy director of the Presidential commission some years earlier, was appointed by John Lindsay as Executive Director of CJCC and was given resources for a larger staff with broader skills. Mr. Ruth brought with him not only the expertise gained in the years of the commission's work, but also its orientation toward prevention and rehabilitation as important components in crime reduction. CJCC became much more a staff operation than it had been.

During the following three years, with the funds and staff made possible by the Federal funds, not only was there a vast increase in the number of projects initiated by CJCC, but also a change in their character. They became recognized nationally as some of the most innovative experiments being undertaken in the field of criminal justice.

Most of the projects studied in this evaluation were begun during this period, although a few of them were already operational when the period began.

In July, 1973, Mr. Ruth left CJCC for Washington, where he joined the staff of the Special Prosecutor appointed to investigate the Watergate incident and its aftermath. For an interim period, Robert Wallace was the CJCC director, and in February, 1974, after the election of Abraham Beame as Mayor, Benjamin Altman was appointed to the post.

Benjamin Altman was to reflect the goals and policies of the Beame Administration just as Ruth reflected those of Lindsay. It is still too early to determine any changes in direction for CJCC in goals or policy. However, the intent of the Safe Streets Act is to allow regions within states maximum flexibility to identify their own problems and propose solutions to them. Thus, it is in conformity with the Act that each mayor has the opportunity to express his own approach to the problem of crime on a local level as part of his responsibility to the electorate.

Thus, the study has spanned the stewardship at CJCC of three different directors.

PROGRAM DEVELOPMENT: Under all its administrations, the projects initiated by CJCC have been of two basic program types. One type has been oriented toward the Criminal Justice System and has sought to improve the internal functioning of its agencies by providing anything from hardware to staff training. The other sort of project provides services to actual or potential perpetrators of crimes.

In the first category, projects have ranged from the Knapp Commission, through a bomb detector for the Police Department, to a master calendar for the Criminal Court. In all programs of this type the rationale has been to increase the speed, efficiency or fairness with which the system operates. These types of projects do not provide services to persons actually or potentially caught up in the Criminal Justice System.

However, analysis of the 1970-1971 Criminal Justice budget in New York City showed that police patrol, criminal investigation and enforcement of traffic laws was already accounting for 70% of expenditure, while the percentage for prosecution of offenders was 1.1%, for defending the accused 0.4%, for adjudication 3.4%, and for rehabilitation 0.3%. (1)

Lopsidedness of allocations in the New York City CJS budget of \$843 million was one consideration for CJCC in establishing priorities among the (1) p. 11, City of New York Criminal Justice Plan for 1971.

kinds of projects it might fund; getting "more bang for the buck" was another, since in 1971 CJCC was to have at most \$17.5 million to dispense in relation to the massive budget. In its plan for that year it announced five problems which, it said, "should receive priority." They were:

- "1. The breakdown in deterrence caused by the inability of the adjudication system to process arrested suspects efficiently and fairly.
2. The spread of narcotics addiction.
3. The conditions in City detention institutions.
4. The lack of prisoner rehabilitation programs.
5. The absence of widespread programs for juvenile and youth crime prevention."⁽¹⁾

Another section of the same report indicated, however, at least what the operative priorities had been in the preceding period, when a total of \$8.5 million had been distributed among 10 categories. Almost exactly half, or \$4.2+ million, had gone to "Juvenile and Youth Justice and Services."⁽²⁾

In addition to the marked preference for youth projects, there was also a distinct leaning toward diversion, prevention and rehabilitation, rather than more stringent law-enforcement and incarcerations.

Searching for descriptive terminology that would distinguish these very tenuous categories, and having tried some that did not work well in practice, we finally settled on "people programs" to describe those in the second category that emerged in CJCC planning. For lack of anything better, this made the first category one of "non-people programs."

⁽¹⁾ Ibid, p. 29.

⁽²⁾ Ibid, p. 94.

In the "people program" category the emphasis is on services to offenders, ex-offenders, and even in some cases "pre-offenders," who are identified as persons with a high likelihood of becoming involved in CJS because of their histories. The programs have tended to focus on members of ethnic minorities in ghetto areas, who are juveniles and young adults. All the projects included in this evaluation are in the "people programs" category.

The CJCC planners were impressed by the evidence that attempts to rehabilitate criminals within correctional institutions were largely ineffective. Consequently, they embraced the concept of rehabilitative services outside the correctional system in what the evaluation came to refer to as "people projects," as opposed to system projects.

The services to be offered were substantially the same as those offered within correctional settings -- educational, vocational, and mental health services -- but the medium was to be projects operated by municipal or voluntary agencies, or community groups. In format and appearance the projects would differ little, if at all, from the many programs set up to fight poverty, unemployment, lack of education, or mental illness. The only difference was that the CJCC programs had as their basic objective fighting against crime.

This crime and criminal-justice orientation among the CJCC projects had one programmatic element fairly unique among social programs. This was the concept of "diversion," or the removal from the Criminal Justice System of persons thought to be inappropriately involved with it. For a long time it had been maintained that such categories of "criminal" as alcoholics, or children in need of better parental supervision, were both damaged by and damaging to the police and the courts. In time, the concept was expanded to include juvenile and young-adult criminals many with long and severe criminal histories for whom the courts and corrections offered little if any hope of rehabilitation.

The CJCC people projects were to offer rehabilitation outside the justice system, and many were able to bring their clients outside the system. At a variety of points in the CJS process they would intervene with an offer of their services primarily as an alternative to the CJS dispositions of detention or incarceration. The programs were optional for the court -- they could be refused -- but the pressure to employ them has been great. In most cases the court holds the charge in abeyance, remands the individual to the program conditional on "progress" and good behavior, and reserves the option to reinstate the charge and its consequences if the "diversion" alternative does not seem to be working. The responsibility to report results is primarily the program's. The opportunity for offenders to recidivate while under the jurisdiction of diversion programs will be discussed later.

Not all the CJCC people projects had diversion services. Some offered only rehabilitative services to persons emerging from or within the correctional system, or preventive service to persons not yet embroiled.

(At an early point, the evaluation made no distinction between these last two types of program and classified them both as diversion programs. By broadening the meaning of diversion we had hoped to distinguish easily between "people" and "non-people" programs, since those are clumsy terms. The result was confusion and criticism, and we reverted over time to these more precise definitions of program types; i.e., non-people and people, and diversion and non-diversion as characteristics of people projects.)

CJCC's NEED FOR EVALUATIONS:

In addition to initiating programs, CJCC is also responsible to the State and Federal agencies through which funds come for monitoring ongoing project operation and contract compliance, and for deciding periodically whether project funding ought to be continued. The Federal funds are supposed to be provided at most for three years, with one or two opportunities in this period for CJCC to drop or continue the project. At the end of that time, with the project presumably having demonstrated its effectiveness, it is expected to find other sources of funds for continuing operation on an "institutionalized" basis. For making these decisions CJCC found itself in need of five separate categories of evaluation data:

1. For decisions about program modification, refunding and institutionalization of individual projects CJCC wanted to know the criminological effectiveness of the program on its clients, or, the extent to which the project had been able to reduce the frequency or severity of its clients' criminal behavior.

2. For similar or the same decisions CJCC wanted to be able to compare the criminological effectiveness of different programs as models for providing service to some particular category of clients. For instance, if CJCC had funded three different projects, with different service models, to reduce criminal behavior among the same type of male ex-convicts between the ages of 19 and 20 after their release from prison, which was more desirable to refund or institutionalize.

3. For planning, CJCC wanted to know how its projects were behaving collectively as the providers of service to some particular group of clients. For instance, if CJCC has funded a variety of projects to serve juvenile delinquent males, what had been the impact in terms of crime reduction on the combined population of juvenile delinquent males of all those projects?

4. In the monitoring of ongoing projects, and to enable CJCC to make mid-stream adjustments in project programs, it would be most useful to be able to explore and explain the relationship between the characteristics of a project and its criminological impact on clients. Project characteristics would include staff-client ratio, the quantity, type, mix and quality of project services provided to the clients, or the proportion of professional to para-professional staff. For example, in a particular project or group of projects is staff-to-client ratio a more significant determinant of arrest recidivism than proportion of professional to para-professional staff, or is a job program more effective than a counselling program in reducing arrest recidivism, and for what types of clients?

5. Finally, CJCC needed simply to have accurate and timely numerical descriptions of the numbers and types of clients receiving services in the various projects. Such data would be important for program monitoring and fiscal control.

INITIAL EVALUATION METHODS: From 1967 through 1971 CJCC adopted a pattern used by many Federal agencies, such as HEW, OEO, DOL, in an effort to obtain the evaluation data it felt it needed. Some percentage of a project's gross budget was set aside for "evaluation," usually from 5% to 10%. The money was usually used to subcontract evaluation or consulting firms. If a project was large enough, so that the percentage of its budget was a considerable sum of money, it might set up an evaluation unit within itself, on a full or part-time basis. In either case, the project director arranged and paid for the evaluation service, and the evaluator was responsible to the director, rather than to CJCC for whom, presumably, the evaluation was being performed.

Finally, it was frequently the case that the evaluations, designs, methods and staff (or agency) would not be selected until after the project had been designed, funded,

and implemented. This was generally due to the pressure to meet funding deadlines and a lack of knowledge on the part of the administrators of the importance of including evaluations as integral parts of a project from their inception.

Problems: The problems resulting from this mode of obtaining evaluation service for this sort of service programs turned out to be more serious and more varied than even experienced administrators had anticipated.

1. The primary problem was that these evaluators were not able to measure validly the experience with the major objective of all the projects -- ability to reduce criminal behavior. There were several reasons.

Some evaluators (and/or directors) resisted the very idea that crime reduction was a project's primary goal, and insisted that it should be evaluated as the provider of some rehabilitative service, such as remedial education or skills training. Other evaluators accepted the objective of measuring a program for criminological effectiveness, but underestimated the work, time and cost, or placed their reliance on undependable measurement devices. Examples of the latter were client interviews, project records, and tests of attitudes toward criminal behavior.

The net effect of resistance to or confusion about the importance of criminological measurement of program effect, or miscalculation of the tasks involved in obtaining a valid measurement, was that CJCC found itself with no dependable information about the effect its projects were having on the criminal behavior of their clients.

2. Each project having its own evaluation, the natural and inescapable outcome was an enormous variety of evaluation goals, designs, methods, resources, and competence of the individual evaluators. This variety of goals and methods made it virtually impossible for CJCC to compare the differential criminological effectiveness of program models in serving similar types of clients. An evaluation that defined recidivism as reincarceration, for instance, could not be compared with evaluations based on such definitions as rearrest, reconviction, or change on an attitude scale. Nor was comparison possible when one project measured recidivism over a three-month period, another

over six months, and yet others over two years, or with different times for each client. Some evaluators were given \$5,000 to evaluate 50 clients, others had \$200,000 to evaluate 5,000 clients.

3. Some evaluators overestimated the scope and quality of the findings they would be able to produce. There were proposals that promised to measure criminological effectiveness, the outcomes of such rehabilitation methods as employment or education, the importance of such client characteristics as age, sex, or educational attainment, and how all of these had interacted to affect the outcome of the project's effort with the client. Some proposals that were accepted had an obviously inadequate price for what was promised, and some, in addition, promised to deliver results in what was obviously too short a period of time for the work. Predictably, many of the final products delivered were nothing like what had been contracted for.

4. Given the funding structure, which made the evaluator responsible to the project director, the objectivity of many of the evaluation efforts was questionable. It was not difficult to suspect that many of the evaluators were biased in favor of the program they were evaluating, and presenting data in a manner most favorable to the project. It was also evident that in some case project directors had, as the employer, insisted on their right to review an evaluator's report before it went to CJCC and to modify or delete portions critical of the program.

5. The fact that many of the evaluation components were added on to a project only after the project had been planned and was operational lead to the loss of information about early project participants and greater difficulty and expense in incorporating the evaluation methods and forms into project record keeping systems. The projects had to collect information about clients for their own programmatic and administrative purposes--information that was identical to that needed by evaluations for retrieval of criminal histories or application of various tests. Examples include correct dates of birth, pertinent street addresses and education. If the project forms, e.g., intake, had already been designed prior to the evaluation the format of the items might make it impossible to use by an evaluator.

THE PROPOSED SOLUTION: In 1971 Vera Institute of Justice, under planning grants from CJCC, hired the evaluator to develop a plan for meeting the evaluation requirements of the CJCC. The evaluator developed this plan between January and June 1971. The result was a proposal for an approach to meeting CJCC's evaluation needs, based on a single, independent evaluation program that would produce more valid and comparable data as follows:

1. It would establish evaluation priorities to insure adequate measurement of the criminological effectiveness of the "people projects."

2. It would select the most feasible and accurate measure of criminological impact.

3. It would standardize the application of this measure in analyses of the various programs so that comparisons between and among them would be possible.

4. It would attempt to assess the impact of selected client characteristics on criminological outcomes.

5. It would attempt to assess the relationship between criminological impacts and some of the differences in program models that might have affected those impacts.

6. It would provide uniform descriptive data about the numbers and types of clients enrolled by the projects, regardless of or prior to the measurement of criminological impact.

7. The evaluation project would be subcontracted to the City University of New York in an effort to maximize the project's independence. The evaluation results and recommendations would be reported directly to CJCC, rather than to the projects to be evaluated. In addition, the evaluations already in process or still to be performed under contractual obligations, by the individual projects and their own evaluators would be coordinated by the project.

The formal subcontract with the Research Foundation and Graduate Center of the City University was dated July 1, 1971. There were delays in the funding process, however, and the evaluation project actually became operational during September, 1971, terminating on March 31, 1975. The total of LEAA funds awarded to the evaluation over this period was close to \$800,000.

DESIGN AND METHOD

THE DESIGN

After preliminary investigation the proposal for the evaluation had foreseen that there would be need for a) one basic goal of CJCC and its projects, (b) a common measure of that goal, and c) certain criteria which would allow comparison of vastly differing projects. (1)

I. COMMON GOAL

The common goal was identified in Title I of the Omnibus Crime Control and Safe Streets Act of 1968, which established the Law Enforcement Assistance Administration (LEAA) to address the problem of "...the high incidence of crime..." (2) The Act was amended in 1973 and 1974 without changing the focus on the high incidence of crime as the basic problem. Thus, the basic goal was and continues to be the reduction of crime.

In 1973 and 1974 the Congress had added measures aimed at juvenile delinquency to the Act and had specified the use of diversion formats, but the intent was clearly that this was to be a method for lowering or preventing juvenile crime.

Given this goal, it was logical to conclude that the various services offered by CJCC-funded projects, whether educational, vocational, or therapeutic, and their outcomes, were to be seen as methods for accomplishing the common goal. Unlike Department of Labor or HEW projects, in which education or training outcomes could be seen as project goals, LEAA projects and their evaluation had to treat service outcomes as independent variables, and criminal behavior as their dependent variable. The implications of this ranged from allocation of evaluation resources to methods of analysis.

(1) What follows is a Summary. A detailed account of the evaluation's design and method are contained in Appendix A.

(2) Declaration and Purpose, Title I, Law Enforcement Assistance, Public Law 90-351, 90th Congress, H-R.5037, June 19, 1968.

II. COMMON MEASURE

Primary emphasis, therefore, would have to be placed on establishing a valid common measure of criminological outcomes of the projects. If that were accomplished, it would then be feasible to look for a connection between criminological outcomes and project services.

Congress had spoken of reducing the "incidence of crime," but it was clear that it had not intended the technical use of the term, which generally restricts it to formal, recorded complaints. By incidence, Congress appeared to be referring to criminal behavior, and was not restricting itself to a legal definition of guilt. The evaluation had to settle on some common measure of incidence of crime, and the alternatives available were complaints, arrests, convictions, and incarcerations.

Complaints were not an appropriate measure. They are primarily useful as a measure of crime in a geographic area, but many CJCC projects were not restricted to standard areas, e.g., precincts or boroughs, while those that were had too few clients to allow assessment of the relationship of project outcomes to the incidence of crime.

Arrests were close to complaints in reflecting criminal behavior, but were also a client record through which the effectiveness of a project could be evaluated. Results might be generalizable to similar populations. Furthermore, the city's arrest records are relatively complete, accurate and retrievable. Arrests are also probably the most commonly used measure in criminological evaluations and results might be comparable with those of other evaluations. The advantages outweighed such drawbacks as mistaken or overstated arrest records.

Convictions appeared to be a less effective measure because legal criteria of guilt and plea bargaining skew conviction records in the direction of understating criminal behavior. In 1974, for example, 80 percent of all felony arrests in New York City were disposed of by lower courts empowered to adjudicate only misdemeanors.⁽¹⁾ Also differences of philosophy, values and legal background among the

(1) New York Times, Feb. 11, 1975.

relatively few judges make the imposition of convictions more variable a measure than arrests by the thousands of policemen.

The incarceration rate in New York City was found to be so low that this measure was deemed the weakest.

Combinations of the measures were a possibility that the evaluation had intended to explore.

III. COMPARING PROJECTS

With crime reduction the common goal and arrests the common measure, the remaining task was to make certain that despite differences among the projects only similar types of clients would be compared. Characteristics defining similarity had to be relatable to criminal behavior and, after investigating a range of them, the evaluation settled on four that were unambiguous and measurable.

The four selected were: age, sex, heroin addiction status, and prior criminal history.

Age, in New York State, affects arrest, type of court, dispositions available, and conditions of release or incarceration. The initial four age classes selected were: 7-15 for juveniles; 16-18 for youthful offenders; 19-20 for adults, and 21 and older for a second adult category.

Juveniles are always arrested, but may, at the discretion of the police officer, be issued a YD-1 Card for an offense. As a rule, for similar crimes, juveniles are arrested less frequently and detained or incarcerated for much shorter periods than non-juveniles.

Youthful offender is a status for which 16- to 18-year-olds may apply at the time of sentencing if a Class A felony or a previous felony conviction are not involved. If granted the status, they receive lighter sentences.

Young adults had been a legal status for 19- and 20-year-olds until 1971. The category 21 and older, and its utility, are self-explanatory. The above age classifications were subdivided by the evaluation whenever necessary for analysis.

The usefulness of sex as a discriminating characteristic for understanding criminal behavior is also self-evident. However, the number of females in most of the projects was so low that they did not allow valid statistical analysis. This report is restricted to data on males.

The types and numbers of crimes committed by heroin addicts are sufficiently different from those of non-addicts to set heroin addiction up as a category.

Identifying addicts in mixed projects ran afoul of issues of confidentiality after

new drug laws were passed. Also, addiction treatment programs were dropped from among CJCC projects under the new law; police arrest procedures do not distinguish between heroin and other drugs, and the State Narcotics Register was not available to the evaluators at the time.

From the outset it was understood that severity of prior criminal history would be a most important characteristic to be able to measure, but that there would be problems. The biggest is the difficulty in reconciling numbers and types of offenses committed. For example, how does one compare the severity of a robbery which resulted in the hospitalization of two people, with a criminal history of 12 auto thefts and one robbery, but no injuries?

The evaluation proposed to measure severity with the Sellin-Wolfgang scale, an instrument which combines frequency of prior offenses with their degrees of severity into a single numerical value.

Project comparisons by four characteristics enabled the evaluation, with its design, to make some comparisons but not others. For instance, one project took in both sexes, aged 7 to 15 years, while another took in males and females from 7 to 20. A simple comparison of project recidivism rates would fail to take into account the differences between 16-to-20-year-olds and those exclusively under 15, and differences in severity of prior histories.

By establishing within these projects subgroups of the same age range, sex, heroin addiction status, and severity of prior criminal history, comparisons would be possible. Results might be generalized to other clients who shared the characteristics but were not included in the analysis.

One disadvantage was that the forming of subgroups by all the interactions among the characteristics, and maintaining subgroups large enough to sustain statistical analysis, meant that a project had to have a large number of clients to be included. Another was that although this analysis allowed comparisons which identified the project's differential ability to affect recidivism, it could not explain how the differences had come about. Criminological outcomes could not be

linked to project characteristics or services.⁽¹⁾ Nevertheless, the results could have assisted CJCC in such decisions as funding, refunding, institutionalization, and changes in program policy.

The format of an analysis based on control groups was rejected as impractical in "action" programs. Truly random assignment is rarely possible, and ethical questions arise. Matching is equally difficult. Finally, the assumption that in a city like New York the controls will actually remain "untreated" is highly questionable. One possibility that the evaluation hoped to explore was a "post-hoc" control group, selected and matched after the project group has been identified. One such effort did not work. However, one existing and appropriate comparison group, the Vera Control Group, was introduced into the analysis.

(1) Outcomes could not be linked to specific project characteristics individually or combined.

IV. OTHER EVALUATION GOALS

Additional tasks for CJCC included a comparison of "completers" and "dropouts" that was not successful because there was enormous variability among the projects, disagreement about definitions, and inadequate records. Another proposal that did not work was a criminological "self report" to measure unreported and unapprehended crime; it ran afoul of the confidentiality issue.

It had also been intended initially that the effect on recidivism of project characteristics would be studied, despite obvious statistical barriers, but this was quickly found to be infeasible. Nevertheless, it was agreed that some attempt to measure service outputs, for strictly programmatic reasons, was essential, and that for this goal standard measures would be necessary. The measurement was to be done by outside evaluators; the standard measures would be identified by the evaluation.

Remedial education, job services, and drug-addiction treatment were selected as the services for which standard measures would be devised.

In remedial education the focus was on remedial reading, and the test used by the city schools was proposed as the common measure. For job services, answers were requested to five basic questions: 1) What proportion of those referred are placed? 2) At what entry-level salary? 3) At what type of job by DOT classifications? 4) For what length of time? 5) If they left, why? No measure was attempted of addiction programs because they were dropped after the state law was changed.

To complete the evaluation and monitoring system being developed for CJCC, there were added non-quantitative, essentially impressionistic reports on project administration and program. When performed by senior level evaluators with extensive program and administrative experience, interviewing and observational skills, and report-writing ability, such evaluations can get at questions that statistical analysis has difficulty addressing. Since they can produce results more quickly, these studies can provide a basis for refunding decisions when programs are too new for quantitative analysis, or when planned statistical studies simply fail. Evalua-

tions of this kind are not only useful as an aid to management decisions, but also as a supplement to statistical studies. However, such a study must be reliable to be useful, and it should be comparable with studies of similar programs.

In quantitative studies reliability and comparability are functions of the methods used and the accuracy of the data collection and processing. Reliability of impressionistic studies depends much more on the skills, experience and integrity of the evaluator, and their comparability on the standardization of the programmatic issues investigated.

To develop an appropriate system, with guidelines for its implementation, sample outlines sufficiently standard to permit the comparison of reports, and sufficiently flexible so that they could be applied among the variety of CJCC programs, were prepared. The selection of the evaluators and periodic monitoring of their work as the best approach to standardizing reliability, was also undertaken.

METHOD

I. COLLECTING PROJECT DATA

For the first step, a Management Information Systems (MIS) unit was set up to provide information to both the evaluation and CJCC. Its first step was the development of a standard Intake Form. The advantages of that form were to be three-fold.

The evaluation was to be assured the precise client identifications it needed so that it could retrieve criminal records from the police with accuracy.

CJCC was to receive more uniform dependable information on the flow and servicing of clients in the projects to use for administrative decisions.

The projects, themselves, were to have accurate records of their own activities so that they could understand better their own processes.

Early results in the application of the standard Intake Form were highly unsatisfactory. Many forms submitted by projects were incomplete, delayed, and frequently incorrect. This was particularly true of the community-based projects, although some agency-based projects were slow to report because of their own internal evaluation efforts. There were also some ambiguities in the form that called for revision. In some projects staff unfamiliar with record keeping resented the process and resisted it, often raising issues of confidentiality.

To cope with these problems the evaluation launched an extensive training program for project staffs and the MIS unit was expanded and became much more closely involved in the projects' record keeping operations. One result was the development, jointly of a new staff position--"records manager"--that was implemented in some of the projects. Some conclusions from this experience were:

"Outside" statistical evaluations of the criminological effectiveness or service outcomes of a project are almost impossible to conduct unless a project has adequate internal resources for keeping accurate and timely records of its intake and of work with clients.

During the period when it attempted training in the projects, the evaluation had to weigh each request for help carefully, since it was not really staffed for

such service. Nevertheless, the standard Intake Form was implemented in 48 separate projects, and the evaluation received and processed a total of 27,733 Intake Forms.

II. PROCESSING PROJECT DATA

Once collected, the project data had to be processed. Incorrect data would undermine the validity of the analysis. Four steps were established: scrutinizing; correcting errors; preparation of a roster, and validation.

In scrutinizing, the Intake Forms were reviewed by a Central Data Control (CDC) unit. Errors were sent back for correction by the MIS unit, and forms that could not be corrected were not used. If the form could be used, the information was key-punched.

The keypunched information produced a computer-generated roster including name, ID number, date of birth, address, and date of project entry. The roster was the basic form for the retrieval of police records, and also for validation.

Validation resulted from the awareness that seemingly correct Intake Forms during scrutiny might in fact contain false information. The errors might result from misinterpretation by project staff of an Intake Form item, or simply be errors in reporting or transcribing information given by a client. The only solution was for the MIS to check the rosters for 27 projects against the actual records in those projects for five "Index" items--name, sex, date of birth, address, and date of project entry. Validation was done to reduce the number of arrest records that could not be retrieved and increased the accuracy of classifying clients for analysis.

As an additional MIS service to CJCC, the unit managed, collected and presented a monthly summary report of the information being provided by the projects. The primary intent of the summary was to signal project difficulty in meeting case load obligations.

In a monthly Project Case Activity Report each project reported its case load changes and a cumulative figure for admissions. The form was checked by the evaluation, and the various reports were combined as the monthly summary. The target case load at the time of initial funding was required for optimum use of the form. Few projects were able to provide such information at that point. The MIS developed figures for projects from their grant awards and applications, or by interviewing

project administrators and CJCC monitors. These projections were used for comparison with progress as recorded in the monthly reports. Monthly Project Case Activity Reports were received from 48 projects.

The Size of the Data Pool: A total of 53 projects received some form of service from the evaluation (Table 1, p 30). Most were provided both the monthly case activity report system and the standard intake form system. Five projects were terminated by CJCC prior to the implementation of the monthly case activity report, and four projects were exempted by CJCC from submitting intake forms because of the nature of their services, e.g., Theater for the Forgotten.

There were approximately 27,700 Intake Forms submitted by the projects. Of these, about 13,900 were processed but not used because of errors, inadequate numbers in a group or subgroup for analysis, or termination of the evaluation. The balance, about 13,800 were keypunched and verified.

Of the 49 projects that submitted intake forms, 23 were not evaluated by criminological measures for three primary reasons. Examples of each were: St. Peter's Youthful Offender Program, which did not have enough clients by the June, 1974 data cutoff date to meet evaluation criteria; Women's Diversion, which was restricted to females; United Neighborhood Houses, for which there was not enough time or resources for validation of project records and retrieval of police data. This left 26 projects as candidates for evaluation.

By June, 1974, 18 had been validated (p A-27) and police records for their clients had been retrieved and processed. In an extension request, eight additional projects were submitted as candidates and were validated, but the State Division of Criminal Justice Services decided against the inclusion and police records for those projects were not retrieved. This left 18 projects to be analyzed, and the data on them is presented in this report. The selection criteria for clients, and the number of clients finally selected, are described in pp A-45 to A-47, 54-56.

Table 1 SUMMARY OF INFORMATION RETRIEVAL, PROCESSING AND REPORTING

Project Name	Acronym For Analysis	Contract Number	Monthly Case Activity Report	CLIENT INTAKE FORMS			
				Number Received	Number Punched	Validation At Project	Number Analyzed For Report
1. Addict Diversion Program	ASA	57798	+	1,772	979	+	333
2. Addicts Rehabilitation Center	ARC	56964	+	2,040	477	+	264
3. Altern School for Excp Children		62964	+	151	41	-	-
4. Altern to Detention - HRA	ATD-HRA	50411	-	938	401	+	117
5. Altern to Detention - Probation	ATD-PROB	50411	-	602	529	+	220
6. Bed-Stuy Ex-Offender		56965	+	210	79	-	-
7. Corrections Educ Career Dev Prog		69838	+	-	-	-	-
8. Co-Workers Cooperative Project		64558	+	178	47	-	-
9. East Harlem Halfway House		73300	+	79	-	-	-
10. Encounter		59315	-	116	-	-	-
11. Family Court Rapid Intervention		59895	+	-	-	-	-
12. Fortune Society Employment Unit		68313	+	372	-	-	-
13. Frontiers for Families		62012	+	458	249	+	-
14. Harlem Probation		62762	+	175	144	+	-
15. Holy Apostles Center		72177	+	103	-	-	-
16. Independence House	INDH	61685	+	569	321	+	56
17. Juvenile Employment Ref		74937	+	-	-	-	-
18. Legal Aid Soc - Juvenile Services		67752	+	1,409	622	+	-
19. Legal Propinquity	LPQ	60372	+	207	150	+	55
20. Mobilization for Youth - Juv Court Div		66559	+	178	51	-	-
21. Morrisania Youth Serv Center	MLA	55332	+	410	379	+	166
22. NAACP Project Rebound	NAACP	56445	+	795	541	+	190
23. Neighborhood Youth Diversion	NYD	57871	+	702	598	+	133
24. N Y Lawyers Com for Cvl Rts - Supv Rel		57980	-	84	-	-	-
25. The Osborne Residence		62418	+	100	29	-	-
26. Positive Altern - Univ of the St		63977	+	138	71	-	-
27. Pre-trial Services Agency		66635	+	236	-	+	-
28. Private Concerns, Inc		73298	+	76	-	-	-
29. Probation - Urban League	PUL	60785	+	372	336	+	92
30. Project BYCEP	BYCEP	50803	+	559	469	+	63
31. Project Manhood	MANHD	49764	+	1,787	1,135	+	185
32. Project Second Chance	SCH	59545	+	733	539	+	160
33. Project Share	SHARE	58945	+	346	160	+	31
34. Protestant Board of Guardians	PBG	57872	+	839	532	+	172
35. Puerto Rican Assoc for Com Action		70723	+	157	-	-	-
36. Puerto Rican Forum Offender Prog		72027	+	96	-	-	-
37. Queens Probation Reading Clinic		65715	+	374	207	+	-
38. QUERER		72179	+	324	-	+	-
39. Richmond Probation Reading Clinic		70724	+	183	-	-	-
40. SERA Manpower Unit		73092	+	215	-	+	-
41. Sloane House YMCA - Dept of Corr		68176	+	171	-	-	-
42. St. Peter's Youthful Offender Prog		74538	+	46	-	-	-
43. Theatre for the Forgotten		63710	+	-	-	-	-
44. United Neighborhood Houses		66466	+	268	124	-	-
45. Vera Supportive Work Program; Wildcat	VERA	62914	+	1,712*	815*	+	219*
46. Vocational Remedial Educ Trng Proj		70473	+	155	-	+	-
47. VOI - Bronx Com Counseling	BCC	56446	+	1,260	882	+	283
48. Wiltwyck Bklyn Com Care		55722	+	225	192	-	-
49. Wiltwyck School Group Homes		56870	+	19	10	-	-
50. Women's Diversion		58498	-	38	-	-	-
51. Women's Education		55161	+	180	165	-	-
52. Youth Counsel Bureau	YCB	57933	+	5,281	2,288	+	121
53. Youth Services Bureau - Buslwick		61463	+	295	180	-	-
TOTAL			48	27,733	13,742		2,860

* Includes a control group.

III. COLLECTING POLICE DATA

With the rosters as accurate as they could be made, the next step was collecting data from the police. Relations were set up with the New York City Police Department for information retrieval because the New York State Intelligence and Identification System (NYSIIS) was not yet "de-bugged." A disadvantage of this choice was that unlike the NYSIIS records, the police records rarely show the disposition of cases.

Formal agreement had to be reached, including issues of confidentiality and the security of files. The agreement made it possible, however, not only to obtain the arrest information, but also for certain evaluation personnel to work directly in the Bureau of Criminal Identification (BCI).

Retrieval involved getting back information that is stored by the police in different ways and in different places, depending on its nature. The basic division is between juvenile and non-juvenile records.

Non-juvenile records (the Yellow Sheet) are located at BCI and are a cumulative record of arrests since the 16th birthday for which fingerprinting is required. They are filed by the B or NYSIIS numbers, which the projects rarely knew, so the evaluation performed a step called indexing, which involved checking in a large register such available information as name, birth date, address at first arrest, etc., to determine the B or NYSIIS numbers.

Match Criteria became an important consideration in determining whether a record actually was that of a client.

If name and date of birth were identical, it was assumed that a match had been made. If names were the same but birth dates were no more than one digit wrong (month or year) a match was assumed. A separate Match Check Study is discussed later.

Persons for whom a listing could not be found were labeled "no record," but it was not assumed they had not been arrested. The records could have been "sealed," misfiled, or simply lost, and in a few cases, there may really have

been no arrest.

Juvenile Records were at the Youth Records Unit and contained both arrests and YD-1 cards. The evaluation used only arrests, thus somewhat understating juvenile criminal activity. Establishing a "match" for juveniles was even more difficult than for adults, and painstaking procedures were employed, derived from the Match Check Study. A special retrieval was made for juveniles who would be 16 during the 12 months after project entry. For them both juvenile and adult records were checked.

In an effort to accommodate CJCC's need for information, the evaluation attempted findings as early as possible. The proposed period of evaluation was to be 12 months after project entry, but retrievals were made for groups six months after project entry. These findings were only preliminary; however, the final report contains only findings for the 12-month period. Initially the criterion was that at least 50 clients were required to do the final statistical analysis for any combination of client types by age, project component, or level of criminal severity. This number was reduced to 20 for the final analysis.

Seven projects supplied enough clients at the time of first retrieval so that additional retrieval for them was not necessary. They were: ARC, BYCEP, Independence House, Manhood, Morrisania Legal Assistance, Second Chance, and Youth Counsel Bureau. The last, YCB, had so many clients with six or more months since project entry that a random sample was taken. Of more than 1,300 Intake Forms received from YCB, more than 400 were processed. A table of random numbers yielded a simple random sample of approximately 150 clients.

For 11 projects in which the initial retrieval resulted in low numbers, another retrieval was done as soon as a reasonable number of clients had passed six months since project entry. The first wave of retrievals included clients who had entered projects no later than July 31, 1972, and whose Intake Forms were acceptable. The retrieval was undertaken in March, 1973, so that at least six months had passed. Actually, an extra two months beyond the six months was allowed.

For the one-year retrievals, the six-month rosters were used less the names of those clients who had died or had been found to be in the wrong age group. When birth dates were different in project and police records, we tended to accept the police data on the ground that the police took more pains to verify such information.

An additional problem in the one-year retrievals was the need to match with the six-month retrievals. For non-juvenile records, yellow sheets from both retrievals were compared to make sure that no arrests were recorded twice. A by-product was the discovery of records that had not been available in the first retrieval.

In the case of juvenile records the matching was more troublesome. The data had to be copied, rather than dittoed, so a shortened procedure, with appropriate checks, was worked out. Forms were taken back to the evaluation office and compared. One discrepancy resulted in confusion between the date of occurrence of a crime, and the date of arrest. The consequences could have seriously affected analysis that depended on whether the date was before or after project entry. Another possibility was to overstate the number of a client's arrests.

Another problem was more or fewer arrests in one retrieval record than in the other. All juvenile records were reviewed at least twice for such discrepancies.

The Match Check Study was undertaken when, in the comparison of six-month and 12-month records, two cases were found in which arrests were mistakenly attributed to clients. Although the effect of these two overcounts would not have been statistically significant, there was concern that additional undetected cases of this kind might significantly affect arrest rates. Counting the arrests of more than one person as belonging to one person would inflate the rates. There was also concern that where only YD-1 cards had been found there might also be arrests, and this would deflate the arrest rates. The study was done for juveniles.

After a particularly elaborate check, three cases were found of more than one person on one record which was less than 1 percent of the 233 cases checked

and, thus, statistically insignificant. Six arrests not recorded were found among 123 cases in one project and also had no statistical significance. In the check of "YD-1 only" cases, 10 arrests were found among 48 cases, which had only a slight effect that would not have changed any arrest rates. A similar result was disclosed in the check of 69 "no record" cases, in which records were found for 16.

The various errors, when corrected, could have affected the arrest recidivism rates by either increasing or decreasing them. There may have been mutual cancellation. The over-all effect seems likely to have been in the direction of a net understatement.

After initial poor experience with the rate of retrieval of arrest records, and the various steps that were taken to improve that rate, the over-all effect was that by the end of the evaluation, the retrieval rate was 86 percent.

IV. PROCESSING POLICE DATA

The next step after retrieval was processing, and it began with coding the arrests in relation to project entry, and to type of offense. The second required intensive study of the police recording system. Most arrests are under the New York State Penal Law as revised in 1965, although a variety of other laws are also used. Each arrest and each charge was coded by number according to a system worked out in a special coding manual.

Special checks had to be made for out-of-state arrests, and to be sure that arrests were not listed more than once, particularly in the case of juveniles. Special attention was also required for attempted crimes, and for auto thefts, which have no distinct category in the New York law.

Extensive preparation of records material for coding was found necessary, and involved using not only the coding manual but also the "Crime Code Number System" of the New York City Police Department. The objective was to convert the various record numbers into the 26 offense categories of the FBI's Uniform Crime Reporting (UCR) system.

Special problems arose when the charge represented crime derived rather than criminal behavior and did not seem to fit the arrest, as in the case of warrants for juveniles who failed to appear for PINS hearings, absconding from a training school, or violations of parole or probation. There were also the "sealed" charges. All were given a special code number to distinguish them, and in most cases they were not counted as arrests.

The coding accuracy was double checked by staff members inspecting each others' work. There was a separate card punched for each arrest and for each client. Each card was machine verified, and any discrepancies were resolved. Subsequently, every corrected punch card was checked manually by comparing it with the actual criminal record form from which it had been punched. The machine verification and the manual verification were each done on a 100 percent basis for the arrest-charge coding. This was done for the arrest records of 3,394 clients.

A study of date of occurrence vs. date of arrest became necessary because the evaluation was concerned with criminal behavior after project entry, so that the date of an event was critical. Confusion was found in arrest records between the date on which a criminal act took place and when the arrest was made. The difference could have affected the evaluation results.

There was an exploratory study of two groups of clients, each selected to test one way in which arrest rates might be affected. In the first group were clients with one arrest in the year after project entry, and that arrest in the first three months. They were considered most likely to show crimes before project entry.

The second group, selected to show if there was an opposite effect, included clients with no arrests in the year after project entry but one or more arrests in the subsequent three months. Special checks were made in all available files. The results were:

If arrest rates were based on the date of occurrence instead of the date of arrest, the effect of nine clients in the first group would have been to reduce the arrest rates. The effect of the five clients in the second group would have been to increase the arrest rates in their projects. There was some cancellation effect in two projects, each of which had two clients in each sample, and the net effect was no change. The net effect on the arrest rates of seven projects in which fourteen cases in both groups occurred was not significant.

The results of the study are not considered definitive since it was exploratory and the groups in it were deliberately selected to maximize the chances of affecting the arrest recidivism rates. The study was intended to provide relatively prompt feedback; whether it should be done in greater depth was to depend upon its findings. Since the findings showed only a very slight and nonsignificant effect, even though the clients were selected to maximize the effect, it was decided that the results of a more definitive study would not be different and the effort unwarranted.

The classification of offenses by type involved the evaluation with some 400 separate charges found in criminal records, ranging from murder to begging. Of the 26 UCR categories used, the first seven are known as the "serious" or "index" crimes. The first four--homicide, forcible rape, robbery, and aggravated assault--are referred to as violent crimes. The other three--burglary, larceny, and auto theft--are serious property crimes. Among the nineteen non-index crimes are arson, stolen property, weapons, narcotics, and disorderly conduct.

Conversion of arrest charges to UCR categories was done mostly by the Police Department's own system of converting PD numbers to UCR numbers. PD numbers are the department's own system for coding offenses. However, since the PD numbers did not appear on the records available to the evaluation, it had to make the conversions itself.

Problems occurred when several section numbers from the NPL converted to more than one UCR category. For example, larceny includes 23 separate offenses with individual PD numbers, which convert to five UCR categories. The resolution was to compute statistically the UCR category that fit the majority of arrests in the problem categories, and to use that category. USCC arrests were converted to UCR categories with the help of a CJCC attorney. Out-of-state arrests were counted but not given UCR categories because charging practices are different among states. Sealed and youthful offender arrests were also counted, but not categorized.

In arrests with multiple charges, the category was selected which was the most serious among the UCR ratings. (For validation the MSS was used p. 39.)

V. SEVERITY OF PRIOR ARREST HISTORY

The computation of severity of prior arrest history was vitally necessary for carrying out the evaluation design. Only on the basis of such a measure could it be established that groups of clients being compared were, in fact, similar by more than just age, since heroin addiction had had to be dropped.

The Sellin-Wolfgang Index of Severity had been developed from a Philadelphia population and could be used to construct an index of severity for adults and juveniles if accurate and complete arrest histories were available. Although each record would be scored individually, the index would give severity measures for a class, type of individual, or population.

The main advantage of the scale was that it provided a statistically and logically justified reconciliation of the problem of combining the frequency of crimes with the types of crimes committed in a single mathematical value.

The evaluation proposed to use the Sellin-Wolfgang scale for two purposes beside those of an index: 1) as a measure of criminal histories of clients prior to project entry so that groups of clients with criminal histories of the same severity could be compared, and 2) to measure change in the criminal behavior after project entry of a group of clients. In the last case the measure would be used as a dependent variable.

The Sellin-Wolfgang scale was unfeasible for the evaluation. The required information was not conveniently available from the central arrest records of the Police Department, because of the amount of work involved in scoring the arrests, and because the sheer volume of arrests in the study would have entailed work exceeding the resources of the evaluation.

Marvin E. Wolfgang and Robert M. Figlio, of the University of Pennsylvania, suggested an alternative approach that had never been used before and that could be tested by the evaluation. Their proposal was that they would develop mean

seriousness scores for each of the 26 UCR categories, with separate sets of mean seriousness scores for each of the age groups used by the evaluation, using data they had collected in their Philadelphia "Cohort Study."⁽¹⁾

The initial development of each scale score was empirical and was based on 16,586 arrests. The "Cohort Study" used as its population all boys born in 1945 who lived in Philadelphia from their tenth to their eighteenth birthday. Nearly 10,000 boys were involved, one-third of whom had at least one contact with the police before their eighteenth birthdays. The records of the Philadelphia Police Department contain sufficient detail about the criminal event for which an arrest or other police contact was made to permit a computation of the Sellin-Wolfgang seriousness score. This score was computed for every police contact among these boys prior to age 18. Subsequently, it was computed for every arrest from age 18 to 25, but this was done only for a ten percent sample of the cohort population.

The Mean Seriousness Score (MSS) derived for the evaluation by Wolfgang and Figlio consisted of taking all the arrests in a given UCR category and computing its seriousness score. Each Philadelphia arrest had been scored on the basis of descriptive information in the record. The scores of all of the arrests in a given UCR category were then added together and divided by the number of arrests in that category, and the mean seriousness score was the result. The same procedure was repeated for each of the 26 UCR categories.

Separate scores were computed for several age groups, depending on the age at which an arrest was made, as shown on Table 2, p A-82.

A number of problems with the MSS arose. One was that there were no MSSs for five UCR categories because no such arrests had occurred in the Philadelphia cohort. The categories were arson, embezzlement, vandalism, offenses against families and children, and driving under the influence.

(1) Marvin E. Wolfgang, Robert M. Figlio, Thorsten Sellin, Delinquency in a Birth-Cohort, University of Chicago Press, 1972.

That problem was solved by estimating an MSS for each of the five categories by finding the closest equivalent in the New York State Penal Law.

Another problem involved MSSs in some age groups for only some offenses. These had to be estimated.

For out-of-state arrests, sealed arrest records, and youthful offender arrests, where the nature of the offense was unknown, an MSS was assigned that was the average MSS of all charges in an age group.

In a number of cases MSSs had to be estimated. For the procedures used, see P A-81 in the Appendix A.

In deciding whether to use the MSS, pros and cons had to be weighed. The scale is the best standardized instrument available for measuring the severity of criminal behavior, and the evaluation was in no position to develop a measure of its own. On the other hand, there was no assurance that the Philadelphia-derived scores would be applicable to a New York City population, or that the MSS would reasonably reflect the severity of the "event" behind the arrest charge. Also, methodological problems were sure to arise, and it would have to be assumed that they could be overcome.

On balance, it seemed worthwhile to test the predictive and concurrent validity of the MSS as we intended to use it. Since we also proposed to test other measures, a final decision could await the results. The evaluation proceeded to attempt to validate the MSS.

Validation of the instrument was guided by our intended use of it, which was to permit comparison of client groups with similar severity of criminal history.

The predictive validity would be shown by how well the MSS predicted arrest recidivism after project entry. A higher severity before project entry should have indicated a more likely recidivism after project entry. Also, the higher the MSS before, the more severe the recidivism after should be.

The concurrent validity should have been demonstrable by the correlation between MSS and other measures of severity, which are related. Two possible alternative measures were number of arrests prior to project entry, and type of arrest charges, such as violent crimes. (The MSS synthesizes both and contains more information than either.)

In reviewing the rest, it is well to keep in mind that the "MSSs" were derived from a Philadelphia population, and were not an arithmetic mean of scores for New York City project clients. In cases, however, when arithmetic means of MSSs were used they are called "mean MSS." Also, "recidivism" always means "arrest recidivism" unless otherwise modified, as in "violent crime recidivism."

In the method of analysis used, 2,900 male clients, aged 7 to 71, from 18 projects, provided the data. The relationship between prior criminal history and recidivism was tested by a stepwise linear regression analysis in which recidivism was the dependent variable. The independent variables were total MSS before project entry, age at project entry, and the interaction between total MSS and age. Table shows the results. The F value is highly significant for the independent variables and their interaction, but this is probably due to the large number of degrees of freedom.

The simple correlation between total MSS before project entry and recidivism, and between the interaction and recidivism, were not significant. The simple correlation between age at project entry and recidivism was negative and significant.

The total variance accounted for by these variables was 4.2 percent. The very low amount of variance accounted for by these variables led to questioning the utility of a linear model for defining a relationship between them. But that was not an entirely satisfactory explanation. That age and prior criminal history accounted for less than 5 percent of the total variance in their relationship to recidivism seemed incongruent with a great many empirical findings in criminology. As a result, there followed a lengthy and detailed series of statistical analyses in an effort to clarify the outcomes of the first regression analysis.

Using total MSS in 12 months after project entry as the dependent variable yielded similarly negative results, tending to refute the assumption that more severe histories before project entry and more severe recidivism after project entry would go together.

As a measure of concurrent validity, the number of arrests before project was added as an independent variable. We repeated the stepwise regression analysis by the nine age subgroups and also used year of age at project entry as an independent variable.

The results of both preceding analyses showed no substantial difference in their outcomes. Further, the variable, total number of arrests before project entry, was about equal to the variable, total MSS before project entry.

The types of arrests before project entry were tested as the third possible measure of validity. The number of arrests for violent crimes prior to project entry was tested as the independent variable. Stepwise linear regression was used with arrest recidivism as the dependent variable for the same nine age groups. The year of age at project entry was another independent variable.

The analysis was also done with the dependent variable violent crime recidivism. Again the results were more or less similar to the prior ones. The results of the two preceding analyses, however, were somewhat less adequate than those for the measures of MSS and number of arrests.

Further analysis of violent crimes used recidivism of robbery as the dependent variable. In this case the independent variables were the number of arrests for robbery before project entry, the total MSS before project entry, age at project entry, and all the resulting interactions. The age subgroups used here were 7-15, 16-18, 19-20, 21+. The results were also unsatisfactory.

The results of the preceding analyses led us to drop type of arrest, i.e., violent crimes, as a possible useful measure of severity for our comparisons of projects. This left the MSS before project entry and the number of arrests before project entry as the remaining alternatives.

We then tried using three ascending levels of seriousness for the independent variables total MSS before project entry, and total number of arrests before project entry. We ran the regression by each of the nine age subgroups for each of the independent variables. The three levels of seriousness for each age subgroup were determined by using the method of Dalenius.⁽¹⁾ The results of these analyses were generally similar to the earlier ones. There was no improvement.

Analysis of Variance: We decided to assess the relationship among MSS before project entry, recidivism, and year of age at project entry by the nine age subgroups with an analysis of variance.

The client's MSS prior to project entry was expected to increase with age. In an effort to control for this possibility within the nine age groups we decided to use the average arrest MSS prior to project entry (per client) instead of the total MSS per client. These results were unsatisfactory and further indicated that a linear model was not appropriate for the evaluation of our data.

The next effort was to see whether arrest recidivists have significantly more severe criminal histories prior to project entry than non-recidivists.

Severity of criminal history was measured by both the total MSS and the number of arrests prior to project entry for each of 9 age groups by t tests.

Most of the comparisons were significant. This lends support for a non-linear relationship between severity of criminal history and recidivism. The MSS and number of arrests do not appear to be very different in outcomes.

(1) Dalenius, T., and Hodges, J.L., Jr. (1959). Minimum variance stratification Jour. Amer. Stat. Assoc., 54, 88-101.

The severity of criminal history as measured by the total MSS and the total number of arrests was expected to increase with age. If it was also the case that older clients were arrested more than younger ones after project entry (for any reason), the significant t-values in most of the nine age groups might have been accounted for by those two effects, rather than the relationship tested. Therefore, a separate t for each year of age was done using the same method of analysis as above. There were 28 individual years containing 2733 clients for this analysis. For each of the remaining years we did the t-test on differences between recidivists and non-recidivists for total MSS before project entry, and on the total number of arrests before project entry.

All of the t-values for each of the years within 13-15 and 16-18 were significant for both measures. It was also the case that the number of arrests and the MSS did increase with age for both the 13-15 and 16-18 year olds. However, the arrest rates within the two age groups remained relatively constant, i.e., did not appear different. These findings suggested (for at least these two age groups) that the significant results of the t-test by 9 age groups (p 43) did not result from MSSs and number of arrests increasing with age and interacting with the possibility that older people are arrested more than younger people.

Although not all the years were significant, 26 of 28 were in the predicted direction for those measured.

Our conclusion at this point was that a relationship between severity of criminal history and recidivism seemed to hold strongly for the 13-to-18 year-olds, and to some extent for those 19 and over.

The hypothesis was also assessed by the t-test using only three years' criminal history prior to project entry. The rationale was that, for the older clients, arrest in the immediate past may have related to recidivism more than arrests many years in the past. For example, it was possible that for the

21+ group the lack of significant t-values stemmed from a "wash-out" effect from older ex-convicts with long, severe, past criminal histories but no recent history.

For most juveniles our criminal histories generally did not exceed three or four years. Also, for the years 19 and 20 our criminal records did not exceed four years because we did not retrieve juvenile records for clients belonging to the age group 19-20. Thus, to a great extent the three-year criminal history was most applicable for clients aged 25 and above, who generally have longer criminal records.

On Table 6, p.A-98, inspection of the MSS outcomes for each of 13 years, 25 and above, shows one year (27) in which the change went from a significant relationship to a non-significant one, and three years (29, 30, 33) when the change went from non-significant to significant. The net change was 2 out of 13 for the individual years tested in the direction of significance. These results suggested that there is some tendency for older clients with long early records to "wash out" the effects of severity on recidivism when included among those with more recent criminal histories.

The Kolmogorov-Smirnov Test was used to test the hypothesis that there is a significant difference between the distribution of recidivists and the distribution of non-recidivists over levels of number of prior arrests. The nine age groups were used. The MSS was also tested.

The distributions were obtained by using six levels of number of arrests before project entry for each of the nine age groups. These distributions showed a significant difference for all age groups except 7-12 and 19-20. These results indicated that the distributions of recidivists and the non-recidivists differ over levels of number of prior arrests and MSS.

The X²-Test for Linear Trend was done to determine if the proportion of recidivists increased with increasing levels of severity. The number of arrests

had 6 levels for each age group and the MSS had 10 levels.

It was concluded that, in general, the proportion of recidivists increases as the level of severity increases.

b. Conclusions About Validity: The results of the regression analyses and the analysis of variance strongly suggested that the relationship between severity of criminal history and recidivism was not linear. Further, we were, and are unable to explain satisfactorily why the proportion of variance accounted for by severity of prior criminal history and age were as low as they are in these two analyses. However, it was decided that for the purpose of our evaluation analysis the MSS and the number of arrests were sufficiently valid to use as measures of severity of criminal history prior to project entry. The decision was based on:

1. The results of the t-tests, the Kolmogorov-Smirnov Tests, and the chi-square trend analyses strongly supporting a significant relationship between measures of severity and recidivism, particularly for the 13- through-18-year-old groups. Although the relationship might not be linear, it appeared to exist.

2. The non-statistical reality that the projects' entrance criteria gave some insight into the severity of the clients' prior criminal history. For example, among project arrest rates for the 16-to-18 year old group, the project with the lowest arrest rate for 16-to-18-year-olds accepted mainly first-offenders in misdemeanor offenses, while the others stressed ex-convicts with long and severe criminal records. To conclude that the lower rate showed that project to be more effective seemed absurd.

c. The Selection of a Measure of Severity: (See p.A-104, Appendix A).

d. Determining the Levels of Severity: (See p.A-105, Appendix A).

Additional Applications for Validation were provided by the final analysis.

The Duncan test had been applied to project recidivism rates to determine whether there were significant differences between projects within severity levels for age groups. Both average MSS and average number of arrests were used as measures of severity in order to make a final determination of which was the most valid and practical for this evaluation.

In the results, the outcomes using average number of arrests were clearer. The subgroups formed were mutually exclusive, while those formed by using average MSS were overlapping. Therefore, average number of arrests was chosen as the severity measure for the evaluation report although both measures appeared equally valid. The process that led to this decision is described fully in the Appendix on Design and Methodology.

However, the final results also produced an unexpected finding with respect to severity levels. The validation studies had given strong support to a relationship between severity of prior criminal history and recidivism among clients 20 and younger. For clients 21 and older there had been only minimal support for the relationship. The final analysis indicated no basis whatever for the relationship for those 21 and over, although it confirmed the relationship for those under 21. Therefore, the effects of assessing differences between projects' arrest rates within severity levels were rechecked for those 21 and older.

To do this the valuation went back to the question: "Do differences between projects affect the arrest recidivism rates of similar clients?" When asked within levels of severity for the age groups 21-29 and 30-39 the answer had been "no." Now, to check the effects of using severity levels, the same question would be asked across severity levels for the two age groups.

For both age groups the answer of "no" was confirmed, and with even more confidence. Comparing arrest rates within severity levels for clients in the two age groups was shown to result in a valid answer of "no," but that the answer was limited to projects within the same severity levels. The justification of the

validity of the answer was provided by the test across severity levels, it also gave the same "no" answer, but generalizable to almost all other projects in each of the age groups 21-29 and 30-39.

VI. VALIDITY OF ARRESTS

The most basic objective of the evaluation was to determine the effect of projects on the criminal behavior of their clients. Arrests were chosen as the best available measure of criminal behavior. Therefore, the evaluation had to attempt to determine the extent to which arrests measure accurately the criminal behavior of the project clients. The discussion to follow is based on non-juvenile clients but the major conclusion is applicable to the juveniles.

THE NATURE OF ARRESTS: Criminal behavior means that there was a real event which actually occurred. The earlier example, in which one person shot another in the head is again applicable. The perpetrator may or may not be arrested, may or may not be tried, and may or may not be convicted. However, the behavior did occur. It was done by the perpetrator. The victim remains shot in the head.

Arrests are the reaction of the police to criminal behavior. The legal disposition is the reaction of the prosecutors and the courts to the arrest and, through it, to the criminal behavior.

ACCURACY: The accuracy of arrests would be affected by: 1) the arrests of persons who had not committed a crime and arrests on wrong charges; these would have resulted in overstatement of the magnitude, and severity, of criminal behavior, and 2) arrests that did not occur, but should have, which would result in understatement of actual criminal behavior in the same two ways.

OVERSTATEMENT BY ARRESTS: The effects on magnitude and severity, were treated as separate issues.

a. Overstatement of Magnitude: What was being looked for was an estimate of the proportion of clients who had been arrested and not really done anything criminal at all; criminal as defined by the New York State penal law.

Reasons for which a person might be arrested without having engaged in any criminal behavior include police "sweeps," or simply gross error on the part of the arresting officer.

Some court officials estimate that approximately 60 percent of all arrests⁽¹⁾ in Manhattan are dismissed on grounds of: legal insufficiency, failure of witness to appear, or determination of innocence from prior to arraignment to after trial. The balance are convicted by plea or trial or held in abeyance. The great majority of the false arrest group is some part of those arrests that are dismissed. A small portion of the false arrests would be among those convicted.

The best approach to the estimation would have been a self-report study of an appropriate sample of project clients but for reasons of confidentiality, as discussed on p A-16, the evaluation was not able to conduct such a study. Consequently, about two years ago an arrangement was made to receive the expected results of a large self-report study on a comparable population on the assumption that its findings would be applicable to this evaluation's population. Those results did not arrive until shortly before the termination of this study, and turned out to be inapplicable to this population.

The question that had to be addressed by a self-report study was: "Did criminal behavior occur for which that arrest was made?" This would have to be determined for a group of individuals, and only with respect to one arrest for each individual. We could not find any self-report studies that had done this.

Consequently, a somewhat hurried less-than-rigorous attempt had to be made to provide some factual basis for at least a tentative estimate. The evaluation settled on an informal poll of New York City attorneys familiar with the nature of arrests. An attorney with both prosecution and defense experience asked 21 defense attorneys and 26 prosecutors to estimate, from their experience, the proportion of all clients arrested who had actually done nothing criminal in relation to that arrest.

(1) The dismissal rate is estimated to be about 40 percent for arrests for severe crimes, i.e., UCR index crimes.

Clearly, this was not going to be "hard" statistical data. The selection of the sample of attorneys had not been controlled, nor was the question asked in a standardized form and fashion since it required careful qualification. Nevertheless, the results permitted a tentative estimate.⁽¹⁾

The estimates of the prosecutors averaged 5 percent. The estimates of the defense attorneys averaged about 8 percent. The evaluation's estimate, from these data, was that approximately 7 percent (give or take 2 percent) of those arrested for an event actually did not engage in criminal behavior. The percentage would be lower for serious crimes.

Another consideration relating to overstatement of arrest recidivism stemmed from the evaluations's methodology. As discussed on pp A-36,A-37, in the Method Section some proportion of those clients for whom the police reported "no record" and who were not included in the computation of the arrest recidivism rates were in that category because they had actually not been arrested. As discussed, the probable size of this subgroup within the "no record" category was such that it would not have affected the recidivism rates.

Taking both considerations into account, the evaluation decided to assume that, in magnitude, arrests overstated criminal behavior by 10 percent.

b. Overstatement of Severity: The police may overcharge or "puff" an arrest⁽²⁾ to give the prosecutor more leverage in plea bargaining, to make the arrest seem more important for departmental or personal reasons, because they are angry with the arrested person, or because of error.

(1) The results were also interesting in that they did not conform to or even suggest support of the much higher estimates made by people less familiar with the phenomenon.

(2) An example might be a case of picking pockets charged as a robbery rather than a larceny.

Overcharging could have affected the evaluation's measurement of the severity of the arrest rate for violent crime, and the analysis by types of crime. What was needed was an estimate of the percentage of arrest charges, whether single charge or the most serious of multiple charges, which were overcharges and not the actual criminal behavior that had taken place.

It was not possible to get any reputable estimate of the percent of arrest charges which were overcharges by the police. It was necessary to make a "ballpark" estimate. So it was decided, somewhat arbitrarily, to estimate overstatements of severity as also 10 percent.

UNDERSTATEMENT BY ARRESTS: Understatements of the magnitude of criminal behavior, using arrests as the measure, would stem entirely from the police not making arrests for criminal behavior that did occur. The result would be both in terms of persons (unapprehended recidivists) and of crimes (criminal events for which no one was arrested).

An understatement of severity would be an arrest charge less severe than the criminal event that took place.

a. Unapprehended Recidivists: The evaluation needed to know the proportion of clients classified as non-recidivists who were really recidivists.

It is known that only a portion of reported crimes result in apprehensions. For example, there were 77,940 complaints of robberies in New York City during 1974, and 19,648 arrests for that crime, or about one in four.⁽¹⁾ Further, the findings of a National Crime Panel survey of victimization indicated that there are approximately twice as many robberies in New York City as complaints.⁽²⁾ This would make the arrest to robbery ratio about one to eight.

(1) Crime Analysis Unit, New York City Police Department.

(2) "Crime in the Nation's Five Largest Cities," LEAA, National Criminal Justice Information and Statistics Service, April, 1974.

It was concluded from this data that there is a substantial proportion of crime in New York City for which the perpetrators are not apprehended. Given the criminal history of the group of project clients evaluated, it is submitted that: 1) some proportion of those unapprehended perpetrators would be among the group, 2) some of them would by virtue of arrests for other crimes already have been classified as recidivists, and 3) some of them would not have been arrested, and would be among those classified as non-recidivists.

With little better basis than these sorts of indications and impressions to go on, and after informal discussions with enforcement and court officials, the evaluation selected the somewhat conservative figure of 20 percent as a tentative estimate of the proportion of those reported to be non-recidivists who actually committed crimes after project entry. This would result in an understatement of criminal behavior by the arrest recidivism rate.

CONCLUSION: Because of a paucity of pertinent data, the estimates that were made are tentative and somewhat speculative. They are meant to be used as a framework for a conclusion about the accuracy of the arrest measure and not as "significant results" of the evaluation. Nevertheless, they are the best estimates that we were able to make on the basis of the data available. Therefore, it is submitted that balancing false and overcharged arrests against unapprehended crimes yields a net result in which the magnitude and severity of criminal recidivism findings in this report understate the actual criminal behavior.

VII. CRITERIA FOR SELECTION OF CLIENTS FOR ANALYSIS

The criteria, and the process through which they were applied, are described on pp A-45-A-48, Appendix A.

VIII. ANALYSIS

Armed with data and measures, the evaluation was now prepared for analysis. The five principal goals were: 1) comparison of projects' criminological effectiveness; 2) assessment of magnitude and severity of criminal recidivism; 3) determining whether client arrest rates were lower after project entry than before; 4) assessing the relationship of violent crimes prior to project entry to violent crimes after project entry, and 5) determining whether drug charges and race/ethnicity affected recidivism.

There had to be at least a 12-month period for each client after the date of project entry over which arrest recidivism could be measured on a police record. An additional month was allowed to give the police time to post arrests.

A client was included for analysis if any kind of a police record was found for him. The record could contain no arrests, but some other police contact, such as a YD-1 contact or a warrant. The police contact on a record might have been before project entry, during the year after entry, or subsequently.

Of the 3,930 names submitted, 370 records were retrieved but excluded from the analysis because there were less than 12 months available for recidivism. Clients for whom no police records were retrieved were excluded from the analysis. There were 460 of these names reported as "no records" (NR) by the police. (Table 1, p A-59.) When record retrieval was terminated, there were in addition to the 460 NRs, 76 "file-outs" and sealed records remaining which were also classified as NRs by the evaluation. There remained a total of 3,024 names of clients with police records.

For one subgroup of these NR clients, it could be hypothesized that they actually never had been arrested. The effect of omitting them from the arrest-recidivism rates would be to overstate the rates, but probably not by much.

For most cases for which no records were retrieved, it was probable that records existed but were not found because of project or evaluation error, records misfiled

by the police or missing, CJEP not retrieving juvenile records for 19-or-older clients and, clearly, the 76 "file-outs" and sealed records which we classified as NRs after final retrieval. It was estimated that the omission of this second subtype of clients had little effect on the arrest recidivism rate of any group because the best estimate of the arrest-recidivism rate among the omitted cases is that of the group from which they are omitted.

The initial pool of clients with police records totaled 3,024, of which 2,900 were from the 18 projects and 124 from the control group.

The number of these clients who had been in more than one project was determined.

A computer check of the B numbers and NYSIIS numbers of these clients showed that 39, or about 1.3 percent, had been in more than one of the 18 projects or the control group. Thus, the actual number of different clients in the initial pool was 2,985. The double count within the pool of 3,024 clients does not appear to affect the analysis of the outcomes.

Police contacts that were not counted as arrests in the analysis of arrest recidivism rates included: Arrests recorded for the period after the 12 months during which recidivism was measured; YD-1 cards for juveniles; all types of warrants; arrests contingent upon prior arrests; charges which the New York City Police Department does not classify into any of the 26 UCR offense categories; a few charges under the Old Penal Law which do not appear to represent criminal activity; military arrests in New York State, many of which are for charges which are unique to military service; and arrests that we did not know about.

The net result of all these exclusions would be to understate somewhat the criminological outcomes, e.g., recidivism rates and numbers of arrests.

THE EVALUATION TASKS:

Task I - Comparing Projects' Criminological Effectiveness: There were initially 3,024 clients in the seven age groups described on p 54.

Within projects we combined all components where we had reason to believe that clients in one component had also received services from another. This overlap would have resulted in an overcount. The projects and their combined components are shown on Table 6 p 74 .

We dropped any subgroup within a project where the numbers of clients within the age group and project (or component) was less than 20. There were 19 of these subgroups containing 115 clients. We mistakenly dropped 14 "unserved clients" from Neighborhood Youth Diversion and 35 "service unverified" clients from ASA. (1) As a result of dropping the 164 clients above, we were left with 2,860 clients for this analysis. We were unable to determine how many of the 39 clients who had been in more than one project (p 55) had been among either the group dropped or those remaining. The best estimate may be that about 1.3% of each group were in more than one project. Therefore, about 98.7% of the 2,860 are estimated to be different individuals.

For the remaining project components we used t-tests to see if there were differences between components by average number of arrests prior to project entry. We did this by age levels. For those age levels in which there were differences, the components were kept separate and if not, combined. Table 6 p 74 .

The Duncan Test was applied to the arrest recidivism rates of the projects within each level of severity for each age group.

The results for the number of arrests are those presented in this report.

(1) The drops were a mistake because both were diversion projects where clients were referred to the project only because of the intervention of the project. It would have been valid and important to address the question of the effects of the project on all those diverted to it, even if they never showed up or did not receive services.

Task II - The Magnitude and Severity of Recidivism: The rates were determined for arrest recidivism, and violent crime arrest recidivism, for the 2,860 clients by the seven age groups: a) across projects; b) across levels of severity, and c) by project, component, and level of severity as functions of average number of arrests prior to project entry. Both the total of arrests and of arrest for violent crimes after project entry were determined for c) above. For each of the seven age groups, across projects, the types, number and percentage of crimes represented by arrests after project entry were classified by the 26 UCR crime categories.

Task III - Determining if Client Arrest Rates Are Lower After Project Entry Than Before: Are client arrest rates during the 12 months after project entry lower than during a 12-month period before? A principal problem was the identification of a valid 12-month period before project entry for the comparison.

Several evaluations of drug addiction treatment programs had used the period immediately preceding project entry for comparison purposes. They reported highly significant decreases in criminal behavior. Some have argued that these positive results may have been due to a regression (mathematical) effect, rather than project impact. We felt that the positive outcomes, measured in this way, were additionally questionable because of design characteristics of the drug projects that were shared by the projects we were to evaluate.

The nature of the projects we were to evaluate was such that arrest just prior to project entry was in a number of cases explicitly necessary for admission, and in many other cases implicitly necessary. In some diversion projects, whether related to addiction or not, each client had to be arrested before a court could order diversion to the project. Other projects found that priorities, theirs or the clients', had the effect of linking project entry to arrest, even if not as a formal requirement. This made the 12 months prior to project entry invalid for a comparison

of arrest rates to the 12 months after project entry, because the pool of clients virtually had to have a high arrest rate in the prior period.

Comparison would be invalid because arrest was not similarly guaranteed during the 12 months after project entry. Clients, in principle, had more "opportunity" to be arrested or not arrested. Furthermore, some clients might commit crimes and not be apprehended (arrested). Therefore, compared to the artificially high arrest rate before project entry, the rate for the period after project entry had to be lower, even if the project had no impact. In a mathematical sense, the comparison would be of two arrest rates with different bases.

a. Method: To verify this possibility arrest rates for the 12 months before and after project entry were compared by χ^2 tests across and by projects for six age groups-- 7-12, 13-15, 16-18, 19-20, 21-39, and 40-71.

As expected, the analysis across projects showed arrest rates in the 12 months after project entry significantly lower than the rates for the 12 months before project entry for each of the age groups. Inspection of the results of individual projects, however, confirmed that the significance of the decreases in arrest rates across projects was attributable to an artificially high arrest rate for the 12-month period before project entry.

For example, ASA Court Diversion had arrest rates of 100 percent, 98 percent, and 95 percent for the age groups 16-18, 19-20, and 21-39, respectively. MIA had a 96 percent rate for 16-18 year-olds. For most of the other projects the rates ranged from 50 percent to 93 percent. The lowest rates, for six of the projects, ranged from 27 percent to 48 percent for the 21-39 age group. ⁽¹⁾

(1) These were primarily rehabilitation projects for ex-convicts who for the most part were in jail during the year before project entry and could not have been arrested. This leads to an error in the opposite direction when making comparisons of the years before and after project entry.

For most projects it was clear that from some to many clients had to be arrested to be eligible for project entry, and the existence of those arrests would artificially inflate the projects' arrest rates for the 12-month period preceding project entry.

b. Conclusion: This left open the question of which 12 months prior to project entry to compare with the 12 months after project entry. We narrowed the choice to two possibilities. One was to take the period from the 24th to the 12th month (the second year) prior to project entry. The other was to take the 12 months preceding the last arrest, and to exclude that arrest from the computation of arrest rates.

Each had advantages and disadvantages. The disadvantages were mainly with juveniles, for whom the elimination of a critical, developmental year might introduce qualitative as well as quantitative factors. On balance, since the 12 months prior to last arrest introduced variability in the measurement of clients of the same chronological age, the other alternative was selected as less disadvantageous.

The X^2 test was used as described above to make the comparison of arrest rates across projects and by projects by the six age groups: 7-12, 13-15, 16-18, 19-20, 21-39 and 40-71.

Task IV - The Relationship of Violent Crimes Before Project Entry to Violent Crimes After Project Entry: The t-test was used to determine the difference between the rates of violent crime recidivism of clients who had no history of violent crime arrest prior to project entry, and the rate of violent crime recidivism of clients who had a history of violent crime arrests before project entry. This was done across ages by each of the seven age groups, and across projects. Analysis was done for violent crimes, and for each of the four UCR types which compose it: homicide, forcible rape, robbery, and aggravated assault.

Task V-Determining Whether Drug Charge and Race/Ethnicity Affected Recidivism: The priority of these tasks in the evaluation was not high.

a. Drug Charges: An attempt was made to obtain at least some information about the drug addiction status of clients on the basis of the information that was

available to us -- arrest charges and some knowledge about the projects and their clients.

The proportion of clients who had any drug charge on their arrest record prior to project entry was computed for each of the 18 projects (but not for Vera Control Group).

b. Race/Ethnicity: To determine whether differences of race and ethnicity affected arrest recidivism and recidivism for violent crime, the X^2 was used across ages and by each of the seven age groups. This was done across the projects for the 2,860 clients.

REFLECTIONS: On looking back over the four years of work reflected in this section, it becomes apparent to us that we invested an enormous amount of resources and time in attempting to maximize the accuracy of our data. Generally, the effort proved unnecessary. For example, our "Match Check" study of Juveniles and the investigation of discrepancies between date of an arrest and the date of the occurrence of the crime were expensive, time consuming efforts and showed that the errors had negligible effects. The results of these efforts indicated that most of the errors we were checking for would not have been significant.

Although it may sound like a rationalization, we feel that these expensive efforts at maximizing accuracy were absolutely necessary. In any evaluation of "demonstration projects" where there is a new evaluation design or method to be used, unexpected problems arise. At the time the problems emerge, the only criteria for deciding whether or not to invest time examining them is that of the problems' possible effect on the goals of the evaluation. Clearly, discrepancies of identity of project clients and the arrest records assigned to them could seriously impair the accuracy of our evaluation and the conclusions we arrive at. Therefore, at the jarring moment when the possibility of serious error arises it is necessary to invest as much as may be called for to see if the error is significant or not.

An appendix spells out these efforts in even more detail. It is our legacy to other evaluations that may have to deal with New York City arrest records or the record-keeping problems of projects. Perhaps they will not have to rediscover this wheel.

THE CLIENTS

Most of the 2,860 clients in this study were Black and Hispanic males who were young, poor, and had police records. They were, to that extent, typical of the population of New York City's criminal justice system.

AGE: The study clients spanned a wide age range, from 7 to 71, but most were young. Three-fourths were under 25, including one-fourth who were legally juveniles (7-15) and one-fifth in the 16-18 age range to which Youthful Offender treatment may be given (p 21). Only 2 percent were 40 or older. Table 2 gives the number and percent of clients at each age level, including the seven age groups that are used in the analysis.

Table 2 AGE OF CLIENTS AT PROJECT ENTRY

Legal Status	Age	Clients	Percent	Cumulative Percent	Age Group In Report
Juvenile	7-10	41	1.4	1.4	1
	11-12	87	3.0	4.5	
	13-15	559	19.5	24.0	2
Youthful Offender	16-18	606	21.2	45.2	3
	19-20	234	8.2	53.4	4
Adult	21-24	567	19.8	73.2	5
	25-29	397	13.9	87.1	
	30-34	184	6.4	93.5	6
	35-39	130	4.5	98.1	
	40-44	33	1.2	99.2	7
	45-49	10	0.3	99.6	
	50-54	10	0.3	99.9	
	55-71	2	0.0	100.0	
	TOTAL	2860	100.0	100.0	

RACE AND ETHNICITY: The overwhelming majority of the clients, 93 percent, were Blacks or were Spanish surnamed -- 68 percent the former. Nearly all the others were Whites, and a very small number were of other groups (Table 3). The preponderance of Blacks and Hispanics occurred within each of the seven age groups. It also occurs among the criminal justice system population of New York City, but to a lesser degree than among the study clients.

Table 3 RACE-ETHNICITY OF CLIENTS

Race-Ethnicity	Number of Clients	Per Cent	Cumulative Per Cent
Black	1860	67.6	67.6
Spanish surnamed	701	25.5	93.1
White	184	6.6	99.7
Other (Oriental, American Indian, Other)	7	0.3	100.0
TOTAL	2752	100.0	100.0

Note: There were 108 clients for whom information on race-ethnicity was not available.

EDUCATION: An individual 18 or older is expected to have completed high school. Among study clients of this age range only one-third completed 12 or more years of school or received high school equivalency diplomas (Table 4). Most 18-or-older clients completed 9 to 11 years of school, a few completed less, but still fewer went beyond high school. A very small proportion of these clients who were under 21 (i.e., 18-20) completed high school, but the proportion was far higher among 21-or-older clients, although well under half.

Table 4 HIGHEST YEAR OF SCHOOL COMPLETED BY CLIENTS 18 OR OLDER

Highest Year of School Completed	Number of Clients	Per Cent	Cumulative Per Cent
1-4	7	0.4	0.4
5-8	132	8.3	8.7
9-11	944	59.3	68.0
12*	451	28.3	96.3
13-17	59	3.7	100.0
TOTAL	1593	100.0	100.0

* Includes high school graduates and clients with high school equivalency diplomas

PRIOR CRIMINAL HISTORY: More than 90 percent of the clients had been arrested at least once before entering the projects and most of the remainder had other types of police records before project entry (usually YD-1 contacts).

SOCIO-ECONOMIC AND FAMILY BACKGROUND: Although no data were collected on clients' socio-economic and family backgrounds, there seemed no reason to doubt that they were generally poor, with many from broken homes. In this and other respects, it seemed likely that they resembled the bulk of the criminal justice system population of New York City.

THE PROJECTS

Of the 53 operational CJCC projects provided services by the evaluation, 18 were included in the analysis reported here. They were selected almost exclusively on the basis of statistical necessity; programs with insufficient numbers of clients to allow statistical analysis of their results at the time an analysis had to be done were not included. Nevertheless, the 18 projects appear to be, individually and as a group, fairly representative of that category of CJCC programming which can be defined as "people projects," as opposed to police or court projects.

People Projects

The reasoning that underlay the development of the people projects was based primarily in the conviction that a principal effort of the criminal justice system should be in the direction of the rehabilitation of offenders. In addition to the very small portion of current budgets that was allocated to rehabilitation, there was also the considerable and respectable body of knowledge showing that attempts at rehabilitation within correctional institutions were largely ineffective. It was also widely believed that incarceration without rehabilitation was of little social value. One obvious alternative would be to offer rehabilitative services independent of the correctional system.

Services considered rehabilitative included any, or any combination of such efforts as remedial education, job counseling and placement, individual counseling or therapy, addiction treatment, legal services, recreation, and/or referral to other agencies providing these services. In a few cases, involving projects for juveniles, substantially the same spectrum of services was held out as preventive rather than rehabilitative.

It was generally agreed that in the provision of services to members of ethnic minorities, and/or particular age categories, it is preferable to offer the service not only through members of the same ethnic group, but that the providers of service should come from the same socio-economic background and at times with

with the same criminal background as the recipients. Still another preference was that the service providers come from, if not still live in, the same geographic "community" as those being served.

The combinations and permutations of these and similar required variables produced a considerable variety of "people program" models. The project budgets ranged from a total of \$15,000 a year to efforts costing millions of dollars. The criteria for administrators and/or staff included that they be Black, Puerto Rican, ex-offenders, para-professionals, credentialed professionals and, in one case, nuns. The target populations could be potentially delinquent juveniles, heroin addicts seeking non-drug treatment, adult or teenage former convicts seeking education or job referral, or persons arrested and awaiting trial for whom it was felt that the best service might be "diversion".

Diversion and Non-Diversion Services:

In the category "people projects" the subgroup based on the approach called diversion has become so important that it warrants fuller description for those unfamiliar with the concept. The basic idea is that experience has shown that the Criminal Justice System is not the proper place for dealing with the problems of certain persons who, for technical reasons, may be subject to arrest. People like drunks, or children in need of better parental supervision, cannot be helped effectively within the system, clog its schedules, and waste its resources. They, and the society, are better served if they are removed from the system. Over time, the approach has been expanded to include individuals among such groups as juvenile and young-adult criminals with long and severe criminal histories who, it is feared, will only become more hardened criminals if sent to correctional facilities. Diversion can be an alternative to detention or incarceration for such people, and/or an alternative to prosecution.

The point at which such projects intervene in the usual flow of the CJS process differs with the program model. Some intervene before arraignment and seek to divert arrested persons from the CJS determination of whether there will be a trial. Some intervene before an ordered trial, and some after conviction, seeking to divert

from incarceration or other court-imposed sentencing.

Whatever the various programs divert from, almost all of them divert to themselves and the services they offer, even if it is only referral. A few offer residential facilities with a range of supervision models; most return the diverted individual to home and neighborhood, along with a schedule of attendance at the program services.

An important characteristic common to all these diversion models is that within their format it is possible for the perpetrator of a crime to recidivate (commit another crime) while enrolled in the program. If detained or incarcerated, instead of being diverted, recidivism would not have been possible. This point has additional implications. They will be discussed later in this report, where they are pertinent to findings or recommendations.

Not all "people projects" provide diversion. Services to pre-offenders, to offenders who remain within correctional institutions, or ex-offenders who have served their sentences, are not alternatives to CJS process. The implications for recidivism are not the same, since these persons might be re-arrested whether the program existed or not.

At an early point, the evaluation made no distinction between these last two types of program and classified them both as diversion programs. By broadening the meaning of diversion we had hoped to distinguish easily between "people" and "non-people" projects, since those are clumsy terms. The result was confusion and criticism, and we reverted over time to these more precise definitions of project types; i.e., non-people and people, and diversion and non-diversion as sub-classes of people projects.

The age range for potential clients started with age 7. Nine of the projects had maximum permissible ages for clients, the highest of which was 71. Three of the projects were essentially or exclusively for juveniles.

One prevalent form of service offering was some sort of vocational training or preparation; seven projects had such service. Five specified some form of education remediation, although the number actually providing such service was probably higher. Three projects offered residence, three mentioned recreation among their services, and two offered legal assistance.

Of the eighteen projects only one did not specify counseling as one of the services offered. That one was set up to refer drug addicts to treatment elsewhere, which presumably included counseling.

Project sponsors ranged from components of city government, through established voluntary agencies, to community groups established specifically to set up and run the project involved. The range in the staffs was equally varied. Projects based in government-agencies tended to retain civil-service job jurisdictions and credentialing; voluntary agencies relied more on academic credentials, particularly in supervisory categories. In community-based projects paraprofessional-style credentialing criteria could apply as high as to the director, and theories of social militancy were as likely to guide staff judgements as either theory or experience about the handling of social problems.

The total LEAA funding for the 18 projects was \$14,590,000.00.

In the following Table of Project Summaries, duration refers to the span over which LEAA funds under CJCC contract were disbursed or committed to a project. The amount of Federal funds was abstracted from the contracts and any amendments or extensions. The information would tend to err on the low side in both time and money. Dollar values are rounded to the nearest thousand.

The Services-Provided item was ascertained from contracts and applications. Some projects might prefer another listing or arrangement of their services. The lists presented here are intended to reflect highlights and major thrusts of service. The Status item was garnered from interviews with CJCC monitors. The reader is advised that these statuses may have changed over time.

Each of the 18 projects is described in more detail in Appendix B.

Table 5 PROJECT SUMMARIES

PROJECT-COMPONENT	DURATION	LEAA FUNDS	CLIENT TYPES	SERVICES PROVIDED	FUNDING
1. ADDICTS REHABILITATION CENTER (ARC) Resident and Non-Resident Day Care	01.01.72 to 06.30.74	\$ 971,000	Narcotics Addicts Male and Female Ages 9+	Residency, drug-free treatment, counseling emergency referrals	CJCC ended Picked up by NIMH
2. ASA ADDICTS DIVERSION (ASA)	01.22.71 to 11.30.74	\$ 2,032,000	Narcotics related Court cases; Male and Female; 17+	Diversion, screening, & placement in treatment; follow up	CJCC ended Picked up by ASA
3. VERA SUPPORTIVE WORK (VERA) Wildcat Control Group	07.01.72 to 06.30.75	\$ 2,000,000	Ex-addicts and ex-offenders; Male-Female; Ages 18+	Supervised work and training in Wildcat Corp; counseling	CJCC extended to 06.30.75
4. INDEPENDENCE HOUSE (IRNH) Long-Term Service Short-Term Service	07.01.72 to 06.30.74	\$ 561,000	Ex-offenders and YSA referrals; Male only; Ages 17-21	Residency, vocational and educational counseling	CJCC extended to 06.30.75
5. MORRISANIA YOUTH SERVICES CENTER (MLA) Legal Services	09.07.71 to 03.26.74	\$ 760,000	Criminal Court & Fam Court cases; M-F; Ages 9-21	Diversion, Legal assistance, counseling and referral	CJCC ended Not picked up
6. PROBATION-URBAN LEAGUE (PUL)	04.26.72 to 04.15.74	\$ 1,546,000	Probation cases; Male & Female; Ages 14-21	Diversion, Probation supervision; counseling and recreation	CJCC ended NOT picked up
7. PROJECT BYCEP (BYCEP)	04.01.71 to 11.30.73	\$ 498,000	Ex-inmates Adol Remand Shelter; Males; Ages 16-21	Counseling, referral, and follow up	CJCC ended Not picked up
8. LEGAL PROPINQUITY (LPQ)	05.01.72 to 04.30.74	\$ 127,000	Misdemeanor or low felony arrest; M-F; Ages 15-20	Legal assistance, counseling and referral	CJCC ended Not picked up
9. YOUTH COUNSEL BUREAU (YCB) Long-Term Parole	12.01.71 to 04.26.74	\$ 298,000	First offenders & DA referred cases; M-F; Ages 16+	Diversion, supervision, counseling, follow up	CJCC ended City continues
10. VOI BRONX COMMUNITY COUNSELING (BCC) Day, Evening, Teenage	06.01.70 to 07.15.73	\$ 873,000	Addicts and ex-offenders; Male-Female; Ages 13+	Diversion, Counseling, remedial ed, job training, addiction treatment	CJCC ended Picked up by NIMH
11. PROJECT SHARE (SHARE) Resident Non-Resident	03.01.72 to 06.30.75	\$ 533,000	Ex-offenders; Males; Ages 18+	Counseling, job prep and referral, emergency residence	CJCC extended to 6.30.75
12. SECOND CHANCE (SCH)	02.01.72 to 10.31.74	\$ 283,000	Ex-offenders; Males; Ages 21+	Job counseling and referral; follow up	CJCC ended Picked up by MCDA
13. MANHOOD (MANHD) Counseling Sessions only Job Referral	01.01.71 to 07.31.73	\$ 617,000	Ex-offenders; Male-Female; Ages 16+	Job counseling and referral	CJCC Funded Operation Upgrade
14. NAACP REBOUND (NAACP) Intensive Non-Intensive	09.15.71 to 07.31.74	\$ 322,000	Ex-offenders; Male-Female; Ages 21+	Job and educational counseling, job referral	CJCC ended Picked up by MCDA
15. NEIGHBORHOOD YOUTH DIVERSION (NYD)	10.01.70 to 11.30.73	\$ 1,016,000	Probation; Male-Female; Ages 7-15	Diversion, supervision, counseling, remediation, recreation	CJCC ended Picked up by HRA
16. ALTERNATIVES TO DETENTION - PROBATION (ATD-PROB) Sup. Det. Release & Day-Evng. Ctr.; Pre-Court Inten. Serv.	11.01.70 to 06.30.73	\$ 462,000	Probation, parole case pending, DC, PINS; Male and Female; Ages 8-17	Diversion, counseling referral, supervision	CJCC ended Picked up by NYC
17. ALTERNATIVES TO DETENTION - HRA (ATD-HRA) Family Boarding Home Group Home	11.01.72 to 02.28.74	\$ 852,000	DC & PINS, Family Court; Male and Female; Ages 10-16	Diversion, Family & group boarding homes, supervision, counseling	CJCC ended Picked up by HRA
18. PROTESTANT BOARD OF GUARDIANS (PBG)	11.15.71 to 06.30.75	\$ 839,000	Probation, Family Court, Youth AID; Male and Female; Ages 7-17	Diversion, Short term crisis intervention, family aid, counseling, referral	CJCC extended to 6.30.75

CAVEATS

In the design and development of this evaluation a great deal of time and effort went into the definitions of the terms and concepts being used in order that ambiguity might be minimized. In the preceding material those concepts and their definitions have been stated. Some of the more basic definitions are repeated here to assist understanding of the meaning of the results.

Arrest Recidivism Rate: For any group of clients, the rate referred to is the ratio of the number arrested in the 12 months after project entry to the total number in that group.

Arrest recidivism rates can be expected to increase over time, along with total number of arrests. After 18 months or 24 months they would be higher than after the 12 months measured by the evaluation.

Strictly speaking, recidivism means recurrence and, in criminological terms, rearrest or, sometimes, recurrence of criminal behavior. In almost all cases the term was used in this sense by the evaluation, but there are a few exceptions. There were a few clients arrested after project entry for whom no record of arrest before project entry was found. Analysis indicated that even some of these had probably been previously arrested, so the likely total of actual first arrests after project entry was very small. Nonetheless, that small total would not technically be composed of recidivists.

In earlier reports, to make this distinction clear, the evaluation restricted itself to the term "Arrest rate," and explained that it described primarily recidivists. This was confusing to some readers and the practice of using the term "arrest recidivism rate" was instituted.

Some of the recidivism rates are reported for subgroups of clients within projects. These subgroups are defined by sex, age, and severity of previous criminal history. A reported rate applies to other subgroups similar in age and severity, whether included in the analysis or not. The rates cannot be applied to any project or subgroup from a project that is not the same in age, severity

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and sex as the group for which the rate was determined.

For instance the rate for 16-18 males at a severity level in a project may be generalized to other 16-18 year males at the same severity level in the same or another project. It does not apply to females, to males at some other level of severity but of the same age, or to males at the same level of severity but a different age. All 2,860 clients in the analysis were male.

Time In Project: The arrest recidivism rate was measured for the 12 months after project entry. This does not mean that every client measured remained in the project for the full 12 months. The duration of clients' time in project was not known to the evaluators. Technically, it was not a feasible measurement to make. It is not possible, therefore, to derive from the findings in this report, a relationship between arrest recidivism rates and the duration of project service provided to clients.

Project Acronyms: Many of the projects analyzed had long descriptive names. For these projects the evaluation uses full names, abbreviations, or acronyms that are sometimes not the ones that the projects themselves used. Even within the report a project may be referred to in more than one way. A full list of all project designations as used by the evaluation is to be found in Table 6, p. 74.

DOUBLE COUNTING: When data are reported in units of arrests, charges, complaints, victims, or clients, the number of units almost always exceeds the number of individuals. There is always a question about how many individuals are actually involved. For example, the total number of arrests reported annually includes as separate cases individuals who are arrested more than once. The proportion of actual individuals within the statistic is not known. Therefore, there is some error when such statistics are used to represent numbers of different individuals. A case in point would be the number of unapprehended recidivists represented by the ratio of 1,000 arrests to 8,000 complaints.

In this evaluation, it was estimated that of the 2,860 individuals included in the analysis, 1.3 percent were enrolled in more than one project. Therefore, the actual number of individuals in the analysis was less. We continued to use the figure of 2,860 since the effect on the analytic questions was not significant.

In presenting the results of the various analyses, where the factor of double counting might have an effect on a measure such as complaints, it is mentioned.

Table 6 PROJECT AND COMPONENT NAMES AND ACRONYMS USED IN THIS REPORT

Project and Component Names	Acronym	Component Status
1. ASA - ADDICTS DIVERSION PROGRAM	ASA	-
None	-	-
Service Unverified	-	X
2. ADDICTS REHABILITATION CENTER	ARC	-
Resident and Non-Resident Day Care	r/nrd	O
3. ALTERNATIVES TO DETENTION - HRA	ATD-HRA	-
Family Boarding Home	fbh	N
Group Home	gh	N
4. ALTERNATIVES TO DETENTION - PROBATION	ATD-PROB	-
Supervised Detention Release and Day-Evening Center	sdr/dc	O
Pre-Court Intensive Services	pcis	N
5. INDEPENDENCE HOUSE	INDH	-
Long-Term Service and Short-Term Service	lts/sts	O
6. LEGAL PROPINQUITY	LPQ	-
None	-	-
7. MORRISANIA YOUTH SERVICES CENTER	MLA	-
Legal Services	ls	Y
8. NAACP PROJECT REBOUND	NAACP	-
Intensive	i	N
Non-Intensive	n	N
Intensive and Non-Intensive	i/n	S
9. NEIGHBORHOOD YOUTH DIVERSION	NYD	-
None	-	-
Interviewed Only	-	X
10. PROBATION - URBAN LEAGUE	PUL	-
None	-	-
11. PROJECT BYCEP	BYCEP	-
None	-	-
12. PROJECT MANHOOD	MANHD	-
Counseling Sessions Only and Job Referral	co/jr	S
13. PROJECT SECOND CHANCE	SCH	-
None	-	-
14. PROJECT SHARE	SHARE	-
Resident and Non-Resident	r/nr	O
15. PROTESTANT BOARD OF GUARDIANS	PBG	-
None	-	-
16. VERA SUPPORTIVE WORK PROGRAM	VERA	-
Wildcat	w	Y
Control Group	c	-
17. VOI - BRONX COMMUNITY COUNSELING	BCC	-
Daytime, Evening and Teenage	d/e/t	O
18. YOUTH COUNSEL BUREAU	YCB	-
Long-Term Parole	ltp	Y

- O = Components combined because some clients were in more than one component.
X = Dropped by error.
Y = The only project component measured in multi-component project.
N = Significant difference between components in average number of arrests of clients prior to project entry.
S = Components combined because of no significant difference between the average number of arrests of their respective clients prior to project entry.

RESULTS

I. DID DIFFERENCES AMONG PROJECTS AFFECT THE ARREST RECIDIVISM RATES OF SIMILAR TYPES OF CLIENTS?

The differences referred to are such project characteristics as services delivered, categories of staff, and staff-client ratios. The answer was "no."

Before describing the steps by which this finding was reached, one preliminary comment is in order. The goal and design of this evaluation did not make it possible to measure project characteristics or to link, for individual projects, differences in arrest recidivism rates and project characteristics. The methods (1) used in reaching a conclusion about the answer to the question of project differences treat them as an existing fact, but do not specify what those differences are.

The 18 projects were classified as four different sets by the seriousness of their clients' arrest history prior to project entry and/or age. Each of the sets addressed the question under different assumptions. For example, the first assumption was that the levels of seriousness of prior criminal history would be valid for all of the seven age groups of clients. Table 7, p 78 shows the 16 groups which resulted for the set used to test the question under this assumption.

(1.) The preliminary method was to apply the Duncan test to determine if there were significant differences between arrest recidivism rates of projects within a level of severity and/or age (p 46). The next step was to estimate the probability of the outcomes observed for each of the four sets.

The probabilities were estimated for each set with a statistic similar to the Binomial Expansion applied to levels of severity and/or age groups followed by computation of the probability of at least as many differences as the observed one (in case of no differences, at least one such difference). These probabilities were computed under the following assumptions:

- a) That the test of the null hypothesis implied determining for each set, the probability of at least as many differences between recidivism rates as the one which occurred.
- b) Within each group, the probability of difference between any two arrest recidivism rates was .05. (Since .05 was the level of confidence used in the above (1) preliminary method).
- c) Within each set, each of the groups formed by age and/or level of severity was considered independent.

Each group contained clients, within the same level of severity and age, from projects ranging in number from two to seven.

1) For this first analysis, the effect on the arrest recidivism rates (1) of clients of project differences was not significant.

2) Since, as Table 7, p 78 shows, there was no apparent relationship between the severity of prior arrest history and arrest recidivism for clients 21 and older, a set of groups was analyzed with no severity levels within each of the three age groups 21 and older, while the severity levels for those 20 and younger were maintained. This set consisted of 13 groups of clients by age and severity. The effect on the client recidivism rates of project differences was not significant.

3) For the subset of 10 groups, formed from the four age groups 20 and younger by levels of severity, the test was whether project differences had an effect on only those age groups. The effect on the arrest recidivism rates of project differences was again not significant.

4) For the subset of three age groups of clients 21 and older, analyzed across levels of severity, the test was of project differences on that age class. The effect on arrest recidivism rates of project differences was not significant.

The four non-significant results (2) led to the conclusion that:

The quantity, quality, types and mix of services provided by the projects to their clients, as well as their staff-client ratios, proportions of paraprofessional staff, per capita funding, and other individual project characteristics, had no effect on the projects' ability to influence the arrest recidivism of their clients.

- (1) The magnitude of the arrest rates within an age group or level of severity was not pertinent. Projects not significantly different in recidivism within a group could have 90 percent or 10 percent rates. The findings and conclusions would be the same in a test of the effect of project differences on arrest recidivism. The meaning of the magnitude is discussed later.
- (2) The estimated probability of the outcomes for the four sets of project groups were, respectively (1) .56, (2) .69, (3) .56, and (4) .52.

An Additional Note: The results to follow were not a direct test of the hypothesis that project differences affected arrest recidivism rates. They are presented to aid in clarifying the preliminary method used to test the hypothesis.

As shown in Table 7, p 78 among the 16 groups, ⁽¹⁾14 showed no significant differences among the recidivism rates. In the two groups that did, in each case it was one project which, for age and severity, differed significantly from the others in the group.

The first of these groups contained three projects with 21 to 29-year-olds who were categorized at the second of three levels of severity for that age. Table 7 shows that project Second Chance had an arrest rate of 28 percent, and it was significantly lower than the 44 percent rates of both the Vera Control and ARC.

The second of the groups contained four projects with 21 to 29-year-olds who were at the third of the three levels of severity for that age. In this case, NAACP (Non-Int) had an arrest recidivism rate of 59 percent, which was significantly higher than the 29 percent, 33 percent and 36 percent, respectively, of the projects SHARE, Vera (Wildcat) and ASA.

(1) These composed set one.

Table 7 PROJECTS GROUPED BY STATISTICALLY EQUIVALENT OR DIFFERENT ARREST RECIDIVISM RATES WITHIN EACH LEVEL OF SEVERITY OF MEAN NUMBER OF ARRESTS PRIOR TO PROJECT ENTRY

AGE of Client	LEVEL OF SEVERITY By Mean Number of ARRESTS Prior to Project Entry	PROJECT AND COMPONENT	ARREST RECIDIVISM Rates By Per Cent	PROJECTS GROUPED BY ARREST RECIDIVISM RATES Within the Level of Severity
7-12	1	PROTESTANT BOARD OF GUARDIANS	19	Same
		ALTERNATIVES TO DETENTION - HRA	29	
		Family Boarding Home		
		ALTERNATIVES TO DETENTION - PROBATION	40	
13-15	1	Pre-court Intensive Service	41	Same
		NEIGHBORHOOD YOUTH DIVERSION	29	
		ALTERNATIVES TO DETENTION - HRA	40	
		Family Boarding Home	47	
	2	PROTESTANT BOARD OF GUARDIANS	62	Same
		MORRISANIA YOUTH SERVICE CENTER		
	3	Legal Services	55	Same
		ALTERNATIVES TO DETENTION - PROBATION	59	
16-18	1	Pre-court Intensive Service	62	Same
		ALTERNATIVES TO DETENTION - HRA	24	
		Group Home		
		ALTERNATIVES TO DETENTION - PROBATION	34	
	2	Supvd Deten Release & Day/Eve Ctr	41	Same
		NEIGHBORHOOD YOUTH DIVERSION	42	
	3	YOUTH COUNSEL BUREAU	60	Same
		Long-term Parole	61	
19-20	1	ADDICTS REHABILITATION CENTER	53	Same
		MORRISANIA YOUTH SERVICE CENTER	56	
		Legal Services	59	
		LEGAL PROPINQUITY	44	
	2	PROBATION - URBAN LEAGUE	46	Same
		INDEPENDENCE HOUSE	47	
	3	ASA - ADDICTS DIVERSION PROGRAM	49	Same
		VOI - BRONX COMMUNITY COUNSELING	50	
21-29	1	PROJECT BYCEP	72	Same
		VOI - BRONX COMMUNITY COUNSELING	33	
		MORRISANIA YOUTH SERVICE CENTER	36	
		Legal Services	36	
	2	PROBATION - URBAN LEAGUE	28	1
		ASA - ADDICTS DIVERSION PROGRAM	44	
	3	ADDICTS REHABILITATION CENTER	44	2
		INDEPENDENCE HOUSE	29	
30-39	1	VOI - BRONX COMMUNITY COUNSELING	33	1
		PROJECT MANHOOD	36	
		NAACP PROJECT REBOUND	36	
		Intensive	59	
	2	PROJECT SECOND CHANCE	21	2
		VERA SUPPORTIVE WORK PROGRAM	44	
	3	Control Group	44	1
		ADDICTS REHABILITATION CENTER	29	
40-71	1	PROJECT SHARE	33	2
		VERA SUPPORTIVE WORK PROGRAM	36	
		Wildcat	36	
		ASA - ADDICTS DIVERSION PROGRAM	59	
	2	NAACP PROJECT REBOUND	21	2
		Non-Intensive	44	
	3	VERA SUPPORTIVE WORK PROGRAM	44	1
		Control	29	
	1	ASA - ADDICTS DIVERSION PROGRAM	31	Same
		NAACP PROJECT REBOUND	33	
		Intensive and Non-Intensive	10	
		ADDICTS REHABILITATION CENTER	32	
	2	PROJECT SECOND CHANCE	34	Same
		ADDICTS REHABILITATION CENTER	36	
	3	PROJECT MANHOOD	21	Same
		VERA SUPPORTIVE WORK PROGRAM	26	
	1	Wildcat	31	Same
		VERA SUPPORTIVE WORK PROGRAM	33	
	1	Control	15	Same
		ASA - ADDICTS DIVERSION PROGRAM	29	
	1	NAACP PROJECT REBOUND	15	Same
		Intensive and Non-Intensive	29	

II. THE MAGNITUDE AND SEVERITY OF CRIMINAL RECIDIVISM

The magnitude of the criminal recidivism was quite high. By type, the majority of the crimes represented by the arrests were severe. Among clients 20 years old or younger, more of them recidivated, with a greater number of arrests, and with crimes that were more severe, than did clients who were 21 or older. This was particularly true for juveniles in the 13-to-15 age group who were in five diversion projects. That group had the highest and most severe criminal recidivism of any of the age groups measured.

MAGNITUDE: The magnitude of criminal recidivism was measured in two ways: 1) by the proportion of clients arrested one or more times during the 12 months after project entry--the arrest recidivism rate and 2) by the number of times those recidivists were arrested. These measures were applied to 2,860 clients, 53 percent of whom were 20 or younger.

Client Recidivism Rate: The recidivism rates by the seven age groups (across projects and levels of severity) ranged from 51 percent for the 13-to-15 age group, to 24 percent for the 40-to-71 age group (Table 8 , p84).

Among clients 20 or younger, close to half -- 47 percent -- were arrested one or more times after project entry. Among clients 21 or older, 35 percent, or about one third, recidivated.

Those with higher levels of severity of criminal history prior to project entry in the age groups 13-to-15 and 16-to-18, had recidivism rates as high as 60 percent. Those with higher levels of prior criminal history in the age groups 21-to-29, and 30-to-39, did not exceed 39 percent in their recidivism rates.

Among projects, the highest recidivism rate -- 72 percent -- was for clients from Independence House in the 19-to-20 age group at the highest level of severity. The lowest recidivism rate -- 19 percent -- was for the 7-to-12 age group in the Protestant Board of Guardians project (Table 9 , p.85).

Number of Arrests: The number of arrests of clients who recidivated was converted into a ratio of the total number of arrests to the total number of clients (recidivists as well as non-recidivists). The ratio provided information about the recidivism that the recidivism rate could not.

Table 9 , p85 , shows that for the 13-to-15 age group at the second level of severity, 55 of the 100 clients had one or more arrests after project entry. This yields a 55 percent recidivism rate. The total number of arrests for these 55 recidivists, however, was 107, or more arrests than there were clients. The ratio of arrests to clients is 1.1.

If the 55 recidivists had each been arrested only once, their rate would still have been 55 percent, but the ratio would have been .5. Thus, the actual 1.1 ratio in combination with the 55 percent rate, gives a more sensitive and accurate measurement of the magnitude of the recidivism than would be possible by using the rate alone.

The ratios of arrests to clients by age across severity levels ranged from a low of .4 for the age group 40-71 to 1.0 (as many arrests as clients) for the age group 13-15. The ratio of arrests to clients was .9 for those 20 years or younger, and .6 for those 21 or older.

The ratio of arrests to clients appeared to be related to the level of severity of prior arrest history for those 20 and younger. All of the higher levels of severity had ratios over 1.0. For those 21 and over there appeared to be no relationship between level of severity and ratio.

The average number of arrests per recidivist during the 12 months after project entry was 1.6 for clients 21 and older, and 1.9, or almost two each, for clients 20 and younger.

SEVERITY: To measure the severity of criminal recidivism the arrests after project entry were analyzed by types of crime: index crimes, violent crimes, and crimes against property..

Index Crimes: Of the 26 Uniform Crime Reporting (UCR) system classifications, the first seven are considered the standard index of "severe crime," and are called the "index crimes." (Table 11 p 87)

For the recidivists, 67%, or about two thirds of the total number of arrests, were for severe crimes. The percent of arrests for index crimes ranged from 82% for the 7 - 12 age group, to 56% for the 30 - 39 age group.

Violent Crimes: The most severe and important of the index crimes are the the violent crimes against persons -- homicide, forcible rape, robbery, and aggravated assault.(1) The severity of the client arrests was measured by the proportions of clients who were arrested for one or more violent crimes after project entry, and the total number of such violent crime arrests for those clients.(2)

Client violent crime arrest rates ranged from 25%, or one out of four clients, for the 13-15 age group, to 7% for the 30-39 age group. The age group 20 and younger had a 21% violent crime arrest rate, while the age group 21 to 71 had 11%, or about half as much. Violent crime arrest rates ranged from 30% of all clients at the most severe level for the 13-15 age group to 7% of clients at both levels of severity in the 30-39 age group (Table 9 , p 85).

The level of severity of the average number of arrests prior to project entry did not appear to be related to violent crime rates for those 21 and above.

The number of arrests for violent crimes is presented by the percent of all arrests after project entry accounted for by violent crimes.

The percent of arrests accounted for by violent crimes ranged from 35% for the age group 7-12 to 19% for the age group 30-39. For clients 20 and under, 32% of arrests were for violent crimes: for clients 21 and over, 25%, or one out of every four arrests, were for violent crimes.

-
- (1) Robberies and to a lesser extent aggravated assaults include most "muggings." Aggravated assault is defined as an attack by one person upon another with the intent of inflicting severe bodily injury, usually accompanied by the use of a weapon or other means likely to produce death or serious bodily harm.
- (2) It should be noted that the term "violent crime recidivism" should not be used since many clients arrested for violent crimes after project entry have no arrests for any prior to project entry.

The proportion of arrests accounted for by violent crimes did not appear to be related to levels of severity in any of the seven age groups.

Proportions of Arrests for Each of the Four Violent Crimes: Homicide accounted for 4% of arrests for violent crimes, forcible rape for 4%, robbery for 69%, and aggravated assault for 23%. There appeared to be little difference between each of the seven age groups in the proportions of their arrests for each of the four types of crimes.

The Proportion of Arrests for Violent Crimes in Relation to the Arrests for All 26 UCR Types of Crimes: Table 11, p 87, shows that there were 23 arrests for homicide, or 1% of all arrests. Forcible rape accounted for 26 arrests, or 2% of the total. There were 416 robbery arrests or 20% of the total of all arrests. This was the highest proportion of arrests for any type of crime. Aggravated assault accounted for 7% of all arrests.

The clients 21 and older had 12 homicide arrests. Clients 20 and under had 11, three of which were for age group 13-15. Of the 26 rape arrests, 19 were for clients 20 and younger while 7 were for clients 21 and older. The percent of arrests for robbery were higher for those 20 and younger than those 21 and older. The proportions of arrests for aggravated assault was highest for those 30 and above.

Burglary, Larceny and Auto Theft: These are the index crimes against property. The proportion of arrests for burglary was higher for those 20 and younger than those 21 and older. The highest proportion of 27% of arrests for burglary was for juveniles 7-12. The proportion of arrests for larceny was higher for those 21 and older than those younger. The highest proportion of 20% of arrests for larceny was for the age group 30-39. The proportion of arrests for auto theft was about even across the age groups with the exception of the 40-71 age group, which had 26% of its arrests in that category.

The Number and Percent of Clients Who Had One, Two and More Arrests for Violent Crimes During the 12 Months After Project Entry: Of the clients arrested for violent crimes, 95 percent had one to two arrests, while 4 percent had three. The remaining 1% consisted of one client with four arrests, three clients with five arrests, one client with eight arrests and one with nine arrests. (1) (Table 10, p86).

Inspection of each of the four violent crimes showed that none of the clients was arrested for more than one homicide. Two clients were arrested for two rapes each. For robbery, 13 clients (4 percent) were arrested for three robberies, while five clients had four to eight robbery arrests each.

Table 8 THE MEASURES OF CRIMINAL RECIDIVISM BY AGE AND SEVERITY OF PRIOR ARREST HISTORY

Ratio of Violent Crimes to All Crimes													
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(1) It should be noted that the police records of each of the six extreme cases with four or more arrests were reviewed by the evaluation. Most, at the time of their initial arrest after project entry, were charged with or arrested for other crimes which occurred during that 12 month interval. The point here is that these clients generally were not arrested and released four to nine times each during the 12-month period.

Table 9 THE MEASURES OF CRIMINAL RECIDIVISM BY PROJECTS

PROJECT AND LOCATION (1)	REPORT ACROYNM (2)	AGE (3)	BEFORE PROJECT ENTRY			DURING TWELVE MONTHS AFTER PROJECT ENTRY							
			Severity Level			All Crime				Violent Crime			
			of Average			No of				No of			
			No of	Level	Average	Total	No of	%	No of	Total	%	Total	%
			Levels	of	No of	No of	More	Arrest	Arrests	Arrests	for	Arrests	as %
			for	Age	Arrests	Arrests	Arrests	(8)÷(7)	Arrests	Arrests	(11)÷(10)	Arrests	(13)÷(12)
			Age	Group	Arrests	Arrests	Arrests	(8)÷(7)	Arrests	Arrests	(11)÷(10)	Arrests	(13)÷(12)
1. FOOT BRD OF GRDNS	PBG	7-12	1	1	0.8	43	8	19%	13	5	12%	7	a
None		13-15	3	1	1.0	129	52	40	93	25	19	30	32
2. ALT TO DET - PROB	ATD-PROB	7-12	1	1	1.0	25	10	40	17	4	16	5	a
Pre-Court Int Serv		13-15	3	2	1.4	55	34	62	60	15	27	19	32
Pre-Court Int Serv		13-15	3	3	2.4	140	82	59	183	46	33	66	36
Sup R-1&Day Evg Ctr													
3. ALT TO DET - HRA	ATD-HRA	7-12	1	1	1.2	28	8	29	15	5	18	6	a
Family Brdg Home		13-15	3	1	1.2	58	17	29	23	8	14	9	39
Family Brdg Home		13-15	3	3	2.9	31	17	55	30	8	26	9	30
Group Home													
4. MORRIS YTH DIVERSN	NYD	7-12	1	1	1.1	32	13	41	29	6	19	8	28
None		13-15	3	3	1.8	101	63	62	116	28	28	34	29
5. MORISAN YTH SV CTR	MLA	13-15	3	2	1.5	45	21	47	47	11	24	17	36
Legal Services *		16-18	4	2	2.1	95	39	41	69	18	19	25	36
		19-20	2	1	2.7	26	12	46	18	5	19	7	a
6. YOUTH COUNSEL BUREAU	YCB	16-18	4	1	1.6	121	29	24	45	11	9	12	27
Long-Term Parole													
7. PROB-URBAN LEAGUE	PUL	16-18	4	3	3.1	62	37	60	81	21	34	26	32
None		19-20	2	1	2.8	30	14	47	20	4	13	5	25
8. PROJECT DYCEP	BYCEP	16-18	4	4	3.6	63	37	59	72	17	27	22	31
None													
9. LEGAL PROPINQUITY	LPQ	16-18	4	2	2.1	55	23	42	47	10	18	12	26
None													
10. INDEPENDENCE HOUSE	INDH	16-18	4	3	2.9	31	19	61	29	6	19	6	21
Long-Term Service *		19-20	2	2	3.8	25	18	72	37	9	36	11	30
Short-Term Service *													
11. VOI-BRONX COM CNSEL	BCC	16-18	4	4	3.4	100	56	56	98	20	20	25	26
Daytime, Evening &		19-20	2	1	2.7	48	21	44	23	5	10	6	26
Teenage *		21-29	3	1	3.3	115	38	33	55	13	11	14	25
		30-39	2	1	6.6	20	2	10	6	0	0	0	0
12. ADDICTS REHAB CTR	ARC	16-18	4	2	2.8	32	11	34	26	5	16	6	23
Resident & Non-Resident		19-20	2	2	3.0	52	26	50	53	13	25	24	45
Day Care *		21-29	3	2	5.2	131	58	44	109	22	17	27	25
		30-39	2	1	9.9	29	10	34	24	1	3	1	4
		40-71	1	1	12.8	20	3	15	3	2	10	2	a
13. ASA - ADDICT DIV PROG	ASA	16-18	4	4	4.6	47	25	53	53	9	19	14	26
None		19-20	2	2	4.3	53	26	49	39	11	21	11	28
		21-29	3	3	6.2	182	65	36	102	17	9	19	19
		30-39	2	2	11.4	51	16	31	30	5	10	6	20
14. VERA SUP WRK-Wildcat	VERA	21-29	3	3	5.6	76	25	33	34	8	10	8	24
Wildcat		30-39	2	2	10.6	38	8	21	8	3	8	3	a
Control Group		21-29	3	2	5.5	62	27	44	38	10	16	10	26
Control Group		30-39	2	2	11.8	43	11	26	14	2	5	2	a
15. PROJECT SHARE	SHARE	21-29	3	3	5.7	31	9	29	14	4	13	5	a
Resident & Non-Resident													
16. NAACP PROJECT REBOUND	NAACP	21-29	3	1	4.3	47	17	36	24	7	15	8	33
Intensive		21-29	3	3	5.6	63	37	59	53	10	16	15	28
Non-Intensive		30-39	2	2	10.6	45	15	33	24	2	4	2	8
Int & Non-Int		40-71	1	1	18.7	35	10	29	20	3	9	4	20
17. PROJECT SECOND CHANCE	SCH	21-29	3	2	4.8	116	33	28	44	12	10	18	41
None		30-39	2	1	7.7	44	14	32	16	3	7	4	a
18. PROJECT MANHOOD	MANHD	21-29	3	1	4.7	141	50	36	93	15	11	25	27
Counseling Sessions		30-39	2	1	7.7	44	16	36	25	6	14	10	40
& Job Referral *													
TOTAL						2860	1182	41%	2072	470	16%	605	29

Component(s) apply to all age groups
a. Less than 20 arrests in column (10) No of Arrests

Table 10 THE NUMBER AND PERCENT OF CLIENTS WITH ONE, TWO, OR MORE ARRESTS FOR VIOLENT CRIMES DURING THE TWELVE MONTHS AFTER PROJECT ENTRY

TYPE OF VIOLENT CRIME	NO. OF ARRESTS	AGE GROUPS									
		ALL AGE GROUPS	AGE 40-71	AGE 30-39	AGE 21-29	AGE 19-20	AGE 16-18	AGE 13-15	AGE 7-12	AGE 7-12	AGE 7-12
1 HOMICIDE	Total	23 100 100	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
2 RAPE	Total	22 92 92	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
3 ROBBERY	Total	257 83 83	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
4 ASSAULT, AGGRAV.	Total	128 96 96	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
ALL VIOLENT CRIMES	Total	376 83 83	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -

a. Percent not computed because the total number of clients is less than 20.
b. Less than 1 percent.

Percents may total to more or less than 100 due to rounding errors.

Table 11 ARRESTS BY THE TWENTY-SIX TYPES OF CRIMES OF THE UNIFORM CRIME REPORTING (UCR) SYSTEM

CRIME CLASS NO. TYPE	ALL AGES 1182 CLIENTS		AGE 7-12 39 CLIENTS		AGE 13-15 285 CLIENTS		AGE 16-18 270 CLIENTS		AGE 19-20 117 CLIENTS		AGE 21-29 359 CLIENTS		AGE 30-39 92 CLIENTS		AGE 40-71 13 CLIENTS	
	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS	NO. OF ARRESTS	CUM. % ARRESTS
1 HOMICIDE	23	1.1	1.1	1.1	3	0.5	0.5	6	1.2	1.2	12	2.1	2.1	-	-	-
2 RAPE	26	1.3	2.4	1.4	7	1.3	1.8	4	0.8	1.9	4	0.7	2.8	3	2.0	2.0
3 ROBBERY	416	20.1	22.4	29.7	137	24.8	26.6	104	20.0	21.9	97	17.1	23.0	13	8.8	10.9
4 ASSAULT, FIST	140	6.8	29.2	35.1	37	6.7	33.3	34	6.5	28.5	36	6.4	26.3	12	8.2	19.0
5 ASSAULT, FIREARM	336	16.2	45.4	62.2	121	21.9	55.3	96	18.5	46.9	55	9.7	36.0	16	10.9	29.9
6 LARCENY	301	14.5	59.9	75.7	73	13.2	68.5	65	12.5	59.4	95	16.8	52.8	29	19.7	49.7
7 AUTO THEFT	149	7.2	67.1	82.4	37	6.7	75.2	50	9.6	69.0	34	6.0	58.8	10	6.8	56.5
8 ASSAULT, OTHER	126	6.1	73.2	86.5	27	4.9	80.1	27	5.2	74.2	39	6.9	65.7	18	12.2	68.7
9 MURDER	3	0.1	73.4	-	1	0.2	80.3	1	0.2	74.4	1	0.2	65.9	-	-	-
10 FORGERY, COUNTERFEIT	9	0.4	73.8	-	-	-	-	1	0.2	74.6	3	0.5	66.4	1	0.7	69.4
11 FRAUD	5	0.2	74.0	-	1	0.2	80.4	1	0.2	74.8	1	0.2	66.6	-	-	-
13 PROPERTY, STOLEN	78	3.8	77.8	87.6	14	2.5	83.0	16	3.1	77.9	30	5.3	71.9	9	6.1	75.5
14 VANDALISM	50	2.4	80.2	90.5	23	4.2	87.1	12	2.3	80.2	9	1.6	73.5	2	1.4	76.5
15 WEAPONS	98	4.7	84.9	91.9	27	4.9	92.0	19	3.7	83.8	34	6.0	79.5	6	4.1	81.0
17 SEX OFFENSES	23	1.1	86.1	93.2	4	0.7	92.8	8	1.5	85.4	7	1.2	80.7	2	1.4	82.3
18 NARCOTICS	151	7.3	93.3	94.6	7	1.3	94.0	39	7.5	92.9	70	12.4	93.1	15	10.2	92.5
19 GAMBLING	3	0.1	93.5	-	-	-	-	2	0.4	93.3	-	-	-	1	0.7	93.2
21 DRUNKEN DRIVING	3	0.1	93.6	-	-	-	-	-	-	-	1	0.2	93.3	1	0.7	92.9
23 DRUNKENNESS	7	0.3	94.0	-	-	-	-	1	0.2	93.5	4	0.7	94.0	1	0.7	94.6
24 DISORDERLY CONDUCT	21	1.0	95.0	-	6	1.1	95.1	8	1.5	95.0	3	0.5	94.5	3	2.0	96.6
25 VAGRANCY	23	1.1	96.1	-	2	0.4	95.5	7	1.3	96.3	10	1.8	96.3	2	1.4	98.0
26 OFFENSES, OTHER	81	3.9	100.0	-	25	4.5	100.0	19	3.7	100.0	21	3.7	100.0	3	2.0	100.0
TOTAL	2072	100.0	100.0	100.0	552	100.0	100.0	520	100.0	100.0	566	100.0	100.0	147	100.0	100.0
									190	100.0	100.0			23	100.0	100.0

* UCR rank

Note: Percents and cumulative percents may be off by .1% due to rounding errors

III. DID CLIENT CHARACTERISTICS AFFECT RECIDIVISM?

The two client characteristics that the evaluation found to have had affected recidivism were age and severity of criminal history prior to project entry.

AGE: Clients 20 and younger had a higher magnitude of criminal recidivism and more arrests for severe types of crime than did clients 21 and older. This was the case by every measure of magnitude and severity of criminal recidivism that was used.

The highest magnitudes of criminal recidivism and arrests for the most severe types of crime were those of juveniles 13 to 15 years old from five diversion projects.

The measures of magnitude and severity by which the 13 to 15-year-old juveniles (in one case, 7 to 12-year-olds) were higher than any other age group consisted of:

1. A client arrest recidivism rate of 51 percent during the year after project entry.
2. A ratio of arrests to all clients of 1.0 (one arrest for each client in the project).
3. Of all arrests, 75 percent for the seven "severe" UCR crimes.
4. A client arrest rate of 25 percent for violent crimes after project entry.
5. A percentage of all arrests accounted for by violent crime of 35 percent, for the age group 7 to 12.

PRIOR CRIMINAL HISTORY: Relationship between the average number of arrests before project entry, and criminal recidivism was positive for those 20 and younger. The relationship did not appear to exist for those 21 and older. For those 20 and younger the higher the average number of arrests prior to project entry, the higher the magnitude of recidivism.

RACE AND ETHNICITY: There was no significant relationship between race and ethnicity and arrest recidivism, or violent crime arrest rates, for six of the seven age groups when tested by the X^2 . The relationship was significant for the 16-18 year olds on both measures. The white clients had lower arrest rates than Black or Spanish surnamed clients.⁽¹⁾ However, approximately 75% of the white clients were from a project (YCB) which accepted many socio-economically middle class whites who had to be first offenders with non-serious arrest charges. The vast bulk of the Blacks and Spanish surnamed clients, on the other hand, were probably in the lowest socio-economic class and definitely had more severe criminal histories. Therefore, the finding is inconclusive.

HEROIN ADDICTION: It was not possible to evaluate the relationship between heroin addiction and recidivism because of the impossibility of determining the type of drug from the New York State Penal Law charges on the arrest records, as well as other reasons discussed on p 21 of the Methods Section. However, we did determine for each of the 18 projects for the ages of 16 and above the percent of clients who had any drug charge on their arrest records prior to project entry. The results show that some of the non-drug addiction treatment projects for clients 21 and older had very high drug-charge rates. The four projects were: NAACP, 64 percent of clients; Manhood, 58 percent; Second Chance, 57 percent, and SHARE, 60 percent. These rates were not much lower than those in two projects which dealt only with heroin addicts: ASA Court Referral, with 83 percent; and ARC, with 78 percent. Since the clients of the four non-drug treatment projects were almost entirely Black or Puerto Rican, it was assumed that most of the drug charges represented heroin. This assumption is based on evidence which suggests that poor, adult Blacks and Puerto Ricans at that time were rarely users of cocaine or "soft" drugs, which were primarily used by whites.

(1) For arrest recidivism the X^2 value was 21.8537 with 3 df. P is equal to or less than .0001. For the violent crime arrest rate after project entry X^2 was 18.4829 with 3 df. P is equal to or less than .0004.

Other than that there were probably a goodly proportion of heroin addicts in projects for those 21 and older, it is not possible to conclude anything about the effects of this on recidivism.

OTHER CHARACTERISTICS: Client motivation, socio-economic level, education, stability of family and a host of other characteristics may affect outcomes.

Since these characteristics were neither measured nor controlled for in the analysis, it was not possible to assess their relationships to criminal recidivism. However, the population of 68% Black and 25% Spanish surnamed clients were probably fairly homogeneous in terms of being poor, and undereducated. Therefore, it is possible that these characteristics may not have affected outcomes.

CONTINUED

1 OF 2

IV. WAS THE ARREST RATE LOWER DURING THE YEAR AFTER PROJECT ENTRY THAN DURING THE SECOND YEAR PRIOR TO PROJECT ENTRY?

In other words, did the projects decrease the criminal behavior of clients. The results were mixed. For clients 18 years or younger, the arrest rates were significantly higher during the year after project entry, than during the second year prior to project entry (Table 12 below).

This was the case for the age groups 7-12, 13-15, and 16-18. There was no significant difference between the two rates for the 19-20-year-olds.

Table 12 COMPARISON OF ARREST RATES DURING SECOND YEAR BEFORE PROJECT ENTRY AND DURING ONE YEAR AFTER PROJECT ENTRY BY AGE GROUP ACROSS PROJECTS

AGE	ARREST RATE DURING		Change	X ² Value
	SECOND Year BEFORE Project Entry	FIRST Year AFTER Project Entry		
7-12	7	30	+	21.564*
13-15	18	51	+	137.057*
16-18	30	46	+	29.680*
19-20	46	50	+	0.548
21-29	48	37	-	23.366*
30-39	40	29	-	7.210*
40-71	40	24	-	2.682

* P is equal to or less than .05

For the clients in the age group 21-29 and 30-39 the arrest rate during the year after project entry was significantly lower than the second year prior to project entry. There was no significant difference between the years for those 40-71 years of age.

V. WAS A HISTORY OF VIOLENT CRIMES BEFORE PROJECT ENTRY RELATED TO MORE VIOLENT CRIME AFTER? (When Compared to Clients Who Had No History of Violent Crimes Before Project Entry)

The answer was generally "yes."

The relationship existed across ages, and for each of the seven age groups except 19-20 and 40-71.

When the relationship between a prior and subsequent history of violent crimes was examined by the four crimes which compose it - homicide, forcible rape, robbery and aggravated assault - the relationship held across ages for rape, robbery and assault, but not for homicide.

Table 13 t-TEST VALUES FOR OUTCOMES OF DIFFERENCES BETWEEN VIOLENT CRIME ARREST RATES AFTER PROJECT ENTRY: Clients With No Arrests for Violent Crimes Prior to Project Entry Versus Clients With One or More Arrests for Violent Crimes Prior to Project Entry

Age Group	Homicide	Rape	Robbery	Aggravated Assault	All Violent Crimes
7-12	a	a	-2.15*	a	-1.69*
13-15	a	a	-3.19*	-1.00	-3.38*
16-18	a	a	-4.82*	-2.19*	-4.39*
19-20	a	a	-1.37	-1.34	-1.21
21-29	-1.05	a	-1.79*	-3.16*	-3.07*
30-39	a	a	-0.60	-2.03*	-2.19*
40-71	a	a	-1.86*	a	-0.36
Across Ages	-0.84	-2.56*	-5.31*	-3.97*	-5.25*

a--No. of clients less than 20.

*--Arrest rates after project entry are highest for clients with one or more arrests for a violent crime prior to project entry. P is equal to or less than .05, by a one-tailed test.

An examination of the outcomes for each of the seven age groups for each of the crimes showed that there was a relationship for robbery for all of the age groups except 19-20 and 40-71. Since arrests for robbery accounted for 69 percent of all arrests for violent crimes, it was not surprising that this result was the same as that for violent crimes.

The relationship held for aggravated assault for the age groups 16-18, 21-29 and 30-39. The numbers of clients arrested for homicide and rape in 6 of the age groups were too few for analysis. An analysis was possible of homicide for the 21-29 year olds and the relationship was not significant.

Although the relationship was significant in the groups described above, it did not appear to be linear. The stepwise linear regression analysis discussed on (p 42) was done on the independent variables 1) year of age at project entry, and 2) a history of at least one arrest for violent crimes prior to project entry. The prediction was to the dependent variable of one or more arrests for violent crimes during the twelve months after project entry.

The results indicated that the relationship between violent crimes prior and after project entry was not linear. (1)

(1) The F values and r values were significant for the age groups 13-15, 16-18, 19-20, 21-24, and 35-39. However, the degrees of freedom were quite high for each of the age groups tested.

The correlation of year of age to the dependent variable was only significant for the age group 16-18. The total variance accounted for by the independent variables did not exceed .08 for any of the age groups.

VI. OTHER EVALUATION RESULTS

In addition to its basic objective of determining the criminological outcomes of the project services, the evaluation had some other, non-criminological objectives that it hoped to accomplish. The first was based on a desire to fill CJCC's need for individual and comparative measures of the project services of remedial reading and job placement as an aid to programmatic and administrative decisions about projects. In order to be comparable the statistical measures would have to be standardized, and it was the identification of standard measures that the evaluation undertook, even though other evaluators would be doing the measuring. In order to supplement statistical measures the second effort focussed on qualitative, non-statistical evaluations of individual projects' programmatic features and accomplishments. This was to be done by other evaluators who would follow standardized guidelines.

Project Service Results: It was generally not possible to determine validly what the outcomes of project services had been, or to establish standard measures.

The objective became the development of means whereby the individual projects could measure their own service outputs, in a standardized fashion, and the effort was concentrated on two basic services, job placement and remedial reading. With the measures standardized, it was thought, CJCC would be able to make comparisons between projects.

A first step was a review of project proposals so that proposed individual evaluation goals and methods could be made uniform. A secondary gain, here, would be that the criminological investigation being performed centrally by the evaluation would not be duplicated by the projects. Only a few first proposals were reviewed in this fashion. More proposals became available when the projects reached the stage of first re-funding, but by then it was usually too late to establish or modify internal evaluation goals or methods to the extent necessary.

Job Placement, for the purposes of this task, was meant to include all such

vocational services as job training, job development, and job placement. The hope was that comparisons of services could be achieved if the projects would, on the basis of accurate records, answer these five questions:

- 1) What proportion of those clients referred to jobs are placed?
- 2) At what entry-level wage?
- 3) By what Department of Labor DOT classifications?
- 4) For how long?
- 5) If they have left, why?

In those projects that provided job placement services, primarily Second Chance, Manhood, and NAACP, the big stumbling block was the availability and accuracy of records. The projects were community-based and staffed by para-professionals, whose experience generally did not include record-keeping. When "outside" evaluators were employed by these projects either to assess results or to provide technical assistance in the form of staff training, the results were little better. The research results tended to be academic and tangential; the staff training did not address the accuracy or standardization of records.

Remedial Reading was the most common service offering in CJCC-funded projects that undertook to provide remedial education. A standard measure of reading achievement was available for projects with school-age children in the Metropolitan Reading Achievement Test.

There was little success in the attempt to make the use of that test standard in CJCC projects and in the evaluation of those projects by outside evaluators. The test was required for several Probation Department remedial reading projects with school-age children, along with the CAT and ABLE tests for Department of Corrections projects with clients older than school-age.

There was great resistance on the part of the projects, particularly those under the Probation Department. Their staffs cited concern that the tests are culturally biased and unfair to the projects' predominantly Black and Spanish-surnamed populations. Each project, and its outside evaluators, wanted to use

a "better" test, existing or newly-created, to measure each project's success in remedial reading.

The evaluation's position was that so long as the projects dealt with New York City children, the test used by the city's public schools for their own decision-making was the most pertinent test. If the projects could achieve service results that the test could not measure, such results could be counted as not very important so far as the children were concerned.

The possibility of bias in the test, for the use intended, was not a significant issue. The intention was to measure projects comparatively, not individual children. In a project evaluation, with the bias essentially equal for the individuals, it could be controlled for. So long as each project used its own test, and if they all were different from the test used by the city schools, there would never be a way to compare projects. If at some point the schools changed to some other, presumably less biased test, the projects could all then change to the use of that test, also.

Finally, it was pointed out repeatedly that the projects could, for whatever reasons they felt important, administer as many additional tests as they wanted to. The comparative evaluation, however, would be based on the one test standard for all projects.

The final outcomes of the issue or of the individual or comparative accomplishments of the remedial reading services is not known to the evaluation.

Other Services: The most important additional service provided by projects was legal assistance and screening for recommendations of diversion or non-diversion. The outcomes of legal services appear to be quite good in terms of the provision of defense attorneys to the project clients. The outcomes (other than criminological) of the diversion services provided to the courts, particularly by the juvenile projects were considered good by the courts, funding agencies, projects and outside evaluators. The courts released large numbers of clients to the projects, even in cases where the clients had severe and

lengthy prior criminal records. Sometimes, this was because of enthusiastic advocacy on the part of project staff.

General Outcomes: Most projects were not able to provide services to the number and types of clients contracted for during their first year of operation. This was due to problems of implementation during that year and in many cases overstated project goals for that year.

Following implementation during the second funding period, the projects were generally better able to meet their contractual goals in terms of the number of and types of clients that services would be provided to.

This problem is not restricted to the LEAA-funded projects, but is endemic nationally and has characterized most new projects funded by OEO, DOL, and HEW.

Standard Project Monitoring Service: In addition to the quantitative measures, the uniform monitoring system was to be supplemented by the addition of standardized impressionistic reports by senior evaluators with program experience and observational skills. Such reports can be produced more quickly than statistical ones and can assist program administration as well as CJCC decision-making on such issues as refunding. The evaluation prepared standard outlines for such reports and participated in the selection of evaluators.

The plan had mixed success. There were too few qualified evaluators of this type available and too little central coordination and supervision by CJCC or the evaluation project. A number of such evaluations were undertaken and completed, however, and their findings were used by CJCC in refunding decisions.

Assistance to CJCC's decision-making about refunding or institutionalizing of individual projects through the provision of criminological data was not successful. Most of the projects had not accumulated enough clients to permit evaluation by the end of their first funding period, usually from 12 to 18 months after they began. Some did not have enough clients when their LEAA funds ran out, and institutionalization was the issue. Some of the projects for which such problems arose are included in Table 1, p. 30, which lists the projects for which data

were collected.

It took the evaluation from two to three years to know with confidence the reasons for the unavailability of criminological assessment. As a project in its own right, it shared with the service projects general problems of implementation. Staffing, and the development and perfection of procedures, led to delays in the schedule of activity. It took two years to resolve satisfactorily the myriad methodological problems connected with the collection of project data and the retrieval and processing of arrest histories (pp.26-35). During that entire period it was not clear whether these methodological roadblocks, or the insufficient numbers of project clients, were the basic cause of delay.

As an interim measure, six-month recidivism figures were reported to CJCC, with the strong admonition that these were to be treated as preliminary. It was not until the June, 1974, Interim Report that both six-month and twelve-month recidivism rates were reported for 15 of the 18 projects. Even then, CJCC and Division personnel were cautioned not to compare projects with each other, since their clients' levels of severity of prior criminal history had not yet been established, and there were no figures on the severity and types of crimes reported by most of the arrest rates.

No recommendations were made in these reports to the City or the State about refunding or institutionalizing any of the projects on the basis of the criminological results. For their part, the City and State staffs were hesitant to base refunding or institutionalization decisions on the raw arrest rates that were provided to them, nor were there many cases in which they could have been used. Six-month rates, for example, were obviously lower than annual rates, and the meaning of an arrest rate after six months was difficult to determine with no standard of comparison and no knowledge of the types of criminal behavior represented. Although some of the annual arrest rates for a project were "high" by any reasonable criteria, for example 60 percent, by the time these were reported in the interim report, most refunding decisions and some of the decisions about

institutionalization had already been made.

It was the evaluation project's policy not to release any of the preliminary criminological data whatsoever to anyone at any time other than that submitted to CJCC as part of our contractual reporting requirements, unless expressly approved by CJCC in a very few cases. Understandably, project staff and State and City monitors, as well as others would frequently ask about "criminological evaluation outcomes" but were not given any information and were referred back to senior agency staff. This procedure was used for requests for information from other Criminal Justice agencies or foundations, as well.

By 1973 it had become apparent that the evaluation when debugged would still not be able to provide criminological assessments for most projects funded by CJCC in time for refunding and institutionalization decisions. At that point it was understood that most projects would be unable to accumulate enough clients for evaluation by the time refunding or institutionalization decisions fell due.

The focus of the evaluation shifted, therefore, with the approval of the CJCC director, to questions that would enable decisions about CJCC policy across projects. For example, we included in our extension of our contract at that time the goal of relating the severity of a client's prior criminal history to the likelihood of criminal behavior after project entry. It was our intention to evaluate our data so that one could predict more accurately what type of clients would be most benefited by what type of projects, and what types of clients would not. More emphasis was placed on the assessment of violent crimes.

CONCLUSIONS

PREFACE

An introductory point that needs to be made is an observation about rehabilitation and diversion as project services. Since one entire conclusion is devoted to rehabilitation, and another to diversion, some of the analyses will be clearer if the observation, not previously discussed, is made.

Given the reduction of crime as the ultimate objective of the projects that are the subject of this report, rehabilitation is a method by which most of them hoped to accomplish that objective. The means of providing rehabilitation were such project services as job placement, remedial education, or counseling.

Diversion, as that term has been used so far in this report, has stressed the concept of an alternative for the criminal justice system through which it could dispose of a case without resorting to either detention or incarceration. The element on which that use of the term focussed was that during the alternative period a client had an opportunity to commit crimes that would not have been available during detention or incarceration.

One additional point to be made is that diversion can be and is also used as an alternative to the prosecution of charges against an arrested person. As a result of this alternative, no determination is made about the person's guilt or innocence. A period of satisfactory conduct while receiving the project's rehabilitative services is usually considered sufficient basis for dropping the charges.

Another point, that may not have been clear from previous discussion of rehabilitation and diversion as project services, is that they are in no way comparable to each other. A project is not either a rehabilitation project or a diversion project. Diversion is merely a means by which some projects come by their clients. Rehabilitation is a method by which some projects hope to reduce or eliminate the criminal behavior of their clients.

Some projects provided only rehabilitation, e.g., Manhood.

Some projects provided both rehabilitation and diversion, e.g., Neighborhood

Youth Diversion.

Some projects provided almost nothing other than diversion, e.g., Alternatives to Detention - Probation.

Some projects that incorporated both rehabilitation and diversion services in their programmatic format did not provide both to all their clients. Some clients received only diversion, others only rehabilitation.

In addition, it should not be overlooked that:

1. The primary provider of diversion services to a court is its probation arm, which has available to it forms of diversion other than, and in addition to, the services offered by such projects as those studied in this evaluation.

2. Probation departments usually retain legal jurisdiction over a diverted client, even though both the recommendation of diversion and the rehabilitative services are provided by a project.

3. In some cases, such as Neighborhood Youth Diversion, the distinction between the status of projects and probation departments may have become blurred because the diversion might not have been made if the project had not recommended it.

Finally, the orientation of the evaluation places major emphasis on violent crimes. Within this orientation, the conclusions flow from the results, and the recommendations from the conclusions. The justification is that it is violent crimes that have the most traumatic impact on victims and produce attitudes and behavior important enough to determine the fate of the entire city of New York.

I. REHABILITATION BY THE PROJECTS WAS A FAILURE

The failure was particularly with juveniles, and in relation to violent crime. The judgment is based on the criminal recidivism of project clients. It resulted in great cost to both society and the victims because of the magnitude and severity of the criminal behavior. The criteria used to make the determination can be questioned. There are two 1) the cost of the outcomes of the recidivism which is by far the most important, and 2) the comparison of project outcomes with those of available comparison ("control") groups.

Cost of Recidivism to Society and Victims: Of the 2,860 clients from 7 to 71 years of age, 1,182, or 41 percent, were arrested a total of 2,072 times during the 12 months after project entry. These arrests reflect several thousand victims and many millions of dollars in the cost to victims of theft, property damage and injury.

Of these arrests, however, 29 percent, or 605 were for violent crimes. This understated measure of criminal behavior means that there were at least 605 victims, of whom about 50 were killed or raped and 555 robbed or severely assaulted⁽¹⁾ Just this portion of the outcome, in and of itself, leads to the judgment that the cost of the recidivism both to society and to the victims is too high. (Table 8 ,p 34)

If the cost is examined by age and severity of prior history, the conclusion does not change. For example, the best outcomes in terms of recidivism were for the two age groups of 30-39 and 49-71. For the 314 clients, 30-39, the recidivism rate was 29 percent. This rate was the second lowest of any of the age groups, but 19 percent of the 147 arrests were for 28 violent crimes. The 55 oldest clients, 40-71, had a 24 percent recidivism rate and 6 of 23 arrests were for violent crimes.

The 28 victims of violent crimes of the 30-39 year old clients and the 6 victims of the 55 oldest clients are also judged as too high a cost.

The severity of the prior arrest history was not related to arrest recidivism for those clients 21 or older (p 76). Therefore, if only the outcomes for those 20 and younger are considered, the "best" outcome was for 121 clients 16-18 whose arrest

(1) Understated in terms of actual criminal behavior p 49, Method Section

histories were the least severe (the first of four levels) for that age group (Table 9 , p.85). This group had a 24 percent recidivism rate and violent-crime arrests accounted for 27 percent, or 12 of the 45 arrests. All of the clients in this group were from one project, YCB, which accepted only first-offenders with non-felony arrests. The group also contained a high proportion of middle-class whites. This finding is also too costly an outcome, in terms of victims, and the project efforts with these clients must also be accounted a failure.

A general observation is that the 40 percent recidivism rate for the entire group of 2,860 clients was exceeded by many of the subgroups (Table 8 , p. 84).

The judgment is arbitrary; it is not comparative. Assume it could be shown that other types of projects, or no projects at all, yield results in recidivism rates and number of victims 20 percent higher than the outcomes attributable to the projects studied. The actual rates and numbers, now relatively low, would still be judged too high. If it could be demonstrated that in an additional year of operation with program innovations these projects could improve their record by 25 percent, reducing to 450 the 600 or so victims who had been killed, raped or robbed,⁽¹⁾ the number would still be too high to be judged other than a failure.

As a measure of the arbitrariness, assume that the discussion is on the effects of a new medication for treating a communicable disease such as measles in a group of 2,860 persons. If a side effect of curing a portion of the measles cases were the infection of 600 people with a mutation of the original virus; if there were even a fraction of fatalities, injuries and suffering of the victims of violent crimes, there is little question that the rate of death, injury and suffering would be considered too high.

In considering the judgment "high," it is useful to consider what would be "low," or acceptable as a cost in such circumstances. Citizens individually for themselves, and collectively as the society, have to make that decision. The precedents, however, may be found in the controls over drugs and foods, which appear to consider very limited injury, pain and death too high a price.

(1) or assaulted

Benefits: The net cost or benefit of rehabilitation has to be determined in relation to crime. The provision of jobs and other services to clients is not a pertinent benefit, since the projects were funded with money from LEAA, intended for the prevention and control of crime. The same services might be judged benefits if funded by non-crime-control sources, such as HEW or Department of Labor.

A possibly valid benefit is that of a "saving" over the alternative of not providing the projects, i.e., the assumption that there would be even more recidivism without the projects. In a section that follows, Comparisons, it is shown to be unlikely that there would be a difference between having and not having the projects. However, even if it were true that the project services resulted in less criminal recidivism than would be the case without the projects, it should be noted that there are yet other alternatives for which the comparison has not been made. For example, the 14.6 million dollars of funding might be given directly to the clients⁽¹⁾ to spend as they choose to rehabilitate themselves, or invested in courts and correctional facilities so that there might be an increase in crime prevention and deterrence.

Another benefit might be that the rehabilitation services provided results in less "suffering" for the clients. In this case, suffering is defined as the feelings of the recidivist, having been apprehended, going through the rather uncomfortable procedures of the criminal justice system. This point is only applicable to that proportion of the non-recidivating clients who might have recidivated in the absence of the projects. The remainder, the clients who would not have recidivated in any case, would only have "suffered" not receiving the project services, which has already been shown to be an inappropriate criterion for these projects. The size of the first group is, of course, almost impossible to determine, but the proportion may be fairly low. In any case, the total number of arrests suggests that probably there are more victims of recidivism than the total number of clients who are non-recidivists.

(1) This is the total number of dollars during the funding period which may contain over twenty times the 2,860 clients evaluated in this report.

The costs of criminal recidivism are judged to far outweigh the benefits of the rehabilitation services provided by the projects.

Comparisons of Recidivism Outcomes: Comparisons of two types were made. The first were with alternatives that generally did not provide rehabilitation services. The second were between the evaluation's own arrest rates for clients before and after project entry.

"Control" Comparisons: These included some of the projects in the evaluation, other projects in New York City, and other projects elsewhere.

a. Vera Control: The Vera control group was selected by the Vera evaluation team for comparison with the Vera project Wildcat.⁽¹⁾ The control group was "unserved" in the sense that it was not provided with subsidized employment and other supportive services by the project. The members of the control group had to find their own jobs or services.

When arrest recidivism rates at the same levels of severity and age are compared, the rates for the Vera control group were the same among 21-to-29-year-olds as in ARC, and among 30-to-39-year-olds as in Vera Wildcat, ASA,⁽³⁾ NAACP. (Table 11, p. A-112)

In the Method Section, Table 11, pA-112, shows that if the arrest recidivism rates had been tested for each age group by combining the levels of severity, the rates for the Vera control group for the 21-to-29-year-olds would have been statistically equal to those of projects Second Chance, SHARE, Vera Wildcat, BCC, Manhood, ASA, NAACP (Intensive), ARC and NAACP (Non-intensive). When the Vera control's recidivism rate for 30-to-39-year-olds was compared to those of the projects, there were

- (1) Friedman, Lucy N. and Ziesel, Hans, First Annual Research Report on Supported Employment, Vera Institute of Justice, October, 1973.
- (2) This is not a true "control" group but a comparison group.
- (3) It should be noted that ASA referred its clients to some 50 other projects for rehabilitation services.

no differences for these projects and components: BCC, Manhood, Second Chance, ARC, Vera Wildcat, NAACP(i), NAACP(n), and ASA.

The results suggest that for the clients 21 and older there was no difference, as far as criminal recidivism was concerned, between receiving rehabilitative services from the evaluated projects, and being in a group in which some did and some did not receive some kind of service from other sources.

b. Other Control Comparisons: Bernstein, engaged to evaluate BYCEP during its first funding period, agreed to modify the method as proposed by this evaluation.⁽¹⁾ As a result, the findings could be compared with this evaluation's. In this study, the arrest recidivism rates for 246 clients aged 16 to 18, compared to rates for 375 "controls" of the same age, were not significantly different.

Finally, there have been other control-group attempts among the projects, such as in Neighborhood Youth Diversion, but the outside evaluators who undertook them used measures of recidivism and methods of analysis that are not comparable to those used in this evaluation.

In conclusion, it appears necessary to stress that some of the persons in the two control comparison groups cited above received rehabilitation services from other projects. Hence, the findings with respect to those groups are at best suggestive only.

Before-and-After Comparisons: The results showed two age groups for which the comparison of the second year prior to project entry and the year after project entry produced significant difference. For clients 18 and younger, in the year after project entry there was a significant increase. For the clients 21 to 39 in the year after project entry, there was a significant decrease. For the other ages the differences were not significant.

- (1) Bernstein, Blanche, et. al. Evaluation of the Basic Youth Community Education Program (BYCEP) demonstration project. Center for New York City Affairs, New School for Social Research, July, 1972

In interpreting these results several factors are notable. First, that the comparisons were not controlled for time in which the clients were "at risk" with respect to recidivism. That is, it was not known for what portion of the 12 months after project entry they may have been incapable of recidivism, such as periods of incarceration, detention, or physical incapacitation. Second, that in these cases there were no control comparisons with similar groups, measured for the same period, which had not received project services.

a. Clients 7-18 Years Old: Within this group the increase was particularly large -- from 7 to 30 percent -- for the 7-to-12-year-olds, and for the 13-to-15-year-olds, for whom the increase was from 18 to 51 percent. For those 16 to 18, the increase was not as large.

Some of the magnitude of these increases may be attributable to the importance of the two-year period, and in particular for the younger clients. The difference in quantity and quality of criminal behavior between the 11th and 13th year, for instance, can be especially dramatic. On the other hand, reports from all over the United States in recent years have shown high rates of increase in criminal behavior at these ages. Therefore, it was concluded that most of the increase found by the evaluation was probably valid.

Since the nation-wide reports are for juveniles not necessarily provided with rehabilitation services, those figures may form an analog of a "control" group. This suggests that the project rehabilitation services, while not resulting in a decrease, also did not cause the increase.

b. Clients 21-39 Years of Age: The decrease in criminal activity from the second year prior to project entry to the year after, for project clients, is also similar to that reported for this age group nationally. As with the 7-18 year-olds, the national reports combine serviced and non-serviced clients, and may also be considered a control comparison of sorts. This also suggests that the projects were not responsible for the decrease.

The conclusion from the before vs. after measures is that the increases and decreases of criminal activity for the younger and older clients respectively are probably valid. If one accepts that the reports can be considered a form of control comparison, it appears that the projects' rehabilitation services did not cause either the increase or decrease. If one does not accept the control comparison, the relationship of the projects' rehabilitation services to the findings is not analyzable.

Neither the comparisons of project clients with "unserved" groups nor the before-and-after measures of client arrest rates produced results that could possibly be interpreted as supporting the assertion that the projects' rehabilitative services decreased the arrest recidivism rates of the clients.

Generalization of Conclusions: It is legitimate to question whether results from 18 widely different projects can justifiably be generalized to the much larger number of projects not only under CJCC, but in New York City generally. Clearly this is not possible from a statistical standpoint on the basis of 18 projects. However, another form of justification is submitted.

Many of the 18 projects were "model" projects, in the sense that their sponsors were funded generously to plan and develop programs and proposals so that innovative and sophisticated designs and rationales would be available. Once accepted, the funding of the proposals was generous in terms of staff, facilities, staff-client ratios and per-capita client dollars. Such projects included: Probation--Urban League, Bronx Community Counseling, Neighborhood Youth Diversion, Vera-Wildcat, and the ASA Court Referral Project.

Others in the group of 18, however, were not so generously endowed. Mostly these were the community-based projects, such as Project Manhood and the Addiction Research Center. In terms of the levels of funding made available in the past few decades for social programs, the size and case-loads of staff, the availability of planning grants, and other such measures, these programs could be considered "average."

The results, however, indicate that the "model" projects, despite the lavishness of their funding and the uniqueness of their designs, produced no better results than their less-endowed peers. For example, Project Manhood's arrest recidivism rates were no different from those of Bronx Community Counseling for the age group 30-39, at the first level of severity. Similarly, Neighborhood Youth Diversion's rates for 7 to 12-year-olds were not different than those for the Protestant Board of Guardians' project.

Further, when the projects with clients aged 21 to 29 were compared across levels of severity as part of the validation methodology (see p A-112), there were no significant differences among the arrest rates of Project Manhood, Second Chance, SHARE, NAACP (Intensive), Vera-Control and ARC, and Vera-Wildcat, ASA, and BCC. When the projects were compared for the 30-39 year-old group there were also no differences between the two types of projects.⁽¹⁾

Against this statistical background there are other observations about these projects that are relevant for this discussion. Although in a few instances the model programs did manage to devise some relatively innovative services, for the most part their innovation was in their structure, the forms for their relationship with other social systems, and the credentialing of their staffs. In the actual services provided -- vocational, remedial, counseling -- they offered much the same content that has characterized social programming for at least two decades. Even para-professional staffing and peer-relationship rationales have been in vogue for most of the post-World-War II years.

These observations, in combination with the statistical evidence, lead quite strongly to the generalizable conclusion that the rehabilitation services currently

(1) To some extent, probably unmeasurable, other rehabilitative services were tested indirectly by the evaluation. Numbers of clients among the 18 projects were also in other projects during the 12 months after project entry. A considerable number received such services through referral, as in the case of ASA Court Referral, which sent its clients to 50 other projects for rehabilitative services.

available, or likely to become available in the foreseeable future, will not differ substantially from those evaluated in their ability to affect criminal behavior.

THE MAJOR CONCLUSION:

The cost of recidivism to society and the victims is so high that rehabilitation by the projects is a failure as a remedy for the problem of crime, particularly violent crime. Under the circumstances, it is unjustified to continue to use federal, state or city crime prevention and control money to fund rehabilitation services by projects to achieve the objectives of the enabling legislation to "reduce and prevent crime and juvenile delinquency and . . . insure the greater safety of the people..."⁽¹⁾

1. Crime Control Act of 1973, amended 1974.

11. THE REHABILITATION SERVICES' FAILURE WAS APPARENTLY NOT RELATED TO IMPLEMENTATION, PROGRAM MODELS, UNEMPLOYMENT OR POVERTY

In seeking to understand the finding of failure to affect criminal recidivism among the projects, issues might be raised about the time at which they were measured, the measures that were used, the program models that were considered, and whether strong environmental pressures might have undermined the projects' efforts. The evaluation considered the following factors:

Implementation: It could be argued that these programs were measured during an atypical year, one in which they were plagued by the problems of implementation. The need to assemble a staff, train it, perfect channels for the acquisition of clients, etc., could all undermine a program's first-year results even if its model was valid.

New projects were handicapped by such problems. However, there were older ones that had been operational for years before they received LEAA funding, such as Manhood, and Bronx Community Counseling. The arrest rates for the two categories were not significantly different. Table 7, p 78 shows that BCC and BYCEP shared the fourth level of severity for the age group 16-18, and Manhood and NAACP shared the first level for the age group 21-29.

Resources: Perhaps, the available funds, staff, or services were not of sufficient magnitude to effect change. This was not supported by the equivalent arrest rates of such massively-funded projects as Probation-Urban League or Vera-Wildcat, and such lesser-funded ones as Independence House and Manhood.

Delayed Effects: Another possibility is that a more positive effect on crime would have been found if the measurement of recidivism had been made from the 12th to 24th month after project entry, rather than in the first 12 months. Since we did not measure it we do not know whether there would have been such a delayed effect. But in any case, the unacceptable order of magnitude and severity of criminal recidivism that was found could not possibly have been affected by anything that occurred afterward.

Time in Program: As noted in the Caveats Section, the duration of service to individual clients was not measured. In some cases, as when diversion was the project service, it was not a pertinent consideration (see footnote, p 57). For projects offering rehabilitation, the variety of services offered, and the differences in mode of service delivery, made comparisons useless. However, the arrest rates of such projects with relatively long service periods, as Vera Wildcat and ARC, did not differ from those of projects with short service periods, such as Vera Control and Manhood (Table 11, p A-112).

Project Models⁽¹⁾: All the rehabilitative efforts measured were in projects substantially removed from conventional correctional settings, and none of them used such experimental services as intensive individual psychotherapy, operant conditioning, or medical treatment with drugs. Is it fair to generalize about rehabilitation as an approach to crime when such services were not measured?

Martinson has summarized the results of a major study by Lipton et al⁽²⁾ that screened all English-language reports on rehabilitation efforts and selected 231, covering the period 1945 to 1967, that were judged valid enough to be analyzable. The service modalities included were covered by the major headings: Education and vocational training, Individual counseling, Group counseling, Transforming the institutional environment, Medical treatment, Sentencing, Decarceration, Psychotherapy in community settings, Probation or Parole vs. prison, and Intensive supervision.

After the usual caveats about differences among the studies in method and means of measurement, etc., the author states this conclusion of the report: "With few and isolated exceptions, the rehabilitative efforts that have been

(1) Additional reference to this issue is to be found under "Generalization of Conclusions." p.

(2) Lipton, Douglas. Martinson, Robert and Wilks Judith, The Effectiveness of Correctional Treatment, A Survey of Evaluation Studies Forthcoming May, 1975 Praeger Publishers

reported so far have had no appreciable effect on recidivism."⁽¹⁾

This evidence that rehabilitation programs both similar to and different from the ones in this evaluation's study also did not work, led the evaluation to conclude with more confidence that generalization to similar programs was valid and that they also appeared to be applicable to models that had not been evaluated.

Unemployment: Given the state of national and local economic conditions in the period studied, and particularly the state of unemployment for minorities, it might be asked whether it was reasonable to consider the effectiveness of service programs, particularly vocational programs.

After consideration, the following conclusions were reached:

a) Unemployment rates have remained relatively stable in New York City over the past five or six years (with the exception of the last third of last year). However, the rate of serious crimes has shown an increase over that period. This does not support the existence of a positive relationship between reducing unemployment and reducing crime.

b) Wilson⁽²⁾ has made the point ably that so long as crime is more attractive and more remunerative than work, even available employment will not offer an effective alternative to crime.⁽³⁾

"One works at crime at one's convenience, enjoys the esteem of colleagues who think a 'straight' job is stupid and skill at stealing is commendable, looks forward to the occasional 'big score' that may make further work unnecessary for weeks, and relishes the risk and adventure associated with theft. The money value of all these benefits--that is, what one who is not shocked by crime would want in cash to forgo crime--is hard to estimate but is almost certainly far larger than what either public or private employers could offer to unskilled or semi-skilled workers."

c) At the time of this writing, unemployment rates are almost at a post-

(1) Martinson, Robert, "Questions and Answers About Prison Reform." The Public Interest, pp 22-51, March, 1974.

(2) Wilson, James Q., "Look 'Em Up And Other Thoughts on Crime," The New York Times Magazine, p 11, March 9, 1975.

(3) Vera Wildent provided full time subsidized employment at prevailing wages to its clients.

World War II high for everyone--criminal and non-criminal. The rates may get worse. It is apparent, however, that neither the government, business, nor anyone else is able to do very much about it. Therefore, even if employment were criminologically effective, it may be beyond the ability of the society to provide sufficient employment to make an appreciable impact on crime. The evaluation concluded that the availability of employment alone would not have made the project services more effective.

Poverty: If not unemployment, it might be asked, could not the environment of poverty surrounding the projects and their clients be the determining factor that prevented the criminological effectiveness of the rehabilitation services?

As was the case with delayed effects and insensitive measures, there may in fact have been some unmeasured "poverty effect" that stood between the rehabilitation services and the reduction of crime.

However, poverty has also been relatively stable over the past five years and crime has grown. Again, there is the problem of no positive relationship. The same condition holds for under-education.

Mental Health: There is a prevalent assumption that the bulk of criminal behavior is attributable to mental pathology in the criminals. There are two sub-assumptions: 1) that the pathology has been imposed on a basically sound individual by environmental factors, such as poverty, and 2) that the process is reversible and that the criminal, now a victim, can be "cured."

The curative methodology usually called for is, depending on the preference of the prescriber, either one of the many mental-health techniques ranging from group or individual therapy or counseling to conditioning, to one of the many social-work or sociological prescriptions ranging from guaranteed income to "advocacy," or some blend.

The evaluation's results show that whichever of the variants the 18 projects selected, it made no significant difference. The Lipton study, as reported by Martinson, showed the same lack of results in a much broader range of projects.

The assumption of pathology is hypothetical and based on a definition of mental illness much broader than that used by psychiatry. Since even the psychiatric definition has proven a difficult base for rigorous studies attempting to link syndromes and possible causal factors, it is quite clear that the broader definition would be even more difficult to use or test. To that extent it has been irrefutable.

On the other hand, mental health advocates have found it equally difficult to sustain their contention that many pathological syndromes, once in effect, can be reversed in the sense of a "cure." Among the relatively few reported cures for serious mental illness,⁽¹⁾ a substantial number have been attributed to either unique skills and training on the part of the therapist, or facilities what would be prohibitively costly. Neither such facilities, nor such personnel, are currently available to agencies charged with responsibility for the reduction of crime, or are likely ever to be.

Conclusion: Despite the lack of a relationship between these services and and crime reduction, the above does not mean that a relationship did not exist in the past, could not exist in the present, or will not exist in the future.

It is generally accepted that the relationship has existed in the past and can exist again in the United States in the future. The reasons for the undermining of the relationship in recent years are probably to be sought in the context of the history of this country over that period. There are countless, intricate, unmeasurable interactions of myriad factors that may explain why the relationship does not exist at this time.

These factors might include: 1) an enormous popularization of violence in television, movies and books, 2) absence of any strong, absolute relation or political position for most of the criminals in question, 3) the almost universal presence of a pragmatic, relativistic, materially-oriented system of ethics, in which ends justify means, as openly expressed by almost every major American business and public or private agency, 4) the rationalization by minority group members

(1) The term serious mental illness in this context does not include schizophrenia, character disorders i.e. psychopathy, or certain behavior disorders resulting from brain damage.

of such crimes as homicide, rape, or robbery on the basis of an alleged debt owed to them by the white society that exploited their forebears.

It is possible, as Wilson points out in his initial quote, that appropriate changes within this mosaic of interacting factors could produce a positive relationship between jobs and crime reduction. Whether or not sufficient changes are feasible, and not just appropriate, is moot. Clearly, we cannot expect to "cure" poverty and unemployment to the extent of providing all the poor an adequate standard of living. Adequate might be four to six times higher than the present, somewhat arbitrary definition of poverty-level income. This is not foreseeable in our present socio-economic structure within any near future.

Conclusion: It seems the projects' failure to reduce crime did not appear to relate to poverty, unemployment and under-education among clients. However, there is undoubtedly a relationship between those three factors and crime. But, there are also hundreds of other interacting factors related to crime, one of the most important of which is the effectiveness of society's sanctions against crime. To assume that "curing" poverty, unemployment or under-education will automatically eliminate crime, without taking into consideration interactions with society's sanctions against crime or other factors, is simplistic.

Until this point the evaluation's conclusions have been primarily based on the findings about the projects and applied to project services. One objective of the study, however, was to reach, from its findings, practical suggestions as approaches to the major tasks and problems of CJCC. To do this, it becomes necessary to transcend the actual data and consider their implications in the broader context of both what is known about criminal behavior and its impact on New York City and possible methods of reducing crime. Only in that context can the evaluation avoid the criticism of having been another exercise in academic separation from reality.

111. EFFECTS OF VIOLENT CRIME ON NEW YORK CITY

This study has shown that rehabilitation services provided outside correctional institutions do not affect recidivism. Other studies, demonstrate that rehabilitation within correctional institutions does not work either. The increase in the rate of crime over the past six years indicates not only a failure to prevent crime, but also a failure to deter it.

From 1968 to 1974, the rate of non-negligent homicide increased 67 percent, forcible rape 122 percent, robbery 43 percent, and aggravated assault 44 percent. (1)

Under the circumstances the best expectation, if the criminal justice system continues as it is now going, is that the problem of crime will get worse yearly. Even if the rate were to remain steady instead of increasing, the present level of criminal activity is unbearable.

In New York City in 1974 there were 519,825 complaints of severe crimes, a ratio to the population of the city of 1 to every 16 persons. Among these violent crimes, 1,530 were non-negligent homicides, an average of about four a day. About 4,000 were rapes, approximately 78,900 were robberies, or about 220 a day, and some 41,000 were aggravated assaults. Except for homicide, the numbers of the three other types of crime may actually be twice as large if unreported crimes are included. These numbers and rates of crime, as in most other major American cities, are much higher than in comparable European, or Asian cities.

The increase in numbers and rates, however, are only one aspect of the situation. There has also been a change in the quality of the crime being committed. The infliction of death and serious injury has apparently become more casual. With increasing frequency there are reports of slayings when a robbery is successful and the victims offer no resistance.

(1) Rates per year are from the Crime Analysis Unit, New York City Police Department. The evaluation computed the differences between the rates per 100,000 for 1968 and 1974 on a population base of 7,894,862.

Rapes have become more sadistic and bizarre. Rape and sodomy occurs in public places and sometimes in front of witnesses. In one case, a woman was forced at knife-point to perform fellatio in a subway train. Barnard students have been gang-raped and sodomized in daylight by juvenile or adolescent gangs in Morningside Park when the students tried to go through the park to their school.

Among muggers, one technique is to punch or "chop" a victim in the face or groin as a first approach, to shock, stun, and disable possible resistance. Should this be successful and the robbery be carried off, it is not uncommon that the beating then continues.

Aggravated assault by youths appears to be rising with the beating and humiliation of victims apparently the objective. Also increasing is the percentage of victims among the very old, robbery is frequently involved and the victims are attacked in their own homes by assailants under the age of 16. These incidents, not infrequently involving homicide, are the planned work of groups of youths who appear to commit the crimes in a premeditated fashion.

Although they occur all over the city, hundreds of such cases have occurred at midday in areas of the Bronx. (1) Most of the assailants have been Black or Puerto Rican, many of the victims have been white men and women living alone, many of them Jews. The police report that many of the assailants apparently take pleasure from beating the old people. One detective said the youths refer to this type of crime as "crib jobs" because "its like taking candy from a baby -- these little old women can't fight back." (2)

Among the 1,300 aged men and women in one senior citizens center on the Grand Concourse, it was reported, most have experienced at least one robbery and/or beating, and the figures are said to be comparable for other such centers.

In a societal sense, the deaths and injuries are the highest cost of this qualitative change in the pattern of urban crime. Pain and suffering are one component of this cost; tension, anxiety and a sense of vulnerability in the public are the other, and have affected the life style of almost every city resident.

(1) New York Times November 7, 1974

(2) New York Times November 17, 1974

The feeling of vulnerability is enhanced by the realization that defending oneself or family against such an assault is not feasible. The carrying or possession of guns or other weapons is illegal and strongly enforced. Most victims cannot interpose effective physical resistance, and are advised not to attempt to do so lest the resulting injuries be more severe. Help from onlookers when the crimes occur in public is most often not forthcoming. Bystanders are either loathe to become involved in the subsequent criminal justice proceedings, or are justifiably afraid that they, unarmed, will be injured or killed by the armed criminals.

Municipal agencies also accede to and participate in the change in life style. Central Park has been closed at night for years; some sections are accounted dangerous during the day. Pedestrians feel it necessary to avoid certain streets in high-crime areas. On entering an apartment building, one is advised to inspect corridors and elevators before entering them. Many subway entrances and passages are closed during nights and weekends. The Transit Authority advises night passengers to ride in the first cars of trains so that they can be more easily guarded by the Transit police.

In most large retail stores and similar service establishments, particularly in areas that abut high-crime neighborhoods, guards are commonplace. According to a Yankelovitch New York Times survey, 87 percent of the respondents said they were worried about walking alone on the streets at night.⁽¹⁾

Many of those who can afford to, move out of the city. Primarily white and middle-class, they number in the hundreds of thousands in New York. In the 1960s the number of whites in New York City declined by 900,000, and there was an additional decrease of 400,000 from 1970 to 1973. The gap was filled by Blacks, who increased from 1970 to 1973 by 5.6 percent to a total of 2 million, and by Hispanics, whose increase in that period was 11.5 percent to a total of 1,200,000. Blacks now compose 25 percent of the city's population and Hispanics 16 percent.

⁽¹⁾ New York Times, October 29, 1974.

Accompanying these developments there has been a steady shrinking of the city's tax base. Each municipal budget becomes more of a crisis, in which a substantial part of the solution is to cut city services, including threatened reductions in the number of police and firemen. An actual cut in such services might well accelerate the out-migration of tax payers, further depress the tax base, and generate a trend far more difficult to reverse than it now is.

How could the trend be reversed? The answer depends on which possible causes of the increase are identified. At this point it may be useful to consider, despite its controversial nature, the possibility of including as a major cause the absence of effective sanctions against crime.

iv. TO LOWER THE INCIDENCE OF CRIME, SANCTIONS WHICH CAN PREVENT AND DETER CRIMINAL BEHAVIOR SHOULD BE TRIED

This study has shown that rehabilitation services outside correctional institutions do not prevent recidivism; other studies have shown that such services within institutions do not work either. The proposal of effective sanctions does not stem directly from the data-based findings of this study or the others discussed. There has been no direct test in the past of the effectiveness of sanctions. However, the suggestion is submitted as having at least enough apparent validity to warrant a test. The apparent validity stems from;

THE CRIMINAL JUSTICE SYSTEM:

The major approach of the criminal justice system is to look for a solution to the problem within its own facilities and resources, in a variety of categories:

More Police: The police function is to prevent crime and apprehend criminals. The police⁽¹⁾ accounted for \$996 million, or 81 percent of the \$1.25 billion New York City 1972-73 Criminal Justice System budget.

COMPARISON OF THE BUDGET ALLOCATION FOR THE NEW YORK CITY CRIMINAL JUSTICE AGENCIES (2)

	Budget 1972-73 (in Millions)
Police*	\$ 995.6
Correction	115.2
Probation	23.0
District Attorneys	18.2
Courts	64.1
Defense**	9.6
TOTAL	1,225.7

* Note: Police includes Housing and Transit Police. Drug treatment and youth services amounting to \$128.3 million are not included in this table.

** Legal Aid Society and assigned counsel.

(1) Includes Housing Authority and Transit Authority police.

(2) The Criminal Justice System, The New York State Commission of Investigation, November, 1974

The total number of police⁽¹⁾ of all kinds increased from 34,359 in 1968 to 36,415 in 1974. The police are effective in reducing crime in a number of ways:

1. More Prevention: Making more police visible on the streets is one method of preventing crime. It works.⁽²⁾ Crime is reduced in areas that are heavily foot-patrolled. On the other hand, the crime may simply be displaced to streets or neighborhoods where there are no police or foot patrols. This is particularly the case in a city like New York whose transportation system allows cheap and fast movement from section to section.

In order for there to be enough policemen to cover all of the possible areas to which crime could be displaced, it would be necessary to carpet the streets with patrolmen. This is not feasible. Further, despite an increase in crime prevention functions such as foot patrol, there is yet to be a significant decrease in crime when it is evaluated across neighborhoods.

2. More Apprehension: Apprehensions are measured by clearance rates. A clearance rate is the ratio of the number of arrests to the number of complaints for a type of crime, or for all types. Clearance rates have increased for each of the four violent crimes except homicide from 1968 to 1974; forcible rate from 46 percent to 53 percent; robbery from 17 percent to 25 percent, and aggravated assault from 40 percent to 50 percent. The clearance rate for homicide fell from 93 percent in 1968 to 82 percent in 1974.

A more important factor than the clearance rate is the number of different criminals who may be represented by complaints. Before project entry approximately 30% of the clients had one or less arrests, 37% had 2-4, 24% had 5-10 and 9% had 11 or more.

(1) Includes Housing and Transit Police.

(2) The reference is to extreme cases such as that used a few years ago by the Police Department who would saturate one city block with a 8 to 10 tactical police force.

This suggests that: 1) Police probably apprehend a much greater proportion of the actual perpetrators of crime than is suggested by the clearance rate ratio -- an individual arrested for a crime may have been responsible for a larger share of the complaints for that type of crime, and, 2) The police apprehend many perpetrators several times, not just once.

The implication is that if apprehension were all it took, the present police apprehensions might significantly reduce criminal behavior.⁽¹⁾ The primary problem may not be too few apprehensions, but rather what happens after apprehension.

After being apprehended for a crime a suspect goes to court for processing of the charge. After it has been ascertained whether there are legal grounds for the charge and a trial, and there has been a determination of guilt, a sentence must be imposed that will be in the interests of justice and society. If the sentence is incarceration, there are four major justifications:

1. Retribution, or punishment for its own sake. The basis is moral or religious criteria -- an eye for an eye -- rather than law.
2. Rehabilitation while in prison.
3. Prevention, used in the sense of making it physically impossible for the person to commit additional crimes while incarcerated.
4. Deterrence, used in the sense of convincing others, through the example of the person incarcerated, that criminal behavior is not worth the risk of punishment.

(1) In other words, even if the odds of getting apprehended for a given crime are low, e.g., 1 out of 8, the client arrest records before project entry indicate that they are apprehended over a period of time for some crime or other.

Retribution has become increasingly difficult to justify in the current culture, not only for the public at large, but for court officials, as well. Rehabilitation does not work. Prevention is completely effective.⁽¹⁾ Deterrence, it is generally felt among court officials, is not obtainable through incarceration.

Incarceration by the Courts

The vast majority of those arrested are not incarcerated. Of 2,520 felony arrests for homicide, robbery, narcotics, sex crimes, hijacking and bribery during 1972-1974, 460 persons, or 18 percent, were incarcerated as a final disposition⁽²⁾. When arrests for misdemeanors are included, the incarceration rate is much lower.

The major reasons for these low rates include dismissals for legal insufficiency, failure of witnesses to appear, and plea bargaining to conditional or unconditional release.

The duration of incarceration is shortened greatly by plea bargaining. In 1974 80% of all felony cases in New York City were disposed of by the lower courts, which can only impose a sentence of up to one year of incarceration⁽³⁾.

The starkest example of the shortening of sentences by plea bargaining is that of persons charged with homicide in New York City⁽⁴⁾. A study by the New York Times of 685 adult suspects in 1973 whose cases had been adjudicated showed that 80% pleaded guilty to a reduced charge. Of those, 20% were released on conditional discharge, 28% received less than five years, and 30% less than ten years. The remaining 21% received more than 10 years. But even a ten year sentence means that most are eligible for parole in three years. These periods of incarceration for the most severe crime are far shorter than those imposed in the rest of New York State and perhaps in almost every other state.

(1) During the time of incarceration

(2) Criminal Justice Liaison Division, New York City Police Department.

(3) Marcia Chambers, New York Times, February 11, 1975.

(4) Selwyn Raab, New York Times, January 27, 1975.

Explanations by the Court: Court officials, asked for the reasons for the policy that results in either brief incarceration or none cite the following:

1. Insufficient correctional facilities to handle more persons.
2. Ineffectiveness of incarceration as a deterrent.
3. Inability of correctional facilities to rehabilitate while, in some cases, they actually turn inmates into hardened criminals.
4. The availability of an alternative in such non-correctional projects as those studied in this report.
5. Insufficient numbers of prosecutors, defense attorneys, judges and court facilities make it necessary to bargain down to non-incarceratable offenses.
6. Among first offenders, particularly from the white middle class or any juveniles, the arrest and subsequent processing, including possible detention, has been punishment enough.
7. The feeling, shared by some judges, that the Blacks and Puerto Ricans, who are a preponderance of those arrested, are the victims of an unjust and racist society. What is needed, in this view, is not punishment, but compensation for the injustice, perhaps in the form of treatment.

This policy of avoiding incarceration negates the preventive effect of imposing such sentences, and undermines whatever deterrent effect there might be. Rather than reduce crime, it is submitted that it may actually encourage crime, since it demonstrates an unwillingness or inability of the criminal justice system to react to crime with incarceration.

In addition to constitutional issues, those who justify the present policy point out there is little if any evidence to support in this country the position that incarceration has a deterrent effect on others. The evidence cited to support this position is the very increase in crimes in the past decade despite whatever incarceration has been imposed. These crimes have represented an increasing

number of criminals, particularly among juveniles. The argument is not a strong one.

To test the assertion that there is no deterrent effect from incarceration it would be necessary to suspend all incarceration and see what effect that would have on crime. It is submitted that crime might increase. The only sustainable inference from the present evidence is that deterrence, as used, has not worked as well as might be desired or needed. To this can be applied the further question, Why Not?

An answer may be sought in the means by which incarceration has been used. In that case, it might not be imprisonment itself that is at fault, but the means of application that has reduced the effectiveness of the deterrence.

Punishment

That the expectation of punishment deters human beings (and animals) from behaving in certain ways is a fundamental, and relatively non-controversial fact. It was not necessary for a Neanderthal man to experience directly the punishment he observed when a friend burned a finger in a fire. He did not do the same. Expectation of the possible punishment that may be the consequence inhibits all humans from behaviors ranging from running a red light to putting a finger into an empty electric light socket to reflexively avoiding a wasp.

(The expectation of reward can also change behavior. However, in discussing crime it is not meaningful to assert that one can expect a reward from either external or internal sources for not committing a crime - other than the reward of non-punishment).

Every known society has used punishment of some kind to deter others from committing whatever was defined as a crime. The universality of the practice over time and geography does not support the contention that deterrence has never worked. Few attributes of society are as universal, other than "rites of passage" and "grooming behavior." Also, there are very few universal attributes. Unless a practice works for a culture it is eventually modified or dropped. This has not been the case with punishment.

Experience with learning has indicated that if incarceration is to be effective as a deterrent it will have to meet the following conditions:

1. It has to be adequate.
2. It has to be immediate.
3. It has to be certain.
4. It has to be consistent.

Adequacy of punishment may be defined by duration and intensity. For purposes of criminal deterrence, confinement by detention or incarceration in New York is a horrendous enough experience to be adequate in intensity. Therefore, the problem could lie in duration.

Immediate confinement in many cases follows apprehension, particularly for serious crimes. However, in many cases there is also almost immediate release through bail, on one's own recognizance, to probation, or through diversion to some form of rehabilitation service. In any case, speed of punishment is not as important an attribute in relevance to the effectiveness of deterrence as the two which follow.

There is no lack of clarity about the current certainty of punishment. There is none. Putting aside the effect of the relatively low likelihood for certain crimes, even after apprehension there is no certainty that punishment will follow. As noted, there is much successful effort to keep detentions short, and in only 18 percent of felony arrests are there incarcerations. Stated another way, persons arrested for serious crimes can be confident that 82 percent of them will not be incarcerated, so that whatever certainty there is tends to work opposite to a deterrent effect.

Nor is there consistency in how the 12 percent are selected, or what their punishment through incarceration will be. Findings of guilt are quixotic or idiosyncratic, and sentences for the same crime under the same circumstances, for a person with the same criminal record, can vary from a few months to many years. Not only is the personality and convictions of judges a factor, but also the adequacy of the defense, the competence of the prosecution, the feeling in the community at the time about the particular crime, and whether an election is pending for the prosecutor, the judge, or both.

Conclusion

Of the four conditions necessary for effective deterrence through punishment, in the incarceration policy of the courts in New York City two are clearly missing entirely and the other two have mixed and questionable impact. Therefore, the sentencing policy needs to be changed so that the possible rewards from an anticipated crime will not outweigh the consequences of apprehension and conviction.

MODIFYING INCARCERATION TO INCREASE DETERRANCE

a. Adequacy: 1) Incarceration intensity as presently imposed, in terms of prison conditions, is probably more severe than necessary. The loss of liberty, the regimentation, the separation from family and friends is punishment enough. Cruelty, poor food, overcrowding, lack of recreation and similar often-voiced complaints by prisoners are, if they exist, not acceptable punishments. 2) Duration. The maximum potential sentences as called for by the Penal Law are probably sufficient for deterrent efficacy. As diminished by the courts and correctional institutions through plea bargaining, sentencing practices, time off for good behavior, and parole, that efficacy appears to be seriously undermined. The criterion for duration should be the maximization of deterrence of the largest number of potential criminals the greatest number of times from inflicting the gravest injuries in the most severe crimes.

b. Immediacy: The quicker the charges against a person can be subjected to determination of guilt, and, if appropriate, sentence imposed, the more effective the punishment will be.

c. Certainty: Increase of apprehension by the police, preventing the diversion of persons from confinement or prosecution prior to determination of guilt or innocence (discussed in Diversion), and mandatory incarceration following conviction, could improve the certainty of the sanctions system now in effect in so far as deterrence is concerned.

d. Consistency: To establish consistency for purposes of maximum deterrence sentencing practice would have to incorporate the following criteria for equivalent degrees of injury at each level of crime:

1. The same duration of sentence.
2. Sentence applied equally regardless of age and sex.
3. Sentence the same regardless of method of inflicting the injury -- gun, knife, chair, or fists, the resulting injury would determine the sentence.

Exceptions would be provided in three cases:

1. Sentences for juveniles would be of lesser duration
2. Sentences would be uniformly shorter for those who plead guilty. Although this violates the principle of consistency, it is a practical concession to the reality of the overload in the courts and correctional institutions
3. Persons with previous records of serious crimes would receive fixed increments of additional sentence time for each prior conviction to deter recidivism.

Implications: With consistent sentences the courts will lose the discretion to "tailor" a sentence to a particular defendant. A typical case would be a reduced sentence for a contrite, married, employed, "good risk" man convicted of a violent crime for which he had no previous arrests. To give such a defendant the same sentence as is received by an unrepentant, hostile, unemployed defendant for the same crime, who has many previous arrests but not for violent crimes, will seem to many an unreasonable proposal.

The argument in defense of uniform sentencing is that the sentence is the same as in the two cases because: the injury to the victim was the same; because the deterrent example of the "model" prisoner is just as important as the poor risk; because equal sentencing preserves consistency, and because there is justice in sentencing equally for the same act.

In actuality, the "tailoring" of sentences, as a response to differences among defendants, may be more a reflection of differences among judges than precision of judgment.

Another possible objection, in this case to the mandatory and unrelieved sentence, might cite the case of the sentenced prisoner who is genuinely rehabilitated before the full sentence is served. What social or individual utility is served, it might be asked, by keeping him incarcerated? The answer is that experience has shown there is no sure way of knowing when rehabilitation has actually taken place, and that the possible deterrent effect on others of maintaining consistency is more important than a possible injustice to someone who actually committed a serious crime.

Increasing the effectiveness of incarceration by the various methods discussed in this section could result in a very significant decrease in violent crimes over time. However, it should be stressed that these proposals are neither intended nor offered as a solution to violent crimes. We know of none.

Conclusion: It is submitted that in order for the incidence of violent crimes to be lowered, it will be necessary to implement an effective policy of deterrence. For a policy of deterrence to be effective, there should be an increase of the adequacy, immediacy, certainty and consistency of both detention and incarceration.

V. DIVERSION, AS PROVIDED BY THE PROTECTS, HAS ADDED TO THE INCREASE OF CRIME

For most arrests, between apprehension and the various steps in the court procedure that culminates with release or sentencing, the law required that the defendant would be held in detainment until the court procedures were concluded. Over time, this practice was modified in a variety of ways to accommodate the system's inability to house as many people as were being arrested, the courts' inability to process those cases expeditiously, and the burden imposed on citizens by having to wait for long periods in inadequate facilities until their cases could be heard, and because it was obvious that there was no need for it in many cases.

Accommodations have been release to the recognizance of others, release to one's own recognizance, bail, or bond. The objective has been to assure the appearance of the defendant at the next step in the justice process.

As the practice of these diversions from detention was expanded and became more institutionalized, it began to become apparent that an attribute of detention was being lost. It had been overlooked because it was automatic so long as detention was automatic. This attribute was detention's ability to prevent crime. In addition to assuring that a defendant would appear at the next court date, detention also assured that between arrest and that court appearance the defendant would not commit another crime. The loss of this attribute was brought forcibly to the attention of cjs officials when it became evident that this sort of recidivism was increasing markedly. The result has been an as-yet-unresolved constitutional and moral dispute among lawyers, corrections officials, and social theorists over a concept known as "preventive detention." It would detain defendants identified as recidivist risks not only to assure their appearance for trial, but also to eliminate the possibility of their recidivating in the period between arrest and final disposition of the charge against them.

Meanwhile, with diversion firmly established as a court practice in the ways

mentioned above, other advantages of the application of the principle came to be recognized. Certain classes of defendants, such as alcoholics or minor first offenders, were a problem to the courts both in terms of numbers and because the resources available to the courts were obviously not suited to a constructive resolution of the problem. To remove such defendants from the system and to provide a better service, the courts adopted the practice of diverting them from prosecution to service facilities where, presumably, they could receive more effective help. As this practice became institutionalized, it was seized on and expanded by those who saw criminals as essentially sick people to include persons charged with more serious crimes. Included among them have been many with long and severe criminal histories.

Also expanded were the points at which the diversion of such defendants could take place in the criminal justice process, so that now there can be diversion not only from pre-trial detention, but also from prosecution and from sentencing and incarceration.

The courts were inclined to look favourably on the new applications of the diversion principle because they had become inundated with criminal cases. There were insufficient court facilities for processing the cases, and insufficient resources to which the courts could sentence those found guilty. One result was that the courts began to expand their own diversion practices, as well as accept those of outside agencies.

An example is the discretion given prosecutors, at the earliest court contact with a case, to refuse to draw up a complaint and, in effect, dismiss it. This "343"⁽¹⁾ process is, in New York City, theoretically limited to cases of legal insufficiency of evidence, but in practice is exercised with wider latitude. At later stages the prosecutor can decide not to press a "technical" felony charge and, with the court's permission, reduces it as a diversion from prosecution. Judges are involved to the extent that they sanction such practices.

(1) The designation of the form used by prosecutors to record this.

This virtual explosion of diversion practices and applications had to be accompanied by an equivalent explosion of facilities to which defendants could be diverted, when that was called for. The "diversion projects" included in this evaluation are typical of the effort to provide such facilities, although some programmatic models are not represented among them. In general, when this evaluation refers to "diversion" as a practice, the reference is to the diversion of persons charged with relatively serious offenses from detention. Also, although among the projects there was representation of diversions from almost every stage of the criminal justice process, the evaluation's focus was on diversion from detention and prosecution rather than from incarceration, after sentencing.

As was the case with the more generic applications of diversion to pre-trial detention, the operations of these projects also had unforeseen effects that included the counteracting of two inhibitors of crime -- prevention and deterrence.

By diverting from detention, the diversion projects have physically freed some individuals to commit crimes that could not have occurred if they were in prison -- primarily an anti-prevention effect. By immunizing from prosecution and sentencing some individuals who would otherwise have been incarcerated, there has been primarily an anti-deterrent effect. The latter applies to those others who might have been deterred from crime had the prosecution, sentencing, and incarceration occurred and provided an object lesson.

The net result may well have been one of the factors contributing to the obvious and well-documented increase in crime over roughly the same period. Nevertheless, many persons continue to espouse diversion not only on theoretical or philosophic grounds, but from a conviction that its over-all effect has been a positive one. It is informative to investigate the sources of this belief.

Was Diversion Successful? Initially, the expanded diversion was applied primarily as an alternative to pre-arraignment detention, and only in a smaller number of cases an alternative to pre-trial detention. Success was judged primarily by whether the diverted individual appeared in court on the date specified. When rated in this fashion the practices have been considered a success.

The Pretrial Services Agency, for instance, in an operations report for Brooklyn dated December, 1974, reported on 12,637 releases on recognizance at its recommendation, for 30 days, at arraignment, and 3,249 persons released in the same fashion after arraignment. The percentage of those who failed to appear at their next scheduled appearance was 7 percent of the "at-arraignment" cases, and 11 percent of the "post-arraignment" cases. These percentages are considered highly acceptable and a demonstration of successful performance by the project.

Later, as the policy of diversion was expanded to include diversion to probation or to rehabilitation services, success was measured in terms of adaptation and attitudes as determined by the probation workers, or similar observational measures of rehabilitation. Adherents publicized these successes and these forms of diversion also became popularly recognized as effective criminal justice strategies. It was these reports that well may have contributed to the Congress' decision in its 1974 amendment of the Safe Streets Act to include diversion by name, as a method to be employed in dealing with juveniles.

The question of whether diverted individuals who were appearing for court and probation appointments were also committing additional crimes had occurred to some investigators, but it became very difficult for them to seek answers. They encountered strong resistance from the legally-trained staff members of diversion projects, who insisted that the only legally-acceptable criterion for success of diversion was appearing in court, or positive ratings in probation or rehabilitation programs. Since the investigators were responsible to the administrators of these

projects the view prevailed; measurement of criminal activity was not permitted in early evaluations of the projects.

Only very recently has there been a change in this position, and there is still a paucity of information about arrests, or any other measure of criminal behavior, during the period of diversion, which has come to be known as the "time at risk".

RECENT MEASUREMENT: This evaluation attempted one such measurement. The projects which provided primarily diversion services included Neighborhood Youth Diversion, Protestant Board of Guardians, Alternatives to Detention-Probation, Alternatives to Detention- HRA, Morrisania Legal Assistance, Probation-Urban League, and ASA Court Referral. The first five were for juveniles 7 to 12 years old. The rest were mainly for 16 to 18-year-olds, and some took older clients.

The attempt was to measure only that period during which a client clearly would have been in detention or incarceration were it not for the diversion. A pilot study was done of ATD-Probation and ATD-HRA. The effort was unsuccessful because it was not possible to determine "time at risk" as it had been defined. The only clear finding was from the main study, and it showed that the clients in these projects, all juveniles, had high recidivism rates.

Another evaluation, by the Vera Pre-Trial Services Project, studied two groups and produced some preliminary results.⁽¹⁾ One group, released on recognizance (ROR), consists of 138 persons from the Manhattan Criminal Court. The other is of 46 ROR cases from the Manhattan Supreme Court.

Of the Criminal Court cases, approximately 9 percent were arrested one or more times during the average of 60 days between their release through diversion and the final disposition of the case by the court. Some 75 to 80 percent of the arrests were for felonies. For the Supreme Court cases, where the average between

(1) Personal communication with Jim Thompson, Research Director, Vera Pre-Trial Services Project, March, 1975

release and trial was 260 days, nine of the 46, or 19 percent, were arrested one or more times.

These figures show clearly that diversion, in lieu of detention, adds to the crime rate.

Diversion from detention or prosecution of fairly high-risk recidivist groups of clients is common. In this evaluation, for example, the juveniles in diversion projects included 33 percent who had 2 to 4 arrests prior to project entry, 7 percent with 5 to 10 arrests, 1 percent who had 11 or more, and the rest had 1 or less arrests. One predictable result was the extremely high recidivism rates, number of arrests, and number of violent crimes in that group.

Such results, along with those of the groups in the Vera study, reflect the ineffectiveness of diversion as a preventive for those directly involved. For those on the streets who are not directly involved, but are aware of these outcomes, particularly among juveniles, there has been verification of their estimate that the chances of detention or incarceration at their age, regardless of number and severity of previous crimes, are close to zero.

NET EFFECT: Despite these adverse findings in criminological terms, it would be a miscalculation to overlook the positive results from diversion, and to compare the two.

Benefits from Diversion have accrued to the courts, the correctional facilities, and considerable numbers of persons diverted. The great majority of those diverted are not arrested during the period of diversion. The courts and the correctional facilities are relieved of the physical presence and the paper work relating to a substantial number of persons. In theory, at least, this should permit the courts to pay more attention to more serious cases and to dispose of them with more care. Since this more efficient court system should be focusing on cases involving violent crime, hopefully the better administration of the justice system should contribute to the prevention and control of serious crime.

Deficits from Diversion accrue from those perpetrators of serious crimes who are diverted; undermining deterrence for others, and thus adding to the number of serious and violent crimes committed. This increment of crimes brings more defendants to the courts, increases the receptiveness to pleas for diversion, generating an upward spiraling cycle of crime, particularly violent crime.

Conclusion: The present form of diversion service provides benefits that should not be discarded. When restricted to those persons who represent the lowest risk of recidivism for violent crimes, they will benefit and the courts will be freed to concentrate more on maximizing deterrence for those who represent a higher risk. Such services should be continued. However, those services which now divert the persons who are high recidivism risks should be prevented from doing so, and those services should be eliminated.

PROBLEMS IN IMPROVING DIVERSION: A major problem is deciding who to divert. Most judges who feel virtually certain from the criminal history, that a defendant will recidivate in violent crime, will not divert. The problem is that in reality the prior criminal history will not predict violent crime recidivism accurately enough to justify its application to decisions about an individual. Identifying the "bad guys" is desirable but not feasible.

Identifying Candidates: Among the eight evaluated projects offering diversion services there were twenty client groups at different ages and levels of severity of prior criminal history.⁽¹⁾ The eight client groups who had the most severe arrest histories prior to project entry also had the highest recidivism rates which ranged from 53 percent to 62 percent. These results suggest that many "bad guys" are not identified by the judges.

The evaluation established that there is a significant relationship between a history of violent crimes prior to project entry and recidivism to violent crimes after project entry (p.92). However, that relationship is not linear.

(1) Projects 1, 2, 3, 4, 5, 6, 7 and 13 Table 13 , p. 92 .

Therefore a prediction about violent crime recidivism can be made with reasonable accuracy for groups, but not for individuals. In other words, how an individual with some sort of criminal record will behave in the future from data on percentage occurrence in a group of which that individual is a part cannot be predicted with accuracy from our data.

Variability of Judges: Another problem is that judges vary enormously in how they decide whom to divert, depending on the judge's background, legal experience and philosophy, and attitude toward rehabilitation. Partridge and Eldridge demonstrated that a group of 50 judges, when presented with the same presentence reports, handed down extremely disparate sentences.⁽¹⁾ In 16 of 20 cases there was no unanimity about whether incarceration was appropriate and, where prison terms were imposed, they differed widely. In the most severe case the sentences ranged from three years imprisonment to 20 years and a \$65,000 fine. In the least severe case the sentences ranged from a \$1,000 fine to a year's imprisonment with a \$1,000 fine.

Attitude About Incarceration: Many judges consider incarceration as non-rehabilitative and crime-encouraging. They also doubt that it deters others from crime.

Legal Controversy: The legal controversies relevant to diversion cannot be separated from the legal controversy over preventive detention. They have become the polar opposites of the same question: Should individual or public considerations be paramount?

(1) Partridge, Anthony and Eldridge, William B., "The Second Circuit Sentencing Study, a report to the judges of the Second Circuit," Federal Judicial Center, August, 1974.

The constitutional rights of: non-excessive bail, due process, and the presumption of innocence are among the most important arguments raised against using pre-trial detention to prevent additional crimes.

However, the harm to the public safety from releasing high-risk recidivists has become clear and preventive detention has been legislatively proposed in many jurisdictions. It has been enacted in the District of Columbia where hearing required by the due process clause to establish the potential public harm if the defendant is released are part of the procedure. These have proven to be cumbersome and time consuming proceedings.

The alternatives, then, are changing the law, with the attendant constitutional and political difficulties or amending the Constitution.

Misuse of Existing Law: To the extent that the "343" process (p.135) is properly used by a prosecutor it is a helpful procedure and should be retained but, like any procedure, it is subject to misuse. Since it already calls for certification by the prosecutor of the impropriety of the charges being dismissed, the problem seems to lie in the area of appropriate policing of those certifications to maintain standards.

A more serious issue is the utilization by prosecutors of their discretionary power to recommend reduction of charges on grounds of legal insufficiency as part of plea bargaining. The power was not granted for that reason, and its misuse tends to undermine the preventive and deterrent impact to the criminal process.

For judges the principle misuse is the reduction or dismissal of violent crime charges, as a result of plea bargaining, when the evidence supports the felony charged.

Another problem arising from the practices of judges is the extent to which some of them now accomplish the effect of a preventive detention policy by using

existing bail criteria, which permit inspection of prior criminal history. In a case with a prior arrest record, for example, some judges find that substantial sentence on the pending charge is likely and risk of flight great. They impose bail so high that it cannot, in most cases, be raised, and detention becomes the alternative. The utility of this approach is compromised by the ability of the affluent to circumvent it, and the consequent injustice to the poor.

Administrative Solutions: Certain administrative solutions to problems with diversion might be applied, both by agencies funding diversion programs and by the courts and probation departments that refer to them. However, the problem is that issues relevant to diversion have taken on political overtones which inhibit the rational determination of policy by administrative mandate.

WHAT CAN BE DONE?

Identification: Very little appears to be feasible in terms of improving the objective accuracy of a judge's or prosecutor's decision about diversion for an individual defendant. It may be "illegal" according to the previously discussed constitutional issues, to use the criteria that might enhance accuracy, i.e. prior criminal history. But even if it were possible the accuracy might be too inadequate to justify applying the decision to an individual.

Modifying Diversion Goals: The objective of reducing the incidence of violent crime should be made primary for diversion, as well as for projects. Using this as a yardstick, insofar as it applies to the defendant and to others, the basis for decision would be eased.

Persons charged or with a past history of violent crime would be considered a high risk of recidivism in violent crime. The decision would not be on an individual basis; the entire group would not be diverted from detention as a matter of policy. But the disposition of such cases would be accelerated. The innocent would be released; the guilty would receive mandatory sentences. Prevention and deterrence would be maximized. Also, the four criteria for effective punishment, adequacy, immediacy, consistency and certainty would be satisfied.

Preventive Detention: Clearly, one implication that flows from the recognition of the need for such an approach to diversion is the need for a policy of preventive detention in cases involving violent crime. The evaluation results quoted (pp 138,139) seem to support the need for the establishment of preventive detention in New York City.

The Law: Substantial constitutional roadblocks can be thrown up against a preventive detention scheme, particularly one which would use prior arrest records as the basis for pre-trial detention.

If the Constitution cannot be interpreted to allow the detention of those likely to commit violent crimes, then can it effectively allow the quarantine (detention) of a carrier of bubonic plague? The analogy between serious injury caused by contact with recidivating criminals and serious injury caused by contact with disease carriers is obvious. If one can be constitutionally contained so can the other; if they cannot, then perhaps the fault lies in the Constitution and not in its application.

Correcting Misuse of Law: Legislation could be drawn to severely limit the power of the courts and the prosecutors to reduce charges of serious violent crimes. Such statutes could require detailed factual statements on record to support any dismissal or reduction of serious violent crimes. The statement would have to contain an allegation of the evidence available and why that evidence was found insufficient to support the felony charged.

With such statements on record, meaningful judicial or other monitoring scrutiny would be possible, and be mandated by the legislation. Thus, the person responsible for requesting, or consenting a reduction of charge could be made accountable to the public for the act.

A similar monitoring approach could be used to control improper practices in the use of bail.

Legislation could also require, in keeping with a legislative intent favoring prevention and deterrence as the bases for sentencing in cases of violent crime, that judges account for these two factors in their decisions. When reducing or dismissing a charge, a judge would be required to state for the record the ways in which he perceives the action as fulfilling the requirements of prevention and deterrence of crime.

Administrative Changes: The funding agencies responsible for the creation and/or supervision of diversion projects could impose as policy that such programs will neither recommend for diversion nor accept from diversion a person with a past or present arrest record of violent crime.

This policy could be implemented with respect to the projects whether the recommended court and legal changes are or are not put into effect. It could be imposed by CJCC as a policy for projects in the city, by the New York State Division of Criminal Justice Services as a policy for New York State, or by LEAA as a national policy.

The courts could cooperate administratively by withholding recognition from projects that do not meet these criteria. Since the projects have no legal existence, being purely administrative in creation, they might well be controllable by restructuring court utilization of their services. By refusing to approve diversion to non-approved programs, or the dismissal of charges on the recommendation of non-approved programs, the courts could assist the reorientation of project objectives.

To the extent that they exercise policies independent of the courts, the orientation toward diversion could also be adopted by or mandated for probation departments and agencies.

~~CONCLUSION:~~ The present practice of diversion results in the release of persons with a high potential for violent crime during the diversion period. This contradicts the crime-reduction intent of the Safe Streets Act by increasing violent crime and reducing prevention and deterrence. Therefore, the funding of this practice by LEAA is not justified in its present form. Persons with a high potential for violent crime should be barred as candidates for diversion.

Funding, refunding, or continuation of existing projects that provide diversion should be made conditional on their not recommending or accepting for diversion any person with a past or present history of violent crime.

VI. HIGH JUVENILE CRIME STEMS PRIMARILY FROM CJS POLICIES

In 1973, in New York City, 4,459 juveniles 15 years of age and younger were arrested for robbery, 1,154 for felonious assault⁽¹⁾, 181 for rape and 94 for murder. This was an increase for the violent crimes, from the prior year of about 2% for robbery, 21% for felonious assault, 19% for rape, and 29% for murder.

The evaluation found that criminal recidivism among juveniles was highest in magnitude and severity of any of the age groups. In the group aged 13 to 15 arrest recidivism after project entry was 51 percent, there were as many arrests of the recidivists as there were clients, the proportion of all arrests accounted for by violent crimes was one out of three, and the arrest rate after project entry for violent crimes was 21 percent. The findings were in keeping with those of other reports nationwide.

In the search for an explanation, correlations have been established between juvenile crime and such environmental factors as broken homes, poverty, minority-group status and low educational achievement. However, the severity of these factors has generally not increased in the last five years and juvenile crime has, diminishing the usefulness of these factors as explanations.

In the search for counter-measures the emphasis has been on the provision of remedial education and counseling by paraprofessionals of similar backgrounds including programs funded by LEAA, as directed by the 1974 amendment of the Safe Streets Act. This evaluation and others have shown that this approach has neither reduced crime nor prevented it from increasing.

⁽¹⁾ Gerald Astor, What to Do With the Violent Young?, New York Times, November 17, 1974

The practices of the criminal justice system in relation to juveniles appears to be a better explanation. The system has adopted as a basic premise that juveniles are children, and therefore not legally responsible for their acts and should be treated accordingly. The confluence of this and the current highly-permissive theories about maximal conditions for child development combined to produce an operative policy in which cjs reactions to juvenile delinquency are minimal.

In the discussion that follows points are raised that are similar to those discussed in the section on Deterrence, but although similar they are treated separately because they are qualitatively different in two ways: 1) the same legal and administrative problems are more extreme when they involve juveniles, and 2) the results of juvenile crime are proportionately more costly to society.

Delinquency: Legally a juvenile whose behavior would be criminal in an adult is not a criminal, but a delinquent. The behavior that defines delinquency is not limited to mischief. It runs the full gamut of criminal behavior up to and including homicide. The reaction of the justice system to delinquency is a totally separate set of procedures and concepts which replace or modify trial, prosecution, and publicity. Only occasionally that system imposes minimal confinement in special facilities.

For many offenses juveniles are not arrested, but are given YD-1 cards (21). Jurisdiction is in the Family Court, where most delinquents are placed on probation or diverted to projects. Detention is employed, but only in the most extreme cases.

With recidivism high among those juveniles who appear in court, many of them go through the arrest-and-release process a number of times before incarceration is invoked. In the evaluation population 13 to 15 years old, 59 percent had been arrested not more than once before being diverted to a project. But, 34 percent

had been arrested two to four times, 6 percent had been arrested five to nine times, and 1 percent had been arrested 10 or more times.

Punishing Delinquents: Policies for punishing delinquents have paralleled their special legal treatment. The delinquent is a child for purposes of legal disposition of charges, and he is also a child in relation to punishment.

The maximum sentence for a juvenile is 18 months(1) in a Youth Correctional Center which holds sole discretion on the actual length of the stay(2) Reportedly, dangerous and violent teenagers have been released in six to eight months with the explanation that after this length of time a child "... is not motivated to stay." (3)

Thus, the total orientation in the response to delinquency is the delinquent. Largely lost in the process has been any consideration of the requirements of the victims, and of potential victims in the future. In the hope of achieving humane rehabilitation of delinquents through alternatives to incarceration, the health and welfare of the public has been jeopardized, while social and educational theorists search for a "cure" for delinquency.

There is a prevalent assumption that there is in fact a "treatment" that will "cure" whatever caused a juvenile to commit a crime. That assumption is not justified to the extent that the treatment, consisting of the rehabilitative services of remedial education and counseling, does not affect the criminal behavior of juveniles, as shown by our results and other studies.

The contention from such findings that they indicate the need for even more services of this kind, provided even more intensively, is based on an underlying assumption among those who favor the "treatment" approach. This is that juveniles

(1) Except for those 15 to 16 years of age who commit an A or B class felony.

(2) Ibid p. 149

(3) Skyrocketing Juvenile Crime: Are Stiffer Penalties the Answer? p. 37, New York Times, February 21, 1975

inherently require broader and more intensive services than adults because they are still at sufficiently malleable stages of development for services to be significantly more effective. Studies of such intensive programs for juvenile delinquents have not shown that such programs are significantly more effective; however.

To the extent that juvenile delinquents can be shown through proper diagnosis to be suffering from a definable mental illness, they should be provided as appropriate and skilled a treatment as accredited mental health practitioners are in a position to offer. It does not seem likely, however, that a blanket assumption that all juvenile delinquents suffer a form of mental illness susceptible to a cure will be a useful approach to the problem of the high rate of violent juvenile crime. Until some other means of controlling delinquent behavior is demonstrated to be more useful, incarceration should be used. Although the primary objective is to safeguard the welfare of those in the public who are the victims of violent crime by delinquents, it should not be overlooked that, particularly for juveniles, incarceration can be in the delinquent's own best interest. It allows a maturation period during which consequences of delinquency much worse than incarceration cannot occur.

A number of basic steps will have to be taken within cjs to provide the conditions under which a coordinated program of effective incarceration for juveniles guilty of violent crimes can be instituted. They are:

- 1) The schedule of mandatory sentences proposed elsewhere in this report for adults should be made applicable to 13 to 15-year-old juveniles for violent crime, but still within the jurisdiction of the Family Court. The only modification would be a reduction of the sentences.

- 2) The State Division for Youth, which has jurisdiction over incarcerated juveniles and now has the discretion to release them at will, should be required

by legislation to observe any sentences imposed by the Family Court.

- 3) The current practice of not making records on juvenile offenders available to the criminal and supreme courts, which complicates a system of mandatory sentences with increments for prior offenses, could be altered to make such records available when defendants come under the jurisdiction of adult courts, and to assure that juvenile records are preserved for this purpose.

- 4) Judicial decisions regarding juveniles, as well as decisions regarding adults, could contain required sections on the justification, in light of the evidence, for a decision to dismiss, or reduce a charge and also to justify these acts or a sentence in terms of prevention and deterrence.

The position that mandatory incarceration for periods of several years is an uncivilized and cruel form of punishment is answerable by these considerations:

- 1) The punishment, i.e., incarceration, is not for the sake of retribution, but to safeguard the welfare and health of other children and adults.

- 2) Cruelty, in the sense of the institution in which the child is incarcerated, depends on the conditions that exist there. Correctional facilities for children should have every facility that a wealthy society can provide in terms of ample education, counseling, and recreation so that individual development will not be impeded. The only important qualification is secure physical confinement.

If those arguments are not compelling, consider the child who has contracted a communicable and virulent illness similar to smallpox. Upon diagnosis the child is immediately quarantined and physically confined and isolated from any contact with others. It does not matter that the child was not "responsible" for catching the illness, was undereducated, a member of a minority group, a basically good child, a child who would never catch the illness again, and a child whose constitutional civil rights were violated by not following due process before confining him. None of these matter. The only thing that matters is that everyone agrees it is absolutely essential to incarcerate that child until he is no longer in a position to threaten the health and welfare of others. If the illness were

communicable for eight years, the child would be "incarcerated" or quarantined for eight years.

In principle, it is submitted that the health of potential juvenile and adult victims of crime is as good a criterion for physically confining a delinquent as the health of potential victims of a communicable disease is the reason for quarantining a child.

The safeguarding of the happiness and well-being of a delinquent child is ethically and legally a necessary societal responsibility. It also applies, however, to children who are the victims of the delinquents. Their wellbeing is equally precious. There can be no justification for sacrificing the wellbeing of the victim, or for lack of deterrence many potential future victims, in an attempt to promote the wellbeing of an individual delinquent.

If the law is such that it prohibits the application of this principle as justification for the incarceration of a child, then that law may not be compatible with and may contradict the goal of the safety of the public.

Conclusion: Because the prevention of criminal behavior does not occur and there can be little, if any, deterrent effect on the criminal behavior of other juveniles, the unwillingness and/or inability of the court to punish delinquent violent behavior with incarceration may accelerate the commission of crimes. This state of affairs is not compatible with the LEAA goals of reducing the incidence of crimes and safeguarding the welfare of the public. Unfortunately, it also appears to contradict the express mandate of the Safe Streets Act to increase the diversion of juveniles and decrease incarceration.

Unless appropriate changes in law and cjs practice, are made, there seems to be little prospect of any reduction of the inordinately high rate of violent juvenile crime.

VII. EDUCATIONAL, VOCATIONAL AND COUNSELING SERVICES SHOULD BE CONTINUED UNDER OTHER AUSPICES

The finding that the projects' educational, vocational and counseling services did not have the desired criminological effect does not, of itself, answer the question of whether those services ought to be undertaken or continued for the population studied.

The evaluation's answer, based on its experience, is that every effort should be exerted, for legal, logical and ethical reasons, to assure that the provision of such benefits is not linked to whether the recipient is a criminal. The societal obligation is to provide such service on the basis of need, to criminal and non-criminal alike.

The source of the funding of such service, however, should not be a crime prevention and control agency. Government departments exist for the management of vocational, educational, and health concerns. They are the most appropriate places for the determination of needs, priorities, and the allocation and management of funds for such purposes.

Whether these or such projects are the best way to deliver the services is a different question. The comparison of projects and other service deliverers, such as schools and hospitals, to see which is more effective, is an evaluation task. It should be the responsibility of the appropriate agencies for funding such projects.

RECOMMENDATIONS

RECOMMENDATIONS TO CJCC

1. Appropriate non-LEAA sources of funds for the provision of educational, vocational and counseling services should be identified so that even more of such services can be provided to persons in the criminal justice system with emphasis on those who are incarcerated. Contact between the cjs agencies and the non-LEAA funding sources should be aided by CJCC, which should then coordinate activities involving non-LEAA grantors and cjs grantees.

2. CJCC should not use LEAA money for the actual funding of these types of service programs.

3. Small LEAA-funded grants for the identification of non-LEAA service-funding agencies and for the liaison functions by CJCC between grantors and grantees should be considered.

4. It should be stipulated that no CJCC-funded project providing diversion services to the cjs be allowed to recommend the diversion of, or accept from diversion, any person with a present or past arrest for violent crime.

END