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MISDEMEANANT PROBATION PROJECT

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## INTRODUCTION

Alaska statutes provide that probation officers, who are staff of the Division of Corrections, shall provide presentence reports and supervision services to the Superior Courts. These services are not provided to the District Courts, except in instances where "bush" probation officers, with relatively small caseloads, are able to provide coverage of this type. In urban areas, high probation workloads have traditionally precluded the extension of services to the District Court, except in very rare instances where the need for supervision is considered of extreme importance. District Court judges have long expressed a need for probation services, feeling handicapped in terms of the ability to provide either well-informed sentencing, or supervision after sentencing.

The Misdemeanant Probation Project was designed as a pilot project with the aim of meeting these needs by providing quality probation services to misdemeanants. Prior to implementation of the project, a planning committee was formed and included representatives of both the Court System and the Division of Corrections from Anchorage, Fairbanks, Juneau and Ketchikan. This committee was formalized as an Advisory Committee on Misdemeanant Probation to provide support, direction and continuity to the program.

A major assumption underlying the project was that if selected misdemeanants were given service on a pilot basis, it would be possible to prevent a portion of these individuals from further criminal offenses, and thus to reduce future felonies among individuals in a group of selected misdemeanor crime categories.

Nine target categories of offenses were selected by the Advisory Committee for inclusion in the project, as follows: (1) reduced felonies; (2) assault cases; (3) sex offenses; (4) selected traffic offenses; (5) petty theft cases; (6) selected drug offenses; (7) other crimes implying moral turpitude; (8) uncommitable mental health problems; and (9) any misdemeanor matter on which the court may require information because of unique or unusual aspects of the case.

Implementation of the project began in the fall of 1973; a two-week training session was held during October, and included project staff, a variety of guest speakers, Central Office staff and District Court judges, who attended selected sessions. One aspect of the training was the design of a short-form presentence report to be used by the project (see Appendix A). Project staff began to accept referrals from the District Courts immediately upon completion of the training.

The project began with three probation officers in Anchorage, three in Fairbanks, and one in Ketchikan. Staffing patterns remained at that level until August of 1975 when the Ketchikan Unit was terminated because of funding problems, and a probation officer in the Fairbanks Unit resigned and was not replaced. In September, an officer in the Anchorage Unit left and was not replaced.

#### PROJECT EVALUATION

The basis for evaluation of the project was spelled out in its major objective:

The Misdemeanant Probation Unit will reduce felony referrals to the Division's field service unit by 5% at the end of a planned two year project period or by the end of August, 1975.

When research staff tried to operationalize this objective, several problems became apparent. First, "to reduce felony referrals" implies the existence of a baseline measure which did not exist, and which would be impossible to establish on an ex-post-facto basis. Second, the effect of plea bargaining obscures the difference between felonies and misdemeanors. Clearly, some type of comparison or control group was needed to demonstrate effectiveness of the project. However, the offense categories eligible for the project, as established by the judges, precluded the possibility of creating a valid comparison group. For example, categories such as "selected drug offenses" and "any misdemeanor matter on which the court may require further information" indicated that the crucial variable would be "selection" by the judge, so that a comparison group based on offense type would not be valid.

It was apparent that the best model for an evaluation of the effect of probation supervision would be the experimental approach of random assignment to Experimental and Control groups. This model is, of course, repugnant to those who see it as denial of treatment. Further, in the case of the project, the design required assignment to experimental or control groups after sentencing. It is greatly to the credit of the District Court judges that they reluctantly agreed to tolerate this process.

Following a short "shake-down" period, the procedure of assignment to groups was as follows: The Misdemeanant Units were provided with a supply of sequentially-numbered envelopes, each of which contained a card designating whether the client was an "Experimental" or a "Control". The designations had been made with the use of a random number table.

After sentencing, those assigned to the Control group were interviewed briefly to obtain basic data, and were then told that they did

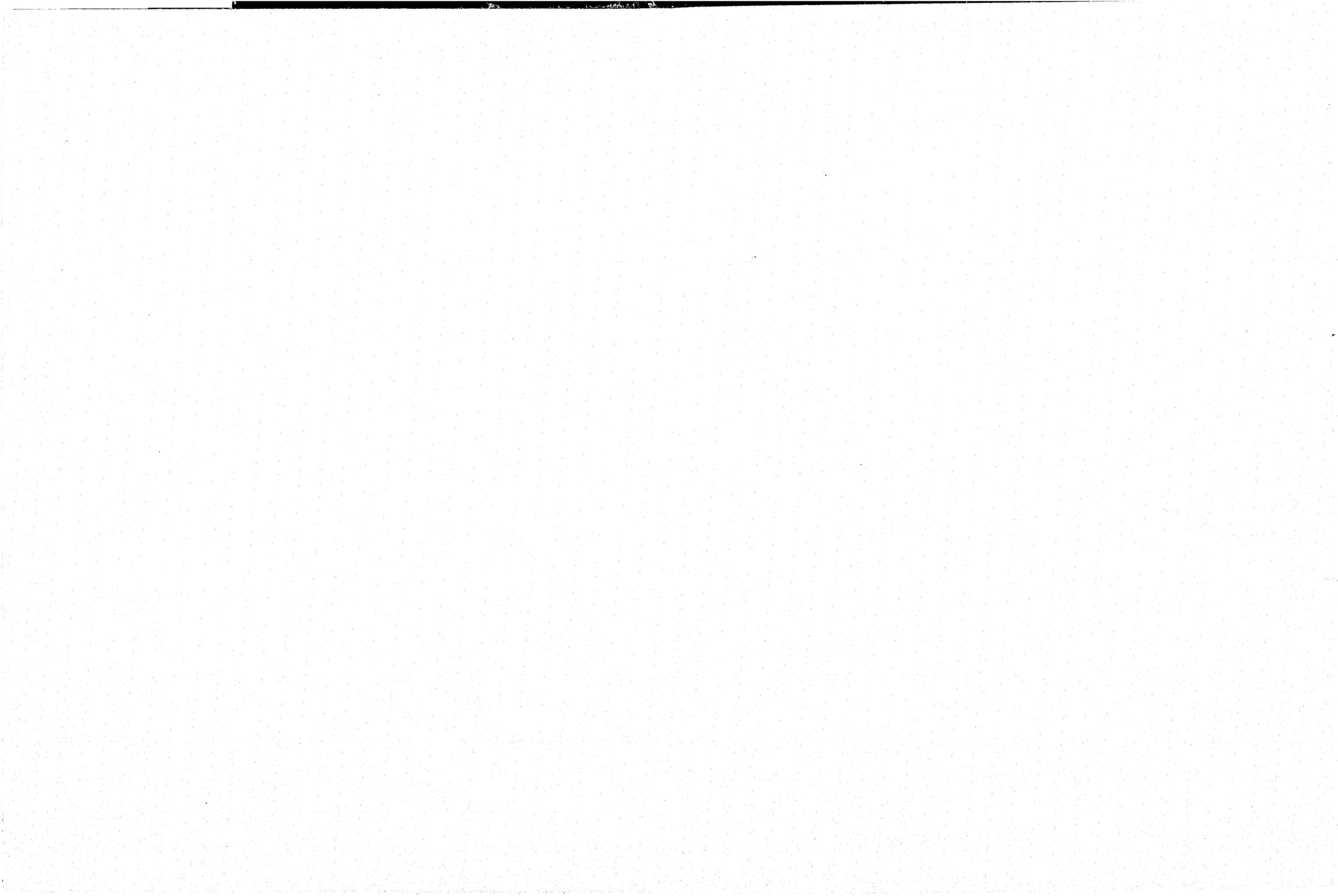


Table 1

	<u>Anchorage</u>	<u>Fairbanks</u>	<u>Total</u>
Experimental group	142	77	219
Control group	139	78	217
Presentence Report Only	148	142	290
Priority Probation <sup>1</sup>	23	26	49

### Anchorage

Appendix B contains tables showing data for the Anchorage Unit. Tables B-1 through B-5 permit a comparison of the Experimental and Control groups, and show characteristics of those assigned for presentence reports whose sentences did not include probation.

Experimental and Control groups were similar in terms of sex, race, age, marital status and education. Each group contained 77% males and a majority of Caucasians (61% of the Experimental and 71% of the Control group). In both groups, the majority (64% and 62%) are age 25 or under, and single (59% and 55%). The groups are also similar in terms of education.

Tables B-6 and 7 deal with offenses. A third of each group (31% of the Experimentals, 33% of the Controls) were first offenders. Average number of previous offenses was 3.8 in the Experimental group, and 4.0 for the Controls. The two groups are not significantly different in number of previous offenses ( $t = 0.14$ , n.s.).<sup>2</sup>

The two groups were similar in terms of type of offense for which clients were sentenced to probation, with property theft or damage being the most frequent offense type (44% of Experimentals, 38% of Controls), followed by alcohol related charges (26% and 27%).

Contrasting those referred for probation with a comparison group of other District Court cases<sup>3</sup>, demonstrated a substantially higher rate of alcohol-related offenses (41%) and a lower rate of property theft (13%) in the comparison group. This finding probably indicates

<sup>1</sup>Note that the goal of maintaining the Priority group at 5% was not met. Priority Probation accounted for 8% of Anchorage, and 17% of Fairbanks referrals.

<sup>2</sup>A significance level of .05 was used throughout the study.

<sup>3</sup>This "Co-control" group consisted of the docket following each of the first 140 cases assigned to the project. Its purpose was to see whether there were differences in offense type between those referred to the Unit and other cases heard in District Court.

utilization by the judges of the alcoholism programs which are available to them as sentencing alternatives.

Tables B-8 - 10 show characteristics of the referral or sentence. Of those sentenced to probation, 57% were sentenced following a presentence report; in 43% of the cases (49% of the Experimental group, 46% of the Controls), a postsentence investigation was carried out. A majority of both groups (63% of the Experimentals and 58% of the Controls) were placed on probation for one year; approximately a third (32% of Experimentals, 37% of Controls) were sentenced to six months probation. At the time of follow-up, 60% of the Experimentals and 61% of the Controls had been released from probation.

Recidivism, traced by means of court dockets, was used as the measure of outcome. All cases assigned during the two year period under study were traced through December 31, 1975. (The research assistant responsible for documenting recidivism did not know which cases were Experimentals and which were Controls.)<sup>1</sup>

Table B-11 shows subsequent offenses for the Experimental and Control groups, and for the group of those on whom presentence reports had been written, but where the sentence did not include probation. Twenty-one percent of the Experimental group and 20% of the Controls committed offenses subsequent to being sentenced to probation, an average of 0.34 for Experimentals and 0.33 for Controls. Average number of offenses per recidivist was 1.6 in both groups. There was not a significant difference between the two groups, nor between those sentenced to probation and cases with other outcomes.

Supplementary data is provided in Appendix D.

#### Fairbanks

Appendix C contains data concerning the Fairbanks Unit.

Tables C-1 through 5 show characteristics of the Experimental and Control groups. A majority of both groups were male (62% of Experimentals, 78% of Controls), Caucasian (68% and 56%, respectively), under 25 (75% and 74%) and single (71% and 68%). The groups were similar in terms of education.

<sup>1</sup>A reliability study including 60 randomly drawn cases which included 100 dockets, showed agreement on 99 out of the 100 dockets. The 100th case was included in the research population, and missed in the reliability check.

Tables C-6 - 10 deal with offense and referral. Because of a large number of cases in which number of previous offenses was unknown (27% of Experimentals, 29% of Controls), data concerning number of previous offenses is, at best, a rough estimate. For those cases where information was available, members of the Experimental group had an average of 1.6 previous offenses, while the average for members of the Control group was 1.0. The groups are not significantly different ( $t = 1.01$ , n.s.). Thirty-nine percent of the Experimentals and 52% of the Controls were first offenders.

For the present offense, property theft or damage was the most prevalent offense type for both groups (51% of Experimentals, 47% of Controls), followed by alcohol-related offenses (21% and 19% respectively). Sentences were most likely to include one year of probation (43% of Experimentals, 41% of Controls), or six months (32% of Experimentals, 38% of Controls). At time of follow-up, slightly more than half the clients had been released from supervision (52% of Experimentals, 58% of Controls).

Table 10 shows outcome in terms of recidivism. Twenty-five percent of the Experimental group and 23% of the Control group committed further offenses during the follow-up period, an average of 0.35 for Experimentals and 0.40 for Controls. Average number of offenses per recidivist was 1.5 for Experimentals and 1.6 for Controls. The groups were not significantly different in terms of recidivism ( $t = 0.37$ , n.s.).

Supplementary data is presented in Appendix D.

#### Summary

Probation supervision, which combines elements of counseling, referral and surveillance, is administered with the goal of reducing recidivism. In this project, the experimental group, which received supervision, was compared with a control group who were sentenced to probation, but received little or no supervision. In terms of recidivism, there was no difference between experimental and control groups in either the Anchorage or Fairbanks projects during the time period covered by this follow-up. Combining the projects, 22% of the Experimentals and 24% of the Controls committed new offenses in the period under study.

The availability of probation services is of clear value to judges in the District Courts of both Anchorage and Fairbanks (see following section on interviews). Presentence investigations permit a level of informed decision-making which is rarely available for the large number of cases handled by the District Courts. Probation supervision provides a sentencing alternative for which judges see a great need.

Both judges and probation officers can cite many instances where justice has been served, and individuals have been immensely helped by the intervention of probation officers. If there were a way to measure "quality of life", we might well find that those who received probation supervision had benefitted from the experience. The Law Enforcement Assistance Administration and the Division of Corrections, however, are charged with conducting programs which will reduce recidivism, and for this reason, recidivism was chosen as the measure of effectiveness of this project. It is possible that a follow-up at a future point in time will show results different from our present findings. At the present time, however, we cannot demonstrate that providing probation supervision to the District Court has value in the reduction of crime.

A next step in examining the effectiveness of probation might well be to study the presentence function, in terms of its value to District Court judges, its effect on case disposition, and its impact on offenders, both from their own point of view and in terms of recidivism.

## INTERVIEWS WITH JUDGES

Anchorage

During a one week period, December 4 through 11, 1975, a research assistant conducted short interviews with the seven judges of the Anchorage District Court. The purpose of the interviews was to obtain the judges' overall evaluation of the Project, to try to determine the relative merits of the presentence report and supervision functions, and to describe the type of offenders for whom judges had found the Project to be most valuable.

The judges were unanimously clear in expressing the need for the program, citing heavy caseloads, the need for presentence investigations as an aid in making informed decisions, and the value of having probation supervision available as a sentencing alternative.

The judges were also unanimous in giving very favorable evaluations to the Project. For example, "It's been very, very successful. Our personnel are very, very good. The presentence reports have been particularly valuable to us." "Excellent; good personnel, and really an aid to the court." "I think the program has been very good, and I think it has helped a great number of people who otherwise would not have had help available, because the District Court would have been short-handed or would not have had the facilities available."

The judges were specifically asked their opinions as to the value of presentence reports, and again were unanimous in giving favorable evaluations. "Presentence reports are extremely helpful.... In my estimation the Probation Officers have done an excellent job of digging or investigating, and come up with very, very thorough reports of the individual's entire situation..." Another judge noted that without presentence reports, "especially on pleas of guilty or no contest, the court doesn't have any way of knowing very much about the particular individual involved. The District Attorney usually knows less than the court..." Another said, "I think they're excellent. They help the judge. They're well done, and normally the suggestions that are found as far as recommendations are well thought out."

The judges were asked whether, if only one type of service could be provided, they would choose the presentence investigation or the supervision function as being most valuable to them. One felt that he would choose the presentence investigation because, "It's an avenue to be utilized by a judge in sentencing...because once you impose sentence, you can't change it, or it normally isn't changed." Four judges felt that if they had to choose between the two, they would choose probation supervision. As one said, "If we

get the report and we don't have the supervision, we haven't accomplished very much in my opinion." Another pointed out that without presentence reports, judges could "over-kill on the number of people they assign to misdemeanor probation," and that probation could then weed out those who did not need supervision, moving for early termination. Another judge said that he felt that the presentence reports and supervision are basically inseparable, but that supervision perhaps has more value. He pointed out that since the Probation Officers have to gather background information on a client before they can supervise him, it might as well be shared with the court. One judge specified that the two functions are of equal value and that he could not choose between them; another felt that they are "entirely different tools", and said that he didn't see any relationship between them.

There were very few criticisms of the Project. Four judges mentioned that it was understaffed and three mentioned that it should be extended to areas outside of Anchorage. They spoke of the frustration of having a case from, for example, Glennallen, for whom probation services were not available. Surprisingly, only one judge mentioned the experimental design as having been a hindrance to the program. He said, "To my mind, the greatest weaknesses are the various restrictions that are placed on the program because of where the funding came from and the design of the experiment. In other words, the things about it that bother me are the fact that sometimes people couldn't be taken, and that there's only certain people you can refer to the program." (This judge referred both to the restrictions imposed by having a Control group, and the fact that only people residing in Anchorage could be referred to the program.) Another said, "I don't know what to say as to the evaluation, but I think it (the project) is a very necessary thing. I think it's been a really great help to the court. I haven't seen the figures and I don't know just how it has worked out for the rehabilitation of defendants, but at least it's something that we never had before."

The judges were asked if there is any particular type of offender for whom they had found the Project most valuable. Three judges mentioned a rather specific "prevention" approach, describing the value of probation for first offenders (sometimes second offenders) who are young and "potential felons". Three judges described a more "rehabilitation" oriented approach, specifying family problems, emotional problems, and some drunk driving charges where alcohol problems seem to be implicated. The seventh judge specified, "...intentional crimes...one that has been thought about, and takes intention and willful act to complete it." This judge mentioned that crimes such as drunken driving are more likely to be assigned to drivers' schools than to Misdemeanor Probation. He also felt that Misdemeanor Probation was valuable for drug-involved cases.

Although the judges were not specifically asked their opinions as to the future of the Project, most of them made spontaneous comments. For example:

We're dealing with people with behavior problems that might become serious behavior problems later, and maybe we're catching them in the early stage. I think it's a bad mistake to put all your probation resources up into the felony court, after it's too late, so to speak. I think a lot of the young people we see, hopefully, are getting helped out. And if they're not, they should be. I think it's a bad mistake to do away with all probation resource in the lower court. We need that sentencing alternative.

I certainly do (think the project should be continued). I think it will improve with experience, and be invaluable to the Criminal Justice System.

If the program comes to a halt, as there's been some talk about - the funding is running out - it's going to hinder the court really. We've learned to really rely upon them for fact finding, especially for the unrepresented individual.

#### Fairbanks

Three District Court judges in Fairbanks were interviewed on January 5, 1976. Like the Anchorage judges, they were unanimous in endorsing the value of the project. One had only three months experience in District Court (and could recall only three referrals), while the other two had been on the bench at the time of inception of the Misdemeanant Unit.<sup>1</sup>

In terms of overall value of the project one said,

I've been very appreciative of the services that have been offered. I have difficulty in evaluating the success of the program based on the criteria, because I haven't seen the evaluation as to rate of recidivism. I think it's been a very helpful program as far as the courts are concerned.

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<sup>1</sup>A third judge, who had utilized the project extensively, was not available for an interview.

The other spoke of its success in terms of information-gathering, and of "excellent side benefits"....

...the ability for us to be fully informed at the time of sentencing, the ability to handle the irregular problem...by suspending the imposition of sentence to have a probation officer who can divert the person.... So, as far as I'm concerned, the side-benefits are even greater than the thing that you're statistically searching for, because this means that we can meaningfully handle misdemeanants and cut them off before they become felons, rather than wait until they become felons and then say, 'Hey, at this point we're going to try to do something about them', which was the old policy and not very smart, to my way of thinking.

Asked if they saw any particular strengths or weaknesses of the project, both of the judges with long project experience focused on what they described as the major weakness - the project evaluation.

There's a very great weakness right now, and this is the statistical gathering part, as exemplified by a case we had this morning. (The judge goes on to describe a case where restitution was ordered, but the man fell in the Control group. He had failed to make restitution, and a bookkeeper had notified the probation officer, who in turn notified the judge.) The man would have gone totally free simply because of the foolishness of taking people who should be on probation and making controls out of them, thereby saying whatever you need you can't have because we want to gather statistics. This, to be honest, is the only problem we've noticed.

Otherwise, he said, "I'm tremendously satisfied with the project. It gives us something we can really work with."

A second judge agreed that the evaluation was the weakest component of the project:

The largest weakness has been the requirement that we have the control group, thereby eliminating the possibility of services to people that we believe need the services, and by lot therefore being excluded from receipt of services.

In terms of type of offender for whom the project is most valuable, one referred to the original criteria:

I think it's particularly valuable to all the people who were involved in the original criteria that we

drew...the criteria that were originally drafted, I believe, were well thought-out and appropriate.

Another judge described two types of offenders: those committing property crimes, such as shoplifting, and people with "intense personal problems." The third judge cited "younger people, particularly...minors charged with offenses that can be tried as adults, even though they're young people and would normally be before a juvenile court."

The judges were unanimous in describing the value of presentence reports: "I would use presentence reports for every case, if I could."

One judge compared Misdemeanant probation to felony probation, and felt that,

...violations of probation...were called to our attention sooner than has been my experience with probation-type supervision. ...with the Misdemeanant probation they said, 'We mean what we say, we're going to supervise, you're going to be on probation but if you don't, we're going to do something about it.'

Asked to subjectively rate the project "on a scale of 1 to 10", two judges gave it very high ratings, while the third rated it "6 or 7" and explained,

...because of the controlled statistics, the fact that we're deliberately fouling up half the people we send to it. This is the problem. I'm not keen on experimenting with human beings, or taking a chance on making a criminal out of somebody so we can gather statistics... fifty percent of the people, we're just dumping.

He reiterated,

I think that...I've indicated...real satisfaction with the people, with the program itself except for the fact that we dump half of them and don't do anything with them, and the fact that it's a blind situation, I can't even pick the people that need it badly and say...'this guy is going to make it if he gets help for the next month or two, and if he doesn't, isn't....'

In terms of the future of the project,

...we've got to make it a permanent thing, somehow. Our caseload is such that there'd be no effective way we could back off. I don't know what we'd do if we didn't have it anymore.

Another said,

The only thing that I've got to add is that I understand that the next grant has not been approved and that the program is going to fold, and I think that's going to be a major tragedy. The courts are constantly attacked by the police, the press; but here we're in the court of original jurisdiction where most people come initially, and we're being deprived of the tools we need to work with. And, unless we have these tools, I don't know how the public, or the state government, or the federal government, believe that we're going to do anything about resolving the problems of crime.

PRESENTENCE REPORT FORM

CR# \_\_\_\_\_

COURT \_\_\_\_\_ JUDGE \_\_\_\_\_ CITY \_\_\_\_\_

Defendant \_\_\_\_\_ SS# \_\_\_\_\_

Convicted of \_\_\_\_\_ Counsel \_\_\_\_\_

Arrest Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Summons \_\_\_\_\_ Bail \_\_\_\_\_ Present Location \_\_\_\_\_

Original Charge \_\_\_\_\_

Pending Charges \_\_\_\_\_

DOB \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Age \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ Length \_\_\_\_\_

Previous Address \_\_\_\_\_ Length \_\_\_\_\_

Marital Status \_\_\_\_\_ Resides With \_\_\_\_\_ No. Children \_\_\_\_\_

Sex & Ages \_\_\_\_\_ Provides Support For \_\_\_\_\_

Occupation \_\_\_\_\_ How Long \_\_\_\_\_ Wage \_\_\_\_\_

Present or Most Recent Employer and Address \_\_\_\_\_

No. Jobs in Past Two Years \_\_\_\_\_ Months Unemployed Past Two Years \_\_\_\_\_

Residence: Own \_\_\_\_\_ Rent \_\_\_\_\_ Lease \_\_\_\_\_ Payment/Month \_\_\_\_\_

Highest Grade Completed \_\_\_\_\_ GED \_\_\_\_\_ Special Educ. \_\_\_\_\_

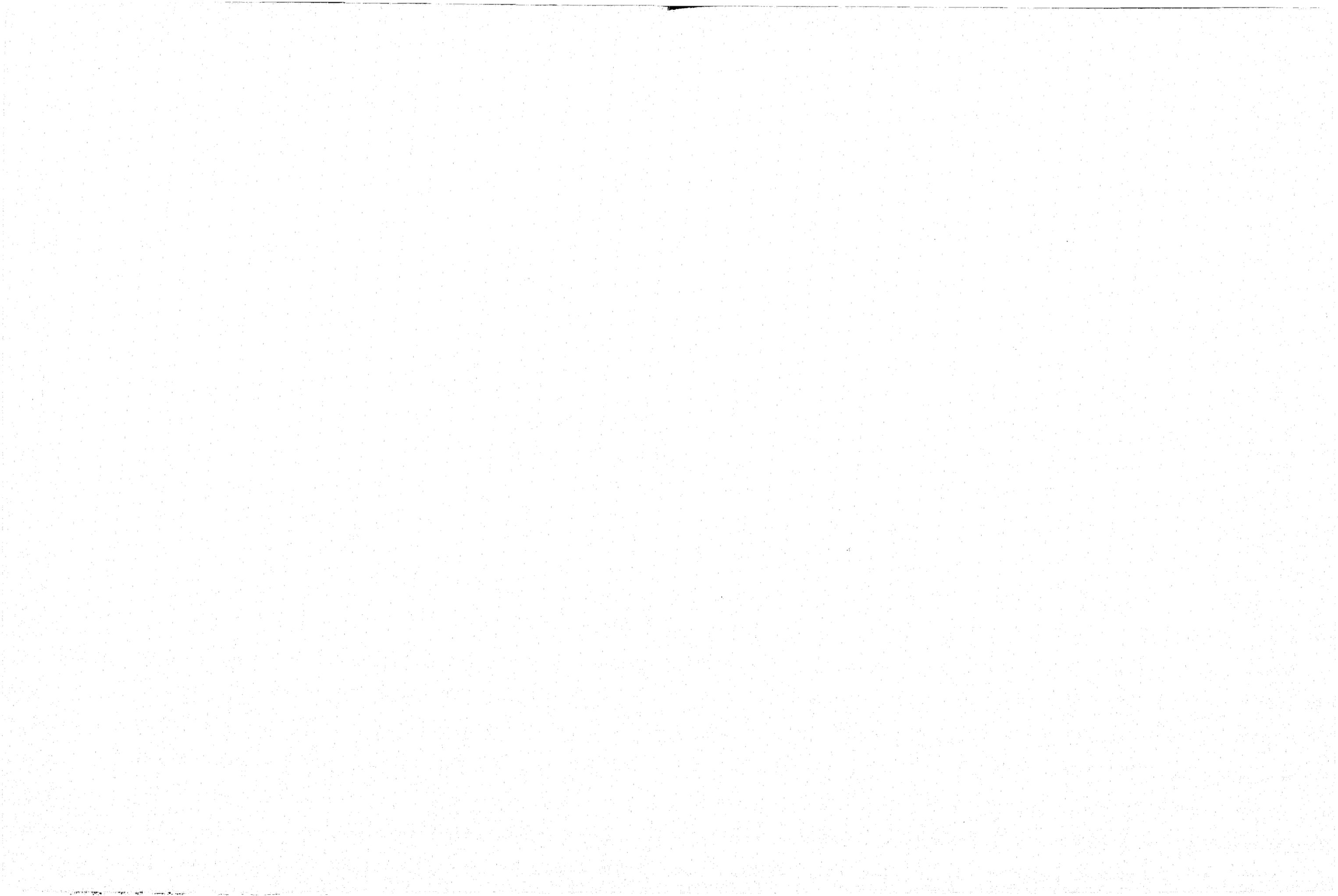
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M Disabilities \_\_\_\_\_ Major illnesses \_\_\_\_\_  
E  
D Treatment/Medication \_\_\_\_\_  
Personal Doctor \_\_\_\_\_ Address \_\_\_\_\_

	<u>Date</u>	<u>Location</u>	<u>Charge</u>	<u>Disposition</u>
P R I O R				
R E C O R D				

	<u>Date</u>	<u>Time</u>	<u>Location</u>
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APPENDIX B

Anchorage Data

The following tables present data for the Anchorage Unit. The "Presentence Report Only" group is included simply as a basis for comparison of characteristics of individuals who received sentences other than probation, or whose cases were dismissed following the presentence investigation.

Table B-1  
Sex

	Exper.		Control		Presentence Only	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Male	110	77	107	77	109	84
Female	<u>32</u>	<u>23</u>	<u>32</u>	<u>23</u>	<u>21</u>	<u>16</u>
	142	100	139	100	130	100

Table B-2  
Race

	Exper.		Control		Presentence Only	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Caucasian	86	61	99	71	87	59
Indian	20	14	11	8	15	10
Eskimo	20	14	15	11	14	9
Black	7	5	10	7	7	5
Other	<u>9</u>	<u>6</u>	<u>4</u>	<u>3</u>	<u>25</u>	<u>17</u>
	142	100	139	100	148	100

Table B-3  
Age

	Exper.		Control		Presentence Only	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Under 18	30	21	29	21	18	12
19-20	32	23	21	15	23	16
21-25	28	20	37	26	34	23
26-30	10	7	18	13	20	14
31-40	26	18	18	13	17	11
41 over	14	10	16	12	15	10
Unknown	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>21</u>	<u>14</u>
	142	100	139	100	148	100

Table B-4  
Marital Status

	Exper.		Control		Presentence Only	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Single	84	59	76	55	62	42
Married	32	23	42	30	33	22
Divorced	12	8	13	9	11	8
Separated	10	7	4	3	10	7
Widowed	2	1	0	0	2	1
Unknown	2	1	4	3	30	20
	142	99	139	100	148	100

Table B-5  
Years of Education

	Exper.		Control		Presentence Only	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Less than 9	6	4	15	11	6	4
Gr. 9-11	50	35	43	31	47	32
H.S. Grad./GED	62	44	59	42	48	32
Some Coll.	17	12	14	10	13	8
Coll. Grad.	1	1	2	1	0	0
Unknown	6	4	6	4	34	23
	142	100	139	99	148	99

Table B-6  
Previous Offenses\*

	Exper. (N=131)	Control (N=135)	Presentence Only (N=119)
Average No. Offenses	3.8	4.0	4.1
No. of First Offenders	42 (31%)	45 (33%)	41 (34%)
Unknown	11	4	29

\*Information concerning previous offenses was obtained from presentence reports, and has not been verified by the Research Unit. Juvenile offenses are counted where they have been described.

Table B-7  
Present Offense Type

	Exper.		Control		Presentence Only		Co-control	
	N	%	N	%	N	%	N	%
Assault	8	6	11	8	18	12	11	8
Property Theft, Damage	62	44	53	38	40	29	18	13
OMVI, Alcohol, D.C.	37	26	37	27	33	22	58	41
Drugs	14	10	7	5	12	8	13	9
Driving	5	4	9	6	17	11	16	11
Firearms	9	6	9	6	5	3	7	5
Soliciting	2	1	2	1	3	2	1	1
Trespass	2	1	3	2	2	1	2	1
False Statement	2	1	6	4	2	1	3	2
Fish and Game	0	0	1	1	8	5	0	0
Other	1	1	1	1	8	5	11	8
	142	100	139	99	148	99	140	99

Table B-8  
Type of Report Ordered

	Exper.		Control	
	N	%	N	%
Presentence	81	57	65	46
Postsentence	56	39	64	46
Unknown	5	4	10	7
	142	100	139	99

Table B-9  
Length of Sentence to Probation

	Exper.		Control	
	N	%	N	%
One Month	1	<1	0	0
Three Months	2	1	4	3
Six Months	45	32	52	37
Nine Months	1	<1	1	<1
Twelve Months	90	63	80	58
Other	0	0	1*	<1
Unknown	3	2	1	<1
	142	100	139	100

\*In one case, multiple charges of Making False Statement to Secure Unemployment Benefits resulted in consecutive sentences totalling more than one year on probation.

Table B-10  
 Probation Status as of 11/1/75

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Active	55	39	53	38
Released	85	60	85	61
Unknown	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>
	142	100	139	100

Table B-11  
 Offenses Subsequent to Assignment to Project

	<u>Exper.</u>	<u>Control</u>	<u>Presentence Only</u>
No. Convictions	36	38	35
No. Cases Pending	12	8	13
% of Individuals Recidivating	21%	20%	22%
Average No. of Offenses/Individual in Total Group	0.34	0.33	0.32
Average No. of Offenses/Recidivists Only	1.6	1.6	1.5

## Fairbanks Data

The following tables present data for the Fairbanks Unit.

Table C-1  
Sex

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Male	48	62	61	78
Female	<u>29</u>	<u>38</u>	<u>17</u>	<u>22</u>
	77	100	78	100

Table C-2  
Race

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Caucasian	52	68	44	56
Indian	14	18	10	13
Eskimo	5	6	11	14
Black	4	5	11	14
Other	1	1	0	0
Unknown	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>
	77	99	78	99

Table C-3  
Age

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
18 or under	24	31	19	24
19-20	11	14	19	24
21-25	23	30	20	26
26-30	11	14	9	12
31-40	5	6	7	9
41 or over	<u>3</u>	<u>4</u>	<u>4</u>	<u>5</u>
	77	99	78	100

Table C-4  
Marital Status

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Single	55	71	53	68
Married	20	26	22	28
Other	<u>2</u>	<u>3</u>	<u>3</u>	<u>4</u>
	77	100	78	100

Table C-5  
Years of Education

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Less than 9	4	5	5	6
Gr. 9-11	35	45	30	38
H.S. Grad./GED	31	40	33	42
Some Coll.	3	4	2	3
Coll. Grad.	0	0	1	1
Unknown	<u>4</u>	<u>5</u>	<u>7</u>	<u>9</u>
	77	99	78	99

Table C-6  
Previous Offenses\*

	<u>Exper.</u> (N=56)	<u>Control</u> (N=55)
Average No. of Offenses	1.6	1.0
No. of First Offenders	22 (39%)	29 (52%)
Unknown	21	23

\*Because of the large number of "unknowns", this is a very rough estimate.

Table C-7  
Present Offense Type

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Assault	9	12	9	12
Property Theft, Damage	39	51	37	47
OMVI, Alcohol, D.C.	16	21	15	19
Drugs	8	10	10	13
Traffic	2	3	2	3
Firearms	0	0	5	6
Other	3	3	0	0
Unknown	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	77	100	78	100

Table C-8  
Length of Sentence to Probation

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Two Months	2	3	3	4
Three Months	2	3	2	3
Five Months	1	1	0	0
Six Months	25	32	30	38
Seven Months	1	1	1	1
Nine Months	1	1	1	1
Twelve Months	33	43	32	41
Two Years	1	1	0	0
Unknown	<u>11</u>	<u>14</u>	<u>9</u>	<u>12</u>
	77	99	78	100

Table C-9  
Probation Status as of 11/1/75

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Active	36	47	33	42
Released	40	52	45	58
Unknown	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
	77	100	78	100

Table C-10  
Offenses Subsequent to Assignment to Project

	<u>Exper.</u>	<u>Control</u>
No. Convictions	26	27
No. Cases Pending	1	4
% of Individuals Recidivating	25%	23%
Average No. of Offenses/Individual in Total Group	0.35	0.40
Average No. of Offenses/ Recidivists Only	1.5	1.6

## Supplemental Data

Data was examined in a number of ways not directly related to the major hypothesis of the study, and is presented here as of possible interest.

Number of previous offenses as a variable: The number of previous offenses for each client was obtained from the presentence reports, and was not verified by the Research Unit.<sup>1</sup> We found that cases in the Anchorage area could be roughly divided into thirds by grouping number of previous offenses as None, 1 - 3 Previous, and Four or More Previous. (Unknowns were excluded.)

Table D-1  
Classification by Previous Offenses  
(Anchorage Data)

Number Previous Offenses	Exper.		Control		Presentence Only		Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
None	40	31	44	33	41	34	125	34
1 - 3 Previous	44	33	46	34	32	27	122	33
Four or More Previous	<u>47</u>	<u>36</u>	<u>45</u>	<u>33</u>	<u>46</u>	<u>39</u>	<u>120</u>	<u>33</u>
	131	100	135	100	119	100	367	100

The groups were clearly similar; amount of recidivism within these classifications was also consistent, e.g., of those with no previous offenses, 4 Experimentals, 5 Controls and 5 of the Presentence Only group recidivated; of those with four or more previous offenses, 17, 16 and 13 of each respective group recidivated. Because the groups do not differ among themselves, they can be combined, as in Table D-2, to show the amount of recidivism accounted for by each of the previous offense groups.

<sup>1</sup>The information is virtually unverifiable, since presentence reports include out-of-state offenses, which could not be verified from court dockets.

Table D-2  
Percent of Total Recidivism Accounted For  
by Previous Number of Offenses

<u>Number Previous Offenses</u>	<u>% in Study Population</u>	<u>% Recidivism Accounted For</u>
None	34	13
1 - 3	33	31
4 or More	<u>33</u>	<u>56</u>
	100	100

Although this data may be interpreted in a variety of ways, it does show the value, to judges, of being able to obtain offense histories prior to sentencing.

Offense type: One judge suggested that cases where premeditation was involved in the offense were particularly appropriate for assignment to the project. Clearly, there is no way to establish premeditation; neither is there a way to assure that the charge for which a person is sentenced is an accurate descriptor of the behavior which led to his arrest. Admitting these limitations, we divided cases into those which were for profit (e.g., shoplifting, larceny, soliciting, making false statements to obtain unemployment benefits), those involving being "high" on alcohol or drugs, and miscellaneous other (e.g., reckless driving, failure to report accidents, carrying concealed weapons, assault). Table D-3 shows a comparison of Experimental and Control groups, for Anchorage and Fairbanks (in percents only).

Table D-3  
Offense Classification  
(Percents)

	<u>Anchorage</u>		<u>Fairbanks</u>	
	<u>Exper.</u>	<u>Control</u>	<u>Exper.</u>	<u>Control</u>
Offense for profit	46%	43%	51%	44%
Offense while "high"	36%	30%	32%	33%
All other offenses	<u>18%</u>	<u>27%</u>	<u>17%</u>	<u>23%</u>
	100%	100%	100%	100%

Experimental and Control groups did not differ in terms of numbers in each offense grouping (for Anchorage,  $x^2 = 2.91$ , n.s.; for Fairbanks,  $x^2 = 1.18$ , n.s.).

A comparison of recidivism between Experimental and Control groups in Anchorage revealed no significant difference ( $\chi^2 = 4.14$ , n.s.), although the comparison approached significance in terms of members of the Experimental group who had been "high" being more successful than those in the Control group. In Fairbanks, small numbers precluded a statistical test; there was, however, obviously no difference between the groups.

Because the groups were similar in terms of recidivism, they are combined in Table D-4, which shows the percentage of recidivism contributed by each of the three classes of offense.

Table D-4  
Percentage of Recidivism by  
Offense Type

	<u>Exper.</u>	<u>Control</u>
Offense for profit	38%	36%
Offense while "high"	32%	38%
All other offenses	<u>30%</u>	<u>25%</u>
	100%	99%

There was not a significant difference either in type of offense, nor between the two groups, in terms of recidivism ( $\chi^2 = 0.42$ , n.s.).

Sentencing alternatives: A variety of sentencing alternatives were used, in varying combinations, in addition to probation. We needed to look at these to determine whether they differed between Experimental and Control groups. If, for example, we found that many more members of the Control group had received sentences including alcoholism treatment, we might infer that it was because of this treatment that their recidivism had not exceeded that of the Experimental group. In order to check this possibility, each alternative was tabulated for each time it appeared in a judgment. Tables D-5 and D-6 show the various alternatives, as they appeared in each of the groups in Anchorage and Fairbanks Units. The groups were very similar.

Table D-5  
Sentence Components - Anchorage

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Suspended Imposition of Sentence	70	30	71	28
Jail Time	55	23	57	23
Fine	47	20	41	16
Alcoholism Treatment	25	10	32	13
Drivers License Revoked	21	9	28	11
Restitution	15	6	20	8
Counseling	4	2	1	1
Psych Evaluation	1	1	0	0
Credit for Time Served	0	0	1	1
Drug Treatment	0	0	1	1
	<u>238</u>	<u>100</u>	<u>252</u>	<u>100</u>

Table D-6  
Sentence Components - Fairbanks

	Exper.		Control	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Suspended Imposition of Sentence	27	20	35	28
Jail Time	26	20	22	18
Jail Suspended	22	17	16	13
Fine/Costs	20	15	26	21
Restitution	19	14	11	9
Volunteer Work	9	7	5	4
Alcohol Treatment	4	3	2	2
Fine Suspended	3	2	3	2
Drivers License Susp.	3	2	3	2
	<u>133</u>	<u>100</u>	<u>123</u>	<u>99</u>

In Anchorage, the average member of the Experimental group had 1.7 conditions other than probation, while the average Control had 1.8. In Fairbanks, Experimentals averaged 1.7, and Controls 1.6. In both Units, Experimental and Control groups were similar in terms of types of conditions imposed.

Restitution: Although restitution was not a focus of the project, it was suggested that this might be an area which would confirm the value of probation supervision. Even though a small number of cases was involved, it proved difficult to determine whether or not restitution had been made.

In Anchorage, restitution was ordered from 15 Experimental and 20 Control cases. A search of both the Court Clerk's records and probation files revealed information on 12 Experimentals and 17 Controls. Within the Experimental group, amounts ranged from \$2.10 to \$640, for a total of \$2,075.96, an average of \$173. In the Control group, amounts of restitution ordered ranged from \$10.00 to \$1,462, with a total of \$8,629.22, an average of \$508 per individual. Although more than half (53%) the restitution ordered from Experimentals was paid as compared to one-third (33%) for the Controls, the average dollar amount paid by Controls was more than twice as high as that paid by Experimentals (\$356 vs. \$158). This is not surprising in light of the higher amounts of restitution levied on the Controls.

In Fairbanks, judgments showed that monetary restitution had been ordered in 19 Experimental and 11 Control cases; restitution in the form of community services had been ordered for 9 members of the Experimental and 5 of the Control group.

A check of Court Clerk and Probation records provided data on 10 Experimentals and 5 Controls ordered to make restitution payments, and on 8 in the Experimental and 4 in the Control group required to perform community service. In addition, 2 members of the Experimental group were required to make both types of restitution.

Probation supervision was notably successful in terms of payment of restitution: in the Experimental group, of \$2,870 restitution ordered, all but \$40 was paid. Of \$2223 ordered from members of the Control group, only \$22 was paid. Although three individuals paid small amounts (varying from \$2.50 to \$14), two individuals who made no payments accounted for \$2100 in unpaid restitution. All monetary restitution was for property offenses.

In the 13 instances where community service was ordered as a form of restitution, and where records were available, eight cases involved property offenses, while the remainder involved drugs (2) or alcohol (3). Community service took a variety of forms such as working as orderlies at a nursing home, or helping the Salvation Army. A total of 400 hours of such work was ordered for members of this project which, calculated at a minimum wage of \$2.60, constituted a contribution of over \$1,000 to the community.

Problems in implementation of the research design: The experimental design caused a good many problems for judges and probation officers, as indicated in the judges' interviews. On the other hand, project management also caused some problems for implementation of the research design.

The first problem occurred with the Priority Probation group, those cases where judges were not willing to take a chance on whether or not supervision would be provided and which, theoretically, would be referred to regular felony caseloads if this project did not exist. The number to fall in this category, it was agreed, would not exceed five percent of caseloads. There was a tendency, as the project proceeded, for the number to increase somewhat over 5%. As part of an LEAA audit in July, 1975, it was found that the Priority Probation group in Anchorage made up ten percent of the caseload, and the Unit was told to take no more referrals until the number had returned to five percent.

Final figures for the project showed that Priority Probation cases had accounted for 8% of Anchorage cases, and 17% of those in Fairbanks. These cases were not included in the project evaluation. Unfortunately, we have no way of knowing to what extent they affected results, in terms of detracting time and energy from services which might otherwise have been provided to members of the Experimental group.<sup>1</sup>

A second, and major, problem was that of amount of service delivered to members of the Control group. The problem for the probation officers was well described in a memo from the Anchorage Project Supervisor in February, 1975:

The experimental-control design of the Project continues to be intermittently problematic. Although this has been mentioned in previous reports, I think that it is quite important that we bear in mind throughout the term of this Project that it is virtually impossible to maintain a dichotomy of case assignments that is totally uncontaminated, from a research point of view. There are more or less constant pressures from many quarters that call for the intervention of the probation officer in control cases. Sometimes these are relatively minor, and can be handled without having any real long-term effect in terms of either client behavior or the public relations aspects of the Program. At other times, it seems that we are brought

<sup>1</sup>Presumably, had these cases been assigned to the experimental project they would have been equally divided between Experimental and Control groups and would not have affected the outcome of the study, since 5 (or 22%) of the Anchorage Priority probationers recidivated, as compared to 21% of the Experimentals and 20% of the Controls.

into a position of direct confrontation with situations involving control cases, and from which it is difficult to make a graceful exit without taking some sort of action that would, from a research point of view, probably be considered a contaminant to the final analysis of case outcomes.

Theoretically, a way existed to measure the nature and type of contacts made with members of the Control group. The Division of Corrections has required that probation officers complete a form called the Field Action Notice (FAN), which indicates "Outputs Completed" (various types of reports completed and court appearances), and "Effort Units Expended" (types of direct service to clients). Since this requirement is not taken seriously by all officers, reporting levels vary from individual to individual, and the information obtained is marginally useful. (Use of the form has now been discontinued.)

For the Misdemeanant Unit, we had hoped to be able to use the Field Action Notice as the basis for describing the elements of probation (in terms of counseling, referral and fact-finding), as well as to determine the level of effort expended on the Experimental and Control groups.

The Anchorage Unit submitted a total of 2863 FANs, 76% of which were for services provided to 105 members of the Experimental group and 24% of which were for services to 59 members of the Control group. The Fairbanks Unit submitted 1334 FANs, 78% of which were for 39 members of the Experimental group, and 22% of which were for 32 members of the Control group. If services had been reported for all members of the Experimental groups, we might assume that the Controls for which FANs were submitted were the only ones who received service. Since reporting was not complete for either group, in either location, this information is virtually useless. We can only say that about three-quarters of the reported "Effort Units Expended" were for services to the Experimentals.

The problem of measuring amount of contact with the Controls is complicated by the fact that project guidelines called for post-sentence reports on all misdemeanants referred to the project without benefit of presentence reports, before the case was randomly assigned to Experimental or Control groups. Since 43% of all Anchorage cases were sentenced to probation without presentence reports, some contact with Controls was unavoidable.

In a final effort to check amount of contact, a random sample of 15 records was drawn from Anchorage Experimental and Control groups, and compared in actual number of contacts (as described in the officers' chronological notes). This comparison showed an average of

ten contacts for the Experimentals and one for the Controls. Further, the sheer level of discontent expressed by probation officers (about the Control group) indicated that it was being maintained in good faith.

A note on the use of experimental design As originally written, an objective of the grant was: "The Misdemeanant Probation Unit shall reduce felony referrals to the Division's field service unit by 5% at the end of a planned two-year period."

There was no baseline existing against which to measure a 5% reduction; therefore, the project was set up with Experimental and Control groups. However, because of the small numbers involved, it soon became apparent that a 5% difference between the two groups would have little meaning, and the objective was rewritten, in a later application for funding, to indicate that the Experimental group would be involved in "less criminal activity resulting in arrest and conviction...."

The findings to date indicate the wisdom of dropping the "5%" objective. If we compare actual felony convictions, the Experimental and Control groups are identical, each having one. If the two pending cases in the Control group are convicted, we could say that there were 66% more felonies committed by the Control group.

During the course of the project (September, 1975), District Attorney Joseph Balfe informed the Anchorage Times that, "At the present rate continues, the Anchorage District Attorney's office will be prosecuting 38 per cent fewer felony cases in 1975 than in 1974." "On the other hand," he continued, "misdemeanors are heading for a 100 per cent increase."

Obviously, neither change was caused by the efforts of the Misdemeanant Probation Unit. The fact that changes of this magnitude were taking place in the criminal justice system in Anchorage clearly indicates the need for use of experimental and control groups to evaluate this project.

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