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ALTERNATIVES TO INCARCERATION

Phase II: Sentencing Evaluation

156796

Section I

Executive Summary

NCJRS

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ACQUISITIONS

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In closing, The Justice Education Center, Inc. sincerely hopes that the information in this report will be a valuable tool for the Judicial Branch and the Department of Correction in promoting and developing a wider range of viable sentencing options.

STATE

This study is the first comprehensive, statewide evaluation of Connecticut's alternative to incarceration programs, providing information to the Judicial Branch about the outcomes of pretrial and sentenced clients. While the results from the first year of this multi-year longitudinal study are not yet conclusive, they are highly suggestive and provide an argument for expanded use of carefully supervised sentences to community-based alternative to incarceration programs. In the second and subsequent years, more complete recidivism data and data on the Department of Correction's community supervision program and community-based services, for example, will be provided in depth.

The study has been conducted in two phases:

Phase I: Pretrial Defendants Phase I was completed in August, 1993. It provided an evaluation of pretrial alternative to incarceration programs, comparing defendants in the community on conditional release with a comparison group of defendants without conditions as part of their release status.

● Findings determined that defendants released with conditions posed less risk to the community of new arrests and failures to appear in court than defendants who were ordered to post bond without additional conditions.

Phase II: Sentenced Offenders Phase II provides an evaluation of offenders sentenced to alternative to incarceration programs, compared to similar offenders sentenced to incarceration, and those receiving sentences that combine incarceration with community programming. This multi-year longitudinal study will continue as offender behavior is monitored for additional years.

● Initial results provided in this report indicate that offenders sentenced to community programs in most instances pose less risk to public safety as measured by new arrests than a comparison sample of offenders who were released after having been incarcerated. In addition, those categories of offenders who are typically the source of greatest concern to the public and to policy-makers -- those convicted of drug or violent crimes -- are doing better in the first year than other types of offenders under community supervision.

NATIONAL

While this study was designed to inform Connecticut's criminal justice program and policy planning efforts, it has national significance as well. Other states have studied intensive supervision probation by evaluating offenders who were sentenced to intensive supervised probation compared with regular probationers. While this study shares some concerns and issues that have been prominent in these evaluations, the focus of this project is different.

This is the first known statewide study to look at programs that have been explicitly designed and operated in the context of a statute that provides for alternatives to incarceration. This project is unique in its evaluation of alternative to incarceration clients and comparison groups of defendants and offenders who were actually incarcerated.

MAJOR FINDINGS

Data from this study yield findings about program effectiveness that are of significance in assisting court and program planning efforts, and in addressing public safety concerns.

Initial results provided in this report indicate that offenders sentenced to carefully supervised community programs in most instances pose less risk to public safety as measured by new arrests than offenders in a comparison sample who are released after having been incarcerated.

In addition, those categories of offenders who are typically the source of greatest concern to the public and to policy-makers -- those convicted of drug or violent crimes -- are doing better than other types of offenders under community supervision. It is important to keep in mind, however, that these findings are derived from data collected in the first year of a multi-year longitudinal study, and are therefore not conclusive.

These major findings focus on the AIP client sample (the primary sample), compared with the DOC populations; also the AIC population, since a majority (62%) of the AIP clients have an AIC as one of their conditions.

PROGRAM RESULTS

1. **Regardless of the form of community-based alternative sentencing (AIP, AIC, DIC, ISDU), clients in these programs pose no greater risk to public safety in terms of new arrests after one year than either of the incarcerated samples¹.** AIP and AIC clients have lower rates of new arrests within a year than either of the incarcerated samples, and the DIC and ISDU clients do equivalently as well as those who were incarcerated.
 - a. **AIP and AIC clients have significantly lower rates of new arrest within a year than offenders in either of the comparison incarceration samples.** 76% of the AIP clients and 73% of the full group of AIC clients remained free of new arrests for a year, compared with 70% of the released offenders in the DOC comparison sample and 62% of the offenders in the split sentence sample.
 - b. **Even youth, who have the highest rate of new arrests across offender categories, have significantly lower rates of new arrest within a year in the AIP sample than offenders in either of the comparison incarceration samples.** For example, of felons under 21 sentenced to AIP who have a history of felony convictions, 67% have no new arrests, compared with 50% of the offenders in the DOC comparison sample and 57% of the split sentence group.
2. **Those sentenced according to the Alternate Incarceration Program perform better than those sentenced from the bench.** AIC and DIC program participants who were sentenced directly from the bench are substantially more likely to be arrested again during the first year than the entire group of program clients. 25% of AIC clients sentenced through AIP are arrested again, compared with

¹ It is important to remember that all of these comparisons are based on opportunity. For each group, the comparison is marked by the point in their sentence at which they had an opportunity to commit and/or be arrested for new crimes: following start of the sentence for the alternative samples, and release for the incarcerated.

36% of those who are sentenced to AIC directly. This holds true in spite of the fact that offenders sentenced to an AIC as an AIP condition are convicted of more serious crimes than offenders sentenced to an AIC directly (93% of the AIP sample are convicted of a felony, compared with 65% of the direct AICs), and are more likely to be convicted of a personal or drug crime (78% compared to 56%).

3. **Types of supervision are identified that appear to deal most effectively with populations at high risk of substance abuse and violent crime.** AICs have been used substantially as places where drug offenders in particular can receive extra community supervision and coordinated treatment programming. These data are compatible with the patterns found in the pretrial study, where the AICs and Bail Contract programs were used especially for people accused of drug crimes, with high success rates as measured by high rates of program completion and relatively low rates of failure to appear.

OFFENDERS BY CATEGORY

4. **Drug offenders and those convicted of violent crimes** -- categories of offenders who are typically the source of greatest concern to the public and to policy-makers -- are doing better than other types of offenders under community supervision.
 - a. **Over all, 49% of the AIP clients are convicted of felony drug charges; 53% of the DOC sample are convicted of a felony drug charge.** However, of the AIP sample, 78% have no new arrests within one year.
 - b. **In the AIP sample, over half (51%) of the Class A misdemeanants are convicted of violent crimes; the majority of felonies committed by DOC offenders other than felony drug charges are violent crimes.** Yet, 81% of the AIP sample have no new arrests within the first year. Violent offenders are the least likely of the categories to have violations one to two years into their probation sentence.
5. **Public order and property offenders** are doing less well in community-based programming than the drug offenders and offenders convicted of violent crimes who fuel public fear of crime.

a. **Public order and property offenders are significantly more likely to be arrested again within a year.** In the AIP population 36% of clients convicted of public order crimes and 32% of property offenders are arrested again within a year, compared with 22% of drug offenders and 19% of those convicted of a crime against persons.

b. **AIP clients convicted of public crime and property crimes are most likely to have probation violations one to two years into their sentences.**

6. Youth, especially age 17 or younger, have the highest rates of new arrests and program violations. However, AIP clients age 17 or younger are less likely than their older counterparts to have been convicted of drug crimes or crimes of violence.

a. **In general, the younger the client, the more likely s/he is to be arrested again within a year.** This holds true across programs, and age remains a strong predictor of new arrest, even when such other factors as the type and severity of charge at conviction and criminal history are controlled. Within the AIP population, 31% of those under age 21 are arrested again, compared to 23% of those age 21 - 25, and declining percentages of the older age groups. The younger clients are also more likely to be arrested on felony charges over time. In the DOC comparison sample, those age 17 or younger are also most likely to be arrested again (54% are), followed by those age 18 - 20 (36%).

b. **No matter how violations are defined -- informally; through official proceedings within the Office of Adult Probation; or by arrests on new charges -- the youngest clients have the highest rates of misbehavior.**

7. Criminal associates has been an important predictive factor of future crime in several recent studies. Criminal associates may also indicate gang membership.

a. **AIP clients are significantly more likely than the others to have codefendants in their cases.** 35% are convicted of a crime in an incident in which there is at least one other person similarly charged with criminal activity.

b. The most common "special management" issue recorded in the DOC comparison sample is gang membership: just over 12% of the sample as a whole, and 51% of the inmates with any special management issues are identified as gang members. Identified gang membership is not significantly related to new arrests at this stage of the study, because most identified gang members have not yet been released. Of those released, however, 42% are arrested again within a year, compared to 29% of the others in the sample. All of the identified gang members are convicted of a felony. In general, the younger the inmate, the more likely s/he is to be identified as a gang member.

8. Drug and alcohol problems distinguish among types of crime and the clients who have committed them.

a. In the alternative sample, Caucasians are most likely to have alcohol problems and to commit violent crimes, while African Americans and Latinos are more likely to be convicted of a drug offense. 75% of Caucasians have alcohol problems, compared with 51% and 53% for African Americans and Latinos, respectively. Only 35% of the Caucasians are convicted of a drug offense, compared with 58% of African Americans and Latinos.

b. Similarly, in the DOC comparison group, Caucasians are more likely to be convicted of a violent crime (42%, compared to 29% of African Americans and 19% of Latinos), and less likely to be convicted of a drug offense (38%, compared to 55% of African Americans and 71% of Latinos).

9. Women perform better than men in the alternative community-based programs, although there is no significant difference in the type of charge at conviction and severity of crimes between men and women in either the alternative or the DOC comparison samples.

a. In the AIP group, women are significantly less likely than men to be arrested again within a year.

b. Women are somewhat less likely to have any program violations and when they do, these violations are committed later in their sentence than those by men.

CRIMINAL JUSTICE CHARACTERISTICS

10. **Offenders who remain in the community during the pretrial period have better success in the community as sentenced persons.** Those who were incarcerated pretrial were more likely to be arrested in the first year after release.
11. **There are criminal justice differences among the four main types of alternative to incarceration programs, and the DOC comparison samples.** Clients in all alternative programs have drug and alcohol problems at substantial rates.
 - a. **AIP.** Most of the AIP clients are convicted of felony drug or violent crimes. Many have prior convictions, including felony convictions, and prior probation sentences, although this is the first arrest of record for many others. The AIP clients are convicted of more serious crimes than those who received the other alternative sentences, but have fewer prior convictions and shorter criminal histories than the direct AIC and ISDU clients. DIC clients are the youngest and have the shortest criminal histories, while ISDU clients are the oldest and have the longest histories.
 - b. **DOC Comparison Sample.** Most of the DOC comparison sample are convicted of felony drug or violent crimes. Most have prior convictions, including felony convictions; have been sentenced to probation in the past; and have official records of criminal activity going back at least two years. Most also were incarcerated during the pretrial period.
12. **Alternative sentencing programs are substantially less expensive than incarceration.** The private programs range in cost from \$5,000 per year for an AIC, through \$9,000 for a DIC. Assuming that an offender averages 6 months in an AIC and 4 months in a DIC, and costs the Office of Adult Probation an annual average of \$3,650 for more careful supervision than is accorded a general probation client², the annual costs average \$6,150 for a client with an AIC condition and \$8,000 for one who has a DIC condition. The cost of incarcerating an individual for a year is in excess of \$25,000³.

² This cost estimate was provided by the Office of Adult Probation.

³ Cost differences, while substantial, are actually not this great, since such costs as those associated with formal violations and treatment programming have not been reflected here. (For example, although up to a third of those who received an "alternative" sentence also produced internal Probation costs associated

13. Predictors of new arrests can be identified for clients who have had opportunity for new crime within the community after one year. In each comparison, AIP and AIC clients have lower rates of new arrest within a year than either of the incarcerated samples, and the DIC and ISDU clients do equivalently as well as those who were incarcerated.

a. Alternative Samples

1. AIP Clients. It is possible to predict new arrests for AIP clients in the first year, with accuracy, **76%** of the time, using a combination of variables⁴. **The client's age is the single strongest predictor**; however, it is an inverse relationship. That is, the **younger the client, the more likely s/he is to be arrested again within a year**. In addition, charge severity, conviction for a violent crime (inverse)⁵, number of days of pretrial incarceration, and male gender (in that order) are all significantly related to new arrests, even when the other factors were controlled statistically.
2. AIC Clients. It is possible to predict new arrests for AIC clients in the first year, with accuracy, **74%** of the time. Several factors examined at once⁶, purely for the AIC clients, find just three to be significant statistically: **young age, number of prior convictions, and Latino ethnicity** (in that order). That is, when all of the other factors are controlled, these three are each significant predictors of new arrests. Young age is by far the strongest of the three.
3. DIC Clients. Results of multivariate analyses for DIC clients are not reported because no factors remain significant predictors of new arrest, largely as a result of the small sample size.

with formal violation processing, formal internal disciplinary actions were required for 47% of the DOC clients, as well.) More refined cost comparisons will be provided in next year's report.

⁴ Drawing from patterns found in past studies, the factors considered were the client's age, sex, race/ethnicity, length of probation sentence, history of prior convictions, number of days incarcerated pretrial, the type and severity of the charge at conviction, and the total number of conditions attached to the sentence.

⁵ Again, the inverse relationship means that people convicted of crimes against persons were less likely than the others to be arrested again, even when all the other listed factors were controlled statistically.

⁶ The variables were the client's age, sex, race/ethnicity, length of probation sentence, history of prior convictions, number of days incarcerated pretrial, the type and severity of the charge at conviction, and the total number of conditions attached to the sentence.

4. **ISDU Clients.** It is possible to predict new arrests for ISDU clients in the first year, with accuracy, **79%** of the time. When multiple factors are examined at once⁷, purely for the ISDU clients, just two are significant statistically: **the length of the probation sentence (inverse) and history of felony convictions.** That is, the longer the sentence to probation, the less likely the client is to be arrested again within a year.

b. Incarceration Samples

5. **Comparison Sample.** It is possible to predict new arrests in the first year with accuracy **77%** of the time. When several factors⁸ are examined at once, **the Department of Correction's latest over all risk score is by far the most powerful predictor of at least one new arrest in the first year following release.** The number of prior convictions is the second best predictor, followed by the offender's age (an inverse relationship).
6. **Transitional Supervision Sample.** Since many of the offenders in this sample were sentenced in 1993, it is too soon to have sufficient data to predict new arrests.
7. **Split Sentence Sample.** It is possible to predict new arrests in the first year with accuracy **67%** of the time. When multiple factors are examined at once,⁹ **the offender's young age is the most powerful predictor.** Number of prior convictions and fewer years of education (in that order) are also significant predictors, even when other factors are controlled.

⁷ The factors included were age, type and severity of charge at conviction, history of felony convictions, number of days incarcerated pretrial, the number of codefendants in the case, and the length of the probation sentence. It is important to remember that the smaller the number of cases, the less likely it is that observed differences will be significant statistically.

⁸ The factors considered were the offender's age, race/ethnicity, type and severity of charge at conviction, number of days incarcerated pretrial, length of sentence to incarceration, number of years of education, number of prior convictions, and the DOC's over all risk score--the most recent score prior to release.

⁹ The factors included were age, race/ethnicity, type and severity of charge at conviction, number of days incarcerated pretrial, number of prior convictions, years of education, and the length of sentence to incarceration.

POLICY and PROGRAMMING IMPLICATIONS

These initial results of a multi-year longitudinal study of sentencing alternatives, while not yet conclusive, have several preliminary policy and programming implications for alternative programs. The findings just reported are at least highly suggestive and very promising for the use of carefully supervised sentences to community programs. They suggest that judges have generally made appropriate sentencing distinctions in utilizing the array of sanctioning options available to them.

In short, the findings show a basis for continuing with alternative sentencing programming, with confidence.

It is particularly intriguing that the offenders who are typically the source of greatest concern to the public and to policy-makers -- drug offenders and those convicted of violent crimes -- are doing better than other types of offenders under community supervision. This is at least in part a result of the individualized assessment of risks and needs performed prior to sentencing by probation staff; it is also, perhaps, attributable to the extra programming and supervision they have been given.

1.

Youth

Special consideration clearly needs to be given to the youthful population. Across programs, offenders under age 21, and often especially age 17 or younger, are found to have the highest rates of violations and new arrests. No matter how violations are defined -- informally; through official proceedings within the Office of Adult Probation; or by arrests on new charges -- the youngest clients have the highest rates of misbehavior.

Since late teens and early twenties are the ages when arrests are often concentrated, these young offenders make reasonable candidates for non-incarcerative programs that have high levels of supervision coupled with remedial and treatment services. Much current thinking suggests that a combination of education, training, and meaningful incentives (such as options for real jobs with the potential for independent support) coupled with swift and certain responses to violations, holds promise. But the incentives are as important as the social control factors. The educational data suggest that school programs, GED classes, and English as a Second Language (to help rectify the educational deficits seen particularly among Latino youth) could be a useful start.

While a high proportion of crime has always been committed by the young, the prevalence of gang association and the magnitude of age differences and recidivism found here are sufficiently strong that they could indicate cohort differences as well. That is, it is possible that today's criminally-involved youth are even more likely to engage in frequent and serious criminal behavior than in past decades. This possibility warrants ongoing attention and policy and programming consideration. It also argues for greater focus on community prevention investments and greater attention to programming in juvenile facilities.

2.

Offenders Convicted of Drug or Violent Crimes

Those convicted of drug or violent crimes -- those categories of offenders who are typically the source of greatest concern to the public and to policy-makers -- are doing better than other types of offenders under community supervision. This is at least in part a result of the individualized assessment of risks and needs performed prior to sentencing by probation staff; it is also, perhaps, attributable to the extra programming and supervision they have been given. Nonetheless, it suggests they can be supervised with relative safety in the community.

Drug Offenders. The relatively lower rates of recidivism documented so far among drug offenders suggests that the programming for this population has been reasonably effective. Treatment options could still be expanded, to provide more response to individual patterns and needs, as suggested in some of the client interviews.

Violent Offenders. AIP clients convicted of violent crime are least likely to be arrested within the first year and have the lowest rate of probation violations. Since offense severity has commonly been related to further criminal behavior in past studies, it is perhaps a testament to the success of AIP/AIC assessment and supervision that this group shows such low rates of recidivism.

3. Public Order and Property Offenders

The relatively higher rates of recidivism seen to date among property and public order offenders suggest that these populations need more monitoring and supervision attention than they have been receiving. Since the number of prior convictions is a consistent predictor of new arrests, public order and property offenders with priors could be targeted for greater supervision; electronic monitoring appears to have potential as a deterrent. Alternatively, more careful assessment could identify aspects of intervention more suitable to this population. This group of offenders will be investigated particularly carefully during the next years of this project to aid in this process.

The high rates of recidivism for those convicted of public order crimes is also notable. These are partly offenders who have been convicted of violation of probation, and partly those convicted of illegal possession of weapons. These offenses could be used as indicators of potentially greater risk, and additional interventions could be developed for them. It is clear that additional programming is warranted. Since they are not as likely as drug offenders to violate immediately, it would be important to maintain a careful monitoring schedule. An additional year's data will provide additional guidance on these issues.

4. Latinos

Special programming considerations for Latinos in AICs, as identified in previous research reports as well, remains warranted. According to this study, the higher rates of recidivism seen for Latinos in AICs is not a product of drug or gang involvement, nor of younger age or other individual factors identifiable in this study. Instead, program changes may be indicated. Educational support could help, but should be supplemented with additional culturally sensitive programming. Continued efforts to recruit Latino staff members for AICs are important.

5. Women

Women have been performing well in the alternative community-based programs. Women are significantly less likely than men to be arrested again within a year. They are somewhat less likely to have any program violations, and when they do, these violations are committed later in their sentence than those by men. Since women comprise almost 20% of the study population, and since they have more reported family responsibilities than men, it remains essential to design additional programming that is sensitive to their unique child care and service needs. It is possible that specialized attention will yield even more productive results for women and their extended families.

6. Pretrial Incarceration

This study suggests that remaining in the community during the pretrial period is correlated with better success in the community as a sentenced person; and that those who are incarcerated pretrial are more likely to be arrested in the first year after release. When coupled with the findings from the Phase 1: Pretrial Evaluation study -- that defendants who are released with conditions and supervised carefully in the community are less likely to have new arrests or fail to appear in court than those defendants released on bond without supervision -- these findings encourage continuing efforts to identify and expand the use of pretrial alternatives to incarceration.

7. Costs

The findings from this study suggest that offenders sentenced to carefully supervised community programs in most instances pose less risk to public safety as measured by new arrests than matched samples of offenders who are released after having been incarcerated¹⁰; and the alternative sentencing programs are substantially less expensive. These cost savings provide further argument for an expansion of community-based alternative programs.

¹⁰ It is important to remember that all of these comparisons are based on opportunity: following release for the incarcerated, and following start of the sentence for the alternative samples.

BACKGROUND

History

In 1990, the Connecticut General Assembly passed Public Act 90-213. The Act established the Office of Alternative Sanctions (OAS) within the State's Judicial Branch to create and expand a statewide continuum of programs to augment the alternatives to incarceration available to the criminal justice system. Since that time, the number of pretrial and sentenced clients served annually by alternative programs has more than doubled, from under 2700 to over 5400; programs have become available in all courts in the state; and the types of program elements and the referral sources have diversified.

Research Completed

This development and expansion effort has been aided at each step by research sponsored by The Justice Education Center, Inc. The Center supported two studies that provided the foundation for the current research¹¹:

1. A 1991 **Offender Profile Study** that identified pools of pretrial and sentenced men and women who could be considered for community-based alternatives to incarceration; and
2. A 1992 **Court Disposition Study** that analyzed the primary considerations used by the State's courts to determine who among a sample of convicted offenders would be incarcerated pretrial and after sentencing. This study also helped to identify characteristics of people who could be considered for community supervision programs.

¹¹ 1. **Offender Profile Study: A Comparison of Criminal Justice Clients in Prison and in the Community. 1991.** Based on a "snapshot" comparison of 1609 sentenced and accused offenders at one moment in 1990, this research enabled OAS to project the numbers of incarcerated offenders who could be considered for intermediate sanctions instead of occupying a prison bed on a given day. The study identified types and categories of defendants, then incarcerated, who might safely have received community-based sanctions, e.g., large pools of non-violent offenders with short arrest histories. Special populations, underserved by current programming, were identified: women, Latinos, 16- and 17-year old youth, and substance abusers.

2. **Court Disposition Study: Criminal Offenders in Connecticut's Courts in 1991.** Data collected on a random sample of 3131 offenders with criminal cases disposed in Connecticut's courts during 1991 substantially extended the findings of the Offender Profile Study, enabling the Office of Alternative Sanctions to: project population flow and sentencing patterns to facilitate OAS's planning and development of community-based sanction programs; identify criteria for targeting appropriate offenders for intermediate sanctions; and develop a data base for longitudinal studies of outcomes and program effectiveness in future years.

THE STUDY

Purpose of This Study

This study is the first comprehensive, statewide evaluation of Connecticut's alternative to incarceration programs, providing information to the Judicial Branch about the outcomes of pretrial and sentenced clients. The study has been conducted in two phases:

Phase I: Phase I was completed in August, 1993. It provided an evaluation of pretrial alternative to incarceration programs, comparing defendants in the community on conditional release with a comparison group of defendants without conditions as part of their release status.

Phase II: Phase II provides an evaluation of the programs for offenders sentenced to alternative to incarceration programs, compared to similar offenders sentenced to incarceration, and those receiving sentences that combine incarceration with community programming. This longitudinal study will continue as offender behavior is monitored for additional years. Initial results are provided in this report.

Findings from Phase I: Evaluation of Pretrial Alternative to Incarceration Programs

The Phase I evaluation was based on two sample groups of criminal defendants. The first sample was composed of 785 defendants (9% of the total) who were given conditional release at arraignment between March 1, 1991 and February 29, 1992. The second sample was drawn randomly from defendants who were arraigned during the same time period, but did not have any conditions as part of their release status.

Findings of particular interest from this evaluation included:

- * Defendants released with conditions posed less risk to the community of new arrests and failures to appear in court than defendants who were ordered to post bond without additional conditions.
- * Regardless of the form of release, over 80% of the defendants were not charged with any illegal behavior during the pretrial period.
- * Defendants charged with different types of crime tended to engage in different forms of pretrial misconduct.
 - Drug defendants were more likely to have new arrests, but not failure to appear.
 - Defendants charged with crimes against persons were more likely to have failures to appear, but not to have new arrests.
- * Defendants supervised by different pretrial programs had different profiles. Those in the Alternative Incarceration Centers were the youngest and faced the highest rate of drug charges, except the drug-specific programs. Those supervised by Bail Commissioners were older, had longer criminal careers, and a history of more convictions.
- * AIC programs had particularly high success rates with substance abuse offenders, compared to other programs which supervised large numbers. Bail contract programs also exhibited success with defendants facing serious charges.
- * Chronic and petty misdemeanor offenders were found to be responsible for many of the failures to appear and arrests for new crimes. The number of prior convictions was a more powerful predictor of failure to appear and new arrests than the number of felony convictions or the seriousness of the immediate charges. In addition, most of the new arrests were for misdemeanors.
- * Substantial short-term jail bed and cost savings have been accomplished by pretrial Alternative to Incarceration Programs.

These findings helped to guide the design of the present study.

Goals of Phase II: Evaluation of Sentencing Alternatives to Incarceration

This Phase II evaluation of sentencing alternatives was conducted to achieve the following goals:

- * To learn which categories of offenders commit new offenses or program violations, and what those offenses or violations are.
- * To describe the demographic and criminal justice characteristics of offenders who were sentenced to an alternative program, and to compare these characteristics among offenders sentenced to different types of alternatives.
- * To investigate differences in rates of new arrest, conviction, and program violation or violation of probation among offenders sentenced to different types of alternatives, compared to similar offenders who received sentences which involved incarceration.
- * To learn which types of conditions, and for which categories of offenders, are associated with the lowest rates of post-sentencing violations or new arrests or convictions.
- * To learn more about offenders' reactions to their sentencing experience, and their suggestions for improving sentencing effectiveness.
- * To provide a basis for estimating the incarceration bed-days saved by the correctional system through the use of sentencing alternatives.

STUDY METHODOLOGY

DESCRIPTION OF RESEARCH SAMPLES

To conduct this study of sentencing alternatives, several separate offender-based samples were drawn for comparative purposes. The goal was to cover most of the broad programmatic sanctioning options available in Connecticut for people who have been found guilty of moderately serious criminal offenses. "Moderately serious offenses" are defined here as those that are eligible for a prison or jail sentence under Connecticut's criminal statutes, but do not have mandatory prison sentences associated with the first conviction for the offense.¹² The term also includes relatively minor present charges which follow a substantial history of criminal violations.

The primary sampling aim was to allow appropriate comparisons to be made between offenders given "alternative" sentences and those sentenced to incarceration. Information on the offenders in the four "alternative" samples and the three incarceration samples included personal and criminal justice characteristics which were obtained from multiple sources, as described in Appendix I of the Full Report.

"Alternative" Samples

TABLE 1
The "Alternative" Samples

Type of Sentence	Number
Alternate Incarceration Program	652
Direct: Alternative to Incarceration Center	116
Direct: Day Incarceration Center	52
Intensive Supervision Drug Unit	130

¹² Convictions for some offenses, such as homicide and first degree sexual assault, require a sentence to incarceration under state statutes. Others have mandatory prison sentences associated with the second or third conviction for the offense, such as some drug charges.

Sample 1: Offenders sentenced under the Alternate Incarceration Program statute (Public Act 89-383).

By law, Connecticut judges have the authority to refer pretrial and convicted offenders to an Alternate Incarceration Program (AIP). The Office of Adult Probation determines whether an otherwise jailbound person is eligible or appropriate for a non-jail release or sentencing plan; designs an individualized sanctioning plan, drawing from a continuum of available programmatic options; and presents the plan to the sentencing judge for approval. If approved, AIP conditions most commonly include referral to an Alternative to Incarceration Center (AIC), drug evaluation or treatment and community service.

- This first sample has 652 offenders: all of those who were sentenced for criminal behavior under the Alternate Incarceration Program (AIP) statute and who began serving their AIP term during calendar year 1992. The sample is based on all such offenders identifiable through the Office of Adult Probation's computerized information System.

Sample 2: Department of Correction comparison group.

This first "comparison" sample, was designed to match the AIP sample as much as possible within technical limitations.

- This sample contains 582 offenders sentenced to incarceration during 1992, randomly selected by Department of Correction (DOC) researchers within proportional parameters established to match the AIP sample on sex and severity of the most serious charge at conviction.

Sample 3: Offenders sentenced to an Alternative to Incarceration Center (AIC) without a formal AIP assessment.

Direct Alternative to Incarceration Center (AIC) sentences occur when a judge sentences a defendant to a period of probation and includes a period at an AIC as a condition. AIC programs are operated by private non-profit agencies in 17 sites across the state. Although the primary purpose of the AIC concept is to provide strict monitoring in the community for otherwise jailbound clients as an alternative to incarceration, a variety of social services is also available.

● This sample has 116 offenders: 52 identified by the Office of Adult Probation's computerized Information System, and 64 identified by AIC staff as having started the program during 1992 as sentenced offenders without an AIP referral.¹³ However, 404 of the offenders sentenced under the AIP statute had an AIC as a condition, as did 2 others, so analysis is possible for 523 offenders who experienced an AIC as part of their sentence.

Sample 4: Offenders sentenced to Hartford's Day Incarceration Center (DIC) without a formal AIP assessment.

Direct Day Incarceration Center (DIC) sentences occur when a judge sentences a defendant to a period of probation and includes a period at a DIC as a condition. Day Incarceration Centers provide a high level of non-residential supervision and intensive programming for offenders who need more supervision than an AIC, but less than jail.

● This sample has 52 offenders, identified by the program. However, 33 additional DIC clients were sentenced after an AIP assessment or AIC experience, so data were obtained for 85 DIC clients in total.

Sample 5: Offenders in Hartford's Intensive Supervision Drug Unit (ISDU).

Intensive Supervision Drug Unit sentences occur after an assessment determines that an offender is "drug dependent". This means that the client uses drugs regularly, and his/her drug use was related to the present criminal behavior. The Office of Adult Probation administers intensive supervised drug units that provide testing, counseling, and treatment.

● This sample has 130 offenders, identified by the program's computer. However, 36 additional ISDU clients were sentenced after an AIP assessment, so data were obtained for 166 ISDU clients in total.

¹³ This constitutes 67% of the "Direct sentence AIC" clients reported to the Office of Alternative Sanctions as added during 1992, the sample year.

Incarceration Samples

TABLE 2
The Incarceration Samples

Incarceration Sample	Number
DOC Comparison	582
Transitional Supervision	211
"Split" Sentence	236

Sample 6: Department of Correction transitional supervision group.

The "transitional supervision" sample was generated because this is a new policy under which offenders sentenced to incarceration for two years or less may be considered for release to community supervision sooner than those who are sentenced to over two years¹⁴, and they represent another viable comparison.

- This sample consists of 211 offenders sentenced to incarceration and eligible for the new transitional supervision program effective July 1, 1993. The sample was randomly selected by DOC researchers from their Management Information System.

Sample 7: Offenders given "split" sentences.

The "split" sentence sample was also important to consider: past studies have shown that sentences split between incarceration and probation have often been used for more serious offenders. In addition, split sentences often have longer periods of both incarceration and probation. This sample was drawn randomly from offenders who had a year or less to serve before probation began.

- This sample consists of 236 criminal offenders sentenced in 1992 to serve one year or less of incarceration, followed by probation. This sample was randomly selected from a list generated from the Office of Adult Probation's Information System.

¹⁴ The "transitional supervision" clients who are sentenced for two years or less can be considered for release after serving half of their sentence, minus "good time"; others must serve half of their sentence without "good time" reductions.

FORMAT OF STUDY RESULTS

The results of this study are reported in two primary sections:

Alternative Sentence Samples

- * The characteristics and outcomes of the AIP sample are discussed, and compared with those for offenders who received "direct" sentences to three alternatives.
- * Brief comparisons are made among the AIP sample, all offenders who were sentenced to an AIC (whether directly from the bench or after an AIP assessment), all who were sentenced to a DIC, and all who were adjudicated to Hartford's Intensive Supervision Drug Unit.

Incarceration Samples

- * The characteristics and outcomes of the DOC "comparison" sample are discussed, and compared with the AIP sample.
- * The characteristics of the "transitional supervision" sample are discussed briefly. Since many of the offenders in this sample were sentenced in 1993, it is too soon to have enough post-release outcome data to report.
- * The characteristics and outcomes of the "split sentence" sample are discussed and compared briefly.