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**THE
NEW YORK CITY
COMMUNITY
SERVICE
SENTENCING
PROJECT**

T H I R D I N T E R I M R E P O R T

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ACKNOWLEDGEMENT

When, in 1981, New York City committed funds to begin expanding Vera's Community Service Sentencing Program, it did so in the hope that wider use of the new "alternative" sentence would help New York to avoid building more new jail cells on Rikers Island than absolutely necessary. Therefore, the commitment of funds was accompanied by a request that Vera's Research Department launch an impact analysis that would give as solid a picture as possible of the program's jail displacement effect. The question whether this program actually operates as an alternative to jail was, of course, central to Vera's own research agenda, which encompasses a host of other questions about program operations. With additional financial support from the Florence V. Burden and the Charles F. Culpeper Foundations, Douglas McDonald of Vera's Research Department undertook an empirical examination of the program. His formal research, which is still underway, is designed to explore the program's impact on the process by which the lower courts decide to jail or not to jail, and to explore the program's impact on the attitudes and subsequent behavior of offenders sentenced to community service.

This is an interim program report, not a research report, but in it I draw on some preliminary statistical findings from Douglas McDonald's research. His full report will not be available until later this year. If, in my enthusiasm for the program for which I have management responsibility I have misinterpreted the data he has generated for his research (and from which he has not yet drawn final conclusions) or if, in my enthusiasm for the ingenious methodology he has brought to the evaluation, I have under- or over-rated its power, it is I who should be held to account for the error. Should that occur, it cannot diminish my gratitude to Doug McDonald for carrying out his own work in a way that permits me, as a program manager, to understand rather precisely what we have done and how we might do it better.

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I. BACKGROUND

In recent years, as jails have become more overcrowded and the public purse more strained, the search for alternatives to incarceration has intensified. Unfortunately, the track records of programs that aim to provide alternatives to jail have not been very good. The primary reason is that it has proved very hard to prevent the "alternatives" from being used exclusively for first (or minor) offenders for whom the prospect of being sentenced to jail is, in any event, unlikely. Using an alternative sanction for cases to which the courts would not ordinarily attach punishment makes the sanction unenforceable when offenders refuse to comply. This quickly becomes obvious -- to offenders and judges alike -- and, in turn, makes it all the more difficult to move the courts toward using the alternative sanction in cases that are serious enough for enforcement to be an issue and jail a likely outcome.

Community service sentencing -- the imposition of a certain number of hours of unpaid work for the community's benefit, in lieu of incarceration -- has emerged in recent years as one of the most promising ideas for an alternative punishment. But it too can be diluted. Today, though thousands of such sentences are imposed yearly around this country, it is seldom that community service is imposed in a case for which jail would otherwise have been used. Community service sentences customarily go to middle-class, white, first

offenders who require little supervision and little support, and who face little risk of jail. But the offenders who fill inner-city jails are typically unskilled, unemployed Blacks and Hispanics who have accumulated records of prior criminal conviction and who face multiple other personal problems.

In the New York City Community Service Sentencing Project, the City and the Vera Institute have attempted to induce systematic use of community service sentences in precisely those jail-bound cases that, in the past, have always seemed beyond the reach of "alternatives." By excluding first offenders, by trying to prove to the court that the project could and would directly enforce and supervise the offenders' full performance of their service obligations, and by proving to the court that staff could and would (through their close working relationship with the Police Warrant Squad) secure the re-sentencing of offenders who refuse to perform their community service or who disobey the rules for behavior at the community sites, the New York projects aimed at recognition from prosecutors and judges, in the Bronx, Brooklyn and Manhattan, that it is possible to administer punishment, in some jail-bound cases, without jailing.

The initial pilot project (supported by grants from the Ford Foundation, the Edna McConnell Clark Foundation and the German Marshall Fund of the United States, and by funds from Vera's technical assistance contract with the City of New York) ran in the Bronx from the end of February, 1979, through September, 1980. In this pilot phase, 260 offenders were

sentenced by the Bronx Criminal Court to perform 70 hours of unpaid service for the benefit of the community, under the direct supervision of project staff. Working seven hours each day of their sentences, they cleaned up badly neglected senior citizens' centers, youth centers and neighborhood parks; they repaired appliances and installed smoke alarms for the elderly; they helped to staff recreational programs for retarded children, and painted and repaired community facilities and playgrounds; and they performed other useful work in some of the most service-needy areas of the city. Some offenders continued to volunteer their services after completing their court-imposed obligations.

Although no formal research was done at that point, the evidence seemed strong that the pilot project went some distance toward meeting its goal of restricting the use of the new sentence to those who would have served short jail terms. Eligibility criteria, established before the pilot began, ensured that all 260 participants had been convicted previously as adults at least once. As a group they averaged 2.5 prior convictions and a third had been convicted of a felony some time in the past. Over half received the community service sentence in a prosecution commenced by arrest on felony charges (all property offenses). Ninety-five percent were Black or Hispanic, and almost all offenders were unemployed at the time of the arrest and conviction that led to their being sentenced to the project. This profile has all the earmarks of a jail-bound group.

As a result of the pilot, the City asked Vera to manage a formal demonstration project in community service sentencing. It began on October 1, 1980, with a slight expansion of the Bronx operation and the laying of groundwork for a Brooklyn replication. The Brooklyn office opened in December 1980. In the Spring of 1981, when the swelling volume of short-term prisoners on Rikers Island presented the City with an overcrowding crisis, Vera was asked to expand the project further, and to adapt it to the Manhattan Criminal Court as well.

Like the Bronx pilot, this expanded demonstration was intended to target the community service sentence at that narrow band in the courts' caseload where the question of "jail" or "not jail" requires difficult decision-making in each case, and where the "jail" decisions could be changed by the offer of an enforceable non-incarcerative punishment. The expectation was that -- if the project's aim was good -- at least half those getting community service sentences would otherwise have been on the "jail" side of the dispositional decision. It was expected that this half would have served an average of 60 days, and that (after averaging with those who would not have gone to jail) each person sentenced to community service would represent a saving to the City of 30 cell/days. For every 500 offenders sentenced to the project, under these conditions, the City would avoid the need for 150,000 cell/days, or 40 cells over the course of a year.

Several empirical studies have established that defendants' prior criminal records are important determinants of

sentencing decisions, and that the number of prior arrests and convictions are a strong predictor of sentencing outcome (stronger, in many jurisdictions, than arraignment or conviction charges). Because offenders convicted for the first time of property misdemeanors are less likely to receive jail sentences in New York City than those with one or more priors (14% vs. 48%), the project excluded from consideration all persons who lacked at least one prior adult conviction. This, together with other elements of the projects' screening process (described below), was expected further to reduce the chances of community service sentences being imposed in cases for which punishment by short jail term was not a likely outcome.

II. SUMMARY -- CURRENT OPERATIONS AND EVIDENCE OF IMPACT

The Vera Institute now operates community service sentencing projects in the Manhattan, Brooklyn and Bronx Criminal Courts, with an annual budget of \$860,000. Since the beginning of the Bronx pilot project, a total of 1822 offenders have been sentenced to perform community service under the project's supervision. Over the past year, project intake appears to have stabilized at the desired rate of just over 1,000 per year -- for a per-sentence cost of about \$800. (Although the total intake for the fiscal year ending June, 1983, will be somewhat depressed by the two-and-one-half month Legal Aid strike, the intake figures for January (76), February (110), March (115), and April (93) show a healthy rebound from that period of reduced court activity.

The rate at which persons sentenced to community service actually comply with the terms of the sentence is holding between 85 and 90 percent, even though the volume of program intake has more than tripled over the past two years. Most of those who have not fulfilled the community service condition of their sentences have been returned to court and re-sentenced to jail.

To determine the extent to which program has had the effect of displacing jail sentences, data were drawn from the project's management information system and from Criminal Justice Agency files to permit the Institute's Research Department to track a large pool of criminal court defendants to the point of final disposition. This pool was made of defendants

who initially had been found eligible by project court representatives but subsequently were dropped from consideration for a variety of reasons. As detailed below, this pool was used to build a statistical model of the dispositional process for eligible cases in each borough. Because the models permit quite accurate prediction of the sentencing decisions in cases falling within this program's eligibility criteria, we can apply the models to the cases actually sentenced to community service and estimate, with some confidence, the proportion that would have been jailed if the program had not been operating. When these techniques are applied to the program's caseload for calendar year 1982, it appears that 44 percent of those sentenced to community service would have served sentences at Rikers (excluding those who would have done "time served" sentences). While 44 percent is not far off the target of 50 percent jail displacement, the research effort seems certain to yield insights into how further improvements might be made.

Having estimated the program's displacement of jail sentences in calendar year 1982, it is possible to use the same data base to estimate the average length of the jail terms that would have been received (and the average time that would have been served after taking account of credits for pretrial detention and good time) by the project participants who would have been sentenced to Rikers Island. Over the last calendar year, the program freed up an estimated total of 48 cell/years in the Department of Correction's supply of cells for sentenced inmates. The project's operations also reduced demand for detention cells because defendants sentenced to community service

spend less time in the system waiting disposition. The analysis, detailed below, shows an estimated 17 cell/years freed up in calendar 1982 by the project's impact on time to disposition.

Thus, the total number of cell/years saved by the project's displacement of defendants from Rikers Island can be estimated, with reasonable reliability, at 65 cell/years in calendar 1982. Attaching a dollar value to this reduced demand for jail cells is difficult. With Rikers Island at capacity, the easiest method (but one that inevitably overstates the economic value to the city of this impact) is to reckon the costs avoided as 65 new cells not built, at roughly \$100,000 per cell, or \$6.5 million. In addition, the services provided to the community through the unpaid labor of offenders sentenced to the project in 1982 are valued at roughly \$200,000.

The bulk of this report is devoted to an explanation of the methods used to make the various projections of impact. Two other issues which are often raised by persons interested in examining community service sentencing are addressed in final sections: recidivism of project participants, and the resentencing of those who fail to complete the 70-hour term. Recent data on recidivism indicate that, although the pattern of petty crime among those who draw short jail terms or community service sentences is fairly persistent (no matter what the sentence), use of community service as an alternative to jail has not caused a crime wave. A look at the fate of a group of participants who did not comply with the sentence shows a quite favorable picture of enforcement.

III. A STATISTICAL METHOD OF MEASURING THE PROGRAM'S IMPACT ON
THE COURT'S DECISION TO SENTENCE TO JAIL

The most certain method of determining how, if the community service sentence had not been available, the courts would have disposed of the cases of offenders sentenced to community service would be to establish randomly-selected experimental and control groups. Although this method would yield the least ambiguous results, it would also require randomizing the sentencing options available to judges in paper-eligible cases. In the Criminal Court sentencing context, such a procedure raises problems that would be difficult to overcome. For example, implementing such a procedure might so distort the normal decision-making process as to render any findings questionable.

In lieu of such an approach, the Institute's research staff launched a retrospective analysis of how the court reached the decision to jail or not to jail in cases similar to those in which community service sentences were in fact imposed. With the aid of a computer, a number of statistical models were developed to find the best set of statements which most closely predicted the actual proportion of defendants jailed, out of a test sample of defendants who were, on paper at least, eligible to be considered for sentencing to the program. These models were then used to estimate the proportion of community service participants who would have received a jail sentence if the community service sentencing option had not been available to the court.

The population used to develop and to test these statistical models consisted of a pool of criminal court defendants who were initially screened as eligible for community service by project court representatives, but who were subsequently dropped from consideration for a variety of reasons. All these eligible-but-dropped cases were followed through the courts to disposition, relying primarily upon the files of the New York City Criminal Justice Agency. The dispositional data were incorporated into a research data base which already contained a substantial amount of information about these defendants and their cases. The data base included 1,486 cases of September 30, 1982.

The utility of a model that predicts the sentences of "rejects" can be seen more clearly by examining the screening process that generates the pool of defendants from which rejects and project participants are both ultimately drawn. Initially, cases are culled from the daily court calendars on the basis of appropriate charges -- these being the basic range of property and theft offenses which lack elements of threat or violence against the person. The court papers for such cases are then searched for a variety of factors which help to determine first-cut eligibility: indicia of jail-boundness (e.g., a record of prior conviction, pretrial detention status, markings by judges or assistant district attorneys as to the plea offer); reliability of the defendant, indicated by his or her community ties; and a determination that the defendant does not have a recent and significant record of violent criminal

behavior. Once this check of threshold eligibility has been made, the data about eligible candidates are entered on the project's MIS forms, from which they enter the research data base.

Discussions are then held with defense attorneys, assistant district attorneys and defendants. At any of these stages, the case may be rejected from further consideration. Eligible defendants wind up in the reject pool for many reasons: ADAs may indicate that a case is not substantial enough to warrant a community service sentence or may so strongly insist on a heavier sentence that community service is effectively barred. Some defendants may be dropped because they have pending Supreme Court cases which ultimately yield a negotiated settlement to cover the Criminal Court case. Other defendants, or their counsel, turn down the suggestion of community service because they prefer to negotiate for a more favorable disposition. Probation officers may object to a defendant taking the plea if he is already on probation, demanding that the court impose a stiffer sanction. Judges sometimes reject the plea recommendations involving community service and impose other sentences, both lighter and heavier. The project's court representatives themselves often decide to reject defendants because, upon further investigation, they decide the offender has a pattern of past violence or a current problem with drugs or alcohol that is severe enough to pose an unacceptable risk on the work sites. Some cases are simply lost: the case may be held over for a night arraignment or a

defendant who had been released from detention may fail to show up at the next court date.

Because of the complex way the pool of eligibles is separated into the two separate pools (participants and rejects), those who end up as rejects do differ in various ways from those who are ultimately sentenced to community service. Therefore, a simple projection onto the participant pool of the dispositional pattern found to occur in the cases of rejects is not the soundest method of measuring the proportion of participants who would have drawn jail sentences in the absence of the project.

But the research strategy followed here does not require an identical composition of the participant pool and the reject pool. What matters is that there be a good deal of variation in the reject pool, both in the characteristics of the defendants and in the types of dispositions reached in their cases. This variation is needed so that one can construct statistically the set of predictive statements (expressed in mathematical form) that best predicts how the cases were disposed by the courts. Fortunately, the program's reject pool was sufficiently varied for these purposes.

The predictive models were built by testing many "what if" propositions to find the one that best fits the actual pattern of jail/no jail dispositional decisions. For example, what if the courts systematically imposed more severe sanctions upon defendants who had heavier criminal records, higher charges, more recent convictions, and were older? Furthermore, what if

the prior record were 5.7 times more influential in this result than the level of the charge and 3.2 times more important than the recency of last conviction? Obviously, there are hundreds of such possible combinations. Fortunately, using a computer speeds up this modelling process; one can quickly test a number of different combinations of predictive variables, and the computer is programmed to generate for each combination the estimated weight given to each variable.

The first step was to identify factors found to be associated with going to jail so that they could be included in the modelling process. Rejects whose cases were screened by project court representatives in the three boroughs between October 1, 1981, and September 30, 1982, were measured along a number of different dimensions, and the statistical correlation between each of these dimensions and the disposition reached was examined. For the purpose of this analysis, outcomes were categorized either as "jail" or as "non-jail" (i.e., all other disposition combined, including dismissals). "Time served" was conservatively classified as a non-jail disposition. Cases not reaching final disposition in the Criminal Court (those transferred to other courts) were omitted.

Dozens of characteristics were tested for their association with jail sentences, including numerous features of the prior criminal records, the charges, the socio-economic backgrounds of defendants, as well as various characteristics of the adjudication process (such as the time between arraignment and disposition, the defendant's pretrial detention status, and

the type of court part where the case was disposed). Many of these factors were correlated with going to jail, but were also correlated with each other. By a process of elimination, a statistical model was built to predict the sentences for each borough's rejects which was both parsimonious (having the fewest number of predictive variables) and most strongly predictive of actual dispositional outcomes.* Although the models vary from borough to borough, the variables found to be useful included: number of prior arrests, time since last conviction, time between arraignment and disposition, whether or not the last prior conviction resulted in a jail sentence, and pretrial detention status at the time of sentence on the current charge. In Brooklyn, a model was developed that predicted 80

* In technical language: a best-fitting linear logistic regression model was constructed using a procedure developed by Frank Harrell (SAS Institute, Inc.: Cary, N.C., 1980). This general class of multivariate techniques was originally developed by economists to model the way the economy works, although the sub-species used here was elaborated by biomedical statisticians interested in determining the effects of drugs on various kinds of physiological actions. Logistic models are best suited to situations in which what is being explained has a dichotomous form, such as jail/no jail. The mathematical form of the model is as follows: Y denotes the dependent variable (jail=1, no jail=0) for the n th observation. The vector of the independent, or predictive variables, for the n th observation is $X_{n1}, X_{n2}, \dots, X_{np}$. Furthermore, $X_n B = X_{n1} * B_1 + X_{n2} * B_2 + \dots + X_{np} * B_p$ in which $B = (B_1 \dots B_p)$ denotes the vector of regression parameters. The assumption of the model is that the probability that $Y_n=1$ is $1 / (1 + \exp(-X_n B))$. Here $X_{n1}=1$, so that B_1 is the intercept parameter.

For simplicity's sake, the methodological description in the text above omits a step of some importance. The reject pool

percent of the actual jail decisions; in the Bronx, the model predicted 87 percent of the decisions; and the best model that could be developed for Manhattan predicted 78 percent of the jail/no-jail decisions.

That variables of the kind found useful in this modeling process are associated with the likelihood of being sentenced to jail is evident from the far simpler, city-wide comparisons between jailed rejects and non-jailed rejects shown in Table 1.

[footnote continued from previous page]

was randomly divided into two halves, and models were constructed using only one-half of the pool. What appeared to be the best model was then tested on the other half to see if, indeed, the models did have substantial power to predict successfully whether the reject was or was not sentenced to jail. Models were developed in each borough which were successful predictors, and they were then used to estimate what would have otherwise happened to community service project participants.

The models were constructed in each borough using only those rejects whose cases were disposed of in the post-arraignment parts. The 10% of rejects whose cases reached disposition at arraignment could not be folded in with the post-arraignment rejects because they differed in two important respects. First, almost all defendants were held in pretrial detention at arraignment, and there was consequently no relationship between detention and sentence. Second, because arraignment and disposition always occurred on the same day for this group, no correlation could exist between the time to disposition and the severity of sanction. What the researchers derived, therefore, was a model in each borough which best predicted the outcomes of the majority of the cases which were disposed of in post-arraignment hearings. This probably has no bearing on the utility of the model for predicting what sentences participants would have received had they not been sentenced to community service, because most participants who were sentenced to community service at arraignment would have had their cases put off for subsequent appearances had they not taken the plea to community service. It is likely that, in these later hearings, their cases would have been disposed of in the same fashion as were the rejects' cases.

Table 1

Rejects Who Were Sentenced to Jail Compared to Rejects
Whose Cases Were Disposed of by Any Non-jail Disposition
(All Boroughs Combined)

	<u>Jailed Rejects</u>	<u>Non-Jailed Rejects</u>
Average No. Prior Arrests	11.9	5.8
Average No. Days Since Last Conviction	533.3	688.7
Average No. Days from Arraign- ment to Disposition	52.6	70.5
Proportion Sentenced to Jail for Most Recent Prior Conviction	50.8%	26.9%
Proportion in Pretrial Detention at Time of Disposition	79.8%	42.1%

Sources: Community Service Sentencing Project files and New
York Criminal Justice Agency files.

The models were then applied to the pool of eligibles who became participants, to estimate the proportion of those sentenced to community service who would have gone to jail in the absence of the program. The computer went through each participant's case, weighting each predictive variable as specified in the model for the borough in which the case originated, thereby producing an estimated probability of that offender being sentenced to jail.*

*The assumption here is that the same factors which influenced and determined outcomes for rejects would have influenced and determined outcomes in the cases of community service participants, had the community service option not been available. There were some slight differences between participants' cases and rejects' cases, but the logistic models are designed to take these differences into account in generating their estimates.

Some adjustments were applied to the estimates created in this fashion to account for error. This was necessary because the models developed to predict dispositions in rejects' cases were correct only in 78 percent to 87 percent of the examined cases. The probability and direction of error in the original model were measured, and a procedure derived from Bayes' law was devised to account for the errors in these models and in their derived estimates.

When these models are applied to the program participants screened for eligibility during the same period (October 1, 1981, through September 30, 1982) it appears that 42 percent would have been sentenced to jail (excluding those who would have drawn "time served") had they not been ordered to perform community service. If the estimates derived from the sentencing models are applied to the offenders sentenced to community service in calendar year 1982, it appears that jail sentences were displaced in 44 percent of these cases.

IV. THE NUMBER OF JAIL CELLS SAVED

If 44 percent of the 1982 participants would have gone to jail had they not been ordered to perform community service, how long would they have served? Put another way: how many cell/years did the operation of the community service projects save the City of New York?

An unsuccessful attempt was made to answer this question by statistical modelling. Many factors were examined for their correlations with the length of jail sentences imposed on rejects. Unfortunately, an insufficient number of characteristics were found to be correlated significantly with sentence length and, therefore, a statistical model of the sort constructed to predict the in/out decision could not be developed.

A quite reliable estimate was developed, however, by a simple analysis of sentences imposed on jailed rejects. During the October 1, 1981 - September 30, 1982 period, rejects who were sent to jail were given sentences that averaged 68 days in the Bronx, 70 days in Brooklyn, and 115 days in Manhattan. For the sake of deriving an estimate of time actually served, it was assumed that all inmates were given full credit for "good time" at the rate of one-third off the definite sentence.* Furthermore, the number of pretrial detention days served before sentencing was estimated and subtracted from this

* This yields a conservative estimate of time actually served, for a proportion of those sentenced to jail lose good time credits for misbehavior and thereby serve a larger portion of their court-imposed sentence than is being counted here.

definite sentence-minus-good-time figure. After these adjustments were made, the estimated time actually spent in jail by rejects who were jailed subsequent to sentencing averaged 38 days in the Bronx, 49 days in Brooklyn, and 63 days in Manhattan.

It is appropriate to assume that participants who would have been sent to jail in the absence of the community service sentence would have been given sentences of similar lengths. This is because the reject and participant populations were nearly identical in those characteristics found to be even weakly correlated with sentence length (See Table 2).*

When the borough-specific estimates of sentence length are applied to the projected number of participants who would have been jailed, we can estimate that they would have consumed 48 cell/years. (This estimate is the same whether the period considered is October 1, 1981 through September 30, 1982, or calendar 1982.)

* That this simpler method of estimation is likely to yield quite reliable results is corroborated by another finding. An estimate of the number of participants who would have gone to jail that simply projected the proportion of rejects in each borough sentenced to jail during the examined period produces a projection very close to the projection derived from the more powerful multivariate modelling: 42 percent versus the 44 percent obtained by the modelling. Because this simpler method of predicting in/out decisions comes so close to that derived from the more sophisticated procedure, sentence length is also likely to be similar for jailed rejects and for participants who would have been jailed.

Table 2

Offenders Sentenced to Community Service Compared to
Those Found Eligible But Subsequently Rejected
(All Boroughs Combined)

	<u>Sentenced to CSS</u>	<u>Rejected</u>
Average no. prior arrests	8.7	7.6
Average no. prior convictions	5.3	4.7
Aver. no. days since last conviction	569.5	683.6
Median no. days since last conviction	330	392
Proportion receiving jail term for most recent prior conviction	44.2%	41.0%
Average no. days between arraignment and disposition	25.3	79.2
Class of arraignment charges:		
A felony	---	0.2%
B "	0.3%	0.8
C "	1.5	3.5
D "	21.1	27.4
E "	13.4	20.5
A misdemeanor	61.4	46.2
B "	2.2	1.2
Violation	0.2	0.2
	<hr/>	<hr/>
TOTAL = 100%	100.1%	100%

Sources: CSS project files and New York City Criminal
Justice Agency files.

The population examined here consists of all participants and
rejects screened for eligibility between October 1, 1981 and
September 30, 1982.

In addition, defendants sentenced to community service had their cases disposed more quickly, on average, than did rejects. Because many rejects were held in pretrial detention, they typically consumed more cell/days than did defendants who pled early and were sentenced to community service. Table 3 compares the average number of days participants and rejects were held in pretrial detention in each of the three boroughs.

Table 3

Average Number of Days Rejects and Participants
Were Held in Pretrial Detention, by Borough

	<u>Rejects</u>	<u>Project Participants</u>	<u>Average Difference</u>
Bronx	9.1	3.3	5.8
Brooklyn	9.2	4.2	5.0
Manhattan	17.0	4.5	12.5

Sources: New York City Criminal Justice Agency files.

Applying these estimates of the average number of days saved in each of the boroughs to the total number of participants taken into the program between October 1, 1981 and September 30, 1982, we projected a savings in pretrial detention time of 17 cell/years. (The figure for calendar year 1982 is the same.)

In summary: the total number of estimated cell/years saved the City of New York by the Vera Institute's Community Service Sentencing Program during calendar year 1982 was 17 (pretrial) plus 48 (sentenced time), or 65.

In addition to the cost savings resulting from reduced reliance on jail, other economic benefits result from the imposition of a community service sentence. During 1982, over 43,000 hours of unpaid physical labor were provided to non-profit community service agencies located within designated Community Development Neighborhood Strategy Areas in the three boroughs. In Brooklyn, for example, the project renovated a day care center -- plastering damaged walls, replacing missing tiles and baseboards, and painting the classrooms and office area. The improvement of various recreational facilities operated by the Parks Department was also undertaken in that borough. In Bedford-Stuyvesant, participants painted an olympic-size swimming pool and repaired the surrounding utility area.

Crews from the Bronx project provided all the labor for the transformation of a former police precinct house into a multi-use community center. The entire 36-room building was repaired and painted; it now provides space for a Headstart program, two recreation programs (after-school play time for elementary school children and evening activities for teens), a hot meal program for seniors, and a victims' rights project which provides both counseling and self-defense classes for neighborhood residents. Bronx participants also repaired and

tarred the roof of a halfway house for released mental patients, and they sheetrocked and painted ceilings and walls which had been damaged by the leaking roof.

In Manhattan much of the crews' effort has been devoted to improving housing for low-income people. Over the past year, the project has worked closely with two community-based housing development corporations, providing labor for the renovation and upgrading of apartment houses under community management. Participants have cleared debris, knocked down walls, put up sheetrock, plastered, painted, and worked in concert with the carpenters, plumbers and electricians who perform the skilled renovation work.

It is difficult to assess the precise dollar value of the unpaid labor provided to the community in these improvement efforts. Assigning a figure of \$5 an hour (a generous discount off the hourly wage rates commanded by laborers who perform such work in the private development market) produces a conservative estimate of more than \$200,000 for the labor provided during 1982.

V. RECIDIVISM IN THE SHORT TERM

A preliminary examination of rearrest data makes it clear that community service sentencing is not causing a new crime wave -- that is, use of this alternative punishment for persistent petty offenders does not appear to be eroding whatever deterrent or incapacitative effects may follow from jailing them. Although the exact effects of community service sentences upon offenders' subsequent criminality cannot be known, rearrest statistics provide a starting point for this assessment.

In September, 1982, the computerized files of the New York City Criminal Justice Agency were searched for data on all new court cases against persons who had previously been sentenced to perform community service. Of all project participants, 494 had been at risk of rearrest for at least 180 days by that point. This group included all persons sentenced to the project by the Bronx and Brooklyn courts between January, 1981 and March, 1982, and all those sentenced in Manhattan between September, 1981 and March, 1982.

Table 4, attached at the end of this report, shows the proportions rearrested within 180 days of being sentenced to community service in each of the borough projects. A composite city-wide figure for calendar year 1982 -- 46 percent re-arrested -- can be extrapolated from the borough-specific figures.* As would be expected from the types of offenders

* This is done by applying the borough rates of Table 4 to the 689 offenders sentenced to the program between January 1 - December 31, 1982.

sentenced to community service, where rearrest occurs it is not likely to be for violent crimes: 61 percent of the rearrest charges were for property and simple theft offenses; only 11 percent were charged with offenses that could have involved direct threat of violence or assault (given the possibilities within the Penal Law definitions); the remaining 28 percent of the charges were for possession or sale of a drug, possession of a weapon, or public order offenses (gambling, loitering, etc.).

That 46 percent of project participants were arrested again within six months of being sentenced to perform community service is disappointing, but not surprising; it would be unreasonable to expect a short, punitive alternative sentence to reverse (through some unsuspected, powerful, "rehabilitative" impact) the underlying pattern of recidivism that characterizes the group of chronic petty offenders who conventionally get short jail term after short jail term and who are targeted by project staff for this sentencing option.

But what would have been the effect on crime if these offenders had received jail terms instead? To answer this question, a comparison was made between participant rearrest data and rearrest data on similar offenders actually sentenced to jail. A comparison group of 358 jailed offenders, whose profiles consist of similar prior histories and current charges, was assembled for this purpose, and rearrest information was obtained on each offender for the period running 180 days from his release from jail. Table 5 (attached at the

end of this report) shows that, borough-by-borough, the proportions rearrested were nearly parallel for the two groups: by the end of six months of being at risk of rearrest, the proportion of the city-wide comparison group rearrested (44 percent) was roughly the same as the proportion of participants rearrested (46 percent). Although more than half of each group were not rearrested, these recidivism rates are high and suggest that property offenders who receive short jail terms in New York's Criminal Courts tend to remain petty recidivists and that being given short jail terms -- as opposed to serving a community service sentence -- makes no significant difference in the subsequent rearrest pattern.

It is impossible to develop an accurate estimate of how much crime would have been averted had the project and its jail displacement effects not been operating. The best that can be done is to project the most unfavorable comparison -- the "worst case" -- by contrasting the rearrest pattern of the participant group (as before) with the rearrest pattern (from date of sentence) of 358 offenders who were actually sent to jail. This worst case comparison of rearrests begins from the time of sentencing (so that the short jail sentences get the benefit of their incapacitative effect). Table 6 (attached at the end of this report) details and compares the proportions rearrested, by borough. Extrapolating from these data, the city-wide proportion of jailed offenders rearrested, 180 days from sentencing, is 35 percent (as compared to 46 percent for participants). Because all of the jailed offenders in the comparison group had been removed from the streets for at least

a portion of the time after sentencing, a lower proportion of them than of project participants had been rearrested within six months of sentence.

The data described above do not end an inquiry into the relationship between community service sentencing and crime. Two other questions -- more difficult to probe -- remain. First, does the apparent crime-reduction effect from incapacitating jailed offenders persist, if the measurement period is extended (to twelve months, for example)? Second, are those offenders who are rearrested arrested more or less frequently, depending on which group they are in?

Because the proportion of program participants rearrested was highest in Manhattan, and because the difference 180 days from sentencing was greatest there (51% of participants rearrested, compared to 39% of jailed offenders), a second look at Manhattan recidivism data was undertaken recently. Contrasting the proportions rearrested over a full year from date of sentence (making, again, the "worst case" comparison), we found that the proportion of those sentenced to jail in Manhattan who were rearrested within the year reached 59 percent. The gap, presumably caused by the incapacitative effects of short jail terms at the beginning of the year, was narrower than when measured at six months, but the proportion of this jailed group rearrested was still ten points lower than the 69 percent of community service participants rearrested.

However, those who had originally been sent to jail were much more likely to be arrested more than once. The jailed offenders were rearrested an average of 2.1 times each, over the twelve months following their release from jail, while the offenders sentenced to community service were rearrested an average of 1.5 times each over the twelve months at risk. As a result of this lower frequency of offending among the group sentenced to community service, the average number of rearrests over the year following sentencing was identical for the two groups (1.5 for each), despite the early incapacitation of the jailed offenders.

These rearrest data do not permit certainty of interpretation -- the two groups of offenders whose post-sentence behavior is being compared are not, after all, perfectly comparable. Nevertheless, the data suggest caution in assuming that the incapacitative effects of short jail terms offer a lasting crime control advantage over punishing these same offenders through community service sentences.*

* These comparisons of total rearrests must be interpreted with some caution, for we were not able to establish the length of time, within the twelve month measurement period, for which offenders in either group were actually at risk of rearrest. Rearrested offenders from both groups undoubtedly spent some time in pretrial detention, and some undetermined proportion was sentenced to jail or prison after being rearrested. The time these individuals were off the street really ought not be counted as time "at risk" of rearrest, and it may have differed for the two groups.

VI. ENFORCEMENT OF THE SENTENCE

Despite the increased caseload resulting from project expansions over the past two years, the rate at which persons sentenced to community service comply with the terms of the sentence is holding in the 85 to 90 percent range. To protect the integrity of the community service sanction and to ensure its usefulness to the courts, project staff are vigorous in their enforcement efforts. All reasonable assistance is offered to offenders to aid them in completing their 70-hour terms. Phone calls, warning letters and visits to the homes of participants who fail to report as ordered to the service sites exact compliance in most cases; when these efforts fail, a letter is presented to the court alleging a violation of the sentence, detailing the enforcement efforts and the offender's non-compliance, and asking that the case be restored to the calendar for resentencing. Close cooperation from the Police Department Warrant Squad helps to bolster the project's ability to return most violators to court. In the majority of cases, project staff are able to arrange to have the delinquent offender brought back before the original sentencing judge.

Once violation of the community service obligation has been established, the judge resentences; the new sentence may be chosen from the full array of sentencing options the law provides for the original conviction. To examine the result of this enforcement process, court data were obtained on all 785 persons sentenced to perform community service under project supervision in the three boroughs from December 1980 through

June, 1982. One hundred and six (14 percent) violated the terms of their community service sentences (by failing to complete it or by other violation) and had their cases restored to the court calendar for resentencing. At the time of data collection for this report, two-thirds of these offenders (71) had been returned on the warrants, for a finding on the alleged violation. (Warrants were outstanding on the remaining 35.)

Of the 71 offenders returned for a violation of the community service sentence, 80 percent (57) received a jail term upon resentencing. The average length of the jail term imposed upon resentencing was 139 days.

These results are encouraging. Because almost 9 out of 10 offenders sentenced to community service complied, because at least two-thirds of the offenders who failed to comply were returned to the court for resentencing, and because 8 out of 10 of those so returned received jail terms, the program's enforcement record continues to encourage compliance by a difficult-to-manage offender group and this, in turn, encourages continued use of the sentence in cases where punishment is a priority for the court. Only six percent of the 785 offenders sentenced to perform community service under project supervision during the period studied have so far escaped full punishment; 94 percent have either completed their term of unpaid, supervised community service or have been jailed upon being returned to court to answer for the violation.

Table 4
 Incidence of New Arrests Among Offenders Who Had Been Sentenced to Community Service, by Borough

Days Between Admission to Community Service Sentencing Project And First Rearrest	Bronx			Brooklyn			Manhattan		
	Participants Rearrested	%	cum. %	Participants Rearrested	%	cum. %	Participants Rearrested	%	cum. %
0-30	18	9%	9%	8	6%	6%	16	11%	11%
31-60	22	11	20	16	11	17	15	11	22
61-90	14	7	27	6	4	21	15	11	33
91-120	12	6	33	9	6	27	9	6	39
121-150	6	3	36	8	6	33	12	8	47
151-180	7	3	39	13	9	42	6	4	51
Not rearrested within 180 days	126	62		86	59		70	49	
Total in Sample	205	101%		146	101%		143	100%	

Note: Included here are all offenders sentenced to the Bronx Project between Jan. 8, 1981 - March 2, 1982, to the Brooklyn Project between Jan. 7, 1981 - March 5, 1982, and to the Manhattan Project between Sept. 16, 1981 - March 5, 1982. Rearrest data were obtained only for persons apprehended within New York City; a few persons may have been arrested outside the city limits and would not have been counted here as rearrests.

Sources: Dates of sentencing from projects' files; rearrest dates from N.Y.C. Criminal Justice Agency.

Table 5

Incidence of Rearrest Among Offenders Sentenced to Community Service Compared to That Among Comparable Offenders Sentenced to Jail, Over Equal Periods of "At Risk," by Borough

Days Between Admission to Community Service or Sentencing Project or Release from Jail and First Rearrest	Sentenced to Community Service		Sentenced to Jail	
	Participants Rearrested	%	Jailed Offenders Rearrested	%
Bronx				
0-30	18	9%	5	6%
31-60	22	11	6	7
61-90	14	7	3	4
91-120	12	6	2	3
121-150	6	3	7	9
151-180	7	3	4	5
Not rearrested within 180 days	126	62	54	67
TOTAL	205	101%	81	101%
Brooklyn				
0-30	8	6%	6	17%
31-60	16	11	2	6
61-90	6	4	2	6
91-120	9	6	2	6
121-150	8	6	2	6
151-180	13	9	1	3
Not rearrested within 180 days	86	59	21	58
TOTAL	146	101%	36	102

cum.
%

6%
13
17
20
29
34

9%
20
27
33
36
39

17%
23
29
35
41
44

Continued Table 5

Days Between Admission to Community Service Sentencing Project or Release from Jail and First Rearrest

	Sentenced to Community Service		Sentenced to Jail	
	Participants Rearrested	%	Jailed Offenders Rearrested	%
Manhattan				
0-30	16	11%	46	19%
31-60	15	11	23	10
61-90	15	11	23	10
91-120	9	6	10	4
121-150	12	8	9	4
151-180	6	4	6	2
Not rearrested within 180 days	70	49	124	52
TOTAL	143	100%	241	101%

Jailed Offenders Rearrested cum. %

Note: The groups of jailed offenders used for comparison were drawn by two distinct sampling procedures. In Brooklyn and Bronx, the offenders chosen were those first identified by the Vera Community Service Sentencing Project as eligible for the project, who were subsequently rejected, and who were sent to jail instead. Included here were all rejects sentenced to jail between October 24, 1980 and March 5, 1982 in the Bronx, and between December 5, 1980 and February 9, 1982 in Brooklyn. In Manhattan, the comparison group of jailed offenders are those who were arraigned between June 1 and June 26, 1981 (just before the project began), and sentenced to jail, after arrests on charges which would have not made them ineligible for the Manhattan Community Service Sentencing Project. That is, offenders were excluded if their arrests were for crimes against the person, weapons, or sex offenses. The sample was further limited to those persons having one or more prior adult criminal convictions; this was done to match the Manhattan Project's screening criteria.

Cases disposed of by "time served" sentences were excluded from the jailed offender samples. The dates of release from jail were estimated by deducting the "good time" credits normally given offenders serving local jail terms (one-third of the definite sentence imposed by the courts) as well as the number of days detained in jail prior to sentencing. The time "at risk" for the jailed offender group therefore began at the estimated date of release from jail. For project participants, it began at the point of being handed over to the project by the courts.

Sources: Participants' sentencing dates from Project files; all other data computed from information supplied by N.Y.C. Criminal Justice Agency.

Table 6

Incidence of Rearrest Among Offenders Sentenced to Community Service
 Compared to That Among Comparable Offenders Sentenced to Jail,
 From Day of Sentencing, by Borough

Days Between Sentencing and First Rearrest	Sentenced to Community Service		Sentenced to Jail	
	Participants Rearrested	%	Jailed Offenders Rearrested	cum. %
Bronx				
0-30	18	9%	2	2%
31-60	22	11	3	5
61-90	14	7	6	12
91-120	12	6	6	19
121-150	6	3	1	20
151-180	7	3	8	29
Not rearrested within 180 days	126	62	66	72
TOTAL	205	101%	92	101%
Brooklyn				
0-30	8	6%	2	5%
31-60	16	11	4	15
61-90	6	4	1	17
91-120	9	6	1	19
121-150	8	6	1	21
151-180	13	9	6	35
Not rearrested within 180 days	86	59	27	64
TOTAL	146	101%	42	99%

Continued Table 6

Days Between Sentencing and First Rearrest	Sentenced to Community Service		Sentenced to Jail	
	Participants Rearrested	%	Jailed Offenders Rearrested	cum. %
Manhattan				
0-30	16	11%	20	8%
31-60	15	11	20	16
61-90	15	11	19	23
91-120	9	6	19	30
121-150	12	8	16	36
151-180	6	4	8	39
Not rearrested within 180 days	70	49	158	61
TOTAL	143	100%	260	100%

Note: The participant and jailed reject samples are identical to those employed in the comparisons in Table 5; see the notes to that table for a discussion of the sampling procedures. The sole difference between Table 5 and this one, however, is that the time "at risk" was calculated from the day of sentence. Because of this manner of computation, there were more jailed rejects who were at risk for 180 days or more than in Table 5.

Sources: Participants' sentencing dates from Project files; all other data computed from information supplied by N.Y.C. Criminal Justice Agency.