

A PLAN FOR EVALUATING THE DISPLACEMENT EFFECTS OF
ALTERNATIVE-TO-INCARCERATION PROGRAMS IN NEW YORK
CITY

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By

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Introduction

At the request of the New York City Council, the Vera Institute of Justice is conducting a comprehensive evaluation of the alternative-to-incarceration programs (ATIs) funded through the Council and the New York City Mayor's Office.¹ One of the programs supervises adults with a history of misdemeanors as they perform mandated community service. The other ten programs provide supervision and treatment to juveniles and adults charged with felonies. All of the ATIs are designed as diversion programs for offenders who otherwise would be sentenced to jail or prison. The community service program is intended for two groups of misdemeanants: Those who would have been sentenced to between 20 and 45 days in jail and those who would have received sentences of between 46 and 180 days in jail. The other programs are intended for people charged with felonies who would have received jail terms of six months followed by probation, or prison terms of one year or longer.

The City asked Vera to conduct research on the “displacement effects” of the ATIs. Specifically, the City wanted answers to two questions:

- ◆ How successful are the ATIs in diverting offenders from jail and prison?
- ◆ Are the City's jail and prison costs reduced by the diversion of offenders to ATIs?

This report describes our planned methodology for answering the City's questions and explains how the methodology will also facilitate an evaluation of the ATI's impact on recidivism.

Relevant New York City-Based Research

The present research builds on several studies of New York City's ATIs. Much of the previous work assisted the City in refining selection criteria for ATI placement. For instance, research by the Vera Institute of Justice (Vera Institute of Justice, 1992; Winterfield, 1992) suggested that many more people were eligible for ATI placement than were targeted, and described how these people could be selected. Since the ATIs are designed for offenders headed to jail or prison, the challenge was to figure out how these jail-bound individuals could be identified early in the court process. To do this, researchers analyzed information on people sentenced by the courts in the past and identified the variables most helpful to understanding why some were incarcerated and others were not. The City could then use these variables, such as prior convictions and the current charge, to select participants who otherwise would be incarcerated.

¹ Vera released a report describing the overall research plan in February 1998 and a preliminary report on the community service program for misdemeanants in March 1998. We are releasing two other reports with this one—an evaluation of the community service program and a preliminary evaluation of the felony ATIs.

The New York City Criminal Justice Agency (CJA), a non-profit agency that includes among its functions maintaining a computerized arrest-tracking information system, took the idea of predicting incarceration a step further. They set out to account for why certain groups, such as women and substance abusers, received incarcerative sentences of varying lengths.² CJA estimated that the City could have diverted a significant number of the group studied, saved a significant number of jail beds, and reduced correctional costs.

The Center for Alternative Sentencing and Employment Services (CASES), a non-profit agency that implements programs for the city's criminal justice populations, conducted research on the felony ATI it operates (the Court Employment Project) using data on past participants and identifying variables that explained incarceration (1994; 1994). After analyzing the variables in relation to the offenders in the program, CASES concluded that a significant number of offenders would have been incarcerated and, therefore, that significant numbers of jail beds were being displaced.

In its research on the Community Service Sentencing Project (CSSP), the ATI for misdemeanants, the Vera Institute evaluated the diversionary impact of that program (McDonald, 1986). Researchers examined the sentences imposed on people eligible for the program, and on that basis identified the proportion of CSSP's population that would have been jailed if not for the program.

The previous work on diversion and displacement focused on ATI placements and used information about the past to make inferences about the present or predictions about the future. Our research will use an alternative approach. By comparing the sentences of groups entering the system at the same time, we will analyze the displacement effect of the City's ATI system as a whole. This will include the City's targeting of individuals likely to receive the intended jail or prison terms, review of their cases, placement of some into ATIs and the provision of services to them. The method is simple, yet powerful. The research will inform the City whether its ATI system is worth the cost and effort—whether the system diverts people from jail and prison, and does so efficiently and without selection bias.

² See Belenko, S., Schiff, M.F., Phillips, M.T., and Winterfield, L.A., 1994; Belenko, S., Phillips, M.T., Demetriades, R., Eliyahu, D., Winterfield, L., and Heffernan, R., 1995; Belenko, S., Winterfield, L., Phillips, M.T., Grant, A.C., and Caligiure, R., Revised 1995.

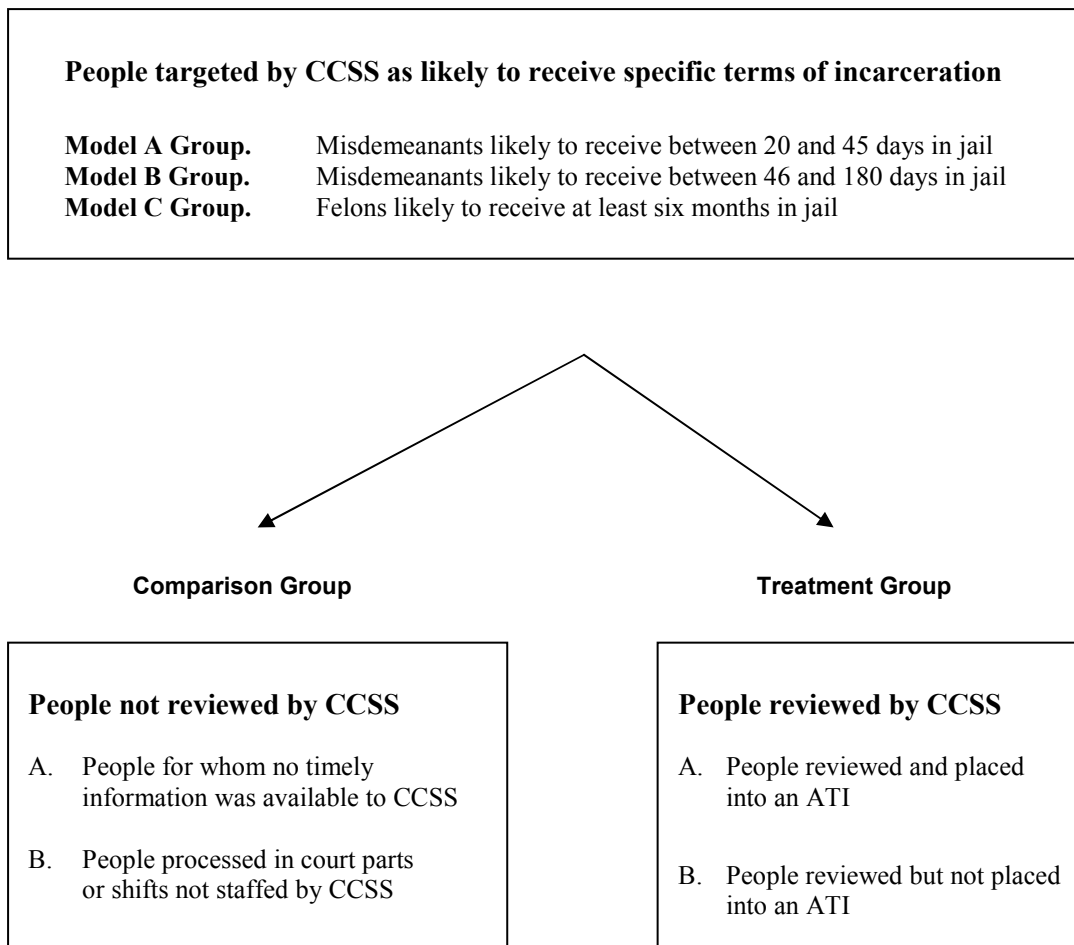
Planned Methodology

The remainder of the report summarizes our strategy for answering the City’s questions.

How successfully does the ATI system divert Model A misdemeanants from at least 20 days in jail, Model B misdemeanants from at least 46 days in jail, and Model C felons from at least six months in jail?

Our plan to answer this question is outlined in Figure 1.

Figure 1. A Model for Displacement Analysis



Using information about prior record and current criminal charge, CJA’s Central Court Screening Service (CCSS) identifies or targets three groups of people entering the City’s courts for criminal processing as likely to receive jail or prison terms. One group consists of misdemeanants likely to receive terms of between 20 and 45 days (Model A); another is made

up of misdemeanants likely to receive between 46 and 180 days (Model B); and the third includes people charged with felonies who are likely to receive terms of at least six months (Model C).

From these individuals targeted as likely to receive the intended terms of incarceration, we will analyze two groups of people who are processed during the same time period. The treatment group consists of individuals reviewed by CCSS for placement into one of eight ATI programs, including people actually placed and those who are not.³ CCSS reviews these cases to determine if the individuals meet certain requirements and, if so, advocates for their release to an ATI. CCSS evaluates such factors as whether the individuals plead not guilty or accept jail time; whether the defense counsels, prosecutors, and judges consent to placement; whether the court representatives can verify the individuals' community ties; and whether the individuals meet eligibility requirements for specific ATI programs.

The other group we will analyze is a comparison group composed of people who are also targeted as likely to receive the appropriate jail or prison terms, but who were not reviewed by CCSS. The group is comprised of two smaller groups. The first includes people whose cases CCSS did not review primarily because it received late, incomplete, or incorrect data about them. The other consists of people whose cases were processed in court parts or during court shifts not staffed by CCSS court representatives.⁵

Although individuals in the comparison group will meet the targeting criteria used by CCSS to identify individuals likely to receive the sentence term (Model A, B, C), we cannot assume they are exactly like the treatment group. Also, since each subgroup within the comparison group was missed for different reasons, we cannot assume they are perfectly similar to each other. However, using CJA data, we can explore differences between these groups and account for their impact statistically.

Conducting the Analysis

For each group of offenders (Model A, B, C), we plan to identify the treatment and comparison groups periodically, using data provided by CJA. To ensure large groups, we will identify all people processed in the courts from October 1998 to at least May 2000.⁶ For each of the groups, we will analyze the length of sentence imposed (frequency distribution,

³ For the purpose of this research, the ATI system includes eight ATIs currently operating through CJA's CCSS. This is appropriate, since the necessary data are accessible from CJA on programs operative through CCSS. These programs include: Court Employment Project and the Community Service Sentencing Project of the Center for Alternative Sentencing and Employment Services (CASES), the Youth Advocacy Project of the Center for Community Alternatives (CCA), El Rio of the Osborne Association, and DAMAS, Flametree, and Freedom of the Fortune Society. Other programs that enter the CCSS referral system may also be included.

⁵ Since CCSS has expanded its coverage of court parts and shifts, the size of this group is likely to change.

⁶ CCSS did not become fully operative until October 1998.

mean, median, and variance) using the CCSS database.⁷ We will compare this information on the treatment group to the comparison group, carry out appropriate tests of statistical significance, and also compare subgroups within the treatment and comparison groups.

We will then assess the information in relation to the City's goal of ATI diversion: saving at least 20 jail days for the Model A misdemeanants, 46 days for the Model B misdemeanants, and at least six months for felons (Model C group). If the ATI system is working, we should see much lower sentence lengths imposed on the treatment group (a perfect system would show zero jail sentences because all people would be placed into ATIs) compared to the comparison group. We should also see that people in the comparison group are receiving the terms ATIs are intended to displace.

In addition, we will compare the groups in terms of the characteristics of people (criminal history, gender, race/ethnicity) and current criminal charges (offense type) in order to understand possible alternative explanations for any sentencing differences among the groups. These analyses will provide a simple yet powerful overall assessment of the impact of the ATI system as a whole on its target population.

We will conduct analyses periodically (quarterly if possible) to monitor the impact of the ATI system and to examine any changes in impact over time. It is likely to take up to six months for sentencing to be complete, especially for the felony cases, and our reporting will take this into account.

Are the City's Costs Reduced by the Diversion of Offenders to ATIs?

The ATI system is intended to save City correction expenses through the diversion of offenders from incarceration to less costly community alternatives. We plan to compare the costs of carrying out the sentences imposed on the comparison group with the costs incurred for the treatment group, using appropriate statistical tests. This approach will include costs for detention during court processing and the cost of the actual sentence (whether it be probation, supervision, ATI supervision, terms of incarceration, some other sanction, or no sanction at all).

Later in the research, we could conduct a comprehensive cost-benefit analysis of the ATIs to include long-term costs to the criminal justice system related to subsequent crimes or violations committed by people in the treatment and comparison groups. This type of analysis would be performed over a period of years.

⁷ Sentences of time served will be compared separately between the groups or incorporated with analysis of sentence length, depending on the distribution of these sentences and the availability of data.

Using the Methodology for Evaluating the Impact of ATIs on Recidivism

We will assess the impact of ATI participation on recidivism in two ways. First, we will compute rearrest rates for people in the comparison group who were not placed in an ATI but who received some other sanction, and compare them to rearrest rates for those in the treatment group who received ATI placement. We will identify each of these groups periodically since they will grow in size as the study progresses. We will collect the information on rearrest through the State of New York Division of Criminal Justice Services (DCJS) periodically and for at least one year after the initial sentences have been served. We will perform appropriate statistical tests.

To explore reasons for any differences in rates of rearrest, we will identify two subgroups: felons referred to an ATI from the treatment group, and felons from the comparison group sentenced to terms of confinement. Tentatively, each group would include 150 persons. We would collect various types of data on each group (including criminal history, medical and mental health, employment, education, and substance abuse) and conduct statistical analyses to identify characteristics of people and their criminal justice experiences that account for rearrest.

References

- McDonald, D.C. (1986). *Punishment Without Walls: Community Service Sentences in New York City*. New Brunswick, New Jersey: Rutgers University Press.
- Winterfield, L. (1992). "Models for Predicting Incarceration—Felony Cases." Memorandum to the Jail Population Management Project Advisory Committee, and Staff of the Planning Unit, Office of the Deputy Mayor for Public Safety. New York: Vera Institute of Justice.
- Vera Institute of Justice. (1992). *Jail Population Management Consultancy: Summary*. New York: Vera Institute of Justice.
- Belenko, S., Schiff, M.F., Phillips, M.T., and Winterfield, L.A. (1994). "Modeling the Prison Displacement Effects of Alternative Sanctions Programs: A Case Study." *The Prison Journal*. 73(2):167-197.
- CASES. (1994). "Research on the Court Employment Project." Review of Research. March 1994. New York: Center for Alternative Sentencing and Employment Services.
- CASES. (1994). "Establishing Empirically-Based Intake Criteria for the Court Employment Project." Review of Research. April 1994. New York: Center for Alternative Sentencing and Employment Services.
- Belenko, S., Phillips, M.T., Demetriades, R., Eliyahu, D., Winterfield, L., and Heffernan, R. (1995). *Predicting Incarceration Length: Estimating the Displacement Effects of Alternatives-To-Incarceration Programs*. New York: New York City Criminal Justice Agency.
- Belenko, S., Winterfield, L., Phillips, M.T., Grant, A.C., and Caligiure, R. (1995 Revised). *Estimating the Displacement Effects of Alternatives-To-Incarceration Programs*. New York: New York City Criminal Justice Agency.