


Fall 1991

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Recommended Citation

Joan Petersilia, Susan Turner, An Evaluation of Intensive Probation in California, 82 J. Crim. L. & Criminology 610 (1991-1992)

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CRIMINOLOGY

AN EVALUATION OF INTENSIVE PROBATION IN CALIFORNIA

JOAN PETERSILIA AND SUSAN TURNER*

I. STUDY BACKGROUND

Probation is no longer a sentencing alternative reserved primarily for first-time misdemeanor and petty offenders. In 1988, forty percent of the 114,000 adults placed on probation in California had been convicted of felonies in Superior Court.¹ Of those adults, fifteen percent were convicted of violent crimes.² The probation population has not only changed to include more serious offenders, it has also increased substantially in size. Over the past decade, the number of probationers has increased by fifty percent, yet the number of probation officers has declined by twenty percent. Probation caseloads have grown so large (400 persons per officer in some locations) that several departments can provide active supervision to less than one-third of their probationers. Thus, it is not surprising that probationers typically receive minimal supervision and that enforcement of probation conditions is spotty.³

Most Californians agree that something must be done to decrease the threat to the public posed by felony probationers. But what correctional alternatives are available other than routine probation or prison? There is a growing consensus that the best hope for both relieving prison crowding and ensuring public safety may be intensive supervision probation (ISP), a type of sanction that is

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¹ See BUREAU OF CRIMINAL STATISTICS, CALIFORNIA DEPARTMENT OF JUSTICE, CRIME AND DELINQUENCY IN CALIFORNIA, 1988 (1989).

² *Id.*

³ See JOAN PETERSILIA, SUSAN TURNER, JAMES KAHAN & JOYCE PETERSON, GRANTING FELONS PROBATION: PUBLIC RISKS AND ALTERNATIVES, RAND R-3186-NIJ (1985).

more stringent and punitive than traditional probation but less expensive and coercive than incarceration. ISP is designed to hold the middle ground between traditional routine probation and incarceration, in terms of punitiveness, the degree of safety afforded the public, and cost. Furthermore, depending on local needs, ISP programs can be targeted to provide enhanced supervision for high-risk probationers or to serve as an alternative to incarceration for prison-bound offenders.

There is no generic ISP program. So many programs call themselves ISP that the acronym alone reveals little about any program's particular character. The only common characteristic of ISP programs is that they involve more supervision than routine probation programs. Most ISP programs call for some combination of multiple weekly contacts with a probation officer, unscheduled drug testing, strict enforcement of probation conditions, and community service. Significantly, in ISP programs, caseloads of probation officers typically consist of thirty to fifty probationers—far fewer than in typical routine probation programs.

By 1990, jurisdictions in every state had instituted ISP programs, and the published evaluations of ISP programs have been encouraging. Reported recidivism rates are generally quite low—fewer than ten percent of program participants have been rearrested while on ISP, and nearly all of those arrests have been for technical violations⁴ rather than for new crimes.⁵ Fewer than five percent of participants in ISP programs in Georgia and New Jersey have been convicted of new offenses.⁶ Moreover, many ISP programs claim to save at least \$10,000 per year for each probationer who would otherwise have been sentenced to prison.⁷

But despite the apparent promise of ISP programs, it is premature to claim that they are responsible for the observed outcomes. The low recidivism rates may actually reflect systematic differences between the types of offenders who are sentenced to ISP programs and the types who are sentenced to routine probation or to prison.

Because ISP programs are still experimental, judges exercise

⁴ A probation violation that does not consist of the commission of a crime or is not prosecuted as such is usually called a technical violation, indicating that it is behavior forbidden by the court order granting probation, but not forbidden by legal statute.

⁵ See JOAN PETERSILIA, *EXPANDING OPTIONS FOR CRIMINAL SENTENCING*, RAND R-3544-EMC (1987).

⁶ See BILLIE S. ERWIN, *EVALUATION OF INTENSIVE SUPERVISION IN GEORGIA* (1987); Frank Pearson & Alice G. Harper, *Contingent Intermediate Sentences: New Jersey's Intensive Supervision Program*, 36 *CRIME & DELINQ.* 75 (1990).

⁷ James M. Byrne, Arthur Lurigio & Christopher Baird, *The Effectiveness of the New Intensive Supervision Programs*, 2 *RES. IN CORRECTIONS* 1 (1989).

great caution in sentencing offenders to them. Most of the programs limit participation to property offenders with insubstantial criminal records, which undoubtedly helps explain the low recidivism rates. Further, although judges may be asked to certify that offenders who are directly sentenced to ISP would have gone to prison if the ISP alternative were not available, such certification can hardly be considered proof that the offenders were truly prison-bound. Unless the participants actually would have been imprisoned, the claims of cost savings are exaggerated.

Moreover, past ISP evaluations have not employed methodologies that permit differentiation between program and participant effects. Thus, claims about the effects of ISP on recidivism and public safety are suspect. So far, there has been less scientifically demonstrated success with ISP than its widespread adoption might lead one to expect.

The most direct way to evaluate the success of ISP programs is to conduct experiments in which eligible offenders are randomly assigned to routine probation (the control group) or to ISP (the experimental group). Random assignment helps to ensure that the outcomes (*e.g.*, recidivism rates) result from the manipulated variables (*e.g.*, the type of probation program used), rather than from systematic biasing factors (*e.g.*, less serious offenders being assigned to ISP). Although researchers have long advocated random-assignment experiments, as of 1986 no such experimental evaluation of adult ISP had been completed. To remedy this situation, the Bureau of Justice Assistance⁸ provided funding for a multiple-site demonstration focusing on random assignment of eligible offenders between ISP and routine probation. The demonstration's goal was to scientifically determine what effect ISP has on the participants' behavior.

In its request for proposals to participate in the demonstration, the BJA stipulated that the sites had to agree to:

- Design and implement an ISP program, following the general ISP model developed in Georgia, which had begun to serve as a prototype for programs throughout the nation. The basic program components were to be small caseloads, employment training, community service work, routine and unscheduled alcohol and drug testing, and curfews.⁹

⁸ The BJA is an agency within the U.S. Department of Justice that provides financial support to local criminal-justice agencies that wish to implement new practices.

⁹ For complete descriptions of Georgia's ISP program, see Billie S. Erwin, *Turning up the Heat on Probationers in Georgia*, 50 *FED. PROBATION* 17 (1986); PETERSILIA, *supra* note 5; Byrne et al., *supra* note 7.

- Participate in several training conferences and technical assistance activities, which would be provided by outside consultants.¹⁰
- Participate in an independent evaluation that would require site staff to collect and maintain core data and to cooperate with the independent evaluator in the random assignment of cases.

Fourteen sites¹¹ participated in the ISP demonstration and were funded for eighteen to twenty-four months at a level of \$100,000 to \$150,000 per site. Each site followed identical procedures for random assignment, data collection, and overall evaluation. To our knowledge, this was the largest randomized corrections experiment ever conducted in the United States. Sites began the experiment in February 1987, and some continued to accept cases through January 1990. By the time the demonstration was completed, nearly 2,000 offenders had participated.

RAND Corporation was selected by the BJA to conduct the independent evaluation of the ISP demonstration. The RAND researchers also assisted in the demonstration's design and implementation, including staff training, data collection, and data evaluation procedures.¹²

The data collection and subsequent analysis addressed the following questions:

- Which offenders were selected to participate in the ISP program?
- Did ISP probationers receive more surveillance and services than those on routine probation?
- How did participating in the ISP program affect the probationers' future criminality?
- Did ISP affect the probationers' participation in program activities, such as employment, education, counseling, community service, and payment of fines and fees?
- How did the costs of supervision under ISP compare with those of routine probation?
- For whom among the probationers was ISP most effective?

¹⁰ The training was directed by Carol Shapiro and Todd Clear of Rutgers University, and the technical assistance was provided by Douglas Holien and Audrey Bakke formerly of the National Council on Crime and Delinquency.

¹¹ The participating sites were Contra Costa County, California; Los Angeles County, California; Ventura County, California; Marion County, Oregon; Milwaukee, Wisconsin; Georgia (Atlanta, Macon, and Waycross); Des Moines, Iowa; Santa Fe, New Mexico; Seattle, Washington; Texas (Houston and Dallas); and Winchester, Virginia.

¹² The evaluation portion of the demonstration received additional funding from the National Institute of Justice.

This article focuses on the outcomes of the three California ISP programs, located in Los Angeles, Ventura, and Contra Costa Counties.¹³ These three programs were selected for separate analysis for a number of reasons. The most important reason was that, because the California sites were among the first to begin the random assignment experiment, by 1989 they had collected sufficient case data for an evaluation covering a full year's operation (the follow-up period). Also, the California ISP programs were probation-enhancement ISP programs rather than prison-diversion ISP programs. A probation-enhancement ISP program complements routine probation by providing increased and stricter supervision for those assessed to be "high-risk" probationers, whereas a prison-diversion ISP program uses ISP as an alternative sanction for offenders who would otherwise go to prison.¹⁴ At each of the California sites, the probationers who were selected to participate in the experiment had already been granted probation; under the demonstration's protocol, they were randomly assigned to ISP or routine probation. Thus, these three programs had similar purposes and dealt with rather similar probationer populations.

II. CALIFORNIA'S ISP AND ROUTINE PROBATION PROGRAMS

When the BJA issued its request for proposals in 1986, Los Angeles, Contra Costa, and Ventura Counties each proposed a probation-enhancement ISP targeting high-risk offenders, that is, offenders whose characteristics, including the length and diversity of their criminal records, indicate that they have a high probability of some future serious law violation. An offender's probability of future criminality (his risk of recidivism category) is typically determined through the use of a statistical assessment instrument. Thus, when these sites designed their ISP programs, they indicated that they intended to tap the high-end of a spectrum of offenders arrayed according to probability of a new serious offense as measured by such an instrument.

After being funded by BJA, each site made a number of policy decisions that shaped its specific program. The decisions addressed the following questions:

¹³ Complete study results are contained in JOAN PETERSILIA & SUSAN TURNER, *INTENSIVE SUPERVISION FOR HIGH-RISK PROBATIONERS: FINDINGS FROM THREE CALIFORNIA EXPERIMENTS*, RAND R-3936-NIJ/BJA (1990).

¹⁴ Only two of the fourteen sites, (Marion County, Oregon; and Milwaukee, Wisconsin) chose to implement prison-diversion ISP programs. These programs encountered implementation difficulties which limited the total number of cases handled during the course of the demonstration.

- Which offenders would constitute the target participant group?
- Who would be eliminated from participating (*e.g.*, based on crime type, prior record, drug/alcohol use, location of residence)?
- What components of general ISP would be incorporated in the program (*e.g.*, random urine testing, curfews, electronic monitoring, community service, supervision fees, victim restitution, number of contacts) and which components would be used in various phases of the program?
- How would probationers be moved among the various phases of ISP supervision, and how would they be added to and removed from the ISP caseload?
- How would various types of infractions be handled, and at what point would probation be revoked and an offender sentenced to incarceration?

Of course, site officials made many other operational decisions, but the above issues largely dictated the nature of each site's program.

All three programs chose to identify eligible offenders by use of the National Institute of Corrections' risk-needs instrument, an objective scoring system that categorizes offenders by risk of recidivism and need for services.¹⁵ The NIC instrument was already being used by the sites to decide what level of supervision should be given to offenders in their routine probation programs. Male and female adult probationers who were rated "high-risk" (*i.e.*, those who scored a total of more than eleven points on the NIC scale) were initially targeted as potential ISP participants.

Los Angeles and Ventura Counties increased the number of potential participants by also allowing offenders to become eligible for ISP if the probation officer indicated a "serious offense override." This discretion was allowed so that offenders having serious current conviction crimes (*e.g.*, homicide, rape, assault) could become eligible, even if their prior criminal records did not classify them as "high-risk."

In contrast, Contra Costa County limited its pool of eligibles to offenders convicted of drug crimes or drug-related felonies who

¹⁵ Risk of recidivism is predicted on the basis of employment history, attitude, mobility, drug and alcohol usage, and prior incarceration and conviction history.

Need for services is determined from the offender's academic and vocational skills, emotional stability, drug and alcohol use, and marital and family relationships. For a complete review of statistical prediction instruments, see Todd R. Clear, *Statistical Prediction in Corrections*, 1 RES. IN CORRECTIONS 1 (1988).

were sentenced to probation for at least one year. Los Angeles and Contra Costa eliminated offenders with any sex-offense history.

The ISP programs emphasized different techniques for monitoring compliance with probation conditions. Los Angeles implemented two ISP programs, one of which utilized an electronic monitoring system and is labelled ESP in this article. Contra Costa relied heavily on unannounced urinalysis testing, whereas Ventura coordinated extensively with the police in making unannounced home visits.

All of the programs called for reduced caseloads and for supervision phases under which "successful" probationers were gradually transferred to routine probation. The major features of the experimental ISP programs and the control programs, which employed either routine probation or the Ventura Community Resource Management Team (CRMT, an existing intensive supervision program but with less supervision than ISP; see Table 2), are summarized in Tables 1, 2 and 3.¹⁶

III. CHARACTERISTICS OF THE CALIFORNIA ISP EVALUATION

Although the individual California ISP programs differed, the evaluation design was the same for all sites. Each site was required to (1) assign cases randomly to either the experimental ISP program or the control routine probation program and (2) collect the data required for the evaluation and forward them to RAND for analysis. All senior site staff were also required to attend two week-long training sessions, at which the research design and data collection forms were explained. Subsequent site visits and training occurred as the need arose; the visits usually involved training new staff on the randomization procedures and data collection forms.

A. RANDOM ASSIGNMENT OF ELIGIBLE OFFENDERS

As noted above, each site developed its own ISP eligibility criteria; and each was responsible for determining which potential participants met those criteria. Each site's probation staff was directed (usually through a memorandum from the Chief Probation Officer) to screen all probationers to determine those who met the site's eligibility criteria. Once a probationer met those criteria and thus was eligible to participate, random assignment between the ISP program and the control probation program was implemented by RAND staff as follows:

¹⁶ A more complete description of the program sites, program goals, and program components is contained in PETERSILIA & TURNER, *supra* note 13.

TABLE 1
CHARACTERISTICS OF ISP AND ROUTINE PROBATION PROGRAMS
CONTRA COSTA COUNTY

Characteristic	ISP	Routine Probation
Target population	Adults convicted of drug offenses	Same
Selection Criteria	Felony or misdemeanor drug conviction, or drug-related conviction; no sex-offense history	Same
Months in ISP program	12	
Contact levels	<ol style="list-style-type: none"> 1. 1 face-to-face/week 2 phone calls/week 1 drug test/week 1 monitoring/week 2. 1 face-to-face/week 1 phone call/week 1 drug test/2 weeks 1 monitoring/week 3. 1 face-to-face/month discretionary drug test(s) 2 monitorings/month 	Officers' discretion (contact standards by classification level, but difficult to enforce because of large caseloads)
Caseload size	40:1	150-200:1
Additional components:		
Electronic monitoring		
Employment	x	
Counseling/referrals	x	
Random drug tests	x	
Probation fees		
Victim restitution/ other		
Community service		
Police notification	x	
Job training/remedial education		

TABLE 2
CHARACTERISTICS OF ISP AND ROUTINE PROBATION PROGRAMS
VENTURA COUNTY

Characteristic	ISP	CRMT*
Target population	Adults convicted of felonies	Same
Selection criteria	High-risk score (11+) on NIC scale, or serious offense override, or probation revocation for felony plus high-risk score	Same
Months in ISP program	a minimum of 9	
Contact levels	<ol style="list-style-type: none"> 1. 4 face-to-faces/week 2 phone calls/week 1 drug test/week 2.5 monitorings/week 2. 2 face-to-faces/week 1 phone call/week 1 drug test/2 weeks 2.5 monitorings/week 3. 1 face-to-face/week discretionary drug tests 2.5 monitorings/week 	Only one level: 1 face-to-face/ 2 weeks 1 phone call/ month
Caseload size	19:1	50:1
Additional components:		
Electronic monitoring		
Employment	x	x
Counseling/referrals	x	x
Random drug tests	x	x
Probation fees		
Victim restitution/ other	x	
Community service		
Police notification	x	
Job training/remedial education	x	x

*Community Resources Management Team, an existing intensive supervision program but with less supervision than ISP, chosen by Ventura as its control program.

TABLE 3
CHARACTERISTICS OF ISP AND ROUTINE PROBATION PROGRAMS
LOS ANGELES COUNTY

Characteristic	ISP and ESP*	Routine Probation
Target population	Adults convicted of felonies	Same
Selection Criteria	High-Risk score (11+) on NIC scale, or serious offense override, or probation revocation for felony plus high-risk score; no sex-offense history	Same
Months in ISP program	12	
Contact levels	<ol style="list-style-type: none"> 1. 3-5 face-to-faces/week 2 phone calls/week 90+ days of electronic monitoring (ESP only) 2. 2-3 face-to-faces/week 2 phone calls/week 3. 1-2 face-to-faces/week 1 phone/month 	1 nonspecific/ month
Caseload size	33:1	150-200:1
Additional components:		
Electronic monitoring	x (ESP only)	
Employment		
Counseling/referrals		
Random drug tests		
Probation fees		
Victim restitution/ other		
Community service		
Police notification		
Job training/remedial education		

*ISP augmented by electronic monitoring.

1. Site officials provided the RAND staff with lists of eligible probationers, including their names, local identification numbers, dates referred to the local site, and conviction offenses. This information was recorded on a master list for each site.
2. Each eligible probationer was assigned to either the ISP program or the control program (in Los Angeles, an offender was assigned to ISP, ESP, or routine probation), according to a predetermined random assignment list. Each probationer received the first available assignment. While the site staff had total control over offender eligibility, the RAND staff made the actual random assignments of the eligible offenders to either ISP or control probation.¹⁷
3. The sites effectuated the random assignment: the experimental cases proceeded to ISP (in Los Angeles, to ISP or ESP), and the control cases went to routine probation (in Ventura, to CRMT).

In most cases, initial screening was done while the offender was in custody serving the jail portion of a split sentence (*i.e.*, jail followed by probation). In California, offenders like those who participated in this study are typically sentenced to six months in jail, followed by three to five years of probation. At all three sites, most offenders were screened when they had one or two months of jail-time left prior to being released on probation.

Because random assignment was a significant departure by the sites from their normal procedures, we anticipated resistance. That anticipation was reinforced by anecdotal evidence from colleagues and from reports of experiments in other fields. However, all of the sites cooperated and appeared to follow the procedures faithfully. Two factors seem to have accounted for this: (1) a neutral party (the RAND staff), rather than site staff, made the random assignments, and (2) site staff were convinced that random assignment would provide them credible information about ISP effectiveness.¹⁸

¹⁷ Site staff were told that deviations from the random assignment protocol were allowed only in emergencies, *e.g.*, when an influential judge demanded that an offender be placed on ISP. These "direct judicial commits" were discouraged, but when they occurred, sites were asked to provide the names of the offenders. Across the three sites, fewer than ten cases were directly committed to ISP. These cases were deleted from the final evaluation sample.

¹⁸ For a more complete discussion of the issues and problems involved in managing this field experiment, see Joan Petersilia, *Implementing Randomized Experiments: Lessons from BJA's Intensive Supervision Project*, 13 EVALUATION REV. 435 (1989).

B. DATA COLLECTION

The three primary data sources for this evaluation were:

- Official record data collected for individual probationers.
- Contextual information regarding program implementation.
- Criminal-justice cost data for each site.

1. *Official Record Data for Individual Probationers*

Site staff were required to complete three data collection forms for each probationer. Each form took about one hour to complete. First, the Background Assessment form was completed shortly after the random assignment. It includes prior record, demographic and current offense information. The site data-coding staff relied heavily on the probationer's pre-sentence investigation report for this information.

The Six-Month Review form was completed six months after the random assignment, and the Twelve-Month Review form, covering the period from the seventh to the twelfth month after the random assignment, was completed one year after assignment. The two review forms document the nature and type of services received during the program, as well as each probationer's social adjustment and recidivism. Information for the forms came primarily from the chronological notes maintained in the probation officer's case folder. As these three forms were completed on-site, they were mailed to RAND, edited, and entered into a database to create an analysis file.¹⁹

2. *Status (Street-Time) Calendars*

Prior ISP research was severely deficient in that it failed to track the time probationers were actually "on the streets" rather than in custody during the follow-up period. To compute valid monthly contact rates, it is necessary to know the number of months the probationer was actually on ISP; and to accurately measure program costs, it is necessary to know the number of days of each type of sanction (*e.g.*, ISP or jail) the probationer underwent during the follow-up period.

¹⁹ Because the BJA had a limited budget to spend on the demonstration, it was decided at the outset that personnel at the sites would have to collect the individual-level data themselves. Each site was required to set aside five to ten percent of its grant funds to pay for this activity. This arrangement was not ideal from a research standpoint; because the data collectors did not work directly under the supervision of the RAND research staff, the conditions could not be controlled rigorously. Validity checks were conducted at each of the sites, but the evaluation of the demonstration by RAND had to rely primarily on the data as provided by the site personnel.

To record time-at-risk information, two Status Calendars were produced: one after six months and another after one year. Each Status Calendar included the dates the probationer was placed on and removed from ISP or routine probation, as well as the dates of entry into and release from jail or prison. The calendars were filled out by the site staff, using information from the offenders' probation files.

3. Cost Data

A primary motivation for the renewed interest in ISP is the need to save money. ISP is presumed highly cost-effective in comparison to jail and prison. However, money is saved only if the offender placed on ISP was really jail- or prison-bound. California's ISP participants were not; they were selected from those already sentenced to probation. As such, the California ISP programs were unlikely to save the counties money unless they prevented new crimes and subsequent incarcerations.

Moreover, commonly quoted cost figures pertain solely to supervision, do not reflect geographical variation, and ignore the cost of reprocessing any recidivists. If ISP results in more arrests, court appearances and jail time, those reprocessing costs must be accounted for as well. (The average cost to dispose of an arrest is \$1,500 to \$2,500.)²⁰ The cost issue is clearly more complicated than it first appears, and any valid estimate must, at a minimum, include some of these other costs.

To obtain data for cost comparisons between ISP and routine probation, we asked each county to estimate the daily cost of community sanctions (*e.g.* regular probation, ISP, ESP, residential centers, CRMT, work furlough) and incarceration (*e.g.* jail, prison, halfway house). Costs were then calculated for each probationer for each service he or she used during the one-year follow-up period, based on information recorded on the Status Calendars.

IV. THE ISP PARTICIPANTS AND THE SERVICES THEY RECEIVED

A. THE PARTICIPANTS IN CALIFORNIA'S ISP EXPERIMENT

An assessment of ISP effectiveness must include detailed descriptions of ISP program participants, since the kinds of offenders placed in the programs certainly affect ultimate outcomes. For example, if California's ISP recidivism rates were higher than those of

²⁰ Peter Haynes & Clark R. Larsen, *Financial Consequences of Incarceration and Alternatives: Burglary*, 30 *CRIME & DELIQ.* 529 (1984).

other states, it may simply reflect the fact that California ISP probationers were more serious offenders to begin with.

As noted above, all of the California sites designed probation-enhancement ISP programs, which selected offenders who had been scheduled for routine probation but who were judged to need more intensive supervision. Table 4 lists the characteristics of the participating California offenders, with the ISP and control offenders at each site combined. Clearly, the California participants in this ISP demonstration were quite serious offenders.

More than 80% of the participants at all three sites were male; their average age was twenty-eight to thirty years. The offenders in Los Angeles and Contra Costa were predominantly from minority groups: 97% of those in Los Angeles and 82% of those in Contra Costa were Hispanic or black.²¹ More than half of the offenders in these two counties were convicted of drug crimes, compared with about one-third of the Ventura offenders. Twenty-eight percent of the Ventura offenders, 8% of the Contra Costa offenders, and 15% of the Los Angeles offenders had been convicted of violent crimes.

Offenders at all three sites had extensive prior records. They averaged six to seven prior arrests, two to five prior misdemeanor convictions, and one prior felony conviction. More than 40% of them had served a prior jail term; and there were prior prison terms for 18% of the Ventura offenders, 24% of the Los Angeles offenders, and 5% of the Contra Costa offenders. Additionally, 43% of the Contra Costa participants were judged to be "intensive" risk-of-recidivism offenders, compared with 73% in Ventura, and 53% in Los Angeles.²²

Almost half of the offenders in each site had "high" drug-treatment needs, defined as "frequent abuse causing serious disruption, in need of treatment." Between 12% and 17% of the offenders had employment-assistance needs rated as "high," defined as "virtually unemployable and needs training." From 6% to 34% of the offenders had "high" alcohol-treatment needs, defined as "frequent abuse causing serious disruption, in need of treatment," with Ventura having the highest percentage.

²¹ Both programs concentrated on particular county regions whose populations were primarily minority (*i.e.*, North Richmond in Contra Costa and the Central Court District in Los Angeles).

²² The risk-of-recidivism score was computed by RAND for each offender, using information collected via the Background Assessment form. The items that constitute the RAND risk score closely parallel those of the well-known NIC risk-needs assessment, *see supra* note 15, except that the RAND score does not automatically place offenders with a current or prior assault conviction in the high and intensive risk categories.

TABLE 4
CHARACTERISTICS OF PARTICIPATING CALIFORNIA OFFENDERS
(ISP AND CONTROL OFFENDERS COMBINED)^a

Characteristic	Contra Costa Ventura Los Angeles		
Male (percent)	81	85	87
Race (percent)			
White	18	50	3
Black	79	15	86
Hispanic	3	35	11
Age at current conviction (years)	28	30	29
Current conviction (most serious) crime (percent)			
Homicide/rape/kidnap	0	9	1
Robbery	6	9	7
Assault	2	10	7
Burglary	9	12	10
Theft/forgery	13	19	10
Drug sale/possession	69	37	59
Other (e.g., DUI, weapons)	2	4	5
Prior criminal record (average number)			
Arrests	6	7	7
Felony convictions	1	1	1
Misdemeanor convictions	2	5	2
Probation terms	2	4	2
Jail terms	1	3	2
Summary measure of prior record (percent)			
No prior arrests	15	15	10
Arrests only	18	4	11
Prior probation (maximum)	23	13	11
Prior jail term (maximum)	39	50	44
Prior prison term (maximum)	5	18	24
Risk/needs assessment (percent)			
High drug-treatment needs	42	53	41
High alcohol-treatment needs	6	34	13
High employment needs	17	12	— ^b
Offender risk score (percent)			
Low (1-5)	10	10	4
Moderate (6-10)	26	8	19
High (11-15)	21	10	24
Intensive (16+)	43	73	53

^a No within-site statistical differences between ISP and control offenders were found, except in Contra Costa, where 54% of the ISP offenders had a high need for drug treatment, compared with 28% of the control offenders. The ISP and ESP probationers and the routine probationers in Los Angeles were statistically different in terms of age at current conviction: Routine probationers were younger than the ISP and ESP offenders ($X^2(2) = 9.9, p < 0.05$). Neither of these exceptions was related to recidivism within the site, so their presence is not troublesome for assessing ISP effectiveness.

^b This information was missing for 55% of the sample; of the remaining offenders, 18% had high employment needs.

On the basis of prior criminal records, current conviction crimes, and overall risk-of-recidivism levels, Ventura's offenders appear more hard-core than those in Los Angeles or Contra Costa.

B. SURVEILLANCE AND SERVICES RECEIVED BY ISP AND ROUTINE PROBATION PARTICIPANTS

One of the most consistent findings of previous ISP evaluations is that the mere establishment of smaller caseloads does not guarantee a more intensive level of supervision.²³ Clear and Hardyman suggest that greater intensity is difficult to achieve because "substantial ambiguity exists about precisely what should be done with an offender when there is extra time available."²⁴

There is no agreement on how many supervisory contacts are required for a probation program to be truly "intensive." Likewise, there is no empirical literature that identifies which ISP program components are related to success. While many ISP programs are modeled after those in Georgia and New Jersey, program developers often add or delete specific components to meet local needs. Harris has warned that "ISP programs seem to be continually adding new program features, with little concrete evidence that these new elements will increase community protection and/or result in greater offender rehabilitation."²⁵

During their training sessions, the staff at each California site were encouraged to give a great deal of thought to program design and to include only components and contact levels that could reasonably be provided. Each site decided on its own program design after considering the needs of its target population, its own resources, and its sense of how the ISP program would have to be structured to gain acceptance from the judiciary, probation officials, and the community.

This study measured the actual delivery of ISP program components, such as service and surveillance. Specifically, it addressed two questions: (1) To what degree were the planned ISP program components actually delivered in practice? (2) To what extent did the delivered ISP components differ from those actually provided in the control routine probation programs?

Table 5 shows monthly contact or supervision rates, by type, averaged over the one-year follow-up period. These rates were cal-

²³ See Byrne et al., *supra* note 7.

²⁴ Todd R. Clear & Patricia L. Hardyman, *The New Intensive Supervision Movement*, 36 *CRIME & DELINQ.* 42, 43 (1990).

²⁵ M. Kay Harris, Remarks Made on a Panel on Intensive Supervision in Phoenix, Arizona (Dec. 11, 1989).

TABLE 5
MONTHLY ISP AND ROUTINE PROBATION CONTACT LEVELS
(MEANS AVERAGED OVER THE ONE-YEAR FOLLOW-UP PERIOD)^a

Contact Type	Contra Costa		Ventura		Los Angeles		
	ISP	Routine Probation	ISP	CRMT	ESP	ISP	Routine Probation
Face-to-face contacts							
At probation department	2.2	0.4*	6.3	2.7*	2.8*	2.7*	0.5
At work/school/other	0.4	0.0*	0.3	0.1*	0.3	0.3	0.1
At home	0.2	0.0*	0.9	0.2*	1.0*	1.1*	0.0
Total	2.7	0.5*	7.4	3.0*	4.1*	4.1*	0.6
Telephone/collateral contacts							
At home	1.5	0.3*	0.8	0.4*	3.7*	3.8*	0.2
At work/school/other	0.4	0.0*	0.3	0.2	0.4	0.3	0.0
Collateral monitoring	2.8	0.4*	3.2	2.1*	1.4*	1.5*	0.2
Total	4.4	0.7*	4.1	2.7*	5.4*	5.4*	0.4
Law-enforcement checks							
Criminal record	0.3	0.2	9.3	0.4*	0.1	0.1	0.0
Police checks	0.7	0.3*	2.9	0.1*	0.0	0.0	0.0
Warrants issued	0.4	0.1*	0.3	0.2	0.2	0.1	0.1
Employment verification	0.1	0.0*	0.3	0.1	0.0	0.1*	0.0
Other	3.0	0.6*	1.5	0.2*	0.1	0.1	0.1
Total	4.3	1.1*	13.3	1.1*	0.3	0.3	0.2
Days on electronic monitoring							
Days on electronic monitoring	NA	NA	NA	NA	5.1	NA	NA
Drug Tests	1.7	0.2*	2.7	1.3*	0.4*	0.5*	0.2
Alcohol tests	0.2	0.0*	0.9	0.6	0.0	0.0	0.0

NOTE: For Contra Costa and Ventura Counties, an asterisk indicates whether ISP contact levels differed from those of the control group.

For Los Angeles, separate t-tests were conducted to determine (1) whether ESP contact levels differed from those for routine probationers, (2) whether ISP contact levels differed from those for routine probationers, and (3) whether ESP was different from ISP.

Asterisks in the ESP column indicate that ESP rates were different from routine probation rates; asterisks in the ISP column indicate that ISP rates were different from routine probation. No differences were found between ESP and ISP.

Throughout the table, asterisks indicate statistical significance at $p < 0.05$. All tests were two-tailed.

^a Rates were rounded to the nearest tenth; those greater than zero and less than 0.049 are represented by 0.0. In no case did the data contain any true zeroes.

culated using information from the Six-Month and the Twelve-Month Review forms. Supervision rates were then calculated for each probationer by dividing the number of contacts by the number of days under community supervision, as follows:

1. All contacts of a given type were counted for each probationer.
2. Using the Status Calendars, all the days when the probationer was on ISP, ESP, routine probation, work furlough, or residential treatment were counted.
3. The number of contacts calculated in step 1 was divided by the number of days calculated in step 2. This daily contact rate was then multiplied by 30 to convert it to a monthly contact rate.²⁶
4. The individual rates were then averaged separately for ISP and control probationers.

As shown in Table 5, all of the ISP programs were more intensive than their respective control programs: At each site, ISP participants had significantly more face-to-face and telephone contacts, as well as drug tests, than their counterparts in the control programs. In addition, in Contra Costa and Ventura the ISP probationers received more law-enforcement checks than the control probationers.

Of the three sites, Ventura had the most intensive ISP program.²⁷ Ventura ISP probationers averaged more than seven face-to-face contacts, four telephone contacts, and thirteen law-enforcement checks per month. In contrast, Ventura CRMT probationers (the control group) averaged three face-to-face contacts, nearly three phone contacts, and one law-enforcement check per month. The Ventura ISP probationers underwent drug testing nearly three times per month, whereas the CRMT probationers had slightly more than one drug test per month. Alcohol tests were performed about once per month for ISP, but less frequently for CRMT; however, the difference did not reach statistical significance.

In Los Angeles, both ESP and ISP probationers averaged about four face-to-face and five telephone contacts per month, in dramatic contrast to the less than one contact of each type for those on routine probation. Los Angeles showed the largest absolute difference in the number of face-to-face and telephone contacts between the ISP or the ESP program and routine probation. There were no sta-

²⁶ This calculation assumes that no probation contacts are made during jail, prison, abscond time, transfer time, and failure-to-appear time.

²⁷ Intersite differences are descriptive only; they were not tested for statistical significance.

tistically significant differences in any of the contact types between the ISP and ESP programs in Los Angeles. This might seem surprising, especially since ESP is often seen as a substitute for personal contacts, but the Los Angeles design called for contact levels that would be the same for both program types. Los Angeles ESP probationers were actually hooked up to the electronic monitoring equipment an average of only about five days per month. The average is low because only twenty-three of the fifty-two probationers (44%) assigned to ESP were ever monitored electronically during the study period.²⁸ Those who were actually monitored electronically averaged seventy-eight days of monitoring.

The ISP programs studied here involved significantly more contacts than earlier ISP programs, particularly those conducted in the 1960s and 1970s. This suggests that probation officers increase contacts when given the resources, training, and organizational incentives to do so. And while a greater quantity of contacts does not necessarily mean a higher quality of supervision, ISP officers often stated that they were "finally getting to do probation the way it was supposed to be done," leaving the impression that ISP affected both the quantity and the quality of supervision.

V. EFFECTS OF ISP PARTICIPATION ON OFFENDERS' FUTURE CRIMINALITY AND SOCIAL ADJUSTMENT

One of the goals of ISP programs is to reduce recidivism, that is, to reduce offenders' return to crime. It is very difficult to measure recidivism, because there is no uniformly accepted definition for the term. Indeed, the literature is replete with suggestions regarding correct definitions, optimal methods of counting, and the most valid sources of information.²⁹

To make the present study as comprehensive as possible, we used multiple indicators of recidivism. All of these indicators are derived from official records, not from probationer self-reports. Unfortunately, official records underestimate criminality, since only a fraction of all crimes committed result in arrest.³⁰

²⁸ Los Angeles experienced time delays in finalizing the contracts with the providers of the electronic monitoring equipment, and that hindered full implementation of the planned ESP program.

²⁹ See, e.g., MICHAEL D. MALTZ, *RECIDIVISM* (1984).

³⁰ The probability of arrest, given crime commission, is generally quite low. Various estimates put it at less than 0.1, although it is believed to differ widely among crime types, from a low of 0.01 for drug dealing to 0.7 for murder. See Barbara Boland & James Q. Wilson, *Age, Crime and Punishment*, 51 *PUB. INTEREST* 22 (1978); Alfred Blumstein & Jacqueline Cohen, *Estimation of Individual Crime Rates from Arrest Records* (1979) (unpublished manuscript, on file with Carnegie-Mellon University); ALFRED

A. EXTENT OF RECIDIVISM

Figures 1, 2 and 3 show the percentages of probationers at each of the three sites who incurred technical violations³¹ and new arrests within the one-year follow-up period, as well as selected court dispositions of the technical violations and arrests.

Overall, between 41% and 73% of the studied probationers had new technical violations, primarily failures to appear for scheduled probation appointments, not participating in treatment programs, or violating drug-related conditions (usually drug use, as detected through urinalysis).

The extent of new arrests is slightly more encouraging. Across the ISP programs, about one-third of the participants had a new arrest, but fewer than 10% had new arrests for violent crimes.³²

Comparison of ISP and control probationers on the probability of having an arrest or a technical violation revealed two statistically significant differences: Contra Costa ISP probationers were more likely to have a technical violation than those on routine probation ($X^2(1) = 8.51, p < 0.001$), and Ventura's ISP probationers were less likely to be arrested than those on CRMT ($X^2(1) = 7.54, p < 0.01$).

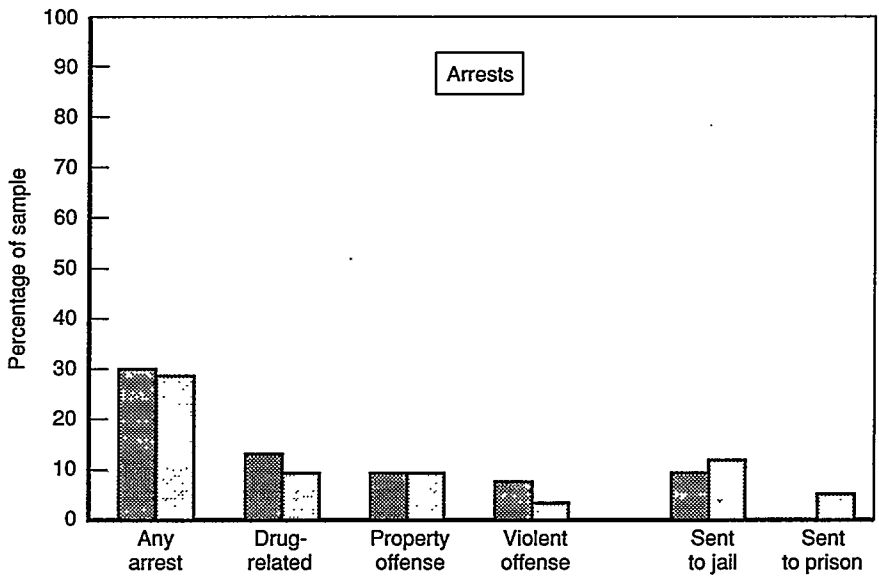
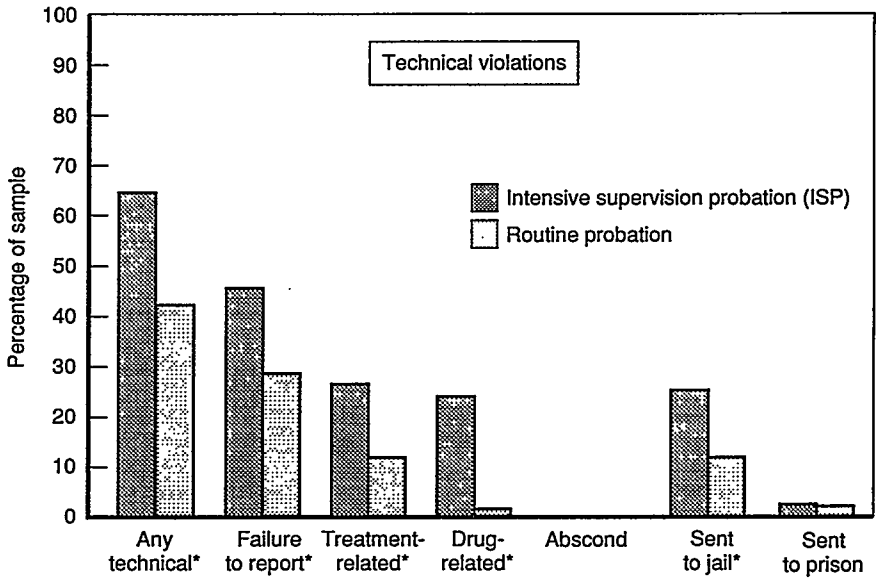
The data collection forms also recorded the ultimate disposition of each new arrest and technical violation. These data were used to examine how the different sites responded to these events. Across sites, between 11% and 26% of the probationers were convicted of a new crime during the one-year follow-up period (with the exception of the CRMT probationers, 45% of whom were subsequently convicted).

Figures 1, 2 and 3 also show the percentages of probationers who were jailed and imprisoned as a result of technical violations. In Contra Costa, 25% of the ISP probationers (compared with 11% of the routine probationers) were jailed as a result of a technical violation ($X^2(1) = 5.83, p < 0.02$); and 2% of the ISP probationers and 1% of routine probationers were sentenced to prison as a result of a technical violation ($X^2(1) = 0.34, p < 0.56, n.s.$). In Ventura, 41% of the ISP probationers and 50% of the CRMT probationers were jailed as a result of a technical violation ($X^2(1) = 1.28, p < 0.26, n.s.$); 19% of those on ISP were sent to prison as a result

BLUMSTEIN, JACQUELINE COHEN, JEFFREY A. ROTH & CHRISTY A. VISHER, CRIMINAL CAREERS AND "CAREER CRIMINALS" (1986).

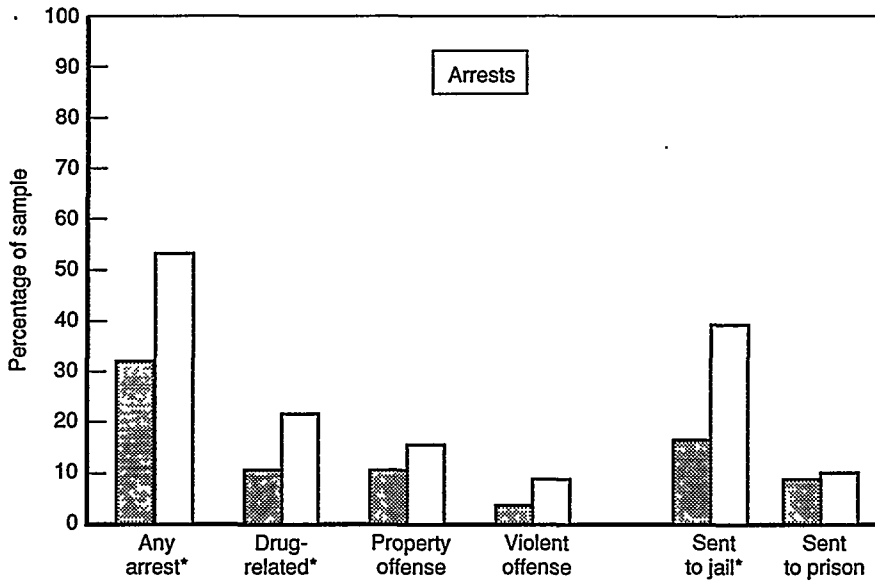
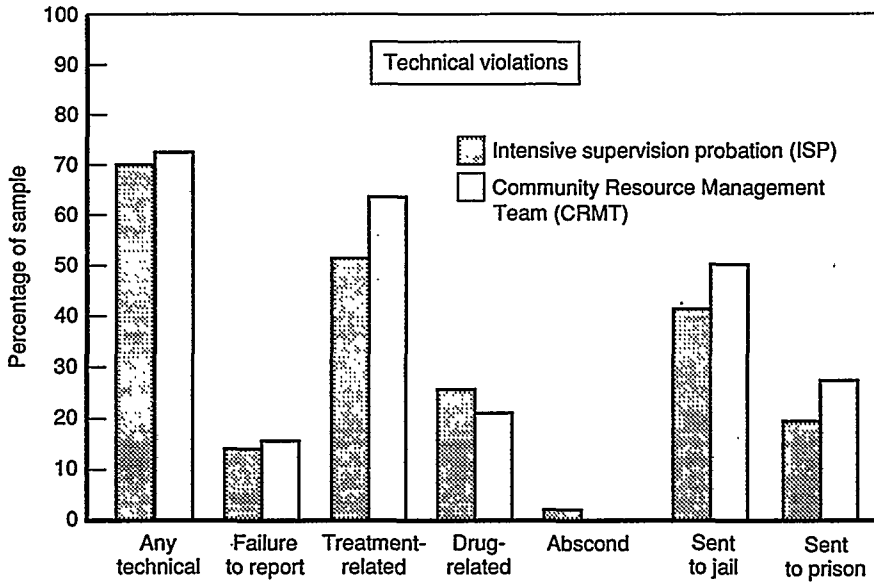
³¹ See *supra* note 4.

³² Drug arrests included possession, sale, and transport of illegal drugs. Property crimes included forgery, theft, auto theft, and burglary. Violent crimes included assault, robbery, homicide, and rape.



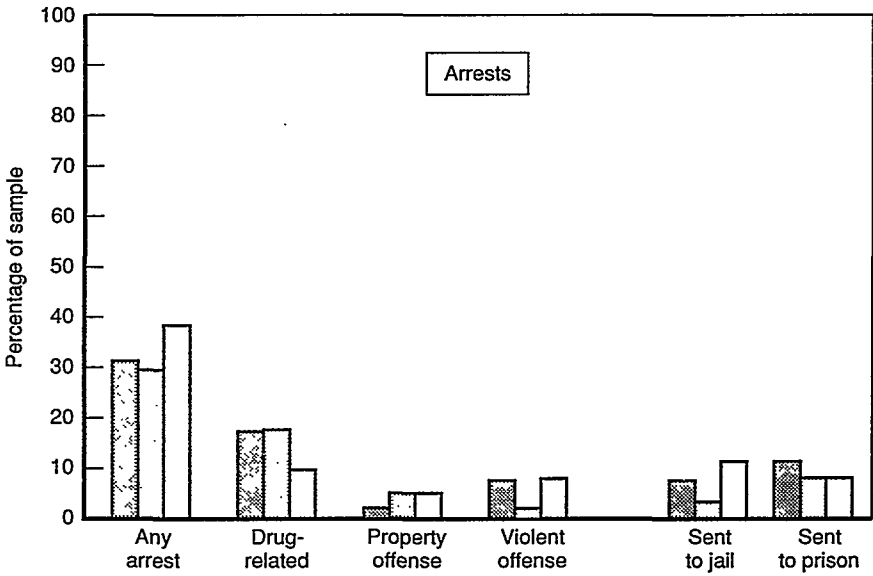
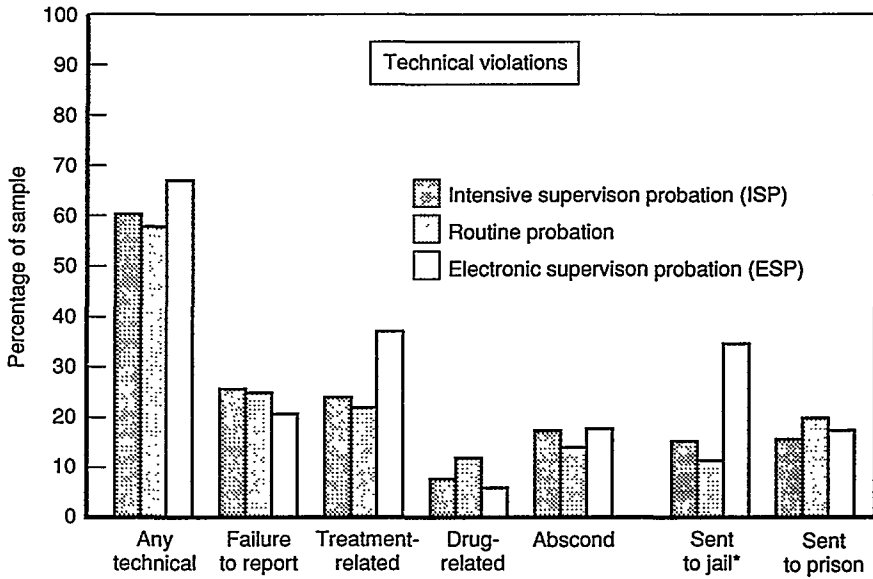
*Groups significantly different, $p < 0.05$

Fig. 1—Extent of probationers' recidivism during one-year follow-up:
Contra Costa County



*Groups significantly different, $p < 0.05$

Fig. 2—Extent of probationers' recidivism during one-year follow-up: Ventura County



*Groups significantly different, $p < 0.05$

Fig. 3—Extent of probationers' recidivism during one-year follow-up: Los Angeles County

of a technical violation, compared with 27% of those on CRMT ($X^2(1) = 1.50$, $p < 0.22$, n.s.).

In Los Angeles, 35% of the probationers on ESP were jailed as a result of a technical violation, compared with 16% of those on ISP and 12% of those on routine probation ($X^2(2) = 8.93$, $p < 0.01$). Between 16% and 20% of the ESP, ISP, and routine probationers in Los Angeles were imprisoned for technical violations ($X^2(2) = 0.39$, $p < 0.82$, n.s.).

B. SERIOUSNESS OF RECIDIVISM

Another way to examine recidivism is to investigate the seriousness of the recidivism events. Figure 4 categorizes individuals according to the most serious recidivism event they experienced during the one-year follow-up period.

In Contra Costa, 40% of the ISP probationers had technical violations as their most serious event, compared with 26% of those on routine probation. The figures are similar for Ventura, where 43% of the ISP and 29% of the CRMT probationers had technical violations as their most serious recidivism event. In Los Angeles, 42% of the ISP and 46% of the ESP participants had technical violations, in contrast to 40% of those on routine probation. Figure 4 also shows that between 2% and 9% of the various samples were arrested for a new violent crime (virtually all for robbery or assault).

To statistically test whether there was a difference in the "most serious" outcomes between the ISP and control probationers, we ranked each probationer's recidivism outcomes as follows: (1) no technical violation or arrest; (2) at most a technical violation; (3) an arrest. We then ran cross-tabulations between the type of probation program (*i.e.*, ISP versus routine) and this ranking. In Contra Costa and Ventura, the severity of recidivism differed for the ISP and control probationers ($X^2(2) = 6.2$, $p < 0.04$; $X^2(2) = 7.7$, $p < 0.02$, respectively). These differences were primarily the result of more ISP probationers in Contra Costa having technical violations and more CRMT probationers in Ventura having arrests. In Los Angeles, no significant differences were found between program type and the "most serious" recidivism measure ($X^2(4) = 2.1$, $p < 0.70$, n.s.).

For probationers with an arrest, we examined whether ISP probationers had less serious arrest offenses than control probationers. Arrests for violent offenses were considered the most serious, followed by property, drugs, and "other" crimes. Each arrested probationer was ranked by the most serious arrest he or she incurred during the one-year follow-up period. Cross-tabulations were then

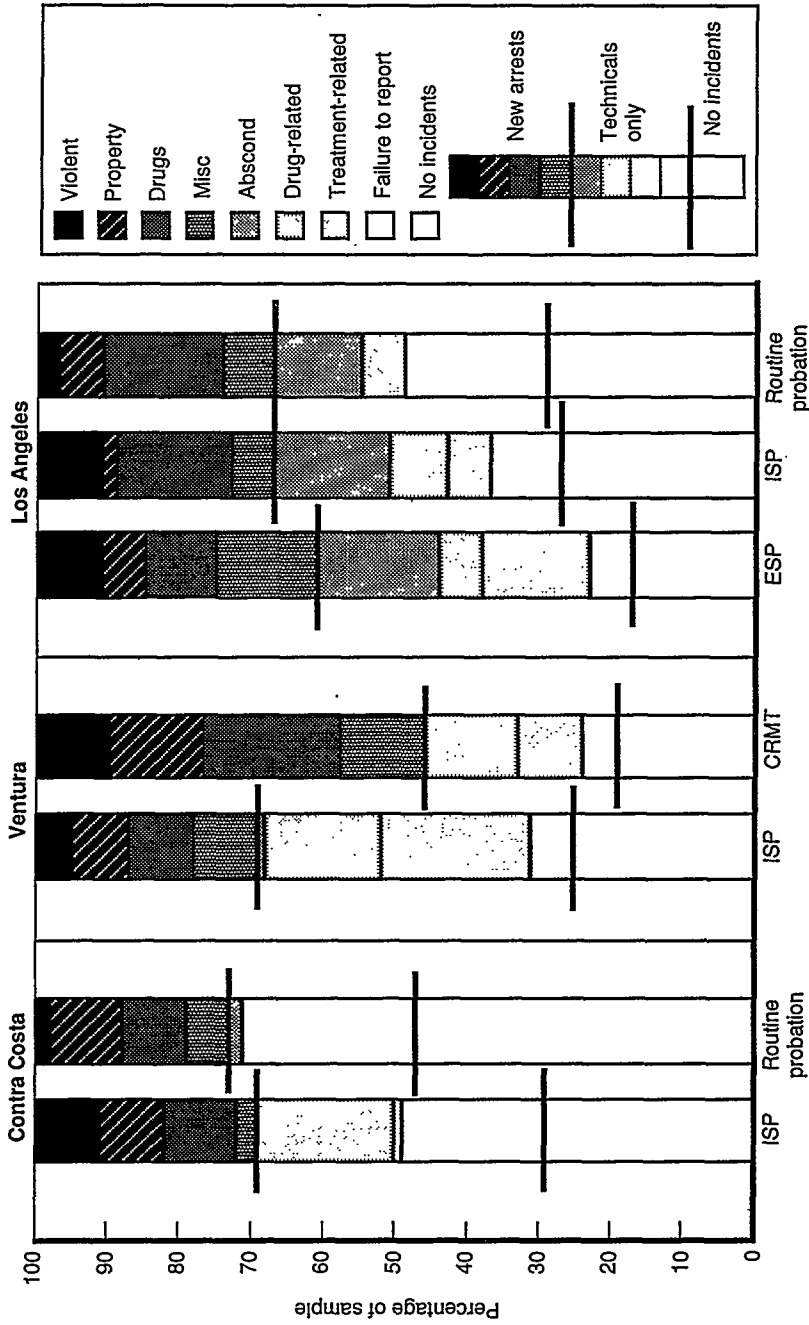


Fig. 4—Probationer's most serious recidivism outcome during one-year follow-up

performed between the most serious arrest and the type of probation program. No statistically significant differences appeared between ISP and control probationers in the severity of their arrest offenses at any of the three sites (Contra Costa, $X^2(3) = 2.38$, $p < 0.50$, n.s.; Ventura, $X^2(3) = 1.18$, $p < 0.76$, n.s.; Los Angeles, $X^2(6) = 5.92$, $p < 0.43$, n.s.).

C. THE RELATIONSHIP BETWEEN TECHNICAL VIOLATIONS AND ARRESTS

Most ISP programs require that probationers comply with certain conditions, such as observing curfews, abstaining from alcohol and drugs, and attending treatment sessions. Compliance is monitored through frequent visits, random drug testing, random contacts, and other techniques. The implicit rationale underlying the imposed conditions and the monitoring is that noncompliant behavior should be detected and brought to the court's attention, because it may signal that the probationer is "going bad." It is also thought that probationers who are disregarding court-imposed conditions may be committing new crimes; and hence, enforcement of the conditions, however technical, should increase public safety.³³ However, the relationship between technical violations and arrests has not been empirically tested previously.

We examined this relationship using several different approaches. First, within each site, we computed correlations between the number of arrests and the number of technical violations for (1) all probationers combined and (2) each type of probation separately. These correlations are shown in Table 6.

There were no significant negative correlations between the number of arrests and the number of technical violations for any grouping except for the routine probationers in Los Angeles. This suggests that filing charges for technical violations was not associated with fewer arrests.

However, filing charges for specific types of technical violations may reduce subsequent arrests (either overall or for specific crime types). For example, research has consistently demonstrated that offenders commit more crime when under the influence of drugs.³⁴

³³ Such conditions and enforcement also increase the punitiveness of ISP and thereby help accomplish the objective of just deserts (*i.e.*, making the punishment fit the crime).

³⁴ See JAN M. CHAIKEN & MARCIA R. CHAIKEN, VARIETIES OF CRIMINAL BEHAVIOR, RAND R-2814-NIJ (1982); M. Douglas Anglin & Gary Speckart, *Narcotics Use, Property Crime and Dealing: Structural Dynamics Across the Addiction Career*, 2 J. OF QUANTITATIVE CRIMINOLOGY 355 (1986).

TABLE 6
CORRELATIONS BETWEEN THE NUMBER OF TECHNICAL VIOLATIONS
AND THE NUMBER OF ARRESTS

Program	Correlation
Contra Costa	
ISP	0.13
Routine probation	-0.01
All offenders combined	0.06
Ventura	
ISP	0.15
CRMT	0.20
All offenders combined	0.16*
Los Angeles	
ESP	-0.15
ISP	-0.08
Routine probation	-0.29*
All offenders combined	-0.15

NOTE: An asterisk indicates that the correlation is statistically different from zero, $p < 0.05$.

Revoking probation for drug-use violations might therefore reduce subsequent arrests.³⁵ To explore this possibility, we cross-tabulated whether a probationer had a drug-related technical violation with whether he or she had (1) any arrest, (2) any violent arrest, (3) any property arrest, or (4) any drug arrest.³⁶ The results are shown in Table 7. Chi-square tests of significance were computed within each site for the four cross-tabulations. None of the resulting values reached statistical significance ($p < 0.05$), suggesting that there is no relationship between having a drug-related technical violation and having an arrest for any crime or an arrest for a specific crime type.³⁷ For example, 24% of the probationers in Contra Costa who had a drug-related technical violation were arrested for a new crime, compared with 30% who had no drug-related technical violations.³⁸

³⁵ As noted earlier, the drug violations of study participants consisted mostly of drug use as detected through urinalysis.

³⁶ Because most offenders had no more than one arrest of a particular offense type, cross-tabulations were more appropriate than correlations for this analysis.

³⁷ Identical analyses were performed within each type of probation (e.g., ISP and routine probation). These analyses also failed to reveal any statistically significant relationships between drug technical violations and arrests.

³⁸ While this seems a rather straightforward analysis, it was difficult because of the nature of probation data. Since a new arrest is always a violation of probation, some probation officers and departments automatically file a technical violation when a new arrest occurs. This analysis required that only violations not connected solely to the occurrence of an arrest be identified and included. The data collection forms distinguished between technical violations and arrests, so all technical violations that resulted

TABLE 7
PERCENTAGE OF OFFENDERS HAVING NEW ARRESTS,
BY PRESENCE OF DRUG VIOLATIONS
(ISP AND CONTROL PROBATIONERS COMBINED)

Arrest Type	Contra Costa		Ventura		Los Angeles	
	Drug Violation	No Drug Violation	Drug Violation	No Drug Violation	Drug Violation	No Drug Violation
Drug Arrest	10	11	19	16	15	15
Property arrest	10	9	14	12	0	5
Violent arrest	5	5	3	8	0	6
Any arrest	24	30	35	44	23	34

D. COMPARING ARREST RATES WHILE CONTROLLING FOR STREET TIME

The recidivism data in Figures 1 through 4 do not account for the probationers' "street time," that is, time when they were not incarcerated. If probationers are not incarcerated and remain in the community for greater time periods, their time-at-risk is greater than that of probationers who have fewer days on the street. For example, the ISP probationers in this study may have spent more time incarcerated during the follow-up period than routine probationers. If these street-time differences are not accounted for, offenders with less street time will appear to have lower levels of recidivism, yet this would not necessarily reflect lower criminal activity. Failure to account for differential time-at-risk in earlier evaluations of ISP programs has created problems for comparisons of recidivism between their ISP and routine probation programs.

We constructed an overall arrest rate by determining the total number of arrests for each probationer during the one-year follow-up period and dividing that total by his or her total number of street days during that year (*i.e.*, days on ISP, routine probation, summary probation, and work furlough, excluding any days spent in jail or prison). These rates were then multiplied by 365 to arrive at an annualized individual arrest rate. In effect, the resulting rate is the offender's expected number of arrests if he or she were free in the community the entire year. These individual rates were then averaged for each site's ISP and control groups to estimate the number

solely from new arrests were deleted from the analysis. Future research on the relationship between technical violations and new arrests should correct for this bias in routinely collected probation data.

of arrests per year of street time. Table 8 presents the study participants' arrest rates for four major categories of crime: violent, property, drug, and other. The overall arrest rates for all four categories combined range from 0.7 to 2.5 per year, with the highest rates occurring in Ventura, for both the ISP and CRMT probationers.

We used analysis of variance³⁹ to compare the various arrest rates for the ISP and control probationers within a site. No statistically significant differences were found (in Contra Costa, $F(1,164) = 0.78$, $p < 0.38$, n.s.; in Ventura, $F(1,161) = 0.80$, $p < 0.37$, n.s.; and in Los Angeles, $F(2,140) = 0.96$, $p < 0.39$, n.s.).

The most important finding, however, is that once the effects of street time were statistically controlled, there was no evidence that the experimental ISP programs significantly reduced arrest rates. In fact, while not statistically significant, the trend was in the opposite direction in Contra Costa and Los Angeles Counties: ISP probationers had higher arrest rates than those on routine probation. The high arrest rates of Ventura ISP probationers are probably because Ventura had the most intensive program, with strong police involvement.

TABLE 8
AVERAGE NUMBER OF ARRESTS PER PROBATIONER
ASSUMING ONE YEAR OF STREET TIME

Crime Category	Contra Costa		Ventura		Los Angeles		
	ISP	Routine Probation	ISP	CRMT	ESP	ISP	Routine Probation
Violent	0.2	0.1	0.2	0.3	0.1	0.2	0.1
Property	0.4	0.2	0.8	0.7	0.4	0.1	0.1
Drug	0.4	0.3	0.6	1.1	0.5	0.7	0.6
Other	0.1	0.2	0.9	0.7	0.5	0.3	0.1
All crimes combined	1.0	0.7	2.1	2.5	1.4	1.3	0.8

E. ISSUES IN MEASURING RECIDIVISM

A central question regarding ISP recidivism outcomes is the extent to which they reflect measurement bias, since ISP may increase opportunities to observe technical violations and new criminal behavior. If we knew true offender behavior (which perhaps could be obtained through offender self-reports), we could directly estimate

³⁹ Analysis of variance is a statistical technique for simultaneous comparison of means in order to determine if some statistical relation exists between the experimental and dependent variables. WILLIAM L. HAYES, *STATISTICS FOR THE SOCIAL SCIENCES* 457 (1973).

the extent of the measurement bias. We do not have such data, so we tested for the measurement bias using data from official records.

We calculated the correlations between the total number of contacts (combining face-to-face, collateral, monitoring, and drug checks) and the following indicators of recidivism: (1) any arrest, (2) any technical violation, (3) the number of technical violations, and (4) the number of arrests. We examined the correlations within ISP and control groups separately, and in no case did we observe a positive relationship between the number of contacts and any of the four recidivism measures.⁴⁰ Thus, it does not appear that the recidivism rates of ISP probationers were artificially high because of greater opportunities to observe the failure of ISP probationers in the community.

F. SURVIVAL ANALYSIS

Our final recidivism analysis was a survival analysis, measuring the pace of recidivism among probationers.⁴¹ This type of analysis specifies the proportion of probationers who survive by not recidivating (and, conversely, the proportion who fail) across specified intervals during the follow-up period. The specified intervals may be months, weeks, or even days. Survival analysis thus provides more precision and specificity than fixed-time interval analysis. While the previous analyses showed that the annualized arrest rates did not differ between ISP and control probationers, survival analysis could detect, for example, that one group's failure rate during the first several months of the year was considerably higher than that of the other group.

Selecting the most appropriate survival analysis model for a given application requires an understanding of the strengths and weaknesses of the possible models and how well each is suited to the characteristics of the available data and the research questions being addressed. After reviewing the most popular survival models, we chose the Kaplan-Meier model for this analysis.⁴²

⁴⁰ We also performed correlations for ISP and control probationers combined. These analyses revealed a significant positive correlation (0.18) between the number of technical violations and contacts in Contra Costa; a significant negative correlation between the number of contacts and any arrest in Ventura; and a significant negative correlation between contacts and any technical violation in Los Angeles. These results mirror the overall recidivism outcomes, as we would expect, given the high correlation between contacts and type of probation program (0.67 in Contra Costa, 0.69 in Ventura, and 0.50 in Los Angeles).

⁴¹ See MALTZ, *supra* note 29; PETER SCHMIDT & ANN DRYDEN WITTE, *PREDICTING RECIDIVISM USING SURVIVAL MODELS* (1988).

⁴² The life-table model was also applied to these data, and the results were virtually

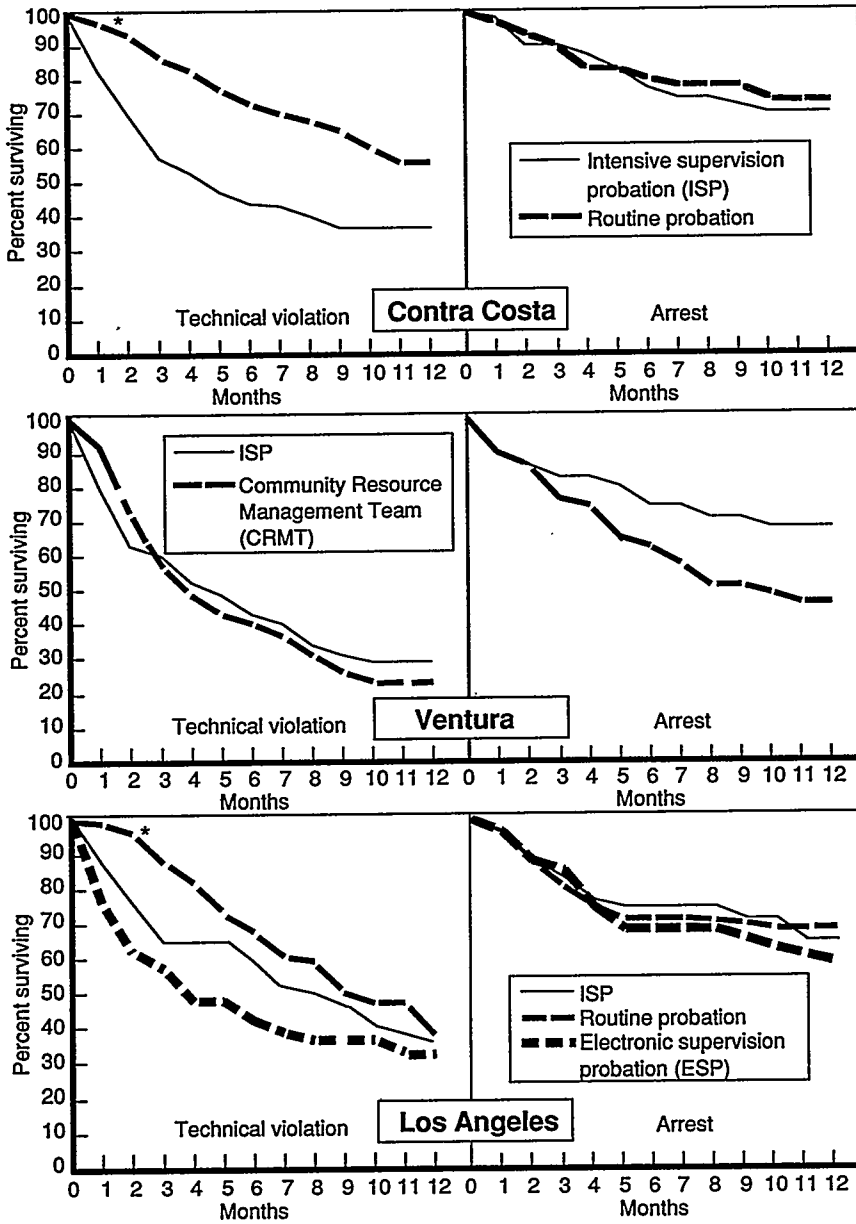
Like all survival analysis, the Kaplan-Meier model derives measures based on two assumptions: (1) that "terminal" cases cease to remain exposed to risk after they terminate (*e.g.*, once a probationer is arrested or has a technical violation, he or she is no longer at risk of failing again); and (2) that "censored observations" are treated as nonterminal "withdrawals" (*e.g.*, if a probationer dies or is transferred, he or she is not considered to have either failed or survived, but is simply dropped from the analysis). For survival analysis, it is necessary to determine which events (and their corresponding dates) will serve to remove ("censor") an individual from the analysis. For this study, probationers were removed when they died, were transferred, or were terminated from supervision.

Figure 5 presents the monthly survival rates across the one-year follow-up period, using two recidivism measures: (1) time until first technical violation, and (2) time until first arrest. The time intervals were measured from the first day the probationer was on the street (for most of the probationers, this was the day he or she was released from jail for the current offense and returned to the community on probation). The mean survival times across all sites and programs were between five and nine months. In Contra Costa, the ISP probationers "survived" for shorter times (*i.e.* recidivated sooner) when recidivism was measured by the occurrence of a new technical violation (Wilcoxon $X^2(1) = 18.00$, $p < 0.001$), but there were no differences when recidivism was measured by the occurrence of a new arrest (Wilcoxon $X^2(1) = 0.18$, $p < 0.67$, n.s.).

In Ventura, the opposite was true: ISP and CRMT probationers recidivated at the same pace when technical violations were the measure (Wilcoxon $X^2(1) = 0.12$, $p < 0.73$, n.s.), but the CRMT probationers recidivated sooner for arrest than the ISP probationers (Wilcoxon $X^2(1) = 4.90$, $p < 0.03$).

The data suggest that ISP (or ESP) probationers in Los Angeles will recidivate faster than routine probationers when technical violations are the criterion (Wilcoxon $X^2(2) = 9.17$, $p < 0.01$), but there will be no difference between the two groups when arrests are the measure (Wilcoxon $X^2(2) = 0.41$, $p < 0.81$, n.s.).

identical to those obtained by the Kaplan-Meier model. The Kaplan-Meier model was used in the Massachusetts ISP evaluation, see James M. Byrne & Linda Kelly, *An Evaluation of the Implementation and Impact of the Massachusetts Intensive Probation Supervision Program* (1989) (unpublished manuscript on file with the authors), and the Illinois Criminal Justice Authority evaluation. See Illinois Criminal Justice Information Authority, *The Pace of Recidivism in Illinois*, 2 RES. BULL. 1 (April 1986). Wheeler and Hissong also used this method to analyze time to failure for misdemeanor offenses. Gerald R. Wheeler & Rodney V. Hissong, *A Survival Time Analysis of Criminal Sanctions for Misdemeanor Offenders*, 12 EVALUATION REV. 510 (1988).



*Groups significantly different, p<0.05

Fig. 5—Probationers' survival estimates during one-year follow-up

G. EFFECTS OF ISP ON OFFENDERS' EMPLOYMENT, EDUCATION, COUNSELING, COMMUNITY SERVICE, AND PAYMENT OF FINES AND FEES

Although routine probation sometimes involves employment, treatment, or community service, ISP typically emphasizes and often even mandates participation in these and other related program activities, such as counseling, training, victim restitution, and fee repayment. Because probationer participation in these kinds of program activities is usually considered to be a central part of ISP, it is important to determine the level of actual participation by ISP probationers compared to routine probationers. Figure 6 shows the percentage of probationers who participated in various program activities during the one-year follow-up period. Any participation during this period was counted, regardless of its intensity.

The level of participation was generally quite low, particularly in Los Angeles, where 17% of the ESP and 16% of the ISP probationers participated in counseling during the study period, compared with 2% of the routine probationers ($X^2(2) = 6.72$, $p < 0.04$). In Contra Costa, 39% of the ISP probationers received counseling, as did 14% of the routine probationers ($X^2(1) = 13.32$, $p < 0.001$). In both counties, officials reported a serious lack of treatment programs for drug-involved probationers. Program participation was much higher in Ventura, where 78% of the ISP and 76% of the CRMT probationers received counseling ($X^2(1) = 0.08$, $p < 0.77$, n.s.).

To enable more extensive analysis of program participation, we calculated a program-participation score for each offender by assigning one point for participation in each of the following activities during the one-year follow-up period:

- Any employment during the year.
- Any counseling sessions attended.
- Any community service performed.
- Any restitution during the year.

Thus, each probationer had a program-participation score of zero to four. The ISP model asserts that, theoretically, the more a probationer participates in these program activities, the better his chances are of law-abiding behavior.⁴³ Table 9 shows the percent-

⁴³ Correlations between pairs of individual activities and the summary scale were generally above 0.4. Correlations between pairs of possible individual activities ranged from 0.05 to 0.31. Chronbach's alpha ranged from 0.42 in Ventura and 0.43 Los Angeles to 0.24 in Contra Costa. Lee J. Chronbach, *Coefficient Alpha and the Internal Structure of Tests*, 16 *PSYCHOMETRIKA* 297 (1951).

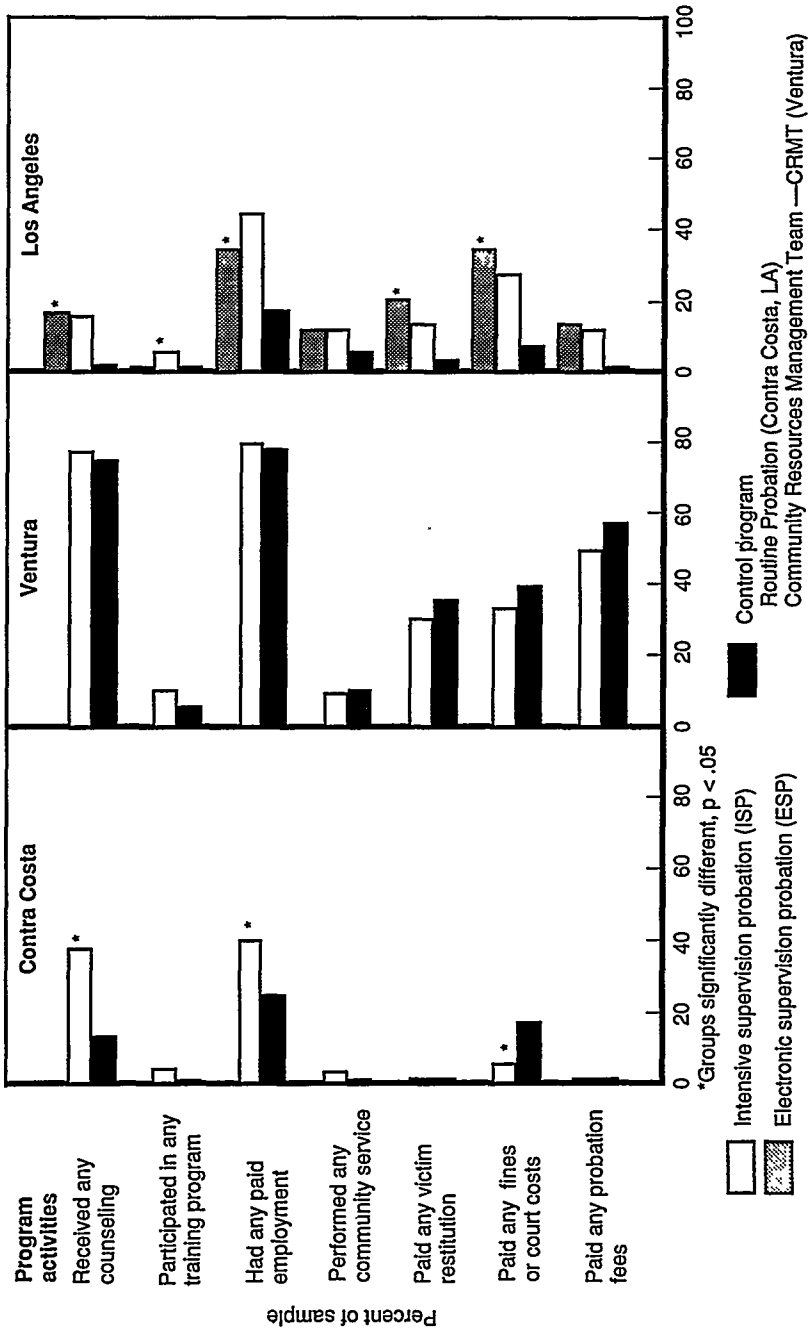


Fig. 6—Probationer participation in programs during one-year follow-up

TABLE 9
PERCENTAGE OF OFFENDERS PARTICIPATING IN PROGRAMS:
SUMMARY MEASURE
(PERCENTAGE OF STUDY SAMPLE)

Program Participation Score	Contra Costa		Ventura		Los Angeles		
	ISP	Routine Probation	ISP	CRMT	ESP	ISP	Routine Probation
0 (no participation)	40*	64	10	6	46 ⁺	45*	78
1	37	33	18	22	27	33	14
2	22	2	41	42	23	14	8
3	1	1	26	26	4	6	0
4 (participates in all activities)	0	0	5	5	0	2	0

NOTE: An asterisk indicates that the ISP program-participation score is significantly different from that of routine probation; a plus sign indicates that the score for ESP is significantly different from that for routine probation in Los Angeles.

ages of probationers at each program-participation level at each site.

We then cross-tabulated the program-participation scores with the type of probation program (*i.e.*, ISP or control). In both Contra Costa and Los Angeles, ISP (and ESP) probationers had higher program-participation scores than their counterparts on routine probation ($X^2(3) = 18.46$, $p < 0.001$; $X^2(8) = 18.29$, $p < 0.02$, respectively). Although there were no differences between the scores of ISP and CRMT probationers in Ventura ($X^2(4) = 1.39$, $p < 0.85$, *n.s.*), the overall program participation in Ventura was higher than in Contra Costa and Los Angeles.

H. THE RELATIONSHIP BETWEEN PROGRAM PARTICIPATION AND RECIDIVISM

We also explored the relationship between probationers' program participation (as measured in Table 9) and recidivism. For this analysis, we cross-tabulated each probationer's program-participation score with whether he or she had either a new technical violation or a new arrest within the one-year follow-up period. Table 10 shows that for all three sites, program participation was associated with decreased recidivism (Contra Costa, $X^2(3) = 8.86$, $p < 0.04$; Ventura, $X^2(4) = 14.23$, $p < 0.01$; Los Angeles, $X^2(4) = 20.83$, $p < 0.001$).⁴⁴

This analysis does not incorporate the random-assignment as-

⁴⁴ Additional analyses, not shown here, found that the relationship between program participation and recidivism held true when arrests and technical violations were examined separately.

pect of the ISP demonstration, since the degree of program participation was not randomly assigned among probationers. Thus, selection processes may be operating. In particular, higher program-participation scores may be correlated with lower risk. In other words, "better" probationers may not only have lower recidivism rates, they may also participate in more programs. If this is the case, program participation should not be viewed as causing a reduction in recidivism; the two items are simply correlated.

TABLE 10
RECIDIVISM, BY PROGRAM PARTICIPATION AND SITE
 (PERCENTAGE OF SAMPLE HAVING EITHER
 A TECHNICAL VIOLATION OR AN ARREST)

Program Participation Score	Contra Costa	Ventura	Los Angeles
0	70*	77*	87*
1	53	94	63
2	57	83	52
3	0 ^a	61	100 ^a
4	NA	88 ^a	0 ^a

NOTE: An asterisk indicates that program participation was related to recidivism, using X² tests of significance.

^a Based on five or fewer cases.

To examine this possibility, each probationer's program-participation score was correlated with his or her risk-of-recidivism score.⁴⁵ In Ventura and Los Angeles, higher-risk probationers had lower program-participation scores ($r = -0.22$, $p < 0.05$; $r = -0.20$, $p < 0.05$, respectively). In Contra Costa, no correlation existed between program participation and risk score ($r = -0.02$, $p > 0.84$, n.s.).

To determine whether the observed relationship between program participation and recidivism disappears when the probationer's risk level is statistically controlled, we used logistic regression to model each recidivism outcome as a function of (1) probationer's risk level and (2) program participation. The results show that in Contra Costa and Los Angeles, program participation remained associated with lower recidivism ($b = 0.55$, $p < 0.02$ for Contra Costa; and $b = 0.51$, $p < 0.02$ for Los Angeles). In Ventura, however, program participation was not related to recidivism, once probationer risk was controlled ($b =$

⁴⁵ See *supra* note 22.

0.23, $p < 0.31$, n.s.). This may reflect the fact that nearly all Ventura probationers were high-risk, and nearly all participated in programs.

I. THE PROBATIONERS FOR WHOM ISP WAS MOST EFFECTIVE

It is now well accepted that treatment programs are not equally effective for all offenders and that the appropriate question to ask when looking at outcomes is not *Did it work?* but rather *For whom did it work best?* Erwin suggests that ISP works best for drug offenders;⁴⁶ Byrne and Kelly⁴⁷ suggest that employed ISP probationers have lower recidivism rates and that higher levels of ISP program implementation (*e.g.* incorporating both treatment and surveillance) are associated with success.

Although our analysis did not find ISP to be more effective than routine probation in reducing recidivism overall, we wanted to investigate whether it might be more effective for *some subgroups* of the population. If this were the case, future ISP programs could be tailored to those subgroups for whom they appear most effective.

Prior probation research has shown that certain background characteristics are related to recidivism.⁴⁸ Drawing on that research, we selected the following variables to test the differential effectiveness of ISP:

- Sex (male, female)
- Race (white, black, Hispanic)
- Age (<26, 26-30, 31+)
- Recidivism risk (1-5, 6-10, 11-15, 16+)
- Prior record (less than jail, jail or worse)
- Living arrangement (with spouse, all other arrangements)
- Drug-treatment needs (high, other)
- Any paid employment during one-year follow-up period (yes, no)
- ISP implementation score⁴⁹(low, moderate, high)

We examined whether the interaction between probationers'

⁴⁶ BILLIE S. ERWIN, *EVALUATION OF INTENSIVE PROBATION SUPERVISION IN GEORGIA* (1987).

⁴⁷ See Byrne & Kelly, *supra* note 42.

⁴⁸ See PETERSILIA et al., *supra* note 3; JOAN PETERSILIA, SUSAN TURNER & JOYCE PETERSON, *PRISON VERSUS PROBATION IN CALIFORNIA: IMPLICATIONS FOR CRIME AND OFFENDER RECIDIVISM*, RAND R-3323-NIJ (1986); Gennaro F. Vito, *Felony Probation and Recidivism: Replication and Response*, 50 *FED. PROBATION* 17 (1987); David A. Pritchard, *Stable Predictors of Recidivism: A Summary*, 17 *CRIMINOLOGY* 15 (1979).

⁴⁹ In analysis not shown here, each ISP probationer received an implementation score, which measured the extent to which he or she received the planned ISP program. This type of implementation measure was necessary to assess whether receiving the "full" ISP model was associated with various outcomes. Offenders who received 50% or less of planned services received a "low" implementation score, offenders receiving 51% to 79% of planned services received a "medium" score, and offenders receiving

background characteristics and the type of probation program was significantly related to any of three recidivism outcomes: any technical violation, any arrest, and any technical violation or arrest. We used multiple logistic regression to model each outcome as a function of (1) the background characteristic, (2) the type of probation program used, and (3) the interaction between background characteristic and program type. These analyses showed no statistically significant interaction effect between any background characteristic and program type, for any of the three recidivism outcomes.⁵⁰ In short, ISP does not appear differentially effective for offenders with different background characteristics.⁵¹

VI. COST COMPARISON OF ISP AND ROUTINE PROBATION

One goal of this study was to estimate the total criminal-justice dollars spent on each probationer during the one-year follow-up period, including both corrections and court costs.⁵² We did this by:

1. Estimating the costs of each type of local sanction or service "used" by the probationers.
2. Using information from the Status Calendars and Six-Month and Twelve-Month Review forms on each probationer's whereabouts (*e.g.*, in jail, on ISP) on each day in the follow-up period to "bill" each probationer for each service used.
3. Averaging across all probationers, within a given site, in the ISP and control programs.

Information on the daily costs of supervision and incarceration was collected from each of the three California counties. The site-specific information was quite similar across sites, so the estimates

80% to 100% of planned services received a "high" score. Complete results of the implementation analysis are contained in PETERSILIA & TURNER, *supra* note 13.

⁵⁰ This may be so because the probationers at a particular site were rather homogeneous, having been screened by a number of criteria for inclusion (*e.g.*, a majority of Ventura offenders were high-risk, and most Los Angeles offenders had rather similar prior criminal records).

⁵¹ While no differential program effects were found for probationers with different backgrounds, the following characteristics were generally shown to be related to recidivism, regardless of program type: prior criminal record (those with prior incarcerations had higher recidivism rates); risk level (higher-risk persons had higher recidivism rates); living arrangement (those who lived alone had higher recidivism rates); and level of drug needs (those with greater drug needs had higher recidivism rates).

⁵² Zedlewski argues that crimes committed by probationers also entail social costs, such as victims' losses from missed work and hospital bills, as well as increased fear, which can translate into the purchase of more private security. See EDWIN W. ZEDLEWSKI, *MAKING CONFINEMENT DECISIONS* (National Institute of Justice 1987). No adequate method presently exists for quantifying such social costs, so they are not included here. However, they are likely to be substantial.

were averaged, and the averages were used in the cost calculations. The average costs of processing an arrest or a technical violation were adapted from Haynes and Larsen.⁵³ The daily costs of prison were taken from the California Commission on Inmate Population Management.⁵⁴

Table 11 shows the daily cost factors and annual costs of the various ISP, ESP, and control programs. The table also shows the days during the total one-year follow-up period that the probationers spent in various corrections programs. Across the sites, the ISP probationers were actually on ISP an average of six months.

The cost totals show that placing felons on routine probation is much more costly than the currently estimated \$300 to \$2,000. The estimated corrections costs of the California routine probation programs studied here range from \$4,024 to \$6,122, simply because so many offenders on routine probation have violations and are sent to jail or prison.

In terms of correctional costs alone, ISP as implemented in Contra Costa and Los Angeles Counties costs about \$1,500 to \$1,900 more than routine probation. Ventura's ISP and CRMT programs cost about the same, \$6,957 versus \$7,654. Court costs of between \$900 and \$1,950 in addition to the correctional costs result in yearly costs expended per routine or CRMT probationer that are between \$4,923 and \$9,606. It is also worth noting that the costs of ESP (the electronic monitoring ISP program) in Los Angeles were not greater than the costs of the Los Angeles ISP program, which had no electronic monitoring; persons assigned to either of the two programs cost the corrections system about \$7,500 during the one-year follow-up period. The actual costs of a fully implemented ESP program may be higher than the costs reported here because only 44% of the ESP probationers were actually placed on ESP during the study period.

VII. CONCLUSIONS AND POLICY IMPLICATIONS

A. INTERPRETING THE FINDINGS

These findings raise a number of difficult questions and complex issues, the most obvious of which are:

⁵³ See Haynes & Larsen, *supra* note 20.

⁵⁴ CALIFORNIA BLUE RIBBON COMMISSION ON INMATE POPULATION MANAGEMENT, FINAL REPORT (1990).

TABLE 11
CALCULATING THE COSTS OF ISP, ESP, AND ROUTINE PROBATION

Cost Factor	Estimated Daily Cost	Average Number of Days Used ^d During One-Year Follow-Up Period						Routine Probation	ESP ^c	Los Angeles			
		Contra Costa			Ventura					ISP	ESP ^c	ISP	ESP ^c
		ISP	Routine Probation	CRMT ^b	ISP	CRMT ^b	ESP ^c						
		Correctional Costs											
Supervision													
ISP	\$5.15	177	0	174	0	132	171	171	0.6				
Routine probation	\$0.90	0	230	7	18	2	0.2	0.2	173				
Summary probation	\$0.50	0.3	5	0	3	3	0	3	0				
Parole	\$0.90	0	0	0	0	2	5	5	0				
CRMT	\$4.98	NA	NA	NA	165	NA	NA	NA	NA				
Electronic monitoring	\$7.00	NA	NA	NA	NA	34	NA	NA	NA				
Residential treatment center	\$53.25	15	2	9	9	4	8	8	0				
Work furlough	\$31.87	3	4	4	6	0.2	0	0	0				
Transfer, other	0	21	6	14	5	2	5	5	1				
Custody													
Prison	\$44.00	3	5	36	32	43	51	51	36				
Initial jail	\$54.24	36	39	25	20	18	38	38	33				
Subsequent jail	\$54.24	30	18	38	60	56	30	30	41				
Hospital, detox	\$53.25	0.4	1	0.9	0.8	0.5	0.8	0.8	0				
Other													
Failure to appear/abscond	\$0.50	58	36	37	27	47	37	37	62				
Dead	0	0	0	0	3	3	0	0	0				
Total Corrections Costs		\$5915	\$4024	\$6957	\$7654	\$7477	\$7690	\$7690	\$6122				
		Court Reprocessing Costs											
Cost per technical violation	\$500.00	1.3	0.5	1.5	1.6	1.0	1.1	1.1	1.0				
Cost per arrest	\$1500.00	0.4	0.4	0.5	0.7	0.4	0.4	0.4	0.3				
Total Court Costs		\$1325	\$899	\$1591	\$1952	\$1156	\$1212	\$1212	\$1001				
Full Cost		\$7240	\$4923	\$8548	\$9606	\$8633	\$8902	\$8902	\$7123				

^a The number of days used is averaged across all offenders in each study group.
^b Community Resource Management Team, the Ventura control program.
^c ISP augmented by electronic monitoring.

1. Why should ISP probationers in California have failure (technical violation and arrest) rates so much higher than those in other states?
2. If probationers in ISP programs are monitored so much more intensively than those on routine probation, why are the arrest rates virtually the same?
3. Is there continued justification for ISP programs?
4. What course should ISP programs take in the future?

1. *Why Did the California ISP Probationers Have Higher Failure Rates than Probationers in ISP Programs in Other States?*

The answer to this question is fairly straightforward. The probationers in the California ISP programs were more serious offenders and were at higher risk of recidivism than those who participated in most of the previously evaluated ISPs. Although the California sites chose to implement probation-enhancement ISP programs, their participants were more serious offenders than those who participated in prison-diversion ISPs in many other places. For example, only one-third of the participants in Georgia's ISP program were judged high-risk. In the California ISP programs, the majority were in this category; and in Ventura, which had the highest recidivism rates, over 80% of the ISP probationers were high-risk.

It appears that earlier ISP programs enjoyed widespread support partly because lower-risk offenders have been sentenced to them. This is not to suggest that diverting prisoners to such programs is inappropriate. On the contrary, a state that has a pool of low-risk offenders in prison is well advised to divert them to less-expensive community-based programs. But as higher-risk offenders are placed in such programs, higher violation rates must be expected especially if the programs vigorously enforce their technical conditions. Given the apparent lack of a deterrent effect of closer monitoring on high-risk offenders, high arrest rates are also to be expected.

The importance of this lesson cannot be overstated: States that are considering implementing ISP programs must look closely at their candidate pools. The design and implementation of appropriate programs depend critically on recognizing differences in offender profiles and understanding the risk levels of different offender populations (*e.g.*, parolees versus probationers) within particular geographical areas. The differences in these levels also must be taken into consideration when recidivism rates are compared across states and jurisdictions.

2. *Why Were Arrest Rates So Similar for ISP Probationers and Routine Probationers?*

In addition to higher overall failure rates, the California results also differ from other program results in comparative outcomes. Other ISP programs were judged successful precisely because the offenders who participated in them had much lower revocation and recidivism rates than probationers on routine probation or parole. For the three California ISP sites, the arrest rates between the ISP and control probationers were virtually identical.

Previous evaluations, however, were not based on *random* assignment to ISP programs. Thus, the earlier comparisons of ISP and routine probation or parole outcomes may have been misleading. Judges have been very sensitive to the risks involved in putting prison-bound offenders in community programs and to public concerns about the courts being soft on criminals. Consequently, the population of offenders sentenced to ISP are likely to be very different from the rest of the offender population, and the differences in outcomes might have resulted more from differences in populations than from the ISP programs themselves.

Because probationers were randomly assigned to either routine probation or ISP in the California experiment, the reverse should be true: The outcomes should represent program, not population, effects. Our results, therefore, bring into question a basic premise of ISP, *i.e.*, that increased surveillance will act as a constraint on the probationer and the likelihood of detection will act as a deterrent to crime. These theoretical effects, of course, can be expected only if the ISP program actually does impose more conditions and surveillance than routine probation does. The California ISP programs intensified supervision, but they did not produce the expected effects. More supervision, without a substantive treatment component, evidently had little effect on probationers' underlying criminal behavior, as manifested in their arrest rates.

3. *Is There Continued Justification for ISP Programs?*

Our findings suggest that ISP programs, even those as rigorous as Ventura's, are not effective for high-risk offenders if effectiveness is judged solely by recidivism rates. Given that these programs are more expensive than routine probation and apparently provide no greater guarantees for public safety, is there any future for them? That depends on what ISP programs set out to accomplish and what kinds of sentencing options the criminal justice system wants or

needs.⁵⁵

As noted earlier, ISP programs are designed to serve three primary goals: (1) to conserve scarce prison space and money that would otherwise be spent on incarceration; (2) to keep offenders from committing crimes in the community while they are on probation; and (3) to impose a punishment less severe than prison, but more severe than routine probation. For high-risk offenders, ISP programs are slightly more expensive but apparently no more effective than routine probation in lowering recidivism rates. However, the programs evaluated here did impose an "intermediate" punishment, for which the court-ordered conditions were more credibly monitored and enforced than was possible with routine probation. Discussions about whether ISP is a promising direction for crime-control policy must therefore move from micro-level questions, such as whether programs benefit their subjects, to macro-level concerns about ISP programs' contributions to overall sentencing policy.

The most compelling reason for continued development of ISP programs is the criminal justice system objective of just deserts, *i.e.*, making the punishment fit the crime. California courts presently place many high-risk offenders on probation, where caseloads of 150 or more preclude probation officers from providing close supervision. Probation supervision in California is often little more than unsupervised community release and monitoring for rearrest. Caseloads in many jurisdictions permit only minimal contact with the probationer. Thus, routine probation clearly does not constitute just punishment for felons with serious prior records.

The problem of inappropriate punishment also exists for less serious offenders. In the absence of intermediate sanctions, some states imprison people whose crimes and records hardly seem to merit incarceration. The low recidivism rates of some prison-diversion ISP programs appear to validate this. Justice is not served by putting many low-risk offenders in prison. In states with large pools of such offenders, building more prisons is neither cost-effective, rational, nor humane.

Ideally, the system should develop a continuum of punishments, ranging from warnings and restitution, through diverse community-based punishments (including community service, routine probation and ISP) to incarceration. Sanctions could then be ad-

⁵⁵ The issue also requires more research. This study has taken a first step in experimental analysis. Further research using random assignment is needed in jurisdictions with different risk populations and resources.

justed to suit the individual offender's crime, prior record, and threat to the community. Developing and implementing such a continuum would not be a trivial undertaking, however, and it cannot be accomplished by fiddling at the margins of the existing corrections system. Revamping the system will require single-minded understanding of the problem and public acceptance of the need, as well as a serious commitment of will and resources.

To achieve public acceptance, the case also must be made that ISP can reasonably constitute just deserts for serious offenders. The California ISP programs certainly came closer to being an appropriate penalty than routine probation did, in terms of the constraints and requirements that ISP imposed on probationers. The ISP programs were clearly more intrusive and constraining than routine probation in both structure and intent, with participants having two to three times more face-to-face and telephone contacts and law-enforcement checks than routine probationers had.

Nevertheless, most people would argue that ISP is less punitive than state prison; and indeed, prison does come closer than ISP to the norm of punishment for a large percentage of high-risk offenders. There are two responses to this argument: (1) In many states, there is no more room in prison, and ISP imposes at least some degree of punishment; and (2) as their behavior attests, high-risk offenders are not "most people," and they may have a different perception of the ISP/prison comparison.

In Marion County, Oregon, selected nonviolent offenders were given the choice of serving a prison term or returning to the community to participate in an ISP program. These offenders had been convicted, and the judge had imposed prison sentences. During the one-year study period, about a third of those eligible to participate in the experiment chose prison instead of ISP.⁵⁶ Obviously, prison conditions seem less punishing than ISP requirements to some offenders. Further, in some states, offenders know that they will have to spend more time on ISP than they would spend in prison. That certainly is the case in California, where a two to three-year prison sentence often translates into less than six months of actual prison time.⁵⁷

4. *What Course Should ISP Programs Take in the Future?*

Even if the public and politicians accept the arguments favoring

⁵⁶ Joan Petersilia, *When Probation Becomes More Dreaded Than Prison*, 54 *FED. PROBATION* 23 (1990).

⁵⁷ See *supra* note 54.

ISP programs, their long-term viability may depend on realistic reappraisal of what they can be expected to accomplish, on a shift in emphasis, and on different criteria for judging effectiveness.

a. Reappraising What ISP Can Accomplish

What ISP programs can accomplish depends largely on the nature of the candidate pool and other aspects of the corrections environment. As noted, ISP (as implemented at the three California sites) does not appear to deter many high-risk offenders, and it will not be able to incapacitate them unless the local jails have more space than most jurisdictions currently have. In this situation, ISP programs function primarily as a way to impose conditions that come closer to just deserts than routine probation can.

Because they have better access to treatment programs and job-placement services, ISP programs also have some potential for rehabilitating offenders. At all three California sites, probationers who received counseling, who were employed, who paid restitution, and who did community service had less recidivism. Because the level of participation in such program activities was low, however, these activities may not have had much effect on the sites' overall recidivism rates. Nevertheless, the finding of a difference in recidivism has important implications for treatment and outcomes. Whether the participants who exhibited lower recidivism were truly rehabilitated remains to be seen; a follow-up longer than one year would be required to determine that. Still, the reduction in recidivism is considered a positive sign of rehabilitation, and it seems reasonable to conjecture that overall outcomes might have been different if a greater proportion of the sample had been employed and had participated in drug-treatment programs.

The study's results indicate that greater emphasis on drug treatment is particularly important for ISP. At all three sites, about half of the offenders had serious drug problems: 53% in Ventura, 41% in Los Angeles, and 42% in Contra Costa. Most of the rest probably also had some drug involvement. Yet site staff had trouble obtaining drug treatment for these probationers. In Los Angeles, for example, only one out of five ISP probationers with high drug-treatment needs received drug counseling. The critical need for such counseling is underlined by the drug/crime nexus: About one-third of all new arrests were drug-related.

Probationers cannot be expected to overcome drug and alcohol addictions just because they know they will be subjected to urinalysis. Even if some probationers might be deterred by fear of revoca-

tion, those who are involved with drugs and alcohol usually do not think rationally and clearly. Drug use alters the cost-benefit assessment of engaging in crime.⁵⁸ Further, if the drug users are already embracing high-risk behavior in their addictions, they clearly are not risk-weighers. Thus, drug testing can hardly be expected to have much effect on their habits.

b. Shifting the Emphasis of ISP

The prevalence of drug involvement among probationers and offenders alike raises the issue of the emphasis ISP places on conditions and technical violations of those conditions. Drug use is one of the major reasons for the high revocation and recidivism rates of probationers who are serious offenders, most of whom have drug histories and/or problems. If drug users are excluded from ISP eligibility, the candidate pool will virtually dry up. If they are not excluded and drug testing is included in the ISP program, violation rates will probably be high; and if a program responds rigorously to violations, it will have high incarceration rates.

The emphasis on technical violations largely reflects the assumption that such violations are proxies for criminal behavior, *i.e.*, signals that offenders are "going bad," and thus, if an offender's probation is revoked for such violations, the system may be preventing crimes. That assumption had not been tested empirically prior to this study. One of our most important findings is that probationers who had technical violations were no more likely to have new arrests than those who did not.

Since technical violations evidently are *not* proxies for criminal behavior, it seems reasonable to question ISP programs' emphasis on them, especially the practice of sending probationers to prison for violating them. The effort and resources spent on monitoring and incarcerating people for technical violations might be better spent, for example, on more drug/alcohol treatment and job placement efforts.

One argument against reducing the emphasis on technical violations is that this would effectively reduce ISP's punitiveness. Conditions such as curfew, drug testing, and reporting are central to ISP's purpose and its difference from routine probation. If a program does not monitor observance of its conditions or revoke participation for failure to meet them, why should probationers be expected to comply? If the conditions are merely nominal require-

⁵⁸ Lloyd Ohlin & Michael Tonry, Program on Human Development and Criminal Behavior Phase II Final Report (1989) (unpublished report on file with the authors).

ments, how does ISP differ from routine probation? If it doesn't differ, what happens to just deserts? Given that this study shows a lack of correlation between technical violations and arrests, the connection between ISP conditions and its punitiveness needs reconsideration.

But what about just deserts? It seems more just to impose only conditions that are relevant to an individual's case than to set standard conditions for all probationers, which is the common practice. Moreover, imposing only relevant conditions does not mean necessarily that probationers are watched less closely. Instead, monitoring could be concentrated on the limited conditions that are imposed and on the probationers' general behavior.

If there are no significant differences in arrest rates between ISP and routine probation, when time-at-risk is controlled (as was the case in this study), what good does the monitoring do? Some ISP proponents believe that ISP may well have decreased crime rates, even though the programs did not hold down arrest rates. Our study outcomes are based on officially-recorded recidivism data, which are a product of the offender's crime rate and his or her arrest probability. The ISP probationers were known by local police, and in some instances, the police were asked to assist probation officers in making random home visits. When a crime was committed, police might have been more aware of the whereabouts of ISP probationers, and therefore may have had a greater chance of connecting one of them to a crime, hence, raising his or her arrest probability. If that did occur, then real crime would be reduced by ISP, even though the official records imply similar arrest rates for ISP and routine probationers. The data available for this study did not permit us to evaluate the extent to which this may have occurred.

c. Rethinking the Criteria for Success

The ISP programs studied here focused primarily on surveillance rather than on rehabilitation. As programs move away from rehabilitation and toward surveillance and control, some might argue that higher arrest rates should be seen as an indication of program success, not failure, especially when dealing with high-risk probationers. Barry Nidorf, Chief Probation Officer for Los Angeles County, reflected:

As I begin to look at the effectiveness of my ISP program, I question whether recidivism rates—the number of offenders who return to crime—are really an appropriate outcome measure. When rehabilitation was our primary purpose, recidivism rates seemed appropriate.

However, if control and community protection are ISP goals, then a "success" might be viewed as the identification and quick revocation of persons who are committing crimes. After all, the police are in the business of surveillance and control, and they judge an "arrest" a success, whereas we deem it a "failure."

If community safety is the primary goal, then perhaps an arrest and revocation should be seen as a success and not a failure. Yet we continue to judge these programs by how many offenders they have "rehabilitated." It seems to me that serious rethinking about how to judge the effectiveness of these new programs is in order.⁵⁹

B. CONCLUDING REMARKS

Two conclusions emerge from this study's findings and implications: First, jurisdictions must judge the potential of ISP on the basis of their own candidate pools, their own resources, and their own political situations. Second, more research is needed on ISP, especially research involving random assignment of various kinds of offenders to routine probation, ISP, and prison.

The importance of the candidate pool has been discussed above at length. The importance of resources has been succinctly stated by two officials in California:

As anticipated, ISP without adequate resources in the community is only half a program. We're convinced that the proper role for probation and especially ISP includes holding probationers accountable and taking sure and swift actions on violations, but probation must also provide the offenders with opportunity to change. We found our probationers would not or could not wait months on a waiting list in order to get into a drug treatment program. This resulted in continuing drug use and a high violation rate.⁶⁰

* * * * *

Without drug treatment programs, and with our commitment to public safety, we ended up violating a lot of probationers who might have succeeded if we had effective treatments. Philosophically, we assume that drug offenders are often in states of social and emotional instability, and that our role is to move these probationers towards community stability and responsibility by control, counseling, drug testing and treatment. . . . Unfortunately, the lack of available treatment programs was a missed opportunity for these persons and the community.⁶¹

It is particularly important for jurisdictions to understand how

⁵⁹ Barry Nidorf, Chief Probation Officer for Los Angeles County, personal communication.

⁶⁰ Gerald Buck, Chief Probation Officer for Contra Costa County, personal communication.

⁶¹ Yoshio Murakawa, ISP Supervisor in Contra Costa County, personal communication.

the public perceives the objectives of ISP. If the public expects and demands deterrence and the jurisdiction has a high-risk candidate pool, public support for ISP is not likely to be strong. However, a number of recent studies of public attitudes about crime and punishment have discovered that Americans strongly favor increasing the use of alternatives to incarceration, except for violent offenders. And support for alternative sanctions increases further as the public learns about the costs of incarceration.⁶²

Finally, we cannot overemphasize the contribution this random-assignment demonstration has made in evaluating the ISP concept. When the Government Accounting Office reviewed what was known about ISP, it concluded that very little had been learned from the more than one hundred projects funded by the Law Enforcement Assistance Administration between 1970 and 1977.⁶³ That is certainly not the case here. The California sites received federal funding in 1986; and as of 1990, they have provided solid empirical evidence about the effectiveness of their ISP programs, what the programs accomplished, and what they cost their local systems. Policymakers should evaluate this critical information before investing resources in full-scale ISP programs.

From that standpoint, the ISP experiments in California have been a great success. The jurisdictions that participated have made a valuable contribution to our understanding of ISP and its potential as an alternative sanction.

⁶² JOHN DOBLE, *CRIME AND PUNISHMENT: THE PUBLIC'S VIEW* (1987).

⁶³ See JERRY BANKS, *SUMMARY PHASE I EVALUATION OF INTENSIVE SPECIAL PROBATION PROJECT* (National Institute of Law Enforcement and Criminal Justice 1977).