An Assessment of
Erie County
Intermediate Punishment Programs

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Mercyhurst College Institute for Child and Family Policy
Mission Statement

The mission of the Mercyhurst College Institute for Child and Family Policy is to improve the well-being of Erie County children and families by providing decision support services to public, private, and grass-roots community leaders. Under the assumption that one cannot solve a problem until one understands it, the Institute provides research, evaluation, analysis, planning, and educational services to support informed and enlightened social policy and programming. Funding for the Institute comes from a variety of public and private sources including the Pennsylvania Department of Public Welfare, the Pennsylvania Commission on Crime and Delinquency, The Erie Community Foundation, the Erie County Department of Human Services, private donors, and Mercyhurst College.

EXECUTIVE SUMMARY

The purpose of this study was to determine whether Erie County's Intermediate Punishment Program (IPP) was (1) successful, (2) cost effective and (3) replicable. In addition, the project provided an opportunity (1) to document the characteristics of the offender populations and (2) to identify the types of data needed to maintain continuous assessment of IPP to ensure that appropriate and targeted outcomes are being achieved.

The evaluation was conducted using 1995 data and includes 968 individual cases selected from: Probation (N=110); Intensive Supervision (N=106); County Prison Sentenced (N=339); Electronic Monitoring-Furlough (N=229); and County Prison-Parole (N=184).

Success

The success of Intensive Supervision Sanctions (IP) and Electronic Monitoring-Furloughs (EM), front door and back door alternative punishments to incarceration, was determined by assessing the number of cases (with complete data) which were successfully terminated from community sanction. Of the 91 IP cases, 92 percent successfully completed the conditions of supervision; of the 216 EM cases, 95 percent successfully completed community supervision. These outcomes suggest that the offender-sanction match was appropriate in the majority of cases.

In addition, the mean gravity scores of the offender populations were assessed in order to quantify and compare the different offender-sanction matches. When all cases were considered, the only significant difference in gravity scores was between EM and Parole cases: the EM offenders had slightly higher gravity scores. This suggests that the higher risk/more serious offender was being released with greater supervision and community control. In addition, EM offenders were released after

serving an average of 36 days in prison compared to 76 days of incarceration for paroled offenders.

Since 43 percent of the IP cases were DUI offenders, and DUI cases are similar in gravity score (i.e., 2), this population was excluded from some of the analysis in order to better compare the offender gravity scores of other offender cases. This additional analysis (i.e., without DUI offenders) determined that:

- IP cases had significantly higher gravity scores than Probation cases;
- Sentenced cases had significantly higher gravity scores than Probation cases;
- IP and Sentenced cases did not have significant differences in gravity scores; and
- EM and Parole cases did not have significant differences in gravity scores.

Based on gravity scores, these findings generally suggest appropriate use of the intermediate front-door sanction: IP offenders do not match Probation offenders but they do match County Prison Sentenced offenders. Therefore, net-widening or sentencing Probation cases to IP does not appear to have occurred. Instead, offenders who could have been sentenced to County Prison (based on severity scores) were sentenced to IP. These outcomes are consistent with the objectives of Intermediate Punishment Programs and can also be considered "successful" measures of Erie County's IPP.

Cost Effectiveness

With IPP alternatives in use in 1995, Erie County arguably saved over $800,000 to sanction 335 offenders. Using projected averages, the costs of sanctions with and without IPP were compared. Based on 1995 data, per offender/per day incarceration costs were $53.00; IP was $10.39.

Without the intermediate sanction options, some offenders would have been sentenced directly to County Prison; some who would have been released on furlough

Electronic Monitoring would have served longer sentences before being paroled. In both cases, average length of incarceration without IPP was used to project alternative costs.

Of the 833 cases examined, 335 IPP offenders were able to:

- serve less prison time;
- alleviate prison crowding by not occupying bed space;
- receive credible community sanctions;
- successfully complete the conditions of supervision; and
- save Erie County over one-half million dollars.

This suggests a cost-effective and successful program.

Pre-Trial Population

In addition to examining Erie County's Intermediate Punishment Program (IPP), the Institute also evaluated the Pre-Trial Services Program. The purpose of this assessment was to determine whether the program was (1) successful, (2) cost effective and (3) what impact the program had on the pre-trial population in the Erie County Prison.

Two distinct populations were selected for comparison: (1) offenders granted bail and (2) offenders denied bail. Non-random samples were drawn from 1993-1995 participant lists. The Institute reviewed 180 cases including 148 (82 percent) granted and 32 (18 percent) denied bail cases. Based on limited preliminary data, the following conclusions can be made: The program is successful, cost effective and does have an advantageous impact on the Erie County Jail and Prison.

A case was classified as successful if the released offender appeared for all of his/her court hearings. The results of the study suggest that Erie County's Pre-Trial Release Program is successful. In fact, after release from pre-trial confinement,

eighty-two percent (N=121) of individuals assigned to the program did report to court without failure.

With the Pre-Trial Services Program, 47 percent of offenders who were selected for the program served 1-7 days prior to release, 31 percent served 8-14 days, 13 percent served 15-21 days, and 8 percent served 21-32 days.

Without the Pre-Trial Services Program, conceivably these offenders would have been detained rather than released prior to trial. This saved Erie County both bed space to be used with other offenders and costs associated with incarceration (i.e. $53/day). Without comparison data, estimated expenses cannot be determined.

Replication

The experience in Erie County of establishing and maintaining a viable and cost-effective Intermediate Punishment Program is replicable and demonstrates some significant lessons:

1. **Collaboration**.

Success of IPP depends on a broad constituency and partnership among the court, prosecutor, probation, corrections and the community. All segments of the system need to endorse the concept of IPP, agree on the objectives, support the programs and participate in enhancing the public's perceptions of IPP. An active and involved Advisory Board is an important component of community acceptance.

2. **Continuum of Sanctions.**

Alternative sanctions offer more than just a choice between probation and prison. A key to success is developing a continuum of options to meet the needs of the court, the community and the offender. Matching the resources and constraints of programs with needs and risks of offenders is important to programming success and continued support from the court and community.

3. **Continuous Evaluation.**

Intermediate Punishment is a dynamic strategy which requires continuous monitoring, evaluating, refining and innovating. Collaborative efforts help sustain enthusiasm and commitment and facilitate development and innovation in using community sanctions.

Implications

Research suggests that Intermediate Punishment Programs can be effective alternatives to incarceration. While program effects tend to diminish with time and recidivism outcomes are difficult to measure, IPPs provide opportunity for more effective supervision which minimizes risk to the community. Program evaluations are encouraging and indicate that IPPs can be safe sanctions which are relatively inexpensive and incorporate tough conditions. The issue is not whether Intermediate Punishments will be used, but how they will be integrated into a continuum of sentencing sanctions.

INTRODUCTION

In 1991, an Intermediate Punishment Program (IPP) was initiated in Erie County, Pennsylvania. The commencement of the IPP was in response to the growing number of prison inmates and subsequent prison overcrowding (See Appendix A for Erie County Prison Admissions vs. Discharges, Appendix B for Erie County Prison Charge File, Appendix C for Erie County Arrests by Year and Appendix D for Erie County UCR Reports).

In Erie County, jail crowding was not only due to increasing admissions but also to excessive lengths of incarceration. According to the Pennsylvania Commission on Crime and Delinquency (PCCD), during 1989, the majority of persons received in the Erie County Prison had sentences of 1 to 2 years (600 persons). During 1990, jail officials reported that sentenced inmates spent an average of 52 days and unsentenced inmates spent approximately 21 days in jail.

In order to comprehend the entire landscape of prison overcrowding it was necessary not only to look at admission and lengths of stay, but also a profile of current inmates. During 1990, prison officials conducted an analysis of their inmates and concluded that the majority (42 percent) was sentenced for DUI offenses, followed by property offenses (21 percent) and other offenses such as drunkenness, disorderly conduct and criminal mischief (17 percent). Persons sentenced to jail for personal/violent offenses represented 11 percent of the total inmates during 1990 and those sentenced on drug violations were 10 percent.

Given these factors, Erie County officials concluded that IPP must impact two important areas: the DUI inmate population and pre-trial services. The Erie County Department of Adult Probation in conjunction with the Erie County Prison are in their seventh year of implementation of the two above-mentioned programs. The intent of the proposed research project was to provide a comprehensive evaluation of the success, cost-effectiveness and replicability of these programs (See Appendix E for

History of Intermediate Punishment, Appendix F for Intermediate Punishment Plan, and Appendix G for Intermediate Punishment Act).

DESCRIPTION OF RESEARCH SAMPLES

The primary sampling goal was to allow appropriate comparisons to be made between offenders given "alternative" sentences and those sentenced to incarceration. The analysis of 968 cases was conducted by the Institute for Child and Family Policy at Mercyhurst College. The purpose of the study was to determine: (1) How successful are the electronic monitoring programs? (2) is the electronic monitoring program cost-effective? and (3) can components of this program be replicated in other Pennsylvania jurisdictions? (See Appendix H for project organizational chart and Appendix I for Erie County Intermediate Punishment Evaluation-Research Design).

With the assistance of the Erie County Adult Probation Department and the Erie County Prison, five distinct populations were selected for this research project: 1) offenders on Probation, 2) offenders sentenced to Intermediate Punishment, 3) offenders sentenced to county prison, 4) offenders on electronic monitoring, and 5) offenders released on regular parole. Samples were drawn from 1995 participant lists.

There were "front" and "back" end comparisons. The offenders on probation, IP and prison sentenced clients were compared with one another while the offenders on electronic monitoring and on regular parole were compared to each other.

Population Samples	
Front-End Comparison	
1. Probation	N = 110
2. Intermediate Punishment	N = 106
3. Prison Sentence	N = 339
Back-End Comparison	
4. Electronic Monitoring	N = 229
5. Regular Parole	N = 184
TOTAL # OF CASES REVIEWED	N = 968

NOTE: Due to missing and incomplete data, the number of cases (N = 968) varies in some of the analyses.

PROJECT HISTORY

The grant application was developed in cooperation with the Erie County Adult Probation Department/Parole Department, the Erie County Prison and the Mercyhurst College Institute for Child and Family Policy.

Upon receiving notification of funding, the Institute met with the Intermediate Punishment Advisory Board Members to examine the scope of the research project and to develop specific outcome/performance measurements to determine the success of both of the Intermediate Punishment Programs (i.e. Intensive Supervision and Electronic Monitoring).

The project began in October, 1996, with the hiring of four research assistants and one data entry assistant. The Institute for Child and Family Policy hired the four assistants from the Mercyhurst College Administration of Justice Graduate Program and these research assistants participated in the data collection phase of the research

project. The Institute also hired a Mercyhurst College graduate to perform data entry functions.

The data collection process began in December, 1996, and concluded in June, 1997. Primary data were gathered from individual case files from the Erie County Adult Probation Department and data were analyzed using SPSS, a comprehensive system for statistical data analysis.

A 71-item code sheet was used to collect information on offender characteristics, present and prior legal situations, outcomes and salient characteristics that allowed for success (or failure) in the program (See Appendix J for code sheet). Descriptive and relative frequencies were computed for each variable.

LITERATURE REVIEW

In response to prison overcrowding and the exorbitant costs associated with it, legislators, judges and prison officials have been examining community corrections as a viable option to keep nonviolent offenders out of prison. This section reviews literature on the impact that community corrections has on prison overcrowding; explores the cost-effectiveness of the program; and demonstrates how punitive the program is to offenders.

Research suggests that Intensive Community Supervision Programs or intermediate sanctions can be "successfully implemented to serve an array of functions, protecting the community while punishing the offender and saving money (Deschenes, Turner and Petersilia 1997: 374). Prison overcrowding in the 1970s and 1980s led to a myriad of reforms, most notably the intermediate sanctions movement. This movement was based on the idea that a more comprehensive sentencing strategy that relied on a range of "intermediate" punishments would better meet the needs of the penal system, convicted offenders, and the community than the current polarized choice of prison or probation (Deschenes, Turner and Petersilia 1997: 374).

Community Supervision Programs

The RAND corporation evaluated the Minnesota Intensive Community Supervision program and found that the prison-diversion program was successful in diverting clients from incarceration, was considered to be more punitive to offenders and was more cost-effective.

The findings suggest that the ICS program: (1) presented no greater risk to public safety in terms of the probability of new arrests than did prison with the option of work release; (2) that when given the choice between remaining in prison and possibly receiving work release versus the option of a tough prison diversion program, some inmates chose to stay in prison; and (3) ICS is a cost-effective alternative to prison, since it costs almost $5,000 less per offender per year (Deschenes, Turner and Petersilia 1997: 381).

The authors conclude by suggesting that additional research is necessary to determine why there is resistance from the judges to divert all eligible clients to the program, as well as why offenders are reluctant to participate. In addition, they recommend further analysis of the ICS program to determine if there are any differences in characteristics between offenders who were successful in the program and those who were not.

In 1996, the Pennsylvania Commission on Crime and Delinquency conducted an assessment of Intermediate Punishment Programs and found that 60 of Pennsylvania's 67 counties have developed Intermediate Punishment Programs (Sontheimer and Duncan 1996: 1-2). Their research was based on 60 percent of all the identified Intermediate Punishment Programs in the state (Sontheimer and Duncan 1996: 2). The researchers found that the majority of IPP participants had committed a DUI or drug offense (together accounting for over 60 percent of IPP caseloads) (p. 6).

The 83 IPPs reported a combined savings of 363,301 jail days and an 80 percent completion rate (Sontheimer and Duncan 1996: 6,8). The researchers also

examined the net-widening effect and found that overall, 41 percent of IPP sentences did not include incarceration. The percentage of clients whose sentence included incarceration increased from Year 1 through Year 3, and the percentage of clients who did not serve time decreased over the same period. This suggests that over time, IPPs improved their targeting efforts (Sontheimer and Duncan 1996: 11). On the average, each IPP served almost 100 clients per year and saved over 5,000 jail beds annually (Sontheimer and Duncan 1996: 17).

Client outcomes were also measured and success rates were high among the more restrictive programs (house arrest/electronic monitoring and work release), possibly a result of the increased control and surveillance that these programs provide and the corresponding decrease in opportunities for clients to get into trouble (Sontheimer and Duncan 1996: 12). This notable success rate suggests that offenders can be successfully managed in the community with strict controls such as EM and house arrest (Sontheimer and Duncan 1996: 12).

They also found that success rates were highest among programs targeting DUI offenders and lowest among those serving primarily drug offenders (Sontheimer and Duncan 1996: 12).

Finally, their research suggests that the average number of days in IPP for successful clients was 96 days while rearrested clients spent an average of 149 days in an IPP (Sontheimer and Duncan 1996: 13). It is possible that the unsuccessful clients were retained on IPP longer because they had failed to comply with some court-ordered conditions of their sentences (Sontheimer and Duncan 1996: 13).

In other related research, the U.S. General Accounting Office conducted a survey requesting information from a variety of intermediate punishment programs, including program descriptions and evaluations. The GAO reported that the majority of intensive probation supervision program evaluations do not support the notion that "intensive" supervision significantly reduces the risk of offender recidivism (Byrne

and Pattavina cited in Byrne, Lurigio and Petersilia 1992: 296). This may be due to the focus on control and offender surveillance and less on the quality of the offender's treatment. They also found that, in comparison with incarceration, IPS programs are cost-effective and provide true diversion from prison and/or jail (Byrne and Pattavina cited in Byrne, Lurigio and Petersilia 1992: 298).

Byrne and Pattavina suggest that treatment, surveillance and control must be in place before any significant recidivism reductions are possible (cited in Byrne, Lurigio and Petersilia 1992: 297). They also advise that there is a need for research and evaluation on the availability and quality of treatment, in addition to information on surveillance (contacts, drug tests, curfew checks etc) and control (response to offender noncompliance with program rules) (Byrne and Pattavina cited in Byrne, Lurigio and Petersilia 1992: 298). Two other authors, Byrne and Clear suggest that surveillance programs are risk management programs that should be reserved for the highest-risk offenders in the system (cited in Byrne, Lurigio and Petersilia 1992: 322).

Electronic Monitoring

The rapid growth of electronic monitoring in recent years has been partly in response to its apparent potential for cost-effectiveness and its ability to relieve prison overcrowding (acjnet.org 1994: 3). Although the persistent concerns raised by the continuing debate over the legal, moral, political, economic and practical issues involved have not yet been resolved, the use of electronic monitoring for offenders in the United States alone tripled by 1989 (Renzema and Skelton 1990: 12-19). Electronic monitoring can be used as a front-end disposition or attached as a release condition at the end of a prison sentence.

GAO noted that the total population of federal offenders under community supervision rose 10 percent during fiscal years 1990 through 1996. The most notable change in the characteristic of this population occurred in the percentage of offenders

serving a term of community supervision following a prison term; specifically those on postprison supervision rose 94 percent (ncjrs.org 1997: 1).

Most home confinement and electronic monitoring programs have three primary components: EM; frequent staff-offender contacts; and urine testing to screen for substance abuse (Renzema cited in Byrne, Lurigio and Petersilia 1992: 49). In a random sample of 40 jurisdictions using EM, Renzema and Skelton found the mean duration of monitoring to be 79 days; only 8 percent of the offenders in those jurisdictions were monitored for more than six months (Renzema cited in Byrne, Lurigio and Petersilia 1992: 49). Renzema and Skelton found the modal category for reported office contacts between staff and offender to be four to eight times per month, and the modal category for field contacts to be the same (Renzema cited in Byrne, Lurigio and Petersilia 1992: 49). Substance abuse testing was an integral feature of most EM programs, with 63 percent of the programs routinely testing at least 50 percent of their offenders and another 15 percent testing between 10 and 50 percent of their offenders (Renzema cited in Byrne, Lurigio and Petersilia 1992: 49).

According to the research, offenders charged with felony driving while intoxicated performed significantly better in home confinement than offenders charged with other offenses (Baumer and Mendelsohn cited in Byrne, Lurigio and Petersilia 1992: 63). The researchers believe that this population was less committed to a criminal life style, eager to avoid prison terms, and fairly low-rate offenders. In addition, home confinement, combined with a prohibition on alcohol consumption, helped control the behavior that produced their arrests (Baumer and Mendelsohn cited in Byrne, Lurigio and Petersilia 1992: 64).

In 1987, the Florida Department of Corrections received a grant from the National Institute of Justice for an evaluation of the Florida Community Control Program, an intensive-supervision house arrest program. Two of the research questions were: (1) To what extent does FCCP divert offenders from prison? and (2)

What is the impact of community control on offender criminal behavior and correctional program costs? (Wagner and Baird, 1993: 1).

The Florida Community Control Program is an electronic monitoring program for parolees. By the end of December 31, 1989, there were 357 participants in the study. They were overwhelmingly male and ranged in age from 20 to 72; 80 percent were 30 or older. About 50 percent were Hispanic or Black and 69 percent were high school graduates, while 30 percent had attended college (Beck, Klein-Saffran and Wooten 1990: 25).

In 1987, the sentencing guidelines suggest that approximately 54 percent of the offenders sentenced to FCCP would have received prison terms, if the community control sentencing alternative had not been available (Wagner and Baird, 1993: 2). Data from an 18-month follow-up evaluation suggest that FCCP is effective with the population it was intended to serve (offenders who might otherwise be sentenced to prison). Similar offenders who spent an average of nearly 9 months in prison had a higher rate of conviction for new offenses (24 percent) during an 18-month follow up than did their counterparts in the community control program (20 percent) (Wagner and Baird, 1993: 4).

Using the assumption that every cohort of 100 offenders sentenced to community control includes 54 diversions from prison, 14 diversions from regular probation and 32 diversions from jail or probation, the projected normal cost savings are $274,654 - an average of about $2,746 per case (Wagner and Baird, 1993: 5).

According to Way, community programs are not “alternatives” to incarceration, but rather fill the gap between prison and probation so that offenders convicted of nonviolent, intermediate offenses can receive the most appropriate placement option within the spectrum of available punishments (1992: 22). He also suggests that innovative community corrections programs that combine punishment, detention, and offender self-improvement appear to represent one of the best options for improving

the administration of justice and minimizing, where appropriate, the worst effects of prison overcrowding.

Net Widening

The issue of net widening is extremely difficult to determine. Some researchers have estimated that approximately 25 percent of adult offenders in community corrections programs would have been released if the programs did not exist (Covey, Menard, Decker and Winterfield cited in Byrne, Lurigio and Petersilia 1992: 239). It also appears that the typical EM offender is convicted of a drug offense, theft or burglary.

Three authors, Dennis Palumbo, Mary Clifford and Zoann Snyder-Joy question how we define the drug issue. They suggest that if it is defined as a health or economic problem, then there is a need for treatment centers and job opportunities rather than home arrest, intensive probation, or prison. If it is defined as a criminal problem, then there seems to be a need for these alternative programs, not because they are cost-effective or because they will reduce prison populations, but because these "offenders" are in need of control, discipline, and punishment (cited in Byrne, Lurigio and Petersilia 1992: 241).

According to Palumbo, Clifford and Snyder-Joy, alternatives to incarceration can widen the net in more than one way. In one sense they move an inmate from regular parole (or probation) to an alternative that has more controls; and in another dimension they can widen the net simply by increasing the overall use of prisons because the space is made available (cited in Byrne, Lurigio and Petersilia 1992: 238). The authors conclude that major changes in sanctioning policies are necessary. This entails reevaluating mandatory and harsh sentencing codes as well as putting a cap on incarceration rates (Palumbo, Clifford and Petersilia cited in Byrne, Lurigio and Petersilia 1992: 243). The emphasis on mandatory sentencing and the "drug crisis"

will simply aggravate rather than solve social ills. Alternatives to incarceration, therefore, should be used to alleviate the prison crisis brought on by the "war on drugs" and the "crime problem". If they are used as intermediate punishments, they are likely to add to the crisis (Palumbo, Clifford and Snyder-Joy cited in Byrne, Lurigio and Petersilia 1992: 243).

Parole Officer and Offender Feedback

Parole officers in Los Angeles were surveyed to determine what elements were necessary to warrant a successful electronic monitoring program. In addition, the electronic monitoring participants were surveyed to determine their level of satisfaction with the punishment they received.

According to the survey of parole officers who worked with EM offenders, there are certain components that must be in place for the program to be successful. They include: reliable equipment; administrative support; dedicated employees; and a mechanism to rapidly sanction a violation of the release conditions (Beck, Klein-Saffran and Wooten 1990: 29).

In addition, the survey was given to the offenders to determine their attitudes and experiences on EM. Seventy-four percent of the respondents thought their sentences were "about right," while less than 9 percent thought they were unfair; 20 percent felt their sentences were too long and two respondents said they should have had a longer sentence. All respondents said they were less likely to commit another crime after being on home arrest, with 70 percent indicating it was very unlikely they would commit another crime (Rubin 1985: 8-11).

When asked about alcohol and drug usage, the majority of respondents reported a significant reduction in use after being on home confinement (Rubin 1985: 8-11).

Survey results also showed that 61 percent of the offenders experienced a reduction in their income after being on home arrests. As far as the effects of home

arrest on family relationships, 86 percent indicated their relationships with their families improved, 13 percent noted no change and 1 pointed out a certain loss of parental respect when children see their father unable to leave the house for normal activities such as attending school, shopping etc. (Rubin 1985: 8-11).

A majority of respondents (71 percent) felt that a $10 per day charge for home confinement was not a hardship, while 14 percent thought it was. The devices were found to be uncomfortable by 59 percent of the respondents but there was no clear consensus on whether the device was considered adequately hidden (Rubin 1985: 8-11).

When asked whether they would prefer a particular jail sentence over home confinement, all but one indicated they would prefer six months of home confinement over six months in jail. All but two preferred one year home confinement to six months in jail. However, when given the choice between six months in jail and two years on electronic monitoring and home confinement, the respondents were equally divided
(Rubin 1985: 8-11).

Policy Implications

There are several policy implications that have been identified around the issue of adult offender Intermediate Punishment Programs. According to Nuffield, diversion programs must target offenders who are truly at risk for deeper penetration into the criminal justice system. Otherwise, net-widening is the result and cost savings are not achieved. Second, expectations about the impact of diversion on corrections need to be realistic. Unless criteria for diversion programs are adjusted to include moderate risk offenders, impacts will be minimal. Finally, despite the scant literature, the few programs that carefully selected higher risk groups for enhanced

community-based services suggest that adult diversion programs can successfully divert offenders from prison with minimal risk to the community (Nuffield 1997: 2).

Similar to the findings reported in the literature, this evaluation of the Erie County Intermediate Punishment Programs (IP and EM) indicates that they are successful and cost effective thus, continued focus on increasing the utilization of these two programs is recommended.

POPULATION PROFILE

Sampling from the five populations resulted in a total of 968 cases being selected for analysis. The majority (85 percent) of the sample was male and 48 percent were under the age of 29. Approximately 75 percent of the offenders were white, and 21 percent were African-American. With regard to educational attainment, 48 percent completed high school or earned a GED. In terms of employment, more than half (61 percent) of the cases reviewed indicated that the offender was employed at the time of intake. Of those employed, 48 percent held a skilled or general labor position. Forty-three percent of offenders report an annual income of $15,000 or less.

Slightly more than half (51 percent) of the population was single. The majority resided with either spouse/cohabitant or parent(s). More than half (63 percent) report having children and of those having children, 48 percent indicate that they have children under 18 years of age residing within their home.

The 968 offenders were predominantly (38 percent) DUI offenders but drug offenders were also represented (13 percent). Most offenders (67 percent) had a prior conviction but only 14 percent had a prior juvenile record.

PROBATION PROFILE

The purpose of studying this population was to determine the characteristics of offenders on probation, to determine the appropriateness of this option based on offender and offense characteristics and to determine the success rate for probation clients (See Appendix K for Erie County Probation Population Sample).

The Erie County Adult Probation Department identified 110 offenders sentenced to regular probation in Erie County. This comprised one hundred percent of the participants on probation in 1995.

The majority (64 percent) of probation clients was male and 49 percent were under the age of 29. Race of offenders was distributed as follows: 66 percent were white and 31 percent were African-American.

Data show that a majority (50 percent) of probation clients had completed high school or earned a GED. However, 30 percent did not graduate from high school.

At the time of intake, 54 percent indicated they were employed. Of those, 38 percent held a skilled or general labor position. Seventy-three percent of offenders reported having earned less than $15,000 per year.

With regard to marital status, the majority (46 percent) was single, 19 percent were separated and 15 percent were married, the remaining were either engaged, divorced or widowed.

The majority (35 percent) of probationers resides with their spouse or cohabitant, 31 percent live with their parent(s) and 19 percent alone.

More than half (64 percent) of the clients on probation report having children. Of those, 56 percent indicate that they have children under age 18 residing within their home.

The majority (53 percent) was convicted of a misdemeanor as the most serious current offense. Ninety-eight percent of the sample did not commit the current

offense with a weapon. Forty-three percent had a prior conviction and only 9 percent had a prior juvenile record.

INTERMEDIATE PUNISHMENT PROFILE

Intermediate Punishment cases are "front-end" sentences where the court sentences the defendant directly to work release, electronic monitoring or intensive supervision. The target population is determined by the Pennsylvania Sentencing Guidelines. The current criteria focus on the Level IIs and DUIs who fall outside of the Guidelines because of their mandatory minimums. Most of the DUI offenders are either second or third-time offenders.

As with probation, the focus of assessment was to evaluate the characteristics of offenders on Intermediate Punishment, to determine the appropriateness of this option based on these characteristics and to determine the success rate for Intermediate Punishment clients (See Appendix L for Erie County Intermediate Punishment Population Sample).

All of the 106 offenders who were sentenced to Intermediate Punishment in Erie County in 1995 were included in the analysis. Eighty-eight percent of the Intermediate Punishment population were male and sixty-one percent were under the age of 29. Whites comprised 79 percent of offenders on Intermediate Punishment and 20 percent were African-Americans.

At the time of intake, data show that the majority of Intermediate Punishment participants (49 percent) had completed high school or obtained a GED while 36 percent did not graduate.

While the majority of the Intermediate Punishment population (70 percent) was employed at the time of intake, 25 percent were not employed. With regard to type of position held, the majority (57 percent) held skilled or general labor positions. Forty-three percent of the sample reported earning less than $15,000 per year.

While many of those on Intermediate Punishment were single (56 percent), 15 percent report being married and another 15 percent report being divorced. The majority of offenders reside with their spouse (35 percent) or their parent(s)

(32 percent). More than half of the sample (61 percent) report having children. Of those, 51 percent indicate that they have children under age 18 residing within their home.

The vast majority of offenders on Intermediate Punishment (38 percent) was convicted of a DUI as their most serious current offense. Ninety-nine percent of Intermediate Punishment participants did not commit their current offense with a weapon. The presence of a prior juvenile delinquency record is relatively low (38 percent) for those offenders on Intermediate Punishment.

PRISON SENTENCED PROFILE

From a total of 841 cases sentenced to prison in 1995, 339 case files were selected for analysis.

The majority (90 percent) of the prison population was male and 47 percent were under the age of 29. Seventy-five percent of the sample were white, 21 percent were African-American and 3 percent were Hispanic (See Appendix M for Erie County Prison Sentenced Population Profile Sample).

Data show that the majority (495 percent) of the prison sentenced cases completed high school or earned a GED and 37 percent of the offenders did not graduate from high school. With regard to employment, more than half (57 percent) of the sample indicated they were employed at the time of intake. Of those, 46 percent held a skilled or general labor position.

More than half (53 percent) of the population was single, 16 percent was married and an another 16 percent divorced.

Surprisingly, most (34 percent) of the prison sample reside with their parent(s); 33 percent live with their spouse or cohabitant and 14 percent live alone.

More than half (59 percent) of the offenders report having children. Of those, 44 percent indicate that they have children under age 18 residing within their home.

The majority (37 percent) of offenders was convicted of a DUI as their most serious current offense. More than ninety percent (94 percent) of the prison sentenced participants did not commit their current offense with a weapon.

Seventy-one percent of the population had a prior conviction and 15 percent had a prior juvenile record.

COMPARATIVE ANALYSIS

(Probation, Intermediate Punishment and Prison Sentenced)

(See Appendix N for Erie County Data Analysis (Front-end Comparison) and Appendix O for Pie Charts: Front-end Comparison).

Gender Females are more likely to receive probation than IP or prison.

Race Whites are more likely to be sentenced to IP than to probation; African-Americans, on the contrary, are more likely to be sentenced to probation than IP.

Age More offenders in the 30-34 age group were sentenced to probation than to IP**.**

Education Offenders who have completed high school are more likely to be sentenced to prison than to probation or IP.

Employment More IP offenders have been employed 2 years or more than have probation offenders**.**

Income Data show that more offenders on probation are earning less than $10,000 than offenders on IP.

Marital Status There are more single offenders on Intermediate Punishment than on probation.

Resides With The majority of offenders sentenced to probation, Intermediate Punishment or prison live with their spouse or parent as opposed to living alone or with a friend.

Offense Category The majority of offenders who committed violent offenses were sentenced to prison than probation or Intermediate Punishment.

Prior Data reveal that there are more offenders on Intermediate Punishment with a prior record than are on probation.

ELECTRONIC MONITORING PROFILE

In 1995, 229 persons were released to the electronic monitoring program in Erie County. All of the cases were included in the study (See Appendix Q for Erie County Electronic Monitoring Population Sample).

The majority of offenders on electronic monitoring (88 percent) was male and under the age of 29 (41 percent) The race of offenders was 81 percent white, 14 percent African-American and 4 percent Hispanic.

With regard to education, less than half (48 percent) had completed high school or earned a GED while 35 percent did not graduate.

Data show that a majority of electronic monitoring clients (70 percent) indicated that they were employed at the time of intake. Of those, 54 percent held a skilled labor or general laborer position. Income levels varied among clients: 33 percent had incomes under $15,000; 16 percent had an income between $15,001-$20,000; and 30 percent had an income exceeding $20,001.

Forty-six percent were single, 19 percent were married, and 19 percent were divorced. The majority (35 percent) lives with a spouse or cohabitant, 29 percent live with parent(s) and 21 percent alone.

More than half of the sample (62 percent) report having children. Of those, 52 percent have children under age 18 residing within the home.

The vast majority of offenders (58 percent) had been convicted of DUI as their most serious current offense. Ninety-five percent of electronic monitoring participants did not commit their current offense with a weapon.

Seventy-three percent of the offenders on electronic monitoring had a prior conviction and only 9 percent had a prior juvenile record.

PAROLE PROFILE

The Erie County Prison provided the list of parolees for 1995 from which one-third of the names were randomly selected yielding a sample of 184 offenders (See Appendix P for Prison Parole Population Sample).

Eighty-six percent of the parole sample were male and 48 percent were under the age of 29. The majority (72 percent) of the offenders was white and 25 percent were African-American.

With regard to education, 45 percent of the population had completed high school or earned a GED while 38 percent did not graduate.

The greatest number (55 percent) of the offenders indicated that they were employed at the time of intake. Of those employed, 43 percent held a skilled or general labor position. Forty percent of the participants report an earning of less than $15,000 per year.

The majority (54 percent) was single, 19 percent was divorced and 13 percent was married.

Data show that 34 percent of the sample resides with a spouse or cohabitant; 33 percent live with parent(s) and 13 percent live alone.

More than half (69 percent) report having children. Of those who indicate having children, 47 percent have children under age 18 residing at their home.

The majority (36 percent) of offenders released on parole was convicted of DUI as their most serious current offense. Ninety-six percent did not commit their current offense with a weapon.

The presence of a prior record is extremely high (71 percent) for the parole population and nineteen percent had a prior juvenile conviction.

COMPARATIVE ANALYSIS

(Electronic Monitoring and Parole)

(See Appendix R for Erie County Data Analysis (Back-end Comparison) and Appendix S for Pie Charts: Back-end Comparison).

Gender Females are almost as likely to receive regular parole as they are to electronic monitoring**.**

Race Whites are more likely to receive electronic monitoring than African-Americans.

Age Data show that offenders under the age of 21 typically receive electronic monitoring, those between 21-24 are placed on regular parole and those 30 and older receive an electronic monitoring release.

Education Offenders who have completed high school, attended trade school or college are more likely to be given electronic monitoring while those who obtain a GED are given regular parole.

Employment More than half of the offenders who reported they were unemployed received regular parole.

Income Those offenders who reported earning an annual income of over $5,001 were more likely to be on electronic monitoring than on regular parole.

Marital Status It appears that there are more offenders on electronic monitoring that are married than on regular parole.

Offense Category The majority of offenders who were convicted of violent or property offenses were more likely to receive regular parole while DUI offenders were released to electronic monitoring.

Prior More than half of the offenders who had a prior conviction were placed on to electronic monitoring. Those offenders who had a prior juvenile conviction were more likely to receive regular parole than electronic monitoring.

ANALYSIS

Five separate statistical analyses were performed (Chi-square, t-test, anova, bivariate correlation and linear regression) to assess the relationship of offense gravity score on disposition/status.

Several variables were considered for analysis but dismissed on the basis of limited and unavailable data. For instance, the researchers found it essential to measure the rate of recidivism and program effectiveness, however, these data were not available for the prison sentenced and parole populations.

In order to determine if any significant differences existed between gravity score and offender status, a Chi-square test was performed. The following seven variables were included in the analysis: gender, race, marital status, income, weapon use, prior record and offense gravity score. The tables present results of the Chi-square analyses including the respective frequency, percentage and level of significance.

The first question was to assess the relationship between offender characteristics and status for the "front" and "back" end populations. The front end population includes probation, Intermediate Punishment and prison sentenced cases. The back end population includes Electronic Monitoring and parole. It was predicted that status would be affected by gender. The results displayed in Table 1 suggest that females are more likely than males to be sentenced to probation and less likely to be sentenced to Intermediate Punishment or prison. Of the 89 probationers, 60 percent were male and 40 percent were female. Of the 92 Intermediate Punishment cases, 86 percent were male and only 14 percent were female. Even more significant is the prison population: of 274 cases, 90 percent were male and only 10 percent were female. Chi-square suggests that there is a statistically significant relationship between gender and status.

Table 1. **Comparison of Probation, Intermediate Punishment and Prison Participants: Gender**.

What is participant's gender?			
	Male	Female	Total
Probation	53 (59.6%)	36 (40.4%)	89
IP	79 (85.9%)	13 (14.1%)	92
Prison Sentence	248 (90.5%)	26 (9.5%)	274
Total	380	75	455

$X^2 = 47.24$, df = 2, $p < .01$

The variable race was categorized into two categories: white and non-white as shown in Table 2. Of the 89 probation participants, 65 percent were white and 35 percent were non-white. Eighty percent of the Intermediate Punishment population were white and 20 percent were non-white. Of the 274 prison sentenced offenders, 81 percent were white and 19 percent were non-white. A Chi-square test indicates that there is a statistically significant relationship between race and status.

Table 2. **Comparison of Probation, Intermediate Punishment and Prison Participants: Race.**

What is participant's race?			
	White	Non-White	Total
Probation	58 (65.2%)	31 (34.8%)	89
IP	74 (80.4%)	18 (19.6%)	92
Prison Sentence	221 (80.7%)	53 (19.3%)	274
Total	353	102	455

$X^2 = 9.81$, df = 2, $p < .05$

Marital status was grouped into two categories, married and non-married. As presented in Table 3, of the 86 probation participants, 83 percent were married and 17

percent non-married. Of the 89 Intermediate Punishment participants, 85 percent were married and only 15 percent were not. Of the 267 prison sentenced offenders, 84 percent were married and 16 percent were non-married. Although differences exist between marital status and status, they are not statistically significant.

Table 3. **Comparison of Probation, Intermediate Punishment and Prison Status: Marital Status.**

What is participant's marital status?			
	Married	Non-Married	Total
Probation	71 (82.6%)	15 (17.4%)	86
IP	76 (85.4%)	13 (14.6%)	89
Prison Sentence	225 (84.3%)	42 (15.7%)	267
Total	372	70	442

$X^2 = .27$, df = 2, n.s.

Income was grouped into five categories: (under $5,000, $5,000-$10,000, $10,001-$15,000, $15,001-$20,000 and over $20,001) (Table 4). Twenty-seven percent of the probation participants had an annual income of under $5,000, 43 percent had an income between $5,001-$10,000, 19 percent had an income between $10,001-$15,000, 3 percent had an income between $15,001-$20,000 and 8 percent had an annual income of $20,001 or more.

Of the 46 Intermediate Punishment participants, 17 percent had an annual income under $5,000, 11 percent had an income between $5,000-$10,000, 24 percent an income between $10,000-$15,000, 20 percent an income between $15,001-$20,000 and 28 percent had an annual income of $20,000 or more.

Of the 126 prison sentenced offenders, 14 percent had an annual income of under $5,000, 18 percent earned between $5,001-$10,000, 25 percent earned between

$10,000-$15,000, 20 percent earned between $15,001-$20,000 and 23 percent earned over $20,001.

Due to a small percentage of expected cell values, the Chi-square statistic could not be performed. However, the data do suggest that 48 percent of the Intermediate Punishment participants and 43 percent of the prison sentenced population are earning incomes of $15,000 or more.

Table 4. **Comparison of Probation, Intermediate Punishment and Prison Participants: Income.**

What is participant's income?						
	Under $5,000	$5,000 - $10,000	$10,001 - $15,000	$15,001 - $20,000	$20,001 and Over	Total
Probation	10 (27.0%)	16 (43.2%)	7 (19.0%)	1 (2.7%)	3 (8.1%)	37
IP	8 (17.4%)	5 (10.9%)	11 (23.9%)	9 (19.6%)	13 (28.2%)	46
Prison Sentence	18 (14.3%)	23 (18.3%)	31 (24.6%)	25 (19.8%)	29 (23.0%)	126
Total	36	44	49	35	45	209

As presented in Table 5, 2 percent of the probation participants, 1 percent of the Intermediate Punishment participants and 7 percent of the prison offenders committed the current offense with a weapon. While the Chi-square statistic is not valid, the data do suggest that almost the same number of probation participants committed offenses with a weapon as did Intermediate Punishment participants.

Table 5. **Comparison of Probation, Intermediate Punishment and Prison Participants: Weapon.**

Did participant use weapon in commission of crime?			
	Yes	No	Total
Probation	2 (2.2%)	87 (97.8%)	89
IP	1 (1.1%)	90 (98.9%)	91
Prison Sentence	20 (7.4%)	250 (92.6%)	270
Total	23	427	450

Table 6 presents prior arrest records for the three sub-populations. Forty-seven percent of probation participants, 64 percent of the Intermediate Punishment participants and 75 percent of the prison offenders had a prior record. A Chi-square test reveals that there is a statistically significant relationship between prior record and status.

Table 6. **Comparison of Probation, Intermediate Punishment and Prison Participants: Prior Record.**

Did participant have a prior record?			
	Yes	No	Total
Probation	42 (47.2%)	47 (52.8%)	89
IP	58 (63.7%)	33 (36.3%)	91
Prison Sentence	203 (74.6%)	69 (25.4%)	272
Total	303	149	452

($X^2 = 23.41$, df = 2, $p < .01$).

Gravity scores range from 1 to 9. However, due to the small number of higher gravity scores, the index was recoded into three groups: 1, 2 and 3 or higher. The data in Table 7 reveal that of the 89 probation participants, 18 percent committed an

offense that had an offense gravity score of 1, 39 percent a score of 2 and the majority (43 percent) committed an offense with a score of 3. A Chi-square suggests that there is a statistically significant relationship between offense gravity score and status.

Table 7. **Comparison of Probation, Intermediate Punishment and Prison Participants: Offense Gravity Score.**

What is the offense gravity score of the participant's current offense?				
	1	2	3	Total
Probation	16 (18.0%)	35 (39.3%)	38 (42.7%)	89
IP	5 (5.4%)	49 (53.3%)	38 (41.3%)	92
Prison Sentence	23 (8.4%)	161 (58.8%)	90 (32.8%)	274
Total	44	245	166	455

$X^2 = 15.76$, df = 4, $p<.05$

The Chi-square statistic was also used to measure associations between the seven previously identified variables and back-end status cases consisting of Electronic Monitoring and regular prison parole clients.

Table 8 presents gender and status. The data suggest that 88 percent of the 148 prison parole participants were male and 12 percent were female. Of the 196 electronic monitoring participants, 90 percent were male and 10 percent were female. A Chi-square statistic suggests that there is no significance between gender and status for the back-end offenders.

Table 8. **Comparison of Prison Parole and Electronic Monitoring Participants: Gender.**

What is participant's gender?			
	Male	Female	Total
Prison Parole	130 (87.8%)	18 (12.2%)	148
EM	176 (89.8%)	20 (10.2%)	196
Total	306	38	344

$X^2 = .33$, df = 1, n.s.

Race was grouped into white and non-white as shown in Table 9. Of the 146 prison parole participants, 83 percent were white and 17 percent were non-white. Of the 195 Electronic Monitoring participants, 84 percent were white and 16 percent were non-white. There is no significant relationship between race and status when a Chi-square test is performed.

Table 9. **Comparison of Prison Parole and Electronic Monitoring Participants: Race.**

What is participant's race?			
	White	Non-White	Total
Prison Parole	121 (82.9%)	25 (17.1%)	146
EM	164 (84.1%)	31 (15.9%)	195
Total	285	56	341

$X^2 = .09$, df = 1, n.s.

Marital status was grouped into married and non-married. As presented in Table 10, 88 percent of the 128 prison parole participants were married and 12 percent were not. Eighty-one percent of the Electronic Monitoring participants were married while 19 percent were not.

Table 10. **Comparison of Prison Parole and Electronic Monitoring Participants: Marital Status.**

What is participant's marital status?			
	Married	Non-Married	Total
Prison Parole	113 (88.3%)	15 (11.7%)	128
EM	153 (81.0%)	36 (19.0%)	189
Total	266	51	317

$X^2 = 3.04$, df = 1, n.s.

Table 11 reports the difference between income and status (in cases for which income is known). Of the 34 prison parole participants, 21 percent had an annual income under $5,000, 9 percent had an income between $5,000-$10,000, 27 percent had an income between $10,001-$15,000, 9 percent had an income between $15,001-$20,000 and 35 percent had an annual income of $20,000 or more.

Of the 99 Electronic Monitoring participants, 7 percent had an annual income of less than $5,000, 21 percent had an income between $5,001-$10,000, 12 percent had an income between $10,001-$15,000, 20 percent had an income between $15,001-$20,000 and 39 percent had an income over $20,001.

Due to a small percentage of expected cell values the Chi-square statistic is not valid. However, a large number of participants are employed earning incomes over $15,001 per year (71 percent of prison parole participants and 71 percent of Electronic Monitoring participants).

Table 11. **Comparison of Prison Parole and Electronic Monitoring Participants: Income.**

What is participant's income?						
	Under $5,000	$10,001-$15,000	$15,001-$20,000	$20,000-$25,000	Over $25,000	Total
Prison Parole	7 (20.6%)	3 (8.8%)	9 (26.5%)	3 (8.8%)	12 (35.3%)	34
EM	7 (7.0%)	21(21.2%)	12 (12.1%)	20 (20.2%)	39 (39.4%)	99
Total	14	24	21	23	51	133

In Table 12, weapon use and status were analyzed. Four percent of the prison paroles and 6 percent of the Electronic Monitoring population committed their current offense with a weapon. The data suggest that the majority of offenders did not commit their current offense with a weapon. This reflects that there is a fairly large number of offenders in prison without weapon offenses who might be eligible for Electronic Monitoring at a significant cost savings to the county.

Table 12. **Comparison of Prison Parole and Electronic Monitoring Participants: Weapon.**

Did participant use weapon in commission of crime?			
	Yes	No	Total
Prison Parole	6 (4.4%)	130 (95.6%)	136
EM	11 (5.6%)	184 (94.4%)	195
Total	17	314	331

The data in Table 13 show the difference between prior record and status. Seventy-five percent of prison parole offenders and 78 percent of Electronic

Monitoring offenders had a prior record. The Chi-square statistic suggests that regarding prior record, there is no significant difference between parole and Electronic Monitoring cases.

Table 13. **Comparison of Prison Parole and Electronic Monitoring Participants: Prior Record.**

Did participant have a prior record?			
	Yes	No	Total
Prison Parole	110 (75.0%)	37 (25.0%)	147
EM	152 (78.4%)	42(21.6%)	194
Total	262	79	342

$X^2 = .58$, df = 1, n.s.

As explained earlier, offense gravity scores were classified into three groups: 1, 2 and 3 or higher. In Table 14, of the 148 prison parole participants, 6 percent had an offense gravity score of 1, 60 percent a score of 2 and 35 percent had an offense gravity score of 3. Of the 196 Electronic Monitoring participants, 5 percent had an offense gravity of 1, 77 percent had a score of 2, and 19 percent had an offense gravity score of 3. The Chi-square statistic suggests that parolees had higher gravity scores than Electronic Monitoring cases.

Table 14. **Comparison of Prison Parole and Electronic Monitoring Participants: Offense Gravity Score.**

What is the offense gravity score of the participant's current offense?				
	1	2	3	Total
Prison Parole	9 (6.1%)	88 (59.5%)	51 (34.5%)	148
EM	9 (4.6%)	150 (76.5%)	37 (18.9%)	196
Total	18	238	88	344

$X^2 = 11.91$, df = 2, $p < .01$

CHI-SQUARE ANALYSIS EXCLUDING DUI CASES

Since a substantial number of cases involved DUI, (N= 367) a separate analysis for the following variables was conducted excluding the DUI cases: gender, race, marital status, income, weapon, prior record and offense gravity score.

The data in Table 15 reveal a statistically significant difference between gender and status when the DUI offenders are excluded from the sub-population.

Table 15. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Gender**.

What is participant's gender?			
	Male	Female	Total
Probation	52 (59.1%)	36 (40.9%)	88
IP	42 (80.8%)	10 (19.2%)	52
Prison Sentence	129 (87.2%)	19 (12.8)	148
Total	223	65	288

$X^2 = 25.29$, df = 2, $p < .01$

The variable race was grouped into two categories: white and non-white as shown in Table 16. Of the 88 probation participants, 65 percent were white and 35 percent were non-white. Of the 52 Intermediate Punishment participants, 67 percent were white and 33 percent were non-white. Sixty-eight percent of the prison sentenced offenders were white and 32 percent were non-white. Chi-square analysis indicates that there is no significance between race and status.

Table 16. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Race.**

What is participant's race?			
	White	Non-White	Total
Probation	57 (64.8%)	31 (35.2%)	88
IP	35 (67.3%)	17 (32.7%)	52
Prison Sentence	101 (68.2%)	47 (31.8%)	148
Total	193	95	288

X^2 = .30, df = 2, n.s.

Marital status was grouped into two variables: married and non-married. As presented in Table 17, of the 85 probation participants, 82 percent were married and 18 percent non-married. Of the 49 Intermediate Punishment participants, 90 percent were married and 10 percent were not. Eighty-seven percent of the prison sentenced offenders were married and 13 percent were not. Although differences exist between marital status and status, they are not statistically significant.

Table 17. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Marital Status.**

What is participant's marital status?			
	Married	Non-Married	Total
Probation	70 (82.4%)	15 (17.6%)	85
IP	44 (89.8%)	5 (10.2%)	49
Prison Sentence	126 (86.9%)	19 (13.1%)	145
Total	240	39	279

X^2 = 1.62, df = 2, n.s.

The variable income was grouped into five categories: under $5,000, between $5,000-$10,000, $10,001-$15,000, $15,001-$20,000, and over $20,001. Table 18 presents distributions of income and status. Of the 36 probation participants, 28 percent had an annual income of under $5,000, 42 percent had an income between $5,000-$10,000, 29 percent had an income between $10,001-$15,000, 3 percent earned between $15,001-$20,000, and 8 percent earned over $20,001.

Of the 22 Intermediate Punishment participants, 23 percent had an annual income of under $5,000, 23 percent earned between $5,001-$10,000, 26 percent earned between
$10,001-$15,000, 14 percent earned between $15,001-$20,000, and 14 percent earned over $20,001 annually.

Of the 56 prison sentenced offenders, 21 percent had an annual income of under $5,000, 25 percent earned between $5,001-$10,000, 23 percent earned between $10,001-$15,000, 13 percent earned between $15,001-$20,000, and 18 percent had an annual income over $20,001. Due to a small percentage of expected cell values, the Chi-square statistic could not be performed.

Table 18. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Income.**

What is participant's income?						
	Under $5,000	$5,000 - $10,000	$10,001- $15,000	$15,001- $20,000	Over $20,001	Total
Probation	10 (27.8%)	15 (41.7%)	7 (19.4%)	1 (2.8%)	3 (8.3%)	36
IP	5 (22.7%)	5 (22.7%)	6 (27.4%)	3 (13.6%)	3 (13.6%)	22
Prison Sentence	12 (21.4%)	14 (25.0%)	13 (23.2%)	7 (12.5%)	10 (17.9%)	56
Total	27	34	26	11	16	114

In Table 19, weapon use and status were analyzed. Two percent of the probation participants, 2 percent of the Intermediate Punishment participants, and 14 percent of the prison offenders committed their current offense with a weapon. Due to a small percentage of expected cell values a Chi-square test is not valid.

Table 19. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Weapon.**

Did participant use weapon in commission of crime?			
	Yes	No	Total
Probation	2 (2.3%)	86 (97.7%)	88
IP	1 (2.0%)	50 (98.0)	51
Prison Sentence	20 (13.9%)	124 (86.1%)	144
Total	23	260	283

The data in Table 20 suggest that there is a difference between prior record and status. Forty-seven percent of the probation participants, 49 percent of the Intermediate Punishment participants, and 61 percent of the prison offenders had a prior record. Although differences exist between prior record and status, they are not statistically significant.

Table 20. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Prior Record.**

Did participant have a prior record?			
	Yes	No	Total
Probation	41 (46.6%)	47 (53.4%)	88
IP	25 (49.0%)	26 (51.0%)	51
Prison Sentence	90 (61.2%)	57 (38.3%)	147
Total	156	130	286

(X^2 = 5.52, df = 2, n.s.).

The data in Table 21 reveal that 18 percent of probation participants, 10 percent of the Intermediate Punishment participants and 16 percent of prison offenders committed an offense with a gravity score of 1. The data also show that 39 percent of probation participants, 17 percent of Intermediate Punishment participants and 24 percent of prison offenders committed an offense with a gravity score of 2. The table also shows that 43 percent of probation participants, 73 percent of Intermediate Punishment participants and 61 percent of prison offenders committed an offense with a gravity score of 3 or greater. Of the 288 offenders, 15 percent had a gravity score of 1, 27 percent had a level 2, and 58 percent had a level 3 or greater gravity score. A Chi-square test suggests that a statistically significant relationship exists between offense gravity score and status.

Table 21. **Comparison of Probation, Intermediate Punishment and Prison Participants (Excluding DUI Population): Offense Gravity Score.**

What is the offense gravity score of the participant's current offense?				
	1	2	3	Total
Probation	16 (18.2%)	34 (38.6%)	38 (43.2%)	88
IP	5 (9.5%)	9 (17.3%)	38 (73.1%)	52
Prison Sentence	23 (15.6)	35 (23.6%)	90 (60.8%)	148
Total	44	78	166	288

$X^2 = 14.00$, df = 4, $p<.01$

A separate analysis was also used to measure significant associations between the previously identified variables and back-end status cases excluding the DUI population.

The data in Table 22 reveal that there is no statistically significant relationship between gender and status. Eighty-five percent of the prison paroles were male and

15 percent were female. Eighty-one percent of the Electronic Monitoring participants were male and 19 percent were female.

Table 22. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Gender**.

What is participant's gender?			
	Male	Female	Total
Prison Parole	69 (85.2%)	12 (14.8%)	81
EM	51 (81.0%)	12 (19.0)	63
Total	120	24	144

$X^2 = .46$, df = 1, n.s.

The variable race was grouped into two categories: white and non-white as shown in Table 23. Of the 80 prison parole participants, 75 percent were white, and 25 percent were non-white. Of the 63 Electronic Monitoring participants, 67 percent were white and 33 percent were non-white. There is no significant relationship between race and status.

Table 23. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Race.**

What is participant's race?			
	White	Non-White	Total
Prison Parole	60 (75.0%)	20 (25.0%)	80
EM	42 (66.7%)	21 (33.3%)	63
Total	102	41	143

$X^2 = 1.20$, df = 1, n.s.

Marital status was also grouped into two categories: married and non-married. As presented in Table 24, ninety-three percent of the prison parolees and 79 percent of the Electronic Monitoring participants were married. A Chi-square test suggests that there is no significance between marital status and status.

Table 24. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Marital Status.**

What is participant's marital status?			
	Married	Non-Married	Total
Prison Parole	69 (93.2%)	5 (6.8%)	74
EM	48 (78.7%)	13 (21.3%)	61
Total	117	18	135

$X^2 = 6.13$, df = 1, n.s.

As displayed in Table 25, 38 percent of parolees earned an annual income of under $5,000, 6 percent earned between $5,000-$10,000, 25 percent earned between $10,001-$15,000, 6 percent earned between $15,001-$20,000, and 25 percent earned over $20,001 annually.

Nineteen percent of Electronic Monitoring participants had an annual income under $5,000, 44 percent had an income between $5,001-$10,000, 6 percent had an income between $10,001-$15,000, 6 percent had an income between $15,001-$20,000, and 25 percent had an income of over $20,001. Due to a small percentage of expected cell values a Chi-square statistic is not valid.

Table 25. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Income.**

What is participant's income?						
	Under $5,000	$5,000 - $10,000	$10,001- $15,000	$15,001- $20,000	Over $20,001	Total
Prison Parole	6 (37.5%)	1 (6.3%)	4 (25.0%)	1 (6.3%)	4 (25.0%)	16
EM	3 (18.8%)	7 (43.8%)	1 (6.2%)	1 (6.2%)	4 (25.0%)	16
Total	9	8	5	2	8	32

In Table 26, weapon use and status were analyzed. Nine percent of the parolees and 16 percent of Electronic Monitoring participants committed their current offense with a weapon. Although differences exist, the Chi-square statistic could not be performed due to a small percentage of expected cell values.

Table 26. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Weapon.**

Did participant use weapon in commission of crime?			
	Yes	No	Total
Prison Parole	6 (8.7%)	63 (91.3%)	69
EM	10 (16.1%)	52 (83.9%)	62
Total	16	115	131

The data in Table 27 suggest that there is no relationship between prior record and status. Sixty-two percent of prison parolees and 49 percent of Electronic Monitoring participants had a prior conviction. There is no significant relationship between prior record and status.

Table 27. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Prior Record.**

Did participant have a prior record?			
	Yes	No	Total
Prison Parole	50 (61.7%)	31 (38.3%)	81
EM	30 (49.2%)	31 (50.8%)	61
Total	80	62	142

(X^2 = 2.23, df = 1, n.s.).

As mentioned previously, offense gravity score was classified into three groups: 1, 2 and 3 or higher. Table 28 shows that 11 percent of parolees and 14 percent of electronic monitoring participants committed an offense with a gravity score of 1. The data also display 26 percent of parolees and 27 percent of Electronic Monitoring participants committed an offense with a gravity score of 2. In addition, the table shows that 63 percent of parolees and 59 percent of Electronic Monitoring participants committed an offense with a gravity score of 3. The majority (61%) of the 144 offenders had a gravity score of 3 or higher. There is no significant relationship between offense gravity score and status.

Table 28. **Comparison of Prison Parole and Electronic Monitoring Participants (Excluding DUI Population): Offense Gravity Score.**

What is the offense gravity score of the participant's current offense?				
	1	2	3	Total
Prison Parole	9 (11.0%)	21(26.0%)	51 (63.0%)	81
EM	9 (14.3)	17 (27.0%)	37 (58.7%)	63
Total	18	38	88	144

X^2 = .41, df = 2, n.s.

CHI-SQUARE ANALYSIS CONTROLLING FOR OFFENSE GRAVITY SCORE

Further analysis revealed that after controlling for offense gravity score, a significant relationship existed among five variables and the front-end cases. Gender, race, income, weapon use and prior arrest were still significantly related to status (See Tables 29-33).

In other words, even when offense gravity score is controlled for, there is still a statistical relationship between each of these variables and status.

The effects of offense gravity score were also controlled for with the back-end population; however, no variables were found to be significant. The status can't be explained on the basis of these selected variables.

T-test

In order to compare offense gravity scores, a test for the difference of the means of independent samples was conducted. The results are presented in Table 34. Offense gravity scores were based on a 6 point index (1 = lowest, and 6 = highest; 6 also includes scores 6+). The mean offense gravity score of participants on probation was compared with the mean score for Intermediate Punishment participants. The mean difference was .11 and the t-test for equality of means yielded a t value of -.627 which is not statistically significant.

The mean offense gravity score of participants on probation was also compared with the mean offense gravity score of participants in prison. Although the results yielded a difference of .10, the average gravity scores for probation and prison cases are not significantly different

(t = -.654; n.s.).

The difference between mean score for Intermediate Punishment and prison cases was .01 and the t-test for equality of means yielded a t value of .02 (n.s.). The data suggest that the average gravity scores are not statistically different. For instance, the difference in mean scores between Intermediate Punishment and prison sentenced

offenders is negligible suggesting that net-widening is not occurring since the two populations should be very similar in offense seriousness.

A test for independent samples was also performed on the back-end population. The mean offense gravity score of participants on electronic monitoring was compared with regular parole participants. There was a mean difference of .45 and the t-test for equality of means resulted in a t value of 3.59 which is statistically significant ($p<.001$).

In conclusion, participants on electronic monitoring had a higher mean offense gravity score (2.76) than those on regular parole (2.31) (See Figures 1-5).

Mean Comparison:

1. Probation and Intermediate Punishment = .531 (n.s.)
2. Probation and prison sentence = .513 (n.s.)
3. Intermediate Punishment and prison sentence = .984 (n.s.)
4. Prison parole and electronic monitoring = $p<.001$ (s.s.)

Table 34. **Comparison of Mean Offense Gravity Scores by Status.**

Difference in Mean Scores			
Front-end Comparison	Number of Cases	Mean	Std. Dev.
Probation	88	2.49	1.21
Intermediate Punishment	92	2.60	1.01
Prison Sentence	274	2.59	1.28
Back-end Comparison	Number of Cases	Mean	Std. Dev.
Prison Parole	196	2.31	1.40
Electronic Monitoring	148	2.76	.93

Because there was little or no difference in gravity scores between the groups when looking at the entire population of 968 cases, the researchers felt it necessary to reanalyze the data excluding the DUI population. DUI cases have a gravity score of 2 and this comprised of 37.7 percent of the entire sample. As one would expect, the mean scores for each of the five populations increased and there were statistically significant differences between two of the groups (Table 35).

Excluding DUI cases, the difference in mean gravity scores between probation and Intermediate Punishment was .07. The t-test for equality of means yielded a t value of -2.68 which indicates a significant difference in offense gravity ($p<.001$).

The difference in mean offense gravity scores for probation and prison cases yielded -.36 and a significant t-test value of -3.09 ($p<.001$). The difference between average Intermediate Punishment and prison gravity scores (.43) was not significant. The t-test for equality of means yielded a t value of -.184 (n.s.). Finally, the mean offense gravity score for participants on electronic monitoring was compared to the mean offense score of participants on regular parole and the difference was .18. The t-test for equality of means yielded a t value of 1.629 (n.s.).

In summary, when DUI cases were excluded from the difference of mean analysis there were statistically significant differences between probation and Intermediate Punishment as well as probation and prison (See Figures 6-10). Therefore, higher gravity scores are associated with more punitive sanctions. In addition, the mean offense gravity scores for the prison population (3.10) was significantly higher than the mean score of probation (2.50) but very similar to the Intermediate Punishment mean (3.06) suggesting that net-widening is not occurring.

Mean Comparison (Excluding DUI Cases):

1. Probation and Intermediate Punishment = .008 (s.s.)
2. Probation and prison sentence = .002 (s.s.)

3. Intermediate Punishment and prison sentence = .854 (n.s.)

4. Prison parole and electronic monitoring = .105 (n.s.)

Table 35. **Comparison of Mean Offense Gravity Scores by Status (Excluding DUI Cases).**

Difference in Mean Scores			
Front-end Comparison	Number of Cases	Mean	Std. Dev.
Probation	88	2.50	1.21
Intermediate Punishment	52	3.06	1.14
Prison Sentence	148	3.10	1.57
Back-end Comparison	Number of Cases	Mean	Std. Dev.
Prison Parole	81	3.40	1.64
Electronic Monitoring	63	2.97	1.45

DUI Profile (Front-end Population)

Nearly 17 percent of the front-end population comprised of DUI offenders in 1995. About 94 percent were men, 96 percent were white, and 38 percent were over the age of 35. Eighty-one percent of the DUI offenders were married. The majority (38 percent) of offenders had completed high school, while another 23 percent had completed college, trade, or business school. Seventy-five percent of offenders were employed at the time of intake. Fifty-six percent were earning between $15-$20,001+ annually. The majority (88 percent) of offenders did have a prior conviction. (Table 36).

DUI Profile (Back-end Population)

In 1995, 21 percent of the back-end population were DUI offenders. Ninety-three percent of the offenders were male and 92 percent were white. Almost 50 percent of the population was over the age of 35. Eighty-two percent of the DUI offenders were married. Thirty-seven percent had obtained at least a high-school degree while another

23 percent completed either college, trade or business school. Almost 80 percent of the offenders were employed at the time of intake. Of those employed, 21 percent earned between $15-$20,000 while 42 percent earned over $20,001 annually. The majority (91 percent) of DUI offenders had a prior record. (Table 37).

In summary, the typical DUI offender is an educated white male, over the age of 35, earning between $15-$20,001 annually with a prior record.

Table 36. **Profile of Front-end DUI Offenders**

Demographic Characteristics of Front-End DUI Offenders					
Sex	**N**	**%**	**Marital Status**	**N**	**%**
Male	156	94	**Married**	131	81
Female	10	6	**Non-Married**	37	19
Age			**Employment**		
Under 21	2	1.2	**Employed**	121	74.2
21 – 24	20	12.0	**Unemployed**	30	18.4
25-29	39	23.4	**Other (Retired...)**	12	7.4
30-34	42	25.1			
35+	64	38.3	**Income**		
			Under $5,000	9	10
Race			**$5,001-$10,000**	9	10
White	159	96	**$10,001-$15,000**	23	24
Non-White	7	4	**$15,001-$20,000**	24	25
			Over $20,001	29	31
Education					
Less than HS Degree	45	27.8	**Prior Arrest**		
H.S. Graduate	61	37.7	**Yes**	146	88
GED	19	11.7	**No**	19	12
College/Other	37	22.8			

Table 37. **Profile of Back-end DUI Offenders**

Demographic Characteristics of Back-End DUI Offenders					
Sex	**N**	**%**	**Marital Status**	**N**	**%**
Male	186	93	**Married**	149	82
Female	14	7	**Non-Married**	33	18
Age			**Employment**		
Under 21	0	0.0	**Employed**	152	79.**2**
21 - 24	13	7.0	**Unemployed**	30	15.6
25-29	41	20.6	**Other (Retired...)**	10	5.2
30-34	50	25.1			
35+	95	47.7	**Income**		
			Under $5,000	5	50
Race			**$5,001-$10,000**	16	16
White	183	92	**$10,001-$15,000**	16	16
Non-White	15	8	**$15,001-$20,000**	21	21
			Over $20,001	43	42
Education					
Less than HS Degree	49	25.7	**Prior Arrest**		
H.S. Graduate	71	37.2	**Yes**	182	91
GED	27	14.1	**No**	17	9
College/Other	44	23.0			

Of the 968 cases reviewed, 367 or (38 percent) of the offenders committed a DUI as their most serious current offense, 298 (31 percent) of the 968 participants committed a DUI as their most serious prior offense (Table 38).

Table 38. **Number of Current and Prior DUI Offenses by Status**

DUI OFFENSE		
	CURRENT	**PRIOR**
Probation	**0**	**0**
IP	**40**	**33**
Prison Sentence	**126**	**101**
EM	**133**	**110**
Parole	**67**	**47**
TOTAL	**366**	**291**

Table 39 represents the front-end population (probation, Intermediate Punishment and prison sentence) by gravity score. These scores are based on their most serious current offense. As the table indicates, the majority (88 percent) of offenders under supervision have committed less serious offenses, between the gravity score of 1 - 4. Fifty-three percent of the offenders have a gravity score of "2", of that, 68 percent were for DUI offenses (Table 40).

Table 39. **Offense Gravity Score by Front-end Status**

Front-Door Cases and Gravity Score										
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	***TOTAL***
1 (Prob)	**18**	**35**	**28**	**1**	**6**	**2**	**0**	**0**	**1**	**91**
2 (IP)	**6**	**49**	**24**	**6**	**8**	**0**	**0**	**0**	**0**	**93**
3 (Sent)	**23**	**161**	**47**	**7**	**19**	**7**	**7**	**2**	**1**	**274**
TOTAL	**47**	**245**	**99**	**14**	**33**	**9**	**7**	**2**	**2**	**458**

The following offense gravity scores would be achieved by excluding the DUI population (Table 40):

Table 40. **Offense Gravity Score by Front-end Status Excluding DUI Population.**

Front-Door Cases and Gravity Score										
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	***TOTAL***
1 (Prob)	**18**	**35**	**28**	**1**	**6**	**2**	**0**	**0**	**1**	**91**
2 (IP)	**6**	**9**	**24**	**6**	**8**	**0**	**0**	**0**	**0**	**53**
3 (Sent)	**23**	**35**	**47**	**7**	**19**	**7**	**7**	**2**	**1**	**148**
TOTAL	**47**	**79**	**99**	**14**	**33**	**9**	**7**	**2**	**2**	**292**

Of the 292 cases (excluding DUI) reviewed, 40 were Intermediate Punishment cases and 126 were prison sentenced cases.

Table 41 represents the back-end population (parole and Electronic Monitoring) by gravity score. These scores are based on their most serious current offense. As the table indicates, the majority (89 percent) of offenders under supervision have committed less serious offenses, between the gravity score of 1 - 4. Sixty-nine percent of the offenders had a gravity score of "2", of that, 58 percent were for DUI offenses (See Table 42).

Table 41. **Offense Gravity Score by Back-end Status.**

Back-Door Cases and Gravity Score										
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	***TOTAL***
4 (Parole)	**9**	**88**	**18**	**7**	**14**	**7**	**1**	**1**	**3**	**148**
5 (EM)	**9**	**150**	**21**	**4**	**7**	**0**	**4**	**1**	**0**	**196**
TOTAL	**18**	**238**	**39**	**11**	**21**	**7**	**5**	**2**	**3**	**344**

The following offense gravity scores would be achieved by excluding the DUI population (Table 42).

Table 42. **Offense Gravity Score by Back-end Status Excluding DUI Population.**

Back-Door Cases and Gravity Score										
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	***TOTAL***
4 (Parole)	**9**	**21**	**18**	**7**	**14**	**7**	**1**	**1**	**3**	**81**
5 (EM)	**9**	**17**	**21**	**4**	**7**	**0**	**4**	**1**	**0**	**63**
TOTAL	**18**	**38**	**39**	**11**	**21**	**7**	**5**	**2**	**3**	**144**

Of the 344 cases (excluding DUI) reviewed, 67 were regular parole and 133 were electronic monitoring.

PROGRAM SUCCESS

To evaluate how successful the IP and EM programs are, several questions were asked of the Erie County Adult Probation Supervisor for each of the participants of the study. The information was intended to shed light on the characteristics of offenders who successfully complete the programs.

Overall, the results revealed that IP and EM are effective in controlling the behavior and treating the offenders in the community at a cost savings to the county. Both of the programs had a 92 percent success rate or better (92 percent for IP participants and 95 percent for EM participants).

The profile that emerges of a successful EM case is an educated white male, over the age of 31 who is married and has a prior record. The characteristics of a successful IP case are similar except the client is under the age of 29 (See Appendix Y for Program Success).

Effect on Recidivism/Technical Violations/Revocations

The findings indicate that even though over 92 percent successfully completed the Intermediate Punishment Programs, 11 percent of IP participants and 9 percent of EM participants were arrested on a new criminal offense while on supervision. Only 12 percent of IP participants and 5 percent of EM participants had been revoked for technical violations while on supervision.

Effect on Drug/Alcohol Treatment

Eighty-three percent of IP offenders had a current history of drug and/or alcohol abuse compared to 91 percent, that of EM offenders. The majority (79 percent) of IP offenders completed their condition of drug/alcohol treatment. Ninety-one percent of EM offenders completed their drug/alcohol treatment.

ASSESSING COST EFFECTIVENESS

Are the EM and IP programs cost-saving alternatives? The research examined these programs in comparison to the costs of incarceration. Table 43 shows the actual incarceration costs with the Intermediate Punishment Program. In 1995, Erie County spent approximately $2,792,623 in incarceration costs for the 845 cases reviewed. The table also indicates the significant differences in the average lengths of stay for each population: IP = 23 days, sentenced = 76 days, EM = 36 days and parole = 95 days. If the IP and EM programs did not exist, the offenders in these programs arguably would have otherwise served additional time in prison, thereby costing the county approximately $3,806,460 (Table 44).

To determine the estimated county cost savings for the front-end population, the researchers determined that without the IP program, 106 participants would have served an average of 76 days in prison at $53/day or $426,968. The incarceration costs with the IP program for the 106 participants at an average length of stay of 23 days in prison was approximately $129,214. The total estimated cost savings to the county was determined by adding the IP incarceration costs ($129,214) and the IP alternative costs ($58,371) and subtracting these costs from the total cost without IP ($426,968). As Table 45 indicates, the total estimated cost savings of IP to the county in 1995 was approximately $239,383.

Similar estimated calculations were used to determine the cost savings for the back-end population. Without the EM program, the 229 participants arguably would have served an average of 95 days in prison at $53/day or $1,153,015. The incarceration costs to the county for the 229 offenders on EM was $436,932 for approximately 36 days served in prison. The total estimated cost savings to the county was determined by adding the incarceration costs associated with EM ($436,932) and the costs of the EM alternative ($140,379) and subtracting this from the total costs without the EM program ($1,153,015). As Table 46 shows, the total estimated cost savings of electronic monitoring to the county were approximately $575,704. The total cost savings of

$815,087 for both programs does not include the administrative and judicial costs associated with processing recidivists. (Note: 92 percent of IP and 95 percent of EM offenders successfully completed conditions of their supervision and sanctions.)

Table 43. **Erie County Incarceration Costs.**

Incarceration Costs with Intermediate Punishment Program ($53/day)		
Total # of Cases Reviewed	Avg. Length of Stay in Jail (Mean)	Incarceration Cost
IP = 106	23	$129,214
Sent = 339	76	$1,365,492
EM = 229	36	$436,932
Parole = 171	95	$860,985
TOTAL = 845		**$2,792,623**

Table 44. **Estimated Incarceration Costs.**

Estimated Incarceration Costs without Intermediate Punishment Program ($53/day)		
Total # of Cases Reviewed	Avg. Length of Stay in Jail (Mean)	Estimated Cost @ $53/day
IP = 106	76*	$426,968
Sent = 339	76	$1,365,492
EM = 229	95*	$1,153,015
Parole = 171	95	$860,985
TOTAL = 845	-	**$3,806,460**

* Average length of stay for comparable populations was used to calculate estimated incarceration costs.

Table 45. **Cost Analysis of Front-end Cases.**

Cost Analysis: Estimated Cost Savings (with IP) (N = 106)			
Total # of Cases Reviewed	Avg. Length of Stay	Cost / Day	Cost
Without IP	76	$53	$426,968
With IP	23	$53	$129,214
IP Alternative	53	$10.39	$58,371
Cost Savings	-	-	$239,383

[The IP alternative is the difference between the average lengths of stay with IP (76 days) and without IP (23 days). This results in 53 days multiplied by the (1) number of cases reviewed (106) and the (2) average daily cost of IP ($10.39)].

Table 46. **Cost Analysis of Back-end Cases.**

Cost Analysis: Estimated Cost Savings (with EM) (N = 229)			
Total # of Cases Reviewed	Avg. Length of Stay	Cost / Day	Cost
Without EM	95	$53	$1,153,015
With EM	36	$53	$436,932
EM Alternative	59	$10.39	$140,379
Cost Savings	**-**	**-**	**$575,704**

[The EM alternative is the difference between the lengths of stay with EM (36 days) and without IP (95 days) which results in 59 days multiplied by the (1) number of cases reviewed (229) and (2) the daily average cost of EM ($10.39)].

*The total estimated County cost savings with the Intermediate Punishment Programs (IP and EM) is approximately $815,087.

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RESEARCH PROJECT LIMITATIONS

Anova

The t-test for equality of means demonstrated that there are some differences between offense gravity score and status, thus the researchers wanted to determine if there was a statistical difference between the sample means using the ANOVA (analysis of variance) statistic but due to insufficient and unlimited data, this was unobtainable.

Regression

The researchers wanted to determine the linear relationship between the dependent variables and status. However, due to the nature of the data, this statistic can not be used.

HISTORY OF INTERMEDIATE PUNISHMENT

Intermediate Punishment was created by Pennsylvania Legislative Act 193 of 1990. The primary purpose of Intermediate Punishment was to provide an additional sentencing option to the courts that fell somewhere between the traditional options of incarceration and probation. Specifically, the legislation cited the following goals:

> To promote society and promote efficiency and economy in the delivery of correctional services.
>
> To promote accountability of offenders to their local community.
>
> To fill gaps in local correctional systems, allowing for the expansion of punishment options and services available to the court.
>
> To provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

Many counties had existing programs that fit the definition and complemented the philosophy of Intermediate Punishment. This legislation allowed them to formalize their efforts at providing community supervision which afforded an increased accountability of the offender and thereby increased protection of the community.

Erie County became interested in Intermediate Punishment in 1991 when state money became available to fund such programs. A committee of local government officials was formed to study the feasibility of developing a comprehensive Intermediate Punishment plan. Part of this process involved contracting with a private consulting firm to conduct in-depth research on the sentencing patterns of the local courts and the composition of the prison population. Upon completion of the report, the committee decided to move forward and submitted a grant application to the Pennsylvania Commission on Crime and Delinquency. The subsequent award allowed for the

establishment of an Electronic Monitoring program which targeted convicted DUI offenders and the initiation of a Pre-Trial Supervision program focusing on inmates unable to make bond. Both of these programs were begun in 1992 and remain in operation today. In addition, the existing Prison Work Release program and Adult Probation Intensive Supervision programs were restructured to fit into the Intermediate Punishment sentencing continuum.

Changes in 1994 to the Pennsylvania Sentencing Guidelines expanded the use of Intermediate Punishment by allowing the courts to consider it as a sentencing option for non-violent, non-sexual offenders, other than DUI. This expansion was accompanied by more restrictive guidelines from PCCD and the Pennsylvania Commission on Sentencing on how Intermediate Punishment sentences should be structured. Counties were encouraged to use "front-end" sentences where the court sentenced an individual directly into an Intermediate Punishment program. This recommendation differed greatly from the manner in which the courts had previously been sentencing offenders using a "back-end" method in which the offender is sentenced to prison and released to an IP program. As these recommendations were linked to funding awards, the Erie courts were anxious to cooperate.

Later that year, Adult Probation began planning the implementation of a Community Service Program which began admitting clients in January of 1995. The program has grown from full-time coordinator and part-time clerical workers to the coordinator, an intake specialist, full-time clerical and per diem work crew supervisor. The courts can sentence defendants to community service as a stand-alone sentence, as a condition of probation/parole or in combination with a prison sentence as a mechanism to earn an early release. Also in that year, Erie County applied for and received sentencing authority for a Day Report Center. The initial concept provided for a contract with a community vendor to provide educational and vocational training to selected offenders. In 1996, a reporting component was added and a Life Skills Program is planned for 1998.

The development, planning and monitoring of current IP programs have been and continue to be the function of the Correctional Advisory Board. Board membership consists of key personnel in county government, court and law enforcement as well as community agencies. It is their philosophy that the local criminal justice system has an obligation to offer the community a wide spectrum of sentencing options in order to effectively manage a finite number of correctional resources. Intermediate Punishments are much less expensive than total confinement in a correctional institution. If these programs are utilized for low-risk offenders more prison beds will be available for the most serious offenders. Those selected for participation in Intermediate Punishment in lieu of imprisonment are subject to swift, certain consequences for violations.

For the community, the advantages are: more responsible use of correctional resources; significant supervision of offenders in the community; and avoidance of costly prison building projects. For the victim, an advantage is to allow the offender to work and pay restitution. For the offender, Intermediate Punishment affords the opportunity to keep working, paying taxes, supporting themselves and their families and paying back court-related monies. In addition, they maintain ties with their family and community, begin treatment programs and avoid the damaging effects of imprisonment. The bottom line is that for the correctional system to efficiently protect the public, there must be room in prison for the violent offender. As more than half of the inmates in prison today were convicted of non-violent crimes, Intermediate Punishment seems to offer a sensible, well-thought out approach to our growing criminal offender population.

INTERMEDIATE PUNISHMENT PLAN

The Erie County Intermediate Punishment Plan was approved by the Erie County Intermediate Punishment Board and funded by the Pennsylvania Commission on Crime and Delinquency in 1991-1992.

Bobby Huskey and Associates consulted with Erie County to assess each decision point within the criminal justice system to determine the current use of pre/post-trial intermediate punishment programs and to evaluate existing practices which impact on jail crowding (Huskey 1991: 2).

Five populations were chosen for analysis: (1) overall inmate profile, (2) sentenced, (3) unsentenced inmates who were confined in 1990-1991, (4) DUI offenders and (5) the mentally ill population.

FINDINGS

Overall Inmate Profile

On July 31, 1991, 339 sentenced and unsentenced persons were confined at the Erie County Prison. One-third of the inmates on that day (112) were selected for analysis.

The majority of the population was confined for property offenses (31 percent), 29 percent were incarcerated for crimes against a person, 17 percent for a DUI offense, nearly 10 percent for drug offenses and 5 percent for public order crimes (Huskey 1991: 1).

A major finding was if the property, public order and DUI offenders were combined then over one half (54 percent) of the offenders were incarcerated for a non-violent crime.

One-half of the population was sentenced and one-half of the persons was unsentenced.

Two-thirds of the persons confined were young, white males (Huskey 1991: 2). Twenty-seven percent of the population had no prior convictions and thirty-two percent had no prior violent convictions.

Sentenced and Unsentenced Population

A comparison between these two populations suggests that for both groups, the majority was male and two-thirds was white.

Many more unsentenced persons were confined for person offenses (39 percent) than sentenced persons (19 percent).

The major difference in the offense types of these two populations was in the DUI category. Five times more of the sentenced population (21 percent) were confined for DUI than the unsentenced (4 percent). Only 23 percent of the unsentenced and 35 percent of the sentenced had no prior convictions
(Huskey 1991: 3).

Two additional studies were conducted to determine what percentage of the inmate population met certain diversion criteria and the analysis revealed that 12 percent of the unsentenced population and 38 percent of the sentenced population would have been eligible for an Intermediate Punishment program, if it was an option
(Huskey 1991: 3).

DUI Population

This population represents 17 percent of the total inmate population and 33 percent of the total sentenced inmates (Huskey 1991: 3).

The majority of the DUI offenders had a prior conviction and all had a prior arrest. Almost eighty percent (79 percent) of the DUI population was employed.

Mentally Ill Population

More than half (53 percent) of the mentally ill offenders had no prior violent arrest. Almost seventy percent (69 percent) were either mildly or moderately mentally ill. The majority of this population was incarcerated for property offenses (36 percent), 29 percent for crimes against a person and almost 25 percent for public order offenses, (21 percent) for DUI offenses and 14 percent for drug violations (Huskey 1991: 4).

Summary

In short, the Erie County Prison incarcerates mostly DUI and property offenders. This suggested that there is between 25-30 percent of non-violent offenders who could be sentenced to a less restrictive, less expensive type of punishment such as IP and community service if these programs were made available.

GOALS AND OBJECTIVES
PROPOSED NEW PROGRAMS:

A. **Pre-Trial Services Program Goals and Objectives**

1. Target Population: This program will target three populations: (1) male and female unsentenced persons who are denied release on recognizance (ROR), who can not afford the bail and who would be remanded to jail pending the preliminary hearing, (2) unsentenced persons who are currently detained in prison, (3) unsentenced persons who are classified as mentally ill, mentally retarded and alcohol/drug addicted who are determined to be non-dangerous, and (4) who can participate in community treatment services (Huskey 1991: 11).

2. Screening / Intake Process: Currently, defendants who cannot afford bail or who are denied ROR are incarcerated at the prison pending their preliminary hearing. Pre-trial screening and intake will be initiated after the preliminary arraignment and prior to the preliminary hearing. The following steps will be taken to admit a person into the program: (1) the pre-trial staff will visit the jail every morning to determine who was

denied ROR and who was remanded to jail in the last 24-hours, (2) within the next 24 hours an interview will be conducted with pre-trial detainees, information will be gathered and verified, including consultation with the District Justice and the District Attorney and a pre-trial investigation form will be completed and sent to the Court of Common Pleas, with a copy to the Public Defender.

For those on probation and parole detainers, every effort will be made to reduce the time they spend in jail by expediting the revocation hearing. The Adult Probation/Parole Department and the court will develop a plan to expedite the revocation hearing process (Huskey 1991: 11-12).

3. Services and Supervision Proposed: The program will have three components. The first component will involve conducting pre-trial investigations for the Court of Common Pleas by providing background information on defendants being considered for pre-trial supervision.

The second component will involve pre-trial supervision for persons granted pre-trial release. The current risk and needs instrument implemented by the Adult Probation and Parole Department for probation and parole caseloads will be utilized to determine the level of supervision. There will be four levels of supervision, including ROR with court reminder notification, monthly supervision, intensive supervision, home confinement and electronic monitoring for seven days a week for up to 60 days.

For mentally ill, mentally retarded and alcohol/drug addicted defendants, the pre-trial services staff will also work with local providers to monitor their participation in mental health, mental retardation and substance abuse treatment services.

The third component will involve on-going bail review of pre-trial detainees and those on probation and parole detainers and bench warrants. The same eligibility criteria and supervision levels as described for pre-trial supervision will be utilized for persons released through the bail review process (Huskey 1991: 12-13).

B. **DUI Intermediate Punishment Goals and Objectives**

1. Target population: This program will target five populations: (1) sentenced male and female DUI offenders who would otherwise be incarcerated in the Erie County Prison (2) DUI offenders who are granted "earned time" due to their good behavior and participation in jail programs, (3) DUI probationers/parolees who are detained on detainers or bench warrants, (4) DUI offenders on the Drug and Alcohol Caseload who are likely to be revoked and sentenced to jail and (5) DUI offenders housed at the Pre-Release Center who are addicted to alcohol and drugs and who could benefit from substance abuse treatment (Huskey 1991: 13).

2. Screening/Intake Process: DUI offenders will be sentenced to incarceration with their sentence being temporarily suspended pending successful completion in the DUI Intermediate Punishment Program. If the person fails the program, the incarceration sentence will be activated. This process is implemented to ensure that eligible offenders know that an incarceration sentence is "hanging over their heads" if they do not comply with conditions (Huskey 1991: 13-14).

3. Services and Supervision Proposed: Supervision on this program will be intense. DUI offenders will be placed on home confinement with a portion of them also on electronic monitoring supervision up to 60 days. Each offender will be confined to his/her home after work or school and until the next morning. He/she will be required to call in twice a day to the Home Confinement/EM Office. Only those who are considered the highest risk of re-offending and those in isolated areas of the county will be placed on electronic monitoring (Huskey 1991: 14).

Electronic Monitoring, Probation, or Erie County Prison

Code Sheet #1

OFFENDER STATUS

1. Case No. ____ ____ ____

2. Client Status

Probation.....1

Intermediate Punishment 2

Prison Sentence.....3

Regular Parole w/o EM.....4

EM 5

3. Revocation Case

Yes.....1

No.....2

4. Length of Disposition

Minimum Sentence_____

Maximum Sentence_____

OFFENDER CHARACTERISTICS

(Client Intake Packet)

5. Name_____

6. Zip Code _____

7. Resides With

Alone.....1

Spouse, cohabitant.....2

Parent(s).....3

Other family.....4

Friend.....5

Other.....6

Missing.....9

8. Marital Status (Client Intake Packet)

Common-law.....1

Divorced.....2

Engaged.....3

Married.....4

Separated.....5

Single.....6

Widowed.....7

Missing.....9

9. Children (Client Intake Packet)

Yes.....1

No.....2

Missing.....9

10. Number of Children

_____

Missing.....9

11. Children Under 18 Residing @ Home

Yes.....1

No.....2

Missing.....9

12. Education: Highest Grade Completed (Client Intake Packet)

Business School.....1

College.....2

GED.....3

Grade School (Grade 1 - 8).....4

High School (Grade 9 - 12).....5

H.S. Graduate.....6

Post Graduate Work.....7

Trade.....8

Missing.....9

13. Grade Last Completed_____

14. Employment

Employed.....1

Unemployed.....2

Disabled.....3

Self Employed.....4

Student/College.....5

Retired.....6

Missing.....9

15. Position Held (Client Intake Packet)

Professional.....1

Specialized Profession (atty, engineer,accoun).2

Sales.....3

Laborer.....4

Skilled Labor.....5

Clerical.....6

Min. Wage Worker (unskilled).....7

Other.....8

None.....9

Retired.....10

Disabled.....11

Missing.....12

16. Type of Position Held_____

17. Receive Public Assistance

Yes.....1

No.....2

Missing.....9

18. Wages (Client Intake Packet)

Hourly.....1

Weekly.....2

Salary.....3

None.....4

Commission.....5

Missing.....9

Compute Annual Income: _____ x _____ = _____

19. Income (include cash assistance etc)

Under $5,000.....1

5,000 - 10,000.....2

10,000-15,000.....3

15,001-20,000.....4

20,001-25,000.....5

25,001-30,000.....6

30,001-35,000.....7

Over 35,001.....8

None.....9

Missing.....10

20. Gender (Presentence Investigation)

Male.....1

Female.....2

21. Race (Presentence Investigation)

White (not Hispanic).....1

African-American (not Hispanic).....2

Hispanic.....3

Asian.....4

American Indian.....5

Native American.....6

Other.....7

Missing.....9

22. Past Drug / Alcohol History

Yes.....1

No.....2

Missing.....9

23. Current Drug / Alcohol History

Yes.....1

No.....2

Missing.....9

24. Past Mentally Ill / Mentally Retarded History

Yes.....1

No.....2

Missing.....9

25. Current Mentally Ill / Mentally Retarded History

Yes.....1

No.....2

Missing.....9

26. Drug/Alcohol Treatment Information (Probation Officer)

Successfully Completed.....1

Unsuccessfully Completed.....2

Not Required.....3

Missing.....9

27. Mental Health Treatment Information (Probation Officer)

Successfully Completed.....1

Unsuccessfully Completed.....2

Not Required.....3

Missing.....9

28. Age @ Prior First Arrest (Compute DOB to Date of Arrest) (Presentence Investigation,

Under Prior Record: Include juvenile arrest)

Under 21.....1

21-24.....2

25-29.....3

30-34.....4

35 or older.....5

None.....6

Missing.....9

29. Age @ Current Arrest (Compute DOB to Date of Current Arrest) (Presentence Investigation)

Under 21.....1

21-24.....2

25-29.....3

30-34.....4

35 or older.....5

Missing.....9

30. Judge (Presentence Investigation)

Judge Bozza.....1

Judge Domitrovich.....2

Judge Connelly.....3

Judge Jiuliante.....4

Judge Levin.....5

Other.....6

Missing.....9

31. Total Days Confinement to Sentencing Date (Presentence Investigation)

Under 30 days.....1

31 - 60 days.....2

61 days - 90 days.....3

91 -179.....4

Over 180 days.....5

None.....6

Missing.....10

CURRENT OFFENSE

32. Most Serious Present Offense Crime Code (Presentence Investigation)

___ ___ ___ ___ ___ ___

33. Offense Gravity Score _____

34. Number of Current Offenses_____

35. Number of Felonies _____

36. Number of Misdemeanors _____

37. Number of Summaries _____

38. Offense Category for Most Serious Current Offense

Violent offenses.....1

Property offenses 2

Drug offenses 3

DUI.....4

Misdemeanor.....5

ICC.....6

Other Felonies.....7

Other Summaries.....8

Missing.....9

Involuntary Manslaughter.....10

Theft.....11

<u>Violent Offenses include</u>: Forcible Rape, Robbery, Aggravated Assault, Agg. Indencent Assault

<u>Property Offenses include</u>: Larceny-theft, Burglary, Motor Vehicle Theft, Arson

<u>Drug Offenses</u>

<u>DUI</u>

<u>Misdemeanors</u>

39. Was Weapon Used in Commission of Crime(s)

Yes.....1

No.....2

Missing.....9

PRIOR OFFENSE

40. Prior Record

Yes.....1

No.....2

Missing.....9

IF NO PRIOR, SKIP TO QUESTION # 52

41. Most Serious Prior Offense _____

42 Prior Offense an ARD Disposition

Yes.....1

No.....2

43. Prior Offense Gravity Score _____

44. Number of Prior Offenses _____

45. Number of Felonies _____

46. Number of Misdemeanors _____

47. Number of Summaries _____

48. Offense Category for Most Serious Prior Offense

Violent offenses.....1

Property offenses 2

Drug offenses 3

DUI.....4

Misdemeanor.....5

ICC.....6

Other Felonies.....7

Other Summaries.....8

Missing.....9

Involuntary Manslaughter.....10

Theft.....11

<u>Violent Offenses include</u>: Forcible Rape, Robbery, Aggravated Assault, Agg. Indencent Assault

<u>Property Offenses include</u>: Larceny-theft, Burglary, Motor Vehicle Theft, Arson

<u>Drug Offenses</u>

<u>DUI</u>

<u>Misdemeanors</u>

49. Was Drug Abuse Offense a Possession/Delivery?

Possession.....1

Delivery.....2

Missing.....9

50. Was Theft a Misdemeanor/Felony?

Misdemeanor.....1

Felony.....2

Missing.....9

51. Was Weapon Used in Commission of Crime(s)

Yes.....1

No.....2

Missing.....9

52. Prior Juvenile Record (Presentence Investigation)

(Adjudicated juveniles only, don't include informal adjustments etc.)

Yes.....1

No / Unkown.....2

Type of Prior Juvenile Offense

53. Number of Felonies _____

54. Number of Misdemeanors _____

55. Number of Summaries _____

56. Prior Juvenile Placements (Presentence Investigation)

Secure.....1

Unsecure.....2

None.....3

Missing.....9

57. Length of Employment

Under 6 months.....1

6 - 12 months.....2

Under 2 years.....3

2 years or more.....4

None.....5

Missing.....9

58. Duration of Monitoring, Probation, Incarceration (Release Plan: Parole - Furlough Date-

for IP/EM cases)

Under 30 days.....1

31-45 days.....2

46-60 days.....3

61-90 days.....4

91-120 days.....5

Over 120 days.....6

59. Drug and Alcohol Tests Administered (Yellow Card(s) in file)

Yes.....1

No.....2

N/A (Jail).....3

Missing.....9

60. Number of Drug and Alcohol Tests Administered (Yellow Card in file)

One.....1

Two.....2

Three.....3

Four or More.....4

None.....5

N/A (Jail).....6

Missing.....9

61. Drug and Alcohol Test Results

Passed.....1, Go To Question 63.

Failed.....2, Go To Question 62.

None.....3

Missing.....9

62. Number of Failed Alcohol / Drug Tests

One.....1

Two.....2

Three.....3

Four.....4

Five or more.....5

None.....6

63. New Arrest while on Supervision (Adult Probation Officers)

None.....1

Under 6 months.....2

7 - 12 months.....3

13 - 18 months.....4

19 - 24 months.....5

More than 2 years.....6

N/A (Prison).....7

Missing.....9

64. Arrest Upon Completion of EM (Check with Adult Probation Officer)

Yes.....1

No.....2

Not Applicable.....3

65. Successful Completion of EM, Probation, Prison

Yes.....1

No.....2

66. Unsuccessful Completion

New Arrest.....1

Technical Violation.....2

Failed Drug Test.....3

Escape.....4

Other Technical Violation.....5 (left work without a window)

Other Termination.....6

67. Classification of Risk @ Time of Release from EM (Risk Assessment, left side of document, take most current form, FOUND IN COMPUTER)

0 - 7.....1

8 - 14.....2

15 or above.....3

Missing.....9

68. Classification Risk Number_____

69. Victim's Name _____

NONE.....9

Missing.....10

70. Victim's Phone No._____

71. Victim's Address_____

_____