

ANALYSIS OF FRONT-END DIVERSION COMMUNITY CORRECTIONS

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INTRODUCTION

Background of Front-End Diversion Community Corrections

1978-79 is the third fiscal year that the legislature has funded front-end diversion, community corrections. In this three-year history of State funding, approximately 1,400 clients have been served, approximately twenty-two percent of whom were non-residential clients.

At the present time, there are seven judicial districts participating in the front-end diversion, community corrections program. The districts are: the 1st. (Jefferson), 2nd. (Denver), 4th (El Paso, two counties), 6th (3-county area, Durango), 8th (Larimer), 17th (Adams), and the 20th (Boulder). The Department of Corrections has also received requests from the 10th (Pueblo) and the 21st. (Mesa) for funding in fiscal year 1979-80.

There are two essential questions that are continuously raised regarding front-end diversion, community corrections. The questions are: (1) Does front-end diversion, community corrections really divert? If so, from what? From probation or from state prisons? (2) What are the specific characteristics of front-end diversion, community corrections clients? Are these characteristics different from probationers or people sent to state prisons?

The first question is difficult to answer. The reason for this is found in the statute itself. The Community Corrections Act (17-27-101 et. seq.) does not define what a true "diversion" client is. Therefore, program participation has been structured differently from district to district, according to statute.

The characteristics of offenders receiving different sentences are determined exclusively by the sentencing courts and judges. The statute, 17-27-105(1)(a), permits judges to place a person who has not yet been to trial in a residential program. Further, 1st. class misdemeanants are also eligible. At the other extreme, the statute does not permit a judge to place a person that has been convicted of a violent offense (as defined by 16-11-309) in a community corrections program. Finally, the statute also in 17-27-105(1)(a), permits people to be placed in community corrections as a condition of probation or deferred prosecution or sentence. Thus, it is fallacious to assert that community corrections serves only those diverted from state prisons when the statute specifically allows the placement of those not eligible for Department of Corrections incarceration. So the question of who is a "true diversion" case is not an appropriate question. The more logical question is what are the characteristics of the three groups, and how much overlap is there between them? Once this information is known, policy or legislative changes can be made to limit overlap in directions considered undesirable.

Purpose of the Study.

Given this framework, this study was designed to answer the following questions:

1. What are the characteristics of the three types of clients in Denver:

probationers, front-end diversion community corrections clients (residential only), and Department of Corrections clients;

2. Do the front-end community corrections clients represent a group that is distinctly different from either of the two other groups, and;
3. Do the front-end community corrections clients more closely resemble the probation population or the institutionalized population?

Further, this study was conceptualized only as an initial description of community corrections in one judicial district. It was not designed to be a statewide analysis. Additionally, it must be remembered that this is not an analysis of the effectiveness of community corrections. Rather, it is an analysis of sentencing groups and their differences.

The remainder of this report briefly outlines the methodology used, and summarizes the results. Problems with the generalizability of these results for statewide implications are discussed, and areas for further analysis are offered.

METHODOLOGY

Sample Selection.

Only one judicial district, the Second (Denver County), was used for this study. This developed for several reasons: 1) Denver County represents one-half of all front-end diversion clients served for fiscal 1977-1978; 2) There are five out of the eleven residential programs in Denver; 3) The total number of clients sentenced in Denver County was large enough to permit analysis; 4) The geographic location was conducive; and 4) The time frame allowed for the study did not permit a statewide effort.

The sample for each subgroup was randomly selected from those persons sentenced to each alternative in Denver district courts from July 1, 1978 through December 31, 1978. These groups and the associated sample sizes are below:

Probation	51
Community Corrections	50
Department of Corrections	<u>49</u>
Total	150

Variables.

Data on forty-eight variables were initially collected. There were four major topic areas covered by these data. They were:

1. Information pertaining to the present sentence;
2. Prior criminal record, both adult and juvenile;
3. Socio-economic data, and;
4. Information on personal problem areas.

The sources of the data were court records, and community corrections, probation and Department of Corrections files. The pre-sentence report was used for the majority of the data, with the offense report and court records as supplements.

Analysis.

There were three types of statistical procedures used in this study. The first was a frequency distribution and was used to develop a profile of the three groups. The second was a measure of association (chi square) and tested whether there were significant differences between these groups. The third was a classification procedure (discriminant function) which was used to determine the degree to which certain variables differentiate between groups. A brief summary of the findings are presented below, by question.

FINDINGS

Characteristics of the Three Client Types

Because of the number of variables on which data was collected, the highlights of the frequency distributions are summarized in terms of a profile of the typical client in the three groups. Detailed frequency distributions are available on request.

Profiles of the Three Client Groups.

Probation. The typical probationer is approximately twenty-six years old and anglo. He was placed on probation for a property crime, which was probably a class four felony. He neither used a weapon nor injured someone in the commission of this offense.

In terms of previous criminality, he was not young when first arrested (mean - 21.6 years old). Further, he has a light criminal record, the probabilities being fifty-fifty for no prior convictions of any kind. He has most likely not been on probation previously, nor has he been incarcerated.

He is most likely to be married and has completed at least high school. His claimed occupation is blue collar, as was his most recent job. He has a fifty-fifty chance of either drug, alcohol, or employment problems.

Community Corrections. The community corrections client is also approximately 26 years old and anglo. Similarly, he was probably placed into community corrections for a property offense, which was either a class 4 or a class 5 felony. Further, neither was a weapon present nor was there injury to victims. (This clearly represents the sentencing policy established in 17-27-101, which precludes violent offenders to be placed in community corrections.)

In terms of prior record, the community corrections client was a juvenile when first arrested, with the mean age at first arrest being 17.9 years old. He is likely to have an extensive misdemeanor conviction record, has been put on probation previously, and has been incarcerated in jail as well. His felony involvement is less likely to be extensive, but total institutionalizations are fairly high.

He is typically unmarried, and has not received a high school diploma. He is more likely to have no claimed occupation, and have no recent job recorded. He was most probably unemployed when arrested. He does not have a drug problem, but very likely has an alcohol and employment problem.

Department of Corrections. The average client incarcerated from Denver County is only slightly younger than the other two groups, being 25.7 years old. He is most probably a minority. He was

incarcerated for either a property crime, or a crime against persons. He is usually incarcerated on a class 4 or 5 felony, although there is a twenty-five percent chance that he was incarcerated for a more severe felony. He has a fifty-fifty chance that he used a weapon, although he probably didn't injure his victims.

He was also a juvenile when first arrested, and was approximately the same age as the community corrections client (mean - 17.6 years old). He most likely does not have a background of misdemeanor convictions, prior probations, or jail sentences; he has, however, a likelihood of prior felony convictions and previous institutionalizations.

He may or may not be married, and usually has not received his high school diploma. He has a fifty-fifty chance of not having claimed any occupation, and has not reported information about his most recent job. He was not employed when arrested. He has neither a drug nor an alcohol problem; he does, however, have an employment problem.

Significant Differences Between the Groups

Given the above summarizations, the categories of variables which significantly differentiate between the groups are not surprising. These categories are severity of the present offense, severity of prior record, and degree of personal problems. Summary tables of the specific variables and discussions are presented below.

Present Offense.

TABLE I
Current Offense Data by Sentencing Alternative

		<u>Probation</u>	<u>Community Corrections</u>	<u>Department of Corrections</u>
Class of Conviction:	1-3	6.0%	8.0%	24.5%
	4-5	76.0%	82.0%	73.5%
	Misd.	18.0%	10.0%	2.0%
Type of Conviction:	Person	13.7%	12.0%	30.8%
	Property	62.7%	68.0%	38.8%
	Drug &	23.6%	20.0%	30.4%
	Misc.			
Used Weapon		13.7%	6.0%	40.8%
Inflicted Injury		13.7%	6.0%	24.5%

All of the above variables are statistically significant in differentiating between community corrections and probation on the one hand, and the institutionalized offenders on the other. Community Corrections clients resemble probationers in terms of the present offense, both in terms of type (property class 4 or 5) and degree of violence. Further, the proportion of misdemeanants decreases as severity of sentence increases. The institutional offenders, in contrast, have a significantly greater proportion sentenced for class 1

through 3 felonies. Additionally, crimes against persons, and weapon use and injury were more frequent in this group. The Community Corrections Act precludes these latter offenders from participating in Community Corrections programs.

Prior Criminal Record.

TABLE II
Prior Record Data by Sentencing Alternative

	<u>Probation</u>	<u>Community Corrections</u>	<u>Department of Corrections</u>
Mean Number of Misdemeanor Convictions	.8	2.2	1.6
Mean Number of Felony Convictions	.2	.8	1.4
Mean Number of Jail Sentences	.4	1.4	1.0
Mean Number of Probations (Adult & Juvenile)	.9	1.2	1.7
Mean Number of Institutionalizations (Adult & Juvenile)	.9	2.4	2.3

With these variables, several patterns emerge. The probationers have, for each variable, significantly less prior record than either of the other two groups. The Community Corrections clients, on the other hand, have significantly more misdemeanor convictions and jail sentences than either of the other two groups, and are not different from the institutionalized offenders in terms of prior probations and institutionalizations. The Department of Corrections clients have significantly more prior felonies than either group, but have similar numbers of prior probations and institutionalizations as do the Community Corrections clients.

Occupational and Personal Problem Area Data.

TABLE III
Personal Information by Sentencing Alternative

	<u>Probation</u>	<u>Community Corrections</u>	<u>Department of Corrections</u>
No Occupation Claimed at Arrest	11.8%	38.0%	44.9%
No Most Recent Job Claimed	3.9%	34.0%	44.9%
Alcohol Problem Claimed	29.4%	46.0%	26.5%
Employment Problem Claimed	47.1%	68.0%	77.6%

Again, the probationers have a significantly better occupational situation and significantly less problems than the other two groups. Community Corrections clients, as a group, did not have a significantly different proportion claiming no occupation at arrest than the Department of Corrections clients, but do have significantly more alcohol problems than the other groups. The

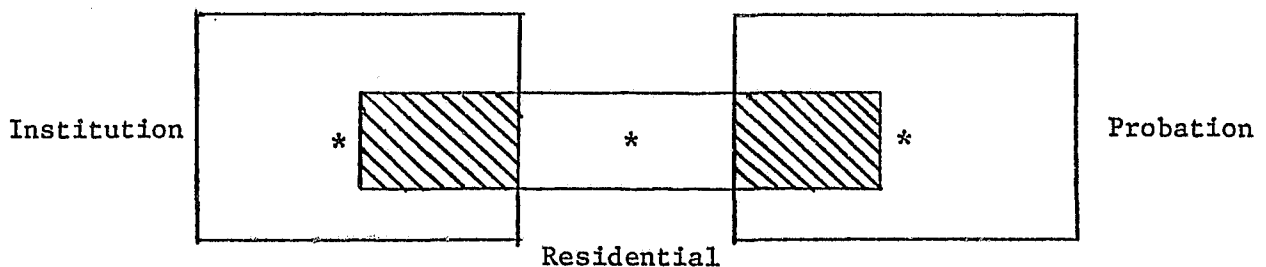
institutionalized offenders have significantly more people with no claimed job and claimed employment problems than either of the other two groups.

To sum up this section, then, the pattern that emerges is quite interesting. Community Corrections clients are statistically different, both from the probationers and from the institutionalized offenders on the basis of prior record as adults (i.e., number of misdemeanor offenses, number of probations, and number of jail sentences). The Community Corrections clients have more extensive prior records on the above variables than probationers and are similar to the institutionalized offenders in terms of number of total prior institutionalizations. The factors which appear to be related to a decision not to incarcerate are that they are not convicted of violent offenses and victims do not normally sustain injuries. Further, the Community Corrections clients have more alcohol related problems than either of the two groups and this factor may be related to the sentencing decision.

Group Resemblance

The preceding analysis shows that Community Corrections clients differ from both probation and institutionalized offenders. Group means, however, can be different while similar offenders receive different dispositions, as is illustrated in Figure 1 below. The analysis presented here deals with group distinctiveness, or conversely, the extent of overlap among the groups. Discriminant analysis is utilized to examine this area of investigation.

FIGURE 1
Illustration of Group Overlap



* Mean of each group.

This approach was used by the Minnesota Department of Corrections in their study which compared Community Corrections to both probation and incarceration (The Social Control Issue, 1977). Because of the clarity of the explanation for this procedure contained in that report, it is quoted here:

"On the basis of defined groups (in this case, dispositional groups) and a set of discriminating variables that measure characteristics on which the groups are expected to differ..., discriminant functions are derived so that the groups are forced to be as statistically distinct as possible. Once the discriminant functions are derived, the individuals in each group are assigned a probability of group membership

which is based on the combination of discriminating variables for each individual. The probabilities allow for comparisons between actual group membership and predicted group membership. To the extent that the discriminating variables are actually used to arrive at dispositional decisions and are consistently applied, actual and predicted membership will be the same." (p. 15)

Comparison of Three Groups.

TABLE IV
Amount of Overlap Between Sentencing Alternatives

<u>Actual Disposition</u>	<u>Probation</u>		<u>Community Corrections</u>		<u>Department of Corrections</u>	
Probation	38	76%	9	18%	3	6%
Community Corrections	10	20%	37	74%	3	6%
Department of Corrections	7	14%	8	16%	34	69%

From the table above, two things are clear. First, there is no more than 31% overlap in any group. This finding falls near the middle of the 24% to 40% range reported by the Minnesota Department of Corrections. Secondly, with the probation group and the community corrections group, the direction of overlap is distinct. Where overlap occurs, probation cases are more likely to fall into the community corrections group than into the incarcerated group; community corrections cases are more frequently predicted to fall into probation than into incarceration. The Department of Corrections group showed the most heterogeneity with only 69% of the cases predicted to receive incarceration actually being incarcerated. When the prediction was other than incarceration, there was no strong tendency to fall into either of the two other groups. Twelve variables were found to be good predictors in this analysis, and were in the areas of prior record, severity of this offense, and socio-economic indicators. Given this data set, it is reasonable to expect the degree of consistency of group membership demonstrated above.

Comparison of Two Groups.

A similar type of analysis can be performed allowing for only two dispositional outcomes, probation or institutions, and determining the group into which Community Corrections cases are predicted to fall. There were twelve variables which were statistically significant in differentiating between probation and institutionalization in this analysis. These twelve, in turn, classified Community Corrections cases to either one option or the other. With the addition of age at arrest, these were the same variables as are in Tables I through III. Table V gives, based on those 12 variables, the predicted and actual membership.

TABLE V
Distribution of Community Corrections Cases
Between Sentencing Alternatives

<u>Actual Disposition</u>	Predicted Membership:			
	<u>Probation</u>		<u>Department of Corrections</u>	
Probation	46	92.0%	4	8.0%
Department of Corrections	6	12.2%	43	87.8%
Community Corrections	26	51.0%	25	49.0%

Given these results, it appears that approximately half of the Community Corrections clients more closely resemble persons being incarcerated, while the other half more closely resemble probationers. It is felt that, given the latitude allowed by statute, this should have been expected.

Generalizability of These Results

Discriminant Function Technique.

While the above analysis is useful in terms of establishing whether the sentencing alternatives represent distinctly different groups, the findings cannot be seen as having statewide implications. For this analysis, the technique could differentiate between groups which had already been sentenced. The outcome which the same technique could have on groups prior to sentencing is not predictable. Further, the reliability and validity of both the three group and the two group analysis cannot be affirmed until the technique is applied to additional samples, both from the same population and the state as a whole. Until that time, the impact of what may be statistical artifact on these findings cannot be determined.

Sampling Limitations.

Because of the evolution of the study design, which was characterized by an initial focus on description and a short time frame, only one judicial district, the largest, was studied. With respect to Denver, certain factors are present there that do not exist elsewhere. For example, Denver has a sentencing guidelines project. This project is designed to allow judges to make only an "in/out" (to prison or not) decision; the judges in Denver follow these established guidelines in 75% of their cases. This is a factor which limits the generalizability of these findings statewide. This is because, in Denver, judges are influenced in their sentencing by a priori expectations not present elsewhere.

Further, Denver has had Community Corrections programs for three years. Because of the historical use of this sentencing alternative, a shift, increasing the seriousness of persons incarcerated, is possible.

Finally, sentencing patterns vary from judicial district to judicial district,

and the types of offenders incarcerated from Denver County may be different from those sentenced elsewhere.

Therefore, while it has been demonstrated that in Denver, Community Corrections serves a particular group of offenders, this finding should not be expanded to statewide generalization.

Areas for Further Research

The first area of interest is in the expansion of this design statewide. By doing this, the Denver County findings can be validated elsewhere. Another area of interest is in a longitudinal analysis of sentencing patterns since the inception of Community Corrections. This would allow for an understanding of the impact, if any, of diversion on types of offenders being incarcerated. An additional area for research is a determination of the amount of probation revocations being placed into Community Corrections in Denver or in other judicial districts that have Community Corrections programs. If the rate with which probation revocations are being sentenced to Department of Corrections has decreased in those districts with programs, perhaps Community Corrections is being used in this way as an alternative to state prisons. This is an area that should be explored if there is continued interest in analyzing the impact of front end Community Corrections.

It is clear that, given the present interest in Community Corrections in Colorado, research in this area will be continued. If the suggestions for further research are acted upon, the level of knowledge concerning the types of clients being served by Community Corrections, as well as the impact of this sentencing alternative on the criminal justice system will increase. With this information, educated policy and legislative changes become possible.