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Executive Director

**Criminal Recidivism
Among Felony-Level
ATI Program Participants in New York City**

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Introduction

Under contract with the Mayor's Office of the Criminal Justice Coordinator (OCJC), the New York City Criminal Justice Agency, Inc. (CJA) has completed a study of criminal recidivism among felony offenders that have participated in an alternative-to-incarceration (ATI) program funded by OCJC. This report provides a summary of the findings from this study. The full report, entitled *Criminal Recidivism Among Felony-Level ATI Program Participants in New York City*, is available from CJA (Savolainen 2001). The seven ATI programs included in the research are as follows: Youth Advocacy Project (YAP), Court Employment Project (CEP), Freedom Program of the Fortune Society, DAMAS Program of the Fortune Society, El Rio Day-Treatment Program, FlameTree Program of the Fortune Society, and Women's Day-Treatment Program of the Project Return Foundation.

The study focused on the comparative analysis of post-program recidivism. The research explored the effects that ATI participation may have on the rearrests of those individuals who complete a program and remain in the community. In order to provide context to these effects, the recidivism of ATI participants is analyzed in comparison with offenders who are similar to the ATI treatment group but who did not participate in an OCJC-funded ATI program in the course of their case processing. Specifically, the ATI participants are compared to two traditional sanction categories: those sentenced to straight probation and those sentenced to incarceration (local jail or state prison).

Data

The ATI population analyzed in this study consists of cases that completed any one of the seven programs between July 1, 1998 and March 31, 2000, and remained in the community thereafter. It should be emphasized that the final ATI study sample is not representative of all the cases mandated to participate in these programs. Notably, this study does not include cases that recidivated while in the program and were sentenced to incarceration as a result. In general, by virtue of the fact that they remained in the community upon their release from an ATI program, the participants tracked in this study can be deemed to represent a somewhat “benign” slice of the ATI population. On the other hand, in order to trace the effects of ATI participation on the recidivism of participants, it is necessary to focus on those cases that remain in the community at risk of recidivism.

The ATI sample ($N=1,005$) consists of cases that have exited their program(s) between July 1, 1998 and March 31, 2000. Each case is tracked for recidivism for up to one year but no further than September 30, 2000. (The median length of the follow-up period is 365 days.) As a key element of the study, the recidivism of ATI participants was compared to that of similar cases sentenced to prison, jail, or probation. To ensure the similarity of these three comparison groups, each of them was matched with the ATI sample in terms of the following characteristics:

- Gender
- The type and severity of the instant offense

- Prior criminal history
- Time at risk of recidivism (the follow-up period)
- Borough of prosecution, and
- Detention status leaving criminal court arraignment.

In other words, each comparison group is constrained to be identical to the ATI sample with respect to the above characteristics. (Multivariate analyses were conducted to adjust for any remaining dissimilarities between the ATI participants and their matched comparison cases.)

The measures of criminal recidivism are limited to cases that come to the attention of the New York City criminal justice system. While rearrest is used as the principle indicator of recidivism, this study also attends to arraignment, indictment, and conviction level data. Measures of recidivism are broken down by both charge type (violent, property, or drug) and severity (misdemeanor or felony). Finally, recidivism is analyzed from the perspective of prevalence (the proportion of cases that recidivate at least once), incidence (frequency of recidivism in these groups), and timing (the proportion of cases surviving the risk of recidivism at different points of the tracking period).

Findings

Basic comparisons

The first sequence of analyses involved simple (bivariate) comparisons between the ATI sample and its matched comparison groups. Crude for most situations of social scientific research, this method should yield fairly robust results given the quasi-experimental framework of the present study. The findings from these basic comparisons can be summarized as follows:

- About 40 % of the ATI participants were rearrested within one year from program exit
- About 25 % of the ATI participants were convicted on the first rearrest
- About 20 % of the first rearrests lead to a felony indictment
- The prevalence of recidivism among ATI participants does not differ from that of cases sentenced to probation or those discharged from state prison
- Cases released from jail are about 1.2 times more likely to recidivate than ATI participants (9 percentage point difference in rearrest)
- The analyses of the incidence and timing of recidivism confirm this pattern of findings: the ATI participants are no different from the probation or prison samples, but cases discharged from a City jail recidivate more frequently and more quickly than cases released from an ATI program
- This same pattern is sustained even in comparisons featuring only those ATI cases that successfully completed the program (as opposed to cases that were “unsuccessfully terminated”)

Multivariate analysis

To ensure the reliability of the findings based on basic comparisons, and to enable more refined analysis of the data, we turned to multivariate modeling. For reasons of methodological efficiency, this part of the analysis is limited to the timing of first rearrest. For the most part, these analyses sustain the findings based on basic comparisons.

- Cases discharged from jail remains the only group that is statistically different from any other category of criminal justice intervention
- The risk (hazard ratio) of recidivism in the jail sample is estimated to be about 1.3 times higher than among probationers, parolees, or ATI participants
- None of the seven ATI programs exhibits statistically significant variation from this basic pattern
- The effect of ATI participation on criminal recidivism is the same regardless of whether a case is deemed as “successful” or “unsuccessful” in the program

Conclusions

The purpose of this study is to evaluate the impact of ATI participation on the volume and nature of recidivism following program exit. In order to provide context for the findings, the recidivism outcomes of ATI participants were compared to those of a matched sample of cases from three different categories of penal intervention: probation, jail, and prison.

The results concerning the recidivism of ATI participants vary sharply depending on the comparison group. There are no significant differences in recidivism between ATI participants and cases sentenced to probation or state prison. On the other hand, ATI participants recidivate significantly less than cases discharged from incarceration in a New York City jail. Despite some minor variation in program-specific results, none of the seven ATI programs included in the analysis deviates from this basic pattern.

Thus, the main conclusion of this study is that cases sentenced to jail are more likely to recidivate than ATI participants or cases sentenced to probation or prison.

An adequate explanation of this finding is beyond the scope this study, the sole focus of which is on the ATI participants. However, one can speculate some possible explanations that might be pursued in future research. One characteristic that seems to distinguish between jail cases from the three other categories is the absence of post-release supervision. Cases discharged from

prison have to report to their parole officer and probationers to the probation officer (probation is also a typical sentence for an ATI participant who remains in the community). Another perspective could argue that the results concerning the inferior performance of the jail intervention is a function of a certain sub-population that is either rejected by other interventions or is handled with more success by them. For example, a history of mental health problems is one important characteristic that precludes a defendant from participating in any of the seven ATI programs included in this study. Thus, a jail-bound case that would otherwise qualify for an ATI treatment will end up in jail, which may not be the optimal form of criminal justice intervention for people with mental illness (Barr 1999).

Finally, according to another robust finding from this study, cases deemed as successful in the program did not recidivate any less than cases that were unsuccessfully terminated. To be sure, simply by virtue of remaining in the community upon program exit, the sample of unsuccessful ATI cases included in this study represents a relatively “successful” segment of the unsuccessful population. Nevertheless, this finding implies that the qualitatively major difference between success and failure in an ATI program does not translate into a statistically significant difference in recidivism.

References

Barr, Heather 1999: *Prisons and Jails: Hospitals of Last Resort. The Need for Diversion and Discharge Planning for Incarcerated People with Mental Illness in New York*. New York, NY: The Correctional Association of New York.

Savolainen, Jukka 2001: *Criminal Recidivism Among Felony-Level ATI Program Participants in New York City: Final Report*. New York, NY: New York City Criminal Justice Agency.