An evaluation design for the Montana Department of Corrections and Human Services' Intensive Supervision Program.

Kent R. Wilcox

The University of Montana
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AN EVALUATION DESIGN FOR
THE MONTANA DEPARTMENT OF CORRECTIONS
AND HUMAN SERVICES'
INTENSIVE SUPERVISION PROGRAM

by

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B.A. the University of Montana, 1982

presented in partial fulfillment of the requirements

for the degree of

Master of Public Administration

The University of Montana

1995

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April 21, 1995
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Statement of the Problem</td>
<td>3</td>
</tr>
<tr>
<td>The Importance of Program Evaluation</td>
<td>3</td>
</tr>
<tr>
<td>Statement of Purpose</td>
<td>6</td>
</tr>
<tr>
<td>2. INTENSIVE SUPERVISION IN AMERICAN CORRECTIONAL SYSTEMS</td>
<td>9</td>
</tr>
<tr>
<td>Description of Intensive Supervision Programs</td>
<td>9</td>
</tr>
<tr>
<td>ISPs as Intermediate Sanctions</td>
<td>12</td>
</tr>
<tr>
<td>Problems Intensive Supervision Programs Face</td>
<td>13</td>
</tr>
<tr>
<td>3. MONTANA’S INTENSIVE SUPERVISION PROGRAM</td>
<td>16</td>
</tr>
<tr>
<td>Selection of ISP Clients</td>
<td>19</td>
</tr>
<tr>
<td>ISP Program Conditions</td>
<td>20</td>
</tr>
<tr>
<td>ISP Phase Levels</td>
<td>21</td>
</tr>
<tr>
<td>4. THE EVALUATION DESIGN</td>
<td>24</td>
</tr>
<tr>
<td>The Operational Definitions</td>
<td>25</td>
</tr>
<tr>
<td>The Operational Definition of Recidivism</td>
<td>25</td>
</tr>
<tr>
<td>Recidivism as an Indicator of Public Safety</td>
<td>29</td>
</tr>
<tr>
<td>Recidivism as an Indicator of Rehabilitation</td>
<td>30</td>
</tr>
<tr>
<td>The Variables Selected</td>
<td>33</td>
</tr>
<tr>
<td>Biographical Characteristics of Offenders</td>
<td>34</td>
</tr>
<tr>
<td>Criminal Histories of Offenders</td>
<td>39</td>
</tr>
<tr>
<td>Program Variables</td>
<td>42</td>
</tr>
<tr>
<td>Recidivist Behavior by ISP Participants</td>
<td>46</td>
</tr>
<tr>
<td>Recidivist Behavior by ISP Graduates</td>
<td>51</td>
</tr>
<tr>
<td>5. SUMMARY</td>
<td>56</td>
</tr>
<tr>
<td>Exhibit 1</td>
<td>58</td>
</tr>
<tr>
<td>Exhibit 2</td>
<td>60</td>
</tr>
<tr>
<td>Exhibit 3</td>
<td>61</td>
</tr>
<tr>
<td>Exhibit 4</td>
<td>62</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>63</td>
</tr>
</tbody>
</table>
CHAPTER 1
INTRODUCTION

Correctional officials throughout the United States have faced significant increases in prison populations in the last several decades. Combined state and federal prison populations increased by nearly 150% between 1980 and 1991, from 315,974 to 789,347 prisoners (U.S. Bureau of Justice Statistics 1992:608). Virtually every correctional system expects continued increases in prison populations through 1995, often beyond the capacity of existing prisons (Bureau of Justice Statistics 1992:619-621). Increasing prison populations have resulted in prison crowding and strained fiscal and personnel resources.

The causes of increased prison populations are varied. In part it is due to a public perception that crime rates are increasing and public attitudes calling for tougher responses to crime. With the prevailing "get tough" attitude by the public, state and federal governments have initiated wars on drugs and crime, "three strikes -- you're out" legislation, and other legislation mandating lengthier prison terms. Construction of new facilities has not kept up with the steady increase in the number of offenders sentenced to prison. Many prisons have been forced into double-bunking, a practice in which prison cells or dormitories exceed the number of inmates for which they were originally designed. Overflowing prisons in this manner can cause serious health and safety problems for inmates and staff.

With prison populations expected to continue increasing, and with courts requiring correctional systems to reduce crowding, correctional officials are searching for non-incarcerative options that still meet punishment, rehabilitative, and public safety objectives.
These options include increased use of probation, parole, pre-release centers, and other community-based sanctions. However, many community-based sanctions do not meet the supervision and treatment needs of the offenders who may be released back into a community. The American correctional system has been, essentially, a bifurcated system, depending heavily on imprisonment and probation for punishing and incapacitating offenders. Prison has remained a primary sanction for punishing and incapacitating felony offenders; it is a harsh and socially expensive sanction. Regular supervision of probationers and parolees, however, provides minimal supervision and may have little punitive or incapacitative functions. For many crimes prison may be too severe, but regular probation may be an inadequate response given the seriousness of the crime and the rehabilitative needs of the offender. Anything less than prison is likely to be considered "getting off."

One community-based sanction that has gained favor among administrators over the last decade, a sanction that provides intermediate levels of supervision and punishment, is intensive supervision for probationers and parolees. Intensive Supervision Programs (ISPs) in their present form were first developed by the State of Georgia in response to court mandates requiring the state to reduce crowding in the state's prisons. An ISP, in generic terms, is simply a probation or parole program which places more restrictions on clients, provides for closer supervision of clients, and is less tolerant of technical violations than regular probation and parole programs.
Statement of the Problem

Montana has not escaped the problems of prison crowding and the increased burdens on its prison that so many other states and the federal government face. Montana State Prison in Deer Lodge has experienced a steady increase in its average daily prison population. Designed to house 850 inmates, the average daily inmate population has increased from 907 inmates in 1986 to 1,233 in 1994. Montana's Department of Corrections and Human Services (DCHS) has set a goal to reduce its prison population to 850 inmates (Ferriter 1994). As part of the effort to achieve this goal, Montana implemented an ISP as a sentencing option for District Judges and an early release option allowing correctional officials to release inmates otherwise not eligible for parole or considered poor risks for regular supervision. DCHS implemented an ISP pilot program in Billings in 1987 and has since added programs in Missoula, Great Falls and Helena. Mike Ferriter, Chief of the Probation and Parole Bureau of DCHS, will be approaching the 1995 Montana Legislature for authority to expand the existing programs and create additional programs in the Bozeman, Butte and Helena areas (Ferriter 1994). Now that initial implementation of Montana's ISPs has begun, it is important to establish mechanisms for evaluating their effectiveness.

The Importance of Program Evaluation

While Montana is considering expanding its ISP, the early results from ISP evaluations around the country indicate that ISPs may not be meeting the expectations of correctional officials. ISPs are based on the premise that high levels of supervision and a
highly structured supervision program will allow higher risk felony offenders to be released into the community without placing the community at undue risk. That proposition is now being questioned. Early results indicate that ISPs have not been particularly successful in achieving that goal. A study by Petersilia and Turner in 1990 comparing high risk offenders on intensive supervision and regular supervision in California found few differences in the number of technical violations and arrest rates between the two types of programs. Petersilia and Turner are quick to point out, however, that their results are only preliminary and that there are several possible explanations for the high recidivism rates in their study, rates even higher than those found in other ISP evaluations. Differences in recidivism rates, for example, could be a function of program design or the types of offenders placed in the program (Petersilia and Turner 1990).

Alternatively, the minimal differences in arrest rates for the two groups in Petersilia and Turner's study may be a function of the ISP concept itself. Several assumptions underlie the development of ISPs. Correctional specialists believed that strict program conditions, increased surveillance, and the threat of imminent incarceration would discourage new criminal behavior as well as increase the opportunity for early intervention, including revocation of probation or parole, thereby reducing the opportunities for ISP participants to commit new crimes. The results of Petersilia and Turner's study, however, indicated that the higher levels of supervision present in ISPs had little impact on the number of technical violations committed. ISP participants were just as likely to commit technical violations as offenders on regular supervision.
ISPs do provide supervision levels which allow correctional officials to monitor ISP participants much more closely and identify early behaviors which indicate a return to criminal behaviors and allow early intervention. The inverse argument is that closer supervision would lead to more violations being detected. Since most ISPs use incarceration as a primary sanction for technical violations, it is likely that ISPs will also experience higher levels of probation or parole revocation. For correctional systems using ISPs to reduce crowding and make space available for new prison commitments, some programs may actually compound the crowding problem by increasing the number of offenders returned to prison.

While these observations have been found in ISPs around the country, it would be premature to dismiss ISPs as an experimental failure. Petersilia and Turner's study was conducted using randomized sentencing placement of eligible offenders into either the ISP or a control group on regular supervision. It did not examine the ISP success rates of participants by personal or criminal history characteristics or by program type. Petersilia and Turner do state a need to identify profiles of "successful" ISP participants (Petersilia and Turner 1990).

Clearly there is a need to develop more sophisticated data collection systems so that a truer picture of ISP effectiveness can be established and to identify appropriate roles for ISPs in correctional systems. Data collection systems need to address several areas of interest. First, identification of participant biographical and criminal history characteristics is essential for an evaluation. This element is essential for determining if an ISP is targeting the types of offenders the program intended to target. Identification of
participant characteristics is also necessary for identifying profiles of successful participants. The second area of interest is recidivist behavior. Correctional administrators need to know the types of recidivist behaviors committed by participants and the frequency of the recidivist behaviors. A third area of interest relates to program conditions. Program conditions would include variables related to levels of supervision, ISP sites, and treatment, counseling, or other program requirements. Analysis of participant characteristics, recidivist behaviors, and program conditions provides valuable information about the effectiveness of specific program conditions in addressing public safety or rehabilitative concerns.

**Statement of Purpose**

Montana's ISP, like most other ISPs, was designed for offenders considered to be at high risk for recidivist behavior and thus a risk to public safety. Placing high risk offenders into community-based correctional programs raises at least two key questions. First, can the state place high risk offenders in an ISP without undue risk to the public? If the state intends to divert or release higher risk offenders into the community, it has an inherent responsibility to minimize risk to the community through the client selection process and client monitoring systems. Second, can the ISP provide the appropriate treatment programs to help rehabilitate clients and reduce future burdens on the criminal justice system? Correctional officials must address these two issues when deciding to place an offender in an ISP or when making policy decisions. Evaluation of placement policies and program effectiveness is frequently measured using recidivism rates;
correctional officials want to know the rate at which offenders return to previous criminal or deviant behaviors while in a correctional program or after release from prison or another correctional program.

Since the implementation of its ISP, the Montana Department of Corrections and Human Services (DCHS) has not conducted a formal evaluation of its ISP. The purpose of this professional paper is to develop and present an evaluation design for facilitating ongoing program evaluation of Montana's ISP. It is also intended that this evaluation design will serve as an internal management tool providing DCHS with information to be considered in evaluating existing policies or making future policy decisions. To evaluate how effective Montana's ISP is at accomplishing the stated goals and objectives relating to public safety and rehabilitation, a data collection system will be presented which identifies variables needed to evaluate the program. These variables are divided into four separate groups, or components, representing different aspects of the ISP. This classification system will allow DCHS to measure recidivism rates of ISP participants and ISP participants who successfully complete the program. Additionally, variables presented will allow DCHS to measure recidivism rates while controlling for client characteristics, program conditions, and types and frequency of recidivist behaviors.

The first component of the design is a classification system for identifying the biographical and criminal history characteristics of ISP participants. The second component is a set of program variables. Program variables include site information and program requirements such as counseling referrals, community service obligations, and training requirements. The third component consists of variables for measuring recidivist
behaviors of ISP participants as a measure of the ISPs public safety objectives. The variables selected for this component will identify the nature and frequency of recidivist behaviors, supervision levels for participants when recidivist behavior occurs, and the outcomes of ISP participants. The fourth component consists of variables for measuring recidivist behaviors of ISP participants who successfully complete the program, referred to as ISP graduates, as a measure of the ISP's rehabilitative objectives. The variables selected for this component will identify the nature and frequency of recidivist behaviors, outcomes of regular supervision during a three-year tracking period, and several variables identifying program conditions of regular supervision. The variables presented will also allow analysis of measure correlations among recidivism rates of ISP participants and graduates, client characteristics, and program variables. Use of this design will provide information necessary for evaluating existing policies and considering for future policy decisions.

This evaluation design is non-experimental and will use offender case files maintained by DCHS. Convicted offenders placed under the jurisdiction of DCHS are assigned a unique identification number and case file. Client information needed for an evaluation of the ISP using this design is available in each offender's case file.
CHAPTER 2

INTENSIVE SUPERVISION IN AMERICAN CORRECTIONAL SYSTEMS

Virtually every state and the Federal government has implemented some form of intensive supervision program. While ISPs came to prominence in the 1980s, the concept dates back to the 1960s. Early forms of ISPs were used as case management tools allowing probation and parole agencies to allocate resources more appropriately. ISPs continued through the 1970s and into the 1980s, often with little notice. Their reintroduction in the early 1980s was primarily a response to budgetary concerns and court mandates to reduce prison crowding. Although ISPs do have rehabilitative goals, today's ISPs have focused on the incapacitation and surveillance of program participants. ISPs have been designed to detect deviant behavior early, provide immediate correctional intervention, and return recalcitrant offenders to prison before they can commit a serious offense.

Description of Intensive Supervision Programs

Intensive supervision programs vary so greatly that the term has no precise meaning. The term "intensive supervision" has become a generic label referring to community-based programs that are more restrictive than regular probation or parole programs in a particular jurisdiction. Two characteristics are common among most intensive supervision programs. First, most ISPs claim to select high-risk offenders. High risk offenders are persons whose biographical characteristics and criminal histories
indicate that they are at high risk for recidivating. Second, most ISPs place strict conditions on the movement, and social and economic autonomy of participants. While many of the restrictions or conditions placed on ISP clients are similar to those placed on regular parolees and probationers, ISP conditions are more restrictive and ISP clients are monitored more closely. Also, ISPs tend to use the threat of imminent incarceration to deter offenders from violating the conditions of the program.

Most ISPs intend to target offenders considered to be at high-risk for committing new crimes. An offender's risk for recidivist behavior, risk to public safety, and potential for rehabilitation are determined using risk/needs assessment tools. Risk/needs assessment tools measure potential for recidivism and rehabilitation based on the statistical likelihood that offenders with certain profiles are more at risk for recidivating. While the target group is high-risk offenders, most ISPs tend to exclude "serious" or "dangerous" offenders convicted of committing heinous or violent crimes (Clear and Hardyman 1990.) The very nature of the target group necessitates greater levels of supervision and restrictions on ISP participant activities.

To reduce the threat to public safety, ISPs greatly restrict offender autonomy of movement by imposing strict curfews and scheduling requirements on offenders. While ISPs frequently require clients to work or be enrolled in an approved educational program, attend counseling, or participate in other specified activities, they otherwise are required to remain at their residence. ISP officers meet more frequently with their clients, often several times a week compared with several times a month or less for offenders under regular supervision. Curfews are monitored using home electronic monitoring (HEM)
systems or surveillance by ISP staff. ISP officers also monitor the progress of participants through collateral contacts with employers, counselors, family members or acquaintances. ISPs are often considered an offender's "last chance" and sanctions for technical violations are usually swift and severe. Technical violations frequently overlooked on regular supervision are not tolerated and are more likely to result in the participant being returned to prison.

In addition to restricting their movement, ISPs frequently place other restrictions on clients that are intended to prevent or discourage offenders from engaging in behaviors linked to recidivist or criminal activity. Most programs forbid clients from using drugs and alcohol. Clients may be monitored using urinalysis, blood-analysis, or breath-analysis. ISP conditions may restrict the social autonomy of offenders by denying offenders the right to socialize with individuals considered to be negative influences such as other probationers, parolees, or gang members. Judges and correctional officials have great latitude in imposing on an ISP participant any restrictions considered necessary for protecting public safety.

ISPs also tend to expand the availability and use of community services and community-based punishments. Clients may be required to obtain counseling, enroll in treatment programs, perform community service, or make restitution. These conditions, which may be either punitive or rehabilitative, are intended to impress upon clients the need to accept responsibility for their past criminal behavior, teach concepts of community responsibility, and help clients learn new crime-free lifestyles.
ISP as Intermediate Sanctions

While the new ISPs were developed primarily in response to prison crowding and fiscal constraints, penal reformers advocate the use of intermediate sanctions such as ISPs to make sentencing fairer and more proportionate to the crime(s) committed. In 1962 the American Law Institute published the Model Penal Code advocating fairer and more predictable punishments. The Model Penal Code emphasized preferences for non-incarcerative punishments (Morris and Tonry 1990). Punishments are and should be on a continuum with graduated punishments related to just desert, equality, punishment and proportionality. However, American penal systems have long been polarized between incarceration, the most restrictive sanction, and probation, the least restrictive sanction.

The American correctional system has been, essentially, a bifurcated system. Traditionally, it has depended on imprisonment and probation. Prison has remained a primary sanction for punishing and incapacitating felony offenders and is a harsh and socially expensive sanction. Regular supervision of probationers and parolees, however, provides minimal supervision and has few punitive or incapacitative functions. With large, burdensome caseloads, many correctional officers may have contact with their clients several times a month or less. For many crimes prison may be too severe, but regular probation may be an inadequate response given the seriousness of the crime and the rehabilitative needs of the offender. Anything less than prison may be considered "getting off." In short, ISPs represent a type of sanction that, on a continuum between incarceration and probation, rests somewhere between the two.
Morris and Tonry (1990) refer to ISPs as "intermediate sanctions," rather than alternatives to incarceration. They posit that the "use of the word 'alternatives' assumes that these punishments are substitutes for real punishments. It assumes that the norm of punishment is imprisonment, against which all other punishments are measured" (Morris and Tonry 1990:4). The development of ISPs has been a significant step forward in the development of intermediate sanctions. ISPs are not a panacea for prison crowding. They are sentencing and placement options that can help officials reduce prison crowding while satisfying punishment, rehabilitation and public safety concerns. As ISPs have re-emerged in the last decade, rehabilitation objectives have been balanced against risk control strategies, surveillance, and close monitoring of participants to minimize the risks to public safety.

Problems Intensive Supervision Programs Face

While ISPs have been heralded as one of the solutions to prison crowding as well as a step forward in providing more appropriate sentencing and placement options for offenders, studies of ISPs have identified a number of issues that may reduce their effectiveness in meeting established objectives. Problems identified have included "net-widening," selection processes that fail to target offender groups as intended, failing to reduce recidivism rates as intended, and the possibility that some ISPs may actually increase prison crowding.

"Net-widening" occurs when judicial and correctional staff use ISPs for purposes other than as originally intended. ISPs may be used to extend the level of correctional
control beyond what was intended. Judges and other agencies within the justice and correctional systems may over-ride the recommendations of screening committees. For example, a judge may sentence an offender to an ISP rather than regular supervision because of his desire to impress upon an offender the seriousness of the offense, despite the fact that the offender may not need the supervision levels provided by the ISP (Jones 1990). One of the purposes of ISP evaluative research is to analyze a program's effectiveness in selecting offenders from the target group.

The selection process also may exclude offenders in the target group. The problem may be systemic in that ISP staff may reject candidates considered too risky, and yet these rejected, high-risk candidates may be placed in regular supervision programs at a later time. The result may be that profiles of ISP participants do not vary significantly from offenders on regular supervision in some correctional systems (Clear and Hardyman 1990).

Another problem that may be particularly troublesome for some correctional agencies is that some ISPs may actually increase the problem of prison crowding. Despite the premise that intensive supervision would discourage ISP participants from recidivating or identify recidivist behaviors early so that intervention may be made before a serious criminal offense is committed, some studies have found no significant differences in the recidivism rates of similar offenders in ISPs and regular supervision programs. One study found that recidivism rates may actually increase given the higher risk offenders placed in the program and the higher levels of supervision (Turner, et al. 1992). One of the reasons is that intensive supervision increases the likelihood that technical violations will be
detected, which may result in higher rates of program termination. If offenders are released into ISPs to reduce prison crowding or to make space available for new commitments, high revocation rates for ISP participants may compound existing crowding problems.

This program evaluation design is not intended to address these specific issues. No attempt is made to compare ISP participants with offenders on regular supervision. However, the variables presented will provide profiles of participant characteristics which can be used to determine how well the selection process is selecting offenders from the target group. And, while this evaluation cannot evaluate how well the program is reducing prison populations, it will provide information about recidivism rates that can be used to forecast recidivist activity and revocation rates.
CHAPTER 3
MONTANA'S INTENSIVE SUPERVISION PROGRAM

The first step in designing a program evaluation is examining the purpose of the program and the stated goals and objectives. Montana's ISP was designed to provide supervision to adult felony offenders who would otherwise be sentenced to prison, parole violators who would have been returned to prison; prison inmates who otherwise would not be granted a parole; and Department of Corrections Commitments to ISP until parole eligibility (State of Montana, 1994:2).

In summary, Montana's ISP was designed for offenders who are at high risk for recidivism or otherwise are considered poor candidates for probation or parole under regular supervision. ISP clients tend to have an extensive history of criminality. ISP participants are more likely to be repeat offenders or to have committed more serious offenses. Montana's ISP was designed to be an intermediate level sanction offering DCHS, the state Parole Board, and judges a community-based placement option for high-risk felony offenders while providing necessary treatment, addressing public safety concerns, and subsequently, will reduce the burdens criminal behavior places on the criminal justice system.

The stated goals and objectives of the ISP program are

**Goal 1:** To provide a cost effective sentencing/placement option that satisfies punishment, public safety and treatment objectives.

**Objectives:**
1.1 Provide a cost-effective community placement option for offenders who otherwise would be incarcerated.
1.2 Promote public safety by providing surveillance and risk control strategies indicated by offender risk/needs profiles.
1.3 Increase the availability of treatment resources to meet offender needs.
1.4 Promote crime-free lifestyles by requiring program participants to be employed and/or attend school, to abstain from alcohol/drug use and to pay restitution.

Goal 2: To decrease burdens of crime on the criminal justice system.

Objectives:
2.1 Redirect criminal behavior by promoting a substance-free lifestyle.
2.2 Enhance the use of community resources in the identification, control and treatment of chemically dependent offenders.
2.3 Increase the likelihood of successful offender reintegration into the community.
2.4 Provide an alternative to incarceration in Montana State Prison.
2.5 Provide information relevant to sentencing decisions, parole conditions and admissions to Intensive Supervision programs (State of Montana, Probation and Parole Bureau, Intensive Supervision Program Handbook, 1994:2).

These goals and objectives indicate two distinctly different purposes of the ISP. First, public safety concerns are to be addressed through program conditions that reduce the opportunities for criminal behavior by participants. Second, rehabilitative goals are to be addressed by encouraging participants to learn new behaviors and lifestyles under the supervision of ISP officers.

Montana's ISP was designed to serve as both a diversionary program and an enhancement program. Diversionary programs attempt to limit the number of offenders entering prison by identifying prison-bound offenders who were considered poor risk for regular supervision and placing them in appropriate community based programs. DCHS defines "diverted offenders" as
...a person, convicted of a felony, who the Sentencing Court/Judge has determined presents a minimum risk to the community, and has the potential of maintaining acceptable behavior in the community without being sentenced to a term at Montana State Prison or the Women's Correctional Center (Montana Department of Corrections and Human Services, 1994:10).

While the sentencing judge or DCHS personnel may believe the person has potential to succeed in the community, it is also understood that diverted offenders often need higher levels of supervision than regular supervision provides. While the above description refers to a "front door" diversion program, placement in a non-incarcerative program, the state also uses its ISP as a "back door" diversionary program. A "back door" program is used to release incarcerated offenders who are considered poor risks for regular parole supervision into the community under the increased supervision of the ISP.

In addition to the diversionary features of the program, Montana also uses the ISP program as an enhancement program. Enhancement programs select offenders who have demonstrated an inability to succeed while on regular supervision, but who, correctional officials believe, may do better with increased supervision and a more structured program. Policy No. 140-8 issued by Mr. Ferriter, June 1, 1990, established the need to explore and use alternative sanctions, including the use of ISPs, when appropriate for clients who have repeatedly violated the technical conditions of regular supervision as long as an alternative sanction does not jeopardize public safety (Ferriter 1994). While the diversionary features of the program are designed to provide a sentencing and placement option for District Court Judges and DCHS, the program also provides probation and parole officials with another sanction for clients who demonstrate an inability to succeed on regular supervision.
Montana developed its ISP using the Georgia ISP as a model. Georgia's ISP is considered one of the toughest programs in the nation. While control of participants is the primary element of Montana's ISP, the program does have a significant rehabilitative element. The ISP requires or encourages participants to attend appropriate counseling and training that will help them learn and adopt a law-abiding lifestyle.

**Selection of ISP Clients**

Offenders may be referred to an ISP by one of three processes:

- Convicted offenders may be sentenced to an ISP by a District Court Judge as an alternative to prison.
- The Parole Board may select Montana State Prison or Women's Correctional Center inmates for early parole into an ISP.
- Convicted offenders sentenced to Direct Commitment to DCHS may be referred to an ISP program if deemed appropriate by DCHS.

Offenders sentenced to an ISP by a District Court Judge are classified as ISP probationers. The District Court Judge may impose restrictions or conditions upon an ISP probationer in addition to the regular program conditions and has the final authority to revoke an offender's probation. District Judges may also sentence offenders who have failed on regular probation to an ISP program.

Inmates at the Montana State Prison or Women's Correctional Center may be selected by the Montana Board of Pardons and are ISP parolees. ISP parolees must follow all special conditions imposed by DCHS and the Board of Pardons. DCHS conducts revocation hearings and has authority to revoke a participant's parole.
Finally, offenders sentenced to Direct Commitment to the Department of Corrections and Human Services are evaluated by DCHS and may be selected for placement in an ISP and are classified as inmates. Revocation hearings for inmates are conducted by DCHS.

Potential program participants are screened by a committee consisting of local ISP officers and a representative from a local law enforcement agency. Other individuals may be included in the screening process if appropriate. The screening committee reviews pre-sentence investigation reports, an offender's case history, and any other information considered relevant to a participant's performance in the program. The committee submits its recommendation to the District Judge or DCHS for final approval. Although the committee does not make the final decision on client selection, committee recommendations are a primary consideration in an offender's selection for the program.

ISP Program Conditions

Montana's ISP is designed to restrict the movement of offenders and allow frequent and random verification of client schedules. In addition to strict curfews, participants must submit for approval to their supervising ISP officer a weekly schedule with a detailed descriptions of activities for each day, including work, school, or other program requirements. Participants must submit for approval by the supervising parole and probation officer a list of visitors. Participants are required to be employed, actively seeking employment, or enrolled in an approved training or educational program. They are also required to complete the program's community service requirements, make
restitution as required, complete any other court-ordered sanctions, and pay a portion of their supervision costs.

Participants are required to abstain from drug and alcohol use and must submit to frequent and random urinalysis or breath-analysis tests. Clients are not allowed to leave the county in which they reside; however, program officials may make exceptions for special circumstances such as work requirements. Failure to abide by special or program conditions may result in sanctions such as a reductions in phase level, loss of privileges, verbal warnings, additional community service or revocation of ISP status and commitment to Montana State Prison. Montana's ISP is an offender's "last chance" and technical violations are not tolerated.

**ISP Phase Levels**

Montana's ISP is a nine-month program with three separate phases. Each phase has a different level of supervision with Phase I being the most restrictive and Phase III being the least restrictive. While the conditions of the program remain essentially the same in all three phases, as offenders progress through the program, each phase provides an offender with the opportunity to demonstrate his or her ability to abide by program conditions with less supervision. ISP officers may award six-hour passes to participants. Offenders may use the passes for a variety of purposes as long as it does not violate any program conditions. Offenders must remain in each phase for at least 90 days before progressing to the next phase. Clients must successfully complete the requirements of each phase before progressing to the next phase. An ISP officer may extend a client's
current phase beyond the minimum 90 day period if he or she determines the client is not ready to proceed to the next phase. Also, an ISP officer may reduce a client's phase level for unsatisfactory progress or as a sanction for a technical violation. To graduate from the ISP a client must successfully complete all three phases of the program.

Initially, all Phase I clients are monitored using HEM, an electronic system requiring the client to wear a wristlet. A computer is programmed to randomly call clients. When the computer calls, the client must insert the wristlet into a device connected to the telephone which verifies the client is at his residence and adhering to curfew restrictions. While in Phase I clients are required to meet in person with their supervising officer twice a week and make at least one telephone contact each week. The supervising officer also makes weekly collateral contacts with employers, counselors, or other persons who may provide information about a client's progress in the program.

When clients progress to Phase II, HEM may be discontinued. However, the supervising officer has the authority to place a client back on HEM if he deems it appropriate. As offenders progress to each subsequent phase the level of supervision declines. Phase II clients must meet their supervising officer face to face once a week and make telephone contact once a week. ISP officers make at least one collateral contact every two weeks.

Phase III clients must meet their supervising ISP officer face to face once a week. Also, clients at Phase III may receive unlimited passes at the discretion of the supervising officer. Passes allow offenders to be away from their residences during regular curfew hours. Clients in Phase III may also be granted emergency travel out of the county with
permission from the supervising officer or out-of-state with approval by the regional supervisor.
CHAPTER 4

THE EVALUATION DESIGN

The most widely used indicator for measuring the public safety and rehabilitation objectives of correctional programs is recidivism. This evaluation design will use recidivism rates as the criterion variable. Although providing for public safety and rehabilitating offenders are separate objectives, the former relating to client selection and control, and the latter referring to the treatment of offenders, an evaluation can use recidivism rates to measure both objectives. Raw recidivism rates provide only minimal insight into the success of a program and virtually no information that is useful for evaluating existing policies and making future policy decisions. However, examining correlations among recidivism rates and other variables can provide information about the effects of various policies, evidence that existing policies need to be reevaluated, and information useful for future policy decisions.

Also, the type of recidivist behaviors may be important factors and need to be identified. Differentiating among commission of new felony offenses, misdemeanor offenses, and technical violations, as well as the various types of offenses within each level of violation is necessary. While all of these activities may be considered recidivist behavior, the nature of the activity, the threat posed to the public, and the likelihood that the offender will continue the behavior may vary significantly.
The Operational Definitions

Recidivism, public safety, and rehabilitation are terms frequently used in the correctional literature. This evaluation design uses recidivist behavior as the criterion variable which may be used to evaluate both public safety and rehabilitation efforts. In general, recidivism is a return to criminal behavior. Recidivism rates can be used to measure public safety and rehabilitation objectives. Public safety, as will be discussed in more detail is a measurement of how well the program is able to control participants' behavior, thereby limiting recidivist behavior while they are in the program. Rehabilitation, on the other hand, is a means of tracking the recidivist behavior of offenders who have successfully graduated from the program to determine if graduates can continue a crime-free lifestyle without program controls.

The Operational Definition of Recidivism

As previously stated, the term recidivism refers to an offender returning to previous criminal or deviant behaviors. This is, however, only a conceptual definition. For this design, two primary elements must be considered when measuring recidivist behavior. First, events must defined which will be considered recidivist behaviors. Second, the means for detecting the event must be established.
A Recidivist Behavior

Definitions of recidivist behavior vary greatly. Restrictive definitions may require that an offender commit the same criminal offense for which he was previously convicted. For example, an offender convicted of robbery would have to commit another robbery for a criminal act to be considered a recidivist behavior. Less restrictive definitions may only require that an offender engage in a behavior that is related to his prior criminal behavior. This definition is not concerned with the legality of a behavior, only whether the behavior is related to previous criminal activity. For example, if alcohol use is closely correlated with an offender's prior criminal behavior, use of alcohol would be considered a proxy for criminal behavior and, therefore, be considered a recidivist behavior.

Determining what constitutes a recidivist behavior depends on a program's goals and objectives. Montana's ISP places a strong emphasis on control of clients to minimize risk to the public and encourage positive behaviors that facilitate lifestyle changes and promote rehabilitation. An offender's acceptance into the program is dependent on his agreeing to the terms specified in the ISP contract. Program or other special conditions, such as abstinence from drugs and alcohol, are intended to identify behaviors correlated with deviant behaviors prior to the commission of new criminal offenses. Violations of program conditions are illegal acts and used as proxies for criminal behavior.

For the purposes of this design the commission of a felony or misdemeanor crime, or any behavior that violates the conditions placed on an offender will be considered a recidivist behavior. This definition will apply to both ISP participants and ISP graduates.
Detecting the Recidivist Behavior

The second element in defining recidivism is determining how the recidivist behavior will be detected. The measurement of recidivism requires, obviously, the need to detect a recidivist event. The most common means for officially detecting recidivist behaviors are the use of arrest, prosecution, conviction and return to custody records. Use of any of these records has advantages and disadvantages. Selecting the method of detection is dependent on the type of evaluation and the level of accuracy desired.

Selecting the proper method for detecting and measuring recidivist behavior can be problematic. If the method is too restrictive it may exclude offenders who should be included. While a new conviction and subsequent return to custody would obviously represent recidivist behavior, such restrictive methods will not include recidivist events detected by law enforcement or correctional officers but not resulting in conviction of a new offense and a return to custody. Also, parolees, either on ISP status or on regular supervision, may have their parole revoked administratively without being convicted of a new offense. Conversely, using arrest records may include participants who did not actually commit a technical violation or new offense but were arrested for suspicious activity (Maltz 1984).

Also to be considered in selecting the method of detection is the purpose of the evaluation. One of the purposes of this evaluation design is to provide DCHS with information about the types of technical violations and new crimes committed by ISP participants and graduates. The method of detection must include recidivist events even though those events may not result in prosecution or conviction of a new offense. The
method of detection to be used in this design avoids many of the issues identified above. DCHS records and maintains a record on each offender placed in its custody. DCHS records in each offender’s case file criminal offenses, reports of technical violations, court judgements, and dispositions of administrative hearings. For this design, any offender behavior recorded as a technical violation or new offense and resulting in disciplinary action will be considered a recidivist event, regardless of whether the behavior results in revocation of probation or parole. This definition will apply to both the public safety and rehabilitation components of the design.

Several minor problems may occur using this definition, however. Offenses committed by participants or graduates outside of the state may not be included in case files. This is particularly true for offenders who may discharge their sentences prior to the end of the study. It is extremely difficult to track offenders who discharge their sentences and leave the state. The time and expense of tracking offenders who leave the state, either to continue their probation or parole in another state, or after discharging their sentences, may be prohibitive. For the purposes of an ongoing program evaluation, the benefits gained by tracking these offenders would be minimal and thus tracking would be impractical considering the expense and effort involved. Also, misdemeanor offenses by ISP graduates discharging their sentence prior to the end of the study may not be recorded by DCHS if the individual is not placed under the jurisdiction of DCHS. This should not be a significant problem. Most ISP graduates continue on regular supervision.
Recidivism as an Indicator of Public Safety

Public safety is a function of client selection, monitoring, and surveillance in community-based correctional programs. For this design public safety will be evaluated as a measure of recidivism rates of ISP participants. Montana's ISP was designed for high risk offenders and the high level of supervision is intended, in part, to reduce the threat these offenders pose to the public. Addressing public safety concerns is particularly important in the first year after release from prison or conviction of a crime. Studies of offenders released from prison indicate that rearrest rates for released offenders are highest in the first year and decrease significantly over time (Beck and Shipley 1989:2-3). With the high levels of supervision provided by ISPs, most recidivist behaviors will be identified during this critical period. Because of the high likelihood of recidivism within the first year of release, measuring recidivism rates of clients in the ISP will be a good indicator of the public safety aspects of the program.

One problem does exist, however, in interpreting recidivism rates as an indicator of public safety. It is unclear throughout the literature, and cannot be resolved here, whether high rates of recidivism indicate high levels or low levels of public safety. Studies comparing recidivism rates of high risk offenders on ISP status and on regular supervision have found little difference in recidivism rates. What remains unclear is whether ISP clients actually have higher levels of criminal behavior than clients on regular supervision, or whether they are just more likely to be arrested for a technical violation without actually engaging in criminal behavior (Turner et al. 1992). For ISPs that are more likely to violate an offender for minor technical violations as a response to public safety concerns,
as well as to impress on offenders the seriousness of their criminal behaviors, the problem can be particularly problematic. From a public safety perspective, determining if recidivism rates will indicate high or low levels of public safety depends heavily on how accurate the proxies are for criminal behavior.

Despite this problem, recidivism rates remain one of the primary means for measuring public safety. More importantly, analysis of technical violations, new criminal activity, and revocation rates should provide information which will help DCHS identify technical violations that are more closely correlated with new criminal activity. Analysis of recidivism rates by technical violations and new crimes should provide information useful when reviewing existing client selection policies and revocation policies.

**Recidivism as an Indicator of Rehabilitation**

Rehabilitation typically refers to the treatment of offenders to decrease the likelihood that they will continue deviant behaviors without the controls present in the correctional program from which they are released. Unlike public safety aspects of ISPs which focus on monitoring and control of offenders, rehabilitation focuses on providing counseling that will help offenders learn new behaviors and avoid criminal or deviant behaviors. Parolees face additional problems learning to adjust to social structures outside of prison. Rehabilitation efforts are also designed to help them adjust to the new social
structure. According to Maltz, the rehabilitation of offenders is analogous to a medical model and the term has certain implication including:

1. Incarcerated individuals have problems, problems which are a direct cause of their criminal behavior;
2. Correctional programs personnel can diagnose these problems accurately, and have appropriate treatments available for the individuals;
3. these treatments will be properly applied; and
4. the problems will be "corrected" (or at least mitigated) as a result of these treatments.
5. In addition, the individuals' criminal behavior will begin to diminish as a result of mitigating the problems (Maltz 1984:8).

In summary, successful rehabilitation depends on recognizing that criminal behaviors are the result of problems an offender has, accurately diagnosing the problem, and providing appropriate treatment.

There are a number of ways to measure the effectiveness of rehabilitation objectives, including changes in attitude, gainful employment, and other behaviors that are correlated with rehabilitation. Since one goal of Montana's ISP is to reduce the burdens of crime on the criminal justice system through rehabilitation objectives, this design will evaluate rehabilitation objectives using recidivism rates of ISP who have successfully completed the program. That is, at what rate do ISP participants recidivate after graduation from the program. It will include participants who discharge their sentences upon successful completion of the ISP and ISP graduates who continue on regular supervision. Recidivist behavior will be defined the same as for public safety: any behavior resulting in the official report of a technical violation or new offense. Tracking ISP graduates should not pose a significant problem, even for participants who may discharge their sentences upon completion of the ISP or during the three-year tracking period.
Offenders placed under the jurisdiction of DCHS are assigned permanent identification numbers and new felony convictions are recorded in offenders' case files. It is possible, however, that offenses committed by an offender outside the state may not be reported to DCHS and not be included in an offender's file. Also, misdemeanor convictions that may not result in commitment to DCHS may not be recorded in an offender's file.

Public safety has been defined in terms controlling participants, identifying behaviors that are likely to lead to new criminal activity, and intervening before a new crime is committed while the offender is a program participant. Rehabilitation, on the other hand, connotes an understanding that the offender can be treated and returned to society to lead a crime-free life. One assumption of rehabilitation efforts is that an offender will be able to continue a crime-free life without the control provided by the program he is exiting. Accurately measuring rehabilitation goals requires establishing a time period for tracking offenders.

Ideally, a longitudinal evaluation would continue throughout the life of an offender. However, because of the pragmatic need to set time constraints, a time period must be set which will, within a specified period of time, capture the most significant number of recidivist cases. A Bureau of Justice Statistics (BJS) study of prisoners released in 1983 found that approximately 40 percent of released offenders were rearrested within one year and the rearrest rate dropped significantly with cumulative rates of 54.5 percent and 62.5 percent of all offenders being rearrested in the second and third years respectively (Beck and Shipley 1989:2-3). While extending the time period of the evaluation would capture more recidivist behavior, the results of this study indicate that
recidivism rates decrease significantly after two years. The marginal gain achieved by extending the time period beyond three years probably would not significantly impact policy decisions related to rehabilitation efforts in the ISP. For this design, effectiveness of rehabilitation efforts will be evaluated using recidivism rates of ISP graduates. Recidivism rates of ISP graduates will be tracked for a three year period beginning from the participant's successful completion of the ISP.

The Variables Selected

As previously stated, this design consists of four separate components.

- Biographical and criminal history characteristics of offenders
- ISP program variables
- Recidivist behavior of ISP participants
- Recidivist behavior of ISP graduates

(The specific variables for the four groups are summarized in Chapter 5.)

This design assumes that all data will be collected in raw form. Collecting data in raw form increases the utility of the data set. Using data in raw form allows analysts to observe natural breaks in the data set. Raw data will be more useful if other researchers or analysts wish to use the data set for other research purposes.

Identifying the characteristics and criminal histories of offenders in a correctional program is a key element in an evaluation of the program. This set of variables will allow DCHS to identify the biographical characteristics and criminal histories of ISP participants and graduates. This information can help determine if the program is selecting the types of offenders the program was intended to serve. Examining relationships between these
variables and recidivism rates helps officers and administrators understand specific
dynamics of the program and identify characteristics which are closely correlated with
program success and failure. Also, analysis of these relationships may reveal either the
existence of certain anomalies or corroborate the findings or experiences of staff and line
personnel.

Research in criminology and corrections has identified many variables correlated
with criminal behavior. One study investigating 71 studies related to biographical
predictors of criminal behavior identified a minimum of 23 different offender biographical
characteristics that were related to criminal behavior. Predictors included such
characteristics as educational background, criminal history, marital status and income
(Pritchard 1979:17). While these and other characteristics may show strong correlations
with criminal behavior and are used in risk/needs assessment tools, they cannot predict
future criminal or recidivist behaviors. They can, however, predict the likelihood that
offenders with certain characteristics are more likely to engage in criminal or deviant
behavior. The variables selected for this evaluation design are commonly used in
risk/needs assessment tools because of the strong correlations with criminal behavior and
correlations with offender success and failure in correctional programs.

Biographical Characteristics of Offenders

Age

Age will be recorded as the age when the offender entered the ISP. Strong
correlations exist between age and criminality. Younger persons tend to be more
criminal activity or significantly reduce their criminal behavior. According to a 1982 Bureau of Justice Statistics report on state inmate characteristics, 63% of state inmates were under 30 years of age, and 37% of state inmates were older than 30 (Senna and Siegal 1987:464). Not only are younger persons more criminally active, they also are more likely to recidivate. A 1989 publication by the Bureau of Justice statistics reported that 68 percent of State prisoners between 18 and 24 years old released in 1983 were rearrested within three years. Rearrest rates significantly declined for older offenders with offenders 45 years or older having a rearrest rate of about 40 percent (Beck and Shipley 1989:5). For ISP participants, age also seems to be an excellent indicator of recidivist behavior. A 1992 evaluation of Virginia's ISP revealed that participants younger than 20 years old successfully completed the program just over 30 percent of the time. Successful termination rates steadily climbed among older participants with nearly 80% of the participants between the ages of 40-49 successfully completing the program (Virginia Department of Corrections, Intensive Supervision Program, FY 1992 Evaluation 1993:13).

Race

Correlations exist between recidivism and race. One study found that blacks had rearrest rates about eight percentage points higher than whites (Beck and Shipley 1989:5). These statistics, however, neither indicate nor should be used to imply that different racial groups have an inclination toward criminal behavior. Such differences may reflect racial
stereotyping or institutional biases, differences among cultures, educational levels, or many other factors. Some ISPs have found no significant statistical relationship between failure rates and race. Georgia found little difference in success rates between blacks and whites. While the Georgia ISP evaluation stated that selection criteria may have allowed the state to select blacks more likely to succeed, it did state that the evaluation seemed to indicate that black offenders were at least as good candidates for ISPs as white offenders (Erwin 1987:46). In Montana race may be a significant concern because of a large Native American population and specific issues related to the needs of that culture in reference to correctional policies.

Sex

Female offenders are less likely to recidivate than male offenders. It also is likely that women will be more successful than men in ISPs. A Bureau of Justice Statistics report in 1989 found that male rearrest rates were about 11 percentage points higher than female rearrest rates (Beck and Shipley 1989:5).

Years of Education

Years of education will be recorded as years of school completed prior to entering the ISP. Positive correlations exist between levels of education and recidivist behavior. A Bureau of Justice Statistics study found that 61.5 percent of released offenders with some high school education recidivated within three years of release compared to 57.4 percent for high school graduates and 51.9 percent for offenders with some college or more (Beck
and Shipley 1989:5). Released offenders are often stigmatized and are likely to find it difficult to find jobs upon release. When they do find jobs they may be lower-wage jobs which may entice them to return to criminal behavior either in defiance of the system or to earn a living. Offenders with higher levels of education may find it easier to find higher-wage positions upon release from prison.

Drug or Alcohol Use

The use or abuse of drugs, including alcohol, is strongly correlated with criminal behavior and an excellent predictor of recidivist behavior. Langan and Cunniff found that of nearly 3 million adults under supervision by probation authorities over half were considered drug abusers (Langan and Cunniff 1992:2). Harrison and Gfroerer found a similar correlation between drug use and being booked for a criminal offense. While they found age to have stronger correlations to criminal behavior, drug use was more likely to result in arrest. Their finding also supported conclusions by other researchers that those who engage in one form of deviant behavior are more likely to be engaged in other forms of deviant behavior (Harrison and Gfroerer 1992:441). These findings strongly support the DCHS policy requiring ISP participants to abstain from alcohol use and using drug or alcohol use as a proxy for criminal behavior.

According to Mike Ferriter, about 85 percent of DCHS clients are drug dependent. While not all ISP participants are drug dependent, given the stated goal of helping clients lead a drug-free lifestyle as part of their treatment program, measuring the number of
clients who are drug dependent will be useful for directing resources into programs
designed to help clients with drug and alcohol programs.

Obtaining this information may be difficult. As of June, 1994, the Risk and Needs
Classification tools address the use of drugs and alcohol but are not designed to be used as
a formal drug assessment for offenders (Ferriter 1994). If DCHS does not have a formal
drug assessment tool when using this design, it is recommended that a score from the Risk
and Needs Classification tools be used for this variable.

Marital Status

This variable is to identify the marital status of offenders at the time of admission
to the ISP. While marital status has been correlated with recidivist behavior (Pritchard
1979), the type of relationship can have a significant effect on an offender's propensity to
recidivate. This design will identify the marital status of an offender, but not whether an
offender's relationship with a wife is positive or negative. However, use of this variable
may indicate that marital status has significant correlations with recidivist behavior.

Children

This variable will identify the number of children an offender has at the time of
entry into the ISP. One factor explaining why offenders reduce their criminal activity as
they grow older is that some offenders have a strong desire to have a stable family life
with a spouse or partner and children. Incarceration is a significant separation from the
family. Similarly, offenders who may otherwise be incarcerated if not for the ISP may
realize the potential familial costs if they had been incarcerated. The two variables Marital Status and Children will help identify familial relationships of offenders in the program.

Criminal Histories of Offenders

While offender biographical information provides some insight into the likelihood that an offender will recidivate, it does not indicate the nature of offender criminality. ISP evaluations must include the nature of criminal behaviors, arrest histories, prior convictions, previous incarceration or other correctional commitments, and behaviors while previously committed to a correctional program. Strong correlations exist among various types of criminal history information, risks to public safety, recidivism, and potential for rehabilitation. For these reasons, offenders' criminal history is one of the most important considerations in the ISP selection process. Also, criminal history information and current offender classification information, such as whether an offender is a probationer or a parolee, provides insight into the extent a program is being used as either a diversionary program or an enhancement program. This information is useful for forecasting future demands on the program as well as evaluating current policies.

An offender's arrest history is an excellent indicator of future recidivist behavior. One study of released state prisoners found strong correlations between the number of arrests prior to incarceration and recidivism after release. Offenders with higher numbers of arrests were rearrested at significantly higher rates than offenders with only one prior arrest. Within the first six months offenders with two or three prior arrests were more than twice as likely to be arrested as offenders with only one prior arrest. Offenders with
eleven or more prior arrests were more than four times as likely to be rearrested as offenders with only one prior arrest (Beck and Shipley 1989:7).

Recidivism rates also vary according to the type of offense committed. Offenders convicted of crimes of passion, for example, may be excellent candidates for an ISP because once they are out of the situation it is less likely they will recidivate. Many offenders convicted of drug or property offenses may be poor risks for an ISP if their criminal behavior is a lifestyle choice. One study found that released offenders convicted of property crimes are more likely to recidivate than offenders released after being incarcerated for violent offenses. The only exception to this finding was robbery, a violent offense with recidivism rates that closely paralleled property offenses (Beck and Shipley 1989:5).

Prison history is also strongly correlated with recidivist behavior and risks to public safety. Length of a prison sentence has some correlation to the seriousness of offenders' crime. Risk to the community is one reason for incarcerating an offender for a longer period. Among offenders who had served less than five years in prison, the length of time served appeared to have little effect on recidivism rates according to one study. Offenders who had served less than five years recidivated at a rate of about 62 percent. However, recidivism rates of offenders who had been incarcerated for more than five years dropped rapidly with only a 48 percent recidivism rate (Beck and Shipley 1989:9). While age may be a factor in this correlation, because many incarcerated offenders tend to be in their early to mid-twenties, many will be released before their age becomes a more significant factor in their recidivism rates. Because the ISP is designed to accept higher
risk offenders who are not otherwise eligible for parole, it is likely that some offenders will have served longer prison terms. Analysis of recidivism rates while controlling for factors related to offenders' incarceration history will help determine if prior incarceration has an effect on recidivism rates.

The following list identifies variables related to criminal history.

Number of Prior Arrests as an Adult
Number of Prior Criminal Convictions
Current Offense (If more than one offense use most serious current offense)
Time Served in Prison for Current Offense
Number of Prior Probation Commitments
Number of Prior Parole Commitments
Number of Prior Prison Commitments
Length of Current Probation Commitment
Length of Current Parole Commitment
Length of Current Prison Sentence
Number of Disciplinary Sanctions while Previously Incarcerated
Frequency of Types of Prison Violations Resulting in Disciplinary Action
Number of Previous Probation/Parole Technical Violations
Frequency of Types of Probation/Parole Violations

**Offender Status at Time of Placement into ISP**

This variable identifies ISP participants as probationers, parolees, or Direct Commitments to DCHS. An offender's status depends on which agency or person places him or her in the program. While all ISP participants are screened by a local community committee, it only submits a recommendation to the judge, DCHS or the Parole Board for use in making placement decisions. District Court judges may sentence an offender to an ISP as part of the sentence; these offenders are ISP probationers. The Parole Board may

1These variables are actually a subset of variables that identify specific behaviors committed by ISP participants while in a previous correctional program.
place inmates in an ISP; these offenders are ISP parolees. And, DCHS decides if an offender sentenced Direct Commitment to DCHS should be placed in an ISP; these offenders are ISP inmates. This variable will help identify if significant differences in recidivism rates exist while controlling for offender status. Also, it will measure the extent to which the program is being used to divert prison-bound offenders or as an early release mechanism for the state prison.

Program Variables

The variables in this section will allow DCHS to measure recidivism rates while controlling for variables related to specific ISP sites and specific program conditions or expectations.

Site Location

This variable will identify differences in recidivism rates according to the locations of ISP sites. All ISP sites operate using the same manual. However, differences in recidivism rates may occur among the various sites. Philosophical differences by judges regarding the use of ISPs in sentencing, differences in the manner in which District Court judges and DCHS staff address technical violations, screening committees' policies and attitudes, or other factors may impact the type of clients selected. Program needs or expectations specific to a particular site may also affect the revocation rates of offenders. The purpose of using site location as a variable is only to determine if differences in variables vary by site location, not to determine why those differences exist. Variations
among variables when controlled for *Site Location*, such as ISP failure rates, would indicate a need for further examination into the causes for the differences.

**District Court or Authority Placing Offender in an ISP**

This variable will identify the District Court or office placing the offender in the ISP. Any offender under the jurisdiction of DCHS eligible for participation in the ISP may be placed in a program, regardless of whether there is an ISP site in the Judicial District in which the offender was convicted. It will also determine if differences exist in the types of offenders being placed in the ISP by Judicial District or other agencies making offender placement decisions.

**Recommendation of Screening Committee**

This variable will state the recommendation of the local screening committee. The placement of an offender in an ISP depends heavily on the recommendation of the local screening committee. However, screening committees do not always make the final decision. District Court Judges and the parole board can place an offender in an ISP despite a screening committee's recommendation against such a placement. This variable may provide valuable information for use in evaluating the selection process.

**Supervising ISP Officer**

Identifying each case with its respective supervising ISP officer will allow individual officers to identify characteristics of their clientele and recidivism rates of their
clients. This variable should not be used as an evaluation of ISP officers and is not intended to measure the effectiveness of individual officers. Differences in recidivism rates may be caused for numerous other reasons beyond officer control. Clients may be placed in an ISP despite a selection screening team's recommendation that a client not be accepted into the program. Or, ISP participants considered to be higher risk offenders may be placed with more experienced officers. Some ISP officers may be more willing to accept higher risk offenders than other officers. Recidivism rates of offenders by ISP officer assignment may be a function of client placement rather than officer effectiveness.

**Employment or Enrollment in Training or Educational Programs**

This variable will identify ISP participants who are employed or enrolled in a training program. It will allow comparison of success and failure rates according to a participant's employment or training status. This variable should be coded to allow identification of the type of training or educational program in which a participant is enrolled.

To promote a crime-free lifestyle and increase the likelihood of successful reintegration into the community, clients in Montana's ISP are required to be employed, actively seeking employment, or enrolled in an educational program such as college or vocational training. This variable will identify the employment and training rates of ISP participants and differences in recidivism rates according to whether participants are employed, in training, or unemployed. Virginia's ISP evaluation found significant differences in the successful completion rates between employed and unemployed clients.
Sixty-six percent of its employed clients successfully completed the ISP, while only 34 percent of its unemployed clients successfully completed the program (Virginia Department of Corrections 1993:8).

**Required Activity by ISP Participants**

The following list of variables identifies program obligations or requirements. They may be conditions of the program or special conditions imposed on a participant by the Sentencing Judge or Parole Board:

- Community Service Hours Required
- Community Service Hours Completed
- Referral for Chemical Dependency Counseling
- Completion of Chemical Dependency Counseling Requirements
- Referral for Sexual Offender Counseling
- Completion of Sexual Offender Counseling Requirements
- Referral for Mental Health Counseling
- Completion of Mental Health Counseling Requirements
- Court Ordered Restitution
- Restitution Paid
- Supervision Fee Obligation
- Supervision Fees Paid
- Fine Obligations
- Fines Paid

These variables will identify the types of treatment participants are referred to as a condition of placement in the ISP, as well as treatment completion rates. Also, participants are required to pay part of the costs of their supervision, complete community service requirements, and may be required to pay restitution as part of their sentencing. These variables will identify these obligations and the rate offenders complete these requirements.
Recidivist Behavior by ISP Participants

The variables presented in this section have been selected to measure success and failure rates of ISP participants, the types of recidivist behaviors engaged in by ISP participants, and other factors relating to the success or failure of participants. The variables selected for this section will provide DCHS with information about the causes of failure by ISP participants. For correctional administrators, understanding the cause of termination is often more important than simply knowing how many participants fail in the program. High failure rates for substance use, for example, may indicate a need to adjust resource allocations to address offender needs for substance abuse treatment. To appropriately direct resources and make good policy decisions administrators must know what the problems are and where they exist.

Why offenders are unsuccessfully terminated also serves as an indicator of how well the program is meeting specific objectives. Comparing rates of unsuccessful terminations by new offenses and technical violations serves as an indicator of how well the program is meeting public safety needs. For example, low rates of new offenses but high rates of technical violations may indicate POs are detecting deviant behavior before it results in new crimes. Or, if reducing prison populations is the primary objective, high rates of terminations for technical violations may indicate a need to consider revising revocation policies as a sanction for certain types of technical violations.

One problem when including technical violations in measurements of recidivism rates is that technical violations are being used as proxies for criminal behavior. From a control perspective, clients are expected to abide by all conditions of the program. Since
technical violations are a legal basis for revocation of parole or probation, failure to do so may indicate an inability to abide by other laws and regulations. However, some technical violations may be considered better proxies for criminal behavior than others. Understanding the relationships among different types of technical violations and new criminal offenses is essential in determining the effectiveness of specific technical violations as proxies for criminal behavior as well as determining appropriate sanctions for different technical violations.

The public safety issue can still be examined by analyzing the causes for unsuccessful termination from the program. If, for example, high rates of recidivism are linked to revocation for technical violations, that may indicate that the program is able prevent criminal activity by detecting deviant behaviors and acting to prevent clients from committing new offenses. If, however, analysis reveals high rates of revocation primarily for new offenses, that may indicate that the program is not detecting deviant behaviors and subsequently placing the public at higher levels of risk. Although an imperfect measurement tool, it is the only means for measuring public safety using officially recorded data.

**Successful Completion of ISP**

This is a dichotomous variable identifying participants who successfully complete the ISP.
Length of Time in the ISP

This variable will measure the length of time an offender is in an ISP for both offenders who successfully graduate from a program and those who fail in a program. It would be preferable to measure this variable in days since other periods of time, such as phase levels, are also measured in days. In addition to providing DCHS with information about the actual time it takes offenders to successfully complete the program, it will also provide DCHS with data about the length of time ISP failures spend in the program prior to having their ISP status revoked.

Court or Authority Revoking ISP Status

This variable will identify the District Court or agency that revokes an ISP participants probation or parole. It will allow DCHS to determine if variances in the causes of revocation exist among different courts or agencies exercising jurisdiction over participants.

Cause of Revocation

This variable will identify the cause of an offender's termination from an ISP. The specific cause for termination should be included in the coding. New offenses should be coded by the type of offense. For example, burglary would be coded differently than aggravated assault. It is essential to code all violations or new offenses differently so DCHS can identify the specific cause for a termination. Also, because an offender may commit more than one offense or technical violation resulting in revocation of ISP status,
the most serious recidivist behavior resulting in revocation would be the event resulting in revocation.

**Phase Level at Time of Revocation**

This variable will identify an offender's phase level at the time of unsuccessful termination from an ISP. Because phase levels represent different levels of supervision, this variable will measure an offender's supervision level at the time of revocation. It is necessary to use this variable separately from the variable *Length of Time* because, while a correlation does exist between time in an ISP and phase levels, an offender may have a phase level extended or reduced to a lower phase level for unsatisfactory performance.

**HEM Status at Time of Revocation**

Home Electronic Monitoring is an important tool available to ISP officers for monitoring offenders during an offender's initiation into an ISP and for those offenders who have progressed beyond Phase I but have demonstrated a need for HEM monitoring. Use of this variable will allow DCHS to measure the types and number of offenses committed by participants while monitored by HEM. All ISP participants at Phase Level I are required to be monitored on HEM. However, ISP officers may require any participant to be monitored by HEM if considered necessary for public safety or for rehabilitation purposes.
Number of Technical Violations

It is necessary to record the number of technical violations separate from the variable *Cause of Revocation* because not all technical violations by ISP participants result in revocation of ISP status. This is actually a subset of variables for collecting data on the frequencies of various technical violations for each participant. For example, *Schedule Violation* would be one variable measuring the frequency an offender violated this program condition. Similarly, use of alcohol would be a separate variable. A separate variable for each program violation should be used to accurately measure the frequencies of each type of technical violation. Identifying and recording violations of program conditions separately should not pose a problem. However, it may not be practical to identify and record separately all special conditions imposed on offenders, unless a particular special condition is common among many offenders. Judges or DCHS may impose certain restrictions which apply to only one participant, such as prohibiting a person from entering a certain type of business or being employed in a specific type of job. A separate variable labeled *Special Conditions* may be used. It is necessary to account for all technical violations in order to obtain an accurate count of all technical violations committed. It is recommended that variables be very specific. For example, alcohol use would be identified separately from drug use. It is also recommended that DCHS record the different types of drugs used that would result in a technical violation. Because the vast number of different drugs being illicitly used by offenders, types of drugs may be categorized by their legal classification.
Offender Status After Termination or Graduation

This variable will identify whether offenders discharge their sentences after completing the ISP, are continued in another program, are returned to prison or placed in another correctional program, or are in some other status.

Recidivist Behavior by ISP Graduates

The following set of variables has been selected for measuring the effectiveness of the program's rehabilitation goals. As previously mentioned, the variables presented will be measured for a three-year period after graduation from an ISP.

Offender Classification of ISP Graduates

This variable will identify ISP graduates as parolees or probationers. Identification of an offender's classification is important for several reasons. First, revocation procedures are different for parolees and probationers. An offender's probation may only be revoked by a judge; an offender's parole may be revoked by DCHS during a revocation hearing. Also, it is possible for an offender to change from parole status to probation status after completion of an ISP if he has discharged his prison sentence upon completion of the ISP but must complete a period of probation that was part of his original sentence.
Length of Time Prior to Revocation of Probation or Parole

This variable will measure the time that passes from an offender's graduation from an ISP until commission of a recidivist behavior resulting in revocation of probation or parole. This variable may be measured in either days or months according to current DCHS practices.

Length of Time Prior to Conviction for a New Offense

This variable will measure the time that passes from an offender's graduation from an ISP until the commission of a new offense.

Length of Time Prior to Conviction of a New Offense Resulting in Incarceration

This variable will measure the time that passes from an offender's graduation from an ISP until the commission of a new offense that results in incarceration.

While the above variables may appear redundant, there are differences between the variables which may be useful to DCHS. For this type of an evaluation, revocations for technical violations and new offenses can be an important consideration in policy decisions. Because offenders on regular supervision are less likely to have their probation or parole revoked than ISP participants, ISP graduates convicted of committing a new offense may not be incarcerated, particularly if the offense is minor.
**Cause of Revocation**

This variable will identify the recidivist behavior resulting in either revocation of probation or parole. The specific elements of this variable should be coded separately so the specific recidivist behavior may be identified. If more than one technical violation or offense occurred in the incident resulting in revocation or reincarceration, the most serious technical violation or offense will be identified as the cause.

**Number of Technical Violations Prior to Revocation**

This variable is essentially the same variable as presented in the previous section regarding recidivist behaviors of ISP participants. However, this subset of variables will likely exclude technical violations which are specific to the ISP. Otherwise, the procedure for selecting individual variables for this subset will be the same as the subset of variables previously presented.

**Number of New Offenses Prior to Revocation**

This variable will record the frequency of new offenses committed by an offender prior to incarceration. This variable was selected because an offender may not face revocation or reincarceration after commission of a new offense.

**Level of Supervision at Time of Revocation**

As in the ISP, regular supervision has varying levels of supervision for offenders. The level of supervision varies according to the length of time an offender has been on
regular supervision and the progress an offender makes while on supervision. All supervision levels should be coded, including unsupervised probation or parole. Also, ISP graduates who have discharged their sentences and are not under the jurisdiction of DCHS at the time they commit a new offense resulting in placement under the jurisdiction of DCHS should be coded separately.

**Employment or Enrollment in a Training or Educational Program**

This variable will identify ISP graduates who are employed or enrolled in a training program and allow comparison of success and failure rates according to a graduate's employment or training status. Similar to the variable presented for ISP participants, this variable will measure differences in recidivism rates of ISP participants while controlling for employment or enrollment in a training program.

**Probation and Parole Office Site**

This variable will identify the Adult Probation and Parole office that an ISP graduate is assigned to at the time of revocation or reincarceration or upon discharge of sentence. Differences in recidivism rates may vary according to the office an offender is assigned. As with the site locations of ISP offices, differences in recidivism rates when controlling for location may be the result of a number of different factors including local policies or differences in how judges or officers handle technical violations or repeat offenders. This variable will not identify the causes of any differences. It will only allow DCHS to detect differences in recidivism rates according to office location.
Offender Status at End of Three Years

This variable is intended to identify the outcome of the offender at the end of the study. It should identify whether the graduate has been discharged from probation or parole, remains on probation or parole, has been returned to Montana State Prison, returned to an ISP or placed in another DCHS program, absconded, transferred to another state, or any other outcome.
CHAPTER 5
SUMMARY

Like so many other states and the federal government, Montana has a crowded prison. In the past, sentencing and placement options for District Judges and DCHS have been limited because few intermediate sanctions were available. The implementation of Montana's ISP in 1987 was a significant effort to improve correctional services in the state. Montana's ISP promises to rehabilitate offenders in a community setting while protecting public safety. It is a difficult task. More evaluative research is needed to determine whether the ISP is achieving its stated goals and objectives. As with any program, evaluative research is essential for evaluating existing policies, exploring program modifications, or deciding if new goals and objectives need to be established.

This professional paper has described an evaluation design for facilitating the collection of data for evaluative research. An exploration and analysis of the data collected using this design will provide information on the characteristics of program participants as well as allow DCHS to identify correlations among recidivism rates, client characteristics, program variables, and types of recidivist behavior.

Exhibits 1, 2, 3, and 4 on the following pages are sample schedules that could be used by DCHS for recording information for each of the selected variables. Client characteristic and criminal history variables are summarized in Exhibit 1. Program variables are summarized in Exhibit 2. These variables will be used for evaluating both public safety and rehabilitation objectives. The key elements for evaluating public safety
objectives are summarized in Exhibit 3. The key elements for evaluating rehabilitation objectives are summarized in Exhibit 4.
Exhibit 1

The following variables will be used in both the public safety and rehabilitation components of the evaluation design. These variables identify participant biographical and criminal history characteristics.

<table>
<thead>
<tr>
<th>Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
</tr>
<tr>
<td>Race</td>
</tr>
<tr>
<td>Sex</td>
</tr>
<tr>
<td>Years of Education</td>
</tr>
<tr>
<td>Drug or Alcohol Use</td>
</tr>
<tr>
<td>Marital Status</td>
</tr>
<tr>
<td>Number of Children</td>
</tr>
<tr>
<td>Number of Prior Arrests as an Adult</td>
</tr>
<tr>
<td>Number of Prior Probation Commitments</td>
</tr>
<tr>
<td>Number of Prior Parole Commitments</td>
</tr>
<tr>
<td>Number of Prior Prison Commitments</td>
</tr>
<tr>
<td>Number of Previous Probation Technical Violations</td>
</tr>
<tr>
<td>Number of Previous Parole Technical Violations</td>
</tr>
<tr>
<td>Previous Number of Prison Disciplinary Reports</td>
</tr>
<tr>
<td>Current Offense</td>
</tr>
<tr>
<td>Time Served in Prison before Placement into ISP</td>
</tr>
<tr>
<td>Offender Classification at Time of Placement</td>
</tr>
<tr>
<td>Length of Parole Obligation</td>
</tr>
<tr>
<td>Length of Probation Obligation</td>
</tr>
<tr>
<td>Length Prison Sentence for Current Offense</td>
</tr>
</tbody>
</table>
Frequency of Types of Probation and Parole Violations

<table>
<thead>
<tr>
<th>Type of Parole Violation</th>
<th>Frequency</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Type of Probation Violation</th>
<th>Frequency</th>
</tr>
</thead>
</table>

Frequency of Types of Previous Prison Disciplinary Reports

<table>
<thead>
<tr>
<th>Type of Prison Violation</th>
<th>Frequency</th>
</tr>
</thead>
</table>

Number of Prior Criminal Convictions

<table>
<thead>
<tr>
<th>Prior Criminal Convictions</th>
<th>Frequency</th>
</tr>
</thead>
</table>

These are subsets of variables that identify the frequencies of various types of violations of other program conditions or requirements.
The following schedule program variables for each offender and will be used in both the public safety and rehabilitation components of the evaluation design.

<table>
<thead>
<tr>
<th>Site Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Court or Authority Placing Offender in ISP</td>
</tr>
<tr>
<td>Recommendation of Screening Committee</td>
</tr>
<tr>
<td>Supervising ISP Officer</td>
</tr>
<tr>
<td>Employed or Enrolled in Training Program</td>
</tr>
<tr>
<td>Community Service Hours Required</td>
</tr>
<tr>
<td>Community Service Hours Completed</td>
</tr>
<tr>
<td>Referral for Chemical Dependency Counseling</td>
</tr>
<tr>
<td>Completion of Chemical Dependency Counseling</td>
</tr>
<tr>
<td>Requirements</td>
</tr>
<tr>
<td>Referral for Sexual Offender Counseling</td>
</tr>
<tr>
<td>Completion of Sexual Offender Counseling Requirements</td>
</tr>
<tr>
<td>Referral for Mental Health Counseling</td>
</tr>
<tr>
<td>Completion of Mental Health Counseling Requirements</td>
</tr>
<tr>
<td>Court Ordered Restitution</td>
</tr>
<tr>
<td>Restitution Paid</td>
</tr>
<tr>
<td>Supervision Fee Obligation</td>
</tr>
<tr>
<td>Supervision Fees Paid</td>
</tr>
<tr>
<td>Court Ordered Fines</td>
</tr>
<tr>
<td>Fines Paid</td>
</tr>
</tbody>
</table>

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Exhibit 3

The following schedule will be used to track recidivist behaviors of ISP participants. The variables used in this schedule are for the evaluation of public safety objectives.

<table>
<thead>
<tr>
<th>Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Successful completion of ISP</td>
</tr>
<tr>
<td>Length of Time in an ISP</td>
</tr>
<tr>
<td>Court or Authority Revoking ISP Status</td>
</tr>
<tr>
<td>Cause of Revocation</td>
</tr>
<tr>
<td>Phase Level at Time of Revocation</td>
</tr>
<tr>
<td>Home Electronic Monitoring at Time of Revocation</td>
</tr>
<tr>
<td>Offender Status After Termination or Graduation from ISP</td>
</tr>
</tbody>
</table>

Number of Technical Violations

<table>
<thead>
<tr>
<th>Type of Technical Violation</th>
<th>Frequency</th>
</tr>
</thead>
</table>

\[1\]This is a subset of variables that will identify the frequencies that an offender violates specific program or sentencing conditions. For example, *Schedule Violations, Use of Drugs,* and *Use of Alcohol* would be separate variables and measured separately.
The following schedule will be used to track recidivist behaviors of ISP graduates. The variables listed in this schedule are for evaluating rehabilitative objectives.

| Offender Classification of ISP Graduates |   |
| Length of Time Prior to Revocation of Probation or Parole |   |
| Length of Time Prior to Conviction for a New Offense |   |
| Length of Time Prior to Conviction for a New Offense Resulting in Revocation |   |
| Cause of Revocation |   |
| Level of Supervision at Time of Revocation |   |
| Employment or Enrollment in Training or Educational Program |   |
| Probation and Parole Office Site |   |
| Offender Status at End of Three Years |   |

Number of Technical Violations Prior to Revocation

<table>
<thead>
<tr>
<th>Type of Technical Violation</th>
<th>Frequency</th>
</tr>
</thead>
</table>

Number of New Offenses Prior to Revocation

<table>
<thead>
<tr>
<th>Type of New Offense</th>
<th>Frequency</th>
</tr>
</thead>
</table>

1Each type of offense or technical violation should be recorded as well as the frequency of each offense or technical violation.
REFERENCES


63

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