

Diversiory Effectiveness of Community Alternative Programs

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Abstract

In response to rapid increases in the prison population, Tennessee has implemented two programs (Community Corrections and Intensive Probation Supervision) to divert some felony offenders from incarceration. Based on experiences in other jurisdictions and in Tennessee, it was expected that these programs would be found to be diverting some offenders from jail or prison, but would also be supervising offenders who would normally be placed on regular probation. The study analyzed felons sentenced to regular probation, intensive probation, community corrections, jail, and prison with probation eligible sentences to determine if offenders in the two diversionary programs most resembled jailees and prisoners or regular probationers. The study found that according to a conservative estimate about 50% of the offenders sentenced to community corrections and intensive probation actually were diverted from an incarcerative sentence. A generous estimate is that 70% of the intermediate sanction offenders were diverted. A number of legal and social variables explained the sentencing decisions of Tennessee judges, including custody status, presence of a drug problem, prior record variables, type of defense attorney, offense severity, offender employment status at the time of the offense, gender, and race. The major implication of the study is that the state should consider ways to improve the accuracy of the decision making process.

Diversions Effectiveness of Community Alternative Programs

Introduction

The State of Tennessee Department of Correction offers two programs-- Intensive Probation Supervision and Community Corrections-- which are intended to divert jail- and prison-bound felons from incarceration to supervision in the community. Research on diversion projects in other jurisdictions has been contradictory. Some researchers have reported that projects have diverted impressive proportions of offenders from prison (Baird & Wagner, 1990; Erwin, 1987; Pearson & Harper, 1990). Others, however; contend that diversion programs do not really divert offenders from incarceration, but instead divert offenders from less intensive community supervision programs into the new more restrictive community programs (Byrne, Lurigio, & Baird, 1989; Tonry, 1990). This so-called net widening phenomenon means that diversionary programs are often not cost effective, but are in fact more expensive and they extend the net of social control beyond what existed prior to program implementation.

Statement of the Problem

Given the contradictory findings on prior diversion projects, the research problem is an estimation of the degree to which the two Tennessee programs are indeed being used for offenders whom judges normally would sentence to jail or prison if the programs were not in existence. Conversely, the research assesses the degree to which the new programs are being used for offenders who normally would be sentenced to regular probation. The research drew representative samples of felons sentenced to

regular probation, intensive probation, community corrections, jail, and prison with probation eligible sentences. The respective samples have been analyzed and compared to determine if the intensive probation and community corrections offender bear closer resemblance to the incarceration samples or to the regular probation sample. Closer similarity to the incarceration samples would suggest that the programs are truly diverting offenders who normally would be incarcerated. Closer resemblance to the regular probation sample would imply that net widening instead of true diversion is occurring. It was anticipated that both processes have been occurring and thus the analysis estimated the proportion of offenders being diverted compared to the proportion not being diverted; Tabular analysis, chi-square statistics, analysis of variance, and discriminant analysis were used to determine measures of the degree of similarity among programs and diversionary estimates.

In, addition to developing a profile and comparison of the various felony populations, we had hoped to do an historical analysis of Department of Correction populations which would have allowed for determination of correctional population trends. Data collection limitations, however, prevented us from being able to pursue that line of analysis.

Review of the Literature

The Tennessee intensive supervision program and community corrections program are both part of a recent national trend to **attempt** to relieve prison overcrowding¹ (Greenfeld, 1990) by

initiating new programs of intermediate sanctions. These programs of intensive supervision, home confinement, and electronic surveillance are meant to fill the gap between the harsh sanction of prison and the lenient sanction of ordinary probation (McCarthy, 1987; Morris & Tonry, 1990).

Evaluation of these programs is relatively new but there is controversy whether such programs do actually divert would-be inmates from incarceration or instead capture would-be regular probationers into a more restrictive form of community supervision. Detailed analyses of intensive supervision programs in Florida, Georgia, Kansas, and New Jersey, for example, have indicated that diversion occurred (Baird & Wagner, 1990; Erwin, 1987; Jones, 1990; National Council on Crime and Delinquency, 1990; Pearson & Harper, 1990). Critics, however, have questioned these **claims** (Byrne, 1990; Byrne, Lurigio, & Baird, 1989; Tonry, 1990) and have asserted that many of the new programs have become **more** punitive options for offenders whom judges would normally not incarcerate. The critics contend that net-widening often takes place: judges continue to send similar or increased proportions of offenders to incarceration and begin to place persons they would normally place on regular probation into the new so-called "intensive" programs.

It should be noted that one method of analyzing the diversionary impact of community sanctions **is** discriminant analysis. That is, **the statistical** tool discriminant analysis has been used in studies of the diversionary impact of community

sanctions in the Florida (Baird & Wagner, 1990; National Council on Crime and Delinquency, 1990) and Kansas (Jones, 1990) studies previously cited. In Florida discriminant analysis revealed that 65% of the cases were classified correctly; in Kansas 55% were classified correctly. It should be noted that Florida uses sentencing guidelines which may contribute to the greater accuracy of discriminant analysis in that state. In both Florida and Kansas legal variables such as prior record and offense severity and social variables such as education and history of drug abuse were used to predict sentence type.

Perhaps the best summary of prior research is the conclusion that programs divert some percentage of the offenders they supervise away from prison. For example, sophisticated analyses of the precise levels of diversionary impact in Florida and Georgia indicated that slightly more than half of the offenders in those programs were indeed diverted from incarceration (Baird & Wagner, 1990; Erwin, 1987). Similarly, a study in Kansas found that "community corrections programs in the two largest participating counties did have a significant impact on prison admissions of program-eligible offenders" but that "[T]his is not to say that net-widening did not occur" (Jones, 1990, pp. 96-97).

Additionally, it is interesting to note that the one program which used a research design capable of a clear demonstration of whether or not diversion was taking place did not even **claim to be** diverting offenders away from prison. California's intensive supervision programs, in other words, have utilized an

experimental design with random assignment of offenders. The programs, however, are actually probation enhancement programs. Rather than attempt to divert offenders from prison, the California officials have "selected persons currently on probation whom they judged in need of more intensive supervision --participants were either high risk when granted probation or were showing signs of failing and potential revocation"

(Petersilia & Turner, 1990, p. 95). Ironically, this decision to divert from probation rather than from prison resulted in California's programs having offenders at higher risk levels than Georgia's intensive program which was supposed to be diverting people from prison (Petersilia & Turner, 1990).

These findings on the debate 'over the ability of the new intensive supervision programs to divert offenders from prison would be surprising except for the fact that they are new examples of old truths rather than totally new discoveries. Prior research on programs intended to divert juveniles from official court processing has often found that juvenile courts continued to process consistent proportions of youths and simply expanded their reach to include juveniles who would have been ignored prior to the existence of the new programs (Lundman, 1984). Similarly, much of the research on community alternatives prior to recent developments in intensive supervision, electronic monitoring, and house arrest indicated that often those alternatives were not diverting offenders from incarceration (Austin & Krisberg, 1982; Hylton, 1982). Thus, findings that new

generation community correctional programs are not diverting all of their charges from prison should not surprise anyone familiar with the history of criminal justice.

Hypotheses

This review of the literature suggests that Tennessee's two new programs are probably diverting some but not all of their caseloads from prison and are drawing some proportion of their subjects from the pool of offenders who would normally be placed on regular probation. More specifically, two hypotheses appear plausible:

- 1) Some percentage (studies in Florida and Georgia suggest slightly over 50%) of the offenders placed on intensive supervision and community corrections supervision resemble inmates who were probation eligible at the time of their sentencing more closely than regular probationers. Conversely, a percentage more closely resemble regular probationers than inmates who were probation eligible at sentencing.
- 2) The implementation of intensive probation supervision and community corrections has had some impact on decreasing prison and jail populations in Tennessee.

Data and Methods

Since Tennessee has not been using an experimental design with random assignment of eligible offenders into the various correctional options, it was only be possible to examine the question of the degree to which the programs have been diverting offenders from jail or prison in an indirect manner. The

strategy we used was to compare and contrast samples of offenders from intensive probation and community corrections with offenders in prison and in jail and on regular probation. Given the diversionary intent of the Tennessee programs, intensive supervision and community corrections offenders should most nearly resemble incarcerated offenders rather than regular probationers.

To develop a profile of intensive supervision probationers and community corrections offenders compared to prison and jail inmates on the one hand and regular probationers on the other hand, we attempted to draw random samples of 350 felony offenders in each category for a total combined sample of approximately 1,750 offenders. A sample this size would minimize sampling error, allow for the possibility of missing data, and allow for various subgroup analyses. Although this would have been the ideal sampling procedure, practical concerns made it necessary to employ some modifications. In consultation with the Department of Correction a simple random proportionate to size sample was agreed upon initially. This meant that within the designated time frame (offenders sentenced between 1989 and 1991) the samples of the five populations would reflect their actual proportion in the population. The samples would also reflect proportions by county. The Department of Correction had problems, however, collecting data in some areas. Unreliable case files, especially on prisoners and jailees, led the Department to modify the proportions somewhat. For example, in

Shelby county (Memphis), incarcerated actually constituted 43% of the sentenced population but the percentage of the sample offenders who had been sentenced to incarceration was 35%. In the Nashville area, incarcerated **actually** constituted 16% of the offender population, but 47% of our sample offenders from that area were incarcerated. These deviations from the original sampling plan should be kept in mind when interpreting findings about the incarcerated.

Information on each offender's offense, prior record, demographic characteristics (age., sex, race, etc.), and social characteristics (employment status at the time of the offense, drug and alcohol problems, health, etc.) was compiled from Department of Correction central office records/computer data bases and/or from individual offender folders/pre-sentence/post-sentence records at the appropriate local unit. This information was then coded and entered onto a computer readable data file. The Department of Correction collected the data. Project staff assisted in monitoring the data collection process to a limited extent to insure proper sampling and data collection. Project staff, including several graduate assistants, then coded the data and supervised the data entry process.

Our data analysis involved bivariate analyses and a discriminant analysis. The results of both are presented below.

All sampling and research design questions were discussed with Department of Correction officials. Final decisions on sampling and design were made only after such conferral.

FINDINGS

In the most of the analyses which follow, offender category was collapsed into three groups: 1) regular probationers; 2) intermediate sanction offenders (intensive probationers and community corrections offenders); and, 3) incarcerated (prisoners and jailees). Logic and empirical considerations justified collapsing the five offender categories into these three groups. Logically intensive probation and community corrections both represent intermediate sanctions harsher than regular probation but not as harsh as the deprivation of liberty which incarceration represents. Prison and jail sentences both involve serious deprivation of liberty. As will be shown below, discriminant analysis of the data 'correctly classified a much higher percentage of the cases into three groups rather than five groups.

Characteristics of the Sample

Table 1 presents selected characteristics of the sample. As

Table 1 about here

Table 1 indicates, there were several notable differences in the three groups of the 1,458 offenders in the sample. For example, only 35% of the regular probationers were not employed at the time of the offense compared to over 50% in the other two sentence categories. Over one-half of the incarceration sample was nonwhite. The regular probation category had the lowest

percentage of persons with an alcohol problem and the lowest percentage of persons who used drugs during the two years prior to the offense. The intermediate sanction offenders and the incarcerated both had higher proportions of offenders with juvenile conviction and incarceration histories. Both the number of prior arrests and the offense severity rankings (a lower ranking represents a more serious offense) increased across the three sentence types.

Crosstabulations of the three offender categories by demographic characteristics of the offender, offenders' history and offense/sentencing characteristics were performed. Since all variables were nominal, consisting of the presence or absence of an attribute, Chi-Square and Cramer's V were used to examine relationships.

Bivariate Findings

In the following section, we used a weighting factor to make the sample comparable to the actual proportions of offenders eligible for inclusion in the study. In other words, whereas we selected approximately 350 offenders from each sentence category and thereby oversampled intensive probationers and community corrections offenders, here we asked the computer to assign the appropriate population weights to our sample according to each category's actual proportion of probation eligible offenders. This weighting procedure produced a sample that was 58% regular probationers, 13% intermediate sanction offenders, and 29% incarcerated.

Table 2 depicts crosstabulations of offender categories

Table 2 about here

(regular probationers, intensive probationers-community corrections offenders, prisoners-jailees) by several of the offenders' personal demographic characteristics (sex, race, employment, marital status, children, liabilities, and health) and substance abuse variables.

Sex, race and employment of the offender were significantly related to the offenders' sentence status. As the data in Table 2 indicate, males were more likely to be incarcerated than females (31% to 14%, respectively); females were more likely to, receive regular probation (72% compared to 56% of the males). Whites were more likely to receive regular probation than nonwhites (63% to 51%). Nonwhites were more likely to be incarcerated than whites (36% to 23%, respectively); both racial groups were equally likely to receive an intermediate sanction and nonwhites were more likely to be incarcerated (36% compared to 23%). Whether offenders were married, had children or not, or lived alone or otherwise were not significantly related to their sentence status. Offenders with liabilities were more likely to receive regular probation than offenders without liabilities; a higher percentage of offenders without liabilities (25%) were incarcerated than offenders with liabilities (15%).

There were also significant relationships found between the offenders' categorical status and their physical and mental

health status. As the data in Table 2 indicate, offenders who were under a doctor's care at the time of sentencing were more likely to receive regular probation than those who were not under a doctor's care. By the same token, those offenders who had a history of psychiatric treatment were more likely to receive intensive probation than those who had never had psychiatric treatment (22% to 138, respectively).

Similar proportions of offenders who were under the influence of drug and/or alcohol at the time of their offense received probation, an intermediate sanction, and incarceration. Those offenders, however, who had a drug or alcohol problem at the time of their offense were more likely to receive an intermediate sanction or incarceration than those who did not have such problems. A higher percentage of those offenders who had a history of substance abuse treatment received intensive probation than offenders with no such history (21% vs. 13%); a higher percentage of offenders with no substance abuse treatment history were incarcerated than offenders who had been treated for substance abuse. Higher proportions of those who used drugs as a juvenile and who used drugs in the two years preceding the reference offense were sentenced to an intermediate sanction and incarceration than offenders who had not used drugs as a juvenile or had not used in the two years preceding the reference offense.

These bivariate findings suggest that judges were using the intermediate sanctions of intensive probation and community corrections for offenders with substance abuse problems to a

greater extent than they were for offenders without such problems. Substance abuse problem offenders were also more likely to be incarcerated. Offenders without substance abuse problems were most likely to receive regular probation.

Table 3 depicts crosstabulations of offender sentence by

Table 3 about here

various measures of the offenders' prior record. Offenders with prior arrest records, prior conviction records, prior conviction for a felony, prior conviction for the reference offense, a record of a juvenile conviction, or a record of a juvenile incarceration were more likely to be incarcerated than offenders without a record. Offenders without a record were more likely to be placed on regular probation. Whether offenders had a record or not, similar proportions (about 15% of each group) were sentenced to an intermediate sanction. The only exception to this last statement is that higher proportions of offenders with either a juvenile conviction or a juvenile incarceration history were placed into an intermediate sanction than offenders with no such juvenile convictions/incarcerations. Lastly, offenders who had spent over half of the two years preceding their sentence in prison were more likely to be incarcerated than offenders who had not been so incarcerated prior to their reference offense.

Offense and Sentencing Characteristics

Table 4 depicts crosstabulations of sentence by the

Table 4 about here

following characteristics: region of sentence, custody status, whether the offender had retained an attorney or was indigent, charges pending against the offender, offender-victim relationship, and whether the offender was armed or not.

All of the regions except Southeast placed over half of their subsamples on regular probation. East Tennessee, First Tennessee, and Southwest were more likely to sentence offenders to intensive probation or community corrections than the other regions. The Southeast and Mid-Cumberland regions were most likely to impose incarceration; in fact, Southeast incarcerated over half of its offenders in the weighted subsample.

Offenders in custody at the time of their offense were more likely to be incarcerated than those not in custody (51% to 15%, respectively). Conversely, offenders not in custody were more likely to be placed on regular probation (71% to 36%, respectively).

A substantial percentage (70%) of offenders who had court appointed or public defender attorneys were sentenced to regular or intensive probation. Offenders who retained private defense attorneys, however, were significantly more likely to receive

regular probation (76%) than offenders with court appointed or public defender representation (55%).

Most offenders (92%) had no charges pending against them at time of sentencing. However, those offenders who did have charges pending against them were more likely to receive intensive probation or incarceration.

A slight majority of the offenses involved a victim (55%), but the fact that there was or **was not a victim** in the offense was not significantly related to the categorical sentence status of the offender. On the other hand, the relationship between victims and offenders was shown to be significant. Apparently, when the **victim** and the offender were not related or acquainted with each other, the courts imposed a more severe sentence. As the data in Table 4 indicate, offenders were more likely to receive intensive probation or incarceration when they were not related or acquainted with the victim(s).

Being armed at the time of the offense and using a weapon during the original offense were not significantly related to sentence status. Approximately equal proportions of armed and unarmed and those who used a weapon and those who did not received probation, intensive probation-community corrections, or incarceration. Only 120 offenders in the weighted sample were armed at the time of the offense. Similarly, only 101 offenders in the weighted sample used a weapon during their offense.

Discriminant Analysis Findings

Discriminant analysis was used to determine what, if any,

groups of offenders existed in the sample based on legal and social variables associated with sentencing in previous theoretical and empirical studies. In other words, we knew that judges across the state had sentenced or classified the sample into five categories ranging from regular probation to prison. We were now asking the computer to classify these same offenders based on such independent variables as seriousness of the offense, prior record, custody status at time of sentencing, race, employment status and so forth. A complete list of the fourteen-independent variables along with the coding scheme used in the analysis is displayed in Table 5.³

Table 5 about here

When the number of groups was set at five (to correspond with the actual groups in the sample), discriminant analysis was able to classify correctly 40% of the cases.⁴ For example, discriminant analysis correctly identified 129 of the 247 offenders the judges actually put on probation and 31 of the 72 offenders the judges actually put into prison.

We then set the number of groups at three by collapsing the intensive probationers and the community corrections offenders into one group and the prisoners and jailed into one group. As noted above, we combined these offenders on the logical argument that intensive probation and community corrections are both more intensive forms of community control (both represent intermediate

sanctions) and that prison and jail both represent incarceration or radical deprivation of liberty.

As Table 6 indicates, using three groups, discriminant

Table 6 about here

analysis was able to classify correctly over half of the offenders (52.6%). The analysis correctly identified two-thirds (65.9%) of the offenders whom the judges placed on regular probation, 194 (42.2%) of the 460 offenders placed into intensive or community corrections, and 124 of the 171 (60.8%) of the incarcerated.

As Table 7 indicates, both discriminant functions in this

Table 7 about here

model⁵ were significant, the first accounting for 72% of the total between-groups variability. The total variability explained by the differences between groups is approximately 25% (26.8% to be exact), suggesting that the three sentence groups--regular probation, intermediate sanction (intensive probation-community corrections), incarceration--are not easily distinguishable.

In short, discriminant analysis is able to predict a substantial proportion of the sentences. The discriminant analysis, however, also shows some differences between its predictions and actual sentences. We will explain this using the

discriminant analysis with three groups. The statistical technique of discriminant analysis predicted that 67 of the 171 offenders who were incarcerated fit into either the regular probation or the intensive probation-community corrections category. Based on the legal and social variables available to the computer, it saw these 67 individuals as most resembling nonincarcerates rather than incarcerates. On the other hand, the computer program predicted that 126 of the 460 offenders who actually received intensive probation-community corrections and 40 of the 255 offenders who received regular probation actually resembled the incarcerates. Finally, 140 of the offenders that were predicted to fit into the regular probation category actually were sentenced to intensive probation or community corrections.

There are at least two ways to interpret these findings. One interpretation is that the discriminant analysis suggests that some offenders are being sentenced too harshly--they are getting an incarcerative sentence when they resemble offenders who do not get incarcerated or they are getting an intensive probation-community corrections sanction even though they most resemble persons on regular probation. The analysis also suggests that some offenders are being treated too leniently--they resemble incarcerates but actually get a nonincarcerative sentence or they resemble the middle intensive probation-community corrections category but actually are sentenced to regular probation. In other words, actual sentences represent

some diversion and **some** net-widening. The offenders for whom the discriminant analysis predicted incarceration but who actually stayed in the community can be considered to be diverted from prison. The offenders whom the statistical tool predicted to fit into regular probation but received intensive probation or community corrections represent net-widening.

It is also instructive to examine the variables which the discriminant analysis revealed to be significant correlates of sentence type. Table 8 shows the twelve significant

Table 8 about here

discriminating variables in the stepwise order they entered the analysis and the respective Wilks' lambda statistic for each.

Several of these variables merit special attention. Custody status was the first variable to enter the analysis. Its importance suggests that judges are making an early determination of sentence. The legal variables of prior felony arrests, conviction offense severity ranking, and prior adult arrests were correlates of the sentencing. As expected, judges do consider both the seriousness of the offense and the prior record of the offender. Whether the offense was a drug offense compared to all other types of offenses was also one of the significant discriminating variables. The importance of gender and race suggests that sentencing decisions reflect these two non-legal factors to some extent: **males** and non-whites are more likely to

be incarcerated than females and whites. The offender's employment status at the time of the offense and whether or not the offender had a drug problem also influence the sentencing decision.

Additional discriminant analyses showed that the inclusion of only a few variables could produce a more parsimonious model. The inclusion of just four discriminating variables--custody status, number of prior arrests, offense severity, and sex, for example, resulted in 44% of the three groups being correctly classified. When race was added to these four variables, 45% of the three groups were correctly classified.

It should be noted that several discriminant analyses were run with the so-called Greenwood scale and with selected variables used to calculate the Greenwood scale.' Although both the entire scale and its individual variables proved to be significant predictors of sentence type, the high number of missing values associated with the scale in this data set dictated that it not be used in the final models.

Given Departmental experience and expectation that region might be an important correlate of sentence type, we also ran some additional analyses to examine the impact of region. We did separate analyses for the Delta region, the Mid-Cumberland region, the rest of the state except the Delta and Mid-Cumberland regions, and the entire state excluding the Delta region. Those discriminant analyses indicated that the Delta region had greater classification accuracy than the other regions. Using three

groups, the Delta region discriminant analysis correctly classified 59% of the cases, the mid-Cumberland region 54%, and all other regions (excluding Delta and mid-Cumberland) combined 51%. If we included the mid-Cumberland region with all the others except Delta, the accuracy was 49%. The significant variables in the Delta region were drug problem, defense attorney, unique felony convictions, custody status, offender employment status, number of pending charges, prior arrests, prior felony arrests, and offense severity ranking. The significant variables in the analysis for all the regions except Delta were: custody status, number of prior felony arrests, offense severity ranking, drug problem, offender employment status, number of prior arrests, race, drug offense versus all other types of offense, gender, number of pending charges, unique felony convictions, defense attorney, and **victim**. It is interesting that race was not a factor in the Delta region. Also whether the offender had a drug problem was a factor in both the Delta region and all other regions combined, but whether the offense was a drug offense was not a factor in the Delta region.

Discussion

The major finding of the research is that **some** diversion and **some** net-widening appear to have taken place. Intensive probation and community corrections are accomplishing their stated objective of diverting **some** offenders from incarceration but they are also being used for **some** offenders who normally would be sentenced to regular probation.

The exact extent of diversion from prison and the precise extent of net-widening are impossible to determine but can be estimated in several ways.

One way to count the number of divertees is to add up the offenders predicted to be in intensive probation or community corrections who actually were sentenced to those dispositions (194) and the number of offenders who were predicted to be in prison but actually were sentenced to intensive probation or community corrections (136) for a total of 320 offenders diverted: The argument could be made that if intensive probation and community corrections did not exist as sentencing options, then judges **may** have sentenced these offenders to incarceration.

Because the discriminant analysis omitted those cases with missing values on the discriminating variables (see Note 3), it is important to translate the estimate of the numbers diverted into a percentage. The 320 offenders whom the discriminant analysis shows to have been diverted represent 69.6% of the intermediate sanction offenders and 36.1% of the 886 offenders used for the printed output. Thus, the discriminant analysis could be cited to conclude that approximately 70% of the offenders in intensive probation or community corrections were diverted from prison. Changing the base from the intermediate sanction offenders to all offenders, a little over one-third of the probation-eligible offenders were indeed diverted. This is the **most generous way to estimate** the percentage diverted.

The diversion argument, is clearly stronger for the 126

offenders that discriminant analysis identified as resembling incarcerated. It is most likely that if the new intermediate sanctions had not existed at the **time of** sentencing, then judges would have sentenced all or nearly all of these individuals to prison or jail rather than to regular probation. It is less clear what would have happened to the 194 offenders predicted to be sentenced and actually sentenced to an intermediate sanction.

One way to shed some light on this question is to make a conservative assumption that if the intermediate sanctions were not in existence at the time of sentencing, then judges would have sentenced half of these 194 offenders to incarceration and half to regular probation. Based on this assumption of a 50/50 split, 223 offenders (126 plus 97) would have been incarcerated and 237 offenders (140 plus 97) would have received regular probation. Translating these numbers to percentages, slightly less than half (48.5%) of the offenders placed on an intermediate sanction would have gone to prison and slightly more than half (51.5%) would have been placed on regular probation.

If you use the total sample of probation-eligible offenders as the base for computing percentages, the estimates in the preceding paragraph convert to the following: 25.2% ($223/886$)⁸ of all the probation-eligible offenders were diverted from prison to an intermediate sanction and 26.7% ($237/886$) of the offenders were placed in an intermediate sanction when they most probably would have received regular probation if the intermediate sanction did not exist.

After all this, a logical question is whether these findings translate into a positive or negative judgment about the intensive probation and community corrections programs? Positively, the programs appear to have diverted at least 48.5% of the intermediate sanction offenders (relying on the conservative estimate discussed above); arguably, the programs freed up that amount of prison beds. Critics would hasten to point out that the programs easily widened the net of social control. Most generously, the programs incorporated an unnecessary 30%; 51.5% if one uses the other estimate outlined above. The answer to the evaluative question thus depends on a number of factors. It depends on whether you use generous or conservative **estimates** of the number of offenders diverted and the number of offenders caught up in net-widening. It depends on cost **estimates** for the various sanctions. It also depends on other goals for the program, such as recidivism and public opinion, which go beyond the objectives of this research project.

Implications

The clearest finding of this research on the diversionary effectiveness of intermediate sanctions in Tennessee is that both diversion and net-widening occurred. **Some** offenders received intensive probation or community corrections who statistically resembled incarcerated and **some** offenders who were sentenced to an intermediate sanction statistically resembled regular probationers. A generous **estimate is** that the new intermediate sanctions diverted 70% of the offenders who received an

intermediate sanction from incarceration; this represents a diverting of 36% of all probation-eligible offenders. A more conservative estimate is that intensive probation and community corrections only diverted about half (48.5%) of the intermediate sanction offenders from incarceration, which is approximately one-fourth (25%) of all probation-eligible offenders.

Conversely, the discriminant analysis suggests that between 30% and 51.5% of the offenders actually sentenced to an intermediate sanction would have received regular probation had intensive probation and community corrections not existed at the time of their sentencing. Expressed in percentages, the analysis suggests that 16% (140/886) to 27% (237/886) of all probation-eligible offenders represent net-widening.⁹

The research project staff feels that the conservative diversion estimate--48.5% of the intermediate sanction offenders were diverted; 25% of all probation-eligible offenders--and the corresponding net-widening estimate--51.5% of the intermediate sanction offenders can be considered to represent net-widening; 27% of all probation-eligible offenders--represent the most plausible estimates of what actually occurred. These figures represent a cautious assumption of what the judges would have done if the new intermediate sanctions had not been in place. We emphasize, however, that this reasoning is based on the discriminant analyses and the assumption discussed above.

These figures suggest that if diversion is the only or the primary objective of intensive probation and community

corrections, then the efforts of the state **may** be misguided. A slightly higher percentage of offenders are being caught in a wider net than are being diverted from prison. A cost-benefit analysis could clarify the debate. The Department of Correction can multiply the annual per-capita cost of incarceration **times** 365 (25% of all 1,458 probation-eligible offenders including those with missing values on the analysis reported above) and compare it to the cost of the intermediate sanctions for those **same** offenders. Similarly, the Department can multiply the annual per-capita cost of intensive probation and community corrections by 393 (27% of all 1,458 probation-eligible offenders including those cases with missing values) and compare it to the cost of regular probation for those same offenders. Putting all these **estimates** together, the state could **make** a reasoned cost-benefit analysis of the intermediate sanctions compared and contrasted to what would be taking place if the intermediate sanctions were not in operation.

It needs to be emphasized, however, that diversion need not be the only rationale for the use of intermediate sanctions such as intensive probation and community corrections. Intermediate sanctions simply make sense. Numerous writers have pointed out that traditional probation was originally intended for nonserious offenders and that its mission and effectiveness have been diluted by expecting that a sanction originally intended for nonserious offenders could be simply expanded to include more serious offenders. Likewise many writers have decried the

unnecessary use of incarceration for less serious offenders and the lack of a set of meaningful intermediate punishments for those offenders too dangerous for probation but not quite deserving of prison. Irrespective of diversion versus net-widening considerations, it seems that a multi-layered set of sanctions is more rational than a simple dichotomy (probation-incarceration). As Morris and Tonry put it:

Effective and principled punishment of convicted criminals requires the development and application of a range of punishments between imprisonment and probation.

Imprisonment is used excessively; probation is used even more excessively; between the two is a near-vacuum of purposive and enforced punishments (1990, p. 3).

As noted earlier, California did not even consider diversion a goal when they set up their intensive probation program (Petersilia & Turner, 1990).¹⁰

If the state wishes to improve the accuracy of the decisions about sentencing, it seems that several options are available. One option would be to eliminate the intermediate sanctions. The discriminant analysis showed that a basic in-out decision could result in greater classification accuracy. Eliminating intensive probation and community corrections, however, is a drastic solution that also eliminates the positive effects of these relatively new programs. As just discussed, the existence of these programs may mean that offenders in the community are receiving meaningful sanctions rather than the slap on the wrist

that regular probation is often accused of representing. Another option is to influence the judges to be more accurate in assessing those who qualify for incarceration and those who make good candidates for community supervision. One possibility is to enact a more objective and limiting set of sentencing guidelines that judges are bound to follow unless they provide written justification for departing from the guidelines. As noted above, Florida has more restrictive guidelines and an analysis of diversion in that state showed greater ability to correctly classify cases into regular probation, intermediate sanctions, or incarceration (National Council on Crime and Delinquency, 1990). Tennessee reformed its sentencing legislation in 1989,¹¹ but the new law **still** leaves a great deal of discretion in the hands of state judges. For **example**, judges have a three to six year sentencing range for a Standard Class C felon and a two to four year range for a Standard Class D felon (Tennessee Sentencing Commission, 1990). Thus nonresidential burglary (a Class D felony in Tennessee) can result in a prison sentence of 2-4 years in Tennessee (a two-year range) whereas the same offense is a non-prison offense in Minnesota (with a possible jail sentence up to 12 months), merits 2.5-18 months incarceration in Pennsylvania, or 3-9 months of incarceration in Washington State (Morris & Tonry, 1990, p.53). Another avenue is to improve the pre-sentence investigation process. For example, it might be helpful to provide the judges with the offense seriousness rankings used by the Department of Correction. Those seriousness

rankings proved to be one of the significant variables in the discriminant analyses noted in this report. In fact, seriousness rankings also proved to be one of the four variables used in the so-called parsimonious model which used a very limited set of variables to achieve a level of predictive accuracy **almost** as high as when all fourteen final model variables were included in the analyses (see above). Similarly, the Greenwood scale proved to be a significant correlate of sentencing when it was included in the equations. It was not used in the final equations, however, because many of the component items had high numbers of, missing values. If probation officers made it a point to ensure that presentence reports included the information ascertained in the Greenwood scale **items** (see Note 7 for a description of those **items**) that would be another way to improve the accuracy of the presentence reports and the consequent judicial sentencing decisions.

One of the implications of the research is that pre-sentence reports can be shortened considerably. As noted, twelve variables were statistically significant in the final discriminant analyses and even four or five variables resulted in classifications approximately as accurate as those based on twelve variables. It is possible that a greatly shortened presentence report focusing on prior record, offense seriousness, employment history, substance abuse history, and a few other **items** would provide enough information for judges. This implication is consistent with prior research on probation

officer decision making which found that probation officers use only a few pieces of information to make sentence recommendations (Carter, 1957).

The analysis also suggests that judges **may** be paying undue attention to **some** nonlegal considerations. The inclusion of both gender and race in the final model suggests that males and nonwhites are being treated with disparity compared to females and whites. Once again, sentencing guidelines could reduce this tendency, as has occurred in Pennsylvania (Kramer & Lubitz, 1985).

Summary

The intensive probation and community corrections programs appear to be diverting some offenders from incarceration, but they are also being used for many offenders who would normally be sentenced to regular probation. In fact, a higher percentage of offenders are experiencing this so-called net-widening effect than are being diverted. Assuming that the state is committed to the new intermediate sanctions and will not eliminate them, it **seems** that the state should concentrate **some** effort on improving the selection of offenders for the two intermediate sanctions. It could do this by opting for **some** sort of sentencing guidelines **system** which would put limitations on judicial discretion. Another alternative would be to improve the information provided to judges at sentencing. Consideration should be given to providing essential information to judges such as the number of prior adult arrests, the number of prior felony arrests, the

seriousness ranking **system** used by the Department of Correction or **some** other ranking **system** employment history, and information pertaining to the Greenwood scale or **some** similar scale measuring each offender's risk of future offending. If any of these measures were adopted, a new evaluation of the diversionary impact of the intermediate sanctions would be able to determine their impact on improving the results discussed in this report.

Finally, the state should consider the position of Morris and Tonry (1990) that diversion should not be the primary focus of any intermediate sanction efforts and that net-widening should not be that troublesome. According to Morris and Tonry (1990) the primary focus should be on establishing a reasoned set of sanctions. Taking that position, any future evaluation of the intermediate sanctions should examine additional questions such as whether the new sanctions really are intermediate steps between regular probation and incarceration, if they are perceived that way by judges, corrections personnel, offenders, **victims**, and the public, whether they help clarify the mission of probation, and how they affect recidivism. Diversionary impact and net-widening are important concerns, but not the only ones. Future evaluation studies need to focus on the multiple goals and consequences of both intensive probation and community corrections.

Notes

Author's Note: The project staff thank the Department of Correction for the opportunity to conduct this research. We are particularly grateful to Susan Mattson for her diligent work in training and supervising the data collection **team** and for her assistance throughout the project.

1. For example, in December 1989, Tennessee had approximately 8,000 inmates in Department of Correction institutions, a 9.9% increase over the 1986 figure (Tennessee Department of Correction, 1990).
2. Discriminant analysis attempts to locate some function of the predictor variable scores (a linear combination) which can be used to assign observations with proper scores into the appropriate group (Dillon & Goldstein, 1984). The purpose of multiple discriminant analysis is to discover linear composites (discriminant axes) of the predictor variables such that the ratio of between-groups to within-groups variability is as large as possible. Each composite must be uncorrelated with all other extracted composites. The analysis is also used to determine which of the predictor variable-: are contributing the most to the classification of the groups. if this cannot be accomplished, then the predictor variables are not being used as hypothesized for the classification. If the analysis does produce clear discriminations among the groups, then new cases can be assigned correctly to the groups based on an observation's predictor variable profile and resultant scores on the linear composites.
3. We tried several sets of discriminating variables before settling on this set of fourteen. We first entered a lengthy set of legal variables (variables relating to prior record, custody status, type of defense attorney, etc.). We then entered a lengthy set of social variables (age, sex, race, employment status, drug history, etc.). We then used a combined set of legal and social variables. We also examined in considerable detail the Greenwood scale and its component variables (see text). We settled on this set of discriminating variables based on logic and prior research and on the relative **success** of these variables in correctly classifying cases. That is, both logic and prior research suggest the importance of such variables **as** prior record, offense severity, employment status, and so forth. Empirically, this set of fourteen variables correctly classified higher percentages of cases than other sets we used and/or had fewer missing values than other sets.
4. Technically, the analysis correctly identified the percentages noted for those offenders with no missing values on the discriminating variables in the analysis discussed.
5. When the dependent variable comprises three groups, two

separate discriminant functions are calculated. The null hypothesis is one of no difference among the populations from which the samples are selected, reflecting only sampling variability. The lambda and associated significance values permit the rejection of the null hypothesis for both discriminant functions.

6. Calculated from the square of the canonical correlation for each function.

7. The Greenwood (1984) prediction scale **items** measure prior conviction for the instant offense, incarceration in the two years preceding the instant offense, conviction as a juvenile, time served in a state juvenile correctional facility, drug use as a juvenile and as an adult, incarceration in the previous two years, and whether employed less than 50 percent of the preceding two years. Unfortunately, many of these **items** had an excessive number of missing values in the data set.

8. The reader is reminded that these numbers refer to the cases without missing values in the three groups discriminant analysis. The percentages cited needed to be conceptualized for all 1,458 offenders in the sample and for all applicable offenders in the state.

9. It needs to be added that the discriminant analysis also suggests that 87 of the 886 offenders in the analysis were "too tough" for regular probation. These offenders were "predicted" to be either intermediate sanction offenders or incarcerated. Similarly, 67 of the offenders who were incarcerated were "predicted" to have received a lesser sentence. Although our report focuses on the intermediate sanction offenders, the discriminant analysis indicates that misclassifications occur in reference to all three types of sentence.

10. A slightly different way to put this is Blomberg's (1984) comment that one way to view any instance of net-widening is that it **may** be beneficial in reducing social problems. The argument is that more and more intense forms of governmental intervention can mean that there is greater likelihood of having **some** impact on the targets of intervention. Still another interpretation is that net widening can have both positive and negative effects.

11. Since the sample contains offenders sentenced under the old sentencing law and the reform law, it is unclear what impact the new law had on the results of the study. Given that the new law is much less limiting than the more specific guidelines in other states (see example in text), it is doubtful that a study of only offenders sentenced under the new law would find very different results.

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Table 1. Selected characteristics of the sample. (N = 1458)

	Regular Probation (N=356)	Intermed. Sanction (N=750)	Incar- ceration (N=352)	Percent Missing
% Male	83	85	94	0
Average age	28.8	27.4	28.5	0.3
Highest grade completed in school	10.9	10.3	10.2	10
% Non-white	39	42	55	1
% Not Employed	35	51	53	10
% Employed Less than 50% of 2 years prior to crime	38	51	62	13
% Married	31	26	25	6 *
% Divorced or Single	69	71	75	6 *
% With No Children	51	18	55	9 *
% Living with a Child	29	27	21	11 *
% Living Alone at time of Offense	18	17	19	17 *
% With a Juvenile Conviction	14	27	28	9
% With a Juvenile Incarceration	4	11	13	9
% Used Drugs as a Juvenile	18	31	31	36
% Problem Drinkers/Alco.	34	51	49	27
% Under the Influence of Alcohol at Time of Offense	15	15	17	7 *
% Used Drugs During 2 Years Prior to Offense	42	61	55	18
% Under the Influence of Drugs at Time of Offense	9	41	9	30 *

Table 1 (cont'd)

	Regular Probation	Intermed. Sanction	Incar- ceration	Percent Missing
% With History of Substance Abuse Treatment	13	19	10	12
% Under Doctor's Care at Time of Sentence	19	15	9	9
% With History of Psychiatric Treatment	11	19	11	10
% With Prior Arrests	58	72	82	4
% With Prior Convictions for Reference Offense	15	25	32	6
% With Privately Retained Defense Attorney	51	32	27	25
% With Charges Pending at Time of Sentence	5	10	12	2
% With No Financial Liabilities	49	59	66	18
% Crime involved a Victim	54	58	56	4 *
% Not Related or Acquainted With a Victim (N = 719)	64	81	79	9
Avg. # of prior arrests	2.12	3.54	5.07	
Avg. # of prior felony arrests	.41	.76	1.46	
Avg. # of prior convictions	1.43	2.49	3.23	
Avg. # of pending charges	.07	.20	.19	
Avg. # of unique felony convictions	1.24	1.38	1.36	
Avg. # of prior probations	.24	.37	.51	
Avg. # of prior adult incarcerations	.29	.52	1.03	

Table 1 (cont'd)

	Regular Probation	Intermed. Sanction	Incarcer- ation
Offense Severity Ranking	239.2	198.2	172.2
Sentence length in months	37.1	47.2	50.8

* = No significant relationships found in crosstabulation analyses or breakdowns ($p < .05$).

Notes : All percent differences due to rounding.

For many of the offenders we included time on regular probation and length of sentence to intensive probation in the total sentence time. That is, if an offender was revoked and placed on intensive as a result of that revocation, we counted the complete sentence as his/her total sentence.

Table 2. Crosstabulations of offender characteristics by type of sentence (Percentages)

Sentence Type	Gender		<u>Row Total</u>
	<u>Male</u>	<u>Female</u>	
Probation	56	72	847
Intermediate	13	15	191
Incarceration	31	14	422
Column Total	1261	200	1461
0 Missing Cases			

Sentence Type	Race		<u>Row Total</u>
	<u>White</u>	<u>Nonwhite</u>	
Probation	63	51	838
Intermediate	14	13	190
Incarceration	23	36	418
Column Total	309	637	1446
15 Missing Cases			

Sentence Type	Employment Status: Employed at time of offense		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	54	70	821
Intermediate	18	12	184
Incarceration	29	18	289
Column Total	532	763	1294
167 Missing Cases			

Sentence Type	Employed < 50% of 2 years preceding reference offense		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	72	53	793
Intermediate	12	17	178
Incarceration	16	30	281
Column Total	681	571	1252
209 Missing Cases			

Table 2 (continued)

Sentence Type	Marital Status*		
	<u>Not Married</u>	<u>Married</u>	
Probation	60	66	843
Intermediate	14	12	188
Incarceration	26	22	341
Column Total	980	392	1372
89 Missing Cases			
*NS			

Sentence Type	Children*		
	<u>None</u>	<u>1 or More</u>	
Probation	62	63	835
Intermediate	13	15	183
Incarceration	25	22	314
Column Total	687	646	1333
Missing Values=128			
*NS			

Sentence Type	Living Arrangement*		<u>Row Total</u>
	<u>Live Alone</u>	<u>Other</u>	
Probation	64	65	795
Intermediate	13	14	168
Incarceration	23	22	270
Column Total	220	1012	1232
228 Missing Cases			
*NS			

Sentence Type	Liabilities at Time of Offense		<u>Row Total</u>
	<u>None</u>	<u>Some</u>	
Probation	60	72	783
Intermediate	15	13	168
Incarceration	25	15	246
Column Total	648	549	1197
264 Missing Cases			

Table 2 (continued)

Sentence Type	Under Doctor's Care		<u>Row Totals</u>
	<u>No</u>	<u>Yes</u>	
Probation	62	74	823
Intermediate	14	13	186
Incarceration	25	13	295
Column Total	1099	206	1304
157 Missing Cases			

Sentence Type	Any History of Psychiatric Treatment		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	64	57	823
Intermediate	13	22	185
Incarceration	23	21	294
Column Total	1144	185	1303
158 Missing Cases			

Sentence Type	Under Influence of Drugs at Time of Offense*		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	66	65	709
Intermediate	12	15	136
Incarceration	22	20	234
Column Total	977	103	1079
382 Missing Cases			
*NS			

Sentence Type	Under Influence of Alcohol at Time of Offense*		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	66	63	738
Intermediate	13	13	141
Incarceration	21	24	244
Column Total	953	169	1122
339 Missing Cases			
*NS			

Table 2 (continued)

Sentence Type	Drug or Alcohol Problem at Time of Offense ²		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	73	54	697
Intermediate	9	18	160
Incarceration	19	28	269
Column Total	482	637	1126
335 Missing Values			

²This variable combines items measuring whether the offender had a drug problem at the time of the offense and degree of alcohol use (see below for crosstabulations using those individual items).

Sentence Type	Drug Problem at Time of Offense		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	68	52	863
Intermediate	11	21	182
Incarceration	21	27	292
Column Total	363	421	1283
178 Missing Cases			

Sentence Type	Any History of Substance Abuse Treatment		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	62	62	809
Intermediate	13	21	180
Incarceration	24	17	292
Column Total	1115	166	1281
180 Missing Cases			

Sentence Type	Used Drugs as a Juvenile		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	62	52	614
Intermediate	12	18	124
Incarceration	20	30	216
Column Total	738	217	954
506 Missing Cases			

Table 2 (continued)

Offense	Used Drugs in Two Years preceding Reference		
	<u>No</u>	<u>Yes</u>	<u>Row Total</u>
Sentence Type			
Probation	70	56	754
Intermediate	10	18	167
Incarceration	20	26	272
Column Total	627	567	1194
267 Missing Cases			

Sentence Type	Degree of Alcohol Use at Time of Offense		<u>Row Total</u>
	<u>Low^b</u>	<u>High^c</u>	
Probation	69	52	657
Intermediate	11	19	167
Incarceration	21	29	272
Column Total	632	425	1057
404 Missing Cases			

^bLow=none or social drinker

^cHigh=frequent drinker or problem drinker/alcoholic

Table 3. Crosstabulations of prior record variables by type of sentence (Percentages)

Sentence Type	Prior Arrest Record		
	<u>No</u>	<u>Yes</u>	
Probation	75	52	838
Intermediate	11	14	186
Incarceration	14	33	376
Column Total	476	923	1399
62 Missing Cases			

Sentence Type	Prior Conviction Record		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	72	51	833
Intermediate	12	15	185
Incarceration	16	34	370
Column Total	590	798	1387
73 Missing Cases			

Sentence Type	Prior Conviction for a Felony		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	69	35	833
Intermediate	13	15	187
Incarceration	19	50	376
Column Total	1036	359	1396
65 Missing Cases			

Sentence Type	Prior Conviction for Reference Offense		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	65	43	835
Intermediate	13	17	186
Incarceration	22	41	353
Column Total	1022	282	1374
87 Missing Cases			

Table 3 (continued)

Sentence Type	Record of Juvenile Conviction		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	64	43	793
Intermediate	12	20	181
Incarceration	23	38	343
Column Total	1066	251	1317
144 Missing Cases			

Sentence Type	Record of Juvenile Incarceration		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	62	33	788
Intermediate	13	21	180
Incarceration	25	47	344
Column Total	1217	95	1312
149 Missing Cases			

Sentence Type	Spent > 50% of 2 years preceding reference offense in prison		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	61	32	833
Intermediate	13	20	186
Incarceration	25	48	359
Column Total	1340	37	1377
83 Missing Cases			

Table 4. Crosstabulations of offense variables by type of sentence
(Percentages)

<u>Row</u>	Delta	Region								<u>Total</u>
		ET	FT	MC	NW	SC	SE	SW	UC	
Sentence Type										
Probation	69	51	56	53	55	69	32	50	63	847
Intermediate	9	22	22	9	16	6	16	24	16	191
Incarceration	23	27	22	38	29	25	52	26	21	422
Column Total	420	128	110	278	78	163	118	91	75	1460
1 Missing Case										

Sentence Type	Custody Status		<u>Row Total</u>
	<u>Not in Custody</u>	<u>In Custody</u>	
Probation	71	36	735
Intermediate	14	13	161
Incarceration	15	51	310
Column Total	847	357	1204
257 Missing Cases			

Sentence Type	Type of Defense Attorney		<u>Row Total</u>
	<u>Private</u>	<u>Other</u>	
Probation	76	55	735
Intermediate	9	15	141
Incarceration	15	30	271
Column Total	491	656	1148
313 Missing Cases			

Sentence Type	Any Pending Charges at Time of Offense		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	61	41	845
Intermediate	13	16	189
Incarceration	26	43	390
Column Total	1313	111	142
37 Missing Cases			

Table 4 (continued)

Sentence Type	Victim Crime*		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	61	59	838
Intermediate	13	14	187
Incarceration	26	27	373
Column Total	629	769	1398
63 Missing Cases			
*NS			

Sentence Type	Victim-Offender Relationship		<u>Row Total</u>
	<u>None</u>	<u>Acquainted/ Related</u>	
Probation	59	71	797
Intermediate	14	9	175
Incarceration	28	20	350
Column Total	1127	195	1323
138 Missing Cases			

Sentence Type	Offender Armed at Offense*		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	60	54	831
Intermediate	14	12	187
Incarceration	27	24	370
Column Total	1267	120	1387
74 Missing Cases			
*NS			

Sentence Type	Weapon Used During Offense*		<u>Row Total</u>
	<u>No</u>	<u>Yes</u>	
Probation	60	64	833
Intermediate	14	11	188
Incarceration	27	25	371
Column Total	1291	101	1391
69 Missing Cases			
*NS			

Table 5. Variables and Coding Schemes for the Discriminant Analysis

Custody status: 0=bond, ROB, or pre-trial release; 1=in custody
 Previous arrests: actual number of prior arrests
 Previous felony arrests: actual number of prior felony arrests
 Offense seriousness: offense severity rank used by Tennessee Department of Corrections*
 Drug offense: 0=non-drug offense; 1=drug offense
 Defense attorney: 0=private; 1=appointed, public defender, or other
 Number of pending charges: actual number of pending charges at sentencing
 Number of unique felony convictions: actual number of felony convictions
 Adjudication status: 0=pled guilty or no contest; 1=found guilty at trial
 Victim: 0=no victim; 1=victim
 Employment status: 0=not employed at time of offense; 1=employed (verified employment, claimed self-employment, or in military) at time of offense
 Drug problem: 0=no drug abuse problem at time of offense; 1=offender had a drug abuse problem at time of offense
 Gender: 0=female; 1=male
 Race: 0=white; 1=all others

A Department of Correction staff attorney, who had worked with the Sentencing Commission in developing the 1989 revised criminal code assigned ranks within the felony classes (A, B, C, D, E) giving priority to crimes against persons, followed by drug offenses, then crimes against property. It is not a true interval scale in that each point may not reflect the same difference in degree of severity, but it is continuous and reflects overall seriousness of offense.

Table 6. Classification Result's Using Three Groups (Raw %s)

<u>Actual Group</u>	N	<u>Predicted Group Membership</u>		
		1	2	3
1. Regular Probation	355	66%	18%	16%
2. Intermediate Sanction	460	30%	42%	27%
3. Incarceration	171	23%	16%	61%
Column Totals:	886	348	268	270

Percent of "grouped" cases correctly classified: 52.6%

886 cases had no missing discriminating variables.

Table 7. Canonical discriminant functions

<u>Function</u>	<u>Eigenvalue</u>	<u>Percent of Variance</u>	<u>Canonical Correlation</u>		
1	.23	72%	.43		
2	.09	28%	.29		
<u>After Function</u>	<u>Wilks' Lambda</u>	<u>Chi²</u>	<u>D.F.</u>	<u>Significance</u>	
0	.75	245.33	24	.0000	
1	.92	71.785	11	.0000	

Table 8. Summary Table: Statistically significant discriminating variables in the final model.

<u>Step</u> #	<u>Variable</u>	<u>Wilks'</u> <u>Lambda</u>	<u>Variable Label</u>
1	CUSTSTAT	.89	Custody status at sentencing
2	DRUGPROB	.86	Presence of drug problem
3	PREFELAR	.83	# of prior felony arrests
4	DEFATTY	.81	Type of defense attorney
5	CONRANK	.79	Conviction offense severity ranking
6	DRUGS	.78	Drug offense
7	OFFEMPL	.77	Offender's employment status
8	PREARR	.76	# of prior adult arrests
9	UNIQFELC	.76	# of unique felony convictions
10	PENDING	.75	# of pending charges at sentencing
11	GENDER	.75	Offender's gender
12	RACE	.75	Offender's race

Note: Adjudication status and victim did not enter the equation. For a more complete description of the discriminating variables, see Table 4.