

# The Addition of Day Reporting to Intensive Supervision Probation: A Comparison of Recidivism Rates

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## THE DAY REPORTING CENTER

has gained recent popularity as an intermediate sanction. It provides rehabilitation for offenders through intensive programming, while retaining a punishment component by maintaining a highly structured environment. It joins control-oriented community punishments, such as intensive supervision probation (ISP), house arrest, and electronic monitoring, as a viable sentencing option. As an intermediate sanction, the day reporting center shares the common goals of providing punishment in a cost-effective way while still ensuring community safety.

A “day-reporting center” is an intermediate sanction that requires the offender to be supervised by a probation officer and assigned to a “facility to which offenders are required...to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skill training, or employment training” (Clarke, 1994, p. 6). Proponents of these nonresidential centers boast that day reporting satisfies several ends of punishment—incapacitation, retribution, and rehabilitation. The retributive and incapacitative components derive from the requirements of daily contact with the center, curfews, and substance abuse screening. Day reporting centers differ from other intermediate sanctions, however, by a marked concentration on rehabilitation. Staff assess the individual offender’s needs and offer him or her various types of in-house treatment and referral programs including substance abuse treatment, education, vocational training, and psychological services.

Little empirical research has been done to

compare recidivism rates of day reporting centers with those of other intermediate sanctions. There are two main reasons for this. First, the day reporting center is still relatively new. Day reporting centers originated in Great Britain in the early 1970s and by the mid 1980s they were widely utilized to manage probationers. In the United States, however, the first day reporting center did not open until 1986.

Second, day reporting centers vary greatly in terms of the target population, eligibility criteria, services offered, monitoring procedures, and termination policies (Diggs & Pieper, 1994). The heterogeneity of programs has hindered a clear understanding of the viability of day sentencing centers as an effective intermediate sanction.

This study compares rates of rearrest from a sample of individuals sentenced to intensive supervision probation only with a sample of offenders sentenced to intensive supervision probation plus the day reporting center. The North Carolina Structured Sentencing grid identifies both the day reporting center and intensive supervision probation as intermediate punishments. This quasi-experimental design permits one to assess whether, controlling for personal and legally relevant characteristics, the addition of day reporting to intensive supervision probation affects recidivism rates. This analysis will help us understand whether day reporting is a significant deterrent to future offending.

## Issues in Day Sentencing Center Research

### *History*

When day reporting centers emerged in Great Britain in the 1970’s, probation officials were

seeking a sanction that allowed the offender to maintain family and social ties and secure or continue employment. Judges used the original four Day Treatment Centers as a condition of probation. More than 80 day centers were implemented by the 1980s. Absent central planning, however, the programs at these centers were quite diverse with respect to types of cases, administration, operation, caseload, and program content (Parent, 1990).

Day treatment in the United States began in response to prison crowding and was strongly influenced by British day centers. Day reporting centers were envisioned to offer enhanced supervision and provide a wide range of treatment services to the offender. The model of day reporting also has antecedents in programs for de-institutionalized mental patients and juvenile offenders (Parent, 1990). The first site, in Hampden County, Massachusetts, opened in 1986. It was used as an early release option for sentenced inmates but later accepted pre-trial detainees (Larivee, 1990; McDevitt, Pierce, Miliano, Larivee, Curtin, & Clune, 1988). Like the British system, there is extreme diversity in type of offender, number of clients served, and length of time to be spent at day reporting centers in this country (Parent 1990).

### *Goals*

The goals of day sentencing centers vary as well. Support for intermediate sanctions comes from diverse sources, such as judges, prosecutors, defense attorneys, and correctional personnel (see generally, McGarry & Carter, 1993). In general, intermediate sanctions have been endorsed by both liberal and conservative policymakers.

One major goal is *cost effectiveness*. High revocation rates of offenders under surveillance-oriented programs such as intensive supervision probation undermine the goal of cost effectiveness. Because such programs require many contacts with probation officers, they are more “at-risk” than those offenders sentenced to regular probation. When revoked, the offender typically goes to prison. Considering high revocation rates, Tonry and Lynch (1996) conclude that most intermediate sanctions are not cost effective. Day reporting centers require even more surveillance than intensive supervision probation and may actually increase the likelihood that an individual fails during treatment at the day reporting center.

### *Mechanisms to Achieve Treatment Compliance*

Some suggest that successful programs can be traced to the establishment of informal social controls. A body of literature (Brasswell, 1989, Byrne, 1990) suggests that establishing informal social controls may more effectively deter future offending than simply increasing the number of surveillance contacts. Byrne (1990, p. 32) suggests, “IPS programs may be important *not* for the surveillance and control afforded offenders but for the relationships that develop as a result of closer contact.” A close bond with a probation officer or case manager may reduce recidivism because the offender does not want to disappoint the case manager who motivates him or her to achieve. The offender’s attitudes and behavior change to become more prosocial. The structure of most day reporting centers

facilitates the development of informal social controls to potentially increase treatment compliance. The average caseload is relatively low, at about 25.

Petersilia and Turner’s (1990) work suggests that probation programs that offer offenders treatment as well as intensive surveillance can reduce recidivism by about 15 percent, compared to intensive surveillance probation programs that offer no special offender treatment. In reviewing evaluations of intensive supervision probation (ISP) programs in general, Turner, Petersilia, and Deshenes (1992) suggest, “These cumulative results lend serious doubt to the claim that increased supervision, in and of itself, will reduce recidivism, decrease prison crowding, or save public funds.”

## **Description**

### *The Creation of the Day Reporting Center*

The southeastern North Carolina day reporting center in this study was created using state funds designated for the development of intermediate sanctions in the state of North Carolina. The money was allocated through the State-County Criminal Justice Partnership Act, the goal of which was to establish community-based corrections for counties that applied for funding. This act accompanied the 1994 North Carolina Structured Sentencing Act.

Structured sentencing in North Carolina links sentencing guidelines with the development of intermediate sanctions (Tonry, 1997). The punishment grids for both felony and mis-

demeanor offenses are based on two criteria—offense seriousness and prior record. The felony and misdemeanor punishment charts show the minimum length of time in months that an individual could serve in prison for each grid cell (see Figure 1 and 2 at end of article).

Active (prison) sentences (“A” cells) are reserved for serious and/or repeat offenders. Judges *must* sentence the offender to active prison time in the presumptive, aggravated, or mitigated range, if he or she falls in an “A” cell. Intermediate sanctions, such as intensive supervision probation, electronic monitoring, split sentence (shock incarceration followed by probation) and day reporting (“I/A”, “I”, and “C/I/A” cells), are the mid-range punishment. These sanctions target the otherwise prison-bound offender. Community punishments (“C” cells) are given to offenders who have committed less serious offenses and who have little or no prior record. Examples of community punishments include regular probation and TASC.

The judge may use discretion in imposing intermediate and community punishments under certain circumstances. For example, if an offender falls in an “I/A” cell, the judge may either activate the prison sentence or suspend the active prison term and impose an intermediate sanction. An offender who falls in a “C/I” cell will receive a suspended sentence and either intermediate or community punishment, at the discretion of the judge.

Structured sentencing was developed in response to widespread prison overcrowding and a prison cap that was in place at the time of the legislation. This cap required prisons to release inmates when prison capacity ex-

**TABLE 1**  
*Means and Standard Deviations for Independent Variables in Model*

<b>Independent Variable</b>	<b>ISP only</b>			<b>ISP + DRC</b>		
	<b>Mean</b>	<b>SD</b>	<b>N</b>	<b>Mean</b>	<b>SD</b>	<b>N</b>
Proportion Male	.823	.38	875	.808	.40	151
Age	29.219	9.01	869	28.556	9.57	151
Proportion Nonwhite	.554	.50	871	.649	.48	151
Proportion not Married	.832	.37	865	.854	.35	151
Proportion Working	.466	.50	721	.560	.50	150
Years of Education	11.429	1.78	755	10.77	1.76	150

ceeded 98 percent for more than 15 days. Intermediate sanctions are, by law, to be used mainly for offenders who otherwise would have gone to prison. Intermediate sanctions were to be expanded under the State-County Criminal Justice Partnership Act.

About half of the offenders sentenced to the Day Reporting Center were sentenced directly by a judge. The other half were probation intensifications. These clients were on regular probation and committed a technical or legal violation of their probation conditions. Their probation officer revoked the probation and brought them back to court for resentencing. Consequently, the sample of Day Reporting Center clients includes both "diversion" as well as "enhancement" offenders, as described by Petersilia and Turner (1993).

### Operation

The Day Reporting Center is a four-phase program lasting approximately 12 months. Offenders must check in between one and six times per week, depending on what phase they are in. Day Reporting Center clients must be employed or engaged in a concentrated job search. If they are unemployed, they must be at the center participating in treatment activities when they are not actively seeking employment.

The Day Reporting Center also serves the offender by assessing substance abuse, edu-

cational/vocational, and mental health needs and making appropriate referrals. The center offers GED classes, literacy training, anger management, adult basic skills, parenting, Alcoholics Anonymous, Narcotics Anonymous, drug education, and individual counseling. All offenders must develop and submit daily itineraries to their case managers. In addition, they must submit to random drug tests at the center.

The center operates on a three-strikes system, so that once an individual accrues three strikes, he or she is terminated from the program. Behavior qualifying for strikes or points toward strikes includes late or missed appointments, swearing, assaulting a case manager, and positive drug screens. Note that an offender may be terminated if he or she accrues three strikes or if his or her probation officer discovers a technical or legal violation and initiates revocation procedures.

The Day Reporting Center is a special condition of probation. All offenders are on either regular probation or intensive supervision probation. Approximately 75 percent of the Day Reporting Center clients were on intensive supervision probation. Offenders sentenced to ISP must follow several stringent conditions: 1) a curfew from 7 p.m. to 7 a.m.; 2) contact with their probation officer five times per week; 3) submission to warrantless searches; 4) submission to random drug tests; 5) performance of community service; 6) work or school at-

tendance. The focus is primarily on surveillance, not treatment, although the offender's probation officer may require the client to participate in drug treatment, upon assessment.

### Hypotheses

It is hypothesized that offenders sentenced to the Day Sentencing Center in addition to intensive supervision probation will have lower recidivism rates than those sentenced to intensive supervision probation alone. The strong emphasis on rehabilitation through intensive programming should lessen the rate of rearrest, as the offender is resocialized to living a law-abiding lifestyle. In addition, because of a relatively small caseload (25), a close relationship between the case manager and offender should help reduce reinvolvement in crime (Byrne, 1990).

### Data

Data collection yielded a data set of 1026 cases. This included the entire population of the intensive supervision probation (ISP)-only cases ( $n=875$ ) sentenced between October 1, 1995 and May 31, 1998. The rest of the sample was comprised of the 151 cases that were sentenced to the Day Reporting Center plus intensive supervision probation during this time period. Information about criminal history, background information, and client status was obtained through case files at the center. In some cases, the original court judg-

**TABLE 2**

*Coefficients and Standard Errors from Logistic Regression Analysis (N=720)*

Independent Variable	Maximum Likelihood Estimate	Standard Error	Significance
Day Sentencing + ISP	.119	.223	.594
Male	.573	.240	.017
Age	-.012	.010	.249
Non-white	.307	.178	.084
Not Married	.297	.245	.225
Working	-.196	.177	.267
Education	.034	.049	.481
Log of Months	.694	.130	.000
Constant	-3.58	.753	.000

ment, obtained from the Clerk of Courts, was needed to complete the case file. The minimum sentence length for all Day Reporting Center clients is one year. The dependent variable was whether the offender was rearrested for a non-traffic offense as of May 31, 1998. Arrest was chosen as the measure of recidivism partly because there was a long lag in follow-up time between arrest and conviction. It would take up to a year before a reconviction would show up in court records. Of course, rearrest does not necessarily mean reconviction, and therefore is not a perfect indicator of reinvolved in crime. A measure "log of months" was included in the logistic regression equation to represent time at risk for rearrest. This was simply the log of the number of months since the offender's date of sentence.

Table 1 lists descriptive statistics for those offenders sentenced to the Day Reporting Center (DRC) plus intensive supervision probation sample and those sentenced to intensive supervision probation (ISP) only. The two groups were similar on most measures. The majority of both ISP (82 percent) and DRC/ISP (81 percent) clients were male. The average age of DRC/ISP clients was approximately 29 and the average age of ISP clients was 28.5. Approximately 55 percent of the ISP clients are non-white (black or Hispanic), whereas about 64 percent on the DRC/ISP clients are non-white. About 82 percent of the ISP clients were not married, compared to 85 percent of the DRC/ISP clients. Forty-six percent of the ISP clients were employed, compared to 56 percent of the DRC/ISP offender. The average years of education for ISP clients is about 11.4, whereas the average years of education for DRC/ISP clients is about 10.7.

## Analysis

If a case was missing data on any variable in the equation, it was deleted. Listwise deletion yielded a sample of 720 cases from the initial sample of 1026. Table 2 shows the results from the logistic regression model.

The only variable that is significantly related to rearrest is sex. Males have a higher likelihood of being rearrested than females. This is consistent with career criminal work that documents males' longer criminal careers and overall greater involvement with crime.

Age is statistically insignificant. Older offenders are no more likely than younger offenders to be rearrested within the follow-up period. The effect of race is substantively significant ( $p < .084$ ), although not significant

at the  $p < .05$  level. African Americans are more likely to be rearrested than whites and Hispanics. This parallels a body of research that documents black males' disproportionate involvement in crime and the criminal justice system's response to African-American men (Mauer, 1999).

Marital status has a statistically insignificant effect on rearrest. Whether the offender is employed at the time of sentencing is not a significant predictor of whether he or she is rearrested. In addition, years of education is an insignificant predictor of rearrest.

The effect of day sentencing plus ISP is statistically insignificant. This means the likelihood of being rearrested is not significantly different for offenders who are sentenced to DSC plus ISP, compared to those sentenced to ISP only. They are neither more nor less likely to recidivate.

## Discussion

This study examined the predictors of rearrest among a sample of offenders sentenced to intermediate sanctions. The results of the analysis show that the addition of a Day Reporting Center to ISP does not significantly reduce the rate of rearrest. It is possible that any rehabilitative effect that the Day Sentencing Center has may be counterbalanced by increased surveillance of those sentenced to both day reporting and intensive supervision probation. Those who are sentenced to the Day Reporting Center are under the surveillance of both probation officers and day reporting staff. The "piling up" of sanctions discussed by Blomberg and Lucken (1994) increases the likelihood of "the offender's exposure to numerous forms of control and scrutiny culminating in frequent violations of the terms of sentence." So the effect of bonding with the case manager and the rehabilitative component of the day sentencing center may be counterbalanced by increased surveillance of day sentencing clients to yield a negligible effect on rearrest rates.

One could interpret these findings in different ways. From a cost-effective approach, one could argue that since adding Day Reporting to ISP doesn't reduce recidivism, it is a waste of money to enhance the ISP sanction. On the other hand, Day Reporting provides rehabilitation programs well beyond what ISP has to offer. Regardless of effect on recidivism, DRC empowers the individual offender by offering him or her literacy courses, GED, substance abuse counseling, and anger management classes.

Extant evaluations on intermediate sanctions have yielded less than enthusiastic support for their widespread use (Tonry & Lynch, 1996). There are contingencies under which some of these programs have been successful, including offender amenability and prior record. It is important to ascertain what the desired outcome of intermediate sanctions, such as day reporting are—whether it be pure cost effectiveness and prison diversion or whether it be evidence of rehabilitation. Until these issues are sorted out, it is difficult to conclude the effectiveness of day reporting or any other intermediate sanction.

## References

- Blomberg, T. & Lucken, K. (1994). Stacking the deck by piling up sanctions: Is intermediate punishment destined to fail? *Howard Journal of Criminal Justice*, 33(1), 62-80.
- Brasswell, M. C. (1989). Correctional treatment and the human spirit: A focus on relationship. *Federal Probation*, 63(2), 49-60.
- Byrne, J. M. (1990). The future of intensive probation supervision and the new intermediate sanctions. *Crime & Delinquency*, 36(1), 6-41.
- Clarke, S. H. (1994). 1994 supplement to law of sentencing, probation, and parole in North Carolina: The structured sentencing act of related legislation, 1993-94. Institute of Government, The University of North Carolina at Chapel Hill.
- Diggs, D. W. & Pieper, S. L. (1994). Using day reporting centers as an alternative to jail. *Federal Probation*, 58(1), 9-12.
- Larivee, J. (1990). Day reporting centers: Making their way from the U.K. to the U.S. *Corrections Today*, 52, 84-89.
- Mauer, M. (1999). "Lock 'em up and throw away the key": African-American males and the criminal justice system. In K.C. Haas & G.P. Alpert (Eds.), *The Dilemmas of Corrections* (pp. 30-43). Prospect Heights, IL: Waveland Press.
- McDevitt, J., Pierce, G., Miliano, R., Larivee, J. J., Curtin, E. L., & Clune, M. T. (1988). Evaluation of the Hampden County day reporting center. Boston, MA: Crime and Justice Foundation.
- McGarry, P. and Carter, M. M. (1993). *The intermediate sanctions handbook: experiences and tools for policymakers*. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections.

Parent, D. G. (1990). Day reporting centers for criminal offenders—a descriptive analysis of existing programs. Washington, D. C.: U.S. Department of Justice.

Petersilia, J. and Turner, S. (1990). *Intensive supervision for high-risk probationers: findings from three California experiments (R-3936-NIJ/BJA)*. Santa Monica, CA: RAND.

Petersilia, J. and Turner, S. (May, 1993). Evaluation Intensive Supervision Probation/Parole: Results of a Nationwide Experiment. National Institute of Justice. Research in Brief.

Tonry, M.(1997). Intermediate sanctions in sentencing guidelines. Washington, D. C.: U.S. Department of Justice.

Tonry, M. and Lynch (1996). Intermediate Sanctions. In M. Tonry (Ed.), *Crime and Justice* (pp. 99-144). Chicago: University of Chicago Press.

Turner, S., Petersilia, J., & Deschenes, E.P. (1992). Evaluating intensive supervision probation/parole (ISP) for drug offenders. *Crime & Delinquency*, 38(4), 539-556.

Byrne, J. M. (1990). The future of intensive probation supervision and the new intermediate sanctions. *Crime & Delinquency*, 36(1), 6-41.

**FIGURE 1.**

*North Carolina Felony Punishment Chart.*

Offense Class	Prior conviction levels		
	I <i>No prior convictions</i>	II <i>One to four prior convictions</i>	III <i>Five or more prior convictions</i>
<b>AI</b>	1 - 60 days C/I/A	1 - 75 days C/I/A	1 - 150 days C/I/A
<b>1</b>	1 - 45 days C	1 - 45 days C/I/A	1-120 days C/I/A
<b>2</b>	1 - 30 days C	1 - 45 days C/I	1 - 60 days C/I/A
<b>3</b>	1 - 10 days C	1 - 15 days C/I	1 - 20 days C/I/A

*Note: A - Active Punishment I - Intermediate punishment C - Community Punishment*

**FIGURE 2.**

*North Carolina Misdemeanor Punishment Chart.*

Offense Class	Prior record level						Disposition
	I	II	III	IV	V	VI	
	0 pts.	1-4 pts.	5-8 pts.	9-14 pts.	15-18 pts.	19+ pts.	
<b>A</b>	Death or life without parole						
	A	A	A	A	A	A	
<b>B1</b>	240-300	288-360	336-420	384-480	LWOP	LWOP	Aggravated range
	192-240	230-288	269-336	307-384	346-433	384-480	Presumptive range
	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated range
<b>B2</b>	A	A	A	A	A	A	
	157-198	189-237	220-276	251-313	282-353	313-392	
	125-157	151-189	176-220	201-251	225-282	251-313	
<b>C</b>	94-125	114-151	132-176	151-201	169-225	188-251	
	A	A	A	A	A	A	
	73-92	100-125	116-145	133-167	151-188	168-210	
<b>D</b>	58-73	80-100	93-116	107-133	121-151	135-168	
	44-58	60-80	70-93	80-107	90-121	101-135	
	A	A	A	A	A	A	
<b>E</b>	64-80	77-95	103-129	117-146	133-167	146-183	
	51-64	61-77	82-103	94-117	107-133	117-146	
	38-51	46-61	61-82	71-94	80-107	88-117	
<b>F</b>	I/A	I/A	A	A	A	A	
	25-31	29-36	34-42	46-58	53-66	59-74	
	20-25	23-29	27-34	37-46	42-53	47-59	
<b>G</b>	15-20	17-23	20-27	28-37	32-42	35-47	
	I/A	I/A	I/A	A	A	A	
	16-20	19-24	21-26	25-31	34-42	39-49	
<b>H</b>	13-16	15-19	17-21	20-25	27-34	31-39	
	10-13	11-15	13-17	15-20	20-27	23-31	
	I/A	I/A	I/A	I/A	A	A	
<b>I</b>	13-16	15-19	16-20	20-25	21-26	29-36	
	10-13	12-15	13-16	16-20	17-21	23-29	
	8-10	9-12	10-13	12-16	13-17	17-23	
<b>J</b>	C/I/A	I/A	I/A	I/A	I/A	A	
	6-8	8-10	10-12	11-14	15-19	20-25	
	5-6	6-8	8-10	9-11	12-15	16-20	
<b>K</b>	4-5	4-6	6-8	7-9	9-12	12-16	
	C	C/I	I	I/A	I/A	I/A	
	6-8	6-8	6-8	8-10	9-11	10-12	
<b>L</b>	4-6	4-6	5-6	6-8	7-9	8-10	
	3-4	3-4	4-5	4-6	5-7	6-8	

*Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment  
Numbers shown are in months and represent the range of minimum sentences.*