



New York State

**Division of Probation
and Correctional
Alternatives**

Annual Report

Intensive Supervision Program
2005 Operations

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December 2006

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ISP (Intensive Supervision Program)

History

New York's Probation Intensive Supervision Program (ISP) began in 1979. According to the Operational Guidelines for Intensive Supervision Program Revised April 1992, the program was introduced in New York State "as an effort to improve probation outcomes by placing high risk probationers in restricted caseloads where they would receive closer supervision and more extensive case management." ISP is further described as having "pioneered the use of objective offender classification, standardized needs assessment and case planning procedures, and uniform methods for reclassification of supervision levels." The Operational Guidelines also state, "Accurate analysis of offender needs, identification of appropriate service providers and determination of an individual's ability and readiness to utilize specific interventions are critical to the planning process and a successful supervision outcome." The introduction of ISP is attributed to having "led to significant changes in the general standards governing adult supervision in our state."

The focus of ISP later shifted towards a dispositional alternative for felony offenders who might otherwise be incarcerated. ISP expanded in 1987 to include many additional counties. At that time, enhanced pre-sentence and pre-plea investigations, and other developments, including interim supervision, were introduced to assist courts in determining the suitability of offenders for community based dispositions. In the early 1990's, ISP came to be viewed as part of the alternatives to incarceration strategy utilized to combat the chronic crowding that was occurring in correctional facilities.

The Operational Guidelines for the Intensive Supervision Program Revised April 1992 also offer "ISP represents a supervision and case management system that combines effective surveillance with meaningful interventions that produce behavioral change." As such, appropriate program referrals and close monitoring of service delivery are important aspects of the ISP officer's job. In fact, the "Community Resource Participation" portion of the ISP Quarterly report requires the Probation Officer to connect program referral/participation to a specific identified need of the probationer.

New York State's official ISP probation model has remained largely unchanged since the early 1990's. However, over the years various counties have developed differing strategies of implementing the ISP model to meet the needs of their localities. In particular, several departments have begun to include the delivery of services (rather than outside referrals) to ISP probationers. Programs commonly delivered by ISP departments include employment and cognitive behavioral intervention programs.

The employability of high risk offenders is a long standing goal of ISP programs. DPCA continues to support that goal, and has implemented some important offender employability initiatives. The "Offender Workforce Development-Employment Matters" training series is intended to guide probation officers and others who work with offenders in assisting them to obtain employment. ISP probation officers have been strongly encouraged to attend these regional sessions. Information provided by the departments

on the 2005 ISP Quarterly Report submissions indicates that over two dozen ISP officers attended such training sessions in 2005. “Offender Workforce Development-Employment Matters” is an interagency collaborative effort between the New York State Division of Probation and Correctional Alternatives (DPCA), the Department of Labor (DOL) and county probation. Additionally, several county probation departments have established job readiness groups tailored to the special circumstances facing unemployed and underemployed offenders. The job readiness groups, entitled *Ready, Set, Work! (RSW)*, are run by certified Offender Workforce Development Specialists in four counties. These counties (Albany, Dutchess, Monroe, and Schenectady) have been designated as “Model Resource Centers” for probationer employment by DPCA. Two new Model Resource Centers are planned for New York City and Suffolk County in early 2007. ISP probationers are common participants in these employment programs.

Some departments are exploring, or have begun delivering Cognitive Behavioral Intervention (CBI) programming. Such programs are based on the simple principle that thinking (an internal behavior) controls overt actions (external behavior). Therefore, through CBI programs (or curricula), offenders learn new skills and new ways of thinking that can lead to changes in their behavior and actions, and ultimately decrease their criminal conduct. Based on their known patterns of behavior, ISP probationers are common targets for Cognitive Behavioral Intervention. For example, Dutchess County ISP probationers, and pre-trial felony offenders who were supervised under ISP standards, were offered a variety of Cognitive Behavioral Interventions in 2005. Such Cognitive Behavioral programming included Coping Skills, Anger Management, Relapse Prevention, and a Criminogenic Needs Psychoeducational group - tied to Dutchess County’s use of the LSI (Level of Service Inventory) Risk and Needs Assessment Instrument. In 2005, Suffolk County identified the need to deliver Cognitive Behavioral Intervention programming to their ISP probationers in an effort to reduce recidivism among the ISP population. Suffolk’s “Evidence Based ISP” approach addresses Criminal Thinking, Anger Management, Relapse Prevention, and Job Readiness components. All of Suffolk County’s ISP staff are being trained in these areas.

ISP Definition and Program Goal

DPCA Rules and Regulations part 351.1(i) states, “The term *ISP* means the Intensive Supervision Program. ISP is an alternative to incarceration administered by the Division of Probation and Correctional Alternatives which primarily serves felony offenders identified as likely to be incarcerated but for the availability of ISP as a sentencing or violation of probation sentencing option. Assignment to ISP is based upon risk of incarceration rather than risk of future supervision failure.”

Per the DPCA 2006 ISP Application, the Program Goal is, “To enhance public protection through intensive supervision and services while limiting the unnecessary incarceration of certain offenders who are at high risk of reoffending.”

ISP Eligibility Criteria

In general, Felony Offenders are eligible for ISP when the individual has been sentenced by a superior court to ISP with appropriate reference in the order and conditions of probation; or the individual has been sentenced by a superior court to an alternative sentencing plan or correctional alternative plan which specifies participation in ISP. Felony Probation Violators can be placed in the program through restoration to probation with a modified Order and Condition of Probation which specifies participation in ISP.

Misdemeanor Offenders are eligible for ISP when the individual has a prior felony conviction, which could precipitate a second felony offender determination, and the individual has been originally charged with a felony in the current case, and the current case has been, or will be disposed of as a misdemeanor conviction. The complete ISP eligibility criteria may be found in DPCA Rules and Regulations part 351 available in the Probation Services of e-justice, New York.

Although the ISP model calls for the probationers to be sentenced, a few departments have expressed the desire to place Interim (and therefore un-sentenced) cases on their ISP caseloads. The populations that they described otherwise fit the eligibility criteria, and would likely benefit from this level of supervision. DPCA has approved this variation and granted waivers from the traditional ISP model on a limited basis and continues to monitor its effectiveness.

ISP Caseload Model

ISP cases are classified into one of two categories, based upon a probationer's length of time under supervision and assessment of the case's compliance with Alternatively Sentenced (AS) supervision requirements. ISP cases are categorized as either AS or as Transition Cases. The AS portion of ISP supervision features increased personal and collateral contact requirements. After six months of AS supervision has been completed, and an assessment of compliance with supervision requirements indicates that the case is suitable for movement to a non-ISP caseload, the case shall be maintained in ISP transition status an additional three months. This stepped-down supervision is referred to as ISP's "Transition" phase. At the end of three months of successful transition level supervision, the case may be transferred to a non-ISP level of supervision.

The Operational Guidelines for the Intensive Supervision Program Revised April 1992 limit ISP caseloads to 21 probationers per officer. The caseload limit anticipates 2/3 of a caseload's client population to be in the more intensive alternatively sentenced (AS) phase of supervision, and the remaining 1/3 in the less intensive transitional (Transition) phase. Several departments have requested and been granted waivers to allow larger ISP caseloads.

Participating ISP Departments

Please refer to Figure 1 to identify the 39 Probation Departments that receive funding from DPCA to operate ISP programs. It should be noted that each of the 17 IMPACT counties operates an ISP program.

Figure 1

ISP Probation Departments

N=39



ISP Funding

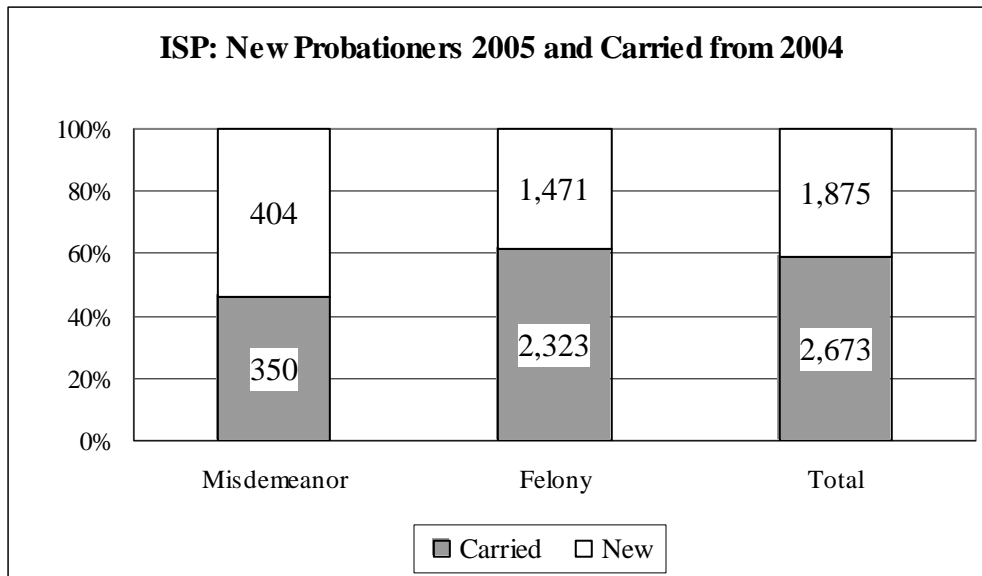
The Intensive Supervision Programs were originally 100% funded by the State. Over time, the State's funding of ISP has decreased, while the costs of operating the programs have increased. New York State's total ISP program allocation for 2005 was \$5,996,000. The New York City Department of Probation's 2005 portion of that allocation was \$2,344,200: 39.1% of the Statewide total ISP allocation. The vast majority of the ISP programs receive an annual allocation from DPCA that is then claimed on a quarterly basis. However, Franklin, Herkimer, Lewis, Livingston, Wyoming, and Fulton (beginning in 10/06) operate their ISP programs on a Unit Cost basis. Under this funding formula, the county is paid on a per diem basis per ISP probationer. ISP funding allocations are reflected in Table 2.

2005 ISP Operations

Unless otherwise noted, the following information was drawn from a compilation of the 2005 ISP Program Summaries that were submitted by each county as part of their 2006 ISP Application.

The counties collectively supervised 4,548 ISP probationers during 2005, consisting largely of felony cases. In fact, eighty-three percent of the 2005 ISP probationers were felons. Fifty-nine percent of the ISP cases were carried over from 2004, with the remainder being new ISP cases in 2005. The following graphic provides the breakdown of felons/misdemeanants, and new/carry over cases.

Figure 2



Seventeen departments reported supervising some misdemeanor cases in 2005. The following graphic presents the percentage of misdemeanor cases on the specified county's total ISP caseload. Departments not appearing in this graphic did not report supervision of any ISP misdemeanants in their 2005 ISP Program Summary.

Table 1

Percentage Misdemeanor ISP Probationers by County			
Albany	13.8%	Onondaga	7.7%
Chautauqua	7%	Orange	<1.0%
Chemung	3%	Orleans	16%
Fulton	8.7%	Putnam	3.1%
Herkimer	11%	Suffolk	23%
Livingston	9%	Tompkins	25.8 %
Madison	46%	Ulster	10%
Nassau	7.8%	Westchester	29%
NYC	34.5%		

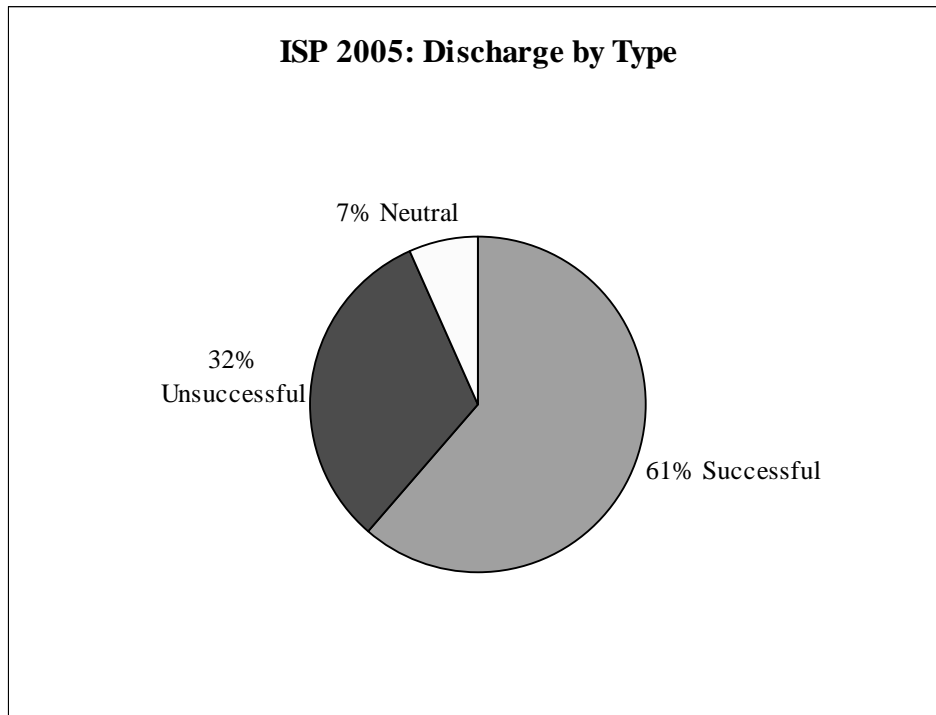
The number of ISP probationers, and the numbers of successful, unsuccessful and neutral ISP discharges by county are reported in the following table, as well as the percentages of these discharge types of the total ISP discharges by county. For the purposes of this table, successful discharges include those probationers that completed ISP and were transferred to non-ISP supervision, those that reached their maximum expiration date, and those that received early discharges. Unsuccessful discharges include those ISP probationers that were revoked from probation, those that were removed to non-ISP supervision because they were remanded/detained or absconded, and those where ISP supervision was terminated due to new sentences to DOCS or new jail terms. Neutral discharges include transfers out to other jurisdictions and deaths. Based on the information reported, of 2005's total ISP discharges 61% were successful, 32% were unsuccessful, and 7% were neutral.

Table 2 – 2005 ISP Allocations and Discharge Types by County

County	Allocation	#of ISP Probationers	Successful Discharge		Unsuccessful Discharge		Neutral Discharge	
			#	%	#	%	#	%
Albany	\$141,600	174	23	25%	65	70%	5	5%
Allegany	\$11,400	6	3	100%	0	-	0	-
Broome	\$92,200	117	25	46%	20	37%	9	17%
Chautauqua	\$43,700	70	5	22%	18	78%	0	-
Chemung	\$63,400	66	8	32%	17	68%	0	-
Clinton	\$20,800	44	12	57%	9	43%	0	
Dutchess	\$80,600	96	8	80%	1	10%	1	10%
Erie	\$278,000	179	45	49%	43	47%	4	4%
Franklin	\$8,400	17	5	63%	3	37%	0	-
Fulton	\$21,300	23	7	58%	4	33%	1	8%
Herkimer	\$6,000	9	6	100%	0	-	0	-
Jefferson	\$25,100	31	8	67%	4	33%	0	-
Lewis	\$3,300	4	0	-	2	100%	0	-
Livingston	\$9,700	12	4	44%	4	44%	1	11%
Madison	\$12,000	13	6	66%	0	-	3	33%
Monroe	\$421,500	303	65	51%	59	47%	3	2%
Montgomery	\$17,700	30	10	67%	4	27%	1	6%
Nassau	\$593,900	216	36	45%	37	46%	7	9%
Niagara	\$40,200	21	15	88%	2	12%	0	-
NYC	\$2,344,200	1,447	895	77%	220	19%	50	4%
Oneida	\$137,100	156	33	55%	24	40%	3	5%
Onondaga	\$234,700	154	34	54%	27	43%	2	3%
Orange	\$122,300	214	36	35%	53	52%	13	13%
Orleans	\$20,200	25	13	62%	4	19%	4	19%
Oswego	\$22,900	26	8	62%	3	23%	2	15%
Putnam	\$31,100	32	5	50%	4	40%	1	10%
Rensselaer	\$42,000	82	5	19%	20	77%	1	4%
Rockland	\$62,900	28	16	84%	3	16%	0	-
Schenectady	\$24,300	7	3	75%	1	25%	0	-
St. Lawrence	\$20,700	49	13	54%	9	38%	2	8%
Steuben	\$43,700	45	6	35%	8	47%	3	18%
Suffolk	\$520,600	268	31	26%	73	62%	14	12%
Sullivan	\$22,800	85	18	42%	8	19%	17	40%
Tioga	\$8,600	19	5	36%	4	28%	5	36%
Tompkins	\$18,800	85	16	43%	15	41%	6	16%
Ulster	\$21,900	80	25	67%	7	19%	5	14%
Wayne	\$22,900	28	10	77%	1	8%	2	15%
Westchester	\$376,800	282	106	70%	38	25%	8	5%
Wyoming	\$6,700	5	2	50%	1	25%	1	25%
Total	\$5,996,000	4,548	1,571	61%	815	32%	174	7%

* The number of ISP probationers in 2005, and the discharge information presented in Table 2 were drawn from a compilation of the 2005 ISP Program Summaries that were submitted by each county as part of their 2006 ISP Application.

Figure 3



It is important to consider the number of cases being discharged from ISP in a given county, rather than just the percentages. A small ISP caseload with few unsuccessful discharges can result in a successful discharge percentage that appears unusually high. Therefore caution is urged in making inter-county comparisons of ISP successful discharge rates.

It should further be noted that although a case may have been successfully discharged from ISP via a transition to a non-ISP caseload, there is no assurance that compliance continued after leaving ISP. There are cases that violate probation or are re-arrested after being transitioned to a regular supervision caseload. Some Probation Officers have said that a difficult case may be able to make it through ISP given the extra monitoring and service provision that this program provides, but then fail on a regular caseload where that attention is likely to be significantly reduced. Although it may be time consuming to collect, analyzing outcome information on probationers who have completed ISP and then transitioned to a standard caseload may be an important area for future examination.

ISP Population 2005

The ISP Quarterly Reports submitted by the departments during 2005 were reviewed for information regarding the population under ISP supervision. Please note that some reports were not available for review, and therefore this section is based on an unscientific sample of the programs. Based on the offense categories provided on the Quarterly form (see Figure 4), crimes involving Coercion were the most common convictions resulting in a sentence to ISP in 2005. This grouping of offenses includes assaultive crimes, sex offenses, arsons, as well as other crimes. Controlled substance offenses and property offenses were the next two groups most frequently sentenced to ISP in 2005. Based on the information available for review, probationers sentenced to ISP in 2005 were White (81%) non-Hispanic (71.2%) Males (78.6%). Probationers sentenced to ISP in 2005 most commonly fell into the 25-34 year old age range (see Figure 5). During 2005, Substance Abuse and Employment/Training were the most common Service Referrals for ISP probationers (see Figure 6).

Figure 4

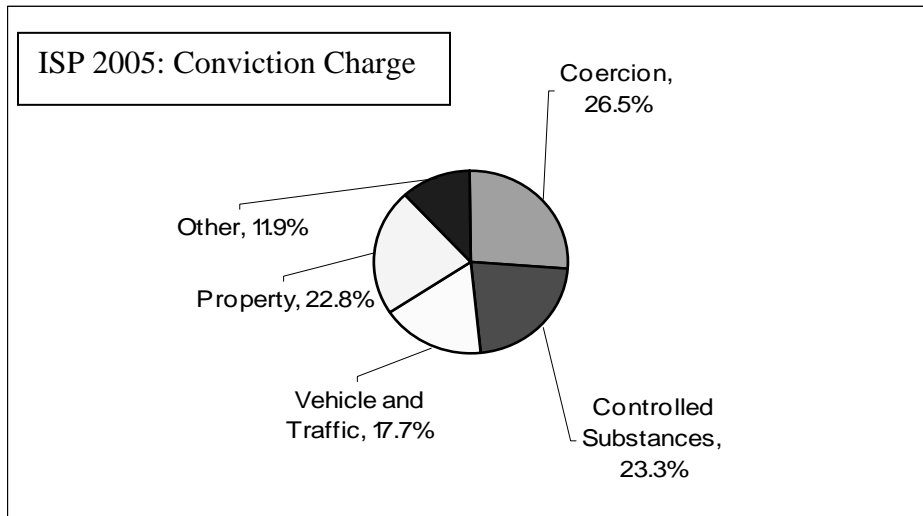
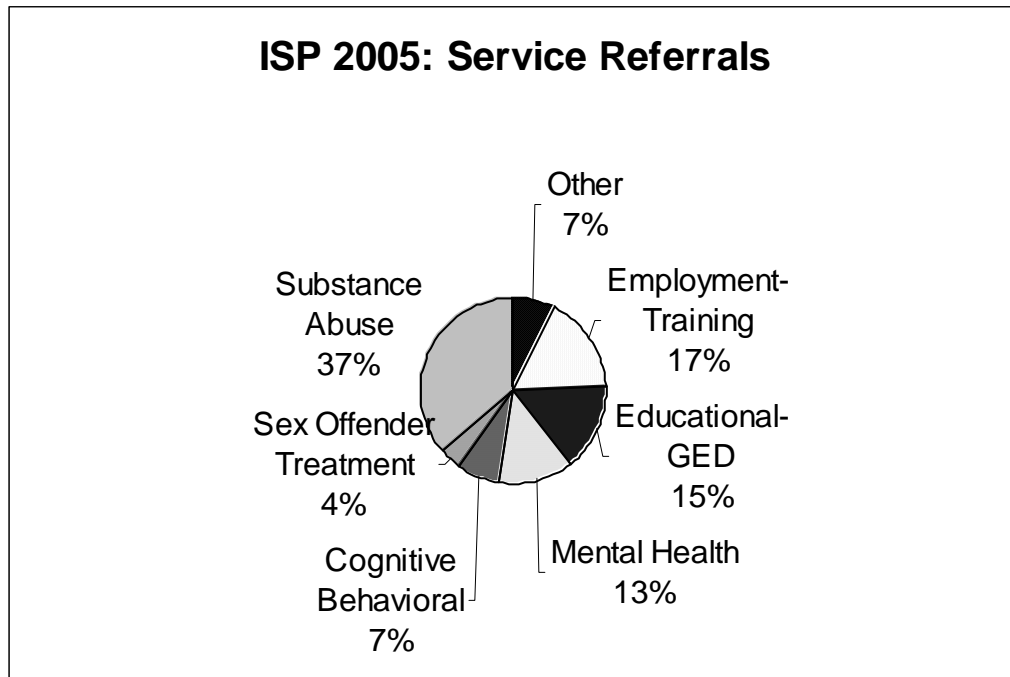


Figure 5



Figure 6



Assigning Cases to ISP - Competition for Cases

During the 2006 ISP Application process, and subsequent follow-up contacts, several departments reported having recently started losing potential ISP cases to other correctional alternatives, particularly “Specialty Courts”. Reportedly, many cases that commonly would have been sentenced to ISP in the past are now receiving alternative dispositions offered through Drug Courts, Mental Health Courts, Domestic Violence Courts, and other new programs. It was reported that this trend not only reduces the number of cases that can be considered for ISP, but may reduce the quality of the ISP cases as well. Since the judges presiding over the specialty courts typically have “first pick” for their programs, the cases left eligible for ISP may be of greater risk and need, and therefore more likely to violate or recidivate.

It was also reported that there may be competition for cases within some probation departments. If a probation department offers specialized caseloads that are not part of an ISP program, they will be forced to choose which program certain cases will be assigned to. Another area where this can occur is counties that have both Probation Eligible Diversion (PED) and ISP programs. For example, if a county assigns DWI cases to a non-ISP DWI caseload or to a PED caseload, they are in fact diminishing the number of cases available to be considered for ISP.

It should be noted that some Departments may have ISP officers that are attached to specialty courts, or carry a specialized ISP caseload (such as an ISP Sex Offender Caseload, or an ISP Mental Health caseload).

ISP programs that have been negatively impacted by such competition for cases may wish to consider options such as offering the involvement of ISP Officers in specialty courts, or where possible, converting to the aforementioned specialized ISP model (Sex Offender ISP PO, Mental Health ISP PO, etc). In implementing either option, the counties must keep in mind that the ISP eligibility and program guidelines still apply. Counties must also consider whether any special funding (STOP DWI, Sex Offender grants, etc.) that they may receive for certain positions might impact their ability to implement specialized ISP caseloads.

The Future of ISP in New York

Intensive Supervision Programs have a number of strengths including the knowledge that POs have with probationers under their supervision; increased availability and responsiveness to families, treatment providers, communities, judges, and other members of the probationers' support networks; and the ability to promptly respond to probationer violations and misconduct.

The current ISP model requires consideration to ensure that it meets the needs of county probation departments. Results from different ISP programs are inconsistent. ISP tends to be bound by traditional contact requirements rather than the quality of contacts. ISP has the potential to effect positive change through increased delivery of evidence based programming and services. As noted earlier, some probation departments have begun to institute such programming which may help to shape the future of ISP in New York State.

An updated ISP model should include evidence based practices which: emphasize quality contacts (employment programs, cognitive behavioral intervention programming, etc) over strict quantity of contact requirements; uses valid outcomes evaluation/measures of success; all reflected in an updated Manual of Operations for the Intensive Supervision Program. The ISP Model should be based on probation's use of a fully validated risk and needs assessment instrument that identifies the highest risk cases and drives the development of case plans that target the "criminogenic" needs of offenders. Early in 2007, DPCA will implement statewide training on the use of the New York COMPAS risk and need assessment instrument and offer it to county probation departments. Using the data derived from the use of the risk and need assessment instrument, DPCA will begin the examination of the Supervision Rule. This is certain to have a substantial impact on our expectations of ISP programs.