

**CHITTENDEN COUNTY
RAPID INTERVENTION COMMUNITY
COURT
OUTCOME EVALUATION
PRELIMINARY TOPLINE RESULTS: 1/3/2013**

Submitted By

THE VERMONT CENTER FOR JUSTICE RESEARCH

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PRELIMINARY RESULTS SUMMARY

The Chittenden Rapid Intervention Community Court (RICC) is a program that is available to non-violent offenders whose crimes have been driven by untreated addiction or mental illness. The program is designed as a pre-charge system through which offenders are quickly assessed using evidence-based screening tools and offered diversion to community programming, services, and community-based accountability programs. The RICC staff work closely with the Chittenden County State's Attorney and the Burlington Police Department to identify individuals who may benefit from a rapid intervention program, without which they may reoffend and engage in conduct that is costly both to them and to the community.

The Burlington Community Justice Center accepts referrals from RICC for individuals who agree to meet with a restorative justice panel to take responsibility for the crime, learn how individuals and the community were impacted, and take steps to repair the harm caused by the crime.

This report provides a preview of the results of the outcome evaluation for the RICC.

EVALUATION METHODOLOGY

An outcome evaluation attempts to determine the effects that a program has on participants. In the case of the RICC, the objective of this outcome evaluation was to determine the extent to which the program affected recidivism among the participants.

An indicator of post-program criminal behavior that is commonly used in outcome evaluations of criminal justice programs is the number of participants who recidivate – that is, are convicted of a crime after they complete the program. In the case of this study, participants were considered to have recidivated if they were reconvicted for of any crime prosecuted in a Vermont Superior Court – Criminal Division, including violations of probation and motor vehicle offenses, after participating in the RICC.

This evaluation included three study segments – subjects who successfully completed the RICC program (n=470), a segment that did not complete the program and were returned to docket (n=71), and a segment that were currently in the RICC and pending outcome (n=113). During the study period, 87% of RICC participants (470 of 541) successfully completed the RICC.

An analysis of the criminal history records of the 654 subjects who entered the RICC from September 14, 2010 to December 5, 2012, was conducted using Vermont criminal history records as provided by the Vermont Criminal Information Center at the Department of Public Safety. The Vermont criminal history records on which the recidivism analysis was based included all charges and convictions prosecuted in a Vermont Superior Court – Criminal Division that were available as of September 17, 2012. The criminal records on which the study was based do not contain Federal prosecutions, out-of-state prosecutions, or traffic tickets.

RECIDIVISM

How is Recidivism Defined?

Since recidivism is usually the primary measure of interest when evaluating the effectiveness of programs such as the RICC, it is important to consider the manner in which recidivism is defined, and how the definition affects the interpretation of study results. The RICC administrators requested that a rigorous definition for recidivism be used for this analysis. It was determined that a “zero tolerance” standard for recidivism would be adopted such that any RICC participant who was convicted of any crime prosecuted in a Vermont Superior Court – Criminal Division, including violations of probation and motor vehicle offenses after program completion or termination would be considered a recidivist.

How was Recidivism Determined?

In order to determine which participants of the RICC recidivated, a recidivism clock start date was set for each subject, dependent on whether they successfully completed the RICC, were unsuccessful at completing the RICC, or were still in the program.

For those participants that had entered the RICC and either successfully completed the program, or did not complete the program, their recidivism clock started on their “Program Completion Date”, which was included in the participant description data provided by the program administrators. For 29 of the subjects – 12 who completed the RICC and 17 who did not – a “Program Completion Date” was not available. The recidivism clock was started when they entered the RICC as indicated by their “Program Start Date,” the assumption being that any conviction after that date would most certainly classify the subject as a recidivist. For the subjects who were still in the RICC and pending outcome, their recidivism clock was also started on their “Program Start Date” under the same assumptions.

Based on each subject’s recidivism clock start date and their criminal records from the VCIC, a subject was considered a recidivist if they committed and were convicted of any new offense after their recidivism clock start date. The elapsed time to recidivate was also measured between the start of the participant’s recidivism clock and the date the participant was arrested for any new offense that ended in conviction.

It should also be noted that of the 654 participants in the study, VCIC criminal records were not found for 178 subjects – 122 who completed the RICC, 13 who did not complete the program, and 43 who were still in the program. Since these subjects did not show any contact with the criminal justice system after their recidivism clock start date, they were considered non-recidivists.

Key Findings

1. The result of the research showed that the RICC had a very positive affect on the subjects who successfully graduated from the program. Only 7.4% of the participants were reconvicted of a crime after leaving the RICC. For the participants who were not successful at completing the RICC, 23.9% were convicted of a new crime after leaving the program. Although this is a significantly higher rate of recidivism compared to the participants who completed the RICC, the rate is still relatively low. This indicates that even an abbreviated exposure to the benefits of the RICC may provide a positive influence on those participants who do not complete the program.

The percentage of participants, who remained conviction-free for the first year after leaving the program, was very high at 92.8% for participants who completed the RICC. The percentage of subjects who remained conviction-free for the first year after leaving the program was significantly lower at 78.9% for those subjects that did not successfully complete the RICC.

2. Significant differences were observed between study segments with respect to reconviction rate. The subjects that completed the RICC had 15 reconvictions per 100 participants versus 46 reconvictions per 100 participants for those who did not complete the program. In total, the recidivists were convicted of 105 crimes after leaving the RICC, averaging approximately 2 reconvictions per recidivist. There were no significant differences across study segments in offense levels. Approximately 95% of the reconvictions were misdemeanors.

Offense patterns were similar across the study segments. Over 75% of reconvictions consisted of (listed in order of frequency): theft, assault, motor vehicle violations, failure to appear, disorderly conduct, and unlawful trespass.

3. A large majority of the subjects who completed or were still in the RICC were reconvicted in Chittenden County (92%), followed by Franklin and Addison counties. The participants, who did not complete the RICC, showed a similar pattern with most of their crimes occurring in Chittenden County (74%), and the remaining occurring in Franklin, Addison, Grand Isle, and Lamoille counties.

Research Question 1: Which subjects were convicted of additional crimes after their participation in the RICC?

Table 1 provides data regarding the percentage of RICC participants who recidivated during the study period as per the study definition of recidivism. The table shows a significant difference in recidivism rates between the subjects who completed the RICC and those subjects who failed to complete the program. For the subjects who successfully completed the RICC, only 35 of the 470 (7.4%) were reconvicted of some type of crime as compared to 17 of the 71 subjects (23.9%) who failed to complete the RICC.

The results also showed that for the participants who were still in the program, only two had reconvictions after starting the RICC.

Table 1
Subjects Reconvicted for Any Offense

| | Completed | | Returned to Docket | | Pending | | Total | |
|----------------|-----------|--------|--------------------|--------|---------|--------|-------|--------|
| | Count | % | Count | % | Count | % | Count | % |
| Recidivist | 35 | 7.4% | 17 | 23.9% | 2 | 1.8% | 54 | 8.3% |
| Non-recidivist | 435 | 92.6% | 54 | 76.1% | 111 | 98.2% | 600 | 91.7% |
| Total | 470 | 100.0% | 71 | 100.0% | 113 | 100.0% | 654 | 100.0% |

Note: Values with different shades of gray in the same row are significantly different at $p < 0.05$ in the two-sided test of equality for column proportions. Tests assume equal variances.

RESEARCH QUESTION 2: WHEN WERE SUBJECTS ARRESTED AND CONVICTED?

Detailed Findings

Table 2 summarizes the analysis of elapsed recidivism time for subjects who were convicted of any new crime during the study period. For the subjects who successfully completed the RICC only 7.2% (34 of 470) of their arrests for any new criminal conviction occurred in less than one year. Similarly, for the subjects who were unsuccessful in completing the RICC, significantly more reconvictions (21.1% or 15 of 71) occurred in less than one year.

Table 2
Time to Recidivism

| Participant Group | When First Recidivated | Total | Percentage |
|---------------------------|-------------------------------|--------------|-------------------|
| Completed RICC | < 1 year | 34 | 7.2% |
| | During year 1 | 1 | 0.2% |
| | During year 2 | 0 | 0.0% |
| | After year 2 | 0 | 0.0% |
| | Total Subjects | 470 | 7.4% |
| Returned to Docket | < 1 year | 15 | 21.1% |
| | During year 1 | 2 | 2.8% |
| | During year 2 | 0 | 0.0% |
| | After year 2 | 0 | 0.0% |
| | Total Subjects | 71 | 23.9% |

Note: Shaded values are significantly different at $p < 0.05$ in the two-sided test of equality for column proportions. Tests assume equal variances.

If “successful outcome” is defined as no arrest for any new criminal conviction within one year of recidivism eligibility, then the success rate for participants who completed the RICC would be 92.8% (34 subjects with no arrest for any new criminal conviction within one year divided by 470 participants who successfully completed the RICC). A significantly lower success rate of 78.9% (56 of 71) was observed for participants who did not complete the RICC.

RESEARCH QUESTION 3: WHAT CRIMES DID THEY COMMIT?

When considering the effect that the RICC had on participants it is important to differentiate between the number of participants who recidivated and the number of crimes for which participants were convicted during the study period. For example, if a participant's case were disposed in 2009 and s/he was convicted of two crimes in 2010 and then three crimes in 2011, the participant would be counted as a recidivist only once. However, in order to understand the full offense pattern of participants and to assess the full impact of the RICC on the criminal behavior of participants it is important to also note that the defendant was convicted of those five additional crimes during the study period. While the first section of this evaluation focused on whether or not a *participant* was reconvicted during the study period, this section of the analysis focuses on the *number of crimes* for which participants were reconvicted.

Table 3 shows the number of reconvictions by study segment. Overall, the combined recidivists from the RICC were convicted of 105 crimes during the follow-up period. Participants who completed the RICC were convicted of a total of 69 crimes during the study period – 5.8% (n=4) of those crimes were felonies. Participants who did not complete the RICC were convicted of 33 crimes during the study period – of which only one was a felony. The subjects who were still in the program were only reconvicted of three misdemeanors. There were no significant differences in reconviction offense levels across the three study segments.

Examination of the reconviction rate per 100 subjects provides a more revealing comparison. The reconviction rate for those participants who completed the RICC was 15 reconvictions per 100 participants (69 reconvictions divided by the 470 subjects who completed the RICC, multiplied by 100). In comparison, the subjects who were not successful in completing the RICC had a significantly higher reconviction rate of 46 per 100.

Table 3
Offense Levels for All Crimes for Which Subjects Were Reconvicted

| | Completed | | Returned to Docket | | Pending | | Total | |
|-------------|------------------|--------|--------------------|--------|------------------|--------|------------------|--------|
| | # of Convictions | % | # of Convictions | % | # of Convictions | % | # of Convictions | % |
| Felony | 4 | 5.8% | 1 | 3.0% | 0 | 0.0% | 5 | 4.8% |
| Misdemeanor | 65 | 94.2% | 32 | 97.0% | 3 | 100.0% | 100 | 95.2% |
| Total | 69 | 100.0% | 33 | 100.0% | 3 | 100.0% | 105 | 100.0% |

Table 4 shows the types of crime for which the subjects were reconvicted. The recidivists who completed the RICC averaged 2.0 reconvictions with a median of two and maximum of six. Over 70% of their reconvictions included (listed in order of frequency): theft, assault, motor vehicle violations, failure to appear, and disorderly conduct. They committed significantly more theft offenses than the subjects who did not complete the RICC. A majority (11 of 14) of the assault convictions were for simple assault ($n=7$) and domestic assault ($n=4$). Most of the motor vehicle violations were for driving with license suspended (seven of nine).

The subjects who did not complete the RICC averaged 1.9 reconvictions with a median of one and a maximum of six. Except for committing significantly more unlawful trespassing offenses, these subjects showed similar offense patterns as subjects who completed the RICC. Over 75% of their reconvictions included (listed in order of frequency): unlawful trespass, assault, disorderly conduct, theft, motor vehicle violations, and failure to appear. Their assault convictions consisted of three simple assaults and two domestic assaults. All of their DMV convictions were for driving with license suspended.

Table 4
All Crimes for Which Subjects Were Reconvicted

| | Completed | | Returned to Docket | | Pending | | Total | |
|---------------------------|------------------|---------------|--------------------|---------------|------------------|---------------|------------------|---------------|
| | # of Convictions | % | # of Convictions | % | # of Convictions | % | # of Convictions | % |
| Total Theft Convictions | 19 | 27.5% | 3 | 9.1% | 2 | 66.7% | 24 | 22.9% |
| Total Assault Convictions | 9 | 13.0% | 5 | 15.2% | 0 | 0.0% | 14 | 13.3% |
| Total DMV Convictions | 9 | 13.0% | 3 | 9.1% | 1 | 33.3% | 13 | 12.4% |
| Failure to Appear | 7 | 10.1% | 3 | 9.1% | 0 | 0.0% | 10 | 9.5% |
| Unlawful Trespass | 3 | 4.3% | 7 | 21.2% | 0 | 0.0% | 10 | 9.5% |
| Disorderly Conduct | 5 | 7.2% | 4 | 12.1% | 0 | 0.0% | 9 | 8.6% |
| Drug Offense | 3 | 4.3% | 2 | 6.1% | 0 | 0.0% | 5 | 4.8% |
| Unlawful Mischief | 4 | 5.8% | 1 | 3.0% | 0 | 0.0% | 5 | 4.8% |
| Total Fraud Convictions | 2 | 2.9% | 2 | 6.1% | 0 | 0.0% | 4 | 3.8% |
| Alcohol Violation | 2 | 2.9% | 1 | 3.0% | 0 | 0.0% | 3 | 2.9% |
| DUI-2nd Offense | 1 | 1.4% | 2 | 6.1% | 0 | 0.0% | 3 | 2.9% |
| Vs Justice* | 2 | 2.9% | 0 | 0.0% | 0 | 0.0% | 2 | 1.9% |
| Disturbing the Peace | 1 | 1.4% | 0 | 0.0% | 0 | 0.0% | 1 | 1.0% |
| TRO Violation | 1 | 1.4% | 0 | 0.0% | 0 | 0.0% | 1 | 1.0% |
| Unauthorized Practice | 1 | 1.4% | 0 | 0.0% | 0 | 0.0% | 1 | 1.0% |
| Total | 69 | 100.0% | 33 | 100.0% | 3 | 100.0% | 105 | 100.0% |
| Number of Recidivists | 35 | | 17 | | 2 | | 54 | |
| Average # of Convictions | 2.0 | | 1.9 | | 1.5 | | 1.9 | |
| Median # of Convictions | 2.0 | | 1.0 | | 1.5 | | 1.0 | |
| Max # of Convictions | 6 | | 6 | | 2 | | 6 | |

* Contempt, False Alarms, Resist Arrest, etc.

Note: Values with different shades of gray in the same row are significantly different at $p < 0.05$ in the two-sided test of equality for column proportions. Tests assume equal variances.

Research Question 4: In Which Counties Were the Subjects Convicted?

Detailed Findings

Table 5 provides the distribution of reconvictions for RICC participants who successfully completed the program by the county in which the case was prosecuted. For RICC recidivists who completed or are still in the program, Chittenden was the primary county for reconvictions and accounted for 92% of the total (66 of 72). Addison and Franklin counties accounted for the remaining reconvictions.

Table 5
County of Prosecution for Reconvictions:
Participants Who Completed the RICC or are Pending

| | Chittenden | | Addison | | Franklin | | Total | |
|---------------------------|------------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | # of Conv | % | # of Conv | % | # of Conv | % | # of Conv | % |
| Total Theft Convictions | 20 | 30.3% | 0 | 0.0% | 1 | 25.0% | 21 | 29.2% |
| Total DMV Convictions | 7 | 10.6% | 0 | 0.0% | 3 | 75.0% | 10 | 13.9% |
| Total Assault Convictions | 9 | 13.6% | 0 | 0.0% | 0 | 0.0% | 9 | 12.5% |
| Failure to Appear | 7 | 10.6% | 0 | 0.0% | 0 | 0.0% | 7 | 9.7% |
| Disorderly Conduct | 4 | 6.1% | 1 | 50.0% | 0 | 0.0% | 5 | 6.9% |
| Unlawful Mischief | 4 | 6.1% | 0 | 0.0% | 0 | 0.0% | 4 | 5.6% |
| Unlawful Trespass | 3 | 4.5% | 0 | 0.0% | 0 | 0.0% | 3 | 4.2% |
| Drug Offense | 3 | 4.5% | 0 | 0.0% | 0 | 0.0% | 3 | 4.2% |
| Vs Justice * | 2 | 3.0% | 0 | 0.0% | 0 | 0.0% | 2 | 2.8% |
| Commerce | 2 | 3.0% | 0 | 0.0% | 0 | 0.0% | 2 | 2.8% |
| Alcohol Violation | 2 | 3.0% | 0 | 0.0% | 0 | 0.0% | 2 | 2.8% |
| Unauthorized Practice | 0 | 0.0% | 1 | 50.0% | 0 | 0.0% | 1 | 1.4% |
| TRO Violation | 1 | 1.5% | 0 | 0.0% | 0 | 0.0% | 1 | 1.4% |
| DUI-2nd Offense | 1 | 1.5% | 0 | 0.0% | 0 | 0.0% | 1 | 1.4% |
| Disturbing the Peace | 1 | 1.5% | 0 | 0.0% | 0 | 0.0% | 1 | 1.4% |
| Total | 66 | 100.0% | 2 | 100.0% | 4 | 100.0% | 72 | 100.0% |

* Contempt, False Alarms, Resist Arrest, etc.

Table 6 shows the distribution of counties where the recidivists who did not complete the RICC were prosecuted for new crimes. Similar to the results observed for the subjects who completed the RICC, a majority (76% or 25 of 33) of the new convictions occurred in Chittenden County. Four of the remaining occurred in Franklin County. Addison, Grand Isle, and Lamoille counties accounted for the other new convictions for this study segment.

Table 6
County of Prosecution for Reconvictions:
Participants Who Were Returned to Docket

| | Chittenden | | Franklin | | Other Counties * | | Total | |
|---------------------------|------------|---------------|-----------|---------------|------------------|---------------|-----------|---------------|
| | # of Conv | % | # of Conv | % | # of Conv | % | # of Conv | % |
| Unlawful Trespass | 7 | 28.0% | 0 | 0.0% | 0 | 0.0% | 7 | 21.2% |
| Total Assault Convictions | 4 | 16.0% | 0 | 0.0% | 1 | 25.0% | 5 | 15.2% |
| Disorderly Conduct | 4 | 16.0% | 0 | 0.0% | 0 | 0.0% | 4 | 12.1% |
| Total Theft Convictions | 1 | 4.0% | 1 | 25.0% | 1 | 25.0% | 3 | 9.1% |
| Failure to Appear | 3 | 12.0% | 0 | 0.0% | 0 | 0.0% | 3 | 9.1% |
| Driving License Suspended | 1 | 4.0% | 1 | 25.0% | 1 | 25.0% | 3 | 9.1% |
| Total Fraud Convictions | 1 | 4.0% | 1 | 25.0% | 0 | 0.0% | 2 | 6.1% |
| DUI-2nd Offense | 1 | 4.0% | 0 | 0.0% | 1 | 25.0% | 2 | 6.1% |
| Drug Offense | 1 | 4.0% | 1 | 25.0% | 0 | 0.0% | 2 | 6.1% |
| Unlawful Mischief | 1 | 4.0% | 0 | 0.0% | 0 | 0.0% | 1 | 3.0% |
| Alcohol Violation | 1 | 4.0% | 0 | 0.0% | 0 | 0.0% | 1 | 3.0% |
| Total | 25 | 100.0% | 4 | 100.0% | 4 | 100.0% | 33 | 100.0% |

* Other counties included: Addison, Grand Isle, and Lamoille