Critical Issues in Adult Probation

Summary

U. S. Department of Justice
Law Enforcement Assistance Administration
National Institute of Law Enforcement and Criminal Justice

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ABSTRACT

In assessing existing knowledge on adult probation, this volume summarizes the major issues and research covered in the literature. This summary of the literature provides an overview on adult probation, with attention to the conceptual problems associated with often conflicting definitions of probation, the legal and statutory development of probation, its major objectives and tasks, and its effectiveness. Some of the critical areas addressed include the locus of probation administration, the roles of probation officers, caseload management techniques, strategies for the provision of services, the use of paraprofessionals and volunteers, education and training for probation officers, time studies in probation management, information systems, cost analyses, and model standards. Also examined are issues in the production and impact on presentence investigation reports, issues in the provision of probation treatment, innovations in probation structure and programming, trends in international probation applicable to the U.S., and the state of research -- particularly its strengths and deficiencies. Reference source notes are provided for individual chapters. A bibliography is also included.

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CRITICAL ISSUES IN ADULT PROBATION

Technical Issue Paper Series

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CRITICAL ISSUES IN ADULT PROBATION

SUMMARY

Introduction

The importance of probation as a diversionary program has increased dramatically in recent years as a substantial number of states and localities have developed or expanded probation services as an alternative to incarceration. Within the past ten years, the Law Enforcement Assistance Administration alone has invested approximately $250 million in action programs for the development of probation services. In view of this substantial commitment in the form of financial resources and manpower, LEAA has recognized that the aggregation of a comprehensive body of knowledge about probation is a critical necessity. From such an assessment of the state of knowledge, guidelines for the development of probation can be documented to assist administrators and practitioners in the effective and efficient management of probation services.

In late 1976, the National Institute of Law Enforcement and Criminal Justice awarded a contract to the Program for the Study of Crime and Delinquency at Ohio State University to conduct a nationwide assessment of the critical issues in adult probation. The assessment effort was designed to compile and synthesize the information available in the probation and evaluation literature, to identify deficiencies in existing research, and to provide a priority listing for future research efforts.

The assessment conducted by the Program for the Study of Crime and Delinquency resulted in the production of eight Technical Issue Papers. This document, Report #1 of the series, provides a summary of the most important issues and research covered in the other papers.

Chapter I of this report provides an overview of the subject of adult probation. In this chapter, we discuss issues of general interest, such as the conceptual problems associated with the various and often conflicting definitions of probation, the legal and statutory development of probation, the major objectives and tasks of probation, and the effectiveness of probation.

Chapter II addresses some of the critical issues in the management of probation services. These issues include: the locus of probation administration, the roles of probation officers, caseload management techniques, strategies for the provision of services, the use of paraprofessionals and volunteers, education and training of probation officers, time studies in probation, management information systems, cost analyses, and model standards for probation. This chapter is a summary of the Technical Issue Paper on Issues in Probation Management, Report #2, prepared by the Program for the Study of Crime and Delinquency.

Chapter III discusses the important issues in the production and impact of presentence investigation reports. This chapter is a summary of the Technical Issue Paper on Presentence Investigation Reports, Report #3, prepared by David Townsend, John Palmer, and Jennifer Newton, of the Center for Law Enforcement and Correctional Justice.

Chapter IV addresses the issues involved in the provision of probation treatment. These issues include the development of prediction instruments, schemes designed for the classification of probationers, and an assessment

of the most commonly-used treatment modalities in probation. This chapter is a summary of the Technical Issue Paper on Caseload Prediction and Treatment, Report #4, prepared by Don M. Gottfredson, James Finckenauer, and Carol Rauh, of the School of Criminal Justice at Rutgers University.

Chapter V discusses a number of recent innovations in probation structure and programming which are being used in the United States or which have been adopted in other countries. Also included is an assessment of discernable trends in international probation usage which might be used to forecast impending developments in probation in the United States. This chapter is a summary of two papers by Paul Friday of the Department of Sociology at Western Michigan University: the Technical Issue Paper on Domestic Innovations in Adult Probation, Report #5, and the Technical Issue Paper on the International Assessment of the Use of Adult Probation, Report #6.

Chapter VI addresses the current state of research in adult probation, noting the strengths and deficiencies apparent in reviewing the available evaluations of probation programs. This chapter also considers the gaps in existing knowledge of adult probation and provides a prioritization of future research needs. This chapter is a summary of the Technical Issue Paper on the State of Research in Adult Probation, Report #8, prepared by the Program for the Study of Crime and Delinquency.

Woven into the discussions in Chapters I through V are notations of statutory provisions and standards which deal with various aspects of probation. This statutory material is taken from the Technical Issue Paper on Legal Issues in Adult Probation, Report #7, prepared by the Institute for Advanced Studies in Justice of The American University, Washington College of Law.

CHAPTER I

INTRODUCTION AND OVERVIEW

The thrust of this paper is to present what is known about adult probation. In order to display the available literature, we have divided the material into five rather broad categories: management issues, presentence investigations, treatment issues, program development, and the state of research in probation. There are also, however, some issues of general interest which do not fit neatly into any of these categories. These issues focus on the ways in which we can look at probation and some of the implications of these legal, statutory, and conceptual views. This chapter, then, will address the following areas: the conceptual problems which have been associated with the various definitions of probation; a review of the legal and statutory development of probation; an approach to the major objectives and tasks of probation; and a brief review of what is known about the effectiveness of probation. Finally, before moving on to the more specific issues of this paper, we will provide the major sources of information used in the paper and will touch on the primary problems and deficiencies which were encountered in reviewing the available research material.

- *What are the conceptual problems which have been associated with varying definitions of probation?*

The choice of a conceptual model of probation from which to assess the current state of the art is considerably complicated by the lack of a generally-accepted definition of probation. The word "probation" has been used interchangeably to mean a legal disposition, a measure of leniency, a punitive measure, an administrative process, and a treatment method (Diana, 1960), not to mention a sub-system of corrections. These definitions imply the varied concepts of sentence, process, and system. In this section, we will attempt to establish a framework which is broad enough to encompass the majority of research which has occurred in the field.

Definitional Problems

In 1960, Diana surveyed the literature from 1900 forward for definitions of probation (1960). He placed all the definitions which he found in a typology of six categories:

1. probation as a legal disposition only,
2. probation as a measure of leniency,
3. probation as a punitive measure,
4. probation as an administrative process,
5. probation as social casework treatment, and
6. probation as a combination of casework and administration.

This typology is useful in delineating the scope of definitional problems in probation, but it can be confusing if several points are not kept in mind. First, the categories are not mutually exclusive; there

is a great deal of overlap, and definitions appear in particular categories because of the relative emphasis placed on that aspect of the definition, not because of the absence of other aspects. Second, this typology contains categories which emphasize two dimensions of probation: the "what" of probation and also the "how" of probation.

The first three categories in Diana's typology (which include probation as a legal disposition, as a measure of leniency, and as a punitive measure) are oriented toward the "what" of probation. The last three contain an emphasis on the "how" of probation. The "what" definitions focus on the actual act of placing an individual on probation, rather than on the process which follows. "How" definitions do the opposite, in that they focus on the process of probation. Although it is important to understand the "what" aspects of probation, they describe only a portion of the total picture. In this study, we are primarily interested in questions of "how," i.e., in the process, procedure, and content of probation.

The "What" of Probation

It is obvious that probation is a legal disposition, but the position that it is only a legal disposition finds little support in modern penology. There are cases, however, in which probation has in effect become little more than a legal disposition. If probation is only an admonition by a judge to behave, with the statement "You are on probation for one year, and if you misbehave, you can be placed in jail," then only a legal disposition has been accomplished. A similar situation exists if probation is used only for purposes such as clearing the court docket, inducing a defendant to plead guilty, or alleviating the crowded conditions in jails or prisons. In these instances, questions can then be raised as to whether

the intent of probation is to serve any purpose other than as some kind of legal disposition to fulfill the judge's duty to provide a disposition. Bates (1960) cites an example from a 1959 bar association survey of probation which typifies this practice:

> A hopeless congestion had developed in the criminal courts of one of the large counties. A special judge was given the task of clearing it up. He did so by the simple expedient of placing practically every defendant on probation. Since there were no probation counselors in that state and no adequate record of how persons fare on probation, no one knows to what extent clearing of the dockets in this wholesale fashion affected crime in the county in question.

It would be difficult to argue that the participants in the incident described above were not placed on probation, at least in the "what" sense. Few persons would assert, however, that the concept of probation represented above meets the view of probation generally accepted in the field of criminal justice.

Definitions of probation which are overtly intended as strictly legal dispositions are found relatively infrequently. Occasionally, they do appear in the legal literature, however. For example, the Uniform Adult Probation and Parole Act (Vernon's Annotated Texas Code of Criminal Procedure) states that "Probation is a disposition which allows the release of a convicted offender by a court under conditions imposed by a court for a specified period during which imposition of sentence is suspended."

Probation as leniency is a definition which is seldom expressed in the literature. Diana (1960) reports finding it only once in his survey. However, in spite of the relative unpopularity of this definition with criminal justice practitioners, it may be the view most widely held by the general public and commentators in the public press. Indeed, many individuals view probation of offenders as tantamount to unrestricted release

into the community. Barkdull (1976) sees this view as a result of at least two factors. First, supporters of probation have been unable or unwilling to clearly present the case that probation is actually punishment, that it does detract from the freedom of the individuals involved, and that it places them at considerable risk of future incarceration if they do not meet certain minimum requirements of behavior. Second, probation has not been augmented with services which allow the public to view it as the symbolic equivalent of incarceration. Attention has not been paid to the victim, witnesses, jurors, and police which would negate or reduce the public demand for retribution. Barkdull even suggests that the term "community control" be substituted for the term "probation" to describe the realities of probation.

If the above approach were taken, then probation would be defined as a punitive measure. This is a modern re-assertion of the view propounded by Almy in 1910. Almy held that if probation were presented as a punishment which allows the offender to escape the stigma of incarceration yet still be subject to incarceration if probation conditions are not met, it will serve as an effective deterrent force.

The "How" of Probation

The second set of definitions presented in Diana's typology stresses the "how" of probation and, because of this, they contribute very directly to this study. The bulk of the literature (85-90 percent) which appeared between 1940 and 1960 viewed probation as some form of treatment and, more likely than not, it was social casework treatment (Diana, 1960).

Unfortunately, this definition, although widely accepted, presents problems when it is used as an analytical tool. The problems stem primarily

from the inability of researchers, commentators, and practitioners to agree on an operational definition of "casework" which does not become so all-encompassing that it becomes meaningless. Dressler (1959) provides an example of this problem when he states that social casework is:

> ...a process in which the worker, by means of a professional relationship, works toward the ultimate aim of effecting in the person under care an adjustment to his social situation and himself which will permit him to live more comfortably with himself and among others.

His commentary indicates that the one-to-one relationship and the mutual interaction which develop are critical to the process. He then concludes that the process itself is "eclectic."

Keve (1967), in a somewhat later work than Dressler's, echoes a number of Dressler's principles of casework. He, too, stresses the relationship between caseworker and client and suggests that it can be aided by such things as rendering practical help to the client, exploiting the client's crises, using authority, enhancing the client's self-esteem, and fostering responsibility in the client. Keve also leaves his definition as open as possible:

> ...here the term "casework" is being used in a very broad sense, even including such a situation as one in which a worker might elect to administer a spanking to a small boy client. This can be casework if properly done.... Casework, then, is seen here as the use of any humane and unselfish process that truly helps an individual client...

Admittedly, these are only two examples of the multitude of casework definitions from individuals who regard probation as casework. They do, however, suggest the lack of specificity inherent in the casework treatment concept. It is this lack of specificity which makes this orientation a poor one for assessing the level of current knowledge in probation. The concept is so open that it contributes very little to the development of

a framework with which to tie together the wide variety of work being done in the field.

Probation as an administrative process was a view promoted most strongly in the early part of the twentieth century. Diana (1960) indicates that, between 1902 and 1920, it appeared most frequently; since then, however, it has been expressed relatively infrequently. This view of probation stresses the probation officer's role in investigating and supervising his clients, assisting them in finding work or training, and enforcing the terms and conditions of probation. Chute (1920) presented this view more than fifty years ago:

> The probation officer must investigate all offenders and must keep himself informed concerning their conduct and condition. He must report on each case at least once every month to the court and must use all suitable methods not inconsistent with the conditions imposed by the court to aid persons on probation and to bring about improvement in their conduct and condition.

Interestingly enough, probation as an administrative process is a view which is beginning to re-assert itself, particularly through concepts such as "team probation" in which process and functional division of responsibility assume increasing importance. A resurgence of the administrative process of probation can also be seen in the advocacy and brokerage models of probation.

Probation as a combination of casework and administration is the view which seems to emerge from a synthesis of the literature reviewed by Diana (1960). The combination of casework and administration is a recognition that they are simultaneously applied in the practice of probation. One cannot be practiced to the total exclusion of the other. What changes from situation to situation is the emphasis. A stable, middle-aged

housewife on probation for vehicular manslaughter will probably receive probation services which could be described as primarily administrative. Her probation might amount to little more than periodic "reporting in." On the other hand, a young high school drop-out with some drug involvement placed on probation for purse-snatching may receive a much more casework-oriented probation. Diana's (1960) synthesized definition reflects this orientation:

> ...probation may be thought of as the application of modern, scientific casework to specially selected offenders who are placed by the courts under the personal supervision of a probation officer, sometimes under conditional suspension of punishment, and given treatment aimed at their complete and permanent social rehabilitation...

Diana's typology serves to emphasize the wide variety of definitional concepts that are covered by the term "probation." In certain situations and to specific individuals, each is correct and useful. At the very least, it can be stated that probation is multidimensional and any work which addresses the state of the art of probation must recognize this fact.

Looking at current statutory provisions reinforces this sense of variation in definitions of probation. In approximately one-fourth of the jurisdictions in the United States, the defendant is sentenced, the execution of the sentence is suspended, and the defendant is placed on probation. In another fourth of the jurisdictions, the imposition of sentence is suspended and the defendant is placed on probation; this group of jurisdictions includes the four states (Delaware, Illinois, Nebraska, and New York) which treat probation as an independent sentence. In half of the jurisdictions, including the federal system, the courts may use either mechanism, that is, they may suspend either the imposition or the execution of sentence.

In addition to stating the sentencing procedure which is to be followed in imposing probation as a legal disposition, the statutes of a large majority of jurisdictions describe the elements comprising this disposition. The first element, release of the probationer into the community, is self-explanatory and appears in the statutes of nearly every jurisdiction. The second element, conditions which must be observed, is the factor which distinguishes probation from other non-imprisonment dispositions, particularly the unconditional discharge disposition permitted in some jurisdictions. Unconditional discharge consists of the release of a defendant without sanction and without conditions being imposed by the court. The third element, supervision by the probation department, is the major distinguishing factor between probation and conditional discharge or simple suspension of sentence. In some jurisdictions, simple suspension of sentence does not amount to probation in the absence of a specific order for supervision.

Summarizing the statutes, we can see that probation as a legal disposition includes the suspension of the imposition of sentence, suspension of the execution of sentence, and judicial authority to choose either mechanism. In order to differentiate probation from alternative dispositions, the statutes also describe the elements of probation: release of the offender into the community, conditions imposed by the court, and supervision of the offender by the probation department.

Within the context of this work, the term "probation" will most frequently be used to mean:

> a sentence which establishes the defendant's legal status under which his freedom in the community is continued or only briefly interrupted, subject to supervision by a "probation organization" and subject to conditions imposed by the court. The sentencing

> court retains the authority to modify the conditions of the sentence or re-sentence the offender if he violates the conditions.

This definition is designed to emphasize the fact that probation is a sentence, carried out in the community, with supervision, and subject to conditions which can be changed. This definition of probation as a sentence is a composite of the American Correctional Association's Manual of Correctional Standard (1966) definition:

> As a sentence, probation represents a judicial disposition which establishes the defendant's legal status under which his freedom in the community is continued, subject to supervision by a probation organization and subject to conditions imposed by the court.

and the definition reported in the American Bar Association's Standards Relating to Probation (1970):

> In this report the term probation means a sentence not involving confinement which imposes conditions and retains authority in the sentencing court to modify the conditions of the sentence or to resentence the offender if he violates the conditions.

This definition is intended to exclude pre-adjudication diversion, and to be flexible enough to allow for short terms of incarceration which may be required as a condition of probation. Viewing probation as a single, unitary sentence helps to avoid what the American Bar Association (1970) has described as "subtle terminological differences between the imposition of a sentence and suspension of its execution, suspension of the imposition of the sentence and the like." In a national study such as this, deference to each local terminological variation contributes nothing to understanding. It should also be emphasized that our definition of probation as a sentence in no way limits frameworks which can be used to analyze probation services. The terms "supervision" and "conditions" can be broadly interpreted so that the concepts of probation as an organizational

system or as a process are not lost.

- *What have been the major issues in the legal and statutory development of probation?*

To understand the legal and statutory development of probation, it is necessary first to understand that the concept of probation was not created in an isolated, purposeful act, but must be traced to its antecedents in English and continental common law. A United Nations report (1951a) notes that "the origin of probation was not the result of a deliberate, creative legislative or judicial act, but rather the result of gradual growth, and almost unconscious modification of existing legal practice." In addition, the legal concept of probation existed many years before probation became a statutory reality in the United States. A brief examination of the common law roots of the notion of probation will afford a more complete understanding of probation as it exists today.

Common Law Development

Legal penalties and punishments required during the Middle Ages were characterized by their exceedingly harsh and merciless nature. By far the most common forms of penal sanctions were corporal and capital punishment, which were routinely used for a wide variety of offenses, many of which are now considered quite minor and unimportant. Judicial distaste for the harshness and severity of these sanctions encouraged the development of a number of legal procedures designed to circumvent legal requirements by suspending the imposition of punishment, on the condition of the good behavior of the offender. Killinger, Kerper, and Cromwell (1976) suggest a number of ways by which the severity of the punishment demanded by law

could be subverted: royal pardons could be secured, often for a fee; judges could narrowly interpret laws or simply fail to enforce them; the value of stolen property could be underappraised to reduce the seriousness of the charge against the defendant; or prosecutors could charge the defendant with a lesser offense or could dismiss the charges completely. These methods, however, relied heavily on judicial or prosecutorial discretion and were not used in a particularly systematic way. Three other devices did lend themselves to routine use and became a part of English common law. These devices were benefit of clergy, judicial reprieve, and recognizance, and they all permitted the suspension of either the imposition or execution of sentence.

Under the concept of benefit of clergy, after conviction but before judgment, some categories of offenders (initially priests, monks, and nuns; later, anyone who could convince a judge that he was literate) could argue that they were exempt from punishment, or that, due to their status, punishment should at least be mitigated. By the early nineteenth century, the definition of those eligible to take advantage of benefit of clergy had become so legalistic and cumbersome that the entire concept was abolished. Although not a direct antecedent of probation, the concept of benefit of clergy illustrates the extent to which judges were willing to go in order to lessen, for a large group of offenders, the severe penalties required by law.

The common law procedure of judicial reprieve has been extremely important in the development of the concept of probation. Judicial reprieve allowed the temporary suspension of the imposition or execution of sentence in order to allow the offender to seek a pardon, or to allow flexibility for a judge who was uncertain about the quality of evidence presented

against the offender. This type of circumvention was necessary because, under common law at that time, a convicted offender had no right to appeal the verdict and no right to a new trial. Thus, what started as a temporary suspension of sentence could become an indefinite suspension through judicial inaction. Even though the procedure of judicial reprieve in common law allowed only the temporary suspension of imposition or execution of sentence, it is important in the conceptual development of probation because it is the basis for the claim later advanced by many American courts that it actually gave the court the right of indefinite suspension.

Perhaps of the most significance with respect to the emergence of probation was the development of the procedure of recognizance. Initially, recognizance allowed the court to require persons who it believed would probably engage in future criminal behavior to assure the rest of the public that they would not do so by entering into a debt with the State which the State would enforce only if the prescribed conditions were not observed over a specified period of time. Early recognizance thus dealt with individuals who were not yet offenders; it was later extended to accused persons to guarantee their appearance in court if they were released before trial and was also used as a disposition.

As a disposition, recognizance was designed not so much as punishment in itself but as what has been termed a "measure of preventive justice" (United Nations, 1951a), for the purpose of guaranteeing future law-abiding behavior, referred to by Blackstone as "a caution against the repetition of the offense" (United States Department of Justice, 1939).

Recognizance could be used with or without sureties. Sureties were persons who made themselves responsible to the State for the behavior of the offender after he was released. The assumption behind the use of

sureties was that the responsibility of his friends to the State on his behalf would put a great deal of pressure on the offender to behave. Recognizance with sureties was used as a suspension of judgment which could still be imposed if the prescribed conditions were not met. Since the concept of recognizance contained prescribed conditions which restricted the behavior of the offender, there was some measure of supervision inherent in the procedure, particularly when the offender was released to sureties who had a financial interest in the future good behavior of the offender. With respect to recognizance, Dressler (1959) has said, "In this legal procedure, we find some features common to modern probation: suspension of sentence; freedom in lieu of incarceration; conditions set upon such freedom; and the possibility of revocation of liberty upon violation of the conditions." The United Nations report (1951a) even more strongly emphasized the importance of recognizance for probation: "The deliberate use, by the courts, of the salutory influence of sureties on offenders released conditionally, either on their own recognizance or on bail, indeed seems to have been in a very real sense the first, rudimentary stage in the development of probation." And Tappan (1960) says: "The conditional release of offenders under the sponsorship of sureties was a true predecessor of probation."

Legal Development

Recognizing that the right of judges to temporarily suspend the imposition or execution of sentence existed in common law, a question of considerable interest in early American courts was whether the courts had the power to suspend sentences indefinitely. Actually, the practice itself was already widespread throughout American courts without statutory authorization,

simply because judges were using recognizance or bail and then neglecting to take further action. In contrast, English courts never claimed power beyond the temporary suspension of the imposition or execution of sentence.

By the middle of the nineteenth century, many courts in the United States began to suspend imposition or execution of sentence, beyond the procedures of recognizance or bail, by relying on the authority of judicial reprieve. Other courts disagreed, and two contradictory court positions emerged. Under one position, the courts argued that the concept of judicial reprieve at common law had within it an inherent power of indefinite suspension of sentence. The opposite position rejected the idea of an inherent power to suspend sentence indefinitely, arguing that judicial reprieve emerged from conditions peculiar to England a long time ago and not existing in the United States (e.g., no right of appeal or right to a new trial) or that indefinite suspension constituted an infringement of the separation of powers by interfering with the executive functions of pardon and reprieve. Killinger, Kerper, and Cromwell (1976) note that this "early controversy about the nature of a suspended sentence and the extent to which a court had authority to withhold or delay the punishment of an offender gave great impetus to probation legislation..."

The United States Supreme Court finally considered the question in 1916 in the Killits case [ex parte United States, 242 U.S. 27, 37 S. Ct. 72, 61 L. Ed. 129 (1916)]. In a decision applying only to the federal courts, the Supreme Court rejected the argument that the English common law, through judicial reprieve, gave the courts the power to suspend sentences indefinitely. The court recognized temporary suspension, which it termed a judicial discretion, not a judicial power to permanently refuse to enforce the law, and said that this refusal to enforce the law by indefinite suspension would

constitute a refusal by the judiciary to perform a duty which it had and thus would constitute an interference with legislative and executive authority as fixed by the Constitution. The Court did add that Congress may, by statute, authorize both temporary and indefinite suspension of sentence, thus agreeing with a previous New York decision [People ex rel. Forsythe v. Court of Sessions, 141 N.Y. 288, 36 N.E. 386 (1984)], which held that courts do have the power to suspend sentences indefinitely only if that power has been granted by statute. The importance of the Killits case in the development of probation in the United States has been recognized. Killinger, Kerper, and Cromwell (1976) state that "The aspect of Killits which recognized the right of the legislative authority to grant the power of indefinite suspension to the courts was to make probation as now defined and practiced in the United States largely a creature of statute," and the United Nations report (1951a) suggests that the rejection by the Court of the argument for indefinite suspension "...actually served as a stimulus for the enactment of statutes expressly authorizing the suspension of sentence and probation."

Statutory Development

The early development of probation in the United States has been characterized by the flexibility evident in the efforts of judges in Massachusetts in the first half of the nineteenth century to find inventive ways to render the administration of justice more humane and utilitarian. As early as 1836, a Massachusetts law allowed the lower courts, at their discretion, to release petty offenders on their own recognizance, with sureties. Not only was the use of recognizance considered a humane disposition, but the rehabilitative potential of restoring and ensuring

continued law-abiding behavior was also acknowledged.

John Augustus of Boston is generally credited with the first systematic use of a rudimentary form of probation as it is known today. Because of the judicial climate prevailing in Massachusetts, Augustus, while a private citizen, was able to convince a Boston judge in 1841 to release a petty offender to him, without imposition of sentence, for a short period of time with the promise that the offender, upon returning to court, would show convincing signs of reform. This first effort was so successful that Augustus continued his work for another eighteen years. During this time, he supervised almost two thousand "probationers." Of the first 1,100 for whom he kept records, he reported that only one forfeited bond. Augustus' work is generally considered to be the first systematic effort to combine suspension of sentence with supervision for a specified period of time.

The United Nations report (1951a) notes several features of Augustus' system which survive in some form in present-day probation. First, he appears to have exercised at least some degree of selectivity in choosing the offenders with whom he wished to work, limiting himself primarily to first offenders. In addition, he developed a crude precursor to the presentence investigation, by inquiring into the offender's age, attitude, history, and social milieu as part of his selection process. Not only did he agree to supervise the conduct of the offenders with whom he worked, but he also agreed to arrange for their education, employment, and living accommodations, if necessary. Finally, he routinely wrote and submitted to the court his reports concerning the conduct of his clients and maintained a case record for each offender.

In 1878, the Massachusetts legislature passed a statute which authorized the City of Boston to appoint a paid probation officer to serve as an

official agent of the criminal court, under the general direction of the Boston Police Department. Under this statute, "such persons as may reasonably be expected to reform without punishment" were eligible for probation, without regard to sex, age, nature or seriousness of offense. Also included in the law were the duties of the probation officer:

> ...court attendance, the investigation of the cases of persons charged with or convicted of crimes or misdemeanors, the making of recommendations to the courts with regard to the advisability of using probation, the submission of periodic reports to the chief of police, visiting probationers, and the rendering of such assistance and encouragement [to probationers] as will tend to prevent their again offending. [United Nations, 1951b]

The Mayor of Boston was permitted to appoint a "suitable person" as the probation officer, either a member of the Boston police force or a private citizen. The statute allowed the probation officer to re-arrest a probationer without a warrant, but with the approval of the chief of police, and the court could then impose or execute the offender's sentence.

In 1880, the Massachusetts legislature granted the right to appoint probation officers to all jurisdictions throughout the commonwealth; this authority, however, was not a requirement, and very few other towns or cities chose to exercise it. An 1891 statute transferred the appointment authority from the Mayor to the courts and required such appointment in every lower court. In 1898, the probation system was extended to the superior courts as well. Describing the development of probation in Massachusetts, the United Nations report (1951b) stated:

> ...the Massachusetts statutes of 1878 to 1898 were designed to supplement, not supplant, the existing common law system of probation. The essential legal features of the common law system - the suspension of the imposition of sentence; "bailing on probation"; and the return of the probationer to the court, to be discharged or disposed of otherwise, at the end of the probation period - were taken for granted.

The early Massachusetts legislation which allowed the appointment of probation officers did not actually grant to the courts the authority to use "probation" (i.e., the power to suspend sentences indefinitely). Statutes approved in Missouri (1897) and Vermont (1898) explicitly granted this power to the courts. Other early probation legislation included many variations in eligibility and organization. In Illinois (1899) and Minnesota (1899), only juveniles were eligible for probation. Rhode Island (1899) excluded persons convicted of certain offenses. Rhode Island also organized its probation services under a statewide, state-controlled administration, while Vermont left the administration to the individual counties which, for the most part, operated autonomously. Although thirty-three states had made statutory provision for adult probation by 1915, it was not until 1957 that all states had done so (President's Commission on Law Enforcement and Administration of Justice, 1967).

Spurred by the National Probation Association, a movement began in 1909 for a federal probation law. Meyer (1952) notes that "Legislative proposals were submitted at each congressional session, and were regularly defeated for 16 years. In all, 34 bills were introduced in the Congress before federal probation became a law." The problem of passing a federal probation law lay in opposition from three sources: federal judges, the Attorney General, and the supporters of the Volstead Act. Many federal judges believed that they already had the authority under common law to indefinitely suspend sentences, a belief dispelled in 1916 by the Supreme Court. A long series of Attorneys General had opposed any use of suspended sentence. The debate over the Volstead Act (the prohibition amendment to the Constitution) aroused fears among supporters of the Act that judges would, if given the opportunity, place violators of the prohibition law on

probation, rather than imposing prison sentences. Despite these problems, the Federal Probation Act was finally passed in 1925 and established a probation system in the United States courts.

- *How have these definitions and conceptual and statutory roots been blended into major objectives and tasks for modern probation?*

The multitude of definitions for probation and the varied conceptual and statutory roots from which it has sprung suggest that contemporary probation practices may be difficult if not impossible to analyze. In reality, however, this is not the case. Many of the various notions of what constitutes probation are derived not from observation of what actually transpires but from speculation about what transpires. It appears that more distinctions appear in description than in actual practice. Investigation of techniques such as intensive supervision, casework, brokerage, and traditional supervision may reveal no differences except those perceived by the persons labeling the activity.

One way to analyze probation is to view it as a process for achieving particular goals and objectives. Although management by objectives techniques are not widely used in probation, at least one effort has been documented (Terwilliger and Adams, 1969). A slightly modified version of this effort suggests four major objectives for adult probation services:

1. To protect the community from anti-social behavior
2. To reintegrate criminal offenders
3. To further justice
4. To provide the services necessary to achieve the above in an effective and efficient manner

The first three objectives are relatively straightforward and easy to understand. They are not mutually exclusive, but are as exclusive as current practice will allow. The fourth objective could be included within

the scope of the other three, but it has been set apart to emphasize the importance of the managerial aspects of probation.

Community Protection

Protection of the community from anti-social behavior is an objective of most, if not all, correctional programs. In this discussion, it will be used in its broadest sense. The process of achieving a secure community through the utilization of probation implies a number of tasks. Briefly, the tasks which probation agencies perform in order to achieve the objective of community protection are:

A. Assess the nature and degree of dangerousness of persons referred for investigation or supervision.

B. Assess the probability that persons assigned for investigation or supervision will recidivate.

C. For persons under investigation, recommend dispositions to courts which are most likely to protect the community.

D. For persons under supervision, exercise the degree of supervision and control necessary to protect the community, taking preventive or corrective action where necessary.

E. Promptly investigate reports or indications of behavior which may result in danger to the community and initiate revocation procedures if indicated.

F. Encourage and conduct research designed to improve prediction and control techniques in relation to community protection.

As we can see, these community protection tasks draw heavily on the legal aspects of probation. These tasks emphasize the imput of probation agencies into the judicial decision-making process through the presentence investigation report and the probation officer's recommendation as to proper disposition. Even the supervision and control tasks of the community protection objective focus on the probation agency's responsibility to keep the court informed of the progress of individual cases. In a significant sense, all of these community protection tasks stress the probation agency's ties with the court.

Reintegration of Offenders

The reintegration model of corrections has emerged in the past few years to replace the medical model. While the medical model was based on the assumption that the offender was "sick" and could be "cured" by application of the appropriate treatment, the reintegration model, on the other hand, assumes that the failure and disorganization of the individual offender can best be handled by the development and nurturing of solid, positive ties between the offender and his community. The tasks which the probation agency performs in order to achieve the objective of reintegrating offenders into the community are:

A. Assess the personal and social conditions of persons referred for probation services with emphasis on needs which must be satisfied or controlled to achieve successful reintegration into the community.

B. Provide information and recommendations to the courts which will assist in achieving dispositions favorable to the individual offender's reintegration.

C. Design and delineate a plan of action for each probationer referred which includes goals leading to law-abiding and socially-acceptable behavior, and appropriate methods for achieving those goals.

D. Provide a level of supervision appropriate to reintegrative goals.

E. While carrying out the supervisory plan, continually reassess and modify it as necessary to achieve the reintegrative goals.

F. Encourage and conduct research designed to develop and improve reintegrative techniques for offenders placed on probation.

As with the tasks of community protection, many of these reintegration tasks also stress the probation agency's responsibility to the court. In another sense, however, these reintegrative tasks emphasize the responsibilities of the probation agency to the probationers: to treat each probationer as an individual; to contrive a supervision plan which focuses

on the needs of each individual probationer; to monitor the progress of each probationer toward the goals of law-abiding and socially-acceptable behavior; and to modify each probationer's supervision plan to reflect progress toward those goals.

Furthering Justice

Like the protection of the community, furthering justice is an objective which is shared by all correctional programs. This objective is extremely broad and includes justice from the point of view of the community as well as justice from the point of view of the probationer. The probation tasks which contribute to the achievement of this objective are:

A. Protect the civil rights and liberties of persons receiving probation services.

B. Assure that persons on probation understand and exercise their rights and responsibilities, assisting them if necessary directly or through referral to appropriate persons or organizations.

C. Make all quasi-judicial decisions concerning probationers only within the legal authority granted to probation officers.

D. Provide courts with information and recommendations related to issues of justice, including adjudication and disposition.

These tasks emphasize the demanding milieu in which the probation officer must operate: his responsibilities to the court, the community and the probationer. To achieve the objective of furthering justice, the probation officer must balance the competing and often contradictory needs of a variety of individuals and groups who have an interest in the probation process. Tasks such as these are pervasive throughout the criminal justice system; thus, in many respects, the job of the probation officer does not differ radically from the job of the police officer, prosecutor, judge, or correctional administrator - all of whom are also expected to achieve the

objective of furthering justice by a skillful balancing of the interests of the community and the rights, needs, and interests of the individuals who come into contact with the criminal justice system.

Provision of Probation Services

As noted above, this objective has been set apart from the other objectives in order to stress the managerial aspects of probation. It can easily be seen how this objective undergirds the other probation objectives; however, there has been an upsurge of interest recently in problems of probation management, and we will be devoting a considerable amount of attention in this paper to the issues in probation management and administration. Consequently, we will treat the provision of probation services as though it were an objective separate from the others. The tasks of a probation agency which contribute to the achievement of the provision of probation services in an efficient and effective manner are:

A. Design and implement an organizational structure for the probation system consistent with providing maximum benefit at minimum cost with due consideration for local community needs and desires.

B. Provide appropriate administrative and management controls which assure efficient and effective operation of the probation system.

C. Enlist community support and auxiliary community services to augment services provided by the probation system.

D. Provide a staff with each individual appropriately trained and educated for assigned duties and encourage the continual development of staff members.

E. Evaluate and modify the system as necessary to maintain its efficient and effective operation.

The thrust of most of these tasks is the day-to-day operation of the probation agency. These tasks direct the efforts of the probation agency in the achievement of the other objectives by focusing on the administrative

and organizational structure of the agency, supervisory control over the activities of the agency, the education, training, and development of agency staff, and the advantageous use of existing community resources to ensure the provision of necessary services to the agency's client caseload. Notice that evaluation of the agency's operation is included as an important task. We have already included research on prediction and control techniques and reintegrative treatment techniques as tasks which contribute to the achievement of other objectives. This need for continuous monitoring and evaluation of agency activities, regardless of whether the activities are oriented toward administrative or treatment objectives, will be stressed again and again in this report. We have done so because our review of the state of the art of probation in the United States has shown that administrators are constantly faced with the necessity of making decisions among various structures, control systems, treatment orientations, and service provision strategies. Full knowledge of the available alternatives is critical to decision-making, and well-conceived, properly handled research is fundamental to the development of knowledge. Because of its importance, we will devote considerable attention in a later section to the issues involved in research in probation.

- *What do we know about the effectiveness of probation as a sentencing alternative?*

The effectiveness of most correctional programs, including probation, is most frequently measured by revocation or recidivism rates. The fact that revocation and recidivism definitions vary considerably from one study to another causes significant problems in attempting comparison, generalization, or accumulation of knowledge. These difficulties will be addressed in more detail in a later section; however, we will note at this point that several problems characterize any consideration of probation outcome measures which rely on revocation or recidivism rates.

The problems with probation revocation are caused by the lack of well-defined criteria for revoking probation, which leads to a significant disparity among jurisdictions and among judges and probation officers within the same jurisdiction (DiCerbo, 1966). This lack of common definition and clearly articulated administrative procedures for revocation results in an inability to generalize the revocation statistics of one caseload or department to others.

The literature is replete with discussions of the deficiencies of recidivism as a measure of probation effectiveness. After a review of 146 annual and biennial agency reports, Rector (1958) summarized the problems associated with recidivism measures:

> ... any thought of compiling recidivism from annual reports for comparative purposes had to be abandoned early because of wide differences in definitions, in methods of computing, and in factors of measurement.

Rector's observations are supported by our review of the literature. The definitions of behavior which constitutes recidivism are inconsistent among studies (and occasionally within a single study) and computation

methods very considerably. In addition, the length of the follow-up period used also differs; some studies measure recidivism only up to termination from probation, while others use post-probation follow-up periods ranging from a few months to many years.

As we mentioned above, these problems with outcome measurement will be discussed in detail in a later section which will address the general state of research in probation. We point them out briefly here in order to highlight the caution with which the results of research attempting to measure the effectiveness of probation should be accepted.

Surprisingly few studies comparing the effectiveness of probation with other sentencing dispositions appear in the literature. The research which is available can be roughly divided into three groups: studies which compare the performance of probationers with the performance of offenders receiving alternative dispositions; studies which simply measure probation outcome without comparison with any other form of sanction; and studies which measure probation outcome and then attempt to isolate the characteristics which tend to differentiate between successful and non-successful outcomes.

To examine the effectiveness of probation compared to other dispositions, we identified five studies. Three of these studies compared recidivism rates of individuals placed on probation with individuals sentenced to incarceration. Babst and Mannering's study (1965) compared similar types of offenders who were imprisoned or placed on probation. The sample consisted of 7,614 Wisconsin offenders who were statistically comparable in original disposition, county of commitment, type of offense committed, number of prior felonies, and marital status. Parolees were followed for two years, and probationers were followed for two years or until discharge from probation,

whichever came first. Violations were defined as commission of a new offense or violation of probation/parole rules. The findings of this study showed that, for offenders with no prior felony convictions, the violation rate was 25 percent for probationers and 32.9 percent for parolees. For offenders with one prior felony conviction, violation rates were 41.8 percent for probationers and 43.9 percent for parolees; for offenders with two or more felonies, the rates were 51.8 percent for probationers and 48.7 percent for parolees. With respect to the difference in violation rates for first offenders (which was statistically significant at the .05 level), Babst and Mannering note that this finding could be a result of the fact that parolees are a more difficult group to supervise or could actually show that, at least for first offenders, incarceration does more harm than good.

Another study done in Wisconsin (Wisconsin Division of Corrections, 1965) compared the performance of burglars, who had no previous felony convictions, sentenced to prison or placed on probation. While this study also attempted to investigate the characteristics associated with successful and non-successful probationers and parolees, we will simply report at this point that the violation rate (based on a two year follow-up, using the same definition of violation rate as Babst and Mannering, above) for burglars who were incarcerated and then placed on parole was 34 percent and for burglars placed on probation was 23 percent.

The Pennsylvania Program for Women and Girl Offenders (1976) compared recidivism rates between all women placed on state probation or released on state parole during a two year period. Recidivism was defined as any technical violation of probation or parole or any new criminal charges. The findings showed that, overall, women placed on probation had a 35.6 percent

recidivism rate, while women sentenced to prison and then placed on parole had a 31.5 percent recidivism rate. When only women with no prior convictions were considered, the probationers had a 24 percent recidivism rate, and the parolees had a 23.1 percent rate. The differences between these rates were not statistically significant.

These three studies compared probation with incarceration. A California study (California Department of Justice, 1969) compared violation rates among offenders placed on probation, offenders sentenced to probation following a jail term, and offenders given straight jail sentences. The study examined the performance of a cohort of offenders, all of whom had an equal exposure of one full year in the community. For the probation group, cohort status was gained on the date of the beginning of the probation period; for the group receiving jail sentences, cohort status began on the date of release from jail. To evaluate the relative effectiveness of these dispositions, three violation levels were used: "None" signified no known arrest for a technical violation or a new offense; "Minor" signified at least an arrest and perhaps a conviction resulting in a jail sentence of less than ninety days or probation of one year or less; "Major" signified at least a conviction resulting in a jail sentence of at least ninety days or a term of probation exceeding one year. Since each case was followed for only a year, the final outcome of a violation occasionally did not occur until after the year was over. If it could be inferred that the disposition or sentence was the result of an arrest which did occur within the follow-up year, the action was included in the violation rate.

For the total cohort, the findings indicated the following violation levels: for defendant granted straight probation, 64.7 percent had no

subsequent violations, 23.7 percent had minor violations, and 11.6 percent had major violations; for defendants sentenced to jail followed by probation, 50.3 percent had no violations, 31.7 percent had minor violations, and 18.0 percent had major violations; for defendants sentenced to jail, 46.6 percent had no violations, 29.5 had minor violations, and 23.9 percent had major violations.

Finally, an Alaska study (Alaska Department of Health and Social Services, 1976) utilized an experimental design to compare the performance of misdemeanant offenders receiving probation supervision with offenders officially on probation but not required to report to the probation unit. The groups were created by random assignment to the experimental group (under supervision) or the control group (no supervision) and were followed for periods ranging from two months to slightly more than two years. Performance was assessed by means of recidivism, which was defined as the conviction for a new offense. The findings of the study showed that 22 percent of the experimental group members and 24 percent of the control group members had been convicted of new offenses during the follow-up period.

Given the paucity of research and the caution with which recidivism data must be approached, it is nearly impossible, not to mention inappropriate, to attempt to draw any conclusions from these studies about the effectiveness of probation compared to other alternative dispositions. Of the studies which compared probation to incarceration, it tentatively appears that probation may have a significant impact on first offenders. It may also be suggested that the severity of violations appears to increase in proportion to the severity of disposition. It does not appear that the provision of probation supervision for misdemeanants is more effective than an unsupervised probation period.

We also found a number of studies which reported recidivism rates only for probationers; some also attempted to isolate characteristics which can be associated with success or failure. We will look at ten of these studies, with the reminder that definitions of failure differ considerably, follow-up periods vary, and the types of offenders differ significantly from one study to another. Chart I below includes the author, types of instant offenses committed by the probationers in the study, the definition of failure used in the study, the length of follow-up, and the failure rate.

These summary descriptions illustrate many of the problems associated with attempting to assess probation effectiveness. The types of offenders constituting the samples (as represented by instant offenses) vary, as do the definitions used in each study to characterize "failure." Four studies computed failure rates while the offenders were on probation or upon probation termination; six studies extended the follow-up periods to include post-probation periods. The length of follow-up periods ranged from several months to many years.

Most of the studies reviewed here stated that their purpose was to assess "probation effectiveness"; however, unlike the five studies examined earlier, none of these studies defined a base (such as a failure rate for comparable parolees or offenders on summary probation) against which to compare findings in order to support a claim that probation is an effective alternative for rehabilitating offenders.

Our review of these ten studies demonstrates that little progress has apparently been made over the past few years toward an adequate assessment of probation. The conclusions drawn by the authors of these studies, however, appear to suggest that there exists an unwritten agreement or "rule of thumb"

STUDIES REPORTING RECIDIVISM RATES FOR PROBATIONERS

CHART I

Study	Instant Offenses	Failure	Follow-Up	Failure Rate %
Caldwell 1951	Internal Revenue Laws (72%)	Convictions	Post-probation: 5 1/2-11 1/2 years	16.4
England 1955	Bootlegging (48%); forgery and counterfeiting (9%)	Convictions	Post-probation: 6-12 years	17.7
Davis 1955	Burglary; forgery and checks	2 or more violations and revocation (technical and new offenses)	To termination; 4-7 years	30.2
Frease 1964		Inactive letter, bench warrant, and revocation	On-probation: 18-30 months	20.0
Landis 1969	Auto theft, forgery and checks	Revocation (Technical and new offenses)	To termination	52.5
Irish 1972	Larceny and burglary	Arrests or convictions	Post-probation: Minimum of 4 yrs.	41.5
Missouri Division of Probation and Parole 1976	Burglary, larceny and vehicle theft	Arrests and convictions	Post-probation: 6 mo.-7 years	30.0
Kusuda 1976	Property	Revocation	To termination: 1-2 years	18.3
Comptroller General 1976		Revocation and post-release conviction	Post-probation: 20 mo. average	55.0
Irish 1977	Property	Arrests	Post-probation: 3-4 years	29.6

that a failure rate, however derived, of about 30 percent or below means that probation can be considered to be effective, and a failure rate above 30 percent indicates that probation is not effective. This tendency is suggested by the following comments:

Year	Author	Failure Rate	Comment
1951	Caldwell	16.4%	"...probation is an effective method of dealing with federal offenders."
1955	England	17.7%	"A reconviction rate of less than one-fifth or one-quarter...[is] an acceptable level of performance for a probation service."
1976	Missouri	30.0%	"Probation is an effective and efficient way of handling the majority of offenders in the State of Missouri."
1976	Comptroller General	55.0%	"...probation systems we reviewed were achieving limited success in protecting society and rehabilitating offenders,"
1977	Irish	29.6%	"...supervision program is effectively accomplishing its objective."

In addition to measuring the effectiveness of probation, a number of studies have also attempted to isolate characteristics which could be related to offender rehabilitation. Chart II below presents a summary of the major factors which were found in each study to be statistically correlated with failure. Keeping in mind the methodological differences among the studies in terms of definition of failure and specification of follow-up period, it appears that the one characteristic most commonly found to be associated with failure is the probationer's previous criminal history. Other factors frequently cited are: the youthfulness of the probationer, marital status other than married, unemployment, and educational level below the eleventh grade.

STUDIES REPORTING FACTORS RELATED TO PROBATIONER RECIDIVISM

CHART II

Study	Previous Criminal History	Youth	Status Other than Married	Not Employed	Low Income Below $400	Education Below 11th Grade	Abuse of Alcohol or Drugs	Property Offender	On-probation Maladjustment	Imposition of Conditions
Caldwell 1951	Significant Correlation	Significant Correlation	Significant Correlation	Significant Correlation	Significant Correlation	Significant Correlation		*		
England 1955	"	"	"	"	"	"		*		
Davis 1955	"	"						Significant Correlation		Significant Correlation
Frease 1964	"		"		**	"	Significant Correlation		Significant Correlation	
Landis 1969	"	"	"	"	"	"	"	"		"
Irish 1972	"	"	"	"	"	"	"	*	"	
Missouri 1976	"	"	"	"	***	"	"	"		
Kusuda 1976		"	"	"	**		"	*		
Comptroller General 1976								*		
Irish 1977	"							*	"	

*In these studies, instant and post-probation offenses committed by probationers were predominantly "property"; however, a correlation between property offense and recidivism was not investigated.

**Correlation only with income between $100 and $400; those who made less than $100 and those who made above $400 both had an equal probability of success.

***Correlation only with income between $100 and $700; those who made less than $100 or above $700 both had an equal probability of success.

- *What sources were used to collect the material for this study of the critical issues in adult probation, and what major problems and deficiencies with the research were encountered in reviewing the available material?*

In order to complete the most comprehensive literature review possible, information about adult probation was collected by a number of individuals from a wide variety of sources. Each sub-contractor for this project collected background material for the Technical Issue Paper(s) which that sub-contractor would prepare. Don Gottfredson and his staff at Rutgers collected material for the Technical Issue Paper on client/caseload characteristics, recidivism/revocation, probation prediction, and treatment modalities. John Palmer, David Townsend and the staff of the Center for Law Enforcement and Correctional Justice collected information for the Technical Issues Paper on pre-sentence investigation reports. The staff of the Institute for Advanced Studies in Justice of the American University prepared the Technical Issue Paper which analyzed and compared the probation statutes of the states and the federal government. Paul Friday and his staff at Western Michigan University prepared the Technical Issue Papers on domestic innovations in adult probation and the international development of probation. The Technical Issue Paper on the management of probation was prepared by the staff of the Program for the Study of Crime and Delinquency.

In addition to the background material which was collected by the individual sub-contractors, the staff of the Program for the Study of Crime and Delinquency assumed the responsibility for locating the available evaluation research which has been done in the past twenty-five years. This research was then distributed to the appropriate sub-contractor(s).

The raw material upon which these Technical Issue Papers were based consists of a variety of documents treating the subject of probation, which were published between 1950 and 1977. These documents included books, articles from the popular and scholarly press, reports of research and evaluation studies, and conference papers. The material was gathered through a nine-month review of literature based on the following sources:

1. We conducted detailed literature searches in the following abstracting services:

   a. Criminology Index
   b. Psychological Abstracts
   c. Crime and Delinquency Abstracts
   d. International Bibliography on Crime and Delinquency
   e. Abstracts on Criminology and Penology
   f. Sociological Abstracts.

2. We utilized the resources of the following Libraries:

   a. The Ohio State University
   b. Rutgers University (Newark)
   c. Western Michigan University
   d. Capital University Law School
   e. American University Law School
   f. Center for Knowledge in Criminal Justice Planning
   g. National Council on Crime and Delinquency.

3. We reviewed abstracts of all probation-related publications listed with the National Criminal Justice Reference Service.

4. We requested a print-out of all probation projects funded by the Law Enforcement Assistance Administration, covering the period 1968 to 1976, listed with the Grant Management Information Service. For all projects which appeared from their abstracts to be relevant to our study, we wrote to the project directors requesting any evaluations which had been completed.

5. We contacted, by telephone, all state departments of correction, state criminal justice planning agencies, and state departments of probation (in states with centralized probation systems).

6. For all states with decentralized probation systems, we wrote directly to all county probation offices.

Before addressing the subject of problems and deficiencies in the available research, we would like to emphasize a few points. Much of the material which we reviewed, particularly the evaluative studies, was supplied to us, in response to our request, by a great many individuals in state and local agencies, all of whom were extremely cooperative and eager to help us with our project. We are most grateful for their cooperation and must acknowledge the significance of their contributions to the success of our project. Although we will be offering criticism of the design and implementation of much of this evaluative research, we do want to emphasize that we are not unaware of the problems of conducting research in the field and we do understand that it is quite likely that the authors of the research recognize these problems also.

We will address the state of the research in adult probation in more detail in a later section of this report. Our purpose here is to briefly outline the major research deficiencies which were found in many of the studies which were reviewed for this project. It would be well to keep these deficiencies in mind, since they have imposed limitations on the conclusions which we have been able to draw from the available research. The major deficiencies can be summarized as follows:

1. Failure to carefully formulate the research design in advance of implementation can lead to research which never quite gets off the ground and contributes little to our understanding of the subject of inquiry. The proposed research should be based on a causal theory and should attempt to anticipate and provide for potential impediments to data collection and analysis. Although valid findings may result from studies undertaken without carefully formulated designs, such findings should perhaps be appropriately characterized as "serendipitous."

2. Failure to select a representative sample for study can produce results that do not provide adequate estimates for the general population of interest. Thus, since the findings of a study based on a potentially biased sample cannot be generalized to the total population, they cannot be accepted with any confidence.

3. Failure to utilize a control group, comparison group, or adequate statistical controls results in findings which cannot be used to determine whether any observed changes are actually the result of the particular program under study. The observed changes may in fact be a function of the particular characteristics of the sample, rather than a function of the treatment provided.

4. Failure to adequately define critical variables is a major problem in research in probation. At the very least, the treatment under study should be carefully described. For many studies which are intended solely as internal agency documents, this requirement may appear to be irrelevant. We would argue, however, that the addition of a detailed description of the treatment would allow generalizability of the study findings to other similar programs. Without such descriptions, we simply cannot assume that two treatment programs at two different agencies are similar, even though they may have the same name.

5. Failure to establish the validity and reliability of outcome measures can produce inaccurate or misleading results. The validity of many outcome variables, such as self-concept, is open to question. The validity and reliability of self-reporting techniques may also be in doubt.

6. Failure to use appropriate statistical methods, or failure to provide sufficient information about the techniques used, can result in spurious findings. Frequently, results are characterized as "statistically significant" without explanation of the significance tests used. Significant correlations are announced without explanation of their derivation. We are not suggesting that all research must utilize highly sophisticated statistical analysis techniques; however, at the very least, techniques should be appropriate to the data and should be explained in sufficient detail to allow the reader to assess their relevance.

7. Inappropriate conclusions drawn from the findings of careless studies using inappropriate methods can add misinformation to our presumed "body of knowledge."

The conclusions which we have attempted to draw from the available research in probation are based on a large number of research studies, some of which suffer from one or more of these design deficiencies. Of course, we did find some examples of well-conceived, properly conducted research. The following discussions of management issues, presentence investigations, treatment modalities, and program development are based on all of the

available research; however, we have assigned much more credibility and weight to those research studies which clearly demonstrate that they were grounded on carefully formulated designs, properly controlled data collection, and appropriate analytical techniques.

In summary, we would like to note that, although we cannot be absolutely certain that all relevant literature has been included in our study, we believe that the studies which have had the widest influence have been considered. Research and evaluation studies were included based on our ability to locate interpretable reports of the studies, on the methodological soundness of the study, or, in areas where very little information was available, their uniqueness. The value of all of the Technical Issue Papers and the accuracy of their conclusions are in part a function of the quality of the material upon which they were built. We, as authors, however, have selected the material to be included and must therefore bear the responsibility for these products.

SOURCES

CHAPTER I

Alaska Department of Health and Social Services

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The results of this survey emphasize the fact that the delivery of adult probation services is a big business, even though the individual agencies are often quite small. In the aggregate, probation touches more lives than any other area of corrections. The scope of probation activity alone warrants a careful study of the methods used to manage and deliver its services.

This chapter discusses the issues of the organization and management of the resources available for the provision and delivery of probation services. We will concentrate our attention on the statutes and standards which affect organization and management and on discovering what is known about the efficiency and effectiveness of various organizational and management techniques.

Historically, little discussion has appeared in the literature about specific organizational and management techniques which might affect the provision of probation services. This may have occurred because most probation agencies were relatively small and the administrative world of probation was fractionalized, resulting in a reliance by administrators on the traditional management strategies and techniques borrowed from business administration and other disciplines. In the past few years, however, there has been a noticeable emphasis in the literature on the treatment of management concerns and innovative strategies as an integral part of the probation function.

The organizational and management issues which we will discuss in this report are important to administrators for several reasons. First,

of course, all probation administrators want to perform their jobs as efficiently and effectively as possible. Although we assume that most administrators are familiar with fundamental management concepts and techniques, there are a number of management concerns which are especially relevant to the areas of corrections in general and probation in particular. So, in order to carry out their tasks in an efficient and effective manner, administrators will want to be fully informed and knowledgeable about organization and management problems, and their possible solutions, which affect the smooth running of a probation agency. Second, there may be a number of areas in which flexibility is denied to the administrator by law. These areas may include the selection of probation officers, the decision to grant, deny, or revoke probation, the required performance of presentence investigations, the length of the probation period, the various rights of due process guaranteed to probationers, and the use of certain treatment modalities. Most of the areas of management, however, allow the administrator some maneuverability and the ability to make choices based upon the probable contribution of a certain technique to the efficient or effective management of the probation agency. Finally, management concerns can be a fruitful area for innovation. The examples of management techniques which we discuss may be untried by many probation agencies, and thus the experiences of other departments may be of considerable value to the administrator who is contemplating changing or modifying an existing technique or adopting a new one.

A significant amount of interest in the management and organizational problems of probation systems was prompted by the Comptroller General's Report to the Congress, entitled State and County Probation: Systems in Crisis, which was published in May 1976. This report was critical of

the performance of state and local probation agencies and stressed the positive role which could be played by the federal government, through the Law Enforcement Assistance Administration, by providing leadership, funds, and technical assistance to the States. The findings of the study were generated by a review of the adult felon probation systems in Maricopa County, Arizona; Multnomah County, Oregon; Philadelphia County, Pennsylvania; and King County, Washington. A number of recommendations which are relevant to our discussion of management concerns were made, dealing particularly with the provision of services to probationers. The findings of the study indicated that probationers who received needed services were more likely to complete their probation periods successfully than those who did not receive needed services. Therefore, the report emphasized the need to adequately identify the probationers' needs, to provide the services required to satisfy those needs, and to ensure that local community resources become more responsive to probationers.

The importance of management concerns again has been underscored by another Comptroller General's Report to the Congress, entitled Probation and Parole Activities Need to Be Better Managed, published in October 1977. This report provides a detailed description of the shortcomings in the operation and administration of the federal probation/parole system. Information was gathered by a review of operations in five probation districts (California Central, Georgia Northern, Illinois Northern, Washington, D.C., and Washington Western), a questionnaire completed by a number of chief judges, chief probation officers, and probation officers, and a randomly selected sample of open and closed probation and parole cases in the five probation districts. Of particular interest to probation administrators are the recommendations and suggestions directed toward supervision

and service provision. One of the findings of the study was that probation officers appear to be emphasizing their other duties (such as completion of presentence investigation reports and administrative activities) more than their supervision responsibilities. The Comptroller General recommends six management techniques which can be used to improve supervision:

-- Special units dedicated solely to supervision and thereby relieving probation officers of other duties such as making PSIs.

-- Team concept of supervision which gives each probation officer a backup officer, permitting each to know the other's caseload.

-- Review of probation officer case files by supervisory probation officers, which assures evaluation of probation officers' performance.

-- Suboffices which are used to improve geographic coverage of a district.

-- Flexible work hours which allow probation officers to contact offenders after regular working hours.

-- Selective PSI reports which are less comprehensive than regular PSI reports and require less time to do.

The report also contains recommendations concerning improvement of rehabilitation programs by the delivery of needed services to probationers. The recommendations are:

-- preparing rehabilitation plans which translate identified needs into short- and long-term treatment goals for each offender.

-- referring offenders to needed services, and

-- following up to see that offenders receive needed services.

Finally, the report stresses the importance of routine evaluation of probation offices for program implementation, effectiveness and shortcomings.

This interest in the organization and management of probation has prompted separation of these issues from the other areas of interest.

It should not be assumed, however, that the organizational and management concerns discussed here are without implications for the other areas, such as the effectiveness of probation or the demonstrated value of specific treatment modalities. We have set these issues apart to emphasize their importance, not to suggest that they should be separated from the unity of the probation process.

From our review of the literature, we identified eleven areas of management interest which seemed to be prominent concerns. In order to present the available material in a structured fashion, we will discuss each of these areas of interest separately. We cannot stress too strongly, however, that these topic areas are not mutually exclusive. The areas to be addressed are: the locus of probation administration, roles of probation officers, caseload management strategies, service provision strategies, the use of paraprofessionals, the use of volunteers, the education and training of probation officers, time studies, information systems, cost analyses, and standards for probation. Several of these topic areas cover extensive topics, such as caseload management, roles of probation officers, and time studies, while other chapters concentrate on relatively narrow topics. It is important, therefore, to keep in mind the broader concepts when considering the material presented in the discussions of the more limited topics.

Locus of Probation Administration

- *To what extent should the administration and provision of probation services be centralized/ de-centralized?*

Generally, the organizational structure of the probation service of a given jurisdiction is outlined by statute, with detailed structure and

procedures specified by administrative regulation or court rule. An examination of state and federal statutes reveals that the statutory provisions may be categorized into five classes, which differ in terms of the extent of centralization or decentralization of the administration of probation services. These five classes are described briefly:

1. Five states (Alaska, Delaware, Maine, Rhode Island, and Vermont) have unified corrections systems. All traditional major corrections functions are placed, by statute, under a single administrative agency. This approach, which represents the highest level of centralization is recommended by the Standards of the National Advisory Commission on Criminal Justice Standards and Goals.
2. The statutes of the majority of states (approximately thirty) and the federal statute provide for the administration of probation in combination with parole in the same agency, generally at the state level.
3. The Connecticut statute provides for the administration of probation by state agency, however, the probation and parole functions are separate.
4. The statutes provide for local administration of probation by the courts, with overall supervision of probation officers and services by either a state agency (New York and Ohio), state commissioners (Massachusetts), or the state supreme court (New Jersey).
5. The statutes of the remaining states (Arizona, Colorado, Hawaii, Illinois, Indiana, Oklahoma, Pennsylvania, and Texas) provide for the local administration of probation by the courts or, as in California, a local board. In a number of states in this

class and in class four above, there is statutory authorization for a system of concurrent probation administration. Thus, locally-administered probation offices may be established by county governments, and a state probation agency directly provides administration and personnel to counties which cannot support, or choose not to maintain, local probation services.

The Standards of the National Advisory Commission (1973) strongly support a unified state probation system, which would be responsible for establishing standards, goals, and priorities, program planning and development of innovative service strategies, staff development and training, manpower planning, monitoring and evaluation, consultation, and coordination. The American Bar Association (1970) takes a more neutral position, supporting the administration of probation at either the state or the local level.

With respect to the centralization/decentralization question, our review of the literature uncovered many arguments supporting both positions. The most frequently-cited arguments in favor of centralization are: a state-administered system is free of local political consideration (National Advisory Commission, 1973); it can develop uniform policies and procedures, leading to a greater likelihood that the same level of services will be provided to all clients in all areas (President's Commission on Law Enforcement and Administration of Justice, 1967); it contributes to greater efficiency in the disposition of resources (National Advisory Commission, 1973); and state administration historically has been in the forefront of developing innovative programs, demonstration projects, and correctional research (President's Commission of Law Enforcement and Administration of Justice, 1967). On the other

hand, numerous arguments are cited by those who favor the de-centralized arrangements: local programs can generally develop better support from local citizens and agencies (President's Commission on Law Enforcement and Administration of Justice, 1967); because local programs are smaller, they can be more flexible and less bound by bureaucratic rigidity and are thus able to experiment with new methods and procedures (Killinger, Kerper, and Cromwell, 1976); and staff members, working for a local agency, are more likely to be thoroughly familiar with the local community (Killinger, Kerper, and Cromwell, 1976).

Agencies which are highly decentralized are generally characterized by participation, access, and responsiveness; agencies which are centralized are characterized by efficiency, professionalism, and the use of more advanced technologies. Although the current trend in corrections in general appears to be in the direction of centralization, several states are attempting to take advantage of the benefits of both arrangements by the strategies of standard-setting at the state level, provision of and training for the personnel by the state government, and direct financial subsidy payments by the state to local agencies who keep offenders in the community on probation rather than sending them to state-financed correctional institutions (National Advisory Commission, 1976).

Research by the Council of State Governments (1977) also recognized the trend toward centralization of probation administration. Administrators should be aware, however, that their placement in a unified corrections system will present both advantages and disadvantages. They may benefit from the overall increase in funding for corrections, from more sophisticated information systems, and from greater visibility to the

state legislature. The price for these benefits, however, may be the loss of their independent status, a consequent limitation in policy-making discretion, escalating political pressure on controversial programs, and possible loss of financial resources to institutional programs.

- *Should probation reside in the judicial branch of government under the control of the courts, or should it be placed in the executive branch of government under the control of elected or appointed political officials?*

Statutory provisions dealing with the administrative placement of probation also speak to the executive/judicial branch argument. Generally, ~~those states which tend toward centralized~~ administration, in combination with or separate from other corrections functions, seem to favor executive branch placement. Where probation is primarily locally-administered, it tends to be located under the control of the courts. The federal probation system, although centralized, is part of the Administrative Office of the United States Courts.

The literature reveals a number of arguments on both sides of the question. Arguments advanced in support of placement of probation administration in the judicial branch include: probation can be more responsive to court direction (National Advisory Commission, 1973); the court can acquire automatic feedback on the effectiveness of probation as a sentencing alternative (National Advisory Commission, 1973); and probation administration should reside with the courts, since the greatest flow of work for a probation agency comes from the courts (Wahl, 1966). On the other hand, proponents of placement in the executive branch advance these arguments: since all other sub-systems which carry out court dispositions of offenders are in the executive branch, inclusion of

probation could ensure closer coordination of programs, more rational allocation of staff, and increased access to the budget process and the establishment of priorities (National Advisory Commission, 1973).

In summary, if we ask what is the proper location for probation administration, we find that there are strong arguments for centralized administration, for de-centralized administration, for placement in the executive branch of government, and for placement in the judicial branch of government. It appears that this question is not amenable to a definitive answer; what is important is a thorough consideration of the trade-offs which characterize each alternative. Neither is the question amenable to experimental research. But it is clear that comprehensive, descriptive studies of the experiences of agencies placed in different administrative locations could assist in accurately and completely delineating the advantages and disadvantages of each location.

Roles of Probation Officers

- *Which type of role which probation officers might adopt would be the most appropriate?*

This is the type of question which cannot be addressed by statute, standard, or administrative regulation. The answer will depend upon what are believed to be the overall goals of probation and a subjective assessment of the most effective means of achieving those goals. It is most likely that every probation agency will develop, over time, a tendency to emphasize one or more goals over other goals, and this tendency will be a product of many diverse influences, not all of which can be controlled by the agency. Until we can agree on the proper goals of probation, their

relative importance, and the best means of achieving them, we will find this to be a troubling question.

It has frequently been suggested that techniques be developed which will enable a probation administrator to match each probationer with a probation officer who typifies the role which would be best suited to the probationer. While this strategy seems promising, adequate research has not yet been done.

A review of the literature reveals that several very similar typologies describing the various roles of probation officers have been developed (Ohlin, 1956; Glaser, 1964; Jordan and Sasfy, 1974; Klockars, 1972). The roles generally included in these typologies are:

1. The Punitive/Law Enforcement Officer, whose primary concern is the protection of the community through control of the probationer.
2. The Welfare/Therapeutic Officer, whose primary concern is the improved welfare of the probationer.
3. The Protective/Synthetic Officer, who attempts to effect a blend of treatment and law enforcement.
4. The Passive/Time Server Officer, who has little concern for the welfare of the community or the probationer, but sees his job merely as a sinecure, requiring a minimum amount of effort.

In addition to these typologies, several other functional roles have been identified. One role concept, which is built upon the law enforcement part of the probation officer's job, considers the quasi-judicial nature of many of the probation officer's activities (Czajkoski, 1973). These quasi-judicial activities include legitimation of the plea bargaining process, control over intake, setting the conditions of probation,

enforcement of probation conditions, probation revocation, and administration of punishment. Another role which has been discussed in the literature is an integrative role, which attempts to blend the often-conflicting concerns of societal protection and offender rehabilitation (Tomaino, 1975). Finally, the literature explores a counseling role, in which the probation officer develops a style of empathetic understanding to communicate with his clients in the knowledge that the probationer can serve as his own best advisor (Arcaya, 1973).

With respect to the self-image of probation officers, several research studies report similar findings. These studies found that most probation officers identify with the general field of corrections, and consider probation work to be an autonomous entity, not to be confused with other criminal justice agencies or functions (Miles, 1965; Sigler and Bezanson, 1970). Another study of the appropriateness of probation activities suggested that probation officers believe that referral, counseling, and guidance functions are the most appropriate activities, while detection and apprehension of probation violators and enforcing community standards of behavior were considered generally inappropriate (Van Laningham, Taber, and Dimants, 1966). Finally, one study tested the hypothesis that probation officers who had different role perceptions (advocate, counselor, or enforcer) would also have different levels of job satisfaction (Mahoney, 1975); the results of the study refuted the hypothesis and also demonstrated that, even with a small sample of probation officers, there was a lack of consensus regarding which of the three possible roles was the most appropriate.

In summary, if we ask which probation officer role is most appropriate, we must answer that research has not yet been done in this area. Evidence

does suggest that probation officers consider some activities to be more appropriate than others, but that role perception has nothing to do with job satisfaction. Research is also needed to determine whether role preference has any impact on client behavior and other indicators of outcome.

Issues in Caseload Management

- *What are the important issues in caseload management, and which caseload management strategies have been shown to be more effective or efficient?*

Probation practice in the United States requires the probation agency to stand ready to assist the Court both during and following the criminal sentencing process. Before sentencing, the agency may be required to provide a pre-sentence investigation report, which is intended to make available to the sentencing judge the type of information about the offender which the judge can use in the process of selecting the most appropriate sentence for the offender. In order to avoid undue delays in the sentencing process, most Courts require that pre-sentence investigation reports be completed and submitted within a specified period of time. To comply with the orders of the Court, the probation agency must be organized in such a way that sufficient personnel can be made available to complete the required number of pre-sentence investigation reports in an acceptable and timely fashion.

The second, and perhaps larger, duty of the probation agency is to assist the Court after the sentencing process. This duty requires the agency to accept for supervision all offenders who have been placed on

probation by the Court. Depending upon the jurisdiction in which the agency is located, the offenders placed on probation may have committed almost any type of criminal offense, and may range from first offenders to "career" criminals. The numbers of offenders selected for probation may vary considerably over time, depending upon the state of the law in the jurisdiction, the political climate in the jurisdiction, and the prevailing philosophy toward the use of probation of the sentencing judge. In addition, the individual offenders placed on probation will vary considerably in the types of living problems (e.g., alcohol or drug abuse, family situation difficulties, lack of education or employment) which they face. Finally, there is likely to be at least some variation among probationers with respect to the type and extent of probation conditions imposed on them by the sentencing judges. As with the pre-sentence investigation report requirement, this post-sentencing supervision duty of the probation agency necessitates an organizational structure which will enable the agency to efficiently and effectively handle the amount of work assigned by the Court.

Considering the complexity involved in complying with these duties, it is obvious that the probation administrator will be faced with a number of critical management problems. How can the agency be structured in order to ensure that both the investigation and supervision duties can be met? Should all probation officers be expected to perform both the investigation and supervision duties, or should officers be required to specialize? How can the agency efficiently handle the volume of probationers assigned by the Court? What are the different ways in which probationers can be assigned to individual officer's caseloads? Can the level or intensity of supervision be differentiated for various

classes of probationers? How can the different living problems of probationers best be handled? Should all probation officers be expected to handle every kind of probationer problem, or should individual officers develop areas of specialization? Should the agency adopt a casework approach to probation supervision, or would a brokerage approach be more appropriate? What advantages might there be for organizing the probation officer force into teams, rather than utilizing the traditional single officer caseload model?

The answers to these questions for any specific probation agency will, of course, depend on many factors, including the prevailing philosophical and structural orientation of the department, and the resources, both financial and manpower, available to the department. The discussion of these issues will focus on the organizational and administrative implications of various caseload assignment and supervision strategies. Our emphasis on the advantages and disadvantages of the techniques as revealed by the experiences of other departments can serve as an aid to the administrator who is attempting to select techniques appropriate for his agency.

A number of issues in caseload management have been identified and will be discussed separately, although in reality they are closely interrelated. These issues were: caseload assignment techniques, differentiated levels of supervision, generalized vs. specialized caseloads, single officer caseloads vs. team caseloads, the casework vs. the brokerage approach, functional specialization, and the concept of workload.

There are five major caseload assignment models: the conventional model, the numbers game model, the conventional model with geographic consideration, and single factor specialized model, and the vertical

model (Carter and Wilkins, 1970).

Briefly, the conventional model utilizes the random assignment of probationers to available probation officers. The object of the numbers game model is to numerically balance all of the caseloads within the department. The conventional model with geographic consideration obviously restricts caseloads to probationers living in a specific geographic area. The single-factor specialized model assigns probationers to caseloads on the basis of a single shared characteristic. The vertical model is based on classification by a combination of characteristics. Each model has implications for the administration of the probation agency with respect to personnel, training, and selection of supervision strategies.

Supervision strategies concern how the individual caseloads are handled after the probationer population has been assigned. One strategy involves varying the level of supervision of probationers. It is believed that while some probationers may actually need very minimal supervision, others will require intensive supervision. Assignment to the different levels of supervision is generally based upon an assessment of risk or classification by type of offense. The assumption behind intensive supervision is that decreased caseload size will lead to increased contact between the probation officer and the probationers, resulting in improved service delivery and more efficient treatment, which will effect a reduction in recidivism (Banks et al., 1976). While research indicates that intensive supervision does lead to increased contact between the probation officer and the probationers (Lohman et al., 1967; Nath et al., 1976; Human Systems Institute, 1975; Sheppard, 1976), there has been no research which attempts to assess the quality of those contacts. For those probationers

who require few or no special services and pose little threat to community safety, minimum supervision has been used. This type of supervision is seen as "crisis supervision," since the contact between the probation officer and the probationer may be limited to a monthly written report unless a specific request for services is made. One of the major problems attendant upon the development of a system of differentiated supervision is the determination of an adequate and accurate technique for risk or need classification. There is also a need to isolate and identify the factors in the probation officer/probationer relationship which define the quality of contact.

A second caseload management issue concerns the use of generalized caseloads, where each probation officer supervises a heterogeneous caseload, or specialized caseloads, where caseloads are comprised of one specific type of offender. Since most probation departments follow the generalized caseload model, only the research on specialized units or caseloads was examined. We looked at research directed at specialized units dealing with drug abusers (Kaput and Santese, 1975; Center for Social Policy and Community Development, 1974; Yonemura and Estep, 1974), ethnic group members (Thompson, n.d.), mentally deficient probationers (Pima County Adult Probation Department, 1975), alcohol abusers, and sex offenders and assaultive offenders (Olsson, 1975). The general conclusion from this research, much of which is descriptive, seem to be that specialized units can be relatively effective with target probationers, as long as the referrals to the special unit are appropriate, and that these probationers can be offered special services which they might not otherwise receive. Several studies, however, raised the point that

pre-planning is extremely important, along with the establishment of specific acceptance criteria and better communications with referral sources (Pima County Adult Probation Department, 1975; Olsson, 1975; Center for Social Policy and Community Development, 1975).

Another type of caseload management strategy is the use of single officer caseloads or team caseloads. The single officer caseload has been closely associated with the casework approach to supervision, in which the emphasis is on the development of a personalized, one-to-one relationship with the individual members of the caseload. The team model, which is frequently associated with the brokerage approach, emphasizes both the diversity of needs of probationers and the diversity of probation officer skills which can be assembled in one team (Sullivan, 1972). Virtually no research comparing the effectiveness or efficiency of single officer and team caseloads was located. Community Resource Management Teams, which have emerged in the past few year, have been widely publicized, but have not yet been evaluated.

Closely associated with the single officer vs. team caseload question is the issue of the proper approach to probation supervision and service provision. The two major approaches are casework and brokerage, which were briefly described above in connection with single officer caseloads and team caseloads. It should be noted, however, that the casework approach can also be used with a team model and the brokerage approach can be used by a single probation officer. As with the single officer and team models, we found a wealth of descriptive material covering the assumptions, rationales, and operations of both casework and brokerage, however, no research comparing the effectiveness, efficiency, or cost

of these approaches was available.

The fifth management issue is the question of specialization by function. Functional specialization refers to the practice of grouping the tasks and activities of probation into relatively discrete functions (such as investigation or supervision) and assigning each probation officer to one or the other function. Arguments advanced in support of functional specialization are: it allows the development of expertise; it facilitates supervisory control of performance; and it eliminates neglect of one function in favor of the other (Czajkoski, 1969). To counter these arguments, opponents of functional specialization offer these points: an operating knowledge of the techniques of both investigation and supervision will enhance expertise; functionalization may result in unequal workloads and thereby create morale problems; and the problem of neglecting one function in favor of the other is more closely related to case overload and inadequate number of staff than it is to specialization or nonspecialization of function (Czajkoski, 1969).

Unfortunately, little information is available about the extent of use of this management technique. Gronewald (1964), however, indicated that, in the federal probation system, nonspecialization is the preferred operating technique in ninety-five percent of the offices. Since no research studies were available which attempted to evaluate the efficiency or effectiveness of the functional specialization technique, our knowledge of this area remains subjective.

Finally, we examine the concept of workload. This concept is based on the idea that not all offenders require the same amount or type of supervision and that different probation functions, such as pre-sentence

investigations or supervision, cannot be equated on a one-to-one basis. The workload concept, thus, shifts the focus from the raw number of cases in a caseload and the number of pre-sentence investigations to be performed to the amount of time needed to perform each activity. All the activities are then weighted and added together to derive the maximum workload for an individual officer. We found six projects which have operationalized the workload system, with particular emphasis on the allotment of time to various activities and the derivation of the workload standards (Adams, 1967; Florida Department of Offender Rehabilitation, 1976; Wisconsin Department of Health and Social Services, 1977a; Hughes, 1974). Unfortunately, we do not yet know about the impact of the workload concept on the probation agency, probation officers, or probation clients.

In summary, if we ask which caseload management strategies have been shown to be more effective or efficient, we must answer that too little research has been done in this area to come to any definite conclusion. We know that some studies have determined that the level of supervision intensity can be varied, resulting in more or fewer contacts between the probation officer and the probationer, however, we still know very little about either an adequate procedure for classifying offenders by risk or need or about the nature and quality of the contacts. Some research also suggests that specialized caseloads can be effective, as long as the criteria for acceptance into the specialized caseloads are explicit. Research is clearly needed to evaluate the effectiveness, efficiency, and cost of single officer vs. team caseloads, the casework vs. the brokerage approach to supervision and service provision, and functional specialization. We have examined several examples of workload derivation procedures, but research on the impact of the implementation of such a system has not yet been done.

Provision of Probation Services

- *What are the major strategies used by probation agencies for the assessment of probationers' needs and the provision of services designed to meet those needs?*

The delivery of services to meet the various needs of the probationer involves an affirmative effort by the probation officer to ascertain the nature of such needs and to provide expert assistance or to locate an agency outside of the probation department which can provide the needed services. Particular duties which address this objective are not commonly specified by statute. In California, however, the probation statute actually articulates a duty of the probation officer to provide services to the probationer in the community. Even so, no statutes presently enacted require a comprehensive set of duties implementing the service delivery and referral functions.

The Standards of the American Bar Association (1970), National Advisory Commission (1973), and American Correctional Association (1977) emphasize the importance of service provision and recommend the adoption of comprehensive and flexible provision strategies. There appears to be a recognized need to bring the statutes regarding probation officers' duties up to date with these recommended standards. This is suggested for three major reasons. First, present statutes as written may obstruct the realization of service provision as a modern, preferred goal. Second, a statutory approach to service delivery and referral would acknowledge their importance and strengthen their position in individual agencies. Third, statutes specifying duties relative to service delivery and referral would regulate the discretion of probation officers in applying these techniques and would

establish guidelines for the effective performance of these duties.

The provision of needed services to its probationers is one of the most important functions of any probation agency (Comptroller General of the United States, 1976). Our review of the available literature revealed two dominant service provision strategies -- casework and brokerage through community service provision management. The casework approach stresses the role of the probation officer in service provision; it is assumed that the probation officer will be the primary agent of treatment and is capable of handling all of the multi-fsceted needs of a large number of offenders (Meeker, 1948; Studt, 1959). The brokerage approach, on the other hand, emphasizes the assessment of client needs and the linkage of available community services with those needs. The primary task of the probation officer is to locate existing community resources which can benefit his probationers and to link the probationer with the community social service agency (Miscione, 1976; Rubin, 1977; Dell'Apa, Adams, Jorgensen, and Sigurdson, 1976).

Another emerging service provision strategy is contracting. Under this arrangement, the probation agency and another social service program enter into a legal contract which binds the probation agency to pay the social service agency for services provided to probationers (Kassebaum, et al.,1976). A wide variety of services, such as drug and alcohol abuse treatment, employment, education, and mental health services, can be provided to probationers under these contracts.

Our review of research reports revealed several operational examples of strategies designed for the purpose of service provision. One program which concentrated on securing employment, education, and training opportunities for unemployed and underemployed probationers by intensive use of

existing community resources reported achieving modest gains in the employment status of its experimental group members, as opposed to a control group of comparable probationers, however, it appeared that the margin of improvement exhibited by the experimental group over the control group diminished rapidly with time (Rochester-Monroe County Criminal Justice Pilot City Program, 1974).

A state Health and Social Services Department prepared a comprehensive assessment of probationer needs and developed guidelines for all local probation offices to use in providing services for those needs (Wisconsin Department of Health and Social Services, 1977b). The assessed needs were categorized as: academic/vocational skills, employment, financial management, marital/family relationships, companions, emotional stability, alcohol usage, drug abuse, mental ability, and health. Within each category, the department listed all community resources which could be utilized for a particular need, and where appropriate, presented information concerning the exact type and range of services available, the name of the contact person in each community resource program, and the referral procedure which must be followed.

Finally, several Community Resource Management Teams have been operationalized. The CRMT's combine the team supervision approach with a brokerage strategy for service provision. Under this arrangement, each probation officer in a team specializes in a specific area of probationer needs and thoroughly familiarizes himself with all community resources which address that specific need. It is the responsibility of the probation officer to link the probationer with the community resource which can provide needed services and to ensure that the services are actually

delivered. Aside from preliminary descriptive reports which discuss some of the implementation and operational problems of the CRMT's (Miscione, 1976; Dell'Apa, Adams, Jorgensen, and Sigurdson, 1976; West Texas Regional Adult Probation Department, 1977; Obley, Woodson, and Miller, 1977), evaluation of this service provision strategy has not yet become available.

In summary, if we ask whether needed services are being provided to probationers, we must answer that research indicates that they are not. Studies suggest that probationers who do receive needed services have a greater chance of successfully completing probation, but that adequate needs assessments are not attempted and, consequently, most probationers do not receive the services they need. Several new and promising service provision strategies are emerging, but they have not yet been adequately evaluated.

The Use of Paraprofessionals in Probation

- *What are the issues involved in the use of paraprofessionals, including ex-offenders, in probation?*

Those statutes which might impede the recruitment and hiring of paraprofessionals and ex-offenders for work in probation tend to be statutes which set forth minimum qualifications required of persons providing probation services. The statutes which establish probation officer qualifications can be grouped in three categories: those which provide that the state personnel board or merit system will specify qualifications; those that empower the state corrections department or probation agency to establish qualifications; and those which provide that qualifications will be specified by either the local courts or the

state supreme court. With respect to specific qualification, only Texas and Oklahoma express these qualifications by statute, in other jurisdictions, specific selection criteria are established by administrative regulation. In these regulations we find the specific requirements for education, previous work experience and personal character. Thus, if any legal barriers to hiring paraprofessionals or ex-offenders exist, they will likely be found in these administrative regulations.

A survey done in 1974 attempted to discover the extent of use of paraprofessionals, particularly ex-offenders, in corrections (Priestino and Allen, 1975). Part of the survey findings indicated that in at least fifteen states, legal or administrative restrictions hindered or barred the use of ex-offenders. It is also probable that in many other states, civil service and merit system job descriptions for the employment of probation officers effectively bar the employment of paraprofessionals who do not possess the qualifications enumerated for probation officer positions.

The Standards of the American Bar Association (1970) specify minimum qualifications for probation officers, but also stress the desirability of employing other less qualified persons who have backgrounds similar to those of the probationers themselves. This flexibility in qualifications is echoed by the National Advisory Commission Standards (1973), which also recommend the use of ex-offenders. The American Correctional Association (1977) also supports the use of paraprofessionals and particularly stresses the potential value of the employment of ex-offenders.

The use of paraprofessionals, including ex-offenders, in probation has developed in response to the perceived need to establish more effective relationships and communication with probation clients. It is believed

that individuals who are similar to probationers in terms of social class, ethnic group membership, area of residence, and other characteristics would be better able to communicate with and understand the problems of probation clients than professional probation officers (Grosser, 1976). The use of ex-offenders as paraprofessionals is justified on the grounds that a successful ex-offender can serve as a positive role model for the offender on probation.

Although the expansion of the role of paraprofessionals in probation may be perceived as a threat by the system's professionals, this may be a realistic alternative to meet the manpower needs of corrections. Some of the other common rationales advanced for the use of paraprofessionals are: there is a large pool of untrained, unemployed nonprofessionals from which to recruit; it is possible to train nonprofessionals to perform significant reform roles, and it would be economically efficient to use nonprofessionals in the reformation process.

Paraprofessionals are generally used as a supplement to, rather than a substitute for, regular professional probation officers. Initially, they are ordinarily limited to the performance of surveillance-related tasks; as they become more familiar with their roles, however, they widen the scope of their tasks to include assisting the client in meeting concrete and emotional needs, participating in counseling activities, and performing investigations.

The three research studies which attempted to assess the effectiveness of paraprofessionals in probation presented quite similar findings (Beless and Ryan, n.d.; Langbehn, Pasela, and Venezia, 1974; Buffum, 1974). Keeping in mind the fact that paraprofessionals generally work with smaller caseloads than regular probation officers, the studies reported

that the paraprofessionals were at least as effective as regular probation officers and tended to be somewhat more effective than regular probation officers with high risk probationers.

One study noted that, since paraprofessionals were used to supplement regular probation officers, it was more expensive to provide supervision by a probation officer supplemented by a paraprofessional than simply to use probation officers alone (Ward, Curran, and Wiedman, 1974); no cost analyses dealing with paraprofessionals used as substitutes for probation officers were found.

In summary, if we ask whether paraprofessionals can be effectively used in probation, the research suggests that they can be at least as effective as professional probation officers and perhaps even more effective with "high risk" probationers. This suggestion must be considered tentative, however, because of the small number of research efforts in this area.

The Use of Volunteers in Probation

- *What are the issues involved in the use of volunteers in probation?*

Only eight jurisdictions specifically authorize, by statute, volunteer services in adult probation. These jurisdictions are: Arkansas, Maryland, Massachusetts, Nebraska, New Hampshire, New York, Wyoming, and the United States government. The use of volunteers in probation in many other jurisdictions may be authorized by administrative regulations, local courts or community organizations. These programs tend to precede the enactment of state legislation, and some thirty states are currently considering legislation on this subject.

Of the seven states which provide by statute for the appointment of volunteer probation officers, five place this authority with the agency responsible for the appointment of salaried officers. In the federal system, volunteers are appointed by the court. The qualifications for volunteers are not specified by statute beyond general requirements such as "good moral character." Qualifications are more likely to be adopted by agency regulation or by court rule. The specific duties also are not enumerated by statute but are stated in terms of activities which are allowed and which the supervising officer may request. The duties generally appear to be more completely set out by the officer who supervises the volunteers. In some states, the volunteer is directly accountable to the professional officer, who may in turn be required to provide training and guidance to the volunteer. There is a general absence in the statutes of provisions for the financing of programs for the selection and training of volunteer officers; the Wyoming statute, however, allows the reimbursement of volunteers for expenses incurred in the performance of their duties.

The Standards of the American Bar Association (1970) and the National Advisory Commission (1973) support the use of volunteers. The American Correctional Association (1977) recommends that every probation department should develop and state its specific policy and procedures regarding the selection, term of service and training, definition of tasks, responsibilities and authority of volunteer officers.

There has been a great resurgence in recent years in the use of volunteers in probation. Volunteers have been used to amplify probation supervision, to broaden the scope of services offered to probationers, and to assist probation officers with routine administrative duties (Scheier, 1970).

The effectiveness of volunteers in probation projects has been measured in several ways. Keeping in mind the fact that data collection methods and outcome definitions varied considerably, the research results which assessed recidivism rates or social adjustment appear to be mixed. We found eight experimental or quasi-experimental studies which indicated that the volunteer projects were successful in reducing recidivism or had a positive impact on the success indicators (Amboyer, 1975; Trexler, 1976; Hume et al., 1976; Ku, 1976; Leenhouts, 1970; California Youth Authority, 1976; Pirs, 1975; Denver County Court, 1968). Seven experimental or quasi-experimental studies found neutral or negative effects (Sternback, 1975; Amboyer, 1975; Santa Barbara County Probation Department, 1973; Seiter, Howard, and Allen, 1974; Hume, 1976; California Youth Authority, 1976). There is, therefore, no clear-cut evidence that volunteer programs are any more successful than any other program in reducing recidivism or in having a positive effect on social adjustment.

We found three studies which attempted to compute the cost/effectiveness of volunteer projects (National Council on Crime and Delinquency, 1976; Amboyer, 1975; Macomb County Probation Department, 1975). Although none of the analyses considered all of the potential indirect costs of the projects, all three reported that large gross indirect savings were indicated. There were very few studies which attempted to demonstrate that the use of volunteers effected a reduction in probation officer caseload. Of these studies, three indicated marked reductions (Amboyer, 1975; Sternback, 1975a; City of Southfield, 1975), one indicated no effect on caseload size (California Youth Authority, 1976), and one indicated that the volunteer project increased the probation officer's

workload since the probation officer had to supervise volunteers as well as his own caseload of probationers (Metz, 1975).

In summary, if we ask whether volunteers can be effectively used in probation, the research produces mixed results. Some research finds volunteers having a positive effect on outcome indicators, while other research finds neutral or even negative effects.

Education and Training of Probation Officers

- *What are the issues involved in the educational backgrounds of probation officers and in pre-service and in-service training?*

There are two major dimensions to the issue of education and training of probation officers. These dimensions are the educational backgrounds of the individuals who will become probation officers, and the appropriate nature of in-service training provided to probation officers.

The pre-service educational requirements for probation officers set by statute or administrative regulation vary considerably among jurisdictions; educational standards can range from high school or less to graduate degrees plus prior experience. In approximately fifteen states, there is an educational requirement calling for a bachelor's degree from an accredited college. In only two states (Vermont and Delaware) is a master's degree required. The statutes of several states require, in addition to educational requirements, one or more years of work experience in the area of probation or a related field.

Both the American Bar Association (1970) and the National Advisory Commission (1973) standards call for a minimum educational requirement of a bachelor's degree for probation officers. The American Bar Association

expands the requirement, suggesting the need for post-graduate work related disciplines, or a year's work experience in a related field. The American Bar Association standards also recommend uniform state standards for all probation officers. The American Correctional Association (1977) standards also stress the value of undergraduate and graduate degrees but retains flexibility in its standards to include the recruitment of ex-offenders and paraprofessionals. All the standards call for continuing in-service training and education for employees.

Very little research has been done in the area of the proper educational background for prospective probation officers. Not only do standards and state statutes vary considerably on this question, but there is also a lack of consensus regarding a definition of "probation officer competency," which is necessary before attempting to ascertain what type of educational background would have the most positive impact on competency (Schnur, 1959; Cohn, n.d.; Newman, 1970; Edwards, 1973). There has been some exploratory work in this area, however, the results have been mixed. While some research indicates that the type of educational background or area of study has no effect on probation officer attitudes and performances (Cohn, n.d.; Heath, 1977), other research contradicts this position (Leeds, 1951; Miles, 1965). Whatever the value of college or graduate level education, regardless of area of study, some research does suggest that the attitudes and practices of officers with different educational backgrounds tend to become quite similar within a relatively short period of time (Miles, 1965).

There is more research concerning the two major types of in-service training which probation agencies offer their officers. Almost all probation departments require their new officers to attend orientation training

but, at least in one instance, the orientation training was provided long after the new officers had begun their duties (National Council on Crime and Delinquency, 1975a). In-service developmental training is offered less frequently than orientation training and tends to concentrate on specialized treatment modalities or on management skills. Several studies of orientation and development training echoed a finding concerning educational background that the effects of such training tended to wear off as time on the job increased (Sternback, 1975b).

Two different approaches to the organizational location of probation training have emerged in the past few years. The first approach advocates centralized training on a state level (National Council on Crime and Delinquency, 1975a; California Youth Authority, 1972; Connecticut Department of Adult Probation, 1974) or on a national level (Taylor and McEachern, 1966). The second approach suggests decentralized training on the local level (Bertinot and Taylor, 1974; National Council on Crime and Delinquency, 1975b).

In summary, if we ask how effective the education and training of probation officers is, we must answer that, in order to gauge effectiveness, we must first agree on a definition of probation officer competency. The little research available concerning education and training suggests that whatever value different educational backgrounds and in-service training experiences may have, that value tends to diminish relatively rapidly over time. A review of the literature and research on education and training highlights the problem that we must first definitively agree on what it is that probation officers are expected to be able to do before we can decide what kind of educational background is required and what types of in-service training will be offered.

Time Studies in Probation

- *What do we know about how and where probation officers actually spend their time?*

Before reviewing the results of some time studies of probation officers and other staff, it is interesting to review briefly what the statutes and standards define as the duties which probation officers must perform. Approximately half of the states set out a number of specific probation officer duties by statute. The most widely used statutory provision specifies certain presentence and caseload management duties. In other jurisdictions, duties are specified by the state corrections department, state probation agency, or by the court.

Regardless of the legal source of duties, most jurisdictions specify certain important tasks of the presentence investigation and caseload management functions. Duties relative to presentence investigations are: to provide a presentence investigation of all defendants when requested by the court, and to prepare a written report for the court of the factual information resulting from such an investigation. The duties commonly enumerated under the caseload management function are those regarding the supervision of probationer conduct, and social service delivery and referral. The supervision duties are: to supervise persons placed on probation by keeping informed of their activities; to provide probationers with a written statement of, and an adequate explanation of, the conditions of probation imposed on them by the court; to require probationers to report periodically to the officer; and to maintain records of the work which the officer does in the field and at the office. Duties which relate to the caseload management functions of social service delivery and referral vary

widely among jurisdictions and consequently cannot be adequately summarized.

These statutory provisions and administrative regulations tell us what duties probation officers are required to perform, but do not indicate the relative emphasis which should be placed on each duty. In order to gauge the relative importance of the duties as revealed by actual probation officer practice we can examine the time studies which have been done in probation agencies.

Time studies of probation officers' activities have been conducted in order to determine just how probation officers spend their time. In a rough comparison of the results of seven time studies (which covered the activities of federal, state, and county probation officers), the evidence suggests that probation officers devote approximately one-third of their working time to presentence investigations, from two-fifths to one-half of their working time to supervision, and the remainder of their time to activities classified as "other," which includes, among other things, administrative duties (Wahl and Glaser, 1963; Federal Judicial Center, 1973; Administrative Office of the United States Courts, 1976; Carter, n.d.; Virginia Division of Probation and Parole Services, 1976; Contra Costa County Probation Department, 1956; Contra Costa County Probation Department, 1960).

Several studies discovered that probation officers spend from one-half to two-thirds of their time in the office (Wahl and Glaser, 1963; Federal Judicial Center, 1973; Carter, n.d.). Significant portions of working time were classified as either "paperwork" or "non-case related" activities (Carter, n.d.; Federal Judicial Center, 1973; Virginia Division of Probation Services, 1976).

It appears from a review of the available literature that very little use has been made of time studies (Hughes, 1974). Some agencies report

that other approaches which attempt to analyze the functional characteristics of an individual's job would be more productive.

In summary, if we ask how probation officers actually spend their time, we find that they are most frequently in their own offices, alone, occupied with paperwork. Since we have a fairly clear picture of the allotment of probation officer time to specific activities, we now need to link the achievement of those activities to the objectives of probation work. Research could also investigate the necessity of spending a significant amount of time on such activities as paperwork, travel, and administrative duties.

Information Systems

- *What do we know about information systems currently in use, and what are the prospects for the development of more sophisticated systems?*

Although the statutes are generally silent on the question of information systems in probation, a large number of standards address this issue. The American Bar Association (1970) simply recommends the maintenance of accurate and uniform records and statistics and the implementation of continuous research and evaluation. The Standards of the National Advisory Commission (1973) and the American Correctional Association (1977), however, are considerably more detailed.

Both the National Advisory Commission and the American Correctional Association strongly emphasize administrative control of the information which is assembled, the necessity of keeping the information in a logical and coherent system, the promotion of research efforts, and the agreement upon definition of terms such as recidivism. In addition, the National Advisory Commission strongly recommends the creation of comprehensive

statewide and multi-state information systems.

An additional recommendation of the National Advisory Commission is a national research strategy which could be made possible if state and local probation agencies were to implement their other information system recommendations. This research strategy would consist of four areas of emphasis: compiling national corrections statistics, monitoring the implementation of national performance standards, studying trends in correctional program change, and facilitating innovative correctional programs.

In our review of the literature, two models for information systems were identified: administrative management information systems and caseload management information systems. Administrative management information systems serve three functions: to control and coordinate employee behavior, to provide information for long-term planning, and to provide information to external groups. These systems have the capability of generating point in time reports, period in time reports, and notification reports which are automatically initiated by conditions which vary from previously-established standards (Hill, 1972). The attempts to institute administrative management information systems have been sporadic and incomplete; one prototype system was found which exhibited most of the features of the AMIS model, however, it had not yet been adopted on a statewide basis (New Jersey Administrative Office of the Courts, 1973).

Caseload management information systems utilize information for line level decision-making. The functions of this type of information system are: to control clientele behavior, to provide information for individual line worker planning, and to provide information for management use. A CMIS model is designed to provide information on task accomplishment: who participated in which program, to what extent, whether all program activities

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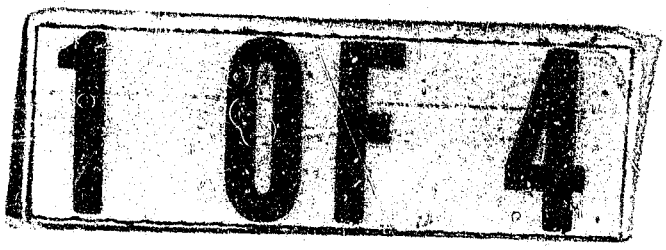

are available, and outcome measures. The adoption of a statewide or national CMIS is hindered by the lack of uniformity and standardization of data collection formats and statistics. Several projects have examined the feasibility of statewide, multi-state, and nationwide uniform data collection systems (Shutts, 1974; Venezia and Cohn, 1968; National Council on Crime and Deliquency, 1973). The results of these projects clearly indicate that implementation of these standardized CMIS systems could be achieved.

Several research reports indicated that the information currently being collected by probation agencies is not sufficient for the development of an intra-agency information system and is not compatible with information collected by other probation agencies or other criminal justice agencies (Rector, 1967; Huebner, n.d.). Furthermore, the prototype information systems which have been developed for statewide and nationwide use have not been implemented. One of the most significant results of the inadequacy of currently-used information systems is the total lack of probation statistics for the nation as a whole, and frequently on a statewide level as well. Consequently, we have no way of knowing such important things as how many individuals are currently on probation in the United States (or, for that matter, how many individuals are on probation in some states or counties), what the differences are (on a national, state, or local basis) between offenders sentenced to probation and offenders sentenced to prison, or how successful probation supervision is with respect to reducing criminal behavior when compared to alternative sentencing dispositions.

In summary, if we ask what kinds of probation information are currently available, we find that local and state probation departments keep a great deal of information, but it is not kept in systematic or comparable form.

There is no national compilation of probation statistics. Research does indicate, however, that uniform data collection and statistics on a statewide, multistate, or national level are feasible.

Cost Analysis

- *What do we know about the cost of probation compared to the cost of incarceration, and the cost of different probation programs?*

Both statutes and standards are silent on the subject of cost analyses of probation programs. Only the American Correctional Association Standards (1977) address any aspect of the cost analysis issue. They recommend that the probation agency, or the parent agency of which it is a part, employ a budgetary system which links program functions and activities to the cost necessary for their support, so that funding can be deleted for unsuccessful programs and maintained for potentially successful programs.

Cost/benefit analyses are one method of evaluating an existing program and providing information which can assist in assessing its net worth. This type of analysis allows us to examine the economic implications of a program but does not consider the sociological measures (such as recidivism or social adjustment) which are more commonly used (Nelson, 1975). One model for cost-benefit analysis of alternative correctional dispositions stresses the pertinence of these analyses, since they permit the combination of costs and benefits from three different points of view: the governmental point of view, the societal point of view, and the individual offender's point of view (Nelson, 1975). Cost/benefit analyses, however, must be rigorous and comprehensive in order to generate useful information (Levin, 1975).

Two studies compared the use of probation or field services to incarceration. One study, which looked at both the costs and benefits of probation

as opposed to incarceration, concluded that the use of probation rather than incarceration followed by parole, would result in a statewide yearly saving of almost $5.75 million (Frazier, Friel, Weisenhorn, and Cocoros, 1973). The second study compared only the cost of incarceration with the cost of field services. The findings indicated that the use of probation and parole alternatives over incarceration would result in a statewide yearly saving of $871,000. This study did not attempt to calculate benefits (Tennessee Department of Corrections, n.d.).

Two other studies looked at specific programs offered by county and municipal probation departments. One study evaluated a program of vocational upgrading by comparing the net costs and benefits accruing to probationers. The results indicated that the program appeared to be cost/effective if the program effects lasted longer than one year (Chitren and Reynolds, 1973). The other study compared only the costs of three types of probation supervision. The findings showed that team supervision costs almost three times as much as volunteer supervision and that traditional supervision costs almost twice as much as team supervision (Albuquerque Municipal Court, n.d.).

In summary, if we ask how the cost of probation compares to the cost of alternative dispositions, we find that probation is considerably cheaper than incarceration, particularly when the benefits of allowing the offender to remain in the community are added in. There are problems with the available cost/benefit research, however, because cost/benefit analyses are time-consuming and methodologically demanding. In addition, we might bear in mind that it is unlikely in the near future that cost/benefit analyses will be able to measure the risk or threat which may be posed to the community by the presence of an offender placed on probation.

Standards for Probation

- *What aspects of probation are addressed by the most recent sets of standards, and how do the contents of the standards compare?*

The setting of standards for probation is an outgrowth of earlier standard-setting activity for correctional institutions. This move has been fueled by the concerns of corrections professionals, the courts, funding agencies, politicians, and citizens who expect corrections to serve the public efficiently and effectively. These persons believe, correctly or incorrectly, that standards which set minimum levels of performance can lead to the upgrading of corrections and the entire criminal justice system. Standards for specialized services such as probation and parole can serve as substitutes for output-oriented objectives. We have already seen the difficulty related to the lack of clear, agreed-upon objectives (particularly in the areas of the "proper" roles of probation officers, education and training of probation officers, and the provision of probation services). Standards such as the examples presented here can serve as proxies for objectives and thus offer some direction to the administratively fractured world of probation.

There is some danger that standards which are not related to performance will become so widely accepted that they harm rather than help the development of an effective probation service. This may well have occurred with the issue of caseload size, where "magic numbers" such as thirty-five or fifty probationers per caseload were accepted largely on faith. However, we choose to adopt the rather optimistic position that the unquestioning acceptance of unsupported standards has been an artifact of an administratively and professionally immature probation system.

The increased visibility of probation, the professionalization of its personnel, and the increasing positive attitude toward research in the field indicate that naive and unreasonable standards are not likely to survive.

Research on the application and effectiveness of standards for probation is non-existent. It will come, we believe, as an outgrowth of research into the other critical issues highlighted in this study. Indeed, it may be that standards which are developed from future research will be the key to implementing an effective and efficient probation service.

The three most recent collections of standards for probation -- the American Bar Association (1970), the National Advisory Commission on Criminal Justice Standards and Goals (1973), and the American Correctional Association (1977) -- cover a wide range of topics. The standards are remarkably similar in many respects, although there are differences among them particularly in terms of scope, detail, and comprehensiveness.

Some of the major points of agreement and disagreement among the sets of standards are highlighted below.

1. Both the ABA and the NAC recognize the trend toward defining probation as a sentence in itself, not involving suspension of imposition or execution of any other sentence.
2. There is some disagreement on the proper placement of probation within the criminal justice system. The NAC argues for organizational placement within the executive branch of state government. The ABA accepts either state or local administration but places probation in the judicial branch. All three sets of standards stress the importance of unity of administration and clear statutory authority for probation.

3. The NAC and the ABA consider probation to be the sentence of choice, particularly for non-dangerous offenders. The ACA joins the NAC and ABA in urging that full probation services be extended to misdemeanants as well as felons.

4. Although both the NAC and ABA recommend that the length of the probation sentence for felons should be specific and not exceed the maximum incarceration sentence prescribed by law, the NAC recommends a one-year probation period for misdemeanants, while the ABA suggests a two-year period.

5. All three sets of standards propose systems of pre-revocation procedures to protect the probationer's right to due process. Both the NAC and ABA recommend that a revocation decision which is to be based upon the commission of a new crime should not be made before the probationer has been adjudged guilty of the new crime. The NAC also recommends that revocation decisions be subject to appellate review.

6. Early termination from probation supervision is suggested by both the ABA and the ACA. The ABA believes that the decision to terminate probation supervision should rest with the sentencing court; however, the ACA emphasizes that the responsibility for recommending early termination should rest with the probation agency.

7. The NAC and ABA recommend that the conditions of probation be set by the sentencing court, and that the conditions be reasonable and realistic.

8. A minimum educational requirement of a bachelor's degree for probation officers is recommended by the ABA, NAC, and ACA. The ABA also suggests the need for either post-graduate study of

or work experience in a related field. The ACA includes a recommendation supporting the recruitment of paraprofessionals and ex-offenders.

9. All three sets of standards stress the importance of providing for the delivery of needed services to probationers. The concept of the probation officer as a community resource manager and as an advocate for the needs of probationers is implicit in all the standards.

10. All of the standards agree on the importance of accurate and complete presentence investigation reports in all felony cases and in all cases which the defendant is under twenty-one or is a minor. Similarly, all preclude the initiation of a presentence investigation prior to adjudication of guilt, except under specific circumstances. The ABA and NAC support disclosure of the contents of the presentence report to the defendant, defense counsel, and prosecutor.

11. The importance of research in probation agencies is stressed by all three sets of standards. The NAC and ABA also recommend the development of agency and state level information systems.

12. The NAC recommends a national research strategy with four major areas of emphasis: compiling national corrections statistics, monitoring the implementation of national performance standards, studying trends in correctional program change, and facilitating innovative correctional programs.

In summary, if we ask what effect the various sets of standards have had on the management of probation, we must answer that we do not know.

Research looking at attempts to upgrade probation administration to meet standards would be productive, as well as research assessing the impact of meeting or exceeding standards on client outcome indicators.

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CHAPTER III

ISSUES IN PRESENTENCE INVESTIGATION REPORTS

The production of presentence investigation reports for use by a sentencing court has become an important function for most probation departments. Presentence investigations have been a part of probation, at least in a rudimentary form, since John Augustus inquired into the background of his "probationers" in 1841. For the next century, the scope and detail of the presentence report was broadened, particularly with respect to juvenile defendants. The early reports were heavily oriented toward "diagnosis" of the defendant and prescription of appropriate treatment. In the 1940's, the adequacy of presentence reports came into question, resulting in some of the earliest attempts to standardize the contents of the reports. After a quarter-century of experience with the improvement and professionalization of the reports, we are again witnessing controversy over the contents of the report and the allocation of significant amount of probation officer time to the preparation of the reports.

In the following discussion of presentence investigation reports, we will highlight the aspects of presentence reports which are being debated today. In order to appreciate the implications of these discussions, it would be helpful to keep in mind the functions which the report may serve. Carter (1978) has summarized these functions:

> Initially, the report aids the court in determining the appropriate sentence. It may also assist correctional institution personnel in their classification and program

> activities in the event the offender is sentenced to an institution, and similarly assist the paroling authority when parole is under consideration. In addition, the report is the initial source of information utilized by the probation officer in his supervision of offenders placed on probation. It further may be used by other treatment agencies and by appellate courts in their review of sentencing practice. Finally, the report may serve as a source of relevant information for systematic research about convicted offenders.

Although the presentence investigation and report constitute only one of the major functions of probation, they can be quite demanding, both in terms of probation officer diligence in providing a thorough and accurate report and in terms of the amount of time necessary to perform the investigation. These demands are further heightened by the court-imposed requirement that presentence investigations must be completed within a relatively short period of time.

The importance of presentence investigations to a probation agency can be seen in the data collected by a Census Bureau survey (U.S. Department of Justice, 1978). The data, reflecting the situation in 1975, showed that 3,303 responding agencies reported performing probation functions. Of these 3,303 agencies, 2,540 agencies indicated that they conducted presentence investigations; almost one million (997,514) presentence investigations were performed by these agencies in 1975. In terms of the agency workload, almost one-half (45 percent) of the agencies which conduct presentence investigations reported that more than 25 percent of their workloads were devoted to presentence investigations.

In recent years, a great deal of space in the probation literature has been devoted to the subject of presentence investigation reports. The subject matter can be roughly divided into two target areas: the production of the presentence investigation report, and the impact of

the presentence investigation report. We have identified several narrower issues within each target area. We will present each of these issues in question form and discuss the statutes, standards, and research which contribute to a greater understanding of the issues.

The Production of the Presentence Report

- *In what cases should a presentence investigation report be provided, and at what point in the judicial process should a report be initiated?*

The first question on this issue is whether a presentence investigation and report are required by statute or whether the decision to order a presentence investigation is discretionary with the sentencing court. The answer to this question is governed by state and federal statutes, which can be divided into three broad classes, reflecting the differences in the provisions which regulate the use of the presentence investigation and report. Briefly, these classes are:

1. The preparation of a presentence report is mandatory for all or most felony cases. The jurisdictions having statutes of this type are: Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Vermont, and the United States government. Under this type of statute, a presentence investigation report is required in all felony cases, or is required when certain other conditions exist. Examples of other conditions which would trigger the requirement of a

presentence report are when incarceration for one year or more is a possible disposition, when the defendant is under twenty-one years of age (or under eighteen in Florida), when the defendant is a first offender, or when circumstances indicate the need for presentence psychiatric information.

2. The presentence investigation and report are mandatory in felony cases in which probation is being considered as a disposition. In cases in which probation is not being considered, the requirement of a presentence investigation is left to the discretion of the court. Jurisdictions having this type of statute are: California, Georgia, Idaho, New Hampshire, Ohio, South Carolina, Tennessee, West Virginia, and Wyoming.
3. The presentence investigation and report are discretionary with the court. Jurisdictions with this type of statute are: Arkansas, District of Columbia, Kansas, Louisiana, Maine, Minnesota, Mississippi, Montana, New Mexico, North Dakota, South Dakota, Texas, Utah, Virginia, Washington, and Wisconsin.

In the remaining jurisdictions, the statutes are silent on the question of when presentence investigation reports are mandatory or discretionary. The case law with respect to all presentence investigation statutes allows the trial court broad discretion where the statute does not specifically state that the reports are mandatory, where the statutes are silent, or where the statute expressly allows court discretion.

The American Bar Association's Standards (1970) support mandatory presentence investigation reports as described above under the first class of statutes. The National Advisory Commission's Standards (1973) also

support mandatory reports in all cases involving felonies, minors, or where incarceration is a potential disposition. Neither set of standards supports statutes allowing complete court discretion, although both would allow the court to order presentence investigations in cases where such investigations were not mandatory.

The second question on this issue concerns the stage of the judicial process at which the presentence investigation and report will be prepared. The federal statute requires the presentence report to be completed before the imposition of sentence or the granting of probation. In contrast, many state statutes leave timing of the presentence investigation to the discretion of the sentencing court. At issue here is the question of whether the investigation should be initiated before or after adjudication of guilt. Generally, the presentence report is submitted to the trial court only after a guilty plea or finding of guilt. In some jurisdictions, however, the practice of commencing the investigation before the adjudication of guilt has been used, while in others, the judge has had access to the presentence report during the plea bargaining process. This latter practice was supported by the President's Commission on Law Enforcement and the Administration of Justice (1967), using the argument that the early preparation of the presentence report could help ensure that a more informed decision, in line with the needs of the defendant, could be made by the prosecutor and the judge.

The ABA Standards, NAC Standards, and the American Correctional Association's Manual (1977), however, recommend that presentence reports should not be prepared until after a finding of guilt, unless the defendant has consented and adequate safeguards are instituted against the

possibility of prejudicing the court. The arguments generally advanced against pre-adjudication preparation are: it might constitute an invasion of the defendant's right to privacy; it might violate the defendant's right against self-incrimination; it might prejudice the court before guilt is determined; and it would be economically disadvantageous to compile a report which might never be used.

Only one research study which touched on the question of the timing of the presentence investigation was found. Shapiro and Clement, of the Harvard Center for Criminal Justice, studied presentence information in felony cases in the Massachusetts Superior Court (1975). They interviewed Superior Court judges, chief probation officers, and probation officers, and reviewed copies of presentence reports. Massachusetts is unusual in that presentence investigations are begun as soon as the probation office is notified of a felony indictment, prior to both trial and adjudication of guilt. The study found that probation officers, particularly, did not favor the pre-verdict system. Some of their objections to pre-verdict investigations were: the information collected is frequently out of date by the time the verdict is reached; defendants may be less cooperative before the verdict is reached; employers, family, and friends may be less willing to provide information about the defendant; and pre-verdict investigations are a waste of effort, since some defendants will be acquitted and, for those found guilty, the report must still be updated.

- *What should the contents of the report be, and how extensive should the report be?*

There are five areas of interest which contribute to our knowledge of this issue. These areas cover the contents of the presentence investigation report, the use of the long form or the short form of the report, defense-oriented reports, the appropriateness of diagnostic reports and the factors which influence the probation officer's recommendations. We will address each of these issues in turn, drawing upon statutes, standards, and available research.

With respect to the contents of the presentence reports, the statutes of at least forty jurisdictions specify to some extent the information areas which the report must address. Five jurisdictions (Hawaii, Indiana, Iowa, Nebraska, and South Dakota) have statutes which specify the contents of the report in considerable detail. The remaining jurisdictions have much less detailed statutes; the provisions of these statutes generally utilize a standard formula which requires the report to include information regarding the defendant's prior criminal record, employment, age, and the circumstances of the offense for which the defendant is to be sentenced. It should be kept in mind that these jurisdictions, as well as those with no statute regulating the contents of the presentence report, may have court rules and agency regulations which provide more highly detailed instructions.

The three sets of standards which we reviewed contained specific recommendations for report contents. The American Bar Association (1970) recommends the following contents: the circumstances surrounding the offense in question; the defendant's criminal record, educational

background, employment background, social history, and medical and psychological history; a description of the environment to which the offender would return; the resources which would be available to assist the offender; and specific recommendations as to sentence, if requested by the court or required by statute. To this list, the National Advisory Commission (1973) adds the probation officer's opinion about the motivation and ambitions of the defendant and an assessment of the defendant's explanation of his criminal activities. The American Correctional Association (1977) recommends the inclusion of a potential supervision plan which has been developed with the offender.

Two documents dealing with the contents of presentence investigation reports were reviewed. The first was published by the Division of Probation of the Administrative Office of the United States Courts (1974) and concerned the contents of federal presentence investigation reports. The second was the report of a 147-agency nationwide survey conducted in 1976 by Carter (1978). Both documents illustrate the similarity of information contained in presentence reports. The Administrative Office of the United States Courts document deals with federal probation offices only; Carter's survey deals with agencies at the federal, state, and local levels. Below is a comparison of the types of information contained both on presentence report cover sheets, and in the narrative portions of the reports.

Cover Sheet Information:

Administrative Office	Carter Survey
Date Report Typed	Name of Defendant
Name of Defendant	Name of Jurisdiction
Address of Defendant	Offense
Legal Residence	Name of Defense Counsel
Age/Date of Birth	Docket Number
Sex	Date of Birth
Race	Defendant's Address
Citizenship	Name of Sentencing Judge
Education	Defendant's Age
Marital Status	Plea
Dependents	Date of Report
Social Security Number	Sex
FBI Number	Custody or Detention
Docket Number	Verdict
Offense	Date of Disposition
Penalty	Marital Status
Plea	Identification Numbers (other than FBI or SSN)
Verdict Date	
Custody	
U.S. Attorney's Name	
Defense Counsel's Name	
Detainers/Charges Pending	
Codefendants' Names	
Disposition	
Date of Sentence	
Sentencing Judge	

Narrative Headings:

Administrative Office	Carter Survey
Offense	Offense: Official Version
Defendant's Version of Offense	Social and Family History
Prior Record	Prior Record
Family History	Evaluative Summary
Marital History	Employment
Home and Neighborhood	Education
Education	Offense: Defendant's Version
Religion	Marital History
Interests/Leisure Activities	Military Service
Health	Financial Condition
Employment	Health: Mental and Emotional
Military Service	Health: Physical
Financial Condition	Recommendation
Evaluative Summary	
Recommendation	

We can see from these examples that the type of information which is ordinarily contained in the presentence report does not differ significantly regardless of location or whether federal, state, or local guidelines apply.

The second area of interest concerns the use of the long form of the presentence report or the short form. Although the long form of the report has traditionally been used, the short form has appeared as a method of furnishing the sentencing court with useful information but avoiding both the large volume of material which is contained in the long form and the investment of effort required to assemble that material.

While statutes are generally silent in this area, the standards which we reviewed recommend gradations of report length. Because shorter forms reduce the amount of time required by the probation officer in report preparation and also may serve as a screening device to determine when a longer report might be necessary, it is suggested that the shorter form may provide all the information necessary for sentencing particular offenders and result in more reports being prepared, by the same size probation staff, for sentencing judges. The American Bar Association Standards (1970) recommend the use of short form reports but do not specify contents. The Standards of the National Advisory Commission (1973) suggest the following contents for the short form: the official version and the defendant's version of his criminal activity; the defendant's employment background, social history, and residential history; information about resources available to assist the defendant; the views of the probation officer about the defendant's motivations and ambitions and an assessment of the defendant's explanation of his criminal activity;

and the probation officer's recommendation as to disposition. The American Correctional Association (1977) suggests flexibility of format, although it is stressed that sufficient information should be collected and analyzed so that the most appropriate sentencing alternative may be selected to protect the community and serve the needs of the offender.

The Administrative Office of the United States Courts (1974) also uses a shortened form for the presentence report. Although the information contained on the cover sheets is the same for both the long and short forms, the narrative portion of the short form contains only the following: the official version and the defendant's version of the offense; the defendant's prior record and personal history; the evaluative summary; and the probation officer's recommendation. The format also provides that additional information may be included when it appears to be pertinent to the sentencing decision.

Research indicates that, among the states, several uses of the short form of the report have emerged. Some states make use of the short form in lower and municipal courts for misdemeanor sentencing, and these reports involve very limited and generally unverified information about the offense and the offender. Others use the short form to assist the sentencing court where special offenses or offenders are involved (Carter, 1978).

The Bronx Sentencing Project, sponsored by the Vera Institute of Justice, investigated the use of short form reports and found that they could, under appropriate circumstances, be used effectively (Lieberman, Schaffer, and Martin, 1971). It should be noted that the Vera Institute short form reports were tested only on persons convicted of misdemeanors,

a population which differed considerably from the population receiving the traditional long form report.

Another area of interest concerning the presentence report is the issue of defense-oriented reports. Although it has often been encouraged, the active participation of defense counsel at the sentencing stage of the judicial process does not appear to be the general rule. The President's Commission on Law Enforcement and the Administration of Justice (1967) suggested a strong role for defense counsel, particularly with respect to gethering pertinent information and formulating a possible treatment plan (Dash, 1968). However, Higgins' survey in 1964 of federal judges found that three-fourths of the responding judges (75 percent) indicated that it was not the practice of defense counsel to submit their own report at the sentencing stage.

While it appears that contributing presentence information to the court is not widely accepted by defense counsel at this time, some research on defense-oriented presentence reports has been done. Medalie (1967) reported on the Offender Rehabilitation Project which provided to defense counsel both social reports on the defendant and proposed rehabilitative plans. Other studies have noted differences between defense-oriented reports and reports prepared by probation officers. These differences suggest that the defense-oriented reports offer more lenient recommendations than probation officers' reports, but they also appear to provide more extensive background information on the defendant (Thibaut, Walker, and Lind, 1972; Coffee, 1975).

One problem associated with defense-oriented reports arises when the defense counsel either uncovers information which would adversely affect his client or when defense counsel would recommend a more restrictive

treatment program than the court. In either of these situations, defense counsel must evaluate the best interests of his client so that he can decide what to do with that information or recommendation.

In support of the defense attorney's role at the sentencing stage is the proposition that defense-oriented presentence information and recommendations are an extension of the adversary relationship which has characterized the judicial process up to sentencing. It is argued that this adversary presentation can help to counteract possibly extreme or biased judgements in legal decision-making (Thibaut, Walker, and Lind, 1972).

The fourth area of interest with respect to the contents of the presentence report concerns whether the report will contain only information about the defendant gathered by the probation officer or whether it will also include specialized diagnostic information which must be generated by a psychiatric or mental examination of the defendant. The purely informational report represents the type of report which is required by the statutes and standards discussed above. In at least fifteen jurisdictions, however, the sentencing court may, at its discretion, order the preparation of a diagnostic report. In addition, the Standards of both the American Bar Association (1970) and the National Advisory Commission (1973) recommend that psychological, psychiatric, and medical diagnostic reports should be included in the presentence report if they are considered desirable in a given case.

Information reporting has generally been a wide-ranging and all-inclusive process of assembling as much information as possible about the defendant in order to aid the judge in making his sentencing decision. The type of information required varies somewhat from one jurisdiction to

another, although some items of information are almost universally included. In each jurisdiction, the guidelines for the type of information which is to be included in the report are derived from statutory provisions, rules of the court, administrative regulations of the probation agency, and specific requests from sentencing judges.

The desire to present a total picture of the defendant in order to individualize the sentencing decision has resulted in an increasing amount of information being included in the presentence investigation report. A major concern about this large volume of information is whether it is accurate and reliable. In order to ensure accurate information for sentencing, the probation officer must, whenever possible, verify the information. Research has indicated, however, that much of the information in presentence reports is taken from statements by the offender and, because of lack of time, is never verified (Comptroller General of the United States, 1976).

Shapiro and Clement (1975) found that, in a great many cases, the defendant's prior record was characterized simply by supplying arrest information, with no indication of the disposition of prior arrests. Furthermore, in some cases, the information about the current offense was not included at all or was merely a recitation of the police report of the incident. The Shapiro and Clement study also found that educational information about the defendant was frequently not verified. Wald's study (1972) found that even defense-oriented presentence reports contained inaccurate information. It is suggested that another way to verify the accuracy of the information in the report is to disclose the contents of the report to the defendant, or at least defense counsel, so there might be an opportunity to refute any erroneous information.

The question of disclosure is discussed in detail in a later section.

Another concern is that much of the large mass of information presented to the sentencing judge may not really be of much value in making the sentencing decision. There is a considerable amount of disagreement about what kinds of information are pertinent and deserve to be brought to the attention of the court. Those who advocate the inclusion of a broad range of information tend also to approve of the inclusion of subjective information relating to the defendant, such as his attitudes, feelings, and emotional reactions. The advocates of a more narrow scope to the presentence report argue that a great deal of the material which is collected is irrelevant to the sentencing decision and should be eliminated in order to provide a shorter and more efficient tool for the judge's use.

Diagnostic reporting most often appears in the form of a psychiatric or mental examination of the defendant. Some objections have been raised concerning the use of diagnostic reports. First, given the same clinical data, it is quite possible for two psychiatrists or psychologists to reach different conclusions (Robert, 1965; Campbell, 1972). Therefore, the granting or denial of probation can be directly affected by which particular individual analyzes the clinical data. Second, although the inclusion of these clinical reports is the exception rather than the rule, when they are included they appear to be given strong consideration by judges, who tend to accept the recommendations made in the reports (Eden and Allen, 1974; Carter and Wilkins, 1970). Some commentators have gone as far as to observe that psychiatric recommendations are treated as conclusive by judges during the sentencing process (Dawson, 1966). A third objection is the opinion of some authors that psychiatrists and

psychologists tend to over-predict anti-social or potentially dangerous behavior (Dershowitz, 1968; Meehl, 1970; Nietzel, 1974). Fourth, the type of information which is supplied by a psychiatrist or psychologist in a presentence report or mental status report cannot be effectively controverted by anyone except another psychiatrist or psychologist (Campbell, 1972). Thus, even when the presentence report is disclosed to the defendant or defense counsel, the only effective means of counteracting the impact of an adverse recommendation is to secure a second professional examination with a different conclusion. Other objections to the use of diagnostic reports include: the diagnosis is based on an examination which may of necessity be superficial or incomplete because of lack of time (Meyers, 1963;Roberts, 1965); the judge may have failed to specify the purpose for examination, resulting in a report which does not address the particular concerns of the sentencing court (Carlson, 1977); and, the psychiatrist or psychologist who evaluated the defendant is usually not required to attend the sentencing hearing to defend or explain his recommendation, making it difficult for the defendant to contradict the report.

The last area of interest dealing with the content of the report is the identification of the factors which influence the probation officer in his recommendation to the court. We should note at the outset that the inclusion of the probation officer's recommendation is not required, or even necessarily wanted, in all jurisdictions. However, the recommendation is required by statute in at least ten jurisdictions (California, Delaware, District of Columbia, Florida, Georgia, Nevada, New Hampshire, New Jersey, Oklahoma, and West Virginia) and may also be

required by court rules or administrative regulations in other jurisdictions. The American Bar Association Standards (1970) suggest the inclusion of a specific recommendation as to disposition if requested by the sentencing court. The Standards of the National Advisory Commission (1973) recommend the inclusion of a recommendation in all reports.

Research indicates that the type of information which probation officers themselves consider to be important in making their recommendations appears to be rather uniform, although it is interesting to note that similar data do not always result in similar recommendations (Carter and Wilkins, 1970; Eden and Allen, 1974). Two items consistently appear to be important influences on the probation officer's recommendation: the offense committed by the defendant and the defendant's prior criminal history (Hagan, 1975; Shapiro and Clement, 1975; Carter and Wilkins, 1970; Eden and Allen, 1974; Norris, 1969; Bartoo, 1963). Other items which most probation officers consider to be important are: probation officer's perception of the offender; the probation officer's perception of the case; the offender's education; the severity of the legal penalty for the offense and best interests of the community; psychiatric or mental examination results; the defendant's statement, attitude, employment history, social history, age, military history, and sex. One problem which has been associated with this type of information, particularly with prior criminal activity, education, and employment, is that the accuracy of the information is frequently not verified by the probation officer before accepting the information for representation to the court.

The organizational structure within which the probation officer works may also affect his recommendations. Influencing factors of this type

would include: whether the probation officer is the only person responsible for the final report or whether it is subject to approval by a supervisor; the impact of a "case review" board which subjects the report to scrutiny; variations in internal policy and structure of the various probation organizations; and the "informal" input of the probation agency to the sentencing judge.

- *What are the arguments for and against disclosure of the contents of the presentence report, and what have been the effects of mandatory disclosure on the quality and comprehensiveness of the report?*

The disclosure of presentence reports is largely controlled by the case law of the various jurisdictions and, to a lesser extent, by statute. State and federal statutes on this subject may be divided into two classes, depending on whether disclosure is mandatory or discretionary with the court, and to what extent disclosure of the report is required.

The statutes of the following jurisdictions require full disclosure of the report, to at least the defendant or defense counsel, either as a matter of routine or upon a request by the defendant: Arkansas, California, Colorado, Connecticut, Hawaii, Indiana, Kansas, Kentucky, Maryland, Minnesota, New Jersey, New York, Oklahoma, Texas, Virginia, and Wisconsin. This approach to disclosure is also supported by the American Bar Association (1970) and the National Advisory Commission (1973). Other jurisdictions which can be considered part of this class recognize the right to only a limited form of disclosure, such as requiring only disclosure of that part of the report relative to the defendant's prior criminal record, or requiring the defendant to make a showing of actual need for the information in the report.

In a majority of jurisdictions, disclosure of presentence reports is within the discretion of the trial judge. This is largely based on principles of confidentiality of reports established by case law and, to a lesser extent, by statute. The rule stated expressly in statutes of this class is that the presentence report is confidential unless ordered to be disclosed by the court. In states belonging to this class, appellate courts have held that the defendant has no right to disclosure, both as a matter of statute and as a question of constitutional due process.

Closely related to presentence report disclosure are the statutory provisions of a number of jurisdictions which allow the defendant to present information to the court in order to controvert the information contained in the report and to mitigate the sentence. These statutes, however, generally represent the development of the common law right of the defendant to address the court (the right known as allocution).

The disclosure debate has centered around various arguments. Those in favor of disclosure argue that sentencing is a critical stage in the criminal process, during which the defendant must be accorded procedural due process. Their position is that fundamental fairness requires that all derogatory material considered by the court in the sentencing decision should be disclosed to the defense and an opportunity should be granted to correct or comment upon that material.

The advocates of non-disclosure base their position on several arguments. One argument is that, if the material which the report contains is revealed to the defendant, the sources of information exploited by the probation department will evaporate. Probation officers believe that this would detract from the effectiveness of their work, and that close

cooperation with other social services agencies might be impaired. The probation department also feels that release of information obtained from the defendant's employer might alienate the probation department from those employers when it is seeking job placements for its other probationers. A second concern of the proponents of non-disclosure is that allowing the defense to inspect the report would entail fact-finding problems which might unduly protract the sentencing process. The delay in the sentencing process would further contribute to court congestion. A third argument is that since the sentencing court often considers information which is not contained in the report, revealing only information which is in the report would be an empty gesture, for it would not ensure that the defendant would be sentenced on the basis of erroneous information. The real question here may not be the disclosure of the presentence report, but rather whether the court should have to state on the record all of the facts it is taking into consideration in arriving at its decision.

The advocates of disclosure respond to these positions with the arguments that jurisdictions which have adopted some form of disclosure have not experienced the problems anticipated by its critics, particularly the loss of confidential sources. Any inconvenience resulting from permitting the defense to screen the report is balanced by the decrease in instances of misinformed sentencing which often go undetected when a policy of non-disclosure is followed, because the person who has access to the truth, the defendant, has no knowledge of what material was considered by the court. Disclosing the report to the defense does not necessarily impede the swift administration of criminal justice. Defense counsel will be unlikely to risk antagonizing sentencing judges with dilatory

tactics because it is not in his client's best interest. By placing all of the report's contents before the parties, the scope of argument can be confined to the issues at hand. Finally, it has been suggested that a policy of granting the defendant access to his presentence report, rather than being psychologically harmful, may actually facilitate rehabilitation. This is because disclosure allows the defendant to participate in the judicial process of sentencing and enables him to understand the reasons for the court's disposition of his case.

A 1963 survey of district court judges in the federal system indicated that 56.8 percent of the judges never divulged any of the information contained in the presentence investigation report to the attorney for the defendant; 35 percent always divulged information, and 8.2 percent did occasionally (Higgins, 1964). Wide variance in practice was found within the same federal circuit and, in many instances, between judges sitting on the same bench. No judge who responded to the questionnaire from a jurisdiction which practiced disclosure complained that the sentencing process had become unduly protracted by allowing the defendant an opportunity to take exception to and controvert data contained in the reports. The conclusion of the survey was that the practice of disclosure did not operate to emasculate the reports. The poll showed that the reports did not suffer appreciable deterioration in quality in those jurisdictions where the practice of disclosure prevailed.

The Impact of the Presentence Report

The issues discussed above represent the major areas of concern dealing with the production of the presentence report. This section explores

the second dimension of the presentence report literature: the impact of the presentence report on the sentencing judge. In considering this literature, we have identified two major issues. The first issue deals with the factors which are important influences in judicial decision-making, including judges' opinions regarding probation officers, presentence investigations in general, and specific sections of the reports in particular. The second issue concerns the extent of concurrence between probation officers' recommendations and judges' sentencing decisions.

* *What factors appear to be important to judges in making their sentencing decisions?*

The presentence investigation report is the primary comprehensive source of information available to the sentencing judge about the defendant. The report is important because often the information contained in the report constitutes the major contact the sentencing judge may have with the defendant other than at the sentencing hearing. Judicial attitudes about the presentence report seem to vary. Although most judges agree that the presentence investigation and report are valuable aids in formulating sentencing decisions, there appears to be some difference of opinion about the value or use of the recommendation section which is included in most presentence reports. This difference of opinion is interesting in light of judges' strong positive attitudes toward probation officers and the degree of concurrence between probation officers' recommendations and judicial sentencing decisions, which is discussed below.

In spite of the fact that judges tend to view the presentence report as a valuable sentencing aid and despite the fact that the discretionary

power available to the judge permits him to request the inclusion of factors in addition to those regularly provided in the report, it seems to be an unusual case where a sentencing judge actually details the type of information which he wants presented in the report (Carter, 1976). This, of course, may result from the broad range of information which is routinely included in the report. In general, the judicial attitude toward the presentence report seems to be that it should present to the sentencing judge a total picture of the defendant. Further, a study of judges of the Massachusetts Superior Courts found that judges prefer presentence reports to include all available information on the defendant from all available sources; they do not support the use of selective reports which are limited to or strongly emphasize only specific factors (Shapiro and Clement, 1975).

Several studies have attempted to identify those factors which appear to be of most importance to sentencing judges. Carter's 1976 survey found that the two most significant factors were the defendant's prior criminal record and the current offense. Another study by Carter and Wilkins (1967), part of the San Francisco Project, a decade earlier, determined that the most important factors for judges in arriving at a decision to grant probation included the defendant's educational level, average monthly income, occupational level, residence, stability, participation in church activities, and military record. But again, when factors were ranked according to their importance in the sentencing decision, the current offense and the defendant's confinements status, prior record, and number of arrests were ranked most important. A study conducted in the state of Washington (Comment, 1973) found that the most influential factors included the defendant's prior felony record, the defendant's attitude and motive as

perceived by the judge, and the defendant's race.

In summary, it appears that the defendant's prior criminal record and, to a slightly lesser extent, his current offense are uniformly important to judges in making their sentencing decisions. Of somewhat lesser importance are the defendant's personal achievement and stability factors.

- *What is the extent of concurrence between probation officers' recommendations and judges' sentencing decisions?*

In our previous discussion concerning the production of the presentence report, we noted that two items consistently appear to be important influences on the probation officers' recommendation. These two factors were the current offense committed by the defendant and the defendant's prior criminal record. Other items which were at least considered by the probation officer included the defendant's attitude, and personal achievement and stability factors. As we have seen, these same factors appear to be equally important, in roughly the same order, to judges in making their sentencing decisions.

Given this extent of agreement regarding the criminal and personal history of the defendant, it would not be surprising to find a high degree of concurrence between the dispositional recommendations made by probation officers in the presentence report and the actual sentence decided upon by the sentencing judge. A 1971 study by Lieberman, Schaffer, and Martin, of the Vera Institute of Justice, found that when probation was recommended by the probation officer, the sentence followed that recommendation in 83 percent of the cases; when a prison sentence

was recommended, that recommendation was followed in 87 percent of the cases. A study done in the state of Washington in 1968-69 found a high level of agreement between the courts and probation officers when probation was recommended but a low level of agreement when imprisonment was recommended (Carter, 1969). A study in Baltimore noted that when probation or other community-based treatment was recommended to the court, the recommendation was followed 72 percent of the time (Baltimore, n.d.). Carter found an even stronger agreement -- probation was granted when recommended in 96 percent of the cases (1966).

These studies do point out that there is no uniform relationship between recommendation and final disposition; in some jurisdictions, the incarceration recommendation is followed more often than the probation recommendation, while in other jurisdictions, the reverse is true. In spite of the lack of a uniform relationship, however, the level of agreement between recommendation and disposition is still quite high.

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CHAPTER IV

ISSUES IN CASELOAD PREDICTION AND TREATMENT

This chapter, which addresses the provision of probation treatment, views treatment as a process. In this sense, probation treatment consists of three phases. The first phase is the prediction of an offender's expected future behavior. Prediction may occur both during the presentence investigation stage before the offender is placed on probation, or immediately after the offender has been placed on probation. A great deal of probation prediction is intuitive; it consists of the investigating officer's best, subjective assessment of the likelihood that a particular offender will continue to engage in criminal behavior. In this chapter, however, we will focus on the development of reliable and valid prediction instruments, which may have the potential for removing much of the guesswork from probation preduction.

The second phase of the treatment process is the classification of probationers. There are, of course, a number of ways of classifying

probationers; however, the most common are classification by risk level and classification by level of need for services. We will examine several operational examples of classification schemes.

The third phase of the process is the treatment modality which is actually used for probationers. Our review of the available literature suggests that most treatment modalities currently in use can be classified into three broad groups: vocational counseling and employment, group and individual counseling, and drug treatment. We will discuss the research which has been conducted in order to evaluate the effectiveness of these different treatment modalities.

- *What is the current state of knowledge in the area of the development of probation prediction instruments and techniques?*

In criminology, prediction most commonly refers to forecasting a person's expected future behavior based on an assessment of present or past characteristics known to be associated with the behavior to be predicted. These characteristics (or "predictors") may be any attribute or quality ascribed to the individual. The future behavior (or "criterion categories") is the particular type of performance we wish to predict. Prediction, therefore, can be expressed as an estimation of the criterion categories from the predictors, determined through previous studies of the relationship between the two. The issues surrounding the subject of prediction can be classified as either methodological or management. We will discuss these areas separately and then examine the empirical studies which are available.

Methodology

Reliability and validity issues are critical to any prediction instrument. Reliability refers to the consistency of repeated observations and measurements in producing similar results. Reliability applies both to the data upon which the prediction instrument is based and the results which it produces. The reliability of predictor data comes into question when offender self report data are used and when predictor variables are subjective and subject to interpretation of the person gathering the data.

Validity refers to the extent to which the variables in a prediction instrument actually measure the attribute or quality they purport to measure. Validity is also closely associated with the concept of reliability. For example, reconviction is a common criterion for success or failure on probation. The validity of reconviction as a criterion is reduced to the extent that there exist innocent probationers among the reconvicted, or there exist unconvicted probationers who have, in fact, engaged in criminal behavior.

An important reliability issue for prediction of criminal behavior is that criminality is based not solely on the state of a person, but also on the behavior of others. The fact that a probationer has his probation revoked may depend more on the policies of the department and the proclivities of his supervising officer than on any negative behavior.

Closely related to the issues of reliability and validity is the question of the relative efficiency of clinical and statistical approaches to making predictions. Although Mannheim and Wilkins (1955) have observed that "people seem to be more inclined to accept the judgment of other people

than to trust numerical procedures which appear abstract and impersonal," a review of the evidence suggests that in most cases, actuarial predictions are either about the same or superior to those made by clinicians. In a review of studies involving a comparison of clinical and actuarial methods Meehl (1954) found that in almost all cases, "... predictions made actuarially were either approximately equal to or superior to those made by a clinician." Meehl's evidence is supported by Frease (1965) and Mannheim and Wilkins (1955). An advantage ascribed to statistical predictions is that they are generally more reliable, due to the objective nature of the information used and the disagreement often found among even highly qualified clinicians in evaluating the same case (Mannheim and Wilkins, 1955; Gottfredson, 1967). Since it is recognized that subjective judgments by probation officers and judges will continue to be made, Glaser and Hangren (1958) have suggested that an actuarial prediction based on objective items could serve as a point of reference for sentencing recommendations and decision-making. In this way, subjective impressions of the data could be used to supplement the actuarial prediction and thereby enhance predictive efficiency.

Sampling methods are also of extreme importance to the development of predictive devices. Samples must be representative of the population to which generalizations are to be made; otherwise, the validity of the prediction model will be reduced when it is actually applied. Another requirement is that samples be of sufficient size to draw reliable conclusions. Small samples increase the probability of exploiting chance fluctuations which can produce a considerable margin of error in developing a predictive model.

Another area of methodological concern is the base rate problem. The base rate refers to the proportion of individuals in a population who fall into the category to be predicted (Gottfredson, 1967). If we wish to predict probation success, the base rate is the number of probationers who succeed relative to the total number of probationers under study. This becomes a problem, for example, when there are relatively few "successes" in the population (i.e. when there is a low base rate), because it then becomes more difficult to find variables which discriminate between the successes and the failures. If a prediction instrument cannot improve on the base rate, it is of no use, but one of the biggest problems associated with base rates is that they are virtually never reported (Meehl and Rosen, 1955). This omission makes the evaluation of the usefulness of the prediction method difficult.

A related issue is the selection ratio, which refers to the proportion of the number of persons chosen for probation placement to the total number available (Bechtoldt, 1951). The utility of a prediction device for probation selection is a function of the selection ratio as well as the predictive validity of the instrument (Gottfredson, 1967). Administrators who wish to use prediction instruments in selecting good risks for probation will find that, when confronted with a low selection ratio (i.e., when only a relatively small number of offenders are selected for probation), a relatively weak prediction device may prove useful. Similarly, if a large number of offenders are selected for probation and only a few are rejected, a much more efficient prediction device is required to achieve the same degree of effectiveness.

Prediction instruments usually involve the combination of a number of predictor variables to estimate an expected outcome such as "completion

of probation without any new convictions or probation violation." There are three types of methods for combining predictors: those which use all the predictors equally (Bruce, Harno, Burgess, and Landesco, 1928); those which employ some sort of differential weighting system (Glueck and Glueck, 1930); and configural methods such as Predictive Attribute Analysis and Association Analysis (MacNaughton-Smith, 1963; Williams and Lambert, 1959). Although empirical comparisons of these various methods of combining predictors are not common, several such comparisons support the view that the earliest, most simple methods of equal weighting for all predictors may provide prediction instruments equal or superior to those which require considerably more complex methods (Vold, 1931; Monachesi, 1932; Mannheim and Wilkins, 1955; Simon, 1971; Gottfredson, Gottfredson and Wilkins, 1977).

Cross-validation is a critical consideration in utilizing prediction instruments. Instruments developed for a specific purpose and population are often assumed to be valid elsewhere. Such assumptions are extremely tenuous, since it has been shown that the validity of prediction models can vary greatly by geographic area, with changing social conditions, by probation department policy, and over time. There can, therefore, be no confidence in the utility of a prediction device unless it is validated on new samples and re-validated periodically.

Management

In addition to the methodological issues discussed above, there are also a number of management considerations in the use of prediction devices. One common objection to the use of prediction instruments is that prediction of behavior is impossible because all individuals are unique. As early as

1932, however, Monachesi observed that "... predictability of human behavior is not only possible but feasible." While absolute prediction of human behavior is not expected, behavior is far from random. Prediction is not based on the uniqueness of individuals, but rather on their similarities.

The use of prediction methods in probation carries with it the assumption that there is a strong enough relationship between factors in the background of the offender and his present behavior that a prediction can be made of his performance on probation. While many instruments developed for the prediction of future criminal behavior have thus far only demonstrated relatively low predictive power, no conclusions can be reached regarding their utility for adult probation. Only a prediction instrument which meets the methodological requirements described above can hope to be useful in practice. The available studies which attempted to construct prediction devices for use in probation suffer from these methodological problems and, as a result, cannot be endorsed without reservation.

Most research on the use of prediction in criminal justice has focused on parole, which suggests the possibility of analogous applications in probation. Ohlin's work (1951) emphasized the ways in which prediction tables could be useful to parole administrators. Gottfredson (1967) described a situation in which prediction tables were used as an aid to reduce confinement costs by securing early release for parolees, with no subsequent increase in parole violations. The potential application of Gottfredson's findings to probation was noted by Frease (1965). A number of authors have also discussed the used of prediction tables as an aid in supervision practices. Suggestions have included their possible use: "as an administrative tool to equalize high-risk offenders among various caseloads" (Frease, 1965); "to focus services and attention on the probationers

who need the most help" (Comptroller General, 1976); and to "assist case managers in making decisions about how much time and effort to devote to working with certain groups of persons" (Hemple, Webb, and Reynolds, 1976).

Unfortunately, there have been very few empirical attempts to explore the feasibility of these proposed applications of prediction methods in practice. A pilot study by Nicholson (1968) found prediction tables to be extremely useful in classifying "high," "medium," and "low" risk caseloads; the prediction instrument used was a version of a device originally developed for parolees. The Comptroller General's report (1976) also found prediction tables to be useful in establishing variable supervision caseloads, as did pilot studies by Frease (1965) and Fiore (1976).

In summary, perhaps the most evident finding of this review of prediction as it relates to adult probation is that most of the questions which we can raise remain unanswered. We have seen that little work has been done in this area, and that which has been accomplished is not conclusive. The most pressing need in adult probation prediction seems to be for more emphasis to be placed on larger-scale studies which meet stringent methodological requirements. On the basis of this future research, we may be able to validate and expand upon the results suggested by the exploratory and pilot efforts which have already been done. Much of the groundwork for any such large-scale effort can be found in the pilot studies and from the extensive work done in the field of parole prediction.

An expectation of widespread use of probation prediction models in the future is not unrealistic; one only has to look at the progress made in parole to support such a prospect. The best example, perhaps, is provided by the United States Parole Commission which, as a result of a

substantial research effort (Gottfredson, Wilkins, Hoffman, and Singer, 1974), now utilizes experience tables as guidelines for making parole decisions. A research unit has been set up to periodically re-validate the tables, and, as a result, the granting of parole has become a less arbitrary process. The federal parole commission now uses these tables to determine how similar offenders (similar to those who are being considered for parole) have performed on parole in the past. Using this information, together with mitigating or aggravating circumstances known to the parole commission members, the decision to grant or deny parole is now more consistent and fair, benefitting both the parole commission and the inmate, as well as serving the interests of the community. Analogous applications of prediction methods in probation may be well within reach and await only testing and implementation.

- *What do we know about operational methods used for the classification of probationers?*

We have seen that the development of reliable and valid prediction instruments can be of value to a probation department in classifying probationers on the basis of risk. In this way, we can more accurately assign each probationer to the level of supervision which will be of the most benefit both to the probationer and to the community. Another method used to classify probationers is by need. Under this method, the probationer is assigned to a caseload based upon his apparent level of need for services which can be provided by a probation officer or by referral to a community resource agency. A third classification method is to combine risk and need levels, yielding a classification system which would include,

for example: high risk-high need probationers, high risk-low need probationers, low risk-high need probationers, and low risk-low need probationers.

Although classification of probationers is not addressed in statutes, the three sets of standards which we reviewed discuss this subject. The National Advisory Commission (1973) suggests that probationers should be assigned to differentiated programs based on offender typologies. The American Correctional Association (1977) urges each probation agency to develop written policy concerning classification to ensure that probationers receive only the level of surveillance and services which they need. The American Bar Association (1970) also encourages probation agencies to develop the capacity to employ differential treatment based on the characteristics of the probationed offenders, but it is noted that more attention must be paid to the identification of those offenders most likely to respond to one type of program as opposed to another.

The Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice (1967) summarized the situation with respect to classification efforts:

> A major requirement for using a differential treatment system is an adequate case analysis and planning procedure. Probably no deficiency is more universally apparent in current programs than the nearly complete lack of careful planning by probation officers, their supervisors, and clinical program consultants, including the active participation of offenders themselves.

Several classification efforts, conducted quite recently, were located and are examined below.

The Differential Classification for the Supervision of Adult Probationers design (Golbin, 1976) described the development of a classification model for assigning clients to intensive or active probation supervision. Intensive cases were those offenders posing a serious threat

to themselves and/or the community, requiring multiple services, and having a high probability of recidivism. Active supervision cases were those who generally adjusted to probation, although services were still required, and posed no serious threat to themselves or the community.

A random sample of 720 probationers was selected from a total population of 3,250. Under this system, probationers were assigned to intensive or active supervision, based on the number and degree of involvement on four variables: current offense, psychological instability, prior record, and social instability. Age was also used in assigning marginal cases. The techniques used to analyze data were not described, nor were the results given.

Several considerations were deemed essential to the operation of the differential classification system. Accurate information and clear operational definitions must be available to ensure reliability, and the users of the system should be trained in the use of the classification form, which must periodically be re-validated and modified to reflect changes in clients and/or community.

The Adult Probationer Needs Survey (Pearson and Taylor, 1973) was conducted to develop a data base to address three concerns of the Santa Clara County (California) Probation Department: to determine what percentage of the department's caseload was at different levels of risk; to determine the need for treatment and services of persons on probation; and to determine who should deliver the needed services -- the probation department, other public agencies, or community programs.

A random sample was selected for both male and female probationers. Demographic data and probation officer ratings were collected for each probationer in the sample. Ratings of personality-behavior characteristics,

estimates of the extent to which needs existed, and ratings of the extent to which each need was being met were recorded. A number of descriptive analyses were undertaken to develop a profile of the probationers and their needs. Specialized caseloads were developed from the ratings of probationers by their supervising officers.

Results were inconclusive in terms of clearly delineating a number of caseload types based on need ratings. Employment emerged as the greatest single need. Survey results suggested that probation, as currently defined, may be unnecessary for almost half of the offenders of the current caseload. The authors concluded that "treatment engineering" is needed, whereby someone acts as an advocate for both the offender and the courts to establish the best fit or mix of resources for the individual, and to mold this into a treatment/control plan.

The Probation Caseload Classification study (Weiner, n.d.) was initiated in order to obtain information about the offender population under supervision in the probation office of the District of Columbia. It was hoped that this information could be applied to the development of a more effective case management approach based on the needs of the offenders as well as on the resources available to the probation office.

The three major objectives of the study were: to classify the entire population under supervision, using a multi-factor instrument designed to predict the outcome of supervision with respect to success or failure; to attempt to validate the predictive ability of the instrument on the population of offenders by comparing all cases which closed successfully with those which closed unsuccessfully; and to use the data obtained to devise a "vertical" model of caseload management, which would set up

differential caseload sizes based upon high or low success potential.

Phase I of the study included a classification of the entire population under supervision. The Base Expectancy was used as the primary data collection instrument. Phase II included an analysis and classification of all cases closed during an eighteen month period. This was done to validate the predictive ability of the instrument on the population. Phase III of the study grew out of information obtained in Phase I, involving caseload classification. It was discovered that only a very small percentage of the total cases under supervision were rated as high-risk (C). It was hypothesized that the probation office staff, as a consequence of their experience, screened out individuals who would normally be rated high risk offenders if rated by the predictive instrument. In order to test this hypothesis, it was decided to compare two groups, one which had been recommended for probation and another group not recommended for probation on the Base Expectancy scores obtained in Phase I. The groups were compared in terms of their raw BE scores to see if there were statistically significant differences between the groups.

The results of Phase II indicate that, of the cases classified, 43 percent were rated "A" (suggesting high potential for favorable adjustment); 44 percent were rated "B" (or medium potential); and 13 percent were rated "C" (or low potential for favorable adjustment). The data indicated the tendency for "A" rated individuals to be terminated early from probation rather than "B" individuals. There was a greater likelihood for the "B" group to close through expiration of the probation period or through violation of probation. In contrast, there was little probability for group "A" to violate probation (7 percent) and less probability for group "C" to have their cases closed through expiration

(5 percent) and almost no probability to have them closed through early termination (2 percent).

Phase III results support the hypothesis that officers tend to screen out high-risk offenders. Of those persons recommended for probation, 52 percent were rated "A", 40 percent "B", and only 8 percent "C". When the group not recommended for probation was examined, it was found that only 6 percent were rated "A", 32 percent "B", and 62 percent "C". More than half recommended for probation were rated low-risk on the BE scale, while two-thirds not recommended for probation were rated as high-risk.

The following recommendations were made: the BE 61 A (Base Expectancy) scoring instrument should be used for predictive purposes; a "vertical" model of caseload assignment should be employed, rather than a numerical model, that is, different units should be established to handle different risk caseloads; and officers should attempt to develop a network of affiliations with local community groups.

The purpose of the Client-Management Classification program (Wisconsin Division of Probation, 1976) was to develop a case classification system which could be utilized by probation and parole agents to deal more effectively with the divergent needs of their clients. An interview and classification system was devised to focus on the differences among clients which agents could use in planning with a particular client. An interview utilizing a forced-choice rating instrument was developed to obtain the information needed for classification. The items on the instrument were reviewed, and only those which proved reliable were retained.

The data indicated that four groups could be discriminated from the structured interview. The groups were identified on the basis of the

characteristic supervision function utilized in working with each group. The four groups were: selective intervention group (35 percent) -- required minimal supervision; casework/control group (30 percent) -- required a great deal of time, direction, and support; environment structure group (20 percent) -- required structure, support, and guidance; and limit setting group (15 percent) -- for whom strict rules and regulations were recommended.

The Differential Treatment and Classification project (Golbin, 1975) was implemented bacause it was believed that classification systems are useful for assessing risk and for realizing the efficient management of offenders. Under such a system, no offender receives more treatment or surveillance than he requires, and each offender is afforded the optimal program of services possible for growth and adjustment in the community. The main goal of the study was to determine the number and concentration of probationers who require intensive supervision, as opposed to normal supervision.

The report classified adult probationers into two major categories: those requiring intensive supervision and those requiring normal supervision. These categories were developed according to two considerations: the appraisal of service needs for social reintegration into the community and the amount of accountability required for the protection of the community.

The criteria used for classification were based upon four variables: current offense, prior record, age, and psychological stability. Of the 270 cases, 49 percent were categorized as requiring intensive supervision, and 51 percent as requiring normal supervision. About one out of six offenders placed on adult probation needed treatment and required close accountability for serious alcohol abuse. Three out of ten non-narcotic

cases needed some kind of alcohol treatment, three out of ten on the narcotics caseload were either enrolled in a program and addicted to Methadone or had been addicted to opiates during the last five years, and 2 percent during the last five years had been dependent on other hard drugs.

Unfortunately, the conclusions of the study cannot be accepted as final, because the study shifted its focus from all probationers and became directed primarily toward alcoholic offenders, and also because the data were obtained from case materials, which would be subject to individual interpretation and, as a result, potentially biased.

As we have seen, empirical studies dealing with classification of caseloads are limited; therefore, conclusions can be based only on this narrow evidence. In addition, a number of deficiencies in the studies were noted. Often the techniques used to analyze classification data were not described, nor were the results given. The reader was informed that classification of offenders occurred, but not upon what criteria, nor were the implications which could be drawn from the operation explained. Ratings for classification, when done by probation officers, were weakened by the subjectivity of their reporting. As a result, it was not clear whether the findings were based on the subjective perceptions of the probation officer or upon the actual data.

Although a portion of the research to date has suffered from poor design and implementation, it may still be argued that a well-designed, well-administered classification system, with both the needs of the offender and the limitations and resources of the agency in mind, will help eliminate wasted time and effort on the part of the officer and the offender.

- *What are the most frequently used treatment modalities in probation, and what do we know about their effectiveness?*

The common ingredient in probation treatment modalities seems to be an attempt to foster the development of a positive self-concept for the probationer. This concentration on the rehabilitative aspects of probation is intended to counteract the negative "programmed for failure" self-concept which many probationers share. The treatment techniques we reviewed attempted to increase feelings of self-esteem and self-confidence in the belief that this would result in reducing the probationer's tendency toward criminal behavior.

Approximately twenty studies of various treatment modalities were located, and their results are categorized into: vocational counseling and employment, group and individual counseling, and drug treatment. In addition, we will consider the effectiveness of involuntary vs. voluntary treatment.

Vocational Counseling and Employment

The assumption that vocational counseling reduces the likelihood of recidivism is based on the belief that employment has a stabilizing effect on an individual. A job enables the probationer to develop financial security and rely on his own resources. Counseling assists offenders in locating employment and training resources within the community.

The Erie County (New York) Probation Employment and Guidance Program (PEG) was designed to maximize employment opportunities for unemployed and underemployed probationers. The program was supportive; it provided no educational or vocational training, but , instead, acted as

a screening and guidance mechanism. It offered diagnostic services, vocational evaluation, referral services, job coaching, and a stipend. Phillips (1975) reported that, nine months after entering the program, 59 percent of the experimental group had found jobs, versus 43 percent of the control group, who did not participate in the program. More drastically, 40 percent of the experimental group had raised their employment status, compared to only eight percent of the control group.

But, for this same program, Chitren and Reynolds (1973) compiled recidivism data on 202 probationers who had experienced the program and 46 controls who had not. After controlling for group differences on drug and alcohol problems, they concluded that recidivism was not reduced by participation in the program.

These results certainly suggest that it is possible to improve both the rate and status of probationers' employment. However, the assumption that this upgrading will result in decreased recidivism is seriously questioned. A number of studies report that employment and successful completion of probation are related (Rest and Ryan, 1970; Klocksiem and McGinnis, 1976), and that is not really questioned here. We are instead suggesting that relying solely on employment to counteract recidivism is insufficient.

Group and Individual Counseling

Treatment in probation is not confined to employment and vocational upgrading. Experiments designed to work with offender populations have utilized both the dynamic of group counseling and the effect of the one-to-one relationship of individual counseling. Group and individual counseling should create a comfortable milieu wherein the client is able

to freely vocalize his problems and fears, and with the aid of his probation officer, begin to confront them and seek solutions.

In group counseling, the probationer is able to see and communicate with individuals who have similar problems and histories; he learns that his problems are not unique and derives common support and assistance from the group in establishing realistic goals and expectations (Vogt, 1971 and 1961).

The basic guidelines for group counseling are: participation is mandatory; fewer than twenty individuals hold memberships in the group; the group meets at regular intervals and specified times; and membership remains unaltered. Adhering to the guidelines is crucial to the establishment of trust and support among the members, and to their responsibility for structuring and maintaining conduct (Bassin, Berlin, and Smith, 1960). Utilizing this techinque, the Special Offenders Clinic (Olsson, 1975), an outpatient treatment facility for sexual offenders and assaultive offenders, sought to resolve the relationship between emotional problems and anti-social behavior through group therapy. During the three-year period of operation, fifty probationers were selected: 29 sexual and 21 assaultive offenders. No control group was established.

Exhibited behavior in each group therapy session was divided into thirty-five measurable categories that were rated by the therapist during the initial phase of the treatment and at the termination level. Probation officers measured each probationer in six areas indicative of social adjustment according to the same timeframe. The Special Offenders Clinic was more successful in treating sexual offenders than assaultive offenders with respect to behavior during group therapy sessions, recidivism, and social adjustment.

Active participation in group counseling was part of the treatment plan in the Multiphasic Diagnostic and Treatment Program (Nath, 1975). Offenders were required to jointly formulate a contract with the staff wherein a treatment plan was devised. The purpose of the program was two-fold: to decrease the probability of recidivism and to allow the community to better understand the offender and its own role in the re-socialization of the offender. Seventy-five percent of the individuals who graduated from the program remained crime-free during the follow-up period.

The group process encouraged each member to confront his problems in an environment that was both critical and supportive. The Vocational Rehabilitation Agency (Rest and Ryan, 1970) found that, "Discussions about offenses and similar difficulties with employment seemed to have a very pronounced effect in helping them to function as a group." But, functioning as a cohesive unit does not occur in the preliminary stages of the group. By the end of the four-week session, however, much concern was demonstrated among the group members and mutual assistance was exhibited. The group members were able to help each other develop a vocational plan with realistic expectations and to support members, who had experienced rejections, with a revised plan and encouragement to begin again.

A report from the National Council on Crime and Delinquency lists counseling as one of the three major elements of probation supervision and treatment. Based on this report, the University of Maryland, assuming that counseling techniques already known to probation are effective, utilized group and individual counseling as their differential treatment modalities (Marx, Giblette, and Stockdale, 1969). Counseling was done

in small groups or in a traditional or individual relationship as part of the treatment for the experimental group, but not administered to the control group. The criteria for client change included: employment, absence of arrests, stable family life, and general adjustment to society. Data did not reveal any significant differences between the experimental and control groups as a result of the treatment mode.

The Santa Clara County (California) Probation Department (1973) tested the effect of two high-impact, short-term motivational treatment programs designed to reduce adult felony probationer recidivism against what is currently attributed to traditional counseling in their regular probation division. Two experimental groups and two control groups constituted the four comparison sections. The basic requirements for selection into each of the four programs were: felony probation cases sentenced and released within a particular timeframe, and serving jail sentences of at least four months as a condition of probation.

A quasi-experimental design was used to compare the four groups. The experimental groups, each comprised of 33 probationers, participated in the Zzoommm program and the Heimler Method program. Two units in the Probation Department were used in the control (comparison) groups. The Special Supervision Unit, in existence before the project began, contained 33 probationers who met the selection requirement for participation. The regular supervision group contained 43 probationers who were eligible for the Zzoommm and Heimler Method programs, but were assigned to the control group.

The control groups received traditional client treatment methods. The experimental groups tested different methods: the Zzoommm program was designed to change self-understanding; the Heimler Scale measured an

individual's perception of frustration and satisfaction, and was followed by a three-month treatment phase called "the Slice of Life."

The results do not conclusively support the superiority of either treatment program over the control or one treatment program over the other in the following areas: recidivism, employment, and self-concept. The differential success of treatment on the basis of client's personality traits demonstrates no greater improvement in one treatment mode as contrasted with the other. No significant correlation between treatment modalities and behavioral change was exhibited.

Poor research methodology inhibits a clear assessment of any of the counseling treatment modalities. Adequate definitions of the experimental treatment are not provided; even the traditional treatment methods are not defined, operationally or in the context wherein they appear. Exactly what constitutes traditional probation is not defined in the studies; however, it is measured, criticized, and utilized as a universally accepted and comprehensible entity.

Drug Treatment

At least three models to treat drug addiction among offenders appear to be available to correctional staff: treating it as a metabolic disease that requires methadone maintenance, utilizing casework techniques with a comprehensive referral system, with appropriate social services and medical agencies, and behavior modification techniques. Adequate case analysis to determine the kind and intensity of supervision needed by the probationer should be a part of each treatment modality (President's Commission on Law Enforcement and Administration of Justice, 1967).

Treating heroin addicts on probation and parole with methadone was

the subject of a study that sought to accomplish two goals: to stop criminal behavior and to assist the addict in functioning as a normal, productive citizen in society. The Methadone Maintenance Program (Dole and Joseph, 1970) established comparison and experimental groups that were matched in the following areas: arrest frequencies, age, ethnic background, and month of admission to the program. The comparison group consisted of participants in a heroin detoxification program.

For the thirty-six month period prior to enrollment in the program, the experimental group experienced 120 arrests per 100 man years and 58 incarcerations. For the thirty-six months following treatment, the experimental group experienced 55 arrests and 1 incarceration per 100 man years versus 134 arrests and 63 incarcerations for 100 man years for the comparison group. The difference is startling and significant.

Seventy-two percent of the program participants who were on probation or parole made good adjustments, were retained in treatment, and eventually were discharged from probation or parole. Approximately seventy percent of the probation/parole patients remaining in the treatment were employed, in school, or functioned as homemakers; thirty percent were supported by others, looked for employment, or received public assistance. The authors of the study concluded that methadone treatment is not a cure-all for the addict; however, they have documented success in the areas of voluntary retention in programs, decrease in criminal activity, and an increase in productive behavior.

The Drug Unit in Philadelphia County Department of Probation (Rosenthal, 1974) experimented with two types of supervision to assist the probationer addict to develop drug-free periods, to reduce crime and recidivism among the probationer addict population, and to enhance judicial dispositions by

providing pre-sentence evaluations and related services. Random samples of probationers in the following types of supervision were comparatively examined: Drug Unit and General Supervision, both of which contained addicts; and General Supervision, containing non-drug users.

The latter two groups received "traditional" probation treatment. The Drug Unit received intensive supervision, counseling, education, referrals, and rehabilitative treatment. The treatment reduced overall criminal recidivism of the drug group when compared to the general supervision drug group and general supervision non-drug group. The overall evaluation of the Drug Unit was positive for the areas of treatment, social service, and administration.

Both of the aforementioned programs achieved success using an adaptation of the casework model to treat drug offenders. The methadone maintenance program also achieved success; however, it was designed on the basis of applying a synthetic drug which itself creates a chemical dependency, treating the symptom and not the cause of drug addiction.

A third method administered a behavior modification program to adult drug offenders in an attempt to alter their propensity for criminal behavior (Polakow and Doctor, 1974). The program was divided into three phases, each one representing a higher level of achievement, wherein credit and verbal support were given to the probationers if they successfully performed particular graduated behavioral tasks. Each acquisition of positive feedback and credit by the probationer ultimately resulted in a predetermined reduction of his total time spent on probation. The consequence for failure consisted of non-payment of credit or demotion to Phase I.

The pilot study designed two formats: an "own controlled" group and a contingency management program that was tested against a regular case-load using "counseling" techniques. The subjects for the experimental testing were randomly chosen from a transfer pool of probationers who were arrested for crimes involving drug abuse and classified by their probation officers as third level, or "most difficult" cases.

The probationers in the contingency management group successfully decreased the number of arrests and violations while on probation, as opposed to the control group, and demonstrated positive behavior by maintaining a higher rate of employment and attendance at scheduled meetings as compared to the control group.

There is some evidence in this behavior modification program to support the positive effects of a one-to-one counseling relationship where clients receive attention and verbal support from probation officers. Undoubtedly, the credit and verbal support given to the probationers in the behavior modification program contributed to the achievement in the program, but how much, in a quantitative sense, and in what proportion, in light of the ultimate goal of a reduction in probation time, is not known. The study does not indicate that the researchers considered how influential the probability of a shortened probationary term would be on the clients' motivation and behavior in the experiment. The environment was conducive to the classic con game, where the offender would participate in the program because the end results would bring precisely what he wants. It may be naive to think that a drug offender's primary concern is the acquisition of treatment and its long-term benefits at the time of an impending incarceration.

A summary of the available evidence on these various treatment modalities indicates that rates of employment and employment status of probationers can be raised by providing and intensively applying diagnostic services, vocational evaluation, referral services, and job coaching. It cannot, however, be demonstrated that employment in itself is a vaccination against recidivism.

Sexual offenders respond to group counseling more positively than assaultive offenders in terms of in-group behavior, social adjustment, and recidivism. Group counseling can lead to mutual goal setting and assistance among probationers, particularly where employment is concerned. However, for the general population of probationers, neither group nor individual counseling can be demonstrated as superior to minimum contact. Short-term motivational programs do not seem to be effective in terms of employment, self-concept, and recidivism. Additionally, assignment to these programs on the basis of personality traits is ineffective.

Methadone programs for probationers can be highly effective and, even if voluntary, will probably experience high retention rates. Interestingly, combinations of counseling, education, and referral appear successful when compared to regular probation. Behavior modification programs appear more successful than traditional counseling.

Voluntary vs. Involuntary Treatment

The question of the relative effectiveness of voluntary and involuntary treatment has been largely ignored in the literature. This question is confounded by the fact that success has been demonstrated in programs where each type of treatment, voluntary and involuntary, has been used.

Participation in the Special Offenders Clinic for sexual and assaultive offenders (Olsson, 1975) was mandated as a direct court order. Close probation supervision was administered to maintain regular attendance. The results of this type of treatment positively affected recidivism, measured in the number of convictions and arrests for crimes that were related and unrelated to the offender during and after treatment, and the number of incarcerations that occurred at both times.

The Goals for Girls project (Webb and Riley, 1969) actually tested whether voluntary or mandated treatment affected the results of their experiment in casework with female probationers. Sixty-eight participants were randomly assigned to an experimental and a control group. Probationers in the experimental group met with a Deputy Probation Officer who discussed referral to a private volunteer counseling service. If the probationer resisted, she was encouraged to attend through supportive counseling. A flat refusal made participation mandatory. Probationers in the control group were not directly referred to Family Service, nor encouraged to participate.

Significant changes in conduct with respect to improvement were noted in the experimental group, but not in the control group. The results challenge the assumption that treatment must be voluntary in order to be successful, since improvement in the experimental group occurred among those who were encouraged to participate in the project and among those who were told it was a requirement of probation.

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CHAPTER V

PROGRAM DEVELOPMENT IN PROBATION

The use of probation as an alternative to incarceration evolved as an innovative means of avoiding or mitigating the harsh and lengthy sentences common in Britain and the United States in the seventeenth and eighteenth centuries. Since the mid-nineteenth century, when John Augustus began his experiment with probationers in Boston, probation has proven itself to be a fruitful field for program innovations. It is safe to say that the primary purposes of most innovations in probation have been to maximize the efficiency with which probation services are delivered and to improve the rate of success for individuals on probation. To meet these ends, innovations can involve changes in the structure of probation, the emphasis on various probation activities, or in the delivery of probation services and treatment.

A wide variety of innovations have been tried in probation, some of which were highly successful and widely adopted and others which were implemented and quietly abandoned. The types of innovations which are encountered in any given period of probation history tend to be heavily influenced by dissatisfaction with the then-prevailing practices and philosophy of corrections, and by the emerging shifts in philosophical and practical orientations. The emphasis on the changing purposes and goals of corrections cannot be too highly stressed, since innovations, by definition, reflect new ideas and new ways of achieving new goals.

This review of innovations in probation is not limited only to new programs and techniques developed in the United States. We have also looked at a number of innovations used in other countries which use some form of probation or conditional sentence in order to widen the range of

new approaches which might be of interest to American probation administrators.

Our review of the literature suggests that innovations in probation over the past quarter-century have tended to be of two fairly distinct types: broad, policy-level innovations and program-level innovations. Innovations at the policy level are those changes which affect the character or process of probation itself. Ordinarily, policy innovations tend to be implemented at the highest appropriate level, which may be the state or federal level. Occasionally, however, a policy innovation may also be made at the local level. Innovations at the program level are changes which introduce a new management or treatment technique aimed primarily at effecting an improvement in a local agency's capability for providing needed services to its clients.

The literature reveals five influential policy-level innovations in probation. Three of these were developed in the United States: "shock probation," which combines the increased use of probation with a short period of incarceration; probation subsidy, which combines a reduction in commitments to state correctional institutions with a new way of funding local probation activities; and restitution, both financial and symbolic, which is becoming a widely-used condition of probation. The remaining policy-level innovations are used internationally: rehabilitation councils, which are used in the Netherlands and Sweden to coordinate the activities of a number of social service agencies; and volunteers, who are used extensively in Japan and Sweden.

Four program-level innovations were identified. Three of these program innovations (residential treatment centers and hostels, day training centers, and outreach centers), can be seen as representing varying

degrees of control exercised by the local probation agency over the probationers. The Probation Employment and Guidance (PEG) program represents a concerted attempt to alleviate the serious unemployment, underemployment, and vocational guidance problems which are common among probation clients.

Finally, this chapter concludes with an overview of the use of probation and conditional sentences on an international scale. This discussion will identify the nature and extent of use of probation and conditional sentences in a number of countries and will attempt to isolate any discernable trends in the international development of probation which might forecast changes which may be expected in the use of probation in the United States.

Policy-Level Innovations

Shock Probation

In July 1965, the Ohio General Assembly passed a law providing for the early release from prison of convicted felons by placing them on probation. This law (Ohio Revised Code, Sec. 2947.06.1) was the first in the country which made any felon eligible for early release, provided he had not committed an act for which Ohio law precludes probation. The law has become known as "shock probation" and was intended both as a treatment tool and as a compromise between the advantages of incarceration and of probation.

Unlike split sentencing, shock probation is not part of the original

sentence. According to the law, the offender is sentenced to an institution for his crime and must file a petition to the court to suspend further execution of his sentence (no earlier than thirty days nor more than sixty days after the original sentence date). Until the court acts upon the petition, which must be within ninety days, the defendant does not know whether his institutional stay will be two months, until he is eligible for parole, or until the end of his sentence. In addition to the "shock" value, Ohio has added the element of uncertainty.

There has been some debate about the possible advantages of combining a short period of incarceration with probation. One argument for such a practice is that the short period of incarceration may actually be to the offender's advantage. It is argued that incarceration may allow the institution's professional personnel to analyze and evaluate the needs of the offender in depth, while at the same time allowing the offender to take advantage of training and other educational services which may be provided at the institution. In addition, the greater control over the incarcerated offender can provide greater protection for society (Master, 1948). Another advantage of a mixed or split sentence is to "shock" or "jolt" the individual into a recognition of the realities of prison life through the experience of imprisonment (Jayne, 1956; Kaufman, 1962; Hartshorne, 1959).

Those opposed to mixed sentences argue that a person is either eligible for probation or he is not; prison and probation represent mutually exclusive alternatives (Campbell, 1960; Chandler, 1950; Report of the Committee on Probation, 1948). One spokesman for this position has pointed out:

...that once having determined that a person can be trusted to

> remain in the community and can benefit most under community supervision, no appreciable benefits can be derived from committing to a short period of incarceration... (Barkin, 1962).

In addition, the argument is made that mixed sentences "contaminate" the individual and diminish any chance he may have of rehabilitation. This argument suggests that any time spent in an institution is disruptive of normal therapeutic efforts which might be made in a more open setting (Chandler, 1950; Kaufman, 1962). Short-term stays may even harden attitudes, expose the individual to more confirmed criminal lifestyles, and make him resentful and cynical (Chappel, 1947; Scudder, 1959; Chandler, 1950).

A third argument against mixed sentences is more abstract than the first two, but along the same lines. It is held that to mix sentences is to act contrary to the stated purpose and objectives of probation; jail time is inconsistent with the philosophy of probation (President's Commission on Law Enforcement and Administration of Justice, 1967). Probation is viewed as nonpunitive, and any use of prison makes the work of probation officers more complex and, in the long run, may defeat the purpose of community supervision (Scudder, 1959; Chappel, 1947). The purpose of probation is to avoid incarceration, not be a supplement to it.

Most of the debate on mixed sentencing has occurred in the United States, but according to Friday et al. (1974), there is no empirical research in this country to support or reject the practice. Experimental programs have been set up to test split sentence effectiveness in Sweden, France, Norway, and the Netherlands (European Committee on Crime Problems, 1967), but statistical or empirical results are incomplete.

Four sets of studies have been conducted on the characteristics of

those given shock probation. They include Bohlander's Ohio Study (1973) and his Kentucky study with Faine (Faine and Bohlander, 1976); Angelino et al. (1975); and Petersen and Friday (1975).

Petersen and Friday (1975) and Bohlander (1973) show consistent results when they compare those granted shock probation with those who remain in custody. Shock probationers were:

> (1) disproportionately white; (2) generally young -- 22 to 26 years old -- but ranged upward to 69 years of age; (3) of slightly higher socio-economic status, generally from middle and upper-middle class families; (4) usually high school graduates, while many attended college; (5) rarely had parents or siblings with criminal records; (6) as likely to be married as single, but more were divorced than in the other sample populations; (7) more likely to have been convicted for fraud or narcotic violations than for property or personal offenses; (8) usually represented by privately retained attorneys; (9) generally received a recommendation for incarceration from the probation department; (10) usually entered a plea of guilty; and (11) generally had prior criminal records, but the majority had not previously been confined in an adult correctional institution.

Angelino et al. (1975) disagreed with these findings in terms of age, education, and offense type. Looking at shock probation the year prior to the studies by Bohlander and Petersen and Friday, their findings suggested that Ohio shock probationers were older, more poorly educated, and found guilty of more violent offenses than the other studies' populations. Both the Bohlander (1973) and Petersen and Friday (1975) studies compared the differences between shock probationers and a control group; Angelino et al. look only at within-group differences.

In assessing the significance of variables which distinguish between incarcerated and probation samples, Petersen and Friday (1975) utilized Predictive Attribute Analysis. The sample design included all persons granted shock probation during 1970 (N=202). This group was compared with a control group of persons who were eligible for release on shock

under Ohio law during the same period but were not released (N=373).

The following were found to be significantly associated with early release from prison: (1) non-legal variables: race, education, father's education, and legal residence; and (2) legal variables: probation department recommendation, offense, prior record, number of bills of indictment, and plea. Variables which did not produce statistically significant relationships include: age, marital status, number of dependents, outstanding detainers, and father's occupation. The significance levels of the chi-square statistics for each variable show that the non-legal variables of race and education were first and second in rank order of their ability to discriminate between those who receive shock and those denied it. The legal variables of offense type and prior record ranked fourth and fifth.

Predictive Attribute Analysis is based on the sociological assumption that in any heterogeneous sample, relationships among the possible predictors and the criteria may vary from one subsample to another. In other words, these methods suggest that relationships between predictive attributes and criteria are not always constant. In this research, where race was found to be a significant factor, each of the other significant variables may have a different effect in predicting the outcome for either the black subsample or the white subsample.

Predictive Attribute Analysis indicated that, for the black felon, his race was the major variable affecting early release from prison. The next most important variables were education and probation department recommendation. The significant point of this analysis was that neither offense nor prior arrest emerged as strong discriminators.

Analysis of white felons showed a different pattern. Petersen and Friday (1975) found that for whites the legal variable of offense was important in granting shock probation. The next important variable was education. As with black felons, prior record did not emerge as a dominant variable. They therefore state: "...the conclusion is inescapable: when other factors are considered equal, blacks have less chance of receiving shock probation than whites."

There have been no new studies on shock probation in Ohio, but in Kentucky, Faine and Bohlander (1976) used multiple discriminant analysis to determine significant differences between shock probationers and those who remained incarcerated. They supported most of the findings of Petersen and Friday (1975), especially the racial factor, but did not find education or probation department recommendation to significantly discriminate between the two groups, and found only a slight relationship with offense type. They did find residential stability to be a factor.

Faine and Bohlander (1976) went beyond the analysis of Petersen and Friday by comparing shock probationers with regular probationers. Here, using multiple discriminant analysis, they found race to be less significant, but marital status did play a role, as did peer criminality, probation recommendation, residential stability, plea, prior record, and offense seriousness. Unfortunately, the study did not assess the relative importance of each variable.

Ultimately, the question of major concern is effectiveness; in this case, what is the rate of recidivism for shock probationers? Friday, Petersen, and Allen (1973) report a 15 percent rate of failure; their definition of success includes only those who complete the term of probation. Since probation terms varied and no follow-up after completing

the probation term was made, particularly for possible out-of-state convictions, the figure is not complete. Bohlander (1973), using the criteria of re-arrest, reincarceration, or probation violation, reported a 26.7 percent failure rate. This figure, however, was only for the single county studied and is not generalizable.

Angelino et al. followed up their group of 1969 shock probationers through FBI files. They found that nearly half (47.7 percent) were arrested at least once after serving shock; 33.3 percent were convicted of a felony and 24 percent served at least one prison sentence after release. Faine and Bohlander (1976) conducted a comprehensive follow-up of their samples in Kentucky, using a minimum period of eight months and a maximum period of 28 months after release from prison. Using what they call "every available data source," they found a failure rate of 19.2 percent. Employing multiple discriminant analysis, they found that the Kentucky shock probation successes had characteristics similar to regular probationers, while failures were similar in characteristics to the incarcerated group which had more extensive previous felony histories, greater criminal associations, and poorer community stability and integration.

Perhaps the most significant contribution of the Faine and Bohlander study is the attempt made to determine the impact of incarceration. Interviewing the first 502 new admissions to the Kentucky State Reformatory at La Grange, excluding parole violators and institutional transfers, they attempt to measure change on nine scales: identification with crime, self-esteem, self-derogation, radicalism, rejection of staff, legitimacy of values, inmate solidarity and peer isolation, and perception of danger. The results are important, not only for shock probation but for sentencing policy in general. Their conclusion: the effects of incarceration are negative, and

changes occur in attitude which are clearly contradictory to the objectives and goals of incarceration. As they cogently state in their conclusion:

> The findings reported here seem to indicate that even the short minimum period of 30 days allowable under the [shock probation] program is sufficient to enhance the anti-social, and even radically hostile attitudes of offenders.

There are some important conclusions to be drawn from the research on shock probation. First, shock probation is in part based on the notion that the criminal justice system can equitably apply a sentencing alternative which combines both punishment and leniency. In practice, there is evidence that shock probation may be applied in a discriminatory manner. Second, Faine and Bohlander's finding that persons who were successful on shock were very similar to persons given regular probation raises questions about whether the shock probationers might have done just as well without the short-term incarceration. Third, Angelino et al. found that the variables associated with failure on shock were also associated with failure on regular probation. Fourth, in theory, the value of shock probation lies in the "shock" impact of imprisonment for a short period which avoids the negative effects of longer-term imprisonment. However, Faine and Bohlander indicate that imprisonment of only thirty days, the minimum required by law, is sufficient for the negative effects of imprisonment to be felt. Their finding is, incidently, consistent with international research data on the same issue (Rudnik, 1970).

In sum, the research to date has failed to clearly establish the outcome effectiveness of shock probation as compared to alternative sanctions. The research, however, has documented the difficulties of equitably applying shock to offenders, the possible negative effects of the prison sanction, and the possibility that shock may be an unnecessary sanction.

Probation Subsidy

Probation subsidy is a program which has been employed in the states of California, Michigan, and Washington. Its intent is to reduce the over-crowded conditions in state penal institutions on the assumption that many offenders currently incarcerated could function within the community under intensive or specialized probation supervision.

The subsidy program in Washington is for juveniles only. The intent of the subsidy act was to (1) increase the protection afforded the citizens of the state; (2) permit a more even administration of justice in the juvenile courts throughout the state; (3) rehabilitate juvenile offenders in the community; and (4) reduce the necessity for commitment of juveniles to state correctional facilities by improving the supervision of juveniles placed on probation by the juvenile courts of the state. Probation subsidy evolved under the guidance of state and county juvenile court directors who emphasized the need to reduce commitments to state rehabilitation facilities while making funds available for improved community probation services and uniform supervision.

Corwin and Lanstra (1975) reviewed the files maintained by the State of Washington Office of Information Services for the years 1970-1974. They found that the number of juvenile commitments to state institutions had been reduced, representing a cost saving of $18,988 per commitment. No assessment was made, however, of the impact of the program. Corwin and Lanstra (1975) indicated that the major assistance given subsidy probationers was individual counseling. They also indicated that of the 2,976 clients on subsidy, 45.1 percent had committed another offense while in the program. They made no interpretation of this, suggesting that outcome evaluation was beyond the scope of their report.

Michigan has no formal subsidy program; instead, an experimental diversion program was implemented in August 1975 in selected circuits, with four circuits designated as a control unit (Patten and Johns, 1970). The experimental program was the Probation Incentive Program (PIP). The assumptions underlying the program were: (1) many offenders are imprisoned who could be maintained in the community if probationary programs were improved, and (2) enrichment of probation services would bring about expanded use of probation in the courts.

The Probation Incentive Program is a subsidy program designed to reduce prison commitments by providing a financial incentive to the county probation department. For every offender diverted per month over a prior base rate of commitments, the county receives $3,000 to enrich probation services. Counties have almost total discretion in how the money is to be spent. Preliminary data showed only that counties participating in the Probation Incentive Program showed the largest increase in diversion rates. No other data were available.

California's probation subsidy program was adopted in 1965 as a result of a state Board of Corrections study which found probation services within the state to be inadequate. Probation caseloads were high and there was a continuing increase in commitments to correctional facilities. Such commitments were seen as excessively costly, particularly as the need for new institutions increased. The basic idea of the subsidy program was to reduce prison and juvenile commitments while providing more effective control in the community through intensive supervision in small caseloads. Ideally, the program would reduce state costs, while at the same time provide a greater degree of rehabilitation and services for the offenders involved.

The program was designed to achieve these objectives by reimbursing a county on the basis of its reduction of correctional commitments. Based on its previous rate of commitment, each reduction would generate a subsidy payment of approximately $4,000 to be applied to the creation of intensive supervision programs. Since the funds were based on reduced institutional commitments, it meant that more serious offenders would be in the community. Therefore, subsidy money was to be used for special supervision involving small caseloads (Barrett and Musolf,1977). Participation by the counties was voluntary, yet the financial rewards for reducing commitments were high. In addition, the theoretical assumptions that probation would be more effective if financial resources were available to provide intensive treatment and low caseloads made the program attractive. It should be kept in mind, however, that although special supervision was intended to handle more serious offenders, the decision as to placement was made by probation departments rather than judges. As a result, criteria for decisions were diverse, and special caseloads became more like routine caseloads in terms of age, ethnicity, and type of offense (Barrett and Musolf, 1977).

Initial reports prepared for the state legislature centered on the utility of intensive probation supervision and the levels of probation services. In a 1975 progress report to the legislature on the subsidy program, the researchers at the California Youth Authority (1975) demonstrated an increase in the level of probation services under subsidy but could not find evidence of reduced recidivism. The report concludes, however, that intensive probation supervision as provided by subsidy is at least as effective as state incarceration when measured by recidivism rates. Subsidy probation does not appear, therefore, to be more effective than institutionalization. Acceptance or rejection of the program at this point appears to be contingent

upon one's predisposition toward probation in general.

The objective of reducing commitments was tested by Kuehn (1973) in an elaborate and methodologically sophisticated study. Kuehn wanted to test the extent to which probation subsidy was responsible for the commitment reduction. He concluded that reductions in commitments to adult institutions were a result of subsidy, but the actual effect is obscured by increases in the state's population. He could not find subsidy to be a "cause" in the reduction of juvenile commitments.

Hirschi and Rudisill (1977) have completed the most comprehensive yet least complicated assessment of the subsidy program. The objectives of the study were to determine the extent to which the reduction in state commitments could be attributed to the probation subsidy program itself. The issues addressed were: proponents of subsidy view commitment reduction as a sufficient reason for the continuation of the program; opponents, on the other hand, see subsidy as a payment to keep high risk offenders in the community. Since crime rates have increased, subsidy was viewed as the major cause.

Data presented by Hirschi and Rudisill (1977) show the differences between expected commitments (Base Expectancy Rate) and actual commitments. Their conclusions are the same as Kuehn's (1973); subsidy did have an effect. The major findings and conclusions on a state-wide basis as stated within the study include (Hirschi and Rudisill, 1977):

1. Commitment rates have declined since the start of the subsidy program for both juveniles and adults.

2. Estimates of commitment reduction through 1970-1971 range from 12,000 to 47,000 cases.

3. The subsidy program is responsible for a reduction of from 12-16,000 cases.

In other words, commitments to state institutions have been reduced by

the subsidy program. However, these reductions have been accompanied by a concurrent rise in crime.

By far the most comprehensive assessment of probation subsidy has been carried out by the research team at the University of California at Davis. Their six volume report covers all of the major issues involved in subsidy, its effectiveness and impact. The major findings from these reports are:

--The program has been highly successful in reducing commitments to state institutions. The state estimate of 5,000 or so commitment reductions per year since the early 1970's is if anything conservative.

--Due to inflation the purchasing power of the $4,000 state payment to counties for each reduction in commitments had by 1975 declined to $2,230, a drop of nearly 50 percent. This reduction in value has resulted in increased caseloads and decreasing innovativeness in special supervision programs at the county level.

--By reducing institutional and other costs the program has saved the state sizeable amounts of money, averaging at 1975 prices over $14 million per year.

--The program has, on the other hand, cost the counties money, primarily due to increased jail costs. At 1975 prices these costs amount to nearly $5 million per year.

--Overall there has been a net savings to California taxpayers at 1975 prices of about $10 million per year.

--These savings do not include any savings due to any new construction made not necessary because of the reduction in commitments.

--Intensive probation supervision is at best only partially responsible for the reduction in commitments. Many of the more difficult local cases are handled either in local institutions such as jails or camps or in regular probation supervision.

--The concept of intensive probation supervision has not proved to be either very innovative or very effective at reducing recidivism.

--The program, while creating some management problems, has had no major adverse effect on the state correctional agencies.

Of primary importance is the total impact of the program on crime in the community. Smith (1972) optimistically concluded, without statistical analysis, that "...the data also suggest that it is reasonable to conclude that the general crime situation in California has not deteriorated since probation subsidy." Feeney and Hirschi (1975) refute this, although not totally. They tracked adult and juvenile offenders for an average of three years, looking at a 1965 pre-subsidy sample and a 1970 sample which consisted of subsidy probationers. The focus of the study was directed toward the issues of whether probation subsidy was actually responsible for increases in crime.

The basic strategy of the Feeney and Hirschi study (1975) was to compare the criminal activity of offenders given local sentences prior to the subsidy period with the behavior of offenders given local sentences after the program had been in effect. The authors assert that the maximum effect of subsidy was estimated to be 18 percent of the increase in arrests between 1965 and 1970, or about 8 percent of the total number of arrests made in the three-year follow-up period. The low estimate of impact was 3 percent. Looking at violent crimes, the program was estimated to be responsible for a maximum of 2.1 percent and a minimum of 0.1 percent of all arrests for violent crimes in the state.

Each of these estimates indicates that the probation subsidy program was not the major factor in the increase of recidivism of offenders. It is only one factor; other factors include changes in the types of cases and changes in the criminal justice system from factors other than subsidy such as regulations regarding narcotic offenders and plea bargaining. In addition, the re-arrest rate is up among all offenders, and this cannot necessarily be attributed to a reduction in institutional commitments.

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There is no reason to believe crime would not continue to rise regardless of whether subsidy exists.

Perhaps the best attempt at a conclusion about probation subsidy was provided by the directors of the University of California project (Barrett and Musolf, 1977):

> The fundamental question which each jurisdiction must face, therefore, is whether the program benefits of reduced commitments, reduced financial costs, and the opportunity to make better use of scarce resources outweigh the increased amount of crime which has resulted from the program.... Its cost advantages make new program development and testing feasible on a much broader scale than would otherwise be possible, and while there are obvious risks in terms of some increased criminality, the study data show that these risks are small compared to the potential benefits in crime reduction.

Restitution

The operating principle of restitution is that an offender should be held responsible to the victims of his offense in some direct fashion, either financially or symbolically. Although restitution has been used for many years, its modern practice was stimulated to a large degree by the development of suspended sentence and probation (Cohen, 1944). Philosophically, restitution in probation imposes a form of mea culpa on the offender without the degradation and labelling frequently associated with other sanctions.

One notion underlying the use of restitution is the belief that required payments from the offender to the victim increase the offender's sense of accomplishment (Galaway and Hudson, 1972). The amount of restitution, however, needs to be appropriate, since a requirement to provide inadequate or excessive compensation may have the reverse therapeutic effect. An example of the current legal use of restitution is the Iowa statute:

> It is the policy of the state that restitution be made by each violator of the criminal law to the victims of his criminal activities to the extent that the violator is reasonably able to do so. This section will be interpreted and administered to effectuate this policy.

An important element of the statute is that restitution be commensurate with the offender's ability to pay. Thus, the major responsibility for developing a plan of restitution falls mainly with the defendant, and may become a condition of probation, but not a pre-condition. Moreover, full restitution is not necessarily required. The defendant is required to pay restitution to the extent that he or she is able to do so; thus, for offenders with a low ability to pay, restitution may be primarily symbolic.

The state of Georgia also utilizes symbolic restitution, particularly for parolees (Read, 1975). Typically, parolees are required by the Parole Board to reside at the restitution center for a specified period of time, to maintain stable employment, and to participate in unpaid symbolic restitution activities after work, in the evening, or on weekends. Examples of symbolic restitution include working in mental health or medical centers, repairing houses of aged pensioners, working with children, assisting as volunteer counselors with juvenile offenders, doing charity work, and conducting community clean-up campaign projects. Interestingly, being labeled as an offender may become an employment asset when the objective is restitution, i.e., seeking a job with the stated intention to pay back a previous wrong to the community may be viewed positively by prospective employers.

Both Iowa and Minnesota officials believe restitution to be rehabilitative. According to Galaway and Hudson (1972), restitution sanctions are directed toward providing the offenders with opportunities to neutralize

the damages done to their victims and thus facilitate their integration into society. They cite the following advantages of restitution:

1. The restitutive sanction is specific and thus easily understood. It provides feedback to the offender as to his progress. At all times the offender knows where he stands.

2. The punishment is clearly and logically related to the offense. It has been theorized that this affects the offender's perception of the justness of the sentence, a perception which has critical consequences for the rehabilitative effect of the sentence.

3. The restitutive act requires effort and thus increases self worth.

4. Restitution can provide the necessary pre-condition for an expiation of guilt.

5. The act of restitution may lead to a positive acceptance of the offender by society.

One unresolved issue is whether restitution should be the sole penalty for a crime or whether other penalties, such as fines or imprisonment, should be imposed along with it. Opinion varies here, too, but Schafer (1970) argues that additional punishments fit well with the punitive uses of restitution. In addition, this would make it more difficult for wealthy or professional criminals to buy their way out of punishment.

Another issue is the degree of contact to be encouraged between victim and offender in negotiating the amount of restitution or payment schedules. Some schemes have stressed that such payments could reconcile both the offender and the victim, reducing bitterness and resentment on both parts. Others have thought that the victim should be spared further contact with the offender, and the state should act as intermediary. In many instances, the interaction between offender and victim may be of little value, since the "victim" frequently is a large bureaucracy or enterprise such as an insurance company. The value of contact will depend upon the attitude of

both offender and victim and will vary on a case-by-case basis.

Unfortunately, data are not sufficient to support conclusively the underlying assumptions of rehabilitation. Chesney (1976) did prepare an overview and descriptive study of restitution use in Minnesota. He sampled counties within rural and urban areas and determined the extent of restitution use, attitudes toward its use, the characteristics of offenders and offenses for which it was used, and factors related to completion of the restitution order. No data, however, were presented which would permit an interpretation of effectiveness.

Despite the lack of analytical data, Chesney's findings are instructive. They include:

1. Restitution existed as a condition of probation in approximately one-fourth of all probation cases;

2. Restitution was used in a straightforward manner by most courts. Full cost restitution was ordered to be paid by the offenders to the victim in more than nine out of ten cases. Adjustments in the amount of restitution because of the limited ability of the offender to pay were rare. In-kind, or service, restitution to the victim or community was ordered in only a few cases;

3. The most important factor determining whether an offender was ordered to pay restitution (assuming there had been a loss to a victim) was his supposed ability to pay. Thus those probationers ordered to make restitution were generally white, middle-class individuals;

4. White middle-class individuals had the best record for completing restitution. The characteristic of an offender most strongly associated with failure to make restitution was the existence of a prior criminal record;

5. Other factors which seemed to be associated with the successful completion of restitution included the involvement of the victim through formal contact with the offender and regular feedback to the offender concerning his or her progress in the completion of restitution. Factors which were associated with the failure to complete restitution included restitution set at large sums of money and the existence of a jail term or fine as well as restitution in the sentence;

6. Most judges and probation officers favored the use of restitution as a condition of probation. Similarly, most judges and probation officers expressed the belief that restitution had a rehabilitative effect;

7. Although only a minority of victims were satisfied with the way restitution had been made at the time of data collection, most victims thought that the restitution order by the court had been fair. However, many victims were dissatisfied with their experience with the courts. Most victims believed that restitution by the offender to the victim is the proper method of victim compensation;

8. There were only relatively minor urban/rural differences in the uses of restitution or in the attitudes held toward it by judges, probation officers, or offenders. In general, restitution appears to have been used in slightly greater proportion of rural cases.

There is a tremendous dearth of evaluative material about restitution. For example, no data are available on a systematic basis on the amount of restitution paid. The Bremer House residents in Minnesota paid 72.3 percent of the restitution required (Mandel, 1975), but this sample of resident center clients may not be representative of all probationers.

Another area of evaluation almost completely neglected by restitution studies is the extent to which the laws are selectively enforced and offenders selectively ordered to pay. Whatever the reasons are for this, it is bound to have an effect on meaningful outcome variables dealing with program effectiveness.

Heinz, Galaway, and Hudson (1976) conducted one of the few empirical studies on restitution. They compared eighteen male property offenders released on parole to the Minnesota Restitution Center after four months of imprisonment to a group of matched offenders who were released to conventional parole supervision. The restitution group had fewer convictions (6 compared with 16); twenty-eight percent of the restitution group, compared with 67 percent of the matched group who were convicted of one or more offenses

during the follow-up. The restitution group members were also more likely to be employed for a greater proportion of their parole period.

There is still too little information available to draw any useful conclusions about restitution. Like so many other new approaches, the idealistic, moralistic, and "common sense" ideas about the way programs will work far exceed the knowledge we have about them.

A comprehensive program closely resembling symbolic restitution was authorized in Great Britain under the Criminal Justice Act of 1972 (Beha, Carlson, and Rosenblum, 1977). This program permits the use of Community Service Orders (CSO's) as a sentencing alternative, whereby a consenting defendant, who otherwise would have been sentenced to a short term of imprisonment, can perform volunteer work in the community. The Community Service Order is a sentence in itself; it is not a suspended sentence or probation. The CSO is seen as a preferable alternative to incarceration, since it requires the active participation of the offender, which is designed to effect a rehabilitative change in the offender's attitudes and behavior.

The suitability of a defendant for placement in the CSO program is determined by the sentencing judge on the basis of the presentence report. After a defendant has been sentenced to a CSO, the probation department handles the assignment to a local voluntary agency or governmental agency and also monitors the defendant's compliance with the order. The order, which must be agreed to by the defendant, specifies the number of work hours which must be performed and the length of time in which the work must be completed.

The British Home Office Research Unit analyzed the early operation of CSO use and described the offenders sentenced to Community Service Orders (Beha, Carlson, and Rosenblum, 1977): offenders were drawn primarily from the 17 to 24 age range; almost 98 percent were male, between 38 and 50 percent of the offenders had previously served a criminal sentence of some kind; and the typical offender on community service had committed a property offense.

A wide variation was found in the types of community service work to which an offender was sentenced. Offenders who were skilled in a specific trade were most frequently assigned to perform service work which was directly related to the kind of work which they ordinarily performed. These services were often those which are generally provided by non-offender volunteers. Offenders lacking specific work skills may be assigned to structured tasks which require close supervision, and which contribute to projects developed specifically by the probation department for such offenders. Tasks which are performed by these offender-only work groups include park maintenance, canal clearance, and building construction.

The use of Community Service Orders has not yet been evaluated in terms of outcome measures, cost, or impact on the criminal justice system. A series of nonrandom interviews was conducted with offenders who had participated in the community service program, from which it was determined that the participants viewed the community service as fair, as a positive experience, and clearly preferable to imprisonment. Although adequate assessment of this program has not been conducted, a measure of its success may be inferred from the fact that the program has now been expanded from six experimental districts to all probation districts

in Great Britain.

Similar programs have been developed on a county level in the United States. The Alternative Community Service Program (ACSP) in Multnomah County, Oregon provides an opportunity for misdemeanant offenders to perform volunteer community work in place of, or in addition to, traditional court sentences. Like the CSO program in Great Britain, the ACSP program is a part of the criminal justice system. Participation in the program may be imposed as a condition of probation, and requires a specified number of volunteer work hours to be donated to a nonprofit agency whose services are provided to the general public and are designed to enhance the social welfare, physical or mental stability, environmental quality, or general well-being of the community.

The ACSP program operates under the direction of the court, but not within the probation department. As a result, since the inception of the program in 1972, a significant decrease in the caseload of the probation department has been noted (Beha, Carlson, and Rosenblum, 1977). It is suggested that the majority of cases not requiring probation supervision and counseling are being diverted to the ACSP rather than being assigned to the probation department. It is estimated that referrals to ACSP currently exceed Distric Court probation placements.

The ACSP program has been assessed only in terms of effort. Project staff reported that, as of August 1977, the program had contributed 225,304 person-hours of community service from 8,661 convicted misdemeanants.

The Court Referral (CR) Program in Alameda County, California, also utilizes work placement at local voluntary and public agencies as an

alternative to or supplement to traditional sentences (Beha, Carlson, and Rosenblum, 1977). Referrals, however, are made directly by the court to the CR Program, which is an independent organization established by the Alameda County Volunteers Bureau. The target population for the CR Program is primarily traffic offenders, although almost one-third of the participants are on formal probation supervision.

As with the CSO program in Great Britain and the ACSP program in Oregon, participation in the program is voluntary, and each offender is assigned to perform a specific number of hours of volunteer community work. Offenders are typically assigned to perform maintenance or clerical work for private or public social service agencies. Project staff report that, from July 1, 1976 to June 30, 1977, approximately 600 different agencies used the services of the program. It is estimated that more than 80 percent of those offenders referred for community work complete their assignments, thus providing more than 400,000 hours of service per year to participating agencies. Again, like the programs in Great Britain and Oregon, the Alameda County program has not yet been evaluated in terms of client outcomes, cost, or impact on the criminal justice system.

Although the use of these community service programs appears to be productive, assessment must be made in terms of a number of factors previously noted. In terms of the operation of these programs, it appears that another extremely important question is the relationship of the program with respect to the criminal justice system. The programs in Great Britain and Oregon are part of the criminal justice system; the Alameda County program is not. Careful research is needed to assess

the trade-offs involved in adopting any of the possible operating models for these programs. While it might be argued that close ties to the criminal justice system are necessary in order to ensure access to background and follow-up data on offenders, it should also be noted that independence from the criminal justice system might be considered preferable in order to minimize the labelling of participants as "criminals" and to obtain special funding from groups outside the criminal justice system. The effects of such programs, regardless of their administrative location, on probation department caseloads should also be explored.

Rehabilitation Councils

Although the rehabilitation councils which are currently in use both in the Netherlands and Sweden operate on what would generally be considered to be a local level, they are viewed as policy-level innovations because of their emphasis on tying together and integrating a wide variety of public and private criminal justice and social service agencies.

A recent report by the Council of Europe suggests that the needs of offenders cannot adequately be met by a legal, supervisory probation service but rather by general social welfare services (European Committee on Crime Problems, 1976). The Council believes it is important that the probation service draw on the wider resources of the community, both in order to supplement its own resources, and more importantly, because the ultimate object of reintegrating the offender into the community is achieved only when he is not isolated from using community services provided for the public as a whole. In the future development of probation, its rehabilitative role with respect to bridging the gap to community

resources in general will become of increasing significance. Of importance in this respect are the rehabilitation councils which, at present, exist in Sweden and the Netherlands (de Smit, 1976). These councils offer an organizational structure for the gradual integration of probation work into the community services at large.

De Smit (1976) relates that the rehabilitation councils originated in the Netherlands shortly after World War II. At that time, the Ministry of Justice considered it necessary to establish, in each court district in the country, a council with the specific purpose of coordinating the activities of the private rehabilitation agencies. When one looks at the present-day functioning of the rehabilitation councils in the Netherlands, it can be stated that serving as a coordination point between the criminal justice apparatus and the private rehabilitation agencies on the local or regional level is still their most important function. However, the scope of the rehabilitation councils has been enlarged to accommodate the view now prevailing that a bridge has to be created between the criminal justice system and the population as a whole. Large social welfare bureaucracies such as social and health services, labor exchanges, and housing bureaus regulate vital areas in the existence of every individual's life. It is especially in these areas of assistance, finance, work, medical care, and accommodation that the offender encounters serious difficulties.

The rehabilitation councils in the Netherlands consist of twelve appointed members. The members serve a four-year term and can be reappointed for another term. The twelve members can be divided into three groups of four (de Smit, 1976):

The first group consists of four officials of the criminal justice system: a judge, a public prosecutor, a prison administrator, and the district psychiatrist.

The second group consists of four representatives of rehabilitation agencies. The agencies themselves may propose a candidate for office in the council. Often a senior staff member is selected.

The third group consists of officials from various areas of community life as, for example, the director of the labor exchange, a professor of criminal law, a police official, the director of the municipal mental health service. It is self-evident that in this group the community at large may find its representation.

The rehabilitation councils in the Netherlands are thought to fulfill an important role in the development of alternatives to imprisonment. The rationale is that "offender integration" will have to be developed with the community, not only on a central level of government, but also on the local or regional level.

The closest counterpart in American probation is the brokerage/advocacy approach to probation which has been adopted in some departments. Under this approach, the primary function of the probation officer is to link his probationers to resources already available in existing community social service agencies. When the probation officer determines that resources needed by his probationers are not available, he assumes an advocacy role and encourages existing agencies to expand their services or develop new services. The brokerage/advocacy approach, however, is quite new and has generally been limited to the efforts of a single agency, officer, or team of officers. It is clear that the comprehensive, highly integrated approach characterized by the rehabilitation councils, with their strong emphasis on participation by the community and the offender, has not yet developed in the United States.

Volunteers

Although the use of volunteers in probation has been increasing steadily in the United States during the past twenty years, the extent of use of volunteers, particularly in Japan, warrants inclusion in this section on policy-level innovations. Volunteers are also used extensively in Sweden, however Japan has perhaps the best known volunteer probation system, and the selection, appointment, and obligations of the volunteers are clearly defined in Japanese law (Shiono, 1969).

The underlying assumption in employing volunteers is that probation is a treatment method designed to rehabilitate an offender in the community. Therefore, the understanding and cooperation of the community are indispensible. Volunteer probation officers in Japan thus have a special place in the administration of probation services.

The volunteer probation officers are part-time public officials appointed by the Ministry of Justice from among the residents of the area where a probationer lives. These volunteers are appointed only after being recommended by the Volunteer Probation Officers' Selection Council, set up in each district at the Probation-Parole Supervision Office. The candidates must be financially stable, command the confidence and respect of their community, and must be eager to help offenders rehabilitate themselves. As a result, the selection of middle and upper class persons is favored, with almost 50 percent being over 60 years of age. Fewer than 18 percent are under 50 (Shiono, 1969). Also, only about 20 percent of volunteers, or hogoshis, are women.

Since the volunteers are persons of great prestige, it is easier for them than others to find a job or a place to live for their clients.

Because future misbehavior of a client would cause the community to lose face, each hogoshis will aggressively seek to help his client (Hess, 1969).

Volunteers are appointed for a term of two years, and their primary duty is to assist government probation officers in exercising probation or parole supervision under the direction of the chief of the district Probation-Parole Supervision Office. Volunteer probation officers submit a monthly report on each probationer or parolee and contact the government probation officer whenever necessary to receive his advice and direction. The volunteer assumes both assistance and control functions, but refers serious problems to the professional probation officer. Volunteer positions are honorary, i.e., the volunteers are not paid salaries, but only reimbursed in full or in part for the expenses they have actually incurred.

There are, on the average, about 50,000 volunteer probation officers in Japan. They come from all walks of life: agriculture, forestry, trade, business, the priesthood, the practice of law, and some housewives. This system is seen to have a great advantage in the administration of probation in that it is deeply rooted in the core of the community; but, gradually, due to social changes such as breakdown in community solidarity, mobility, and increased individualism, it has become difficult to find successors to these volunteers.

The system in Sweden represents a similar mixture of professional and volunteer services. Probation is handled by the Swedish Prison Board, which is a separate institution from either the courts or the Ministry of Justice. Probation officers also handle parole cases and work within institutions.

Sweden is divided into forty-five districts, with each district having at least one supervisory board, a probation officer (professional) responsible for investigation and administrative obligations, and probation supervisors (volunteers) responsible for the practical implementation of probation

orders. Approximately 90 percent of all probationers have voluntary supervisors (Frej, 1974a). The professional probation officers themselves supervise the more difficult cases (Elton-Mayo, 1964).

Program-Level Innovations

As mentioned earlier, program-level innovations are those changes which affect management and/or treatment strategies designed to improve the probation agency's ability to provide needed services to its clients. Unlike policy-level innovations, program-level innovations can be implemented by a local agency without the necessity of legislative approval or court direction.

Residential Treatment Programs and Probation Hostels

The idea of using residential treatment centers for probationers emerged as an extension of the belief in the value of keeping offenders in the community if at all possible. The primary objective of these community-based, community-directed, community-supported programs is to provide an alternative for those offenders who require a more radical change in their lifestyle than would normally be possible through standard probation supervision. The underlying premise of these programs is that community supervision and assistance is better and cheaper than institutional commitment (Schoen, 1972). Types of assistance offered include individual and family counseling, group counseling, employment/vocational and educational counseling, and financial assistance. Referral and follow-up services are also provided to a number of community agencies with specialized programs.

Nearly all of the available materials are descriptive of programs in various parts of the country and generally offer little in the way of

empirical evaluation. Most projects are relatively recent in origin, and workers have had little opportunity to follow-up on clients.

MetaMetrics, Inc. (1975) performed a review of the operation of the Philadelphia Community Center. They indicated that this particular residential treatment program served a variety of rehabilitative objectives, including group and individual counseling, financial guidance, and employment development.

Operation of the program was complicated by the variety of referral sources from which it received clients. Referral sources included the court, general probation services, defender's office, prison, community agencies, individuals, and pre-trial services who referred conditionally released clients awaiting trial. While the Center was operated by the Probation Department, approximately half of the residents were clients who were not strictly probation responsibilities.

To determine outcomes, MetaMetrics (1975) selected a control group of offenders granted regular probation at the same time as those assigned to the center. The center group and regular probationers were matched on race. The evaluators observed post-admission incidents and found center residents were significantly less likely to have been re-arrested ($p = < .10$) or have a probation incident reported ($p = < .05$). They also found that even though employment development was stressed and that 63 percent of the residents found employment after entering the program, job retention was low.

The annual cost of keeping a resident at the center was estimated at $10,414. This figure was considered high when compared to other residential projects in the Philadelphia area. High costs may be in part skewed by the fact that atypical high costs of food and rent constituted 30.4 percent of the cost.

Overall, the MetaMetrics (1975) evaluation recommended that the

center continue and suggested that perhaps it could specialize in dealing with the pre-trial resident and explore using paraprofessionals as Probation Officer Aides.

All residential treatment programs are oriented toward giving the client specialized and intensive support. P.O.R.T. Alpha and P.O.R.T. of Crow Wing County, Minnesota are representative (Project Evaluation Unit, 1974a; 1974b). The aim of these projects was to create a new living environment governed by conventional mores and standards. All of the activities and relationships that are part of group living, along with other elements of the treatment program, are used to place pressure on residents to conform. The resident develops a contract which serves as a standard against which the staff, counselor, and members of the counseling group can objectively measure his progress and as a way for the client to identify and confront his problems while setting a time limit on meeting his own expectations.

The P.O.R.T. programs in Minnesota are highly structured programs developed around a series of steps or phases. Though the phases are not of fixed duration, time limits are defined for each. It is anticipated that clients will pass through the phases and finish the program in approximately eighteen months.

Treatment modalities include group counseling, which emphasizes the positive peer culture approach, individual counseling, and the utilization of other community resources including the state hospital, vocational training schools, high schools, and community colleges. P.O.R.T. considers its three most important community resources to be the Minnesota Rural Concentrated Employment Program, the high school, and the vocational school. In fact, the P.O.R.T. programs emphasize their role as a referral service.

In assessing the clients, P.O.R.T. Alpha found that most clients lacked marketable skills for the level at which they thought that they should be employed, were unrealistic in their appraisal of their own skills, and had little understanding of the job market. Therefore, employment placement was deferred until later phases in the program. The needs of the clients, in the order of their perceived immediacy by the project staff were:

1. Group counseling
2. Vocational training
3. Job counseling/referral/placement
4. Pre-vocational evaluation
5. Personal support
6. Basic survival needs
7. Financial counseling
8. Educational services
9. Drug treatment
10. Alcohol treatment
11. Family counseling

Bremer House, located in St. Paul, operates under the same treatment modalities as the other P.O.R.T. centers, Intensive Peer Culture and counseling (Mandel, 1975; Project Evaluation Unit, 1973). In addition, restitution is expected. The program has seven phases, all of which revolve around the level of privileges which residents are granted.

Bremer House has as its goals:

1. To demonstrate that young male adult offenders can be rehabilitated in such a program.

2. This rehabilitation can be accomplished at a cost comparable to traditional incarceration.

3. Intensive rehabilitation is more effective in facilitating adjustment and reducing recidivism than traditional incarceration.

4. To recruit and train volunteers and ex-offenders into the program.

Data are not available to assess the rehabilitative goals. In terms of cost, it does appear less expensive than traditional institutionalization. Mandel (1975) estimates the monthly cost per bed to be $462.80, or $115.70 per week. With respect to the goal of attracting volunteers and ex-offenders, Mandel reports that the program has not been successful in attracting ex-offenders.

The cost of operating other P.O.R.T. facilities varies by community and the degree of utilization. If the P.O.R.T. Alpha project operated at maximum capacity, the cost would be $186.08 per week and $26.58 per day (Project Evaluation Unit, 1974a); P. O.R.T. of Crow Wing County would cost $158.00 per week and $23.00 per day (Project Evaluation Unit, 1974b). The evaluators caution, however, that these figures are not directly comparable. In addition, comparison is not made with the cost of traditional probation, which would make this cost data more meaningful. Bremer House costs are partially offset by benefits returned to the community through restitution. During the period studied, 72.3 percent of the restitution required had been paid (Mandel, 1975).

Lamb and Goertzel (1975) evaluated, in a controlled experiment, the effects of a residential center in San Francisco. The eligible population included all offenders sentenced to four months or more in the county jail who were not high drug users, escape risks, violent, or subject to legal hold orders. Half the eligible group was randomly assigned to the residential treatment center. The objectives of the program were to serve men who had committed serious crimes by providing rehabilitation programs outside of the institution and to serve as an alternative to incarceration and not simply an enrichment to probation. For this reason, only offenders already sentenced to jail were included.

Defining recidivism as arrest for a crime that could result in a jail sentence or revocation of probation, Lamb and Goertzel (1975) followed-up the Ellsworth House residents and the control group for one year. Ellsworth House residents had a 30 percent recidivism rate, the control group 32 percent. This difference is not statistically significant but does indicate that the rate is, at least, not higher. As a definite positive element, probationers at Ellsworth House had consistently better employment rates than the control group.

Lamb and Goertzel indicate some problems with the program. There was a hesitancy on the part of the staff to set behavior limits for the offenders. The behavior modification aspects of the program became de-emphasized when rewards and punishments were not administered. It also became evident that more attention to the contractual goal-setting process was required. Finally, there was evidence that the group probation supervision of program graduates did not provide the level of control required by the impulsive offenders assigned to the program.

Carlson (1976) evaluated the impact of a residential program designed for young offenders who exhibited multiple needs and problems and who were considered by the courts to be extremely poor probation risks. The program, Alvis House, provided a residential facility, employment counseling, financial counseling and budgeting, group counseling, and other services. When compared to a similar group of probationers in a reduced caseload, the Alvis House probationers performed as successfully in terms of positive community adjustment factors such as employment, housing stability, financial stability, and progress on probation. On measures of recidivism, however, the performance of the comparison group of reduced caseload probationers was

slightly superior. It was also verified that the Alvis House group had significantly higher rates of alcohol, drug, mental health, and medical problems, along with more extensive criminal histories -- all factors which might have biased the experimental group toward poorer community adjustment.

Probation hostels and "living communities" which are analogous to American residential treatment centers have been used for a number of yeare both in Great Britain and in the Federal Republic of Germany.

Residential hostels have been used as a supplement to probation supervision. Many offenders, whom the court might otherwise commit to custody, can be dealt with on probation by providing a stable environment and a measure of social support and control. Here, as in other aspects of non-custodial policy, a choice exists between using all-purpose community resources and making specific provisions within the probation department to meet the needs of the courts and offenders. The hostel provides both the community setting and social control. Residence in a hostel or other facility for a stipulated period becomes a condition of probation. Experience in Britain (where there have been probation hostels for adolescents for many years but only recently for adult offenders) suggests that the courts are willing to use hostels as a substitute for imprisonment when sentencing recidivists.

Most probation officers had experienced problems when trying to place a client in an adult hostel (Andrews, 1977). Interviewing probation officers who had contact with adult hostels, Andrews found that they considered the main problem to be their distance from home and the loss of contact with family, friends, and employment. Hostel placement was also considered to cause problems for the probation officer by disrupting the continuity of treatment and giving rise to difficulties such as those problems faced when an offender is released from prison.

The advantage of hostel residence, as compared with custody, is that while removing the offender from his normal environment, it leaves him, to a large extent, within the community. It assumes that hostel life should be as "normal" as possible. Not only should the resident find ordinary work outside the hostel, he should also have free time to use the facilities of the wider community, and the hostel itself should build up links with the local community in which it is situated (European Committee on Crime Problems, 1976).

Although the hostel is the most familiar pattern of community residential probation for offenders, there are other models. As the European Committee on Crime Problems (1976) describes them:

> The element of control implicit in the hostel is not suitable for all offenders. Facilities such as the "living communities" (Wohlgemeinschaften) in the Federal Republic of Germany stress the concept of a communal life shared by offenders in which the individual derives support from the group. Such communities, consisting of four to eight persons, most of them under the age of 25, share a flat or house rented for this purpose by a private association. The living communities do not always include probationers. They afford an opportunity for mixing offenders with non-offenders. Students participate in many of the communities. Rent and maintenance are usually paid by the youth or welfare agencies or, in the case of therapeutic groups of former drug addicts, by the health services. The communities tend to perform as informal groups with a view to facilitating integration into the neighborhood which is, nevertheless, difficult. Formal links between the living communities and the probation service are, as a rule, avoided. Probation officers play, however, a role in establishing living communities. They help and counsel, especially if their clients live in a community. Full integration of a professional social worker into the living community was tested in 1968. Most of the communities have abandoned this concept, which proved to be a strain on the social worker as well as on the interactions within the group. Regular counseling by a skilled person and the availability of the counselor at any time are, however, regarded as necessary. An increasing emphasis on professional social work reflects the experience of the living communities. One of these experiences is the instability of many communities, especially the small ones. In the drug field, there is now a tendency towards larger therapeutic living communities, while for the rest the concept of small family-size units continues

to prevail. In the light of these experiences, living communities are neither overall alternatives to institutions nor suitable for all probationers. In an appropriate context, however, they afford new opportunities for social training and reintegration.

Day Training Centers

There are many probation clients who, while not requiring the structure and control which characterize residential centers, do require more assistance than could reasonably be provided by traditional probation supervision. When the needed assistance involves improvement of self-concept or upgrading of educational or employment status, required attendance at day training centers, developed in Great Britain, has been used.

Many offenders, in particular those who suffer from educational shortcomings and lack work and other social skills may be likely to continue in crime if the conditions of their lives are not changed. These needs can be met through the general services of the community; but there may be an advantage in meeting them directly through the probation system, and possibly making use of them as a condition of probation. This approach is being tested in Britain in a number of experimental day training centers, which selected offenders attend for full-time (but non-residential) training for a period of up to sixty days. The experimental centers are testing, in their different ways, various methods of imparting social skills and broadening the experience of offenders sent to them. The program includes counselling by probation officers with low caseloads; other instruction is provided partly by probation officers and partly by employing other staff or using outside resources. Provisions were made for training centers in Britain in the Criminal Justice Act of 1972. Assessment of an offender's suitability for training is generally made during the presentence investigation process or directly by the court.

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The Home Office Research Unit reviewed the early progress of the training centers through November 1975. It was found that the course content at the centers could be divided into three types of activities: therapeutic, practical, and remedial (Payne, 1977).

Therapeutic activities were expressive and analytical. The former included art and craftwork, role playing, music appreciation, therapy, and discussion groups. The discussion groups were focused on examining self-motivations and individual problems.

Practical tasks included training in woodwork, electrical repair, gardening, wrought-iron work, decorating, masonry, upholstery, and cooking. Activities here included using these skills in community service.

Remedial activities were geared primarily toward remedial education.

Nearly all probation officers at the centers and those dealing with ex-trainees felt the clients had benefitted, although no empirical data are available.

Other kinds of day-center provisions also exist, as yet on a small scale. Some of these centers are simply an extension of conventional probation office accommodations and thus provide some of the facilities of a recreational club. The objective seems to be to provide creative and recreational opportunities for offenders who fail to seek and use the ordinary community resources, and the creation of informal settings for individual counseling and group services of various kinds.

Outreach Centers

Some dissatisfaction, particularly on the part of probation clients, has resulted from the fact that most probation offices are located in downtown business areas (in county courthouses or municipal buildings),

making it difficult for probationers to arrange transportation for their scheduled appointments with their probation officers. In addition to transportation problems, some probation offices have required their clients to report on weekdays during 8-5 business hours. This has caused problems for probationers who are employed or are attending school full-time. In order to make probation offices more accessible to clients, both physically and temporally, several agencies have developed decentralized, satellite offices (called "outreach" centers) which are located in or close to neighborhoods in which probation clients live and are open evenings and on weekends.

One innovative experiment of this type is called the Community Outreach Probation Experiment (C.O.P.E.). The C.O.P.E Project, in Denver, Colorado, is a form of decentralized probationary supervision sponsored by the court. The program is aimed at the supervision of juvenile offenders but may be applicable for adult probation service as well (Fuller, 1974a; 1974b).

Denver Juvenile Court personnel provide supervision for C.O.P.E. staff which is made up of paraprofessional streetworkers. The two staffs are organized as a decentralized team in each quadrant of the city. In this manner, there is an interface between judicial-supported employees and the streetworkers.

The tasks of C.O.P.E. personnel have been basically identical with the probation staff. They supervise probationers on a one-to-one basis, provide group counseling and family counseling, make contact with school officials, etc. C.O.P.E. personnel are expected, however, to have more frequent contact with the youth who live in the neighborhood than is possible for juvenile court workers. A general conclusion which might be

drawn is that at this stage of development, C.O.P.E. centers are viewed quite positively by both the juvenile courts (judges, P.O.'s, etc.) and by community residents.

C.O.P.E workers view the decentralization to be a major accomplishment (Fuller, 1974b). In decentralizing, Outreach offices enable the community to identify the services which the court offers and to see that service provision and the administration of justice can be combined. In addition, decentralization enables the court to receive input from the community about the ways in which services need to be altered or extended. Both of these accomplishments are seen to be facilitated by the use of indigenous paraprofessional personnel.

Despite the support for the program, several problems have been identified. Initially, staff turn-over was high. In addition, merging the two staffs was seen as problematic. The court and C.O.P.E. attracted different personality types, and internal dissention has been strong. The most crucial aspect of this problem has been the inability of probation officers to accept the paraprofessional on his own terms (Fuller, 1974b).

Research reports from Philadelphia are far more methodologically complete than the Denver evaluations (Research and Statistical Division, 1976; 1977). A program description of the Philadelphia project includes the following principal objective:

> To continue and develop the Board's policy of decentralized services which are closer to the communities they serve and provide less formal and more accessible offices, promote the use of community resources and foster integration into the Philadelphia, Delaware, and Chester County communities.

The outreach program consists of five satellite community-based sub-offices of the Pennsylvania Board of Probation and Parole. These sub-offices are in Philadelphia County; an additional Outreach District Office is in Chester. The evaluation is a comparison of Chester and Outreach sub-office

performance with the Philadelphia District Office general supervision caseload. The evaluation is good from a methodological standpoint. It includes both cross-sectional and time-series reviews of probation and parole outcome measures.

In essence, the major findings and conclusions are (Research and Statistical Division, 1976):

1. Chester (outreach) centers were found to have significantly lower percentages of recidivists than the general caseload in Philadelphia. It was concluded that the more localized service delivery system had enhanced the effectiveness of client rehabilitation programming as evidenced by lower rates of recidivism.

2. The Chester and Philadelphia Outreach sub-offices were found to have smaller percentages of parolees arrested per month relative to average monthly caseloads when compared to general caseload clientele in the Philadelphia District Office.

3. Further, the two Outreach sub-office clientele in Chester and Philadelphia comparison groups showed fewer clientele being declared unconvicted violators on the average than Philadelphia's general caseload.

4. Outreach clientele in both Philadelphia and Chester were found to have significantly higher percentages of employed clients and lower percentages of clients dependent upon public assistance than Philadelphia general caseload clientele.

5. An examination of average caseload sizes indicated that the Agency has exercised managerial control over agent caseload size to adhere to the requirements of the grant.

6. Outreach client populations have significantly more clients in active supervision status and fewer in detention status than Philadelphia general caseloads.

7. When relative costs and program effectiveness are taken into account, the Outreach program was found to have measurable economic advantages to society in comparison to the centralized Philadelphia State Office Building alternative of case supervision.

Like many new approaches to probation, outreach will ultimately be assessed in terms of impact. It is necessary to wait for further analysis,

but the outreach efforts thus far seem to be valuable. The advantage of such efforts is seen in the involvement of the local community; however, additional research must be conducted to determine if the outcome differences are actually due to the form of delivery. Other questions which have not been answered in the available material are whether problems exist in the programs such as isolation of the professional staff from the administrators in the central office, inaccessibility of clients' records, problems in evaluation, etc.

Specialized Employment and Guidance Programs

Probably one of the issues in criminal justice upon which most authorities agree is the need for and the importance of employment for offenders. Without a job, individuals suffer economic, social, and psychological deprivation, and the chances of recidivating appear to be increased significantly. Employment can be viewed as a mechanism of social integration and a method whereby the offender increases his commitments to conformity.

Probation officers and others in the field have long been aware of the role of employment as a mechanism of social integration. In 1973, the Monroe County (New York) Probation Department inaugurated a pilot Probation Employment and Guidance program (PEG) to maximize employment for the unemployed and underemployed probationers. The program was aimed at utilizing the skills of community volunteers for industrial psychology, manpower training, and personnel fields (Croft, 1974).

The program does not provide educational or vocational training, but instead acts as a screening and guidance mechanism using the PEG coordinator for follow-through assistance. Through diagnostic services and vocational evaluation, the program personnel locate, recommend, and place probationers in appropriate vocational training programs or in suitable jobs.

In this sense, the program acts in a supportive capacity to the probation officer.

The program consists of the following major components (Chitren and Reynolds, 1973):

1. Diagnostic services
2. Vocational evaluation
3. Education
4. Guidance and counseling
5. Supportive services
6. Job training placement
7. Job coaching
8. Stipends

There are, however, a few external problems which may interfere in the operation of such a program. The primary problem is the job market. If rates of unemployment are high even for non-offenders, good, stable jobs for offenders will be difficult to locate. Such a program, while recognizing the need for employment, is not in a position to create the needed jobs. Probationers, of course, need to cooperate and be willing to undergo the training necessary without any guarantee of placement. On the other hand, labor unions and the general public are likely to resist employment of offenders when "law abiding" citizens are unemployed. This is a basic conflict between the objectives of the program and the realities of the milieu in which it operates.

Assessment of the program is incomplete. Community interest remains strong, despite the inherent conflicts revolving around the need for jobs and their availability, and interagency cooperation is high.

Phillips (1974) looked closely at employment in terms of adjustment and concluded that the employment and guidance program appears to be effective. Both experimental and control groups (straight probationers) were followed-up for nine months. At six months after entering the program, 59 percent of the experimental group had found jobs as compared with 43 percent of the control group (Phillips, 1974). More dramatically, 40 percent of the program group had raised their employment status after six months compared with only 8 percent of the control group.

Chitren and Reynolds (1973) compiled employment and recidivism data on 202 probationers who had experience with the Monroe County Pilot Program (MCPP) and 46 controls without the experience. After controlling for differences between the experimental and control groups, they found that the rate of recidivism was not reduced by participation in the employment and guidance program. However, when recidivism was compared for those who completed the program and those who did not, it was significantly higher for the drop-out group. This does not, of course, imply causality; the same factors which lead to successful completion of the program may also lead to success once the program has been completed.

The conclusions of the Chitren and Reynolds study are the only ones available and certainly the only reliable ones at this time. They are:

1. Recidivism is not significantly reduced by increased wages.
2. The MCPP is a program in which the benefits accruing equal the costs within three years and beyond three years the benefits exceed the costs.
3. Consideration should be given to elimination of the stipend.
4. The skills of job seeking and job retention taught at MCPP appear to have a lasting effect.
5. Probationers who complete MCPP earn more and recidivate less, but causal relationships are indeterminate due to differences in sub-group characteristics.

Summary

Nearly all of the innovative programs considered in this chapter have one factor in common: they have not been sufficiently analyzed or evaluated. The reason for this has not been lack of interest, concern, ability, or even the need for information, but instead has been due to time and resources. In many cases, programs have not been in operation long enough to make an assessment.

1. Data which are available are insufficient in a number of ways. The major difficulty lies in the definition of success. Most frequently, successful completion of probation is the only criterion used. Few studies have adequate follow-up procedures for clients, especially after the probation term is completed; and when they do, that procedure involves only the determination of re-arrest or re-conviction. It is generally recognized that there are measures of outcome which are more comprehensive than recidivism, but for simplicity, recidivism is most often used.

2. Most of the research reported on innovative programs lacks sufficient control groups. Programs are rarely set up with controls; most studies are conducted internally by agency or program staff. Thus, it may be difficult for these individuals to construct or have access to a suitable control or comparison group.

3. When data are available, they are generally underanalyzed. Most reports merely present differences in percentages between selected groups without tests of significance. Few if any parametric or nonparametric statistics are employed even on data where they could be used.

4. There has been a general lack of baseline information upon which comparisons can be made. It is nearly impossible to assess either the impact or success of a program unless one accurately knows the situation prior to its implementation.

All of this does not mean a conclusion, tentative as it may be, cannot be reached. The underlying theme of most programs is the need to avoid institutionalization and provide greater service to clients, thereby increasing their probabilities of adapting to society and ceasing criminal activity. It is generally assumed that community-based programs are better, from a humanitarian perspective, than incarceration.

In general, then, if one can achieve similar results with less psychological, emotional, or social damage than a more restrictic alternative, it should be tried. In studies where recidivism data are accurate , it can generally be concluded that, while probation may not have a better rate of success than incarceration, it certainly is not worse and is, therefore, at least as effective. As such, it may be financially less costly to the society and psychologically and socially less costly to the offender.

While recidivism rates reported from innovative programs may not be superior to prison, it should be remembered that many of the innovative programs deal with a special clientele -- those who, without the new program, would probably be incarcerated. This is a high risk group and needs to be compared with a similar risk population. So, while the conclusions may be equivocal concerning these programs, their purpose may be unique.

There are, of course, factors beyond the scope of the programs which ultimately affect such programs. These factors are political, economic, and social, and transcend the organizational dimensions of the program or its intent. Probationers may fail for many of the same reasons they become involved in crime in the first place. Without going into a theoretical discussion on the etiology of crime, let it suffice to say that many of the problems facing probationers and other offenders are beyond the scope of the programs.

The general trend in innovative programs is a move away from supervision and control <u>per se</u> and toward more emphasis on general social assistance and guidance programs. The trend thus is away from the medical-model treatment modality and more toward improving social assistance. Most of the problems faced by offenders are problems in living, and

probation as an institution may best serve the client and society by assisting in meeting these basic social needs.

International Use of Probation

- *What are the characteristics of probation at the international level?*

Probation and probation-like procedures have been developed in many other countries for much the same reasons as they were developed in the United States and Great Britain: to avoid incarceration, to give certain offenders a second chance, to provide opportunities in the community for the reintegration of the offender, and to foster the principle of individualization in sentencing. The European Committee on Crime Problems has identified four legal procedures in use in Europe as alternatives to incarceration (1970):

1. Waiving of prosecution by the public prosecutor, possibly with use of conditions similar to those imposed by probation. This procedure avoids both conviction and sentence, and may be referred to as diversion, or conditional suspension of prosecution.

2. Suspension of the pronouncement of a penalty (suspended sentence) comes after conviction and may be combined with supervision.

3. Suspension of the execution of a penalty pronounced by the court, with or without placing the offender under supervision (sursis simple and sursis avec mise a l'epreuve). Sursis simple may impose conditions but does not require supervision. Sursis avec mise a l'epreuve, on the other hand, is more like probation, since the offender is placed under supervision. Neither form of sursis, however, is a penalty in and of itself.

4. Probation pronounced directly as an autonomous measure, with the sentence subject to reappraisal in the event that the offender violates the required conditions.

In general terms, countries in continental Europe retain the use of suspension of imposition or execution of sentence. Although probation as a sentence may exist in law, it is not used as often as either of the forms of sursis. Eastern European countries generally rely on conditional sentences without formal supervision, but encourage the use of collective social control. Those countries which have been heavily influenced by British or American colonialism, post-war domination, or local assimilation have tended to incorporate the use of probation as an autonomous sentence (e.g., Australia, Federal Republic of Germany, India, Hong Kong, Japan).

Those countries identified as relying primarily on probation as a sentence or on some form of sursis are: Austria, Australia, Belgium, Canada, Federal Republic of Germany, Finland, France, Great Britain, Greece, Hong Kong, Italy, India, Ireland, Iceland, Japan, Kenya, the Netherlands, Norway, Nigeria, Pakistan, the Phillippines, Singapore, Sweden, and the United States. In these countries, the probation service may be an arm of the court, an independent state agency, a private assistance group paid by the state, an all-volunteer agency, or any combination of these.

Although a number of countries have statutory provisions for suspension of sentence, sursis, and probation, the countries of Eastern Europe seem to rely more heavily on simple suspension of sentence than other countries. For example, we identified the following Eastern European countries which use only suspension of sentence: the Democratic Republic of Germany, Bulgaria, Hungary, Poland, and the Soviet Union. Since these countries are socialistic, a great deal of emphasis is placed on supervision of the offender by the social collective or work group.

- *Are there any discernable trends in the international development of probation which might forecast changes to be expected in the use of probation in the United States?*

Our review of the available international literature revealed that a small number of countries have established organized probation services by statute. We also found, however, that a significant number of other countries use what we might call "probation like" activities. The differences between these probation and probation-like systems seems to be rooted not only in cultural and philosophical differences among social systems, but also in the state of social and economic development of a particular country. We noticed that, while the use of probation is increasing dramatically in certain countries, it is simultaneously decreasing steadily in others. The following is an attempt to explain this phenomenon; if this observed trend continues, perhaps we can begin to speculate about the direction in which probation in the United States is heading.

In economically poor and developing countries, the function of law is retributive, and the primary purpose of law seems to be deterrence. In such countries, probation is neither available nor acceptable. With social and economic development -- and influence from more developed countries -- attitudes tend toward greater individualization of penalties, and sanctioning takes on a treatment orientation. Here, the use of probation is similar to the use of suspended sentences and is dependent upon individual judicial and local attitudes. Probation is not uniformly or consistently used, making it difficult to assess its effectiveness as a sanction.

Neither is probation widely used in socially cohesive countries. The ideology in socialist countries has reinforced the sense of collective

conscience, socially useful labor, and social integration, despite urban and industrial development. In both socially cohesive and economically developing countries, formal probation supervision is perceived as unnecessary, since both the supervisory and social assistance roles of the probation supervisor can be assumed by groups within the society.

Experience, economic development, and affluence increase the ability of the society to afford professional social work services and recruit volunteers. Under these conditions, probation becomes a popular and standard sanction. In societies where the use of probation is pronounced, there is an increased belief in the positive effects of non-custodial care, and offenders are placed on probation because other sentences which involve detention are not seen as suitable. Probation is viewed as non-punitive, rehabilitative, and supportive. In this sense, probation seems to fulfill a number of social functions: it maintains a controlling character, while emphasizing help and care, and provides for supervision.

With economic development, urbanism, and, particularly, social and spatial mobility, group control and group willingness to assume control are reduced. Under these circumstances, probation begins to emerge as a more professional control service, recruiting private social assistance groups, volunteers, and professional social workers and counselors. Its use increases, and more defendants are placed on probation, since crime also tends to increase under the same set of circumstances.

As probation services increase, more emphasis is placed on the scientific assessment of its effectiveness. Research is conducted on the organizational structure of the service, the characteristics of the clients, and the effectiveness of probation treatment and services. The use of probation then begins a trend toward greater social service and less

social control. Efforts are made to develop or improve education and training, living and economic conditions, personal and emotional stability, etc. Experiments in group counseling, day training centers, and other treatment modalities increase.

If the experience in Scandanavia is indicative, a sense of disillusion then sets in in terms of the extent to which probation is actually responsible for any success or failure. Also being questioned is the extent to which a specialized social service mechanism should exist for the courts and offenders when the same functions could be performed, not only as a service, but as a social prophylaxis against crime, by general social welfare agencies. Under these circumstances, the use of probation tends to decrease, and the alternatives such as suspended sentence without supervision, reprimand, and fines become more viable.

No single country has passed through all of the stages just mentioned. However, the Scandanavian countries and the Netherlands have changed their thinking in terms of moving from primarily personal problem-solving to dealing with wider social causes of probation failure. In these societies, changes in service delivery appear to be related to the increasing number of empirical studies on sanctioning.

We must reemphasize two important parts about this analysis. First, it is hypothetical in nature. Second, we recognize that there may be many other factors, in addition to social cohesion or economic development, which may serve as catalysts to stimulate or retard the growth of probation or probation-like activity. This analysis should be seen as a preliminary attempt to discern international trends. Further exploration of this area will likely illustrate other social and cultural factors which contribute to the development of probation services.

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CHAPTER VI

THE STATE OF RESEARCH IN PROBATION

- *What have been the major problems associated with probation research?*

With few notable exceptions, the state of research relating to probation is quite poor. For a whole host of reasons, very little probation research has been attempted, while that which exists is often of dubious quality. Recently, even the "best" of probation research has been called into question. This chapter presents several possible explanations for the current state of probation research and suggests strategies which might serve both to improve and encourage future research efforts.

In spite of certain attempts to set statewide standards for probation and to establish unified state correctional systems, probation remains primarily a local government function. Probation departments are small and often poorly staffed for the tasks they are expected to perform. Staff personnel are often so overwhelmed by their required tasks and frequently onerous caseloads that they lack the time to seriously consider and question day-to-day procedures, let along evaluate the overall impact of their activities on themselves, their probationers and communities.

Further complicating the adequacy of research in probation is the fact that probation personnel are not trained in basic research techniques. Their orientation is toward dealing with direct services rather than self evaluation and development. Thus the "climate" of probation departments has not served to stimulate or encourage research projects (Smith and Bassin, 1962).

Administratively, probation is most often a function of the courts. The court system has not traditionally been either a supporter or user of

social science research. It is not difficult to understand that judges who in fact head many probation departments have seldom welcomed or encouraged researchers into their midst.

These twin problems of a poor climate for research and administrative indifference tend to severely limit the access to available sites for outside researchers. Because there is a tendency for these outside researchers to select agencies which permit access and where they feel most welcome, they have been forced to work with a select few agencies. These few agencies have thus been able to limit the problems addressed to their own problems and concerns. Wallace suggests that, "While this may sometimes lead to worthwhile studies, the tendency to select research sites on the basis of feasibility, rather than theoretical or practical importance, dulls the critical senses that make research possible." (Wallace, 1969).

A related problem which occurs in agencies or programs which support research efforts concerns the type of research conducted. While investigating volunteer probation programs, Mattick and Reischl noted that agency administrators "would prefer operational 'evaluations,' by which they mean management review, that focus on qualitative and soft data, while they affirm the ideological value of outcome evaluations that utilize quantitative or hard data." (Mattick and Reischl, 1975).

A compounding problem revolves around the fact that probation is not a particularly well financed correctional activity. It has chronically been plagued by tight budgets and low salaries for its personnel. Extra funds which become available to probation departments are most often used for salaries, either to increase rates of pay or to add new personnel. Few departments can afford what they regard as the luxury of either a research

staff or releasing time of regular staff personnel to conduct research.

Not only the lack of funds, but also the funding structure of probation gives rise to problems for research. Most probation agencies are funded at the local level (county or municipality) and it is difficult for local probation personnel to convince local political officials of the value of research. Although it can be argued that research may yield benefits in the development of a more effective and efficient local probation program, most benefits of research are seen as long term and external to the local jurisdiction. Local officials tend to address immediate problems which have short time horizons in the face of what they perceive as an increasingly tax conscious public.

When money is available, it frequently is tied to the funding and initiation of new programs. It is common practice for a portion of the funds for a new program to be set aside for evaluation. This practice gives rise to several problems. First, the practice determines how the funds will be spent. The program to which the funds are linked may not represent the highest priority research area for the agency. Second, the fact that research funds are tied to a particular program can place extreme pressure on researchers to minimize negative program results, compromising objectivity. Third, seldom are such research funds adequate to permit a research design sufficiently sophisticated to actually assess the program. These efforts often result in the management reviews discussed previously. Neither resources nor expertise are made available for a research effort which is sufficiently rigorous to allow results to be generalized to other agencies.

Another critical issue which complicates evaluation of probation programs is a pronounced tendency for managers of innovative and/or demonstration

probation programs to shift the focus or relative emphases of the project to resolve political, personnel, or legal issues. A program which starts out, for example, to provide psychodrama as a treatment technique for probationers who are randomly assigned to treatment and control groups may encounter a law suit from a probationer in the control group who may perceive a denied right to treatment. Probationers in the treatment group could conceivably take issue with compulsory participation in the experiment, citing "impermissible tinkering with the mental processes," First Amendment rights, and prima facie evidence of coercion. Program treatment designs can quickly be changed in the unfolding of the project, complicating if not contaminating the evaluation efforts.

There is one problem, however, which overshadows all others in probation research, and that is the problem of obtaining the necessary data to conduct research. In spite of information system advances that have been made in other areas of criminal justice, relatively little has been done in the field of probation. Only now are the most rudimentary of national probation statistics beginning to appear (U.S. Department of Justice, 1978). At the local level, some agencies are beginning to develop information systems for internal use, but statewide systems are still largely in the planning stages (New York State Identification and Intelligence System, 1970). Even the advances being developed may only serve the purposes of internal criminal justice system accountability (Wolfgang, 1972).

Efficient, effective, and timely research in probation will require modern automated information systems. The major cost of current probation research is the personnel time which is required to search through bulky probationer case files for needed information. If more readily accessible information systems were developed, research costs could be sharply reduced

while the quality of results is increased.

The exact value of the ideal information system for probation research is yet to be determined. We can, however, list some of the needs it must serve. It must provide:

1) information to develop and apply offender typologies,
2) information to develop and update base expectancy measures and other prediction instruments,
3) information to conduct comparative evaluations of programs,
4) information to develop and examine measures of change under particular program experiences,
5) information to determine cost and benefits of particular programs, and
6) information to support administrative actions or decisions.

It is interesting to note that this list is an adaptation of a list developed by Robinson and Adams in 1966, which is largely unchanged twelve years later (Robinson and Adams, 1966).

If information systems which can be useful for research were developed, a second obstacle would have to be overcome -- the issue of access. Until fairly recently, access was determined largely by the policies of the local agencies. The fact that many agencies chose to deny access to data has left its imprint on existing probation research. Wallace suggests that, "lack of cooperation at the data collection phase tends to retard development of service delivery research and focus researchers on etiological criminal characteristics research." (Wallace, 1969). We can see abundant evidence of this in probation research.

Researchers' desires for more and better research data are now conflicting not only with the policies of probation agencies, but also courts and legislatures. The growing demands of citizens for protection of their rights of privacy are resulting in access to probation and other criminal justice data being further restricted. If meaningful probation research is to be possible in the future, new strategies for gaining access to research

data must be developed.

The rights of probationers are being defined in the courts, and the United States Supreme Court has over the last decade and a half addressed many rights previously unclear. These include such matters as right to privacy, protection against unreasonable search, probation revocation, right to counsel, etc. One result to date has been that much potentially informative research cannot be conducted since both probation agencies and researchers are quite cautious in avoiding law suits, preferring to postpone some research until the legal issues are firmer and procedures to protect the rights of humans in research better defined.

When modern, automated data systems become widely implemented, new strategies for obtaining data can be employed. Researchers should consider the possibility of purchasing blocks of data from probation agencies. These blocks would be for a specific purpose and either contain only aggregated data or disaggregated data from which no individual could be identified.

Alternatively, researchers could request such outcome data as wages earned or arrest information from the Social Security Administration and Federal Bureau of Investigation, respectively. Operationally, this would entail submitting -- in the first example -- the names and Social Security numbers of probationers (grouped into Treatment, and Control or Comparison groups) to the Social Security Administration with the expectation of receiving back aggregated outcome data on each group. In the latter example, arrest data would also be returned in aggregated form. Quite obviously, probation researchers would need to develop collaborative arrangements with such governmental agencies, establish rules of access, reimburse agencies for their expenses, and observe the rapidly emerging

rights of probationers.

Another major impediment has been the suspicion of and lack of trust in external researchers, whose research endeavors are all too frequently perceived by agency administrators as "self-serving academic enterprises which address irrelevant questions" and will be used not only for the sole benefit of the researchers but also will place their agency and frequently the administrator per se in less than a flattering light. This is a sorry commentary on earlier "hit and run" researchers, and meaningful agency/researcher collaborative efforts can arise only after this stereotypical perception has been consciously overcome.

It is evident that a number of factors have served to limit the volume and usefulness of probation research. Unless ways can be found to overcome these obstacles, the future of probation research is not likely to differ much from the past. One action which might serve to accelerate the improvement of research in this area is a forum in which researchers, practitioners and funding agencies can come together to agree on research goals and strategies. A national conference on research in probation could serve as just such a forum as well as maximize collaborative agendae.

Accepting for a moment the barriers to research which exist in the area of probation, it is important to look at the quality of the probation research which has been done. A number of deficiencies in the existing research should be noted not only with an eye to improving future research, but also to recognizing the limitations on conclusions which can be drawn from existing research. Logan has identified seven requirements of research which are directly applicable to probation research (Logan, 1966). These are minimal research requirements and include having an adequate definition

of the treatment program; a definite, routine activity as treatment; a treatment and comparison group; treatment going only to the treatment group and not to the control group; before and after measures (preferably behavioral); a clear operational definition of outcome or "success"; and a period of follow-up in the community after the treatment.

A common problem in probation research has been the failure to carefully formulate a research design in advance of implementation of the study. This problem leads to studies which lack direction or never quite get off the ground. Valid findings may result from these studies, but they are most frequently serendipitous in nature -- "accidental fall-out."

The San Francisco Project (Robison et al., 1969) provides a useful example of a study which has been criticized for yielding little knowledge, due to poorly formulated design. That criticism was that the "...method and direction were sought after the research was initiated.... The absence of a well developed theoretical framework resulted in a lack of orientation and loss of efficiency." (Adams et al., 1971).

This criticism also asserts the need for theory, widely urged as essential for the formulation of a research problem. Theory provides the basis for developing research hypotheses and the framework for organizing the facts generated by research. Probation research seems particularly vulnerable on this issue because it is apparent from similarities across probation departments that some general theories underlie probation practice. Unfortunately, these theories are seldom formally stated, leading to confusion and a lack of commonly agreed upon theories of probation. Frequently, the research conclusions in probation research are based on unstated theory and assumptions, a practice which virtually precludes replication of the program and the research results.

A lack of careful, detailed planning was apparent in some research. For example, during the data collection for one study it was found that some clients could not complete the testing instrument because they were illiterate (Olsson, 1975). This resulted in missing data and sample group shrinkage, with the introduction of possible bias. Examination of the study group prior to data collection or a pre-test of the data collection instrument could have uncovered this problem; adjustments in the research plan then could have prevented the loss of important information.

Inappropriate samples plague a great deal of probation research. It is a fundamental point that if the sample selected is not representative of the population of interest, the findings of the study can not be generalized to that population. Sampling techniques are often applied incorrectly and "random" is frequently equated with "haphazard."

One study, the results of which are inconclusive because of possible selection bias, focused on probation and employment (McGinnis and Klocksiem, 1976). The sample was a composite of probationers, some of whom participated in a job bank, and some who did not. Since the probationers were neither randomly assigned nor were group differences controlled in any other way, the comparability of the groups was not established, and the effect of participation in the program cannot be determined.

Probation research often lacks control groups, comparison groups, or statistical control. The use of poor or inappropriate research designs is common. If one asks about the effectiveness of probation or a particular probation service, one must ask: "Compared to what?" For example, one study sought to evaluate a specialized misdemeanant probation program (Thompson, 1976). The program was initiated to reduce recidivism among probationers with numerous prior misdemeanor convictions by increasing the

quality of probation services by reducing caseload size and providing special services. Although this treatment group is not compared with any other group, the author reported that the recidivism of the specially treated probationers was reduced. Unfortunately, it cannot be determined whether any reduction in recidivism by clients in the program was greater than that achieved by other probationers not assigned to the program. Similarly, it is not possible to determine whether a reduction in recidivism was achieved because of participation in the program, or because of differences in the offenders studied, compared with others. We also found a number of instances of inappropriate control groups. In one study, the experimental group was composed of high-risk offenders only, while the control group consisted of persons from high, medium, and low risk levels (Nath et al., 1976).

Inadequate operational definitions of variables in probation studies are a very serious problem. For example, an important variable not defined in <u>any</u> study reviewed was "individual counseling." Despite the wide variety of behaviors that may reasonably be considered to fall within this very general concept, studies were found which purported to study "individual counseling" without specifying what such treatment entailed. In one study, "counseling" was administered as part of a behavior modification program for drug offenders and also to the comparison group (Polakow and Doctor, 1974). How "counseling" given to persons in the control group differed from the "counseling" which was part of the behavior modification program is not at all clear since the control group "counseling" was not described.

Inadequate operational definitions of the treatment provided were commonly encountered in our review. From the study reports, it often

appears that each staff member may be left to interpret the treatment to be delivered. Treatment can also vary across treatment personnel. Lack of consistency in the delivery of treatment probably affects the research results, and certainly precludes rigorous examination of the treatment technique.

The quality of information that is used in research is a critical element. Sophisticated analytical techniques cannot make up for poor quality data; "garbage in, garbage out," as computer experts say. Yet we found little evidence that probation researchers assessed and reported the reliability and validity of their data.

A related concern is that the operational measures are often inadequate measures of the concepts employed. For example, in one study, the authors used the proportion of persons not on welfare as the measure of probationer self-support and employment (Kaput and Santese, 1972). It may be argued that this definition does not yield an accurate picture of probationer self-support, since it cannot be assumed that persons not on the welfare rolls are supporting themselves. It may even be that some welfare recipients are also self-supporting and employed. Public welfare is but one form of assistance; in addition, self-support could come from illegal means. The figures in the study may reflect the numbers of persons who left the welfare system, but perhaps do not give adequate indication of those who are self-supporting and employed and in future research could fail to identify intermittent welfare recipients.

Not all studies reviewed used appropriate statistical methods in analyzing the data that were collected. Using percentages was a popular mode of analysis. Although generally appropriate, the use of percentages may provide little information when based upon small samples, since a

small numerical difference may produce a disproportionately large change in percentages. Tests of statistical significance were not always reported, leaving the reader to wonder if the stated differences is significant.

Except for the multivariate analyses of prediction studies, usually only two-variable analyses were performed. In few studies were the interrelations among the independent variables related to the outcome being examined. Further, although appropriate techniques are available, statistical controls were not frequently used to check for spurious associations. Failure to consider such interrelations can produce simplistic or misleading findings.

The results of the analyses of the studies were frequently displayed in a variety of ways, some easier to interpret than others. If a table is too simple, the lack of fine differentiation among categories of variables can result in the loss of subtle but important information. On the other hand, if a table is too complex or awkward, it may prevent the gaining of knowledge, or receive only scant attention from the reader. In any research report, the reader is entitled to assess whether study conclusions are supported by the data. But when the results of analyses are not displayed, as in numerous examples we encountered, this cannot be determined.

Even when results of the analyses are given, misinterpretations are possible and overgeneralizations are all too frequent. The generalizations warranted by the results may be a function of many of the factors discussed above. Particularly, appropriate generalizations often are markedly restricted by the sampling methods used and by the definitions of critical concepts.

The amount of information missing, relative to a small sample (such as 73 probationers and parolees), was an acknowledged obstacle to interpreting results of the Post-Prison Addictive Treatment Program evaluation (Temple University, 1974). The direction of the bias introduced by non-random missing information was not assessed; thus, the extent to which the sample did not represent the population of all program participants could not be determined. In addition, no control group was utilized in evaluating the program. Under these circumstances, any conclusion that the program was successful in servicing its clients must be viewed with caution.

Lest we be too hard on the researchers who have labored to build the body of probation knowledge which now exists, we hasten to add that we did find some, although too infrequent, examples of well conceived, properly conducted research. We also wish to add that we are not unaware of the problems of conducting research in the field and understand that it is quite likely that the authors of the research recognize these problems also. Our point, however, is that there are a large number of factors which impinge on research as a process and a technique of reporting information. Probation research has a few outstanding examples of solid and exemplary research, but most of what has been undertaken as research in probation has not met the minimum standards of research and thus does not materially contribute to our knowledge. The state of the art may be only poorly represented in the studies about and of probation.

- *What should be the priorities for future research in probation?*

The primary functions of this review of research in adult probation were to summarize the existing knowledge in the field, to identify the gaps in our accumulated knowledge, to assess and characterize the quality and scope of the research, and finally to suggest the relative importance

of possible future research directions. Other Technical Issues Papers and previous chapters of this Technical Issue Paper have focused on the first three functions; this section sets out a suggested prioritization for future research in adult probation.

The research plan which is discussed below represents an attempt to integrate the issues in adult probation by means of a comprehensive, long-range, three-tiered research effort. This proposed strategy would provide a body of cumulative, compatible knowledge covering all aspects of probation -- from the broad range of theoretical questions to the level of specific programmatic inquiries. While suggested avenues of research are not necessarily mutually exclusive, they have been presented in such a way that the tiers of the research plan may be implemented simultaneously or serially.

As mentioned above, our suggested research strategy for building a comprehensive body of knowledge about probation is divided into three tiers. These tiers roughly represent a research hierarchy which characterizes the importance which we believe should be attached to research efforts which would fall into any of the tiers. Thus, we would assign the highest significance to research which falls under the first tier -- theoretical research. The second research tier -- the building of information systems and data bases -- is not as encompassing as theoretical research but is, perhaps, of as much significance to the whole question of research in probation. Finally, the third tier of research concerns policy and program level issues which, when accumulated, can contribute to the expansion and/or refinement of probation theory.

Tier One -- Probation Theory

At the outset of this review of knowledge, we had hoped to be able to approach an answer to the question: What is probation? We discovered that not only are there a number of different definitions for probation (e.g., a legal disposition, a measure of leniency, a punitive measure, an administrative process, social casework treatment, and a combination of casework and administration), but there does not appear to be any widespread agreement, at least among researchers, on what constitutes the process of probation.

From a research point of view, we are struck by the inescapable conclusion that, "probation," in addition to being a legal status, is not just one process, but a number of processes which can vary widely. Descriptions of processes referred to as "probation," range from unsupervised, summary probation to intensive supervision in special caseloads by teams of highly trained specialists. In spite of this wide variety of processes, however, most apparently attempt to achieve a common, although unarticulated, set of objectives. This range of probation processes can be represented by a number of models of probation, each of which implies particular role prescription for probation officers. These roles include the traditional caseworker probation officers who handle mixed caseloads, probation officers who only conduct presentence investigations and do not supervise a caseload, and probation officers who are members of teams who use brokerage approaches to serve a shared caseload. To refer to all of these various probation models and associated roles as just "probation," is analogous to referring to crime prevention activities, public services, emergency services, and the apprehension of criminals as though they were a conceptual entity,

"law enforcement."

We found that it was extremely rare that researchers and evaluators in the area of probation grasped the ranges of roles and tasks, not to mention normative prescriptions and expectations, implied by the wide variety of processes we call probation. The result of this lack of a discriminating framework within which to conduct research has produced a conglomeration of contradictory and non-cumulative findings and consequent inability to build a systematic theory of probation services and management efforts. We believe that the value of future probation research will depend heavily upon whether such a theoretical framework is established. It is possible that, although probation <u>appears</u> to encompass a wide variety of processes, the actual operation of probation may be represented as a single process. This would greatly simplify the task of developing the theoretical framework for probation. On the other hand, there may be even a greater number of processes than we imagine, which would undoubtedly complicate theory-building. The important point to be made, however, is that our current knowledge of probation is insufficient to provide any conclusions about a theoretical framework which should be necessary to establish a foundation for conducting future probation research.

There appear to be two approaches which would be appropriate for delineating conceptual models for probation. The first approach is empirical: we can determine exactly what functions various probation agencies and departments say they are performing and why these functions are considered to be critical, and then construct functional models of probation objectives and processes from this empirical evidence. The alternative approach is prescriptive: we can accept the best conventional

wisdom, intuition, and limited empirical evidence available today and construct a series of models characterizing what the process and objectives of probation ought to be. We can them empirically assess the functions and activities of probation agencies and officers in terms of these pre-determined normative objectives and processes.

We could find little evidence in the available literature to indicate that the empirical approach to defining the substance of probation has been attempted. While we did find several time studies of probation officers' activities and a very few studies which empirically examined the roles of probation officers, we found no research which demonstrated the linkage between actual activities and roles of probation personnel and any theoretical assumptions about the objectives and/or processes of probation.

The second approach to research into probation models involves the a priori construction of a set of objectives for probation from which to extract probation models. One example of such a prescriptive approach was presented in the first chapter of this Technical Issue Paper. The suggested objectives of probation were:

1. To protect the community from anti-social behavior.
2. To reintegrate criminal offenders.
3. To further justice.
4. To provide the services necessary to achieve the above in an effective and efficient manner.

In order to develop models of probation under these general objectives, a number of tasks designed to achieve each objective may be identified. Roles and activities of probation agencies and officers can then be assessed in terms of their contributions to the accomplishment of these tasks.

We believe that the National Institute of Law Enforcement and Criminal Justice should attach the highest priority to developing and delineating models of probation, analyzing the tasks and roles implied by each model, and detailing the normative expectations of each model. This basic, theoretical research can be accomplished by either of the approaches described above, or by a combination of the two approaches.

In addition to building a body of theory about probation, this level of research would contribute substantially to several operational issues which were previously identified as representing gaps in our knowledge about probation. First, this theoretical research would enable us to determine the substantive expectations of each model, allowing us to develop methods of evaluating the performance of each model. Second, our review of the literature concerning the levels of education and training to be required of probation officers revealed virtually no agreement on these questions. We noted that some determination must be made about what probation officers are to be expected to do before a consideration of education and training requirements could be accomplished. When theoretical research enables us to comprehend the probation officer roles which are implied by the various models of probation, we can begin to define the skills and attributes which must be displayed in order to effectively fill those roles. At that point, then, we can outline the types and levels of educational background and pre-service and/or in-service training which would insure that the individuals serving in the various roles would possess the required attributes and skills. Finally, theoretical research of the type envisioned at the highest priority level would have important implications for at least two questions concerning caseload management techniques. First,

the development of probation models would contribute substantially to the resolution of questions involving the appropriateness of techniques such as casework, brokerage, general caseloads, specialized caseloads, and differentiated levels of supervision; second, we could begin to develop techniques with which to determine the type of probation client with which each model might most promisingly work.

We realize that research which is designed to build theory is perhaps the most arduous and hazardous type of research to conceptualize, implement, and analyze. In spite of the difficulties, however, we believe that any future research efforts in probation must be based on a clear understanding of what probation, and its related concepts, really are.

Tier Two -- Information Systems and Data Bases

The second priority is concerned with building an information system and data base for both management and research purposes. This data base is required if future research is to be valid, reliable, and generalizable. Such a system should include local, state, and national capabilities. The system would be based on the compilation of certain critical elements of information on each client of the probation system. The system would be capable of generating aggregated data for all levels of government as well as interfacing with data systems in operation in other branches of the criminal justice system.

The research questions to be addressed for this priority deal with questions of implementation. They include such questions as: Is such a system feasible; which data elements should be included, how should data elements be defined; how can agencies be encouraged to participate

in this information system; and how are the reliability and validity of information inputs to be determined and assured? In addition to offender data, such a system should also include such agency information as: the number of probation officers, the number and types of clients, types of probation models employed, financial resources, and other agency descriptive data. Such an information system would require a great deal of interagency cooperation, but its existence would at least offer the opportunity for improvement of future probation research.

We have some strong evidence which suggests that an information system as described is feasible, not only on the local level, but on the state, multi-state, or national level as well. We now need to address the other implementation questions and then move toward the establishment of such a system in order to provide a data base for use both by probation administrators and policy-makers and by researchers. It is important that, while this information system is being developed, methods for guaranteeing access to the system also be developed. The needs of all potential users, including researchers, must be considered. Methods for allowing researchers access to data must be developed while, at the same time, guaranteeing the protection of the privacy rights of the individual probationers.

We cannot too strongly stress the need for such a data base for researchers. One of the most significant results, for researchers, of the inadequacy of currently-used information systems is the almost total lack of probation statistics for the nation as a whole, and frequently on a statewide level as well. A second problem has been the incompatability of information which is independently collected by local or state probation agencies. In addition, much more aggregated data dealing with

demographic and legal characteristics of probationers are needed to provide an adequate data base for future research.

We strongly urge a systematic effort designed to collect nationwide probation statistics, comparable to and at least as complete as the Federal Bureau of Investigation's uniform crime reports or the Law Enforcement Assistance Administration's national prisoner statistics.

Tier Three -- Policy and Program Level Research

The third level of research priority recommendations for probation address both policy and agency level issues. In terms of policy, we see the need for broad research aimed at generating information required to make the highest level policy decisions regarding probation. Some of the areas in which policy decisions seem imminent are: What shall be the administrative locus of probation; how shall probation be financed; and to what degree should tradition dictate the policies and activities of probation? We view agency level decisions to be those which are currently being addressed by probation researchers such as workload, caseload, and treatment modality issues.

The research strategies required to address policy level concerns on the one hand and agency level concerns on the other are similar, but distinctive. The canons of science must be applied in each case, but the scope of the research hypotheses and data collection efforts are vastly different. There is also the possibility that widely applied techniques of evaluation research will, in some cases, have to be exchanged for the techniques of the policy sciences. In the same way that research techniques will have to be modified to undertake policy level

research, research funding techniques may also have to be changed. State and local agencies are less likely to fund policy level research with the willingness they have shown for agency level research.

We have identified several critical areas in which our lack of information can best be addressed through policy level research. We have previously noted (Technical Issue Paper #3: Presentence Investigation Reports) that there is a great deal of controversy over whether the short or long form presentence investigation report should be used. We have already noted that large amounts of resources and time are consumed in preparing PSI's. Yet, there is little information on the effect and impact of any PSI form. We recommend that studies assessing the usefulness of the PSI be undertaken, examing the costs, their use by the judiciary, the sentencing patterns of judges with and without the PSI, and the usefulness of the PSI to other agencies.

There are several different points within the criminal justice system at which PSI information could conceivably be used. The first of these is the prosecutorial level. Since an estimated 90 percent of criminal convictions are handled through plea bargains, the prosecutor and defense counsel have agreed on a sentence or at least a strong recommendation for sentence prior to the court's formal disposition. It seems a bit irrelevant for a court to order a PSI when case disposition has been predetermined. The accused is either going to prison or onto probation. If the former, no PSI is necessary (unless the judicial branch decides to provide institutions in the executive branch with extensive reports on the backgrounds of committed felons). If the latter, then it would appear that perhaps the most promising area for future research would be to determine the extent to which the PSI is actually

used by probation officers in supervising their clients. We have previously noted that several sets of standards for probation suggest that each PSI contain a proposed plan for the supervision and treatment of the offender. The extent to which these proposed plans are prepared and used by probation officers should be examined.

It might be legitimate to conduct PSI's on the less than nine percent of the offenders who go to trial and are convicted of a probationable offense. In these circumstances, the court might meaningfully utilize a PSI report.

Our point is that we do not know what impact the presence of a presentence investigation might have; we do, however, suggest that, since the production of PSI's represents a large commitment, both of time and money, for a probation agency, the impact, usefulness, and costs of presentence investigation reports be closely evaluated. PSI's are an excellent example of research question, with broad policy implications, which is amenable to existing research strategies but which might be addressed at the higher appropriate level.

A second research question with major policy implications is the locus of probation administration. As noted above, it appears that most local probation departments are located in courts and thus are in judicial branch of government. Yet other probation units are state administered and thus often in the executive branch of government. The question of state vs. local level and executive vs. judicial placement is the subject of considerable debate and controversy. There is no research or existing body of evidence which presents policy-makers with the necessary data on effectiveness, costs, personnel needs, etc., on which to base future policy-level decisions on funding, operational guidelines,

reform, and so on. While this is a long range need, it is a glaring gap in the knowledge base and should be addressed.

The sources and levels of funding for probation are also the subject of much debate. Funding is intimately tied to other policy issues in that it is affected by probation activities and by the administrative structure of probation. If probation models are defined and activities specified, and if some traditional probation activities, such as the production of PSI's, are reduced or made more efficient, then we may find that funding levels for probation agencies can be reduced or held in check by redistributing resources to other probation activities. In addition, several other funding issues have been raised. The usefulness of probation subsidy is in question. Fee-for-service contracts in probation are relatively unexplored; purchase of services for probationers is also largley unexamined. All these questions carry broad policy implications which cannot be addressed by single agency studies. Neither the generalizability nor credibility of such research will be enhanced if it is conducted solely on the local or state level.

Finally, policy-level research is needed to address the issue of standard-setting in probation. In recent years, we have seen the development of several comprehensive sets of standards for probation service. In addition, some state agencies issue their own standards to be followed by all probation agencies within a given jurisdiction. It has always been assumed that meeting prescribed standards would have a positive impact both on the probation agency and its clients. At this point, however, we have little knowledge about the impact of meeting standards on client performance or agency operation. One of the most important questions with respect to standards is the cost and the likely benefits to the

probation agency, of attempting to meet or exceed a certain set of standards. These questions must be addressed in order to assess the broad policy-level implications of standard-setting, particularly if eligibility for probation funding is tied to a demonstration that standards have been met.

We have identified a number of issues in probation in which our current knowledge is not adequate and which are appropriate for agency-level research. These issues fall into two relatively distinct areas of caseload management/supervision and caseload prediction/treatment. We would note at this point that it may be virtually impossible to assign priorities to the following research suggestions. Several of the areas of needed research are quite broad and may be applicable to other areas, while others are specific and self-contained. We would stress that, regardless of which of these research areas is given the highest priority, all agency-level research should be carefully designed and conducted in order to ensure that it is cumulative.

A number of caseload management and supervision issues need to be addressed in future research. A common thread which appeared to run throughout our review of the management literature, and the treatment literature as well, was the lack of adequate cost analyses of specific probation techniques. Cost analyses (or preferably cost/benefit analyses) must be comprehensive and rigorous to be of value. Studies of this type may be extremely difficult to conduct, but there are a number of available techniques which can be used by a local probation agency to perform a cost or cost/benefit analysis of a particular program or function. We have identified the need for cost analyses in a number of management and treatment areas: programs utilizing differentiated levels of

supervision (and, consequently, differing caseload sizes), programs utilizing specialized caseloads, team caseload supervision, the use of workloads (rather than caseloads), provision of services through contracting, programs utilizing volunteers and/or paraprofessionals, and programs providing any type of treatment or service to probationers which exceeds mere supervision. It is obvious that cost and cost/benefit analyses, which cut across a large number of critical areas of probation, would be a fruitful subject of future research efforts.

A second area of program-level research is the question of the special needs of women probationers. This subject has been virtually ignored in the probation literature. We do have some evidence, from the literature on correctional institutions, that the highest priority has been assigned to programs which attempt to re-affirm and strengthen the female offender's skills as a homemaker and mother. Very little attention has been devoted to the special problems faced by women in the areas of education, vocational training, employment, or financial planning. It might intuitively be argued that the types of counseling and services currently provided for women offenders may very well not be appropriate; a coordinated research effort designed to assess the needs of female probationers and provide needed services is clearly indicated.

A third major area of management concerns which has not been adequately addressed is classification of probationers. Some preliminary research has been done on classification either by risk, by need, or by a combination of the two. Some sort of classification system is clearly needed if a differential treatment approach is to be followed; it can also be justified on economic grounds, since the resources with which the probation agency provides services are limited and, logically, should

be used for those clients with the greatest need. The research to date on classification systems is inconclusive. Future research must carefully study available techniques and include a comparison of the effects of alternative techniques on offenders, the resources of the agency, and the operation of the agency. From such research, guidelines for the implementation of promising classification schemes could be developed.

Our review of the probation management literature revealed several relatively new techniques which appear, from preliminary review, to be promising, but which have not yet been adequately studied. These techniques include the use of team caseload management, the brokerage approach to the provision of probation services (and particularly the Community Resource Management Teams, which combine team supervision with brokerage), the specialization of probation officers by function, and the accurate measurement of a manageable workload for a single probation officer or team of officers. Also, we have seen only descriptive material about the use of contracting to provide services to probationers. Research is clearly needed to determine whether contracting can increase the availability of needed services to probationers and to assess the cost implications for a probation agency of implementing the usage of either block grants or fee-for-service contracts. Finally, the effectiveness of volunteers and paraprofessionals in probation roles has not been adequately addressed. In view of the enormous potential of such programs in terms of expanding the resources available to probation, we need to know which offenders are most amenable to the use of volunteers or paraprofessionals, and which individuals are the most productive and effective in volunteer or paraprofessional roles. The costs of the foregoing strategies -- and the effectiveness of such alternative approaches with

different types of offenders -- are not yet determined. We would recommend that research address these gaps in our knowledge base.

A major issue in probation, which affects the areas of presentence investigation reports, classification, and treatment, is the question of prediction instruments. Our review of the literature discovered very little conclusive evidence to be used in assessing the utility of prediction methods for adult probation. While a great deal of work in prediction has been done in the field of parole, the applicability of that work to probation is merely an assumption. The available research in probation indicates that carefully constructed, valid, and reliable prediction tables can be useful in both risk classification and caseload assignment; an additional use is in the presentence investigation recommendation process. The most pressing need in the area of prediction appears to be for large-scale studies, aimed at probation populations, which meet stringent methodological requirements and which are designed both to develop prediction instruments and to encourage their use.

Our recommendations for research in the area of treatment strategies and interventions will be quite general in nature. Our review of the literature disclosed a wide variety of interventions which can be grouped together under the category of "treatment": employment programs, group and individual counseling, drug and alcohol abuse programs, differential levels of treatment (under the subsidy program), restitution requirements, and residential centers. We found that the bulk of the research conducted in any of these treatment intervention areas was relatively poor; well-designed, rigorous studies were rare. We strongly suggest that treatment research which meets high methodological standards become an important priority. A treatment-related issue which must also be

addressed is the question of whether the "best" treatment for certain probationers may, in fact, be no treatment at all. The importance of cumulative knowledge which can be gained from such research is obvious, since it can contribute substantially to the development of probation theory, outlined above as the highest research priority.

We have identified a number of short-comings which characterize virtually all of the treatment intervention studies (and most management studies, too) which we located. These problems include: lack of definition of intervention technique, lack of control or comparison group, lack of definition of "traditional" supervision to which some special interventions are compared, inadequate or inappropriate outcome measures and definitions, and inappropriate use or lack of use of even elementary statistical techniques. The development and use of an appropriate and rigorous evaluation design must be a contractual requirement for future research in both the treatment and management areas.

We have not attempted to prioritize the research suggestions contained in this section on policy and agency-level research. Nor have our suggestions been exhaustive. In our previous discussion of the state of research in each specific issue area, we found it remarkably easy to generate a large number of research questions for virtually every management or treatment issue. We have not duplicated all of those research questions here, although we do believe that they are important, simply to avoid overwhelming our readers with seemingly never-ending lists of questions. We feel, however, that this section on research priorities has extracted for consideration the most productive and germane research questions; attention to the research questions not specifically addressed here will flow logically from the implementation

of the research strategy suggested above.

Unlike the parole area, wherein it is generally presumed that we may have more empirical knowledge about the costs, effectiveness, usefulness, and efficiency of parole practices, our survey of probation issues has left us with the inescapable and uncomfortable conclusion that the research to date has been poor, that there has been little sustained research and evaluative investigation along functional or theoretical lines, and that the efforts of criminal justice researchers have not concentrated as extensively on probation issues as they have on parole or even institutional corrections. One could speculate as to why this might be, but such speculations might well be invidious or uninformed.

For whatever reasons, it appears that, from the broader policy, treatment, management, fiscal, and legal perspectives, the field of probation is a vineyard in which to labor as one endeavors to become accountable in the legal and fiscal environment within which we currently operate. Our immediate tasks are to provide the basic answers to the questions about probation which have been identified and detailed in this technical issue paper.

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CHAPTER VI

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