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CRITICAL ISSUES IN ADULT PROBATION

TECHNICAL ISSUE PAPER
ON
CASELOAD PREDICTION AND TREATMENT

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CASELOAD PREDICTION AND TREATMENT

REPORT #4

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Preface

This report is a part of a larger study of adult probation being conducted by the Program for the Study of Crime and Delinquency at Ohio State University. In seeking to contribute to a team effort in that study, it was agreed that the focus of the effort reported here would be limited in order to avoid duplications of effort with other teams. Thus, the present review has considered only studies in *adult* probation, although many investigations of delinquent samples may very well be pertinent to the issues raised.

Similarly, there has been no attempt to survey or assess literature bearing on these issues but reporting studies of samples of parolees. Indeed, there is a comparative wealth of literature concerning parole that provides evidence in many of the questions raised; but the review of these studies was beyond the scope of this report.

It is agreed that an assessment of issues of probation clients and caseloads, recidivism, prediction, and treatment modalities is woefully incomplete without a review and integration of study results with youthful and paroled populations. Similarly, a comprehensive effort to address such issues should include assessments of additional literature, including statements of theory and such concerns as the general state of the art of information system development and of procedures for decision-making in sentencing and probation. Thus, this report cannot be considered to be a comprehensive

study of the issues raised.

In developing materials for use in the larger study, a team approach was used. The co-authors of the report had responsibilities for supervision and coordination, and the contributors had responsibilities for the four specific areas of clients/caseloads, prediction, recidivism, and treatment modalities. It was thought that the variety of perceptions afforded by such a team approach should be useful and that, as an assistance in avoidance of bias on the part of the authors, the contributed papers which are chapters three through six of the report, should not be revised or extensively edited by the authors.

Acknowledgements

This review is the result of efforts of a number of persons who directly or indirectly contributed to the study.

The opportunity to conduct it and many of the reports reviewed, were provided by Dr. Eric W. Carlson and Evalyn Parks of the Program for the Study of Crime and Delinquency at the Ohio State University. Larry Greenfeld of the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration was also most supportive and helpful.

Arminé Dikijian and Jean Scott at the National Council on Crime and Delinquency library assisted in locating further materials for inclusion in the review, as did Professor Robert Martinson; and their help was much appreciated. Cathleen Suarez gave valuable research assistance, and the authors wish also to thank staff members Myrna Cedeno and Rebeca Daniels for their perserverance and care in preparing the various necessary manuscripts, including this one.

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The opinions expressed are those of the authors and do not necessarily reflect the views or endorsements of the U.S. Department of Justice. Persons mentioned above are due credit but not blame for any shortcomings of the report.

Probation on Trial

Executive Summary

This report, part of a larger study, is based upon a review of selected adult probation studies done in the United States since 1950 on four topics: clients and caseloads, recidivism, prediction, and treatment modalities.

Probation is on trial because "experts" claim that it (a) is corrections' best hope, (b) makes no difference, or (c) should be abolished. Critical issues in the four study areas were defined, and available evidence from about 130 studies was reviewed. Using various criteria, 104 studies were selected for analysis.

Commonly encountered methodological difficulties, often militating against generalizations from reported study results, are cited and discussed in Chapter I. In the four study areas, present evidence suggests the following:

Clients and Caseloads

1. Probationers tend, compared with prisoners, to be younger and to be property offenders.
2. "Successful" probationers tend to be employed, married, to have fewer prior arrests than "unsuccessful" probationers, and to be convicted of crimes other than property offenses.
3. Participation in Alcoholics Anonymous has been reported to be associated with success, although

not invariably.

4. Evidence on effects of reduced caseload size is mixed. More intensive supervision may result in more technical violations, but fewer new convictions.

Prediction

1. Methods for prediction of probation outcomes are available, but have been little used.
2. The development of such methods may be useful to both placement decisions and treatment evaluation research, contributing to a probation management information system.

Recidivism

1. There is no commonly used and agreed-upon definition of this concept; thus, the results of ten studies of recidivism cannot meaningfully be compared or combined. No standard rate of recidivism can be cited.
2. A "recidivism" measure considered to be potentially more useful is proposed as part of a needed probation management system.

Treatment

1. Promising results reported include the following:
 - a. Group counseling and therapy methods are reported as effective with sex offenders.
 - b. "Contract" probation is reported as useful toward completion of a probation plan.

- c. Probationer unemployment may be reduced by , a program of "vocational upgrading."
- d. Other programs reported as having some success include a methadone maintenance project, a behavior modification program for adult drug offenders, and a specialized program for alcoholic offenders.

In most areas of "critical issues" on the topics studied, the necessary research has not been done. A probation management information system is claimed to be needed, and an outline of such a system is proposed. The program advocated could provide a systematic basis for providing judges, planners, and probation managers with information needed for more rational probation decisions. If probation is on trial, all the evidence is not yet in; but methods for gaining the needed evidence are available and should be used.

Chapter I

The Problem of Assessment of Adult Probation

Introduction

Probation in the United States now has become so controversial that it is both heralded as the best hope of effective, humane and efficient corrections, and marked as a system that should be abolished. Consider these recent divergent views:

...probation is viewed as the brightest hope for corrections...

National Advisory Commission on Criminal Justice Standards and Goals¹

Conventional probation -- releasing an offender on the understanding that occasionally he would visit his probation officer -- would be virtually abolished.

James Q. Wilson, Thinking About Crime²

...in the case of treatment programs administered outside penal institutions, we simply cannot say that this treatment... has an appreciable effect on offender behavior.

Robert Martinson, What Works? -- questions and answers about prison reform.³

Even a cursory review of the literature in this field discloses that the precise nature of probation in the future is open to considerable speculation and doubt. On the one hand, the National Advisory Commission in its 1973 report on corrections said:

Some of these positions have been derived from only a limited or cursory review of the state of the art in this field. Another potentially major influence on the future of probation, however, is based upon a careful analysis of systematic empirical knowledge about the success or failure of efforts to rehabilitate offenders. This is the controversial work of Lipton, Martinson and Wilks.⁸ These authors analyzed and summarized 231 studies of correctional rehabilitation. Unfortunately, what can be learned about *adult probation* services in the United States -- the subject of this report -- is limited. Only five pertinent probation studies were included in that review. Four of them assessed recidivism, and one evaluated also the effect of probation on vocational adjustment. One study assessed personality and attitude changes associated with intensive probation services and supervision.

The purpose of this report is to define and discuss some critical issues about adult probation in the United States and to seek out and to review the evidence bearing on these issues. It will focus on current knowledge, i.e., after 1950, about probation activities and outcomes in order, it is hoped, to contribute to an assessment of the effectiveness of probation services. Building on a foundation of empirical knowledge may help ensure that probation may have a more rationally determined future. If we know more about the state of the art and about where we have been, then perhaps we can

...it is essential that alternatives to institutionalization be expanded in use and enhanced in resources. The most promising process by which this can be accomplished in corrections -- probation -- is now being used more as a disposition. Even greater use can be projected for the future...

Results of probation are as good, if not better, than those of incarceration. With increased concern about crime, reduction of recidivism, and allocation of limited tax dollars, more attention should be given to probation.⁴

On the other hand, certain influential students of crime and corrections have assumed positions on probation that are at polar extremes with the NAC position. James Q. Wilson advocates abolition of conventional probation, which would be replaced by penalties "that involved a deprivation of liberty, even if brief."⁵ Such deprivation and its length would not be governed by the prospects for rehabilitation. Ernest van den Haag, in his book Punishing Criminals, proposes severely limiting the use of probation by prohibiting "probation or suspended sentences if a defendant is convicted for the second time or had more than three arrests not leading to conviction..."⁶ This recommendation is said to be based upon "the fact that so much crime is committed by offenders out on probation." Norval Morris seems to suggest some support for the institution of probation as a criminal justice system component, while taking a slap at probation supervision, when he remarks that, "One important latent purpose of probation is to allow a judge to give the appearance of doing something while in fact doing nothing."⁷

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know more about where we are going and should be going. Is probation the brightest hope for corrections or should it be abolished? How should we weigh the considerably lessened expense and greater humanity of probation against potentially greater incapacitative and deterrent effects of imprisonment?

Methods

The method used to assess the state of existing knowledge about probation used the aforementioned works as a source for research problems and hypotheses. It is not claimed that these works contain the universe of knowledge about probation, nor even that they are the best available. They were somewhat arbitrarily selected because of potential influence and because they are controversial. Assertions and conclusions have been taken as hypotheses to be subjected to the test of empirical evidence. Attempts will be made to answer some of the questions thus posed. It was assumed that evidence bearing on such hypotheses and questions could add to our knowledge about adult probation services, while areas in which no such evidence is found could usefully pinpoint important needs for research.

The basis for the search for evidence was our review and analysis of about 130 available studies in four related areas: probation client/caseload characteristics, probation prediction, probation revocation and recidivism, and probation treatment modalities.

An attempt was made to find and obtain reports from all

relevant studies conducted since January 1, 1950. Studies were identified from: Criminology Index; the National Council on Crime and Delinquency Library and abstract files; abstracts from the National Criminal Justice Reference Service; the Library of the Center for Knowledge in Criminal Justice Planning; the libraries of Rutgers and Ohio State Universities; and selected bibliographies and literature reviews. A copy of each identified study was obtained for review.

All studies located are listed in the bibliography, but this report is based mainly on the review of a selected, smaller number. The criteria for this selection varied among the four study areas. If any study, reviewed for selection according to criteria for one area but not selected, was pertinent also to another area, that study was next considered according to the selection criteria for the second topic.

Studies in the client/caseload area were selected for further review only if the study reported data for a clearly defined sample of probationers. This seemed necessary because if the sample studied is not clearly delineated, it is not possible to judge the degree to which generalizations to other samples or populations might be warranted. Some descriptions of the offenders under study was also a necessary element for inclusion in the review, since a major interest was in possible effects of varying caseload composition or size. If, however, a study lacked these elements but appeared to present novel implications, such as innovative ideas for

caseload management, it was, nevertheless, included. Thirty-eight studies were thus selected for review in the client/caseload area.

Prediction studies were reviewed for evidence of (i.e., for data concerning) reliability and validity. The importance of these concerns is discussed in Chapter IV. If such evidence was entirely lacking, but the study suggested special promise, such as a novel approach to prediction, it was nevertheless included. If not, the study was not considered further. Thirty-four studies met the criteria for inclusion in the review of the prediction area.

For studies related to probation revocation and recidivism, the presence of definitions of probationer outcomes (i.e., "success" or "failure") and of the sample or samples studied provided the criteria. Absent such definitions, the degree to which warranted generalizations might be drawn from the results of the study is very low. Although this may seem so obvious as not to require mentioning, many reports may be found in which the terms "revocation" or "recidivism" are found to be used with no further definition, and it is then impossible to know what is meant precisely by these terms. Seventeen studies were thus accepted for review.

For the selection of studies in the treatment modalities area, the use of an experimental design (including an element of randomness) or an alternative design intended to deal with the problem of selection bias affecting comparisons

was required for selection for further review. (The latter would include various "quasi-experimental" designs for statistical corrections for bias.) If no such design was reported, the study nevertheless was reviewed for evidence of particularly innovative or unusual treatment techniques. If there were none, the study was not considered further. Fifteen studies met the selection criteria.

An abstract was prepared for each study accepted for further review after considering these criteria. These abstracts have been collected and included in this report, as Appendix A. Each selected study was further examined, in order to assist in a judgment about the confidence apparently warranted to be placed in the conclusions reached. For this assessment, we sought to determine whether or not: the study report presented a clear definition of the problem under study; fundamental assumptions underlying the study (whether implicit or explicit) limit appropriate generalizations from results; the methods used, including sampling techniques and analytic methods, were appropriate to the problem; the stated research plan was followed in its attempted implementation; data are presented that support the results reported; and statements of generalization of reported results appeared to be warranted in the light of these issues.

After this process of identification, selection, abstraction and review, each of four research workers prepared the

papers that are Chapters III, IV, V, and VI of this report. This process is depicted in Figure 1.

The Assessment Problem

Rephrased, a familiar quote from the Watergate era becomes one of the most critical issues confronting present students of probation: "What do we know and how do we know it?" There are reports of research, with conclusions reached. But there are corollary questions that must be considered in seeking to answer the first: To what extent do faults in research designs, difficulties in research implementation, errors of methods, or flaws in logic require that research conclusions must be only cautiously accepted or even discounted? How much reliable information is left?

In correctional research there are many opportunities along the path from the research design to a conclusion for a study to veer off course, which deviation can limit the confidence which may be placed in the findings. Some of these pitfalls with respect to some of the studies reviewed for this report may be examined to illustrate these problems. Research done in action settings is easily criticized after the fact, in the manner of the traditional "Monday morning quarterback." This is not our purpose, and we are aware that many of the faults identified may have been a function of the circumstances of time and place that precluded the use of what we (and perhaps the research workers involved) perceive as better methods. The problems we wish to cite,

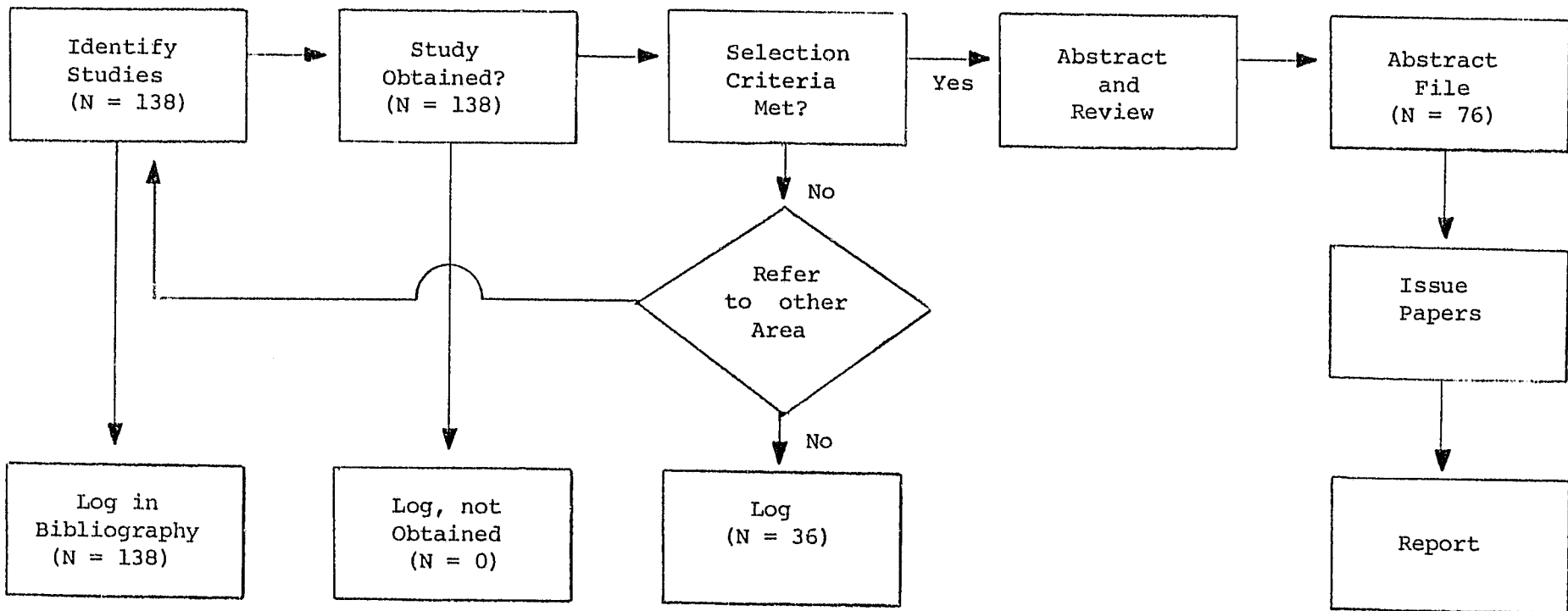


Figure 1

Selection of Studies for Review

however, set limits to the conclusions that can be drawn. As a result, these issues of research methods themselves are indeed "critical issues" for probation. If a review of such issues can serve as a learning tool, the base of knowledge about probation research can be expanded.

It should not be assumed that all the studies reviewed suffered from the problems described, nor that good examples of good research procedures were not found. Rather, it is hoped that it is understood that we wish to highlight some frequently encountered problems that seriously limit what can be learned from the entire set of studies.

An obvious essential first element is the careful formulation of the research design prior to implementation of a study. A carefully-planned research design is important to keep the study on course. The San Francisco Project⁹ provides a useful example of a study which has been criticized for yielding little knowledge, due to a poorly-formulated design. That criticism was that "...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."¹⁰

This criticism asserts also the need for theory, widely urged as essential for the formulation of a research problem.¹¹ O'Leary has stressed the importance of a theoretical basis for research: "Without a theory specifying some causal process, evaluation is frequently blind and dead-end."¹²

Nelson and Richardson add that research without theory does "not promote any understanding of either causes or consequences."¹³

Theory provides the basis for development of hypotheses for evaluating program effectiveness. Martinson elaborates:

It is only with a clear statement of theoretical assumptions that:

1. it can be determined whether or not a treatment program is in fact doing what it is purported to be doing;
2. the kinds of offenders that the program should have an impact on can be clearly specified;
3. the kinds of behavior that can be altered by the treatment can be spelled out;
4. the length of time it should take the treatment to have effect and the length of time treatment effects are likely to last can be specified; and
5. the processes by which restoration of the offender to the community while public safety is maintained can be identified and efforts can be made to expand the implementation of these processes.¹⁴

An important managerial element of the development of a research plan is the ability to anticipate and provide for future contingencies. The absence of such planning may lead to research merely tangential to the main question under study or to a severely limited basis for conclusions about that original issue.¹⁵

Similarly, the social, political, and environmental context of the research should be examined carefully during

the initial planning to identify possible impediments which could throw the study off course. A lack of careful, detailed planning was apparent in some of the studies reviewed. 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.¹⁶ This resulted in missing data and sample shrinkage, with the possible introduction of bias. Examination of the study group prior to data collection or a pre-test of the data collection instrument, could have uncovered this problem; and adjustments in the research plan then could have prevented the loss of important information.

The selection of an appropriate sample (or samples) for study is another critical element of research planning. It is a fundamental point that if a sample is selected for study that is not representative of the population of interest, the findings may not appropriately be generalized to that population. There are techniques available, such as probability sampling, that can ensure that a sample may be considered representative. Commonly, a representative sample is sought by taking a random sample. The criterion of randomness is met if and only if each individual in the population has an equal likelihood of being included in the sample. Unfortunately, this requirement is sometimes not understood. "Random" is equated with "haphazard," or samples are drawn on some basis of convenience, with a consequent introduction

of possible bias.

One study, the results of which cannot be considered conclusive because of a possible selection bias, focused on probation and employment.¹⁷ The sample was a composite of probationers, some of whom participated in a job bank, and some who did not. Since the probationers were not randomly assigned to the experimental group, and no other means of assuring the comparability of the groups was established, the effect of such participation cannot be determined.

In another study, no provision was made to include new probation cases added to the population from which the sample was drawn.¹⁸ Similarly, in another, sample size was reduced substantially due to terminations, absconding, and other transfers during the study period.¹⁹ Failure to provide for such occurrences in the research plan can bias the sample, which then cannot be assured to be reasonably representative of the population.

Sample size is also an important consideration. Large samples require proportional resources and are difficult to manage; this can affect the quality of the data collected.²⁰ Yet, with a very small sample, there is a greater chance that the sample will not accurately reflect the population, since standard errors increase as sample size decreases. It is desirable to have as large a carefully-selected sample as both time and resources permit.

The use of a classical research design generally pro-

vides a very useful procedure in evaluation of program effectiveness; but numerous difficulties often are encountered in attempts to use such designs. This type of plan requires the selection of samples such that an experimental group (treated) and control group (untreated) are created. Subjects are randomly allocated to both. Typically, "before" measures are made of each group to determine a base line against which change can be measured. The experimental group is then exposed to treatment, controlling or restricting the interference of unwanted outside factors. After treatment, an "after" measure is taken in both groups to determine the changes that have occurred. Because of difficulties in implementing and adhering to this type of research design in probation work, compromises frequently must be made in order to conduct the evaluations. Common problems include:

1. There may be inadequate resources to meet needs for data collection, analyses, and related professional research skills;
2. There may be considerations of law and ethics, when establishment of control groups requires withholding program services from some persons, or if establishment of experimental groups includes elements of coercion;
3. Political pressures or administrative concerns may militate against the feasibility of establishing such a design;

4. After the study begins, the condition of random allocation is abandoned for reasons already noted, administrative convenience, or simply error; and selective bias has crept into the design.

A commonly-used but inadequate type of study utilizes an "after-only" design. In such a study, a group receives treatment and then a measurement is made, ostensibly to determine what changes have occurred. No control group is used for comparison, and there is no measurement of the prior state of affairs and no basis for estimating expected outcomes. It is thus not possible to determine the extent to which treatment may be considered responsible for any change.

The "before-after" design may provide better evidence, although a control group is still lacking. A measure of the dependent variable is taken both before and after treatment. Various potential sources of error are inherent in this design, particularly the possibility of selection bias, such that attributing any observed change to treatment is hazardous at best.

A third compromise design incorporates a control group into the "after-only" design. In such a research plan, the control group, which should be as similar to the experimental group prior to treatment as possible, is measured on the dependent variable. The inclusion of such a comparison group strengthens the "after-only" design.²¹

If one asks about the effectiveness of probation, or

of specialized probation services, one must ask, "Compared with what?" The importance of comparisons in probation evaluation research is apparent; yet many of the studies reviewed lacked this vital element. Various studies are reported that lack either a control group in the sense of a classic experimental design, comparison groups considered to serve this purpose, or any statistical correction for known bias entering into the comparison. One such study, for example, sought to evaluate a specialized misdemeanor probation program.²² The program was initiated to reduce recidivism among probationers with numerous prior misdemeanor convictions by reducing caseload size and providing special services. Although this group was not compared with others, 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 probationers not assigned to the program. Similarly, it is not possible to determine whether a reduction in recidivism was achieved due to the program, or due to differences in the offenders studied, compared with others.

In the studies where control groups were used, they sometimes differed in composition from the experimental group. In one study, the experimental group was composed of high-risk offenders only, while the control group consisted of persons of high, medium, and low risk levels.²³

Comparisons between the groups must take account of such differences, if such comparisons are to be useful.

Hypotheses, preferably stated in advance of the study, should include terms that are clearly defined. Some of the studies lacked such definition. The operational meanings of critical variables or concepts often was unclear. For example, an important variable not defined in any of the studies reviewed was the concept, "individual counseling." Despite the wide variety of behaviors that may reasonably be considered to fall within this general concept, studies were found that purported to study "individual counseling" without specifying what such treatment entailed.

Although it often is recognized that the sampling of *probationers* is important to generalizations about persons on probation, little if any attention is given to the problem of sampling of *treatments* of a given type. Since, for example, "individual counseling" is not all alike, and indeed may proceed from a wide variety of theoretical frames of reference; the simple, unelaborated characterization of the treatment variable as "individual counseling" clearly will give little if any information about individual counseling in general, no matter how the study comes out. Problems of representative sampling of treatments of a given type are extremely complex; but in any treatment study there at least should be a careful description of the treatment used.

In one study, "counseling" was administered to clients

in regular caseloads in the comparison group to test the effectiveness of a behavior modification program for drug offenders.²⁴ How "counseling" given to persons in the control group differed from the "counseling" which was part of the special services provided clients in the experimental group is not at all clear; the regular caseload 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 individually the treatment to be delivered. Lack of consistency in the delivery of treatment may affect the results; and certainly it would preclude the rigorous examination of consistent application of the treatment technique.

It is well known that the quality of information obtained is a critical element in all correctional research, and that the most sophisticated analytic techniques cannot compensate for poor quality data. It is well known, too, that care must be taken during data collection to ensure its reliability. Thus, it is surprising that the reliability of data is so rarely assessed and reported. In one exception, a study of Probation Prediction Models and Recidivism, Ford and Johnson reported, "[a] survey of the reliability of offender self-report information about work history revealed that, on the average, offenders overestimated their most

recent wage by 51 cents per hour and their length of employment by 13 weeks..."²⁵ Left undiscovered, such differences could lead to inaccurate conclusions, and the example illustrates the need for systematic assessment of the reliability of the data used.

The issue of reliability should be, but often is not, considered when subjective ratings of sampled probationers (for example, by probation officers) form the data base for determining risk levels or the need for treatment and services. Since the use of such subjective ratings can result in different interpretations by different raters and leaves room for personal bias, the need for reliability measurement is apparent.

Pilot studies, to test the feasibility and potential usefulness of research procedures, could have helped investigators avoid some problems encountered. For example, evaluation of the Inner-City Intensified Supervision Caseload²⁶ was hampered, according to its authors, by some such difficulties. Recidivism was defined as any violation of predetermined infractions listed on the data collection instrument. It was discovered during the study that several possible infractions had been omitted, which could have resulted in missing data. Also, there apparently was some confusion on the part of the persons completing the form about how some circumstances were to be recorded. Both problems left room for inconsistencies arising from individual,

unguided interpretations (reducing reliability). The authors recognized that their results could have been distorted as a result.

A related concern is that the measures used be adequate 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.²⁷ 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. 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 does not give an adequate indicant of those who are self-supporting and employed.

Not all studies reviewed used appropriate statistical methods in analyzing the data that were collected. The provision of 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.

Except for the multivariate analyses of prediction studies, only two variable analyses were performed. In none of

the other studies were the interrelations among the independent variables related to outcome examined. Further, although appropriate techniques are available, statistical controls were not 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 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 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 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 (73 probationers and parolees), was an acknowledged

obstacle to interpreting results of the Post-Prison Addictive Treatment Program²⁸ evaluation. The direction of the bias introduced by non-random missing information was not assessed, so 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.

Thus, there are many opportunities at each step of a research plan for a study to go astray; and some of the studies reviewed did so to a greater or lesser degree. Each detour from the prescribed path can have serious consequences for appropriate and warranted conclusions and generalizations. Some of the serious research difficulties found in some of the probation studies reviewed for this report include the following:

1. Failure to carefully formulate the research design in advance can lead to research that never quite gets off the ground and contributes very little to our understanding of the subject of inquiry. Valid findings may result from such studies, but they are serendipitous.
2. Failure to select a representative sample for study can produce results that do not provide adequate estimates for the population. Thus,

the results of studies based on biased samples may not be accepted with any confidence.

3. Failure to utilize a control group, other comparison groups, or to employ adequate statistical controls has the result of providing no basis for determining whether any observed changes are a result of the particular program under study.
4. Failure to provide for the collection of reliable data and to demonstrate that reliability can produce inaccurate or misleading results.
5. Failure to use appropriate statistical methods can result in spurious findings.
6. Inappropriate conclusions from the findings of careless studies using inappropriate methods can add misinformation to our presumed "body of knowledge."

Methods are available for the careful formulation of research designs, for ensuring careful and adequate sample selections, for statistical control of "nuisance variables" of selection factors biasing comparisons, for measurement of reliability, and for statistical tests of significance appropriate to the level of measurement possible with the data obtainable. A critical issue for probation is found in how to improve the quality of information about probation and its results.

Footnotes

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⁵Wilson, p. 180.

⁶Ernest van den Haag, Punishing Criminals: Concerning a Very Old and Painful Question (New York: Basic Books, Inc., 1975), p. 177.

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¹⁹David I. Sheppard, "Denver High-Impact Anti-Crime Program: Intensive Probation and Parole" (Denver, Colorado: State Judicial Department, [1975]). (Mimeographed.)

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Chapter II

Probation and Its Results

Four basic areas of probation study are considered in a summary fashion in this chapter. Within each, an attempt has been made to identify critical, rather global issues, and then to determine what, if any, evidence bearing on these issues has been found from our review.

The first area concerns "clients and caseloads," raising such questions as who is placed on probation, whether caseload size makes any difference to probation effectiveness, and whether placements on probation are in any sense more effective, for any classification of persons, than alternative sentencing dispositions such as imprisonment.

The second field of study addresses the problem of prediction of probation outcomes. Methods available for development and validation of procedures for classification of persons with respect to risk of probation violation are reviewed, and the potential utilities of such procedures are discussed.

The concept "recidivism" is next examined. Although there is considerable agreement that this term is an important one, there is little agreement about its most useful definition. A model is proposed for the use of this concept in probation information systems in such a way that continuous guidance can be given to probation program development and management.

The fourth area of study is that of probation as treatment or as a set of types of treatment. Some promising results may be reported; but our review serves to illustrate the complexities of issues raised in this arena and to show that the area of our knowledge of this topic is small, relative to the extent of our ignorance.

Clients and Caseloads: Who Does What with What and to Whom?

The studies of client/caseload characteristics were analyzed in an effort to determine who are the clients for adult probation services and how they are handled under probation supervision. Of particular importance is knowing how these probationers differ from other adult offenders, particularly those incarcerated.

It is a tenet of faith in corrections that persons on probation are less likely to recidivate than those in prison. There is some evidence that this is true. It has been criticized as biased, however, because judges have (deliberately) sentenced the best risks to probation in the first place. There is evidence that this also is true. As a result, comparisons of probation vs. prison outcomes typically have compared "apples and oranges." Probationers have different characteristics than prisoners -- and these differences seem to influence success or failure (however defined).

Our study search disclosed very little that will add to the little already known about the profiles of the types of offenders who receive probation, and the types who are

incarcerated. Some evidence is provided by a Missouri Division of Probation and Parole study covering the fiscal years 1968 to 1970 in which they compared individuals committed to the Missouri Department of Corrections (3,197) to those placed on probation (5,083).¹ The probationers were mostly young first offenders, without significant alcohol or drug problems. The commitments were older than the probationers (averaging 26 years vs. 21); and, the prison commitments were significantly more likely to be divorced (15 percent vs. six). There were no significant differences in educational level; and there were no differences in racial makeup of the two groups. It was determined that there were some differences in the types of offenses committed by probationers and prisoners. Offenders against the person -- particularly robbers -- constituted a greater proportion of the prison population than the probation population. On the other hand, auto thieves and drug offenders were more frequently placed on probation.

A Wisconsin study by Babst and Mannering compared male offenders who were imprisoned with similar types of offenders who were placed on probation.² The population sampled was all adult males released from a state correctional institution or placed on probation from 1954 through 1959. Three factors were found to be most predictive of violation rates for both probationers and parolees: number of prior felony convictions, type of offense, and marital status at time of

commitment. These three factors were also found to have been most important in the initial judicial decision about whether or not to place the offender on probation. Because of selection bias in the sample resulting from judicial discretion -- the judges tended to place those offenders with low violation rates on probation -- and because of differing surveillance tactics between parolees and probationers, no definitive conclusions could be reached. Even though more than ten years have passed, it seems clear that we really do not know with any degree of confidence whether adults are less likely to recidivate if placed on probation rather than in prison, because the necessary research has not been done. By "necessary research" is meant (ideally for the research purpose) the random assignment of offenders to probation and prison and comparison of the results, or (minimally) careful comparisons of such results with non-random samples with statistical control for offender attributes demonstrably related to probation and parole outcomes. The latter type of research does not require the judge to change sentencing practices, and it could provide more information than now is available.

On a related issue, the results are a little less cloudy and inconclusive. Martinson, on the basis of his research, concluded, "...the personal characteristics of offenders -- first offender status, or age, or type of offense -- were more important than the form of treatment in

determining future recidivism."³ We attempted to determine whether this held true in the adult probation studies that we reviewed.

Certain personal characteristics were found to be positively correlated with successful probation outcomes. Kusuda found that 97 percent of probationers -- employed at least 75 percent of the time, living with their spouse and having non-disreputable associates -- successfully completed probation.⁴ Hopkinson and Adams, in their study of a specialized alcoholic caseload project, found the following:

Three factors were apparently most closely associated with a favorable response to probation service:

- 1) prior arrest history: arrest rates prior to the study were lower for the satisfactory subjects and higher for the unsatisfactory subjects.
- 2) mandatory attendance at Alcoholics Anonymous: a mandatory requirement that the offender attend AA meetings seemed to be an important variable. It was associated with a marked reduction in arrest rates for the satisfactory subjects.
- 3) marital status: the offender who was married appeared most likely to respond favorably to a probation program. Those who are separated but not divorced seemed the least likely to respond favorably.⁵

Irish found that an offender's adjustment on probation was related to type of crime committed; that is, probationers convicted of crimes against persons, drug offenses or other offenses were more likely to make a successful adjustment on probation than those convicted of property offenses.⁶ This result runs counter to the way offenders typically are sentenced (for example, in the Missouri study described earlier)

but, of course, the explanation may be found in aims of sentencing other than management of risk, such as deterrence and retribution.

Kavanaugh examined the effects of employment on probation adjustment and found that unemployment resulted in lower relative adjustment scores and a greater likelihood to engage in criminal activity.⁷ Describing the adjustment scale, he stated:

The "relative adjustment scale" is a new method for measuring overall behavior adjustment of offenders. It assesses not only the negative factors of criminal activity, but also the positive factors which reflect adequate social adjustment and allows for graduated outcome indicators other than the traditional two-valued indicators of "success" and "failure."

In only one instance -- attendance at Alcoholics Anonymous for alcoholic offenders -- was a treatment variable reported to be related to probation outcome. On the other hand, Thompson evaluated a specialized misdemeanor probation program and concluded,

statistically, it would appear that the type of treatment offered clients, be it outpatient referral, Alcoholics Anonymous, in-resident treatment, or frequency of contact with the probation officer, was not significantly related to whether a client recidivated or not.⁸

Thus, the studies reviewed tend to support Martinson's view of the relative importance of personal characteristics of adult probationers; no critical test of this proposition, however, was found.

Another client/caseload issue area involves the manage-

ment of adult offenders once they have been placed on probation. Here we were able to find a relative wealth of information bearing on important probation issues. Is improved performance on probation a function of the number of contacts the probationer has with his officer? Does it depend on the length of time under supervision? Is it the quality of supervision rather than the quantity that makes a difference?

A drug unit caseload evaluation found that nearly five contacts (half in person) per month did seem to have an effect. The in-person visits to the home, school, job, or place of drug treatment particularly resulted in reported dramatic changes.⁹ These included a recidivism rate of 20 percent compared to 32 percent for the general caseload, a reduction in the percentage on welfare from 53 to 28, and an increase in educational program involvement from six percent to 56 percent.

Similar results were reported from several other studies that purported to test the hypothesis that by supervising a smaller caseload, the officer has more time to devote to each client; in addition, according to this hypothesis, any problem areas that surface can be dealt with early in the supervision process, thus avoiding more serious matters. As a result, it is argued, the effective combination of both these elements provides a groundwork for successful completion of probation and less likelihood for recurrence of criminal activity. A Michigan study reported

that reducing caseload size improved the probability of successful probation completion.¹⁰ It was believed that this improvement reflected in large measure the increased time that could be spent with probationers.

The Inner City Intensified Supervision Caseload study reported that reduced caseload size afforded the probation officer the opportunity to provide an increasing degree of service and supervision.¹¹ An evaluation of the Denver High Impact intensive supervision project concluded that one-year rearrest and reconviction rates for regular and intensive samples were 33 percent (rearrests) and 24 percent (reconvictions) and 22 percent (rearrests) and 12 percent (reconvictions), respectively.¹²

Other studies reported contrary, or at least dissimilar, results leading to questions about the relation of caseload size and intensity of supervision to probation outcome. On this issue, Neithercutt and Gottfredson have pointed out, "Perhaps asking a question like 'What size caseload is optimum?' is committing a *reductio ad absurdum*."¹³ To a considerable extent, our review and analysis shows this to be the case. One study, for example, found that as caseload size increased, the supervision given to each client also increased.¹⁴ A preliminary evaluation of the well-known San Francisco Project concluded:

The findings in our preliminary evaluation of intensive, ideal, and minimum supervision caseloads raise some serious questions about the nature and efficiency of the prevailing

models of supervision. We have observed that the probationers, parolees, and mandatory releases routinely assigned to these various caseloads, despite substantial differences in the supervision effort, exhibit violation rates which are not significantly different from one another.¹⁵

Lohman, *et al.*, observed that, "... in the intensive caseloads, despite fourteen times as much attention as provided the minimum supervision cases, the violation rate not only failed to decline significantly, but increased with respect to technical violations."¹⁶ This suggests what may be one of the more important issues in this area. That is, what is the association among intensive supervision, (high?) rates of technical violations and (low?) rates for new offenses?

Martinson has concluded:

... when intensive supervision *does* produce an improvement in offenders' behavior, it does so not through the mechanism of "treatment" or "rehabilitation"; but instead through a mechanism that our studies have almost totally ignored -- the mechanism of *deterrence*.¹⁷

If such an association could be supported by the studies available, this would lend support to the idea that probation, and perhaps other community-based correctional programs, can have a deterrent effect upon criminal behavior, through close supervision and enforcement against rule infractions. Prisons might not then be viewed as the sole or even the primary method for deterring crime. Unfortunately, again only a very few studies shed any light at all on this question. There is a considerable need for research before any definitive conclusions can be reached. The available

evidence, however, does lend some support to the concept of such an association.

The San Francisco Project reported results as follows:

Caseload	Probation Outcomes	
	Technical Violations Percent	New Offenses Percent
Intensive (N = 70)	21.9	15.6
Ideal (N = 119)	2.7	21.6
Minimum (N = 118)	0.0	22.2

These findings indicate that intensity of supervision is positively associated with technical violations and negatively associated with new offenses. The authors generalize from these data that "technical violations are a direct function of the amount of supervision provided."¹⁸ There were proportionately fewer new offenses with intensive supervision, but the differences are not statistically significant.

The aforementioned drug unit evaluation by Kaput and Santese reported that the rate of violation of probation rules exceeded the recidivism rate, 28 percent to 20 percent.¹⁹ The authors concluded that:

This is an indication of the probation officer taking some action as the result of the probationer failing to live up to his probation obligations. This is important because such action frequently has the effect of aborting a trend on the part of the probationer toward negative behavior patterns which would eventually result in new criminal behavior and arrest.

Other studies also provide evidence on the topic of intensive supervision and type of violation. The Inner City project evaluators found higher rates of technical infractions to be associated with lower incidences of criminal violations.²⁰ The authors concluded, "This adds further support to our hypothesis that intensified supervision does have a positive effect on reducing cyclical crime." This study employed random assignment to experimental and control groups, and as a result might be given special credence, despite the fact that the groups were rather small (N = 30). An intensive supervision project in Florida found increased supervision resulted in increased opportunity for observation of technical violations, although there were no significant differences in revocations for experimentals and controls.²¹ This led the evaluators to the interesting speculation that increased contacts may be negatively interpreted by probationers, thus aggravating the incidence of unsatisfactory behavior. Our inclination, however, is to conclude tentatively that intensive supervision does result in more technical violations, known and acted upon, and that this may lead to fewer new offense convictions.

Even when rigorous experimental designs were utilized in the studies of client/caseload characteristics (and that was unusual), the time perspective was generally no longer than the project duration. Without more detailed research, including more extensive follow-up study, it is impossible

to know what it is about intensive supervision or reduced caseloads that is or is not working. It is reasonable to agree with Vetter and Adams that,

The concept of fifty or any other number unit caseload is likely to be meaningless without systematic classification based upon empirically demonstrated criteria and a corresponding organization of caseloads according to variations in treatment, offender, and officer.²²

One possible and fairly common model to be considered for accomplishing this was suggested by Weiner.²³ It encompasses a "vertical" model of caseload assignment, in which individual offenders are rated according to potential for probation adjustment. Those rated as having a high potential for favorable adjustment would be placed in a super-sized caseload requiring minimal or perfunctory supervision. Those rated as having extremely low potential would be placed in small caseloads, receive intensive supervision, and be held strictly accountable for their actions. It is those in the latter group that are the most appropriate probationers for attention from a deterrence perspective.

Prediction: Who Succeeds or Fails?

Perhaps the ultimate ideal in corrections, including probation, is to be able to predict with confidence what will be the results of making particular decisions and taking particular actions with regard to offenders. Judges and probation officers want to know who should be granted probation. Among other concerns, they want to know the risks,

(i.e., the chances for success). The prediction of human behavior is a complex and difficult undertaking but the potential rewards for being able to do so with some degree of validity are large.

The National Advisory Commission on Criminal Justice Standards and Goals indicated that the full potential of probation "cannot be reached unless consideration is given to... the development of a system for determining which offenders should receive a sentence of probation."²⁴ Our review of studies on probation prediction focused on the question, what is the current state of knowledge of probation prediction to assist in the development of such a system? One quick conclusion is that the implementation of prediction tables in probation practice is still rather rare; but it appears from analogous applications, in parole particularly, that prediction methods can assist in selecting individuals for probation. Gottfredson's observation in 1967 that,

Prediction of probation outcomes has received little study, despite the needs for assessment of variations in criterion outcomes associated with probation supervision alternatives,²⁵

seems to hold today.

Some findings and conclusions from the limited studies that could be found are noteworthy. In 1964, George F. Davis concluded after a study of violation rates by a cohort of adult probationers:

Unfortunately, at the present stage of development in probation research, there are no adequate means for truly differentiating between those who will succeed and those who will fail on probation. In the future, some sort of predictive indices must be developed to determine, especially in marginal cases, which defendants would be more likely to succeed than fail.

...Probation officers and judges, with their extensive knowledge of criminal offenders, are using rudimentary predictive indices whenever they make or pass on a recommendation. However, this more or less intuitive experience is not precise enough to be applicable to the large group of defendants who do not possess the more obvious characteristics of success or failure.²⁶

Twelve years later, the situation seemed to have changed somewhat. Golbin said:

One of the main criticisms of probation is that administrators don't utilize the valid predictive instruments available to them. Valid predictive models do exist, and can be effectively utilized for particular populations if administrators are willing to do so. In the final analysis, improvements in treatment, surveillance, and management techniques can be achieved by utilizing the predictive instruments and classification systems that already exist.²⁷

Thus, it seems that although it is true that probation prediction has received too little study, there may be a reluctance to make use of what is already known. This arises in part from the objection to prediction that because individuals are unique, prediction of future behavior is useless. This objection exists in the face of evidence dating at least to the probation study of Monachesi in 1932, which shows that prediction is not only possible but feasible.

What seems to escape or to be unknown to those who are skeptical about prediction is that it is not based upon the uniqueness of individuals, but rather on their similarities. In other words, past experiences with certain types of offenders and their success or failure can be aggregated to determine what the successes have in common and what the failures have in common. This knowledge can then be used to predict the probable probation outcomes for offenders having similar characteristics. It may also escape judges or probation workers who stress a preference to rely on their "experience" that prediction methods do precisely that, but can do so in a more systematic, less biased fashion. To the extent that each person is unique, experience provides no guide.

Another objection to the use of prediction is the labeling or "self-fulfilling prophecy" problem. Of particular concern are the possible negative consequences accruing from designating and treating a probationer as a poor risk. Apart from the concern noted earlier about possibly aggravating the incidence of unsatisfactory behavior, this does not seem to be a potentially serious problem. Predicting future deviant behavior among a group of pre-delinquent children, where the self-fulfilling prophecy is a matter of serious concern, is not at issue. Instead, the interest is in predicting the future conduct of adults who already have been convicted of a crime. The issue is not whether to intervene -- that has

already been decided -- but rather with what and how much intervention is necessary.

There are two primary errors that will be committed in predicting probation outcomes -- some expected failures will become successes and some expected successes will become failures. These two types of error will occur whether the predictions are made by individual subjective judgment or with the aid of prediction methods. Most persons would gladly live with the first type of error, and indeed would hope to facilitate its occurrence, when it refers to an expected failure nevertheless placed on probation who succeeds. If, on the other hand, the incorrectly expected failure is for that reason only (hence incorrectly) imprisoned, a serious issue of fairness arises. This is a central issue in current debates about sentencing, the examination of which is beyond the scope of this report. Suffice it to note that when there is a predictive purpose in arriving at decisions as to sentencing dispositions, the "false positive" issue will arise whether predictions are made with the use of prediction instruments or by subjective judgments.

The second type of error also is troublesome, as for example when an incorrectly predicted success has been assigned to minimal supervision. That is, this assignment could lead to the failure that was considered improbable. The answer to the question, "So what do we do?" seems to

be that prediction is not perfect and, given the nature of human behavior, never will be. In this imperfect world, as Jay Albanese indicates in Chapter IV of this report, we can make

...carefully considered decisions without arbitrary or capricious judgment in determining the future of offenders. Validated prediction tables based on reliable information can be valuable in this respect as they can provide guidelines derived from past experience to assist in minimizing prediction errors.

Perhaps another reason for judicial reluctance to use empirically derived prediction measures stems from a failure as yet to develop models for the probation decision that combine information on risk with other data perceived as important to be considered *simultaneously* with the issue of risk. For example, the evidence suggests that in many (perhaps most) jurisdictions, judgment of the seriousness of the conviction offense is commonly considered in making the probation decision. It suggests also that, in general, the better risks are convicted of more serious offenses. Decision guidelines that provide for assessments of both concerns at once may thus be more useful than any tool addressed only to one of the dimensions deemed important to consider in decision-making.

Another prediction issue that we sought to examine was the issue of probation officer prognosis. Some success in prognostication was reported from the State of Washington.²⁸ A prognosis was made on a five-point scale by the probation officer after an offender had been admitted to his caseload.

The officers correctly predicted success 85 percent of the time--257 of 302 predicted successes actually succeeded. Their record in predicting failure was not nearly as good, however. The accuracy for failure prediction was only 27 percent--21 of 77 predicted failures actually failed. The author noted that supervising officers studied correctly predicted successful outcomes much more readily than they predicted unsuccessful outcomes. Given the "base rate" of success (80 percent), the improvement over random guesses that 80 percent would succeed is not striking.

Classification for purposes of treatment should be distinguished from classification for the predicted outcome of supervision. This necessary classification would require at least two categories--a category delineating need for services or treatment, and a category delineating recidivism risk. This recognizes that high risk offenders might fall into a low "needs" category and low risk offenders into a high "needs" category. This distinction would be useful, since there seem to be probationers who need intensive supervision, but not intensive treatment. As previously indicated, it has been suggested that the intensive treatment given high risk groups might prove disruptive and actually aggravate recidivism likelihood for such cases.

We found a few empirical attempts to explore the feasibility of applications of prediction methods to probation supervision practices. The vertical model of caseload assignment described earlier would be an example of this use of

prediction. Nicholson also found prediction tables useful in classifying high, medium and low "risk" caseloads.²⁹ A General Accounting Office report found prediction tables to be of value in establishing variable supervision caseloads.³⁰ Frease³¹ and Fiore³² also made similar reports.

It seems clear that the success of any probation program will depend not only on appropriate supervision and treatment but also on the characteristics of those placed on probation. Probation systems will depend for their success on the ability to predict probable outcomes based on these characteristics and to manage probationers in such a way that not only expected successes but also expected failures actually succeed. Thus, the general issue of prediction is central to provision of a management system capable of guiding program development for increased probation effectiveness. Before considering this concept in more detail, some other issues of recidivism should be discussed.

Success and Failure: What Does It Mean?

The key measurement in all correctional research, including probation, is the measurement of recidivism. In a general sense, it is the nearly universally agreed-upon criterion for measuring correctional outcomes. Unfortunately, there are serious problems and disagreements in defining and interpreting the concept, recidivism.

- The police often argue for counting recidivism by arrests.

- Corrections personnel usually argue that recidivism should be measured by convictions alone.
- There are questions about how technical (i.e., rules) violations of probation or parole conditions should be treated in the definition of recidivism.
- There are questions about the seriousness of the recidivist event, particularly in the case of a serious offender who later commits another less serious or even minor offense. Is he a recidivist? An improved recidivist?
- There are questions about what length of time offenders should be followed after their release from supervision.
- Defining recidivism in terms of the sentence that the offender receives means that if incarceration were used as the basis of the definition, all non-incarceration sentences would be excluded.
- Different definitions and groupings of crimes across jurisdictions make standardized definitions difficult.

The use of the concept, recidivism, as a measure of effectiveness of probation is complicated also by the fact that its measure ordinarily reflects two sources of variation. One source is the behavior of the probationer; the other is the behavior of personnel in the criminal justice system. That is, most definitions of recidivism reflect not only the probationers' behavior or illegal acts but also the system's

response to that behavior. Recidivism, whether counted by arrests, rules violations, convictions, or combinations of these, commonly reflects the coding of an event which may result from probationer actions, criminal justice system personnel activities, or both.

This does not mean that the concept cannot be a useful one if given a clear operational definition. Indeed, *various* definitions of recidivism may be useful for various purposes. But, it is clear that the *meaning* of the term is given by the operations performed in arriving at the concept -- so that caution against adding further meanings is in order. Similarly, if different definitions are used, with the same label assigned to what really are different concepts, there is much room for confusion.

Thus, the measurement of recidivism is best looked upon as an administrative tool. The definition of the term may depend upon the purpose to which the measure is to be put; but the limitations of any particular definition must be taken into account when interpretations of the measure are drawn.

The National Advisory Commission on Criminal Justice Standards and Goals stated that "Follow-up studies of probation... indicated that failure ratings of persons on probation were relatively low."³³ This led us to ask the following questions of the revocation/recidivism studies which were reviewed: How are failure rates defined? Are such rates reasonably considered low? Relative to what?

Ten studies of recidivism were selected for review and analysis. Although other studies were reviewed, they were believed to contain sufficiently serious problems of methods that they were not further reviewed.

In the operational definition of "failure," we found substantial variety. An important variable in determining the definition was whether the study covered only the period of time in which the persons in the study sample were actually on probation, the on-probation period and some post-probation period, or only the post-probation period. The failures in the first category were largely administrative or technical failures resulting in probation revocations. The criteria determining these failures included issuance of an inactive letter or a bench warrant,³⁴ violation of probation rules and conditions,³⁵ and absconding.³⁶ Any of these factors could and were used as a basis for revoking probation.

Some unique differences were found within this category. For example, in the California study by Davis, the probationer had to have two or more violations and revocations to be considered a failure; one violation was considered success. In Irish's 1972 study in Nassau County, New York, discharge as "unimproved" constituted probation failure.³⁷ The Missouri study excluded absconding from its definition of failure.

New offenses, including both arrests and convictions, were also a basis for revoking probation, and were a measurement of failure among the on-probation studies. New offenses

were obviously the only important measure of failure among the post-probation studies. Here also, however, there was some variety of definition. The 1972 and 1977 Nassau County studies used arrest as post-probation failure. The Missouri study used both arrests and convictions. Caldwell and England³⁸ in their studies used convictions only. The Comptroller General's study, which encompassed both on-probation and post-probation failures, used only those convictions for which the offender received a sentence of 60 days or more to determine post-probation failure.³⁹

The measurement of success and failure is also a function of the length of time offenders are followed after their release from probation supervision. It is widely believed that the early period following release from custody, for example the first six to twelve months, is probably the most critical to recidivism. The National Advisory Commission recommends a follow-up period of three years for measuring recidivism, but supportive evidence as to the "optimal" length of follow-up for various purposes is scant.

The recidivism studies were compared on the basis of the time dimension used. The on-probation studies, of which there were three, and the on-probation/post-probation studies, of which there were four, used length of probation as their time frame (or at least part of it in the case of the latter studies). The length of probation supervision varied from one month to five years or more. Unfortunately, be-

cause of the way the data were analyzed and reported in the individual studies, it is not possible to aggregate the information for purposes of correlation with the failure rates. Some of the studies reported length of probation in ranges, for example, 18 to 30 months; others in means, mean ranges, or medians; and one did not identify the time of supervision at all. The post-probation studies used follow-up times ranging from six months to 12 years. Again, the individual analyses and reporting of these data do not allow for correlation with failure rates. Thus, although it is reasonable to assume that reported outcome is correlated with follow-up time, we cannot test this hypothesis or obtain an estimate of such correlation using the data available in the studies reviewed.

We also cannot determine from these studies the relation between the seriousness of the initial offense which resulted in an offender's being placed on probation and the seriousness of any recidivist offenses. Seven of the ten studies report initial offenses, but in some cases these are reported as gross classifications of offenses -- property offenses, misdemeanors, etc. The recidivist offenses are reported similarly, or are indicated simply as new offense, minor offense, offense against person, etc. Three studies do indicate that the recidivist offenses were the same as the instant offenses -- but we are not sufficiently confident about the data to reach any conclusion on this issue. We do feel

confident in calling for research to test the question.

Using what Martinson has referred to as the "fruit salad" approach, we analyzed the failure rates reported in the ten studies. Fruit salad is an apt description in this instance, because we are combining different definitions of failure for samples of differing characteristics which were followed for differing periods of time. It should be noted that this approach has nothing to recommend it, but the results nevertheless are given below since they at least show the variation reported in probation failure rates. Also, the results illustrate some of the reasons such averaging should *not* be done.

The ten studies produced 14 failure rates; four of the studies cited failures in both the on-probation and post-probation categories. The on-probation failure rates cited, by author, were reported as follows:

Kusuda	18.3 %
Frease	20.0
Landis, <i>et al.</i>	52.0
Caldwell	19.1
Missouri	20.9
Comptroller General	22.0
Irish (1977)	<u>25.0</u>
Mean failure rate	25.3 %

The mean rate of failure of this particular salad is one in four. The "deviant case" is clearly the Landis study.

The best explanation for that 52 percent may be that the sample of 791 probationers consisted entirely of felons. This contrasts with one of the best rates -- Caldwell's 19.1 percent -- which was achieved with a sample of 1,862 federal probationers, 72 percent of whom had been convicted of internal revenue offenses. The comparison difficulties are obvious.

The post-probation failure rates, also cited by author, were reported as follows:

Caldwell	16.4 %
Missouri	30.0
Comptroller General	26.0
England	17.7
Davis	30.2
Irish (1972)	41.5
Irish (1977)	<u>29.6</u>
Mean failure rate	27.3 %

The mean failure rate from this conglomeration is slightly more than one in four. There seems to be a certain consistency in failure between on-probation rates and post-probation rates. Caldwell's largely internal revenue law violators are clearly the most successful.

How do these rates compare with other known recidivism rates? Believing that such comparisons are meaningless, we can nevertheless provide a context or reference point for our figures. Martinson and Wilks in their paper, "Recidivism and

Research Design: Limitations of Experimental Control Research," calculated a mean recidivism rate of 21.2 percent from 2,116 probation-recidivism rates, and a mean rate of 23.3 percent from their reported total of 7,341 recidivism rates for all correctional outcomes.⁴⁰ Our mean rates are slightly higher, but this could easily change by adding a few more studies with low risk probationers such as internal revenue violators. Anything else that might be said would be pure speculation; and it is to be hoped that no reader will take seriously the averages cited.

These studies collectively provide some evidence as to which probationers succeed. Probationers who are white, have no previous record of arrests, and are convicted of property crimes have the greatest probability of successfully completing their probation term. These same offenders, having been released from probation as "improved," have also the greatest probability of post-probation success. On the other hand, the variables which were most often significantly associated with failure were previous criminal history, youthfulness, not married, and unemployment.

One possible way for making outcome measures more meaningful and for confronting some of the problems that have been described, would be to combine the assessment of success/failure rates with the use of prediction methods. Having identified those independent variables that correlate with success or failure, for example, age, marital status, employ-

ment, it is possible to combine these (by various means) to predict outcomes and to determine the weighted contribution to that outcome from each independent variable. New probationers could then be assigned to success/failure probability classifications such as low, medium, or high risk. This would be determined by the extent to which the offenders possessed relevant characteristics, i.e., those demonstrably related to "success" or "failure." Actual outcomes, including both on-probation and post-probation outcomes, then could be compared to the predicted outcome probabilities for any group of probationers. This would mean that outcomes would not simply be calculated on an all or nothing proportionate basis, that is, the percentage of failures in the total sample, but could be calculated for any classification of probationers in terms of the outcomes *expected* given the composition of the group, and actually *achieved* given any type of probation supervision.

Gottfredson has outlined the requirements for implementing such an outcome measurement system as follows:⁴¹

1. Systematic collection of reliable data when offenders are placed on probation. These data are the independent variables, or predictors.
2. Repeated study of the relations between independent variables, or predictors, and the dependent variable of outcome.
3. Repeated validation of any prediction method used.

4. Periodic determination, based on the prediction method, of *expected* outcomes.
5. Comparison of *expected* outcomes (determined by the prediction method) and *observed* outcomes (in actual practice).
6. Identification of the sources of any discrepancies between *expected* and *observed* results.

Such a system of measurement would not only take into account the variability of probable outcomes among probationers at any point in time, or over time, or across jurisdictions; but it would also make better use of background information on the probationers. The outcome measure would become not *the* recidivism rate, but the difference -- on either the plus or minus side -- between the expected or predicted rate and the observed or actual rate. The system as a whole could provide a useful management tool, furnishing systematic feedback on the kinds of programs that appear to be helpful with respect to various outcome measures. Such a system would provide much more information on this topic than currently is available, at the same time pointing the way toward more efficient use of more rigorous experimental designs when critical tests of treatment hypotheses are found warranted.

Probation officers and departments should be given credit for successes with probationers -- when actual success exceeds expected success. At the same time, failures

with good risk offenders should show that something is amiss. Such a measurement system would recognize the reality that success with those who are expected to fail should count for something.

Treatment: What Works with Whom, and in What Respect?

One of the most popular questions currently being asked in corrections is "What works?" Recently, paternity for this question may be attributed largely to Robert Martinson. Others, however, were examining treatment techniques and modalities long before Martinson became publicly interested in this issue. For example, Schnur stated in 1964,

No research has been done to date that enables us to say that one treatment program is better than another or that enables us to examine a man and specify the treatment he needs. There is no evidence that probation is better than institutions, that institutions are better than probation, or that being given parole is better than escaping... Research could possibly shed some light, but none of the research conducted to date answers these questions.⁴²

Martinson indicated that,

...the most extensive and important work that has been done on the effect of community-based treatments has been done in the areas of probation and parole. This work sets out to answer the question of whether it makes any difference how you supervise and treat an offender once he has... come under state surveillance in lieu of prison. This is the work that has provided the main basis to date for the claim that we do indeed have the means at our disposal for rehabilitating the offender or at least decarcerating him safely.⁴³

We sought from available studies, to answer the ques-

tion of whether it makes any difference how adult probationers are supervised and treated. Our findings are categorized into five broad treatment modalities: group and individual counseling, vocational counseling and employment, voluntary and involuntary treatment, drug treatment, and use of volunteers and paraprofessionals. In each modality, we examined what seems to work, with whom, and why.

In the area of group and individual counseling, a psychiatric services program for sex offenders on probation reported, "Peer confrontation in an open-ended group therapy session, ...far more effective in overcoming the offender's characteristic denial than... individual interview with the psychiatrist."⁴⁴ Group techniques such as guided group interaction have been reported to be not only more feasible, but more effective than individual psychiatric treatment, with most offenders. Olsson reports from an evaluation of an outpatient treatment clinic for special offenders that

group therapy ratings showed significant changes from initial to final ratings in several areas of group behavior. Almost all changes for all groups were in a positive direction except for a few in a negative direction in the assaultive offender group.⁴⁵

The evaluators of this program concluded that mandatory treatment is a practical alternative for special offenders and has a positive effect on recidivism, but that it was more successful in treating adult sex offenders than assaultive offenders.

Contract programs are becoming increasingly popular in both probation and parole. A Multiphasic Diagnostic and Treatment Program found that 75 percent of the offender population achieved success as a result of treatment that required residents to jointly formulate a contract with the staff wherein a treatment plan based on the goals, objectives and needs of the residents was outlined.⁴⁶ Each resident had to participate in group counseling and volunteer work in a community project. Individual and family counseling were available as needed. Graduation was contingent upon completion of the plan the resident designed and had approved by the staff. Success was defined as graduation.

Some of the counseling studies reviewed reported mixed results and/or raised interesting speculations. As an example of the latter, Breer said about probation supervision of the black offender:

If an officer starts out by handling racial factors awkwardly, the rest of his counseling is likely to be shelved as irrelevant. Somewhat related to this last point is the use of the reality principle in casework with blacks. This is probably the best single tool a white caseworker has in working with blacks. Attempts to rebuild the personality structure of the black probationer or really even to try to improve black family life to avoid pressure areas leading to criminal acting out are usually beyond the grasp of the white probation officer.⁴⁷

This comment speaks to a nagging problem in the treatment of offenders, including those on probation. Most probation officers are white and from middle-class backgrounds.

Many, and in some jurisdictions perhaps most, probationers are black or of other minorities, frequently from lower-class backgrounds. This results in a socio-cultural gap in which the officer has difficulty understanding and empathizing with the offender. The officer may face the problem of institutional racism as well as his own racial attitudes. The offender, in turn, has difficulty identifying with the officer. An approach employing the reality principle is suggested as a technique for coping with these difficulties. The reality principle refers to a technique of pointing out immovable reality factors which must be dealt with by the probationer. The probation officer and the offender agree on minimal goals in helping the offender confront these factors.

The Santa Clara County Adult Probation Department tested two high impact short-term motivational treatment programs designed to reduce recidivism among adult felons on probation. The Zzooommm method was designed to change self-image, set goals, and increase self-understanding; the Heimler method used a scale to measure perception of frustration and satisfaction -- followed by a three-month treatment phase called "the Slice of Life." The evaluators of these programs concluded,

The results are sufficiently mixed that no firm conclusion can be extracted from the data that gives one program superiority over the other. Small samples and the absence of an experimental design also hamper clear interpretation of the recidivism and other outcome data.^{4 8}

The difficulties of utilizing and adhering to an experimental design has been an all-too-common problem in studies of the effectiveness of probation treatment modalities conducted to date. As a result, all findings and conclusions must be interpreted cautiously. Very often, the sample integrity was not maintained or samples were too small to allow for meaningful interpretations of the results. These failings leave the state of the art in the treatment of adult probationers in a frustrating position. Promising leads toward potentially effective treatments have been found. Methods are available such that the critical hypotheses could be either supported or refuted. They generally have not been used.

An evaluation of a project to provide vocational upgrading to Monroe County, New York, probationers found that the unemployment rate of the target population could be effectively reduced.⁴⁹ The project evaluators' conclusions seem to be particularly enlightening:

While the results of this evaluation are such as to indicate the MCPP's effectiveness, two cautions are in order. First... a six-month survey of program results cannot be considered conclusive. A second-year evaluation, based upon a one-year follow-up of the project's first year probationers would be required... Second, though the MCPP may be reducing probationer unemployment and recidivism, there is some question as to whether recidivism is being reduced by *means of* employment upgrading. The results provide the basis for an assertion that unemployment is not a major cause of recidivism, and that the project achieved its crime reduction through "human

upgrading," i.e., by: providing success experiences, engendering self-esteem, and alleviating life's problems.⁵⁰

The idea that unemployment is not a major cause of recidivism challenges a basic of folklore in corrections. It suggests on the one hand that simply ensuring that a probationer has a job may not accomplish much by way of preventing recidivism. This does not mean that efforts to provide job training and jobs are not worthwhile, but it implies that the goals for such projects need to be limited and realistic, and that the results should perhaps be measured by criteria other than recidivism. If it is worthwhile to reduce unemployment, there is no need to link it to a reduction in recidivism. The observation about human upgrading suggests a certain "Hawthorne effect," i.e., a response to the experiment itself; but it also supports the view that criminal behavior results from a complex of variables -- and unemployment is only one.

Another project in Monroe County -- the Probation Employment and Guidance Program (PEG) -- had similar results. The "treatment," that is, assessing job desires and practicality of previous experience and available resources, and planning strategies for goal attainment, did not make any fundamental change in the employment behavior of those exposed to it. There were no differences either in the rate of recidivism of the experimental and control groups, as measured by new arrests and convictions.⁵¹

That employment may be a variable relevant to probation success was, however, demonstrated in a Bergen County, New Jersey, Job Bank project which indicated that employment accounted for over half of the variability in probation outcome.⁵² Employed probationers were more likely to have a successful termination ranking.

Another traditional issue in correctional treatment has been that of voluntarism. One of the basic tenets of much social/psychological casework is that the offender must perceive that he or she has a problem and must be self-motivated to seek help. Two treatment studies reviewed -- an outpatient treatment clinic for sexual and assaultive offenders and a casework project with female probationers -- reported that treatment does not necessarily have to be voluntary in order to be successful.⁵³ In the latter project, improvement in the experimental group occurred among those who were encouraged to participate *and* among those who were told it was a requirement of probation.

A number of seemingly successful drug treatment programs involving adult probationers were uncovered. A methadone maintenance project reported that an analysis of the records of 912 patients (parolees and probationers) admitted over a four and one-half year period showed a 90 percent drop in criminal convictions.⁵⁴ The evaluators reported that,

The changes in the methadone patients were sudden and dramatic. Probationers who were previously anxious, unproductive and antisocial when addicted to heroin became normal human

beings and were quickly reabsorbed into the community through employment and healthy social lives.

Polakow and Doctor reported on a behavioral modification program for adult drug offenders.⁵⁵ They found that placement of probationers in a contingency management group successfully decreased the number of arrests and violations while on probation. These probationers also maintained an employment rate higher than that of a control group. Rosenthal evaluated the Philadelphia County Department of Probation Drug Unit and concluded that the "unit is effective in attaining the goal of reducing overall criminal recidivism."⁵⁶ Successful results with alcoholic probationers were also reported. The evaluators of the Los Angeles County Probation Department Specialized Alcoholic Caseload Project concluded:

Despite the unpromising characteristics of the offenders, the general outcome of the project was such as to suggest that use of probation with the alcoholic offender is both feasible and worthwhile. This seems particularly true if caseloads can be reduced appreciably in size and alcoholic caseload DPO's (probation officers) are given an opportunity to explore and develop promising leads in the treatment of such offenders. Of particular interest here are the use of Alcoholics Anonymous, group counseling or group therapy procedures, and family-oriented counseling.⁵⁷

The examination of these studies of treatment modalities in adult probation reinforces the notion of the complex array of issues that must be taken into account in measuring probation outcome. These include the definition of outcome

measures; the characteristics of any study samples used; the nature of the research design and the samples studied; and the length of treatment and follow-up. It suggests also the complexity of the treatment concept and points to the need for documentation of the precise nature of the treatment program under assessment. Perhaps most important, it indicates that the investment of resources to investigate what works, with whom, under what circumstances, and how has been very minor in relation to the investment made in trying various probation treatment alternatives.

Footnotes

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Clients and Caseloads

The critical issues identified from review of the literature and studies concerning client and caseload characteristics in adult probation services, reviewed in the next chapter, form three general categories of concerns:

Caseload Issues

A problem frequently discussed is the achievement of a manageable workload for probation officers. Oversized caseloads often are identified as the obstacle to successful probation; and indeed, a very large caseload can have serious consequences for both the probation officer and probationer. The probation officer can easily feel overwhelmed in providing supervision and assistance to the offenders comprising his caseload if it is large; and this can affect the quality of supervision and services rendered to them.

Reducing the size of caseloads has been recommended as a means to increase the effectiveness of probation, yet it appears from many studies that achievement of this objective by itself will not assure a reduction of recidivism. There is no single optimum caseload size. Thus far, results from caseload research indicate that smaller caseloads sometimes improve probation performance, sometimes no change occurs, and sometimes probationers in smaller caseloads do worse than those in regular caseloads. The issues of probation effectiveness are complex, and caseload

size questions yield no simple answers.

Other management factors may be more important. The adequacy and general nature of the supervision and the skill with which it is administered may provide a more productive focus for study. There has been little systematic investigation of the problem of an appropriate matching of the probation officer and the offender. The concept of matching adds an additional complexity to the problem, which becomes generally, "what kinds of offenders are best supervised in what kinds of caseloads, with what kinds of treatment, by what kinds of officers."

Management/Classification Issues

Oversized caseloads can impede the delivery of needed services to probationers. As a remedy, workloads rather than caseloads have been proposed for assigning probationers to officers. The workload concept is based on the idea that not all offenders require the same type (or amount) of supervision. A probation officer assigned offenders difficult to supervise or persons in need of multiple or particular special services would then have a caseload smaller in number than the officer assigned offenders requiring only minimal supervision.

A differential casework approach based on the characteristics of the probationed offenders frequently has been proposed. Under one such model, probationers would be placed under supervision based on judgements of their "risk" (likelihood of violation) and need for services. The intent is to separate offenders

requiring minimal supervision and service delivery from those whose needs are greater, so that available time and resources may be more effectively allocated to probationers most in need. Another type of classification system is based on the matching concept.

Probation versus Institutionalization Issue

Can some offenders now committed to prison be successfully maintained in the community on probation? Some relevant studies are reviewed by Ms. Fiore in Chapter III. In one study, first felony offenders on probation had lower violation rates than those imprisoned and then paroled. If judges sentence persons to probation or prison based in part on expected violations ("risk"), does this suggest a classification system useful for the assignment of a sentence of probation? Can certain offenders be placed on probation instead of in prison if the probation department were staffed with trained personnel in sufficient numbers with manageable caseloads?

These issues of caseloads, workloads, classification, and probation as an alternative disposition to confinement are discussed in Bernadette Fiore's review.

Chapter III
Clients and Caseloads: An Assessment
of Critical Issues

Bernadette A. Fiore

Introduction

Robert M. Carter and Leslie T. Wilkins believe,

In corrections, we try to cope with the problems by taking additional measures, but tend to focus on providing traditional services to the increased numbers of offenders processed through the system.

We cannot continue to employ additional personnel indefinitely, build new institutions, or recreate established programs. The trend in corrections has been quite consistent - to create more of what already exists and to depend upon past experience without much attempted innovation.

In the main, our current and planned correction procedures are determined neither by imaginative and creative thinking supported by the utilization of available technology nor by other new knowledge in the social and behavioral sciences.¹

Lovell Bixby states,

The fact is that too many of our clients continue in their lawless ways both during and after the period of supervision. We find many excuses. We blame poor selection by the courts, excessively high caseloads, lack of job opportunities for probationers, a cold shoulder from the social agencies, lack of psychiatric facilities and so on without end. But, honestly, if all these were bettered would we do much better?²

With such views in mind, it is essential that we examine thoroughly the issues and empirical evidence surrounding client/caseload characteristics. There is an urgent need to evaluate what we know to date, to abandon aspects

of probation supervision that show no obvious merit, to recognize the needs of probationers and the optimal conditions for success, and to pursue the most promising avenues of our present knowledge.

Vital to our approach, and our ultimate success, are good management and efficient and effective implementation and delivery of probation services. Keeping in mind that we want to obtain the most from the probation dollar, it would be negligent to overlook the fact that probation deals with *people* and their reintegration into the community.

The report which follows presents the literature and findings to date, bearing in mind the availability of studies and time limitations. It is the aim of this report to offer information to the probation officer, others in criminal justice, and anyone else interested in probation. The hope is to improve the probation system through the dissemination of knowledge and to further approach the goal of probation - the reintegration of the offender into the community.

Review of the Literature on Caseloads

In its recognition of the problems and issues surrounding client/caseload characteristics, the President's Task Force Report on Corrections states that the administrative problem which has plagued probation officials most has been the achievement of a manageable workload for probation officers. Whenever probation programs are subject to criticism, the oversized caseload is usually identified as the obstacle

to successful operation. Efforts to reduce caseloads have been the source of a continuing struggle between probation administrators and local and state authorities.³

The American Bar Association Project on Standards for Probation recommends that there should be a sufficiently low average caseload to provide adequate supervision and to develop variable caseloads for different types of offenders and assignment techniques which will maximize supervision.⁴

Caseload size is a crucial consideration. If it is large, as is likely the case in most places, the probation officer must be careful not to be spinning his wheels for lack of knowing where to begin. It is easy, if one feels overwhelmed by the magnitude of a situation, to spend a lot of time doing nothing but fretting over what to do first. There is the likelihood that, because there is so much to be done, most things will be done superficially and without meaning merely because that is the only way one can even begin to keep up with the flow of paperwork. This obviously will have serious consequences for the general attitude and approach of the probation officer: he may become very frustrated by not being able to keep up with the work; he may become disillusioned because he is not doing what he thought probation work was all about; he may simply give up the struggle and resign himself to a superficial noninvolvement which keeps the paper moving but does nothing to resolve client problems; or he may quit. All these possibilities indicate

the importance of the issues surrounding caseload size.⁵

It appears from many studies that the simple expedient of reducing caseloads will not of itself assure a reduction of recidivism. Experiments with reduced caseloads have shown that to reduce recidivism requires classification of offenders with differential treatment for each class. The value of differential treatment requires that probation manpower ratios vary directly with the kind and amount of services to be performed. A major requirement for using a differential treatment system is an adequate case analysis and planning procedure. Such planning must determine the kind and intensity of supervision needed by the probationer, the ability to place an offender in the community where he is most likely to succeed, and the determination of the period during which various kinds of probation supervision are required.⁶

Standards for average caseload size serve a useful purpose in estimating the magnitude of present and future needs for probation officers, but in operation there is no single optimum caseload size. In the President's Commission's (1967) opinion, it would be a mistake to approach the problem of upgrading community treatment solely in terms of strengthening orthodox supervision to bring caseload sizes down to a universal maximum standard. Such an approach would ignore the need for specialized caseloads to deal differently with particular types of offenders, and for changes in the standard

procedure that results in an offender's being supervised by only one officer.⁷

The effectiveness of probation will by far depend more on the kind of individual being treated and the setting in which the treatment occurs than it will on pure questions of numbers. For some, minimum supervision is sufficient. An important finding made by Carter and Wilkins in their research on caseloads in the San Francisco Project is that the effect of caseload size is more a function of the interaction of several factors such as types of probationers and possibly types of agents rather than a simple function of numbers.⁸

The underlying assumption on which probation must rest is that most probationers need supervision and that the adequacy of supervision and the skill with which it is deployed will in large measure determine the success of the system.⁹

The General Accounting Office report on State and County Probation: Systems in Crisis discusses the fact that probation cannot effectively rehabilitate offenders and protect society as long as problems in delivery of services exist. Eliminating these problems depends on the commitment of resources by all levels of government. The effect of a large caseload is that probationers are not closely supervised or provided necessary services. As a result, high caseloads contributed to probationers' committing crimes and

violating conditions of probation. The report indicated a highly significant statistical relationship between the extent to which probationers received needed services and success on probation; that is, as the probationer received more of the services he needed, he was more likely to complete probation successfully.¹⁰

In a small caseload, the problems include becoming bored with the feeling that there is so little to do. Another problem is busy-work, where the probation officer tries to find things to do to maintain the appearance of being busy. Small caseloads are good as long as the officer is capable of using that involvement wisely to assist the client. There is also the problem of overkill, which exists with small caseloads, where actions are repeated and time is wasted. Finally, an important consideration is that through extensive involvement and supervision, a client may become dependent upon the probation officer, and thus not be able to function on his own in society.¹¹

Richard Sparks, in *Research on the Use and Effectiveness of Probation, Parole and Measures of After Care*,¹² discusses that there are no significant differences in the success rates of offenders on intensive, ideal, normal, or minimum supervision. It is believed that those offenders placed on minimum supervision could be dealt with just as effectively by means of a fine, discharge, or other nominal measure not involving supervision. When examining offenders

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victions. This is a significant reduction in seriousness of arrest for recidivists. In addition, the project collected a sizable amount of revenue in fines and drastically reduced expenditures as regards jail time for clients.

The program failed to conclude whether the reduction in recidivism was due to the amount of contact between the probation officer and the clients or whether positive outcomes were the result of the type of supervision received. The data analyzed were obtained from probation department records. Information obtained in this manner may be subjective on the part of the officer and could very well distort the findings. In addition to these shortcomings, the sample size was small and not randomly drawn and no control group was used for a comparison.

The Intensive Supervision Project¹⁶ was undertaken to study the consequences of intensified supervision with reduced caseloads of high risk offenders. It was thought that probationers exposed to intensive supervision would adjust most favorably to supervision and once released could have a lower recidivism rate than persons in caseloads not receiving intensive supervision.

An experimental and control group was chosen by stratified random sampling. The experimental group consisted of supervising officers with a reduced caseload of 35 clients and three investigations per month. The control group was composed of supervisors with a regular caseload of 70 clients

and six investigations per month.

The authors found that, based upon the subjective ratings of the supervising officers, the experimental group did not adjust as well as the control group. The mean percentage of revocations was similar for both groups, and the mean number of supervisor contacts was higher for the experimental group.

The authors' original intent was to compare how high risk offenders did under intensive supervision to those in regular caseloads, while in reality they compared intensively-supervised high-risk caseloads with regularly-supervised mixed caseloads. The Intensive Supervision Project was considered successful insofar as increased supervision was obtained, but the client-oriented objectives were not attained.

The High Impact Anti-Crime Program¹⁷ conducted five projects throughout the United States: New Pride, Denver; Newark, New Jersey; Portland, Oregon; St. Louis, Missouri; and Los Angeles, California.

From each city a sample was drawn and data were analyzed to answer four questions: were there any significant reductions in frequency and severity of recidivism due to intensive supervision?; what were the relationships between certain client-descriptive variables and the frequency and severity of recidivism?; what were the relationships between client-criminal offense variables and the frequency and

severity of recidivism?; what set of client-descriptive and criminal offense variables serves as the best set of predictors of recidivism?

Three sources of information were employed in the collection of data: personal interviews with offenders, project case files, and juvenile court histories.

Results showed an overall reduction of frequency of offenses of about 50 percent. The overall reduction in average severity of offenses for each client was 45.6 percent. The results indicate that there were significant relations between age and pre-service frequency. The older the client, the lower the pre-service frequency. Baseline frequency proved to be the best single predictor of recidivism in the research.

The major finding of the research was that all projects achieved reductions in recidivism, intensive supervision clients recidivated less at every level of prior offense, and intensive supervision seemed to be beneficial for clients with different criminal and demographic characteristics.

The project staff were aware of their own problems and stated so in the report: lack of control groups from traditional caseloads; large variance between project clientele, staff, and treatment and services; limited resources for data collection; difficulty in qualification of treatment and supervision variables; and lack of parole projects for meaningful comparisons.

The Denver High Impact Anti-Crime Program¹⁸ was designed specifically to reduce the recidivism rate among offenders on either probation or parole with an emphasis on those convicted or arrested for High Impact Crimes. The objectives were designed to give officers reduced caseloads (50:1) and locate them in the community where their clients live so they might give intensive service to their clients.

The goals of the project were: to reduce caseloads, increase diagnostic capability and goal-oriented supervision, improve the referral system, increase community awareness, improve accessibility of services, and improve coordination of services.

Recidivism data on a random sample of offenders convicted in 1968-1970 were collected. A comparison was made between the Project group (intensive supervision) and the Central Office group (regular caseload).

The findings show that there is little difference between revocation rates for High Impact and other probation clients in the Project group (5.12 percent to 4.97 percent). In the Central Office group, High Impact cases had a 9.33 percent revocation rate *versus* 5.18 percent for other cases. The two-year figures showed a rearrest rate of 38.3 percent for the Project group *versus* 51.6 percent and a reconviction rate of 38.3 percent for the Project group *versus* 41.9 percent.

The summary of all the data and analysis reported would

appear to be most clearly stated by pointing to the reduced recidivism rates. From both the quantitative and qualitative data presented, it appears as if the objectives of the project have been achieved although the shortcomings of the project include many losses of clients through termination, transfers and absconding, and no control group or comparative data.

The Phoenix Inner City Intensified Supervision Program¹⁹ was created in 1972 to combat the high incidence of crime in that section of the city. Basic to the program were the ideas that increased supervision would reduce recidivism of the probationers and that work, vocational training and academic pursuits are therapeutic experiences which will also decrease recidivism. The goals of the program were to reduce both the recidivism rate of the probationers and the degree of unemployment within the inner-city caseload. The specific hypotheses tested were: intensively supervised cases will have a lower rate of criminal infractions than the control group; intensively supervised cases will have a greater number of technical violations than criminal infractions; and involvement in work or school activities will decrease the amount of time which could result in criminal activity.

Forty-one cases were randomly selected from inner-city caseloads and assigned to the treatment group and 31 cases similarly selected from regular caseloads became the control group.

The treatment group incurred four times as many technical violations as criminal violations and twice as many technical violations as were incurred by the control group. The control group averaged 15 days of unemployment or absence, while the treatment group averaged 32 days.

The authors concluded that even within the short time span of the program, positive results in reducing recidivism were achieved, a more effective level of services was provided due to the structure of supervision, and supervision techniques could be modified to include greater emphasis on job placement and counseling.

Due to such problems as lack of clear operational definitions, small sample size, and poor sampling method, the results must be viewed with a degree of caution.

The Special Probation Caseloads Project²⁰ was designed to cut down recidivism rates among probationers who had committed target crimes by increasing the supervision given to target offenders by reducing caseload size and facilitating rehabilitation.

The project objectives were to reduce recidivism among Newark target probationers; to achieve more comprehensive probation supervision through assignment of target probationers from large conventional caseloads to small specialized caseloads and assignment of new probationers to small caseloads; and to reduce conventional caseloads and establish ongoing specialized caseloads.

The project achieved a target crime recidivism rate of 29 percent (more than their objective of 19 percent). Caseloads were substantially reduced and probationers were met with more frequently.

The project did not randomly select their experimental group and offered no comparison data from a control group. The project experienced difficulty controlling intake and assignment processes which resulted in target-offender probationers being assigned to conventional caseloads. Because probationers were classified on the basis of the adjudicated rather than the original arrest charges, the project was not receiving all Impact offenders. Results of the High Impact study must be viewed in light of these criticisms.

The main goals of the San Francisco Project²¹ were: to develop criteria for the classification of offenders; to study the effects of varied intensities and types of supervision and caseload size; to develop a prediction table for supervision adjustment; and to examine decision-making in presentence recommendations.

Based on the 50-unit workload concept, four levels of supervision were established - ideal, intensive, normal, and minimum. Selection of clients was based on four factors - offense, prior record, age and psychological testing.

The project made mention of types, kinds, and intensities of supervision, but failed to identify characteristics of differing types of supervision which remained dependent

upon the styles of individual officers.

Excluding technical violations, the violation rate for the minimum supervision caseload was reported as not significantly different from that of other caseloads (22 percent for minimum and ideal, and 20 percent for intensive).

Review of the project reveals that 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 a loss of efficiency. The project is criticized for utilizing a simple concept of conformity as the primary measure of successful supervision. The authors concluded that, because of problems with design and conducting of the project, the results are questionable.

The Connecticut Department of Adult Probation set up an intensive supervision Drug Unit Program²² that addressed the problem that people dependent on drugs are more difficult to handle as probationers than those probationers who are not addicted, and that in order to control the behavior of an addict, more time must be spent supervising him. Two groups of probationers were drawn from the same geographic area to minimize such factors as: availability of drugs, availability of treatment resources, economic, social, and other influences. Comparisons of the two groups were made in the following areas: vocational histories, income status, treatment histories, monthly contacts, violations of probation, convictions, and educational histories.

The results indicate that for the Drug Unit group, 14 percent were employed or in training at the time of referral, 60 percent were employed or in training at the end of the program. At the beginning, 26 percent were self-supporting and at the end 66 percent were. Six percent were in school at the time of referral as opposed to 56 percent at the conclusion of their supervision.

At the start of probation, 54 percent of the General Caseload group were working and at the end 60 percent were working. Self-support increased from 56 percent to 64 percent. There was also a 2 percent rise in the education category during supervision. Recidivism figures show a rate of 20 percent for the Drug Unit and 32 percent for the General Caseload group.

The data point to positive changes in the General Caseload group, but the figures are much more drastic for the Drug Unit group. The authors conclude that intensive supervision is a useful tool in the management of probationers who function poorly because of drug or emotional weaknesses.

The authors themselves point out the problem that more difficult probationers were assigned to the Drug group (biased sample) but then go on to acclaim the objectivity of their sample selection.

For a measure of self-support, the study uses those not on welfare. It is possible that the Drug Units' increase in self-support from 56 percent to 64 percent may only be an

indication of those that dropped from the roles of welfare and not a reflection of those that are employed and self-supporting. The project clearly lacks good operational definitions, has apparent flaws in sampling, and states one objective while it actually pursued another.

The inability of regular caseload agents to cope with the rise in drug related probationers gave rise to the Intensive Supervision High Impact Narcotics Offenders Program.²³ The objectives of the project were: to reduce the number of Impact crimes committed in the Baltimore area, to reduce the use of illegal drugs, to reduce the number of convictions of other crimes by Impact offenders, and to assist Impact offenders in developing stable education and employment habits.

Once the client's drug abuse problem had been stabilized, counseling was focused on the client's vocational and educational adjustment. Caseloads were limited to 35 clients per probation agent. Probationers were randomly assigned to either the experimental group or a control group supervised by standard caseload agents.

A comparison of the first 12 months to the entire 22 months showed that the experimental group experienced a 21.4 percent rearrest rate compared to 29.5 percent for the control group. The experimental group averaged 1.7 charges per arrest while the control group averaged 2.1 charges. The control group was charged with more offenses per arrest and

more serious offenses than those of the experimental group.

The study states that interpretation of data must be considered in light of relatively small control and experimental groups, the possibility of sampling errors, and the differences in supervision techniques. The study concludes that, pending further data from the project, intensive supervision may have an effect on the quality of the services provided and the involvement of the probationer in community resources, but to date, results are inconclusive.

The purpose of the Specialized Alcoholic Caseload Project²⁴ was to learn whether probation supervision, which focused specifically on alcoholic offenders, could effectively aid such offenders.

The Municipal Court referred 197 alcoholic offenders to the specialized caseload. The subjects were divided into groups: A = offenders who made a satisfactory response to probation service; B = a marginal response; and C = an unsatisfactory response to probation service.

Effectiveness of the specialized caseload was evaluated by means of a before-after study in which numbers of arrests in specified time intervals were used as criteria.

Group A (1961) showed .19 arrests per month before the probation grants and .08 arrests per month after the grants. Group A (1962) showed .14 arrests per month before and .04 after. Group B in both 1961 and 1962 showed equal or larger pre-grant arrest rates in comparison with Group A. Post-

grant experiences showed reduction in arrest rates. Group C cases in both 1961 and 1962 showed the highest prior arrest rates and large reductions in arrest during the post-grant period.

Three factors were reported to be related to favorable response to probation service: low arrest rates prior to the study, attendance at Alcoholics Anonymous, and stable marriage.

The study showed several weaknesses in its report. Because many believed the study should focus on different age groups, there was an absence of any real screening process, and cases were entered on many bases. In addition, the probation officer had no specialized training in dealing with the alcoholic offender and perhaps results may have been better if this had been the case. The authors stated that they had difficulty in identifying total arrest information which was their primary measure of effectiveness and the project suffered under poor control and data collection techniques.

The general outcome of the project suggests that although the findings are not outstanding, use of probation with the alcoholic offender is both feasible and worthwhile.

The Hi Intensity Project²⁵ provided supervision for two classes of probationers and parolees: sex offenders and persons placed on psychiatric probation.

Demographically, probationers assigned to the Hi In-

tensity Unit were similar to those in the non-specialized unit. Each probationer was screened and placed into levels of supervision according to need - intensive, moderate, and minimum. The mean number of contacts was 1.48 for the Hi Intensity Unit and 0.75 for the non-specialist units. Base expectancy scores were used to group cases into low, medium, and high risk groups. Rearrest rates were examined for both a three-month and a twelve-month period.

The twelve-month rearrest rates showed a total 12 point difference between the project group and the regular group. The low and medium risk groups showed no difference. Among the high risk cases, more than half the regular unit had been arrested while only about a quarter of the project cases had been arrested.

It is possible, the authors concluded, that the differences in recidivism hold only for certain types of clients. Among psychiatric cases, it is the high risk group and among drug and alcohol cases, it is still unclear.

The Florida Parole and Probation Commission's Expanded Maximization of Probation Project²⁶ was designed to provide intensive supervision of offenders by establishing a staff to client ratio of 1:35. By establishing such a ratio, it was felt that adequate safeguards would be present to protect society and that maximum supervision could be given to offenders to aid in their adjustment to societal norms. The second objective was to evaluate the project's effectiveness to de-

termine the feasibility of releasing high risk offenders to supervision under a reduced caseload size.

Persons before the court for non-capital felony offenses were recommended to the court for participation in the program, if: the defendant would have been sentenced to prison because of an offense against a person; defendant has a history of mental or emotional illness; committed a technical violation while on probation; had a juvenile history of offenses without ever receiving adequate supervision; defendant is a danger to himself or to the community; the judge believes that concentrated supervision would benefit the defendant.

Treatment consisted of a client-centered approach by implementing structured treatment programming with the assistance of community resources.

There were several circumstances which made an evaluation of this project impossible: fragmentation of project implementation due to late receipt of funds; the grant was awarded at a time when the Florida prisons were closed to new probationers, which caused the increased use of probation and parole. There was a financial crisis which resulted in a policy of not hiring for vacant positions, thus experimental caseloads increased to near normal size. Because the objectives of this grant were preempted by unfortunate and uncontrollable circumstances, no meaningful evaluation of the project can be made.

Southfield, Michigan's Probation Improvement Program²⁷ was set up to make available improved probation services with the express desire that these services would lead to a reduced recidivism rate in the community. This objective was based upon the concept that better supervision and counseling of probationers, and a more effective use of community resources would deter greater numbers of offenders from future crime.

Improved services were accomplished through the achievement of three goals: reduced probation officer caseload by adding three additional professional personnel to the staff; increased number of volunteer probation officers working with the court (to 100), which would also reduce probation officer caseloads, leaving more time to work with more intense cases; and the better use of community resources and consultants in the department's rehabilitation efforts.

The recidivism tables indicated an improvement of 7.8 percent for adjourned cases and 8 percent for regular probation assignments. The author felt that the improvement reflected in large measure the increased time that can be spent with probationers as a result of decreasing individual caseloads.

The study does not discuss the specific treatment being used or to what group it was administered. It did not utilize a control group nor randomly select its subjects. The charts presented in the study are somewhat confusing and no apparent

conclusions are made from the data, only ambiguous remarks. Despite these drawbacks, the project was acclaimed as very successful by the court and the community.

Summary and Conclusions on Caseloads

Examining all of the empirical research done on caseloads, some general conclusions can be drawn. Many of the studies suffered from poor methodological design, such as: lack of control groups, no random sampling, either poor operational definitions or none at all, small samples, comparison and analysis of unlike groups, poor data collection, and biased samples.

Much of the data reported in the studies was subjective information reported by probation officers. Data gathered from probation records was biased in part by the attitudes and opinions of the officers and consequently the outcomes and conclusions of the studies must be viewed cautiously. Although some projects started out with good design and good objectives, problems along the way led to failure of goal attainment.

Almost all of the studies on caseloads fail to talk about exactly what sort of treatment is administered under intensive supervision. The question remains, are there more contacts under intensive supervision or is a different type of supervision utilized? When projects are successful in reducing recidivism, we must ask, is it due to the intensity of supervision, is it due to the kind of supervision, or do

other factors such as the matching of probation officer to client contribute to favorable outcomes? Although intensive supervision may increase technical violations due to increased surveillance, are we willing to accept this in light of its deterrent effect?

Thus far, results on caseloads indicate that reduction of caseload size sometimes improves performance, sometimes probation performance remains the same, and sometimes smaller caseloads do worse. There are no magic numbers to caseload size. We can adapt a standard caseload figure yet this does not take into account a particular department's necessities and problems and can only be used as a rough measure. Variables which ought to alter caseload figures are: type of case handled, staff education and experience, travel time to clients, how the personality of the probation officer affects probation outcome, and perhaps other variables that do not center on clients alone.

Because the evidence which exists on caseloads cannot provide any conclusive data, caseloads continue to be an issue of concern for correctional authorities and a variable which commands the attention of those concerned with criminal justice.

Review of The Literature on Management/Classification of Caseloads

The American Bar Association believes that a sound probation service should have the capacity to employ differen-

tial casework based on the characteristics of the probationed offenders, but more attention must be devoted to identification of those offenders most likely to respond to one type of program as opposed to another. Some probationers will fail and some will succeed regardless of supervision effort. And, of course, there is a wide range of individuals in between, for whom a proper allocation of supervision effort can be the decisive difference between success and failure.²⁸

The President's Task Force Report on Corrections goes on to say,

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.²⁹

Probation agencies have been known to attempt to increase their staff and reduce the size of the caseload without making any effort to define what needs to be done and what tasks must be performed. When caseloads alone have been reduced, results have been disappointing. Some gains were made when staff members were given special training in case management. The comment has been made that with caseload reduction probation agencies have been unable to teach staff what to do with the additional time available. Agencies should consider workloads not caseloads to determine staff requirements. Specific tasks should be identified,

measured for time required to accomplish the task, and translated into numbers of staff members needed.³⁰

Richard McCleary, in his analysis of structural variables and how they constrain the parole officers' use of discretion,³¹ states that studies have shown that discretionary behavior of parole officers varies from individual to individual and from district to district. Variance is attributed to differences in parole officer types, personality, and philosophy. This supports the idea that officers and clients should be matched to improve outcome. Similar personalities will function better together than unlikes. The parole officer's decision, or his interaction with a parolee, is determined not only by the parole officer's personality, but also by organizational contexts and the cost of alternatives. He often does what he has to and not what he wants to. The major implication of selectivity is that the parole officer must decide which clients to save and which to sacrifice. He may over-represent some and under-represent others. Although McCleary is dealing with parole, the article may have similar implications for probation, and is worth noting.

The underlying assumption on which probation must rest is that most probationers need supervision and the skill with which it is deployed will in large measure determine the success of the system. Probation cannot effectively rehabilitate offenders and protect society as long as problems in delivery of services exist.³²

Results of the Studies on Management/Classification of Caseloads

The Differential Classification for the Supervision of Adult Probationers Design³³ described the development of a classification model for assigning clients to intensive or active probation supervision. Intensive cases were those posing a serious threat to themselves and/or the community, requiring a delivery of 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 recidivism was a possibility but generally these cases 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 are not described, nor are the results given.

Several considerations were deemed by the author as essential to the operation of a differential classification system. Accurate information and clear operational definitions must be available to ensure reliability and users should be trained in the use of the classification form which must periodically be revalidated and modified to reflect

changes in clients and/or community.

The Adult Probationer Needs Survey³⁴ was conducted to develop a data base to address three concerns of the Santa Clara 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 service - the probation department, other public agencies, or community programs.

A random sample was selected for both males and females. Demographic data and probation officer ratings were collected for each probationer. 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 the 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 current caseload. The authors concluded that treatment engineering is needed whereby someone acts as an advocate for both the offender and for 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 Officer Case Aide Project³⁵ focused on using part-time, indigenous para-professionals, some of whom were ex-offenders, as assistants to probation officers. It was felt that distance existed between some middle-class supervising officers and their lower-class clientele and that indigenous workers' experiences may be more closely related to the clients', thus facilitating the development of more productive relationships.

The primary goals of the study were to examine the effects of using para-professionals and to develop typologies and matched case assignment schemes for probation officer aides and clients.

To be eligible for inclusion in the study, an offender had to be on probation, parole, or mandatory supervision; convicted of postal theft, interstate auto theft, interstate shipment theft, narcotics violations, forgery, counterfeiting, embezzlement, or bank robbery; sentenced to six months or more; 21 years of age or older; a Negro or white male resident of Chicago; and of lower socio-economic status. Offenders meeting the selection criteria were randomly assigned to either the experimental or control group. The experimental group met weekly with supervising aides and the control group received regular supervision.

Experimental and control group clients were compared on

the basis of outcome variables: recidivism, employment, housing, marital and family relationships, client's relationship with probation officer or aide, and client's personal adjustment. The findings of the study are based on intuitive observation, because empirical data were not available. The study identified three types of aides: inner-oriented, with primary emphasis directed at underlying social and emotional factors; outer-oriented, with emphasis on solving concrete problems; and flexibility-oriented, neither predominantly inner- nor outer-oriented. Four client types were identified: those with internal problems; those with external problems; those with neither internal nor external predominant; and those with no identifiable problems requiring outside help. Because they must wait for more definitive results, the authors could only report that clients were typically responsive, probation aides were involved and enthusiastic, and supervisors were favorably impressed.

The Wisconsin State Department of Public Welfare conducted a study on the Relationship of Adult Probation and Parole Experiences to Successful Termination of Supervision.³⁶ It was believed that an awareness of relationships between probation experiences and termination of supervision can assist a probation agent in workload management. Equal supervision cannot be given to all; therefore, knowledge of what types of offenders may be successful will enable devotion of additional time to those most in need.

The study is based on data obtained from the Case Closing Summary, a statistical form completed at the termination of each offender's probation supervision. Factors selected for analysis were those having a substantial relationship to success and those which could be influenced by the agent's supervision, i.e., percentage of time employed.

The findings pointed to two extremes in adult male probationers. One group was: employed at least 75 percent of the time, lived with spouse, and had non-disreputable associates. The other group was: employed less than 75 percent of the time, lived with other than spouse, and had fringe or delinquent associates.

The study indicated that 99 percent of the female probationers with non-disreputable associates successfully completed probation, as compared with 67 percent of those with fringe or delinquent associates.

Because of the small number of cases, a three-way comparison of experiences and successes at completion of supervision was not practicable; therefore, only one factor while under supervision was reviewed.

The study apparently lacked clear operational definitions. The sampling technique was never discussed and living with other than a spouse was considered an unfavorable factor, while in fact this type of relationship may be more healthy and stable than marriage. Apart from its shortcomings, however, the study concluded that favorable probation factors

appear to be related to success.

The Probation Caseload Classification Study³⁷ 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 in devising a more effective case management approach based upon 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 as 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 in devising a "vertical" model of caseload management, that is, setting up differential caseload sizes based upon high or low success potential as opposed to those based on numbers.

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 in this study.

Phase II included an analysis and classification of all cases closed during an 18 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 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 scores obtained.

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 or violation. 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).

The following recommendations were made from the data: the BE 61 A scoring instrument should be used for predictive purposes; a "vertical" model of assignment should be employed

rather than a numerical one: 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 Program³⁸ 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 clients.

An interview and classification system was devised to focus on the differences among clients which agents could relate to and have important consequences for an agent's planning with a particular case. An interview utilizing a forced-choice rating instrument was developed to obtain the information needed for classification. The items on the interview were reviewed and only those which proved reliable were retained.

The data indicated that four groups could be discriminated from the structure interview. The groups were identified on the basis of the characteristic supervision functions utilized in working with each group. The four groups included: selective intervention group (35 percent) - needed minimal supervision; casework/control (30 percent) - required a great deal of time, direction and support; environment structure (20 percent) - required structure, support and guidance; and limit setting (15 percent) - for whom strict rules and regulations were recommended.

The Differential Treatment and Classification Project³⁹ was implemented because 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 main categories: (IS) those requiring Intensive Supervision, and (NS) those requiring Normal Supervision. These categories were developed according to two main 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 major variables: current offense, prior record, age, and psychological stability. Of the 720 cases, 49 percent were categorized as IS and 51 percent as NS. About one out of six 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.

The study strayed from its stated goal and focused more on alcoholic offenders. Also, data were obtained from case material which would be subject to individual interpretation and consequently biased. As a result, conclusions cannot be accepted as final.

Summary and Conclusions on Management/Classification of Caseloads

Empirical studies dealing with Management/Classification for Caseloads are limited; therefore, conclusions can only be based upon this narrow evidence.

Often the techniques used to analyze classification data were not described nor were the results given. One was informed that classification of offenders occurred, but not upon what criteria, nor what implications could be drawn from the operation.

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 the author, or upon the actual data.

Again, as with the empirical studies on caseloads, some of these studies suffered from poor methodological design and faulty implementation. Criteria for classification and

success were often shaky and subjective (i.e., living with a spouse) which again leads to only tentative results pending further validation.

Although a portion of the research to date has suffered from poor design and implementation, it cannot be denied that a well-designed, well-administered classification system, with both the needs of the offender and the limitations and the resources of the agency in mind, will help eliminate wasted time and effort on the part of the officer. We can get the most from our efforts by determining who will do better under what circumstances, and consequently spending more time on those most in need.

Review of the Literature on Probation vs. Institutionalization

An article published in Criminology, "Who Should Go and Who Should Stay?"⁴⁰ raised the issue that there are a significant number of offenders committed to prison who could possibly be retained in the community on probation.

The article explains that deciding to reduce prison commitment by means of more efficient use of probation services could result in fundamental organizational consequences. The reduction in the number of offenders going to prison can result in a need for fewer staff at the institutional level which could possibly cause layoffs and union discontent. The power structure of the administration, which runs the institutions, may react negatively toward the change in their organization, and probation may experience organizational

stresses, due to the change in the population served, associated with the character and delivery of services.

Results of the Studies on Probation vs. Institutionalization

Probation Versus Imprisonment for Similar Types of Offenders⁴¹ compared male offenders who were imprisoned with similar types who were placed on probation, to determine which program produced less subsequent criminal activity. The study is based upon 7,614 Wisconsin cases statistically comparable in original disposition, county of commitment, type of offense committed, number of prior felonies, and marital status.

Of the first felony offenders, those on probation had lower violation rates than those imprisoned and then paroled. For probationers and parolees with one prior felony, rates were about the same. For those with two or more prior felonies, violation rates were higher for probationers than for parolees.

The frequency with which judges sentenced offenders to probation rather than incarceration varied directly with the extent to which the offenders were likely to violate. That is, judges tended to place those offenders with low violation rates on probation, the major exception being assault cases, where imprisonment was more frequently used.

The Saginaw Project⁴² was an attempt to depopulate the Jackson Prison after the riot of 1952. The National Proba-

tion and Parole Association made a thorough study of probation services throughout Michigan to determine to what extent the use of probation could safely be increased, thus helping reduce prison populations and salvage a large number of offenders at a minimum cost to taxpayers.

It was proposed that the Saginaw Project would show through actual practice in one circuit court in Michigan that if a probation department is staffed with trained personnel in sufficient numbers, with manageable caseloads, working under competent supervision, probation could be used in 70 to 75 percent of the circuit court convictions. It was believed that the success ratio would be at least as good as the previous experience in the court, that this would be accomplished at no greater risk to the community, that a significant savings in public funds would accrue, and that if the results of this project were applied statewide, the state could be saving millions of dollars in construction and maintenance costs for its penal institutions.

During the project, the court disposed of 403 convicted felons. Of that number, 68 percent were granted probation, an increase of 7 percent over the three prior years. About 17 percent were committed to prison, half the number for the three previous years. The other 15 percent were granted other dispositions, consisting mainly of fines or county jail time.

Of the 349 persons discharged during the 33-month period

of the project, 1,790 were committed for violation of probation. This represents a reduction in commitments for violation of probation of 47 percent compared with the three prior years. While 10 percent were discharged without improvement, 73 percent were discharged with improvement, an increase of 16 percent.

The author concluded that millions of dollars annually could be saved by such a program as the Saginaw Project, and this takes no account of the tremendous savings in human lives and families.

Summary and Conclusions on Probation vs. Institutionalization

It would appear from the limited research in this area that from a monetary standpoint, placing more offenders on probation will offer a substantial savings over institutionalization. It is documented that first felony offenders put on probation have lower violation rates than those imprisoned and then paroled, although this does not hold true for offenders with two or more felonies. This would indicate that many offenders placed in prison would do as well if retained in the community and placed on probation.

The notion of placing more offenders on probation may place an added burden on probation departments with respect to manpower and resources. More importantly, we must consider the stigma that imprisonment may have on the individual and the deprivation it may incur, and realize that by assigning more offenders to probation this trauma could conceivably

be evaded.

Conclusion

This review of client/caseload research has disclosed significant information. Even though some of the findings from the studies were disappointing, many studies offer vital information for probation departments. It can be concluded that more research and evidence is needed to further substantiate the data, but probation can now begin to utilize the existing knowledge as guides for present and future operation.

Through the analysis of the studies, general implications and concepts have emerged. It will continue to be important to classify offenders for treatment according to their needs. Particular types of clients require specific types of supervision, and it is vital that this need be recognized early in the probation process. A lack of proper identification of needs may result in a loss of efficiency and effectiveness.

Although only briefly touched upon, the qualifications (and, more importantly, the characteristics) of the probation staff and the interaction between offenders is an area of emerging interest and relevance. It may seem obvious that officers better qualified and those matched by personality types to their probationers would in turn more effectively supervise and consequently have more successful probation completions, but this is an area which has been sorely over-

looked. More attention must be focused on these aspects of probation, bearing in mind the already positive results which matching officer to client and additional training for officers have presented.

For a time to come, the crucial research in probation will be that which deals with the issue of caseloads. There is a variety of factors surrounding caseloads and the interaction among these factors is complex. From the studies which have presented promising results, we can assume, pending further research, that the need for various intensities of supervision can be determined by factors such as seriousness of offense, type of offense, social and psychological stability, age, prior record, etc. Assignment to supervision based on such factors could again improve probation outcome and curtail expended efforts for those probationers least in need.

Research into probation vs. institutionalization has found that many offenders who are sentenced to prison could remain in the community and perform equally well on probation. This appears to be especially true for first offenders, although it does not hold for multiple felony offenders. The importance of this finding lies in the fact that the deprivation, trauma, and dehumanizing conditions that often accompany imprisonment can be eliminated by placing the best risks on probation.

Although the rise in numbers of those on probation may

cause some problems for probation agencies, this approach will require less in the way of dollar expenditures. More important than the savings in dollars that probation can offer is the salvaging of human lives - the ultimate goal.

A final point which can be made from the analysis of the studies on client/caseload characteristics is that the information gathered here can be used to improve probation services. Although no conclusive, explicit plans can be extracted, the data can and should be used to guide and direct both probation officers and administrators to the goal of reintegrating the offender into the community. It is hoped that this report will be an implement to a system of better classification and assignment techniques and an aide to the elimination of arbitrary and capricious practices which too frequently exist.

Footnotes

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⁵Claude T. Mangrum, The Professional Practitioner in Probation (San Bernadino: County Probation Department, 1975), p. 161.

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Prediction

In criminology, prediction refers to an offender's expected future behavior (or status in the criminal justice system) based on an assessment of present or past characteristics known to be associated with the behavior (or status) to be predicted. In assessing the current state of knowledge in probation prediction, Jay Albanese in the next chapter considers the issues as comprising two general classifications: methodological issues and management issues. A poorly constructed prediction instrument can be of no use to probation personnel; and an efficient, validated predictive device must be correctly applied and its underlying assumptions and limitations fully understood if it is to be useful in practice.

Methodological Issues

Critical to any prediction instrument is reliable, valid information. Thus, the meanings of these concepts are first considered. A closely related issue next discussed, is the question of the relative efficiency of clinical and statistical approaches to making predictions. Evidence is cited that in most cases actuarial predictions are either about the same or superior to those made by clinicians. Statistical predictions are generally more reliable due to the more objective and reliable nature of the information used. Combining both types of judgments is discussed.

Sampling methods are also of prime 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 new samples are used. 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.

The base rate refers to the proportion of individuals in a population who fall into the category to be predicted. 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" (i.e., low base rate) in the population because it then becomes more difficult to find variables which discriminate between the successes and the failures. One of the biggest problems associated with base rates is that they are virtually never reported. This makes difficult the evaluation of the usefulness of the prediction method.

A related issue is the selection ratio, which refers here to the proportion of the number of persons chosen for probation placement to the total number available. 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.

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 revocation." There are three types of methods for combining predictors: those which use all the predictors equally; those which employ some sort of differential weighting system; and so-called "configural" methods. These methods, and their relative advantages, are discussed.

Empirical comparisons of the various methods of combining predictors are not common. Several such comparisons, however, lend credence to the view that the simple method devised by Burgess (simple, unit weighting) may provide prediction instruments equal or superior to those defined by more complex methods.

There can be no confidence in the utility of a prediction device unless it is validated on new samples. Cross-validation of a prediction device is necessary to identify bias resulting from chance variations in the original sample and to be confident that the method works.

Prediction 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 geographical

area, with changing social conditions, by probation department policy, and over time. This also points to the need for both cross-validation and periodic re-validation of any predictive model.

Management Issues

Prediction methods have been shown to be of value in contributing to guidelines for reducing arbitrariness in recommending sentencing alternatives, levels of probation and parole supervision, and in evaluating treatment effectiveness. While the implementation of prediction tables to aid in the paroling decision is still rather rare, it appears that prediction methods can assist in selecting individuals for probation.

Most existing applications of the use of prediction methods in treatment evaluation research have focused on delinquents and parolees. The possible probation applications are analogous, but largely remain to be tested. Experimental design is, of course, the most rigorous method of evaluating a program. Often, however, such a design is not feasible. Prediction methods can provide statistical controls when the use of experimental controls is not possible. They would summarize the expected performance for any set of probationers, based on past experience. If predictions are made before probation treatment begins, establishing the expected performance, these then can be compared with actual outcomes after treatment to determine any significant differences

resulting from treatment.

These issues of prediction method development and of potential applications in probation selection and evaluation of differential probation treatments are next discussed.

Chapter IV
Predicting Probation Outcomes:
An Assessment of Critical Issues

Jay S. Albanese

The Nature and Purposes of Prediction

The prediction of behavior has drawn much attention in criminological research. As a result, an extensive literature now exists consisting of both arguments and evidence regarding the variety of prediction techniques, their practical applications, and the many issues concerning their use and misuse in research and administrative decision-making.

This interest in predicting human behavior is not confined to studies of crime and delinquency, however. Considerable work has been done in attempting to predict many types of personal and social behavior. The prediction of academic performance¹, suicidal behavior², and even marriage outcomes³, are examples of the widespread interest in prediction as a fundamental aim of scientific inquiry. In business as well, prediction is widely utilized as exemplified by insurance companies who base their premiums on predicted life-expectancy or probability of involvement in auto accidents.

In criminological applications, prediction most commonly refers to 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 "crite-

tion 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 relations between the two.

In assessing the current state of knowledge in probation prediction it is useful to consider the issues as comprising two general classifications: methodological issues and management issues. A poorly constructed prediction instrument can be of no use to probation personnel, just as an efficient, validated predictive device must be applied correctly and its underlying assumptions fully understood if it is to be useful in practice.

While some of the methodological and management issues are overlapping in certain respects, they will be discussed here in their probable order of application. First, the methodology of constructing a prediction instrument will be considered, with an analysis of the various methods of combining predictors, kinds of predictive information, and an identification of the statistical requirements and assumptions which must be addressed in developing a valid predictive device. A discussion of management implications in the utilization of prediction methods will follow and will include a discussion of the "power" of prediction instruments, their theoretical and practical limitations, and an assessment of their effectiveness for use in probation. Both sec-

tions will be based on a critical review of the probation prediction literature dating back to the first study ever done in this area in 1932.

It should be noted at the outset that the majority of studies in criminological prediction are not in the area of adult probation. As will be seen later during an examination of the various prediction techniques, most attention has been given to predicting the future behavior of parolees and juvenile delinquents.

The literature review conducted for this paper uncovered only 11 empirical studies concerning adult probation prediction since 1932. Of these, only four validated their results. Other methodological shortcomings further impaired the results of even the validated studies to varying degrees. Consequently, little conclusive evidence presently exists to assess the utility of prediction methods for adult probation.

Nevertheless, much can be learned from the extensive work which has been done in parole prediction. Also, the errors and oversights of past probation studies, in addition to some of their strengths and innovative notions, will greatly assist in evaluating the state of the art and provide useful suggestions for future research.

The extensive methodological section is included partially in response to the generally poor quality of the existing studies and should enable the reader to more know-

ledgeably interpret the work of others. The management section will advance many of the theoretical and practical arguments associated with the prediction of performance on probation.

Methodological Issues

Reliability and Validity

"No predictive device can be better than the information from which it is derived."⁴ Perhaps the most vital element to any prediction instrument is reliable, valid information. Reliability refers to the consistency of repeated observations or measurements in producing similar classifications.

Elio D. Monachesi published in 1932 the findings of the first probation prediction study ever conducted in Prediction Factors in Probation. In this first empirical attempt to apply prediction methods to probation outcomes, he realized,

[It is important to know] how reliable the information is and what the probabilities are that individuals classified under certain categories at one time will be classified under those same categories at another time on the basis of the same information.⁵

Validity in the measurement of both the predictors and the criterion categories is closely associated with the concept of reliability. For example, reconviction is a common criterion for success or failure on probation. The validity of such a criterion is reduced to the extent that there

exist innocent probationers among those convicted, or there exist probationers not convicted who have, in fact, engaged in criminal behavior.

Another problem with the reliable and valid measurement of "criminality" is that it does not necessarily refer only to the state of a person, but also to the behavior of others. A probation violation, for instance, depends not only on the actions of the probationer, but also on the supervision practices of the probation department, their definitions of a "violation," and their policies for dealing with them.

Monachesi's study in 1932 included a reliability check of the classification of certain subjective information from probation case files by re-reading and re-classifying a sample of the cases under examination (i.e., "church attendance," "type of neighborhood," etc.). The method used was modeled after earlier work by Vold.⁶ The original and re-classifications were examined for their consistency using Pearson's coefficient of correlation, the coefficient of mean square contingency, and the analysis of scattergrams. The advantages and limitations of each of these measures of association is thoroughly discussed.⁷ While many errors were discovered upon re-classification, "at the same time the percentage of entries in full agreement is throughout better than could be ascribed to chance."⁸

The importance of reliability checks of the information utilized in any study is apparent. This is evidenced,

in part, by the sometimes wide variations in results of studies examining the use of predictive devices, which oftentimes are based on similar predictor variables. Without tests for reliability, an immediate replication of a prediction study can produce incompatible results simply because of errors in data coding and classification.

It has been noted elsewhere⁹ that the interest in prediction is usually focused on how well the method works; and, consequently, the validity of a particular prediction seems of more concern than reliability. Gottfredson's statement in the 1967 President's Crime Commission report, however, still holds true for the vast majority of studies reviewed in adult probation prediction.

The improvement of reliability of predictor variables provides another means for the possible improvement of prediction and therefore deserves much study. Unfortunately, analyses of the reliability of individual predictor items (or of a total prediction instrument) frequently are not reported in delinquency prediction studies.¹⁰

An empirical probation study which did include reliability checks, discovered that,

One needs to firmly establish the reliability of demographic information based on offender self-report. A survey of the reliability of offender self-report information about work history revealed that, on average, offenders overestimated their most recent wage by 51 cents per hour and their length of employment by more than 13 weeks during interviews with Court Services intake personnel.¹¹

They also indicate that perhaps the poor predictive power found in previous prediction studies based on demographic

information may be due, in part, to the low reliability of the self-report background data gathered in constructing the instrument.

Clinical and Statistical Approaches

Closely related to the issues of reliability and validity is the question of the relative efficiency of clinical and statistical approaches to making predictions. That is, can any gain be made in the reliability of predictive information through the use of one of these forms of information and can either approach improve the overall accuracy of predictions?

The literature bearing on this issue is extensive and goes well beyond its criminological applications. The reason for this continuing debate between the inductive, intuitive judgments of clinicians and the use of deductive, objective statistics has been suggested by Mannheim and Wilkins: "People seem to be more inclined to accept the judgment of other people than to trust numerical procedures which appear abstract and impersonal."¹²

A review of the evidence in this area is summarized in classic works by Gough¹³ and Meehl.¹⁴ Meehl has reprised

from 16 to 20 studies involving a comparison of clinical and actuarial methods, in all but one of which the predictions made actuarially were either approximately equal or superior to those made by a clinician.¹⁵

This finding is representative of other comparative studies of these two approaches.^{16, 17} A further advantage to

statistical predictions is that they generally are more reliable due to the objective nature of the information used and the general disagreement often found among even highly qualified clinicians in evaluating the same case.^{18,19}

This is not to say, however, that the judgments of clinicians are without value. Subjective judgments by probation officers and judges will continue to be made, and Glaser and Hangren²⁰ 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, their subjective impressions of the data could be used to supplement the actuarial prediction and thereby enhance predictive efficiency. As indicated as early as 1941 by Horst, "The statistician and the case-study investigator can make mutual gains if they'll quit quarreling with each other and begin borrowing from each other."²¹

Sampling Requirements

It has been recognized by several authors that samples must be representative of the population to which generalizations are to be made.^{22,23} The reason for this is that systematic biases introduced through non-representative samples will reduce the validity of the prediction model when new samples are used.

Perhaps the best known case of where failure to account for possible sampling bias largely invalidated the findings of a prediction effort is given by the Glueck studies, where

an attempt was made to identify potential delinquents at an early age. It was found that,

The Glueck Social Prediction Table, after nine years of study and experimentation, is showing evidence of being a good differentiator between potential delinquents (serious and persisting) and non-delinquents.²⁴

Strong criticisms of the Glueck findings have been made citing that the research was carried out in a high delinquency area of New York City.^{25, 26} As a result, their success in predicting delinquency was very misleading. Using a non-representative sample with such a disproportionate number of delinquents greatly overestimates the efficiency of a prediction instrument. When applied to a sample representative of the New York City juvenile population, where the delinquency rate will be much lower, the prediction device based on the high delinquency sample will not discriminate nearly as well between delinquents and non-delinquents -- simply because the relative number of delinquents will be much fewer and therefore more difficult to predict.

Another requirement of samples is that they be of sufficient size to make reliable conclusions.^{27, 28} Small samples increase the probability of exploiting chance fluctuations which can produce a considerable margin of error in developing a prediction model.²⁹ The use of relatively large random samples, therefore, helps to ensure both the representativeness and reliability of prediction outcomes.

The Base Rate Problem

An issue associated with sampling concerns 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.³⁰ If we wish to predict success on probation, the base rate is the number of probationers who succeed relative to the total number of probationers under study.

This becomes a problem when there are relatively few "successes" (i.e., a low base rate) in the population, as it becomes more difficult to find variables which discriminate between the successes and the failures. As Gottfredson³¹ has said: "It will be more difficult to find useful predictors, because the variation in the criterion is reduced, and it is this variation which must be analyzed in the search for predictors." Meehl and Rosen have shown that to the extent the base rate differs from the chance rate of 50 percent, the difficulty of prediction increases. So the rarer or more frequent an event, the greater the likelihood of an inaccurate prediction.³²

For example, suppose that the base rate for failure on probation is .20. From this information alone, it is possible to make correct predictions 80 percent of the time if we merely predict that no one will fail on probation. It is, of course, also true that we will be incorrect 20 percent of the time. (It should be noted that the base rate alone gives us no indication as to which 20 percent will

fail.)

Next, let us assume that we develop a seemingly powerful predictive model which can correctly predict success or failure on probation 75 percent of the time. When compared to our base rate, this apparently powerful instrument is actually of less utility than simple usage of the base rate. In order for a prediction method to be useful, therefore, it must provide more information than that given by the base rate alone.³³

Among the first investigators of the practical significance of the base rate were Ohlin and Duncan who developed an "index of predictive efficiency" (the percentage change in prediction errors over that given by the base rate alone) to assess the relative utility of prediction instruments.³⁴ A more commonly used statistic in recent studies^{35, 36} is the "Mean Cost Rating" (M.C.R.), developed by Duncan and his colleagues,^{37, 38} since it provides an index which can be used to assess the comparative efficiency of different prediction instruments with specific reference to the base rate. The M.C.R. gives a standardized score which shows accurate prediction above the base rate.

Perhaps the biggest problem associated with base rates, however, is that they are virtually never reported.³⁹ As a result, it makes evaluation of the usefulness of the prediction method difficult or impossible.

The Selection Ratio

In probation, as in all selection problems, some people are selected and some are rejected. The selection ratio refers to the proportion of the number chosen to the total number available.⁴⁰ The importance of the selection ratio to developing valid prediction devices is appraised by Glaser and Hangren.

The objection may be made that it is inappropriate to apply research findings based only on the study of those granted probation to all those to be considered for probation. The persons studied necessarily exclude those denied probation in the period studied, since the outcome of the latter's sentence is unknown, but the persons to whom the research findings are to be applied include all applicants for probation. This could lead to very erroneous predictions, as soon as the findings were applied, if those denied probation in the past consistently were distinguished by some trait highly unfavorable to success on probation, and if this trait were completely independent of the predictors examined in the study.⁴¹

Monachesi has also considered the role of selection in affecting probation outcomes.

Most courts have had experiences with certain types of offenders and on the basis of these experiences may grant or withhold probation. Consequently, this selection is probably reflected in the outcome of probation.⁴²

He adds, however, that it is the purpose of his study (and all prediction studies) to attempt to show how these experiences can be systematized and used to better advantage in selecting probationers. Glaser and Hangren concur with Monachesi by responding to their own objection. They

claim that the potential for erroneous predictions described above is unlikely to occur in a study based on a fairly large sample. Furthermore, any sophisticated study would investigate the significance of all factors presumed by judges to be related to probation outcome. It is also pointed out that few judges base their probation decisions solely on prediction probabilities. This further reduces the likelihood of the selection ratio leading to erroneous predictions due to a lack of consideration of significantly discriminating predictor variables.⁴³

The value of prediction devices in a selection problem depends not only on their power but also on the selection ratio.⁴⁴ Administrators who would use prediction instruments to assist in selecting good risks for probation will find that when confronted with a low selection ratio (i.e., a small number of persons are selected for probation) a relatively weak prediction device may prove useful. Likewise, if few are rejected and many are selected for probation, a much more efficient prediction device is required to achieve the same degree of effectiveness.

Methods of Combining Predictors

A prediction instrument usually involves the combination of a number of predictor variables to estimate an expected outcome. A variety of methods exist for accomplishing this, and an abundance of arguments and evidence have accumulated regarding the relative advantages and disad-

vantages of the various techniques. Fortunately, these methods of combining predictors can be divided into three basic types: those which use all the predictors equally, those which employ some sort of differential weight system, and the so-called "configural" methods.

As noted earlier, the prediction of the outcomes of parolees precedes the applications of these methods to probationers. The literature of probation prediction is also comparatively small in comparison to the voluminous work done in parole. As a result, many of the techniques to be discussed here were originally developed for parolees and later applied to probationers. While no attempt will be made here to review this vast literature which covers approximately a 50 year period, excellent reviews are available.^{45, 46} This examination of the "state of the art" in the methodology of combining predictors will limit itself to those studies which originated these various techniques and those which have made validated comparisons of alternate methods. The techniques will first be described to be followed by empirical evidence bearing on their relative utility.

E. W. Burgess is generally recognized as being the first to employ prediction methods in a criminological application. In 1928, he and his colleagues examined the records of 3,000 parolees released from penal institutions in Illinois and obtained information on 21 factors of their pre-parole life. This information was used to construct expectancy

rates of parole violation.⁴⁷ The method he used (now appropriately called the "Burgess method") was to combine the predictors giving them unit weights. That is, all the predictors were considered equally in determining the outcome. This method has been criticized on theoretical grounds that it ignores possible intercorrelations among the predictors.

Several years following Burgess, the Gluecks published the first in a series of prediction studies.⁴⁸ The Gluecks attempted to improve on the work of Burgess by supplementing the information contained in official records with data gathered from other sources. They analyzed 50 factors in all and, rather than assigning them equal weights, they used a "mean square contingency coefficient" which allowed them to compare the correlation of each predictor with parole success. Each predictor was then weighted according to the strength of its association with the criterion. This method also ignores possible correlations among the predictors, however.

Vold made an empirical comparison of the Burgess technique which uses all available factors with unit weights with the Glueck's weighted contingency coefficients which include only the most significant predictors. He published his results in Prediction Methods and Parole⁴⁹ in 1931 and found very little difference through the use of either technique.

Monachesi published the first prediction study utiliz-

ing probationers the following year.⁵⁰ He duplicated the analyses made by Vold for his sample comparing the Burgess and Glueck methods, and found the Burgess technique to be slightly superior.

Relatively comparable results are obtained by weighting pre-probation factors equally or by assigning different weight values to pre-probation factors. . . More satisfactory results were obtained when all factors are weighted equally since this procedure results in a more distinct discrimination between lower classes of the scoring scale.⁵¹

A theoretically superior method of combining predictors to either the Gluecks or Burgess is multiple linear regression. Regression accounts for intercorrelations among the predictors as well as between the predictors and the criterion. It also allows for a more rational selection of predictors as the contribution of each predictor in adding to the accuracy of the prediction can be readily measured as an increase in the coefficient of determination. (This method of combining information is described in many statistics textbooks.) Limitations of this method include that it assumes linear relations between the predictors and the criterion, and (because the regression weights are derived from the total sample) it is also assumed that these weights are representative of any subgroups within the sample.

Configural methods were developed partially in response to the limitations of multiple linear regression. Their major advantage is that they make no assumption of linearity and allow for heterogeneity within a sample. Predictive At-

tribute Analysis and Association Analysis are two of the most popular configural methods.

Predictive Attribute Analysis was developed by Peter MacNaughton-Smith⁵² and involves the division of a sample into more homogeneous subsamples. This is accomplished by finding the single factor most predictive of the criterion and dividing the sample by the presence or absence of this characteristic. The two resulting subgroups are then examined to find the single best predictor for each group, and they are again subdivided along these attributes. This procedure continues until no further factors can be found which are significantly associated with the criterion.

Association Analysis was originally developed by Williams and Lambert for studies in plant ecology.⁵³ It is actually a classification method rather than a prediction method because it establishes subgroups without reference to the criterion. This technique basically subdivides a heterogeneous sample into more homogeneous subgroups relative to the characteristics under study. This method has been found quite useful as a prediction technique, and Wilkins and MacNaughton-Smith have published a study illustrating the utility of both Predictive Attribute Analysis and Association Analysis in a criminological application.⁵⁴

Empirical comparisons of the various methods of combining predictors are not common. Fortunately, several validated efforts have been made to examine how the theoretical

advantages and limitations of each of these methods affect their utility in practice.

Mannheim and Wilkins in their now classic study, Prediction Methods in Relation to Borstal Training, compared multiple regression with the Burgess method in predicting parole behavior, and found multiple regression to perform slightly better.⁵⁵ Frances Simon has conducted an empirical comparison of a greater number of prediction methods than any study has previously, using two samples of young men on probation in England.^{56, 57} Her analyses included (among others) the Burgess method, multiple regression, Association Analysis, and Predictive Attribute Analysis. Although hampered somewhat by the use of relatively small samples, she found:

The general conclusion suggested by those comparisons is that, for practical purposes, there is little to choose between the power of most statistical methods that have been put forward for combining variables into a prediction instrument, in spite of the theoretical pros and cons of each.⁵⁸

Recently, Gottfredson, Gottfredson, and Wilkins completed an extremely thorough and validated comparison of the relative efficiency of the Burgess method, multiple regression, Predictive Attribute Analysis, and Association Analysis. Six data sets were employed involving parole outcomes from the California Youth Authority, Virginia (one- and two-year follow-ups), two data sets from the state of Washington, and the United States Parole Commission. While

the authors state that their findings are not conclusive, "The results lend support to the view that the simple method devised by Burgess may provide prediction instruments equal or superior to those defined by more complex methods."⁵⁹ These somewhat surprising results, which indicate the simplest methods of combining predictors seem to perform as well as the more sophisticated methods, have been assessed by a number of researchers. Some of these explanations will be considered in the following section, on "validation." It is interesting to note, however, that recent research has shown even the use of random regression weights performs better than humans in predicting behavior.⁶⁰ It has also been recently demonstrated through applications of statistical theory⁶¹ that equally weighted models predict as well or better than those developed through multiple linear regression.

The Need for Validation

The construction of a prediction instrument involves gathering information on a certain sample of persons who, in the case of probation, are usually known to have either succeeded or failed on probation. (For our purposes, "failure" will be operationally defined as a probationer who commits a criminal act.) As described in the previous section, items of information which seem to be related to criminality are then combined in any number of ways. The resulting table (or equation) is called an experience table, since it

summarizes the experience of a particular sample. It is not properly called a prediction table until its predictive validity has been tested by applying it to a new sample.⁶² The sample from which the prediction instrument is constructed is appropriately called the "construction" sample. The application of the instrument to a new sample is known as "validation" (or "cross-validation").

Validation is necessary for several reasons. First, some of the associations found between the predictors and criterion (success/failure) are likely to be due to chance, and may not exist in a different sample. Tests for statistical significance can reduce this possibility, but cannot eliminate it. The larger the number of predictor variables, the greater the probability that chance associations are present in the construction sample. Additionally, the particular method used for combining predictors can produce further bias in the apparent relationships between the predictors and outcome. This is especially true in weighted models such as multiple regression which rely heavily on only a few items. If one item is scored incorrectly or the data are unreliable, the resulting prediction can be greatly affected. This phenomenon has been discussed by Wilkins and others.^{63, 64}

Capitalization on chance variations in the construction sample is commonly termed "overfitting" the data to the sample and is a particular problem of weighted models.

This is because the weighted model can easily exploit the presence of data points (outliers) which deviate markedly from the normal (average) relationship between the predictors and criterion. Partially due to the nature of correlational statistics which provide only an average measure of the association between two variables, the existence of these outliers can go undetected. Concise explanations of these statistical concepts exist and the interested reader is referred to them for further elucidation.^{65, 66} The tendency for weighted models to overfit the data is one reason why the Burgess (equal-weights) model performs so well in practice.

Validation on a new sample will bring out any bias resulting from chance variations present in the original sample. The amount of "shrinkage" (predictive efficiency lost due to overfitting on construction) upon validation can be reduced if large samples are used, as they will reduce chance variations obscuring real ones. Shrinkage can also be lessened by not scaling variables according to their appearance in the original sample, which is another source of overfitting.⁶⁷

Validation is also necessary because predictor-criterion relationships will vary over time and by geographical area due to variances in base-rates (discussed earlier), and policy and social changes, which will be addressed as a management issue. Clearly, there can be no confidence in the util-

ity of a prediction method unless it is verified (validated) on a new sample.

Testing for Statistical Significance

It was found that male juveniles had a violation rate of 26.9 percent while females had a violation rate of 35.7 percent, how significant is a difference of 8.8 percent between male and female violation rates?⁶⁸

Monachesi recognized in 1932 the importance of testing for statistical significance. This is due to the fact that, depending on sample size, percentage differences between two results may well be due to chance and upon replication, the observed differences will disappear. The formula to compute statistical significance is in all statistics texts and is routinely computed in nearly all popular computer packages such as SPSS. It simply calculates the difference between two quantities relative to sample size to determine what the probability is that the observed difference cannot be attributed to chance (within certain confidence levels).

Perhaps an example of how the failure to test for statistical significance has invalidated research findings in the past will best illustrate its importance. In 1976, the U.S. General Accounting Office (GAO) published a Report to Congress, State and County Probation: Systems in Crisis.⁶⁹

This report included a chapter, "Probation Prediction Models: Tools for Decision-Makers," which gives much credence to the application of probation prediction models in assisting probation departments to determine who should receive probation,

how much supervision is needed, and who should be terminated early from probation. Three base-expectancy models originally developed to predict parole outcomes were applied to a sample of 900 cases from three of the four counties studied. It is concluded that the models demonstrate validity in differing geographic settings, in addition to predictive power, and therefore should be utilized by local probation administrators.

Ford and Johnson of the Kane County Diagnostic Center in Illinois have subsequently questioned the GAO's use of prediction models and suggest that their findings and recommendations are premature, at best.⁷⁰ They conducted a re-analysis of the GAO's "best" predictive models and discovered substantial methodological and statistical errors which biased their results.

In their analysis, Ford and Johnson computed tests of statistical significance for the improvement in success rates reported by the GAO (which ranged from two to five percent) when prediction models were employed to determine selection for probation. The authors conclude:

These small increases were used to claim that '. . . Model VI-A demonstrated predictive ability.' First, the gains in percent successfully predicted may well have been due to chance. Non-parametric analyses of the significance of the differences of each pair of percent successful values are non-significant. Further computation suggests that the model's real predictive value varies widely from county to county.⁷¹

This example graphically illustrates that computation of percentage differences is not sufficient to make judgments in comparing differential outcomes. Tests for statistical significance are therefore necessary when comparing research findings to rule out chance factors.

Management Issues

Can We Predict The Behavior of Unique Individuals?

A common objection to prediction is that it is impossible because individuals are unique. In the very first attempt at predicting the outcomes of probationers, Monachesi addressed this issue.

Human beings are usually characterized as highly variable and endowed with a mysterious 'free will.' Such a characterization assumes the impossibility of predicting human behavior under any given circumstances.⁷²

Monachesi used the results of previous parole prediction studies as evidence to the contrary.

Yet in the face of such objections, studies have been made which indicate that predictability of human behavior is not only possible but feasible.⁷³

He indicates that these authors found it possible to predict outcomes of parole, based on a combination of factors in pre-parole life, even though no one factor was significant.

The significant role of prediction in all scientific inquiry was mentioned at the outset. Examples can be given to show that we are not as unique as we think. To greatly

oversimplify the situation, putting men on the moon can be viewed as a highly complex set of predictions of physical science. While human behavior is far less understood (and therefore predictable) than the behavior of less complex forms of matter, the ability to predict it is nonetheless of great importance in the social sciences.

If we could not predict that the majority of drivers will stop at red lights, driving would be hazardous indeed. If we cannot expect that most shoppers will not loot the store, social order would break down as general behavioral expectations (predictions) would no longer hold. In other words, the opposite of perfect prediction is randomness, and while absolute prediction of human behavior is not expected, human behavior is also far from random experience. As a result, some fairly reliable predictions of human behavior are possible in many instances.

But what about those who feel that there is still enough uniqueness in individuals to make prediction impossible? The following published view of a probation officer expresses such a belief:

We have recently begun to make use of elaborate prediction tables, which are really nothing more than dope sheets by which we bet on a probationer the way a horse player figures a race. Prediction tables, like scratch sheets, are constructed so we can feel some certainty that the probationer will win, or at least place or show. . . Heavy reliance on tables for selecting cases would inevitably become mechanical, causing us to lose sight of the unique elements in a particular case.⁷⁴

This view relegates devices to little more than guesswork and overlooks the fact that probation prediction models do nothing more than statistically summarize the characteristics and experiences of probationers. In this way, they function much like experienced probation officers who, based on past experience, attempt to assess the outcome of a probationer. Their actual outcomes are then compared to those predicted and this information is used as the basis for making decisions on the next group of probationers. The major advantage of prediction models lies in their objectivity as well as in their ability to transfer human experience systematically.⁷⁵

This further points to the impertinence of the "uniqueness" argument. That is, prediction is not based on the uniqueness of individuals, but rather on their similarities. Wilkins has said that if a case is unique, what experience can the clinician (or researcher) use to guide him?

If experience of the past is of any value at all, then it can be applied only by observation of similarities not differences. It is not the uniqueness that concerns the clinician but the similarities between the particular case and prior cases in his or other people's experience.⁷⁶

Do Prediction Devices Predict Well Enough to Be Useful in Practice?

The use of prediction methods in probation carries with it the assumption that there is a strong enough relation between factors in the background of an offender and his present behavior that a prediction can be made of his perform-

ance on probation. The recent General Accounting Office Report to Congress correctly pointed out that there has been a reluctance on the part of probation administrators and officers to utilize prediction instruments, partially due to doubts of their predictive power.⁷⁷

Frances Simon, after a review of the history of criminological prediction results and conducting her own study of the many methods of combining predictors in 1971, concluded: "Efforts put into refining prediction studies based on pre-treatment data may have reached the point of diminishing returns."⁷⁸ She goes on to point out that this may be due, in part, to the poor quality (i.e., reliability and validity) of the information used as a basis for most prediction studies in criminology.

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 to adult probation services. Of the studies reviewed, only Simon's study of probationers cited above was methodologically sound enough to draw inferences as to the possibility of efficiently predicting probation outcomes. Nevertheless, even she recognizes her relatively small sample sizes may have affected her results.⁷⁹

The utility of prediction methods in practice is difficult to assess in any case due to the relative nature of

predictive "power." As mentioned previously, the base rate greatly affects the utility of an instrument, and the possibility of obtaining misleading results without validation on a new sample is extremely great. In other words, only a prediction instrument which meets the methodological requirements described in the first section can hope to be useful in practice. Due to the virtual absence of all but pilot and exploratory empirical studies in probation prediction, conclusions at this point are rather premature.

In spite of this somewhat inauspicious appraisal of the present state of prediction methods as they are applied in practice, evidence does exist regarding the use of prediction for some specific criminological applications. They have been shown to be of great value in providing guidelines and reducing arbitrariness in recommending sentencing alternatives, levels of probation and parole supervision, and in evaluating treatment effectiveness. These issues will be addressed in the following three sections.

Referring again to the general utility of prediction methods in practice, Simon further suggests that the use of prediction should not be abandoned, but future research aimed at improving the overall power of prediction methods should place more emphasis on the study and improvement of treatment itself, and of the environment in which offenders live or to which they return.⁸⁰ Research in these areas should enhance our ability to predict behavior by providing informa-

tion about the offender's milieu and not merely on his background.

Can Prediction Methods Assist in Establishing Criteria for Granting Probation?

Prediction can be useful to judges. . . in making decisions on whether or not to place a particular offender on probation by indicating his risk category.⁸¹

Probation models can assist probation and court officials in recommending sentencing alternatives for individual offenders.⁸²

These statements represent the views of both a researcher and a government report. What evidence exists to support their views?

In 1951, Ohlin published Selection for Parole: (A Manual of Parole Prediction)⁸³ which was an extremely comprehensive work addressed mainly to parole administrators. He discussed the various issues facing parole boards, and the ways in which a prediction table can be of use to them. Some of the uses of prediction tables Ohlin suggests include: provision of objective standards in the selection of parolees, to give the parole board confidence in its decisions, and enable the board to control total violation rates (by releasing more or fewer bad risks as it sees fit). He also emphasizes that the predictive "risk" category where a parole candidate falls is only one consideration in the decision to deny or grant parole. That is, prediction tables should not be mechanically applied without consideration of individual circumstances.

In 1962, Evjen⁸⁴ published the results of a survey of 44 criminologists, parole board members, and penal administrators on the use of prediction instruments in parole decision-making. Arguments both pro and con are summarized, and the author notes that as of 1962, very few states were using prediction tables. Frances Simon noted in 1972, "this still appears to be the case."⁸⁵

Gottfredson⁸⁶ describes an instance where prediction tables have been used as an aid to reduce confinement costs. A large prison population was screened, first by a parole prediction device, and then by additional clinical criteria. This resulted in a small group of men who were referred for parole consideration at a date earlier than originally scheduled. Substantial monetary savings were realized, with no subsequent increase in parole violations. The possibility of analogous applications in probation is apparent and has been expressed by Frease.⁸⁷

Hemple, Webb, and Reynolds⁸⁸ do report, however, that the United States District Court for the District of Columbia has been using a statistical prediction scale as an aid in classifying probationers since 1970. While the utilization of prediction tables in making selection decisions has been demonstrated in parole, similar applications in probation are still rather rare. Nonetheless, it appears that prediction methods can assist in selecting individuals for probation due to their successful use in parole.

Can Prediction Methods Assist in Developing Variable Supervision Caseloads?

A number of authors have discussed the use 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,"⁸⁹ "to focus services and attention on the probationers who need the most help,"⁹⁰ and to "assist case managers in making decisions about how much time and effort to devote to working with certain groups of persons."⁹¹

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 Nicholson⁹², conducted in 1968, found prediction tables to be extremely useful in classifying "high," "medium," and "low" risk caseloads. The prediction instrument he used was a version of a device originally developed for parolees. The previously cited General Accounting Office Report also found prediction tables to be useful in establishing variable supervision caseloads. Other pilot studies by Frease⁹³ and Fiore⁹⁴ have also found prediction tables useful in this regard.

These findings are far from conclusive, however, as they all contain methodological faults which vitiate their results. The most common omission of these studies is their failure to validate their findings on a new sample. The importance of validation, discussed earlier, cannot be over-

stated. As Gottfredson indicates:

Without it [cross-validation] there can be little confidence in the utility of a prediction method for any valid application; nevertheless, applications are often suggested. Those who argue for applications of prediction methods while ignoring this critical step properly should be excluded from the argument until they learn what the first question is. There may be good reasons for not using demonstrably valid prediction methods in any specific application, but there can be no justification for confident use of these methods in the absence of cross-validation studies.⁹⁵

In fairness to the authors mentioned, many of them do recognize the need for cross-validation of their results, but it is only infrequently carried out. Other methodological shortcomings of these studies relate to sampling and many of the issues discussed in the first section. This again points to the pivotal role of sound methodology if prediction devices are to be usefully employed in management applications.

While little evidence presently exists in support of prediction methods for assistance in probation supervision, the initial results of pilot efforts seem promising and await further validation before conclusions can be made.

What is the Utility of Prediction for Program Evaluation?

An experimental design is, of course, the most rigorous method of evaluating a program. Properly administered, the use of experimental "controls" to compare with those involved in some form of treatment is unsurpassed in attempting to determine how well the treatment "works." Such a design

encounters many problems in criminological applications, however, and oftentimes is simply not feasible. The use of prediction methods is perhaps most immediately applicable in treatment evaluation research as they can provide statistical controls when the use of experimental controls is not possible.

A prediction device merely summarizes the expected performance of a group of persons, based on past experience. If predictions are made before treatment begins to estimate this expected performance, these predictions can then be compared with the actual outcomes after treatment, to determine any significant differences resulting from treatment. Stated in another way:

If the outcome following treatment can be predicted not only before treatment but *regardless* of treatment, then it is very hard to argue that this treatment makes any difference with respect to the specific outcome studied.⁹⁶

In this way, prediction methods can provide statistical controls to form a basis for judging the relative effectiveness of treatment.

There exist some complexities in this application of prediction methods, however. The prediction instrument which is used as a statistical control is necessarily constructed from a group of offenders who are receiving some sort of "treatment." That is, all types of court dispositions including probation, incarceration, a sentence to a specialized treatment program, or whatever other alternatives

are available, comprise various forms of "treating" an offender. Therefore, if we wish to compare the success rate of offenders placed in a vocational training program, for example, with that of other offenders, our statistical controls will not actually be "pretreatment" expectancies, but rather the average expectancy of all other "treatments." As Simon indicates,⁹⁷ it is not possible to have a truly "treatment-free" predictor.

Perhaps a more pervasive problem is the separation of the effects of treatment from other unmeasured effects. Of course, this is not a problem unique to prediction, but points to the need for carefully designed research and evaluations so the nature and measurement of treatment is as precise as possible.

Another problem common to all evaluation research is that comparisons are often tenuous between different or even similar groups receiving alternate forms of treatment because of the suspicion of a selection bias. That is, there is usually a reason why one group was selected for vocational training or intensive counseling, while another group received regular probation supervision. Any differences found in the outcomes between these groups may be challenged on the basis that the differences were not due to treatment, but rather due to the type of individual who was selected for each of the various forms of treatment.

The optimal solution to the selection problem would be

to assign similar types of offenders to different treatments at random and then compare their outcomes. The administrative and ethical problems inherent in such an approach are apparent.

In spite of these complications, prediction methods have been successfully used in treatment evaluation research. Most of the existing applications have been in the treatment of juvenile delinquency and parolees,^{98,99} but their possible probation applications are analogous and largely remain to be tested.

Does Labelling Certain Persons as Good or Bad Risks Make Prediction Undesirable?

A criticism of prediction and of other attempts to identify potential future behavior, whether it be probation outcomes, delinquent activity, or other types of human conduct, is the possible consequences of labelling persons or groups of persons as good or bad risks. Grygier has claimed:

From the moment it has been communicated, the mere fact of classification, allocation and regrouping makes good people better and bad people worse.¹⁰⁰

In predicting criminality, he suggests that it is more appropriate to apply prediction tables subsequent to the first appearance in court in order to predict a second appearance. He feels that the resulting prediction will likely be more efficient because the base rate will be nearer 50 percent, and would "interfere with civil liberties of the children and of their parents"¹⁰¹ to a lesser extent. Simon reports,

however, that the Director of Research for the New York City Youth Board feels that the use of prediction tables to identify children at risk involved no stigma, since the children and their families were already well known to social work agencies.¹⁰²

Toby has expressed apprehension of the use of prediction due to the possibility of "self-fulfilling prophecies." He asks:

How can early identification and intensive treatment programs avoid "self-fulfilling prophecies"? If the treatment program concentrates its efforts on youngsters who are especially vulnerable to delinquency, how can it justify its discriminatory policy except by stigmatizing pre-delinquents? And may the delinquency-producing effects of stigmatizing equal or exceed the delinquency-preventing benefits of the treatment?¹⁰³

Gottfredson addresses this criticism through an examination of the aims and errors encountered in prediction.¹⁰⁴ As noted earlier, perfect prediction of human behavior is not expected. Gottfredson points out that the lack of perfection leads to prediction errors of two kinds. Some persons expected to be delinquent will not become delinquent, while some expected to be non-delinquent will engage in delinquent behavior. The self-fulfilling prophecy argument assumes that the probability of the two types of error may not have equal consequences.

It suggests that it may be much more damaging to treat as delinquents those persons misclassified as expected delinquents than to treat pre-delinquents as if they were not expected to be delinquent.¹⁰⁵

This concern of "pre-delinquent" or "pre-criminal" labelling is of somewhat less concern to probation as the individuals under consideration have already committed criminal offenses. However, their subsequent treatment as "good" or "poor" risks raises similar objections to labelling.

This problem has also been addressed by Wilkins.¹⁰⁶ Both these authors feel that the application of prediction methods in making decisions necessarily involves a weighing of the two types of possible error to determine their relative personal, social, and financial costs.

These arguments regarding the possible effects of labelling individuals as good or bad risks have important implications in probation. The decision to incarcerate an individual rather than granting him probation obviously has personal consequences for the offender as well as financial and administrative (such as overcrowding) consequences for the criminal justice system. This points to the need for carefully considered decisions without arbitrary or capricious judgment in determining the futures of offenders. Validated prediction tables based on reliable information can be valuable in this respect as they can provide guidelines derived from past experience to assist in minimizing prediction errors of both types.

To What Degree Do Changing Social Conditions, Probation Department Policy, and Time Affect The Validity of a Prediction Device?

Prediction instruments developed for a specific purpose

and population are often assumed to be valid elsewhere at other times and under other policies. An excellent example of the fallacy of this assumption is clearly illustrated by Hemple, Webb, and Reynolds in their study of the validity of the statistical prediction scale used as an aid in classifying probationers from the United States District Court for the District of Columbia.¹⁰⁷

Initially, the District of Columbia used a prediction scale recommended for use in all federal probation offices by the Probation Division of the Administrative Office of the United States Courts. Derived primarily from an instrument developed by the California Department of Corrections, the scale was modified according to several subsequent validation studies until a serious fault was discovered. Probationers who had a history of usage of any form of opiate were failing at the same rate (74 percent) regardless of their classification as a high, medium, or low risk. Obviously, the scale was not properly discriminating among those who had used opiates in Washington, D. C.

Research was carried out in 1972, in an attempt to improve the scale by deriving additional variables from criminology theory. Through the work of Cloward and Ohlin,¹⁰⁸ it was predicted that persons with legitimate opportunity in the community should succeed at a higher rate than those without such opportunity. This hypothesis was supported as probationers who had completed high school succeeded at a

rate of 89 percent, regardless of their classification (provided they did not use opiates). Interestingly, the converse was also found to be true, as persons who had good opportunities using illegitimate means (i.e., gamblers) succeeded at a rate of 100 percent.

A modified classification system, utilizing these two variables, was constructed by classifying everyone as low risk if they graduated high school, or were a gambler, and high risk if they had ever used opiates. The California tables were then used to classify everyone else. This resulted in greatly improved predictive efficiency.

However, when the research was replicated in 1975, being a gambler or a high school graduate remained a valid indicator of success, but the use of opiates was no longer a strong indicator of failure. The number of opiate users in the caseload nearly doubled between 1972 and 1975 (20 percent to 37 percent) and the proportion of successes increased from 28 to 55 percent.

This rapid shift in significance of opiate usage as a predictor of probation success or failure illustrates the tenuous nature of what the authors term "pragmatic validity"¹⁰⁹ (i.e., "It worked in the past, it should work now"). They discuss possible reasons for this change in predictive utility citing more lenient laws allowing more opiate users to be placed on probation, the greater availability of drug treatment programs, a large increase in the number of federal

probation officers possibly resulting in more exhaustive pre-sentence investigations (thereby generating more reliable information), and a reorganization of the District of Columbia courts wherein the federal court no longer handles local crimes, thus changing the offender types in their caseloads. Similarly, the authors recognize that there is reason to believe that in a period of high unemployment, a high school education may lose its predictive value for probation success, as it may no longer open the door to employment opportunity.

The authors use the above evidence to assert that prediction scales should be revalidated "every year or two." Noting that social conditions, policy decisions, and organizational practices all affect correctional outcomes possibly unique to particular areas, they conclude:

for this reason, it would seem wise for individual probation and parole officers to do their own evaluation research regarding classification instruments rather than place reliance upon research conducted in other agencies and other locales.¹¹⁰

The same conclusion is also reached by Ford and Johnson in their critique of the faulty methodology and conclusions of the General Accounting Office Report discussed earlier:

. . . the GAO claims that the models are externally valid and can easily be applied in other jurisdictions do not hold up under scrutiny. These criticisms, however, should not be seen as an indictment of the use of probation prediction models in field supervision settings. We argue that, rather than borrowing from outdated and potentially unre-

liable equations, a probation department can easily construct its own predictive tool, based on locally available and relevant variables.¹¹¹

They go on to demonstrate how they developed a prediction model for their own jurisdiction, and clearly illustrate how the seemingly complex techniques required for developing prediction methods can be usefully and understandably applied in practice.

It has been shown that the validity of prediction models can vary greatly by geographical area, with changing social conditions, by probation department policy, and over time, pointing to the need for periodic re-validation of models to ensure their utility in practice.

Conclusion

Perhaps the most evident finding of this review of prediction as it relates to adult probation services is that most of the questions raised remain questions. As the preceding discussion has documented, little work has been done in this area and that which has been accomplished is not conclusive.

The section on methodology pointed to some of the major components required for a valid and reliable prediction device. None of the eleven empirical studies examined contained all of the eight methodological requirements. Some studies were more complete and more fully documented than others, and they were used to illustrate possible uses and

misuses of prediction instruments in practice. To the credit of many of these authors, they often recognized some of the shortcomings of their research, which detracted from the generalizability of their findings.

The most pressing need of adult probation prediction, therefore, is for more emphasis to be placed on larger-scale studies. On the basis of this research, the results suggested by the many exploratory and pilot efforts may be expanded upon and validated. Much of the groundwork for any such large scale effort can be found in these pilot studies and from the extensive work done in parole. Probation prediction models will only become useful in practice when they are developed properly, with the above concerns in mind.

An expectation of widespread use of probation prediction models in the future is not at all unrealistic, and one only has to look at the progress made in parole to support such a prospect. The best example is provided by the United States Parole Commission who, as a result of a substantial research undertaking¹¹², now utilizes prediction tables as guidelines in making parole decisions. A research unit has since 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 board now uses these tables in determining how similar offenders (to those now up for parole) have performed on parole in the past. Using this information, together with mitigating or aggravating circumstances known

to the parole board members, the decision to grant or deny parole is now more consistent and fair, benefitting both the parole board and the inmate, as well as serving the interests of the community.

Corresponding applications of prediction methods in probation are well within reach and await only testing and implementation.

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CONTINUED

2 OF 4

Revocation / Recidivism

Revocation and recidivism rates traditionally have been used in probation as measures of its effectiveness. Problems of using these figures for such purposes are varied and generally recognized, yet an uncritical use of such measures, including unwarranted comparisons, continues.

A review of the problems inherent in these rates in Jerie Powell's essay which is Chapter V suggests that very little about probation and criminal justice system effectiveness can be learned from such rates alone and stresses the need for better measures. Generally, problems associated with these rates and their use as measures of effectiveness may be discussed in terms of three general categories:

Definitions of Probation Revocation and Recidivism

Well-defined criteria for probation revocation decisions do not appear to exist within or among jurisdictions. Statutes pertaining to such revocation provide little explicit guidance on when and how it should occur. Revocation practices vary among jurisdictions and may vary also by judge or probation officer in the same jurisdiction.

Much literature attests to the inconsistencies of recidivism rates as variously defined. Review of studies in this area revealed that a different definition of recidivism was used in each study found. Varying factors have been used to measure

recidivism, within varying time frames, with varying bases for the computation of rates. The inconsistencies in the calculation of recidivism rates make impossible the comparison of outcomes of the various studies and preclude generalizing from the findings of any one.

Revocation and Recidivism Rates as Measures of Probation Effectiveness

The adequacy of these rates in determining effectiveness also has been questioned. Such rates reflect more than the behavior of offenders on probation; it is known that probation violations and other actions are determined to some extent by the policies and practices of probation departments, the judiciary, and other criminal justice system personnel.

While it may generally be agreed that recidivism figures alone do not measure program effectiveness, there is little agreement on either the definition of this concept or on more appropriate measures. Clearly, if knowledge about probation effectiveness is to be increased, more careful attention must be given to the development of appropriate criteria more useful to agency evaluation purposes.

Methodological Limitations of Existing Outcome Studies

Perhaps the paramount purpose of probation outcome studies is to answer the question, "Is probation effective?" This question addresses a much broader issue than "Is a particular program

effective?" Care must be taken to avoid generalizing the results of particular programs to evaluate probation as a whole.

Review of relevant recidivism studies found that they often are based on relatively small samples. Many of the included variables are derived not from objective information, but rather from subjective judgements, with unknown reliability. The authors of the studies reviewed drew their conclusions from examination of two-variable cross-tabulations. None established relations through introducing controlling variables; thus, the degree of association and nature of the interactions among variables found related to outcome were not examined. The results of such limited analytic work must be considered with caution.

Another major limitation of the reviewed outcome studies is the tendency to classify offenders simply as "successes" or "failures." It appears that a more discriminatory system of outcome classifications is desirable.

The need for a coordinated research strategy is evident from the review of the probation revocation and recidivism area. A standard definition of the recidivism concept is needed. If widely accepted and used, this could contribute markedly to an improved ability to share information, experience, and results. At the same time, it is clear that additional measures, more useful for effectiveness evaluations are needed as well.

Evaluation methods which concentrate only on the actions of offenders is naive and myopic and will not enable us to increase our understanding of why certain events such as recidivism occur. The actions of other system participants must also be considered, for Ms. Powell asserts, "without a total systems approach, we will remain forever behind the starting line."

Chapter V
Critical Assessment of
Revocation/Recidivism Statistics

Jerie H. Powell

Introduction

Why another assessment? There is an overabundance of literature on the subject, all ending with the same conclusion: that revocation and recidivism statistics are full of deficiencies. But, out of that pile and furious debate, confusion and frustration, little help has emerged. This statement is not as pessimistic, cynical or destructive as some may think, when we realize that the language used in the Uniform Criminal Statistics Act of 1949--nearly 28 years ago--to state the priority need for uniformity and comparability of published criminal data is yet to become obsolete.¹ The same need remains with us.

And why critical? For too long, we have looked at society and sought solutions for its problems from the "functionalist" perspective. Because we have grown so accustomed and comfortable with that perspective, we have a tendency to rationalize when things do not fit into the traditional pattern, and discard new perspectives without ever finding out why we cannot accept them.

Society from the "functionalist" perspective is seen to exist because of its inherent quality to maintain its equilibrium by the status quo. Its theory is that there is a

common set of norms and values shared by the majority of its members, and those who do not share them are ostracized as criminals or outsiders so that they may not become such a serious menace as to upset the survival of society. Thus, we have sought to "explain the 'cause' of crime by looking at 'who' the criminal is and 'why' he fails to inculcate the prescribed rules."²

The literature search done for this study attests to this observation. Factors associated with the offender or the offender classified as recidivist are extensively analyzed, while factors associated with actions taken by probation officers or with the characteristics of the officers themselves are rarely explored.

The political turmoil in the United States during the 1960's awakened us to look at society, its institutions, the role and function of law from the "conflict" perspective and to question the status quo. Criminality (and repeated criminality) from this perspective is seen as "generating from the system, from the conflict of interests in the society and from the differential ability to label and stigmatize the deviant."³ Thus, the emphasis has shifted to finding the cause of crime in the system and its abuses instead of just looking at the offender and his norm-breaking behavior.

The problem with this perspective is the tendency it has toward an extremist political orientation that is too destructive to be of use. The "conflict" theorists view

our society, in its present democratic and capitalistic form, as "criminogenic" and assert that the only way we can solve our crime problems is to destroy the system and substitute socialism.⁴ Their political naïveté was observed in Paul C. Friday's remark that they are trying to "apply nineteenth century Marxist terminology and conceptualization to twentieth century industrial society."⁵ He recognizes, however, that this perspective has generated "new hypotheses on society, particularly on injustices and incongruencies which should lead to alternative empirical studies."⁶ It seems that such "empirical studies" have already started (e.g., research on sentencing disparity).

Thus, a constructive approach would be to leave out the political rhetoric of the "conflict" theorists but use their method of looking at social problems, and re-analyze the data we have thus far collected on a vast number of offenders. By combining the best of both "functionalist" and "conflict" theories, we will have a new perspective--the tool for the "critical assessment." This hybrid perspective will force us to shift our focus more to offenders and victims, their needs and their perceptions of crime and the criminal justice system rather than on system events, its needs and its perceptions of crime and criminals.

Problems and Needs

Outcome Statistics

In 1953, D. W. F. Coughlan, addressing the American Cor-

rectional Association, lamented that there were less than fifty probation officers serving the adult criminal courts of Canada when at least 700 officers would be needed to give minimum coverage. He concluded:

Accurate facts and figures . . . are of infinite value in 'selling' probation. If we can prove statistically that probation does in fact reclaim a better percentage of offenders than any other medium, then, to that extent, it is the most sure way of effecting the basic purpose of the law, protection of the public, by reducing recidivism. In this way, probation enhances the administration of justice and strengthens enforcement of the law.⁷

In the United States, probation has come to be a "very convenient sentencing alternative" and "probation departments have grown rapidly to accommodate the thousands of men, women, and juveniles assigned to them."⁸ It has "statistically" proven its effectiveness by claiming that the majority of the recidivism rates reported by the researchers "vary from 12 percent to 45 percent, with a guessed mean of between 20 to 25 percent."⁹ Therefore, the failure rate of less than 20 percent generally has been considered relatively low. The validity of such a claim has rarely been questioned.

Today, 136 years after Augustus started his private crusade to help the "drunkards" in Boston, probation is a big enterprise. As a "sub-system" of criminal justice, it operates with salaried officers and professional staff who do program planning and development, and research (in house

or with outside contracts) with various degrees of sophistication. Along with the operational change in probation, change has occurred in the attitude of the public and their legislative representatives. Once they were satisfied with the administrator's speculative explanation on probation effectiveness and impressed with scientific sounding numbers. Now, different questions are asked: "Why is it (or is it not) effective?" instead of "is it effective?" They are finally questioning the validity of so-called "expertise."

The problem we face today is not the "selling," but rather the question of the overuse, underuse, or indiscriminate use of probation. We may be overusing probation if it encompasses more dangerous habitual offenders than the misdemeanants or first-time felony offenders for whom probation originally was designed. Probation may not be ready for such assignments if there is not enough knowledge of behavior nor sufficient money appropriated to do an effective job. Overuse may occur also if offenders who may not need probation at all or who may do better with fines or restitution payments are assigned probation supervision. On the other hand, we may underuse it if we send to prison those who commit serious offenses (i.e., murder between people who know each other), but who, according to research, have the lowest probability of recidivism (although we must consider the theories of general deterrence and retribution). The point of this argument is that we need a better method of

obtaining evaluative knowledge of discriminate and effective use of probation than headcounts of who failed and who succeeded on probation.

Basically, revocation and recidivism statistics which we have been using to determine the "efficacy" of probation are merely headcounts; but worse yet, all of the heads that need to be counted are frequently not included. These figures are like knowing only the final score of a ball game. Unless we were at the game or read a narrative description, we know who won and who lost, but we really do not know how close the game was, how well the teams played, who the outstanding player was, or other minor but interesting details. Revocation and recidivism statistics may be rough indicators of probation effectiveness and efficiency, but certainly they are not determinants. There are many variables that affect probation and postprobation outcomes, such as the rate of unemployment in the community¹⁰ and the quality of an organizational structure (i.e., urban vs. rural probation departments).¹¹ Still other variables remain to be identified.

Then why do we need revocation and recidivism statistics? General opinion is that certain statistics in the criminal justice system, no matter how unreliable they may be, are essential,¹² or the better argument may be that there is no other alternative and that the "state of the art" of evaluation is still underdeveloped. Certain aspects of the criminal justice system are not amenable to quantitative analysis.¹³

How do we measure quality of the interaction between a probationer and his supervising officer? We can measure them in terms of frequency and length of contact, but what does this tell us? We are beginning to realize the "influence of omnipresent human factors"¹⁴ in the system and that the operators of the system are not free from personal biases. Critics contend that we have let numbers become "ends rather than means" in our naive belief in the power of scientific quantification. What we have to do, they claim, is to "expand our analytical perspective to include the assessment of results through qualitative as well as quantitative analysis."¹⁵

Thus, outcome statistics are not evaluative data that can, by themselves, answer "why?"; they can only answer questions such as "how much?" or "how many?" But we must realize that "why?" will follow after "how much?" or "how many?" are answered. The answer to "why?" will be only as good as the answers to the preceding questions. It is essential, therefore, to ensure that the descriptive data provided by the outcome statistics are reliable and valid so that useful, testable hypotheses can be generated. Furthermore, outcome statistics derived by the use of standardized measurement criteria will have utilitarian value in that they can be compared. Presently, we may be measuring the phenomenon called recidivism with too many irregular yardsticks. If our measures are standardized (as in the case of centimeter and inch), we can convert one to the other according to the rules.

But, in our measurement of recidivism, we seem to have no such rules. Currently we have very few luxuries of comparability, generalizability, or the accumulation of knowledge necessary to identify variables, other than the characteristics of probationers, which may be related to outcome.

Resources for an expensive safari expedition in search of a brand new measurement instrument are decreasing while the resourcefulness of persons intent on committing crime is steadily increasing. The basic need, then, is to consider the cost-effectiveness of the research or such an expedition itself. Clear statements of priority needs, alternatives and options available to solve those needs are essential, but "our primary need is for intensely human capacities - to perceive broadly, describe precisely, act purposefully, and judge courageously."¹⁶

We have two options. One, we can go on arguing and exploring what may be the best way to measure recidivism or so-called repeated criminality, as we have done for so long with the "cause" of crime, while we do some superficial rearrangement of criteria for goals and objectives. Or, we can institute a standardized definition for revocation and recidivism, comply with it and see if the expected gain (i.e., comparability and accumulation of knowledge useful for effective management and decision-making) results. This does not mean that we must agree conceptually, or that other definitions may not be studied or adopted if proven more effective. It

does mean that the development of a standard definition will facilitate research to increase our body of knowledge.

There is something un-American about standardizing research methodology and activities, and demanding compliance from researchers. To be American is to come up with new ideas, new theories, new solutions (even though they may be absurd). It seems somewhat un-American to recycle knowledge, replicate someone's work or focus on utility. Options are far too few, however. In correctional administration, options usually are available relative only to cost factors. Benefits resulting from the standardization of probation outcome measures may be greater than a safari hunt or the continuance of interesting but frustrating intellectual discourse. A research strategy and coordinated effort are needed so that (1) eventually an appropriate evaluation model for the administration of probation may be developed and implemented, and (2) we may gradually be weaned from our fixation on the "all-or-nothing" type of one-dimensional outcome measures.

Revocation

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.¹⁷ 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.

A 1964 national survey to ascertain federal and state practices of probation revocation resulted in the following findings:¹⁸ Four states had "statutes expressly authorizing revocation without a hearing;" seven states and the District of Columbia had "statutes which do not indicate whether a hearing is or is not required;" the federal system and eleven states had "statutes which imply that a hearing is to be held;" twelve states had "statutes which expressly require a hearing;" nine states had "statutes which expressly provide that a hearing may be 'Summary' or 'Informal';" and eight states had "statutes which expressly guarantee or dispense with certain traditional elements of a fair hearing." The conclusion was that, although many states specified a hearing for revocation, they did not elaborate on the nature of the hearing. There was no evidence of ground rules for the hearing so that the potential abuse of discretionary power might be minimized, if not eliminated altogether. The law in the jurisdictions did not proceed "beyond the bare direction that a hearing be held."¹⁹

The basic problem seems to stem from the traditional orientation of the court and judicial philosophy on probation. The three following theories have been characteristic of court decisions on revocation.²⁰

- (1) The grace theory regards probation as a privilege

not a right, as expressed in Escoe v. Zerbst (1935) by Justice Benjamin Cardozo, who rejected on this ground the notion that the Constitution requires a revocation hearing.

(2) The contract theory asserts that probation is a contract between the state and the defendant, who is bound by its terms and has no right to complain about them.

(3) The custody theory regards a probationer as an inmate serving all or part of his sentence in the community; therefore, he is not entitled to all of the rights accorded a free citizen.

The traditional concepts of probation seem to be fading, on the surface at least. The new trend started in 1967, when the court ruled in Mempa v. Rhay that a defendant has a right to counsel at a probation revocation hearing at which a deferred sentence may be imposed.²¹ In a more recent case, Morrisey v. Brewer (1972), the court outlined in detail the procedural aspects constitutionally required for parole revocation.²² This decision was not readily accepted in probation revocation because of the court philosophy; but in Gagnon v. Scarpelli (1973), the Supreme Court asserted that the above decision should also be applied to probation proceedings.²³

What is still lacking, however, is a set of ground rules for enforcement. We need realistic, practicable, and comprehensive rules that the probation officer can follow in deciding whether a formal revocation procedure should be initiated. A wide void seems to exist between court decisions and prac-

tice in probation departments. Common understanding is that the decisions are interpreted differently by each jurisdiction and department and that much of the granting and revocation proceedings are determined by men, not by law.²⁴

The traditional philosophy of the court on probation seems to have a strong hold still in the daily administration of law. On the alleged violation of probation for a new offense or the technical violation, a probationer is often presumed guilty, or is forced to bargain for revocation in the hope of lenient sentencing from the judge.²⁵ Holding trial to establish a probationer's innocence or guilt is expensive and time consuming; consequently, revocation is frequently used as an alternative to prosecution even for serious offenses committed by probationers.²⁶ There is very little evidence of any system of administrative or judicial review of revocation decisions made by individual probation officers.²⁷ In many cases, revocation seems to depend on which combination of probation officer and trial judge has responsibility for supervising the case.²⁸ What may be concluded is that probation is terminated largely by "judicial fiat," not by law.²⁹ Revocation rates then reflect also the degree of judicial "caprice" and "whim," not merely the rate of violation by probationers.

Yet, all of the above evidence and discussions are criticisms based on idealistic standards. Justice requires discretion, as we often engage in unpredictable behavior. If

no consideration for mitigating circumstances were necessary, then computers could replace judges. Computers could mete out more consistent decisions than the judges, but would they be just? It is commonly agreed that a certain amount of discretion is necessary for the administration of justice and that the limiting of discretion in one area will find another area for its dwelling.³⁰ There is too much evidence, however, that unstructured official discretion renders inferior justice.³¹

How much of that certain amount of discretion is needed for us to administer humane and effective justice? How to achieve the proper balance between administrative flexibility and control through rules of law and formal procedures of decision-making is one of the major issues in the criminal justice system. The need for uniformity in revocation proceedings is clear; only the "how to" is still in the realm of faith healing. Until workable and realistic criteria for revocation can be formulated at policy making and administrative levels, revocation rates will not reflect the extent of criminal re-involvement by probationers. It would seem that such criteria will not be formulated until we learn more "about the decision-making of judges and probation officers in the revocation process."³²

Recidivism

Literature abounds, all attesting to the deficiencies of recidivism as a measure of probation effectiveness. Milton

G. Rector, after reviewing the 146 annual and biennial reports received by the National Probation and Parole Association between June 1, 1957 and May 31, 1958, remarked:

. . . any thought of compiling recidivism data 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.³³

All of us probably agree with his assessment, but no one seems to be clear or to agree on which definition to select. There may be some current consensus among researchers that recidivism statistics do not measure probation effectiveness and that the industrial model of cost-benefit/simulation analysis should be used for that purpose; but, again, there appears to be no agreement on what items to include under "cost" and under "benefit."³⁴ All keep on measuring using their own definitions and give professional rationalizations for the choice.

The basic source of confusion and disagreement seems to stem from the difficulty we have in conceptualizing recidivism. Who is called a recidivist? There are multiple definitions, simplistic to complex, reflecting various value systems and theoretical orientations. None seems satisfactory for all purposes; hence, we often do not know exactly what we are measuring or what we should be measuring.

If a person is being sentenced for the first time but has previously committed crimes for which he was not apprehended, is he a first offender or a recidivist? . . . Is a person recidivist if his later crime follows the

termination of treatment for the earlier crime after some prolonged period?³⁵

These are just a few of the many questions that plague us. If a probationer commits another crime that is much lesser in seriousness than the previous offense for which he was convicted and given probation, is he called a rehabilitated recidivist or a minor recidivist? That the dictionary definition is not enough for empirical studies is clear, as is the tendency of corrections to "employ fuzzy terminology."³⁶

How do we determine the degree of seriousness of crime? Should a second crime be regarded more serious than the first although both have the same effect and legal definition? In 1966, Marvin E. Wolfgang, at the annual meeting of the American Sociological Association, proposed a new method for collecting international criminal statistics.³⁷ His idea was to apply the measurement theory used in psycho-physical scaling to obtain seriousness scores for criminal offenses in various countries. Some of the problems and needs of comparative criminology identified by Wolfgang are applicable in the United States today. They are: (1) what is defined as criminal in one nation may not be defined as criminal in another nation; and (2) penalties for the same acts vary widely. Certainly the cultural differences in one country are not as great as those existing among nations; yet, the concept of utility theory and scaling techniques developed by Sellin and Wolfgang in 1964 has generated very few follow-up studies.

In spite of our confusion and disagreement on the defini-

tion of recidivism, "there is convergence in corrections on the criterion of recidivism, which is relatively easy to measure, has a *prima facie* validity, and is statistically quite stable."³⁸ In the past, some researchers attempted to evaluate probation outcome in terms of "adjustment." They regarded probation outcome as "adjustment" to a number of basic areas of social life. In this scheme, a probationer was considered adjusted if "he has established satisfactory relationships in his domestic and economic affairs and is free from serious physical and mental handicaps."³⁹ This method, however, has proven even less satisfactory than the method of measuring success and failure by system events (i.e., revocation for probation outcome and rearrest or re-conviction for postprobation outcome). The meaning of "adjustment" and "maladjustment" was not clear, and critics contended that it did not "lend itself to the kind of quantification and objectivity associated with quality statistical data."⁴⁰

Also, there is public objection to the criterion of "adjustment" for the same reason that it is not clear or comprehensive. The public is not likely to be convinced that probation is worthwhile unless it brings about a reduction in persistent criminality. Nor is it likely to accept arguments that the probationer's successful adjustment depends largely on variables other than whatever the probation department does; or that probation effectiveness should not be measured with recidivism which reflects only the failure rate,

but rather should be measured by the degree of the probationer's socio-personal adjustment. The manifest desire of the public is often stated in humanitarian terms, but the reality or the latent desire is more likely to be that a citizen wants the offender "rehabilitated" or "re-integrated" (whatever the most popular term may be), so that he can have his personal world of security and happiness.

The National Advisory Commission's Task Force Report on Corrections distinguishes between system review and program review and recommends recidivism as the primary evaluative criterion for system review. Their definition of recidivism is:

Recidivism is measured by (1) criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violation of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status.⁴¹

Undoubtedly, this definition will be unsatisfactory to many. For example, the Comptroller General in his 1976 Report to the Congress, disagreed with this definition and "used a slightly more conservative definition of recidivism . . . because a conviction may include less serious crimes, such as traffic offenses."⁴² In this report, a probationer was defined as a recidivist if he or she either (1) had probation revoked, or (2) was convicted of an offense while still on probation or within a follow-up period (at least a year);

and, further, only those convictions for which the person was sentenced for 60 days or more were counted.⁴³

Perhaps the time has come for practitioners and researchers to communicate with one another and develop a uniform definition of what constitutes recidivism. Without such a collective effort there will not be a "firm base upon which recidivism rates can be determined and compared with any degree of confidence."⁴⁴ We have for too long wasted our effort because of our inability to focus on the priority need and have collected a heap of "material" that contributed very little illuminating the problem of recidivism and the way the system deals with it.⁴⁵

Research Questions

One overall question is: What is the state of research (1950 to present) on probation and postprobation outcome?

Corollary questions are:

1. What is the extent of inconsistency among the researchers on the definition of failure? The term "failure" is used here instead of "recidivism" because of the wide disagreement among researchers on the use of the latter. For example, to some researchers, "recidivism" only applies to criminal re-involvement after the termination of probation. It seems that "recidivism" is generally used in relation to rehabilitation, and, therefore, a probationer who commits another crime while on probation is not counted in recidivism statistics on the understanding that he has not completed

his rehabilitative program.

2. Are there baseline data against which to assess probation effectiveness?

3. What are some of the methodological limitations faced by the researcher?

4. How much knowledge has been accumulated by outcome studies?

Analysis

Ten studies will be divided into six categories reflecting their design and methods of analysis. (See Figure 1 and the listing below it for definitions of the terminology used.)

The data from the ten studies are summarized in four tables attached at the end of this section (pp. 219-222). Often, some important or relevant data are lost in the process of reduction to fit them in a summary table. It is suggested, therefore, that the tables be read with caution and in conjunction with the narrative provided for each study.

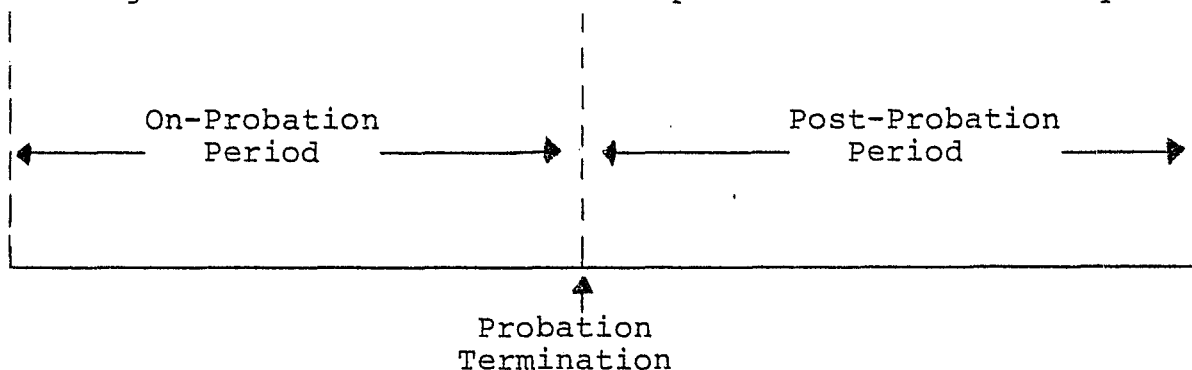


Figure 1
Probation Study Scheme

(A) On-Probation Study: Measures performance of probationers

while they are on probation.

$$\text{Failure Rate} = \frac{\text{Total no. of failures while on probation}}{\text{Total no. of offenders on probation}}$$

- (B) Probation-Termination Study: Measures outcome upon termination of probation.

$$\text{Failure Rate} = \frac{\text{Total no. of failures upon termination}}{\text{Total no. terminated (success + failure)}}$$

- (C) Post-Probation Study: Measures postprobation outcome.

$$\text{Failure Rate} = \frac{\text{Total no. of failures among probationers terminated as "successful"}}{\text{Total no. "successfully" completing probation}}$$

- (D) Probation-termination/Postprobation Study: A combination of (B) and (C). Although this type of study offers a two-part analysis of probation, the majority of the researchers seem to consider the post-probation failure rate to be the measure of the efficacy of probation. Therefore, the definition and the failure rate of post-probation are entered in the summary table (see Table I). One of the three studies reviewed under this category (the Comptroller General's Report to the Congress) used a different definition and combined on-probation failures, unsuccessful terminations, and post-probation failures in the overall estimated rate of 55 percent. Exactly what base was used in arriving at this "estimate" was not clearly stated in the study.

The above indicates that a different definition and method of analysis affect the failure rate, while the actual amount of repeated criminality may not significantly differ from one study to another.

- (E) Cohort/Probation-Termination Study: Traces a group of probationers granted probation in the same year up until their release.

$$\text{Failure Rate} = \frac{\text{Total no. of cohort failures upon termination}}{\text{Total no. of cohort granted and terminated}}$$

- (F) Cohort/Probation-Termination/Post-Probation Study

Traces a group of probationers granted or terminated in the same year beyond their release date.

$$\text{Failure Rate} = \frac{\text{Total no. of cohort post-termination failures}}{\text{Total no. of cohort "successfully" completing probation}}$$

- (A) On-Probation Study

Dean E. Frease. "Factors Related to Probation Outcome," Board of Prison Terms and Paroles, State of Washington, April 1964.

1. Study Population: 605 probationers placed on probation during July 1, 1961 - June 30, 1962.
2. Population Characteristics: Predominantly male; educational level of 5-12; no prior felony commitments or probations; resident of the state more than five years; instant offense committed alone or with one other individual; moderate drinking; and likely success predicted.
3. Length of Probation: 18 to 30 months.
4. Definition of Failure: Those probationers who have been served an inactive letter or a bench warrant and those whose probationary status has been revoked.
5. Failure Rate: 20 percent.

6. Major Findings:

(a) Analysis of admissions data showed the following characteristics to be associated with probation success: female; on probation 4-5 years; instant offense committed while accompanied by two or more companions; no prior felony commitments or probations; 5 years or more of residence in Washington; a 4th grade education or less; non-drinking; and predicted success by the supervising officer.

(b) Analysis of discharge data showed the following success variables: positive family support; married; relatively high earnings; no official warning given at the time of release; "cooperative" attitude toward authority; "mature and empathic" interpersonal relationships; and identification with "reputable" persons and goals.

(c) Speculative analysis is provided by the authors on the negative association between success and education. They speculated from Durkheim's "anomie" theory that the offender with a greater amount of education would be faced with the problem of rising expectations, while those with no or very little formal education accepted their way of life and did not set unrealistic goals for themselves.

B. Probation-Termination Study

Judson R. Landis; James D. Mercer; and Carole E. Wolff, "Success and Failure of Adult Probationers in California,"

Journal of Research in Crime and Delinquency 6 (January 1969): 34-40.

1. Study Population: 791 felons granted probation in Sacramento County between 1956 and 1963. Those who had no complete information, died, or were still under active probation supervision were eliminated from the population.
2. Study Population Characteristics: Predominantly white, low twenties in age, California or Western state native, with less than high school education.
3. Length of Probation: Not identified.
4. Definition of Failure: Revocation resulting from the violation of the probation conditions established by the court or conviction for a new offense.
5. Failure Rate: 52 percent.
6. Major Findings:
 - (a) Analysis of social background variables indicated that the failures were more likely to come from disadvantaged circumstances (lower educational and socioeconomic levels) and were more unstable (marital instability and frequent change of jobs) than successful probationers.
 - (b) Analysis of antisocial behavior variables indicated that probationers with a past history of disciplinary problems in the military, a juvenile record, or an adult record were much more likely to fail on probation than those without a record. As the sharpest differences between the successes and the failures appeared in this

category, the authors concluded that a past history of deviant behavior would be the best predictor of future deviant behavior. The type of offenses committed were property crimes (auto theft, check offenses, and forgery), which, according to many other studies, are highly associated with recidivism, suggesting that the failures were "career" offenders.

(c) Analysis of conditions of probation variables indicated that the imposition of conditions such as jail and restitution increased the likelihood of failure. Based on this finding, the authors suggested, "greater success may result if the courts, when imposing conditions can insure a degree of individualization and flexibility to allow the probation officer greater latitude in his treatment efforts."

Paul H. Kusuda, "1974 Probation and Parole Terminations," Division of Corrections, State of Wisconsin, July 1976.

1. Study Population: 6,195 male and 952 female probationers terminated from the Division of Corrections, Probation and Parole.
2. Study Population Characteristics: Predominantly white; single; self-supporting or partially self-supporting; employed full time; income of \$400.00 a month or more; no disruptive use of alcohol or drugs; having fairly "realistic" goals (as judged subjectively by the supervising officers).
3. Length of Probation: Less than 6 months to 5 years or

more (average 1-2 years).

4. Definition of Failure: Revocation (new offense, rules violations and absconding).
5. Failure Rate: 18.3 percent (19.4 male; 11.4 percent female).
6. Major Findings:

(a) The following characteristics were associated with the non-recidivist: a "productive" and "useful" relationship with the supervising officer; personal goals assessed by the supervising officer as "highly realistic"; on probation for 12 to 18 months; stable marriage; self-supporting; full-time employment; per month income of more than \$400.00; non-use of drugs and alcohol; and probation terminated at age 55 or older.

(b) Of the 19 percent failure rate (male), nearly 57 percent was due to absconding, while conviction for another offense accounted for only 20 percent. In terms of the "seriousness," 62 percent of these failures were for minor offenses (i.e., absconding, concealed weapon, disorderly conduct); 26 percent for property offenses; while only 6 percent was for offenses against persons (i.e., assault and battery).

C. Post-Probation Study

Ralph W. England. "A Study of Postprobation Recidivism Among Five Hundred Federal Offenders." September, 1955.

1. Sample: A regular-interval sample of 500 federal offenders drawn from the universe of all offenders whose

probation terminated between January 1, 1939 and December 31, 1944.

2. Sample Characteristics: Predominantly white, male, considerably older than the criminogenic age of 17 to 25 years ($\bar{X} = 37$), married and living with spouse, laborers (almost complete absence of professional workers), and educational level slightly below that of the general public.
3. Follow-up Period: 6 to 12 years.
4. Definition of Failure: Misdemeanor and felony convictions.
5. Failure Rate: 17.7 percent.
6. Major Findings:
 - (a) Characteristics significantly associated with recidivism were: previous criminal record; youthfulness; personal instability; and lower, urban socio-economic background.
 - (b) Almost 38 percent were already recidivists at the time of instant offense, but over half of this group was convicted only once (very few hardened offenders).
 - (c) Almost 28 percent of initial post-probation convictions occurred in the first post-probation year and more than a half by the third year.
 - (d) Most of the post-probation convictions (73%) resulted from minor offenses involving bootlegging, gambling, theft, and disorderly conduct.

D. Probation-Termination/Post-Probation Study

Morris Gilmore Caldwell, "Review of a New Type of Probation Termination Data Made in Alabama," Federal Probation 15 (June 1951): 3-11.

Probation Data

1. Study Population: 1,862 federal probationers whose probation terminated during the period July 1, 1937 through December 31, 1942.
2. Study Population Characteristics: Predominantly male, white, young, product of a broken home, low occupational status, short employment tenure, irregular employment, and low income.
3. Length of Probation: One to 60 months (median - approximately four years).
4. Definition of Failure: Revocation of probation due to violation of the conditions and termination due to absconding.
5. Failure Rate: 19.1 percent (18.1 percent for revocation; 1.0 percent for absconding).
6. Major Findings:
 - (a) Analysis of 337 probation violators showed them to be younger and have lower economic status than the non-violators, unmarried, widowed, divorced, or separated, combined with a record of recidivism, while their educational achievement was very similar to the non-violators and the general public.
 - (b) Sixty-two percent of the probation violations were

for convictions, 36 percent for rule violations, and 2 percent unknown.

(c) The instant offenses were all federal violations (72 percent against internal revenue laws), while 52 percent of offenses committed while on probation were state offenses (violation of liquor laws).

Post-Probation Data

1. Sample Population: 403 post-probationers selected by stratified and random method from the sampling frame of 994 from the original universe of 1,862 federal probationers who met the study criteria (refer to the previous section).
2. Sample Characteristics: Same as the population characteristics.
3. Follow-up Period: 11 years and 7 months (minimum of five and one-half years).
4. Definition of Failure: Post-release conviction.
5. Failure Rate: 16.4 percent.
6. Major Findings:
 - (a) Factors related to non-recidivism appeared to be high occupational skill, full employment, adequate income, home ownership, marriage, and children.
 - (b) Of the 66 post-probation failures, 58 committed misdemeanors, while only 8 committed felonies.

"Probation in Missouri July 1, 1968 to June 30, 1970: Characteristics, Performance, and Criminal Reinvolvement."

Missouri Division of Probation and Parole, May 1976.

Probation Termination Data

1. Study Population: 5,083 probationers placed from July 1, 1968 to June 30, 1970.
2. Study Population Characteristics: Poor, young, high school drop-out, showing no evidence of drug or alcohol abuse, white (though not predominantly), placed on probation for a first felony property offense.
3. Length of Probation: Average of 18 months.
4. Definition of Failure: Revocation (conviction for a new offense and technical violations, excluding absconding).
5. Failure Rate: 20.9 percent.
6. Major Findings:
 - (a) The data indicated that a probationer usually completes his probation term successfully if he is over 40, has a high school education or above, is married, employed, has adequate income, no prior felony incarceration, and has never used or been addicted to drugs or alcohol.
 - (b) Those convicted of armed robbery and forcible rape among the crimes against person categories and those convicted of motor vehicle theft and forgery in the crimes against property categories appeared to be high-risk individuals.

Post-Probation Data

1. Sample: A random sample of 216 cases selected from

those among population of 5,083 who had successfully completed probation without revocation (80 percent).

2. Sample Characteristics: Same as the population characteristics.
3. Follow-up Period: Six months to seven years (\bar{X} = four years).
4. Definition of Failure: Arrests and convictions.
5. Failure Rate: 30 percent.
6. Major Findings:

(a) The 30 percent breaks down as follows: 22 percent re-arrested, 4 percent misdemeanor convictions, and 4 percent new felony convictions. The re-arrest record revealed that most of the failures had only one arrest, and the ex-probationers' new crimes were very similar to the ones for which they were originally convicted and placed on probation (burglary, larceny, and vehicle theft).

"How Effective is Probation?" In State and County Probation: Systems in Crisis, pp. 10-17. Report to the Congress by the Comptroller General of the United States (Washington, D.C.: U. S. Government Printing Office, 1976).

1. Sample: A random sample of 1,200 former probationers (300 each from four counties in four states).
2. Sample Characteristics: Not given.
3. Follow-up Period: Average of 22 months.
4. Definition of Failure: "Revocation, or conviction of an offense while still on probation or within a follow-up period" (includes only those convictions for which the

person was sentenced for 60 days or more).

5. Failure Rate: Probation failures: 22 percent. Post-probation failures: 26 percent. Estimated overall failures: 55 percent. Apparently, the word "estimated" was added because of the "lack of adequate data from the four counties." This "estimated" 55 percent is indicated to include absconding (about 16 percent); however, their definition of failure is not clear, nor is the method of estimating this figure.

6. Major Findings:

- (a) A comparison of the percent of arrests and convictions of closed cases (1,200) with open cases (200) showed that while the offenders currently on probation had not been exposed as long to the criminal justice system, their rates of arrest and conviction approached the rates shown for past offenders.

- (b) Crimes for which probationers were arrested or convicted were mainly possession of a gun, escape, petty theft, larceny, and alcohol law violations.

- E. Cohort/Probation-Termination Study

George F. Davis, "A Study of Adult Probation Violation Rates by Means of the Cohort Approach," Journal of Criminal Law, Criminology, and Police Science 55 (March 1964): 70-85.

1. Sample: A cohort made up of all defendants granted probation in 56 California counties during the years 1956 (3,199), 1957 (3,970), and 1958 (4,469).
2. Sample Characteristics: Mostly from counties with the

largest population; convicted for burglary, forgery, and checks; predominantly white males between 20 and 24 years old; for most, probation was recommended by probation officers; received probation or a combination sentence of probation and jail.

3. Length of Probation: Minimum of four years and maximum of seven years.
4. Definition of Failure: Two or more violations and revocation (with none and one violation classified as success).
5. Failure Rate: 30.2 percent (overall); 26.6 percent (1956), 28.6 percent (1957), and 29.1 percent (1958).
6. Major Findings:
 - (a) The highest rate of revocation occurred for probationers convicted of forgery and check offenses, while the lowest rate occurred among persons sentenced for homicide and sex offenses.
 - (b) As in most studies, a high success rate was recorded for women and older people.
 - (c) There was a significant difference between the recidivism rate of the group recommended for probation and the group not recommended, or those for whom a sentence recommendation was not made at all.
 - (d) More than half were revoked within 17 months of the judgment date.
 - (e) Forty-eight percent committed new offenses, while

52 percent were charged with technical violations.

F. Cohort/Probation-Termination/Post-Probation Study

James F. Irish. "Probation and Its Effects on Recidivism: An Evaluative Research Study of Probation in Nassau County, New York, Nassau County Probation Department, 1972.

1. Sample: A stratified random cohort sample of 927 probationers selected from a total population of 1,825 probationers discharged as "improved," "unimproved," or "committed" in 1962, 1965, and 1968.
2. Sample Characteristics: Predominantly white male, average 22 years old, single, either a laborer or a student, below 11th grade level education, on probation for larceny and burglary, with no or minor previous criminal record, and completed probation successfully.
3. Follow-up Period: Minimum of up to four years following release from probation.
4. Definition of Failure: "A real or alleged tendency to relapse into a previous delinquent mode of behavior determined legally and arbitrarily by a set of fixed criteria: pre-probation recidivism - prior arrest or convictions; on-probation recidivist - rearrests or recon-
victions; post-probation recidivist - rearrests or re-
convictions; post-probation recidivism - rearrests or recon-
victions (in the actual study, only arrests were used)."
5. Failure Rate: 41.5 percent (overall); based on four-year follow-up period for each cohort group - 23.6 per-

cent (1962), 26.3 percent (1965), and 40.1 percent (1968).

6. Major Findings:

(a) A significantly greater percentage of those who received no "definite" or "meaningful" recommendations from the Probation Department became on-probation and post-probation recidivists than those recommended for probation.

(b) A significant relationship was found between pre-probation, on-probation, and post-probation adjustment.

(c) Variables significantly associated with recidivism are: prior criminal record; under 18 years of age when first arrested; unemployment; history of prior psychological treatment; marital status other than married; low socio-economic level; education below 12th grade; negative offender-parent relationship; broken or unstable home environment; little parental religious interest, as measured by church attendance.

(d) Recidivists commit crimes similar to the ones for which they were convicted and placed on probation.

James F. Irish, "Probation and Recidivism," Mineola, New York: Nassau County Probation Department, [1977]. (Mimeographed.)

1. Sample: A cohort of a twenty percent stratified random sample (250) selected from a population of 1,250 discharged from probation in 1973 as "improved," "unimproved," or "committed."
2. Sample Characteristics: Predominantly white, male, with

no previous arrests, convicted for crimes against property, and discharged as "improved" (75 percent).

3. Follow-up Period: Three to four years.
4. Definition of Failure: Discharged as unimproved or committed for probation failure; arrest for post-probation failure.
5. Failure Rate: 29.6 percent.
6. Major Findings:

(a) Probation adjustment was related to previous criminal record, race (black or white), and type of crime leading to sentence of probation (crimes against person, property, drugs, and other). Thus, a probationer who is white, has no previous record of arrests, and is sentenced to probation for a property crime seems to have a strong likelihood of success on probation.

(b) Post-probation adjustment was related to previous criminal record, type of supervision (regular or drug) for whites only, and type of discharge (improved, unimproved, or committed), for whites only. Thus, a probationer who is white, has no previous record of arrest, has been supervised by the regular unit, and released as "improved" seems to have the highest post-probation success of any type of probationer.

(c) The study did not establish the existence of a significant relationship between the following variables:

Probation outcome and sex
 " " " type of supervision

Post-probation outcome and sex
 " " " " race
 " " " " type of discharge for blacks
 " " " " type of supervision for blacks
 " " " " type of crime for which sent
 to probation

Findings

Question 1: What is the state of inconsistency among the researchers on the definition of "failure"?

The summary statistics (Table I describes the range of definitional variation. All, however, use system events: revocation, arrests, and convictions). The follow-up period varies from 20 months to 12 years. The group of ten studies reviewed consisted of one on-probation, three probation-termination and six post-probation studies. The closest in terms of definition, follow-up period, sample size, sample characteristics, and failure rate are the study of federal probationers done by Caldwell in 1951 and another by England in 1955.

Question 2: Are there baseline data against which to assess probation effectiveness?

Most of the studies reviewed here stated that their purpose was to assess probation effectiveness; however, none of the authors explained what was meant by "effectiveness" or how they defined a base against which they compared their findings in order to claim that probation is an effective alternative in treating the offenders. Where absolute measurement is impossible in correctional research, comparisons will

TABLE I

THE SUMMARY STATISTICS

Studies	Failure	Sample	Sampling Method	Follow-up	Failure Rate(%)
Caldwell 1951	Convictions	403 federal, terminated 7/1/37-12/31/42	Stratified-random	Post-probation: 5½- 11½ yrs.	16.4
England 1955	Convictions	490 federal, terminated 1/1/39-12/31/44	Regular-interval	Post-probation: 6-12 yrs.	17.7
Davis 1955	2 or more violations & revo- cation (technical & new offense)	Cohort, placed on prob. 1956 (3199), 1957 (3970), & 1958 (4469)	Total population	Up to termination: 4-7 yrs. on probation	30.2
Frease 1964	Inactive letter, bench warrant, & revocation	605, placed on prob. 7/1/61-6/30/62	Total population	On-probation: 18-30 months	20.0
Landis 1969	Revocation (technical violations or new offense)	791 felons, placed on prob. 1956-1963	Only those with complete info.	Up to termination	52.5
Irish 1972	Arrests or convictions	Cohort, terminated in 1962 (199), 1965 (288), & 1968 (440)	Stratified-random	Post-probation: a minimum of 4 yrs.	41.5
Missouri Div. Prob. & Parole 1976	Arrests & convictions	216, placed on prob. 7/1/68-6/30/70	Random	Post-probation: 6 mos. -7 yrs.	30.0
Kusuda 1976	Revocation (technical violat- ions, new offense, & absconding)	7047, terminated in 1974	Total population	Up to termination: average 1-2 yrs. on probation	18.3
The Comptroller General 1976	Revocation while on prob. & postrelease convictions (sen- tenced to 60 days or more)	1200, terminated in 4 counties in 4 states	Random	Post-probation: average 20 months	55.0*
Irish 1977	Arrests	250, terminated in 1973	Stratified-random	Post-probation: average 3-4 yrs.	29.6

*This is an "estimated" figure given by the author. See the narrative section for the detailed explanation.

TABLE II

MAJOR POPULATION/SAMPLE CHARACTERISTICS

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Studies	Prior Criminal Record	Use of Alcohol or Drug	School Grade Completed	Socio-Economic Level	Marital Status	Race	Age	Sex
Caldwell 1951	None or minor		5-8	Unskilled/semi-skilled	Married (54%)	White (75%)	Median:29	Male (93%)
England 1955	"		Median-8.3	Laborers	Married (64%)	White (75%)	Mean:37	Male (88%)
Davis 1955						White (78%)	Average: 20-24	Male (90%)
Frease 1964	"	None to moderate	5-12	Under \$400	Married (43%)			Male (90%)
Landis 1969	"		Below 11			White (82%)	Median:25	Male (100%)
Irish 1972	"	"	"	Laborer/student	Married (71%)	White (80%)	Average:22	Male (93%)
Missouri Division of Prob. & Parole 1976	"	"	"	Under \$400	Single (52%)	White (58%)	Average: 18-22	
Kusuda 1976	"	"		Under \$400	Single, div. & separated (72%)	White (79%)	Mode:20-24	Male (87%)
The Comptroller General 1976								
Irish 1977	"	"	Below 12			White (77%)	Average:24	Male (89%)

Blank spaces - no data provided in the study.

TABLE III

MAJOR FACTORS CORRELATED WITH FAILURE

Studies	Previous Criminal History	Youthfulness	Status Other Than Married	Unemployment	Low Income Below \$400	Education Below 11th	Abusive use of alcohol or drug	Property Offender	On-Prob. 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	"	"	"	"	"	"	"	*	"	
Mo. Div. Prob/Par. 1976	"	"	"	"	***	"	"	"		
Kusuda 1976		"	"	"	**		"	*		
The Compt. General 1976								*		
Irish 1977	"							*	"	

Blank spaces - no data provided

*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 and those who made above \$700 both had an equal probability of success.

TABLE IV

MAJOR OFFENSE PATTERN

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Studies	Instant Offense	On-Probation/Post-Probation Offense
Caldwell 1951	Internal revenue laws (72%)	State liquor laws (52%); misdemeanor (12%) & felony (88%)
England 1955	Bootlegging (48%); forgery & counterfeiting (9%)	Liquor & gambling (33%); larceny & disorderly conduct (20%) Felony (26.9%); misdemeanor (88%)
Davis 1955	Burglary; forgery & checks Misdemeanor (51.2%); misdemeanor (48.8%)	New offense (48%); technical violations (52%) Misdemeanor (88%); felony (12%)-convictions
Frease 1964		
Landis 1969	Auto theft; forgery & checks	Same as instant offense
Irish 1972	Larceny & burglary	Same as instant offense
Missouri Div. of Prob. & Parole 1976	Burglary, larceny & vehicle theft	Same as instant offense Arrest (22%); misdemeanor convictions (4%); felony convictions (4%)
Kusuda 1976	Property	Absconding, weapon, disorderly conduct (62%); property (26%); crimes against person (6%);
The Comptroller General 1976		Minor offense: alcohol, technical violations, etc. (60%); property (26%); crimes against person (14%)
Irish 1977	Property	Arrests: property (47%); drug related (30%); other minor crimes (14%); crimes against person (7%)

Blank spaces - data not provided in the study

permit the relative evaluation of one thing against another.⁴⁶ Valid comparisons, however, cannot be made unless the same instrument of measurement is used, because a recidivism percentage by itself is not sufficiently informative. It is only suggestive for the evaluation of probation in providing a justification for the conclusive, experimental or operational research.

The need for a valid base before a researcher could assess the significance of his findings was clearly evidenced in the Comptroller General's 1976 report to the Congress. The statement below is illustrative, (emphasis added):

. . . the estimated overall 55 percent failure rate for persons no longer on probation raises serious questions as to the probation system's ability to help offenders make a positive adjustment in the community. Furthermore, since about 45 percent of the former probationers and 37 percent of current probationers had been convicted of crimes during probation, a lack of control and danger to the public are evident. We question whether society is adequately safeguarded when criminal repeaters continue to return to the community in a probationary status without adequate supervision and control.⁴⁷

The basis for the above claim is not clear. Further, since the definition of recidivism in this study is different from what other researchers used, comparisons cannot be made. A study of halfway houses was cited, which stated that about 15 percent of the offenders who went through halfway houses were imprisoned for improper behavior while residing at the houses, and that in contrast, 22 percent of the 1,200 offenders no longer on probation were incarcerated for improper

behavior while on probation.⁴⁸ How valid and reliable such comparison is to support a claim of probation ineffectiveness cannot be determined from this study.

There is a problem, however, in the statement that society is not "adequately" protected. In the beginning of the report, recidivism is measured by (1) revocation, or (2) conviction of an offense while still on probation or within a follow-up period (includes only those convictions for which the offender is sentenced to 60 days or more). Later, however, another definition of failure is given; it includes "new convictions," "flight," and "probation revocation," and considers absconders as failures, even when no new offense occurs because they are considered to "reject the restrictions placed on them by the criminal justice system."⁴⁹ The problem is not with the reasoning, but with the fact that the rate will change depending on which definition of failure is used.

Another inconsistency found in the claim of probation ineffectiveness appears in a table giving a breakdown of types of crimes for which the 680 probationers were arrested.⁵⁰ According to the table, the largest number of arrests were under the category of "All Others" (possession of a gun, escape, and petty theft), totalling 491. The next three largest were theft and larceny (160), alcohol law violations (155), and drug charges (103). For the rest of the crimes, there were between three and 69 arrests. How serious are

these crimes to the community? The authors "question whether society is adequately safeguarded . . ." Should they worry about some others who might be more dangerous than the 1,200 ex-probationers they studied?

In 1955, England observed in his research on post-probation outcome that:

. . . few of the convictions were for crimes commonly regarded as being serious threats to society. Out of 500 federal probation cases, there were no cases of murder, rape, or arson; besides the ten burglary convictions, there were three for aggravated assault and four for robbery. . . The charge sometimes made by its opponents that probation looses dangerous predators on society receives little support from these data.⁵¹

This suggests that some ways must be found to determine the degree of reinvolvement, as well as the need for a careful analysis of data before a conclusive claim can be made.

Question 3: What are some of the methodological limitations faced by the researcher?

England commented in his study of 500 federal offenders that the relatively small samples used in most recidivism studies made impracticable the use of partial correlation or other multivariate analyses, and often associations between variables proved to be spurious.⁵² Davis cited three other deficiencies most commonly found in recidivism studies:

(1) a proper base for calculating the rate of violation is not used, (2) accurate follow-up data on defendants released on probation are implied, but rarely evidenced, and (3) court procedures and policies influence results to a degree that is generally not realized.⁵³

A few other researchers also mentioned that the criterion of success or failure on probation was complicated by the fact that there was little control over the statistical data submitted by the local probation departments and, as a result, they could not obtain some data that were essential to their research.

One major problem relates to correlation and causation. Does the association of two variables mean that one has caused the other? In all of the studies, the variables cross-tabulated with outcome were treated as though they were independent; none of the studies examined the degrees of relationship and nature of interactions between the variables that were found to be related to outcome.

Most of the studies, for example, reported that property offenders had the highest recidivism rate and that almost all of the black offenders had committed property offenses and had a higher recidivism rate than their non-black counterparts. These findings were the result of cross-tabulation and the chi-square test of significance. None of the studies controlled for variables that were known to be distorters, such as income, education, employment opportunities, and other social factors. The careless interpretation of such correlations can result in one group of people being singled out and stigmatized. The recidivism rate for the white offenders, in the event all of the known distorters are controlled, might turn out to be exactly the same as that of

blacks.

Another correlational problem is the selection process. For instance, one probation outcome study reported a recidivism rate of 52 percent, while two other studies using a similar definition of failure reported percentage rates of 30 and 31. In the former study, however, the study sample consisted of felons while samples of the two studies were felons and misdemeanants. Most of the studies dealt with samples of white probationers who had no or a minor prior criminal record and who had no drug or alcohol problem; all of these characteristics are highly correlated with successful outcome. The Missouri report examined the characteristics of commitments to the Missouri Department of Corrections and those of the probation population, and found that the Court committed offenders who were single or divorced, and who were slightly older and had a longer history of criminal offenses than those sentenced to probation.⁵⁴ Based on these observations, it is hard to draw a reasonably accurate picture of how much of the success rate is attributable to the judge's selection process. Also, there are variables that are beyond the control of probation, such as employment rates or the changing moral values in the larger society. How much effect do these extraneous variables have on probation outcome? It seems clear that much of the confusion over recidivism figures is related to this "blurring of causation."⁵⁵

The above discussion of problems inherent in correctional research leads to the question of whether explanatory evaluation is possible in probation. Professional opinion seems to be that the typical human service agency is an "inappropriate setting for evaluation that seeks to provide valid and reliable data on causation," but that the management information data can lead to change through feedback on process and impact.⁵⁶ This type of continuous evaluation of probation performance through a "feedback loop," focuses less on causation or the determination of effectiveness but more directly on how to increase probation effectiveness. This approach seems much more realistic and productive than others (e.g., "intensive" evaluation) in a setting such as a probation department.

Question 4: How much knowledge has been accumulated by outcome studies?

With further replication and verification, the following findings may be utilized in management decisions:

(a) England (1955) reported that most of the probation violations occurred after one to 18 months, while most of the post-probation violations occurred within a three-year period.

(b) The Missouri report (1976) stated, "For some unknown reason the 0-18 age group had a considerably higher rate of successful completion." It is common knowledge that this age group is also the most visible to the police. We need to know if they are amenable to probation supervision

or if they are the "self-correcting" type. We need to know for what behaviors they are being apprehended and put on probation. It could be that their behaviors are so minor that probation is not necessary. Or, perhaps, other types of disposition may be more effective or better for them than probation.

(c) Generally, it was reported that a probationer who had better education and higher income had a relatively high probability of success. Frease (1964) and Kusuda (1976), however, reported that probationers with the lowest education (below 4th grade level) and income (below \$100 per month) had as high a probability of success as probationers in the highest education and income groups. Reasons given were that the former had accepted their way of life and did not set unrealistic goals for themselves. The data of Kusuda's study indicated that there was a relationship between "unrealistic goals" (as judged subjectively by the supervising officer) and probation success. We need to know if more education and job training will help those in the middle group, who have relatively adequate education and income, or whether to explore some other type of treatment or counseling that may be more appropriate, as their problems are different from those of people who have hardly any money or education.

(d) Davis (1964) and Landis (1969) reported that those probationers who had more conditions (fines, restitution, jail terms, rules for future daily conduct, etc.) placed on

them had a higher failure rate. We need to know if those conditions are too harsh, if they should be used at all, or if they can be used differentially depending on the probationer's status and need.

(e) Davis (1964) reported that the small differences among the revocation rates of the white, white-Mexican, and "other" racial groups were not statistically significant; however, there was a significant difference in the revocation rate of the black group as compared with the rates for whites, white-Mexicans, and "other" racial groups. We need to find out why such a difference exists, for what reasons the different groups are being revoked, and what their supervision needs are.

(f) Irish (1972) reported that statistically there was no relationship between the "sophistication of the level of the pre-sentence reports" and on-probation adjustment of the probationers as reflected by the discharge status assigned by the probation department. We need further follow-up to determine why and how the pre-sentence investigation affects the outcome. Should this report contain a different type of information to correlate significantly with probation outcome?

(g) Irish (1972) and Davis (1964) reported that those probationers for whom the determination as to likelihood of success (on the basis of their past performance) was not made at the time of sentencing had the higher probability of fail-

ure. We need to find out why the determination makes any difference on the probationer's successful completion and why a determination is not made on certain probationers. What type of probationers are they? How can a probation officer arrive at a meaningful determination for a probationer? Does the officer need professional assistance (i.e., a psychologist) in assessing the future performance of a probationer?

(g) Frease (1964) reported that, "the success rate steadily increased as length of probation is increased up to the five year level," but the "success rate, at the five year point, begins to decline and show a sharp drop for those offenders on probation over five years." Landis (1969), on the other hand, reported, "the longer the time on probation, the greater the probability of failure" and "more failures than successes spent more than two years on probation." Further research is necessary to find out how such variables as length, type of probation, and type of offender affect outcome. The overall question: What is the state of research done since 1950 on probation effectiveness?

The review of the ten studies demonstrates very little progress made over the years toward the assessment of probation effectiveness. There seems to be an unwritten agreement or "rule of thumb" that a failure rate of about 30 percent or below means probation is effective and anything above indicates its ineffectiveness. Such a tendency is evidenced

in the following comments:

<u>Year</u>	<u>Author</u>	<u>Failure Rate</u>	<u>Comment</u>
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	The Missouri Report	30.0%	"Probation is an effective and efficient way of handling the majority of the offenders in the State of Missouri."
1976	Report to the Congress	55.0% (estimated)	". . . 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."

The valid base for all of the above claims is yet to be defined. Does a low rate of recidivism indicate probation program success or the judge's ability to select the "right" offenders for probation or the "self-correcting" type who may not need treatment at all? Does a high rate imply probation failure or that too many high risk offenders are being given probation? Most recent studies, such as the Missouri report and the one by Irish, indicated the increased use of probation, in their jurisdictions, for those considered high risks. Assessment of the impact of the increased use of probation will require a much finer basis for determining probation effectiveness. If probation works only for certain types of

offenders, the public and their legislative representatives should know about it. If probation has no effect on the actual recidivism, but its use can be justified because it is more humane than incarceration, they should also know about that. If probation is extended to more offenders than it can handle or to high risk types for whom it is not ready, undoubtedly failure rates will grow unless appropriations and treatment techniques are revised to meet such a demand. The opinion that "barring such change, a backlash effect is possible, with the public's reacting against probation, which they will assume to be ineffectual, and demanding more incarceration"⁵⁷ is a legitimate worry, with which researchers and administrators should be concerned.

On the other hand, there seems to be developing a new consciousness among the contemporary researchers; that is, they are acknowledging the limitations of their outcome studies and interpreting their findings more cautiously than before.

Irish, in his 1972 study, attempted to find the relationship between the probation officer's skill in pre-sentence reporting and probation/post-probation outcome, departing from the traditional study of the relationship only between the socio-personal characteristics of a probationer and outcome. Finding that there was no significant relationship, he made various assumptions and recommendations which could be very useful for management improvement.⁵⁸

Another innovative approach was observed in Irish's study. He found a significant increase in post-probation recidivism rates between 1962 and 1968 and proceeded to document all of the programs the Nassau County Probation Department implemented during this period, resource allocation, and the evidence of professionalism. His effort, as reflected in the following remark, is evidence of a new awareness that is developing in recent studies.

Comparisons with similar departments were futile due to a universal confusion in the reporting of recidivism rates. Further, no research tool has yet been devised which can clearly unravel the effect of a large number of new programs, staff changes, budgets, methods and procedures, the changing social climate, changing court practices and personal motivation factors on the post-probation adjustment of a given number of probationers.⁵⁹

For too long, researchers have been tangled up in the inertia of tradition, unable to face or articulate the significance of the problems. This criticism does not mean to treat the problem of evaluation of effectiveness as a simple subject, but a break with tradition must be made if we are serious about improving the delivery of our human services. We must move ahead with systematic observation of correctional processes, testing of program impact, and measurement of the effects of various treatment modalities such as the matching of a probationer to a supervising officer.

Summary and Conclusion

The findings of this study must be interpreted and gen-

eralized from with caution, because the studies reviewed are relatively few in number and were selected on the basis of availability. With this in mind, they may be summarized as follows:

1. There is a wide disparity in the definition of revocation and recidivism.
2. Revocation/recidivism rates without a standardized definition have little comparative value.
3. A criterion (or criteria) of probation "effectiveness" is not well defined.
4. Revocation/recidivism research requires a longitudinal systems design (e.g., Offender-Based Transactional Analysis) for the understanding of probation effectiveness.
5. There is confusion over the distinction between system reviews and program reviews. Programs are developed and implemented by an agency such as a probation department. Agency review covers everything that is being done by that agency. The question "Is probation effective?" is not the same as the question "Is a drug program effective?"
6. There is confusion over outcome and impact (the significance of outcome). For probation review, the outcome may be defined as the success-failure rate of the probationers upon their release, while the impact may be defined as their post-probation success-failure rate. What is important in this scheme is the link between the outcome and the impact. Does a probationer who has successfully completed his proba-

tion term remain successful on his own? That is the measure of his re-integration, and his re-integration into the community is the goal of probation.

Where do we go from here?

We need a "research strategy" with a clear statement of our objective that comparable recidivism statistics must be developed so that we may eventually have "usable bench-marks which probation agencies can use in evaluating their services."⁶⁰ Measurement of "success" or "failure" are needed which are more precise than the data which indicate nothing more than violation of a condition of probation. In order to attain this objective, we need to adopt longitudinal evaluative statistics instead of "head count" statistics to which we have been accustomed for such a long time.⁶¹

Late in 1967, the first Probation Management Institute was held in three regions for top-level probation administrators to exchange ideas and identify problems and needs. The development of a comprehensive system of collection, storage, and retrieval of information within the field of probation emerged as their highest priority. Subsequently, a tentative model, based upon a uniform data-gathering approach already in use by parole systems across the country, was developed for the purpose of exploring the feasibility of a national program.⁶²

Because of the lack of funds and personnel, the definition for "failure" was decided by the research staff instead

of being developed through communication and agreement with the practitioners, as ideally should be done. Also, because of the same reason, on-site training in data collection for the persons assigned that task in the participating agencies was not done. Instead, a "Letter of Instructions" was sent out to each agency providing guidance on the sampling technique. Altogether, 2,128 cases (mostly adult felons) from 21 agencies provided necessary data to test the feasibility of the data collection model.

The favorable determination of the "feasibility" was mainly on the basis of the recidivism rate (13.4 percent), which the researchers considered comparable to the rates reported by the majority of the probation departments across the country. The authors concluded that a "definitive answer as to the feasibility of uniform probation reporting has not yet been obtained."⁶³ Perhaps an extensive cost-benefit analysis (i.e., the testing of alternatives such as a state-level system) may be required for a "definitive answer."

Recently, the Probation Research and Development Unit of the New Jersey court system determined that the present probation information system was not comprehensive enough to meet the needs of the system. On their contention that comprehensive data, collected on a statewide basis, would be helpful to sound administrative and management decision-making, they developed a three-phased reporting format under

the name of Probationer Management Information System (PMIS).

The PMIS pretest was done in one adult county jurisdiction. The preliminary evaluation of this pretest was positive. Sometime this year, this transactional probationer-oriented data system is scheduled for implementation in two counties. The information and evaluation data derived from this system is expected to be "utilized for planning and evaluation on the state, county or local levels, and provide the basis for increasing the effectiveness and efficiency of probation service in New Jersey."⁶⁴

Whether this system, or any other system, will prove effective in answering many of our "why" questions largely depends on the dedication of the people who operate that system. It is myopic to regard the system as having no value of its own. Many challenges lie ahead. The past research has proven that much of the "success" of probation is related to the characteristics which probationers bring with them. Perhaps it is about time to find out what characteristics of the system and the operators of that system contribute to that "success." Without a total system approach, we will remain forever behind the starting line.

Footnotes

¹Uniform Criminal Statistics Act was drafted by the National Conference of Commissioners on Uniform State Laws at its annual conference meeting in Philadelphia, Pennsylvania, October 21-26, 1946. This Act was subsequently approved by the American Bar Association at its meeting at Atlantic City, New Jersey, October 28 to November 2, 1946.

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⁴Ian Taylor, Paul Walton, and Jock Young, The New Criminology: For A Social Theory of Deviance (New York: Harper and Row, 1973), p. 281.

⁵Friday, p. 164.

⁶Ibid.

⁷D. W. F. Coughlan, "Can We Use Probation More and Prison Less?" in Proceedings of the Eighty-third Annual Congress of Corrections of the American Correctional Association, p. 254.

⁸Donald J. Tippman, "Probation as a Treatment Alternative for the Criminal Offender: An Analysis of Variables Related to Performance on Probation in a Sample of Men Placed on Probation" (Ph.D. dissertation, Wayne State University, 1976), p. 11.

⁹Ralph W. England, "A Study of Postprobation Recidivism Among Five Hundred Federal Offenders," Federal Probation 19 (September 1955): 14.

¹⁰Kirk J. Kavanaugh, "A Twelve-Month Probation Outcome Study: Examining the Effects of Employment on Probationer Adjustment" (Columbus, Ohio: The Ohio State University, [1975]), pp. 54-60. (Mimeographed.)

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¹³President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology (Washington, D.C.: U.S. Government Printing Office, 1967), p. 3.

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¹⁸Ronald B. Sklar, "Law and Practice in Probation and Parole Revocation Hearings," Journal of Criminal Law, Criminology, and Police Science 55 (June 1964): 175-198.

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²¹National Advisory Commission on Criminal Justice Standards and Goals, Corrections (Washington, D.C.: U.S. Government Printing Office, 1973), p. 579.

²²Ibid., p. 160.

²³Ibid.

²⁴Joel Bassett, "Discretionary Power and Procedural Rights in the Granting and Revoking of Probation," Journal of Criminal Law, Criminology and Police Science 60 (1969): 485.

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²⁷Dawson, p. 403.

²⁸Ibid., p. 142.

²⁹Sol Rubín, "Probation and Due Process of Law," Crime and Delinquency 11 (January 1965): 36.

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³¹Jacob, p. 159.

³²Robert H. Vasoli, "Some Reflections on Measuring Probation Outcome," Federal Probation 31 (September 1967): 31.

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³⁴Douglas Lipton, Robert Martinson, and Judith Wilks, The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies (New York: Praeger Publishers, 1975), p. 607.

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⁴⁰Vasoli, p. 27.

⁴¹National Advisory Commission, p. 528.

⁴²Comptroller General of the United States, State and County Probation: Systems in Crisis (Washington, D.C.: U.S. Government Printing Office, 1976), p. 11.

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⁴⁵Charles Philip Smith, and Paul Emil Resta, "Integration of Criminal Statistics and Correctional Research with EDP," in Proceedings of the Ninety-third Annual Congress of Corrections of the American Correctional Association, 1963, p. 168.

⁴⁶Daniel Glaser, "Scientific Evidence on the Prison Potential," American Psychologist 12 (November 1957): 676.

⁴⁷Comptroller General, p. 17.

⁴⁸Ibid.

⁴⁹Ibid., p. 12.

⁵⁰Ibid., p. 15.

⁵¹Ralph W. England, "A Study of Postprobation Recidivism Among Five Hundred Federal Offenders," Federal Probation 19 (September 1955): 15.

⁵²Ibid.

⁵³George F. Davis, "A Study of Adult Probation Violation Rates by Means of the Cohort Approach," Journal of Criminal Law, Criminology, and Police Science 55 (March 1964): 70.

⁵⁴"Probation in Missouri, July 1, 1968 - June 30, 1970; Characteristics, Performance and Criminal Reinvolvement" (Jefferson City, Missouri: Division of Probation and Parole, [1976]), p. 62. (Mimeographed.)

⁵⁵Gordon P. Waldo, "Myths, Misconceptions, and the Misuse of Statistics in Correctional Research," Crime and Delinquency 17 (January 1971): 65.

⁵⁶David Twain, "Program Planning and Evaluation: Criteria for Choices and Resource Allocation," paper presented at the Region III HEW-Sponsored Conference, Philadelphia, October 20-22, 1976, p. 6.

⁵⁷Frank R. Scarpitti, and Richard M. Stephenson, "A Study of Probation Effectiveness," Journal of Criminal Law, Criminology, and Police Science 59 (1968): 369.

⁵⁸James F. Irish, "Probation and Its Effects on Recidivism: An Evaluative Research Study of Probation in Nassau

County (August 1971-July 1972)" (Mineola, New York: Nassau County Probation Department, [1972]), p. 172. (Mimeographed.)

⁵⁹Ibid., p. 164.

⁶⁰John W. Mannering, "Probation Statistics," in Proceedings of the Eighty-seventh Annual Congress of Corrections of the American Correctional Association, 1957, p. 95.

⁶¹Daniel Glaser, "Correctional Research: An Elusive Paradise," Journal of Research in Crime and Delinquency 2 (1965): 7.

⁶²Peter S. Venezia, and Alvin W. Cohn, "Probation Information: A Tentative Model" (Davis, California: National Council on Crime and Delinquency Research Center, [1968]), pp. 1-123. (Mimeographed.)

⁶³Ibid., p. 53.

⁶⁴"Preliminary Plan for the Development of a Probation Management Information System" (Trenton, New Jersey: Probation Research and Development, [1976]). (Mimeographed.)

Treatment

Probation has the dual responsibility of providing rehabilitation for the offender and protection for the community. A key element reported in the studies of treatment modalities reviewed appears to be the development of a positive self-concept. Feelings of inadequacy and indifference to the possibility of success seem to be shared by many offenders. The treatment techniques that have to date been implemented in adult probation generally seek, through various means, to increase the offender's self-image, self-esteem, and self-confidence on the assumption that in doing so, criminal tendencies will decrease.

Although treatment studies of youthful and of incarcerated samples are more frequent, such studies of adult probationers are relatively uncommon. Rigorous tests are rare.

Ms. Storti's paper, which follows, reviewed available studies in five areas.

Vocational Counseling and Employment

The use of diagnostic services, various instructional programs, counseling, and job referral have been tried, with some promising results.

Group and Individual Counseling

Counseling techniques have been assumed to be an effective and important part of probation. Rarely, however,

have the specific methods used, either in group or individual counseling, been adequately defined. As a result, at the end of a study, we may not only be unable to say whether the treatment "worked," but we may be unable even to describe the treatment.

Voluntary vs. Involuntary Treatment

Some studies of this issue have been reported, but the nature of the evidence is such that questions of effectiveness (as distinct from moral issues) cannot yet be resolved.

Drug Treatment

Alternative treatments advocated for drug abuse are as diverse as methadone maintenance and provision of a therapeutic community. Intensive supervision, counseling, education, and referrals all have been described as necessary for treatment of these probationers. A 24-hour on-call support system has also been suggested for drug offenders in community treatment programs.

Thus, the studies reviewed utilized methadone maintenance, specialized caseloads of drug offenders, referrals to community resources, and a system of positive feedback as treatment. There is a lack of firm evidence to support any one method. The treatments themselves often are sketchily described; and many studies suffer from circumstances that limit the conclusions that can be drawn with confidence. They do, however, point to a number of drug treatment methods that warrant further investigation.

Use of Volunteers and Paraprofessionals in Adult Probation

The Volunteers in Probation have reported positive effects of using volunteers to supplement the services of the probation department. With the additional manpower of volunteers, perhaps caseloads can be streamlined to allow the officers to devote their available time to the most serious cases. It is argued that costs can be reduced through the use of volunteers, and services may be rendered to a greater number of probationers. Paraprofessionals also can serve to supplement existing probation department resources, lessen the workload of probation officers, and free them to devote more time to the offenders most in need of supervision and services.

The research in this area is, however, quite limited. The conclusions reported from the few existing studies suggest success using volunteers, paraprofessionals, and indigenous persons in probation.

Thus, the research uncovered in the area of treatment modalities in adult probation services was surprisingly limited. Certainly, the investment in careful, rigorous program development and evaluation has been scarce relative to the importance of probation treatment issues and to the investment of time, money, and effort in providing treatments with unknown effects.

Chapter VI
Assessment of Probation Treatment Issues

Janet R. Storti

Probation as a treatment has a dual responsibility: it must provide and implement measures of rehabilitation for the offender and simultaneously provide protection for the community. The existing model in corrections for treating offenders who are classified as "sick" and therefore in need of remedial care, advocates treatment that promises a cure. The treatment must "cure" the backlog in the courts, the crowded conditions in the prisons, provide for an assimilation of the offender into the community, somehow rehabilitate him, and assure the public that this operation is smooth, without repercussion, and actually successful.

Do we want correctional treatment to answer to rehabilitation, revenge, reform, retribution, or resocialization? Probation as a correctional treatment and alternative to incarceration functions, in the eyes of the community, as a rehabilitative measure. The definition of treatment itself is, however, at best confused and applied to behavior patterns that have no definitive source. Whatever seems to produce adequate results is repeated but rarely empirically tested. Performance expectations are not considered.¹

Claude Mangrum suggests that treatment in the probation setting function is a ". . . systematic application of resources to the resolution of the client's problems to the end

that behavior is changed sufficiently to enable him to live in his community without destructive conflict."² Accepting this as a premise from which designs and strategies can be formulated to meet the demands therein and implement the objective to alter an individual's behavior leads us to the very core of probation and the setting within which its functions are performed.

An external view of probation reveals the structural demarcation Reichert calls formal and summary probation: direct supervision distinguishing the former from the latter, with a provision in summary probation allowing the court to sentence the offender for his original offense if he re-engages in any criminal activity.³ The internal view reveals what Cunningham calls a crisis: a crisis situation may have produced the criminal act from the outset, a crisis succeeds upon its discovery,⁴ and the offense is treated with what Mangrum calls a "crisis intervention."⁵ The resolution of the client's problems, altering negative behavior patterns, or establishing clear lines of supervision to execute either formal or summary probation are remotely possible within this framework. The life span of a crisis situation is eternal if it is nurtured; preventative measures to inhibit its regeneration must replace the current haphazard application of probation services.

Implicit in the present idea of correctional treatment is the objective of reducing recidivism. The offender's be-

havior must be reoriented into a socially acceptable and productive life style, amenable to his environment and alien to criminal activity. What is available to the probationer to assist him in this metamorphosis is meager.

Treatment in the probation setting is coercive in that the probationer is mandated by the court to report to his probation officer according to a prescribed schedule; failure to do so might invoke a violation. The very nature of the probationer's relationship with his probation officer is tenuous and the actual time they are exposed to each other is minimal. Therefore, the probability of establishing the kind of rapport that would foster a workable contingency support system is remote. At best, the verbal interplay between the two persons will focus on the probationer's accountability with respect to his family commitments and job responsibilities. The opportunity for the probationer to begin to develop the tools for accepting the responsibility for his actions and thereupon affecting a behavioral change amenable to society's expectations is confined to previous limitations. The pressure to succeed, however, is intense.

A number of treatment modalities have been explored and administered in the probation setting in an attempt to counteract the tentative quality of the officer-client relationship and establish a base for the rehabilitative process. Probation departments frequently use counseling to unmask the client's problems and devise strategies to eliminate them.

The most common techniques within this treatment modality include individual and group counseling, vocational upgrading and job placement.

The assumption that vocational counseling reduces the likelihood of recidivism has origin in the overall stabilizing effect of employment. Employment enables the probationer to experience financial security and develop confidence in his own capabilities and sense of self.⁶ The majority of offenders are unaware of what is available to them with respect to employment opportunities, community resources and training programs, and how to approach a prospective interview to sell themselves.

Essential to the success of vocational counseling is providing a goal that is realistically attainable for the probationer. It is important that he experience results that are immediate and tangible. "Dangling the carrot" or promising glittering opportunities that exceed his reach, or the opposite extreme of insisting that he accept menial jobs, negatively reinforces his feelings of hopelessness.⁷

As the offender searches for employment, he is consistently confronted with having to present a resumé of life experience that is not conducive to much more than what his history indicates: commonly, an individual with low skills, a criminal record, a risk perhaps to the safety and security of the other employees and commodities on hand, and an individual who may be conspicuously "different" from the majority.

Confronted with having to find employment against these odds merely compounds the offender's predicament and deepens his depression.

Vocational counseling should aim not only to improve the employability of probationers, but to elevate how they see themselves within their environment and in the wake of society's competition and expectations. Just having a job will not alleviate the stigma of having a criminal past, nor reform and rehabilitate the offender into a model citizen. The process for change must begin within the offender. Through the help of the probation officer, a survival kit equipped with tools and skills the offender can utilize to secure a job and stabilize his home environment must be an integral part of the process. It is essential that the probationer see the results of his efforts in successive and graduated achievements, so that he will believe he is capable.

The Monroe County Pilot Project (MCP) in Rochester, New York, discovered the importance of "human upgrading" in its attempt to reduce recidivism through vocational upgrading. The researchers concluded that a favorable bias in successful outcomes on probation may be due to factors relating to a probationer's self-concept and suggested a correlation between a reduction in criminal activity and the amount of time a probation officer spends with his client, counseling and working towards improving the client's sense of self. The probationers in their program received low ratings in goal

orientation, motivation, and self-esteem despite their gains in education and employability. A causal relationship between self-esteem and life style was hypothesized.⁸

A probationer is more apt to succeed on probation if he is employed and thus reducing the time he spends in trouble with the law.⁹ (Of course, to conclude that employment is the sole cause of reducing recidivism would be presumptuous.) The Probation Employment and Guidance Program (PEG), like the Monroe Pilot Project, aimed to raise the level of employment in previously unemployed or underemployed probationers and thereby to reduce recidivism. Again, it was reported that the amount of time a probation officer spends with his client administering an increased dosage of attention lessens the time the probationer will spend in trouble with the law.¹⁰

The treatment involved in these projects included a determination as to the type of employment the probationer wanted, an assessment of his previous experience and available resources, and the design of strategies for goal attainment. The Pilot Project used diagnostic services to accomplish this goal, and the PEG employed the services of five volunteers from a rotating pool of twenty-five who comprised their Employment Guidance Council.¹¹

Each project relied on an experimental design to test the effects of its treatment. The treatment for the probationers in the PEG group concentrated on getting the client the "right" job -- not just any job.¹² The Monroe Pilot

Project staff organized three components within their design to effectively upgrade a probationer's employability. The aim of the vocational component was to ensure successful job placement, the education component's intention was to upgrade academic levels, and the counseling sector focused on establishing "job survival skills" and the reduction of communication barriers.¹³

Both projects were successful in significantly upgrading the employability of their clients and in securing job placement. Neither project was able to significantly correlate a reduction in recidivism with vocational counseling and improved employability; however, probationers in both experiments spent less time in trouble with the law. The "employment failures" in PEG's experimental group committed crimes less frequently than their counterparts in the control group. The treatment administered to the experimental group accounted for the observed differences at each level. The differences were significant only in the sense that the probationers would have experienced no increase in employability had they been left alone.¹⁴ Unemployment in the Monroe Project was reduced in the Referral Groups; however, there was no significant difference between them.¹⁵

Employment while on probation was not significantly correlated with a reduction in recidivism, according to the aforementioned projects, but the Job Bank in Bergen County, New Jersey, and the Vocational Rehabilitation Agency in con-

junction with the United States Probation Office in Chicago, demonstrated that employment was an important predictor of outcome success on probation. Other predictors of outcome success for the Job Bank experiment included whether or not the probationer lost his job due to arrest, total convictions and drug counseling.

Assignment to the Job Bank, employment, was the most important predictor of outcome success in the Bergen County study and a determining factor for successful termination from probation. The Vocational Rehabilitation Agency, likening its hard core unemployed offender to a disabled individual, in that both have handicaps that could incapacitate them, witnessed seven out of ten of the probationers receiving their treatment sustain a job or training or a combination of both for a year after the completion of the program.¹⁶

The results of these projects clearly indicate that employment and vocational upgrading are only a part of the rehabilitative process. There is a need for further research in the areas of self-concept, self-image, and self-esteem among the offender population, particularly with probationers, and how their view of themselves affects their reorientation back into society.

Exactly what embodies the catalyst that sparks either the deviant behavior or the change to a more normal behavior pattern is unknown. What is known and obviously shared by the majority of the offenders, however, is an overall feeling

of inadequacy and indifference to the probability of success.

The problem areas of each study are cited in the evaluation results. The Program Employment and Guidance Program revealed that although the experimental group surpassed the control group on each measure of employment success, the effects of the treatment are modest and lessen with time at each interval measure. A twelve month follow-up would confirm the findings relevant to the correlation between avoiding criminal activity and time employed. The speculation was that a "better program" could positively influence recidivism. What is meant by a "better program" is not qualified.¹⁷

Because of a deficit in referrals for the Monroe Project, an equal and random assignment of probationers to the experimental and control groups was impossible. Three problem areas were cited: a low referral rate of total participants, insufficient amount of time to measure program impact, and probationer descriptions and outcome results predicted on different time spans.¹⁸

Random assignments for treatment were not made to the Job Bank nor the Vocational Rehabilitation Agency. In the Vocational Rehabilitation Agency, probation officers were given the responsibility of making the determination for eligibility.¹⁹ The Job Bank clients were existing members at the time of the study. Not having a random assignment to the Job Bank precludes the correlation of intelligence, motiva-

tion and socio-economic factors with outcome success on probation. Success may have been due to specific characteristics of the probationers and not to employment.²⁰

Treatment in probation is not confined to employment and vocational upgrading. Experiments designed to work with the deviant behavior patterns and personality configurations among the offender population have utilized the dynamic of group counseling and the exclusive effects of the one-to-one relationship in 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.

Group interaction effects a positive change in behavior. The principle responsibility for conduct rests with the group.²¹ Each member of the group operates as an individual as well as an integral part of the collective whole to establish the conduct norms that are acceptable or unacceptable. The rudimentary behavioral changes that originate in the group are nurtured therein in preparation for their ultimate functional test in the community.

The pressure of group attendance is weighted in the direction of social conformity.²² Attendance is mandatory and punctuality enforced. Group stipulations are in concert with what the working world deems unsatisfactory -- poor attendance and tardiness'. Intolerable to the group is a par-

ticipant who embodies apathy and indifference. The group is a model and means for individuals to make constructive changes that will positively alter their lives in the community.

Attitudinal changes are witnessed and comprehensible in the supportive environment of the group.²³ The sexual offender, for example, made positive, significant changes in his social adjustment.²⁴ The group allows social isolation to be overcome more readily. The sexual offender, particularly the exhibitionist, is quick to withdraw as a result of abject humiliation due to his action. Communal acceptance within the group is the beginning of the future and probable re-acceptance of family and society.²⁵

The probationer is able to see and communicate with individuals who have similar problems and histories; the environment fosters the recognition that his problems are not unique.^{26, 27} The situational similarities may evoke an awareness in other areas where offenders share common fears and goals, an awareness that will ultimately engender communal support and assistance in establishing goals and realistic expectations.

The basic guidelines for group counseling are as follows: participation is mandatory, less than twenty individuals hold membership, 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 their responsibility for structuring and maintaining conduct.²⁸ Utilizing this technique, the Special Offenders Clinic, an outpatient treatment facility for sexual offenders and assaultive offenders, sought to resolve the relationship between anti-social behavior and emotional problems through group therapy. The treatment was predicated on a balance between a strict probation approach and therapeutic approach. Weekly group psychotherapy sessions were mandatory.²⁹

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 patient in six areas indicative of social adjustment according to the same time contingency. The overall effect of the Special Offenders Clinic with respect to group therapy, recidivism, and social adjustment, is more successful in treating sexual offenders than assaultive offenders.³⁰

Active participation in group counseling was part of the treatment plan that facilitated the process of social adjustment in the Multiphasic Diagnostic and Treatment Program. 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 resocial-

ization of the offender. Seventy-five percent of the offender population achieved success.³¹

The group process encourages each member to confront his problems in an environment that is both critical and supportive. The difficulties experienced by offenders are shared to demonstrate that each one is not alone and abandoned in his plight. He is in company with others who empathetically understand, and who are willing to accept the responsibility to change their own negative behavior patterns and those of their peers.

Functioning as a cohesive unit does not occur in the preliminary stages of the group. The Vocational Rehabilitation Agency 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."³² By the end of each four-week session, much concern was demonstrated among them and mutual assistance exhibited. The group was able to help each other develop a vocational plan within realistic expectations and to support members who had experienced rejections with a revised plan and encouragement to begin again.³³

The report in 1967 from the National Council on Crime and Delinquency lists counseling as one of the three major elements of probation supervision and treatment. Based on the report, the University of Maryland, assuming that counseling techniques known to probation are effective, utilized

group and individual counseling as their differential treatment modalities to measure behavioral change and personality factors. Counseling was done in small groups, in a traditional or individual relationship, as part of the treatment, or not administered at all to the control group. The criteria for client change included: employment, absence of arrests, stable family life, and general adjustment to society.³⁴

Data were insufficient to reveal any differences in behavior as a result of the treatment mode. Results were sufficient enough to raise concerns about the expenditure of manpower in conjunction with an assessment of needs. More research within an operating rehabilitative setting was suggested.³⁵

The Santa Clara County Adult Probation Department 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 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 as follows: felony probation cases sentenced and released within a particular time frame, and serving jail sentences of at least four months as a condition of probation.³⁶

The control groups received traditional client treat-

ment methods. The experimental groups tested different areas: the Zzooommm program was designed to change self-image, set goals, and increase 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."³⁷

The results do not conclusively support the superiority of any of the programs in the following areas: recidivism, employment, and self-concept. The author concludes that small samples and the absence of an experimental design hamper clear interpretation of recidivism and other outcome data.³⁸

Changes in client behavior as a result of personality configurations in combination with the treatment modality and the causal relationship therein were studied. The differential success of treatment on the basis of clients' 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.^{39, 40}

Poor research methodology inhibits a clear assessment of any treatment modality. Even the traditional treatment methods are not defined, operationally or in the context wherein they appear. Exactly what constitutes traditional probation is not contained in the studies; however, it is measured, criticized, and utilized as a universally accepted

and comprehensible entity.

Studies that utilize individual counseling as a treatment modality will make no attempt to qualify it; the references to individual counseling are ambiguous and given "when needed," used with matters of "concern" to the client, or as "therapeutic counseling" and "advice giving."⁴¹ The content of these sessions is unknown; the duration and frequency of each is not mentioned. What is expected in terms of outcome results is as nebulous as the treatment modality itself; yet, individual counseling is considered to be an integral part of treatment in probation, used continuously, and billed as an effective technique.

Exactly what we are treating is unknown and yet it must reshape the deviant behavior in the offender and satisfy the public's demand for protection against crime. Individual, group, and vocational counseling seem to account for functional improvements in the offender's life style, but is the success he experiences directly related to the treatment because it was mandated as a condition of his probation, or would he have been equally as successful if the treatment were optional and he chose it freely? It is unlikely that offenders will volunteer for treatment after breaking the law. Accepting the responsibility for one's actions and pursuing avenues to effect a change in that which is undesirable is not common among criminals.

Richard Parlour's contention is that sociopathic clients

who break the law must be coerced into treatment.⁴² Claude Mangrum believes in NTN or No Treatment Needed, based on the assumption that for some individuals, the arrest, initial detention, and appearance in court will sufficiently deter the offender from any further indulgence in crime.⁴³ A brief return to jail as a motivation to prevent recidivism is advocated by Parlour's clinicians who believe it should be incorporated into the treatment process as a device for rehabilitation.⁴⁴ Contained in these theories and assumptions is the effort to distinguish punishment from treatment, fulfill society's expectations and demands for safety, and "cure" the offender of his deviance.

Robison's statement on the matter is somewhat of a rationalization: punishment and treatment are not opposites, but coexist in the correctional setting; there is a need for the restriction of freedom (punishment) to administer treatment.⁴⁵ That assumption is in opposition to the medical-psychiatric model which purports treatment to be useless unless it is voluntary.

Advocates of behavior modification manipulate their system of punishment and reward for negative and acceptable behavior respectively into a concentration on giving positive support and incentives to shape new behavior patterns, and in lieu of punishment, omit the desired result. They believe their premise for operation is an effective alternative to typical counseling and coercion techniques.

Success has been demonstrated in programs where each type of treatment, voluntary and involuntary, has been applied. Participation in the Special Offenders Clinic for the sexual and assaultive offenders 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.⁴⁶

The Goals for Girls Project 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.⁴⁷

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.⁴⁸

There are limitations on generalizing the findings, and they stem largely from the research methodology; the absence of a control group in the Special Offenders Clinic, a recognized shortcoming by their evaluators, inhibits the results.⁴⁹

Further research in establishing the premise on which treatment in probation is based is crucial to its survival. One of the inherent conflicts therein revolves around the issue of social work versus social control.⁵⁰ Simultaneously addressing the law enforcement community and the therapeutic community is not always reconcilable. Treatment is neither voluntary nor involuntary, but an adaptation of both when behavior can be shaped by instituting a system where rewards and the absence of rewards serve as the catalyst for change in an environment that is fundamentally coercive. Probation is not a free enterprise. The very question of whether to apply voluntary or involuntary treatment evokes a moral issue that is essentially a realistic one and a challenge to our present correctional institutions and aftercare.

Are we prepared to treat only the offenders who have demonstrated that they have no free will, and therefore are not responsible for their criminal actions, and punish the offenders who commit crimes of their own volition? If that is the intention of the criminal justice community and the

public, then inadvertently we have satisfied both the classical school of thought and the positive school by offering rehabilitation and retribution as a joint package deal.

Jeffery and Jeffery contend that the criminal justice system does not deter and the therapeutic system does not rehabilitate. Essentially, we have no theory of criminal behavior that will allow us to treat criminals and prevent crime; therefore, if treatment is to be a function of criminal law, it should create a model based on the scientific analysis of behavior.⁵¹ Presumably, from a scientific analysis of behavior, effective treatment will come; however, in what context do we apply it? On what grounds do we manipulate and alter someone's behavior, to what degree and with whom?

An example of how the Criminal Justice System works with these issues is visible in the treatment of drug-addicted offenders. The system does not allow an individual to partake in the use of drugs, but will allow the administration of a synthetic drug, methadone, to curb or terminate an existing addiction to the more potent opiate, heroin. At what point do we establish the limits that distinguish the rights of an individual to use drugs and under what conditions? Is drug use sanctioned only when the Criminal Justice System is the donor?

At least two models to treat drug addiction among offenders are available to correctional staff: treating it as

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a metabolic disease that requires methadone maintenance or utilizing casework techniques with a comprehensive referral system, with appropriate social services and medical agencies. Adequate case analysis to determine the kind and intensity of supervision needed by the probationer should be a part of each treatment modality.⁵²

Treating heroin addicts on probation and parole with methadone was the subject of a study that wanted 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 established contrast and patient groups that were matched in the following areas: arrest frequencies, age, ethnic background, and month of admission to the program.⁵³

Seventy-two percent of the offenders 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.⁵⁴

The authors conclude that methadone treatment is not a cure-all for the addict; however, they have documented success in the following areas as a result of the treatment: voluntary retention of patients, decrease in criminal activity, and an increase in productive behavior.⁵⁵

Success is also demonstrated in programs that utilized the casework approach, incorporating intensive supervision, counseling, education, referrals, and rehabilitative treatment to aid drug addicted individuals. Supporters of this technique believe that drug abuse is a symptom and a cause of social and personal disabilities that requires a comprehensive treatment of the offender in his environment to stop the criminal behavior.⁵⁶

The Drug Unit in the Philadelphia County Department of Probation experimented with two types of supervision to assist the probationer addict to develop drug-free periods, reduce crime and recidivism among said population, and 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.⁵⁷

The latter two groups received traditional probationary treatment. The drug unit received intensive supervision, counseling, education, referrals, and rehabilitative treatment. The treatment effectively reduced overall criminal recidivism as compared to the general supervision drug group and non-drug group, and maintained more stability in the community than the general supervision drug sample. The overall evaluation of the Drug Unit reached favorable conclusions in the area of treatment, social service, and administration.⁵⁸

The Post-Prison Addictive Treatment Program for criminal recidivists with drug abuse problems was designed to reduce criminal recidivism by connecting resources for treatment inside the prison with social service agencies in the community. The treatment involves a joint effort to assess the problems and needs of the offender and refer him to the appropriate agency for services.⁵⁹

The results of the follow-up study concentrated on drug use, re-arrest, employment, retention in treatment, and cooperation with supervision. The Post-Prison Program successfully serviced three-quarters of its population in the areas intended and achieved a fifty percent successful outcome rate.⁶⁰

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 derived on the basis of applying a synthetic drug which in and of itself creates a dependency, treating the symptom and not the cause of the drug addiction.

A third method, based on an empirical set of principles and on a par with the behaviorist school, administered a behavior modification program to adult drug offenders in an attempt to alter their propensity for criminal offense. The program was sectioned 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 ultimately resulted in a predetermined reduction in total probation time. The consequences for failure consisted of non-payment of credit or demotion to Phase I.⁶¹

The pilot study designed two formats: an "own controlled" group and a contingency management program that was tested against a regular caseload 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."⁶²

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.⁶³

There is sufficient evidence to support the positive effects of a one-to-one counseling relationship where clients receive a fair amount of attention and support from probation officers. Undoubtedly, the credit and verbal support given to the probationers in the behavior modification program contributed to their 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 unknown. The study does not indicate that the researchers considered how influential the probability of a shortened probationary term would affect the clients' motivation and behavior in the experiment. The environment was conducive to the classic con-game, where the offender will "go along with the program" because the end results will bring precisely what he wants. It may be naive to think that a drug offender's primary concern is treatment and its long-term effects at the time of an impending incarceration. The all-consuming characteristics of the addiction rarely provide the wherewithal for future planning. A well-known characteristic of a drug user is his desire for immediate gratification; however, that does not preclude his ability to allay the intensity of the craving if the pot at the end of the road is near gold.

Correctional workers, particularly those who have a background in social work, tend to believe in an alchemist-like dream that will transform the drug-addicted offender or felon into a model citizen, capable of not only adjusting in society but accepting it. The offender, certainly ripe for a little magic, is only too aware of what that kind of blind idealism can produce. The offender's goals involve the "here and now" reality of his identity and precisely what options are available to him. The probation officer, usually from

a totally different socio-economic background than his client, cannot always relate to his needs or even comprehend their full import.

In recent years, correctional centers have solicited the help of volunteers and indigenous paraprofessionals in greater numbers to help alleviate the marked social distance between the probation officer and his client.⁶⁴ Indigenous workers and probationers share familiar histories and life styles; therefore, it is easier for them to establish a rapport than it is for the professional staff and the probationer. Paraprofessionals have been recruited to assist both the probation officer and the client with apparent success.

The Case Aide Project at Chicago (POCA) tested the hypothesis that offenders are served more effectively by indigenous paraprofessionals working in teams with probation officers. Offenders who met the selection criteria for inclusion in the program were randomly assigned to either the experimental or the control group. The treatment consisted of weekly supervisory meetings with the aides and offenders in the experimental group. The control group received regular supervision. Seven outcome variables pertaining to recidivism, employment, housing, marital and family relationships, personal adjustment, and the client's relationship with the probation officer or aide were the basis of comparison for the two groups.⁶⁵

The findings are successful in that the clients were responsive to the involvement and enthusiasm of the aides, a relationship the supervisors commended; but the absence of empirical data to substantiate the results affects the reliability of the project.⁶⁶

The Mexican-American Case Aide Project polled the opinions of the participating officers and recorded a success rate of 89 percent in favor of the use of case aides. The target population comprised active probationers with Spanish surnames. Fifteen adults were randomly selected to be part of the experimental group, along with juveniles, all of whom were subject to receiving services from the Aides. The control group did not receive the special services.⁶⁷

The goals of the project were met in that the Mexican-American community received an improvement of probation services, the probation staff's awareness of said community increased, and the case aides were promoted to full deputy probation officers; however, like the project previously mentioned, problems with the research design discolored the findings. The sample of adults used in the experiment was exceptionally small. Having the adults and juveniles jointly receive the treatment inhibits a clarification of the causal relationship among the variables.⁶⁸

There is a paucity of empirical research on the use of volunteers in correctional treatment; however, a substantial amount of data exist to demonstrate the promising re-

sults in more than one capacity. The Volunteers in Probation have reported studies to substantiate the positive effects an individual counseling session has on the probationer. The amount of attention he receives instills a support and confidence that generates an actual change in behavior. For every staff hour that is spent with an offender, the volunteer spends an additional ten to twenty hours.⁶⁹ This kind of closeness in a relationship promotes the lessening of anti-social attitudes among probationers. In fact, probationers who are not assigned a volunteer have shown an increase in anti-social attitudes.⁷⁰

Volunteers reduce costs, and with the additional service of the volunteer, manpower within the department can be used more effectively and efficiently. They often come equipped with particular skills and specialties to aid both the offender and the department, as well as assist in routine supervision and administrative duties. What is needed to supplement the use of volunteers and indigenous paraprofessionals is a diagnostic service center that will accurately assess and analyze individual cases so that the appropriate treatment can be applied.

Implicit in the treatment of adult probationers is a threefold objective: a reduction or prevention of recidivism, protection of the community, and rehabilitation of the offender. Taken separately, each part of the objective has emerged in varying measures of success. Employment, counsel-

ing, and the use of volunteers and indigenous paraprofessionals individually and collectively, comprise the treatment which in turn is assimilated into numerous strategies designed to implement the objective. A modicum of success has been achieved and directly attributed to a number of treatment modalities, but not enough to substantiate the promotion of a particular method.

Correctional treatment houses the philosophies and practices of the law enforcement community and the therapeutic community. A synthesis of the two is not always possible and therein lies one of the conflicts of probationary treatment in the criminal justice system. Can the law enforcement official and the counselor work in concert to rehabilitate the probationer when their philosophies are often in opposition?

A solidification of the goals and objectives of the criminal justice system would greatly enhance the implementation of treatment modalities that may be incongruent in nature. A firm base for operations, wherein both schools of thought work towards the goal of rehabilitation, can succeed and provide an environment that is receptive to flexibility and change.

Footnotes

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Chapter VII

Conclusions and a General Recommendation

Is probation the brightest hope for corrections or should it be abolished? Seeking to contribute to a general assessment of current knowledge of adult probation, we sought evidence from available studies bearing on a variety of general beliefs widely held or recently stated by criminal justice scholars or leaders. The most general conclusion reached is that necessary evidence on most of these critical probation issues is not available. Although more than 130 study reports were reviewed, definitive answers to fundamental questions could not be answered with confidence.

If we ask who is placed on probation, some observed differences with selected imprisoned offenders may be cited; but a detailed profile of such differences, generalizable to probationers and prisoners in general, cannot be given. The necessary research has not been done.

If we ask whether probation is more effective as a rehabilitative treatment than is imprisonment, we must respond again that the necessary research has not been done.

If we ask whether the personal characteristics of offenders are more important than the form of treatment in determining future recidivism, we must answer that evidence tends to support this conjecture, but that critical tests of the hypothesis have not been performed.

If we ask whether the size of the caseload makes any difference to results in terms of recidivism, we must answer that the evidence is mixed. From limited evidence, it appears that intensive supervision may result in more technical violations known and acted upon and that this may lead to fewer new offense convictions.

If we ask who succeeds and who fails on probation supervision, we may reply that a useful technology for development and validation of prediction instruments is available, that there is some information on the question (for some jurisdictions), that attempts to develop such instruments for probationers have been rare, and that these attempts have been put to relatively little use.

If we ask what is meant by the term "recidivism," we must answer that there is no commonly understood definition of this widely used concept. Recidivism studies in probation have employed such widely differing definitions that their results cannot meaningfully be combined or compared.

If we ask "what works," out of interest in discovering what forms of treatment and supervision provide more effective results when applied to probationers generally or to any particular classification of offenders, we must reply that there is limited evidence and that it is mixed. However, present evidence certainly does not justify the conclusion that "nothing works."

If these issues are indeed critical to adult probation, the most obvious conclusion to be reached is that too few resources have thus far been applied to providing adequate evidence on the questions raised. Trite as it may be to end a research report with the plea that "further research is needed," this is inescapable.

This is not to say that nothing has been learned, but rather that there have been too few studies of these probationer issues, many of which -- because of the nature of the studies or because of faulty research designs or implementations -- cannot give the definitive, general answers that are sought. As a result, these studies cannot give the needed guidance to planners, judges, or probation managers that could provided a systematic program for increased adult probation effectiveness. We, therefore, propose a model that can be used in any probation system to ultimately provide the answers that are desired.

In any probation system, a management information system is needed. Smaller agencies might have to collaborate or join larger systems in order to develop and use this system. The management information system must be designed to provide feedback on such critical issues as are discussed in this report. This requires the reliable collection of standardized and comprehensive information on the characteristics of probationers at the time of sentence. Also needed is a system of follow-up, with carefully defined and agreed-upon

measures of outcome. Prediction measures, based upon relevant information about offenders, must be developed and tested to assure their validity. Such measures can provide, for any classification of probationers, the expected outcomes (such as recidivism rates) through the follow-up system. Differences between the expected and observed outcomes can then be assessed, to provide some information on the programs that appear to be useful and those that do not -- for what kinds of offenders, with respect to various definitions of "success" and "failure." Those treatment programs identified as apparently effective can then be investigated by the use of more rigorous research designs.

Such a system can provide a continuous assessment of probation programs, making use of presently available technology, guiding the development of probation programs on a much more rational basis than the hit or miss basis that has thus far characterized program development in this field.

If probation is on trial, the evidence is not yet in. Much of the presentation of both the "prosecution" and the "defense" must be regarded as scientifically inadmissible. Methods are available to provide the needed evidence in a systematic management information program. Those who judge probation can then be better informed, and more rational decisions about adult probation may be expected.

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