The Evolution of Probation: The Historical Constellations of the Volunter—In the second of a series of four articles on the evolution of probation, Lindsey and Bases trace the volunteer/professional conflict which emerged shortly after the birth of probation. The authors reveal that volunteers provided the courts with probation-like services even before the existence of statutory probation. Volunteers were also primarily responsible for the enactment of early probation laws. With the appointment of salaried officers, however, a movement towards professionalism emerged, signaling the end of voluntarism as a significant force in probation.

Don't throw the Parole Baby Out With the Justice Bath Water—Allen Breed, former director of the National Institute of Corrections, reviews the question of parole abolition in light of the experience with determinate sentencing legislation in California, the current crisis of prison overcrowding, and the improvements that have been made in parole procedures in recent years. He concludes that the parole board—while it may currently not be politically fashionable—serves important "safety net" functions and retention of parole provides the fairest, most humane, and most cost-effective way of managing the convicted offender that is protective of public safety.

LEAA's Impact on a Nonurban County—LEAA provided funds for the purpose of improving the justice system for 18 years. To date, relatively little effort has been made to evaluate the impact of LEAA on the delivery of justice. In this article, Professors Robert Singleton and Police Officer Rick Smith evaluate the impact of LEAA funds on one nonurban county in Northwestern Alabama. Distribution of funds, retention and impact are assessed. While no attempts have been made to assess the dollar value of the change, the data indicate that the more than one million dollars spent in Lauderdale County did change the system.

Developments in Shock Probation—Focusing on a widely used and frequently researched probation program, this paper by Professor Gennaro examines research findings in an attempt to clearly identify the policy implications surrounding its continued use.

Family Therapy and the Drug-Using Offender: The Organization of Disability and Treatment in

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Developments in Shock Probation

A Review of Research Findings and Policy Implications

BY GERNANDO F. VITTO, PH.D.
School of Justice Administration, University of Louisville

A REASABLE portion of published criminal justice research in recent years has been devoted to program evaluation. Ostensibly, the purpose has been to determine the worth of particular programs, to provide decisionmakers with accurate information to help guide the policymaking process. However, researchers are often understandably reluctant to voice clear policy recommenda-
tions based upon evaluation research findings, due to the methodological impediments and data limitations which frequently plague research efforts. As Feeley and Sarat (1978:122) state in their autopsy of the federal LEBA criminal justice planning program:

Good evaluators are reluctant to draw sweeping conclusions from extremely limited data, and their conclusions are likely to be tentative, equivocal, and if anything, rating on the side of cau-
sion...While evaluators speak about the marginal effects of best of variables, planners want a simply plain answer.

Yes, if one reviews research findings and peers through this "fog of equivocation," policy implications are frequently not outlined and are clearly drawn. The pur-
pose of this paper is to review past research findings and current statistics for a wider used and closely examined program, shock probation, and draw some definite policy implications about its use.

Program Definition

Originally adopted in 1964, Ohio's shock probation statute is but one example of early release procedures presently in operation in the United States (for review, see Parrit, 1980). Basically, shock probation parallels other split-sentencing procedures in that it stipulates that (a) impose offenders with a hardship and psychological problems of isolation and prison life; (b) provide an opportunity to better value the needs of offenders in more detail and help them utilize training and other educational services provided by prison; (c) provide greater protection to society; and (d) deter or retard individuals from the grimness of prison life through the experience of im-
prisonment and (e) to make offenders aware of the consequences of their crimes without rendering a potentially damaging prison sentence (Friday, Petersen, and Allen, 1973). The shock probation pro-
gram represents a unique attempt to combine elements of the criminal justice system (probation and parole) that have not been previously combined.

In the field of corrections, the shock probation pro-
gram encompasses two basic theories: deterrence theory and reintegration. It appears that the theory of shock pro-
bation best fits the category of primary or specific deterrence. The major premise of the program is that the "shock" of incarceration will cause the offender to avoid future involvement with crime. The argu-
ment is that a brief application of the rigors of im-
prisonment (in Ohio, 90-120 days served) will deter the criminal behavior and not impede the readjustment of the individual upon release. Thus, the program combines a punishment rationale with a reinte-
gration philosophy designed to return the offender to the outside world.

Shock probation is not a part of the original sentence; rather, it is a program of judicial reconsideration. First, offenders who have been arrested, charged, and convicted for the judicial.

Dispositional decisions on their cases. The

deterrence and rehabilitation implications of the offender contained in the

case, the judge utilizing information about the offender contained in the

case.

The judge in general can either (a) place the offender on probation, (b) sentence the offender to a stay in a community-based correctional facility (i.e., halfway house), or (c) sentence the offender to jail or prison.

It is the fact of incarceration in prison that brings shock probation into play. At this point, for a motion for release on shock probation to be initiated by the in-

mate, the trial lawyer, the parole board or the court. If granted shock probation, the offender is supervised in the community by the shock probation depart-
ments and is subject to the same rules and regu-
lations that apply to regular probationers, including the possibility of revocation. In sum, it is clear that the decision to grant early release under this program lies with the judiciary. State and local probation depart-
ments cannot release offenders on shock probation through their own initiative. Release on shock pro-
bation is limited to the discretion of the sentencing

judge.

Research Questions and Policy Implications

Given the legal boundaries of this program, evalu-

ation research studies focused upon a number of dif-

ferent yet related questions regarding its effec-
tiveness. These questions will now be considered separately and the policy implications of the research findings will be indicated.

1. Which type of offender is the best candidate for release on shock probation?

In other words, what is the target population of this program? Who is most likely to benefit from the shock of incarceration? Proponents of shock probation generally argue that the individual is more likely to be deterred from committing further offenses if he or she is released from prison. Thus, the shock of reform or penitentiary life, the "shock" should be brief and its use should be limited to youthful first offenders. For example, Denton, et al. (1976) issued a set of guidelines for the use of shock probation, including:

(1) Shock probation was felt to be especially applicable to first offenders and youthful first offenders. (2) The offense should be essentially non-violent. Even for a brief period, would be a "punishment nom de morris" of a u.

(3) Shock probation should not be used with convicts who had previously been returned to custody.

These rationale have carried over to other states which use the shock procedure. In the 1971 TAPC

2. What is the effect of length of incarceration upon the performance of shock probationers?

The time frame of the Ohio legislation (90-130 days in prison) was designed to achieve the maximum deterrent effect upon the offender while avoiding the
FEDERAL PROBATION

Debilitating aspects of long-term imprisonment... Previous studies of shock probation in 1975, Palme and Bohlander (1976) examined the effectiveness of Kentucky's shock probation program. Recidivism was defined as reincarceration for a new offense or technical violation during an 8 to 28-month follow-up period. It was discovered that 19.2 percent of the shock probationers failed. But, the authors also determined that the successful shock probationer was similar to regular probationers with regard to prior record, length of previous incarcerations, ability to make bond and the low frequency of guilty pleas entered. They concluded, that the more closely the offender conforms to the profile of the average probationer, the greater the possibility of successful performance on probation. Of course, this finding begs the question of why was the similarly situated shock probationer originally not placed on regular probation?

This question was also pursued by Vito and Allen (1981). They examined the performance of all 1975 state-supervised shock (N=685) and regular (N=909) probationers. A 2-year follow-up period was utilized to determine whether or not an offender had failed. The outcome indicator was rigorous: reincarceration in an Ohio penal institution. A statistical technique (Multiple Classification Analysis) was used to control for differences between the two groups. When all known differences between the two groups were taken into account, it was discovered that the regular probationers had a 42 percent lower probability of reincarceration than shock probationers. In a recent study of shock and regular probationers from one metropolitan Kentucky county, Holmes, Sykes, and Revels (1983) discovered that the two groups were almost identical with regard to their reArrest rates (37 vs. 39%). It should also be noted that, in table 3, this study recorded the highest rate of failure. Yet, this finding is probably an artifact of the failure measure itself. Note that the study with the exception of Bohlander, (1973) used reincarceration as a measure of failure. On the basis of these findings, it can be stated that, if the judiciary uses shock probation to imprison individuals who would otherwise be sentenced to probation, shock probation may cause harm. There must be no "winding of the net" in this program (see Dolcosel, 1982).

Debilitating aspects of long-term imprisonment. Previous studies of shock probation in Ohio and Kentucky have focused upon the length of incarceration as a key variable of interest.

In his study of 415 male inmates released in 1966 and 1970, Waldron and Angelloni (1977) discovered that 26 percent of the men and 18 percent of the women were returned to prison (see table 1). Their follow-up period was 4 years for the men and 3 years for the women. The authors also divided the sample with regard to their time served prior to release on shock probation (with 4 months as the cutoff point), then examined the arrest, conviction and reincarceration of the sample, and concluded that "a felon is as likely to reconvict himself over three months in prison as he or she is after seven months to a year in prison."

In a study of 1,500 Ohio offenders released on shock probation in 1975, Vito (1978) divided the sample by length of sentence according to offenders who served from (1) 1-30, (2) 31-180 and (3) over 180 days in prison. Using ANOVA, no difference in reincarceration rates was discovered. Subsequent dichotomization of the sample yielded only a statistically significant relationship: shock probationers who were imprisoned for 30 days or less had a lower reincarceration rate than those offenders who served more than 30 days.

On the basis of these findings, it is clear that the length of incarceration under the shock probation program can be drastically shortened without affecting reincarceration rates. Specifically, this conclusion opens up two possible uses of the program. Offenders could be released from a jail rather than a prison sentence or offenders who are sent to prison can be released on shock after their classification period. Use of the program in this manner could reduce the currently overcrowded institutional population. 3. How do shock probationers perform in comparison with regular probationers?

Table 1 summarizes the studies on the performance of shock probationers. Beyond the preliminary study by Bohlander (1973), three of the studies focused upon a comparison of shock and regular probationers. Palme and Bohlander (1976) examined the effectiveness of Kentucky's shock probation program. Recidivism was defined as reincarceration for a new offense or technical violation during an 8 to 28-month follow-up period. It was discovered that 19.2 percent of the shock probationers failed. But, the authors also determined that the successful shock probationer was similar to regular probationers with regard to prior record, length of previous incarcerations, ability to make bond and the low frequency of guilty pleas entered. They concluded, that the more closely the offender conforms to the profile of the average probationer, the greater the possibility of successful performance on probation. Of course, this finding begs the question of why was the similarly situated shock probationer originally not placed on regular probation?

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4. Was deterrence a true goal of the shock probation program?

In terms of the first question, the issue is whether or not the offender's release from prison is anticipated. Since the Ohio law permits the offender's release in 130 days, if the criminal is unable to read or write, the law shock will fail or the fee. Some law is that to appeal their climate, where to earn money by changing additional fees for ill for shock probation.

Other factors which could conspire to weaken the deterrent effort of the program are plea bargaining and illegal political pressures on the sentencing process. For example, the Houston Chronicle (1980)

Table 1. Summary of Shock Probation Studies

<table>
<thead>
<tr>
<th>Year</th>
<th>Shock Cases</th>
<th>Re-Arrest Rate %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>66</td>
<td>12.0</td>
</tr>
<tr>
<td>1967</td>
<td>168</td>
<td>28.9</td>
</tr>
<tr>
<td>1968</td>
<td>294</td>
<td>18.1</td>
</tr>
<tr>
<td>1969</td>
<td>490</td>
<td>10.7</td>
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<tr>
<td>1970</td>
<td>835</td>
<td>8.9</td>
</tr>
<tr>
<td>1971</td>
<td>1,035</td>
<td>9.9</td>
</tr>
<tr>
<td>1972</td>
<td>1,209</td>
<td>11.5</td>
</tr>
<tr>
<td>1973</td>
<td>1,335</td>
<td>12.9</td>
</tr>
<tr>
<td>1974</td>
<td>1,366</td>
<td>8.5</td>
</tr>
<tr>
<td>1975</td>
<td>1,585</td>
<td>10.0</td>
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<tr>
<td>1976</td>
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</tr>
<tr>
<td>1977</td>
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<td>12.0</td>
</tr>
<tr>
<td>1978</td>
<td>1,992</td>
<td>13.5</td>
</tr>
</tbody>
</table>

Table 2. Reincarceration Rates Under Ohio's Shock Probation Program

<table>
<thead>
<tr>
<th>Year</th>
<th>Re-Arrest Rate %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>12.0</td>
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<tr>
<td>1967</td>
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<td>1975</td>
<td>11.5</td>
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<td>1976</td>
<td>12.0</td>
</tr>
<tr>
<td>1977</td>
<td>13.5</td>
</tr>
</tbody>
</table>

*These not include offenders who surrendered supervision.
reported that the shock probation program in Texas caused a great deal of anxiety and public criticism when it was introduced. The power to release offenders rather than send them to prison for a "good" reason is a constitutional right. In Ohio, the governor that the "officially proclaimed," see Glaser, of shock probation. In question whether the deterrence was ever a true goal of shock probation has run down the promise to the public. It is also clear that it is important to make evaluation research more usable to policymakers by stating policy implications in a clear, consistent, and relevant fashion, yet consistent with the demands of scientific objectivity (see Coonally and Pleas, 1980; Rotzum, 1980; Rautt, 1980; and Pleas). The arguments presented here should neither be interpreted as a commercial for the use of shock probation nor as a call for its destruction, but as a translation of research findings into policy implications.

Conclusions

On the basis of these studies, a number of conclusions about shock probation can be reached. As the data in tables 1 and 2 indicate, reincarceration rates for shock probation have never exceeded 26 percent and according to official records from the Ohio Department of Rehabilitation and Correction, only 10.4 percent of the offenders released on shock probation for the 18-year durée of the program have been reincarcerated. The level of these rates indicates that the program has some potential.

If shock probation is to be used, it should be used with a select group of offenders who cannot be considered as good candidates for regular probation. The period of incarceration permitted by shock probation is certainly the maximum deterrent effect while reducing the fiscal cost of incarceration. It is clear that once these programs shock probation is most enlightening. In the 1890 survey (Kushn, et al., 1980), it was estimated that 64 percent of Texas' shock probation population would have been sent to prison in the usual manner if the program had not been in effect. We can no longer afford, in human as well as financial terms, to incarcerate offenders for the shock value. In this time of wane prisoner overcrowding, the use of shock probation can only be justified as a discretionary measure to give offenders who would otherwise not be placed on probation a chance to succeed.

This recommendation calls for a shift in the stated deterrent emphasis of the program toward a reintegration rationale—a move which runs counter to the prevailing mood in corrections today. Some members of the criminal justice community have long held what Burs and Teters (1969) have termed a "chilblain faith." In the deterrent effect of punishment. The evidence reported here strongly paralleled the negative findings recently reported concerning another widely tested and heavily publicized panacea—the "Scarred Straight" program for juvenile delinquents (see Finkiehnauer, 1962). It is clear that we cannot use the "magic word of detention" and expect only positive and healthy things to result. Although it is not particularly defensible as a deterrent, shock probation has the potential to become a way to reduce institutional overcrowding which is consistent with the objective of reintegration and public safety. It is also clear that it is important to make evaluation research more usable to policymakers by stating policy implications in a clear, consistent, and relevant fashion, yet consistent with the demands of scientific objectivity (see Coonally and Pleas, 1980; Rotzum, 1980; Rautt, 1980, and Pleas). The arguments presented here should neither be interpreted as a commercial for the use of shock probation nor as a call for its destruction, but as a translation of research findings into policy implications.

References


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