

Probation

in

the

United

States

Part II

Part II

****Editor's note:** This is the second part of a two part article. Part one of this article appeared in the Perspectives Spring 1998 issue.

V. Does Probation Work?

A. Offender Recidivism

The most common question asked about probation is “Does it work?” And, by “work” most mean whether the person granted probation has refrained from further crime, or reduced his/her recidivism. Recidivism is currently the primary outcome measure for probation, as it is for all corrections programs.

We have no national information on the overall recidivism rates of juvenile probationers, and we only know the “completion rates” for adult misdemeanors. This omission is very important to take note of, since summaries of probation effectiveness usually report the recidivism rates of felons as if they represented the total of the probation population, and adult felons make up 42 percent of the total probation population (Macquire and Pastore 1995). Failure to make this distinction is why we have profoundly different assessments about whether or not probation “works.”

For example, a recent review of community corrections by Clear and Braga suggests that adult probation is very successful. They write: “Studies show that up to 80 percent of all probationers complete their terms without a new arrest” (1995:430). But Langan and Cunniff, summarizing data from the same source, conclude: “Within 3 years of sentencing, while still on probation, 43 percent of these felons were rearrested for a crime within the state. Half of the arrests were for a violent crime (murder, rape, robbery or aggravated assault) or a drug offense (drug trafficking or drug possession). The estimates (of recidivism) would have been higher had out-of-state arrests been included” (1992:5).

How can these respected scholars summarize the evidence so differently? The difference is that Clear and Braga are summarizing probation completion rates (not rearrests) for the entire adult felon and misdemeanor population—and most misdemeanants complete probation, whereas Langan and Cunniff are referring to rearrests, and including only adult felons—many of whom are rearrested. In most writings on probation effectiveness, the felon recidivism rates are presented as representing the entirety of the probation population. Figure 1 shows adult probationer recidivism outcomes, separately for felons versus the entire population.

In reality then, there are two stories to be told in terms of probationer recidivism rates (similar to the one told in part one on sentencing practices). On the one hand, recidivism rates are low for the half of the population that is placed on probation for a misdemeanor—data suggest that three-quarters of them successfully complete their supervision. Of course, previous data has shown us that misdemeanants typically receive few services and little supervision, so in essence, they were “rehabilitated” either as a result of their own efforts or simply being placed on probation served some deterrent function and encouraged them to refrain from further crime.

One might then question the wisdom of placing such low-risk persons on probation in the first place, given that probation departments are strapped for funds. Even if one argues that such persons aren't receiving direct supervision, there are transactional costs to their being on probation (e.g., staff training, administrative costs, office space for files).

More importantly, if these offenders do commit a new crime, probation

takes the heat for not providing adequate supervision and perhaps preventing their recidivism. Such bad publicity further tarnishes probation's image. And recently, the practice of not carrying out court-ordered supervision has also served as legal grounds for successfully suing probation departments who failed to adequately supervise offenders who subsequently recidivated, referred to as "negligence in supervision." (for a discussion, see del Carmen and Pilant 1994).

The other story is that for felons placed on probation, recidivism rates are high, particularly in jurisdictions that use probation extensively, where offenders are serious to begin with, and supervision is minimal. In 1985, RAND researchers tracked, for a three year period, a sample of 1,672 felony probationers sentenced in Los Angeles and Alameda Counties in 1980. Over that time period, the researchers found that 65 percent of the probationers were rearrested, 51 percent were reconvicted, and 34 percent were reincarcerated (Petersilia et al. 1985).

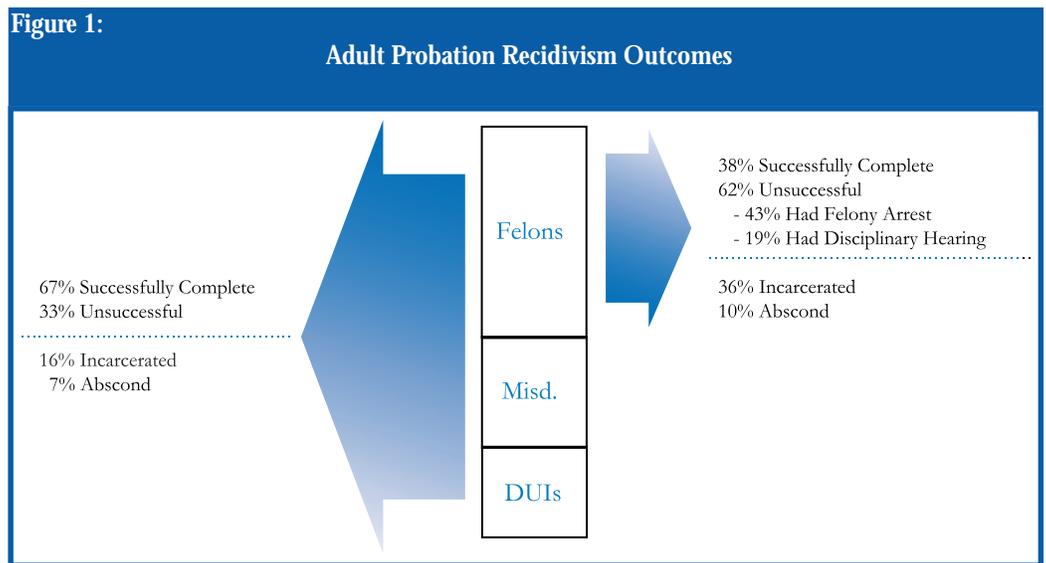
Other agencies replicated the RAND study and the results showed that felony probationer recidivism rates varied greatly from place to place, depending on the seriousness of the underlying population characteristics, the length of follow-up, and the surveillance provided. Geerken and Hayes (1993) summarized 17 follow-up studies of adult felony probationers and found that felony rearrest rates varied from a low of 12 percent to a high of 65 percent. Such wide variation in recidivism is not unexpected, given the wide variability in granting probation and monitoring court-order conditions, as previously discussed.

B. Predicting Probationer Recidivism

Several research studies have examined probationers' backgrounds and criminal record in an attempt to identify those characteristics that are associated with recidivism (e.g., Petersilia et al. 1985; Petersilia and Turner 1993; Langan 1994). The results are consistent across studies, and Morgan (1993) recently summarized them as follows: the kind of crime conviction and extent of prior record:

- Offenders with more previous convictions and property offenders (burglary as compared to robbery and drug offenders) showed higher rates of recidivism);
- income at arrest: higher unemployment/lower income are associated with higher recidivism;
- household composition: persons living with spouse and/or children have lower recidivism;
- age: younger offenders have higher recidivism rates than older offenders; and
- drug use: probationers who used heroin had higher recidivism rates.

In the Petersilia and Turner (1986) study, these factors were shown to be correlated with recidivism, however the ability to predict recidivism was limited. Knowing the above information, and using it to predict which probationers would recidivate and which would not, resulted in accurate predictions only about 70 percent of the time. The authors concluded that the probation programs the offender participated in, along with factors in the environment in which the offender was super-



vised (family support, employment prospects), predicted recidivism as much or more than the factors present prior to sentencing and often used in recidivism prediction models. Despite the desire to predict offender recidivism, it appears that data and statistical methods are simply insufficient to do so at this time.

C. Comparing Probationer and Parolee Recidivism

Proponents of probation often argue that although probationer recidivism rates may be unacceptably high, parolee recidivism rates are even higher. To buttress their arguments, they usually compare the recidivism rates of all released prisoners with the recidivism rates of all probationers to show the greater benefits of probation versus prison. Generally—and not surprisingly—the probationers' recidivism rates are lower compared with prisoner recidivism rates. But this conclusion rests on flawed methodology, since there are basic differences between probationers and prisoners, as groups, and these differences certainly influence recidivism.

Petersilia and Turner (1986) conducted a study using a quasi-experiment design that incorporated matching and statistical controls to tease out the issue of comparative recidivism rates. They constructed a sample of 511 prisoners and 511 felony probationers who were comparable in terms of county of conviction, conviction crime, prior criminal record, age, and other characteristics, except that some went to prison while others were placed on felony probation. In the two year follow up period, 72 percent of the prisoners were rearrested, as compared with 63 percent of the probationers; 53 percent of the prisoners had new filed charges, compared with 38 percent of the probationers; and 47 percent of the prisoners were incarcerated in jail or prison, compared with 31 percent of the probationers. However, although the prisoners' recidivism rates were higher than the probationers', their new crimes were no more serious, nor was there a significant difference in the length of time before their first filed charge (the average was about six months for both groups).

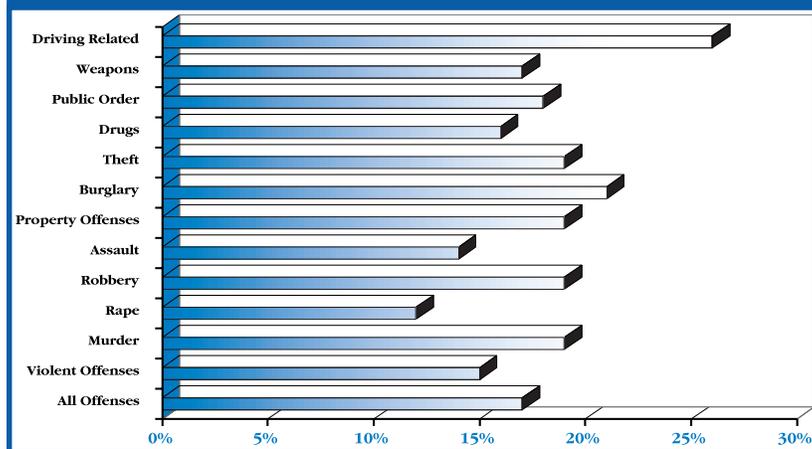
This study suggests that prison might have made offenders more likely to recidivate than they would have without the prison experience, although only a randomly designed experiment—where identically matched offenders are randomly assigned to prison versus probation—could confidently conclude that, and as yet, none has ever been conducted.

D. Other Probation Outcome Measures

1. The Contribution of Probationers to the Overall Crime Problem.

Another way to examine probation effectiveness is to look at the contribution of those on probation to the overall crime problem. The best measure of this comes from BJS's National Pretrial Reporting Program, which provides data on the pretrial status of persons charged with felonies, collected from a sample which is representative of the 75 largest counties in the nation. The most recent BJS data is from 1992 and contained in Reaves and Smith (1996). Figure 2 shows that of all persons arrested and charged with felonies in 1992, 17 percent of them were on probation at the time of their arrest.

Figure 2:
Percent of Felony Arrestees on Probation at Time of Arrest



From other BJS data, we can determine what percent of offenders status' were on probation at the time of their arrest (Figure 3). Of those in prison during 1991 (BJS 1993) and included in the BJS nationally-representative Survey of State Prison Inmates, 29 percent were on probation at the time of the offense that landed them in prison. BJS further reports that 31 percent of persons on death row in 1992 reported committing their murders while under probation or parole supervision (BJS 1994c).

2. Alternative Outcome Measures: Probationer Participation in Treatment and Work Programs

Probation practitioners have expressed concern about the use of recidivism as the primary, if not sole, measure of their program's success (Boone and Fulton 1995). They note that crime is the result of a long line of social ills—dysfunctional families, economic and educational deprivation, and so on—and these social problems are clearly beyond the direct influence of probation agencies. Moreover, using recidivism as the primary indicator of probation's success fails to reflect the multitude of goals and objectives of probation, and it serves to further erode the public's confidence in probation services, since correctional programs, by and large, have been unable to significantly reduce recidivism.

The American Probation and Parole Association (APPA), the well-respected national association representing U.S. probation officers, has begun to argue persuasively that recidivism rates measure just one function, while ignoring other critical probation tasks, such as preparing presentence investigations, collecting fines and fees, monitoring community service, and so on (Boone and Fulton 1995). Other scholars

have specified how community corrections outcomes might appropriately be measured (Petersilia 1993).

The APPA has urged its member agencies to collect data on alternative outcomes, such as: amount of restitution collected, number of offenders employed, amount of fines/fees collected, hours of community service, number of treatment sessions, percent financial obligation collected, enrollment in school, days employed, educational attainment and number of days drug-free. Some probation departments have begun to report such alternative outcomes measures to their constituencies, and believe it is having a positive impact on staff morale, public image and funding (Griffin 1996).

VI. How Can Probation Be Revived?

Probation finds itself in a unique position in the U.S. It was originally advanced by liberal reformers, who sought to help offenders overcome their problems and mitigate the perceived harshness of jails and prisons. The public is now less concerned with helping offenders than they are with public safety and deserved punishment. But the public's tough-on-crime stance has caused jail and prison crowding nationwide, and the costs of sending a greater number of convicted offenders to prison has proven prohibitively expensive.

The public has now come to understand that not all criminals can be locked up, and so renewed attention is being focused on probation. Specifically, policymakers are asking whether probation can implement less expensive but more credible and effective community-based sentencing options. No one is advocating the abolition of probation, rather everyone is calling for its reform. But exactly how should we begin?

1. Implement Quality Programming for Appropriate Probation Target Groups

We need to first regain the public's trust that probation can be a meaningful, credible sanction. During the past decade, many jurisdictions developed "intermediate sanctions" as a response to prison crowding. These programs (e.g., house arrest, electronic monitoring, intensive supervision) were designed to be community-based sanctions that were tougher than regular probation, but less stringent and expensive than prison (Gowdy 1993; Tonry and Lynch 1996; Clear and Braga 1995).

The program models were good and could have worked, except for one critical factor: They were usually implemented without creating an organizational capacity to ensure compliance with the court-ordered conditions. Intermediate sanctions were designed with smaller caseloads, enabling officers to provide both services and monitoring for new criminal activity, but they never were given the resources needed to enforce the sanctions or provide necessary treatment.

When courts ordered offenders to participate in drug treatment, for example, many probation officers couldn't ensure compliance because local treatment programs were unavailable (Turner et al. 1993). Programs that were available often put offenders at the back of the waiting list. Similarly, when courts ordered fines or restitution to be paid, or community service to be performed, it often was ignored because of a lack of personnel to follow-through and monitor such requirements (Petersilia and Turner 1993). Over time, what was intended as tougher community corrections in most jurisdictions didn't materialize, thereby further tarnishing probation's image.

As Andrew Klein, former Chief Probation Officer in Quincy, Massachusetts (1997:311) so eloquently put it:

Unenforced sanctions jeopardize any sentence, undermining its credibility and potential to address serious sentencing concerns...they are like sentences to prison with cell doors that do not lock and perimeter gates that slip open. The moment the word gets out that the alternative sentence or intermediate sanction is unmonitored, is the moment the court loses another sentencing option.

While most judges still report being anxious to use tougher, community-based programs as alternatives to routine probation or prison, most are skeptical that the programs promised "on paper" will be actually delivered in practice (Sigler and Lamb 1994). As a result, some intermediate sanction programs are beginning to fall into disuse (Petersilia 1995).

But not all programs have had this experience. In a few instances, communities invested in intermediate sanctions and made the necessary treatment and work programs available to offenders (Klein 1997). And, most importantly, the programs worked: in programs where offenders received both surveillance (e.g., drug tests) and participated in relevant treatment, recidivism was reduced 20-30 percent (Petersilia and Turner 1993). Recent program evaluations in Texas, Wisconsin, Oregon and Colorado have found similarly encouraging results (Clear and Braga 1995). Even in national BJS probation follow-up study by Langan (1994), it was found that if probationers were participating in or making progress in treatment programs, they were less likely to have a new arrest (38 percent) than either those drug offenders who had made no progress (66 percent) or those who were not ordered to be tested or treated (48 percent).

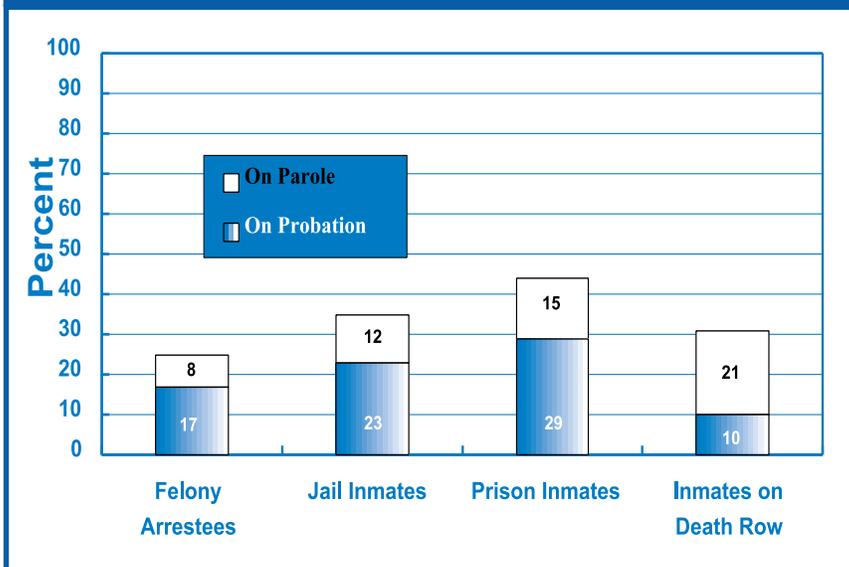
There now exists rather solid empirical evidence that ordering offenders into treatment and getting them to participate, reduces recidivism (Gendreau 1996; Anglin and Hser 1990; Lipton 1996). So, the first order of business must be to allocate sufficient resources so that the designed programs (incorporating both surveillance and treatment) can be implemented. Sufficient monetary resources are essential to obtaining and sustaining judicial support and achieving program success.

Quality probation supervision costs money, and we should be honest about that. We currently spend about \$200-\$700 per year, per probationer for supervision (Camp and Camp 1995). Even in our richer probation departments, the annual dollars spent on probation supervision is well below \$1,000 per probationer (Abadinsky 1997). It is no wonder that recidivism rates are so high. Effective substance abuse treatment programs are estimated to cost at least \$12,000-\$14,000 per year (Lipton 1996). Those resources will be forthcoming only if the public believes the programs are both effective and punitive.

Public opinion is often cited by officials as the reason for supporting expanded prison policies. According to officials, the public demands a "get tough on crime" policy, which is synonymous with sending more offenders to prison for longer terms (Bell and Bennett 1996). We must publicize recent evidence showing that offenders—whose opinion on such matters is critical for deterrence—judge some intermediate sanctions as more punishing than prison. Surveys of offenders in Minnesota, Arizona, New Jersey, Oregon and Texas reveal that when offenders are asked to equate criminal sentences, they judge certain types of community punishments as more severe than prison (Crouch 1993; Petersilia and Deschenes 1994; Spelman 1995; Wood and Grasmick 1995).

One of the more striking examples comes from Marion County,

Figure 3
Percentage of Offenders on Probation or Parole at Time of Offense



Oregon. Selected nonviolent offenders were given the choice of serving a prison term or returning to the community to participate in the Intensive Supervision Probation (ISP) program, which imposed drug testing, mandatory community service and frequent visits with the probation officer. About a third of the offenders given the option between ISP or prison chose prison. When Minnesota inmates and corrections staff were asked to equate a variety of criminal sentences, they rated three years of intensive supervision probation as equivalent in punitiveness to 1 year in prison (Petersilia and Deschenes 1994).

What accounts for this seeming aberration? Why should anyone prefer imprisonment to remaining in the community—no matter what the conditions? Some have suggested that prison has lost some of its punitive sting, and hence its ability to scare and deter. For one, possessing a prison record is not as stigmatizing as in the past, because so many of the offenders' peers (and family members) also have "done time." Further, about a quarter of all U.S. black males will be incarcerated during their lives, so the stigma attached to having a prison record is not as great as it was when it was relatively uncommon (Mauer and Huling 1995). And the pains associated with prison—social isolation, fear of victimization—seem less severe for repeat offenders who have learned how to do time.

In fact, far from stigmatizing, prison evidently confers status in some neighborhoods. Jerome Skolnick of U.C. Berkeley found that for drug dealers in California, imprisonment confers a certain elevated "home boy" status, especially for gang members for whom prison and prison gangs can be an alternative site of loyalty (Skolnick 1989). And according to the California Youth Authority, inmates steal state-issued prison clothing for the same reason. Wearing it when they return to the community lets everyone know they have done "hard time." (Petersilia 1992).

The length of time an offender can be expected to serve in prison has also decreased—latest statistics show that the average U.S. prison term for those released to parole is 17 months (Maquire and Pastore 1995). But more to the point, for less serious offenders, the expected time served can be much less. In California, for example, more than half of all offenders entering prison in 1990 were expected to serve six months or less (Petersilia 1992). Offenders on the street may be aware of this,

perhaps because of the extensive media coverage such issues receive.

For convicted felons, freedom, of course, is preferable to prison. But the type of probation program being advocated here—combining heavy doses of surveillance and treatment—does not represent freedom. In fact, as suggested above, such community based programs may have more punitive bite than prison. Consider a comparison between Contra Costa (Ca.) County's Intensive Supervision Program (ISP) for drug offenders, which was discontinued in 1990 due to a shortage of funds, with what drug offenders would face if imprisoned:

ISP. Offenders are required to serve at least one year on ISP. In addition to twice weekly face-to-face contacts, ISP includes a random drug testing hotline, Saturday home visits, weekly Narcotics Anonymous meetings, special assistance from police to expedite existing bench warrants and a liaison with the State Employment Development Department. To remain on ISP, offenders must be employed or in treatment, perform community service, pay victim restitution and remain crime and drug-free.

Prison. A sentence of 12 months will require that the offender serve about half of that. During his term, he is not required to work nor will he be required to participate in any training or treatment, but may do so if he wishes. Once released, he will probably be placed on routine parole supervision, where he might see his officer once a month.

It is important to publicize these results, particularly to policy makers, who say they are imprisoning such a large number of offenders because of the public's desire to get tough on crime. But it is no longer necessary to equate criminal punishment solely with prison. The balance of sanctions between probation and prison can be shifted, and at some level of intensity and length, intermediate punishments can be the more dreaded penalty.

Once the support and organizational capacity is in place, we need to target the offender group that makes the most sense, given our current state of knowledge regarding program effectiveness (for a recent review, see Harland 1996). Targeting drug offenders makes the most sense for a number of reasons. Drug offenders weren't always punished so frequently by imprisonment. In California, for example, just 5 percent of convicted drug offenders were sentenced to prison in 1980, but by 1990 the number had increased to 20 percent (Petersilia 1992). The large scale imprisonment of drug offenders has only recently taken place, and there is some new evidence suggesting that the public seems ready to shift their punishment strategies for low-level drug offenders.

A 1994 nationwide poll by Hart Research Associates reported that Americans have come to understand that drug abuse is not simply a failure of willpower or a violation of criminal law. They now see the problem as far more complex, involving not only individual behavior but also fundamental issues of poverty, opportunity and personal circumstances. The Drug Strategies report (Falcoe 1995) reports that nearly half of all Americans have been touched directly by the drug problem: 45 percent of those surveyed in the 1994 Hart poll said that they know someone who became addicted to a drug other than alcohol. This personal knowledge is changing attitudes about how to deal with the problem: seven in ten believe that their addicted acquaintance would have

been helped more by entering a supervised treatment program than by being sentenced to prison.

It appears that the public now wants tougher sentences for drug traffickers and more treatment for addicts—what legislators have instead given them are long sentences for everyone. The Drug Strategies group, who analyzed the Hart survey, concluded that: "Public opinion on drugs is more pragmatic and less ideological than the current political debate reflects. Voters know that punitive approaches won't work" (Falco 1995).

Another recent national telephone survey confirms these findings (Flanagan and Longmire 1996). They concluded that: 1) respondents favored treatment rather than punishment as the best alternative to reduce the use of illegal drugs, and 2) Americans want to see a change in drug control strategy (Cintron and Johnson 1996). The public receptiveness to treatment for addicts is important, because those familiar with delivering treatment say that is where treatment can make the biggest impact.

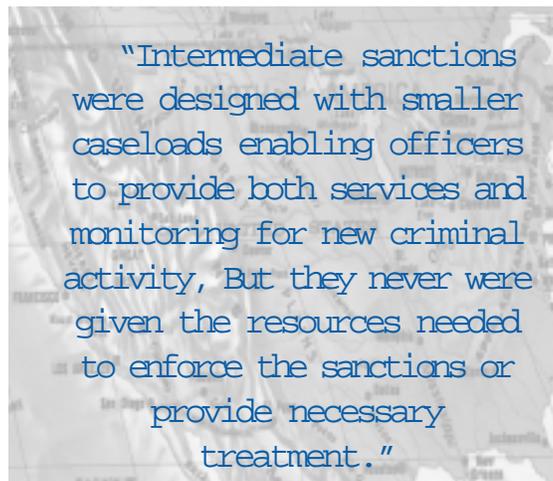
A recent report by the prestigious Institute of Medicine (IOM) recommends focusing on probationers and parolees to curb drug use and related crime (Institute of Medicine 1990). They noted that about one-fifth of the estimated population needing treatment—and two-fifths of those clearly needing it—are under the supervision of the justice system

as parolees or probationers. And since the largest single group of serious drug users in any locality comes through the justice system every day, the IOM concludes that the justice system is one of the most important gateways to treatment delivery and we should be using it more effectively.

Moreover, research has shown that those under corrections supervision stay in treatment longer, thereby increasing positive treatment outcomes. The claim that individuals forced into treatment by the courts will not be successful has not been borne out by research, in fact just the opposite is true. Research at UCLA and elsewhere has provided strong evidence not only that drug abuse treatment is effective, but also that individuals coerced into treatment derive as many benefits as those who enter voluntarily (Anglin and Hser 1990). The largest study of drug treatment outcomes found that justice system clients stayed in treatment longer than clients with no justice system involvement, and as a result, had higher than average success rates (Institute of Medicine 1990). The evidence suggests that drug treatment is effective for both men and women, Anglos and minority ethnic groups, young and old, and criminal and non criminal participants.

However, as noted above, quality treatment does not come cheap. But in terms of crime and health costs averted, it is an investment that pays for itself immediately. Researchers in California recently conducted an assessment of drug treatment programs, and identified those that were successful, concluding that it can now be "documented that treatment and recovery programs are a good investment" (Gerstein et al. 1994). The researchers studied a sample of 1,900 treatment participants, followed them up for as much as two years of treatment, and studied participants from all four major treatment modalities (therapeutic communities, social models, outpatient drug free and methadone maintenance).

Gerstein et al. (1994:33) conclude:



"Intermediate sanctions were designed with smaller caseloads enabling officers to provide both services and monitoring for new criminal activity, But they never were given the resources needed to enforce the sanctions or provide necessary treatment."

Treatment was very cost beneficial: for every dollar spent on drug and alcohol treatment, the State of California saved \$7 in reductions in crime and health care costs. The study found that each day of treatment paid for itself on the day treatment was received, primarily through an avoidance of crime.

The level of criminal activity declined by two-thirds from before treatment to after treatment. The greater the length of time spent in treatment, the greater the reduction in crime. Reported criminal activity declined before and after treatment as follows: mean number of times sold or helped sell drugs (-75 percent), mean number of times used weapon/physical force (-93 percent), percent committing any illegal activity (-72 percent), and mean months involved in criminal activity (-80 percent).

Regardless of type of treatment modality, reduction in crime was substantial and significant (although participants in the social model recovery programs had the biggest reduction). In the California study, the most effective treatment programs cost about \$12,000 per year, per client (Gernstein et al. 1994). UCLA researchers recently concluded: "It seems that drug abuse treatment mandated by the criminal justice system represents one of the best and most cost-effective approaches to breaking the pernicious cycle of drug use, criminality, incarceration and recidivism" (Prendergast, Anglin, and Wellisch 1995).

In summary, there are several steps to achieving greater crime control over probationers and parolees. First, we must provide adequate financial resources to deliver programs that have been shown to work. Successful programs combine both treatment and surveillance, and are targeted toward appropriate offender subgroups. Current evidence suggests low-level drug offenders are prime candidates for the intermediate sanction programs considered here. Then, we must garner support, convincing the public that the probation sanction is punitive, and convincing the judiciary that offenders will be held accountable for their behavior.

Of course, there is much more to reforming the probation system than simply targeting low-level drug offenders for effective treatment, but this would be a start. We also need to seriously reconsider probation's underlying mission, administrative structure, and funding base. And, we need to fund a program of basic research to address some of probation's most pressing problems.

2. Make Probation a Priority Research Topic

Basic research on probation has diminished in recent years, except for the evaluations funded by NIJ on the intermediate sanctions. While these early evaluations are instructive, their results are by no means definitive. The programs have mostly been surveillance-oriented, and have focused primarily on increasing drug testing and face-to-face contacts with offenders. They have incorporated little treatment or employment training. Most intermediate sanction programs targeted serious career criminals, with lengthy histories of crime and substance abuse. As noted in this paper, there is some supportive evidence that intermediate sanctions incorporating treatment, in addition to surveillance activities, do produce lower recidivism. It is also possible that had these programs been targeted toward less serious offenders, or earlier in their criminal careers, the results might have been more encouraging. There is reason to continue experimenting with community-based sanctions, varying

target populations, program elements, setting and point in the criminal career for intervention.

This essay has also highlighted the importance of technical violations in community supervision. Probation and parole officers spend most of their time monitoring the technical conditions imposed by the courts (such as, no alcohol or drug use). When violations are discovered, additional time is spent in processing the paperwork necessary to revoke offenders. Many of those offenders are revoked to prison, most of them for violations of the "no drug use" condition, as detected through urine testing. Such revocations will undoubtedly increase as urinalysis testing for drugs becomes less expensive and more widespread.

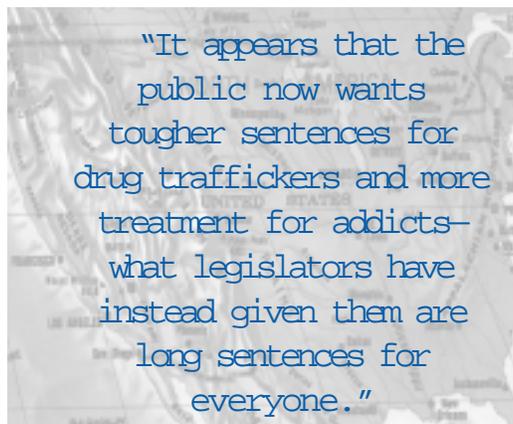
This begs an important question: what purpose is served by monitoring and revoking persons for technical violations, and is the benefit worth the cost? If technical violations identify offenders who are "going bad" and likely to commit crime, then we may well wish to spend the time uncovering such conditions and incarcerating those persons. On the other hand, if technical violators are simply troubled, but not criminally dangerous, then devoting our scarce prison resources to this population might not be warranted. Despite the policy significance of technical violations, little serious research has focused on this issue. As the costs of monitoring and incarcerating technical violators increases, research must examine its crime control significance.

There is also the ongoing debate about who is in prison, and whether there exists a group of prisoners who, based on crime and prior criminal records, could safely be supervised in the community. Proponents of alternatives argue that over the past decade we have vastly expanded the use of imprisonment, and as a result many low-level offenders have gotten caught up in the broader net of social control, and are now in prison. They contend that many (if not most) prisoners are minor property offenders, low-level drug dealers, or technical violators – ideal candidates for community based alternatives. Those who are against expanding prison alternatives disagree, citing data

showing that most prisoners are violent recidivists with few prospects for reform.

It is likely that the truth lies somewhere in between, and that the differences in the numbers cited depend on how one aggregates the data, and what data set one chooses to analyze. It is likely that historical sentencing patterns have resulted in vastly different populations being incarcerated in different states. Research examining the characteristics of inmates in different states (by age, criminal record and substance abuse history), is necessary to clarify this important debate. It is also critical that we conduct better follow-up studies (ideally, using experimental designs) of offenders who have been sentenced to prison as opposed to various forms of community supervision. By tracking similarly situated offenders, sentenced differently, we will be able to refine our recidivism prediction models, and begin to estimate more accurately the crime and cost implications of different sentencing models.

We also need to move away from the fragmentary studies of individual agencies and toward more comprehensive assessment of how probation departments and other justice agencies influence one another and, together influence crime. Decisions made in one justice agency have dramatic workload and cost implications for other justice agencies, and later decisions (such as probation policy on violating technicals). To



date, these systematic effects have not been well studied, and much benefit is likely to come from examining how various policy initiatives affect criminal justice agencies, individually and collectively. Generating more arrests will not necessarily result in more convictions and incarcerations, if prosecutors and corrections (either by policy or budget constraints) do not follow through with convictions and incarcerations. Many past probation reforms – implemented by well meaning probation staff – have been negated by the failure of other justice system agencies to cooperate in the program.

The issues presented above are only a few of the salient themes that should be pursued to better understand the nation's probation system. The author believes that probation has much untapped potential, and with research and program attention, can become an integral part of our nation's fight against crime.

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