

THESIS

UNDERSTANDING THE ROLE OF PROBATION: OBSERVING THE EFFECTIVENESS
OF PROBATION AS AN ALTERNATIVE TO INCARCERATION IN LARIMER COUNTY,
COLORADO

Submitted by

John Hilgendorf

Department of Sociology

In partial fulfillment of the requirements

For the Degree of Master of Arts

Colorado State University

Fort Collins, Colorado

Spring 2017

Master's Committee:

Advisor: Tara Opsal

Michael Hogan
Scott Moore

Copyright by John Hilgendorf 2017

All Rights Reserved

ABSTRACT

UNDERSTANDING THE ROLE OF PROBATION: OBSERVING THE EFFECTIVENESS OF PROBATION AS AN ALTERNATIVE TO INCARCERATION IN LARIMER COUNTY, COLORADO

Probation is the largest component of the United States criminal justice system, and its population has significantly grown over the past few decades. However, probation is an understudied area of criminal justice research, even though so many individuals fall under the supervision of probation. The purpose of this thesis is to observe if probation is serving its intended purpose as an alternative to incarceration, or if revocations from probation result in future jail sentences.

The study uses data from Larimer County Criminal Justice Services in Larimer County, Colorado to understand how successful different probation sentences, with varying levels of surveillance and monitoring, serve as diversions from traditional forms of incarceration. The findings show that probation sentences with higher levels of supervision commonly result in probation revocations, and as a result, jail sentences due to revocations. Therefore, the findings suggest supervised probation sentences do not successfully divert offenders from incarceration, but rather contribute to jail populations in Larimer County.

ACKNOWLEDGEMENTS

There are several people I would like to thank for their help during my thesis process. First, I would like to thank my advisor Dr. Tara Opsal for providing constructive feedback and guidance throughout the course of my thesis project. Also, I'd like to thank the other members of my committee, Dr. Michael Hogan and Dr. Scott Moore for their time, answering my questions, and for an interesting, fruitful discussion after my defense.

There are also several fellow graduate students who made my time at Colorado State enjoyable who I would like to thank, especially Keith Smith, for answering my STATA related questions and helping with the analytical tests. I am also appreciative of Larimer County Criminal Justice services for affording me the opportunity to work with them as an intern, and providing access to the data used in this thesis. And finally, I'd like to thank my family and friends for their encouragement and support throughout my academic career.

TABLE OF CONTENTS

ABSTRACT.....	ii
ACKNOWLEDGEMENTS.....	iii
CHAPTER 1: INTRODUCTION.....	1
CHAPTER 2: LITERATURE REVIEW.....	3
CHAPTER 3: METHODOLOGY.....	35
CHAPTER 4: ANALYSIS AND RESULTS.....	49
CHAPTER 5: DISCUSSION AND CONCLUSION.....	64
REFERENCES.....	72
APPENDIX A: ADDITIONAL LOGISTIC REGRESSION TABLES.....	78

CHAPTER 1: INTRODUCTION

At the end of 2013, an estimated 6,899,000 people were under the supervision of the United States adult correctional system (Glaze and Kaeble, 2014). Of the almost seven million offenders under correctional supervision, the United States held an estimated 1,561,500 prisoners in state and federal facilities (The Sentencing Project, 2015). Between 1970 and 2010, the rate of growth of the incarcerated population in the United States was greater than any other country, and at no other time in America's history have so many people been incarcerated (Thompson, 2010). Due to the large increase in the incarcerated population, criminal justice research tends to focus on the growing use of incarceration, and the effects of incarceration on offenders, families, and communities (Lynch and Sabol, 2004; Western, Pattillo and Weiman, 2004; Clear, 2007; Pager, 2003).

An understudied area of criminal justice is probation, even though so many individuals are under probation's supervision (Phelps, 2013; Robinson, 2016). Probation deserves attention because it is the largest component of the United States correctional system, accounting for four in seven of all federal and local adults under correctional supervision (Mays and Winfree Jr., 2014). In total, at the end of 2014, almost four (3,910,600) million individuals were on probation (Glaze and Kaeble, 2014). Similar to the correctional system as a whole, the number of offenders on probation has grown exponentially over the last few decades. The number of adults on probation grew every year between 1983 and 2008, and in fact between 1980 and 2010 the probation population of the United States experienced a threefold increase (Mays and Winfree Jr., 2014).

Previous research studying community corrections programs, including probation, typically focus on how these programs allow the justice system to expand by bringing more individuals under state control, (Coehn, 1979; Hylton, 1981; Austin and Krisberg 1981; Hylton, 1981; Marion, 2002) while others are concerned with back-end net widening, which observes the role of revocations in contributing to incarcerated populations (Petersilia and Turner, 1993; Tonry and Lynch, 1996; Albonetti and Hepburn, 1997; Petersilia 1997; Ulmer, 2001; Phelps, 2012). Still, although there are so many people serving probation sentences, there is surprisingly little research specifically studying the relationship between probation, revocations, and prison and jail populations (Petersilia, 1997). Therefore, there is little understanding of whether the expansion of probation is a leading cause of mass incarceration, or if, and how, probation operates to counterbalance the increase in imprisonment (Phelps, 2013). The purpose of this thesis is to explore the relationship between probation and incarceration in Larimer County, Colorado. Specifically, I will observe if probation is serving its intended purpose as an effective alternative to incarceration, or if high rates of probation revocations result in future incarceration.

In the next section, I conduct a review of the relevant literature to lay the groundwork for this thesis. Particularly, I provide a brief history of probation to illustrate the factors promoting its changing purpose and philosophy from rehabilitative to managerial. Then, I discuss the ‘new penology’ model of criminal justice, and use the model as a framework to understand the changing probation practices, and the consequences of these changes, through introducing the phenomenon of ‘net widening’ and ‘back-end net widening,’ along with Phelps’ (2013) study observing the ‘paradox of probation.’ Lastly, I will address some of the research surrounding risk identification to provide further analysis of how the practices of probation potentially serve to divert, or contribute, to the incarceration population.

CHAPTER 2: LITERATURE REVIEW

History of Probation

According to the Bureau of Justice, probation is a court-ordered period of correctional supervision in the community, and is served as an alternative to incarceration (Glaze and Kaeble, 2014). The general characteristics of probation are rooted in practices that originated in eighteenth century England. Beginning at this time, judges suspended sentences in return for a specified period of good behavior, and once offenders proved they could continue to live in the community without committing additional crimes, they petitioned the Crown for a pardon (Mays and Winfree Jr., 2014). The origins of probation in the United States began in 1841 with John Augustus, a wealthy shoemaker living in Boston (Mays and Winfree Jr., 2014). One day while in court, Augustus, a member of the temperance movement that combated the evils of alcohol, saw a man who was charged with being a common drunkard. The man told Augustus that he would never drink again if he could be saved from the House of Corrections (Petersilia, 1997). John Augustus convinced the court to defer the man's sentence for 3 weeks and release him into his custody (Petersilia, 1997). After the supervisory period, the man convinced the judge that he was reformed and was only required to pay a fine (Petersilia, 1997).

And so began the practice Augustus termed 'probation,' which is the Latin word for 'to prove' or 'to test' (Mays and Winfree Jr., 2014). John Augustus continued supervising offenders for a brief period of time, and reported their progress and behavior with the court. Consistent with the original English practices, he believed that crime prevention was the intent of social laws, and sanctions should reform criminals, rather than simply punish (Mays and Winfree Jr., 2014). Similar to today, probationers had a host of conditions they were to follow, but John Augustus tailored the terms and conditions of probation towards providing rehabilitative change

to reform offenders and prevent future crime. Revocations were rare, and Augustus claimed that only one of his first one thousand probationers was revoked (Mays and Winfree Jr., 2014).

However, there is evidence that modern probation programs are radically different from John Augustus' model. While some probation programs continue to focus on rehabilitation (Petersilia, 1997; Phelps, 2013), research indicates that current probation practices tend to be more concerned with monitoring, surveillance, and public safety (Austin and Krisberg, 1981; Tonry and Lynch, 1996; Petersilia, 1997; Phelps, 2013; Robinson, 2016). Simon (1993) reports that during the 1970s, community corrections diverted from a clinical model focusing on rehabilitation, towards a managerial model emphasizing the management of offenders (Robinson, 2016). Policy reforms surrounding issues of social control and organizations must be understood as reflecting changes in the political and social environment (Austin and Krisberg, 1981). The shift in probation practices and its orientating philosophy began in earnest in the 1970's, because rehabilitation, and more broadly, the practice of reforming criminals came under scrutiny (Petersilia, 1997; Western, Pattillo, Weiman, 2004; Robinson, 2016).

A major cause of this transformation was that during this time a number of reports brought national attention to the inadequacy of probation services, claiming that they failed to rehabilitate offenders. For example, Martinson's 1974 study, 'What works? Questions and Answers about Prison Reform,' was a publicized review of rehabilitative programs, purportedly showing probation's ineffectiveness to create change within offenders (Petersilia, 1997). Martinson and colleagues also published 'The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies,' which reviewed several hundred evaluations of correctional treatment, and famously concluded that rehabilitative efforts have no appreciable effect on recidivism (Western, Pattillo, Weiman, 2004).

Low public opinions of probation also prompted the transformation away from rehabilitation. The public was skeptical and critical of probation's rehabilitative purpose, and believed probation was soft on crime and uncaring about victims. Probation generated little public support, because people were less concerned with helping offenders than with public safety and punishment (Petersilia, 1997). Additionally, rising crime rates led to crime control policy becoming a salient issue in politics and election campaigns, with proponents of 'law and order' calling for harsher punishments, and politicians responded by replacing rehabilitative practices with more punitive punishments (Tonry and Lynch 1996). Overall, the challenges made to the effectiveness of rehabilitation, low public opinions of probation, and rising crime rates generated a punitive shift that did not support probation's rehabilitative roots, and supported practices aimed at promoting public safety. Next, this thesis introduces Simon and Freely's 'new penology' model of criminal justice, to provide a framework in which to understand the changes within probation's philosophy and practice, as well as the consequences of these changes.

The 'New Penology' model of criminal justice

The previous section describes key social factors generating punitive attitudes, which encouraged adopting practices that shifted away from probation's traditional roots of rehabilitation towards a focus on the management and surveillance of offenders. This shift within probation is characteristic of what Simon and Freely (1992) term the 'new penology.' The 'new penology' describes a changing model of the criminal justice process that embraces an increased reliance on imprisonment, and is concerned with the custody and surveillance of offenders, rather than offender rehabilitation and reintegration (Simon and Freely, 1992). Examples presented by Simon and Freely (1992) to provide evidence of the 'new penology'

include growing prison populations, because of the model's reliance on incapacitation in order to detain offenders and delay their participation in criminal activity (Simon and Freely, 1992).

Another characteristic of the 'new penology' model is the overall increase in the number of individuals subject to penal sanctions, due to the emphasis on the custody and surveillance of offenders. As a result, the use of community corrections increases for the purposes of providing efficient risk management and control over low-risk offenders for whom traditional incarceration is deemed too expensive or unnecessary (Simon and Freely, 1992). In the next section, I provide evidence illustrating the growth in the use of community corrections.

Net-Widening

As noted, a central characteristic of the 'new penology' is the overall increase in the number of individuals subject to penal sanctions and supervision, including probation, because of the model's focus on providing efficient management and control over offenders. Although the growth of prisons has drawn the most attention, the probation population increased at a proportionate, or faster, rate than incarceration (Feely and Simon 460). Between 1981 and 2012, entries to probation increased by 170 percent, rising from 753,500 to 2,048,300 (Phelps, 2013). At the end of 2013, one in every fifty-one adults in the United States was under some form of community supervision, of which eighty-two percent were on probation (Herberman and Bonczar, 2013). Comparatively, the United States uses probation more than other nations. The rate of individuals on probation in the U.S. is seven times higher than European nations, and four times greater than Canada (Mitchell, Reitz, and Watts 2014).

This large probation population, along with the increase in the number of individuals under the supervision of probation, is a consequence of the phenomenon researchers call 'net widening.' Consistent with the consequences of the 'new penology' model of criminal justice,

'net widening' is the process in which attempts to prevent incarceration and develop community-based sanctions actually leads to an overall expansion of the criminal justice system.

Researchers studying net-widening (Cohen, 1979; Austin and Krisberg, 1981; Hylton, 1981; Marion, 2002) make the assertion that there are more programs sanctioning the behavior of offenders, leading to an increased proportion of people whose behavior is regulated and controlled by the justice system.

Of course, there are several advantages to community corrections programs. For example, community corrections are less costly and more humane, whereas prisons potentially socialize offenders into becoming better criminals, and the stigma and label associated with incarceration makes it harder for offenders to return to normal life (Cohen, 1979). All these negative outcomes associated with incarceration encourage the development of community corrections as alternatives to traditional incarceration. However, research repeatedly finds community corrections programs are not serving their intended, diversionary purpose. Instead, the major result of 'community' and 'diversion' programs has been an increase, rather than a decrease, in the amount of intervention directed at offenders, which has increased, rather than decreased, the total number of offenders who get brought into the system in the first place (Cohen 1979).

Therefore, Cohen (1979) asserts these community program 'alternatives' are not truly alternatives because the programs attract new populations into the system, rather than diverting those already in the system from jails and prisons. Community programs bring low-level offenders under the control and monitoring of the state, whereas traditionally these offenders would receive less punishment than those provided by community based programs. Cohen (1979) suggests many of these low level crimes were historically disposed of with a fine or

community service. The author concludes that community program alternatives are reserved for non-serious criminals would not have been incarcerated, so incarceration rates will not decrease (Cohen, 1979).

Other studies repeatedly support Cohen's assertion that diversion attempts have been unsuccessful because the courts extend their jurisdiction over cases that would ordinarily be dismissed or barely punished (Austin and Krisberg 1981; Hylton 1981; Marion, 2002). For example, Marion (2002) conducted a study observing offenders in community corrections programs, such as electronic home monitoring, day reporting programs, and drug court. The author concluded that the programs were not alternatives, because the participating offenders would not have been sentenced to penal institutions for their offenses. Instead, the community-based programs increased the state's control over a greater number of low-level offenders, and thus widened the net of control (Marion 2002). Similarly, Austin and Krisberg (1981) found that community corrections did not help to reduce prison and jail populations. Between 1965 and 1976, the time Austin and Krisberg were looking at data presented by Doleschal's (1980) study, the corrections population increased 39.3 percent, while the number of persons on probation and parole also increased by 190,557 (Austin and Krisberg, 1981). The results show that implementing community supervision programs did not decrease jail populations, but allowed for the overall expansion of the system, despite evidence that crime rates had remained stable (Austin and Krisberg, 1981).

Hylton's study (1981) also finds evidence of 'net widening' by studying the relationship between the use of community corrections and prison and jail populations. The author conducted a study in Saskatchewan, Canada, where the province was implementing the use of community corrections in an attempt to reduce prison populations by 10 percent. The study finds

that increasing jail populations simultaneously occurred with the growth of community programs in Saskatchewan. Whether measured in terms of daily counts or admissions to prisons and jails, as the use of community corrections increased, so did the prison population (Hylton, 1981). Indicative of 'net widening,' between the years 1962 and 1979, the rate of individuals under the supervision of the Saskatchewan correctional system, as a whole, increased 277 percent, showing that a larger proportion of the population was under some form of state supervision (Hylton, 1981).

Overall, the data shows that probation is the most commonly used as a form of correctional supervision, and its population continues to grow. The increasing probation population provides evidence of the 'new penology' model of criminal justice presented by Simon and Freely (1992). The growth in probation can be understood as a consequence of the 'new penology's' emphasis on placing surveillance on a greater number of low-risk offenders. The growing probation population also aligns with a 'net widening' framework. Understanding the high probation population using the concept of 'net widening,' the growth in probation is a result of more low-level offenders being brought under the guise of the criminal justice system, whereas traditionally these offenders would have been sentenced to sanctions with less supervision.

In addition to a growing probation population, there is also evidence that revocations from probation serve as a major source of prison and jail admissions. The next section will explore the relationship between probation and revocations. To begin, I will provide a brief description of revocations, offender characteristics associated with the chances of success or failure on probation, and data illustrating the high rates of revocations.

Probation Revocations

As previously mentioned, a probation sentence allows offenders to be supervised in the community in lieu of incarceration. All probation sentences include conditions and rules probationers must abide by, such as checking in with probation officers and not using drugs or alcohol. If it is discovered that an offender is not following the conditions of their probation, their sentence may be revoked. If probation is revoked, depending on the violation, a judge has several options. If the violation is relatively minor, a judge can sentence the offender to continue their probation sentence and perhaps implement additional conditions or higher levels of supervision. If the violation is more serious, or if there have been several violations, a judge can revoke probation and order imprisonment (Mays and Winfree Jr., 2014). Regarding why probationers are revoked from probation, the majority of revocations are for technical violations, such as testing positive for using drugs or alcohol, rather than for committing new, additional crimes while under supervision. Sims and Jones (1997) found that 26 percent of felony probationers were revoked for technical violations, while only 13 percent of felony probationers were revoked for committing new crimes.

Certain offender characteristics are also associated with chances of success or failure on probation. As age increases, the chances of failing on probation decrease, showing that younger offenders are less likely to successfully complete probation (Sims and Jones, 1997; Ulmer, 2001). Additionally, African-Americans and males had lower chances of successfully completing probation, and those with no history of substance abuse have less chances of revoking probation for committing a violation (Albonetti and Hepburn, 1997; Sims and Jones, 1997; Ulmer, 2001). Also, having a stable address, a higher level of education, and financial stability decreased the odds of failing on probation (Sims and Jones, 1997). The relationship

between crime type and revocations is mixed. Albonetti and Hepburn (1997) found that individuals who committed property offenses were more likely to be revoked, while Ulmer (2001) found those who committed more serious, violent crimes had higher rates of revocations.

A study conducted by Steen and Opsal (2007) reports the relationship between offender characteristics and parole violations. The sample consists of individuals exiting parole in four states in 2000 to understand individual-level predictors of success. Regarding race, the study reported black parolees were 19 percent more likely than whites to have their parole revoked for a new offense, and 50 percent more likely to have their probation revoked for a technical violation (Steen and Opsal, 2007). The study found gender to be associated with chances of success or failure on parole. Compared to males, female offenders are less likely to have parole revoked for new offense (48 percent) and technical violations (26 percent) (Steen and Opsal, 2007). Additionally, older offenders were significantly less likely than younger offenders to fail on parole (Steen and Opsal, 2007). Offenders with prior felonies are found to have their parole revoked as compared to offenders without prior felonies. Offenders with prior felonies are 121 percent more likely to have their parole revoked for new offenses and 80 percent more likely to have their parole revoked for technical violations (Steen and Opsal, 2007). Regarding type of crime committed, offenders who commit property offenses are more likely than other types of offenses to be revoked for committing new offenses and violating technical conditions (Steen and Opsal, 2007).

Research also provides evidence that probation revocations serve as major contributors to jail and prison. Using California as an example, Feinstein (2011) found that the high number of offenders on probation is directly related to the state prison population, with felony offenders who fail to successfully complete a probation sentence accounting for about forty percent of all

new felony prison admissions each year. According to a 2008 U.S. Department of Justice study, of the 199,528 exits from probation in California, only 87,246 were successful completions (Feinstein, 2011). This means that less than half of the adults removed from probation successfully completed their probation sentence (Feinstein, 2011). Of those who revoke probation, between 14,532 and 20,000 end up in California state prisons annually (Feinstein, 2011). Nationally, A PEW research study found in 2004, 330,000 probationers, both federally and locally had their sentences revoked and returned to jail (Burke, Gelb and Horowitz, 2007). Also, compared to other nations, the U.S. saw much higher rates of revocations. In 2011, while 6.3 percent of entries to European prisons were a result of revocations from community programs, in the United States revocations accounted for 30-40 percent of admissions (Mitchell, Reitz, and Watts 2014). Therefore, the increasing use of probation has implications for prison and jail populations, because probation violations now constitute a major source of inmates entering prison and jails (Feely and Simon, 1992). Next, the discussion will turn towards research explaining why such high numbers of probationers are entering prisons and jails due to revocations.

Revocations and back-end net widening

Building upon the previous discussion on wider nets, ‘back-end net widening’ provides the link between community programs and incarceration. Whereas ‘net widening’ posits more offenders fall under the surveillance of the criminal justice system, researchers (Petersilia and Turner, 1993; Tonry and Lynch, 1996; Petersilia, 1999) term the phenomenon of community corrections resulting in future incarceration ‘back-end net widening.’ ‘Back end net widening’ occurs because the changing probation practices, reflecting the ‘new penology’ model’s focus on strict, efficient offender surveillance and management leads, to greater chances of discovering

minor technical violations, and as a result, high numbers of offenders entering prisons and jails for revocations.

Much of the literature surrounding ‘back-end net widening’ uses Intensive Supervision Programs (ISP) as an example of how punitive, strict practices result in future incarceration. To begin, I will provide a brief overview of the development of ISP. The previously discussed ‘tough on crime’ approach called for a more punitive approach to criminal justice, and politicians responded by putting reforms in place to increase punishments, which included eliminating parole and reducing judicial discretion by implementing sentencing guidelines and establishing mandatory minimum sentences (Tonry and Lynch, 1996). However, harsher punishments led to more offenders being sentenced to prison for longer periods of time, which resulted in a quadrupling of state and federal prisoners between 1975 and 1994 (Tonry and Lynch, 1996). Reflecting the social climate of the time, reforms attempted to divert offenders from incarceration in order to reduce prison overcrowding, and the high costs associated with such high prison populations (Tonry and Lynch, 1996; Phelps, 2013). However, the standard, traditional practices of probation did not support the ‘tough on crime’ approach, because it is often depicted as permissive, uncaring about victims, and ignores the reality of violent predatory criminals (Petersilia, 1997).

Furthermore, questions surrounding the effectiveness of probation, and low public opinion resulted in the reduction of probation budgets. A RAND Corporation study, conducted in 1983, reported decreasing community corrections financial resources lead to fewer probation officers, who were overburdened by heavy caseloads, leading to inadequate supervision of felons, causing concern for public safety (Petersilia, 1999). The study concluded there needed to be an increase in the use of midrange punishments that are stricter than traditional probation in

order to keep the public safe. Therefore, Intensive Supervision Programs were established in the 1980's to reduce incarcerated populations, while also promoting public safety and punitive punishment.

ISP achieved the goals of punitiveness and public safety, while also diverting offenders from incarceration, by providing strict surveillance and monitoring of offenders while allowing them to stay in the community. Reflecting the 'new penology' model, ISP practices moved away from rehabilitation towards a focus on the efficient management and surveillance of offenders. ISP provided intensive monitoring services, with programs calling for a combination of multiple weekly contacts with officers, unscheduled drug tests, and the strict enforcement of sentence conditions (Peterisilia and Turner, 1993). However, relating to the discussion surrounding probation's high rates of revocations, the closer monitoring and strict surveillance provided by ISP, increased the chances of discovering minor technical violations, and once discovered, punitive action was taken, often revocation and a prison or jail sentence (Petersilia and Turner, 1993; Tonry and Lynch, 1996; Albonetti and Hepburn, 1997; Petersilia, 1999; Ulmer, 2001).

For example, a study conducted by the RAND Corporation found that more ISP participants, compared to control offenders serving traditional probation sentences, received revocations for technical violations, and a higher percentage were incarcerated after the one-year follow up period. An extremely high eighty-one percent of ISP offenders were discovered to have committed technical violations, compared to just 33 percent of those in the control group. The high rates of discovering technical violations also resulted in ISP participants returning to jail at higher rates than those serving traditional probation sentences. Twenty-seven percent of ISP offenders were placed in jail or prison during the follow-up period, compared to only 19 percent of control offenders (Petersilia and Turner, 1993). The study also reported that the

higher number of ISP participants entering jail or prison due to revocations was primarily the result of violating technical conditions, not because ISP participants were committing additional crimes while under supervision. The study found five times as many ISP offenders were returned to prison for technical violations as compared to the control group, showing more stringent and strictly enforced conditions contribute to prison overcrowding and do not reduce prison costs (Petersilia and Turner, 1993).

Similarly, Petersilia (1999) conducted a study that found while under supervision ISP participants commit new crimes at a similar rate to offenders sentenced to standard probation. However, closer surveillance and monitoring increased the likelihood of discovering technical violations. After observing 44 counties in 9 states, the authors found that there was no significant difference in arrests for committing new crimes after 1 year. Thirty-eight percent of ISP participants were rearrested for committing new crimes after one year, compared to 36 percent of routine probationers (Petersilia, 1999). Although the two groups had similar arrest rates, more ISP offenders get caught committing technical violations. An extremely high 70 percent of ISP participants were found to have committed a technical violation, compared to only 40 percent of routine probationers, which leads to more ISP offenders returning to prison or jail (Petersilia, 1999). After 1 year, 27 percent of ISP participants returned to jail as compared to 19 percent of routine probationers (Petersilia, 1999). Petersilia (1999) concluded that the similar arrest rates between ISP participants, and those serving less intrusive probation sentences, demonstrate it is doubtful ISP participants commit a greater number of additional crimes while under supervision. Instead, ISP offenders were more often caught for violating technical conditions due to increased monitoring.

Ulmer (2001) also conducted a study observing if offenders serving sentences with greater surveillance and control have a greater likelihood of violations of criminal behavior. The study observed felony offenders in Indiana who were serving intermediate sanctions, such as electronic home monitoring and Intensive Supervision. The study found that intensive, strict levels of surveillance made it more likely that minor violations would be detected and punished, compared to offenders with less supervision (Ulmer, 2001). Albonetti and Hepburn's (1997) study of an Offender Disposition Program in Phoenix observed if treatment combined with drug testing was a stronger deterrent to failure than just drug testing alone. The study found that intensive supervision participants, who were subject to intense probation office supervision, frequent drug tests, and intensive treatment, were more likely to have their probation revoked. More importantly, the authors asserted that offenders serving ISP sentences did not necessarily commit violations and a higher rate than offenders on less intensive supervision sentences. Instead, violations were more easily detected due to strict levels of management and supervision (Albonetti and Hepburn, 1997).

This section used ISP as an example to illustrate how the practices consistent with the 'new penology' produce the unintended consequence of 'back-end net widening.' To relate 'back-end net widening' to the 'new penology' model of criminal justice, probation services focusing on providing strict, efficient surveillance and management of offenders makes it easier to detect minor technical violations, which lead to high rates of revocations, and therefore future incarceration for probationers. Overall, the goals of ISP are conflicting, because adopting practices that focus on the surveillance, control, and management of offenders, while allowing them to serve their sentences in the community prove to be incompatible. Instead, the practices associated with ISP result in high rates of revocations, and high numbers of offenders entering

prisons and jails, as compared to traditional probation, which has lower levels of surveillance and offender management. The next section will continue the discussion surrounding the relationship between probation and incarceration by introducing Phelps' (2013) study, which provides further scrutiny of how probation contributes to incarcerated populations, but goes further to provide evidence claiming probation can also serve as a diversion from incarceration.

The Paradox of Probation

Phelps (2013) introduces the 'paradox of probation' to argue there are two outcomes of the probation-prison link. One outcome is that probation diverts individuals from prison, through providing rehabilitative services that reduce the chances of future incarceration, while the other is probation serving as a pathway to prison that pushes an individual deeper into the criminal justice continuum (Phelps, 2013). The findings of Phelps' study suggest that probation is not the primary driver of mass incarceration, nor is it likely to solve the prison overpopulation problem. Rather, probation can act as both an alternative and a pathway to incarceration to varying degrees across time and place (Phelps, 2013). Phelps' research emphasizes the importance of understanding the mechanisms that shape this relationship between probation and prison populations. The main mechanism the author discusses are probation practices.

Probation practices influence its ability to serve as an effective alternative to incarceration. Whether or not supervision makes probationers more or less likely to have future criminal justice involvement depends on how much benefit, or harm, the monitoring services associated with probation provide (Phelps, 2013). Examples of probation practices shaping its effectiveness include the level and frequency of monitoring, the services provided through probation, and the interactions between probationers and officers (Phelps, 2013). In opposition to the 'new penology' model of criminal justice, Phelps finds that if supervision is focused on

punitive monitoring or other strict commitments that impede a probationer's ability to live a law-abiding life, probation is likely to contribute to 'back-end net widening,' whereas if probation is supportive, rehabilitative, and less intrusive, it can serve as a successful diversion (Phelps, 2013). The findings of the author's research support this claim, finding that across time and place, probation can serve as an alternative to prison and jail, or contribute to incarceration.

Phelps' study, (2013) consistent with 'net widening,' finds an overall increase in the use of penal sanctions, concluding that as probation rates increase, so do incarceration rates. However, there was a difference in the relationship between probation and incarceration throughout different decades. The regression models show there was a brief time in the 1980s where probation may have served as an alternative to incarceration. During the 1980s, a 10 percent increase in probation was associated with a .01 to .04 decline in the incarceration rate (Phelps, 2013). However, during the 1990s and 2000s, models suggest a positive and significant relationship, with a 10 percent increase in probation rates associated with a 0.6 to 1.0 percent increase in incarceration rates in the 1990s, and 0.5 to 0.8 percent increase in the 2000s (Phelps, 2013).

There is also great variation between states, where in some states, probation has a strong 'back-end net widening' effect, while in others it acts as an alternative to incarceration (Phelps, 2013). Some states saw a decline of 5.8 percent in incarceration rates associated with a 10 percent increase in probation, with other states showing 4.7 percent increase in incarceration rates associated with a 10 percent increase in probation (Phelps, 2013). In states where the probation population is heavily comprised of felons, there is not significant relationship between the use of probation and incarceration. However, in states where probation is primarily used to

supervise individuals convicted of misdemeanor-level offenses, probation is more likely to contribute to ‘back-end net widening’ (Phelps, 2013).

Phelps (2013) provides examples of reforms that influence the relationship between probation and prison admissions. In Kansas, a law encouraged judges to divert low-level drug offenders into an intensive probation program providing high levels of supervision. The findings show that placing offenders, who otherwise would have received standard probation, in intensive programs lead to an increase in revocation rates (Phelps, 2013). In contrast to Kansas, Arizona adopted legislation that reduced revocation rates. One of the changes was the implementation of earned-time credits, which allowed probationers to exit supervision before their sentence was complete, if they abided by the conditions of probation. This provided officers more time to focus on high-risk probationers (Phelps, 2013). Also, by adopting evidence-based practices and reforming the violation and revocation process, the state reduced the number of revocations by 48 percent over the last couple years (Phelps, 2013).

To conclude, Phelps (2013) reports findings similar to studies surrounding ‘net widening’ and ‘back-end net widening.’ At certain times and in some places, probation acted as an alternative to incarceration, while in others, it brought more low-level offenders under correctional supervision. And regarding ‘back-end net widening,’ the study concludes that probation services focusing on strict management and surveillance led to future incarceration. Going against the practices of the ‘new penology’ model that promotes efficient, strict supervision and management for the purposes of public safety, Phelps (2013) finds that less punitive, intrusive programs that focus on rehabilitation are more successful at diverting offenders from incarceration.

Although not central to my thesis, in the next section I will continue Phelps' (2013) discussion regarding how probation practices are important mechanisms that affect its ability to serve as a diversion, or contributor, to incarceration by addressing risk identification practices. Specifically, I will relate risk identification practices to previous discussions surrounding the shifting philosophy of probation towards the 'new penology' model of criminal justice, and 'back-end net widening.'

Overview of risk identification

Thus far, the literature review reported the consequences associated with probation's transformation, aligning with the 'new penology,' from rehabilitative to managerial by observing the occurrence of probation revocations leading to incarceration. I will continue this discussion by touching upon the development of 'new techniques' mentioned by Simon and Freely (1992) in their 'new penology' criminal justice model, and how these techniques relate to the practices of risk identification in probation. Supporting the general model of the 'new penology,' the purpose of 'new techniques' is to provide efficient detention and management, rather than individual transformation and rehabilitation. The 'new techniques' emphasize identifying risk, sorting individuals into correct groups, and providing monitoring for the purposes of optimizing safety (Simon and Freely, 1992).

The literature surrounding risk identification illustrates a debate surrounding the best practices for identifying risk. Risk identification is defined as the practice of placing offenders into the appropriate program based on their perceived risk of reoffending for the purposes of making appropriate sentencing decisions. This includes determining if an offender is suitable for community supervision, deciding the appropriate conditions of probation, and what sanction to

impose upon an individual for violating probation (MacKenzie, 2010). The two competing approaches of risk identification in probation are indeterminate and technical practices.

Technical Practices

Technical practices are the aspects of probation that can be programmed or subject to routine practices (Robinson, 2001). The shift towards using technical practices to identify risk began in the 1990s, because of a meta-analysis of research highlighting principles proven to reduce rates of reoffending. Technical practices illustrate the changing philosophy of probation from rehabilitative to managerial, because they utilize the ‘new techniques’ of the ‘new penology’ model. They rely on statistical assessments to assign risk and predict dangerousness in order to provide efficient surveillance and control over offenders. Examples of technical practices include structured risk assessment instruments that rely on national standards and IT systems that demand standardized numeric inputs (Fitzgibbon, 2008). Most notably, the LSI-R is a structured risk assessment instrument, comprised of 54 items that are organized into ten sub-components. Examples of factors contributing to risk of reoffending are previous and current offenses, the potential to harm them self or others, education, employment, financial situation, and drug and alcohol use (Fitzgibbon, 2008). Based on these characteristics, a score is given that guides the practitioner to provide the correct level of intervention (Fitzgibbon, 2008).

Support for technical practices is rooted in the belief that structured assessments provide consistency, effectiveness, and equity in sentencing, as opposed to professional judgment and individualized approaches (Robinson, 2001). Researchers (Raynor and Kynch 2000; Luong and Wormith, 2011; Oleson, VanBenchoten, Robinson, and Lowenkamp 2011) support technical approaches due to their perceived ability to accurately assess offender’s risks and needs, and to create uniformity in sentencing. Relating the accuracy of identifying risk to the discussion

surrounding ‘back-end net widening’, if the risk of an offender is overestimated, an offender is placed in a program with unnecessarily high levels of surveillance. In turn, this leads to higher chances of discovering minor violations leading to offenders being resentenced to prisons and jails, which also leads to higher costs associated with incarceration (Oleson, VanBenchoten, Robinson, and Lowenkamp, 2011). Technical practices attempt to increase risk identification accuracy and reduce the overestimation of risk by removing discretion from probation officers.

Oleson and colleagues (2011) conducted a study concluding professional evaluations can be unreliable because discretionary decisions are driven by biases and stereotypes, whereas using statistically driven instruments to predict risk of violence and reoffending reduces personal discrimination. The authors (2011) observed the PCRA structured assessment test improved the ability of federal probation officers to more consistently and accurately identify risk, as compared to unstructured assessments. For this study, federal probation officers watched a video of a mock intake video, and rated the offender’s risk as low, low/moderate, moderate, or high. After learning the scoring rules of the PCRA and practicing several scenarios, officers watched the video a second time and used the PCRA to designate a score to the offender. The consensus among officers was 1.4 times more consistent using the PCRA as opposed to unstructured assessment, showing greater consistency in decisions among officers (Oleson, VanBenchoten, Robinson, and Lowenkamp, 2011). And officers selected the proper risk category, according to the PCRA, 91 percent of the time when using the PCRA (Oleson, VanBenchoten, Robinson, and Lowenkamp, 2011).

Raynor and Kynch (2000) also found structured judgments produced more accurate assessments. They conducted an 18-month study evaluating the effectiveness of the LSI-R to predict reconviction. Reconviction was defined as an offender being convicted of another crime

while on probation. To understand how well the LSI-R instrument was at estimating risk, they placed all cases into two categories. Cases in which they predicted a reconviction were given high scores, and cases in which they predicted a non-conviction were given low scores. After placing cases into the categories, the researchers looked at the percentages of cases they predicted correctly using the LSI-R instrument. The LSI-R assessment correctly predicted reconviction in 65.4 percent of cases, which was better than chance levels (Raynor and Kynch, 2000).

Similarly, Loung and Wormith's (2011) study found evidence supporting the predictive validity of the LSI-SK structured assessment. To understand the predictive validity of assessment scores, the study (2011) compared the predictive accuracy of technical assessments, versus those of indeterminate professional judgment. The researchers observed the validity of the LSI-SK risk needs assessment test among youth offenders in Saskatchewan, Canada, as well as how the LSI-SK scores compared to the scores assigned by professional youth workers. The authors found that using the LSI-SK assessment test was more accurate at predicting recidivism, with a 73 percent probability that a randomly selected offender who recidivated had a high LSI-SK score (Luong and Wormith, 2011). Also, youth workers tended to classify areas as needs when the LSI-SK scores ranked them as very low, showing that youth workers over classified needs in certain categories, notably education and employment (Luong and Wormith 2011). Overall, the studies illustrate assessment tests were better able to more accurately estimate the risk of reoffending, and help to form a plan to provide the appropriate levels of monitoring and provide offenders with the correct treatment.

The Case for Professionalism

In contrast to technical practices, indeterminacy is based on professional discretion, specialist knowledge, and judgment. Indeterminacy rejects the ‘new techniques’ of the ‘new penology’ by adopting practices focusing on individual rehabilitation and transformation, rather than structured assessments, classifications, and offender management. Prior to the 1990s, research and commentary surrounding probation emphasized indeterminacy, meaning lots of professional discretion and little oversight from managers and external organizations instructing probation officers on how to do their job (Robinson, 2001).

Although ‘what works’ technical practices are admired for their ability to promote accurate and consistent risk assessments, they are criticized among probation practitioners for reducing professionalism and discretion (Robinson, 2003). Technical approaches threaten probation officer’s ability to have control over their job and to voice opinions about how to effectively perform their duties. Increasingly, decisions regarding probation are made from outside, centralized management organizations with little input from probation officers. This creates issues within probation, because a top-down, centralized management structure is incompatible with traditional approaches to social work values (Robinson, 2003). Now, a regulatory culture exists within probation services, which introduce a hierarchy of policies, guidelines, and monitoring arrangements that rob staff of discretion (Robinson, 2003). Similarly, Robinson (2001) suggests that decisions made from outside organizations encourage the implementation of rules and regulations, which reduce professionalism and shift the focus to efficiency. The author discusses Howe’s (1991) theory of the paradox of ‘what works’ in probation. The paradox creates a quest for ‘what works’ by creating a body of knowledge in

which rules, procedures, and solutions are available, but it also leads to routine, deskilling, and organizational regulation (Robinson, 2001).

Aside from the deskilling, routine, and reducing professionalism resulting associated with the implementation of organizational rules and regulations from outside organization, another consequences is the focus on efficiency, which reduces the ability of practitioners to create individual, transformative change (Farrow, 2008; Bullock, 2011). Relating to the ‘new penology,’ Bullock (2011) cites Simon and Freely’s (1992) model to point out technical approaches to probation, which utilize the model’s ‘new techniques,’ replace the focus of rehabilitation and individual treatment with rational and efficient management techniques. In order to pursue efficiency, the ‘new techniques’ use statistical tests to classify offenders by level of perceived dangerousness, replacing individual diagnosis and response with classification systems for the purposes of surveillance, confinement, and control (Bullock, 2011). This creates an issue within probation, because the technical approaches that are characteristic of the ‘new penology’ seek to regulate rather than respond to offenders’ needs (Bullock, 2011).

Farrow’s study (2004) finds organization changes create a sense of alienation among probation officers from their job, and the changes also shift the focus of probation away from rehabilitation. The study conducts interviews with probation officers, and overall, participants felt that the changing policies, established by ‘what works’ findings, aim to expedite the process and focus on setting numeric targets as to how many offenders should complete the program. The changing policies, established by individuals outside the profession, are not concerned with rehabilitating offenders, but focus on efficiency and numerical targets (Farrow, 2004). Respondents felt that in order to protect the public and provide greater accountability and consistency, the probation system has become routine and standardized. Not only has this

presented challenges to professional freedom and autonomy, but also it has impeded their ability to work effectively with offenders (Farrow, 2004).

To summarize this section, the changing practices associated with risk assessments illustrate probation's changing philosophy and purpose. Moving away from probation's original rehabilitative roots, technical practices, which illustrate the 'new penology' model of criminal justice, adopt statistical programs focusing on the classification of offenders based on their perceived risk and dangerousness for the purposes of providing efficient risk management. These studies claim professional decisions are driven by biases and stereotypes, and therefore tend to overestimate risk, and place offenders in programs with unnecessarily high levels of monitoring and surveillance. Relating to the discussion surrounding 'back-end net widening,' research promoting technical practices asserts technical approaches reduce the chances of future incarceration, because they are more accurate at identifying risk and placing offenders into the correct programs with the correct level of surveillance. Therefore, offenders are not subject to unnecessarily high levels of management and control, which leads to a higher discovery of technical violations, leading to revocations, and incarceration due to revocations.

In contrast to technical practices, indeterminacy rejects the 'new penology' model of criminal justice, as well as the development of 'new techniques.' Instead, indeterminacy reflects Augustus' practices, by providing individualized responses to offenders' needs and a focus on offender rehabilitation. Proponents of indeterminacy challenge technical practices, claiming they only focused on regulating offenders through efficient management and control, rather than individual transformative change. To relate to 'back-end net widening,' Phelps' (2012) study mentions the probation practices focusing on rehabilitation, rather than solely efficient management and surveillance, are more successful in preventing future incarceration. Similarly,

research surrounding ISP and ‘back-end net widening’ posits that an emphasis on management and control, as provided by technical practices, will increase the chances of discovering minor violations, leading to revocations. Therefore, overall the previous literature promotes practices consistent with indeterminacy, because only focusing on efficient risk management and surveillance has repeatedly been found to contribute to ‘back-end net widening.’ Now, the literature review will provide a theoretical framework in which to understand the changes occurring within probation, along with the consequences of these changes.

Theoretical Framework

The literature review illustrates that probation is the most widely used form of correctional supervision, and the changing practices of probation, consistent with the ‘new penology,’ contributed to a decreased focus on rehabilitation, and an emphasis on control, management, and surveillance for the purposes of public safety. Notably, Weber’s (1946) theoretical framework that focuses on rationality and bureaucratization, alongside Ritzer’s theory of the McDonaldization of Society (2004), which provides a more contemporary use of Weber’s ideas, are a useful theoretical framework for making sense of these changing practices and consequences.

According to Weber, sociology is the science that aims to interpret and understand social conduct and explain its causes, its course, and its effects (Weber, 1946). Weber believed that humans ‘understand’ or attempt to ‘understand’ their own intentions through introspection, while also trying to interpret the actions and motives of others (Weber, 1946). Weber develops his theory of rationalization to explain how the action of others is interpreted. Weber theorizes that there are different types of rationalities motivating human action. The most understandable actions are rooted in rational and calculable expediencies (Weber, 1946). Weber terms action

that is dependent on means-end rational calculation formal rationality. Formal rationality is the search by people for the optimum means to a given end, and it is shaped by rules, regulations, and larger social structures (Rizer, 2004). Because decisions and actions are based on universal rules and regulations, this form of action rejects all arbitrariness, emotion, and personal sentiment (Kalberg, 1980).

There are also actions not driven by calculable, structured rules, but are instead motivated by tradition, personal sentiments, or emotion (Weber, 1946). Weber termed this type of action as substantive rationality. Substantive rationality orders action into patterns, not based on means-ends calculation of solutions to routine problems, but in relation to past, present or potential values (Kahlberg, 1980). Again, action deriving from this type of rationality is not based on rules and regulations, but rather on an individual's perspective. The rationalization process depends on an individual's implied or stated, unconscious or conscious preference for certain values, and then action is orientated towards conforming to these values (Kahlberg, 1980).

Drawing on ideas of rationality, Weber also theorized about bureaucratic organizations and their increasing influence upon all sectors of the modern social world. Regarding the relationship between rationality and bureaucracies, Weber explains that bureaucratic organizations characterize formally rational, because every bureaucratic decision is based on the weighing of means and ends (Weber, 1946). To increase efficiency and output, the modern bureaucratic structure, according to Weber, is characterized as a functional division of labor, a hierarchy of authority, written procedures, records, and files, trained experts, standards of work and output, and formal rules and policies (Klagge, 1997). Reflecting formal rationality, bureaucratization offers above all else the optimum possibility to function according to purely technical considerations and conduct business according to calculable rules and without regards

for personal, irrational, and incalculable feelings, making it possible for purely rational calculation (Weber, 1946). Bureaucracies, according to Weber (1946) are the most rational and efficient system for carrying out control over humans in a complex world.

However, Weber had conflicting opinions about the value and effectiveness of bureaucracies. Weber recognized the technical superiority of bureaucracies and their ability to rationalize an increasingly complex world, and the inevitability of bureaucratic management techniques encroaching upon all sectors of society (Weber, 1946). However, rationality and the process of mechanization and technicality have adverse effects of personal freedom and creativity. Weber introduces the iron cage of bureaucracy, which is a metaphor he uses to explain the constraints associated with bureaucratic organizations. Bureaucracies and rationality illustrate prison bars that decrease humanness and stifle creativity, and promote a rationalized and disenchanting world. Rather than allowing for discretion and creativity, participants in the iron cages of bureaucratic organizations must abide by functional and operational rules that serve the organization (Klagge, 1997). He deplors the type of person that mechanization and the routine of the bureaucracy create (Weber, 1946). What Weber feared most is that bureaucracies would grow ever more rational, and rational principles would dominate an increasing number of sectors in society. Eventually, he believed society would become nothing more than a seamless web of rationalized structures, and there would be no escape (Ritzer, 2007).

Ritzer (2004) developed the theory of the “McDonaldization of Society,” which builds on Weber’s ideas of rationality and bureaucracies. Whereas Weber focuses on bureaucracies as the product of a formally rationalized society, Ritzer examines how organizations in the Western modern world promote formal rationality through functioning like a fast-food restaurant. Ritzer discusses the four elements of McDonaldization used in discovering and implementing the

optimum means to ends. These four elements are efficiency, predictability calculability, and control (Ritzer, 2004).

As defined by Ritzer, efficiency means choosing the optimum means to a given end (Ritzer, 2004). Efficiency is advantageous because consumers can obtain what they need faster and with less effort. The next dimension of McDonaldization is calculability, which emphasizes quantification and counting, meaning that numerical standards direct the process, rather than quality. Calculability demands speed, and success is based on the quantified number of products produced and served (Ritzer, 2004). Predictability is the third dimension of McDonaldization, because a formally rational society emphasizes discipline, order, systemization, formalization, routine, consistency, and a methodical operation to minimize unpredictability (Ritzer, 2004). For managers and owners, it helps control workers and customers and aids in anticipating needs for supplies, materials, personnel requirements, income, and profits (Ritzer, 2004). The last element of McDonaldization is control, which is achieved through replacing people with nonhuman technology. Technology includes machines, tools, materials, skills, knowledge, rules, regulations, procedures, and techniques (Ritzer, 2004). This helps organizations reduce the unpredictable and uncertain behavior of humans, because they are no longer involved in the process (Ritzer, 2004).

Similar to Weber, Ritzer credits bureaucracies with achieving the goals of efficiency, predictability calculability, and control. However, building off Weber's iron cage metaphor, Ritzer states that bureaucracies, like fast-food restaurants can be a dehumanizing place in which to work and to be serviced and this will ultimately lead to inefficiency, unpredictability, incalculability, and the loss of control (Ritzer, 2007). Ritzer terms the negative outcomes of McDonaldization 'The Irrationality of Rationality.' Specifically, rational systems create

irrationalities because they are unreasonable and deny basic humanity and reasoning from those who work within or are serviced by them. The dehumanizing nature of the rational bureaucracy results in low job satisfaction and performance. Employees are seldom allowed to use any skill or creativity on the job, and the result is high levels of resentment, job dissatisfaction, alienation, absenteeism, and turnover (Ritzer, 2004).

In addition to being dehumanizing, bureaucracies become increasingly inefficient because of tangles of red tape and other pathologies. Bureaucracies focus on efficiency, meaning choosing the optimum means to given ends. However, organizations can rarely maximize because of constraints of history, financial circumstances, and organizational realities and limitations of human nature (Ritzer, 2004). Also, the emphasis on calculability promotes quantity over quality. The end goal is to produce the greatest number of products as efficiently as possible, and an emphasis on quantification leads to large amounts of poor-quality work (Ritzer, 2004). And finally, predictability turns work into mind-numbing routine (Ritzer, 2004). This was mentioned in the literature, in which probation officers felt that they lost control over their profession, and making decisions, which led to low job satisfaction.

Bohm (2007) applies the four elements of McDonaldization and irrational outcomes to the plea bargaining process. Given the large number of cases handled by the Justice system every year, efficiency is necessary to dispose of the large volume of cases. Bohm introduces Packer's (1968) crime control model to explain how the means to control crime are less important than the end, or ultimate goal of controlling crime (Bohm, 2007). The goal of the crime control model is to make the process more efficient and move cases through the process as quickly as possible, where the importance is placed on speed and finality (Bohm, 2007). Relating to McDonaldization, plea-bargaining helps to efficiently streamline and simplify the administration

of justice because cases are handled uniformly, and there are no appeals processes (Bohm, 2007). However, plea-bargaining also produces irrational outcomes, and is not efficient for everyone. Defendants who are innocent or indigent might accept plea-bargains rather than risk going to trial and receiving a harsh sentence, and crime victims often feel-revictimized by the deals prosecutors offer to offenders and believed they have been denied justice (Bohm, 2007).

Hamilton (2014) presents another example illustrating the elements of McDonaldization using federal sentencing guidelines and how they reduce judicial discretion in an attempt to promote the predictability of punishments. Mandatory sentences are predictable, because they establish certain punishments and remove the chances of early release or parole, the care calculable because they are based on quantifiable numbers, they are efficient because they streamline the sentencing process and they provide control through removing judicial discretion (Hamilton, 2014). However, relating to the ‘irrationality of rationality,’ the sentencing guidelines did not produce their intended outcome. First of all, although the sentencing guidelines were established to increase control through reducing judicial discretion, they did not account for the discretion practiced by others in the justice system. For example, prosecutorial discretion was not addressed, and prosecutors may discriminate against particular defendants or subgroups by settling cases differently based on defendant’s personal characteristics (Hamilton, 2014). Perhaps most importantly, the sentencing guidelines have drastically increased prison populations through the abolition of parole, mandatory minimums for drug offenders and repeat offenders, and increasing the sentence length for many other offences (Hamilton, 2014). And the final irrational outcome is that the guidelines are not expediting the process or saving time. The complex guidelines, interpretive issues, and constitutional questions have burdened the

federal judicial system and litigation over sentencing has burdened the caseload of federal circuit courts of appeals because of the high number of appeals (Hamilton, 2014).

Ritzer's McDonaldization framework can also be used to explain changes within probation. As discussed, probation, and more generally rehabilitation, was criticized for being ineffective, soft on crime, and uncaring about victims. Aligning with the 'new penology' criminal justice model, the literature illustrates a transformation within probation's philosophy and practice. Probation abandoned its rehabilitative roots and its emphasis on individual reform, and adopted means-ends goals to efficiently achieve punitiveness and public safety, while also allowing low-risk offenders to serve their sentence in the community. Examples provided in the literature include programs adopting regulations aiming to increasing the levels of intervention, surveillance, and monitoring of offenders in order to provide more efficient management and control. Additionally, individual reform was replaced by new techniques, which aimed to classify offenders based on perceived risk, and provide the correct level of monitoring. Technical practices, which follow rules and regulations established from outside organizations, established elements of calculability by using quantitative assessments and setting numeric standards to promote efficiency. Also, reducing professionalism and using standardized assessments promotes predictability and increases control through removing unpredictable human decisions and judgment.

However, more importantly, the purpose of this thesis has been to identify the outcomes of changing probation practices, which can be understood in terms of what Ritzer terms the 'irrationality of rationality.' First of all, an irrational outcome of adopting practices consistent with the 'new penology' resulted in 'net widening.' The model's emphasis of providing more efficient control and management over low-risk offenders expanded the system, through bringing

new populations under the control of the state. And furthermore, once offenders were under the supervision of the state, they were subject to close monitoring and surveillance. Probation's changing philosophy from rehabilitative to managerial, along with the 'new techniques' of the 'new penology' that promote a shift from rehabilitative to managerial resulted in the irrational outcome of 'back-end net widening.' Research shows that an emphasis on managing offenders through providing stricter surveillance and monitoring results in the increased discovery of minor technical violations, which leads to higher rates of revocations, and future incarceration for offenders serving probation sentences. Overall, the studies show that although probation is promoted as a 'alternative' to incarceration, revocations from a probation sentences served as major contributors to prison and jail populations.

CHAPTER 3: METHODOLOGY

As previously addressed in the introduction of this thesis, there is little research surrounding the relationship between probation and incarceration, specifically focusing on the role of probation as an alternative to prisons and jails, or as a pathway to future incarceration. The purpose of this methods chapter is to present the research questions and hypotheses I developed to understand the prevalence of probation revocations in Larimer County, as well as the occurrence of probationers receiving jail sentences due to probation revocations. This section also describes how the data was collected, how the variables were defined, and an overview of the analytic tests I used to answer my research questions and hypothesis. To begin, I will provide a brief overview of the internship that I completed with Larimer County Criminal Justice Services.

Background on Internship

The topic for this thesis derives from an internship that I completed with Larimer County Criminal Justice Services. The county was interested in observing the possibility of expediting the sentencing process, by reducing the duration of time between the District Attorney's sentence offer and the disposition of a case. Larimer County Criminal Justice Services got this idea from the Early Case Resolution Program. After a state legislative audit found that Utah courts were not resolving cases in an appropriate amount of time, the Early Case Resolution program was developed and adopted by Salt Lake City in 2011 (Hickert, Worwood, Sarver, and Butters, 2013). The purpose of the program was to improve the operation and effectiveness of the criminal justice system by ensuring offenders to a speedy trial. In order to meet the goal of quickly processing cases, the program set benchmarks dictating when certain steps in the sentencing process needed to be completed. For example, deadlines were established that

required offender's initial appearances to occur within 10 to 14 days of jail bookings, and to resolve 30 percent of felony and Class A misdemeanor cases within 30 days of arrest (Hickert, Worwood, Sarver, and Butters, 2013).

Similarly, Larimer County was interested in understanding if the sentencing process could be done more quickly. The goals of the county were to understand the duration of time for in which cases were resolved, as well as how cases changed during the sentencing process. For my internship, the Justice Services division asked me to review District Attorney documents and court records in order to observe any changes during the sentencing process. Specifically, they wanted me to note any differences in the number of jail days, in the length and level of probation sentences, and any changes in alternative sentencing between the offer and disposition. If I found few differences between an offer and disposition, it would suggest that little change occurs during the sentencing process, and therefore it could be done more quickly.

My main task for this internship included gathering the information surrounding case offers and dispositions, and entering the information into an Excel spreadsheet. To address their goal of understanding the duration of the sentencing process, I calculated the number of days that passed between the filing date of a case, and the case's disposition. Regarding the second goal of understanding if cases changed throughout the sentencing process, I recorded information regarding the sentence offer, and the case's disposition. This included information surrounding if there was a jail sentence, the length of the jail sentence, if there was a probation sentence, the length of the probation sentence, the type of probation sentence, and any alternative sentence, such as community service or work release. Then, I compared the D.A. offer and sentence outcome and recorded if they were the same, or if there were differences between offer and disposition.

After entering the information into the spreadsheet, I conducted statistical tests and wrote a report summarizing the findings. Consistent with the interests of the county, I reported on the average number of days that passed between offer and disposition, and how many of the cases changed between offer and disposition. I also gave a detailed report on how cases changed throughout the sentencing process. For example, I noted whether an offender ultimately served more or less jail time than they were offered, if their probation sentence was longer or shorter than offered, or if the level of probation supervision changed between offer and disposition. Overall, I found most of cases changed between offer and disposition, and the reason was more complicated than anticipated. Many of the changes did not occur because of the sentences being reworked or changed by District Attorneys or defendants during the sentencing process. Rather, most of the changes occurring between offer and disposition were a result of probation revocations. Probation revocations often led to longer, extended probation sentences, or a jail sentence. Although not central to the County's research question, for my thesis, I decided to further explore the relationship between probation, revocations, and the use of jail in Larimer County.

Research Questions and Hypotheses

For my thesis, I will continue the discussion regarding probation's role as a contributor to incarcerated populations, or as a successful alternative, which diverts offenders from traditional custodial sentences. The central purpose of this study is to examine the relationship between the different probation sentences, which include supervised probation, unsupervised probation, and supervised and unsupervised deferred sentences, revocations and receiving jail for revocations in Larimer County, Colorado.

Ultimately, I want to examine the various probation sentences, with differing levels of surveillance and offender management, and their ability to serve as alternatives, or contributors to incarceration. In order to do this, first I develop two research questions to address the general occurrence of revocations and receiving jail sentences due to revocations. I simply want to gain a broad understanding of how often probation cases are revoked, and how often jail is imposed for revocations. I also want to examine the occurrence of probation revocations, and receiving jail for revocations among supervised and unsupervised probation, as well as supervised and unsupervised deferred probation sentences.

Research Question 1: Of the cases sentenced to probation in Larimer County, how many are revoked, and what are the total numbers and percentages of cases revoked among the different probation sentences?

Research Question 2: Of the cases sentenced to probation in Larimer County, how many receive a jail sentence as a result of a probation revocation, and what are the total numbers and percentages of receiving jail for revocation among the different probation sentences?

After gaining this general understanding, next, I develop research questions to understand the relationship between probation, revocations, and the use of jail for revocations in the sample. I develop hypotheses in order to test the odds of receiving a probation revocation, and a jail sentence for a revocation, between supervised probation, unsupervised probation, and supervised and unsupervised deferred sentences. I hypothesize supervised probation sentences, with greater levels of supervision, more frequent contact between offenders and officers, and higher numbers of conditions, will have greater odds of having their probation revoked, and will also be more likely to receive a jail as a sentence for probation revocations.

Research Question 3: What is the relationship between the different probation sentences and revocation?

Hypothesis 1: Offenders sentenced to supervised probation and supervised deferred sentences, with more surveillance and monitoring, will have greater odds of their probation sentence being

revoked compared to those sentenced to unsupervised probation and unsupervised deferred sentences.

Research Question 4: What is the relationship between the level of probation supervision and receiving a jail sentence due to revocation?

Hypothesis 2: Offenders sentenced to supervised probation and supervised deferred sentences will have greater odds of receiving a jail sentence for revocation, compared to those sentenced to unsupervised probation and unsupervised deferred sentences.

Sample

The data was gathered secondarily through my internship with Larimer County Criminal Justice Services. I went to the county's justice center Mondays, Wednesdays, and Fridays, from the winter of 2014 to the spring of 2015 and used their computers to review Larimer County District Attorney documents and Colorado Court Data Access. The data was entered into an Excel spreadsheet created by the county. After entering the data for the county, I created another spreadsheet and added additional variables that I was interested in recording for this study. This included demographic information that I used as control variables, including the sex, race/ethnicity, and age of offenders. I also recorded the type of crime committed, along with information regarding the type of probation sentences, specifically if the case was given a supervised, unsupervised, deferred supervised, or deferred unsupervised probation sentence. And finally, I recorded if probation was revoked, and if the revocation resulted in a jail sentence.

The sample collected for the county consisted of 333 adult offenders who were charged with a crime in Larimer County between 2007 and 2014, and includes both felony and misdemeanor cases. However, the majority of cases were for misdemeanor offenses held in county court. There were only five felony cases that were charged in District court included in the sample. The county wanted cases with missing documents or incomplete information to be omitted. For the purposes of this thesis, I am only interested in including the cases that had a

probation sentence. Therefore, although there were 333 total cases recorded for my internship, I was only concerned with the 272 that resulted in a probation sentence.

Of the 272 cases included in this study, 201 of the offenders were male, while 71 were female. Regarding the age composition of the sample, 195 of the offenders were between the ages 18 and 35, 57 were between the ages of 36 and 49, and 20 were ages 50 and older. Regarding the race and ethnicity of the sample, 235 of the offenders are white, and 37 are non-white. Concerning the type of crime committed, 154 cases were sentenced for violent crime, and 118 were for non-violent crimes. Overall, 149 offenders were sentenced to supervised probation, 47 were sentenced to unsupervised probation, 40 were given a supervised deferred sentence, and 36 were given an unsupervised deferred sentence. And regarding the reason as to why offenders received a revocation from probation, only 6 had their probation revoked for committing a new crime, while the remaining 148 were revoked for committing a technical violation.

When collecting the information for the internship, I started recording the most recent cases, which were those filed in 2014, and worked backwards towards older cases. However, the county only needed a sample of around 330 cases, and they wanted a representative sample that included cases from all the years going back to 2007. To make sure that I included cases from past years, I started randomly selecting every 10th case. As a result, 2013 and 2014 are slightly overrepresented, because in the beginning of the internship I was recording every case included in those years. Of the 272 cases included in my thesis, 112 were from the years between 2007 and 2012, and 160 were from the years 2013 and 2014. Because the years 2013 and 2014 are overrepresented, it's important to understand if there are significant differences between the two sets of years, which may potentially skew the overall findings. Specifically, I want to make sure

revocations, and jail due to revocations, are not significantly more common, or uncommon, for the years 2013 and 2014.

I address this issue by presenting Table 1, which compares the relationship between the different probation sentences, revocations, and jail for revocations between the two sets of years. First of all, for both 2007-2012 and 2013-2014, the association between probation sentences, revocations, and jail sentences due to revocations are statistically significant.

Table 1: Contingency table presenting the number and percentages of probation revocations among the different probation sentences between 2007-2012 and 2013-2014.

Probation Revoked	Supervised Probation	Unsupervised Probation	Supervised Deferred Sentence	Unsupervised Deferred Sentence	Total
2007-2012					
Yes	67 (94.37)	11 (73.33)	2 (14.29)	3 (25.00)	83
No	4 (5.63)	4 (26.67)	12 (85.71)	9 (75.00)	29
Total	71 (100.00)	15 (100.00)	14(100.00)	12 (100.00)	112
2013-2014					
	Chi 2	56.38	p=.000		
Yes	55 (70.51)	13 (40.63)	1 (3.85)	2 (8.33)	71
No	23 (29.49)	19 (59.38)	25 (96.15)	22 (91.67)	89
Total	78 (100.00)	32 (100.00)	26 (100.00)	24(100.00)	160
	Chi 2	51.57	p=.000		

Table 2: Contingency table presenting the number of probation sentences that received a jail sentence due to a revocation from probation, among the different probation sentences between the years 2007-2012 and 2013-2014.

Jail for Probation Revocation	Supervised Probation	Unsupervised Probation	Supervised Deferred Sentence	Unsupervised Deferred Sentence	Total
2007-2012					
Yes	60 (84.51)	9 (60.00)	2 (14.29)	2 (16.67)	73
No	11 (15.49)	6 (40.00)	12 (85.71)	10 (83.33)	39
Total	71 (100.00)	15 (100.00)	14 (100.00)	12 (100.00)	112
	Chi 2	40.28	p=.000		
2014-2015					
	49 (62.82)	9 (28.13)	0 (0.00)	1 (4.17)	59
	29 (37.18)	23 (71.88)	26 (100.00)	23 (95.83)	101
	78 (100.00)	32 (100.00)	26 (100.00)	24 (100.00)	160

Chi2= 49.83 p=.000

Regarding revocations from probation sentences, the years between 2007 and 2012 had higher percentages of cases being revoked. However, for both sets of years, supervised probation was by far the most used probation sentences, and accounted for the vast majority of revocations in both samples. Revocations from supervised probation were more common between 2007 and 2012 (94.37%) compared to 2013 and 2014 (70.51%). Similarly, revocations from unsupervised probation were more common for the years 2007-2012 (73.33%) than 2013-2014 (40.63%). Regarding deferred sentences, both sets of years had very low occurrences of

revocations. It is important to note that revocations may also be lower in the later years, especially 2014, because of the shorter follow-up period. It's possible that some of these cases may be revoked in the future. Similar limitations were noted in the ECR (2013) report, stating that future follow up periods may reveal that recently disposed cases have since had issues of recidivism or non-compliance with sentences (Hickert, Worwood, Sarver, and Butters, 2013).

Not surprisingly, because the years between 2007 and 2012 had higher incidences of revocations, the occurrence of jail due to revocations was also more common. And again, for both sets of years, supervised probation sentences were the largest contributors to jail, due to the high rates of revocations. An extremely high 60 (84.51%) supervised probation cases resulted in jail between 2007 and 2012, compared to 49 (62.82%) between 2013 and 2014. Unsupervised probation was more likely to result in jail due to revocation between 2007 and 2012 (60.00%) compared to (28.13%) for 2013-2014. Deferred sentences were unlikely to result in jail for revocations for both sets of years.

Although there are differences in the total number and percentages of cases being revoked and receiving jail for revocations between the two sets of years, it is most important to note that for both sets of years, the associations between the different probation sentences, revocations, and receiving jail for revocations were statistically significant. Furthermore, there are other similarities for both sets of years. For both sets of years, supervised probation is the most used sentence, and it is also the most likely to result in a probation revocation, and jail for revocation. And finally, for both sets of years, deferred sentences are much less likely to be revoked and receive jail for a probation revocation. Overall, I do not believe the differences between the two sets of years will produce inaccurate overall findings or conclusions regarding

the relationship between the different probation sentences, probation revocations, and receiving jail sentences for revocations in this study.

Variables

There are three demographic variables used in this study, which are used as control variables. These variables include age, sex, and race/ethnicity. Age is calculated as the number of years between an offender's birth date and the date when the case was filed, and collapsed into different groups, which were ages 18-36, 36-50, and 50 plus. The variable observing sex is reported as a binary variable. The county reports offender's sex as either male or female. In the sample, the race and ethnicities reported by the county included white, black, and Hispanic. There were few black and Hispanic offenders included in the data, so the race/ethnicity variable was collapsed into a binary category, reported as white/non-white. All three of these variables are constructed as dummy variables and assigned numerical values for the purpose of statistical analysis.

The other controlled independent variable in the study is the type of crime committed. This variable was also collapsed into a binary variable, with the outcomes being violent and non-violent. Violent crimes were mostly comprised of assault, domestic violence, and a few sex crimes. Non-violent crimes mostly included driving under the influence, drug crimes, property crime, public mischief, public disturbance, and other non-violent offenses. The type of crime is also constructed as a dummy variable.

The main independent variable included in the study was the level of probation sentence. The level of probation was reported as supervised probation, unsupervised probation, supervised deferred sentence, and unsupervised deferred sentence. The different probation sentences were assigned quantitative values for the purposes of creating a dummy variable. The terms and

conditions of a supervised probation sentence require offenders to check in with officers, participate in monitored sobriety, remain law abiding, and there is often some sort of specialized tailoring to the crime, commonly an alcohol evaluation and treatment program. Unsupervised probation does not require offenders to check in with an officer. Instead, unsupervised probation is more dependent upon the offender self-reportedly completing programs. Similar to supervised probation, those serving unsupervised probation sentences cannot use drugs, but it is not monitored, and they must remain law abiding. Deferred sentences have the same terms and conditions of a supervised or unsupervised sentence, but it is suspended until a defendant completes probation. If successfully completed, a judge can throw out the sentence and guilty plea, and the incident is cleared from the offender's record.

There were two dependent variables included in the study. The first dependent variable is concerned with revocations. Not revoked is reported as a binary variable that simply reports if an offender was not revoked or revoked from their probation sentence. The second dependent variable measures whether an offender received a jail sentence for revoking their probation sentence. Again, this is a binary variable, and is reported as not jailed for revocation or jailed for revocation.

Table 3: The list of variables, and how they were defined.

Age	A categorical variable, reported as 18-35, 36-50, and 50+. (0=18-35; 1=36-50; 2=50+)
Sex	Reported as a binary variable with the outcomes being male or female (0=male; 1=female)
Race/Ethnicity	This variable is constructed as a binary variable with the outcomes being white or non-white (0=white; 1=nonwhite)
Crime Type	The variable is reported as having a binary outcome of violent and non-violent. (0=violent; 1=nonviolent)
Level of Probation	The level of probation is an independent categorical variable with four possible outcomes. The possible probation sentences are supervised probation, unsupervised probation, supervised deferred sentence, and unsupervised deferred sentence. (1=supervised probation; 2=unsupervised probation; 3=supervised deferred sentence; 4=unsupervised deferred sentence)
Not Revoked	Not revoked is a dependent binary variable. The outcomes are either not revoked, or revoked. (0=not revoked; 1=revoked)
Not Jailed for Revocation	Not jailed for revocation is another binary dependent variable. The two outcomes are either not jailed for revocation or jailed for revocation. (0=not jailed for revocation, 1=jailed for revocation)

Tests

The data was gathered and entered into an Excel spreadsheet, and transferred to Stata for the purposes of statistical analysis. To answer the first two research questions regarding the overall numbers and percentages of cases that are revoked and receive jail for a revocation, as well as the numbers and percentages of revocations and receiving jail for revocations among the different probation sentences in the sample, I will construct a contingency table. Contingency tables are used to display the number of subjects observed for all combinations of possible outcomes between two variables (Agresti and Finlay, 2009). Therefore, a contingency table is useful for answering these questions because I can observe the numbers and percentages of revocations, and receiving jail for revocations, among the different probation sentences.

To analyze the two hypotheses observing the odds of revoking probation and receiving jail for a probation revocation among the probation sentences, I use a logistic regression test. Whereas linear regression tests are not ideal for handling dichotomous categorical variables, because they assume linearity, normality, and continuity, a logistic regression test is appropriate to use when the dependent variable has a binary categorical (Peng, Kuk, Ingersoll, 2002). Logistic regression tests calculate the logit, which is the natural logarithm of the odds of the dependent variable occurring based on the different values of the independent variables (Peng, Kuk, Ingersoll, 2002). The logit can then be transformed into an odds ratio, for the purposes of more understandable analysis and reporting.

Recall that both of my dependent variables were categorical and have dichotomous outcomes, which makes a logistic regression tests appropriate for studying the relationship in my study. To run this test, I created dummy variables by assigning numerical values to the categorical independent and dependent variables. Then, I designated reference categories for the

independent variables. The reference categories are chosen based on the category that includes the greatest number of observations. By assigning a reference category, I report differences in the odds of the dependent variable occurring, based on the different values of the independent variable. To test my main research questions, I compare the odds of offenders not revoking probation, and not being sent to jail for revocation, among unsupervised probation and deferred sentences in relation to supervised probation. Next, I will provide the findings of these tests.

CHAPTER 4: ANALYSIS AND RESULTS

Now, I will turn to the data analysis section of my thesis to examine the research questions and hypotheses I developed to observe the relationship between probation, revocations, and the use of jail for revocations. Again, the main purpose of this thesis is to understand if probation successfully serves as an alternative to incarceration by diverting offenders from traditional forms of incarceration, or if revocations from probation are a major contributor to jail admissions in Larimer County.

Contingency Table Results

To do this, I first present the findings of the contingency tables in order to answer the first two research questions regarding the occurrence of revocations and receiving jail sentences for revocations. Then, to examine the relationship between probation, revocations, and jail sentences for revocations I turn towards presenting odds ratios using logistic regression analyses. Ultimately, this test helps to understand if certain probation sentences are more successful at serving as alternatives to incarceration in Larimer County, and if others are more likely to result in probation revocations and jail sentences due to revocations. For organizational purposes, I structure the analysis section to correspond with the research questions and hypotheses introduced in the Methods section. For each question, I briefly re-introduce the research question, present the findings, and conclude by addressing the research question and hypothesis.

Research Question 1: Of the cases sentenced to probation in Larimer County, how many are revoked, and what are the total numbers and percentages of cases revoked among the different probation sentences?

The first research question focuses on generally understanding how common revocations are in Larimer County, Colorado, along with the occurrence of revocations among supervised probation, unsupervised probation, and supervised and unsupervised deferred sentences. To

address this question, Table 3 provides a contingency table illustrating the numbers and percentages of probation cases that are revoked, and not revoked, among the different probation sentences. Throughout the analysis section, percentages are presented in parentheses.

Addressing the first part of the research question concerning the occurrence of revocations, the findings (Table 3) show the majority of cases in the sample were given a probation sentence were revoked. Table 3 shows that of the 272 cases in the sample, which include a probation sentence, 154 (56.62) were revoked from probation, compared to 118 (43.38) that were not revoked.

Table 4: Frequency distribution showing the differences in revocations among the different probation sentences

Probation Revoked	Supervised Probation	Unsupervised Probation	Supervised Deferred Sentence	Unsupervised Deferred Sentence	Total
Yes	122 (81.88)	24 (52.27)	3 (7.50)	5 (13.89)	154 (56.62)
No	27 (18.12)	22 (47.73)	37 (92.50)	31 (86.11)	118 (43.38)

Pearson $\chi^2(3) = 105.2410$ Pr = 0.000

The findings also show that supervised probation, which is by far the most used probation sentence, has the highest total number and percentage of revocations among all probation sentences. Of the 149 offenders in the sample sentenced to a supervised probation sentence, 122 (81.88) of the cases were revoked from probation, while only 27 (18.12) of the cases were not revoked. Unsupervised probation was much more evenly split between cases that were revoked and not revoked, with 23 (52.27) of the 44 cases revoked compared to 21 (47.74) that were not. For both supervised and unsupervised deferred sentences, revocations were far less common. Of the 40 supervised deferred sentence cases, only 3 (7.50) were revoked, while 37 (92.50) cases

were not. Unsupervised deferred sentences, which account for 36 cases in the sample, had only 5 (13.89) revocations, while 31 (86.11) cases did not result in a revocation.

To answer Research Question 1, probation revocations are common in Larimer County, with over 50 percent (56.62) of probation cases being revoked. The contingency table (Table 3) illustrates that overall, supervised probation had the greatest number and percentage of revocations, with over 81 percent of the cases receiving a revocation from probation. The findings also show unsupervised probation sentences have a much lower occurrence of revocations, when compared to supervised probation. Only slightly over half (52.27) of unsupervised probation sentences included in the sample were revoked. And finally, both supervised and unsupervised deferred sentences had very low incidences of revocations.

Research Question 2: Of the cases sentenced to probation in Larimer County, how many receive a jail sentence as a result of a probation revocation, and what are the total numbers and percentages of receiving jail for revocation among the different probation sentences?

Research Question 2 generally observes the overall occurrence of cases receiving a jail sentence for probation. Furthermore, Research Question 2 also focuses on the occurrence of receiving jail due to a probation revocation among supervised probation, unsupervised probation, and unsupervised and supervised deferred sentences. To address the first part of the question concerning the overall number of cases in the sample that receive a jail sentence for a probation revocation, Table 4 shows that slightly less than half of the cases received jail time due to a revocation from probation. In total, 132 (48.53) of the 272 probation cases resulted in a jail sentence due to a probation revocation, while 140 (51.40) did not.

Table 5: Frequency distribution showing the differences in the number of cases receiving jail for revocation among the different probation sentences

Jail for Revocation	Supervised Probation	Unsupervised Probation	Supervised Deferred Sentence	Unsupervised Deferred Sentence	Total
Yes	109 (73.15)	18 (38.30)	2 (5.00)	3 (8.33)	132 (48.53)
No	40 (26.85)	29 (61.70)	38 (95.00)	33 (91.67)	140 (51.47)
Total	149 (100.00)	47 (100.00)	40 (100.00)	36 (100.00)	272

$$\text{chi}^2(3) = 91.7716 \quad \text{Pr} = 0.000$$

However, an extremely high number and percentage of supervised probation sentences received jail for a probation revocation. In total, 109 (73.15) of the 149 supervised probation cases received a jail sentence because of a probation revocation, while only 40 (26.85) did not. Unsupervised probation had much fewer cases being sentenced to jail for a probation violation. Only 18 (38.30) of the 47 unsupervised sentences resulted in jail due to revocation, compared to 29 (61.70) that were not jailed for revocation. As expected, because only a few cases were revoked for both deferred sentences, they were not major contributors to jail sentences for probation revocations. Only 2 (5.00) of the 40 supervised deferred sentences received a jail sentence for revocation, while just 3 (8.33) of the 36 unsupervised deferred sentences resulted in a jail sentence because of a probation revocation.

Overall, to answer Research Question 2, of the 272 total cases included in the sample, the occurrence of cases receiving a jail sentence for a probation violation was just under half (48.53). The numbers also show that again, supervised probation had the highest number and percentage of cases resulting in jail for revocation, accounting for 109 of the 132 total probation cases that

did receive jail for revocation. In comparison, only 18 (38.30) unsupervised probation cases received jail for a probation revocation, while both deferred sentences had very low admissions to jail for revoking their sentences.

Logistic regression Results

Now the attention turns towards the logistic regression tests to further observe the relationship between the different probation sentences, and the chances of revoking probation, and also receiving a jail sentence for revocation. It was mentioned in the methods chapter that the logistic regression test will control for demographic variables, including age, sex, and race/ethnicity, as well as for crime type. The odds ratio is reported to illustrate the differences in chances of revocations, and receiving jail for revocations, among supervised probation, unsupervised probation, and supervised and unsupervised deferred sentences.

Research Question 3: What is the relationship between the different probation sentences and revocation?

Hypothesis 1: Offenders sentenced to supervised probation and supervised deferred sentences, with more surveillance and monitoring, will have greater odds of their probation sentence being revoked compared to those sentenced to unsupervised probation and unsupervised deferred sentences.

Research Question 3 is concerned with the relationship between probation revocations, supervised probation, unsupervised probation, and supervised and unsupervised deferred sentences. I hypothesize that supervised probation, with stricter surveillance more frequent contact between offenders and probation officers, is the most likely sentence to be revoked. Regarding the association between the probation sentences and revoking probation, when controlling for all demographic information and crime type, the association between the level of probation and revocations is statistically significant. Table 5 reports the odds ratios to understand the chances of revocations.

Table 6: Logistic regression test observing the odds of not revoking probation, including all control variables.

Level of Probation (Reference Supervised Probation)	Not Revoked
Unsupervised Probation	3.79 (1.51)**
Supervised Deferred Sentence	132.87 (93.75)**
Unsupervised Deferred Sentence	57.29 (34.92)**
Race (Reference White)	
Non-White	.52 (.28)
Sex (Reference Female)	
Male	.89 (.33)
Crime Type (Reference Violent)	
Non-Violent	4.44 (1.74)**
Age Group (Reference 18- 35)	
36-49	1.21 (.49)
50+	2.39 (1.51)

R²= .38 chi 2= 138.00 p=.00

P<.05*

P<.01**

Overall, regarding the relationship between the probation sentences and revocations, unsupervised probation, supervised deferred sentences, and unsupervised deferred sentences are found to have greater odds of not being revoked from probation, as compared to supervised probation. Specifically, unsupervised probation was found to have 3.79 greater odds of not

being revoked, compared to supervised probation. A supervised deferred sentence was the most likely sentence to not be revoked, as shown by having 132.87 greater odds of not being revoked, when compared to supervised probation. And finally, unsupervised deferred sentences had a 57.29 times greater odds of not being revoked, compared to supervised probation.

However, Table 5 also illustrates that the odds ratios and standard errors for both supervised and unsupervised deferred sentences are suspiciously large. There are a few potential reasons for the inflated standard errors. To address this issue, first I tested for the occurrence of multicollinearity. Multicollinearity occurs in multiple regression tests when the explanatory variables overlap, meaning the independent variables are redundant (Agresti and Finlay, 2009). To test for multicollinearity, I experimented with removing different variables to examine the effects on the standard errors and odds ratios. Omitting the explanatory variable ‘crime type’ had the greatest effect on standard errors, but they were still very large. Next, I removed all explanatory variables, and just conducted a logistic regression test between the level of probation and revocation. As shown in Table 6, I found the standard errors to still be quite large, suggesting the requirements and assumptions of a logistic binary analysis test were not met.

Table 7: Logistic regression test observing the odds ratio between Level of Probation and Not Revoked.

Level of Probation (Reference Supervised Probation)	Not Revoked
Unsupervised Probation	4.12 (1.52)**
Supervised Deferred Sentence	55.73 (35.49)**
Unsupervised Deferred Sentence	28.01 (14.76)**

R2= .31 chi 2= 115.56 p=.00

P<.05* P<.01**

Next, I experimented with changing the probation sentence variable to test if the assumptions of a binary logistic regression test were met. One of the assumptions of a logistic regression test is that there are at least 10 events in each outcome of an explanatory independent variable. Recall from table 3, which showed the incidence of revocations, there was an extremely low occurrence of revocations for both supervised and unsupervised deferred sentences. Only 3 supervised deferred sentence cases were revoked, and just 5 unsupervised deferred sentence cases were revoked, therefore not meeting the assumptions of 10 events in each outcome. To address this issue, I create a new variable that collapses the level of probation into just two outcomes, being either supervised or unsupervised probation. I place supervised deferred sentences with supervised probation, and unsupervised deferred sentences with unsupervised probation and re-ran a logistic regression test, with table 7 showing the results. Collapsing these variables together provided much more reasonable outcomes. Table 7 shows that the odds of an unsupervised probation not being revoked is 3.52 times greater than supervised probation, and is still statistically significant.

Table 8: Logistic regression analysis testing the odds ratio when level of probation was collapsed into supervised/unsupervised outcomes.

Level of Probation (Reference Supervised Probation)	Not Revoked
Unsupervised Probation	3.52 (1.00)**
Race (Reference White) Non-White	.94 (.36)
Sex (Reference Female)	
Male	.74 (.21)
Crime Type (Reference Violent)	
Non-Violent	1.21 (.32)
Age Group (Reference 18- 35)	
36-49	.85 (.36)
50+	1.61 (.79)

R²= .0678 chi²= 25.28 p=.00

p<.05*

p<.01**

To address Hypothesis 1, the results are somewhat mixed. As predicted in the hypothesis, a supervised probation sentence is more likely to be revoked, as compared to unsupervised probation, and supervised and unsupervised deferred sentences. However, a supervised deferred sentence is found to have the greatest chances of not being revoked. This is unexpected, because as mentioned in the methods section, a supervised deferred sentence has the same terms and conditions as a standard supervised probation sentence. But, the suspiciously high odds of not revoking a supervised probation sentence could be the result of not meeting the assumptions of a logistic regression test, because of the low number of cases revoked among

supervised deferred sentences. After collapsing supervised deferred sentences with supervised probation and unsupervised deferred sentences with unsupervised probation to ensure the assumptions for a logistic regression test were met, the findings show unsupervised sentences had 3.52 greater odds of not being revoked. Therefore, to answer Research Question 3, it can be concluded that the overall relationship between probation sentences and revocations is that supervised sentences, with greater levels of surveillance and more frequent contact between offenders and probation officers are more likely to be revoked, as compared to unsupervised sentences.

Research Question 4: What is the relationship between the level of probation supervision and receiving a jail sentence due to revocation?

Hypothesis 2: Offenders sentenced to supervised probation and supervised deferred sentences have greater odds of receiving a jail sentence for revocation, compared to those sentenced to unsupervised probation and unsupervised deferred sentences.

Now turning to Research Question 4, Table 8 observes the odds ratios of receiving a jail sentence among unsupervised probation, supervised deferred sentences, and unsupervised deferred sentences in relation to supervised probation. This test is central to my thesis, because it addresses if certain probation sentences better serve as a diversion from incarceration, and if others contribute to ‘back-end net widening’ by sending many offenders to jail due to a probation revocation. Hypothesis 2 predicts that offenders sentenced to supervised probation have greater odds of receiving a jail sentence due to a probation revocation than those sentenced to unsupervised probation.

Regarding the findings, when controlling for demographic characteristics and type of crime, the association between different probation sentences and not being jailed for revocation is statistically significant.

Table 9: Logistic regression test showing the odds ratio between the levels of probation and not jailed for revocation, including all the control variables.

Level of Probation (Reference Supervised Probation)	Not Jailed for Revocation
Unsupervised Probation	4.49 (1.71)**
Supervised Deferred Sentence	97.36 (77.00)**
Unsupervised Deferred Sentence	54.71 (38.01)**
Race (Reference White)	
Non-White	.37 (.19)
Sex (Reference Female)	
Male	.94 (.34)
Crime Type (Reference Violent)	
Non-Violent	2.84 (.96)**
Age Group (Reference 18- 35)	
36-49	.95 (.36)
50+	4.65 (2.95)

R²=.34 chi 2=125.98 p=.00

P<.05*

P<.01**

The findings also show unsupervised probation, supervised deferred sentences, and unsupervised deferred sentences are more likely to not be revoked as compared to supervised probation. Unsupervised probation was found to have 4.49 times greater odds of not receiving a

jail sentence for a probation revocation, compared to supervised probation. Similar to the findings regarding the odds of not being revoked, supervised deferred sentences had the greatest chances of not receiving jail due to a probation revocation. Supervised deferred sentences had 97.36 times greater odds of not being jailed for a revocation compared to supervised probation. And lastly, unsupervised deferred sentences had 54.71 times greater odds of not being jailed for revocations, compared to supervised probation.

Again, Table 8 shows inflated standard errors and very large odds ratios for both types of deferred sentences. I repeated the same process I did for Research Question 3, and I experimented with removing explanatory variables, and again removing crime type produced the greatest difference of results. However, I also discovered that similar to the logistic test, even removing all explanatory variables other than the level of probation still resulted in extremely high odds ratios and standard errors, as shown in table 9.

Table 10: Logistic regression testing the level of probation and not jailed for revocation without other control variables.

Level of Probation (Reference Supervised Probation)	Not Jailed for Revocation
Unsupervised Probation	4.39 (1.55)**
Supervised Deferred Sentence	51.78 (38.76)**
Unsupervised Deferred Sentence	29.97 (18.91)**

R2=.28

chi 2= 104.39 p=.00

P<.05*

P<.01**

So, once again I collapse the level of probation into a binary variable, with the only two outcomes being supervised and unsupervised probation. After testing this new variable, which satisfies the requirements of a logistic regression test, and observed more reasonable results. We can see in Table 10 there is still a significant relationship between the level of probation and not being jailed for a probation revocation. Additionally, the odds of not being jailed for a probation revocation are 4.27 times greater for unsupervised probation sentences, meaning standard unsupervised probation and an unsupervised deferred sentence, as compared to being sentenced to supervised probation or a supervised deferred sentence.

Table 11: Logistic regression testing the odds ratio between not jailed for revocation and level of probation, collapsed into supervised/unsupervised.

Level of Probation (Reference Supervised Probation)	Not Jailed for Revocation
Unsupervised Probation	4.27 (1.29)**
Race (Reference White)	
Non-White	.71 (.27)
Sex (Reference Female)	
Male	.74 (.22)
Crime Type (Reference Violent)	
Non-Violent	1.14 (.303)
Age Group (Reference 18-35)	
36-49	.76 (.24)
50+	2.97 (.27)

R²=.0918 Chi²=34.59 p=.00

P<.05*

P<.01**

Now, to address Hypothesis 2, the findings are again mixed. As predicted, supervised probation sentences are the most likely to receive jail due to a probation revocation. But also, once again a supervised deferred sentence has the greatest chances of not receiving jail for a probation violation. Again, this could be the result of the assumptions of a binary logistic regression test, because of the low number of offenders who received a jail sentence for revocation. Still, after collapsing supervised deferred sentences with supervised probation, and unsupervised deferred sentences with supervised probation, the findings show overall unsupervised sentences had 4.27 times greater odds of not receiving jail for a probation

revocation. Therefore, regarding Research Question 4 concerning the relationship between probation sentences and receiving jail for a probation revocation, it can be concluded that supervised sentences, with more frequent contact between offender and offender and stricter surveillance, are more likely to result in jail for a revocation as compared to unsupervised sentences.¹

¹ I conducted an additional logistic regression analysis removing both supervised and unsupervised deferred sentences. Because there were such low incidences of revocation, and receiving jail for revocation, among deferred sentences I wanted to make sure this did not skew the results of analysis. Appendix A includes the results of the odds ratios among the 196 remaining supervised and unsupervised cases, omitting all deferred sentences. The odds ratios changed very little. The odds of not revoking unsupervised probation increased to 3.61, as compared to 3.52 when including deferred sentences. The relationship remained significant. Regarding receiving a jail sentence due to a probation revocation, the odds of not receiving jail for a revocation dropped to 4.21 after omitting deferred sentences. This is a slight change from 4.27 times greater odds when including deferred sentences. And again, the relationship remained significant after removing deferred sentences. Overall, excluding deferred sentences did not have a large effect on statistical findings, and similarly found that supervised probation sentences are more likely to result in revocation and receiving jail due to a probation revocation.

CHAPTER 5: DISCUSSION AND CONCLUSION

Background of the Study

Although incarceration draws the most attention from researchers studying criminal justice, it is shown that in the United States probation is the most commonly used penal sanction, and its population grew significantly over the previous decades (Glaze and Kaebler, 2014; Mays and Winfree Jr., 2014). Because so many offenders are under probation's supervision, it is important to understand its uses and consequences, especially regarding the relationship between probation and incarceration. Specifically, understanding if probation is serving as a diversion from incarceration, or if probation revocations contribute to the high incarcerated population of the United States.

As mentioned in the literature review section of this thesis, the changing practices and philosophy of community corrections, aligning with the 'new penology' produced unintended outcomes. 'Net-widening' is used by researchers to illustrate how community corrections are not serving as diversions from incarceration. Instead, they bring more low-level offenders, who traditionally received sanctions with no supervision, under the management and control of the criminal justice system. Therefore, community corrections are not used to transfer cases from incarceration to other forms of corrections, but instead place more punitive sentences over a greater number of offenders, thus widening the net of carceral control (Coehn, 1979; Hylton, 1980; Austin and Krisberg 1981; Hylton, 1981; Marion, 2002). And not only are more individuals falling under the surveillance of the justice system, but 'back-end net widening' is used by researchers to explain how revocations from community corrections aid in the growth of the prison and jail populations (Petersilia and Turner, 1993; Tonry and Lynch, 1996; Albonetti and Hepburn, 1997; Petersilia 1997; Ulmer, 2001; Phelps, 2012).

The presented research surrounding ISP shows that stricter levels of control and surveillance were implemented to promote public safety, and to maintain a ‘tough on crime’ stance. However, greater levels of surveillance and management increases the chances of discovering minor, technical violations and therefore incarceration due to revocations (Petersilia and Turner, 1993; Tonry and Lynch, 1996; Albonetti and Hepburn, 1997; Petersilia 1997; Ulmer, 2001; Phelps, 2012). Phelps (2012) continues the discussion, asserting programs focusing on surveillance and management aid in ‘back-end net widening,’ whereas programs emphasizing rehabilitation serve as alternatives to incarceration. Literature surrounding risk identification also touches upon practices that contribute to probation serving as an alternative, or contributor, to incarceration. While technical approaches reflecting the ‘new penology’ claim to accurately predict offender’s risk of reoffending, along with the ability to place them in the correct program, researchers criticize these practices because they focus on efficiency, rather than rehabilitation (Robinson, 2001; Robinson, 2003; Farrow, 2004; Bullock, 2011).

Still, the overall relationship between probation and incarceration is understudied (Phelps 2013; Robinson, 2016). It is found that higher levels of supervision result in incarceration due to revocations. But, much of the literature focuses on intermediate sanctions, such as ISP, rather than standard probation, which has lower levels of surveillance and control when compared to intermediate sanctions (Petersilia, 1997). Again, because probation is such a common form of carceral control, it is important that more research is conducted to observe the role of probation revocations and incarceration. Therefore, it is the purpose of this study to continue the discussion by observing if probation is serving its intended purpose as an alternative to incarceration through successfully diverting offenders from incarceration in Larimer County, Colorado.

Summary of the Findings

The data was collected during an internship completed with Larimer County Criminal Justice Services in the Winter of 2014 and Spring of 2015, and includes cases that occurred between the years of 2007 and 2014. The probation sentences, including supervised probation, unsupervised probation, and both supervised and unsupervised probation are recorded and treated as independent variables. Information gathered to be used as dependent variables includes revocations from probation, and receiving jail due to probation revocations. Additional demographic variables including sex, age, and race/ethnicity, as well as the type of crime committed for that case are recorded and treated as control variables.

I used a contingency table for the purposes of providing general descriptive characteristics as to how many cases in the sample received revocation from probation, and the number of cases which receive a jail sentence due to a probation revocation. The data shows a majority of probation cases in the sample are revoked from probation, and a sizeable number, almost half, receive a jail sentence due to a revocation from a probation sentence. Regarding the numbers and percentages of cases that were revoked and received a jail sentence for revocation, supervised probation is the sentence with the highest numbers and percentages of cases being revoked, and also for receiving jail for probation revocations, as compared to unsupervised probation and both types of deferred sentences.

To further understand the different probation sentences, which have varying levels of supervision, contact with probation officers and differing numbers of conditions, and their relationship with revocations, as well as receiving jail for probation revocations, I used logistic regression tests. The purpose is to measure the differences in the odds of revocations and receiving jail for revocations among supervised probation, unsupervised probation, and both

deferred sentences, when controlling for other variables. The results show that supervised sentences, with higher levels of supervision, more conditions, and more meetings between offenders and probation officers, had greater odds of being revoked and receiving jail for a revocation. This is important, because supervised probation was by far the most used type of probation sentence.

Overall, as anticipated, the study finds there are differences among the differing probation sentences' ability to serve as a diversion from incarceration. Compared to unsupervised probation, supervised deferred sentences, and unsupervised deferred sentences, supervised probation was much more likely to result in a revocation. Additionally, because of the high incidence of revocations, supervised probation is a much larger contributor to jail in Larimer County, compared to the other sentences. This supports the literature surrounding 'back-end net widening' and Phelps' (2012) study on the 'paradox of probation.' A supervised probation sentence, which aligns most closely with the 'new penology' model of criminal justice, by providing the highest levels of custody and surveillance, resulted in far more revocations, as well as revocations resulting in a jail sentence, as compared to all other probation sentences in the sample. Also relating back to Ritzer's theory surrounding the 'irrationality of rationality,' the study shows that stricter monitoring, more contact between offenders and probation officers, and greater numbers of conditions, resulted in high rates of revocations. Therefore, it is concluded that supervised probation is not producing its intended consequence of diverting offenders from incarceration, because the high levels of revocations resulted in future incarceration for a majority of the cases.

Limitations

Because this study used secondary data, the largest limitation was the lack of information regarding the circumstances of cases. For example, there is no information recorded by the county regarding offenders' criminal history. It would be useful to have the number of previous offenses to use as a control variable, to understand the effects this variable has on explaining the chances of revocations from probation, and receiving jail for revocations. Also, it would be beneficial to have more detailed information on the terms and conditions of the probation cases, in order to analyze how having a higher number of terms and conditions effects the chances of revocations. Specifically, if more terms and conditions explains greater chances of revocations.

Another limitation is the difficulty I had with the sample. Although the sample size of 272 cases is an adequate size, it proved difficult to conduct the logistic regression tests because there were very few occurrences of cases being revoked from supervised and unsupervised probation. Therefore, the requirements and assumptions of a logistic regression test are not met, which I believe produced inflated standard errors and large odds ratios. However, this was accounted for by collapsing the independent variable of probation level into two outcomes.

And finally, it is important to note that this study only included cases in one county. The hypotheses focused on the relationship between the different probation sentences, revocations, and receiving jail for revocations just in Larimer County, Colorado. The findings illustrate the general patters of revocations and receiving jail for revocations among the different probation sentences in the county, and conclusions cannot be used to make general claims about the relationship.

Contribution of the Project

Research surrounding the relationship between probation, revocations, and the use of jail for revocations must understand how probation practices potentially contribute to jail and prison populations. If probation is to achieve its goal as being an alternative to incarceration, practices and policies should be adopted to successfully divert offenders from incarceration.

Although there were limitations to this study, the findings contribute to the literature surrounding the relationship between probation, the occurrence of revocations, and jail for revocations. First of all, the project contributed to the understanding the relationship between the use of standard probation and incarcerated populations. Most of the previous literature that I found focusing on ‘back-end net widening’ observed the prevalence of revocations among intermediate sanctions, such as ISP, which have stricter levels of supervision and offender management, as compared to probation. Therefore, there is little research actually observing the role of standard probation sentences in contributing to incarceration.

This project was unique, in that it looked at the differences among probation sentences in order to study the results that higher levels of supervision and more frequent contact between offender and probation officer, and more terms and conditions, had on the chances of probation revocations and receiving jail for revocations. Testing the hypotheses produced findings similar to research surrounding ‘back-end net widening,’ the findings support the hypotheses and indicate that supervised probation sentences, with stricter levels of surveillance were much more likely to result in probation revocations and jail for revocations. With such high incidences of revocations and jail due to revocations, the findings continue the discussion by suggesting that supervised probation is not serving as an alternative to incarceration, because of the high rates of revocations.

Future Research

As discussed, there are limitations to this research project that could be addressed in future studies to gather more knowledge on how probation may serve as a contributor or diversion to incarceration. First, there are a variety of different variables that may potentially effect a probationer's ability to successfully complete probation. Because I was working with secondary data, I was not able to include some of these variables. Accounting for the number of crimes previously committed, the number of conditions, and socioeconomic variables such as educational attainment, income, and employment would be useful to include in future research.

Future research could also utilize a mixed methods approach, in order to provide in depth interviews with probation officers. This would help to provide a greater understanding of the probation programs in the county, including the specific practices and philosophy of the probation department. It would be useful to gain an insight as to if probation programs are tailored towards being rehabilitative practices, or if the emphasis aligns the 'new penology' model of criminal justice focusing on surveillance and management.

And finally, in order to provide more generalized results, future research could do a comparative study to understand the relationship between probation, revocations, and incarceration for probation revocations across different geographical locations. Again, this research study was limited in that it only produced results findings on one county.

With such a high population of offenders serving sentences in jails and state and federal prisons, it is important to look to alternatives for low-risk offenders, for whom prison is not necessary, to reduce prison overcrowding, and the high associated costs. Probation is a viable alternative, and it is necessary to understand how probation can be usefully practice in order to

divert offenders from incarceration. My hope is that this thesis contributes to the surprisingly understudied area of probation, and encourages future research.

REFERENCES

- Agresti, A., & Finlay, B. (n.d.). *Statistical Methods for the Social Sciences* (4th ed.). Upper Saddle River, New Jersey: Pearson Education, Inc.
- Albonetti, C., & Hepburn, J. (1997). Probation Revocation: A Proportional Hazards Model of the Conditioning Effects of Social Disadvantage. *Social Problems*, 44(1), 124-128.
- Andrews, D. ., Bonta, J., & Wormith, J. (2006). The Recent Past and Near Future of Risk and/or Need Assessment. *Crime Delinquency*, 52(7), 7-27.
- Anspach, D., & Monsen, H. (1989). Determinate Sentencing, Formal Rationality, and Khadi Justice in Maine: An Application of Weber's Typology. *Journal of Criminal Justice*, 17, 471-485.
- Austin, J., & Krisberg, B. (1981). Wider, Stronger, and Different Nets-The Dialectics of Criminal Justice Reform. *Journal of Research in Crime and Delinquency*, 18(1), 165-196.
- Austin, J., & Krisberg, B. (1982). The Unmet Promis of Alternatives to Incarceration. *Crime and Delinquency*, 28(3), 374-409.
- Bohm, R. (2006). "McJustice": On the McDonaldization of Criminal Justice. *Justice Quarterly*, 23(1), 127-146.
- Bullock, K. (2011). The Construction and Interpretation of Risk Management Technologies in Contemporary Probation Practice. *Brit. J. Criminology*, 51, 120-135.
- Burke, P., Gelb, A., & Horowitz, J. (2007a). *When Offenders Break the Rules: Smart Responses to Parole and Probation Violations* (Public Safety Policy Brief No. 3). Washington DC: The PEW Charitable Trusts.
- Burke, P., Gelb, A., & Horowitz, J. (2007b). *When Offenders Break the Rules: Smart Responses*

- to Parole and Probation Violations* (Public Safety Policy Brief). Washington DC: The PEW Charitable Trusts.
- Clear, T., & Schrantz, D. (2011). Strategies for Reducing Prison Populations. *The Prison Journal*, 91(3), 1385-1595.
- Cockerham, W., Abel, T., & Luschen, G. (1993). Max Weber, Formal Rationality, and Health Lifestyles. *The Sociology Quarterly*, 34(3), 413-428.
- Cohen, S. (1979). The Punitive City: Notes on the Dispersal of Social Control. *Contemporary Crises*, 3(4), 339-363.
- Demichele, M. (2007). Probation and Parole's Growing Caseloads and Workload Allocation: Strategies for Managerial Decision Making. *The American Probation & Parole Association*.
- Farrow, K. (2004). Still committed after all these years? Morale in the modern-day probation service. *The Journal of Community and Criminal Justice*, 51(3), 206-220.
- Feely, M., & Simon, J. (1992). The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications. *Criminology*, 30(4), 449-474.
- Feinstein, J. (2011). Reforming Adult Felony Probation to Ease Prison Overcrowding: An Overview of California S.B. 678. *Chapman Law Review*, 1-46.
- Fitzgibbon, D. (2008a). Deconstructing Probation: Risk and Developments in Practice. *Journal of Social Work Practice: Psychotherapeutic Approaches in Health, Welfare and the Community*, 22(1), 85-101.
- Fitzgibbon, D. (2008b). Fit for purpose? OASys assessments and parole decisions. *The Journal of Community and Criminal Justice*, 55(1), 55-69.
- George, R. (n.d.). The Weberian Theory of Rationalization and the McDonaldization of

- Contemporary Society. In *Classical Sociology Theory*.
- Gray, K., Fields, M., & Maxwell, S. (2001). Examining Probation Violations: Who, What, and When. *Crime & Delinquency*, 47(4), 537-557.
- Hamilton, M. (2014). McSentencing: Mass Federal Sentencing and the Law of Unintended Consequences.
- Hepburn, J., & Albonetti, C. (1994). Recidivism Among Drug Offenders: A Survival Analysis of the Effects of Offender Characteristics, Type of Offense, and Two Types of Intervention. *Journal of Quantitative Criminology*, 10(2), 159-179.
- Herberman, E., & Bonczar, T. (2014). *Probation and Parole in the United States, 2013*. U.S. Department of Justice.
- Hickert, A., Worwood, E., Sarver, C., & Butters, R. (2013). *Evaluation of Early Case Resolution (ECR)*. University of Utah: Utah Criminal Justice Center.
- Hylton, J. (1981). The Growth of Punishment: Imprisonment and Community Corrections in Canada. *Crime and Social Justice*, 15, 18–28.
- Kalberg, S. (1980). Max Weber's Types of Rationality: Cornerstones for the Analysis of Rationalization Processes in History. *The American Journal of Sociology*, 85(5), 1145-1179.
- Kalgge, J. (1997). Approaches to the Iron Cage: Reconstructing the Bars of Weber's Metaphor. *Administration and Society*, 29(1), 63–77.
- Kingsnorth, R., Cummings, D., Lopez, J., & Wentworth, J. (1999). Criminal Sentencing and the Court Probation Office: The Myth of Individualized Justice Revisited. *The Justice System Journal*, 20(3), 255-273.
- Lowenkamp, C., Flores, A., Holsinger, A., Makarios, M., & Latessa, E. (2010). Intensive

- supervision programs: Does program philosophy and the principles of effective intervention matter? *Journal of Criminal Justice*, 38, 368-375.
- Luong, D., & Wormith, S. (2011). Applying Risk/Need Assessment to Probation Practice and its Impact on the Recidivism of Young Offenders. *Criminal Justice and Behavior*, 38, 1177-1199.
- Lynch, J., & Sabol, W. (2004). Assessing the Effects of Mass Incarceration on Informal Social Control in Communities. *Criminology and Public Policy*, 3(2), 267–294.
- MacKenzie, D. (2000). Evidence-Based Corrections: Identifying What Works. *Crime & Delinquency*, 46(4), 457-471.
- Marion, N. (2002). Effectiveness of Community-Based Correctional Programs: A Case Study. *The Prison Journal*, 82(4), 478-497.
- Mays, L., & Winfree Jr., T. (2014). *Essentials of Corrections* (5th ed.). New York, NY: Wiley-Blackwell.
- Millard, D. (1982). Keeping the Probation Service Whole: The Case for Discretion. *The British Journal of Social Work*, 12(3), 291-301.
- Mitchell, K., Reitz, K., Watts, A., & Ellis, C. (2014). *Profiles in Probation Revocation: Examining the Legal Framework in 21 States* (Probation Revocation Project Series) (p. 2:104). University of Minnesota: Robina Institute of Criminal Law and Criminal Justice.
- Oleson, J. C., VanBenschoten, S., Robinson, C., & Lowenkamp, C. (2011). Training to See Risk: Measuring the Accuracy of Clinical and Actuarial Risk Assessments among Federal Probation Officers. *Federal Probation*, 75(2), 52-56.
- Pager, D. (2003). The Mark of a Criminal Record. *American Journal of Sociology*, 108(5), 937–975.

- Patillo, M. E., & Weiman, D. (2004). *Imprisoning America: The Social Effects of Mass Incarceration*. (B. Western, Ed.). Russell Sage Foundation.
- Petersilia, J. (1999). A Decade of Experimenting with Intermediate Sanctions: What Have We Learned? *Corrections Management Quarterly*, 3(3), 19-27.
- Petersilia, J. (1997). Probation in the United States. *Crime and Justice*, 22, 149:200.
- Petersilia, J., & Turner, S. (1993). Intensive Probation and Parole. *Crime and Justice*, 17, 281-335.
- Phelps, M. (2013). The Paradox of Probation: Community Supervision in the Age of Mass Incarceration. *Law Policy*, 35(1-2), 51-80.
- Raynor, P., & Kynch, J. (2000). *Risk and need assessment in probation services: an evaluation* (p. 1:80). London: Home Office.
- Robinson, G. (2001). Power, Knowledge and “What Works” in Probation. *The Howard Journal*, 40(3), 235-254.
- Robinson, G. (2003). Technicality and Indeterminacy in Probation Practice: A Case Study. *British Journal of Social Work*, 33, 593-610.
- Robinson, G. (2016). The Cinderella complex: Punishment, society and community sanctions. *Punishment & Society*, 18(1), 95-112.
- Sims, B., & Jones, M. (1997). Predicting Success or Failure on Probation: Factors Associated With Felony Probation Outcomes. *Crime & Delinquency*, 43(3), 314-327.
- Steen, S., & Opsal, T. (2007). “Punishment on the Installment Plan” Individual-Level Predictors of Parole Revocation in Four States. *The Prison Journal*, 87(3), 1027-1050.
- The Sentencing Project. (2015). *Trends in U.S. Corrections: U.S. State and Federal Prison Population, 1925-2014* (pp. 1-8). Washington DC.

- Thompson, H. A. (2010). Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History. *The Journal of American History*, 97(3), 703–734.
- Tonry, M., & Lynch, M. (1996). Intermediate Sanctions. *Crime and Justice*, 20, 99:144.
- Ulmer, J. (2001). Intermediate Sanctions: A Comparative Analysis of the Probability and Severity of Recidivism. *Sociology Inquiry*, 71(2), 164-193.
- Warren, R. (2007). Evidence-Based Practices and State Sentencing Policy: Ten Policy Initiatives to Reduce Recidivism. *Indiana Law Journal*, 82(5), 1307-1318.
- Weber, M. (1946). *Essays in Sociology*. New York: Oxford University Press.

APPENDIX A: ADDITIONAL LOGISTIC REGRESSION TABLES

Unsupervised Probation	3.61 (1.45)**
Male	.93 (.38)
Age Group	
36-49	1.26 (.38)
50+	2.08 (1.47)
Nonwhite	.55 (.36)
Nonviolent	5.65 (2.40)
Chi 2 36.80	p-value .0000

Unsupervised Probation	4.21 (1.60)
Male	1.00 (.38)
Age Group	
36-49	1.07 (.42)
50+	4.58 (2.97)
Nonwhite	.49 (.28)
Nonviolent	3.07 (1.06)
Chi 2 36.30	p-value .0000