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THE BEHAVIOR CONTROL TOOLS OF
PROBATION OFFICERS

A Study of Probation Sanctions
in Five Sites

by

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Chapter 1: The Scope of the Study

Probation supervision is one of the last bastions of discretion in the criminal justice system. In the last 25 years, there has been a steady erosion of the discretionary authority of criminal justice decision-makers. Beginning, perhaps, with its landmark decision of Mapp v. Ohio,¹ the United States Supreme Court has produced a long series of decisions which carefully circumscribes the conditions under which government officials may encroach on the freedom enjoyed by citizens. This long standing trend of reduction on discretion, which some observers believe is only recently waning,² touched virtually every formal decision stage of criminal justice, from detection/arrest to revocation of parole, and also provided structure for many less formal practices such as institutional classification and assignment,³ institutional housing,⁴ programming,⁵ and discipline⁶ among other areas. More recently, legislatures have taken the lead in structuring discretion, particularly judicial sentencing discretion and the quasijudicial discretion of prison releasing authorities, by passing mandatory and determinate sentencing codes that constrain the options available to officials acting in those capacities.⁷

In the context of this movement toward the reduction or elimination of discretion, it is interesting that probation supervision has survived as a largely unrestrained facet of the criminal justice system. It is certainly not a small facet however. In 1981, over 1.2 million adult offenders were under probation supervision, three times the number of offenders in prison and over 1% of all adult males.⁸ The authority of the

probation officer over a client is a widely experienced phenomenon.

There are several reasons why the practice of supervision has remained unrestrained, even after so many other areas of criminal justice have been scrutinized closely by the legislature and the courts. The unobtrusiveness of much supervision discretion makes it lack amenability to legislative or judicial control. Much of supervision is determined by the style of the officer,⁹ still more by the way in which particular officers and particular clients interact.¹⁰ Clearly, it is beyond the capacities of judicial review of lawmaking to regulate styles or patterns of relating except in its most extreme variations. When the offender is assigned to supervision, a series of more or less subtle decisions is made about how that person will be managed -- the nature of the orientation to supervision; initial supervision intensity; the supervision plan and evaluations of supervision progress -- all involve judgements not easily subject to external review.

Moreover, there may be good reasons to leave this discretion restrained only in its most extreme manifestations. Probation officers claim that they need discretion to manage their caseloads. Discretion enables them to "overlook" some misbehaviors on the part of their clients when they believe the misbehaving is not serious. The benefits of being able to ignore selected problems are many. The officer can avoid unproductive confrontations with clients who are otherwise doing well under supervision. The willingness of the officer to let a minor

problem "slide" can help to establish a working rapport with the client that can serve as the basis for an effective supervision relationship. Finally, the officer's discretion enables the supervision style to be tailored to meet the circumstances of each probationer's situation. Whether or not these claims are warranted, it is true that discretion enables the problem officer to avoid some of the paperwork associated with formal violations of probation.

This report is a study of the use of discretion in five probation agencies. More specifically, it is a study of how probationers misbehave and how probation officers choose to respond to those misbehaviors. Because much of the discretionary decision-making of probation staff goes unrecorded (and essentially unobserved), this study is limited to the most dramatic forms discretion may take in correctional field services: the decision as to how to respond to misbehaviors on the part of clients which constitute either violations of the rules of probation or new criminal acts. Only the most serious misbehaviors are included in this study -- those for which official note was taken (by virtue of a recorded "violation" or arrest) and which therefore required an "official" response. Not surprisingly, the study shows that discretion permeates the responses to probationer misbehaviors, particularly those that fall in the lower-to mid-range of seriousness. As has been true for other discretionary decisions, this study finds that the use of discretion by probation officers is sometimes difficult to explain.

In the chapters that follow, a detailed description is given

of the nature and determinates of probationer misbehavior and requisite probation officer responses. The results of these analyses are likely to spawn considerable reaction among those concerned with offender management. Some will view the results of this study as an argument in favor of more close control of the ways probation officers respond to events in their caseloads. For these observers, there is something insidious about the wide differences in responses officers make to their client's actions, and it is therefore necessary to develop a structured approach for reducing these differences. Others will be less troubled by the findings of this study, since they view the use of discretion to be an entirely reasonable and even desirable component of the probation officer's role. The difference in viewpoints reflect two positions in a classic debate: How much discretion for government officials is too much, and how would we know?

The results of this study do not resolve this debate, although they do provide new information for advocates of both positions. As is described below, most studies of probation officer decision-making have focused on the formal revocation process, and have considered the bases under which probationers have their status revoked. In this study, the less formal responses of the probation officer to client misbehavior -- those which do not result in incarceration -- are analyzed as well as the formal revocation process. The picture that emerges is one in which the discretion inherent in the probation supervision process is shown to be quite broad.

The extent of probation officer discretion raises serious

issues for the criminal justice system. The central issue is the ultimate impact of the exercise of broad discretion by probation officers. Some are concerned that discretion leads inevitably to an erosion in the credibility of the criminal justice process. When some offenders are allowed by their probation officers to, in a sense, "break the rules" of their punishment, it is argued this strikes at the heart of the legitimacy of the criminal sanction. The system is made to appear incapable of carrying its own threats, and the threats slowly come to be seen as hollow. There are obvious crime control implications of this scenario. When probationers learn that conditions will not be enforced, they are less likely to be constrained in their own behavior by those conditions. Moreover, failure to enforce fully a condition may result in avoidable crimes, when offenders who should have been revoked are allowed to remain under supervision knowing the conditions of supervision carry little weight.

Yet an equally strong argument can be made that a policy of swift and severe responses to misbehaviors would not always be in the larger societal interest. As our data show, it is frequently the case that probationers engage in one or more moderate violations of conditions early in supervision and then never violate again. Considerable costs would be borne by society, the offender and the probation agency if these early violations had resulted in revocation -- costs of prison space, lost productivity of the probationer, justice system processing and (not in the least) potential successful outcomes. Discretion allows probation staff to cater their responses in such a manner

that some offenders can survive early misbehaviors to become productive citizens rather than recidivists.

It is regarding this controversy over discretion and community supervision of offenders that this study is relevant. In order to clarify where this study fits as a comment on the practice of community supervision it is important to describe the way in which discretion in probation is exercised and constrained in daily practice.

The Nature of Discretion in Probation Supervision

Discretion occurs in the context of the relationship between the probationer and the probation officer. In fact, development or maintenance of the relationship is very often the goal probation officers have in mind when they use their discretion to respond to the probationer. There are several reasons for this. Most probation officers will make the argument that it is through the "relationship" that they are able to be effective in their work. The aim is to earn some degree of trust on the part of the client so that this trust can form the basis for future activity in guiding the probationer's behavior under supervision. The severity of the probation officer's response to a client's misbehavior will often be justified on the basis of the centrality of the relationship. Probation staff who ignore a minor infraction will say, "I want the client to learn he can trust me not to 'burn' him over little problems as long as he is generally cooperating with me." When a probation officer responds swiftly to a client's misbehavior, the reason will often be "I want the client to realize that he has to

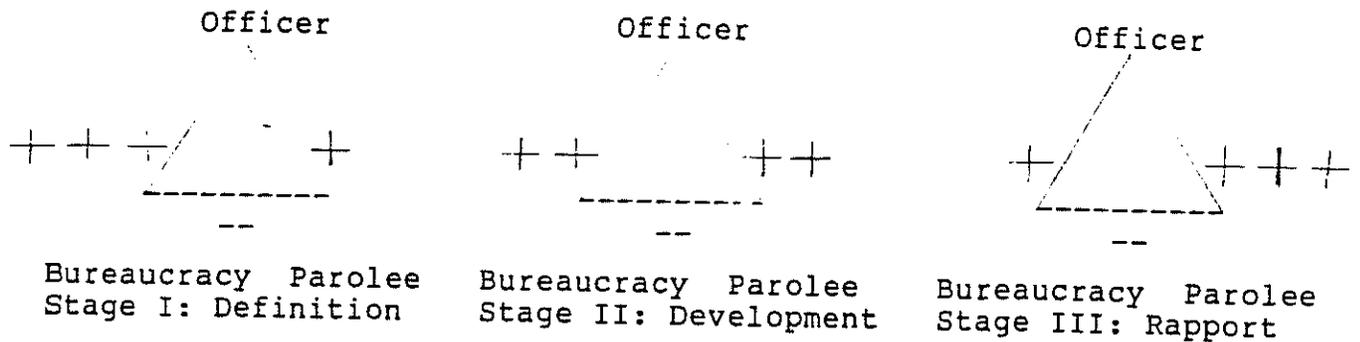
play it straight with me, or we will have real problems down the road." In either case, it is the centrality of the relationship that is used to justify the officer's response.

Establishing the relationship as a normative value places the officer in a potentially precarious position of interdependency with the probationer, since each party has the capacity to control significant contingencies faced by the other. The officer, of course, is the probationer's doorway to freedom. He controls the bases under which the offender will qualify for return to free society without restriction or revocation and incarceration. This is obviously a very strong position for the officer to have, and offenders will often develop an unrealistically magnified view of the officer's raw power to make life intolerable.¹¹

Probation officers learn that they, too, are subject to pressures from the probationer, although these constitute contingencies much more subtle than revocation. The probation officer derives much of whatever job satisfaction is available from the relationship, itself. To the degree the client is able to withhold significant satisfactions in the relationships, the probation officer's potential enjoyment of the job is often reduced. This is a significant exchange potential.

Karl B. Klockars has described this pattern of relating as a developmental triad.¹² The three parties to the relationship are the probation officer (P) the client (C) and the probation department (D). (See figure 1-1.)

Figure 1: The Development of the Supervision Relationship



The early stages of the relationship are characterized by strong loyalties between the officer and department and strained relations between the client and the officer/departmental context. Gradually over time, in successful supervision efforts, the officer realigns his attachment from departmental loyalty to client support, and "rapport" develops. From the context of a relationship based on rapport, long term change in the client's life becomes possible. Thus, in the probation office, a good deal of normative support can develop for "the relationship" as a central concern for probation officers in doing their own problem solving. Discretion is the primary tool in the officer's desire to build relationship; it is the major aspect of the supervision available for the officer to manipulate in order to advance his aims. In Klockar's explanation, discretion is wielded at the expense of loyalty to the department. This is true because in most agencies there can be no official departmental approval of failure to act in response to known misbehaviors on the client's part. As the officer chooses to ignore (or devalue) these misbehaviors, he is making the choice to advance the supervision relationship at the expense of

departmental prerogatives. His only consolations are two: without doing so, the job would be unmanageable (a point to be returned to, later), and everyone does it anyway, so his actions can hardly be seen as deviant either by collegial or managerial standards.

Nonetheless, it can be seen that the very instrument of relationship-building is also a main source of peril to the officer. For one thing, unreasoned acceptance or even minor client misbehavior will eventually become intolerable even to a departmental leadership grounded in a tradition of lenience toward such actions. More significantly, the existence of discretion ironically makes the officer vulnerable to the client. Since the use of discretion is predicated on client cooperation -- on the probationer's willingness to take the appropriate client's role -- it is a fruitless exercise when the probationer intends not to acquiesce to the officer's authority. Not only does the non-cooperative offender reduce the officer's intrinsic rewards, but he also holds hostage the officer's self-perception of competence. What might otherwise be supportive discretion, when responded to by client disdain, becomes instead erroneous professional judgement and makes the officer subject to significant peer and managerial disapproval. Thus, in a very real sense, the officer needs the cooperation of the client in order for the job to be workable. Discretion has an ambivalent quality. There is incentive to use it in order to motivate positive relationships, but its very use makes the officer more vulnerable to the consequences of a negative relationship.

Probation officers are well aware of this bind, fortunately moreso than are most clients. They often resent the "damned-if-I-do-damned-if-I-don't" quality of much probation organizational policy which often takes a formal stance of uniform enforcement but expresses managerial disapproval of the officers who are "too strict" with their clients and therefore can never "work out problems on their own."¹³ Some behavioral problems are too little to bring formally to the attention of officials (such as the supervisor or the court), but in the face of a serious problem such as a new crime, the officer will be required to justify why these instances were never brought to the attention of management.

It is in this light that the real meaning of probationer misbehavior can be understood: it is any action by the client that challenges the officer's decisions as to how the case is being handled. This can vary from minor resistance such as lying, lateness or curfew violations to much more serious problems such as new arrests.

With such a broad definition, it is likely that a complete study of all misbehaviors and chosen responses would be difficult with observational methods and impossible when one simply relies on case files. Since this study uses the latter method, it must be recognized that the data consist of a sample of all misbehaviors, namely those felt serious enough to warrant official recording (if not action) by the officer, as a "violation." Unrecorded misbehaviors remain unstudied.

The category recorded misbehaviors includes a wide variety of client actions. Some seem trivial to the point of

frivolousness -- one violation recorded in our sample was for "standing on a street corner wearing a diaper." Other misbehaviors are the more familiar types of disruption commonly managed by criminal justice agencies -- threats of harm, intoxication, crimes -- and extreme forms of non-cooperation such as non-reporting and failure to report address changes.

In each case, the misbehavior represents both a challenge to the officer's authority and a threat to the officer's competence. In responding to that threat, if the officer chose to record the misbehavior as a violation, this in turn placed the case in our study. Thus, the study is concerned with behavioral disruptions considered by the officer to be serious enough to warrant official notice. The violation, paired with its response by the officer, forms the core events of this study of discretion.

The organizational context. Probation officers are not free to act as they wish in response to misbehaviors, for there are organizational realities that constrain discretion. Three principal types of organizational constraints influence officers' decisions to respond to misbehaviors: The need to manage the task environment, the need to manage staff resources, and the need for predictability and regularity in agency practice.

Understanding probation's task environment is critical to any explanation of probation decision-making. The task-environment is a composite of forces and constraints external to an organization that are "relevant or potentially relevant to goal setting and goal attainment."¹⁴ Much has been written about

goal conflict in probation, and it appears that goal ambivalence stems from conflicting expectations in the environment regarding appropriate role performance of probation. Among the most important elements of the task environment for probation are organized community groups, the media, social service agencies and the other agencies of the criminal justice system. Each exerts an influence of the probation organization, and sometimes these forces are contradictory.

It is not necessary for the purposes of this study to provide a detailed assessment of the task environment of probation, and in any event these could be expected to vary from agency to agency.¹⁵ However, an illustration shows how these forces might conflict. Often, a special condition of supervision will specify involvement in some form of treatment with a social service agency in the community. When clients fail to comply with such a condition, it can put the probation officer in a bind. If the social service agency is used to working with clients on a voluntary basis, it may refuse to force its services on a reluctant client (this is one of the reasons probationers are unfavorable clients for many social service agencies) and simply "close" the referral file. However, the prosecutor or the offender's family might feel (perhaps quite appropriately) that the offender should not be continued on probation without this treatment, even though in the probation officer's mind the social service agency is more at fault than the client. If the officer chooses to revoke probation, there may be little chance the judge will support this decision and there may be strong resistance from both the client's attorney and the jail administrator whose

cells are full or overflowing and would like to avoid further overcrowding. The eventual decision the officer makes will reflect a balancing of ambiguous pressures such as these from the task environment.

In practice, a more or less stable set of expectations develops in response to the task environment. McCleary has described how parole officers learn to define situations involving misbehavior as "hopeless" or "promising" in terms of the officer's ability to use discretion to avoid formal revocation -- serious crimes are "hopeless," minor offenses are "promising." His point was that the combined forces of the criminal justice system and community act to constrain decision-¹⁶ making in certain situations. The same applies to probation. Attempting to apply discretion in "hopeless" situations is at best fruitless, but at worst makes the probation system vulnerable to attacks from the task environment.

In addition to the task environment, organizations must manage scarce internal resources. This is done by establishing categorizing systems for pigeonholing clients and then treating them accordingly. The recent advent of classification systems in probation, discussed more below, has formalized a decision-making process that has of necessity existed informally for as long as probation has been a service bureaucracy. Two reasons have been suggested for this fact: the inadequacy of resources and the inadequacy of response variety.

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Lipsky has pointed out that the complexity and scope of problems experienced by most clients calls for a collective level

of staff involvement that simply exceeds the resources in time and personnel available to the agency. Inevitably, when this is true, agency workers respond with a kind of triage system of resource allocation: the least needful cases are provided only rudimentary services, as are those clients whose situations are analogous to "terminal" (beyond saving through reasonable effort), while the most intensified action is reserved for those for whom it is felt such action can make a difference.

Despite the fact that numerous studies have found that, at least for adults, caseload size in probation has little or no effect on overall success rates,¹⁸ the intuitive value of focussing resources described by Lipsky is strongly felt in probation. With virtual unanimity, probation officers perceive themselves to be managing caseloads that exceed their capacity for adequate attention. Thus, they find they must "cut corners" and encourage some clients to report less frequently in order to give essential attention to other cases. This practice can become a source of resentment, because whenever a client gets in trouble after being given a reduced level of attention, the officer's judgement is called into question. Thus, the minimal level of service given is normally some variable level thought to be "enough" to avoid second-guessing in case of a problem.

A second reason organization resources are a constraint is more intractable than mere scarcity, and has been described best by Wilkins: the aim of unique treatment of each individual is simply illogical.¹⁹ The degree of requisite variety needed to treat each client as "unique" simply does not exist in a probation office. Decision-makers respond to decision situations

by making comparisons of the situation with others in which they have been previously, and then decide courses of action based on perceived similarities and differences. That is, they develop categorical-frames of reference for acting in situations.

"Uniqueness" as a concept has little value, for if every situation were treated as unique there would be no basis for choosing action or prediction of outcomes.

Probation officers know this, which is why new officers will often ask for an experienced officer's advice on how to handle a situation found puzzling (or unfamiliar). Within the probation office, colloquial usages often develop to describe the predominant categories into which clients are fit, and these usages can be more powerful than the official categories.²⁰

Extremely perjorative phrases can become commonly heard in reference to clients as ways of labelling behavior. The labels themselves become constraints on the organization. It is considered improper to take a full enforcement response to a "cheap" case, a client with few problem who commits a very minor violation.²¹ Yet non-response to minor violations can be risky, because of the potential problems that may arise from non-response even to a "cheap" case, if the case eventually blows up.

Because of the limits of resources and response variety, there are limited ways a service organization allows its members to handle its clients. In fact, it is the response variety that is actually classified into the form of standard policies (supervision practices, differential treatment, contact standards) onto which each client is mapped. These response

variety categories may be thought of as resources allocation strategies employed by the service agency to deal with the dual problems of client variety and resource scarcity. In probation, the use of such organizational strategies, formal or informal, constrains discretion by establishing bounds on the appropriate responses to persons under varying levels of resource intensity. Low priority cases are not revoked for minor misbehaviors, instead they are reclassified as higher priority. Conversely, even minor trouble on the part of high priority clients can be thought of as indicative of undetected serious problems and may call for a more severe response.²²

The third general organizational constraint is the need for predictability and regularity in bureaucratic processes. Robison and Takagi has described how the need for "standard policy and procedure" in a parole office explains why many parolees fail.²³ Policy and procedure often invalidate attempts at more creative problem-solving when offenders misbehave. Ironically, this is the reverse of many critics' complaints that community supervision officer's rely on discretion too frequently instead of the established organizational policies. While some would like to see more structured control of officer discretion (and this report will probably fuel their arguments), establishing structure may well increase the severity of responses to minor misbehaviors.

Nonetheless, every service bureaucracy, including probation, requires regularity of procedures in order to operate. Procedural regularity serves both the internal and external needs of the agency. Internally, regularity consists of "processing

people into clients." This means that the client practices are designed to place the agency in a position of undeniable authority over the client, in terms of types and extent of client-officer interactions and allocation of benefits and sanctions to those clients. The use of rules and policies to perform this function places the client in a subserviant role as a claimant on the rights and duties of the organization -- the latter has "rules" and the client must figure out how to fit into them.²⁵

Externally, there is an even greater need for regularity of procedure, for it protects the probation agency from the consequences of technical uncertainty. By technical uncertainty, it is meant that little certainty exists concerning how supervision practices will eventually turn out with clients. The same supervision approach may be very effective with one client and counter-productive with another. There is no way of knowing precisely which will be the case with any given client.

Probation is extremely vulnerable for its mistakes. When probationers commit new offenses, the media, other criminal justice agencies and public representatives frequently are very critical of probation's handling of the case. Yet the very fact of technical uncertainty makes probation mistakes inevitable, with the consequential results of external criticism. Regularity of policy and procedure, while not perfect, helps to deflect that criticism and attack. Faced with a difficult public case, probation leaders can point to the fact that routine policies and procedures were followed. This strategy helps to refocus

criticism on probation policy (which may ultimately be amended by the agency in order to calm external unrest) instead of probation itself. Under conditions of irremedial technical uncertainty, the agency can respond to problems by altering policy, thus protecting itself from more severe consequences.

Of course, a side effect of this strategy is the seemingly constant flux of policy and procedure which, from the line worker's point of view, often seems never fully explained. Ultimately, organizational policy and procedure take the form of paperwork, and revisions in policy/practice nearly always result in new paperwork. Line workers experience new policies frequently as inconsistent with their own experience. Because the policies often come about as a consequence of exceptional cases, it is likely new practices do not reflect the so-called "normal" case. So the officer feels the brunt of the costs of uncertainty as a pressure for documentation of case actions and organizational policies.

The point of this extended discussion is to show that, just as the client-officer relationship constrains the use of discretion, so does the organizational context of the work. What may seem on the face of it to be a considerable amount of discretion, greater even than, say, judicial sentencing discretion, upon analysis is considerably less total freedom than might be thought. In deciding how to respond to misbehavior, the officer has to balance the need to maintain the relationship with the various pressures coming from peer officers, the organization and existing policies.

Recent Attempts to Structure Discretion

Recently, the discretion of the probation officer as been subjected to increasing regulation and structure by both external and internal forces. External forces have been primarily the courts, who through a series of decisions have begun to establish more clear bounds on the decision-making of officers. The Supreme Court has required of probation agencies a greater due process in revocation of probation cases.²⁶ In addition, the liability of line officers for brazen errors in judgement has grown²⁷ to the point that liability insurance for probation officers is now an industry. Increasingly probation officers are required to defend their judgements by taking the witness stand to explain their actions.

But for the reasons cited earlier, there is a limit on the degree to which the courts can successfully structure discretion of line officers. Much discretionary decision-making never comes to the attention of any official agency of review. This invisible discretion ranges from routine attitudinal stances the officer takes toward clients to more significant decisions as to the manner of supervision to potentially momentous decisions to ignore a misbehavior without placing it in the official record. Given the scope of this type of discretion, legally promulgated discretion rules (especially those established retrospectively by court action) can be expected to have little impact.

This is a major reason why many probation agencies have recently attempted to implement case management systems in their agencies. Case management systems combine practices such as classification, structured supervision and case planning in order

to regularize and rationalize the supervision process. By recognizing the bureaucracy's need for predictability and regularity of process, case management systems are designed to structure decision-making in the areas where probation staff exercise broad discretion so that supervision practices will be both more uniform and more directly related to the philosophy of the agency.²⁹

The most widely used case management model in probation is based on the system developed in the Wisconsin Bureau of Correctional Field Services in the early 1970's. This system uses a two scale model for classification (one based on offender "risk," the other based on offender "needs") which in turn determines the minimal supervision intensity to be given to the client.³⁰ The Wisconsin model is noteworthy because it recognizes the officer's need to use discretion (decisions which "override" the instrument classification are allowed) but also provides officers with an indication of expected agency policy given the client's level of risk and needs.

In a major program initiative from 1979-1983, the National Institute of Corrections conducted the "Model Probation and Parole Management Project" which disseminated case management practices based on the Wisconsin system to over 50 agencies.³¹ The project, called the "Model Systems Project," demonstrated to participant agencies how a model practice would be adopted using risk needs classification, case planning,³² workload accounting³³ and dedicated management information systems. The response to the NIC project was so strong that it suggested there is a

widespread administrative desire to structure the discretion of line probation officers by developing overall case management systems.

The advent of the NIC project presented also a unique research activity. Heretofore, there had been no easy way to gather comparative data about probation agencies, because of the vagaries of formal or informal organizational policy and the disparities in records. However, since under the "model system" every offender is assessed using the same scale and combination of variables, it is possible to efficiently gather identical information about offenders and supervision decisions simply by tapping into the existing information system. Thus, the use of a formal classification system standardized practices not only for the agency, but for the researcher as well (see Chapter 2 for a discussion of these issues).

Discretion as a Behavior Control Tool: A Conceptualization

Based on the foregoing analysis, it is possible to construct a working conceptual model of the way an officer uses discretion in supervising offenders. The underlying relationship is that the officer chooses a response based on the nature of the probationer's misbehavior; that is, the intervention of a misbehavior into the supervision relationship will lead to a response by the officer.

The officer's response will be chosen based on the desire to control future behaviors of the client in the context of existing organizational pressures. The officer suffers costs of paperwork, job satisfaction and organizational achievement when a

revocation is filed or pursued. Likewise, the officer faces costs of credibility and vulnerability to future offender behavior when he chooses not to act on a misbehavior. Very often, the officer tries to determine how much of a sanction is needed in order to be most effective in terms of cost -- suffering the least amount of paperwork and other difficulties with greatest degree of control over future behavior.

When officer's choose intermediate responses to their client's misbehaviors, they normally rationalize the decision in terms of behavior control objectives: "I want to get his attention" or "I want to give him a taste of what he's fooling with." These are openly utilitarian choices, intended to demonstrate to a client who is not thought to be a complete failure that cooperation is warranted for the client's own interests and not just the officer's. For example, a 48-hour lockup or the addition of a new condition will serve, at least in the officer's thinking, to show who is "in charge" and will elicit more compliant behavior on the part of the client.

By contrast, full revocation is a type of admission of failure. In borderline misbehaviors, the officer is saying, in effect, that even though no criminal law has been broken (or only a minor crime has been committed), there is little reason to expect the client to improve if current supervision is continued. When a sanction short of full revocation is imposed, it is normally because that sanction is believed adequate to result in better behavior on the part of the offender. The use of discretion is a calculated gamble on the part of the officer and the decision-making authorities that a moderate response will be

enough to lead to (or increase the chances of) future law abiding behavior. It is in this sense that discretion is a behavior control tool.

As has been shown, however, the subjective conditional probabilities of future conduct are not the only consideration officers take into account in responding to misbehavior. Two other considerations apply: the centrality of the client-officer relationship and the nature of formal and informal organizational policy. Each of these is a constraint on the discretion officers wield in selecting behavior control tools.

The relationship constraint can be thought of as attitudinal. While all officers will give some credence to their relations with clients, they will vary in the degree of emphasis they give to this notion. The expectation is that those officers who are more inclined to hold relationships as important will be more likely to use discretion to avoid full revocation of clients in order to allow the relationship to continue. Conversely, those who are less inclined toward relationships will be less likely to seek alternatives to revocation. Thus, the officer's attitude toward supervision (particularly the relationship) will influence the response ranges. Formal organizational policy may identify certain misbehaviors that are exempt from consideration for moderate responses. For example, flagrant failure to pay restitution, in some probation agencies, may be considered formally to be serious and to call for the greatest possible severity of response. Nonreporting, for example, is also perceived quite distinctly in different agencies; some find any

misbehavior very serious and threatening to the foundations of probation, others (particularly those with unmanageable workloads) consider it minor misbehavior a low priority problem.

Informal organizational policies may be harder to detect, but are just as real. For instance, it may be an unstated policy that certain serious crimes simply will not be considered for intermediate sanctions, while certain noncriminal violations cannot result in full revocations. While policies such as these are likely to be unwritten, the office subculture may provide very strong instructions on how it is expected these cases will be handled.

Policy, in turn, may influence officer attitudes. Agencies that allow staff to carry guns may be more crime-control oriented than agencies which handle daily business without weapons. Likewise, field contacts, and agency policy can determine the ratio of field to office contacts. In short, the agency itself sets up expectations of officer performance in the way it assigns supervision policies to clients and monitors staff compliance with those policies.

The general conceptual model this suggests is shown in Figure 2. It should be noted that this is not a formal causal model. While it could be transformed into such a model, the measurement of the variables (particularly the policy variables) are sufficiently sketchy that any attempt to formulate specific path coefficients would be misleading. Therefore, this can be treated as an orienting model in which the various relationships ought to be explored. (In Chapter 2, we describe with more specificity how the concepts contained in the model are measured.)

These five research questions amount to a consideration of the major patterns proposed in the model contained in Figure 2, and an exploration of the relationships between those concepts. The organization of this report closely follows these five questions.

Chapter 2 is a description of the data sources for this study and an analysis of the limitations in sampling and measurement. Chapter 3 is a description of the organizational context of the five data sources for this study. Chapter 4 is an analysis of the nature of misbehaviors and is designed to analyze the first research question. In Chapter 5, the nature of responses and their impact on subsequent behaviors is explored. Chapter 6 is an analysis of the determinates of responses to misbehaviors, evaluating the relationships among the various offender, officer, and policy variables and the impact of these variables in responses to violations. Chapter 7 is a discussion of the degree to which knowledge of nonrevoked misbehaviors improves our ability to classify offenders. In Chapter 8, the implications of this study are discussed.

Footnotes Chapter 1

1. 367 US 643 (1961).
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3. Procunier v. Martinez 416 US 396 (1974).
4. Rhodes v. Chapman 452 US 337 (1981).
5. Estelle v. Gamble 429 US 97 (1976).
6. Wolff v. McDonnell 94 S. Ct. 2963 (1974).
7. See Jonathan D. Casper, David Brereton and David Neal, The Implementation of the California Determinate Sentencing Law (Stanford, CA: Stanford University) 1981; see also Alfred Blumstein, Jacqueline Cohen, Susan E. Martin, and Michael H. Tonry, eds., Research on Sentencing: The Search for Reform, Volume I (Washington, DC: National Academy Press) 1983.
8. Bureau of Justice Statistics, Report to the Nation on Criminal Justice (Washington, DC: US Department of Justice) 1983.
9. See Daniel Glaser, The Effectiveness of a Prison and Parole System (Indianapolis: Bobbs-Merrill) 1964.
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Chapter 2: Description of the Data Sites

Five study sites were selected from jurisdictions which had participated in the Model Probation and Parole Management Project of the National Institute of Corrections (NIC). Participation in this project meant that each jurisdiction had developed and implemented a probation management information system (MIS) composed of common elements. While each MIS was somewhat unique, all contained (1) basic demographic information; (2) a series of variables assessing offender risk; (3) a series of variables assessing offender needs; and (4) a basic scale that summarized the outcome of supervision. These common elements made it possible to compare jurisdictions across a standard set of variables without extensive manual collection of data.

While more than 30 agencies across the United States participated in the NIC Model Systems project, only a handful were promising for purposes of this study. Several sites were still in the process of implementing an MIS while our research was underway and therefore could provide only meager data sets of questionable completeness and quality. Others were implementing systems so substantially modified from the basic NIC plan as to be of limited use to our research aims.

After reviewing the status of these NIC sites, four were selected for further study.¹ To this group was added a fifth jurisdiction -- Wisconsin, whose MIS formed the original model after which these NIC project sites patterned their systems. This left a total five sites used in the study:

Cuyahoga County (Cleveland), Ohio
Hennepin County (Minneapolis), Minnesota
Richland County (Columbia), South Carolina
Dane and Milwaukee Counties (Madison and Milwaukee), Wisconsin
State of Wyoming

Each of these five sites qualified for the project because it had been using an MIS modeled after the NIC project for a long enough time period to produce a reasonable-size data set for study.

After sites were contacted and permission to obtain data was received, each site was visited.² Procedures were established for data collection, and a series of interviews was held with line staff, supervisors and administrators. The purpose of these interviews was to develop an understanding of the nature of discretion and its control in regards to officer's response to offender misbehavior. Interviews, conducted in groups and individually, were unstructured, but were designed to elicit formal policies and informal practices concerning the use of discretion in dealing with offenders. Chapter 3 provides a description of the sites in terms of these issues. In this chapter, we provide a description of the probationer and probation officer data contained in the five samples.

Overview of the Data Sets

The data for this study are comprised of cases falling in 12-month termination samples (the population of cases terminated from probation during that time period) drawn from five sites. From each site's termination sample was drawn a subsample of all

probation cases presenting an indication in the file of a misbehavior while on probation. The data on the subsample were collected through a manual coding of all violations files by probation officers (up to eight) for that probationer. Thus, the data for this study are a combination of manually coded information taken directly from files and dumps of agency data tapes composed of information completed at the time the probationer was terminated.

Two procedures were used to identify cases for manual data collection. In two sites (Wisconsin and Cuyahoga County), The data tape was analyzed to identify all cases in which there was a record of any of the following:³

- conviction for a new offense,
- three or more rules violations, or
- revocation of probation

This was made possible by the inclusion of an item on the termination summary which provided this information on each of the cases in our termination samples for these sites. Each case that was coded as possessing any of these characteristics was flagged for manual coding of the nature of the violations contained in the file. The files for each of these cases were then retrieved, and data were coded from those files for eventual merging with the larger termination tape.

This tape-sampling procedure was not possible in Richland County, Wyoming or Hennepin County, because no analogous outcome variable was present on the original data tape. For these sites, we conducted a manual review of all terminations during the 12-month sampling period to identify all cases in which there was

any evidence of either of the following:

- major compliance problems (as indicated by presence of a written rules violation order, a new arrest, or by virtue of a "major compliance problems" code on an assessment document in the file), or
- revocation of probation.

After these two procedures were used to generate a misbehavior subsample, the data collection procedures in the five sites was analogous. The file for each identified "misbehavior" was reviewed and data were manually recorded reflecting the following:

- actual violation (in language as close to that indicated by the probation officer as possible),
- the date of the violation, and
- the officer's response to the violation (usually in pre-coded categories established by the agency).

For example, if a probationer reported intoxicated, this violation would be recorded as described, its date noted and the probation officer's response described. Descriptions of each misbehavior and response were later analyzed and a general coding scheme was developed. The process for coding these misbehaviors and responses is described later in this chapter.

Table 2-1 contains a listing of the data from each site. There is an astonishing variation in the proportion of cases for which some misbehaviors are recorded. In Wyoming, only 8% of the offenders in our sample were cited for a violation, while in Cuyahoga County, an incredible 70% were so cited.

TABLE 2-1

Termination and Misbehaviors in Sample Frames
Five Sites

Site	Sampling Frame (All Terminations)	Total Terminations	Number of Misbehaviors (% of Total Terminations)
Cuyahoga Co.	7/1/84 - 6/30/85	725	509 (70.2)
Hennepin Co.	1/1/83 - 12/31/83	772	270 (35.0)
Richland Co.	1/1/84 - 12/31/84	1,145	587 (51.3)
Wisconsin*	1/1/83 - 12/31/83	3,035	420 (13.8)
Wyoming	1/1/84 - 12/31/84	2,772	227 (8.2)
		8,449	2,013 (23.8)

* 2 Counties Only

These vast differences are not simply an artifact of sampling method. In Wyoming, which had the lowest rate of violators, every file in the termination cohort was reviewed manually for any written evidence of a violation. In Cuyahoga, with the highest violation rate, the agency's data tape was analyzed to determine any case for which the supervision officer indicated three or more violations. Yet the same procedure was used in identifying misbehaving offenders in Wisconsin, for which the rate was much lower (14%), much more closely approximating the rate of Wyoming than that of Cuyahoga.

Nor is it likely that the rates reflect pure differences in offender behavior. The Wisconsin sample includes Milwaukee, a setting essentially as urban as Cleveland. We have no data on sentencing practices in these jurisdictions, but it is not reasonable to think that they produce groups of probation offenders so highly heterogeneous across jurisdictions that variations in behavior this large could result.

A more reasonable explanation is that these differences reflect variations in reporting practices across jurisdictions. Indeed, there are (sometimes subtle) distinctions in the traditions of these agencies. Our interviews of probation staff turned up little evidence of widespread pressures to ignore violations, but there were differences in perception of what would happen in response to a violations. In the two sites with the highest rates, Cuyahoga and Richland Counties, staff commonly reported pessimism about the capacity (or willingness) of the system to respond forcefully to violations. In both agencies it was widely perceived that no misbehavior on the part of the

probationer guaranteed a revocation, not even a new conviction (these often resulted in reinstatement on probation). This contrasts with Wyoming, where most staff felt strongly that any misbehavior they cited was likely to be supported by sanctions.

It may be possible that the perception of officers concerning the consequences of recording a violation influences the willingness to document a misbehavior. In Wyoming, where the decision to file a violation was perceived by staff as tantamount of a revocation, a premium was placed on this action, and an incentive was felt to record only serious infractions. By contrast, in Cuyahoga and Richland Counties, only for the most extremely difficult cases was revocation perceived to be possible, and so an opposite incentive existed: to record every violation so that a case can be more readily documented for revocation if necessary. This speculation is supported by the fact that in another low rate setting (Wisconsin), staff emphasized in interviews that they were encouraged to make every attempt possible to deal with misbehaviors informally, rather than to process them for revocation -- again this created a disincentive to record violations. In contrast to the other sites, in Hennepin County the decision to record a violation was almost entirely in the hands of the line probation officer -- this agency had an "average" misbehavior rate. A much more detailed description of the sites is provided in Chapter 3, and this description can be used to help interpret some of these differences.

This organizational tradition explanation of the variation

in rates of violations is essentially speculation, since we have only observational data to base it on. The probation officers we talked to would offer a different interpretation, one we find less compelling. They would argue a strict deterrence hypothesis: In agencies where sanctions have teeth, there are fewer violations. As we demonstrate in Chapters 4 and 5, the reality of misbehavior/response patterns is not so straightforward. The widely held perception of sanction "certainty" and its impact is not always supported by the data.

Whatever the cause of the wide variations in misbehavior rates across our sites, we are convinced that the same measure (misbehavior) applied to these sites seems to uncover widely different processes which include combinations of offender differences, policy and practice variations and divergent behavioral outcomes. It is not possible for us to sort out the contribution of each of these (and other unmeasured) factors to the differences in rates. Therefore, for many of our analyses, we treat the sites separately.

Misbehavior as a Variable

Because misbehaviors vary in their seriousness, it is necessary to develop some means of comparing them within and between agencies. This means we need some sort of misbehavior scale.

Of course, a great deal of research has been conducted on seriousness scaling, mostly using questionnaires in which respondents are asked to evaluate (on a scale) the seriousness of a series of acts. While the results of these studies are

complicated, they tend to find that there is variance in respondents' absolute evaluations of offense seriousness, but that rank order agreements of respondents tend to be quite high, both within specific studies and across studies. Variance in absolute evaluations of seriousness is often attributed to respondents' underlying tolerance levels to offenses; differences in rank-order responses are often attributed to divergent evaluations of the reprehensibility of the several dimensions included in a given criminal act.⁴ While no universally accepted measure exists for scaling seriousness of acts, the most commonly used approaches focus on combinations of average rankings: means, modes and medians.

We took these issues into account when we developed a scale of misbehavior seriousness. Originally, our thought was to peruse the descriptions of misbehaviors and rank them intuitively according to our own understanding of their seriousness. Faced with choices such as "standing on a street corner wearing a baby diaper" and "attacking a person's pet," we soon realized our expertise was insufficient to produce a trustworthy scale. Moreover, this study is not interested in some objective formulation of misbehavior seriousness as might be developed by a team of social scientists. Instead, we are interested in misbehaviors by offenders that are deemed serious enough to be called "violations" by their probation officers. Therefore it is more important to obtain a good understanding of the officers' perceptions of misbehavior seriousness, anyway.

We surveyed officers in two jurisdictions -- Wyoming and Richland County -- to determine their assessment of the

seriousness of misbehaviors. Each respondent (N = 97) was provided with 117 misbehaviors to rate, representing all the misbehaviors we had recorded in manual data gathering in four sites (excluding Cuyahoga County). Appendix B is reproduction of the misbehavior survey.

The scale called for respondents to rate misbehaviors on a scale from 1 to 6, with 6 being the highest severity. As expected there was variation (sometimes substantial) in the responses we received. Unexpectedly, however, there were also several instances of bimodal distributions. For instance, responses to the misbehavior "failure to secure housing" clustered around number 1 and 3.

This made us hesitant to strictly use means in assigning scale values. Instead we used combinations of means, modes and medians to array misbehaviors along an intuitive ordinal scale designed to give a different scale value to misbehaviors where distributions showed different control tendencies. Decisions about scale position were fairly straightforward at the extremes. However, mid-scale misbehaviors were often overlapping measures of central tendency. In those cases, a visual inspection of the distributions enabled us to establish scale values.

Our results also suggested that probation officers differentiate between rules violations and criminal arrests almost categorically. Therefore, we decided to treat violations as ordinally inferior to criminal arrests. This enabled us to use existing offense scales to array all violations that were for new arrests. All rules violations were classified at the lower

end of the scale; criminal arrests occupied the higher end of the scale, and were assigned values based on the Sellin-Wolfgang crime seriousness scale.⁵

The result was a fourteen point ordinal scale. The first three points reflected, in order, minor, moderate and major rules violations. The remaining eleven points on the scale were assigned to criminal arrests, according to seriousness. Table 2-2 contains an illustration of the scale values for misbehaviors that resulted from this process.

Response as a Variable

Upon first consideration, it seemed that the severity of a response to a given violation was more readily classifiable than misbehaviors. Intuitively, this makes sense: a "warning" is more serious than "no response;" a revocation is more serious than a warning. We were unprepared for the wide array of responses, official and unofficial, we would encounter in our data set. For many of these responses, we had limited confidence in our ability to estimate reliably their severity.

Consequently, we decided to include a response severity scale in the survey used to prepare a misbehavior seriousness scale. A procedure similar to that of the misbehavior scale was used to scale response severity: respondents were given a statement describing the officer's response and were asked to place that response on a 7-point scale.

As was done for the misbehavior scale, a combination of measures of central tendency was used together with visual inspection of the distribution of produce scale values. Unlike

Scale Values for Misbehaviors

Scale Value	Illustrative Behaviors
1	Throwing firecrackers at people
2	Failure to secure housing; refused opportunities and counseling
3	Failure to report contact with police; refused opportunities at counseling
4	Gambling; soliciting prostitutes
5	Shoplifting; issuance of worthless checks
6	Attempt to acquire drugs with illegal prescriptions
7	Child abuse; attempted theft
8	Assault; trespassing
9	Illegal entry; selling stolen property
10	Burglary; auto theft
11	Robbery; aggravated assault
12	Second degree sexual assault; armed robbery
13	Arson
14	Attempted murder; murder

the misbehavior scale, most of the responses grouped around central tendencies in a fairly ordinal manner to enable us to create an eleven-point ordinal scale.

These were two exceptions to this general pattern of response distributions: The items "termination" and "request a warrant for arrest" resulted in bimodal distributions. At first we thought that this occurred because of vague language, but upon further consideration, we came to believe the differences in respondents' answers were due primarily to "policy" effects -- that in the agencies in our study these responses had very different meanings (or levels of severity) because of office policies.

Our impression was supported by two investigations. First, we compared the distributions on these responses for the two agencies' officers. We found that, for the item "request a warrant . . .," each agency's distribution was a skewed curve around a single mode, similar to scale ratings on other items for combined samples. It was when the two subsamples were combined that the bimodal distributions occurred on this item. (This was not the case for the "termination" item.) Second, we talked with staff in the two agencies in our scaling study and found that, indeed, they reported very different levels of severity for these responses. In one agency, requesting an arrest warrant was tantamount to revocation of probation and return to prison; a warrant was almost never requested unless the most severe response was anticipated. In the other agency, warrants were severe responses to misbehaviors, but often were used when full revocation was not intended. Instead, the warrant was an

intermediate sanction, a way to "get the probationer's attention" or hold on the offender to allow some time for the officer to decide how to proceed.

A different pattern emerged with the response, "termination." While there were differences in distributions between agencies, they were not so extreme -- a large variance in responses existed in both agencies. Again, we explored this finding with further analyses. We talked to staff in the two agencies in our survey. They told us that practices vary, but often probation status is terminated as a response to new crimes because the offender has been sentenced to an incarcerative term on these charges. Other times, termination may follow minor rules violations when the violations are seen by the officer as having nuisance value, only. We then reviewed our data set from these agencies, and found termination responses often to be paired with either serious felony offenses or minor rules violations, confirming our suspicion that the severity of a "termination" response depends on the misbehavior involved.

The presence of policy effects of responses such as these raises problems for scaling response severity. The same response may or may not be severe, depending on the agency and the circumstances. Yet, in order to analyze the data, some method of ordinal scaling of responses is necessary, because it is patterns in the relative severity of responses to the relative seriousness of misbehavior that forms the crux of this study.

Our analysis suggests that a valid scale of responses is sometimes both agency-specified (the same response is of

different severity in different agencies) and situation-specific (the same response is of different severity depending on the facts of the case). This means that responses must be double-coded to reflect the policy effects. Using an eleven-point scale, therefore, we coded "request a warrant" as a very severe response (11) in agencies where that action was essentially a revocation and as a moderately severe response (7) in those agencies where such requests were more common, regardless of intentions to revoke. We also counted "termination" as a severe response (11) when it was used in relation to a new felony arrest, but as a very minor response (1) when used to react to a minor rules violation.

When these two special "policy-based" values were taken together with the other scale values suggested by the distributions, an 11-point scale was formed. This eleven point response scale has intuitive validity as an ordinal scale, and is shown in Table 2-3.

Evaluating the utility of the misbehavior and response scales

The methods described above produced two scales that will be used as the primary dependent variables in this study. It is appropriate to consider the meaningfulness of these scales, given their centrality to our research.

It is almost certain that these scales, as specified, contain some degree of measurement error (as do all multivariate scales) -- the question is: How much error exists, and at what cost to the analyses? As pointed out earlier, our research calls for analysis of patterns of misbehavior and response, and this in

TABLE 2-3

Scale Values for Responses

Scale Value	Illustrative Responses
1	No action taken
2	Official warning given
3	Rules amended; new conditions established
4	Supervision level increased
5	Placed in a residential program
6	Short term jail stay (less than 8 days)
7	New probation term imposed
8	Jail imposed, 8 days - 3 months
9	Jail imposed, 3 - 6 months
10	Jail imposed, over 6 months
11	Revocation orders filed

turn requires some ability to differentiate the relative seriousness of misbehaviors and the consequent relative seriousness of responses to those misbehaviors. Ideally, this analysis would be assisted by the availability of two interval level variables or scales. However, efforts by other researchers to produce such scales for offense seriousness and punishment severity have shown how difficult it is to produce such a scale because of underlying multidimensionality.⁶ In the case of probationer/probation officer behavior, so little is known about the dimensions underlying these actions that a multidimensional scaling effort is beyond the reach of the current research. Our initial surprise at the variety of behaviors and responses suggests that a focused research effort would be needed to develop a defensible interval scale measure of these characteristics of the supervision process. Such a study is not feasible for this research effort.

As an alternative, we have developed an ordinal scale of misbehaviors and responses, relying on probation officers' evaluations of them. Several problems with this ordinal scale are obvious. First, there is some agency-specific variation in the way probation officers responded to our survey. This variation comes from differences across agencies in terminology, agency tradition and system processing. Because we were only able to survey two agencies' staff it is likely that we have not uncovered all of this variation. To the degree that this variation is not accurately reflected in the scale codings for certain misbehaviors and/or responses, our ordinal scale contains measurement error. Second, there is evidence of a clear policy

effect, at least in terms of the scaling of responses to misbehaviors. These policy effects required us to make adjustments in coding based on the agency, but these adjustments were intuitively determined more so than quantitatively obvious. The fact that codes for the same response vary by agency constrains the scale and the underlying variability of the scale. Third, it is apparent from an inspection of Tables 2-2 and 2-3 that the distance between the scale values varies from point to point on the scale -- that is, the scale as designed may not closely approximate an interval scale.

Despite these shortcomings, we think the scales are useful for our purposes. First of all, they are intuitively sensible -- the behaviors and responses in Tables 2-2 and 2-3 represent the consensus codes based on survey responses and interviews in our study sites, and a reading of the scale contents shows they appear to be ordinal. When we contacted people in the sites to test our interpretations for codings, they confirmed our beliefs about the relative significance of the misbehaviors and responses. Thus, based on quantitative and qualitative analyses, we are justified in having confidence that our scale values approximate the truly underlying ordinal relationships we are trying to measure.

In the analyses that follow, we frequently choose to treat the scales as though they were interval measures, however. Sometimes we report means and variances; other times the scales become dependent variables in regression analysis or some other variant of correlation analysis. We have chosen to do so for the

ease of the reader (comparing means rather than entire frequency distributions) or to take advantage of multivariate analytical techniques (such as multiple regression). It must be recognized that this advantage in reporting is obtained at some cost in ease of interpretation. Nonetheless, we choose to treat these scales in this manner for two reasons. First, it is our aim to study basic misbehavior-response patterns in probation that have not been previously studied. In this respect, it seems permissible to use techniques that are designed more to elicit those patterns and reveal their existence rather than to measure their magnitude in precise ways. In that sense, this research is exploratory. Second, the lack of precision in our data (as evidenced by measurement error described above and in following sections) suggests an attempt to maintain our analyses strictly within the confines of the data and its parametric assumptions would attribute a level of quality to the data that may not be warranted. Instead, we believe it is a contribution to identify areas of interest in the management of probationer misbehaviors using our data and whatever techniques make sense for sorting out these issues. Where appropriate, we will remind the reader of the limitations of the data and our analyses, but we are encouraged by research suggesting that for studies such as ours which seek to identify the existence (rather than size) of relationships, choice of statistical technique is not critical.⁷

The structure of data set

The data set for these analyses is composed of two files each subdivided into 5 subfiles (by agency). One file contains all the data taken from each of the 5 agency's termination tapes for the specified sampling period. The second file contains all data from cases indicated as "misbehavers" -- those with recorded violations who fit the manual data coding criteria described earlier. These files are based on separate, but related data gathering processes, for which missing data are a problem.

In order to understand the missing data problem, the data collection process must be reviewed. Table 2-4 shows the number of cases in each subfile, including the number for which data are missing. In the misbehavior subfile, missing data comprise 14.2% of the entire file. This varies by site from a low of 4.8% (Wyoming) to a high of 27.4% (Wisconsin). Missing data occur for two reasons. First, a review of the data tape identified a case number that should be coded into that misbehavior file, but we were unable to locate a file for that case number for manual coding. This accounted for most of the missing data in our sites, especially Wisconsin, where the missing data rate was highest. Second, a file was located but no description could be found in the file of the violation. In the two sites where we manually searched all files for misbehaving probationers (Richland County and Wyoming) the missing data occurred for this reason and the rate is low, as would be expected.

There is also a discrepancy between the number of misbehavers in the misbehavior file and the number in the

TABLE 2-4

Number of Cases in Subfiles

Site	Misbehavior File			Full Sample File	
	Number of Cases* with One Coded Misbehavior	Number of Cases	% Missing	Number of Cases* with One Coded Misbehavior	Number of Cases
Cuyahoga	435	509	14.5	436	725
Hennepin	240	270	11.1	240	772
Richland	532	587	9.4	611	1145
Wisconsin	305	420	27.4	305	3035
Wyoming	216	227	4.8	216	2772
Total	1728	2013	14.2	1808	8449

*A case falls in this cell if it has one or more valid code for a misbehavior while on supervision.

total case file, and this is explained by the different methods that we used to establish the data sets. In four sites (Cuyahoga County, Wisconsin and Hennepin County) all the misbehavers were identified from a data tape of all terminations during the cohort sampling frame. Manual files on these cases were then retrieved, and the data on violations were coded. The additional data on these cases were then merged with the original file. That is why the number of identified misbehavers is the same for both files. In one site (Wyoming) all cases in both files were coded manually based on a visual search of all closed files during the termination cohort period, again producing an exact match between identified misbehavers in each file. In the final site (Richland County), a manual search of all closed files was used to produce the cases for the misbehavior files. These data were then merged with the agency's termination data tape. However, there was a large number of cases (79 or 13% of the identified misbehavers) for which no match could be found on the agency's tape. These cases were left in the misbehavior file, but were excluded from the full termination file, thus accounting for the discrepancy in number of cases in the files.

The two files are used for different analyses in this report. When describing the nature of violations and responses by probation officers, we rely on the misbehavior file because our interest is solely in the misbehaving cases. When we are attempting to describe the difference between misbehavers and non-misbehavers -- for classification purposes, primarily -- we use the full termination files. Because of the differences in

number of cases, we will alert the reader to the file being used for our analyses.

How good is this data set?

We have no independent measures of validity or reliability of these data, although our match/merge procedure showed extremely high agreement between the variables our coders coded manually and data contained on the agencies' data tape. There is a significant problem with missing data. Frequently, we were unable to locate paper files for cases which the information contained on agency tapes suggested were misbehavers. When we could locate files, often the violations indicated by the tape were not clearly documented in the file. Sometimes, violations were indicated in the files themselves, but no additional information existed to describe the type of violation. In addition to the misbehavior data, there is also extensive missing data concerning classification instruments and demographics.

Despite these problems, we believe the data set is a reasonably sound one. Problems such as these are not unusual in agency data tapes. In addition, the agencies in this sample are mostly new to the computerized information business, and these tapes contain data from their initial implementation efforts. This means that whatever controls exist on these systems, they were largely new and developing while the data tapes were being put together. That may explain the large percentage of missing data that are "lost" cases. These problems are of course minimized by the fact that the violation data have been collected manually, directly from probation files.

On the other hand, this data set is an unparalleled compilation of measures of probationer performance across several agencies. Not only are arrests recorded, but any instance of probationer misbehavior, from minor violation to significantly offensive criminal conduct, is included in these data. Moreover, there are consistent measures across agencies of a variety of probationer characteristics, especially including a series of variables about the offender's need for services and risk to the community. Further, there are data about the attitudes and values of the probation staff who supervised the offenders in our sample. Consequently, while the data set may suffer from the kinds of weaknesses common to any data tape of public information, it is, to our knowledge, the richest and most complete set of observations of probationer misconduct ever recorded.

One characteristic of these data must be mentioned, as it bears on the statistical analyses provided in the chapters that follow: units of analyses. For some purposes (risk, needs, etc.) our concern is cases (N = 2013 misbehavers; 8449 total). For other purposes (attitude toward supervision) our concern is officers who supervise cases (N = 237). For still other purposes (policy, tradition) our concern is agencies (N = 5). This has significance for analyses undertaken, especially with respect to degrees of freedom and independence of measures. For instance, a regression which includes offender, officer and agency characteristics as independent variables comprises all three levels of measure. Similarly, some officers contributed as many as 40 or more cases to our sample, while other officers contributed only one case. To the degree those high-contributing

officers are deviant cases in their attitudes on practices, they skew the analysis of the relationship between officer variables and offender behavior.⁹

These problems are handled in different ways in the analyses that follow. We have chosen not to weight the cases to take into account the different numbers of cases contributed by probation officers in our sample. We believe the relationships we measure are accurate reflections of the inherent patterns in our termination sample by virtue of differential contributions to the results. If there is such a thing as an aggregate termination policy at any given time, it is as much a product of differential probation officer behavior (and contribution to that "policy") as it is anything else -- weighting would cancel out that effect. Moreover, weighting would only slightly shift the results of analysis, and again would be an attempt toward fine levels of measurement of effects unwarranted by the data. We are searching for the existence of patterns rather than the precise strength of those patterns.

Likewise, we will report regressions using both offender and officer variables. The difference in degrees of freedom seems large, but we have data on enough probation officers to warrant the regressions. When we include agency variables in multivariate analyses, we will also report separate analyses for each agency, except where we may be interested in the effect of a particular policy measured as a dummy variable.

Thus we proceed to analyze the unusually rich data set with certain cautions to the reader. However, we are confident that,

appropriate caution aside, the most important results we report in this study stand up under close inspection.

Characteristics of the sites

Chapter 2 provided a programmatic-policy description of each of the sites on our study. In this section, we describe the characteristics of the probationers and probation officers in the termination samples from the five sites.¹⁰ Before discussing the characteristics of the sites, it is necessary to describe how the key offender and offense variables are measured.

Offender variables. Offender variables were taken from data contained on the management information systems of the study sites. Thus, there is some discrepancy in available data due to differences in MIS design. Table 2-5 is a list of available variables for the different sites. Because the site MIS compositions were designed based on the National Institute of Corrections Model Probation and Parole Management Systems (Model Systems) Project, there is wide correspondence among sites in the nature of information available.

Two indices were calculated for use in the study. The first is a RISK scale, the second a NEEDS scale. (Appendix C shows the documents used to form the scale in each site.) As was true for the MIS, the scale is a composite of variables with weights for certain values -- the higher the weight, the more significant the problem. For example, a typical RISK scale item is:

Number of address changes 1st 12 months

Score

- 0 None
- 2 One
- 3 Two or more

Likewise, a typical NEEDS item is Physical Health

Score

- 0 Sound physical health; seldom ill
- 3 Handicap illness interferes with functioning on a recurring basis
- 6 Serious handicap or chronic illness; needs frequent medical care.

As can be seen from Table 2-5 there are redundancies across RISK and NEEDS items, which explains some of the inter-scale correlation that exists. However, the weights given to the various values were not uniform across scales.¹¹ Therefore, in order to create scales of equal potential weights, we recoded the values assigned to the variables so that the value indicating the least problem was worth "0" points, the value indicating the worst problem worth "4" points and the middle value "2" points. This recoding produces two scales; the RISK scale ranges from 0-41 points,¹² the NEEDS scale from 0-46.¹³

It can be argued (and has been argued) that the best risk scale is one which is developed and validated directly on the population of interest to the researcher.¹⁴ However, our interest here is not in a risk scale that can be used to predict an offender's probability of a new crime (although later in this report we return to this issue), but is instead in compiling

TABLE 2-5

Common Items on Risk and Needs Scale

Risk Scale	Needs Scale
Number of address changes	Academic/vocational skills
Percentage of time employed	Employment
Alcohol usage problems	Financial management
Other drug usage problems	Marital family relations
Attitude	Companions
Age, first adjudication	Emotional stability
Prior probation/parole supervision	Alcohol usage
Prior felony convictions	Other drug usage
Type of offense, prior convictions	Mental ability; health; sexual behavior; overall needs

indices of the probationer's meaning to the agency in terms of RISK and NEEDS. A composite score that reflects the agency's evaluation of the client's RISK and NEEDS (by virtue of its extraction from the agency's own instrumentation) represents the best estimate of the agency's perception of overall risk and needs. The estimate is then useful in evaluating agency policy concerning the role risk and needs in responses to misbehaviors. The RISK score represents the agency's interest in the case as a potential recidivist; the NEEDS score represents its interest in the client's overall service-delivery priority.

The use of a standard index also enables comparisons across sites. Table 2-6 is a summary of probationer characteristics. The differences between characteristics appears to be consistent with the differences among sites in misbehavior rates. Cuyahoga County and Richland County have the highest rates of misbehavior and also have the highest proportion of prior felons on the caseload. Wyoming offenders, with the lowest misbehavior rate, also have the lowest RISK and NEEDS scores. However, not all the variation is a result of clientele. Hennepin County, which has the highest RISK score and second highest NEED score has about an average rate of misbehavior. There are other substantial differences in client make-up. The Wyoming offenders' NEEDS score is about half that of the other sites; the Hennepin County RISK score is at least half-again that of the other sites. Richland County's offenders are over three-fifths black, while Wyoming's offenders are over 90% white. Finally, the missing data due to gaps in MIS pose a formidable problem in comparing sites.

TABLE 2-6

Characteristics of Probationers
in the Termination Samples

Variable	Site					Total of Samples
	Cuyahoga	Hennepin	Richland	Wisconsin	Wyoming	
<u>Ethnicity</u> (N)			(1145)	(2908)	(2764)	(7581)
White (%)	-NA-	(764) 67%	39	54	91	60
Black (%)		24%	61	40	2	25
Other (%)		9	0	6	7	5
<u>Gender</u> (N)						
Male (%)	-NA-	(764) 85	(1145) 85	(3035) 81	(2772) 87	(7724) 84
Female (%)		15	15	19	13	16
<u>Age</u> (N)						
\bar{X}	-NA-	(772) 27.4	(1145) 31.1	(3035) 27.4	(2772) 26.0	(7724) 27.4
<u>Prior Record</u>						
% One Prior Felony (N)	65 (141)	45 (444)	61 (315)	22 (2177)	24 (2280)	28 (5357)
% 19 or Under First Conviction (N)	55 (139)	48 (444)	29 (656)	44 (2178)	44 (2281)	45 (5398)
<u>Risk</u> (N)						
\bar{X}	-NA-	(444) 17.7	(313) 12.0	(2164) 12.4	(2276) 11.5	(5197) 12.4
% Above 20		42	16	16	12	16
<u>Needs</u> (N)						
\bar{X}	(142) 15.1	(416) 14.5	-NA-	(2170) 12.1	(2772) 7.8	(5000) 10.4
% Above 20	21	27		14	4	11

Officer variables. Data on probation officers were collected by a direct survey of all officers currently working in the agency. We then coded, matched and merged the survey data with probation officer identifiers for each case in our sample. When there was a change in probation officer, we matched to the PO identifier that applied to the probationer at the time of initial assessment for supervision. Thus, each case in our sample includes data about the probation officer who provided supervision.

The data are of two types. We have basic demographic information (age, experience, education, etc.). We also have the responses to two attitudinal survey instruments. The first was developed by Vincent O'Leary to measure correctional worker's attitudes toward correctional policy: The Correctional Policy Inventory (CPI).¹⁵ The CPI uses a series of ten questions to scale respondents relative preference for four stereotypical policy approaches to corrections. In brief, the policy stereotypes are:

Reintegration: The offender should be managed in the community, if possible. The focus of offender management is on providing services that upgrade the offender's ability to successfully reside in the community through employment and family ties.

Rehabilitation. The reason offenders commit crimes is that they are emotionally or socially damaged. Offender management must focus on providing treatment programs designed to improve the offender's emotional or social status so that the person can adopt a crime-free lifestyle.

Reform: The offender needs to develop a better set of values and beliefs. The focus of correctional work should be on eradicating the bad attitudes and behavior choices that have gotten the offender into trouble, and replacing those with an appropriate set of attitudes.

Restraint: There is little that can be done to effectively alter the choices that offenders make. The focus of corrections should be on running humane facilities where offenders live while they are being punished, not on offender change programs.

The CPI scores into four scales, one corresponding to each of the above stereotypical philosophies. Each scale ranges from 10-100 points, in total.

The second attitudinal measure used was in adaptation of a questionnaire originally developed by Daniel Glaser of assess caseworkers' preference for emphasis on authority or social work in supervising offenders.¹⁶ The questionnaire provides a series of problem situations and asks officers to indicate which of several responses they would normally use to deal with each of the situations. These situations then produce two Guttman-scales, one each for Authority and Assistance. Since our own reanalysis of these scales failed to produce a valid Assistance scale or Authority score we have chosen not to work with the results of this survey.

Table 2-7 is a presentation of the results of these instruments and demographic variables in the five sites. There is a wide range in the education and experience applied to the cases in our sample. The decision-making in Hennepin County and Wisconsin officers reflects older, more experienced, and more highly educated judgements about clients. By contrast, the decision-making in Richland County and Wyoming is a product of younger, less well-educated judgements. Cuyahoga County is somewhere in between these extremes.

TABLE: 2-7

Selected Characteristics of Probation Officers
in the Termination Samples

Variable	Site*					Total of Sample
	Cuyahago	Hennepin	Richland	Wisconsin	Wyoming	
Average Age (N)	32.5 (417)	43.7 (644)	27.6 (889)	37.6 (1461)	30.8 (2357)	33.6 (5771)
% Graduate Education (N)	24 (413)	32 (598)	9 (889)	52 (1404)	16 (2354)	26 (5667)
Average Months of Experience (N)	86.6 (432)	161.4 (644)	39.0 (889)	90.4 (1462)	44.0 (2357)	71.3 (5784)
Average Correction Policy Scores (N)						
Rent (N)	45.3 (419)	51.5 (644)	55.7 (914)	60.5 (1406)	60.2 (2357)	57.6 (5734)
Rehab (N)	48.8 (441)	51.6 (644)	52.1 (914)	54.7 (1368)	56.0 (2357)	54.0 (5724)
Reform (N)	69.2 (441)	63.3 (644)	68.5 (914)	61.4 (1469)	63.5 (2357)	64.2 (5825)
Restraint (N)	60.8 (419)	45.3 (644)	54.8 (914)	46.3 (1456)	47.4 (2357)	49.1 (5784)

*N in paranthesis number of cases for which data are available

Summary

This chapter has described the sources of quantitative data for this study, including probationer and probation officer data. The overview of these data find a high degree of missing data and some concerns about potential measurement error. Nonetheless, the data set represents a unique opportunity to explore probationer misbehaviors and probation officer responses.

Footnotes, Chapter 2

1. Originally, Travis County (Austin), Texas, was included as a data site. When a tape was obtained from this site, however, it was discovered that cases were listed according to charge, so that a person with three charges would appear three times on the tape. Case identifiers and outcome variables were organized such that it was impractical to attempt to clean the tape and merge it with our data from the other sites. Consequently, this site was dropped from the study.
2. Site visits were sequenced during the project to allow for ease in scheduling data collection. More than 18 months was spent in collecting data and merging them into a single data tape.
3. One outcome item on the standard termination form was used to select these cases. It enabled the officer to assess the terminated clients legal performance under probation as one of the following:
 - . No rules violations
 - . Absconder reinstated on probation, then terminated
 - . Two or fewer rules violations
 - . Three or more rules violations
 - . New conviction
 - . New conviction/new probation
 - . New conviction/incarceration

Cases were included in our misbehavior sample if the officer checked any of the lower four values for the case at termination.

Elimination of cases receiving two or fewer violations from our misbehavior subsample resulted in undercoding cases having trouble from these two agencies. In Cuyohoga, this excluded 11% of the cases from the manual coding effort; in Wisconsin, the uncoded group was 10% of the sample. Fortunately, the termination summaries also allow some interpretation of these non-manually coded violators, because there are items requiring the probation officer to indicate the nature of the most serious violation. In cases where there were two or fewer violations, we relied on the officer's listing of the most serious violation to provide violation data on these cases.

4. See, for a review, Terrence Miethe, "Types of Consensus in Public Evaluations of Crime: An Illustration of Strategies for Measuring 'Consensus'" Journal of Criminal Law and Criminology Vol. 72 (1984) p. 459.

5. We chose the Sellin/Wolfgang Scale -- see Thorsten Sellin and Marvin W. Wolfgang, The Measurement of Delinquency, (Cambridge: John Wiley and Sons) 1964 -- because it is one of the most widely cited and used offense scales.

6. See, for example, Marc Reidel, "Perceived Circumstances, Inferences of Intent and Judgement of Offense Seriousness" Journal of Criminal Law and Criminology Vol. 66 (1975) p. 201.

7. E. Hanushek and J. Jackson, Statistical Methods for Social Scientists (1977).

8. In Cuyahoga County, the one-case discrepancy is a result of data mismatch. The original file produced a case number that was a misbehavior. However, the data coded from the case file was different from the data contained on the agency's termination tape. Thus, no match was made to the tape, even though a valid misbehavior case was identified.

9. The actual distribution is shown below

No. of cases contributed	No. of officers in sample
40 or over	6
30 - 39	7
20 - 29	22
10 - 19	30
9 or less	162
Total	227

10. As indicated in the earlier narrative, when data are presented on probation officer variables, they reflect per case rates or levels of data. That is, rather than measures of officer characteristics, the data represents measures of officer characteristics per case in our samples. This reflects more closely the type of meaning (and, potentially, impact) that these officer variables have in the outcomes exhibited in the cases we have available to study.

11. Moreover, the Cuyahoya RISK scale had some differences in items that were adjusted to roughly fit the other risk scales.

12. On the risk scale, it is possible to obtain a single point for some offense items, as it is also possible to receive multiple points for these items.

13. Reliability of scale coding is difficult to assess, and we have no direct measures of the reliability of these data. However, studies by Baird, et al., have shown that scales such as these when implemented with reliability training, routinely produce item reliability levels of .70 - .80. See S. Christopher Baird, et al., The Wisconsin Workload Replacement Project: Two

Year Followup (Madison: Department of Human Services) 1976.

14. See Keven Wright, et al. "A Critique of the Univeral Applicability of Risk Assessment Instruments" Criminology Vol. (1981).

15. Vincent O'Leary, Correctional Policy Inventory (Hackensack, NJ: National Council on Crime and Delinquency) 1972.

16. The original questionarie was published in Dan Glaser, The Effectiveness of a Prison and Parole System (Indianapolis: Bobbs-Merrill) 1961. The revision was published in Todd R. Clear and Vincent O'Leary, Controlling the Offender in the Community (Lexington, MA: Lexington Books) 1981.

Chapter 3: Aspects of Misbehavior Control

A probation sanction, as the term is used in this chapter, includes any response a probation officer chooses to make to a probationer's misbehavior. Two major organizational determinants of probation sanction practice may be distinguished: organizational policy and organizational tradition.

Organizational policy is the formal statement of rules and procedures for use of a sanction in response to a misbehavior. There are some general constraints which are found in all organizational probation sanction-based policies. For example, the legal standards described by the Supreme Court, which include notice, two-stage hearing, opportunity to be heard, impartial hearing officer, attorney, and limited cross-examination, are minimal formal standards for all probation agencies.¹ Beyond these minimal standards, formal policies may be more or less explicit, more or less elaborate. Explicitness of policy includes the degree of internal review of probation officers' sanction decision-making such as that which occurs when a supervisor and an administrator review and approve the officers' proposed sanction. Elaboration of policies includes the use of steps and processes beyond the minimal required by law. As organizations elaborate and specify explicitly their sanction policy, they reduce the amount of discretion available to officers in the use of sanctions.

Organizational tradition refers to a more complicated set of arrangements surrounding the sanction process. While organizational policy is formalized and at least technically applicable to every staff member and client, organizational

traditions take their shape in the hands of those who implement the formal policies. For example, there may be a formal requirement that supervisors review and approve all violation reports file by staff, but this explicit policy may be counterbalanced by a tradition of uniform supervisory approval which informally precludes any questioning of staff intentions. Likewise, while elaboration of process may permit line probation officers to appeal supervisory review of their decisions, tradition may be that such appeals are discouraged. Thus, organizational tradition specifies the degree to which the discretion allowed by policy is actually controlled in practice.

The Scope of this Study

In this chapter, the organizational properties of sanction use are described for three sites in our study. A three-stage group interview method was used to gather the data for this portion of the study. Stage I involved a meeting with all agency staff in which the purpose of the research and the researchers were introduced.² Also during this stage, project staff were provided with formal policy manuals for each site. In Stage II, staff researcher engaged line officers and supervisors in group interviews.³ (Officers and supervisors were interviewed separately.) During these interviews, staff were encouraged by the researchers to respond to questions (and each other's answers) regarding the use of sanctions, specifically those relating to traditional concerns. At the conclusion of these meetings, research staff inspected sample files to confirm that patterns of documentation did indeed conform to stated

traditional sanction use. During Stage III, a draft report of the meeting was sent to each agency so that those who were interviewed could read and verify the researchers' interpretation of policy and tradition.⁴

Hennepin County, Minnesota

In Hennepin County, Minnesota, probation officers are judicial employees who serve at the pleasure of the court. It is notable that the pay scales of Hennepin County's probation officers well exceed national norms: typically an officer with ten years experience can expect to receive a salary in the mid-to-upper \$30,000 range. Not surprisingly, officers tend to stay in these positions for lengthy periods, and both officers and staff comment on the high average "time-on-the-job" of staff (a median length of service is approximately ten years).

There are 50 probation officers employed as adult, felony court staff,⁵ organized into 7 direct services units. Probation officers both handle pre-sentence investigations and supervise those offenders they investigate who are eventually placed under supervision. Although the agency uses a workload budgeting system for case assignment, it is estimated that caseloads consists of approximately 90 clients per officer.

Organizational policy. Once an offender is sentenced to probation, the legal authority governing the offender's supervision status remains with the sentencing judge, for whom the probation officer serves as an agent. Formal behavior control tools of the probation officer consist of three decisions: the imposition of supervision conditions, the use of

an "arrest and detention order" and the invocation of the probation revocation process.

The rules surrounding the use of these tools are relatively inexplicit and inelaborate, which tends to lead to the exercise of substantial discretion by probation officers in the practice of sanctioning misbehavior. In terms of formal policy, the probation officer has relatively unrestrained access to these tools, given client misbehavior.

Organizational tradition. From the standpoint of tradition, a characterization of the probation officer's discretion as unrestrained would be inaccurate. In practice, the sentencing judge plays an extremely important role in decisions to invoke a sanction. The significance of the judge became apparent in two ways during group interviews. The issue was first raised following an explanation by project staff of the research designs, when officers responded with the inquiry "where do judges fit into your research?" The issues was raised a second time when the researchers asked "Given a case in which a probationer has violated a condition of supervision (but has not been subject to a new arrest), and about which I wish to know whether a revocation was filed, am I better off knowing what the violation was, who the probation officer was, or who the judge was?" The virtually unanimous response was that knowing the judge handling that case would provide the best answer to that question.

Expressed in another way, Hennepin County officers stated consistently that identical forms of client misbehavior when

processed by the same probationer officer will be handled differently, depending on what judge is involved in the case. Thus, the tradition in this agency emphasizes judicial management of revocation cases. With 18 sentencing judges rotating within the criminal bench, most probation officers have some cases processed by each of the judges. The approach ordinarily consists of direct contact with the judge, in face-to-face meetings where possible, working out joint decisions regarding the handling of cases. More time is spent in contact with those judges "interested in" probation, and less time is spent with other who "could care less about probation." In general, officers perceive themselves as tailoring their decisions to fit the predilections of whatever judge happens to have the case on his or her docket.

The first such example of this tailoring is revealed by the sentence recommendation contained in the PSI. The probation officer's investigation and recommendation is governed nearly entirely by discretion, and officers themselves have argued that their decisions are formed to a large extent according to the orientation of the sentencing judge. However, the unstructured and unsupervised nature of the presentence recommendation has helped to create a management dilemma, since staff who are more inclined to recommend probation eventually get a substantially higher workload to supervise.

The use of the "A and D" (arrest and detention order) is also variable among probation officers. Formally, the A&D consists of an allegation that some condition of probation has been violated. The major function of the A&D is to locate

and hold offenders who have violated conditions of probation, particularly those involving non-reporting and the failure to abide by treatment conditions. Less frequently, A&D's are used for municipal court offenses (misdemeanors). However, in both cases, probation officers describe considerable variability in their practices. Estimates of rates of A&D's of those interviewed ranged from 5 per year to 15 per month. Some officers indicated that they allow the municipal court to handle the misdemeanor arrests without notification of the felony court judge, others said they always notify the judge and ask for advice as to whether to proceed with a revocation based on the arrest and still others noted that their decisions were dependent upon the judge in the case. However, officers agreed that judges seldom refuse their requests for "A&D" or formal revocation proceedings (especially in view of the fact that officers routinely approach judges privately about requesting revocation before formal submission of revocation such). Sometimes, the A&D process results in relocation of the probationer and the satisfaction of the probation officer's need for contact with the client. Typically, in cases in which "contact" needs are met, the officer requests that the judge "quash" the A&D and void violation.

The decision to institute revocation proceedings is also fraught with officer discretion. Again, those interviewed expressed variation in willingness to move toward formal revocation entails. These officers are likely to turn to revocation in only those cases which involve offenders about whom

it is believed removal from probation would be beneficial. Others use revocation more liberally, sometimes intending to recommend reinstatement of probation, but always hoping to demonstrate to the probationer the seriousness of his or her misbehavior. The probation officer frames the recommendation (and, negotiates the terms of that recommendation with the attorney) based upon his or her perceptions of the case and the judge's willingness to act.

Supervisors and officers agree that few formal controls are exerted over their decisions, and that there is little discomfort with this situation. Indeed, neither staff nor supervisors were certain whether policy even dictated formal review. The general feeling is that highly-paid professional workers need not be held in close check by their supervisors; rather, they are expected, even encouraged, to exercise their own judgement over their work. Indeed, the major situation to be avoided appears to be a potentially embarrassing situation before a judge in court if a case is improperly prepared or argued. Thus the officers are correct in representing their main task as the management of judicial expectations upon their work. Beyond this -- and particularly with regard to minor violations of conditions -- widespread discretion characterizes the revocation process. The supervisors do audit caseloads, but the practice mainly ensures that officers keep cases up to date. Little standardization results from these audits.

Summary. The sanction process in Hennepin County is remarkable for its broad, discretion-governed practices. Probation officers have leeway in virtually every decision,

including the PSI recommendation, choice of conditions of supervision, style of supervision, use of A&D, decision to file revocation, revocation negotiations with defense attorney and revocation recommendation. It is hard to conceive of broader discretion with fewer formal controls.

Cuyahoga County, Ohio

Cuyahoga County Probation is administered locally at the county level by the judicial branch of government, but is monitored to a large extent by the Ohio Adult Probation and Parole Authority, which is a state supervisory agency. In addition to establishing operating standards, the OAPPA provides technical assistance to the county on the supervision and administration method that meet standards. A total of 119 officers are employed in geographically distributed units, carrying large caseloads, some approaching 200 clients.

Organizational policy. The sanction process in Cuyahoga County is relatively elaborate and explicit, and leaves little room for decisions based upon officer discretion. Formal policy requires that any violation of conditions, including two or more months of non-reporting or arrears in financial obligations must be reported and reviewed by the supervisor. The supervisor in reviewing the probationer's misbehavior, meets with the probation officer to discuss the probationer's noncompliance, and to try to work out a way to avoid judicial involvement in the case. Before any revocation process can be imposed, the supervisor must approve the probation officer's request for a revocation. Policies call for exhausting all alternatives to revocation prior

to imposition of such a severe sanction.

When a supervisor approves the officer's desire to take formal action on a case, the client is directly served with a revocation notice. The burden of enforcing the conditions contained in the formal documentation rests with departmental staff.

Organizational tradition. Despite the formal review process, there are several factors which make the actual process somewhat less predictable. The most important influence seems to be the fact that so much of the work of the officers concerns the enforcement of unrealistic conditions imposed on clients. One ramification of this fact is that staff are pressured by supervisors to report violations of conditions, even though judges are relatively unwilling to incarcerate offenders simply as a consequence of noncompliance. In practice, this means that a good deal of pressure is felt by the probation officer to carefully document client violations. This pressure manifests itself in relation to the judiciary and the line supervisor.

Probation officers indicated that the directions their decisions take depend to a considerable extent upon whatever sentencing judge is involved in the case. In particular, the officers contrasted the orientations of two judges. One judge was depicted as excessively lenient. When working on a case with this judge, probation officers believe the filing of revocations for minor violations would be a fruitless endeavor. For these cases, officers are pressured to explore all informal avenues, including simply letting the case "slide" prior to pursuing the

drastic step of full revocation proceedings. When a revocation is filed, the officers frequently recommend severe sanctions, but have little expectation that they will be imposed by the judge. In contrast, the second judge was seen as firm, even harsh. Revocations before this judge were perceived as serious matters in which the likely outcome was the imposition of a term of incarceration. When cases were about to go before this judge, supervisors often made an extra effort to seek non-revocation alternatives to avoid court.

However, the officers expressed the feeling of being in a "triple-bind" when confronted with the possibility of a review of their decision by a supervisor. Should they follow organizational policies, they could well end up exposed in an important revocation hearing, with the likelihood of diminished judicial support in future case decision-making if the offender is later accused of a serious crime. The judge will often ask "Why wasn't I notified of this problem?" On the other hand, when caseloads are audited, the non-complying client is exposed and officers face formal reprimand for their failure to properly document the violation and follow-up. Thus, the officer's dilemma requires balancing a need to keep supervisors advised of the status of their cases so that the outcomes of audits are "softened," with the need to effectively resist the pressures of a formalized judicial process.

This bind is rounded out by the widespread feeling among staff that the ultimate revocation hearing will itself be fruitless as an enforcement mechanism. There is a very common feeling that judges will not support probation officers' desires

to revoke probation; that there is a strong pattern on the part of judges to refuse to incarcerate offenders and instead simply impose an additional probation term. Many officers speak of this with some frustration, expressing the belief that judicial hesitance to support their revocation request merely reinforces non-cooperative attitudes of clients. Therefore, probation officers sometimes feel it is just as well to simply document a problem but not to pursue it in court.

Officers and supervisors describe significant variations in the ability of staff to balance these pressures. Staff indicated they often do not ask for supervisory review when circumstances would technically require it. They indicated the major impetus for their actions in this regard involved the quality of their relationship with the offender (e.g. the offender's "attitude"). That is, if an officer feels he or she can "work with" the client, the recourse to formal review is less likely. If this is to be the case, the officer has to be able to work closely with the supervisor, explaining what action is being taken, and why.

From the supervisor's perspective, any distinction among movement toward revocation activities is primarily a reflection of individual officer attitudes. Some are seen as overly "social work" oriented, willing to allow the probationer too much leeway before taking formal action. The most common reaction elicited by supervisors when confronted by officers who proceed in this manner is to "tighten" implementation of organization policy. Sometimes the officer's behavior is perceived as "lazy"; i.e., avoiding the extra paperwork that these review steps require

(indeed, officers indicated that the paperwork was a major disincentive to their compliance with policy, given the size of their caseloads). In this case, the most often employed remedy is the supervisors' reinforcement of the paperwork, an intervention which encourages in turn the officer's desire to avoid formal reprimand based on the audit finding too many cases in violation of policies. The implied threat is this: officers know if they do not act with dispatch early in the case's noncompliance, it will eventually be to their detriment if and when the case sours.

Yet all parties agree that the "attitude" measure for distinguishing among officers is an accurate one. "Law enforcers" are likely to activate revocation, while the "social-workers" will avoid it, seeking alternative means of case management. What evolves is a subtle tradition. Many clients are written up for misbehaviors at least once. For both the "social workers" and the "law enforcers," this serves to put the offender "on notice," with the hope that it will encourage a "better attitude" on the part of the client. However, the decision to file a second violation is often a momentous one, signifying the desire to achieve a prison sentence for that offender.

Summary. Cuyahoga County has a highly structured revocation practice that is elaborate and explicit to such an extent that little discretion can be exercised by officers. What discretion is retained is strictly and systematically reviewed by immediate supervisors. Overturned, officer-made case-decisions by direct order of the supervisor or by the judge are not uncommon phenomena. This situation is exacerbated by a strong caseload

audit policy which enforces supervision standards.

Milwaukee County and Dane County Wisconsin

Probation in Milwaukee County and Dane County Wisconsin, is administered by the most urban district offices of that states' Bureau of Correctional Field Services. Line probation staff, called "probation/parole agents," are employees of a statewide agency and are governed by rule of the state's executive branch civil service. While in Dane County, agents carry mixed caseloads of probationers and parolees and conduct pre-sentence investigations, the Milwaukee office maintains a sufficiently large enough caseload to allow for specialization by many staff members. Milwaukee County supports 160 probation staff, organized into 19 units which are divided into two sections within the region; Dane County has 31 probation officers.

Organizational policy. Sanction policy in Wisconsin is extremely explicit, but only moderately elaborate. While there is a multitude of responses agents may take with regard to probationer misbehavior, only a few of these are formalized. However, any actions are subject to close supervisory review.

The formal avenues of control exist for agents to employ: The "Apprehension Request" and the "Hold." Each involves the filing of document which is completed by the agent and approved by the supervisor, and which results in either the arrest and/or detention of a probationer, or charges of violation of the conditions of supervision.

The Apprehension Request (AP) is typically used for probationers who abscond, and for other violators who cannot be

located. This action authorizes law enforcement to arrest the probationer, and specifies the alleged violation (such as "failure to report").

Practices in using the AP are very elaborate in Milwaukee County. Thirty days after an AP is filed, should no contact have been made with the probationer, a formal "probation violation" is filed, and the case is left in pending status. Six months after the filing of the violation, a pending case is transferred to the Warrant Unit of Milwaukee County Correctional Field Services. This unit attempts to locate the offender and process the pending violation.

Ordinarily, no AP will be filed until the offender has come into contact with law enforcement due to some other misbehavior (such as a traffic offense). Infrequently, an AP is filed in response to a complaint about the offender from the community (such as a member of the offender's family), and may be served directly by the agent. In any case, the function of the AP is to locate and detain the offender for further violation.

The "Hold" serves a similar function, but has much broader applicability. Most frequently, the hold is used to detain persons already incarcerated following a new contact with the police. When used in this manner, the agent will be notified that a client from that agent's caseload has been arrested and is currently being detained awaiting charges. The agent will place a "Hold" on the offender, thereby making the offender ineligible for release from jail until the status is removed. The "Hold" enables the agent to investigate the circumstances of

the arrest in order to determine if violation/revocation proceedings are warranted, in which case the "Hold" would remain in place until the proceedings are completed.

Based on the circumstances of an incident of some reknown -- the Stawicki Case -- guidelines for filing a "Hold" were carefully defined. "Holds" remain in place in all cases in which any of the following apply: the person is on probation for an assaultive offense; the current arrest is for an assaultive offense; the offender has assaultive behavior in his background. In other cases, the agent is free to remove the hold after the investigation proves that the guidelines' standards have not been met; sometimes the investigation can be completed in a single workday, thus allowing for rapid release of the offender.

The "Hold" has a second use which is less structured: it may be used by the agent to discipline an offender's misbehavior. Formally, the "Hold" may be instituted by a probation/parole agent merely upon his or her signed statement that the offender has violated the conditions of supervision. The "Hold" may be active for up to five days (resulting in the detention of the offender for up to 160 hours) merely on the authority of the agent's signature. It may be extended for five additional days upon written approval of the supervisor, and may be further extended indefinitely by review and approval of subsequent higher levels of administrative authority.

Revocation in Wisconsin is an administrative procedure of the Bureau, closely following the rules as established in Morrissey v. Brewer⁷ and Gagnon v. Scarpelli.⁸ The initial hearing involves a probable-cause/detention decision. In this

hearing, the hearing officer (who is a supervisor of a unit to which the agent who is revoking the case does not belong) determines if -- based on the facts presented verbally by the agent and the offender -- there exists probable cause that a violation has occurred and, if so, whether detention ("Hold") is warranted in anticipation of the second hearing. This proceeding occurs before a full-time Hearing Officer (an attorney serving the central office in Madison) who determines if a violation has occurred. If so, the probationer's status is revoked, and the offender is returned to court for resentencing.

Organizational tradition. In contrast to our other sites, two factors stand out. The first is the extremely limited involvement of the judiciary in all stages of the sanctions process. From PSI sentencing recommendations to revocation decisions, judges remain virtually unconsulted in agent/supervisor decision-making.

The second difference is the degree of emphasis given to "creative decision-making" in the revocation process. The agency's rules leave substantial latitude in the enforcement style and substance. Agents are free to add or delete special conditions of supervision, as they feel warranted, without supervisory review. But by the same token, great importance is placed on avoiding the most extreme remedy, namely, revocation. Officers indicate that their training reinforces a role model of "community-based-corrections," and while they feel some obligation to protect the community through their actions, they express a very strong commitment to maintaining the offender in the

community as much and for as long as possible.

Thus, officers tend to see themselves as exercising "creative latitude" in the sanctions process, always looking to avoid full completion of the revocation process. Frequently, then, they will initiate a revocation proceeding as a device to encourage the offender to cooperate.

Two major tools exist for the agent to employ in sanctioning behaviors of clients. The first is the "Hold," which may technically be employed to "punish" an offender's uncooperative or belligerent attitude. Agents tell stories of five day holds which were imposed simply as a consequence of the client's rudeness toward the agent, although these instances are quite rare. More likely, a hold will follow a dirty urine or a missed appointment as a "jail-reminder" that agents are in surveillance and are willing to act on misbehavior. Agents vary widely in their willingness to place a hold on offenders for disciplinary reasons.

The second tool is the "Alternative to Revocation" (ATR) program, which is a procedural mechanism for halting a revocation proceeding if the offender agrees to enter treatment for problems such as drug or alcohol abuse. ATR allows officers to temporarily assign a misbehaving client to a full-or part-time residential facility which accomplishes two objectives simultaneously: it removes the offender from the troubling environment in which the misbehavior (such as continued drug use) is occurring, while also avoiding full-scale incarceration due to revocation. ATR may also be used with regard to violation of financial conditions and/or absconding.

If the client does not successfully comply with the conditions of the ATR, formal revocation will proceed following the agent's recommendation and the supervisor's approval. Full revocation seldom occurs without a new offense accompanying violations; staff estimated that only 10% of all revocations took place without a new crime occurring.

In practice, supervisors play an extremely important role in the traditions of Wisconsin sanctions policy. Both agents and their supervisors agree that the orientations and the philosophy of the unit supervisor will color the actions of the agent in the use of "Holds," the pressure to use ATR and the careful monitoring of APs. In fact, supervisors may actually proceed with a revocation over the objection of the supervising agent, or alternatively may require that a "Hold" or revocation process be voided. Thus, it is the supervisors who determines the degree of creativity that must be exercised by the officer in response to misbehavior.

Since the supervisors agreed that there is "no fixed set of responses" that must be tried in instances of probationer violation, supervisory review can result in major variations in tradition among units. For instance, on the issue of the use of holds, two supervisors expressed wide disagreement in their approach to review of officer actions. One officer said, "I don't think it is fair for a stay in jail to be based only upon 'individual judgement' -- there must be a clear example of serious violation by the client. Agent style should not be the major determinant of policy." This can be contrasted with the

viewpoint of another supervisor, who said, "Each agent has his own style; the offender gets the luck of the draw. My job is to facilitate the agents' styles so that they can do their best work within those styles. ...I even let agents 'make mistakes' so they can learn." It is small wonder that supervisors and agents agreed that transfer between units always results in a new period of "learning," in which agents readjust to the action review style and policy of their new supervisor.

Summary. An emphasis in Wisconsin is placed upon avoiding full revocation. Since the process is largely an administrative procedure, it is possible to provide officers with substantial discretion in their use of authority ("Holds" and ATR's primarily) to reinforce offender compliance. Because of the "creative latitude," the process is only moderately elaborated. However, a major emphasis upon supervisor review of agent decisions and conducting routine audits of caseloads.

Richland County, South Carolina

Richland County, South Carolina, contains Columbia, the capital of South Carolina, and one of the state's major urban areas as well as its political and geographic center. The South Carolina Department of Parole and Community Corrections is a statewide agency which has responsibility for supervision of all probationers and parolees under the supervision of corrections. The Richland County office is one of the largest in the state and the first to fully automate its case management practices.

Even though the central administrative agency in Columbia has complete authority over all community corrections operations

in the state, there is a loosely defined decentralization of services to the regional offices, most of which are centered around the states' dispersed, major urban areas. These regional offices maintain their own record systems and work in close accord with the local criminal justice agencies.

We selected the Richland County office for study because of access to its record system and its high volume of cases. The office includes 35 supervisory probation officers who, for the most part, are assigned caseloads on an quasi-random basis. Caseloads are large, well in excess of 100 offenders, and include a mix of probationers, parolees, and other types of offenders.

Organizational policy. Much of the formal organizational policy revolves around two considerations: the newly implemented case management system and the large volume of cases. The new case management system defines the supervision standards that are to apply to cases, and these standards serve as the primary control on officer discretion. However, there is little other formal mechanism for control of discretion, and since this method applies more directly to the supervision process than the revocation process, the sanction policies lack both explicitness and elaboration.

The formal procedure for revocation is largely based on decisions made by the probation officer. Should the officer seek revocation, the action is filled with trial court, and the formal two-stage hearing process ensues. The responsibility for making the case for revocation falls primarily on the shoulders of the officer, who must make the time available to pursue the revocation. Supervisory involvement in the revocation process is

minimal.

Organizational tradition. The most important forces that form the sanction tradition in Richland County are the powerful position of the judges and the widely held perception that the caseload size is unworkable. These forces interact to reinforce a system of broad officer discretion and stylized informal processing of violations.

The judges in South Carolina are elected by the legislature from among its own membership. As a consequence, individual judges are some of the most political actors in the state, and collectively the judiciary is a force to be reckoned with in matters of criminal justice. To say they have jealously protected their sentencing discretion from attack would be an understatement -- a three year sentencing guidelines initiative headed by the Chief Justice of the Supreme Court came to naught because of open resistance from local judges who persuaded the legislature to defeat the final legislation.

A result of strong judicial independence has been a pattern of ideosyncratic sentencing among the judges. Because judges "ride circuit" in South Carolina, each probation agency experiences the widest possible array of judicial temperament and philosophy. In response to the strong, but rotating judiciary, local prosecutors have emerged as a primary force of stability in local justice systems, and political powers of some significance.

Against this backdrop of judicial independence and prosecutorial dominance, probation officers seek often to "let the

system run its course" in relation to sanctioning probationer misconduct. This is understandable, for two reasons. First, the combination of shifting, ideosyncratic judicial actors with a highly political prosecutor makes the justice system both volatile and too often unpredictable. The probation officers report a widespread belief that they often serve as whipping-boys for these other powerful roles, when they become proactive in seeking a sanction for a client. Second, workloads are so high that there is a strong incentive toward the time-consuming act of a revocation.

As a consequence, probation officers are reluctant to process revocations, even in response to the most serious probationer misbehavior. When a probationer is arrested for a new, serious crime, most probation officers feel quite comfortable allowing the probationer to stay in jail awaiting trial and sentencing on the new charges. After all, a jailed probationer is in reality a reduction in supervision workload. If the judge sentences the offender to a prison term (as is often the case) the probation officer will take the "easy" route of filing a "termination" of probation, again without revocation. Only if the prosecution becomes difficult will the officer actively pursue revocation.

Rules violations represent a different problem to the officer, again because of the time consuming nature of revocation. But here, the officer's attitudes play a role, as well. While there was some talk of the "cop" versus the "social worker" conflict among staff, most of the Richland County probation officers are quite young and tend to see their role as

providing support for clients who are mostly from marginal social classes. As one officer put it, "I expect problems from the kinds of people we get to supervise, so as long as those problems aren't too serious and as long as the guy is not committing crimes, I can work around the problems." This attitude is a common one, and there is an accepted practice of not responding at all to a given probationer's rules violation, should that be the only problem occurring in the case. Often, the violation is noted, but no response is taken. (For some more "law enforcement" minded staff, there is frustration over this practice because it leads to a further erosion of credibility of probation.)

The supervisor's role in this process is very limited. There are few or no sanctions for probation officers who fail to react to probationer misbehaviors. Since many supervisors themselves carry cases, there is a strong identification among supervisors with the work dilemmas of the line officer. While there is an administrative plan to enhance the managerial responsibilities of the supervisor, to date the role remains largely ministerial in regard to paperwork flow, with little substantive involvement in case decision-making.

Summary. Sanction practices in Richland County, South Carolina, are dominated by a theme of informality. In cases of arrests, the system is allowed to proceed its course. In cases of rules violations, the officer takes limited action as long as the probationer is "cooperating" in other ways. Primary emphasis is placed on avoiding costly revocation processes, when other means can be used to respond to the case.

Wyoming

The Wyoming Bureau of Correctional Field Services is a statewide agency that has supervisory responsibility for all probationers and parolees in Wyoming. It is composed of 55 officers housed in various regions across the state. By far, the largest concentration of officers is in Cheyenne, which also houses the administrative offices, the central records and the parent organization, the Wyoming Division of Corrections. Parole officers carry caseloads of about 80 clients.

The dominant theme in the agency's recent history has been the problem of geography. Because Wyoming is so large and sparsely populated, and because Cheyenne ("central" office) is so far in distance from much of the state, there has been a constant strain between the undeniable reality of staff dispersion and the pressure for administrative control. Sanction policy fits in with this recent history.

Organizational policy. Formal policy is highly explicit though not very elaborate: probation violators are to be revoked unless some unusual circumstance applies. Because of distance, supervisors are often located many miles away from their staff, and so they provide control via paperwork and telephone contact. Any probationer misbehavior requires a formal violation notice, and notice of any violation (and recommended action by the officer) must be reviewed and approved by the supervisor within a reasonable time period of the misbehavior.

There are few alternatives to revocation that are formally approved. The notification of a violation leads to a presumption

of revocation. Only when the probation officer makes an affirmative case to award revocation will this presumption be overturned. Even in cases where a full revocation is felt not to be warranted, it is common to have at least some symbolic response: the rules are amended or the supervision level is increased. There are, however, few programs for placement of offenders, and so the supervisor often presses for some reaction to the offender's misconduct.

Organizational tradition. Wyoming probation officers like to talk "tough," but of the officers we spoke with, they were the youngest, most energetic, idealistic and positive in their attitude toward their work. Despite the strong move by central office recently to control discretion, the officers feel that the flexibility they have is the greatest reward they receive from working. As a consequence, they actively pursue relationships with their clients, and see themselves as "pro-client" in their work.

When discussing sanction practice, officers recognize two realities. First, there is recognition of the agency's policy that misbehavior will not be tolerated. This is seen as a central rule in protecting the reputation of field services in Wyoming. Therefore, there is little discomfort with the agencies formal policy that violations will be treated as serious. On the other hand, they also recognize that most probationers find it difficult to remain truly violation-free over the entire period of their supervision.

The belief that offenders have trouble remaining violation-free is often couched in the perception that Wyoming offenders

are "different" from other places in two critical ways. First, they can "keep their noses clean if they want," and second, they are fiercely proud of their freedom and independence from authority. Therefore, as one officer said, "You can't be on their backs all the time or you'll never see them again, they'll just take off on you." Moreover, some officers believe Wyoming clients like to test the probation offer to see how he will react to non-compliance.

This represents a common bind: officers are tested by misbehavior, policy has it that misbehavior will be dealt with strictly, most clients can make it despite a few problem. Wyoming probation officers resolve this bind by being selective in what they report to the supervisor: "Sometimes it is easier to look the other way. Your client will learn you're not a hard-ass, and maybe he'll feel more willing to work with you. You have to pick the important things to write up. If you don't it's all you'd be doing." Supervisors recognize that when the officer chooses to report a violation, that in itself has meaning. One supervisor said "I don't want to see crap violations, and I seldom do."

Therefore, while probation officers in Wyoming exercise little formal discretion, they retain a modicum of very real control over their cases by choosing what to document in the form of a violation. They know that serious consequences are likely to follow a formal violation, and this is seen as a last recourse: "If I am having problems with a probationer, I like to handle them myself without involving my supervisor."

One of the realities of work in Wyoming is distance -- between probation officers and supervisors, and between clients and probation officers. This distance serves to place a premium on efficient communication by both parties. Therefore, a policy of full enforcement fits, as long as there is discretion in selecting behaviors for involving in the policy.

Summary. Wyoming probation officers like to work with their clients in relatively autonomous fashion. However, departmental policies call for close review and strong response to all misbehaviors. In reality, there are few alternatives available to the probation officer anyway. Therefore, much of the decision to respond to misbehavior is a product of a highly formalized policy of enforcement and a well developed tradition of discretion in reporting.

Discussion

The operation of sanction policy in a probation agency is only partly a function of legal mandates defined by the Supreme Court. Legal mandates provide a framework for sanction policy and act as a lowest common denominator for organizational practice. Beyond legal mandates, probation agencies develop formal organizational policies that are more or less explicit (subject to review) and more or less elaborate (augmented by formal processes not required by law). The more explicit and elaborate are organizational policies, the less actual discretion there is for probation officers to exhibit in their work. Thus, one of the dimensions by which sanction policy may be expressed is "discretion," which combines explicitness and elaboration of

formal policy.

In practice, however, sanctioning behavior of probation officers may be subject to more or less supervisory control. This aspect of sanction policy is the product of organizational tradition, which dictates degree of oversight of probation officers by their supervisors can be expected. "Supervisory control" may also be expressed as a dimension of sanction policy, with high supervisory control agencies characterized by frequent and direct involvement of supervisors in officers' decisions. In low control agencies, substantially less supervisors involvement is experienced by staff.

TABLE 1: Classification of Sanction Practices in Supervision Agencies

O f f i c e r D i s c r e t i o n	High	Professional Officer Model (Hennepin County)	Creative Para-Officer Model Milwaukee and Dane County (Wyoming)
	Low	Bureaucratic Worker Model (Richland County)	Legal Agent Model (Cuyahoga County)
		Low	High
		Supervisor Control	

Table 1 displays a fourfold classification based on these dimensions. Each of the three agencies appears to correspond to one of the following different stereotypes.

The Professional Officer. Characterized by high discretion and low control, the professional officer feels he/she deserves widespread discretion and little control due to high quality of his/her professional judgement. One strength of this model is the positive role-image of officers; a weakness is the broad disparity it may produce.

Creative para-officer. The creative para-officer is given wide latitude in attempting solutions of various problems, but is carefully supervised in making those decision. While one positive result of this approach is more carefully defined organizational policy, a possible weakness is reflected in the feelings of staff that due to close supervisory control, their strengths are not fully taken advantage of.

Legal agent. The legal agent is closely supervised, even though little discretion applies to this function. The main thrust of this approach is to ensure that the expectations of the organization are carried out at the line level.

Bureaucratic Worker. Little discretion exists and little supervision is given to the Bureaucratic Worker. Consequently, emphasis is placed upon carrying out clearly defined organizational mandates under carefully designed operational polices.

Summary

The purpose of this chapter was to describe sanction policy in the five probation organizations in our study. The policies described are quite different, despite the uniformity of legal

standards that apply to revocation. In later chapters we address how organizational determinants of sanction use lead to variations in offender experiences of agency policy.

Footnotes to Chapter 3

1. Mempa v. Rhay 88 S.Ct 254; Gagnon v. Scarpelli 411 U.S. 778.
2. In addition, questionnaires were administered to all staff.
3. Those interviewed were volunteers who agreed to participate in the study.
4. Responses of agency staff have not yet been incorporated into this draft of the chapter.
5. The agency also handles misdemeanor cases, but the research design of this study excludes those cases.
6. This case involved the arrest of a probationer for rape. However, the probation officer did not retain the "hold," and subsequent to the probationer's pretrial release for the rape charge, the latter committed an additional series of serious offenses including a rape/murder.
7. Morrisey v. Brewer 408 U.S. 471 (1972).
8. Gagnon v. Scarpelli 411 U.S. 778 (1973).
9. Even though none of the organizations studied for this paper corresponds to this model, authors are aware of one probation agency that seems to reflect this viewpoint. New York City Adult Probation provides very little elaboration of sanction policy, with only moderately explicit review. On the other hand, traditionally, supervisors' roles are weak, and seem confined to the function of ensuring that paperwork is kept current.

Chapter 4: The Nature of Probationer Misbehavior

Probation misbehavior constitutes a wide range of activity, from very minor rules violations to major, significant felony offenses. A misbehavior occurs when the probationer engages in behavior that violates the rules of probation supervision or the laws of the jurisdiction. When a probation officer records in the probationer's file the notification of a violation, this record, no matter how serious, places the probationer in our "misbehavior" category.

For a variety of reasons, probationers may engage in more than one misbehavior while under supervision. Many rules violations are considered to be sufficiently minor that a full revocation of supervision is unnecessary. In the case of arrests for new offenses, the probationer will sometimes have the charges dropped, and avoid full revocation. Even when the probation department sustains its revocation, it is not uncommon for the administrative authority to reinstate a probation term, particularly in times of institutional crowding. Of course, when the probationer remains under supervision following a violation, it is possible for that probationer to accrue another violation.

Sometimes, multiple violations are filed stemming from a single act. For instance, if a probationer is arrested for an armed robbery, the probation officer may indicate the offender has violated two conditions by virtue of carrying a firearm and committing an offense. In this case, only one misbehavior occurred, even though more than one violation was filed.

This chapter describes the nature of probationer misbehaviors, and patterns of those misbehaviors. The subfile used in this chapter

contains the supervision experiences of 2013 misbehaving probationers from our five sites.

Table 4-1 is a summary of the misbehaviors contained in the misbehavior subfile. Overall, the 2013 offenders produced nearly 3,200 violations.¹ Roughly half of these misbehaviors were rules violations; half were criminal offenses. There was also a difference among the sites in recorded violations, with Hennepin County and Wyoming showing a smaller proportion of criminal offenses among the violations.

Because we are interested in the timing and sequence of probation violations, this subfile was reorganized into a file of 1916 cases for which the following was true: information was available on the dates of the violations, and multiple violations stemming from the same incident were coded as the most serious alleged violation.² The remainder of the analyses in this chapter are based on this reodered subfile of violators. For some analyses, we have combined the five sites to show overall patterns of misbehavior. This enables us to present, for perhaps the first time, a comprehensive picture of how probationers are officially recorded as behaving under supervision. For other analyses, where we are interested in comparisons across organizations, we break out our analyses by site.

Characteristics of Violating Behavior

Table 4-2 is a presentation of the frequency of violations recorded in our sample. About two-thirds of the violators commit only a single violation while on probation, and barely over 10% commit three or more violations. However, the nature of violation behavior

TABLE 4-1

Probationer Misbehaviors in Five Agencies

Agency	Total Violations Reported	Rules Violations	New Offenses
Cuyahoga County (Cleveland)	578	256 (44.2%)	322 (55.3)
Hennepin County (Minneapolis)	526	323 (61.5%)	203 (38.6)
Richland County (Columbia, So.C.)	769	437 (56.8%)	332 (43.2)
Wisconsin (Madison, Milwaukee)	1,013	480 (47.4%)	533 (52.6)
Wyoming (Entire State)	299	175 (58.5%)	124 (41.5)
Total	3,185	52.6%	47.4

TABLE 4-2

Frequency of Violations by Probationers
in Five Sites

Number of Violations Committed	Total Sample		Wisconsin		Hennepin Co.		Cuyahoga Co.		So. Carolina		Wyoming	
		%		%		%		%		%		%
One	1272	66.4	201	54.9	139	54.1	419	83.1	346	61.5	167	73.9
Two	397	20.7	75	20.5	66	25.7	68	13.5	147	26.1	41	18.1
Three	134	7.0	38	10.4	27	10.5	14	2.8	43	7.6	12	5.3
Four	58	3.0	24	6.6	12	4.7	3	.6	16	2.8	3	1.3
Five	26	1.4	12	3.3	4	1.6	0	--	8	1.4	2	.9
Six	16	.8	6	1.6	6	2.3	0	--	3	.5	1	.4
Seven	10	.5	9	2.4	1	.4	0	--	0	--	0	--
Eight	3	.2	1	.3	2	.8	0	--	0	--	0	--
(N)	1916		366		257		504		563		226	

varies greatly across sites. For instance, Cuyahoga Co., which has the highest failure rate and has a moderate revocation rate (see chapter 3), has noticeably fewer multiple violators.

The results in Cuyahoga County serve to underscore one aspect of these data: they are not direct observations of probationer conduct; rather, they are compilations of the probation officers' recordings of probationer conduct. While Cuyahoga County offenders may be different from others in that they have high rates of choosing to violate probation, but do so only once, another explanation seems more likely. For some reason -- perhaps because of the high rates of violating behavior -- Cuyahoga officers may not feel it appropriate to report more than one violation, as a rule. Indeed, our organizational analysis found a prevailing, common attitude of these officers that nothing short of a new conviction will result in a new prison sentence for a probationer, and so it may be seen as futile to record carefully every violation. Whatever the explanation of this difference, it is important to recognize again that our data are reliant on probation officer reporting practices, and it is difficult to know with exactitude how these practices affect the data.

Because more than one violation is committed by some probationers in the misbehavior sample, it is instructive to calculate the average number of violations reported for each misbehaving probationer. In order of frequency, they are:

Wisconsin	1.99
Hennepin Co.	1.86
S. Carolina	1.58
Wyoming	1.31
Cuyahoga	1.21

Again, the fact that Cuyahoga County, with the highest rate of violations reports the lowest average number of violations per misbehaving probationer suggests that reporting practices of probation staff are a constraint in interpreting these data.

Violation Seriousness

The scaling of seriousness of violations was described in Chapter 2. Table 4-3 is a listing of violation seriousness over the eight violations measured. Rules violations include any allegation of non-criminal misbehavior that violates one of the conditions of supervision. For classifying the seriousness of offenses, we relied on the Wolfgang-Sellin Offense Seriousness Scale. A "minor offense" is any crime rated between 4.00 and 7.99 on the Wolfgang-Sellin Scale. A "moderate offense" includes crimes rated 8-10.99; and a "major offense" is crimes rated 11 and higher.

In table 4-3, it can be seen that no uniform pattern of violating behavior seems to exist across these sites. While there is a very slight decline in the proportion of major offenses across the incidence history of the misbehavior sample, the other categories show no evidence of a trend. Rules violation rates stay relatively stable across incidents, and there are fluctuations in minor and moderate offenses.

The incidence history includes several violations by individual

TABLE 4-3

Serious and Frequency of Probationer Violations

Misbehavior Seriousness	Percentage of Misbehaviors							
	First Incident	Second Incident	Third Incident	Fourth Incident	Fifth Incident	Sixth Incident	Seventh Incident	Eighth Incident
Rules Violations	26.8	27.5	27.5	29.2	27.3	27.6	15.4	66.7
Minor Offenses	26.0	30.9	26.3	20.4	27.2	13.8	15.4	—
Moderate Offenses	31.5	27.8	34.5	38.9	32.7	34.5	61.6	33.3
Major Offenses	15.7	13.8	12.5	11.6	12.7	24.1	7.7	—
(N)	(1634)	(644)	(247)	(113)	(55)	(29)	(13)	(3)

probationers, and so it is useful to consider the most serious violation by probationers as an indication of their overall level of misconduct. These data are presented in Table 4-4. As can be seen, of the violators, fully one fifth never engage in reported conduct more serious than a violation of the rules of probation, and nearly one-fourth are accused of only minor offenses. Thus, only slightly more than one-half of those who violate probation are accused of crimes ordinarily thought of as serious. Applying these rates to all terminations in our sample gives an indication of the true scope of this figure: of the 8449 cases we reviewed, only about 13% were ever documented as accused of a major or moderately serious criminal offense while on probation, and the rate for the most serious person offenses is under 5%. An additional 11% were accused of rules violations or minor crimes.

The level of most serious violation varies across sites, as is demonstrated in Table 4-5. About two-fifths of all misbehaving probationers in Hennepin County and Wyoming are accused of nothing more serious than rules violations. By contrast about nine-tenths of the violators in South Carolina and Wisconsin are accused of some type of criminal offense, and nearly one-fourth of the violators in Wisconsin and Cuyahoga Counties are cited for major felony offenses. Major or moderate crimes are documented for over 70% of the Wisconsin probation violators and over 60% of those in South Carolina.

How serious are the misbehaviors of probationers? In one sense, of course, any violation is serious, since it places the public at real or potential risk. Yet, according to the records we reviewed⁴. The actual levels misconduct are not so serious as might be believed

TABLE 4-4

Most Serious Violation By Probationers

Type of Misbehavior	Number of Cases	Percentage
Rules Violations	332	20.9
Minor Offenses	379	23.2
Moderate Offenses	582	35.6
Major Offenses	331	20.3

TABLE 4-5

Most Serious Misbehavior By Site

Most Serious Misbehavior	Percentage of Cases				
	Wisconsin	Hennepin Co.	Cuyahoga Co.	S. Carolina	Wyomi
Rules Violations	12.3	41.9	18.5	10.4	38..
Minor Offenses	16.9	8.3	21.0	38.6	15..
Moderate Offenses	47.1	30.1	37.1	31.8	33..
Major Offenses	23.8	17.9	23.4	19.2	13.0
N	261	229	428	500	216

by the use of broad terms such as "probation failures" or "probation violators." A large percentage of probationers who fit these categories are accused of rules violations or minor offenses, and no more.

On the other hand, a great deal of the reality of the seriousness of probationer misconduct depends upon which site is being discussed, because there is such a range in experiences among our sites. For instance Cuyahoga County experiences both high rates of violators and relatively high seriousness of violations. By contrast, Wyoming experiences both low rates of violation and comparatively lower rates of overall seriousness. In some of our sites, the probation violator appears to be more of a problem than in others.

Timing of Violations

It is widely held belief among community supervision professionals that most violations of probation occur early in the supervision period. For this reason, maximum supervision attention is given to probationers during the initial months of supervision. Table 4-6 displays the cumulative frequency of violations for selected time intervals under supervision. Over one-half of all violations occur in the first 6 months of supervision; three-quarters during the first year. Interestingly, there is not an immediately high rate of violation from the beginning of the supervision period. While only about one-fifth of the violations occur in the first three months, fully one-third occur in the second three months.

Table 4-7 is a presentation of the median intervals, in months, between violations. The median time before the first violation is five months; then the intervals drop to three months, two months, and

TABLE 4-6

Timing of First Misbehavior
(N=753)

Number of Months in Sequences	Cumulative Percentage of Misbehaviors With At Least One Misbehavior Change
1 Month	11.7
3 Months	21.4
6 Months	55.3
1 Year	75.2
2 Years	89.6
3 Years	93.1

TABLE 4-7

Median Intervals Between Violations

Interval Period	Approximate Median Interval Length
First Misbehavior	5 Months
Between First and Second	3 Months
Between Second and Third	2 Months
Between Third and Fourth	2 Months
Between Fourth and Fifth	2 Months
Between Fifth and Sixth	1 Month
Between Sixth and Seventh	1 Month
Between Seventh and Eighth	1 Month

eventually one month. The effect is that the new violations of persistent violators come at an increasingly rapid rate, as supervision continues. Figure 4-1 diagrams the impact of this pattern. Few of the probationers continue their pattern of violations past the initial misbehavior or two, and these initial violations occur very early. The effect is that the vast majority of the misbehavior to be experienced occurs within the first year. The obvious implication is that to focus supervision resources at this stage of the supervision process makes sense, in light of the timing of violations.

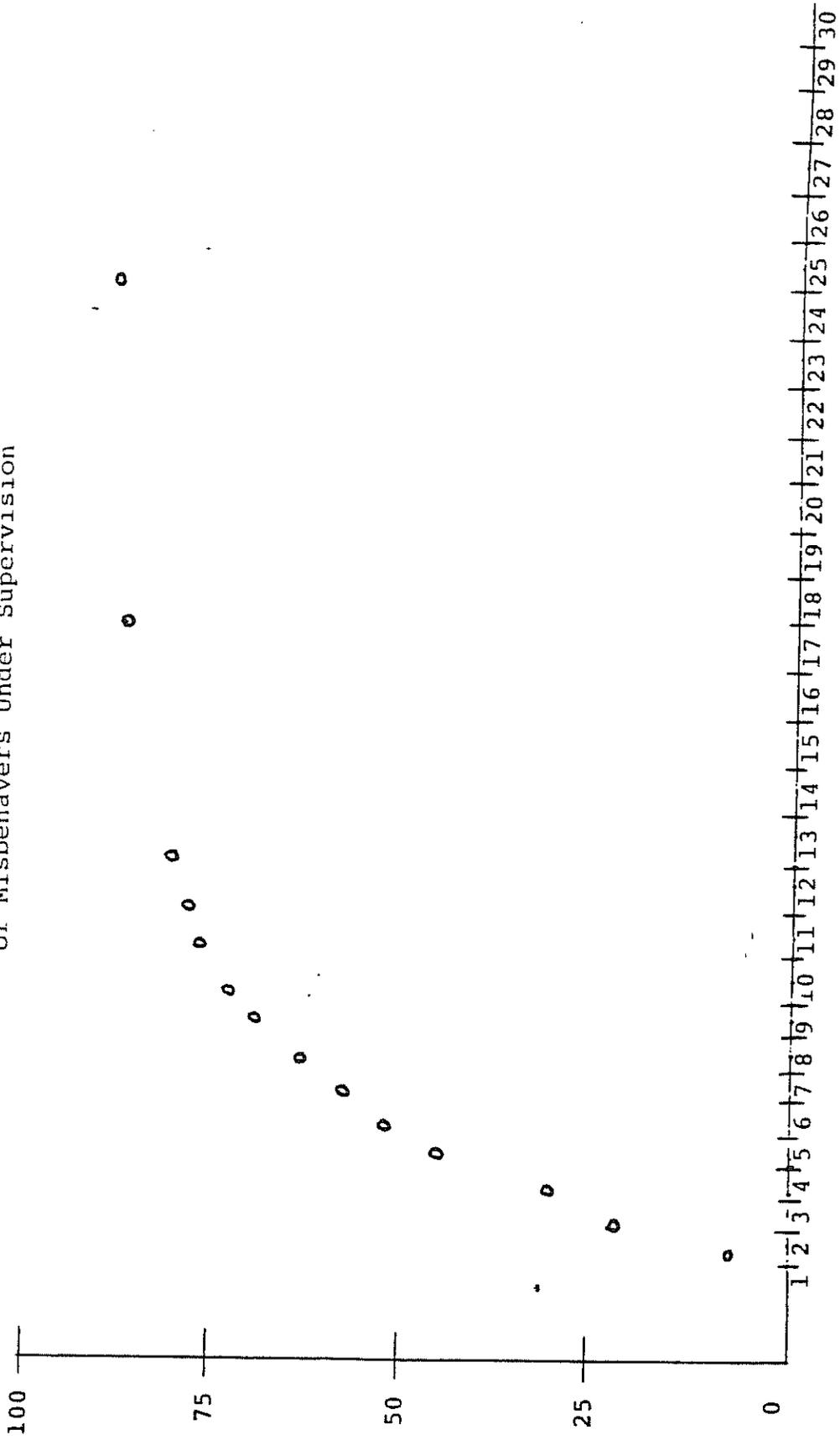
Peaking of Violations

It is also of interest to determine when the most serious violation occurs in this sequence of misbehavior. Table 4-8 shows the timing of the most serious violation.⁵ In almost 90% of the probation cases, the first violation is the most serious the probationer will produce. In less than one percent of the cases does the most serious violation occur later than the third incident. Of course, because so few of the probationers engage in multiple violations, this pure rate is somewhat deceiving. A more useful figure is the adjusted rate, which is the proportion of probationers with a given number violations whose most serious misbehavior occurs at that time. The third column in table 4-8 contains this number, and shows that the percentage declines as the incidents continue, suggesting that the persistent violators do not become increasingly serious in their violations, as supervision continues.

Of course, the problem facing the probation officer in all of this is how to respond to a violation. The question posed from the probation officer's point of view is: "If I do not respond to this

FIGURE 4-1

Plot of Timing
 (in Terms of Cumulative Percentage)
 of Misbehavers Under Supervision



PERCENT OF ALL VIOLATORS
 WITH ONE VIOLATION

TABLE 4-8

Timing of Most Serious Misbehavior

Peaking Period	Number of Cases	% of Cases	% of Cases with the Number of Misbehaviors	Percent of These Cases who Peak at this Level or Later
First Incident	1696	88.5	88.5	100.0
Second Incident	155	8.1	24.1	34.1
Third Incident	38	2.0	15.4	26.3
Fourth Incident	14	.7	12.4	23.9
Fifth Incident	8	.4	14.5	23.6
Sixth Incident	5	.3	17.2	17.2

misbehavior severely, what are the chances some future misbehavior will be more serious?" The final column addresses this issue, recording for each incident the rate of more serious behaviors at any subsequent incident. That is, for the probationer who commits a second violation, 34.1% of the offenders will engage in their most serious violation at that point or later in the supervision process. Once again, the rate of subsequent seriousness peaking is lower for later incidents.

Table 4-9 shows peak violation data for each site. Again, the majority of cases engage in the peak violation seriousness in the first incident, and the rate decreases as the incidents continue. Moreover, we also find variations across the sites, reflecting the fact that in some sites, probationers are reported as engaging in more incidents of violation.

Patterns of Violations

The number of multiple violators in our data is not a true measure of the number of multiple violators, because we are unable to record with certainty the result of the probation officers' decision to revoke an offender for a violation. Sometimes, a revocation results in a reinstatement on probation; other times the result is incarceration on original charges; still other times, the result is a moderately lengthy (3 month or more) jail term. Our data only include the probation officer's response to the violation, and do not include the decision-maker's action (the judicial or administrative holding) regarding the officer's decision. When we report that an offender was "revoked," what we mean is that the officer filed revocation papers on the client. It does not mean that the client immediately is removed

TABLE 4-9

Timing of Most Serious Violation

Peak Seriousness	Percentage of Cases				
	Wisconsin	Hennepin Co.	Cuyahoga Co.	S. Carolina	Wyo.
First Incident	86.1	83.7	93.5	87.4	89.
Second Incident	7.9	10.1	5.6	9.9	7.
Third Incident	2.7	3.5	.1	1.6	2.
Fourth Incident	1.4	1.2	0	.1	.
Fifth Incident	.1	.2	0	0	.
Sixth Incident	.1	0	0	.01	0
(N)	366	257	504	563	226

from the streets. Thus, our figures showing that about one-third of the violators have a second violation filed do not take into account the number who were fully revoked and reincarcerated after the first violation (and therefore had no real opportunity for a second violation).⁶ This means that basic failure rates might be misleading. In order to take this problem into account, we have broken down the failure rates by whether or not the offender was revoked. Because jurisdictions differ on what they mean by "revocation," we count as a revocation any filed revocation effort by the probation officer or any action resulting in a term of incarceration six months or longer. Figure 4-2 is a presentation of the survival pattern of violators, broken down by whether or not there was a revocation response.

At the stage of the first violation, 30.2% are revoked. Of these, 16.8% experience a subsequent, identifiable violation, compared to 44% of those revoked. Table 4-10 shows the rates of violation at each subsequent violation incident, controlling for response (revoked or not) to the violation. Several important patterns may be seen from the table. In the following chapter, we deal in more detail with the nature of officer responses, but it must be noted here that the probability of a revocation decreases with each new violation. Moreover, if a new violation follows a revocation for a prior violation, the probability of a revocation for that new violation is over three times higher than had the original violation not produced a revocation response.

Not surprisingly, revoked violators have much lower rates of subsequent violations -- on the order of two to three times the level, for non-revoked probationers -- following all but the fourth violation (in which the number of revoked violators is 20, too small to give

TABLE 4-10

Violation Rates of Revoked and Non-Revoked Probationers
at Subsequent Violation Stages

Incident	Percent Revoked	Revoked Offenders		Non-Revoked Offenders	
		Percent Subsequent Violations	Percent Subsequent Violations Revoked	Percent Subsequent Violations	Percent Subsequent Violations Revoked
First	30.2	16.8	63.1	44.0	18.
Second	27.0	23.9	58.1	44.6	13.
Third	21.2	20.0	50.0	49.8	14.
Fourth	17.7	55.0	85.7	56.4	24.

much weight to the percentages). It is not possible to tell how much of this difference is due to the removal of revoked violators from the streets. Certainly, some portion of this difference is due to case fall-out. Nevertheless, two conclusions may be drawn. First, just because an officer files a revocation does not mean that the probationer will be prevented from subsequent violations. Second, when an officer fails to revoke in response to a violation, the probability is over 40% that a new violation will occur.

The numbers presented in Table 4-10 further underscore those displayed in figure 4-2. Certainly there is a propensity toward not revoking in the face of violations, and this propensity continues despite subsequent violations. However, once an offender is revoked, the probability is three to four times higher that the subsequent violation will result in a revocation.

The Persistent Violator

One pattern in Figure 4-2 stands out; that which we call the persistent violator. This probationer commits four or more violations, and is never revoked for any of them. In our sample, there are 76 persons who fit this criteria. The never-revoked, persistent violator represents two-thirds of all persons committing four or more violations, but is only 4% of the entire sample of violators. However, this violator produces a substantial workload for probation officers. Table 4-11 demonstrates the activity level of the persistent violator.

Some clues as to why the persistent violator is allowed to persist are contained in the data displayed in table 4-11. First, there is a small preference for rules violations over offenses among

TABLE 4-11

The Violation Productivity of the Persistent Violator
(N=76)

Type of Violation	Number of Violations	Percent* of Violations	Percent* Violations for Entire Sample	Percent* Committed by Potential Offenders
Rules Violations	100	33.3	27.1	13.4
Minor Offenses	65	21.7	26.7	8.9
Moderate Offenses	95	31.7	31.4	11.0
Major Offenses	40	13.3	14.8	9.9
(Missing)	(81)	(21.3)	(10.1)	(31.7)

this group. Second, there is a much larger proportion of missing data, where it was not possible to understand the exact nature of the violation. Nearly all of these missing violations seem to be minor rules infractions. Thus, it is fair to conclude that the collective misbehavior of the persistent violator is somewhat less serious than that of the ordinary violator.

Nevertheless, this violator still produces about as high a rate of serious crimes, and accounts for nearly 10% of all those crimes in the sample. In all, the 4% of the sample that is persistent accounts for over 10% of the violations among the violators. This number is even more dramatic when it is considered that the persistent violators are less than 1% of all the probationers in our sample.

The Relationship Between Violations

The final question of this chapter has to do with what the existence of a violation portends for future violations. To analyze this question, we measured the correlation between violation seriousness at any given stage of violation, and the probability and nature of subsequent violations.

There is no significant relationship between the seriousness of a given violation and the probability of a subsequent violation. In fact, all the correlations between violation seriousness and existence of a subsequent violation were negative, but non-significant. This suggests that just because a violation occurs, this cannot serve as information to the officer that a subsequent violation is likely.

However, there is a strong pattern of relationships between the seriousness of a given violation and the seriousness of the subsequent violation, when it does occur. This is shown in table 4-12. For the

TABLE 4-12

Correlations of Violation Seriousness
With Seriousness of Subsequent Violations

Variable Pair	Correlation All Cases (N)	Correlation for Each Site***				
		Wisconsin (N)	Hennepin Co. (N)	Cyahoga Co. (N)	So. Carolina (N)	Wyomi (N)
First Violation with Second	.25* (540)	.23* (132)	.30* (101)	.30* (66)	.11 (187)	.08 (54)
Second Violation with Third	.35* (219)	.45* (80)	.40* (50)	(**)	.22 (63)	(**)
Third Violation with Fourth	.43* (96)	.35* (27)	(**)	(**)	(**)	(**)
Fourth Violation with Fifth	.24* (51)	(**)	(**)	(**)	(**)	(**)
Fifth Violation with Sixth	.53* (24)	(**)	(**)	(**)	(**)	(**)

*P .05

**less than 20 Observations

***Pearson's r

entire sample, and also for most sites (particularly the ones with the most multiple violators), there is a significant relationship between the seriousness of contiguous violations.

This indicates that when the probation officer is confronted with a serious violation, there is also a bind in choosing a response to it. Just because the violation is serious does not mean there will necessarily be a subsequent problem. But if one does occur, it is more likely to be serious.

The Significance of Patterns of Violation

Perhaps the most fruitful way to understand a violation is as an opportunity for the probation officer to respond to cues from the client. What does this presentation about the nature of violation behavior tell us about those cues?

In a way, these data provide somewhat sensational findings: Less than one-third of the violations result in revocation; many probationers are allowed to violate again and again, to the point that 1 percent of all probationers produce 10 percent of the violations by misbehaving four or more times while on probation.

Yet our data suggest that a more sanguine interpretation is probably warranted, and that the true situation is probably considerably more complex, at least as it confronts the officer. If an officer's understanding of supervision experiences at all reflects what our own data suggest, the following ameliorative facts would stand out.

- . Less than one-fourth of the offenders engage in violations serious enough to warrant recording.

- . More than one quarter of the time, the violation is merely a rules infraction.
- . A minority of violators are repeaters.
- . Repeater violators do not seem to get more serious in their violations.
- . When an officer responds to a violation by taking some action less than a revocation, about 60% of the time, the probationer does not violate again.
- . For nearly half of all violators the most serious alleged violation will be a rules infraction or a minor criminal offense.
- . As the supervision period continues, the probability that the seriousness of the probationer's violating behavior will "top out" increases, as well.

All these factors suggest quite plainly that a simple "violation revocation" equation is simplistic. There are many instances -- and quite persuasive reasons -- why some response to a violation less onerous than a revocation may be in the interest of probation, the public and the offender. These observations are supported by the fact that the jurisdictions whose officers have the most experience tend to allow the probationer more leeway in response to violations.

But making this choice is a calculated risk. Fully 40% of the time, it backfires -- the client violates again. But if a client can survive that initial violation, the chances of surviving subsequent misbehaviors are increased, and this continues with each new supervision problem. While the odds may suggest the officer exercise restraint in dealing with violations, eventually in some cases, the odds must catch up. For each member of the large group of violators

whose misbehavior was the last gasp in a violative career, there is almost a partner from the healthy - sized group who, with the benefits of hindsight, will show that the violation was actually a signal of more serious (or merely continuing) violations to come.

These observations are compromised, however, by one major finding: there is a significant correlation between the seriousness of a violation and that of a subsequent violation. While a seriousness of a given violation may not indicate whether a new violation will occur, it does suggest that if a new one occurs, it is more likely to be serious, as well.

In the face of these data, the probation officer makes choices about how to respond. The following chapter studies those choices, and describe the patterns of responses to violations as taken by officers in our sample.

Footnotes to Chapter 4

1. This is the number of misbehaviors for which we were able to determine a seriousness score. This number excludes approximately 150 alleged violations for which we had no way of determining the nature of the violation.
2. Of the 96 cases dropped from the analyses, 76 cases had illogical violation date data and 21 had illogical termination date data, making it impossible to determine actual sequence of violations.
3. These cut-offs were chosen in order to create roughly equal distributions within the categories, while providing logical meaningfulness of the actual crimes being categorized.
4. Virtually all of the records in our misbehavior sample were manually coded.
5. In cases of equally serious violations, the earlier incident was coded as the most serious.
6. Although, over 90% of the time, revoked clients remained under supervision for 30 days or longer following the alleged violation.
7. About 5% of the cases drop out at each step because of missing data about either the violation or the response.

Chapter 5 - Responses to Violations

Responses to probationers' violations are calculated attempts by probation officers to manage their clients' misbehaviors without placing the community in a position of unnecessary risk. Probation officers are virtually unanimous in reporting this to us. From this general orientation, however, flow many versions of misbehavior management. The probation officer has many options in responding to misbehavior in the part of the client. Our review of case files established the following six general categories of responses that commonly are taken in reaction to violations:

1) No formal response

This approach includes either no action at all, or simply a warning on the part of the probation officer. The probation officer's purpose in choosing this response is to note in writing that a violation occurred, even though the belief is that no formal action is required. However, if the probationer engages in a subsequent violation, then the probation officer may take the earlier violation into account in choosing a response to the subsequent violation.

2) Modification in supervision

This response includes such actions as modification of the conditions of supervision, increasing the supervision level, or requiring of participation in a new program. When this response is chosen, the probation officer is hoping to alter the substantive supervision practice in order to make it more relevant to the probationer, given the new violation.

3) Establishment of Controls

Often, the probation officer perceives the violation as a challenge to the authority of supervision. When this happens, the probation officer will respond by some action designed to re-establish the authority underlying supervision. Sometimes, the officer will have the offender placed in a residential center that restricts the probationer's access to the streets. Other times, the officer will simply affect a "hold," which can result in a brief jail stay, up to one week.

4) New probation term

Sometimes, the response to a violation will be to extend the term of probation. The logic underlying this response is normally that the original probation term represented an opportunity for the offender to demonstrate his or her potential for crime-free adjustment to the community. When a misbehavior occurs, it is sometimes seen as appropriate to "start the clock again," and require the offender to have a certain period of crime-free living in the community.

5) Punishment

When a violation is perceived to require some punitive response short of full revocation and reincarceration, a jail term may be imposed. Jail terms short of six months are typically imposed for this reason. They are shorter incarceration, sometimes, than the full penalty for the original offense, but they reinforce the power of the criminal justice system to sanction misbehavior.

6) Revocation

The most severe response a probation officer can take with a client is to seek revocation of probation. Revocation carries

different meanings in different jurisdictions, however when a probationer is revoked, it always means that the probation officer is seeking to end the probationer's status on probation and impose an incarcerative sanction that reflects both the seriousness of the original charge and the misbehavior for which the probationer is being revoked.

The true meaning of revocation

It is incorrect to assume that just because a probation officer files a revocation, the probationer will experience an extended term of incarceration. The decision to file a revocation is really only a decision to initiate a process which may (or may not) result in incarceration. Ordinarily, the process prior to removal from the community involves a series of steps.

The U.S. Constitution requires that two hearings be held prior to the removal of the offender from probation status, and many agencies have added a third informal pre-screening hearing of their own. The result is that the revocation process, far from a formality, is in reality a series of obstacles that must be overcome by the supervision authority in order to succeed in removing the offender from the streets.

This is one reason why many officers seek to impose intermediate sanctions as responses to violations, because the outcome of the revocation process is not entirely predictable. Much as a prosecutor will negotiate for lesser charges in order to guarantee a conviction, the probation officer often reasons that some sanction is better than the chance of a failed revocation attempt.

The distrust of the revocation process has other spinoffs. Often, as is the case in South Carolina, there is a hesitation to

revoke even in the face of new criminal charges against the probationer. Instead, the probation officer will await the disposition of the new charges, then terminate probation if the offender receives an incarcerative sentence on the new charges. This "path of least resistance" approach is especially attractive when the probationer is in jail awaiting the disposition of the new charges.

Because the probation officer only controls the decision to invoke the revocation process, we were unable (in most instances) to code directly from the probation files the outcomes of the revocation process. Our most direct understanding of the impact of revocation is to measure the time remaining under supervision following the revocation process. Table 5-1 shows these average times-at-risk following each incident for revocation and non revocation cases.

As can be seen from the table, revocation cases continue in probation for many months after the violation which leads to revocation, although non revocation cases are continued on probation considerably longer after the violation incident. This average time on probation, taken together with the very small number who are removed from probation within 60 days of the violation incident, is a product of two factors. First, not all revocations result in removal from probation. Many revocations result in only temporary losses of freedom, after which the probationer returns to probation. For offenders who are revoked pending new criminal charges, there is also a frequently lengthy delay in processing those charges. The result is that a violation and revocation, even for a new arrest, often leaves the offender at risk for well over a year.

Table 5-1 Average Time To Termination for Revoked and Non-Revoked Probationers

Violation Incident	Average Time (in Months)	
	Revoked	Non-Revoked
First	22.6	19.5
Second	20.9	17.8
Third	22.0	18.3
Fourth	22.3	18.6
Fifth	18.5	20.8
Sixth	23.3	18.3
Seventh	21.7*	17.4*

*Less than 20 cases

Comparing Responses to Violations

The probation officer's response to a violation is partly a product of existing policies and traditions in the agency, and it is partly a product of the legal options available to the officer. This makes comparison of responses to violations across agencies a troublesome venture, more complicated than comparing probationer's behaviors.

For example, the act of revocation has different meanings in the jurisdictions we studied, and sometimes varies within the jurisdiction. When a defendant receives a sentence directly to probation, a violation of probation, whether by a new offense or by a rules violation, constitutes an act punishable in and of itself. In the case of a probation sentence, which was commonly true in South Carolina, Wisconsin and (to a lesser extent) Cuyahoga County, a revocation action may result in a punishment for the violation of as little as one month in jail and as much as one year, depending on the circumstances of the violation. However, when a sentence is imposed and then suspended while a person is on probation, a successful revocation results in the offender serving the originally imposed sentence.

As a consequence of these differences, it is not always straightforward what a revocation means in terms of punishment, especially since revocation itself may not always mean punishment. In order to avoid undue complications in the analysis, we have chosen to treat as a revocation any response which involved either a revocation or six months or more of jail time. This definition seems likely to include all responses by officers in which a revocation was pursued or

achieved.

In some instances, as a matter of informal policy, revocation was not pursued even though an arrest for a very serious crime had occurred. This practice was common when a probationer had been charged with a serious crime and was awaiting either conviction or sentencing on the crime. Often, the probation officer would simply file for "termination" of probation, since to go to the trouble of seeking a revocation would result in a punishment far less severe than the offender faced for the new criminal charges. This practice was especially common in South Carolina, but occurred in each of the sites to at least some extent.

When the probation officer's response to a new, serious criminal charge was simply to terminate supervision, we interpreted this action as similar in meaning to a revocation, though without the administrative complexity. In essence, this action meant that the probation officer was satisfied by the official response of the criminal justice system to the offender's new misbehavior, and so therefore sought no additional response, even though supervision was ended. Termination in the face of a new crime is tantamount to a revocation.

Jurisdictions differ in the types of responses from which the officer may choose. The most obvious example of this was the "hold," or the arrest of a probationer and short (24-48 hour) jail stay which could be imposed to enforce a condition. The use of holds was virtually unheard of in Cuyahoga County--officers there believed there was no legal basis for holds in response to rules violations--and was uncommon in South Carolina. However, holds were thought of as significant enforcement options in Wyoming, Wisconsin and Hennepin

County, and were frequently used in those settings. However, in Wyoming, a hold was often followed by a revocation, while in Hennepin County, a hold was often followed by some change in the structure of the supervision (such as placement in a halfway house). By contrast, in Wisconsin, holds were often used as the exclusive response to a violation.

For reasons such as these, it is difficult to compare responses across jurisdictions. The same response will have different meanings, while different types of responses can have identical meanings and some responses are not possible, depending on the jurisdiction. Nevertheless, the analyses that follows provides a broad description of the nature of responses to probation violations. Where responses across jurisdictions have been aggregated, we inform the reader of the assumptions made in doing so. Where separate jurisdictional analyses seem to make sense, we provide those. Despite some degree of the apples-and-oranges problem, the results of our analyses are sufficiently unsubtle as to justify interpretation.

Varieties of Responses to Violations

There is substantial variation in officer responses to similar violations. Table 5-2 presents crosstabulation of violations and responses in all five agencies that participated in the study. For all violation categories except serious offenses against persons, responses ranged from "none" to "revocation." Surprisingly, revocations were more likely to occur for serious rules violations than for minor offenses.

In total, 52.6% of all reported violations were rule infractions; over half of these were rated as serious violations. The remaining

TABLE 5-2

OFFICER RESPONSES TO RULES
VIOLATIONS AND NEW OFFENSES

	<u>RULES VIOLATIONS</u>	<u>MINOR OFFENSES*</u>	<u>MODERATELY SERIOUS OFFENSES**</u>	<u>SERIOUS OFFENSES AGAINST PERSONS***</u>
No Action or Warning Only (Continued on Probation)	37.5%	29.4%	3.6%	1.8%
Rules Amended, Super- vision Level Increased or New Program Ordered	9.1%	18.9%	10.2%	10.9%
Placement in Residential Program or Short Jail Term (Less than 8 days)	4.2%	8.7%	7.1%	7.7%
New Probation Term	13.3%	8.5%	6.8%	6.0%
Jail 1 to 6 Months	11.6%	13.7%	18.7%	19.0%
Revocation	22.7%	20.4%	53.6%	54.2%

The revocations column includes new jail sentences of more than six months.

*Values of 4.00 through 7.99 on the Gottfredson Revision of the Wolfgang Sellin Severity Scale
 **Values of 8.00 through 10.99 on the Gottfredson Revision of the Wolfgang Sellin Severity Scale
 ***Values of 11 and higher on the Gottfredson Revision of the Wolfgang Sellin Severity Scale

47.4% of all violations were new offenses. The revocation rate for rule infractions was 22.2%. It was slightly lower for minor offenses, 20.4%, but substantially higher for moderately serious (53.6%) and serious offenses (54.2%).

Overall, seven of every ten serious or moderately serious offenses resulted in either revocation or a jail term of one month or more. Approximately one of three serious rules violations and minor offenses led to revocations and moderately serious rule infractions resulted in revocation or a month or more in jail in approximately 15% of instances reported.

Significant variance in the use of sanctions was evident among the participating agencies. Wisconsin officers were, by far, the least likely to revoke probation; Wyoming officers the most likely. Of all reported violations in Wisconsin, only 17% resulted in revocation or a jail term of a month or more. Of 480 rules violations, 58 (12.1%) resulted in a month or more in jail or revocation of probation. At the other extreme, the overall revocation rate for violations in Wyoming was 54.6%. (This rate consisted almost entirely of revocations as jail terms of one to six months were rarely used).

Table 5-3 shows revocation rates for types of violations in the sites. Jurisdictions again demonstrate marked differences in patterns of responses. Minneapolis, Cuyahoga and South Carolina show the most consistency in handling the more serious offenses. Rates of revocation for such infractions varied only from 59.4% in Cuyahoga County to 60.7% in South Carolina and 66.2% in Hennepin County. At the same time, Cuyahoga probation officers rarely revoke in response to rules

TABLE 5-3

Revocation Rates* By Agency

Agency	New Offenses		Rules Violations
	Minor	Mod/Major	
Cuyahoga County(Cleveland)	34.2%	59.4%	5.5%
Hennepin County(Minneapolis)	32.7%	66.2%	32.8%
Richland County(Columbia,SC)	15.6%	60.7%	22.9%
Wisconsin(Madison,Milwaukee)	14.8%	31.4%	12.1%
Wyoming(Entire State)	26.8%	69.9%	54.3%

violations -- only 5.5% of all rule infractions resulted in revocation. This rate is considerably lower than the 12.1% rate recorded in Wisconsin and a mere fraction of rates in other study sites. One reason for this low rate is that in Cuyahoga, probationers were far more likely to be given a new probation term for rules violations than in any other site. Fully 45% of all rules violations resulted in a new probation sentence. In the state agencies, new probation terms are rarely imposed for rules violations.

Table 5-4 outlines the use in the sites of other intermediate sanctions--responses varying from a simple warning to incarceration for thirty days or more. The two agencies which make the most use of new probation terms as sanctions for violations (Cuyahoga and Hennepin) are county probation offices located within the courts. The remaining three agencies are state probation and parole systems under the executive branch of the state government. One reason for the greater use of new probation in these agencies may be the judicial-probation relationship. Probation officers in these agencies told us they were able to enlist the judge was more readily involved in enforcement of conditions. Often, when the offender was taken back to court a "show" of enforcement would be made, but probation would be eventually reinstated. Likewise, judges may have a greater acceptance of new probation terms when they have control over the probation agency.

Operations of the Wisconsin Bureau of Community Corrections are, according to administrators, much less influenced by local courts judges and are not characterized by a close relationship to the court. One result of this independence appears to be that officers assume more responsibility for dealing with violations and are less likely to

TABLE 5-4

Use of Intermediate Sanctions
By Agency

<u>Rules Amended, Supervision Level Increased or New Program Ordered</u>			
	<u>Rules Viol.</u>	<u>Minor Offenses</u>	<u>Mod/Maj.Offenses</u>
Cuyahoga (Cleveland)	10%	8%	6%
Hennepin	10%	22%	3%
South Carolina	24%	18%	9%
Wisconsin	37%	32%	21%
Wyoming	12%	22%	8%

Placement in Work Release, Halfway House,
Mental Facility or Imposition of Short Jail Term

	<u>Rules Viol.</u>	<u>Minor Offenses</u>	<u>Mod/Maj.Offenses</u>
Cuyahoga	2%	3%	2%
Hennepin	2%	5%	4%
South Carolina	<1%	<1%	2%
Wisconsin	7%	8%	17%
Wyoming	1%	0%	4%

Sentenced to New Term of Probation

	<u>Rules Viol.</u>	<u>Minor Offenses</u>	<u>Mod/Maj.Offenses</u>
Cuyahoga	45%	21%	12%
Hennepin	26%	24%	7%
South Carolina	0%	4%	3%
Wisconsin	5%	5%	5%
Wyoming	<1%	0%	2%

seek direct court intervention. This practice is reflected in a far greater use of programs such as halfway houses, work release, and alcohol/drug abuse counseling to deal with violating behavior. Use of intermediate sanctions may also reflect availability of program resources and the general philosophical approach to corrections as may be true for Wisconsin officers. There, emphasis was placed on seeking alternatives to revocation, whenever possible, especially rehabilitative alternatives.

Tables 5-5 and 5-6 point out additional differences among agencies in use of other sanctions imposed in response to rules violations and minor offenses. Responses to both categories of infractions vary considerably. Less variance is found in responses to serious offenses as other factions of the criminal justice system--the police, and the courts--are more likely to be involved in these cases. The result is, in a majority of instances, incarceration.

In addition to differences between agencies that are evident in Tables 5-5 and 5-6, considerable variation exists in how staff react to violating behavior within each agency. Similar probationer behaviors result in the imposition of very different sanctions, ranging from "no response" to revocation. For example, in Cuyahoga and Hennepin Counties, about one third of all rules violations result in revocations. However, in both counties about one quarter of such violations result in merely a warning or program change.

One reason there is such variation in responses to rules violations and minor criminal offenses may be that these misbehaviors, themselves, vary so much substantively. Rules violations, for example, can involve relatively minor acts such as failure to report,

TABLE 5-5

RESPONSES TO RULES VIOLATIONS

	<u>Cuyahoga County</u>	<u>Hennepin County</u>	<u>South Carolina</u>	<u>Wyoming</u>	<u>Wisconsin</u>
No Action or Warning Only (Continued on Probation)	28%	12%	43%	24%	23%
Rules Amended, Supervision Level Increased or New Program Ordered	10%	10%	24%	37%	12%
Placement in Residential Program or Short Jail Term (Less than 8 days)	2%	2%	41%	7%	1%
New Probation Term*	46%	27%	41%	8%	1%
Jail 1 to 6 Months	9%	16%	9%	12%	9%
Revocation	5%	33%	23%	12%	54%

The revocations column includes new jail sentences of more than six months.

*Or jail 8-30 days.

TABLE 5-6

RESPONSES TO MINOR OFFENSES

	<u>Cuyahoga County</u>	<u>Hennepin County</u>	<u>South Carolina</u>	<u>Wyoming</u>	<u>Wisconsin</u>
No Action or Warning Only (Continued on Probation)	15%	5%	48%	17%	32%
Rules Amended, Supervision Level Increased or New Program Ordered	8%	22%	18%	32%	22%
Placement in Residential Program or Short Jail Term (Less than 8 days)	3%	5%	41%	8%	0%
New Probation Term*	22%	25%	7%	12%	2%
Jail 1 to 6 Months	18%	9%	11%	16%	15%
Revocation	34%	33%	16%	15%	27%

The revocation column includes new jail sentences of more than six months.

*Or jail 8-30 days.

or they may involve more serious acts such as excessive drinking. Likewise, all minor criminal acts do not require a severe response by probation officers, for they may reflect "slips" on the part of a probationer who is generally making progress. Probation officers report they are likely to treat more leniently misbehavior that is at variance with a general pattern of adjustment on the part of the client. However, at a minimum the data demonstrate the degree of discretion characterizing the revocation decision.

Pattern of Revocation

Just as most probation violators in our sample desist after a single violation, a relatively small porportion of violators in our sample experience a revocation. Table 5-7 shows the number of violators who experience revocations in our sample. The majority of violators never experience a revocation, and the vast majority experience only one revocation. Indeed, only about 5% of the violators experience multiple revocations, suggesting that there is not a problem of "revolving - door revocations," at least in this sample.

Table 5-8 shows the revocation rate for the most serious violations. This table takes multiple violators into account and indicates the collective responses of probation staff to what is in some cases a series of misbehaviors by probationers. When the most serious violation is merely a rules infraction or a minor criminal offense, about one-third of the responses involve violations. This percentage is substantially higher for moderate and major offenses, for which about two-thirds of the responses are revocations. Thus, more serious violations are more likely to result in revocations.

Table 5-7
 Number of Revocations Per Misbehaving
 Probationer

Number of Revocations	Number of Cases	Percent of Cases
0	1193	62.3
1	618	32.3
2	83	4.3
3	16	.8
4	4	.2
5	1	.1
6	1	.1
Total	1916	100.0

Table 5-8
 Revocation Rate of Most Serious
 Violation By Probationers

Most Serious Misbehavior	Revocation Rate (N)
Rules Violation	38.6 (342)
Minor Offense	30.6 (379)
Moderate Offense	67.0 (582)
Major Offense	84.6 (331)
Total	56.2 (1634)

One of the strongest patterns in revocation practice is revealed in table 5-9, which displays revocation rates of each violation in sequence. The pattern is quite clear. With each new misbehavior, the probability of a revocation increases. This suggests a rational pattern of decision-making, that with each new violation, the probation officer's willingness to tolerate misbehavior is reduced, when the subsequent violation is of increasing seriousness.

Thus, the discretion of probation officers to respond to probationer violations results in a variety in responses to those violations, but this variety takes on a rational pattern. More serious violations receive more severe responses; more active violators are more likely to receive a revocation and progressively more serious violators are much more likely to experience revocation. This is true, despite the fact that the majority of violators never experience revocation.

The Effectiveness of Responses to Supervision

One of the ironies of these data is that there is no way to guarantee that a violator will not violate again; even a revocation action does not guarantee prevention of new violations. Thus, it is appropriate to assess the effectiveness of different responses to violations.

We have already shown that the decision to revoke slightly reduces the probability of a new violation (see chapter 4). However, this is a different question from the impact of the sanction chosen on the seriousness of subsequent violation. It is a widely held truism among probation officers that a swift and stern response to a violation results in a deterrent effect of "sorts, straightening the

Table 5-9
 Revocation Rate at Peak
 Violation Seriousness

Peak Seriousness Period	N	Revocation Rate
First Incident	1696	44.5%
Second Incident	155	61.2%
Third Incident	38	73.7%
Fourth Incident	14	71.4%
Fifth Incident	8	87.5%
Sixth Incident	5	80.0%

offender out." If this is true, then the imposition of a harsher sanction would be associated with less serious misbehaviors in the future.

This proposition is tested in Table 5-10, which shows correlations between response severity and new violation seriousness. Because subsequent violation seriousness is correlated with prior violation seriousness, this table also provides the correlation controlling for the effects of prior violation seriousness.

The argument that more severe responses lead to less serious subsequent violations is not borne out by this table. In fact, there is a slight positive relationship between the variables (for the combined samples) which is washed out entirely by the control for prior violation seriousness for all response patterns but that of the third response and fourth violation (which in any event is a not significant negative relationship). In fact, there is virtually no evidence that response severity is related meaningfully to subsequent misbehavior seriousness.

Table 5-10 Correlates Between Response and Seriousness of Subsequent Violation

Violation Pair	All Cases		Wisconsin		Hennepin Co.		Cuyahoga Co.		S. Carolina		Wyoming	
	Zero Order	First Order**	Zero Order	First Order**	Zero Order	First Order**	Zero Order	First Order**	Zero Order	First Order**	Zero Order	First Order**
First Response and Second Violation	.12*	.04	.10	.04	.04	.01	.15	.01	.14	.05	.12	.10
Second Response and Third Violation	.16*	.00	.16	.01	.16	.00	NA	NA	.17	.02	NA	NA
Third Response and Fourth Violation	-.03	-.16	-.01	-.13	NA	NA	NA	NA	NA	NA	NA	NA
Fourth Response and Fifth Violation	.20	.13	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Summary

Our analysis exposes the probation officer has having little control over the impact of sanction decisions or the processing of those decisions. The decision to revoke, for example, is fought with uncertainty. It may lead to an outcome that is quite different from what was intended. In large part, this lack of control over the violation process stems from the larger unpredictabilities of the criminal justice system. Prosecutorial policy in reponse to criminal acts by probationers, jail and prison crowding, police practices in serving warrants probationers -- each of these is force which circumscribes the probation officer's ability to manage offenders' misbehavior.

To this criminal justice context must be added the widely divergent policies and practices of the five agencies we studied. In part because of these differences, there are very different patterns in the response to violations alleged against clients. Revocation rates for violations overall vary by extreme margins, and practices in regard to mid-range misbehaviors are extremely variable, depending on the site.

The image that emerges is that of a largely uncontrolled complex of decision-making, in which a variety of factors come into play to determine the results of a probationer's misbehavior. In Chapter 6, we explore this image further.

Chapter 6 - Determinants of Officer Responses to Violations

It is clear that considerable variation exists in the ways officers respond to both rules violations and new offenses. This chapter identifies factors that influence officer actions. Why are some offenders revoked for rules violations while others remain on probation after committing a new offense? Why are very different sanctions imposed on probationers guilty of similar infractions?

It was believed that four separate sets of variables influence officer decisions. These are:

1. The violation committed
2. Characteristics of the probationer
3. Officer philosophy, experience and education
4. Organizational factors including agency policy, and political environment

Multiple linear regression analysis was used to determine which factors actually influence officer response to violations. Separate regressions were run to analyze differences across agencies, within agencies, and by class of violation (rules violations and new offenses).

In general, multiple regression is used to explain the variance in one factor--the dependent variable (in this case, officer responses to violations) through the variance found in other (independent) factors. When step-wise regression is used factors are entered in order of statistical importance in adding to the total explanatory power of the regression equation.

Response to the First Violation

As an initial step, officer responses to the first violation reported were analyzed. Data from all five agencies were entered into the regression with the results presented in Table 6-1.

The best combination of factors accounted for only 25% of the variance in responses. The severity of the violation was most influential determinant followed by two agency variables describing, policy in turn followed by two offender factors. After the first three factors, the total amount of additional variance explained by each new step is minimal. A more detailed description of each determinant and its relationship to the dependent variable is presented below:

Violation 1. The seriousness of the violation is the best determinant of the seriousness of the response.

Type of Department. This variable measures the degree of independence of the probation department from the court system. Agencies were coded based on the interviews of administrators and staff rating the influence of the courts on subsequent actions by probation officers. South Carolina and Wyoming were coded 2, Wisconsin was coded as a 3. Agencies administratively within the court system were coded 1.

The correlation between this factor and response was fairly strong (-.248) and the relationship was inverse. Thus, in systems where court influence is strongest, responses to violations tend to be more severe.

Table 6-1

Determinants of Responses to the First Recorded Violation

(N=2013)

<u>Variable</u>	<u>Multiple R</u>	<u>R Square</u>	<u>F Ratio</u>
Violation 1	.377	.142	
Type of Department	.421	.177	
Agency Average -CPI Reintegration Scale	.468	.219	
Level of Supervision at Admission	.477	.277	
Employment	.480	.230	
Agency Average-CPI Reform Scale	.483	.233	
Alternatives to Revocation	.486	.237	
Prison Crowding Policy	.492	.243	
Prior Revocations	.499	.249	
Other Drug Usage	.500	.250	37.79*

* p < .01

Agency Average-CPI Reintegration Scale. There may be other reasons to explain this variable. Our studies of these agencies showed that a complex of factors lead Wisconsin and South Carolina to have overall lower rates of revocation. Nevertheless, this variable has a strong relationship to the probability of revocation.

The reintegration scale measures the relative emphasis placed by officers on reintegrating offenders into the community. Community programs, work release, halfway houses, etc., are commonly used by agencies that adhere to this philosophy. Confinement is used as little as possible. Thus, the negative correlation attained (-.102) was expected.

Admission Level of Supervision. This variable reflects the level of supervision initially assigned each probationer. Because most supervision level assignments are based on RISK and NEED scores, it probably is serving as somewhat of a proxy for those variables.

Overall, officers will impose more serious sanctions on probationers assigned to higher supervision levels. This probably occurs for two reasons. First, the option of raising the supervision level for an offense is not available for cases already at the highest supervision level and second, since level of supervision is based partially on risk, these officers may be less tolerant of violations because these probationers are perceived as a greater risk to society.

Employment. This factor is from the needs assessment scale and measures both current status and employability. Unemployment and lack of employment potential are positively correlated (.103) with the severity of the sanction imposed.

Agency Average-CPI Reform Scale. This variable showed little

correlation with the dependent variable yet was entered into the equation ahead of more strongly correlated factors, indicating that it taps a unique portion of the variance in response to violations. Reform scores indicate a strong concern for community standards and a high expectation of compliance with the rules of probation.

Availability of Alternatives to Revocation. Two jurisdictions reported little in the way of available alternatives, while three sites identified a number of available programs. This factor was entered as a dichotomous variable (1=Yes, 2=No) and the correlation was positive (.122).

Effects of Prison Crowding on Revocations. In response to a survey, agency administrators were asked if prison crowding had influenced agency use of revocation. Three agency directors stated there was no effect; one said a marginal effect was evident and the third stated the effect was fairly significant. The correlation attained was minimal, but this factor was entered into the equation ahead of other factors with stronger relationships to response.

Prior Revocations. This variable reflects whether or not a client's probation or parole has been revoked in the past. A correlation coefficient of .121 was attained, indicating that officers are less tolerant of probationers who have been revoked in the past.

Other Drug Usage. Use of illicit drugs was positively correlated with severity of response (.144).

Response to the second and third violation

Stepwise regressions were also run on responses to violations 2 and 3. (There were too few cases with four or more violations to make additional analysis runs worthwhile.) In analyzing response 2, many

of the same factors again emerged as determinants of responses and the explanatory power of the equation remained at about the same level as that obtained in the first regression. The results of the second regression are presented in table 6-2.

In response to the second violation, the combined severity of violations 1 and 2 as well as amount of time on supervision become somewhat important to the chosen response. However, the primary determinants remain the seriousness of the violation, the agency's link to the judicial system, the correctional philosophy of staff and the employment status or employability of the probationer.

A slightly different pattern emerged when responses to the third violation were analyzed, the results of which are presented in Table 6-3. Stability factors and other characteristics of the offender took on increased importance in formulating response decisions. This is probably due to the fact that the probationer has been on supervision for a relatively long period of time before a third violation occurs and more has been "invested" in the offender. Officers therefore maybe willing to take individual circumstances more into consideration. In addition, a pattern of two violations without revocation or a lengthy jail term imposed denotes a pattern of less serious violations. In such instances, relatively positive situations, full time employment, no prior revocations, no history of drug abuse, etc., may influence the choice of sanctions used.

In the analysis of the third response, employment replaces the seriousness of the violation as the strongest determinant. In total, six of ten variables in the equation describe the offender. Only four such variables emerged as determinants of responses to the second violation recorded.

Table 6-2

(N=756)

Determinants of Responses to the Second Violations

<u>Variable</u>	<u>Multiple R</u>	<u>R²</u>	<u>F Ratio</u>
Violation 2	.330	.109	
Type of Department	.395	.156	
Agency Average-CPI Restraint Scale	.440	.194	
Agency Average-CPI Rehabilitation Scale	.457	.209	
Employment	.467	.218	
Violation 1 & 2 Combined	.476	.227	
Associates/Companions	.481	.231	
Academic/Vocational Skills	.484	.235	
Time on Supervision to Viol.1	.488	.238	
Time on Supervision to Viol.2	.492	.242	9.64

Table 6-3
 Determinants of Responses to the Third Violation Recorded
 (N=325)

<u>Variable</u>	<u>Multiple R</u>	<u>R²</u>	<u>F Ratio</u>
Employment	.274	.075	
Violation #3	.347	.121	
Type of Department	.392	.154	
Alternatives to Revocation	.415	.172	
Prior Revocations	.435	.190	
Mental Ability	.451	.203	
Drug Abuse	.462	.213	
Companions/Associates	.472	.223	
Initial Supervision Level	.484	.234	
CPI Reintegration Scors	.490	.240	4.29

Employment, violation #3, type of department, prior revocations, history of drug abuse and the initial level of supervision imposed all demonstrated simple correlations with response of .2 or higher.

Responses to New Officers

The next step in the analysis was to separate behaviors into rules violations and new offenses and to investigate responses to each type of infraction. This series of analyses indicates two main patterns. First, the correlation between the seriousness of the violation and the severity of response is higher for offenses than for rule infractions; and second, the explained variance is also higher for offenses than for rules violations. Nevertheless, a great deal of unexplained variance remains.

The stronger correlation between a new offense and the officer's response was expected, as officers generally have less discretion in dealing with violations of the law than rule infractions. Agency policies on new offenses are often more explicit, and in many cases the response is as much or more a function of the courts and/or the police as the probation officer. For serious offenses (particularly those against persons), little or no discretion exists, since virtually all cases are incarcerated in the county jail or in a state facility. However, probation officers, police and the courts have considerable discretion in dealing with minor offenses. In many cases in response to a minor infraction is to do nothing at all or merely to give a written warning.

The system's inconsistency in dealing with minor offenders could be attributable to both the importance of aggravating or mitigating circumstances and the inability of an overworked legal system to place

much importance on minor infractions.

Table 6-4 presents results of the regression analysis for responses to the first violation, when this violation is a new offense. Eight factors explained approximately 28% of the variance in responses. All variables entered into the equation were significantly correlated with responses. Interestingly, only one prior criminal history measure, prior revocations of probation/parole, appears to influence the choice of response. The type of agency (state vs. county judicial) and the correctional policies of staff and administrators appear to have greater influence than social or criminal history variables.

Table 6-5 presents the results of the analysis of determinants of the second violation, when it is a new offense. The explained variance increases significantly in the analysis of responses to the second violation. Nine factors account for 39% of the variation in the dependent variable. The seriousness of the violation was again the most influential factor followed by three factors related to agency policies. Time on supervision and the combined severity of violations 1 and 2 also became important to the selection of a response.

Again, social and criminal history factors describing the offender appear to have very limited influence on the sanction selected. In the second violation, agency variables (average CPI scores on the restraint and reintegration scales) as well as the availability of alternatives to revocation play an important role in response selection.

Responses to Rule Violations

Table 6-6 presents the results of the analysis of determinants of responses to rule violations in the first instance. The high degree

Table 6-4
 Determinants of Responses to New Offenses-First Violation Recorded
 (N=1234)

<u>Variable</u>	<u>Multiple R</u>	<u>R²</u>	<u>Simple R</u>	<u>F Ratio</u>
Violation 1	.423	.179	.423	
Type of Department	.472	.223	-.294	
Admission Supervision Level	.499	.249	.186	
Agency CPI Average- Rehabilitation	.505	.255	-.252	
Agency CPI Average - Restraint	.515	.265	.205	
Companions/Associates	.520	.270	.187	
Academic/Vocational Skills	.523	.273	.142	
Prior Revocations	.526	.276	.143	24.54

Table 6-5
 Determinants of Responses to New Offenses
 Second Violation Recorded
 (N=541)

<u>Variable</u>	<u>Multiple R</u>	<u>R²</u>	<u>F Ratio</u>
Offense Committed	.386	.149	
Availability of Alternatives to Revocation	.473	.224	
Agency Average CPI Restraint Scores	.523	.274	
Agency Average CPI Reintegration Scores	.576	.332	
Time on Supervision	.602	.362	
Combined Severity 1st & 2nd Violations	.610	.372	
Type of Agency (State, County)	.616	.380	
P.O.'s Length of Experience	.621	.385	
Companions	.624	.390	8.44

Table 6-6
 Determinants of Responses to Rules Infractions
 The First Violation Recorded
 (N=494)

<u>Variable</u>	<u>Multiple R</u>	<u>R²</u>	<u>F Ratio</u>
Availability of Alternatives	.271	.073	
Type of Department	.373	.139	
CPI Restraint Scores	.422	.178	
Companions/Associates	.434	.188	
Violation #1	.446	.199	
CPI Rehabilitation Scores	.452	.205	
CPI Reform Scores	.455	.207	
Prior Probation/Paroles	.458	.209	
Drug Abuse	.459	.211	
Academic/Vocational Problems	.461	.212	11.64

turnover rates are often highly correlated. Low salaried employees are more likely to look for better paying positions while well paid officers may remain with agencies for longer periods of time. Higher salaries also allow agencies to be more selective, so as to obtain staff members with more education and experience.

Table 6-7 presents results of a interviews of administrators of agencies participating in the study and in-depth interviews with officers and supervisors conducted during the course of the study. Data were collected regarding the perceived availability of alternatives to revocation, the effects of prison crowding on probation decisions and the relative level of autonomy granted to line officers.

Taken together with demographic data presented in Chapter 2, it can be seen that Wyoming officers are the youngest, least experienced group. The average Hennepin County and Wisconsin officer is substantially older with considerably more job experience. Based on Correctional Policy Inventory scores, Wisconsin and Wyoming officers share similar attitudes on correctional issues. Wisconsin officers, however, appear to have more autonomy (policies regarding violations are less explicit than in Wyoming, hence attitudes of individuals have more influence on actions taken) and also have more alternatives available in dealing with violating behavior. Therefore, despite similar staff attitudes, responses to violations in the two agencies are quite different. This fact suggests that strong agency policies can limit discretion and result in greater consistency among staff.

Cuyahoga officers put less emphasis on reintegration and rehabilitation and much more on reform and restraint than staff of other agencies. Surprisingly, despite a myraid of available community

Table 6-7

Agency Comparisons - Policy and Practice

Agency	Availability of Alternatives to Revocation	Impact of Prison Crowding	Level of Officer Autonomy
Cuyahoga County	Adequate	Limited	Limited
Hennepin County	Substantial	Limited	Substantial
South Carolina	Limited	None	Substantial
Wisconsin	Substantial	None	Substantial
Wyoming	None	None	Limited

of discretion officers have in dealing with rules infractions made identification of response determinants difficult. Responses ranged from "none" to revocation for all three categories of rules violations (minor, moderate and serious). Moreover, when the first violation recorded was a rules infraction, the seriousness of the violation was only marginally correlated with the severity of the response. Because numerous circumstances specific to each case could not be included in analysis and/or because criteria are inconsistently applied to cases, the total explanation of the variance in responses was fairly minimal.

The seriousness of the violation exhibited far less influence on response selection for rule infractions. Availability of alternatives to revocation was the most influential variable followed by the strength of the department's relationship to the judicial system. Variables describing attitudes of individual officers also showed significant correlation with responses. The Correctional Policy Inventory restraint scores, in particular, demonstrated a relatively strong relationship to responses ($r = -.247$). The negative correlation attained matched the theory of the scale --that officers espousing this approach choose not to "rock the boat" and respond primarily when situations create difficulty for themselves or the agency. Therefore, rules violations, particularly minor infractions, tend to be ignored.

Even less success was attained in identifying determinants of responses when second violation was rule infraction. Very little of the variance in response ($R^2 = .146$) was explained and only a few of the factors analyzed demonstrated any significant relationship to the dependent variable. The violation committed was only marginally

correlated (.097) with the response. Only one factor, companions/associates, was significantly correlated with responses.

The relative importance of officer attitudes and the amount of variance demonstrated in dealing with rule infractions could certainly result in a misallocation of limited correctional resources. It is evident that some offenders go to jail or prison for minor infractions, while in other cases little or nothing is done. Furthermore, the data analyzed failed, for the most part, to determine what drives officer response to rule violations.

Response Variance Within Agencies

The final step in analyzing determinants of responses to violations the examines intra-agency differences. Chapter 5 indicated that there is considerable variation in the handling of violations within agencies. Our earlier analyses concentrated on identifying determinants across all departments participating in the study. This permitted inquiry into the effects of different policies, philosophies, resource mixes and political environments. Thus, the availability of alternatives to revocation, the effects of prison crowding, and the impact of agency philosophy and policies could be estimated. An intra-agency analysis, on the other hand, should provide estimates of the relative influence of officer related variables holding all agency factors constant.

However, results of intra-agency differences must be viewed in the context of agency philosophy, policy and operations. In Chapter 3, differences in management styles, the degree of autonomy given to individual staff members, and the general philosophical orientation of each agency was discussed. Differences in officer demographics and

attitudes were presented in Chapter 2, and Chapter 3 described the agencies in detail. It will be recalled that in analyzing differences across agencies, several questions emerged: First, how much discretion are officers allowed in dealing with violations? Have policies on responses to technical violations been developed? If policies have not been developed or if agency policies expressly place a great deal of discretion with the supervising officer, then individual officer differences could have considerable influence on response selection.

A second consideration is the degree to which other correctional issues such as prison crowding or public concern with crime have constrained probation's ability to deal effectively with misbehaviors. If crowding has resulted in a policy (explicit or implicit) not to pursue revocations for rule infractions or minor new offenses, the effect on sanction imposition could be significant. Similarly, if a notorious probation failure resulted in new policies regarding sanctions, officer discretion may be significantly reduced. In instances where such cases did not result in new policy directives, officers may still have adopted a more cautious approach in dealing with probation violations.

Finally, hiring practices, salary levels and promotion practices can directly influence operations. For example, hiring practices often establish the overall tone of an agency. Some agencies primarily hire trained social workers and the result may be a heavy emphasis on case planning and service provision. Other probation departments may hire from other disciplines including law enforcement, with a corresponding emphasis on control and surveillance. In addition, salary levels and

resource programs, Hennepin County officers scored relatively low on both the reintegration and rehabilitation scales. Overall profiles of each agency and corresponding hypotheses regarding responses to violations are presented below:

Cuyahoga County: Relatively young staff, moderate experience; emphasize restraint, reform; limited discretion; strong judicial influence.

Expectation - Strong relationship between violation and response; limited use of programs as sanctions.

Hennepin County: Oldest, most experienced staff; low restraint scores signifying heavy case involvement; considerable discretion; very strong judicial influence

Expectation - Moderate relationship between violation and response; decisions heavily influenced by officer philosophy; limited use of programs as sanctions.

Richland County, South Carolina: Young, least experienced staff; somewhat reform minded; limited alternatives available; officers exercise substantial discretion.

Expectation - Moderate relationship between violation and response; officer attitude variables may significantly influence the response decision.

Wisconsin: Older, more experienced staff. More emphasis put on rehabilitation and reintegration than other

staffs (except Wyoming); officers have considerable discretion; very limited judicial influence.

Expectation - Moderate relationship between violation and response; offender characteristics and circumstances may influence response selection. Officer philosophy should also play role.

Wyoming: Young, liberal staff with relatively strong rehabilitation, reintegration philosophy; officers have limited discretion, limited alternatives available.

Expectation - Limited variance in response does not allow examination of relationships: All should be fairly minimal.

Table 6-8 reveals considerable differences among agencies. As expected, there is little explanation of response variance in Wyoming. This earlier tables showed revocations are nearly as likely for rule infractions as for new offenses in Wyoming. In Hennepin County, the correctional philosophy of individual staff members plays a very important role in response selection. In fact, responses were more related to both restraint scores and the initial level of supervision assigned than to the violation committed. The level of discretion found in Hennepin County contrasts sharply with discretion allowed in Wyoming.

In the remaining sites, the violation influenced most

the type of sanction imposed. In Wisconsin and Cuyahoga County, offender characteristics -- deficits, problems -- also influence response selection. In South Carolina, officer philosophies appear to be more influential, although after the violation and the amount of time on supervision entered the regression equation, little additional variance was explained.

TABLE 6-8

Agency Comparisons
Determinants of Responses to the First Violation Recorded

	Cuyahoga County (N=509)	Hennepin County (N=270)	South Carolina (N=587)	Wisconsin (N=420)	Wyoming (N=227)
Variable 1	Violation #1 (.54)	Restraint Scores (.30)	Violation #1 (.48)	Violation #1 (.43)	Companions (.16)
Variable 2	Acad./Voc.Skills	Init.Supervision Level	Time on Supervision	Init.Supervision Level	Time of Supervision
Variable 3	Time on Supervision	Violation #1 (.23)	Reform Scores	Employment	Employment
Variable 4	Drug Abuse	Rehabilitation Scores	Reintegration	Acad./Voc.Skills	Alcohol Abuse
Variable 5	Alcohol Abuse	Acad./Voc.Skills	Init.Supervision Level	Drug Abuse	Reintegration Scores
Total R ²	.403	.262	.301	.293	.097

Summary

This chapter has explored the determinants of probation officers' responses to violations. The main findings are: a combination of variables does poorly in explaining officer responses to violations, but it is easier to explain responses to new arrests than responses to rule infractions, and responses to subsequent violations are easier to explain than earlier ones, particularly for rule violations. Agency policies, including the collective attitude of staff toward their jobs, appear to be very significant in determining responses to violations, and there are vast differences across agencies in determinants of responses.

Chapter 7 - Risk Classification of Misbehaving Probationers

Risk prediction has, in the last few years, gained substantial support as a tool for decision making in criminal justice. Increasingly, it is being used by parole boards, probation and parole agencies, prisons and even juvenile corrections. As a result, considerable research has been conducted to improve predictive instruments. Recent reports from Rand Corporation, and the Iowa Statistical Analysis Center are products of this renewed interest.¹

Traditionally, multivariate statistical techniques, most commonly regression analysis, have been used to develop predictive instruments. While use of regression analysis is widespread, this technique presents many problems for researchers. First and foremost, regression analysis is a precise technique that can external validity when there is a lack of causation between the independent and dependent variables. Although risk screening instruments are based on demonstrated relationships between outcomes (however defined) and other factors, causation cannot be assumed from a regression-based model. Because regression seeks to identify of the dependent variable, very strong relationships are necessary before much variance in the dependent variable is explained. Therefore, risk screening instruments that do well in discriminating groups of high, moderate and low risk offenders often demonstrate little ability to much explain variance in outcomes. Nevertheless, these instruments may be good for risk screening, so long as they allow identification of subgroups with very different rates.

Therefore, although regression is a valuable research tool which can help select the best combination of predictive factors, its measures

(particularly R2) are too precise to evaluate the ability of risk screening devices to differentiate between low, moderate and high risk groups.

A relatively low failure rate, particularly among probation populations, also hampers multivariate statistical techniques. In most disciplines, rare events are inherently more difficult to predict. Revocation rates among probation populations are often in the range of 15 to 25%.

Predicting events that are this rare is sometimes difficult. Scaling probation outcomes has also proven problematic. Using revocation as singular measure of failure produces a dichotomous outcome index -- that is, all cases fall into either the success group or failure group. Levels of success or failure are not considered. As this report demonstrates, using a dichotomous response to behavior as an outcome is fraught with problems. At best, the correlation between behaviors and response is only about .4. However, more elaborate scaling of outcomes requires some theoretical assumptions of relationships between outcomes and actions and these are subject to question.

Many believe that in recent years, the public has become increasingly frustrated with the criminal justice's inability to deal effectively with violent offenders. Thus, identification of offenders with high propensities for violence has become a primary concern of criminal justice agencies. However, because violence, even among probation or parole populations, is a relatively rare event, violence prediction has met with limited success.² Further complicating this endeavor is the fact that some types of property offenders tend to

recidivate at a much greater rate than assaultive offenders. Therefore, factors that predict recidivism often have little or no correlation with violence. Most risk-screening instruments used in probation and parole provide measures of recidivism that mostly reflect property offenders.

This study provides a opportunity to investigate improved risk screening for several reasons. First, most available scales have been constructed using data from a single probation or parole population. However, five separate agencies participated in this study, perhaps suggesting that results of a risk analysis may generalize to other jurisdictions. Second, due to the primary objective of the study, behaviors and agency responses were carefully separated. This allows use of an outcome measure that reflects behaviors only, negating the effects of inconsistencies in the application of sanctions. Third, the degree of detail in violation data collected permits the development of an outcome index that incorporates everything from a minor rule infraction to a capital crime. Furthermore, because up to eight violations were coded for each offender both frequency and severity measures can be included in an outcome index.

This analysis presents one drawback not found in some other studies. Data were collected for the probation term only so the follow-up period will vary among individuals. Violations that occurred one month after successful discharge from a 12 month term were not captured; violations committed during the twenty-third month of a two year probation were coded. The same as first-month violations.

Development of an Expanded Outcome Index

Creation of an outcome index that incorporates the relative severity and the frequency of all violating behavior proved to be somewhat complicated. Simple ordinal scaling was deemed inappropriate because it does not reflect the relative severity of violations. Several versions of outcome scaling were attempted before settling on an index that accounted simultaneously for the number and severity of infractions. The weighting of each item used to create the scale arbitrarily chosen was in order to give maximum weight to frequent and serious misbehavior patterns. The index chosen is presented in Table 7-1.

Outcomes ranged from 0 to 20. A single conviction for a serious offense (9.00 or above on the Gottfredson Scale)³ received a higher weight than multiple incidents of less serious offenses. In total, enough information was available on 5,294 records to compute risk scores.

A breakdown of outcomes for the entire sample is presented in Table 7-2. As shown in the table, 82% of the sample progressed through the probation period without a formerly recorded violation. Another 6.5% had no new offenses reported during the supervision period. In total, 11.4% of the sample did have new convictions reported; 4.7% of these were for serious offenses against persons.

Selection of Potential Risk Variables

Several steps were involved in the selection of risk indicators. First, all variables requiring any degree of subjectivity in scoring were simplified to increase inter-rater reliability. Research conducted by the Wisconsin Bureau of Community Corrections⁴

determined that a high degree of reliability is attained when officers are asked merely to indicate whether or not a problem exists without having to rate the severity of the problem. Nearly 450 ratings were obtained (45 to 57 officers rated taped initial interviews of 9 different clients) and percentage of agreement attained (weighted average) is presented below for pertinent variables.

The process followed in developing the screening device was the same as that normally employed in the design of risk instruments.⁵ Simple correlation coefficients were computed indicating the degree of relationship between the various social or criminal history factors and outcome. Variables with significant relationships were included in a subsequent regression analyses, which was used to select the best possible combination of factors for predicting outcome. Results of this analysis are presented in Table 7-4.

Only 10 variables were included in the scale, since no significant additional explanatory power was exhibited after the tenth variable was included in the equation. In constructing the risk scale, several additional variables were considered based on simple correlation coefficients. Although regression analysis indicated inclusion of these variables did not add to the explanatory power of the equation, simple crosstabulations did show that better discrimination between groups of offenders was attained when additional variables were included. Based on this finding, age at first conviction and number of prior revocations were added to the equation. The risk instrument derived is presented in Table 7-5. The results of the crosstabulation of risk scores and outcomes are presented in Table 7-6.

Table 7-1
Outcome Scale

No New Offenses or Rules Violations Reported0
Three or Fewer Rules Violations Reported1
Four or More Rules Violations Reported2
Three or Fewer Violations; At Least One of Which Exceeds 3.00; but None Exceed 5.99 on Seriousness Scale*4
Four or More Violations; At Least One of Which Exceeds 3.00; but None 5.99 on Seriousness Scale*6
Two or Fewer Violations; At Least One of Which Exceeds 6.00; but None Exceed 8.99 on Seriousness Scale8
Three or More Violations; At Least One of Which Exceeds 6.00; but None Exceed 8.99 on Seriousness Scale	10
One or More Violations That Exceeds 9.00; but None Exceed 11.99 on Seriousness Scale14
One or More Violations That Exceeds 12.00 on Seriousness Scale20

*The seriousness index used was the Gottfredson revision of the Wolfgang-Sellin Severity Scale.

Table 7-2
Frequency of Outcomes

Outcome Value	Number
0	4347 (82.1%)
1	323 (6.1%)
2	19 (0.4%)
4	62 (1.2%)
6	17 (0.3%)
8	200 (3.8%)
10	75 (1.4%)
14	203 (3.8%)
20	48 (0.9%)

Table 7-3
Inter-rater Reliability

Factor	Percentage Agreement
Alcohol Abuse	94%
Drug Abuse	91%
Marital/Family Disorganization	86%
Employment	90%
Peers/Companions	89%
Academic Vocational Skills	88%

Source: Project Report #14 Case Classification/Staff Deployment Project, Wisconsin Division of Corrections, July, 1979.

Table 7-4

Results of Regression Analysis

Factor Entered	Multiple R	R ₂	Simple R
Step 1 Companions/Associates	.170	.029	.170
Step 2 No. of Prior Felonies	.212	.045	.153
Step 3 Employment	.238	.057	.164
Step 4 Convictions Score*	.248	.061	.154
Step 5 Marital/Family Relationships	.256	.066	.152
Step 5 Drug Usage	.262	.069	.136
Step 7 Attitude**	.268	.072	.136
Step 8 Academic/Vocational Skills	.271	.074	.149
Step 9 Alcohol Usage	.274	.075	.126
Step 10 Prior Periods of Prob./Parole	.275	.076	.111

*Includes a prior conviction for any one of the following offenses: Theft, Auto Theft, Burglary, Forgery, Worthless Checks or Robbery.

**Positive attitudes were scored 0, negative attitudes received a score of 1.

Table 7-5
Risk Index

		<u>SCORE</u>
Prior Felony Convictions:.....	0 None 1 One or More	_____
Prior Periods of Probation/ Parole Supervision:.....	0 None 1 One or More	_____
Prior Revocations:.....	0 None 1 One or More	_____
Prior Convictions For:.....	1 Burglary, theft, auto theft, forgery, robbery or worthless checks	_____
Age at First Conviction:..... (Or Juvenile Adjudication)	0 20 or Older 1 19 or Younger	_____
Employment:.....	0 Satisfactory, secure employ- ment(or student, homemaker, retired) 1 Unsatisfactory employment or unemployed	_____
Companions/Associates:.....	0 No adverse relationships 1 Associations with at least occasional negative results	_____
Marital Family Relationships:.....	0 Relatively stable relation- ships 1 Moderate to severe dis- organization or stress	_____
Drug Usage:.....	0 No interference with functioning 1 Some abuse evident, some disruptions of functioning	_____
Alcohol Usage:.....	0 No interference with functioning 1 Some abuse evident, some disruptions of functioning	_____
Academic/Vocational Skills:.....	0 Adequate skills, able to handle everyday requirements 1 Deficits that cause adjust- ment problems	_____
Attitude:.....	0 Motivated to change; receptive to assistance 1 Unwilling to accept responsi- bility, negative, rationalizes behavior.	_____
	TOTAL.....	_____

Table 7-6
 Outcome by Risk Scores
 Total Sample

Risk Scores	N	O U T C O M E S C O R E S					
		0	1,2	4-6	8	10	14-20
0 - 1	829	94%	5%	0%	1%	0*	0*
2 - 4	1759	94%	4%	1%	3%	<1%	1%
5 - 7	1374	79%	8%	2%	4%	2%	5%
8 - 9	599	73%	8%	3%	4%	3%	9%
10 - 11	395	66%	10%	2%	8%	4%	11%
12	318	55%	14%	3%	10%	3%	16%
Totals	5294	82%	6%	1%	4%	1%	5%

*Less than 0.1%

Footnotes to Chapter 7

1

For discussion of these and other risk assessment approaches, see Stephen Gottfredson, "A Review of Current Prediction Methods" in Prediction and Classification in Criminology ed. by Don M. Gottfredson and Michael Tonny (Chicago: Univ of Chicago) in press

2

See John Monohan, The Prediction of Violent Crime (Beverly Hills, CA: Sage) 1980

3

Michael R. Gottfredson, The Classification of Crimes and Victims Ph.D. Dissertation, State University of New York at Albany, 1970

4

S. Christopher Baird, et al The Wisconsin Workload Deployment Project Two-year Follow-up (Madison:Dept of Human Services) 1974; see also Project Report #14 Case Classification/Staff Deployment Project, Wisconsin Division of Corrections, July 1979

5

See Stephen Gottfredson and Don M. Gottfredson, Screening for Risk: Comparison of Methods (Washington, D.C.:National Institute of Corrections) 1979

DISCUSSION

Table 7-2 illustrates some of the difficulties encountered in attempting to predict which offenders will recidivate. As the figures indicate, failure on probation is a relatively rare event. Using four points or above on the outcome scale as the cut-off point for "probation failure," only 605 of 5294 cases (11.4%) rate as failures. Less than 5% of the sample was convicted of major offenses against persons. Thus, nearly 9 of every ten probationers were not convicted of a new offense during the probation period. (The follow-up period for the sample averaged just over 30 months).

However, crosstabulating computed risk scores with outcomes (Table 7-6) does indicate an ability to significantly differentiate between groups of offenders. The results are similar to those produced in other studies with one major advantage. The outcome variable used includes a measure of severity of the violation committed. Thus, the following group comparisons can be made:

Only 1 of every 100 very low score offenders (0-4) was convicted of an assaultive offense within the follow-up period.

At the other extreme, nearly one of every 7 high score offenders (10-12) was convicted of an assaultive offense.

The overall success rate (no new convictions) for probationers with risk scores of 4 or less was over 98%. The success rate dropped to 81% for those scoring 8 or 9; to 76% at 10-11 and to 69% for probationers with risk scores of twelve.

No new violations of any kind were reported for 94% of probationers with risk scores of 4 or less. This percentage drops steadily as risk scores increase. Of those with twelve points or more only 55% had no violations recorded.

Chapter 8
Retrospective on the Behavior Control
Tools of Probation Officers

The purpose of this study has been to investigate how probation officers respond to the misbehavior of their clients. Our focus has been on the recorded violations of probationers and the documented responses of probation officers in five probation agencies. We analyzed over 8000 probation cases, over 2000 of which contained a documented violation. This analysis included an assessment of organizational policy and practice, officer attitudes toward probationers and probationer attributes. Our major findings can be divided into three main categories: organizational practice, probationer behavior and probation officer behavior.

Organizational patterns. We found wide differences in the way organizational policy and practice translate into patterns of misbehavior control. Differences existed in the formal policy structure that influenced probation officer behavior, and differences existed in the less formal office traditions.

One result of these differences is that the amount of discretion probation officers possess in dealing with their clients' misbehavior is varies. Discretion appears to be a product of two factors: organizational tolerance for misbehavior and lack of supervisory review of probation officer decisions. In organizations which place an emphasis on strong responses to violations, probation officers appear to be more reticent to file violations, but also less variable in their responses, once a violation is filed. In organizations with strong supervisory review of probation officer decisions, there is a

pressure to document decision-making, and supervisors serve as a type of screening mechanism to reduce reliance on revocation as a response to violations.

Thus, in Wisconsin where there is a strong policy of "last resort" for violations, and there is an equally strong tradition of close supervisory control, a larger number of violations is tolerated, in contrast with Wyoming, where the policy is close enforcement yet the tradition is also close supervisory control. We have called this tradition of close control of organizational policy the Creative Para Officer model of sanctions, in which the line worker is carefully supervised in terms of organizational policy. When policy is to seek alternatives, the officer will be creative in doing so. When the policy is to enforce conditions closely, this forces the officer to be creative in deciding what to report. The involvement of the supervisor in the case decision-making has the effect of forcing a closer fit between active organizational policy and probation officer action.

This was not the case in Cuyahoga, where there was also close supervisory monitoring of the officer, but this monitoring occurred in relation to the judge's interest in the documentation of the case more so than the agency's desire to implement a proactive sanction policy. We call this the Legal Agent Model. It forces discretion to be hidden as in Wyoming, but it also seems to lead to a "paper war" of sorts, in which officers are forced to document the problems of most cases so that they are in a position to work with clients. In Cuyahoga County, once a case was written up, it was possible to be in a position to take action on the probationer should a major problem

occur. Yet the recognition that the judiciary was loathe to respond severely to minor infractions meant that these officers acted largely as agents of the court, documenting rules violations and processing revocations for new offenses.

We found also two versions of organizational practice where little supervision was given to the officer. The difference was that in one site (Hennepin County), a great deal of emphasis was given to the "professional" judgement of the officer, and supervisors were reluctant to interfere in their staffs' cases. Interestingly, although we call this the Professional Officer model, there was strong tendency to respond to violations, even the minor ones, with serious sanctions such as revocation (even though a new probation term often resulted from the revocation process). Therefore, when officers are left in charge of their own workload, they may tend to react more strongly to new offenses.

By contrast, the Bureaucratic Officer model was equally lax with supervisory review of decisions, but the officers felt constrained by the pressures of the larger criminal justice system. Thus, they often left the cases largely alone, to be resolved by the system's own processes. Rather than being proactive (as was the professional officer) the Bureaucratic officer sought to react to decisions that are received as being out of the officer's own control.

Two serious caveats attend this discussion. First --and admittedly so -- an N of 5 is much too small to draw definitive typologies of agency patterns of sanctioning. Indeed, in our own thinking, these "models" are somewhat muddled -- there is overlap, ambiguity and a certain degree of post-hoc classification to them. Nevertheless, we present these "models" as a type of hypothesis for

future analysis by writers fortunate enough to work with larger numbers of sites. In our experience, the speculations we offer reflect interpretations of the interactions we observed in the sites.

The second caveat is interpretive: We pass no judgement as to which "model" is superior. In our view, each system was policy/tradition response to rather unique forces in its task environment. It is beyond our capacity to evaluate their merits, and we would not pretend to be able to do so. All we can do is offer an observation. In each system, officers spoke of serious problems they encountered in effective use of sanctions, yet each seemed to "work" in its own (albeit different) way.

Misbehavior patterns. Because we were dealing only with documented misbehaviors, it is not possible for us to present our work as a definitive assessment of probationer behavior. The vast differences we found across sites suggest that to some degree we are measuring policy differences, at least at the threshold decision to record a misbehavior as a violation.

Nevertheless, some fascinating patterns emerge which deserve comment. First, very few probationers are recorded as violators (with the exception of Cuyahoga County). Misbehavior, at least officially, is not a widely experienced phenomenon among probationers.

Among those who do misbehave, a proportion misbehave a second time, some of those a third time, some still a fourth time, and on, up to eight or more misbehaviors. However, the incident specific probability of a new misbehavior is never greater than .50. Nor is there any relationship between the seriousness of any given incident and the probability of a subsequent incident, although there is a

relationship with the seriousness of a given incident and the seriousness of a subsequent violation, should it occur. Finally, knowing certain characteristics about the offender, it is possible to develop assessments which differentiate probationers into subgroups with quite different rates of misbehavior. Nevertheless, the highest rate subgroup is composed of over 50% of non-misbehaviors and 86% of non-violent misbehaviors.

The situation may not be good for probation officer foresight, but it is ripe for hindsight. If the probation officer's intention is choosing an approach that prevents a subsequent problem, a stern response, such as revocation, will be wrong half the time regardless of the seriousness of the original violation. Yet if the officer chooses to risk a non-severe response, the situation could become a second-guesser's field day, because the more serious the new violation (and the judgement error) the more likely it is there was a serious prior misbehavior. It is so easy for a critic to say "You should have known," even though more than half of the violators with equally serious past histories never violated. As usual, it is the visible errors that cause not the invisible errors that stem from overcautious responses by officers.

In the context of this pressure toward conservative decision-making must be placed the collective reality of probationer misbehavior. Most offenders never violate. Of those who do, nearly one-third merely violate the rules of probation. Even of those who do violate, seriously or not, more than half will never violate again.

In many ways, then, the problem facing the probation officer is how to manage the "outliers" -- the exceptions: how to know who they are early in supervision, and how to avoid the undersirable

consequences they bring. Put an the organizational context, the problem is how to work within the constraint of existing agency rules and supervisory review to deal with the inevitability of error.

Response Patterns. Given these pressures, it is not surprising that probation officer's responses are different to predict. Because we had such a large nuer of cases with violations reported, we were able to use a variety of combinations of variables to try to explain the officers response. As makes sense, the nature of the violation is the single, most significant explanation. It is followed by organizational-level variables. It is disappointing that after the violation and organizational measures, very little remaining variance is explained by additional variables, and less than 25% of the entire variance in responses is explained.

This is a great deal of unpredictability, but it is not the same as irrationality. Probation officers respond more seriously, on the whole, to be first violation (regardless of seriousness) and become more tolerant of subsequent violations until the probationer has exhibited a predilection for misbehavior, as when revocations become more frequent as responses to misbehavior. There is also a type of "line-drawing" exercise -- once a misbehavior has resulted in a revocation, any subsequent misbehavior is significantly more likely to produce a revocation.

This pattern is entirely consistent with the "relationship-forming" values described in Chapter 1. In general, officers seek to develop responses that will bring clients into closer accord with their use of authority. The first misbehavior may often be seen as a

situation involving a choice: "Can I work with this client or not?" If the officer believes that the client might be responsive to authority, it is possible to select a less severe response in order to develop a support system for forming a relationship based on trust and respect. The officer gets "rid" of the worst cases immediately after the first violation by filing a revocation. The remaining offenders are "worked with," and their subsequent misbehaviors are interpreted in light of this commitment to them. This explains why the first violation gets the harshest response, and later violations are treated with more discretion. The officer has already invested some support in these cases, and to withdraw that investment is personally and practically costly.

To this picture must be added the fact that the severity of the officer's response is unrelated to the client's future misbehavior patterns--the sanctions process is largely unproductive from a deterrence point of view. This means that few real options are available to the officer who wishes to ensure the community's safety. Essentially, the probability of a new misbehavior will stay constant regardless of the probation officer's action, and yet for a serious violation, any subsequent problem is likely to be serious.

This elaborates on the bind facing the probation officer. There is no easy way to "win" --the decision to file for a revocation is an admission of failure of sorts: "I was unable to keep this person in the community." Moreover, the decision to revoke is by definition a destruction of the very client-officer relationship that makes the supervision process possible. Yet, if the officer decides to avoid these consequences, there is the seemingly unalterable certainty that a proportion of cases will backfire.

In the face of these pressures, it is no wonder that officers develop ideosyncratic ways of responding to cases. Given the ideosyncrasy, it is obvious why regression models lack so much of an ability to explain variance in outcomes. There is so much diversity in approach to supervision enforcement that no single model can be expected to explain response patterns very well.

That the use of discretion is variable is supported by the fact that the response to rules violations is harder to explain than the response to criminal arrests. The latter is covered more closely by policy than is the former, and so probation officers predictions come into play more with rules violations than with new crimes.

Toward an Understanding of Misbehavior/Response Patterns

The process by which probation officers decide how to respond to probationer misbehaviors is remarkably similar to that of the larger criminal justice system in response to criminal behavior. Like the prosecutor, the probation officer must weigh these forces in deciding to deal with a probationer. The central concern is the probability that a given offender will engage again in the future in some criminal event. It is commonly thought by probation officers that offenders who simply make "mistakes" but are not "criminals," ought to be allowed to complete probation with minimal intrusion. The criminal justice system is also a force in this puzzle -- just as the prosecutor must face up to the realistic probability of a conviction, the probation officer is forced to speculate about the likelihood that decision-making authorities will respond in appropriate ways to a recommendation of a severe sanction. Plea bargaining, like all intermediate sanctions, is driven in part by the unpredictability of

the courts process. Finally, the probation officer must weigh the consequences of sternness against the real, limited capacity of the criminal justice system. Scarce court, jail and prison resources suggest that their use must be conserved for the most necessary cases.

Yet just as the prosecutor faces the problems of "doing justice," so does the probation officer face a very real bind. Every violation is, at least at some level, a direct challenge to the authority of the state to establish and enforce the law. To "look the other way," to fail to respond with some sanction, raises questions about the credibility of the system and forces the probation officer to face the limits of the state's ability to enforce its directives. To fail to respond to the probationer's challenges seems to chip away at the very meaning of the state as rule-maker.

There are other parallels to the larger criminal justice system. Parole boards know that invisible errors fail to have a direct negative impact on the system, while the visible errors force the system to be accountable for its actions. Thus, there is a pressure for more conservative decisions. Likewise, studies show criminal repeaters "fall out" of criminal careers at a rapid rate, and many have speculated that the severity of punishment has little effect on the probability of a new crime.

The major difference is that the probation officer's decision is made without a great deal of public visibility. It is largely a private decision -- if there is external involvement at all, it is by a supervisor who must review the officer's action. But even this involvement is sometimes minimal.

A second difference is that the probation officer's decision

cannot be final only when it is extreme. A judge or an administrator will review a decision to revoke, but no legal authority reviews a reclassification decision, and judicial monitoring of new conditions is often pro forma. That is why the use of intermediate sanctions is so often advantageous to the agency.

The Behavior Control Tools of Probation Officers

What does this tell us about probation officer's work? This research tells us little about what probation officers do on a day-to-day basis to deal with their clients in routine matters. This study does fill a void about how officers respond to extreme situations -- cases in which their authority, and the authority of probation, is being challenged.

Our data, including our conversations with officers, administrators and our review of case files, suggests to us that probation officers are not in a very powerful position of authority in relation to their clients. On the average, probation officers see their client a few minutes a month. During these brief encounters, the task they face is at best difficult: they must assert the authority of their position, establish some working level of rapport with the client, and gather sufficient information about the client to decide on effective, individualized action, whether it be guidance counseling, referral or passive support. In reality, this is not a position of great power nor is it calculated to provide significant potential for influence over offenders.

What makes the officer's task even more difficult is the fact that probationers are certainly involuntary clients, and often are overtly hostile or covertly resistant to the officer. Resistance .

highlights the officer's vulnerability to the client's intentions. In many respects, it takes a "good" client (at a minimum, verbally active and marginally cooperative) to allow an officer to be "good" at his work--the power relationship is reciprocal. When clients choose to refuse to take the client role -- to talk at least somewhat openly to their officers, to follow at least the most important directions -- it makes the officer's job difficult if not impossible. Some level of "relationship" is fundamental to any effective supervision effort.

Add to this tenuous relationships the factor of misbehavior of some sort, and it is easy to see the dilemmas the officer faces. On the one hand, the misbehavior is an open challenge to the officer's ability to manage the relationship -- and it is a subtle signal the officer is failing to do so. On the other hand, the misbehavior is an opportunity to renegotiate and re-establish the collective working tasks of the client and the officer. To respond too harshly might destroy the opportunity; too respond to leniently may give the wrong impression.

It is easy to understand why ideosyncratic approaches abound, given the dynamics of the situation. It is equally easy to see why no obvious path to effective behavior control emerges from our data. There are too many uncertainties. Although we had several measures of attitude, we had no measures of competence. A well-delivered warning can be very different in its behavior shaping capacity, of course, than a poorly developed and unconvincing one. To these uncertainties of officer abilities must be added the uncertainties of the client's own response. The choice of responses to misbehavior, from a behavior control perspective, emerges as a series of conditional probabilities: It is based on the probability of a given probationer's behavioral

outcomes from a range of possible behavior outcomes in a given distribution, based on the officer's response to a given behavior which itself occurs as a probability within a distribution, in the context of a system response which is also a probability. Even this simplified version of the officer's situation is sufficiently complex to demonstrate why "sound judgement" is such a premium in this business.

Some people will observe the variety in response and behavior we report and call for new programs of structuring the use of discretion in the officer's sanctioning decision-making. In the face of such broad disparity, decision-making reform is exceedingly hard to resist, and we are inclined in that direction ourselves.

Yet, in fairness to the people we studied, we feel obligated to add a caveat to the call for reform. The position of the officer is sufficiently vulnerable, and the actual model of behavior control so complex, that we think it would be a mistake to attempt to structure discretion too closely without more research on the matter. We found no obvious strategies for discretion control in our work, and we believe that whatever systems the five organizations we studied might eventually adopt, they would certainly be varied. And each would also leave some room for officer judgement. The purpose of reform, in the face of such uncertainty, can only be to try to reduce the frequency of outlandish errors, because a map toward the "right" decision cannot be gleaned from our data.

Finally, we think that any attempt to revise the basis by which officers employ these tools to control behavior will leave room for discretion. After all, in the face of layered uncertainty, no system

can replace the value of sound judgement.

Appendix A

Comparison of Risk and Needs Items

X = No Data
 D = Different Scale
 Q = Different Question

	Wisconsin	Hennepin	Cuyahoga	So. Carolina	Wyoming
<u>Admission Risk</u>					
Address Changes					
Time Employed					
Alcohol	%	%	X Q	Q # Months	%
Drug Abuse					
Attitude			X		
Age at First					
Prior Period					
of Separation					
Prior Review					
Prior Felony					
Conviction					
Convict Score			X		
Assaultive					
<u>Admission Needs</u>					
Academic					
Employment					
Financial					
Marital/Family					
Companions					
Emotional Stability					
Alcohol					
Drug Abuse					
Mental Ability					
Health					
Sexual Behavior					
Agent Improvement					
			Q Residence		
			Close Emotional Sex/Behav.	X	
				X	

Comparison of Risk and Needs Items

	Wisconsin	Hennepin	Cuyahago	So. Carolina	Wyoming
<u>Reassessment Risk</u> Address Changes Age at First Prior Revocation Prior Felony Offense Score % Employment Alcohol Drug Abuse Living Arrangement Social I. D. Response to Condition Use of Community Resources	X	0,2,4,8 goes D to 8	X X Q Type of Most Serious Arrest X X Close=Attitude X	X Q 2% 15 Months	X
<u>Reassessment Needs</u> Academic Employment Financial Marital/Family Relations Companions Emotional Stability Alcohol Drug Abuse Mental Ability Health Sexual Behavior Agent Improvement	X		Q Residence Close=Emotional Sexual Behavior	X	X

Comparison of Risk and Needs Items

	Wisconsin	Hennepin	Cuyahago	So. Carolina	Wyoming
<u>Termination Needs</u>					
Academic					
Employment					
Financial					
Marital/Family Relations					
Companions					
Emotional Stability					
Alcohol					
Drug Abuse					
Mental Ability					
Health					
Sexual Behavior					
<u>Agent Improvement</u>					
			Q Residence		
			Close=Empt/Sex Beh.		
<u>Termination Variables</u>					
Address Changes	X	X	X	X	X
% Employment	X	X	X	X	X
Response to Condition	X		Attitude		
Use of Community Resources	X		X	X	X
Prognosis	X		X	X	X
Marital Status			X	X	X
Amount Employment/			X	X	X
Employment Status			X	X	X
Month Income					
Last Grade					
Service & Used?					
Rest Period?					
Amount Rest Period					
Revocation Date					
Violation Date					
Revocation Reason					
Most Serious Violation					
	Liv. Arr? 1-79 0-9	D 1-5 Scale D 0-2 Scale		Scale? 0-22 D X X	
	Scale Diff.	D 0-19 Scale	Q Disp date Q Disp Reason		

Appendix B

AGENT NO. _____

OFFICE _____

Behavior Questionnaire

INSTRUCTIONS

On the following pages is a list of probationer misbehaviors. Across the top of each page is a scale which uses numbers ranging from 1 to 6. Corresponding to each number is a phrase representing a particular degree of severity of a misbehavior. In the spaces provided, please write in that number which corresponds to the type of violation you believe each particular misbehavior represents. Be sure to note that the possibilities range from a minor rules violation, to a major criminal violation, with a major rules violation anchored at the number 3, and a minor criminal violation anchored at the number 4.

Please be sure to record your agent number at the top of this page.

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Refused opportunities and counseling.....					_____
Attempt to acquire drugs with illegal prescription.....					_____
Arson.....					_____
Reckless use of a weapon.....					_____
Failure to report change of employment.....					_____
Threatened bodily harm.....					_____
Driving while intoxicated.....					_____
2nd degree sexual assault.....					_____
Traffic citation.....					_____
Failure to secure housing.....					_____
Moved from shelter without permission.....					_____
Possession of drugs.....					_____
Disorderly conduct/disturbing the peace.....					_____
Receipt of stolen property.....					_____
Child abuse.....					_____
Reckless use of a weapon.....					_____

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Attempted theft.....					
Homicide by intoxicated use of auto.....					
Failure to report contact with police to agent.....					
Attempt to falsify driver's license.....					
Aggravated battery.....					
Throwing firecrackers at people.....					
Attempted murder.....					
Harrassment of spouse or others.....					
Failure to attend court.....					
Gambling.....					
Assault.....					
Shoplifting.....					
Escape.....					
Obstructing an officer.....					
Battery of a police officer.....					
Failure to complete program (e.g., vocational).....					

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Returned to jail late.....					_____
Battery.....					_____
Threatened bodily harm.....					_____
Assault upon jailor.....					_____
Activate fire alarm.....					_____
Associating with minors or others against probation rules....					_____
Continued to live with victim.....					_____
Held party with juveniles/alcohol present.....					_____
Possession of weapon(s).....					_____
Went to unauthorized area without permission.....					_____
Aggravated assault.....					_____
Soliciting prostitutes.....					_____
Illegal entry.....					_____
Failure to pay restitution or fine.....					_____
Selling stolen property.....					_____
Kidnapping/holding hostage(s).....					_____

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Unlawful use of a telephone.....					_____
Carrying a concealed weapon.....					_____
Loitering.....					_____
Attempt to buy drugs.....					_____
Intoxication/consumption of alcohol.....					_____
Failure to report change of address.....					_____
Attempted burglary.....					_____
Failure to seek employment.....					_____
Failure to provide requested information to agent.....					_____
Theft.....					_____
Sexual assault.....					_____
Failure to take medication.....					_____
Threatened police officer.....					_____
Purchase of item without permission.....					_____
Criminal damage to property.....					_____
Attempted escape.....					_____

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Failure to report to a jail or a halfway house.....					_____
Absconding.....					_____
Contributing to the delinquency of a minor.....					_____
Fraudulant use of a credit card.....					_____
Attempted robbery/accessory to a robbery.....					_____
Withholding information from a police officer.....					_____
Attempted sexual assault.....					_____
Issuance of worthless checks.....					_____
Selling drugs.....					_____
Failure to acquire travel permit.....					_____
Threatened or attempted suicide.....					_____
Failure to report (missed appointments).....					_____
Homicide.....					_____
Failure to pay child support.....					_____
Reckless driving.....					_____
Forgery.....					_____

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Armed robbery.....					_____
Violation of work release privileges.....					_____
Endangering safety by conduct regardless of life.....					_____
Borrowed money without agent's permission.....					_____
Fighting.....					_____
Burglary.....					_____
Resisting arrest/fleeing from an officer.....					_____
Prostitution.....					_____
Violation of rules at halfway house or treatment program.....					_____
Found in bar.....					_____
Trespassing.....					_____
Consuming illegal drugs.....					_____
Operating vehicle without agent's permission.....					_____
Operating vehicle after suspension/revocation of license.....					_____
Failure to provide correct information to police.....					_____
Threatened murder.....					_____

1	2	3	4	5	6
MINOR RULES VIOLATION	MODERATE RULES VIOLATION	MAJOR RULES VIOLATION	MINOR CRIMINAL VIOLATION	MODERATE CRIMINAL VIOLATION	MAJOR CRIMINAL VIOLATION
Unauthorized presence on school property.....					
Exhibitionism.....					
Failure to submit urine tests.....					
Leaving work without permission.....					
Failure to report to volunteer center.....					
Failure to report/leaving scene of accident.....					
Took child from custodial center or parent without permission..					
Impersonating relative of a child to gain access.....					
Negligent handling of burning materials.....					
Threatened to violate state law.....					
Wearing diaper, sucking pacifier in public on bike.....					

AGENT NO. _____

OFFICE _____

INSTRUCTIONS

On the following pages is a list of actions, any one of which could be undertaken by a probation officer in response to a client's misbehavior. Using the numbers 1 to 11, with the number 1 representing the least severe of responses, and the number 11 representing the most severe, please write in that number which you feel most accurately corresponds to the degree of severity contained in each of the responses named on the following pages. The phrases "no official response", "moderate severity" and "probation revoked" have been placed along a scale on the top of each page in order to provide you with some idea of how responses of differing severity may be located differently along the scale.

Please be sure to record your agent number at the top of this page.

1	2	3	4	5	6	7	8	9	10	11
NO OFFICIAL RESPONSE					MODERATE SEVERITY			PROBATION REVOKED		

Termination of halfway house program....._____

Ordered to pay restitution....._____

Ordered to take antabuse or similar treatment....._____

Apprehension request issued....._____

Sentenced to a new probation term....._____

Placed in jail for seven days or less....._____

Ordered to undergo psychiatric counseling....._____

Restraining order issued....._____

Level of supervision increased....._____

Given a warning....._____

Placed in state Mental Health facility....._____

Placed in jail for eight to thirty days....._____

Violation report filed....._____

Placed in halfway house....._____

Rules amended....._____

Ordered to pay a fine....._____

	1	2	3	4	5	6	7	8	9	10	11	
	NO OFFICIAL RESPONSE				MODERATE SEVERITY				PROBATION REVOKED			

Extention of restitution..... _____

Placed in jail between 31 and 60 days..... _____

Ordered to undergo alcohol/drug abuse counseling..... _____

Placed in jail between six and 18 months..... _____

No action or rules violation filed; continued supervision.... _____

Placed on extension of work release..... _____

Ordered to participate in Community Service Program..... _____

Ordered to undergo spouse/child abuse counseling..... _____

Placed in state correctional institution; probation revoked.. _____

Placed in jail between 90 days and six months..... _____

Transfer to another region..... _____

Placed in jail between 61 and 90 days..... _____

Placed on a specific restriction for a period of time..... _____

ASSESSMENT OF CLIENT RISK

Client Name	Last	First	MI	Case Number
Probation Control Date or Institution Release Date (Month, Day, Year)			Agent Last Name	Area Number

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

		SCORE
Number of Address Changes in Last 12 Months: (Prior to incarceration for parolees)	0 None 2 One 3 Two or more	_____
Percentage of Time Employed in Last 12 Months: (Prior to incarceration for parolees)	0 60% or more 1 40% - 59% 2 Under 40% 0 Not applicable	_____
Alcohol Usage Problems: (Prior to incarceration for parolees)	0 No interference with functioning 2 Occasional abuse; some disruption of functioning 4 Frequent abuse; serious disruption; needs treatment	_____
Other Drug Usage Problems: (Prior to incarceration for parolees)	0 No interference with functioning 1 Occasional abuse; some disruption of functioning 2 Frequent abuse; serious disruption; needs treatment	_____
Attitude:	0 Motivated to change; receptive to assistance 3 Dependent or unwilling to accept responsibility 5 Rationalizes behavior; negative; not motivated to change	_____
Age at First Conviction: (or Juvenile Adjudication)	0 24 or older 2 20 - 23 4 19 or younger	_____
Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile)	0 None 4 One or more	_____
Number of Prior Probation/Parole Revocations: (Adult or Juvenile)	0 None 4 One or more	_____
Number of Prior Felony Convictions: (or Juvenile Adjudications)	0 None 2 One 4 Two or more	_____
Convictions or Juvenile Adjudications for: (Select applicable and add for score. Do not exceed a total of 5. Include current offense.)	2 Burglary, theft, auto theft, or robbery 3 Worthless checks or forgery	_____
Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or the threat of force)	15 Yes 0 No	_____
		TOTAL _____