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Parole Violations and Revocations in California: Analysis and Suggestions for Action

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THE DEBATE ABOUT the costs and benefits of imprisonment is taking place all across the United States, but the stakes are highest in California. California's 173,000 prisoners constitute the largest prison population of any state. One in seven state prisoners in the United States is incarcerated in California, and between 1980 and 2007, California's prison population increased over sevenfold, compared with a fourfold increase nationally. And, despite a 2003 vow by Governor Arnold Schwarzenegger to reduce the state's prison population, California's prison population continues to grow; recent projections predict a prison population of 191,000 in the next five years. ¹

California's prison expenditures are also among the highest in the nation—per inmate, per staff, and as a share of the overall state budget. In 2006-2007, the average annual cost of housing a California prisoner in was \$43,287, 1.6 times higher than the national average of about \$26,000. At the beginning of the prison building boom in the early 1980s, adult and youth corrections accounted for four percent of California's general fund expenditures at \$1 billion per year. Today, California's budget for state corrections is over \$10 billion a year, and growing at a rate of seven percent annually—the fastest-growing segment of the state's criminal justice expenditures. State correctional costs now account for approximately ten percent of total state spending—nearly the same amount the state spends on higher education. Even after adjusting for inflation, general fund expenditures to support California Department of Corrections and Rehabilitation (CDCR) operations increased 50 percent between 2001-2002 and 2008–2009. ²

Central to California's debate over its prison system are the topics of parole violations and revocations (returns to prison). In September 2005, the National Institute of Justice (NIJ) funded the authors to undertake a three-year comprehensive study of the causes and consequences of parole violations and revocations in California. The study was supported fully by CDCR, the agency that oversees all of California state corrections. Their cooperation was essential to access

and understand the extensive data that our project required. The project represents the largest, most comprehensive, and most rigorous study of parole violations and revocations ever conducted.

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Understanding California Corrections and the Importance of Parole Violations

California's recidivism rate, as measured by the return-to-prison rate, is 66 percent, compared to a 40 percent national average. Sixty-six percent of all parolees in California returned to prison within three years, 27 percent for a new criminal conviction and 39 percent for a technical or administrative violation (which can result from new crimes or violations of the conditions of parole). ⁴ On any given day, six out of ten admissions to California prisons are returning parolees. ⁵

Part of the explanation for California's anomalously high parole return rate is its unique sentencing and parole system. California, for the most part, has a *mandatory* parole release system. California moved from an indeterminate to a determinate sentencing system in the late 1970s, and as a result, most offenders are released after they have served their original court-imposed sentence, less any accumulated good time credit. California's Determinate Sentencing Law (DSL) allows offenders to earn, with some exceptions, day-for-day good time, which can result in a 50 percent reduction in the amount of time they must serve. For about 80 percent of prisoners in California, there is no appearance before a parole board to determine whether they are fit to return to the community; instead, they are *automatically* released. Once released, nearly all prisoners are placed on formal parole supervision, usually for three years. California is virtually alone in this practice of combining determinate sentencing *and* placing all released prisoners on parole. Most other states either have an indeterminate sentencing system, where a discretionary parole board determines release dates, or reserve parole for only their most serious or risky offenders.

The state's growing prison population, combined with its universal parole practices and lengthy parole terms, has resulted in California supervising far more parolees than any other state. The Bureau of Justice Statistics reports that in 2007, California supervised about 120,000 parolees on any given day, accounting for 15 percent of all parolees in the country. ⁶

California's parole population is now so large and its parole agents so overburdened that parolees who represent serious threats to public safety often are not watched closely, and those who wish to go straight often cannot get the help they need. About 80 percent of all California parolees have fewer than two 15-minute face-to-face meetings with a parole agent each month, and nearly all of these meetings take place in the parole agent's office. It is estimated that two-thirds or more of all California parolees have substance abuse problems and nearly all of them are required to be drug tested. ⁷ Yet few of them will participate in appropriate treatment while in prison or on parole. California's recent Expert Panel on Adult Offender Recidivism found that 50 percent of exiting state prisoners did not participate in *any* rehabilitation or work program, nor did they have a work assignment during their *entire* prison stay. Many did not get the help they needed on parole either: 56 percent of parolees did not participate in any formal program while under parole supervision. ⁸

Clearly, this low level of supervision and service provision has not prevented crime. As noted above, two-thirds of all California parolees return at least once to a California prison within three years. Due to their high failure rate, parolees account for the bulk of prison admissions in California; in 2006, nearly two-thirds (64 percent) of all persons admitted to California prisons were parole violators. Parole revocations have been rising nationally over the last 20 years, but California's have increased more. Over the last 20 years, the number of parole revocations has increased about six-fold nationally. In California, the number of parole revocations has increased 30-fold. ⁹

California's unique decision-making process partly explains its high parole revocation rate. The

decision to send a parole violator back to prison is often not made by a judge, but by a politically appointed deputy commissioner at the Board of Parole Hearings. Criminologists have coined the term “back-end sentencing” to describe how the parole revocation process centers on parole board practices. [10](#) Not only are back-end sentences determined by correctional officials instead of judges in California, but the standard of evidence used (preponderance of the evidence) is much lower than is required in a court of law (beyond a reasonable doubt). This more lenient standard is deemed appropriate because in California, prisoners remain in the legal custody of the CDCR while on parole. Parole in California is not a reward for good behavior, as it might be in an indeterminate sentencing state, but rather an extension of a felon’s sentence and a period of extended surveillance after prison. As such, if parolees do not abide by the imposed parole conditions, the state has the legal right to revoke their parole terms and return them to prison.

California’s parole revocation process is also unique in another way. The maximum term for a parole violation in California is 12 months in prison. If a parolee is sentenced to that maximum term, there is usually a day-for-day credit for time served in prison or in jail awaiting case disposition, assuming no prison rule infractions. This means that a parole violator who is not convicted of a new crime by a criminal court—totaling nearly 70,000 prison commitments in 2006—will only spend, on average, slightly more than four months in custody. Naturally, not everyone receives the maximum 12-month sentence; California’s Rehabilitation Strike Team found that of all parolees returned to a prison in 2004, 20 per-cent (one in five parole violators) served less than one month in a California prison. [11](#)

This system of “catch and release” makes little sense in terms of deterrence, incapacitation, treatment, and cost. Parolees quickly learn that being revoked from parole does not carry serious consequences, undercutting the deterrent effect of serving prison time; the resources of the police, the parole board, and parole officers, who have to reprocess the same individuals over and over again, are also wasted. The constant churning of parolees also disrupts community-based treatment, since parolees who are enrolled in community treatment programs are constantly having that treatment disrupted for what, in the treatment providers’ views, are predictable and minor rule violations (e.g., testing positive for drug use). Churning also encourages the spread of prison gang culture into the communities where inmates are discharged. Finally, given California’s overcrowding crisis in prisons, there is the high opportunity cost of occupying a limited number of prison beds that, in some cases, could be used for offenders who pose a greater risk to public safety.

Policymakers and practitioners agree that an overhaul of California’s parole system is urgently needed. In fact, more than a dozen reports published since 1980 have recommended changes in California’s parole revocation procedures. [12](#) Unfortunately, California’s parole whaviolation process is so complex and involves decisions by so many parties, including the police, prosecutors, judges, parole agents and parole board commissioners, that it is unclear exactly what needs to be done to fix the problem.

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Study Research Questions and Data

To better understand the complexities of the parole violation process and the characteristics of parolees who are returned to prison, we needed to unpack the “black box” of the parole violation and revocation process. We needed to study not only characteristics of parolees, but also characteristics of the supervising agency, parole agents, and the communities to which parolees return. We needed to identify the key decision points that ultimately lead to parole revocation and prison returns, and also how characteristics of the parole agent, caseload type, and variations in community characteristics impact the processes of violation and revocation.

We also had to better understand the critical role of Board of Parole Hearings (BPH), which has the ultimate responsibility for deciding which parole violators are returned to prison and which are allowed to remain in the community. In the mid-1990s, California adopted a “zero-tolerance” policy for “serious” and “violent” parolees (as defined in the Penal Code), such that parole

agents are required to report *every* offender originally convicted of these crimes who violates *any* condition of parole to BPH for disposition. BPH is a politically appointed body with a history, especially in recent years, of returning to prison most parolees who come before it. BPH may be the most important gatekeeper of using prison for the sanctioning of parole violations, and yet its role and impact have gone virtually unnoticed and unstudied.

We assembled an extraordinarily large and complex database that tracked every adult on parole in California at any point during the calendar years 2003 and 2004. The resulting study sample consisted of 254,468 individuals. These parolees were responsible for 151,750 parole violations that made it to the court or BPH hearing level (thousands more were terminated at the parole unit level) over the two study years. These parole violation and revocation incidents were a central focus of our study. In addition to recording the details of each parolee's behavior on a weekly basis during the two-year study period, we also merged data about each parolee, reflecting their personal characteristics and criminal histories, the nature and types of supervision to which they were subjected, the characteristics of agents who supervised them, and (using their addresses) the communities to which they returned. Using other statewide and national databases, we then collected information on "host" communities (e.g., services available, demographic and political characteristics of residents). The combined database allowed us to analyze the way in which three clusters of factors—characteristics of the parolee, the agency, and the community—interact to produce variations in parole outcomes.

We also investigated the major aspects of California's sentencing and parole system that we believe impact parole revocations and prison returns. Because California releases nearly all prisoners subject to the Determinate Sentencing Law (DSL), with no opportunity to retain even the most likely recidivists, and then places all of them on parole supervision, the state's parole agents end up supervising some individuals who pose a far more serious threat to society than the typical parolee in a state with discretionary release policies. ¹³ In states that use discretionary release, these high-risk prisoners can be denied parole and kept in prison. Parole officers in California often point out that the high revocation rates are caused by the behavior of parolees who were almost certain to reoffend and should not have been released from prison in the first place.

On the other hand, since California law allows minor technical parole violators to be returned to prison (whereas some states do not), and these prisoners are also eventually released to parole supervision, California parole caseloads also include many less serious offenders as well. This point is critical to understanding parole violations in California: California parole caseloads likely contain an unusually high proportion of offenders at both extremes of the seriousness continuum — offenders who probably would not be on parole in other states, either because they are too serious to have been released from prison in the first place by parole boards operating in indeterminate states, or because they are such low-risk offenders that they would not have been assigned to post-prison parole supervision at release.

California's DSL not only changed the way in which prisoners automatically got released and required all prisoners to serve a postprison parole term, but it also simultaneously and significantly increased both the length of the initial parole supervision term imposed and the length of the prison term that could be subsequently imposed if the parolee violated parole conditions. Before the passage of the law in 1977, prisoners released to parole were subject to a one-year period of parole. But DSL *tripled* the length of time on parole for most prisoners. Equally important, DSL also doubled the length of prison time that can be imposed upon parole revocation from six months to one year. ¹⁴ And under California law, when a person is returned to prison for a parole violation, the "clock stops" on the time owed for parole supervision. So, when a person leaves prison after serving time for a parole violation, he still faces the remaining supervision time he owed the state before he went back to prison for the violation. In this way, parole supervision can stretch out for years for some individuals. Offenders often call it "doing a life sentence on the installment plan," since they go in and out, never able to formally discharge from parole supervision.

In addition to changes in sentencing policy and the structure of parole in the last decade, the

discretion held by California parole agents in the handling of violations has substantially eroded. In 1994, BPH implemented new regulations, referred to as the “Robin Reagan rules,” that significantly added to the list of parole violations the Division of Adult Parole Operations (DAPO) is required to refer to the parole board, thereby exposing more parolees to BPH decisions to return them to prison. These regulations were adopted as a result of a heinous murder committed by a parolee.

Whereas parole agents and supervisors once wielded discretion about how to handle many violations, now much of that authority has shifted to BPH. DAPO estimated that 85 percent of parole violations, including technical violations, were subject to mandatory referral policies in 2005. This means that parole agents and their supervisors have very little discretion in the handling of these cases and these offenders. BPH makes a decision about whether to return the parole violator to prison, and the vast majority of cases that go before BPH result in a return to prison. In 1993, about 65 percent of parolees referred to BPH for parole violations were returned to prison and 35 percent were continued on parole. By 2007, however, about 90 percent of parolees were returned to prison by BPH and only 10 percent were continued on parole. Whether these mandatory referral rules are appropriate or not is a political determination, but one thing is clear: parole agents, parole supervisors and DAPO retain discretionary decision-making power over a declining percentage of violations.

Like the role of discretion in California’s sentencing system, discretion in parole has shifted from corrections professionals to legislative and regulatory bodies that are politically elected or appointed. This change has occurred with virtually no discussion or public input, but the consequences are critically important. For one, it means that the extent to which changes in parole agent recruitment, training, or culture can reduce the number of parolee returns to prison is often overestimated. The parole agent recommends the disposition for the violation (e.g., to prison or not), but ultimately, the parole board has the sole authority to return a parolee to custody. These and other legal and procedural constraints are important to understanding the very complicated processes of prison release, parole supervision, and all too often, return to prison.

The growth of California’s prison population—combined with the policy of placing *all* exiting prisoners on parole supervision for three years, simultaneously reducing the discretion of parole agents to handle minor violations for an increasing proportion of parolees, and increasing the prison time served for violations—provides the requisite conditions for the growing contribution of parole violators to the state prison population. No other state has created this hybrid system (shifting simultaneously to fixed-term prison release *and* universal parole supervision) while at the same time reducing parole agent discretion and lengthening parole terms and prison terms upon revocation.

Our hope is that the empirical data analyzed in this report will permit policymakers in California to devise sounder parole supervision and revocation policies that better balance public safety and public resources. Importantly, such research should help advise policymakers on the “seriousness” of parole violators being returned to prison, which in turn can greatly influence the prison capacity discussion.

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Data and Analytic Approach

Our statistical models separately investigate the prediction of *parole violations*, which are largely behavioral events, and the prediction of *parole revocations*, which reflect system responses to that behavior. We relied solely on official records rather than offender self-reports, even though we recognized that not all (or even most) parole violations came to the attention of authorities. Our database consisted of detailed information about every adult on parole in California at any point during 2003 and 2004. The resulting sample comprises 254,468 separate individuals. Some individuals were already on parole at the start of our study (January 1, 2003), whereas others were either free or in prison at the start of our study, but were released to parole at some time

during the two-year study period. Study subjects were observed for two years (January 1, 2003 to December 31, 2004). However, since many subjects were already on parole at the start of the study period, we were able, through various methods of statistical estimation, to analyze violation and revocation patterns over longer periods of time.

We assembled a detailed personal and parole supervision profile for each parolee in the sample, consisting of their demographic characteristics and criminal records, the type(s) of parole supervision to which they were assigned, and all new technical and criminal recidivism events that occurred during the study period. We also recorded information about each parolee's supervising parole agent (e.g., age, race, gender, job tenure) and, using the parolee's address, characteristics of the community to which the parolee returned upon release from prison. Data were merged from over a dozen different state and national databases to create as comprehensive a profile as possible for each subject.

With the databases assembled and merged, we were then able to conduct our statistical analyses. In terms of parole violations, we structured the data for survival analysis—a multivariate method that examines both the likelihood and timing of violations. Violations were tracked on a weekly basis for each parolee throughout 2003 and 2004. The data format allowed us to construct multivariate survival models predicting the likelihood and timing of different types of violation behavior.

For our analyses of parole revocations, we created a dataset documenting every parole violation case heard in criminal court and/ or by BPH. These data, reflecting 151,750 violation reports, were used to estimate logistic regression models predicting revocation outcomes of interest—specifically, whether criminal violation cases were successfully prosecuted in court as opposed to being referred to the parole board, and whether cases heard by BPH were returned to prison or continued on parole. Thus, we were able to assess the relative impact of individual, organizational and community-level measures on numerous parole outcomes. In all of our analyses, we investigated the likelihood (i.e., probability) as well as the severity of the outcome. In addition to the administrative data we compiled, we also collected extensive qualitative information from field observations, staff interviews, and reviews of agency directives and policy memos.

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What Predicts Parole Violations?

Nearly half (49 percent) of the parolees in our sample had at least one formal parole violation report during our study period, and 24 percent had multiple parole violation reports. Each report could contain multiple violations of any type (e.g., criminal, technical). Together, these parolees were responsible for 296,958 violation reports. CDCR tracks 247 different types of prohibited parolee behavior, ranging from violations of the parole process, usually referred to as technical violations, to serious and violent criminal offenses like robbery, assault with deadly weapons, and homicide.

Over a third (35 percent) of all the recorded parole violations were for noncriminal, or “technical,” violations. Two-thirds of technical violations were for absconding supervision, meaning that the parolee missed an appointment and/or his or her whereabouts were unknown. Other technical violations include weapons access, psychological endangerment, and various violations of the parole process such as violations of special conditions of parole imposed by a parole agent or deputy commissioner. Interestingly, the parole violation reports that pertained to drug use or drug sales (over 110,000 of them) accounted for over a third of all parole violation reports (37 percent) during our study period.

Two-thirds (65 percent) of all parole violations were for criminal behavior. Thirty-nine percent of the criminal violations were classified, according to the CDCR's internal coding system, as Type I (the least serious—mostly drug use and possession); 17 percent were classified as Type II (moderately serious—e.g., forgery, drug sales, burglaries, battery without serious injury, driving

violations); and 10 percent— nearly 29,000 violation reports—were classified as Type III (the most serious—e.g., major assaults, major drug crimes, robberies, rapes, and homicides).

In terms of the timing of violations among parolees in the study, the risk of all types of violations was highest during the first 180 days following release from prison, and declined thereafter. A major factor behind this declining risk pattern was that the most risk-prone parolees tended to violate early and be returned to prison. We theorized that the remainder were probably more compliant, less likely to violate, and more likely to successfully complete their parole period. Indeed, after 360 days on parole, a “surviving” parolee’s risk of violation had dropped 70 percent from what it was during the first two months of parole. From 360 to 900 days, a parolee’s risk only dropped another 10 percent. In other words, after about 360 days, a parolee’s risk of violation, while not zero, had substantially leveled off.

In terms of demographic and other personal characteristics, the youngest parolees (ages 18 to 30) posed the greatest risk of all kinds of violations except Type I criminal violations (the least serious). Male parolees posed significantly higher risks for all types of violations except absconding. Black parolees posed the same risks as nonblack parolees for technical violations but much greater risks than parolees from other racial backgrounds for the most serious and violent criminal violations. Parolees with a record of mental health problems had higher risks for all types of violations, and they had particularly elevated risks for the most violent criminal violations.

The best predictor of a parolee’s violation risk was the number of prior adult prison incarcerations in California. For all violation types, an offender coming out on his or her second release from prison had a 20 percent higher risk of violation than an offender on his or her first release. After a third release, an offender had a 39 percent higher risk of violation than an offender on first release. By the ninth release, an offender had a 124 percent higher risk of violation than an offender on first release.

In general, the extent of prior criminal record had more predictive value than the seriousness of prior record, but certain “seriousness indicators” did exhibit relationships to violation risk. Age at first adult commitment to a California prison, for example, predicted Type III (the most serious) criminal violations. For every additional year older a parolee was at his or her first prison commitment, the risk of a Type III violation decreased by 2.5 percent. However, parolees who were older when first committed to California prisons tended to present higher risks for technical violations and Type I criminal violations. This latter group may have been largely composed of drug offenders who had substance dependence driving their offending, and as a result of drug use, were prone to generating technical and Type I criminal violations, but were less likely to be involved in more serious criminal behavior.

The seriousness of the current commitment offense, while exhibiting a relationship to violation risk, did not predict violations in the ways that policymakers often assume. Parolees committed for violent and sex offenses, overall, had lower risks for most violations than those offenders committed for property and drug crimes. However, those who had been committed for violent offenses did show elevated risk for violent criminal violations and serious sexual violations.

Sex offender registrants posed lower risk for violations than other types of offenders for several types of violations (e.g., having any violation, absconding, Type I criminal violations). Sex offender registrants were no more likely to commit the most violent violations than other offenders.

Policymakers are particularly interested in the threat that paroled sex offenders pose to their communities, so we investigated these outcomes separately. We found that sex offender parolees were significantly more likely to be violated for sex crimes, but it is critical to note that these sexual violations were very rare—during the study period, reoffending sex offenders accounted for 1.5 percent of all violations and in about two-thirds of the cases, the offenses were victimless (i.e., the paroled sex offenders failed to register as required by California Penal Code section 290). The majority of sexual violations, including the most serious violations involving rape,

sexual assault, and child molestation, were committed by parolees who were *not* registered sex offenders. Setting aside the violations involving failure to register, of the 1,528 sexual violations committed during 2003 and 2004, just 25 percent were committed by sex offender registrants. The vast majority of sexual violations, including 78 percent of the most serious Type III sexual violations, were committed by paroled offenders who had not been previously sentenced for sex-related crimes.

Intensity of Supervision, Parole Agent Characteristics and Parole Organization

California parolees are assigned to one of five levels of supervision, with the assigned level determining the frequency and degree of oversight provided by parole agents. Twentythree percent of parole supervision performed during 2003 and 2004 was classified as “minimum service,” with the requirement that parolees see their parole agents only twice a year. Most contact between agents and parolees under minimum service supervision occurs through the mail; that is, parolees periodically mail a postcard to their agents to check in. Another 43 percent of supervision during our study period was classified as “control service;” parolees supervised at this level see a parole officer once every six weeks. These two classifications—in which relatively little supervision or programming is actually applied to parolees—accounted for 65 percent of the total supervision applied to parolees in 2003 and 2004.

Given that these offenders are placed in low-risk categories because they are not expected to be likely recidivists, a question to be considered is whether the effort expended to provide cursory oversight to so many former inmates is an effective use of resources. This issue is particularly pressing because California loses track of so many of its parolees; perhaps greater intensity of supervision or services for higher-risk parolees could help prevent new crimes, or the resources expended on low-risk parolees could be better used to locate those whose whereabouts are unknown. On any given day, nearly 17 percent of all California parolees—more than 20,400 people—are “parolees-at-large,” meaning they have absconded supervision. This is the highest rate of absconding in the nation and is far above the national average of seven percent. ¹⁵

We found that, consistent with prior research, supervision intensity affected the risk of reported violations. ¹⁶ More intensive parole supervision increased the risk of all violations, holding constant the offender’s personal attributes, offense background, and community conditions. The biggest differences in the effects of supervision on violation risk were found between minimum service supervision and active supervision (i.e., supervision at all other levels). Parolees who were on minimum service caseloads, which involved infrequent face-to-face or collateral contact, monthly mail correspondence, and no narcotics testing, had significantly lower risks for all kinds of violations than those parolees who were more actively supervised.

The differences in violation risk between parolees on minimum service supervision and active supervision were most pronounced among the most discretionary violations—technical violations not involving absconding and Type I criminal violations (the least serious, mostly involving drug use and possession). Compared to minimumservice parolees, actively supervised parolees had between two and three times the risk of technical and Type I criminal violations. Active supervision parolees also had consistently higher risks of absconding, Type II, Type III, and violent criminal violations, although the differences were not as great as among the more discretionary violation types. What became clear from the contrast between parolees on active supervision and those on minimum supervision was that more closely supervised parolees did not seem to be deterred from engaging in behavior that could result in parole revocation.

We also detected differences in violation risks among active supervision categories, but these differences were not as pronounced as those between active supervision and minimum service supervision. In general, parolees in more intensive supervision categories posed higher risks for violations.

California is subdivided into four parole regions, each supervising roughly one-fourth of the California parole population. The regions are understood to have differences in their organizational cultures and in the types of parolees they supervise. Region 3, which comprises

Los Angeles County, is perceived to be the most overstretched part of the parole system, overseeing the supervision of the most serious parolees in the state. As a result, some believe that there is a lower rate of reporting of less serious violations in Region 3, as they have more serious criminal violations to contend with.

We found little support for regional differences in parole outcomes. Once the characteristics of parolees and communities were statistically controlled, Region 3 reported violations in a manner similar to the other three regions. Region 3 did report fewer drug use and possession violations (Type I criminal violations), but its reporting patterns for technical violations—both absconding and violations of the parole process—were no different from those of other regions. Nor was the risk that a parolee in Region 3 would be cited for a Type II or Type III criminal violation different from that of other regions.

We also explored the extent to which differences in parole outcomes were traceable to parole agent characteristics, and were able to detect some relationships between agent characteristics and violation risk. We found that female agents (who performed 28 percent of parole supervision during 2003–2004) appeared to exercise discretion in ways more “forgiving” of low-level criminal violations (i.e., Type I, mostly drug use and possession). Male agents, on the other hand, appeared to adopt a more lenient approach toward absconding than female agents. No gender differences were found in the reporting of the more serious Type II and III criminal violations.

Some research on black judges and black police officers suggests that, as a group, black parole agents might have more tolerance for violations. ¹⁷ During our study, 32 percent of all supervision was done by black agents, 25 percent by Hispanic agents, 35 percent by white agents, and the rest was performed by Asian agents and those from other racial categories. We might theorize that black agents, like blacks in the rest of American society, may be more likely to have friends or family members who have had contact with the criminal justice system. ¹⁸ As a result, they might be more sensitive to the conditions that foster criminal behavior and more wary of the effectiveness of system responses. Therefore, black agents might show more tolerance for less serious violations. Whether or not the theorized explanation is correct, our results supported this result. Parolees supervised by black agents had lower risks of technical violations and Type I criminal violations. But parolees with black agents were no different from other parolees in terms of their risks for Type II and III criminal violations.

Nearly half (48 percent) of parole supervision during 2003–2004 was done by parole agents with less than three years of job experience as a parole agent. Thirty percent of supervising agents were under age 40 and 83 percent of agents had previously worked in a CDCR correctional institution. We were told that older agents and those who have not worked in the prison system as correctional officers are more likely to see “shades of gray,” and thus tolerate some parolee behavior that other agents would elect to violate. Contrary to expectations, parolees assigned to agents with prior employment experience in a prison actually had an eight percent lower risk of the least serious Type I criminal violations than parolees assigned to agents with no prior prison employment. Prior employment in a prison did not affect the risks for any other type of criminal or technical violation. Moreover, neither parole agent age nor tenure on the job as a parole agent was significantly related to any type of criminal or technical violation.

CDCR announced a number of significant parole policy changes during 2003 and 2004. One policy, referred to as the “New Parole Model,” was announced with much fanfare in February 2004, before being scaled back significantly in April 2005. The New Parole Model proposed the greater use of intermediate sanctions for parole violators and the adoption of a parole violation matrix to standardize the handling of violations. We found no evidence that this announced policy change had any observable impact on parole decision-making or case processing outcomes at the aggregate level.

Community Conditions and Reentry Environments

Research suggests that community characteristics can have criminogenic or reintegrative effects

on parolee behavior. In other words, neighborhood factors can either promote or discourage illicit activities. The following are common hypotheses made about the relation between neighborhood factors and parolee behavior:

- Communities with greater financial resources may be able to fund more rehabilitation and work programs, which can provide parolees with pathways out of criminal lifestyles.
- Communities with more progressive political views may have more tolerance for minor rule violations.
- Less socioeconomically disadvantaged communities may provide better informal social supports that suppress criminal activity (i.e., increased residential stability)
- On the other hand, socially disorganized (i.e., disadvantaged) communities may not be able to fund many alternatives to prison, and may exhibit other conditions that are conducive to criminal behavior.
- Politically conservative communities may have less tolerance for illicit behavior, and may exhibit an increased propensity to violate parolees.

To explore these ideas, we used parolee address records to link individuals to data about their communities. We mapped parolee addresses to U.S. census tracts to compile measures of poverty, unemployment, and public assistance. As a measure of service availability in parolees' reentry environments, we drew data from the United States Substance Abuse and Mental Health Services Administration, listing the addresses of all substance abuse and mental health treatment providers in California that accept clients from criminal justice agencies.

We found modest support for the above hypotheses as they relate to an understanding of parole violations in California. Parolees who lived in neighborhoods that scored highly on socioeconomic disadvantage were at greater risk to abscond than parolees who lived in less disadvantaged environments. However, parolees residing in disadvantaged neighborhoods did not pose a greater risk to commit other kinds of violations than those from less disadvantaged neighborhoods.

Importantly, we found some evidence of the correlation between substance abuse and mental health treatment services on the one hand and lower risk of Type I (the least serious) criminal violations—which mainly involved drug use, drug possession, and misdemeanor violations of the law. If there is a cause/result relationship, it may be attributable to the effectiveness of these programs, but it may also have been due to a “parole agent effect”; that is, parole agents may have been less likely to violate parolees for lowlevel violations when they perceived that there were program opportunities that presented alternatives to initiating the formal violation and revocation process. Given that there were few alternatives to prison during 2003- 2004, this observed effect is important and might be strengthened if more programs were in existence.

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What Predicts Parole Revocations and Return to Prison?

There are two ways parolees experience revocation: through county criminal courts and through the parole board (BPH). Courts only handle criminal violations—those that result from an arrest by a police officer or parole agent. BPH handles technical violation cases, as well as criminal violation cases that county courts do not successfully prosecute. The process by which cases are sorted through one venue versus the other, as well as the reasons that some parole violators are returned to custody while others are allowed to remain in the community, are not well understood.

The parolees in our study sample generated 151,750 parole violation cases in 2003 and 2004 that were processed either through the criminal court system or through the BPH. Eighty-four percent (127,742) of these cases involved new criminal violations. These criminal violation cases were heard first in criminal court; if a conviction could not be obtained in court, they were referred for assessment by the parole board. Sixteen percent (24,008) of all cases involved only technical violations, and these cases were heard by the parole board. Importantly, the board operates under

a more lenient standard of evidence than the courts, and may return a parole violator to prison for no more than 12 months.

Of the 127,742 criminal violation cases reported during 2003 and 2004, 25 percent (31,417 cases) resulted in a new prison term delivered in criminal court. The other 75 percent (96,325 cases) were referred to the parole board. Among these referred criminal violation cases, the board elected to return 73 percent to prison. Not surprisingly, more serious criminal charges were more likely to result in a prison return. Type III criminal violation cases—the most serious—resulted in prison return 88 percent of the time. Moderately serious criminal cases (Type II) resulted in return almost as frequently; these parole violators were returned 80 percent of the time. The least serious criminal cases (Type I) only resulted in return to prison 52 percent of the time. Thus, when moderately serious and very serious criminal parole violations are evaluated by the board, the certainty of return is extremely high. The board appears to exercise greater discretion over cases involving Type I crimes—most of which involve drug use and possession violations.

A small but significant number of violent crimes such as homicide, robbery, and rape were processed through the parole board. ¹⁹ These crimes carry lengthy prison terms when they are prosecuted in courts of law. However, when handled through the parole board, the maximum return time is capped at 12 months. Even though the proportion of homicide, robbery, and rape cases constituted a very small share of the total number of criminal parole violations returned to custody through the board, the fact that such cases were pursued in this arena is significant. The board was clearly not a venue that exclusively dealt with “smalltime” criminal cases. Further, because the board operates under a more lenient standard of evidence, there is a greater possibility that factually innocent criminal parole violators might be returned to custody.

Adding together the criminal violation cases that resulted in a new term through criminal courts and those criminal violation cases that resulted in a return to prison through the parole board, we found that among the 127,742 criminal violation cases officially recorded in 2003 and 2004, over three-quarters (77 percent) resulted in some form of prison return, either through the courts or through the board.

In addition to criminal violation cases referred from courts, the parole board also heard 24,008 technical violation cases (16 percent of all cases)—many of which involved absconding. Like criminal violation cases, technical violation cases heard by the parole board exhibited a high rate of prison return. About 85 percent of these technical violation cases resulted in a return to custody. Those cases involving technical charges (without absconding) were returned 79 percent of the time. Cases involving absconding (without other technical charges) were returned 85 percent of the time. Cases involving both technical and absconding charges were returned 91 percent of the time. Overall, the board returned 75 percent of all violation cases it heard.

We next turned to understanding the patterns and logic of the parole revocation process through multivariate statistical analyses (logistic regression). Our analysis was designed to answer two interrelated questions: What factors affected the sorting of violation cases through the courts versus through the parole board, and, once in front of the parole board, what affected the chances that a parolee would be returned to custody, as opposed to being continued on parole? As with our multivariate analysis of parole violations, we examined how parolee characteristics, organizational factors, and community characteristics correlated with and may have impacted revocation decision-making. We also investigated the relationship between case characteristics—such as the number and severity of violation charges—and revocation outcomes.

Case and Individual Characteristics

Violation case characteristics were critical to determining whether or not criminal violation cases were processed through criminal courts or through the parole board. They also influenced whether a case processed by the parole board resulted in a return to prison. As expected, cases involving more charges, and more serious charges, were likely to receive harsher treatment. In court decisions, the number of criminal charges contained in a case was not related to decisions

to reimprison, but the severity of those charges did predict court sanctioning decisions. Board decisions were, for the most part, driven by both the number and severity of charges involved in violation cases.

In terms of individual factors, parolees with longer, and more serious, histories of criminal behavior were likely to be considered public safety risks by court and board decision-makers, and their cases were treated accordingly. Irrespective of the seriousness of their current parole violations, parolees' histories of imprisonment, for example, were significantly predictive of harsher treatment in both decision venues. Those who had served more adult prison spells (both for new court-ordered terms and returns to custody on parole violations) in California were more likely to be sent back to custody by both the court and the board. Parolees on their "second strike" were also significantly more likely to be returned through the court than parolees without such status, and when their cases were referred to the board, they were significantly more likely to be re-incarcerated in cases involving criminal violations.

Statutorily-defined serious and violent offenders were actually less likely than others to experience court return to prison, but when their criminal violation cases were referred to the parole board, they were more likely to be returned to custody. Similarly, registered sex offenders were less likely than others to be returned to prison through court, but they were treated more severely by the board. One explanation for these findings is that the criminal violation cases of serious and violent offenders, as well as sex offender registrants, may have been unappealing to court decision-makers because they tended to lack compelling evidence. However, court decision-makers may have also referred these cases because they felt that the board, using a lower standard of evidence, could act quickly and decisively to reincarcerate parolees who were perceived as particularly threatening to public safety. The board sanctioned these types of parolees especially severely in lowlevel (Type I) criminal violation cases—the type allowing for the most discretion. It appears that low-level criminal activity, much of which is detected through parolee drug testing, was a crucial mechanism by which the parole board reincarcerated "high-profile" parole violators. Note that the criminal courts could not legally impose very harsh sanctions for these low-level crimes, and so they seemed to opt, through case referral, for the greater certainty of punishment that the board was able to provide.

Demographic characteristics were also somewhat predictive of case outcomes. Parolee age affected criminal court decisions, but not board decisions. Courts were inclined to prosecute the criminal violation cases of the youngest parolees (ages 18–30). Black parolees were more likely to have their cases referred to BPH—the more discretionary venue—and when their cases were heard by BPH, they were more likely to be incarcerated for criminal violations. Asian and Hispanic parolees were the most likely to be successfully prosecuted in criminal court, and Hispanics were also among the most likely to be returned to custody in criminal violation cases. White parolees, who had the lowest likelihood of court conviction, also had the lowest likelihood of return through BPH for criminal violation cases (although they were among the most likely to be returned when they absconded). These findings suggest that there may be observable or unobservable traits associated with parolees of different demographic groups that affect their case outcomes.

Organizational Factors

Over and above case- and parolee-specific characteristics, organizational factors also affected revocation decisions by the court and the parole board. Los Angeles County (Region 3) appeared distinct in its treatment of parole violators. Criminal violations in Los Angeles were more likely to result in reincarceration through the court. Board decisions were also uniquely patterned in Los Angeles. Technical parole violators were more likely to be returned to custody by the board in this region, while absconders were less likely to be returned by the board. These findings could have been due to many factors: differences in organizational culture across parole regions, unmeasured variation in local parolee populations that affected sanctioning decisions (e.g., gang affiliation, addiction and employability), or the effectiveness of policing practices in different regions.

Practical constraints on decision-making also appeared to play a role in violation case outcomes. A key practical constraint was available custodial space. We found that when available space in prison reception centers decreased, for example, the parole board was more likely to continue cases on parole, as opposed to returning parolees to prison. Moreover, in courts, workload pressures (measured as the ratio of felony cases to district attorneys in each county) were linked to an increased likelihood of case referral to the parole board. As felony court caseloads increased, courts were inclined to refer more criminal parole violation cases.

Community Factors

To generate a county-level measure of the “punitiveness” of different communities, we collected information on the results of ballot proposition voting and party registration from the Secretary of State. We selected data reflecting voting patterns of ballot propositions that pertained directly to state correctional practices—for example, Proposition 36, which allows some nonviolent drug offenders to receive treatment instead of incarceration for parole violations, and Proposition 66, which proposed a scaling back of California’s “three strikes” law. Our hypotheses were that community conditions and attitudes, as well as the availability of treatment, would be related to parole practices. Our statistical models showed that, net of all other measured factors, some characteristics of parolees’ communities were related to the treatment of parole violations in court and before the parole board. For example, more “punitive” counties—as measured by political party affiliation and electoral ballot voting—were more likely to return criminal parole violators through the court, and in violation cases heard by the board, these counties were more likely to return parolees to prison, regardless of whether the case involved a criminal violation, absconding, or other technical violations.

Community characteristics can also serve as cues to decision-makers that reflect something about individual parolees themselves. The extent of “racial threat” in a community, which has been examined in prior sentencing research, is illustrative of this point. [20](#) Racial threat refers to the hypothesis that sanctioning officials may be sensitive to the prevalence of threatening minority groups in communities, and therefore punish offenders from these communities more harshly. Census tracts with higher proportions of black residents, and those with higher black unemployment rates, may be perceived as particularly unstable or crime-ridden, and parolees that live in these communities may be penalized by decision-makers because they come from, and are therefore representative of, these disadvantaged environments. In our models, parolees who came from communities that had a higher proportion of black residents, and higher black unemployment rates, were more likely to be returned by the court with a new term, as opposed to being referred to the parole board. When their cases were heard by the parole board, these parolees were generally more likely to be returned to prison, especially for criminal violations.

However, while community characteristics can have a stigmatizing effect on case outcomes, they can also have the opposite effect. For example, census tracts with more mental health and substance abuse services in close proximity were associated with more lenient outcomes among criminal violation cases and technical violation cases (not involving absconding) decided by the parole board. This may have been due to the fact that decisionmakers had more treatment options in these communities, and therefore more opportunities to keep parole violators out of prison, or that parolees from service-rich communities somehow appeared less threatening than parolees from communities that lack services.

A central implication of our analyses of revocations is that the response of criminal justice institutions does not totally derive from, and is not necessarily proportionate to, the extent of parolees’ criminal behavior, as is often assumed by policymakers, government officials and the public. While case characteristics matter in terms of court and board outcomes, so too do the characteristics of the individual, the organizations handling that individual’s case, and the community that the person comes from.

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Policy and Research Implications

Our findings suggest a number of policy and research implications, the most important of which are:

1. *Concentrate supervision and services on the first six months.* Parole should frontload services and surveillance to focus on a parolee's first six months after release, when the risk of recidivism is the highest.
2. *Expand use of early and earned discharge.* Parolees are most at risk of all kinds of violations during the first six months on parole. Parolees that make it to the sixth month without violation pose significantly lower risks than parolees who do not. The duration of the imposed parole term should be closely linked to an offender's risk level or accomplishment of individual benchmarks. Low-risk offenders might not be assigned parole supervision at all, or those who adjust well to parole could be released after six months of supervision. Moderate-risk offenders might be assigned a year or two of parole, whereas high-risk offenders might serve two years or more, and very high-risk offenders might be assigned lifetime parole.
3. *Align parolee risk and supervision levels.* Parole services and surveillance should be primarily risk-based rather than offensebased. CDCR needs to assign parole caseloads and supervision levels so that offenders are matched to types of surveillance and services that are most appropriate for them. Resources should be more heavily focused on higher-risk parolees, and very intensive (and expensive) programs should be reserved for those whose risk and need profiles suggest they will likely benefit from program participation.
4. *Employ a parole violation matrix.* The parole division and the parole board should adopt policy-driven approaches to parole violations using a decision-making matrix and graduated community-based sanctions. This tool would allow parole officials to respond consistently to parole violations, using a well-developed range of intermediate sanctions. The response should reflect the original risk level of the parolee coupled with a proportionate response to the seriousness of the violation. Every major study on California's prison system published since the 1980s has recommended the use of such a tool, but it has never been implemented, even though such instruments are used in over 20 other states. ²¹ California is currently developing such an instrument and plans to pilot test it in winter 2009.
5. *Expand intermediate sanctions options.* CDCR should implement additional intermediate sanction programs, particularly for drug-involved parolees. Current program offerings are woefully inadequate for appropriately dealing with the wide range of parole violations. CDCR cannot do this alone, as the most effective reentry programs and intermediate sanctions require community engagement and collaboration. The expansion of evidence-based intermediate sanctions should both reduce recidivism and save expensive prison beds for the most violent criminals.
6. *Encourage criminal prosecution.* Parolees who commit new crimes should be prosecuted in criminal courts whenever possible. California's "back-end sentencing" system allows some very serious criminals to evade the more severe criminal penalties that would have been imposed had their cases been criminally prosecuted as opposed to handled by the parole board, where the maximum term imposed was only 12 months. Further, we found some evidence that stresses on the capacity of California's justice system—as measured by jail and prison overcrowding and district attorney caseloads—resulted in greater likelihoods that BPH would handle criminal violation cases. While case and offender characteristics are appropriate criteria for board referral decisions, system capacity should not affect these decisions.
7. *Track extralegal factors affecting revocation.* CDCR should develop better evaluation methods to reduce the influence of extralegal factors—particularly parolee race—on violation case outcomes. We found that black parole violators were more likely to experience referral to the parole board, and more likely to be returned by the board for certain types of violations. We also found effects related to age, gender, and mental health status. The state must explore the causes and consequences of the influences of demographic and personal characteristics on sanctioning decisions.
8. *Expand substance abuse and mental health programs.* Substance abuse-related violations and the violations of parolees with mental health problems make up a large share of all

violations. These populations are not well-served by short returns to prison, where the few available services and sanctions are of insufficient duration to improve their outcomes. CDCR should expand intermediate sanctions specifically for these populations, so as to allow for community-based and in-custody treatment in a non-prison environment for sufficient time periods to address these criminogenic needs.

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Conclusion

This study is just the first step toward a better understanding of California's parole violation and revocation process. The data we collected were primarily administrative; other types of data, such as systematic interviews with parolees about their parole experiences, would highlight issues of discretion and sanctioning that are difficult to capture through quantitative analyses of official records alone. Future research on parole outcomes could also benefit from improvements to data quality. Some of our variables were underspecified (e.g., the community variables and parole agent characteristics). Other factors that may be related to parole outcomes, such as addiction and employability of parolees, were beyond the scope of our data collection effort. Data on the extent and type of programs parolees participated in could also expand on what we have done here. Given that many parolees are violated for program noncompliance, and that others may benefit from work and educational programming, it would be useful to know the degree to which parolees are engaged in assigned programming. Future studies might also address parole policies more specifically. Our research has generated many insights that can inform certain policies, such as early discharge from parole and the timing of service delivery.

It is important to note that our data is from 2003–2004 and California's parole system is currently undergoing the most significant changes in its procedures since the late 1970s. Currently, California is implementing a new, evidence-based, parole violation decisionmaking instrument (PVDMI) to help agents and BPH assess risk and needs in determining sanctions. PVDMI was specifically designed for California parolees using another new instrument, the California Static Risk Assessment (CSRA). CSRA uses the offender's past criminal history and characteristics such as age and gender to predict the likelihood that they will reoffend.

CSRA, combined with the severity ranking of all parole violations, has been incorporated into PVDMI, which results in a score that designates the appropriate violation response level. The response levels range from least intensive (e.g., community programs) to most intensive responses (in-custody drug treatment or return to prison recommendations). PVDMI is designed to focus California's prison resources on higher-risk parolees while targeting less serious parole violators for community-based alternatives that address the root sources of their problems. DAPO is acquiring or redirecting treatment resources to plan for the expanded use of community-based sanctions in responding to parole violations in California. PVDMI was developed with the full participation and support of BPH and it is anticipated that the instrument will impact BPH's decision-making as well. Implementation of PVDMI will be evaluated by the University of California Irvine Center for Evidence-Based Corrections. [22](#)

As these and other parole reforms move forward and parole data systems and knowledge about parole outcomes improve, it should be easier to implement studies that focus specifically on the potential effectiveness of various policy choices. We hope that this research will provide guidance for future research efforts and for the important discussions that will be taking place over the next several years about parole in California and the United States.

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Pretrial Risk Assessment and Case Classification: A Case Study Control

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THE PRIMARY RESPONSIBILITIES of the Lake County Pretrial Services Program are to provide defendant information to the court relevant to the purposes of the bond decision and to supervise a defendant's compliance with any and all conditions of bond as so ordered by the court. Given these duties, assessing pretrial failure risk is an essential part of both the bond recommendation process and the supervision classification of the defendant. Indeed we are to some extent obligated to determine—as accurately and consistently as possible—pretrial risk and, in the case of supervising defendants in the community, classify according to that risk. One method of achieving a reliable and impartial assessment is to introduce into the recommendation and classification procedure an objective, independent measure of risk. The intent of the current article is to describe our experience in the development and application of such a measure.

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Pretrial Services in Lake County, IL: A Brief History

The Pretrial Services Program of the 19th Judicial Circuit, Lake County Adult Probation Department began operation in October 1983 in response to the County's jail crowding problem. The initial function of Pretrial Services was to provide the court with verified information regarding the defendant's personal, social, and criminal background as it pertains to the issue of bond. These "bond reports" assisted the judge in making a more informed bond decision; in short, to identify and recommend to the court those defendants who could be considered for a personal recognizance bond.

At the time, bond recommendations were based on a "subjective" method, i.e., they were predicated on the experience, knowledge, and perceptions of the bond report investigator. One of the inherent problems of subjective risk assessments is that they can lead to inconsistent and disparate bond recommendations. In a very real sense, a group of six pretrial officers could come up with six dissimilar bond recommendations for the same defendant when using a subjective

approach. What you have then is not a uniformed bond recommendation process, but one that is uneven at best. [2](#)

In February 1986 the Pretrial Bond Supervision (PTBS) component was added to the overall responsibilities of Pretrial Services. Pretrial Bond Supervision is an alternative to the traditional release mechanisms of personal recognizance and cash bonds; it provides for the court a “supervised release” option that involves monitoring defendants in the community to assure court appearance and minimize the risk of pretrial misconduct.

In the earlier years of PTBS, *all* defendants were seen several times a week at their residence. However, our experience with PTBS suggests defendants do not all need the same level of supervision in order to get them back to court and remain arrest-free: some need more intense supervision and others less. Enter the premise of case classification: since some defendants are more “at-risk” than others, not all defendants demand the same degree of supervision in order to accomplish Pretrial’s objectives. In addition, the continued overall growth in the number of defendants placed on PTBS affected our ability to maintain maximum supervision standards on all clientele. Accordingly, not only would a case classification system help create differential levels of supervision, helping to alleviate the apparent “over-supervision” of clients at the pretrial release stage, but it would also more prudently allocate Pretrial’s resources. To deal with an expanding PTBS population and recognizing that not all defendants need to be supervised at the same level or intensity, an in-house case classification system was developed in 1990.

The most immediate and direct impact of our self-devised case classification system was to reduce the number of required field contacts, which, of course, addressed the ever-increasing size of the PTBS workload. [3](#) However, it did not fully actualize the underlying principle for this reduction—that defendants do not all have the same degree of risk and therefore do not need to be seen at the same rate. We had no idea if our levels of supervision were in any way empirically associated with differential levels of pretrial risk. Without an independent reference, differential levels of supervision were predominantly *decided* upon by the “current charge.” [4](#) Thus, for example, any defendant charged with a “violent” crime or a “Class X” felony would be automatically classified as a “maximum-level” case for the purposes of supervision regardless of actual level of risk.

This somewhat speculative and *a priori* method of constructing a case classification method has its faults: classifying defendants not according to an objective measure of pretrial risk but based upon the legal classification and nomenclature of the current charge. In a sense, we were supervising the charge and not the person. Moreover, there was the potential to over-supervise low-risk defendants and under-supervise high-risk defendants. What we felt we needed to do was come up with an empirical instrument to objectively measure pretrial failure risk and classify accordingly.

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Why Objective Risk Assessment?

Besides allowing for a more rational allocation of our program’s resources and matching supervision strategies to the degree of risk, the objective risk assessment approach allows us to ask the question: Are we truly measuring what we say we are measuring? In other words, objective methods can be empirically validated.

Objective risk assessment also is associated with below-capacity jail populations and to fewer “cash bond” recommendations being made (Bureau of Justice Assistance 2003). For example, pretrial programs that assess the risk of pretrial failure with a subjective method are twice as likely to operate in a court system that has an over-capacity jail population than those programs that only use an objective risk assessment instrument or “point scale.” [5](#) In addition, when compared with objective methods, subjective risk assessments result in a greater proportion of “cash bond” recommendations, which would most likely have the effect of increasing the size of jail populations. [6](#) A comparison of the type of bond recommendations made pre- and post-

implementation of Lake County’s point scale reveals a similar observation. As [Table 1](#) illustrates, the proportion of non-financial release recommendations being made since the introduction of the objective risk assessment instrument has been continuously greater than before its implementation. These data suggest that objective risk assessment produces more release recommendations.

Another potential benefit of objective risk assessment is that more defendants may be released on bond with non-financial conditions rather than with financial conditions of release. [Table 2](#) illustrates that since the implementation of the point scale, the proportion of defendants released without having to post money bail has persistently gotten greater. Given at- and over-capacity jail populations and economic constraints—from both the “system’s” perspective as well as the defendant’s—a pretrial program that objectively assesses risk may be more effective in maximizing non-financial release options.

Perhaps one of the most important reasons to practice objective risk assessment is that it standardizes and makes transparent the risk assessment decision-making process. Uniformed and consistent bond recommendations are made by applying the same set of objective criteria, thus minimizing arbitrariness, individual bias, and systemic disparity. The pretrial practitioner is taking into consideration the same factors that everyone else is taking into consideration and coming up with a similar bond recommendation. This quality of sameness or likeness would seem to be related to at least an operational definition of justice: persons with similar backgrounds who have been charged with similar crimes should receive similar bonds, regardless of who is making the recommendation.

Finally, the practice of objective risk assessment is a basic principle of the Evidence-Based Practice (EBP) initiative, which is beginning to emerge as a conceptual and practical framework in which pretrial services’ programs can more effectively and efficiently operate. The utilization of procedures and interventions that are supported by empirical research and driven by a strong commitment to the legal precepts that define “pretrial justice” has been referred to as “legal and evidence based practices” (see VanNostrand 2007). With the Lake County Adult Probation Department being an EBP site for the National Institute of Corrections since 2004, the application of evidence-based practices at Pretrial Services seemed to be a logical extension of what was being practiced in the Department. By applying relevant principles of EBP—assessing actuarial risk and prioritizing supervision based on level of risk—the nature of pretrial decision-making shifts from one based on opinion and subjectivity to one grounded in research and objectivity.

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The Lake County Pretrial Risk Assessment Instrument

The Lake County Pretrial Risk Assessment Instrument (LCPRAI) was adapted from the Virginia Pretrial Risk Assessment Instrument (VanNostrand 2003). In March 2004, official contact was made with the author of the “Virginia Model,” Marie VanNostrand, Ph.D., of Luminosity, Inc. Generally speaking, the Virginia Model is a research-based, statistically-validated pretrial-specific risk assessment tool that provides a standardized foundation for making consistent and uniform bond recommendations; *the scale does not make a recommendation per se but identifies the degree or level of pretrial failure risk that can then be factored into the bond recommendation decision.*

Officially implemented in March 2006, the first objective of the Lake County Pretrial Risk Assessment Instrument (LCPRAI) was to bring consistent uniformity in bond recommendations. The introduction of a research-based and empirically-validated pretrial risk assessment instrument helped to standardize the process of making a bond recommendation *by factoring into this process the same critical variables, thereby generating more consistent and uniform bond recommendations.* The second aim of risk assessment was to establish a case classification system that would prioritize bond supervision in conjunction with the measured level of risk: high-risk defendants get high-risk supervision; low-risk defendants get low-risk supervision. [7](#)

The LCPRAI provided the empirical foundation for such a case classification system.

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The Training Experience

Training in the appropriate use of the Lake County Pretrial Risk Assessment Instrument is an indispensable condition for its successful application. Proper scoring, utilization, and interpretation of the risk instrument scores are essential and without these procedures in place, the validity and reliability of the instrument is compromised.

Generally speaking, Lake County staff had no previous training on the use of an objective risk assessment instrument, let alone specifically on the Virginia model. Risk factors carry precise meanings and must be understood and applied in an exact and consistent manner, but pre-training observations indicated that officers differed in their interpretations and definitions of the risk factors. What does failure-to-appear risk mean? How does one define “active” community supervision? What constitutes a “history of drug abuse?” One officer might consider a “pending charge” as part of the current charge or score the pending charge as an “outstanding warrant.” Definitions of the risk factors had to be clarified and demonstrated using examples.

Officers also had varied interpretations of the “additional risk considerations.” For example, clarification was necessary for the operational definition of “juvenile criminal record.” Moreover, even though additional risk considerations are *not* part of the objective point scale, some officers would *add* point(s) to the risk factor score if one or some of the additional risk considerations were marked. On the other hand, if there were mitigating risk considerations indicated, some officers would *subtract* points from the objective risk factor score.

Our training experience clarified to us the difficult nature of making *consistent and uniform* bond recommendations. Perhaps the most important pre-training observation was that the group was “all over the map” when it came to making bond recommendations. Pre-training exercises revealed an excessive amount of disparity in recommendations for the same case. In one scenario, 12 staff members were presented with the same defendant case information yet they came up with 12 different bond recommendations. Earlier group discussion revealed our dichotomous leanings: half the staff of 12 was perceived as having a conservative, “cash-bond” orientation while the other half was perceived as having a liberal, “pro-defendant” orientation, thus most likely helping to contribute to disparate recommendations.

The goals of the training exercises were to (1) standardize the process of making a bond recommendation by considering the same risk factors and (2) reduce the observed disparity in order to make consistent and uniform recommendations: defendants with similar risk factors charged with similar crimes should receive similar bond recommendations. Staff training also included a comprehensive discussion of the State’s bail statutes, the Illinois Pretrial Services Act, NAPSA Release Standards, and pretrial risk assessment research, all of which provided a necessary foundation for successful implementation. Basic bond report investigation skills—information gathering, verification—were reviewed given the presumption that risk assessment is only as good as your investigation.

Post-training observations indicated that once officers were trained in the proper definitions and use of the nine objective risk factors, the additional risk considerations, and the mitigating factors, the overall result was a reduction in bond recommendation disparity; a consensus emerged regarding what factors are the “critical” ones to take into consideration when making a bond recommendation. In short, the use of an objective risk assessment instrument helped to standardize the bond recommendation process and ultimately produced more objective, uniform, and consistent bond recommendations.

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Levels of Supervision: Old and New

Prior to implementation of the new case classification system based on the risk assessment instrument, supervision consisted of (1) home visits, (2) phone contacts, and (3) office contacts. The supervision caseload was divided into two categories: Level I and Level II. The “old” contact standards are described in [Table 3](#).

The proposed system includes three levels of supervision described in [Table 4](#).

Field Visit—a field visit means a visit to the defendant’s residence by a Pretrial Officer when contact is made with the defendant. Attempts to complete a home visit should be documented; however, an attempt alone does not satisfy the field visit requirement. For minimum supervision a field visit for residence verification is required within the first 2 weeks of supervision and within 2 weeks of a defendant reporting a change of residence.

Office Visit—an office visit means a face-to-face contact between the Pretrial Officer and the defendant at the pretrial office, courtroom, or surrounding area. Office visits scheduled by the supervising Pretrial Officer must be at a time when the supervising Officer can complete a face-to-face visit with the defendant.

Phone Call—a phone call is a call placed by the defendant to the Pretrial Officer supervising the case. The defendant may speak with the Pretrial Officer or leave a message indicating their name and, at a minimum, their next court date.

Court Reminder Call—a court reminder call is a call placed by the Pretrial Officer to the defendant to remind him or her of their next court date. This call may be waived if the defendant was reminded in person during a recent field visit or defendant initiated phone call.

Comparing “old” levels of field supervision with “new” levels of field supervision, we can calculate the following: under the old standards and assuming 300 Level I’s and 50 Level II’s, a total of 1,250 field contacts would be expected. Under the proposed system and assuming 200 maximum, 100 medium, and 50 minimum cases, a total of 550 field contacts would be expected. [g](#) This change results in a *fifty-six percent reduction* in the number of field contacts when compared to the former subjective case classification system, thus allowing for a more efficient strategy of monitoring defendants in the community.

One question that could be raised at this time is the impact that this change may have on violation rates; specifically, would a reduction in supervision levels increase violation rates? From the inception of bond supervision, “pretrial failure” has been defined as a defendant’s termination from supervision as a direct consequence of either (1) failing to appear for a court appearance which resulted in a bench warrant being issued, (2) obtaining a new arrest resulting in the defendant’s jail incarceration for the new charge, or (3) committing a “technical” or rule violation (positive drug test; curfew violation) which resulted in a bond revocation and a return to jail custody. The problem with this definition is that it doesn’t capture pretrial misconduct *occurring while the defendant was being supervised but did not result in the defendant’s termination from PTBS*. For example, some defendants would fail-to-appear, surrender on the bench warrant, and be returned to PTBS; others might “pick up” a new arrest while under supervision, and some would get remanded on technical violations only to be returned to PTBS after their jail admonishment. These violations were not factored into the original operational definition of pretrial failure.

In order to get a more accurate measure of violating behavior by PTBS defendants, starting in July 2007 these “process” violations were included in the measurement of pretrial failure. [g](#) It was thought that this moreinclusive redefinition of pretrial failure might increase violation rates. However, despite officers cutting field supervision contacts in half and enlarging the measure of pretrial failure, [Table 5](#) illustrates that this has not been the case. Since the implementation of the “new” levels of supervision, aggregate violation rates have actually *declined* and, with the exception of the new-arrest category, violation-specific rates have been almost *identical to or slightly lower* than the 2005 violation rates. What this suggests is that intensive and identical supervision on all PTBS clients is not an effective use of resources; that differential levels of

supervision based on pretrial failure risk, least restrictive conditions, and individualization of bail will produce similar, if not the same, pretrial failure outcomes.

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Summary and Conclusions

Lake County's example of introducing objective risk assessment into the bond report investigation and recommendation process illustrates some important points. If one of the goals of a pretrial services program is to maximize pretrial release with non-financial conditions of bond, our experience supports the 2003 Pretrial Survey finding: objective risk assessment produces more non-cash release recommendations as well as a greater proportion of defendants being released without having to post a cash bond.

Pre-training exercises revealed the disparity and inconsistency in bond recommendations made by staff when using subjective assessment. However, when utilizing the same objective risk factors, disparity was reduced and more consistent bond recommendations were made. Besides exposing the personal biases and inadequacies of subjective assessment, the training experience was essential to understanding objective risk assessment in general and its specific application. Without proper training from a qualified source, the integrity and credibility of the instrument is compromised.

The Lake County Pretrial Risk Assessment Instrument also formed the basis for a more resourceful case classification system. Rather than supervising all defendants as if they had the same degree of risk, supervision varies in relation to the defendant's risk level: low-risk defendants get low-risk supervision and high-risk defendants get high-risk supervision. In a sense, we are doing more with less while still maintaining another important goal of pretrial services: minimizing pretrial misconduct. Notwithstanding a broader definition of "pretrial failure" and cutting field contacts in half, violation rates declined or remained stable since the implementation of objective risk assessment.

The scope of this paper has been to describe the pre- and post-implementation experience of incorporating an objective risk assessment system into a pretrial services program that has been operating for over 20 years. Clearly, there have been some encouraging observations, but just as clear is the next step: *validation* of the instrument. Whether a measure of pretrial failure risk is accurately measuring what it intends to measure is a necessary step in the risk model's acceptance. As noted earlier in this paper, if risk assessment is only as good as your investigation, we can add the following: risk assessment is only as good as your validation.

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References

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Table 1: Bond Recommendations by Type and Year

Year	Financial Release Recommendations	Non-Financial Release Recommendations
2004	84%	16%
2005	84%	16%
2006*	82%	18%
2007	76%	24%
2008	78%	22%

*New risk assessment method implemented March 2006.

Table 2: Release Outcomes by Type and Year*

Year	Financial Release	Non-Financial Release
2004	57%	43%
2005	57%	43%
2006	48%	52%
2007	44%	56%
2008	42%	58%

*Of those interviewed by Lake County Pretrial Services.

Table 3: Old Contract Standards

Supervision Level	Field Visit	Office Visit	Phone Call	Court Reminder Call
Level 1	4 per month	On court date	3 per week	Every court date
Level II	1 per month	On court date	3 per week	Every court date

Table 4: Proposed Contract Standards

Supervision Level	Field Visit	Office Visit	Phone Call	Court Reminder Call
Minimum	Residence verification	1 per month	1 per week	Every court date
Medium	1 per month	1 per month	1 per week	Every court date
Maximum	2 per month	2 per month	1 per week	Every court date

Table 5: PTBS Violation Rates by Year

Year	FTA	New Arrest	Technical Violation	Total
2005	17%	4%	11%	2%
2006*	17%	4%	10%	31%
2007†	16%	5%	10%	31%
2008	13%	8%	7%	28%

*New case classification system implemented March 2006.

†Expanded measure of “pretrial failure” applied July 2007.

Restorative Practices in Institutional Settings and at Release: Victim Wrap Around Programs

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OVER THE LAST three decades, a growing social movement has advocated for an increased role for victims in the criminal justice system process. Debate over the extent to which victims should be included in criminal justice processes continues to divide scholars, practitioners, offenders, victims, and other correctional advocates. Some argue that the inclusion of victims in criminal justice processes has created more punitive and retributive correctional policies, whereas others think that greater involvement of victims creates a more efficient, justice-oriented and restorative process (Mika, Achilles, Halbert, Amstutz, and Zehr, 2004). While the debate continues to rage, it should be recognized that the federal government and most states have legislative mandates that acknowledge a basic role for victims within the criminal justice system process. Central to the debate is an understanding of why victims matter.

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Why Crime Victims Matter

There are several reasons why crime victim participation in criminal justice system processing is of concern. First, the sheer size of the victim population in the United States requires some recognition of the role of victims. In 2005, U.S. residents age 12 and older were the victims of more than 23 million crimes, with at least 5.2 million of those offenses being violent in nature (Criminal Victimization in the United States, 2005).

Second, while we are still learning about the long-term impact of crime on victims, a significant body of literature details the negative impact that victimization has on victim perceptions of the

government and their community (Mika et al. 2004; National Center for Victims of Crime, 2005). More important for some types of victimization, such as crimes against children, victimization is associated not just with negative perceptions of government and community but also with future offending (Cartwright, 2000). Third, the criminal justice system is dependent upon the cooperation and participation of victims in coming forward to convict offenders. In addition, some criminal justice officials recognize that criminal victimization has psychological impacts potentially leading to depression, anxiety, increased fear, and other disorders that can reduce functioning. Evidence of this recognition can be seen by recent developments in Victim Wrap Around programs and the creation of victim services units within each state. Finally, research suggests that victim participation in some criminal justice processes reveals promising results for the reduction of recidivism rates with certain types of offenders under certain conditions (Armour 2006; Marshall, 2005; Parker, 2005). Consequently, few correctional officials would argue that there is no role for victims within larger criminal justice processes.

While earlier efforts to increase victim involvement emphasized changes within early stages of the criminal justice system, recent efforts have emphasized the need for greater involvement of victims within institutional settings and during the reentry process. The most recent avenue of exploration for policy changes within institutional environments that include victims' perspectives has been the desire to implement restorative justice practices within institutional settings for adult offenders (see information available from The Pennsylvania Prison Society at <http://www.prisonsociety.org/progs/rj.shtml>). In addition to the push for implementation of restorative practices behind prison walls, several state correctional systems have incorporated victim wrap around services within the parole process. The next section discusses the literature and reviews some of the programs that have been developed as part of restorative justice practices behind prison walls and victim wrap around services incorporated into the reentry process for inmates.

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Defining Restorative Justice Practices within Institutional Contexts

The next question then, is just what is restorative justice? Howard Zehr refers to restorative justice as "...a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address the harms, needs, and obligations, in order to heal and put things as right as possible" (Zehr, 2002, p.37). Restorative justice has also been referred to as "... restoring through a facilitated process that brings together all affected parties, the dignity and well-being of those involved in and harmed by a criminal incident" (Smith and Robinson 2006: 59). According to Armour, the author of *Bridges to Life* (2006, p. 2), "restorative justice seeks to elevate the role of crime victims and community members, hold offenders directly accountable to the people they have violated, and restore the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation, and problem solving that can lead to a greater sense of community safety, conflict resolution, and healing for all involved." The Pennsylvania Prison Society describes restorative justice as:

An approach to justice that actively involves all who are impacted by crime—victims, offenders, their communities of care, and the broader community—and seeks to promote accountability, healing, and the common good.
(<http://www.prisonsociety.org/progs/rj.html>)

While definitions of restorative justice vary, certain common themes are associated with restorative practices. First, restorative justice is a philosophy that emphasizes the need to repair the harm caused by crime. Reparation is not something that can only be done by punishing the offender. True reparation requires the participation of all stakeholders (victims, offenders, the community, and criminal justice officials) in the development of plans to repair the harms caused by criminality. Second, restorative practices are predicated upon the idea that offenders must be held accountable for their actions. Thus, consequences must be applied when offenders fail to follow through with restorative activities. Third, when all stakeholders participate in the process, healing occurs, the potential for future harm is reduced, and offenders can be restored back into

society. A critical element is the fact that restorative justice is a process that cannot be captured through a single program or event.

Two camps exist within the restorative justice paradigm. One group views restorative justice as requiring the direct involvement of all stakeholders to promote change. This group views assisting victims, addressing victim needs, helping victims work through their issues, and encouraging victims to participate in criminal justice processes as the primary goal (Mika, Achilles, Halbert, Amstutz, and Zehr, 2004). A second group, which is growing in number, embraces the concept of offender-oriented restorative justice. Offender-oriented restorative justice reflects the needs of offenders and victims along with emphasizing the fact that the offender must make amends, change, and engage in rehabilitative efforts (Mika, Achilles, Halber, Amstutz, and Zehr, 2004). Many in the offender-oriented group have focused their attention on adding restorative justice practices to institutional environments and parole processes.

The approach used to discuss restorative justice practices within institutional contexts in this article is consistent with the framework set forth by the Pennsylvania Prison Society and is considered offender-oriented. The Pennsylvania Prison Society discusses restorative justice through the use of the web of relationships metaphor (<http://www.prisonssociety.org/progs/rj.shtml>). This is a framework where restorative justice programs can:

- Engage offenders on restorative justice, accountability, personal healing and growth, among other restorative themes.
- Support offenders who have been crime victims and provide services to meet their needs as victims.
- Invite direct and indirect dialogue between victims and offenders.
- Bring together victims, offenders, and community into conversation around restorative themes.
- Address issues of release and reintegration through the restorative justice lens.
- Serve or transform the prison in a way that promotes restorative values and principles. (Toews, 2006a, pg. 3)

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Restorative Justice Programs within Institutional Contexts

There is a limited amount of publicly available research literature on the restorative justice practices in adult institutional settings. Institutional restorative justice programs are typically viewed as a means for empowering offenders to take responsibility, to repair the harm to victims and communities, and to generate pro-social behaviors during incarceration and upon release (Toews, 2006a; 2006b). [Table 1](#) reveals the many different levels at which institutional-based programs can operate.

According to Fraley (2001, pg. 62), restorative justice programs within institutional contexts may be more important for the mental health and well-being of long-term inmates than of short-term inmates. Inmates with only a short time to serve have an opportunity to repair the harm for their criminal behavior upon release. Those serving short sentences who wish to take responsibility for their actions and reconcile with victims, friends, or family have an opportunity to do so within the community. In contrast, “it is a given that those of us [long-term inmates] serving long sentences will have no opportunity (or one that is long delayed) to reconcile with those to whom we have brought pain and suffering” Fraley (pg. 62). Long-term inmates over time are much more disconnected from the crime, their victims, their families, and the community. Consequently, repairing the harm to victims, family, and community is less likely without the inclusion of restorative programming during incarceration and upon release.

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Review of the Research on Restorative Justice Practices within Institutions

As seen in [Table 2](#), the implementation of restorative justice programs in institutions varies

widely. The majority of the published restorative justice programs in institutions appear to focus on adult male offenders within prisons and typically require voluntary participation. Only one study reported results for an adult female prison population. In most cases, participation in the restorative justice program did not affect the status of the inmate (i.e., participation does not translate into early release). As seen in Table 2 and documented below, restorative justice programs in prisons lack standardized implementation.

- Some programs include only inmates and correctional staff. Others include inmates, victims, and community members.
- Significant differences exist in the length and number of restorative sessions that take place.
- There is no uniform method of service delivery across the restorative practices. Each program used direct mediation, indirect mediation, or some form of conferencing alone or in combination.

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Limitations of Research

The research available on institutional restorative justice programs has several significant limitations. The majority of the studies presented in Table 2 have small sample sizes that reduce the generalizability of results. Experimental designs were also typically not utilized. Moreover, only two of the evaluative studies presented assessed post-release recidivism. Thus, at the present time no definitive conclusions can be drawn about the impact of institution-based restorative justice programs on the behavior of offenders in the community. The literature also reveals that while institutional restorative justice programs are growing in popularity overseas, few states have been willing to implement and evaluate such programs in the United States. Thus, while restorative justice practices in institutions have increased in visibility and appear promising, more research and greater implementation is required in the United States.

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Victim Wrap Around and Parole Processes

While most states have implemented legislation increasing victim involvement in criminal justice processes, many recognize that more work needs to be done. In recent years, victims' advocates have achieved some success in getting state correctional and parole authorities to recognize the need to address victims' issues during the parole and reentry process (National Center for Victims of Crime, 2005). Several states now have implemented parole and reentry processes that attempt to address the needs of victims and include victims as full participants in the release process (National Center for Victims of Crime, 2005; see [Table 3](#)).

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Why Has There Been a Call for Greater Inclusion in the Release Process and Parole?

Activist calls for greater victim involvement at these latter stages of justice are related to four factors. First is the open acknowledgement that released inmates return back to a small number of communities. According to an Urban Institute report, two-thirds of released prisoners return to major metropolitan areas in the United States. Often these returning offenders are concentrated in a few neighborhoods in the central city (Lynch & Sabol, 2001; Petersilia 2003). For example, in Illinois returning inmates are concentrated in Chicago, with 51 percent of those returning to the city. The largest share (34 percent) of returning offenders in Illinois reside in six neighborhoods—Austin, Humboldt Park, North Lawndale, Englewood, West Englewood, and East Garfield Park.

Second, more people now recognize that the fates of victims and offenders are intertwined. As a report by the National Center for Victims of Crimes (2005) highlights, offenders and their victims live and work in the same neighborhoods and have similar social and economic

experiences. Thus, “the mere proximity of many victims and their returning offenders highlights the importance of considering the needs of victims and offenders together and involving victim services providers as reentry initiatives are developed and implemented” (p. 2).

Moreover, current legislation inadequately addresses victim issues. A recent Reentry Policy Council report reveals that while legislation has been passed increasing the role of victims in the parole process, only 15 states notify all victims about the scheduling of parole hearings and 6 still do not permit victims to appear at parole hearings (Reentry Policy Council Chapter 23).

Victim advocates are also calling for increased participation at later stages of the criminal justice process, because the needs of victims at later stages of the criminal justice system can differ from the needs of victims upon initial incarceration. Victims at the sentencing stage may be more concerned with punishing the offender and addressing their own emotional needs. At the release stage, victim safety, PTSD, child support and visitation rights, and offender rehabilitation may be of greater concern for victims (National Center for Victims of Crime, 2005). According to the National Center for Victims of Crime Report for Victim Services (2000), a balanced release process would recognize “that while correctional agencies are ‘offender-directed,’ they can also be ‘victim-centered.’” Victim Wrap Around Programs represent the latest attempt to incorporate restorative practices prior to release.

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What Does Victim Wrap Around Mean?

When an offender is released back into the community, victims are likely to be concerned about their safety, may experience resurgence in emotional trauma, and may experience confusion regarding their rights. “The primary function of Victim Wrap Around programs is the provision of services to support the victim at the time of the offender’s re-entry into the community” (Report of The Advisory Committee on Geriatric and Seriously Ill Inmates, 2005); they can include the following:

1. The development of a safety plan to enhance victim and community safety when an offender is in the community. The safety plan may provide for the delineation of geographic conditions that address both the needs of the offender and the safety needs of the victim; the examination of the victim’s home to identify and address crime prevention needs; obtaining civil orders (e.g., a protection from abuse order) that address safety, residence and custody issues; identifying victims.
2. Notification needs and planning for intervention by police and other law enforcement agencies to ensure the safety of the victim.
3. Assistance in obtaining information on the status of the offender.
4. Assistance in the exchange of information between the victim and the offender as deemed appropriate and necessary by both parties.
5. Assistance in obtaining restitution.
6. Assistance in linking the victim to other needed services.

(Report of The Advisory Committee on Geriatric and Seriously Ill Inmates, 2005, p. 109)

While the above services focus primarily on victim safety and emotional security, for these programs to fully incorporate restorative practices, all major stakeholders (victims, law enforcement, correctional officials, and offenders) must participate in the release process. Thus, Victim Wrap Around programs around the country have included victim input into the conditions of release imposed on an offender, meetings between victims and offenders, meetings between victims and parole officers, victim notification, and community involvement in conditions of release (see [Table 3](#) for a more thorough list of services).

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Review of Victim Wrap Around Programs

Victim Wrap Around Programs have taken various forms. The Washington State Department of Corrections was the first to implement a Victim Wrap Around program and serves as a model for most other locations (Lehman, 1999); see also www.doc.wa.gov/stories/victimwrap.htm). In the Washington program, victims, corrections staff, parole authority members, law enforcement, victim advocates, and community-based service providers form a workgroup that determines all aspects of the release process for the offender and how best to meet the needs of the victim. More important, victims have a direct impact on the release process by their input into the release conditions for offenders. As many victims may be concerned about their safety upon release of an offender back into the community, the work group helps alleviate some victim anxiety related to personal safety by devising a safety plan for the victim prior to the release of the offender back into the community.

Responding to the literature that discusses how the release process can cause further harm to victims, the Washington program provides additional wrap around services to victims by working with the victim to determine his or her other victim-related needs prior to release. The program then utilizes a formal process for connecting victims with agencies in the community capable of addressing those needs in a timely manner. This process is not one simply of referral but of connecting victims with services directly. For example, if the victim states that he or she is experiencing emotional distress as a result of the release of the offender back into the community, then the victim is directly connected to service providers offering counseling and support.

While Washington serves as a model for other states, not all aspects of the program have been implemented elsewhere. Table 3 reviews the programs in place in three additional states that provide information about their wrap around services on the web. As can be seen in Table 3, each of the states incorporated the workgroup aspect of Victim-Wrap-Around by including victims, corrections staff, parole officers, law enforcement, victim advocates, and community service providers in the reentry process. However, Washington appears to be the only state where victims have a direct impact on the parole process. A few states have expanded the role of victims by providing additional services, such as victim/offender mediation and other services, to the wrap around process.

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Conclusions

Despite the minimal amount of information available, two points can be made. First, it is clear that restorative justice practices behind institutional walls and Victim Wrap Around programs represent new avenues for exploration in the quest to increase victim involvement within the criminal justice process. Second, such programs may represent promising approaches and have the potential to reduce recidivism, increase victim satisfaction with the release process, provide an additional opportunity to meet the needs of victims, increase accountability on the part of offenders, and provide an additional avenue for meeting the needs of offenders at the same time. Unfortunately, more empirical research on outcomes for victims, offenders, institutional behavior, and public safety impacts is needed before such programs can be considered “best practices” in corrections.

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References

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Table 1: Levels of Restorative Justice Practices Within Institutions

I.	Individual —Focuses on how individuals are impacted by their experiences, what they need for accountability and healing and ways in which they can transform their lives to wholeness.
II.	Relational —Focuses on the relationships between individuals, the role and nature of accountability and healing in those relationships and ways in which to repair the relationship. These relationships may be, for instance, between victim and offender or offender and his or her family.
III.	Daily Life —Focuses on the values, assumptions and ways in which people interact with each other in their social lives, ways in which to make restorative justice a way of life and transformation of the prison culture. This may include daily relationships with family and friends, prison staff and other prisoners.
IV.	Prison Operations —Focuses on the use of restorative justice philosophy and practices in prison operations and programs. There is also an element of systemic transformation. This level may include, for instance, using mediation in grievance procedures or offering services to people when they become crime victims while incarcerated.
V.	Community —Focuses on the community role in crime and justice, its needs for accountability and healing and building bridges between offenders and community.
VI.	Criminal Justice Systems —Focuses on transforming the foundation of the criminal justice system, incorporating restorative practices into the system at all levels and building partnerships with all justice participants. There is a policy element to this level.

Toews 2006a, pg.4

Table 2: Research on Restorative Justice Practices

Program	Source	Location of Program	Participants	Participation Information	No. Sessions	Description	Empirical Research
Sycamore Tree Project		New Zealand, United Kingdom, United States, South Africa, Hong Kong, Korea	6 male inmates 6 crime victims	Voluntary During incarceration Does not affect status of offenders— i.e. are not methods for clemency	8 two hour sessions over an 8 to 12 week period.	Indirect mediation, Direct mediation	Supports changes in attitudes towards victims but no recidivism studies to date
Justice Research Consortium		Thames Valley	Prisoners near release from prison and adults with community sentences			Conferencing	Randomized controlled trials but no recidivism data
Bridges to Life	http://www.bridgestolife.org/index.html Armour (2006)	Operates in 15 Texas Prisons	5 inmates with release within 12 months 2 victims 1 facilitator (N= 1500)	Voluntary During incarceration	2 hour sessions per week over a 12-week period	Indirect mediation, Direct mediation	Only 13.9% of post release participants have been reincarcerated Reduces correctional costs
Restorative Circles	Hawaii	Walker, Sakai, and Brady (2006)	Parole Board Representative, Warden, prison counselors, inmate family	Voluntary During incarceration	3 hour group planning process	Family reconciliation	Inmates satisfied with program. No recidivism data
Resolve to Stop the Violence Project	San Francisco	Parker (2005)	Jail inmates, male violent offenders, Victims	Mandatory	Once per week	Direct mediation, indirect mediation, conferencing	42% decline in recidivism for those in program for 4 weeks; 51% decline for those spending 12 weeks in program, 80% decline for those

							spending 16 weeks in program
Collaborative Justice Project	Canada	Forget (2005)	Preconviction, before sentencing, and in prison	Voluntary	Varies	Direct mediation, indirect mediation, Conferencing	Positive impact on attitudes. No recidivism data
Restorative Unit at Gande Cache Institution	Canada	Forget (2005)	Inmate Restorative Justice Unit	Voluntary	24 hour Unit	Direct mediation, indirect mediation, conferencing with other inmates	No evaluation conducted
Phoenix Zululand	South Africa	Forget (2005)	Inmates	Voluntary	Unknown	Indirect mediation, Direct mediation	No evaluation conducted
Citizens, Victims, & Offenders Restoring Justice Project Skakopee	Minnesota	Burns (2001)	Female inmates, crime victims, community members, facilitators, neutral advocate, observer	Voluntary	3 hour weekly session for 9 weeks	Direct mediation, conferencing	Positive attitude changes for victims and offenders. No recidivism data
Citizens, Victims, & Offenders Restoring Justice Project MCFLino Lakes	Minnesota	Burns (2002)	Male inmates, crime victims, community members, facilitators, advocates, observer	Voluntary	3 hour weekly session for 12 weeks	Direct mediation, conferencing	Positive attitude changes for victims and offenders. No recidivism data
Restorative Justice with Homicide Survivors	Texas	Umbreit and Vos (2000)	Male inmates, victims	Voluntary	4–6 hours	Direct mediation, Conferencing	Positive attitudinal change. No recidivism data
Victim Offender Dialogue	Georgia	http://www.dcor.state.ga.us/pdf/tcp26-30.pdf	Inmates Victims	Voluntary		Direct mediation	No evaluation data

Table 3: Sample of Victim Wrap Around Programs

State	Participants	Victim Direct Input into Release Process	Description of Services	Other Services
Washington State Department of Corrections www.doc.wa.gov/stories/victimwrap.htm	<ul style="list-style-type: none"> • Victims • Corrections staff • Law enforcement • Victim advocates • Community resources 	Yes	<ul style="list-style-type: none"> • Input into conditions imposed on offender • Develop a safety plan for victim upon release of the offender • Community agency involvement as needed 	<ul style="list-style-type: none"> • Victim Notification • Community Concerns access • Victim/offender meetings • Community victim Liaisons
Ohio Department of Rehabilitation and Correction	<ul style="list-style-type: none"> • Victims • Victim advocate • Corrections Staff • Parole Authority • Law enforcement 	No	<ul style="list-style-type: none"> • Develop a safety plan • Crisis counseling • Sex offender information • Community agency involvement as needed. 	
Vermont http://www.cedoburlington.org/neighborhoods/cjc/offender_reentry.htm http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=13&Chapter=072&Section=03272	<ul style="list-style-type: none"> • Victim Advocate • Corrections staff • Law enforcement • Community resources 	No	<ul style="list-style-type: none"> • Input into conditions imposed on offender • Develop a safety plan 	
Georgia http://www.dcor.state.ga.us/pdf/tcp26-30.pdf	<ul style="list-style-type: none"> • Victims • Victim advocate • Corrections staff • Parole authority • Law enforcement • Community resources 	Unknown	<ul style="list-style-type: none"> • Develop a safety plan 	<ul style="list-style-type: none"> • Victim/offender meetings

Pono Kaulike: Reducing Violence with Restorative Justice and Solution-Focused Approaches

Lorenn Walker, Consultant

Leslie Hayashi, District Court Judge, State of Hawaii

[Description of *Pono Kaulike* Program](#)

[Need for Restorative Interventions](#)

[Selection of Cases for Study](#)

[Result: *Pono Kaulike* Participant Satisfaction Verification](#)

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[Discussion](#)

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"**I UNDERSTAND YOU'RE** going to plead guilty to this charge. I see the complaining witness is the mother of your daughter. Is that right?" asks the judge, looking up from a file and down at the man standing before her bench.

"Yes, your honor," says David. He is twentysix years old and dressed in a bright orange jump suit with OCCC printed in white on the back. Shackles are looped around his wrists and ankles.

It is 2004 and David is being sentenced for terroristic threatening in the Hawai'i State District Court in Honolulu. He has been imprisoned in the O'ahu Community Correctional Center since he told his former girlfriend he was going to kill her.

The judge continues, "We have a new program for people who plead guilty to crimes against family members. It's something called restorative justice, the *Pono Kaulike* program. It's a voluntary program where you can look at how your behavior affected people and what you can do to repair the harm. If your former girlfriend wants, she can participate too, but she doesn't have to, it's up to her. Either way, you can meet with our facilitators and make a plan for how you can try to make amends with your family and make a better future for yourself. Does this sound like something you'd like to do?"

"Yes, Ma'am. I'm so sorry for what I did. I was high. I really messed up. If there's anything I could do to make it up to my little girl and her mom, I wanna try," replies David.

A few months after the hearing, David's former girlfriend, and the mother of their four-year-old daughter, is contacted about participating in the program. Alice is asked if she wants to meet David, with both of their supporters, or with him alone, and a *Pono Kaulike* facilitator.

"Nah, I neva wanna see him again. He's caused me so much problems already," says Alice.

"Sure we understand. Instead would you like to meet with us to talk about how his behavior

affected you, and what you'd like him to do to make things right? We could also try and help you figure out how you and your family can deal with all this. And whatever you decide you want David to do, would be given to the judge," replies the facilitator.

"Yeah, that sounds good. Where do I have to meet you folks?"

"We come to you Alice. We can meet at your home or anywhere else that works for you."

"You mean I don't have to come to town? To an office?"

"Yeah, no office in town. When's a good time for you to meet?"

A few days later a facilitator meets with Alice, her current boyfriend and her daughter for a restorative session. It is held in the afternoon, which was most convenient for them. David has a restorative session, the day after Alice's, in a private waiting area in the back of the rural courthouse. Later that day he is sentenced.

During each restorative session the small group discusses how they were affected by David's behavior; what David could do to try and repair the harm; what Alice and David's goals are; and how they can each achieve their goals despite what has happened. In David's case that includes what he needs to do to stay drug and crime free.

During Alice's restorative session, she says that she wants David to enroll in parenting classes, anger management, and a drug treatment program. She also says that she wants to move into a new home and she begins strategizing how she can accomplish that.

At David's restorative session, he learns what Alice needs from him to repair the harm, and he readily agrees to all of her requests.

Later when asked about the process, Alice says she preferred the private restorative session to court. "I think this program is better for families like ours.

So much better for kids because they get emotional a lot and been through enough already."

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Description of *Pono Kaulike* Program

Pono Kaulike is a pilot program for people who plead guilty to criminal offenses, the people hurt by the crimes, [2](#) and their supporters. The program was piloted in Honolulu's District Court of the First Circuit and has been previously described (Walker & Hayashi, 2004 & 2007).

The program began in 2003 to test and measure the application of restorative conferencing for criminal cases, and was conducted for four years. It evolved to apply *solution-focused brief therapy* for groups and for people who meet individually with facilitators without the participation of other parties (Walker & Hayashi, 2004 & 2007).

As described previously, "*Pono Kaulike* uses the solution-focused brief therapy approach, which carefully uses language, and appreciates the importance of relationships in assisting troubled people to find their own solutions to problems" (Walker & Hayashi, 2007 p. 20). Solution-focused approaches are empowering and considered a best practice by the federal government (OJJDP, 2008). Solution-focused brief therapy has been extensively researched and found to be more effective for people dealing with depression than other forms of psychotherapy (Knekt, & Lindfors, 2004).

Restorative conferencing describes "a range of strategies for bringing together victims, offenders, and community members in non-adversarial community-based processes aimed at responding to crime by holding offenders accountable and repairing the harm caused to victims and communities" (Bazemore & Umbreit, 2001). Restorative conferences are a group process, which include the participation of the people who committed the crime, the people hurt by the crime,

and the supporters for each side.

As the *Pono Kaulike* pilot program developed, it became apparent that there was a need for other restorative interventions that did not require face-to-face meetings between all of the involved parties. It was additionally discovered that the facilitators could apply solution-focused brief therapy language skills with better outcomes for participants. As a result, *Pono Kaulike* developed three distinct facilitated restorative justice processes using the solution-focused brief therapy approach, which has been used successfully with incarcerated people (Walker, 2008). Restorative conferences are for victims, offenders and their respective supporters; restorative dialogues are for victims and offenders together without supporters; and restorative sessions are for individual victims and offenders who meet separately and are encouraged to bring supporters, but are not required to do so.

The key goals of *Pono Kaulike's* three processes are to help people hurt by crime to heal and to decrease repeat criminal activity. Restorative justice assumes that most people who have hurt others and who have been hurt have the capacity to address what they and what others may need to heal (Zehr, 1995). Research shows that restorative processes increase participant satisfaction and rehabilitation more than prison and punishment for many types of crimes (Sherman & Strang, 2007; Shapland et al, 2008). By giving people a voice and the opportunity to consider what they and others need to deal with the consequences of crime, they are given the opportunity to learn and to improve their lives (Walker, 2000).

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Need for Restorative Interventions

Crime can create both physical and emotional wounds (Schwartz & Boodell, 2009). Restorative justice addresses these wounds by focusing on what people need to heal after they have been hurt. Our current criminal justice system largely ignores what people need for healing, and instead focuses primarily on who is to blame and how the identified offenders should be punished (Zehr, 1995). Restorative justice instead focuses on the unique needs of the individuals affected by specific incidents of crime and invites them to participate in a personalized and private experience where they have the opportunity to consider what is necessary to help them heal. These processes have the potential to build relationships and rehabilitate people, in contrast to parts of the current justice system that can lead to further problems.

Currently our justice system includes victim participation at the sentencing stage of the case. In Hawai'i, as in all states, victims are invited to criminal sentencing hearings to provide statements concerning how a crime affected them (Hawai'i Revised Statutes; Alexander & Lord, 1994). While victim impact statements are meaningful because they provide victims with an opportunity to participate, sentencing hearings can create more ill will and further damage emotional health because they are conducted as part of an adversarial process.

In one recent sentencing hearing, the victim's loved ones not only wore tee shirts with a large color photo of her surrounded by the words "Killed by a Drunk Driver," but they also brought the woman's ashes held in an urn into the courtroom with the same message printed on it. The offender in the case had pled guilty to the offense and had been suicidal a number of times as a consequence of killing the victim (Boylen, 2006).

In another Hawai'i sentencing, a drunk driver's lawyer claimed she suffered a "genetic predisposition to alcoholism" due to her Native American heritage. The offender also told the court that she "wanted to die" when she woke up in the hospital after the crash and learned she killed a man. At the hearing she was noticeably pregnant, and the victim's sister said, "The fact that you are conveniently pregnant disgusts me" (KITV.COM). Considering what occurred at her hearing it is not surprising that the offender felt the need to describe herself to the court as "a human."

Adversarial processes have the potential to dehumanize people. Fighting usually does not create

understanding and often causes more anguish and suffering. Argument is a form of fighting and does little to help hurt people cope with emotional pain (Tannen, 1998). If the victims and the offenders in these drunk driving cases had been given the opportunity to meet privately with the judge or a facilitator to discuss their loss, everyone, including the community, would have likely experienced some emotional relief.

Research on crime victims' feelings shows significant anger and anxiety reductions, along with increased understanding, after participation in restorative interventions compared to traditional court hearings (Sherman & Strang, 2003). Likewise the benefits of restorative processes for the people who commit crimes are apparent by the recidivism reduction that results. Victims, offenders, and the affected community, including the party's supporters, would be better served by having opportunities for open discussions in private restorative settings, rather than adversarial processes, especially at the time of sentencing.

A review of different restorative justice research projects reveals that when crime victims are offered restorative interventions and the opportunity to meet with offenders, between 57 percent and 40 percent of them choose to participate (Walker & Hayashi, 2004; Sherman & Strang, 2003). The rest of the victims, such as Alice, who do not wish to meet with the people who hurt them, should at least be given the opportunity to speak privately, to discuss their pain and what they need to repair the harm. A private, nonadversarial meeting reduces the potential of generating more negative emotions and harm for people involved in a crime.

It is unlikely that Alice would have participated in a public sentencing hearing. Our justice system is especially not equipped to deal with family and intimate violence in meaningful ways (Mills, 2006).

Many people hurt by violence never appear in court, regardless of subpoenas or other formal sanctions imposed against them for failure to do so. Reasons include not wanting to confront the offender, believing the justice system will not work to improve things, or feeling as if they are being victimized by the system (Ford, 2003; Mills, 2008).

Innovative programs in Hawai'i, including *Pono Kaulike*, have demonstrated that there are alternatives for individuals to participate in restorative processes without meeting others. The Restorative Session that Alice, her daughter, and her boyfriend participated in is an example.

In addition to developing the Restorative Session for individuals, in 2002 Hawai'i piloted a successful program for victims without offender participation (Walker, 2004). The *restorative conversation*, which is similar to the restorative session, provided individuals with a restorative intervention to help them cope with the effects of being hurt by crime without offender participation. The need for the restorative conversation arises from no one being identified as a perpetrator, or no one admits guilt, or the victim simply not wishing to meet with the offender.

England's CONNECT program is another example of how restorative interventions can be provided without meetings between victims and offenders. CONNECT uses *indirect* or *shuttle mediation* to provide restorative interventions without requiring a meeting between victims and offenders (Sharpland, et al 2008).

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Selection of Cases for Study

This experimental study reviewed fifty-nine subjects who were eligible for the *Pono Kaulike* interventions between 2002 and 2007. Thirty-eight subjects received the *Pono Kaulike* intervention and twenty-one subjects did not. All fifty-nine subjects were selected by having been charged with criminal offenses in the District Court of the First Circuit and being eligible for inclusion in *Pono Kaulike*. The court mainly adjudicates petty and misdemeanor level cases. All fifty-nine subjects in the study plead guilty to one or more of the crimes including assault, harassment, criminal property damage, criminal trespass, terroristic threatening, and negligent homicide. The study only included subjects who pled guilty.

Forty-four defendants were referred to the *Pono Kaulike* program and forty-one of these referred defendants received the intervention. In one case the victim of the defendant, but not the defendant himself, received services, and in two other cases the defendants did not contact the *Pono Kaulike* program providers for services. These three cases are not included in this study. Of the forty-one people who received services, only thirty-eight were evaluated for recidivism purposes. The three cases that were not evaluated included two defendants who had pleaded not guilty to an offense, and one man who was charged with a dog-barking nuisance case.

The control group of twenty-one individuals who were eligible for *Pono Kaulike* services, but were not referred to the program, pled guilty to crimes in the District Court of the First Circuit. These twenty-one cases were selected out of forty-three potential controls. The unselected twenty-two cases pled not guilty, although several of them later changed their pleas to guilty [3](#)

Of the thirty-eight subjects in the Pono Kaulike experiment group, twenty-nine were charged with harassment, which usually had been downgraded by the prosecutors from more serious charges of abuse of a family member or assault. Seven of the Pono Kaulike group were charged with assault, one with criminal property damage, and one with negligent homicide.

In the Pono Kaulike group, twenty-two subjects participated in restorative sessions, and eight of them brought supporters who also participated in the meetings. Six of the sessions were for intimate violence cases of a man against a woman [4](#); one was a woman against her boyfriend; one was a woman against her former boyfriend's new girlfriend; and six were domestic violence cases where mothers, fathers, brothers, sisters were the victims and some were offenders.

Ten subjects participated in restorative dialogues. One dialogue was used for a boyfriend and girlfriend who had both been charged with harassment against each other; two other cases were boyfriend against his girlfriend; another case of a woman against her boyfriend; two lesbian cases; and two cases of men against their fathers (one of these cases later had a restorative conference, but the subjects were only counted once for the study results).

Seven subjects participated in restorative conferences. Two of the cases involved intimate violence and the rest were family member cases, i.e. son against father, sister against sister, etc.

Of the twenty-one controls, fourteen were charged with harassment, six with assault, and one with criminal trespass.

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Result: *Pono Kaulike* Participant Satisfaction Verification

A total of sixty-one *Pono Kaulike* participants were surveyed immediately following their participation in the services for their satisfaction with the process. Fifty-nine reported the process was positive, with two reporting it was mixed, but finding other aspects positive. Only one person reported any aspect of a *Pono Kaulike* intervention as negative.

To ensure that the surveys did not have a *bubble effect*, where participants are more inclined to report satisfaction than they would over time (McCold & Wachtel, 1998), telephone interviews were attempted with all of the previously surveyed participants between one and four years later. Out of all sixty-one participants previously surveyed, 16 percent, ten individuals, were located and interviewed. After 2008 most of the participants' phone numbers had been disconnected or changed and thus they were not contacted.

Despite the small sample size, the participants contacted verified that they remained satisfied with the process they experienced two or three years earlier.

One participant who participated in a restorative conference after being harassed by her nephew said: "It's heartening to realize the courts helped our family so much. I believe the meeting was positive because it put me on a path to a better recovery. It was a chance to air out our problems.

It put closure on everything. It also helped me deal with another family member who wasn't present."

Another woman who is the mother of a man who assaulted his father, who participated in a restorative conference, said it continued to be a very positive experience. "It helped us to think about what the mistakes were on both sides. It really helped our family to discuss everything."

A couple involved in intimate violence, who participated in a restorative dialogue, and had remained together three years later, said they continued to believe it had been a very positive process. The man charged with harassment said: "It got both parties to settle the dispute in a positive manner. We found better awareness and realized boundaries. It is a positive program. Beneficial for myself and others who need alternatives to prosecution."

His girlfriend, and the complaining witness, said, "Counseling is always good."

A man who was the victim in another case involving his former girlfriend also believed the process continued to be very positive. He said: "It was a good way to prevent things like that from happening in the future. Everything is working out good."

A woman in a lesbian relationship whose spouse was charged with harassing her found the process continued to have positive results. She said: "It was helpful to talk about our feelings. Everything is perfect, good now."

Finally, the parents of a man who harassed them also continued to believe the process was positive. The father said: "Everything is fine now. Hopefully in the future we will not have problems like that again." His wife and the offender's mother said: "Father and son are communicating. Son is on his own and doesn't bother us."

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Recidivism Results

For purposes of this study recidivism is considered any new charges and not complying with the sentencing, probation and the restorative intervention terms. If a new charge was brought against a person or if a bench warrant was issued for failure to fulfill requirements like drug treatment or anger management, it was counted as non-compliant. Failures to pay fines to the State imposed by the court and made part of the sentencing were not considered as non-compliant. Fines represent an economic and monetary condition for the State only, and are not relevant to the behavior toward the other party.

Of the twenty-one people in the control group, twelve of them were counted as recidivists with a recidivism rate of 0.57. Ten of the twelve had new charges against them including assault, harassment, terroristic threatening, theft, disorderly conduct, and drug trafficking. Two more were counted as recidivists for not complying with the terms of their probation, and bench warrants for their arrests were issued against them. One man who harassed his father was non-compliant after being placed on probation and ordered to complete anger management and attend a substance abuse assessment and any recommended drug treatment program. His probation was revoked for not fulfilling these requirements. Another man who harassed his girlfriend did not attend parenting and anger management classes as required of him.

In the *Pono Kaulike* experimental group, of the thirty-eight people studied who received the interventions, eleven were counted as recidivists, with a rate of 0.29. The counted recidivists included:

- David who complied with all the terms of his probation agreement and completed everything Alice requested after he threatened her, but was subsequently arrested for criminal trespass almost two years after participating in the restorative session;
- A man who smashed a shelf on his neighbor's outside wall, in an area adjoining the offender's home, was charged with terroristic threatening less than two months after he

- participated in a restorative session;
- A man who harassed his girlfriend was charged with drunk driving (DUI/OVUII) two years after his restorative session;
 - A man who harassed his girlfriend failed to comply with his probation terms to attend substance abuse treatment until clinically discharged within six months of participating in a restorative dialogue;
 - A woman who harassed her female spouse was charged with criminal trespass nine months after participating in a restorative dialogue;
 - A woman who harassed her former boyfriend was charged with harassing her mother who had also participated with her in a restorative session a year and a half earlier;
 - A homeless man who harassed his girlfriend was charged with several new crimes, the most serious of which was assault in the third degree (it is not clear who the complaining witness was in this new case) two months after he participated in a restorative conference at the beach;
 - A man who assaulted a cab driver was charged with drinking alcohol in public almost a year after he participated in a restorative session;
 - A woman who harassed and threatened her roommate was charged with theft in the third degree four years after she participated in a restorative session;
 - A man who harassed his girlfriend was charged with promoting drugs sixteen months after participating in a restorative session;
 - Finally, one of the youngest Pono Kaulike participants, an 18-year-old man who harassed another man, was charged with assault in the third degree after his mother attended a restorative session with him fourteen months earlier. It is unclear who the complaining witness was in either the first or second case.

The recidivism differences between the control and *Pono Kaulike* groups are significant ($t=2.17$, $p<0.05$). The recidivism in the control group was nearly double that in the experimental group, as seen in [Figure 1](#). However, the significance of the result is limited by the small sample sizes.

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Discussion

The subjects who participated in the *Pono Kaulike* interventions committed fewer repeat crimes, or failed to comply with court sanctions only 29 percent of the time (10 people out of 38 re-offended). This is in marked contrast to the people in the control group who had an almost doubled recidivism rate of 57 percent (12 people out of 21 re-offended). This difference is due to more than simply chance.

The argument could be advanced that the *Pono Kaulike* group chose to participate in the program and that this self-selection aspect is what sets the two groups apart; however, almost all parties that were informed and invited to participate in *Pono Kaulike* readily agreed. The groups in the study were fairly matched. Only people who pled guilty to crimes were studied. The control group would have been eligible for the *Pono Kaulike* program. There is no reason to believe that if the controls had been given this same opportunity they would not have also agreed to participate.

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Conclusion

Recidivism results for the *Pono Kaulike* program indicate that restorative justice and solution-focused approaches are more effective at preventing repeat crime and helping victims than our current system. Without rehabilitating people and assisting victims cope with the effects of wrongdoing, we put our communities at risk for increased conflict and crime.

Family and intimate violence is a serious problem with far-reaching consequences. “Family violence accounted for 11% of all reported and unreported violence between 1998 and 2002,” with approximately twentytwo percent of all the 2002 murders being committed by family

members (Durose, et al, 2005, p. 1). Besides death, family violence can cause serious emotional damage that can lead to more crime. “The typical female inmate in the United States...was likely to have been the victim of sexual abuse and to have witnessed violence in the home (Greene, S., 2002, p. 1732).

Stopping violence and most crime begins with people learning that they will not always get what they want. The current system usually fails to teach this vital lesson and instead often makes people angrier, including victims who are the very consumers that the system purports to protect.

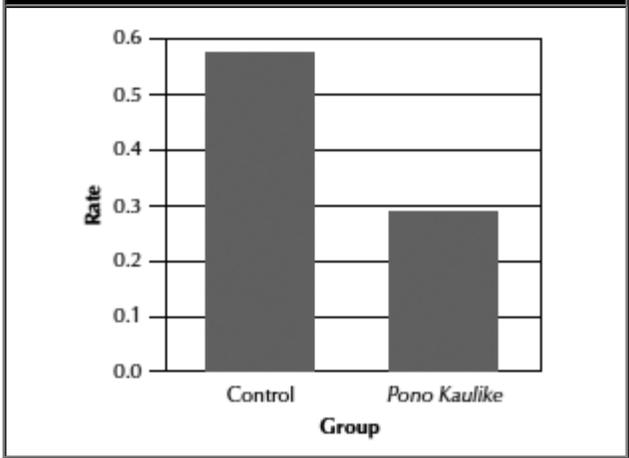
As the mother of an incarcerated man said recently while participating in a restorative intervention, “People need to learn to expect and accept disappointments.” As this research supports, restorative and solution-focused interventions offer a way for people to learn this simple, but often difficult lesson.

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Figure 1 : Recidivism Rates



Estimating the Impact of Kentucky's Felon Disenfranchisement Policy on 2008 Presidential and Senatorial Elections

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FELON DISENFRANCHISEMENT, or the restriction of voting rights for convicted felons, is a staple of American criminal justice policy, practiced in one form or another in 48 of 50 American states. Nevertheless, the practice itself has become increasingly controversial in light of research suggesting disproportionate impacts on minorities and political parties. Disenfranchisement policy currently excludes one in six African- American males. For example, in the 1998 elections, at least 10 states formally disenfranchised 20 percent of African-American voters due to felony convictions (Journal of Blacks in Higher Education, 1999). Excluding felons provided “a small but clear advantage to Republican candidates in every presidential and senatorial election from 1972 to 2000” (Manza & Uggen, 2006, p. 191). In addition, felon disenfranchisement may have changed the course of history by costing Al Gore the 2000 presidential election (Uggen & Manza, 2002). Similarly, if not for felon disenfranchisement, Democratic senatorial candidates would likely have prevailed in Texas (1978), Kentucky (1984 and 1992), Florida (1988 and 2004), and Georgia (1992) (Manza & Uggen, 2006, p.194).

Since felon disenfranchisement affects the civil rights of nearly five million voters (over 2 percent of the eligible voters), critically evaluating its rationales remains a significant criminal justice policy issue (Manza & Uggen, 2004). Felon disenfranchisement proponents argue that disenfranchisement deters future crime, punishes offenders by excluding them from community political participation on moral grounds, and is necessary to ensure the proper functioning of democratic institutions. Critics, however, contend that disenfranchisement is actually criminogenic (Cholbi, 2002), derives from a historically based racial animus (Behrens, Uggen, &

Manza, 2003), and harms democratic processes (Harvard Law Review, 1989; Uggen & Manza, 2002).

Nearly all American states (48) continue to exclude prisoners from voting. While disenfranchisement of the incarcerated has remained nearly ubiquitous, other forms of felon disenfranchisement have consistently decreased over time. The majority of states also prohibit active probationers and parolees from voting. Yet, state exclusion rates for these groups decreased substantially from 1950 to 2002 (from 84 percent to 58 percent and 84 percent to 70 percent for probationers and parolees, respectively) (Manza & Uggen, 2004, p. 493).

Direct estimations of probationer/parolee voting preferences have not been examined. Attempts to estimate such preferences have typically attempted to match disenfranchisees to voter preferences of similarly situated voters (e.g., Uggen & Manza, 2002) or interview/ survey prisoners within a particular location (Manza & Uggen, 2006). Such estimates introduced two serious measurement issues: First, prisoner preferences are not necessarily representative of probationer/parolee preferences. Second, prisoner preferences may not provide a representative sample for a particular state, since prisoners are concentrated in particular locales that are often outside their domiciles. No prior research has attempted to provide a representative sample of probationer/parolee preferences.

This study sought to address the deficiencies of prior voting preference estimations via a survey of voting preferences of a representative sample of probationers/parolees. Such a methodology would allow for more accurate estimates of the effects of probationer/parolee disenfranchisement.

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History of Felon Disenfranchisement

As a practice, felon disenfranchisement has ancient roots. Both ancient Greece and Rome excluded offenders from voting and owning property (Harvard Law Review, 1989; Johnson-Parris, 2003; Manza & Uggen, 2004). These practices were carried over into Great Britain and then to the American colonies. Felon disenfranchisement expanded in the period following the Civil War (Behrens et al., 2003). Most states now allow felon reenfranchisement upon completion of probation/ parole supervision. Felon disenfranchisement policies reflect punitive American attitudes and court deference to legislatures to establish punishments. The continued existence of such policies is entirely consistent with America's "get tough on crime" ethos. Felon disenfranchisement remains in place despite clear evidence that it dilutes the voting impact of minority voting populations.

The focus of our research is Kentucky, one of only three states that permanently disenfranchise all persons with felony convictions even after termination of criminal justice supervision. Disenfranchised individuals must apply to the Governor for an executive pardon for the restoration of voting rights. Kentucky has the sixth highest rate of disenfranchisement in the country. One out of every 17 Kentucky residents is disenfranchised, a rate more than twice the national average. As a result, nearly one of every four (23.7 percent) African Americans in Kentucky is ineligible to vote, a rate nearly triple the national African-American disenfranchisement rate of 8.25 percent (League of Women Voters of Kentucky, 2006).

Initially, the enfranchisement restoration process in Kentucky was simplified in 2001 and the number of restored applicants increased. The policy required the Department of Corrections to inform all eligible individuals of their right to apply and assist them with the application process. In 2004, Governor Ernie Fletcher required all applicants to submit a written essay on why the person wants and believes he/she should receive restoration of his or her voting rights and provide three character references. The governor also required the application to be presented to prosecutors in the jurisdiction where the person lives for a recommendation on whether voting rights should be restored. As a result, the restoration rate plummeted from 97.2 percent of the applicants in fiscal year 2002-03 to 28.1 percent in the time period of July 2005 to March 2006. Fletcher's successor, Governor Steven Beshear, has eliminated the essay requirement altogether

(League of Women Voters of Kentucky, 2006).

Uggen and Manza (2002, pp. 789-790) determined that Kentucky's felon disenfranchisement policies helped elect Republican Senator Mitch McConnell in 1984. McConnell won by 5,269 votes, while the total number of disenfranchised Kentucky voters numbered about 75,000. They estimated that about 70 percent of these voters would have cast their ballot for the Democratic senatorial candidate. They also estimated that, without felon disenfranchisement, Democrats might have controlled the U.S. Senate through the 1990s. In 1998, Republican Jim Bunning defeated Democrat Scott Baesler by 7,000 votes. Kentucky's felon disenfranchisement laws at that time permanently excluded felons from voting, eliminating 6,000 African-American prisoners and 7,600 African-American probationers and parolees, as well as thousands more permanently disenfranchised African-American citizens. In the election itself, the vast majority of African-American voters voted Democratic (Journal of Blacks in Higher Education, 1999). On this basis, both of Kentucky's Republican senators may owe their previous elections to felon disenfranchisement.

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The Present Study

This study sought to examine the effects of felon disenfranchisement on election results. Specifically, this study estimated voting preferences of disenfranchised voters via a survey administered to a stratified random sample of Kentucky's probationers and parolees. Respondents were asked to provide their preferences for United States president and senator, and for political parties. The projected voting patterns of disenfranchised voter preferences were then combined with official voting tallies to estimate the effect of Kentucky's felon disenfranchisement policy on national and state elections. In effect, this study responds to Manza and Uggen's (2006, p. 189) call for a "real world exercise in which some or all of the disenfranchised population" votes to test their assumptions.

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The Survey

The survey instrument consisted of a mock ballot (patterned on Kentucky's official version) and brief demographic questions. The instrument itself was administered only after approval by Kentucky's Department of Corrections and the University of Louisville's Institutional Review Board.

The three dependent variables were: 1) presidential preference, nominally categorized as a) Barack Obama (Democrat), b) John McCain (Republican), c) Other (write in your choice), and d) Undecided; 2) senatorial preference, categorized as a) Bruce Lunsford (Democrat), b) Mitch McConnell (Republican), c) Sonny Landham (Libertarian), d) Other (write in your choice), and e) Undecided; and 3) party preference, categorized as a) Democrat, b) Republican, c) Libertarian, d) Independent, and e) Other (please specify).

Predictor variables included: 1) age (in years); 2) gender; 3) educational attainment, categorized as a) did not complete high school, b) completed high school, and c) completed college; and 4) race, in nominal categories of a) African-American, b) Caucasian, and c) Other.

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The Sample

This study utilized a sampling methodology because, for several reasons, compiling a complete record of voter preferences of Kentucky's probation and parole population was impractical. First, the probationer/parolee population was too large and geographically scattered to be fully canvassed within a short time period. According to directly obtained in-house figures, Kentucky's Division of Probation and Parole managed 28,342 probationers and 10,252 parolees,

as of January 3, 2009, for a total of 38,594 supervisees. Time constraints posed a practical hurdle as well: Since political opinion may exhibit considerable variation over time, preferences were recorded during the 30 days immediately preceding the November 4, 2008 election.

To account for potential regional differences, this study utilized a random stratified sampling design. Kentucky's Division of Probation and Parole has partitioned the state's 120 counties into 19 geographical districts, which are further subdivided into 57 offices. Kentucky's population can be divided into thirds by county size: 1) counties with populations 13,885 or less; 2) 13,886 to 27,129; and 3) 27,130 and over. Each district was classified into 1) large urban, 2) midsize urban and 3) rural areas. We then chose a total of 11 county sites at random, ensuring proportional representation of large urban, mid-sized urban and rural communities. The final sample comes from three urban areas, three mid-size areas, and five rural areas.

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Data Collection Procedures

The study's research design attempted to account for respondent biases, which create threats to internal validity (Thye, 2000). Social desirability (Reynolds, 1982; Hays, Hayashi, and Stewart 1989) and ordering presentation (Dean 1980; Presser & Stinson, 1998; in voting contexts, see Rubinstein & Salant, 2006; cf. Alvarez, Sinclair, & Hasen, 2006) bias research suggest that: 1) respondents may vary their responses due to their desire to please; 2) certain topics, such as status, race, or sexuality, may be more likely to trigger biases; and 3) temporal, spatial, and verbal presentation of survey items may bias results. To avoid such potential biases, the voting process itself was anonymous and confidential. Other than signed informed consent on separate documents, no identifiers were kept. To simulate actual voting conditions, respondents were asked to complete their ballots in secret, fold them, and deposit them in a locked ballot box. Due to voting secrecy, researchers were unable to monitor respondent answers; consequently, some respondents failed to answer all questions, leading to missing data.

To control for presentation ordering biases, three separate ballots were administered, which varied in candidate presentation. For example, Democrat, Republican, and Libertarian senatorial candidates were the first options in Ballots A, B, and C, respectively.

Researchers arrived at respective sites on previously arranged reporting days, after receiving permission from office supervisors. In the waiting room, researchers approached individuals, and after confirming that potential respondents were on probation or parole for felonies, asked whether they would be willing to participate in an anonymous and confidential survey of voting preferences, wherein they would be asked to give their choices for United States President and Senate. Respondent participation exceeded 90 percent at every site, though subjects received no compensation.

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Data Analysis

After data collection, the completed surveys (n = 425) were recorded in SPSS, and descriptive statistics were generated. Probationer/ parolee felon disenfranchisement effects were first estimated by projecting voter survey results to Kentucky's statewide and countylevel probationer/parolee populations. The voting preferences of the felon disenfranchisees were compared to those of official voters. Using estimates of the total population of felon disenfranchisees, we examined whether similar disenfranchised voter preferences would have changed election outcomes.

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Descriptive Statistics of the Sample

The typical disenfranchisee was a White male in his thirties with a high-school education or its

equivalent. While the majority (66.4 percent) had completed high school or an equivalent degree, one-third had not completed high school.

Despite Kentucky's Republican tendencies, disenfranchised voters clearly skewed Democratic. Respondents were more than twice as likely to favor the Democratic Party over the Republican Party (57 percent to 24.2 percent).

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Estimating Disenfranchised Population

Kentucky's actual disenfranchised population remains a dark figure. Clearly, felons in prison, probation, or parole cannot vote, and such numbers can be determined with considerable specificity. However, it is unclear precisely how many felon ex-supervisees are in the state, have had their voting rights restored, have died, and/or left the state. Kentucky maintains no official disenfranchisement statistics.

Manza and Uggen (2006) calculated a 5.9 percent disenfranchisement rate among Kentucky voting-age residents, as of December 31, 2004. Their estimate relied on conservative assumptions, designed to underestimate rather than inflate the actual population of disenfranchisees. Specifically, Manza and Uggen : [1](#)) used highly reliable official statistics of criminal justice supervisees currently disqualified in Kentucky; [2](#)) calculated empirically informed, adjusted annual prisoner/parolee reoffense and separate probationer/jail inmate reoffense rates that deliberately exceeded those found in most long-term recidivism studies; and [3](#)) calculated mortality based on the median age of incarceration release of the most vulnerable demographic group, African- American males, adjusted by 1.46 to match high death rates found by a Justice Department recidivism study (Bureau of Justice

A key methodological issue is whether Manza and Uggen's (2006) December 31, 2004 disenfranchisement rate has remained a useful, conservative approximation as of November, 2008. To assess the rate's continued utility, the table was updated with official statistics. [↑](#)

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Comparing Disenfranchised Voter Preferences to Official Voter Preferences

Kentucky's official voting results (Kentucky State Board of Elections, 2008) contrast sharply with disenfranchisee preferences. Though disenfranchised voters favored Democratic candidates by sizeable majorities, actual voters favored Republicans. [2](#)) Actual voters favored McCain over Obama 57.4 percent to 41.2 percent. The felon disenfranchisees in the sample voted for Obama (54.7 percent) over McCain (32.3 percent). Extended to the entire estimated sample of Kentucky felon disenfranchisees, this margin was even greater—Obama (61.5 percent) and McCain (36.3 percent). However, when these results are combined with those of registered voters, the final Kentucky outcome would remain the same, with McCain (56.3 percent) carrying the state over Obama (42.3 percent). If Kentucky felon disenfranchisees had been permitted to vote, they would not have altered the final result and John McCain would still have won the state.

In the official election, incumbent Republican U.S. Senator Mitch McConnell (53.0 percent) defeated his Democratic challenger Lunsford (47.0 percent). Again, the Republican candidate carried the statewide election. Here again, the sample of felon disenfranchisees voted Democratic, favoring Lunsford over McConnell, but by a vote of 41.8 percent to 28.6 percent. Projecting these results to the entire estimated Kentucky felon disenfranchisee population, we found Lunsford favored by a margin of 59.4 percent to 40.6 percent. Yet, these results would not have altered the official outcome of the 2008 Kentucky U.S. Senate election. In the final analysis, Senator McConnell would still be victorious over candidate Lunsford (52.3 percent to 47.7 percent).

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Conclusion

The results of this Kentucky study clearly demonstrate that full participation by felon disenfranchisees would not have altered the outcome of the 2008 senatorial and presidential election in the state. Our analysis was based upon a survey of voting preferences of a sample of Kentucky probationers and parolees. Results show that there are small but real differences that disenfranchisement can make in elections, and as others have shown, some previous elections may have had different outcomes had disenfranchised individuals been able to vote. However, while real, the effects of currently disenfranchised persons voting results in only very minor changes to distribution of votes. Although felon disenfranchisees would likely favor Democratic candidates more than the Kentucky official voting results indicate, this difference had no effect upon the winners of the final voting tally. Republicans McCain and McConnell would still have carried the state in 2008. Clearly, political concerns about disenfranchisees having significant, sizable effects on election outcomes are unfounded. While very close elections could be swayed by the votes of currently disenfranchised persons, this is likely to occur in only very rare instances. Therefore, there is no legitimate reason to continue to deny the vote to this population.

Continuation of felon disenfranchisement sends a negative and deleterious message to citizens. It fails to recognize felons' performance in completing their sentence, including a period of supervision in the community on probation or parole. Although sentences may be completed and individuals are free from correctional supervision, they remain disadvantaged and carry less than complete rights of citizenship. Disenfranchisement separates them from community life and continues the stigma of conviction into the future. Felon disenfranchisement is an "invisible punishment" and a barrier to rehabilitation (Manza & Uggen, 2006, p. 37). In fact, research results indicate that former felons who do have the right to vote have lower recidivism rates (Manza & Uggen, 2006 p. 133). What is there to fear from granting this right to felons who have completed supervision and their term of punishment? As this study shows, political fears are unfounded, the results of nearly all elections are unlikely to have been changed, and restoration of voting rights carries with it important, positive correlates for former felons.

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The Effect of Participatory Management on Internal Stress, Overall Job Satisfaction, and Turnover Rate among Federal Probation Officers

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HIGH EMPLOYEE TURNOVER rates continue to confront many executives of correctional agencies, contributing to low morale and poor job-related productivity (Mitchell, Mackenzie, Styve, & Gover, 2000; Slate & Vogel, 1997; Slate, Vogel, & Johnson, 2001). In particular, high voluntary turnover in a probation setting may result in increased caseloads for the remaining staff. This can lead to low morale, deterioration in supervision, increases in unnoticed violations and recidivism, and increases in expenditures related to the recruitment and training of replacements (Simmons, Cochran, & Blount, 1997). These negative consequences potentially diminish the promotion of public safety, which is the ultimate mission of the American probation system.

Despite the absence of national reports addressing turnover rates of state probation officers, members of the National Institute of Corrections (NIC) have agreed that the loss of qualified officers was a major concern (Community Corrections Division of NIC, 1994). In Florida, probation agencies, for example, reported a turnover rate of approximately 30 percent in 1995 (Simmons et al., 1997). Also, Lee and Beto (2008), in their study of voluntary turnover rate among four adult probation departments in Texas, found that average voluntary turnover rates increased steadily during the study period: 17 percent for FY2004, 20 percent for FY2005, and 24 percent for FY2006. One department in particular experienced an unusually high voluntary turnover rate (nearly 40 percent in FY2006). Overall, the voluntary turnover rate of probation agencies was much higher than that of all Texas state agencies, 10.8 percent (State Auditor's Office, 2007). These findings imply that state probation agencies have not only experienced high turnover rates, but have failed to resolve the problem.

Accordingly, remediating extensive staff turnover should be a top priority for state probation administrators, especially in an era of tightening administrative budgets and expanding public

expectations. Although there are a variety of explanations for employee turnover, participatory management within community and institutional correctional settings has consistently been discussed as a critical mechanism to mitigate job stress and improve officers' job satisfaction, significantly reducing an officer's inclinations to quit (Byrd, Cochran, Silverman, & Blount, 2000; Simmons et al., 1997; Slate et al, 2001; Slate & Vogel, 1997).

Despite the important role of participatory management, however, little or no scholarly research has been conducted in the area of probation to empirically determine the effect of participatory management on an officer's turnover intention. This study examines the effect of federal probation line officers' perceived participatory climate on internal stress, overall job satisfaction, and turnover intention. Compared to state probation, federal probation is believed to have much lower turnover rates due to its quality selection process and role diversity (Thomas, 1987). However, findings from the present study could provide useful managerial information to help both state and federal probation administrators address high turnover rates and thereby improve their promotion of public safety.

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Shift from Individual to Organizational Change

A number of organizational studies have examined the relationship between individual characteristics and turnover intentions. For example, Griffeth, Hom, and Gaertner (2000) found that age, gender, educational level, marital status, and tenure were related to turnover. Similarly, correctional studies also considered individual characteristics such as age, gender, educational level, marital status, race, and tenure as determinants of correctional officers' stress and/or turnover intention. They found that minority, unmarried, female officers were positively associated with high turnover intentions (Blau, Light, & Chamlin, 1986; Patterson, 1992; Simmons et al., 1997).

Among individual variables, however, only tenure has consistently been found significant. For example, Thomas (1987), in his study of 252 federal probation officers, found a positive relationship between tenure and chronic job stress. He explained that organizational unfairness coupled with promotion selection can substantially escalate chronic job stress of senior officers. In contrast, a curvilinear relationship was found between tenure and job stress (Patterson, 1992); officers in the middle of their careers were more likely to feel stressed than beginning-level and senior officers. Simmons et al. (1997) found a moderately positive relationship between tenure and job stress, but an inverse relationship between tenure and turnover intention.

Overall, these findings seem to be useful in identifying and helping employees with high intentions of leaving their department, but failed to determine the underlying organizational correlates or causes of turnover intention. In addition, theoretical and empirical research has suggested a causal link between organizational factors (e.g., job stress, job satisfaction, participatory management, etc.) and turnover intention (Byrd et al., 2000; Mitchell et al., 2000; Simmons et al., 1997; Slate & Vogel, 1997; Slate et al., 2001 Thomas, 1987; Whitehead, 1987). Of these organizational factors, participatory management in particular has recently been identified as one possible solution to reduce high staff turnover. Despite its potentially important role in turnover intention, little research has been conducted to probe the effect of participatory management on probation officers' turnover intentions.

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Participatory Management

A consequence of bureaucracy is that it can reduce workers' control over the means of production and alienate line workers from the decision-making process by exerting extreme limitations on individual freedoms and democracy (Kohn, 1976). As noted by Bolman and Deal (1997), employees under the traditional autocratic style of management are dependent on superiors and have little control over their work. They suggested that participatory management is a popular remedy because employees have more opportunities to participate in decision-

making about their work and working conditions. Essentially, participatory management theory assumes that employees prefer to have an active role in decision-making that directly affects their work. Also, it seeks to balance the involvement of both superiors and subordinates in information-sharing, decision-making, and problem-solving related to production and quality control (Wagner, 1994).

In an effort to encourage participatory management through policy, former President Clinton created the National Performance Review (NPR) in 1993 (Vernon & Byrd, 1996). Reinventing Government, born out of the NPR, criticized malfunctions of hierarchical, centralized bureaucracies, and envisioned the new roles of government executives. These new roles included developing a clear vision, creating a team environment, empowering employees, putting customers first, communicating with employees, cutting red tape, and creating clear accountability (Gore, 1993). Following the guidelines of Reinventing Government, the American Probation and Parole Association (APPA) became a leading exemplar in reinventing probation (Corbett, 1996). Notably, the Reinventing Probation Council (2000) emphasized the transformation of bureaucratic organizational culture and routine through participatory management in a way that would empower staff. Therefore, participatory management has been suggested as a critical means to transform the culture of a typical governmental bureaucracy.

In line with such policy initiatives, research that focuses on participatory management has emphasized its ability to reduce levels of stress (Slate & Vogel, 1997; Slate, Wells, & Johnson, 2003; Whitehead, 1987), to increase job satisfaction (Slate et al., 2003; Whitehead, 1987), and to reduce turnover intention (Slate & Vogel, 1997; Slate et al., 2001). Furthermore, participatory management has consistently been discussed within correctional literature as a critical mechanism to mitigate officers' job stress, to improve their job satisfaction, and to decrease their inclinations to quit (Byrd et al., 2000; Mitchell et al., 2000; Simmons et al., 1997).

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Link between Participatory Management, Job-related Stress, Job Satisfaction, and Turnover Intention

There is a documented relationship for participatory management, job stress and job satisfaction, respectively; officers' participation in decision-making significantly attenuates their job-related stress and significantly enhances job satisfaction (Slate & Vogel, 1997; Slate et al., 2001 & 2003; Whitehead, 1987). Empirical evidence also suggests a relationship between participatory management and turnover intention. For example, Slate and Vogel (1997), in their study of 486 employees of seven state correctional institutions, found that increased perceptions of participatory management resulted in decreased turnover intention. Likewise, Slate et al. (2001), in their surveys of private correctional officers conducted in 1990 and 1997, confirmed the direct effect of participatory management on turnover intention.

Previous correctional research related to turnover intention examined the causal link between job stress and job satisfaction, finding an inverse relationship between the two variables (Byrd et al., 2000; Simmons et al., 1997; Slate et al., 2003). Job stress is the psychological discomfort or tension caused by exposure to job stressors, which place unreasonable or distinctive demands on an individual. Research has indicated that job stress is positively correlated with turnover intention (Begley & Czajka, 1993; Slate & Vogel, 1997). Job satisfaction is generally defined as an employee's reactions to his or her job based upon the level of congruence between job expectations and actual situational attributes (Cranny, Smith, & Stone, 1992). In a study conducted with 35 members of an adult probation department, Leonardi and Frew (1991) found a lower level of job satisfaction than the national average among adult probation officers. A substantial body of literature has reported that job satisfaction has a direct negative effect on turnover intention (Byrd et al., 2000; Griffeth et al., 2000; Simmons et al., 1997; Tett & Meyer, 1993). Tett and Meyer (1993), in their path analyses, found that job satisfaction has a stronger effect on turnover intention than organizational commitment.

Two studies of job satisfaction and stress among jailers and probation officers (Byrd et al., 2000;

Simmons et al., 1997) found that job satisfaction had the strongest direct effect on officers' intentions to leave their department, while job stress had only an indirect effect via job satisfaction on turnover intention. In contrast, Slate et al. (2003), in their study of 636 probation officers in a southern state, placed the opposite causal order from job satisfaction to job stress. While both studies provide some empirical evidence that job stress is linked to job satisfaction which, in turn, influenced propensity to leave, the issue of causal order and model specification has yet to be fully resolved.

The nature of the causal relationship between job stress and job satisfaction is certainly a tautological debate. However, the predominant view seems to be that job stress is antecedent to job satisfaction. Theoretically, Locke (1976) argued that employees' job stress has a more tangible and immediate influence on job dissatisfaction and necessarily precedes job satisfaction. Some empirical studies have generally confirmed the causal precedence of job stress over job satisfaction. For example, Kemery, Mossholder, and Bedeian (1987) tested three different causal models: job stress to job satisfaction; job satisfaction to job stress; and a reciprocal relationship. Their structural equation modeling analyses provided empirical credence to the causal order from job stress to job satisfaction that Locke (1976) assumed. These previous findings suggest that the reduction of job stress may directly result in an increase in job satisfaction, which has a more immediate influence on turnover intention.

Theoretical and empirical research has suggested a causal link between participatory management, job stress, job satisfaction, and turnover intention. Specifically, officers' turnover intention is assumed to be directly related to job satisfaction, job stress, and participatory management, and is also assumed to be indirectly linked to job stress and participatory management. Given the theoretical explanation and empirical findings, [Figure 1](#) presents a hypothetical model to examine the causal link between demographic variables, participatory management, job stress, job satisfaction, and turnover intention. As found in probation literature (Patterson, 1992; Simmons et al., 1997), minority, unmarried, female officers were hypothesized to be positively associated with turnover intention. Based on the findings of Thomas (1988), tenure was also hypothesized to be positively associated with turnover intention. In addition, the present study adopted a causal order from job stress to job satisfaction and attempted to improve the models used in a previous study (Slate et al., 2003). The following three specific hypotheses were developed to be tested:

- H₁: Organizational variables are more important than individual variables in predicting an officer's turnover intention.
- H₂: Among organizational variables, participatory climate, internal stress, and overall job satisfaction, respectively, have a significant direct effect on an officer's turnover intention.
- H₃: Participatory climate and internal stress also have a significant indirect effect on an officer's turnover intention.

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Data and Methods

Sample and Data

This study utilized purposive sampling. The agencies were selected based on geographical proximity to each other and the researcher's familiarity with their administrators. The self-administered survey instrument was developed using variables replicated from studies by Slate and Vogel (1997) and Slate et al. (2003). A mail survey was administered to federal probation officers in Texas, Kansas, and Missouri to assess their perceptions of participatory climate, three types of job stress (external, internal, and job/task), overall job satisfaction, and turnover intention. Participation was voluntary and respondents were promised confidentiality. Two sets of data, one from Texas and the other from Kansas and Missouri, were collected in 2000 and 2001, respectively. [2](#) Out of the 287 surveys that were mailed, 209 were returned for analysis, yielding a response rate of 72.8 percent.

Of 209 returned responses, this study examined only line officers (N = 191) since they have been found to be less likely than probation supervisors to have opportunities to participate in decision-making (Slate et al., 2003; Slate & Vogel, 1997), more likely to feel stressed (Thomas, 1988; Whitehead, 1987), more likely to have low levels of job satisfaction (Thomas, 1988; Whitehead, 1987), and more likely to report high levels of turnover intention (Slate & Vogel, 1997).

In the survey, line officers were asked to provide individual information concerning three socio-demographic factors (gender, race, and marital status) and one work experience factor (tenure). The selection of these individual variables was guided by the previous research mentioned above.

Measurement

All responses to survey items concerning organizational variables were based on the respondent's work experience over the past year before the beginning date of the survey. Of four organizational variables, turnover intention was included in the analysis as the dependent variable. On the other hand, participatory climate, internal stress, and overall job satisfaction were predictor variables and each was hypothesized as being correlated with turnover intention. The predictor variables were measured using multi-item scales.

Participatory Climate—Participatory management is viewed as a matter of participatory climate rather than as authority sharing (Bolman & Deal, 1997). Participatory climate is a non-traditional autocratic style of management which emphasizes employees' participation in information-sharing, decision-making, and problem-solving (Wagner, 1994). Such work environments facilitate a sense of control and self-efficacy (Spreitzer, 1996). Seven items with a five-point subscale (1 = strongly disagree to 5 = strongly agree), developed by Slate and Vogel (1997), were employed to assess the respondents' perception of participatory climate in decisionmaking. ³ However, three items were removed, since their communalities from the principal component analysis were less than .70. ⁴ The remaining four items factored together with an appropriate eigenvalue of 4.40 and all factor loading scores satisfied the .50 cut-off point, suggesting substantial loadings (Comrey & Lee, 1992). The additive scale was well above the minimal level of acceptability ($\alpha = .70$; see Nunnally, 1978), evidenced by a high Cronbach's Alpha reliability score ($\alpha = .92$).

Internal Stress—Fifty-four survey questions were originally developed by Whisler (1994) to investigate three aspects of probation officers' levels of stress affected by work-related stressors. They included internal, job/task (stress-induced job characteristics), and external (stressful conditions outside the organization) stressors. This study, however, used 26 internal stress items with a six-point subscale (1 = not stressful to 6 = very stressful) to examine an officer's levels of stressful conditions internal to the organization in association with participatory climate. Preliminary Pearson zero-order correlation coefficients indicated that internal stress had a much greater correlation with participatory climate, overall job satisfaction, and turnover intention than the other two types of stress. However, based on the results of the interitem correlation coefficients and the principal components factor analysis, 17 out of the 26 items measuring internal stress were dropped from the instrument. Hence, internal stress was operationalized by the uni-dimensional nine-item scale from the original 26 items ($\alpha = .92$).

Overall Job Satisfaction—Job satisfaction is a linkage between an employee and his or her job, resulting from the appraisal of his or her job and job experiences (Locke, 1976). There are two measures of job satisfaction: overall job satisfaction and satisfaction with specific aspects of the job such as pay, promotion, supervision, co-workers, and nature of work. According to Griffeth et al. (2000), overall job satisfaction was known to be a better indicator than job-facet satisfaction in predicting turnover, although both are related to turnover. This analysis used six items with a 1-5 Likert scale (1 = strongly disagree to 5 = strongly agree) based on the study by Slate et al. (2003) to assess an officer's appraisal of overall job satisfaction. However, three items were dropped from the instrument, since their communalities were all less than .70. The remaining three items ($\alpha = .81$) produced one single factor solution (eigenvalue = 3.19) with substantial loadings all over .50.

Turnover Intention—Turnover intention, as a dependent variable, was measured on a five-point Likert scale (1 = rarely or never to 5 = most of the time) by the level of agreement with the statement, “I seriously think about quitting this job.” Understandably, there might be a reasonable suspicion that even if an officer shows an inclination to quit, the intention does not necessarily manifest into the officer’s actual turnover. However, Hom and Griffeth’s (1995) meta-analysis suggested that turnover intentions and turnover are positively correlated, and turnover intentions are better than job satisfaction in predicting turnover. Furthermore, in their examination of the relationship between voluntary turnover and 35 different variables, turnover intention had the strongest relationship to actual voluntary turnover.

Pre-Analysis Data Screening

Descriptive statistics among individual and organizational variables were reported in [Table 1](#). The sample was composed of 60.2 percent men, 75.9 percent married officers, and 54.1 percent white officers. The mean tenure as an officer was 6.5 years, ranging from .17 to 27 years. A comparison of the respondents’ individual characteristics from the three states was fairly identical with the exception of race. That is, Hispanics comprised 71 percent of the Texas sample, which may be related to hiring practices of giving preference to officers with bilingual skills required in the southern districts of Texas, which border Mexico.

Respondents displayed an average of 3.07 for the level of participation in decision-making, which is considered mixed (neither agree nor disagree) and therefore does not support any one particular side. Regarding internal stress, the respondents’ mean score was 2.56, approximately midpoint between subscales 2 (rarely stressful) and 3 (sometimes stressful), which is considered very low. A high level of overall job satisfaction (mean = 3.99) and a low level of turnover intention (mean = 1.57) were found among federal probation officers. [5](#) Approximately 39 percent of respondents had thoughts about quitting their job, while the remaining 61 percent rarely or never thought about quitting. Before conducting further analysis, data were examined to secure the accuracy of the data and to avoid any biased results (Mertler and Vannatta, 2005). [6](#)

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Results

Zero-Order Correlation Analysis

[Table 2](#) presents the correlation matrix among variables used in the analysis. Officers’ turnover intention showed not only a significant negative relationship with overall job satisfaction and participatory climate, but also showed a significant positive association with internal stress and years of service. Taken together, job satisfaction ($r = -.50$) was found to have the greatest relationship with turnover intention, followed by internal stress ($r = .43$), participatory climate ($r = -.38$), and tenure ($r = .23$). Of the four individual variables, only tenure had a significant correlation with internal stress and turnover intention, respectively.

Hierarchical Multiple Regression Models

[Table 3](#) presents the results of two multiple regression analyses. Model 1 examined only the impact of individual variables on an officer’s turnover intention. Among the four individual variables, only tenure was found to be a significant predictor of an officer’s turnover intention, indicating that officers with more seniority were more likely to express greater turnover intentions. However, despite the good model fit statistics ($\chi^2 = 10.750$, $df = 1$, $p < .001$), only 5.4 percent of the variance in turnover intention was accounted for by Model 1 ($R^2 = .054$).

In Model 2, turnover intention was regressed on both individual and organizational variables. Overall job satisfaction ($\beta = -.408$, $p < .001$), internal stress ($\beta = .323$, $p < .001$), and tenure ($\beta = .116$, $p < .05$) were found to be statistically significant predictors of turnover intention. Specifically, job satisfaction was inversely associated with turnover intention. Officers who reported higher levels of overall job satisfaction exhibited lower levels of turnover intention. Internal stress was positively associated with turnover intention; as an officer’s levels of stressful

conditions internal to the organization increased, his or her turnover intention also increased. Like Model 1, tenure was consistently included as being statistically significant, while gender, race, and marital status were excluded from Model 2. However, half of the significant direct effect of tenure on turnover intention in Model 1 ($\beta = .233$) was reduced after organizational variables were included in Model 2 ($\beta = .116$). This finding suggests that the effect of tenure on turnover intention is both direct and indirect, and its indirect effect seems to be mediated through organizational variables such as internal stress. Participatory climate was not included in the equation, indicating that it was an insignificant predictor of turnover intention.

Two additional findings concerning Model 2 were important. First, the proportion of variance explained by Model 2 ($R^2 = .389$) was about 7.2 times higher than that explained by Model 1 ($R^2 = .054$). This finding implies that organizational variables, rather than individual variables, play greater roles in predicting an officer's turnover intention. Secondly, internal stress and job satisfaction had substantial direct effects on turnover intention. However, participatory climate was found to be insignificant, indicating no significant direct effect on turnover intention. Although participatory climate was not statistically significant in the multiple regression analyses, it had an indirect effect on turnover intention since the correlation coefficient between internal stress and turnover intention in Table 2 was statistically significant ($r = 0.38, p < .01$). Therefore, examination of the indirect effect of participatory climate on turnover intention and its total effect on turnover intention compared to those of internal stress, overall job satisfaction, and tenure was of particular interest in the following path analysis.

Path Analysis Model

According to the findings of the two hierarchical regression analyses, three individual variables (gender, race, and marital status) and one organizational variable (participatory climate) were found to be insignificant in predicting turnover intention. Hence, their four paths toward turnover intention were eliminated from the hypothesized model. However, tenure was included as a predictor of internal stress because it was found to have a significant correlation with it. With these changes, the hypothesized model was revised and reanalyzed into the final model in Figure 2. In the final model, all three fit indices well satisfied the recommended cut-off values ($\chi^2 = 3.06, df = 3, p = .397$; RMSEA value of .01; and CFI value of .99), indicating that the final model, compared to the hypothetical model, provided both an excellent adequate fit to the data and a substantial absolute and incremental fit improvement (see Hair et al., 2006).

[Figure 2](#) presents the significant standardized path coefficients of the final structural model. Tenure was found to have a moderate direct effect on internal stress (.25) and a direct but weak effect on turnover intention (.12). Consistent with the findings from the regression analyses, internal stress was found to have a positive direct effect on turnover intention (.29), and overall job satisfaction was found to have a negative direct effect on turnover intention (-.42). Although participatory climate was hypothesized to have a significant direct effect on turnover intention, it was found to be insignificant. Nonetheless, participatory climate negatively affected internal stress (-.65) and also had a positive direct effect on overall job satisfaction (.24). These findings suggest that officers' levels of internal stress and overall job satisfaction can directly lead to higher levels of turnover intention while their perceived climate for participatory management could indirectly influence turnover intention.

[Table 4](#) summarizes estimates of path analyses in terms of indirect, direct, and spurious effects of exogenous variables on endogenous variables. The total effect of tenure (.21) on turnover intention was almost equally divided between direct (.12) and indirect (.09). This result confirms the findings of the regression analyses that tenure has both direct and indirect effects on turnover intention, and its indirect effect is mediated through organizational variables. However, the total effect of tenure on turnover intention (.21) was much lower than those of overall job satisfaction (-.42), internal stress (.39), and participatory climate (-.33). Among the organizational variables, overall job satisfaction had the largest total effect (only direct) on turnover intention (-.42). Internal stress had the second largest total effect (indirect and direct) on turnover intention (.39), most of which stemmed from a direct effect (.31). All of the indirect effect of internal stress (19.5 percent of the total effect) on turnover intention was mediated by overall job satisfaction.

Participatory climate also had a total effect (only indirect) on turnover intention (-.33).

Although no direct effect of participatory climate on turnover intention was found, participatory climate indirectly but significantly affected turnover intention through internal stress and overall job satisfaction. In addition, despite the relatively weak association of participatory climate, compared to job satisfaction and internal stress, with turnover intention, participatory climate was found to be a key correlate of overall job satisfaction and internal stress. In comparing the total effects of participatory climate (.22) and internal stress (-.19) on overall job satisfaction, participatory climate had a larger total effect than that of internal stress. Likewise, participatory climate had a larger total effect on internal stress than that of tenure. These findings indicate that participatory climate is the most important factor in reducing stressful conditions internal to the organization and enhancing officers' levels of overall job satisfaction.

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Discussion and Conclusion

As mentioned above, participatory management has recently been hailed as one possible solution to reduce high staff turnover. Despite its potentially important role, little or no empirical research has been conducted to probe the effect of participatory management on probation officers' turnover intentions. In response, this study attempted to determine the effect of perceived participatory climate for decision-making of federal probation officers on internal stress, overall job satisfaction, and turnover intention. To do so, three hypotheses were tested: Organizational variables are more important than individual variables in predicting an officer's turnover intention (H1); Among organizational variables, participatory climate, internal stress, and overall job satisfaction, respectively, have a significant direct effect on an officer's turnover intention (H2); Participatory climate and/or internal stress also have a significant indirect effect on an officer's turnover intention (H³).

Overall, findings from this study provided strong evidence in support of accepting the three hypotheses. Results from hierarchical regression analyses supported the first hypothesis that organizational variables, rather than individual variables, have substantially greater contributions in predicting an officer's turnover intention. Among four individual variables, only tenure was found to exercise statistically significant direct influence on officers' internal stress. This finding is consistent with Thomas' findings (1988) that "the longer you are in Federal service, the greater your potential for rustout and burnout" (p. 56). Furthermore, tenure was also found to have indirect effects on turnover intention. Among the organizational variables, overall job satisfaction had the highest influence on turnover intention, followed by internal stress. Overall, these findings imply that organizational factors, compared to individual variables, exercise greater influence on turnover intention.

As hypothesized in H², internal stress had a substantial positive direct relationship with turnover intention, while job satisfaction had a negative relationship. However, unlike the finding of Slate and Vogel (1997) and Slate et al. (2001), participatory climate was not found to be significant in predicting an officer's turnover intention in regression analyses, indicating no direct effect of participatory climate on turnover intention. Therefore, the second hypothesis is only partially supported. On the other hand, as hypothesized in H³, path analyses confirmed the link between participatory climate, internal stress, overall job satisfaction, and turnover intention. This finding suggested the causal precedence of overall job satisfaction over internal stress, implying that overall job satisfaction may be a more immediate correlate of an officer's turnover intention than internal stress. Furthermore, both participatory climate and internal stress were found to have indirect effects on an officer's turnover intention, indicating that officers' turnover intention is influenced both directly and indirectly by a variety of variables. Examination of the link between participatory climate and turnover intention indicates that internal stress and overall job satisfaction had direct effects on turnover intention. Although there was no significant direct effect of participatory climate on turnover intention, participatory climate was also found to play a significant role in reducing internal stress and enhancing overall job satisfaction, which, in turn, reduced turnover intention. This finding indicates the important role of participatory climates in

reducing high turnover rates of probation officers.

Based on these findings, probation administrators should be aware of the significance of organizational factors, participatory climate in particular, as a pivotal cause leading to voluntary turnover intention. As shown by the findings of this study, participation in the decision-making process appears to play an important role in reducing internal stress and in enhancing employees' job satisfaction, eventually leading to lower turnover intentions. Therefore, more attention needs to be paid to the development and implementation of participatory management strategies in an effort to reduce high turnover rates of probation officers. In pursuit of the first strategy, a shift in supervisory and managerial roles and styles should be made from directing and controlling line officers in a traditional, autocratic organizational climate to facilitating, coaching, and consulting with them. To fulfill these important managerial roles, administrators should devote considerable attention and resources to the selection, development, and training of managers. Also, as recommended by Eccles (1993), enhancing communication should be the first step to overcome insufficient feedback and minimal knowledge of job-related results in a traditional, autocratic bureaucracy.

In addition, given the fact that overall job satisfaction was the most important variable in predicting line officers' turnover intention, administrators need to recognize the limited opportunities for extrinsic rewards (e.g., high competition for advancement and the associated lack of promotional opportunities), which operated as internal stressors in this analysis. To offset the lack of extrinsic rewards, developing internal rewards for recognition and support for good work is critical to making officers internally motivated (Byrd et al., 2000). To develop internal rewards, an increase in participatory management would be crucial, which in turn would promote their intrinsic motivation and job satisfaction.

Probation officers hold a unique position within the criminal justice system, which requires officers to offer a "helping hand" while controlling offenders. To be truly effective, probation involves the development of a degree of trust between officers and offenders. However, such development is more difficult in organizations where employee turnover is high. The results from this analysis indicate that probation executives should integrate participatory management practices into their daily operations and strategic plans in order to reduce staff turnover and increase public safety.

The present study has three limitations which should be addressed in future studies. First, this study used a purposive sample because the sampling frame of all federal probation officers in the United States was not available. Therefore, the findings from this study should be interpreted with some caution, since the absence of data from a national sample precludes an assessment of sample representativeness. A future study utilizing EPSEM (randomized selection) techniques would enhance the generalizability of the results. Second, all studies related to probation turnover intention thus far have been cross-sectional, not guaranteeing a true causal model of complex voluntary turnover processes. Therefore, future research using long-term longitudinal data could determine reciprocal and spurious effects of variables and also supplement findings from cross-section data. Finally, the results from regression and path analyses indicated that nearly 60 percent of the variance in each analysis was unexplained, reflecting a need for additional individual and organizational variables. A growing body of recent theoretical and empirical research supports the notion that organizational commitment is a better predictor of turnover intention than job satisfaction, and that organizational commitment mediates a causal link between job satisfaction and employee turnover (Griffeth et al., 2000). Hence, future research should include organizational commitment in its causal modeling approach to better explain the relationship between work environment factors and employee turnover.

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[References](#)

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[Publishing Information](#)

Table 1: Descriptive Statistics

	Percentage	Mean	Min–Max
Race			
Caucasian	73.8%	n/a	n/a
African-American	23.1%		
Other (9 missing cases)	3.1%		
Male (2 missing cases)	72.1%	n/a	n/a
Age (3 missing cases)		34.17	18-76
Education			
Did not complete high school	33.7%	n/a	n/a
Completed high school/G.E.D.	56.1%		
Completed college (6 missing cases)	10.3%		
Party Preference			
Democrat	57.0%	n/a	n/a
Republican	24.2%		
Libertarian	0.2%		
Independent	14.0%		
Other (9 missing cases)	4.5%		

Table 2: Estimates of the Felon Disenfranchisee Population*

	December 31, 2004	January 2009
Prisoners	17,470	20,431
Jail Inmates	1,183	1,347
Parolees	9,609	10,252
Felony Probation	29,311	28,342
Ex-felons	128,775	133,468
Voting Age Population	3,123,645	3,237,501
Total	186,348	193,840
Disenfranchisement Rate	5.97%	5.99%
Total less incarcerated	167,695	172,062
Total less incarcerated combining 12/31/04 ex-felons and 1/09 official statistics	n/a	167,369
Adjusted Rate	5.37%	5.31%
*(Manza & Uggen, 2006).		

Table 3: Kentucky Voter Patterns: Felon Disenfranchisee and Official Voter Preferences, November 2008 election

Office	Sample Results: Felon Disenfranchisees	Projected Total Voting Results: Felon Disenfranchisees ³	Registered Voters: Actual Results	Combined Total: Projected Felon Disenfranchisees + Registered Voters
President				
Obama (D)	232 (54.7%)	64,681(61.5%)	751,985 (41.2%)	816,666 (42.3%)
McCain (R)	137 (32.3%)	38,195 (36.3%)	1,048,462(57.4%)	1,086,657(56.3%)
Other	8 (1.9%)	2,231 (2.1%)	26,061 (1.4%)	28,292 (1.4%)
Undecided	47 (11.1%)	n/a	n/a	n/a
Total	424	105,107	1,826,508	1,931,615
Senate				
Lunsford (D)	177 (41.8%)	62,434 (59.4%)	847,005 (47.0%)	909,439 (47.7%)
McConnell (R)	121 (28.6%)	42,673 (40.6%)	953,816 (53.0%)	996,489 (52.3%)
Landham (L) ⁴	4 (0.9%)	n/a	n/a	n/a
Other	5 (1.2%)	n/a	n/a	n/a
Undecided	116 (27.4%)	n/a	n/a	n/a
Total	423	105,107	1,800,821	1,905,928

³ Projections based upon a total population and a 62.8 percent voter turnout.

⁴ Landham withdrew before the actual election.

Figure 1: Hypothetical Model

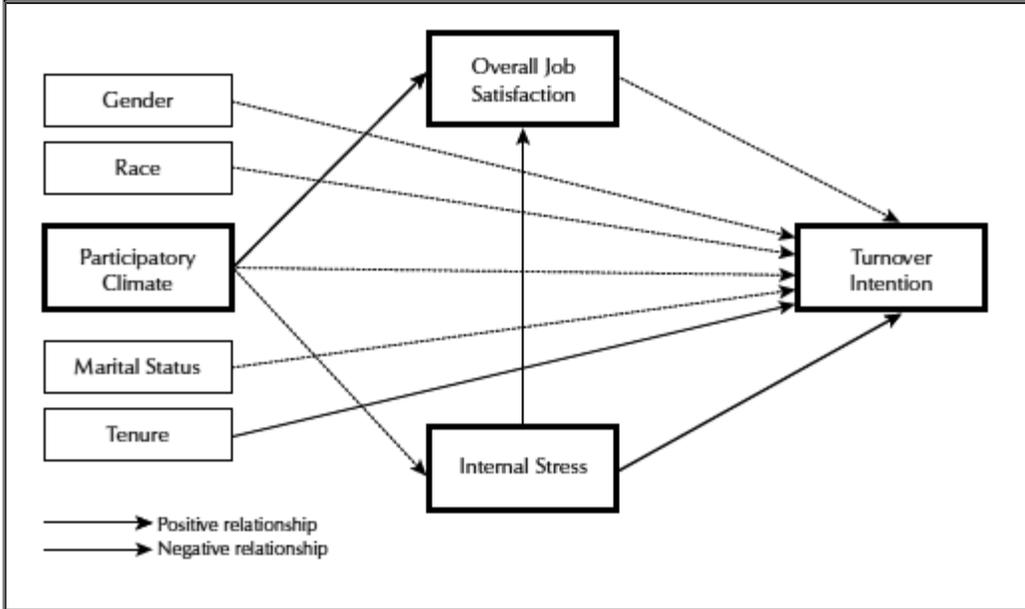


Table 1: Descriptive Statistics

Variable	Description	N (%)	Mean	Min	Max	SD*	α †
ORGANIZATIONAL VARIABLES:							
Participatory climate	4-item additive scale	190	3.07	1	5	1.11	.92
Internal stress	9-item additive scale	190	2.56	1	6	1.12	.92
Overall job satisfaction	3-item additive scale	189	3.99	1	5	.85	.81
Turnover intention 1=Rarely or never 2=Occasionally 3=Often 15 4=Usually 3 5=Most of the time	One single scale	191 117 (61.3) 53 (27.7) 15 (7.9) 3 (1.6) 3 (1.6)	1.57	1	5	.87	
INDIVIDUAL VARIABLES:							
Gender						.49	
Male Female	1 0	115 (60.2) 76 (39.8)					
Race						.50	
Caucasian Non-Caucasian	1 0	100 (54.1) 85 (45.9)					
Marital Status						.44	
Married Single	1 0	145 (75.9) 46 (24.1)					
Tenure	In years	186	6.49	.17	27	6.49	
*Standard Deviation. †Cronbach's Alpha reliability scores.							

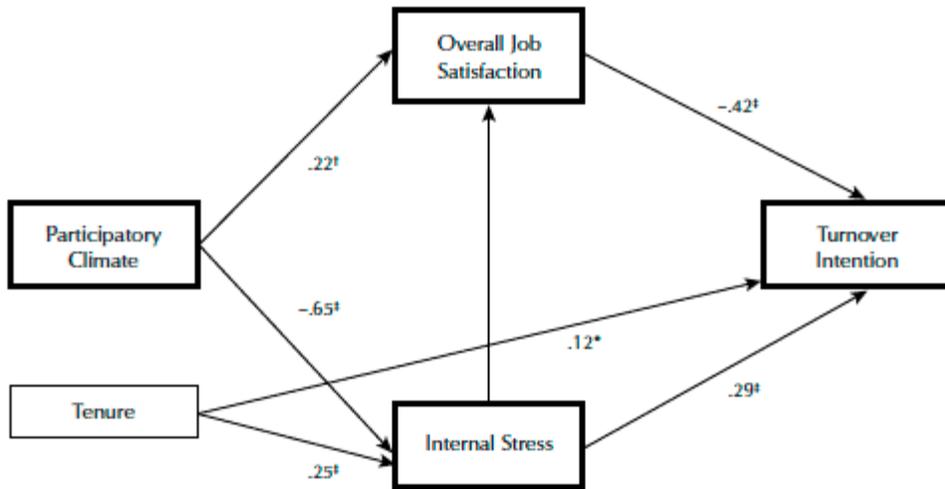
Table 2: Correlation Matrix

Needs Label	2.	3.	4.	5.	6.	7.	8.
1. Turnover intention	-.50†	.43†	-.38†	-.03	-.04	-.04	.23†
2. Overall job satisfaction		-.28†	.35†	-.09	.01	-.06	-.06
3. Internal stress			-.66†	-.03	-.01	.01	.26†
4. Participatory climate				.07	.03	-.03	-.11
5. Gender (male =1)					-.12	-.21†	.20*
6. Race (Caucasian = 1)						.07	.03
7. Marital status (married =1)						-.17*	
8. Tenure (years of service)							
*p < .05; †p < .01, two-tailed							

Table 3: Individual Versus Organizational Variable

	Model 1		Model 2	
Included Variables	Beta (β)	VIF ^a	Beta (β)	VIF ^a
INDIVIDUAL VARIABLE				
Tenure	.233 [†]	1.000	.116*	1.111
ORGANIZATIONAL VARIABLE				
Internal stressor			.323 [‡]	1.191
Overall job satisfaction			-.416 [‡]	1.163
R-square =	.054		.389	
F =	10.705		43.350	
Significance =	.001		.000	
*p < .05; [†] p < .01; [‡] p < .001				
^a VIF = Variation Inflation Factor				

Figure 2: Path Analysis Model, Revised



Note: * $p < 0.05$; [†] $p < 0.01$; [‡] $p < 0.0015$

Table 4: Estimates of Path Analyses

			Standardized effects			
Endogenous variable	Exogenous variable	Correlation	Indirect	Direct	Total	Spurious
Internal stress (R2 = .480)	Tenure	.26*	—	.25*	.25	.01
	Participatory Climate	-.66*	—	-.65*	-.65	-.01
Overall job satisfaction (R2 = .276)	Tenure	-.06	-.05	—	-.05	-.01
	Participatory Climate	.35*	.12	.22*	.34	.01
	Internal Stress	-.28*	—	-.19*	-.19	-.09
Turnover intention (R2 = .401)	Tenure	.23*	.09	.12*	.21	.02
	Participatory Climate	-.38*	-.33	—	-.33	-.05
	Internal Stress	.43*	.08	.31*	.39	.04
	Overall Job Satisfaction	-.50*	—	-.42*	-.42	-.08

*Significant beyond the .05 level.

Juvenile Focus

By Alvin W. Cohn, D.Crim.
President, Administration of Justice Services, Inc.

Juvenile Court Statistics

The National Center for Juvenile Justice has published *Juvenile Court Statistics 2005*. The report, developed with funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), describes delinquency cases between 1985 and 2005 and petitioned status offense cases between 1995 and 2005 handled by U.S. courts with juvenile jurisdiction. "Juvenile Court Statistics 2005" is available online, via OJJDP's Statistical Briefing Book, at <http://ojjdp.ncjrs.gov/ojstatbb/publications/StatBBAbstract.asp?BibID=246588>.

New Publication: Implementing the Family Support Approach for Community Supervision

Family Justice and APPA, with support from the Bureau of Justice Assistance (BJA), are pleased to announce a new publication, *Implementing the Family Support Approach for Community Supervision*. This publication provides community corrections agencies and practitioners with an overview of the Family Support Approach for Community Supervision and describes primary tools and techniques that can be utilized throughout the supervision process to help individuals under supervision identify and leverage support from their social networks to help them achieve their supervision goals. Access this publication online at <http://www.appa-net.org/eweb/docs/APPA/pubs/IFSACS.pdf>.

Funding Prevention Makes Economic Sense, Researchers Say

Every dollar invested in substance-abuse prevention yields \$10 in savings, according to researchers from **Iowa State University**, who recently presented their findings to the United Nations. Researchers Richard Spoth, director of the Partnerships in Prevention Science Institute at Iowa State, and colleague Max Gyll told attendees at the U.N. Office on Drugs and Crime/World Health Organization meeting in December that studies of PPSI's Iowa Strengthening Families Program (ISFP) and Life Skills Training Program (LST) demonstrated significant cost benefits. The research estimated how many cases of drug use each intervention prevented, and then compared the cost of each successful intervention to the cost savings to the community. Spoth and Gyll said that ISFP yielded a \$9.60 return for each \$1 invested in preventing alcohol disorders, while LST has a \$9.98 return on investment in terms of preventing methamphetamine use.

Juvenile Residential Facilities

OJJDP has published *Juvenile Residential Facility Census, 2004: Selected Findings*. Prepared by the National Center for Juvenile Justice, this bulletin is part of OJJDP's **National Report series**. The bulletin provides data on facilities in which juvenile offenders are held, such as their size, structure, type, ownership, security arrangements, and the range of services they provide for

youth in their care. In 2004, this biannual census focused on educational and physical health services. See *Juvenile Residential Facility Census, 2004: Selected Findings* at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=244623>.

FACJJ Issues 2008 Annual Report

The **Federal Advisory Committee on Juvenile Justice** (FACJJ) has issued its *2008 Annual Report to the President and Congress*. Established under the Juvenile Justice and Delinquency Prevention (JJDP) Act, the role of FACJJ is to advise the President and Congress on matters related to juvenile justice and delinquency prevention, to advise the Administrator of the Office of Juvenile Justice and Delinquency Prevention on the work of OJJDP, and to evaluate the progress and accomplishments of juvenile justice activities and projects. The report addresses significant issues facing our nation's juvenile justice system. Primary among its concerns, FACJJ urges reauthorization of the JJDP Act. See <http://www.facjj.org/annualreports.html>.

Prisoner Data

Prisoners in 2007 (NCJ 224280, 12 pp.) presents data on prisoners under jurisdiction of federal or state correctional authorities on December 31, 2007, collected from the National Prisoner Statistics series. (BJS) To order a copy online, see <http://www.ncjrs.gov/App/shoppingcart/ShopCart.aspx?item=NCJ>

Victimization Rates

Criminal Victimization, 2007 (NCJ 224390, 12 pp.) presents estimates of rates and levels of personal and property victimization for 2007 and describes the substantial fluctuations in the survey measures of the crime rates from 2005 through 2007. (BJS) To order see <http://www.ncjrs.gov/App/shoppingcart/ShopCart.aspx?item=NCJ224390&repro=0>

Prisoner Reentry Collaborations

Reentry Partnerships: A Guide for States & Faith-Based and Community Organizations (NCJ 224916, 66 pp.) provides recommendations on how state government officials and community-based service providers can help individuals released from prisons and jails each year to successfully rejoin their communities and families. (BJA)

Reducing Drug Demand and Usage

Making the Drug Problem Smaller, 2001–2008 (NCJ 225184, 14 pp.) is an online publication that identifies ways to reduce drug demand and usage and increase prevention and education programs. This report includes topics such as raising awareness of drug risks, student drug testing, involving the community, and improving drug treatment strategies. (ONDCP)

Environmental Issues for Corrections

NIC has launched the **Green Corrections** blog to provide the corrections field with up-to-date information on developing and practicing environmentally friendly business practices. Green Corrections will increase environmental awareness in existing facilities and when planning and constructing new facilities, and will investigate green-collar job readiness programs and strategies. (NIC)

Juvenile Justice Issues

For the latest information on juvenile justice issues and resources, **subscribe** to OJJDP's listserv JUVJUST and its online newsletter *OJJDP News @ a Glance*. (OJJDP)

Reentry Data

Probation and Parole in the United States, 2007—Statistical Tables (NCJ 224707, 10 pp.) provides state-level probation and parole supervision rates and entries and exits during the year.

(BJS)

Updates Available on Justice Expenditures and Employment

Justice Expenditure and Employment Extracts includes national and state-by-state estimates of government expenditures and employment for the following justice categories: police protection, all judicial (including prosecution, courts, and public defense), and corrections. (BJS)

OJJDP has published *Characteristics of Juvenile Suicide in Confinement*. This bulletin draws on data from the first national survey of suicides of youth in confinement, which was sponsored by OJJDP, to review juvenile suicides that occurred in confinement between 1995 and 1999. It describes the demographic characteristics and social history of the victims and examines the characteristics of the facilities in which the suicides occurred. A more comprehensive account of the survey and its findings may be found in the online report *Juvenile Suicide in Confinement: A National Survey*. See *Characteristics of Juvenile Suicide in Confinement* (NCJ 214434), available at <http://www.ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=235973>. Print copies may be ordered at <http://www.ncjrs.gov/app/publications/alphaList.aspx>. For quick access, search by document number. To access the online report, see <http://www.ncjrs.gov/pdffiles1/ojjdp/213691.pdf>.

The **National Highway Traffic Safety Administration** (NHTSA) has published the report *Lives Saved in 2007 by Restraint Use and Minimum Age Drinking Laws*. According to the report, 21-year-old minimum age drinking age laws have prevented an estimated 4,441 drunken driving deaths in the last five years alone. The data provided in the report have been produced by NHTSA's National Center for Statistics and Analysis since 1975. See <http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NCSA/Content/RNotes/2008/81104df>.

New Anti-Drug Ads Available

ONDCP has launched three new National Youth Anti-Drug Media Campaign ads: "Achievements" and "Shadow" (television ads) and "Stoner Simulation" (a radio ad). These **radio and television ads** are available as free public service announcements to support antidrug efforts in local communities. (ONDCP)

Stay Informed With NCJRS Through RSS

NCJRS now offers Really Simple Syndication (RSS) feed, an easy way to keep up with news and information from NCJRS and its sponsoring agencies. Receive notices of NCJRS home page updates directly in your selected RSS reader or feed the content into your Web site. Notices will include announcements, publications, upcoming events, and more. (NCJRS)

Report Provides Insight Into Mental Health Courts

Mental Health Courts: A Primer for Policymakers and Practitioners (NCJ 224316, 34 pp.) provides a comprehensive overview and history of mental health courts. The report describes the goals and processes of mental health courts, explains how they differ from drug courts, provides research findings about their effectiveness, and includes resources for jurisdictions interested in starting a program. (BJA)

Toolkit Offers Guidance on Court Performance Measures

OJJDP's five-volume "Toolkit for Court Performance Measures in Child Abuse and Neglect Cases" provides guidance on undertaking performance measurement, improving child and family outcomes, and advancing more efficient and effective dependency court operations. (OJJDP)

Resilient Girls—Factors That Protect Against Delinquency (NCJ 220124, 16 pp.) describes how four factors (the presence of a caring adult, school connectedness, school success, and religiosity) influence girls' propensity for delinquent behavior. (OJJDP)

Report Examines Juvenile Court Data

Juvenile Court Statistics 2005 (NCJ 224619, 152 pp.) describes delinquency cases between 1985 and 2005 and petitioned status offense cases between 1995 and 2005 that were handled by U.S. courts with juvenile jurisdiction. (OJJDP)

The Interstate Compact for Juveniles

The job of state agencies and local jurisdictions that are responsible for the care and monitoring of juveniles is about to get a little easier, thanks to the recent passage of a law that coordinates the monitoring of juveniles across state lines. The Interstate Compact for Juveniles, which updates a 1955 law, is an agreement among states that establishes guidelines for the tracking and monitoring of juveniles who move across state borders. The Council of State Governments (CSG), in cooperation with OJJDP, is currently supervising the introduction of the new Compact. CSG wrote the Compact in 2001 and has been coordinating with states for its adoption since that time. The Compact required approval by 35 states, and was recently ratified when the State of Illinois approved the law.

Under the previous 53-year-old law, states established individual agreements with other states on a case-by-case basis, typically only with neighboring states. As society has become more mobile, the need for standing agreements with states across the country has increased. The Compact will provide for enhanced accountability, enforcement, visibility, and communication on juvenile cases. Thousands of juveniles, delinquents, and status offenders on probation or parole disappear from the system each year as they escape or run away from states where they were originally sentenced. The new Compact will ease the process of tracking and transferring cases.

New Publications

All OJJDP publications may be viewed and downloaded at the publications section of the OJJDP Web site. Print publications also may be ordered online at the National Criminal Justice Reference Service (NCJRS) Web site.

Juvenile Arrests 2006

In 2006, juvenile arrest rates for violent crimes such as murder, forcible rape, robbery, and aggravated assault increased 4 percent over 2005 rates, and juveniles accounted for 17 percent of all violent crime arrests in 2006. This annual Bulletin highlights statistics and trends for juvenile arrests in 2006 compiled by the Federal Bureau of Investigation's Uniform Crime Reporting Program, which gathers crime and arrest statistics from local law enforcement agencies across the country. Other highlights of the Bulletin's findings include analysis of juvenile murder victims, total number of juveniles arrested in 2006, and a percentage analysis of juvenile involvement in violent crime by offense. To order a printed copy of *Juvenile Arrests 2006*, go to the NCJRS Web site and search "NCJ 221338."

Girls Study Group: Charting the Way to Delinquency Prevention for Girls

This Bulletin provides an overview of the Girls Study Group (GSG), a research project convened by OJJDP to determine why arrest rates for girls increased more (or decreased less) than arrests of boys for most types of offenses. OJJDP will release a series of GSG Bulletins examining issues such as patterns of offending among adolescents and how they differ for girls and boys; risk and protective factors associated with delinquency, including gender differences; and the causes and correlates of girls' delinquency. To order a printed copy of *Charting the Way to Delinquency Prevention for Girls*, go to the NCJRS Web site and search "NCJ 223434." Another Bulletin in the series, *Violence by Teenage Girls: Trends and Context*, was released in May 2008 and is available online; the remaining Bulletins will be released in the coming months.

Introduction to the Survey of Youth in Residential Placement

The Survey of Youth in Residential Placement (SYRP) gathers information directly from youth in custody in the juvenile justice system through anonymous interviews. SYRP complements the two other components of OJJDP's multitiered effort to collect information on the juvenile custody population, the Census of Juveniles in Residential Placement, and the Juvenile Residential Facility Census all providing detailed information on the juveniles' characteristics,

backgrounds, and expectations; their needs and the services they received; and their experiences of victimization while in placement. This Bulletin, the first in the series, reviews SYRP's background, describes its design and methodology, discusses its strengths and limitations, and summarizes the questions it answers about the population of youth in custody.

Domestic Assaults by Juvenile Offenders

In one of every four assaults that youth commit, the victims are individuals with whom the offender has a domestic relationship, either through family ties or an intimate partnership. This Bulletin offers a detailed report on the characteristics of juvenile domestic assaults reported to law enforcement. It analyzes data from the FBI's National Incident-Based Reporting System to provide a profile of the relative occurrence of domestic assaults in 2004 involving juveniles and adults as perpetrators and victims.

Co-occurrence of Substance Use Behaviors in Youth

This Bulletin examines the prevalence and overlap of substance-related behaviors among youth, making comparisons based on age group, gender, and race/ethnicity. Findings reported in this Bulletin are drawn from the first two stages of the 1997 National Longitudinal Survey of Youth, which gathered self-reports from a nationally representative sample of youth ages 12–17 in 1997 and 1998. The data are derived from questions survey participants answered regarding their alcohol and drug use during the previous 30 days, including the frequency of their consumption, the types of drugs used, and whether they had sold drugs. The central finding of the analysis is that, if individuals engage in one substance-related behavior, they are much more likely to engage in other substance-related behaviors.

Co-occurrence of Substance-Related Behaviors

OJJDP has published *Co-occurrence of Substance Use Behaviors in Youth*. The bulletin draws on data from the National Longitudinal Study of Youth to analyze the prevalence and overlap of substance-related behaviors among youth. The central finding of this analysis is that given one substance-related behavior, other substance-related behaviors become more likely. *Co-occurrence of Substance Use Behaviors in Youth* is available (online only) at <http://www.ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=241031>.

Future of Children

The fall 2008 issue of *The Future of Children*, published by Princeton University's Woodrow Wilson School of Public Affairs and the Brookings Institute, draws on research initiated or funded by the **Office of Juvenile Justice and Delinquency Prevention (OJJDP)** to address the theme "juvenile justice." Topics addressed include:

- disproportionate minority contact
- female offenders
- mental disorders
- substance abuse.

An **executive summary** and related policy brief, *Keeping Adolescents Out of Prison*, are also available online. See the Juvenile Justice issue of *The Future of Children* and the related resources referenced above are available at http://www.futureofchildren.org/pubs-info2825/pubs-info_show.htm?doc_id=708717.

Justice Department Study Dispels Myths About Girls' Delinquency

OJJDP released a research bulletin, *Charting the Way to Delinquency Prevention for Girls*, which reports that despite the rise in female juvenile crime, violence among female youth has not increased. Following a sharp increase in arrests among female juveniles in the 1990s, OJJDP convened the Girls Study Group (GSG) to gain a better understanding of girls' delinquency and guide policy toward female juvenile offenders. While the majority of delinquent offenders are boys, little research exists on female juvenile delinquency. This first bulletin, part of a forthcoming series, summarizes findings from a comprehensive research project into girls' delinquent behavior. Key findings of the OJJDP-sponsored Girls Study Group include the

following:

1. Girls are not more violent now than in previous years. One of the factors discussed in the bulletin is the unintended impact of relatively new mandatory or pro-arrest policies put in place to protect victims of domestic violence.
2. Girls and boys experience many of the same delinquency factors and, while some risk factors are more gender-sensitive, focusing on general risk and protective factors for all youth is effective.
3. Developing and using appropriate riskassessment tools for youth of both genders is crucial to ensuring the best response.
4. A concerted effort is needed to address the lack of evidence-based programs for the juvenile justice field overall, as well as the lack of programming for girls specifically.

Over the next several months, a series of bulletins will be released highlighting the Girls Study Group findings, each one focusing on specific questions from the study group's research. The questions answered by the bulletins will include:

1. What factors protect girls from delinquency?
2. What factors put girls at risk for delinquency?
3. What pathways lead to girls' delinquency?
4. How should the juvenile justice system respond to girls' delinquency?
5. Which girls become delinquent?

For more information on OJJDP's programs for delinquent girls, see <http://ojjdp.ncjrs.gov/programs/girlsdelinquency.html>

Children's Advocacy Centers

Evaluating Children's Advocacy Centers' Response to Child Sexual Abuse (NCJ 218530, 12 pp.) describes the findings of a study by researchers at the University of New Hampshire's Crimes Against Children Research Center that evaluated the effectiveness of the centers' response to child sexual abuse. (OJJDP)

Sexually Assaulted Children

Sexually Assaulted Children: National Estimates and Characteristics (NCJ 214383, 12 pp.) provides information on the estimated number and characteristics of children who were sexually assaulted in the United States in 1999. The bulletin is the seventh in OJJDP's *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children* (NISMART) series. (OJJDP)

Drug-Testing Newsletter

Strategies for Success: new pathways to drug abuse prevention (NCJ 223702, 11 pp.) provides up-to-date information on random student drug testing (RSDT), a promising approach to helping children avoid using dangerous drugs. This issue examines statistics on schools that use RSDT; provides facts about methamphetamine, ecstasy, and prescription drug abuse; and offers tips for schools that are considering starting their own RSDT program. (ONDCP)

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Your Bookshelf on Review

A Comprehensive View of European Probation

*Reviewed by Dan Richard Beto
Huntsville, Texas*

Review of *Probation in Europe*, edited by Anton M. van Kalmthouth and Ioan Durnescu. Nijmegen, The Netherlands: Wolf Legal Publishers, 2008, pp. 1180, \$90.00 (paper).

Late last year the European Organization for Probation, commonly known as CEP, produced *Probation in Europe*, a comparative overview of probation in 32 European member states.

This comprehensively thorough volume is edited by Anton M. van Kalmthouth, Professor of Criminal Law at Tilburg University in The Netherlands, and Ioan Durnescu, a lecturer in the Faculty of Sociology and Social Work at the University of Bucharest in Romania. In the first chapter they provide a detailed description of the development of probation in Europe and lay out the format the succeeding chapters will use to convey country-specific information. They also identify the similarities and differences among the various probation systems.

Following the editors' instructive introductory chapter are 32 chapters, each devoted to a different country. Countries covered in this publication include, in alphabetical order: Austria, Belgium, Bulgaria, Catalonia, Croatia, Czech Republic, Denmark, England and Wales, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Northern Ireland, Norway, Poland, Portugal, Romania, Scotland, Slovakia, Slovenia, Spain, Sweden, and Switzerland. Each chapter is written by someone who is knowledgeable about probation in the country being examined.

Particularly helpful is the manner in which the country-specific material is uniformly presented. Each chapter – with some necessary deviation and, in some cases, expansion – follows the same general outline, which allows for easy comparison. The primary chapter divisions are: 1) Historical Development of the Probation System; 2) Legislative Basis and Mission; 3) The Organization of Probation Services; 4) Probation in the Different Phases of the Criminal Process; 5) Finances, Registration, Evaluation, and Outside Opinion; 6) Probation Clients' Rights; 7) New Developments; 8) Important Publications; 9) Contact Details; and 10) Annex, which in most chapters contained workload statistical data.

While all the material is relevant to gaining a better understanding of probation in the European states, the section dealing with "New Developments" is particularly interesting. Contained in these sections are some of the more recent initiatives and programs being crafted and applied in the various countries. Taken together, one can develop a pretty good picture of the focus and direction of probation in the 32 European states. In addition, the "Important Publications" section identifies books and articles that have influenced probation services in a given country. Finally, the "Contact Details" section provides addresses for probation organizations and, in many cases,

the websites for relevant agencies and organizations. Those wishing to learn more about a particular country's probation system will find this section very helpful.

The book concludes with three appendices. The first—"Probation Documents"—is not all that helpful. Appendix II contains a glossary of words and phrases that proves useful to the reader. The final appendix provides the names, affiliations, and contact information for all the authors who helped product this valuable reference work.

Van Kalmthout, Dornescu, and the host of other authors responsible for producing *Probation in Europe* are to be commended for their scholarship and for making a significant contribution to the body of knowledge of probation. Those interested in international community corrections issues and the development of probation systems will find this book a necessary addition to their libraries.

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Federal Criminal Restitution

*Reviewed By Beverly L. Morgan and Elisabeth F. Ervin
Supervising United States
Probation Officers, Western
District of North Carolina*

Review of *Federal Criminal Restitution*, by Catharine M. Goodwin, Jay E. Grenig, and Nathan A. Fishbach. Thompson West Publishing, 2008, 626 pp., \$125.00.

Anyone in the federal judiciary who has ever wrestled with restitution issues has most likely read at least one article authored by Catharine M. Goodwin, former AO Assistant General Counsel. These articles, found on the U.S. Sentencing Commission website (www.uscc.gov), have provided invaluable guidance and direction to practitioners in the federal system. Over the years, it has become increasingly apparent that there is a lack of information regarding restitution and victim determination. With the enactment of the Crime Victims' Rights Act (CVRA), victims' rights continue to be expanded, often affecting restitution. Well-known for her expertise in the area of victims and restitution, Goodwin, who is currently a consultant on federal restitution issues, has joined Marquette University Law Professor Jay E. Grenig and former Federal Prosecutor Nathan A. Fishbach to publish a timely and much-needed book called *Federal Criminal Restitution*.

Goodwin and her coauthors have done an excellent job of leading the reader through a historical overview of restitution and describing the evolution of restitution as a federal sentencing issue. From this foundation, Goodwin, Grenig, and Fishbach provide a comprehensive discussion of criminal and civil jurisprudence and the constitutional challenges. This valuable resource further contains a detailed, step-by-step analysis developed by Goodwin and U.S. Sentencing Commission Senior Trainer L. Russell Burress for determining appropriate restitution. This step-analysis has been utilized by judges, probation officers, and litigators for several years and continues to be relevant in its application.

Federal Criminal Restitution consists of 17 chapters addressing numerous sentencing issues. The chapters are well organized to easily assist the reader in locating pertinent information. Examples include:

- Plea agreements involving restitution, including a discussion of the government's responsibility in protecting victims' rights.
- Mandatory or discretionary restitution and how to determine victims and harms within the scope of the harm.
- Sentencing procedures, including presentence procedures and the government's duty to provide victim information to probation officers.
- Post-sentencing adjustments to restitution orders.
- Enforcement by the sentencing court with a discussion of the defendant's willful failure to

pay.

Research references are noted in each chapter. Included in the Appendix are additional resources, such as the restitution chart, classification and text of the restitution-related statutes, and a sample judgment in a criminal case. A comprehensive index also provides the reader with a simplified way to locate a particular topic.

Federal Criminal Restitution takes complicated issues such as victims of scheme offenses and explains in simple terms how to determine restitution. With the help of referenced case law and general discussion, Goodwin, Grenig, and Fishbach have written a concise book incorporating articles, statutory and guideline provisions, and case law references into an easy to understand reference volume. This book is an indispensable resource for anyone concerned with correctly identifying victims and determining restitution.

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System. Published by the Administrative Office of the United States Courts www.uscourts.gov
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Parole Violations and Revocations in California: Analysis and Suggestions for Action

¹ This article is based on Grattet, R., Petersilia, J., & Lin, J. (2008). *Parole violations and revocations in California*, final report for National Institute of Justice, grant number 2005-IJ-CX-0026, Washington, DC: National Institute of Justice. (NCJRS, NCJ 224521). The complete report is available on the NCJRS Web site at <http://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf> and the UCI's Center for Evidence-Based Corrections Web site at <http://ucicorrections.seweb.uci.edu/pubs>.

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¹¹ Glaze & Bonczar, *Probation and Parole in the United States, 2006* (see note 6).

¹² For a listing of these reports, see California Expert Panel on Adult Offender Recidivism Reduction Programming, *A roadmap for effective offender programming in California* (note 8). Several of these reports were conducted by the Little Hoover Commission and are available at <http://www.lhc.ca.gov/lhcdir/crime.html>.

¹³ Indeterminate sentencing, with a hearing before the parole board, is reserved for California prisoners who have been sentenced to life in prison with the possibility of parole. About 20,000 prisoners (12 percent) in the California prison population have been sentenced to life with the possibility of parole. In 2006, 98.5 of *all* released California prisoners were placed on post-prison parole supervision.

¹⁴ See California Department of Corrections and Rehabilitation (2006). *Department Operations Manual*, Chapter 8: Adult Parole Operations. Available online at http://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/DOM/Ch_8_Printed_Final_DOM.pdf.

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²² The details of PVDMI and CSRA are available from the California Department of Corrections and Rehabilitation Web site, http://www.cdcr.ca.gov/News/2008_Press_Releases/Oct_3.html

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Pretrial Risk Assessment and Case Classification: A Case Study

¹ The author would like to thank Frank Kuzmickus, Director of Lake County Adult Probation Services, whose suggestion to describe Lake County’s risk assessment experience led to this article. Also, the author appreciates the comments from Marie VanNostrand, Ph.D, on earlier drafts of this paper.

² In 1987 Lake County developed a rudimentary inhouse point scale based on various criteria identified in the literature as being related to pretrial failure. However, its limitations quickly came to light: a bias towards cash bond recommendations and a lack of statistical validation. The instrument became rather meaningless, eventually shelved, and the use of the subjective method continued for several years.

³ PTBS growth actually became the main dynamic behind the ongoing reduction in field contacts, with no fewer than four revisions to the original classification design.

⁴ In Illinois, there are basically five categories of felony crimes: X, 1, 2, 3, and 4 with “X” being the most serious and “4” being the least serious.

⁵ In those programs that use an objective risk instrument but also factor in subjective input (a “combination” or hybrid system), nearly fifty percent operate in jurisdictions with over-capacity jail populations. This is lower than the nearly sixty percent over-capacity found in “subjective only” jurisdictions but still higher than the under thirty percent overcapacity found in “objective only” jurisdictions.

⁶ The 2003 Pretrial Survey data indicate that including an objective component to the bond recommendation decision-making process—such as with the hybrid system—mitigates the apparent jail-crowding impact of subjective-only assessments. It would seem that by introducing objectivity into the process, the deleterious effect of subjectivity is reduced.

⁷ In the literature of evidence-based practices, this is known as the “risk principle.”

⁸ The respective calculations for each system are as follows: Level I: $300 \times 4 = 1200$ field contacts per month; Level II: 50 contacts per month; total field contacts = 1,250. Max: $200 \times 2 = 400$ field contacts per month; Med: $100 \times 1 = 100$ field contacts per month; Min: $50 \times 1 = 50$ residence verifications per month; total field contacts = 550.

⁹ For example, in 2008 there were 113 more cases terminated from PTBS as a “violation” that customarily would not have been counted as such.

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Restorative Practices in Institutional Settings and at Release: Victim Wrap Around Programs

* The paper was supported by funding from the Illinois Long-Term Offender Committee and a previous version of this paper was presented to the Illinois Long-Term Offender Committee in Chicago, Illinois August, 2007.

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***Pono Kaulike*: Reducing Violence with Restorative Justice and Solution-Focused Approaches**

¹ The authors express their gratitude and thanks to Alan Katz, MD, MPH, Graduate Chair and Epidemiology Professor, Department of Public Health Sciences, University of Hawai'i, for his kind assistance with this evaluation and his thoughtful review of this paper. Thanks are also tendered to Diane Stowell, LFMT, for her help providing this program; Shona Conley, University of Hawai'i Spark Matsunaga Institute for Peace student intern, and Anne Hayden, doctoral candidate, Auckland University of Technology, for their assistance with data collection; and to the Hawai'i Friends of Civic & Law Related Education, the Hawai'i Justice Foundation, and the Wallace Alexander Gerbode Foundation, for supporting this work.

² Effort is made here to avoid labeling people as offenders and victims and uses these terms only for clarity purposes. Deficit-based labels reinforce negative thoughts, behaviors and emotions. While we should disapprove of bad behavior and recognize pain we feel, we should identify strengths, possibilities, and hope. People always have potential and are more than what happens to them and what they have done in the past.

³ These cases were not referred to *Pono Kaulike* mainly because the sentencing judge did not make the referral.

⁴ The idea of using restorative justice and having shared meetings with people involved in intimate violence (man against woman), which *Pono Kaulike* provides, is controversial and has been discussed previously (Walker & Hayashi, 2007).

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Estimating the Impact of Kentucky's Felon Disenfranchisement Policy on 2008 Presidential and Senatorial Elections

¹ According to information directly obtained from Kentucky's Department of Corrections, the average weekly number of non-state/non-federal County prisoners was 9,428 in February 2009. Since daily numbers were unavailable, the stated figure was derived by dividing the weekly average by seven. The total of ex-felons was calculated by dividing Manza and Uggen's (2006:75-76) ex-felon "very conservative" estimate by voting age population ($128,775/3,123,645=0.0412$) and then multiplying the resulting figure by the updated voting age population ($3,237,501*0.0412$). To ensure that the updated disenfranchisement figures were not skewed by procedural changes in felon reenfranchisement, we obtained 1999-January 2009 felon reenfranchisement statewide tallies from Kentucky's Secretary of State. From 1999-2004, covering the period in which the Manza/Uggen estimate was calculated, the state average reenfranchisement was $((669+572+958+1278+1193+316)/6=)$ 831 per year. From 2005 to 2008, the rate dropped to just $((253+274+255+1807)/4=)$ 432. Contemporaneously, African-American

male life expectancy is projected to increase from 69.5 years in 2005 to 70.2 years at 2010, which, combined with lower reenfranchisement rates, suggests that the total number of ex-felons would likely increase. As indicated in Table 2, revised estimates suggest only a slight increase in the number of persons under criminal justice supervision; Manza and Uggen's (2006) felon disenfranchise estimates remain accurate.

² To avoid overestimation of felon disenfranchisee effects, prisoners and jail inmates were excluded from felon disenfranchisement estimates. Kentucky's November 2008 turnout was 62.8 percent of registered voters. For purposes of this study, we will assume that felon disenfranchisees would have voted at a similar rate.

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The Effect of Participatory Management on Internal Stress, Overall Job Satisfaction, and Turnover Rate among Federal Probation Officers

¹ Stressors are defined as "circumstances which place unreasonable or distinctive demands on an individual, and are usually capable of producing emotional/psychological discomfort" (Grossi & Berg, 1991, p. 76).

² The second set of data from Kansas and Missouri was collected later to have a larger sample and to address the issue of external validity of preliminary findings using the first set of data from Texas.

³ They originally developed twelve items to measure participatory management. However, five items of the original items were excluded, since variables such as job stress, job dissatisfaction and turnover intention may affect an employee's attitudes, and produce reciprocal effects in the hypothesized model (Myers & Myers, 1995).

⁴ According to Kaiser's criterion, in cases of less than 30 original variables, the resulting communalities of factor analysis are recommended to be all greater than .70 (see Stevens, 1992, p. 379).

⁵ Turnover intention was substantially positively skewed and was transformed by taking the logarithm for further statistical analysis (Tabachnick & Fidell, 1996).

⁶ A small number of missing values was replaced with the means of the variable. Three extreme outliers were deleted, bringing the sample size to 188. According to variance inflation factor (VIF) scores, no multicollinearity was found.

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