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TESTING CORRECTIONAL DECISIONS

DANIEL GLASER

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Decisions on the handling of criminals almost always involve predictions of future behavior. Expectations as to an offender's probable response to different types of treatment usually are an important influence in fixing length of sentence, determining type of custody, designating assignments and activities during confinement, and approving release from custody and a post-release program. These expectations may not be the only considerations involved, nor even the most important factors. Notions of "just punishment," legal limits, deference to public and private pressure, allowance for availability of facilities, and also compassion and pity, likewise influence judicial and correctional decisions at many levels. Nevertheless, the typical correctional official, at almost every level and type of correctional activity, must make predictions as to the probable future behavior of his charges. He does this repeatedly, on a routine basis, during every working day. He may not state his predictive judgments explicitly, but they are implicit in his thinking in connection with the many decisions on handling offenders which he is called upon to make.

Most such predictions, whether formulated as predictions or merely implied in recommendations for treatment, are arrived at on the basis of case study methods. The official obtains all the separate facts and impressions which he finds it convenient to collect on an individual, and he synthesizes these into his own overall impression. The official at a correctional institution concludes on this basis that the subject of his consideration is a fair risk for parole recommendation, or is a safe risk for the Honor Farm, or should be kept in Segregation for a while, or would benefit from assignment to Vocational School, or would get along better in "A" House than in "B" House. The parole or probation official predicts his client's behavior in connection with decisions as to whether a given home or job is suitable for a particular individual, or in deciding whether to check up on the client weekly or every other week.

Are these case study predictions arrived at by the officials through a mental process basically different from the process which the statistician employs in arriving at actuarial predictions for individuals? We submit, firstly, that the case study and the actuarial method of prediction have basic similarities, and secondly, that both methods would be improved if the difference between them were reduced by routine testing of the predictions involved in correctional decisions.

SIMILARITIES AND DIFFERENCES OF CASE STUDY AND ACTUARIAL PREDICTION

One similarity between case study and actuarial prediction is that expectations of the future behavior of a current case are based on previous experience with cases which are believed to have resembled the current case in important respects. The two approaches to prediction involve different methods of appraising this experience, which will be discussed later.

A second similarity is that predictions by both methods are in terms of risk groups, rather than absolute predictions. It is true that the practicing correctional official has to make absolute decisions as to what action will be taken with respect to a given case. However, few officials with much experience feel absolutely certain about the predictions involved in arriving at their decisions. They have all made erroneous predictions, if they have had much experience (that is why we have escapes, parole violations and unanticipated behavior problems). They expect to make mistakes again, for no one can have 100 per cent accuracy in predicting complex human behavior. Even their subjective predictive judgments, we submit, tend to be in terms of relative risk categories: Case "A" is judged a poor risk for a given program, or, on the other hand, a fair risk or a good risk. He is classified subjectively in a probability category, as in actuarial prediction, rather than with absolute certainty that he will succeed or fail on a given program. When predictions are phrased in terms of absolute certainty, this is usually for rhetorical purposes rather than an experienced officer's absolute knowledge of how an individual will behave. Sometimes, of course, the personal capacities required for success on a particular program are so objective in character as to make the degree of certainty very high in predictions for some cases, both by case study and by actuarial prediction.

One major difference between case study and actuarial predictions is that the aspects of the current case which are our basis for prediction are made explicit in actuarial prediction—they may be only vaguely formulated in case study prediction. A second difference is that our experience with these aspects, and their relationship to the behavior being predicted, is systematically tabulated for the purpose of actuarial prediction, but is only recorded by subjective impression and imperfect memory, often more from exceptional than from typical cases, as the basis for case study prediction. One consequence of this imperfect recording of experience is that it is difficult to pin-point and correct defects of our mental procedure resulting in inaccuracy of case study prediction unless one endeavors to convert the case study operations to a somewhat objective set of procedures amenable to actuarial test. While it is easier to test the separate steps and aspects of an actuarial prediction procedure, we will argue that case study prediction methods could be tested more than is generally the case. A first step might be to require that officials record their reasons for the predictions which they make in connection with important correctional decisions.

Two features of case study prediction which may make them more accurate than actuarial predictions should be noted. The first, of course, is that case study predictions are less constrained and less rigid than actuarial predictions in the aspects of a case which they can take into account, and in the relative weight which they give to each aspect. More flexibility is possible with case study prediction in dealing

with relatively unique factors in a case, when one encounters such. Secondly, case studies may consider the various predictive factors in a case not merely as additive positive or negative weights, but as a collective configuration—a *gestalt*, if you prefer—which has unique features by virtue of the interrelationship of factors.

We would like to point out, first, that these advantages of a case study approach were taken into account by actuarial prediction studies from the pioneer Burgess study on. This is indicated by their employment of such subjective overall evaluations of the case as "Psychiatric Prognosis," "Personality Type" and "Social Type" classifications. Thus, at the same time that case study syntheses of many aspects of each case were taken into account for actuarial prediction, alternative disciplines and orientations in the formulation of case study predictions were made explicit, and *were subjected to tests*. The possibilities of more flexible weighting, and of taking unique configurations of factors into account in actuarial prediction, have yet to be developed, although important explorations have recently been made in the application of multiple correlation and configuration analysis to actuarial prediction. We are not suggesting that actuarial prognosis can ever replace case study prediction. We are suggesting that the efficiency of both methods will be increased if the differences between the two methods are reduced. This will be accomplished if case study prediction orientations are made more explicit and are tested, and if actuarial prediction methods are made more flexible and integrative in the relative weights which they attach to alternative factors for various cases.

We would like to add that taking into account complex relationships between factors in a given case is not something that is handled easily in case study prediction. The clinician, the administrator and others who must make recommendations or decisions on cases often have difficult struggles in arriving at their predictive judgments. They do not know the relative predictive significance of the many factors which seem to oppose one another in their implications as to the future behavior of the subject, nor do they know the particular significance of the specific combination of factors which they encounter—the interrelationship of the factors.

In pondering their decisions, correctional officials often take into account statistical data with which they are familiar—for example, that first offense murderers generally make good, and that alcoholic forgers generally fail. They also bring to bear their accumulation of general impressions of past experience, their theories of personality and their conceptions of social relationships. This is generally a rather unsystematic integration of what has been acquired through professional training and through common sense interpretations of our personal experience as human beings in society.

These mental processes in case study prediction can almost be described as a subjective search for actuarial data. In pondering our decisions we search for a classification of past cases with traits similar to those of the case at hand, and for a tabulation of experience with these past cases. We try to see the interrelationship of all the traits and processes which we discern in each case before us. In short, the problem of reducing the many variations and complexities of factors operating in human behavior to a manageable number is by no means a problem confined to statisticians engaged in actuarial prediction. Case study research contributes to

actuarial research by revealing new conceptions by which cases can be classified statistically. Actuarial research can contribute to case study prediction by testing the predictive significance of such classifications.

THE NEED FOR TESTING OUR PREDICTIONS

In Illinois, as in many other states, it has been the custom for several decades that case study reports for the classification and parole boards terminate with a specific statement of prognosis. Most of the time these reports have been filed without the authors—psychiatrists and sociologists—checking up on the accuracy of their prognostications. Some years ago Ohlin showed that only the most favorable of the several prognostic categories employed in these reports was of consistent significance in predicting parole violation at the prisons for adult males.¹ Similar results were found at another institution.² A breakdown by specific prognosticators indicated that, on the whole, sociologists were better case study predictors than psychiatrists. Data for a limited number of cases suggested that the most accurate predictions were made by those psychiatrists who were only consultants, and saw only selected referral cases instead of a cross-section of the inmate population.

On the whole, the case study prognoses in Illinois did not provide as valid a basis for predicting parole outcome as any of several objective factors, such as classifications of criminal record or even "Age at First Leaving Home" (the lower the age, the higher the prospects of violation). Outstanding as a basis for predicting parole outcome was a case study evaluation called "Social Type" in some studies and "Social Development Pattern," when slightly modified, in another study. In these evaluations, instead of stating their case study prognoses as such, the case study analysts simply classified the inmate's total behavior before the offense into broad categories, such as "Respected Citizen," "Ne'er-do-Well," "Drunkard," "Floater" and "Socially Maladjusted," each of which was roughly defined.

We refer to this Illinois data not so much to indicate the relative utility of alternative ways of predicting parole outcome, as to suggest the desirability of testing the predictions involved in correctional decisions. If research were a routine function in correctional administration, instead of a periodic gesture, the significance of the prognoses would have been evaluated systematically. The least accurate prognoses would soon have been apparent, and analyses of erroneous predictions could have exposed the reasons for error. Conversely, analysis of accurate prediction would indicate the most valid bases for prediction.

In almost all correctional agencies there is virtually no systematic check upon nor analysis of the predictions involved in correctional decisions. Corrections is thus like a business operated without bookkeeping. It is well known in business that unless the accounts are kept carefully, the operations which we assume are profitable may actually be contributing to a net loss. If this continues, we are likely suddenly to find that our liabilities exceed our assets.

The statistical findings in Illinois on such factors as "Age at First Leaving Home"

¹ *cf.*, LLOYD E. OHLIN, *SELECTION FOR PAROLE*, Russell Sage Foundation, New York, 1951, p. 52.

² DANIEL GLASER, *A Reconsideration of Some Parole Prediction Factors*, *AMER. SOCIOL. REV.*, Vol. 19, No. 3 (June 1954), pp. 335-341.

and "Social Development Pattern" were interesting not just for their potential administrative utility, but as strong suggestive evidence of the validity of an adaptation of Sutherland's criminological theory which we have called "Differential Identification." The theoretical considerations may have widespread implications for other practical correctional decisions—even in the choice of designs for correctional institutions. Apart from this, in the original decision problem of selection for parole, the fact that alternative approaches to case study prediction are tested by applying them to actuarial prediction illustrates how case study and actuarial methods can contribute to each other. Could not this same cross-fertilization occur if actuarial prediction research were applied to testing alternative bases of case study prediction in other correctional decision situations? For example, actuarial checks can be made on the various bases for decision in institutional classification, in approving post-release activity programs, and with more sophisticated actuarial research methods, in answering the crucial question of what is the optimum time for parole.

THE POSSIBILITY OF BETTER TESTS

One type of criticism which is often directed at actuarial studies, such as those we have cited, is that the studies are based on an incomplete sample. Parole prediction studies, for example, are based only on our experience with those granted parole in the past, not on those denied parole, but the conclusions are to be applied to all those considered for parole in the future, including those to whom parole will be denied. Similarly, probation prediction studies are based only on the success or failure of those individuals convicted of a crime who were granted probation, not on those to whom probation was denied, yet the findings of such studies are to be applied to all who will be eligible for probation consideration.

The above criticism is applicable to case study prediction as well as to actuarial prediction. Indeed, it applies to all criminology. We only have experience, for any type of correctional treatment, on those with whom the treatment has been attempted. Fortunately, the inconsistencies of correctional practice, and some deliberate experimentation, make the omitted cases not as serious a research problem as they might otherwise be. Insofar as the omitted cases are a problem, they are as much a problem to case study generalization from experience as to actuarial generalization: they create a situation where there is no experience, or there is insufficient knowledge about the experience, to warrant confident conclusions.

The use of the F.B.I. fingerprint records for statistical data on recidivism for all offenders would contribute tremendously to the solution of the omitted cases problem in testing correctional decisions. The great omitted sample in almost all criminological research consists of those individuals who, after some difficulty with the law, succeed in avoiding further arrest or conviction. Even the immense value of the *Uniform Crime Reports* for advancing our knowledge of American crime would be overshadowed by the significance of statistics on the courses of different types of criminal careers under varied conditions. Despite the imperfections still remaining in the reporting of arrests and convictions to the F.B.I., the number of cases and the completeness of follow-up possible with F.B.I. records would permit intricate statistical controls not practical in most research with other data. Ideally, the F.B.I. data

on recidivism should be related to the background information on individual offenders and their treatment, as recorded in case files of correctional institutions and agencies. The quality of these case files is highly variable.

Something approaching F.B.I. data in its utility for prediction testing might be obtained in California or other states where parole, for long periods, is granted to most prisoners. This permits a more complete follow-up of felon populations than is possible elsewhere except through F.B.I. fingerprint records. The fact that under such parole conditions violation rates are about fifty per cent, and that overall recidivism rates for felons everywhere probably exceed sixty per cent, means that statistical research with such data can yield much more striking results than is possible with the more selected and more briefly followed parolees and probationers who have been the subjects of most criminological prediction study thus far. With more complete data we would be in a better position to answer not just such questions as what are the chances of parole being violated in a given type of case, but more important: When will these chances be a minimum?

In the physical sciences one can distinguish the pure from the applied fields of study, for example, physics from engineering. These applied sciences take the established generalizations from the pure sciences and apply them, without, as a rule, thereby contributing to the pure sciences. In the scientific study of the topics of human behavior which most concern us in practice, we do not have many useful abstract generalizations as firmly established as those which exist in the physical sciences. This is the situation partly because it has been difficult to construct prediction tests which can firmly establish the validity of theoretical propositions on criminal and other types of complex human behavior. In an applied science of human behavior, such as criminology, choices must be made between alternative abstract theories. Refinements or complete reformulations must frequently be made in the theories in order to apply them to situations where it is difficult accurately to appraise the existence of theoretically conceived predictive factors, or even to measure the extent of the conformance of outcome to that which was predicted.

If we make a greater effort to test the predictions involved in correctional decisions, both abstract behavior theory and techniques of correctional practice are likely to be modified. Progress in the applied field can contribute to progress in making theory relevant to the empirical world to which the theory refers. Refinement in theory may in turn contribute to progress towards the objectives of the applied field. This interdependence is such as to render it difficult to separate pure from applied criminological research. The potential role of prediction research in a science of criminology is comparable to the role which the prediction of economic trends has in the science of economics, or even to the role which the prediction of the movement of astronomical bodies has had in the development of astronomical theory and knowledge. Knowledge is theory which has been tested and found valid. The testing of correctional decisions can provide one of the firmest scientific foundations for correctional knowledge.