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## WHAT IS RESPONSIBLE FOR SATISFACTORY PROBATION AND POST-PROBATION OUTCOME?

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In a recent issue of *Focus* Professor Lewis Diana reports the results of a follow-up study and closed file analysis of 280 delinquents placed on probation in 1940 by the Allegheny County Juvenile Court.<sup>1</sup> His major findings were that most of his cases (84 per cent) had not been again convicted during a ten-year post-release period, that they had been contacted infrequently by their officers during probation, and that little in the way of casework had been done in their behalf. The author then questioned the assumption that casework is a significant factor in probation outcome. The present paper is a partial account of a similarly designed study whose findings closely parallel those of Diana.

As part of an investigation of recidivism among a sample of adult probationers sentenced in Federal court in the Eastern District of Pennsylvania,<sup>2</sup> a content analysis was made of the closed files of 490 persons, who successfully completed probation terms between 1939 and 1944, and who lived at least long enough after their release from probation to provide minimum post-probation periods of six years each. The findings of the content analysis constitute the major part of the present article.

It was discovered that by 1951, 87 (17.7 percent) of the 490 persons had again been convicted of felonies or misdemeanors. An attempt was then made to evaluate the several probation experiences<sup>3</sup> with particular attention to the number and kinds of contacts which had occurred between the probationers and their officers, and to the extent to which casework techniques were employed by the latter.

<sup>1</sup> LEWIS DIANA, *Is Casework in Probation Necessary?*, *Focus*, 34:1-8 (January, 1955). See also abstract of Diana's doctoral dissertation, *The Treatment of Delinquents in Allegheny County: An Evaluation of the Juvenile Court*, in *UNIVERSITY OF PITTSBURGH BULLETIN*, 50: no. 13 (July 10, 1954).

<sup>2</sup> RALPH W. ENGLAND, *A Study of Postprobation Recidivism Among Five Hundred Federal Offenders*, *FEDERAL PROBATION*, 19:10-16 (Sept., 1955). See also my doctoral dissertation, same title, University of Pennsylvania Library, 1954. The close similarities in method and findings between my research and Diana's are fortuitous; we worked quite independently, with no knowledge of the other's efforts, so far as I know.

<sup>3</sup> In the original study, "probation experience" was defined as all documented measures to which the offenders were subjected during their terms as the direct result of actions by judges and probation personnel; these measures included sentences and their conditions, contacts with probation officers, special services and helps received from the officers, etc.

## OFFICER-PROBATIONER CONTACTS

Given the tools of social research presently available, it is difficult to determine the effects of a term of probation upon a particular offender. The supporters of probation are characteristically disposed to credit the relatively low post-probation failure rates found in most studies to the rehabilitative value of this correctional device; the problem of controlling variables is such, however, that no conclusive evidence has appeared demonstrating that the probation experience is the independent variable in these low rates. Research in this area is particularly troublesome with reference to that part of the probation experience involving personal contacts between offenders and their officers. Interpersonal relationships of all kinds entail subtleties whose roles are scarcely amenable to scientific analysis. In probation, for example, one visit from an especially dynamic and aggressive officer whose client is a weak and impressible youth might profoundly alter the latter's subsequent behavior; fifty contacts by the same officer when his probationer is a mature, stubborn and hardened criminal may have no effects whatever. In the following analyses of officer-probationer contacts in the writer's sample, therefore, no pretense is made of seriously evaluating the quality of personal supervisory contacts; instead, an attempt is made to learn something of the quantity of such contacts in terms of selected variables, under the assumption that the number of personal contacts occurring between a probation officer and his client bears a relationship to both the amount of direct supervision deemed necessary and to the amount of direct supervision actually given. (There is, of course, an implicit assumption that the quality of supervision is in some sort of ratio to its quantity but, given the available data, it is impossible to determine what that ratio may be).

It was feasible, by a study of closed file materials, to determine how many personal contacts each probationer experienced with probation officers during his period of supervision. The locales of the interviews—district office, client's home or place of employment, etc.—were disregarded in the counting. The single proviso was that the filed material indicate clearly that an in-person interview with a probation officer had occurred.<sup>4</sup> To allow for differing lengths of time under supervision, a ratio representing "contacts per month" was computed for each case by dividing the total number of contacts by the number of months actually spent under supervision. The resulting figure was used in this study as a rough measure of the impact upon probationers of personal contacts with officers, and as a direct measure of the supervision deemed necessary and of the supervision actually exercised. The mean number of contacts was found to be .38 per month, or about one every two and one-half months; this is far below the number recommended by probation theorists, who claim that meaningful rehabilitative efforts cannot be carried on in a program with fewer than one home visit every two weeks.<sup>5</sup>

How did the distribution of contacts vary with respect to certain characteristics of the probation situations and of the probationers themselves?

<sup>4</sup> The files were carefully searched for these and other data; chronological accounts provided the chief source of information, but memos, letters, notations on the client's monthly reports, etc., were also used.

<sup>5</sup> A standard adopted by the New York Probation Commission (EDWIN H. SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY*, J. B. Lippincott, New York, 1947, p. 393).

### 1. Recommendations for early release

During the period in which the subjects of this study were being supervised, the individual officer case loads averaged between 100 and 150 clients—far above the “ideal” of 30–50. Overloading to this extent leads officers to reduce their burdens to more workable sizes by a number of expedients, one of which is recommending for early release those cases deemed least likely to recidivate. One would expect that those adjudged good risks would have been clients requiring (and getting) either greater or lesser supervision than those not recommended for early release—the reason for this expectation being that the clients released early were better risks to begin with (thus needing less supervision), or had been supervised so intensively that they became better risks. However, those recommended were contacted to an extent (.39 per month) which did not differ significantly from the number of contacts with the poorer risks (.36 per month).

### 2. Recidivism

The 87 probationers who eventually recidivated and who, in terms of socio-economic analyses, were characterized by unfavorable factors prior to their instant offenses, were not supervised more intensively than was the group as a whole: the recidivists' mean number of monthly contacts was .36, compared with a total mean of .38, while the mean for those not recidivating was also .38; the first figure does not differ significantly from that of the total mean.

### 3. Race

The 154 Negroes in the sample were regarded as much poorer risks than the whites, as attested by the respective proportions (20.3% and 39.3%) granted early release; yet, the Negroes were subjected to an amount of contacts whose mean (.37 per month) did not differ from that of the entire sample.

### 4. Type of offense<sup>6</sup>

The mean number of monthly contacts varied appreciably when considered in terms of offense categories. Table I presents these findings, together with recidivism rates and rates of recommendation for early release. With reference only to the categories whose mean contacts differed significantly from that of the entire group, the theft cases were somewhat less intensively supervised, and the draft-dodgers more intensively supervised. Ignoring the significance tests, an apparent tendency is observed for those regarded as increasingly poorer risks (as evidenced by the percent recommended for early release) to have proven to have been indeed poorer risks (as shown by the percent who recidivated) and were, while on probation, subjected to a greater number of contacts.

It must be emphasized that a mere count of contacts is a rough measure, at best, of the potential existing for meaningful rehabilitative supervision, and that, in the absence of much more intensive research, conclusions based on the above data must be drawn tentatively. The analysis does suggest that the amount of officer-probationer contacts did not differ materially in terms of the variables considered. The

<sup>6</sup> The rationalization for using the offense categories which follow will be found elsewhere (see England, *op. cit.*). The category “other” in Table I is a group of miscellaneous offenses.

TABLE I  
MEAN CONTACTS PER MONTH, PERCENT FAILURE AND PERCENT RECOMMENDED FOR EARLY  
RELEASE, BY OFFENSE CATEGORY

Offense Category	Mean Contacts Per Month	p	Per Cent Failure	Per Cent Recom- mended for Early Release
White collar	.371	.86	10.6	47.0
Theft	.326	.05	17.5	42.5
Liquor	.359	.32	16.4	31.5
Other	.430	.14	22.2	30.1
Draft-dodging	.520	.04	37.9	13.8
All cases	.376		17.7	36.6

difference (even if statistically significant) between .38 and .52 contacts per month is not really very great; rephrased, it is the difference between a contact every two and one-half months and one every two months. If the ideal probation standard regarding the frequency of interviews has any validity, it appears that the 490 subjects were not receiving visits from their officers often enough to permit time for intensive rehabilitative efforts.

#### SPECIAL SERVICES AND AIDS

In theory, probation is a period of rehabilitation during which there are used certain personal social guidance techniques whose effect on probationers will be such as to reduce the likelihood of their committing further offenses. The literature of probation amply reflects the viewpoint that effective probation requires not only scientific guidance procedures, but also that their application demands extensively trained and experienced personnel. What rehabilitative efforts were made on behalf of the 490 clients in the present study? What forms did those efforts take? What degree of skill and training would be required to carry them out? Content analysis of the closed files provided some answers. It was assumed, for purposes of this research, that the officers recorded all aids or services performed by them on behalf of their clients; the entire contents of each file were studied, and a listing made of every documented instance in which any non-routine measure was taken by the probation officer which might conceivably have improved—no matter how slightly—the probationer's social adjustment: assistance in getting on relief rolls; referral to clinics; help in dealing with various government agencies, and, of course, advising or counselling.<sup>7</sup>

It is clear that assessing material of this sort is a hazardous procedure because here particularly do the "subtleties of interpersonal relationships" enter. If one may lapse momentarily into the highly speculative, the possibility must be admitted that a single act of assistance could initiate a chain of events leading to lasting improvement in an offender's behavior. The real significance to a probationer of such an act, performed as it must be in a context of extreme complexity, simply cannot be deter-

<sup>7</sup> Diana made a similar analysis in his study, but used a much more stringent criterion, i.e., casework, "liberally construed" (DIANA, *op. cit.*, FOCUS article, p. 3). He found that 14 percent of his sample had been recipients of casework measures.

mined by any known technique. It follows, then, that statements regarding the relative importance or unimportance of various kinds of aids and services would be meaningless. Consequently, no qualitative judgments of the value of different acts of assistance are attempted in the inventory presented below. Common sense, however, might prompt some judgments concerning the amount of formal training in social work and related fields required to perform the several aids and services undertaken on behalf of the probationers in the sample.

Of the 490 cases, the records of 121 (24.6 percent) contained direct or indirect references to specific aids and services rendered. To indicate the general nature of the non-routine activities to which the 121 subjects were exposed, a sample listing of these is presented here.<sup>8</sup> The listings are accompanied by the offenders' sex, race, offense category and number of months under supervision; unless otherwise indicated, each item represents a chronologically separate aid or service:

1. Male; white; liquor; 12 months.  
Officer sought to obtain relief assistance for S, without success.
2. Male; Negro; liquor; 24 months.  
S was referred to an employment agency.
3. Male; white; "other" (operating unlicensed radio station); 36 months.  
Officer suggested S enroll in a "hobby league school" to learn more about radio.  
S's wife given assistance in her naturalization proceedings.  
S's wife referred to Domestic Relations Court for help in her troubles with S.  
Continuing efforts made to assist S in understanding and adjusting to a difficult marital situation.
4. Male; white; "other" (Dyer Act); 24 months.  
Given assistance in obtaining driver's license.
5. Male; white; white collar; 13 months.  
S's wife given suggestions by officer regarding the possibilities of her renting a room in her house to ease economic situation.
6. Male; Negro; "other" (assault to rob letter carrier); 24 months.  
Officer brought toys to S's children at Christmas.
7. Male; Negro; "other" (Harrison Act); 4 months.  
Salvation Army and local steel company contacted to obtain relief and employment for S.  
Letter sent to recruiting office to help S enter army.
8. Male; white; white collar; 20 months.  
S referred to State Rehabilitation Bureau because of deafness.
9. Male; white; white collar; 29 months.  
S's business being slack, he was advised to visit U.S.E.S.
10. Male; Negro; theft; 29 months.  
S requested aid in obtaining relief; officer advised him to visit relief office.
11. Male; white; theft; 31 months.  
Officer put pressure on S to support his family properly.

<sup>8</sup> The sample was obtained in the following manner: the individual McBee Keysort cards for the 121 cases were thoroughly shuffled, and every third card drawn until twenty-five were obtained.

12. Male; white; "other" (making false statement in applying for veterans' pension); 60 months.  
Officer made a job contact for S.
13. Male; white; theft; 24 months.  
Employment letter of introduction written for S.  
Officer suggested places where S could seek work.  
More places suggested.  
Officer talked with S's ex-employer about getting back his old job.
14. Male; white; theft; 12 months.  
Officer suggested S register with U.S.E.S.
15. Male; Negro; liquor; 12 months.  
Officer apparently instrumental in obtaining relief aid.
16. Male; white; white collar; 18 months.  
Officer suggested S seek job at U.S. Quartermaster Depot because of his experience in dry goods.  
Therapeutic interview undertaken because of S's discouragement.
17. Male; white; theft; 29 months.  
S reprimanded for failure to report.
18. Male; white; white collar; 32 months.  
Officer suggested S consult an employment agency.  
Officer tried to alter S's bitter feelings about his conviction.
19. Male; white; white collar; 18 months.  
Officer helped S enlist in army.
20. Male; Negro; liquor; 12 months.  
Officer suggested S apply for a job at a local shipyard.
21. Male; white; liquor; 14 months.  
S, seeking help in a judgment proceeding, was advised to see Legal Aid Society.
22. Male; white; theft; 37 months.  
Officer advised S's daughter on job opportunities.  
Officer carried out a job-counseling interview with S.
23. Female; Negro; liquor; 37 months.  
Some indications that officer had an extended guidance interview with S.
24. Female; white; white collar; 11 months.  
Officer tried three times within three months to ease S's financial difficulties by making special arrangements with her creditors.
25. Male; white; liquor; 12 months.  
Request for early release granted to enable S to enter hotel business.

The above are typical of the aids and services recorded, directly and indirectly, in the files of the 121 probationers. It must be emphasized, however, that the degrees of rapport or of goodwill existing between officers and clients, the spirit in which the aid was extended or received, and especially the deeper meanings to the probationers of the aids and services cannot be inferred from arid, out-of-context listings like that given above: few clues can be found to the intangibles of probation in the pages of closed files. Nevertheless, a careful perusal of the 121 probationers'

records left the writer with a strong impression that most of the aids and services given were not of a type requiring extensive social work training, but could have been performed by anyone possessing intelligence, tact, and a good knowledge of the institution and agency facilities in his probationers' communities.

One would hypothetically expect that the 121 cases would be among those in the sample most in need of such attention, and there is some evidence to support this hunch. (a) A significantly greater proportion of Negroes (31.9 percent) than of whites (21.4 percent) were given special assistance. (b) The mean number of officer-probationer contacts for those receiving aids was .42, compared with the mean of .38 for the entire sample, but the difference was not statistically significant ( $p$  equaled .08). (c) In connection with another aspect of the research involving an attempt to construct a prognostic device, each of the 490 cases were given prognostic scores ranging from zero (cases having the greatest number of characteristics associated with recidivism) to 19. When the cases were distributed into score-groups, the percentages of individuals in each group who had received special aids increased from zero to 50 percent as scores decreased, indicating that the officers had made definite efforts to assist those whose recidivism-risks they adjudged (correctly, as it proved) to be greatest. (d) In terms of success-failure, the proportions being recipients of special aids differ, but to an extent falling just short of significance, with 32.3 percent of the recidivists and 23.3 percent of the non-recidivists being given extra attention.

#### DISCUSSION

In view of the findings described above, it is difficult to reach any other conclusion than that the 490 probationers were not subjected to intensive, individualized social casework procedures, but were simply exposed to routine surveillance of slightly varying degrees of intensity, with incidental and (on the surface at least) superficial aids being extended to about one-quarter of them. Despite this apparent situation, only 17.7 percent of the probationers were found to have recidivated up to 1951. If the theorists of probation are correct in their insistence that extensive recidivism on the part of those exposed to this form of correction can be prevented only if high standards of therapeutic procedures are maintained, how can the fact be accounted for that less than one probationer in every five was convicted of further offenses? One possible explanation is that the statistical observations referred to above were based on faulty manipulation; another is that the assumption is erroneous that the intensity and quality of the probation experience can in any way be assessed statistically; a third is that the probation theorists are mistaken, and that recidivism rates are not significantly associated with the quality of the probation to which offenders are subjected. I favor the latter explanation.

First, I quite agree with Diana who says:

while probation as a process of treatment may not be a significant factor in the later adjustment of delinquents, other aspects of probation may be very significant. The imposition of the status of probation on a child may in itself induce a change in behavior. Whatever the cause it cannot be said that probation services are not required or that probation itself does not serve a useful purpose.<sup>9</sup>

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<sup>9</sup> DIANA, *op. cit.*, (abstract), p. 4.

TABLE II\*  
DISTRIBUTION OF FINDINGS IN FIFTEEN PROBATION AND POSTPROBATION STUDIES BY  
PERCENT "SUCCESSFUL"

Per Cent "Successful"	Probation Findings (No.)	Postprobation Findings (No.)
90-100	0	0
80-89	4	4
70-79	5	4
60-69	2	1
50-59	0	1
40-49	0	1
30-39	0	0
20-29	0	0
10-19	0	0
0-9	0	0
Totals	11	11

\* Several studies contained findings on both probation and postprobation outcome.

My own study, as did his, tends to eliminate high standards of social work as independent variables in postprobation success because neither of us found much evidence of high standards in operation, despite low rates of recidivism in our samples. There are, however, many other variables than "social work" in a probation experience. The simple fact of being under surveillance (however cursory) is one; the "shock" to a first offender of being publicly so branded is another; the threat of a suspended jail term is a third—and so on.

I should like to suggest here an additional hypothesis to supplement that shared by Diana and myself. A curious and highly suggestive fact emerges from an examination of the several success-failure findings made in the few probation and postprobation studies whose results have been published to date: "success" rates show a decided tendency to cluster between 70-90 percent. Table II presents the distribution of "success" findings in fifteen researches<sup>10</sup>. Nine of the eleven probation findings and eight of the eleven postprobation studies fall within the 70-90 percent categories. The uniformity of these figures is particularly striking when it is realized that the researches upon which they were based were carried out in five states and one European country over a thirty-three year period (1921-1954), and represented probation systems differing greatly in the standards presumed to be of importance in success-failure not to mention differences in the *dramatis personae* of probation.<sup>11</sup>

One has an uneasy suspicion that such uniformity is the result of factors whose

<sup>10</sup> Including mine and Diana's. A list of the other studies providing data for Table II will be found in my FEDERAL PROBATION article, p. 10.

<sup>11</sup> The seeming ubiquity of the 70-90 percent range is not limited to the present century: there is some evidence that the early days of probation saw similar results. Rufus R. Cook, a Boston probation officer, reported that of 450 persons supervised by him in 1870, 87 percent "have done and are doing well" (quoted from a report of the Children's Aid Society of Boston, in DONALD W. MORELAND's *John Augustus and His Successors*, National Probation Association YEARBOOK, 1941, p. 18).

influence transcends mere immediate considerations of time, place, quality of probation procedures, or *dramatis personae*. The possible significance of social phenomena (crimes, suicides, marriages, divorces) whose magnitudes remain unchanged, or which do not change randomly has been perhaps<sup>1</sup> most ingeniously discussed by Emile Durkheim:<sup>12</sup>

Such uniformity, Durkheim argues, could not derive from the personal motives or characteristics of individuals, which are so variable as to comprise what is practically a random distribution. Nor can they be satisfactorily explained . . . by physical, biological, or psychological uniformities. The only remaining explanation is to be found in the influence of certain real social currents which form a (hitherto undetected) part of the individual's environment.

What "undetected social currents" could account for the apparent uniformity in probation outcome? In my opinion, the most ready explanation would seem to lie in the customary practices which have evolved in the use of probation, beginning with the work of Augustus in 1841. Probation began not in a spirit prompted by a desire to apply to offenders the rehabilitative techniques based on scientific knowledge of human behavior, but rather in one reflecting a simple humanitarian wish to keep less serious and/or first offenders from undergoing the corrupting effects of jail terms. Since Augustus' day, probation has continued to be reserved, by and large, for these two categories of miscreants, even though the ideology of probation has shifted from humanitarian to scientific. The basic mechanics of probation—i.e., being under suspended sentence and subjected to surveillance by a court representative—have likewise remained virtually unchanged since the 1840's. The "undetected currents" (and some violence is done here to Durkheim's original meaning) may relate to factors inherent in these traditional limitations and mechanics, rather than in the niceties of manner by which probation procedures are executed. What should have been an important lesson seems to have gone unheeded: Augustus and his immediate successors are reputed to have had high rates of success in reforming their charges, despite the fact that Augustus (and this is probably true of his Boston disciples) was not even remotely a specialist in behavior problems, and apparently had no training in even the crude behavior sciences of his day. What he did have in common with his followers of today, however, was the fact that his probationers were first offenders and minor recidivists released to him for supervision under suspended sentences, and it is just here that an explanation may lie for the observed uniformity in probation success-failure rates.

I have a strong suspicion that the first offender-minor recidivist factor is the more important in understanding this remarkable uniformity, and that we are observing the effects of what amounts to a fly-on-the-axle-who-thinks-he-is-raising-a-big-dust phenomenon. Much recent research has indicated that most people commit one or two crimes in the course of their lives for which they are not caught, but that most of them refrain from making a habit of it. It seems quite possible that probation is tapping into this "self-correcting" segment of offenders, since probation deals mainly with first offenders and minor recidivists. For another group of "non-self-correcting

<sup>12</sup> EMILE BENOIT-SMULLYAN IN HARRY E. BARNES, *AN INTRODUCTION TO THE HISTORY OF SOCIOLOGY* (Chicago: University of Chicago Press, 1948), p. 505.

offenders" who might otherwise persist in criminal behavior, the mere exposure to surveillance under suspended sentence may be sufficient (for reasons having perhaps nothing to do with the theoretical values of probation) to prevent further law-breaking.

Criminologists might do well to consider the possibility that in the circumstances common to most probation systems—in the ordinary selectivity of clients and the ordinary routines of operation—may lie the real clues to the apparent effectiveness of this correctional device.