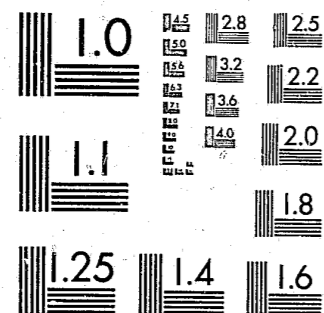


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SHOCK PROBATION SURVEY

U.S. Department of Justice 90648
National Institute of Justice

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EXECUTIVE SUMMARY

1981

EXECUTIVE SUMMARY

1981 SHOCK PROBATION SURVEY

Shock probation is a unique method of sentencing in which convicted legal offenders are sentenced to prison, then on orders of the judge are removed from prison and placed on probation for the remainder of their sentence. First introduced in Ohio in 1965, this method was authorized by the Texas Legislature in 1977. Some 2,250 offenders have been placed on shock probation in Texas since the statute went into effect.

Despite the increased use of shock probation, few studies have been conducted to determine its effectiveness. To find out how well this innovative system works in Texas, the Texas Adult Probation Commission conducted two surveys. The first, in 1980, consisted of a brief questionnaire sent to all chief probation officers throughout the state. The second, in 1981, was more extensive and was mailed to judges, attorneys, probation officers, and probationers themselves. Following is a summary report of the 1981 survey, as well as a comparison of salient 1980 and 1981 data.

Survey Results: Judges, Attorneys, and Probation Officers

Completed questionnaires were received from 121 judges, 99 prosecuting attorneys, 87 defense attorneys, 83 chief probation officers, 318 probation officers, and 555 probationers. In addition, probation officers completed 1,492 questionnaires about shock probationers they had supervised, which accounted for approximately two-thirds of all persons placed on shock probation in Texas from the time it was initiated in August, 1977 to the time the survey was completed in May, 1981. A number of the questions posed to judges, attorneys and probation officers were the same to permit a comparison of results.

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Judges, attorneys, and probation officers agreed that the intent of shock probation is primarily to serve as an alternative to lengthy incarceration. From 20% to 30% perceived its purpose was to provide shock effect, which was presumed to lead to a change in behavior by showing the offender the traditional consequence of criminal activity. From 15% to 25% viewed it as an alternative to regular incarceration. The majority of the probationers (70%), considered shock probation a means of rehabilitation.

Among the judges and attorneys, only the defense attorneys (26%) thought offenders should be informed about shock probation prior to incarceration. Over three-fourths of the probation officers, half the judges, and one-fourth of the prosecuting attorneys thought the best time for informing was upon release from prison. Comments on another section of the questionnaire reiterated the importance of maintaining the shock value by not informing until the offender is recalled.

Each group of respondents consider shock probation effective, (see Table 1) although a majority qualified their approval by stating "effective for some" and "effective if truly shock". With these qualifications, opinions supporting effectiveness ranged from 55% for prosecuting attorneys to 79% for probation officers. The respondents' views seem based primarily on probationer behavior, personal experience, and knowledge of recidivism. In comments, a large number specified that they thought probation officers should be included in determining the sentence (Table 2).

Table 1
EFFECTIVENESS OF SHOCK PROBATION

Opinions	Judges N=121		Prosecuting Attorneys N=99		Defense Attorneys N=87		Probation Officers N=401	
	No.	%	No.	%	No.	%	No.	%
Effective	16	13.2	8	8.1	21	24.1	26	6.5
Effective for some offenders	49	40.5	38	38.3	26	29.9	196	48.9
Effective if truly shock	11	9.1	9	9.1	7	8.0	97	24.2
Not very effective	9	7.4	6	6.1	1	1.1	41	10.2
Too soon to evaluate	23	19.0	6	6.1	8	9.2	29	7.2
Not reported	13	10.8	32	32.3	24	27.5	12	3.0

Table 2
CRITERIA FOR JUDGING EFFECTIVENESS OF SHOCK PROBATION

Opinions	District Judges N=121		Prosecuting Attorneys N=99		Defense Attorneys N=87		Probation Officers N=401	
	No.	%	No.	%	No.	%	No.	%
Probationer behavior	36	29.8	15	15.2	16	18.4	148	36.9
Personal experience	42	34.7	26	26.3	20	23.0	152	37.9
Comprehensive*	1	0.8	5	5.0	4	4.6	5	1.3
Not reported	42	34.7	53	53.5	47	54.0	93	23.2
Comparison**	--	--	--	--	--	--	3	0.7

* Criteria included defendant's age, attitude, and prior criminal record; nature of offense; recommendation of the probation officer; offender's behavior after being recalled from incarceration and placed on probation.

**Criteria was comparison of behavior of shock probationers who knew beforehand of shock probation with shock probationers who had no knowledge until recalled.

In an open-ended question about their concerns and criticisms regarding the shock method, respondents expressed a major concern that offenders should not be informed of shock probation prior to incarceration. Other concerns focused on suitability of offenders for shock probation, supervision of probationers, and the effect of the sentence on probationers.

Positive comments indicated that almost 20% of the respondents consider shock probation an excellent tool if used sparingly in well-defined situations. Others gave a variety of reasons for its effectiveness or merely stated that they "liked it". Among the advantages noted were that it could reduce overcrowded prisons, keep probationers from long periods of incarceration, and serve as an extra tool for the criminal justice system. The most frequently mentioned criticism was that it was used with the "wrong kind" of offender, but there was no consensus on which offenders could best benefit from this form of sentencing.

Some 57% of the defense attorneys, 47% of the judges, and 32% of the prosecuting attorneys had used shock probation. Over half the judges indicated that they had used it as an alternative to revocation, although 40% of those had done so from only 1 to 3 times. The method was less favored by prosecuting attorneys: almost one-third had used it, one-third never had, and almost 20% did not respond to the question. Defense attorneys used shock probation more than judges or prosecuting attorneys, primarily for use in plea bargaining.

On what basis did judges decide to grant shock probation? Apparently the variables that have the greatest impact are the nature of the offense, the defendant's attitude, and the defendant's age. (See Table 3) One-third of the judges always required an investigation of the defendant's background prior to sentencing, almost one-fourth frequently did so, and one-fourth "sometimes" did so. According to the respondents, greater capability for presentence investigation and more intensive supervision of the probationers might cause judges to sentence more offenders to shock probation.

Table 3
CRITERIA INFLUENCING JUDGES' DECISION TO GRANT SHOCK PROBATION

Criteria	N=121					
	First Choice		Second Choice		Third Choice	
	No.	%	No.	%	No.	%
Nature of offense	36	29.8	28	23.1	8	6.6
Defendant's attitude	17	14.0	8	6.6	26	21.5
Recommendation of probation officer	14	11.6	8	6.6	5	4.1
Defendant's background	12	9.9	20	16.5	18	14.9
Circumstances influencing criminal act	11	9.1	20	16.5	14	11.6
Recommendation of prosecuting attorney	9	7.4	6	5.0	16	13.2
Defendant's age	9	7.4	21	17.4	21	17.4
Availability of community resources	3	2.5	0	0.0	0	0.0
Recommendation of defense attorney	2	1.7	1	0.8	1	0.8

Respondents said that more information about shock probation should be made available to judges and attorneys. They stated that reports, surveys, case studies, and other informative data would be useful in helping them better determine how and when shock probation should be used.

Survey Results: Probation Officers and Probationers

The survey collected information about probationers and probation officers' opinions of shock probation. Probation officers provided information on 1,492 shock probationers, while 555 of the probationers completed opinion questionnaires.

Of the 1,492 shock probationers, 1,355 (90%) were men. A majority were white, between the ages of 17 and 25, and had completed from 7 to 11 grades of school. Forty percent were single; over half had no dependents. Table 4 contains demographic data on shock probationers.

Table 4
DEMOGRAPHIC DATA ON SHOCK PROBATIONERS

	N=1,492 NO.	%
Age		
17-18	68	4.5
19-20	279	18.7
21-22	239	16.0
23-25	267	17.9
26-30	258	17.3
31-40	177	11.9
41-50	60	4.0
51-60	25	1.7
61-73	10	0.7
Not reported	109	7.3
Ethnicity		
White	802	53.8
Hispanic	368	24.7
Black	272	18.2
Other	6	0.4
Not reported	44	2.9
Marital Status		
Single	647	43.4
Married	455	30.5
Divorced	182	12.2
Other	133	8.9
Not reported	75	5.0
Amount of schooling completed		
6th grade or less	61	4.1
7th-9th grade	325	21.8
10th-11th grade	433	29.0
12th grade	293	19.6
GED	116	7.8
1-4 yrs. college	111	7.4
Some postgrad.	4	0.3
Not reported	149	10.0
Occupation		
Non-farm labor	260	17.4
Skilled craft	221	14.8
Semi-skilled craft/ machine trades	135	9.1
Transport services	46	3.1
Sales clerk/attendant	44	3.0
Professional/managerial	36	2.4
Other	131	8.7
Not reported	619	41.5

Almost all (98%) of the crimes committed by shock probationers were felonies, with a majority cited as burglary, drug offenses, or theft. Furthermore, drugs or alcohol were implicated directly or indirectly in 714 (48%) of these crimes:

At the time of the survey, 249 (17%) of the shock probationers had been terminated. Of these, over half had their probation revoked and were incarcerated in TDC. An additional 87 (6%) had absconded. Over three-fourths of the shock probationers in the Texas system were still on probation at the time the study was completed.

Probation officers noted that plea bargaining had been used in approximately 42% of the shock probation cases. Almost half were granted this form of sentencing for a first conviction, and 32% for probation revocation.

A majority of shock probationers spent between 60 to 120 days in prison after being sentenced. While on probation, 1,008 (68%) were employed, with a median annual income of \$8,000. One hundred and twenty-one (8%) attended school, although 75 (5%) were enrolled less than half the time they were on probation. Only 93 (6%) of the 1,492 probationers received CETA funds, food stamps, or other forms of public assistance during their probationary period.

Because probation officers work closely with the probationers, their views of this method of sentencing are of special interest. Half of those responding viewed shock probation as somewhat or very effective in comparison to regular probation, 23% considered it about the same, and only 7% thought it less effective.

The probationers were in general agreement about the effectiveness of shock probation. Over 70% called it very effective, while only 4% did not consider it effective to at least some degree. They were in less agreement on the best time to inform an offender about shock probation. About 37% thought it should be

prior to incarceration, 33% when recalled. Fifty-three per cent thought the purpose of shock probation was rehabilitation, and 17% viewed it as an alternative to lengthy incarceration.

Cost Comparison of Shock Probation vs. Incarceration

To determine the effectiveness of shock probation from a different perspective, a cost comparison was made of shock probation and incarceration in both 1980 and 1981. At the time of the 1980 survey, the cost of incarceration for one offender was \$7.50 per day, or \$5,400 for a two-year prison sentence. In contrast, the cost of probation supervision was 65¢ per day per offender. Figuring 120 days of incarceration (\$900) plus 600 days of supervision (\$390), the cost of shock probation for one offender for a two-year period was \$1,290. Using 1980 data, it cost approximately four times as much to incarcerate a person as to use shock probation.

The same difference held true in the 1981 survey. Costs rose to \$9.80 per day for incarceration and to 92¢ per day for probation supervision, bringing the cost for incarceration for one person for a two-year period to \$7,056 and for shock probation to \$1,728. It should be noted that of the 92¢ per day cost for probation supervision, the probationer pays 34¢ in the form of a supervisory fee.

Assuming that half of the offenders reported in the 1981 survey would have been incarcerated had there been no shock probation alternative, it is estimated the state saved approximately \$4.4 million dollars by placing offenders on shock probation rather than in prison. This figure does not take into account the savings effected by the probationers themselves, a majority of whom were employed and supporting their families while serving their probation sentence.

Summary and Conclusions

The effectiveness of shock probation was evaluated on the basis of two factors: the opinions of those surveyed and a cost comparison to incarceration. Aspects of the system needing clarification and/or development were also identified.

Most respondents said shock probation is effective to some degree. Most qualified their opinion by saying it is effective "for some offenders" and if it is "truly shock probation". Considering these qualifications, opinions supporting effectiveness ranged from 55% for prosecuting attorneys to 79% for probation officers. Among probationers, some 70% considered it an effective alternative to incarceration.

The cost comparison was more definitive, showing that over a two year period shock probation costs the state approximately 75% less than incarceration. Because less than 75% of those on shock probation had been terminated at the time of the study, it was too early to accurately evaluate effectiveness on the basis of successful terminations; however, future evaluations should consider this factor.

Concerns expressed by the respondents indicated that several topics could be assessed and clarified to make shock probation more effective. These include (1) determining the type of offender most suitable for shock probation, (2) establishing criteria for sentencing to shock probation, and (3) refining the process for implementing shock probation.

Although it is too early to fully evaluate this alternative method of sentencing, survey data indicate that shock probation is a cost-effective, timely, and viable system. Further endeavors in implementing the system and investigating its uses and methodology seem warranted.

END