Evaluating Probation Experiences
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BACKGROUND LITERATURE

Mass incarceration has become a highly researched topic due to the increase of incarcerated adults in the U.S. since the 1970s. Less well-known, however, is that probation supervision expanded alongside mass incarceration (Phelps, 2016). Probation is defined as supervision in the community in lieu of imprisonment. The U.S. Bureau of Justice Statistics (BJS) states in 2013:

- 2,220,300 adults (1 in 110) were incarcerated in the U.S. federal prisons, state prisons, and county jails
- 4,751,400 adults (1 in 51) were on probation or parole

Although probation was designed as a form of leniency, it has expanded to supervise more adults under more punitive conditions. Supervision conditions include fines and fees, reporting to a probation officer, abstinence from drugs and alcohol, and participating in programs. Failure to meet any of these conditions can lead to revocation or return to jail or prison. As a result, intensive probation programs are often perceived by some offenders to be more punitive than short prison stays (Petersilia & Turner, 1993).

Given the scale and import of probation, the deprivation of autonomy, time, financial costs, and other negative effects of probation (Dumencu, 2011) should be evaluated.

Research Question

How do probationers and probation officers describe the benefits and burdens of probation? In particular, how do fines and fees affect the experience of supervision?

PRELIMINARY RESULTS

Overall, probationers struggled to keep up with the conditions of probation. Balancing work and family obligation, along with health and transportation issues added more barriers to their success. Some felt as though their conditions sometimes did not align well with the crime committed. For example, if the charge is theft, they could be prohibited from legally drinking. The probationers that did not have a solid source of income felt as though their fines and fees were too burdensome and sent them backwards.

“You know I understand that I got in trouble and I did the crime and I’m completely guilty, 100 percent, but there’s just no humanity in it. They don’t care. It’s about the money.”

– Probationer from Bell County, Texas.

Probation officers also echoed similar sentiments regarding probationers struggles, although less forgiving of failure to complete requirements, for they have to meet their own requirements.

“How much of the restitution fees are for hundreds of thousands of dollars. I have had one guy on since 1991 paying 71 dollars a month to pay off 600k.”

-Probation Officer from greater Boston area, Massachusetts.

On the other hand, some probationers expressed gratitude towards probation. They were thankful that they could still be free (under certain parameters) and work or be with their loved ones. Some shared that their probation officer was looking out for their best interest. Still, their struggle with completing probation was a common trait among most interviews.

METHODOLOGY

The Robina Institute conducted focus groups with probationers, probation officers, and court actors between 2015 and 2017. The interviewer had a list of questions regarding revocation, fines, and fees inquiring explanations and experiences by the probationers.

The local sites varied across important dimensions, such as size, urbanicity, and revocation rates, and included jurisdictions in Texas, Minnesota, Massachusetts, and New York.

Qualitative coding was completed using NVivo. The probationers were rewarded for their time by getting $25 gift cards. This research used a convenience sampling method. While the data is not representative of all probation departments, the data shows comprehensive supervision practices.

DISCUSSION

Participants opinions and attitudes may be subjective which could limit how we understand probation, but considering the results, one could question if probation is truly a better alternative to prison. The experiences of probationers and probation officers, along with the striking probation rates across the country, indicate that public policy regarding probation needs evaluation.

One possible way to think about fixing the system is to utilize the improvement suggestions made by the probationers and probation officers. Probationers mentioned that their income, work, and family obligations should be considered when creating conditions of probation. They also suggested that there should be more community service hours counted towards their sentence.

Many probation officers echoed these sentiments, although there are other factors outside of their control, including state and federal laws and jurisdiction requirements. Probation officers mentioned that often times, their input is of little import to court actors such as judges deciding appropriate sentences or revocation decisions. Probation officers supervision philosophy is mixed, but their attitudes are essential to evaluate probation. Participants opinions and attitudes may be subjective which could limit how we understand probation.

If probation is designed to be an alternative to prison, with more of a rehabilitative component, then conditions should not deter someone's recovery. It does no good to the probationer, their families, or the taxpayer, should someone who is otherwise succeeding in the community be revoked.

FUTURE DIRECTIONS

- Continue to develop the themes from coded interviews.
- Code judges interviews for further analysis.