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Examining the Practices and Views of Probation Officers in West
Virginia**

Jennifer Tricia Waller

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**THE EFFECTIVENESS OF PROBATION IN WEST VIRGINIA:
A STUDY EXAMINING THE PRACTICES AND VIEWS OF
PROBATION OFFICERS IN WEST VIRGINIA**

**Thesis submitted to
The Graduate College of
Marshall University**

**In partial fulfillment of the
Requirements for the degree of
Master of Science
Criminal Justice**

by

Jennifer Tricia Waller

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Marshall University

April 17, 2003

ABSTRACT**THE EFFECTIVENESS OF PROBATION IN WEST VIRGINIA: A STUDY
EXAMINING THE PRACTICES AND VIEWS OF
PROBATION OFFICERS IN WEST VIRGINIA****By Jennifer Tricia Waller**

Probation across America is in turmoil and its effectiveness is under scrutiny. In this paper, probation will be examined, more specifically the effectiveness of probation and the opinions of probation officers in West Virginia and the techniques they utilize in supervising offenders. Research will be presented from various experts across the country that have examined probation in America. Some of these experts report that probation is failing; however, judges have not given up hope on the effectiveness of probation and are willing to look at alternatives to traditional practices. To determine the efficiency of probation in West Virginia surveys were administered to adult probation officers in West Virginia in an attempt to uncover practices utilized by probation officers and their beliefs about probation's effectiveness.

DEDICATION

Dedicated to my family:

To Roger and Cody Waller, for all of their understanding, encouragement, and support along the way. To Garnet Clark, Mary Griffin, and Brenda Sue Clark who have been exemplary role models in the Christian faith, strength, and courage.

ACKNOWLEDGEMENTS

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Finally, I wish to extend my love and gratitude to my family. My family has supported me and encouraged me to succeed in everything I have accomplished thus far in my journey. Family is where your life begins, where you begin to define who you are, and when life comes to an end, it is where your spirit will always carry on. I wish to extend my gratitude to my husband Roger and son Cody, who spent many lonely nights without me, who endured the stacks of books and journals, and who were routinely tortured with the reading and rereading of my works. I would like to extend the deepest thank you possible to my wonderful parents James Marshall Clark, Jr., who may God rest in peace, and my mother Brenda Sue Clark, both of whom always encouraged me, who always believed that I could do whatever my heart desired, and passed on to me the strength and determination that they both have exemplified in life.

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CHAPTER I

Introduction

Criminal activity has been a problem for centuries and a variety of practices have been utilized to prevent crime. Many practices that were used to curb crime were cruel and unusual, and often times did not reflect the crime that was committed. In America's early years, pillories, whippings, and even torture were used in some instances to curb crime. As America's history went on, various humane techniques were implemented. Probation is one of the various humane techniques that have been used to effectively deal with offenders over the years. The practice of probation has only been utilized in America for 161 years (Mackenzie et al., 1999; Cromwell & Killinger, 1994). However, probation began as a tool to assist those individuals who committed minor offenses (Cromwell & Killinger, 1994) and as time has marched on probation has been utilized with even the more dangerous criminals in our society. For example: In 2001 "53% of all probationers had been convicted of a felony" and only 45% of those on probation had committed a misdemeanor offense (Bureau of Justice Statistics, 2002, p.1). The number of felons placed on probation in 2001 is slightly down though from 1997 when 54% of probationers were placed on probation for a felony offense (Bureau of Justice Statistics, 1998). Many things improve with age, however, many debate whether probation is one of those things.

Over the past few decades scholars have been researching the effectiveness of probation in the United States and other industrialized nations across the World. Many have found that the outlook for probation is bleak (Corbett, 1996) and that there are many enhancements needed to make probation an effective practice. In order to understand how probation has evolved into what it is today, one must look at the history of probation and examine where it stands today in comparison to where it began.

Once these findings have been explored, one can then begin to look at how probation compares in West Virginia with the rest of the United States. This study focuses on attitudes, beliefs, and techniques utilized by probation officers in West Virginia and whether probation in West Virginia is effective.

CHAPTER II

Review of Literature

An Overview of Probation

What is Probation?

In order to discuss probation, we must first look at what probation is and the concepts related to it in an attempt to better understand the practice. What is probation? There are many definitions of what probation is or is not. According to The American Bar Association, probation is:

A sentence not involving confinement, which imposes conditions and retains authority in the sentencing court to modify the conditions of sentence or to resentence the offender if he [or she] violates the conditions. Such a sentence should not involve or require suspension of the imposition or execution of any other sentence. . . . A sentence to probation should be treated as a final judgment for purposes of appeal and similar procedural purposes (1970, p. 9).

The definition of probation given by the American Bar Association states that probation doesn't involve confinement, which would exclude shock probation and super shock probation as both involve some incarceration before being released on probation. However, the Encyclopedia Britannica describes probation as a system that takes on a variety of forms in many jurisdictions across the country, with the common element among each jurisdiction being that an offender's sentence has been suspended while he/she remains in the community abiding by certain conditions that have been imposed by a probation officer and the court (April 13, 2002).

The various definitions of probation differ, but they all include the suspension of an offender's sentence with certain conditions being followed. The lack of a uniform and agreed upon definition of probation reflects the lack of uniformity across the United States from one jurisdiction to another. Some states have attempted to overcome this problem by creating a single state agency that is responsible for the administration of probation in that state. While others, such as West Virginia leaves the practice of probation up to the circuit courts in each county.

Conditions of Probation

Even though there are a variety of definitions for probation, each one typically includes conditions of probation. There are two types of conditions that are imposed on offenders, standard conditions and special conditions. Probation conditions are those terms under which the court releases an offender into the community under the supervision of a probation officer. If an offender fails to comply with these conditions, the offender's probation is withdrawn and the offender must serve the original sentence that was suspended by the court (Cromwell & Killinger, 1994).

Standard conditions of probation are typically those conditions that are imposed on all probationers in a given area and are usually similar to those utilized by most courts across the country. These conditions include maintaining employment, notifying the officer of a change in residence, not leaving the jurisdiction without permission of the court or probation officer, allowing the officer to visit at any given time, not associating with others who have criminal records, submitting to random drug and alcohol testing, and not acting as an informant for law enforcement without the permission of the court. In addition, those who commit a felony should complete some form of community service, pay restitution, or pay a fine, are not to possess illegal controlled substances and are not to possess a firearm (Ibid).

Special conditions of probation on the other hand are conditions that relate to the offense or the offender. These conditions must reflect the seriousness of the offense, promote respect for the law, and provide the probationer with necessary services. Special conditions can include: ordering an offender to pay restitution, complete community service, attend vocational classes, participate in counseling, and/or participate in rehabilitation services (Cromwell & Killinger, 1994).

History of Probation

John Augustus, a Boston shoemaker, is considered the father of probation. In Augustus' free time he would attend court hearings where he observed many common drunkards being jailed, as they were unable to pay the fines imposed by the court (Allen & Simonsen, 1992). In August 1841, Augustus began his work in probation as he convinced the court to allow him to pay the fines of a ragged old drunkard man who appeared before the court. After a brief conversation, Augustus felt the offender could be reformed. The man promised Augustus that if

he could save him from the “House of Correction” that he would never again drink alcoholic beverages. The man signed a pledge devised by Augustus and three weeks later they returned to the court, as ordered, for sentencing (Augustus, 1852).

When the man appeared before the court for sentencing, neither the officers nor the judge could believe the transformation that the man had undergone. The judge was pleased with Augustus’ results and instead of sentencing the former drunkard to the “House of Correction”; he fined him one cent and court costs, which totaled \$3.76. Augustus paid the judgment immediately. Augustus reported that the first probationer remained a sober and productive member of society (1852).

John Augustus continued to receive calls from people asking for help after his first probationer in August 1841. By January 1842, Augustus paid bail for seventeen other alcoholics and assisted them on the road to recovery. Until 1859 Augustus’ probationers were men who were drunkards, but he then extended his practice to include women and children and all other bailable crimes. In December 1851, Augustus was preparing to publish an account of his work and discovered that during the previous ten years he bailed out 1, 102 probationers at a total cost of \$19, 464. In addition, he paid a total of \$2,417.65 in fines and court costs (Cromwell & Killinger, 1994).

Augustus continued his work until his death in 1859 assisting 1, 946 probationers. His dedication to the cause of probation caused his shoe manufacturing business to suffer. Instead of operating his business, Augustus was off bailing people from the courts or attending to their other needs, which affected his business operations. Not only did John Augustus devote his time to assisting probationers, but he also sacrificed his own financial resources to assist them. However, he did receive some monetary contributions from people in the Boston area to assist him in his work (Ibid). It was Augustus’ work that set the pattern for his successors who were either volunteers or official probation officers and the spirit of his work lives on today in the professionals who continue to carry out his work.

Implementation of Probation Across America

John Augustus' work not only influenced the city of Boston, but also inspired a nation. In fact his work influenced the state of Massachusetts to pass a statute in 1878 that provided for paid adult probation officers (Allen & Simonsen, 1992; Territo, Halstead, & Bromley, 1992). Missouri passed a similar statute in 1897, followed by Rhode Island in 1899, and Vermont and New Jersey in 1900; however, it wasn't until 1956 that adult probation officers were available to offenders in all states (Allen & Simonsen, 1992).

Criminality and The American Dream

There are some offenders in society who are habitual criminals. These individuals need to be imprisoned for a long time, but there are offenders who can benefit from rehabilitation in order to learn legally and socially acceptable ways of achieving their goals. According to the Bureau of Justice Statistics, nearly 3 out of 5 adults of the more than 1.9 million probationers discharged in 2001 successfully completed the conditions of their probation (2002). These figures support the idea that some offenders do benefit from being placed on probation rather than being incarcerated.

Robert K. Merton describes the anger and frustration people feel when their goals are thwarted from achieving the "American Dream" of pecuniary success, power, and status (Horvath, 1994) and how they may deviate from the norms and mores of the culture in order to achieve these goals in what criminologists call the Legitimate Means Theory. Merton (1938) theorized that there were five modes of adaptation to anomie and that the two essential parts to each mode were the cultural goals and the institutionalized means. This theory explains that most human beings have the same goals and aspirations in life, but when an individual encounters barriers to achieving these goals he/she must decide how to overcome these barriers. These barriers can be overcome so that the individual may achieve his/her goal by following the norms of society or by deviating from those norms. When deviating from the norms of society this may or may not involve engaging in criminal activity to achieve the goal; however, this provides some insight into why some individuals commit crimes.

The American Dream Not Just for Law Abiding Citizens

Society tends to classify offenders in a category all their own, the truth is that offenders have hopes and dreams just like anyone else. According to Christopher J. Alexander:

When you deal with an inmate population on a daily basis, you see that they really are people, with all the positive and negative attributes common to all of us. With this perspective it becomes possible to relate to them, not as the horrific beasts that many in society choose to believe they are, but instead as men and women with families, dreams, and feelings of their own (1998, p.19).

Is it possible for offenders to have some of the same goals and dreams as mainstream society?

According to a study conducted in Seattle Washington by Jacqueline Helfgott, offenders tend to have similar goals. Some of their short-term goals were to seek a good job, get some form of vocational training or college education, to keep out of trouble, establish meaningful relationships, to stay sober, and to save money. Some of the offenders' long-term goals were to buy a home, become a career person, own their own business, earn a college degree, support their children through college, and to "have a normal life"(1997, p.18). The dreams of offenders are the dreams that all Americans have. Most offenders want the opportunity to have a "middle class life" but they lack the skills or knowledge to obtain this goal. Society can choose to continue paying for prison construction and the warehousing of inmates or they can decide to invest in beneficial services for offenders.

The Current System of Probation

Across the United States the probation and parole population has increased annually by roughly 3% since 1990. By the end of 1990 there were more than 2.6 million adults on probation and by the end of 2001 there were 3.9 million, with more than half of those individuals placed on probation for a felony offense (Bureau of Justice Statistics, 2002). However, the population growth in 2001 grew by 2.8%. This growth is below the annual growth average of 3.4%, which has been the average annual growth percentage since 1995 (Ibid). Even though the probation population continues to grow each year probation officers continue to be overwhelmed with additional duties and a lack of resources. With the increase in caseload size growing each year

and the lack of funding to hire additional probation officers, offenders are receiving even less supervision than before.

Osborne and Gaebler commented in 1992, “perhaps the only public system in worse shape than education and health care is criminal justice” (p. 319). It is obvious that the current system of probation is failing in some instances and unless lawmakers provide additional funding for the hiring of probation officers and look to new and innovative ways in dealing with probationers, the system will continue to fail in its mission. The probation system can be a very dynamic instrument in the lives of many offenders, but the system has a long way in becoming a perfect institution.

The American Probation and Parole Associations Vision Statement reads “We see a fair, just and safe society where community partnerships are restoring hope by embracing a balance of prevention, intervention, and advocacy” (American Probation and Parole Association, 2002), but in reality the current system is focused on retribution and punishment rather than rehabilitation. Some of the problems lie with the lack of resources, agencies, and personnel available to probation officers and offenders, as well as the use of the enforcement model in the criminal justice system.

Extremely high officer caseloads have had a negative impact upon the current system of probation, which has left little time for officers to monitor offenders in the community where “. . . nearly three fourths of the correctional clients are although one tenth of the correctional budget goes to supervise them” (Petersilia, 1995, p. 484). With the lack of supervision by officers there is little chance for probation to effectively help offenders learn socially acceptable ways of attaining their goals in a society where it is often hard for offenders to attain those goals.

As probation officers spend more time in the office setting and court and less time with probationers, the less time they are able to devote to evaluating what services offenders may need. With increased caseloads and ever increasing responsibilities being placed on probation officers the less supervision offenders receive and unless the this trend changes there will be little if any supervision available to probationers. With probation officers spending more time in the office and less time in the field, is it a wonder that in 2001, 1 in 10 probationers absconded and could not be located and since 1990 the absconder rate has gone from 6% to 10% in 2001 (Bureau of Justice Statistics, 2002).

Reduction in Caseloads

Some states have begun to lower caseloads for their probation officers. For example in New Jersey alone, 452 probation officers supervise 67,000 adult offenders, while 200 officers supervise 14,000 juveniles, giving each adult officer a caseload of 150 and the juvenile officers a caseload of 70 adolescents (Narcotics Enforcement & Prevention Digest, 2001). Lowering caseloads has proven effective for probation officers in Boston where they lowered caseloads in order “to enable officers to develop community ties and conduct surprise evening and early morning checks of probationers” (Narcotics Enforcement & Prevention Digest, 2001, p. 11). According to officials the violent crime rate has been cut in half since the implementation of the program ten years ago. Probation officers across the country could benefit from similar programs instead of the typical monthly office visit.

The latest statistics from the Bureau of Justice Statistics found that 3 out of every 4 probationers who were under active supervision were required to report to their probation officer either in person, by mail, or by phone (2002). How can the community be assured that offenders are not a risk to the community when in many instances their probation officer only sees them once a month or the offender is reporting by mail or phone. Probation officers should be out in the community supervising offenders on a regular basis in order to assure the safety of the community and insuring that offenders are complying with the terms of their probation. The number of probationers who are required to report to their probation officer on a regular basis has steadily dropped “from 83% in 1990 to 79% in 1995 and to 74% in 2001” (Bureau of Justice Statistics, 2002, p. 4), supporting the need for lower caseloads and an increased number of probation officers across the country.

A Need for Continuity Among the Country’s Probation Officers

Across the country there are many probation officers, but there is no set of standards or practices that govern the body as a whole. Each county and state across the country operates under standards and practices that are created by judicial officials in that region or a central state agency. The hiring practices of probation officers has no set standard across the country, and in many states hiring is based upon the patronage system of hiring instead of a merit based system. The implementation of a central database would assist probation officers in tracking and notifying probation officers in other jurisdictions when offenders move or flee.

The Bleak Outlook of Probation

Probation can be an affective tool of change, if the system is restructured. Harvard scholar Sheldon Glueck, a very prominent criminologist, warned more than six decades ago of the “three main pitfalls of probation”. In 1933, Glueck advised against “overselling probation,” overemphasizing “systems” and “forms,” and suggested that the success of probation and parole depend upon the assistance of other institutions and agencies (pp.9-10). If the current system of probation is not restructured, what will happen? Corbett (1996) found “ample evidence that, absent significant reform, the future of probation and parole is bleak” (p.36). One of the factors that lead professionals to believe that the outlook of probation is not effective in dealing with offenders is the recidivism rate of probationers. In order to gain a better understanding of whether probation is an effective practice, one must understand the concept of recidivism.

Recidivism

Much debate and research has been conducted on the efficacy of probation. Since the 1970’s, it has been asked whether probation protects the public from offenders (Cromwell & Killinger). There has been no consensus reached among professionals in the field. This may be due in part to a lack of an agreed upon definition and measures of effectiveness. One of the most commonly used measures of effectiveness is recidivism (Ibid). According to the Merriam Webster’s Collegiate Dictionary, recidivism is defined as “a tendency to relapse into a previous condition or mode of behavior; esp.: relapse into criminal behavior” (1993, p. 975).

Across the country, however, various governmental agencies define recidivism differently. For instance, the state of Florida defines recidivism as a “return to state custody or supervision for a new crime occurring within 24 months of the offender’s date of release from prison” (West Virginia Division of Corrections, 1999, p. 1). While Kentucky abides by the same time frame, but only if the new crime is a new felony conviction or a parole violation. Illinois, Kansas, and Arizona define recidivism as a return to prison within three years of an offender’s release, except Arizona specifies that the crime must be a new felony conviction (Ibid).

In West Virginia the Supreme Court of Appeals does not keep an official tally of offenders who have recidivated while on probation or those who have committed a new offense after being released from probation. However, the West Virginia Division of Corrections does keep a record of offenders who recidivate and are subsequently returned to the Division of

Corrections. The West Virginia Division of Corrections, as well as North Dakota, South Dakota, Florida, Vermont, New Hampshire, and Maryland defines a recidivist as someone who has 1) been convicted of a new felony and returns to prison after either being released due to the completion of his/her sentence or if they were court ordered to be released and return or 2) been convicted of a new felony offense while on parole or after being released from parole and is then returned to the division of corrections for the new felony offense (West Virginia Division of Corrections, 1999).

With the lack of a standardized definition, it is difficult to obtain a clear picture of recidivism in the United States. In order to accurately obtain a valid picture of recidivism several things would need to occur across the country. First and foremost, an agreed upon definition of recidivism should be achieved, one which includes any new offense or revocation offense. Secondly, offenders should be tracked and monitored after their release for a set period of time in order to determine whether a new offense has occurred in any jurisdiction across the country. This of course would put an additional strain on the already overworked probation officers across the country and leads to the question of how would such a project be financed. There are no simple answers, but there is a strong need to allocate additional funds for community corrections if society truly wants to see probation succeed. There has been some research conducted identifying factors that may assist professionals in determining the likelihood of an offender to commit a new offense.

Factors Related to Recidivism

Although there is not a clear picture of recidivism in the United States, there has been research that indicates that there are factors that can predict recidivism. According to Joan Petersilia (1985) there are at least four factors that can serve as a predictor of an offender's likelihood of becoming a recidivist. These factors include type of crime, criminal history, offender's income, and family attachments. Petersilia found the first predictor of recidivism is the type of crime committed by the offender. She found that those offenders who were convicted of property crimes had the highest rate of recidivism. The second factor is the offender's previous criminal history taking into account both the number of juvenile and adult offenses. As the number of convictions increased, the probability of the offender committing another offense also increased. The third predictor of recidivism was the offender's income at the time of his or

her arrest. Regardless of the amount of the income, the presence of income was associated with a lower rate of recidivism than those without an income. Lastly, Petersilia found that an offender's household composition made a difference in whether an offender reoffends. She claimed that those offenders who lived with a spouse and/or a child were less likely to recidivate than those who did not have any family ties in their home. This finding is consistent with control theory, more specifically Hirschi's theory of commitment and attachment (1969). Hirschi theorized that as an individual feels more bonded to the society in which he or she is a member of the more effective he or she is in handling his or her inner controls (Ibid).

Why We Should Look at New and Innovative Practices

Why should we invest in programs to assist offenders? According to an article in Federal Probation, "The public, which pays the bill for probation, wants, more than anything else, that those on probation do not re-offend" (Corbett, 1996 p.38). The criminal justice system in our society has a responsibility to see that offenders receive the supervision and services needed to change. As a society we do not want to see people continually involved in the criminal justice system. Ronald P. Corbett said that the criminal justice system was created to deal with society's failures. As a society it is our responsibility to provide assistance to those members of our society who are disadvantaged, who have fallen off course, or those who are trapped in a viscous cycle of dysfunction. We live in a society where many people grow up feeling isolated and alone. There are those who often have no one in their life to mentor and no one has ever cared about them. Alexander (1998), a former psychologist in a New Mexico penitentiary, was told by several inmates, "one caring adult in my life would have made all the difference" (p.20). We may not be able to reach these individuals as children, but once we have them in the system we should take advantage of this time and work to create functional citizens.

Criminal Justice Personnel Advocate for Cost Efficient and Effective Programs

Criminal justice practitioners agree that an "enforcement model" will not deter crime or curb criminals from returning to a life of crime once released back into society (Petersilia, 1995). Many different groups in the United States understand that such a practice will not work. Such organizations as the "International Association of Chiefs of Police, U.S. Conference of Mayors, American Bar Association, National Governors Association, League of Cities, RAND

Corporation, National Council on Crime and Delinquency, Campaign for an Effective Crime Policy, and National Research Council all have voiced opposition to the ‘enforcement model’ (Petersilia, 1995, p.479). The report issued by the Center on Crime, Communities, and Culture concluded by saying “if we are serious about preventing and reducing crime, it is critical to adopt the most effective, humane, and cost-efficient means of doing so”(Spectrum: The Journal of State Government, p.27).

Consequences of the Enforcement Model of Justice

The use of the enforcement model of justice is a short-term solution for a long-term problem. When politicians pander for votes by running on platforms that promise to get tough on crime they fail to think about the consequences involved with such laws. The enforcement model of justice increases already overcrowded prisons and as a result monies are diverted from prevention and intervention programs in order to construct new prisons. It is unrealistic to think that we can continue to lock up criminals for long periods of time and build new prisons. If this pattern is allowed to continue we will become a community of prisons rather than a community of neighborhoods. Voters, members of society, and even some criminal justice personnel have overlooked the fact that we cannot house all offenders and one of these days the offenders we have imprisoned will be released back into our communities. Rehabilitation efforts have been pushed aside and with an increasing number of offenders being released in to the community, one hope is that the experience has not created an even more hardened criminal. An example of how the system “rehabilitates” offenders is by teaching them how to make furniture, license plates, and mattresses. These skills are of little or no benefit to offenders upon release, whose search is already complicated by their conviction, and often, sets them up for failure.

The Drawbacks of Confinement

Alexander (1998) stated, “prison is the best environment many of these men have ever lived in. . .”(p. 19). How can society expect offenders to become productive and law abiding citizens when the only life they know is one of dysfunction? According to an article in USA Today, “Policy makers who pander for votes by alleging that getting tough on criminals will curb street crime are wrong” (Fleisher, 1997, p.30). Getting tougher on crime has nothing to do with correcting peoples thought patterns; the only way to correct this is to create programs that focus

on these ideals. According to Ronald Corbett Jr., “It is cheaper to prevent crime than to treat it” (1996, p.41). We are unable to incarcerate everyone who is convicted of a crime nor should we; it is neither cost-effective nor humane.

The Cost of Imprisonment vs. the Benefits

In the opinion of former U.S. Supreme Court Chief Justice Warren Burger (1998), “We must accept the reality that to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits” (Spectrum: The Journal of State Government, p. 26). We must realize that some day most offenders are going to be released regardless of whether or not the enforcement model is utilized. It is not feasible to lock up every person who has committed a petty crime. This practice is not effective because the cycle of dysfunction continues and it is not cost-efficient. According to the latest report on State Prison Expenditures, the average cost per prison inmate is \$20,100 per year (Stephan, 1999), but we only spend “\$200 per year per probationer for supervision” (Petersilia, 1995, p.488). Recent research by the Peter D. Hart Research Associates, Inc., (2002), reports that public opinion has changed and that, “the public has now turned against previously-popular mandatory sentences, such as ‘three strikes’ provisions” (p12).

Of a states correctional expenditures, 80% are for prisons, the other 20% is split between “juvenile justice activities, probation and parole, and community-based corrections” (Stephan, 1999). If the states were to allot more of the budget to probation, parole, and community-based corrections, most likely there would be a reduction not only in the recidivism rate across the country, but also a reduction in the prison population in the future.

Education

Education is the key to helping an offender attain his goals and helping him to live a normal life. “According to the Federal Bureau of Prisons, there is an inverse relationship between recidivism rates and education. The more education received, the less likely an individual is to be re-arrested or imprisoned” (Spectrum: The Journal of State Government Education, p.26). In today’s society it is difficult for individuals who have a high school education to obtain gainful employment and those who did not graduate from high school are at an even greater disadvantage. These jobs often provide an insubstantial paycheck that rarely

covers all of the living expenses incurred by an offender and his family. Petersilia supported this idea stating, “The majority of probationers are convicted felons, who have prior criminal records, and are likely to be substance and alcohol abusers with few marketable skills” (1995, p.480).

This trend still continues as the Bureau of Justice Statistics (2002) found that twenty-five percent of probationers were placed on probation for a drug law violation, while 18% were on probation for driving while intoxicated.

The current system of probation should utilize the time they have with an offender in a manner that assists him/her in obtaining needed life-skills, as well as job skills. The benefits of investing in an offender’s education greatly outweighs the amount of tax dollars used for educational benefits. Once an offender obtains a good paying job he will become a productive member of society by contributing to the tax base, as well as the economy (Spectrum: The Journal of State Government Education; Tracy, Smith, & Steurer). According to studies conducted by Ohio and Texas, education of an offender has been shown to lower the rate of recidivism (Ibid). In comparison it is much cheaper to spend \$2500 to educate an offender than to keep him incarcerated for a significant number of years costing the taxpayers \$20,100 for every year he/she is imprisoned.

According to Peter D. Hart Research Associates, Inc. (2002), a majority of Americans are supportive of rehabilitation programs for offenders and believe that the best way to reduce crime is to rehabilitate offenders by requiring them to participate in education and job training programs. The American public believes that with education and job training programs offenders will have the tools to live a law-abiding life.

The Great Debate

Are probation officers, peace officers, social workers, or something in between? As probation has been discussed in this paper one can see that the job of a probation officer is often multidimensional and complex. In one case the probation officer may take on more of a social work role, while in another more high-risk case the probation officer must take on more of a policing role. Therefore, the question remains “should probation officers carry firearms?” This issue on whether probation officers should or should not carry firearms has been of great debate for years in many states across the nation and at the present time there is a debate in West Virginia over whether probation officers should or should not carry firearms. The opinions vary

from professional to professional and state to state as some probation officers see themselves as peace officers while others see themselves taking on the role of a helper.

According to Marce Parrish Hanson, in March 1990 administrators in New York felt that it only made sense to arm those probation officers who were in specialized units or making arrests (1990). While in Philadelphia, Pennsylvania some probation officers during the same time period were permitted to carry firearms. However, Jim Stewart, the Chief Probation Officer at the time was opposed to probation officers carrying firearms. Stewart reported: "I don't believe that's the role they play in the community. It is the police who should be out locking people up. As a practical matter, I believe probation officers have to carry weapons-but it needs to be restricted to a particular unit" (Parrish-Hanson, p. 525).

Even among those probation officers who are permitted to carry firearms there is some debate as whether probation officers need to carry a weapon. On the one hand there is the balanced relationship that develops between the offender and probation officer, while on the other hand the safety of the officer and the community may be at stake.

Some agencies have taken extra measures when allowing officers to carry firearms. For example: In 1990, Parrish-Hanson reported that probation officers in Allentown, Pennsylvania were given the option to carry a firearm. Approximately 60% of the 30 officers in Allentown, Pennsylvania were armed in March of 1990. However, those who wanted to carry a weapon in that jurisdiction had to submit a written request outlining their rationale for carrying a weapon. In addition, those probation officers making the request had to undergo a variety of psychological assessments, they had to undergo a defensive tactics course, and they had to qualify on the range.

Some communities have decided that some jobs are better left up to law enforcement and probation officers in those areas do not carry firearms. Parrish-Hanson found that in March of 1990 probation officers in Minnesota and Phoenix, Arizona did not carry weapons. Instead both of those areas relied on their local police departments for back up. Administrators in both Minnesota and Phoenix felt that probation officers carrying weapons was a liability, with the much deeper argument being does it take a gun to change an offender's behavior. This question is still looming over probation officers and administrators today and the question still remains does it take a gun to change an offender's behavior? Clarifying the role of probation officers will help administrators make a decision on this issue.

CHAPTER III

Methods

Procedures

Rationale for the Study

Probation is of great interest to the researcher and is a topic of great debate across the country. When the West Virginia State Supreme Court of Appeals was contacted for information on probation statistics and research, such as the rate of recidivism for adult probationers, the number of first time offenders on probation, the number of repeat offenders on probation, the number of offenders who's probation had been revoked, etc., the only available information was a listing of probation officers across the state and an approximate number of probationers who were currently under supervision. There was a clear need for additional research into probation in West Virginia.

With the need for research on probation in West Virginia, a formal written request was sent to Michael Lacy, Director of Probation Services, asking permission to survey a small sample of adult probation officers in North Central West Virginia.¹ A pilot study conducted in the fall of 2002 found that there were some underlying issues in probation that were not well known.

The request to conduct a statewide survey of adult probation officers was a direct result of the earlier pilot study that was conducted.² The findings of the sample population were forwarded to Michael Lacy, Director of Probation Services for the West Virginia State Supreme Court of Appeals, who reported that the findings in the study were similar to those found by their research. Permission was granted by the West Virginia Supreme Court of Appeals to proceed with the statewide study under the following conditions: that a copy of the written survey questions be submitted before the survey was commenced, and upon completion of the study a copy of the findings submitted to the Probation Services under the State Supreme Court of Appeals (see Appendix A).

Statement of the Problem

There is little information available about probation in West Virginia. The information that is available consists of the names of probation officers and the number of probationers in the state who are currently under supervision. The purpose of this study was to explore probation in West Virginia, more specifically, to determine whether probation in West Virginia is effective in: (1) protecting the community from further acts of crime, (2) in providing treatment to offenders, and (3) reducing recidivism. The study also examined the lack of uniformity across West Virginia in the policies, procedures, and general practices of probation, which appears to be a contributing factor in the lack of information that is available. The practices and policies utilized by probation officers across West Virginia are not uniformed and vary from circuit to circuit. The last major focus area of the study was the services that are available to probationers due to the lack of money that is allocated for community corrections programs, as well as the many budget constraints that the state has undergone over the past few years.

The study was guided by the following research questions:

1. Does probation in West Virginia protect the community and its citizens from further acts of crime?
2. Is probation in West Virginia an effective practice in reducing recidivism?
3. In terms of treatment is probation an effective tool in achieving this goal?
4. Should probation in West Virginia be more uniformed in its general practices?
5. Should the procedures utilized by probation officers across West Virginia be more uniformed?
6. Should the policies utilized by probation officers in West Virginia be more uniformed?
7. Are there sufficient services available in your area to assist offenders?
8. Are the services in your area effective in meeting the needs of the offenders being supervised?

Definitions of Terms

Probation: The suspension of an offender's sentence so that they may remain in the community as long as they abide by certain conditions set forth by a probation officer.

Probationer: Individual placed on probation and is required to meet certain conditions imposed by the court or by the probation officer.

Probation officer: Individual who is an employee of a probation department whose primary duties include supervising offenders who have been placed on bond or those individuals who's sentences have been suspended and placed on probation in the community.

Recidivism: Recurring criminal behavior.

Day reporting centers: Centers where probationers are provided with educational programs, substance abuse recovery, job training skills, and an array of other services.

Sex offender: Individual who has participated in unlawful sexual intercourse. This may include rape, sexual assault, rape of minor child, or any other sexual offense as defined by the state code.

Region I: Brooke, Hancock, Calhoun, Gilmer, Wirt, Doddridge, Harrison, Marion, Monongalia, Marshall, Ohio, Pleasants, Ritchie, Tyler, Wetzell, and Wood counties in West Virginia.

Region II: Boone, Cabell, Clay, Kanawha, Jackson, Roane, Lincoln, Logan, Mason, Mingo, Putnam, and Wayne counties in West Virginia.

Region III: Barbour, Taylor, Berkeley, Jefferson, Morgan, Grant, Hardy, Pendleton, Hampshire, Lewis, Upshur, Mineral, Preston, Randolph, and Tucker counties in West Virginia.

Region IV: Braxton, Fayette, Greenbrier, Monroe, Pocahontas, McDowell, Mercer, Nicholas, Raleigh, Summers, Webster, and Wyoming counties in West Virginia.

Limitations of the Study

The information obtained from this study is based on the opinions and practices of probation officers in West Virginia. Therefore, the findings of this study cannot be generalized to other states. In addition, the small population size used in this study and the fact that there was a 54 percent response rate, may allow for a sampling error.

The use of close-ended questions was also a limitation of the study. The procedure fell short in completely answering several questions that needed more information and clarification. When respondents were asked if the policies, procedures, and general practices of probation in West Virginia should be more uniform, an open-ended question would have allowed for clarification in what particular areas reform was needed.

Several of the respondents commented that they failed to list their county of employment in order to keep their anonymity. The missing data in this field may have been caused by respondents' concerns about being identified by their superiors and maintaining their privacy. This would be a significant concern for those probation officers who serve as the only officer in a Circuit. If this question would have been revised and initially divided into regions the question may have been answered more frequently allowing for regional comparisons.

The last noted limitation of the study was the omission of the probation officers caseload size on the survey. In the survey, probation officers were asked about their utilization of supervision techniques and how often in any given month they use the technique. Without the caseload size of the probation officers the researcher is unable to make any inferences or test for any correlations between caseload size and the frequency in which the techniques are employed.

Subjects

Respondents were selected for participation in the study by utilizing the West Virginia State Supreme Court of Appeals directory of probation officers. A respondent was selected if they were listed as an adult probation officer or as an adult/juvenile probation officer, meaning that the officer works with both juvenile and adult offenders. Even though some of the officers surveyed also worked with juveniles, the survey questions (see Appendix D) asked focused on adult offenders. Surveys were mailed to each respondent with a self-addressed stamped return envelope enclosed for their convenience and a cover letter (see Appendix B) explaining the purpose of the research and letting respondents know that they could enclose a written request to receive a copy of the findings. Responses were analyzed using SPSS, Inc. software.

Data

The information obtained from the survey included general questions about the effectiveness of probation, issues dealing with probation, techniques utilized by probation officers, and the resources available to offenders. In addition, respondents were asked for any

additional comments they may have had, but there were no statistically meaningful responses or patterns. If a respondent failed to select an answer or selected two responses when only one response was requested, or when an open-ended question was left blank, the answer was considered invalid. Officers surveyed either covered one or two county areas. Although, respondents were asked to list their individual county on the survey, for the purposes of this study each respondent was placed in one of four regions based upon their response to which county/counties they covered. A total of 109 surveys were disseminated to the adult probation officers in the state and 59 were returned for a 54 percent response rate.

CHAPTER IV

Results and Findings

Qualitative Data

Probation officers, who were listed in the West Virginia State Supreme Court Directory as of October 2002, were surveyed. Of the fifty-nine respondents, nineteen were female and thirty-eight were male. Most of those respondents in the population were from Region II, with the second highest response rate being from Region III. Several of the respondents covered two counties, while one respondent covered two or more areas within two of the defined regions. However, nine of the respondents failed to answer which county/counties they were from, which may or may not have made a difference in the response rates for those regions. As the data was evaluated, a profile began to emerge of probation officers in West Virginia as well as the effectiveness of probation.

The first section of the survey requested participants' demographical information, such as race, sex, county of employment, years served as a probation officer, and the total number of years the participant has worked in the field of corrections. The majority of respondents in the population were Caucasian; however, there were four African American respondents and one American Indian respondent. The respondents consisted of thirty-five white males, seventeen white females, four African Americans-two males and two females. The majority of respondents reported that he/she had been a probation officer from 6-10 years, with many reporting that they had been in the field of corrections for the same length of time. In both frequencies (see Table 1) it is noted, that as the number of years of service increases the number of respondents within that category decreases. This trend may be contributed to such factors as retirement and professional burnout.

Respondents were asked three questions dealing with the effectiveness of probation in West Virginia. The first area of interest was the effectiveness of probation in protecting the community from further harm or acts of crime. Approximately sixty-three percent of respondents believed that probation in West Virginia was effective in protecting the community. Secondly, they were asked if probation in West Virginia was effective in reducing recidivism. An estimated seventy-five percent of participants believed that probation was effective in reducing recidivism, at least in West Virginia. When asked if they believed that probation was

effective in providing treatment to offenders, eighty-one percent of respondents believed that it was effective in meeting this goal. These figures suggest that probation officers in West Virginia believe that probation in West Virginia is effective in achieving these three main goals.

Participants in the pilot study conducted in the fall of 2002, collectively implied that probation was effective, but many of the respondents listed conditions that made the practice effective.³ When asked if probation in West Virginia was effective, and why?, one respondent replied:

In some cases, it is effective when you have first time offenders. A lot of their sincerity depends on their upbringing and their respect for the law and their desire to be successful. The we have cases of persons, who the prosecutor's office pleads to probation and Judges that still grant probation when a person has been placed on probation before or has violated his/her probation and then they expect numerous changes within the system. Then in those cases probation is not effective.

Another respondent replied in a similar manner when asked if probation in West Virginia was effective, but clarified that it did not apply to all circumstances. The participant wrote:

In most cases, however, you do have people that are simply destined to continue to have conflicts with the law. The other problems you have are addiction related. I would stress that close to 90% of cases involve the use of drugs and alcohol even though the charges may not reflect that.

A majority of participants in the pilot study felt that probation was effective, however, on a conditional basis. The population for the statewide study was presented with a series of questions, which allowed for no clarification on the issue. However, the results from both studies concluded that probation in West Virginia in general is effective.

Quantitative Data

Of the 109 surveys disseminated, 59 (54%) were returned. Sixty four percent of the respondents were male and thirty-two percent were female. Caucasians accounted for 89.8% of respondents, while African Americans consisted of 6.8% of the respondents, and American

Indian accounted for 1.7% of those surveyed. Participants from Region II accounted for 25.4%, Region III 23.7%, Region IV 18.6%, Region I 15.3% and 15.3% of the respondents failed to list their county of employment, many were afraid that they may be identified by their employer if they listed this information.

The second section of the survey contained a variety of close-ended questions asking participants their opinions on certain issues and topics on probation. The first area addressed was the services available to offenders. Respondents were asked a variety of questions, which included: (1) Overall, are there sufficient services available in your area to assist offenders?, (2) Do you believe that there are sufficient mental health services available in your area?, (3) Are there a sufficient number of substance abuse treatment centers in your area to treat offenders with addiction issues?, (4) Does your area provide job-training opportunities for offenders?, (5) Is there appropriate treatment available in your area for sex offenders?, and (6) Are the services in your area effective in meeting the needs of the offenders you supervise. Table 2 includes the summary of the probation officers responses on the topic of services.

The second section of the survey continued by asking a series of questions about the probation policies, practices, and procedures utilized in West Virginia. An overwhelming number of respondents felt that the probation policies, procedures, and practices in West Virginia should be more uniformed. Table 3 includes the summary for the responses given by participants who were asked the following questions: (1) Do you or your county keep statistics on the offenders you supervise?, (2) Do you feel that probation in West Virginia should be more uniformed in its general practices?, (3) Do you feel that the procedures utilized by probation officers across the state of West Virginia should be more uniformed?, (4) Do you feel that probation in West Virginia should be more uniformed in its policies?, (5) Does your probation office track offenders who have been released from probation for a period of time to determine if they have re-offended or not?, and (6) In the course of a normal working day, is most of your time spent in the office setting?

Finally, the remaining questions in section two and the only question in section four asked for the respondents' opinions on specific probation topics. The following questions were utilized in section two: (1) Do you feel that probation officers in West Virginia should be permitted to carry firearms while on the job?, (2) Do offenders who are placed on probation typically re-offend at some point in their lifetime?, and (3) In your experience do most offenders

on your caseload have some addiction? (see Table 4). Lastly, probation officers were asked to rank their supervision style as strict, moderate, or lenient (see Table 5).

The third section of the survey listed a group of techniques often utilized by probation officers. Respondents were asked to mark only those techniques that they utilized and then to circle the number of times they utilized that technique in any given month. Table 6 includes these techniques and their frequencies: drug testing, home visits, curfew checks, office visits, drug/alcohol rehabilitation, Alcoholic Anonymous/Narcotics Anonymous (AA/NA) groups, employment visits, home confinement, and day reporting centers. Most respondents stated that most of their working day is spent in the office, which is reflected in the high frequency of office visits.

In order to more adequately explore the relationship between the number of offenders who have some form of addiction and the use of AA/NA by probation officers the eta, correlation ratio procedure was utilized. The dependent variable for the procedure was the frequency in which probation officers used AA/NA meetings, which is an interval level variable. The independent variable was the nominal level variable of do most offenders have addictions. The results of the eta statistical test indicated that there was a medium association (.288) between the use of AA/NA meetings and the addiction issues of offenders (see table 6).

As professionals become more experienced, certain trends tend to emerge. To determine whether there was a relationship between the years of service as a probation officer and their opinion towards the effectiveness of probation an eta statistical test was utilized to determine if any relationship exists. The dependent variable for the procedure was the number of years served as a probation officer and the independent variable was probations effectiveness in protecting citizens, reducing recidivism, and providing treatment to offenders. The results of the eta correlation ratio are provided in Table 7, which demonstrates that there was a medium association between the two independent variables, effectiveness of probation in reducing recidivism (.355) and providing treatment for offenders (.374), and the number of years an individual has served as a probation officer. However, there was a high correlation between the number of years served as a probation officer and the effectiveness of probation in protecting citizens from further acts of crime (.471).

When exploring the relationship between the number of years in the corrections field and the effectiveness of probation in protecting citizens, reducing recidivism, and providing

treatment for offenders, similar results were achieved. When the number of years in corrections was used as the dependent variable and the two independent variables, effectiveness in reducing recidivism and providing treatment, both variables rendered a medium association (see Table 8). Once again, there was a high correlation between the number of years in corrections and the effectiveness of probation to protect the community from further acts of crime (.500).

CHAPTER V

Discussion, Conclusions, and Recommendations for Further Study

The purpose of this study was to explore probation in West Virginia. More specifically, to determine whether probation in West Virginia is effective in protecting the community from further acts of crime, in providing treatment to offenders, and reducing recidivism. These three main goals of probation are the key components in assessing whether probation is effective. The study also investigated the techniques utilized by probation officers and the services available to offenders.

In both the pilot study and this study, the majority of probation officers believed that probation was an effective practice. However, many of the participants in the sample study believed that it was only effective under certain conditions. For example, probation may be more effective with first time offenders or those who are committed to changing their behavior. With a slightly different construction, the survey could have allowed respondents to identify conditions under which probation is most effective.

Frequency tables reveal that probation officers are in support of a uniformed practice. The majority of respondents were in favor of creating more uniformed policies, procedures, and practices across the state. If this goal is achieved a more efficient data bank could assist officers in tracking offenders and keeping better statistical information.

From the data, it appears that most offenders who fall under the supervision of the courts are dealing with some form of addiction. The data infers that there is few available services for offenders and those that are available are not meeting the needs of offenders. In order to assist offenders in overcoming their problems there is a need for more effective services. One viable solution to the lack of available and effective services is the use of Community Based Correctional Facilities, which would alleviate some of the prison overcrowding while arming offenders with needed life skills.

Implications and Recommendations

The responses in this study suggest that probation officers in West Virginia believe that probation is an effective practice in achieving the three key elements of probation: protecting the community, providing treatment for offenders, and reducing recidivism. In addition to the data

gathered here, statewide statistics should be compiled on the following items: the number of offenders in each county, the number of first time offenders, the type of offense committed to be placed on probation, whether the offender is employed, whether the offender attends trade school or college, what types of services the offender is receiving, the number of offenders who are revoked, and some form of after care program should be implemented. Probation agencies need to track when an offender is either arrested on a new charge or his/her probation is revoked in order to determine the recidivism rate in West Virginia. Probation departments across the state, as well as the West Virginia Division of Corrections, could benefit from the use of a central database, which would allow officers and corrections personnel to keep track of offenders': demographical information, offense(s), criminal history, alert other counties to absconders, as well as allow for improved communication between the two agencies. Until some changes are implemented, some offenders will continue to evade the system moving from one area to another committing offense after offense.

With the lack of efficient and accessible services, offenders will most likely continue to experience problems in their daily functioning and will continue to engage in criminal activity. The use of community based correctional facilities could be one viable solution in providing cost-efficient and effective services to offenders. Community Based Correctional Facilities could serve as an intermediate step between probation and incarceration, allowing for needed structure and supervision of offenders, while alleviating some of the prison overcrowding and arming offenders with needed life skills. Another alternative is the use of day reporting centers, where offenders who need some assistance and structure can obtain assistance with their educational needs, employment needs, drug and alcohol counseling, as well as an array of other services.

This study explored the effectiveness of probation in West Virginia specifically. The first recommendation for future study is to expand the research to include other nearby states in order to compare practices, issues, and innovations. There may be regional trends that emerge that could be tested against national trends in probation. Secondly, it is recommended that as the practice of probation in West Virginia improves, that additional studies should be conducted to see how things have improved and how far the practice has come. Finally, further study on the topic should include members of the offender population to evaluate if they believe that

probation is effective in meeting their needs, which can be compared to the opinions of probation officers.

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Footnotes

¹ For purposes of the pilot study, North Central West Virginia was defined as the following counties: Barbour/Taylor Harrison, Marion, and Monongalia.

² The pilot study was conducted in the Fall of 2002, and was entitled: The Effectiveness of Probation in North Central West Virginia: A Study of Probation Officers in Barbour/Taylor, Harrison, Marion, and Monongalia Counties. A copy of the study is available upon request.

³ Participants in the pilot study were asked open-ended questions allowing for qualification of their answers. Twenty-five percent of the respondents in the pilot study believed that probation was effective in general, while seventy-five percent of the respondents believed that probation was only effective under certain conditions or in specific types of cases.

Table 1

Years of Service

Years of Service	PO *	Corrections**
1-5	13	7
6-10	14	11
11-15	12	8
16-20	8	9
21-25	6	8
26-30	3	3
31-35	2	5
Total	58	51
Total	58	51

* Frequency missing = 1

** Frequency missing = 8

Table 2

Services

	Yes	No	Row Total
Sufficient Services in General*	12	45	57
Sufficient Mental Health Services	15	44	59
Sufficient Substance Abuse Treatment	12	47	59
Job Training Opportunities	19	40	59
Treatment for Sex Offenders	16	43	59
Services Meeting the Needs of Offenders	20	39	59

* Frequency missing = 2

Table 3

Practices, Policies, and Procedures

	Yes	No	Row Total
County Statistics on Offenders*	40	17	57
More Uniformed Practices	49	10	59
Procedures More Uniform	48	11	59
More Uniformed Policies	49	10	59
County Tracking of Released Offenders	6	53	59
Most of the Work Day Spent in the Office**	51	6	57

* Frequency missing = 2

** Frequency missing = 2

Table 4

General Opinions

	Yes	No	Row Total
Should PO's Carry Firearms*	49	9	58
Do Offenders Typically Re-offend **	33	15	48
Do Most Offenders have an Addiction	56	3	59

* Frequency missing = 1

** Frequency missing =11

Table 5

Supervision Style

	Frequency	Percent
Lenient	0	0.0%
Moderate	32	59.3%
Strict	22	40.7%

* Frequency missing = 5

Table 6

Association Between the use of AA/NA Meetings and Addiction

Do Most Offenders have Addictions?

AA/NA Meetings	Yes	No	Total
Not utilized	10	2	12
Less than 10 times per month	13		13
11-20	17	1	18
21-30	13		13
31-40	1		1
40+ times	2		2
Total	56	3	59

Directional Measures

	Variable	Value
Nominal by interval Eta	AA/NA meetings	.197
	Do most offenders have addictions	.288

Eta Correlation Ratio Values: .500-High Level of Association

.300-Medium Level of Association

.100-Low Level of Association

Table 7

Association Between Years as a PO and Attitudes Towards Effectiveness

	Variable	Value
Nominal by interval Eta	Years as probation officer	.179
	Recidivism	.355
	Years as probation officer	.208
	Treatment	.374
	Years as probation officer	.305
	Protections of citizens	.471

Eta Correlation Ratio Values: .500-High Level of Association

.300-Medium Level of Association

.100-Low Level of Association

Table 8

Association Between Years of Service in Corrections and Attitudes Towards Effectiveness

	Variable	Value
Nominal by interval Eta	Years in corrections	.153
	Recidivism	.430
	Years in corrections	.152
	Treatment	.362
	Years in corrections	.162
	Protections of citizens	.500

Eta Correlation Ratio Values: .500-High Level of Association

.300-Medium Level of Association

.100-Low Level of Association

Appendices

Appendix A: Approval Letter

**SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA**



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CHARLESTON, WV 25305-0832
(VOICE) 304/558-0145
(TTY) 304/558-4219
(FAX) 304/558-1212
www.state.wv.us/wvsca/

14 March 2003

Tricia Waller
1727 Fairmont Avenue
Clarksburg, WV 26301

Dear Tricia:

I have received your request to conduct a survey of probation officers throughout the State of West Virginia as a part of your Master's thesis research. I have also read your proposed list of survey questions that you submitted to me and intend to use in your study.

I see no reason why permission should not be granted for you to proceed with the survey. However, as before, this permission is granted conditionally in that it is based upon your agreement to provide to me, upon completion of the study, a copy of the findings such as you did following your initial survey of probation officers in the Northern part of West Virginia and which study, with findings, was submitted to me on 3 March 2003.

If you agree to the condition as described above, you will need to send to me a written statement that you understand and agree to abide by the terms of the condition. As soon as you do that, I see no reason for you not to proceed with contacting the probation officers.

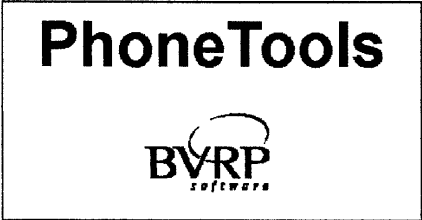
Sincerely,


Michael B. Lacy
Director, Probation Services

cc: James Albert, Interim Administrative Director of the Courts

Appendix B: Agreement to Conditions

From (304) 626-3169 to 3045581212 at 3/14/2003 9:15 AM 001/001



1727 Fairmont Avenue
Clarksburg, WV 26301

Phone: (304) 626-3169
Fax:

Message :

Dear Mr. Lacy:

Per our conversation this morning regarding my research for my thesis, I understand that the WV State Supreme Court okays the research being conducted as long as a copy of the findings is provided for your review. Hopefully, the finished product will be ready for distribution by early Summer.

Thank you once again for your assistance in this matter. It has been a pleasure working with you on this endeavor.

Sincerely,

Jennifer Tricia Waller

From: J. Tricia Waller	To: Michael Lacy Michael Lacy
Date: 3/14/2003	
Page(s): 1	

Appendix C: Survey Cover Letter



Jennifer "Tricia" Waller
1727 Fairmont Avenue
Clarksburg, West Virginia 26301

Dear Probation Officer:

The effectiveness of probation is being examined across the country. As a Marshall University graduate student who is writing their thesis, I am interested in examining how adult probation practices in West Virginia compare to those across the country, as well as discovering what techniques and practices are utilized across West Virginia. In order to make this research possible permission was obtained from Mike Lacy, Director of Probation to conduct this study across the state of West Virginia.

I am very interested in obtaining your opinions and knowledge on the subject. The attached survey was developed to conduct a study on the effectiveness of adult probation in West Virginia. Your participation in this survey is voluntary and anonymous. You are under no obligation to participate in this survey and at any point you may opt to withdraw your consent to participate without consequence. A self-addressed stamped envelope has been enclosed for your convenience in returning the survey by **March 28, 2003**.

In appreciation for your time and input I would be glad to share the findings of this research with you once the data has been compiled. If you are interested in obtaining a copy of the findings, **please include on a separate sheet of paper your name, address, and fax number**. Thank you in advance for your time and consideration in this matter.

Sincerely,

Jennifer "Tricia" Waller

Appendix D: Survey

Research Survey

Your participation in this survey is voluntary and anonymous. At any point you may opt to withdraw your consent to participate without consequence. Please be sure not to leave any identifying information on this survey, including your name.

Section I: Demographic information:
 Please mark (x) the item which best describes your primary racial/ethnic background.
Only mark (x) one item:

ETHNIC GROUP	SEX
1. <input type="checkbox"/> White (non-Hispanic) 2. <input type="checkbox"/> Black (non-Hispanic) 3. <input type="checkbox"/> Hispanic (Mexican, Puerto Rican, Cuban, Central or South American, other Spanish origin regardless of race) 4. <input type="checkbox"/> Asian (including Pacific Islander) 5. <input type="checkbox"/> American Indian (including Alaskan native)	Check One: <input type="checkbox"/> (male) <input type="checkbox"/> (female)

County of Employment: _____ Total # of years as probation officer: _____

Total # of years in the field of corrections: _____

(Total should include the # of years served as a probation officer as well as all other experience in the field.)

Section II: Please circle an appropriate response to each of the following questions.

Questions	Response	
1. Is probation in West Virginia an effective practice in reducing recidivism?	Yes	No
2. In terms of treatment is probation an effective tool in achieving this goal?	Yes	No
3. Does probation in West Virginia protect the community and its citizens from further acts of crime?	Yes	No
4. Overall, are there sufficient services available in you area to assist offenders?	Yes	No
5. Do you feel that there are sufficient mental health services available in your area?	Yes	No
6. Are there a sufficient number of substance abuse treatment centers in your area to treat offenders with addiction issues?	Yes	No
7. Does your area provide job-training opportunities for offenders?	Yes	No
8. Is there appropriate treatment available in your area for sex offenders?	Yes	No
9. Are the services in your area effective in meeting the needs of the offenders you supervise?	Yes	No
10. Do you feel that probation officers in West Virginia should be permitted to carry firearms while on the job?	Yes	No

PLEASE CONTINUE TO THE OTHER SIDE

11. Do you or your county keep statistics on the offenders you supervise?	Yes	No
12. Do you feel that probation in West Virginia should be more uniformed in its general practices?	Yes	No
13. Do you feel that the procedures utilized by probation officers across the state of West Virginia should be more uniformed?	Yes	No
14. Do you feel that probation in West Virginia should be more uniformed in its policies?	Yes	No
15. Do offenders who are placed on probation typically re-offend at some point in their lifetime?	Yes	No
16. Does your probation office track offenders who have been released from probation for a period of time to determine if they have re-offended or not?	Yes	No
17. In your experience do most of the offenders on your caseload have some addiction? (Regardless of whether their offense reflects this notion.)	Yes	No
18. In the course of a normal working day, is most of your time spent in the office setting?	Yes	No

Section III: Please mark (X) the items, which you utilize in supervising and assisting offenders. Then please circle the number of times in which you typically utilize this technique on your adult caseload in any given month.

Technique	Frequency				
____ Drug testing	Less than 10	11-20	21-30	31-40	40 +
____ Home visits	Less than 10	11-20	21-30	31-40	40 +
____ Curfew checks	Less than 10	11-20	21-30	31-40	40 +
____ Office Visits	Less than 10	11-20	21-30	31-40	40 +
____ Drug/Alcohol rehabilitation	Less than 10	11-20	21-30	31-40	40 +
____ AA/NA meetings	Less than 10	11-20	21-30	31-40	40 +
____ Employment visits	Less than 10	11-20	21-30	31-40	40 +
____ Home confinement	Less than 10	11-20	21-30	31-40	40 +
____ Day reporting centers	Less than 10	11-20	21-30	31-40	40 +

Section IV: Please complete the following questions as directed.

1. Please circle (O) your supervision style: **Strict Moderate Lenient**

2. Additional comments:

Curriculum Vitae Jennifer Tricia Waller

◆PROFESSIONAL EXPERIENCE

Youth Services Worker-Elkins Mountain School, Elkins, West Virginia (2001-Present)

- ◆Participate in and direct MDT meetings, treatment team meetings, IEP meetings, and aftercare planning
- ◆Provide individual and group supportive counseling
- ◆Provide the court with reports on client progress and the recommendations of the DHHR
- ◆Attend court hearings
- ◆Document and maintain records for each client
- ◆Serve as a liaison between Elkins Mountain School, DHHR, service providers, families, court officials, probation officers, lawyers and other agencies

Child Care Worker-Genesis Youth Center, Inc., Clarksburg, West Virginia (2000-2001)

- ◆Supervised residents
- ◆Documented and maintained records for each resident
- ◆Assisted residents with treatment plans and making effective decisions in their lives

Intern- Harrison County Adult Probation Office, Clarksburg, West Virginia (1999)

- ◆Assisted in the preparation of court documentation
- ◆Researched court documents
- ◆Performed interviews of clients to be placed on Electronic Monitoring
- ◆Attended court hearings

◆EDUCATION

- | | |
|--------------|---|
| 2001-Present | Marshall University Graduate College, pursuing Masters degree in Criminal Justice
Anticipated graduation May 2003: Current G.P.A. 3.87 |
| 1998-2000 | Fairmont State College, Bachelor of Science in Criminal Justice
Graduated in May 2000- Summa Cum Laude with a 3.89 G.P.A. |
| 1993-1995 | Hocking College, Associate degree in Human and Correctional Services
Graduated in September 1995 with Honors and a 3.88 G.P.A. |

◆ACTIVITIES & HONORS

- ◆North View Elementary Parent Teacher Association-**Secretary 1999-2000, President 2001-2003**
- ◆Alpha Phi Sigma (The National Criminal Justice Honor Society)-**National Secretary 1999-2000**
- ◆Alpha Phi Sigma-**National Advisor 2000-2001**
- ◆Named to *The National Dean's List 1998-1999 & 1999-2000*
- ◆Pi Gamma Mu (International Honor Society in Social Science)
- ◆West Virginia Criminal Justice Educators Association- **Panel Presenter 1999, 2000 & 2002**
- ◆Harrison County Council-**Vice President 2000-2001**