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THE OHIO STATE UNIVERSITY, PH.D., 1978

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SHOCK PROBATION IN OHIO: A COMPARISON
OF ATTRIBUTES AND OUTCOME

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree of Doctor of Philosophy in the Graduate
School of The Ohio State University

By
Gennaro F. Vito, B.A., M.A.

* * * * *

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CHAPTER I

SHOCK PROBATION IN OHIO: THEORY AND PRACTICE

Introduction

Incarceration has traditionally been utilized as a major instrument and approach for handling criminal offenders as well as for purposes of social defense. Historically, several correctional models have been developed to use the prison more effectively. The purpose of this chapter is to outline the rise of these major penological approaches and identify the location of an early release procedure, shock probation, within these schema. In addition, the legislative history and theoretical underpinning of, and summary of research findings on shock probation are presented to provide relevant information about this controversial correctional program.

The Purposes of Imprisonment

As Fox has stated, "Whatever prison is for, it is not for one clear and single purpose."¹ Numerous and often conflicting rationales have been advanced for its justification. Hawkins listed several of these principal tasks or goals,
including containment, control, incapacitation, punishment, retribution, restraint, rehabilitation, reintegration, therapy and training. These goals have, to varying degrees, been cited throughout history by different scholars in promulgating theories of criminality and crime prevention. In order to place the historical development of these theories into perspective, it is necessary to consider the following criminological theories and correctional models: the Classical School, and the Rehabilitation and Reintegration Models.

**Classical School**

Initially, imprisonment began as a temporary procedure, an alternative to capital and corporal punishment. Other forms of correction such as banishment (transportation to a colony), prison ships or "hulks", and such corporal punishments such as gibbeting, ear clipping, drawing and quartering, dismembering, blinding, burning and branding were more frequently utilized on the European and American continents during the period 1500-1700. During this period, retribution was acknowledged as the prime factor behind the use of punishment. The offender deserved to be punished harshly for his transgressions against society. The State had assumed the role of executioner and, as arbitor of disputes, replaced the family, clan or other type of local authority.
With the dawning of the Enlightenment and its philosophical emphasis upon humanism, the function of punishment was altered and the rise of the penal institution as a correctional mechanism began. In his 1764 essay, *On Crimes and Punishment*, Cesare Beccaria formulated the following basic principles which changed the course of penology:

1. Prevention of crime is more important than punishment for the crime committed. Punishment is desirable only as it helps to prevent crime and does not conflict with the ends of justice.

2. Desirable criminal procedure calls for the publication of all laws so the public may know what they are. Torture and secret accusations should be abolished. There should be speedy trials. The accused should be treated humanely before trial and must have every right and facility to bring forward evidence in his behalf.

3. The purpose of punishment is to deter persons from the commission of crime and not to provide social revenge. Not severity, but certainty and swiftness in punishment best secure this result. Punishment must be sure and swift and penalties determined strictly in accordance with the social damage wrought by the crime.

4. Imprisonment should be more widely employed but its mode of application should be greatly improved through providing better physical quarters and by separating and classifying the prisoners as to age, sex, and degree of criminality.

On the basis of these contributions, Vold has characterized Beccaria as a protest writer who sought to redefine those conditions under which acts should be called crimes and then to reformulate punishments accordingly.
Another influential scholar and reformer of the Classical School of criminology was Jeremy Bentham. Bentham embraced the ideals espoused by Beccaria and made specific contributions to deterrence theory. A utilitarian concept, deterrence is based upon the following components. First is the notion of free will and rationality which alleges that human beings are free to choose a course of action and are capable of doing so in a rational manner. Second, Bentham developed his "hedonistic calculus" whereby individuals were described as selecting their course of action so as to maximize pleasure and minimize pain. At the heart of deterrence theory is a proposal which states that in order to prevent crime, it is necessary to alter the pleasure-pain calculus by increasing punishment, thus decreasing the pleasure generated by the criminal act itself. Like Beccaria, Bentham believed that punishment could act as a deterrent but only if made appropriate to the crime. In this fashion, the earlier Classical theorists such as Beccaria and Bentham recommended punishment for the primary purpose of deterring offenders and others from unlawful actions, while introducing a concern for the offender himself. These ideas helped to form the basis of American penal institutions and correctional models or theories.

The Rise of the Penitentiary

In America, the penal institution became the object of a great experiment to transform the criminal. From the
establishment of the Walnut Street Jail in Philadelphia in 1790 through the development of the Auburn (1819) and Pennsylvania (1833) systems, the well-ordered, physically isolated penal institution was viewed as a mechanism to provide discipline for and remove temptations from the offender while meeting the goal of social defense. Despite the fact that the Auburn system followed a congregate schema where prisoners slept alone at night but worked together during the day, while the Pennsylvania system isolated the offender for the entire period of confinement, the two systems shared common goals. To both, the promise of institutionalization depended upon the isolation of the prisoner and the establishment of a disciplined routine. In place of temptation afforded by evil companions, taverns and houses of prostitution, the penitentiary would, through its regimen of silence, penitenence and hard work, lead the offender away from crime. The belief was that the penitentiary was an instrument through which, "Each individual will necessarily be made the instrument of his own punishment; his conscience will be the avenger of society." Upon completion of his fixed sentence, the offender would return to society cured of his vices and ready to become a responsible citizen.

Adherence to these penal methods, however, resulted in a strict emphasis upon discipline and custody. The ultimate goal of reformation was shunted to the background. The prisons became fortress institutions and holding operations
where custody and security became the sum of the program.

Quotes by Sing-Sing chaplain and a warden describing the role of the inmate during this period illustrate this point:

"The prisoner was taught to consider himself dead to all without the prison walls... It is true that while confined here you can have no intelligence concerning relatives or friends... You are literally buried from the world."

The leading practitioner of this punitive approach was Elam Lynds, warden of Auburn and Sing-Sing prisons. Lynds believed that the convict had to be reduced to a "silent and insulated working machine" and he rigorously sanctioned the use of the whip as a means to break the spirit and maintain order.

In order to best accomplish these goals, penal institutions adopted a quasi-military model. The best example of the military approach was the use of the lockstep by inmates. The lockstep was a modification of the military march, crossed with a shuffle to lessen its dignity, and pointed heads to the right, rather than facing straight ahead, to prevent conversation. Inmates were instructed to "labor diligently, to obey all orders, and preserve an unbroken silence." To persons within and without its walls, the penitentiary was to promote a new respect for order and authority. By the end of this period in 1870, penal institutions stressed custody, order, restraint and security above all else.
The Genesis of the Rehabilitative Model

By 1870, a reform movement was stirring in American penology which would become the foundation for a major shift away from the traditional models of corrections. The rise of the rehabilitation (or medical) model was nourished by the ideas of Alexander Maconochie and Walter Crofton, the Declaration of Principles of the 1870 National Prison Conference in Cincinnati, and the development of the Positivist School of Criminology. Due to its major premises, such criminal justice sanctions and procedures as probation and parole and the indeterminate sentence arose. These changes were to have a profound effect upon corrections in America which would be felt far into the twentieth century.

Prior to the early nineteenth century, American inmates were sentenced to fixed terms in penal institutions with no provision for early release. Parole, a form conditional release granted after a prisoner has served a portion of his sentence in a penal institution, originated with Maconochie's "mark" and Crofton's "Irish" systems. In 1840, Captain Alexander Maconochie was placed in charge of a British penal colony on Norfolk Island off the coast of Australia. Maconochie devised a system whereby an offender could earn "marks" toward freedom and shorten the length of his sentence. Prisoners could progress through a five stage system of responsibility ranging from: 1) strict imprisonment, 2) labor on government chain gangs, 3) freedom within
a limited area, 4) a ticket-of-leave or parole resulting in a conditional pardon, or 5) full restoration of liberty. Despite this innovative system and other reforms which he introduced during his tenure at Norfolk Island, Maconochie succumbed to the hostility of his immediate superiors and was dismissed in 1844. In the immediate period following his recall, the prisoners revolted in protest and the administration reverted to the terror and brutality of previous years until the penal colony was abandoned in 1856.

However, Walter Crofton, a disciple of Maconochie and Chairman of the Board of Directors of the Irish Prison system, further developed and implemented the ideas of his mentor. Termed the "Irish system," Crofton's schema involved the classification of inmates through a system of marks which led them through three successive stages:

1. **Separate Confinement:** with employment and training provided to individual offenders.

2. **Transition Period:** from custody to freedom with prisoners employed on public works projects in comparative freedom from physical restraint.

3. **Supervised Release:** the parolees were required to submit monthly reports and were warned against 'idle living and association with notorious criminals.'

The program established by Crofton represented the first effort to establish a supervised, early release procedure for inmates prior to the completion of their original sentence.
Another pioneer in this area was John Augustus, a Boston shoemaker who is often cited as the father of probation. Viewed as a sentence, probation is a judicial disposition which established the convicted offender's legal status under which his freedom in the community is continued, subject to supervision by a probation organization and to conditions imposed by the court. Its origins are directly attributable to the religious right of sanctuary and the "benefit of clergy" under English common law from the Middle Ages whereby an accused offender could escape the harsh penalties afforded by the King's Court by reciting Psalm 51 and thereby gaining access to the more lenient Bishop's Court. In 1841, Augustus built upon this foundation in an effort to save offenders from the harsh nature of criminal sanctions. Between 1841 and 1848, Augustus bailed out almost two thousand offenders, offering supervision and guidance through the interim time period pending judgment by the court. By 1878, the initial efforts of Augustus culminated in the enactment of the first probation statute and the provision for the appointment of a salaried probation officer.

As reforms, parole and probation represented a move away from the fixed sentencing schema. In 1869, the first indeterminate sentence law was passed in Michigan with the support of Zebulon R. Brockway, superintendent of the Detroit House of Correction. Basically, the indeterminate
sentence allows the court to specify, within statutory limits, the minimum and maximum length of sentence for a particular type of offense. Strong belief in the efficacy of the indeterminate sentence was espoused by the National Prison Conference in Cincinnati in 1870. The Declaration of Principles generated by this assemblage stated in part that:

Peremptory sentences ought to be replaced by those of indeterminate duration -- sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time.23

Again, it was Brockway who introduced the use of parole on its largest scale ever at the Elmira Reformatory in 1876 where the use of the indeterminate sentence, vocational and educational training programs, and individual rehabilitation programs was widespread. As Fogel has stated, a new era in American penology was about to begin.

American corrections was now to embark upon a path of reformation with a grander rhetoric than had previously been available. Now the criminal, with a focus on younger offenders, would be trained and reformed through classification, education, and progression through a system of marks based upon good behavior under indefinite sentences that could lead to parole short of the maximum if correctional progress so indicated. Great discretion now moved into the hands of correctional officials.24

These historical origins of the rehabilitation model were supplemented by the development of the Positivistic School of Criminology.
The Positivist School contained a number of concepts which were sympathetic to the underlying rationale for the Medical Model. According to Jeffery, the basic postulates of the positivistic criminology are:

1. A rejection of legal concepts of crime and criminal procedure, and their replacement with individualized justice based on a therapeutic model.


3. A rejection of free will and its replacement with scientific determinism.

4. A rejection of the study of criminal law, and its replacement with a study of the individual offender and his medical, psychological, and social characteristics.25

Thus, the Positivist school fostered the rise of the medical model viewing the offender as a patient to be treated rather than an evildoer to be punished. It had a deterministic view of the offender, believing that he was propelled toward criminal behavior by forces outside his control, be they biological, psychological, educational, or vocational. The notion of free will was abandoned. The Positivists were also committed to use of the scientific method, the resultant need for pure experimental research designs, and causality or the etiology of crime. Its ultimate promise was that, if we were able to identify the forces which made an individual a criminal, treatment plans could be formulated, administered and thus lead to the return of the offender to a normal life.
In sum, probation and parole, the indeterminate sentence, the development of Positivism, and the resultant desire to "cure" criminals fostered the growth of the Rehabilitative Model which held forth on the scene of American penology far into the twentieth century. Within the past two decades, however, scholars have called the assumptions behind and the implementation of this model into question.

The Demise of the Rehabilitative Model

Criticisms of this model have been developed from other theories focusing on the dysfunctional aspects of imprisonment. As we shall see, these sources indicate that there are some reasons to suspect that incarceration is counter-productive to the intended aim of rehabilitation. Just as the early Reformation-penitentiary based model deteriorated into a holding operation, the Rehabilitation model and its emphasis upon the indeterminate sentence has had some disastrous and unforeseen side-effects. In addition, such factors as the failure of correctional therapeutic programs to demonstrate their effectiveness by reducing recidivism rates, the economic cost of incarceration, and the effects of overcrowding have raised doubts about the efficacy of the Rehabilitation model.

Early studies of the dysfunctional aspects of incarceration demonstrated the physical and psychological hardships engendered by the experience. Sykes listed five
basic "pains of imprisonment" in his 1958 study of a maximum security prison. The first, deprivation of liberty, is the most immediately obvious condition and it strikes a dual blow in that the prisoner is sent to and restricted in his movements within the institution. The inmate is cut off from his family and friends and must endure the loneliness and boredom he will encounter within the prison walls. Second, the prisoner is deprived of all goods and services from the outside world. Stripped of his material possessions, the prisoner often equates his material deprivation with personal inadequacy. The third deprivation the prisoner must face is a lack of heterosexual relationships. Again, this aspect has a twofold impact. The prisoner, symbolically castrated by his involuntary celibacy, may feel pushed to violent extremes to assert his masculinity. In addition, the inmate is shut off from the world of women which by its very polarity gives the male world much of its meaning. Fourth, the prisoner is subjected to a vast body of institutional regulations, timetables, and commands designed to control every aspect of his behavior. The deprivation of autonomy reduces the inmate to "the weak, helpless, dependant status of childhood." Finally, the prisoner is "thrown into prolonged intimacy with other men who in many cases have a long history of violent, aggressive behavior." In such a situation, the individual is forced to assume an aggressive posture and must constantly be on guard for his own personal
security. In sum, the mere fact of imprisonment punishes the offender in a variety of ways extending beyond the simple fact of incarceration. 32

Building upon the original work of Sykes, Goffman developed a typology of the "total institution" which included the prison among its examples. Goffman states that, since the prison is designed to protect the community from the convicted criminal, the custodial and security functions serve to break down the barriers which ordinarily separate the spheres of life. All daily activities are carried out in the immediate company of others, all of whom are treated alike and are required to do the same thing together. 33 Thus, all activities are strictly controlled as part of a plan to serve the custodial goal of the prison. Like Sykes, Goffman emphasizes the psychological hardships caused by imprisonment, especially the loss of individual autonomy. The prisoner is stripped of the boundary that every individual places between himself and his immediate environment and thus he feels the loss of his self-determination and freedom of action. 34 As a result, inmates are often frightened by the prospect of returning to the free world. In this fashion, the negative effects of institutionalization cast a long shadow which extends far beyond its walls.

A concept intimately related to these "pains of imprisonment" is the prisonization hypothesis. As first defined by Clemmer in 1940, prisonization involves "the
taking on in greater or less degree of the folkways, mores, customs, and general culture of the penitentiary." The "universal aspects of prisonization" cited by Clemmer include: the acceptance of an inferior role, the development of new habits of eating, dressing, working, sleeping, the adoption of inmate slang, the recognition that nothing is owed to the environment for the supplying of needs, and the eventual desire for a good institutional job. To Clemmer, the basic evil of the prisonization process is its negative effect upon the reintegration of the offender:

Even if no other factor of the prison culture touches the personality of an inmate of many years of residence, the influences of these universal factors are sufficient to make a man characteristic of the penal community and probably so disrupt his personality that a happy adjustment in any community becomes next to impossible.  

Clemmer did not, however, assume that prisonization is an inevitable occurrence. The greatest mitigating factor cited by Clemmer is: "a short sentence, thus a brief subjection to the universal factors of prisonization." As we shall see, this contention may well be reflected in the time limitation on the length of sentence for shock probation.

One of the first criminologists to test the prisonization hypothesis, Wheeler discovered an interesting relationship between degree of prisonization and time remaining to be served. Wheeler utilized a stratified random sample to select 259 inmates, from a maximum-security Western State
Reformatory, at various states of their prison term and ranging in years of age from 16-30. He divided his sample in three parts according to length of time served: 1) Early phase -- less than six months served, 2) Middle phase -- more than six months served, and 3) Late phase -- less than six months remaining. With regard to phase of institutional career and conformity to staff role expectations, Wheeler discovered that a U-shaped distribution existed, with the Early (47 percent), Middle (21 percent), and Late phase (43 percent) inmates. This finding led Wheeler to conclude that: "These inmates appear to shed the prison culture before they leave it, such that there are almost as many conforming inmates at the time of release as at time of entrance to the system." Thus, although Wheeler's findings did not reflect the development of prisonization in the way suggested by Clemmer, it would appear that length of sentence is still a crucial factor in the prisonization process.

Despite such evidence, the penal systems in America persisted in their adherence to the rehabilitative ideal. As a result, inmates attempted to cope with a system which, through the use of the indeterminate sentence and parole, equated rehabilitation with suitability for release. As Irwin discovered through his first-hand observations in California, the end result of this process is that inmates view the rehabilitative ideal with extreme skepticism and
believe that the administration is trying to manipulate them toward detrimental ends. For this reason, inmates engage in "programming", an attempt to enroll in institutional treatment programs with the belief that: 1) one must, at least tokenly, participate in treatment programs to be paroled; and 2) treatment programs are "phony" and ultimately ineffective.

Given the pains of imprisonment theories and the inmate view of the injustices associated with the rehabilitative ideal, it is no wonder that studies have documented the failure of institutional programs to reduce the recidivism rates of their participants. In one of the earliest studies on this subject, Bailey reviewed one hundred reports or articles of outcome of correctional treatment programs, published or released between 1940 and 1960. Two major selection criteria used by Bailey were that the study have an empirical data base and a manipulated independent variable. The bases of Bailey's evaluation of these studies included: type of research design, use of group or individual treatment, authoritative or non-authoritative setting, researcher qualifications, and use of causal theory or models. Although several studies reported successful outcomes, Bailey concluded that "evidence supporting the efficacy of correctional treatment is slight, inconsistent, and of questionable reliability."
Similarly, Robison and Smith examined the studies of California-based programs and considered the following five outcomes: 1) sentencing to probation or prison, 2) length of term in prison, 3) type of correctional treatment, 4) intensity of supervision on probation or parole, and 5) type of discharge -- outright release or parole. Their conclusion was that "there is very little evidence in these studies that any prevailing mode of correctional treatment has a decisive effect in reducing the recidivism of convicted offenders." In the study which to date has had a greatest impact upon the field of corrections, Martinson surveyed studies of correctional programs from 1945-67 and selected 231 which contained a description of methodology, and independent measure of improvement, and utilized a control group. From this basis, Martinson stated his now-famous conclusion that: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism." Whatever the limitations of the Martinson study, the conclusion drawn by many was that treatment or rehabilitation was no longer a valid reason to incarcerate offenders. For example, Conrad concluded that "it is not possible to continue the justification of policy decisions in corrections on the supposition that such programs achieve rehabilitative objectives." Thus, the end result of these studies was a confirmation of the belief, fostered by the "pains of imprisonment" and prisonization
theories, that the prison was an improper site for offender rehabilitation.

In addition, two dysfunctional aspects of incarceration, the financial costs involved and the effects of overcrowding, have been considered in recent years. For example, Singer conducted a study of the value of inmate manpower, utilizing a data base of 208,000 felons catalogued by the National Bureau of Prisoner Statistics in 1972, and estimated income levels from Federal government statistics for the same year. Singer calculated the estimated earning potential of this group at $1.672 billion, or an average earning potential of $8,038. The cost of this wasted labor is felt by all. Society loses $1 billion worth of goods or services, potential tax revenues generated by inmate salaries, and the cost of welfare support for inmate dependants, as well as the direct costs of incarceration. Inmates incur costs in terms of lost income, savings, and self-esteem.

Another factor related to the costs of incarceration is the overcrowded conditions which exist today in many penal institutions. According to a survey conducted by Corrections Magazine, the prison population in the U.S. hit a new record high in 1977: 275,578. This figure reflected an increase from the previous high of 250,042 (1976) and represented the largest single one year jump in history (see Appendix F).
Overcrowding has had a number of adverse affects upon inmate populations. In several states, the increased flow of inmates has led Federal judges to view severe overcrowding as evidence of "cruel and unusual punishment" prohibited by the Constitution. In Ohio, the maximum security prison at Lucasville is presently under a court order to limit all occupancy to one inmate/cell. This step was taken by U. S. District Judge Timothy Hogan in the belief that Lucasville prisoners are entitled under the Constitution to at least 40 square feet of cell space. Although there is some evidence that the prison population boom in Ohio is levelling off at 12,000 inmates (see Table 27), the situation has been severe enough to necessitate the re-opening of the ancient Ohio Penitentiary. In addition, the living conditions engendered by overcrowding breeds a cycle of dangerous problems. Prison riots, such as the 1976 disturbance at Rikers Island in New York City, are often directly attributable to the incendiary situation caused by overcrowding. On the other side, there is a great deal of stress placed upon correctional officers because there are simply not enough personnel to prevent assaults and maintain security.

Fostered by these conditions plus the rise of law and order as a political issue, some legislators have begun initiatives to build new prisons. These proposals, like the $250 million bond issue which Ohio voters will consider in 1978, are costly and may be ineffective in the long run.
Michigan estimates (from 1977) that, for a secure institution, construction costs average $50,000/bed. According to Wilson, many researchers believe that overcrowding may be a temporary phenomenon due to the population "at risk" (the male age group 20-34), the level of unemployment in this group, and a "get-tough" policy by judges and sponsored by public opinion.

Given the pains of imprisonment and prisonization theories, "programming" by inmates, the failure of correctional treatment programs to reduce recidivism, the economic costs of incarceration and the adverse effects of overcrowding, alternative theories to the Rehabilitation ideal, such as the Reintegration and Neo-classical models, have been suggested. As we shall see, each theory is related to the development of shock probation.

The Reintegration Model

The Reintegration model views crime as an event that arises within and is defined by the network of relationships in which the offender lives -- neighborhood, peers, family, school, and employment. These forces in the lives of offenders must be modified if they are to avoid further criminality. The primary task of corrections, therefore, is to create realistic alternatives for offenders through which they can find a lifestyle that is both personally satisfying and tolerable to the community. The development of this
model was spurred by the President's Commission on Law
Enforcement and Administration of Justice of 1967, which
stated:

Institutions tend to isolate offenders from
society, both physically and psychologically,
cutting them off from schools, jobs, families,
and other supportive influences and increasing
the probability that the label of criminal will
be indelibly impressed upon them. The goal of
reintegration is likely to be furthered much
more readily by working with offenders in the
community than by incarceration. 54

Elsewhere, the President's Commission wrote that:

The task of corrections...includes the building
of solid ties between offender and community,
integrating or reintegrating into community life
--restoring family ties, obtaining employment
and education, securing in the larger sense a
place for the offender in the routine function-
ing of society. 55

Through this impetus, community-based corrections arose as a
concept and various types of programs have been implemented
through funding made available to state and local officials
by the Federal Law Enforcement Assistance Administration.

As defined by Solomon, community-based correction:

uses probation as an alternative to imprison-
ment, parole to speed release from prison,
and special facilities to promote adjustment
to the community. The special facilities are
intensive intervention programs, halfway
houses, pre-release centers, work release and
furlough programs, and local correctional
centers. 56

An early release program, like shock probation, would fit
under this general rubric. However, several recent authors
have taken another lesson from the literature concerning the
dysfunctional aspects of imprisonment and harken back to the values of the Classical School -- retribution and deterrence.

The Neo-Classical School

Spurred by the literature demonstrating the failure of the rehabilitation model in reducing recidivism rates and by the public's concern with the crime problem, a number of scholars have published works emphasizing classical themes. Some authors have reaffirmed the concepts of retribution -- that incarceration (or punitive sanctions like the death penalty) represent the pain that the criminal deserves and that is highly desirable to provide for an orderly, collective expression of society's revulsion by and disapproval of criminal acts. Therefore, the retributionist asserts that the purpose of imprisonment is to punish. In fact, Wilson has also cited stigmatization as one of the functional aspects of imprisonment.

To destigmatize crime would be to lift it from the weight of moral judgement and to make crime simply a particular occupation or avocation which society has chosen to reward less (or perhaps more') than other pursuits. If there is not stigma attached to an activity, then society has no business making it a crime.

Similarly, van den Haag has written that "Retribution must be paid because it is owed, because it has been threatened, and a threat is a (negative) promise." Retribution is related to the Classical concept of just deserts, a value cited by another Neo-classist, von Hirsch:
The penalty is not just a means of crime prevention but a merited response to the actor's deed, 'rectifying the balance' in the Kantian sense, and expressing moral reprobation of the actor for the wrong. ... It is essential to the very existence of the criminal sanction that the violator deserves to be punished.60

As these three authors demonstrate, the retributionist renaissance is very much a part of the criminological literature of the 1970's.

In addition to retribution, the Neo-Classists harken back to the deterrence theory as a source for their ideals. To review Bentham's hedonistic calculus, deterrence theory takes its departure from a rational view of humankind as pleasure-seeking, pain-avoiding creatures. Accordingly, the objective of punishment is to deal with the criminal in such a way as to serve notice.

It is a message addressed to the public at large. The punishment of the offender deters others by telling them: 'This will happen to you if you violate the law.'61

This emphasis upon potential offenders is termed secondary deterrence. The effect of deterrence upon individual offenders is called primary deterrence.

Like their Classical forebears, these scholars have suggested reforms with a decidedly legalistic slant and focusing upon the act, not the actor. For example, von Hirsch and Fogel spend a great deal of time restructuring penal sentences and advocating "flat" sentencing procedures, while asserting that imprisonment should only be used in
such a fashion that only offenders who were truly dangerous would be sentenced. Although the proposal constructed by Morris was made in an attempt to "save rehabilitation," the majority of ideals presented by the Neo-Classists have taken the failure of the Rehabilitative model as a sign to revert back to premises derived from earlier periods of penological history. In any event, the Neo-Classical themes of retribution and deterrence, like its "law and order" counterpart from the political realm, have struck a responsive chord in a citizenry disgruntled by attempts to "coddle criminals."

In sum, this brief history of correctional models provides a necessary backdrop for the consideration of a particular program, shock probation in Ohio.

**Shock Probation: Program Definition and Theoretical Placement**

Originally adopted in 1965, Ohio's shock probation statute is but one example of early release procedures presently in operation in the United States. Basically, shock probation parallels other split sentencing procedures* in that it attempts to:

*Split sentencing generally involves the sentencing of an inmate to a penal institution for a specified period of time, after which he or she is placed on some form of community supervision. In split sentencing, the actual length of time of incarceration is known by the offender upon day of incarceration.
1. impress offenders with the hardship and psychological problems of isolation and prison life.

2. provide an opportunity to better evaluate the needs of offenders in more detail and help them utilize training and other educational services provided by the prisons.

3. provide greater protection to society.

4. "shock" individuals into a realization of the realities of prison life through the experience of imprisonment and impress offenders with the seriousness of their actions without a long prison sentence.

The shock probation program represents a unique attempt to combine elements of the criminal justice system, probation and incarceration, that have not been combined heretofore.

In Ohio, shock probation is not a part of the original sentence; rather, as Figure 1 demonstrates, it is a program of judicial reconsideration. First, offenders who have been arrested, charged and convicted, face the judicial decision in their cases. The judge, utilizing information about the offender contained in the probation departments' presentence investigation report, has a number of options available. Based upon the findings of the case, the judge can either: 1) place the offender on probation, 2) sentence the offender to a stay in a community-based correctional facility (i.e., halfway house), or 3) sentence the offender to prison. Incarceration, of course, brings shock probation into play. At this point, inmates, through their own or their lawyers' motion, or direct action by the court, can
FIGURE 1

SHOCK PROBATION IN OHIO: A FLOWCHART
be released on shock probation. If granted shock probation, the offender is supervised in the community by the probation department and is subject to the same rules and regulations which apply to regular probationers, including the possibility of revocation. The statutory regulations governing the use of shock probation are relevant to and will be considered under the segment on legislative history of this statute. Of course, if probation is not granted, the offender could be released on parole or serve the full sentence. In sum, it is clear that the decision to grant early release lies entirely with the court system. Technically, shock probation is not a function under the jurisdiction of the Ohio Adult Parole Authority. Release on shock probation is entirely within the discretion of the sentencing judge.

The Ohio Adult Parole Authority (OAPA) has stated that shock probation became law because "some citizens felt that probation, without some period of confinement in a state penal institution, was inadequate to persuade a defendant who had committed one felony that he should not commit another."65 In addition, the OAPA stated that the five positive correctional functions that the program fulfilled were:

1. A way for the courts to impress offenders with the seriousness of their action without a long prison sentence.
2. A way for the courts to release offenders found by the institution to be more amenable to community based treatment than was realized by the courts at the time of sentence.

3. A way for the courts to arrive at a just compromise between punishment and leniency in appropriate cases.

4. A way for the courts to provide community based treatment for rehabilitable offenders while still observing their responsibilities for imposing deterrent sentences where public policy demands it.

5. Shock probation affords the briefly incarcerated offender, a protection against absorption into the 'hard rock' inmate culture.66

Thus, the Ohio shock probation program encompasses two basic penological theories -- deterrence and reintegration.

As a concept, it appears that shock probation best fits the category of primary deterrence. The "shock" of incarceration will cause offenders to alter their "hedonistic calculus". However, as von Hirsch has written, a statute like shock probation is not dissimilar to rehabilitation in that offenders are subjected to a special regimen (i.e., "a taste of prison") designed to alter their propensities for further criminal conduct.67 Glaser, in his survey of inmates at a correctional facility in 1964, discovered some evidence which supports the primary deterrence rationale of shock probation:
Although the prison system does not officially assert that deterrence is one of its primary means of rehabilitating offenders, the aspect of prison most often mentioned by the inmates as of the greatest assistance in helping them 'go straight' was the unpleasantness of the experience.  

In addition, as point five above suggests, shock probation is designed to avoid the dysfunctional aspects of imprisonment, specifically those linked to the "prisonization" hypothesis. The theory is that a short subjection to the rigors of imprisonment will deter criminal propensities and not impede individual adjustment. Shock probation also represents a reintegration program which is designed to return offenders to the outside world and deal with their problems at that point. In sum, the shock probation program represents a unique attempt to blend philosophically contradictory concepts in corrections. First, it combines the supervisory aspect of probation with the incapacitation features of incarceration. Second, it merges two goals of penology, deterrence and reintegration, which, in a theoretical sense, have been strictly segregated. This unique juxaposition may account for the longevity of this early release program at a time when many rehabilitation programs are being called into question. With this definition in mind, the legislative history of the program should be considered.
Legislative History of the Shock Probation Statute

As Appendix A illustrates, the original 1965 shock probation statute provided that offenders could be released by their own motions or court action during a 30 day period beginning 30 days after the start of the offender's sentence. Prisoners not eligible for probation were also ineligible for release on shock probation. This category of excluded offenders included persons convicted of murder, arson, burglary of an inhabited dwelling, incest, sodomy, rape without consent, assault with intent to rape, or administering poison.*

Due to the fact that some motions for shock probation were often not acted upon by the presiding magistrate for over a year (at which point, many inmates are eligible for parole), the Ohio legislative amended the 1965 statute. Under the guidelines established by the 1969 amendment, (see Appendix B), the magistrate was instructed to meet the following deadlines. Under the 1965 statute and later 1969 amendment, offenders released under shock probation should not have committed a non-probationable offense, nor should they have served more than 130 days of their sentence. As

*Ohio Revised Code, Section 2947.061 and Sections 2951.03-.09 (1971).
we shall see, these items served as focal points for early evaluation research studies on the program.

TABLE 1
STATUTORY TIME LIMITATIONS ON SHOCK PROBATION IN OHIO

<table>
<thead>
<tr>
<th>Event</th>
<th>Time Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Petition for release on shock probation.</td>
<td>30-60 days after the sentencing date.</td>
</tr>
<tr>
<td>2. Trial court hears motion for release.</td>
<td>60 days after the filing of the motion.</td>
</tr>
<tr>
<td>3. Trial court rules on motion.</td>
<td>10 days after the hearing.</td>
</tr>
<tr>
<td>4. Minimum period of incarceration.</td>
<td>30 days.</td>
</tr>
<tr>
<td>5. Maximum period of incarceration.</td>
<td>130 days.</td>
</tr>
</tbody>
</table>

However, further problems with the interpretation of the statute were encountered when the Ohio Criminal Code was revised in 1974. As Judge Ammer has written, problems arose regarding eligibility under the shock probation statute. The source of this problem was that the original statute listing the nonprobationable offenses were contained in Section 2951.04, but the corresponding new statute was
Section 2951.02. Since it was subject to Sections 2951.03-2951.09 of the new Ohio Revised Code, the shock probation statute was not under the jurisdiction of the non-probationable offenses section.69

As a result, judges interpreted the statutory shift as one which permitted previously ineligible offenders to be released on shock probation. In fact, this interpretation was upheld in a court decision in which John Onysko (convicted of voluntary manslaughter with a firearm) was granted shock probation. In his majority opinion, Judge Stern stated:

...it is clear that the letter of the law permits this prisoner to receive the benefit of shock probation. When the General Assembly wrote that shock probation was to be 'subject to Sections 2951.03 to 2951.09,' and retained that language while changing the included statutes, we must presume that it intended just that, and did not intend that it also be subject to 2951.02, as the Court of Appeals held.70

For this reason, some offenders who would have previously been ineligible for shock probation were granted this status following the 1974 Criminal Code revision.* This event has major implications for research in this area. Samples of persons released on shock probation drawn after the revision

*Under the 1974 Ohio Revised Code, the following offenses and offenders are non-probationable: aggravated murder and murder, repeat or dangerous offenders, offenses committed with a firearm, rape, or compelling prostitution (see Appendices E and F).
(1975) should contain some offenders who would not have received this form of early release in the past. However, the 130 day limit on the time served by shock probationers would still be in effect. The effect of these statutory changes should be considered in the following review of the findings of previous studies on shock probation.

Research Findings on Shock Probation

Enactment of this statute was undertaken despite the presence of some heated debate and mixed evidence concerning the effectiveness of the split sentence in criminological literature. These arguments, the OAPA guidelines for the use of shock probation, European studies on similar programs, and the results of one Kentucky and five Ohio-based studies will be considered at this point:

As Friday, Petersen and Allen discovered, a number of authors cited the disadvantages of the split sentence, such as:

1. A person is either eligible for probation or he is not; prison and probation are dichotomies and cannot or should not be mixed.

2. Mixed sentences 'contaminate' the individual and any chance he might have of rehabilitation. Any time spent in an institution is disruptive of normal therapeutic efforts which might be made in a more open setting. Short term stays may even harden attitudes, expose the individual to more criminals, and make him resentful, feeling that he has served his 'debt'.
3. To mix sentences is to act contra to probation; jail time is inconsistent with the philosophy of probation. Probation is viewed as non-punitive and any use of prison makes the work of probation officers more complex and, in the long run, may defeat the purpose of community supervision. The purpose of probation is to avoid incarceration, not be a supplement to it.

Thus, these dissenters would oppose the establishment of a program like shock probation.

However, proponents of the shock probation program have agreed that the incarceration period should be brief, restricted to those who have not been previously incarcerated, and to young offenders. For example, Denton, Pettibone and Walker issued the following series of guidelines for the use of shock probation in Ohio in 1971.

1. Shock probation was "felt to be especially applicable to first offenders to whom the shock of reformatory or penitentiary life, even for a brief period, would be a constant reminder of an experience which he would not wish to repeat."

2. Shock probation should not be used with convicts who had experienced numerous convictions.

3. Incarceration should be brief, preferably shorter than the 130 day limit established by the 1969 amendment.

4. Shock probation should be denied to "potentially violent offenders, and narcotics addicts. A due regard for public safety demands no less...most of the shock probationers are first offenders, non-violent persons who have committed crimes against property rather than against persons."
5. Release under shock probation should be a surprise to the felon; it should not be pre-arranged at the time of sentence. Clearly, these OAPA officials were dissatisfied with the manner in which the program had been implemented to that point. However, their recommendations did not have the force of law and their guidelines were not supported by in-depth research of the program.

Indeed, the bulk of research available at that time did not provide an impetus for the implementation of a program like shock probation. As Friday and Petersen have indicated, much of this research is imported from European countries where sursis is the dominant mode of split sentencing. Unlike the American mode of probation, sursis releases the inmate under supervision, but does not impose behavioral conditions. In Sweden, however, a protective supervision program (skyddstillyns) does exist. This Swedish concept parallels shock probation in that it also subjects the offender to one or two months of incarceration.

Yet, results from research on split sentencing programs in Europe would question the OAPA guidelines which identifies the first-time, young, non-violent offender as the proper target population for the shock program. In a study of short-term incarceration in Denmark, Christiansen and Bernstein followed prisoners who were randomly placed in intensive socio-psychological treatment or control groups, and
discovered that the individuals most amenable to treatment were the under 40 and previously convicted offenders.  

Similarly, a Polish study by Rudnick revealed that short-term punishment was effective for the first offender but, after six months, the perceived "painfulness" of incarceration steadily declines.

The research studies on shock probation in this country also addressed the question of the proper scope of the program in an attempt to test the rationales behind shock probation.

The first study of the Ohio shock probation program, completed by the Program for the Study of Crime and Delinquency, resulted in a number of publications. The experimental group consisted of all persons granted shock probation from three of Ohio's seven correctional institutions during 1966 (N = 61) and all individuals from the same institutions granted shock probation in 1970 (N = 485). A comparison group of persons who were eligible (but did not necessarily file a motion) for the program under Ohio law during the same period was selected by taking each eligible case (those offenders who had committed a probationable offense) before and after each shock probationer as listed in the institutional records log (N = 202). The samples drawn for this study, therefore, were subject to both the restrictions upon the granting of shock probation to offenders who had committed probationable crimes and the 130 day sentencing
limitation established by the 1969 amendment to the original statute.

Utilizing this data base, Friday, Petersen and Allen attempted to discover the variables related to success under shock probation. The authors defined success/failure as whether or not the individual was rearrested for an offense and returned to the institution, or rearrested, declared a probation violator and not returned. For the offenders released in 1966, the success rate was 85 percent, slightly lower than the 90.2 percent figure released by the Ohio Adult Parole Authority for the same year. Since the majority of offenders in the 1970 sample were still on probation during this study, no definite conclusions regarding this sample of the 1970 sample could be classified as failures.78

1. Age: The analysis revealed that the older a person is when he is incarcerated, the better his chances of falling into the success category. 73.8 percent of all successes were over 20 at the time of their commitment.

2. Parent or Sibling Criminality: The presence or absence of a previous police record by another member of the offender's family was significant at the .02 level. 76.8 percent of the successes had no other member of their family with known police records.

3. Prior Record: The authors discovered that having no prior record was not a guarantee of success. In fact, evidence supporting the opposite conclusion was discovered. The highest category of successes, 68.7 percent, had 1-2 prior adult arrests. Thus, the authors concluded that "shock probation
seems to be most effective for those who have had some previous altercation with the law, but have not become a part of the 'serious' criminal element."81

4. Outside Commitments: Those individuals who were married with dependants were most likely to succeed. Marital status was significant at the .01 level and most significant for the 22-24 age group. Success was most probable for those with 1-3 dependants. The authors concluded that more research in this area is needed.82

On the basis of these results, the authors concluded that the offender who could benefit the most from the shock probation experience was that individual for whom the law was intended: the young (but not juvenile) and previously convicted (but not hard-core) offender.83

The Friday, Petersen, and Allen study was basically an exploratory study and the authors were well aware of the limitations of their data. From a methodological standpoint, combining samples as temporally disparate as 1966 and 1970 is questionable due to the possible effects of history on each sample.84 In addition, it is difficult to make inferences about significant relationships between two variables when the confounding effects of other variables are not considered. It appeared that some form of multivariate analysis would be beneficial.85 However, these authors were aware of these limitations and suggested that, in the future, studies of shock probation should consider:

2. The selection process which determines who gets shock probation.

3. The aspects of incarceration which affect the variables which indicate success.86

As we shall see, future studies did attempt to follow these suggestions.

In his doctoral dissertation, Bohlander assessed the effectiveness of the shock probation program within a sample of 60 Franklin County (Ohio) probationers. This analysis was related to the original study conducted by the Program for the Study of Crime and Delinquency in that the author was involved in this research project as well. Therefore, many of Bohlander's variables and research questions parallel those of the previous shock probation study.

Like its predecessor, the Bohlander study was designed to be exploratory. Focusing upon convicted male felons from Franklin County in 1970, the research sample consisted of: 1) all such persons granted shock probation (N = 60), 2) 120 regular probation cases and 3) 120 incarcerated offenders.87

The year 1970 was selected as the sample focus in order to test the effectiveness of the 1969 amendments. Specifically, the concern was with the 130 day sentence limitation. As previously described, 130 days is the maximum number of days any prisoner released under the authority of the amended shock probation statute may remain in prison. Within his Franklin County sample, Bohlander discovered that eight shock probationers (13.3 percent) were held in violation of
the statutory limitations, ranging from 180 days to six months. This research question, largely a monitoring consideration, appears recurrently in studies on his subject.

Although hampered by the size of his sample, Bohlander attempted to compare the recidivism rates of shock and regular probationers. Failure was operationally defined as: 1) technical violation of probation, 2) commission of a new offense, 3) absconding while on probation, or 4) any subsequent arrest or conviction following the completion of the term of probation. By the same token, success was defined as: 1) continuing on probation without a violation of restrictions severe enough to place the offender in an institution or 2) successfully completing shock or regular probation with no indication that a subsequent arrest of an offender had been made. Comparison of the two groups revealed that the shock probationers had a failure rate of 26.7 per cent (N = 16) while their counterparts in the probation group had a failure rate of 16.7 per cent (N = 20).

Bohlander also made an attempt to distinguish the variables or attributes which related to success/failure on shock

*Bohlander neglected to calculate the chi-square value for this distribution. On the basis of his distribution of success/failure for regular (99/20) and shock probationers (44/16), the chi-square value is 2.41. With one degree of freedom, this value is not significant at the .05 level. Thus, the groups did not significantly differ in their success/failure rates.
probation. Again, due to the sample size, the findings were presented in the form of a percentage. Within his sample, Bohlander discovered that the 23-24 age group was most likely to receive shock probation. In addition, this same group had the highest percentage of offenders (7 out of 20, or 35.0 percent) violate the terms of their probation and are returned to the institution. On the other hand, the highest success rate was recorded by the 18-22 age group -- 36.3 percent (16 out of 44).  

Race was not found to be related to success/failure rates of shock probationers. Earlier, Bohlander demonstrated that the majority of blacks were incarcerated (69 out of 124, or 55.6 percent) rather than released on regular (42 out of 124, or 33.0 percent) or shock (13 out of 124, or 10.5 percent) probation. This distribution was significantly different from that of the similarly-situated white offenders ($X^2 = 24.489; p < .001; df = 2$).  

Despite this finding, Bohlander's statement that "blacks violated shock probation more often than whites" is not supported by the data. In terms of shock probation failure rates, similar proportions of white (12 out of 47, or 25.6 percent) and black (3 out of 13, or 23.1 percent) offenders met the definition of failure.  

The race of shock probationers, however, is an issue which will command attention in future studies.

In terms of legal variables, offenders who were convicted of drug-related offenses showed a much higher rate of
failure than other categories of offenders; 35.6 percent of the narcotics violators (6 out of 16) failed to complete the term of probation or were convicted of a new offense. The category with the highest rate of success was that of personal offenses (6 out of 7, or 85.7 percent). Disparities in performance were also present in terms of the probation department recommendation. In cases where shock probation was recommended, over half the offenders (54.5 percent) failed to complete their probation period. Thus, the probation department's ability to predict successful performance of shock probationers was called into question.

In sum, the data presented in the Bohlander dissertation are largely exploratory in nature. The limited size of his sample prevents any definitive conclusions. However, Bohlander did raise a number of issues that should be considered in a study of shock probation. First of all, he attempted to monitor the extent of judicial compliance with the 1969 amendment to the shock probation statute which limited the prison sentence of eligible offenders to 130 days. Second, the success/failure rates of shock probationers were compared to a sample of regular probationers. This is an important distinction, since regular probation is less costly than the shock procedure. Finally, Bohlander made an effort to discern the factors which related to success/failure rates on shock probation. As we shall see,
this initial effort made by Bohlander contributed to his later study of shock probation in Kentucky.

Continuing publishing on their research on shock probation, Petersen and Friday focused upon the judicial decision to grant early release through this mechanism. The experimental group of this study consisted of all persons aged 16-30 (N = 202) granted shock probation in 1970 from a medium security institution for offenders. The comparison group was selected by taking each individual who was eligible for (had not committed a non-probationable offense), but did not necessarily file a motion for release on shock probation (N = 373). Contingency table analysis, with chi-square as the primary statistical measure, revealed that the following variables were significantly related with early release from prison: race, education, father's education, legal residence, probation department recommendation, offense, prior record, and number of bills of indictment, and plea. One problem with this analysis is that Petersen and Friday stated that race and education ranked first and second in their ability to discriminate; their conclusions were based upon the magnitude of the calculated chi-square value. Methodological purists would question if it were proper to order the variables on the basis of the magnitude of the chi-square values (as a measure of the strength of association) when the tables used to derive these values are based upon differing degrees of freedom.
standpoint, it may have been more correct to use a measure of association based upon chi-square, like Cramer's V. If Cramer's V were calculated for these data, race would still be the most discriminating variable ($V = .055$); however, education ($V = .015$) would rank fourth behind probation department recommendation ($V = .043$) and plea ($V = .018$). Thus, the use of Cramer's V would not alter the author's original conclusion about the strength of race as an explanatory variable.

Further analysis revealed that, when other variables were held constant, race was a significant factor in the decision to grant shock probation. Whites were found to be more likely to be released on shock probation than blacks:

1. For property offenses.
2. For narcotics offenses.
3. If they have a previous history of adult arrests:
   a. One or two priors.
   b. Three or more priors.
4. When the probation department has recommended against shock probation.
5. When they have one bill of indictment.

In addition, Petersen and Friday combined the original samples and utilized predictive attribute analysis to determine the overall association of each variable-attribute with those receiving shock probation. Again, the magnitude of the chi-square values were used to rank order the variables; therefore, the first division of the sample was made
in terms of race. For blacks, the most important variable affecting early release was education and probation department recommendation. For whites, offense was the distinguishing variable with felons convicted of narcotic violations enjoying the greatest probability of attaining early release (81.8 percent). On the basis of their findings, Petersen and Friday reached the "inescapable conclusion" that, when other factors are considered equal, blacks have less chance of receiving shock probation than do whites.

Despite the methodological questions, this analysis provided some insight to the judicial decision to grant shock probation. If the analysis had been expanded to include a group of offenders who were actually denied shock probation by a court, confidence in such conclusions could have been enhanced.

Another important factor regarding the use of shock probation is the economic costs of the program. In his Masters thesis, Thompson estimated the total direct cost for all shock probationers in 1973 by multiplying the daily cost of imprisonment by the number of days imprisoned. The estimated average daily cost of imprisonment was calculated by dividing the annual budget expenditure for each institution by its average daily inmate population. This result was then divided by 365 to arrive at a daily cost figure/institution. Length of confinement was computed by noting the difference between the dates of entry and release and adding
two days to account for these events. Computed in this manner, the final direct costs of the shock probation program to the state of Ohio in 1973 was $862,549.100

TABLE 2
THOMPSON'S 1973 COMPARATIVE COST ANALYSIS
OF SHOCK PROBATION IN OHIO.

<table>
<thead>
<tr>
<th>INSTITUTION</th>
<th>PER DIEM COST</th>
<th>&quot;SHOCK&quot; CASES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chillicothe Correction Institute</td>
<td>$15.60</td>
<td>39</td>
<td>$67,875.44</td>
</tr>
<tr>
<td>Chillicothe Reception Center</td>
<td>15.60</td>
<td>66</td>
<td>79,138.44</td>
</tr>
<tr>
<td>Lebanon Correctional Institution</td>
<td>9.19</td>
<td>106</td>
<td>96,181.31</td>
</tr>
<tr>
<td>London Correctional Institution</td>
<td>10.63</td>
<td>22</td>
<td>27,107.46</td>
</tr>
<tr>
<td>Marion Correctional Institution</td>
<td>10.06</td>
<td>39</td>
<td>45,088.85</td>
</tr>
<tr>
<td>Ohio Penitentiary</td>
<td>15.08</td>
<td>46</td>
<td>92,620.94</td>
</tr>
<tr>
<td>Ohio Reformatory for Women</td>
<td>22.13</td>
<td>80</td>
<td>151,832.31</td>
</tr>
<tr>
<td>Ohio State Reformatory</td>
<td>9.40</td>
<td>312</td>
<td>295,658.22</td>
</tr>
<tr>
<td>Southern Ohio Correctional Facility</td>
<td>27.00</td>
<td>2</td>
<td>7,047.00</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>712</strong></td>
<td></td>
<td><strong>$862,549.97</strong></td>
</tr>
</tbody>
</table>

Thompson's study reflects an attempt to consider cost analysis as a vital segment of the research on shock probation. However, the scope of this study is too limited to be of major benefit. Thompson considered the direct costs to each institution to the exclusion of other significant factors. Estimates of welfare costs generated by inmate dependants and tax revenues lost to the state by incarceration should have been considered. Similarly, the savings
generated by the release of these offenders and tax revenues generated by their employment play an important role. Finally, a comparison of the cost of probation versus incarceration should be calculated in an analysis of shock probation. Although the present status of criminal justice information systems would necessitate the use of estimates for such cost data, these indirect cost factors should be explored.

In the most recent Ohio study, Angelino and his associates (hereafter Angelino) collected 79 variables on 418 male prisoners released on shock probation in 1969, and from 136 females released between 1966-70. The 1969 sample year was selected in order to test the effect of the shock probation amendment, facilitate comparison with Bohlander's analysis, and grant a sufficient time period to test the "shock" value of shock probation by conducting a within-group analysis of the effect of length of incarceration upon recidivism rates. Specifically, Angelino sought to ascertain the degree to which the use of shock probation was in accordance with the recommendations of the OAPA. To review, these recommendations stated that: 1) shock probationers be released within 130 days after admission; 2) shock probation be denied to repeat, potentially violent or narcotic offenders; and 3) most shock probationers should be first offenders. In addition, shock probation should be denied to those committing non-probationable offenses as listed in the 1971
Ohio Revised Code, Sections 2951.03-.09 (supra, p. 44).

Angelino also sought, through the use of FBI criminal histories records, to determine the recidivism rate and identify the characteristics of offenders who succeed when released on shock probation.

As in previous studies, Angelino's monitoring of the extent to which the OAPA recommendations were followed revealed that these principles had been frequently ignored. For example, Angelino discovered that 108 of the offenders in his sample (19.4 percent) would fit the category "potentially violent" (manslaughter, kidnapping, sexual assault, armed robbery, assault, arson, extortion, weapons offenses). These data also reveal an aspect covered by the OAPA recommendations which Angelino did not discuss, namely, 47 offenders (8.5 percent) were convicted of narcotic offenses. Similarly, Angelino found that the principle of speedy release was not upheld. One-third of the shock probationers were incarcerated longer than the 130 day period prescribed by the 1969 amendment. Finally, the evidence reveals that the use of shock probation was not limited to first offenders; 319 of the offenders in the sample (57.6 percent) had been arrested 1 to 8 times before. However, this figure may be misleading in that overwhelming majority of offenders (487, or 87.9 percent) had not been previously sentenced to prison. Angelino's emphasis upon arrest data as indicators of criminal history obscures this finding.
Previous studies on shock probation in Ohio revealed that whites were granted early release at a higher rate than blacks. Since the sample for this study was 76 percent white and only 23.5 percent black, it would seem that this discretionary choice by the judiciary is well established.

Turning to recidivism rate as a point of study, Angelino defined failure on shock probation as conviction of a new offense and reincarcerated, or declared a probation violator and returned to prison. Compared to the official OAPA estimate of 9.9 percent for 1969, Angelino discovered that, within his sample, the recidivism rate was 16.9 percent. When other definitions of failure were utilized, the recidivism rates were even higher. Twenty-four percent of the offenders (133) served at least one prison sentence after release; 30.3 percent (168 offenders) had been convicted of a felony and over half of the shock probationers (52.3 percent) had been arrested after their release.

To this point, Angelino's study of recidivism rates of shock probationers reveals, more than anything else, the definite need for the researcher to adequately define what actions constitute failure. It should be no surprise that recidivism rates changed with the shifting definitions. The effects of subdividing a group according to arrest, conviction, and incarceration are cumulative. In other words, starting the analysis with a discussion of incarceration rates and working backwards toward arrest rates would insure
the fact that the size of the failure group will increase. Similarly, Angelino's finding that the three measures of recidivism are highly correlated is attributable to the overlapping nature of the definitions. In view of such manipulation, these findings concerning recidivism rates are somewhat misleading, at best.

Focusing upon reincarceration as a definition of failure, Angelino found that 58.9 percent of the recidivist subsample (99 out of 168 offenders) were convicted of "minor crimes" like larceny or theft. Again, the meaning of this finding is puzzling. If Angelino is attempting to make the argument that the shock probation recidivists are committing less serious crimes, these data do not support such a conclusion. To do so, it would be necessary to cross-tabulate the previous offense of the recidivist with his present offense. Even this type of analysis would be inaccurate since external influences (i.e., plea bargaining) can mitigate the use of the official conviction as an indicator of offense severity.

Angelino then computed a correlation matrix for recidivism. Recidivism among males correlated most highly with prior criminal history, both by prior record \( (r = .16) \) and prior convictions \( (r = .21) \). Among women, a similar pattern existed with prior record \( (r = .44) \) and prior convictions \( (r = .30) \) registering the highest correlations. Angelino concluded that "this relatively strong effect may indicate
that shock probation could have been more effective if those with extensive prior criminal records had been eliminated from consideration for shock probation.\textsuperscript{110} In addition, the correlational data revealed that, among males, recidivism was related to age (younger), race (black), employment (unemployed) and area of residence (urban). Among females, the correlates of recidivism were race (black), area of residence (urban), school problems (attendance, behavior, scholastic performance) and length of time served prior to release on shock probation.\textsuperscript{111}

In order to test the underlying hypothesis of shock probation, Angelino constructed matched subsamples of offenders released in: 1) 0-90 days (legislative intent), 2) 91-120 days (1969 amendment), and 3) more than 150 days (potentially "prisonized"). ANOVA was utilized and no difference in recidivism rates was found. On this basis, Angelino concluded that the program had not met the requirements it was designed to fulfill.\textsuperscript{112} However, in a recent publication, George Farmer, State Probation Chief in Ohio, offered an alternative interpretation: "I say if there's no difference in the outcome, why keep him for six months when you can let him go in one?"\textsuperscript{113} Whatever the conclusion, it appears that recidivism is not the best gauge of the deterrent "shock" value of shock probation and that Angelino might have failed to operationalize this hypothesis in an appropriate fashion.
Angelino also attempted to construct regression equations to improve the ability of the judiciary to predict success on shock probation. Again, the criterion variable selected was recidivism rate as measured by the number of convictions after release on shock probation. The variables used to construct the prediction equation were: 1) prior felony convictions, 2) age, 3) time served for instant offense, 4) minimum sentence for instant offense, 5) number of previous arrests, 6) number of previous prison sentences, 7) number of previous jail sentences, and 8) most serious previous offense. For cross validation purposes, the samples were randomly divided into two subsamples. The subsequent equation constructed for females contained a high level of error which precluded its use. The equation for males (N = 418), however, yielded an R of .24 after cross-validation. Thus, the equation can account for 6 percent of the variance. On this basis, Angelino concluded that, if a critical score of .51 is used as a cutoff point, the equation would correctly predict the performance of 57.1 percent of the shock probationers. Ninety-five would be correctly classified as recidivist and 144 individuals would be identified as successes. However, the use of the equation would lead to the continued incarceration of 141 men who would not recidivate upon release and the early release of 38 inmates who would return to crime. Thus, the strict utilization of a prediction equation involves a trade-off in human lives which must also be considered.
Angelino's study was the first to use regression analysis in an attempt to develop prediction equations for shock probationers. However, a model which explains 6 percent of the variance and correctly classifies only 57 percent of the sample is less than satisfactory.

In general, the Angelino report confirms earlier findings and attempts to introduce prediction to the study of shock probation. As in previous studies, Angelino found that race was a factor in the decision to grant shock probation and that the OAPA recommendations regarding the use of shock probation for particular types of offenders were not being followed. In addition, the judiciary was not adhering to the 130 day sentence limitation established by the 1969 amendment. However, his consideration of recidivism rates was hampered by the absence of a comparison group and overgeneralizations drawn from the data. Nevertheless, the report adds to the knowledge base about this early release program.

At the present time, one study of shock probation has been conducted in Kentucky.* In their report, Faine and Bohlander tested the prisonization hypothesis, examined the judicial decision to grant shock probation and attempted to develop a typology of the "successful" shock probationer.

*Other states which have shock probation or split sentencing statutes include: Idaho (1970), Indiana (1972), North Carolina (1975), Maine (1975), and Texas (1977).
In order to test the prisonization hypothesis, the authors utilized a longitudinal design, interviewing 502 new admissions on their first and fifth weeks of incarceration at the Kentucky State Reformatory. Psychological scales were used or developed to assess the inmates': identification with crime, self-esteem and self-degradation, radicalism, rejection of staff, legitimacy of values, inmate solidarity and peer group isolation, and perception of danger. On the basis of their findings, Faine and Bohlander stated that "even the short minimum period of 30 days allowable under the program is sufficient to enhance the anti-social, and even radically hostile attitudes of offenders." This evidence leads to the conclusion that the "shock" aspect of the program may be debilitating and that, if prisonization is to be avoided, the length of sentences under the program should be shortened.

Faine and Bohlander also examined the factors at work in the judicial decision to grant shock probation. A complex disproportionate stratified sampling procedure was used to assure representation relative to the type of case disposition. The constructed sample included: regular probationers (N = 517), shock probationers (N = 582) and incarcerated offenders (N = 504). The authors utilized multiple discriminant analysis to analyze the demographic and legal characteristics of these individuals. The findings were that, relative to the samples of regular probationers and incarcerated offenders, shock probationers were more likely:
a. To be white, married, property offenders often convicted of larceny, drug trafficking or theft of animals.

b. Have fewer previous offenses, fewer current offenses and a higher bond set prior to conviction. 117

Thus, as did Petersen and Friday in Ohio, Faine and Bohlander discovered that race is a factor in the decision to grant shock probation.

The final phase of the Faine and Bohlander study was an attempt to develop a typology of the successful shock probationer. The authors examined the performance of 582 shock probationers released in mid-1972. The follow-up period on these individuals ranged from 8-28 months. Successful performance on shock probation was operationally defined as:

1. Successful completion of the community reintegration phase of the shock probation program with no further involvement in law-violating behavior.

2. Termination of supervision prior to the originally specified date for termination of probation.

3. Offenders currently under shock probationary supervision who had not returned to the institution. 118

The authors discovered that 80.8 percent of their sample met their criteria for success on shock probation.

Multiple discriminant analysis revealed that shock probation appeared to be most successful in cases where the defendants were:

a. Convicted of only one offense.

b. Sentenced to terms of five years or less.
c. Convicted of expressive (attributable to emotion, usually crimes of violence) rather than instrumental crimes (committed for personal gain, usually property crimes).

d. Minimal juvenile and misdemeanor records.

e. Minimal felony records and imprisonments.

f. Older, married, with children.

g. From stable, non-criminal home environments.

h. Made bond prior to trial.

i. Employed prior to the offense.

j. Obtained private counsel for their defense.

k. Recommended for probation by the officer preparing the presentence report.

l. Not charged with disciplinary rule infractions during the confinement phase of shock probation.\textsuperscript{119}

In addition, it was discovered that the successful shock probationers possessed characteristics similar to those of regular probationers, rather than those of incarcerated offenders. The successful shock probationers were similar to the regular probationers in terms of:

a. Number of felony arrests and convictions.

b. Length of previous incarceration.

c. Ability to make bond.

d. Low frequency of guilty pleas.\textsuperscript{120}

Thus, Faine and Bohlander provided information which could serve to establish guidelines for the use of shock probation in Kentucky.

By way of summary, Table 3 reviews the research studies which were primarily concerned with the effectiveness (in terms of recidivism rates) of shock probation in Ohio. The existing literature on shock probation has provided evidence which questions the theoretical basis (prisonization), implementation (target population of offenders, cost, judicial decision-making, adherence to legislative guidelines),
# TABLE 3

**REVIEW OF RESEARCH: VARIABLES RELATED TO SUCCESSFUL PERFORMANCE ON SHOCK PROBATION IN OHIO**

<table>
<thead>
<tr>
<th></th>
<th>Authors</th>
<th>Year of Sample</th>
<th>Sample Size</th>
<th>Outcome Variable</th>
<th>Criterion Variables</th>
</tr>
</thead>
</table>
Prior Offense: 1-2 Prior felony or misdemeanors  
Parent or Sibling Criminality: None in family  
Outside Commitments: Married, 1-3 dependents  
Employment: Employed at release  
Urban/Rural: Rural |
| 2. | Angelino et al. | 1966-70 (Female) 1969 (Males) | 1966: 61 1970: 485 | Rearrested/Reconvicted or PV | Older, over 30  
Non-violent offenders  
None in family  
Rural |
| 3. | | | Males: 418 Females: 136 | | | | |
and, ultimately, the effectiveness of this program. The present study attempted to build upon the information generated by previous studies to develop a research design to provide further information for decision-makers about the operations of this early release program.
FOOTNOTES

CHAPTER I


2 Ibid.


5 Vold, Theoretical Criminology, p. 17.

6 Allen and Simonsen, Corrections, p. 21.


8 David Rothman, The Discovery of the Asylum (Boston: Little, Brown, 1971), pp. 82-83; and Allen and Simonsen, Corrections, pp. 39-44.

9 Rothman, Asylum, p. 85.

10 Ibid., p. 95.

11 Fogel, Living Proof, pp. 22-23.

12 Ibid., p. 24.

13 Rothman, Asylum, p. 107


18 Carter, McGee, and Nelson, Corrections, p. 200.


20 Allen and Simonsen, Corrections, pp. 118-119.


22 Carter, McGee, and Nelson, Corrections, p. 203.

23 Fogel, Living Proof, p. 32.

24 Ibid., pp. 33-34.


28 Ibid., pp. 215-216.
29 Ibid., pp. 216-217.
30 Ibid., p. 220.
31 Ibid.
34 Ibid., pp. 26-41.
36 Ibid., p. 94.
37 Ibid., p. 94.
40 Ibid., p. 286.
47"Judge Orders Population of Prison Reduced by 300,"
Columbus Dispatch, 22 March 1978, sec. A, p. 3.

48Opposition to the re-opening of the Ohio penitentiary
and due to its adverse living conditions is already appearing. See: "Penitentiary Check Planned for April 3," Columbus

49Steve Gettiner, "U.S. Prison Population Hits All-Time

50For a full discussion of this issue, see: James O.

51Gettiner, "All-Time High," p. 17.

52Wilson, "New Record," p. 5. In addition, Dinitz has
suggested that new approaches to criminality are in order
meet the needs of lower-class "unmeltables" who resist
assimilation into the American culture. Simon Dinitz,
"Nothing Fails Like Success," an unpublished paper presented
at the annual meeting of the Western Society of Criminology,
18 February 1977, 17 pgs.


54The President's Commission on Law Enforcement and
Administration of Justice, The Challenge of Crime in a Free

55The President's Commission on Law Enforcement and
Administration of Justice, Task Force Report: Corrections
p. 7.

56Hassim Solomon, Community Corrections (Boston: Holbrook,
1976), p. 3. For an example of a reintegration model, see:
Harry E. Allen and Nick Gatz, "Abandoning the Medical Model
in Corrections: Some Implications and Alternatives," Prison

57Stanley E. Grupp, ed. Theories of Punishment (Bloomington:

58James Q. Wilson, Thinking About Crime (New York: Basic

59Ernest van den Haag, Punishing Criminals (New York:

61 Van den Haag, Punishing Criminals, p. 60.


64 See: Paul C. Friday and David M. Petersen, "The Shock of Imprisonment as a Treatment Technique," in Corrections: Problems of Punishment and Rehabilitation, eds. Edward Sagarin and Donal E.J. MacNamara (New York: Praeger, 1972), pp. 61-63. This quote was slightly edited.

65 Paul C. Friday et al., Shock Probation: The Ohio Experience (Columbus, Ohio: Program for the Study of Crime and Delinquency, Ohio State University, [1974]), p. 4.

66 Ibid., p. 5.

67 von Hirschi, Doing Justice, p. 38.


70 State, ex rel. Corrigan, v. Court of Common Pleas (1976), 45 Ohio St. 2d 187 at 191.


72 George F. Denton, James M. Pettibone, and Harold Walker, Shock Probation: A Proven Program of Early Release From Institutional Confinement (Columbus, Ohio: Ohio Adult Parole Authority, [1971]).

73 Friday and Petersen, "Shock of Imprisonment," p. 64.

74 Ibid., p. 65.

75 Ibid., p. 66.
76. Friday et al., "Ohio Experience," 70 pgs.
77. Ibid., p. 8; and Friday, Petersen and Allen, "New Approach," p. 5.
78. Friday, Petersen, and Allen, "New Approach," pp. 5-6.
79. Ibid., p. 7.
80. Ibid.
81. Ibid., p. 8.
82. Ibid.
83. Ibid., p. 9.
88. Ibid., p. 107.
89. Ibid., pp. 122-123.
90. Ibid., pp. 127-128.
91. Ibid., p. 57.
92. Ibid., p. 129.
93. Ibid., p. 142.
94. Ibid., p. 144.


97 Petersen and Friday, "Race as a Factor," pp. 82-83.

98 Ibid., pp. 84-85.

99 Ibid., p. 187.


101 Ibid., p. 21.

102 Henry R. Angelino et al., A Longitudinal Study of the Effectiveness of Shock Probation (Columbus, Ohio: Ohio Department of Rehabilitation and Correction and the Behavioral Sciences Laboratory of the Ohio State University, 1974), p. 7.

103 Ibid., p. 37.

104 Ibid., p. 42.

105 Ibid., p. 45.

106 Ibid., p. 47.

107 Ibid., pp. 48-54.

108 Ibid., p. 55.

109 Ibid., p. 57.

110 Ibid.


112 Ibid., p. 68.

114 Angelino, "Longitudinal Study," pp. 74-75.


116 Ibid., pp. 46-47.

117 Ibid., p. 126.

118 Ibid., pp. 174-175.

119 Ibid., pp. 176.

120 Ibid., pp. 215-217.
SHOCK PROBATION IN OHIO: RESEARCH QUESTIONS

Evaluation Research

As described in Chapter I, the previous literature on shock probation in Ohio was derived from evaluation research. As defined by Rossi and Wright, evaluation research is "any scientifically based activity undertaken to assess the operation and impact of public policies and the action programs introduced to implement these policies."¹ The evaluation of social action programs such as shock probation, therefore, would basically include the four steps identified by Suchman:

1. Formulation of the program's objectives.
2. Identification of the proper criteria to be used in measuring success.
3. Determination and explanation of the degree of success.
4. Recommendations for future program activity.²

Evaluation research examines the effects of policies and programs on their target populations in terms of the goals they are meant to achieve. Accordingly, research designs are developed which assess the extent to which the program goals
are realized, and attempt to determine the factors associated with successful/unsuccessful outcomes. Ideally, the results of such a study should address the question of whether or not the program is meeting the purposes for which it was established and thus indicate desired future directions for the program, such as abolition, reduction, alteration or continuation at present levels.

Unfortunately, evaluative research in corrections, as well as other areas, is fraught with a number of constraints which directly impinge upon the usefulness of the information generated to serve as a guide for policy making. First of all, the researcher should be aware of the political nature of social action programs. As Weiss has indicated, these programs are "political creatures" which have emerged from political bargaining. Accordingly, the performance of these programs is attached to the reputations of sponsors, careers of administrators, jobs of staff members, and expectations of the clientele. In addition, organizational investment via their budgetary interests (appropriations for continued funding) lie in the continued existence of programs. For these reasons, the researcher is often viewed with suspicion and is cast in the role of "political hatchet man" or auditor. In Weiss' opinion, however, such fears about the researcher are unjustified. She believes that "evidence suggests that programs can and do survive evaluations showing dismal failure to achieve goals" and that a program is
less likely to survive a hostile Congressional committee, newspaper exposes, and withdrawal of the support of professional groups. Nevertheless, the researcher unaware of this political atmosphere surrounding programs will encounter some difficulty in conducting the study.

A second constraint often encountered is the difficulty in defining the goals of the program in a measurable fashion -- i.e. directly related to the method of intervention provided by the program. The problem of vaguely-stated intended effects plagues evaluative efforts in many program areas and is often directly attributable to the desire of many of the New Society-based social welfare programs to couple individual rehabilitation with institutional change. Often, inflated promises are made in the guise of program goals in order to secure support for the program. In addition, legislators and administrators are likely to emphasize "takeoffs, not landings" and thus frame objectives and goals from a short-run perspective in order to meet the time constraints imposed by the governmental budgetary process. Specifically with regard to corrections, programs have been consistently couched in terms of their ability to prevent recidivism -- a term which can be couched so many ways which often precludes accurate measurement and fails to account for the effects of intervening variables. In order for the evaluation to provide valuable and useful data, the researcher must sift through both the overstated and underdeveloped, and
operationally define the goals of the particular program.

The third problem concerns the posture of the program administrator vis-a-vis the researcher. As Twain has indicated (for these participants), the rewards provided by the research study are markedly different and are ultimately related to their status. Typically, researchers are members of a profession in which status and advancement depend upon productivity in ways which have less to do with the success or failure of a particular program than with their ability to develop information about that approach. Accordingly, the researcher is willing and often eager to criticize program assumptions, but reluctant to question the implemented research techniques. On the other hand, the career of the administrator is tied to the performance of the program. Campbell has suggested that one solution to this problem would be for the administrator to adopt an "experimental" stance -- pragmatic, forward-looking, and more interested in finding solutions to problems than in justifying a particular choice of a solution. It is clear that some negotiation is in order, with the interests of each party clearly defined. The researcher must demonstrate the value of his project in terms of its relevance to social and agency problems.

A fourth problem concerns the development of a pure experimental research design due to the practical difficulty of applying random selection procedures in assigning people to experimental and control groups. This problem is
encountered in all areas of social research and is not endemic to the field of corrections in that the use of random assignment is expressly forbidden by Federal guidelines for research. As Adams states, the most frequent objection to random assignment is made on the ethical and legal grounds that it is improper to deny or without presumably beneficial treatment from eligible subjects simply through their assignment to a control group. Accordingly, researchers commonly utilize a number of quasi-experimental techniques in which the program is evaluated by means of information from a treatment group and a comparison group which is chosen in a manner which makes it similar to the treatment group on the characteristics that are believed to be related to performance. Despite the fact that the quasi-experimental design has the potential to yield accurate results, there is some evidence which indicates that evaluation research in crime and delinquency has ignored this procedure. In 1972, Logan conducted a review of 100 research studies conducted in this area between the years 1936-70. Regarding the construction of a comparison group, Logan discovered that only three of those 100 studies contained this basic prerequisite. It is difficult to overstate the importance of the use of a comparison group in such evaluations. Without it, the results of the study may lack validity and generalizability.

The final major obstacle facing the researcher in the area of corrections is the condition of the information
system itself. Due legal constraints and bureaucratic inertia, the researcher is often frustrated in initial attempts to obtain information from the criminal justice system. Often the demands of the researcher and the nature of the information system itself are at odds. For example, studies which utilize recidivism (however defined) as an outcome indicator would ideally require the use of offender criminal histories to determine the nature of the new offense, conviction rates, prior record, etc. However, despite the fact that LEAA has made great strides in making funding available for such studies, the control of this type of data is maintained by another unit of the Department of Justice, the Federal Bureau of Investigation which, as a departmental policy, does not provide this information for research purposes. It would seem, therefore, that the federal government is operating at crosspurposes -- funding studies at one level but denying access to necessary data at another. In view of this constraint, researchers must define their outcome measures in less than ideally accurate terms.

Overall, the quality of evaluative research in this area must be viewed in terms of these constraints. The overarching task faced by professionals in this field is to improve the quality of research in order to upgrade the effectiveness of programs.
The Impact Model

The research design used in this study of shock probation follows the schema of the impact model. As defined by Washington, the impact model begins with the premise that, since programs are designed to improve the social position of the recipients, hypotheses should be stated in such a way that the manner of intervention (i.e., shock probation) will be more beneficial than the comparison condition (i.e., probation). Accordingly, it is therefore important to compare the experiences of the recipients services with those of a comparison group. Ultimately, the question raised by this model is: What difference does the intervention make? To reach this determination, it is necessary to measure the relationship between the program goals (dependent variable) and a variety of independent variables, including the personal characteristics of participants, program components, and the conditions under which the program operates. Ideally, the study would include all relevant independent variables and utilize a multivariate technique as a means of controlling for the effects of population differences in determining the outcome effectiveness of the program.16

With this model in mind, the present study on shock probation in Ohio consists of four interrelated components whose complimentary aspects generate information regarding the overall effectiveness of the program. First of all, a monitoring of the universe of shock probationers for the year
1975 will reveal the extent to which the judiciary is adhering to the sentencing guidelines established by the 1969 amendment to the shock probation statute. Second, a cost-effectiveness study will reveal the costs of the program to Ohio taxpayers in comparison to regular probation and incarceration. Third, the use of predictive attribute analysis with data from a sample of shock probationers from 1975 will generate a typology of offenders who succeed on this form of early release and thus generate information which can help the courts to establish guidelines for the granting of shock probation in order to reduce the failure rate of the program. Finally, analysis of the factors related to the judicial decision to grant shock probation will be conducted. This investigation is particularly important since judges are the key to the entire shock probation program in that they have heard the offenders' court cases, reviewed their motions for release, and ultimately render the decisions to grant or deny release. This chapter outlines the research hypotheses to be tested, demonstrate their relationship to and uniqueness from previous studies, and consider the policy implications of shock probation in Ohio.

**Research Questions**

Accordingly, the research questions of this study are framed in terms of outcome and judicial decision making within the shock probation program.
1) **What are the characteristics of successful shock probationers?** Predictive attribute analysis will provide information to generate a profile of offenders who failed when released on shock probation. To date, the Angelino study was the only Ohio-based report which was, due to larger sample size, able to generate such a profile. Since this study was conducted with a sample of 1969 shock probationers, and the enabling legislation was modified in 1974, the need for more current information is apparent. Predictive attribute analysis will be utilized to develop base expectancy rates for Ohio shock probationers. The results can be used as a risk management device by decision-makers to develop estimates of expected probabilities of failure for different subsamples of individuals.  

The **primary** indicator of failure will be reincarceration in an Ohio penal institution. Reincarceration is a particularly conservative measure but, as Gottfredson has written, the establishment of criteria of criminal behavior is precarious at best. The criteria may not depend solely on the behavior of the person about whom the prediction is made, but they may also depend upon the behavior of others. For example, if rearrest were used as the outcome variable, the designation of failure could be made not only on the basis of the shock probationer's behavior, but upon police arrest policies. Similarly, if reconviction rates were used as the primary outcome measure, the shock probationer would
be subject to the powers of judicial discretion. In sum,

The reliability and validity of criterion categories often are related closely to the efficiency of law enforcement and the administration of criminal justice. They may be affected by policy changes in the relevant social agencies and by changes in the categories of behavior which, in a changing social context, become defined as socially acceptable or unacceptable.

Reincarceration would seem to be the more reasonable choice as an outcome variable since it is likely that the offender who is reincarcerated has committed a serious crime (i.e., felony). Given the deterrence-based philosophy of the shock probation program, the reincarceration rate is an even more relevant measure.

In itself, however, such an analysis would not address the question of what would be a "desired" or satisfactory failure rate for shock probationers. This is, of necessity, a value-laden consideration. Perhaps, the best way to approach this question is to compare the failure rate of shock probationers to that of a sample of similarly-situated (convicted of a felony) regular probationers.

2) In terms of failure rates, how do the shock probationers perform in comparison with regular probationers? If the regular probationers, when one controls for differences between the groups, perform as well as or better than the shock probationers, the efficacy of this early release program (with its increased costs due to incarceration) be placed in doubt. Basically, the ultimate question is
whether or not regular probation could have been just as effective as shock probation.

3) What is the cost effectiveness of the shock probation program? Like other segments of government, in recent years the criminal justice system has turned to cost-benefit analysis in an effort to document the fiscal effectiveness of their programs. As previously cited, Thompson attempted to calculate the cost of incarceration generated by the shock probation program. This analysis, however, failed to estimate other costs and benefits generated by the program.

In his essay on this technique, Rothenberg stated that cost-benefit analysis represents a broad general approach, not a specific set of procedures, which encompass a wide variety of methods. Chapman writes that the basic idea of this approach is the attempt to decide upon the worth of a public project by adding up all the advantages to the public which accrue because of the project and then subtracting all of the disadvantages. Its chief focus, therefore, is one of evaluation and provision of decision-making information regarding the net worth of a project. Overall, cost-benefit analysis should be capable of demonstrating where society's limited resources are being directed and what can be expected in return. Since the public sector can be viewed as an instrumentality which enables citizens to do for themselves collectively what they cannot do privately, cost-benefit
analysis can establish some comparability between competing alternatives, and serve as an apparatus to inform society about desirable courses of action. As Rothenberg suggested, the use of cost-benefit analysis should enable the decision maker to make rational choices between mutually exclusive alternatives.\textsuperscript{22} Nelson also argued that cost-benefit analysis is a very pertinent method of analyzing alternatives to incarceration in that it attempts to combine the points of view of the government (flow of funds to the local, state or federal governments), society (costs and benefits affecting the personal income or accumulated wealth of society) and individual (affecting personal income or accumulated wealth of the convicted criminal and his family).\textsuperscript{23} This method may allow one to understand the economic implications of correctional reform operations which are otherwise all too often unknown.\textsuperscript{24}

In this case, shock probation should be considered as an alternative to incarceration as well as to regular probation, and one could compare these alternatives on their cost-effectiveness dimensions.*

*In terms of financial costs, length of imprisonment under shock probation is not the only factor which could lead this procedure to be more expensive than regular probation. Incarceration also involves lost wages to the inmate, welfare and child support costs for his family, and lost tax revenues to the state. In addition, increased court costs are involved since the offender must apply to the original trial judge for release on shock probation.
4) **Is the program operating within its statutory time limitations?** Previous studies by Angelino and Bohlander revealed that, in some cases, the judges were not adhering to the statutory time frames regarding the decision to grant shock probation. This study would perform a monitoring function and demonstrate whether offenders were serving beyond the 130 day sentencing limit. In addition, splitting of the sample into different groups according to time served should permit the test of the rationale behind the 30-130 day sentencing schema.

5) **Do state-supervised shock probationers perform better than their counterparts supervised at the local level?** This question has not been addressed in previous studies of shock probation. From a methodological standpoint, it should be considered since the state and local probation departments could represent two different forms of treatment within the shock probation program.

In Ohio, close ties exist between the state (Executive) and local (Judicial) probation offices. The Probation Development Section of the Ohio Adult Parole Authority assists counties in developing their own probation system. They also provide direct supervision to adult probation clients in 55 of the State's 88 counties. These counties either have not established their own adult probation departments or have requested state assistance in supervising their adult
probation caseload. In terms of the shock probation, this point translates into a service delivery question.

The issue of the proper location of probation services has been discussed previously. In 1965, the President's Task Force on Corrections described the strengths and weaknesses of state versus local probation services. The advantages of localized probation services include the ability to make full use of the specialized knowledge of the judge concerning local support services and increased support from local citizenry and agencies. These points are on the side of the local offices due to their proximity to the service area -- the community involved. Other commonly cited advantages concern the supposed strengths of decentralized programs. First, it is assumed that the local agency will have greater flexibility and thus be less apt to be bound by bureaucratic rigidity. Second, in local programs, the impact of any single poor leader is minimized. Finally, in large states, centralization of probation services could place a tremendous burden upon a state-wide administration.

On the other hand, the advantages of state probation services revolve around the virtues of centralization. The state program is able to provide continuity of service in terms of the level of service delivery and the establishment of uniform and equitable policies and standards. In addition, the state program is able to coordinate its offerings with state institutional and parole programs. Second, by virtue
of its size, the state program could provide economies of scale. A single officer in a sparsely populated area of the state could provide both probation and parole services. Finally, state agencies have generally been in the forefront of developing innovative programs, demonstration projects, and correctional research.27

In Ohio, the Probation Development Section has followed the recommendations of the President's Task Force by using their services to bolster local programs, providing centralized probation administration, and collecting centralized statistics on probation matters. In addition to providing assistance to counties in the development of their own system, the state agency also provides direct supervision to adult probation clients in 55 of the State's 88 counties. These counties either have not established their own adult probation departments or have requested state assistance in supervising their adult caseload.

The inclusion of type of supervision (local or state) should provide information on this question and, in an indirect fashion, demonstrate whether or not any differences exist between state and local supervision of shock probationers.

6) What factors are related to the judicial decision to grant shock probation? The previous studies have demonstrated that certain factors (race and prior record, e.g.) seem
to guide the judicial decision to grant shock probation. In an effort to clarify this procedure, this portion of the study will compare a sample of offenders granted shock probation with a sample of offenders from a metropolitan county actually denied shock probation, previous studies only having made use of "otherwise eligible" offenders.

In this manner, the proposed study should make a further contribution to the existing information regarding the effectiveness of this early release program -- shock probation.

Summary

Stated in null form, the hypotheses to be tested in this study are:

1. There are no differences between successful and unsuccessful shock probationers.

2. The regular probationers perform in the same fashion as the shock probationers.

3. No differences in performance exist between the local and state supervised shock probationers.

4. Length of incarceration has no effect upon the performance of shock probationers.

5. No differences exist between the group granted shock probation, the group denied shock probation.
FOOTNOTES

CHAPTER II


5 Ibid., pp. 22-23.


9 Twain, "Research Strategy," p. 28.


21 Ibid., p. 31.

22 Ibid., p. 35.


24 Ibid.


CHAPTER III

RESEARCH METHODOLOGY

The present study of the shock probation program was divided into three phases in order to more adequately address the question of program effectiveness.

Phase I: Judicial Decision Making

Although Petersen and Friday addressed the question of what type of offender receives shock probation, their analysis did not entail comparison of a sample of persons granted this form of early release with a sample of eligible individuals who were actually denied shock probation. Baldus and Cole have argued that knowledge of the characteristics of the pool of individuals eligible for a program is necessary to conclude, as Petersen and Friday did, that intentional discrimination exists:

The typical measure of differential treatment compares the characteristics of pre- and post-selection pools in the selection process under challenge. Its function is to reflect the degree to which differences in treatment between two groups can be attributed statistically to group status.
To make such an analysis possible, an availability sample of 244 shock probation petitioners was drawn from the files of a metropolitan county probation department. The only criterion for selection of cases was official notation by the judiciary that the individual was granted or denied shock probation in 1975. Through the analysis of these data, it was possible to study the factors at work in the judicial decision making aspect of the shock probation program. These are officially known recipients and non-recipients. To the extent that the judiciary in that county failed to enter some cases, these data would be under-reporting. This source of potential bias is believed to be small.

The variables used in the analysis were drawn from the (source) and dicotomized in the following manner:

1. Offense: Personal/Property.
2. Prior Record: No Record/Record.
3. Dependants: None/One or More.
4. Gender: Male/Female.
7. Education: High School Non-Graduate/Graduate.
8. Probation Officer Recommendation: For/Against Probation.
10. Codefendants: None/One or More.
11. Type of Legal Counsel: Public/Private.

The outcome variable was denied/granted probation and the primary mode of analysis at this phase was predictive attribut but analysis. This type of analysis was used in the Petersen and Friday article, but in the current study the phi coefficient (a measure of the degree of association) was
tabulated for each 2x2 table. Use of the phi coefficient as
an indicator of association would avoid the pitfalls present
in the Friday-Petersen article in which they used the magni-
tude of the $X^2$ value in instances where the degree of free-
dom might have exceeded one...and frequently did.

In this fashion, the present study was intended to re-
examine the research question posed by Petersen and Friday
will utilizing a research design which would more adequately
examine the decision making context.

Phase II: Statutory Compliance with and Cost Effectiveness
of Shock Probation

This segment of the study analyzed the universe of
shock probationers from 1975 ($N = 1508$) to determine whether
the judiciary were adhering to the statutory sentencing
limits encompassing the program. The universe was obtained
from the files of the Ohio ADult Parole Authority. These
institutional logs contained the offenders' name, institution,
instant offense and length of incarceration.

In addition, the cost effectiveness of the program for
the year 1975 was considered. Costs attributable to the
program were estimated in the manner, as suggested by Chapman.

1. Project Outlays:
   A. Research and development costs of insti-
tuting the project.
   B. Investment/implementation costs.
   C. Administrative/operational costs.
2. Opportunity Costs: the value of the missed chances to do other things.

3. Associated Costs: costs involved in utilizing a service provided by a project.

4. Alternative Costs: the minimum costs of obtaining the output of a project by alternative means.\(^2\)

Accordingly, the benefits generated by an alternative to incarceration program like shock probation would include:

1. Savings to society through the use of incarceration.

2. Wages and taxes generated by the participant.

3. The participant's gain in human capital -- i.e., enrollment in a remedial education program.

4. Reduced recidivism.\(^3\)

The cost of incarceration for the universe of shock probationers was calculated and compared to the cost of probation supervision. In turn, an analysis was conducted to determine how much savings would have been generated if the shock probationers had been sentenced to regular probation instead of prison. Finally, estimates of earnings, tax revenues, and welfare savings generated by the shock probationers were estimated and included in order to serve as a surrogate within a rigorous cost/benefit analysis.

Phase III: Base Expectancy Rates for Shock Probationers

Unlike the previous shock probation studies whose populations were limited to samples from various penal institutions or certain counties in Ohio, this study consisted of
an availability sample of state (N = 585) and locally-supervised (N = 496) shock probationers released during 1975 (Total = 1081). In addition, an availability sample of 938 state-supervised regular probationers was obtained. These cases were drawn from the files of Ohio Department of Rehabilitation and Correction. The state supervised regular sample was selected by taking every eligible case (i.e., from the year 1975, charged with a felony) contained in the files of the Ohio Department of Rehabilitation and Correction, Probation Department Section. In sum, every case of shock probation and every case of state-supervised regular probation in Ohio for 1975 is in this study.

The focus of this phase of the study was the development of base expectancy rates for Ohio shock probationers through the use of predictive attribute analysis. The outcome indicator of failure on shock probation was operationally defined as reincarceration in an Ohio penal institution. The use of the base expectancy technique, however, raises a number of issues which have been addressed during the course of the present study. These issues, and the methods used to confront them, can be summarized in the following manner.

1) **The Base Rate Problem**: The base rate refers to the proportion of individuals in a population who fall into the category to be predicted -- i.e., success on shock probation. As Gottfredson has indicated: "It will be more difficult to find useful predictions, because the variation in the
criterion category is reduced, and it is this variation which must be analyzed in the search for predictors. The large N of the present study, plus the fact that previous research revealed an average success rate of 82.9 percent on shock probation, minimized this problem. (For a numerical breakdown of offenders granted shock probation and regular probation, and those sentenced to penal institutions in Ohio from 1966-74, see Table 1.)

2) The False Positives Problem: This issue involves the prediction of failure for a certain group and reflects the more problematic Type II error which all social scientists seek to avoid. At this point in time, judges involved in the shock probation program are making clinical predictions of success based upon pre-sentence investigation reports without the benefit the outcome information which could be generated by an actuarial study. In other words, the false positives problem presently exists in the perceptions and resultant dispositions of the judiciary.

The goal of the present study was to provide additional information to guide the judicial decision to grant or deny shock probation. This evidence is offered in the spirit of Ohlin's qualification that prediction tables should not be mechanically applied without consideration of individual circumstances. It also should serve to validate or cast further doubt upon the underlying rationales for shock probation; i.e., that the target population of the program is
most properly the non-violent, youthful, naive first offender who, by virtue of a prison commitment, will be "shocked" into non-criminal behavior upon release. The underlying theoretical bases for the program must be examined in order to minimize the false positives problem.\(^6\)

3) The Need for Replication: Time erodes the validity of any prediction scale and it is hoped that the information generated by the present study will be replicated and adapted in the future.\(^7\)

Albanese's review also contains the observation that little work has been done on prediction scales in the area of probation and a need for more large-scale studies exists. With regard to shock probation, Angelino researched a similar conclusion that, given his initial attempt to construct regression equations for shock probationers, it should be possible to "substantially improve the prediction of recidivism."\(^9\)

The statistical analysis considered a number of variables which post literature on shock probation has demonstrated as both relevant and significantly related to successful outcome. These variables were dichotomized in the following fashion:

1. Present Offense: Personal/Property.
2. Number of Dependents: None/One or More.
5. Marital Status: Married/Unmarried.
6. Education: High School Non-Graduate/Graduate.
7. Type of Supervision: State/Local.
8. Probation Officer Recommendation: For/Against Probation.
9. Prior Record: No Record/Record.

Variable #7, type of supervision, had been excluded from previous studies on shock probation and represented a major focus of the present study. The research hypothesis was that the higher levels of funding available to the state level permits the officer to make a better determination of the clients' needs. The reasonableness of this hypothesis is supported by the fact that the average caseload of the state probation officer is approximately half the size of that of his local counterpart.*

All demographic and outcome data were obtained from the files of the Probation Development Section of the Ohio Adult Parole Authority. The use of 1975 as the base year made a two year follow-up possible -- the time period in which probationers most frequently encounter difficulties with the law.

Since the outcome variable was binary in nature, predictive attribute analysis was utilized. As described by Wilkins and MacNaughton-Smith, predictive attribute analysis involves the hierarchial subdivision of the sample:

*Information provided by Mr. George Farmer, Supervisor, Probation Development Section, Ohio Adult Parole Authority. Alternative explanations include: amount of training received, entry criteria, career ladder, and type of services provided.
at each stage we proceed by dividing some group into two sub-groups, consisting respectively of those members of the original group who possess or lack some attribute which is found to be strongly associated within the group with the possession or lack of other attributes.

This technique attempts to maximize the chi-square values of variables tabulated against the dependant variable, across all possible dichotomies for each independent variable. The variable with the greatest predictive force is chosen, and then the process is repeated within each new cell until no further significant chi-square values emerge.

Predictive attribute analysis has several strengths which led to its use in this study. First, as studies by both Simon and Grygier have indicated, predictive attribute analysis is as powerful and effective as multiple regression analysis in constructing base expectancy rates or prediction instruments. Unlike regression analysis, the use of a bi-variate (or dichotomous) dependent variable is not only permissible but recommended in predictive attribute analysis. Second, this method yields a "decision tree" through its hierarchial subdivision of the sample, complete with probabilities for various subsamples contained in the tree. This instrument thus provides useful information to decision makers and can be used as a risk management tool in the future.
Conclusion

In sum, the three phases of the present shock probation study made it possible to address the questions of legal/cost-effectiveness, judicial decision making, and reincarceration rates of this program.
FOOTNOTES

CHAPTER III


3 Ibid., p. 16.


5 Ibid., p. 159.

6 Ibid., p. 132.

7 Ibid., p. 158.

8 Ibid., p. 169.

9 Henry Angelino et al., A Longitudinal Study of the Effectiveness of Shock Probation (Columbus, Ohio: Ohio Department of Rehabilitation and Correction and the Behavioral Sciences Laboratory of the Ohio State University, [1974]), p. 76.


11 Methodologists have argued as to whether it is improper to use multiple regression analysis with a binary dependent variable since the use of such a variable violates many of the underlying statistical assumptions concerning multiple regression. For example, see Jan Palmer and Paul Carlson,


14 For an excellent example of this technique, see: James A. Beha, "Testing the Functions and Effect of the Parole Halfway House: One Case Study," *Journal of Criminal Law and Criminology* 67 (1977): 335-350.
CHAPTER IV

JUDICIAL DECISIONS WITHIN THE SHOCK PROBATION PROGRAM

It will be recalled that previous studies had uniformly concluded that race was the primary factor in the judicial decision to grant early release on shock probation. This chapter presents information designed to re-test this initial finding by including a sample of eligible individuals who were actually denied shock probation. An availability sample of 244 shock probation petitioners released during 1975 was drawn from the files of an Ohio metropolitan county probation department. The only criteria for selection of cases was the official notation by the trial judge that the individual was granted or denied shock probation in that county.

Through the analysis of these data, it was possible to examine those factors at work in the judicial decision-making aspect of the shock probation program.

The variables, examined in at least one of the earlier studies and used in this analysis, were dichotomized in the following manner:
1. Offense: Personal/Property.  
2. Prior Record: No Record/Record.  
3. Dependents: None/One or More.  
4. Gender: Male/Female.  
7. Education: High School Non-Graduate/Graduate.  
8. Probation Officer Recommendation: For/Against Probation.  
10. Codefendants: None/One or More.  
11. Type of Legal Counsel: Public/Private.

The outcome (dependent) dichotomized variable was "denied/granted shock probation" and the primary mode of analysis utilized was predictive attribute analysis.

The variables significantly related to the decision to grant shock probation are reported in Table 4. As the distribution illustrates, probation officer recommendation is the strongest variable in terms of predictive force, registering a phi value of .307. The judiciary followed the recommendation of the probation officer contained in the presentence investigation report in 64 percent of the cases; 54.5 percent (N = 66) of those individuals receiving a recommendation for probation were granted release and 75.8 percent (N = 75) of those individuals receiving a recommendation against probation were denied release on shock probation.

Since race was cited as being such a salient factor in previous studies, separate analyses of the racial proportions of those groups granted shock probation were conducted, utilizing the test of proportions formula which is interpretable as a Z score. The test of proportions between
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TABLE 4

VARIABLES RELATED TO THE DECISION TO GRANT SHOCK PROBATION
whites (58 out of 139) and non-white (34 out of 104) granted release on shock probation yielded a Z score of 1.43 which was not significant at the .05 level. Thus, it was found that there was no significant difference between racial groups with regard to their acceptance rates in the shock probation program.

On the basis of this evidence, probation officer recommendation (not race) was identified as the most significant factor in the judicial decision to grant early release under the shock probation statute. For this reason, the first subdivision of the sample was made on the basis of the probation officer recommendation for (N = 121) or against (N = 99) release on shock probation.

The results of the predictive attribute analysis are presented in Figure 2. As noted above, probation officer recommendation ranks first in its ability to discriminate between offenders granted or denied release on shock probation. Individuals who received a favorable recommendation were more than twice as likely to be granted shock probation. It seems that the court is following the recommendation contained in the presentence investigation report concerning the use of this form of early release procedure.

In the first subdivision of the sample, absence of a prior record appears to have an impact among those individuals who obtained an unfavorable recommendation from the probation officer. Although this variable was not
FIGURE 2

PREDICTIVE ATTRIBUTE ANALYSIS: FACTORS INFLUENCING THE DECISION TO GRANT RELEASE ON SHOCK PROBATION
significant at the .05 level, such individuals who had no prior record were more than twice as likely to be released on shock probation. Among offenders who obtained a favorable recommendation, offenders who committed crimes against the person were released at a higher rate than property offenders. At first glance, this finding is puzzling since it seems unlikely that the court would be willing to grant early release to "dangerous" offenders. However, further subdivision of the sample revealed that other factors were at work. The decision to release offenders who had committed personal crimes was mitigated by the absence of a prior criminal record. Among these offenders, the presence of dependants impacted upon the decision of the court. Thus, it appears that the absence of a criminal record and presence of dependants affected the courts' decision to grant shock probation to offenders who had committed crimes against the person.

Among property offenders, gender made the greatest difference with twice as many females than males released on shock probation. Unfortunately, the size of the sample prevented further analysis among females. Among males, age was a significant factor with older offenders granted shock probation at a rate twice that for younger offenders.

In any event, probation officer recommendation appears to be the most significant factor in the decision to grant release on shock probation. Further subdivision of the
sample revealed the factors which the court might be considering and which are probably pertinent to this decision. This finding is consistent with the results of previous studies which have suggested that, in the majority of cases, the judge adopts the recommendation contained in the presentence investigation.

Anticipating that probation officer recommendation may be composed of certain components or even masking the factors at work in this process, a separate analysis was undertaken, utilizing probation officer recommendation as the dependent variable. The results of this analysis are presented in Table 6.

### Table 5

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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One or More</td>
<td>57</td>
<td>62.6</td>
<td>34</td>
<td>37.4</td>
<td>4.378</td>
</tr>
<tr>
<td>None</td>
<td>48</td>
<td>46.6</td>
<td>55</td>
<td>53.4</td>
<td></td>
</tr>
</tbody>
</table>
Prior record was one variable significantly related to the probation officer recommendation process. Those individuals who had no prior criminal record were most likely to receive a favorable recommendation.

The presence of a codefendant also had an impact. Those individuals who did not have codefendants were more likely to receive an unfavorable recommendation.

In addition, probation officer recommendation was utilized as a dependent variable to determine if evidence of racial discrimination existed on this level.

TABLE 6
PROBATION OFFICER RECOMMENDATION, BY RACE

<table>
<thead>
<tr>
<th>Probation Officer Recommendation</th>
<th>Whites</th>
<th>Non-Whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>For</td>
<td>58.3% (74)</td>
<td>51.1% (47)</td>
</tr>
<tr>
<td>Against</td>
<td>41.7% (53)</td>
<td>48.9% (45)</td>
</tr>
<tr>
<td>Total</td>
<td>100.0% (121)</td>
<td>100.0% (92)</td>
</tr>
</tbody>
</table>

The distribution yielded a chi-square value of 0.84 which, at the .05 level, was not significant. Whites and non-whites did not significantly differ in recommendations by probation officers in the presentence investigation reports.
A crucial question related to these findings then became whether or not any differences existed between those judges who utilized the shock probation program and those who did not. In other words, what factors or variables might have influenced those individuals who decided to use shock probation? Since 38.1 percent of the availability sample were granted shock probation (93 out of 244), judges who granted release in at least 38 percent of their cases were classified as "users" while judges who released individuals on shock probation 37 percent (or less) of the time were designated as "non-users".* The results of dividing the sample in this fashion are presented in Table 7.

### TABLE 7

JUDICIAL TYPES ACCORDING TO FREQUENCY OF USE OF SHOCK PROBATION

<table>
<thead>
<tr>
<th>Judicial Type</th>
<th>Cases Granted Shock Probation</th>
<th>Cases Denied Shock Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Users</td>
<td>66.3% (53)</td>
<td>40.6% (58)</td>
</tr>
<tr>
<td>Non Users</td>
<td>33.7% (27)</td>
<td>59.4% (85)</td>
</tr>
<tr>
<td>Total</td>
<td>100.0% (80)</td>
<td>100.0% (143)</td>
</tr>
</tbody>
</table>

*"Judge shopping" is rigorously restricted in Ohio. For example, in this particular metropolitan county, random assignment of cases (by lot) is utilized to prevent such an occurrence.
Once again, predictive attribute analysis was utilized to determine the factors which influenced the judges' decision to grant shock probation. Further subdivision of the sample along these lines revealed that, among judicial "users", probation officer recommendation, race, and present offense were significantly related to this decision-making process. Among the "non-users", probation officer recommendation, prior record, and gender were statistically significant at or beyond the .05 level.

Once again, it appears that the judiciary, both users and non-users, follow the probation officer recommendation in most cases. Among non-user judges, those individuals who received a favorable recommendation were released at a rate nearly four times that of offenders receiving probation officer recommendations against probation. Among users, however, the distinction between the explanatory power of the variables of probation officer recommendation and race is very slight (phi = .249 vs .247). For the first time in the analysis, race emerged as an important variable. Among users, whites receive shock probation at a higher rate (42% more) than non-whites. It can be argued that some type of interaction effect with regard to the race of the applicant is emerging at this point. However, since the difference in the phi values so indicates, probation officer recommendation appears to be the strongest explanatory variable for both sides of the predictive attribute analysis tree presented in Figure 3.
# TABLE 8

**VARIABLES RELATED TO THE DECISION TO GRANT RELEASE ON SHOCK PROBATION, CONTROLLING FOR JUDICIAL TYPOLOGY**

<table>
<thead>
<tr>
<th>Variables</th>
<th>Judicial Typology</th>
<th>Granted</th>
<th>Denied</th>
<th>( \chi^2 )</th>
<th>p</th>
<th>Phi</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td><strong>Probation Officer Recommendation</strong></td>
<td>User</td>
<td>35</td>
<td>63.6</td>
<td>20</td>
<td>36.4</td>
<td>5.165</td>
</tr>
<tr>
<td>For</td>
<td></td>
<td>17</td>
<td>38.6</td>
<td>27</td>
<td>61.4</td>
<td></td>
</tr>
<tr>
<td>Against</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td>User</td>
<td>18</td>
<td>34.6</td>
<td>34</td>
<td>65.4</td>
<td>5.808</td>
</tr>
<tr>
<td>Non-White</td>
<td></td>
<td>35</td>
<td>59.3</td>
<td>24</td>
<td>40.7</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Offense</strong></td>
<td>User</td>
<td>31</td>
<td>59.6</td>
<td>21</td>
<td>40.4</td>
<td>4.663</td>
</tr>
<tr>
<td>Personal</td>
<td></td>
<td>22</td>
<td>37.3</td>
<td>37</td>
<td>62.7</td>
<td></td>
</tr>
<tr>
<td>Property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Probation Officer Recommendation</strong></td>
<td>Non-User</td>
<td>21</td>
<td>39.6</td>
<td>32</td>
<td>60.4</td>
<td>10.104</td>
</tr>
<tr>
<td>For</td>
<td></td>
<td>5</td>
<td>10.2</td>
<td>44</td>
<td>89.8</td>
<td></td>
</tr>
<tr>
<td>Against</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Prior Record</strong></td>
<td>Non-User</td>
<td>10</td>
<td>52.6</td>
<td>9</td>
<td>47.4</td>
<td>8.209</td>
</tr>
<tr>
<td>No Record</td>
<td></td>
<td>17</td>
<td>18.5</td>
<td>75</td>
<td>81.5</td>
<td></td>
</tr>
<tr>
<td>Record</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>Non-User</td>
<td>20</td>
<td>20.4</td>
<td>78</td>
<td>79.6</td>
<td>4.357</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>7</td>
<td>50.0</td>
<td>7</td>
<td>50.0</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Judicial Typology

### Probation Officer Recommendation

<table>
<thead>
<tr>
<th>Users</th>
<th>N=111</th>
<th>47.7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>For</td>
<td>N=55</td>
<td>63.6%</td>
</tr>
<tr>
<td>Present</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal</td>
<td>N=23</td>
<td>82.6%</td>
</tr>
<tr>
<td>Public</td>
<td>N=3</td>
<td>66.7%</td>
</tr>
<tr>
<td>Private</td>
<td>N=20</td>
<td>85.0%</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-22</td>
<td>N=13</td>
<td>30.5%</td>
</tr>
<tr>
<td>23-67</td>
<td>N=18</td>
<td>66.7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Against</th>
<th>N=44</th>
<th>38.6%</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>N=18</td>
<td>61.1%</td>
</tr>
<tr>
<td>Some</td>
<td>N=26</td>
<td>26.1%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Users</th>
<th>N=112</th>
<th>24.1%</th>
</tr>
</thead>
<tbody>
<tr>
<td>For</td>
<td>N=53</td>
<td>39.6%</td>
</tr>
<tr>
<td>Prior</td>
<td>N=29</td>
<td>34.5%</td>
</tr>
<tr>
<td>Public</td>
<td>N=19</td>
<td>53.0%</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-22</td>
<td>N=13</td>
<td>30.5%</td>
</tr>
<tr>
<td>23-67</td>
<td>N=18</td>
<td>66.7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Against</th>
<th>N=49</th>
<th>10.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record</td>
<td>N=29</td>
<td>34.5%</td>
</tr>
<tr>
<td>Private</td>
<td>N=26</td>
<td>15.4%</td>
</tr>
<tr>
<td>Some</td>
<td>N=19</td>
<td>53.0%</td>
</tr>
</tbody>
</table>

- Percent granted shock probation each subsample

---

**FIGURE 3**

PREDICTIVE ATTRIBUTE ANALYSIS: FACTORS INFLUENCING THE DECISION TO GRANT RELEASE ON SHOCK PROBATION BY JUDICIAL TYPOLOGY
As this figure demonstrates, in the user category, those individuals who received a favorable recommendation and had committed a crime against the person were most likely to receive shock probation. This relationship achieved statistical significance at the .05 level, while no other variable, on either side of the tree, was significant. It also appears that the ability to retain private counsel has some impact among offenders who committed crimes against the person and may help to explain why such individuals are released at a higher rate. Perhaps, this reflects a socio-economic status factor at work. The offender's financial ability to retain private counsel may have some positive influence upon the judge. An alternative explanation might be that private counsel offers a higher quality of defense than their public counterparts. The size of the sample at this stage (N = 23) prohibits definitive conclusions. Further research on shock probation or judicial decision making might wish to address this question.

At this stage, it also appears that age has some effect among those offenders who have committed property offenses. Older individuals (age 23-67) are released at a rate more than twice that of their younger counterparts.

Among those individuals who received an unfavorable recommendation, the absence of dependants appears to have some impact; a finding inconsistent with earlier results and which may be an artifact of the limited size of the sample.
Returning to the non-user category, no statistically significant findings were in evidence after probation officer recommendation was held constant. However, the following patterns appeared to be suggested and should be examined in future research. When forced with offenders who had obtained favorable recommendations, the "non-users" granted shock probation to those individuals with no prior record at a rate more than twice that of offenders with a record. Again, as with the "users," offenders who had a recommendation against probation but had no dependants were released at a rate nearly three times that of individuals with dependants. Again, this somewhat inconsistent finding may be an artifact of sample size.

Summary

Taken as a whole, it appears that the probation officer recommendation is the most significant variable in the judicial decision to grant early release on shock probation. The court follows this recommendation in the majority of cases. However, there are two alternative explanations which should be explored. First, the judge may be considering the same or similar variables that the probation officer might be utilizing. Since the function of the presentence investigation is to provide such information to the judge, this explanation may be tautological. Alternatively, probation officers may have been conditioned by the judges to make recommendations which, due their political or legal
philosophies, they would accept. This may in fact be true; however, the probation supervisor of the county in question has stated that the recommendations made are, in very large part, independent of such considerations.

In view of the findings presented, it seems that the previous literature on this subject might contain a Type II error by identifying race as the primary factor in this release decision. Although the results of this study were based upon a one county sample and at a later point in time, the fact that the sample consisted of persons who had actually applied for (and were denied) release on shock probation underscores the relevance of this finding. Further analyses in other Ohio counties or states with shock probation statutes could extend the generalizability of the conclusion. At the present time, probation officer recommendation exercises the greatest influence upon the judicial decision to grant shock probation.

From this point, the effectiveness of the shock probation program might also address two related questions: statutory compliance with and cost-effectiveness of this form of an early release procedure.
FOOTNOTES

CHAPTER IV


2 Discriminant analysis was utilized to cross-validate the findings of the predictive attribute analysis. Discriminant analysis attempts to distinguish between two or more groups of cases. Table 9 reveals the findings of this analysis.

TABLE 9
VARIABLES SIGNIFICANTLY RELATED TO THE DECISION TO GRANT RELEASE ON SHOCK PROBATION

<table>
<thead>
<tr>
<th>Variables</th>
<th>Standardized Discriminant Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation Officer Recommendation</td>
<td>.539</td>
</tr>
<tr>
<td>Present Offense</td>
<td>.482</td>
</tr>
<tr>
<td>Age</td>
<td>.352</td>
</tr>
<tr>
<td>Gender</td>
<td>.306</td>
</tr>
<tr>
<td>Prior Record</td>
<td>.305</td>
</tr>
<tr>
<td>Race</td>
<td>.239</td>
</tr>
</tbody>
</table>

The order of the variables follows that of the predictive attribute analysis, except for race. Race would emerge at
the sixth level of the table, the point at which cell size is severely diminished. However, race is the final variable to reach significance in the analysis. The coefficient for probation officer recommendation is nearly twice that for race, indicating that recommendation is twice as important as race in explaining the decision to grant shock probation.


For example, Carter and Wilkins discovered that about 95 percent of probation officer's recommendations for granting/denying probation are implemented by U. S. Federal Courts.


Again, discriminant analysis was utilized to cross-validate the findings of the predictive attribute analysis among the "users."

TABLE 10

<table>
<thead>
<tr>
<th>VARIABLES SIGNIFICANTLY RELATED TO THE DECISION TO GRANT RELEASE ON SHOCK PROBATION AMONG JUDICIAL &quot;USERS&quot;</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Variables</th>
<th>Standardized Discriminant Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation Officer Recommendation</td>
<td>.672</td>
</tr>
<tr>
<td>Prior Record</td>
<td>.524</td>
</tr>
<tr>
<td>Race</td>
<td>.471</td>
</tr>
</tbody>
</table>

As before, the predictive attribute analysis was validated. Particularly, probation officer recommendation, along with prior record, emerge as stronger variables than race; probation officer recommendation is 43 percent stronger than race.
CHAPTER V

STATUTORY COMPLIANCE WITH AND
COST EFFECTIVENESS OF SHOCK PROBATION

This chapter presents data obtained from the files of the Ohio Adult Parole Authority on the universe of shock probationers released in 1975 (N = 1,508). Information concerning the offenders' institution, instant offense, and length of incarceration were taken from copies of institutional log books. The research questions addressed at this point was bifurcated. First, the length of time served by shock probationers was ascertained to determine if the judiciary were following sentencing guidelines of a minimum of 30 and maximum of 130 days of imprisonment as established under the 1969 amendment to the shock probation statute (see Appendix B). Second, a study of cost effectiveness of the program for the year 1975 was conducted in order to provide some financial estimates of the net value of this project. In this fashion, two crucial questions concerning the effectiveness of the program were addressed through information on the universe of Ohio shock probationers for 1975.
As will be recalled, previous studies of shock probation by both Bohlander and Angelino revealed that, in at least some cases, judges were not adhering to the statutory time frames regarding the decision to grant shock probation. In general, Bohlander found 13.3 percent non-compliance and Angelino determined the extent of non-compliance to be 33.3 percent. These findings were confirmed by the data generated by the present study.

TABLE 11

TIME SERVED BY SHOCK PROBATIONERS IN 1975
BY STATUTORY TIME LIMITATIONS

<table>
<thead>
<tr>
<th>Time Served in Days</th>
<th>Number of Shock Probationers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 30</td>
<td>9 (0.6%)</td>
</tr>
<tr>
<td>30-130</td>
<td>1,326 (87.9%)</td>
</tr>
<tr>
<td>Over 130</td>
<td>173 (11.5%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,508 (100%)</strong></td>
</tr>
</tbody>
</table>

As the data in Table 11 suggest, the majority of shock probationers (87.9 percent) are released within the guidelines established by the 1969 amendment. Less than 1 percent of the cases were released in less than 30 days, but, 11.5 percent of the offenders were incarcerated for time periods beyond the 130 day limitation. Thus, some judges are still
violating the statutory guidelines established by the 1969 amendment. These guidelines were designed to insure that the program would operate in accordance with legislative intent, reflecting the underlying deterrence rationale of the program: a short sharp "shock" will deter individual offenders while minimizing the risks of prisonization. In terms of individual psychological damage and the financial costs of incarceration, the existence of this "over-the-limit" group of offenders represents a potential threat to the overall effectiveness of the program. It also raises the questions of how and to whom the judiciary might be accountable in their utilization of shock probation. If a legislative amendment does not have sufficient power, what other accountability mechanisms exist?*

The second question addressed in this section concerns the cost-effectiveness of the shock probation program. This analysis builds particularly upon the Thompson study, which concerned itself exclusively with the direct costs of incarceration for shock probationers, and utilizes a number of estimates to calculate the indirect costs of the program.

*The Constitution of the State of Ohio gives the State Supreme Court the power to "prescribe rules governing practice and procedure in all courts of the state." Perhaps, this power should be exercised to control the use of shock probation. **Ohio Constitution**, Article IV, Section 6, Sub-section B.
These figures were combined and then compared to two alternatives to shock probation, parole and probation. In this fashion, the cost-effectiveness model can serve as an otherwise substitute for aggregate financial-cost data obtained on a case-by-case basis. As will be demonstrated, the indirect costs associated with incarceration are typically defined as "the costs to the state associated with the loss of a breadwinner": lost wages, tax revenues, and welfare support. On the other hand, Chapman has written that the benefits generated by any criminal justice program could include the savings to society through the use of diversion as well as the wages and taxes generated by the participant. The use of estimates is necessitated by the fact that criminal justice information systems do not typically record financial data which could serve as a basis for a more rigorous cost/benefit analysis.

The first step in the analysis was the calculation of the institutional cost of incarceration for the 1,508 shock probationers. For each individual case, the length of prison sentence was calculated. Two days were added to this total for each individual to account for the time spent in reception and release from the institution. As the data in Table 12 indicate, the cost of prison incarceration for shock probationers in 1975 was $1,444,677. The average cost of incarceration per shock probationer during 1975 was $958.
TABLE 12

DIRECT COSTS OF INCARCERATION FOR SHOCK PROBATIONERS DURING 1975

<table>
<thead>
<tr>
<th>Correctional Institution</th>
<th>Number of Days Served by Shock Probationers</th>
<th>Daily Cost* Per Inmate</th>
<th>Total Cost Per Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mansfield</td>
<td>87,572</td>
<td>$8.92</td>
<td>$781,142</td>
</tr>
<tr>
<td>Marysville</td>
<td>11,187</td>
<td>$18.53</td>
<td>$207,295</td>
</tr>
<tr>
<td>Chillicothe</td>
<td>25,215</td>
<td>$13.94</td>
<td>$351,497</td>
</tr>
<tr>
<td>Marion</td>
<td>2,579</td>
<td>$12.02</td>
<td>$30,999</td>
</tr>
<tr>
<td>Lebanon</td>
<td>3,835</td>
<td>$9.07</td>
<td>$34,783</td>
</tr>
<tr>
<td>London</td>
<td>3,904</td>
<td>$9.98</td>
<td>$38,961</td>
</tr>
<tr>
<td>Total</td>
<td>134,292</td>
<td>---</td>
<td>$1,444,677</td>
</tr>
</tbody>
</table>

*Source: Ohio Department of Rehabilitation and Correction, Annual Report Fiscal Year 1976, p.27.

Since shock probation is an early release program, the direct cost of incarceration for these offenders if shock probation did not exist must also be considered (see Table 13). In this case, estimates for the average length of time served by inmates at the appropriate institution were obtained from the Ohio Department of Rehabilitation and Correction. The assumption made was that all shock probationers would have been incarcerated the average number of days served.
TABLE 13
ESTIMATED DIRECT COST OF INCARCERATION
WITHOUT SHOCK PROBATION (1975)

<table>
<thead>
<tr>
<th>Correctional Institution</th>
<th>Estimated Average Number of Days Served</th>
<th>Number of Shock Probationers</th>
<th>Estimated Number of Days Served</th>
<th>Daily Cost Per Inmate</th>
<th>Estimated Direct Cost Per Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mansfield</td>
<td>333</td>
<td>1,070</td>
<td>356,310</td>
<td>$ 8.92</td>
<td>$3,178,285</td>
</tr>
<tr>
<td>Marysville</td>
<td>547</td>
<td>138</td>
<td>75,486</td>
<td>$18.53</td>
<td>$1,398,755</td>
</tr>
<tr>
<td>Chillicothe</td>
<td>547</td>
<td>243</td>
<td>132,921</td>
<td>$13.94</td>
<td>$1,852,918</td>
</tr>
<tr>
<td>Marion</td>
<td>547</td>
<td>12</td>
<td>6,564</td>
<td>$12.02</td>
<td>$ 78,899</td>
</tr>
<tr>
<td>Lebanon</td>
<td>547</td>
<td>21</td>
<td>11,487</td>
<td>$ 9.07</td>
<td>$ 104,187</td>
</tr>
<tr>
<td>London</td>
<td>547</td>
<td>24</td>
<td>13,128</td>
<td>$ 9.98</td>
<td>$ 131,017</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>---</strong></td>
<td><strong>1,508</strong></td>
<td><strong>595,896</strong></td>
<td><strong>---</strong></td>
<td><strong>$6,744,061</strong></td>
</tr>
</tbody>
</table>

From this perspective, the average direct cost of incarceration for shock probationers in the absence of the program would have been $4,472.

Comparison of these estimates, however, does not constitute a basis for a cost-effectiveness analysis of shock probation. Ideally, the basic concept reflected in this approach is the attempt to determine the worth of a public project by adding up all of the advantages to the public which accrue because of the project, and then subtracting all of the disadvantages.
evaluation and providing decision-making information regarding the net value of a project. Overall, the analysis provides some determination of how the public's limited resources are being expended and what might be expected in return. Since the public sector can be viewed as an instrumentality which enables citizens to do for themselves what they cannot do privately, cost-effectiveness analysis can establish some basis for comparability between competing alternatives and also serve as an apparatus to inform citizenry about desirable courses of action. As Rothenberg indicates, this method should enable the decision-maker to make rational choices between mutually exclusive alternatives. In this case, shock probation should be considered as a form of early release from incarceration and, therefore, the analysis should compare this program to two alternative forms of early release: probation and parole. This technique is not uncommon and has been utilized in several cost analyses of probation programs which compared the costs of probation to either incarceration or a "special" form of probation.

The model followed in this analysis was initially suggested by Nelson. Nelson argued that cost-benefit analysis is a very pertinent method of analyzing alternatives to incarceration in that it attempts to combine the points of view of the government (flow of funds to the local, state or federal governments), society (costs and benefits affecting the personal income or accumulated wealth of society) and
individual (affecting personal income or accumulated wealth of the convicted criminal and his family). However, as Nelson emphasizes, the researcher must be aware that the common denominator of cost-benefit analysis is dollars and cents, not recidivism, rehabilitation or other more traditional sociological measures. The cost-effectiveness analysis can serve as a valuable supplement to these more traditional criminal justice measures and give us the means to see the economic implications of correctional programs which are otherwise all too often unknown. Variables reflecting these points of view are presented in Table 14 in order to derive an overall cost picture of this program.

In this table, estimates of the total cost of the shock probation program totaled $7,757,818. However, the question of program cost-effectiveness must be determined through a comparison with the other comparison alternative programs of parole and probation. The cost estimates and parameters above were used once again to determine the costs of the alternative programs.

As the data in Table 15 demonstrate, the difference the cost of shock probation and parole for the 1,508 offenders would be substantial. The total cost of incarceration followed by parole would be $31,999,699 while the total cost of shock probation was estimated as $7,757,818 -- a difference of $24,241,881.
TABLE 14
ESTIMATED COSTS OF THE SHOCK PROBATION PROGRAM

<table>
<thead>
<tr>
<th>I. Individual Costs to the Offender</th>
<th></th>
<th>II. Societal/Governmental Costs</th>
<th></th>
<th>III. Total Estimated Cost of Shock Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Direct Costs</td>
<td></td>
<td>A. Direct Costs</td>
<td></td>
<td>A. Lines 3 + 5 + 6</td>
</tr>
<tr>
<td>2. Net Average Direct Costs to Offenders (Line 2)</td>
<td>= $5,502,692</td>
<td>2. Court Costs</td>
<td>= $73,892</td>
<td>2. Court Costs</td>
</tr>
<tr>
<td>A. Direct Costs</td>
<td></td>
<td>3. Cost of Probation Supervision</td>
<td>= $754,000</td>
<td>3. Net Average Cost of Recidivism in the Shock Probation Program (Line 6)</td>
</tr>
<tr>
<td>1. Cost of Incarceration</td>
<td></td>
<td>4. Total Direct Cost of Shock Probation (Line 3)</td>
<td>= $2,242,571</td>
<td></td>
</tr>
<tr>
<td>2. Court Costs</td>
<td></td>
<td>B. Indirect Costs</td>
<td>= $153,816</td>
<td>1. Welfare Support and Food Stamps = $153,816</td>
</tr>
<tr>
<td>3. Cost of Probation Supervision</td>
<td></td>
<td>1. Welfare Support and Food Stamps</td>
<td>= $790,192</td>
<td>2. Aid to Dependent Children = $790,192</td>
</tr>
<tr>
<td>4. Total Direct Cost of Shock Probation (Line 3)</td>
<td>= $2,242,571</td>
<td>3. Loss of Tax Revenue</td>
<td></td>
<td>3. Loss of Tax Revenue</td>
</tr>
<tr>
<td>2. City Sales Tax</td>
<td></td>
<td>b. City Sales Tax</td>
<td>= $54,288</td>
<td>b. City Sales Tax = $54,288</td>
</tr>
<tr>
<td>4. Total Tax Revenue Lost</td>
<td></td>
<td>d. Total Tax Revenue Lost</td>
<td>= $508,196</td>
<td>d. Total Tax Revenue Lost = $508,196</td>
</tr>
<tr>
<td>1. Number of Shock Probationers Reincarcerated = 255 persons</td>
<td></td>
<td>5. Wages Minus Tax Revenue Lost</td>
<td>(Line 5)</td>
<td>5. Wages Minus Tax Revenue Lost (Line 2 - Line 4) (Line 5)</td>
</tr>
<tr>
<td>2. Court Costs</td>
<td></td>
<td>e. Wages Minus Tax Revenue Lost (Line 2 - Line 4) (Line 5)</td>
<td>= $4,994,496</td>
<td></td>
</tr>
<tr>
<td>3. Net Average Cost of Recidivism in the Shock Probation Program (Line 6)</td>
<td>= $12,555</td>
<td>6. Cost of Recidivism (Line 6)</td>
<td>= $12,555</td>
<td></td>
</tr>
<tr>
<td>A. Lines 3 + 5 + 6</td>
<td>= $7,757,818</td>
<td>C. Cost of Recidivism</td>
<td>= $12,555</td>
<td>C. Cost of Recidivism = $12,555</td>
</tr>
</tbody>
</table>

*Does not include direct costs to offenders such as alienation/prisonization, social stigma and psychological effects upon marriage and family.
TABLE 15
COSTS OF ALTERNATIVES (WITHOUT SHOCK PROBATION)

I. Individual Costs to Offenders*
   A. Direct Costs
      1. Opportunity Cost: Loss of Earnings
         (395 days x $41 wage/day)
         (Line 1) = $16,195
      2. Net Average Direct Costs to Offenders
         (Line 2) = $24,422,060
   B. Societal/Governmental Costs
      A. Direct Costs
         1. Cost of Incarceration = $6,744,063
         2. Court Costs = $73,892
         3. Cost of Parole Supervision = $754,000
      B. Total Direct Costs
         (Line 3) = $7,571,955
      C. Indirect Costs
         1. Welfare Support and Food Stamps
            (2 dependants at $1326/13 months x 1,508) = $1,999,608
         2. Aid to Dependent Children
            (1 child at $2262/13 months x 1,508) = $3,411,096
         3. Loss of Tax Revenue (see Line 1)
            a. State Income Tax ($81 x 1,508) = $122,148
            b. City Sales Tax ($162 x 1,508) = $244,296
            c. Federal Income Tax ($1,248 x 1,508) = $1,881,984
            d. Total Tax Revenue Lost
               (Line 4) = $2,248,428
            e. Wages Minus Tax Revenue Lost
               (Line 2 - Line 4)
               (Line 5) = $22,173,632
      D. Cost of Recidivism (Parole)
         1. Number Recarcerated
            (1,508 x .077 percent) = 116 persons
         2. Court Costs ($49 x 116) = $5,684
         3. Net Average Cost of Parole Recidivism
            (Line 6) = $5,684
   III. Total Cost
      A. Lines 3 + 5 + 6 = $31,999,699

*Does not include direct cost to offender such as alienation/ 
prisonization, social stigma, and psychological effects upon marriage 
and family.
However, this savings between shock probation and parole may be so overstated and inflated that it is misleading. In fact, it is not logical to assume that, in the absence of shock probation, this universe of offenders would have been incarcerated en masse or would have only received regular probation.

For heuristic purposes, the following assumptions were made. Since 63 percent of research sample of 1,081 shock probationers had no prior record, it was hypothesized that this proportion of offenders would, in lieu of the shock procedure, have been placed on regular probation. Thus, the cost figures in Table 16 are adjusted to and represent incarceration and parole costs for 558 offenders and regular probation costs for 950 offenders.

This later cost figure is more adequate than the straight-line cost of incarceration and parole ($31,999,699) and straight-line probation supervision ($500/person x 1,508 = $754,000), for comparative purposes. Using these figures, we can say that the shock probation program represents a savings over the two basic alternative programs (parole and probation) of at least $3,725,839.

It appears, therefore, that the shock probation program represents an alternative which is less costly than the sentencing-options structure which would include any probation and parole programs. It should be emphasized, however, that these cost savings have been based upon estimates. Future
TABLE 16
ESTIMATED COSTS OF INCARCERATION (WITH PAROLE) AND PROBATION

<table>
<thead>
<tr>
<th>I. Direct Costs to Offenders*</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Direct Costs</td>
<td></td>
</tr>
<tr>
<td>1. Opportunity Cost: Loss of Earnings</td>
<td>$16,195</td>
</tr>
<tr>
<td>B. Net Average Direct Costs to Offenders</td>
<td>$9,036,810</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. Societal/Governmental Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Direct Costs</td>
<td></td>
</tr>
<tr>
<td>1. Average Cost of Incarceration</td>
<td>$2,495,376</td>
</tr>
<tr>
<td>2. Court Costs (includes arrest and jail costs for felony offenders)</td>
<td>$27,342</td>
</tr>
<tr>
<td>3. Cost of Parole Supervision</td>
<td>$279,000</td>
</tr>
<tr>
<td>B. Total Direct Costs</td>
<td>$2,801,713</td>
</tr>
<tr>
<td>C. Indirect Costs</td>
<td></td>
</tr>
<tr>
<td>1. Welfare Support and Food Stamps</td>
<td>$739,908</td>
</tr>
<tr>
<td>2. Aid to Dependent Children</td>
<td>$1,262,196</td>
</tr>
<tr>
<td>3. Loss of Tax Revenue</td>
<td></td>
</tr>
<tr>
<td>a. State Income Tax</td>
<td>$45,198</td>
</tr>
<tr>
<td>b. City Sales Tax</td>
<td>$90,396</td>
</tr>
<tr>
<td>c. Federal Income Tax</td>
<td>$696,384</td>
</tr>
<tr>
<td>d. Total Tax Revenue Lost</td>
<td>$831,978</td>
</tr>
<tr>
<td>B. Wage Minus Tax Revenue Lost</td>
<td>$8,204,832</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Cost of Recidivism (Parole)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number Reincarcerated (558 x .077)</td>
<td>43 persons</td>
</tr>
<tr>
<td>2. Court Costs</td>
<td>$2,107</td>
</tr>
<tr>
<td>3. Net Average Cost of Parole Recidivism</td>
<td>$2,107</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. Total Cost of Incarceration and Parole</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (Lines 3 + 5 + 6)</td>
<td>$11,008,657</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IV. Total Cost of Probation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cost of Probation Supervision</td>
<td>$475,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>V. Total Cost of Incarceration (Parole) and Probation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (Lines 7 + 8)</td>
<td>$11,483,657</td>
</tr>
</tbody>
</table>

*Does not include direct cost to offender such as alienation/prisonization, social stigma, and psychological effects upon marriage and family.
research in this area should attempt, as was done in the Texas study, to obtain aggregate financial data for a cohort or subsample of offenders and then adjust the results to represent the universe of shock probationers. Yet, on the surface, it appears that the findings presented in this chapter provide a basis for supporting the cost effectiveness of shock probation when considering and in contrast to such alternative programs as parole and probation.

In any event, this section presents evidence that information on the cost-effectiveness of a criminal justice program can be used to supplement data generated by the more traditional, recidivist-based evaluation. In fact, economists like Weisbrod have suggested that cost analyses must be combined with alternative research designs in order to demonstrate the social benefits of a project (i.e., reduction in recidivism). In this fashion, a combination of methods should provide more adequate information upon which policy might be based. The cost results presented in this chapter should be kept in mind as the basic recidivism results in Chapter VI are presented.
FOOTNOTES

CHAPTER V


5 Source: A report obtained from the Ohio Department of Rehabilitation and Correction based upon the average length of sentence at all Ohio institutions during the period 1973-1976. These figures may be inaccurate since they reflect the presence of shock probationers (who serve shorter sentences) in the sample, and thus the costs are somewhat understated. The figures presented have not been adjusted to take this factor into account.


8 Ibid.


11 Ibid.

12 In Table 15, the estimates used were derived in the following fashion. In subheading I, the loss of earnings by offenders was obtained by dividing the average annual salary of Federal prisoners in 1972 as computed by Singer ($8,349), adjusting for inflation ($10,744) and dividing this figure by 260 to arrive at a daily wage of $41. At this rate ($41) times the average length of sentence for shock probationers (89 days), the average lost earnings per shock probationer was determined ($3,649). The net average direct costs to shock probationers was computed by multiplying $3,649 by the total number of shock probationers (1,508). This product of $5,502,692 is presented in Line 2.

Under subheading II, the cost of incarceration was obtained from Table 13. The court costs figure ($49) was computed from a Federal report which estimated the arrest, jail, and court costs for Federal felony offenders. Multiplying by the total number of shock probationers (1,508), the court cost for these individuals was estimated as $73,892. According to the Ohio Department of Rehabilitation and Correction, Probation Department Section, the average cost of probation supervision per person during 1975 was $500. Thus, the cost of probation supervision for shock probationers equaled $754,000 ($500 x 1,508). The total direct cost of shock probation is presented as the sum of these estimates, $2,242,571.

Continuing under subheading II, the indirect cost of the program was computed through the use of the following estimates. The cost of welfare support and food stamps for two dependants for three months was reported as $306. Aid to dependant children costs for one child for three months was stated as $524. The average number of dependants utilized above was obtained from the present research sample of 1,081 shock probationers. The above dollar totals were multiplied by 1,508 to represent the universe of shock probationers. Tax revenues lost were computed based upon the average salary of $3,649 from Federal and Ohio tax tables for 1975.
The cost of recidivism for the shock probationers was also computed. The reincarceration rate of 16.9 was obtained from the present 1975 research sample of 1,081 shock probationers. The estimated number of shock probation recidivists thus equaled 255 (1,508 x .169). Court costs for these returnees equaled $12,555 ($49 x 255) and represents the net average cost of recidivism in the shock probation program.


The recidivism rate for Ohio parolees released during 1975 was 7.7 percent (651 out of 8,459). These 651 offenders were returned to prison during the year for either the commission of a new offense or technical violation of their parole conditions. Ohio Department of Rehabilitation and Correction, Annual Report, 1976, p. 20.

Frazier et al., Probation in Texas.

CHAPTER VI

ANALYSIS OF FACTORS RELATED TO SHOCK PROBATION OUTCOMES

Previous studies on shock probation in Ohio identified a number of demographic variables significantly related to successful performance (supra, p. 58). The present study examined the performance or outcome question through the use of an availability sample of all 1975 state (N = 585) and a sample of locally (N = 496) supervised shock probationers (Total = 1,081) released during 1975. In addition, an availability sample of 938 state-supervised regular probationers (convicted of a felony) was obtained for comparison group purposes. All cases were drawn from the files of the Ohio Department of Rehabilitation and Correction. Data were collected (see Appendix G) on the following variables which were subsequently dichotomized as:

1. Present Offense: Personal/Property.
2. Number of Dependents: None/One or More.
5. Marital Status: Married/Unmarried.
6. Level of Education: High School Non-Graduate/Graduate.
7. Type of Supervision: State/Local.
8. Probation Officer Recommendation: For/Against Probation.
9. Prior Record: No Record/Record.

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A two-year follow-up period (1975-1977) was utilized to determine whether or not an offender had failed upon release. The outcome indicator of failure on shock probation was rigorous: reincarceration in an Ohio penal institution.

The first research question to be considered was: What are those factors related to unsuccessful outcome in the shock probation program? Chi-square, with the phi coefficient as a measure of the degree of association, was utilized to address this question. Results of this analysis of the combined sample of 1,081 shock probationers are presented in Table 17, and are ranked by phi coefficient value.

Prior record emerged as the strongest variable in terms of prediction, registering a phi value of .173. Offenders with a previous record failed at a rate more than twice that of first time offenders. Although not as strong in terms of predictability, another variable of interest in Table 17 is type of supervision. It appears that state-supervised shock probationers are more successful than their county-supervised counterparts. This conclusion, however, does not suggest any indication of the different forces at work at the state and local supervision level but, since this variable was not considered in previous studies, this finding is of some theoretical and substantive interest.

On this empirical basis, prior record was identified as the most significant factor in performance on shock probation. For this reason, the first subdivision of the sample was made
<table>
<thead>
<tr>
<th>Variable</th>
<th>Success</th>
<th>Failure</th>
<th>(x^2)</th>
<th>p</th>
<th>Phi</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td><strong>Prior Record</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Record</td>
<td>440</td>
<td>90.0</td>
<td>49</td>
<td>10.0</td>
<td>30.341</td>
</tr>
<tr>
<td>Record</td>
<td>428</td>
<td>77.0</td>
<td>128</td>
<td>23.0</td>
<td></td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 &amp; Under</td>
<td>365</td>
<td>76.7</td>
<td>111</td>
<td>23.3</td>
<td>25.888</td>
</tr>
<tr>
<td>Over 21</td>
<td>526</td>
<td>88.6</td>
<td>68</td>
<td>11.4</td>
<td></td>
</tr>
<tr>
<td><strong>Offense</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal</td>
<td>457</td>
<td>88.9</td>
<td>57</td>
<td>11.1</td>
<td>24.164</td>
</tr>
<tr>
<td>Property</td>
<td>424</td>
<td>77.4</td>
<td>124</td>
<td>22.6</td>
<td></td>
</tr>
<tr>
<td><strong>Marital Status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>382</td>
<td>86.2</td>
<td>61</td>
<td>13.8</td>
<td>11.609</td>
</tr>
<tr>
<td>Unmarried</td>
<td>406</td>
<td>77.5</td>
<td>118</td>
<td>22.5</td>
<td></td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non H.S.</td>
<td>466</td>
<td>77.7</td>
<td>134</td>
<td>22.3</td>
<td>9.432</td>
</tr>
<tr>
<td>H.S. Grad</td>
<td>272</td>
<td>86.3</td>
<td>43</td>
<td>13.7</td>
<td></td>
</tr>
<tr>
<td><strong>Dependents</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>416</td>
<td>77.6</td>
<td>120</td>
<td>22.4</td>
<td>9.691</td>
</tr>
<tr>
<td>Some</td>
<td>351</td>
<td>85.8</td>
<td>58</td>
<td>14.2</td>
<td></td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>504</td>
<td>86.2</td>
<td>81</td>
<td>13.8</td>
<td>7.825</td>
</tr>
<tr>
<td>Local</td>
<td>389</td>
<td>79.6</td>
<td>100</td>
<td>20.4</td>
<td></td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-White</td>
<td>244</td>
<td>79.2</td>
<td>64</td>
<td>20.8</td>
<td>4.412</td>
</tr>
<tr>
<td>White</td>
<td>645</td>
<td>84.8</td>
<td>116</td>
<td>15.2</td>
<td></td>
</tr>
</tbody>
</table>
on the basis of offenders who did \( (N = 556) \) or did not \( (N = 489) \) have a prior criminal record.

The results of the predictive attribute analysis are presented in Figure 4. Prior record ranks first in its ability to predict failure on shock probation.

In the first subdivision of the sample, type of present offense has an impact among the first offenders. The direction of the difference, however, is predictable: property offenders fail at a rate more than twice that of offenders who commit crimes against the person. Also, further analysis revealed that, among offenders who committed crimes against the person, non-high school graduates failed at a rate nearly four times that of their similarly-situated, high school graduate counterparts. After this point, however, the analysis failed to reveal any relationships significant at the .05 level.

On the other side of the decision tree, age had the greatest impact among offenders with a prior record. Younger individuals, as would be expected, failed at a rate more than double that of the over-21 age group. Further analysis among the "age 21 and under" group revealed that race of the offender made a significant difference with non-whites failing at a 69 percent higher rate than whites.

One must be cautious in not interpreting this finding as advocating denial of shock probation to non-white offenders. It may very well be that this finding is a reflection of an
FIGURE 4

PREDICTIVE ATTRIBUTE ANALYSIS: FACTORS SIGNIFICANTLY RELATED TO FAILURE ON SHOCK PROBATION
enforcement bias against this group. Further division of this sample demonstrated that type of supervision made a difference with non-white offenders; individuals under county supervision failed at a rate more than twice that of their state-supervised counterparts. Again, the supervision variable fails to yield clues as to variable interaction that may be occurring between different types of supervision.

Among white offenders in this subsample, education has an impact with the non-high school graduates failing at a rate 41.4 percent that of the high school graduates.

Returning to the subsample of older offenders with a prior record, the presence of dependants contributed to the difference in failure rates. Such offenders with dependants failed at a rate more than twice that of the alternate group. It should be noted that, at this point, the tree duplicates the findings of the previous study by Friday, Petersen, and Allen. Among individuals with a prior record, it is the older offender with some outside commitments who succeeds on shock probation. In addition, type of supervision has an impact among individuals with dependants: county-supervised individuals failed at a rate more than twice that of their state-supervised counterparts.

As Beha has demonstrated, a base expectancy rate table can be constructed from the probabilities listed in Figure 4. However, a number of limitations concerning the use of this technique must be reiterated to avoid problems in
interpretation. First, the probabilities listed in Tables 18 and 19 have not been validated. For this reason, the extent of the false positives and/or negative problem is unknown. The strict use of this information, therefore, as a decision making tool in the use of shock probation is not recommended. This information might be utilized as a supplement to any type of clinical prediction made by probation officers and judges in the shock probation program.

On this basis, the "best-risk" group would be those individuals in Category II (offenders with no previous record who had committed a crime against the person and had graduated from high school) while the "worst risk" group would be contained in Category V (non-white offenders with a prior record, 21 years of age or less who were placed under local supervision).

Following this analysis, there remained one pertinent question concerning an excluded variable; length of time served for present offense. As will be recalled, in his study of 554 shock probationers, Angelino constructed matched sub-samples of offenders released in 1) 0-90 days ("legislative intent"), 2) 91-120 days ("1969 amendment"), and 3) more than 150 days, and found no difference in recidivism rates. For this reason, Angelino concluded that the shock probation program was not fulfilling the function it was designed to fulfill. The present research sample was divided into the same incarceration periods in order to re-test Angelino's original
<table>
<thead>
<tr>
<th>Personal Offense</th>
<th>Non-High School Graduates</th>
<th>N = 105</th>
<th>13.3% Return</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Released on Shock Probation During 1975</td>
<td>N = 1,081</td>
<td>16.9% Return</td>
<td></td>
</tr>
<tr>
<td>No Record</td>
<td>N = 276</td>
<td>6.9% Return</td>
<td></td>
</tr>
<tr>
<td>Category I</td>
<td>N = 489</td>
<td>6.3% Return</td>
<td></td>
</tr>
<tr>
<td>Property Offense</td>
<td>N = 209</td>
<td>14.4% Return</td>
<td></td>
</tr>
<tr>
<td>State Supervision</td>
<td>N = 31</td>
<td>35.7% Return</td>
<td></td>
</tr>
<tr>
<td>One or More State Supervision N = 186</td>
<td>11.8% Return</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Graduates</td>
<td>N = 117</td>
<td>13.8% Return</td>
<td></td>
</tr>
<tr>
<td>Category II</td>
<td>N = 556</td>
<td>16.9% Return</td>
<td></td>
</tr>
<tr>
<td>No Dependants</td>
<td>N = 126</td>
<td>23.8% Return</td>
<td></td>
</tr>
<tr>
<td>Category VIII</td>
<td>N = 186</td>
<td>11.8% Return</td>
<td></td>
</tr>
<tr>
<td>Over 21</td>
<td>N = 341</td>
<td>15.5% Return</td>
<td></td>
</tr>
<tr>
<td>One or More Local Supervision N = 90</td>
<td>17.8% Return</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category X</td>
<td>N = 96</td>
<td>6.3% Return</td>
<td></td>
</tr>
<tr>
<td>No Other Significant Relationships</td>
<td>N = 329</td>
<td>13.8% Return</td>
<td></td>
</tr>
<tr>
<td>Local Supervision</td>
<td>N = 90</td>
<td>17.8% Return</td>
<td></td>
</tr>
</tbody>
</table>
allegation. As with Angelino's research design, analysis of variance was utilized and no significant difference in reincarceration rates was discovered between the three groups. These results are presented in Table 20.

**TABLE 19**

**CATEGORY WEIGHTS FOR SHOCK PROBATIONERS**

<table>
<thead>
<tr>
<th>Categories</th>
<th>Category Weights (Probabilities of Failure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>.133</td>
</tr>
<tr>
<td>II</td>
<td>.034</td>
</tr>
<tr>
<td>III</td>
<td>.144</td>
</tr>
<tr>
<td>IV</td>
<td>.355</td>
</tr>
<tr>
<td>V</td>
<td>.714</td>
</tr>
<tr>
<td>VI</td>
<td>.368</td>
</tr>
<tr>
<td>VII</td>
<td>.138</td>
</tr>
<tr>
<td>VIII</td>
<td>.238</td>
</tr>
<tr>
<td>IX</td>
<td>.063</td>
</tr>
<tr>
<td>X</td>
<td>.178</td>
</tr>
</tbody>
</table>

In view of the high costs associated with and such deleterious effects of imprisonment (as in prisonization), it seems that shock probationers might serve the shortest possible period of incarceration. Since length of sentence does not have an impact upon reincarceration, it could be recommended that shock probationers be incarcerated no longer than 30 days, a policy issue to be addressed below.4

Following this analysis, the last research question involved a comparison in outcome between regular and shock probationers. To reiterate, in view of the deleterious effects
of and high costs associated with imprisonment, this is a crucial question. If there were no differences in outcome between these two groups, it would be difficult, if not impossible, to justify the use of the shock procedure.

In order to minimize the number of uncontrolled or unknown variables at work, only the state-supervised shock (N = 585) and regular (N = 938) probationers were used in this portion of the analysis.

First, chi-square analysis was used to test the level of comparability between these two groups. The variables listed in Table 21 represent those dimensions on which shock for regular probationers differ significantly. Since the research design was not constructed to examine those factors related to placement on shock or regular probation, no inferences should be drawn.

In any case, in view of the differences between the two groups, it was evident that the use of some form of multivariate technique which could control for these factors was in order. The decision was made to use the ANOVA model with multiple classification analysis (MCA) in order to undertake a comparative analysis of the shock and regular probationers.

First, it was necessary to identify those variables which should be included in the analysis. Of course, type of probation (shock or regular) was included as the variable of primary interest. To reduce the possibility of statistical error, four other independent variables were chosen for
inclusion in the analysis. After the two groups were combined, these four variables illustrated the largest inter-group differences as presented in Table 22.

### Table 20

**Summary: One-Way Analysis of Variance: Length of Sentence and Reincarceration**

<table>
<thead>
<tr>
<th>Source</th>
<th>Degrees of Freedom</th>
<th>Sum of Squares</th>
<th>Mean Square</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explained</td>
<td>2</td>
<td>0.042</td>
<td>0.021</td>
<td>0.150</td>
<td>.861</td>
</tr>
<tr>
<td>Residual</td>
<td>1,068</td>
<td>150.362</td>
<td>0.141</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,070</td>
<td>150.404</td>
<td>0.141</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 21

**Significant Differences Between State-Supervised Shock and Regular Probationers**

<table>
<thead>
<tr>
<th>Variables</th>
<th>Shock</th>
<th>Regular</th>
<th>( \chi^2 )</th>
<th>p</th>
<th>Phi</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Probation Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For</td>
<td>230</td>
<td>23.0</td>
<td>772</td>
<td>77.0</td>
<td></td>
</tr>
<tr>
<td>Against</td>
<td>81</td>
<td>75.7</td>
<td>26</td>
<td>24.3</td>
<td></td>
</tr>
<tr>
<td>Offense</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal</td>
<td>286</td>
<td>49.5</td>
<td>292</td>
<td>50.5</td>
<td></td>
</tr>
<tr>
<td>Property</td>
<td>294</td>
<td>31.4</td>
<td>641</td>
<td>68.6</td>
<td></td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non White</td>
<td>150</td>
<td>49.2</td>
<td>155</td>
<td>50.8</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>436</td>
<td>39.5</td>
<td>79</td>
<td>64.1</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>548</td>
<td>39.7</td>
<td>834</td>
<td>60.3</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>42</td>
<td>28.8</td>
<td>104</td>
<td>71.2</td>
<td></td>
</tr>
</tbody>
</table>
To summarize, successful performance in this combined sample was weighted toward the high school graduate, first offender, offender who committed a crime against the person, and those individuals with dependants.

Second, ANOVA analysis was conducted utilizing these independent variables against the dependent variable, reincarceration.

In Table 23, the F values for each variable was significant at or beyond the .05 level.

The final step in the analysis (MCA) allows adjustment of the probability of reincarceration to account for
TABLE 23

ANOVA SUMMARY TABLE: VARIABLES RELATED TO PERFORMANCE ON SHOCK AND REGULAR PROBATION

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>Sum of Squares</th>
<th>Degrees of Freedom</th>
<th>Mean Square</th>
<th>F</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Probation</td>
<td>0.650</td>
<td>1</td>
<td>0.650</td>
<td>5.918</td>
<td>.015</td>
</tr>
<tr>
<td>Offense</td>
<td>1.474</td>
<td>1</td>
<td>1.474</td>
<td>13.417</td>
<td>.0001</td>
</tr>
<tr>
<td>Prior Record</td>
<td>2.503</td>
<td>1</td>
<td>2.503</td>
<td>22.795</td>
<td>.0001</td>
</tr>
<tr>
<td>Dependants</td>
<td>1.785</td>
<td>1</td>
<td>1.785</td>
<td>16.256</td>
<td>.0001</td>
</tr>
<tr>
<td>Education</td>
<td>2.169</td>
<td>1</td>
<td>2.169</td>
<td>19.751</td>
<td>.0001</td>
</tr>
<tr>
<td>Explained</td>
<td>12.863</td>
<td>5</td>
<td>0.858</td>
<td>7.808</td>
<td>.0001</td>
</tr>
<tr>
<td>Residual</td>
<td>145.956</td>
<td>1,329</td>
<td>0.110</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>158.819</td>
<td>1,344</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

differences between groups. This is accomplished through the calculation of (adjusted) probabilities which indicate what the outcome probabilities are when the groups are rendered statistically comparable. These results are presented in Table 24. All of the adjusted probabilities presented here are statistically significant, but type of probation is the most pertinent variable in this analysis. When the differences between the two groups are held constant, regular probationers have a 42 percent lower probability of reincarceration than shock probationers. It appears that one cannot assume that offenders placed on regular and shock probation are interchangeable. The significant difference in outcome between the two groups is substantial.
TABLE 24

MCA RESULTS: INDEPENDENT VARIABLES AND THE PROBABILITY OF INCARCERATION

<table>
<thead>
<tr>
<th>Variables</th>
<th>Unadjusted Probability of Reincarceration</th>
<th>Adjusted Probability of Reincarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Probation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shock</td>
<td>.17</td>
<td>.17</td>
</tr>
<tr>
<td>Regular</td>
<td>.13</td>
<td>.12</td>
</tr>
<tr>
<td>Offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal</td>
<td>.09</td>
<td>.10</td>
</tr>
<tr>
<td>Property</td>
<td>.17</td>
<td>.17</td>
</tr>
<tr>
<td>Prior Record</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Record</td>
<td>.08</td>
<td>.09</td>
</tr>
<tr>
<td>Record</td>
<td>.18</td>
<td>.08</td>
</tr>
<tr>
<td>Dependants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>.17</td>
<td>.17</td>
</tr>
<tr>
<td>Some</td>
<td>.10</td>
<td>.10</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non H.S.</td>
<td>.18</td>
<td>.17</td>
</tr>
<tr>
<td>H.S. Grad</td>
<td>.08</td>
<td>.09</td>
</tr>
</tbody>
</table>

On the basis of this evidence, two conclusions seem to be apparent. First, it appears that shock probationers, if placed on regular probation in lieu of incarceration, might fail on probation at a significantly higher rate. If this conclusion were made, however, the question would still remain as to why shock probationers perform less favorably. One explanation is that the fact of incarceration is that the fact of incarceration is having some unknown and unmeasured
effect upon the performance of shock probationers. Incarceration is the only variable which could not be taken into account in the present analysis. It could be that the negative effects of incarceration are affecting the performance of shock probationers. The need for further research in this area seems evident.

Summary

In conclusion, the evidence indicates that prior record is the best indicator of performance on shock probation. Those individuals with no prior record appear to perform in a more successful manner than offenders with previous criminal records. In addition, the base expectancy chart yields pertinent information and insights concerning risk management of subsamples of offenders placed on shock probation.

The question of program effectiveness, however, is still somewhat in doubt. Length of sentence does not have a significant impact upon outcome, therefore, it appears that shorter sentences for shock probationers may be in order. The evidence also indicates that shock probationers have a substantially higher reincarceration rate than regular probationers. This finding fails to answer the question of whether the fact of incarceration is having a negative effect upon shock probationers. This issue plus the policy implications suggested by the present study, are presented in Chapter VII.
FOOTNOTES

CHAPTER VI


3 Henry R. Angelino et al., A Longitudinal Study of the Effectiveness of Shock Probation (Columbus, Ohio: Ohio Department of Rehabilitation and Correction and the Behavioral Sciences Laboratory of the Ohio State University, 1974), p. 68.

4 In an earlier analysis, the length of sentence served by shock probationers was successively dichotomized as: 1) 30 days and under, over 30; 2) 45 days and under, over 45; 3) 90 days and under; over 90; and 4) 130 days and under; over 130. The only distribution which yielded a chi-square value significant at the .05 level.

TABLE 25
LENGTH OF SENTENCE AND ITS IMPACT UPON PERFORMANCE ON SHOCK PROBATION

<table>
<thead>
<tr>
<th>Length of Sentence in Days</th>
<th>Success</th>
<th>Failure</th>
<th>( x^2 )</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>30 and Under</td>
<td>442</td>
<td>87.8</td>
<td>61</td>
<td>12.2</td>
</tr>
<tr>
<td>Over 30</td>
<td>470</td>
<td>82.9</td>
<td>97</td>
<td>17.1</td>
</tr>
</tbody>
</table>
Thus, the shock probationers who served 30 or less were 39 percent less likely to be reincarcerated upon release.


6 Subsequent analysis of the failure subsample of shock and regular probationers revealed that the following differences were present in this group.

<table>
<thead>
<tr>
<th>Variables</th>
<th>Shock</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>$\chi^2$</td>
<td>p</td>
</tr>
<tr>
<td>Probation Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For</td>
<td>32</td>
<td>25.2</td>
<td>95</td>
<td>74.8</td>
<td>25.182</td>
<td>.0000</td>
</tr>
<tr>
<td>Against</td>
<td>17</td>
<td>85.0</td>
<td>3</td>
<td>15.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dependents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>63</td>
<td>46.7</td>
<td>72</td>
<td>53.3</td>
<td>4.345</td>
<td>.03</td>
</tr>
<tr>
<td>Some</td>
<td>17</td>
<td>29.3</td>
<td>41</td>
<td>70.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marital Status</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>20</td>
<td>30.8</td>
<td>45</td>
<td>69.2</td>
<td>3.967</td>
<td>.04</td>
</tr>
<tr>
<td>Unmarried</td>
<td>60</td>
<td>46.9</td>
<td>68</td>
<td>53.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note that no legal or criminal justice history variables reached a level of statistical significance. This finding lends support to the finding that the use of shock probation should not be extended.
CHAPTER VII

SUMMARY AND CONCLUSIONS

Shock Probation: Program Definition and Theory

Originally adopted in 1965, Ohio's shock probation statute is but one example of early release procedures presently in operation in the United States. The major treatment assumption of the program is that the fact of incarceration followed by a period of probation will "shock" individuals into a realization of the realities of prison life and impress offenders with the seriousness of their actions without having to resort to a long prison sentence. The shock probation program represents a unique attempt to combine elements of the criminal justice system, probation and incarceration, that have not been combined heretofore.

In Ohio, shock probation is not a part of the original sentence; rather, it is a program of judicial reconsideration. Within this schema, convicted offenders are sentenced to prison and, upon their own, lawyer's, or through direct motion by the court, the remainder of the sentence is suspended and the offender released on probation. If granted
shock probation, the offender is supervised in the community by the probation department and is subject to the same rules and regulations which apply to regular probationers, including the possibility of revocation. The length of sentence to be served by offenders as well as eligibility requirements for the program are fixed by statute.

In sum, it is evident that the decision to grant early release on shock probation lies entirely with the judiciary. Technically and in practice, shock probation is not a function under the jurisdiction of the Ohio Adult Parole Authority. Release on shock probation is entirely within the discretion of the sentencing judge.

Within the schema of corrections, the shock probation program encompasses two basic theories: deterrence and reintegration. It appears that shock probation best fits the category of primary deterrence. The major premise of the program is that the "shock" of incarceration will cause the offender to avoid future involvement with crime. The belief is that a brief application of rigors of imprisonment will deter criminal propensities and not impede individual readjustment. Obviously, the program also represents a reintegration model program designed to return the offender to the outside world.

In this fashion, the shock probation program is a unique attempt to blend philosophically-contradictory concepts in penology: 1) incapacitation and probation and 2) deterrence
and reintegration. This juxaposition may help to account for the longevity of this early release program at a time when many rehabilitation programs are being called into question, and as Martinson is arguing that, in corrections, "Nothing Works."

Research Findings on Shock Probation

Over the past five years, four published studies of Ohio's shock probation statute have been undertaken. In addition, a report of the shock probation program in Kentucky has recently been completed.

The first study, completed by the Program for the Study of Crime and Delinquency, resulted in a number of publications. The research design for this study included all persons granted shock probation from three of Ohio's seven correctional institutions during 1966 (N = 61) and all those granted shock probation during 1970 (N = 485). A comparison group of persons who were otherwise eligible, but did not file a motion, for the program under Ohio law during the same period was selected by taking each eligible case before and after each shock probation case as listed in the institutional records logs (N = 202).

On the basis of this design, Friday, Petersen and Allen defined success/failure as whether or not the individual was rearrested for an offense and returned to the institution, or arrested, declared a probation violator and not returned.
The success rate of the 1966 shock probationers was 85 percent, slightly lower than the 90.2 percent figure reported by the Ohio Adult Parole Authority. No definite conclusions could be reached regarding the 1970 sample. Both samples were combined in an attempt to determine the variables associated with success under shock probation and the following variables were found to be significant:

1. **Age**: The older a person is when incarcerated, the better the chance of success -- 73.8 percent of all successes were over 20 at the time of their commitment.

2. **Parent or Sibling Criminality**: 76.8 percent of the success group had no other member of their family with known police records.

3. **Prior Record**: 68.7 percent of successes had no known juvenile record and had only one or two prior misdemeanor or felony convictions as an adult, but having no prior record was not a guarantee of success. The authors concluded that "shock probation seems to be most effective for those who have had some previous altercation with the law, but have not become part of the 'serious' criminal element."

4. **Outside Commitments**: These individuals who were married with dependants were more likely to succeed. Marital status was significant at the .01 level and most significant for the 22-24 year old group. The success level was highest for those individuals with 1-3 dependants.

On the basis of their results, the authors concluded that the offender who could most benefit from shock probation was that individual for whom the law was intended -- the young (but not juvenile) and previously convicted (but not hard-core) offender.
The Friday, Petersen and Allen study was basically exploratory in nature and the authors were well aware of the limitations the data presented. Yet, several methodological questions remain apparent. First, from a methodological standpoint, combining samples as temporally disparate as 1966 and 1970 is questionable due to the possible effects of historical developments within each subsample. In addition, it is difficult to make inferences about significant relationships when the confounding effects of other variables are not considered. It appears, therefore, that an appropriate form of multivariate analysis would be beneficial to the study of the shock probation program.

With the same data base, Petersen and Friday later used predictive attribute analysis (with chi-square as the primary statistical measure) to determine what factors significantly relate to the judicial decision to grant shock probation. The experimental group contained all individuals granted shock probation in 1970 (\(N = 202\)), and the comparison group (\(\bar{N} = 373\)) consisted of individuals who were eligible under Ohio law, but never filed a motion for early release. The findings revealed that race was the most discriminating variable. Whites were more likely to be released on shock probation if:

1. They had committed narcotic or property offenses.

2. The probation department had recommended against probation.
3. When they have one bill of indictment.

Thus, Petersen and Friday reached the "inescapable conclusion" that, when other factors are considered equal, blacks have less chance of receiving shock probation than whites.\(^\text{6}\)

There are, however, a number of limitations present in this analysis. First of all, methodological purists would question if it were proper to order variables on the basis of the magnitude of the chi-square values (as a measure of the strength of association), when the tables used to derive these values are based upon differing degrees of freedom. From this standpoint, it may have been more correct to use a measure of association based upon 2x2 tables, such as the phi coefficient. Second, the research sample used in this study failed to include a group of offenders who were actually denied shock probation by the court. Such a sample must be included if the question of discrimination is to be properly tested.

In his doctoral dissertation, Edward Bohlander assessed the effectiveness of shock probation within a small sample of 60 Franklin Count (Ohio) probationers. He encountered one particularly interesting finding -- 23 percent of the shock probationers were released after the 130 day statutory limit and a significantly larger percentage of blacks were released after the limit. In addition, Bohlander reported a recidivism rate of 26.7 percent -- a figure of limited relevance due to his non-representative sample.\(^\text{7}\)
In sum, the data presented in the Bohlander dissertation are largely exploratory in nature, and the limited size of his sample prevents any definitive conclusions. However, Bohlander did raise a number of issues that should be considered in a study of shock probation. First, he attempted to monitor the extent of judicial compliance with the 1969 amendment to the shock probation statute which limited the prison sentence of eligible offenders to a maximum of 130 days. Second, the success/failure rates of shock probationers were compared to a sample of regular probationers. This is an important distinction, since regular probation is less costly than the shock procedure. Finally, Bohlander made an effort to discern the factors which related to success/failure rates on shock probation.

In the most current Ohio study, Angelino and others analyzed 79 variables from 418 male prisoners released on shock probation in 1969 and 136 females released between 1966-70, and examined their recidivism data obtained from FBI criminal histories. The 1969 target year was selected because of the amendment to the shock probation statute which limited the length of time served by probationers (thus minimizing the variability in length of incarceration) and because this sample would make it possible to determine the effects of length of incarceration upon recidivism. The significant findings of this report can be summarized in the following manner:
1. **Urban/Rural**: Felons convicted and granted shock probation in urban counties had more extensive criminal histories than those from rural counties.

2. **Age**: Since 21.6 percent (N = 114) of the shock probationers were over 30 and 36 were older than 40, Angelino concluded that one of the precepts of program (granting shock probation to youthful offenders) had been violated.

3. **Race**: 76 percent of the sample were white and 23.5 percent were black, a finding which offered indirect support for Petersen and Friday's conclusion that race is a factor in the decision to grant shock probation.

4. **Employment**: Less than half the offenders were employed at the time of sentencing.

5. **Instant Offense**: Angelino discovered that 107 offenders (19.3 percent) in his sample had committed crimes in the category of "potentially violent offenses."

6. **Time Served for Present Offense**: Like Bonlander, Angelino discovered that the principle of speedy release from incarceration was frequently violated. One-third of the sample remained incarcerated for longer than the 130 day period prescribed by the 1969 amendment.

7. **Criminal History**: The data revealed that the use of shock probation was not being limited to some first offenders." Sixty percent of the shock probationers had been arrested before, 39 percent had been previously convicted, and 12 percent had been in prison.

8. **Recidivism**: Angelino discovered that recidivism (defined as reincarceration) correlated highly with prior criminal history. For this reason, he hypothesized that shock probation could have been more effective if individuals with extensive prior criminal records had been eliminated from consideration.
9. **Length of Incarceration and Recidivism**: Using ANOVA, no difference in recidivism rates were found by the length of time incarcerated.

In view of these findings, Angelino concluded that shock probation was not fulfilling the function it was designed to fulfill.

In general, the Angelino report confirmed earlier findings and attempted to introduce prediction to the study of shock probation. As in previous studies, Angelino found that race was a factor in the decision to grant shock probation and that the OAPA recommendations regarding the use of shock probation for particular types of offenders were not being followed, and that the judiciary was not adhering to the 130 day sentence limitation established by the 1969 amendment. However, his consideration of recidivism rates was hampered by the absence of a comparison group and overgeneralizations drawn from the data. Nevertheless, the report adds to knowledge base on this early release program.

Another important factor regarding the use of shock probation is the economic cost of the program. In his Masters thesis, Thompson estimated the total direct costs for all shock probationers in 1973 by multiplying the daily cost of imprisonment by the number of days incarcerated. He found that the direct cost of incarceration for shock probationers in 1973 was $862,550.10

Thompson's study reflects the definite need to consider cost analysis as a vital segment of the research on shock
probation. The scope of his study, however, is too limited to be of major benefit. Thompson considered the direct costs to each institution to the exclusion of other significant factors. He failed to include such factors as estimates of welfare costs generated by inmate dependants, tax revenues lost to the state due to incarceration, savings generated by the release of offenders and tax revenue generated by their employment, or a comparison of the cost of probation versus incarceration.

At the present time, one study of shock probation has been conducted in Kentucky.* In this report, Faine and Bohlander utilized multiple discriminant analysis to determine differences between shock, regular probationers and individuals who remain incarcerated. Their results supported the findings of Petersen and Friday that race was the most significant factor in this determination. The authors also discovered a 19.2 percent failure rate among shock probationers, after a follow-up period of 8-28 months. Use of multiple discriminant analysis revealed that successful shock probationers had characteristics similar to those of the regular probationers and the failures were more closely similar to the incarcerated group, especially on previous felony

*Other states which have shock probation or split sentencing statutes include: Idaho (1970), Indiana (1972), North Carolina (1975), Maine (1975), and Texas (1977).
histories, greater criminal associations and poorer community stability and integration.\textsuperscript{11}

One unique facet of the Kentucky study was the attempt to assess the actual impact of incarceration upon offenders. Utilizing a longitudinal design, Faine and Bohlander interviewed 502 new admissions on their first and fifth weeks of incarceration and attempted to assess: identification with crime, self-esteem, and self-derogation, radicalism, rejection of staff, legitimacy of values, inmate solidarity and peer group isolation, and perception of danger. On the basis of their findings, the authors concluded that "even the short minimum period of 30 days allowable under the program is sufficient to enhance the anti-social, and even radically hostile attitudes of offenders."\textsuperscript{12} Thus, the changes in attitude engendered by incarceration are contrary to the theoretical basis for the objective of shock probation. In this fashion, Faine and Bohlander provided information which could serve to establish guidelines for the use of shock probation in Kentucky.

**Research Questions**

The present study was based upon the "impact model" of program evaluation and was designed to use multiple indicators of program effectiveness in order to arrive at a more extensive understanding of outcomes generated by the shock probation program. For this reason, it was necessary to
consider the factors at work in the judicial-decision making process to grant early release, statutory compliance with and cost-effectiveness of this program, and an analysis of the factors associated with shock probation outcomes. The information generated should offer decision-makers (and researchers) some indication of the success of post operations as well as guidelines for future operations.

To produce such information, the following research questions were addressed:

1. What are the characteristics of successful shock probationers?
2. In terms of failure rates, how do the shock probationers perform in comparison with regular probationers?
3. Is shock probation cost effective?
4. Is the program operating within its statutory time limitations?
5. Do the state supervised shock probationers perform better than their counterparts at the local level?
6. What factors are related to the judicial decision to grant shock probation?

In this manner, the present study generated information regarding the effectiveness of the shock probation program.

**Methodology**

To address these questions, it was necessary to develop a complex research design using various samples of shock probationers.
In the judicial decision-making segment (Phase I), an availability sample of 244 shock probation petitioners was drawn from the files of an Ohio metropolitan county probation department. The main criterion for the selection of cases was the official notation by the judiciary that the individual was granted or denied shock probation in 1975. Predictive attribute analysis was utilized to study the factors at work in the judicial decision-making aspect of the shock probation program.

In Phase II, the statutory compliance and cost-effectiveness segment, the universe of shock probationers from 1975 (N = 1,508) was utilized. The universe was obtained from the files of Ohio Adult Parole Authority. These institutional logs contained the offenders' name and number, institution, instant offense, and length of time served.

In the final phase, three samples were utilized. Availability samples of state (N = 585) and locally-supervised (N = 496) shock probationers released during 1975 (Total = 1,081) were collected. These cases were drawn from the institutional files of the Ohio Department of Rehabilitation and Correction. In addition, an availability sample of 938 state-supervised regular probationers was obtained. This comparison group was selected by taking every eligible case (i.e., from the year 1975, charged with a felony) contained in the files of the Ohio Department of Rehabilitation and Correction, Probation Development Section. The focus of the
study was the development of base expectancy rates for shock probationers through the use of predictive attribute analysis. In addition, two multivariate techniques, analysis of variance and multiple classification, were used to compare the reincarceration rates of the state-supervised shock and regular probationers.

The major findings from each phase are summarized in the following sections.

Phase I: Summary of the Findings Concerning the Judicial Decision to Grant Shock Probation.

Since the judiciary have the key roles in this program, consideration of the factors relating to the decision to grant early release represented a crucial question. This question seemed all the more pertinent in light of the previous findings by Petersen and Friday which alleged that whites were granted shock probation more frequently than non-whites. The present study re-examined this question through the use of a sample of 244 offenders who had actually applied for release on shock probation to an Ohio metropolitan county court.

Analysis of these data revealed no evidence of racial discrimination at any level. Neither the judges nor the probation officers seemed to consider race as a factor in their decision to grant or recommend release on shock probation. The strongest variable in terms of explanatory power was probation officer recommendation. Those individuals who
received a favorable recommendation were found to be 125 percent more likely to be released on shock probation (54.5 versus 24.2 percent).

Although this evidence was drawn from a one-county sample, it appears that a Type II error may well be present in the current literature concerning the judicial use of shock probation. The question of racial discrimination is a crucial one, however, and monitoring of the use of this form of early release procedure should be continued and expanded to prevent discretionary abuses, and to affirm or refute the suggestion of the Type II error.

**Phase II: Summary of the Findings Concerning Statutory Compliance With and Cost Effectiveness of Shock Probation**

A question related to judicial discretionary power within the program was the extent to which judges were following the sentencing guidelines established under the 1969 legislative amendment to the shock probation statute. It was discovered that 11.5 percent of all shock probationers released in 1975 (N = 1,508) had served sentences of beyond 130 days, in violation of the statutory guidelines. In terms of individual psychological damage and the financial costs of incarceration, the existence of this "over-limit" group represents a potential threat to the overall effectiveness of the program. Perhaps the Chief Justice of the Ohio Supreme Court, within the bounds of his rule-making function, could monitor the lower courts to prevent future abuses under this program.
The related question of program cost-effectiveness was addressed through the use of a cost model based upon several estimates and designed to explore the costs of incarceration to the individual, governments and society in general. The direct cost of incarceration for shock probationers in 1975 was calculated as $1,444,677. The estimated direct cost of incarceration without shock probation would have totaled $6,744,061. However, these figures fail to take into account such indirect costs of shock probation as: loss of earnings to the offender, court costs, cost of probation supervision, cost of family support for dependants of the offender, loss of tax revenue generated by the offender, and cost of recidivism. Estimates used to calculate the indirect costs of the program totaled $7,757,818.

This figure was then compared to the costs of two alternative programs: probation and parole. For this purpose, it was hypothesized that the 63 percent (N = 950) of shock probationers who did not have a prior criminal record would have been placed on probation while the remaining 37 percent (N = 558) would have been sentenced to prison if this shock procedure did not exist. In this manner, the cost of alternative programs was calculated as $11,483,657.

Using these figures, it was concluded that the shock probation program represents an estimated savings over the two basic alternative programs of at least $3,725,839. On the surface, these findings provide a basis for supporting
the cost-effectiveness of shock probation when considering and in contrast to such alternative programs as parole and probation. Future research in this area should attempt to obtain aggregate financial data (instead of estimates) for a cohort or subsample of offenders and then adjust the results to represent the universe of shock probationers.

Phase III: Summary of the Factors Related to Shock Probation Outcomes

The focus of this phase was the development of base expectancy rates for shock probationers through the use of predictive attribute analysis. In sum, the best predictor of failure on shock probation (defined as reincarceration in an Ohio prison over a two year period) was prior criminal record. Shock probationers with a previous criminal history were more than twice as likely to commit and be convicted of a new offense.

In addition to prior record, another pertinent variable which had not been considered in previous studies, type of supervision, demonstrated statistically a significant relationship to outcome. County-supervised shock probationers were more likely to be reincarcerated (20.4 percent) than offenders placed on state supervision (13.8 percent). This finding, however, does not suggest any indication of the different forces at work at the state and local supervision
level.* This finding bears further investigation.

Subsequent category weights, reflecting probabilities of reincarceration, were established for the various subsamples of shock probationers. Caution should be used by decision makers, however, since these weights have not been validated and are based upon a 1975 sample. They do, however, represent some indication of which offenders will fail on shock probation and thus may be of some use as a risk management tool.

A related question concerned the effect of length of time served upon outcome. Subdivision of the sample into three groups: 1) 1-90 days, 2) 91-130 days and 3) more than 130 days and comparison of outcomes using analysis of variance revealed that there were no significant differences in outcome between the three groups. Other subdivisions of the sample into groups of: 1) 30 days and under versus over 30; 2) 45 days and under versus over 45; 3) 90 days and under versus over 90; and 4) 130 days and under versus over 130; revealed only one significant difference in outcome. The group of offenders who served 30 days or less had a statistically significant and lower failure rate (12.2 percent) than those shock probatiners who served more than 30 days (17.1 percent). On this basis, it was suggested that shock

*One county probation officer suggested a possible explanation. It may be easier, due to the absence of bureaucratic pressures, for the county probation officer to have an offender reincarcerated for a probation violation.
probationers should serve no more than 30 days in a penal institution. This proposal seems all the more pertinent in light of the finding by Faine and Bohlander in their Kentucky study that even a 30 day sentence is sufficient to enhance the anti-social, and even radically hostile attitudes of offenders.

The final, and in many ways the most crucial, research question involved the comparison of state supervised regular probationers* (N = 938) with shock probationers (N = 585). Since these groups differed on a number of demographic variables, two multivariate techniques (analysis of variance and multiple classification analysis) were utilized to control for these differences. When differences were held constant, regular probationers had a 42 percent lower probability of reincarceration than shock probationers. One uncontrolled and unmeasured variable, the fact of incarceration, has a mitigating and possible intervening variable effect upon the interpretation of this finding. It is plausible that the negative effects of incarceration are affecting the performance of shock probationers.

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*Mindful of the fact that the term "probation" has, in the past, stood for a wide variety of processes, "regular" probation is used in this instance as the opposite of the shock procedure and nothing more. See: Eric W. Carlson, Evalyn C. Parks, and Harry E. Allen, The State of Research in Probation (Columbus, Ohio: Program for the Study of Crime and Delinquency, [1978]), p. 99.
Conclusions

The results of this study offer a broad range of information concerning the ultimate question of program effectiveness. Taken as a whole, the findings lend some support for the use of shock probation, but this endorsement is not unqualified.

First of all, the evidence suggests that, although the judiciary may not be "guilty" of racial discrimination in their use of shock probation, they are not infrequently in violation of the 1969 amendment concerning length of time served by shock probationers. This fact, plus the evidence that those individuals who serve 30 days or less have a lower rate of failure, raises questions about the nature of program operations at the present time.

Second, although these cost estimates favor shock over regular probation or parole, more savings could be generated at every level if the length of incarceration under the program were shortened.

Finally, although the factors related to outcomes on shock probation have been indicated, these findings should not be mechanically applied by decision-makers. In fact, one major theoretical and substantive question which is still unaddressed is the negative effect of incarceration upon shock probationers. The fact that the outcomes of the shock probationers are less favorable than regular probationers has left this question open to further analysis. Future
research in the area should include comparison of the outcome or failure rates of shock probationers with not only regular probationers, but also with a sample of parolees. This comparison would enable future studies to address the impact of incarceration upon performance.

The important issue is whether or not the "shock" of incarceration has a negative effect. If so, the deterrent aspect of shock probation may be too costly in terms of re-incarceration rates. It may be that in lieu of shock probation, offenders currently receiving this disposition should be placed on regular probation or on some other form of community-based correctional program.

In sum, it appears that a number of qualifications surround the program and they may suggest that the use of the program should be altered (shorter periods of incarceration served) and limited until its possible negative effects can be more fully ascertained.
FOOTNOTES

CHAPTER VII


2 Paul C. Friday et al., Shock Probation: The Ohio Experience (Columbus, Ohio: Program for the Study of Crime and Delinquency, Ohio State University, [1974]), 70 pp.


4 Friday, Petersen and Allen, "Shock Probation", pp. 6-7.

5 Ibid., pp. 7-8.


8 Henry R. Angelino et al., A Longitudinal Study of the Effectiveness of Shock Probation (Columbus, Ohio: Ohio Department of Rehabilitation and Correction and the Behavioral Sciences Laboratory of the Ohio State University, [1974]), p. 8.

9 Ibid., pp. 15-68.


12 Ibid., pp. 43-48.

APPENDIX A

ORIGINAL SHOCK PROBATION LAW, 1965
(Substitute House Bill No. 781)
APPENDIX A

ORIGINAl SHOCK PROBATION LAW, 1965
(Subtitle House Bill No. 781)

AN ACT

To enact section 2947.061 of the Revised Code to permit a trial court to suspend the sentence of a convicted person during a thirty-day period beginning thirty days after serving of the sentence begins, notwithstanding expiration of the court term during which such person was sentenced.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2947.061 of the Revised Code be enacted to read as follows:

Sec. 2947.061. Subject to sections 2951.03 to 2951.09, inclusive of the Revised Code, the trial court may, upon motion of the defendant made not earlier than thirty days nor later than sixty days after the defendant, having been sentenced, is delivered into the custody of the keeper of the institution in which he is to begin serving his sentence, or upon the court's own motion during the same thirty-day period, suspend the further execution of the sentence and
place the defendant on probation upon such terms as the court
determines, notwithstanding the expiration of the term of
court during which such defendant was sentenced.

Passed July 26, 1965
Approved July 30, 1965
Effective October 30, 1965
APPENDIX B

1969 AMENDMENT TO THE SHOCK PROBATION LAW

(House Bill No. 686)
APPENDIX B

1969 AMENDMENT TO THE SHOCK PROBATION LAW

(House Bill No. 686)

AN ACT

To amend section 2947.061 of the Revised Code relative to the conducting of hearings to suspend the execution of a sentence and place a defendant on probation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2947.061 of the Revised Code be amended as follows:

Sec. 2947.061. Subject to sections 2951.03 to 2951.69, inclusive, of the Revised Code, the trial court may, upon motion of the defendant made not earlier than thirty days nor later than sixty days after the defendant, having been sentenced, is delivered into the custody of the keeper of the institution in which he is to begin serving his sentence, or upon the court's own motion during the same thirty-day period, suspend the further execution of the sentence and place the defendant on probation upon such terms as the court determines, notwithstanding the expiration of the term of court during which such defendant was sentenced.
The court shall hear any such motion within sixty days after the filing date thereof and shall enter its ruling thereon within ten days thereafter.

The authority granted by this section shall be exercised by the judge who imposed such sentence, unless he is unable to act thereon and it appears that his inability may reasonably be expected to continue beyond the time limit for such action. In such case, a judge of such court or assigned thereto may dispose of a motion filed under this section, in accordance with an assignment of the presiding judge, or as prescribed by the rules or practices concerning responsibility for disposition of criminal matters.

Passed July 30, 1969
Approved August 15, 1969
Effective November 14, 1969
APPENDIX C

OHIO REVISED CODE, SECTION 2951.02
CRITERIA FOR PROBATION
APPENDIX C

OHIO REVISED CODE, SECTION 2951.02

CRITERIA FOR PROBATION

(F) An offender shall not be placed on probation when any of the following applies:

(1) The offense is aggravated murder or murder.

(2) The offender is a repeat or dangerous offender as defined in section 2929.01 of the Revised Code.

(3) The offense was committed while the offender was armed with a firearm or dangerous ordinance as defined in section 2923.11 of the Revised Code.

(4) The offense involved is a violation of section 2907.02 or 2907.21 of the Revised Code.
APPENDIX D

OHIO REVISED CODE, SECTION 2929.01
APPENDIX D

OHIO REVISED CODE, SECTION 2929.01

Sec. 2929.01. As used in sections 2929.01 to 2929.51 of the Revised Code:

(A) "Repeat offender" means a person who has a history of persistent criminal activity, and whose character and condition reveal a substantial risk that he will commit another offense. It is prima-facie evidence that a person is a repeat offender if any of the following apply:

(1) Having been convicted of one or more offenses of violence, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense of violence;

(2) Having been convicted of one or more sex offenses as defined in section 2930.01 of the Revised Code, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent sex offense;

(3) Having been convicted of one or more theft offenses as defined in section 2913.01 of the Revised Code, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent theft offense;

(4) Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense;

(5) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense.

(B) "Dangerous offender" means a person who has committed an offense whose history, character, and condition reveal a substantial risk that he will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with needless indifference to the consequences. "Dangerous offender" includes, without limitation, psychopathic offender as defined in section 2947.24 of the Revised Code.
APPENDIX E

DATA COLLECTION FORM
APPENDIX E

DATA COLLECTION FORM

SHOCK PROBATION QUESTIONNAIRE

Name ___________________________
Insct.#______________________
Card one

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<td>Respondent's I.D. Number</td>
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<td>Institution</td>
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<td></td>
<td>3 - CRC or CCI</td>
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<td>4 - MCI</td>
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<td>A3.</td>
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<td>1 - Prior Adult Conviction(s) resulting in probation only or a suspended sentence without probation (also applies to cases of fines only)</td>
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<td></td>
<td>2 - Prior Adult Conviction(s) resulting in sentence to exactly one year or less. Include mixed or split sentences where commitment is one year or less</td>
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<td></td>
<td></td>
<td>3 - Commitments under Juvenile Delinquency procedure</td>
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<td>4 - Prior Adult Conviction(s) resulting in confinement of more than one year</td>
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<td>5 - Prior Juvenile Conviction(s) resulting in probation only or suspended sentence including fines</td>
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A3.  ____ (14)  Race:  1 - B - Black  
      2 - W - White  
      3 - SP - Spanish Am.  
      4 - C - Chinese  
      5 - I - Indian  
      6 - J - Japanese  
      7 - O - Other

A9.  ____ (15-16)  Age at Supervision (as of 1975)

A10.  ____ (17)  Marital Status:  
      1 - M - Married  
      2 - S - Single  
      3 - D - Divorced  
      4 - SEP - Separated  
      5 - W - Widow  
      6 - CL - Common Law  
      7 - U - Unknown

A11.  ____ (18-19)  Education:  Enter number indicating highest grade year completed.

A12.  ____ (20)  Presentence  
      1 - Complete  
      2 - Partial  
      3 - None

A13.  ____ (21)  P.O. Recommendation  
      1 - For Probation  
      2 - Against Probation  
      3 - None

A14.  ____ (22-24)  Length of Sentence  
      Enter number of days served  
      000 - none (Shock samples only)

A15.  ____ (25)  Recidivism Data  
      1 - Yes  
      2 - No

A16.  ____ (26-8)  New Offense:  
      See Offense Code Sheet
APPENDIX F

TOTAL POPULATION OF U. S. STATE AND FEDERAL PRISONS, 1962-1977
FIGURE 5

TOTAL POPULATION OF U. S. STATE AND FEDERAL PRISONS, 1962-1977

(Figures are in Thousands)

Sources:


APPENDIX G

OHIO PRISON STATISTICS, 1966-67
## APPENDIX G

### TABLE 27

**OHIO PRISON STATISTICS 1966-77**

<table>
<thead>
<tr>
<th>Year</th>
<th>Institutional Population*</th>
<th>Shock Probationers*</th>
<th>Regular** Probationers</th>
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<td>1970</td>
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<td>1977</td>
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*Sources:*

*Ohio Department of Rehabilitation and Correction, Annual Reports 1966-67.*

**Department of Mental Health and Retardation, Ohio Judicial Statistics, 1966-74.*


ARTICLES AND PERIODICALS


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