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## **An analysis of racial bias in revocation rates among felony probationers in Black Hawk County, Iowa**

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AN ANALYSIS OF RACIAL BIAS IN REVOCATION  
RATES AMONG FELONY PROBATIONERS  
IN BLACK HAWK COUNTY, IOWA

An Abstract of a Thesis  
Submitted  
In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

Ross Thomas Todd  
University of Northern Iowa  
May 1995

The probation revocation hearing is one of many decision points in the legal system. Some probation violators are revoked from probation supervision and ordered to serve a prison sentence, while others are given another chance to successfully complete their period of supervision. Some legal scholars and researchers believe systematic racial discrimination occurs in the justice system, while others maintain that all criminal defendants are treated the same regardless of race. This does not mean that race never plays a role, only that it is ideosyncratic rather than systematic. The results of previous studies of the effects of race on judicial decision-making are inconclusive. The probation revocation hearing is one decision-making point that has not received much attention.

The current study examines probation revocation hearing dispositions of 163 felony probationers in Black Hawk County, Iowa. To determine what factors are associated with revocation, two groups of probation violators are compared. The first group had their probation supervision revoked due to breaking probation rules. The second group received less severe sanctions as a result of failing to comply with the terms and conditions of probation supervision. Of these 163 probation violators, 59 were revoked and 104 received other sanctions. The sample contained 62 black defendants and 101 white defendants. The records of the probation violators were used to look for factors associated with being revoked from probation supervision and to determine if race appeared to impact the disposition of the revocation hearing.

The results indicate that black defendants were not treated differently than white defendants and that race did not affect the

outcome of the probation revocation hearing. Instead, judicial processing and decisions appeared to be made based on legally relevant variables. Specifically, probation violators who were on probation for more than one felony offense were more likely to be revoked. Further, offenders with criminal histories which included a prior period of supervision or a prior revocation of supervision were more likely to be revoked from probation. Also, probationers who had previously served time in prison were revoked from probation more often. Conversely, offenders with a history of mental health problems were more likely to receive sanctions less severe than revocation. Probationers who broke probation rules by being rearrested for a new felony offense were also frequently sent to prison as a result of the revocation hearing.

Overall, the results of the present study demonstrate that race has no direct effect in the decision to initiate revocation proceedings or probation revocation hearing dispositions. These results are encouraging because they lend credibility to the judicial process as it pertains to dealing with probation violators.

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has been approved as meeting the thesis requirement for the Degree of Master of Arts.

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## CHAPTER ONE

## PROBLEM STATEMENT

The issue of racial bias in the United States Criminal Justice System has been examined by legal practitioners and scholars alike. The overrepresentation of African Americans in our nations prisons has frequently been cited to demonstrate the apparent inequities in the legal system. In 1990, 47% of the defendants convicted of felonies in State Courts were black, yet only 11% of the adult United States population was black (U.S. Department of Justice 1993a, 5). However, the disproportionality which exists in prison populations has been partially explained by the types and frequency of crimes committed by black defendants (Blumstein 1982; Kleck 1981).

Studies which attempt to determine if racial discrimination occurs in criminal justice practices have yielded differing results. Several studies have shown that race does appear to play a role in judicial decision-making, and that minority defendants often receive more harsh sanctions than white defendants (Petersilia 1983; Crew 1991; Pruitt and Wilson 1983). Other studies have found no direct evidence of racial discrimination in criminal justice decisions (Zatz 1985; Spohn, Gruhl and Welch 1981-1982; Wilbanks 1987). The findings of such studies vary for numerous reasons. For example, methodological choices and limitations often impact the results of studies which attempt to determine the role of race in case processing and judicial decisions (Gibson 1978; Crutchfield, Bridges, and Pitchford 1994; Mann 1990).

The objective of this study is to examine racial discrimination in the criminal justice system. Specifically, the major focus is to determine if a defendant's race plays a role in the probation revocation process and in the judicial decision to revoke an offender's probation. This issue is important because probation is often used as a legal sanction for felony offenders.

In 1991 police officers in the United States conducted over 14 million arrests for criminal offenses ranging from murder to disorderly conduct (U.S. Department of Justice 1993b, 422). The general public assumes that criminal offenders, especially those convicted of felonies or drug charges, go to prison as a result of their illegal behavior (Stewart 1986). However, only 26% of convicted felons receive sentences of incarceration of one year or more (U.S. Department of Justice 1992b, 3). This is partially due to the fact that there simply is not enough prison space to accommodate the number of people who are convicted of criminal offenses each year. In 1991 there were approximately 790,000 inmates serving sentences in state and federal institutions; a figure which has more than doubled in the last ten years (U.S. Department of Justice 1993b, 608). State and federal prison systems are not able to incarcerate all felony offenders and consequently there has been a dramatic increase in recent years in the number of persons who are granted probation after being convicted of a felony. As Petersilia explains, "Probation sentences for adult felons have become so common that a new term has emerged in criminal justice circles: felony probation" (1987, 56).

The expanded use of probation supervision as a legal sanction appears as a concern to the general public as well as those who deal with these offenders in community corrections. Stewart explains that because approximately 70% of convicted offenders are not incarcerated for their crimes, the public is justifiably fearful (1986, 94). Community corrections officials are also concerned about the increase of repeat and violent offenders who are now granted probation more frequently due to prison overcrowding (Stewart 1986, 94). In a survey of state and local probation and parole officers sponsored by the National Institute of Justice, it was found that "Despite greater financial resources, personnel increases are not keeping pace with rising caseloads of clients with serious problems" (U.S. Department of Justice 1988, 1). Further, the survey revealed that jail and prison overcrowding had significantly contributed to increased probation and parole caseloads (U.S. Department of Justice 1988, 3). In any event, it appears that felony probation will continue to be utilized as the number of convicted felons on probation continues to rise. For example, in 1990 there were considerably more people on probation supervision for felony offenses than for misdemeanors (U.S. Department of Justice 1992a, 33).

Several studies attempt to assess the effectiveness of probation supervision. These studies have yielded results ranging from a 14% failure rate to a 51% failure rate for individuals placed on probation (Morgan 1993, 26). Typical probation outcome studies compare successful discharges of probation to probationers who were revoked from probation

or were convicted of new charges while on probation (Morgan 1993). The results of such studies have been mixed because of methodological differences such as sample size, follow-up periods, and how "failure" is defined. Although several studies have examined outcomes of probation supervision using revocation as a determination of failure, little research deals specifically with the revocation process and hearing outcomes.

This investigation is similar to probation outcome studies in that the factors related to revocation will be examined to determine which variables are most influential in the decision to revoke a defendant's probation. This research will lend greater understanding in the area of probation revocation procedures and judicial decision-making in this area. Whereas judicial decision-making in sentencing has previously been studied--the in/out decision--few researchers have examined similar rulings in the area of probation revocation hearings. This research goes a step farther than outcome studies in that it examines a population of offenders who were apparently failing to meet the expectations of their probation supervision and faced revocation proceedings. Some offenders were revoked while others were afforded another opportunity to change their behavior and successfully complete their probationary period. Hence, this study is a unique combination of research which utilizes components of probation outcome studies and judicial decision-making.

The present study will examine revocation rates of felony probationers in Black Hawk County during the years 1992 and 1993.

Probationers who had their supervision revoked during this time period will be compared with those who faced revocation proceedings but were not revoked. Those defendant's who were revoked from supervision and ordered to serve a prison sentence shall be referred to as the revoked group. Those who remained on supervision or were given intermediate sanctions will be referred to as the comparison group.

Probation supervision has been utilized by the courts for many years with the hope that when given a "break" by the system, criminal offenders will discontinue their illegal behavior. Unfortunately, not all probationers successfully complete their probationary period, but are instead revoked from probation supervision and ordered to serve a period of incarceration. The purpose of this research is to examine what factors contribute most significantly to the decision to revoke a convicted felon's probation. This in turn may prove beneficial to community based corrections officials in devising strategies to assist offenders in making positive changes in their behavior and lives.

## CHAPTER TWO

## REVIEW OF THE LITERATURE AND HYPOTHESES

Previous studies have not thoroughly examined what factors are most influential in the decision to revoke a defendant's probation, and have not addressed the role race plays in the probation revocation process. Thus, additional study is needed to address what variables are most strongly associated with revocation, and why some defendants are revoked and others given more lenient sanctions. The type of crime or crimes for which a person is on probation, prior criminal history, and the nature of the alleged violations may all be factors which influence probation revocation hearing outcomes. Further, the race of defendants may also be a key factor in revocation hearing dispositions. Little research has been done which examines the reasons for revocation, and no prior studies which dealt specifically with race and revocation could be found. Therefore, further research needs to examine the reasons for probation revocation. The present study examines several variables, including race, in an attempt to ascertain which offender characteristics are most influential in the revocation decision. In the sections to follow, I first present a discussion of the history of probation followed by a more in depth examination of the literature and the factors influencing revocation. Next, a broad discussion on racial disparity in the criminal justice system is provided. The last section of this chapter presents justifications for the present research and the hypotheses.



### History of Probation in the United States

John Augustus is credited as the inventor of probation supervision in the United States. Augustus, a Boston shoemaker, "believed the object of the law was to reform criminals and to prevent crime" (Smith and Berlin 1988, 32). Augustus reportedly spent much of his free time in the Police Court of Boston and later the Municipal Court of Boston seeking candidates for reform. Between the years 1841 and 1859, nearly 2,000 defendants were released to Augustus rather than being incarcerated (Champion 1988, 2). After their release, Augustus addressed the needs of his clientele by assisting them in gaining employment, stable residence, and abstaining from the use of alcohol (Abadinsky 1991, 23).

Not everyone approved of Augustus' rehabilitative ideas or practices. Critics argued that Augustus' probation was not "just punishment" for criminals who deserved to be punished for their illegal behavior (Champion 1988, 2). Many prosecutors, policemen, and court clerks also opposed the work of Augustus because it clogged the court system by delaying the dispositions in criminal cases (Abadinsky 1991, 24). Further, prison officials disliked Augustus' probation because it represented a loss of income for them. According to Hussey and Duffee, "for each prisoner he bailed, the correctional officer in charge lost 75 cents . . ." (1980, 39).

Despite his critics, John Augustus proclaimed success as "the father of probation." In nearly 2,000 cases, he reported only 10 which absconded from his supervision (Abadinsky 1991, 23-24). Augustus died

in 1859, but his work was continued by others who shared his rehabilitative philosophy. In 1878, the state of Massachusetts passed the first statute allowing for a probation officer to be hired to supervise criminal offenders in Boston, and thirteen years later implemented probation services throughout the state. Other states soon enacted probation laws, including Maryland in 1894, Vermont in 1898, and Minnesota, Illinois, and Rhode Island in 1899 (Smith and Berlin 1988, 33).

The early ideas and practices of John Augustus continue to thrive in our present criminal justice system. In the following quote from Augustus, one can clearly see the evolution of the suspended sentence, probation, and the revocation of probation supervision.

Would it not be more in consonance with the desires of the thinking part of society, and more productive of good, to allow such persons . . . to be bailed, on a plea of guilty, on the ground of their renouncing their business, and to discharge the bail by laying the indictment on file. . . . Such a course would be perfectly safe, for if one party should again be guilty of a violation of the law, the indictment can be taken from the file, and upon it the party can be brought in for sentence; with this indictment hanging over them, there is little danger of a new offense of a similar character. (Augustus 1984, 65)

#### Studies on Probation Success

The effectiveness of probation supervision in reducing criminal activity and anti-social behavior has been debated for many years. Although the present study does not attempt to measure probation success per se, it is important to briefly discuss this issue as it generally relates to probation violations and probation revocation. Numerous studies and literature reviews have attempted to answer the question,

"Is probation effective?" Unfortunately, a concise answer to this question is unavailable due to the many definitions of what may be considered effective, useful, or worthwhile. However, such has not stopped several researchers from concluding that efforts to rehabilitate criminal offenders are largely unproven or unsuccessful.

In 1958, Cressey discussed the lack of evidence which might demonstrate the effectiveness of rehabilitation efforts used to treat criminal offenders. Cressey concluded that ". . . most of the 'techniques' used in 'correcting' criminals have not been shown to be either effective or ineffective and are only vaguely related to any reputable theory of behavior or of criminality" (1958, 770).

To determine the effectiveness of a variety of correctional and treatment programs, Lipton, Martinson, and Wilks (1975) analyzed 231 treatment evaluation studies which examined the treatment methods used on legal offenders during the years 1945 through 1967. They conclude:

While some treatment programs have had modest successes, it still must be concluded that the field of corrections has not as yet found satisfactory ways to reduce recidivism by significant amounts. (Lipton, Martinson, and Wilks 1975, 627)

Such a poor review of the corrections field gave rise to the now infamous "nothing works" doctrine. However, dismal reviews of treatment programs for criminal offenders have not led corrections officials to stop trying to "correct" their clientele. For instance, in Black Hawk County, the site of this study, several new treatment programs have emerged in recent years to rehabilitate criminal offenders. These

include specialized programs for sex offenders, chronic substance abusers, and OWI offenders.

Many probation officials and academics have called for changes in the probation system. Ideas for change have ranged from dramatic increases in supervision, commonly referred to as intensive supervision programs, to abolishing supervised probation altogether. Rosecrance (1986) suggests that the mission of probation supervision should be redefined in order to more objectively handle probation clients. In essence, Rosecrance favors less supervision of offenders by probation officers because traditional probation practices have failed to significantly change the behavior of criminal offenders. Despite the apparent shortcomings of probation supervision, it has continued to be an integral part of the correctional system in the United States. For this reason, several researchers have conducted probation outcome studies to attempt to determine which characteristics are most influential in probationers successfully completing their period of supervision.

In a review of the literature in this area, Morgan (1993) examined numerous studies which were conducted between 1951 and 1987. Failure rates ranged from 4% to 51% (Morgan 1993, 26). These diverse results are explained by methodological differences and the operational definition of "failure" used in each study. Typically, failure was measured by conviction of a new offense, absconding from supervision, or revocation or probation. Despite the broad range of failure rates, these studies lend insight into what characteristics are most commonly

associated with probationers who fail to successfully complete a period of supervision. According to Morgan:

Factors most often associated with failure included employment status, prior criminal record, low income, age, sex, and marital status. Young males who are unemployed or underemployed with a low income and prior criminal record are more likely to fail. Instability, as measured by employment status, marital status, and length of stay at residence, was also related to probation failure or success. (1993, 27)

If revocation of probation supervision is accepted as the most common measure of "failure," and it is known that not all probationers who face revocation proceedings are revoked, then a new series of questions emerge. For example, why are some probationers revoked and sent to prison, while others are given yet another "break" by the criminal justice system? What factors are perceived to be most influential in determining a defendant's fate at a revocation hearing? Finally, what role, if any, does race play in this process? Four particular studies address these concerns.

Caldwell (1951) conducted an outcome study of 1,862 probationers. Of these, 18.1% violated probation and were committed to a penal institution, while 4% were reported to have violated their probation, but were not committed (Caldwell 1951, 6). No explanation was given as to why approximately 22% of the probation violators were not committed. Caldwell did examine the characteristics of 337 probation violators who were revoked from supervision and found that 62% were convicted of new offenses while on supervision, and 35.9% had incurred only technical violations which led to their revocation from probation (1951, 8). Finally, Caldwell reports a slight decrease in the number of black

probation violators as compared to the number of blacks in the original study universe of 1,862 cases (1951, 8).

In a similar study, Landis, Mercer, and Wolff (1969), examined 791 felony probation cases in Sacramento County, California. Of the 791 cases, 376 had their probation revoked. The authors concluded that 80% of the failures were due to technical violations, and only 20% were revoked because of a conviction for a new offense (Landis, Mercer, and Wolff 1969, 35-36). No data were presented in regard to cases which may have faced revocation proceedings but were not revoked.

In another study, Radzinowicz (1958) examines the power of the Court to revoke a defendant's probation when he has violated the probation contract. Of 720 men who faced revocation, only 61% were imprisoned or committed to borstal training (Radzinowicz 1958, 24). Of these 720 probation violators, 145 cases faced revocation due to technical violations, while 575 had committed a new offense (Radzinowicz 1958, 22-23). Although the discretion of the Court is discussed, few variables, including race, are examined to determine what factors are most influential in the decision to revoke a defendant's probation.

Cunniff (1986) examined the outcomes of approximately 3,000 male and female felony probationers. Among the males who faced probation revocation hearings, 35% had violated the conditions of probation, been rearrested, or a combination of both (Cunniff 1986, 71). The majority of probation violators, 63%, faced disciplinary hearings as a result of technical violations only. However, the nature of these violations was not examined (Cunniff 1986, 70-71). The results of the probation

revocation hearings revealed that only 24% of those who faced revocation were revoked and ordered to serve a prison sentence (Cunniff 1986, 78). Race was not considered as a factor in the probation revocation hearing outcomes.

### Racial Equality in the Criminal Justice System

Racial discrimination in the criminal justice system has been a topic of discussion in the United States for many years. In 1987, William Wilbanks' book titled The Myth of a Racist Criminal Justice System gave rise to a new round of debate in this area. Wilbanks systematically examines each level of the criminal justice system and the "myths" of discrimination surrounding each. Specifically, arrest statistics, bail decisions, plea-bargaining, conviction rates, and sentencing outcomes, are discussed in an attempt to disprove the idea that the criminal justice system systematically discriminates against blacks (Wilbanks 1987, 5-6). Wilbanks (1990) acknowledges the possibility that race may play a role in criminal justice decisions in some instances but states that the impact of race is random and not systematic. This is the position taken by consensus theorists who believe that only legally relevant factors regularly determine judicial decisions. Crew further explains by saying " . . . Wilbanks supports a consensus model by finding that legal officials do not discriminate on the basis of race" (1991, 100).

On the other hand, conflict theorists argue that race plays a significant factor in criminal justice decisions. This is because the criminal justice system is perceived to reflect and support white

dominance (Crew 1991, 100). Liska and Yu further explain the conflict perspective in the following statement.

The conflict perspective conceptualizes the actions of crime control agents as efforts to control acts and people that are perceived to threaten their interests and/or the interests of higher authorities. (Liska and Yu 1992, 67)

Using the above definition, minorities are assumed to be threatening to whites (the majority) and therefore are controlled via discrimination. Proponents of the conflict perspective argue that evidence supporting the race effect is scarce for several reasons. Hawkins (1987) suggests that the conflict perspective is oversimplified, as it fails to sufficiently address mediating factors and contingencies found in research of this nature. Tittle and Curran echo Hawkins' sentiment and state that future theory developments should focus more on ". . . the contingencies under which power is wielded" (1988, 23).

Methodologies utilized by researchers have often been cited as being problematic in determining the existence of a race effect in some studies (Spohn, Gruhl, and Welch, 1981-82; Crutchfield, Bridges, and Pitchford, 1994). Some researchers choose to examine quantitative data while others believe that qualitative data is most useful in assessing the existence of discrimination in the criminal justice system (Wilbanks 1987; Mann 1990; Georges-Abeyie 1990). Zatz (1987) explains that most early studies conducted in this area attempted to find only a direct relationship between race and criminal justice decisions. However, in the 1970s researchers began testing for indirect discrimination effects. "Indirect effects' refer to the situation in which a variable operates



75). Several studies have found evidence of indirect discrimination in recent years. Zatz (1987) further explains that how discrimination is defined can impact the interpretation of study results. Some studies broadly interpret discrimination revealing subtle race differences, while others use a more narrow definition which tests only for overt discrimination (Zatz 1987, 70).

In lieu of these conceptual, theoretical, and methodological debates, it is not surprising that the results of sentencing studies have been mixed as to whether racial discrimination exists in criminal sentencing. Many researchers have concluded that little evidence exists which might demonstrate racial discrimination in sentencing procedures, while others have reported that race does have an impact in sentencing decisions. In the following discussion several sentencing studies are examined. This is by no means a complete literary review. Rather, the studies presented here represent a sampling of the methods and findings of previous research in this area.

#### No Support for Race Effect

Studies which have found no evidence of a direct relationship between race and sentencing outcomes or systematic racial discrimination in criminal justice decisions will first be examined. Some of these studies have, however, discovered the existence of indirect racial effects which are discussed in the following review.

Clarke and Koch (1976) studied the sentencing dispositions of 798 burglary and larceny cases in Mecklenburg County, North Carolina, in 1971. The objective was to determine what factors were most strongly

associated with a defendant receiving a prison sentence. The authors did not find any evidence which demonstrated a significant relationship between a defendant's race and the likelihood of going to prison (Clarke and Koch 1976, 84). Some of the variables which were found to be most influential in sentencing outcomes included severity of offense, and prior arrest history (Clarke and Koch 1976, 57).

In another sentencing study conducted by Burke and Turk (1975) the impact of race in sentencing decisions made in Indianapolis were examined. The sample consisted of 3,941 cases brought before the Court in 1964 (Burke and Turk 1975). The study revealed that race did not independently effect case disposition (Burke and Turk 1975, 328). However, the authors do speculate that the ". . . race effect may be masked by its complex relations with other factors . . ." (Burke and Turk 1975, 328).

The above studies support the position held by Wilbanks (1987) and others that the criminal justice system does not systematically discriminate against criminal defendants on the basis of race. As previously mentioned, Mann (1990), Zatz (1987), and others believe that many sentencing studies focus too much on a narrowly defined view of racism.

#### Support for Race Effect

Although many studies have reported finding no apparent racial discrimination in the criminal justice system, several others have reached the opposite conclusion. Four studies which have found evidence

of racial differences in the criminal justice system will be examined here.

Myers and Talarico (1987) incorporate quantitative data with data regarding other less explored variables. Specifically, Myers and Talarico examine how the contexts of the community, the Court, and changes over time impact racial differences in sentencing. The data were collected in Georgia between the years 1976 and 1985 (Myers and Talarico 1987). This study represents an extremely ambitious attempt to assess the influence of race in sentencing decisions, as numerous variables are analyzed so that one can more clearly understand the complexity of this issue. After much analysis and discussion, Myers and Talarico conclude there is no evidence which indicates system-wide discrimination of felony sentencing. However, some context-specific patterns of unequal treatment, both favoring and discriminating against blacks, were revealed (Myers and Talarico 1987, 170-171).

Pruitt and Wilson (1983) examined sentencing decisions in Milwaukee, Wisconsin, during three time periods. Their research revealed that, "other things being equal, race had an independent effect on sentencing outcomes at [test period #1] (1967-1968) and no statistically significant effect at [test period #2] (1971-1972) or [test period #3] (1976-1977)" (Pruitt and Wilson 1983, 619). Pruitt and Wilson report that in the first research period black defendants were more likely to receive prison sentences than white defendants. However, no racial differences were found in the latter two periods (Pruitt and Wilson 1983, 619-621). As a supplement to the above mentioned

statistical results, Pruitt and Wilson interviewed the judges who served on the bench during the years 1967-1977. They found that judges during the earliest test period were more conservative than the judges in later research periods (Pruitt and Wilson 1983, 627-629). This does not necessarily mean that judges in the earlier research period were racist. It does, however, appear to demonstrate that prevailing societal views and expectations may influence judicial decision making. As public attitudes changed, judicial emphasis also appeared to shift from retributive justice toward the rehabilitative ideal.

Petersilia (1983) searched for racial differences at various points in the criminal justice system. The data were obtained from the California Offender Based Tracking Statistics (OBTS) for 1980, and the Rand Inmate Survey (RIS). This methodology provided information from data generated by the criminal justice system in California and prison inmates in California, Michigan and Texas (Petersilia 1983, vi).

Petersilia concludes that not all people receive equal justice under the law. Petersilia found that:

Controlling for seriousness of offense, for prior record, for prison violence--in short the most important factors that are said to influence sentencing and parole decisions--the analysis still found that blacks and Hispanics are less likely to be given probation, more likely to receive prison sentences, more likely to get longer sentences, and more likely to serve a longer time in prison. (Petersilia 1983, 93)

The results of the Petersilia study indicate that race apparently accounts for differential treatment of minorities in the criminal justice system.

A study similar to the Petersilia study was conducted in Iowa by the Equality in the Court Task Force in 1993. The Task Force studied the effect of a defendant's race in decisions regarding charge severity, bond amounts, and sentencing in four Iowa counties. Black Hawk County, the site of the present study, was included as one of the four counties studied in the Task Force Report. The results of the Task Force Report were similar to the results of the Petersilia study in that some racial disparity was found to exist. Through statistical analysis, the Task Force found that unexplained differences were present at each of the decision points studied. Specifically, the Task Force found:

In each case there were unexplained differences which are not associated with any known factor but race. The effect of race on these three decision points, although small compared to the expected effects of legally relevant variables, nevertheless is statistically significant. (Equality in the Court Task Force 1993, 187)

The latter two similar studies illustrate the apparent unequal treatment that minorities sometimes receive at given decision points in the criminal justice system.

In summary, past research concerning the existence of racial discrimination in criminal justice decisions has produced varying results. Some studies report no racial effects, while others have reported racial differences of some degree whether they be direct, indirect, interactive, subtle, contextual, or overt.

#### Implications for the Present Study

The disproportionate number of blacks who are incarcerated in State and Federal prisons, has been an area of concern for many years.

In 1990, it was reported that 21% of prison inmates in Iowa were black, while only 1.6% of Iowa's population was black (Petrowski 1990, 1). Similarly, in 1990 black defendants comprised 47% of the prison population in the United States (U.S. Department of Justice 1994, 9). However, 1990 census data reveals that only 12% of the United States population is black (U.S. Department of Commerce 1992b, 3). This clearly demonstrates the fact that as a group, African Americans are overrepresented in our state and federal prison systems. Blumstein calls the problem of blacks being overrepresented in our nation's prisons a "serious moral challenge," and suggests that such "disproportionality may be a consequence of profound racial discrimination within the criminal justice process" (1982, 1261). Blumstein does not conclude that discrimination exists in the legal system, but suggests ". . . that blacks become increasingly disadvantaged as the amount of permissible criminal justice discretion increases . . ." (Blumstein 1982, 1280-1281). He further asserts that more research which examines the discretionary power of the Court be conducted. The present study research investigates the discretionary judicial power of the Court to revoke a defendant's probation as suggested by Blumstein.

The present study was initiated following a report by the Equality in the Court Task Force. The Task Force examined the effect of a defendant's race in decisions regarding charge severity, bond amounts, and sentencing in four Iowa counties, including Black Hawk, and found an apparent racial bias within these various stages of the criminal justice

system (1993, 187). The Task Force also reported that the most significant racial differences were found in Black Hawk County where minority defendants were almost twice as likely as white defendants to be sent to prison (1993, 184).

Another reason for choosing Black Hawk County as the site of this study is because it is the Iowa County with the highest percentage of black residents. As previously mentioned, blacks comprise less than 2% of the population in Iowa. However, nearly 8% of Black Hawk County residents are black. Further, nearly one-fifth of Iowa's black population resides in Black Hawk County (U.S. Department of Commerce 1992a, 11-13). With respect to the correctional population in Black Hawk County, the Iowa Department of Corrections reported the following information. In December, 1993, there were 279 black males and 913 white males under correctional supervision in Black Hawk County. These numbers include pre-trial supervision, probation and parole. Thus in December, 1993, 23% of the males being supervised on street supervision in Black Hawk County were black. Blacks are, then, overrepresented in the correctional population in Black Hawk County just as they are in the Iowa prison system. These demographic characteristics in conjunction with the questionable judicial decision-making being practiced in Black Hawk County would appear to make it a good location to conduct this study to determine whether black probationers are treated differently by corrections officials and the Court than white probation clients.

Previous research has not addressed this issue, which is surprising based on the large number of convicted felons who are placed

on probation each year. Criminal defendants who are placed on probation are in essence just one step away from prison. This reality adds to the perceived need to more thoroughly research the probation revocation process as it is a contributor to increased prison overcrowding as addressed by Blumstein (1982).

The following hypotheses were developed to guide the present study. Hypothesis number one states that revocation proceedings are initiated against black defendants for less serious violations of probation rules, than white defendants. The purpose of this hypothesis is to see if black probationers are treated unfavorably by probation officers in their decision to file the violation report and pursue revocation proceedings. Previous studies have found that probation agents often respond differently in similar situations (Clear, Harris, and Baird 1992). Based on the results of the Task Force Study (1993) it was expected that a direct relationship between race and probation revocation hearing disposition would be found. Therefore, the second hypothesis states that black defendants are revoked from probation more often than white defendants, controlling for legally relevant variables such as current offense information, prior criminal history, and the reported violations of probation.



## CHAPTER THREE

## DESIGN AND PROCEDURES

Description of Probation in Iowa

In the state of Iowa, a person may be granted probation for a majority of the criminal offenses described in the Iowa Code. Probation is described in the Iowa Code as:

The procedure under which a defendant, against whom a judgment of conviction of a public offense has been or may be entered, is released by the court subject to supervision by a resident of this state or by the judicial district Department of Correctional Services. (Code of Iowa 1993, 907.1)

The above definition allows for criminal defendants to be placed on probation as the result of a deferred judgment, deferred sentence, or a suspended sentence. Of these three options, the suspended sentence is the most frequently observed sentencing decision, while a deferred judgment would be the most desirable for a defendant. The terms deferred judgment and deferred sentence are often used interchangeably. However, these two terms represent different sentencing options in Iowa. A deferred judgment is a sentencing option in which "both the adjudication of guilt and the imposition of sentence are deferred by the Court" (Code of Iowa 1993, 907.1). On the other hand, a deferred sentence refers to the deferment of imposing a sentence after a defendant has been adjudicated guilty of a crime. Finally, a defendant may be placed on probation after receiving a suspended sentence. In this case, the defendant is judged guilty of a crime and sentenced to a period of incarceration. That period of incarceration is then suspended and the defendant is placed on probation for a period of months or years

as determined by the judge. Offenders may be placed on probation for up to two years for a misdemeanor offense and up to five years for a felony (Code of Iowa 1993, 907.7). Defendants are typically ordered to be supervised on probation by the Department of Correctional Services.

While on probation supervision, offenders are expected to change their negative behaviors and conduct themselves in a pro-social and legal manner. In general, probationers may be expected to be employed, participate in counseling or treatment programs, pay restitution as ordered by the court, and not incur any further criminal arrests. Further, probationers may be subject to ". . . any additional reasonable conditions which the court may impose to promote rehabilitation of the defendant or protection of the community" (Code of Iowa 1993, 907.6). As described in the Iowa Code, it is the duty of the probation officer to assist the offender as necessary in improving his or her "conduct and condition" while on probation (Code of Iowa 1993, 907.2). Obviously, rehabilitation is the goal of the Department of Correctional Services. In the event that a probationer fails to correct his or her negative behavior and violates the conditions of probation, the Iowa Code as well as Department of Correctional Services department policy dictate that probation agents shall take necessary reasonable action to encourage compliance on probation. In addition, depending on the seriousness of the alleged violations, a violation report may be filed by the probation officer.

A violation report typically consists of a description of the alleged violations of probation, the defendant's progress while on

supervision, and a recommendation regarding disposition of the revocation hearing. Violations of probation may either be "technical violations" such as failing to attend appointments or pay restitution, or "legal violations" involving a new criminal arrest or conviction. Again, depending on the perceived seriousness of the violations, a probation officer may request the court to issue a warrant for the defendant's arrest for probation violation, or may simply request a summons be issued for the defendant to appear in court for the probation revocation hearing.

At the probation revocation hearing, the State of Iowa is represented by the county attorney, who is typically accompanied by the probation officer. The defendant is also present with his or her attorney. The probation revocation hearing consists of two stages. The first stage involves the presentation of evidence which may include testimony by the probation officer, the defendant and others, and copies of reports from various agencies. Next, in the dispositional phase, the prosecution and the defense argue for what they perceive to be an acceptable outcome of the hearing. The judge then makes a ruling based on the evidence and arguments presented. Unlike most other criminal court proceedings, the state must prove its case only by a "preponderance of the evidence," rather than "beyond a reasonable doubt."

Plea-bargaining does play a major role in the disposition of probation revocation hearings. However, the impact of plea-bargaining will not be examined in this research. Typical revocation hearing

dispositions include: revocation of probation whereby a period of incarceration is imposed, residential facility placement, participation in the Intensive Supervision Program (ISP), participation in the Violator's Program (implemented in mid-1993), contempt of court whereby a brief period of incarceration is imposed and probation is then continued. In some instances a judge may rule that no sanctions be imposed against the defendant.

#### Sample

The research sample that was studied consisted of 163 males on probation for Class C or D felonies in Black Hawk County who had revocation hearings during the years 1992 and 1993. The Iowa Criminal Code stipulates the penalties for Class C and D felonies. Persons convicted of a Class C felony ". . . shall be confined for no more than ten years, and in addition may be sentenced to a fine of not more than ten thousand dollars" (Code of Iowa 1993, 902.9). Individuals who are convicted of a Class D felony ". . . shall be confined for no more than five years, and in addition may be sentenced to a fine of not more than seven thousand five hundred dollars" (Code of Iowa 1993, 902.9). Class A and B felons were excluded from the sample. Class A felons receive a mandatory life sentence and are not eligible for probation supervision (Code of Iowa 1993, 902.1). Class B felons are sentenced to be incarcerated for not more than twenty-five years, and are rarely placed on probation (Code of Iowa 1993, 902.9).

A number of criteria guided the selection of the sample. First, females were excluded due to differences in the nature of crimes

committed as well as the lack of facilities available for women in the legal system. Misdemeanants were also excluded because they may be more likely to be revoked from supervision in order to serve jail sentences of one year or less. It was concluded by this author that comparing a person who was revoked from probation for Operating While Intoxicated, First Offense, and ordered to serve five days in jail should not be compared to a person on probation for Burglary, Second Degree, who faced revocation on a ten year prison term. Felons who faced revocation proceedings while involved in specialized programs such as the Residential Facility or the Intensive Supervision Program were not included in the sample because offenders in these specialized programs tend to accumulate more technical violations due to more conditions and restrictions. This idea is supported by a study which compared offenders who were participating in an intensive supervision program with offenders who received other sanctions such as standard probation or parole. Offenders were randomly assigned to the experimental group (ISP) or to regular supervision (U.S. Department of Justice 1993c, 3). The impact of technical violations on the revocation process is explained below:

The findings for parole and probation enhancement ISP's suggest that commitments to prison and jail may actually increase under the program. The reason is the large number of technical violations, which lead to a higher percentage of ISP offenders than controls being recommitted to jail and prison. (U.S. Department of Justice 1993c, 6)

Hence, the subjects in this study include males on regular probation for a Class C or D felony who faced revocation proceedings during the years 1992 and 1993. Two groups were selected for

comparison. The first group consisted of all probationers who were revoked from standard probation during the research period. This shall be referred to as the revoked group. The comparison group consisted of probationers who faced revocation proceedings but were not revoked. These offenders were either given some form of intermediate sanction or no sanctions at all.

It is possible that some probationers may have faced revocation proceedings more than once during the two-year study period. When this was found to occur, then the defendant's probation history was further examined. If the defendant was revoked from regular supervision during the two-year study period regardless of the number of times he faced revocation, then he was automatically included in the revoked group. However, if the defendant faced revocation proceedings more than once but was not ever revoked from standard probation, then only the first revocation hearing held during the study time frame was examined.

Again, the emphasis is on the characteristics of these offenders who were revoked versus those who were not. The individual characteristics were recorded for each group and should not be significantly affected by the exclusion of some revocation hearings in which the defendant was not revoked from supervision. This method also prevents any defendants from appearing in each of the research groups.

#### Research Techniques

The present study is a comparative study which examines judicial decision making in the area of probation revocation hearings. The dispositions of 163 revocation hearings were examined to determine which

factors were most influential in the decision to revoke a defendant's probation status. Offenders who were revoked from probation supervision were compared to offenders who faced revocation proceedings but were not revoked. The study compares males who were on probation for Class C or D felonies during the years 1992 and 1993 and faced revocation proceedings during those years.

The data was collected from probation files at the First Judicial District Department of Correctional Services in Waterloo, Iowa. Each offender's probation file contains demographic information such as birth year, race, and marital status. Also contained in the probation case file is information regarding the defendant's prior criminal history. This includes facts such as age at first conviction, number of prior convictions, prior prison sentences served, and prior periods of probation. Other personal information such as substance abuse and mental health histories are also found in the probation file. Finally, information regarding the defendant's violations while on probation and his revocation hearing are contained in the probation file. This information was used to create the variables utilized in this study, and test the hypotheses described in chapter two.

#### Description and Coding of Variables

The variables were coded from information found in each probationer's probation file. The disposition of the revocation hearing served as the dependent variable, and was coded from the revocation hearing court order. This order, signed by a judge, specifies the sanctions to be imposed upon the defendant as a result of violating the

terms and conditions of probation supervision. Revocation of probation status and commitment to a penal institution was coded as 1. Lesser sanctions such as residential facility placement, placement in the Intensive Supervision Program, contempt of court, placement in the Violator's Program, or any other sanctions were coded 2. Twenty-nine independent variables were recorded, however, not all of these variables were included in the study. Information regarding the independent variables is located in Appendix A. The data collection instrument is located in Appendix B.

The first five independent variables listed in Appendix A pertain to the crime or crimes for which a defendant is placed on probation. The sentencing date is the date the defendant was placed on probation. Current offense level refers to whether the probation offense was a Class C or D felony. Current offenses were categorized into eight categories in order to group offenders for comparison. For example, sex offenders could be compared to persons convicted of drug offenses. The current offense as described in the Iowa Code was also recorded.

If the defendant was on probation for more than one felony offense, then information was recorded which reflected such. The current offense level, current offense type, and current offense were recorded for up to three felony offenses. If a defendant was on probation for more than three felonies, then such was indicated. However, data regarding these offenses was not recorded.

The next four independent variables record information from the revocation hearing. The date of the revocation hearing is recorded so



that the elapsed time between sentencing and a revocation hearing may be examined. Data regarding the judge, defense attorney, and probation officer were also collected. Individuals in each of these three categories were assigned a two digit identifying code.

The next eight variables listed in Appendix A record the alleged violations of probation as reported by the defendant's probation officer. These eight categories reflect the terms and conditions of probation in the First Judicial District of Iowa. A copy of the probation agreement is located in Appendix C. These eight variables were coded 1 if no violation was reported and 2 if a violation was alleged to have occurred.

The following six independent variables record demographic data about each offender. Birth year, education level, race, and marital status are self-explanatory. Documented histories of mental health and substance abuse problems were also recorded. This information was recorded from reports, evaluations, or criminal history data found in the offender's probation file. Many studies of this variety also examine employment status and employment stability. Both of these variables were initially included in this study as well. Unfortunately, the pre-test revealed that such was futile due to incomplete documentation, as well as some offenders being in jail awaiting the revocation hearing. However, employment is addressed as one of the eight variables regarding violations of probation rules.

The final six variables listed in Appendix A record specific criminal history data for each defendant. Age at first conviction

records the approximate age at which the defendant became involved with the criminal justice system. This variable was coded 1 for defendants whose first criminal conviction occurred at age nineteen or under, 2 for a first conviction between the ages twenty to twenty-three, and 3 if the defendant reached age twenty-four or more before being convicted of a criminal offense. These age categories were chosen as they are the same categories used by community corrections officials in assessing client risk. Offenders with serious juvenile criminal histories are recorded in the next item regarding prior juvenile placements. This does not imply that all offenders with serious juvenile criminal histories were in placement. If an offender was previously incarcerated in the adult prison system, such was indicated. The number of previous periods of incarceration was not recorded. The number of prior felony convictions was recorded up to three prior convictions. If the defendant had more than three prior felony convictions such was recorded. If the offender was ever known to be on probation or parole previously, such was recorded. The number of previous periods of supervision was not recorded. Similarly, if the defendant ever had a period of probation or parole revoked, such was indicated. The number of revocations, however, was not recorded.

In creating all of the above variables and coding categories numerous factors were considered. The pre-test for this study revealed that some items were extremely difficult to accurately record and regretfully had to be eliminated. Thus, the collapsing of some

variables and coding schemes was necessary to accommodate the goals of this research.

### Statistical Analysis

In order to answer the research questions posed in this study, the data were analyzed in bivariate and multivariate models. First, tests of association and group differences were used in a series of bivariate analyses using the Chi-square statistic. The bivariate analysis begins with a series of Chi-square calculations which individually test the relationship between several independent variables and the dependent variable, probation revocation. Next, several crosstabulations were performed to determine if race appeared to be influential at various points of the probation revocation process. Hypothesis number one was tested as part of this analysis. The final section of chapter four contains a discriminant analysis which was used to test hypothesis number two, and more accurately ascertain which offender characteristics appeared to have the greatest impact on the revocation hearing disposition. In order to perform this analysis, some of the variables used here had to be recoded and made into dichotomies. The variables included in this analysis were chosen based on their Pearson's  $r$  correlation coefficients. These variables depict seven specific areas of each sample case which may have been pivotal in the revocation hearing disposition. Race was also included in this analysis although it was not found to be correlated with the dependent variable using Pearson's  $r$ .

## CHAPTER FOUR

## FINDINGS

This chapter begins with a series of bivariate analyses of selected variables utilizing the Chi-square statistic. First, social characteristics which lend insight about the sample are explored. Information regarding the level and type of offense for which defendants in the sample are on probation is also discussed. Criminal history data are then examined, followed by a discussion of the alleged violations of probation. Next, the results of the analysis which tested the first hypothesis are examined. Finally, the results of the discriminant analysis which was used to test hypothesis number two are discussed.

The first four tables in this chapter contain specific information about each of the sample cases. Tests of association utilizing Chi-square were performed to determine what variables were most strongly associated with probation revocation hearing outcomes. The revoked group consists of fifty-nine probationers who had their probation revoked. This group comprises 36.2% of the sample. The comparison group refers to the remaining 104 probationers (63.8%) who received other sanctions or no sanctions as a result of a probation revocation hearing. The sample contained sixty-two black defendants (38%) and 101 white defendants (62%). Black defendants comprised 42.4% of the revoked group and 35.6% of the comparison group. The white defendants in the sample comprised 57.6% of the revoked group and 64.4% of the comparison group.

Demographic information about the probation violators is displayed in Table 1. This information is helpful in gaining a greater understanding of the social characteristics shared among the probation violators.

Table 1.--Social Characteristics of Probation Violators by Revocation Hearing Disposition

	Revoked Group ( <i>N</i> = 59)	Comparison Group ( <i>N</i> = 104)	Chi-square
Birth Year (percent born in 1970 or after)	37.3	45.2	n.s
Education Level (percent with a high school diploma, G.E.D., or more)	57.6	62.5	n.s
Marital Status (percent single, never married)	71.2	78.8	n.s
Mental Health (percent with a history of mental health problems)	16.9	32.7	.02957*
Substance Abuse (percent with a history of substance abuse problems)	86.4	74.0	n.s
Race (percent black)	42.4	35.6	n.s

Note: \*Chi-square significant at .05 level. n.s. = nonsignificant at .05 level.

A majority of the sample cases were reported as having a high school diploma, or G.E.D. Seventy-five percent of the sample were single and had a history of substance abuse problems. Having a history of mental health problems was found to be significantly associated with the dependent variable. Probationers with a history of mental health problems were more likely to receive sanctions other than revocation. Chi-square results failed to demonstrate a statistically significant relationship between race of criminal defendants and the disposition of the revocation hearing.

Information regarding the crime or crimes for which each probationer was on supervision is illustrated in Table 2. Not surprising, most of the sample cases (over 80%) were sentenced in 1990 or after. This indicates that few probationers faced revocation after being on supervision for three years or more. This demonstrates that probationers tend to succeed or fail on supervision within the first three years of their probationary periods. Slightly more of the probation violators were on probation for Class C felonies than Class D felonies. For offenders on supervision for multiple offenses, the highest level felony was recorded. The majority of the probation violators (79%) were on supervision for only one felony offense. Also listed in Table 2 are the three most popular offense categories for which the defendants were on probation. For offenders on probation for multiple felonies, up to three felonies are included in Table 2.

Table 2.--Current Offense Year, Level, and Type by Revocation Hearing Disposition

	Revoked Group (N = 59)	Comparison Group (N = 104)	Chi-Square
Sentencing Year (percent sentenced in 1990 or later)	83.1	84.6	n.s.
Felony Class (percent on proba- tion for a Class "C" felony only)	55.9	52.9	n.s.
(percent on proba- tion for a Class "D" felony only)	44.1	47.1	n.s.
(percent on probation for a Class "C" felony and at least one other felony)	27.1	13.5	.03060*
Number of felonies (percent on proba- tion for only one felony)	64.4	86.5	n.s.
Burglary (percent of proba- tioners on for a burglary offense)	42.4	36.5	n.s.
Drug (percent of proba- tioners on super- vision for a drug offense)	20.3	14.4	n.s.
Theft (percent of proba- tioners on super- vision for a theft offense)	25.4	29.8	n.s.

Note: \*Chi-square significant at .05 level. n.s. = nonsignificant at .05 level.

Table 3 contains a series of legally relevant variables about offender legal histories which may impact judicial decision-making in this area. The percentages for two variables appear somewhat contradictory. Overall, 84.0% of the offenders had no prior felony convictions. However, 60.7% were previously on probation or parole of some kind. These factors combined with the fact that over half of the sample were under age nineteen when convicted of their first offense, would appear to indicate that a large number of the probation violators began their criminal careers at a young age, committing misdemeanor offenses, and having some involvement with the criminal justice system. The defendants' initial involvement with the system appears to have had little effect. In Table 3, three criminal history variables were identified as having a statistically significant association with the dependent variable, revocation hearing disposition. Offenders with criminal histories which included a prior period probation or parole were revoked more frequently. Also, probationers who had previously been revoked from supervision or served time in prison were more likely to be revoked.

Table 4 records the alleged violations of probation as reported by the defendant's probation officer. Most probationers incurred multiple violations of probation as 549 categorical violations were recorded for 163 cases. This translates to an average of 3.4 violations per offender. The frequencies listed in Table 4 offer insight about what types of violations were incurred by the probationers in the study. Especially interesting is the apparent recidivism of these offenders,



Table 3.--Criminal History Information About Probation Violators by  
Revocation Hearing Disposition

	Revoked Group (N = 59)	Comparison Group (N = 104)	Chi-square
Age at First Conviction (percent convicted of first offense at age 19 or younger)	67.8	68.3	n.s.
Number of Prior Felony Convictions (percent with no prior felony convictions)	83.0	84.6	n.s.
Prior Juvenile Placement (percent previously in juvenile placement)	22.0	12.5	n.s.
Prior Period of Supervision (percent previously on probation or parole)	74.6	52.9	.00642**
Prior Supervision Revoked (percent previously revoked from probation or parole)	22.0	6.7	.00421**
Previous Incarceration (percent previously incarcerated in prison as an adult)	27.1	11.5	.01222*

Note: \* Chi-square significant at .05 level. \*\* Chi-square significant at .01 level. n.s. = nonsignificant at .05 level.

Table 4.--Percentage of Reported Violations of Probation by Revocation Hearing Disposition

	Comparison Group ( <u>N</u> = 104)	Revoked Group ( <u>N</u> = 59)	Chi-square
New Felony Charges	14.4	40.7	.00016***
New Misdemeanor Charges	66.3	71.2	n.s.
Curfew/Residence Violations	22.1	39.0	.02148*
Substance Abuse Violations	47.1	61.0	n.s.
Employment/Education Violations	32.7	33.9	n.s.
Appointment/Contact Violations	42.3	54.2	n.s.
Required Programming Violations	48.1	45.8	n.s.
Plan of Payment Violations	38.5	35.6	n.s.

Note: \* Chi-Square significant at .05 level. \*\*\* Chi-square significant at .001 level. n.s. = nonsignificant at .05 level.

as they were arrested for 150 new offenses while on supervision. Of these, 39 were felonies and 111 were misdemeanors. Over half (52.1%) of the probation violators were cited for substance abuse violations, however substance abuse violations were not found to be significantly associated with revocation. Two violation categories were found to be significantly associated with offenders who were revoked from supervision. Probationers who were alleged to have committed a new felony offense were revoked more often than not. Also, offenders who

were cited for curfew/residence violations frequently had their probation revoked. This violation category is often used when probationers abscond from supervision and whereabouts are unknown.

Table 5 is a crosstabulation which was designed to test the correlation between being rearrested while on probation supervision and being revoked. As expected, probationers who were rearrested for felony

Table 5.--Percentage of Reported Violations by Revocation

	Revoked Group ( <u>N</u> = 59)	Comparison Group ( <u>N</u> = 104)	Chi-square
Technical Violations Only	8.5	27.9	.00338**
New Misdemeanor Charges	71.2	66.3	n.s.
New Felony Charges	40.7	14.4	.00016***

Note: \*\* Chi-square significant at .01 level. \*\*\* Chi-square significant at .001 level. n.s. = nonsignificant at .05 level.

charges were more likely to have their supervision revoked than probationers who incurred misdemeanor arrests or only technical violations. Only five probationers were revoked from probation due to technical violations only.

#### Race and Reasons for Revocation

In gathering the data for this study, eight categories were designed to designate the types of violations of probation each offender was alleged to incur. These eight categories are listed in Table 6 with

the percentage of black and white probationers who were alleged to have broken probation rules in each category. As can be seen in Table 6, black probationers were alleged to have broken probation rules with more frequency in some instances. However, these differences were not statistically significant.

Table 6.--Percentage of Reported Violations of Probation by Race

	White (N = 101)	Black (N = 62)
New Felony Charges	24.8	22.6
New Misdemeanor Charges	73.3	59.7
Curfew/Residence Violations	27.7	29.0
Substance Abuse Violations	51.5	53.2
Employment/Education Violations	30.7	37.1
Appointment/Contact Violations	46.5	46.8
Required Programming Violations	44.6	51.6
Plan of Payment Violations	32.7	45.2

Note: Chi-square tests were nonsignificant at .05 level for each variable.

In the following analysis, the six categories describing non-legal or technical violations were collapsed into one category. The three categories (new felony charges, new misdemeanor charges, and technical

violations) were then crosstabulated with race to ascertain if black defendants were brought back to Court for seemingly less serious violations of probation. This analysis tested hypothesis number one which states revocation proceedings are initiated against black defendants for less serious violations than white defendants. New felony charges would appear to be the most serious form of probation violation, followed by new misdemeanor charges and finally technical violations. The results of this analysis are found in Table 7.

Table 7.--Percentage of Reported Violations by Race

	White (N = 101)	Black (N = 62)
Technical Violations Only	16.8	27.4
New Misdemeanor Charges	73.3	59.7
New Felony charges	24.8	22.6

Note: Chi-square tests were nonsignificant at .05 level for each variable.

The majority of probationers brought back to Court incurred new arrests while on supervision. Only 20.9% of the sample faced revocation proceedings as a result of technical violations only. The results of this crosstabulation further demonstrate that revocation was not pursued against black defendants for seemingly less serious violations, as the Chi-square statistic was not statistically significant. However, black probationers were taken back to Court for technical violations only more often than white probationers. Next, the analysis was repeated by

combining the felony and misdemeanor categories to compare probation violators who were rearrested for either a felony or misdemeanor with those who had only technical violations of supervision. Again, no racial differences were found. Thus, hypothesis number one can be rejected, because revocation proceedings were not initiated against black defendants for less serious violations of probation. A one way analysis comparing the two groups was performed to see if revocation proceedings were initiated more expeditiously against black defendants. The average time from sentencing to revocation hearing was 1.8 years for whites and 1.7 years for blacks. This difference is not statistically significant ( $F = 0.1626$ , significance = .69). This demonstrates that revocation was not pursued against black probationers with significantly more celerity than white probationers.

The findings of the bivariate analyses indicate that race was not a factor in either the decision by probation officers to initiate revocation proceedings, or the judicial decision to revoke a defendant's probation. Instead, these legal decisions appeared to be made based on legally relevant variables. Probation officers initiated revocation proceedings against probationers as a result of arrests for new criminal charges in nearly 80% of the cases. Only 20.9% of the probationers who faced revocation proceedings were returned to court based on technical violations only. The results of the probation revocation hearings showed no racial discrepancies in terms of what sanctions were received by white and black defendants. Seven independent variables were found to have an association with the dependent variable which was

statistically significant using Chi-square. These seven items will be included in the following discriminant analysis. The discriminant analysis will further test the accuracy of these preliminary findings in a more comprehensive model in order to pinpoint what variables are most influential in probation revocation hearing outcomes.

#### Race and Revocation

As was seen in the bivariate analysis, seven variables were found to be associated with the dependent variable using the chi-square statistic. Each of these crosstabulations was performed separately. Although a statically significant association was found in some instances, the nature and strength of the relationships was left somewhat unclear. Therefore, a more comprehensive analysis will be performed here to see how the selected independent variables are associated with the dependent variable in a multivariate model. The SPSS "Discriminant" procedure was the chosen method to accomplish the above mentioned goal and to test hypothesis number two. The discriminant analysis procedure is a better method for testing the relationships among several variables because the impact of numerous variables can be evaluated simultaneously. Further, the discriminant procedure can determine what variables are most common in the revoked group of probationers and the comparison group of probationers who were not revoked from supervision.

The variables used in the discriminant model were selected based on their Pearson's  $r$  zero order correlation coefficients as they related to the dependent variable. The same seven variables which proved to be

statistically significant using Chi-square in the bivariate analysis, were also found to be significant using the correlation coefficient statistic. Race was included in the discriminant model although it was not found to be statistically significant in the previous analyses. Additionally, the "race" variable was analyzed to see what variables were correlated with race using Pearson's  $r$ . Four variables were discovered which had a significant correlation with race. These variables were all significant at the .01 level. First was the drug offense category. The correlation here is explained by the fact that more black offenders were on probation for drug offenses than white offenders. Next, was the theft offense category in which the opposite was true. Age at first conviction was also found to be positively correlated with race. White probationers had their first conviction at age nineteen or under with more frequency than black offenders. Finally, substantially more white offenders than blacks were reported as having a history of mental health problems. Of these four variables, having a history of mental health problems was the only one which was also found to be correlated with the dependent variable.

Table 8 lists the variables included in the discriminant analysis with their Chi-square values and correlation coefficients. The first variable in Table 8 pertains to current offense information about probationers in the sample. The "multiple felonies" category recognizes those offenders who were on probation for a Class C felony and at least one other felony. The next three categories describe criminal history variables about the probation violators in the sample. The next two



categories describe violations which were alleged by the probation officer to have occurred. The final two variables in table 8 describe social characteristics about the probationers. Variables from all four research categories in the bivariate analysis (Tables 1, 2, 3, and 4) are represented in the discriminant analysis.

Table 8.--Bivariate Relationships with Revocation and Variables Included in the Discriminant Analysis

	Chi-Square	Correlation Coefficient
Multiple Felonies	.03060 *	.1694 *
Prior Prison	.01222 *	.1969 *
Prior Probation/Parole	.00642 **	.2135 **
Prior Probation/Parole Revoked	.00421 **	.2242 **
New Felony Charge	.00016 ***	.2957 **
Curfew Residence Violations	.02148 *	.1801 *
History of Mental Health Problems	.02957 *	-.1704 *
Race	.39041	.0673

Note: \* significant at .05 level. \*\* significant at .01 level.  
\*\*\* significant at .001 level

The eight variables were first analyzed using the direct entry method of the discriminant function to insure that all of the variables would be included in the final analysis. Further information about the eight variables which were entered in the discriminant analysis is listed in Table 9. The standardized canonical discriminant function coefficients, which indicate the importance of each variable in the

equation, are listed beside the within-groups correlations. These values reflect the correlations between the discriminating variables and the canonical discriminant function coefficients.

The variables in Table 9 are listed in order by the size of their within-groups correlation within the discriminant function. Being rearrested for a felony offense while on probation was the variable

Table 9.--Discriminant Analysis Correlations

Variable	Standardized Canonical Discriminant Function Coefficients	Within-groups Correlation
New Felony Charge	.65973	.51280
Prior Probation/Parole Revoked	.28746	.36271
Prior Probation/Parole	.31849	.33910
Prior Prison	.34657	.31851
Curfew/Residence Violations	.32506	.28647
History Mental Health Problems	-.60331	-.27988
Multiple Felonies	.30276	.26962
Race	-.04495	.10151
Canonical Correlation: .5332811		
Eigenvalue: .39741		
Wilks Lambda: .7156113		

with the strongest correlation to being revoked from supervision.

Offenders with a history of mental health problems were more likely to receive sanctions other than revocation. Race, which was previously not

a significant factor, again is shown not to be strongly associated with the dependent variable.

The canonical correlation is the combined correlation between the discriminant function and the classification or dependent variable. The eigenvalue is equal to the square of the canonical correlation and explains the variance. Wilks Lambda is used to show the association between the independent variables in the model and the dependent variable. Restated, the information in the independent variables increases the ability to predict group membership. Table 10 illustrates the results of the discriminant analysis in a less cumbersome fashion.

Table 10.--Discriminant Analysis Classification Table

Actual Group	Predicted Group	
	Comparison	Revoked
Comparison	78 75.7%	25 24.3%
Revoked	16 27.1%	43 72.9%

Percent correctly classified = 74.69

Canonical Discriminant Functions

Evaluated at Group Means:

Comparison Group = -0.47416

Revoked Group = .82778

One case was excluded from this procedure due to missing data on two of the variables. Therefore, 162 cases were analyzed in the discriminant analysis. The prior probability of membership in each group is fifty

percent. The discriminant analysis correctly classified 74.69% of the cases. This means that the influence of the independent variables increased the ability to predict group membership by 24.69%. Hence, when knowing these specific characteristics about probation violators, the ability to predict the disposition of the revocation hearing is increased. The discriminant process was then repeated, whereby the same seven significant variables were entered into a direct discriminant function and the variable "race" was excluded. This investigation yielded identical results in the classification table, which indicates that the variable "race" did not increase the predicted group membership when it was included in the model. Finally, all eight variables were entered into a discriminant procedure using a stepwise function which automatically excludes any variables which do not significantly discriminate between the two groups. In this analysis, race was excluded via the stepwise function and the classification table results were again identical to the previous two discriminant analyses.

To conclude, all three discriminant analysis functions yielded the same results in the classification tables. This demonstrates that race does not impact the revocation hearing disposition and hypothesis number two is rejected. Instead, the legally relevant variables included in the analysis enhanced the ability to predict which offenders would be revoked from supervision, and which offenders would likely receive lesser sanctions.

## CHAPTER FIVE

## DISCUSSION AND CONCLUSIONS

The results of the present study found that race does not effect the decision to initiate revocation proceedings by the probation officer or the outcomes of probation revocation hearings. Both hypotheses which predicted racial bias were therefore rejected. In both the bivariate analysis and discriminant analysis, black defendants were not found to be treated differently than white defendants in terms of probation officer response to violations and sanctions imposed as a result of violating the terms and conditions of probation. Rather, criminal justice decisions appeared to be influenced by legally relevant variables such as the defendant's criminal history, current offense information, violations of supervision, and social characteristics other than race. These results are encouraging in that they lend credibility to the judicial process as it pertains to dealing with probation violators.

Hypothesis number one predicted that revocation proceedings would be initiated against black defendants for less serious violations than those alleged against white defendants. The results of the bivariate analysis did not confirm this hypothesis. This is a positive reflection upon the Department of Correctional Services in that the policies in effect for dealing with probation violators seem to be fair and unbiased. Further, the probation officers who pursued revocation against the offenders would seem to be doing so in accordance with legally relevant factors rather than race. Another encouraging aspect

of the study that only fifty-nine probation violators were revoked from supervision, while 104 received another form of sanction. The reasons for this may vary. However, these results do indicate that rehabilitation remains the goal of the Department of Correctional Services even when clientele are failing to comply with probation conditions because intermediate sanctions such as residential facility placement, and other less severe discipline are often utilized. The results of the bivariate analysis reflect that only offenders who represent the greatest amount of recidivism are sent to prison, rather than those who violate probation via technical rule violations. Of the probation violators who were revoked, 91.5% had been rearrested while on probation. This result is similar to those reported in other studies of this nature. Caldwell found that 62% of probationers who were revoked had committed new offenses (1951, 8), while Cunniff reported 73% of revocations were precipitated by new arrests (1986, 98). Finally, Radzinowicz reported that 79.8% of revoked probation violators had been rearrested while on supervision (1958, 22-23).

The bivariate analysis revealed seven characteristics which were statistically significant in their association with probation revocation hearing outcomes. Having a history of mental health problems was found to be a shared characteristic among probation violators who were not revoked. This finding would appear to be rather encouraging in that offenders with mental health histories were often given more lenient sanctions and perhaps were able to receive necessary mental health treatment. The bivariate analysis revealed that offenders who were on

probation for more than one felony offense were more likely to be revoked than offenders on supervision for only one felony conviction. Three criminal history variables were identified as being strongly associated with offenders in the revoked group. These included having previously been granted probation supervision, previously having a period of probation or parole revoked, and having previously served time in prison. It is not surprising that offenders with these three criminal history characteristics would fail to successfully complete their probationary periods. It is possible that offenders with these characteristics may be representative of habitual offenders who lack either the desire or motivation to change their behavior or lifestyle. The final two variables found to be statistically significant in the bivariate analysis were reported violations of probation.

Curfew/residence violations were prevalent among the probation violators who were revoked from supervision. This finding was initially somewhat surprising, as this violation category often times does not represent a serious violation of probation rules. However, this violation category was also used for offenders who absconded from supervision and whereabouts were reported as unknown. In this context, the association between this variable and revocation is understandable. Finally, 61.5% of the offenders who were reported to have committed a new felony offense while on supervision were revoked. Of all the variables included in the bivariate analysis, this variable had the strongest association with revocation.

The second hypothesis predicted that black probationers would be revoked from supervision more often than white probationers, after controlling for legally relevant variables. The discriminant analysis, which tested hypothesis number two, yielded results similar to those of the bivariate analysis in that race did not significantly improve the predicted group membership of the offenders. That is, as an independent variable, race proved not to be influential in the probation revocation hearing dispositions. This finding lends credibility to the criminal justice system in Black Hawk County, as legally relevant variables rather than race were the best predictors of revocation hearing outcomes. The results of the discriminant analysis in conjunction with the results of the bivariate analysis clearly demonstrate that black defendants are not being systematically discriminated against in revocation procedures of the local criminal justice system. These results, however, differ from those reported by the Equality in the Court Task Force (1993) which found statistically significant racial differences at various points of the legal system in Black Hawk County. The differing results found here may be attributed to the methodological limitations of the present study. The total variance cannot be explained in this analysis, however, the methods and variables used in this research do contribute to the understanding of what factors are associated with probation revocation.

As previously mentioned, the methodology used here was similar to that prescribed by Wilbanks (1987). That is, only quantitative methods involving identifiable facts about offenders and formal judicial



decisions were used. Judicial decisions appeared to be made based on legally relevant variables rather than the race of defendants in the study. Thus, the results of the present study support consensus theory because no systematic racial discrimination was found with regard to formal decisions made in the revocation process. It is possible that race may have impacted decisions to pursue revocation or revoke a defendant's probation in some instances, however no patterns of discrimination were found. The tenets of the conflict perspective which hold that race is a significant factor in criminal justice decisions were therefore not supported by the findings of the present study. Qualitative data which could have examined many of the informal rules surrounding the revocation process was not collected or examined. As explained by Mann and Georges-Abeyie, this limits the ability of this analysis to convey what may have really happened in each of the revocation hearings included in the analysis. Although the results of this study tend to indicate that certain legal variables may be associated with revocation, any number of qualitative circumstances or variables could have made a difference in any of the probation revocation hearing dispositions.

The legal system involves a number of people who work within it to administer justice. Probation officers, attorneys, and judges are all people who are involved in the revocation process. And as people, they are forced to make decisions which are not always based on identifiable rules. The relationships among people working in the system and those

entangled in the system can impact the final outcome of the probation revocation hearing.

While the probation officer does not render the final decision in the revocation hearing, he or she is instrumental in the process. First, the decision must be made to file the violation report. Formal guidelines do exist for this process, however, much discretion is allowed. The intended goal of filing the violation report may vary among probation agents. Black (1976) explains four styles of social control which define and attempt to remedy deviant behavior. Two of these, penal and therapeutic, can be used to explain the styles used by probation officers to deal with probationers who violate probation rules. For example, a probation officer using a penal style of social control may pursue revocation with punishment being the solution to deviant behavior. On the other hand, some probation agents may take a therapeutic approach and attempt to help the probationer successfully complete his period of supervision. For instance, the purpose of the violation report may be simply to get the defendant's attention and send the message that compliance is expected. Another example of this approach may be when a probation officer only wishes to have the defendant receive a constructive intermediate sanction such as residential facility placement, and is not actually recommending revocation. The results of this study seem to demonstrate the influence of diverse social control styles, as the majority of the probationers received sanctions other than revocation.

Further complicating this issue is the fact that some probation agents may file a violation report and ask for revocation in situations where other agents may not believe such to be necessary. This phenomena was also discovered by Clear, Harris, and Baird who found " . . . a substantial variation in officers' responses to similar violations" (1992, 6). The relationship between the probation officer and the offender may also be a factor in the decision to recommend the revocation of a defendant's probation status. Probation agents may feel sympathy for some clients based on other aspects of their lives and wish to help them rather than punish them. Offenders who convey a cooperative attitude or are friendly may be treated differently than clients who are argumentative and appear less sincere in their efforts to comply with the expectations of supervision.

Attorneys also play a major role in the revocation process. Some attorneys possess better negotiation skills and provide better legal arguments than others. Of the 163 probation violators in the sample, 119 were represented by the public defender's office. Most of the probationers in the study were likely either unemployed or employed in low wage jobs when the violation report was filed. Previous studies indicate some evidence of wealth discrimination in case processing and sentencing, noting that defendants who lacked economic resources or the ability to hire a private attorney received less favorable sentencing outcomes (Spohn, Gruhl, and Welch 1981-82; Zatz 1985). However, no evidence of such was found in the present study. Of the probationers who faced revocation, 74.6% of the revoked group and 72.1% of the

comparison group were represented by the Public Defender's Office. This difference is not statistically significant. No judgments regarding court-appointed versus privately retained counsel are being implied here.

Finally, the judicial decision is made by a judge. In the probation revocation hearing the judge has complete discretion in deciding the disposition of the revocation hearing. The sanctions to be imposed can range from a stern lecture to incarceration in prison. There are no sentencing guidelines, no mandatory minimum sentences or fines. The judge is free to render a decision based solely on his or her evaluation of the case. Conservative or liberal views held by judges may also impact the decision to revoke a defendant's probation. The influence of ideology in judicial decision-making is discussed by Pruitt and Wilson who found that ideological views held by judges played a significant role in sentencing outcomes (1983, 629).

The actors working in the system can make a tremendous difference in terms of what happens to the offenders involved with the judicial system. Some of the offenders may not have been taken back to court for the revocation hearing if they were being supervised by a different probation officer. An attorney with a different defense strategy or more negotiating power may have been able to get a more favorable disposition from the court for their client. A different judge may have examined the facts of the case in a more lenient or punitive fashion. With another probation officer, another attorney, and a different judge, who knows what the outcome of any particular revocation hearing might

have been. These numerous relationships among the people in the criminal justice system are indeed a source of rich ethnographic qualitative data which may have been able to explain some of the variance in the present study. The present study was not able to include any data of this nature, however such is being recommended as an area of future research.

The present study had many other limitations which may have influenced the research findings. These will be briefly discussed here in conjunction with some rationale and support for the methodology utilized in this study. First, only one locale (Black Hawk County) and one decision point (the revocation hearing) were studied. Previous studies have indicated that research conducted in a single jurisdiction or of a single decision point may yield ambiguous results (Crutchfield, Bridges, and Pitchford 1994). However, the present study was conducted in the Iowa County with the highest concentration of black residents, and in a county where evidence of racial differences in criminal justice decisions had been found. Further, the probation revocation hearing was the single decision point studied as it had not been examined in prior research.

The sample in this study was notably small and narrow in scope, as it contained only 163 cases involving males on standard probation supervision. Such a small sample may not be capable of accurately depicting the nature of the revocation process. Still, these 163 cases represent the total number of felony probationers who faced revocation during the two-year study period, rather than a sampling of the study

period. Also, all cases which met the sample criteria were included in the study. No data were collected which could control for the racial combinations between victims, offenders, and crime types as discussed by Kleck (1981). However, data about numerous other legally relevant variables were included in the study. Further, the relationships among numerous independent variables and the dependent variable were examined in both bivariate and multivariate analyses. Finally, attitudinal and macro-level data such as that discussed by Sampson and Laub (1993) were regretfully not included in the present study.

Despite the limitations of this study, it is believed that this research has contributed to understanding the effect of race in the probation revocation process. Several variables were identified which partially explain the variance between the probation violators in the sample who were revoked and those who were not. Offenders whose past involvement with the criminal justice system was unfavorable, were more likely to be revoked from probation supervision. Probationers who were on probation for multiple felony offenses were also more likely to be revoked. Finally, being rearrested for a new felony offense while on probation was highly correlated with revocation. Both hypotheses which predicted racial bias were rejected. This is somewhat reassuring in that formal decisions surrounding the probation revocation process do not appear to be made on the basis of race. However, the fact that African Americans were overrepresented in this study as they are throughout the United States criminal justice system is disturbing. Black defendants have been and continue to be overrepresented in our

nation's correctional populations. Future research should examine the social, cultural, and economic factors which contribute to reported inequities in the legal system. Only then can we hope to be someday assured that our criminal justice system provides equal justice under the law.

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APPENDIX A

Independent Variables  
Included in the Study

## Independent Variables Included in the Study

Variable Name	Description	Coding Method
Sentencing date (SD)	Date defendant was sentenced to probation supervision.	Date
Current offense level (COL 1,2,3)	Class C or D felony as described in the Code of Iowa.	1 = D Felony 2 = C Felony
Current offense type (COT 1,2,3)	Type of criminal offense for which defendant was sentenced: assaultive, drug charge, burglary, robbery, theft, etc.	01 = Assaultive 02 = Robbery 03 = Burglary 04 = Drug charge 05 = Theft 06 = OWI 07 = Sex offense 08 = Other
Current offense (CO 1,2,3)	Current offense for which defendant is on probation. The actual charge as defined in the Code of Iowa. Up to three felonies will be coded. If a defendant is on probation for more than 3 felonies, then such will be indicated.	01 = Burglary, Second 02 = Burglary, Third 03 = Theft, Second 04 = Theft, First 05 = OWI, Third Offense 06 = Willful Injury 07 = Possession w/ Intent to Deliver 08 = Criminal Mischief, Second (ALL CHARGES WHICH APPEARED IN THE STUDY ARE NOT INCLUDED HERE)
Number of additional felony offenses (NAFO)	Records the number of felony offenses a defendant is on probation for, if greater than three.	0 = 0 1 = 1 2 = 2 3 = 3 4 = 4 5 = 5 or more
Revocation Hearing Date (RHD)	Date revocation hearing was held.	Date

Revocation Hearing Judge (RHJ)	Judge who presided over the revocation hearing.	Two digit identifying code.
Revocation Hearing Defense Attorney (RHDA)	Defendant's attorney at the revocation hearing.	Two digit identifying code.
Defendant's Probation Officer (DPO)	Probation Officer who supervised the defendant and filed violation report.	Two digit identifying code.
Curfew/residence violations (CRV)	Did the defendant violate probation rules concerning curfew or residence. (1, 10).	1 = No 2 = Yes
Substance abuse violations (SAV)	Did the defendant violate probation rules concerning alcohol or drug use. (6, Special Condition B)	1 = No 2 = Yes
New misdemeanor charges (NMC)	Did the defendant violate probation rules by being arrested or convicted of a new misdemeanor charge while on probation? (4).	1 = No 2 = Yes
New felony charges (NFC)	Did the defendant violate probation rules by being arrested or convicted of a new felony charge while on probation? (4).	1 = No 2 = Yes

1 = No

Employment or education violations (EEV)	Did the defendant violate probation rules by failing to maintain employment or an education program? (3).	2 = Yes
		1 = No
		2 = Yes
Appointments or contact violations (ACV)	Did the defendant violate probation rules by failing to maintain contact or attend appointments with his Probation Officer? (7).	
		1 = No
		2 = Yes
Required programming violations (RPV)	Did the defendant violate probation rules by failing to participate in required programming? i.e: mental health counseling, Batterer's Education Program, substance abuse counseling. (8).	
		1 = No
		2 = Yes
Plan of payment violations (PPV)	Did the defendant violate probation rules by failing to pay restitution, court costs, or attorney fees as required? (This also includes failure to perform community service work) (9).	
Birth Year (BY)	Birth year of the defendant.	Birth year
Education level (EL)	Defendant's achieved education level.	<ul style="list-style-type: none"> <li>1 = Less than 8th grade</li> <li>2 = 8th grade</li> <li>3 = 9th grade</li> <li>4 = 10th grade</li> <li>5 = 11th grade</li> <li>6 = High school and/or GED</li> <li>7 = 1 yr college/tech</li> </ul>



		8 = 2 or more yrs of post high school educ. but not a 4 yr college degree
		9 = 4 yr college degree or more
Race (RACE)	Defendant's race.	1 = White 2 = Black 3 = Other
Marital status (MS)	Defendant's marital status while on probation.	1 = Single, never married 2 = Separated 3 = Divorced 4 = Widowed 5 = Married
History of mental health problems (HMHP)	Recorded history of mental health problems as a juvenile or adult. Shall include any diagnosis or documentation of therapy, treatment, or counseling. (ie: depression, schizophrenia, attention deficit disorder, etc.).	1 = No history of mental health problems 2 = Documented mental health history
History of substance abuse problems (HSAP)	Recorded history of substance abuse problems as recorded in treatment reports, evaluations, criminal convictions, and criminal justice reports.	1 = No known history of substance abuse problems 2 = Documented history of substance abuse problems
Age at first conviction (AFC)	Defendant's age at first criminal conviction.	1 = 19 or under 2 = 20 to 23 3 = 24 or older
Prior juvenile placement (PJP)	Was defendant in placement as a juvenile?	1 = No juvenile placements 2 = 1 or more juvenile placements

Prior prison incarceration (PPI)	Has defendant previously been incarcerated in prison? This does include "shock sentences", but does not include jail sentences or placement in the Violator's facility.	<ul style="list-style-type: none"> <li>1 = No prior periods of prison incarceration</li> <li>2 = 1 or more periods of prison incarceration</li> </ul>
Number of prior felony convictions (NPFC)	Records the number of prior felony convictions for which the defendant was sentenced as an adult or as a juvenile waived to adult court.	<ul style="list-style-type: none"> <li>0 = 0 prior felony convictions</li> <li>1 = 1 prior felony conviction</li> <li>2 = 2 prior felony convictions</li> <li>3 = 3 prior felony convictions</li> <li>4 = more than 3 prior felony convictions</li> </ul>
Prior period of probation/parole (PPP)	Has the defendant previously been on probation or parole. Shall include self probation, juvenile probation and parole, adult formal probation and parole.	<ul style="list-style-type: none"> <li>1 = No known periods of probation or parole</li> <li>2 = Defendant has previously been on probation or parole</li> </ul>
Prior period of probation/parole revoked (PPPR)	Has the defendant previously had their probation or parole revoked by the Court?	<ul style="list-style-type: none"> <li>1 = No known prior revocations</li> <li>2 = 1 or more periods of probation or parole has been revoked.</li> </ul>

APPENDIX B

Data Collection Instrument

Name: \_\_\_\_\_ ICBC #: \_\_\_\_\_ Case #: \_\_\_\_\_

Research Variable \_\_\_\_\_ Coded Value

I.D # (ID) -----	_____	_____	_____
		1-2-3	
Sentencing date (SD) -----	_____	_____	_____
		4-5	6-7 8-9
Current offense level (COL1) -----	_____	_____	_____
		10	
Current offense type (COT1 ) -----	_____	_____	_____
		11-12	
Current offense (CO1) -----	_____	_____	_____
		13-14	
Current offense level (COL2) -----	_____	_____	_____
		15	
Current offense type (COT2) -----	_____	_____	_____
		16-17	
Current offense (CO2) -----	_____	_____	_____
		18-19	
Current offense level (COL3) -----	_____	_____	_____
		20	
Current offense type (COT3) -----	_____	_____	_____
		21-22	
Current offense (CO3) -----	_____	_____	_____
		23-24	
Number of additional felony offenses (NAFO) -----	_____	_____	_____
		25	
Revocation Hearing date (RHD) -----	_____	_____	_____
		26-27	28-29 30-31
Disposition of Revocation Hearing (DORH) -----	_____	_____	_____
		32	
Revocation Hearing Judge (RHJ) -----	_____	_____	_____
		33-34	
Revocation Hearing Defense Attorney (RHDA) -----	_____	_____	_____
		35-36	

<u>Research Variable</u>	<u>Coded Value</u>
Defendant's Probation Officer (DPO) -----	<u>37-38</u>
Curfew residence violations (CRV) -----	<u>39</u>
Substance abuse violations (SAV) -----	<u>40</u>
New misdemeanor charges (NMC) -----	<u>41</u>
New felony charges (NFC) -----	<u>42</u>
Employment/education violations (EEV) -----	<u>43</u>
Appointments/contact violations (ACV) -----	<u>44</u>
Required programming violations (RPV) -----	<u>45</u>
Plan of payment violations (PPV) -----	<u>46</u>
Birth year (BY) -----	<u>47-48</u>
Education level (EL) -----	<u>49</u>
Race (RACE) -----	<u>50</u>
Marital status (MS) -----	<u>51</u>
History of mental health problems (HMHP) -----	<u>52</u>
History of substance abuse problems (HSAP) -----	<u>53</u>
Age at first conviction (AFC) -----	<u>54</u>

<u>Research Variable</u>	<u>Coded Value</u>
Prior juvenile placement (PJP) -----	<u>55</u>
Prior prison incarceration (PPI) -----	<u>56</u>
Number of prior felony convictions (NPFC)-----	<u>57</u>
Prior period of probation/parole (PPP) -----	<u>58</u>
Prior period of probation/parole revoked (PPPR) -----	<u>59</u>

APPENDIX C  
First Judicial District  
Probation Agreement

CONDITIONS OF PROBATION  
OF THE  
FIRST JUDICIAL DISTRICT OF THE STATE OF IOWA

NAME: \_\_\_\_\_ COUNTY/CAUSE #: \_\_\_\_\_

OFFENSE: \_\_\_\_\_

SENTENCING JUDGE: \_\_\_\_\_ SENTENCING DATE: \_\_\_\_\_

SENTENCE: \_\_\_\_\_

DISCHARGE DATE: \_\_\_\_\_

The above probationer is committed to the custody, care, and supervision of the First Judicial District Department of Correctional Services subject to the following terms and conditions of probation.

PROBATIONER:

1. Will maintain suitable residence approved by the probation officer; will make no change in residence without prior approval of that officer; and, will notify that officer within seventy-two (72) hours of any change in telephone number service.
2. Will not leave the State of Iowa without obtaining prior written permission from probation officer.
3. Will secure and maintain employment or an educational program, as approved by the probation officer:
  - (a) If employed, will provide proof of employment.
  - (b) If unemployed, will daily seek employment and provide proof of that activity.
  - (c) If involved in an education program, will attend all scheduled classes and provide proof of attendance.
  - (d) Will not change employment or educational program without prior approval of the probation officer. If terminated, will immediately notify the officer.
4. Will obey all laws (Federal, State, or City Ordinances) and will advise the probation officer of any arrest or citation issued, as well as notify the arresting authorities of being on probation.
5. Will present proof of adequate liability insurance or financial responsibility before owning or operating a motor vehicle; and will not operate any motor vehicle without a valid driver's license.



6. Will not use any drug unless prescribed by a physician; will not use or possess any illegal drugs or any prescription drugs without a valid prescription; will submit to urinalysis and/or alcohol test upon request of the probation officer.
7. Will initiate and maintain specified contact with the probation officer and will submit a written report as required; will notify the probation officer in advance if an appointment cannot be kept.
8. Will actively cooperate with and participate in any referral programs as directed by the probation officer.
9. Will comply with the Plan of Payment or Plan for Community Services as ordered and approved by the Court.
10. Will be in the residence approved by the probation officer between the hours of 12:00 midnight and 5:00 a.m., except for the purposes of probationer's going to and from place of employment unless prior arrangements have been made with the probation officer.

SPECIAL CONDITIONS: (  All that apply)

PROBATIONER:

- A.  Will consult with and secure the approval of the probation officer before:
1.  Borrowing money, going into debt, or buying on credit.
  2.  Making contractual agreements.
  3.  Purchasing a motor vehicle.
  4.  Opening or using a checking account in any financial institution.
- B.  Will submit to an evaluation by \_\_\_\_\_ and comply with their recommendations. \_\_\_\_\_
- C.  Will avoid associations with those individuals whom the probation officer deems to be detrimental to the probation.
- D.  Will not enter any establishment whose primary source of income is from the sale of alcoholic beverages.
- E.  Will completely abstain from the use of alcoholic beverages.
- F.  Will not leave the territorial limits of \_\_\_\_\_ County without permission of my probation officer.

G. \_\_\_\_\_ Will complete \_\_\_\_\_ hours of Community Service by \_\_\_\_\_  
\_\_\_\_\_

H. \_\_\_\_\_ Will participate in Community Service work as arranged by the probation officer if unemployed.

I. \_\_\_\_\_ Will not possess, receive, transport, or cause to be transported a firearm or offensive weapon.

SPECIAL CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any violation of these conditions is a violation of probation which could cause the probation to be revoked by the Court.

Entering into any informant-type activity with any law enforcement agency will not excuse liability for any violation of the probation.

\_\_\_\_\_

I have read (or have had read to me) the above terms and conditions of probation and understand that they will be enforced and are in effect until I receive my final discharge from the Court. I further acknowledge that I have received a copy of this document.

Signed and witnessed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Probationer

\_\_\_\_\_  
Title