PROBATION AND PAROLE: PUBLIC RISK AND THE FUTURE OF INCARCERATION ALTERNATIVES*

MICHAEL R. GEERKEN
HENNESSEY D. HAYES
The Orleans Parish Criminal Sheriff's Office and Tulane University

Jail and prison populations in the United States have continued to grow unabated during the past two decades but crime rates have not declined. Partly in response to the pressures caused by burgeoning correctional populations, the use of alternatives to incarceration has expanded. An ongoing debate centers on the effectiveness of these alternatives. Many criminal justice professionals and some researchers question whether such alternatives seriously restrict the criminal justice system's ability to incapacitate the active offender. This study deals specifically with two alternatives to incarceration: probation and parole. We examine offender recidivism for a sample of probationers and parolees active in New Orleans, Louisiana, and offer a new approach to addressing the effectiveness issue. Past research has evaluated the effectiveness of alternatives by examining failure rates of diverted offenders. High failure rates, we argue, do not necessarily imply a significant loss of the incapacitative effects of imprisonment. We suggest that a more appropriate measure of the loss of incapacitative effect is the proportion of all offenses committed by persons on probation or parole. Our results suggest that such losses are surprisingly low. The policy implications of our findings are discussed.

The use of alternatives to incarceration has become very controversial in recent years. Rapidly increasing jail and prison populations have led to calls for increasing the use of alternatives, while continued high crime rates have led to demands for reductions in their use through mandatory sentencing and tough sentencing guidelines.

The contradictory pressures of jail and prison overcrowding and high crime rates have resulted in a heated debate over the continued use of alternatives to incarceration. Proponents of alternatives believe that diversion from

* This research was supported by the National Institute of Justice, U.S. Department of Justice, grants 86–IJ–CX–0021 and 90–IJ–CX–0019. Contents of this document do not necessarily reflect the views or policies of the National Institute of Justice or the U.S. Department of Justice. We would like to thank Sheriff Charles C. Foti, Jr., for his invaluable cooperation and support of this project, as well as James D. Wright, Joseph Sheley, and several anonymous reviewers for their helpful comments on earlier versions of this paper.

incarceration serves the interests of the criminal justice system and the offender. Alternatives help to lessen the administrative pressures of increasing jail and prison populations and they facilitate the reform efforts of offenders. On the other hand, those who are skeptical about the effectiveness of alternatives argue that offenders rarely reform on release from custody, and that a significant percentage of all offenders released through some form of incarceration alternative continue to commit crimes. Those offenders are responsible, they argue, for a significant amount of all reported crime. For example, Petersilia et al. (1985) reported that approximately two-thirds of a sample of felony probationers in California were rearrested during a 40-month follow-up period. The results of this study received a great deal of attention, and the effectiveness of felony probation was seriously questioned.

Other research on probation, however, has shown that the results of Petersilia et al.'s (1985) study may be unique to felons in California. Vito (1986), who followed a sample of felony probationers in Kentucky for 36 months, found that only 22% were rearrested. Likewise, McGaha et al. (1987) followed a sample of felony probationers in Missouri for 40 months and found that only 22% were rearrested. These authors concluded that probation for felony offenders is relatively effective and that failure rates of 22% do not warrant abolishment of probation as a sentencing alternative.

In addition to these studies, Petersilia et al. (1986) reevaluated their sample of felony probationers. In the second study probationers were matched with a sample of prison releasees, and the recidivism rates of both groups were compared. The authors found that those released from prison recidivated at higher rates than did the probationers.

Petersilia et al.'s 1986 findings raise questions about the effects of incarceration on postrelease offending and arrest; that is, whether jail and prison actually contribute to a greater likelihood of postrelease offending and whether this effect cancels out the loss in incapacitative effect caused by use of probation. They concluded that probationers still committed a marginally higher number of crimes during the study period. Unfortunately, however, there remains a shortage of reliable evidence regarding the effects of incarceration on the likelihood of postrelease offending and arrest. Nevertheless, it is known that probationers' offenses are more likely to be detected merely by virtue of their supervision (Turner et al., 1992).

Yet, there remains a degree of skepticism among some criminal justice professionals and researchers about the effectiveness of alternatives to incarceration for felony offenders. In fact, our own informal discussions with a number of criminologists convince us that it is commonly believed that probationers and parolees, in particular, are responsible for a significant percentage of crime. In this paper we examine the evidence on which this belief is based.

We begin by summarizing the literature on probation and parole effectiveness and then we add results from our study of a sample of probated and paroled offenders arrested for burglary or armed robbery in New Orleans, Louisiana. While these results are indicative of the effectiveness of specific incarceration alternatives for the offender, they offer little information about the impact these alternatives have on the incapacitative effect of the criminal justice system.

In this paper we argue that measures of crimes committed while under alternative forms of supervision do not provide an appropriate basis for making policy recommendations about the use of such alternatives. Instead, the *contribution* of these crimes to the overall crime rate is the proper framework within which to formulate policy and provides an upper limit to the impact any restriction in the use of alternatives can have. Thus, we estimate the percentage of crime committed by persons on probation or parole to obtain a more valid estimate of the loss of incapacitative effect caused by continued use of these alternatives.

RESEARCH ON PROBATION AND PAROLE EFFECTIVENESS

A relatively recent review of research on probation prior to the 1980s shows that the percentage of probationers who "fail" (defined in various ways across studies) ranges anywhere from 16% to 55% (Allen et al., 1985; see Table 1). Studies that defined failure as a reconviction yielded the lowest failure rates because probationers are more likely to avoid reconviction than rearrest (Sutherland et al., 1992:460).

A more recent study conducted by the Rand Corporation examined the success or failure rates of a sample of 1,672 offenders convicted of felonies in Los Angeles and Alameda counties, California (Petersilia, 1985a, 1985b; Petersilia et al., 1985). They found that approximately two-thirds (65%) of the offenders were arrested before their probation period expired. In addition, 51% of the sample members were reconvicted and 34% were reincarcerated. The authors concluded that use of probation as a sentencing alternative should perhaps be reduced for felony offenders and that perhaps one viable alternative sentence for felony offenders would be the increased use of intensive supervision (ISP), a form of probation requiring several contact visits and, in most cases, ongoing drug testing. They cautioned however, that ISP programs should be sufficiently evaluated before their use is promoted for all felony offenders.[1]

1. Turner et al. (1992) subsequently conducted an evaluation of several ISP programs involving probated drug offenders. Their results indicated that ISP programs did not significantly reduce the likelihood of rearrest. In fact, the number of offenders in ISP programs arrested on technical violations increased. This finding was partly due to the

In a study released by the Bureau of Justice Statistics (Langan and Cunniff, 1992) on the recidivism rates of probated felons, the authors reported that, of approximately 79,000 felons sentenced to probation in state courts in 32 U.S. counties, 43% were rearrested for a felony within three years of sentencing.

Whitehead (1991) examined the effectiveness of probation for a sample of New Jersey probationers. Unlike the studies reviewed by Allen et al. (1985), Whitehead varied his measure of recidivism and noted the effects on failure rates. When the measure was rearrest, 36% of probationers failed. However, when the measure was incarceration, the failure rate dropped to 15%. These rates were observed after three years of follow-up. After four years of follow-up, 40% were rearrested, but only 17% were reincarcerated.

The use of parole for the serious offender raises similar concerns about recidivism and public safety. Based on figures provided in the Uniform Parole Reports, Allen et al. (1985) reported that for 1979 approximately 25% of all felons released on parole were rearrested before the expiration of their term. They noted, however, that some of the failures were due to violations of the conditions of parole. In a more recent study, conducted by the Attorney General's Office for the state of Hawaii, researchers found that, of 366 offenders (approximately 68% of whom were arrested for an index offense) released on parole, approximately 46% were rearrested before their term expired (Attorney General's Office, 1989). In an even more recent study, Gould et al. (1991) followed a sample of 102 nonviolent offenders released on parole from the Louisiana Department of Public Safety and Corrections for 12 months. They found that, when failure was defined as "revocation of the parole status" (p. 11), the failure rate observed was approximately 25%.

We have calculated failure rates, for probation and parole, for a group of burglary and armed robbery offenders whose 1974–1986 criminal justice records were assembled for the New Orleans Offender Study (Geerken et al., 1993, see Table 2). We selected the 4,160 terms of probation and the 327 terms of parole that began for sample members between January 1, 1974 and December 31, 1981.[2] Fifty percent of the probationers and 46% of the parolees were rearrested for an index offense during their period of supervision.

The results of the studies we reviewed along with the results from our sample indicate that there is a great deal of inconsistency in the degree of failure observed across samples and jurisdictions. Including more recent studies of probation effectiveness and the probation effectiveness observed for our sample with those reviewed by Allen et al. (1985; see Table 1), the range of failure

---

strict nature of the surveillance for offenders in the ISP program. Nevertheless, ISP programs resulted in increased program costs without concomitant reductions in offending by program participants.

2. We did this to reduce right censoring and, in fact, 97% of these terms expired or were completed by reincarceration before the end of the measurement period.

rates is 12% to 65%. The failure rates reported in Table 1 are inconsistent for a variety of reasons. First, researchers still have not arrived at a consensus on what the definition of probation failure should be. Second, the follow-up periods are markedly dissimilar across studies. Third, offender populations and data collection and recordkeeping methods vary significantly across jurisdictions.

Allen et al. (1985) noted that "while most [researchers] agree that recidivism should be a primary performance measure, there is no agreement on its definition nor on the indicators to be used for its measurement" (p. 249). It is apparent from the New Orleans Offender Study results that the failure rate is quite sensitive to failure criterion. Failure rates for offenders in our study ranged from 31% to 71% for probation and from 21% to 65% for parole. If we compare studies with similar failure criteria, however, the range narrows. Although rearrest rates range from 12% to 65%, 7 of the 11 studies fall in the 33% to 65% range.[3] Reconviction rates range from 16% to 55%, although if the two studies of white-collar crimes from the 1950s (Caldwell, 1951; England, 1955; see Table 1) are eliminated, the remaining four failure rates range from 30% to 55%.[4]

Comparing the studies conducted on parole success yields similar inconsistencies. The failure (defined as rearrest) rates for parolees reported in the studies we reviewed along with the rate observed for our own sample range from 25% to 46%. However, comparisons of reported parole effectiveness are also suspect because offenders, follow-up periods, jurisdictions, failure criteria, and sentencing policies vary markedly across studies.

Regardless of the degree of inconsistency in reported success or failure of probation and parole across studies, one general conclusion emerges: if the criterion for failure is rearrest, a significant proportion of offenders placed on probation or parole will recidivate before their term expires. Including results obtained from our own data, from one-third to two-thirds of all probationers were rearrested, and from one-quarter to one-half of all parolees were rearrested.

These failure rates are substantial enough to warrant concern over the future use of probation and parole. Given the high failure rates and large number of offenders under probation or parole supervision,[5] it can be argued

3. From Table 1, these studies are Clarke et al. (1988), Geerken and Hayes (1993), Irish (1972), Jones (1991), Langan and Cunniff (1992), and Whitehead (1991).

4. From Table 1, these studies are Comptroller General (1976), Irish (1972), Missouri Division of Probation and Parole (1976), and Whitehead (1991).

5. In recent years the number of convicted offenders released on probation has continued to rise. In 1983 the rate per 100,000 U.S. adult residents at which offenders were placed under probationary supervision was 897; in 1990 this rate was 1,443 (Flanagan and Maguire, 1991; Flanagan and McGarrell, 1985). Greenfeld (1987) reported that approximately 60% of all convicted felons are placed on probation in a given year. The parole

that the elimination of these alternatives would result in a significant decrease in crime. Indeed, the potential effect on the crime rate of reducing the use of probation and parole—and substituting imprisionment—is important for policy. But the proper measure of this effect is not the probation or parole failure rate, regardless of the criterion one uses to measure failure. Instead, the percentage of all crimes committed by persons on probation or parole provides an estimate of the potential effect on the crime rate of replacing these forms of supervision with imprisonment and, therefore, of the incapacitative effect lost through these alternatives. To our knowledge, such a calculation has not been made.

Below, we attempt to answer the following question: What reduction in crime might be achieved through a reduction in the use of probation and parole? This question has not been addressed by researchers on alterntives to incarceration. The answer to the question is both relevant and important if informed decisions are to be made about the future of sentencing alternatives for serious offenders.

DATA

The official record data base of the New Orleans Offender Study contains the 1974–1986 arrest, incarceration, and probation and parole supervision histories of the 22,497 individuals who were arrested for burglary or armed robbery in New Orleans from 1973 through 1986.[6] The data base was compiled from the following criminal justice data bases (Geerken and Hayes, 1992; Geerken et al., 1993):

1. the New Orleans jail information management system (STARS) for 1981 through 1986;
2. the New Orleans Police Department's arrest history system (MOTION) for 1973 through 1986;
3. the Louisiana adult penitentiary and probation/parole information system (CAJUN) for 1974 through 1986;
4. the Louisiana juvenile corrections information system (JIRMS) for 1974 through 1986; and
5. the Louisiana criminal history system (FINDEX) for 1974 through 1986, which includes information on out-of-state arrests maintained by the Federal Bureau of Investigation on individuals arrested for serious offenses in Louisiana.

---

population has also increased markedly between 1983 and 1990. The rate per 100,000 U.S. adult residents under parole supervision was 147 in 1983 and 287 in 1990 (Flanagan and Maguire, 1991; Flanagan and McGarrell, 1985).

6. Actually, 22,561 offenders originally met these criteria, but 64 offenders had to be removed because of identification or unsolvable coding problems.

Table 1. Studies Reporting Recidivism Rates for Probationers

Study	Instant Offense	Follow-up Period	Failure Criterion	Failure Rate (%)
Caldwell (1951)	Internal Revenue Laws (72%)	Postprobation: 5½–11½ years	Conviction	16.4
Davis (1964)	Burglary; forgery and checks	To termination: 4–7 years	2 or more violations/ revocations (technical and new offenses)	30.2
England (1955)	Bootlegging (48%) and forgery	Postprobation: 6–12 years	Conviction	17.7
Frease (1964)		On probation: 18–30 months	Inactive letter, bench warrant, revocation	20.2
Landis (1969)	Auto theft, forgery and checks	To termination	Revocation (technical and new offenses)	52.5
Irish (1972)	Larceny and burglary	Postprobation: minimum of 4 years	Arrest or conviction	41.5
Comptroller General (1976)		Postprobation: 20-month average	Revocation and postrelease conviction	55.0
Kusuda (1976)	Property	To termination: 1–2 years	Revocation	18.3
Missouri Division of Probation and Parole (1976)	Burglary, larceny, and vehicle theft	Postprobation: 6 months–7 years	Arrest and conviction	30.0
Irish (1977)	Property	Postprobation: 3–4 years	Arrest	29.6
Petersilia (1985a)[a]	Felonies	40 months from term initiation	Rearrest	65
Vito (1986)[a]	Felonies	36 months from term initiation	Rearrest	22
McGaha et al. (1987)[a]	Felonies	40 months from term initiation	Rearrest	22
Clarke et al. (1988)[a]	Felonies	3 years from term initiation	Rearrest	33
Irish (1989)[a]	Felonies	5 years from term initiation	Rearrest Violations Rearrests and violations	12 6 26
Jones (1991)[a]	Felonies and misdemeanors	From term initiation to 5-1-87 (median 3.4 years at risk)	Rearrest	39
Whitehead (1991)[a]	Felonies	3 and 4 years from term initiation	Rearrest Reconvicted Incarcerated Imprisoned	3 & 4 yrs. 36, 40 31, 35 15, 17 9, 11
Langan and Cunniff (1992)[a]	Felonies	3 years from term initiation	Rearrest	43
Geerken and Hayes (1993)[b]	Index offenses	To term expiration	Rearrest	50

SOURCE: Harry E. Allen et al. (1979:35).

[a] These studies do not appear in the original table but are included here to provide more recent information on probation effectiveness.

[b] Result extracted from Table 2 of this paper.

Table 2. Probation and Parole Failure Rates, by Failure Criterion, for Persons Placed on Probation, 1974 through 1986

Failure Criterion	Probation (N = 4,160)			Parole (N = 327)		
	Percent Failed	Number Failed	Mean Days To Failure	Percent Failed	Number Failed	Mean Days To Failure
Reincarceration in Penitentiary	31.0	1,291	617	20.8	68	579
Violent Index Arrest	38.7	1,611	395	34.3	112	409
Any Index Arrest	50.0	2,081	356	45.6	149	362
Any Index or Drug Arrest	55.5	2,309	343	49.9	163	338
Any Arrest Except Alcohol-related and Traffic	65.6	2,731	315	60.9	199	319
Any Arrest Except Traffic	69.8	2,902	300	63.3	207	301
Any Non-traffic Arrest Including Technical Violations	70.5	2,932	299	64.5	211	299

METHOD

To determine the impact that probated or paroled offenders have on the burglary and armed robbery rate, we examined the percentage of all burglary and armed robbery arrests between 1974 and 1986 that involved persons on probation or parole at the time. The New Orleans Offender Study data base is uniquely suited to making this calculation because it includes every arrest for burglary and every arrest for armed robbery in New Orleans during the study period and the supervision status of the arrestee.

Note that we can determine the probation and parole status of the offender only for arrests rather than crimes. In this analysis we assume, therefore, that the probability of arrest after commission of a crime is no different for probationers/parolees than for nonprobationers/nonparolees. Evidence suggests, however, that probationers' offenses are more likely to be detected (MacKenzie, 1991; Turner et al., 1992).

RESULTS

Table 3 indicates that only about 8% of adult arrests for burglary or armed

robbery involved offenders on probation. Between 1% and 2% of all adult arrests for these crimes involved offenders on parole.

Table 3. Percentage of Burglary and Armed Robbery Arrests Between 1974 and 1986 for Persons on Probation and Parole

Index Offense	Percent Arrests of Persons on Probation (*N*)	Percent Arrests of Persons on Parole (*N*)	Total Arrests
Burglary	8.1 (1,981)	1.3 (320)	24,520
Armed Robbery	8.4 (1,100)	1.8 (233)	13,020

These percentages are contrary to expectation and surprisingly low. They suggest that even the complete elimination of probation and parole would have a very negligible effect on the burglary and armed robbery rates since more than 90 percent of all burglaries and armed robberies were committed by persons *not* on probation or parole at the time of their arrest. We draw no conclusion about the frequency of criminal activity of probationers or parolees compared with other groups of offenders. We argue only that since a low percentage of all burglary and armed robbery arrests are of persons on probation or parole at the time, policy changes tightening or eliminating these forms of supervision can affect only a small percentage of these crimes. Specifically, we argue that even complete abolishment of probation and parole would not affect the crime rate by more than 10 percent for either burglary or armed robbery. Note that these results measure the percentage of *adult* arrests involving persons under probation or parole supervision. The percentage of *all* arrests that could be affected by adult probation/parole policy is about 6%.[7]

The percentage of all index charges for the study population while on adult probation is 6.3%; on adult parole, 0.9%. Since we do not have a complete count of all index arrests—only those for this population—the results for index crimes other than burglary and armed robbery must be interpreted with caution. Nevertheless, it is likely that policy changes tightening probation and parole would have a minimal effect on other index offenses as well.

We note that even these low increases in the incapacitative effect that could be achieved by eliminating probation and parole are probably exaggerated, for a number of reasons, and that the true improvement in incapacitative effect would be even lower. If probation was eliminated as an alternative

7. Our data base does not include information on juvenile probation.

option, for example, many guilty pleas now obtained through plea bargaining would not be secured, and many more cases would go to trial (Champion, 1988b:45–48; Champion, 1988a). In a certain percentage of these cases, the defendant would be found not guilty and, therefore, not incarcerated. In addition, it is not clear that "mandatory" sentencing guidelines can, in fact, be enforced. Tonry (1992) points out that many judges and prosecutors attempt to secure guilty pleas by ignoring mandatory sentencing guidelines and imposing or seeking probation, and that judges may be more inclined to dismiss cases for which probation would have served as an appropriate sentence rather than follow mandatory guidelines. Finally, as noted, we assume that the probability of arrest for a crime is the same for those under probation or parole supervision as for those who are not. It has been argued, however, that supervision increases the chance of arrest for a crime (MacKenzie, 1991:218; Turner et al., 1992). If this is so, the percentage of *arrests* while under supervision will provide an overestimate of the percentage of crimes committed while under supervision.

The reason the high failure rates for these alternatives do not translate into a comparable effect on the crime rate can be illustrated by an example. We selected the 1957 birth cohort from our sample (ages 17–29 during 1974–1986) for detailed analysis.[8] This cohort (N = 1,293) had a 49% failure rate for its 604 terms of probation (failure defined as any index arrest). Yet, only 8.9% of all index arrests occurred while on probation for this cohort during these ages. The reason can be simply explained. Only 41% of the cohort had any probation terms. Of those who had probation terms, only 20% of their 13 young-adult years was spent on probation. From these two figures, alone, one can expect that only 8% (20% of 41%) of arrests would occur during probation terms, assuming that arrest rates during probation are the same as arrest rates for periods not on probation.

Some critics might argue that our findings concerning probation are probably the result of probation policies specific to New Orleans or Louisiana and other "tough" sentencing states. That is, it might be argued that finding such a low loss of incapacitative effect for probation is due to the nature of a probation policy in Louisiana, and New Orleans in particular, that reserves probation for the mild, less serious offender. The evidence, however, is that the opposite may be true.

A study of sentencing practices in 18 U.S. municipalities (Cunniff, 1984:25) shows that 34% of all convicted serious offenders in New Orleans were placed on probation for an average term of 2.72 years (see Table 4). Moreover, the second highest rate of probation disposition (55%) among the 18

8. We selected these ages because 87% of all probation terms occur at these ages.

cities was observed for Jefferson Parish, Louisiana, which borders New Orleans.[9] Of all 18 cities examined, New Orleans ranked seventh in the percentage of all serious offenders placed on probation. It is clear, therefore, that the probation policies affecting the New Orleans Offender Study population are no more selective than those of other large U.S. cities, and perhaps less so.

Table 4. Percentage of All Sentences Involving Straight Probation Terms in Selected Municipalities

Municipality	Percent	Average Term in Years
Denver	58	2.31
Jefferson Parish	*55*	*2.08*
Maricopa County	45	2.97
Riverside County	43	3.07
Baltimore County	39	2.85
Oklahoma County	37	2.86
New Orleans	*34*	*2.72*
Jefferson County	33	4.79
Baltimore City	32	3.75
Milwaukee County	32	2.53
Philadelphia	31	3.46
Lucas County	26	2.93
Lancaster County	25	2.14
Davidson County	22	3.48
Hennepin County	17	3.81
Kane County	12	1.64
Dade County	9	4.65
Los Angeles County	9	3.23

SOURCE: Cunniff (1984).

A better indication that local probation and parole policies are typical of other jurisdictions is the failure rates observed for this sample. Recall that offenders in our study failed at rates at least as high as those reported in most other studies on probation and parole effectiveness (see Table 2; cf. Table 1). Table 2 indicates that when the failure criterion is arrest for "any index offense," 50% of the probationers and 46% of the parolees failed. Table 2 also indicates that, regardless of the criterion one uses for program failure,

9. Of the 51,739 index arrests in the study data base that occurred from 1980 through 1986, 86% (43,196) occurred in New Orleans and 9% (4,749) occurred in Jefferson Parish. Thus, this study of sentencing practices is directly applicable to about 93% of the arrests for our study population.

probationers and parolees in our sample failed at fairly similar rates, but parolees are uniformly less likely to fail.

Thus, it seems that the offenders followed in this study tended to recidivate at rates at least as high as offenders examined in most other jurisdictions, and that probation was used as a sentencing option as often in New Orleans as in most other cities. The findings reported in Table 2 are, therefore, indicative of the ineffectiveness of probation and parole for burglary and armed robbery offenders in New Orleans and demonstrate that probated and paroled offenders are as criminally active as those in other studies. The limited negative effect probation and parole have on the incapacitative effect of the criminal justice system in New Orleans, therefore, can be generalized to other jurisdictions.

THE LIMITS OF "GET TOUGH" POLICY

We acknowledge that caution must be exercised whenever one considers the results of a study limited in offender type and jurisdiction. Our purpose here has not been a complete evaluation of probation and parole policies in New Orleans,[10] but rather a determination of the impact that elimination of these alternatives would have on the incapacitative effect of the criminal justice system. While the failure rates for the New Orleans Offender Study sample add to the body of literature on probation and parole effectiveness, our focus is primarily on the finding that these high failure rates for burglary and armed robbery are coupled with a minimal loss of incapacitative effect for these offenses.

This finding, that the incapacitative effects of probation and parole elimination are minimal, is both surprising and important.[11] These results do not provide the means to make precise estimates of the effect of changes in probation and parole policy. They do, however, provide an upper limit of the effect any *tightening* of probation and parole policies would have on the crime rate through an increase in incapacitation—almost certainly less than 10%. This is true both for a serious property crime—burglary—and the most frequent violent crime—armed robbery.

---

10. We have ignored, for example, general and special deterrent effects of probation and parole.

11. The effect is "minimal" relative to our, and we suspect, other researchers' expectations. It is also minimal relative to the usual year-to-year fluctuations in the rates of these crimes. For example, year-to-year changes in robbery rates in New Orleans exceeded 10% in 6 of the 10 years of the 1980s. Finally, it is minimal compared with the enormous costs imprisonment of these offenders would impose on society. In an absolute sense, however, 10% of burglaries and armed robberies is a large number of crimes and a lot of victims. In New Orleans, this would amount to almost 2,000 additional *reported* burglaries and armed robberies per year, and about 514,800 burglary victimizations and approximately 57,500 robbery victimizations in the United States each year (U.S. Department of Justice, 1992).

It is clear that the additional facility and operating costs needed to house current probationers and parolees would not translate into a similar decline in the crime rate. For instance, as of 1988 there were 2,356,483 offenders on probation and 404,977 offenders on parole in the United States. If probation and parole had been eliminated and these offenders returned to jail or prison, the secure correctional population would have increased by approximately 390% (Bureau of Justice Statistics, 1991). Yet the abolishment of probation and parole can effect no more than a 10% reduction in crime from increases in the incapacitative effect. In addition, if prison in itself is criminogenic, either by increasing offenders' rate of offending after release or pushing back the termination date of their "careers," the replacement of probation and parole with imprisonment would have an even weaker effect on the overall crime rate. Petersilia et al.'s (1986) research offers some support for this view, but additional research is needed to make a more definitive conclusion.

Any restriction in probation and parole policy short of elimination, therefore, can have only a very minimal effect on the crime rate. Suggestions, for example, that alternatives to incarceration be reserved for less violent, property offenders (Steffensmeier, 1992) or that probationers be supervised more intensively (Turner et al., 1992) can therefore also have little effect.

Our results, however, should not be interpreted to mean that a significant *expansion* in the use of probation or parole would have no significant effects on the crime rate. The criminal justice system is intended by judges, prosecutors, and law enforcement officers to be selective, that is, to keep the most dangerous and active offenders behind bars. To some extent, the system succeeds, although how well it succeeds is a matter of much debate. If those offenders now incarcerated are in fact more dangerous and would in fact commit more crime if released than current probationers and parolees, sharp expansion of the use of probation and parole might cause substantial increases in the crime rate.

In summary, the results of this study cannot be construed either as support for the abolishment of probation or parole or the increased use of these alternatives. The results do, however, dispel a commonly held belief among many criminal justice professionals and some researchers, that is, that probationers and parolees are responsible for a large percentage of crime.

REFERENCES

Allen, H.E., E.W. Carlson, and E.C. Parks
1979 Critical Issues in Adult Probation. Washington, D.C.: Law Enforcement Assistance Administration.

Allen, Harry E., Chris W. Eskridge, Edward J. Latessa, and Gennaro F. Vito
1985 Probation and parole effectiveness. In Harry E. Allen, Chris W. Eskridge, Edward J. Latessa, and Gennaro F. Vito (eds.) Probation and Parole in America. New York: Free Press.

Attorney General's Office, State of Hawaii
1989 Parole and Recidivism. Honolulu: Hawaii Criminal Justice Data Center.

Bureau of Justice Statistics
1991 Correctional Populations in the United States, 1988. Washington, D.C.: U.S. Department of Justice.

Caldwell, Morris G.
1951 Review of a new type of probation study made in Alabama. Federal Probation 15:3–11.

Champion, Dean J.
1988a Felony plea bargaining and probation: A growing judicial and prosecutorial dilemma. Journal of Criminal Justice 16:291–301.
1988b Felony Probation: Problems and Prospects. New York: Praeger.

Clarke, Stevens H., Yuan-Huei W. Lin, and W. LeAnn Wallace
1988 Probationer recidivism in North Carolina: Measurement and classification of risk. Institute of Government, University of North Carolina at Chapel Hill.

Comptroller General of the United States
1976 State and County Probation: Systems in Crisis, Report to the Congress of the United States. Government Printing Office, Washington, D.C.

Cunniff, Mark
1984 The Scales of Justice: Sentencing Practices in 18 Felony Courts. Bureau of Justice Statistics Statistical Series Project. National Association of Criminal Justice Planners, Washington, D.C.

Davis, George F.
1964 A study of adult probation violation rates by means of the cohort approach. Journal of Criminal Law, Criminology and Police Science 55:70–85.

England, Ralph W.
1955 A study of postprobation recidivism among five hundred federal offenders. Federal Probation 19:10–16.

Flanagan, Timothy J. and Kathleen Maguire (eds.)
1991 Sourcebook of Criminal Justice Statistics—1990. Bureau of Justice Statistics. Washington, D.C.: U.S. Department of Justice.

Flanagan, Timothy J. and Edmund F. McGarrell (eds.)
1986 Sourcebook of Criminal Justice Statistics—1985. Bureau of Justice Statistics. Washington, D.C.: U.S. Department of Justice.

Frease, Dean E.
1964 Factors Related To Probation Outcome. Olympia, Washington: Department of Institutions, Board of Prison Terms and Paroles, Section on Research and Program Analysis.

Geerken, Michael and Hennessey D. Hayes
1992 The New Orleans Offender Study: Codebook for official criminal history datasets. National Institute of Justice, Washington, D.C.

Geerken, Michael, Alfred Miranne, and Mary Baldwin Kennedy
1993 The New Orleans Offender Study: Development of official record databases. Report to the National Institute of Justice. Washington, D.C.

Greenfeld, Lawrence A.
1987 Probation and Parole, 1985. Bureau of Justice Statistics. Washington, D.C.: U.S. Department of Justice.

Gould, Larry A., Doris Layton MacKenzie, and William Bankston
1991 A comparison of models of parole outcome. Paper presented at the Annual Meeting of the American Society of Criminology, San Francisco.

Irish, James F.
1972 Probation and its Effect on Recidivism: An Evaluative Research Study of Probation in Nassau County, New York. Nassau County Probation Department, Mineola, New York.
1979 Probation and Recidivism. Nassau County Probation Department, Mineola, New York.
1989 Probation and recidivism: A study of probation adjustment and its relationship to post-probation outcome for adult criminal offenders. Nassau County Probation Department, Mineola, New York.

Jones, Peter R.
1991 The risk of recidivism: Evaluating the public-safety of a community corrections program. Journal of Criminal Justice 19:49–66.

Judge, Frank T. III
1982 Relief for prison overcrowding: Evaluating Michigan's accelerated parole statute. University of Michigan Journal of Law Reform 15:547–576.

Kusuda, Paul H.
1976 1974 Probation and Parole Terminations. Division of Corrections, Madison, Wisconsin.

Landis, Judson R., James K. Mercer, and Carole E. Wolff
1969 Success and failure of adult probationers in California. Journal of Research in Crime and Delinquency 6:34–40.

Langan, Patrick A. and Mark A. Cunniff
1992 Recidivism of Felons on Probation, 1986–1989. Bureau of Justice Statistics Special Report. Washington, D.C.: U.S. Department of Justice.

MacKenzie, Doris Layton
1991 The parole performance of offenders released from shock incarceration (boot camp prisons): A survival time analysis. Journal of Quantitative Criminology 7:213–236.

McGaha, Johnny, Michael Fichter, and Peter Hirschburg
1987 Felony probation: A re-examination of public risk. American Journal of Criminal Justice 11:1–9.

Missouri Division of Probation and Parole
1976 Probation in Missouri, July 1, 1968 to June 30, 1970: Characteristics, Performance, and Criminal Reinvolvement. Division of Probation and Parole, Jefferson City, Missouri.

Petersilia, Joan
1985a Community Supervision: Trends and Critical Issues. Crime and Delinquency 31:339–347.
1985b Probation and felony offenders. Federal Probation 49:4–9.

Petersilia, Joan, Susan Turner, James Kahan, and Joyce Peterson
1985 Executive summary of Rand's study, "Granting Felons Probation: Public Risks and Alternatives." Crime and Delinquency 31:379–392.

Petersilia, Joan and Susan Turner, with Joyce Peterson
1986 Prison versus Probation in California: Implications for Crime and Offender Recidivism. R–3323–NIJ. Santa Monica, Calif.: Rand Corporation.

Steffensmeier, Darrell
1992 Incarceration and Crime: Facing Fiscal Realities in Pennsylvania. Center for the Study of Law and Society. University Park: Pennsylvania State University.

Sutherland, Edwin H., Donald R. Cressey, and David F. Luckenbill
1992 Principles of Criminology. 11th ed. New York: General Hall.

Tonry, Michael
1992 Mandatory penalties. In Michael Tonry (ed.), Crime and Justice: A Review of Research. Vol. 16. Chicago: University of Chicago Press.

Turner, Susan, Joan Petersilia, and Elizabeth Piper Deschenes
1992 Evaluating intensive supervision probation/parole (ISP) for drug offenders. Crime and Delinquency 38:539–556.

U.S. Department of Justice
1992 Criminal Victimization in the United States, 1990. Washington, D.C.: U.S. Department of Justice.

Vito, Gennaro F.
1986 Felony probation and recidivism: Replication and response. Federal Probation 50:17–25.

Whitehead, John T.
1991 The effectiveness of felony probation: Results from an eastern state. Justice Quarterly 8:525–543.

Michael R. Geerken is Chief Administrative Officer for the Orleans Parish Criminal Sheriff's Office and Adjunct Associate Professor of Sociology at Tulane University. He has published in the areas of deterrence theory, incapacitation, geographical mobility, the psychological effects of sex and marital roles, drug use, survey methodology, and the uses of official crime statistics.

Hennessey D. Hayes is a research analyst at the Orleans Parish Criminal Sheriff's Office and a Ph.D. candidate, Department of Sociology, Tulane University. He has recently published work on federal civil procedure. His current research areas are juvenile justice policy, inmate classification, and juvenile delinquency causation.

Copyright of Criminology is the property of American Society of Criminology and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.