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Abstract

This study extends a growing body of research on offenders' perceptions of the punitiveness of criminal sanctions. Specifically, we examine punishment equivalency ratings by Kentucky probationers and parolees (N = 588) meant to gauge their perceptions of the severity of prison compared to both probation and county jail. Ratings are analyzed by several demographic characteristics. We find that, in general, survey respondents perceived county jail as more severe than prison but that probation was rated as less severe.

Multivariate analyses showed that race and education both predicted greater preferences for prison over probation, whereas only race predicted a greater preference for prison over jail. The implications of these findings are discussed.

A COLLEGE OF JUSTICE AND SAFETY
"PROGRAM OF DISTINCTION"
RESEARCH GRANT REPORT

KENTUCKY PROBATIONERS' AND PAROLEES' PERCEPTIONS OF THE SEVERITY OF PRISON VERSUS COUNTY JAIL AND PROBATION

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Introduction

Recent work by Pogarsky (2002) challenges earlier research showing that the certainty of punishment is more important than its severity in deterring illegal behavior. Pogarsky found that among those persons most likely to be deterred from illegal activity by the threat of criminal sanctions, the perceived severity of sanctions is a greater deterrent than are perceptions of the likelihood that sanctioning will in fact take place. There is also growing research (summarized below) to support the position that different individuals and different groups often perceive the severity of a sanction in quite different terms. Hence, variations in appraisals of sanction severity may well be associated with variations in the degree to which illegal activities are actually deterred by the threat of punishment (see Hawkins & Alpert, 1989; McClelland & Alpert, 1985).

In contrast to research indicating the relativity of perceptions of punishment severity, existing law and practice tends to assume more objectivity. In fact, since the seminal work of Morris and Tonry (1990), it has become popular to envisage criminal sanctions as forming an objective, calibrated continuum of severity, starting with sanctions like fines and probation as least severe and moving to incarceration as most severe, with various so called "intermediate sanctions" (e.g., intensive supervision and electronic monitoring) filling the space between. Studies conducted over the last two decades, however, show that a considerable number of offenders, and some identifiable demographic subgroups, do not share this view.

In 1990, Petersilia advanced the counterintuitive argument that many offenders prefer time in prison over intensive supervision probation (ISP). Crouch (1993) followed this argument with a study of Texas prisoners that demonstrated that being African-American was the strongest predictor of a preference for prison over probation. Crouch also found other demographics (i.e., being older and unmarried) to predict this same preference. Petersilia and Deschenes' (1994a, 1994b) work with prisoners in Minnesota replicated Crouch's finding when they determined that persons who were married and/or who had children ranked incarceration in prison and jail as more severe than alternative sanctions when compared to single persons with no children. Although Petersilia and Deschenes found no differences by race or other demographics, their sample size was rather small (N=48). In another Texas study, Spelman (1995) reported that three-quarters of offenders surveyed rated incarceration as less severe than one or more alternative sanctions. With respect to demographic variables, Spelman found that older offenders, as well as African-Americans and Hispanics, were more likely than younger and white offenders respectively to rate incarceration as less punitive than community-based alternatives; as in Crouch's study, race was the strongest predictor of preferences.

Studies conducted more recently have continued to support the importance of race and have expanded the focus on demographics to include gender. Wood and May's (2003) study of Indiana probationers found that, when compared with prison, African-Americans perceived alternative sanctions as significantly more punitive than Whites. Wood and Grasmick (1999, p. 19) studied a sample of prisoners in the Oklahoma Department of Corrections and concluded, "women rate alternatives as less punitive than do men, and are more amenable to participating in them." Likewise, compared to females, males are more likely to prefer prison to shock incarceration or boot camp sentences (Wood, May, and Grasmick, In Press).

To the best of our knowledge, no previous research has addressed this topic using a Kentucky sample, and the purpose of this study is to do so. It cannot be safely assumed that findings made in select other jurisdictions apply in Kentucky, particularly when those findings are inconsistent with respect to certain demographic variables.

The present study adds to the literature in other ways. First, in addition to examining demographic variables such as race, gender, and age, we expand the range of demographics to include education and variables that have received less attention. These include whether or not the offender: (a) came from an urban or rural area, (b) had children, and (c) was receiving public assistance. We examine variability along these factors in offenders' preferences for probation, jail, and prison sentences. Second, with the exception of Spelman (1995) and Wood and May (2003), previous studies have not focused on probationers and parolees. In fact, parolees have never been studied; past work has focused mostly on arrestees (Apospori & Alpert, 1993; McClelland & Alpert, 1985) and inmates (Crouch, 1993; Petersilia & Deschenes, 1994a, 1994b; Wood & Grasmick, 1999). The lack of attention to probation and parolee samples is noteworthy, as some 60% of offenders under correctional supervision are serving community-based sanctions, and threats of ostensibly more severe sanctions are relied upon to gain compliance with the conditions of probation and parole. This study utilizes a sample of probationers and parolees drawn from the Kentucky Department of Corrections.

Research Method

Sample and Data Collection

Survey data were gathered from seven state probation and parole offices. Using a purposive sampling approach, these offices were selected in an effort to maximize the distribution of three main demographic variables (race, gender, and urban/rural background) so that meaningful between-group comparisons could be made. The seven districts included in this study supervise roughly one in three parolees and probationers in Kentucky.

The sample consisted of 612 survey respondents, or 2.3 percent of the offenders on probation or parole in the state at the end of 2003. In keeping with previous research in this area, a main purpose of our study was to compare the perceptions of Blacks and Whites. Therefore, respondents who were not Black or White ($n=24$) were excluded from the analysis, resulting in an N of 588.

Of these 588 respondents, 40.5 percent were Black, and 79.4 percent were male. The average age was 33.3 years ($SD = 10.2$). Slightly over a third (35.5%) had less than a high school education, and 46.9 percent were from an urban area (i.e., lived in a city of 50,000 or more people at the age of 16). A substantial proportion (70.6%) of the respondents had children and nearly a third (32.1%) had received public assistance. Nearly 39 percent were parolees, and the remaining 59.7 percent were serving probation sentences.¹

Data collection proceeded according to an established protocol. On each day of data collection, a member of the research team traveled to the offices prior to their opening and consulted with supervising probation/parole officers before being placed in a location to insure privacy for respondents during survey administration. Supervising officers introduced researchers to the officers who were scheduled to meet with probationers/parolees. Researchers explained the purpose of the research and asked that officers send their clients to the survey administration area at the end of their meetings. As such, the number of probationers and parolees available to complete the survey varied across offices depending on the assistance of officers in directing their clients to the researchers.

Prospective respondents were introduced to researchers by their officers and then presented with a letter of consent from the researchers.² Only 19 percent of the probationers/parolees declined consent. Researchers asked people who agreed to participate in the study whether they preferred to complete the letter of consent and survey themselves or to have these materials read, and approximately 90 percent opted to complete these on their own.

Instrument

The survey instrument was adapted from previous research efforts in this area (Wood & Grasmick, 1999; Wood & May, 2003; Wood et al., In Press) and included a section to record the demographics mentioned above. Additionally, respondents were given brief summaries of probation and county jail sentences and were asked to indicate how many months of probation and also how many months of county jail they would be willing to serve to avoid 12 months of prison time in a medium security correctional institution. Respondents thereby gave their "punishment equivalencies" of the severity of both probation and jail in relationship to prison (Morris and Tonry, 1990).³

Findings

The results presented in Table 1 reflect punishment equivalency data (by demographic subgroup) representing the mean number of months of probation and county jail that offenders would serve in order to avoid 12 months in a medium-security prison. When considering all respondents, it is apparent that prison was preferred over county jail but that probation was preferred over prison. On average, respondents would do almost twice as long on probation (23.56 months) to avoid a year in prison, but they were not even willing to spend a half year in county jail to avoid the same prison term.

Three of the mean differences appearing in Table 1 were statistically significant for the county jail measure.⁴ African Americans would do significantly less time in jail than Whites to avoid prison, $t(585) = 2.828, p = .005$. The same held true for persons from urban areas, $t(577) = 2.347, p = .019$, as well as for those on parole, $t(535.917) = 2.131, p = .034$. Similarly, three mean differences were significant for the probation measure. Here again, African Americans were willing to do significantly less jail time to avoid imprisonment, $t(582) = 5.383, p = .000$. This also applied for males, $t(580) = 2.038, p = .042$, and for those on parole, $t(516.132) = 2.795, p = .005$. Because age was not a dichotomous variable in this study, it is not included in Table 1. Pearson coefficients were very weak for the relationship between age and both the jail $\beta = -.057$ and probation $\beta = -.054$ measures.

Table 1

Demographic Breakdown of Mean Number of Months of Probation and County Jail Respondents Would Serve to Avoid 12-Months of Medium-Security Prison

Demographic	County Jail		Probation	
	Mean	SD	Mean	SD
All Respondents	5.55	4.81	23.56	16.54
Race				
Black	4.87**	4.48	19.16**	16.02
White	6.01**	4.97	26.51**	16.25
Gender				
Female	6.06	5.10	26.29*	16.74
Male	5.41	4.74	22.84*	16.41
Location				
Urban	5.04*	4.67	23.53	16.70
Rural	5.96*	4.78	23.85	16.39
Education				
High School Grad. or More	5.48	4.80	24.40	16.09
Less than High School Grad.	5.62	4.79	22.16	17.22
Children				
Yes	5.28	4.75	23.32	16.62
No	6.07	4.66	24.23	16.39
Received Public Assistance				
Yes	5.72	4.81	24.20	16.30
No	5.42	4.71	23.35	16.73
Legal Status				
Probationer	5.90*	5.07	25.07**	17.10
Parolee	5.06*	4.36	21.22**	15.47

*=Difference in means is significant at $p < .05$

**=Difference in means is significant at $p < .01$

As an extension of the bivariate results just presented, multivariate analyses incorporating the variables contained in Table 1 were also conducted with a goal of determining how well each predictor accounted for perceptions of punitiveness with other variables held constant. In this manner, it is possible to understand the independent contribution of any given variable as a predictor, net of the others. The results of multiple regression (OLS) runs are summarized in Table 2.

Table 2
Regression of Punishment Equivalencies on Demographics

Regular Probation			
Demographic	Unstandardized Beta	Beta	Significance
Race	-6.770	-.203	.000
Gender	-2.272	-.056	.209
Age	-7.073	-.044	.326
Location	-0.687	-.021	.624
Education	3.395	.099	.018
Children	-1.774	.000	.991
Public Assistance	1.141	.033	.475
Legal Status	-2.746	-.083	.509
County Jail			
Race	-0.970	-.100	.026
Gender	-0.675	-.056	.212
Age	-1.059	-.023	.617
Location	0.729	.076	.081
Education	-7.109	-.007	.868
Children	-0.661	-.063	.164
Public Assistance	9.488	.009	.836
Legal Status	-0.527	-.054	.223

Of the variables that were significant in the bivariate analyses, only race remained significant in the multivariate analyses for both punishments. Two variables had a significant association ($p < .05$) with the amount of regular probation respondents would serve. First, Blacks would do significantly less probation time to avoid 12 months incarceration than Whites. Second, those persons with high school educations or greater would do significantly more probation to avoid incarceration compared with those who had not graduated from high school. When predicting the amount of county jail respondents would serve, only one variable was statistically significant; Blacks would do significantly less time in jail than Whites to avoid 12 months of prison.

Neither of the two regression models presented in Table 2 accounted for much variation in punishment equivalency ratings. The model comparing probation to prison accounted for 7.1 percent of the total variance in these ratings while the one comparing jail with prison accounted for only 3.5 percent.

Discussion and Conclusion

The most basic finding of this study is that the probationers and parolees who provided data expressed a clear preference for prison over jail and an equally unambiguous preference for probation over prison. On average, respondents

would not serve even six months in jail to avoid a year in prison. Our data are not sufficient to demonstrate an explanation of this finding; nevertheless, across the nation, county jails have a long-standing reputation for poor conditions, crowding, improper classification of inmates, employee problems, and very limited or non-existent inmate services and programs (see Thompson & Mays, 1991; Zupan, 1991). While certainly not all jails in Kentucky conform to the negative stereotype, the state is hardly free of the problems that characterize this national pattern, and it is likely that our data on offender preferences reflect this. In a classic study of jails, Irwin (1985) pointed out that jails have disintegrating, disorientating, and degrading effects on inmates, and observed, "a jail prisoner generally experiences more punishment per day than a convict in a state prison" (p. 45).

Regardless of the explanation(s) for this finding, the results from this study show that many probationers and parolees perceive a shorter jail term as more punitive than a one-year prison term. This is something that warrants consideration before conclusions are drawn that longer prison sentences are an effective means of addressing the crime problem in general and the problem of probation/parole violations in particular. Our findings imply that, in response to a probation/parole violation, many offenders might prefer to have their community supervision revoked and serve a year in a medium-security prison over serving a half year or more in jail.

Petersilia (1990) found that some two-thirds of offenders given the option of serving intensive supervision probation (ISP) to avoid prison opted for prison instead. We asked offenders about regular probation, and found that offenders perceived prison as much more punitive than regular probation; those we studied would serve an average of almost two years probation to avoid a year in prison. We suspect our findings would have been similar to those noted by Petersilia had we asked respondents to compare prison with ISP. Kentucky, however, recently discontinued the use of ISP.

At the same time, it is noteworthy that members of our sample were, on average, not willing to serve longer periods of probation (e.g., three or four years) to avoid a year of imprisonment. This implies that when considering offender perceptions of punitiveness, willingness to serve probation sentences may involve a "tipping point" beyond which prison is actually preferred. Some offenders, especially more experienced ones, may perceive lengthier probation sentences on the order of three or four years as a hassle and a gamble not worth taking, lest an eventual revocation result in incarceration time above and beyond time served in the community; qualitative research exists to support this line of reasoning (Spelman, 1995). In addition, it is not uncommon for probation/parole violations to be sanctioned with jail time, something that this study indicates offenders find more aversive than imprisonment. In some cases, longer terms of probation supervision may be seen as associated with a greater likelihood of violation detection and, hence, a greater probability of jail.

Our data also make it clear that perceptions of sanction severity vary with offender demographics, particularly race. Consistent with prior research in other jurisdictions (Crouch, 1993; Spelman, 1995; Wood & May, 2003), our bivariate and multivariate results showed that African-Americans perceived imprisonment as less punitive than Whites when compared with both jail and probation. Also in line with other research (Wood & Grasmick, 1999; Wood et al., In Press), our bivariate analyses showed gender differences; compared with women, men perceived prison as less punitive than probation. Bivariate analyses also revealed the significance of two variables (i.e., urban versus rural location and being on probation versus parole) that heretofore have not received adequate attention in the literature.

Gender, location, and legal status did not achieve significance in multivariate analyses. In addition, multivariate runs showed that, independent of race, persons lacking high school educations displayed a significantly greater preference for prison over probation than persons with high school educations or greater. In contrast to previous research (Crouch, 1993; Petersilia & Deschenes, 1994a; Spelman, 1995), we did not find that age and having children were related to perceptions of sanction severity. Aside from education, the only other proxy for socioeconomic status included in this study was whether respondents had received public assistance, and this variable was not related to perceptions either.

Research has consistently reported that African-Americans hold more negative perceptions of the criminal justice than Whites (Albrecht & Green, 1977; Brandl, Frank, Worden, & Bynum, 1994; Cao, Frank, & Cullen, 1996; Flanagan & Longmire, 1996; Hagan & Albonetti, 1982; Henderson, Cullen, Cao, Browning, & Kopache, 1997; Roberts & Stalans, 1997). Given this trend, it would not be surprising to learn that many African-Americans on probation or parole view these sanctions with suspicion, especially if they interpret the likelihood of revocation as high and/or perceive sentence conditions in a negative light. Many such offenders may prefer to complete a relatively short prison term and enter the community

with no strings attached, as opposed to serving more lengthy sentences in the community with a risk of revocation, not only for new crimes, but also for what may be seen as petty technical violations.

The only past study of perceived sanction severity that has focused exclusively on a probation sample concluded that "Black probationers evidence significantly more concern about participating in alternatives [to prison] than do whites. These concerns center on program rules that are difficult to follow and mistreatment at the hands of parole and probation officers and other personnel who oversee the alternative sanctions – both of which may increase the risk of revocation," (Wood & May, 2003, p. 627). The race finding in this study is consistent with this conclusion.

A final result of this study worth mentioning is that neither of the two regression models presented in Table 2 accounted for much variation in punishment equivalency ratings. This means that the punishment equivalency ratings of the probationers and parolees in our sample were largely a function of variables other than those studied. Future research on this topic will need to continue branching well beyond demographic background characteristics to examine correctional experience and contextual variables that might promote variation in perceptions of punishment severity.

We think such research is important, and reiterate what Crouch (1993, p. 86) concluded over a decade ago: "The patterns of perceptions reported here suggest a need to rethink how sanctions affect those for whom they are designed." Our study adds to an increasingly well established body of evidence that people who demand, design, and impose criminal sanctions often have very different assessments of sanction severity than people who actually serve the time.

Notes

1. Not all percentages sum to 100 percent due to a small amount of missing data.
2. Letters of consent described the purpose of the research, made it clear that study participation was voluntary, assured respondents of confidentiality, and requested a signature acknowledging informed consent.
3. Discussion of the efficacy of this particular survey methodology appears in Wood and May (2003).
4. All t-test results were corrected as appropriate based on Levene's test for equality of variances.

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NOTES

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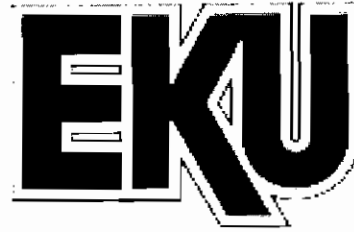
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