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Exploring Military Service as an Alternative Sanction: Evidence From Inmates' Perspectives

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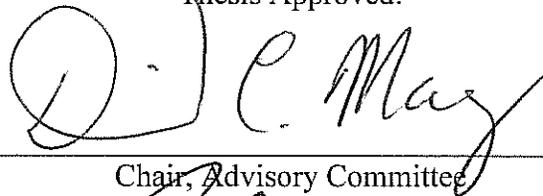
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EXPLORING MILITARY SERVICE AS AN ALTERNATIVE SANCTION:
EVIDENCE FROM INMATES' EXPERIENCES

By

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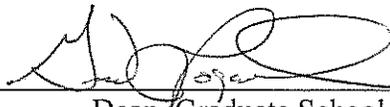
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EXPLORING MILITARY SERVICE AS AN ALTERNATIVE SANCTION:
EVIDENCE FROM INMATES' EXPERIENCES

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2009

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in partial fulfillment of the requirements

for the degree of

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DEDICATION

This thesis is dedicated to my parents

Mrs. Lynn Marie Milburn

And

Mr. Larry Earl Milburn

for their unwavering support in my pursuits

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I would like to thank my thesis chair, Dr. Dave May, for his direction and dedication during the thesis process and my time in graduate school. I would also like to thank the other members of the committee, Dr. Gary Potter and Dr. Terry Cox, for their insightful contributions and assistance in completion of this thesis. Additionally, I would like to thank my parents for always pushing me to give my utmost effort in all of my endeavors. Further, I would like to thank my sisters, Kallie and Tara, for being there when I have needed a time to laugh and unwind.

ABSTRACT

A large body of research exists that examines the punitiveness of prison compared to a wide variety of alternative sanctions. Generally, this research finds that there are numerous demographic and contextual differences in the way that people experience the punitiveness of prison. In this paper, I expand that research by using data from over 900 inmates to examine whether they view military service as more punitive than incarceration. The research suggests females, Blacks, and those who have not had prior military service are more likely to desire imprisonment as opposed to military service. However, Whites and veterans appear to embrace the idea of military service as an alternative to imprisonment. The practicality of using military service as opposed to incarceration is also discussed.

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CHAPTER I

INTRODUCTION

The story of James Foreman is one of redemption and escape. Foreman grew up in a notoriously rough and crime ridden inner-city neighborhood in Atlanta where he regularly faced prostitution, drug use, and violence. At the age of 22, Foreman found himself with no real direction. He decided to try the United States Army at the urging of his mother, as it could provide an escape from perils of the streets of Atlanta. He obliged and, through some motivation from others in the military, his decision led to a 30 year career with the Army where he recently retired as a Sergeant Major. His case is truly a testament of the ability of the structure and opportunities provided by the military to improve the lives of those that venture down such a path (Little, 2010).

In late August 2011, millions of people on the United States' east coast awaited Hurricane Irene and the media were laden with coverage about the looming disaster and preparation efforts. As the hurricane battered states along the eastern seaboard, another tragedy occurred. This tragedy did not come from the rage of nature, however; it came from the rage of a United States Army veteran. Captain Leonard Eglund was a veteran of the wars in Iraq and Afghanistan. During the storm, he murdered his ex-wife, her boyfriend, and her boyfriend's son in Virginia. Eglund then fled to Pennsylvania where he murdered his former mother-in-law before injuring a police officer in a shootout then killing himself (News Limited, 2011).

These two cases stand in stark contrast to one another and represent the wide array of potential outcomes from military service. These diverse cases may partly explain why there has been a resurgence of a dialogue concerning the use of military service in lieu of imprisonment. A great amount of anecdotal evidence exists that suggests a number of people have performed military service instead of doing time in prison, but from a legal perspective, this is prohibited. Almost no research exists that has considered the thoughts of inmates regarding the issue though the sanction would directly impact them.

This exploratory thesis will examine the multiple facets of using military service as an alternative correctional sanction in an attempt to determine the feasibility, challenges, and consequences that would surround using such a sanction. Due to significant budgeting concerns, especially within criminal justice and corrections, alternatives to the expensive sentence of incarceration are being utilized frequently which makes this topic worthy of consideration.

In this thesis, I begin with a comprehensive review of the literature regarding alternative sanctions, exchange rates, correctional boot camps, and military regulations and cases surrounding enlistment in lieu of incarceration. The literature review will be followed by an explanation of the methodology through which a survey was administered to prisoners that considers their views of various alternative sanctions using exchange rates. This will be followed by a presentation of the results of the analysis and then a discussion of the findings, limitations, and implications of the research.

CHAPTER II

LITERATURE REVIEW

Alternative Sanctions

Despite the fact that the United States comprises just 5% of the world's population, 25% of all incarcerated individuals worldwide are incarcerated in the United States (Gottschalk, 2002). In light of this staggering fact, some argue that imprisonment is used excessively as a criminal sanction in the United States. The overuse of corrections in the U.S. does not apply exclusively to incarceration. In fact, in 2009 there were 5,018,855 people on probation or parole in the U.S. (Bureau of Justice Statistics, 2010).

When examining the two traditional options of incarceration and probation, one should consider that the offender in the least punitive prison has the potential to have a much more punitive experience in the correctional system than does the most severe offender that received probation as a sanction (May & Wood, 2010; Morris & Tonry, 1990). Bearing this in mind, Morris & Tonry (1990) suggest that, instead of limiting sentences to incarceration or probation, there should be a range of sanctions available for offenders, sanctions they refer to as alternative sanctions because they are designed to serve as alternatives to incarceration in prison (Morris & Tonry, 1990; Petersilia & Deschenes, 1994a). "Alternative sanctions" are defined as an assortment of sentences that are thought to fit somewhere in a range of severity that places traditional probation at one end of the spectrum and traditional incarceration at the opposite end. There are many

terms used to describe alternative sanctions, such as “alternatives to incarceration,” “alternative sanctions,” “sentencing alternatives,” “intermediate sanctions,” “intermediate punishments,” among others (May & Wood, 2010). The list of possibilities for alternative sanctions includes fines, house arrest, boot camps, electronic monitoring, community service, and others (Frana & Schroder, 2008; May & Wood, 2010; Morris & Tonry, 1990).

There are several advantages that alternative sanctions offer. They can reduce the problem of overcrowded prisons, rehabilitate the offenders that take part in alternative sanctions, increase safety for the public, and cut costs to state and federal corrections systems (May & Wood, 2010; Petersilia, 1998). May and Wood (2010) also identify other benefits associated with alternative sanctions. They suggest that alternative sanctions provide a sentencing option for those offenders whose risk to public safety is not high enough for prison, but whose risk is too high for probation. The use and improvement of alternatives should give rise to a constructive continuum of sanctions that can be used to sentence offenders. Every state in the U.S. has begun using some form of alternative sanction; this widespread use may serve as some evidence of their usefulness.

Though alternative sanctions have become rather popular (Doleschal, 1982; May & Wood, 2010), they have problems as well. The most commonly cited criticism of alternative sanctions is that of net widening (May & Wood, 2010). Doleschal (1982) holds that prosecutors, as well as judges, use alternative sanctions to increase social control while having only a limited impact on defendants’ recidivism. The concept of net widening first appeared in the 1970s as a criticism of diversion within the juvenile justice

system. The contention is that implementing alternative sanctions causes a great expansion of correctional control because more people are brought under the umbrella of correctional supervision (Klein, 1979; Lemert, 1971; May & Wood, 2010). Additionally, alternative sanctions possess the propensity for discrimination by various program officials due to the discretion that is involved with alternatives, which can negatively affect how some groups may view alternatives (May & Wood, 2010).

A number of researchers have also assessed how prisoners perceive the severity of alternative sanctions. This research has shown that many prisoners would rather serve their sentence in prison until they are unconditionally released instead of taking part in alternative sanctions due to the high likelihood of being withdrawn from the alternative and being forced to serve prison time anyway (Frana & Schroeder, 2008; May, Wood, Mooney, & Minor, 2005; Petersilia & Deschenes, 1994; Spelman, 1995; Wood & May, 2003).

Despite this recent evidence that many inmates prefer prison over some alternative sanctions, most people, whether they are citizens, policymakers, or researchers, still follow the traditional notion that probation anchors the lower end of a continuum of sanctions (including the alternatives previously mentioned) and incarceration serves at the severe extreme. However, increasing evidence indicates this traditional continuum of sentencing options is problematic (Crouch, 1993; May & Wood, 2003; May & Wood, 2010; Petersilia, 1990; Petersilia & Deschenes, 1994a; Petersilia & Deschenes, 1994b; Spelman, 1995; Wood & Grasmick, 1999).

Background of Exchange Rates

As mentioned earlier, alternative sanctions are designed to fill that space that is found between prison and probation (Morris & Tonry, 1990). Nevertheless, recent evidence suggests that continuum (with probation as the least restrictive sentence and prison as the most restrictive) may be flawed. In order to determine the level of severity that each sanction offers, opinions of legislators and judges are typically used. However, this group tends to have no rating mechanism to determine severity of sanctions. Lawmakers do not use data that is based on experience in their decisions about punishments (May & Wood, 2010; Morris & Tonry, 1990). To counter this limitation, a limited amount of research examines how offenders perceive the various alternative sanctions that are imposed on them which is a cause for concern (May & Wood, 2010).

Over the last 20 years, several researchers have made efforts to bring some clarity to the continuum of alternative sanctions through various types of measures (May & Wood, 2010). Until recently, there have been methods used to measure severity of alternative sanctions. Two of these methods have been used in corrections research; they are comparative judgments and magnitude estimation (May & Wood, 2010). Each is discussed in detail below.

The comparative judgments measure is the most basic of the traditional measures. Respondents are given the option of two punishments and asked which of the two punishments they consider to be the more severe. Using this method allows the respondent to place the included sanctions on a scale of severity (May & Wood, 2010). For example, a researcher may ask a respondent to consider electronic monitoring and house arrest as two sentences that the offender may receive. If electronic monitoring was

viewed as more severe than house arrest to the respondent, then the researcher would deem electronic monitoring as the more punitive of the two on a scale.

The next method is magnitude estimation. In this method, a respondent is provided a standard punishment that is given a 100-point value. Then, this respondent will give a score to other sanctions when compared to the standard, 100-point punishment. If a punishment is seen as more severe, then it would be given a value over 100 and those viewed as more lenient would be given a value of less than 100 (May & Wood, 2010). One problem here is that the validity associated with magnitude estimation is dependent upon often uncertain mathematical skills of the inmates that would serve as respondents (May & Wood, 2010; Petersilia & Deschenes, 1994b).

The decade of the 1990s brought a new technique to measure the severity of incarceration when compared to the various alternatives that are available, a technique that came to be known as an “exchange rate.” This measurement strategy began in Oklahoma in May of 1995 when Peter Wood interviewed a group of seven inmates that had experience in prison and at least one alternative sanction about their perceptions of the severity of prison compared to alternative sanctions. From this focus group, Wood and his colleagues developed a survey whereby inmates could select an amount of time (measured in months) of some alternative sanction that he or she would be willing to serve in lieu of serving a particular amount of time in prison. The amount of time the inmate would serve to avoid prison becomes that sanction’s “exchange rate.”

In practice, then, inmates are given a description of the various types of alternative sanctions and are then asked to think about an established amount of time (usually, 12 months) at a medium security prison. The respondent is asked the number of

months that they would be willing to serve of each alternative in order to keep from serving one year *actual* prison time at the medium security institution, without “good time” being an option (May & Wood, 2010).

With this technique, inmates can record their individual feelings about how severe each alternative is, while also indirectly ranking the alternatives and prison along a continuum of severity. If an inmate would prefer to serve fewer months of an alternative sanction to avoid the 12 months of incarceration, then that alternative is considered more punitive than incarceration. If an inmate prefers some time that is greater than 12 months to keep from serving 12 months of incarceration, then incarceration is considered to be more punitive. This technique gives the inmates a flexible way to evaluate imprisonment and alternative sanctions while also ranking all options based on punitiveness (May & Wood, 2010).

Over the past decade, May and Wood (2010) have used exchange rates to examine the severity of several alternative sanctions. Their research has considered the punitiveness of prison compared to the punitiveness of boot camp, standard probation, day reporting, county jail, electronic monitoring, intensive supervision probation (ISP), halfway house, community service, day fine, and intermittent incarceration. The pair uncovered several significant findings using exchange rates. They found that a wide variety of respondents (inmates, probationers, parolees, judges, probation officers) agree that standard probation is the least punitive of the sanctions considered. They also found, however, that certain groups tend to view prison as less punitive than their counterparts. Males, Blacks, older prisoners, and offenders that have been previously incarcerated do

not view prison as severe as females, Whites, younger prisoners, and offenders with no history of incarceration, respectively. These findings are discussed in detail below.

Demographic and Contextual Issues using Exchange Rates. The research on exchange rates has revealed significant differences in how some groups differ in their opinions regarding punitiveness of sanctions. The research has been particularly enlightening in the areas of race, gender, previous prison experience, and age.

Race as an indicator. A number of researchers have considered the impact of race in the criminal justice system. Blacks make up 42% of the prison population in the United States, while they are only 13% of the total population. Further, in 2007, white males were six times less likely to be imprisoned than their black counterparts (May & Wood, 2010; West & Sabol, 2008). Opinion polls in the U.S. have revealed that Blacks, when compared to Whites, have a much greater likelihood of believing that Blacks are treated more severely within the criminal justice system. They are also more likely to believe that law enforcement discriminates against alleged offenders that are Black and also have less confidence that policing agencies respond to Whites and Blacks in a consistent, fair manner. Blacks also see protection by police in neighborhoods that are predominantly African-American as worse than in neighborhoods that are predominantly White (May & Wood, 2010; Tuch & Weitzer, 1997; Weitzer & Tuch, 1999).

Regarding perceptions of sanctions and race, researchers have also determined that Blacks see a prison term as less punitive than Whites. These studies also found that Blacks may see alternative sanctions as more severe than Whites (Crouch, 1993; May & Wood, 2010; Spelman, 1995; Wood & May, 2003). Wood & May (2003) studied 136 probationers in Indiana using exchange rates. The pair examined whether the race of the

respondent made a difference in preference for prison over alternatives, the length of an alternative that a respondent would serve to avoid prison, and why the respondents would avoid alternatives. They found that Blacks, in general, were more likely to prefer prison over alternatives than Whites. Blacks were two or three times more likely than Whites to select a prison term instead of boot camp, county jail, halfway house, or electronic monitoring. Further, Blacks were between three and six times more likely to select prison instead of day reporting, intermittent incarceration, day fine, standard probation, or ISP (May & Wood, 2010; Wood & May, 2003).

There were similar findings in the study when the length of time of the alternatives that respondents were willing to serve was examined. The researchers compared the duration of each alternative the respondents were willing to serve to avoid 4, 8, and 12 month terms in a medium-security prison. When compared to Whites, Blacks ranked alternatives as more severe in every prison term length. In fact, Whites would regularly accept an alternative sanction at least two times longer than Blacks when asked to how long they would serve to avoid prison. With the exception of county jail, these racial differences were statistically significant (May & Wood, 2010; Wood & May, 2003).

Blacks and Whites both viewed boot camp and county jail as the most severe of the sanctions for each length of imprisonment to which the alternatives were compared. Further, both groups ranked regular probation as the least punitive sanction. Blacks, however, saw boot camp as the most punitive while Whites saw county jail as the most punitive. Prison was rated third in severity for Whites after county jail and boot camp,

but prison was rated seventh, ninth, and tenth on the 4, 8, and 12 month scale for Blacks (May & Wood, 2010; Wood & May, 2003).

One reason for these differences in exchange rates between Black and White offenders could be a difference of risk assessment concerning incarceration. May and Wood (2010) state three dynamics that could be causes for this difference in viewpoints. The first explanation is that Blacks view prison as less punitive than Whites, so they have a higher likelihood of choosing incarceration over alternative sanctions than Whites. Secondly, African-Americans could view alternative sanctions as a “hassle” due to strict rules and cruel program officers. Finally, Blacks may believe that a much greater risk of revocation exists with alternative sanctions than Whites, causing Blacks to have less desire to engage in alternatives (May & Wood, 2010;).

Ultimately, Wood and May (2003) conclude that Blacks view all alternative sanctions as more severe than Whites and that a greater percentage of Blacks reject options to participate in each of the alternatives. Further, Blacks are significantly more likely to agree with rationales to avoid alternatives to incarceration (May & Wood, 2010; Wood & May 2003). Race is not the only demographic that exchange rates have shed light on; exchange rates also reveal that gender has a significant impact on how one will perceive alternative sanctions.

Gender as an indicator. Wood, May, and Grasmick (2005) examined gender differences in preference for alternative sanctions by using exchange rates with prisoners from Oklahoma and probationers from Kentucky and Indiana using the same measurement of exchange rates reviewed above. The authors could find no previous study that observed gender differences in perception of severity of alternative sanctions

when compared with the severity of prison. From the sample of Oklahoma inmates, the researchers found that women would more readily take part in alternatives than would men. Women had a much lower rate of refusing the alternatives of boot camp, ISP, day fine, community service, standard probation, and intermittent incarceration. Females, when compared to males, were also not as willing to participate in halfway house or electronic monitoring though. Respondents, both male and female, rated county jail and boot camp as considerably more punitive than prison (May & Wood, 2010; Wood, May, & Grasmick, 2005).

Data gathered from samples of probationers and parolees in Kentucky and probationers in Indiana were revealing as well. Women ranked boot camp as the most punitive sanction and county jail as the second most punitive. This ranking order was reversed for male respondents. Both groups ranked standard probation and community service as the least severe sanctions. Males were willing to serve shorter sentences to halfway house, day reporting, electronic monitoring, standard probation, and day fine to avoid one year of medium-security incarceration. Overall, although males and females seem to rank the punitiveness of alternative sanctions in a consistent manner, females seem more open to alternatives than do males (May & Wood, 2010).

May and Wood (2010) suggest a number of explanations for these findings. They suggest that women are often the main care-givers for children, thus making incarceration a more severe option when compared to alternative sanctions because imprisonment denies the possibility to care for a child. If a woman is a single mother, her incarceration could cause the loss of child custody. Another possibility is that many states have a limited number of prisons that are designated for women (some only have one) so serving

a prison sentence can geographically displace women from their families. Finally, women and men could have different means of weighing costs and benefits that could cause the discrepancy (May & Wood, 2010).

In sum, regardless of the explanation, females appear to be much more open to the possibility of alternatives to incarceration than males. Additionally, electronic monitoring, halfway house, and boot camps were less popular with women than men.

Age as an indicator. Just as males and females differ in willingness to participate in alternatives to incarceration, age is a factor when considering desire to participate in alternative sanctions (Frana & Schroeder, 2008; May, et al., 2005; May & Wood, 2005) and how much of an alternative an offender would serve to evade incarceration. Older offenders are significantly less likely to want to engage in any of the alternative sanctions than younger offenders. There are several explanations regarding why this may be the case. An older prisoner may have become familiar with the setting of prison and thus be more content with serving out their prison sentence than to attempt to fulfill their sanction under supervision in the community. Older offenders could also see alternatives as more risky than do younger offenders. In the eyes of older offenders, the chances of failing to complete their alternative sanction and being forced to serve in prison, which would lengthen the overall duration of their sentence, may be too high and thus make alternative sanctions less attractive. Another explanation is that older offenders may believe that their overall time under some type of sanction will be lower if they simply begin at incarceration, skipping alternatives completely (May & Wood, 2005).

Prison experience as an indicator. To examine prison experience and perspectives on punitiveness of sanctions, May, et al. (2005) used exchange rates with a

population comprised of parolees and probationers located in Kentucky. In order to ascertain if prison experience influenced how a respondent viewed punitiveness of sanctions, the responses of those among the population that had done time in prison were compared to responses from those who had not been incarcerated. They compared the amount of each alternative the respondents were willing to serve to avoid 4, 8, and 12 month terms in a medium-security prison (May, et al., 2005).

Prison was not the most punitive sanction, according to the views of the respondents, regardless of whether they had been incarcerated or not. Boot camp and county jail were viewed as the most punitive sanction and community service and standard probation were seen as the least severe. May and Wood (2010) found that prison experience seems to be a noteworthy predictor of the participants' ideas about the severity of one or more of the alternative sanctions. Those that had experience with incarceration rated prison as the fifth most severe of the sanctions, while those that have no prison experience ranked it as the third most severe of the sanctions. Respondents that had prison experience were the only respondent group that perceived community service as the least severe sanction while all other groups rated standard probation as the least punitive. Additionally, prison experience, by and large, reduced how much time an alternative that respondents would readily serve to avoid prison. Respondents that had experience with incarceration were also more likely to prefer prison over any amount of time of an alternative when compared to respondents with no prison experience (May and Wood, 2010).

May and Wood (2010) offer several reasons why this could be the case. Offenders that have previously served time in prison could be less afraid of prison

compared to offenders with no experience in prison. Further, those with experience know what to expect and could believe that prison is easier than some alternatives because of the lack of privacy, amount of supervision, or high chance of revocation that are associated with alternatives. Offenders may also see prison as a way to escape responsibilities that could come with alternatives (May & Wood, 2010; Williams, May, & Wood, 2008). Many offenders view prison as easier than alternatives and realize that one can be released from prison faster than the time it would take to serve out an alternative sanction (May & Wood, 2010). Some prisons may also be more comfortable, may offer more protection, and may also offer better dietary habits, education, and job training than some offenders are accustomed to in their lives outside of prison (May & Wood, 2010; Morris & Tonry, 1990).

In sum, one important common denominator has been found in the studies examining perceptions of the punitiveness of prison. Prison (as a sanction) is viewed as less punitive to males, Blacks, offenders with prison experience, and older prisoners when compared to their counterparts (females, Whites, offenders without prison experience, and younger prisoners, respectively). Explanations for why each specific group perceives prison as less punitive vary, but the results nonetheless are in direct conflict with the traditional continuum of sanctions that Morris and Tonry (1990) claim is a continuum with probation at the lenient end and prison at the punitive end.

Correctional Boot Camps as Alternatives to Prison

Of the wide variety of alternative sanctions used today, perhaps the most restrictive is correctional boot camps; it is certainly viewed as one of the most punitive by all samples described above. One explanation for this finding is that correctional boot

camps are the alternative most like military service. In this alternative sanction, prisoners take part in military drills and engage in physical labor and exercises that emphasize team work. In theory, correctional boot camps have the potential to meet the criminal justice system's goals of deterrence, punishment, and incapacitation (Parent, 1989). Like other alternative sanctions, correctional boot camps may also reduce costs because they reduce prison overcrowding (Frana & Schroeder, 2008; MacKenzie & Shaw, 1990; Parent, 1989).

Correctional boot camps are similar to basic training programs in the military. Boot camp staff members take on the role of drill sergeants and other superiors and are addressed by such titles. Uniforms are worn by both participants and staff and good personal appearance is stressed (MacKenzie, Wilson, & Kider, 2001). These military style boot camps were first used in the correctional system in 1983. According to Cronin (1994), the popularity of these programs grew quickly and boot camps are present in the juvenile justice, federal, and state systems. Some evidence suggests that participants in these boot camps graduated with a more positive outlook on their ability to change in comparison to inmates completing a term in a traditional prison (MacKenzie & Shaw, 1990). Unfortunately, poor aftercare and little follow-up for boot camp graduates caused this optimism to subside (Salerno, 1994). Kurlychek and Kempinen (2006) determined that those offenders that finished an aftercare program after their time at boot camp had a lower recidivism rate when compared to a group of former boot camp participants that did not receive aftercare. MacKenzie et al. (2001) examined recidivism rates between a group of offenders that participated in correctional boot camps and a group that was either put on community supervision or was incarcerated. They reviewed 29 different

studies that were published in journals and government reports. Mackenzie et al. (2001) found that there were no statistically significant differences in recidivism between the two groups. This further diminishes the previously high value placed on the possibility of boot camps to rehabilitate offenders.

With the popularity of boot camps in the late 20th century, there has been a resurgence of a conversation regarding the use of military service in lieu of imprisonment, much like how alternative sanctions such as boot camps are currently used in lieu of imprisonment. The following section looks at the history of using enlistments for the criminally deviant and examines significant milestones in that history that have brought us to the point today where there is a dialogue of using military service as an alternative sanction.

Military Regulations, Coerced Enlistments, and Military Service as an Alternative

Coerced enlistments, or the notion of them, are not a new phenomenon. For decades there have been several claims of judicial actions allowing military enlistment in lieu of imprisonment. Nevertheless, although there is supporting anecdotal evidence, official documentation of only one legal use of enlistment has been found (Mattick, 1960). Forced military service has been used at multiple points in history for various reasons. In the past, compulsory military service has filled the ranks of the military in times of need and, in some cases, has been used for more “malevolent” reasons. The practice can be concretely traced back to the 1700s when the British used the method during the American Revolutionary War by forcing sailors fighting for the colonies to join the British cause when they were captured. Later, during the War of 1812, the

British continued this practice. Military service being used in lieu of other sanctions for a crime didn't appear until later, however (Dilloff, 1976).

The first recorded time that military service was used as an alternative sanction of which I am aware occurred in the United States during World War II. This practice was used between 1940 and 1947. According to Mattick (1960), 2,942 male inmates from the state of Illinois were paroled from prison (not sentenced to military service) contingent upon their service with the U.S. Army. Regardless, this is an example of governmental use of military service as means for dealing with criminals. An interesting part of this unorthodox parole tactic is that a follow-up study of recidivism among parolees was completed eight years after the release from prison. The recidivism rate for the men that were paroled during the same time frame as the men that were paroled into the military was more than four times greater and that of the almost 3,000 prisoners that served in the Army. Of the military parolees, only 3.4 percent were found in violation of their parole terms (Mattick, 1960).

The prevalence of using military service as an alternative sanction increased in the 1960s during the Vietnam War. This type of coerced enlistment was not generally a problem involving crooked military recruiters, but instead involved civilian judges with "good intentions" for the criminals that they were sanctioning. Others with malevolent objectives (e.g., counselors in reform schools, legal guardians, police officers, and probation officials) have intervened to force such a deal on offenders (Dilloff, 1976). Anecdotal evidence gathered through interviews with various law enforcement officials supports this claim. Multiple active law enforcement personnel that I interviewed in the course of this thesis research claimed that they have been involved in

negotiations with state prosecutors and military recruiters to allow an offender to avoid pending criminal charges and the sanctions that would come with prosecution if they agreed to enlist in the military (personal communication, May 16, 2011).

Each branch of the military has addressed military service as an alternative sanction in some fashion and the regulations are derived from a federal statute designed to keep “undesirable people” from enlisting in the military. 10 U.S.C. § 504 (2006) states:

(a) Insanity, desertion, felons, etc.--No person who is insane, intoxicated, or a deserter from an armed force, or who has been convicted of a felony, may be enlisted in any armed force. However, the Secretary concerned may authorize exceptions, in meritorious cases, for the enlistment of deserters and persons convicted of felonies (p. 257)

Importantly, this federal statute does not address those that have been convicted of misdemeanors, which may be the people most likely to be considered for military service in lieu of other criminal sanctions. Also, the statute does not address the idea of choosing between military service and incarceration as it would exist as a deal to prevent conviction (Dilloff, 1976, *U.S. v. Catlow*, 1974).

With the exception of the United States Navy, each of the four branches of service has a regulation that specifically prohibits military service in lieu of incarceration or other forms of sanction for criminal events. *Army Regulation 601-201 (4-35)* states:

Recruiting personnel will not—

a. Take part directly or indirectly in release of a person from pending charges so that he or she may enlist in the Army as an alternative to future prosecution or further adverse

juvenile or adult proceedings. Equally important, recruiting personnel will in no way contribute, either directly or indirectly, to the false notion that the Army condones such a practice. Persons subject to a pending charge are not eligible for enlistment; therefore, they are not eligible for pre-enlistment processing to determine mental or medical eligibility.

b. Take part in any way in obtaining release of a person from any type of civil restraint so that he or she may enlist or complete enlistment processing to determine enlistment eligibility. The term civil restraint includes confinement, probation, parole, and suspended sentence. Accordingly, persons under the type of civil restraint that makes them ineligible for enlistment are not eligible for processing to determine mental and medical eligibility for enlistment, except for those individuals authorized to take the ASVAB test in accordance with paragraph 2-11a(2).

c. Process any person who has a doubtful criminal status. For example, while not classified as a specific “pending charge,” an applicant may have a possible indictment or arrest pending; further, the recruiter may have obtained information that indicates the applicant’s character may be questionable. These situations cannot be defined as an absolute in the qualification or disqualification process. When doubt exists as to the possible pending arrest, indictment, or pending nature of an offense, clarification must be obtained through the chain of command. For example, clarify, via the chain of command, an applicant’s eligibility and “questionable moral character” if the applicant claims no arrest record and no pending charge, but local law enforcement officials indicate that the applicant is a suspect and it is possible that charges are about to be filed. Document any decision on such matters in the remarks section of DD Form 1966 or attach a memo for record to the residual file indicating the result and the decision on the matter. (p. 48)

This regulation is straightforward and clearly prohibits using military service as an alternative to prison, specifically stating that one should not be enlisted if they have any criminal charge that is pending (Dilloff, 1976).

The United States Air Force also addresses the issue in *AFRSI 36-2001*.

Enlistment is prohibited when a recruit:

Item 6. Is under restraint (as defined in paragraph 4.8.7.) imposed by civil or criminal court or is the subject of a subpoena ordering attendance on some future date (specified or unspecified).

Item 7. Is released from restraint (as defined in paragraph 4.8.7.) on the condition of entering military service where restraint would be imposed again if applicant did not enter military service.

Item 8. Is released from civil suit or criminal charges on the condition of entering military service when the suit or charges would be reinstated if the applicant did not enter military service.

Item 9. Has civil suit or criminal charges filed or pending. **Exception:** In civil suits only, a person may enlist or be commissioned provided he or she obtains an unqualified, definitive statement of nonappearance from legal or court officials. (This requires an eligibility determination from HQ AFRS/RSOP or RSOC.). (p. 32)

This regulation is also clear about the prohibition of the “military or jail” alternative.

The Marine Corps speaks to the matter in its regulations during the discussion of ineligible categories that cannot be waived in MCO P1100.73B:

1. Enlistment as an Alternative to Prosecution. **Applicants may not enlist as an alternative** to criminal prosecution, indictment, incarceration, parole, probation, or other

punitive sentence are not eligible for enlistment. **They are ineligible for enlistment until the original assigned sentence would have been completed** (p. 2-27).

Despite the regulations of the aforementioned military branches, and even though the Marine Corps is within the Department of the Navy, to my knowledge, the U.S. Navy does not have a specific regulation that forbids using military service in lieu of incarceration. Nevertheless, the Commander of Navy Recruiting did send a related notice to Navy personnel on December 24, 1974. This notice discussed enlisting individuals as a substitute for criminal prosecution. The commander condemned this practice, stating that police, probation, and court officials sometimes approach Navy recruiters and suggest such an agreement that is not supported by the Navy. The commander stated that the Navy is made up entirely of volunteers and that federal legislation will be sought to ensure that military service as an alternative to incarceration does not occur (Dilloff, 1976).

For each branch of the armed services to prohibit using the military to replace a prison sentence, or any other sanction for that matter, such an arrangement must have been dealt with at some point in the history of the military. Three court cases appeared around the Vietnam War, the time that “military or jail” scenarios became more prevalent. These cases were important in this discussion and they have helped shape the current policies.

The seminal case concerning coerced enlistments (Dilloff, 1976) is *United States v. Catlow* (1974) involving a teenager from New Jersey. When Thomas Catlow was 16 years old, he was arrested; the sanction for the juvenile charges that he faced was five years detention, which the judge told him was his only option unless he enlisted with the

U.S. Army for three years. While in the Army, Catlow was taken to trial for military offenses, to include going AWOL, and claimed that he never wanted to join the Army, but did so to avoid detention for crimes committed while he was a civilian. He claimed to be out of the court's jurisdiction because he was forced into service, which, as outlined previously, was against the Army's regulations. On appeal to the United State Court of Military Appeals, the court decided that it could not be proved that Catlow's case served as a constructive enlistment and ruled in favor of Catlow (Dilloff, 1976; *U.S. v. Catlow*, 1974).

The following year, another significant case appeared with similar details as seen in *Catlow*. In *United States v. Dumas* (1975) the defendant in a military trial joined the military when he was a minor to avoid juvenile detention. However, Dumas's legal guardian, his mother, did not give consent for him to join the Army. The court ruled in favor of the military, but the case was sent to the Court of Military Appeals, which ruled in favor of Dumas; the military enlistment was voided due to the absence of consent and the ultimatum between detention and military service (Dilloff, 1976; *U.S. v. Dumas*, 1975).

Another case, decided in the same year as *Catlow*, is also of great importance to the discussion of military service as an alternative sanction. In *United States v. McNeal* (1974), McNeal was recruited to the Army out of a reform school in order to avoid remaining in the school and was told that it would keep him out of jail. Also, consent for him to join was given by a person who was not his legal guardian (at the time of enlistment, McNeal was 17). The Court of Military Appeals ruled that the Army did not have jurisdiction over McNeal (*U.S. v. McNeal*, 1974) This case greatly expanded the

ruling of *Catlow* because it stated that any recruiter misconduct that led to enlistment was grounds to deny that a constructive enlistment occurred (Dilloff, 1976).

In sum, the courts have generally ruled that the “choice” between military service and incarceration is not a choice, but a coerced decision. These cases, and the necessity of a policy against using military service in lieu of prison, show that there is a propensity for this sort of arrangement to occur. This propensity is compounded by the fact that the military now consists entirely of volunteers, which presents the potential problem of not having an ample amount of volunteers (Dilloff, 1976), particularly during a time such as this writing where the United States military is deployed on two fronts.

Previous Inmate Thoughts on Military Service as an Alternative Sanction

Prior to this research, only one study that I am aware of has considered offender’s ideas on using military service as an alternative sanction. The study was completed in Frankfort, Kentucky in 2008. Frana and Schroeder (2008) surveyed prisoners at Frankfort Career Development Center (FCDC) from a quantitative and qualitative perspective. FCDC is a minimum security work camp for 205 inmates. Frana and Schroeder (2008) suggest that, given the relatively minor and non-violent crimes for which they are being detained, FCDC contains a prison population that would most likely be candidates for military service as a sanction. FCDC inmates are transported into the community to complete an array of unskilled jobs, often with limited supervision. Three in four (76%) inmates at FCDC were completing sentences for drug or property crimes. Taking a life course theory approach, the researchers looked at how connections with conventional society can cause one to desist from crime, in this case how military service can rehabilitate and what inmates think about this unconventional sanction. Frana

and Schroeder hypothesize that prisoners would support the use of military service in corrections and that it could be rehabilitative (Frana & Schroeder, 2008).

The pair surveyed 30 prisoners and conducted qualitative interviews with 11 prisoners. First, the inmates were asked if they would trade an eight year prison sentence for eight years of military service, day for day. Three in five (60%) inmates stated that they would accept such a deal. Next, the prisoners were asked whether they would accept military service as an alternative to parole; 43% of the respondents agreed to this scenario. The third question posed was whether the inmate would be willing to serve half of an eight year sentence in the military in lieu of eight years imprisonment; 70% of respondents said they would agree (Frana & Schroeder, 2008).

During the qualitative interviews, many inmates stated that they would not consider military service in each scenario because the country was in a time of war and they had no desire to see the battlefield. Others stated that the structure, job opportunities, and prospect of bettering oneself offered by the alternatives are attractive. The researchers concluded that military service was a feasible alternative to incarceration that was popular among many respondents and proposed that military service should be considered by legislators as an alternative sanction, particularly in lieu of imprisonment (Frana & Schroeder, 2008).

Problem Statement

Throughout correctional policy-making history, perspectives of those most affected by correctional policy (inmates) have generally not been considered, especially when forming and adopting various legislation regarding sentences for offenders. This holds true in the discussion of alternative sanctions. The traditional continuum of

alternatives outlined by Morris and Tonry (1990) two decades ago did not consider the views of the population that these alternatives are intended to, ideally, rehabilitate. By using the exchange rates method, offender views have now been considered. This method has allowed offenders to rank-order alternative sanctions presented to them in terms of severity. This is significant because their perceptions have proven to be in stark contrast to the traditional continuum (defined by standard probation at the lenient end and incarceration at the severe end). Measuring offender beliefs through exchange rates has shown that there are differences between certain demographic and contextual characteristics of offenders. Specifically, research has shown that males, Blacks, offenders with prison experience, and older prisoners are more likely to view prison as less punitive (May and Wood, 2010).

The discourse on alternative sanctions has changed over the past few decades as it has expanded from considering only probation to now consider a wide array of possibilities of alternative sanctions in use today. Nevertheless, it is important to note that exchange rates have never been utilized to examine military service as an alternative sanction, despite the anecdotal evidence reviewed above that suggests military service has been used (although unofficially) as an alternative sanction for many years. Though the research using exchange rates when considering offender views has been useful to the discussion of alternative sanctions, researchers have not yet considered offender views on the possibility of using military service as an alternative to incarceration. In this study, I will begin that effort. Using data collected from over 1,000 Kentucky inmates, I will use exchange rates to examine offenders' views of military service as an alternative sanction

while considering the important demographic issues of race, gender, and age and the contextual issue of experience in prison.

CHAPTER III

METHODOLOGY

In the fall of 2008, Professor David May approached the Kentucky Department of Corrections to request permission to interview prisoners regarding their perceptions of the punitiveness of prison as a sanction and their perceptions of their likelihood of recidivism upon release from prison. The research protocol for the study was approved by both the Kentucky Department of Corrections and the Eastern Kentucky University Institutional Review Board in the fall of 2009; data for this study were collected from six state correctional institutions in Kentucky soon thereafter.

In the following section, I begin with a discussion of the data collection process. That discussion is followed by a presentation of the findings from the data collection organized by gender, race, and age, as these three variables have a demonstrated association with most of the concepts under study here.

Sample Selection

In selecting the prisons for this study, five prisons that housed minimum- and medium-security inmates in both eastern and western Kentucky and the only public institution that housed females in the state were targeted. In consultation with the Kentucky Department of Corrections, these six prisons were chosen because they were thought to be likely to yield large enough proportions of Black and female inmates to make meaningful comparisons between racial and gender groups in terms of both correctional program participation and likelihood of recidivism. Additionally, because

the primary focus of this research was to examine predictors of the inmates' perceptions of their likelihood of recidivism upon release, Professor May worked with the Department of Corrections to identify only those inmates that were within 12 months of their parole hearing or release date. By this strategy, he hoped to collect data from inmates that were seriously considering life outside of prison upon release. The final sample consisted of 1,234 respondents, which represented 11 percent of the approximately 11,500 inmates housed in minimum- and medium-security facilities operated by the state in July 2010 (as listed on the Kentucky Department of Corrections Website for the minimum- and medium-security institutions).

On the day of survey administration, the research team arrived at the prison between 7 and 9 a.m. In consultation with the prison administrators, the researchers were placed in a location designated to insure privacy for the respondents yet allow between 50 and 100 inmates to complete the questionnaire in one sitting and began surveying inmates immediately after the morning "count" was completed. As inmates arrived to that location, members of the research team welcomed them, then "called roll" to insure that all inmates that were present fit the criteria of being within 12 months of their parole hearing or their release date. After verifying that all inmates were on the list, the research team then described the purpose of the study, its voluntary and anonymous nature, and asked that all inmates that did not want to participate return to their daily activities.

After the inmates that did not want to participate departed, the researchers provided a letter of consent to the inmates. This letter: a) explained the purpose of the study; b) informed the respondent that their participation was completely voluntary and that they were free to answer any, all, or none of the questions; c) assured them of the

confidential and anonymous nature of the study; and d) asked for the respondent's signature giving informed consent. The researcher then asked respondents whether they would prefer to complete the letter and survey themselves or have these read to them. When one or more inmates indicated they would like to have the survey read aloud (which occurred in most of the survey administrations), a member of the research team read the survey aloud. The other member of the research team circulated throughout the room to answer any questions that respondents might have.

As with any institutional setting, a response rate for this survey is difficult to calculate. In the institution where the females were housed, the research team was able, with the help of the correctional staff, to provide the opportunity for every inmate that was on the provided list to participate in the survey. In that institution, only 8 of the 305 eligible inmates refused to participate in the research. In the other institutions, members of the research team were never able to speak to all inmates who were on the list generated by the institution in the week prior to our visit because of academic programming, work details, court, etc. Nevertheless, of those inmates that were given the opportunity to complete the survey, only 1 in 10 chose not to participate.

Survey Instrument

The instrument used to collect the data was a 15-page questionnaire adapted from the one used by Wood, May, and their colleagues in a number of studies (see May & Wood, 2010, for a review of those studies). The original instruments used in those studies were developed after extensive consultation with incarcerated prisoners in focus groups in Oklahoma and Mississippi. Because several studies have demonstrated the

reliability of the aforementioned instrument, Professor May replicated the instruments used for those analyses as closely as possible in this effort.

Independent Variables. Respondents were presented with a series of questions designed to assess demographic characteristics and their own correctional experiences, along with a number of questions asking them about the causes and consequences of their criminal involvement, their experiences with correctional programming while incarcerated, and their perceptions of the likelihood of recidivism upon release.

In addition to the respondents' perceptions of their likelihood of recidivism upon release and their experiences with correctional programming, background information on age, gender, race, education, marital status, employment status before incarceration, reasons for avoiding and committing crime, and their perception of the goals of prison was collected. The demographic and contextual variables are displayed in Table 1.

Table 1. Descriptive and Contextual Variables

		Frequency	Percentage	Mean	Median	Standard Deviation
Gender	Male	727	77.8			
	Female	208	22.2			
Race	Black	261	27.9			
	White	674	72.1			
Veteran Status	Veteran	93	9.9			
	Non-Vet	842	90.1			
Previous Incarceration	Yes	782	83.6			
	No	153	16.4			
Months of Prev. Incarceration				48.12	24.00	63.37948
Age				35.85	34.00	10.137

The 1,234 respondents included 827 Whites, 340 Blacks, 18 Hispanics, 7 American Indians, and 35 multiracial inmates. So that the data would be useful for the

analyses that were to be used, the data were cleaned. As one of the purposes of this study was to examine the difference between Whites and Blacks regarding perceptions of likelihood of recidivism upon release, all respondents who did not indicate that they were White or Black or did not describe their race were discarded from the data. Additionally, any respondents that did not indicate their gender were omitted. For the question that asked the exchange rate (“What is the number of months of military service you would take to avoid serving 12 months actual time in prison”), many respondents answered with non-numerical answers such as “life” and “any amount” while still others responded with an extraordinarily high number of months (or years). There was a limit of 240 months for the question (20 years) so any amount that was above that number of months or was a non-numerical answer as previously mentioned were recoded to 240 months.

After cleaning the data, the sample included 935 respondents. Of the 935 respondents, males comprised 77.8% of the sample while 27.9% of the respondents were Black. The average age of the respondents was 35.85 years old with a median of 34. Respondents were also asked about their military veteran status. One in ten was a veteran (9.9%). Respondents were also questioned about their education. Almost three out of four (72.9%) had a high school diploma or higher. Finally, respondents were also asked if they had previous experience with incarceration. A large majority (83.6%) of the respondents said that they had been incarcerated prior to the current incarceration. The mean months of previous incarceration was 48.12 months while the median was 24 months.

Dependent Variables.

Military Exchange Rate. Respondents were then asked to state the maximum number of months of various correctional alternatives (including military service) that they would serve to avoid 12 months actual time in a medium security prison, and whether or not they had ever participated in each of those alternatives. The first dependent variable in this study (the military exchange rate) is based on the respondents' answer to a question asking them to "think about 12 months actual time in a medium security correctional center" and indicate the "maximum number of months of military service you would take to avoid serving 12 months actual time in prison." The mean number of months in the military respondents would serve to avoid prison was 22.48 while the media was 12 months. The exchange rate and the responses to the other military variables can be seen in Table 2.

Tendency to Join Military. Respondents were also asked a series of questions regarding situations when they would choose to serve in the military over prison. Responses to these questions are presented in Table 2 and the wording of those questions is presented in Appendix A. The responses presented in Table 2 indicate that, when asked whether they would accept four years flat military enlistment plea, if charged with a felony that carries a maximum eight year sentence, 73.6% stated that they would. When asked if they would accept military enlistment for a term equal to their prison term, with no parole, 68.7% agreed that they would do so. When asked if they would enlist in the military in lieu of their current sentence, day-for-day, 58.9% stated that they would. When asked if they would enlist if it served as their parole and they still had to serve their in-custody sentence, 54.8% agreed to do so.

Table 2. Military Variables

			Freq.	Percent.
Would you accept military day for day? Yes No	592	63.3		
	340	36.4		
Would you accept military option as your parole?		Yes	546	58.4
		No	384	41.1
Would you accept military term equal to prison term (no parole)?		Yes	690	73.8
		No	242	25.9
Would you accept a 4 year flat military term as a plea to an 8 year felony sentence?		Yes	739	79.0
		No	192	20.5
If convicted of a crime while in the military as an alternative, you would be sent to prison. Would this change your answers?		Yes	686	73.4
		No	207	22.1
If the military was not at war, would this change any answers?		Yes	197	21.1
		No	731	78.2
Have you ever served time in the military?		Yes	93	9.9
		No	842	90.1
What is the maximum number of months of military service you would take to avoid serving 12 months actual time in prison? Minimum= 0; Maximum =240	<u>Mean</u> 22.48	<u>Median</u> 12	<u>Std. Dev.</u> 40.775	

Respondents were then asked if they would still agree to military enlistment in the previous questions, on the terms that they would be sent back to prison to serve their original sentence for any criminal conviction. Two in three (67.4%) agreed that they would. They were then asked if they would change any of their answers if the military were not involved in a war, which it is; only one in five (21.1%) said that they would change their answers if the U.S. were not involved in war. Respondents who answered “no” to the previous questions concerning military service were asked to explain their negative responses.

I used principal axis factor analysis (with direct oblimin rotation) on the aforementioned questions regarding military service as an alternative to estimate the best

scale that would measure one’s likelihood to view the military favorably. The results of the factor analysis can be found in Table 3. The initial factor analysis uncovered only one factor on which the variables loaded; on that factor, five of the six variables loaded at .30 or above. These five variables were then used to create an index to measure the respondent’s general tendency to join the military.

Table 3. Factor Analysis for Military Variables

Question	Factor Score
If the courts give you the option of enlistment in the military as an alternative to incarceration in lieu of your current sentence, would you accept this option (example: an eight-year sentence you would enlist for 8 years of service, day for day, with no time off for good behavior).	.794
Would you accept this option if it served as your post-release supervision (parole) and you still had to serve your in-custody sentence? (Example: an eight year sentence with parole guaranteed after three years you would have to serve three years, then enlist for five years service).	.653
Would you accept this option if the enlistment were equal to your time to serve (prison term) with no post-release supervision (parole)? (Example: An eight-year sentence with 3 years before parole eligibility you would have to enlist for 3 years of service).	.749
If you were charged with a felony that carries a maximum 8 year sentence, would you accept 4 years flat military enlistment as a plea?	.687
Any criminal conviction you received during your time enlisted will result in revocation of sentence and you would be sent back to prison to serve out your original sentence. Because this would be a condition of any deal, would you still agree to this?	.268
If the military were not involved in a war, as it currently is, would this change any of your answers to those questions about military service instead of prison?	.625

Multivariate Analysis

Multivariate linear regression is useful because it allows a researcher to observe the influence of an independent variable on the dependent variable while also controlling

a number of variables. Furthermore, it allows a researcher to examine the strength of the association between a dependent variable and an independent variable in comparison with other independent variables concurrently (Soderstrom, 2008). For this study, I estimated four multiple linear regression models. Each is described in detail below.

Prior to estimating the multiple linear regression models, following the recommendations of Fox (1991), I conducted analyses to diagnose whether collinearity, outliers, non-normality, nonlinearity, and nonconstant error variance were present in the data under study here. These efforts identified 25 outliers that were problematic. These cases were identified as outliers because of the respondent's score on the military exchange rate dependent variable. In the original data set, some respondents provided answers that indicated they would do an extremely large number of months of military to avoid 12 months in prison while others responded with an answer that was not numeric (i.e., any amount, life, as many months as it took). In the recoding of the data, I truncated responses that were over 240 months and those that were nonnumeric responses like those described above to 240 months (25 cases total) because a number of respondents indicated they would do 240 months to avoid 12 months in prison. Models were then estimated both with (Table 4) and without (Table 5) these cases. Because none of the predictors (other than the dependent variable, whose treatment of missing data was discussed earlier) used in this study contained more than 10% missing data and because various procedures for handling missing data are likely to produce similar results when small numbers of cases are missing in large data sets, I employed listwise deletion of cases with missing data.

Table 4. Military Exchange Rates Regressed on Demographic and Contextual Predictors (all cases)

<i>Variable</i>	<i>B/SE</i>	<i>Beta</i>	<i>t</i>	<i>Sig.</i>
<i>Gender</i>	1.969/3.434	.020	.573	.567
<i>Race</i>	-6.060/3.039	-.066	-1.994	.046
<i>Age</i>	-.331/.146	-.082	-2.266	.024
<i>Veteran</i>	3.445/4.669	.025	.738	.461
<i>Prior Prison Experience</i>	.011/.023	.017	.482	.630
<i>Willingness to serve in the military</i>	6.379/.812	.264	7.855	.000
<i>Constant</i>	11.083/6.382		1.737	.083
<i>R²</i>	.088			
<i>F; significance</i>	14.127; p<.001			
<i>df</i>	883			

The results of the first regression model are presented in Table 4. In that model, the exchange rate representing how many months of military service the respondent would endure to avoid 12 months in prison was regressed on gender, race, age, veteran status, prior prison experience, and willingness to serve in the military. The results presented in Table 4 indicate that race ($B = -.066$, $p < .05$), age ($B = -.082$, $p < .05$), and willingness to serve in the military ($B = .264$, $p < .001$) have a statistically significant association with the exchange rate; in other words, Whites, younger respondents, and respondents with a higher general willingness to serve in the military had significantly higher exchange rates than their counterparts. Gender, veteran status, and prior prison experience did not have a statistically significant association with exchange rate.

Table 5. Military Exchange Rates Regressed on Demographic and Contextual Predictors (25 Outliers Removed)

<i>Variable</i>	<i>B/SE</i>	<i>Beta</i>	<i>t</i>	<i>Sig.</i>
<i>Gender</i>	3.027/1.446	.069	2.093	.037
<i>Race</i>	-2.701/1.272	-.068	-2.124	.034
<i>Age</i>	-.134/.061	-.077	-2.195	.028
<i>Veteran</i>	2.510/1.975	.042	1.271	.204
<i>Prior Prison Experience</i>	-.001/.010	-.003	-.099	.921
<i>Willingness to serve in the military</i>	3.955/.340	.377	11.642	.000
<i>Constant</i>	5.519/2.669		2.067	.039
<i>R²</i>	.176			
<i>F; significance</i>	30.404; p<.001			
<i>df</i>	858			

The results of regressing how many months of military service the respondent would endure to avoid 12 months in prison was on gender, age, veteran status, prison experience, and willingness to serve in the military after the aforementioned outliers were removed are presented in Table 5. The results of this model show that gender ($B=.069$, $p<.05$), race ($B=-.068$, $p<.05$), age ($B=-.077$, $p<.05$), and military likelihood ($B=.377$, $p<.001$) had statistically significant associations with the exchange rate. Thus, males, Whites, younger respondents, and respondents with a higher general willingness to serve in the military had significantly higher exchange rates than their counterparts. The variables of veteran status and prior prison experience do not have a statistically significant association with the exchange rate.

The results of regressing the variable representing willingness to serve in the military on gender, race, age, veteran status, and prison experience are presented in Table 6. The results of this model show that gender ($B=.174$, $p<.05$), race ($B=-.188$, $p<.05$), and veteran status ($B=.137$, $p<.05$) had a statistically significant association with willingness to serve in the military. In other words, males, Whites, and veterans were significantly more likely than their counterparts to be willing to serve in the military. Prior prison experience did not have a statistically significant association with willingness to serve in the military.

Table 6. Willingness to Serve in the Military Regressed on Demographic and Contextual Predictors

<i>Variable</i>	<i>B/SE</i>	<i>Beta</i>	<i>t</i>	<i>Sig.</i>
<i>Gender</i>	.720/.141	.174	5.121	.000
<i>Race</i>	-.714/.124	-.188	-5.760	.000
<i>Age</i>	-.004/.006	-.022	-.592	.554
<i>Veteran</i>	.769/.192	.137	4.001	.000
<i>Prior Prison Experience</i>	-.001/.001	-.026	-.763	.462
<i>Constant</i>	3.324/.240		13.829	.000
<i>R²</i>	.080			
<i>F; significance</i>	15.181; $p<.001$			
<i>df</i>	883			

In Table 7, the exchange rate represented how many months of military service the respondent would endure to avoid 12 months in prison was regressed on gender, age, prior prison experience, and willingness to serve in the military and three dummy

variables created to examine the interaction between race and veteran status (with black non-veterans as the reference group). The results of this model show that gender ($B = .072$, $p < .05$), age ($B = -.078$, $p < .05$), willingness to serve ($B = .372$, $p < .001$), black veterans ($B = .092$, $p < .05$), and white non-veterans ($B = .101$, $p < .05$) had a statistically significant association with the exchange rate. In other words, males, younger respondents, and respondents with a higher general willingness to serve in the military had significantly higher exchange rates than their counterparts. Further, this shows that black veterans had a significantly higher exchange rate than black non-veterans and a higher exchange rate than white veterans.

Table 7. Black Non-Veteran Reference Group Regressed on Dummy Variables and Demographic and Contextual Predictors

<i>Variable</i>	<i>B/SE</i>	<i>Beta</i>	<i>t</i>	<i>Sig.</i>
<i>Gender</i>	3.164/1.443	.072	2.193	.029
<i>Age</i>	-.136/.061	-.078	-2.231	.026
<i>Prior Prison Experience</i>	-8.389E-5/.010	.000	-.009	.993
<i>Willingness to serve in the military</i>	3.901/.339	.372	11.493	.000
<i>Black Veterans</i>	10.180/3.653	.092	2.786	.005
<i>White Veterans</i>	3.531/2.443	.052	1.445	.149
<i>White Non-Veterans</i>	3.770/1.339	.101	2.816	.005
<i>Constant</i>	2.158/2.742		.787	.431
<i>R²</i>	.182			
<i>F; significance</i>	27.107; $p < .001$			
<i>df</i>	858			

CHAPTER IV

DISCUSSION AND CONCLUSIONS

Discussion

In this study, I used data from 935 respondents to examine predictors of inmates' preference for military service over prison. This research is significant due to the limited amount of previous research regarding military service as a potential alternative sanction. A previous study (Frana & Schroeder, 2008) considers the possibility as well and is the only other research of this nature to date. I greatly expand on the knowledge regarding military service as a sanction due to a much larger sample of inmates and consideration of many other variables, especially in regards to the focus of veteran status. It is important to note that the context of this discussion is that, here, veterans are being compared to offenders as opposed to veterans being compared to nonveterans. Consequently, when benefits or drawbacks of military service are discussed, I discuss those as a comparison to the benefits (or drawbacks) of military service over incarceration in prison.

An additional improvement offered by this research is that these analyses consider offenders' viewpoints about the punitiveness of prison in general, as there are a limited number of studies that consider the view points of those people that corrections policies will directly impact (Richards & Ross, 2003). In addition, this research uses exchange rates to consider military service as an alternative to incarceration, which had not yet been considered.

As previously mentioned, anecdotal evidence certainly exists that situations where military service is used to avoid prison arrangements have occurred. Such an agreement seems to have occurred with particular offenders based on charges and previous correctional experience (personal communication May 16, 2011) which presents an interesting notion regarding the potential for military service to be utilized as an alternative sanction. The first important question from this notion revolves around the topic of which offenders should be allowed to make these arrangements. Intuitively, the most likely group of offenders for such a sanction would be non-violent offenders. The average military service exchange rate for the sample is 22.48 (SD= 40.775), which shows that, generally, military service is considered less punitive than prison. If military service was used in lieu of prison, then, it would be essential to determine where on a continuum of alternatives military service is situated so that only appropriate offenses merit such a sanction.

Other characteristics of offenders should also be considered (e.g., age, prior record, previous prison time, and physical and mental ability to serve). As the findings of this research suggests, young offenders would be more willing to serve in the military to avoid prison. Implementing such a sentence and applying it to younger offenders could increase the possibility of the alternative to have positive effects on the offender.

A unique finding of this research is found in the regression analysis that uses Black nonveterans as a reference group. The findings from this analysis indicate that Black veterans are significantly more likely to accept military service as an alternative to incarceration than Blacks that had not previously served in the military. This is an important finding because it has been suggested that Blacks could adjust to prison more

seamlessly than other groups because they may find friends and relatives already in prison than can give them advice, protect, and goods in prison (Crouch, 1993; May & Wood, 2010). Additionally, among those respondents who had not served in the military, Whites were willing to serve significantly more time than Blacks to avoid prison. Thus, the racial differences in preference for military service appear to only apply to nonveterans; this difference does not apply to Black veterans. Thus, for Blacks, military service appears to reduce the impact of race on choice to avoid prison; in other words, being a veteran appears to be a more important master status when explaining military service in lieu of prison than race. Given the results of the analysis, age may have possibly been an important factor in determining the discrepancy in exchange rates for the two groups. Future research should seek to expand this effort in an attempt to understand this complex interaction.

The impact of gender on military exchange rates is equally as intriguing, although perhaps easier to explain. May and Wood (2010) have found that, generally, females are more open to alternatives than males even though they tend to view them similarly in terms of punitiveness. The findings of this research reveal that women view military service as an alternative significantly more punitive than do males which contradicts previous claims regarding women alternatives. This causes a rethinking of gender and alternative sanctions because women are not more inclined to accept this potential alternative sanction than men. There could be a number of reasons that women are less likely to desire military service as an alternative sanction. One reason May and Wood (2010) suggested for the discrepancy between men and women regarding alternatives in lieu of prisons could apply here. Often, women are the main care-givers for children (to

include single mother situations) which makes incarceration a more severe option when compared to alternative sanctions because imprisonment denies the possibility to care for a child. Similarly, military service could deny the possibility for child care, especially due to the chance that they could be geographically displaced. Another potential reason for this difference could be the pervading masculinity and use of aggression and violence within the military that defines hierarchies in the military that contribute to the forming of hegemonic masculinity (Hinojosa, 2010).

One unexpected finding was that when the exchange rate was regressed on the veteran status variable (see Tables 4 and 5), there was no significant association between the two. This counterintuitive finding causes one to pause and consider potential reasons that this could be the case. The data could suggest that this group of veterans did not have a particularly favorable experience in the military, causing them to respond negatively to the idea of using military service as an alternative sanction. One potential answer might be that veterans may have taken part in the Vietnam War and this could have contributed to negative feelings toward military service. However, the mean age of the respondents was 45 meaning that, by the time they met age requirements to join the military, the Vietnam War would have been over (by 7 years). Further, this still doesn't explain why Black veterans responded in a comparatively positive nature to questions regarding military service as an alternative to incarceration. The Department of Veteran Affairs is often heavily criticized for a multitude of reasons such as inadequate medical services and lengthy waiting periods for treatment that could contribute to the generally unfavorable stance that veterans take on military service as an alternative to incarceration.

Military service may have many benefits for offenders. Instead of sending an offender to prison where they will experience an employment gap and will not be able to provide monetary support for families, military enlistment could give them a potential career and the ability to support a family that is not at fault for the crime committed, given that service as a sanction is a paid venture. Thus, this alternative would not face the problem of re-entry because the offender would have gainful employment through the military. Another benefit that military service would have for offenders would be the ability for offenders to receive benefits from the GI Bill. This includes money for tuition to attend school, a housing allowance each month, and funds for text books. Further, offenders that participate in military service to be eligible for VA guaranteed loans. These housing loans have require a very small or no down payment and they have competitive interest rates; they can be used for property for a home, purchasing a home or condominium, repairs, and refinancing. These benefits could greatly assist offenders in managing life after their sentence (Department of Veteran Affairs, 2006).

Just as there are potential benefits to using military service as an alternative sanction, there are also drawbacks. For such an alternative to exist, it would be necessary to change current military policy to allow for such an arrangement, which would seem to be a difficult step given the “all volunteer service” mentality that the military currently has.

Ethical concerns are a potential quandary for the alternative’s implementation as well. Many view military service as an honorable life path and it is possible that using military service as a correctional punishment could be seen as diminishing the integrity associated with service. Furthermore, the military regularly denies recruits the

opportunity to serve for various reasons (including for previous criminal activity). In light of this, it would seem contradictory for the military to allow convicted offenders to serve in the military, while having denied many from joining its ranks due to previous crimes.

An offender's beliefs could be a problem for sentencing as well. In much the same manner that ethical concerns arose during past military drafts, some offenders may be opposed to the military for various reasons (e.g., opposition to war, philosophical or religious beliefs that disagree with military service). Would it be ethical to impose a sanction on an offender with such beliefs? Given this notion, should offenders be given an option to perform military service if they agree with it and such a sanction suits their crime? It is quite possible that many would view giving offenders an option of sentences should not be a practice of "justice."

The all-volunteer nature of military service today makes the idea of coerced enlistments and especially military service as a correctional punishment (through official court proceedings or otherwise) a significant point to ponder. Similarly, the U.S. Code would likely need to be reformed to allow for this arrangement to occur. Though Frana and Schroeder (2008) suggest that it is unlikely that military service as an alternative sanction would be viewed as "a mere slap on the wrist," this perception may not be the case. The current political landscape and the pervading idea of being "tough on crime" could be highly critical of military service as an alternative. In a time when unemployment is quite high and many are denied military service, there would likely be many detractors of such an alternative that would give convicted criminals an occupation that has benefits during service and after.

Using military service as an alternative could also be criticized because it could force civilians into military service, potentially subjecting them to negative experiences of military service. One such experience is Posttraumatic Stress Disorder (PTSD). The Department of Veteran Affairs (2007) reports that PTSD is found in about 30% of Vietnam War veterans, in 10% of Gulf War veterans, and in 11-21% of veterans in the wars in Iraq and Afghanistan. If military service as a sanction becomes utilized as an alternative, at least some offenders would surely experience PTSD. However, Powell, Holt and Fondacaro (1997) found PTSD was prevalent in 21% of inmates at a prison in a rural northeastern state experienced PTSD symptoms within 6 months prior to the study (in accordance with DSM-III-R exclusionary criteria). Granted that neither research specifies if the PTSD is due to their experience with the military or incarceration, respectively, it shows that military service may not necessarily put offenders at a greater risk for PTSD.

There are other negative implications that military service could have that should also be considered. Homelessness, drug and alcohol addiction, and suicide are potential negative experiences that those sentenced to a military service sentence could experience. Granted, this could be the case for those that are exposed to a prison sentence as well, but it is nonetheless an impact that should be considered. Additionally, with a military service sanction is the possibility of death, especially if the service was in a combat role. Coupled with the previously discussed characteristics that should be considered for this sanction (namely, physical and mental ability), it would seem that using this sanction could be determining fitness to be killed which is another ethical predicament.

An important point can be taken from the literature on boot camps regarding the Department of Veteran Affairs and the potential of using military service as an alternative. Poor aftercare and little follow-up for boot camp graduates caused optimism in the potential of boot camps to subside (Salerno, 1994). Kurlychek and Kempinen (2006) found that offenders who finished an aftercare program after their stint at boot camp had a lower recidivism rate compared to a group of former boot camp participants that did not receive aftercare. Taking this into account, it would be likely imperative for aftercare programs to be in place for a military service alternative to be successful. However, it is quite possible that this may be a task that the Department of Veteran Affairs may not be capable of providing, if it would be a function of the department. Given that the hypothetical aftercare service was a result of a criminal proceeding, it is feasible that it would be considered a function of the Department of Corrections.

The consideration of aftercare with a military service sentence provides a nice starting point for an important contemplation in the discussion of military service as an alternative. Academics have suggested that there has been a militarization seen in criminal justice, particularly through the dealings of police forces. Examples can be seen through the emergence of police paramilitary units in a huge number of local, state, and federal agencies. Events such as the war on drugs, Waco, Ruby Ridge, and MOVE have shown the potentially detrimental effects that militarizing criminal justice can have. Correctional boot camps are structured after military units (Kraska & Kappeler, 1997) which shows a link between corrections and military functions. Certainly using military service as an alternative sanction would further blur this line, creating an undeniable and inseparable link between corrections and the military, the Department of Corrections and

the Department of Defense, which has a propensity to be problematic. This could be another link that shows the militarization of society. Militarization can be seen in multiple facets of society to include police, industry, ideology, journalism, national security and tourism and it is occurring on a global level (Enloe, 2007).

Limitations

This research project is not free of limitations. One limitation is that the questions used on the survey were provided by the Department of Corrections and are not Likert scale questions where Likert scale questions could have given greater insight into the views of offenders regarding the issues. One specific question “If you were charged with a felony that carries a maximum 8 year sentence, would you accept 4 years flat military enlistment as a plea?” may not be an appropriate question because it specifies a felony charge. In the following section, the type of offenses that may be best suited for such an alternative will be discussed. It is quite possible that felonies may not be well suited for a military service alternative. Given this possibility, the previously stated question may not be a relevant question. One variable measured in this study was prison experience. This variable was measured in number of months that an offender has been incarcerated prior to their current sentence, which does not consider the amount of time that the offenders have served on their current sentence. Considering the length of time served in the current sentence could make the prison experience variable more accurate.

The generalization of the sample considered could be problematic as well. This research looks exclusively at Kentucky prisoners which may cause the results from this sample study to differ from results elsewhere. Further, one group focused on, military veterans, is a very unique group. This group has prison experience and they are military

veterans which are two distinct characteristics that could cause generalization to the population to be questionable.

I began this effort with minimal knowledge about inmate feelings concerning the possibility of military service in lieu of imprisonment. This exploratory work has contributed to the understanding of alternative sanctions, specifically offender views of alternative sanctions using exchange rates, and has done so through the addition of a potential and relevant alternative that had been previously considered. Military service as a sanction differs from other alternatives in some important ways. Females are less likely to accept it as a sanction. Additionally, regarding race, inclination to accept this alternative depends on previous military experience. It is not the case with a military service alternative that the less prison experience one has, the more likely they will select an alternative because for this option, prison experience is irrelevant. The inquiry into this alternative sanction may have created more questions than it answered, but there is now a better understanding of the intricacies of the possibility of this alternative sanction. Future researchers could attempt to uncover why prior military service impacts African Americans' willingness to accept a military service alternative despite African Americans generally not being willing to accept the alternative in lieu of imprisonment. Also, researchers could consider potential explanations as to why women are less likely than men to accept this alternative though women, in general, are more willing to accept alternatives to imprisonment. Qualitative research could also gain valuable insight into these specific populations and their thoughts on military service as an alternative. Further, qualitative research could increase knowledge on the issue by determining reasons that offenders have the feelings that they do regarding the alternative. Research

outside of offender views could also contribute to the knowledge concerning this topic. Military service as an alternative sanction is worthy of discussion within the realm of alternative sanction given the history of its usage as an alternative, though illegal, and there are still many aspects of this alternative that should be explored.

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APPENDIX A:

Opinions about Military Enlistment In Lieu of Prison Sentence

If the courts gave you the option...
would you accept this option (example: an eight-year sentence you would enlist for 8 years of service, day for day, with no time off for good behavior).
Would you accept this option if it served as your post-release supervision (parole) and you still had to serve your in-custody sentence? (Example: an eight-year sentence with parole guaranteed after three years you would have to serve three years, then enlist for five years service).
Would you accept this option if the enlistment term were equal to your time to serve (prison term) with no post-release supervision (parole)? (Example: An eight-year sentence with 3 years before parole eligibility you would have to enlist for 3 years of service).
If you were charged with a felony that carries a maximum 8 year sentence, would you accept 4 years flat military enlistment as a plea?
If the military were not involved in a war, as it currently is, would this change any of your answers to those questions about military service instead of prison?
If you answered YES to any of the above questions we would like to ask you one more question about military service.
Any criminal conviction you received during your time enlisted will result in revocation of sentence and you would be sent back to prison to serve out your original sentence. Because this would be a condition of any deal, would you still agree to this?
What is the maximum number of months of military service you would take to avoid serving 12 months actual time in prison?
Have you personally ever served in the military?
If yes, what branch of service?

APPENDIX B:
Demographic and Contextual Survey Questions

What year were you born?
How do you describe yourself? 1. Black/African American 4. Asian 2. White 5. Hispanic 3. American Indian 6. Other
Before now, had you ever spent time in an adult correctional facility, work center, or jail?
Approximately how much total time did you spend in adult correctional centers or jails before this incarceration?
Have you personally ever served in the military? If yes, what branch?