“IT’S TECHNICAL”: EXPLORING THE DETERMINENTS TO TECHNICAL PROBATION REVOCATIONS AMONG FELONY PROBATIONERS

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Within the United States, probation has customarily been used as a way to divert offenders away from prison. Over the past two decades the number of offenders who are sentenced to probation has increased tremendously. While there have been more offenders sentenced to probation, there has also been an increase in the number of probationers having that sentence revoked. The most prevalent type of revocation is a technical revocation. Probationers receive technical violations culminating in a revocation when they fail to satisfy the conditions of their probation sentence such as attending rehabilitative programming. The present study adds to the literature on technical revocations by examining characteristics of felony probationers from a large Southern state who were revoked between January 1, 2008 and December 31, 2009. Findings revealed that female probationers, older probationers, white probationers, and those probationers who had not completed high school were significantly more likely to be revoked for a technical revocation. Implications for practice and suggestions for future research based on these findings are discussed.
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CHAPTER 1

INTRODUCTION

Built upon the idea that every man is entitled to a second chance after having made a mistake, despite even the most severe of mistakes, the United States probation system as we know it today saw its initiation with the help of John Augustus in the mid 1800’s (Clear, Cole, & Reisig, 2009). Founded under the correctional philosophy of rehabilitation, the concept of probation has remained static over its existence. With steadily rising prison rates across the nation (Bureau of Justice Statistics, 2010), the importance of finding and using alternatives to incarceration is now more vital than ever before, especially as correctional budgets are being affected by the current economic downturn.

The belief that the only offenders who receive probation are those that commit the least harmful crimes is not necessarily true. Offenders convicted of felonies represent a very large segment of the Texas probation population (Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD), 2003). It is this population on which the present study will focus. The Texas Department of Criminal Justice (TDCJ) (2011; p.1) defines probation, or community supervision, as “the placing of an offender under supervision for a specified length of time, as ordered by a court, with court-imposed rules and conditions.” Essentially, an offender who has been convicted of committing a crime is able to maintain most of their freedom, unlike their incarcerated counterparts, while continuing to live amongst law-abiding citizens. It is therefore reasonable to assume that, because of their liberated nature, much emphasis should be focused on ensuring that the offender, while on probation, learns that unlawful actions will not be tolerated. Unfortunately, this process of socialization, or resocialization, to law-abiding behavior, which assists in rehabilitative efforts to shape an offender’s thinking in non-criminal
ways, is not necessarily the primary goal of institutional corrections. With their main focus on security and safety, rehabilitative efforts are often secondary within prison facilities. It seems that successfully completing a probation term may be the best means of rehabilitating offenders so that they have the necessary tools to handle stressful situations, cope with emotional issues, and behave rationally when confronted with different events that would have, in the past, led them to act criminally.

Statement of the Problem

Based solely on the cost-effectiveness of community corrections as compared to incarceration, it is extremely beneficial to see to it that fewer probationers are sent to prison (Stickels, 2007). The average cost of incarcerating one offender in prison is approximately $44.01 per day versus the $0.97 a day that it takes to supervise an offender on probation (CJAD, 2005). Along with benefiting the state economically and making room for more serious offenders in prisons, probationers who successfully complete their term of probation have a lower recidivism rate than offenders who return to society after completing a prison sentence. Recidivism rates measured over a three-year time period showed that prisoners released back into the community returned 48.7% of the time, as compared to offenders who received probation who returned 31.5% of the time (Stickels, 2007). Additionally, the benefit of rehabilitation through treatment and educational programs available while on probation is immeasurable (Stickels, 2007). Therefore, successful probation completion should be a departmental goal for every probation agency across the United States.

While probation success is an intended goal, in reality probation revocations have been increasing in frequency in recent years (Martinez, 2009). TDCJ (2011, pg. 1) defines revocation as “the act of removing an offender from community supervision, parole, or mandatory...
supervision due to the offender violating the conditions of his or her supervision and/or committing a new crime.” Within the state of Texas there are three different ways an offender’s probation can be revoked. Once revoked, the offender must complete their sentence in jail or prison instead of on community supervision. The first type of revocation is the most serious of the three types and relates to the probationer committing a new offense while on probation. This means that, while under supervision by the probation department, the probationer was arrested and charged with committing another crime, and there has been a final disposition of guilt by the judiciary relating to this new offense. The second type of revocation can occur when a probationer is alleged to have committed a subsequent offense but a final disposition by the judiciary has not yet been reached. Usually this type of revocation occurs when a probationer has been arrested for committing some type of new offense and, while they are awaiting their court date for this new offense, a motion to revoke their probation term is filed. Along with the allegations of the new offense, the court may consider previous technical violations the offender accrued while serving their probation term.

The final manner in which an offender’s probation may be revoked is due to a technical violation. This type of revocation has become the most frequent of any type of revocation (Stickels, 2007). In fact, the cost of these revocations incurred by the prison system and to the tax payers was of such a dire magnitude that it prompted the CJAD, the agency which governs probation departments in the state of Texas, to form a separate committee whose singular objective was to understand why there was such an increase in technical revocations and what could possibly be done to alleviate the problem. The technical violations committee’s investigation led to the creation of a report titled Strengthening Community Supervision Sanctions & Services which is more commonly known as the technical violations report (TVR)
In the TVR the committee suggested several changes that could lead to a reduction in the number of technical revocations, but ultimately there were two recommendations that would have the greatest effect on reduction. The first of those suggestions was to expand intermediate sanctions funding so that there were more options to choose from when sentencing offenders to residential and non-residential sanctions and treatments. The committee rationalized that providing more funding to expanding intermediate sanctions would reduce the technical revocation load by 2,000 offenders. Revoking 2,000 fewer felony probationers would net $6 million a year in savings (CJAD, 2001). The second major suggestion contributed by the committee was for the courts to use a scale when punishing probationers for violations that would match in severity the violation that was committed. In essence, if a probationer violated a lesser sanction, then their punishment was milder compared to the more serious and more frequent sanction violator who would be given a more punitive punishment (CJAD, 2001). Stickels (2007) was the first researcher to study the changes in revocations after the TVR was published. Stickels studied 145 newly sentenced probation cases through January 1, 2004 to June 30, 2004 in Hays County, Texas. Unfortunately, there has been no evidence to indicate that the suggestions made by the committee in the TVR were successful. Technical violations, and the related revocations, have instead remained consistent since the implementation of these suggestions (Stickels, 2007).

Technical revocations can occur due to a number of circumstances. A technical revocation is a result of technical violations. Any time a probationer fails to adhere to a condition mandated by their presiding judge when he/she arbitrated their case, such as a “no alcohol order” or mandatory community service hours to be completed, a technical violation is placed in their file. Almost as if the probationer is a baseball player swinging and receiving a strike, technical
violations add up until eventually the probationer “strikes out” and has their probation officially revoked. Unlike baseball, where there are “three strikes and you’re out,” there is not a mandated number of technical violations one can receive before their probation is technically revoked. This discretion is left to the individual supervision officer and each officer has their own judgment scale that differs from other officers. While discretion of the officer may be one factor that impacts revocations, there are other factors which have also been found to increase the likelihood of revocation. Aside from characteristics possessed by the probationer, some researchers have attributed increases in revocations to the development of the state jail offenses and the state jail system, the increased amount of mentally impaired probationers being supervised, and even increases in the number of prison beds (CJAD, 2001).

The problem associated with technical revocations is that the majority of the acts that result in a technical violation are not in-and-of-themselves criminal. It is instead the status of being on probation that deems certain acts criminal; changing one’s home addresses without notifying one’s supervision officer, consuming alcohol, not arriving on time to a particular substance abuse class, or failing to show proof of employment. If any of these instances were to occur outside of a probation setting, they would not be deemed criminal. Not every technical violation falls into this non-criminal category though. There are technical violations that can occur that would be considered criminal whether one was on probation or not such as, testing positive for cocaine during a drug test, driving a vehicle without a driver’s license, or blowing above a .08 blood alcohol content in one’s interlock system in attempts to start a vehicle. The distinctions between the non-criminal and criminal acts that can result in a technical violation are important. Overall, the biggest problem that technical revocations pose is that, of the three types of revocations, they are the most frequent (CJAD, 2001). Therefore it is important that these
types of revocations are studied and specifically examined to determine how technical violators differ from those probationers who are revoked due to new offenses.

The Present Study

The purpose of the present study is to examine data obtained from a large Community Supervision and Corrections Department (CSCD) in Texas looking specifically at felony probationers technically revoked between the years 2008 and 2009. For the present study, data will be analyzed to examine the characteristics that may impact whether a probationer is revoked for technical violations or is revoked for committing a new offense. The particular variables that will be analyzed for the present study include type of revocation, gender, age, marital status, education level, race, employment status, current offense, and time on probation prior to being revoked. Each of these variables have been found in the past to impact revocation rates (Benedict, Corzine, & Corzine, 1998; Gray, Fields, & Maxwell, 2001; Liberton, Silverman, & Blount, 1992; Morgan, 1994; Sims & Jones, 1997). The research questions (RQ) to be addressed in this study are:

RQ1: What is the average length of time a felony probationer spends on probation before they receive a technical revocation?

RQ2: Which characteristics make a felony probationer more likely to be revoked for a technical violation?

RQ3: Do these characteristics vary by gender?

Findings from the present study may be able to assist CSCDs and individual community supervision officers to more effectively supervise felony probationers by better understanding which probationers may be more likely to have trouble with conditions of their probation
therefore resulting in a technical revocation. Based on past research, it is be discussed more in depth in Chapter 2, it has been shown that those probationers who are non-white, less educated, and substance abusing are at the greatest risk for receiving a technical revocation (Gray, Fields, & Maxwell, 2001).

Conclusion

With the dramatic increase in the number of technical revocations over the last two decades it is imperative that strides are made in determining what can be done to respond to this issue. As was mentioned in the above sections, there have been attempts made to reduce the number of technical revocations on a statewide level. However, any side-effects of the suggestions made by the CJAD technical revocations committee are yet to be seen. Ultimately, reducing technical revocations should be of utmost importance. This is due not only to financial savings but also to the fact that the longer an offender stays on probation, the more likely they are to have rehabilitative resources available to them and therefore less likely they are to recidivate.

The following chapters go further into detail about probation sentences and the process of probation revocations to illustrate the impact of technical revocations and how the present study will add to the literature on what is known about these types of revocations. Chapter 2 will discuss previous research which has been conducted to better understand which probationers have been found to be most likely to be revoked, specifically for technical violations. Chapter 3 will explain the methodology used for the present study including how the data to be analyzed were obtained. Chapter 4 will concentrate on the findings of the analyses which will be conducted to answer the research questions posed by the present study. Along with a summary of
the findings, Chapter 5 will discuss the findings in light of their implications for practical use and future research to be conducted on this topic.
CHAPTER 2

LITERATURE REVIEW

One goal of the criminal justice system is to deter future crimes by imposing punishment upon persons convicted of violating the law. One punishment option is incarceration, however, the system has recognized that not all offenders are deserving of removal from the community. Probation is an alternative form of sentencing that allows an offender to remain in the community under supervision as long as they follow conditions set forth by the court (Stickels, 2007). Probation serves a dual purpose. While on probation the offender is being punished for the crime that they have committed but they are also receiving treatment in the hopes of rehabilitation and the prevention of future criminal behavior.

History and Use of Probation

Over the past 25 years, the number of offenders on probation has grown faster than the prison population (Bureau of Justice Statistics, 2009). The community supervision population has increased steadily since 2000 (Bureau of Justice Statistics, 2009). As of December 31, 2008, there were 5,095,200 adults under community supervision in the United States (Bureau of Justice Statistics, 2009). This is the equivalent to 1 out of every 45 persons, and, of those under community supervision, 84% (4,270,917 offenders) are probationers. In 2010, the number of probationers within the state of Texas was at an all-time high of 173,867 offenders. If this trend in growth continues, the probation population is projected to be 177,525 offenders by fiscal year 2015 (Texas Legislative Budget Board, 2010). While probation is heavily used today as an alternative sanction for offenders, it is a relatively new concept, one that is less than 150 years old.
In 1841 John Augustus introduced the concept that a convicted offender could be punished using alternative means without prison confinement (Clear, Cole, & Reisig, 2009). Known as the Father of Probation, Augustus was the first person to provide bail, petition the court, and seek employment opportunities on behalf of offenders who were placed in his custody after conducting a pre-screening process to determine the offender’s needs. His first case came when he took in a man charged with being a common drunkard. After three weeks in Augustus’ custody, the man was able to convince the judge that he was reformed and the man’s charges were reduced to a nominal fine (Clear et al., 2009). This single act set forth the probation system that exists today.

With the increasing strain on jail and prison administrators due to overcrowding, more states and counties across the nation have begun to rely on alternative sanctions in an attempt to alleviate some of the pressure (Wodahl & Garland, 2009). Since its inception in 1841, the probation system has been at times either critiqued or supported by two opposing groups: (a) those who advocate from a social work perspective and (b) those who advocate from a law enforcement perspective. The social work advocates, since the time of Augustus, have emphasized the need for the offender to receive treatment while being supervised which would in turn lead to rehabilitation. On the other hand, the law enforcement advocates stress increased surveillance and control of behavior through more restrictive conditions (Clear et al., 2009). Probation systems nationwide are influenced by these perspectives and by the policies set forth by policy makers representing societal demand. Over time, and based on political pressure, criminal justice policies have seen dramatic changes, including those related to probation. For example, during the 1940’s the medical model was advocated in which treatment was the overall goal. During the 1970s, however, there was a shift in focus away from treatment and
rehabilitation. For example, the risk management model emerged with the goal of minimizing the probability that an offender will commit a new offense. This was achieved through tightly controlling the offender and closely monitoring their movement through surveillance.

In the late 1980’s there was considerable growth in the probationer population due to a focus on alternative sanctions to incarceration. Probation became a universal remedy for all the problems with the criminal justice system (Byrne, 1990). In the political realm, it satisfied conservatives because it reduced the cost of corrections while at the same time increasing supervision of offenders and therefore maintained the appearance of “getting tough” on crime. Liberals relished the utilization of probation because it kept offenders out of jail and prison and therefore away from facing the stigma that is associated with being incarcerated. Other alternative sanctions to incarceration that began to be used more often throughout this time period included (a) payment of restitution to the victim(s), (b) day fines, (c) community service, (d) house arrest, (e) residential community corrections centers, (f) electronic monitoring devices, and (g) split sentencing, in which an offender would spend a brief amount of time incarcerated followed by a term of probation. These alternative sanctions were useful as they could be graduated to meet the severity of the offense committed. They could also be combined, which gave sentencing authorities more options for tailoring punishment to the individual offender (Byrne, 1990).

Through probation, the offender has the opportunity to participate in many rehabilitative programs to increase their chances of successfully completing probation and not re-offending (Clear et al., 2009). These programs may not only be opportunities, but may be conditions of the offender’s sentence. Offenders may develop job-training skills through vocational programs as well as attend drug treatment for assistance with substance abuse issues, and take part in
education programs to obtain their GED or otherwise increase their educational achievements. Additionally, through group therapy sessions, offenders may learn coping mechanisms to deal with stress and anger. While many offenders successfully complete probation, there are others who do not. The following section will look at the process of revocation and why it occurs.

Revocations

Each probationer under community supervision is monitored by a probation officer who ensures that their caseload of probationers abide by the rules placed on them by the court. The probation officer must also provide a rehabilitative atmosphere for their probationers that is tailored to fit their individual needs, whether it be drug treatment, alcohol treatment, financial management, or parenting classes. It is also the job of the probation officer to explore the possibility that a probationer has violated their court-ordered conditions of probation. A violation of a probationer’s conditions of probation may include a multitude of behaviors ranging from being arrested for a new offense to not maintaining employment or completing a mandated program. If a probation officer finds sufficient evidence that their probationer is in violation of any of their court-ordered sanctions, the probation officer may begin the revocation process.

The term revocation refers to the process of removing the offender from their probation status due to the offender violating the terms of their probation. This decision to revoke is ultimately based on the judge’s discretion, but much weight is credited to the probation officer’s recommendation. Success on probation generally depends on the offender’s ability to refrain from bad behavior, whether law violating or not. There are three reasons why an offender’s probation status may be revoked: (a) a new offense has been committed; (b) existing allegations of a committed subsequent offense although the offender has not been officially charged; and (c)
one or many technical violations have been committed. In 2002, the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) attributed 56% of the total revocations in the state of Texas to technical violations as opposed to being convicted of a new arrest or a subsequent arrest (TDCJ-CJAD, 2003). A technical violation occurs when there is a failure to comply with the conditions of conditional release other than failure by commission of a new offense (Division of Criminal Justice Services, 1975). Examples of technical violations include the probationer’s failure to avoid persons of disreputable harm, failure to report to treatment facilities, failure to report to their probation officer, failure to pay court costs and fees, and failure to maintain satisfactory employment.

The first step in the revocation process is notification of a possible violation by the probation officer to the prosecuting attorney of the court where the offender was sanctioned. After reviewing the violation summary, the prosecutor will determine if enough evidence exists to file a motion to revoke probation (MTR). If there is evidence to revoke, the trial court enters an order authorizing the arrest of the probationer (Stickels, 2007). At times the process of locating and arresting the probationer can take days, weeks, months, and sometimes years. Once the probationer is apprehended and in custody, the court performs a hearing to decide if the offender’s sentence of probation should be revoked. If a revocation results from the hearing, the probationer is immediately incarcerated and he/she will serve out the term of their original sentence (Stickels, 2007). Unfortunately, probationers frequently fail to abide by the court’s imposed sanctions and therefore end up in prison (Piar, 2003).

In 2004, the cost of incarcerating an offender in the Institutional Division of the Texas Department of Criminal Justice was $44.01 per day while the cost of supervising a probationer was $0.97 per day (Texas Department of Criminal Justice – Community Justice Assistance
Division (TDCJ-CJAD), 2005). From a financial position alone, probation would be considered better than the alternative because of the cost. Additionally, research has shown that recidivism rates during the three years after release for offenders who received prison, compared to those who received probation, is significantly higher (Texas Criminal Justice Policy Counsel, 2003). Along with being a more financially sound option, the added benefit is that offenders are kept in the community and are therefore able to contribute and assist in supporting themselves and their families.

Factors Related to Success or Failure

Over the years, researchers have examined factors related to an offender’s successful completion of their probation term. In a study of 266 adult felony probationers in Tennessee whose probation had been terminated due to successful completion, revocation, or absconding between January 1, 1980 and December 31, 1989, Morgan (1994) found that there are nine variables consistently correlated with probation success or failure. Females were more successful on probation than males. As for age, the findings were such that the younger the offender, the higher the likelihood that they would continue to commit crimes. Probationers who were married were more likely to successfully complete their term of probation than those who were unmarried. The higher the level of education a probationer had reached, the more likely they were to be successful. Race was found to be negatively correlated with success, meaning that minorities had higher rates of being unsuccessful. Probationers who were employed had higher rates of success than those who were not employed. Probationers who had prior criminal histories were less successful compared to offenders who did not have prior criminal histories. Property offenders had the highest rates of reoffending than any other type of offender. Finally, the longer the sentence a probationer received, the higher the likelihood of failure. In a similar
study conducted by Sims and Jones (1997) examining 2,850 felony probationers in North Carolina whose supervision had been terminated between July 1, 1993 and October 31, 1993, many of the variables found to be significant were consistent with the variables in Morgan’s conclusion. The following sections will examine in more depth the variables which have consistently been related to higher rates of failure among offenders on probation.

**Gender**

Previous research has been mixed as relates to the impact gender has on probation success or failure. Morgan (1993) concluded that many different combinations of variables attributed to the failure of male probationers when compared to females. In her review of 28 empirical studies, she found that the most potent combination of variables that led to failure of men on probation included being young, unmarried, and having low income, an unstable residential lifestyle, and a prior criminal history. In a follow-up study conducted approximately one year after Morgan’s original study, she noted that women were more likely to succeed on probation as compared to their male counterparts (81% and 65%, respectively) (Morgan, 1994). This finding was attributed to thought that women have more to lose by being revoked and sent to prison than men. Clarke, Lin, and Wallace (1988) found similar results in their analysis comparing male and female probationers, concluding that greater probation success has been found among women than men.

In a more recent study by Schulenberg (2007), data from the 1995 Survey of Adults on Probation (SAP) was used. Schulenberg (2007) noted past research (Kingsnorth, McIntosh, & Sutherland, 2002; Olsen & Lurigio, 2000) which had found no significant difference in probation revocation related to gender, at the same time citing other research (Mayzer, Gray, & Maxwell, 2004; Morgan, 1994; Olsen, Alderden, & Lurigio, 2003; Sims & Jones, 1997) which had found
that women were more likely to be successful on probation. When concluding her intersectional analysis of gender with other variables, Schulenberg (2007) stated that although males and females differ greatly in rates of revocation, male and females offenders are not significantly different in relation to the factors that may impact success on probation (i.e. race, education level, parental criminality, marital status, and sentence length).

**Age**

As noted by Liberton, Silverman and Blout (1992), few researchers (Landis et al., 1969; Martin, Cloninger, & Guz, 1978) have found age to be unrelated to recidivism. Liberton and colleagues (1992) noted that prior research (Caldwell, 1951; England, 1955; Gillin & Hill, 1940, Monahan, 1981; Wood & O’Donnell, 1980) was more likely to find that the younger the offender, the greater the likelihood of revocation. In some studies age was actually the strongest predictor of probation supervision outcomes (Liberton et al., 1992).

Many researchers have cited Hirschi’s social control theory (1969) to explain why younger individuals are more likely to fail in that younger offenders are less likely to have created bonds to their communities and neighbors and therefore have less to lose. Many studies have shown that there is relationship that exists between the age of a probationer and successful completion of probation (Irish, 1989; Morgan, 1994; Sims & Jones, 1997). Interestingly, research has shown that age makes a difference not only on success but also on the type of offense probationers commit. For example, Clarke, Lin, and Wallace (1988) found that younger probationers were significantly more likely to recidivate when examining a sample of North Carolinian felony probationers. On the other hand, Benedict and Huff-Corzine (1997), in their analysis of felony probationers, discovered that older probationers were more likely to commit more serious offenses than did their younger counterparts, however, they did so less often which
resulted in fewer revocations among older probationers. Finally, in a study of more than 2,400 discharged adult probationers from Illinois, Olsen and Lurigio (2000) found that the younger the offender, along with lower monthly income and prior criminal involvement, significantly predicted all types of negative probation outcomes including both new arrests and technical violations resulting in revocations.

**Marital Status**

Much like the other variables that have been said to influence probation outcomes, past research is mixed regarding probationers’ marital status. Liberton, Silverman, and Blount (1992) noted prior studies which examined differences in probation outcomes between those probationers who were married and those who were not, finding that offenders who were married and living with their spouse had a higher rate of successfully completing community-based supervision (Cockerhill, 1975; Kusada, 1966; Petersilia, Turner, Kahn, & Peterson, 1985). Liberton et al. (1992) found that married offenders were more likely to complete probation violation free. They attributed the success to having a support system that assisted in meeting the requirements of probation supervision. Again referencing social control and bonding, the more social capital one has, that is the more they are bonded to their families, friends, and communities, the more likely they will be to successfully complete probation.

In contrast to these studies, research conducted by Roundtree, Edwards, and Parker (1984) established that there was little evidence that marital status impacted whether an offender would recidivate during their term of probation regardless of whether they were on probation for a felony or misdemeanor. Examining probationers in Michigan, the findings of Gray, Fields, and Maxwell (2001), were consistent with Roundtree and his colleagues’ findings that a
probationer’s marital status and the number of dependants were not significant predictors of either technical or new criminal violations while serving a term of probation.

*Education*

When measuring the impact of a probationer’s education level on whether or not they recidivated, the majority, if not all of past research (Irish, 1989; Landis et al., 1969; Morgan, 1994; Roundtree et al., 1984; Sims & Jones, 1997) has found that higher levels of educational attainment is associated with greater success as relates to probation outcomes (Gray et al., 2001). Looking more specifically at drug treatment and its impact on recidivism, Benedict, Huff-Corzine, and Corzine (1998) found that education played a role in recidivism but only among white men in that the lower their educational attainment, the more likely they were to recidivate.

*Race*

Past research has been mixed as to the impact of race on probation outcomes. Morgan (1994) and Roundtree et al. (1984) found that there was no support for the contention that race was associated with probation success, while Clarke et al. (1988) and Irish (1989) found race to be a significant predictor of probation success. Gray et al. (2001) found that race was not a significant predictor of probationers committing new crimes while on probation, but race was significant in predicting whether probationers would have technical violations. Olsen and Lurgio (2000) acknowledged that even when other variables are controlled for, minority probationers are still more likely than non-minorities to be arrested while on probation as well as cited for technical violations.

Tapia and Harris (2006) conducted the most in-depth study of race and probation outcomes. In their study, Hispanics were counted separately from whites in their sample which is something that has rarely been done in past research. Examining subjects sentenced to felony
probation in 1993 in a large south central state, Tapia and Harris found that blacks aged 17-29 experienced higher revocation odds than any other group, and were 227% more likely to be revoked than white males aged 30-39. Also, black probationers who were employed experienced over twice the revocation odds faced by employed whites, and nearly the same odds faced by unemployed whites. The results for Hispanics were less discouraging than their minority counterparts. Overall, Tapia and Harris (2006) concluded that the treatment of Hispanics by probation decision-makers does not differ much from that of whites, and overall Hispanic probationers experienced roughly the same odds of revocations as whites, while blacks encountered odds 66% higher for revocation.

Employment Status

Research examining the impact of employment on probation success has found higher rates of success for those probationers who not only are employed at the time of probation but maintain employment throughout their probation term (Irish, 1989; Landis et al., 1969; Morgan, 1994; Sims & Jones, 1997). The majority of past research concluded that probationers who were employed and financially stable did well on probation as compared to those with less stable employment and lower monthly incomes (Cockerhill, 1975; Gray et al., 2001; Kusuda, 1966; Landis, Mercer, & Wolff, 1969; Liberton, Silverman, & Blount, 1992). Tapia and Harris (2006) found that unemployed subjects faced a 51% increase in odds of revocation compared with employed subjects. Employment status playing such a significant role in probation outcomes has been attributed to the fact that financially stable individuals have more resources to pay probation obligations, have more to lose than their unemployed counterparts, and when working eight hours a day, have less time to devote to less positive activities and people that/who may result in probation violations (Liberton et al., 1992).
**Prior Criminal History**

Research by Monahan (1981) pointed to a probationer’s prior criminal history as the most significant predictor of probation outcomes. Much like employment, Gray et al. (2001) noted that there is much agreement among researchers (Glaser & O’Leary, 1966; Irish, 1989; Morgan, 1994; Morton, 1978; Petersilia, 1985; Roundtree et al., 1984; Sims & Jones, 1997; Tippman, 1976; Visher, Lattimore, & Linster, 1991) that prior criminal history is a significant predictor of probation revocation in that the more extensive the criminal history, the less likely one is to succeed. Gray et al. (2001) also found that assaultive crime probationers were more likely to commit both technical violations and new offenses while on probation.

**Offense Type**

Much of the literature examining offense types and probation outcomes found that offenders who receive probation for theft-related crimes consistently have higher recidivism rates than those manifesting other types of criminal behavior (Liberton et al., 1992). Findings dating further back conclude that individuals convicted of property crimes, as opposed to those who committed personal crimes, had a higher rate of recidivism (Davis, 1964; England, 1955; Irish, 1976; Vito, 1976). While Gray et al. (2001) did not find that property offenders had a higher propensity to recidivate, they did note that other researchers found that property offenders were more likely to have their probation revoked (Landis et al., 1969; Morgan, 1994; Whitehead, 1991). Bork (1995) specifically found that robbery offense probationers were more likely to violate the terms of their probation. Olsen and Lurigio (2000) found similar findings to Gray and colleagues in that when they included other factors in their regression models, such as prior convictions and histories of drug abuse and dependence, property and drug offenders did not show a greater risk of probation revocation or new arrests as compared to other probationers.
Sentence Length

There seems to be less research on determining if a longer sentence significantly impacts probationers’ recidivism rates. Gray et al. (2001) cited previous literature (Benedict & Huff-Corzine, 1997; Morgan, 1994; Roundtree et al., 1984) which found probation success to be significantly related to sentence length. Olsen and Lurigio (2000) contributed that sentence length was a predictor of probation revocation and technical violations but not for new arrests. The logical thinking behind sentence length playing a part in a probationer’s outcome is that the longer one is under supervision, the more time there is for a probationer to violate and for these violations to be detected. The probationer is “exposed” to possible violations for longer periods of time (Gray et al., 2001).

Technical Violations

While much of the above research has focused on recidivism and revocations, very little attention has been paid to whether revocations were due specifically to technical violations or to new offenses. Although Morgan’s (1994) findings had many implications, such as assisting offenders with educational endeavors that may lead to decreasing their likelihood of failure, she did not differentiate factors that may influence different types of revocation (i.e. whether offenders had been terminated for a technical violation or new offense).

Technical violations are to probationers as status offenses are to juveniles. Aside from failing a drug test, a technical offense generally has no criminal association with it. It only means that the probationer has violated some part of their court order other than reoffending. Court orders may include: (a) compliance with curfews; (b) passing alcohol and drug urine analysis testing; (c) avoiding contact with other offenders; (d) maintaining employment and/or reporting unemployment; (e) attending meetings with probation officers; (f) making restitution payments...
to their victims and the court; (g) performing community service hours; and (h) attending therapy
meetings either within a group setting or on an individual basis (National Association of

Landis and colleagues (1969) found that 80% of probation failures were due to technical
violations while the remaining 20% were due to the commission of a new offense. Taxman and
Cherkos (1995) noted that revocation of a probation term is accompanied by several violations of
court-ordered conditions. Accordingly, the National Association of Criminal Justice Planners
(1990) found that approximately one-third of all probationers who successfully complete
probation are not actually in compliance with their court ordered terms of probation. This one-
third of the successfully discharged probation population had either failed to complete their
treatment regimen which was court-ordered, failed to pass multiple drug tests, or failed to
perform the desired number of court-ordered community service hours. It was also found that
one-fourth of probationers had failed to pay any or slightly more than one-third of their total
assessed fees. Therefore, while probationers may be revoked for technical violations, there are
some who are not penalized through revocation for such violations. It seems that in some cases, a
multitude of technical violations may occur prior to a Motion to Revoke is filed, if one is filed at
all.

One recent study cited above that has explored factors related to failure was conducted
by Gray, Fields, and Maxwell (2001). Examining a random sample of 1,500 probationers in
Michigan who were serving their term between February and March 1996, Gray and colleagues
followed the probationers for 30 months. Using survival analysis, Gray and colleagues were able
to establish when probation violations occurred and whether these varied by type of violations
(most serious violations, medium serious violations, and least serious violations). They found
that the largest proportion of probation failures occurred during the first 100 days of probation, which was approximately 30% of their sample population. This steep decline in survival rate continued until gradually tapering off at the 500th day on probation (or approximately 16 months). Most violations observed within the first few months of probation were primarily for technical violations. The most common violations were failure to meet with one’s probation officer (33.6%) and failed urinalysis (22.4%). From their analysis, Gray and colleagues deduced that probationers do not customarily commit new criminal offenses but when they do, new offenses are most often committed after the probationer has spent a reasonable amount of time under supervision. In fact, of their sample, only 4.4% of the probationers committed new non-assaultive crimes and only 3.2% committed new assaultive crimes.

Conclusion

The research discussed throughout Chapter 2 examined the variables that lead to either recidivism or revocations of probationers serving community supervision sentences. Variables examined were the probationer’s gender, age, marital status, education, race employment status, prior criminal history, offense type, and sentence length. A technical violation in and of itself is usually not a criminal act, however, such behavior is punishable due to the probationer having to satisfy the conditions placed on them by the court as part of their sentence. It is the goal of most probation departments across the nation to reduce the frequency of both reoffending and revocations due to technical violations. As was mentioned, there are very few studies that look specifically at technical violations by probationers and what impact these violations have on their sentences. The present study is intended to expand upon the existing research on probation outcomes to assist in highlighting those probationers who are at the highest risk of incurring a
technical revocation. The following chapter will present the methodology to be used for the present study. Specifically the following will be addressed: (a) the process of obtaining secondary data; (b) a description of the data to be used for analysis; (c) a description of the variables to be analyzed; and (d) a description of the analysis plan which will be utilized to answer the research questions posed by the present study.
CHAPTER 3

METHODOLOGY

The purpose of this study is to determine if there exists any predominant characteristic(s) that a felony probationer may possess, which places him or her at greater risk of committing a technical offense resulting in their probation being revoked. Considering the extreme costs of revocation to both the offender and the criminal justice system, it is of great importance that we begin to understand what type of offenders are more likely to be revoked for a technical offense rather than the commission of a new crime. As discussed in Chapter 2, prior studies have revealed certain characteristics of probationers which were related to being unsuccessful on probation. These characteristics include the probationer’s gender, age, marital status, education level, race, employment status, and offense type. The goal of the present study is to determine whether these variables are significant in determining which probationers under study have been revoked for a technical violation. To do this, adult probationers in a large county in Texas who were serving a felony probation sentence during the years 2008 and 2009 and were revoked during that time period were examined. Consent for the present study was sought and obtained from the University of North Texas Institutional Review Board.

Data to be Analyzed

The data for the present study was obtained from the community supervision and corrections department (CSCD) of a large Texas county. The CSCD data collected for the purpose of this study were obtained by the department’s information technology unit (IT). Data from this unit were maintained and constantly updated by the research and data department within that CSCD.
Secondary data analysis is the process of obtaining data that were collected by one research team for a specific purpose to analyze for a different purpose (Maxfield & Babbie, 2009). One of the most significant benefits of using secondary data is that it is time saving. The data is already in existence, thus the process of collecting the data has already been accomplished. Another benefit of secondary data analysis, particularly the secondary use of official agency/department data, is that it can provide access to a large number of cases that individual researchers outside of the department may not be able to access otherwise. While there are certainly benefits, analyzing secondary data also comes with its limitations. The most significant limitation to using secondary data is that there may be issues with validity and reliability. Because the data were collected by another individual or group of individuals, one is at the whim of the original data collector’s collection techniques. In conjunction, another limitation is that a researcher is limited in answering only those questions that the collected data can be analyzed to answer. Therefore the researcher does not have total control over what the research project will examine because he or she is limited by the data available.

The data to be analyzed for this study consists of variables regarding 3,321 offenders, 1,621 revoked in 2008 and 1,700 revoked in 2009. When the data were first obtained, data from 2008 was in a separate data file from data from 2009. After collection of the datasets for both years was completed, the data were then combined into one data file still noting year of revocation and were then segmented by which type of offense lead to the revocation (i.e. technical, subsequent, new). Technical revocations represented the most revocations for both years, 46.64% and 44.76% respectively. Table 1 presents the frequencies of type of revocation for the years under study.
Table 1

*Number of Revocations by Types*

<table>
<thead>
<tr>
<th>Revocation Types</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>756</td>
<td>761</td>
</tr>
<tr>
<td>Subsequent</td>
<td>335</td>
<td>378</td>
</tr>
<tr>
<td>New</td>
<td>530</td>
<td>561</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,621</strong></td>
<td><strong>1,700</strong></td>
</tr>
</tbody>
</table>

Research Questions and Hypotheses

The purpose of this study is to better understand which felony probationers are more likely to be revoked for a technical violation so that a more tailored method of supervision may be developed so as to possibly decrease the number of technical revocations. The following three questions drove this study:

Research Question 1: What is the average length of time a felony probationer spends on probation before they receive a technical revocation?

Hypothesis 1: It is hypothesized that most technical revocations occur within the first three months of the probation term.

Research Question 2: Which characteristics make a felony probationer more likely to be revoked for a technical violation?

Hypothesis 2: Those probationers who are younger, male, and less educated are more likely to be revoked for a technical offense.

Research Question 3: Are there factors which impact males differently than females regarding revocation type?

Hypothesis 3: Males will be impacted differently than females by the variables under study.
Variables to be Analyzed

The main variables included for analysis in the present study are characteristics of the probationer such as (1) year the revocation occurred; (2) type of revocation; (3) gender; (4) age; (5) marital status; (6) high school completion; (7) race; (8) employment status; (9) whether the probationer was a property offender; and (10) whether the probationer committed a violent crime. The results obtained about the probationer’s characteristics come from two sources. First, newly sentenced probationers are given a profile page amongst a varied sort of other papers at the entry stage of their probation term. The probationer self-reports as to their education level, their marital status, their age, and other characteristics. Then, once the probationer has been assigned to a field reporting office, their direct supervision officer is to verify that the information that the probationer provided on their profile paper is accurate. For example, if the probationer reports to have completed a post graduate degree at a university, they must, within the first month of their supervision term, bring to their officer their diploma. If accurate verification cannot be supplied, the officer does not place an answer into their probation information networking (PIN) system until the information has been verified. A probationer has an allocated amount of time to provide proof of the statements they made on their profile paper before a technical violation is denoted in their file. Therefore, having a system in which the self-reports of the probationer’s characteristics that has to be verified by the supervision officer, with punitive sanctions if the information is found to be falsified, increases the likelihood that the data collected were of a truthful nature. One significant advantage that the present study has over similar studies is that the data collected has only been manipulated by a single researcher, as to eliminate the possibility of discrepancies when defining the individual characteristics. Table 2 presents the way in which variables were coded for analysis.
Table 2

*Variable Codes*

<table>
<thead>
<tr>
<th>Name</th>
<th>Variable</th>
<th>Coding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td>Year in which the revocation occurred</td>
<td>0=2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=2009</td>
</tr>
<tr>
<td>Type</td>
<td>Type of revocation that occurred</td>
<td>0=Non-technical revocation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=Technical revocation</td>
</tr>
<tr>
<td>Sex</td>
<td>Gender of the probationer</td>
<td>0=Female</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=Male</td>
</tr>
<tr>
<td>Age</td>
<td>Age of the probationer at the onset of their probation term</td>
<td>Metric, continuous</td>
</tr>
<tr>
<td>Marital Status</td>
<td>Marital status of the probationer</td>
<td>0=Single, never married</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=Married at some point</td>
</tr>
<tr>
<td>High School Completion</td>
<td>Did the probationer complete high school or receive a GED?</td>
<td>0=No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=Yes</td>
</tr>
<tr>
<td>Race</td>
<td>Race of the Probationer</td>
<td>0=White</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=Non-white</td>
</tr>
<tr>
<td>Employment Status</td>
<td>Was the Probationer Employed</td>
<td>0=Not employed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1=Employed</td>
</tr>
<tr>
<td>Prior Offense</td>
<td>Was the offense the probationer committed which resulted in the current</td>
<td>0=Non-violent offender</td>
</tr>
<tr>
<td></td>
<td>probate sentence a violent crime?</td>
<td>1=Violent offender</td>
</tr>
<tr>
<td>Property Offender</td>
<td>Was the offense the probationer committed which resulted in the current</td>
<td>0=Non-property offender</td>
</tr>
<tr>
<td></td>
<td>probate sentence a property offense?</td>
<td>1=Property offender</td>
</tr>
</tbody>
</table>
Limitations

With every research study there are inevitably limitations. The central limitation in this study is that it relies on secondary analysis of official data collected by the CSCD. This data is based on reports of field supervision officers throughout the county. The limitation of such data is that the data were not necessarily gathered with the purpose of research, but rather to fulfill a job obligation. Fortunately, the field supervision officers that are responsible for reporting the characteristics of the clients that they serve go through months of training within the CSCD’s training academy so that all of their reports are uniform and generic. A likely goal of the training academy would be to produce classes of supervision officers spanned over multiple years and to not be able to distinguish one’s report from another aside from their corresponding signature or personnel number. Researchers using secondary data should bear in mind, however, that there could be inaccuracies made within the reports by either the field supervision officers or the IT department when extracting the necessary data.

Another limitation specific to this study is that the data obtained through the CSCD is only specific to that county and therefore results cannot be generalized to other probationers outside of that county. Furthermore, the data to be analyzed is cross-sectional meaning that the sample that was collected represents the population for that time period, and a similar sample collected at a different time period may yield different results (Maxfield & Babbie, 2009).

Plan of Analysis

The data obtained for this study were analyzed using the computer program Statistical Package for the Social Sciences (SPSS). To answer the first research question, frequencies will be conducted to see which type of revocation occurs most often. To answer the second research question, a multivariate logistic regression model will be developed to determine which, if any,
of the independent variables significantly explain the variance in the dependent variable (type of revocation). To answer the third question, two separate logistic regression models will be developed, one with only male probationers and another with only female probationers. Prior to running the multivariate models, assumptions of logistic regression will be tested and bivariate statistics, including correlations of variables within the models, will be analyzed. After the model has been developed, the results will then be examined to determine if there are significant relationships between the variables in the models and the dependent variable, type of revocation.

Conclusion

The present study is being conducted to examine the relationship between variables such as an offender’s gender, age, marital status, education level, race, employment status, and type of offense, and whether the offenders have been revoked for a technical revocation. If these variables are found to be significantly related to whether a felony probationer’s term results in a technical revocation, then future probationers who exhibit those characteristics may need to be monitored differently and field supervision officers may need to be made aware that the individual is at greater risk and may need more attention than others. After completing the analyses using the data obtained from the CSCD, the findings will be reviewed to determine whether the proposed hypotheses were correct. Chapter 4 presents the findings of the analyses and in Chapter 5 the results will be discussed as to their implications for practical use and future research.
CHAPTER 4
ANALYSIS

Introduction

This chapter presents the results of a series of statistical analyses conducted to answer the research questions posed by the present study. Certain variables were analyzed to determine if relationships existed between them and also to determine if the variables included in the study could predict which probationers in the sample were more likely to have their probation revoked due to technical violations rather than committing a new offense. The next section will present the characteristics found amongst the sample. The following sections will present the findings for each research question.

Sample Characteristics

The study sample consisted of 3,312 revoked felony probationers. Demographic characteristics of the sample can be found in Table 3. The majority of the sample consisted of men (75.9%), with women representing 24% of the sample. The youngest person in the sample was 18 years and the oldest was 76 years. The mean age across the sample was 31.4 years for males and 30.1 years for females. A majority of the sample were white (64.2%) while non-white probationers represented (35.80%) of the sample. The majority of the population had never been married (71.89%). Just slightly over a quarter of the population was either married or had been married at some point during their lifetime (26.57%). Slightly more probationers under study had not completed high school (58.84%) than those who had (41.45%). The majority of the sample was not employed (63.76%) at the time they were revoked. As for type of offense originally committed, the majority of the sample were non-property offenders.
Table 3:

*Descriptive Characteristics of the Sample by Gender (N=3312)*

<table>
<thead>
<tr>
<th>General Characteristic</th>
<th>Mean</th>
<th>Percentage</th>
<th>SD</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>31.35</td>
<td>75.90%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>33.05</td>
<td>24.10%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Year Revoked</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>75.7%</td>
<td>24.3%</td>
<td></td>
<td>1619 (48.88%)</td>
</tr>
<tr>
<td>2009</td>
<td>76.2%</td>
<td>23.8%</td>
<td></td>
<td>1693 (51.11%)</td>
</tr>
<tr>
<td><strong>Type of Revocation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical</td>
<td>32.88%</td>
<td>12.77%</td>
<td></td>
<td>45.65%</td>
</tr>
<tr>
<td>Non-Technical</td>
<td>43.05%</td>
<td>11.29%</td>
<td></td>
<td>54.34%</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-white</td>
<td>28.53%</td>
<td>7.27%</td>
<td></td>
<td>35.80%</td>
</tr>
<tr>
<td>White</td>
<td>47.40%</td>
<td>16.78%</td>
<td></td>
<td>64.19%</td>
</tr>
<tr>
<td><strong>Marital Status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Never married</td>
<td>56.15%</td>
<td>15.73%</td>
<td></td>
<td>71.89%</td>
</tr>
<tr>
<td>Married at some point</td>
<td>18.75%</td>
<td>7.82%</td>
<td></td>
<td>26.57%</td>
</tr>
<tr>
<td><strong>High School Completion</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not completed high school</td>
<td>44.56%</td>
<td>13.97%</td>
<td></td>
<td>58.54%</td>
</tr>
<tr>
<td>Completed high school</td>
<td>31.37%</td>
<td>10.08%</td>
<td></td>
<td>41.45%</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-employed</td>
<td>47.28%</td>
<td>16.48%</td>
<td></td>
<td>63.76%</td>
</tr>
<tr>
<td>Employed</td>
<td>22.70%</td>
<td>5.91%</td>
<td></td>
<td>28.62%</td>
</tr>
<tr>
<td><strong>Property Offenders</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-property</td>
<td>55.01%</td>
<td>18.08%</td>
<td></td>
<td>73.09%</td>
</tr>
<tr>
<td>Property</td>
<td>20.92%</td>
<td>5.97%</td>
<td></td>
<td>26.90%</td>
</tr>
</tbody>
</table>
Statistical Analyses by Research Question

Research Question 1

The first question posed by the present study was, what is the average length of time a felony probationer spends on probation before they receive a technical revocation? The answer to this question can help to determine whether there is a time threshold in which offenders are more likely to be revoked for a technical revocation. An independent sample t-test was performed to answer the first research question and findings are presented in Table 4. The mean time an offender was on probation prior to being technically revoked was 750.6 days. The mean time an offender was on probation prior to receiving a non-technical revocation was 708.6 days. While it took longer for probationers to be technically revoked, there was not a significant difference between these two groups.

Table 4:

Independent Sample t-test Results for Time On and Type of Revocation

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>M</th>
<th>SD</th>
<th>F</th>
<th>Sig.</th>
<th>T</th>
<th>df</th>
<th>Sig. (2 tailed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Technical</td>
<td>1800</td>
<td>708.61</td>
<td>677.024</td>
<td>.059</td>
<td>.808</td>
<td>-1.788</td>
<td>3310</td>
<td>.074</td>
</tr>
<tr>
<td>Technical</td>
<td>1512</td>
<td>750.56</td>
<td>667.612</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Research Question 2

The second research question asked whether there were significant bivariate relationships between the demographic characteristics (year revoked, gender, race, marital status, high school completion, employment status, and property offender) of the sample and the variable, type of revocation. Chi-square analyses were conducted to determine where significant bivariate relationships existed. Results of the chi-square analyses can be found in Table 5.
Table 5:

*Chi-square Analyses for Demographic Variables and Type of Revocation*

<table>
<thead>
<tr>
<th>Variable</th>
<th>Percentage</th>
<th>Technical</th>
<th>Non-Technical</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year Revoked</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>22.82%</td>
<td>26.05%</td>
<td></td>
<td>48.88%</td>
</tr>
<tr>
<td>2009</td>
<td>22.82%</td>
<td>28.29%</td>
<td></td>
<td>51.11%</td>
</tr>
<tr>
<td><strong>Gender</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>32.88%</td>
<td>43.05%</td>
<td></td>
<td>75.93%</td>
</tr>
<tr>
<td>Female</td>
<td>12.77%</td>
<td>11.29%</td>
<td></td>
<td>24.06%</td>
</tr>
<tr>
<td><strong>Race</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-white</td>
<td>14.52%</td>
<td>21.28%</td>
<td></td>
<td>35.80%</td>
</tr>
<tr>
<td>White</td>
<td>31.12%</td>
<td>33.06%</td>
<td></td>
<td>64.19%</td>
</tr>
<tr>
<td><strong>Marital Status</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Never married</td>
<td>31.31%</td>
<td>40.57%</td>
<td></td>
<td>71.89%</td>
</tr>
<tr>
<td>Married at some point</td>
<td>13.55%</td>
<td>13.01%</td>
<td></td>
<td>26.57%</td>
</tr>
<tr>
<td><strong>High School Completion</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not completed high school</td>
<td>27.11%</td>
<td>31.43%</td>
<td></td>
<td>58.54%</td>
</tr>
<tr>
<td>Completed high school</td>
<td>18.53%</td>
<td>22.91%</td>
<td></td>
<td>41.45%</td>
</tr>
<tr>
<td><strong>Employed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-employed</td>
<td>28.77%</td>
<td>34.99%</td>
<td></td>
<td>63.76%</td>
</tr>
<tr>
<td>Employed</td>
<td>13.10%</td>
<td>15.51%</td>
<td></td>
<td>28.62%</td>
</tr>
<tr>
<td><strong>Property Offenders</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-property</td>
<td>34.51%</td>
<td>38.58%</td>
<td></td>
<td>73.09%</td>
</tr>
<tr>
<td>Property</td>
<td>11.14%</td>
<td>16.66%</td>
<td></td>
<td>26.90%</td>
</tr>
</tbody>
</table>

***p<.001; **p<.01; *p<.05

These results indicate that there were several demographic variables which were significantly related to type of revocation in a bivariate sense. There was not a significant relationship found between type of revocation and the variables year revoked, high school completion, and employment. Significant relationships were found between the type of revocation and the variables gender, race, marital status, and property offense.
Research Question 3

The third research question posed by the present study asked which variables were predictors of type of revocation and whether these predictors varied by gender. Three logistic regression models were developed to answer this research question. The first model examined the full sample and included the variable gender as an independent variable. The second model included only cases of female probationers. The third model included only cases of male probationer revocations. The results of all three models can be found in Table 6.

Table 6:

Logistic Regression Results for Type of Revocation

<table>
<thead>
<tr>
<th>Variable</th>
<th>Total Sample</th>
<th></th>
<th>Female Only</th>
<th></th>
<th>Male Only</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>S.E.</td>
<td>B</td>
<td>S.E.</td>
<td>B</td>
<td>S.E.</td>
</tr>
<tr>
<td>Gender</td>
<td>-.287**</td>
<td>.087</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Age</td>
<td>.034***</td>
<td>.005</td>
<td>.013</td>
<td>.010</td>
<td>.038***</td>
<td>.005</td>
</tr>
<tr>
<td>Marital Status</td>
<td>-.139</td>
<td>.099</td>
<td>-.279</td>
<td>.185</td>
<td>-.049</td>
<td>.118</td>
</tr>
<tr>
<td>High School Completion</td>
<td>-.216**</td>
<td>.079</td>
<td>-.503***</td>
<td>.158</td>
<td>-.132</td>
<td>.092</td>
</tr>
<tr>
<td>Race</td>
<td>.245**</td>
<td>.081</td>
<td>.243</td>
<td>.172</td>
<td>.241***</td>
<td>.092</td>
</tr>
<tr>
<td>Employment Status</td>
<td>-.097</td>
<td>.086</td>
<td>-.179</td>
<td>.175</td>
<td>-.081</td>
<td>.099</td>
</tr>
<tr>
<td>Property Offense</td>
<td>-.152</td>
<td>.086</td>
<td>-.388**</td>
<td>.178</td>
<td>-.062</td>
<td>.099</td>
</tr>
<tr>
<td>Time On</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Constant</td>
<td>-1.052***</td>
<td>.164</td>
<td>-.127</td>
<td>.333</td>
<td>-1.539</td>
<td>.165</td>
</tr>
<tr>
<td>Model $\chi^2$</td>
<td>113.888</td>
<td>---</td>
<td>22.412</td>
<td>---</td>
<td>93.532</td>
<td>---</td>
</tr>
<tr>
<td>Cox &amp; Snell $R^2$</td>
<td>.037</td>
<td>.030</td>
<td>.040</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nagelkerke $R^2$</td>
<td>.050</td>
<td>.041</td>
<td>.054</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

***p<.001; **p<.01; *p<.05

Results of the first model revealed a number of significant predictors of whether a probationer would be technically revoked. Female probationers were significantly more likely to be technically revoked as compared to male probationers. Older probationers were significantly more likely to be technically revoked as compared to younger probationers. Probationers that had not completed high school were significantly more likely to be revoked due to technical
violations than probationers who had completed high school. White probationers were significantly more likely to be revoked for a technical revocation. According to the Cox & Snell $R^2$ statistic, this model explained 3.7% of the variance in the dependent variable measuring type of revocation.

For the second model, in which only cases of female probationer revocations were included, only two variables were significant. Those female probationers who had not completed high school were significantly more likely to be revoked for a technical revocation compared to those female probationers who had completed high school. Also, those female probationers who were convicted of a non-property offense were significantly more likely to be revoked for a technical revocation compared to female property offenders. According to the Cox & Snell $R^2$ statistic, this model explained 3.0% of the variance in the dependent variable measuring type of revocation.

For the last model, where only cases of male probationer revocations were included, again only two variables were found to be significant. Those male probationers who were older were found to be significantly more likely to be revoked for a technical violation compared to their younger counterparts. White male probationers were also found to be significantly more likely to be revoked for a technical revocation compared to non-white males. According to the Cox & Snell $R^2$ statistic, this model explained 4.0% of the variance in the dependent variable measuring type of revocation.

While there were more significant variables in the full sample model, generally all three models seem to indicate that female probationers, older probationers, white probationers, and those probationers who did not complete high school were significantly more likely than other offenders in the sample to be technically revoked. According to the Cox & Snell $R^2$ statistics,
each model explained less than 5% of the variance in the dependent variable, type of revocation. Therefore, it seems that while some variables were found to be significant, there are other variables not included in the study that are accounting for whether or not a probationer will be technically revoked. This will be discussed further in the next chapter.

Conclusion

This chapter presented findings from the statistical analyses conducted on a sample of felony probationers from a large county in a Southern state who had their probation revoked between 2008 and 2009. After describing the demographic characteristics of the sample, each research question posed by the present study was answered. Results revealed that there was not a significant relationship between the variables time on probation and type of revocation although those who were technically revoked had served a longer time prior to being revoked. Significant bivariate relationships were found between the variables type of revocation and gender, race, marital status, and property offense. Finally, multivariate analyses conducted to answer the third research question revealed a few significant predictors of technical revocations including gender, race, and age. However, these models were not strong in explaining the variance within the dependent variable as not one of the models reached even 5%. These findings will be further discussed in the next chapter along with implications for practice and suggestions for future research.
CHAPTER 5
DISCUSSION

Introduction

The goal of this study was to obtain a better understanding of what characteristics make it more likely that a felony probationer would receive a technical revocation. The research questions posed by the study examined the average length of time a felony probationer spends on probation prior to being revoked and what characteristics put a felony probationer at higher risk of a technical revocation. It was also examined whether these predictors varied by gender. Data for this study was obtained from a large probation department in a southern state. These data included information pertaining to felony probationers who had their probation revoked between January 1, 2008 and December 31, 2009. The research questions were addressed using descriptive analyses, bivariate analyses, and logistic regression models.

Principle Findings

Probationers with certain characteristics were found to be significantly more likely to have received a technical revocation. Of the 3,312 felony probationers within the study sample, 1,512 (45.7%) received a technical revocation while 1,800 (54.3%) were revoked due to a new offense or a subsequent offense being alleged. Of those felony probationers who received a technical revocation, the average age was 31 years for males and 33 years for females. This contradicts past studies that which found that younger probationers (i.e. individuals in their early twenties) are at greater risk of receiving a technical revocation (Caldwell, 1951; England, 1955; Gillin & Hill, 1940, Monahan, 1981; Wood & O’Donnell, 1980). One study in particular found that youthfulness of an offender was the strongest predictor of probation supervision outcomes.
(Liberton et al., 1992). It seems in the present study, however, that older offenders were at greatest risk of being revoked due to technical violations. These findings suggest that, while older probationers may have aged out of committing new crimes and may hold more social capital, they may be reluctant to follow all of the conditions of their probation thereby leading to technical violations. The adage that states “you can’t teach an old dog new tricks” may hold true in this case. The longer one has grown accustomed to operating their daily lives in a certain manner, the harder it may be to adjust to doing daily tasks on someone else’s schedule.

Findings also revealed that gender was a significant factor in determining which probationers received a technical revocation. When gender has been examined by past researchers it has generally been in relation to success on probation. Some researchers have found that female probationers are more likely to be successful than their male counterparts (Clarke et al., 1988; Mayzer, Gray, & Maxwell, 2004; Morgan, 1994; Olsen, Alderden, & Luirgio, 2003; Sims & Jones, 1997), while others have found there to be no real difference in probation successfulness (Kingsnorth et al., 2002; Olsen & Lurigio, 2000; Schulenberg, 2007). While not many studies have examined type of revocation specifically, the present study reveals that when female probationers are revoked, they are significantly more likely than male probationers to be revoked for a technical revocation. Much like the reasoning for older probationers receiving more technical revocations, female offenders may have schedules that are more inhibited by children or other family obligations and therefore it may be more difficult to abide by the conditions of their probation. Although as females have been found to offend less than males, it is not surprising that male probationers would be more likely to be revoked for committing a new offense when compared to female probationers. The multivariate analyses conducted for this study included separate models for males and females. Different variables
were found to significantly affect the chance of revocation being technical in nature. Female probationers who had not completed high school and those female probationers who were not property offenders were found to be significantly more likely to receive a technical revocation. While lack of education is a likely hindrance to completing probation, past research has found that property offenders were more likely to be revoked (Liberton et al., 1992). The non-property offender category included drug offenders and violent offenders. Perhaps substance abuse has something to do with this category being more likely to receive technical revocations in that if female probationers cannot pass urinalysis testing as per their probation conditions or successfully complete drug treatment, they would receive technical violations leading to a technical revocation.

As for race, white probationers were significantly more likely than non-whites to receive a technical revocation. This finding is contrary to past studies which have found non-whites to be more likely to receive a technical revocation or have found no appreciable difference between probationers of different races (Clarke et al., 1988; Gray et al., 2001; Irish, 1989; Morgan 1994; Olsen & Lurgio, 2000; Roundtree et al., 1984). Studies such as the one conducted by Tapia and Harris (2006) have looked more specifically at Hispanic probationers. For this study, Hispanic was not a race/ethnicity category specified by the department when entering the data. Perhaps future research could examine Hispanic probationers separately to determine their likelihood of being revoked for a technical revocation.

One finding that was found to be in conjunction with prior literature on this topic was that those probationers who had not completed high school were more likely to be revoked for a technical revocation. Previous literature has concluded that probationers who had completed high school or received a GED were less likely to have their probation revoked (Gray et al., 2001;
Irish, 1989; Landis et al., 1969; Morgan, 1994; Roundtree et al., 1984; Sims & Jones, 1997). The current study only examined probationers who had already been revoked, but there existed a clear distinction between probationers who had received a high school degree or equivalent and those that had not. Although having or obtaining a high school diploma or equivalent is a mandated condition for all probationers, increasing the focus on education should become a priority.

Suggestions for Future Research

Increased research on the study of probation outcomes and specifically on technical revocations is needed. There are many areas for future researchers to examine related to this topic. Based on the multivariate analyses conducted for the present study, it seems that there are many variables not included in the study that play a role in whether a felony probationer will be revoked due to a technical revocation or due to a subsequent offense.

Future research could examine the differences between those probationers who are successful and those who are revoked due to a technical revocation. As all of the felony probationers in this sample were revoked, there is no comparison to probationers who successfully completed probation. Additionally future research could examine the variables age and race more closely. As Hispanics represent a growing population, studying these probationers separately may be important. Also, while past studies have found that younger probationers are more likely to be revoked, the present study found that the average ages of those revoked between the years 2008 and 2009 were 31 for males and 33 for females. Future researchers could examine age more closely to see which age range is most at risk for certain types of revocations.
Most importantly future research should examine the importance of criminal justice decision makers and how they impact the likelihood of probation outcomes. Future research should examine characteristics of officers and judges. For example, future researchers could determine if length of time as an officer, size of caseload, supervision philosophy and other variables impact the likelihood of revocation and specifically the likelihood of technical revocation. It could be that one officer is significantly more likely to revoke a probationer’s sentence of probation for a technical violation than another. Past research has found that even those probationers who completed probation successfully had technical violations at some point during their sentence (National Association of Criminal Justice Planners, 1990). It was up to the officer’s discretion as to whether these violations would lead to a revocation. Placing a measurable value on events in which there exists varying degrees of subjectivity is always difficult. There also exists an informal level of understanding between the judge who presides over the court where the probationer was sentenced and the field officer who is responsible for monitoring offenders placed on supervision by that judge. Each judge has their own philosophy of how they think the law should be handed down. There are some judges who are more lenient while there are others who are stricter. It would be easy to imagine these diverse personalities existing throughout the criminal justice system in different states or different regions within the same state, but these incongruities take place even within the same county. An interesting direction that future researchers may want to examine is officer characteristics and which court the probationers originated from. This information combined with the variables within the current study of revoked felony probationers may yield more insight into what case or individual characteristics make a technical revocation a more likely outcome.

Conclusion
Probation has increasingly become a relief valve for correctional systems within the United States. As the goal of rehabilitation and the focus on reentry and reintegration of offenders continues to impact correctional practice, offender populations under community supervision will continue to increase. With those goals in mind, the success of offenders on probation is of utmost importance because if they are not successful, the alternative is to serve out the remainder of the sentence incarcerated. As this result defeats the purpose of the original community supervision sentence, it is important to understand the factors that impact success or failure on probation. It is also important to understand the different ways which offenders may fail and what impacts these specific types of failure. As technical revocations make up the majority of revocations, it is important that future researchers and practitioners alike work to understand the process of technical violations leading to a revocation and what factors may impact this process. The present study was a first step in this direction. There are many other questions to be answered which future research can address. Through more research and evidence driven policies and practice, it is hoped that more and more offenders can be successful on probation. This is an outcome that is best for offenders, community supervision agencies, and communities at large.
APPENDIX

IRB APPROVAL FORM
October 15, 2010

Ashley Blackburn  
Department of Criminal Justice  
University of North Texas  

RE: Human Subjects Application No. 10437  

Dear Dr. Blackburn:  

In accordance with 45 CFR Part 46 Section 46.101, your study titled “Examining Community Supervision Revocations: Technical Violations vs. New Offense Violations” has been determined to qualify for an exemption from further review by the UNT Institutional Review Board (IRB).  

No changes may be made to your study’s procedures or forms without prior written approval from the UNT IRB. Please contact Sheila Bourns, Research Compliance Analyst, ext. 3940, if you wish to make any such changes.  

We wish you success with your study.  

Sincerely,  

[Signature]  

Patricia L. Kaminski, Ph.D.  
Associate Professor  
Chair, Institutional Review Board  

PK: sb
REFERENCES


[http://www.d pca.state.ny.us/352r.html#1](http://www.d pca.state.ny.us/352r.html#1) doi


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