

Shock probation in the us correctional system



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Abstract

In an effort to reduce prison overcrowding and recidivism rates state legislators devised a new and innovative plan called shock probation. Fearing that a lengthy sentence given to a first time, non-violent offender may drive him/her to a life of crime; the program would give an inmate the ability appeal their case to a judge. Once the inmate's case is heard and if the appeal is accepted, the sentence could be reduced from years to months. In late 1965 Ohio became the first state to enact this new program, other states such as Alabama, Texas, and Kentucky would soon follow. Believing that the first few months of one's prison sentence is the worst, law makers wanted to use this mentality in order to rehabilitate an individual to societal norms and lower the rates associated with re-offending. Recently shock probation has been used in conjunction with prison boot camp programs, where an inmate has a reduced sentence upon completion of a military-style boot camp. The controversy surrounding shock probation lies in the manner in which it is handed down. During the programs infancy it was common for judges to refuse 10 cases for every 1 case they accepted; now even the most violent offenders are being released under this statute.

The Role of Shock Probation in the United States Correctional System

A Review

The overcrowding of the United States Department of Corrections prison system, in both adult and juvenile facilities is one of the biggest problems facing corrections today. The problem exists on multiple levels including the courts, prisons, and community corrections alike. When questioned judges

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agree that the numbers are high but are forced to use programs as a means to alleviate overcrowding in jails and prisons; in many cases the state mandates these conditions leaving judges little ability to enforce harsher punishments. Often prosecutors have used shock probation as a bargaining chip in order to get defendants to plead guilty. Shock probation enjoyed early success; Ohio saw a 9% recidivism rate compared to the national average of 65 to 80 % (Time , 1973). However, more recently in a 2007 study done by the Courier Journal of Jefferson County, Kentucky found that of 260 shock probationers 120 have arrested or charged again. Of those charged more than 60% were for felonies such as rape, armed robbery, drug possession, and murder. This review examines the effectiveness of shock probation and examines the following issues.

1. Recidivism rates.
2. Economic impact, prison versus probation.
3. The impact of shock probation when paired with prison boot camps.

Recidivism Rates

One of the problems facing shock probation today is the way it is handed down. In fact nearly two thirds of felony offenders who received shock probation last year have been rearrested or returned

to prison for violating the conditions of their release (Mark Motivans, 2010).

These statistics would indicate the program doesn't work or it is being handed down to the wrong people. In most cases a subject's criminal history is reviewed by a judge before determining whether they would be deemed a

good candidate under the shock probation program, preferring they don't have a long prison term to serve. John Faine, a Western Kentucky University professor who studied shock probation in the 1970's said " the statistics concerning recidivism are horrifying and out of control, especially given the amount of offenders committing felonies" (Riley, 2007). In a similar study done by the U. S Department of Corrections found that when shock probation is handed down to non-violent offenders under the correct conditions there is just a 9% re-offender rate; this is in support of the 1973 Time Magazine study. However, in a case involving a probationer of the Kentucky penal system was released in 1998 under the conditions of shock probation only to have it revoked five days later. He would serve another two years (all on drug charges) before returning to prison again in 2001 and in 2003 and yet once more last year only to have shock probation handed down a second time in his release(www. e-archives. ky. gov). It is clearly evident that if programs like this are going to have any success treatment programs and drug counseling are needed in follow up to the release of these cases.

Sentence types for offenders sentenced in criminal cases terminated, by offense,

October 1, 2007-September 30, 2008

Total offenders

Most serious offense of conviction sentenced Incarceration Probation

All offenses 82, 823 77. 9 % 11. 7 % 3. 4 %

Felonies 75, 832 83. 9 % 8. 9 % 0. 4 %

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Violent offenses 2, 442 93. 4 % 4. 5 % 0. 1 %

Drug offenses 26, 323 91. 7 % 3. 9 % 0. 3 %

Trafficking 26, 198 91. 8 % 3. 8 % 0. 3%

Other drug offenses 125, 492 62. 4 % 28. 0 % 4. 0 %

Note. The statistics on criminal cases show the overwhelming number of incarcerated drug offences as opposed to other crimes. The statistics are from Mark Motivans, Ph. D. (2010). Federal Justice Statistics, 2008- Statistical Tables. Office of Justice Programs. Bureau of Justice Statistics. Retrieved from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1745> .

Economic impact, Prison versus probation

Only Medicaid has a greater budget spending plan than the United States Correctional System which outspends both transportation and education. Even with a decreasing crime rate the number of people incarcerated, on probation, or paroled has risen over the past decade commanding a budget of more than 47 billion to accommodate the numbers (Solomon Moore, 2009). Each State spends on average of \$29, 000 on prison inmates as opposed to \$1, 473 on probationers and \$3150 on those on parole (Mark Motivans, 2010). The average daily cost to the tax payers is about \$3. 00 a day to monitor a parolee; however, state legislators still push for more prisons despite the significant difference in cost; in their view the only way to address the public demand in combating crime is to build more prisons. Recidivism rates remain high despite the budget of the correctional system. <https://assignbuster.com/shock-probation-in-the-us-correctional-system/>

The decision to sentence an offender to long term incarceration has to be thought carefully, too often it is the drug crimes that clog jail and prison cells.

The amount of case loads that are being handled by parole officers can sometimes exceed 70 (Cook, 2008) at one time, and despite recent cutbacks, state and localities are not allocating the proper funds or staffing needed to provide adequate supervision. Offenders who do not receive proper supervision are more likely to commit new crimes with new victims or will be found in violation of the conditions of supervision, in turn will fill court dockets and ultimately prisons (Cook, 2008). With community corrections lacking sufficient increases in funding, keeping pace with the demands for services such as drug treatment and employment will be extremely difficult.

The impact of shock probation when paired with prison boot camps.

The first boot camps got their start in the states of Georgia and Oklahoma in 1983 (Harold A. Valentine, 1993). A great deal of attention was paid to these states programs and many other states and prison systems followed suit.

The federal Bureau of prisons also invested in a separate boot camp designed especially for women, and by the year 1999 fifty boot camps operated in thirty states with nearly 4500 juveniles; however, by the end of 2000 many states had ended or radically cut back the size of their programs (Parent, 1997). During the height of boot camps success strict requirements were placed on the selection process and the eligibility of those selected and was carefully evaluated prior to being sent there. Positions in the program were often offered to offenders convicted of non-violent crimes such as drug

offences or burglary and to those with non extensive criminal past. Using the shock probation format a camp generally lasted between 90 and 180 days (Parent, 1997), those dropped or expelled from the program were either sent back to court for resentencing or finished the prison sentence. Upon successful completion of the program inmates are treated to a graduation ceremony in which military drills and discipline are displayed, and in most cases the families are encouraged to attend.

Shock probation in the form of boot camp may all share a common name, corps values, and the basics of military discipline; however, the programs can differ dramatically. Some camps focus on hard labor and discipline while others place values on rehabilitation and treatment; still others place the center of priority on education. Different still are the ways offenders receive probation after the completion of the program, some provide drug treatment, vocational counseling, others provide short term housing (Parent, 1997). Whether the offender experiences an extensive probation or a traditional case, critics of boot camps worry about the offender's ability to transition from a highly structured environment to normal life in the community.

When beginning this project I was not a supporter of either shock probation or correctional boot camps; however, in reading the testimonies of people that study and work in them I couldn't help but feel some sense of what was trying to be accomplished. Reading the stories of those who dedicate their lives in an effort to give a youth a better chance or an adult to correct the wrong in their life put these programs in a different light. The aspect of these programs that is so disappointing revolve around the recidivism rates, and <https://assignbuster.com/shock-probation-in-the-us-correctional-system/>

the disappointing figures by the U. S Department of Justice 60 to 80% when compared to regular prison terms that are almost the same at 63 to 71%. Shock probation and correctional boot camps will remain a controversial issue in the prison system; however, the fact remains, overcrowding and improper rehabilitation continue to plague the system.