

Lecture 13: Probation and Institutionalization

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Probation and Parole/Aftercare

- **Probation:** conditional release in community under the supervision of probation officer
 - a **SENTENCE** imposed by a judge
 - allows juvenile to remain in the **COMMUNITY**
 - but her freedom is **CONDITIONAL** (law + rules)
 - and she is **SUPERVISED** by probation officer
 - Juvenile court orders probation in **58% of cases** (58% person, 59% property, 59% drugs; 54% other)
- **Parole or aftercare** is supervised conditional release from an institution.
 - decision by **corrections or social services**
 - tied to indeterminate sentence

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Classic PO Supervision Typology – still true? (summary by Burfeind & Bartusch)

		EMPHASIS ON CONTROL	
		Low	High
EMPHASIS ON REHABILITATION	Low	<i>Service broker</i>	<i>Rule enforcer</i>
	High	<i>Therapeutic caseworker</i>	<i>Moral reformer</i>

- **Current functions of probation officer**
 - **Supervise (control) & assist (rehab) probationers**
 - **Intake screening**
 - **Prepare PSI/Social History**

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Probation v. “ISP”

- **Intensive Supervised Probation (ISP)**
 - small caseloads (12) + matched officers
 - “Intermediate sanction” (between ...)
 - Potentially tough but cheap, often combined with electronic monitoring, urinalysis, restitution, etc
 - Evaluation? No difference between ISP and institutionalization in police arrests, but higher rates of revocation (Lerman 1975; Sherman 1998)
- Lane et al (2007): ISP self-report experiment
 - High services (MH/CD; family, recreation, Todd Clear’s restorative “Corrections of Place”)
 - Treatment 68% new violent crime; Control 56%
 - Few other differences w/ regular probation
 - Sample mostly male and Latino, age 17-
- “Intensive Aftercare Model” for parole
 - May be more promising, esp. for 1st offenders

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Institutionalization

<https://www.ojdp.gov/ojstatbb/ezacjrp/>



- “detention” versus “commitment”
 - Detention: held as case is processed (36%)
 - Commitment: court-ordered to institution (64%)
- **37,529 youth in residential placement in 2018**
 - 38% local; 35% state; 27% private
 - Offense: 41% violent; 22% property; 5% drug; 12% public order; 16% technical violations; 4% status
 - Race: 41% African American; 33% White; 21% Hispanic; 2% American Indian; 1% Asian
 - Gender: 85% male; 15% female (36% of status)
- MN: 675 youth (1947 in ‘01)
 - 33% private, 85% male
 - Offense: 41% violent; 22% property, 4% drug; 16% public order; 13% technical; 4% status
 - Race: 42% African American; 35% White; 7% Latino; 10% American Indian; 2% Asian; 4% other

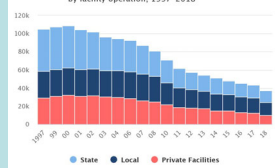
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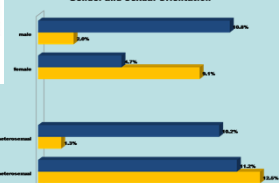
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Juvenile Decarceration: 50% drop since 2000 in US & MN

One day count of juveniles in residential placement facilities, by facility operation, 1997-2018



Sexual Victimization in Juvenile Facilities by Gender and Sexual Orientation

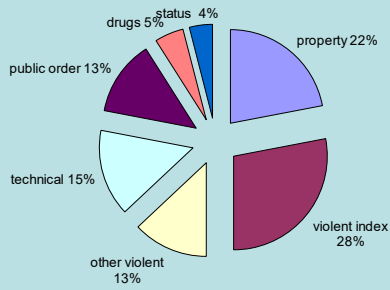


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juveniles in institutions, 2017



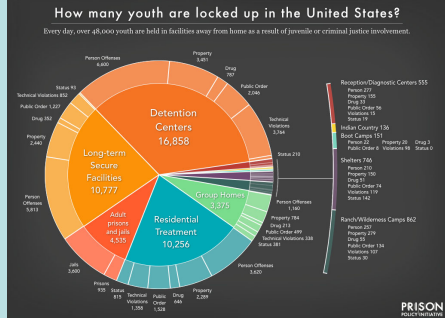
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Prison Policy Initiative (Sawyer 2019)

<https://www.prisonpolicy.org/reports/youth2019.html>



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How effective are institutions in reducing delinquency?

- **MNDOC (adult): 35% felony reconviction in 3 years, 25% reincarceration**
- **No comparable national juvenile recidivism data, but 55% rearrested in first year (Snyder & Sickmund 2006)**
- **Red Wing ('95 LAB): 91% had adult records by 23, 69% imprisoned (But! Selection)**
- **EJJ: Extended Juvenile Jurisdiction**
 - Juv Ct imposes adult & juvenile sanction (to 21)
 - adult sentence is suspended pending violation/revocation (prosecutor may designate for murder or file motion for any felony)

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Recidivism vs. "Suppression"

- "Suppression effect" =
(#arrests before - #after) / #before
 - "everything works" over time
 - In early Provo study: Institution suppressed 61%; community 69%; Replicated in Silverlake, 72% vs. 73% in community
 - Why does rate almost always drop after treatment?
- Cost factor
 - ~\$285/day per diem at Red Wing
 - "Intensive" aftercare is cheaper, but may lead to technical violations.

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What about Incapacitation? Wolfgang's *Delinquency in a Birth Cohort*

- 6% of boys in 1945 Philadelphia birth cohort did 52% of offenses (18% of police contacts)
 - Incapacitation: remove opportunity for crime by institution (or death). Punish for FUTURE, not past
- If we locked up **everybody** after 1st arrest, we would prevent 66% of offenses. Why not?
 - Half never do another; We can't predict recidivism well; Very expensive; only 10% are "personal index"
 - 1958 cohort: 7.5% had 61% of police contacts;
 - Incapacitation after 3 contacts would prevent 43% of offenses, but would lock up 28% unnecessarily
- A few chronics do a lot of delinquency, but we can't fairly and reliably identify them
 - too many errors, too costly
- Conclude: Reserve institutions for serious (violent) offenders with long histories
 - too many errors, too costly

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Gendrau's "Effective Correctional Intervention"

- Core Principles
 1. Organizational culture
 2. Program Implementation & Maintenance
 3. Management/Staff Capabilities
 4. Criminogenic Risk/Need Assessment
 5. Program: Systematic, Responsive
 6. Core Correctional Practice:
 - modeling, reinforcement, problem-solving, cognitive change, effective authority, relationship practices, motivational interviewing (p. 428)
- Saving Rehabilitation?

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Abolition? (Bowman 2018)

- **Myth of progress and Weberian processes of rationalization, bureaucratization, and formalization**
- **Myth of the “juvenile”**
- **Harms of a carceral juvenile system**
- **Envisioning alternatives**
 - Use of adult system for most serious
 - Decriminalization for less serious

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Barry Feld (1998) of MN law: abolish the juvenile court?

- **Shift from a “nominally rehabilitative social welfare agency into a scaled-down second-class criminal court for young people.”**
 - Kids get neither therapy nor justice
 - Substantive and procedural convergence with adult system
- **Alternative: An “age discount”**
 - Youth as a mitigating factor
 - 14 year old gets 25-33% of adult time; 16 gets 50-66%; 18 year old gets 100%
 - Merits? What about 50-year-olds?
- **Today, juvenile court is being extended to older kids – emerging adults, 16-25**

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abolition breakout

- **Some scholars (e.g., Barry Feld) suggest we consider abolishing the juvenile court and give “age discounts” in adult court instead. Others (e.g., Bruce Western) suggest extending the age of juvenile court jurisdiction to 21 or 25. Explain the rationale for each position and identify 3 reasons for supporting either:**
 - A. Abolition with age discounts
 - B. Young adult courts
 - C. Maintaining status quo but with other specific reforms (you identify the reforms)

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next

- [Week 14 - 12/8 & 12/10 Conclusions, Class Discussion, and Review](#)
- **A. Institutionalization and Conclusion**
- **Richard Rosenfeld and Steven F. Messner. 2014. "[A Social Welfare Critique of Contemporary Crime Control](#)." Pp. 155-70 in *Crime and the Punished*, edited by Douglas Hartmann and Christopher Uggen. New York: WW Norton.**
- **Rios, Conclusion. "Toward a Youth Support Complex." Pp. 157-167.**
- **12/15 - Review and wrap up**
- **12/17 - 2nd Exam due**

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