

What Are the Costs and Benefits of Probation?

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Probation is an elastic sanction, and one that occurs in the community. The elasticity of the sanction means that it can be tailored to an individual based on the risk and need factors, as well as the severity of the offense. Probation, unlike incarceration which is defined by total restrictions of liberty, can use the tools of supervision to achieve various degrees of liberty restriction. The flexibility of the sanction is a benefit but the costs related to supervision depend on the degree to which the program features are proportional to the offense, are parsimonious, reinforce citizenship, and affect social justice. This chapter reviews the costs and benefits of community sanctions that affect the justice system, the individual probationer, and the community. In total, probation has a number of attributes, but the consideration of these costs and benefits is important as systems are further developed and probation emerges as a preferred sanction.

As a community-based vehicle for sanctioning offenders, probation offers a three-pronged arena of impact: to the justice system, to the

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individual offender, and to the community at large. Costs and benefits are incurred in each domain, and sometimes the costs and/or benefits in one arena may have a counter-impact on another. It is critical to consider each domain separately, but also their collective impact in terms of the proportionality of the punishment, the parsimoniousness of the punishment, the impact on the citizenship rights and roles of the individual, and social justice. These are the financial and human costs and benefits associated with probation. The competing demands between costs and benefits support the expansion and use of probation. The fiscal costs are generally lower than facility-based punishment systems (i.e. prison and jail which require 24-hour services, food, residence, etc.). The human costs to the individual and the family are also reduced compared with facility-based punishments. This is not to say that there is not a cost to providing probation services, but the types of costs vary from other punishments. The same is true for benefits.

Probation is practiced differently around the world, which reflects another type of elasticity. Probation is compatible with restorative justice, rehabilitation, alternatives to incarceration, retribution, and incapacitation. In some jurisdictions, it is viewed as either enforcement (monitoring conditions assigned by the court) or social work (service provisions), or something between these divergent positions. Or it can be considered as an opportunity to address the harms from the crime through either restorative justice or reparations. The flexible nature of probation means that the sentence may vary within a jurisdiction, but will certainly differ between jurisdictions. For example, in Sweden the emphasis is on community service for many offenders whereas in Scotland probation officers operate under a social work framework.

The favorite framework for probation now encompasses the Risk-Need-Responsivity (RNR) model, which is a hybrid approach. The RNR framework seeks to tailor responses to the risks to public safety from an individual while addressing the criminogenic factors that drive offending behavior or destabilizing factors or life situations that affect one's stability in the community. This approach blends the enforcement and social-work approaches with greater attention to individualized needs. Under the RNR framework, the role of the probation officer is to focus on cognitive restructuring as part of the probation process. This allows

for greater attention to achieving the sentencing goals and the requirements of supervision. The RNR supervision framework has considerable flexibility in being shaped to an individual person and their individual circumstances, which permits this model to be practiced in various ways (see Taxman 2008; Drake 2012).

In the United States, the National Research Council (2014) established a set of principles that should be considered in thinking about the appropriateness of penal severity. These principles are that sanctions should be proportional to the offense, that they should be parsimonious to address the offense and the characteristics of the individual, that they should promote continued citizenship (for moral rehabilitation), and that they should address social justice. Taxman and Rhine (2015) developed five markers that define the probation sentence to assess the key features of sentences and to provide a comparable way to describe probation sentences. In this chapter, we will use the NRC principles and Taxman and Rhine's markers as a means of articulating the costs and benefits of a probation sentence to the justice system, the individual, and the community (society) at large. Assessing the value of probation across these domains is important in appreciating the potential that can occur from shifting our focus from incarceration as the preferred sanction onto community sanctions such as probation.

The following discussion of costs and benefits of probation must acknowledge the tremendous range in how probation is practiced. It must recognize that there are both fiscal and human costs and benefits that will differ depending on how probation is practiced. Our discussion below will identify the factors that weigh into considering costs and benefits given the versatility of probation. The goal of this chapter, however, is to illustrate the costs and benefits under various scenarios in order to further highlight how probation can achieve different sentencing goals and societal purposes, and be a valid sanction.

The Costs and Benefits to the Justice System

Probation is principally elastic. As a sentence, probation occurs in the community, under varying periods of time and requirements. Probation is

ordered by the sentencing judge or court, with the conditions and requirements determined by the judge. It is assumed that the sentencing goals—rehabilitation, retribution, deterrence, or incapacitation—define the nature of these conditions and requirements. With the concern about citizenship and social justice, the integration of the RNR framework into punishment goals positions sentencing to facilitate the process of transitioning a justice-involved individual into a non-offender status by reintegrating the individual into society as a contributing, law-abiding citizen. Desistance restores both the individual and the community. The conditions that are attached to probation articulate the judge's punishment preference. However, it is important to realize that the experience of probation combines the sentencing goals and the many requirements of probation embedded in the agency administering probation. For example, if a sentencing judge focuses on incapacitation but the probation agency uses community service (restorative justice or payback), this may or may not be consistent with the judge's goals for the sentence. These discrepancies are part of the problem of probation being a court-ordered sentenced punishment but one administered by agencies that may have different goals. Overall, it is important to consider probation as a frame that can be adjusted to fit the individual, the convicted offense, and the needs of the community.

The justice system can use probation to foster goals of desistance by focusing probation conditions around factors that will allow the offender to repay society, address factors that contribute to offending, and allow the offender to obtain new skills (i.e. education, employment, parenting, etc.) to contribute to society. The flexibility of the probation sanction—as either a stand-alone sentence or as a platform (frame) to add components pertinent to the factors that affect offending behavior and can expedite desistance from a life of crime—is an asset. Taxman and Rhine (2015) identified five markers that define the probation sentence, and this framework provides the means to assess benefits and/or costs to the justice system: (1) the mission and goals of probation within a framework for various purposes of sentences and punishment; (2) the length of supervision terms; (3) the intensity and restrictiveness of conditions of supervision; (4) the extent to which formal treatment programming is coercive rather than voluntary; and (5) the consequences of breaches or violations of probation. Each marker has associated benefits and costs.

The elasticity of probation is both a blessing and curse. The blessing is that it can be molded to individual needs and situations, and it can reflect the sentencing judge's perception of the goals of punishment. Punishment, and its various intrusions and restrictions, should never be greater than the offender's culpability and the gravity of the offense (Tonry 2006). This earmark of proportionality and parsimony that defines legal principles is a guiding post not only for the mission and goals of a sanction for a criminal offense, but also for the administration of probation. Probation, by definition, should reflect these legal principles, which means that the conditions of probation should be constrained to only address liberty restrictions that are needed to appropriately punish the person, regardless of whether the goal of punishment is for rehabilitation, retribution, incapacitation, or deterrence. These various forms of punishment do not justify increasing the harshness of probation, but they do demand that the sentencing goals be articulated through probation (and therefore the components of punishment). The challenge in most probation systems is to be parsimonious but also purposeful—to ensure that the sentencing goals are appropriately achieved.

McNeill (2012) recognizes that it is difficult to disentangle the goals of punishment and rehabilitation; both operate under various disguises, and can be considered from various angles—psychological, judicial, social, and moral rehabilitation—which demonstrates that rehabilitation is similar to punishment in various different ways. Psychological rehabilitation refers to the typical correctional rehabilitation where the emphasis is on changing and/or restoring the offender for the purpose of addressing deficits or problems. Judicial rehabilitation refers to offsetting the criminal record with efforts to reintegrate the person back to society. Moral rehabilitation refers to addressing the harm done to the victim (community) to assume a “restored” position in society. Building on these other forms of rehabilitation is the social recognition and acceptance of the reformed, corrected person back into the folds of society. This analysis of rehabilitation as a goal of sentencing illustrates how intertwined the goals of sentencing are in terms of maximizing the benefits of community sanction. But it also shows the various forms that rehabilitation can take, some of which are similar to other goals of punishment.

Length of Supervision In practice, probation varies considerably around the globe. As mentioned earlier, a major factor that defines probation is the length of the time under state control. The probation sentence is flexible—generally defined by the court but sometimes defined by administrative procedures. The length of time under supervision is considered a marker for a more onerous sentence—shorter periods are typically reserved for less-serious offenders and/or offenses while longer periods signal that the individual, owing to the nature of their offense and/or their history, is deserving of longer terms of control by the state. The length of supervision is usually reflective of overall sentencing practices within a jurisdiction, region, or country. In some countries the length of supervision may be defined by legislative bodies, while in others the length of supervision is up to the sentencing judge. As a marker of individual “costs,” the length of supervision is the degree to which the state maintains control over an individual. The benefits from this time under social control are that the individual can make progress on personal goals, and that they can benefit from the services and requirements of probation. A community sanction does not affect the citizenship rights or responsibilities of the individual, which is the earmark of an important punishment system (National Research Council 2014).

Probation Frame as Determined by the Intensity and Restrictiveness of Conditions of Supervision Probation is essentially an open frame where unlimited restrictions can be placed on an individual. This creates a flexibility to tailor the community sanction to the individual, but it also creates a challenge regarding the degree to which the requirements are onerous. The cornerstone of the requirements is the face-to-face contact between the officer and the individual probationer. This is the main cost of being on probation—having an officer to report to—but it can also be a benefit if the two individuals have a mutual and trusting working relationship. Liberty restrictions are basically the degree to which the demands for supervision affect the physical movement, financial resources, and psychological demands on the individual. Over the last three decades, sophisticated technological tools became a larger part of the landscape of probation strategies, contributing to increased monitoring, surveillance, and individual control. The emergence of these tools reflected the need to have more evidentiary and objective data to

document the probationer's progress, while simultaneously expanding the use of technological (and non-officer-based) tools to restrict the liberties of individuals. The application of different technologies has provided the ability to expand supervision "outside the office" or beyond physical walls. It has also used persuasive strategies to impact individual behavior.

Examples of the technological tools include drug testing (biological), electronic monitors (geographic or spatial), and treatment interventions (psychological). Drug testing, which requires a physical sample of urine, blood, saliva, or sweat to detect any drug use, emerged in the late 1980s as a technology that probation and parole agencies could use to obtain evidence on whether the individual is engaged in the use of illicit substances. Drug testing policies vary considerably across agencies, especially as the technology for drug testing continues to evolve. Some agency policies require the court to specify the conditions under which an offender can be drug-tested, yet others allow the probation agency to freely use the technology without the permission of the court. Many agencies drug test on a set schedule, while others use random testing procedures. Another area associated with the increased adoption of technology for enforcement purposes is the reliance on electronic monitoring, or geographical positioning satellite (GPS) devices, which can either restrict offenders to a given area close to the monitor or track the path of their movement. The geographical tools create "walls" for the individual given the restrictions. Since they are visible (i.e. the person must wear the anklet), the status is known.

The growing reliance on the imposition of financial penalties as a condition of supervision presents not just a punitive dimension, but a liberty restriction too. Alongside the requirement to pay restitution to the victim or a general fund for victims, it is not uncommon for some agencies or punishment systems to levy a supervision fee for being on probation. For some organizations, additional costs can include fees for drug testing, electronic monitoring or GPS, treatment participation, or other mandated conditions of release. In addition, the use of probation fees (as a revenue source) essentially requires that offenders pay for their punishment. This is qualitatively different from the concept of restitution that is directed at repairing the harm caused by the crime that was committed. Instead, probation fees exact a restriction on the individual by limiting

their “disposable” income when on probation and imposing a strain on the individuals affected.

Use of Formal Programming Whether Coercive or Voluntary Another feature of supervision that is attractive to judicial systems and punishment systems is the use of educational and treatment programming (as part of personal rehabilitation) and community service (as moral rehabilitation). In some systems, a condition of supervision frequently requires individuals to participate in a myriad of community service and/or treatment programs. Associated with efforts to hold offenders more accountable, community service requirements have increased as part of efforts to repay the victim or the community. Community service focuses on the offender repaying the community for the offense by “giving back” through manual labor to correct a community-based problem such as cleaning parks, painting public areas, working in a nonprofit agency, and other similar venues. More traditional, treatment-type activities include drug or alcohol treatment, mental health treatment, sexual offending counseling, and provision for other types of services. Within the evidence-based treatment field, certain types of treatment programming are recognized to be more likely to facilitate reductions in recidivism. This includes therapeutic communities, cognitive behavioral therapy, contingency management (incentivizing the individual), and behavioral management. Some of the programming is geared to address the risk and need factors that individuals present. Educational programs are designed to address general education deficits (e.g. reading, writing, science) while the individual is under supervision.

Many of these programs feature both rehabilitation-type services as well as accountability. And, over the last two decades, more technological tools of drug testing and monitors are used within programming to ensure that the individual is maintaining the requirements of the sentence, such as being drug- and alcohol-free, attending programs, making clinical progress, and so on. The coupling of treatment and control to define a correctional program is built on the premise that a formalized program structure will define the sanction in a manner that differs from standard face-to-face probation contacts or referral to services in the community. This way treatment and sanctioning are intertwined. This places an additional burden on the individual because the probation officer is more keenly aware of their progress, but it has the added benefit of

ensuring that treatment is part of the requirements. These efforts, which at their core represent coerced treatment models, embrace the “spirit” of confinement and accountability by imposing a greater breadth of penalties and structure, signaling that the individual is being punished (as compared with treated). The benefits of programming are that it provides the opportunities to address deficits or to advance individuals’ skills, but the costs are the potential psychological drain that occurs from knowing the consequences of program failure.

Consequences of Breaches or Violations of Probation An important component of the impact of community sanctions is how breaches or violations are addressed in the system. The failure to meet judicially ordered conditions is a violation of the sanction, and therefore systems need to have some means to address these breaches. Many jurisdictions pursue revocations to address violations of the conditions of supervision. The failure to comply with mandated judicial conditions is often viewed as being as severe as a new crime event. Probation agencies, as well as the judiciary, see such violations or breaches as willful disobedience to abide by the law. More importantly, since probationers are viewed as “wards of the state,” the failure to comply with the orders is considered serious because it undermines the credibility of probation. A major theme is that the responses to these breaches need to be swift and certain, and that this will enhance compliance. Probation officers have been steadfast in reinforcing the need for the judiciary to be more punitive in responding to supervision violations, mainly as a means to reinforce understanding that being on probation is a sanction and a privilege. When the privilege is perceived as being abused (by non-compliance), the probation officers often seek the ultimate penalty of incarceration. A true consequence of the community sanction is the possibility of being further punished if the individual probationer does not fulfill the requirements of the sanction. This adds to the costs of the community sanction because the individual knows that the stakes are higher—failure in the community can result in more punishment and maybe even reinstatement of the original sentence of incarceration. This places a high burden on community sanctions.

In summary, the costs of probation are as diverse as the benefits. A lot depends on the nature of the individual and the characteristics of the sanction. It is important to recognize that the probation components

drive the costs and benefits, and a lot of the benefits derive from the perception of the individual probationer as to the value they place on the components of the sanction. If the benefits appear worthwhile—the individual feels that the programming and requirements add value—then the costs are diminished. If the components are perceived as intrusive, useless, or even out of balance with the intent of the sanction or the severity of the offense, then the human costs may be considered too great. That is, if the “pains of punishment” (see Durnescu 2011) are excessive, then the benefits will not be as appreciated.

While in this chapter we do not discuss the operational costs associated with probation in terms of the overarching purpose of community supervision, it is important to note that these costs exist in addition to the costs discussed here. The probation personnel are cheaper than prison cells given that there is no need to pay for personnel that operate twenty-four hours a day or provide secure physical space to detain an offender. However, overloading the probation personnel with high caseloads can artificially reduce the actual costs of probation. The higher the caseload, the less likely are probation personnel to be able to employ effective practices such as risk management, working alliances to create trust and fairness, case management and service referral, and service provision—and therefore the less likely they are to achieve the goals of the community sanction. That is, probation officers can achieve many of the goals of a sanction if they have sufficient time to address the criminogenic risk and needs of probationers. Other related costs of probation are related to service provision to address the substance-abuse and mental-health issues of probationers, as well as their employment, educational, and other unmet needs. The cost of probation is entirely related to the size of the caseload, and the degree to which the probation officers link offenders to community-based services. The costs are sometimes offset by the related financial penalties such as fines, probation fees, drug testing fees, restitution, and any other court-related costs.

Probation is a penalty that can benefit the justice system without overextending the system in terms of resources. But the system can undermine the ability of probation by overextending the resources available to probation, placing such a burden on probationers that it exceeds the principles of parsimony and proportionality, and by stacking conditions on probationers that intensify the sanction.

Costs and Benefits to the Individual Under Justice Control

For the individual offender, a probation sentence is one that is served in the community. In most instances, the person can live in their own residence with their loved ones. Rarely, probation may require specialized housing such as a sober living environment or halfway house, a short term in jail, or some specialized housing. Being in the community means that the individual has a greater opportunity to fully participate in civic responsibilities such as employment, being a family member, and being part of the community. These civic responsibilities mean essentially that the person does not need to be stripped of their identity or personal responsibilities for their families or network. A clear benefit of the community sanction is that the individual remains in the community and remains active in their own life. They stay in the community while repaying society and/or being punished, thus retaining employment that would be otherwise disrupted by even a short incarceration sentence, continuing to be part of a community social network, and keeping their family intact. Also, the state is not responsible for the basic needs of the individual such as housing, food, clothing, etc.

A community sanction is less stigmatizing to the individual, and offers the potential for them to maintain their own identity. The social identity of an individual is part of their personhood, their definition of their self. Incarceration can have an impact on the individual's identity since it removes the opportunity to be a spouse, parent, child, friend, and so on that are part of a person's identity. However, the ability to be in the community and maintain normal activities allows the individual to maintain the identity of a functioning individual that contributes to the well-being of those around them. This identity lays the foundation for an individual to stay connected to the community, which has an even greater ability to reduce the negative consequences of identifying with being an "outlaw" or a second-class citizen. The maintenance of one's identity reduces narratives of condemnation which present barriers to integration and desistance, and has the potential to increase redemption narratives (Maruna 2001).

Being in the community gives the individual probationer the opportunity to stay connected with traditional and natural community resources

for addressing cognitive restructuring, substance abuse and mental health, and providing employment, housing, and/or educational services that could benefit the person. The ability to participate in community resources, many of which may not be offered by the justice system but instead are offered by the health, educational, or vocational systems, reinforces the individual's being part of the community. While these services may be needed to address criminogenic needs, for the most part they will also be needed by other citizens too. This reduces the barriers to asking for "help" or to using community resources to reinforce an individual's role in the community. Assistance to the individual in linking with and/or participating in services that will improve their quality of life has the added benefit of assisting them to be a better citizen, and to fulfill their role in the normal community. More importantly, while these services may or may not be provided as part of probation (as mandated conditions) they nonetheless offer definite opportunities to the individual.

The benefits of residing in the community, being able to resume "normal" activities, and becoming engaged in community resources are all well recognized. But the crux of the probation process is the face-to-face relationship with the officer. The officer has discretion regarding how performance on supervision is assessed, and the criteria by which an individual can be considered compliant or non-compliant. Having a probation officer, even if it is a layman as in some countries or a social worker as in others, has both positive and negative aspects. The positive stem from the fact that the individual has an "advocate" or someone they can rely upon for assistance. This relationship can enhance someone's quality of life by giving access to needed services or making available resources that may not be at an individual's disposal.

However, an implicit cost in the probation process is this discretion that officers have regarding their role in supervising the individual. Officers and individuals may have different perceptions regarding progress on supervision. For example, an officer may suggest that a person pursue a high-school diploma as a way to improve their life. While this may not be "mandated," the mere suggestion may set an expectation for the individual. If the individual struggles with other conditions of supervision or cannot find a job, this implicit expectation could get in the way of the demands placed on them for supervision. This amounts essentially

to an implicit form of coercion, since the probation officer may, with the authority of the state, make a recommendation to the individual that is similar to an implicit requirement. This is the Achilles heel of supervision, and it is such concerns that are associated with being under supervision.

Another cost of supervision lies in the “pains of punishment.” The nature and type of conditions of supervision may be onerous to the individual, to an extent that will depend on the characteristics of the probation sentence, and the degree to which the sentence includes a number of requirements or conditions. In the United States, it is not uncommon for individuals on supervision to have a series of standard conditions (i.e., do not move without permission from the probation officer, do not associate with others on supervision, do not own a gun, etc.), special conditions (i.e., drug treatment, employment, mental-health services), or fines or fees. Taxman (2012) has referred to such conditions and requirements as forms of liberty restrictions in that they place demands on a person’s physical and financial liberties—they are restrictive. Petersilia and Deschenes (1994), in the mid 1990s, conducted a survey of offenders and found that one-third would prefer incarceration as compared with community punishments because the potential conditions, and the uncertainty of the behavior of probation officers, may have an impact on their degree of success under supervision.

Costs and Benefits to the Community at Large

Probation is a community resource, and in many communities across the globe probation interacts and intersects with other community organizations. The relationships among these organizations is part of the support network in the community since they provide resources to the community’s members. Probation services typically rely on community resources and can contribute to building community-based organizations that meet the broader needs of the community such as behavioral health services, somatic healthcare, gang prevention and resistance efforts, housing supports, employment or vocational services, and social support networks.

Strong probation agencies work hand in hand with other community organizations. These partnerships are designed to increase the resources

available to the community and to address some of the lifestyle factors that may affect involvement in criminal behavior. Probation systems that rely upon community organizations, that build the available community services, or that facilitate the community services for probationers are cornerstones to stronger communities that can meet the needs of their citizens. The community organizations range widely from government agencies to nonprofit organizations including a broad array of natural community organizations such as religious, civic, arts, and community groups. Inclusion of the natural community organizations serves to focus attention on bolstering the individual probationer's recognition that there are resources available in the community to address basic human needs (i.e. food, shelter, employment, etc.). Essentially, the services can provide support to assist probationers to avoid being part of the justice system.

The probationer can play a part in the community through paying fines and probation fees, and through restitution and contribution to other financial resources. These financial contributions are another resource for the community, and may provide additional funding for probation and for services for the victim, as well as more generally. They may be of assistance to the probationer but may also be available to the community at-large. Many community sanctions include community service or other restorative justice components to reduce the harm from criminal behavior (generally to the community but sometimes to the specific victim). Community service programs generally require the probationer to "pay back" for their offending by performing some type of service to an organization in the community. For example, some community service programs require the individual probationer to participate in removing debris or rubbish from parks, beaches, or community common areas, repairing community neighborhoods (i.e., painting, repairing fences, etc.), or in building houses or community centers. While the individuals provide needed labor for these projects, the labor supports the communities by providing resources that may not be otherwise available. In many ways, community service will transform a community by allowing the justice system to contribute to the community. The inclusion of community service as part of probation sentences is to recognize the value of the labor and contributions that individuals can make to address the harms to the community done through criminal behavior.

Community service also illustrates that individuals can positively impact the community through various actions and behaviors that are contributory, and also that these actions and behaviors have the collateral benefits of assisting others. In fact, the inclusion of community service in probation sentences reinforces an individual's role in the community and their identity as a member of the community that provides a valuable resource. Community organizations, both government and nonprofit, are important resources both for the probation service and for probationers since they assist probationers to repay society through community service work.

Probation serves another benefit to the community by providing employment. Probation agencies generally require professional staff that have at least a college degree, and some agencies require a master's degree or specialized certifications (i.e. social work, counseling, etc.). When probation offices are distributed across communities, they provide local employment for professional staff as well as support staff. The probation offices can be used as a local resource for community meetings (such as self-help groups) or the offices can be used to facilitate other government and/or nonprofit resources in an area. When probation agencies are located in areas of high crime or crime concentration, they can serve as part of the crime control strategy. The probation agencies then become a resource for the community as well as a catalyst for other efforts to reduce crime-producing factors.

There is also a cost to communities that have probation agencies in them. The offices can be areas where individuals congregate, which may be undesirable to community residents. This is a part of the "Not In My Back Yard" mentality, with residents fearing that increases in crime rates and plummeting property values will accompany the addition of correctional supervision and treatment agencies in their community (Piat 2000). While residents need in fact have no fears about such agencies bringing with them increases in crime (Boyd et al. 2012), it is difficult to place probation offices in some communities. This cost is driven by the knowledge that a probation or treatment agency is located in a particular community and residents' perceptions that the presence of these agencies will have a negative effect on the community. However, the building of social capital in such an area may also be viewed as a benefit.

Conclusion

In many systems, probation is considered a sanction “in lieu of” incarceration. This essentially means probation is considered an opportunity afforded to an individual or a chance for them to make amends. But it also means that probation is not considered as legitimate a punishment as incarceration. This perception categorizes probation as an inferior sentence. However, given the elasticity of probation, along with the growth in technology and the add-ons of programming to the probation frame, it is possible that probation may actually be the preferred sanction. It is preferred because it has the greatest potential to limit state control over individuals, to be shaped in a manner that is consistent with the severity of the offense and the characteristics of the offender, and to be less costly to the individual, the justice system, and society overall. Assessing the value of probation through the lens of proportionality, parsimony, citizenship, and social justice can assist us to shift our focus on incarceration as the preferred sanction over community sanctions such as probation.

The costs and benefits of probation depend heavily on the nature of the actual probation sentence for an individual. It is clear that the benefits can achieve a greater purpose for the sanction than merely incapacitation—probation does more to promote citizenship and social justice than incarceration. Individuals remain in the community with the same civic responsibilities that they had before the sanction. The individual is less of a drain on society, and their family and community suffer less, with the person maintaining their citizenship and performing in the roles of parent, spouse, and civic member. During the period of supervision, the features of rehabilitation articulated by McNeill (2012)—personal, judicial, psychological, and social—can be accomplished. Each effect on the individual, their role in society, the community and the justice system can be accomplished through probation supervision. The costs to the individual arise from failure to comply with the requirements of supervision and/or to meet its stated (and often unstated) expectations. Some of the costs are attributable to the probation officers who have discretion over the outcome of supervision, depending on the compliance of the individual probationer. The officer could make favorable or unfavorable determinations about the individual and these assessments have an

impact on the outcomes from supervision. While we tend to undervalue the pains of sanctions (see Crewe 2012) and the impact on the individual (Haney 2005), it is the physical and human costs that should be considered in the determination of the value of probation.

Collectively, probation has value as a sanction all to itself. Once it is recognized as a legitimate sanction, the benefits will also multiply in value. The difficulty at present is that probation, in the eyes of the system and the community, is not appreciated. Until it is respected in the same light as incarceration, its benefits will be slow to accrue. These benefits will be to extend the degree to which the justice system and the community obtain more value from supervision—and then individuals on supervision will have a different experience from one of merely managing conditions and instead appreciate the various types of rehabilitation that can be derived from facility-based punishments. The citizenship and social justice features associated with community supervision are more likely to yield greater benefits over time.

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