

VU Research Portal

Suspended Sentences Public opinion, compliance and recidivism

Aarten, P.G.M.

2014

document version

Publisher's PDF, also known as Version of record

[Link to publication in VU Research Portal](#)

citation for published version (APA)

Aarten, P. G. M. (2014). *Suspended Sentences Public opinion, compliance and recidivism*.

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

E-mail address:

vuresearchportal.ub@vu.nl

3

Predicting probation supervision compliance¹³

ABSTRACT

Although compliance in a probation supervision setting is an important topic to examine, little research has focused on the theoretical explanations of compliance. This study incorporates three theories in the aim to explain probation supervision compliance: i.e. deterrence theory, procedural justice theory and therapeutic alliance. This study uses longitudinal data of 95 probationers in two of the largest court districts in the Netherlands to examine the predictors of probation supervision compliance. Regression analyses indicate that not demographics and crime-related characteristics, but deterrence, a procedurally just treatment by the judge and a positive alliance with their probation officer, predict probationers' willingness to comply and registered probation supervision compliance. These findings expand current knowledge on factors associated with probation supervision compliance and have important implications for probation practice and future research in a probation setting.

¹³ Aarten, P. G. M., Denkers, A., Borgers, M., & Van Der Laan, P. (submitted). Predicting probation supervision compliance.

3.1 Introduction

In many Western countries offenders can be placed under probation supervision. While supervised they avoid incarceration and, instead, can stay in their community. In some countries, such as the US, probation supervision is considered an alternative sanction (Petersilia, 1998), while in the UK, supervision forms a requirement of suspended sentences (UK Sentencing Council, 2013). In the Netherlands, similar to the UK, probation supervision is a legal requirement of various suspension modalities, such as suspended sentences, suspension of pre-trial detention under conditions, detention under hospital orders with conditions and conditional early release from prison. For an offender given a suspended sentence with probation supervision, the probation officer formulates an action plan the offender has to comply with. The plan contains specific conditions that are tailored to target the assessed recidivism risks and risk factors associated with the offender's criminal behaviour. Usually it is a mix of control and support activities, such as mandatory treatment (drugs, alcohol, and aggression), behavioural interventions, electronically monitored house arrest or street curfews, urine controls and contact frequency. Furthermore, it states how supervision will be carried out and the responsibilities and obligations the offender as well as the probation officer has during the probation supervision period (Abraham et al., 2007). An offender not complying with the conditions of his probation supervision (i.e. the action plan) may be reported back to the prosecutor's office and could be sent to prison. In this chapter, we focus on offenders given suspended sentences with probation supervision in the Netherlands and examine what factors can predict probation supervision compliance.

Offenders are expected to benefit more from supervision in the community than incarceration, as they avoid the stigmatizing labels of being imprisoned (Bonta et al., 2008). Yet, while probation supervision is increasingly imposed (Glaze, Bonczar & Zhang, 2010; Reclassering Nederland, 2014; UK Ministry of Justice, 2010), its effectiveness remains debatable (Bonta et al., 2008). Studies have shown high failure rates in probation (Taxman, 2002) and there is little evidence that it reduces recidivism (Bonta et al., 2011). Insight is needed into factors that may affect probation supervision compliance for two reasons. First, probation supervision failure is expected to be a significant predictor of recidivism (Lamet et al., 2013). Second, probation supervision relies far more on offenders' compliant behaviour to make it work compared to custodial sanctions (Robinson & McNeill, 2008). As Bottoms (2001) puts it: 'effectiveness and compliance are, in the field of community penalties, topics that are inextricably linked' (p. 89).

What are offenders' motivations to comply with the conditions of their probation supervision? One of the strategies used for securing probation

supervision compliance is the presence of sanction threats (Ugwudike, 2010). If offenders do not comply with the conditions of their probation supervision, their case gets revoked. This instrumental perspective is also known as deterrence theory: social control mechanisms and risk of sanction aim to persuade the rational-choice offender that offending is not worth the risk as the benefits of compliance outweigh the costs of punishment (Paternoster, 2010). We expect that the benefit of complying with the conditions of their probation supervision is more likely to outweigh the cost of the prison sentence hanging over their heads.

However, according to a more normative perspective, people comply with the law, because they feel it is the right thing to do (Tyler, 2006). This personal commitment to law-abiding behaviour can be achieved by treating people in a procedurally just way. When institutions act according to the principles of procedural fairness, it generates legitimacy that allows legal authorities to be viewed as the rightful holders of authority and the law. Furthermore, it strengthens their ability to encourage citizens to obey the law and accept decisions made by these legal authorities (Jackson et al., 2012; Tyler & Huo, 2002). The procedural justice theory by Tyler (2006) ultimately depends on the perceived fairness of the process by which the outcome was determined. In other words, if the decision-maker, such as a judge, treats the offender with fairness and respect, the offender is more likely to accept the sanction and comply with the conditions of his probation supervision. Although evidence favours procedural justice theory over deterrence theory (Tyler, Jackson & Bradford, 2013), both theories are central in this chapter to determine if one or both theories are viable in increasing probation supervision compliance.

A third reason why offenders may comply is the alliance (or relationship) they develop with their probation officer during their probation supervision. It is important to examine this relationship because, as Taxman states (2002: 15): 'Supervision services are built on the framework that 'contacts', or the relationship between the offender and the supervision agent, are the cornerstone to managing and/or changing offender behaviour'. In psychotherapy, the quality of the relationship between a therapist and patient is found to be one of the most important predictors of a (successful) treatment outcome (Gaston, 1990). This therapeutic or working alliance theory can also be applied in a probation supervision setting (Ross, Polaschek & Ward, 2008). There is evidence that how probation officers view and deliver models of probation supervision determine whether these models are effective (Dowden & Andrews, 2004; Skeem & Manchak, 2008; Taxman, 2002). We can expect that if probationers have a good relationship with their probation officer, they are more likely to comply with the conditions of their probation supervision.

These three theories have only occasionally been examined in determining probation supervision compliance but never together. Previous research focused much on individual-related and crime-related characteristics associated with success and failure of probation supervision. These studies have found that gender, age educational level, employment, offence type and criminal history predicted supervision success or failure (Clarke et al., 1988; Gray et al., 2001; Lamet et al., 2013; Morgan, 1994; Olson & Lurigio, 2000; Sims & Jones, 1997). More specifically, young probationers, males, probationers with lower levels of education and those who are unemployed were more likely to fail their probation than older probationers, females, probationers with a higher education and who are employed. Research is less consistent with respect to ethnicity and marital status. Morgan (1994) found no significant relationship between ethnicity and probation supervision failure while Sims and Jones (1997) found probationers from ethnic minorities to be at higher risk for failure. The relationship between marital status and probation failure is also somewhat ambiguous. Some researchers concluded that unmarried probationers had a significantly higher chance of probation failure (Morgan, 1994; Sims & Jones, 1997) while Roundtree et al. (1984) found no significant relationship. Crime-related characteristics, such as a criminal history and probationers convicted of a property offence were also associated with an increased chance of probation supervision failure (Morgan, 1994; Petersilia & Turner, 1990; Sims & Jones, 1997).

Using longitudinal data on a sample of offenders given suspended sentences with probation supervision in two court districts of the Netherlands, this chapter empirically investigates the influence of deterrence, procedural justice and alliance on probation supervision compliance.

Besides offering a useful framework to develop a theoretical understanding and broaden the evidence on probation supervision compliance, this study contributes to the discussion on the effectiveness of probation supervision in two ways. First, most of the earlier studies used cross-sectional data to determine probation supervision compliance (Lamet et al., 2013; Morgan, 1994; Olson & Lurigio, 2000; Sims & Jones, 1997). To our knowledge, this is one of the first studies to use longitudinal data in which a group of offenders was followed during their probation supervision period. Second, because we focus on more general probation supervision characteristics, the results are of interest not only for Dutch probation practice but also for international probation practices.

3.2 Probation supervision in the Netherlands

The mission of the Dutch Probation Service is to make society safer by implementing effective and efficient sanctions and helping to reduce recidivism

by reintegrating the offender into society. Three organizations carry out probation tasks: the Social Rehabilitation for Addicted Offenders (hereafter SVG), the Salvation Army Probation Service, and the Dutch Probation Foundation. The SVG provides care and supervision to offenders with various addiction problems, the Salvation Army focuses on homeless offenders or offenders who are otherwise socially marginalized, and the Dutch Probation Foundation supervises the remaining group of probationers (Van Kalmthout & Tigges, 2008).

The Probation Service plays a role in every phase of the criminal justice process and has four tasks: 1) diagnosis and advice, 2) supervision of suspended sentence modalities, 3) performing behavioural interventions and 4) organization and supervision of community service orders. The most extensive task and central in this study is supervising suspended sentence modalities, such as suspended sentences. The Probation Service supervises compliance of offenders with the conditions of the probation supervision, motivates offenders to comply with the conditions and reports any violations during their probation period (Van Kalmthout & Tigges, 2008). The probation officer meets with the probationer at least once a month to be informed by the probationer on how he is doing and whether he is complying with the conditions of his probation supervision. In case of non-compliance, the probation officer will first reprimand the probationer. When non-compliance continues, the probation officer can give an official warning before contact is sought with the prosecutor regarding possible consequences (possible consequences are revocation, extending the probation period and attaching new conditions to the suspended modality).

In the Netherlands, between 25,000 and 30,000 probationers are under supervision each year (Reclassering Nederland, 2014; Stichting Verslavingsreclassering GGZ, 2014).¹⁴ In 2010, it was reported that 23 per cent failed their probation supervision (Lamet et al., 2013).

¹⁴ This number is an educated guess based on the statistics published on the sites of the SVG and Dutch Probation Foundation. However, it must be noted that the reference year of these statistics differ for both sites. The reference year for the SVG is 2011 and for the Dutch Probation Foundation it is 2012. In addition, no statistics of offenders whose supervision is carried out by the Salvation Army Probation Service are known.

3.3 Theoretical framework on probation supervision compliance

3.3.1 Deterrence and compliance

Deterrence theory postulates that any human action is the result of a cost-benefit analysis and individuals are rational human beings that weigh the costs and benefits of their actions. Regarding offending, a way to shape people's behaviour is providing incentives or threatening with legal punishment (Nagin, 1998). The cost of legal punishment is considered higher than the benefits of offending, resulting in desistance from crime (Paternoster, 2010). There are three factors that dominate this cost-benefit analysis: certainty, severity and celerity (Geerken & Gove, 1975). Certainty refers to the likelihood of legal punishment, severity refers to the punishment's magnitude, and celerity refers to the swiftness of imposing the punishment. Therefore, the central hypothesis is: the greater the certainty, severity and celerity of a legal punishment, the more individual rule-breaking will desist among those sanctioned (specific deterrence) and among those aware of the sanctions imposed (general deterrence). In this chapter we focus on specific deterrence, as our sample includes individuals that were given suspended sentences with probation supervision. In line with this theory, judges hope to alter offenders' behaviour by threatening with imprisonment in case of non-compliance with the conditions of their probation supervision.

Although numerous studies have found that people are less likely to offend when they feel that they might get caught and punished (Nagin, 1998; Nagin & Pogarsky, 2001; Paternoster, 1987; Paternoster et al., 1983), this relationship is considered very weak (Paternoster, 2010). According to Wodahl et al. (2011) deterrent-based strategies are not considered effective as they solely focus on (the threat of) punishment to increase compliance. Only when some form of treatment is included can recidivism be reduced (Aos et al., 2006; Petersilia, 1999). However, in the study of Aarten, Denkers, Borger and Van Der Laan (2013) little support was found for this finding in a probation supervision setting. They examined offenders given suspended sentences in the Netherlands under probation supervision and found no difference in the risk of recidivating between probationers given solely control-oriented special conditions and probationers given a combination of control- and behaviour-oriented special conditions (see Chapter 5 for more information).

Research did find that deterrence most likely depends on the perceived punishment than on actual levels of punishment (Waldo & Chiricos, 1972). Specifically, individuals who view the threat of punishment as high commit fewer

crimes. Individuals who perceive their chances of receiving punishment after committing a crime as low are those with a (long) criminal history (Peterson, Braiker & Polich, 1980). There is evidence that certainty of perceived punishment can be considered a modest deterrent factor (Paternoster, 2010) but little evidence has been found for perceived severity and celerity as effective deterrents in reducing criminal behaviour (Paternoster, 2010; Paternoster & Iovanni, 1986). Maxwell and Gray (2000) examined to what extent perceived certainty of punishment of offenders on intensive supervision probation deterred them from violating probation requirements. Results support deterrence theory: controlling for a number of variables related to criminal behaviour and programme attrition, perceived certainty of punishment in case of non-compliance significantly influenced programme violation and length of time spent in the programme. Offenders' perception that a 'street smart' offender will get caught in case of non-compliance was a significant predictor of their completing their intensive supervision programme (Maxwell & Gray, 2000: 132).

3.3.2 Procedural justice and compliance

According to Tyler (2006), people's compliant behaviour is strongly related to their views about justice and injustice. He argues that procedural justice plays an important role in people's decisions to comply with the law and decisions made by authorities. People will only comply with the law if they feel that legal authorities are the rightful holders of authority and are, therefore, entitled to dictate appropriate behaviour, determine the law and punish non-compliant or criminal behaviour (Tyler et al., 2013). One way to encourage people to view the law and legal authorities as legitimate is for legal authorities to act in procedurally just ways. Once legitimacy is 'activated', people are more encouraged to comply with the law and are more cooperative towards legal authorities (Tyler, 2006). They also become self-regulating and feel personally responsible for obeying the law. In other words, procedural justice is expected to shape people's behaviour as it increases the perceived legitimacy of legal authorities and the law, a conclusion supported in previous research (Sunshine & Tyler, 2003).

Procedural justice concerns the perceived fairness of the procedures by which the outcome was determined and the perceived treatment people receive from the decision-maker (Tyler, 2006). Fairness of the procedure is considered seven times more important than the favourability or the fairness of the outcome (Tyler et al., 2013). People judge procedural fairness in two ways: 1) the quality of the decision making – perceived neutrality and consistency; and 2) quality of treatment – being treated with dignity and respect, recognizing people's right and

cares about their concerns (Tyler, 2001). Research into the effects of procedural justice has consistently found that offenders are more likely to accept decisions made by legal authorities when they perceive the procedures to be fair, respectful and impartial (Tyler, 2006; Tyler & Huo, 2002). In addition, Tyler et al. (2013) argue that deterrence will not lead to longer-term compliance since individuals are less motivated to comply when external environmental factors are absent. Instead, internal motivations (such as legitimacy) are expected to shape longer-term compliant behaviour. This argument is supported in studies (Paternoster, Brame, Bachman & Sherman, 1997; Tyler, Sherman, Strang, Barnes & Woods, 2007). Paternoster et al. (1997) found that when the police acted in a procedurally just way during the arrest of assault suspects, the rate of subsequent domestic violence was significantly lower than in cases where the police did not act in a procedurally just way.

Support for procedural justice has been found in different legal settings (Reisig & Mesko, 2009; Sunshine & Tyler, 2003). Although, to our knowledge, none of the previous studies has examined the role of procedural justice in probation supervision compliance, we can expect that when offenders are treated fairly by the judge, they are more likely to accept their sentence and comply with the conditions of their probation supervision.

3.3.3 (Therapeutic) alliance and compliance

Although previous research has mainly focused on identifying effective programme principles in offender rehabilitation¹⁵ (Andrews et al., 1990a; Antonowicz & Ross, 1994), lately, attention has shifted more to the manner in which programmes can be delivered to offenders. Preliminary results have suggested that the way a probation officer delivers a programme may be a fundamental condition for behavioural change (Burnett & McNeill, 2005).

Andrews and Kiessling (1980) introduced five 'Core Correctional Practice' principles, derived from the Risk-Needs-Responsivity model, that were expected to increase the effectiveness of correctional programmes for offenders. These principles include effective use of authority, criminal modelling and reinforcement, problem solving, use of community resources and quality of the interpersonal relationship between officer and offender. Dowden and Andrews (2004) believe that this last principle, the quality of the relationship, is probably the most essential

¹⁵ Three principles in particular have found much empirical support in increasing programme effectiveness, the so-called Risk-Needs-Responsivity model. These principles are beyond the scope of this chapter. For an overview of these three principles and its research, see Chapter 1. For a more detailed overview, see for example Andrews et al. (1990a).

principle of all five principles. According to this principle 'the interpersonal influence exerted by the correctional staff member is maximized under conditions characterized by open, warm, and enthusiastic communication' (p. 205). Dowden and Andrews (2004) further argue that the development of a relationship based on mutual respect and liking between an officer and offender increases the effectiveness of a rehabilitation programme. The influence this relationship has on a successful treatment outcome has found much support in the psychotherapy literature. Studies examining this therapeutic or working alliance between therapist and patient have shown that alliance is a significant predictor across a range of clinical samples, such as patients with depression and substance abuse (Barber et al., 1999; Gaston, Marmer, Gallagher & Thompson, 1991), and across a range of treatment methods (Ackerman & Hilsenroth, 2003). In addition, compared to therapists' views, the views of patients tend to be most reliable and predictive of treatment outcome (Frigo, 2006). According to Martin, Garske and Davis (2000), if patients perceive their alliance as positive, they are more likely to finish their treatment successfully. It is, therefore, important to examine the probationers' views on their relationship with their probation officer.

The question that arises, however, is whether these psychotherapy findings can be generalized to a correctional setting? Ross et al. (2008) believe the therapeutic alliance model to be applicable to a correctional setting as long as the specific characteristics of such a setting are taken into account. Characteristics can include dealing with hostile behaviour of offenders since they are 'coerced' into following a treatment programme. Another characteristic is the dual role probation officers have: they are both counsellor and 'cop'. Unlike psychotherapists, they not only promote offender rehabilitation, but they also have to monitor offenders' compliance and protect public safety (Skeem & Manchak, 2008). Although this dual role can affect the quality of the relationship, Andrews and Kiessling (1980) found that this 'firm but fair' approach was most effective in reducing new convictions during supervision amongst a general population of probationers.

Other studies have found a positive therapeutic alliance to influence treatment success and supervision compliance (Dowden & Andrews, 2004; Kennealy et al., 2012; Rex, 1999; Skeem, Eno Loudon, Polaschek & Camp, 2007). Skeem et al. (2007) examined the relationship quality between probation officers and offenders and found that officers who used a combination of caring, fairness, trust and authoritative-ness with offenders were most likely to reduce offender recidivism.

3.4 Present study

The present study extends previous research by applying three theoretical frameworks (deterrence, procedural justice and alliance) as potentially useful predictors for probation supervision compliance. This research focuses on the following questions:

1. *To what extent do probationers' demographics and criminal characteristics predict probation supervision compliance?*
2. *To what extent does a) deterrence (the perceived certainty of revocation and severity of sentence), b) a procedurally just treatment by the judge, and c) the alliance with their probation officer predict probation supervision compliance?*

Based on previous research and the three theoretical frameworks the following two hypotheses can be drawn:

H₁: We hypothesize that demographics and crime-related characteristics will predict probation supervision compliance.

H₂: We hypothesize that probationers are more likely to comply with the conditions of their probation supervision: a) when they view the certainty of revocation in case of non-compliance as high and have a long suspended sentence hanging over their heads, b) when they perceive the procedure and treatment by their judge as fair, and c) when they view their alliance with their probationer as positive.

3.5 Method

3.5.1 Procedure

The sample was selected from the operational system of the Probation Service in the Netherlands (hereafter: IRIS). Probation officers were e-mailed to determine the date of the probationer's next appointment(s). Since probationers see their probationer officers at least once a month, we expected a higher response rate if we spoke to them directly after that meeting with their probation officer. Probation officers were explicitly asked not to recruit the probationer for this research as we expected the response rate to be higher if we recruited the probationers.

A brief description of the study was provided and a flyer was given to take home. The probationers were informed that they would fill in a questionnaire twice (taking about 30 min per questionnaire) and would receive €7,50 for each filled-in questionnaire. If they agreed to participate, the probationers were asked to sign

a voluntary consent form. The first questionnaire was filled in within one month after their first meeting with their probation officer (hereafter T_1). The second questionnaire was filled in about 7 months after their first participation (hereafter T_2). Both times, probationers received exactly the same questionnaire. These questionnaires were filled in, in absence of probation officers to avoid possible influence from the probation officer and/or possible socially desirable answers from the probationer.

Besides the questionnaires, registered record data, such as the current offence, supervision level, risk, and how their probation supervision was going, was collected for each probationer from their case files found in IRIS. Permission to examine their case files was requested via the informed consent form.

3.5.2 Sample selection and participants

Our sample included all adult offenders under probation supervision if they met the following criteria. Firstly, offenders were given (fully or partly) suspended sentences with probation supervision. Secondly, their probation supervision was carried out by the Dutch Probation Foundation (Reclassering Nederland) in the court districts Amsterdam or The Hague, simply because it is the largest of the three probation organizations (Van Kalmthout & Tigges, 2008) in two of the largest court districts. Thirdly, only male offenders were selected, as the population of female offenders given suspended sentences with probation supervision was only 14.8 per cent.

From September 2011 to March 2012, 228 probationers were identified as eligible for this study. We were unable to contact 73 (32%) probationers because: a) they had too serious psychiatric problems and the probation officer asked us not to approach them; b) their case was already revoked for not showing up; or c) we were unable to approach them during the study period. Of the remaining 155 who were approached, 121 probationers (78%) agreed to participate in this study. In total, 118 probationers filled in the questionnaire at T_1 . Three probationers were not able to fill in the questionnaire due to language restrictions and, for this reason, were only interviewed at T_1 . Of the 121 probationers, 98 (81%) participated a second time, i.e. about 7 months after the first interview. Again, the three probationers gave an interview instead of filling in a questionnaire at T_2 . As the present analysis is based on the questionnaires only, the final sample consisted of 95 probationers who participated at T_1 and at T_2 .

As we were unable to contact 32 per cent of the probationers ('unapproached') and 22 per cent of the probationers refused to participate ('refusers') we recognize that generalizing our results to all probationers may be somewhat problematic.

Nevertheless, we were able to obtain some information from IRIS to compare those who participated at both T_1 and T_2 with those who did not. This revealed no significant differences in age, ethnicity, offence type, type of suspended sentence, assessed recidivism risk¹⁶, supervision level and court district between the final sample (i.e. probationers who participated in both waves) and a) the unapproached, b) the refusers, and c) those who filled in the questionnaire at T_1 only. However, there were a few exceptions. Probationers who filled in the questionnaire at T_1 only had a higher recidivism risk and were, therefore, placed in a more intensive supervision level (i.e. more frequent face-to-face contacts in a month) than those who filled in both questionnaires. The probationers who were unapproached were slightly younger than those who filled in both questionnaires ($M = 27.41$ ($SD = 10.54$), $M = 30.91$ ($SD = 10.98$), respectively). Also, of most probationers who were unapproached recidivism risks were unknown, and they were more often placed in a more intensive supervision level than those who filled in both questionnaires.

3.5.3 Variables

Dependent variables

Probationers' willingness to comply. Offenders were asked about their willingness to comply at both T_1 and T_2 . In the present study only the scores provided by probationers at T_2 were used, as we were interested in the predictors of independent variables at T_1 on the dependent variable at T_2 . This variable was assessed with four items, including 'I am motivated to comply with the conditions of my probation supervision' and 'I think it is unimportant to comply with the conditions of my probation supervision'. Offenders could indicate on a five-point scale to what extent they agreed with these statements. A low score indicated a negative judgment, a high score a positive judgment. Item means were averaged to form the willingness to comply scale, which had a mean of 4.10 ($SD = 0.65$).

Registered compliance. At the moment of writing this chapter, most offenders were still under probation supervision and no official data were available on probation supervision success or failure. Therefore, we examined whether probationers were given any warnings for non-compliance between T_1 and T_2 . Even though there are no previous studies that examined the relationship between warnings and actual probation supervision failure we considered these warnings indicators for later probation supervision failure. Data was collected from IRIS. This dependent variable is dichotomous (0 = no warnings at T_2 , 1 = warnings at T_2). Between T_1 and T_2 , 22 per cent of the probationers had received a warning. There was no

¹⁶ See section 3.5.5 for more information on the assessed recidivism risk.

significant correlation between probationers' willingness to comply and registered compliance ($r = -0.181$, $p = 0.080$). This indicates two separate measures of compliance, where the first measures the willingness to comply and the second predicts future probation supervision failure.

Independent variables

Perceived certainty of revocation. Offenders were asked about the perceived certainty of going to prison if they did not comply with the conditions of their probation supervision at T_1 . This variable was assessed with three items, such as 'If I do not comply with the conditions of my probation supervision I believe I have to go to jail'. Offenders indicated on a five-point scale to what extent they agreed with these statements. The scale was computed on the basis of the mean item scores. A low score indicated a negative (less certain) judgment, a high score a positive (more certain) judgment about going to prison if they did not comply with the conditions of their probation supervision. The scale had a mean of 3.99 ($SD = 0.76$).

Severity of suspended sentence. This continuous variable consisted of the number of days offenders would spend in prison if they did not comply with the conditions of their probation supervision.¹⁷

Partly suspended sentence. Probation supervision can be attached to fully or partly suspended sentences. If offenders are given partly suspended sentences, they are first incarcerated for a period of time before starting their probation supervision in the community. A dichotomous variable (0 = fully suspended and 1 = partly suspended) was added to the analyses as we expected that actual incarceration as part of the sentence could positively influence compliance.

Procedural justice. At T_1 offenders were asked about their perceived treatment by the judge. This variable was assessed with six items, including 'The judge treated me with respect' and 'The judge treated me unfairly'. Offenders indicated on a five-point scale to what extent they agreed with these statements. Means on the items were averaged and combined into a procedural justice scale, which had a mean value of 3.18 ($SD = 0.79$). A low score indicated a negative judgment (1), a high score a positive judgment about their perceived treatment by the judge.

¹⁷ In cases where suspended prison sentences with probation supervision were imposed, we examined the time the offender would have to serve in prison if his case would be revoked. In some cases, offenders were given suspended community service with probation supervision. In the Dutch penal code, two hours of community service is considered to be equivalent to one day of incarceration. In those cases where suspended community service was imposed, we calculated the hours the offender would have to work off if his case were to be revoked and divided the amount by 2.

Alliance with probation officer. Offenders were asked about their alliance with their probation officer at T_1 and T_2 . Both time points were included in the analysis because probationers met their probation officer once or twice before completing the questionnaire at T_1 . As this gave insufficient time to develop a realistic opinion, their perceptions of this relationship were also examined at T_2 .

This variable was assessed with four items, including 'My probation officer is interested in how I am doing' and 'I am dissatisfied with my probation officer'. Offenders indicated on a five-point scale to what extent they agreed with these statements. A low score indicated a negative judgment, a high score a positive judgment about their probation officer. The scales were computed on the basis of the mean item scores. The scales had a mean of 4.05 ($SD = 0.72$) at T_1 and a mean of 4.11 ($SD = 0.70$) at T_2 . There was no significant difference between the two scales.

3.5.4 Factor analysis

Factor-analytic techniques were used to determine whether the three independent variables and the dependent variable willingness to comply were empirically distinguishable (Table 3.1). Initially, the factorability of the 18 items was examined. First, it was observed that all 18 items correlated more than 0.3 with at least one other item, suggesting reasonable factorability. Second, the communalities were all above 0.3, further confirming that each item shared some common variance with other items (Table 3.1). Third, the Kaiser-Meyer-Olkin measure of sampling adequacy was 0.76, which is above the recommended value of 0.6. The Bartlett's test of sphericity was significant ($\chi^2 = 702.64, p < 0.001$). Thus, the null hypothesis stated that the 18 survey items loaded on the hypothesized latent constructs. Given these overall indicators, factor analysis was deemed suitable with all 18 items.

Analyses from the principal components analysis with varimax rotation yielded four separate factors with eigenvalues > 1 , with a clear break after the fourth factor and the highest loadings on the intended factors. Together, the factors explained 62.61 per cent of the variance. One item (*The judge was rude to me*) was eliminated because it did not contribute to a simple factor structure and failed to meet the minimum criterion of having a primary factor loading of 0.5 or above.

Internal consistency for each of the scales was examined using Cronbach's alpha. The alphas ranged from moderate to strong, ranging from 0.72 (perceived certainty of revocation) to 0.82 (procedurally just treatment by the judge). Overall, these analyses indicated that four distinct latent factors were underlying the data and these factors were moderately internally consistent.

Table 3.1 Factor loadings and communalities based on a principal components analysis with varimax rotation for 18 items ($n = 95$)

Scales and items	Perceived certainty of revocation	Procedural justice	Relation probation officer	Willingness to comply	Communi- nalities
The judge treated me with respect	-0.08	0.70	0.17	0.38	0.66
The judge did not take the time to listen to me ^a	-0.20	0.62	0.10	0.09	0.44
My rights were respected by the judge	-0.14	0.72	0.11	0.42	0.73
The judge was rude to me ^a	-0.29	0.43	0.28	0.27	0.43
The judge treated me unfairly ^a	-0.15	0.82	0.06	0.13	0.71
The judge based his verdict on the facts	0.16	0.64	-0.05	-0.19	0.47
The judge explained the verdict to me	0.18	0.74	-0.04	-0.05	0.59
I am dissatisfied with my probation officer ^a	0.00	0.06	0.82	0.06	0.68
My probation officer is interested in how I am doing	0.49	0.00	0.65	-0.03	0.66
I have a negative image of my probation officer ^a	0.01	0.06	0.81	0.04	0.67
My probation officer treats me normally	0.47	0.18	0.70	0.06	0.75
If I do not comply with the conditions of my probation supervision I think I have to go to jail	0.76	-0.19	-0.07	0.11	0.63
When I do not comply with the conditions of my probation supervision I think my probation officer will find out	0.73	0.09	0.24	0.12	0.61
If I do not comply with the conditions of my probation supervision it will have unpleasant consequences for me	0.70	-0.12	0.30	0.32	0.70
Chances are I will not comply with the conditions of my probation supervision ^a	0.26	0.10	-0.09	0.75	0.65
I think it is unimportant to comply with the conditions of my probation supervision ^a	-0.08	0.08	0.11	0.74	0.57
I am motivated to comply with the conditions of my probation supervision	0.09	0.19	0.12	0.78	0.66
I will comply with the conditions of my probation supervision	0.30	-0.00	-0.02	0.77	0.68
<i>M</i> (SD)	3.99 (0.76)	3.18 (0.79)	4.05 (0.72)	4.10 (0.65)	
Cronbach's α	0.72	0.82	0.80	0.80	

Note. Pattern coefficients greater than an absolute value of 0.5 are shown in boldface type.

^a Reverse scored.

3.5.5 Demographics and crime-related characteristics

Due to the small sample we were unable to control for the demographics and crime-related characteristics in these analyses. For this reason we used the recidivism risk based on the RISC. The assessed recidivism risk is based on the Risk Assessment Scales (RISC), the diagnostic tool of the Dutch Probation Service. The RISC assesses the offender's likelihood of reconviction, to provide an overview of the criminogenic needs of offenders and to allow probation officers to formulate supervision plans. This risk assessment scale is a composite of demographics and crime-related characteristics that have been identified in international literature as predictors of recidivism. In a study done by Van Der Knaap, Leenarts and Nijssen (2007), the RISC was found to have favourable psychometric qualities.

3.5.6 Data analysis

As there were two dependent variables in this study, two types of regression analyses were performed. An ordinary least squares (OLS) regression equation was used to regress (a) the recidivism risk and (b) deterrence, procedural justice and alliance, on probationers' willingness to comply. In the second analysis, a logistic regression equation was used to regress (a) the recidivism risk and (b) deterrence, procedural justice and alliance, on registered compliance.

3.6 Results

3.6.1 Descriptive statistics

As shown in Table 3.2, at T_1 probationers had a mean age of 31.87 ($SD = 11.04$) years and most were born in the Netherlands (61.1%). Only 20 per cent were married and 42.1 per cent had one or more children. Most probationers had a low educational level (65.3%) and at T_1 50.5 per cent had work. Most probationers were convicted of a property offence (51.6%) followed by a violent offence (21%). A partly suspended sentence was given to 61.1 per cent of the probationers, and the suspended sentence length was 89.63 ($SD = 78.98$) days. Most probationers were under supervised probation in the court district The Hague and 67.4 per cent had a low supervision level. More than half of the probationers were previously convicted (64.2%). With regards to the recidivism risk, for 84 probationers, this risk was assessed. Around 26 per cent of the probationers were assessed as having a low recidivism risk, 45 per cent had a low-medium recidivism risk and 8 per cent a medium recidivism risk. Fourteen per cent of the probationers' were considered to have a medium-high recidivism risk and only 6 per cent had a high recidivism risk.

Table 3.2 *Descriptive statistics at Wave I (n = 95)*

	<i>M</i>	<i>SD</i>
Age (years)	31.87	11.04
Current suspended sentence length (days)	89.63	78.98
	<i>n</i>	<i>%</i>
Race		
Native	58	61.1
(Non-)western immigrants	37	38.9
Married		
Yes	19	20.0
No	76	80.0
Children		
Yes	40	42.1
No	55	57.9
Educational level		
Low	62	65.3
Middle/High	33	34.7
Work		
Yes	48	50.5
No	47	49.5
Type of offence		
Violence	20	21.0
Property	49	51.6
Damage & public disorder	15	15.8
Drugs	5	5.3
Other	6	6.3
Type of suspended sentence		
Fully	37	38.9
Partly	58	61.1
Supervision level		
Low	64	67.4
Medium	27	28.4
High	4	4.2
District		
Amsterdam	35	36.8
The Hague	60	63.2
Recidivist		
Yes	61	64.2
No	34	35.8
Recidivism risk		
Low	22	26.2
Low-medium	38	45.2
Medium	7	8.3
Medium-high	12	14.3
High	5	6.0

3.6.2 Predicting probation supervision compliance

For the most rigorous test of hypotheses, we estimated two regression models. Table 3.3 presents the correlations and regressions of our independent variables on probationers' willingness to comply and registered compliance. We analysed the assessed recidivism risk on probationers' willingness to comply and registered compliance. We found that recidivism risk did not predict subsequent willingness to comply and registered compliance. Furthermore, results showed that the influence of our independent variables on probationers' willingness to comply and registered compliance did not change while controlling for the assessed recidivism risk. Since the recidivism risk was only assessed for 84 probationers and these 84 probationers did not differ on any of the demographic and crime-related variables compared to the 11 probationers whose recidivism risk was not assessed, this variable was left out of the table.

Model 1 shows that perceived certainty of revocation, procedural justice and the alliance with the probation officer at T₂ were correlated with probationers' willingness to comply. Probationers who felt their case would be revoked in case of non-compliance, who felt they were treated fairly by the judge and reported a good alliance with their probation officer reported more willingness to comply with the conditions of their probation supervision.

Table 3.3 Correlations and regression analyses of deterrence, procedural justice and alliance on willingness to comply and registered compliance

	Probation supervision compliance							
	Model 1: Willingness to comply (T ₁)				Model 2: Registered compliance (T ₂)			
	Corre- lations	β	SE	T-ratio	Corre- lations	OR	SE	Wald χ ²
Partly suspended sentence	0.01	0.07	0.11	0.87	0.22*	4.52	3.18	2.14*
Perceived certainty T ₁	0.31**	0.28	0.00	3.05**	-0.13	0.76	0.30	-0.68
Severity of suspended sentence	0.12	0.15	0.08	1.72	-0.08	0.99	0.00	-2.09*
Procedural justice T ₁	0.27**	0.31	0.07	3.70***	-0.16	0.46	0.18	-1.93
Relationship probation officer T ₁	0.16	-0.17	0.09	-1.81	0.08	3.30	1.78	2.22*
Relationship probation officer T ₂	0.48***	0.47	0.08	5.17***	-0.27**	0.26	0.12	-2.94**
Constant			0.48	2.01*				
				F-test = 9.35***				
				R ² = 0.38				AIC = 90.75

Abbreviations: OR= odds ratio; SE = standard error; AIC = Akaike Information Criterion. Entries are standardized coefficients (β and OR) and standard errors (SE).

*p ≤ .05, ** p ≤ .01, ***p ≤ .001

Regression analyses showed that perceived certainty of revocation at T_1 predicted a significant increase in probationers' willingness to comply at T_2 ($\beta = 0.28, p = 0.003$). In other words, the more probationers felt that their case would be revoked in case of non-compliance, the more likely they reported a willingness to comply with the conditions of their probation supervision. Furthermore, probationers who felt they were treated in a procedurally just manner by the judge at T_2 predicted more willingness to comply ($\beta = 0.31, p = 0.000$). The way probationers perceived their relationship with their probationer officer at T_1 did not significantly predict their willingness to comply with the conditions of their probation supervision. However, the way they perceived this relationship at T_2 was related to a higher willingness to comply at T_2 ($\beta = 0.47, p = 0.000$). The results in this model account for 38 per cent of the variation in willingness to comply.

Model 2 in Table 3.3 shows that partly suspended sentences and the relationship with the probation officer at T_2 were correlated with registered compliance. Probationers given partly suspended sentences and probationers who reported a negative alliance with their probation officer were more likely to receive a warning. Regression analyses showed that not only partly suspended sentences and the alliance with probation officer at T_2 , but also severity of suspended sentence and alliance with probation officer at T_1 predicted registered compliance. Perceived certainty of revocation and a procedurally just treatment by the judge did not predict registered compliance. Probationers given partly suspended sentences were more likely to receive a warning than those given fully suspended sentences (OR = 4.52, $p = 0.032$). Probationers whose suspended sentence was less severe were only slightly more likely to receive a warning than those given a more severe sentence. A positive judgment on their relationship with their probation officer at T_1 predicted receiving a warning at T_2 . When examining this relationship at T_2 , probationers who were more positive about their relationship with their probation officer were less likely to receive a warning (OR = 0.26, $p = 0.003$).

3.7 Discussion

The aim of the present study was twofold. First, we examined to what extent demographics and crime-related characteristics (by using the assessed recidivism risk) predicted probation supervision compliance. Second, we extended previous research by examining to what extent deterrence, a procedurally just treatment by the judge, and the alliance with the probation officer, predicted probation supervision compliance. Using two individual measures of compliance (willingness and registered), the following conclusions were drawn.

In contrast to our first hypothesis, we found that the assessed recidivism risk did not predict probationers' willingness to comply and receiving warnings. There are two possible explanations for the other non-significant findings. First, these individual characteristics do not exert any influence on compliance. This explanation seems least likely as many studies found a relationship between these characteristics and probation supervision failure (Clarke et al., 1988; Gray et al., 2001; Morgan, 1994; Olson & Lurigio, 2000; Sims & Jones, 1997). Even in the Dutch probation context, Lamet et al. (2013) found a number of individual characteristics, such as age, ethnicity, educational level, type of offence and criminal history, to be related to probation supervision failure. It could be that the combination of demographics and crime-related characteristics that make up the recidivism risk are not a strong predictor of probationers' willingness to comply and registered compliance. Although the RISC has favourable psychometric qualities (Van Der Knaap et al., 2007), we do not know whether it is a predictor of actual recidivism. An alternative explanation is that we did not find any significant predictors due to the operationalization of our dependent variables. Previous research focused on actual probation supervision failure. In this study we examined willingness to comply and whether probationers were given warnings when they did not comply with the conditions of their probation supervision. It is possible that probationers gave socially desirable answers regarding the questions about their willingness to comply. Furthermore, warnings might not be a strong predictor of actual probation supervision success or failure. Further research is needed to determine whether probationers' willingness to comply and warnings can be considered predecessors of actual success or failure as, to our knowledge, no such study has yet been conducted.

In line with our second hypothesis, we found deterrence to be a predictor of compliance. However, only offenders' perceived certainty that their case will get revoked if they violate the conditions of their probation supervision was a significant predictor of their willingness to comply with the conditions of their probation supervision; this finding is in line with the study of Maxwell and Gray (2000). Severity of suspended sentence, on the other hand, only predicted registered compliance. This seems in contrast to Blumstein, Cohen and Nagin (1978) who argued that severity only matters when certainty is taken into account. It seems that both certainty and severity are important factors of deterrence that need to be taken into account; future research should determine whether both factors remain predictors of actual probation supervision compliance.

Another predictor of probation supervision compliance is procedural justice. Fair and respectful treatment of probationers predicted more willingness to comply with the conditions of their probation supervision. This conclusion is in line

with earlier studies reporting that a fair treatment affects compliant behaviour (Paternoster et al., 1997; Tyler, 2006). In addition, the results support an extension of the procedural justice theory, as a fair treatment by the judge also has important implications in a probation setting.

Finally, in line with our second hypothesis, a positive alliance with their probation officer was related to more willingness to comply and less warnings. Other studies have also shown that a positive alliance between probation officer and probationer is related to more motivation and compliance (Kennealy et al., 2012; Skeem et al., 2007). Like Rex (1999), this study found that when probation officers showed interest and treated their probationers with respect, probationers reported higher compliance and fewer warnings were given. However, although the present study provides some indications that a positive alliance is also important in a (Dutch) probation supervision setting, some caution is warranted regarding this finding. With respect to willingness to comply, only the alliance measured at T_2 was related to compliance. Regarding registered compliance, the alliance measured at T_1 increased the chance of receiving a warning, while the alliance measured at T_2 decreased the chance of receiving a warning. Receiving a warning could have occurred prior to T_2 , which can result in lower ratings of alliance with the probation officer. As such, the directionality of the effect may be reversed (i.e. rather than having the alliance predict compliance, receiving a warning can cause probationers to negatively rate their alliance with the probation officer). Since our study found a strong association between the alliance and compliance, more research is required to determine the causal ordering of perceptions on alliance and compliance.

Limitations

A few methodological limitations need to be addressed. First, the study included a relatively small sample of probationers from the court districts of Amsterdam and The Hague. Second, probationers with a low recidivism risk and low supervision level were slightly overrepresented compared to those who only participated in the first wave and to those we were not able to approach. A possible explanation for this is that probationers who did not participate in the second wave were those with higher recidivism rates and who failed their probation supervision before the second wave took place. In addition, the probationers that we were unable to approach were those whose probation supervisions were revoked almost immediately as they never showed up. For this reason, their recidivism risks remain unknown, as no assessment of their risks and criminogenic needs could be done. Also, some probationers had severe psychiatric problems and, compared with our sample, were more often placed in a high supervision level: we were not allowed to approach this group, as probation officers felt that participation in the present

study might have worsened their psychiatric problems. This overrepresentation in our sample may have introduced some bias. A third and final methodological limitation is that we were unable to measure actual probation supervision failure. We measured attitudes of probationers (their willingness to comply), but it is yet to be determined whether a relationship exists between attitudes and actual behaviour (probation supervision success or failure). We did examine actual behaviour in probation supervision compliance, i.e. probationers receiving warnings for not complying with the conditions of their probation supervision. Yet again, it is unknown whether warnings predict actual probation supervision failure. Future research should include a larger sample, comprised of probationers from different rural and urban court districts and with higher recidivism risks and supervision levels, to determine the influence of deterrence, procedural justice and alliance on actual probation supervision success or failure.

Some theoretical limitations also deserve attention. First, measuring procedural justice is a complex issue and a topic of considerable debate (Tyler, 2006). Due to a lack of a standard measure of procedural justice, researchers have used different subscales and items. Furthermore, Bies and Moag (1986) argued that there are two aspects of the decision-maker that individuals take into account in forming their judgments about procedural justice: a) whether the formal procedure was fair, and b) the interpersonal treatment they received from the decision maker. Although the present study included items that measured both aspects, the correlation between these aspects was very high (0.68) and the factor analysis did not yield separate factors. In line with others (Tyler, 2006; Tyler & Lind, 1992), in the present study these items were taken together to form a single latent construct.

A second theoretical limitation is that the alliance between probation officer and probationer was examined only in general terms. There are many definitions of alliance but the working alliance defined by Bordin (1979) has received considerable support (Ackerman & Hilsenroth, 2003). Besides bonding, Bordin also emphasizes the quality of the collaboration and the consensus between therapist and patient regarding goals and tasks. This definition can give more insight into the (causal) mechanisms of how the alliance between probation officer and probationer can influence probation supervision compliance. While the present study has provided some insight into the importance of the alliance the probationer has with his probation officer, future research should specifically focus on determining the influence of the working alliance on probation supervision compliance.

3.8 Conclusion

Nevertheless the limitations, this is one of the first studies to examine the longitudinal relationship between deterrence, procedural justice, alliance and probation supervision compliance. The results of this study have implications for probation officers and policymakers in the field of probation. The idea that legal authorities, i.e. the judge and probation officer, can generate greater levels of compliance by using fair procedures, increase the perceived certainty of revocation, and have a positive alliance with their client, is compelling. It would seem that judges and probation officers play an important role in bringing about compliance. However, more research is needed to determine the specific role judges can play in increasing probation supervision compliance. Current research suggests that several factors (including emotional responses to the perceived treatment and perceived legitimacy of authorities) mediate the relationship between procedural justice and compliance (Murphy & Tyler, 2008; Tyler et al., 2013). Future studies should explore the underlying mechanisms of a procedurally just treatment by a judge and how this influences probation supervision compliance. In addition, this study has shown that the probation officer plays an important role in achieving normative (positive relationship) and instrumental (threatening to revoke) compliance. The next step is to focus on how the probation officer can achieve a balance between normative and instrumental compliance: that is, to what extent does bonding stop, and, instead, a more formal reaction (threatening or giving a warning) influence the probationers' behaviour.