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### The Lesser of Two Evils? A Qualitative Study of Offenders' Preferences for Prison Compared to Alternatives

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#### Recommended Citation

Williams, Alisha , May, David C. and Wood, Peter B.(2008) 'The Lesser of Two Evils? A Qualitative Study of Offenders' Preferences for Prison Compared to Alternatives', *Journal of Offender Rehabilitation*, 46: 3, 71 – 90

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On: 15 November 2010

Access details: Access Details: [subscription number 907903160]

Publisher Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



## Journal of Offender Rehabilitation

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t792306909>

### The Lesser of Two Evils? A Qualitative Study of Offenders' Preferences for Prison Compared to Alternatives

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**To cite this Article** Williams, Alisha , May, David C. and Wood, Peter B.(2008) 'The Lesser of Two Evils? A Qualitative Study of Offenders' Preferences for Prison Compared to Alternatives', Journal of Offender Rehabilitation, 46: 3, 71 – 90

**To link to this Article:** DOI: 10.1080/10509670802143318

**URL:** <http://dx.doi.org/10.1080/10509670802143318>

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*Probation and Parole: Current Issues. Pp. 71-90.*  
Available online at <http://jor.haworthpress.com>  
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doi:10.1080/10509670802143318

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## The Lesser of Two Evils? A Qualitative Study of Offenders' Preferences for Prison Compared to Alternatives

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**ABSTRACT** Recent work has demonstrated that many offenders will choose to serve prison rather than any amount of a community-based sanction. This primarily quantitative research has found that offender-generated exchange rates are influenced by a wide variety of experiences and characteristics. Missing from this literature is a qualitative evaluation of *why* offenders might make this choice. We present qualitative data from 618 probationers and parolees to explain why those who have experienced imprisonment are less willing to serve community sanctions than their counterparts, and more willing to serve prison. Results hold implications for deterrence, recidivism, rehabilitation, and correctional policy issues.

**KEYWORDS** Community corrections, sentencing, exchange rates, prison

### *INTRODUCTION*

Despite misgivings about the necessity and effectiveness of mass imprisonment among penologists, the public, and criminal justice prac-

tioners, corrections policy still leans “ever nearer to human warehousing and containment based on risk assessment rather than offending” (Reuss, 2003:429). Yet, an abundance of literature supports the idea that intermediate sanctions are potentially more promising (and possibly more practical) alternatives than incarceration and/or probation for meeting the needs of the offender, community, and correctional system (see Flory, May, Minor, & Wood, 2006, for review).

The use of electronic monitoring, community service, and supervised probation (among others) has grown rapidly over the past three decades to the point where 60% of all convicted criminals are serving community sentences in the United States (May, Wood, Mooney, & Minor, 2005). Such sentencing methods are expected to continue to be widely used due to the sheer volume of criminal actions and prison overcrowding that continues to exist (Flory et al., 2006). Nevertheless, it is plausible to expect that the routine use of intermediate sanctions in the future could increase, particularly if policymakers perceived that these sanctions could punish as severely as prison and are cheaper than prison (Petersilia & Deschenes, 1994; Spelman, 1995). This is a particularly viable option as alternatives to prison were initiated under the supposition that short-term imprisonment is detrimental and should be avoided when possible (Killias, Aebi, & Ribeaud, 2000).

Missing in much of the debate over the value of intermediate punishments and where they belong in a continuum of criminal justice sanctions, however, is an appreciation for how criminal offenders actually experience and rank them. Virtually all descriptions of criminal justice sanctions portray a continuum of severity with probation at one end and imprisonment at the other (Peterson & Palumbo, 1997; Morris & Tonry, 1990; Von Hirsch & Ashworth, 1992; NIJ, 1995; NIJ, 1993). But the development of a sanction continuum—and an associated severity ranking—has been the responsibility of legislators and criminal justice policy-makers that depend primarily on guesswork by persons with no direct knowledge of what it is like to serve various sanctions (Morris & Tonry, 1990). Under these circumstances, the conventional belief that correctional punishment is bounded by probation at one extreme and imprisonment at the other deserves to be questioned. The issue centers on the question of whose opinion is used to determine which sanctions are more severe than others, and whether convicted offenders calculate the same costs and benefits in the same fashion as policy-makers.

Despite a significant increase in research in this area of late (see Flory et al., 2006, for review), these examinations have been primarily quantitative analyses where offender-generated exchange rates are calculated

to compare the amount of time respondents would serve in community-based sanctions to avoid specified durations of imprisonment. While these works provide insight into correlates of preference for prison over community supervision, no qualitative analyses that supplement quantitative findings to help understand the thought processes of convicted offenders are presently available. In this article, we use qualitative data from a sample of approximately 600 offenders currently under probation and parole supervision to explain why those who been incarcerated in prison are less willing to serve community sanctions than their counterparts, and more willing to serve prison.

## *LITERATURE REVIEW*

### *Offenders Perceptions of Prison Compared to Alternatives*

Under the presumption that incarceration is the most severe punishment, criminal justice officials often base their sentencing decisions regarding whether custodial or non-custodial sentences should be rendered, and (if custodial) how much to administer on the belief that prison is the most severe punishment an offender can receive (May et al., 2005). However, previous studies have revealed that some offenders opt for a prison term rather than an intermediate sanction. Furthermore, some offenders deem prison as a deterrent while others do not (Flory et al., 2006) and feel that “. . . prison is a holding tank . . . and little or no attempt is made to rehabilitate . . .” (Reuss, 2003, p. 427).

Those who support the use of incarceration for reasons associated with deterrence or incapacitation often suggest that the punishing nature of prison will deter individuals from crime. In recent years, however, a number of research efforts have begun to suggest that prison may not be considered to be the most stringent punishment an offender can receive (Wood, 2006). This perception is shared by incarcerated offenders (Spelman, 1995; Wood & Grasmick, 1999; Wood, May, & Grasmick, 2005; May & Wood, 2005), those under community supervision (Wood & May, 2003; May et al., 2005), and criminal justice professionals (Flory et al., 2006). Furthermore, these opinions of the severity of prison appear to differ based on demographic and correctional experience indicators. In a review of research conducted by the RAND Corporation, Petersilia (1990) noted that nearly one third of nonviolent offenders given the option of participating in Intensive Supervision Probation (ISP) chose prison instead. They felt that working everyday, submitting

to random urinalysis, and having their privacy invaded were more punitive than a prison term. Many also stated that they would likely be caught violating conditions and revoked back to prison. Similarly, Wood and Grasmick (1999) found that 29.8% of male inmates refused to participate in any duration of ISP to avoid four months of imprisonment—nearly the same refusal rate noted by Petersilia, and over 20% chose a year of imprisonment over any duration of ISP. For these offenders, ISP seems to be viewed as more punitive than imprisonment.

Wood and Grasmick found that the three most important reasons why inmates would choose prison were: (1) “If you fail to complete the alternative sanction, you end up back in prison” (57.7% very important), (2) “Parole and program officers are too hard on the program participants, they try to catch them and send them back to prison” (46.8% very important), and (3) “Inmates are abused by parole and probation officers who oversee the programs” (40.5% very important). The common sentiment among inmates was that they would rather serve out their term and be released rather than invest significant time in an alternative sanction involving potentially abusive program officers and a high likelihood of failure and revocation. For many inmates, particularly those with prior experience serving time in prison, a prison term is preferred to the uncertainty of completing an alternative sanction (Wood & Grasmick, 1999).

Inmates in Spelman’s (1995) study observed that: “Probation [ISP] has too many conditions. If you can’t meet them, you end up in jail anyway. I’d rather just do the time and pay off my debt to society that way.” “On probation, you’re on a short leash. If you cross over the line, they give you more time.” “The longer it lasts, the more chances you have to mess up. If you break [probation conditions], you’ll do longer than a year in jail.” (Spelman, 1995:126). What research does exist suggests that alternatives are perceived by many offenders as a significant “gamble” and inmates’ assessment of this gamble influences many of them to rate alternative sanctions as more punitive than prison. This is manifested in two ways. Either offenders would choose prison over any duration of an alternative, or they would not serve as much of an alternative as they would prison (Wood & May, 2003; May et al., 2005). Particularly for offenders with prior imprisonment experience, prison may be “the lesser of two evils.”

### ***Prison Experience and Preferences for Prison Over Alternatives***

Offenders with more prison experience are less willing to serve alternative sanctions and more likely to prefer to serve prison instead (May

et al., 2005; Wood, 2006). This contradicts the idea of the traditional probation to prison severity continuum. If prison were perceived by inmates as significantly more punitive than alternatives, then persons with more prison experience should be more willing to serve alternative sanctions—and to serve longer durations of them—to avoid imprisonment. However, this is not the case. Offenders who have acquired knowledge and experience about living in prison appear less fearful of prison than those without such experience. For them, prison is less of an unknown, and for some it may be seen as easier than an alternative sanction—particularly if they perceive the alternative as involving an unacceptable degree of supervision, mistreatment, and/or a high likelihood of revocation. Particularly among inmates with experience serving time, imprisonment becomes familiar, while the outcome of involvement in alternatives is less certain and less attractive. In contrast, persons without prior experience in prison may be more fearful of it, and will opt to do the alternative—and a longer duration of it—in order to avoid prison. Again, this brings into question the deterrent value of imprisonment, since those who have served prison are more likely to choose it when given the choice between prison and an alternative sanction (May et al., 2005). While this may seem strange to those not familiar with serving time, it has been noted that most offenders would rather serve a longer prison term, for example, than a short jail sentence (Fleisher, 1995). Fleisher cites an offender who says he would rather do three or four years at the State Penitentiary before doing one year in the county jail, because “It be too hard to have a good time up in that ol’ jail. Now, in prison, that’s different.” Fleisher goes on to note, “Prison isn’t a risk that worries street hustlers. Things such as limited freedom, loss of privacy, violence, and variant sexual activity, which might frighten lawful citizens, don’t frighten them” (1995:164).

### *Case Studies and Offender Publications on the Prison Experience*

To our knowledge, no qualitative research exists that reflects offenders’ perceptions of the relative punitiveness of correctional sanctions. Morash and Schram (2002) note it is difficult to conduct research in prisons because officials are reluctant to reveal often offensive conditions of institutions and negative effects of imprisonment on inmates, and due to the fear of lawsuits. Nevertheless, some published work draws on interviews with inmates to gain an understanding of life in prison, and a number of incarcerated offenders have written books de-

scribing life in prison and how they perceive and experience its effects, whether rehabilitative or dehumanizing.

Hassine (2004) is a prison inmate serving life without parole, and states, “. . . the American prison experience includes a slow, steady regression toward the threshold of madness” (p. 136). Santos (2004) has served over 15 years in prison and gives the correctional system high marks for achieving mass incapacitation of offenders. At the same time, he notes that “If rehabilitation remains a goal of the prison system . . . then administrators are failing miserably” (2004:217). Camhi (1989) sought the perspectives of California inmates on imprisonment. While some respondents were optimistic, others were far less enthusiastic about the rehabilitative proponents of incarceration. For example, one inmate retorted that prison is a “far cry from rehabilitation” (p. 103) and teaches people to perfect their criminal craft and makes them even more malicious. In contrast, a first-time offender stated that prison made him appreciate the value of life and freedom, and made him a more sensible, concentrated, and disciplined individual (Camhi, 1989). However, most inmates spoke about the lack of programming to help them prepare for reintegration into society, the violence, and inhumane treatment and conditions in prisons (e.g., inadequate medical care, poor meals, and victimization) (Camhi, 1989). Given that this programming is often more easily available in community settings, sentences to probation or parole in lieu of prison could be beneficial in this regard.

Santos (2004) notes that after five years or so of imprisonment, prisoners grow accustomed to it, and after spending most of his adult life in prison, it has become a way of life and he doesn't feel like he's being punished at all. As time progressed, it has become “. . . much more difficult for me to reconcile my time behind these fences with the crimes I committed during the Reagan presidency” (2004:216). After five years or so, inmates adjust to incarceration, and “life becomes normal and predictable, although within a restricted, harsh, and sometimes inhumane closed society” (2004:216). Santos likens imprisonment to exile, a context in which one learns to live with his/her environment.

Though ample work exists that documents offenders' adjustments to prison life and the experience of living in prison, these accounts are anecdotal and idiosyncratic at best, and to date there are no studies that provide a qualitative analysis of how offenders compare imprisonment with non-custodial sanctions. Work presented here attempts to fill that void by presenting aggregated results from a qualitative inquiry of 600 convicted offenders who were asked why they might choose prison over community-based sanctions. By doing so, we hope to more fully explore



the ecology of offender decision-making, acquire a better understanding of how offenders experience imprisonment and alternatives, and why many offenders would choose to serve prison even when given the option of a community-based punishment—a decision which runs counter to the conventional belief of the continuum of criminal sanctions and which challenges assumptions central to deterrence.

## **METHODS AND FINDINGS**

### ***Data***

The data used in this study were collected in the fall of 2003 from seven state probation and parole offices in Kentucky. Using a sample of offenders under the supervision of community corrections, this study sought to use a qualitative approach to observe offenders' preferences of prison over alternative sanctions. A purposive sampling method was chosen to obtain a large enough sample to have a good proportion of urban, Black, and female offenders to make significant assessments between the parties. The final sample consisted of 618 participants. Of the estimated 27,000 probationer and parolees under supervision in Kentucky at the end of 2003, the sample represented 2.3 percent of that population.<sup>1</sup>

Three in four (77.4%) respondents were male; slightly over half (55.7%) of the respondents were White while one in three (37.9%) respondents were African-American. Although the respondents were not asked to identify the specific crime for which they were sentenced to community supervision, the vast majority of the respondents (86.5%) were currently under community supervision for a felony conviction. Two in five (40.3%) respondents were under community supervision as the result of a drug-related conviction. Roughly half of respondents (47.6%) reported they had served time in prison before, while 52.4% said they had not (a full description of the demographic and contextual characteristics of this sample can be found in May et al., 2005). As expected, far more parolees (91.8%) than probationers (18.7%) had been incarcerated in prison.

### ***Sampling***

Members of the research team distributed the questionnaires to those offenders who were at the probation/parole offices to attend to their required appointments. Typically, a research team member was stationed in a vacant office or break room; officers were instructed to send

offenders to that area upon completion of the interview. Consequently, the number of respondents available to supply data was dependent upon the support of the officers in sending participants to complete the questionnaire on the day the observers arrived.<sup>2</sup> Respondents were given a letter of consent that: (1) asked for the participant's signature giving informed consent; (2) informed the participants that their involvement was voluntary and that they could answer any, all, or none of the questions; (3) described the purpose of the study; and (4) assured the confidentiality and anonymity of the responses to the questionnaire. The member of the research team then gave respondents the option of completing the questionnaire on their own or having it read aloud to them. Less than one in five (19.0%) declined consent and roughly ten percent of the participants asked that the instruments be read.

### *Survey*

An eight-page questionnaire introduced in several other studies (May et al., 2005; Wood & Grasmick, 1999; Wood & Grasmick, 1995; Wood & May, 2003; Wood et al., 2005) was the instrument administered to collect the data. The respondents were given descriptions of nine alternative sanctions, including boot camp, community service, day reporting, county jail, regular probation, intermittent incarceration, day fines, and halfway houses, after answering a number of demographic questions. After the offenders had completed a series of closed-ended questions (see May et al., 2005 for review), respondents were asked two open-ended questions. Responses to those questions provided the data under analysis here.

First, respondents were asked, "In previous research we have done, we've determined that some people would rather do prison time than any amount of an alternative. Why would someone make that choice?" This question was followed by a second question: "In previous research, we've also determined that some people would rather do an alternative than any length of prison sentence. Why would someone make that choice?"

The responses to these questions were recorded with an audio recorder by the interviewer and later transcribed into electronic text. We then searched the text for words and phrases that regularly appeared in the electronic text. Through this process, we identified a number of responses that were similar for both questions. We then combined like responses into the categories presented below.

### *Reasons for Choosing Prison*

Responses to the first question (hereafter referred to as *Prison Choice*) are presented in Table 1. These responses indicate that the most popular Prison Choice response was that the respondent had no idea why an offender would choose prison over an alternative (17.3%); an additional 9.3% of the respondents said they would rather do the alternative than prison. Thus, over one in four respondents (26.6%), even when asked the question in hypothetical terms where they are responding why *other* offenders would choose prison over alternatives could not explain why someone would make that choice.

Nevertheless, the remainder of the respondents offered a wide variety of reasons why offenders would make a Prison Choice. Over one in four respondents said that prison is easier than the alternative (14.7%) or, similarly, that the alternatives were harder than prison (13.5%). One in six responded that an offender can get out of prison quicker than if they served the alternative (14.4%). Furthermore, 10.1% of the participants

□ **TABLE 1. Why Would Offenders Choose Prison Over an Alternative?**

Prison Over Alternatives Category Description	N	%
Respondent had no idea why someone would make that choice	107	17.3%
Prison is easier than the alternative	91	14.7%
Time goes by quicker in prison or a prisoner is released sooner	89	14.4%
The alternative is harder than prison	84	13.5%
There is more freedom in prison than in jail	79	12.7%
People fear being sent back to prison if they fail in the alternative	63	10.1%
I would rather do the alternative sanction	58	9.3%
Some offenders lack life skills to be successful in alternatives	56	8.5%
Prisoners have no responsibilities	48	7.7%
An offender may have already been to prison	39	6.3%
Some choose prison to escape the rules of alternative sanctions	23	3.7%
Some offenders don't want to deal with the probation officer	22	3.5%
Some offenders have no outside support from family or friends	19	3.0%
Prison is better than alternative	15	2.4%
Some offenders don't want to change or get treatment	7	1.1%
An offender has experienced the alternative and doesn't want to do it again	5	0.8%
Other (responses that didn't fit into any particular category)	26	4.5%

said that offenders were afraid of getting into trouble and having the alternative revoked. Despite the use of the term “alternatives” in the research question, some respondents interpreted this to mean jail. One in eight (12.7%) offenders say prison is preferred over an alternative because there is more freedom in prison than in jail. Thus, some offenders compared prison to *jails* as an alternative, in which case they felt that prison provides more programs, opportunities for advancement, and privileges (as presented in the previous statements) than do county or municipal jails. This supports prior work among criminal offenders that finds that jail is consistently viewed as more punitive than prison (Wood & Grasmick, 1999; Wood & May, 2003).

Additionally, almost one in ten (8.5%) respondents stated that some offenders lack the skills necessary to function in society. A number of respondents also said that offenders would make a Prison Choice because they “don’t want to face their responsibilities,” “they use prison to escape the rules of the alternative sanction,” or “they do not want to deal with the probation officers” (7.7% and 3.7%, 3.5%, respectively). Several participants stated that offenders that have had prior experience in prison would be more likely to make a Prison Choice (6.3%) and that offenders make a Prison Choice because they have no outside support to help them stay out of prison (3.0%).

### *Reasons for Choosing an Alternative*

Responses to the second question (hereafter referred to as the *Alternative Choice*) are presented in Table 2. The responses in Table 2 indicate that 5.8% of the sample answered that they didn’t know why an offender would make an Alternative Choice. Consequently, unlike with the prison choice, the vast majority of the offenders understood why other offenders would choose an alternative over prison.

The majority of the participants believed that offenders made the Alternative Choice because they can stay on the streets and have freedom and because they can maintain social ties with family and friends (29% and 27.1%, respectively). Moreover, a large percentage of participants insisted that offenders would choose the alternative because they feared prison (13.6%), wanted to be rehabilitated (11.6%), wanted to continue to take advantage of gainful employment (10%), and wanted to maintain the responsibilities they have on the streets (5.5%). Additionally, 9.3% of respondents answered that offenders choose the alternative because they believe that it is easier, yet only 2.9% said that the alternative is better than prison.

□ **TABLE 2. Why Would an Offender Choose an Alternative Over Prison?**

Category Description	N	%
Offenders choose alternative for freedom on the streets	185	29.0
Offenders want to maintain social ties	168	27.1
Offenders want to change and be rehabilitated	72	11.6
Offenders are afraid to go to prison	85	13.6
Offenders want to maintain employment	65	10.5
Alternatives are easier than prison	58	9.3
Don't Know	36	5.8
To continue maintaining their responsibilities like family and jobs	34	5.5
Offender has never been to prison	20	3.2
Offender thinks the alternative is better	18	2.9
First-time offenders don't feel they should have to go to prison	16	2.5
Offenders choose alternative because they have never done it	16	2.5
Offenders who are not career criminals will choose the alternative	11	1.7
Offender has experienced prison and doesn't want to go back	10	1.6
Offenders choose alternative to have control over their own actions	8	1.2
Other (responses that didn't fit into any particular category)	7	1.1

Nevertheless, 3.2% of the sample stated that offenders make the Alternative Choice because they don't have any prison experience. Even so, respondents revealed that offenders who are charged with their first offense and who have not experienced the alternative will make the Alternative Choice (2.5% and 2.5%, respectively). However, only 1.2% of the participants stated the people who have experienced prison will make the Alternative Choice in the future.

### ***BIVARIATE RESULTS AND COMMENTS FROM OFFENDERS***

Given that prior work finds those with prison experience are more likely to choose prison over alternatives, we examined the impact of previous incarceration in prison on both Prison Choice and Alternative Choice. For each of the categories presented in Tables 1 and 2, respondents who provided an answer that fit into a response category were coded (1) while all other respondents were coded (0). For example, all respondents who stated that offenders would make the Prison Choice because prison is easier than the alternative were coded (1); all other

respondents were coded (0). As the results in Table 1 suggest, 91 respondents were coded (1) on the variable representing the "Prison Choice Because It Is Easier" variable; the remaining respondents were coded (0).

Respondents who had been incarcerated in prison were then coded (1) while those who had not been incarcerated were coded (0). Responses were fairly evenly divided between the two groups (47.6% reported they had served time in prison before while 52.4% said they had not). Cross-tabulations were then conducted that examined differences between the variable representing whether or not the respondent had been incarcerated in prison and each category for the Prison Choice and Alternative Choice variables. The statistically significant relationships from those cross-tabulations are presented in Table 3.<sup>3</sup>

### *Prison Experience and the Choice of Prison v. Alternatives*

The respondent's prison experience had a statistically significant relationship with five of the open-ended responses (listed in Table 3). First, respondents who had been to prison were significantly more likely to state that someone might make a Prison Choice because they felt that people "... had more freedom in prison than in jail." Although the question was intended to elicit responses about *all* alternative sanctions,

□ **TABLE 3. Categorical Responses Demonstrating Statistically Significant Differences by Prison Experience\***

	No Prison Experience		Prison Experience	
	% Yes	% No	% Yes	% No
Offenders choose alternative to have more freedom	9.3%	90.7%	16.7%	83.3%
Offender has experienced prison and doesn't want to go back	0.6%	99.4%	2.8%	97.2%
Offenders want to maintain social ties	30.9%	69.1%	23.0%	77.0%
Offenders are afraid to go to prison	8.7%	91.3%	14.9%	85.1%
Time goes by quicker in prison; Offenders are released sooner	18.3%	81.7%	11.0%	89.0%

\* All differences were significant at  $p < .05$  or below using the Phi/Cramer's V statistics.

many of the respondents apparently felt that jail was an alternative to prison and thus answered accordingly. For these respondents, the “freedom” that prisoners have (when compared to jails) is an important reason for the choice of a prison sanction over alternative sanctions. This sentiment is evidenced by the following comments:

’Cause in prison you can get around, you can move and you got daily activities and in county you can’t, you ain’t got none of that, got too much to do on probation. I would go to the joint first. (Respondent 161)

’Cause in prison, you know, you can probably go outside, you can play basketball, lift weights, smoke cigarettes, whatever. In jail you can’t do none of that. (Respondent 3)

Prison time would be more easy, because once you get inside, you can work, there’s a lot of activities; plus you can walk around. (Respondent 12)

’Cause prison’s just right out easier, you can lay back and you ain’t gotta do nothing. (Respondent 35)

Second, those participants who had not experienced prison were significantly more likely to make an Alternative Choice because they feared prison; thus, respondents who had not been to prison may thus be caught up in the disheartening stories they have heard about prison. The following statements exemplify these beliefs:

They heard of things that may or may not be true, just scared of prison. (Respondent 26)

Fear of prison fear of jail. (Respondent 403)

Because some people might be scared of the penitentiary and what they’ve heard about it. (Respondent 21)

Uh, to keep from having to go to prison, uh, to keep, I don’t know, uh, there’s just so many rumors about prison, what happens, what goes on in there, and some people really don’t wanna find out what happens, they’d rather try to take care of it otherwise. (Respondent 11)

Just to some people to keep them from going to prison. I guess it would scare some people. (Respondent 129)

Third, respondents who had not been to prison were significantly more likely to say that offenders would make the Prison Choice because they can complete their sentence more quickly in prison than by completing the alternative. Offenders know that “good time” reduces their prison sentence substantially. This sentiment is noted by the following statements:

A lot of times the sentencing for prison would be a lot less than probation. (Respondent 403)

To get it done and over with. If it's a short amount of time in jail then they would rather go ahead and . . . and get it over with but if it's a long time they would rather do it on paper cause your going to be a lot easier. (Respondent 385)

I've heard that uh prison time is shorter. (Respondent 335)

Furthermore, offenders realize they can follow the rules in prison more easily and earn good time, while alternatives can extend the offenders' sentence through technical violations so that offenders wind up going to prison anyway after possibly serving a majority of their time “on paper.”

People have problem with, uh, their behavior, and they mess up with alternative sanction instead of prison work and go ahead and get it over with and get it out of the way. (Respondent 548)

Just don't wanna be bothered with it, hassles of the programs. (Respondent 428)

So just serve it out you don't have to come in and report every day you don't have to take drug tests every time you report you just serve your time out and you're basically a free man or woman opposed to having to still come and see a probation officer. (Respondent 392)

Fourth, those respondents who have been to prison were significantly more likely to say that offenders would make a Prison Choice because they have experienced the alternative before and would rather not deal



with the strict rules and probation officers of an alternative sanction. The following comments reflect these feelings:

'Cause sometimes the prison time's easier you know you got schedules and things to do and you get in a routine and it's a lot easier than going by all these rules and having to sweat going back to prison and what your parole officer gonna say. ( Respondent 146)

'Cause they don't like the program. (Respondent 66)

'Cause dealing with the parole officers is bad enough, cause if you don't continue the alternative, you're gonna get sent back anyways. (Respondent 567)

Finally, those respondents who have not been to prison were significantly more likely to state that an offender would make the Alternative Choice because they want to continue to have social networks in the community with friends and family. The following statements shed light on these perspectives:

I made that choice cause I have a son, that I'd rather be with, and I'd rather be out here than in prison. (Respondent 25)

Uh, personal reasons, family, kids, wife, uh, job, things like that; some people are just physically, there are things about prison, people are afraid of whatever they heard of things that may or may not be true, just scared of prison, but either family, job, kids, or they just afraid of prison. (Respondent 26)

Because usually they have children, and family, the spouse, the grandparent, mother, father, or someone may be ill. (Respondent 30)

## *DISCUSSION*

Over 600 probationers and parolees were asked for their opinions on why a convicted offender might choose to serve prison rather than an alternative sanction, and vice versa. Responses to this large-scale qualitative inquiry were then analyzed, grouped, and presented in aggregate fashion.

Respondents with prison experience reason that offenders would select prison in order to avoid the terms, strict supervision, and abusive program administrators they might encounter under an alternative sanction. This seems to represent offenders' tendency to choose the least restrictive sanction, and it could also be argued that an offender's decision to choose prison over an alternative is contingent upon whether or not they had a negative experience with that or some other alternative. Qualitative results presented here support findings from quantitative research showing that many offenders would prefer to serve out a prison term and be released with no strings attached rather than invest time in an alternative sanction under restrictive supervision and with a significant likelihood of revocation. What's more, those respondents with prison experience were more likely to say that offenders may choose alternatives over prison because they are afraid to go to prison, and because they are intimidated by the rumors they've heard about prison.

In comparison, respondents who have not been to prison more often stated that offenders might choose the alternative over prison to maintain social ties in the community. This suggests that offenders with strong social bonds in the community may think that with such support, they have a greater probability of successfully completing an alternative program. Finally, those with no prior prison experience more often stated that offenders could choose prison over the alternative because they might get out quicker. Due to the fact that the participants are serving alternative sanctions, they know that penalties for violations of strict conditions of supervision could lead to an extended sentence or revocation. These respondents generally knew that, in prison, offenders can earn "good time" for appropriate behavior and be released earlier than their original sentence.

### *LIMITATIONS*

Although this study was the first to present qualitative findings from probationers and parolees regarding reasons for choosing alternatives over prison (and vice versa), this study is not without limitations. Given that the questions asked were fairly specific, there were a limited number of responses for many answer categories. As such, this reduced the possibility of achieving significant differences in the responses. Therefore, in future studies, rather than asking open-ended questions, researchers should use structured interviews, where they begin a discussion on a particular topic (in this case, reasons for choices of alternatives over prison)

and then let the respondent drive the discussion rather than asking focused questions with limited response categories. This approach should allow the respondents the freedom to give answers that represent their exact sentiments in order to obtain richer data.

### ***POLICY IMPLICATIONS***

The qualitative results presented here replicate quantitative findings presented in a number of other works (reviewed earlier) and provide some much-needed context in which to view those earlier findings. The findings presented here continue to cast doubt on the value of prison as a specific deterrent mechanism; if anything, prior prison experience makes one *less* fearful of prison and *more* willing to return to prison rather than serve their time under community supervision. The significance of our findings for rational choice/deterrence and social learning theories generates potentially provocative and controversial issues. In fact, as May et al. (2005) have suggested elsewhere, most research on intermediate sanctions determines they are generally no more or less effective than imprisonment in reducing future crime; however, they are potentially less *expensive* than imprisonment. If alternative sanctions are equally effective (or ineffective) as incarceration in prison in reducing recidivism, perceived by offenders as equally punitive, and significantly less expensive than imprisonment, there seems good reason to expand their use.

Our results also continue to raise serious doubts about the validity of a continuum of sanctions bounded by regular probation at one extreme and traditional incarceration at the other. Offenders with personal experience of both imprisonment and alternatives identify several alternatives as more punitive than prison and provide a number of justifications for doing so. Consequently, our findings suggest a more complex decision-making process than that traditionally attributed to criminal offenders, who are uniquely aware of the pitfalls awaiting them should they enroll in certain alternatives. The conventional wisdom of placing regular probation at the low end of a continuum of sanction severity may be valid, but it seems clear many offenders perceive some noncustodial sanctions as more onerous than traditional incarceration. Until policy-makers understand this social fact, incarceration will continue to be used for some offenders in some situations where alternative sanctions might punish more effectively, no matter what rationale for punishment is intended.

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### NOTES

1. In the state of Kentucky, felony probationers and parolees are supervised by officers that work out of the same office. These officers typically supervise both probationers and parolees as part of their caseload.

2. Our original intention was to interview the probationers and parolees in the waiting area prior to the visit with their supervising officers. Nevertheless, the supervising officers insisted that we interview the respondents after their meeting, rather than before. It is possible that respondents whose visit with their supervising officer went well may have responded that they were more willing to do community sanctions than those whose visit was more unpleasant. While we have no way of knowing the impact that the order of the interview had upon the results of this study, we are confident that its impact was minimal, as most of the respondents had ample experience (both good and bad) with community corrections before the interview date.

3. Because officers in Kentucky typically supervise both parolees and probationers as part of their caseload, and we felt that the incarceration experience was far more important to an individual's perception of the relative punitiveness of prison when compared to alternative sanctions, we originally did not distinguish between parolees and probationers in the analysis reported here. During the review process, we conducted separate analyses for probationers and parolees on the variables under study here and determined that, by and large, there were no substantive differences between probationers and parolees in the relationships reported here. Nevertheless, respondents under parole supervision were significantly more likely than probationers to suggest that time passes more quickly in prison while respondents under probation supervision were significantly more likely than parolees to respond that people fear being sent back to prison if they fail in the alternative. Future research should explore the interaction between type of supervision and prison experience to attempt to determine the complex nature of these relationships.

### AUTHORS' NOTES

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Funding for this effort was provided by the Eastern Kentucky University College of Justice and Safety Research Committee.

The authors would like to thank the anonymous reviewers who provided helpful comments that contributed to the final version of this article. An earlier version of this article was presented at the annual meetings of the Southern Criminal Justice Association in Charleston, South Carolina in September, 2006.