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Race, Gender, and Attorney Representation as Predictors of Private Probation Warrants

Subaricca Robinson
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Walden University

College of Social and Behavioral Sciences

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Subaricca Thywana Robinson

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2019

Abstract

Race, Gender, and Attorney Representation as Predictors of Private Probation Warrants

by

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MA, Albany State University, 1999

BS, Georgia Southern University, 1993

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Abstract

Private probation companies were formed to provide supervision to low-risk offenders who committed misdemeanor charges by allowing offenders to reside in the community instead of being incarcerated. However, research has revealed that private probation agencies have become problematic because state and local governments have benefitted financially by collecting court costs and probation supervision fees from indigent probationers who are unable to pay. Other researchers have revealed that gender, race, and attorney representation impact whether a warrant would be issued for failure to pay court costs and supervisions fees. This study examined the predictive relationships between race, gender, attorney representation, and warrants being issued. The theoretical framework for this study was the prison-industrial complex that emphasizes how government and private companies' financial interests are linked to the expansion of the penal system. This study addressed the question of whether gender, race, and attorney representation predicted the likelihood of private probation warrants being issued. A quantitative, correlational, cross-sectional design based upon secondary data analysis was used to address the research question. Results from a logistic regression showed that only race predicted the likelihood of private probation warrants being issued. Results also showed that Black males were more likely to have a warrant issued for their arrest. The findings can be used to advocate fair treatment of Black males who are disproportionately affected by unconstitutional practices of private probation companies. Findings can be used to promote social change by advocating that indigent offenders be offered alternative sentences other than jail when they cannot pay court costs and probations fees.

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Dedication

This dissertation is dedicated to my grandparents Stafford and Hilda Smith who passed away too soon. Granddaddy, you passed away when I was still a child. But, I remember all of the wonderful things you did for me. I love and miss you. Grandma, I think about you all the time and all the advice you gave me. You have always encouraged me and wanted me to do better than what was around me. I miss the long conversations we had while sitting on the front porch and eating Mr. John's ice cream and jello. I know that you are cheering me on and proud of all that I have accomplished. The older I become, I see myself in you. Thank you for being my inspiration. Thank you for setting an example of a strong woman who overcame obstacles through determination and for having your own personal relationship with God. I love and miss you dearly. Also, this dissertation is dedicated to the children of the McIntosh, Thronateeska, and O.B Hines Housing Projects in Albany, Georgia. It is my hope that you will dream a dream and live a life that is exceedingly and abundantly all that you can ask or think.

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Table of Contents

List of Tables	v
Chapter 1: Introduction to the Study.....	1
Background of Study	2
Problem Statement	4
Purpose of Study	6
Significance of Study	7
Nature of Study	8
Research Question and Hypotheses	8
Theoretical Foundation	9
Definitions.....	10
Assumptions.....	11
Scope and Delimitations	11
Limitations	12
Summary and Conclusion	13
Chapter 2: Literature Review.....	14
Introduction.....	14
Literature Search Strategy.....	15
Theoretical Orientation for the Study	16
Private Probation Defined.....	19
Historical Overview of Private Probation.....	20
Funding of Private Probation.....	21
Criticisms of Georgia Private Probation.....	22

Probation Revocation Factor.....	23
Race, Incarceration, and Probation	24
Gender and Probation	26
Attorney Representation and the likelihood of Probation.....	27
Attorney Representation and Due Process.....	29
Maintaining Employment is a Condition of Probation.....	30
Courts' Responsibility of Fair Treatment	32
Summary and Conclusion.....	33
Chapter 3: Research Method.....	36
Introduction.....	36
Research Design and Rationale	36
Methodology	38
Population	38
Sampling Procedure	38
Sample Size	39
Procedures for Recruitment, Participation and Data Collection.....	39
Data Collection	40
Instrumentation and Operationalization of Constructs	41
Reliability.....	41
Validity	42
Variables	43
Data Analysis Plan.....	44
Research Question and Hypotheses	45

Threats to Validity	47
External Validity	47
Internal Validity	47
Statistical Conclusion Validity	48
Ethical Procedures	48
Summary	51
Chapter 4: Results	52
Introduction	52
Data Collection	53
Demographic Data	53
Testing Statistical Assumptions	54
Results	55
Conclusion	59
Chapter 5: Discussion, Conclusions, and Recommendations	61
Introduction	61
Interpretation of Findings	61
Findings Related to Race	61
Findings Related to Gender	63
Findings Related to Employment	64
Findings Related to Attorney Representation	65
Connections of Research Theoretical Orientation	66
Limitations of the Study	68
Recommendations for Future Studies	70

Implications for Social Change.....	71
Conclusions.....	72
References.....	74
Appendix A: Data Collection Spreadsheet	94
Appendix B: Letter of Cooperation – Court of Southwest Georgia #1	95
Appendix C: Letter of Cooperation – Court of Southwest Georgia #2	96

List of Tables

Table 1. *Variables, Type of Variable, Codes, and Level of Measurement*44

Table 2. *Frequency Counts for Demographic Variable*54

Table 3. *Logistic Regression for Predicting Likelihood of Warrants Being Issued*56

Table 4. *Chi-Square Tests*.....57

Table 5. *Race by Warrant Issued Crosstab*58

Table 6. *Regression Classification Table*59

Chapter 1: Introduction to the Study

Introduction

For over 20 years, criminal offenders in the United States who commit misdemeanor charges have been placed on probation (Rappleye & Riordan Seville, 2012). Over 10 years ago, Schloss and Alarid (2007) emphasized that more than 39% of the probationers in the United States committed less than felony offenses. In 2015, there were more than 1.8 million people on misdemeanor probation (Kaeble & Bonczar, 2017). In that same year, the state of Georgia had 500,000 probationers on misdemeanor private probation, which was 4 times greater than the national average (Alarid, 2016). In the United States, several states use private organizations to provide supervision to offenders who commit misdemeanors such as traffic violations (Schloss & Alarid, 2007). Private probation companies also provide supervision to offenders who have committed misdemeanor charges such as petty thefts, minimum amounts of illegal drugs, and driving under the influence of alcohol (Human Rights Watch, 2018). In the past, probationers had been supervised by state agencies. However, because of state financial shortfalls, reductions in staff, and large probation caseloads, local governing officials began contracting probation services to private companies to assist with extensive caseloads (Schloss & Alarid, 2007). Stillman (2014) emphasized that budget reductions have created a gateway for private probation to be a source of relief for overburdened probation caseloads. Private probation has also been a source for increased collection of court fines and fees (Stillman, 2014).

Since the introduction of private probation companies, their services have been criticized because poor probationers have been required to make payments of court fines, and many are incarcerated because they cannot make the payments (Bellacicco, 2013). Not only are private probation companies incarcerating poor offenders, criminal penalties are being imposed as well (Lerman & Weaver, 2014). Notably, the state of Georgia has been condemned for using private probation companies and probationers to fund its criminal justice system (Albin-Lackey, 2014a). Critics have argued that private agencies in the State of Georgia have been unlawfully forcing probationers to pay court costs and fines even though many of them cannot afford to pay (Flatow, 2014). This practice is problematic because it unlawfully results in the incarceration of individuals who cannot pay unfair court costs and fees for minor misdemeanor offenses.

In this study, I examined to what degree do gender, race, and attorney representation predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision? In this chapter, I provide a background of the study, discuss the theoretical framework, identify the research method and design as well as outline data collection and analysis. At the end of this chapter, I provide implications for social change as it relates to indigent offenders under the supervision of private probation agencies.

Background of Study

For over 20 years, offenders have been placed on probation for committing misdemeanor charges, and thousands of these offenders were specifically placed on private probation caseloads (Albin-Lackey, 2014a; Rappleye & Riordan-Seville, 2012).

Those who support private probation contend that private probation is needed because it saves taxpayers money (Rappleye & Riordan-Seville, 2012). In 2000, the state of Georgia passed a law that allowed probate, magistrate, and state courts to contract with private companies to provide probation services (Albin-Lackey, 2014a). State and local governing officials emphasized that using private probation was a win-win for everyone because the state would not be charged for supervising probationers, the private agencies would be charged, and the state would receive money collected from court-ordered court fines (Dolan & Carr, 2015). For instance, each probationer in Georgia is charged a monthly probation fee that is paid to the probation company and not the courts (Albin-Lackey, 2014a). This monthly fee ranges between \$25 and \$45 and must be paid during the probationary period (Flatow, 2014). In addition, each probationer pays a probation supervision fee, which is a \$9 monthly fee paid to the state of Georgia, that is used to fund the Georgia Crime Victims' Emergency Fund (Albin-Lackey, 2014a). Depending on the court charge with which the probationer was held, other fees, such as a random drug screen fee of \$20 or \$25, counseling fees, fees for photos, and attorney's fees may be charged as well (Albin-Lackey, 2014a; Flatow, 2014).

In 2013, private probation agencies collected \$98,600,000 in court fines, court costs, and restitution for nearly 650 courts in Georgia (Albin-Lackey, 2014b). Critics of private probation have argued that probationers are considered "raw materials" who can guarantee an increased, profitable market in the criminal justice system (Albin-Lackey, 2014a). Flatow (2014) indicated that private probation companies are glorified debt collection groups that use jail time as penance for indigent probationers who cannot pay

imposed fees as directed. Flatow further stated that private probation companies have been primarily constructed because of the court systems' bias toward indigent offenders who can only make payments in installments.

In 1972, the U.S. Supreme Court held that poor misdemeanor offenders have a right to counsel if they face the possibility of jail time (Hashimoto, 2015). Since that ruling, other court rulings (*Argersinger v. Hamilton*, 1972; *Alabama v. Shelton*, 2002; *Scott v. Illinois*, 1979) have made it clear that indigent defendants have a right to an appointed counsel in every case. Albin-Lackey (2014a) emphasized that only a few misdemeanor offenders have been represented by legal counsel, and most offenders have been aware of their constitutional protections under the law. However, sometimes misdemeanor offenders have their cases unlawfully and quickly disposed of (Albin-Lackey, 2014a). Furthermore, before court proceedings, misdemeanor offenders may be unaware that their cases are being presented without them having legal representation (Albin-Lackey, 2014a).

Problem Statement

Past research have shown that as many as one out of 32 Americans have been under community corrections supervision (Teague, 2011). In 2015, there was one out of 53 Americans on probation and parole (Kaeble & Bonczar, 2016). Many probationers who are being supervised by private probation companies are indigent and cannot afford to make payments toward their court fines and fees (Bronner, 2012). There is an unreasonable number of poor probationers paying court fines and fees who are already tremendously burdened (Schiraldi, 2018). In the last decades, court systems have not

made accurate determinations of which defendants are indigent (Sarnoff, 2014). Instead, courts have allowed private probation companies to increase and expand the use of court fines, fees, and restitution among indigent individuals for financial gain (Sarnoff, 2014). The court verdict from the U.S. Supreme Court *Bearden v. Georgia* made it illegal to incarcerate probationers when they cannot afford to pay their fines and fees (Albin-Lackey, 2014a). Although this landmark legislation prohibited incarcerating indigent probationers, court systems and private probation companies continue placing indigent probationers in jail for failing to pay their court costs (Albin-Lackey, 2014a).

Demographic variables such as race, gender, and attorney representation can be related to the unconstitutional practice of sentencing indigent offenders to jail. According to Carson (2015), at the end of 2013, Black males represented the majority (37%) of the state and federal prison population, followed by 32% White males, and 22% Hispanic males. White females represented the majority of the state and federal female prison population (49%), followed by 22% Black females, and 17% Hispanic females (Carson, 2015). Because Blacks have the highest unemployment rate in the United States, they are more likely to be sentenced to jail for their inability to pay on court fines and fees (Thompson, 2012). Indigent probationers are also more likely to receive jail time due to a lack of attorney representation or poor attorney representation (Bronner, 2012). Due to poor representation, accused individuals may accept plea bargains or other actions without being fully knowledgeable or aware of their constitutional rights to attorney representation. Furthermore, they may be unaware of other possible sentencing alternatives (Schloss & Alarid, 2007; Bellacicco, 2013; Flatlow, 2014). Critics have

emphasized that private probation companies, as well as court systems, do not make proper determinations of an individual's ability to pay before sentencing them to jail (Bellacicco, 2013; Rappleye & Riordan-Seville, 2012).

During the literature search, I did not locate any articles that took a quantitative, empirical approach to examine how the variables combined to increase the likelihood of incarceration of indigent persons who cannot afford to pay court costs and fees. As the demand for the use of private probation agencies increases, awareness of how minority and indigent offenders are affected must be addressed. More needs to be known about how unconstitutional practices of using private probation companies to extract court-related costs and fees disproportionately affects specific groups of indigent individuals (Sarnoff, 2014).

Purpose of Study

In this quantitative study, I examined the predictive relationships between offender race, gender, attorney representation, and the likelihood of warrants being issued as a result of an offender's inability to pay court fines and fees to private probation companies. The original intent included employment status as one of the variables. However, the employment status of the probationer is no longer recorded on warrants. Therefore, the unemployment status was not collected in the archival data.

I conducted a correlational study using archival data from records of two courts in Southwest Georgia. This goal of the study was to determine the extent to which premises of Alarid and Schloss's (2009) prison-industrial complex theory pertained to indigent offenders in Southwest Georgia. Alarid and Schloss reviewed the progressive growth of

privatization within the criminal justice system through probation. Privatization of probation disproportionately affected certain demographic groups of individuals. The primary focus of this study was to determine whether the demographics of probationers as served as predictor variables for the likelihood of warrants being issued.

Significance of Study

Community corrections programs, such as private probation supervision, aim to provide services that will reduce recidivism rates, stop criminal behavior, and promote rehabilitation (Deering, Feilzer, & Holmes, 2014). However, there have been complaints against private probation because the court systems' processes do not show interest in protecting probationers who cannot afford to pay court-ordered fees and fines (Albin-Lackey, 2014a). The findings from this study may provide human services professionals empirical evidence of information about how demographic variables are related to the issuance of probation warrants to indigent offenders. Human services professionals could use the information to advocate for policies that require criminal justice administrators to make a proper determination of an offender's ability to pay court costs and fees before issuing sentences of jail time. Furthermore, the information could be used to advocate for the use of community service as sentencing options for indigent offenders instead of incarceration. Community service programs could be instrumental in promoting social change by accurately evaluating the economic status of indigent offenders and reducing unnecessary incarcerations because of their inability to pay court costs and fees.

Nature of Study

The methodology that I chose for this study was the quantitative, correlational, cross-sectional approach. I chose a quantitative method because it allowed me to collect data that could be impartially measured and thereby enabled me to empirically address the predictive relationships among the predictor variables and the outcome variable (see Sheperis et al., 2010). This study is a correlational design because it assessed the degree to which several independent predictor variables predicted the outcome/predictor variable (see Sheperis et al., 2010). A cross-sectional design was also used because the data was collected at one time (Sheperis et al., 2010).

I conducted secondary data analysis of archived data retrieved from court files in two counties in Southwest Georgia. By using secondary data on court-ordered fines and fees and costs of special conditions, I was able to determine whether specific demographic variables predicted the likelihood of the issuance of probation warrants.

Research Question and Hypotheses

Research Question (RQ)1: To what degree do gender, race, and attorney representation predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision?

H_0 : Gender, race, and attorney representation will not significantly predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision.

H_A: Gender, race, and attorney representation will significantly predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision.

Logistic regression was used to test the null hypothesis. Sheperis et al. (2010) indicated that regression is used to investigate the predictive relationships between a dichotomous outcome variable and a group of predictors. I used this approach to examine the degree to which the independent variables (gender, race, and attorney representation) predict the likelihood of the dependent variable (likelihood of warrants being issued).

Theoretical Foundation

I used the prison-industrial complex (PIC) theory to guide the research. Donziger first used the term in 1995 (Donziger, 1996). The theory describes an interwoven network of private agencies and government interests that are affiliated with incarcerating people (Donziger, 1996; Davis, 1998). To operate and expand, the criminal justice system needs private companies as well as a dependable supply of criminals and probationers to serve lengthy sentences (Schloss & Alarid, 2009). The PIC concept refers to the coordinated interests between the public and private sector companies that supply and manage prisons, lawyers, lobbyists, governmental agencies, and private probation companies that profit from people being sentenced to jail (Hartman & Doty, 2015). Hartman and Doty (2015) emphasized that the privatization of punishment serves in many capacities, such as the structure of criminal proceedings, supervision of the disfranchised, and the authority allocated from the private sector. The PIC theory relates to this study because it explains how private companies and the U.S. correctional system

generate high financial returns by incarcerating indigent offenders for low-risk, misdemeanor offenses (see Sarnoff, 2014).

Definitions

Clerk of courts: Elected or an appointed official responsible for maintaining court documents (Neubauer & Fradella, 2018).

Disparity: Unequal sentencing practices within the court system (Neubauer & Fradella, 2018).

Fine: A sum of money paid by an offender as a form of punishment (Neubauer & Fradella, 2018).

Individual rights: Rights as a United States' citizen protected under the United States' Constitution (Schmallegar et al., 2014).

Private probation: A private organization that provides probation supervision through contracted services with state and local governing authorities (Alarid, 2016).

Probation: An alternative sentence ordered by the court system to provide supervision for a period of time (Herberman & Bonczar, 2014).

Public defender: An attorney hired through local government to represent poor offenders (Sheldon & Krieger, 2014).

Race: A nation of people who have similar characteristics biologically (Brown, Donato, Laske, & Duncan, 2013).

Revocation hearing: Hearing to determine whether or not to revoke a probation or parole sentence (Alarid, 2016).

Technical violation: Violation of probation's noncriminal terms and conditions (Alarid, 2016).

Warrant: In criminal hearings, an assigned officer instructing the police to execute an action to protect the person from criminal activity (Schmallegar et al., 2014).

Assumptions

As a researcher, I assumed that race, gender, and attorney representation are related to the issuance of private probation warrants. I also assumed that the case files obtained and used in the data analysis contained accurate information related to the probationers and related court proceedings. Therefore, I held the assumption that the data used for the study were accurate and dependable. Both courts of Southwest Georgia have rules and regulations that governing authorities must follow as they relate to record keeping (Southwest Georgia court administrator, personal communication, February 26, 2018). For instance, records must be locked, secured, and maintained for a set number of years (Southwest Georgia court administrator, personal communication, February 26, 2018). Also, only authorized personnel have access to the case files (Southwest Georgia court administrator, personal communication, February 26, 2018). In determining the accuracy of the records, I assumed that the data contained in the court files were precise. Importantly, as a researcher, I held the assumption that the secondary data analysis would be adequate for testing the hypothesis for the research question.

Scope and Delimitations

This study allowed me to examine the predictive relationships between the offender's race, gender, attorney representation, and the likelihood a warrant would be

issued. The data consisted of data extracted from adult probationers who would have been placed on private probation in probate and municipal courts. The scope of this study focused on all records of probationers who were placed on probation who were 18 years of age and older. The probationers must have been sentenced to serve a probated term on private probation. This study assessed the relationship between four measures of the probationers' indigency and warrants being issued between January 2012 and December 2016. To accomplish this objective, the data for this research study came from records maintained by the courts of Southwest Georgia. Therefore, all records related to the offenders who were placed on probation with the two courts of Southwest Georgia. The delimitations of this research necessitated that discretion should be used when seeking to generalize results from this research to probationers who were placed on probation from a different court in the same county.

Limitations

One of the limitations of using archival data is that the researcher may not be notified of changes in the recordkeeping process (Substance Abuse and Mental Health Services Administration, 2015). If there are changes to record keeping process without the researcher notification, there can be inaccuracies of the data. Furthermore, if personnel do not follow the courts' guidelines for records entry and maintenance, this can also provide limitations of archival data. The researcher must learn how the records are arranged in order to enhance the data collection process (Substance Abuse and Mental Health Services Administration, 2017). I spoke with both courts at great length about the

location of the records, in hopes that the records were located just as described, and that records were properly maintained.

Summary and Conclusion

The state of Georgia is under scrutiny for using private probation company supervision of probationers to fund its criminal justice system (Flatow, 2014). Private probation companies break laws when warrants are issued, and poor people are incarcerated for their failure to pay court-ordered fines and fees (Flatow, 2014). Private probation is supported by many officials in the criminal justice system because it reduces the cost for taxpayers (Rappleye & Riordan-Seville, 2012). However, court systems have permitted private probation companies to expand the use of court fines and fees among poor people for financial profit (Sarnoff, 2014). Moreover, private probation companies are lacking resources and alternatives for offenders who cannot afford to pay their court and supervision cost (Bellacicco, 2013). There is a lack of empirical research that has addressed race, gender, and attorney representation as predictors of private probation warrants. As such, the purpose of this study was to examine the predictive relationships between race, gender, attorney representation, and the issue of warrants because of an offender's inability to pay court fines and fees to private probation companies. In Chapter 2, I provide a historical review of literature related to this problem of warrants being issued to indigent offenders for not paying court fines and fees.

Chapter 2: Literature Review

Introduction

Private probation companies in the United States receive financial gains by leveraging costly fines and fees for indigent offenders (Sarnoff, 2014). In addition, state and local governing authorities have come to rely on the revenue produced by probation companies in the private sector to supplement shortfalls in their operation budgets (A. Cohen, 2014). The United States Supreme Court has upheld that people on probation cannot be incarcerated for their inability to pay court costs and fees (Doherty, 2015). However, currently in the United States state and municipal courts, when probationers fail to pay court costs and fees, they are intimidated with threats of being sent to jail, and they may be required to pay additional jail fees (Sarnoff, 2014). In the state of Georgia, the private probation industry has come under scrutiny for incarcerating indigent offenders when they become in arrears of paying court-ordered fines and fees (Doherty, 2015), and many of those offenders have only committed misdemeanor offenses (Freiburger & Hilinski, 2013). A disproportionate number of those who have been incarcerated are males from minority groups (Sobol, 2015).

In this quantitative study, I examined the predictive relationships between race, gender, attorney representation, and the likelihood of a probation warrant being issued because of an offender's inability to pay court fines and fees to private probation companies. In this chapter, I present research that is relevant to private probation, the community corrections field, and the public and private sectors. In Section 1 of this chapter, I describe the literature search strategy. Section 2 gives a historical overview of

the private probation sector. Section 3 of this chapter contains literature related to the criticisms of private probation. The fourth section addresses literature pertaining to the issuance of probation warrants according to race and gender of probationers, and attorney representation. The final section of this chapter is a summary of the current literature.

Literature Search Strategy

This review of the literature includes studies that have been conducted in the United States of America and other countries that have addressed the incarceration of offenders for their inability to pay court fines and fees. The literature review primarily includes research that is less than 5 years old. However, there are some articles older than 5 years because they present foundational and historical research that address the historical development of the relationship between court systems and private probation companies in the United States.

To find articles and studies that could be used to guide this study, I conducted computer searches of existing literature in databases using the Walden University Library. The databases I used in the literature search included PsycINFO, EBSCO Host, Psyc Articles, SocINDEX, ProQuest Criminal Justice, Criminal Justice Periodicals, Google Scholar, and significant accessible databases. I conducted searches using various combinations of the following terms and phrases: *community corrections, private probation, privatization, probation, indigent attorneys, incarceration, jail, and offender-funded probation.*

The searches in Google Search were confined to studies between the year 1996 and 2018. Additional articles were identified using the reference lists of previously

gathered articles. I searched for literature by using other online information centers such as the Bureau of Justice, the American Probation and Parole Association, the Judicial Council of Georgia Administrative Office of the Courts, and the Georgia Department of Community Supervision - Adult Misdemeanor Probation Oversight. The websites were used to gather additional research and statistical data on topics in this study. I read abstracts and reviewed each abstract to determine the relevance of each article to the research question. I selected 134 articles and read the entire text of those sources. I classified the articles into different categories such as background papers, research design, methods, and key findings. I then read, analyzed, summarized, and compared these sources to comprehend the literature related to this research topic as a whole.

Theoretical Orientation for the Study

I used the PIC theory as the theoretical foundation for guiding this study. The PIC theory describes the intersecting pursuits of government and business enterprises that use supervision, law enforcement, and the penal system as resolutions to financial, societal, and legislative problems (Empty Cages Collective, 2017). The PIC theory explains how the penal system, probation, law enforcement, court systems, and corporations that are affiliated with the criminal justice system make profits by arresting, supervising, or incarcerating offenders (Empty Cages Collective, 2017).

Donziger created the PIC theory in 1995 to explain the structure of the private sector and government departments as they engaged in efforts to produce revenue by incarcerating offenders to produce a penal workforce and cheap labor (Donziger, 1996). In the mid-1990s, Davis promoted the concept of the PIC when she criticized how the

government penalized vast numbers of poor people with assistance from the private sector to make profits from private company supervision of individuals in the criminal justice system (as cited in Gregoire, 2017). Davis emphasized that the PIC was a complicated network of prejudice, societal restrictions, and financial gain (Davis, 1998; Sudbury, 2014). The PIC can be used to describe how the government and the private sectors are intertwined to generate profits from incarcerating impoverished minorities (Sudbury, 2014).

For almost 20 years, researchers have used Davis's principles of the PIC to explain the impact of incarceration of Black men and how defendants are being used as commodities in the criminal justice system to generate profit through privatization (Davis, 1998; Price & Morris, 2012; Smith & Hattery, 2010). Davis indicated that through privatization of the criminal justice system, the indigent and working poor are being taken advantage of to produce and maintain profits because of their involvement in the criminal justice system (Davis, 1998; Richards, 2014). Privatization of the criminal justice system negatively impacts Blacks because they are disproportionately criminalized at a rate up to 7 times higher than the rate for Whites (Richards, 2014).

The PIC theory originated from concepts related to the military-industrial complex that was created by economist and statistician, Riefler in 1947. The term *military-industrial complex* was used by Riefler to describe the relationship between the military and the private industry during and after World War II by explicitly focusing on the collaboration between nonmilitary and military financial resources (Riefler, 1947). The military-industrial complex theory was used again by Mills, a sociologist, in 1956

(Mills, 1956; Price & Morris, 2012). Mills used the term to describe the wasteful spending by the military that was connected with the private industry (Higgs, 2011; Mills, 1956). The concept was used by President Dwight Eisenhower in 1961 in his farewell speech because of the growth of the defense industry in America (Price & Morris, 2012). In the 1940s and 1950s, the term military-industrial complex was used to explain the increase of industrial labor in the United States (Clark & Jorgensen, 2012). The military-industrial complex explained the increased profits of the private and public sectors and their support for the wars (Clark & Jorgensen, 2012). Furthermore, the concept of the military-industrial complex highlighted the collaborations between private corporations and the military due to the elections of politicians who impacted policies (Clark & Jorgensen, 2012). The prison-industrial complex and military-industrial complex are similar because both theoretical concepts combined the interest of governmental forces and their desire to make profits (Clark & Jorgensen, 2012). The military-industrial complex emphasizes how the private sector created profits by selling military equipment (Clark & Jorgenson, 2012). Past researchers have depicted the PIC as the prison infrastructure's approach to increasing economics (Byrd, 2013).

Past researchers have shown a link between mass incarceration and the prison industrial complex (Smith & Hattery, 2010). Researchers have highlighted the exploitation of poor Blacks by extracting income from families due to their members' incarceration (Smith & Hattery, 2010). Teague (2011) stated that the United States of America has been known for the prison-industrial complex because of its collaboration of free labor of prisoners with the private sector. Also, the PIC is not focus on rehabilitation

of offenders (Teague, 2011). Smith and Hattery (2010) emphasized that the PIC has a minimum to do with treatment or deterrence, but more to do with incarceration and free labor.

Private Probation Defined

Klinge (2013) defined probation as court-ordered punishment served in the community instead of imprisonment. The legal definition of probation is that it is a suspended sentence that allows an offender to serve his or her sentence in the community instead of serving jail-time (FindLaw, 2017). Probation is intended to inhibit offenders from committing new crimes, encourage rehabilitation, and secure public safety (Klinge, 2013). Private probation refers to an agency that is owned and operated by a private business or non-profit organization, and contracts with the state, local or federal government to supervise clients” (Alarid, Cromwell, & Del Carmen, 2008, p. 106). Private probation services are used to provide accountability, surveillance of offenders, and counseling or treatment services and to collect court fines and fees (Teague, 2011). Private probation offers alternative sentencing options for low-risk offenders and for those offenders who cannot afford to pay their court fines in full the day of court (Schloss & Alarid, 2007). Alarid (2014) defined private probation as agencies contracting with local governing authorities to provide probation supervision to offenders who have committed misdemeanors or petty charges.

Historical Overview of Private Probation

Private probation started in the 1970s (Schloss & Alarid, 2007). In the last 30 years, there has been an unparalleled growth and privatization through private probation within the United States criminal justice system (Mears, Cochran, & Bales, 2012). Specifically, private probation emerged because state probation departments faced state budgets cuts that increased the caseloads of state probation officers (Schloss & Alarid, 2007). The increased caseloads caused state probation officers to fail in providing adequate supervision to misdemeanor offenders (Schloss & Alarid, 2007). Therefore, state departments considered alternative options for adjusting to budget cuts and managing the growing numbers of probationers (Benson, 2014).

Florida was the first state to contract probation services through the private sector (Benson, 2014). In 1975, the Salvation Army was the first private probation company in Florida to supervise misdemeanor and low-risk offenders (Benson, 2014). Over the span of 30 years, the use of private probation companies had expanded to 10 states (Benson, 2014; Schloss & Alarid, 2007). Currently, 12 states contract private probation services. Those states are Alabama, Colorado, Florida, Georgia, Idaho, Illinois, Michigan, Mississippi, Missouri, Montana, Tennessee, and Utah (Carter, 2014).

In response to the budgetary strains and the growing number of probationers, Georgia legislators passed the Agreements for Probation Services House Bill 837 in 1991 (Georgia State University Law Review, 2014). This Act allowed state and local governing authorities to contract with private probation companies to supervise misdemeanor offenders (Georgia State University Law Review, 2014). In 1991, Georgia

entered into a contractual agreement with the county chief judge with the written approval of the local and state government authority to supervise misdemeanor offenders (Schloss & Alarid, 2007). This agreement allowed private agencies to provide probation supervision services to the court system, in which the private companies were assigned to specific courts in specific cities and counties. Currently, there are 45 private probation companies in Georgia (Benson, 2014). These companies employ 850 professional staff who work in 640 courts throughout Georgia (Benson, 2014).

Funding of Private Probation

The funding for operating private probation companies comes from charging probationers' monthly supervision fees (Cook, 2014; Flatow, 2014). Probationers pay for court-ordered conditions such as substance abuse counseling, electronic monitoring, drug screens, and some other required services (Eisen, 2015). Private probation company supervision of criminals produces enormous profits from charging fees for these services (Price & Morris, 2012). In 2012, private probation companies collected over \$95 million in court fines, supervision fees, and restitution from probationers in Georgia (Albin-Lackey, 2014a). The private agencies' collection of fees has resulted in a greater demand for more private probation services (Eisen, 2015). For instance, the more fees that need to be collected, the more private probation can provide. The American Probation and Parole Association (APPA) explained that charging probationers' supervision fees is "groundbreaking" and that those fees increase the revenue of some private agencies" (APPA, 2011; Teague, 2011). Private companies create half of their budgets by charging probation supervision fees (McCullough, 2016; Teague, 2011). This revenue supports

state and local government budgetary demands (McCullough, 2016; Teague, 2011). While private probation companies have benefitted from probationers by collecting probation supervision fees, indigent probationers have been negatively impacted by their inability to pay court costs and supervision fees (Sarnoff, 2014). Private agencies demand that probationers pay their court-ordered fines and fees whether they can pay or not (Eisen, 2015). When the probationers cannot pay the court-ordered fines and fees, warrants may be issued for their arrest (Sarnoff, 2014).

Criticisms of Georgia Private Probation

In 2016, private probation companies collected almost 90 million dollars from state and local governments, as well as 35 million dollars in probation supervision fees (Freidlin, 2017). These totals represented 80% of monies collected for courts in the State of Georgia (Freidlin, 2017). Critics have argued that private probation companies are more concerned about profiting instead of providing adequate supervision of misdemeanor offenders (Teague, 2016). One Georgia attorney referred to private probation companies as “bill collectors” because of their approaches to collecting money for the courts (Armsby & Connelly, 2014). Bellacicco (2013) stated that private probation companies in Georgia engage in unfair practices to fund court systems in the state. According to McCullough (2016), Georgia courts issue arrest warrants when private probation companies make the recommendation for probationers who fail to make payments toward probation. Indigent probationers who cannot afford to pay their fines and fees are negatively impacted when “expensive” retributions are enforced (Bellacicco, 2013). Private companies enact discriminatory fees by adding supervision and jail fees to

existing court costs that offenders cannot pay (Flatow, 2014). If probationers fail to pay fines and fees, they can be arrested, jailed, and held until the fines and fees are paid in full (Bellacicco, 2013).

Rappleye and Seville (2014) compared private probation to convict-leasing, refers to practices that occurred between the penal system and private businesses of the southern region of the United States in the mid-1800s (World Digital Library, 2014). The penal systems provided prisoners to work as laborers for private businesses while charging the businesses a fee. Private businesses were only to provide food, clothing, and housing for the prisoners (World Digital Library, 2014). Rappleye and Seville (2014) defined current day convict leasing as the act of supplying people, predominantly Blacks, who have been continuously arrested for minor crimes while on probation. The recidivism of new court costs that prevent probationers from paying off their fines and fees in full and terminating their probated case (Rappleye & Seville, 2014). Consequently, the individuals are rearrested for what were mostly minor crimes that could have been adjudicated with something other than incarceration, such as community service (Verrecchia & Ling, 2013).

Probation Revocation Factor

Probation and court systems have increased the number of jail and prison inmates by revoking probation terms (Stevens-Martin, Oyewole, & Hipolito, 2014). In addition, probation and court systems have failed in reducing recidivism rates (Stevens-Martin, Oyewole, & Hipolito, 2014). Probation departments believe that the incarceration rates and tougher retributions are needed because probationers are habitual (Verrecchia &

Ling, 2013). Revoking probation sentences and imposing severe sanctions, such as mandatory jail sentence, community service work or random drug screens will affect the terms of sentences, as well as the recidivism rate of probationers (Verrecchia & Ling, 2013).

Court systems have the authority to sentence offenders, while probation companies make recommendations to the court in revocation proceedings. For example, a probation officer provides a recommendation to the court based on the probationer's compliance or the lack thereof (Hashimoto, 2012). Price and Morris (2012) emphasized that officials in the state of Georgia are unlawfully using private probation companies because of the number of probationers being arrested for non-payment of court fines and fees even though the United States Constitution prohibits the incarceration of indigent probationers for their inability to pay court-ordered fines and fees (Bellacicco, 2013).

Race, Incarceration, and Probation

There is a body of literature which has revealed that Blacks and Hispanics are overrepresented in the United States' criminal justice system compared to other ethnic groups (Policies and Resolutions, 2015; Wagner & Rabuy, 2017). According to the NAACP (2017), out of 6.8 million people in the correctional system, 2.5 million are Blacks. The Prison Policy Initiative provided an in-depth report on the correctional system in the United States (Rabuy & Wagner, 2017). The report revealed that in 2015, over 55% of people incarcerated in the United States were Blacks or Hispanics (NAACP, 2017).

Blacks are more likely to receive differential treatment by the criminal justice system compared to other racial groups (Lewis, Raynor, Smith, & Wardak, 2013). For instance, Blacks are more likely than individuals of any other race to be apprehended by law enforcement, which increases their chances of being involved in the criminal justice system (Lewis et al., 2013). In addition, Blacks and other minority groups are more prone to being “stopped and searched” than Whites (Lewis et al., 2013).

Blacks consistently express that there is discrimination in the criminal justice system, particularly in the probation process (Ho, Breaux, Jannetta, & Lamb, 2014). Probation is minimally constrictive, it is the typical form of sanction (Ho et al., 2014). Probationers who do not follow the terms of their probation sentences, progressively end up being incarcerated (Ho et al., 2014). Although the Bureau of Justice Statistics indicated that 55% of probationers are Whites, compared to 30% of Blacks (Kaeble et al., 2015). Past research has revealed that Blacks violate the terms and conditions of probation at considerably higher rates than Whites and Hispanics (Ho et al., 2014). Mainly, Black males are repeatedly arrested and incarcerated (Le'Brian, 2014).

Blacks also experience discrimination within the criminal justice system because of social policies that lead to systematic racism (Lockett, 2013). Systematic or structural racism refers to the entirety of methods in which society promote racial bias through mutually supporting systems of residential, schooling, jobs, income, welfare, finances, media, health and judicial system (Bailey, Krieger, Agenor, Graves, Linos and Bassett, 2017).

Gender and Probation

In the United States the number of females who commit crimes has increased during the past 15 years (Hall, Golder, Conley, & Sawning, 2013; Morash, Kashy, Smith & Cobbina, 2015). Between 2002 and 2013, the number of female probationers increased from 22% to 25% due to an increase in the number of crimes committed by females (Herberman & Bonczar, 2014). However, during that same time span, the number of male probationers in the United States decreased from 78% to 76% in committing crimes (Herberman & Bonczar, 2014). Although the number of female offenses has increased, males comprise almost 85% of the population within the United States criminal justice system (Bynum, 2017).

Female offenders are more likely to be placed on probation instead of incarceration, compared to male offenders (Phelps, 2017). However, females are placed on probation 7% less than their male counterparts (Philippe, 2017). In 2012, over 950,000 females were on probation, which constituted approximately 25% of the population of all offenders on probation, while males represented 75% of probationers (Morash et al., 2015). The United States court system tends to sentence females more leniently than their male counterparts (Freiburger & Hilinski, 2013; Goulette, Wooldredge, Frank, & Travis, 2015). According to the U.S. Federal Sentencing Guidelines, sentences for female offenders tend to be 10% to 30% more lenient than sentences for male offenders (Bagaric & Bagaric, 2016). Also, female offenders tend to have extensive traumatic histories of neglect and abuse that sometimes influences judges to give them a lenient sentence such as lighter jail time or probation (Bagaric & Bagaric, 2016). Furthermore, Goulette et al.

(2015) proposed that female offenders tend to be more responsive to rehabilitation programs and present a lesser risk of committing new crimes compared to males.

Gould, Pate, and Sarver (2011) conducted a research study to determine whether female offenders were more likely to complete their terms of probation supervision compared to males. The sample consisted of 1000 males and females who probation cases were closed. The data were collected using records from community corrections and corrections department archived files. The collected data included the variables of race, gender, and age. Results revealed that female probationers compared to male probationers were no more likely to complete the probated sentence successfully, and female probationers were no more or less likely to commit new charges or technical violations compared to males. The researchers suggested that future studies should address the connections between gender and race when making probation resolutions because more research is needed as it relates to gender. Findings from this study are relevant to this proposed study as it provided empirical findings regarding the demographics of male and female probationers and the likelihood of completion of a probated sentence according to gender.

Attorney Representation and Likelihood of Probation

Attorney representation is essential in making sure offenders have adequate counsel and that due process is followed (Cohen, 2014). It is the courts responsibility to gather the financial background of a defendant when determining what type of legal representation will be provided to criminal offenders (Williams, 2013). In the United States, public defenders are primarily used to represent offenders that cannot afford to

obtain private attorneys (Williams, 2013). Serving indigent offenders is fundamentally the responsibility of the criminal justice system, and indigent offenders have the constitutional right to receive legal counsel (Shem-Tov, 2017). However, court-appointed attorneys and public defenders both wrestle with problems surrounding large caseloads (Williams, 2013). Attorneys who represent poor offenders tend to lack the necessary resources needed to adequately defend their clients (Williams, 2013). Overly stretched public attorneys may not correctly examine the case files and they may encourage defendants to make a plea bargain in order to avoid having to go to court (Williams, 2013).

The right to counsel was set in the sixth amendment to the United States Constitution, however, the right only applies to federal court cases (Cohen, 2014). Bronner (2012) noted that defendants in misdemeanor cases have rarely been represented by counsel. However, during the important case, *Gideon v. Wainwright* (1963), the Supreme Court ruled that indigent offenders facing jail-time in felony or misdemeanor proceedings must be represented by an attorney (Bronner, 2012; T. Cohen, 2014). This ruling upheld that persons who are poor and cannot afford an attorney could potentially be denied a fair court proceeding if counsel is not provided (Natapoff, 2014).

Offenders who exercise their "right to counsel" and obtain an attorney decrease the likelihood of erroneous convictions (Hashimoto, 2012). In other words, the presence of counsel during legal proceedings increases the chances that defendants will be treated fairly during court hearings (Natapoff, 2014). In addition, some research has revealed that the type of attorney makes a difference in the outcomes for defendants (Natapoff, 2014).

Attorney Representation and Due Process

Fair treatment provided by the judicial system in ensuring counsel is properly provided to defendants is Due Process (Natapoff, 2014). Dolan and Carr (2015) emphasized that in order for due process to occur an attorney must be present to explain to accusers their sentencing options. If a probationer violates the terms and conditions of probation, the defendant could be ordered to serve jail-time (Hashimoto, 2015). Attorneys also make sure that defendants are aware of the outcomes associated with selecting a sentencing option (Dolan & Carr, 2015). This is essential for poor offenders. If poor offenders are not aware of their sentencing options, they are easily persuaded in making a “plea-bargaining,” which may result in a tougher sentence (Bright, 2013). In a decision for the *Alabama v. Shelton* (2002) case, the Alabama Supreme Court ruled that indigent defendants have a right to be represented by counsel if facing jail-time (Cohen, 2014). The United States Supreme Court upheld the Alabama Supreme Court’s ruling that an attorney must be provided when a defendant is confronted with a suspended sentence, such as probation (FindLaw, 2017). This ruling is vital to ensuring due process because indigent probationers have the right to be represented by counsel (Hashimoto, 2015). Poor offenders who are not represented by legal counsel may not understand how the court system works (Bright, 2016).

Hashimoto (2012) conducted a quantitative study to determine whether misdemeanants were being represented adequately by counsel before sentencing. The sample consist of 2789 misdemeanor defendant cases and 2000 felony defendant cases. Data were collected using surveys from public attorneys’ agency records. Results

revealed two themes that emerged from the misdemeanants' representation in court hearings. First, courts were failing to supply defendants with counsel. Secondly, 33% of misdemeanor offenders waived their right to counsel. One limitation of the study was that the data from the 2007 surveys that did not account for most of the misdemeanor offenders in that jurisdiction. Therefore, the limited amount of data of offenders with misdemeanor charges may have prevented the researchers from obtaining a valid number of cases that were not represented by an attorney. Findings from this study are relevant to this proposed research because it provided empirical findings regarding the lack of attorney representation for misdemeanor offenders in court proceedings.

Probationers who are not represented by an attorney are denied the opportunity for due process (Bellacicco, 2013). Defendants must be given the chance to be represented by an attorney even if they desire to enter a plea to avoid court (Hashimoto, 2012). Also, probationers should be entitled to an attorney even if they "admit or deny" the violation of probation in revocation proceedings (Hashimoto, 2012). An admission or denial of violating the conditions of probation should not predict whether or not a probationer will serve jail time (Hashimoto, 2012). According to Bronner (2012), due process is denied, and constitutional rights indigent probationers are violated when warrants are issued, they are arrested, tried, and convicted while not being provided "right to counsel."

Maintaining Employment is a Condition of Probation

According to Chintakrindi et al. (2015), Blacks have experienced increased rates of indigency and joblessness. Blacks are at a disadvantage as it relates to work, finances,

and schooling, which places them at an increased risk of criminal activity (Lewis et al., 2013). In Georgia, unemployment is a serious concern and it is one of the main reasons that cause offenders to repeat crimes (Fo, 2012). Without employment, it is difficult for indigent probationers to pay their fines and fees as directed (Bichler & Nitzan, 2014). However, several other variables are related offenders' lack of employment (Lockwood, Nally & Ho, 2016).

Lockwood et al. (2016) conducted a series of examinations of almost 4000 offenders who were released from incarceration. Results from the 5-year follow-up indicated that regardless of race and educational training, unemployment had the most significant impact on repeated offenders finding employment. Therefore, it is a considerable financial burden when an indigent or jobless probationer is and required to make court-ordered payments (Albin-Lackey, 2014b). Ergungor and Oliver (2013) estimated that between 60% and 75% of offenders remain unemployed for at least one year after they are released from incarceration.

Findings from past research have shown that released, unemployed offenders were more likely to become repeat offenders because they do not possess the economic "backing" to support themselves (Nally et al., 2012). Ergungor and Oliver (2013) provided a review of what indigent offenders endure after being released from incarceration. Ergungor and Oliver (2013) found that former offenders tended to work fewer hours, made less money, and had fewer chances of advancement compared to the general public (Ergungor & Oliver, 2013).

Employment is essential in helping probationers to be economically sufficient (Cottle, 2017). However, probationers experience roadblocks that hinder them from obtaining employment (Chintakrindi, Porter, Kim, & Gupta, 2015). The criminal background for probationers can negatively impact their possibilities of acquiring future employment (Chintakrindi et al., 2015). Statistics have revealed that the employment rate for past offenders looking for employment varies from 25% to 40% (Chintakrindi et al., 2015). In reviewing criminal histories, potential employers assume that the offenders are not dependable before they take into consideration their past employment, skillfulness, and job training (Chintakrindi et al., 2015). Furthermore, firm probation conditions and extensive enforced supervision may hinder probationers from obtaining employment; most particularly, when probationers spend various time spans in jail (Chintakrindi et al., 2015). Cottle (2017) emphasized that job stability is a significant factor in reducing the incarceration of repeat offenders. Therefore, if probationers obtain and maintain employment it helps them from committing new charges.

Courts' Responsibility of Fair Treatment

Court systems are responsible for making sure that judges, probation officers, and attorneys provide civil services to court defendants despite difficult situations such as indigency or unemployment (Geraghty, 2016). It is the court's responsibility to determine whether a probationer has willfully declined to make payments by determining and assessing the probations' financial status (Albin-Lackey, 2014a). Also, it is the court's responsibility to provide alternative sentencing, such as community service work instead of jail time to indigent offenders who cannot pay court fines and fees (Albin-Lackey,

2014a). However, in revocation hearings, courts are allowing probation companies to make the determination of what sanctions should be utilized (Albin-Lackey, 2014b). Revocation hearings are conducted by the courts when a probationer has violated the terms of the sentence or when a new charge has been committed (Montecalvo, Maguire & Yingling, 2016). Unfortunately, private agencies are using revocation proceedings to incarcerate people for their inability to pay fines and fees (Albin-Lackey, 2014b). Consequently, mass incarceration is a result of revocation hearings (Montecalvo et al., 2016). Revocation hearings are also causing a higher level of job loss, poverty and other structures of financial distress (Albin-Lackey, 2014a).

Summary and Conclusion

Critics deemed private probation as a practice that the courts use to jail people who failed in paying their court fines and fees (Helyar-Caldwell, 2012). Probation should provide the most considerate, reasonable and economical ways for the court system to keep probationers from being incarcerated (Helyar-Caldwell, 2012). Private probation companies and local governments are profiting from indigent offenders by imposing costly fines and fees for misdemeanor offenses (Sarnoff, 2014). Some local government systems are relying on the revenue produced by private probation companies by overcharging defendants with the court costs (A. Cohen, 2014). The threat of incarceration toward poor offenders has made them feel intimidated and exploited by the criminal justice system (Doherty, 2015). The threat of incarceration has been used a tactic against probationers to persuade them to make payments toward court fines and supervision fees (McCullough, 2016).

The prison-industrial complex theory served as the theoretical foundation for this study. The PIC has provided a foundation for understanding the collaboration of the private sector and corrections. But more so, the negative impact of privatization of supervising indigent offenders in the criminal justice system through (Hattery, 2010).

Blacks are more likely than any other racial group to be apprehended by law enforcement (Lewis et al., 2013). Consequently, Blacks are more likely to violate the terms and conditions of probation at considerably higher rates than Whites and Hispanics (Ho et al., 2014). Although females are more likely to receive a probated sentence compared to their male counterparts (Phelps, 2017), there is no difference in the rates at which males and females successfully complete terms of probation. Attorney representation is important to make sure all parties involved in court proceedings follow "due process." Every defendant should be given the opportunity to be represented by counsel when entering a plea (Hashimoto, 2012). However, attorneys who represent indigent offenders have been cited for failing to provide adequate counsel to those who have the possibility of serving jail time (T. Cohen, 2014).

Employment is important for probationers to make their court-ordered payment towards fines and fees (Bichler & Nitzan, 2014). However, probationers tend to experience difficulties in maintaining employment due to recidivism, criminal histories, and the lack of job training (Chintakrindi et al., 2015). By placing costly fines and fees on indigent offenders, indigent offenders face a greater likelihood of failing to pay court-ordered fines and fees (Albin-Lackey, 2014b).

There is little research in the area private probation companies and the predictive relationships to probationers who are poor and cannot afford to make court-ordered payments toward court fines and supervision fees (Bynum, 2017). Private probation supervision services are regarded as lofty and problematic because of their unjust treatment of indigent people (Stillman, 2014). In this chapter, a descriptive analysis was completed of the current literature on private probation, privatization, and incarceration. Chapter 3 described the research methods, design, and methods of the study.

Chapter 3: Research Method

Introduction

In this quantitative study, I examined the predictive relationships between the offender's race, gender, attorney representation, and the likelihood a warrant would be issued. In this chapter, I describe the research design along with the rationale for choosing the design and methodology. I discuss the targeted population for this study and the procedures that were used for sampling. This chapter also contains details regarding the procedures that I used for data collection, instrumentation, and the techniques that were employed for data analysis. The chapter contains a discussion of threats to internal and external validity. Lastly, this chapter includes a description of the ethical issues and procedures related to this study.

Research Design and Rationale

In this quantitative study, I employed a nonexperimental, correlational, cross-sectional design. Quantitative research designs can be used by researchers to determine whether relationships exist between independent variables and dependent variables through statistical analysis (Choy, 2014; Creswell, 2009; Welford, Murphy, & Casey, 2012). The use of quantitative analysis allows the researcher to test hypotheses, to establish whether relationships exist between independent and dependent variables, and to conduct statistical analysis of data measurement of descriptive data (Hoe & Hoare, 2012; Welford et al., 2012). Quantitative research provides a statistical, logical explanation of a sample from a population (Bryman, 2012). This quantitative research design was the most appropriate for this study because it allowed me to determine how

the independent variables (race, gender, and attorney representation of probationers) predicted the likelihood of the dependent variable (issue of a probation warrant).

In using a quantitative approach, the researcher can select to use an experimental or nonexperimental design (Welford et al., 2012). The nonexperimental design is used to establish relationships between the variables, but the predictor variables cannot be manipulated (Price, Jhangiani, & Chiang, 2015). The nonexperimental design was appropriate for this study because this approach allowed me to use archival data to test the null hypothesis for this study. However, the nonexperimental design does not permit a researcher to formulate a cause and effect assertion (Creswell, 2009).

The correlational design is used to investigate whether there is a relationship between two or more variables (Rovai, Baker, & Ponton, 2013). In correlational designs, the variables are not manipulated (Rovai et al., 2013). Data from the variables are provided by a group of research participants (Rovai et al., 2013). Also, correlational designs can be used to establish predictive relationships between variables using regression analysis (Rovai et al., 2013). The correlational design was suitable for this study because the goal was to evaluate the predictive relationships between variables.

In this study, I also used the cross-sectional approach. A cross-sectional approach gathers data from a sample at one time (Tang, Holzel, & Posner, 2015). The cross-sectional design was suitable for this study because it allowed me as the researcher to gather data rapidly and produce the results conveniently (see Sheperis et al., 2010).

The three independent variables in this research study were race, gender, and attorney representation. The dependent variable was the likelihood of private probation

warrants being issued. A quantitative, nonexperimental, correlational, cross-sectional design was used to address the research question for this study.

Methodology

Population

The targeted population for this study consisted of case files from probationers' who were assigned to private probation companies. The case files were for probationers who were aged 18 years and up. The targeted population for this study was 600 and included all probationers who were sentenced to private probation supervision between January 2012 and December 2016 in two Southwest Georgia Courts.

Sampling Procedure

I used a purposive sampling to pull cases for this study. Purposive sampling is a design that allows the researcher to pick a sample of subjects from a larger population (Etikan, Musa, & Alkassim, 2016). In purposive sampling, the researcher focuses on the attributes of the participants who are appropriate for the research study (Etikan et al., 2016). For instance, the purposive sampling strategy in this study allowed me to pull data for specific demographic characteristics of probationers, such as gender, race, and attorney representation. This sampling method allows the researcher to select files based on specific, demographic characteristics (Creswell, 2009). One advantage of this method is that it allows the researcher the opportunity to obtain representative subsamples across groups (Etikan et al., 2016).

I received a letter of cooperation from appropriate representatives from two courts of Southwest Georgia, which permitted me to collect data after the study had received

formal approval from the Walden University IRB Office. A copy of the letters of cooperation can be found in Appendix A and Appendix B. The letters of cooperation gave me permission to access the case files from both courts of Southwest Georgia to collect data. Only probationer cases dated from January 2012 through December 2016 were used in this study.

Sample Size

I conducted a power analysis for a logistic regression using the G*Power statistical tool 3.1.9.2 to calculate the minimum sample size required to achieve adequate power for this study (Faul, Erdfelder, Buchner, & Lang, 2013). The sample size calculated was $N = 194$. I calculated the sample size using the following formats: two-tailed test, odds ratio (2.33), alpha (.05), and power (.80). Assuming directionality of .05 and power of 80%, the minimum sample size was calculated by using typical software (Van der Tweel et al., 2012). This sample size increased the likelihood of discovering differences in the data if it exists (see Creswell, 2009).

Procedures for Recruitment, Participation, and Data Collection

One essential component of this research study was to obtain approval from the Institutional Review Board (IRB) from Walden University in order to conduct the research. I submitted a request to the Walden IRB to obtain approval to conduct this study (IRB Approval # 06-08-18-0386107). Customarily, the IRB examines consent forms for research purposes (Lidz et al., 2012). However, consent forms were not needed because archived records were used to extract the data that were used in conducting a secondary data analysis.

The data for this study came from existing archived data. Archived data are data that have been formerly used for another purpose (Price, 2012). In using archived data, the independent variable cannot be manipulated (Creswell, 2009). The archived data for this study were retrieved from courts of Southwest Georgia. The data were a secondary dataset from private probation case files. Conducting a secondary data analysis was advantageous for this study because it was inexpensive (see Heath, 2018). Furthermore, this archival research was not time-consuming for me or the collection site (see Heath, 2018). These archival data were easily accessible and allowed me to collect data without the help of others (see Heath, 2018).

The data for this study were collected from existing file systems of closed private probationer cases. The approval to collect the data was a signed letter of cooperation from the administrators of both courts in Southwest Georgia who are legally responsible for storing the probationers' case files. After I received permission from the Walden IRB and the administrators of the courts of Southwest Georgia, a date and time were scheduled when I would collect the data.

Data Collection

The data for this study were collected from existing archived data. The archival data located in the case files contain the probationer's demographic information, sentencing sheet, original citation, and other legal documents. Records such as warrants, warrant dismissals, and revocation petitions may be in the case files if the probationer violated the rules of probation. The case files may also contain a court order modification requesting that the original sentence of probation be modified. The data

were gathered from each file and placed into an Excel Data Collection spreadsheet (See Appendix A). The spreadsheet was organized the data by labeling columns. The probationer's gender, race, and attorney representation were the data collected and labeled on a spreadsheet. The data that were manually collected from case files included probationers where race was a variable, probationers where gender was a variable, and probationers where the attorney representation was a variable.

The records were used to conduct a data analysis. Based on the results of the data analysis, the research question was answered. Through the research, I did not identify any individual who was on probation because I was only granted access to case files. I manually examined each case file and collected the data for the independent variables by reviewing each probationer's case file from the 194 cases identified. I identified the 194 cases based on the characteristics and random selection of the population. The data related to the independent variable were entered into an Excel spreadsheet. Following, the data were placed into SPSS for analysis.

Instrumentation and Operationalization of Constructs

It is essential to conduct a quality research study. Particularly, in using a quantitative design, this is accomplished through validity and reliability (Heale & Twycross, 2015). However, the thoroughness of the research must be considered (Heale & Twycross, 2015). There is a much greater consideration of collecting data when obtained from archival records.

Reliability

Archival data are susceptible to difficulties regarding establishing the reliability and validity of the collected data (Abowitz & Toole, 2009). However, researchers typically use archival data from existing records because the procedures used to collect the data enhances that information that is collected (Abowitz & Toole, 2009). Data that are gathered personally are prone to incorrectness (Abowitz & Toole, 2009). Reliability is related to the accuracy of the data. The courts of Southwest Georgia have specific guidelines for maintaining the accuracy of information located in case files (Southwest Georgia court administrator, personal communication, February 26, 2018). All legal records are originals and must be kept by authorized court personnel (Southwest Georgia court administrator, personal communication, February 26, 2018). Therefore, original citations, court sentences, warrants, warrant dismissals, revocation petitions, and modifications are located on site and are being monitored by authorized court personnel (Southwest Georgia court administrator, personal communication, February 26, 2018). Only authorized staff has access to case files (Southwest Georgia court administrator #2, personal communication, February 26, 2018). Records are normally in a locked drawer or located in a secured vault (Southwest Georgia court administrator, personal communication, February 26, 2018). There are no other practices to authenticate the information entered by court personnel. The assumption that the records entered in the database is accurate.

Validity

Validity asserts that the data reflects the truth that it declares (Abowitz & Toole, 2009). Biases and errors of data systemically cause results to be invalid if it is not

measured properly (Abowitz & Toole, 2009). To ensure validity, the researcher must accurately assess indicators before the start of the study (Abowitz & Toole, 2009). As a researcher, I spoke with court administrators in great detail to better understand their record keeping processes (Southwest Georgia Court Administrator, personal communication, February 26, 2018). As the researcher, I wanted to make sure all policies and procedures are being followed. Both court administrators provided detailed information on how their case files are subject to auditing from governing authorities. Therefore, the accuracy and guidelines by the Clerk of Courts Governing Authorities can ensure that legitimate data can be collected (Southwest Georgia Court Administrator, personal communication, February 26, 2018). Therefore, as a researcher, I assumed that the data in the case files were valid measures of the variables of interest for this study.

Variables

Variables are various characteristics that can be measured. The independent variables in this study were gender, race, and attorney representation. The dependent variable was private probationer warrants. See Table 1 for a list of the codes that were used to code variables for data analysis.

Table 1

Variables, Type of Variable, Codes, and Level of Measurement

Variables	Type of variable	Codes	Level of measurement
Gender	independent	1=Male 2=Female	nominal
Race	independent	1=White 2=Black 3= Unknown	nominal

Attorney representation	independent	1=No 2=Yes	nominal
Private probation warrant issued	dependent	1=Yes 2=No	binary

Data Analysis Plan

Data used for this study was analyzed using the Statistical Package for Social Sciences (SPSS) software. The data were summarized using standard descriptive statistics (frequencies and percentages). As a preliminary analysis step, Phi and Chi-squared tests of association were calculated between each of the predictors and whether a warrant was issued (yes or no). Hypothesis testing was performed using logistic regression.

Logistic regression was utilized to explain the data and expound on the relationship between the dependent relating variables and the independent variables (Kavzoglu, Sahin & Colkesen, 2014). The purpose of logistic regression is to describe the data and interpret the relationship between the dependent relating variables and the independent variables (Statistics Solutions, 2018). Logistic regression was appropriate for this study because the dependent variable was dichotomous (binary). Also, data for this study consisted of demographic data that were measured on the nominal level of measurement. Nominal level data meet the conditions to use logistic regression that was included in a binary outcome (Abbott & McKinney, 2013). The three nominal

(categorical) scales of measurement produced one binary independent variable with a dichotomous outcome (Field, 2013; Pallant, 2013).

The researcher determined whether the combination of independent variables predict the likelihood that a warrant would be issued. The likelihood of a warrant was either yes or no. The combination of independent variables significantly predicts the odds of a warrant being issued (yes) or the independent variables was NOT significantly predict the odds of a warrant being issued (no).

Research Question and Hypotheses

To what degree do gender, race, and attorney representation predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision?

H_0 : Gender, race, and attorney representation will not significantly predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision.

The equation that expresses the null hypothesis for this research question can be presented as: $H_0: \beta_1\chi_{(cpm)1} + \beta_2\chi_{(mss)2} + \beta_3\chi_{(ftf)3} + C = 0$. According to this equation, the null hypothesis posits that in the population, the odds of the IVs increasing the likelihood of the DV, likelihood of probation warrant being issued, equals 0.

H_A : Gender, race and attorney representation will significantly predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision.

The equation that expresses the null hypothesis for this research question can be presented as: $H_0: \beta_1\chi_{(cpm)1} + \beta_2\chi_{(mss)2} + \beta_3\chi_{(att)3} + C = 0$. According to this equation, the null hypothesis posits that in the population, the odds of the IVs increasing the likelihood of the DV, likelihood of probation warrant being issued, does not equal 0.

Logistic regression was used to test the null hypothesis for the research question. Logistic regression was sufficient for this analysis because there are three nominal (categorical) scales of measurement produced one binary independent variable with a dichotomous outcome (Field, 2013; Pallant, 2013). The three nominal-level independent variables were gender, race and attorney representation.

Because there are two or more independent variables and one dependent variable, the chi-squared test was utilized (Abbott & McKinney, 2013). The independent variables gender, race, and attorney representation and the dependent variable, private probation warrants issued used the chi-squared test. Chi-square revealed the degree to which the regression model predicted the likelihood of private probation warrants issued.

Phi coefficients are utilized to measure the degree of association of 2 binary or dichotomous variables (Klonsky, May & Glenn, 2013). The independent variables gender, race and attorney representation used the phi as the measure of association. In using the phi coefficient, the two-dichotomous variables may be contrary or conclusively associated depending where the diagonal cells may fall. Phi coefficients calculate a statistical variance of the independent variables (Klonsky et al., 2013). Phi coefficients were suitable for this study because the predictor and criterion are binary (Greenwald, Banajy & Nosek, 2015).

Threats to Validity

There are various instruments in collecting data, and the results of the research are drawn from those instruments (Zohrabi, 2013). Therefore, it is important that the instruments used to collect data are validated (Zohrabi, 2013). External validity impacts how the results of the study are properly derived from other populations (Creswell, 2009). Internal validity is essential due to the "cause and effect" relationship between the variables cannot be fixated (Creswell, 2009). Lastly, statistical conclusion validity relates to the reliability of the data utilized in the research (Creswell, 2009). There is a necessary criterion for validity (Zohrabi, 2013). Validity is shown in three types: external validity, internal validity and statistical conclusion validity (Creswell, 2009).

External Validity

External validity is concerned with the degree to which results from a study can be applied to other surroundings and other participants (Zohrabi, 2013). To enhance external validity in this study, the data used was collected from both courts in two different counties in the southeast region in the United States. There was no assumption that interaction with the courts jeopardized the validity of the results. However, precaution should be used in generalizing results of probationer cases from other private probation agencies because they have more serious charges than those in this study. The results may not be generalized (Jain, 2016).

Internal Validity

Internal validity refers to the conformity of research findings amidst of the facts (Zohrabi, 2013). This study was non-experimental, and no effort was made to prove

cause and effect. A secondary analysis of existing data was conducted. Therefore, no pre-test or post-test was completed that would have been biased toward subjects. There was no interaction with probationers in the dataset. Both courts have maintained proper case files for the period in which the researcher is collecting data (Southwest Georgia Court Administrator, personal communication, February 26, 2018). Both courts record keeping process is subject to audits by the assigned governing authorities (Southwest Georgia Court Administrator, personal communication, February 26, 2018).

Statistical Conclusion Validity

Statistical conclusion validity relates to the reliability of data utilized in a study and the validity of the interpretations of the findings (Creswell, 2009). The primary demands of research methods are to ensure the findings from a study are valid (Zohrabi, 2013) The researcher must make sure that the data that is being collected is dependable and reliable (Zohrabi, 2013). When the findings are dependable and reliable, the correct results can be acquired (Zohrabi, 2013). The main threat to the statistical conclusion validity pertained to the reliability of the data listed in the probationers' case files. If there were inaccuracies or missing information in the probationers' case files, this could have impacted the preciseness of the results gathered from the data analyses. Nevertheless, the record keeping procedures of court personnel posed minimal risks to the statistical conclusion validity of this study because of stringent procedures are given by clerks of court' governing authorities (Southwest Georgia Court Administrator, personal communication, February 26, 2018).

Ethical Procedures

Banks et al. (2013) emphasized that researchers should be moral agents that possess knowledge of ethical guidelines when determining outcomes about research. There are important ethical stipulations that one must follow in conducting social research. This research study produced a minimum risk to participants. Primarily, the first step in following ethical procedure is to gain permission to conduct this research. I obtained permission from Walden University's IRB before any data was collected. The IRB application contained a thorough explanation of the plans to gather data, procedures that are in place to protect subjects, and components of the processes that are taken to ensure confidential information was protected.

The researcher gained permission to collect data from the courts by obtaining a letter of cooperation from the administrators of courts located in Southwest Georgia (Appendix B and Appendix C). This letter indicated that I would be given to access the data after I obtained approval from the Walden University IRB to complete the study. Administrators who approved of the study were advised that they could "opt-out" of the study at any time. Information was extracted from archived records of subjects' who are 18 years of age. Therefore, no consent was needed. However, both courts were informed that all documents comprising personal information would be kept confidential, secure, and locked in a fireproof drawer that is only accessible to the researcher. These documents will be maintained and secured for 5 years. After 5 years the documents will be shredded and burned. The researcher assured that the subjects' information was not shared or utilized with no other persons except the researcher.

In conducting this study, it was unpreventable to avoid the personal identities of the offenders due to the personal information located in the files (Tripathy, 2013). Personal information was located on the citations. Citations are court summons issued by law enforcement when a law has been violated and a court date given. The citations contain personal demographics and the charges committed by the offender. The researcher assured that the probationers' privacy and confidentiality were protected by conducting the research on-site or in an area delegated to collect the data. Court administrators were provided with assurances of confidentiality by the researcher. The researcher explained the process and the necessary steps that would be taken to protect the data. Also, the purpose of the study and an explanation of the importance of the study as a contribution to social change was verbally given to both administrators of the court by the researcher on the day data was collected.

The researcher addressed the anonymity and confidentiality of data acquired from existing case files. First, personal demographic information was not shared with unauthorized persons. All data were composed anonymously. The researcher used codes and no other personal information to ensure that the probationers' personally identifying information was not displayed. Therefore, the privacy of probationer information was assured. Records will be kept in a locked filing cabinet in a separate location for five years after completion of this thesis. The computer files have assigned security passwords. I am the only individual with the passwords. To secure information from being misplaced or distorted, a backup copy of the Word document will be maintained in a password secured database.

Summary

This chapter started with presenting the research design and the reason for using a quantitative, correlational, cross-sectional design to conduct this study. I describe the methodology behind the study and the sites that were used for data collections. Also, the participant selection, data collection approaches, and techniques that were used for a secondary data analysis were provided. Finally, the issues of validity and reliability and the concerns of ethics were discussed in this study. Chapter 4 presents results from the data analysis.

Chapter 4: Results

Introduction

In this quantitative, correlational study, I examined the predictive relationships between offender race, gender, attorney representation, and the likelihood of the issuance of warrants as a result of the offender's inability to pay court fines and fees to private probation companies. There were three independent variables included in this study. Employment status was not examined because there were no data available in the court's probation files. Therefore, employment was no longer a variable. All data were analyzed with a logistic regression using the SPSS software package Version 24. A logistic regression was used to test the null hypothesis. The research question that guided this study are presented below, along with the associated hypotheses:

RQ: To what degree does gender, race, and attorney representation predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision?

H_0 : The independent variables of gender, race, and attorney representation will not significantly predict the likelihood of warrants being issued for misdemeanor offenders under private probation company supervision. The equation for the null hypotheses is shown as presented below:

$$H_0: B_1\chi^1(\text{Race}) + B_2\chi^2(\text{Gender}) + B_3\chi^3(\text{Attorney Rep}) + C = 0$$

H_A : The independent variables of gender, race, and attorney representation will significantly predict the likelihood of warrants being issued for misdemeanor offenders

under private probation company supervision measured on a binary scale. The equation for the alternate hypotheses is shown as presented below:

$$H_A: B_1\chi^1(\text{Race}) + B_2\chi^2(\text{Gender}) + B_3\chi^3(\text{Attorney Rep}) + C \neq 0$$

In this chapter, I present results from the data analysis in three parts. The first part of this chapter addresses the data collection process. The second part of this chapter provides the results of the data analysis. The data were analyzed with a logistic regression using the SPSS software package Version 24. The last part of the chapter provides descriptive statistics that present the sample, an examination of the statistical assumptions, and the statistical analysis findings.

Data Collection

I collected data from probationers' files from two courts in Southwest Georgia. First, I recorded the data on a data collection sheet. Then, I manually typed the data into SPSS. Walden University's IRB gave approval for secondary data research. Approval was given by court administrators prior to collecting data. The data consisted of males and females who were White, Black, and Unknown. The sample size used for this research study was 194 records of probationers who were currently or formerly on private probation in two counties in Southwest Georgia. I spent 1 day at each site collecting data.

Demographic Data

I ran a frequency count to obtain descriptive statistics for the demographic data. Table 2 summarizes the results. The results revealed that 69.1% of the data included in the data analysis were for males. As for the race, the data showed that 59.3% of the records were for Blacks. However, the race of the probationers was unknown for 20.1%

of the records. The data further revealed that over 86% of the probationers were not represented by an attorney, 86.1%.

Table 2

Frequency Counts for Demographic Variable

Variables	Category	<i>n</i>	%
Gender	Male	134	69.1
	Female	60	30.9
Race	White	40	20.6
	Black	115	59.3
	Unknown	39	20.1
Attorney	No	167	86.1
	Yes	27	13.9
Warrant	No	119	61.3
	Yes	75	38.7

Note. *N* = 194.

Testing Statistical Assumptions

In assuring that the data were sufficient for statistical analysis using logistic regression, I prescreened the data before conducting the statistical analysis. The data were assessed for missing data, outliers, and multicollinearity. Outliers and missing data can negatively impact the reliability of measured data (Yin, Wang, & Yang, 2014). It is important to check for multicollinearity because it can cause errors to be made to statistical assumptions and can change the predictions of the regression model (Fourcade, Engler, Rodder, & Secondi, 2014). I also evaluated the data set for missing data.

Missing data. I checked for missing data in the SPSS data file by running a frequency count for each variable. There were no missing data as evidenced in the frequency counts for the levels of each variable. Therefore, this assumption was met.

Outliers. It is essential to check for outliers since logistic regression is sensitive to outliers. The independent variables gender, race, and attorney representation were checked using box plots generated by SPSS. The dependent variable of private probation warrants issued was not tested because it was a descriptive variable. I also rechecked the Excel Spreadsheet for the accuracy of the data entered.

Multicollinearity. Multicollinearity was not an issue because the independent variables represented three categorical variables.

Results

Data from the logistic regression indicated that the overall model was significant in predicting race as an independent variable that predicted the likelihood of private probation warrants being issued, as indicated by the significance of the Chi-Square value $\{\chi^2(3) = 13.802, p = .017\}$. Additionally, the Nagelkerke pseudo R^2 indicated that the model accounted for 11.8% of the variance in the dependent variable, which was the likelihood of warrants being issued. Table 3 presents a summary of the results from the logistic regression analysis. The results revealed that only one of the independent variables (race) was statistically significant in predicting the likelihood of a probation warrants being issued. Therefore, the results from the logistic regression led me to reject the null hypothesis. Additionally, the model explained approximately 11.8% of the variance in the occurrence of the dependent variable, private probation warrants issued.

The level of significance of $p < 0.05$ was used in logistic regression to determine statistical significance. There is a statistically significant relationship if the obtained p -value is less than or equal to the level of significance value. The Wald statistic revealed that only race was a significant predictor of warrants being issued. Results revealed that the odds ratio for the number of warrants issued by race was 1.834, which showed a statistically significant relationship with warrants being issued. In other words, this means that if a person is of a specific race, then this person's race is a statistically significant predictor of whether or not an arrest warrant would be issued for them. The results further indicated that the odds ratio for the variable of gender was .755, and the odds ratio for attorney representation was .744. Neither of Wald statistic for the two variables was significant at the $p < .05$ level.

Table 3

Logistic Regression for Predicting Likelihood of Warrants Being Issued

Variables	Coefficient	Wald Statistic	P	Exp (B)
Gender	-.281	.973	.324	.755
Race	.606	7.727	.005	1.834
Attorney rep.	-.295	.742	.389	.744

Note. Variable(s) entered on Step 1: gender, race, attorney representation

I extended the data analysis to produce a contingency table to assess the correlations between the three levels of race and the number of warrants issued. As observed in Table 4, there is a statistically significant relationship ($r = 16.855, p = .000$) between the variables of race and likelihood of warrants being issued. This result

indicates that race has a statistically significant relationship on the issue of private probation warrants being issued.

Table 4

Chi-Square Tests

	Value	<i>df</i>	Asymptotic Significance (2-sided)
Pearson Chi-Square	16.855 ^a	2	.000
Likelihood ratio	19.535	2	.000
Linear-by-linear association	8.449	1	.004
<i>N</i> of valid cases	194		

Note. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 15.08.

Table 5 presents the crosstab contingency table for the race by warrants issued. For the Whites in the sample, the expected frequent count of warrants being issued was for 15.5 probationers, but the data count for warrants being issued was 17. The actual count for warrants not being issued was for 23 probationers, which was less than what was expected. The findings regarding the expected frequency counts and the actual frequency count of warrants being issued for White probationers were the same. For the Blacks in the sample, the count of warrants being issued was for 54 probationers, and the actual count for warrants not being issued for Black probationers was 61. The findings revealed that the number of warrants not being issued to Blacks was greater. The count of warrants not being issued was 35 for the unknown race of probationers. This number was lower than expected. The finding revealed that the number of warrants not being issued to individuals in the unknown category was greater than what was to be expected by chance occurrence.

For the category of race unknown, the actual count of warrants being issued was four, which is less than the expected count of 15.1. The count of warrants not being issued was 35 for the unknown race of probationers. However, the expected count of warrants not being issued was 23.9 for the unknown race of probationers. This number was lower than what I expected. The finding revealed that the number of warrants not being issued to individuals in the unknown category was greater than what was to be expected by chance occurrence.

Table 5

Race by Warrant Issued Crosstab

		Warrant issued		Total	
		yes	no		
Race	White	Count	17	23	40
		Expected count	15.5	24.5	40.0
	Black	Count	54	61	115
		Expected count	44.5	70.5	115.0
	Unknown	Count	4	35	39
		Expected count	15.1	23.9	39.0
Total		Count	75	119	194

Table 6 provides the results of the classification table that indicates the model accurately predicted 61.9% of all cases. The logistic regression model accurately classified 10.7% of warrants being issued, which was a low rate of prediction. Conversely, the model correctly predicted 94.1% of warrants not being issued for

probationers. The model was more accurate in terms of predicting whether warrants would not be issued.

Table 6

Regression Classification Table

Observed		Predicted		Percentage correct
		Warrant		
		yes	no	
Warrant	yes	8	67	10.7
	no	7	112	94.1
Overall Percentage				61.9

Note. The cut value is .500

Conclusion

The purpose of this study was to examine the predictive relationships between gender, race and attorney representation and the likelihood of private probation warrants being issued. The results of this study found that gender and attorney representation had no bearing on whether private probation warrant being issued.

The demographic description for this sample included gender, race, having an attorney, and whether or not a warrant was issued. Approximately 69.1% of the sample was male, and 30.9% was female. There were 20.6% White participants, 59.3% Black participants, and 20.1% for whom race was unknown. Approximately 86.1% of the study sample did not have an attorney, while 13.9% did have an attorney. Lastly, for the study sample, 61.3% had warrants issued, while 38.7% of the study sample did not. Race was the only independent variable that predicted the likelihood of private probation warrants

being issued. Therefore, results from the logistic regression caused the researcher to reject the null hypothesis. The logistic regression model used in the analysis that considered race, gender, and attorney representation as predictors of warrants being issued accurately predicted 61.9% of cases in which warrants were issued. Further analysis revealed that gender and attorney representation were not significant predictors of private probation warrants being issued.

In chapter 5 there will be a discussion on how the findings fit within the current literature on gender, race and attorney representation and private probation warrants issued. Also, the social change implications of these findings and recommendations for future research will be outlined in Chapter 5.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this quantitative study was to examine the predictive relationships between race, gender, and attorney representation and the likelihood of warrants being issued. Results from the logistic regression analysis revealed that race was the only independent variable that predicted the likelihood of private probation warrants being issued. Furthermore, the logistic regression analysis indicated that gender and type of attorney did not predict the likelihood of private probation warrants were issued. In this chapter, I discuss the interpretations of the findings, the limitations of the study, recommendations for future research, and implications of the study. The research question for this study addressed whether gender, race, and attorney representation status predict the likelihood of warrants being issued for misdemeanor offenders.

Interpretation of Findings

Findings Related to Race

According to the Bureau of Justice Statistics, there are more Whites on probation than Blacks (Kaeble, Maruschak, & Bonczar, 2015). However, findings from this study were not consistent with the research. Data from this study revealed that for the sample of court record examined for this study, there were more Blacks on probation than Whites. Past researchers have indicated that Blacks violate their probation terms more than any other race (Ho et al., 2014). The findings from this study indicated that more warrants were issued for Blacks than Whites.

The analysis of the demographic data revealed that race was omitted from traffic citations. This omission could potentially affect the number of Blacks on probation served by the two courts. Overall, the omission of race impacted the true number of all races in this study. This missing information could potentially mask discrimination and racial profiling. Lockett (2013) indicated that minorities experience biases because of implemented policies that lead to systematic racism. In particular, Blacks have expressed their concerns about discrimination in the criminal justice system, especially probation (Ho et al., 2014). Blacks are more likely to experience disparities within the criminal justice system (Lewis et al., 2013). In addition, Blacks are more likely than any other race to be apprehended by the police (Lewis et al., 2013). Furthermore, systematic biases are experienced by poor probationers who can only pay fines and fees in installments (Flatow, 2014). By making payments in installments, probationers are charged additional monthly supervision fees (Sarnoff, 2014). The increasing charge of monthly probation supervision fees makes it difficult for poor probationers to pay in full and terminate their case.

Results from the logistic regression further revealed that race predicted the likelihood of warrants being issued for private probationers. Findings showed that Blacks were more likely to have a private probation warrant issued for their arrest than the other two groups. The findings from this study are consistent with the research in race literature which indicated that Blacks are more likely to have a private probation warrant issued (Ho et al., 2014). Ho et al. (2014) indicated that Blacks violate the terms and conditions of probation more often than any other race, which causes the issuance of probation

warrants. Consequently, Blacks violating their probation sentences more than any other race suggests that Blacks are represented in the criminal justice system more than other races (Wagner & Rabuy, 2017).

Findings Related to Gender

Past research has revealed that males make up 85% of offenders supervised in the criminal justice system, whether on probation or in the penal system (Bynum, 2017). Findings from this study revealed that 69% of the sample were males and 31% were females. In comparison, the findings of this study indicated that 75% of males were on probation. This is relatively close to what was presented in research that indicated that 85% of males are supervised in the criminal justice system (Morash et al., 2015). More specifically Morash et al. (2015) indicated that 75% of probationers supervised were White males.

The findings revealed that the number of males who were placed on probation was double the rate of females. The findings from this study support previous research of Philippe (2017). Philippe (2017) revealed that females were placed on probation 7% less frequently than males. Philippe and Phelps (2017) indicated that females are sentenced to probation and prison less frequently than males. Although the findings revealed that there were more males on probation, the results from the logistic regression analysis revealed that gender was not a statistically significant predictor of the likelihood of private probation warrants being issued.

Findings Related to Employment

There was no recorded information on the employment status of probationers. The courts in Southwest Georgia no longer require the employment information on warrants. Therefore, no data were collected for this sample. However, private probation departments are required to obtain the employment status of offenders. Because Blacks have a greater rate of poverty and being unemployed, this may indicate why there were more Blacks on probation for this sample (Iceland, 2013; Thompson, 2012). Because I was unable to retrieve data in reference to employment, this variable could not be entered in the data analysis. Consequently, research findings regarding the relationship between income and the likelihood of a warrant being issued could not be assessed.

There have been complaints against private probation because the court systems' processes do not show interest in protecting probationers who cannot afford to pay court-ordered fees and fines (Albin-Lackey, 2014a). The courts have failed in making inaccurate determinations of those who cannot afford to pay (Sarnoff, 2014). This has placed an overwhelming burden on probationers and has resulted in unlawful incarcerations (Schiraldi, 2018). Private probation companies lack alternative sentencing options, and poor probationers have suffered in the process by having warrants issued for their arrest (Bellacicco, 2013).

The lack of information regarding employment may potentially affect offenders. Fo (2012) indicated that the unemployment status of offenders is a concern because it can cause offenders to commit new criminal charges. Therefore, if private probation companies are aware, they can assist the probationer in developing job readiness skills,

job search efforts, and obtaining employment. If the courts or private probation companies are not aware of the employment statuses of probationers, there is no indication of whether or not payments can be made toward fines and fees. Moreover, the lack of employment statuses can negatively affect the courts' ability in assigning legal counsel. Proper determination of whether or not offenders can afford to pay their court fines and fees must be made. As indicated in the literature, the financial background of offenders determines what type of legal representation is provided (Williams, 2013). If the employment status of offenders is readily available, sufficient sanctions can be made by the court, reducing the unlawful incarceration of poor offenders.

Findings Related to Attorney Representation

Findings from the demographic data for this study revealed that only a few of the participants were represented by attorneys, which is an indication that many probationers were not represented by counsel. The findings from this study are consistent with previous researchers who emphasized that probationers are rarely represented by an attorney (Bronner, 2012). It is the courts' responsibility in making sure indigent offenders receive legal counsel (Shem-Tov, 2017). When indigent offenders are not adequately represented by legal counsel, their constitutional rights are violated. Impoverished offenders who do not have attorney representation lack the ability to maneuver the court system (Bright, 2016). Furthermore, when indigent offenders lack attorney presentation they may be easily influenced to make a plea bargain. Plea bargaining may result in harsher penalties (Bright, 2013).

Although I did not record all of the probationers who waived their rights to an attorney, many of the files contained waivers, which was evidence that many offenders waived their rights to be represented by counsel. If probationers are not properly represented by counsel, they are denied fair court proceedings, regardless of whether the charge is a felony or misdemeanor (Bronner, 2012; T. Cohen, 2014). Lack of attorney representation can cause probationers to be treated unfairly during court proceedings, and offenders are encouraged to make a plea bargain (Natapoff, 2014; Williams, 2013). For instance, the lack of adequate counsel increases the likelihood of erroneous convictions (Hashimoto, 2012). Furthermore, indigent probationers may serve jailtime because of the lack of adequate counsel (Bronner, 2012; Hashimoto, 2012). Findings from the logistic regression analysis showed that attorney representation was not a statistically significant predictor of the likelihood of private probation being warrants issued.

Connections of Research to Theoretical Orientation

The theoretical orientation for this study was the PIC. The PIC explains how incarceration, probation, law enforcement, judicial systems, and private corporations that are affiliated with the criminal justice system make profits by arresting, supervising, or incarcerating offenders (Empty Cages Collective, 2017). The major premise of the PIC is that the private sector, affiliated with the criminal justice system in the United States, has negatively impacted Blacks (Richards, 2014).

Davis emphasized that the PIC was a complicated network of prejudice, societal restrictions, and financial gain (Davis, 1998; Sudbury, 2014). The PIC can be used to describe how the government and the private sectors are intertwined to generate profits

from incarcerating impoverished minorities (Sudbury, 2014). Results from the study showed that Black probationers were the majority of the sample, and the results also pointed to race being a statistically significant predictor of having a warrant issued. Researchers have shown that private probation companies have made significant profits from mostly Black individuals (Iceland, 2013; Thompson, 2012).

Findings from this study were consistent with findings from previous research, which displayed that Blacks are more likely to receive differential treatment by the criminal justice system compared to other racial groups (Lewis et al., 2013). For instance, Blacks are more likely than individuals of any other race to be apprehended by law enforcement, which increases their chances of being involved in the criminal justice system through processes such as probation and the issue of warrants for failing to pay court costs and probation supervision fees (Lewis et al., 2013).

Researchers found that the PIC, since 1998, has been heavily involved with the increased practice of incarcerating offenders, the majority of them Black males, rather than providing these offenders with treatment. (Smith & Hattery; Davis, 1998; Price & Morris, 2012; Smith & Hattery, 2010). Results from this study showed that inequities exist outside of the formal prison industrial complex within the private probation industry, particularly with regards to Black males. Klingele (2013) defined probation as court-ordered punishment served in the community instead of imprisonment. Private probation services are supposed to use to provide accountability, surveillance of offenders, counseling or treatment services, and collect court fines and fees (Teague, 2011). Private probation should offer alternative sentencing options for low-risk

offenders and for those offenders who cannot afford to pay their court fines in full the day of court (Schloss & Alarid, 2007). The findings from this study are consistent with literature that suggests that more warrants were issued for Black males than that of their White counterparts (Morash et al., 2015).

Limitations of the Study

The main limitation of this study was that the researcher utilized secondary data. The researcher had no influence over the procedures that were used in the original data collection. Both courts had precise policies in place as it related to maintaining case files. The judge and administrators of both courts had specific guidelines for maintaining the accuracy of records. However, having policies and procedures do not ensure that all employees follow the mandated regulations of entering data. If any of the data located in the records were inaccurate, it could have affected the accuracy of the data used in the data analysis. There was no way to assess the accuracy of the data maintained in court records.

Another limitation of the study was that some case records lacked information regarding the race of probationers. According to law enforcement of both courts in Southwest Georgia, police officers are no longer required to document the race of those who are issued citations. For instance, there were 39 case files that did not contain information about the race of probationers. Missing data on the race of 39 probationers may have impacted the results from the data analysis.

Not all municipal courts provided a true depiction of the type of misdemeanor charges that are sentenced to probation. For instance, some municipal court charges

consist of local or city ordinances, while other courts have charges that consist of traffic violations, drugs, and theft (Council of Municipal Court Judges, 2018). Some municipal court conduct hearings on specific misdemeanors, fishing charges, and minor traffic violations as well (Council of Municipal Court Judges, 2018). Because of the various types of charges handled by municipal courts, there is a limitation on the types of charges that were used in this study. For instance, the courts that were utilized in this study did not provide an accurate depiction of the type of misdemeanor charges handled through municipal courts. Therefore, caution should be utilized in attempting to generalize results from this study.

Another limitation of this study is that the archived data was retrieved from probate and municipal courts located in a specific geographic area. This geographic area known as Southwest Georgia is prone to poverty. As a result, the number of probationers in Southwest Georgia, who went to jail because of their inability to pay may be higher in number compared to other areas. Some of Georgia's poorest towns are located in Southwest Georgia (Pirani, 2018). Georgia's poverty rate is double the national average (University of California, Davis Center for Poverty Research, n.d.). For instance, the national poverty rate is 14%, compared to southwest Georgia's 28% (University of California, Davis Center for Poverty Research, n.d.). Archived data was retrieved from both courts are located in southwest Georgia. The limitation of this study is because the data was retrieved in one of the poorest geographic areas in Georgia. Therefore, the number of warrants issued may have been at a higher rate compared to other areas in

Georgia. Consequently, the rate of warrants issued in this study may be relatively higher if than other areas of Georgia.

Recommendations for Future Studies

A recommendation for future research would be to conduct a qualitative study so that probationers could relay and describe more details about their personal experiences while on private probation. By conducting interviews, private probationers can discuss their experience with racial bias. In doing this research, one can determine if the likelihood of warrants being issued is based on the race of private probationers. Also, private probationers can provide their contact or the lack thereof with an attorney and its likelihood of warrants being issued. A qualitative study could add to the other quantitative studies about probation and probation warrants.

A suggestion for future research would be to collect data on offenders' employment and income status. In doing this research, one determine employment status and income or poverty status has on the likelihood of warrants being issued for failure to pay court costs and fees.

This research study provided evidence that one demographic variable, specifically race, was related to the likelihood of warrants being issued from private probationers. I recommend that another research study, in which rates of probation warrants are analyzed along with race, employment status or socioeconomic status. I recommend that this study is completed in another geographic region with similar demographics to this study to confirm or refute these results. These future studies could replicate the current study and the study setting would be in different geographic regions.

Additionally, a similar study can be conducted using a different level of court, such as state court. If municipal courts are used, the findings may vary because municipal courts are organized differently and are located in different regions. As mentioned earlier, the types of charges that are handled through municipal courts may vary because of the region. If the poverty level is high, or if there is an increased employment rate, this can impact whether or not probationers can afford to pay their court-ordered fines and fees. This determination can affect the findings of the study.

Implications for Social Change

The positive social change implications motivated by this study are the findings that could be used in assisting human services professionals. The empirical evidence of information relating to how demographic variables are related to the issuance of probation warrants to indigent offenders. Human services professionals could use the information to advocate for policies that require criminal justice administrators to make a proper determination of an offender's ability to pay court costs and fees before issuing sentences of jail time. Additionally, this finding of this study could be utilized to advocate alternative sentencing options, such as community service work programs. Community service programs could be instrumental in promoting social change by accurately evaluating the economic status of indigent offenders and reducing unnecessary incarcerations because their unaffordability to pay court costs and fees.

Findings from this study could be used to advocate the need for more professional Diversity/Indigenous Awareness training as it relates to probation supervision. This study indicated that Black Males was disproportionately affected by unconstitutional practices

from private probation companies. Black males are on probation and have more warrants issued than any other race. This training would be designed to increase awareness of discrimination within the criminal justice system and how it affects offenders from diverse cultures, with an emphasis on how private probation companies impact communities of color. Furthermore, this training can provide an understanding of how to supervise probationers who are indigent. This training can assist professionals in obtaining empathy and creating alternative sentencing options for clients who are poor.

Due to the controversy of warrants being issued for probationers who cannot afford to pay, professionals could benefit from additional training. This training can improve the issuance of warrants by modifying related policies and procedures. This training can ensure that warrants are not being issued presumptuously and other steps are being taken in determining those who are indigent and those who are not. Perhaps, the courts can play a greater role in developing a mandated tool for the issuance of warrants by private probation companies. This tool can be presented in court proceedings while allowing probationers to voice their problems, concerns, and their financial status.

Conclusion

This quantitative, correlational study examined the predictive relationship between the offender's race, gender, and attorney representation and the likelihood of warrants being issued. Findings from this research examined the connection between probationer characteristics and how likely a private probation warrant will be issued.

Findings from this study showed that race was significant in predicting private probation warrants issued. However, the results from examining gender and attorney

representation showed no significant correlation to private probation warrants being issued. The practical implications with regard to these findings mean that blacks and males are on probation than any other race and gender; and that a large majority of probationers are not represented by an attorney. Overall, the results from the study did not support the null hypotheses. As such, criminal justice administrators and policymakers may consider working more closely with private probation companies to ensure that all probationers are treated with fairness under the law and that indigent probationers are treated with proper regard.

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Appendix B: Letter of Cooperation – Court of Southwest Georgia #1

JUDGE [REDACTED]
[REDACTED] COURT
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

May 1, 2018

Dear Ms. Robinson:

Based on my review of your research proposal, I give you permission to conduct the study entitled Race, Gender, Attorney Representation, and Employment Status as Predictors of Private Probation warrants with the [REDACTED] Court. As part of this study, I authorize you to collect data. Individuals' participation will be voluntary and at their own discretion.

I understand that our organization's responsibilities include: allowing you to have access to the files, a place of privacy to collect the data. We reserve the right to withdraw from the study at any time if our circumstances change.

I understand that the student will not be naming our organization in the doctoral project report that is published in Proquest.

I confirm that I am authorized to approve research in this setting and that this plan complies with the organization's policies.

I understand that the data collected will remain entirely confidential and may not be provided to anyone outside of the student's supervising faculty/staff without permission from the Walden IRB.

Sincerely,

[Handwritten Signature]
[REDACTED]
Probate/Magistrate Judge
[REDACTED] county

Appendix C: Letter of Cooperation – Court of Southwest Georgia #2

Municipal Court [REDACTED]

[REDACTED]

[REDACTED]
Clerk of Court
[REDACTED]

[REDACTED]

[REDACTED] Chief Clerk of Court
[REDACTED]

04/30/2018

Dear Subricea Robinson,

Based on my review of your research proposal, I give permission for you to conduct the study entitled Race, Gender, Attorney Representation, and Employment Status as Predictors of Private Probationer Warrants within the [REDACTED]. As part of this study, I authorize you to collect data. Individuals' participation will be voluntary and at their own discretion.

We understand that our organization's responsibilities include: allowing you to have access to the files, a place of privacy to collect the data. We reserve the right to withdraw from the study at any time if our circumstances change.

I understand that the student will not be naming our organization in the doctoral project report that is published in Proquest.

I confirm that I am authorized to approve research in this setting and that this plan complies with the organization's policies.

I understand that the data collected will remain entirely confidential and may not be provided to anyone outside of the student's supervising faculty/staff without permission from the Walden University IRB.

Sincerely,
[REDACTED]
Clerk of Court