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## **Stigmatization Among Probationers**

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## **Stigmatization Among Probationers**

### Abstract

This study investigates stigmatization in the probation process from the perspective of the probationer. Hereby we use the concepts of primary and secondary deviance provided by labeling theory to differentiate between stigmatization by others and self-stigmatization. While stigmatization by others is less direct in the guidance of the probationer's behavior, it can support self-stigmatization. In our empirical study in rural West Texas, we found that stigmatization of probation is perceived to originate mainly from employers, but also from law enforcement officers and the general community of the probationer. This stigmatization is counterbalanced by the perception of the probationer that the probation initiates support from friends and family. Contradictions in the different forms of stigmatization might be one of the reasons why our subjects do not stigmatize themselves as a result of probation.

## **Stigmatization Among Probationers**

From an identity theory perspective (Burke & Reitzes, 1981; Stryker, 1980), stigma is defined as negative labeling (Goffman, 1963), the assignment of an identity with low evaluation (Heise, 1987; Schneider 2000; Stryker, 1980). Practitioners in the fields of law enforcement, detention, and social work define stigma as a “mark or sign of shame, disgrace or disapproval, of being shunned or rejected by others (Department of Human Services 2000: 1).” Stigmatization of the probationer is problematic since it increases recidivism amongst probationers (Lemert, 1961, 1967; Erickson, 1962; Tittle, 1975; Petersilia & Turner, 1992; Sims & Jones, 1997; Myner, et al., 1998; Petersilia, 1998; Marciniak 2000). In our theoretical approach, we start with the premise that the probation process stigmatizes the probationer. For a more specific investigation, we employ the specification of primary and secondary deviance provided by labeling theory (Lemert, 1961, 1981) to differentiate between stigmatization (by others) and self-stigmatization. The application of the negative label, or stigma, creates primary deviance (Becker, 1963). If the stigma is accepted by the labeled, primary deviance is transformed into secondary deviance (Lemert, 1961). Since in the case of secondary deviance, behavior is directly guided by negative self-meanings, we assume that self-stigmatization is more directly relevant for social action than stigmatization by others. Behaviors of the labeled are only constrained indirectly by attitudes of their social environment.

However, primary and secondary deviance are not independent. This can be demonstrated using the core assumptions of the symbolic interactionist perspective (Cooley, 1922; Mead, 1934; Burke, 1980; Burke & Reitzes, 1981). People act on the

basis of meaning assigned to their identities, identities of others, behaviors, and situations. Learning self-meanings or identities through the eyes of the other (Cooley, 1922), turns primary deviance into secondary deviance. People do not have to be aware of the exact label another person applies to them. Identity management will even be influenced if people, due to different conceptions of their identity, are unable to confirm their identities.

Actions are chosen to confirm people's identities (Heise, 1987; MacKinnon, 1994). Different conception about an identity by others will hamper the confirmation of identities in social action. People learn from the feedback they receive from their unsuccessful efforts to maintain what they believe to be their identity. Disconfirmation of an identity will most likely result in labeling the person who displayed that identity. Repeated disconfirmation increases the likelihood that we accept the identity, we believe others provide for us. A likelihood that is also subject to the number and the status of different people involved in that disconfirmation process.

If the intention of the probation process is to reduce recidivism, the probation process has to change self attitudes of the probationers. These self attitudes or identities are most central for behavior. Pro-social behavior is reported to be achieved mainly by encouragement (Rex, 1999) or building self-esteem (Bahn and Davis, 1991). Self-esteem is a central components of self-meaning (Schneider, 1999a, 1999b; Stryker, 1980). Components of contemporary probation practice, like revealing of the probation status to the employer, stigmatize the probationer. Success of probation then largely depends on the possibility to outweigh the indirect negative effects of stigmatization or primary

deviance, with direct effects on positive self-meanings, and the reduction of secondary deviance.

This study only focuses on the perception of the probationer and does not address the possible constraints the probationer receives by others whose undisclosed labeling influence the probationer's outcomes of actions. Drawing on personal interviews of 97 current probationers, we examined whether or not those individuals who have been placed on probation experience stigma as a result of probation placement.

Our questions concern primary and secondary deviance that are addressed separately as two factors of stigmatization. The concept of primary deviance is operationalized in five questions constructed to investigate if the probationer perceives to be stigmatized. Here, probationers are asked about their assessment of how employers, family, the community, law enforcement and friends see them as a result of their probation. Primary deviance is established if probationers feel that others stigmatize them. Another set of five questions investigates the presence of self-stigmatization. Does the placement on probation change the way probationers feel about themselves? Do probationers experience as much fun as before? Do they still participate in community activities? If probationers stigmatize themselves, they should feel less good about themselves, experience less fun and would avoid participating in community activities. As a more indirect measure of their self-stigmatization, we include a retrospective question about the probationers' childhood and their relationship with their mother. Self-stigmatizing individuals see themselves in negative relationships with people of high status (Heise, 1987). The identity of a mother is used since it is widely

regarded as positive in the U.S. culture and since all our subjects are able to relate to this identity.

## Probation in Texas

In the United States there are approximately 6.3 million people controlled by the correctional system; 3.8 million, or 60%, of these are on probation (Bonzcar & Glaze 2000). This makes probation by far the most widely used instrument of the American correctional system (Sickmund, 1997; Bonzcar & Glaze, 1999, 2000; Scahill 2000). In Texas, 66% people in the correctional system are on probation (Texas Department of Criminal Justice 2000; Texas Juvenile Probation Commission 2000).

Probation is neither a right nor a guarantee, but a privilege endowed to a defendant by a court of law. Individual states are responsible for establishing their specific probation legislation (Krauth & Linke, 1999). In Texas the adult and juvenile probation systems are handled separately. For adults there are four classes of probation. *Pre-trial diversion* is a form of probation consisting of an agreement between the state's attorney and the defendant, wherein the offender is required to complete a predetermined time of supervision. If the defendant successfully completes this term, charges are dismissed. *Deferred adjudication* is a style of probation allowing for an offender to never receive a final conviction for the offense committed, if he/she abides by all of the terms and conditions set forth by the court for a pre-determined period of time. *Regular probation* is the most commonly used type of probation in Texas today. An individual is sentenced to a term of incarceration, which is suspended providing that the offender abide by a set of rules and regulations for a predetermined period of time. A final conviction,

however, is entered. *Shock probation* has the basic premises of regular probation; however, the offender is first sentenced to a term of imprisonment and begins to serve this term, then he or she is placed on regular probation.

For juveniles there are two forms of probation. *Informal probation*, which consists of an agreement between the offender, his/her parent, and the juvenile probation department. Here if the offender completes a period of supervision between three and six months, the offense will never go before a court and charges will be dismissed. *Formal probation* is similar to regular probation in the adult system. Here the offender is taken before the juvenile court and placed on a term of probation.

## Data and Methods

Our study constitutes a regional macrocensus. It was conducted in October 2000 in a rural West Texas county with a population of approximately 5,200 where oil drilling, farming, and ranching are the main basis of economic support. A sample of 101 subjects was identified using all adults and juveniles that were in one county of jurisdiction on probation at this time. All 97 surveys were conducted out of a possible 101 eligible participants.

There were 88 adults selected to participate in the study, however, only 84 actually participated. One survey was not performed due to the probationer's failure to report for the month, one was not conducted due to a severe comprehension barrier on the part of the participant, and two were uncompleted due to probationer incarceration. Of the 84 adult participants 57 were on community supervision for a felony offense and 27 for a misdemeanor offense. Thirteen juveniles were selected for participation in the study

of which all took part in the study. All juveniles were on probation for a misdemeanor offense. Demographics of the probationers and their offenses (summarized in table 1) are consistent with national data. The high proportion of Hispanics is typical for West Texas.

#### TABLE 1 TO BE PLACED HERE

Personal interviews ensured that surveys were filled out correctly and the subjects had the possibility to receive clarification. Each subject's probation officer conducted the interviews that lasted approximately 30 minutes. Socio-demographic information about age, gender, educational level, income, and ethnicity was collected to control our five questions investigating the factors of stigmatization and self-stigmatization.

### Results

The creation of primary deviance, the stigmatization by others, as a result of the probation process receives mixed support by our data. While probationers perceive that their probation leads to a stigmatization by employers, their community, and law enforcement officials, they see that probation enhances their status in the eyes of their friends and families. However, the vast majority of our subjects shows no sign of self-stigmatization.

#### Stigmatization of the Probationer

Employers, the community, and law enforcement officials represent a social environment less personal than family and friends. All three entities, operationalizing a



more distant social environment, are seen as imposing a predominantly negative change in attitudes towards the probationer. By far the strongest effect of stigmatization by probation is perceived in the workplace. About half (49%) of the probationers report, that as a result of their probation, potential employers see them as more negative. A smaller proportion of 40% say that their probation has no impact on the way they are perceived by potential employers. There is only a small proportion of probationers that sees their status increased in the eye of the potential employer by being on probation (11%). These are mainly probationers of the two lowest income categories. Ten of eleven subjects who perceived an increase in status earn less than 15.000. Because of the small proportion of probationers that see a positive impact of their probation on employment, these differences are barely significant in an oneway analysis of variance ( $F=4.35$ ). The chi square, used as a measure of independence in a crosstabulation of the employer's attitude with the five income categories (17.51), also barely reached significance ( $\alpha=5\%$ ). We expect that only probationers with marginal job skills profit from the increased control employers might see to originate from the probation process.

About half of the probationers (52%) report no change in the attitudes of law enforcement officials towards them since they have been placed on probation. The remaining probationers are more likely to experience stigmatization (33%), than positive evaluation (15%) through law enforcement officials. Even though most probationers (56%) report no change in the attitudes of their community, most of the remaining probationers (27%) see themselves stigmatized by the community as a result of their probation.

Addressing the relations to friends and family we intend to investigate the question of how people of close personal relationship to the probationer are perceived to change their attitudes towards the probationer as a result of probation. The majority of our probationers (67%) see attitudes of their friends as largely unaffected by the probation status. In most cases where friends changed their opinions about probationers this change is seen as positive (21%). Attitudes of the family are perceived very similar by the probationer. Although fewer probationers see no change (43%), a higher proportion (37%) experiences a positive change in attitudes of family members towards them. Only 12% feel stigmatized as a result of probation.

TABLE 2 TO BE PLACED HERE

We find mixed support for the stigmatization of the probationer. Results in table 2 show that probationers feel institutional stigmatization by employers, law enforcement officials and their community. However, friends and family with whom probationers have a more personal relationship, create an exception where probationers feel accepted. Their positive attitude can be assumed personally closer and therefore more influential on the individual than the stigmatization from employers, and law enforcement officials. This mixed support of stigmatization of the probationer might partly be responsible for the absence of self-stigmatization.

Self-Stigmatization

Generally, people only feel good about themselves when they take on a new identity that is more positive than their previous identity (McKinnon, 1994; Heise, 2000; Schneider & Heise, 1995). The identity of a probationer is perceived more positive in the U.S. culture than any criminal identity. Therefore, probation as an alternative to incarceration can prevent self-stigmatization. Following the same logic of status differences, the more positive the self-image of people was before they became probationers, the more they will feel stigmatized by probation. Self-stigmatization is operationalized most directly in the question about the self-feeling of the probationer. Questions about the experience of fun and community involvement constitute less central direct variables. An indirect measure of the factor self-stigmatization is operationalized with the retrospective questions concerning childhood and family. The question about negative associations with one's childhood is used to avoid a general self-serving response bias in the U.S. culture, where people perceive to be expected to feel good about themselves.

Once put on probation, most people (72%) change the way they feel about themselves. To our surprise, more participants in our study (44%) feel better about themselves rather than worse (28%), once they become probationers. Our subjects experience more fun in their lives after they have been placed on probation (62%) and most (72%) kept up their participation in community activities.

Two questions indirectly measure self-stigmatization: relationship of probationers with their mothers and satisfaction with their childhood experience. People with positive identities will be most likely to interact positive with a mother. Whereas people who assign themselves a negative identity, will be more likely to report a negative interaction with the positive identity of a mother (Heise, 1987, 2000). Hereby we do not assume the

relationship with one's mother to have an impact on self-stigmatization, but that the objective relation with one's mother has no systematic impact on a person's self-stigmatization. It is the subjective interpretation of the subjects' relationship with their mothers that indicates self-labeling. A mother is generally seen as the most positive adult family identity. The fact that 79% of the probationers report a close relationship with their mothers shows that they want to interact with people of high social status. People of low self-esteem would not seek interaction with other people of high status. The subjective report of a close relationship with their mothers indicates the absence of self-stigmatization for most probationers. Even more retrospective is our question about childhood experience. This makes this question even more indirect than the closeness reported with ones mother. The fact that 86% of the probationers are satisfied with their childhood clearly indicates high-self esteem and the absence of self-stigmatization.

Despite the perceived stigmatization from employers, law enforcement and the community, probation raises self-esteem of the probationer. As it can be seen in table 3, neither the direct nor indirect measurements of the self-labeling process indicate a self-stigmatizing effect on the probationer.

#### TABLE 3 TO BE PLACED HERE

#### The Impact of Sociodemographic and Socioeconomic Variables and the Severity of the Offence on Labeling

The impact of the sociodemographic variables of ethnicity, education, gender, age, and income on the ten variables that operationalize the stigmatizing effect of probation is tested in an oneway analysis of variance. In addition, we control the status of the offense

and juvenile versus adult status as a possible influence on the stigmatization perceived by probationers.

Ethnicity, education, income, and age, did not produce significant differences of how our subjects perceived the impact of probation. In our sample there are no Asians, Native Americans or people who use the category of "others". Being African American, Hispanic or Anglo makes no significant difference in the perception of stigmatization. Education, measured in the years of school, does not show any significant impact on the stigmatization perceived by the probationer. Since the oneway analysis of variance is sensitive to categorization of variables, we also investigated if the categorization of the variable education into "no high school degree," "high school equivalent or high school degree," "more than a high school degree" would reveal a significant influence on stigmatization. Still, education does not show a significant impact on our ten variables investigating stigmatization. Since education produced no differences in stigmatization and self-stigmatization, it is not surprising that another variable defining socioeconomic status, personal income, fails to produce significant differences as well. Beyond the differentiation between adults and juveniles, age had no effect on the perceived stigmatization.

Juvenile versus adult status, gender, and the severity of the offence made a difference. Juveniles and adults differ dramatically in their assessment of having fun after being placed on probation. While an overwhelming 70% of adult probationers report more fun in their lives since they have been placed on probation, only a small proportion of 8% of juveniles in our sample reports to have more fun. Differences of experienced fun between juveniles and adults are significant ( $F=22.64$ ). There are two

more differences between adults and juveniles concerning self-stigmatization. About half (49%) of the adults view themselves more positive since they are placed on probation, but only 15% of the juveniles report this improvement ( $F=11.77$ ). A lesser, but still significant ( $\alpha=1\%$ ) difference between juveniles and adults lies in the satisfaction with their childhood. Here 89% of adults are satisfied, but only 62% of the juveniles ( $F=7.41$ ). There are no differences between adults and juveniles in their assessment of their stigmatization by others.

Significant gender differences are only observed in the relationship with one's mother ( $F=13.28$ ). While neither males nor females report a hostile relationship with their mothers, females tend to have a more mixed relationship with their mothers (59%) than males (15%). This more positive identification with a highly positive family identity indicates a higher level of self-esteem for male probationers.

Subjects put on probation for a felony see themselves more positive as a result of probation than subjects who received their probation for a misdemeanor ( $F=14.78$ ). This finding is in line with the interpretation that the degree of stigmatization depends on the difference between original identity and the label that a person receives. Self-attributing a misdemeanor might not have a strong negative impact on one's identity. Receiving the identity of a felon, however, is seen more negative. The resulting stigma that can be avoided by taking the identity of a probationer is therefore larger for the potential felon than for someone who is blamed for a misdemeanor. Probation is stigmatizing for people who have alternative possibilities in their lives, while it can be beneficial for people of lower social economic status who committed more severe offences.

## Discussion

Our investigation demonstrates the importance of family and friends countering the stigmatization perceived to originate from employers, law enforcement agents and the community. Destabilizing the stigmatization of others, family and friends, support positive identities of the probationer (Bahn & Davis, 1991). The fact that probationers feel stigmatized by employers, law enforcement officials, the community, but see no stigmatization by friends and family follows a general scheme in the stigmatization process: the closer the personal ties to a person and the more knowledge we have about a person, the less likely will an event stigmatize that person. Conversely, the more distant we are to a person and the sparser the information about a person, the more likely we will engage in stigmatization (Jones & Davis, 1965; Kelley, 1971).

The underrepresentation of juveniles in our sample imposes a shortcoming that should be addressed in future empirical research. We find extreme differences between adults and juveniles in the subjective experience of fun. Since this finding was unanticipated, we are not prepared to address differences in the subjective experience of fun in sufficient empirical detail. However, the open-ended section of our interviews helped to explain the differences. All of juveniles who answered that they had no fun also reported that curfew was their major obstacle for pursuing entertainment. Since the majority of adult probationers are on curfew as well, we assume that curfew affects the enjoyment of adults and juveniles differently.

We assume that for the juvenile probationers peers are more likely to be the source of entertainment than for adult probationers. Whereas adults can enjoy their family at home, juveniles forgo similar enjoyment provided by their peers. A potential

problem for current juvenile probation is the fact that contact with the family is facilitated, whereas the out of the house contact to peers is restricted. Measures that might work for adults might be counterproductive for juveniles. The provision of joy and entertainment as contributors to self-esteem should be investigated in the light of age differences. To address these differences it is methodologically preferable to employ proportional sampling instead of the complete regional representation of probationers that we used in our sampling process. The strength of our study, to represent a complete regional picture of probation of a rural community in West Texas, creates the methodological shortcoming that groups that are underrepresented in the probation process will also be underrepresented in our sample.

Building self-esteem is a critical component for successful reintegration of delinquents. People receive positive self-esteem if their new identity is more positive than their previous identity. A career criminal caught for possession of an illegal substance might receive positive self-esteem when placed on probation, but the same measure might not work for a respected member of the community. However, treating people according to their original social economic status in order to maximize the chances of reintegration is in conflict with the general perception of justice in the U.S. culture.

Although the low likelihood to cause stigmatization can be seen as an indicator of successful probation, it can also demonstrate its failure. The absence of stigmatization might be due to the fact that the treatment of West Texas rural citizens by a wide variety of measures of the correctional system has become so commonplace that it has lost its potential for stigmatization. Young people and people of low social economic status are



most likely to be targeted by the law, law enforcement, and the correctional system (Black, 1976, 1980). Reflecting the class related differences in the U.S. correction system, probation is frequently used amongst people of lower socio economic status. In our census of a rural jurisdiction in West Texas, we did not find enough probationers of higher social economic status to allow a valid statistical comparison. Leisure activities of our young generation are systematically punished. The majority of activities for which juveniles of our study received their probation did not cause victims but were violations of the morals that are increasingly enforced by the criminal justice system. Confrontation with the law might have gained acceptance by the closest social environment of our probationers, an environment that is most directly relevant for their behavior once they are off probation.

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**TABLE 1: CHARACTERISTICS OF PROBATIONERS (n=97)**

Age	
Mean	34.9
Gender	
Male	83.5%
Female	16.5%
Race	
White	45.4%
Hispanic	42.2%
African-American	12.4%
Years of School Completed	
All – Mean	10.49
Juveniles	8.6
Adults	10.78
Personal income level, per year in U.S. dollar amounts	
< 10,001	37%
10,001-15,000	22%
15,001-20,000	20%
20,001-25,000	8%
>25,000	10%

**TABLE 2: LABELING OF THE PROBATIONER (N=97)**

	More positive	More negative	No change	Chi Square
How employers view probationers as a result of probation	11%	49%	40%	22**
How the community views Probationers as a result of probation	18%	27%	56%	23**
How law enforcement views probationers as a result of probation	15%	33%	52%	19**
How the probationers' families view probationers as a result of probation	37%	20%	43%	9*
How friends view probationers as a result of probation	21%	12%	67%	50**

Chi Square statistics indicated a significance for differences in proportions \*\*<.01 \*<.05

**TABLE 3: SELF-LABELING OF THE PROBATIONER (N=97)**

Has probation placement changed the way probationer feels about self	More positive 44%	More negative 28%	No change 28%
Participation in community activities since probation placement	Same/more 71%	Less 29%	
Can you have as much fun since being placed on probation	62%	38%	
Relationship with mother	Close 79%	Mixed/Neutral 21%	Hostile 0%
Satisfied with childhood	Yes 86%	No 14%	