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Refocusing on Adult Probation: Theory Versus Practice

Paul David Gregory
Western Michigan University

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REFOCUSING ON ADULT PROBATION: THEORY VERSUS PRACTICE

by

Paul David Gregory

A Dissertation
Submitted to the
Faculty of The Graduate College
in partial fulfillment of the
requirements for the
Degree of Doctor of Philosophy
Department of Sociology
Dr. Susan Caulfield, Advisor

Western Michigan University
Kalamazoo, Michigan
December 2006
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Paul D. Gregory
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CHAPTER I
INTRODUCTION

The U.S. corrections population is currently the largest in the world and shows no signs of decreasing. Roy Walmsley reports the United States currently incarcerates “...686 per 100,000...” people nationwide and continues to be the forerunner in the race to incarcerate. The United States currently houses nearly half of the more than 8.75 million individuals being held in penal institutions around the world (Walmsley, 2003, p.1) with the United States Bureau of Justice Statistics reporting that the total U.S. corrections population has reached a record “…6.9 million people in 2004”, translating into 1 out of every 31 individuals being on probation, parole, or incarcerated (Glaze, 2005, p. 1).

The rate of persons under correctional supervision continues to increase. Lauren Glaze (2005, p.1) reports: “The rate of U.S. adult residents under correctional supervision nearly tripled between 1980 (1,132 per 100,000) and 2004 (3,175 per 100,000). Viewing these rates extended out can be quite alarming, as Thomas Bonczar (2003, p. 1) estimates that “…6.6% of U.S. residents born in 2001 will go to prison at some time during their lifetime...” if these trends continue.

Within the criminal justice system, adult probation is facing similar trends. Glaze reports that “Overall, the correctional population increased by nearly 2.5 million, or 57%, from 1990 to 2004 with probationers accounting for 51% of the growth (Glaze, 2005, p. 2). The current adult probation population now stands at 4.1 million.

Statewide supervision rates are varied. In 2004, four states had an increase of 10% or more in their probation population. Table 1 shows the 10 states with the highest number of persons supervised per 100,000 adult US residents:
### Table 1 - Number of Persons Supervised per 100,000 US Residents*

<table>
<thead>
<tr>
<th>U.S. State</th>
<th>Number of Persons supervised per 100,000 US Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>3,301</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>3,117</td>
</tr>
<tr>
<td>Minnesota</td>
<td>2,959</td>
</tr>
<tr>
<td>Delaware</td>
<td>2,940</td>
</tr>
<tr>
<td>Washington State</td>
<td>2,654</td>
</tr>
<tr>
<td>Texas</td>
<td>2,643</td>
</tr>
<tr>
<td>Ohio</td>
<td>2,626</td>
</tr>
<tr>
<td>Indiana</td>
<td>2,511</td>
</tr>
<tr>
<td>Michigan</td>
<td>2,323</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2,224</td>
</tr>
</tbody>
</table>

*Glaze (2005)

The Texas Probation System, hereafter referred to as the Community Justice Assistance Division (CJAD), has been experiencing similar trends in recent years. Livingston and White’s (2005) report to the Texas State Legislature showed increases not only in the overall number of persons placed on probation, but also the overall probation revocation rate (the change in revocations and number of felony probationers has increased 44% and 1% respectively from 1995 to 2004).

While the acknowledgement that the U.S. Criminal Justice System has experienced significant increases over the past decades is important, it is only half the picture. What is needed and follows is an understanding of the U.S. crime rate in relation to these increases.

The increases in jail, prison, and probation populations come at a time when the United States is also experiencing a general decrease in crime rates. On a national level, crime levels are estimated annually by two methods: (1) Uniform Crime Reports and (2) National Crime Victimization Survey (NCVS). The former is constructed by the Federal
Bureau of Investigation (FBI) and consists of local and state law enforcement reports, while the latter, conducted by the Bureau of Justice Statistics (BJS), is a product of household survey data.

In 2004, the FBI reported the U.S. violent crime rate, which is the number of Part I Crimes (murder, forcible rape, robbery and aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson) per 100,000 inhabitants of a specific region, fell 32% from 1995 to 2004 (Bureau of Justice Statistics Summary, 2004). In the same report, the FBI found the overall U.S property crime rate decreased 23.4% from 1995 to 2004.

Results from the 2004 NCVS also point to overall crime reductions in the U.S. The BJS reports “Violent crime rates declined since 1994, reaching the lowest level ever recorded in 2004,” while the overall property crime rate decreased from 1988 to 2002 (Bureau of Justice Statistics, 2004). These decreases in crime rates and increases in correctional populations point to problems within the greater criminal justice system. While these issues require investigation at all levels, this current work’s focus is limited to the adult probation system.

Lauren Glaze (2005, p. 5) reports, “…since 1990 the probation population has steadily increased from 2,649,300 to 4,151,100 in 2004.” With probation caseloads continually increasing, what is needed and follows here is a discussion on the extent to which the current probation system is working properly.

While probation caseloads continue to increase, probationer success rates have declined since 1986. A monograph was written on the state of adult probation by the Reinventing Probation Council (RPC) in 2000. This monograph reported not only on the status of adult probation in the US, but also made recommendations for improving the
system. RPC reports that long-term trends from probation research indicate that an ever-smaller percentage of probationers complete their probation terms successfully. For instance, says RPC,

Long-term trend indicates that ever-smaller percentages complete their terms of supervision successfully. In 1986, of those who exited probation, 74 percent did so successfully. In 1990, 69 percent of those who exited probation successfully completed their terms. This figure dropped to 59 percent in 1998 (Reinventing Probation Council, 2000, p.5).

Research Site

My research was conducted at a County adult probation department in Texas. The county being studied has approximately 350,000 residents and includes larger and smaller cities. Adult probation officially began in Texas after the State Legislature signed the Adult Probation and Parole Law in 1947. Although the term “adult probation” was changed in the late 1970’s to “community supervision and corrections” as a part of a larger movement within the criminal justice system, I will use the term “probation” to avoid confusing the reader.

The probation department I studied employs 58 certified probation officers, three licensed substance abuse counselors, and 68 support staff. The department has three offices, a restitution center, drug court, day reporting, group reporting, and intensive supervision probation programs. In addition to regular felony and misdemeanor caseloads, the department also has sex offender, mentally impaired, pre-sentence investigation, and child support specialized caseloads.

This work is narrowly focused on contradictions occurring between the theory and practice of adult probation as found in the county probation department in Texas. That is, contradictions between the theory and practice of probation are not only
identified, but also the effects these differences have on probation officers and clients are addressed. Two broad research questions direct this work: (1) In what ways is the theory of probation different from its practice and (2) How do race and gender affect probation officers and probation clients? This is accomplished by focusing on probationers, probation officers, and probation orders. What follows is a brief discussion of each, as they relate to this work.

Probationers are vital to this work. In August 2003, the Chief Probation Officer of the County where I conducted my work reported there were 2,423 individuals being supervised. Of these, 72.4% were male, 58.8% were African American, and 56.6% were 34 years old or younger. Individuals are placed on adult probation for numerous offense types including homicide, sexual assault, robbery, and assault; however, these offense types only account for 20.7% of the total cases. Burglary, theft, other property offenses, and alcohol/drug offenses account for 79.3% of cases (it is noteworthy that alcohol/drug offenses account for 46.7% \([1,133]\) of the grand total).

In this work, I interview individuals placed on felony probation in this Texas County to determine how they experience the adult probation system. Although probationers bare some of the burden for their own criminality, I believe a substantial part of adult probation system should be primarily focused on giving probationers the tools needed to assist them in improving their lives while on probation. Probation caseloads are made up of individuals who have numerous race, gender, and class differences, which require a multiplicity of individualized treatment plans. I believe the current system design (practice of probation) reduces the probation client to one rigidly defined ideal type, which fails to take into account her/his individual characteristics. The
individual needs of clients must be addressed to truly assist them in changing the very behaviors that led to their criminality.

Also, I interview probation officers employed in the same probation department to determine how they experience their jobs as probation officers. In Texas, individuals must have a college degree and pass a state certification training to be employed as probation officers. At the onset of this five-day certification training, individuals receive certification manuals, which provide much of the theory for how probation officers do their work. Another important piece to this research was to identify the contradictions occurring between what officers perceived as probation work and the reality of their everyday job. Probation officers are, for the most part, individuals dedicated to helping probationers improve their lives. These officers, who must do their jobs “by the book,” experience frustration as state laws that conflict with probationer’s everyday lives constantly tie their hands. The examination of this issue was accomplished by documenting the ways in which adult probation was designed and ultimately practiced.

Last, I examine 400 court files to determine the extent to which probation orders are individualized. In adult probation, the probation order trumps all other documents; it gives specific directions to both probationer and probation officer as to how he/she will act and/or react during the specified time period. Moreover, probationers and probation officers are bound to this document with most probation officers following it to the letter. In this work, I examine probation orders to determine whether or not they are individualized to address each probationer’s needs. After all, probation clients are individuals who have a multiplicity of differences, so the probation order should, in theory, reflect these differences.
I begin in Chapter II with an overview of relevant research and review of theory. The relevant research focused on the expressed purposes of and problems with adult probation. Howard Abadinsky (2003) notes that probation supervision tends to follow two general models: service and control. Social scientists are familiar with the crime control model, as Americans are continually bombarded with crime control rhetoric and statistics about the War on Drugs, mandatory sentencing, habitual offenders, and other laws all created to “Get Tough” on crime. One wonders how the nation is doing in their “crime fighting” endeavor as a result of the various strategies employed. Annual report cards are handed out as formal recidivism evaluation research has been conducted to assess how the nation is doing with its get-tough attitude. To that end, a comprehensive review of the recidivism research can be found in Chapter II.

Interestingly, the service model for probation seems to have been lost among all the “Get Tough” attitudes and recidivism research. Of course, there is research focusing on “What Works” for adult probation; however, topics focusing on the service model account for only a minuscule amount of this total. I believe the emphasis on control over service is not arbitrary, but the result of power conflict dynamics within society. In order to better develop an understanding of this, I examine conflict theory as a major theoretical perspective driving my work.

One historical tenet of civilization is the story of one group’s obsession for power over another. From colonization to civil war to imperialistic nation-states, many governments are plagued by their mania for “civilizing” and/or “improving” other nations by whatever means necessary. Many believe, however, that a fascination with power dominates any thoughts of civility or improved existence. In their book, *Law, Order, and*
Power, Chambliss and Seidman (1971, p. 504) propose “the law represents an institutional tool of those in power which functions to provide them with superior moral and coercive power in conflict.” As with the greater criminal justice system, I propose that the adult probation is an instrument used by powerful groups to control others who lack the same.

Conflict theory is also examined in terms of “law on the books” and “law in action.” Again, Chambliss and Seidman’s work is addressed, as I show the reader not only how the theory of probation (law in the books) is very different from its actual practice (law in action), but also how these differences raise havoc for both probationers and probation officers. In the end, taking from the work of Larry Tifft (1979), I characterize the adult probation system as reductionist. Tifft (1979) characterizes the current criminal justice system as prospective; that is, the system has been reduced to one group, paying little or no attention to the experiences of multiple groups. In the end, this “one size fits all” system simply ignores differences. Nowhere is this more apparent than in regard to race, class, and gender.

Differences along lines of race, class, and gender play an important role in this work. Sociological literature is rich with numerous works documenting the U.S. justice system’s failure to account for race, class, and gender differences. Marc Mauer (1999) researched racial disparities in drug case sentences for African Americans compared with Whites with regard to cocaine and crack offenses. Reiman (2003) showed how class plays an integral part in determining who will ultimately be involved in the criminal justice system, as powerful groups in society wield the arm of the justice system like a flyswatter, crushing those powerless individuals. Last, women continue to be
misunderstood within the criminal justice system. Writers such as Belknap (2001) continue to critique the justice system for its failure to address female offender needs, while Caulfield and Wonders (1991) outline the numerous ways women are both directly and indirectly victimized by the state and others within society.

The research methods are addressed in Chapter III and include a discussion of the research questions that inform this research, as well as specific details on the types of data that are used in addressing the research questions. Data take the form of archival records and in-depth interviews. This is followed by specific measures used in the research. Last, issues of validity and reliability are addressed, as well as limitations of the methods used in this research.

The findings of this research are addressed in Chapters IV and V. Findings from the 400 court files are addressed in Chapter IV. The extent to which the probation orders reviewed are individually designed is addressed. Chapter V reports on the findings from probation officer and client interviews and addresses the ways in which officers and probationers experience the probation system.

Last, Chapter VI is a summary of my findings, as they relate to my research questions. I believe this work fits nicely into existing corrections literature and contributes to the ongoing conversation of the ways in which the current probation system may be improved. Policy implications and research limitations are also found in Chapter VI.
CHAPTER II
LITERATURE REVIEW AND THEORY

Introduction

The literature review and theory chapter informs the reader of the main components of the dissertation literature. For the purposes of this study, I review the general purposes of adult probation, followed by a critique of the same. I then turn to a review of conflict perspective and how it can be used to explain the problems occurring in the criminal justice system, including the ways in which one's social class, race/ethnicity, and gender impact them in the criminal justice system. Last, I review literature focusing on the theory and practice of adult probation that point to possible explanations of why probationers continue to fail in the current system.

The Purposes of Probation

Offender rehabilitation and community safety are traditionally offered as the two over-arching goals for adult probation. The Texas Criminal Justice Assistance Division (CJAD) lists the following as their mission statement for probation: “Help Texas communities protect the public, help rehabilitate offenders and serve the victims of those offenders” (Texas Criminal Justice Assistance Division Website, 2003). Success on probation, it would seem, is achieved when crime rates are lower, probationers not only complete their terms of probation, but also improve their lives as a result. The probation department ensures community safety through the use of supervision methods such as office reporting, field visits, electronic monitoring, and drug testing. General Equivalency Diploma (GED) and literacy classes offer the probation client the chance to
improve her/his life situation, while other services such as drug and alcohol treatment attempt to bring some form of life stability.

Client supervision is a vital part of the probation process. Howard Abadinsky (2003) notes that probation supervision tends to follow two general models: service and control. Departments that emphasize rehabilitation are labeled as having a “service model” (Abadinsky, 2003, p. 324). Departments adhering to this type of model measure success as the capacity to offer services that improve offender’s lives. A department in which, “…success is measured according to the agency’s ability to hold the offender accountable for his or her behavior” is labeled as a control model (Abadinsky, 2003, p. 324). These types of models emphasize community safety as being more important than the offering of treatment services to offenders.

While Abadinsky (2003) reports that probation tends to be located toward a service model while parole leans more toward the control model, many probation departments actually attempt to offer both service and control models. Abadinsky characterizes such systems as difficult, as “An agency with such broad purposes—a plethora of complicated goals cannot fail nor can it succeed—it presents no clear-cut basis for measuring anticipated outcomes” (Abadinsky, 2003, p.470). Defining success under such combined models is difficult as measures become too broad. As a result, the outcomes of both service and/or control are never fully achieved. Regardless of the particular model, probation departments have several common purposes: alternative sanctions, cost effectiveness, and the reduction of prison/jail overcrowding.

Probation serves the community, state, and offender, as it provides an alternative sentence for specific offenders within the criminal justice system. As stated by Walker,
"From the standpoint of proportionality in sentencing, it [probation] is often an appropriate sentence for someone convicted of a relatively less serious offense" (Walker, 2001, p. 217).

In addition, probation is more cost effective than imprisonment. Walker (2001, p. 217) states that probation “...is far cheaper than imprisonment-about $600 a year, compared with $17,000 to $20,000.” The lower cost of probation compared with jails and prisons benefits both state and federal governments, not to mention taxpayers in general.

Last, probation offers jail and prison officials a solution to the problem of overcrowding. The problem of jail and prison overcrowding is not a recent phenomenon. Michigan, for example, "...had to enact the Prison Overcrowding Powers Act of 1983 to allow for the automatic release of inmates as new commitments were received" (Abadinsky, 2003, p. 178). And the numbers continue to rise. Howard Abadinsky states that, "At any one time, 35,000 inmates are being housed in local jails because of a lack of state prison space, and many jails are also under court order to reduce overcrowding" (Abadinsky, 2003, p. 179). Thus, probation offers a much needed solution to a seemingly never-ending problem, space.

Critique of Probation

While probation is purported to have the purposes just discussed, it is also true that there are problems with probation. This study proposes that a disjuncture exists between the way in which adult probation is designed and ultimately implemented. That is, the mission statement provided earlier seems well intended; it purports to provide aid for probation clients while at the same time offering protection to the community.
Realistically, however, problems within the current system point to gaps between the theory and process of probation.

The Reinventing Probation Council (RPC) asserts that the current probation system is not working properly, stating it is "...demonstrably in crisis" (Reinventing Probation Council, 2000, p. 5). For example, most corrections money is spent on systems of incarceration such as jail or prison. The RPC states that, “Spending on prisons now constitutes about a quarter of total state and local criminal justice spending (including the police, courts and corrections), and about two thirds of the total corrections budget” (RPC, 2000, p. 8). This funneling of money into incarceration results in burdens placed on alternative programs. Thus, probation departments and probation officers end up supervising hundreds of clients, which severely inhibits quality supervision. In a report to the Texas House Corrections Interim Committee, all criminal justice personnel (judges, prosecutors, defense attorneys, probation directors, and probation officers) stated that probation caseloads were too high for effective management. Specifically, probation officers “…indicated that if they had smaller caseloads they would spend more time on the following risk management/risk reduction activities:

Holding lengthier office visits, conducting field work, meeting with collateral contacts, working with the offenders' families, and developing new resources for offenders (Texas Criminal Justice Assistance Division, 2002, p. 33).

The increase in the number of individuals under correctional supervision occurs at the same time the United States is experiencing a decrease in the overall crime rate. Rennison (1999, p. 1) reports that “…criminal victimizations of individuals are the lowest they have been since such information began to be collected through the National Crime
Victimization Survey in 1973” and “...violent crime rates have fallen nationally by 27 percent since 1993.” So despite the decreasing trend in the overall crime rate, our nation’s probation population continues to rise. The RPC reports that "At the end of 1998, a record breaking total of 5.9 million offenders were under some form of correctional supervision - in prison, in jail on probation or on parole. Of these, 3,417,613 were adults serving a probation sentence, or just under 60 percent of the entire adult offender population” [original italics] (RPC, 2000, p. 3). As a result of these increases and inadequacies, one questions the overall design and effectiveness of our current probation system.

According to the RPC, probation is in crisis as a result of three major problems: "poor to dismal probationer performance, the breakdown of supervision, and the decline in funding" (RPC, 2000, p. 5). What follows is a discussion of these problems.

Recidivism

Probationers themselves receive much of the blame for the current probation crisis. Recidivism rates are commonly used by researchers to evaluate the effectiveness of criminal justice programs. Several probation recidivism studies (McGaha, Fichter; & Hirschburg, 1987; Petersilia, Turner, Kahn, & Peterson, 1985; Whitehead, 1991) indicate varying rates of probationer recidivism. The Rand Study is the most well known study on probation recidivism. Conducted in the state of California, this study included 1,672 individuals placed on probation in 1980. Results of this research revealed that 65% of the respondents had been rearrested, 51% were convicted of a new crime, and 34% had been incarcerated during the 40-month time period. The results of the Rand Study threatened the future of adult probation, as researchers recommended “Felony probation
should be curtailed, alternative sanctions developed, and the mission...reconceptualized” (Petersilia, Turner, Kahn, & Peterson, 1985, p. 22).

A study conducted by John Whitehead (1991) reported lower recidivism rates than those found in the Rand Study. This study, conducted in the State of New Jersey, was based on 2,694 individuals sentenced to probation throughout New Jersey from 1976-1977. Results from this study indicate that 40% of the respondents were rearrested, 35% were reconvicted, and 17% were reincarcerated for new offenses after being placed on probation (Whitehead, 1991, p. 533).

A Missouri study on probation recidivism (McGaha, et al, 1987) revealed lower rates than both California and New Jersey. The Missouri Study reported that 22% of respondents were rearrested, and 12% were reconvicted for new offenses after being placed on probation (McGaha et al., p. 7).

Breakdown of Supervision

The RPC cites the "breakdown of supervision" as another reason for the current probation crisis. Overall, supervision tactics have "failed to promote public safety, enforce court orders and secure for criminals residing in the community the drug treatment or other help they need to remain crime-free and succeed in life” (RPC, 2000, p. 6). Patrick Langan (1994) states that at least half of all probationers do not abide by their court-ordered conditions of probation and only a minute number of those revoked from probation are sentenced to incarceration. The tracking of absconders is another failure of probation supervision. Bonczar and Glaze report that “ten percent of them (probationers)-about 340,000 persons in 1998-have officially ‘absconded’” (1999, p.4).
These probationers essentially go unnoticed by the criminal justice system until they are rearrested for new criminal offenses.

The RPC (2000) also addresses the availability and use of drugs and a lack of adequate life skills as possible problems for adult probation, stating that “the efforts of probation are frequently ineffective in helping probationers avoid drugs, learn to read, obtain jobs or otherwise reconnect their lives with prosocial peers and others” (RPC, 2000, p. 7). Probation not only must offer these rehabilitative programs to clients, but also monitor their attendance and completion.

Decline in Funding

The United States' preoccupation with incarceration has resulted in monumental increases in both jail and prison budgets. Most U.S. states as well as the Federal Bureau of Prisons spend billions of dollars on construction, staffing, and maintenance of these facilities. “Nationwide, for fiscal year 1996, the states, the District of Columbia and the Federal Bureau of Prisons spent just under 25 billion dollars for prisons (RPC, 2000, p. 8). Probation, however, has not experienced the same funding increases. To the contrary, many states have experienced decreased probation budgets. Petersilia notes, “From 1977 to 1990, prison, jail, parole, and probation populations all about tripled in size. Yet only spending for prisons and jails had accelerated growth government expenditures” (Petersilia, 1998, p. 22). As a result, says Petersilia, “Today, although nearly three fourths [original italics] of correctional clients are in the community, only about one tenth of the correctional budget goes to supervise them” (1998, p. 23).

Some researchers propose that “widening the net” is the true function of probation. This concept refers to the idea that "Probation is not an alternative to
imprisonment but an additional option that allows more people to be brought under some form of social control" (Walker, 2001, p. 215). While probation in theory is designed to rehabilitate offenders and maintain community safety, it is also designed to control people. Moreover, this expanding net is used to draw in people who would otherwise be diverted from the criminal justice system. Understood in this manner, adult probation takes on a Machiavellian approach.

The adult probation system stands at a monumental juncture. Probation is ideally designed to benefit both community and offender. However, the research points to an undeniable problem: both the criminal justice system in general and specifically probation are not decreasing in size, incarceration rates and probation caseloads continue to rise and show little sign of leveling off, and this in light of continuously decreasing crime rates. Also, as noted by RPC (2000), probation clients are not well served by the state of adult probation in the United States. With that said, why is there such a state of affairs? The key to understanding the problems facing probation lie in an understanding of who does/does not benefit from this system. Put another way, in practice, for who is this system designed? This question can best be addressed by examining probation from a conflict perspective.

Conflict Theory

An understanding of conflict theory, as presented by Chambliss and Seidman (1971) and Reiman (2003) is useful in understanding problems occurring in the current probation system. These three authors have proposed that there are vital differences between the design and implementation of the criminal justice system. These differences,
often categorized as “theory vs. practice” within the criminal justice system, do not occur by chance, but are the result of class, race, and gender conflict.

Chambliss and Seidman were interested in the distinction between “...law in action as well as law in the books” (Chambliss & Seidman, 1971, p. 2). This distinction is a vital part of this research, as it points to contradictions within the criminal justice system. It is these contradictions in the criminal justice system that often exacerbate instead of improve an offender’s life situation.

“Law in the books” refers to the ideals regarding crime policy. That is, it refers to ideals contained in the laws, rules, regulations, and general policies regarding crime and criminal justice. Ideally, all laws, rules, and regulations in the criminal justice system convey the will of the people within society. However, Chambliss and Seidman disagree and propose that, "It is...patently absurd to argue that the law can ever represent everyone's views in stratified societies..." (Chambliss & Seidman, 1971, p. 503). In fact, the "law in the books" as Chambliss and Seidman suggest, represents the views of a small but powerful segment of society and is used as a tool to control those with less power.

“Law in action” refers to the realities of the criminal justice system. That is, the actual ways in which laws are carried out in society. In contrast to “law in the books,” the reality is a criminal justice system "...under which conflicts will be resolved in favor of those who control the resources of the system. If justice or fairness happen to be served, it is sheer consequence" (Chambliss & Seidman, 1971, p. 503). To better understand this point, one need merely examine a few examples of “law in action.”

The ways in which race, class, and gender affect one’s experience in the criminal justice system provide good examples of the difference between “law in
action” and “law in the books.” For example, racial sentencing disparities have been documented within the criminal justice system in relation to the use of powder and crack cocaine. The changes occurring in state and federal sentencing guidelines for drug offenses have had disastrous affects for racial minorities in the United States. Although powder cocaine and crack cocaine are similar drugs, sentencing for crack cocaine (normally associated with racial minorities) tends to be harsher than that found for powder cocaine (normally associated with whites). Marc Mauer (1999, p. 155) states that “The sale of 500 grams of cocaine powder resulted in a mandatory five-year prison term, while only 5 grams of crack was required to trigger the same mandatory penalty”.

Examples of class irregularities abound throughout the criminal justice system. A comparison of O.J. Simpson’s legal defense team with the average court-appointed attorney brings into focus the ways in which class affects offenders in the criminal justice system. Mauer (1999) states,

The way in which a wealthy defendant’s resources could purchase DNA expert testimony, pursue investigative leads regarding police misconduct, and assemble an all-star defense team—all perfectly legitimate in our court system—clearly proved to be critical in presenting a strong case to the jury (Mauer, 1999, p. 162).

Thus, Mr. Simpson’s “Dream Team,” consisting of multiple well-seasoned attorneys combined with a seemingly unlimited defense fund simply cannot be compared to a second-year court appointed attorney doing pro bono work.

Other examples of class inconsistencies within the criminal justice system can be found in comparing street crime with white-collar crime arrest rates. More specifically,
Reiman’s work (2003) points to grave inconsistencies in the arrests, convictions, and sentencing of street and white-collar crime. Reiman states,

Not only are the poor arrested and charged out of proportion to their numbers for the kinds of crimes poor people generally commit—burglary, robbery, assault, and so forth—but when we reach the kinds of crimes poor people almost never have the opportunity to commit, such as antitrust violations, industrial safety violations, embezzlement, and serious tax evasion, the criminal justice system shows an increasingly benign and merciful face (Reiman, 2003, p. 110).

William Chambliss proposes that “Street crimes are a smoke screen behind which far more deadly, costly, and serious crimes take place” (1999, p. 155). Crimes committed by the wealthy (e.g., Enron Scandal, Savings and Loan Scandal), which cost our nation billions of dollars and result in the deaths of thousands of Americans each year, are undetected by our justice system. Chambliss (1999) reports “The Senate Judiciary Subcommittee on Antitrust and Monopoly estimates the cost of corporate crime at more than 200 billion a year, fifty times the cost of street crime” (Chambliss, 1999, p. 152). Moreover, “…100,000 people die yearly from industrially caused diseases and accidents,” stemming from the greed of corporate America (Chambliss, 1999, p. 152).

Gender inequality within the criminal justice system can be found most glaringly in instances where women are victims. For the most part, the criminal justice system is created, designed, and implemented by men. Thus, this institution unfairly advantages the perspectives of males over females. Numerous studies conducted on females as victims within the criminal justice system have concluded that,

Courts have consistently demonstrated a gender bias in mediating domestic violence and rape cases. Police are reluctant to arrest; prosecutors are reluctant to prosecute; juries are reluctant to convict; and judges are reluctant to sentence in any sexual assault case where: A
woman is perceived as precipitating her own rape or assault by her style of
dress, her drinking or drug consuming activity; or her participation in
certain activities such as going to a bar or hitchhiking, or there is a lack of
physical evidence of a severe injury proving forced intercourse (Kappler,
Blumberg, & Potter, 2000, p. 229).

Gender inequality takes two separate forms here. While it is wrongly assumed
that rape or assault must be accompanied by some severe visible injury, in effect,
female rape victims without bruises need not apply for aid from the criminal
justice system. Indeed, in order to receive protection from the criminal justice
system, women must engage only in those activities that the male perspective
endorses as acceptable. Men, on the other hand, are free to engage in the same
behaviors without fear of recourse. Thus, it seems that, for the most part, our
criminal justice system mirrors all other institutions in that they are all dominated
by a male perspective.

Research on class, race, gender, and the criminal justice system support
Chambliss and Seidman’s (1971) caricature of the law as an instrument used by a small
powerful group within society to control others. Regarding class and crime, it was the
“Emerging domination of the middle-classes, along with ‘the attempt by the middle class
to impose their own standards and their own view of proper behavior on people, whose
values differ,’” which ultimately led to our present construction of crime (Lilly, Cullen,
& Ball, 1995, p.152). Thus, the "law in action," in many respects, reflects the desires of
the middle class within the United States, which ultimately reflects a male, Eurocentric
view of the world. Such a worldview is not representative of our current criminal justice
population.
In addition, Chambliss and Seidman characterize the justice system as a rational actor. Decisions as to who will enter the criminal justice system are made on the basis of cost versus benefit analysis. "It [the justice system] will maximize rewards and minimize strains for the organization to process those who are politically weak and powerless, and to refrain from processing those who are politically powerful" (Chambliss & Seidman, 1971, p. 269). Implicit in their theory is the importance of bureaucratic organizations in enforcing the interests of the powerful elite within society.

The criminal justice system, as a bureaucratic organization, tends to "substitute for the official goals and norms of the organization ongoing policies and activities which will maximize rewards and minimize strains..." (p. 270). Thus, the powerless within society (usually lower class minorities) are the "...groups which receive the brunt of the law-enforcement effort and provide the necessary raw materials for keeping the law-enforcement agencies functioning" (Chambliss & Seidman, 1971, p. 269). Minorities, women, and the poor become the rational patsy for the criminal justice system. I now turn to a more specific discussion of class, race, gender, and crime.

Impact of Social Class

One’s class status plays a central role within the criminal justice system. Jeffrey Reiman characterizes the law as an instrument used to “weed out” the powerful. He states, “In my view, it also comes as no surprise that our prisons and jails predominately confine the poor. This is not because these are the individuals who most threaten us. It is because the criminal justice system effectively weeds out the well-to-do” (Reiman, 2003, p. 102).
Reiman proposes that the criminal justice system is designed to control powerless individuals, while at the same time protecting or at least sheltering the powerful. Reiman states that, "For the same crime, the system is more likely to investigate and detect, arrest and charge, convict and sentence, sentence to prison for a longer time, a lower-class individual than a middle or upper class individual" (Reiman, 2003, p. 5). He also states that the system continually treats street crime (which is mostly committed by the lower class) more harshly than white-collar crime. This is particularly interesting with the knowledge that a substantial amount of white-collar crimes "...take more money from the public or cause more death or injury than the crimes of the poor" (p. 137).

The above ideas should not be considered new, as many social scientists have proposed similar ideas. Marx and Engels proposed that the decline in social solidarity caused by capitalism resulted in conflict between individuals within society. Thus, they proposed that the emergence of capitalism, which bred an emphasis on individualism, is responsible for much of the conflict found in society. Stated by Marx and Engels in The Communist Manifesto, "It [the bourgeoisie] has pitilessly torn asunder the motley feudal ties that bound man to his ‘natural superiors’ and has left remaining no other nexus between man and man than naked self interest, than callous ‘cash payment’" (Marx and Engels, 1998, p. 37). This conflict ultimately led to crime, as the working-class became increasingly frustrated with the vast disparities between classes. Thus, for Marx and Engels, society is run by the capitalist elite and does not constitute a general consensus of the greater society.

William Bonger used Marx and Engel’s ideas and applied them specifically to crime. Believing that the root cause of crime was the system of capitalism, Bonger
proposed that, “Crime was seen as a product of an economic system that fostered a
greedy, egoistic, ‘look out for number one’ mentality while at the same time making the
rich richer and the poor poorer” (Lilly, et al., 1995, p. 136). He proposed that a lack of
morality together with increased opportunity were vital parts of any capitalist system.
Capitalism then, with its emphasis on individual achievement, fosters an insatiable
compulsion toward consumption in order to achieve bourgeois values and creates false
consciousness.

The criminal justice system was viewed by Bonger as a tool used by the rich to
exploit the poor. In the end, he characterized the criminal justice system as a finely oiled
machine used by the powerful, which, “…tends to legalize the egoistic actions of the
bourgeoisie and penalize those of the proletariat” (Turk, 1969, p. 10). Thus, Bonger,
Marx and Engels believe that the criminal justice system (as well as society in general)
was not a value-free institution designed for the welfare of all, but designed to satisfy the
desires of a powerful few. Social class and race/ethnicity are often linked in discussions
of criminal justice, and I now turn to the relationship of race/ethnicity and crime.

Impact of Race/Ethnicity

Race is closely connected in how one is treated within the criminal justice system.
Specifically, research has documented the plight of African Americans in relation to the
criminal justice system. There has been an enormous increase in the overall number of
drug arrests in the United States. Marc Mauer states that “In 1980 there were 581,000
arrests for drug offenses, a number that nearly doubled to 1,090,000 by 1990” (Mauer,
1999, p. 143). Mauer reports that these numbers increased to 1,476,000 in 1995 (Mauer,
Interestingly, Mauer (1999) proposes that these arrest increases did not coincide with drug use rates. Mauer states that,

The best data available show that the number of people using drugs had been declining since 1979, when 14.1 percent of the population reported using drugs in the past month. This proportion had halved to 6.7 percent in 1990, and it declined to 6.1 percent by 1995 (Mauer, 1999, p. 145).

These soaring arrest rates could not be attributed to a general increase in use rates, but indicated an increased effort by law enforcement to target drug offenders, which was a result of “...heightened political and media attention, and increased budgets for law enforcement...” (Mauer, 1999, p. 145). This political shift in crime fighting also targeted minority groups, specifically African Americans.

The United States Census Bureau (2001) indicates that African Americans make up 12.3% of the U.S. population (United States Census Data, 2001). The Department of Justice (2003) estimates that 69,000 (approximately 40%) of the inmates in federal prison are African American. Tonry and Frase estimate that, “...close to 50% of U.S. incarceration growth since the early 1970’s has been extracted from African American communities that comprise only 12% of the nation’s population” (Tonry & Frase, 2001, p. 244). Mauer (1999) reports “African Americans...accounted for 21 percent of drug possession arrests nationally” (Mauer, 1999, p. 145). Thus, not only do African Americans make up a substantial percentage of the incarcerated inmates in the U.S., they also account for a fairly substantial segment of the overall drug arrests within the United States.

One might conclude that the aforementioned percentages merely reflect the actual number of African Americans who use drugs in the United States; this, however, is not supported by social science research, as Mauer (1999) reports that
We find that while African Americans were slightly more likely to be monthly drug users than whites and Hispanics (7.9 percent vs. 6.0 percent and 5.1 percent respectively), the much greater number of whites in the overall population resulted in their constituting the vast majority of drug users. Whites represented 77 percent of current drug users, with African Americans constituting 15 percent of users and Hispanics, 8 percent (Mauer, 1999, p. 147).

As a result, one can conclude that a relationship exists between one’s race and her/his likelihood of being arrested and incarcerated for drug offenses in the United States. While any analysis of how class and race impact criminal justice research is important, an examination of how gender impacts the crime is also essential. Thus, a discussion of gender and crime is found below.

Impact of Gender

Gender plays a vital role within our criminal justice system. As is true with class and race, men and women are not treated equally within the criminal justice system. It is well documented that past criminal justice research has focused mainly on the male experience. Joanne Belknap states that, “Until the late 1970’s, it was highly unusual for these studies [crime research] to include girls (or women) in their samples” (Belknap, 2001, p. 5). Historically then, criminal justice policy and theory has been constructed by and for men; the experiences of women can be considered severely lacking at best.

Caulfield and Wonders (1993) characterize the violence women experience in society as political crime committed by the state. They contend that:

...the state engages in political crime when it fails to define widespread and systematic harm against women as illegal, when it neglects to enforce laws that do provide some measure of protection to women, and when it provides structural support for institutional practices that clearly harm women (Caulfield & Wonders, 1993, p. 80).
The state engages in violence against women in at least two separate but important ways: (1) crimes of omission and (2) crimes of commission. The latter refer to acts in which "...the state or representatives of the state directly participate in violence against women, in violation of the law" (Caulfield & Wonders, 1993, p. 80). The sexual exploitation and assault of women by police officers, correctional officers, and enlisted men, are examples of crimes of commission committed by the state.

Crimes of omission refer to "...the state's active choice not to intervene or limit serious harms if they are directly primarily toward women" (Caulfield & Wonders, 1993, p. 80). The longstanding failure of the state to acknowledge domestic violence (between wife and husband) is one example of this type of crime, as the state has, for years, perceived "wife beating" as a private affair not worthy of criminal justice attention. As a result, "...much violence against women is not, strictly speaking, 'crime,' since an act is not a crime unless there is law specifically forbidding the behavior" (Caulfield & Wonders, 1993, p. 82).

The notion that the creation of law benefits the male perspective is not a new concept. As previously discussed, Chambliss and Seidman (1971) proposed that the creation of law tends to benefit a select group to the detriment of others. For our purposes then, males use law as a tool to maintain patriarchy. Caulfield and Wonders (1993) state that "...patriarchy has moved beyond any notion of kinship ties so that men now use the state-its bureaucracies, its laws-to exert male superiority and female inferiority" (Caulfield & Wonders, 1993, p. 87). With an
understanding of how one’s gender relates to crime, I turn to a discussion of how 
women currently fare in the criminal justice system.

Currently, women account for a growing percentage of the overall inmate 
population in our country. The United States Bureau of Statistics (2000) reports that 
there are approximately 112,300 women incarcerated in the United States. This number 
has increased from 1990 to 2000, as the Bureau of Justice Statistics reports that “Women 
accounted for 6.7 percent of all state and federal prisoners on that date [2000], compared 
to 5.7 percent in 1990” (Bureau of Justice Press Release, 2001, p. 1). Additionally,
Greenfield states that “For every category of major crime for the period 1990-1996 – 
vViolent, property, drugs, and other felonies – the rate of increase in the number of 
convicted female defendants has outpaced the changes in the number of convicted male 
defendants” (Greenfield, 2000, p.5).

Women experience prejudice and discrimination in several areas within the 
criminal justice system. Female offenders often experience discrimination within 
sentencing in the criminal justice system. Kappler, Blumberg and Potter (2000) state that 
“...girls are disproportionately arrested or reported to the juvenile justice system for 
'status offenses' such as truancy, running away from home, sexual activity, and parental 
curfew violations” (Kappler et al, 2000, p. 229). Female offenders are also more likely 
than their male counterparts to be incarcerated or adjudicated for specific offenses within 
the criminal justice system according to past research. Horowitz and Pottieger (1991) 
propose that a “'gender role stereotype' hypothesis,” can be seen in arrests made by law 
enforcement. In comparing male and female juvenile offenders, Horowitz and Pottieger 
(1991) found gender an important factor in likelihood of arrest. As stated by the authors,
“...no arrests for 1,793 female committed major felonies suggests that young women involved in such ‘male’ offenses may be invisible to the police...” (Horowitz & Pottieger, 1991, p. 97). This “gender role stereotype” also resulted in females being arrested more than males for “female offenses” such as shoplifting. Thus, according to the authors, law enforcement gender bias plays a role not only in who enters the criminal justice system, but also the type of offense under which she or he will enter the system (felony or misdemeanor).

The above discussion has focused on discrepancies found between the theory and practice of the criminal justice system both in general and specifically regarding race, class, and gender. From this one can conclude that our justice system is not necessarily based on a consensus model as many tend to believe, but is, in fact, predicated on the unequal distribution of power found in class, race, and gender relations. Moreover, much of the theory found in the justice system fails to be adequately implemented into everyday practice. The heart of this research, however, is focused on applying this discussion to adult probation system. What is presented next is a discussion of the theory versus practice aspects of probation.

Probation in Theory and Practice

The practice of probation, similar to the criminal justice system, differs from the theory of probation. As was noted, the design of the criminal justice system varies from its actual implementation. The same can be said for adult probation within the United States. Below is a discussion of the ways in which theory varies with practice within the adult probation system. It is these contradictions between the theory and practice of probation that tend to make worse probation officers’ jobs and clients’ life situations.
Hillary Walker and Bill Beaumont (1981) propose two major problems with the probation system. Both of these problems deal with variations found between the theory and practice of probation. First, Walker and Beaumont state that,

...probation can be said to represent the operation of the liberal state, the benevolent face of the penal system. It allegedly gives those who have ‘gone astray’ a second chance...Yet our account of practice shows that this superficial appearance of probation is at odds with the real experience (Walker & Beaumont, 1981, p. 38).

Walker and Beaumont (1981) propose that the actual implementation of probation is very different from its design. They propose that variations can be found within case supervision and management, permanent change in the offender, and conditions of probation. The authors state that, “In real life, probation has little resemblance to the careful, planned activity of the official accounts” (Walker & Beaumont, 1991, p. 28).

The official account of probation, as characterized by Walker and Beaumont, is a finely-tuned department of social workers equipped with the best and latest tools to be used in offering effective and efficient treatment to probation clients. Realistically, or in practice, this simply is not the case. Walker and Beaumont state,

More often probation supervision comprises a series of rushed and superficial routine meetings. Work with probationers competes with other demands on probation officers’ time and attention, and urgent tasks such as report writing sometimes take priority...The job frequently dissolves into a hopscotch of tasks which are never mentioned in the official account or in training courses (Walker & Beaumont, 1981, p. 29).

In 1981, Walker and Beaumont stated “the average time spent on each probationer (including traveling) was about 2.1 hours per month...” (Walker and Beaumont, 1981, p. 29). This number has dropped considerably, as a report prepared by the Texas Department of Criminal Justice (TDCJ) reports that community supervision officers average “...51 minutes per month per offender” (Texas Criminal Justice Assistance

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Division, 2002, p. 32). As a result, time spent with probationers is lacking and may be viewed as problematic for quality supervision.

Additionally, the quality of interaction between the supervising officer and client is examined. Walker and Beaumont (1981) report that "...probation was generally described as: 'a five minute talk which was unrelated to the rest of their activities and which because it happened infrequently...could not therefore have any impact'" (Walker & Beaumont, 1981, p. 30). Thus, according to past research, both the quantity and quality of probation can be characterized as wanting.

The decreasing time spent with probation clients is the result of various structural problems within the system. First and foremost, the Criminal Justice Assistance Division (2002) reports the average caseload size is approximately 152 cases. In the same report by the Texas Criminal Justice Assistance Division, Texas probation officers stated that "...current officer to offender ratios limit risk management and risk reduction activities" (TCJAD, 2002, p. 32). Probation officers also stated that,

...if they [probation officers] had smaller caseloads they would spend more time on the following risk management/risk reduction activities: holding lengthier office visits, conducting field work, meeting with collateral contacts, working with the offenders' families, and developing new resources for offenders (TCJAD, 2002, p. 33).

As a result, in regard to caseload size, the practice of probation varies greatly with its design.

The enforcement of probation conditions is also highly problematic. High caseloads, which result in decreased supervision time, result in increased tensions for ensuring client compliance. In most instances, probation officers simply do not have adequate time to monitor probationer compliance. The design of the probation conditions
does not seem appropriate in practice. Walker and Beaumont (1981) state that both “standard and special” conditions of probation become hard to enforce, as their implementation may serve only to exacerbate a client’s situation. For example, “the expectation of taking employment may be ignored [by the probation officer] if the client is able only to get boring, low-paid, and unpleasant work” (Walker & Beaumont, 1981, p. 31). Thus, both probation officers and offenders experience the conditions of probation as poorly designed and ineffective in practice.

Probation officers find many contradictions within probation work. First, Walker and Beaumont (1981) question whether probation officers can offer treatment services to probation clients while at the same time working for the state. The authors believe an officer’s dual roles (counselor and agent of the state) greatly conflict with each other, as a probation officer cannot simultaneously be a counselor to and probation officer of her/his client. These two roles easily clash with one another, as the client-counselor relationship is burdened by the probation officer’s relationship to the state. Thus, Walker and Beaumont (1981) state, “There cannot be an atmosphere of complete permissiveness when the relationship is authoritarian” (Walker & Beaumont, 1981, p. 33). The probation officer must choose which role he or she will play: counselor to the client or officer of the court.

The problems probation officers experience contribute to role strain within their jobs, officer burnout and ultimately employment turnover. The Texas Department of Criminal Justice reports, “Half of currently employed CSO’s [probation officers] stated that they do not expect to be in community supervision in three years” (Todhunter, 2003, p. 29). High job turnover are obstacles to job productivity, quality, and often result in
increased costs, as employers must spend additional money to find and train replacements. Thus, high caseloads, low pay, and role contradiction play a substantial role in officer burnout and job turnover, as many officers become disenchanted with the reality of juggling high caseloads for low pay.

The second major problem proposed by Walker and Beaumont (1981) focuses on the intent behind the design of the conditions of probation. Walker and Beaumont (1981) propose that “probation orders uphold a set of moral and ethical values which themselves have an important ideological function and significance” (Walker and Beaumont, 1981, p. 38) [original italics]. Many probationers perceive the probation order as a set of value statements designed to control behavior; thus, many probation officers are perceived as instruments of control or pawns used by the state to limit undesirable behavior. Walker and Beaumont (1981) state, “The facilities envisaged in the probation rules are avoided by many working class kids because, like education, they are experienced as an imposition of rules, standards, and values” (Walker & Beaumont, 1981, p. 32). Viewed in this manner, the probation order begins to resemble a code of acceptable behaviors, which are designed by a group of individuals that are anything but representative of the average probation caseload. Placed in this context, two questions become apparent: (1) Who designs the probation order; and (2) What group/s are normally found on the average caseload?

As stated earlier, lower-class minority groups are overrepresented in America’s jails, prisons, and probation caseloads. The State of Texas is no exception. Jen Todhunter (2003) states “Minorities are overrepresented at all stages of the criminal justice system” (Todhunter, 2003, p. 15). Specifically, Todhunter (2003) reports that
racial disparities increase as one moves through the criminal justice system; that is, 

"While Whites make up 57% of the Texas general adult population, they account for only 43% of the probation population and less than one-third of the incarcerated population" (Todhunter, 2003, p. 18). Moreover, Todhunter reports that Hispanic Americans and African Americans are overrepresented in Texas prisons, jails, and probation caseloads. The latter group "...make up 20% of the probation population and 43% of the incarcerated population (State Penitentiary & State Jail),” while the former account for a lower percentage of the incarcerated population (26%), than in either the probation (36%) or the general adult (29%) populations” (Todhunter, 2003, p. 18).

A substantial percentage of Texas probationers also fall into the lower class. Todhunter (2003) reported that 25% of all Texas probationers reported their employment status as part-time, seasonal, or unemployed. While the same report indicates that 75% of the probationers in Texas report being employed full-time, past research suggests that criminal justice offenders tend to fall into the lower-income classes. Reiman found a similar situation regarding prisoners in that “They are considerably poorer and considerably less likely to be employed than the rest of Americans” (Reiman, 2003, p. 135). It seems plausible then that a percentage of those reporting full-time employment work at low-paying jobs such as those found in the service industries. Client education status provides us with another variable related to income. Todhunter (2003) reports that 84% of all Texas probationers report having only a high school education (high school diploma/GED or less). Of these, “...38% have less than high school diploma/GED” (Todhunter, 2003, p. 10).
The status of the probation client remains unclear at best, as the Texas Department of Criminal Justice (2003) reports that, “In 2001, Texas had the largest probation population in the nation (443,684) and the second largest parole population (107,688) in the nation” (TCJAD, 2003, p. 4). Moreover, “In 2001, the crime rate in Texas was 24% higher than the national average while the incarceration rate was 51% higher than the national average” (Ibid, p. 4). As a result, it seems the State of Texas continues to struggle with high crime, incarceration, and supervision rates.

Disjunctures between the theory and practice of probation can also be found in revocation data. Todhunter (2003, p. 8) reports “The most common reason for revoking both felons and misdemeanants is a violation of the terms of community supervision, (e.g., failure to report, failure to pay fines/fees, drug or alcohol usage, failure to participate in court-ordered programs, etc.)” In theory then, probation conditions are designed to offer treatment to individuals. In practice, however, these probation conditions provide the state additional means with which to incarcerate probationers. These conditions of probation, which are supposedly designed with the individual needs of each offender in mind, in the end, represent “blanket policies” used by the state to send additional people to our already overcrowded jails and prisons. It is this emphasis to which I now turn.

Probation as Reductionism

The rupture occurring between the theory and practice of probation is problematic for all parties. This work has addressed specific instances whereby these disjunctures occur between the design and implementation of probation, both in the criminal justice system and in the Texas probation system that may result in probation officer and client...
dissatisfaction. While the examination of conflict theory is informative, I have not specifically addressed possible reasons for these disjunctures. What follows is a proposal that the presence of a prospective instead of retrospective criminal justice system (and specifically probation system) leads to disjunctures throughout the criminal justice system and specifically within adult probation.

Past research indicates that a substantial part of our current legal system is based on a prospective legality. Our current adult probation system is no exception to this claim. Tifft (1979) states that “the most critical quality of the principle of legality is that it be prospective, that is, that the nature (or substance) of conflicts and the means we use to try to resolve them must both be determined prior to the act considered as crime” (Tifft, 1979, p. 393). A prospective criminal justice policy system is designed for specific groups and does not take into account the experiences of multiple groups. Put another way, a prospective legal system assumes it knows what is best for all members of society and thus tailors policy accordingly. Under this type of law,

...those with superior rights of access appropriate responsibility, depleting others’ competence and autonomy. As responsibility is truncated and rules become less known, comprehensible, and consistently applied, freedom of action is not simply more proscribed – it is guided, restrained, channeled and stupefied (Tifft, 1979, p. 396).

In this type of system, “justice for all” more realistically resembles “justice for a few,” as the justice system is designed for and to the benefit of a select group.

Tifft proposes the state has no business making so many decisions for its citizens, as “these institutions [the state] threaten the physical structure of the universe, undermine our participation in useful activity, deaden our creative imagination,
usurp what autonomy we have, and threaten human diversity” (Tifft, 1979, p. 398).

A retrospective system of justice would be better suited to addressing the needs of people. Tifft (1979) states that a retrospective system “…allows and indeed encourages a creative flexibility in considering aspects of conflicts not anticipated ahead of time. It fosters tolerance of ambiguity, acknowledgement of alternative meanings (and reality systems), and respect for diversity” (Tifft, 1979, p.397).

A retrospective system of probation is concerned with individual needs of its clients. Emphasis is therefore placed on discovering the true needs of probation clients in order to offer treatment that is effective and efficient. Retrospective systems are client-driven. “It [retrospective justice] means that we must restore life and the settlement of disputes to a direct face to face and collective process” (Tifft, 1979, p. 397).

In theory, it seems policy makers believe they know the type of programs needed to produce successful probation clients; it is simply a matter of implementation. For example, probation is normally designed only for nonviolent offenders, as violent offenders are ineligible for such diversion programs. Such a rule eliminates a host of individuals whose actual offense is relatively minor in comparison with the entire group of assault cases. Probation conditions are designed beforehand, as it is believed that policy makers have successfully determined the correct formula for coercing correct behavior. The probation order is therefore designed with a rigidly defined ideal type client in mind.
Risk/needs assessments are conducted to ascertain specific offender needs, which result in individualized supervision plans designed to curb unwanted behavior. In theory then, adult probation may seem organized and efficient. However, a closer view of the actual practice of probation may lead to alternative conclusions.

The actual practice of probation, not unlike the criminal justice system, is prospective and can also be seen as reductionist. Adult probation seems to be designed by and for a specific group and thus fails to take into account the everyday experiences of a whole host of groups. This research proposes that adult probation orders often fail to address the needs of many different groups. In the end, the probation order melts offender characteristics into one rigidly defined specific type. This type of reductionism is nowhere more evident than in the lives of women. To examine this point, I review feminist critical perspectives on the treatment of women in criminal justice.

Feminist theory can be seen as reductionist and has been criticized as being relevant only to the lives of white middle class women. Lugones and Spelman (1996) state that

Feminist theory is to be based on, or anyway touch base with, the variety of real life stories women provide about themselves. But in fact, because... of the structural political and social and economic inequalities among women, the tail has been wagging the dog: feminist theory has not for the most part risen out of a medley of women’s voices; instead, the theory has arisen out of the voices, the experiences, of a fairly small handful of women, and if other women’s voices do not sing in harmony with the theory, they aren’t counted as women’s voices – rather, they are the voices of the woman as Hispana, Black, Jew, etc (Lugones & Spelman, 1996, p. 24).

Women’s lives can be compared to a rope made up of a complex strand of
unique materials. These strands are not identical; each is constructed of unique fibers with different textures and colors. Each unique strand is intertwined with the other to produce a sturdy rope; however, each strand is noticeably unique and colorful by itself. Woven together, these strands make up the whole rope, not just one particular type. As a result, a prospective probation system often fails to take into account the individual differences of women. Lugones and Spelman propose the development of a feminist theory that accurately depicts women’s lives is “...extremely hard because it requires openness (including openness to severe criticism of the white/Anglo world), sensitivity, concentration, self-questioning, circumspection” (Lugones & Spelman, 1996, p. 34).

Caulfield and Wonders (1994) propose that an understanding of context is vital to understanding women and criminology. They state that

There is a tendency in mainstream criminological work to categorize the world...Feminist scholars have problematized these classifications and have urged others to consider what these categories mean relative to real human lives; to recognize that the characteristics of peoples' lives do not operate singly (Caulfield & Wonders, 1994, p. 221).

Traditional social science work has attempted to reduce the complexities found between different groups of people. This reductionism minimizes, if not excludes altogether, individual differences between women according to their class and race. Caulfield and Wonders (1994) believe that “...we are likely to learn far more about the contemporary world by developing theoretical and methodological strategies that help us appreciate and investigate this complexity, rather than minimize it” (Caulfield & Wonders, 1994, p. 223). Thus, the probation system must continually fight the urge to reduce the complexities found in client’s lives.
to one general group.

In the end, I have addressed various problems occurring in both criminal justice and adult probation. This review has addressed both positive and negative aspects of probation as well as solutions proposed by both policy makers and social scientists in the field. I have specifically addressed problems experienced by probation officers and offenders occurring within the field of adult probation. The proposed work, however, focused on problems occurring in the adult probation system from a different angle, as well as on the discrepancies between the theory and practice of adult probation as found in the state of Texas. More specifically, it focused on those inconsistencies that reduce clients to one rigidly defined ideal type. This task will be accomplished by documenting the ways in which probation is designed and ultimately practiced. The next chapter presents an overview of the ways in which this work has been carried out.
CHAPTER III

RESEARCH DESIGN

Introduction

Research that looks into the everyday lives of both criminal justice workers and offenders provides one with valuable insights into the discrepancies between the ways adult probation is designed and ultimately implemented. It has been proposed earlier and elsewhere that such research results in a discovery of the contradictions occurring within the probation system that prove problematic for officers and clients as well as probation in general. This work seeks to explain the differences between the theory and practice of adult probation by exploring the everyday experiences of probation officers and their clients. Specifically, it will delve into the everyday experiences of probation officers and their clients. The present chapter includes the following sections: research questions, methods description, measures, validity and reliability, and limitations of the methods.

Research Questions

Two broad research questions were developed for this work. Within each of these two questions, I listed additional questions that more specifically address the focus of the broader question. The first question is “In what ways is the theory of probation different from its practice?” More specifically, I am asking:

- In theory, probation officers have dual roles (state officer and client advocate), however, in practice, are probation officers effective in working in both roles?
- In theory, probation is designed to help improve individuals lives, however, in practice, are clients lives really being improved?
- In theory, probation should be designed retrospectively, however, in practice, is it really individualized?
The second research question is “How do race and gender affect probation officers and probation clients?” More specifically, I am asking:

- What relationship is there between race and gender and probation officer job satisfaction?
- What relationship is there between race and gender and client success on and satisfaction with adult probation?
- What relationship is there between race and gender and the conditions of probation?

Methods Description

In order to answer the research questions covered earlier, a case study approach utilizing interviews and archival research was implemented. What follows is an examination of specific aspects of the case study approach used.

Case Study Approach

A case study approach was used for this current work. “...Like other research strategies, it [case study research] is a way of investigating an empirical topic by following a set of prespecified procedures” (Yin, 1994, p. 15). Case study research provides the researcher an in-depth look into the characteristics of a particular person, event, and/or group. When conducted properly, it has been used as a successful research tool in the social sciences. Case study research has been used in anthropology, political science, social work, and psychology and is beneficial when “…a ‘how’ or ‘why’ question is being asked…” (Yin, 1994, p. 9).

Case studies are used in criminal justice research and tend to “…vary greatly from general field studies to studies of one individual” (Hagan, 1993, p. 202). Hagan (1993) cites numerous examples of individual criminal justice case study research such as Edwin Sutherland’s The Professional Thief and Box Man: A Professional Thief’s Journey by Harry King and William Chambliss. Case study research also documents crimes

Data for this case study were gathered from a local court system and adult probation department in a county in Texas. I worked for this county for five years as an adult probation officer and was given permission to conduct research in this county. My prior work experience as an adult probation officer in this county made me familiar with Texas criminal law and provided a relationship with the director of probation, department staff, as well as a number of district court judiciary in the county.

The Texas Criminal Justice Assistance Division (Jones, 2000, p. 37) reported that the average total offender population in 1999 for the county studied was 4,028. As of October 2003, the probation department had 3 office locations, a restitution center, and a drug treatment court. This department employed approximately 129 staff, including 58 certified adult probation officers, 3 licensed chemical dependency counselors, and 68 support staff. In addition to the previously mentioned programs, the probation department also offered day reporting, intensive supervision probation (ISP), sex offender caseloads, group reporting, pre-sentence investigation unit, intake unit, mental health and non-support caseload as well as normal felony and misdemeanor supervision caseloads (Email from Chief Probation Officer dated 10/22/03).

Similar to this current work, numerous case studies have been conducted on “...such agencies as the police, corrections officers, and courts” (Hagan, 1993, p. 204). Most recently, Matt DeLisi (2002) conducted a case study of the Columbine High School massacre. This case study sought to discover what affect the high school killings had on
local criminal justice agencies. Thus, case study research has been and continues to be used in criminal justice research both on micro and macro levels.

With that said, a case study is merely a way of approaching research; it does not dictate the ways or methods by which data will be collected. For this, I turn to the actual methods used for data collection within this case study. Interviews and archival research make up the methods that were used to collect data for this research.

**In-depth Interviews**

In-depth interviews were conducted with probation officers and probation clients with the goal of discovering how probation officers and probation clients experienced the theory and practice of probation. Probation client interviewees were recruited through two methods. First, recruitment occurred through US mail. A third party was used in scheduling these interviews to ensure privacy. The third party individual was neither connected to my dissertation nor the probation department. The third party person obtained probation client contact information (home address) from the chief probation officer in the county where the research took place. Letters and postcards were then mailed to 300 potential participants informing them of the research agenda and asking for their participation. Interested individuals needed only to fill out requested information and place the postcard back into the US mail.

Mailed postcards went directly to the researcher; thus, individuals not interested in participating remained completely anonymous from individuals directly involved in the research (the researcher and probation department). Upon receiving returned postcards, the researcher contacted interested individuals by phone, explained the
research project, and again asked for their participation. If still interested, an appropriate
time was scheduled to conduct interviews by phone.

A convenience sample was also implemented as a second recruiting method. A
convenience sample is a sample where participants are selected at the convenience of the
researcher. As with the case study approach, the use of a convenience sample is not
focused on promoting an accurate representation of some larger group or population. The
location in which the convenience sample was collected was the lobby of the probation
department. The researcher passed out flyers to individuals entering the probation
department, informing potential participants of the research agenda as well as offering
instruction on how to become involved in the project (total of 400 flyers were passed
out). Interested individuals were interviewed at a location and time of their choice.

At the time of each probation client interview, the “Agreement to Participate”
form was read in its entirety to the participant. The researcher then asked the participant
to verbally agree that he/she understood the research agenda and agreed to be
interviewed. “Agreement to Participate” forms were signed by individuals interviewed in
person.

Potential candidates for probation officer interviews were taken from a master
probation officer list received from the chief probation officer. Educational, gender, and
racial differences within the sample were important in the selection of candidates, as
these differences provide a more accurate picture of probation officer viewpoints. Years
of experience were also considered. Individuals selected were asked to participate in one
interview session. In the event that a probation officer elected not to participate in the
research project, I selected another individual from the master list. The interview list was not shared with any of the department staff to ensure a higher level of privacy.

The interview sessions were conducted at various locations chosen by the interviewees. All interview sessions were tape recorded to ensure accuracy of the data. At the time of the interview, the “Agreement to Participate” form was read in its entirety to the interviewee. I then asked the participant to verbally agree that he/she understood the research agenda and agreed to be interviewed. The interviewee then signed the “Agreement to Participate” form.

An analysis plan was designed for all interview questions (officer and clients) and assisted the researcher in analyzing data to yield useful information and provide a consistent structure for analysis. The analysis plan consisted of a review of each question, including a description of what the question was measuring and how it was related to research questions, anticipated measures and possible responses.

Race and gender differences were also highlighted by these interviews. As noted earlier, race, class, and gender differences play a vital role in the criminal justice system. As a result, race class, and gender differences occurring within these interviews were underscored. An example may prove helpful here.

The life experiences of Black female probation officers are likely to be different from those of White male probation officers, as the latter have very little understanding of what it means to be Black and female in the United States. Thus, one’s race has the potential to affect how she/he views their role as a probation officer. Similarly, Black male probation clients experience adult probation differently than do White women. As discussed earlier, Black males continue to be overrepresented in the nation’s criminal
justice system. Reiman states “The face of the criminal justice carnival mirror is...very frequently a Black face” (Reiman, 2003, p. 104). The fact that Black men continue to be painted as “the face of crime” means something very different for Black men than it does for White women. It is these differences that are important to this research, as they aid the researcher in assessing how race and gender differences affect an individual’s success on probation (for probation clients) and worker satisfaction (for probation officers).

Specific offenses were highlighted for client interviews. This research focused on clients who were on probation for drug and welfare fraud cases, as these cases have the potential to highlight inconsistencies occurring between the theory and practice of probation. Specifically, clients interviewed in these two groups possessed significant race and gender differences; however, it is suggested that these differences failed to be adequately addressed in the everyday practice of probation. I now turn to a general discussion of interviews.

In-depth interviews, as discussed by Hagan, are “more intensive and detailed interviews, usually of fewer subjects than is the case in a standard survey, and particularly useful in life histories or case studies” (Hagan, 1993, p. 157). This type of interview takes one to two hours; the structure of an interview is normally a negotiated process between the respondent and researcher. The researcher keeps each interview “on topic” while at the same time allowing respondents to steer the discussion.

In-depth interviewing has distinct advantages over other methods. First, in-depth interviews offer face-to-face interaction between the researcher and respondent. Confusing questions can be cleared up during an in-depth interview, whereas they often simply go unanswered when using survey methods. Probing questions can be used to
form a deeper understanding of answers from research questions. In-depth interviews also offer researchers a wealth of nonverbal data that mail and/or phone surveys cannot provide. Researchers collect rich data from a respondent’s facial expressions, voice tone, and body posture. These cues all enrich the data collection experience, thus enhancing the overall research experience.

Archival Research

Archival research was used in this work. Two sources of data were important for this segment of the research: the probation officer certification-training manual and probation court files. As noted earlier, past literature proposes our current criminal justice system continues to be prospective. Thus, an examination of the probation certification-training manual and court documents highlights whether or not the probation department in the study tends toward a prospective or retrospective approach. Both sources of data directly address this question and are discussed below.

Four hundred probation court files from 2003 were analyzed to determine the extent to which probation is individualized or retrospective. That is, an inventory was made of each probation order to determine the extent to which these documents were individually tailored or similar.

The researcher had public access to probation court files, which were located in the district clerk’s office. These files were not case management files and did not include confidential information. A checklist was created and used to document specific case information as well as an itemized list of specific probation conditions. The following information was found in each of the four hundred files viewed:

Demographic data. Demographics such as age, date of birth, race/ethnicity, and sex were included in the “Client Data Sheet.”
Case specific data. Offense report (offense narrative, offense category [I, II, III, or IV degree felony]) material provided by local law enforcement and/or the district attorneys office were found in each file. It should be noted that criminal histories were not included in these files.

Court documents. Documents specific to each particular case were found here and included: probation order, indictment (formal charging document), closures (including administrative, full, or revocation), and probation amendments (amendments document any formal changes occurring in the probation case [i.e., client may have been ordered to perform additional community service]).

The above files were “read-only”; that is, these files were not carried outside the district clerk’s office and Xerox copies were not made. Probation court files are available to the public and require no consent from probation clients. A probation file checklist was used to document findings from these files. Each file examined was given an identification number and client names were not transferred to the checklist, thus ensuring a higher level of confidentiality.

An examination of these files shed light on differences between the theory and practice of probation. The functions of the probation order were twofold. First, this order was a blueprint for the probation client. This document informed all parties (e.g., judge, community, client, and probation department) of each client’s responsibilities to the state. Probationers were ordered to comply with such orders as “report as directed, remain crime-free, and submit to drug testing, and associate with reputable individuals.”

Second, the probation order served as an aid to probation clients in improving their lives. Conditions such as, “submit to psychiatric evaluation, attend job and/or life skills classes, attend GED classes,” were designed to give probation clients the necessary skills to improve their life situations. With that said, in practice, is the probation order designed retrospectively? Shouldn’t the probation order for a Black single woman with
children be noticeably different than that of a married White man? As with the client interviews, drug and welfare fraud case files were examined, as they have the potential to highlight inconsistencies occurring between the theory and practice of probation. In theory, probation orders should have looked significantly different from one another if individualized. As a result, the comparison of probation orders having similar offense categories (drug and welfare fraud cases) should highlight the extent to which the actual practice of probation was individualized.

Additionally, court closures were examined to determine differences occurring between successful/unsuccessful probation outcomes. The criminal courts used three types of probation case closures: successful, administrative, and revocation. Successful closures were filed in cases where all conditions were successfully completed, whereas, revocations resulted from specific technical or law violations. Cases given administrative closures were not revocations. Essentially, cases were administratively closed despite the fact there were specific probation conditions that were not met. The researcher was interested in whether or not patterns emerged with regard to full (successful completion) or administrative closures. Also, what, if any patterns, emerged from revocation orders?

I now turn to a discussion of the importance of the probation officer manual and court documents.

The probation officer certification-training manual provides individuals with instruction as to their specific roles as adult probation officers. Thus, this manual represents the theory behind how probation officers perform their jobs. Probation officer interview questions were designed to compare the information gleaned from this document with the reality of their probation officer jobs (theory versus practice).
Specifically, the manual spelled out the role of the probation officer. That is, this manual provided a detailed account of the “who, what, where, and why” of being a probation officer. Thus, inconsistencies between the role of probation officers (theory) and the practice of being a probation officer (as perceived by probation officers themselves) emerged from a thorough examination of this manual.

In analyzing this document, one gained a sense of what it meant to be an adult probation officer. This manual, for example, laid out all rules of how to play the role of probation officer. Thus, an examination of this document coupled with an analysis of the court files and interviews offered a clear view of differences occurring within the theory and ultimate practice of probation.

Marshall and Rossman state “researchers supplement participant observation, interviewing, and observation with the gathering and analyzing of documents produced in the course of everyday events” (Marshall and Rossman, 1995, p. 85). The materials analyzed for this work included the adult probation officer certification-training manual and probation files, which included probation orders, amendments, revocation data and closures. The collection of these data was unobtrusive to criminal justice staff and clientele, easily gathered (public courthouse files), and relatively low in cost. These data were used in validating previously collected data from interviews.

Earlier, I outlined the research methodology for this current work. To reiterate, this work uses a case study approach. In-depth interviews and archival research were conducted of a probation department in Texas. I now turn to a discussion of the types of measures used for this current work.
Measures

Drawing from the information gleaned from the literature review in chapter one, I now describe the specific measures that were used to determine answers to the research questions.

Interviews

Officer Perceptions. The perceptions of probation officers served as one measure for this current work. As stated earlier, the contradictions found between the theory and practice of probation were vital to this research. One way to measure contradictions occurring within the probation system was to focus on probation officer perceptions of their job. As a result, the following questions served to measure probation officer perceptions of the probation officer role:

1. What is the most important aspect of your job as an adult probation officer?
This question measured how probation officers perceived their dual roles as employees of the state and client advocates. As stated earlier, officers often feel strained in their capacities as both state officers and client advocates. While this role seems clear in theory, how do probation officers perceive it in practice? Subsequent questions point to possible contradictions between the officer roles, such as:

2. Are there times where your role as an employee of the state of Texas conflicts with that of client advocate (and vice versa)? Can you give me an example?

3. How do you solve problems occurring from conflicts arising from these dual roles?

4. Are there times or instances where these problems cannot be solved? If so, can you explain?
Answers to questions 1-4 enabled this author to determine how officers prioritize their dual roles as probation officers and client advocates. Put another way, for these officers, which duty came first? Was an officer's role with the state more or less important than her/his role as a client advocate? Moreover, did this belief cause problems in the everyday practice of their jobs and vice versa?

(5) What is the hardest part of your job as an adult probation officer?

(6) What makes this part of your job so difficult?

Questions 5 and 6 pertained to each officer's overall perception of his/her job and highlighted problem areas for probation officers.

(7) In what way does the probation order help or hinder your job as an adult probation officer? Can you give examples?

These questions alluded to how probation officers perceived the probation order. More specifically, did probation officers perceive this order as helping or hindering their lives as probation officers? The question of whether or not officers felt constrained by this order (do they feel probation orders work?) was important here. Again, the probation order is designed to make the probation officer's job easier. However, in practice, do officers perceive this order as a tool that makes their job easier or harder? On the one hand, officers may feel that the probation order aids them in doing their job in promoting and maintaining control over probation clients (this may tell how they perceive their jobs). On the other hand, officers may perceive the probation order as a text, which constrains their efforts to improve the lives of probation clients.

(8) In what ways, if any, could the probation order be reworked to make it more helpful to you in your work?
This question was designed to discover ideas that probation officers have about how the probation order could better serve both themselves as well as offenders.

Another recurring theme in this current work was the question of retrospective and prospective legality and probation. Applying a theory versus practice perspective with this notion of retrospective and retrospective legality, I then asked probation officers:

(9) In what ways is probation tailored to meet the individual needs of offenders?

Answers to this question enabled the researcher to discover the extent to which probation is perceived as retrospective or prospective. Put another way, answers to this question told me whether or not officers perceive probation as a system designed around the individual needs of clients. For instance, officers may perceive the probation order as simply a blanket policy designed for all probation clients. Data collected from these interviews were compared with specific offense groups (welfare fraud cases and drug cases) from the archived data (2003 probation files), to examine differences between probation orders across race and gender lines. These findings would address the notion that the theory and practice of probation is monumentally different.

The probation officer training manual is one of the most important documents in probation. This manual contains information such as law, ethics, and supervision tactics, which are deemed important by the state to working as a probation officer (see TCJAD, 2002). This document is issued to all individuals that take probation officer certification training, which is a mandatory training is given by the CJAD. An understanding of the probation certification-training manual is expected and a written examination of the contents of this manual is given to all individuals desiring to become probation officers.
Thus, it can be argued the information contained in this manual became the foundation of knowledge for probation officers. With that said, how did probation officers perceive this manual in practice? This work focused on discovering discrepancies emerging from this document. Specifically,

(10) In what ways has the probation officer training manual helped and/or hindered your work as a probation officer?

(11) Is this manual relevant to the everyday problems that you encounter in your work as a probation officer? If so, how?

(12) Which sections of this manual were deemed most important in your certification training?

(13) Which sections of this manual are most important to you in doing your job as a probation officer?

The four questions above aided the researcher in pinpointing how probation officers perceived the training manual.

**Client Perceptions.** Client perceptions were paramount to this study. As stated previously, criminal justice offender’s needs often go unnoticed or are may simply forgotten altogether, as policymakers have created prospective legal systems that make broad assumptions regarding the needs of their clientele. This work attempted to unearth the presence of such a system in adult probation. Using interviews, this current work focused on client perception of probation and asked:

(14) What were your expectations of probation? In what ways has probation met/not met your expectations?

(15) What is the biggest challenge in completing your probation, and why?

These questions, while general in nature, potentially measured at least two aspects of probation. First, could clients perceive specific conditions on the probation order as difficult, if not impossible to complete successfully? Thus, clients might perceive the
department and/or court as unconcerned or unaware of their genuine needs. Such a prospective system would not be surprising based on existing literature. Second, clients may also perceive their relationship with the probation department and/or probation officers as the biggest hurdle in successfully completing probation. In this case, clients may feel misunderstood or ignored by the system and/or officer. Whichever the case, the above questions potentially offer a number of starting points for further questions.

The following serve as probing questions to be used depending on the direction of the client interview:

*(16) Are there times when you feel the probation department doesn’t understand your needs? If so, can you give me examples?*

*(17) How would you characterize the time spent with your probation officer?*

*(18) Do you feel the probation order addresses your personal needs?*

Not only do these questions probe further into how each client perceived her/his probation, but they also attempt to determine whether clients perceive the probation system as prospective or retrospective. Clients who felt the probation department, court, and/or probation officers didn’t understand their personal or individual needs might indicate earlier-stated problems of a criminal justice system plagued by prospective legality. The information obtained in these interviews was compared to information obtained from probation officer interviews and secondary data analysis.

**Probation Order**

The probation conditions contained in the probation order are vital to this current research. Probation has been ideally designed to treat all clients individually; however, realistically, the criminal justice system is designed, in practice, prospectively. A checklist was designed to analyze the contents of probation orders produced in 2003 from...
the three criminal district courts in the county researched. The checklist contained all possible probation conditions (standard, treatment, and special). Each probation order was examined to determine which conditions were contained within each order.

This checklist functioned to document the presence of a retrospective order; that is, it was used to document the extent to which the probation order was individualized. One would expect a retrospective probation system to have a substantial number of different conditions contained in such an order. The checklist answered the following questions:

(19) In general, are there noticeable differences in the probation order?

Answers to this question were validated in several ways. First, interviews provided specific measures for this question. I then collected data on how both clients and officers perceive specific probation conditions. Important here was whether or not these specific probation conditions were perceived as individually designed for each offender. The analysis of probation orders added insight as to whether probation orders are actually different.

Additionally, specific conditions within the probation order were analyzed. This information was then used in conducting interviews. The conditions to be analyzed were broken up into two categories: (1) Standard conditions; and (2) Special conditions.

**Standard Conditions.** Standard probation conditions are those “...containing a variety of regulations that may or may not reflect the client’s individual needs” (Abadinsky, 2003, p. 37). The standard conditions, which this research focused on, were as follows:

1. Report as directed to the probation department
2. The payment of fines, fees, and restitution
3. Do not enter any bar, tavern, lounge, or similar place
4. Complete G.E.D.
5. Attend employment agency/program as directed by the probation department

Special Conditions. Special conditions are those “that can be imposed by a judge or the probation department, such as ordering a child molester to avoid places frequented by children” (Abadinsky, 2003, p. 37). Although Abadinsky’s example seems commonsensical, the following list of special conditions may prove more complicated.

Below is a list of special conditions encountered in the documents.

1. Drug Screening
2. Alcohol Abstinence
3. Submit to substance abuse assessment
4. AA/NA meeting attendance
5. Community Service
6. Job search condition
7. Do not purchase any item above $200 without consent of court and/or probation officer
8. Pay child support as ordered by the state
9. Do not open or maintain a checking account without prior approval from the probation department.

The above specific conditions pose interesting questions. The realization that any one of these probation conditions can be found on all or a substantial majority of the probation orders examined, points to the increased presence of a prospective system of probation. The probation order in practice becomes simply a “blanket policy” designed by and for a specific group.

Client Outcomes

Client outcomes were important in this research. There were three basic outcomes for any individual placed on probation: probation revocation, administrative closure, and full closure. Probation revocations resulted from violations committed by probation clients and usually resulted in prison incarceration. Administrative closure
referred to the unsuccessful closure of a particular probation case. That is, cases were closed administratively when certain probation conditions were not met. Clients that received full closure status have successfully completed all probation conditions and client outcomes were recorded and compared in order to document emerging patterns.

As noted earlier, drug and welfare fraud cases were highlighted for this research. The following measures were used to identify contradictions occurring in probation outcomes:

(1) Do any trends emerge regarding probation outcomes?
(2) Do any trends emerge regarding why cases receive administrative closures?
(3) Do any trends emerge regarding reasons for revocation?

These questions pinpointed trends occurring in specific groups of probation cases (drug and welfare cases). An analysis of these trends gave the researcher an insight as to what types of clients did and did not succeed on probation as well as provided potential reasons for these successes and failures.

Reliability and Validity

While research validity is vital to the success of qualitative research, “reliability and generalizability play a minor role in qualitative inquiry” (Creswell, 2003, p. 195). The current work was a case study of a county adult probation department in Texas. With that said, it was not proposed to be generalizable to probation in the State of Texas or the United States. In fact, Marshall and Rossman state that

Qualitative research does not pretend to be replicable. The researcher purposefully avoids controlling the research conditions and concentrates on recording the complexity of situational contexts and interrelations as they occur. The researcher’s goal of discovering this complexity by altering research strategies within a flexible research design, moreover, cannot be replicated by future researchers, nor should it be attempted (Marshall & Rossman, 1995, p. 146).

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Research validity, on the other hand, was paramount to the production of good research. Lincoln and Guba (1985) state that sound qualitative research must be credible. Credibility, similar to validity, refers to the extent to which one’s research actually represents that which it proposes to represent. Any work that is credible must be believable. Marshall and Rossman state, “The goal [of credibility] is to demonstrate that the inquiry was conducted in such a manner as to ensure that the subject was accurately identified and described” (1995, p. 143). The following served as the ways by which I checked the accuracy of the research findings, thus increasing the chances of a higher level of validity.

An ample amount of time both during and between each interview was given not only to the researcher, but also interview participants. On the one hand, this provided the researcher sufficient time to exhaust all facets of the interview process, while, on the other hand, interview participants had the chance to carefully consider both the interview questions as well as their answers.

The researcher has substantial knowledge of the culture of probation officers and probation clients in the county, as he was employed there for five years. These years in the system provided me with invaluable knowledge of the ways in which probation was designed and implemented, the culture of being a probation officer, as well as a general knowledge of probation clients’ lives.

As previously noted, this work focused on differences occurring between the theory and practice of adult probation. While no research of this nature purports to be generalizable, it is valid in as much as it accurately represents the subject matter being researched. The data collection methods proposed in this chapter accurately reflected the
subject matter being researched. That is, the information found in these documents (training manual and case files) and interviews (both probation officers and probation clients) accurately represented the subject matter of the research questions. As a result, the allowance of adequate time coupled with the knowledge of the culture promoted a higher level of research validity. However, the fact this research design went to the source in collecting data proved to be the most important criterion in ensuring research validity.

Methods Limitations

Earlier, I discussed the positive aspects of the methods to be used in this research. What follows is a discussion of the limitations of both interviews and archival research.

Interviews

Interviews do have limitations. The success of interviews lies in the interaction between the interviewer and interviewee. Marshall and Rossman state, “cooperation [between the interviewer and interviewee] is essential” (Marshall and Rossman, 1995, p. 81). Thus, the bond created between the interviewer and interviewee is essential to the overall success of each interview. This bond may be weakened, if not detached altogether, as the result of at least a couple of instances, which are discussed below.

The quality of data received in an interview depends in part on the interviewee’s level of comfort during the interview as well as their understanding of the interview questions. Marshall and Rossman state that “Interviewees may be unwilling or uncomfortable sharing all that the interviewer hopes to explore, or they may be unaware of recurring patterns in their lives” (Marshall and Rossman, 1995, p. 81). This discomfort may lead to short, inconsistent, if not guarded answers to interview questions.
A specific plan was devised to maximize the interviewees’ comfort level. The location for face-to-face interviews was chosen by the interviewee and did not include the probation department. The researcher had reserved study rooms in the public library and a local university library to use if needed. That said, the researcher was willing to accommodate other requests made regarding interview location to help ensure the highest level of comfort. Phone interviews were conducted at times that were most convenient for interviewees. The researcher, on several occasions, rescheduled phone interview times to accommodate interviewees’ schedules. The researcher also provided an exhaustive description of the research project prior to starting each interview to address possible reservations regarding the research.

Data collected through interviews can also be hampered as a result of an interviewee’s lack of understanding of the interview process. The lack of careful preparation of interview questions can result in questions that seem foreign to the interviewee, which can result in misguided answers to research questions. As a result, great care was taken to design interview questions that were not only valid in that they answered the specific research questions posed, but also were delivered in a clear, slow, and deliberate voice. In this way, the level of comprehension was maximized as much as possible.

Last, some interviewees may be dishonest in providing answers during interviews. Interview topics (criminal history for example) contain sensitive subjects that often delve into the private lives of individuals; thus, interviewees may be inclined to modify their answers in order to maintain their own perceived security. Last, confidentiality was of utmost importance, as the topic of my research involved sensitive subjects about the
private lives of individuals. All Human Subject Institutional Review Board (HSIRB) protocols were strictly followed. For example, great care was taken to preserve each interviewee’s identity prior to, during, and after each interview. Face-to-face interviewees were not asked to give their full names and interview locations were chosen by the interviewee. That said, interview research does have undeniable problems that, at times, cannot be resolved.

Data gathered through interviews are self-reported and have built-in limitations. Even individuals who have the most sincere intentions forget or distort answers to interview questions. Moreover, individuals may have underlying agendas when they agree to be interviewed. As a result, stories are being exaggerated as a result of ill-feelings toward their probation officer, while others exaggerate in an attempt to gain favor from their officers.

Archival Research

Archival research should be conducted cautiously. Hagan (1993) states that care must be taken in gathering these data and “that consideration must be given to the original methodology and rationale under which such data were collected” (Hagan, 1993, p. 224). Thus, researchers should be careful not to take data gleaned from primary or secondary sources out of its original context, as it loses its authentic meaning. Prior to conducting this work, a checklist was designed to gather data for each court file examined. The checklist was designed to ensure data was collected in the context it was found in the court file. In this way, a higher level of consistency was preserved for this archived data.
Summary

In Chapter III, I presented specific research methods, research questions, issues of reliability and validity, and method limitations. The chapter began with a description of the specific methods to be used for this work. I then provided my research questions and plans for the ways in which each question would be analyzed in relation to the research questions. Last, questions of validity and reliability, and limitations of the methods were addressed. What follows in Chapter IV is a report of findings for the quantitative data contained in this work.
CHAPTER IV

FINDINGS: QUANTITATIVE DATA

Introduction

This work focused on contradictions occurring between the theory and practice of adult probation. Of particular interest was the extent to which probation was individualized. This chapter focuses on the archival data found in the probation order. The probation order is a legal document that steers each probation case. I begin with a description of the probation order and dataset produced from my review of 400 court files at the county District Clerk’s Office. I then present findings as they relate to the question “In general, are there significant differences between probation orders?” More specifically, I discuss general trends that emerged from the dataset. Next, I report on the most and least frequently occurring condition types in the probation order. Last, I report statistical findings relating to the particular probation condition types. I believe the trends resulting from these findings in this chapter offer insight to the extent to which the probation order and therefore, the county Probation System studied are individualized.

The Probation Order

The probation order is a binding legal document between the court and individual and has two main features. First, the probation order contains a legal finding of guilt for a particular criminal offense as well as sentence information (for example, “John Doe” is found guilty of Possession of a Controlled Substance and placed on probation for a term of five years). Second, the probation order contains conditions that the probationer must comply with as part of his/her agreement with the court. It is these conditions that are of
interest in this current work. Of importance is the extent to which these conditions are individualized to meet the differing needs of people placed on probation.

An inventory of 400 probation orders from 2003 was conducted as a part of this dissertation. These probation orders, which were part of the legal court file and open to the public, were located in the county District Clerk’s Office. A checklist was created and used by the researcher to document specific case information as well as an itemized list of specific probation conditions. What follows is a description of the variables contained in the probation order.

**Court Type**

In this county, there are three felony criminal trial courts. All three trial courts hear only felony criminal cases. One of the trial courts was specifically created to relieve overflowing criminal dockets and thus normally hears only cases involving drugs and/or alcohol. Table 2 shows the number of cases viewed by each court.

<table>
<thead>
<tr>
<th>Court</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court 1</td>
<td>126</td>
<td>31.50</td>
</tr>
<tr>
<td>Court 2</td>
<td>118</td>
<td>29.50</td>
</tr>
<tr>
<td>Court 3</td>
<td>156</td>
<td>39.00</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Offense Type**

In this county, individuals are placed on adult probation for numerous types of offenses. Originally, there were 25 different offenses recorded for all 400 cases. This number was collapsed into seven offense types: (1) Drugs/Alcohol, (2) Burglary/Larceny (including Motor Vehicle [MV]), (3) Assault, (4) Theft, (5) Evading Detention/Public

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Order, (6) Weapons, and (7) Welfare Fraud. Table 3 provides a frequency distribution of cases by offense type. Forty-two percent of the cases sampled were drug/alcohol related, approximately 17% were burglary/larceny, 11.75% were assault, 16.25% were theft, with evading detention/public order, weapons, and welfare fraud accounting for the remaining 13.25%.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Freq</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drugs/Alcohol</td>
<td>168</td>
<td>42.00</td>
</tr>
<tr>
<td>Burglary/Larceny (incl. MV Cases)</td>
<td>67</td>
<td>16.75</td>
</tr>
<tr>
<td>Assault</td>
<td>47</td>
<td>11.75</td>
</tr>
<tr>
<td>Theft</td>
<td>65</td>
<td>16.25</td>
</tr>
<tr>
<td>Evading Detention/Public Order</td>
<td>29</td>
<td>7.25</td>
</tr>
<tr>
<td>Weapons</td>
<td>5</td>
<td>1.25</td>
</tr>
<tr>
<td>Welfare Fraud</td>
<td>19</td>
<td>4.75</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Table 3 - Offense Type**

Attorney Type

Defense counsel representation in the criminal court system generally falls into two categories: retained and appointed. Individuals who cannot afford to hire their own attorney receive appointed attorney representation from the county. That said, it should be noted that appointed attorneys are not free of charge, as probationers receiving court-appointed attorneys pay attorney fees of $600.00 over the course of their probation term. Table 4 shows the frequency distribution for attorney type with a slim majority of clients receiving court-appointed attorney representation.
Table 4 - Attorney Type

<table>
<thead>
<tr>
<th>Attorney Type</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained</td>
<td>191</td>
<td>47.75</td>
</tr>
<tr>
<td>Appointed</td>
<td>209</td>
<td>52.25</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Client Race

Table 5 depicts the number and percentage of different race categories for both the cases included in this research as well as the total number of cases on probation in 2003. Of the 400 cases examined for this research, 56% were African Americans, 1% Hispanic, and 43% White. These percentages are similar to the racial makeup of the county probation population. Of the 2423 individuals on probation in 2003, 58.81% were African American, 2.1% Hispanic, 35.99% White, and 3.10% other.

Table 5 - Client Race

<table>
<thead>
<tr>
<th></th>
<th>Court Files Examined</th>
<th>Probation Population in County (2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
<td>224</td>
<td>56</td>
</tr>
<tr>
<td>Hispanic</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>White</td>
<td>172</td>
<td>43</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100</td>
</tr>
</tbody>
</table>

Client Gender

Table 6 illustrates the number and percentage of men and women for both the cases included in this research as well as the total number of cases on probation in 2003. These percentages are similar with males accounting for 70.5% of the former and 72.35%
of the latter populations.

<table>
<thead>
<tr>
<th>Table 6 – Client Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Court Files</td>
</tr>
<tr>
<td>Gender</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Probation Term

Table 7 displays the number of months sentenced to probation. The mean number of months sentenced to probation was 61.26 with a minimum and maximum range of 12 to 120 months respectively.

<table>
<thead>
<tr>
<th>Table 7 - Probation Term (in months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>36</td>
</tr>
<tr>
<td>48</td>
</tr>
<tr>
<td>60</td>
</tr>
<tr>
<td>72</td>
</tr>
<tr>
<td>84</td>
</tr>
<tr>
<td>96</td>
</tr>
<tr>
<td>120</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
Total Monthly Probation Fee

The total monthly probation fee is the sum total of all court ordered payments divided by the number of months placed on probation. This amount is important, as it represents the total amount of money each probation client is responsible to pay the court while on probation. The average monthly probation fee for the current sample is $116.00 with a mode of $95.00 and range from $70 - $530.00.

Court Payments

All individuals placed on adult probation in this county are ordered to make payments to the court as a condition of their probation. These payments serve numerous purposes, and are not only to the state, but to victims as well. Table 8 shows the frequency and average amount of these payments.

<table>
<thead>
<tr>
<th>Payment</th>
<th>Frequency (out of 400)</th>
<th>Percent</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-sentence Investigation Report</td>
<td>400</td>
<td>100.00</td>
<td>350.00</td>
</tr>
<tr>
<td>Crimestoppers Fee</td>
<td>400</td>
<td>100.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Probation Supervision Fee</td>
<td>400</td>
<td>100.00</td>
<td>3671.00</td>
</tr>
<tr>
<td>Court Cost</td>
<td>395</td>
<td>98.75</td>
<td>212.00</td>
</tr>
<tr>
<td>Fine</td>
<td>356</td>
<td>89.00</td>
<td>790.00</td>
</tr>
<tr>
<td>Attorneys Fees</td>
<td>195</td>
<td>48.75</td>
<td>598.00</td>
</tr>
<tr>
<td>Drug Education Fee</td>
<td>148</td>
<td>37.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Restitution</td>
<td>121</td>
<td>30.25</td>
<td>3073.00</td>
</tr>
<tr>
<td>Other Fees</td>
<td>67</td>
<td>16.75</td>
<td>349.00</td>
</tr>
<tr>
<td>DWI Fee</td>
<td>5</td>
<td>1.25</td>
<td>91.00</td>
</tr>
</tbody>
</table>

The amount of court ordered monies is striking for several reasons. First, five payments (Fine, Court Cost, Pre-sentence Investigation Report Fee, Crimestopper Fee, and Probation Fee) were found on 89% or more of all cases viewed (4 of the 5 payments
are required on at least 99% of all probation orders). These total amounts would be challenging to most Texans, let alone a group with 25% unemployment and 50% without High School Diploma or GED (as reported in 2004 CJAD Offender Profile). The amount of money ordered by the court is a recurring theme in both probation officer and probation client interviews, as both groups find this financial requirement a burden for different reasons. I return to this discussion in Chapter V.

**Community Service Hours**

All but two (99.5%) of the 400 court files reviewed included community service hours as part of the probation order. The average amount of hours ordered was 472 with a minimum and maximum of 80 and 1000 hours. The probation department refers probationers to community service work sites within the county.

**Case Closures**

Twenty-two (5.5%) of the 400 court files reviewed had been closed at the time they were reviewed. Of these, 100% were due to probation revocations, which mean an unsuccessful probation termination. Unsuccessful terminations result from new law and technical violations. While this number is interesting, as most of the cases were barely one year old, Toddhunter (2003, p. 19) reported the revocation rate for all Texas counties in 2002 was 8.9% and technical violations (failure to report, failure to pay fines/fees, drug or alcohol usage, failure to participate in court-ordered programs, etc.) were most often the reasons for probation revocations.
Probation Conditions

The probation order, as designed in this county contains 4 probation condition types: (1) Financial; (2) Specialized; (3) Standard; and (4) Treatment. Financial conditions include conditions ordering probationers to make payments above and beyond fines, court costs, restitution and probation fee. Examples of financial conditions include “Pay drug/alcohol assessment” and “Pay Texas Drug Education class fee.” Specialized probation conditions are offense related; that is, they are not related to individual needs. Examples of specialized conditions include “Have no contact with the victim in this case” and “Avoid association with co-defendants…” Standard Conditions include conditions found on virtually all probation orders and include conditions such as “Report as directed to the Probation Department…” and “Avoid injurious or vicious habits…” Treatment conditions tend to be more focused on the individual needs of clients with examples such as “Attend parenting class” and “Enter and complete the Eagle Charter Program.” Parenting classes give probation clients specific information regarding parenting, while the Eagle Charter Program is a residential substance abuse program. Both of these Treatment conditions offer clients specific treatment services for their specific needs (parenting and substance abuse). As stated earlier, this work is focused on determining whether or not the probation order is individualized; that is, in practice, are the probation conditions found in the probation order conducive to individualized treatment? What follows is a report on the type and frequency of probation conditions found in the probation orders reviewed.
Probation Conditions by Frequency and Type

The following section describes the types and frequencies of probation conditions found on the probation orders viewed in this particular work. Such a description is important, as it offers insight into the extent to which the probation order is individually designed. Theoretically, individualized probation orders should contain higher frequencies of treatment conditions, as these condition types are designed to address individual needs of probationers. In contrast, probation orders containing higher numbers of specialized conditions (specialized probation conditions focus on offense type, not individual needs) may be representative of probation orders that are less individualized.

Table 9 shows the distribution of probation conditions by type. In total, 84 probation conditions that break into 4 groups (financial, standard, specialized, and treatment) were found on the 400 probation orders viewed. The majority (60.7%) of probation conditions found on the probation order were Specialized conditions followed by Treatment (20.2%), Financial (10.7%), and Standard conditions (8.4%). Although this distribution does not allude to how often each condition was found on each of the 400 probation orders, it is helpful in gaining a basic understanding of the contents of the probation order.

<table>
<thead>
<tr>
<th>Condition Type</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>9</td>
<td>10.71</td>
</tr>
<tr>
<td>Standard</td>
<td>7</td>
<td>8.33</td>
</tr>
<tr>
<td>Specialized</td>
<td>51</td>
<td>60.71</td>
</tr>
<tr>
<td>Treatment</td>
<td>17</td>
<td>20.24</td>
</tr>
<tr>
<td>Total</td>
<td>84</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Table 9 - Probation Conditions by Type (N=84)
Tables 10 and 11 show the most and least frequently occurring probation condition types found in the probation orders viewed (standard conditions, which are found on 99.5% of all probation orders are not shown). The most frequently occurring treatment condition on the probation order was “Complete job search as directed by the court and/or probation order” and was found on 41% (175 of 400) of the probation orders. This condition requires probationers to complete a job search, which in practice translates into going out into the community and searching for jobs. Bringing job applications to the probation officer fulfills compliance with this condition.

<table>
<thead>
<tr>
<th>PROBATION CONDITION</th>
<th>FREQ</th>
<th>%</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Complete job search as directed by CSCD</td>
<td>175</td>
<td>44%</td>
<td>Treatment</td>
</tr>
<tr>
<td>2. Complete the Texas Drug Education Program as directed by CSCD.</td>
<td>164</td>
<td>41%</td>
<td>Treatment</td>
</tr>
<tr>
<td>3. Pay the required Texas Drug Offender Education Program Fee ($80.00) as directed by CSCD.</td>
<td>164</td>
<td>41%</td>
<td>Financial</td>
</tr>
<tr>
<td>4. Participate with program/agency for employ assistance program as directed by CSCD</td>
<td>157</td>
<td>39%</td>
<td>Treatment</td>
</tr>
<tr>
<td>5. Submit to literacy testing and comply with resulting recommendations as directed by probation department</td>
<td>145</td>
<td>36%</td>
<td>Treatment</td>
</tr>
<tr>
<td>6. Pay amount of restitution to the victim(s) of the offense.</td>
<td>134</td>
<td>34%</td>
<td>Specialized</td>
</tr>
</tbody>
</table>

The second most frequently occurring treatment condition found in the probation order is “Complete the Texas Drug Offender Education Program as directed by the Community Supervision and Corrections Department” (found in 41% [164 of 400] of the orders). This program is designed for persons convicted of misdemeanor or felony drug offenses; completion of this program is mandatory in order to have one’s driver’s license.

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reinstated. The Texas Department of State Health Services offers the following description of the Texas Drug Offender Education Program on its website:

Section 521.371-521.377, Texas Transportation Code (formerly Article 6687b, Section 24B, Texas Civil Statutes) states that persons convicted of misdemeanor or felony drug offenses will automatically have their licenses suspended for a period of six months. In order to have their license reinstated, they must attend and successfully complete an education program on the dangers of drug abuse approved by TCADA. The standardized program is 15 hours in length and is designed to increase the knowledge of drug offenders by educating them on the dangers of drug abuse and associated illegal activities, to identify their own individual drug-use patterns, and to assist them in developing a personal action plan which will reduce the probability of suffering the consequences of future drug using and illegal behavior (www.dshs.state.tx.us).

The description from the website denotes the focus of this particular program is education rather than treatment. While substance abuse education is important, some argue that individualized treatment serves a better purpose, as clients learn about their own individual behaviors and cognitive errors that often lead to continued substance use. As with most other traditional criminal justice services, educational programs only serve one segment of the multi-dimensional substance abuse problem.

The third most frequently occurring probation condition found in the probation order was “Pay the required Texas Drug Offender Education Program Fee…” (Found on 41% [164 of 400] of the probation orders). This condition requires probationers to pay for the Texas Drug Offender Education Program (described above), which is mandatory as a result of their misdemeanor or felony drug case conviction. It should be noted that this $80.00 payment is in addition to the normal fine, court cost, crime-stopper, pre-sentence investigation, and supervision fees that are mandatory for all persons placed on probation.

The fourth most frequently occurring probation condition found in the probation order was “Participate with program/agency for employment assistance program as
directed by the Community Supervision and Corrections Department” (found on 39% [157 of 400] of the probation orders). This condition is general in nature, as it does not identify a specific program type within the community. Moreover, as will be discovered later in this work, enforcement of general probation conditions is left to the discretion of the probation officer who may or may not have the time to adequately monitor these conditions.

The fifth most frequently occurring probation condition found in the probation order was “Submit to literacy testing and comply with resulting recommendations as directed” (found on 36% [145 of 400] of the probation orders]. The State of Texas has mandated that all persons placed on probation take a test to measure their level of literacy. Again, this condition is general in nature and its enforcement falls solely on the supervising probation officer.

The sixth most frequently occurring probation condition found in the probation order was “Pay amount of restitution to the victim(s) of the offense” [found on 34% [134 of 400] of the probation orders]. This Specialized condition is found in cases involving restitution to victims of crimes (burglary, assault, theft, etc.).

Table 11 shows the least frequently found probation conditions in the probation orders viewed. In total, seven out of the 10 least frequently found probation conditions found on the probation order are behavioral Treatment conditions that are designed to assist probationers in modifying behaviors; that is, these conditions hold the promise of addressing individual probation client behaviors. For example, the conditions “Attend Parenting Class,” “Do not leave child unsupervised” and “Participate in Child Protective Services Program” are conditions designed to give parents the skills to improve both
themselves and their family’s lives. “Enter and complete the Eagle Charter Program,” “Enter Residential Treatment Program,” “Enter and successfully complete Restitution Center Program,” and “Enter Moral Recognition Therapy (MRT) Program” are conditions designed to address specific behavioral problems. The Eagle Charter Program is a residential program designed to address substance abuse. The Restitution Center is a residential facility that gives probationers a place to stay, a job, and other skills such as financial budget management and life skills. The MRT Program is specifically designed to help probationers make better decisions in all aspects of their lives.

<table>
<thead>
<tr>
<th>CONDITION</th>
<th>FREQ</th>
<th>%</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Attend Parenting Class</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>2. Continue college attendance</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>3. Don’t leave child unsupervised</td>
<td>1</td>
<td>&lt; 1</td>
<td>Specialized</td>
</tr>
<tr>
<td>4. Enter and complete the Eagle Charter Program</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>5. Enter and successfully complete Restitution Center Program</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>6. Enter Moral Recognition Therapy (MRT) Program</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>7. Enter Residential Program</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>8. Maintain employment</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
<tr>
<td>9. Ninety (90) days in jail</td>
<td>1</td>
<td>&lt; 1</td>
<td>Specialized</td>
</tr>
<tr>
<td>10. Participate in Child Protective Services Program</td>
<td>1</td>
<td>&lt; 1</td>
<td>Treatment</td>
</tr>
</tbody>
</table>

Two important points emerge from the above analyses: (1) Treatment conditions can be separated into 2 types: educational and behavioral. The former are general in nature, providing information to probationers, while the latter are more specific and tend to address individual clients’ needs; (2) Educational Treatment conditions are the most frequently occurring Treatment conditions, while
behavioral Treatment conditions account for the least frequently occurring
Treatment conditions on the probation orders viewed.

Educational Treatment conditions focus on information dissemination and
are general in nature. Recall the most frequently occurring Treatment condition
“Complete job search as directed…” contains no specific directions; that is, it
does not specify how, where, when, or why the probationer should look for work.
Moreover, as is shown later, completion of these conditions types is left solely to
the discretion of the probation officer who may or may not have the time to
closely monitor compliance. Table 12 shows the 17 different Treatment
conditions found on the 400 probation orders viewed. Of these 17, the 6 most
frequently occurring were educational treatment conditions.

In contrast, behavioral Treatment conditions result from a more intimate
knowledge of an individual’s needs and are thus better suited to address his/her
behaviors. These types of conditions are almost always identified by the
probation department prior to the individual being placed on probation and focus
on specific needs of clients. For example, “Attend Parenting Class” is one of the
behavioral treatment conditions listed in Table 12 and gives probationers specific
methods to improve their parenting skills. Again, use of this type of condition
results from the probation department having prior knowledge that the individual
being placed on probation needs assistance with her/his parenting skills.
Moreover, this type of condition is more behavioral, as it focuses on specific
actions probationers can use to improve her/his parenting skills. Another
behavioral Treatment condition, “Obtain high school diploma” is a condition,
unlike “Submit to literacy testing and comply with resulting recommendations as directed by probation department” and focuses on a specific behavior that holds the promise of improving one’s situation. The latter condition covers a multitude of issues such as illiteracy and high school dropouts. Additionally, the directives for completing such a condition are stated in such a way that one has to question the chances of completion.

<table>
<thead>
<tr>
<th>CONDITION</th>
<th>FREQ.</th>
<th>%</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Complete Job Search</td>
<td>175</td>
<td>43.8</td>
<td>Educational</td>
</tr>
<tr>
<td>2. Participate with employment assistance program</td>
<td>157</td>
<td>39.3</td>
<td>Educational</td>
</tr>
<tr>
<td>3. Participate in educational (GED) Program</td>
<td>83</td>
<td>20.8</td>
<td>Educational</td>
</tr>
<tr>
<td>4. Submit to Literacy testing and follow recommendations</td>
<td>145</td>
<td>36.3</td>
<td>Educational</td>
</tr>
<tr>
<td>5. Submit to alcohol and drug screening at court’s discretion</td>
<td>124</td>
<td>31</td>
<td>Educational</td>
</tr>
<tr>
<td>6. Attend AA/NA as directed</td>
<td>34</td>
<td>8.5</td>
<td>Educational</td>
</tr>
<tr>
<td>7. Enter and successfully complete Substance Abuse Felony Punishment Facility</td>
<td>11</td>
<td>2.8</td>
<td>Behavioral</td>
</tr>
<tr>
<td>8. Complete Drug Program</td>
<td>10</td>
<td>2.5</td>
<td>Behavioral</td>
</tr>
<tr>
<td>9. Be assessed for Mental Health Caseload</td>
<td>6</td>
<td>1.5</td>
<td>Behavioral</td>
</tr>
<tr>
<td>10. Be Placed on Mental Health Caseload</td>
<td>6</td>
<td>1.3</td>
<td>Behavioral</td>
</tr>
<tr>
<td>11. Enter Day Reporting</td>
<td>6</td>
<td>1.5</td>
<td>Behavioral</td>
</tr>
<tr>
<td>12. Obtain high school diploma</td>
<td>3</td>
<td>0.8</td>
<td>Behavioral</td>
</tr>
<tr>
<td>13. Participate in Education as Second Language Program</td>
<td>2</td>
<td>0.5</td>
<td>Behavioral</td>
</tr>
<tr>
<td>14 Enter and complete Eagle Charter Program</td>
<td>1</td>
<td>0.3</td>
<td>Behavioral</td>
</tr>
<tr>
<td>15. Enter and complete Victim Intervention Program</td>
<td>1</td>
<td>0.3</td>
<td>Behavioral</td>
</tr>
<tr>
<td>16. Enter and complete Inpatient Treatment Program</td>
<td>1</td>
<td>0.3</td>
<td>Behavioral</td>
</tr>
<tr>
<td>17. Complete MRT Program</td>
<td>1</td>
<td>0.3</td>
<td>Behavioral</td>
</tr>
</tbody>
</table>

Recall the main question under consideration here is whether or not the probation order is individualized. Above, I have provided a description of the probation order as well as a listing of the most and least frequently appearing treatment conditions found on
the probation order, with behavioral being found less often than educational Treatment conditions. While such an analysis offers the reader a snapshot of the extent to which the probation order is individualized, a more comprehensive review is necessary and follows below.

Chi-square Analysis

The goal of this chapter is to determine whether or not the probation order is individualized. One method by which to address this is to identify differences occurring in the probation order. Given that adult probation caseloads are made up of different individuals with varying needs, theoretically one should find stark differences in the conditions on the probation order. What follows is a description of the statistical tests that were used to examine differences between probation orders.

Howell (2002; p. 147) refers to the Chi-square test as "...a goodness of fit test because it asks whether there is a 'good fit' between the data (observed frequencies) and the theory (expected frequencies)." Differences are expected based on theory discussed earlier and thus make up the alternative hypothesis. Observed differences account for the actual data collected and shows the reality of the situation. The null hypothesis is that there are no significant differences between client characteristics and probation conditions. For example, comparing the variable "Probationer Race" with the Treatment condition "Attend and successfully complete the Substance Abuse Felony Punishment Facility (SAFPF)" will tell the reader whether or not there exists a significant difference for one's race (between Blacks and Whites) and being ordered to complete SAFPF.

To test these hypotheses, Chi-square analysis was run for all probation conditions against client race and gender. It should be noted that the Chi-square analyses run for
race included only "African Americans" and "Whites", as Hispanics accounted for only 1% (four cases) of the dataset. These cases were not included in the current analysis, as 30 or more cases are required to generate valid and reliable findings. These four cases were not added to the "African Americans" category, as it was felt that any significant findings of race be representative to their specific racial groups as much as possible.

Significant Chi-square results do not give the researcher unregulated license to generalize about his/her results. Chi-square only determines the existence of a relationship; it does not address the strength of the relationship. For these reasons, Cramer's V was run for each significant Chi-square finding to determine the strength of the relationship. What follows is a description of significant Chi-square findings (significance refers to only those values .05 or less) and ensuing Cramer's V.

**Chi-square and Cramer's V Results**

In total, 168 Chi-square tests were run for both race and gender. The following description covers only those tests that were statistically significant with a p-value of .05 or less.

**Race**

Of the 84 Chi-square tests run for race, only seven were found statistically significant at the .05 level. Table 13 shows the distribution of these tests. That only a small number of conditions significantly vary by race is indicative of the fact that the probation conditions that make up these probation orders are not individualized by race. What follows is a description of these seven significant Chi-square and Cramer's V results regarding race.
Table 13 - Chi-square Tests by Race

<table>
<thead>
<tr>
<th>Condition Type</th>
<th># Sig.</th>
<th># Not Sig.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>1</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Specialized</td>
<td>1</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Standard</td>
<td>1</td>
<td>50</td>
<td>51</td>
</tr>
<tr>
<td>Treatment</td>
<td>4</td>
<td>13</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7</strong></td>
<td><strong>77</strong></td>
<td><strong>84</strong></td>
</tr>
</tbody>
</table>

Table 14 shows the results of each significant Chi-square test and Cramer’s V test by race. I propose three of the seven significant results could be considered statistical artifacts. Statisticians use the term “statistical artifact” to refer to relationships that are found to be statistically significant, but hold no “real world” relevance. For example, the expected number having the Specialized Condition “Transfer case to another county” was significantly different than those observed. Statistically speaking, the number of White probationers transferred to another county is significantly larger than for Blacks. That said, there is no probable rationale for this significant result. The same may be said for the following two conditions: (1) “Participate in educational (GED) program” and (2) “Pay Child Support”. Some limited interpretations can be made about the remaining four and are discussed below.

Three of the remaining significant findings deal with substance abuse and/or mental health disorders and are mildly related to race. All three findings propose that African Americans, more frequently than Whites, are required to: (1) pay substance abuse fees, (2) be placed on mental health caseloads, and (3) submit to substance abuse assessments.

Last, the expected number of Blacks having the Treatment condition “Enter and complete Substance Abuse Felony Punishment Facility (SAFPF)” was significantly
different than that observed. This condition is odd, as it does not hold to the theory proposed earlier regarding the overrepresentation of Blacks in the criminal justice system.

The Substance Abuse Felony Punishment Facility is a residential substance abuse treatment facility housed within the State Prison System. This program, which lasts a minimum of 9 months, is more extensive and costly than many residential substance abuse facilities and often has a large waiting list. Such a situation provides an alternate theory for this circumstance, as new and innovative programs are often reserved for privileged groups.

Additionally, Table 14 also show results from Cramer’s V, which measures the strength of association between two variables and ranges in value from 0 to 1.0 (greater association is related to numbers closer to 1). None of these 7 relationships were strong with the values ranging from .099 to .126.

| Table 14 - Chi-square Analysis and Cramer's V (by Race) |
|---------------------------------|-------|-------|-------|-------|--------|--------|--------|
| Condition | Black "No" | Black "Yes" | White "No" | White "Yes" | Total | Chi-square | Cramer's V |
| Treatment Condition 11: Participate in educational (GED) program | 169 | 55 | 144 | 28 | 396 | 0.045 | 0.101 |
| Treatment Condition 21: Enter and Complete Substance Abuse Felony Punishment Facility (SAFPF) | 221 | 3 | 164 | 8 | 396 | 0.047 | 0.100 |
| Standard Condition 17: Submit to a Substance Abuse Assessment and Follow Recommendations | 8 | 216 | 0 | 172 | 396 | 0.012 | 0.126 |
| Treatment Condition 55: Be Placed on Mental Health Caseload | 219 | 5 | 172 | 0 | 396 | 0.049 | 0.099 |
| Treatment Condition 57: Pay Child Support | 218 | 6 | 172 | 0 | 396 | 0.031 | 0.109 |
| Financial Condition 18: Pay Required Substance Abuse Fee ($35.00) | 212 | 12 | 170 | 2 | 396 | 0.025 | 0.113 |
| Specialized Condition 61: Transfer Case to another County | 205 | 19 | 146 | 26 | 396 | 0.039 | 0.104 |
Gender

Of the 84 Chi-square tests run for gender, only seven were found statistically significant at the .05 level and are shown below in Table 15. Similar to the above discussion of race, the probation conditions found on the probation orders viewed here do not appear to be individualized by gender, as only 7 show any significant variation.

<table>
<thead>
<tr>
<th>Table 15 - Chi-square Tests by Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition Type</td>
</tr>
<tr>
<td>Financial</td>
</tr>
<tr>
<td>Standard</td>
</tr>
<tr>
<td>Specialized</td>
</tr>
<tr>
<td>Treatment</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

What follows is a discussion of the significant Chi-square and Cramer’s V results in regard to gender (see Table 16).

<table>
<thead>
<tr>
<th>Table 16 - Chi-square Analysis and Cramer’s V (by Gender)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition</td>
</tr>
<tr>
<td>Specialized Condition 8: ISP Probation</td>
</tr>
<tr>
<td>Specialized Condition 38: Remain off premises</td>
</tr>
<tr>
<td>Specialized Condition 41: Pay the amount of Restitution to the victim</td>
</tr>
<tr>
<td>Specialized Condition 45: Submit to vehicle, personal or residence search (4th Amendment Waiver)</td>
</tr>
<tr>
<td>Specialized Condition 59: Make your employer aware of your criminal background</td>
</tr>
<tr>
<td>Specialized Condition 67: Do not work at a job focusing on money handling</td>
</tr>
<tr>
<td>Treatment Condition 21: Enter and Complete Substance Abuse Felony Punishment Facility (SAFPF)</td>
</tr>
</tbody>
</table>

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The expected number having the Specialized condition “ISP Probation” was significantly different than those observed (p=.013). ISP, which stands for Intensive Supervision Probation, is a more intensive level of supervision for offenders on probation who are at higher risk of violating the conditions of their supervision. ISP evolved in an effort to work with clients on probation for more serious offenses such as assault, home invasion, and drug delivery cases. Additionally, ISP caseloads are utilized as a sanction for those individuals who violate while on regular felony caseloads. Regarding gender and ISP, it is well known that the overwhelming majority of individuals not only in the criminal justice, but also in the system as a result of violent offenses are males. Therefore, it is not surprising to find more males receiving ISP as a Specialized condition.

The expected number having the Specialized conditions “Pay the amount of Restitution to the Victim”, “Submit to vehicle, personal, or residence search (4th Amendment Waiver)” and “Remain off premises” were significantly different than those observed. Here again, conditions such as these are normally specific to cases involving home invasion and/or assault and normally involve the presence of some type of victim. Similar with ISP caseloads, males tend to dominate these offense types within the system. Additionally, a 4th amendment waiver is normally ordered for probationers who have violent histories, extensive criminal backgrounds or whose current case involves a serious offense such as home invasion, assault, and involves a victim.

The expected number having the Specialized conditions “Do not work at a job focusing on money handling” and “Make your employer aware of your criminal background” were significantly different than those observed. These two conditions are
most often ordered in cases involving fraud. An explanation of these two significant findings lies in the fact that women tend to be more frequently represented in cases involving fraud when compared to men.

The expected number having the Treatment condition “Enter and complete Substance Abuse Felony Punishment Facility SAFPF” was significantly different than those observed. For this test, women were more frequently ordered to attend SAFPF than men. Again, this finding can be explained, as drug (along with Fraud) cases constitute the bulk of criminal cases under which women enter the criminal justice system.

Additionally, Table 16 also show results from Cramer’s V, which measures the strength of association between two variables and ranges in value from 0 to 1.0 (greater association is related to numbers closer to 1). All of these 7 relationships were rather weak with values ranging from .101 to .168.

Summary

At the beginning of this chapter, I set out to determine the extent to which the probation order is individualized. I propose that the probation order is not individualized based on the following four points that emerged from the analyses.

First, the probation order is an important document that steers each probation case. The analysis has shown the most frequently occurring conditions found on the probation order are Specialized conditions, which are offense specific and can be said to function to control behavior. While such conditions are indeed needed to promote community safety and client wellbeing, I propose that the need for behavioral Treatment conditions is needed to help probationers improve their lives. That said, Treatment conditions which I propose hold the most promise of addressing key issues in
probationer’s lives not only account for a small percentage of the total probation condition types, but also are scantily found at all on probation orders viewed. Recall only 17 (20%) conditions of the 84 were Treatment conditions. Moreover, the most frequently occurring Treatment condition (“Complete job search as directed”) occurred in only 44% of all the probation orders viewed. Taken together, it seem that the very condition types holding the most promise to improve client’s lives are some of the least found conditions on the probation order.

Second, the Treatment conditions actually found most often in probation orders are educational rather than behavioral. As displayed in Table 10, the top six Treatment conditions found in probation orders were Educational conditions, which by their very nature do less to help improve client’s lives when compared to Behavioral conditions as categorized in this study. Behavioral conditions, which I propose hold more promise of helping clients change bad behaviors, are almost non-existent when compared to Educational conditions.

Third, there is very little variation between gender, race and the condition types found in the probation orders viewed. As previously discussed, individual probation orders should contain differing condition types for males and females as well as differing races. Chi-square analyses yielded only 14 statistically significant tests out of 168 run. Only four of these fourteen significant tests were for Treatment conditions, which again hold the most promise to change behaviors. Moreover, Cramer’s V, which measures the strength of association between two variables, was performed on these 14 conditions to determine strength of association (ranges in value are from 0 to 1.0 with greater association to numbers closer to 1). None of these 14 relationships were strong with the
values ranging from .099 to .168.

Last, the probation orders viewed are filled with inconsistencies. For example, 392 of the 400 cases viewed were ordered to have substance abuse assessments. In addition, many of the same orders had one or both of the following conditions present: (1) “Treatment condition: Submit to alcohol and drug screening at court's discretion” and (2) “Specialized condition: Submit to substance abuse evaluation for drug court program”. One must question the ordering of two separate substance abuse assessments, much less spending the time and resources conducting them. In conclusion, while the probation order does contain Specialized, Standard, and Financial conditions that function to direct probationers on what they may do, where they may not go, and what they must pay; these condition types offer less in the way of addressing the individual problems of the probationers when compared to Treatment conditions as categorized in this study. The result is a generic probation order that does not seem to take into account the everyday lives of probationers. The contradictions emerging in the probation order were only part of a larger picture focused on the disjuncture emerging between the theory and practice of adult probation. What follows is an analysis of how probationers and probation officers perceive the theory and practice of adult probation.
CHAPTER V

FINDINGS: QUALITATIVE DATA

Introduction

This work focused on contradictions occurring between the theory and practice of adult probation with an emphasis on the extent to which it is individualized. Chapter IV presented a review of the probation order as well as discussion of the extent to which the document is individualized. The current chapter focuses on the ways in which actors within this system experience probation. Specifically, I delve into the lives of probation clients and officers as they pertain to the probation system. After all, their accounts offer the most accurate reflection of the reality of the adult probation system.

For both probation clients and officers in the county Probation Department of my research I provide a description of the individuals interviewed, as well as location and duration of the interviews. I then present findings specific to each group as they relate to the research questions discussed in Chapter III.

Probation Officer Interviews

The original interview protocol called for ten to twelve felony adult probation officer interviews to be conducted. Possible recruits for this sample were taken from a master probation officer list received from the Chief Probation Officer. Educational, gender, age, and race differences within the sample were considered important, as these differences provided a more accurate picture of probation officer viewpoints. Individuals selected were invited to participate in one interview session lasting approximately one hour. Alternate probation officers were selected from the master list when selected
officers chose not to participate in the research project. The probation officer interview sessions were conducted at locations convenient for the participant (locations included the local public library or local university library). All interview sessions were tape recorded to ensure accuracy of the data.

Eleven probation officer interviews were conducted. Of these, five were male and six female. The average age of the officers interviewed was 38.6 years with 23 being the youngest and 59 the oldest. Seven of the officers had completed their Bachelors Degree, while 4 had obtained their Masters Degree. Five of the officers interviewed were African American, five were White, and one was Hispanic. The average length of time at the department for the officers interviewed was 9.45 years with minimum and maximum number of years being 1 and 20.

Upon completion of these interviews, tapes were transcribed and yielded 44 pages of data. An analysis of these data ensued and focused on emerging themes as they pertained to the interview questions and analysis plan designed prior to the interviews. Attention was given to commonalities occurring across race and gender, as they were deemed important to the overall research. Pseudonyms were assigned to each participant to ensure his/her anonymity. Quotations contained in these interviews were used to substantiate these emerging themes, as they pertain to the research questions listed in Chapter III. For each interview question below, I discuss the emerging themes and use illustrative quotes as substantiation.
Data of Officers

Why did you decide to become a probation officer?

Probation officers stated, "Helping others" as the main reason for becoming a probation officer. Interestingly, none of the 11 officers stated that they had the original career goal of becoming a probation officer before or during college (State of Texas mandates that probation officers must have a bachelor's degree). As a result, all of these officers simply "fell into this line of work." Leonard W., a Black male, confirmed this saying "I was a physical therapy major and I was bored with the major and I took a criminal justice class at the advice of one of my advisors and here I am," while Libby R., a White female, stated, "I wasn't sure what my major was so I changed it about three times then took a real interest in the criminal justice area at...University. And that’s why I became a probation officer."

Three of the officers stated they attended college with plans to pursue career law enforcement. Richard L., a White male, stated, "Well, initially I wanted to be a police officer like the majority of criminal justice students and there was a job opening when I was a student at the juvenile detention center...I soon realized that I was more suited to probation type services than police work..." Three of the officers stated they were interested in the counseling part of being a probation officer with one specifically having an interest in causes of criminality. Maria M., a Hispanic female, stated,

I just found it [probation] interesting getting into the basis of why criminals are at the point where they are; whether it’s the family history, how they grew up, anything like that...I found it very interesting to try to get into the mental aspect of it.

Similarly, Janet N., a Black female, found the “direct contact with the clients” most appealing to a career as a probation officer. Paula S., a White female, stated something
similar, but with a twist: “Coming into probation before actually working I thought that there would be more one on one counseling. I didn’t think there would be the restrictions that we have.”

**Ideally, what do you see as the purpose of adult probation?**

Three of the officers stated community safety was the main purpose of probation. As with other officers, Richard L., a White male, stated, “Falling back on our mission statement, first would be to protect the community and then rehabilitation of the offender.” Richard L.’s quote provides a nice glimpse of how probation officers view their role as fixed; that is, they must obey the higher authority no matter the cost. Such a theme continued throughout these interviews and will be addressed in the summary.

Two of the officers proposed punishment was the main purpose of probation. Rene F., a Black female, said,

I think probation is a punishment for a crime to get the offender to realize that. To accept responsibility for what they’ve done…that’s one very important thing right there. They [probationers] need to learn how to obey rules.

Similarly, Wayne O., a Black male, stated, “You’re going to do your conditions of your probation and hopefully you’ll do it so that it will teach you a lesson so you won’t come back and do this all over again.”

Cedric W., a Black male officer, stated the main purpose of probation was to offer structure to the client, as “There are a lot of people I see on probation that growing up didn’t seem to have much structure in their life. It [probation] just gives them a little more structure.”

The remaining five officers stated that giving individuals a “second chance” was the main purpose of probation. Here, these officers viewed probation as a method of
diverting clients from incarceration and giving them another opportunity in the community. Libby R., a White female officer, stated, “Ideally the purpose of it [probation] is to teach people how to take care of themselves, to be more productive citizens of the community, to not get into trouble with the law and get placed in jail or prison. To learn to access resources available to them so they can take care of themselves.”

**What is the most important aspect of your job as an adult probation officer?**

Eight of the eleven probation officers stated community safety was the most important aspect of their job. Wayne O. said, “If something happens, say they [probationers] either test positive or something happens in probation or in their lives, I don’t sit on it for four or five months down the road. I do as much as possible right then to stop the behavior, to intervene in some fashion so that it doesn’t continue to happen.” Similarly, Maria M. stated, “I guess to keep them [probationers] in line, to put it clear, no big words, just to keep them in line. Keep them out of prison if you can, if they want to be kept out of it. Hopefully, maybe change the behavior. We’re in the safety aspect of it.” And Richard L. reiterated his allegiance to the court stating,

Richard L.: Again, falling back on that mission, I would say making sure that we are able to protect the community.

Interviewer: Okay, so probably protect the community would probably be most important of the two you were talking about: rehabilitation and community safety?

Richard L.: Right, community safety first.

Three of the officers stated that helping or service was the main purpose of their jobs as probation officers. Paula S., a White female, stated, “I think the service portion...being able to help and do my part even though it’s not my job.” Interestingly,
one can see the contradiction here, as Paula S. seemed torn between her helping role, on
the one hand, and her responsibility to the court on the other. Cedric W. stated, “I would
think that to give the people...some structure so that when they get off probation they
could handle a situation without being overseen anymore and be a productive citizen.”

What is your perception of probation clients?

Overall, probation officers characterized probationers as decent individuals who
have made bad decisions in life. Rene F. said, “I would say the majority of my probation
clients want to do good. Despite their actions and behaviors, a lot of them want to be
[good people].” Similarly to this, three other probation officers stated probationers were
normal people who had made bad decisions. Paula S. stated, “I think they [probationers]
are just people who just have made some poor choices and those choices have cost them
in the end,” while Joyce A. characterized probationers as “People that make a lot of
wrong decisions...and of course you get those that don’t really care.” Maria M. echoed
Joyce’s sentiment, but then went on to say, “Some [probationers] don’t want to be
helped; some can’t be helped. You just can’t help them. They just don’t want to be
helped.” Maria M.’s words were interesting, as she seemed conflicted as to whether or
not these individuals “could be” or “don’t want” to be helped.

All eleven probation officers characterized probationers as individuals. Cedric W.
said, “They’re [probationers] people and you have to realize that...very individual. You
have to take that into account,” while Libby R acknowledged the consequences of
differences when she stated, “I have to tailor my supervision to each one of their needs
because their needs are so different.” Interestingly, one officer, Leonard W., voiced his
surprise at the diversity of probationers, and said they were “very diverse...it’s [his
perception of probationers] not what I thought it would be and it’s not what the general public thinks. You have every walk of life that comes though these double doors.”

Three of the probation officers also stated that environment had an effect on probationer’s lives. Two officers mirrored Richard L.’s characterization that probationers were individuals that “…have lived a chaotic lifestyle, have had very little influence in moral recognition and they need structured supervision and treatment is warranted in most of their cases.”

Are there times where your role as an employee of the state of Texas conflicts with that of client advocate (and vice versa)? Can you give me an example?

Nine of the probation officers stated there were times when their probation officer roles conflicted with being a client advocate. Moreover, all nine gave specific examples of instances where they felt “caught in the middle” of helping probationers and performing their roles as probation officers. Cedric W. shared his experience of working with a probationer with restitution ordered stating,

If I was a victim I would want my money also and if you have someone who is unable to meet those financial needs and they know what they did was wrong as far as stealing from those people but they don’t have means and the victim wants their money. I lock them [probationer] up or something of that nature and it’s conflicting. You’ve got to serve the public and also serve the client.

Similarly, Paula S. addressed the frustration she felt at being unable to give one of her probationers the benefit of the doubt regarding new criminal charges being filed saying,

There are times where I see new cases coming in on someone who you know to be doing well and there’s no indication otherwise…everything they say is ‘I didn’t do this. I was just at the wrong place, nothing happened.’ And you know based on having known this person for a year or two that nothing lines up with this new charge. As far as the state is concerned, it’s not my place to agree or disagree with it. All we [probation officers] can do is file the paperwork and do our part in the process…so that would be the biggest conflict for me…I can’t
express to them [probationers], ‘I believe you’ because it’s not productive. I can’t help them anyway. I think those are the most frustrating times.

Richard L. described the hardship of reporting the recent relapse of one of his probationers, as he was torn between reporting the violation or continuing to work with the probationer without court involvement. He explained that his reporting the relapse had devastating results for the probationer. In his own words, Richard L. described the situation:

It’s difficult to convince a judge...that relapse is going to happen and this guy truly, probably doesn’t need to be sent to prison. Yet...as a probation officer...I am suppose to report all violations. And again, I’m supposed to fall back on protection of the community even though he may not be considered a harm to the community. He really hasn’t harmed anybody other than himself and this guy ends up going to prison because of that.

Interestingly, one of the probation officers (Leonard W.) had chosen to take a chance and help probationers no matter the cost. Leonard W. stated,

You get to know the family. You get to know their kids and you deal with all of the aspects of their lives when on probation. Sometimes the court says, ‘You can’t do this,’ but you know the person as well as the offense. So, you know, you kind of fudge it back and forth there.

Two of the probation officers stated their state employee role did not conflict with being a client advocate. Janet N. stated, “No, I don’t find there’s any conflict. We have rules and regulations and we understand they’re tough but we have to abide by them. Everything stops with that.” While Maria M. stated, “We [probation officers] have certain guidelines we have to make and those clients have to meet those guidelines...I mean we all have to work. They all have to have a job. We all have to stay sober in order to do our job and they do too...” It seemed as is these officers have made the decision that their allegiance was to the court and their employer.
How do you solve problems occurring from conflicts arising from these dual roles?

A myriad of methods were used to settle conflicts arising from the dual roles of probation officer and client advocate. Wayne O. stated, “I try every avenue I can before I say, ‘Okay, there’s nothing that I can do.’ If they [probationer] decide they don’t want to accept the services, I’m left at a stand still.” In regard to the restitution case mentioned earlier above, Cedric W. explained how he worked with both victim and probationer:

You [probation officer] almost have to be like a referee and you have to make sure that you satisfy both cases. I would say to the victim...you know they’re [probationers] people too. A lot of time they [victim] are calling upset and so you have to make sure they understand what’s going on and how things work. At that particular time they [victim] may not want to hear that but eventually somewhere down the road they will have time to think about it and cool off and then we can work something together. And you have to let the probationer know also, if they were the victim, they would want their money also so you’re going to have to work this thing out and come to some agreement here. If you [probationer] don’t get the money like you’re supposed to, it’s going to cost more.

As I alluded to above with Richard L.’s response, some officers do not alert the court to all violations, but chose to “go it alone” in hopes to avoid holding a hearing that will likely result in jail time for the probationer. Again, Richard L. explained,

Richard L.: How do I solve problems arising from that?

Interviewer: Those type of conflicts.

Richard L.: Well, when trying to fulfill my job...I sometimes still do drug tests but if there’s a positive I might hold it back from holding a hearing. If I get one positive in a month’s time and use does not continue I may go to my boss and say, “Hey, you know he’s had one positive. It’s cleaned up now. Everything else is looking stable. Do we need actually to hold a hearing?” He may say, “No, but just document that and upon the next use we will hold a hearing or we might hold an informal hearing where we don’t actually send documents, where we confront him and talk about the situation but we don’t actually send documentation to the court.
Two of the probation officers go strictly "by the book"; that is, they do not bend the rules, but hold strict allegiance to the court. Leonard W. stated, "The best advice I got as a young officer was that when you're in that role is to follow the rules. It keeps you out of a lot of trouble," while Joyce A., stated, "You [probation officer] just have the guidelines that you have to go by."

Are there times or instances where these problems cannot be solved? If so, can you explain?

Nine of the probation officers indicated there were times or instances where problems could not be solved with their probationers. Most of the probation officers referred back to their earlier example about conflicting roles. Richard L. stated he had no control in the instance where he supervised a probationer with a substance abuse problem who relapsed. The probationer, a registered sex offender, was in compliance with his sex offender-related conditions; however, the court revoked his probation and sentenced him to prison based on his potential risk as a sex offender. Richard L. stated, "My opinion was he [probationer] probably should have stayed on supervision, as there was no indication that he was a continued potential harm to anyone in the community, but with the new issues [drug use], the judge ended up revoking and I ended up having no control."

Several of the other answers to this question indicated that probation officers frequently experience times where these types of problems cannot be resolved. Rene F. stated, "A lot of times we just can't help them. We don't have the funds. We don't have the ability. It's sad but a lot of times we just don't have the ability." Similarly, Paula S. responded, "Definitely. Quite often."
Interestingly, two of the probation officers’ answers to this question alluded to possible survival techniques for probation officers. Leonard W. stated, “No, I can’t think of anything [problems] that couldn’t be solved.” Again, Leonard W. was the officer who developed alternative methods to doing his job, some of which could be considered detrimental to his continued employment with the department. In this way, Leonard W. has developed an alternate method of surviving the contradictions between the dual probation officer roles.

Similarly, Cedric W. reiterated his allegiance to the court (and his job) when he stated, “Say that you have a victim with restitution and the probationer doesn’t pay at all. There are no new charges, but it has to go back to the judge. Hey, if people don’t pay, nothing will be gained. If the client does not want to comply, we just don’t release them.” Recall Cedric W. acknowledged the conflicting nature of this situation in an earlier question; however, here he seemed to, in effect, “throw up his hands” in submission to the court and his employer.

**What is the hardest part of your job as an adult probation officer and what makes this part of your job so difficult?**

Nine of the probation officers stated they experienced a great amount of frustration and disappointment when individuals failed on probation. As Cedric W stated, probation officers experience frustration “trying to extend yourself to help the client and they [probationers] don’t want to be helped.” Similarly, Wayne O. stated that the most difficult part of his job was,

Not letting it get personal...I have to step back from it [the job] a lot because I tend to just get angry at them [probationers] because it’s so easy for me as I’ve never been involved in the criminal justice system and never been involved in crime. Sometimes I don’t understand why they [probationers] don’t just go out there and find some kind of job just to pay your bills...I get angry and that’s the
biggest problem that I have is making sure that—Okay, it’s not me. I’m not the problem...I don’t lose anything by them being on probation and I have to step back from that.

Similarly, Paula S. talked not only about frustration, but also disappointment of working with substance abusing probationers:

You have some [probationers] who are doing well for a long time and what I’ve noticed is that drug addiction is terrible and without notice they’re [probationers] relapsing. You watch everything they’ve gained in that process goes for naught. It’s frustrating because you want to see...them [probationers] do well... but that’s not going to happen right now.

Here, probation officers experienced frustration at seeing their clients fail. Moreover, probation officers also experienced disappointment at these failures, as so much of supervision work had “fallen to the wayside.”

Stress was a product of this frustration and disappointment, as officers have an inadequate amount of time available to assist such deep-seeded problems occurring in the lives of most probationers: Rene F. stated,

I think the hardest part is the stress that is involved with it [probation work]. I don’t mind...placing somebody in jail if they’ve done something wrong but the hardest part is dealing with all this stress. I mean, everyday I’m bombarded with problems that took years to create and they [court] want you [probationer officer] to try to help them [probationers] to disintegrate their problems in an hour or a day or a year and try to get them back on the right track.

Interestingly, two of the probation officers spoke of survival mechanisms used to deal with stress from the disappointment and frustration of probation work. Specifically, Maria M. would not let herself get “too personal” with probationers saying, “I try to keep that [getting personal with probationers] under control. I don’t want to do that.” Later on, Maria M. stated not allowing herself to become too personal was the hardest part of probation work. And again, Wayne O. stated, “I have to step back from that [becoming too involved with probationers].”

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In what way does the probation order help or hinder your job as an adult probation officer? Can you give examples?

All eleven probation officers stated the probation order was helpful, as it functioned as a guideline for both probation officer and client. Paula S. stated that the probation order “…helps only because it clearly defines what’s expected of them,” while Joyce A. stated the order assisted probation officers “…because it gives you guidelines to go by.”

Interestingly, Leonard W. believed probation orders were documents that should not be altered, saying,

It [the probation order] definitely helps. Probation orders are conditions of probation that give you the basis for what that person needs to do. Any advice to new officers, follow that court order. Don’t deviate from it. Don’t add anything to it. Don’t put anything extra into it. It’s a great basis and it’s a tool which the judge works off of.

Several probation officers stated the probation order hindered their job, as they had to defer to it even when they disagreed with its function. Richard L. stated,

It [probation order] also hinders because I don’t have total control and sometimes I might feel like I know more about the client than the judge does. And even though the judge may go with my recommendations a few times, if continued violations occur, he’s going to take matters in his own hands.

Again, Richard L. voiced the frustration that probation officers experienced as they were caught between being client advocates and doing their jobs as employees of the court. When asked if the probation order hindered her job, Paula S. stated, “I don’t think so, not at all. I think it helps.” However, similar to Richard L., she unknowingly stated described the probation order as a document that limits not only probationers, but also probation officers:

It [probation order] doesn’t leave many gray areas regardless of how they feel or how I feel or the things that have to be done and they know that from the moment
they walk through these doors. There's no room for negotiation or compromise. They know what's expected of them and...I know as an officer of the court what I'm beholdng to. It's our contract.

Two probation officers stated the probation order contained unrealistic expectations. Libby R. described her method of dealing with the numerous conditions placed on the order that tended to stress clients out:

I just try to break it [probation conditions on order] down to where they [probationer] don't have to be bombarded with all these rules at one time where they are expected to handle everything at one time and they get so afraid that a lot of them will abscond if you put it in a manner like 'this is what is expected of you' and they [probationer] might say, 'I just can't do this' because probation is a lot harder than parole for them to do.

Cedric W. stated how the probation order stressed his probationers out with unrealistic expectations and he empathized with their plight when he said,

Sometimes it [probation order] hinders because even when they're [probationers]...in court they'll agree to sign anything. Then they get here [probation department] and say, 'I can't do it. I can't do it.' Well, [I say] 'you should have talked with the judge and the attorney at that time about that.'...and having to deal with the pressures of the financial burden...if I was on probation it would be a hard situation for me dealing with the probation fees, rent, light, gas, and water and food and things of that nature. I think it hinders on that part.

Last, one of the probation officers characterized the probation order as a standard set of rules. Wayne O. stated,

Wayne O.: ...and how I think it [probation order] hinders is to me somehow I think they're a cookie cutter.

Interviewer: Can you explain what you mean?

Wayne O.: Well...the ones [probation orders] that are just the same from the same county they tend to be the same, everything is the same. You get two court orders for two separate people, two separate agents, two separate crimes are sometimes different but the conditions are the same. You get someone that maybe is there for their first offense and they want them to go have a psychiatric evaluation for possession of marijuana or whatever. It's not needed and some of the conditions are...in there because it's standard, it's standard on their court orders.
In what ways, if any, could the probation order be reworked to make it more helpful to you in your work?

Two of the probation officers stated that the probation order did not need to be reworked. Leonard W. Stated, “Really, none. I don’t have any issues with it [probation order].” Ronnie H. originally stated there was nothing “unreasonable” about the order, but conflicted this statement by giving the following example of how community service was problematic for probationers:

...Community service hours, some of the judges just get ballistic. They [judges] dole out as many as 1,000 hours. A person [probationer] is expected to do all those community service hours and work full time. If a person is working full time, if they’re staying out of trouble, I do whatever I can to talk the judge into backing off all those community service hours. A few of them [community service hours] are necessary and they are a source of sanction when somebody messes up.

Six of the probation officers stated their ability to amend the probation order was helpful in tailoring the order to the individual. Cedric W. stated, “I think that most court orders are pretty much standardized. So we [probation officers] kind of make it more individualized. It [amending the probation order] puts a little more work on us but I think it helps the clients out a little more also.” Richard L. stated, “…I haven’t experienced too many problems with it [probation order]. When I do run into what I consider a problem, we [probation officers] have pretty good communication with the courts and our judges have been willing to adapt or amend those conditions to what we feel like we need. So, I don’t see major problems with the orders.”

Three officers stated the language used in probation orders could be written to be more understandable to the layperson. All three of these officers stated that probationers
were often unaware of some probation conditions upon arriving at the probation department from court. Paula S. stated,

Paula S.: I think that it [probation order] could be reworded. At times it’s written in court lingo and those [probationers] that we serve in probation very often don’t understand. I think sometimes when they’re in court they just hear that they don’t have to go to jail right now. And they don’t read it, nor do they understand it.

Interviewer: Do you get a lot of people coming out of probation saying: I didn’t realize I was suppose to do this?

Paula S.: Yes, they [probationers] say, ‘I didn’t know it was all that.’

Interviewer: What do you do in those instances?

Paula S.: Reiterate that they [probationer] did sign it [probation order] and that they should never sign anything without reading it and understanding it.

Similarly, Wayne O. felt the language used in probation orders should be written with probationers, many whom could not read or write, in mind. The current probation order language left many questions and often confusion for probationers. He stated,

Wayne O.: Some times the wording is a little bit more advanced for some of the people that we deal with. I have a lot that can’t read or if they can it’s very minimal and if you’re looking at possession, or anything that has a psychiatric evaluation, psychological, they don’t know what that entails. I have a substance abuse evaluation, what do I have to do?

Interviewer: So you feel like that the language, the level of language is not really designed for most offenders.

Wayne O.: Either that or maybe sit down a little bit more with them and make sure they understand before they sign because sometimes they just sign it in court; I have a copy of this, I understand everything when really they probably hadn’t been sat down and told properly.

Interviewer: Have you ever had people that come in front of you and say: Well, I had no idea what this meant or I wouldn’t have signed this or I can’t believe I agreed to this?
Wayne O.: They’ll say: I’m still fighting this. And I say: Well, you took probation or, my lawyer was supposed to take care of this. We would have to tell them that your lawyer didn’t, the judge didn’t act on it, so there’s absolutely nothing we can do.

Interestingly, Paula S. and Wayne O. empathized with the probationer’s confusion regarding the contents of the probation order, but reiterated their allegiance to the court by informing the probationer they must abide by the order as written.

**In what ways is probation tailored to meet the individual needs of offenders?**

Five of the officers felt it was their responsibility to meet the individual needs of offenders. One officer, Libby R. stated,

The probation officer has to tailor the court order because the court orders are standard. They come through the courts and the rules are very specific on what they have to do because they have to follow the federal mandates, court mandates on these probationers. In some of these situations I’ve reviewed the court order and a lot of times I’ll submit an amendment to the court requesting to get some of these rules waived because they might not even apply to the probationer. Or ask that extra rules be ordered because they are warranted. So an officer has to really review the file when they first get it, look at the past history and what their needs are and try to tailor that court order a little bit more toward them.

Ronnie H. agreed with Libby R. that special amendments were key in tailoring treatment for probationers; however, he stated these types of amendments rarely occurred. In his own words,

Ronnie H.: Most of the probation orders are very general, generic and they’re sort of like blanket approaches if you will. Once I’ve spent a few months with an individual I begin to get an awareness of the special circumstances and I will send special amendments to the court along with a memo explaining why I’m doing this. Sometimes I’ll try to tailor-make some probation orders.

Interviewer: Do you do that often: special amendments?

Ronnie H.: Not too often. Not too often. Every once in a while somebody may come along with a special circumstances or situation that warrants it.
Four other officers were less sure of the extent to which probation met client’s needs. Joyce A. stated, “I don’t know how much probation meets their needs; hopefully get them [probationers] to change and go up the right way. Legally and maybe be productive. Hopefully it [probation] teaches them that.” When asked if the probation order was designed to address client’s needs, Janet N said,

Yes they are, because if a person has committed theft, they are court ordered not to enter or be on those premises or if they have a drug offense with a number of individuals, they are court ordered not to be around those individuals. Or if it’s an assault, not to go on the premises where the victim lives or their work place or have any contact or even when it’s a sex offender that court order is tailored so that person has no contact what so ever with children under the age of 17. So each individual offense has a signed court order geared to specific offenses.

Janet N. is describing the probation system’s ability to properly assess risk factors associated with probationers, which has little, if anything to do with a client’s needs.

The next 4 questions focused on how officer’s perceived the probation officer certification-training manual in relation to their jobs. The Texas Criminal Justice Assistance Division created the certification-training manual in the 1980’s; it is the document that all probation officers study prior to taking their probation officer certification exam. This document represents the theory behind adult probation in Texas as it encompasses all facets of the probation officer job including probation law, report writing, money collection, pre-sentence investigation, assessment interview, risk/needs assessment, supervision planning, documentation, violations, revocation hearings, field visits, court procedures, and legal liability. Thus, the following questions attempted to probe officers regarding the extent to which this manual functioned as a true guidepost for their jobs.
In what ways has the probation officer training manual helped and/or hindered your work as a probation officer?

All of the officers stated the manual helped them initially in their jobs as probation officers. The resounding comment given by officers was the manual was useful early on as a guide to assist them in their work as officers. Cedric W. stated, “I guess when you first get into probation...you’re still kind of green and don’t know what’s going on...it [certification-training manual] gives you some guidelines on how to deal with people more effectively,” while Joyce A. stated, “It [certification-training manual] gave me the guidelines, policy, procedures, and liabilities that we [probation officers] need to go by.”

Although none of the officers stated the manual hindered their probation work, two officers cited problems with it regarding their jobs. Wayne O. stated, “I think that in some instances it’s [certification-training manual] not real realistic. You deal with so many different types of people.” Janet N. felt the five-day certification training was inadequate to cover such a vast amount of information. She stated, “It [certification-training manual] was a whole lot of information in a short amount of time...and even a week to me wasn’t enough and it went over risk/needs and all that, but there wasn’t a whole lot of how to interact with the client. It was law stuff.”

Interestingly, Ronnie H., who had twenty years experience as a probation officer, did not have a certification-training manual when he first began working as a probation officer:

Interviewer: In what ways has that manual helped or hindered you as you worked as a probation officer?

Ronnie H.: What manual?
Interviewer: You didn’t have a manual?

Ronnie H.: When I went to work here [probation department] they just said, ‘Here you are. Go to it.’ I would ask questions and I would see how some other officer did something and how this officer did that and I’d gather up reading material as I could. We actually had no manuals. It was just a shoot from the hip situation.

Interviewer: Okay. I didn’t know. Okay.

Ronnie H.: We did have one old manual. It was called: Probation Laws for Probation Officers. It was written in 1978 and it was floating around the office here for a while, way back years ago when I first went to work here and it gave me a little indication, a little information on the difference between preferred adjudicated probation, adjudicated probation and different bits and pieces of probation law...We didn’t have a formal manual per se; we just learned by making mistakes.

Is this manual relevant to the everyday problems that you encounter in your work as a probation officer, If so, how?

Ten of the officers stated the certification-training manual served as a guidepost for their jobs as probation officers. That said, several of the officers described times when the manual was not relevant to the work they do as probation officers. For instance, Maria M. stated, “Some stuff we still don’t need. Not just the basics but SCS’s [Strategies for Case Supervision]...you do it one time and that’s it and you never look at that again. So...that’s useless to me.”

Paula S. provided a specific instance where the manual was not relevant to her job:

Paula S.: It’s [certification-training manual] kind of like a skeleton but it doesn’t relate to everything. There are things we’re [probation officers] required to do based on what the manual says that are not practical.

Interviewer: Can you give me an example?

Paula S.: A perfect example. There are some people that will be placed on probation and from day one who have absolutely no way to pay the fees...we feel the pressure as probation officers of having to collect those fees. But you
[probation officer] have someone who is placed on probation who is disabled when they come in the door; [They are] disabled, no job, not able to work and not receiving disability, but it’s obvious they have a disability but the protocol with Social Security Administration and so on they can’t get it [disability] right away. So, by the time they’re able to start paying anything, they are a thousand dollars behind so it’s almost like they’re being set up to fail...there’s nothing you can do about it.

Interviewer: What do you do in those cases?

Paula S.: In those cases we have to follow protocol and address it with them. Print out the sheet and show them where they are and let them know that the sooner they get something, make a good faith payment. Understand that you don’t have $200 a month to pay because you’re only receiving $300 or $500 but show good faith payment to show that you’re doing all that you can. (Inaudible) You can’t get what’s not there.

Which sections of this manual were deemed most important in your certification-training training?

Five of the eleven officers stated probation law was deemed the most important part of their certification-training manual. Another five officers stated supervision forms were emphasized as important in their certification-training trainings. The remaining officer did not attend the certification-training training.

Which sections of this manual are most important to you in doing your job as a probation officer?

Eight of the officers stated risk/needs assessments were the most important part of the manual in doing their jobs as probation officers. All eight of these officers felt the use of this document, which assesses probationer risks and needs levels was vital to offering efficient and effective case supervision. Richard L. stated, “One of the things I hate to do the most is the strategy case supervision but it really requires that the officer look at the whole history of the client and what his needs and risk are,” while Paula S. stated, “I think...the supervising plan is one of the most important, if not the most
important thing. If you don’t clearly define what’s wrong then you’re just going through the motions. They don’t all have the same problems.”

Two officers stated liability as important to them in their everyday work as probation officers. Rene F. stated, “I would say there’s the part that talks about officer behavior. How you act with a client. That’s always important with me. It’s kind of like what we were talking about earlier that there has to be a line drawn between the client and the probation officer.” Again, Rene F. reiterates the conflict of working as a client advocate and court officer.

Interestingly, one officer stated she did not feel the certification-training manual benefited her everyday job as a probation officer. Maria M. stated, “I learned more from ‘hands on’ [experience] than I do from just reading out of a book.”

**In what ways has your race affected your work as a probation officer?**

Seven of the probation officers stated their race had not affected their probation work. Leonard W., a Black male, stated, “I don’t think it affects my work… because I have a job to do and I’m going to do that,” while Paula S., a White female stated, “Not a whole lot. I don’t think it [race] hindered or helped. Similar to the court order, nothing changes. We’re still required to do the same thing.”

Interestingly, one of the seven officers who stated their race had not affected their probation work went on to give examples of times he had been accused of being racist by probationers. Ronnie H., a White male, stated,

Not really. It [race] hasn’t affected me any because my religious background and my religious convictions have taught me the philosophy not to be prejudiced because of someone’s ethnic background or color of their skin or whatever. I’ve been in this business for all together about 23 years. I’ve only been accused of being prejudiced two times and neither times was I prejudiced. They were just, I applied pressure and they had nothing else to do, no place else to go except to use
that [race]. It was Black guys each time and each time after the dust settled they both apologized. No, race has nothing to do with the way I form opinions and make decisions.

Three other probation officers stated race had affected their probation work. Two of the officers stated their race isolated them from having a complete understanding of other groups. Richard L., a White male, stated,

Richard L.: I think...most of my clients are young Black males and because I don't have a real understanding of their environment, their culture, that does limit me to understanding their needs.

Interviewer: Do you think they perceive you as different and not understanding?

Richard L.: I think there is a degree of that, especially first meetings, but once they get to know me I don't think, my impression is that they don't see that there's any major difference. But I know that I don't totally understand the other person...”

Similarly, Libby R., a White female, stated,

Well, I've been told that I don't understand the world that some of these probationers live in; that we [probation officers] have a safe environment; that we go home every day; at night we don't have the problems that they do. And I think that as a child I was not prepared for this job that I have now and because I have not experienced the world as some others, but I think that it's been an extreme learning experience for me because I think with the job it's taught me how to be an assertive person. This job has really helped me individually as a person to handle things.

The remaining probation officer stated her race had a positive affect on her probation work. Maria M., a Hispanic female, stated,

That [race] has helped me a lot...I'm fluent in Spanish so that's really helped me...there are some offenders that come in here [probation department] that do not speak any English...I don't know if it has more to do with my race or with being bilingual but I guess being bilingual goes hand in hand with my race. It's helped me in that part.

Interestingly, two of the probation officers stated their age affected their probation work. Cedric W., a 36-year-old Black male, stated, “Me being a black man and having
some clients, especially when I first started, say I look a lot younger than I am, had an affect with the older clients. Black and White, they [probationers] didn’t want some young boy telling them what to do,” while Wayne O., a 29 year old Black male, stated, “For me...age [has affected my probation work] just because my oldest is in his 80’s and it comes into a little bit of play.”

**In what ways has your gender affected your work as a probation officer?**

Three of the officers stated their gender did not affect their work as probation officers. Leonard W. stated, “I don’t think it [gender] affects my work at all... It’s [supervision] not a gender issue,” while Joyce A., stated, “No, I go by their order and they’re all expected to do what’s on their order.”

The remaining eight officers stated their gender did affect their work as probation officers. One theme emerging here was that a probationer’s gender tended to dictate different supervision skills. For instance, all these eight officers stated they were mindful of gender differences in performing their probation officer job duties. Janet F. stated, “I treat different people differently...they’re individuals,” while Rene F. stated, “I think men and women are different so we have to treat them different. Every tactic for a woman is not going to work for a man. “

Moreover, some of these eight officers gave specific examples of how they individually supervised clients differently based on gender. Consider Richard L.’s answer of whether or not he supervised males and females differently:

No, I don’t think I’m more particular or more difficult with either sex but I do take other things into account. For instance, if a female has children I may think she’s a homemaker and I may not push her as hard to find employment. If I have a male that has children in the home, I would probably push him harder to find work, which could be bias, I guess.

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Similarly, Cedric W. spoke of his ability to individually supervise probationers when he answered the identical question (Do you supervise males and female differently?): “Well, it depends on the client. Some ladies need more attention than men and some are more manipulative.”

While only one of the male officers stated he tended to be easier on female than male probationers, none stated they were easier on male probationers. One female officer stated she was easier on females, while another officer stated she was easier on males. That said, five of these eight officers stated they were neither easier nor harder on probationers based on gender.

Interestingly, one of the female officers stated females were more difficult to supervise. Maria M. stated,

Females are just a lot harder [to supervise]. They have a lot more problems, whether it be children, five, six children; not wanting to work a lot of the times. I find that coming out with the females, most of them just don’t want to work. They want a free ride. Which maybe I am harder on females then. I don’t know. I’ve never noticed but now I’m going to start noticing.

**Analysis of Probation Officers**

Four major themes emerged from the officer interviews. First, I believe the majority of probation officers were genuinely interested in helping probationers improve their lives while on adult probation. As stated earlier, most of the probation officers interviewed spoke not only of their genuine desire to assist individuals placed on probation, but also of the frustration, disappointment, and anger they felt from not being able to appropriately assist these individuals.

The officers interviewed understood the need for individualized treatment; however, many felt such treatment was not possible because of philosophical and
resource conflicts. The latter refers to the general lack of resources at officers disposal such as money, services, and time. When asked about whether or not probation was tailored to meet the individual needs of probationers, Maria M. stated,

Maria M.: It's hard sometime to help them [probationers]. And if they don't want it [help] — just say they want it [help], what are the means to get there? There are not a lot of outside resources to help that.

Interviewer: So, sometimes people have needs but you just don't have the resources?

Maria M.: The resources, yes. And if we [probation officers] do, they're not up to par. They're not—like MHMR [psychiatric counseling center], you only have thirty minutes a month some times in counseling. That's not going to help them; especially with a priority one diagnosis. Just things like that.

In this exchange, Maria M. verbalized the importance of and need for individualized treatment services, while at the same time acknowledged the reality that good resources were not readily available to her clients. Similarly, Rene F. addressed the stress of having inadequate time to work with clients:

...the hardest part [of probation work] is dealing with all this stress. I mean, everyday I'm bombarded with problems that took years to create and they want you to try to help them to disintegrate their problems in an hour or a day or a year...

Philosophical conflicts refer to the conflicting philosophies (treatment versus punishment) that are inherently built into the larger criminal justice system that result in probation officer role conflict, as their allegiance to their employer (the court) conflicts with advocating for probationers. Cedric W. summed it up best when he stated, "You [probation officer] almost have to be like a referee and you have to make sure that you satisfy both cases." Recall nine out of eleven officers stated there were times that their role as probation officers conflicted with their role as client advocate. Here again,
probation officers expressed experiencing frustration and disappointment when their
clients were sent to prison against their better judgment. Richard L. stated,

It's difficult to convince a judge...that relapse is going to happen and this guy
truly, probably doesn't need to be sent to prison. Yet...as a probation officer...I
am suppose to report all violations. And again, I'm supposed to fall back on
protection of the community even though he may not be considered a harm to the
community. He really hasn’t harmed anybody other than himself and this guy
ends up going to prison because of that.

Moreover, nine probation officers stated there were times or instances these
problems could not be solved with their probationers. Recall officers relayed stories
where their opinions were in direct conflict with the court and resulted in probationers
being incarcerated. Richard L.’s story continued,

My opinion was he [probationer] probably should have stayed on supervision, as
there was no indication that he was a continued potential harm to anyone in the
community, but with the new issues [drug use], the judge ended up revoking and I
ended up having no control.

The entrenchment of resource and philosophical conflicts resulted in two distinct
features: (1) detachment and (2) diversion. Several officers detached from serious case
management, as they thought their continued involvement would be detrimental to their
own lives (and possibly jobs). Recall Wayne O.’s statement that the most difficult part of
his job was,

Not letting it get personal...I have to step back from it [the job] a lot because I
tend to just get angry at them [probationers] because it’s so easy for me as I’ve
never been involved in the criminal justice system and never been involved in
crime...I get angry and that’s the biggest problem that I have is making sure
that—Okay, it’s not me. I’m not the problem...I don’t lose anything by them
being on probation and I have to step back from that.

Similarly, Rene F. addressed this problem when she stated, “I think the hardest
part is the stress that is involved with it [probation work],” while Maria M. would not let
herself get "too personal" with probationers saying, "I try to keep that [getting personal with probationers] under control. I don’t want to do that."

Diversion was a survival technique used by one officer. Diversion, for this work, refers to an officer using other means to successfully case manage probationer problems that arise. The means by which officers may accomplish successful case management are varied and risky. Recall Cedric W. stated, "Sometimes the court says, ‘You can’t do this,’ but you know the person as well as the offense. So, you know, you kind of fudge it back and forth there."

Second, although probation officers understood the importance of individualized treatment, I believe these interviews point to an over-emphasis toward community safety within the greater probation system that leaves little, if any, room for serious rehabilitative efforts of probationers. Recall all eleven of the officers stated community safety was the most important aspect of their job. While I admit that community safety should be one of the top two or three parts of the adult probation mission, such an over-emphasis on community safety has not resulted in reductions in prisons, jails, or probation caseloads.

One latent function of this current imbalance toward community safety caused actors within the system to respond differently in order to survive. Officers have developed a survival mechanism for diverting blame away from themselves and onto another actor (the probationer or probation system). Recall Janet N. stated she did not feel the probation officer and client advocate roles conflicted with each other, but stated, "We have rules and regulations and we understand they’re tough but we have to abide by them. Everything stops with that." Such a phrase places blame on the system and away
from the officer, thereby allowing him/her to absolve herself/himself of guilt. When pressed, officers also tended to place blame on clients, as with Maria M. who stated, "We [probation officers] have certain guidelines we have to make and those clients have to meet those guidelines...I mean we all have to work. They all have to have a job. We all have to stay sober in order to do our job and they do too...”

Third, although the probation order was viewed as a helpful guidepost for probation work, the document was not characterized as individualized. All of the probation officers viewed the probation order as a helpful document that provides a blueprint for both probation officer and probationer. That said, several officers stated the probation order hindered their work as probation officers, as it left little gray area for officer discretion. Recall Richard L. stated, “It [probation order] doesn’t leave many gray areas regardless of how they [probationers] feel or how I feel...there’s no room for negotiation or compromise...I think it hinders on that part.”

Moreover, Wayne O. characterized probation orders as “cookie cutter” or not individualized, as they “…tend to be the same, everything is the same. You get two court orders for two separate people, two separate agents, two separate crimes are sometimes different but the conditions are the same.” Several officers stated special amendments were one method of individualizing the probation order; however, Ronnie H. advised amendments were used only on “special occasions.”

Fourth, although ten of the eleven officers stated the certification-training manual was initially helpful for probation officers, this document was not relevant to most probation officers’ work. Recall Paula S. stated, “It’s [certification-training manual] kind of like a skeleton but it doesn’t relate to everything. There are things we’re [probation
officers] required to do based on what the manual says that are not practical,” while Maria M. was more direct when she stated, “Some stuff [in the certification-training manual] we still don’t need. Not just the basic but SCS’s [Strategies for Case Supervision]…you do it one time and that’s it and you never look at that again. So…that’s useless to me.”

Above, I addressed contradictions probation officers experienced while performing their jobs. In particular, I addressed the frustration, disappointment, and even anger officers experienced as a result of their dual roles of court employee and client advocate. What follows is a discussion of probation client’s perceptions of adult probation.

Probation Client Interviews

The original probation client interview protocol specified fourteen to sixteen felony probationer interviews. These interviews were to be conducted either by phone or in person at a location convenient for the clients. Similar to probation officer interviews, gender, race, and type of offense (felony welfare fraud and felony drug cases were two groups especially of interest) differences within the sample were to be emphasized in the selection of interview candidates. That said, after implementing two separate data collection methods (passing out over 400 flyers and mailing 300 letters) spanning over six months, only seven probation clients agreed to interviews, producing a dismal .01 response rate. What follows is a possible rationale for such a low rate.

Probationers as Hidden Populations. Although lower than originally planned, I believe the low response rate should be viewed itself as data, as probationers are considered hidden populations. Lambert and Wiebel (1998: p. 1) define “hidden
populations as "... those who are disadvantaged and disenfranchised: the homeless and transient, chronically mentally ill, high school dropouts, criminal offenders, prostitutes, juvenile delinquents, gang members, runaways, and other "street people"—those we are all aware of to one degree or another, yet know so little about." The reasons probationers desire not to be interviewed are varied and discussed below.

First, the relationship between probation client and court is one marked by substantial power dynamics. Police, probation, and parole officers hold significant indirect and direct power over individuals involved in the criminal justice system. In many, if not most instances, probation officers have the right to detain, arrest and incarcerate (at least temporarily) individuals on probation. Understandably, this right carries with it a great deal of power, which in turn greatly increases the power dynamic between these two groups.

Second, recent legislation regarding the 4th Amendment to the U.S. Constitution has given the courts unprecedented search and seizure powers with regard to individuals involved in the criminal justice system. The "4th Amendment Waiver", as it is called, allows the court to conduct searches and seizures of homes, automobiles as well as individuals themselves with little, if any, legal requirement (reasonable suspicion or probable cause). As with arrest/incarceration powers, an immense degree of power is bestowed on those individuals who have the ability to search another's home, automobile, or body.

Third, by their very role, probation officers hold a great deal of indirect power over probationers. As discussed earlier in this work, probation officers are judicial officers; their primary purpose lies in reporting compliance to a court. Essentially,
probation officers are record keepers. For example, probation officers are employed and answer to judges. While seemingly unimportant to many, probationers view this point as vital in their lives. The unsettling reality is that freedom lies, in many instances, in the probation officer’s hands. Viewed from this angle, one gains a better understanding of the immense power given to the probation officer. Thus, the relationship is loaded with power dynamics.

Stigma provides another reason for probation clients to be considered hidden populations. Sociological literature abounds with research on the labeling of individuals in the criminal justice system as well as the consequences of such labels. Convicted felons are not merely viewed as individuals with problems; rather, they are viewed as sub-human. Harold Garfinkel (1956, p. 421) characterizes the labeling process as a “degradation ceremony...that serves to effect...destruction of the person...” This label is not temporary, but totally consumes a person’s identity, as she/he “...becomes in the eyes of his condemners literally a different person.” With their new identity intact, convicted felons are announced and displayed in public. One need only attend any felony trial court in his/her local jurisdiction to experience the criminal plea process whereby individuals accept their new label in front of court personnel and the general public.

Moreover, this permanent and new label is recorded and disseminated to numerous venues: public court records, printed newspapers, Federal, state, local computer systems, as well as the Internet. These records function to solidify the person’s new identity not only to the offender but to the greater community as well.

The labeling of convicted felons has negative effects on the individual being labeled. Convicted felons are often driven to increased or secondary deviance as a result
of these labels. Stephen Pfohl cites Charles Frazier's (1976) work that focused on the detrimental results of criminal labels placed on individuals. As cited by Pfohl (1994, p. 377),

...The case of 'Ken' a young man from a small town who was 'branded' a criminal. Following the degradation ceremony of a public trial, virtually all of Ken's life was retrospectively read as indicative of deviance.

As a result, the commanding stigma of criminal deviance coupled with the power dynamics intertwined in the probation officer-client relationship results in probationers who live in the shadows hoping not to be seen in the public eye and shriek at the thought of "making waves" within the system. The examples above highlight the reasons probationers should be considered hidden populations. Viewed from this angle, I am not surprised that only two probationers agreed to participate in face-to-face interviews with the other five interviews being conducted by phone, which afforded more confidentiality.

The seven probation clients interviewed are a varied group. Four of the seven individuals were African American. Of these four, one was female. The remaining three individuals interviewed were White, two males and one female.

Upon completion of these interviews, an analysis of these data ensued, focused on emerging themes as they pertained to the interview questions and analysis plan designed prior to the interviews. Attention was given to commonalities occurring across race and gender, as they were deemed important to the overall research. Pseudonyms were assigned to each participant to ensure her/his anonymity. Quotations contained in these interviews were used to substantiate these emerging themes, as they pertain to research questions listed in Chapter III. For each interview question below, I discuss the emerging themes and use illustrative quotes as substantiation.
Data of Clients

What do you see as the purpose of probation?

Five of the seven participating probation clients characterized probation as a second chance. For example, they characterized probation as a means to “...keep you out of trouble”, “an alternate to going to jail”, and “another option to getting locked up.” The other two clients emphasized punishment as the main purpose of probation. Don B., a White male, stated probation was a “You done the crime and now you’re being punished,” while Chris V., a Black male, said the purpose of probation was “To punish someone for something they done wrong.” Similarly, paying one’s debt back to society was another characterization of the overall purpose of probation. In total, three of the clients participating said probation was a chance for them to “pay back society.”

Two of the other probationers interviewed had quite a different view of the probation system. Randy M., a White male, stated “It’s [probation] a way for people that don’t know how to act right on their own; somebody to come in and teach them, I guess.” Along those lines, George J., a Black male, said probation was a type of “Formal supervision that helps when you don’t have a steady ground to stand on.” Interestingly, these two accounts characterize the probation system as a savior-like system, a bright and gifted teacher, leading the poor, uneducated masses out of Egypt.

What were your expectations of probation? In what ways has probation met/not met your expectations?

Six out of the seven clients stated probation was much harder than they originally expected. Randy M. stated, “I expected to report once a month, to pay my fine. You know, nothing much, just to stay out of trouble...but then I’m up here for about four or five days a week, reporting in and going to class and stuff. It’s really a hassle to be
honest with you but it’s keeping me right.” Judy L., a White female, explained “my expectations were that it was going to be difficult, putting up with all the rules and guidelines. So, it’s met every one of my expectations.”

Five of the probation clients interviewed felt that probation had not met their expectations because the system did not understand their personal lives. Chris V. stated “Probation is stressful because I’m trying to work and take care of my child all the while I’m attending the drug intervention program. Probation tells me do this or do that; things I don’t have time to do. But what am I supposed to do?” Don B. also felt that the probation system did not take into account his individual situation. When asked about court expectations, he said, “I have to report once per month, do all the community service. I have to work 6-7 days per week (10-12 hours per day) and don’t really have time to do community service. I’m married and have bills to pay. They want their money and more.” Along those lines, Veronica M., a Black female, stated, “It [probation] hasn’t met my expectations in that I’m going to the drug intervention program, community service, working, and reporting. I’ve got to pay my fees and attend 6 meetings per week. That’s a lot to do and I just can’t get it all done all the time.”

Interestingly, one client stated that probation did not meet his expectations because of inconsistencies in rules. George J. stated, “For the first 3 years, they [probation department] mentioned rules but never enforced them. They let me go; never had to do drug tests.”

What is your perception of probation officers?

Six of the seven clients interviewed felt that probation officers were good people, but were bound by the rules of their jobs. Veronica M. said, “They mean well, you know,
but they got their own jobs to do…” while Chris V. said, “They [probation officers] are there to help you. All my probation officers were cool; they always gave me good advice. They go by the rules, though; they say you need to follow the probation order or else.” Don B. stated, “For the most part, they are good. There are some that have been taken advantage of and are hard on us as a result. They are great people as long as you do what you’re supposed to do.” George J. summed it up best when he said probation officers are “…authority figures; they’re petty some times. They have to go ‘by the book’ which doesn’t work some times for my life.”

One of the clients interviewed, however, characterized his probation officer differently. Randy M. stated “Nine out of ten of them [probation officers] I don’t think care. The one I just talked to does. You don’t find very many of them that really care, they’re just here for a check.”

**How would you characterize the time spent with your probation officer?**

Six of the seven clients interviewed characterized their time spent with the probation officer as minimal and superficial. Regarding his time spent with the probation officer, Randy M. characterized it as “Very little, practically nonexistent. I have the type of probation officer that’s by the book. ‘How much have you paid’—are questions when I walk through the door. ‘I see you paid this much when can you make your next payment? How’s everything, Okay, bye.’” When asked whether or not the visit seemed superficial and shallow, Randy M stated, “Yes. Very – it’s like she doesn’t care about the person. She cares about the case and that’s it. I’m just a case number to her.”

This superficial nature of the probation officer visit is continued in the following exchange between with Judy L.:
Judy L.: It [the probation officer visit] seems like, a tight deal that’s covering his behind. It’s more of a paper trail than to really see how I’m doing. I don’t really think they care too much unless you’re messing up.

Interviewer: They just want to see that you’re doing condition one, doing condition two, and doing condition three and that’s it in other words.

Judy L.: Yes.

Interviewer: They just want to make sure that you’re complying with the letter of the law so to speak.

Judy L.: Yes.

Interestingly, these six clients stated that the probation officer visits were narrowly concerned with “big issues” such as payments and criminal activities. George J. characterized his visits saying “I would say that it is not much time; 10-15 minutes. Mostly, they check on the big things: ‘Are you clean, have you been arrested, are you workin?’ That’s it.” Although George J. did not specify it in the transcript, I wonder if his/her probation officer actually tests him on a regular basis or simply asks him whether or not he is clean. Jon K., a Black male, characterizes his visits similarly saying “Not that much to it, 15 or so minutes; he makes sure that you’re staying out of trouble and tests my urine,” while Veronica M. says “I don’t spend much time—maybe at first but now it’s pretty brief (15-20 minutes). ‘Did ya make a payment; haven’t been arrested?’ You know, basic stuff.” Unlike the clients above, Don B. characterizes his probation officer visits as a “Good conversation time. It’s a pleasurable time. We talk about how my family is doing. She works with my schedule.”

**What is the biggest challenge in completing your probation, and why?**

All of the probationers interviewed claimed that one of the biggest challenges to probation was simultaneously complying with all the rules of probation and getting
everything else in their lives done. Randy M. said “Doing all they want me to do and live” was the biggest challenge in completing his probation, while George J. stated the “Challenge is I’ve got to go up there to report and I don’t have a babysitter. They don’t really understand what’s going on in your life. Probation officer understands but says he’s bound by the probation order.” Chris V. sums it up best when he proposed that “Dealing with all my life responsibilities while doin’ my probation” was the biggest challenge in completing her probation.

Along those same lines, lack of time was considered one of the biggest obstacles to completing probation. The completion of community service was a sore spot for two probationers, as they did not have enough time to complete the hours and carry on the rest of their lives. Judy L. addressed the issue of time and community service saying “...I have 400 hours of community service to have completed in a two year period of probation, meaning I have to do six hours a week but I work 40 to 50 hours a week,” while Chris V. stated “The community service is hard to do when you’ve got to work and take care of your child. How can I pay my dues when I have to go to the drug court program and can’t work? That just doesn’t work for me.”

Money was also listed as a big obstacle in completing probation. Jon K. stated, “The challenges are making the payments. I gotta pay $70.00 per month and I’m on disability. I’ll end up paying them $7,000.00 for a dime bag of weed. That’s tough on a 63-year-old man with a limited income,” while Veronica M. said, “The main things are staying drug-free, reporting, and payin’! I got 10 years probation and $10,000 dollars to pay.”
Are there times when you feel the probation department doesn’t understand your needs? If so, can you give me examples?

Six of the seven probationers felt the probation department did not understand their individual needs. Related to the question just addressed above, these six probationers proposed that the probation department simply did not take into account other important responsibilities in life such as jobs, families, and sobriety. Veronica M. states “...they [probation department] got all these things for you to do; meanwhile, you got the rest of your life to do. The only thing they say is get your fees paid, do your community service and things like that. If you can do that then its’ all good,” while Judy L said, “I have other obligations to ensure that I complete probation like my sobriety and AA. I sponsor people; I go to meetings, and I’m very involved in that group... and if I cut ties with that in order to – I feel like it’s a ‘Catch 22’, you know I am expected to stay sober but the only way for me to ensure sobriety is to keep my activities with AA going but...there’s not enough time.” Randy M. said, “It’s impossible to work...you can’t ask somebody, ‘Can you hire me?’ then let them know that you will be leaving every day; every day, you know...” Interestingly, the one client who did feel the probation department understood his needs was Don B. who said, “I think they do understand my needs. My probation officer has been beautiful for me. She helped me when I was in the hospital. She worked with me. Just do what they want you to do, pay your fees, and stay out of trouble.”

Do you feel the probation order addresses your personal needs?

Six of the seven clients interviewed stated the probation order did not take into account their individual needs. George J. said “...like I said before, probation just don’t understand me...” while Don B. stated “No, not really. I mean, I wouldn’t say it
[probation order] was designed specifically with me in mind but it worked out because I just did whatever I needed to do to get it done. Like I said, earlier, lots of hoops to jump through.”

These clients also characterized the probation order not only as an instrument that does not take into account their individual lives, but a document essentially containing identical, blank conditions. Chris V. said, “The order stipulates all these things to do and they don’t really take into account me and my life. It just doesn’t work for me in my life,” while John K. stated “They’re [probation orders] all the same,” and George J. said “Nothin’ personal on it [probation order].”

Another interesting point emerging from this question was a lack of understanding about the contents of the probation order coupled with a general fear of asking questions about the order during sentencing. Probation clients interviewed stated they did not fully understand the ramifications of the probation order at time of sentencing. For example, Chris V. stated, “The day I went to court, the judge read all these things to me that I’d have to do. I said to myself, ‘How am I goin’ to do all this?’ I wanted to say something to him but you know, I was scared.” Similarly, Judy L states, I don’t feel that the probation order was explained. For me what it was: I walked before the judge and they said, okay, two years probation. They didn’t tell me how many community service hours I was going to get. They didn’t tell me that I was going to be in the drug intervention program and they didn’t tell me what my fees were. They just said, yes or no, they just said that I had a fine of $500. Well, when they add the probation fees and the drug intervention program, and the community service fees and the restitution fees that they don’t tell you about in court, by the time the two years is up I think I pay like $2500. And it goes so quick. I know you should read everything before signing it but I didn’t so when I was on the way to probation I’m reading through this order and I see that I have 400 hours of community service, and I have this and I have that and in order to get any of it changed or lowered I have to come up with more money to pay an attorney to do this when I just shelled out $2,000 for him to do the case originally.
In what ways has your race affected your experience on probation?

According to client interviews, race has little effect on probationers' experience on probation. Six of the seven clients interviewed stated their race had no effect on their experience on probation. The only client who made any comment on race and his probation was Don B, a White male. Don B said, "I’m one of the only whites around. My probation officer is Black, the receptionist is Black. I think the fact that I’m White has made it easier on me. I’m not sure they know what to do with me." Don B declined following up on this comment when prompted.

In what ways has your gender affected your experience on probation?

According to client interviews, gender has little effect on probationers experience on probation. Six of the seven clients interviewed stated their gender had no effect on the experience on probation. The only client who commented on her experience as a woman on probation was Judy L, a White female who said,

With the drug tests, the drug lady, the person that does the drug screens, there’s one lady that does [tests] the whole probation. If she’s not there then I either have to wait for an hour for them to find a woman to do it or for her to come back. But for men, a woman [probation officer] can give them [a male] a drug test, can watch them pee in a cup but for woman [probationer] a man [probation officer] cannot. I mean I would rather only a woman watch me, but they don’t have enough women for back ups when she’s gone.

What things within probation do you see as helpful and hurtful?

Helpful – All seven clients reported that probation has been helpful. Some of the clients proposed that conditions such as drug testing, reporting to the probation department, support meetings, and curfew were helpful. Randy M. stated that “...being in at eight o’clock, going to court once a month to go over all this stuff” was helpful in keeping him out of trouble, while George J. and Chris V. claimed that “day reporting”
and “curfew” were helpful. All seven clients stated the threat of incarceration was helpful to them. Jon K. stated “It [probation] stopped me from using drugs because I’m not gonna do any time (in prison),” Judy L. said “...it’s [probation] keeping me out of prison...” and Don B. said that probation “Keeps me from getting arrested and going to jail or prison.”

**Hurtful** – Overall the clients spent more time addressing hurtful rather than helpful parts of probation. Three important themes emerged and are addressed here. First, four of the clients stated that probation needed to be individualized to understand the needs of its clients. The following discourse between Judy L. and I provided an example of how the current system does not understand its client’s needs:

Judy L.: Well, you have to have a full time job but yet you have to do 400 hours of community service. I work in a profession where I can’t take a two-hour lunch...I work at a practitioner’s office. Lunch is from 12 to 1, no exceptions. That’s just the way he does it. At community service we can only do drug tests from 8:45 in the morning until 11:40 in the morning and then from 2:00 o’clock in the afternoon until 5:30 in the afternoon. I work from 8:00am to 6:00pm everyday.

Interviewer: So, is it safe to say that what you’re trying to say is that you wish the probation department would try to understand your individual needs more?

Judy L.: Yes...I’m lucky enough with my boss cause I’ve been where I’m at for two years when I got put on probation. I guess he values me as an employee, but there are people on probation that have needed a job and then when they get the job they lose their job because they have to take off three days a week to go do drug tests. What about the men in construction that don’t get lunch breaks? That was the thing with my husband, he was on probation and he couldn’t take off to do the drug tests so that was a stipulation of his motion to revoke [probation].

Similarly, George J. felt the probation system did not understand his personal needs and gave me suggestions for improving the system saying probation “Needs to set goals for us-needs to be more personalized or individualized. I’ve got to go to school at five but
they want me up there [at the probation department] at five; so what do I do? That just
doesn’t work for me.” Along those lines, Chris V. said, “Probation is stressful because I
can’t work a good job right now because my schedule in the drug intervention program,
you know? I can’t always be leaving to go to these meetings everyday. So how can I get
on with my life, you know, support my family, work?”

A second theme emerging from this question was that the probation system did
not respect probationers. Important here is the issue of time as two clients stated they had
changed their lives over time and were not the same as prior to being placed on
probation. Randy M. stated,

Now...not giving us the benefit of the doubt; they always treat us like criminals.
They [probation department] never believe that there are always two sides to a
story. We’re always wrong since we’ve been criminals for so long. We never
get the benefit of the doubt and that’s real discouraging. I went to court last
Tuesday and the judge had done a curfew check. I honestly was home and I could
prove it too. I was in an AA meeting and I made it back. Anyway, I had the AA
meeting slip signed and everything. She said, you probably got that forged and I
said I didn’t. I was really scared. I know that she tells these people that all the
time. It’s discouraging and it’s hurtful to me. They don’t believe anything I say.

Similarly, Veronica M. stated, “When a person proves themselves, then give them a
break. Report once per month, cut down on community service, lower fees.”

Last, the issue of money emerged as problematic for several clients. The issue of
money is closely connected to the probation department’s lack of understanding about the
clients they deal with. Jon K said, “I just don’t think they understand my situation very
well. Like I said, before, the amount of money I got to pay is tough for me and my
situation. It’s too much money for me - $7,000 for a dime bag of weed. I’m on disability
and I got a long time on probation and a lot of money to pay back for such a small type of
offense.” Similarly, Donna B Stated,
I'm married and have bills to pay. They want their money and more. They want me to be a productive member of society by working and staying out of trouble but then they also want me to take the extra time out of my day to do a whole bunch of community service. When I say, 'Hey, I'm working 7 days per week, 10 hours per day trying to pay my bills (including their money)' they say 'Try harder.' It just don't work.

Analysis of Probation Clients

Three themes emerged from the interviews above and are discussed below. First, all 7 of the probationers stated that probation was helpful in two specific ways. All of the probationers stated that the possibility of jail or prison deterred them from committing further crime. Jon K. stated “It [probation system] stopped me from using drugs because I’m not gonna do any time [jail or prison]” and Don B said probation “Keeps me from getting arrested and going to jail or prison.” In this way, probation provides a method of deterrence, as these individuals were grateful for the freedom from incarceration probation provided them.

More specifically, probationers listed reporting, curfews, and drug testing as helpful conditions in probation. Three of the probationers listed reporting to their probation officers as helpful in keeping them out of trouble. Two of the probationers listed their curfew as helpful in keeping them out of trouble while on probation, while two probationers listed drug testing as helpful.

While there is little doubt that reporting, curfew, and drug testing are conditions that are helpful to probationers, I believe these are only half of the probation system’s responsibility to its clients. Don’t misunderstand; structure and discipline are invaluable qualities to a person addicted to drugs. Those alone, however, do not suffice, as the probation system must also provide individualized services that function to further strengthen probationers’ lives. Reporting, curfew, and drug testing are blanket policies.
easily implemented by a probation department. Guidelines can be created and stipulated that structure curfew times and the frequency of drug testing and reporting; however, the real work of probation lies in adding more substance to probationers’ lives such as requiring specific parenting counseling services for the mom who can’t control her anger at home. If blanket policies such as reporting, drug testing, and curfew create a foundation for probationers to stand upon, individualized services extend that foundation up, creating the structure for clients to build the home that will not be soon torn down.

A second theme emerging from these interviews was clients’ perceptions of probation officers. In all, I believe probationers’ perceptions of their officers were quite accurate. On the one hand, probationers characterized officers as individuals wanting to see probationers succeed on probation. On the other hand, probationers perceived the same as individuals restrained by the overarching authority of the State and its powers. Judy L. said it eloquently: “They [probation officers] have to go by the book which doesn’t work some times for my life.” This theme was powerful, especially coming from probationers themselves (about their officers), as it beautifully demonstrated the contradictions probation officers dealt with as a result of the dual roles. Moreover, this theme emerged in both probation officer and client interviews.

Third, individuals characterized probation as a system that does not take into account their individual lives. As stated earlier, probationers did characterize probation as successful in that it kept them out of jail and prison and even identified some specific conditions they found helpful. That said, probationers also stated that the same system did not understand their true needs, which they felt was detrimental to their overall success. Consider the following examples: First, there is Don B. who said, “They
[probation department] want their money and more. They want me to be a productive member of society by working and staying out of trouble but then they also want me to take the extra time out of my day to do a whole bunch of community service. When I say, ‘Hey, I’m working 7 days per week, 10 hours per day trying to pay my bills (including their money)’ they say ‘Try harder.’ It just don’t work.” Don B. finds himself in a quandary as the probation system orders him to simultaneously comply with a plethora of probation conditions (many which require substantial amounts of time during the week) and be a productive member of society (work, take care of his family, etc.). In the end, Don B says, “It just don’t work.”

Along those lines, another probationer, Chris V. said, “The community service is hard to do when you’ve got to work and take care of your child. How can I pay my dues when I have to go to the drug court intervention program and can’t work? That just doesn’t work for me. It’s not a one size fits all, you know?” Next, there’s Veronica M. who stated “I’m going to the drug intervention program, doing community service, working, and reporting. I’ve got to pay my fees, attend 6 meetings per week. That’s a lot to do and I just can’t get it all done all the time. It seems like they double jeopardized me, you know? They got it comin’ from all sides-I can’t do it all!” Veronica M.’s words are also powerful, as she feels she cannot be successful no matter how hard she may try.

Judy L. summed it up best for Veronica M. and others when she stated “...I feel like it’s a ‘Catch 22’, you know, I am expected to stay sober but the only way for me to ensure sobriety is to keep my activities with AA going but I have to do community service…” A “Catch 22” is a contradiction-either way one turns proves a contradiction in the other direction. Sure, Judy L. can obey the court and do her community service, but
at what price? Spending her evenings and weekends doing community service results in missed AA/NA meeting attendance that will ultimately be detrimental to her sobriety (which will then cause her to use thereby creating additional probation violations).

I have recounted some contradictions individuals experience while on adult probation that results in probationer frustration, despair, and in many ways, hopelessness. Recall clients stated in their interviews that the current system simply did not work in their individual lives. Next, I weave the themes from officer and client interviews together, highlighting the similarities and contradictions occurring between the theory and practice of probation.

Summary of Combined Themes

This chapter explored the perceptions of probation clients and officers to unearth contradictions occurring between the theory and practice of probation. A total of eighteen interviews (11 officers, 7 clients) were conducted. Above, I identified emerging themes from these interviews and provided summaries for each group. What follows is a summary of the combined themes as they relate to the research questions discussed in Chapter III.

The issue of community safety is entrenched in the adult probation system. Both probation clients and officers have been inundated by this concept to the extent that they had a difficult time seeing other benefits of probation. Recall probation clients were all grateful for the second chance given them by their being placed on probation (and not incarcerated). Don’t misunderstand, any system that results in one not being placed into jail or prison has obvious merits; however, I propose these probationers’s view was lopsided, as they did not expect to receive any supports or treatment while on probation. I
do not believe this happened by chance or the clients simply forgot to mention rehabilitation as an expected service, however, as community safety has been overly emphasized within the greater community.

Time spent with their probation officer conveyed a lack of emphasis on individual treatment. Six of the seven probationers characterized their visit with the probation officer as short (one client said “10-15 minutes) and superficial. Probationers stated the conversation always revolved around their compliance with payments, new criminal activity, and occasionally a drug test. Again, such visits fit nicely in the mold of community safety, as officers would only be required to ask, “Are you paying, have you been arrested, etc.” There is nothing here of any substance, just cover all the “important” aspects.

Probationers did not feel the probation system understood their individual needs. Clients stated, “Don’t feel like they know me very well” and “This just doesn’t work with me in my life.” Probation was, for many, a system of unrealistic expectations that made their lives worse, not better. Here again, under such an ideology, the system is not interested in the individual lives of its clients, but is only concerned with the perceived notion of community safety.

Probation officers were not immune to community safety ideology, as eight of the eleven officers stated community safety was the most important aspect of their jobs. Moreover, two of the remaining officers stated punishment was the most important aspect of their jobs as probation officers. Only one probation officer interviewed felt that providing rehabilitative services was the most important aspect of her job. Again, as with probation clients, the idea of community safety pervades all actors within the probation
system, leaving little room for other concepts that might, if implemented properly, assist clients. This point is monumental to this work, as this ideology permeates all thought within the system both for probation officers and clients. Prosecuting attorneys run and win election campaigns on it, judges are re-elected using it, and the probation department is not immune.

Second, probation officers are crippled by the dual roles of their job. Both probation officer and client interviews demonstrated the conflicting roles of working for the court and being a client advocate. Recall probationers stated they believed probation officers were humane individuals, but were stifled by their responsibility to the court. Moreover, nine of the eleven probation officers stated not only did these roles conflict with one another, but also there were times when these conflicts could not be solved and resulted in client incarceration. In addition, probation officers dealt with resource and philosophical conflicts in their jobs. I believe this finding is substantial not only because officers verbalized this contradiction, but also because probation clients confirmed it. Recall in theory, probation work should focus on helping clients improve their lives; it should not be limited to simple recordkeeping with a law enforcement orientation.

Third, both probation officers and clients characterized the probation order as a document that is not individualized. Both probation officers and clients felt this document contained unrealistic expectations that did not take into account their everyday lives. Several probationers stated the probation order simply did not work to help them in their individual lives. While probation officers viewed this document as helpful in performing their jobs, one stated the probation order was “cookie cutter,” two stated
some conditions were unrealistic for their clients, and another stated it tended to set clients up to fail on probation.

Important here is the lack of understanding that goes into the production of the probation order. For the most part, these orders are filled with blanket policies that fail to address the individual needs of probationers. Such a situation results in probationer frustration and incarceration in many instances. Moreover, such a document handcuffs officers, as they are bound to do their jobs “by the book.” The uses of special amendments, which hold a promise of individualizing the order, were used rarely.

Chapter V was a review of the eighteen probation officer and client interviews as they pertained to my research questions in Chapter III. Chapter IV was a critique of the probation order, as it pertained to my research questions. Chapter VI includes a synthesis of chapters IV and V, as they pertain to my research questions, links to theory and literature discussed in chapters I and II, as well as sections on limitations and policy implications.
CHAPTER VI
SUMMARY, LIMITATIONS, AND POLICY IMPLICATIONS

Introduction

This work has focused on differences between the theory and practice of adult probation. I began by introducing the reader to specific problems that produced a criminal justice system that functioned as a “revolving door” (individuals continually come in and out and back into the system). Within the greater criminal justice system, adult probation has not been immune to these problems, as probation rolls nationwide have increased since the 1980’s. Even more telling are the increases occurring at a time when the nation has experienced falling crime rates. Such a problem begs the question, “What are we doing wrong?”

Originally, I hypothesized that a lack of individual treatment was a major problem facing adult probation system. In theory, adult probation was individualized, taking into account the differences found among individuals within U.S. society; however, I characterized the reality or practice of the current probation system as different in that it did not take into account the everyday lives of probationers. I addressed this by documenting clients’ experiences via face-to-face and phone interviews.

Probation officers were also vital to my work, as they play an intricate part in the adult probation system. Specifically, I identified contradictions occurring between what probation officers perceived as probation work and the reality of their everyday jobs. I accomplished this via face-to-face probation officer interviews.

Probation orders were examined to determine the extent to which they take into account probationer’s everyday lives. In theory, the probation order should be an
individualized document that steers each probation case. In reality or practice, I hypothesized this document was not individualized, but merely a set of blanket conditions based upon one, specific, ideal type person. To accomplish this task, I inventoried 400 probation orders.

The methods implemented in this work consisted of interviews and archival research. Eleven probation officers and seven probationers were interviewed to document their perceptions of the probation system. In addition, four hundred felony probation orders were analyzed to determine the extent to which probation orders were individualized. Two research questions were developed for this work. The first question was “In what ways is the theory of probation different from its practice?” More specifically, I was asking:

- In theory, probation officers have dual roles (state officer and client advocate), however, in practice, are probation officers effective in working in both roles?
- In theory, probation is designed to help improve individuals lives, however, in practice, are clients lives really being improved?
- In theory, probation should be designed retrospectively, however, in practice, is it really individualized?

The second research question was “How do race and gender affect probation officers and probation clients?” More specifically, I was asking:

- What relationship is there between race and gender and probation officer job satisfaction?
- What relationship is there between race and gender and client success on and satisfaction with adult probation?
- What relationship is there between race and gender and the conditions of probation?

What follows is a discussion of findings and implications as they relate to these questions.
Summary

In theory, probation officers have dual roles (state officer and client advocate), however, in practice, are probation officers effective in working in both roles?

In theory, the probation officers work for the court and client. Part of the officer’s role is to be the keeper of records for the court, as they monitor client compliance with conditions placed on the probation order. At the same time, probation officers are also charged with assisting probationers on probation. While the extent of this role is arguable to many, I believe, at a minimum, this role should result in probationers leaving the system better off than when they entered the system (such an improvement holds the promise that they would not return to the system).

I believe the practice of probation is quite different from its design. First, the existence of these dual probation officer roles produced ineffective supervision and probation officer discontent. Officers experienced frustration, anger, and disappointment with their inability to offer meaningful assistance to their clients. Their inability to offer meaningful assistance was almost always based on their coerced or misguided allegiance to the court.

The design of the probation officer position requires strict allegiance to state laws, including probation law. Throughout these interviews, probation officers acknowledged their allegiance to the court (through the probation order). Although they often disagreed with rules and conditions ordered by the court, only one officer claimed he sometimes disregarded the court order and did what was best for his client. As a result, probation officers were not able to supervise probationers in the manner they felt best for their clients. Such supervision is ineffective at best. Thus, officers experienced
disappointment when their clients failed on probation (and were imprisoned), as they felt the failure was somewhat avoidable.

Probation clients also understood and acknowledged the conflicting nature of the probation officer position. Probation clients characterized probation officers as decent individuals who were merely doing their jobs. While probationers understood their officers were genuinely attempting to assist them while on probation, they were also aware of the fact they did their job “by the book.”

\textbf{In theory, probation is designed to help improve individuals lives, however, in practice, are clients lives really being improved?}

The practice of probation is not conducive to improving probationer’s lives. Both probation officers and clients noted that unrealistic expectations worsened client’s lives. Several probationers stated probation did not understand their personal needs, citing time and money as two constraints that inhibited them from doing well on probation. Unrealistic numbers of community service hours, high monthly payments, and unrealistic meeting schedules were given as examples of expectations that were unreasonable given their individual situations.

Similarly, probation officers felt many of the probation conditions were unrealistic, considering their client’s lives. One probation officer stated these unrealistic expectations “set clients up to fail” on probation as they simply did not work in their everyday lives. Probation officers also stated the conditions on the probation order were not individualized, but functioned as blanket conditions for all.

Last, the quantitative analysis of the probation order indicated that the probation order was not individualized. Recall Treatment conditions, which held the most promise of addressing key issues in probationer’s lives, not only accounted for a small percentage
of the total probation condition types, but also were scantly found on probation orders viewed. Therefore, it is evident that the very condition types holding any promise to improve client’s lives are some of the least found conditions on the probation order.

Moreover, the Treatment conditions actually found most often in probation orders were educational rather than behavioral. Recall the top six Treatment conditions found in probation orders were Educational conditions, which by their very nature do little to help improve client’s lives. Behavioral conditions, which actually hold some promise of helping clients change bad behaviors, were almost non-existent when compared to Educational.

In theory, probation should be designed retrospectively, however, in practice, is it really individualized?

A prospective system is designed for one specific group and does not take into account the experiences of multiple groups. A prospective system assumes it knows what is best for all members of society and thus tailors policy accordingly. In contrast, retrospective systems are client centered and driven. A retrospective system is more concerned with the individual needs of its clients and values the discovering of the individual needs, and makes room for individualized, effective, and efficient treatment.

I propose the current adult probation system is prospective and not individualized. Both probation officers and clients stated the system did not take into account the individual lives of probationers. Clients and officers both gave examples of probation conditions ordered that were next to impossible to comply with. Probationers spoke of the hardship of meeting schedules and performing community service while working full-time (which was also mandated). A lack of money was also problematic for probationers, as many were ordered to pay high monthly payments to the court (recall the average

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monthly payment for probationers was $116.00). Several probationers stated these high amounts were extremely hard to pay at their current wage. Again, probation officers also stated many of the conditions of probation were problematic for their clients and tended to “set them up for failure.”

The current probation system is not designed to accommodate different life stories. It is not designed for persons from all socio-economic backgrounds or individuals who may have alternative lifestyles such as one-parent households. After conducting this research, it seems the system is mostly designed for individuals who earn a good wage with extremely flexible work hours (third shift), which enables them to either pay for or arrange childcare. After all, an individual who earns a good wage can afford to pay $116 per month after all her/his other bills, as well as afford childcare. Unfortunately, the actual people found on probation do not have these characteristics, as CJAD reported 25% of all Texas probationers are unemployed and 50% do not have a High School Diploma or GED.

**What relationship is there between race and gender and probation officer job satisfaction?**

Results from this research were inconclusive as to any relationships between race and gender and probation officer satisfaction. All eleven of the probation officers interviewed seemed satisfied in their positions even though many experienced frustration, disappointment, and anger toward parts of the system.

**What relationship is there between race and gender and client success on and satisfaction with adult probation?**

Results from this research were inconclusive as to any relationship between client race/gender and successful outcomes. Put another way, the current research was
inconclusive as to whether or not males fare better than females or Whites than Blacks. That said, I believe clients who do not have good wage-earning jobs and flexible hours will struggle on probation, as the system seems designed only for such a group.

What relationship is there between race and gender and the conditions of probation?

Only a small number of probation conditions varied significantly by race or gender. As stated in Chapter IV, this was indicative of the fact that the probation conditions that made up these probation orders were not individualized by race or gender. There were seven significant results from Chi-square. However, the strength of these relationships was weak, as reported through Cramer’s V (none of these 7 relationships were strong, with values ranging from .099 to .126). Although seven probation conditions were found statistically significant for gender, the strength of these relationships was weak, as none of these 7 relationships were strong, with values ranging from .101 to .168.

The lack of individualized probation orders should not be viewed lightly, as this document serves as a guidepost for the client and probation officer. Both clients and officers identified problems with this document that point to a lack of individualization. Probation clients stated the order did not reflect their individual lives and, in many instances, exacerbated their situations. Probation officers agreed with clients that the probation order was not individualized and tended to “set clients up to fail.” Additionally, officers stated the probation order hindered their job, as it handcuffed their ability to offer what they believed to be the best options for their clients.

The findings discussed earlier are linked to the theory steering this work. My finding that the theory and practice of adult probation are dissimilar coincides with
Walker and Beaumont’s findings in 1981. Walker and Beaumont (1981) found that although probation was designed to be a finely-tuned department of social workers equipped with the best and latest tools to be used in offering effective and efficient treatment to probation clients, this was not the case. As they stated, probation supervision

...comprises a series of rushed and superficial routine meetings. Work with probationers competes with other demands on probation officers’ time and attention, and urgent tasks such as report writing sometimes take priority...The job frequently dissolves into a hopscotch of tasks which are never mentioned in the official account or in training courses (Walker & Beaumont, 1981, p. 29).

My findings confirm this, as both probation officers and clients stated supervision was limited at best. Probation officers spoke of the hardship of offering quality supervision due to time constraints caused by high caseloads. Meanwhile, probation clients characterized the time spent with probation officers as brief and superficial.

Walker and Beaumont (1981) also stated that the enforcement of probation conditions became hard to enforce, as their implementation often served only to exacerbate a client’s situation. Here again, both officers and clients reiterated this situation, as compliance with many probation conditions was simply unrealistic when considering the probationers’ individual lives. Moreover, one probation officer, Paula S. spoke of the pressure she felt from mandating compliance with court payments:

...we feel the pressure as probation officers of having to collect those fees. But you [probation officer] have someone who is placed on probation who is disabled when they come in the door; [They are] disabled, no job, not able to work and not receiving disability, but it’s obvious they have a disability but the protocol with Social Security Administration and so on they can’t get it [disability] right away. So, by the time they’re able to start paying anything, they are a thousand dollars behind so it’s almost like they’re being set up to fail...there’s nothing you can do about it.
The pressure exacted on probation officers as a result of their dual roles was another finding that coincides here with Walker and Beaumont’s (1981) work. Walker and Beaumont (1981) questioned whether probation officers can offer treatment services to probation clients while at the same time working for the state. The authors believed an officer’s dual roles (counselor and agent of the state) greatly conflict with each other, as a probation officer could not simultaneously be a counselor to and probation officer of her/his client. These two roles easily clashed with one another, as the client-counselor relationship was burdened by the probation officer’s relationship to the state. Thus, Walker and Beaumont (1981) stated “There cannot be an atmosphere of complete permissiveness when the relationship is authoritarian” (Walker & Beaumont, 1981, p. 33). The probation officer must choose which role he or she will play: counselor to the client or officer of the court.

Here again, the findings for this current research confirm Walker and Beaumont’s (1981) work, as both probation officers and clients understood the conflicting dual roles of probation work. Probation clients understood this situation, as they stated that probation officers were basically good people that were simply doing their job. In other words, clients understand the contradictory nature of probation work, as probation officers were sometimes forced (in order to keep their jobs) to actively participate or watch helplessly while clients fail needlessly. Probation officers echoed this sentiment, as they sometimes experienced anger, frustration, and disappointment at seeing clients needlessly fail on probation.

Part of this work focused on the extent to which the probation order was individualized. Earlier I proposed that the probation order was, in practice, not
individualized, referring to Chambliss and Seidman's (1971) work focusing on the “Law on the Books” versus “Law in Action” and Walker and Beaumont’s (1981) investigation of the probation order as possible explanations. The findings in this work confirm this notion, as the probation order is, in practice, very different from its design. As demonstrated in Chapter IV, Chi-square results suggest the probation order is a document containing little variation. Moreover, behavioral Treatment conditions, the conditions that hold the most promise of assisting clients in improving their lives while on probation, are the least frequently found Treatment conditions found on the probation orders viewed. Moreover, both officers and clients verified this finding. One probation officer, Wayne O. characterized probation orders as “cookie cutter” or not individualized, as they “…tend to be the same, everything is the same.” Additionally, six of the seven clients interviewed stated the probation order did not take into account their individual needs. George J. said “…like I said before, probation just don’t understand me…” while Don B. stated “No, not really. I mean, I wouldn’t say it [probation order] was designed specifically with me in mind…”

What is less clear from the findings of this research are the effect that the contradictions between the theory and practice of probation have on individuals of different race, gender, and class. Past literature (Caulfield and Wonders, 1993, Chambliss and Seidman 1971, Mauer, 1999, Tifft, 1979, and Reiman 2003) proposes that the current criminal justice system is designed to benefit White, middle-class males to the detriment of women, minorities, and the less affluent. This finding was neither confirmed nor refuted in this current work, as clients and officers said little to indicate their gender or race affected their experience on probation. Additionally, statistical tests...
(Chi-square and Cramer’s V) did not demonstrate strong relationships for race and
gender. Such a situation does present an opportunity for future research, however.

Limitations

I am aware of the limitations contained in this research. What follows is a
discussion of the limitations of both interviews and archival research.

Interviews

The success of interview research lies in the interaction between the interviewer
and interviewee. Successful interviews result from the creation of a bond between the
interviewer and interviewee. This bond may be weakened, if not detached altogether, as
the result of comfort levels or lack of understanding. I will address these potential
limitations as well as the steps taken to avoid these situations.

The small number of client interviews conducted for this work may be viewed as
a limitation. However, an understanding of the hidden populations literature coupled
with the dismal response rate (.01) confirmed my belief that additional recruitment efforts
would have most likely been unfruitful. Moreover, I believe the interviews actually
conducted provided both rich and varied responses.

Interviewee discomfort often leads to short, inconsistent, if not guarded answers
to interview questions. As a result, the protocol for my research called for interview
location decisions to be made solely by the interviewee. Additionally, time was taken at
the beginning of each interview to inform each interviewee about my research. In this
way, I believe interviewees were made a comfortable as possible.

Data collected through interviews can also be hampered as a result of an
interviewee’s lack of understanding of the interview process. The lack of careful
preparation of interview questions and protocol can result in a process that seems foreign
to the interviewee, which can result in misguided answers to research questions.
Knowing this, I took time prior to each interview to answer any questions interviewees
had about my work. Additionally, I spoke slowly and clearly articulated all research
questions and repeated questions when asked or when it was apparent the interviewee did
not understand. In this way, I believe the interviewees gained a better understanding of
my work, which could only improve my responses.

Last, confidentiality was of utmost importance, as the topic of my research
involved sensitive subjects about the private lives of individuals. As a result, all Human
Subject Institutional Review Board (HSIRB) protocols were strictly followed. Moreover,
original names were changed in the writing of this work. In this way, I believe a high
level of confidentiality has been preserved

Archival Research

One concern in conducting archival research is ensuring the data gathered remains
in its original context to preserve its authentic meaning. The authenticity of the archived
date for this work has been preserved, as I developed a checklist prior to data collection
specifically for this purpose. The checklist was developed from copies of probation
orders to ensure data collection was reliably conducted.

Generalizability

I believe it would be a mistake to generalize the current situation in this county
probation department to the Texas Probation System or other probation systems in the
United States. That said I believe this work is valid in as much as it accurately represents
the subject matter being researched. I believe the information found in the documents
described (certification-training manual and case files) and interviews (both probation officers and probation clients) accurately represent the subject matter of the research questions. I believe the fact that this research design goes to its source in collecting data proves to be the most important criterion in ensuring research validity.

Moreover, I believe all research can be helpful to other researchers, non-profit organizations, and governmental bodies. That this research is not generalizable does not mean other individuals or organizations cannot glean helpful insight from it. On the contrary, this work will hopefully function as a place to begin asking questions about probation departments, especially ones with similar characteristics. As a result, I now turn to a discussion of the research implications stemming from this work.

Policy Implications

The mission of “Helping improve offenders lives” is not being seriously attempted, as an over-emphasis on community safety seems entrenched in the probation system. As with the rest of the criminal justice system, an overabundance of “Get tough on crime” policies that claim to preserve safer communities seem embedded in the probation system. Probation is not immune to this ideology; rather it seems to be drowning in the legal rhetoric surrounding such misguided thinking.

I began this work by describing the current situation in our justice system and asking “Why are we experiencing increases in prison, jail, probation, and parole populations at the same time we are experiencing reductions in crime?” I propose this over-emphasis on community safety and not to individualized treatment services for clients is partially to blame for the current problems in probation. Legislators and policymakers should not be surprised that probation caseloads continue to rise with jail
and prison populations when serious individualized treatment services are not being implemented. As a result, the probation system must take more seriously the job of assessing clients' needs (not risks) in the community in order to adequately assist clients' true needs. For the probation department here, this translates into 2 main parts:

Pre-sentence Investigation Report. The pre-sentence investigation report (PSIR) is a report conducted by the probation department prior to an individual being placed on probation. In theory, this report focuses on all facets of a probationer's life (criminal history, family situation, job status, educational status, etc) and is prepared for the judge at sentencing. Although this report is designed to address all facets of an individual's life, I question the extent to which this report actually gives equal attention to factors such as family, job, and education status. Although the PSIR was not investigated in this work, I recommend policymakers review this report to ensure that it functions not only as a report on factors such as criminal history, but also family, education, and employment factors.

Probation Officer Role. Probation officers work under the strain of having to negotiate their roles as employees of the court with that of client advocate. I believe the main function of the probation officer role should focus on assisting probationers, instead of community safety. This means the probation department spends more time with clients, focusing on their needs, as well as directly assisting them in improving their lives so they do not return to the system. The fact that most of the officers interviewed here seemed genuinely concerned about their clients leads me to believe they would be receptive to such a focus if given additional time and resources.
Additional time translates into additional resources. As a result, I propose additional funds be provided to probation departments for the specific purpose of assisting clients. Both officers and clients characterize officer-client meetings as short and superficial. Moreover, RPC (2000) stated that a lack of funding places a strain on probation officers’ time with their clients. Thus, the cost effectiveness of probation is related with a lack of supervision and meaningful dialogue. Additional funds enable departments to hire additional probation officers, lowering caseload size, which results in increased one-on-one time between officer and client. Monies should also be made available for educational, job-placement, and substance abuse programs within each department so probationers receive direct services. Having these services inside each probation department facilitates more efficient treatment and reduces the chance clients will fall through the cracks. While there is no doubt that such an increase in probation funding will be felt in the short-term, I believe policymakers must focus on the increased probability of more positive long-term benefits, so clients’ individual needs can be met.

While I am aware that my recommendations translate into more “things” for clients to do while on probation, I believe the “things” we coerce probationers to do while on probation are varied and need prioritizing. For instance, who benefits most from community service, the client? Might the time being spent performing community service be better used attending parenting, life skills, or job placement classes? I believe a reprioritization of probation conditions can only benefit probationers, as they spend their time on “things” that hold the most promise of improving their lives in the long-term.

The above recommendations will be successful only to the extent that probationers take responsibility for their own lives and the probation system refocuses the
bulk of its emphasis on assisting clients, instead of community safety. A key part of probationer success lies in clients accepting responsibility for their own lives. Some clients will fail, as they refuse to accept responsibility for their lives. Such a situation is both regrettable and unavoidable. I believe probation can minimize this situation, however, by striving to refocus its current system on the clients' genuine needs. I believe the problem-solving courts movement provides a blueprint for the probation system to use in reaching its mission of assisting clients in improving their lives.

Problem-solving courts combine treatment in the community and strict case management with direct judicial involvement, and graduated incentives and sanctions. The use of incentives is important, as they encourage and reward participation; whereas, traditional programs use the threat of sanctions only to produce compliance.

Problem-solving courts are successful due to their focus on individual treatment, supervision, and team concept (members from probation, prosecutor's office, defense attorney, treatment providers, law enforcement representative make up the team). Such a concept excels when compared to traditional programs, as clients feel more supported by this newer system. Many problem-solving courts expunge criminal charges upon successful program completion, which is a valuable incentive, as clients understand the stigma of a felony conviction.

Problem-solving courts are growing. Beginning with one court in 1989, problem-solving courts have experienced substantial growth, as they now number approximately 1600. Moreover, problem-solving courts have been institutionalized in many areas such as Hennepin County, Minnesota where their drug court programs serve over 2000 individuals.
Problem-solving courts serve a diverse clientele. Currently, there are eight types of problem-solving courts: adult, juvenile, family, sobriety, reentry, tribal, campus, and community courts. These court programs serve adults, juveniles, families, students, and ex-convicts, for problems with substance abuse, child custody, and neighborhood problems.


Drug courts have achieved considerable local support and have provided intensive, long-term treatment services to offenders with long histories of drug use and criminal justice contacts, previous treatment failures, and high rates of health and social problems.

Belenko went on to address the model's successful outcomes with regard to recidivism and abstinence from substances stating, “More importantly, drug use and criminal behavior are substantially reduced while offenders are participating in drug court” (Belenko, 2001, p. 2). Marlowe, DeMatteo, and Festinger (2003) stated “To put it bluntly, “We know that drug courts outperform virtually all other strategies that have been attempted for drug involved offenders…”

The most important point to be taken from this brief review of problem-solving courts is the benefit of refocusing on clients’ genuine needs. That is, problem-solving courts by themselves are not magical systems from outer space; rather, they are programs that have dared to refocus their attention on the more important aspect in the probation system, the clients.
This work highlights two topics for future research. First, a study of PSIR's should be conducted and specifically highlight race, gender, and class differences. Such an investigation promises to shed light on the extent to which the PSIR is individualized, the extent to which this document is followed by court staff, and outcomes. Second, I believe this current work highlights the contradictory nature of probation work and points to questions regarding the theory and practice of probation officer training. Thus, I believe additional research into the theory and practice of probation work is warranted.
REFERENCES


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<table>
<thead>
<tr>
<th>QUESTION</th>
<th>RELATED TO...</th>
<th>ANTICIPATED MEASURES</th>
<th>POSSIBLE RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Why did you decide to become a probation officer?</td>
<td>Tells me how individuals perceived the job of probation prior to becoming a probation officer.</td>
<td>Financial reasons Job stability Utility of the job</td>
<td>&quot;Probation officers make decent money and good benefits.&quot; &quot;Working in the CJS gives me job stability.&quot; &quot;I want to help people; to make a difference.&quot;</td>
</tr>
<tr>
<td></td>
<td>Points to differences occurring between the theory and practice of probation (1a).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Ideally, what do you see as the purpose of probation?</td>
<td>Tells me how individuals perceived the job of probation.</td>
<td>Community Safety Client rehabilitation Victims Rights Alternative to incarceration</td>
<td>&quot;Community Safety&quot; &quot;Victims rights&quot; Client rehabilitation&quot; &quot;Make sure criminals are monitored.&quot; &quot;Probation helps with the overcrowding problem.&quot;</td>
</tr>
<tr>
<td></td>
<td>Points to differences occurring between the theory and practice of probation (1a).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) What is the most important aspect of your job as an adult probation officer?</td>
<td>This measures officer perceptions of his/her role as PO. Which role does Officer &quot;A&quot; perceive her/himself as most important in their role as a PO (State vs. client advocate).</td>
<td>PO Job Perception-Theory vs. Practice (1a)</td>
<td>&quot;Helping others.&quot; &quot;Contributing to a reduction in crime by keeping the streets safe.&quot; &quot;Collecting money.&quot; &quot;Keeping my probationers out of trouble.&quot; &quot;Covering my own ass.&quot; &quot;Monitoring probationer compliance.&quot;</td>
</tr>
<tr>
<td>4) What is your perception of probation clients?</td>
<td>Tells me how PO's feel about clients. Alludes to how he/she goes about doing their job (1a).</td>
<td>People with problems, people making bad decisions, people similar to me, lazy people</td>
<td>&quot;They're people with problems.&quot; &quot;They are people who make bad decisions.&quot; &quot;Some are good, some are bad.&quot; &quot;They are mostly lazy people.&quot;</td>
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<tr>
<td>QUESTION</td>
<td>THIS QUESTION MEASURES...</td>
<td>RELATED TO...</td>
<td>ANTICIPATED MEASURES</td>
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<tr>
<td>5) Are there times where your role as an employee of the state of Texas conflicts with that of client advocate (and vice versa)? Can you give me an example</td>
<td>This question measures specific contradictions occurring between how officers perceive their jobs.</td>
<td>PO Job perception-theory vs. Practice (1a)</td>
<td>Money, Time, seriousness of offense</td>
</tr>
<tr>
<td>6) How do you solve problems occurring from conflicts arising from these dual roles?</td>
<td>This question measures specific ways PO's deal with role strain occurring in their work as PO's. Answers to this question allude to the way PO's perceive themselves (as officers or client advocates).</td>
<td>PO Job Perception-theory vs. Practice (1a)</td>
<td>priority to offender or the state</td>
</tr>
<tr>
<td>7) Are there times or instances where these problems cannot be solved? If so, can you explain?</td>
<td>This question measures specific instances where differences occurring between the dual roles of PO's prove extremely problematic in doing their jobs.</td>
<td>PO Job Perception-theory vs. Practice (1a)</td>
<td>Monetary conditions for welfare fraud cases, time constraints placed on single mothers, monetary conditions for unemployed cons.</td>
</tr>
<tr>
<td>8) What is the hardest part of your job as an adult probation officer and (6) What makes this part of your job so difficult?</td>
<td>This question measures officer perception. Points to PO perception of her/his job. Highlights not only possible problem areas for PO's, but also officer perceptions as to why these areas are problematic (1a).</td>
<td></td>
<td>Time constraints, lack of adequate services, and lack of adequate sanctions.</td>
</tr>
<tr>
<td>QUESTION</td>
<td>THIS QUESTION MEASURES...</td>
<td>RELATED TO...</td>
<td>ANTICIPATED MEASURES</td>
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<tr>
<td>9) In what way does the probation order help or hinder your job as an adult probation officer? Can you give examples?</td>
<td>This question measures PO perception of the probation order.</td>
<td>(1) Tells me how the probation order aids PO's in doing their job.</td>
<td>Helpful blueprint, constrains PO's ability to offer help, and indifferent.</td>
</tr>
<tr>
<td>10) In what ways, if any, could the probation order be reworked to make it more helpful to you in your work?</td>
<td>This question measures PO's perception of the probation order.</td>
<td>(1) Tells me to what PO thinks of the probation order within their own work. (2) Tells me about how PO perceives their role as PO (state vs. client advocate). (1a, 1b, &amp; 1c)</td>
<td>More confining, more individualized, less conditions allowing for more case supervision.</td>
</tr>
<tr>
<td>11) In what ways is probation tailored to meet the individual needs of offenders?</td>
<td>This question measures the extent to which PO's perceive the probation order as meeting the individual needs of probation clients</td>
<td>Pre Sentence Investigation Report, Risk/Needs Assessment</td>
<td></td>
</tr>
<tr>
<td>12) In what ways has the probation officer training manual helped and/or hindered your work as a probation officer?</td>
<td>This question measures PO perception of the PO Training manual in doing their job.</td>
<td>(1) Tells me how PO's feel about the training manual; is it helpful in doing their job? (2) Identifies differences occurring within the theory and practice of the probation officer job (1a &amp; 1b).</td>
<td>Offers foundation for providing supervision, offers very little help for actual work entailed in supervision.</td>
</tr>
<tr>
<td>QUESTION</td>
<td>THIS QUESTION MEASURES...</td>
<td>RELATED TO...</td>
<td>ANTICIPATED MEASURES</td>
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</tr>
<tr>
<td>13) Is this manual relevant to the everyday problems that you encounter in your work as a probation officer, if so, how?</td>
<td>Q11 measures differences occurring between the theory and practice of the job.</td>
<td>Tells me to what extent PO's perceive the training manual as a help in doing their jobs (1a &amp; 1c).</td>
<td>Relevant to laws and rules for probation</td>
</tr>
<tr>
<td>14) Which sections of this manual were deemed most important in your certification training?</td>
<td>This question measures alludes to the theory of probation training (What things are emphasized as important in probation officer training?).</td>
<td>Tells me what's deemed most important to the state in probation. Is this different from what PO's think? Are their contradictions here in what is deemed important by the state vs PO's (1a, 1b, &amp; 1c).</td>
<td>Legal side is most important.</td>
</tr>
<tr>
<td>15) Which sections of this manual are most important to you in doing your job as a probation officer?</td>
<td>This question measures alludes to the practice of probation for probation officers (What things are most important to PO's in probation officer training?). Are there differences, if so, are they problematic?</td>
<td>Tells me how PO's feel about the training manual. Are there contradictions between what's deemed important by the state and their own personal views as PO's (1a &amp; 1b)?</td>
<td>Legal side is most important.</td>
</tr>
<tr>
<td>16) In what ways has your race and gender affected your work as a probation officer?</td>
<td>This question measures the extent to which one's race and gender affect his/her experience as a PO.</td>
<td>Tells me how different race and gender groups experience their jobs as PO's (2a).</td>
<td>Emphasize with certain clients, no tolerance with certain offenders</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>QUESTION</th>
<th>THIS QUESTION MEASURES...</th>
<th>RELATED TO...</th>
<th>ANTICIPATED MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>17) What do you see as the purpose of probation?</td>
<td>This question measures how clients perceive the theory and practice of probation.</td>
<td>Tells me how clients perceive probation.</td>
<td>Help clients, control clients, keep people out of jail, community safety, &amp; money.</td>
</tr>
<tr>
<td>18) What were your expectations of probation? In what ways has probation met/not met your expectations?</td>
<td>This question measures client perceptions both prior to and presently for probation, as well as differences occurring between the two.</td>
<td>Tells me how clients perceive probation prior to and presently. Also tells me about possible differences between the two. <em>EXAMPLE:</em> Probation was nothing (or everything) I thought it would be.</td>
<td>Viewed prob as helping clients improve their lives, viewed prob as overly concerned with money, viewed prob as controlling behavior, viewed prob as giving them a second chance.</td>
</tr>
<tr>
<td>19) What is your perception of probation officers?</td>
<td>This question highlights differences occurring between theory and practice of probation officer roles.</td>
<td>Tells me if there are differences in how clients perceive probation officers (1a).</td>
<td>working for &quot;the man&quot;, individuals who care for my welfare, people who just don't understand my real needs, people who are only concerned with doing the paperwork.</td>
</tr>
<tr>
<td>QUESTION</td>
<td>THIS QUESTION MEASURES...</td>
<td>RELATED TO...</td>
<td>ANTICIPATED MEASURES</td>
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<tr>
<td>20) What are the challenges in completing your probation, and why?</td>
<td>This question measures how clients perception regarding being on probation. More importantly, It measures the extent to which the design of probation differs from its practice for clients.</td>
<td>Tells me how clients experience their own probation and what is problematic for them. Specifically, is probation in practice different from probation in theory for clients?</td>
<td>Staying out of trouble with the law, time management, money, personality disputes with prob officer, employment, and education.</td>
</tr>
<tr>
<td>21) Are there times when you feel the probation department doesn’t understand your needs? If so, can you give me examples?</td>
<td>This question measures the extent to which clients feel the Prob dept meets their individual needs. (theory vs practice of probation).</td>
<td>Tells me the extent to which probation clients feel that probation meets their actual needs (Is probation really individualized).</td>
<td>Prob dept too concerned with money, too concerned with community safety. Prob dept doesn't spend enough time offering helpful treatments for me (edu, jobs, daycare).</td>
</tr>
<tr>
<td>22) How would you characterize the time spent with your probation officer?</td>
<td>This question measures the client perception regarding the quality of supervision.</td>
<td>Tells me what clients think of the supervision (from their probation officer) they receive while on probation. Is probation individualized and addressing their true needs? (1b, 1c)?</td>
<td>Good quantity and quality time, very minimal (in terms of actual time), very superficial with regard to quality of time.</td>
</tr>
<tr>
<td>23) Do you feel the probation order addresses your personal needs?</td>
<td>This question measures the extent to which clients perceive the probation order as individualized for them.</td>
<td>Tells me whether or not clients feel the probation order is designed with them in mind and whether or not it actually helps improve their situations (or vice versa). (1b, 1c)</td>
<td>Prob order works well for me in my life, Ambivilant toward order, feel that the order was not explained well in court, prob order doesn't take into account my genuine needs,</td>
</tr>
<tr>
<td>QUESTION</td>
<td>THIS QUESTION MEASURES...</td>
<td>RELATED TO...</td>
<td>ANTICIPATED MEASURES</td>
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</tr>
<tr>
<td>24) In what ways has your race affected your experience on probation?</td>
<td>This question measures client's perception of how their race affect their probation experience.</td>
<td>Tells me what one's race plays in probation. Does one's race affect his/her experience of probation? Are minorities experiencing probation differently from Whites (2b, 2c)?</td>
<td>I believe probation is colorblind, I think prob is unduly prejudiced against minority groups, Depends on the race of your PO (My PO was harder on me because of my race).</td>
</tr>
<tr>
<td>25) In what ways has your gender affected your experience on probation?</td>
<td>This question measures client's perception of how their gender affect their probation experience.</td>
<td>Tells me what one's gender plays in probation. Are women experiencing probation differently from men? (2b, 2c)?</td>
<td>Gender makes no difference, Probation is set for men only, Depends on your PO (My PO was harder on me because of my gender)</td>
</tr>
<tr>
<td>26) What things within probation do you see as helpful and hurtful?</td>
<td>This question measures client perceptions of both the good and bad points or probation.</td>
<td>Tells me the extent to which clients view probation as helpful or hurtful (1b &amp; 1c).</td>
<td>HELPFUL: Probation kept me from getting in trouble, helped me get my life back on track. HURTFUL: Probation didn't address my needs; in many cases, probation worsened my situation (financially, required more of my time).</td>
</tr>
<tr>
<td>27) In general, are there noticeable differences in the probation order?</td>
<td>This question measures the extent to which probation orders are different (different conditions for different people). Measures differences occurring between the theory and practice of probation.</td>
<td>Tells me whether or not the probation order is individualized. In theory, probation orders should be individualized (1b, 1c, &amp; 2c).</td>
<td>Probation orders look very similar, even when they should look different. Conditions tend to be the same across the board (for the same offense but different type of person (gender or race diff)).</td>
</tr>
</tbody>
</table>
COURT DOCUMENTS CHECKLIST

CASE NUMBER: _______________  COURT: 252ND  356TH  D.I.C.

OFFENSE 1: ____________________________  ADJ  DEFERRED

OFFENSE 2: ____________________________  ADJ  DEFERRED

OFFENSE 3: ____________________________  ADJ  DEFERRED

ATTORNEY: Retained  Appointed

PROBATION TERM (IN MOS): ___________

RACE: AA  HISP  WHITE  ASIAN  MULTIRACIAL  OTHER

DOB: _______________  INCOME: __________

EDU: 9TH AND BELOW  10-12  HS DIPLOMA  GED  SOME COLLEGE

GENDER: MALE  FEMALE

CASE STATUS: ACTIVE  REVOKED  CLOSED  Active MTRP

Date filed: _______________  Rev Date: _________  Date closed: _______________

FULL

Or

ADM

MONETARY PROBATION CONDITIONS

<table>
<thead>
<tr>
<th>MONETARY CONDITIONS</th>
<th>Yes</th>
<th>No</th>
<th>Amt ordered</th>
<th>Notes</th>
</tr>
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<tr>
<td>Fine</td>
<td>Yes</td>
<td>No</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Court costs</td>
<td>Yes</td>
<td>No</td>
<td>$</td>
<td></td>
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<tr>
<td>Atty Fees</td>
<td>Yes</td>
<td>No</td>
<td>$</td>
<td></td>
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<tr>
<td>Restitution</td>
<td>Yes</td>
<td>No</td>
<td>$</td>
<td></td>
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<tr>
<td>DWI Fee</td>
<td>Yes</td>
<td>No</td>
<td>$</td>
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<tr>
<td>Drug Fee</td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td>Yes</td>
<td>No</td>
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NON-MONETARY PROBATION CONDITIONS:

<table>
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<tr>
<th>Condition</th>
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<tbody>
<tr>
<td>Report as Directed</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Curfew</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Do not assoc with any disreputable person</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Do not enter any bar, tavern, or lounge</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Community Service Hours</td>
<td>Yes</td>
<td>No</td>
<td></td>
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<tr>
<td>Wear Probation ID bracelet</td>
<td>Yes</td>
<td>No</td>
<td></td>
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<tr>
<td>Be placed on Surveillance Probation</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Requirement</td>
<td>Yes</td>
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<tr>
<td>---------------------------------------------------------------------------</td>
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<tr>
<td>ISP Probation</td>
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<tr>
<td>Complete job search as directed by CSCD</td>
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<tr>
<td>Participate with program/agency for employ asst program as directed by CSCD</td>
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<tr>
<td>Participate in educational program for GED asst as instructed by CSO</td>
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<tr>
<td>Submit to literacy testing and comply with resulting recommendations as directed by CSO</td>
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<tr>
<td>Participate in a basic adult literacy program as directed by the CSO</td>
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<tr>
<td>Participate in an English As Second Language (ESL) program, as directed by the supervising officer.</td>
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<tr>
<td>Enter and successfully complete the Jefferson County Restitution Center Program.</td>
<td></td>
<td></td>
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<tr>
<td>Enter and successfully complete the Anger Management Program offered by Family Services, Inc. or the Family Service Center, as directed by the supervising officer.</td>
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<tr>
<td>Submit to a Substance Abuse Assessment and follow the recommended treatment plan.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Pay the required Substance Abuse Assessment Fee of thirty-five dollars ($35.00) as directed by the Jefferson County Supervision and Corrections Department.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Pay the required Substance Abuse Assessment Fee as directed by the supervising jurisdiction.</td>
<td></td>
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</tr>
<tr>
<td>Attend Alcoholics Anonymous (A.A.) and/or Narcotics Anonymous (N.A.) Meetings as directed by the Jefferson County Community Supervision and Corrections Department (JCCSCD), and provide written verification of attendance.</td>
<td></td>
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<tr>
<td>Enter and successfully complete the Substance Abuse Felony Punishment Facility (SAFPF).</td>
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<tr>
<td>Have the Auto Ignition Interlock System installed in his/her automobile, drive no other vehicle without such system, and abide by the conditions of the Ignition Interlock Program, as required by Article 42.12, Code of Criminal Procedure, Section 13, DWI Community Supervision, Subsection (i) and the Court.</td>
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<tr>
<td>Abstain from the use of any and all intoxicating substances, including alcohol, in any form at all times.</td>
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<tr>
<td>Submit to alcohol and/or drug screening at the direction of the Jefferson County Community Supervision and Corrections Department or supervising jurisdiction.</td>
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<tr>
<td>Serve ten (10) days in the Jefferson County Detention Center with no credit for jail time previously served.</td>
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</tr>
<tr>
<td>Complete the Texas DWI Repeat Offender Program as directed by Jefferson County Community Supervision and Corrections Department (JCCSCD) or the supervising jurisdiction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pay the Texas DWI Repeat Offender Program Fee of one hundred seventy-five dollars ($175.00) as directed by Jefferson County Community Supervision and Corrections Department (JCCSCD).</td>
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<td></td>
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<tr>
<td>Task</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Pay the Texas DWI Repeat Offender Program Fee as directed by the supervising jurisdiction.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Attend and successfully complete DWI Education Classes and pay the fifty-five dollar ($55.00) fee for said classes as directed by Jefferson County Community Supervision and Corrections Department (JCCSCD).</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Complete the Texas Drug Education Program as directed by Jefferson County Community Supervision and Corrections Department (JCCSCD).</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pay the required Texas Drug Education Program Fee ($60.00) as directed by Jefferson County Community Supervision and Corrections Department.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Complete the Texas Drug Education Program as directed by the supervising jurisdiction.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pay the required Texas Drug Education Program Fee as directed by the supervising jurisdiction.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Enter and successfully complete the Jefferson County Drug Intervention Program and pay the required fees.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pay the required Jefferson County Drug Intervention Program fee of five hundred dollars ($500.00).</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Submit to a substance abuse screening/evaluation through the Jefferson County Drug Intervention Program and follow the treatment recommended.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Have no contact with the victim(s) of the offense:</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Have a Psychological/Psychiatric Evaluation completed by:</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Have a Mental Health Evaluation which specifically tests for Intelligence and Adaptive Behavior Score, as directed by the supervising officer.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Avoid all association with co-defendant(s):</td>
<td>Yes</td>
<td>No</td>
<td></td>
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<td>Remain off the premises of the following location:</td>
<td>Yes</td>
<td>No</td>
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<td>Do not purchase any item for cash or on credit in excess of two hundred dollars ($200.00) without permission from Jefferson County Community Supervision and Corrections Department (JCCSCD).</td>
<td>Yes</td>
<td>No</td>
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<td>Do not open or maintain a checking account without permission from Jefferson County Community Supervision and Corrections Department (JCCSCD).</td>
<td>Yes</td>
<td>No</td>
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<td>Pay amount of restitution to the victim(s) of the offense, to compensate the victim(s) for any property damage or medical expenses sustained by the victim(s) as a direct result of the commission of the offense.</td>
<td>Yes</td>
<td>No</td>
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<td>Submit to a period of detention in the Jefferson County Jail or Community Corrections Center to serve a term of imprisonment for a period of days, but not to exceed one hundred and eighty (180) days.</td>
<td>Yes</td>
<td>No</td>
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<td>Pay the ordered Child Support in Jefferson County Cause No.: *** in the amount of ($*** monthly and arrearages in the amount of</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Serve a term of confinement in a State Jail for a period of no less that one Hundred twenty (120) days and no more than one hundred eighty (180) days. Obey all rules and regulations of the State Jail until discharged; participate in Substance</td>
<td>Yes</td>
<td>No</td>
<td></td>
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Abuse Program at the State Jail upon availability; follow all guidelines and instructions until successfully discharged or until further ordered by the Court; and follow all aftercare recommendations.

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APPENDIX C
APPROVAL LETTER FROM THE HUMAN SUBJECTS INSTITUTIONAL REVIEW BOARD
Date: August 5, 2004

To: Susan Caulfield, Principal Investigator
   Paul Gregory, Student Investigator for dissertation

From: Amy Naugle, Ph.D., Interim Chair

Re: HSIRB Project Number: 04-04-03

This letter will serve as confirmation that your research project entitled "Refocusing on Adult Probation: Theory vs. Practice" has been approved under the full board category of review by the Human Subjects Institutional Review Board. The conditions and duration of this approval are specified in the Policies of Western Michigan University. You may now begin to implement the research as described in the application.

Please note that you may only conduct this research exactly in the form it was approved. You must seek specific board approval for any changes in this project. You must also seek reapproval if the project extends beyond the termination date noted below. In addition if there are any unanticipated adverse reactions or unanticipated events associated with the conduct of this research, you should immediately suspend the project and contact the Chair of the HSIRB for consultation.

The Board wishes you success in the pursuit of your research goals.

Approval Termination: April 21, 2005