

2007

# An Exploratory Study of the Affect of Role Strain And The Juvenile Justice System's Division in Power on Juvenile Probation Officers

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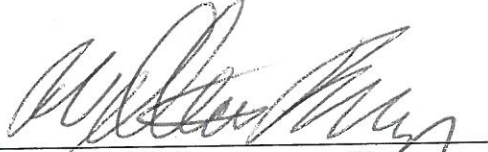
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## Recommended Citation

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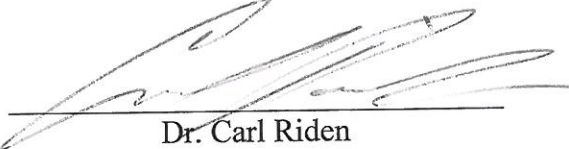
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2007



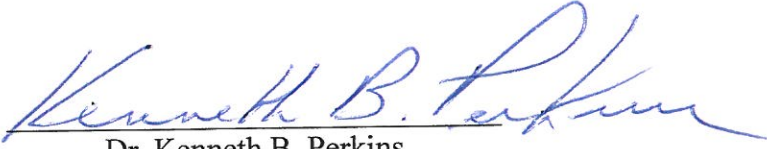
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**An Exploratory Study of the Affect of Role Strain  
And  
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2007

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I would like to express my genuine and enthusiastic gratitude to, and admiration of, my thesis committee members: Dr. William Burger, Dr. Carl Riden, and Dr. Kenneth B. Perkins. Dr. Burger, your constant support and guidance is what assured the completion of this work.

I would also like to thank my husband and best friend, Matt.  
Your not-so subtle nudges kept me motivated!

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## ABSTRACT

This exploratory, qualitative study reports on the experiences of 20 participants currently working within the juvenile justice system. The study investigated whether role strain was present among juvenile probation officers (POs) in an unspecified, Mid-Atlantic state. This study examines probation officers' role as it relates to the division in power between the state agency which employs the juvenile POs and the local juvenile courts in which they work closely with local judges. The state agency's move to standardize was also explored in relation to an increase in role strain for juvenile probation officers. The expected role strain did not appear in the data. The POs in this study found ways to resolve the prospective conflict of balancing the dual goals of rehabilitation and protecting society. The study also found that juvenile POs have discovered creative ways in negotiating their place in the division of power and often use it to their advantage in accomplishing the goals of probation. This study unexpectedly found that regardless of rural or urban locality, the state agency's increasing standardization has brought about a new conflict in which the POs in this study found it difficult to resolve—a conflict not discussed in previous literature: *Traditional PO* versus the *Data Entry Personnel*. Differences in findings between rural, urban, and administration participants are also discussed in this study as well as an application of Weberian theory and bureaucracy.

## Chapter I

### INTRODUCTION

Since its inception in 1899, the Juvenile Justice System has undergone intense scrutiny. Calls for change within the juvenile court could be heard from all involved. Presently, many of those same cries are echoed and exacerbated by the juvenile justice system as it struggles to balance its rehabilitative goals and its obligations to protect society. Many critics of the juvenile court system stress its failure to properly handle chronic/criminal offenders (Feld 1998; Sanborn 2003; Platt 1969; Yeckel 1997). Critics such as Feld even call for an abolition of the juvenile justice system—pushing for offenders to be processed solely in criminal court (Feld 1997). There are, however, other critics who also recognize the juvenile court system’s weaknesses but, instead, believe a reinvigoration of juvenile courts is the key to improving how to judicially process youth charged with crime (Geraghty 1997; Geraghty and Drizin 1997). To complicate the ever growing problems within the juvenile justice system, some states’ juvenile justice process is directed on a state level while the day-to-day management of adjudicated juveniles takes place on the local level, within the local juvenile court. This is the case for the mid-Atlantic State examined in this study.

In State X<sup>1</sup>, the Department of Probation and Parole<sup>2</sup> (DPP) is the executive agency “that provides services to delinquent youth and protects public safety by assisting the courts in holding juveniles accountable for their actions” (DPP Procedures Manual). According to the philosophy of DPP, the courts, functioning

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<sup>1</sup> For reasons of confidentiality, the mid-Atlantic state examined in this study will be referred to as State X.

<sup>2</sup> In addition, to maintain confidentiality, the state executive branch in this study will be generically referred to as the Department of Probation and Parole—any similarities in name to other state juvenile justice agencies is unintended.



under a separate form of government, are the vehicles used to carry the agenda of DPP to fruition. Although, on paper, and arguably in reality, the local juvenile courts and DPP need each other according to the divided powers in the State X juvenile justice process, the two factions appear to operate with little focus given to the other party. This said, however, with the ever changing goals of DPP becoming more bureaucratized, there is evidence that the objectives of local juvenile courts and DPP are finding themselves, at times, to be in direct conflict with each other—foisting the separate entities into some power struggle not soon resolved. However, the problem, possibly the more acute problem, comes into play when examining the agents working within and between the separate entities: juvenile probation officers.

### **Relevance of Study**

Juvenile probation officers (POs) are assigned the goals of law enforcement/protecting society and the rehabilitations of criminals. They are the agents who carry out the duties and responsibilities of the juvenile justice system—a system on which we place the future of our delinquent youth and personal safety. The practical implications of this study are connected with self-protection. To continue to assure there is a system solely dedicated to decreasing juvenile delinquency and acts of violence within a community, we need to work to better understand its weaknesses in order to provide solutions. Much of the literature on the subject of probation officers asserts that role conflict is evident, and often inevitable, in the position. Furthermore, these same studies illustrate that role conflict, in turn, leads to high job stress (Fulton et al. 1997) and high job stress to high burn-out rates. However, this research often does not take into account differences amongst juvenile

and adult probation officers. The literature also does not take into account that each juvenile justice system operates differently from state to state—some drastically different. This gap in the literature illustrates the need for further in-depth, exhaustive research on the topic. This study, and similar studies, is needed in order to provide insight into varying states' formal breakdown of the juvenile justice system and the affects of the division in power between state and local juvenile justice entities on probation officers. Without understanding the affects the division in power may have on juvenile probation officers, problems could be allowed to cultivate and burn-out rates may increase, leaving a needed system void of competent, creative workers to continue to protect society and rehabilitate young offenders. Moreover, having a more comprehensive understanding of a situation and its related problems may lead to more viable solutions—making the juvenile justice system more efficient and effective and thereby, decreasing its need for abolishment.

### **Definition of Role Strain and Role Conflict**

For purposes of clarification, the researcher will be using the term 'role strain' when examining the allegedly conflicting duties of juvenile probation officers. Role strain characterizes a circumstance where fulfilling a role obligation attached to a status is in conflict with fulfilling another role obligation—the *status* being a position which a person occupies and the *role* being the expected behaviors attached to that status. For example, the school bus driver who is charged with safely transporting students has to pay attention to the road while also looking in the rearview mirror to monitor the students on the bus. By fulfilling one role assigned to his status such as monitoring the kids on the bus, he comes in conflict with the responsibility of

watching the road unwaveringly. As explained by Goode (1960), 'role strain' is "the felt difficulty in fulfilling role obligations" (483). However, as seen later in the review of literature, many of the studies focusing on probation officers and their dual goals of rehabilitation and law enforcement/protecting society use the term 'role conflict' in describing POs struggle to balance the two duties (Sigler 1988; Whitehead and Lindquist 1985; Blumberg 1974; Whitehead 1989; Fulton et al. 1997). As the role of probation officers has been rehabilitation and community protection since their inception over a hundred years ago, the researcher will argue that the aforementioned use of role conflict is not appropriately used in other studies as those studies are, in fact, dealing with one *status*, probation officer, and two role obligations, rehabilitator and law enforcer.

Role conflict occurs when two different statuses are in conflict. For example, role conflict would occur when a probation officer must chose between fulfilling his work obligations or leave work early to be present as his daughter's dance recital. By fulfilling the parental status, he will come in conflict with his role associated with his PO status. However, as seen in the conclusion, there may be situations in which *role conflict* is experienced by POs in relation to job requirements. The differing use of the terms in prevailing studies on probation officers may be explained by the different theoretical camps in which the studies are based such as criminal justice and sociology. Therefore, when discussing literature on the topic, the term used in the specific study will also be utilized when discussing prevailing literature.

Role strain and conflict is an aspect of every life and is often an accepted truth; as such, there are documented examples of how juvenile probation officers

have been managing the role strain foisted on them since the inception of the juvenile justice system. Yet, there is evidence that as DPP becomes more standardized and bureaucratized the effect has been a continual stripping away of probation officers' autonomy in conjunction with the removal of their tools to negotiate their dual roles.

### **Research Questions**

This exploratory study first examines whether role strain is present amongst the juvenile probation officers in this research group—focusing on academicians' assertions that there is a conflict between the two primary functions of probation officers and the juvenile justice system: rehabilitation and law enforcement/protecting society. Furthermore, this study is interested in examining juvenile probation officers' role as it relates to the division in power between DPP and local juvenile courts in a particular locality in a Mid-Atlantic state. The purpose of this study is to also examine if the shifting focus of DPP creates and/or increases role strain for juvenile probation officers. Does role strain and conflict exist amongst juvenile probation officers? Does a division in power between DPP and local juvenile courts create and/or increase role strain for the juvenile probation officers in State X? Does the division in power create a power struggle between DPP and local juvenile courts? If so, does it hinder probation officers from meeting the goals of the juvenile justice system: rehabilitation and protecting society? Has DPP's move to become more standardized the past 3 to 10 years increased role strain and, in turn, probation officers' perception of job stress? This study reports on the experiences of 20 participants currently working within the juvenile justice system.

The evidence of DPP move to becoming more standardized will be discussed at length in a later chapter; however, the researcher's initial evidence of the move to standardization in the past ten years, with an increased effort the past 3, was first discovered by perusing the DPP manuals and memos. Over the past 10 years DPP has introduced several assessments which have now become mandates to use before commencing with services or sentences—forms like the DAI, and the Risk Assessment, which will be discussed in detail shortly. Services and supervision is determined by these instruments—regardless of the circumstances if a juvenile scores high on the Risk Assessment you see him up to 4 times a month and if low as little as 1 every 3 months.

DPP has also developed in the past several years a statewide system in which all of the intakes are done and all of the contact notes are made. However, the system only recognizes particular number codes as representing face-to-face contacts and other mandated compliance requirements. Moreover, the juvenile system which, in many areas stood in direct contrast to its adult counterpart, is now finding itself more and more inundated with statewide mandates and inflexible procedures. This move to standardization severely departs from the traditional, individualized approach of the juvenile justice system. As such, early on in the research during the pilot interviews and participant observation, the researcher noted that the participants connected DPP's move to become standardization with an increase in perceived job stress. Thus, questions about standardization were also interested in perceptions of increased job stress.

## **Statement of the Problem**

Probation Officers in general, both adult and juvenile, are assigned the goals of law enforcement/protecting society and the rehabilitation of criminals. Unfortunately, these competing goals often lead to role strain for probation officers. As such, there has been a growing body of literature which has focused on the role strain, or as these studies' define it role conflict, experienced by probation officers—with the majority of this work examining adult probation officers and often neglecting entirely the role strain also experienced by juvenile probation officers (Bryan 1995). The lack of research devoted specifically to role strain, or conflict, in regard to juvenile probation officers is evident regardless of arguments made suggesting the role conflict for juvenile officers is more acute than for adult officers (Colley et al. 1987). This argument is made due to the very nature of the goals of the juvenile justice system, rehabilitation and protecting society, and arguably makes the conflict for juvenile probation officers more severe. However, not only do juvenile probation officers in this study have to creatively balance the dual goals of the juvenile justice system, they are, at times, forced to creatively manage their roles as DPP employees and workers in, and possibly for, local juvenile courts.

The Department of Probation and Parole and the local Juvenile and Domestic Relations District Court, in which the probation officers also answer to daily, are separate entities and ruled from separate governmental spheres. One may argue the very nature of probation officers' title as a 'Court Service Unit Worker' (CSU) makes it difficult for them to separate their role as a state agent from a local court agent. This, arguably, creates a different type of role strain. Again, juvenile probation

officers are employees of the state, but function on a very local, community oriented level. The referrals they make daily are based on local resources and local monies. Moreover, the decisions probation officers make are often shaped by the community in which they work and the judges who preside in those communities. This also presents unique challenges where probation officers must work to hold delinquent youth accountable by way of punitive measures and also assist in the rehabilitation of the youth. The apparent power struggle between the judges on the local level and the DPP at times appears to degrade the probation officer's effectiveness in meeting the dual goals of the juvenile justice system. These conflicts in the juvenile justice system's goals and management often places the agents working within the system, specifically juvenile probation officers, into a power struggle.

### **Powers, Duties and Functions of a Juvenile Probation Officer**

According to the Code of State X §16.1-237 the powers, duties and functions of a probation officer is as follows:

In addition to any other powers and duties imposed by this law, a probation officer appointed hereunder shall: A. Investigate all referred cases...B. Supervise such persons placed under his supervision...C. ...investigate complaints and accept informal supervision...D. Use all suitable methods to aid and encourage...and bring improvement...E. Furnish a written statement on conditions of probation...F. Keep records of his work...G. Have the authority to administer oaths...H. Have powers to arrest...and carry a concealed weapon when specifically authorized by a judge (Code of State X 2006).

Juvenile probation officers, among other things, provide supervision to youths who have committed a delinquent offense or are found by the juvenile courts to be

children in need of supervision<sup>3</sup>. Moreover, often a judge will order a pre-disposition report (e.g. social history) which the probation officer is responsible as she or he prepares reports for the court and makes recommendations on cases. The social histories, according to the Code of State X §16.1-237, “(i) shall include a drug screening and (ii) may include the physical, mental and social conditions...and personality of the child and the facts and circumstances surrounding the violation of law” (Code of State X 2006).

In investigating for the social history, the probation officer consults with the juvenile, the juvenile’s family, law enforcement officials, school personnel, community members and other service agencies participating in the juvenile’s life. Upon receipt of the finished social history, the judge and often the state attorney make decisions based on the ‘complete’ picture of the juvenile. As the court’s final decision in a case will forever impact the lives of the juveniles within its system, the comprehensive investigation conducted by a probation officer is vital to the court process as it is often the only way judges are able to make informed decisions on the sentencing and placement of a juvenile. As defined by the DPP manual, the “investigation is the process of inquiring, examining and assessing details and outcomes to ascertain the facts, often involving hidden, complex or unique matters affecting a juvenile or the family” (DPP Procedures Manual, 9211).

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<sup>3</sup> Status offense and delinquency case processing differ. A delinquent offense “means an act committed by a juvenile that would be a felony or misdemeanor if committed by an adult. A delinquent offense does not include an act that is otherwise lawful but prohibited to juveniles” (Glossary of terms by Virginia DJJ 2007 website); a status offense is an act that is an offense only when committed by a juvenile (e.g. truancy or running away). “Not all states view such behaviors to be law violations. Many states view such behaviors as indicators that the child is in need of supervision or services usually responding to these behaviors with social services” (Juvenile Justice...1999, 100).



Often recommendations of probation supervision come from the officer themselves via social histories. DPP describes supervision as the “arm of juvenile justice within the community that uses a multiplicity of interventions to achieve balance in the delivery of juvenile justice” (DPP Policy Manual, 9310). Probation supervision is a process built on the central idea that to change a young person’s behavior requires both a “structure to limit the range of potential wrongdoing, and an understanding and response to life experiences that enable prosocial behavior” (Torbet 1993—quoted in the DPP Procedures Manual, 9321). Furthermore, probation is a court disposition that typically results in a juvenile remaining in the community with certain requirements and/or restrictions. The requirements for juveniles placed on probation may include reporting to a probation officer, attendance at counseling or other specific activities, attendance at school or work, being tested for alcohol or drug use, performing community service, and payment of restitution. Restrictions might include a specific curfew, being unable to travel outside the state without specific permission, and prohibitions on associating with certain individuals (DPP Procedures Manual, 9321). A probationer’s failure to meet the requirements of the conditions of probation often results in increasingly restrictive responses that may ultimately culminate in the juvenile’s removal from the community and placement in some form of more restrictive placement (DPP Procedures Manual, 9321).

In addition, probation officers provide case management/supervision to probationers, parolees and their families in a manner consistent with minimum standards and unit policy. Upon being placed on probation by the court, a PO will conduct a Risk Assessment, which is an instrument used to determine a juvenile’s

likelihood of continued involvement in delinquent behavior. It gathers scores in areas of substance abuse, child abuse and neglect, and types of offenses, etc. The juvenile's assessment score will determine the level of supervision and risk level. In addition, the PO will develop a supervision plan with each probationer within 30 days of being placed on probation.

The supervision plan provides a statement of needs or goals specific to each juvenile as well as the methods for measuring accomplishments. The plan also outlines times frames for meeting specific objectives and the frequency of contacts with supervision plan participants, including external agencies (DPP Procedures Manual, 9324). The supervision plan encompasses DPP's 'balanced approach' model by focusing on community safety, offender competency development and juvenile accountability. Regarding community safety, the supervision plan outlines the goal of providing "appropriate structured limits and boundaries for the probationer to protect the safety of the community." The portion of the plan that deals with offender competency development writes: "the juvenile will acquire skills necessary for responsible and crime free living" and focuses on education and employment. The accountability component states: "the juvenile will assume responsibilities for harm done through offense(s) and recognize the impact to victim/community" and concerns itself with matters of restitution, community service work, and victim restoration. These objectives outlined in the supervision plan which the juvenile offender must meet, the PO monitors to ensure full compliance by probationer. Moreover, based on a familiarity with the family dynamics, the probation officer is to make appropriate

referrals for services and facilitate funding, document all case contacts, statuses, reports, and services.

### **Juvenile Justice Process in State X<sup>4</sup>**

The juvenile enters the system when an offense is alleged to have been committed and reported by a parent, citizen, agency complaint, or the police. If the juvenile entered the system through police contact, a decision is made by the police officer whether to counsel and release the youth back to the community or to arrest and transport to the intake officer<sup>5</sup>. If a parent, citizen, or agency made the complaint, then the complaint goes to intake. An intake officer, a specialized probation officer, at the Court Service Unit makes the decision whether to take informal action such as crisis-shelter care, detention outreach, or counseling; to take no action; or to file a petition. In some cases, a police officer or the original complainant will appeal to the magistrate if they disagree with the intake officer's decision. The magistrate must 'certify' the charge and the matter is returned to intake to file a petition. Once a petition has been filed, an intake officer decides if the juvenile should be detained or released to his or her parents/guardians. However, the on-call intake worker must use a Detention Assessment Instrument (DAI) in order to determine whether a juvenile should be detained immediately. The assessment is a series of questions that determines detention eligibility based on the juvenile's risk to self, community, or flight. This point will be discussed in a later chapter as many

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<sup>4</sup> To clarify for future reference, the researcher has provided a general outline of the process of the juvenile justice system from the time of a juvenile's offense to parole. The following content is the author's adaptation of the Juvenile Justice Process obtained through the Department of Probation and Parole website.

<sup>5</sup> If the crime is not an detainable offense, the police officer will obtain juvenile and parent information and release the juvenile and schedule an intake with the Court Service Unit intake officer to file a petition.

probation officers view the instrument negatively, affecting their ability to perform their duties.

If the decision is made to detain the juvenile, a detention hearing is held within 72 hours in the Juvenile and Domestic Relations District Court to examine the merits of the charges and determine if there is need for further detention. A preliminary hearing is held to ensure that the case has enough merit to bring it to trial. Issues of competency, insanity, subpoenas, and witnesses are also addressed. If no probable cause exists, the case is dismissed. If cause is 'determined,' then the case moves to the adjudicatory hearing. Also during this phase issues of transfers and waivers are addressed by the court. If certification is ordered or a direct indictment issued, the case goes to the circuit court. The juveniles' innocence or guilt in the incident is determined at the adjudicatory hearing. The juvenile court system also reserves the right to determine evidence sufficient for a finding of guilt. Witnesses and testimony are presented similar to an adult trial. If the juvenile is found not guilty, the case is dismissed; if found guilty (or sufficient evidence to convict), a dispositional hearing is held at a later date.

At the dispositional hearing, the pre-disposition report (e.g. social history) is used to assist in selecting appropriate sanctions and services. The court decides if the juvenile will be committed to DPP or face community sanctions such as warnings, restitutions, fines, out-of-home placements. A conditional disposition may be imposed such as probation, which includes participation in CSU programs<sup>6</sup>, referral

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<sup>6</sup> CSUs often facilitate programs to decrease recidivism such as a shoplifting program, an anger management program etc.

to local services or facilities, to other agencies or to post-dispositional detention.

Once all requirements have been met, the juvenile is released by the court.

However, if a juvenile is committed to DPP, the juvenile must undergo psychological, educational, social, and medical evaluations conducted at the Diagnostic Center<sup>7</sup>. From DC, the juvenile may go to a privately operated residential facility or a juvenile correctional center (JCC). At the JCC, a committed juvenile receives 24-hour supervision, education, treatment services, recreational services, and a variety of special programs. After completion of the commitment period, a juvenile may be placed on parole or directly released. During parole, the juvenile transitions to the community through agency program efforts and is afforded local services. Some juveniles may need 24-hour residential care and treatment services provided by a halfway house. Upon completion of parole or entry into the adult criminal justice system, the youth is discharged from the system.

Since separating from the Adult Department of Corrections as an independent agency under a Public Safety Agency in the early 1990s, the DPP has provided intake, custody and care for committed juveniles, probation and parole supervision, and prevention, diversion and restitution programs in the community. With increased attention placed on youth crime and its seriousness in State X, the 1996 State Legislature directed that the agency change its name from the Department of Youth and Family Services to the Department of Probation and Parole (DPP Procedures Manual, 9011). The Department's court service units also support the activities of the

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<sup>7</sup> For reasons of confidentiality, all specific facility and agency name have been changed; however, to capture the nature, or spirit of them, they have been given comparable names. The DC is where juveniles who have been committed to DPP are sent for 60 days for extensive evaluation and monitoring to determine suitability and services needed.

State X's juvenile and domestic relations courts by providing a range of services related to the domestic relations functions of those courts (e.g., child abuse and neglect, child custody and support and domestic violence). As stated previously, each juvenile court is served by a court service unit that handles both juvenile and domestic relations cases. There are 32 CSUs operated by DPP in the state of State X and three additional CSUs function as locally operated entities. CSU juvenile services include intake, screening, diversion, placement, pre and post adjudicatory case management, supervision, parole planning and coordination and a variety of specialized services. In addition, domestic relations services include intake and supervision, custody investigations, referrals and mediation and domestic violence case management, supervision, and counseling. Interestingly, because the CSUs function on a local level and are subject to the whims of the localities, each district is unique. Because of varying demands, the CSUs employ a variety of staffing patterns determined partially in response to jurisdictional population and partially in response to special programs within each jurisdiction. The larger populated areas tend to have larger units which are typically more specialized in their functions such as a PO who does only intake, or intensive probation or parole and even POs which only write social histories (DPP Policy Manual).

In addition to the duties previously discussed, DPP also provides for custody and care for committed juveniles. DPP is State X's primary Executive Branch operational agency providing services to delinquent youth. DPP serves the State X with a central office in the State Capital and three regional offices. A seven-member citizen board appointed by the Governor serves as a policy-setting authority with

powers and responsibilities contained in Title 66, Chapter 1 of the Code of State X. The mission of DPP is to protect the public through a balanced approach of comprehensive services that prevent and reduce juvenile delinquency “through partnerships with families, schools, communities, law enforcement, and others, while providing opportunities for delinquent youth to become responsible and productive citizens” (Mission 2007). DPP has a Reception and Diagnostic Center, seven Juvenile Correctional Centers (JCCs), three halfway houses and one juvenile detention center<sup>8</sup>. State X also has three locally operated, independent court service units. In addition, DPP provides partial financial support through block grant funding for 24 secure detention facilities. The agency also contracts for one private halfway house.

Before the review of literature, a discussion of the juvenile justice system’s history as well as the development of probation must be taken into account. In order to fully understand a problem one must take note of its inception and progression: understand its origin. Moreover, as many of the arguments presented against the juvenile justice system as well as juvenile probation are inherently linked to the original objectives of the juvenile court an examination of its social history is further justified.

### **History of the Juvenile Justice System**

The population in the United States during the 18<sup>th</sup> century was growing exponentially and with it, so was criminal activity. As community and government officials worked on processing adult offenders more efficiently, children as young as

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<sup>8</sup> The difference between JCC and detention centers should be likened to the difference between prison and jail. JCC is the juvenile system’s version of prison and detention is the system’s version of jail.

seven could stand trial in the criminal courts for offenses committed and, if found guilty, could be sentenced to prison or death (Juvenile Justice...1999). Children below the age of reason, generally accepted as age seven, were thought to be incapable of criminal intent and were, “therefore, exempt from prosecution and punishment” (Juvenile Justice...1999, 86). Though the first juvenile court was not established until 1899 in Chicago, as discussed below, the Society for the Prevention of Juvenile Delinquency had been campaigning for a separation of juvenile and adult offenders as early as 1825 (Juvenile Justice...1999; Platt 1969).

With the industrial revolution at its peak in the 1890s, the influx of immigrant and impoverished workers in U.S. cities required a redefinition of the role of the courts in shaping and handling the behavior of “the city’s street children” (Greene 2003, 135). In his book, *Child Savers: Invention of Delinquency*, Anthony Platt (1969) asserts that the juvenile court movement was launched first in Chicago to tackle the apparent breakdown of the traditional family and increase of the ‘broken home’ in the late nineteenth century. He states: “The child-saving movement, like all moral crusades, reaffirmed ideal values and stressed the positive capacities of traditional institutions” (Platt 1969, 18). Platt describes the child-savers as a “group of disinterested reformers who regarded their cause as a matter of conscience and morality, serving no particular class or political interests. ... The child-savers viewed themselves as altruists and humanitarians dedicated to rescuing those who were less fortunately placed in the social order” (3). Although the child savers were responsible for slight reforms in jails and reformatories, they were most effective in extending “governmental control over a whole range of youthful activities that had



been previously ignored or dealt with informally. Their reforms were aimed at defining and regulating the dependent status of youth” (Platt 1969, 99). These reformers embarked on their crusade when John Altged,<sup>9</sup> in 1882, toured the House of Corrections in Chicago and discovered that hundreds of children, including those as young as eight, were jailed alongside adults. Appalled by the horrendous circumstances these children existed in, other Chicago reformers, such as Jane Addams, Lucy Flower and Julia Lathrop, also known as the ‘child savers,’ pressured state lawmakers to create a separate system for children. However, some scholars, such as Platt, recognize the instigation of the separate juvenile justice system commencing long before the end of the nineteenth century. He writes: “Their [the child savers] reforms did not herald a new system of justice but rather expedited traditional policies which had been informally developing during the nineteenth century<sup>10</sup>” (Platt 1969, 176). Regardless, it was not until the 1890s the state of Illinois began to define to what extent they had jurisdiction over the children of Illinois and they began to implement and execute wholly separated institutions to process such youth. Previously, defining the state’s authority and control over children was not only a struggle for Chicago but the rest of the nation as well.

In 1838 the child of working class parents, Mary Ann Crouse, was committed to the Philadelphia House of Refuge<sup>11</sup> by a justice of the peace not because she had performed any criminal acts, but because she “appeared to be in danger of growing up

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<sup>9</sup> A young lawyer who later became governor of Illinois.

<sup>10</sup> Platt looks at court decisions made as early as 1800 which took age into account when processing and judging youth differently than their adult counterpart as support for this claim.

<sup>11</sup> The House of Refuge was a nineteenth-century institution that provided residential ‘treatment’ for both delinquent and impoverished youth in metropolitan areas. Children committed to houses of refuge were either convicted of crimes or simply ‘pauper children’ who were committed as vagrants.

to become a pauper” (Greene 2003, 138). Her father objected to the commitment broaching the question: Can a criminal court intervene in domestic affairs when no crime has been committed? The ruling in Pennsylvania Supreme Court responded that it could. The court maintained the legality of Crouse’s detention by asserting that she was being helped, not punished by utilizing the state’s role as ‘*parens patriae*’<sup>12</sup>; or ‘father of the county.’ However, in 1870 the Illinois Supreme Court heard a similar case, but reached an opposite decision. In *O’Connell v. Turner* the court found that the state surpassed its authority as ‘*parens patriae*’ when it committed a fourteen year old boy to a reform school with vague allegations of misconduct. The court asked, “why should minors be imprisoned to misfortune?,” and held that statutory commitments of children, absent criminal conduct, violated formal due process protections, regardless of the benevolent goals of the court.

The *Turner* case stands as one of the initial judicial recognitions of “constitutional due process rights of status offenders subject to loss of liberty” (Greene 2003, 138). The court’s decision in *Turner* severely restricted the authority of the court to hold poor children, and froze the expansion of the ‘*parens patriae*’ doctrine in Illinois. By the 1890s, the ‘child-savers’<sup>13</sup> of Chicago’s women’s clubs, aid societies, and religious organizations were anxious to find a way around this decision and to reinstate ‘*parens patriae*’ in their crisis-ridden city (Platt 1969). But,

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<sup>12</sup> The court’s claim of ‘*parens patriae*’ rests on a paternal, rather than penal process; the belief that the judge always has the child’s best rehabilitative interest in mind and has complete and total parental authority—emphasizing treatment, control, and supervision rather than punishment. It is also where the state intervenes at the parent’s presumed failings.

<sup>13</sup> Although, Platt offers an interesting perspective on the ‘child savers’ and their movement and influence in the inception of the juvenile justice system—he writes: “Child saving was essentially a middle-class movement, launched by the ‘leisure class’ on behalf of those less fortunately placed in the social order” (Platt 1969, 77)—for the focus of this paper many of his theories and arguments will not be discussed.

according to Greene, in order to reassert the doctrine of ‘parens patriae’, the juvenile court had to establish itself as a non-punitive institutional response to the urban crisis of the ‘broken home’ and juvenile delinquency. “The court had to combine the father’s strong right arm with the mother’s gentle influence” (Greene 2003, 140). Thus, in response to extensive lobbying from the ‘child-savers’, the Illinois legislature passed the Juvenile Court Act of 1899, establishing the nation’s first separate juvenile court system in Cook County.

While the Act did not change the fundamental procedures in the existing courts that were now juvenile courts situated to adjudicate cases involving children, it did reintroduce the ‘parens patriae’ philosophy to govern such cases (Shepherd 1999). In addition to giving the courts jurisdiction over children charged with crimes, the Act gave them jurisdiction over a variety of behaviors and conditions, including:

Any child who for any reason is destitute or homeless or abandoned; or dependent on the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is living in any house of ill fame or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of 8 who is found peddling or selling any article or singing or playing a musical instrument upon the street or giving any public entertainment (*Illinois Juvenile Court Act 1899*).

The Act was distinctive in that it established a particular court, or jurisdiction for an existing court, for neglected, dependent, or delinquent children under age 16; defined a rehabilitative rather than punishment purposes for that court; established the confidentiality of juveniles’ court records to minimize stigma; required that juveniles be separated from adults when placed in the same institution in addition to barring

altogether the detention of children under age 12 in jails; and provided for the informality of procedures within the court (Shepherd 1999, 23).

The informality of procedures within the court allowed for what is known as the ‘paternalistic philosophy<sup>14</sup>,’ of the juvenile justice system. In short, it allowed for the personalization of juvenile sentencing; ruling was left up to the sole discretion of the presiding judge. Over the past century, many critics of the court have offered opposition to the court’s informal and unfixed rulings; believing that consistent standards and laws for judges to rule by make harder for their personal biases and idiosyncrasies to play a significant part in sentencing particular youths. Platt found this aspect of ‘personalization’ problematic as he observed: “the juvenile court system ‘personalized’ the administration of justice by removing many aspects of due process and approaching ‘troublesome’ youth in medical-therapeutic terms” (Platt 1969, 172). It also allowed the juvenile courts to deny procedural protections and retain jurisdiction over children who had not committed any criminal acts (Platt 1969, 103).

Furthermore, the early juvenile justice system did not implement formal procedural protections for youth summoned to the courts because such protections were seen as impeding a judge’s ability to act in a child’s best interests, or rather, to fulfill his role as the “good father” (Greene 2003, 141). As one of the original Cook County juvenile court judges announced, “I have always felt and endeavored to act in each case as I would were it my own son that was before me in my library at home charged with some misconduct” (Platt 1969, 144). Another declared that what must be determined by the juvenile court judge is not whether “this boy or girl committed a specific wrong...but what had best be done in his interest and in the interest of the

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<sup>14</sup> Also known as ‘Parens Patriae.’

state to save him from a downward career” (Platt 1969, 144). By their own admission, early judges of the juvenile justice system purposefully endorsed nonprocedural, personal, and inexorably set precedence for unpredictable, rulings. Although, even at the turn of the century the juvenile court received criticism for not implementing procedural protections and for its personal approach to sentencing, in the early years of the juvenile courts, state legislatures and juvenile court judges insisted that the child offender was not being deprived of any right to liberty, because he or she did not have such a right in the first place (Greene 2003, 142).

Although, many of the major problems recognized in the early court can still be seen, there were major constitutional changes in the 1960s which addressed many of the critic’s concerns with the juvenile courts. It was these changes that forced the juvenile court system to largely abandon the ‘*parens patriae*’ doctrine<sup>15</sup>—and the exemptions from procedural due process that accompanied it—as a result of a series of Supreme Court decisions beginning with *Kent v. United States* (Greene 2003; Platt 1969).

The United States Supreme Court finally recognized the unfavorable arguments directed towards the juvenile justice system in 1966 when it delivered one of its first opinions on the juvenile court. One of the presiding judges wrote that the “admonition to function in a ‘parental’ relationship is not an invitation to procedural arbitrariness. ... There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for

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<sup>15</sup> At present, there are critics which assert the ‘*parens patriae*’ doctrine still exists in the modern day juvenile justice system.

children” (*Kent*... 1966) The decision in *Kent* prompted due process for juvenile offenders. The *Kent* decision also held that juveniles could not be transferred to criminal court without a hearing, assistance of counsel, and a statement describing the reasons for transfer. To further the juvenile court’s constitutional changes, in *re Gault* in 1967, the Supreme Court bestowed upon juveniles the right to notice of the charges brought against them; notification of the right to representation in proceedings which “may result in commitment to an institution in which the juvenile’s freedom is curtailed” (*Re Gault* 1967; Platt 1969, 161). Furthermore, *re Gault* established the right to confront and cross-examine complainants and witnesses; protection against self-incrimination and the right to remain silent. Though, it was the right to counsel which was the fundamental issue in *re Gault*—as the exercise of the right to counsel assures procedural regularity and the implementation of related principles (Platt 1969, 161).

Although the Supreme Court did not intend its decisions to alter the juvenile court’s therapeutic mission, many legal scholars assert that in the aftermath of *re Gault*, judicial, legislative, and administrative changes have fostered a procedural and substantive convergence with adult criminal courts. In fact, this convergence is often termed as the ‘criminalizing’ of the juvenile justice system (Feld 1998; Feld 1997). Subsequent Supreme Court decisions furthered this ‘criminalizing’ of the juvenile court. For example, in *re Winship* the court held that the criminal law standard of proof “beyond a reasonable doubt” had to be established in juvenile adjudicatory hearings (*Re Winship* 1970). In *Breed v. Jones* (1975) the Court established a constitutional ban on double jeopardy holding that the double jeopardy clause of the

constitution prohibits states from transferring a youth to adult court after finding them delinquent. This line of cases, particularly *re Gault* and *re Winship*, initiated a transformation in the juvenile court system (Shepherd 1999). Feld described this ‘transformation’ as a change from the juvenile courts original “progressive conception as a social welfare agency into a wholly owned subsidiary of the criminal justice system<sup>16</sup>” (Feld 1997, 68). By emphasizing the criminal procedural regularity in “the determination of delinquency, the [Supreme] Court shifted the focus of juvenile courts from paternalistic assessments of a youth’s ‘real needs’ to proof of commission of a crime” (Feld 1997, 70).

The Federal Government passed the Juvenile Justice and Delinquency Prevention Act in 1974, furthering the procedural regularity of the juvenile justice system. In addition to other significant elements, the Juvenile Justice and Delinquency Prevention Act removed status offenders and nonoffenders from secure facilities and separated juvenile offenders from adults in institutional settings. It established a National Institute for Juvenile Justice and Delinquency Prevention to conduct research, evaluation; gather and disseminate information to the field; and provide training and technical assistance to juvenile justice personnel. It encouraged the development of national standards to assist in reforming the juvenile justice system. Obviously, the Act comprised more than the elements discussed above, with the most important ones being the identification of national goals for the rehabilitation and reform of juvenile justice and the designation of a Federal-State partnership for the implementation of those goals (Shepherd 1999). Community

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<sup>16</sup> Although, the Supreme Court did fall short in advancing the ‘criminalization’ of the juvenile court when in 1971, in *McKeiver v. Pennsylvania*, the Supreme Court held that youth are not entitled to jury trials in juvenile court.

based programs, diversion, and deinstitutionalization became “the banners of juvenile justice policy in the 1970’s” (Juvenile Justice...1999).

While the lack of procedural protections and abuses of judicial discretion evident in early juvenile court cases have been—to a great extent—remedied, even the court’s most avid critics typically accept its underlying rehabilitative aspirations. Contemporary youth advocates, distressed by the ‘get tough’ strategies juvenile courts assumed in the latter half of the twentieth century, argue for the return to the original goals of rehabilitation. However, some scholars believe it is precisely this rehabilitative aspect that led to a more insidious, and never fully remedied, outcome for courts<sup>17</sup> (Platt 1969; Greene 2003). By the late 1960s and early 1970s, when youth advocates were calling for procedural protections for juvenile offenders, the origins of the court were reread through more distrustful lens (Greene 2003, 162). The rehabilitative goal of the founders of the juvenile courts came under attack as commentators began to recognize that “the sensitive paternalism of the juvenile court movement had an ugly statist face<sup>18</sup>.”

Commentators such as Platt began to describe how the juvenile court system gave officials “the power to reach more juveniles and to commit them in increasing numbers to penal institutions” (Platt 1969, 172) without providing even basis due process protections. Currently, critics simply view the juvenile court as completely inept and unnecessary and call for an abolition of the juvenile justice system—

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<sup>17</sup> Solomon Greene even goes as far as to assert that under the guise of “charity and the rehabilitation model, the juvenile court constituted an unprecedented expansion of the state’s power to intervene into the private lives of immigrant and working class families” (162).

<sup>18</sup> Greene (2003) quoted Morris B. Hoffman, “Therapeutic Jurisprudence, Neo-Rehabilitationism, and Judicial Collectivism: The Least Dangerous Branch Becomes Most Dangerous.” *Fordham Urban Law Journal* 29, 2002.



pushing for juvenile offenders to be processed solely in criminal court. There are, however, other critics who also recognize the juvenile court system's weaknesses but, instead believe a reinvigoration of juvenile courts is the key to improving how we judicially process young offenders. Both sides agree that changes need to be made in the Juvenile Justice System.<sup>19</sup>

### **History of the Juvenile Probation Officer**

The use of probation officers in court proceedings preceded the launch of the juvenile justice system. Lewis Diana (1960) argues that probation directly grew because of the different methods used in England and America for suspending sentences. As early as the late 1700s and early 1800s, "under the common law the courts of England had for many years bound over petty offenders to sureties or released them on their own recognizance even without sureties" (Diana 1960, 189). Such practices were also common in some of the American colonies, especially Massachusetts, which in 1836 recognized by law the releasing of minor offenders with sureties (Diana 1960; Petersilia 1997). However, the initial use of the probation principle was made on behalf of juveniles (Petersilia 1997; Augustus 1939; Chute 1933; Diana 1960). About the mid-1800s various societies such as prisoners' aid, children's aid and the prevention of cruelty to children were established; their work grew to have a direct effect upon the courts (Chute 1933; Platt 1969). A number of these societies had paid agents who worked in criminal courts, "chiefly to protect and salvage children, there being no special courts for children in those days" (Chute

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<sup>19</sup> Although, there is a growing body of work which focuses on arguments to abolish the juvenile justice system, this study will limit its discussion of the juvenile justice system in relation to the conflict amongst probation officers.

1933, pg. 62). Though the work was initially unofficial, the agents were eventually recognized in law and in some courts acted as guardians of children and young offenders (Chute 1933; Petersilia 1997). However, it is John Augustus who is accredited as being the first probation officer and the first to use the term probation (Diana 1960; Petersilia 1997).

Augustus, a Boston shoemaker, helped young offenders by providing supervision to those who were on temporary suspension or postponement of sentence. Augustus work began when he posted bail for a man charged with being a common drunk and convinced the judge to defer his sentence for three weeks and release the man into his custody (Petersilia 1997; Augustus 1939). Augustus was described as a “religious man of financial means, and had some experience working with alcoholics” (Petersilia 1997, 155). Apparently, when Augustus brought the former alcoholic before the judge for sentencing he was able to convince the court of his sincere change. Augustus writes:

I bailed nineteen boys, from 7 to 15 years of age, and in bailing them it was understood, and agreed by the court, that their cases should be continued from term to term for several months, as a season of probation; thus each month at the calling of the docket, I would appear in court, make my report, and thus the cases would pass on for 5 or 6 months. At the expiration of this term, twelve of the boys were brought into court at one time and the scene formed a striking and highly pleasing contrast with their appearance when first arraigned [sic]. The judge expressed much pleasure as well as surprise at their appearance, and remarked, that the object of law had been accomplished and expressed his cordial approval of my plan to save and reform

(John Augustus, quoted by Juvenile Justice... 1999).

However, Augustus’s “sympathetic supervision” (Diana 1960, 189) was met with contempt when law enforcement officials wanted criminal offenders “punished

not helped” (Petersilia 1997, 155). As pointed out by Chute (1933) “at first [probation] was used sparingly in exceptional cases and by exceptional courts” (61). Yet Augustus continued to advocate that not all offenders needed to be incarcerated and, eventually, the courts began to utilize his probation services on a regular basis. Augustus used approximately \$250,000 of his own money to bail out offenders awaiting trial. His tasks were to supervise his charges, counsel and assist them in finding homes, securing employment and education, and adjusting to family difficulties (Purkiss et al. 2003). Though Augustus had a high success rate of rehabilitating his charges, he was particularly selective of his candidates—choosing only those that were “not wholly depraved” (Augustus 1939). Augustus would provide the court a report on the offender’s progress during the probationary period. In 1869, Massachusetts also authorized the placement after investigation of youthful offenders in private homes under the supervision of an agent of the state. Initially, probation officers were volunteers with ‘good hearts’ usually of a religious nature (Petersilia 1997).

Encouraged by Augustus’s success, Massachusetts became the progressive force in probation as it was the first state to pass any type of probation law in 1878 which provided for an official, paid probation officer appointed by the mayor and responsible to the chief of police (Chute 1933). As quoted by Chute, the Massachusetts’ state law required that the probation officer “attend the sessions of the courts of criminal jurisdiction held within the court of Suffolk, investigate the cases of persons charged with or convicted of crimes and mis-demeanors, and to recommend to such courts the placing on probation of such persons as may

reasonably be expected to be reformed with-out punishment” (Chapter 198 Massachusetts Law of 1878). It took approximately twenty years after the first Massachusetts law before any other state adopted similar legislation (Chute 1933). As pointed out by Chute (1933) there were experiments with supervised release being made in several states under suspension of sentence or bench parole laws but it was not until 1898 that Vermont followed Massachusetts and enacted a statewide law, requiring the appointment of probation officers by the county judge in each county. Rhode Island and Minnesota, like Massachusetts and Vermont the probation laws applied to adults and children however the two states to follow in suit introduced a new concept of “complete state control” (Chute 1933, 64; ). As Chute points out the Minnesota law “was at first really a juvenile probation law, being limited to children under eighteen” (64). As stated previously, in 1899 Illinois enacted the first juvenile court law in the world, with probation provided as the cornerstone for the treatment of the delinquent child initially using only unpaid probation officer (Chute 1933; Platt 1969). Colorado’s law enacted in 1899 developed a famous juvenile court using school truant officers as probation officers (Chute 1933; Platt 1969). The work of the pioneer juvenile courts in Chicago and Denver attracted national popularity and laws establishing juvenile courts with probation supervision passed quickly (Chute 1933).

Though technically probation for adult offenders began first, its progress has been sluggish compared to juvenile probation. This may be a result of less public support for adult probation (Petersilia 1997). However, the developments in juvenile probation were soon employed and modified to specifically deal with adult offenders, and, in 1891, probation in adult matters was starting to be used in conjunction with

suspended sentences and offenders being released on the condition they remain of good behavior. Massachusetts passed a second law which required the extension of probation to the criminal courts (Diana 1960). Following the enactment of specifically adult probation laws in Massachusetts and Vermont, were New Jersey in 1900, New York in 1901, California along with Connecticut and Michigan in 1903 and 1905 in Maine (Chute 1933; Petersilia 1997). Still, as pointed out by Diana (1960), few states recognized probation legally by the early 1900s. Though, in the following decades both adult and juvenile probation quickly expanded and in 1933 all states except Wyoming had juvenile probation laws, and all but thirteen states had adult probation laws. This latter group had “been cut to five states by 1950: Mississippi, Nevada, New Mexico, Oklahoma and South Dakota” (Diana 1960, 189). Early probation laws gave complete authority to the court in granting probation and provided for mandatory appointment of probation officers; however, by the 1930s, numerous laws were enacted to limit the courts power to place offender on probation by number of offenses and type of offense (Chute 1933). Interestingly, criticism developed as a result where many felt that the court’s limit in power was “an unfortunate departure from the early principle that not the offense but the character and reformability of the offender should determine his treatment” (Chute 1933, 63).

Rothman (1980) and Petersilia (1997) illustrate that over the first hundred years from its inception, probation “developed in the United States haphazardly and with no real thought” (Petersilia 1997, 157). Missions were “unclear and often contradictory, and from the start there were tension between the law enforcement and rehabilitation purposes of probation. But most important, tasks were continually

added to probation's responsibilities, while funding remained constant or declined" (Petersilia 1997, 157). Several national reports in the 1970s shed light on the growing inadequacies of probation services and agencies. As quoted by Petersilia (1997), the U.S. Comptroller General's Office released a report stating that probation "as currently practiced was a failure and that the U.S. probation systems were in crisis" (Comptroller General of the United States 1976, 3 quoted by Petersilia 1997, 157). Furthermore, numerous research studies in the 1970s were demonstrating probation's ineffectiveness (Petersilia 1997; Feld 1997) this coupled with cries for more punitive measures in the juvenile justices system brought forth more states implementing intensive supervision in the 1980s.

In 1983, New Mexico implemented electronic monitoring for offenders though initially used for adult offenders soon juvenile probation began to utilize the technology. Public perceptions in the 1980s was that serious juvenile crime was escalating and the juvenile justice system was too 'soft' with offenders. Although, as pointed out in one study, "there was substantial misperception regarding increases in juvenile crime, many States responded by passing more punitive laws" (Juvenile Justice...1999). Certain laws passed during this time which allowed for the removal of particular class offenders from the juvenile justice system and placed them in the adult criminal justice system where they were prosecuted and sentenced. Moreover, offenders charged with certain offenses were excluded from juvenile court's jurisdiction and may have a mandatory or automatic waiver to criminal courts (Juvenile Justice System Structure...1999, 88). These changes made it easier to prosecute young offenders in adult courts. In turn, this pushed some states' juvenile

courts to fashion themselves closer to their adult court counterparts. By 1989 the General Accounting Office survey reported that all 50 states adopted intensive probation and other intermediate sanction programs (Petersilia 1997).

Today, there are many ways in which State statutes define the purposes of their juvenile courts (Juvenile Justice...1999). Some declare their "goals in exhaustive detail, even listing specific programs and sentencing options; others mention only broad aims" (Juvenile Justice...1999, 87); though most states seek to protect the child, the family, the community, or a combination of all three. Most states have constitutional protections and statutory rights. Furthermore, many states have "amended their purpose clauses, reflecting philosophical shifts or changes in emphasis in the overall approach to juvenile delinquency (Juvenile Justice...1999, 87). Several states have purpose clauses that are modeled on the Standard Juvenile Court Act which was originally issued in 1925, but the most influential version was prepared in 1959 (Juvenile Justice...1999). The declared purpose was that "each child coming within the jurisdiction of the court shall receive...the care, guidance, and control that will conduce to his welfare and the best interest of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him" (Juvenile Justice...1999, 87). In several other states, the purpose clause is based on language contained in the Legislative Guide for Drafting Family and Juvenile Court Acts, a publication issued in the late 1960's. The Guide declares four purposes:

To provide for the care, protection, and wholesome mental and physical development of children involved with the juvenile court; to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefore a program of supervision, care and rehabilitation; to

remove a child from the home only when necessary for his welfare or in the interests of public safety and to assure all parties their constitutional and other legal rights (Juvenile Justice...1999, 87).

By the end of the 1990s legislative session in 17 States, the juvenile court purpose clause incorporates the language of the balanced and restorative justice philosophy, emphasizing offender accountability, public safety, and competency development (Juvenile Justice...1999).

The 1980's and 1990's have seen significant change regarding how juvenile offenders are treated more like adult criminals. As pointed out in the following study, recently, states have been attempting to strike a "balance in their juvenile justice systems among system and offender accountability, offender competency development, and community protection" (Juvenile Justice...1999, 89). The study goes on to state that the juvenile code purpose clauses also "incorporate restorative justice language (offenders repair the harm done to victims and communities and accept responsibility for their criminal actions)" (Juvenile Justice...1999, 89).

Numerous states have added purpose clauses in their juvenile codes phrases such as: "Hold juveniles accountable for criminal behavior. Provide effective deterrents. Protect the public from criminal activity. Balance attention to offenders, victims, and the community. Impose punishment consistent with the seriousness of the crime" (Juvenile Justice...1999, 89). As discussed in conjunction with DPP, the State X has made these very same changes towards what they deem to be a 'balanced approach'.



## Chapter II

### REVIEW OF LITERATURE

Much of the research dedicated to juvenile probation officers has centered on perceptions of role orientation and job satisfaction (Steiner et al. 2004; Sluder and Reddington 1993; Curtis and Reese 1990). However, most of the earlier literature focusing on role orientation and satisfaction amongst probation officers has specifically focused on adult probation officers while usually making mention of the studies applicability to juvenile probation officers (Fulton et al 1997; Studt 1978; Clear and Latessa 1993; Sigler 1988; Sluder and Reddington 1993). For decades, many studies have investigated adult probation officers' role preferences and attitudes toward their jobs. This research focuses on role orientations with regard to the conflict between rehabilitation and law enforcement/protecting society. According to Clear and Latessa (1993), role conflict in probation and parole occurs due to a break between two of the primary functions of probation and parole officers: law enforcement and rehabilitation. As pointed out by Fulton et al. (1997), numerous models have been developed to describe different role orientations and conflict in probation and parole.

This paper will examine studies focusing solely on juvenile probation officers, yet a substantial amount of the literature review will be focused on adult POs. This is done for several reasons. One reason being, much of the research produced regarding adult probation officers has also been applied to work on juvenile POs. Moreover, research of probation officers and role strain is more largely and traditionally focused on adult officers. Finally, a good deal of research on the topic of probation officers

has handled the topic of adult and juvenile POs collectively. Thus, reviewing literature on both adult and juvenile probation officers is justified when seeking to understand the topic of POs and role strain fully. Furthermore, Steiner et al (2004) looked at the statutorily prescribed duties of adult and juvenile probation officers in a comparison of their roles. In so doing, Steiner et al. attempted to uncover what differences existed between adult and juvenile probation officers. They concluded that there are no substantial differences between the orientation (either law enforcement or rehabilitation) of the tasks adult and juvenile Probation officers are mandated to perform. Although, as pointed out by Steiner et al. (2004), several other studies produce contrary results regarding Steiner et al's assertion of insignificant differences between the orientation of adult and juvenile Probation officers. Standing in direct contrast to Steiner et al's (2004) work are studies by Petronio (1982), Colley et al. (1987), Ellsworth (1990), Sluder et al. (1991), Sluder and Reddington (1993) and Fulton et al (1997); however, Steiner et al's (2004) study does validate the relevance of using studies which focus on probation work generally in applying to the juvenile probation.

### **Probation Officers and Role Orientation**

Attitude questionnaires and field research is often used to study role orientations (i.e. a Probation officers' propensity towards rehabilitation or law enforcement). Although, this subject has been researched extensively there are mixed results regarding the extent to which any conflict exists (Fulton et al. 1997) and what factors determine role preference. Clear and Latessa (1993) and Bryan (1995) argue that the accepted opinion among professionals and academicians is that probation and

parole officers are unable to manage a caseload that involves both roles of law rehabilitation and law enforcement/protecting society. Although, focusing on adult probation, Studt's 1978 study found that a PO usually found one extreme version of a role he/she was more relaxed with—either the rehabilitator or law enforcer. However, Studt also found other officers who performed both aforementioned roles comfortably as they were less troubled by the intrinsic conflict of rehabilitation and law enforcement. Moreover, some studies demonstrated probation officers ability to adapt according to the client's behavior and criminal career, vacillating from penal to rehabilitative roles as needed. Research conducted by Clear and Latessa (1993) establish that clear role preferences do exist amongst probation officers; however, the study recognized officers are able to perform both tasks of rehabilitation and monitoring as the changes in the particular supervision of a probationer necessitates.

Among other things, these previous studies establish that two distinct roles (i.e. rehabilitator and law enforcer) exist in the world of probation and often probation officers must either chose or balance the two roles. Although, research is limited, several studies look at whether certain work-related, social, and personal characteristics of officers are related to the endorsement of a particular role preference. Some research argues that political orientation, years worked within the juvenile justice system, gender, education, and organizational status are related to probation officers' role perceptions (Leiber et al. 2002; Sluder and Reddington 1993; Whithead and Linqvist 1985).

In Sluder and Reddington's (1993) study, they analyzed data collected from 206 probation officers in a large southwestern state and focused on the various

demographic factors and their influences on role preferences. The study was interested in discovering what probation employees regarded as their primary tasks, and the strategies they believe will enable them to accomplish these tasks as well as identifying determinants of probation officers' professional orientation. Examining the work ideologies of juvenile and adult probation officers, Sluder and Reddington found that male probation officers and officers working in larger agencies were more likely than female officers or officers working in smaller agencies to support law enforcement and control strategies. Also, they found the more face-to-face contact with probationers, the more likely probation officers are to endorse law enforcement/control caseload management strategies. Probation officers with higher education and more liberal political leanings were more likely to embrace offender reformation strategies.

Sluder and Reddington (1993) explain that there is evidence that juvenile probation officers might perceive their work responsibilities differently than those persons working in adult probation because of the fact the juvenile court had its historical underpinnings as a "social welfare agency" (Platt 1969; Schwartz 1989; Sluder and Reddington 116) . In conclusion, Sluder and Reddington found that in spite of all that had been written about "conservative shifts in the juvenile justice system" (130) juvenile officers expressed significantly more support than their adult probation officer counterparts for casework type offender management strategies and offender rehabilitation. They also established three caseload management strategies and placed adult and juvenile probation officer in them based on survey responses: caseworker, the resource broker and the law enforcer.

In support, a study conducted by Lieber et al (2002), found in a multivariate analyses that increases in education reduced adherence to punishment orientations and that probation officers were less likely than juvenile correctional officer and teachers who worked in correctional facilities to indicate support for punitive responses to delinquent behavior.

In addition, Clear and Latessa (1993) found that the agencies' philosophy plays an important role in determining officer's attitudes and task preferences. They found that the agencies' stated philosophy of rehabilitation objectives may be the only way to ensure probation officers adherence to a rehabilitative approach—with the stated philosophy being a greater factor of increasing support for treatment focus than even the officer's personal preference.

Fulton et al.'s (1997) study was conducted on moderating probation and parole officer attitudes in the context of "prototypical model of intensive supervision that is based on principles of effective correctional intervention" (77). They found no significant relationships between officer's role preference and officer's gender, years as a probation officer, and program site. Their findings suggested that a comprehensive approach to training and development can be effective in instilling in parole and probation officers the supervision attitudes that are most conducive to promoting long-term offender change.

As seen in the previous studies, results are mixed regarding role preference and, as Bryan's (1995) study illustrates, little is actually known about how probation officers feel about their preferred role.

## **Probation Officers and Role Conflict**

Although, the studies previously reviewed discuss role conflict in regard to role preference, role conflict is a common issue often discussed in relation to adult probation work; however, again, discussions are usually applied to juvenile probation roles. Moreover, several authors have addressed potential consequences of role conflict in probation and parole. Sigler (1988) describes roles as associated with social positions or statuses that individuals hold. He states that each of these “social positions or identities entails a characteristic role or set of behaviors” (122). Sigler states role conflict occurs “when different actors hold different expectations for roles performed by an individual. The complexity created when an individual holds a number of different overlapping roles also produces this role strain or role conflict” (122).

In Whitehead’s 1984 study he surveyed probation officers and discovered that officers were reluctant to focus on surveillance. As pointed out in Steiner et al’s (2004) discussion, Whitehead found that, 71% of the officers felt conflict between assistance and control roles to be problematic, 54% felt overloaded, and 60% felt they lacked the resources to effectively complete all of their tasks. Whitehead and Lidquist’s (1985) study examined role conflict in relation to job stress and factors contributing to burnout. They found that 63% of the officers studied experienced role conflict, and this conflict contributed to greater job burnout and the impersonal treatment of probationers. The studies have suggested that the conflict between treatment/rehabilitation and surveillance/law enforcement is related to job stress and burnout. Some studies suggest officers cope by choosing one role either punitive

officer or social worker officer (Sigler 1988; Slate et al. 2003). Blumberg (1974) argued that role conflict results in an uncertain professional status and a dissatisfaction in service among probation and parole officers.

As pointed out in Fulton et al, solutions offered to resolve this issue of role conflict typically involves the abandonment of the social work and assistance role (Barkdull 1976; McCleary, 1978). Slate et al.'s (2003) study on job satisfaction and stress uses a self-report survey of probation personnel in a southern state which considers the relationship of a number of demographic variables with employee perceptions of participation in workplace decision making, job satisfaction, and organizational and physical stress levels. The study revealed that employee perceptions of participation in workplace decision making was an important variable in relation to job satisfaction and its influence on reported organizational and physical symptoms of stress. Slate et al. used the findings of their study to support the use and development of participatory management schemas within probation officer's workplace.

Despite findings that officers feel conflict between the two primary roles of probation, other research supports the notion that treatment and control roles are not mutually exclusive (Steiner et al. 2004; Sigler 1988; Clear and Latessa 1993). And some studies suggest that clarity in agency philosophy and role identification will resolve the conflict (Clear and Latessa 1993; Colley, Culbertson, and Latessa 1987; Colley, Culbertson, and Latessa 1986).

Clear and Latessa (1993) explain that the late 1960s brought with it changes, which have affected the prescribed roles of probation. These changes brought forth

the perception that balancing the dual role of both social worker and law enforcer was not possible within probation. The variation in many states vision was also of concern. Steiner et al points out “that some states separated the roles (i.e. officers were grouped and assigned singles caseloads), some states’ probation agencies maximized the delivery role of their offices, while some states maintained small caseloads to ensure that officers could perform both roles effectively” (54). However, the increasing caseloads in probation are also linked to role conflict with workload management.

In support, Colley, Culbertson, and Latessa (1987) looking specifically at juvenile probation officers, discuss role conflict as inherent to the job of juvenile probation. They point out how the multiple role expectation and role conflict imposed on the probation officer presents a “dilemma for administrators charged with the responsibility of designing training programs” (3). They explain that many officers begin their careers with pre-conceived, idealistic notions of the ‘rehabilitative process’ but as probation officers work in bureaucracies that impose “constraints on what they do, how they do it, and how effective they can be working with the persons they supervise”(2) they soon realize discretion in choosing one’s managerial style takes a back seat to bureaucratically imposed constraints that limit the amount of latitude granted them to deal with their probationers. The study concluded by stating: “If we are to successfully improve probation officer performance, we need to better understand the probation officer role” (11). The study also suggests the role conflict for juvenile officers is more acute than for adult officers.



In light of the in-depth studies focusing and establishing role conflict within probation, there are still places of disagreement about what is actually known about role conflict and whether or not role conflict even exists (Fulton et al 1997).

Sigler's (1988) study also focused on how role conflict increases job stress; however, he postulates that role conflict only exists in the minds of *outsiders*, and that there is actually no conflict for probation officers in the performance of their duties. He states: "It is possible that much of what has been defined as stress in the contemporary literature can be understood in terms of resolution, or lack of resolution, of role conflict" (121). Sigler found "the field of probation and parole provides an excellent environment for testing an instrument designed to measure role conflict" (121) because the conflict between treatment and supervision characterizes the occupation—specifically in juvenile justice. Sigler broke his study into two parts. The first was focused on self-administered questionnaire surveying state probation officers, who were assumed to demonstrate high levels of role conflict because of a change in agency policy which mandated the use of weapons. Sigler found that the expected role conflict was not present. However, it was suggested that the role conflict did not occur because of a sizable economic incentive that was attached to the use of weapons. The second part collected data from federal probation officers in the same geographical area. He discovered that federal officers showed higher levels of role conflict than the state officers; however, the levels observed appeared to be relatively low. Also, probation officers who perceived their role as law enforcer tended to use weapons more frequently than those who perceived their role as treatment. Sigler did not find role conflict strongly associated with weapons use. He

also asserted that role conflict usually results when officers are in conflict with agencies over whether or not a rehabilitation or law enforcement orientation will be adopted for the agency. It is when the agency's orientation is ambiguous that role conflict is created. In conclusion, the study found it to be clear that the generally accepted assumptions of high role conflict amongst probation officers was not valid for this study of adult probation officers and parole officers in Alabama. However, Sigler noted this could be for several reasons such as adaptation to reduce role conflict and/or probation officers who could not adapt left the profession.

### **Juvenile Probation Studies**

As stated previously, many of the articles examining probation officers typically focuses either on both juvenile and adult probation officers or simply adult officers. When studies specifically examined juvenile probation officers, they usually focused on the juvenile justice system's inability to balance its rehabilitative and penal goals and made mention of the officers role within it (Feld 1998; Sanborn 2003; Platt 1969; Yeckel 1997). However, several studies have examined the role of juvenile probation officers exclusively, unfortunately, it is to outline their failings.

Tulman's (1995) study focused on juvenile probation *intake* officers. He described the intake officer as the 'gatekeeper' to the delinquency system and concluded that although a "carefully crafted role" (235) exists in the law for juvenile probation officers the intake officer does not properly understand and execute their role before, during, and after initial hearings in delinquency cases. Tulman believed that juvenile probation officers could provide more referrals for services and, in general, advocate for children prior to the adjudication hearing and disposition—

stating that children needed to be diverted more by maintaining, and expanding, available space in diversion programs. Thus, the intake probation officer could effectively serve the community. The study also noted the “trifurcated probation structure of intake, diagnostic and supervision is antithetical to building trust” (277). He explained that as the child endures three separate investigations or diagnoses the child must win over three different probation officers. In his study of the community, investigation, diagnostics and the supervision role of probation was performed by different officers—this is called a specialized unit. He concluded that this specialized unit was a detriment to the effectiveness of probation as the serial exposure to different adult supervisors is guaranteeing that a stable and trusting relationship between the probationer and officer will not be established.

Curtis and Reese (1990) studied cynicism among juvenile probation officers—the specific focus was cynicism toward the rehabilitative ideal in juvenile justice. Using a questionnaire, the study discovered that professionalism and longevity had effects that were opposite to what has been found in other settings. As discussed in previous studies, often a positive nonlinear association is found between specific demographics and role preferences. Professional orientation and age and years of experience was found to be important correlates of cynicism even if educational attainment and organizational position did not apply significantly. Moreover, this study found that idealistic cynicism is independent of perceptions of procedural efficacy, delinquency etiology and importantly, the juvenile probation officers role performance. The study showed how the “dilemmas and frustrations in juvenile probation promoted cynicism among their respondents similar to the

cynicism observed in other people-serving professions” (501). They found that the perceptions that child-saving ideals had been subverted were at the root of their beliefs that juvenile justice “obstructed rehabilitation in general and negatively impacted on youth processed by their department as well” (509). This cynicism however, was found to be independent of perceptions of procedural ineffectiveness of the agency, or organizational cynicism. Cynicism was found to be unrelated to disposition of the standard case but relevant to the officer’s perceptions of their success in rehabilitating delinquents and their prescriptive judgments of an ideal juvenile justice system. They determined these results to be in keeping with a general conclusion that cynicism is a judgment that varies within and across settings, audiences, and philosophical ideals.

Rogers (1990) specifically examined the juvenile probation officers’ predisposition reports (i.e. pre-sentence reports, or social histories). His study was in response to calls to eliminate the use of the reports. These predisposition reports were created to be used by judges and the prosecuting attorneys to provide a comprehensive account of the youth and allow the probation officer to make recommendations based on findings. Rogers linked the goal of rehabilitation to individualized justice which is demonstrated and continued in the use of predisposition reports. Initially, the predisposition reports were considered to be a vital component of the judicial process. However, over the years, Rogers asserts, as the juvenile justice system moves away from its ‘social work roots’ the judges and prosecutors are interested in only two matters: the present offence and prior criminal records. Unfortunately, he found that in the predisposition reports recommendations

officers were aligning recommendations with the assumed decision of the judges, thereby decreasing the effectiveness of the reports as recommendations should be based on in-depth investigations not capricious decisions based on judges' norms. However, he believed instead of a diminution and dismal of the report, we should concentrate on enhancing the usefulness of the reports and training juvenile probation officers on how to produce quality work. He concludes that "if we continue to share the idealism of individualized juvenile justice in which the predisposition report is embedded, there are reasonable strategies to enhance this decision-making device" (52).

Sheindlin (1996), a judge with twenty years experience in Manhattan's juvenile court, published a book outlining the failings of the juvenile justice system. She asserts that the juvenile courts have encouraged a lack of individual responsibility and have left delinquent youth with no fear of the system. One of her solutions is to bring about the complete "elimination" (61) of probation and an increase in law enforcement (i.e. police officers) supervision of probationers.

Although Sheindlin provides a dismal account of probation officers, several studies focus on how to make juvenile probation officers more effective to handle the challenges presented by the juvenile justice system. Maloney et al (1988), Torbet (1993) and Griffin and Torbet (2002) all focus on developing a balanced approach to probation calling for three areas of focus for juvenile probation officer: community protection, accountability and competency development. This 'balanced approach' they feel will combat the many criticisms directed towards a widely perceived inept juvenile justice system.

*The Desktop Guide to Good Juvenile Probation Practice* (Torbet 1993)

worked to develop a consensus in training to also provide solutions to problems the juvenile justice system was experiencing. The guide was a widely influential reference and training resource written by and for working probation officers to increase professionalism within juvenile probation.<sup>20</sup> It served as a comprehensive introduction to the theory and practice of juvenile probation for new hires, a handy collection of approved standards and best practices it was to make probation more professional (Griffin 2000). Again, the guide recommends a balanced approach in the supervision of caseloads. In Torbet's work 'the balanced approach' finds a way to validate both the goals of rehabilitation and law enforcement within supervision. However, Steiner et al (2004) points out that society's disapproval of the juvenile justice system and the rise in violent juvenile crime has led to the belief that protecting society has been prioritized over other elements of the approach, despite the recommendation for a 'balanced approach.'

Interestingly enough, as highlighted in Steiner et al. (2004), when Torbet and Griffin (2002) updated *The Desktop Guide to Good Juvenile Probation Practice* much of the original outlined day-to-day duties of a juvenile probation officer were described similarly. However, the several changes made in the update reflect how juvenile probation is becoming "mission driven, performance-based, and outcome focused" (51) along with the "protection of society being made a primary responsibility of juvenile probation and accountability being defined as making sure the offender completes all community service work and pays all outstanding restitution" (51). The new *Desktop* also believed the probation role should build and

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<sup>20</sup> As seen previously, the State X DPP's current manual quotes this *Guide*.

maintain community-based partnerships, implementing results-based and outcome-driven services and practices. Much like the former *Guide*, the 2002 guide outlines the duties of a probation officer into numerous categories.

Corbett (1999) places juvenile probation officers duties into three categories: the intake, screening and assessment; pre-sentence investigations; and supervision. He examines recent trends such as more violent juvenile criminals appearing before the court, which he asserts is changing the way the character of probation work for most juvenile probation officers. However, he notes that no concomitant increase in services has been provide. Although Corbett examined various programs and probation practices, he is more interested in taking steps towards a reformed juvenile probation. He asserts that research should drive policy rather than administration arbitrarily choosing between hard or soft (which is often the case in order to meet the political and societal whims of the time), choices should be made based on smart and dumb—choosing, of course, smart programs—proven to work. Illustrating data to support his conclusions, Corbett outlines several initiatives to meet the challenges and changes of the juvenile justice system. He emphasizes early intervention programs in communities as well as advocates for a focus on juveniles paying ‘just debts’ by using a more balanced and restorative justice mode. He also asserts that probation should be designed to be character building stating young offenders “could participate in discussion groups led by trained probation officers with both offenders and staff likely feeling that they are engaged in a more productive experience” (83). Corbett believes we need to prioritize violence prevention by pooling our resources towards prevention rather than simply responding to violence. He believes that things will

positively change within the juvenile justice system as progressive administrators will consider the aforementioned initiatives. Corbett also hopes his study will encourage new studies to influence training for new probation officers.

Colley, Culbertson, and Latessa's (1986) study focused on training needs for rural and urban juvenile probation officers. Extensive individual interviews were used to examine the rural and urban differences in probation and implications for training rural officers were discussed. Colley et al. demonstrated that training programs for juvenile probation officers often develop without "consensus regarding the tasks performed by workers, without agreement as to the training required to adequately perform those tasks" (67). As Colley et al. point out, relying on formal education to prepare probation officers is impractical as the knowledge needed to perform the job are not taught in formal education. Instead Colley et al. postulate that training must reflect the differences among staff because when different professional backgrounds are brought to the same job, "friction may arise as to the 'right way' of doing the job" (67). In addition to these findings, Colley et al. found rural officers to be more oriented towards people compared to their urban counterparts. They also found they typically used resources more wisely and had a better knowledge of community resources than did urban officers. Moreover, the variety of role expectations was found to be greater for rural officers simply because of the number of tasks that are critical to successful performance at the respective agency are performed by fewer officers in the rural agency" (71). Urban officers perceived the task of recognizing the true criminal to be of greater importance. Colley et al. found that role orientations of officers were determined by a number of factors ranging from



personality of the officer to the political social-legal philosophy of the agency administering probation services. In conclusion, Colley et al. asserted that rural officers needed a greater variety of skills and training.

Although, Sanborn (1996) interviewed 100 court workers—judges, prosecutors, defense attorneys, and probation officers—from three juvenile courts—urban, suburban, and rural—to ascertain their perspectives as to what should and does influence dispositions in juvenile court. He reports that the factors perceived to affect these decisions vary among juvenile courts and that research may never be able to determine precisely the impact any of the factors has on the dispositional outcomes. For the purpose of this paper, what needed to be gleaned from his study was he found that in urban courts, court officials were “described as competing for domination of sentencing” (104) and that some probation officers were thorough in their analyses of children’s treatment needs, but “a majority were viewed as lazy, overworked, and seeking the path of least resistance when making the dispositional recommendation” (104).

This concept of court officials “competing” is particularly of interest as this paper is focused on the power struggle between DPP and local courts influence on the probation officer’s role conflict and, often, how DPP’s attempts to standardize juvenile probation often hinders the officer’s effectiveness.

Jacobs (1990) examines this dilemma. His work is divided into a two part ethnographic analysis of several special/troublesome cases and an examination of ‘normal’ casework including a statistical analysis of aggregate data based on 629 children. In his study of an unnamed juvenile court system in mid-western suburb,

Jacobs depicts a system of juvenile justice whose state of incompetence and administrative failings weakens any attempt at successful solutions. Although, Jacobs does illustrate several successful cases of probation we later find it is in spite of the system and it is because of the juvenile probation officer's ability to creatively work informally and evade the rules and regulations which otherwise block progress. Probation officers creatively resort to informal and very personal strategies to maneuver and overcome the barriers brought on by the system and all of the players (i.e. judges, prosecutor, juveniles and family, governments agencies and other service provider) to ensure their recommendations and case plan are adopted. In his study, Jacobs argues that probation officers exaggerate their ability to bring about change in a particular case and consequently fail to follow the rational principles which would focus their efforts on the guide of legality rather than the unfixed, and often arbitrary social and clinical contexts.

Jacobs writes that a probation officer described this process as “we really screwed the system and made it work” (13). As a result, Jacobs finds many of probation officer's casework plans fail because of the more embedded obstacles brought about by the societal disorder. To explain this inconsistency, Jacobs demonstrates the effectiveness of the informal structures. He concludes by stating that confronting the controversial evasions of delinquents and related public officials, court workers must seek to obscure the bases of their accountability. He finds that in the ‘no-fault society,’ evasions of mutual obligation feed each other. Continually thrown back on their own personal resources in managing systemic casework dilemmas, “probation officers resort to manipulative strategies of artifice and special

pleading in attempting to enforce civic obligations and entitlements” (283). The problem for Jacobs is that the statistical data collected in his study to indicate the probation officer’s interventions are neither effective nor fair. Despite the unmistakably resourceful dedication of probation officers to helping children, Jacobs finds the juvenile justice system is severely constrained by the more general “weakness of social control in which it operates” (283). In summary, Jacobs argues that the traditional social welfare model role of juvenile court is doomed given the contemporary ‘no-fault society’ and therefore the best of the worst options is the justice model role which restricts probation officers’ functioning to essentially legal processing. He concludes: “However inspired, the manipulations of isolated individuals [juvenile probation officers] cannot compensate for the absence of authoritative institutional means for achieving valued collective goals. Like vain struggles for a foothold in a steeply banked sand dune, attempts to out-manipulate the no-fault society produce only a deeper rut” (284). Interestingly, enough, Jacob did not discuss nor find role conflict to be an issue for his studied probation agency.

This could easily be attributed to these particular officers ability to utilize informal networks, demonstrating a level of flexibility within their agency to ensure resources for probationers also allowed the informal tools and flexibility needed to balance the varying roles of probation. Among other things, Jacobs study pulls to the forefront juvenile probation officers ability to maneuver within and around the surrounding conflicts afforded by the juvenile justice system. Though, Jacobs greatly discourages this and views this informal networking as a detriment to probation, many of the juvenile probation officers found in this paper’s study used the

traditional, flexibility found in their district CSU to effectively manage role conflict. However, much of the recent policy changes in State X have made the flexibility needed to do the job impossible and, for some POs, managing the increasing role conflict nearly impossible.

Sigler (1988) pointed out that it is possible that probation and parole officers select one of a number of possible adaptations to reduce the role conflict they experience in probation, and those who cannot adapt “leave the profession” (128). He also asserted that role conflict may only exist in the “minds of outsiders, that what appears to be logical conflict is not, in fact, a conflict for line officers in the performance of their duties” (128). Thus, he found that further research is clearly warranted in this area to determine the nature of conflict experienced by officers, “with focus on the place of role conflict, if it exists, in the career histories of the officer; the extent to which this conflict is more, less, or different than that experienced by other occupations; and the nature of the adaptations, if any, probation and parole officers make in confronting role conflict” (128).

An examination of previous research provides the foundation for this study and assistance in interpreting the findings. As seen later, the results of this study produce evidence contrary to popular perceptions of role strain in regard to juvenile probation officers. This could be due to the lack of qualitative research on the topic; however, the differences in results are explained at length in the conclusion in addition to similar findings. For example, the relation between bureaucracies and probation officers’ perceptions were also discovered in the results and supported Colley et al.’s (1987) findings. More importantly, this literature review illustrates the

need for further in-depth, exhaustive research on the topic of juvenile probation officers as there was little research in the review of literature which provided insight into varying states' formal breakdown of the juvenile justice system and the affects of the division in power between state and local juvenile justice entities on probation officers. This exploratory study attempts to fill in the gaps left by previous research and provide insight into this topic. Although the juvenile justice system is a vast system interacting within the boundaries of often abstract rules and legal codes, in essence it is a social phenomenon of multi-faceted, individual interactions. Within the local juvenile courtrooms, the focus is the social interaction between the defendants, the judge, the prosecutor, the defense, service providers and, of course, the probation officer. Outside the courtroom, the interaction between DPP and local courts is a point of interest in this study. In addition to others points, this study is interested in examining juvenile probation officers' role as it relates to the division in power between DPP and local juvenile courts, which nevertheless comes down to *individual* conflicts and interactions between specific judges and DPP employees.

After reviewing the literature on the history of the juvenile justice system as well as role conflict amongst probation officers, many questions are left unanswered and, more importantly, unasked. Does role strain and conflict truly exist amongst juvenile probation officers? Does a division in power between DPP and local juvenile courts create and/or increase role strain for the juvenile probation officers in State X? Does the division in power create a power struggle between DPP and local juvenile courts? If so, does it hinder probation officers ability to meet the goals of the juvenile justice system: rehabilitation and protecting society? Has DPP's move to

become more standardized the past 3 to 10 years increased role strain and, in turn, probation officers' perception of job stress?

The following chapter will detail the methodology employed to answer the above questions.

## Chapter III

### METHODS

Qualitative research “focuses on the process that is occurring as well as the product or outcome. Researchers are particularly interested in understanding how things occur” (Creswell 2003, 199; Fraenkel and Wallen 1990). No assertions can be made until questions are answered and as qualitative research is based “on assumptions that are very different from quantitative designs” (Creswell 2003, 198)—meaning theory or hypotheses is not established *a priori*—a qualitative approach appears an appropriate choice.

This approach was chosen to interviewing agents of the juvenile justice system as it “is a way of finding out what others feel and think about their worlds....Through what you hear and learn, you can extend your intellectual and emotional reach across time, class, race, sex, and geographical divisions” (Rubin and Rubin 1995, 1). In addition, interpretations and meanings are negotiated with human data sources because it is the individuals’ realities that the researcher attempts to recreate (Lincoln and Guba 1985; Creswell 2003).

Much of what is known on the topic of probation officers is collected from analyzed quantitative data for the purposes of constructing a list of generalized experiences on perceptions of role orientation, role conflict and causes (Steiner et al. 2004; Sluder and Reddington 1993; Curtis and Reese 1990). As such, a qualitative methods approach would be appropriate, and needed, in trying to understand what affects the division of power between DPP and local juvenile courts in a particular locality in State X have on juvenile probation officers as well as if the shifting focus

of DPP creates and/or increases role strain for juvenile probation officers. To understand the affects this division in power has on the roles and day-to-day duties of the juvenile probation officers, this researcher had to obtain in-depth responses and thoughts on the specific topics from the research subjects. Moreover, as discussed previously, this research is informed by theories of role conflict. Role strain and conflict is a state of mind—a perception. As explained by Goode (1960), ‘role strain’ is “the felt difficulty in fulfilling role obligations” (483). How one *feels* is only obtained by understanding the full spectrum of ones perception on a matter. Qualitative research seeks to understand and explore reality from the perception of the individual and how it relates to the behavior of the individual within a particular situation (Crotty 1998; Creswell 2003). This, arguably, is why qualitative is most useful for this particular study. When examining perceptions and trying to discover connections, a qualitative, exploratory approach is a superior choice as qualitative interviews “listen to people as they describe how they understand the worlds in which they live and work” (Rubin and Rubin 1995, 1). A qualitative approach has the ability to further our understanding of the problems associated with the juvenile justice system and provide suggestive solutions as it can fill in gaps left by quantitative studies on the same topic (Neuman 2000).

My interest in this thesis topic came about as a result of working as a DPP employee for approximately one year. The information was gathered through court observations as well as by working as a DPP employee and working intimately with the varying agents of the juvenile justice system. I spent many hours reading through the DPP Policy and Procedures manual as well as the Code of the State X as it



pertains to the juvenile justice system. I have had access to DPP memos as well as memos from the local juvenile courts. Through previous research I was made aware of the theory of role conflict as it relates to probation officers; however, I became more interested in the topic after working as a DPP employee and recognizing the various conflicts that juvenile probation officers deal with; particularly the struggle to balance the demands of the local courts and the state agency in which they are employees. Through these observations, I also became cognizant of what appeared to be a struggle, whether real or perceived, between DPP and the courts according to DPP administration and several POs. My experiences as a DPP employee is mentioned because "...it is important for the investigator to locate herself in the research process so the reader better understands how and why knowledge has been constructed" (Oswald 2002, 329). This is called reflexivity and "it can play an important role in research by making the construction of knowledge more transparent and therefore more open to scrutiny" (Oswald 2002, 329).

In addition, my role as a DPP employee provides me with an important access to information typically closed off to the public. The criticism concerning the use of 'backyard' research is that it "often leads to compromises in the researcher's ability to disclose information and raises difficult power issues....the problems of reporting data that are biased, incomplete, or compromised are legend" (Creswell 2003, 184; Glesne and Peshkin 1992). Due to this, efforts have been made to "employ multiple strategies of validity...to create reader confidence in the accuracy of the findings" (Creswell 2003, 184). To increase accuracy, I employed a "member-checking" strategy (Creswell 2003, 196) by engaging in follow-up meetings to present the

transcribed data to determine whether particular participants felt that the information and the themes described were accurate. As seen later, I also present negative or discrepant information that runs counter to the themes “because real life is composed of different perspectives that do not always coalesce, discussing contrary information adds to the credibility of an account for a reader” (Creswell 2003, 196). Moreover, because of my own position within the juvenile justice system, I was able to spend prolonged time in the field. This way, “the researcher develops an in-depth understanding of the phenomenon under study and can convey detail about the site and the people that lends to credibility to the narrative account” (Creswell 2003, 196; Lincoln and Guba 2000). However, though, there is criticism regarding ‘backyard’ research, as described above, I found my position and familiarity with the juvenile justice system made participants more at ease and ready to provide sensitive information as they were aware of the strict confidentiality to which DPP employees must adhere.

Furthermore, due to the sensitive subject matter, the interviewee was approached as a “conversational partner” (Rubin and Rubin 1995, 11). The term suggests a “congenial and cooperative experience, as both interviewer and interviewee work together to achieve the shared goal of understanding” (Rubin and Rubin 1995, 11). My invaluable experience working within the juvenile justice system can be used to inform my analyses while examining the differences in experiences other probation officers and agents have within the system. Again, my familiarity also allowed me to converse at ease with participants such as state attorneys, judges, DPP administration and other probation officers as I communicate

almost daily with the agents using the *language* unique to their job description; thereby, decreasing chances for miscommunication. Moreover, after particular participants recognized my ease in discussing issues of *power struggles*, I found that judges and DPP administration quickly became comfortable and more willing to share their opinions and experiences. This was particularly important as accurate perceptions of this social phenomenon could only be captured in a qualitative study where participants can be constantly assured of anonymity and the researcher's dedication to confidentiality.

Before starting my interviews, I conducted two pilot interviews. The questions were constructed with the purpose of the study in mind as well as influenced by existing studies on the subject. The interviews were semi-structured, exploratory interviews in which interviewees were asked to describe key concepts relating to the research questions. The subjects were asked to explain the roles and duties of POs, the juvenile court and DPP. They were also asked to discuss the division in power and how they believed it affected the PO's job duties. I then used that material to help construct my questionnaire and interviewees were asked to paraphrase each of the questions and to discuss what they think I was trying to assess (Rist 1983; Bergman and Coxon 2005). The pilot interviews were done for several reasons. One to assure that "the interviewee understands the questions in the way intended" (Bergman and Coxon 2005, 8). Also, the data obtained from these pilot studies revealed not only various aspects of research methodology (e.g. question order, question clarification) but also substantial information about the topic under investigation with regard to participants' assumptions about what the researcher

knows or wants to know. In short, “the pilot studies give us insight into whether we understand sufficiently what the respondents mean when they refer to certain key terms” (Bergman Coxon 2005, 8). To state explicitly, the pilot interviews also allowed me to flesh out questions while also include questions to issues that came up in the interviews. For example, both POs mentioned feelings of being caught in a power struggle between DPP and local court systems at times; as a result specific question asking for experiences with observed power struggles between the two entities was added to the questionnaire<sup>21</sup>.

In addition, before each interview I provide each participant with a consent form which outlined their rights and the researcher’s responsibilities. By signing the consent form they “...knowingly and voluntarily agree to participate in my master’s thesis research, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion by this researcher, and you, as the research subject, are a person who is capable of exercising free power of choice.” Moreover, this researcher offered “to answer any inquiries by you, the research subject, concerning the procedures and protocols of collecting this data.” By signing the form, they also agreed “to allow the researcher to tape record this interview with the understanding that it will be immediately transcribed into a word document under a pseudonym, with specific names and other identifying information changed. The research sample will be identified by profession and state only. The tape will subsequently be destroyed.” Additionally, due to confidentiality, pseudonyms for all of the participants have been used with specific and identifying information changed or omitted. Also, if the sex of the participant would directly identify the participant

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<sup>21</sup> See Appendix 1 for the list of interview questions.

or the district, the sex was omitted and the title of the person was used in its stead or the generic he/she. This fact also increased participants' candid responses.

I conducted an initial interview which lasted approximately one hour to one and half hours, on a few occasions the interview lasted up to two hours and only one interview lasted less than an hour. The participant chose the setting of the interview. Most chose their office or some room in their office building; some however, chose to meet outside of their work place. The power of choice given to the participants seemed to increase the level of comfort for the participant as they chose the environment they felt most relaxed and which was most convenient.

As stated previously, the participants in this study were approached as a 'conversational partner' (Rubin and Rubin 1995, 11). This congenial and cooperative experience where both interviewer and interviewee work together to achieve the shared goal of understanding is vital in quality qualitative work because "if the interviewer is unaware of what was understood by the participant, an analysis of data from...the interview questions would lead to incorrect conclusions" (Bergman et al. 2005 pg. 6). Mishler (1986) also addresses this potential weakness in qualitative methods but offers a helpful safeguard by redefining interviews as 'speech events' where taking "speech seriously requires investigators to pay close attention to linguistic and paralinguistic features that appear routinely in naturally occurring talk but are routinely omitted from standard written texts" (Mishler 1986, 47). As a result of such omission, questions of validity in qualitative methods are frequent, however, to minimize such factors in interpreting data and recognizing themes, during the transcription process certain details such as pauses, nonlexical expressions, and

speaker interruptions and overlaps, “that are rarely found even in illustrative excerpts in reports of interview studies,” (Mishler 1986, 47) have been included. Although not always explicit in the text, these indicators are used as tools for interpreting the data and what was meant by the participant.

The interviews began with a list of demographic questions such as years in position, other positions held within the juvenile justice system, localities worked and level of education. These questions were asked as a result of prevalent findings which suggest such factors influence types of role orientations. These questions were also a good starting point to ease into the discussion. Much of the interview was semi-structured, open-ended questions. The topics were addressed with specific questions in no standard order or a specific way of asking a question—which allowed participants to answer and describe experiences in the order they found most relevant with as much detail needed. This was also done to allow for flexibility in adapting to participants level of understanding, enabling me to reword questions if the situation required such for valid responses. There were also unstructured aspects of the interview as particular answers warranted relevant impromptu follow-up questions and led to unprepared questions.

Although, each professional group was asked similar questions, changes were made according to profession. For example, a judge would not be asked “Describe your role as a PO?” Instead, they were asked: “Explain to me what you believe is the role of POs?” Furthermore, judges were asked to explain “the role and duties of the local juvenile courts.” Follow-up questions would lead to a discussion about the separation in power between DPP and local courts and POs as the agents in between.

This was not necessary in interviewing POs. POs were typically asked at the end of the interview if they had any: “Blatant examples of power struggles between DPP and local juvenile courts?” However, I typically found the former question unnecessary to ask as this topic usually came up naturally in the course of the interview.

Concerning the interviews with POs, the questions were designed to capture the full range of experiences as a probation officer and were informed by current literature on role strain and conflict. However, with great efforts made to deliver the questions without guiding the participant into predisposed answers. For example, when trying to discover if role strain was an issue for a particular PO they were asked to “describe your role as a PO? What skills do you need to be a successful PO? Do you find conflicting aspects of your roles and duties? Do you see the goals of the juvenile justice system—meaning rehabilitation and protecting society—as going hand in hand? Or do you see them as opposing?” I did not ask each participant the same amount of questions because one interviewee would naturally cover the questions prepared. Furthermore, “asking everyone the same questions makes little sense in qualitative interviewing where the goal is to find out what happened and why, in rich individualistic terms” (Rubin and Rubin, 11). In addition, Mishler (1986) writes: “To assume that the question printed in the schedule is the standard stimulus for all respondents is neither a secure nor a credible basis for analysis and interpretation” (44).

However, every participant was asked questions *regarding the division in power between DPP and local juvenile courts* and questions were formed to discover *if this division created and/or increased role strain for the juvenile probation officer;*

*did the division in power create a power struggle between DPP and local juvenile courts? And finally, has DPP's move to become more standardized over the past 3 to 10 years increased role strain and probation officers' perceptions of job stress?*

Ultimately, as the interviews were conducted to provide detailed data, lending itself to interpretation, of a particular individual's experience within the juvenile justice system, the goal of the interview was to have the respondent talk at length and provide an accurate picture without a pressing agenda for set questions to be answered. The objective was not to force support for existing data on role strain or to discover a power struggle where there was none, but it was to acquire an in-depth description of particular experiences, in hopes to provide insight to the prevailing issues associated with the juvenile justice system and specifically the role of juvenile probation officers.

The participants were allowed to bring up relevant topics as she/he felt comfortable. This allowed for important issues to be discussed at ease. Moreover, "to understand complicated problems...you have to let [participants] describe their experiences in their own terms" (Rubin and Rubin 1995, 17).

As stated previously, the interviews were tape recorded and then transcribed using the same recorder into a Word document. As Mishler (1986) wrote the "experience of transcribing is also likely to convince investigators of the need for repeated listenings [sic] to ensure the most accurate transcript possible for their own analytic purposes, irrespective of the notation system chosen" (49). As such, meticulous steps were made to ensure the transcriptions were verbatim by repeated listenings; changing all names and other specific, identifying information yet all the



while being careful not to change individual information which is pertinent to this research such as profession, philosophies etc. During the few times in which discussions were inaudible a note was made and an entry referencing such will be made in the study. It “seems clear, however, that the value of succeeding stages of a study—coding, analysis, and interpretation—depends on the adequacy of the description of the phenomenon of interest, and in interview research this means carefully prepared transcript” (Mishler 1986, 50). As such, after I transcribed the interviews, I read through all of the data gathering a “general sense” (Creswell, 2003, 191) of the information and reflected on its overall meaning and took extensive notes. Moreover, as stated previously for reasons of validity, I also engaged in a follow-up meeting with most participants to present the transcribed data collected during the interview; this also provided a valuable aspect to the interview as sometimes hearing a response, the participant would further elaborate—providing richer detail and further clarification on particular points. This further ensured my understanding of what was being said.

After all interviews were completed and transcribed into a Word document and the data was reviewed several times, I manually sorted and arranged the data in various Word files, making a list of all topics. I clustered together similar topics and arranged topics by major topics, unique topics and leftovers (Creswell 2003). For example, when the division in power was discussed in an interview, the data would be copied and pasted in the *Discussion of Division in Power* Word file with pseudonyms attached. I also frequently read over the DPP policy and procedures manuals, company e-mails, the DPP internet, continued with participant observation in the

work place and participated in staff meetings—all of which assisted in beginning a detailed analysis with a coding process. Coding “is the process of organizing the material into ‘chunks’ before bringing meaning to those ‘chunks’” (Rossman and Rallis 1998, 171). It involves taking text data or “images into categories, and labeling those categories with a term, often a term based in the actual language of the participant (called an *in vivo* term)” (Creswell 2003, 192; Strauss and Corbin 1998). In short, the statements used by the participants are coded by the meaning given by the participants. For example, many of the participants used the terms *traditional PO* and *data entry personnel* when describing a particular phenomenon. Thus, the specific data that addressed that phenomenon were coded as *TPO* (traditional PO) and *DEP* (data entry personnel) in the Word document’s columns. Meaning is also derived from a comparison of the findings with information gleaned from the literature as well as several theories on the topic. As illustrated in the findings sections, some of the data supports past studies while others diverge from it. Some data also presents new questions which need to be asked and explored in further details.

### **Description of Sample**

As this research is explorative in nature, a random sample was not selected. Instead, a criterion sample of 20 participants involved with the juvenile justice system was selected. They ranged in age from 30 to 65 and all had been employed for at least 3 years. A criterion sample includes all cases that meet some “predetermined criterion of importance, a strategy common in quality assurance efforts” (Patton 2002, 238). As I was also interested in obtaining comparative information on the ways in

which the role of POs have changed over the past 3-10 years in conjunction with changes in DPP policy and procedures, I had predetermined criterion characteristics which limited research to subjects who have participated in the juvenile justice system for at least 3 years. This automatically excluded several probation officers within the studied district from this research. All of the POs that met the criteria in the city office were interviewed. All eligible participants from the rural office were interviewed except for one. The interview had been scheduled several times yet due to scheduling conflicts had not occurred. The decision not to halt the research in an attempt to complete the final interview was finally made as all of the rural participants had provided the same data. Two of the PO participants who worked for State X's juvenile justice system for less than 3 years were included in this study due to their more than 9 year experience with a neighboring state's juvenile justice system. Furthermore, their perspectives add unique insight when discussing the division in power in State X due to their interaction with another state's handling of probation officers and the juvenile justice system.

The district focused on was chosen for its rich diversity in geography, economic standing, and political sway. In addition it was chosen for its accessibility. The district is made up of rural, urban and suburban localities. Nine juvenile probation officers were interviewed; the number of POs selected was only determined by length of employment. Each probation officer had experience working in both a rural and urban locality which enabled them to remark on differences and similarities between working in the different environments. All of the Court Service Unit supervisors in the district were interviewed as all were needed to confirm or

contradict allegations of power struggles between DPP and local courts. This was also one of the reasons that the Director of the district was interviewed. The Director not only oversees the entire operation of all of the Court Service Units in that particular district but typically sets the tone and frequency of discourse between DPP and local court judges. For these reason, it is vital that the Director be included in this study.

One city state attorney (SA) was chosen as well as one county state attorney—these interviews provide a unique, less biased voice in which to juxtapose other participant’s responses regarding issues of power struggles. The two SAs also provide insight into outside perceptions of the roles of probation officers within and beyond the courtroom. The decision to interview all of the judges in this district was obvious as there are only four; therefore, manageability made it viable and necessary. Yet, most importantly, the judge is ‘the ruler of the courtroom.’ Many agents within the courtroom have made note that regardless of policy, and sometimes general interpretations of the law, a judge will rule how a judge wants to rule. This often affects the juvenile probation officers courtroom duties as well. As the data will show, often probation officers will make statements like: “You know that if you are in Judge X’s courtroom that you have to make sure you provide testimony this way....” In addition, no one judge is alike. Each is known for their particular verdicts or idiosyncrasies as well as their working relationship with DPP, and sometimes, nonworking relationships. The participants’ employment in the juvenile justice system ranged from 4 to 33 years. The exact number of years will be presented with each participant’s discussion.

## Chapter IV

### FINDINGS

#### **Dynamics through which Conflict Emerges, and is Resolved**

##### Conflict between Rehabilitation and Law Enforcement/Protecting Society

As illustrated in the literature review and previous discussions, many academicians assert that there is a conflict between the two primary functions of probation officers and the juvenile justice system: rehabilitation and law enforcement/protecting society (Clear and Latessa 1993). Again, as pointed out by Fulton et al. (1997), numerous models have been developed to describe different role orientations and conflict in probation and parole. However, as demonstrated below, this study found little conflict for POs fulfilling their dual goals of rehabilitation and law enforcement/protecting society. Several themes arose from the data to explain how, when experienced, PO's handled conflict. Throughout each interview with the POs, it was stated that those who could not resolve the conflict of balancing probation's dual goals, and the juvenile justice system as a whole, would either leave or were fired. For example, Tyrone Bester, who has been a probation officer for 4 years, stated that:

The juvenile justice system has this mentality of 'it is either my way, or the highway.' Um, you are either going to just deal with it, learn how to bend the rules or leave...and by leave sometimes I mean get fired. To be honest with you, I don't know if POs who have been here for a while learn to 'just deal with it,' no, I think most either learn how to bend the rules or they're fired or leave."

Mike Retoni, who has been a probation officer for approximately 9 years, listed five employees that had left the Court Service Unit in the past three years:

...It's funny because most of those POs that left didn't see rehabilitation and consequences or protecting society or however you want to break it down, they didn't see them as one-in-the-same. They saw them as conflicting like only one could be accomplished not both. For the ones that stick around, we understand how it works. Rehabilitation and protecting society, you know the punitive side of all of this, they all need to work together. You have to find a way to make it work together or you won't be an effective PO, more importantly you won't stick around very long, one way or another.

Most of the participants considered themselves as effectively resolving the alleged conflict between the rehabilitation and protecting society. While all acknowledged the potential for role strain in trying to meet the duals goals, participants either saw the two goals as *one-in-the-same* or going *hand-in-hand*. Jack Logan is a 33 year veteran of the juvenile justice system. He has worked for the Court Service Unit as a probation officer for 23 of those years. Jack resolves the conflict by not seeing the two goals as different:

I don't see them totally at odds. I always like to think treatment first. Okay what can we do so this person is not going to be a problem to the community or themselves later on. ...Ohm, but I don't feel like that is totally in conflict with saying if you are not doing what you are supposed to be doing you are not moving forward making progress then you will have to look at the punishment aspect of it. I think they go together because the punishment can motivate the youngin' to go the other way. ...I guess what I am trying to say is that by rehabilitating I am protecting society because I think when you rehabilitate you change the behavior and they are less likely...going to do something to society. ...I think that you have to balance your role as therapist and law enforcer. And then I think there are times when you have to become more law enforcement in order to get what is expected of our jobs done. Well, and what is expected of our jobs depends on who is looking at it. ...While I think that wanting to get treatment is the best answer I also think you have to do the law enforcement part. You have to make sure the rules they are supposed to follow that they are following them. But the goals are not different and if you look at them as different that is where the problems begin. That is where success ends and clashes begin.

Two POs did, in fact, explicitly state they felt like the rehabilitation and law enforcement/protecting society aspect of probation and the juvenile justice system caused role strain for them. However, in discussing the conflict they would later elaborate on ways in which they resolve the conflict. For example Marie Lang, who has worked for DPP over 21 years, states “I often find that I am experiencing conflict in my role as a juvenile probation officer.” Yet in the course of the interview she also volunteered several examples on how she resolves this conflict.

Of course rehabilitation and community safety is in conflict—and a lot of times you experience conflict because of it. In order to rehabilitate sometimes you have to be with them in the community when you know very well that they are dangerous or people are thinking that their dangerous and you know deep down their working on this. It is a conflict. It's not in every case but some cases while you are trying to rehabilitate they can still be a community risk or danger. ...I put it on the kid, you shouldn't be out here, I'm watching you and if something happens it's your problem. I don't take responsibility for the kid, they are responsible for themselves. ...it's just not my style. ...I do both. I can manage the counselor versus the law enforcer role. I can do both at the same time. That's how I parent too. It's nothing personal. I'm here to help you, but if you cross the line its not going to be anything personal either it's going to go either way. I'm also really up front with the kids...I'm always called the blunt PO (inaudible). I will nail them if they screw up. They may or may not like some of the things that I say or do but I don't try to color it, there are no surprises but I also congratulate them when they do right...I just think you can be tough but also show you care. ...I don't see myself as a law enforcer...but I also believe that accountability and treatment are really close changing. ...If you stick around long enough you work out all of the kinks in any conflicts you might have though.

Kyla Stanford who has been with the department for almost 20 years also sees the rehabilitation and law enforcement/protecting society goal of the juvenile justice system as creating role strain:

Oh, it's, um, it's definitely conflicting sometimes. You know, one minute you might be very, your client might feel like “Oh, she's really nice,” and I've had this happen, then she goes, “I hope you'll stay my P.O., I love you, you're great,” and then when she messes up, then Bam! It's like ok, now we play the

cop role. And so, you know, we're talking about pulling her out, and we did, we pulled her out of the home and then she's crying and then she just comes in and is like, you know she is upset and hates you now but fortunately if you are consistent and you really are working towards rehabilitation and protecting society, you know it will eventually become evident that your actions were in her best interest. ... You're trying to protect society, but you also want to see them get better. It's definitely you're sort of taking a police role and you're taking on the part of a clinician in a way.

Although, Kyla states she feels the dual goals are in conflict, she goes on to state she has found a way to resolve the two:

...But I do think you can balance it. I believe I have to balance it everyday, with every case, but I think you have to have the personality to do it. Um, I think you have to really stay neutral...you really have to not try to get too personal to the point that you want to try to act like their buddy or things like that, but basically you have to be like, "Look, this is where it is, this is what you've got to do...", you have to be pretty much black and white with them, when you are talking to them, but you can also be the advocator. You know, you can also show them, I'm trying to help you and support you, this is what you need to do, and I'm going to try to help you get to that point. These are the goals, this is what I hear you want to do, and you want to try to get to accomplish them, and I'm going to try and help you do that. And if you can't do that, then ok... fine, let's try to figure out something else. But if you're breaking the law and you're doing these other things that are going to be, have a negative impact either on your family or on society, or on yourself, then we have to backtrack and uh, you know, impose some sanctions...they're not going to be so pleasant. And then you're going to have unpleasant consequences. So um, so you're talking about um, you're definitely taking on two different things. You know, here one minute, you might be talking about accomplishing these goals, helping them to do this and helping them to do that...and the next minute you're locking them up. So, um, but if you make it real clear, and I think that's probably the key, with most of the clientele you deal with, I mean, most of them are smart, and you know, if they're functioning, you know, at least above 70, most of them can pretty much get it that you're...trying, that you're not being phony, that you're, you know, trying to help them, ...but I think a PO needs to do both... I think a PO needs to try to help them to succeed, to do the things, you know, incorporate and constantly encourage the positive things that they need to be doing to help them turn their life around, um... to be in treatment, to be in whatever it is that we've assessed them to be in need of... to try to help change those behaviors. I think that is how I make rehabilitating and community safety work. If you are not doing that as PO than you are not really an effective PO and you probably aren't meeting either goal...you certainly aren't rehabilitating and



that is really the biggest part of protecting society or community safety, it is rehabilitating that kid.

Like Jack Logan, the remaining PO participants expressed the dual goals as either the same or aiding one another. Lisa Jackson clarifies:

I explain to the kid when he first comes in to do a social history we are not looking into putting you in detention...we are looking at you working within the community, getting in with community resources such as counseling, anger management and so forth but if you don't comply then we are looking at the punitive part. I like going in there as we are going to offer you this service, if you don't comply with this service or order then we are going to move into the next side which is the punitive side. I feel like it is all under one hat for me because the way I go into it is kind of like a parent with a child you know, listen don't touch that stove it is hot and then if that child continues to touch that stove and they get burned it is just like that okay you've got to do that service, you've got to do this and if you don't do it well this is your consequence and the consequence is the detention or whatever else is the commitment....That is always that line I draw with them if you stay on this side you will stay in the community you'll be fine, but if you cross this line that is the punitive part and you have to be committed or go to detention.

Both Marie Lang and Lisa Jackson discussed resolving the potential conflict as a "parent" does when dealing with their children. Likening their job as a probation officer to parenting is significant because a successful parent, like a successful PO, has resolved role strain. For a parent, the conflict could be in disciplining their child while also making the child feel loved; or it could be resolving the conflict between their role as a parent and their role as a professional. To be successful at either, the person must find a way to balance or merge the two roles.

For others working in the juvenile justice system, the way in which they resolve the conflict is realizing that there is a conflict and deciding case-by-case which "hat" they will wear. Chris Dodd, a probation supervisor who has worked for

the department for over 17 years, believes that resolution comes by making the decision early on in the case which approach will be taken:

I think it is difficult...conflict is not appropriate...making the determination as to whether my hat at the moment is service or social worker perspective or the consequence slash sanctioning perspective of the legal system. Probably the biggest conflict day in and day out is with this particular moment in time with this particular case where do I draw the line or how do I define what I should do in the spectrum of sanctions and consequencing [sic] and public safety and provide services.

Jill Brown a 9 year juvenile justice worker, also believes accepting the reality of the conflict and dealing with it case-by-case is the way to resolve the conflict:

Um, I think the biggest, and I don't know if it's a skill, but the awareness that there is going to be conflict and doing both [rehabilitate and protect society] of those things at times and really looking at the point that you're really having to make a decision, which one is more important? And it does vary, from case to case and is there a way to achieve both rehabilitation while holding a kid accountable, which is protecting society? And I really believe that there is. I believe that you can send a kid to detention for five days who's never been there, and you get the same point across that you get if you send a kid to detention for thirty days. And when they come out after 5 days there can be services in place, or counseling, or supervised activity. You know, E.M [electronic monitoring], I believe is a therapeutic, but yet punitive... can be viewed as punitive. You know, if you believe a kid can be better off at home than detention, and you arrange for E.M., while it may not be what the kid is hoping for, because you're taking away a lot of their freedom, you're also giving them freedom that they wouldn't have if they were in detention. So, you know, I think there is a way that you can balance that, I think there are times when, unfortunately, you can't and you have to make a choice about which way you go and that is case-by-case. Usually, you can't because you don't have the resources though... I think the kids and families no matter how many I've worked with, there's always something different. You know every family is not exactly the same, so I don't think you can cookie cut... "well, you know if they come in for an Assault and Batter, this is what we do." You know, but I think we have some general ideas, like "yes, they should be doing community service, they should be doing restorative justice, they should be doing a supervised activity. You know, they owe restitution. But I think for every kid and family it needs to be tweaked appropriately, and if we're not doing that then we're really not going to serve that child or family well.

Although, the participants believe they have developed a way to effectively balance the dual goals, all of the participants, including non-POs, stated that where balancing rehabilitation and protecting society becomes impossible or improbable is when resources are limited and/or non-existent. Thus, there are times when the conflict is not resolved but not because the two are incompatible. This was more evident in the rural localities in the district. As 78 percent of the POs interviewed either work full-time in a rural locality or their time is split between a rural locality and the city, where the main office is located, the participants were able to discuss the differences between rural and city resources. Jack Logan works full time in a rural locality and, as illustrated previously, feels he can balance the dual goals. However, in the end many of the participants found that there are times when it is impossible to meet both goals. Jack Logan explains:

Well, lets say you have a client who definitely has some mental health issues you can pretty much say this is probably the reason they are acting out or doing the things they are doing, although you can never be sure of anything and you are unable to get services for them but you realize that if you continue to allow the behavior to go on that they are going to get hurt or someone in the community is going to get hurt so you end up convincing the judge to put them in detention or even there have been times we have had kids committed when they would have been better off if they had been placed in a residential placement but there was no way to get that. We just don't always have the money in [rural county]. So then you have to say that at least with DPP they are going to get some treatment, not a lot, but probably not exactly what they needed but it is better than nothing better than sitting in the community looking for trouble and finding it. ...I think there are occasions when they are at odds. But I also think the longer you do it you realize, particularly when you are in a location that you don't have many tools to draw from, that you just eventually I have to say to myself it is better for them to be in detention, or be on house arrest because I have nothing else to offer. There is no where else to go then when we get out of town judges and judge B will do this and sit up on the bench ordering things send them to [nearby cities popular community program for community service work] do this, do that. It is like hold on judge you can't do that, "yes, you can. I am ordering you to do that."

Well, judge we don't have \$80 a day to do that if we can't pay for it there is no way to do it. In some cases there is no way to get them there.

Lisa Jackson, who also works full time in a rural county, expressed similar sentiments when she states "It is rare that I will refer clients to commitment but in this rare case I had in which we had no other services in the community for the kid I had to."

Lisa also adds another dynamic in which it makes it difficult to meet the dual goals:

I can see it [rehabilitation and law enforcement/protecting society] working together if you are supportive with how it is organized and you know your management organizes it in a way to allow you to do your job effectively and to wear both hats. The only way I see it conflicting is when our community doesn't have service that kids need and then I got to say there is nothing here for you and the only thing we can do is send you away or do something like that. If we had all the services we actually need the two could work smoothly. Another way it conflicts is that when you have already tried that rehabilitative part and offered the kid the services and then you say okay now we are on the punitive side for whatever reason, if you don't have the support of the supervisors or of the judge then you stay on the side of rehabilitation and the kids realize I don't need to do this because nothing is going to happen. So I see a conflict in that to in that in the way I supervise my cases has to be supported by the judge and my supervisor. ...The conflict does not occur from the side of the PO working, um, if you ask anyone that sticks around for more than 6 months you see that we don't have any internal conflict with the goals of the juvenile system, the conflict doesn't occur because of rehabilitation and protecting society, it happens because of the other forces at play.

As illustrated previously, all acknowledged the potential for role strain in trying to meet the dual goals. Most participants either saw the two goals as *one-in-the-same* or going *hand-in-hand*, or simply a matter of determining what "hat" should be worn. The following comments may be seen as contradictory to previous data as Dillon Fritz states "there is no conflict," however, they are not. Dillon Fritz comments are yet another example of how POs resolve the potential conflict in this

study. For Dillon Fritz, resolving the conflict is achieved by not seeing the two agendas as conflicting. Moreover, his comments encapsulate the overarching feeling of the participants working within the juvenile justice system in this district. For example, each participant discussed the need to remain focused on the goal of rehabilitating the youth while also protecting society. Dillon Fritz states:

My primary goal is to protect the community. The poor unfortunates \*sarcasm\* that make these mistakes have to be held responsible for their mistakes. They have to have consequences and if they are fortunate enough to learn from those consequences all the better. ...Rehabilitation and protecting society; it all works together. I don't see how it would conflict. Am I missing something here [said with sarcasm]. ...We provide as many services as possible for the poor unfortunate. At the end of the process if they are doing well it has been a success—if they have been through a period of time with no new charges. If they get additional charges then it at the end of the period of time it has not been a success. We try something else. If it gets to the point they have too many charges they go to state care. ...Protecting society means they are not breaking the law and being dangerous. That would be considered rehabilitation, yes, by working towards rehabilitation we are protecting society. I just don't know if I had looked at it that way because I just do the things I outlined before. I am just doing my job and both aspects are a part of it. ...Protecting society. Working with youngster, if they don't break any laws they have been a success. I keep it as simple as possible. ...There is no conflict, you don't have to choose. Just do what we need to do, take care of the situation and help the young people as much as we can. And give of ourselves as much more and more on a daily basis. Amen.

Although, much of the academic research on juvenile probation asserts the goals of rehabilitation and law enforcement/protecting society creates an irresolvable conflict and prohibits probation officers from being effective (Bryan 1995; Fulton et al 1997; Studt 1978; Clear and Latessa 1993; Sigler 1988; Sluder and Reddington 1993), that does not appear to be the case in point. Whether the participants resolve the conflict in actuality, they have provided solutions to do so and appear capable of managing a caseload that involves both roles of treatment and law enforcement. This

data supports Studt's 1978 study in which he found that a PO usually found one extreme version of a role he/she was more relaxed with, while also finding other officers who performed both roles comfortably as they were less troubled by the intrinsic conflict of rehabilitation and law enforcement. Also, as addressed in the literature review, some studies demonstrated probation officers ability to adapt according to the client's behavior and criminal career, vacillating from penal to rehabilitative roles as needed. Moreover, Sigler's (1988) study postulates that role conflict only exists in the minds of *outsiders*, and that there is actually no conflict for probation officers in the performance of their duties. He states: "It is possible that much of what has been defined as stress in the contemporary literature can be understood in terms of resolution, or lack of resolution, of role conflict" (121). As discussed previously, Sigler noted this could be for several reasons such as adaptation to reduce role conflict and/or probation officers who could not adapt left the profession. This concept was explicitly discussed and supported by participants.

### **The Effects of the Division in Power**

As stated previously, there is evidence that the division in power within the juvenile justice system in State X has created power struggles between DPP and the local court judges in particular districts. The research demonstrates that supervisors and the Director view the division in power as a blatant power struggle between DPP and the judges. However, after conducting this research, it appears that the struggle, or conflict, is one sided as each participant expressed that when there are blatant power struggles, judges always found ways around DPP policy or people.

Furthermore, the division appears to cause more conflict for administration than the probation officers.

The Director offers an example of a perceived power struggle:

...you know, CSU Directors have basically been fired by judges, um, it's happened in [city in State X] happened in [another major city in State X], so there have been some real power struggles around personnel. There is lot of times a power struggle around the hiring of a Director. There are also times Directors come up from the Court Services Unit, and the judges who have the appointing authority will know they want this person from within and the department might see some bright, shining star someplace else, and think, "Oh, this would be fresh leadership, this would be great," and there's often a go-round about that. I would say it happened a little bit here with me, it's happened in Richmond... you know, I could name Court Service Units around the state where it's happened... it's happened in northern State X CSU's, and Judge X, who appointed me, said, you know they participate together [DPP and Judge X], and they did the interview together...with top DPP people, and the top candidates went before the regional office and the judge and then the [DPP and Judge X] spent about a week kind of politely duking it out and Judge X told me, "It was my decision, and I knew it was my decision." Yeah, there's not much DPP can do about that, I mean, he's kind of stuck, as Judge X has appointing power. ...There is that conflict around the hiring.

During the interview, each supervisor offered examples of what they perceived to be blatant power struggles between DPP and the judges. For example, Judy Oswald, who has been with the department for 20 years, states:

Well, local judges have their own interpretations. We just have to work with that and juggle that sometimes...it's just a juggling act. ...There is the funding struggle that goes on the court wants something specific ordered and DPP policy won't allow it. But they don't care. We have had kids ordered into commitment RDC [DPP facility] will say this child is not commitment eligible and the judges definition would be different. Our hands are tied. I have been involved with that a few times. Placement and funding. If a judge wants a kid in a Post-D and we don't have the funds, the judge says that is just your problem...which is correct. He was right and we made it happen and got funding. ...that happens from time to time where DPP will say you are going to go in this direction. The judges want to go in another direction. I had a judge order things that we don't think that they need. Sometimes a judge will just do whatever they want. For example, DPP wants an application for commitment and a judge committed a kid and we are still waiting on an order.

We are sitting around waiting for the judge to sign this. So this kid is sitting in detention week after week and we are waiting for the judge to sign this order...you know that drives me nuts. Yeah, I think there are times that we are the ones feeling the pressure when the real conflict is between DPP Richmond and the judiciary. It is interpretation. Judges interpret laws differently sometimes than our department does. I have seen some CSU directors and judges not see eye to eye and I have seen judges remove CSU directors from their positions I have seen judges order that some POs can't be in their courtroom. ...I think it is a dance sometimes because a lot of times what goes on in the courtroom is drama. You know there are roles we all play and there is a script that gets written or sometimes improv[isation] but basically there is some guidelines in the code and in the courtroom procedures. I think it is a dance of diplomacy the supervisors have to play and in some ways, much more than the POs.

Jill Brown, probation supervisor, was a probation officer for several years and explains why supervisors are more aware of DPP and the “dance” that must be played:

I think when I was a PO and still, um, it's easier to separate because you're not getting all the state emails about stuff and about possible changes, and changes that have already happened and you know, and all of this stuff, when that stuff is sent to the POs it's sent by the Director or it's sent by me, or you know another supervisor, it is already been instituted and we have watered it down and made sense of it... so that we've already brought it down to the locality. So yeah, I think as a PO you know, whatever, DPP changes blah, blah, blah. And as a PO you just see the judge, that is it, you are concerned about the judge and making the judge happy because that is who you deal with all day. You know, like when I was a PO I just didn't think about it as much—you really never heard from DPP, unless you really messed up and were about to get fired as a supervisor you are dealing with them all the time.

Blake Newman, another supervisor who has been with DPP for 17 years, states that he feels as though he is stuck in a balancing game when dealing with the mandates by DPP and by the local courts:

But we do have these rules to the game that they are both giving us that we have to operate with. So I always need to make sure I can explain my actions to the judge and to DPP. So, yeah I have conflict with the judges a lot of times. We are constantly putting out fires with the judges. We are constantly



trying to get the judges to jump on our band wagon so we can go down the road together.

As illustrated supervisors and the Director discussed stories of how the different power struggles have placed them in a “game” in which they have to play; whereas the probation officers usually saw the power struggle as one-sided and did not consciously feel a game needed to be played with DPP and the local courts. All of the participants recognized that the division in power created a power struggle and the potential for increased conflict; however, for the POs this conflict was either resolved or its negative effect reduced by “playing on the winning team,” as Mike Retoni states. Mike Retoni summarizes the prevailing responses of the other POs while also recognizing that supervisors feel differently than the “front line men.”

[POs]:

The supervisors are always running around trying to please everyone but pleasing no one, especially not the judges. We [probation officers] have realized that we don't see DPP, unless we've really screwed up. We see the judges everyday. We answer to the judges everyday, and really, they have the final say in the decision. If it is something that goes against DPP policy and if it is in the court order, well too bad. That court order is the final word on the matter. I just point to that and go about my day. Could there be all of this inner turmoil, absolutely, this answering to two masters could potentially put us in an awkward, almost unworkable, environment but we, or at least most of us, recognize that and overcome it by not playing the game. We just serve the one we see everyday.

The probation officers did not express the same notions as the supervisors and, in fact, the probation officers either stated they felt no conflict with the division in power or they have found a way to lessen its impact, as demonstrated by Mike Retoni's quote.

Although, the Detention Assessment Instrument (DAI) was discussed by every participant, even the judges, as a point of contention, probation officers found a way to decrease its impact as well. The DAI is an instrument created by DPP approximately 4 years ago which probation must abide by when detaining a juvenile. When attempting to detain a delinquent juvenile, probation officers must answer several questions on a form which looks at the juvenile's current offense, the previous criminal record, the history of runaways and their supervision status. If the juvenile scores less than 15 then they cannot be detained; if above 15 they are detainable. Though there is the ability to obtain an override by the CSU Director, all of the probation officers and some supervisors commented on the fact that is that is "unlikely" or "rare," as Jill Brown stated. Moreover, with the instrument came the regulation that a probation officer has to obtain permission to violate one of their probationers. This instrument has created sharp divisions between the probation officers and DPP, as well as the judges and DPP. In turn, the DAI has also been a tool which has pushed probation officers to align themselves more readily with the court. The probation officers in this study used the division in power and conflict to their advantage. Todd Smith, a probation officer of 18 years, explains:

Getting back to the DAI, you use to be able to detain a kid as long as he met the criteria. A danger to others, class 1 misdemeanor or more you could detain him, also a danger to himself. We didn't have to ask for permission to violate probation. If I am not of sound judgment that I can't decide what to do about his probation, then I am no good and you need to fire me. Why I am asking a supervisor? He doesn't know about my case. But I can get around it, because I know the judges. All of us know how much they disliked the DAI and we use that. I just ask them to put on the court order that any further violations will result in the probationer being detained. So yeah, I do feel like they are taking away some of my leverage to be creative and to use the authority that we need to do this job effectively. ... Well, first of all, they have taken it out of our hands. You have to have the DAI to see if he wracks up

enough points before you can place him in detention. You can't say this kid is a 10 but it is a Friday night, a weekend in detention will open his eyes, maybe he has never been in trouble before and might not ever be in trouble again if he sees where he could be spending his time. And have a detention hearing on Monday. You can't do that. It's strictly he's got to be a 15 because you are not getting an override. ...I think that you have a number of people at DPP that don't have enough to do and become bored with their own jobs and they maintain we need it. But that is okay, the judges hate it too and I can use that to get my job done.

For the POs in this study it was not a matter of juggling the needs of DPP and the local court; instead, DPP took a backseat to the judges. The general feeling could be summed up by Mike Retoni's sentiments: "It is like out of sight, out of mind. You only hear from DPP when you screw up."

The probation officers ability to consign DPP in a less important position to judges could be explained by the fact most PO participants were more likely describe themselves as "court workers" or were "agents of the court" whereas the probation supervisors stated they were more aware of being state employees. In fact, when asked about "their role and duty as a probation officer," each PO participant did not mention DPP until specifically asked, and within the first sentence, they mentioned that they ensure "compliance of court orders" or "work for the court to ensure that probationers comply with conditions of probation." Moreover, to further justify POs alliance with the court and judges, their official title, in addition to *probation officer* is Court Service Worker.

Seventy-eight percent of the probation officers explicitly stated they aligned themselves with the local courts, or considered themselves to be employees of the court more so than DPP. Moreover, the connection with the court by the probation officer was even more intensely felt by the rural workers. For most probation officers

in this study the effects of the division of power had minimal impact because they minimized DPP's involvement. Again, like most of the probation officer participants, Jack Logan, a rural worker, sees himself as more of an extension of the court:

I feel more aligned with the local court than I do with the department as a whole and I realize that they pay my paycheck [laugh], of course. But I feel like my first loyalty, I guess that's how you'd want to say it, or my first concern is this particular area. Just trying to think how I can make things work well in our particular office with the court we have, with our state attorney and our DSS and schools and things like that. That is more of a concern to me than what goes on in [nearby counties and cities].

When discussing the potential for a power struggle between DPP and local courts Jack Logan, like the other probation officers, reduces DPP's involvement by aligning himself with the powers of the court and using those powers to decrease the need for adherence to DPP. He states:

This whole court order override really came about because of the judges issues and frustrations with the DAI. It started as some power struggle, DPP saying well we are going to do this and you [the judges] are going to have to deal with it. But DPP soon found out that wasn't the case. There is a division in power but the judge still gets the last word. There have been times when two of the judges if you went to them and said this kid is a 13 but he really needs detention they would say okay, override whatever [director] said, override the DAI and then detain them. [long pause] Ohm, I do feel like that DPP and local court standards really conflict but I think a lot of times I don't worry about DPP as much as I think what would the judge want or accept. They will want certain things and I will think how do I give those things to them? ...I would rather be on the good side of the court, or please the court than worry about what DPP does when I could justify it. Sord of like the DAI, if the judge says detain them then it doesn't matter if that instrument comes up as a 2, I can still detain them and if somebody from Richmond wants to say well, why did you detain them they only came up as a 2 or 6, then I can say well, I have a court order that told me to do that. As far as the policy of who you see and how often you see them as dictated by DPP I don't really see them as a conflict to what I do everyday and whether they say protect society or rehabilitation I believe the court sees it that way as well.

The Director, like many of the other participants, views the role of DPP and

the role of the Juvenile Courts as the same but, like Jack Logan, the Director explains the conflict emerges in the distribution of power:

They're really the same you know [DPP and local courts], it's the safety, and the treatment, and the rehabilitation. And we're the worker. DPP is the work-horse of the Courts, you know? We are the Courts *Service* Unit. People get all caught up, "but the judge said...", well you know, you work for the judge, if you think you don't you're really confused and you know, you're going to be annoyed after a while. We're here to do the work of the Courts and their job is to protect the community and improve kids and families' lives. ...And I mean, I don't think really that DPP sees it that way... there is kind of this tension between the two. But to me the mission is really the same... um, but it's the fact that the judge holds all that power and can really have a lot of authority... I mean it's those system issues that bring the tension and conflict for us, I think, not the mission.

However, the Director does offer several stories in which DPP does exert its power.

For example the Director states:

It depends on the issue as to which side has the upper hand. But I mean, they fight about silly things sometimes. I mean, we used to get all the forms for the Supreme Court, and the petitions were blue, so the judges liked blue petitions, but now everything is on the computer and they don't feel as though we should be printing it on blue paper. But the judges in this locality want it on blue paper, and "what about the blue paper," I asked. So [DPP] took the position, I found this letter that stated: "we're not going to buy anymore blue paper," and I thought are we going to fight about blue paper? That's really stupid. So the Clerk's office buys the blue paper and gives it to us [laughing]. It's like... why would you take this kind of position? Why would you do something that going to make us have this kind of pettiness with the judges? ...So this is where we exert our power? No, we're just not going to bitch about blue paper [laughing]. Is this what we should be spending our time on? Come on, we are all supposed to have the same mission; to work with delinquent youth.

As stated previously, supervisors expressed feelings of "conflict" in regard to the division in power more than the probation officers, which could be attributed to the fact that the supervisors predominately stated their alignment with DPP.

Supervisor Judy Oswald states:

I'm definitely a state employee. A second generation state employee. I see myself as a state employee that uses local resources and I'm not a very political person. I try to be a diplomatic person. I try to be sensitive to the climate and the area and knowing who does what, who holds the power. But I'm a state employee that uses local resources, working within the community.

Yet, though Judy Oswald reported "feeling more like a state employee," she goes on to comment on how intimately connected to the community she is as a probation supervisor in a rural county:

The best thing I ever did professionally was to be assigned to a branch office as opposed a main office. Because it's very empowering to be able to deal that who ever walks into your door, but also to be considered part of the community. I think the branch office, especially in a rural branch office you become a fixture. Rather than going to court services your going down to [Jack Logan's] office, or [my office] and your going to see [me]. Or whoever that person is. I think that's so cool... you really do become part of the community. When I would walk to the high school or other places I was identified. I was synonymous for the court service unit.

When asked why she felt more like a DPP employee, she stated:

It's on all my stationary. And it's on my paycheck and my I.D. And it's on my badge. I am a part of the state's organizations. I know the state policy. I have to know the state policy because I most of my job it to make sure POs are following it ...I don't know local policies. ...Yeah, I'm a state employee. But I'm very comfortable in the local communities. You can do what you do in whatever local environment you are, but I definitely feel like a state employee.

All but one supervisor expressed their alignment with DPP similarly to Judy Oswald. It was only Jill Brown that recognized the reality of the power struggle and the difficulty of ignoring "your role as a local agent above your state position." However, her dissenting view may be attributed to that fact she has only been a supervisor for less than a year. She states:

I think that's really tricky... not a tricky question but a tricky dilemma that we are constantly in. I clearly am aware that I'm a DPP employee, but I don't have any doubt that who I report to is the Court. I'm aware that my paycheck

gets cut from DPP. I certainly wouldn't knowingly violate policy and procedure that is placed by DPP. But ultimately, I truly believe that POs, in our staff, work at the pleasure of the Court and it's at times a difficult balance. You know, the DAI is a perfect example. Sometimes the Courts feel like certain kids should be detained, and "why haven't we done that?" Because with DPP, we can't... they scored a 9 and that's why we didn't detain them, we couldn't get an override. Um, and that's clearly a you know, difference between what the judges would like to see and what the judges tell us we have to do. But I think deciding which side you air on, and who you piss off, and you know that, we see the judges everyday. I don't see some figurehead from DPP everyday and I mean, I think it puts us in a difficult position at times and yes, I have no doubt who I work for, but that doesn't mean I don't work for a whole bunch of other people who don't sign my paycheck. I think that because you're in close proximity to the judges that, um, that that's what's more in the forefront of your mind when you're making these decisions. Yes. I mean, again, I wouldn't knowingly disregard DPP policy or procedure, but I think local policy and knowing our judges and knowing what their philosophies are guides certain decisions, certainly. ... Oh, I think there is... to me, the local Court Service Units are the local Court. And I don't know that I would use "power struggle," but you know, our judges are going to do what our judges want, sometimes it's in the code, sometimes it's not in the code, um... and they're not thinking about crap with DPP, they don't answer to DPP, and they can do what they want. So yeah, I think they're always a game being played... You know, I mean now the judges do whatever they want. So yeah, I'm sure there are times when DPP is thinking, "what in the world happened there?" But ultimately the judge would get to do that, you know they have the authority and the DPP can't really take the judge's authority at any point, so I certainly think that sure, there is conflict at times about how things get handled, or why things are done the way they are.

In addition to Jill Brown, the Director also expressed the reality to the division in power and what that means in regard to her position. She states she sees herself as both a state and local court employee. This may be explained by the fact that according to the Code of State X, it is the judge that appoints the director. She states:

I see myself as both, I mean I clearly understand that I'm paid by DPP and I clearly understand that I'm responsible to [name of DPP regional supervisor], but I clearly understand that I'm appointed by the judges, and they could tell me they don't want to see me again at any point they'd like. It's true...I mean, judges don't remove very often, but they could remove me and then [DPP] and those guys would have to figure out what to do with me, which wouldn't be a lot of fun, I'm sure. ...I used to say that one of my bosses, when I was a

very new Director, I had two bosses that oversee me, the judges and the department. DPP did not like hearing that and they told me so. So I learned not to say that around them but I still know... And they don't always play well together, in fact I'd say that a large percentage of the time they're not playing well together, and that's kind of the fun and the challenge of it, is balancing all those things. ...Gotta keep them all happy. ...I don't think the department has a real understanding of what it's like to work with judges. ...I think for the most part, I had an auditor that came here once... who said, you don't have to pay any attention to city government, I said, "do you understand who signs all the checks for [local funds], these are all the people who keep a roof over our heads, of course we have to pay attention to what they say."

To further emphasize the notion of the one-sided conflict that emerged in this study, 3 out of the 4 judges admitted to knowing little of DPP's duties and influence in the juvenile justice system. Only one judge knew DPP's duties as being more than housing juveniles in correctional facilities and hiring POs. Judge Samson accredits his extensive knowledge about DPP due to the fact he sits on a committee designed to open the flow of communication between DPP and local court judges. Judge Samson states: "I actually know what the standards are and what DPP does because of the committee...however, it [DPP procedures] really doesn't play out in my courtroom much." After being questioned as to whether he had any examples of blatant power struggles between DPP and local courts, Judge Samson states: "Not really. I know what they are doing. If I disagree there is a way within my power to bypass that." The remaining judges were not fully cognizant of DPP's role beyond housing juveniles. Judge Crick states: "I am not sure that I know what their role is...I know that once we commit a kid to DPP they are to house them until the end of their sentence and/or rehabilitation." Running parallel to the judges knowing little about DPP's day-to-day operations, most of the judges viewed DPP as a needless bureaucracy. Judge Crick states:



Every time I send the paperwork to commit a kid down there I get it sent back because I usually do it wrong...it is just a bureaucracy...I don't really see where DPP's policies and procedures effect this court...I know that we have lots of paperwork to fill out to commit a kid because of them but I don't see anything past that. ...they come and talk to workers next door. I sometimes hear there are changes that are supposedly taking place at DPP but I don't see them in the court or have seen any evidence of substantial changes which would in turn affect the court proceedings. I mean I can't think of a time where their policies interfere with our objectives. I know that there are some issues with administration, but...I don't necessarily allow those issues into my courtroom. Every once in a while someone from DPP comes and talks to us...I know that when the DAI came out that was a point of contention but even that had little baring in my courtroom because we still have ultimate authority over when to detain a kid.

Judge Milhous reiterates and supports previous points of DPP's imperceptible presence in the local courts and uses their lack of presence in the courtroom as another way in which the judge may usurp DPP's power over POs. He states:

I haven't seen the big changes that DPP is supposed to be making...I hear about them I know they are making efforts to become more unified or I should say standardized but things are still different from county to county. I have seen a big change in the hiring the past few months. Before we were getting some terrible social histories. We were getting new probation officers that didn't know what they were supposed to be doing. We started to get really frustrated with the supervisors...[POs] were doing double work and you are not being told that your work is appreciated you feel like there is no recourse...that is why I started telling the probation officers that if there is a problem you come to me first if you don't understand why you have to do something let me know and I can explain it to you why we have to do it this way. I think that has been successful. Sometimes we end up fussing at the POs when it really isn't there fault they don't know certain things it is administration, which I guess it the real DPP [laugh]. POs don't always know what is expected of them. The question is then, if DPP is not properly training POs what are they doing? [laugh] I don't know if that answers your question about what does DPP do...I don't really know. I don't see where they do a whole lot [laugh]. But maybe I don't see everything.

Although, the judges did not recognize the division in power as foisting them into a power struggle with DPP, each judge offered insight on how they perceive the

division effects the PO. Judge Crick harkens POs role within the dual systems of DPP and local courts to the role of a “child of divorced parents.” Judge Crick states:

POs are required to answer to DPP but they are also required to answer to us it is like being the child of divorced parents. ...I do believe the division in power between the judicial branch and the executive branch of DPP puts POs in a awkward position ...because, from what little I know of DPP I know that there are expectations for probation officers, however, POs also work within the local courts almost daily and the POs biggest demand comes from the judges such as monitoring youth for compliance and writing social histories and establishing services...I see the PO running back and forth to both parents to ensure they are pleasing both. And if this court and local body stopped following DPP the POs would still be expected to adhere to the procedures of the local courts, while also meeting the expectations and demands of ones employer—the one that pays you [laugh]. So in order to keep your job and remain in good standing you have to please both parents. I think that is what children of divorced parents must do. They can have two parents with completely different personalities and they have to work to please both of them.

All of the judges appeared sensitive to the fact that POs answer to two bosses, however, this did not ensure latitude was given to the POs by the judges. In fact, the consensus by the judges was that they should be in the forefront of the POs mind.

Judge Milhous elaborates:

Oh, yes, I think that it would be very difficult for the probation officer, especially one that is just starting and being told this is the procedure and the policy that DPP has and this is where you are going to do it [points to the courtroom]. I would think that that would be an almost impossible thing to accomplish. Because who are you going to satisfy? But because they spend most of their job ensuring compliance of court orders, our court orders, they better be put a greater effort into trying to satisfy us judges. ...That has to be, or I know, that has to be a real headache for a probation officer. Like I said, sometimes I wish I had complete control over who is hired because you spend most of your time carrying out our orders and in testifying in our courtrooms.

Judge Jones summarizes the feelings of the local judges when he states:

I don't pay a whole lot of attention to it [DPP]. Because I am going to do what I am going to do anyway and when I do it, I do it right. And if the rules don't fit well I say, or when they say judge the rule [throws his had up in

dismissal] well you know what I am the judge here today, so I will make the rules fit [laugh]. ...There is no struggle [laugh]. We would always say in Chicago that there is going to be two licks past, I am going to hit you and you are going to hit the ground [laugh]. There is no struggle.

Professionals outside of the CSU and judges, also see the division in power as creating a one-sided struggle. Both of the State attorneys interviewed new little of DPP's duties; however, both stated the DAI was an attempt on the behalf of DPP to provide more control in the area of the detainment of a juvenile. The State attorney, Beth Gold, for the city docket iterates the sentiments of both CAs: "Um, again I don't see how DPP plays a major role in the court system aside from the DAI but usually, or most judges have found a way around the DAI."

However, two probation officers, Marie Lang and Kyla Stanford, expressed "feeling the impact of the division in power." They both state that the division in power creates additional duties and takes time away from meeting their traditional duties. When commenting on the division in power, Marie Lang states:

That's a real conflict because our local court system orders things that DPP would not tolerate. ...They order things that are really not our jobs...we have a judge that has us doing drug screens for adults that have nothing to do with our unit at all. But because our administration does not stand up for us and allows things that are not typically DPP we get caught with some very strange jobs that I don't think that the court service realizes...I talk to people in other jurisdictions and they are like 'you do what?' ...we do not belong to the judges. And my conflict is...I don't have a problem standing up to a judge and saying 'that's really not my job'...but because my job description is to carry out the judge's court order, well. That's a conflict. ...When there are certain things that we're asked to do...that I personally have issues with ...and the things that are not really part of our mandate of DPP. ...I think there is a whole slew of things...not only is it not our job, its taking up time away from what we need to do. It's a conflict issue... That's just one example.

Kyla Stanford also provided similar examples and further states that in trying to meet the demands of DPP and the judge she engages in another conflict:

There is a time conflict. I am trying to fulfill both my duties to DPP and to the court. The policies are not in conflict but implementing the policies there is a conflict and what I mean by that for instance I know that there are certain things I have to do for the state. I have to make sure I see these kids a certain amount of time and that I am documenting the services I am offering them. So I have to make sure I am still meeting those requirements but locally they demand more of your time, for instance, when I am office person the local court doesn't respect there are times I have to be in the office at the computer they are like I need you over here, come over here regardless of what I have to do over here for the state. The court says we need somebody in the courtroom at all times ...I've got come over here and file petitions and do that in a timely manner or do the stuff on the computer so they think that I should always be at their disposal so regardless of what my responsibilities are to make sure you are maintaining the stuff you have to do for the state the court wants you "oh, come to this meeting, sit in this meeting for 4 hours, we need a representative there." ... You need to this, and I am thinking well, gosh I have to do this. It is like they don't have any concern for the other things you have to do besides sitting in court and doing paperwork there are other things I have to do and they expect me to drop everything.

Both probation officers also stated they feel "more in line with DPP," as

Marie Lang said. As both feel this alliance, Kyla Stanford explains why the division negatively impacts her position:

No, I definitely see myself as a state employee. Our local court dictates what I do. And I have a problem with that which I guess you can tell by the little drop in my attitude, I have a problem with that because as a state employee I am charged with certain things if you look at our mission is to offer supportive services and then under the goal is community safety and if our mission is services and our goal is to make sure by offering these services we keep the community safe, if the judge is not supporting what I do then that is it I am stuck, so really the judge and the county has more authority than the state and even though local agencies in [county] juvenile probation, try to tell us what to do and I have a problem with that and I have asked for management support in letting these people know that this outside the realm of my job what you are expecting me to do. My job is to be here for the kids not all of this political stuff and so the county really does dictate what office space we are in. We had a county car and they took that away and we had a county position and they took that away so what office space we are in, what we do with our clients and what services we can offer our clients the county being the agency that offers the services we refer out to, they really do dictate what we are able to do with our clients—service wise and legally.

Unlike, the previous POs, these two POs experienced the impact of the division in power more so than the other POs that were either full-time rural workers or split between city and a rural locality. They also described themselves as more aligned with DPP and both are housed full-time in the main office in the city. Thus, their dissenting views may be attributed to this fact as the remaining probation officers who work both in the counties and the city state that being in the main office, “you are aware of DPP requirements more...it is because all of the supervisors and director is housed there,” as Todd Smith states. Todd Smith, both a rural and city worker, in his interview provides an explanation:

I feel more connected to the locality. Out in the counties we are a one man show. When you go to the high schools they know you. I can go to the superintendents office and say hey [name] I've got this problem. The sheriff's department or state troopers, they all know you and you know them. When you need something done you know exactly who to go to. Even on call if they need to get in touch with me they can call me at home. Even over funding, we sit down and if the judge orders something we work together as a team to make it happen...you are connected to all of the social services, I walk in Food Lion and see my probationers and judges. You are just more intimately connected to the courts and the families. ...The biggest differences in [the city office] is that you are a probation officer, or you are a parole officer, or you are the intake officer. In [my county] I'm it. I am them, I am all of it. So, not only do you deal with every facet of the community but as far as a case you know I do the intake, I hear the probable cause, I sit in court, I hear all the testimony. With custody and visitation I do the petitions. I sit in court, I hear all of the testimony. I know the town. Every inch. Its more diverse. Whereas here [the main office located in the city] I am a probation officer. The only thing I do in the field is probation here. I am also around all of the administration here...this is where my supervisor is...I haven't seen him in my office [in the county] in over 3 years. ...its just too big. It's so big here, you could never have that kind of connection with the community and the court. Here, you have all of the major problems here like the slums, the projects and bigger gangs and the big drug dealers. The city is just bigger. It is harder to know all of it, you know in [my county], the clerks call me, the police call me. ...Well, here [city] I am probably more of a DPP employee. Once again, it is that whole differences in community. In the country I am involved in all facets. Here I am more of a DPP probation officer, more concerned with safe measures.

The division in power between DPP and the local courts does appear to create a power struggle—however, the struggle appears to be one-sided. Furthermore, all but two POs in this study appear to be unaffected by the power struggle as they have calculatingly embraced their additional title and role as a *Court Service Worker*. The full-time city workers seem less able to decrease the impact of the division. In the rural CSU localities the probation officers appear to use informal networks to accomplish the dual goals of the juvenile justice system and negotiate their place within the division of power.

### **Division in Power Creates Conflict in Meeting Dual Goals**

Although there was evidence that in some circumstances the division in power creates extra duties for probation officers, another significant question is *whether the division in power hinders probation officers from meeting the goals of the juvenile justice system*. As stated previously, the POs found a way to resolve the allegedly inherent conflict of the dual goals of probation and the juvenile justice system: rehabilitation and law enforcement/protecting society. Moreover, even with the division of power the POs were able to minimize its impact on their day-to-day workings. In fact, most of the POs used the division in power to further their own agenda in working to fulfill the goal. When asked explicitly if they feel *whether the division in power hinders probation officers from meeting the goals of the juvenile justice system* the answer was unanimously “no.” Mike Retoni states:

POs can adapt to pretty much anything as long as they are not trying to change our role completely. The power issues in the Court Service Unit don't mean anything in the grand scheme of things. ...I mean I have my issues with DPP but whatever their issues with the court are or the court's issues with DPP,

that shouldn't stop me from working with these kids and families. It may challenge me some days more than others but if it does stop me then I need to get another job. Rehabilitating and protecting the community, those are my goals, those are usually the goals of DPP and the court, and whatever power struggles we discussed before go on, that doesn't, my challenge is to make sure I am meeting those goals and nothing gets in my way.

Again, when dealing with the judges and DPP, probation officers have found several tools within the dichotomy to help negotiate their terms of service whether it be using the power struggle to their advantage, or using informal networks. In some instances, POs would use formal, legal codes to accomplish their objectives. Todd Smith's quote illustrates this point:

If you can't simultaneously work towards rehabilitation and protecting society because of some feuding between the court and DPP than you better find a new job. It's like when [my supervisor] tries to change my recommendation in my social history because he feels like the court should be working towards something else. The first thing I do is walk up to the commonwealth and the judge and say that is not my recommendation. They say, than what is your recommendation? [laugh] So it can be submitted on paper but I will still get what I want. But you have to have the respect of the judge and the commonwealth in order to do that. ... You also need to know the laws and what can be legally done. I haven't staffed it in years. I staffed the other day because when DSS freaks out about me placing a second kid in custody I can say hey, I staffed it. [laugh] You can get around it and you just have to be smart enough and have a little persistence.

Supervisor Jill Brown also agrees and adds that the division in power not only does *not* hinder you from meeting the dual goals of the juvenile justice system but, in fact, pushes the PO to more creatively handle the balancing of rehabilitation and protecting society. She states:

Um, I think that, you know, I don't think it affects a POs ability to be creative, or it doesn't hinder them from reaching the goals of probation. I think it may challenge somebody to be more creative, and really... I think there are times when something comes out and there's a new rule or standard, or whatever, and really looking at what the spirit of that is and what it is in reality, and

being creative to figure out how you can best serve your kids and families and still be in compliance with whatever it is and for whoever, whether the judge or DPP, and I think that's so for any job, whether it's social work, probation, you know... there's always going to be those standards that you're like, "this is crap, and I don't know why we have to do this," or that it hinders what you can or can't do. That creativity, for people who are dedicated and can think outside of the box, that's not going to hinder them to the point of not being able to do their job. It may make them work a little harder to figure out how to get what they need for their kid and families, but I don't think it's impossible.

This sentiment was expressed by all of the POs. Kyla Stanford agreed the division added extra duties to her day-to-day activities as discussed previously, but she also stated that "at the end of the day regardless of what arguments are going on, you have to do what you have to do...I don't let this crazy division effect my ability to reach and work towards the goals of rehabilitating a delinquent youth and community protection.."

### **Dynamics through which Conflict Truly Exists**

#### Difficult to Be Loyal: DPP Pendulum

The data presented shows that with each conflict, and potential for conflict, the POs have found a way to work through it, as with the case in balancing the dual goals of rehabilitation and protecting society as well as negotiating their place in the division of power. However, throughout each interview emerged discussions in which circumstances have foisted POs and most of the administration into a conflict which they were not able to easily work through: DPP versus DPP. Each participant discussed the constant change in focus of DPP. However, for the participants, DPP's continual change was also concurrent with their steady shift towards standardization. Supervisor Chris Dodd explains:



At the Court Service Unit, I think probably one of the main struggles and the one that nobody is able to easily work through is that DPP, through the years, they changed directors with the governors. You know, each one that comes in has a new philosophy, a new belief system, what's important, you know... at some point it's comical. You know, ok, well this year we're Probation Officers, 3 years from now we could be Probation Counselors depending who it is that comes in, and 2 years after that it could change again. And right now, somebody focus is recidivism, and 2 years from now the new judge might not give a crap about recidivism, so... I mean, as far as the power struggle there, when the director... the DPP director makes a mandate about what's important, and then we have to write a recidivism plan, we have to write a diversion plan and then with the knowledge that we don't know how long he's going to be here, and that could change at any given moment, about what the focus of DPP will be. ...[w]e used to be Probation Counselors and there were counselors on board in house with mediators, and they've moved away from that but there's not guarantee that it won't go back. And so, or they make like a mandate, but it's unfunded, or you know... the strategic planning is a perfect example. They come out with their five goals, they don't give really any direction as to how it is that they're supposed to be implemented or what the objective is, or what they're going to be looking at to determine if you've met them, staff retention is a perfect example. That they say, we want to keep good people, we want to get new people, you know... blah, blah, blah. And they were going to do incentives... well, you know they weren't doing incentives on the community level about it. We put in for one and it doesn't get signed. So they want... well they say they want retention and this is what we're going to do to try and do it and then when we try to utilize it, we're told no. And we've already accepted responsibility for it, so it ends looking like administration is not doing anything. And I think that puts us at odds with more higher-upstate DPP, because we're saying, as a locality, we're really struggling, we need to give people more, we need to be able to hire better people, um, you know, it's not better people, but we need to be able to hire off the bat, a higher quality than what we do, three years ago, five years ago, ten years ago, in the past. ... You know, so yeah, I think there we are more at odds and foisted into our own power struggle with DPP, but this time we don't have the power of the judges to back us up. ... Yeah and even with DPP changing what we are all about every few years they have also decided they want us to be standardized in all of our paperwork and policies from district to district, tell me how that is going to work?

The Director also provided a detailed account of the various department name changes and all of the directors since 1989, she goes on to translate what that means for the DPP workers:

The real problem...is that there's been not the commitment to a clear vision and there's not been the consistent leadership at the head... and not to say anything bad about Barry or a lot of the people that have been in that role, it's just that there's been so much turnover. I mean, the Department of Probation and Parole didn't come into existence until what, 1990? I don't know...I was appointed to a Director in 1989, and we were still under Youth and Family Services...and then we were actually, we were still under Corrections then, and we separated from Corrections in like '88-'89, it was a year of transition, we were in the department of Youth and Family Services, and then when Allen came in, and his guy was appointed, we moved over and became the Department of Probation and Parole. So with that period of time, kind of from '90ish on, we were a separate department. ...There was a transition period when we separated from Corrections, came out of that department, and became our own separate department. ...So let's see, how many have I named? ....counting, it's like 7 or eight Directors at least in less than 20 years. ...Politics drives it all. With every new Governor comes a new director. I mean, how do you get policy set, and build teams, and move on? It's very hard on you guys and those of us in the field, I think.

In addition to the administration elaborating on this issue, each one of the POs discussed DPP as being on a "pendulum." Tyrone Bester echoes the feelings of other POs and administration when he states:

We never know which way the pendulum is going to swing. Today, this is the issue, recidivism, you know tomorrow it will be back to substance abuse. Um, you know, we can handle the judges and DPP trying to duke it out because at least with that we can find a ground to still work, you know with the judges. Um, DPP is changing so much all of the time and they are forcing us to change with them... but what I will say is they are changing their focus all of the time but they are trying to become more and more standardized, more bureaucratic. You know, we can balance the dual goals but what we can't balance or make work is that they are trying to change us into something we are not: Data entry personnel. ...We can never make the two work, you know probation officer and data person, there is no resolving that, and, um, unfortunately we can't take it to anybody, there is no taking it to the judges because they have no control over DPP's focus, also there is no taking it to DPP because there no single, stable voice in DPP, tomorrow our direction could change.

Tyrone Bester's quote provides insight into several issues. Each one of the CSU participants explicitly discussed how they feel "subject to the political whims of the day," as Marie Lang states, and that depending on who is in the governor's office,

DPP's agenda and tone will change. Craig Moore, who has been with the CSU for a year but worked as a probation officer in a neighboring state for 9 years, states: "the judges are going to be around a lot longer than DPP's policy of the day." This notion of DPP's "flip-flopping" agenda may also explain why probation officers so easily align themselves with the judges as it is difficult to be loyal to a system on a constant, ever changing pendulum. Moreover, the other point in which Tyrone Bester articulates, is one in which was the strongest theme, and most reoccurring, in each interview. The theme was that DPP's attempt to become standardized is creating a new role strain, and possibly, a role conflict for the POs: Traditional PO versus Data Entry Personnel.

#### Traditional PO versus Data Entry Personnel

As this study set out to answer the research question: *Has DPP's move to become more standardized over the past 3 to 10 years increased role strain and, in turn, probation officers' perceptions of increased job stress*, it was unexpected to discover that DPP's move to become standardized did not overwhelmingly increase POs' role strain in the traditional sense, meaning rehabilitator versus law enforcer, but instead the standardization has created a new *role conflict*. The term *role conflict* will be used when discussing the phenomenon of *traditional PO versus data entry personnel*. This is done because the actor, arguably, has two different, incompatible statuses which are in conflict. This notion will be discussed and supported in the conclusion.

This conflict illustrated below between *traditional PO* versus the *data entry personnel* was also the point in which the PO participants experienced high levels of

job stress. The evidence of DPP move to becoming more standardized the past ten years, with an increased effort the past 3, can be substantiated by perusing the DPP manuals and memos. Over the past 10 years DPP has introduced several assessments which have now become mandates to use before commencing with services or sentences—forms like the DAI, and the Risk Assessment, which was discussed in detail previously. It is an instrument designed to determine a juvenile’s potential for reoffending. Services and supervision is determined by this instrument—regardless of the circumstances if a juvenile scores high you see him up to 4 times a month and if low as little as 1 every 3 months. Additionally, DPP has developed in the past several years a program called the Juvenile Tracking System. It is a statewide system in which all of the intakes are done and all of the contact notes are made. However, the system only recognizes particular number codes as representing face-to-face contacts and other mandated compliance requirements. When looking at case management, administration and DPP headquarters may simply look at the numbers not the narrative section of the program. The system was designed to bring order to cases, and make managing a high workload easier. It was also an effort on the part of DPP to bring statewide uniformity to each district and accountability to the workers. In the past two years another system has been developed called Safemeasures which is a data system which sole purpose is to monitor and categorize contact and supervision plan compliance. It principally brings to the attention of DPP the moment a case is out of compliance. Once more, the introduction of this standardization has created the sharpest divide between POs and administration as

supervisor were more likely to appreciate Safemeasures and JTS. Supervisor Blake

Newman explains:

As a supervisor one of our major goals, and the one DPP is breathing down our neck about is to make sure POs are meeting their contact requirements...now it is just one click of the button to see if that is happening. We don't have to sit down with the file and the PO and figure it out like the old day."

This positive outlook towards JTS and Safemeasures was reciprocated with the rest of administration. However, for POs the feeling was not mutual. Many commented on the fact that administration not coming to them for an explanation was a problem.

Todd Smith explains:

DPP has turned me into a data entry person. They don't care how often you see the kid, they don't care what you write. 'I slept with Johnny's mom today, Johnny was mad.' As long as you type in [log in name] 03, 01, 01, 01, S, 14. They are happy. It says, you saw him face-to-face and discussed the service plan and you saw mom along with him. You see, it use to be that we did more out in the field, home visits. There are some things I just won't change on. I will not do a social history in the office. I always do it in peoples houses. That gives you a whole lot of information. You have to sit on the sofa and see how they interact. It use to be I would dictate my contacts. It was much more out in about. There was no computer. Now that we have Safemeasures we have to worry about the paper file and the electronic file and now we have to concentrate on keeping them both straight and they both show the same thing. That is where all of the stress and hassle comes in. And instead of being out there seeing our kids in the community having them see us in the community, now we spend the majority of our time doing data entry because if we don't we hear from our supervisors and DPP. This all changed ...when they came up with JTS in the late 90's. They have become too black and white.

Each PO did recognize JTS and Safemeasures as DPP's attempt to deal with the increase in caseloads statewide. However, with these increases in caseloads, POs unanimously stated DPP appeared more concerned about monitoring quantity not quality. Marie Lang states:

Well, these whole JTS and Safemeasures, where all of a sudden quality is not being monitored and that makes a huge difference. ...You end up just playing

the game of as long as I jot it down who cares what we talk about. Their focusing on stuff that I think is garbage. ...you could say this is garbage. Don't they want to see quality work? All they care about is how many contacts I had in a month, year. The whole thing is changing our focus, they want us to focus on numbers more than people.

Like Marie Lang, the remaining POs discussed how JTS and Safemeasures have changed their focus in a similar way. In addition, each of the POs described DPP's introduction of Safemeasures as a "big brother" looking over their shoulder, as stated by Mike Retoni. Todd Smith also uses this term:

...Safe measures has gotten to the point all of the heads can access my files and see what has been happening...and instead of putting the money into raises for state employees they develop a big brother to look over our shoulders. ...they have a history of being less bureaucratized and overly standardized than the adult version. It has become much more micromanagement, we have the regional manager who will call the director who will call our supervisor who will confront us if there is something off on safe measures—usually, it is a coding error on my behalf. Don't they have anything else to do?

Lisa Jackson also echoes these sentiments:

[laugh] That's why I say the data entry is what they focus on, they want us to have that all in order because look at JTS and safe measures. They monitor and flag anything that is off...they make data entry the most important thing, the powers that be. ...You become a data guy. You have to keep your electronic file so big brother, you know the higher ups, make sure your doing it. ...We are the main men. We are the ones in the trenches...I don't think it is necessary to have all the higher ups all they do is spend their time fooling looking into what we do...DPP is very negative as employers and stuff, they always want to hammer you, they always...(inaudible). The probation officers are the ones that do the work. We make sure that the kids are following court orders. No one else does that. But they keep trying to make us data entry personnel. It is not going to work...we will not be able to win this battle, DPP needs to decide what they want us to be...are we probation officers working with delinquent youth or date entry personnel? ...No, now DPP wants to be our big brother with safemeasures...what is that all about? This is the most stressful part of the job dealing with all this shit. You talk to any of the POs, whether they work in the city or counties this is what makes this job impossible.

As stated by Lisa Jackson, both city and county POs agree on this matter. Again, all of the POs naturally brought up this notion of “data entry personnel” and that DPP has, in the midst of changing its focus too often, become “too black and white” in other areas. As seen in the previous quotes, all of the POs stated that this standardization has increased job stress for POs. Tyrone Bester elaborates:

...They [DPP] have taken away POs discretion...going to DAI and to Safemeasures. Safemeasures is just a way for big brother to always know what you are doing. It is a good idea just like I believe No Child Left behind is a good idea but the way it is being implemented it is not working. Ohm, this job is a hands-on type of a job. So if you are spending more time entering data and less time being hands on you and the kids are going to suffer. You know, not me because I have to be a boy scout and get that stuff done because it reflects poorly on me come evaluation. I’ve got to get my raise. Knowing that I could have been out there seeing kids in the community, and that is where we should be visible in schools and other places or being at the child’s home that bothers me. But I need to make sure that I have all my data in for Safemeasures. Safemeasures is really a good idea but it has turned into just a way for big brothers to keep watch over you. ... The increase of stress comes from DPP taking away the discretion of the PO, all of these changes and more and more evaluations are taking the decisions out of the POs hands, they are taking away the human element, they are too black and white, which is funny because we are dealing with human lives—there is a lot of gray with humans. We are stressed because they are trying to strip away our authority and ability to actually do this job. If we don’t have the proper tools and have to focus on all this stuff that doesn’t matter than yes, that will just make all of this harder. How is this going to work?...but I have always been in this type of a system...but I do believe that they are increasing stress because there are more policies and more decisions made that take away the discretion of the PO and turns the PO into more of a data entry person instead of being a probation officer or an extension of the court. But just because I am finding ways to lessen my stress by just giving in, does that make me a good PO? Or just a better Data entry person?

This is also the point in which administration and the POs most sharply deviated from one another in opinion—which again, could be explained by administrations inability to distance themselves from DPP, possibly bringing to fruition the old adage of “if you can’t beat ‘em, join ‘em.” Supervisors used positive language when describing

JTS and Safemeasures as well as the DAI. Additionally, the supervisors typically described the POs who have been vocal about dislike of the changes as being “lazy” or afraid of being “held accountable”. Supervisor Judy Oswald explains:

I think accountability is an issue for a lot of folks. I think that if you are trying to do business the way you have always done business in an environment where change is all around you the conflict comes more with people who don't want to move forward we are part of an agency that does things a certain way part of accepting a job...I think that the struggle comes from folks wanting to do the work they want to do the way they want to do it. I think that folks who have come on since the introduction of JTS and minimum standards...although minimum standards have always been there they have not been emphasized the way they are now to the degree we do now...we don't have big brother watching over us, you know some people call safe measures the big brother. But if we are doing what we are supposed to be doing the right way then it is not a big issue but the secret is out and when people are watching...some folks get really uneasy 'like you don't trust me.' You know. That is an individual thing. This is how we do our job now and if you want to do it with us this is how it is done now if you do not want to do it this way then you can use your skills working with kids in another setting. This is the way we do it. This is our job now. ...If you feel so much conflict that you can't do your job then you need to keep moving. ...JTS and Safemeasures is a great tool and is probably one of the best things that could have happened.

However, for POs, the issue of JTS, the DAI, the Risk Assessment and Safemeasures was not expressed in terms of added work; it was the complaint that Safemeasures and the other applications were changing the focus from Quality to managing Quantity and that the DAI and the Risk Assessment decreased the individual discretion of a PO which in turn “greatly affected” their ability to successfully perform their job duties, as stated by Mike Retoni and Marie Lang. They also described the standardization in relation to increasing job stress as the decrease in individual discretion has taken decisions out of their hands which, in turn, has made their job duties more unachievable. The POs believe that it was their ability to



quickly and efficiently handle a situation which made them effective. The sentiment shared by all of the POs was that the changes was a matter of DPP “doesn’t believe in us” as Jack Logan expressed. Jack Logan explains:

I think the way we do business has changed but I don’t think a lot of the job has changed all that much. I think with Safemeasures with people looking over your shoulder all of the time, or can be looking over your shoulder all the time, I think that is a motivator to try to get things into the JTS quicker instead of saying aw, the heck with them this week I will do them all on Monday or something like that. The bad part was that you would end up spending the whole day on JTS notes. I think that with things like JTS and DAI DPP is trying to make things similar from locality to locality, instead of letting us do our work in the best possible way for the particular locality. ....Like I said, I think they are trying to take away the individual things so we all look the same and I don’t think that always fits. Yes, we need an overall plan to make sure everybody in DPP is a part organization to say they all fit into the same standards I still think they need to let the localities or the districts decide. There are things in [county] that won’t work in [city]. ...DPP picks and chooses what we are going to be all about. We went through a big time in the past when DPP was training everybody and wanted everybody to be certified in family counseling back when we were family counselors. ...I definitely believe that as DPP becomes more bureaucratized. It has definitely been a transition. I think that each year or two they seem to add a little more up top in the regional and central offices do more now and have aggressively done more to manage the local court service unit whereas before we never saw them. They just let us work unless there was an issue. For instance, there are sometimes that we will detain somebody and plug it into the JTS system and all of a sudden I will get a phone call that says why did you detain somebody or why didn’t you. So there is somebody up there looking at the JTS system going well this kid was a 13 and he was detained and this kid was a 16 and he didn’t. I get phone calls. If an intake is done and it is not explained in the narrative, that is when you get a phone call. ...Like when you fall into that gray area where you wonder should I have done this or that. And there is a lot of gray area when dealing with juveniles...that is why it is not always the best thing to be overly concerned with uniformity. I definitely think that as DPP becomes more standardized our power is being stripped away in the name of uniformity. With that we will just be social workers with a different title, and like I said before the juvenile justice system needs probation officers, without probation officers there is no probation and if done right, probation can be the difference between a successful future or a life of crime.

## Chapter V

### DISCUSSION AND CONCLUSION

This exploratory study investigated whether role strain was present among juvenile probation officers. The study also set out to discover probation officers' role as it relates to the division in power between DPP and local juvenile courts and if the shifting focus of DPP and their move to standardize creates, lessens, and/or increases role strain for juvenile probation officers.

A limitation in this study is that the participants were picked from a narrow sample. Due to the study's focus, which examined DPP's pattern of changes in the past 3 to 10 years, POs needed to have first hand experience in order to provide accurate data. This required that the sample be restricted to employees who have worked within the juvenile justice system for over 3 or more years. Concluding the research, surprising results emerged regarding an intensifying conflict between the Traditional PO and Data Entry Personnel. Due to this study's narrow focus, I cannot address these findings *generalizeability*. However, if data had been collected from every district in the state I would have been able to utilize and compare a greater pool of data, thereby producing a stronger conclusion on the topic.

Nevertheless, taking these limitations into account, the data presented show that in spite of prevailing studies of POs' *inevitable* job stress (Colley et al. 1987) in regard to role strain between the rehabilitator and law enforcer, these POs have been resilient in dealing with conflict, and potential for conflict. The POs in this study have found ways to resolve the prospective conflict of balancing the dual goals of rehabilitation and protecting society. One cause may be due to the fact that the POs

who cannot resolve conflict leave the agency, whether voluntarily or involuntarily. This point was illustrated by previous quotes and was discussed by every PO participant in this study. The data in this study contradicts prevailing literature which asserts that role strain for probation officers is inevitable and leads to job stress due to conflict between rehabilitation and control/law enforcement. However, the contradictory findings maybe as a result of the majority of the earlier literature focusing on role strain and satisfaction amongst probation officers examined *adult* probation officers—often neglecting entirely the role strain also experienced by juvenile probation officers (Bryan 1995).

Several studies have also specifically focused on adult probation officers while usually making mention of the studies applicability to juvenile probation officers (Fulton et al 1997; Studt 1978; Clear and Latessa 1993; Sluder and Reddington 1993; Colley et al. 1987). The lack of in-depth, quantitative or qualitative analysis regarding juvenile probation officers regarding role strain may explain the discrepancies in findings—as most generalizations made about juvenile POs' irreconcilable role conflict is based on studies dealing with either adult and juvenile POs or adult POs entirely. If more in-depth analysis could be conducted, we may discover that findings from adult probation studies are only very limitedly applicable to juvenile probation. This may be because the juvenile justice system has had to deal with the goals of rehabilitation and punitive since its inception. In spite of evidence to the contrary, the workers within the juvenile system maybe prepared for the potentially conflicting goals—as the system as a whole has had more ample time

to discover ways to resolve the conflict.<sup>22</sup> It could also be that the age of probationers within the juvenile system, the adolescent years, allows workers to assume a parental role. Several of the POs stated their approach to probation was like their approach to parenting. Regardless of whether or not the probation officer has children, they have at one time in their life witnessed a parent assume the role of punitive disciplinarian parent and caring parent who is concerned for their child's mental and physical well-being. Probation officers recognize and understand the parental role. Viewing their role as a juvenile probation officer synonymous with parenting would allow them to effectively resolve the potential conflict.

Although, Steiner et al. (2004) found little "appreciable difference between the orientation (either law enforcement or rehabilitation)" (47) of adult and juvenile probation officers, there is evidence to the contrary. However, in spite of these findings, there is evidence that adult and juvenile probation officers are predisposed to particular characteristics. In Sluder and Reddington's (1993) study they found that juvenile officers expressed significantly more support than their adult counterparts for casework-type offender management strategies. They further state that "despite all that has been written about conservative shift in the juvenile justice system, our finding suggest that juvenile officers continue to embrace ideas in favor of offender rehabilitation" (130). Their study supports the notion that juvenile POs operate differently from adult POs. These findings could be due to the fact that those who enter the adult probation profession are inherently different than those who enter the

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<sup>22</sup> Rehabilitation has been the goal of the Juvenile Justice System since its inception over a hundred years ago and, although, community protection was not formally addressed until approximately the 1970s, removing a delinquent youth from the community was a standard practice since the start of the system.

juvenile probation profession. Abolitionist and preservationist of the juvenile justice system agree that adolescents and adults are notably and developmentally different and, therefore, require different standards and procedures for processing and sentencing. Abolitionist Feld even states that young offenders differ from “adults in their breadth of experience, temporal perspective, willingness to take risks, maturity of judgment, and susceptibility to peer influences” (Feld 1997, 68). The development and in turn responsibility of youth differs from adults, thus, judges conduct court differently and rule differently according to the varying levels of development. As a result of notable differences between youths and adults, sentencing and processing them is notably different. Therefore, their probation is different and those that supervise them, arguably, use different approaches.

Adult POs and juvenile POs entering their perspective professions may be predisposed to different approaches and beliefs because of the notable differences, developmentally, between juveniles and adults. As juveniles are still developing cognitively and physically, their POs are more likely to believe in the notion that they can still be *saved* or *rehabilitated*. In contrast, the adult population has typically met its developmental peak and participated in numerous services by the time they are placed on probation. Adult POs have little hope in their probationers *outgrowing the behavior* or being *changed by the right service*. This would further explain why studies dealing with probation officers, in general, find that POs are not able to effectively resolve role strain. If studies of probation officers are typically looking at role strain amongst *adult* POs they may find that stress levels are higher because those POs are participating in a system they do not believe is effective—with little

belief in real rehabilitation and the probationers ability to successfully complete probation. Although, there is research dealing with both adult and juvenile probation (Steinter et al. 2004; Sluder and Reddington 1993), more research is needed to determine the differences in job performance and perspectives amongst adult and juvenile POs as well as potentially differing levels of role strain.

Juvenile probation officers have also found creative ways in negotiating their place in the division of power. Although, there appears to be a division in power between DPP and the local courts, the struggle appears to be one-sided. This can be easily explained by the fact that local juvenile courts, and the judges that rule them, have been given more statutory autonomy and power by the state codes than was provided to DPP. As illustrated, 78 percent of the PO participants experienced no conflict due to the division in power. This is because when a power struggle would ensue, POs would automatically align themselves with judges, who in these instances could afford them covering. POs' automatic or instinctual alignment with judges was initially explained by the fact that POs view themselves as *court workers* and that their primary goal is to ensure compliance of court orders.

However, the question to ask then is *why?* Why are POs more likely to see themselves as court workers? Supervisor Jill Brown said it when she stated POs "see the judges everyday." Historically, juvenile probation officers have been afforded flexibility and autonomy to perform their duties. In this sample studied, POs have always been state workers, however, they have had little to do with their state employer. Traditionally, DPP's only impact on the POs duties have been paperwork compliance, and up until recently with the introduction of the aforementioned

assessments and the JTS system, POs duties have required little paperwork. The majority of their work was done in the community making personal contact and even then the PO's work within the local community was protected from DPP by proximity. Thus, precedence decreased the need for POs to concern themselves with DPP policy or desires as there would be no immediate benefit in doing so nor was it necessitated by their job description.

In addition, the supervisors feeling more affected by the *power struggle* created by the division in power may be due to the fact that by the nature of their position they are not able to fully align themselves with either system. A primary duty of the supervisor's job is to ensure that the POs are meeting and adhering to DPP standards, whether that be standards of conduct, paperwork requirements, or case management compliance—supervisors are to know them 'through-and-through' and ensure compliance. As supervisors are, and must be, well-versed in the intricacies of DPP policy, they are reminded on a regular basis, either by e-mail or by way of weekly administration meetings that they are employed by, and answerable to, DPP; however, they, like the probation officer, work within the localities and are still subject to the whims of the judges. Thus, for supervisors the division in power creates a *power struggle* that they cannot resolve, or lessen its impact, by simply aligning themselves with the judges.

Another interesting finding, is that the conflict between DPP and the local court plays out differently in the city than in the rural localities. According to the data collected for this study, full-time and divided rural participants were less likely to align themselves with DPP and stated they felt few, or no, effects due to the

division in power. In the rural CSU localities the probation officers appear to use informal networks to accomplish the dual goals of the juvenile justice system and negotiate their place within the division of power. However, the full-time city workers seem less able to decrease the impact of the division. This could be explained by Feld's (1991) study in which he found city courts operate in milieu that provide fewer mechanisms for informal social control than do rural ones; consequently, city court place greater emphasis on formal, bureaucratized social control. Moreover, there are eight full-time POs and one PO split between a rural locality and the city office housed in the main office. The director and all four supervisors are also housed in the city office. The higher number of workers is dictated by the always increasing caseload. Thus, a priority for administration and DPP is caseload compliance and as the quantity is much greater in the city office, the agency would be concerned with handling caseloads and employees in the most efficient way. The quantity of workers in the city office makes it more viable to adhere to the bureaucratic structure implemented by DPP. Weber (1921) writes "from a purely technical point of view, a bureaucracy is capable of attaining the highest degree of efficiency, and is in this sense formally the most rational known means of exercising authority over human beings" (223). The quantity of caseloads and employees would require administration, in order to stay in compliance, to manage the volume in the most time efficient manner. This may explain the city's propensity to adhere to the more bureaucratic DPP structure.

The data suggests that DPP appears less involved in rural areas, possibly due to the physical proximity of administration—or the lack thereof. Todd Smith, who



works both in a city and rural office, explicitly stated that as a PO you are more aware of DPP policies in the city office “because your supervisors are standing over you making sure you follow them.” More importantly though, there are also less workers in the rural localities and less resources, as such they have to rely heavily on the rest of the community to work together as well as the judges remaining in support of what they do. As the rural offices have only two POs, with three offices with only one worker, and a small caseload, a bureaucratic structure is unnecessary and in some cases impossible.

The prominence of DPP’s bureaucratic presence also helps explain why the city workers are more likely to describe themselves as state workers even though they work on a local level. Whereas, the connection with the court by the probation officer was more intensely felt by the rural workers, the two city workers could not find solace in informal connections, they were operating within their offices under the more bureaucratic structure of DPP. They were reminded daily of their state employee status by the physical presence of administration. Furthermore, the reason both Kyla Stanford and Marie Lang felt the division of power more than the full-time rural workers could be explained by the fact that even though they functioned on the local level with local judges, like the rural workers, they were made aware of DPP’s presence and forced to meet the demands of both DPP and the judges. This may also explain why the turnover rate in the city office is high. According to the Director, and other POs, historically when a position becomes vacant in the rural offices it is because the PO is either retiring or going to be a “stay at home mother,” as Mike Retoni states. Only two of the POs from the city office were eligible to participate in

this study because six of them had been hired in the past year and a half. It is possible that because city POs are more likely to “feel the impact of the division in power,” due to the aforementioned reasons, they experience a higher level of job stress and are among the POs to leave voluntarily or involuntarily. Again, both Kyla Stanford and Marie Lang stated that the division in power creates additional duties and takes time away from meeting their traditional duties.

With that, this study unexpectedly found that regardless of rural or urban locality, DPP’s increasing standardization has brought about a new conflict in which POs are finding it difficult to resolve—a conflict not discussed in previous literature: *Traditional PO* versus the *Data Entry Personnel*. As stated previously, the term *role conflict* is used when discussing the phenomenon of *Traditional PO* versus *Data Entry Personnel*. This is done because the actor, arguably, has two different, incompatible statuses which are in conflict. The duties of rehabilitation and protecting society have been a part of the PO’s position since its inception—two role obligations attached to one status. Unlike the previously misapplied use of the term *role conflict* in studies discussed, the term in this example is used to describe two separate statuses with accompanying role obligations. The role obligations of a traditional PO were outlined previously. The role obligations associated with *data entry personnel* is that of a high use of technology and computer applications as well as ‘number crunching;’ this in addition to minimal human contact. One of the core obligations of a traditional PO is that of *supervision*, which requires frequent face-to-face contact. Thus, the POs in this study are faced with the challenge of balancing the

dual role obligations of rehabilitator and law enforcer as well as trying to incorporate the competing, and arguably, incompatible status of data entry personnel.

The POs in this study are finding themselves in an unfamiliar conflict and one they do not see as solvable because it is not an issue of *mind over matter* as was the case with the rehabilitator and law enforcer. Nor is it a matter of simply siding with the local judges and utilizing the court's power to achieve their objectives. Most importantly, with this lack of resolution, POs perceive to be experiencing job stress which they believe is decreasing their ability to successfully perform their job.

With that, the first question to be asked is *why is DPP making this move to become more standardized?* On the state level, DPP is charged with the duty to detain and rehabilitate delinquent juveniles and to assist the local courts in processing and sentencing youth. As illustrated in the data, the POs discussed DPP's move to standardization in conjunction with the loss of their discretion, their *autonomy* and with standardization, the increase of bureaucratization. This move to standardization and bureaucratization over the past ten years could be explained in relation to the increased interest in juvenile crime in this sample state. More attention has been given to it by way of the media particularly. Particularly, over the past five years, there has been statewide coverage specifically addressing the juvenile justice system's handling of gang activities and in that coverage has often been criticisms. This could be the reason that DPP has taken a keen interest in what specifically goes on in the particular districts and, in turn, has made greater efforts to ensure similar cases are handled the same regardless of district or locality. This nation as a whole has become more data driven. Often, the extent of the average American's interest in

juvenile crime is whether or not it is on the rise or the decline; we know this in relation to data/statistics. With the increase in juvenile crime in this sample state, whether perceived or actual, has come greater efforts on the part of DPP to address each situation.

However, as DPP is not able to physically observe, handle, and record every situation in every district due to volume it has come to rely heavily on strict adherence to DPP policy and *data entry*. Weber (1921) described the ideal bureaucracy as “superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability. It thus makes possible a particularly high degree of calculability of results for the heads of the organization and for those acting in relation to it” (223). With standardization comes the ability to calculate, this calculability is what is particularly attractive to the agency heads at DPP. Moreover, the POs complaints of losing their discretion and autonomy are expected according to Weber (1921) as there is a natural move to *rationalization* in cases where informal networks ruled by *substantive rationality*<sup>23</sup> are no longer possible or viable. Several studies have demonstrated that the juvenile court system is changing from a substantive rationality mode to a formal rationality (Feld 1991; Lieber and Stairs 1999). Explicitly stated, with the switch from substantive to formal rationality comes the switch from informal networks to bureaucratic networks. Moreover, in Gouldner’s (1954) study, he illustrated that as management could not exploit the

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<sup>23</sup> Formal rationality is characterized by the application to legal problems of explicit, universal rules. The rules come from no external source, but are intrinsically legal (Ritzer 1996; Feld 1991). Decisions are highly predictable and made without consideration of the immediate needs. Substantive rationality prevails when decisions are made on the basis of principles that are not derived from the legal system but from some other authoritative source or belief (Feld 1991). Feld (1991) describes decision-making in systems of substantive justice as “guided by reference to a substantive goal or by the best decision in the individual case, not by the application of abstract rules” (157).

informal networks utilized by the line men, the need for standardization became necessary in order for them to fulfill their job requirements. His study further demonstrated that with the breakdown of informal networking comes the need for bureaucracy. The power and autonomy that POs experienced within the informal networks are diminishing as they are replaced with policy and procedure; this already taking place in the sample study according to the data, which would explain the POs opposition to standardization.

In contrast, supervisors' attitude being more positive about the move to standardization could be explained in relation to the decrease in conflict for them. Because of their job duties of monitoring and recording DPP compliance, they have grown accustomed to the data entry aspect of their role. They do not have the constant human contact that is had when managing a probation or parole caseload. Prior to JTS and Safemeasures, the contact they had was in reviewing the physical files and confronting the PO. Now, supervisors simply have to log onto Safemeasure to monitor compliance and then send either an e-mail to the PO or mark it on the particular case via JTS. The need for physical contact with workers in supervising is minimal. Thus, the potential for conflict has decreased. They can also embrace fully their data entry job component. In addition, the increase in standardization has also made their job in monitoring DPP standard compliance much easier, thereby, making the increase in those they supervise easier. Weber (1921) also explains why administration would view this standardization in a more favorable light. He writes of bureaucracy: "It is finally superior both in intensive efficiency and in the scope of its operations and is formally capable of application to all kinds of administrative tasks"

(223). The bureaucratic system lends itself more readily to administrative tasks and increases, arguably, the efficiency in which they can complete their job duties. With that said why wouldn't supervisors be more inviting of a bureaucratic ruling with standardizations affixed?

However, POs in this study find these standardizations, Safemeasures and the other applications, are changing the agency's focus from *quality* to *quantity*. They believe juvenile justice is becoming a matter of 'crunching numbers.' Moreover, they find the DAI and the Risk Assessment decrease their individual discretion and autonomy which in turn is "greatly affect[ing]" their ability to successfully perform their job duties, as previously stated by Mike Retoni and Marie Lang. They stated this is increasing job stress because the decrease in individual discretion has taken decisions out of their hands which, in turn, has made their job duties more unachievable. The POs feelings can be explained, in part, by *power gained, power lost*. Over the years, the POs in this study have seen where their power is being decreased by the DPP heads. Their statutory power to arrest has been taken away a long with their sole discretion to violate a juvenile. This has given rise to feelings of loss of autonomy. However, further research is needed to discover if their loss of autonomy will lead to an actual inability to perform job duties or, simply their perceived inability. Yet, whether actual or perceived, feelings of loss of autonomy has led to higher stress levels according to this study.

As discussed previously, and demonstrated in other studies, job stress usually leads to higher turnover rates. DPP's move to standardization has altered PO's traditional job duties, which has led to an increase in data entry. These changes will

have little effect on new PO hires—as the move to data entry personnel will be all they know. However, what is getting lost in all of these numbers and standardizations are the children the juvenile justice system is supposed to serve and rehabilitate. For anyone who has worked with children, the most predictable aspect of a juvenile is that they are unpredictable. It is significant that each of the POs in this sample likened working with juveniles as working in the *gray area*. They stated that DPP being too black and white made the job impossible as juveniles are not black and white. Tyrone Bester stated DPP is “taking away the human element, they are too black and white, which is funny because we are dealing with human lives—there is a lot of gray with humans.” Each of the POs in this study believe that it was their ability to quickly and efficiently handle a situation that made them effective.

There was a time when the individual PO was afforded the power to figure out a viable plan of action which would meet the goal of rehabilitation and protecting society in an expeditious manner. Expeditious, individual plans are now being replaced with concrete, inflexible state mandates. Future research on this matter is needed to identify what happens when the adapted, data prone POs, who are governed by these formal mandates, are faced with a problem not prescribed a solution. This is long after seasoned, creative veterans predisposed to problem-solving due to the nature of their unpredictable clientele have either burnt out due to increased job stress or retired. What happens when an agency becomes so standardized that individual case nuances are left unaddressed and unresolved? Feld (1991) states that “the ideal in the juvenile court has been one of ‘individualized’ justice whereby each offender should be treated as unique and as deserving such treatment” (157). If the

individualized approach is taken out of the juvenile justice system what *ideals* are remaining?



## Chapter VI

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## APPENDIX 1

### **Interview Questions:**

**Demographics:** I will list observable demographics and ask:

- Years in position?
- Localities worked?
- Level of education?

### **Judges and Prosecuting Attorneys:**

- Explain to me the role and duties of the local J&D courts—specifically juvenile criminal courts?
- Explain to me what you believe is the role of the Department of Probation and Parole(DPP)? What are the duties of DPP?
- Do you see conflict between the goals of the juvenile justice system?
- Discuss the division in power between DPP and local juvenile courts? How does that affect your work?
- **Explain to me what you believe is the role of POs? Do you see any conflict in role?**
  - Explain what you believe is the POs role within the local juvenile criminal court system? Explain the role of POs working within the realm of DPP?
- Do you see any conflict between the duties POs must perform for DPP and for the local court systems?
- **Are POs seen as vital parts in the juvenile justice system? Should they be?**  
How do you feel about the POs role in court?
  - What would you like the role of POs to be?
- Do you believe some of the standards of DPP are in conflict with the standards or practices of the local juvenile justice systems (ie: local courts, commonwealth officers etc.) or do the practices of DPP aid the localities? **Or do they even play a role at all?**
- What differences or changes, if any, do you see in the duties of probation in the past ten years? Past 3 years?
  - **If yes:** What do you believe has been the catalyst for the changes?
  - Do you believe the changes could be attributed to changes within DPP?  
Within local J&D courts?

- When dealing with juveniles, do you see yourself as being more concerned with rehabilitation or protecting society? Do you see yourself as more therapeutically inclined or punitive?

If not naturally brought up:

- **Do you have any examples of blatant power struggles between DPP and local courts?**

**POs will be asked the following:**

Demographics: I will list observable demographics and ask:

- Years in position?
- Localities worked?
- Level of education?
- Describe your role as a PO? What skills do you need to be a successful PO? Do you find conflicting aspects of your role/duties?
- Do you see conflict between the goals of the juvenile justice system (and POs)?
- When dealing with juveniles, do you see yourself as being more concerned with rehabilitation or protecting society? Do you see yourself as more therapeutically inclined or punitive?
- Do you believe it is possible to balance the different roles?
  - **If yes:** What do you do to balance the two roles?
  - **If no:** Why not? What changes would have to be made to be able to balance roles?
- Granted you are an employee of DPP, but do you consider yourself to be a state employee or a local employee?
  - Explain?
- Describe your roles and duties within the Department of Probation and Parole? Within the local court systems?
- **Do you see your role as a PO working within DPP differently from your role working within the local courts?** Do you see any conflict between the duties POs must perform for DPP and for the local court systems?

- Discuss the division in power between DPP and local juvenile courts? How does that affect your work?
- **Do you ever feel as though you have to choose between following DPP standards over local court standards and procedures? Explain? Are they in conflict of one another or do they work cohesively?** Or does it even play a role at all?
- In what way has your role as a probation officer changed in the past 10 years? 3 years?
  - Are there changes occurring within DPP which have brought about these changes in your role?
  - Do you believe these changes increase or relieve job stress? Explain?
  - Do you find these DPP changes create and/or increase conflict?
- Do you believe your role as a probation officer is vital to the juvenile justice system? Why or why not?