

The Changing Role of Probation and Parole: A View to the Future

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Abstract

Staff safety issues and high risk caseloads increasingly will move officers away from traditional probation concepts of casework toward concepts more closely aligned with control or retributive ideologies. This research examines how the role of probation and parole has changed and what the future will be like depending on how we respond to the changes at hand.

Introduction

Under Florida statute, the Department of Corrections is to protect the public; provide a safe and humane environment for staff and offenders; work in partnership with the community to provide programs and services to offenders; and supervise offenders at a level of security commensurate with the dangers they present (Florida Department of Corrections, 1992).

These responsibilities pose tremendous challenges for the staff and administration of the Florida Department of Corrections and the criminal justice system as a whole. To have a marginal impact on these issues, the system must make some major changes in how criminal justice is dispensed. This is imperative as the crime rate continues to soar; as courts lose their effectiveness in deterring crime by leveling quick, stiff sentences; as correctional institutions admit inmates today and release them tomorrow to relieve overcrowding; and as offenders become more high risk.

The consequences of our inability to stem the tide of crime are frightening. A report in USA Today (1991) stated:

probation departments have become seriously under-staffed just as they are being relied upon more heavily than at any point in history; probation, rather than prison, is the most prevalent form of punishment. Probation officers have become less and less involved in their traditional role, more kin to social work and are more consumed with law enforcement, tracking down those who have violated the terms of freedom. (p. 10A)

Despite a tremendous increase in the number of institutional facilities, an unprecedented number of offenders has been placed under supervision in the community. The Florida Department of Corrections has more than 100,000 felony offenders under supervision in Florida communities.

If it were not for overcrowding, many of these offenders would be serving lengthy sentences in state institutions. Law enforcement, the judiciary, the correctional system, and probation and parole have equal responsibility for the failure of the criminal justice system.

The problems noted above are enormous. To deal with these problems, much of what we do and how we do it will need to change. Many internal and external changes already have been made to respond to the personal safety concerns of probation/parole officers in Florida: modification of offices to provide for greater staff safety, soft body

armor, and firearms. This research project evaluates areas where change is needed, as well as barriers that stand in the way of change.

Review of the Literature

According to Edward W. Sieh (1990),

Over the past several years, probation populations have increased more than eighteen percent (18%) versus about fifteen percent (15%) in jail and prison population and nearly thirteen percent (13%) in the number of parolees. Nearly 2/3 of the total correctional population was under probation supervision in the community at year end 1985.

Sieh reasoned that enormous changes in the offender population have led to changes in sentencing, as well as in how officers are expected or required to do their job. Twenty-five percent of convicted felony offenders get probation. Alternative sentences include intensive supervision and shock probation.

Sieh's research identified two basic models for supervising offenders -- "treatment" and "justice." The treatment model embodies traditional casework and rehabilitation, and measures change within the system. Sieh assailed the treatment mode, indicating that it is inherently coercive and unjust. It assumes a power over the lives of offenders, out of proportion to their wrongdoing; it ignores knowledge about the social rather than pathological causes of crimes, and it treats clients as mere objects of penal policy to be manipulated at a whim.

The justice model deals with the growing incidence of retribution. Sieh believes the model was created from public demand for certainty of punishment with minimum risk to the community. In his definition of the justice model, the officer is not at all concerned with promoting changes in the offender; court orders become the instruction for supervision. Offender success or failure depends upon his/her compliance with the conditions of supervision, and not the responsibility of the officer or the system. Intensive supervision, in his view, is an outgrowth of the justice model.

Sieh surmised that the system is moving inalterably closer to a retributive one - the justice model. He challenged contemporaries in the field to look for a balance.

Harris, Clear, and Baird (1989) found that the probation system, as a whole, continues to support treatment ideologies. Morran and Linder (1985) agreed, but found more significantly, that electronic devices, sophisticated drug and alcohol field testing kits, and computerized notification of new arrests are contributing to a greater emphasis of the law enforcement function.

Slauder, Shearer, and Potts (1989) measured the extent to which surveyed staff supported specific strategies for dealing with offenders. They found three distinct orientations among the participants that they labeled casework, resource brokerage, and law enforcement.

Casework

This strategy is concerned with the therapeutic and rehabilitative counseling of the offender and the offender's family.

Resource Brokerage

This strategy is concerned with rehabilitation of the offender and the family,

however the officer is less inclined to become directly involved in the delivery of these services. Time and experience necessitates that these functions be referred to others better suited to exercise these duties.

Law Enforcement

The law enforcement oriented officer is concerned exclusively with community safety and how the offender conforms to the conditions of probation, parole, community control, or other supervision. (Cole, 1989; Van Laningham, Table, & Diamants, 1977).

Trends in Probation and Parole

Trend #1: Office Automation

Hard copy, manually maintained probation and parole files require thousands of square feet of storage, plus staff support to locate these files, prepare them for storage, attend to them, and work with them. In Circuit Thirteen, 2,000 square feet of professional office space is used for storing over 40,000 offender files.

Probation officers are required to maintain case books, that record contacts with and progress of offenders, and monitor compliance with court ordered conditions, treatment programs, and community services.

Computer equipment, programs, and automation have become a major part of probation and parole offices. Although automation at one time only tracked offenders, newer systems allow for automated case review programs, investigative tracking, and automated accounting systems. Office automation, if fully implemented, may eliminate the need for file storage space. Probation officers will be able to electronically create offender files, that can later be accessed for review by anyone with a need and right to know.

Trend #2: Electronic monitoring

Ten years ago, monitoring the whereabouts of an offender by the use of an electronic monitor, appeared light years away. This view was less than realistic when we consider that endangered species have been monitored electronically for many years. Cold War espionage employed the use of electronic monitoring devices. And the Florida corrections system has actively participated in a monitoring program for more than ten years.

Today, 800 offenders are under electronic monitoring supervision. The courts have overwhelmingly endorsed the use of the devices, and it is likely that electronic monitoring will be used at even higher rates in the future.

Trend #3: Officer safety

Between 1984 and 1988 the probation caseload rose from 1.74 million to 2.36 million persons (35.4%) (Bureau of Justice Statistics, 1989). Many authorities have also observed that the probation populations are increasingly comprised of serious offenders who often present a high risk of threat to the community and to the probation officers (Guynes, 1988; Petersilia, Turner, Kahan, & Paterson, 1985; Snyder, 1986). It is absolutely imperative that officers are provided a measure of safety to insure that they don't become victims.

Probation and parole officers were covered under special risk retirement up to

1975. At that time, agency reorganization occurred and Probation and Parole field staff were transferred from the Florida Parole Commission to the Department of Health and Rehabilitative Services under the Division of Corrections.

The safety of officers in the field called for renewed interest in special risk retirement and the associated benefits of this retirement class. Other law enforcement entities recognize the value of probation and parole officers and appreciate the job they do. They also are aware of the dangers probation and parole officers encounter in working with offenders in the community:

The increased demand for thorough criminal sanctions and a retributive correctional mandate, the focus of probation and parole has shifted from an emphasis on rehabilitation to one of surveillance. With that shift, the nature of the worker/client relationship has become more adversarial. (Parsonage & Breshey, 1990, p. 68)

Trend #4: Employment selection process

Recruitment and selection of employees relies on identified KSA's (knowledge, skills, and abilities) necessary to perform the duties of a correctional probation and parole officer. Although applicants often have only a limited understanding of what is expected for the position, they tend to interview well.

These recruits are indoctrinated into the fold by academy instructors who espouse the caring and helping philosophy of the agency. However, when these recruits return from the academy, they hear and see experienced officers who very much represent an antithesis of caring and helping. Making unfriendly and demeaning references to offenders tends to change the helping attitude .

Trend #5: Alternative sanctions

There is a generally increasing trend in the use of alternative sanctions, several of which are outlined here.

A. Community Control is an intensive supervision or house arrest program, first implemented by the Florida Department of Corrections in 1983. This program has increased sanctions over probation. Offenders placed in this form of supervision often have already been supervised on probation, and violated or had offenses serious enough to "score them out" to a term in state prison. The program was designed as an alternative to prison attempting to relieve prison overcrowding.

Since 1983, 60,000 offenders have been placed under Community Control. Florida has the largest house arrest program in the nation. Each officer carries a caseload of 25 to 30 offenders. Offenders are prohibited from leaving their residences without express permission from their officers. Very tight control, particularly through frequent contact, is maintained over these offenders.

B. Probation Restitution Centers are half-way facilities designed to assist the offender who has had difficulty adjusting to supervision. These offenders are generally youthful offenders who have demonstrated a disregard for the

conditions of their supervision and are delinquent in the payment of monetary obligations, i.e., court costs, restitution, and court impact fees.

The center emphasizes employment and educational development. Offenders are required to maintain employment while in custody at the facility. The facility is not secured and offenders can leave at any point, that unfortunately, occurs from time to time.

Offenders are committed to the facility for an average of six months. During this time, an offender participates in a number of rehabilitative programs designed to assist in complying with the conditions of probation and Community Control.

C. In Florida, first time, third degree felony offenders may be offered pretrial intervention after they have been diverted from the judicial process, but prior to a determination of guilt by the court. Those defendants, who complete the program and all of the requirements imposed, are eligible to have prosecution canceled, the charges completely dismissed, and their records possibly sealed.

Trend #6: Gridlock

The Criminal Justice Estimation Conference projected that gridlock will occur, despite alternative sanctions and release programs. The lack of available prison beds will result in the doors at Florida prisons closing, and more offenders will be diverted to probation and control release programs.

Changes in probation and parole service, combined with changes caused by socioeconomic and political events, have caused the varied functions of probation and parole to become more control oriented. However, staff have persistently continued to support a change orientation.

What Can Be: Scenarios

The fictional accounts of the routine activities of probation officers depicted here focus on an ideological shift in the way officers provide supervision.

Law enforcer scenario

John P.O. Jones, an officer with 10 years of experience in probation and parole, works with the Department of Corrections (August 7, 1998). A review conducted by the Auditor General's Office reports significant findings in several areas: the number of face-to-face contacts Jones has had with an offender; the level of compliance with the conditions of supervision; the cost of supervision; and the failure to complete risk reviews.

Given that offender compliance information is maintained on an automated database, and that random checks are conducted on officer performance, Jones should have monitored these areas more closely. Jones disagrees. In his view, it is inconsistent for the Probation Program Office to espouse a caseworker approach to offenders when attentiveness makes little or no difference; there is no way to enforce noncompliance. With caps on prison admission, why bother?

In years past, Jones led the Circuit in offenders participating in officer directed groups, individual counseling, job development, and mentoring programs. Jones was

keenly motivated in assisting offenders better their station in life. His present attitude might be considered burnout by those familiar with his work in the past. Actually, he has adopted a different strategy for dealing with offenders -- he is now exclusively interested in the law enforcement function.

John had a very harrowing experience two weeks earlier when he was called to assist Wacky Hut, a surveillance officer, he had mentored for the last two years. Wacky Hut is a frustrated cop. Making violation arrests and checking up on offenders is not, in his view, where his real abilities lie. He longs for the *real* action of police work, but has been turned down by the sheriff's office and the police department four times. John knows better. He knows that Wacky Hut could be a liability to any agency. He is a "hot head" and has put others in some difficult spots.

One evening, when sitting down for dinner with his family, Jones received a beeper message: one of his Community Control cases had just left his residence without authorization. The sound of the beep made the family frantic. His wife was extremely agitated, and at the same time, worried about his safety. John, too, was anxious about going out on a call with Wacky Hut.

As it turned out, an offender was found in a drug den in the Ponce De Leon Housing Project, as bad a place as there is on the face of the Earth!

As Jones and Hut drove up to the building, they were pelted with rocks and bottles and narrowly escaped personal injury. Once the offender was found, the people, in and around the building, stood in opposition to the offender's arrest. This was threatening, but, in the end, the offender was taken peaceably into custody, transported to the probation detention center, and held until his arraignment for violation of Community Control.

Although Bead Ashell, a certified sex offender, deserved to have been locked up a long time ago, he had been on electronic monitoring for ten months. Already he had violated Community Control by leaving his approved residence. For that violation, he was given ten weekends of detention in the probation detention center, but allowed to return home during the week in order to continue his employment and to maximize the utilization of the detention center. Considering the excessive level of violations, the custody level is in dire need of expansion. In any event, the offender's family will benefit by his continued employment.

Ashell's placement in the detention center was not out of compassion. John was aware of a myriad of problems that the offender's family had. With his supervision strategies changed, he was unmotivated to spend too much time dealing with ancillary functions.

Law enforcer scenario: what can be

John Po (2001) -- John Po is busily completing the finishing touches on a motivational message he plans to deliver to residents of the Jordan Park Housing Project. Although many residents of the project will be in attendance, his speech is aimed at the young men who desperately need to break away from their present conditions of poverty and deprivation.

Actually, John is conducting this meeting off the clock. A model officer, committed to changing these men, by day John counsels, scowls, and cajoles them into conforming to their probation orders. After work, John, with assistance of a number of

local sports celebrities, works tirelessly to help these men find some direction in their lives.

Time savings, from computers and other technological advances, have provided probation officers the opportunity to work out of their homes by using paperless files. Once, officers spent the majority of their time conducting surveillance on offenders. Now this time is more productively used in other ways, like these group meetings. Furthermore, probation supervision is now satisfying.

Future Directions

1. Integrated surveillance efforts established with local law enforcement. Many of the offenders committing crimes are currently under supervision. Cooperation between law enforcement and probation would maximize efficiency and, at the same time, provide for greater security for probation officers who might otherwise be required to make late night calls to tough locations without backup.
2. Expansion of automation can be developed to create paperless offices and eventually no offices at all. Inordinate amounts of time are spent logging contacts, payments, etc., bookkeeping functions that could be more easily handled with automation.
3. Supervisory functions are primarily used for quality control. With the advent of automation, monitoring could also be more efficient and effective. Case reviews and officer evaluations will be streamlined with the development of programs designed for this purpose.
4. Collection of monetary obligations consumes a lot of probation officer time. A system requiring employers to withhold payments for payment of fees would increase collections and eliminate any unnecessary effort on the part of officers.
5. Interim disciplinary sanctions should be developed that can be used in lieu of court. Judges would rather not be bothered with technical violations, yet probation officers need something to nudge the offender into cooperating with court orders. A probation detention center for technical violators could be used for jail therapy.
6. Community service should become more retributive. The public's clamor for offenders to pay should be achieved by requiring public service in some beneficial purpose to the state.
7. Information collected on offenders should contain greater detail. Criminal information files will be detailed to the extent that the requirement of a presentence investigation or postsentence investigation would be limited.
8. With much of the above implemented, the necessity for formalized office space will be drastically reduced. Officers using laptop computers would have little or no need for hard files. Speed writers and scanners would reduce the necessity for clerical support. The money used for leased space could be redirected into manpower or hardware necessary to wage war on crime.

The future is ours to mold and alter, or just let happen. Given an awareness of many significant developments, we should begin to accelerate some of the more desirable future expectations and slow those with less desirable expectations. To alter the course of undesirable functions, the establishment of offsetting principles and practices will be required.

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