

Getting to the Heart of the Matter: How Probation Officers Make Decisions

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IN THE PAST 10 years, there has been a surge in the literature on emotional labor in criminal justice (Karstedt et al., 2011). Emotional labor goes beyond the physical or cognitive skills required for the job. In her seminal work on emotional labor, Hochschild (1983) defines it as “the management of feeling to create a publicly observable facial and bodily display.” It requires changing and managing emotions so as to influence the response of the person one is interacting with. In order to do this, according to Hochschild, we have to draw deeply on our “self.” Using in-depth interviews with probation officers in one judicial district in a Mountain-West region, I elucidate this use of self and demonstrate the impact it has on the officer’s decision-making regarding his or her client. In this article, I define this use of self as *relatability* and present four types of officer interpretations based on the officer’s level of relatability with the client. I argue that decision-making is affected by the interpretation and evaluation of client narratives as officers listen to them in a highly reflexive way. While these officers are trained to use actuarial tools, my interviews indicate that they to some extent put them aside in favor of a more clinical approach to their work. Their tools and training are based on an actuarial model of risk assessment, but actuarial risk assessment is not the only factor they take into account to make decisions.

The probation officers I interviewed stated that their “real work” is to figure out the best course of action with each client on their caseload. However, as they described their work, it is clear that they are performing a particular kind of emotional labor. The emotional labor they engage in on a daily basis goes beyond

managing their own emotions so as to portray a professional demeanor regardless of what the client presents. The officers I interviewed talked about formulating a relationship with the client so that they could relate and connect to the client to be able to make their evaluation and recommendations. This process is an emotional project. Their ability to create this relationship and use their emotional response is at the crux of being able to come up with a meaningful evaluation.

For this project, I interviewed 20 probation officers from one State probation district in the Mountain-West region of the U.S. My initial goal was to contribute to the implementation literature by seeking to understand the experiences of one segment of the implementation system—front-line probation officers—and in particular, to investigate how they talk about and implement evidence-based practices. Through my interviews, the ways in which the officers fill the gap between the mechanics of what they are told to do (e.g., assess for risk, match treatment to assessment results), and what they actually do when they encounter a complex individual in this complex judicial system came into sharp focus. More specifically, the officers described how they bring themselves into the work in ways that help them bridge the gap between what the assessment tools provide and what they actually need to make case decisions. Officers talked about making decisions in ways that have little to do with the tools provided for them and much to do with their own humanity and their ability to humanize their clients. This is particularly striking because the criminal justice system in general is not known for warmth and client responsiveness.

Further, the training of officers in this State has traditionally involved the “train-and-pray” method where officers are taken out of their contexts, placed in a training facility, provided with in-depth training, and then sent back without follow-up or support on the ground. Therefore, the training has not been context-sensitive. Through interviews, I uncovered how these officers use relational processes to contextualize training. In this paper I describe this emotional labor as well as demonstrating not only that officers use variable frames of reference to approach decision-making, but also that this appears necessary to bridge procedure or training and actual process.

Method

The 20 probation officers I interviewed have between 5 and 23 years of experience at their jobs. The average length of service is 12 years. They all currently work specialized caseloads in two different locations spanning four different cities. Of the 20 officers, 5 self-identify as people of color; the rest are White. There were only three men in my sample. Being officers on specialized caseloads means they have demonstrated the skills needed to manage higher-risk clients. These include a sex offender caseload, domestic violence caseload, clients on intensive supervised probation, clients on a felony drug court, and juveniles with sexual offense or complicated mental health histories.

The division of probation services in this state is quite progressive. They were early adopters of several different evidence-based practices, including using third-generation assessment tools (e.g., LSI), providing the different judicial districts with support in

adhering to the risk/need principles, and providing departments with routine updates on the latest research in corrections through Research-in-Brief publications. This particular district is one of the more progressive districts within the 21 judicial districts that make up the state. The population in this district is just under 100,000, is predominantly White (88 percent), and is one of the most affluent counties in the state. The district is often willing to pilot new programs and try different things. For example, all officers have access to a skills coach whenever they need support, a therapist with whom they can discuss concerns and debrief difficult situations, and a massage therapist that comes into both offices once a week during lunch and offers chair massages. Another distinction of this district is that the officers know they must make sure that every stone is turned before filing a complaint in court. The officers talk about going to court and knowing that the judge will ask them if they have done everything before filing the complaint. In order to document that they have done so, they often prepare lengthy complaints listing everything that has been tried.

After gaining permission from the chief probation officer, I recruited the probation officers through an email request to be interviewed for this research. Probation officers responded generously and enthusiastically, also recommending other officers I should interview. I was already familiar with the probation officers in this department, including the ones I interviewed, because I have worked with them in different capacities, both as a treatment provider for their clients and as a consultant providing the probation department with training in evidence-based practices. I chose these particular probation officers because of their length of service in the field as well as because they currently supervise specialized caseloads. I conducted all of the interviews, which usually ranged between 45 and 90 minutes. I used a semi-structured format, and recorded and transcribed the interviews in accordance with Institutional Review Board requirements. I asked broad questions and began all interviews by asking the officers to describe their role as a probation officer. I included other questions such as, "What do you think EBPs are?," "What supports you doing your job?," and questions about support and quality of supervisors. I did not initially ask how the officers make decisions; however, because this came up in my first three interviews, I included questions

about negotiating client needs and public safety, a theme that the officers initiated.

After each interview, I took notes on my experience, the themes I noticed, what stood out for me, what seemed familiar about this interview, and what was different. I often noted that I was awed by their willingness to enter into an exploration with the client and that I was struck by their vulnerability as they tried to articulate the complexity of what they do on a daily basis. I used an inductive analytic strategy while coding the transcripts looking for similarities, themes, and recurring phenomena. I also used written memos, peers and others in the probation field to develop and test the ideas I was developing.

Probation work—the "real work" behind the scenes

Probation officers supervise clients in the community for a term determined by the court at sentencing. Clients must obey certain terms and conditions while on probation; in some instances, these terms and conditions drive what the client needs to do on probation. Probation is on a continuum of limitations to freedom that a client can receive. While on probation, clients can receive a variety of sanctions that impose limitations on their freedom. These include electronic home monitoring, day reporting, work release, and jail time. If a client is unsuccessful on probation, the officer can recommend a higher level of containment to the judge. This could include lengthy sentences to halfway house facilities or, in some instances, prison. The officers interviewed in this project have clients with high levels of risk, most of whom could face prison terms if unsuccessful on probation.

Interestingly, several of the officers interviewed contrasted what they actually do with what the public thinks they do, which, as Hannah¹ put it, is "sit behind the desk and send people to prison." These officers see their job as guiding clients through a complicated system so that they can successfully navigate their way out while facilitating some significant lasting change in their lives along the way.

Taylor: I like to often put it out to the clients that really my job is to make sure that they're in a better place when they come out of the system than when they came in, and really trying to diagnose and figure out exactly why the person's in the system and really trying to get those things taken care of.

Cathy: I really see myself as a guide through a very complicated system. I am really big on education so what I do with the clients is in the beginning my intakes are usually across three, um, appointments, and I am pretty in-depth about their terms and conditions; what they mean, what's expected of them with accountability, monitoring, treatment.

Beth: (My role is) moving people through a system that's really confusing and, um, helping them to better their life with whatever tools we have. Moving them from point A to point B and in the process hopefully giving them what they need so they don't end up back where they were.

Probation officers are provided with a variety of tools and trainings in order to accomplish their work. However, they believe that they were hired for their ability to do "real work" and not necessarily for their "book-knowledge," as Beth put it in her interview. This "real work" goes beyond what they are expected to do according to policy or procedure. Training tells them to use a particular assessment tool and make decisions in a certain way; the "real work," according to them, begins when they start talking to the individual, gather information, and respond using their gut in a way that goes beyond what procedure would tell them to do. This emotional labor allows them to make more nuanced, flexible, client-centered decisions and to involve more of themselves in the work. In fact, several of the officers discount what the system provides them in terms of decision-making tools. For example, when a client is placed on an officer's caseload, the officer receives a report outlining the details of the case and recommendations about how to proceed. Many of them state that they do not read this information before meeting the client, lest it cloud the "real work" that they need to do.

Rita describes this by telling me that she doesn't read the information provided to her before her first meeting with her client. Instead, "I just have them talk to me about them. You know, not about what's on the paper, but talk to me about you." Hannah talks about something similar when she says, "I feel the real work comes from when we are interacting in the office and I find out more about them." It is in these interactions that the officers figure out what's next for the client.

Officers also talk about being able to do "real work" as a skill that not everyone possesses. Some of them make the distinction

¹ All names have been changed to protect the identity of the officers.

between people who are book-smart but have no relational skills and those that can “do relationship” in such a way that they gather all the information needed to make supportive decisions for the client.

Beth: Communication is key, but I also think that it’s a personality style comes in with it. I think that some people don’t generally know how to have relationships so you’re teaching book smart people how to have relationships by using things that other people [who] already know how to do the job already do automatically.

Given that these officers have specialized caseloads with high-risk clients that most other districts would ordinarily incarcerate (e.g., LSI scores in the high 30s and low 40s), these officers in particular are working with complex people in a complex system. They are provided with tools to help with decision-making, but the tools can be two-dimensional and can miss some important things crucial to the success of the client. During these interviews, a strong theme of how the officers fill the gap between what the tools provide and what they actually need arose and became the focus of my analysis. Or as Gayle put it, “Paper misses the point and technical words miss the point.”

Filling the gap

Knowledge, or the construction of knowledge, is an iterative process and emphasis needs to be placed on knowing through the active and continuous engagement of the environment (Giddens, 1984 & Orlikowski, 2002). In this way, knowledge is performative—we clarify and extend our knowledge through action (Weick, 1995). Knowing and practice draw each other into existence. This filling the gap that the POs identify themselves as doing is an active process; it is not just a passive interpretation of what is going on but an active “authoring” of how to explain and make sense of what happens. These interviews describe the process of how these officers make meaning out of situations and use the tacit knowledge that they have about themselves, people, the organization, and the way it works to tackle the situation at hand. And these processes help clarify what prerequisites might be necessary within the organization and the individual for their efforts to make sense and their knowledge to be more accurately transformed into action. The three ways these officers describe filling the gap can be categorized as: using self-as-reference; using others-as-reference; and on-the-job experience. The organization as a

whole both strongly influences or moderates these and is also a beneficiary of them.

Self-as-reference: When describing how they make decisions about what to do with a client, officers frequently emphasized developing a relationship with the client. They stressed, for example, the importance of talking with the client to figure out what is going on, and also being flexible and willing to let their understanding change. Some officers alluded to paying attention to what is driving crime rather than what the actual offense is, as evidenced in Hannah’s explanation. She suggested that we first have to look at what else is going on for the client because, “What I have found is that a lot of the domestic violence will stem from substance abuse issues. So I look in his file but I also talk to him to figure out how his behavior makes sense.” In this way, Hannah was describing the emotion work she does to engage with the client and not be blinded by the instant offense. Instead, she suggested that she tries to make sense of what the client has done to see if it makes sense to her, “to see how it leads into that offense, whether it’s theft or robbery, was he high at the time, what causes him to do these type of criminal things? How does his behavior make sense?”

Beth explains something similar:

You get in the room with them and feel what it feels like to be with them—real, true, whatever that is. I try and join them and try to be there with them and get their experience so I can understand what we’re doing. And then I kind of pull myself out and go, “OK so what’s happenin’ there.” You know, things are not making sense, or are they doing things because that’s what they were taught that, or this might be some kind of negative or not helpful behavior, then we kind of dig that up and then it makes more sense to know where to go.

This intuitive process of decision-making that relies strongly on building a relationship with higher-risk clients is echoed in all the interviews. When asked what things they take into consideration, each officer highlighted different things (e.g., criminal history, family, mental health, substance abuse); however, the common piece was that they all make decisions on a case-by-case basis and only after talking extensively with the client. What is curious is what they referenced to make sense of what they were hearing: The common thread was **using themselves** as a reference for making decisions about whether a particular behavior is concerning or not. They seem to believe that they are quite similar to the clients

(e.g., Taylor: “A side-step this way or that and I could be my client”; Gayle: “I try and think, do their actions make sense”; Leah: “I put myself in their shoes”), and in this way they really humanize the clients.

Taylor: When I tell people what I do, they say, “Isn’t it tough to work with those people?” and it’s like, “those people,” they assume that we are so different from “those people.”

What all three officers were saying here is that they try to relate to the clients. They are attempting to make sense of their client’s behavior by seeing if they can relate to their behavior. It therefore seems that the more relatable the client is, the easier it would be for the officer to make decisions and subsequently the more client-centered the decisions would be. For the officer to “feel into” the client, as Beth put it, the client needs to be someone they can relate with or come to grips with. So maybe when the probation officers say “enough is enough” or acknowledge that they do not know what decision to make, what they are really saying is, “I am not able to relate to this person. This person does not make sense from where I am sitting and therefore I do not know what to do next.” Or as Lindy put it, “At times it’s like I just don’t get it. You know, I just can’t get them.”

The extent to which the client is relatable influences how the officer responds to the client’s level of risk. From a policy and procedure point of view, responses to clients presenting a higher safety threat would be uniform. That is indeed not the case because of the officer’s relationship with the client and how easily the officer can relate to the client. As highlighted by Beth, “Even with the same client, different things will happen with different POs.” The officers have to reconcile what they know about case decision-making through their training with what they know and feel about the client. This interaction is summarized in the Table 1.

Based on Table 1, when the client is relatable, self is used as a reference, empathy is high, and the officers usually describe having positive relationships. When the safety threat is high but the client is still relatable, officers will be quite creative and go to great lengths to support the client. They will also use others for support (e.g., treatment team, other officers, supervisor) and share the burden of the decision. Tina summarizes this process well when she says:

TABLE 1.

		FROM TRAINING AND ASSESSMENT	
		Low safety threat	High safety threat
FROM WHAT THEY KNOW AND FEEL ABOUT THE CLIENT	Relatable	<p>“We’re the same” Friend</p> <p>Reference: Self</p> <p>Response:</p> <ul style="list-style-type: none"> • High empathy • Minimal intervention • Positive relationship 	<p>“I’m worried about you” Problem child</p> <p>Reference: Self</p> <p>Response:</p> <ul style="list-style-type: none"> • High creativity • Use others for support • Get buy-in from other parties involved • More likely to take risks for the client • “Goes to bat” for the client
	Not Relatable	<p>“You’re weird” Weirdo</p> <p>Reference: Procedure</p> <p>Response:</p> <ul style="list-style-type: none"> • Defined as strange case • Viewed with suspicion • Officer stays alert for any high-risk behavior and responds quickly • Seek external cues for ideas about what to do 	<p>“You’re weird and you worry me” Scary</p> <p>Reference: Procedure</p> <p>Response:</p> <ul style="list-style-type: none"> • Risk-limiting behavior • Easier to make harsh decisions • More likely to respond with containment • Assume the worst • Send to external resources for evaluation

You think about the person, understand them and then make a decision and feel ok with it and the person walks out the door and you’re like, “oh god, please say that I made an OK decision on your case, like you’re not going to walk out that door and go, you know, beat the crap out of your victim again. But, I mean I think generally for me, I feel like it’s helped being a part of a team, because you have other people that are helping you make some of those calls, and it sort of does lift a burden.

Case example of Problem Child: Lindy described working on a tough case and the lengths to which she was willing to go:

This guy had a lot going on, I mean a LOT. And everyone was worried about him, you know. But I could really get what was going on. I mean I am not saying I thought he was okay or anything, just that when I talked to him about what was going on, it made sense. And so I asked my supervisor if we could try something different with him And you know, if I explain something my supervisor will back me up And so we put him in treatment, I had him calling me every day to let me know he was okay, and we put him on SCRAM (an

alcohol monitoring device), and I mean I didn’t hold back. Because otherwise, what’s the alternative? Prison? I mean I knew prison was not it for this guy, you know.

If the client is not relatable, as in the case example that follows next, then the officer tends to reference policies and procedures when making a decision about a client. The officer’s willingness to take risk lowers, as can be seen in Cathy’s explanation of a difficult case with whom she had difficulty building a relationship. Here she provides us with a **case example of Scary**:

Cathy: He didn’t have a prior sex offense but he had deviant sexual interest. We had two of the three most potent combinations and I really feel really strongly that he’s just unmanageable and I gave him chances but I am not going to continue. I tried to talk it through with him, I really did. But he’s unmanageable.

Me: By unmanageable you mean his behavior?

Cathy: Yeah, his behavior, but also just It’s hard to explain. I talk to him and try and understand, but I can’t. (Pause) If the court allows me I am bumping him

up to community corrections—that’s my recommendation. I don’t think he’ll make it. With some others, if I can see what’s going on and I don’t see that criminality, I give them lots of chances. And I’m very patient usually.

Here Cathy explains that there was something about the client that worried her, although it didn’t seem to be just his behavior. She reflected on her inability to understand him and that this lack of being able to understand him contributed to her being less “patient” and more willing to seek a harsher sentence.

Implications: The use of self-as-reference has enormous implications for the organization, especially if the organization has probation officers who are rigid in their ways of thinking (not a completely uncommon occurrence) and have very narrow views about how things work and how people should behave. It would be harder for them to relate to people, i.e., their clients, and if so, would explain why, given the same client, some officers would decide to go a gentler route and others might be extremely harsh. So if the officer can easily make this statement: “If I were in your shoes, I could see doing what you did, and so I respond to you with understanding and compassion, and in ways that would actually help me were I in your shoes,” then things go more humanely. This then becomes a process of empathic decision-making. Unfortunately, teaching empathy is quite the challenge, because it is the ability to suspend oneself and enter into the world of the client, truly seeing things as they would but keeping certain aspects of oneself intact, like right and wrong, or at least not losing one’s balance.

Colleagues-as-reference: The officers I interviewed also talked a great deal about using each other as resources to build their ability to do their jobs. They describe talking with others about what they would have done differently or to get ideas in a difficult case. For example, Hannah emphasized the importance of reaching out to her colleagues in her work. “That’s how you learn,” she explained, adding, “That’s how you grow, that’s how you do—you know, you enhance what you do.” She equated willingness to reach out with commitment to the work. A truly committed officer would, in her view, “take time to go to another person and say, ‘you know, I’m just struggling with something, and I’m just trying to find a good way to do this.’” Hannah also shared that she has been the recipient of this

kind of interaction where she has had people come to her and say just that. She then went on to highlight the gap in training and the importance of using colleagues by stating, “Coz training that they give you only goes so far. You got to know how people do things. It’s difficult, you know, the work I mean” (emphasis in the original).

Here, Hannah is highlighting the gap she experiences between training she has received and the “how” of doing the work. She answers the question about how officers fill the gap between the information they receive in training and the actual “how” of doing the job. She also describes the work as difficult and complex, which is something that most of the officers interviewed also mention. Describing work as complex serves them by allowing and supporting the sharing of knowledge. If the officers interpreted what they do as simple acts of following tools and procedures, it would limit the creativity and flexibility with which they might approach a client situation. Officers therefore describe their work as extremely complex, which serves several goals. First, it increases their interest in, commitment to, and engagement with their job. Second, it allows them to ask questions that might ordinarily be considered things they should know.

Cathy: I’m continually challenged by them (clients) and I like that. I never have a dull day. Never.

Rita: So, you know, I look at my job as a learning process because I really am fascinated with people, and how they operate, and how they make the decisions that they make. And it’s just the transformation of seeing these people within the nine months to a year is just amazing to me. It’s difficult, but it’s amazing.

Implications: Using others-as-reference has implications for the organization as a whole. It is incumbent upon the organization to support this social interaction and the ways that officers make decisions or fill the gap, because if the organization wants officers to do things a certain way, training only goes so far. Peer interactions do much of the teaching, so the organization has a high stake in this.

Experience: The third way that officers seem to fill this gap between “what” they learn and “how” to actually do the work is through experience—trying different things and having some of them not work. An example is believing the client and letting him or her off monitoring only to find out that the client is

actually using. For learning by experience to occur, the organization needs tolerance for mistakes (which, incidentally, the officers in this district describe as true of the organization they work in).

Beth: Once you do something wrong it’s not scary anymore because you’ve already done it. And then you learn and you can do it right. I tended to do it wrong and then go like, I’ve done both sides you know, because sometimes you really don’t know what you’re doing. They don’t train you at all. You know, you kinda are just doing it on your own. I truly feel like they don’t teach that kind of stuff. That we really here what they’re striving to get us to do is something that we develop on our own.

Implications: Officers talk about developing instincts through their work and after experiences, both positive and negative, that tell them how to handle future situations. Instincts are also informed reactions that are muddled by officers’ personal experience, moral biases, and most important, what they know about the way things work in the agency. This is picked up, sometimes nonverbally, from peers, from training on-the-job, and from the norms and culture of the agency they are working in. From these they begin to form models that they then reflexively refer to when a decision needs to be made. As a result, across the corrections system officers could be approaching situations with a limited, sometimes inadequate model or frame of reference from which to make decisions that reduce recidivism and reliably facilitate positive results for the clients. When these models go unexamined, the officers become prisoners of their own anecdotes, norms, and “the way things work.” Such a prison does not allow for building or sharing knowledge, or changing the way things are done.

Criminal justice organizations tend to emphasize about-ism (Keller, 2010) in trainings. They focus on teaching people about what they need to know, rather than how to operationalize what they know. It is the operationalizing of what they are learning that officers attempt to fill through self, others, and trial and error.

Recommendations and Conclusion

This article explores the emotional labor that probation officers engage in when making case decisions about their clients. The officer interviews and my analysis of them demonstrate how officers draw on their “selves” and

each other in order to conduct this emotional labor. This reliance on emotional labor highlights a gap in the current focus of training in probation work; it emphasizes the importance of paying attention to the emotional labor officers engage in during the decision-making process. In order to address this gap, I offer the following recommendations:

1. Have ongoing and open conversations about mental/gut models that officers have, rather than try and train them out of the way they ordinarily think. It is these models that they use to make decisions and therefore examining and exploring these is helpful.
2. Take a page out of EBPs for clients and apply them to staff. How staff work with clients resides inside the staff members. Rather than asking staff to use terms that are external to them or impose ways of thinking on them, begin by eliciting their own ways of working. Start with what the staff already do. Talk with them, observe them doing what they do.
3. One danger of state trainings being so focused on tools and evidence-based practices is that we might end up training out these very important intuitive or gut-feeling aspects and have officers inadvertently rely on insufficient tools. The worry here is that it is unclear how these officers developed these ways of working with clients that are intuitive and client-centered. Because if we remove tools and training, we might get officers doing their own thing and causing potential harm. I have worked with such officers who disregard tools and go with what they call their gut instinct. Unfortunately, how they then communicate leaves the client feeling discouraged, shamed, and defensive. Perhaps this is the key: Developing the gut instinct or feeling is one thing; however, it is really important to help officers develop ways of engaging and talking with the clients that get them the information they need to make good decisions.
4. In some ways the work of a probation officer is isolating. Officers are working with complicated individuals and making difficult decisions by themselves. There was a need to be seen more clearly by both their supervisors and perhaps also by the community at large. Officers expressed the need to be seen for what they really do by their supervisors throughout their interviews. However, how officers are being measured and evaluated in their jobs fails

- to capture what they are doing in their jobs. Because the officers fill the gap between what they are told to do and what they actually do in real-time, evaluation of their work needs to happen in real-time as well.
5. The override principle often talked about in assessment training is very alive and well and therefore implementing evidence-based practices needs to happen in conjunction with developing and refining the use of this existing override principle.
6. Both supervisors and trainers need to support and emphasize the complexity of probation officers' work, because such support can not only raise officers' level of job satisfaction but also encourage knowledge-sharing.

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