

Probation's Changing Role in California: Challenges and Opportunities for Hybrid Supervision

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CALIFORNIA HAS UNDERTAKEN dramatic reforms in recent years to reduce the size of its prison population, in part by giving new responsibilities to local probation agencies. New funds are flowing into county probation agencies from the state (Bird & Hayes, 2013) and, in recent years, progress has been made in implementing evidence-based practices (Judicial Council of California, 2015). Now is an opportune moment to take stock of the policy and practical consequences of California's reforms; however, documenting the new challenges faced by probation agencies has proven difficult, given the lack of good data about exactly how probation populations in the state are changing, and how the demands and expectations for probation officers are changing along with them.

This article reviews the major reforms in California probation policies in the last decade and, relying on newly available data, describes how those changes have reshaped probation populations. We discuss the research literature on probation workers, which offers some key insights to guide our inquiry about the law enforcement and social work dimensions of probation work. We then report data on how the nature of probation work has changed in the context of these policy and population changes, using statewide survey data

on probation officers and supervisors. Our findings show that as probation populations have increasingly comprised higher risk and higher stakes offenders, the job of probation officers has changed. In general, we see rising expectations for what researchers have called a "hybrid" or "synthetic" approach to probation work, which combines a strong emphasis on both social work and law enforcement.

The California Context

As is the case elsewhere in the U.S., probation in California manages the largest share of the population of people under correctional control in the state, and it does so at a fraction of the costs of jails, prisons, and parole (Grattet & Martin, 2015; Martin & Grattet, 2015). For decades, commentators have decried the chronic underfunding of probation (Boyum, Caulkins, & Kleiman, 2011; Petersilia & Snyder, 2013; The Marshall Project, 2015). This situation began to change in 2009 with the passage of the California Community Corrections Performance Incentives Act (SB 678), which encouraged county probation departments to keep probation violators under local supervision and custody instead of revoking them to state prison. In exchange for reducing its reliance on state prisons to punish probation failures, counties now receive a portion of

the savings resulting from the reduction in prison use. These funds have been used by counties to expand the use of risk and needs assessments, which nearly all counties now use to some extent, as well as other evidence-based supervision and management practices (Judicial Council of California, 2015).

In 2011, the state began to implement "Public Safety Realignment," which sought to further reduce the reliance on prison incarceration (Lofstrom, Bird, & Martin, 2016).

Realignment made county probation departments responsible for a large segment of non-serious and non-violent prison releases, under a program called Post-release Community Supervision (PRCS), as well as offenders who were previously eligible for prison whose sentences are "split" between jail and community supervision. This latter group is called "Mandatory Supervision" (MS). In exchange for counties taking on the PRCS and MS groups of offenders, the state provided a new source of funds to counties. The funding allocation decisions were made differently in each county, but probation was frequently a beneficiary (Bird & Grattet, 2015). With realignment funds, many probation agencies implemented day reporting centers and expanded rehabilitative services (California Board of State and Community Corrections (BSCC), 2017).

In 2014, voters approved Proposition 47 (Prop 47), which reclassified a large number of felony offenses as misdemeanors; this quickly reduced the number of new felony probation sentences and trimmed the overall probation caseload by 3 percent (Judicial Council of California 2015, p. 9). A portion of the resulting reductions in prison use for Prop 47 crimes were used to create a funding stream for cities, counties, and school districts in the state to apply for improvements in the delivery of mental health and substance abuse treatment. In 2017, the first year funds were distributed, the state allocated 104 million dollars to 23 different programs (BSCC, 2017). As a result, people under probation supervision will likely be afforded greater opportunities to address mental health and substance abuse needs in the future.

Together these changes have elevated the importance of rehabilitation in probation, but they have also produced changes in the probation population. The Public Policy Institute of California, in collaboration with 12 counties and the Board of State and Community Corrections, has compiled the most detailed data on how probation populations are changing in the wake of realignment and Prop 47 (Nguyen, Grattet, & Bird, 2017). We found that realignment and Prop 47 shifted caseloads toward more serious offenders. First, realignment added two types of offenders—the PRCS and MS offenders defined above—that were previously eligible for sentencing under state supervision. These include felony drug and property offenders that prior to realignment were regarded by sentencing judges as having committed prison-worthy offenses. After realignment, these offenders were required to remain within the county correctional system, supervised in the community by probation departments. Second, after Prop 47 passed, probation experienced a drop in new misdemeanor and felony probation cases, which reduced the overall size of the population under supervision, but meant that a great share of that population are realigned offenders on PRCS or MS (Nguyen, Grattet, & Bird, 2017).

Our work also showed that a segment of the realigned offender population poses a high risk to return to jail custody. Bookings into jail are common among all the people supervised by probation. However, booking rates are highest among MS and PRCS (Nguyen, Grattet, & Bird, 2017). These individuals are also more likely to have multiple entries into jail in the year following their initiation of supervision. In terms of first booking into

jail and based on the most serious booking charge, people on MS tend to be booked for felony drug and property offenses. PRCS tend to be booked for supervision violations and flash incarcerations.

In short, reforms have increased the flow of resources into probation, promoted greater emphasis on rehabilitation and the use of evidence-based practices, increased the overall risk of the population, and offered new sanctioning strategies. In this changing context, it seems logical that the demands on probation are changing the nature of probation work. Before discussing what we have learned from surveys of probation officers and supervisors in 2002 and 2014, we summarize what prior research has identified as the key dimensions of such work.

Social Work and Law Enforcement Aspects of Probation Work

A longstanding theme of research on probation officers centers on the dual roles involved in probation work. In an early formulation, Ohlin et al. (1956) delineated between “punitive officers” and “welfare workers.” The former emphasize rule enforcement, offender compliance, and the protection of public safety, whereas the latter emphasize providing assistance to offenders through treatment and rehabilitative services. Later work used different terms like “surveillance” versus “treatment” (Clear & Latessa, 1993) or “law enforcement” versus “social work” (Whetzel et al., 2011) or “control” versus “care” (Skeem & Manchak, 2008), but the meaning is essentially the same. Early work tended to be concerned with the “role conflict” such divergent responsibilities would inevitably produce; however, later work has shown that such conflicts are not particularly pronounced, as probation officers manage to balance the different roles and expectations in practice (Clear & Latessa, 1993), creating synthetic (Klockars 1972) or hybrid (Skeem & Manchak, 2008) approaches. Miller’s (2015) recent study of federal probation officers shows that the hybrid model in which both law enforcement and social work parts of the job exist side-by-side is now dominant, at least at the federal level.

Work by Skeem and Manchak (2008) reviews support for the hybrid model and finds it is a more effective supervision practice than enforcement or social work approaches alone. Although some work in this area focuses on law enforcement and social work aspects of the job as expressions of personal

philosophy, most work now considers them to be influenced by the organizational context of particular probation agencies, as well as by the wider policy environment (Miller, 2015). As such, it is reasonable to hypothesize that as the policy environment shifts over time, as in the case of California, from an emphasis on law enforcement and incarceration to an emphasis on rehabilitation and reintegration, probation officers might shift their work in response.

Data and Findings

We use data from two job analysis surveys fielded by the California Board of State and Community Corrections in 2002 and 2014. The respondents were probation supervisors and adult probation officers. The surveys are intended to determine the required knowledge, skills, and abilities needed to perform probation work. The results are typically used to establish statewide educational and training requirements and to guide the creation of selection criteria for agencies to use in recruiting and hiring corrections workers. The surveys inquire into the respondents’ background (demographics, education, experience), work tasks, and equipment use. Although the surveys were administered statewide, respondents were drawn from three pools consisting of small (less than 20 officers), medium (between 20 and 190 officers), and large (more than 190 officers) agencies to capture diversity across types of agencies and work contexts. Agencies were sampled to reflect the regional diversity of the state (California Board of Corrections, 2002).

Table 1 on the next page summarizes background characteristics of probation supervisors and officers. The data show that between 2002 and 2014 the percentage of women in both supervisory and incumbent roles has remain stable, but that while women are about half of all probation officers, they are only one-third of supervisors. Latinos have increased in both supervisory roles, from 13 to 22 percent, and the role of probation officers, from 21 to 28 percent. Educational attainment for both probation supervisors and officers is high, with more than 90 percent of both groups having a college degree or higher in both periods. Probation officers were more experienced in 2014 than 2002—82 percent had five or more years of service in 2014 as compared to 57 percent in 2002. Supervisors, however, went in the opposite direction, dropping from 98 percent having five or more years of service in 2002 to 59 percent in 2014.

Probation supervisors and officers were

asked a handful of similarly worded questions about the enforcement and social work aspects of probation work in both 2002 and 2014. However, supervisors were asked to rate the importance of various tasks, whereas probation officers were asked about how frequently they perform those tasks. Table 2 compares supervisors' median response

categories, the relative skew of the 2002 and 2014 measures, and whether differences in the distributions over time are statistically significant. There are only six response categories for the importance questions posed to supervisors, and responses tend to be distributed non-normally. It is important to capture both how the central tendency of each question

differs between 2002 and 2014 as well as how the overall distribution compares across years. The median response category is a simple way of contrasting the central tendency of responses across the two surveys. The relative skew column compares the distribution of each measure. A "<" indicates that the 2002 distribution is lower on the six-point scale than the 2014 distribution and a ">" indicates that the 2002 distribution is higher. The X2 test is a way of comparing the overall distribution of responses across the two surveys. A significant X2 is an expression of confidence that the two distributions are not different purely by chance.

Table 2 shows that supervisors attached greater importance in 2014 than in 2002 to some enforcement tasks but not others. The median response category for recommending revocations was judged very important for both years, although the distribution was slightly higher on the scale in 2014. Executing warrants and conducting drug tests on items seized from probationers were rated less important in 2002 than in 2014. However, supervisors rated procedures related to

TABLE 1.
Supervisor and incumbent (Adult Probation Officer) background characteristics

	Supervisor		p-test	Incumbent		p-test
	2002	2014	(sig)	2002	2014	(sig)
% Female	36%	30%	1.29	53%	50%	1.06
%White	66%	55%	2.05**	52%	43%	3.17***
% Black	14%	8%	1.69*	16%	10%	3.22***
% Hispanic or Latino	13%	22%	-2.20**	21%	28%	-2.82***
% Asian	2%	3%	0.56	5%	6%	-0.76
% Other	5%	13%	-2.66***	6%	12%	-3.55***
% Bachelor's degree or higher	94%	90%	1.37	91%	91%	0.00
% 5 or more years of experience	98%	59%	9.50***	57%	82%	-10.02***
N	217	196		496	877	

Note: * p-value <0.10, ** p-value <0.05, ***p-value <0.01

TABLE 2.
Supervisor responses to enforcement and social work questions (● 2002 median response category, □ 2014 median response category)

How important is this task to overall job performance?	Not performed in my agency	Of little importance	Of some importance	Important	Very Important	Critically Important	Relative Skew (2002 v. 2014)	X2 (sig)
Enforcement								
Determine whether to recommend revocation, modification, or termination of probation					●□		<	22.85***
Observe collection of urine samples for drug testing; submit samples while maintaining chain of evidence					□●		>	54.54***
Execute probationer warrants			●			□	<	109.19***
Conduct presumptive drug tests on seized items suspected to be controlled substance	●					□	<	145.92***
Arrest probationers who violate the law or conditions of probation						●	>	45.81***
Social work								
Refer probationer for professional evaluation (e.g., medical, psychological, alcohol, or drug evaluation)				●		□	<	31.72***
Identify treatment, education, employment or other program (e.g., alcohol, drug)						□●	>	9.63***
Contact treatment, educational, training, or employment program, or other community agency				●		□	<	62.04***
Refer members of the probationer's family, victim(s) or others to counseling and/or other appropriate program or agency				●		□	<	59.59***
Follow up to verify that probationer or other individual received service and to evaluate success of referral				●		□	<	46.20***

Note: * p-value <0.10, ** p-value <0.05, *** p-value <0.01

collecting and submitting urine samples as very important in both years, although the overall distribution of responses in 2002 was higher than in 2014. Perhaps the best indicator of enforcement tasks, arresting probationers, was judged less important in 2014 than in 2002, dropping from very important to important. X2 statistics indicate that the 2014 distributions were significantly different from the 2002 distributions.

Supervisors rated nearly all social work tasks as more important in 2014 than in 2002. That includes referring probationers for evaluation, referring members of the probationer's family, contacting treatment agencies, and following up to verify that a probationer received services. The median responses for all of these tasks were rated important in 2002, but were considered very important in 2014. The only exception was the response to the question "Identify treatment, education, employment or other program (e.g., alcohol, drug)," which had a median response of very important in both surveys. However, the overall distribution of responses to this question was actually slightly higher in 2002 than 2014.

Table 3 reports probation officer responses to questions about the frequency with which they perform enforcement and social work tasks. For each item, respondents can choose

from a nine-point ordinal scale, with options ranging from "This task is part of the job, but I have never performed it at this agency" to "more than once a day." We again compare surveys using median response categories and relative skew, but instead of using X2 to assess statistical significance we rely on a Mann-Whitney-Wilcoxon (MWW) statistic (i.e., *W*), which tests the chance that two independent samples have the same underlying population distribution. Put another way, it provides an assessment of whether one sample distribution is overall higher or lower than another by testing the hypothesis that a randomly selected respondent drawn from one sample will have a higher or lower value than one drawn from a second sample. Unlike a t-test, the *W* does not require an assumption of normality.

Incumbents reported doing most enforcement tasks less frequently in 2014 than in 2002. The Wilcox statistic is significant in each contrast of the 2002 and 2014 responses. The one exception of greater frequency of enforcement-related tasks was the "arrest probationers who violate the law or conditions of probation" question. This measure had the same median response category in 2014 as it did in 2002, namely "about once a week," but the overall distribution was a bit higher in the later survey—a difference that is statistically

significant.

In terms of the social work aspects of the job, probation officers report doing three tasks more frequently (identifying treatment programs, contacting treatment programs, and following up to verify that the probationer received the treatment). They report doing two other tasks less (referring probationers for evaluation and referring members of the probationer's family, victims, or others to a program), but the differences are not statistically significant. Thus, probation officers overall report doing less enforcement and more or the same frequency of social work tasks.

A handful of questions were posed to both probation officers and supervisors in 2014 that were not asked in 2002. These new questions reflect some changes in the nature of probation work over the prior dozen years and relate to the rise of evidence-based supervision concepts, such as creating individualized case plans, using risk assessment, targeting interventions at high-risk individuals, as well as data collection and reporting. These items were rated on the same nine-point scale as the data reported in Table 3. As a result, we use the same method of reporting differences between groups.

Both probation officers and supervisors were asked to rate how frequently they (or

TABLE 3.
Incumbent responses to enforcement and social work questions (n₂₀₀₂=496 and n₂₀₁₄=877)

How often do you perform the following tasks?	Median Response Category 2002	Relative Skew (2002> or <2014)	Median Response Category 2014	W (sig)
Enforcement				
Determine whether to recommend revocation, modification, or termination of probation	About once a week	>	2-3 times a month	14**
Observe collection of urine samples for drug testing; submit samples while maintaining chain of evidence	Several times per week	>	About once a week	7***
Execute probationer warrants	About once a month	>	Several times a year	25*
Conduct presumptive drug tests on seized items suspected to be controlled substances	2-3 times a month	>	About once a month	14.5**
Arrest probationers who violate the law or conditions of probation	About once a month	<	About once a month	28*
Social work				
Refer probationer for professional evaluation (e.g., medical, psychological, alcohol, or drug evaluation)	2-3 times a month	>	2-3 times a month	30
Identify treatment, education, employment or other program (e.g., alcohol, drug.)	2-3 times a month	<	2-3 times a month	26*
Contact treatment, educational, training, or employment program, or other community agency	About once a month	<	2-3 times a month	22.5**
Refer members of the probationer's family, victim(s) or others to counseling and/or other appropriate program or agency	About once a month	>	Several times a year	30
Follow up to verify that probationer or other individual received service and to evaluate success of referral	2-3 times a month	<	2-3 times a month	26*

Note: * p-value <0.10, ** p-value <0.05, *** p-value <0.01

those that they supervise) accomplish these tasks. Table 4 shows a consistent pattern in which supervisors report the same or greater frequency of the new tasks. The median response category for supervisors for case planning, assigning probationers to case managers, gathering information for case planning, and monitoring high-risk individuals was “about once a week,” as compared to incumbents who report doing these activities 2-3 times a month. However, the differences between supervisors and incumbents are not large, as “once a week” and “2-3 times a month” are next to one another in the scale.

Supervisors’ median response for risk assessment use was “several times per week,” as compared with incumbents’ median response of “2-3 times a month.” The differences between supervisors and incumbents on gathering data for statistical reports is not statistically significant, although the supervisors are slightly higher. The only exception to the general pattern of supervisors thinking the new tasks are done more frequently is the last item about working with data to measure program performance. The median response for incumbents is “about once a week,” whereas supervisors is “about once a month.” With respect to some of the newer tasks probation officers are expected to perform, supervisors generally believe those tasks are being undertaken more often than probation officers report doing so.

Discussion

Within the context of a decade or more of correctional reforms aimed at expanding opportunities for offender rehabilitation,

California probation officers and supervisors report moving toward a greater emphasis on the social work aspects of probation work. Four out of five of the measures used to assess supervisors’ judgment of the importance of various social work tasks increased from 2002 to 2014. At the same time, supervisors attached greater importance to three of five enforcement tasks, suggesting that they did not reduce their expectations for enforcement as their expectations for social work aspects of the job increased.

Probation officers, on the other hand, reported doing less of all kinds of enforcement tasks, except arrest, in 2014 as compared to 2002. Probation officers report doing three out of five social work tasks surveyed more frequently (the others were done at the same frequency). In other words, probation supervisors have not diminished the importance of several enforcement tasks, but they have elevated the importance of social work tasks. On the other hand, probation officers report that they are doing the enforcement tasks slightly less frequently in 2014 than in 2002, and doing several social work tasks more frequently. However, with the median values between 2 to 3 times per month, it appears that the social work tasks that do increase are still undertaken at a relatively low frequency. In other words, few probation officers report referring probationers for services, identifying treatment agencies, and contacting agencies on a daily or weekly basis.

Interestingly, there is some discordance between the changes in the tasks supervisors think are important and the changes in frequency with which probation officers

report doing those tasks. For example, supervisors’ assessment of the importance of arrest decreased from 2002 to 2014, but probation officers report arresting probationers somewhat more frequently. However, the population under probation supervision in 2014 was likely more prone to violations, especially after realignment (Bird et al., 2017), which could account for the increase in arrests by officers amid lessening emphasis given to it by supervisors. Another example is referrals to professional evaluation. Supervisors increased the importance given to referrals. Probation officers, however, reported they were making those referrals at about the same rate in 2014 as they were in 2002. A final example is drug testing of seized items suspected to be controlled substances. Supervisors increased their median responses from “not performed in my agency” in 2002 to “important” in 2014. However, probation officers report doing this task less in 2014 than in 2002, from 2-3 times per month in 2002 to about once a month in 2014.

The discordance between the responses of supervisors and probation officers is even more on display in the new questions posed in the 2014 survey. Supervisors are more likely to report higher frequencies of those newer tasks than probation officers. Although there are differences between probation officers and supervisors revealed by these data, it is important not to overstate them. With the exception of using data to measure program outcomes, both probation officers and supervisors report doing these new tasks at the same or greater frequency than probation officers report doing both social work and enforcement tasks (as reported in Table 3).

TABLE 4.
Supervisor and incumbent responses to new questions asked in 2014 ($n_{\text{incumbents}}=196$, $n_{\text{supervisors}}=877$).

How often do you perform the following tasks?	Median Response Incumbents 2014	Relative Skew (Incumbents v. Supervisors)	Median Response Supervisors 2014	W (sig)
Assess, monitor and update individual's progress with case plan.	2-3 times a month	<	About once a week	100***
Assign individual to program, counselor, or case manager.	2-3 times a month	<	About once a week	98***
Gather information, prepare, develop and review individualized case plan.	2-3 times a month	<	About once a week	100***
Monitor individuals at high risk (e.g., mental health issues, substance abuse) and refer as necessary.	About once a week	<	About once a week	99***
Determine the frequency of contact needed during supervision utilizing risk assessment.	About once a week	<	Several times a week	100***
Gather data for statistical reports.	2-3 times a month	<	About once a week	94.5
Work with data to measure program outcomes.	About once a week	>	About once a month	72*

Note: * p -value <0.10, ** p -value <0.05, *** p -value <0.01

Despite the lack of agreement that emerges between supervisors and probation officers from these data, the general picture is of a system of probation agencies moving deliberately toward a hybrid form of probation that integrates enforcement and social work aspects of the job. In this period, hybridization has been defined by an elevation in social work aspects that reflects the general trend in the reforms the state embraced in the period between the surveys. Furthermore, we suggest that the new questions posed in 2014 show that the hybrid model in California probation agencies has come to encompass not just traditional social work and enforcement tasks, but also ascendant professional ideas about risk-based supervision, case management, and data and research.

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