

**The social construction of probation in England and Wales,
and the United States : implications for the transferability
of probation practice**

PHILLIPS, Jake <<http://orcid.org/0000-0002-7606-6423>>

Available from Sheffield Hallam University Research Archive (SHURA) at:

<http://shura.shu.ac.uk/9488/>

This document is the author deposited version. You are advised to consult the publisher's version if you wish to cite from it.

Published version

PHILLIPS, Jake (2010). The social construction of probation in England and Wales, and the United States : implications for the transferability of probation practice. *British journal of community justice*, 8 (1).

Copyright and re-use policy

See <http://shura.shu.ac.uk/information.html>

The social construction of probation in England and Wales, and the United States:
implications for the transferability of probation practice

‘Institutions always have a history, of which they are the products’
(Berger and Luckmann, 1971: 72)

Abstract

This article argues that the histories of probation must be taken into account when implementing standardised probation practice because the current configuration of probation still depends on these social and historical conditions. I show this by outlining the origins of probation in England and Wales and the United States before discussing how the two services developed in different ways and were based on varying notions of the offender. I then demonstrate how some of these differences have persisted into the early twenty-first century and argue that the origins of the services have impacted on the uptake of evidence based practice, professional ideology and unified services. Finally, by drawing on Berger and Luckmann, and Jones and Newburn, I suggest that a top-down approach of implementing change can undermine and deprecate previous ways of working with offenders and that the origins of community sanctions might militate against any notion of uniform provision.

Keywords

Probation practice; comparative criminology; history; evidence based practice; professionalism; culture.

Introduction

Probation in England and Wales, and the United States (hereafter, US) share similar origins: they both owe their early existence to two philanthropists (John Augustus and Matthew Davenport Hill) in the mid-nineteenth century and both stem from similar forms of judicial reprieve. Now, probation services in both countries combine corrections with punishment in the community and exist in neo-liberal countries which have increasing rates of imprisonment and an emerging ‘culture of control’ (Garland, 2001)ⁱ. However, the structural origins of the two services contain subtly important differences which are interconnected and

interdependent and so I start from the position that if the culture of a country can have an impact on the delivery of punishment, as shown by Melossi (2001) and McAra (2005), then the culture of an institution may also have similar long-lasting effects. This line of thought has important consequences for the implementation of standardised probation practice so I begin by outlining the origins of each service before drawing attention to the main differences in their development, including the role of religion, the different time periods over which the services developed and resultant political climates. The article is, of sorts, a 'history of the present' (Foucault, 1979) in that I am trying to use the history of two different probation services to 'identify the historical and social conditions upon which they still depend' (Garland 2001:2) so I then look at differences between the two services in the early twenty-first century focusing on varying levels of: unity and fragmentation; client-centredness and client-management; professionalism and training; and accountability and argue that these stem from their differential origins. Finally, Berger and Luckmann's (1971) *Social Construction of Reality* and Jones and Newburn's (2006) argument that the agency of individuals has an impact on the outcome of a process of policy transfer leads me to discuss how the origins of different probation services must be considered in light of globalisation and the rise of Evidence Based Practice (hereafter, EBP) and initiatives which attempt to increase the transferability and standardisation of probation practice.

Although comparing the US with England and Wales might be seen as contributing further to the body of criminology which focuses on US-Anglo penal policies, Marshall and Marshall argue that if the aim of the comparison is theory construction, then the political science 'most similar' method of site selection is preferred (1983). The US and England and Wales do share some similarities such as a neo-liberal approach to crime and justice, increasing rates of incarceration and common law heritages so they can be seen as very (if not 'most') similar. There is also a tendency in some work to avoid interrogating the differences between the US and England and Wales and this article is an attempt to fill this gap by comparatively exploring the histories of two similar yet importantly different probation services in order to create debate around the ahistorical implementation of probation practice.

The histories of probation in both countries are well known (see Nellis, 1995; Vanstone, 2004b; Bochel, 1976; Jarvis, 1972 for England and Wales and Abadinsky, 1997; Allen et al., 1985 for the US). In the context of probation, however, the two countries are rarely compared. Hamai, Ville, Harris, Hough and Zvekic (1995) compare probation services but

they tend to assimilate the US with England and Wales because they are both common law countries. Lindner (2007) also compares the US with England and Wales to argue that there are several founders of probation but he fails to use this to discuss the implications for the present. Clear and Rungay (1992) effectively compare the US and England and Wales, highlighting important differences which will be dealt with later in this article.

A Shared History

In 1840s Britain Matthew Davenport Hill (1792 - 1872), a Recorder in the Birmingham court, began to experimentally impose 'token sentences of one day' on the condition that the defendant be under the supervision of a responsible adult (Dressler, 1969: 22). This allowed an offender to be supervised in the community with the aim of rehabilitation rather than punishment and was justified on the ground that 'there would be better hope of amendment under such guardians than in the gaol of the county' (Dressler, 1969: 22). In the US, John Augustus (1785 - 1859) a Boston shoemaker who first represented drunkards in the courts 'is commonly recognised as the originator of probation' (Allen et al., 1985: 40). Augustus, who may have been inspired by the progressive atmosphere of Boston at that time, believed that 'the object of the law is to reform criminals ... and not to punish maliciously or from a spirit of revenge' (Dressler, 1969: 17) and reported that his mission was 'to raise the fallen, reform the criminal... and to transform the abode of suffering and misery to the home of happiness' (Augustus, 1972: 3). Both Hill and Augustus, therefore, aimed to mitigate the negative effects of prison through what they perceived to be humanitarian methods. By choosing the mid-nineteenth century as my starting point I am not implying that probation history began from this point. The choice, rather, reflects the fact that Hill and Augustus both began practicing probation at this time.

The legal origins of probation in both jurisdictions are also similar, stemming from common law traditions of releasing offenders on recognizance, judicial reprieve and bindovers. These concepts allowed judges the possibility to suspend a sentence or punishment, in favour of supervision by a legal guardian (Allen et al., 1985). Probation in both countries, therefore, had antecedents in the form of judicial reprieve, and, arguably, in the kind of humanisation of punishment as described in Foucault's *Discipline and Punish* (1979). Additionally, as discussed by Thomas (1979) and Thompson (1975), judges were long able to mitigate sentences using measures such as 'pleading to the belly' or 'benefit of clergy'.

A Distinct History

Despite the ‘founders’ of the two services sharing similar ideological and reformative philosophies, the details of their development involve some stark differences. Harris rightly states that ‘it would be incorrect to assume that after the initial impetus developments were driven by system origin because material factors..., political considerations..., organizational realities..., cultural norms and geography’ (1995: 63), moral outrage, emotion (Hudson, 2003; Garland, 1990), efficiency and frugality (Weber, 1976) were all influential. One example of this is what happened when Hill and Augustus died. In Britain, Recorders continued Hill’s work, taking his ‘idea a step closer to the modern concept of probation by introducing a form of supervision by an enquiry officer’(Vanstone, 2004a: 35). This ‘orthodox’ history of probation concludes with the appointment of two missionaries by the Church of England Temperance Society in 1876 (Vanstone, 2004a: 35). In the US, however, the work of Augustus was continued by his supporters until the state of Massachusetts enacted a probation statute in 1878 which enshrined in law the preservation of the work that Augustus had been doing since the 1840s (Lindner, 2007: 38).

The Role of Religion

The model for probation work in the US drew direct inspiration from the work of Augustus himself and ‘many of the practices he created... continue to survive and are at the heart of today’s probation’ (Lindner, 2007: 37). Although Augustus was religious, he stated explicitly that he was ‘no agent for any sect, society, or association whatever’ and religion did not feature significantly in his account of his work (Augustus, 1972: 4). In Britain, however, missionaries took on the role of Hill so ‘religious sensibilities determined the first prominent [probation] ideology’ (Whitehead and Statham, 2006: 4). This religious difference can tell us about the attitudes of early probation officers towards their subjects. As Whitehead and Statham highlight, the Christian essentialism found in early British probation work implies that offending was incompatible with a religious way of living and that ‘fallen human beings, not who they are or what they have done, can be redeemed, saved, changed restored and made into a new person’ (2006: 5). By contrast, the existentialist approach, sees humans as ‘free to make of themselves what they will’ (Whitehead and Statham, 2006: 6). Augustus, however, saw offenders as being able to make rational choices whilst also being affected by

factors such as poverty (Augustus, 1972: 85). I suggest, therefore, that probation in the US began with a more pronounced neo-classical criminological focus, described by Garland as the ability to make ‘choices within social constraints’ (1985b: 113), whereas the missionaries in the UK saw their clients as able to be saved with their behaviour stemming more from godlessness than poor decision-making.

This different view of the etiology of the criminal between Britain and the US resulted in a different approach to the treatment of criminals. Although Hill and Augustus aimed to ‘save people’ (McWilliams 1983; Augustus 1979:20), they did so in different ways. The missionaries in the UK went about the reformation of clients through religious training-encouraging them to ‘find god’ and be saved. Augustus, on the other hand, used bail as an ‘entering wedge to the convict’s confidence and friendship’ (Glueck, 1972: xx), relying on the offender to make a promise to improve themselves:

the woman went home after having promised that she would never again drink intoxicating liquor. This was on Friday...on Sunday following, I called upon the woman whom I have bailed, and the interview was indeed a happy one; the children were neatly dressed...and the atmosphere was redolent with peace and happiness although so short a time had elapsed, the mother appeared like a very different woman; she had signed the pledge and most sacredly kept it (Augustus, 1972: 12)

Compared to the methods of the missionaries the difference is clear. Augustus, and the methods employed by his successors, relied on the offender making a rational choice not to reoffend, with an element of coercion placed on them in the form of the person who had gone bail for them. The missionaries, on the other hand, would ‘rescue individual drunkards, render them susceptible to the influence of the spirit of God and their souls would be saved’ (McWilliams, 1983: 134). This ‘orthodox’ history of probation which sees the missionaries in the UK and Augustus in the US as the basis on which the services are founded, may be too simplistic (Vanstone 2004a) but it is clear that the two services began to diverge in focus soon after Augustus’s and Hill’s deaths, with the missionaries being responsible for a move towards religion and Augustus’s methods remaining the favoured approach.

Fragmented Temporal Development

The outlook of those early probation officers may be related to the periods in which they worked. Augustus was practicing from 1841 to 1859, whereas the court missionaries in the UK did not begin work in earnest until 1876- the same year Lombroso published *L’Uomo*

Deliquente marking the beginning of ‘the idea of a distinctive science of the criminal’ (Garland, 2002: 25-26). Lombroso’s ideas had spread throughout Europe within twenty years (Garland, 1985a: 77) and so the positivist school is likely to have had an important impact on how the missionaries worked. There is also a difference in the time periods *across* which the two services developed. Massachusetts enacted the first probation statute in 1878 with Vermont following in 1898 but it wasn’t until 1956 that every state had some form of probation (Abadinsky, 1997: 33) because it was up to the government in each state as to when to draft a probation statute. In the UK, the Probation of First Offenders Bill (1886) allowed for some probation provision. Probation services remained *ad hoc*, however, because of a lack of resources until the Probation of Offenders Act (1907) created a probation practice which had ‘evolved out of deliberation, dialogue and the dissemination of regulations’ (Nellis, 2007: 29). This Act meant that there was now a nationwide possibility for the courts to impose a community order and appoint probation officers and symbolises the beginnings of a national service in Britain.

The majority of US states created some form of probation in the late-nineteenth and early-twentieth centuries. At this time in Britain ‘a whole series of developments, ... fundamentally undermined [Victorian] presuppositions’ of *laissez-faire* individualism and the powerlessness of the working class (Garland, 1985a: 53). British probation, therefore, appeared in a ‘rapidly changing ideological climate’ in which the discovery of criminality occurred and the idea of the elimination of criminality through reformation rose in popularity (Garland, 1985a: 95). Moreover, the neo-classical approach of Augustus was anathema to criminologists in the British context at this time (Garland, 1985b: 120). Conversely, the idea of adopting ‘a “European” solution to the ills of American society by strengthening the state... was essentially foreign to American consciousness’ (Melossi 2008:100). The main period of probation development in the US occurred, therefore, in a political and cultural environment in which ‘Lockean philosophy, common law and democracy’ (Melossi, 2008: 100) prevailed whereas the 1907 Act entered the statute book in an atmosphere of liberal and positivistic reform.

At the level of national politics Theodore Roosevelt was the US president and held the ideal that ‘Government should be ... guaranteeing justice to each and dispensing favors to none’ (White House, n.d.). Comparing this with the British governments described by Garland and the increasingly popular view that most cases of drunkenness and prostitution ‘resulted from

the social environment' (McWilliams, 1983: 133) illustrates the very different political climates in which the services began to grow. At the international level the American Civil War was a struggle for independence, autonomy, moralism, and duty whereas Britain was at the height of its colonial programme of posting missionaries round the world to civilise other countries and spread Christianity. There are, therefore, clear correlations between the international political climate and the contemporaneous manifestation of the two countries' early probation work in that probation in the US was focused on a moral duty to comply and in Britain offenders were being encouraged to use religion to desist from offending.

These different political climates had an impact on the way probation legislation was conceptualised. The 1907 Act enshrined in law the possibility for probation to be imposed *instead* of punishment and 'maintained the missionary tradition' (Harris, 1995: 32). In the US, however, the suspension of punishment was considered unconstitutional until a federal probation law was enacted in 1925 (Evjen, 1975: 3). These differences allowed the missionary ideal to be absorbed into the British system (McWilliams, 1983) but led to 'American probation assuming characteristics which distanced it from its original humanitarian mission', resulting in 'a cultural character in which caring for criminals was less acceptable' (Harris, 1995: 30).

To whom were probation officers accountable?

Augustus disliked the practice of the police who were obstructive to his endeavours but the first 'real' probation officers were supervised by the local police superintendent and a large number of probation officers were retired or incumbent police officers (Abadinsky, 1997). Although social work 'won' the struggle for power over probation the fact that this debate occurred implies that there was a conflict about the role and purpose of probation in the US (Lindner, 1994). In the UK, however, police officers were banned from becoming probation officers (Garland 1985a) and probation officers were considered to be an arm of the court rather than the police.

This difference is not confined to relationships with the police. In the UK, 'missionaries were welcomed in the courts' (Vanstone, 2004a: 36) whereas Augustus, had to work hard to gain the trust of court staff (Augustus, 1972: 16). These early relationships with the judiciary may be related to the fact that Hill himself was a member of the judiciary and so already held

some authority in this arena whereas Augustus was a member of the public attempting to infiltrate this world. In relation to offenders, Augustus and his successors required the offender to make a promise to behave whilst monitoring behaviour to report compliance back to court. The missionaries role, however, involved religious training to actively save their clients from a state of depravity and so can be seen as more accountable to their offenders who they were trying to save. After the 1907 Act probation officers were to monitor offender compliance *as well as* to ‘advise, assist and befriend’ them, whereas US probation was still focussed on the monitoring of the offender mainly for the purpose of reporting to court.

Client responsibility

Probation officers in both countries placed responsibility for reform on the client but this was achieved in different ways. Once Augustus had bailed the defendant, the onus was on them to not offend. Once they appeared to be complying, Augustus adopted a role of monitoring their progress until they next appeared in court, which still had legal control over the offender. Hill’s court retained no legal control over the released offender once he was turned over to his guardian (Dressler, 1969: 22) although the 1907 Act did enable the court to re-sentence an offender if they were non-compliant. Another important difference in the area of client responsibility is the difference between voluntarism and coercion. Although Augustus would require his offender to make a promise of sobriety it was always possible for a judge to impose probation on an unwilling defendant. Until 1991 in Britain, however, offenders had to consent to probation. Clear and Rumgay argue that probation officers in the US are therefore the more active agent in probation because they revoke probation, and that in Britain the offender themselves were the active agent because they breach their order (1992: 7). The US system, therefore, can be seen to have a more coercive approach to offenders compliance when compared to Britain’s more voluntaristic approach.

The Situation in the early twenty-first century

Further to the data in Table 1, probation officers in 68 *percent* of states in the US carry guns and rearrest non-compliant probationers. This may stem from probation’s closer alliance with the police than in England and Wales. The fact that officers can arrest probationers suggests a greater need and desire for carrying firearms and so 59 *percent* of probation officers favour carrying firearms, and 80 *percent* would not object to doing so if so instructed (Sluder,

Shearer, and Potts, 1991). This may also be closely related to the fact that the right to bear arms is enshrined in the US constitution. However, as highlighted by Clear and Rumgay (1992) these quantitative measures fail to draw attention to other crucial differences between the two countries: unity vs. fragmentation; client centredness vs. client management; professional ideology; training; and, the use of EBP.

	US	E&W
Average length of community order	15.9 months ^a	15.7 months ^b
Maximum length of probation order	36 months	36 months
Numbers of people on probation (% of population)	4,293,163 (1.4%) ^c	147,000 (0.3%)
Average probation caseload	130 ^d	39.8 ^e
Number of agencies delivering probation services	Thousands ^f	1

Table 1: Quantitative measures illustrating similarities and differences between probation in England and Wales and the US.

a) from Lewis, 2006: 69

b) Mair and Mills, 2009

c) year end 2007 (Bureau of Justice Statistics, n.d.)

d) Camp and Camp, 2001

e) Oldfield and Grimshaw, 2008: 19

f) Clear and Rumgay, 1992: 4

Unity versus fragmentation

Clear and Rumgay (1992) argue that probation in England and Wales is considerably more unified than the US because ‘variations in policy and practice ... are differences in emphasis rather than substance’ (1992: 3)ⁱⁱ. In the US ‘diversity [in practice], and not uniformity, prevailed’ (Rothman, 1980: 83). This can be explained by the historical context of each state because ‘some jurisdictions have... a historical commitment to providing rehabilitation, whereas others are struggling under huge caseloads with little to spare for either delivering or contracting for special services’ (Petersilia, 1998: 579). The US is considerably larger than England and Wales, is made up semi-autonomous states and this diversity may itself illustrate how the historical background of probation’s development can have long-lasting effects.

Client-centredness versus Client-management

Clear and Rungay (1992) also argue that probation in England and Wales is considerably more client-centred than the US. Probation in England and Wales has undoubtedly taken on a more 'client management' focus in recent years but 'client-centredness' in the form of the continued importance of the 'relationship' between clients and officers still exists (Burnett, Baker and Roberts 2007: 218). This has resulted in a situation where the word 'client' means offender in the British context but means the community, the judge and the police in the US (Clear and Rungay, 1992: 6). Clear and Rungay argue that this difference is due to the 'ambivalence with which probation in the U.S. embraced any sense of mission' (1992: 6) implying that there is a continuity in the non-unified development of probation in the US and the impact on the current configuration of probation in the US now. The conflict in the US regarding who probation officers are supposed to serve is also reflected in Taxman, Henderson and Belenko's claim that there is a 'perception that the institutional aims of public safety and offender change are in competition and cannot be made compatible' (2009: S1). In contrast, the NPS aims to protect the public, and official discourse requires officers to refer to clients as offenders but, Farrow's research (2004) shows that officers are still committed to probationers. This suggests that the stronger historical focus on the offender in England and Wales and the focus on accountability to the wider public in the US can be seen to have persisted to this day.

Training and Professionalism

American probation officers' claims for professional status are tenuous (Harris, 1995) whereas 'probation practice [in England and Wales] has traditionally been regarded as requiring considerable professionalism and discretion in order to carry out the role effectively' (Burnett, Baker, and Roberts, 2007: 233). Although a probation officer's professional identity may have declined in recent yearsⁱⁱⁱ there is still evidence to show that this is the case: morale may be low amongst experienced probation officers and boundaries between qualified and unqualified front-line workers may be blurring, but research has shown that people enter the service to help others and are still committed to offenders (Annison, Eadie, and Knight, 2008; Farrow, 2004). Having a professional status is related to the identity which comes with it and a lack of professional identity arguably leads to a less well defined

objective of the work done and so this may explain the disunified nature of probation work undertaken in the US.

Clear and Rungay also argue that the nature of the training provided to probation officers affects the nature of probation culture. All probation officers in England and Wales have a degree level qualification and many PSOs across the country are working towards the NVQ4 in Community Justice. In the US, training is provided by the individual agency and can range from a few days to a few months. The American Correctional Association recommends probation officers to have at least a Bachelor's degree although Idaho and Nevada do not require this (Abadinsky, 1997: 341-342). The differences observed in professionalism and training can both be explained through referring back to the origins of the services where the UK service began with a defined aim and set of competencies and the US developed more organically and at the will of individual political actors.

Use of Evidence Based Practice

The early 1990s saw the advent of Evidence Based Practice, more commonly known as What Works in the UK. The majority of programmes delivered by the Probation Service are now Accredited Programmes whereas the implementation of EBP in the US has been sporadic (Henderson and Taxman, 2009). Henderson and Taxman's research has found that the uptake of EBP in the US is related to practitioners' attitudes towards the importance of substance misuse programmes which is related to the region in which the practitioner works. This, they argue, 'must reflect sociohistorical trends and political climates of the region in general' and so the states with the highest level of EBP uptake are located in the 'less politically conservative Northeast region' (Henderson and Taxman, 2009: S11). According to Mair, England and Wales's national service gives it a clear advantage in achieving a more uniform uptake of EBP (Mair, 2004: 21) showing that the origins of probation provision impact on the nationwide uptake of what is considered to be by certain researchers and policy makers as the most effective way to reduce reoffending.

Implications and discussion

I have shown thus far that the origins of probation in the US and England and Wales are responsible in part for the differences seen between the two countries today. That 'institutions

always have a history, of which they are the products' (Berger and Luckmann, 1971: 72) is important in the context of globalisation because the economic crisis has resulted in attempts to reduce prison populations (Carlton, 2009). In Europe, work is underway on the creation of a set of basic principles across Europe and an EU Framework for the transfer of non-custodial sanctions and measures is due to be implemented in 2011 (CEP, 2009). There is, therefore, a greater desire to implement standardised probation practice as well as a desire to increase the transferability of probation practice between countries.

However, some problems around the transfer of EBP have been raised based on arguments that delivering these programmes in the community (Mair, 2004) or to women (Worrall, 2003) does not take account of the specific challenges faced by these groups. In addition to this, I have shown that the structure of probation depends very much on its history and the values which persist from these beginnings. These origins, therefore, are likely to be just as important when implementing standardised probation practice. Henderson, Young, Farrell and Taxman argue that in order to influence EBP adoption researchers need to poll executives about their attitudes towards offender rehabilitation in order to achieve a top-down modification of corrections departments (2009: S30-S31). I propose, however, that using a top-down approach to change an organisation's values is unlikely to be effective because, as Gelsthorpe asserts, 'values cannot be 'parachuted' in or superimposed on practice unless they carry legitimacy' (2007: 487). According to Berger and Luckmann (1971) legitimacy comes from the process of 'institutionalisation' where two 'ways of doing things' (habitualizations) come together to create a new habitualization. This creates legitimacy because it takes previous actions and behaviours into account and allows for the persistence of 'old' behaviours into new manifestations. A top-down approach for organisational change may therefore be doomed to fail if the sociohistorical and cultural values of practice are not taken into account because it can elide and delegitimise previously important forms of practice and beliefs.

Studies into the effectiveness of evidence-based Cognitive Behavioural Programmes are inconclusive although a meta-analysis of these programmes does suggest some positive results in reducing reoffending (Lipsey, Landenberger, and Wilson, 2007). The implementation of these programmes, however, has not been looked at in great detail which is significant because although certain policies can appear to be transferred between different cultures, actual implementation can vary widely (Jones and Newburn, 2006). Pertinent to the

area of EBP, Jones and Newburn highlight the importance of ‘elite networking’ in the transfer of policy where ‘a transnational group of actors shar[e] motivation, expertise and information about a common problem’ (Bennett, 1991: 224). This form of policy transfer relies on ‘a combination of policy entrepreneurs, politicians, policymakers *and practitioners*’ (Jones and Newburn, 2006: 63 emphasis added). Jones and Newburn further argue that the study of policy transfer is ‘concerned with examining the extent to which ostensibly similar policies in different jurisdictions really are similar’ (2006: 18) and so, because the history of an institution effects how an institution manifests later on it becomes paramount to take ‘older’ forms of practice into account when researching and implementing change.

This article has attempted to show how the origins of probation practice have become embedded in the organisational structure, professional ideology and operational practice of probation. The origins of community sanctions in different countries might therefore militate against any notion of uniform provision. Future attempts to standardise probation practice across countries (and states in countries as large and diverse as the US) therefore need to take the histories of the respective services into account as this will undoubtedly impact on the implementation of practice. Although this article has focussed solely on England and Wales and the US, this kind of comparative endeavour is equally, if not more, important within the EU where efforts to create Europe-wide legislation to standardise and homogenise practice are already underway.

Word count: 4944

References

- Abadinsky, H. (1997) *Probation and Parole: Theory and Practice*. 6th ed. Upper Saddle River, N.J: Prentice Hall.
- Allen, H.E., Eskridge, Latessa, Vito. (1985) *Probation and Parole in America*. New York: Free Press.
- Annison, J., Eadie, T., Knight, C. (2008) 'People First: Probation Officer Perspectives on Probation Work'. *Probation Journal* 55:259-271.
- Augustus, J. (1972) *John Augustus, First Probation Officer: John Augustus' Original Report of His Labors, 1852*. Montclair,NJ: Patterson Smith.
- Bennett, C.J. (1991) 'What Is Policy Convergence and What Causes It?'. *British Journal of Political Science* 21:215-233.
- Berger, P., Luckmann, T. (1971) *The social construction of reality a treatise in the sociology of knowledge*, Middlesex: Penguin Books Ltd.
- Bochel, D. (1976) *Probation and After-care: Its Development in England and Wales*. Edinburgh: Scottish Academic Press.
- Bureau of Justice Statistics. (n.d.) 'Probation and Parole Statistics from the Bureau of Justice Statistics'. <http://www.ojp.usdoj.gov/bjs/pandp.htm> (Accessed November 3, 2009).
- Burnett, R., Baker, K., Roberts, C. (2007) 'Assessment, supervision and intervention: fundamental practice in probation'. in *Handbook of Probation*, edited by L. Gelsthorpe and R. Morgan. Cullompton: Willan Publishing.
- Camp, C., Camp, G. (2001) *The 2001 Corrections Yearbook*. Middletown: Criminal Justice.
- Carlton, J. (2009) 'Prison population to have first drop since 1972'. *Associated Press*, December 20
http://www.google.com/hostednews/ap/article/ALeqM5g1wglN2mEWNAwig2XSZeVWb_VwpQD9CMII200 (Accessed December 22, 2009).
- CEP. (2009) 'EU officially enacts Framework Decision on probation'. *CEP, the European Organisation for Probation*. http://www.cep-probation.org/default.asp?page_id=65&news_item=159 (Accessed December 22, 2009).
- Clear, T.R., Rungay, J. (1992) 'Divided by a Common Language: British and American Probation Cultures'. *Federal Probation* 56:3-11.
- Dressler, D. (1969) *Practice and Theory of Probation and Parole*. 2nd ed. New York: Columbia University Press.
- Evjen, V.H. (1975) 'Federal Probation System: The Struggle to Achieve It and Its First 25 Years, The'. *Federal Probation* 39:3.

- Farrow, K. (2004) 'Still Committed After All These Years? Morale in the Modern-Day Probation Service'. *Probation Journal* 51:206-220.
- Foucault, M. (1979) *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.
- Garland, D. (2002) 'Of Crimes and Criminals: The Development of Criminology in Britain'. in *The Oxford Handbook of Criminology*, edited by M. Maguire, R. Morgan, and R. Reiner. Oxford: Oxford University Press.
- Garland, D. (1990) *Punishment and Modern Society: A Study in Social Theory*. Oxford: Clarendon.
- Garland, D. (1985a) *Punishment and welfare*. Aldershot: Gower.
- Garland, D. (1985b) 'The criminal and his science'. *The British Journal of Criminology* 25:109-137.
- Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Clarendon.
- Gelsthorpe, L. (2007) 'Probation Values and Human Rights'. in *Handbook of Probation*, edited by L Gelsthorpe and R Morgan. Cullompton: Willan Publishing.
- Glueck, S. (1972) 'Introduction to the 1939 Edition'. in *John Augustus, First Probation Officer: John Augustus' Original Report of His Labors, 1852*. Montclair, NJ: Patterson Smith.
- Hamai, K., Ville, R., Harris, R., Hough, M., Zvekic, U., eds. (1995) *Probation Round the World: A Comparative Study*. London: Routledge.
- Harris, R. (1995) 'Origins and Development'. in *Probation Round the World: A Comparative Study*, edited by Koichi Hamai, Robert Harris, Mike Hough, Renard Ville, and Ugljesa Zvekic. London: Routledge.
- Henderson, C.E., Taxman, F.S. (2009) 'Competing values among criminal justice administrators: The importance of substance abuse treatment'. *Drug and Alcohol Dependence* 103:7-16.
- Henderson, C.E., Young, D.W., Farrell, J., Taxman, F.S. (2009) 'Associations among state and local organizational contexts: Use of evidence-based practices in the criminal justice system'. *Drug and Alcohol Dependence* 103:23-32.
- Hudson, B. (2003) *Understanding Justice: An Introduction to Ideas, Perspectives, and Controversies in Modern Penal Theory*. 2nd ed. Philadelphia, PA: Open University Press.
- Jarvis, F.V. (1972) *Advise, Assist and Befriend: A History of the Probation and After-Care Service*. London: National Association of Probation Officers.

- Jones, T., Newburn, T. (2006) *Policy Transfer and Criminal Justice*. Open University Press.
- Lewis, S. (2006) *Race and probation*. Cullompton: Willan Publishing.
- Lindner, C. (2007) 'Thacher, Augustus, and Hill - The Path to Statutory Probation in the United States and England'. *Federal Probation* 71:36-41.
- Lindner, C. (1994) 'The Police Contribution to the Development of Probation'. *Journal of Offender Rehabilitation* 20:61-84.
- Lipsey, M.W., Landenberger, N.A., Wilson, S.J. (2007) 'Effects of cognitive-behavioral programs for criminal offenders'.
- Mair, G. (2004) *What matters in probation*. Cullompton: Willan.
- Mair, G., Mills, H. (2009) *The community order and the suspended sentence order three years on : the views and experiences of probation officers and offenders*. London: Centre for Crime and Justice Studies.
- McAra, L. (2005) 'Modelling penal transformation'. *Punishment and Society* 7:277-302.
- Marshall, I.H., Marshall, C.E. (1983) 'Toward a Refinement of Purpose in Comparative Criminological Research: Research Site Selection in Focus'. *International Journal of Comparative and Applied Criminal Justice* 7:89-88.
- McWilliams, W. (1983) 'The mission to the English police courts 1876–1936'. *Howard Journal of Criminal Justice* 22:129-147.
- Melossi, D. (2008) *Controlling Crime, Controlling Society: Thinking About Crime in Europe and America*. Cambridge: Polity.
- Melossi, D. (2001) 'The cultural embeddedness of social control: reflections on a comparison of Italian and North American cultures concerning punishment'. *Theoretical Criminology* 5:403-424.
- Nellis, M. (2007) 'Humanising Justice: The English Probation Service up to 1972'. Pp. 25–58 in *Handbook of Probation*, edited by L. Gelsthorpe and R. Morgan. Cullompton: Willan Publishing.
- Nellis, M. (1995) 'Towards a new view of probation values'. in *Ethical Issues in Social Work*, edited by R. Hugman and D. Smith. London: Routledge.
- Oldfield, M., Grimshaw, R. (2008) *Probation Resources, Staffing and Workloads 2001-2008*. London: Centre for Crime and Justice Studies.
- Petersilia, J. (1998) 'Probation and Parole'. Pp. 563-589 in *The Handbook of Crime & Punishment*, edited by Michael H Tonry. Oxford: Oxford University Press.

- Rothman, D.J. (1980) *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*. Boston: Little, Brown and Company.
- Sluder, R.D., Shearer, R.A., Potts, D.W. (1991) 'Probation Officers' Role Perceptions and Attitudes toward Firearms'. *Federal Probation* 55:3.
- Taxman, F.S., Henderson, C.E., Belenko, S. (2009) 'Organizational context, systems change, and adopting treatment delivery systems in the criminal justice system'. *Drug and Alcohol Dependence* 103:S1-S6.
- Thomas, D.A. (1979) *Constraints on judgment*. Cambridge: Institute of Criminology.
- Thompson, E.P., Great Britain. (1975) *Whigs and Hunters: The Origin of the Black Act*. London: Allen Lane.
- Vanstone, M. (2004a) 'Mission Control: The Origins of a Humanitarian Service'. *Probation Journal* 51:34-47.
- Vanstone, M. (2004b) *Supervising Offenders In The Community: A History Of Probation Theory And Practice*. Aldershot: Ashgate Publishing, Ltd.
- Weber, M. (1976) *The Protestant Ethic and the Spirit of Capitalism*. 2nd ed. London: Allen & Unwin.
- White House. (n.d.) 'Theodore Roosevelt | The White House'. <http://www.whitehouse.gov/about/presidents/theodoreroosevelt> (Accessed November 3, 2009).
- Whitehead, P., Statham, R. (2006) *The History of Probation: Politics, Power and Cultural Change 1876-2005*. Crayford: Shaw & Sons.
- Worrall, A. (2003) 'What Works' and community sentences for women offenders'. *Criminal Justice Matters* 53:40-41.

ⁱ Probation in the US cannot really be called 'a service' due to its non-uniform nature so the word 'service' is used in this article to refer to all agencies which do similar work to the National Probation Service in England and Wales. It is also worth noting that I use Britain when talking about probation before 1968 as the 1907 Probation of Offenders Act also applied to Scotland. The two countries split only after the Kilbrandon and Seebohm reports recommended that Scotland maintain the tradition of probation being based in social work departments with the Seebohm report recommending that probation be separate from social work. These developments may, of course, be related to the differing cultural traditions of each country but I do not have the space to include a comparison of three countries in this article.

ⁱⁱ The creation of the National Probation Service (NPS) potentially signifies an even greater unity in practice than that observed by Clear and Rungay although the move towards probation trusts may signify a move towards greater disunity.

ⁱⁱⁱ Clear and Rungay use the idea that officers had resisted attempts to 'persuade them to embrace a more explicitly coercive philosophy' as evidence of this strong professional identity.