

What Legally Prescribed Functions Tell Us: Role Differences Between Adult and Juvenile Probation Officers

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IN THE CRIMINAL justice system, approximately 80 percent of 4,650,900 adults (Kaeble & Bonczar, 2017) and 60 percent of 974,900 juveniles (Hockenberry & Puzzanchera, 2017) processed through the court system are placed on probation. Indeed, probation has been acknowledged as the most common form of community corrections for both adults and juveniles. The field of probation, and more specifically the adult or juvenile probation officers themselves, have grappled with numerous paradigm shifts and challenges, dealing with appropriate resource allocation, development of new treatment resources, offender supervision effectiveness, effects of caseload size and service quality, and potential risk and dangerousness management and the related community protection needs (Lutze, 2014).

Initially, the work of John Augustus (1841) built the function of probation officers as rehabilitation-oriented in order to actively assist offenders' needs and improve the successful reintegration of offenders (Latessa & Smith, 2015). This treatment-focused model remained the primary mode of operation until the mid-1970s, when it was succeeded by the "nothing works" era (Martinson, 1974). States responded in the early 1980s with sentencing reform, significantly limiting judicial discretion, increasing penalties, and creating longer prison and probation terms. Throughout the 1980s and even into the 1990s, the ideology of "get tough" emphasized values of community protection strategies over therapeutic philosophy. An array of responses linked with intensive supervision and monitoring, incapacitation, deterrence, and retribution characterized criminal justice institutions of this era (Steiner, Roberts, & Hemmens, 2003). Studies, however, indicated that the effectiveness of the law enforcement-oriented model in corrections did not meet the expectation for reductions in recidivism

(Gendreau, Goggin, Cullen, & Andrews, 2000; Hyatt & Barnes, 2017).

In the twenty-first century, the need to reconcile these two competing goals of probation work by integrating treatment and surveillance as a "balanced" approach has been argued by researchers (Lutze, 2014; Miller, 2015; Whetzel, Paparozzi, Alexander, & Lowenkamp, 2011). This contemporary goal attempts to balance evidence-based program implementation, risk assessment and management, and law enforcement. When properly implemented, the synthetic case management model has helped probation officers perform positively in terms of quality and effectiveness of supervision improvement, community safety enhancement, dangerousness and harm reduction, and skill development. This model focuses on risk to the community and future recidivism by actively addressing an offender's criminogenic need areas in order to bring about significant behavior change, while ensuring community safety (Whetzel et al., 2011; Lutze, 2014; Miller, 2015).

Although the balanced approach has been

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acknowledged as a promising model, current probation goals seem at times to be at odds with it, instead leaning either toward the social worker or peace officer role (Hsieh, Hafoka, Woo, van Wormer, Stohr, & Hemmens, 2015; Hsieh, Woo, Hafoka, van Wormer, Stohr, & Hemmens, 2016). Institutional constraints and correctional policies vary across agencies and jurisdictions. It has been argued that “statutes potentially guide probation officer performance” and should considerably impact the subsequent roles of “officer-offender interactions” in everyday practices, although review of correctional research on implementation of reforms highlights continual internal agency struggle (Hsieh et al., 2015, p. 20; Rudes, Lerch, Viglione, & Taxman, 2013).

Therefore, the current study is built upon prior attempts to explore legally prescribed probation functions across 50 states and the District of Columbia. Statutory analysis as noted by Hemmens’ study (2015) sheds light on a divergence between the “legal reality” of the law and the “practical reality” of probation practice to provide perspectives on recalibrating tasks, functions, and policies for criminal justice institutions. This study examines the statutorily prescribed duties of adult and juvenile probation officers in the past 10 years and also analyzes role shift(s) and the commonalities and differences that exist in statutes.

Roles of Adult and Juvenile Probation Officers

Roughly four million individuals in the United States are on probation, accounting for about two-thirds of the American correctional population (Kaeble & Glaze, 2015). Such a large population under probation supervision has prompted research on probation work and its challenges (Simon, 1993; Lynch, 2000; Lutze, 2014), including mental health issues and practices (Epperson, Canada, Thompson, & Lurigio, 2014; Holloway, Downs, & Aalsma, 2013). Researchers have argued that understanding probation officers’ complex roles and functions would better inform policy makers and administrators to improve rational decision-making in probation work, in turn providing more effective treatment for inmates (Skeem & Manchak, 2008; Whetzel et al., 2011; Miller, 2014; Ricks & Eno Loudon, 2015; DeMichele & Payne, 2007; Hsieh et al., 2015). To identify trends and shifts over the past decade in probation work, Steiner, Purkiss, Kifer, Roberts, and Hemmens (2004) suggested that research should compare adult and juvenile probation officer roles collectively

to explore important functions and mandates prescribed by law that might be further used to guide everyday probation practices.

Adult Probation Officers

The debate in the last decade over practitioner philosophies of law enforcement versus offender rehabilitation has given rise to the “synthetic”-oriented officer (Miller, 2014; Ward & Kupchik, 2009). Several decades ago, Klockars (1972) described the effectiveness of reconciled roles of surveillance and therapeutic models of supervision. Although Klockars designated four categories of probation officer roles (law enforcer, therapeutic agent, time server, synthetic officer), two have been discussed extensively in prior research: law enforcement and rehabilitative (Steiner et al., 2003). While the terminology used to describe probation officer philosophy varies in the research, the two major categories of law enforcement style and rehabilitative/social worker style appear consistently (Glaser, 1964; Klockars, 1972; Skeem & Manchak, 2008; Ricks & Eno Loudon, 2015).

The Rehabilitative Role

Probation officers who subscribe to a rehabilitative role emphasize the offender’s need to be successful in completing probation and work to provide treatment and support services for the offenders (Lutze, 2014). Supporters of rehabilitation contend that offender behavioral changes and public safety are best achieved through rehabilitation, and in recent decades evidence-based practices informed by valid risk and need assessment tools have been considered by many the best means to assist in rehabilitation.

The initial roles of probation focused on rehabilitation, employment, and housing (Hsieh et al., 2015). The goal was to restore offenders to the community (Seiter & West, 2003). Probation officers were to help offenders solve social and psychological problems (Dressler, 1969). These roles were also in line with many probation officer inclinations. Studies reveal that probation officers were more in favor and supportive of rehabilitative than law enforcement roles (Sluder, Shearer & Potts, 1991; Whitehead & Lindquist, 1992). Although support for rehabilitative orientations were preeminent, orientations shifted towards a law enforcement role after rehabilitative efforts were challenged on their effectiveness to successfully treat offenders (Hsieh et al., 2015). As a result, the 1980s and 1990s saw a move towards more punitive

criminal justice policies, which mirrored the reduction of rehabilitative programs in communities and institutional correctional environments (Miller, 2015).

The Law Enforcement Role

The law enforcement role is oriented towards surveillance, control, and enforcing compliance (Miller, 2014; Seiter & West, 2003). Probation officers, in their role of “punitive officer,” use threats and punishments to enforce conformity, emphasize control, and ensure public safety (Ohlin, Piven, & Pappenfort, 1956). This orientation has been the “go-to” orientation and has been dominant in the probation field in recent decades (Taxman, 2008). The “get tough” approach on crime was associated with retribution, incapacitation, deterrence, and intensive surveillance and aided the shift from a rehabilitative model to a law enforcement model as the mainstream approach for criminal justice agencies (Hsieh et al., 2015).

This shift to a law enforcement and surveillance style can be seen in the probation caseload increase in the early 1990s. During this period, caseloads reached as high as 500 per officer in Los Angeles, which drastically limited the opportunities for adult probation officers to provide counseling or become acquainted with the probationer. Consequently, probation officers had little choice but to concentrate on surveillance and supervision (Seiter & West, 2003).

In a statutory analysis, Burton, Latessa, and Barker (1992) determined that the focus of probation officer responsibilities were law enforcement tasks in the early 1990s. They examined the statutes of 43 states that legally prescribed probation officers to supervise probationers, finding support for the shift towards the retributive style and indications that state legislatures pursued law enforcement-oriented statutes designed to control probationers. About ten years later, Purkiss and associates (2003) reported that state statutes still reflected the punitive ideology in the probation system and that these statutes prescribed more law enforcement-oriented functions than those ten years previously.

Although probation officers were more likely to be mandated to perform law enforcement tasks than rehabilitative tasks, a recent statutory analysis revealed that more rehabilitative tasks are reappearing, informed now by a growing understanding of “what works” in reducing recidivism and offering hope for a more balanced approach (Hsieh et al., 2015).

Regardless of these positive findings, probation officers are still expected to perform law enforcement duties, and many have been resistant to the role changes (Taxman, 2008).

Synthetic Role

The law enforcement versus rehabilitation debate has created a struggle for probation officers uncertain about which to employ in their work. Like other employees, probation officers are also prone to adopt roles that fit managerial preferences, and these might conflict with role expectations by policymakers or the courts or current evidence-based practice. As community corrections officers, they are “jacks of all trades” (Studdt, 1973) and sometimes may be required to juggle the tasks of surveillance, treatment, and enforcement of probation conditions. Probation officers have some discretion in carrying out these responsibilities; nevertheless, bureaucratically imposed constraints can still limit this discretion (Steiner et al., 2004).

Conflict between probation officer roles and philosophies was also found to negatively affect service delivery to probationers (Whetzel et al., 2011). In addition, Whitehead & Lindquist (1986) reported that 63 percent of respondents identified role conflict between law enforcement and social casework as contributors to burnout. Without assessing probation officer orientations, evidence-based programs can be invalidated by role conflicts.

Probation officer roles can also be dependent on other agencies and therefore require cooperation, collaboration, and accessibility across the system. Lutze (2014) suggests that probation officers are “boundary spanners” or synthetic officers, who can take on the dual goals of rehabilitation and law enforcement (Miller, 2014). By combining the orientations, synthetic officers have greater power to assist offenders in completing probation without reoffending and potentially create positive relationships with probationers (Skeem & Manchek, 2008). Ellsworth (1990) found that probation officers support the dual goals of rehabilitation and law enforcement. Given that 57 percent of states include mixed law enforcement, rehabilitation, and risk assessment tasks for probation officers (Hsieh et al., 2015), the synthetic role adopted by probation officers seems to have achieved high momentum (Bryant, Coker, Estlea, Himmel, & Knapp, 1978; Singer, 1991).

Juvenile Probation Officers

Juvenile probation officers have an important

role in the juvenile justice system as they try to prevent juveniles from further immersion in the system and increase chances of exiting the system. Officer roles in the juvenile system are mixed, including addressing criminogenic needs of juvenile offenders, limiting reoffending, and fostering rehabilitation (Schwartz, Alexander, Lau, Holloway, & Aalsma (2017). State laws also further detail the powers and duties of juvenile probation officers. With these complex responsibilities and the task of protecting the privacy of juveniles while maintaining public safety, it is no surprise that Torbet called juvenile probation “the workhorse of the juvenile justice system” (1997, p. 3). Although the adult and juvenile probation officers share many conventional functions with respect to law enforcement, rehabilitation, and case management tasks (Hsieh et al., 2016), the calibration of missions and goals of juvenile probation officers appears to be guided by the *Desktop Guide to Good Juvenile Probation Practice* (Torbet, 1997; Griffin & Torbet, 2002). The Desktop Guide was aimed at increasing professionalism through setting down actual day-to-day duties and providing standards, missions, and goals for probation officers and administrators (Steiner et al., 2003; Hsieh et al., 2016).

Under the Desktop Guide, juvenile probation officers use two main approaches: a balanced approach and restorative justice. Under the first approach, the law enforcement orientation and the rehabilitative orientation are merged to create a balance between the two. Current research shows that juvenile probation officers are more likely to use a balanced approach and therefore tend to perform a wide range of functions (Miller, 2015; Schwartz et al., 2017). Under a balanced approach, juvenile probation officers use treatment and interventions informed by risk and needs assessments (Hsieh et al., 2016). An effective intervention focuses on who benefits from treatment services, the target, and the appropriate treatment (Andrews & Bonta, 2010). The accurate assessment of an offender and his or her appropriate disposition has a significant effect on recidivism rates for probationers (Ricks, Eno Loudon, & Kennealy, 2016). Under the balanced approach, probation officer decisions are informed by risk and need assessments. Restorative justice emphasizes repairing harm to victims and includes increased victim and community involvement, improved offender compliance, and greater satisfaction with case outcomes (Bergseth & Bouffard, 2013). The

ultimate goal is to eliminate the chances of a reoffense by the offender, and restorative justice addresses this by focusing on the underlying issues that may have triggered the offense (Smith, 2001).

In the 90s, Sluder and Reddington (1993) identified the different philosophies of juvenile and adult probation officers and found that the therapeutic orientation is primary for juvenile probation officers. In this study, juvenile probation officers also expressed more support for case-management strategies. However, Steiner and associates (2004) concluded from their more recent research that a law enforcement-oriented focus is predominant for juvenile probation officers, and thinks this kind of focus is motivated by society’s disenchantment with the criminal justice system.

Both adult and juvenile probation officers play an important function and occupy a central position for the largest population under supervision in the criminal justice system. However, research comparing adult and juvenile probation officer roles is sparse (Sluder & Reddington, 1993; Steiner et al., 2004). Therefore, this study aims to identify the current legally prescribed roles for adult and juvenile probation officers—whether related to a balanced approach, a restorative justice approach, or more singly law enforcement or rehabilitation—and fill the research gap in this regard.

Methods

The focus of the current study is to compare state statutory definitions of adult and juvenile probation officer roles for all 50 states and the District of Columbia. To do so, we analyzed the state legal codes, a process referred to as a statutory analysis (Hsieh et al., 2015). The statutory analysis has been widely used to examine the functions and roles of probation officers (see Burton et al., 1992; Fritsch & Hemmens, 1995; Hemmens, Maahs, Scarborough, & Collins, 2001; Hsieh et al., 2015; 2016; Purkiss et al., 2003; Roncace, Giacomazzi, Hemmens, & Fliege, 2005; Steiner et al., 2003, 2004; Steiner & Hemmens, 2003; Stoddard, Steiner, Rohrbach, Hemmens & Bennett, 2015; Turner, Hemmens, & Matz, 2014). A statutory analysis is a conventional approach that consists of the process of collection, review, analysis, and classification of the state statutes (Hemmens, 2015).

We applied a three-step process to investigate the legally prescribed functions and roles of adult and juvenile probation officers. First, all legally mandated duties and tasks for

adult and juvenile probation officers in 2015 were collected through the legal database LexisNexis. Second, findings were divided into two categories, legal codes of adult and juvenile probation officers. Third, these findings were classified by each state and then sorted into an Excel database for analysis. In the process of searching and examining the state statutes, we encountered several issues, including the use of diverse terms and labels for probation officers among states, the use of different legal terminology and descriptions in legal codes for the same roles and functions among states, and the necessity of clarifying and interpreting ambiguous definitions of statutes (Burton et al., 1992; Hsieh et al., 2015, 2016; Purkiss et al., 2003; Steiner et al., 2003, 2004). To maintain consistency of the data collection process and interpretation of the prescribed legal codes, two trained data analysts were responsible for collecting the state statutes, reading legal codes, and classifying statutes into different task orientations.

Measures

While traditional probation functions were typically divided into two categories, rehabilitation and law enforcement, the current trends in probation roles are focused on the management of cases and the merging of rehabilitation and law enforcement tasks together. In this context, probation officers are regarded as “synthetic officers” (Miller, 2015) or “boundary spanners” (Lutze, 2014), indicating that probation functions are somewhere between social workers and peace officers in managing diverse cases. Therefore, the prescribed tasks in the current study were combined into three main dimensions: rehabilitation, law enforcement, and case management.

Law Enforcement-Oriented Tasks. These tasks reflect a conservative crime control style that emphasizes control, enforcement, reducing potential threats to the community, and work with courts as a peace officer (Hsieh et al., 2015). Prescribed tasks would consist of arrest and taking into custody, assisting courts in transferring cases and law enforcement agencies, collecting restitution/fines and fees, developing probation conditions and juveniles’ rights, enforcing court orders and criminal laws, keeping records, issuing revocations and reporting violations, conducting interviews and investigations, making referrals, offender scrutiny, home, school, and work visitation, surveillance, supervision, serving warrants/papers, making sentence recommendations, performing assignments required by courts,

and taking charge of children.

Rehabilitation-Oriented Tasks. These tasks are a positive approach that were originally derived from late nineteenth and early twentieth century probation practices. This time period in the field of corrections is called the “progressive era” (Rothman, 2012), during which rehabilitation appeared as a dominant philosophy of corrections (Cullen & Jonson, 2012). The rehabilitation movement was affected by positivism, with positivists arguing that instead of punishment, offenders should get thorough treatment and rehabilitation based on the assumption that criminal behavior is caused by factors such as social environments, psychological development, or biological make-up. Thus rehabilitation-oriented tasks fit under a social work style that is intended to provide social support and assistance to address offender needs and risks and help them better adjust to the community upon release. Prescribed tasks include aiding in diverse rehabilitation approaches, counseling, developing community service programs, employment training and location, risks and needs assessment, and writing presentence investigation (PSI)/social history reports.

Case Manager-Oriented Tasks. Along with the rehabilitation-oriented tasks, these tasks are also a positive approach that emphasize individualized treatment and rehabilitation. The core of the rehabilitation ideal is individualization and careful case planning (Rothman, 2012). The concept of individualization rests on the assumption that for any given offender, the criminogenic causes are likely to be varied and multifaceted. Therefore, individualized or case-by-case intervention is necessary for successful rehabilitation and offender reintegration (Rothman, 2012). In this regard, the case manager model involves arranging and recommending placement, individual case adjustment and management, working with the offender to set goals and address criminal thinking, acting as liaison between court and agencies, maintaining contact with court, and screening complaints.

Analytic Plan

To facilitate the comparison of the prescribed legal codes of adult and juvenile probation roles, several roles and functions were merged based on the intent of the legal codes, as some legal codes for juvenile probation do not exist in the legal codes for adult probation and vice versa. For example, the role “collect restitution” is combined with “collect fines and fees” in the role of juvenile probation and

“develop/discuss probation conditions” in the function of adult probation is merged with “explain juvenile’s rights” in the role of juvenile probation.¹ As such, a role of “serve warrants” for adult probation is combined with a function of “serve papers” in juvenile probation. Additionally, “evaluate juvenile’s risk” is merged with “needs/responsivity assessment,” because the prescribed legal codes for adult probation refers these two separate roles of juvenile probation to a single role “risks/needs assessment.” Moreover, the role of “restorative justice” is merged with “repair victim-offender community relationship,” and “provide services” as a function of juvenile probation is combined with “welfare/social worker” and “assist in rehabilitation” in the function of adult probation. Accordingly, the results of the current study may not be exactly the same as prior studies of the roles of adult and juvenile probation officers, but the concepts should be roughly comparable.

Results

The current study aims to examine how the roles of adult probation officers differ from the functions of juvenile probation officer as of 2015. The results of statutory analysis show that the total number of the legally prescribed tasks of adult and juvenile probation officers is 32 (see Table 1, pages 39–44), but juvenile probation officers have slightly more roles than adult probation officers, 25 to 28, respectively (see Table 2, page 45). Compared to 2002, three new tasks for juvenile probation officers were identified in 2015, including intake officer, risk-need-responsivity (RNR) assessment, and restorative justice/repair victim-offender-community (VOC) relationship.

Table 1 presents the results of legally prescribed functions of adult and juvenile probation officers in 2015. As shown in Table 1, the number of prescribed functions varies by states, from 1 to 17, and the role of adult

⁵ Probation conditions are likely to affect juvenile legal rights. For example, the Idaho Code (§20-533) stated that “County probation officers shall enforce probation conditions and supervise juvenile offenders while on probation. As authorized by court order, probation officers may establish additional reasonable conditions of probation with which the juvenile offender must comply. The juvenile offender may move for a hearing before the court to contest any conditions imposed by the probation officer. If the probation officer establishes additional conditions of probation, the probation officer shall advise the juvenile offender at the time such additional conditions are imposed of the juvenile offender’s right to move the court for a hearing to contest those conditions” (p. 1).

probation officers generally differs from tasks for juvenile probation officers within and between states.

In some states, including Kansas, New Jersey, New Mexico, and Pennsylvania, the number of prescribed duties between adult and juvenile probation officers differs substantially. For example, while adult probation officers in Kansas and New Jersey are required to practice 14 tasks and 11 tasks, juvenile probation officers in Kansas and New Jersey are required to practice 3 tasks and 1 task only. In the case of New Mexico and Pennsylvania, on the other hand, adult probation officers are only required to practice 3 tasks and 5 tasks respectively, whereas juvenile probation officers are required to practice far more duties—12 and 11 tasks, respectively.

While some states require the minimum possible role in both adult and juvenile probation officers, other states demand multiple roles of probation officers. For instance, both adult and juvenile probation officers in the District of Columbia, Maryland, and Utah are required to practice fewer than 5 mandated tasks. However, both adult and juvenile probation officers in a number of other states, such as Arizona, Colorado, Kentucky, Montana, New York, North Carolina, and South Carolina, are mandated to practice more than 10 tasks. In particular, the state of Arizona requires 16 mandated tasks for adult probation officers and 17 prescribed duties for juvenile probation officers. Tasks for probation officers in Arizona include not only law enforcement-oriented functions (e.g., supervision, case investigation, and restitution collection), but rehabilitation-oriented duties (e.g., risks/needs assessment and writing social history reports), and case manager-oriented functions (e.g., case adjustment and sentence recommendations). A number of other states (i.e., Alabama, Florida, Hawaii, Illinois, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, Texas, and Washington) require an equal or similar number of mandated tasks for their adult and juvenile probation officers.

Table 2 (see page 45) presents the changes in legally prescribed functions of adult and juvenile probation officers by task orientation from 2002–2015. There were several notable changes in legally prescribed functions of both types of probation officers. First, while law-enforcement-oriented functions of adult and juvenile probation officers were stable during the period, rehabilitation-oriented and case manager-oriented functions have

slightly changed for both probation officers. Compared to 2002, for example, the role of administering risk and needs assessment is a common task for adult probation officers in 25 states and for juvenile probation officers in 16 states in 2015. Additionally, restorative justice/repair victim-offender-community relationship as a rehabilitation-oriented task for juvenile probation officers increased in 12 states. Since 2002, however, counsel/aid offender and family as a rehabilitation-oriented task of adult probation officers was found to have decreased.

Regarding case manager-oriented functions, we found that the role of divert/adjust cases/case management is a regular task for adult probation officers in 14 states. However, the role of screen complaints was removed from statutes in 12 states as mandatory tasks of their juvenile probation officers. Furthermore, arrange/recommend placement and liaison between court and agencies slightly increased since 2002, whereas divert/adjust cases/case management and maintain contact with court as tasks of juvenile probation officers marginally decreased during the same period.

Despite the stability of law enforcement-oriented functions of both adult and juvenile probation officers by task orientation from 2002–2015, it is worth noting that while most states focus more on enhancing law enforcement-oriented functions of adult probation officers, there was not much change in law enforcement-oriented functions of juvenile probation officers. Overall, the current trend in statutory requirements by task orientation from 2002–2015 illustrates that they still rely more heavily on law enforcement-oriented tasks than on the other two tasks, although many states have shifted their probation practice focus to rehabilitation-oriented and case manager-oriented functions. For adult probation officers, particularly, law enforcement-oriented tasks were even more enhanced in many states' statutes.

Table 3 (see pages 46–47) classifies the three task orientations by state. Compared to 2002, a number of states in 2015 have either maintained or enhanced law enforcement-oriented tasks for both adult and juvenile probation officers. Additionally, since 2002 many states have slightly increased rehabilitation-oriented functions for both probation officers, whereas few changes in case manager-oriented functions were found. Interestingly, while only 7 states do not reference rehabilitation-oriented tasks for adult probation officers, 15 states do not reference rehabilitation-oriented tasks

for juvenile probation officers in 2015. When compared to 2002, the results clearly show the increasing trend of rehabilitation-oriented tasks for adult probation officers, contrary to the movement in the role of juvenile officers. Given these results, we conclude that juvenile probation officers are still focusing on law enforcement-oriented tasks, although juvenile probation practices have shifted.

Discussion and Conclusion

The current study examined legally prescribed adult and juvenile probation functions across 50 states and the District of Columbia in the past 10 years. This study found that although rehabilitation- and case manager-oriented tasks have been gradually increasing within contemporary probation work, law enforcement-oriented functions outweigh other tasks for both adult and juvenile probation officers. This finding is consistent with Steiner and Associates' (2004) study, which found no appreciable differences between adult and juvenile functions legally mandated to perform, although rehabilitation-oriented tasks had been less prescribed relatively as a primary role for adult and juvenile probation officers. Even though the scope of the current study did not focus on probation officers' working philosophy, the result might partially support Sluder and Reddington's (1993) conclusion that control-type strategies are most often adopted by probation officers to handle large caseloads effectively. Especially given inadequate resources and ever-increasing service and case management demands in community-based corrections, officers with large caseloads appear to employ surveillance and supervision strategies relatively more frequently than consulting, at least in part to deal with limited resources and time constraints (Seiter & West, 2003). Future research should further explore the relationship between legally prescribed functions and officers' individual work ideologies.

Another important legal change uncovered by the current study is a stable shift of case manager-oriented functions from conventional probation tasks. For example, the role of risk and needs assessment has been mandated for many states for adult and juvenile probation officers (50 percent and one-third, respectively). This result is parallel with recent studies that indicate the emergence of case manager-oriented tasks (Hsieh et al., 2015, 2016) as part of a new avenue of penology within probation over the last 20 years, characterized by risk and needs assessment,

individual case management plan, and recidivism prediction (Taxman, 2008). Much research has rightly focused on understanding operational dynamics of agencies, the philosophical shifts that probation officers must (once again) address, and implementation challenges (see Viglione, Rudes, & Taxman, 2015; Rudes et al., 2013; Bonta et al., 2008; Petersilia, 2002). It is common for statutory changes to lag behind the research findings for a variety of reasons, including political environments, lack of resources, labor (union) challenges to changes in workload, and staff unwillingness to move evidence into practice.

Perhaps it is fitting that the area where a strong level of statutory change was observed was within the juvenile justice system. This is a system that is inherently rehabilitation-focused, given the age of those supervised and the understanding that as a group they are more malleable (Sluder & Reddington, 1993); in fact, some states have even moved from a statutory definition of "probation officer" to "probation counselor" (see the State of Washington, for example).

While the current study found that juvenile probation officers are still focusing on law enforcement-oriented tasks (a maintenance effect was noted), juvenile probation practices have in fact witnessed a significant shift in operations. This is not just a move towards conventional rehabilitation-oriented functions: 24 percent of states, in fact, currently include restorative justice principles in their statutes. This finding might be considered as empirical evidence of juvenile probation's support of the "balanced and restorative justice" (BARJ) model described by the Desktop Guide (see Torbet, 1997; Griffin & Torbet, 2002) as the promising approach to protect the best interests of juvenile offenders. Even though the current study did not examine the direct relationship between the BARJ model and state statutes, our finding still supports the prior study that states continue to use RNR tools and VOC ideology to assist with case management and supervision in juvenile probation (Hsieh et al., 2016).

The distinct findings of the adult and juvenile statutory analysis highlight the importance of continued research to inform those in political and administrative positions of power about "what works" in community corrections, and how academia and research can assist with the "technology transfer" of findings into sustainable practice and statute. It is in the best interest of the client and community for states to move away from heavy entrenchment in

one model of supervision over the other, and to find and embrace the balanced case management model that has been correlated with healthier outcomes for clients.

The content-oriented statutory analysis employed in this study is not without its limitations. First, because this is a macro-level statutory research, the study was unable to reflect the actual day-to-day probation practice by task orientation (Hsieh et al., 2016) or the officers' working philosophy at micro level. Future research should further explore these issues. Second, as Steiner and Hemmens (2003) indicated, the operational definitions might be relying on researchers' interpretation because of the ambiguity of the law. To address this, the current study replicated the interrater agreement method used in prior study (Hsieh et al., 2016) to enhance interrater reliability and achieve intersubjective agreement in statutory analysis. In addition, given that the primary objective of the current study was to depict a trend of adult and juvenile probation practice nation-wide in general, the concern of interpretation of the law per se should be minimized (Hsieh et al., 2016).

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TABLE 1
Legally Prescribed Functions of Adult and Juvenile Probation Officers: 2015

Prescribed Functions	DC		AL		AK		AZ		AR		CA		CO		CT		DE	
	AP	JP	AP	JP ^b	AP	JP ^b	AP	JP	AP	JP	AP	JP	AP ^b	JP ^b	AP ^b	JP ^b	AP	JP
Arrange/Recommend Placement																		
Arrest/Take into Custody			X	X	X	X	X					X	X	X		X	X	X
Assist/Advise Court				X			X			X								
Assist Law Enforcement Agencies			X												X		X	
Assist in Rehabilitation/Provide Services/Welfare and Social Worker					X		X		X						X	X	X	
Collect Restitution/Fines/Fees			X		X	X	X	X			X	X		X			X	
Counsel/Aid Offender								X	X	X		X		X		X		
Develop Community Service Programs							X											
Develop/Discuss Probation Conditions			X		X			X	X	X	X	X	X	X	X		X	
Divert/Adjust Cases/Case Management				X	X		X		X									X
Enforce Criminal Laws							X								X		X	
Enforce Court Orders								X										X
Initiate Revocations/Report Violations					X			X		X		X	X	X	X	X	X	
Intake Interviews/Officers		X		X				X		X								
Investigate Cases	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X		X
Keep Records					X		X	X	X	X	X		X	X				X
Law Enforcement/Peace Officer					X	X	X	X			X	X	X	X		X	X	
Liaison Between Court and Agencies												X				X		
Locate Employment			X						X									X
Maintain Contact with Court	X				X				X	X			X		X			
Make Recommendations	X	X		X				X			X	X	X		X			
Make Referrals				X				X			X	X				X		
Perform Other Duties				X	X	X	X	X	X	X			X	X				X
Restorative Justice/Repair VOC relationship								X					X					
Risks/Needs Assessment					X		X	X	X		X		X		X	X	X	
Screen Complaints		X																
Serve Warrants/Papers					X		X		X				X		X		X	
Supervision	X		X	X	X		X	X	X		X	X	X	X	X	X	X	X
Surveillance							X		X		X		X					
Take Charge of Child												X						
Visit Home/School/Work/Etc.			X					X	X									
Write P.S./Write Social History Reports			X		X		X	X	X	X	X		X		X			
TOTALS	4	4	9	9	14	5	16	17	15	10	10	12	15	11	12	10	14	5

TABLE 1 (cont.)
Legally Prescribed Functions of Adult and Juvenile Probation Officers: 2015

Prescribed Functions	FL		GA		HI		ID		IL		IN		IA		KS		KY	
	AP	JP	AP ^b	JP ^b	AP ^b	JP	AP	JP ^b	AP ^b	JP ^b	AP ^b	JP ^b	AP ^a	JP ^a	AP ^a	JP	AP ^b	JP ^b
Arrange/Recommend Placement		X				X				X								
Arrest/Take into Custody	X			X		X	X		X	X			X		X	X		X
Assist/Advise Court												X						X
Assist Law Enforcement Agencies												X						
Assist in Rehabilitation/Provide Services/Welfare and Social Worker		X			X	X			X	X					X		X	X
Collect Restitution/Fines/Fees			X			X		X				X		X				X
Counsel/Aid Offender								X		X			X		X			X
Develop Community Service Programs	X								X				X		X			
Develop/Discuss Probation Conditions	X				X	X		X	X	X	X	X	X					X
Divert/Adjust Cases/Case Management		X			X				X						X			
Enforce Criminal Laws									X									
Enforce Court Orders																		
Initiate Revocations/Report Violations				X	X	X												
Intake Interviews/Officers		X																X
Investigate Cases	X		X	X	X		X		X	X	X	X	X	X			X	X
Keep Records			X		X				X	X	X	X	X		X	X	X	X
Law Enforcement/Peace Officer					X							X		X				
Liaison Between Court and Agencies														X				X
Locate Employment															X			
Maintain Contact with Court					X							X						X
Make Recommendations	X	X		X				X				X		X	X			X
Make Referrals		X		X		X		X		X								
Perform Other Duties		X	X	X	X					X	X	X			X			
Restorative Justice/Repair VOC relationship						X												
Risks/Needs Assessment	X	X	X	X	X				X						X		X	X
Screen Complaints		X										X						
Serve Warrants/Papers	X							X					X					
Supervision	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Surveillance	X								X						X			X
Take Charge of Child				X														X
Visit Home/School/Work/Etc.						X						X			X			X
Write PS, I/Write Social History Reports			X	X								X			X		X	X
TOTALS	9	10	7	10	11	10	3	7	11	10	12	6	10	4	14	3	11	11

TABLE 1 (cont.)
Legally Prescribed Functions of Adult and Juvenile Probation Officers: 2015

Prescribed Functions	LA		ME		MD		MA		MI		MN		MS		MO		MT	
	AP	JP	AP ^b	JP	AP ^b	JP	AP	JP	AP	JP	AP	JP	AP ^b	JP ^b	AP ^b	JP	AP ^a	JP ^a
Arrange/Recommend Placement							X						X					X
Arrest/Take into Custody	X	X	X	X			X		X		X	X				X		X
Assist/Advise Court							X				X		X		X			
Assist Law Enforcement Agencies											X				X			
Assist in Rehabilitation/Provide Services/Welfare and Social Worker	X		X	X							X	X	X	X	X		X	X
Collect Restitution/Fines/Fees			X				X		X	X								X
Counsel/Aid Offender				X		X							X				X	X
Develop Community Service Programs	X																	X
Develop/Discuss Probation Conditions				X			X						X		X		X	X
Divert/Adjust Cases/Case Management						X			X								X	X
Enforce Criminal Laws	X																	X
Enforce Court Orders																		X
Initiate Revocations/Report Violations	X		X						X	X			X				X	X
Intake Interviews/Office						X												
Investigate Cases	X	X		X	X	X	X	X	X		X	X	X	X	X	X	X	X
Keep Records				X			X		X		X		X			X	X	
Law Enforcement/Peace Officer	X	X									X	X	X			X		
Liaison Between Court and Agencies											X							
Locate Employment																		
Maintain Contact with Court				X			X				X		X					
Make Recommendations		X					X		X		X				X	X	X	
Make Referrals									X								X	X
Perform Other Duties		X					X		X		X					X		X
Restorative Justice/Repair VOC relationship		X											X					X
Risks/Needs Assessment		X	X								X	X	X			X		X
Screen Complaints																		
Serve Warrants/Papers	X	X					X		X		X	X			X			X
Supervision	X	X	X	X		X	X		X	X	X	X	X	X	X		X	X
Surveillance			X															
Take Charge of Child																X		
Visit Home/School/Work/Etc.															X			
Write PS./Write Social History Reports		X			X		X	X	X	X	X	X	X	X	X	X		X
TOTALS	9	10	7	8	2	5	9	5	10	4	11	10	11	10	9	10	12	17

TABLE 1 (cont.)
Legally Prescribed Functions of Adult and Juvenile Probation Officers: 2015

Prescribed Functions	NE		NV		NH		NJ		NM		NY		NC		ND		OH	
	AP ^b	JP ^b	AP ^b	JP ^b	AP	JP	AP	JP	AP ^b	JP ^b	AP ^b	JP	AP ^b	JP ^b	AP ^b	JP	AP	JP
Arrange/Recommend Placement				X						X		X						X
Arrest/Take into Custody	X	X	X	X	X	X	X		X	X	X		X	X		X	X	X
Assist/Advise Court							X		X		X		X					
Assist Law Enforcement Agencies											X				X		X	
Assist in Rehabilitation/Provide Services/Welfare and Social Worker			X						X				X					
Collect Restitution/Fines/Fees			X	X	X		X				X		X	X				X
Counsel/Aid Offender	X	X		X		X					X	X	X	X		X		X
Develop Community Service Programs	X												X					
Develop/Discuss Probation Conditions	X		X		X		X		X		X		X	X				X
Divert/Adjust Cases/Case Management				X														X
Enforce Criminal Laws					X		X											X
Enforce Court Orders																		
Initiate Revocations/Report Violations		X				X			X									
Intake Interviews/Officers		X																
Investigate Cases		X	X	X		X	X		X		X		X		X		X	X
Keep Records	X		X				X				X	X	X	X			X	X
Law Enforcement/Peace Officer			X				X				X				X		X	
Liaison Between Court and Agencies																		
Locate Employment											X	X						
Maintain Contact with Court					X		X						X	X				
Make Recommendations	X			X	X	X			X	X	X	X	X			X		
Make Referrals		X							X							X		
Perform Other Duties	X					X					X			X		X	X	X
Restorative Justice/Repair VOC relationship		X				X					X							
Risks/Needs Assessment	X	X							X		X		X					
Screen Complaints				X					X				X		X			
Serve Warrants/Papers			X				X		X	X		X	X	X	X			X
Supervision	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Surveillance			X		X								X					
Take Charge of Child						X		X								X		
Visit Home/School/Work/Etc.						X					X		X	X	X			
Write P.S./Write Social History Reports	X				X				X		X		X			X		X
TOTALS	10	9	10	9	9	10	11	1	5	11	12	12	17	11	5	10	11	9

TABLE 1 (cont.)
Legally Prescribed Functions of Adult and Juvenile Probation Officers: 2015

Prescribed Functions	OK		OR		PA		RI		SC		SD		TN		TX		UT	
	AP ^b	JP ^b	AP	JP	AP ^b	JP ^b	AP	JP	AP ^b	JP ^b	AP ^b	JP ^b	AP	JP	AP ^b	JP	AP ^b	JP ^b
Arrange/Recommend Placement		X						X						X				
Arrest/Take into Custody	X	X	X	X		X			X	X	X	X	X	X	X	X	X	X
Assist/Advise Court			X	X				X		X				X				
Assist Law Enforcement Agencies						X												
Assist in Rehabilitation/Provide Services/Welfare and Social Worker	X									X		X		X		X	X	
Collect Restitution/Fines/Fees			X	X												X	X	
Counsel/Aid Offender			X			X		X		X						X		
Develop Community Service Programs																		
Develop/Discuss Probation Conditions			X			X				X								
Divert/Adjust Cases/Case Management							X	X		X								
Enforce Criminal Laws										X								
Enforce Court Orders																		
Initiate Revocations/Report Violations	X			X				X		X								
Intake Interviews/Officers						X					X					X		
Investigate Cases	X	X	X	X		X		X		X	X		X	X	X	X	X	X
Keep Records			X			X	X			X			X	X				X
Law Enforcement/Peace Officer	X	X	X	X	X							X		X	X			
Liaison Between Court and Agencies																		X
Locate Employment																		
Maintain Contact with Court	X		X															
Make Recommendations		X				X						X		X	X	X		X
Make Referrals						X		X		X				X				
Perform Other Duties			X			X				X				X	X			
Restorative Justice/Repair VOC relationship											X							
Risks/Needs Assessment	X					X	X	X		X						X		
Screen Complaints														X				
Serve Warrants/Papers	X	X								X				X				
Supervision	X	X	X		X	X	X	X		X	X	X		X	X	X	X	X
Surveillance										X		X				X		X
Take Charge of Child				X							X			X				
Visit Home/School/Work/Etc.			X							X	X					X		
Write P.S./Write Social History Reports						X		X								X	X	
TOTALS	9	7	12	7	3	12	4	10	13	11	6	3	8	11	9	9	5	5

TABLE 1 (cont.)
Legally Prescribed Functions of Adult and Juvenile Probation Officers: 2015

Prescribed Functions	VT		VA		WA		WV		WI		WY	
	AP	JP	AP	JP	AP	JP	AP	JP	AP	JP	AP ^a	JP
Arrange/Recommend Placement										X		
Arrest/Take into Custody		X	X	X	X	X	X	X		X		
Assist/Advise Court			X					X				
Assist Law Enforcement Agencies											X	
Assist in Rehabilitation/Provide Services/Welfare and Social Worker	X									X		
Collect Restitution/Fines/Fees	X					X	X		X			
Counsel/Aid Offender		X		X	X			X				X
Develop Community Service Programs	X											
Develop/Discuss Probation Conditions	X		X	X			X		X		X	X
Divert/Adjust Cases/Case Management	X					X			X		X	
Enforce Criminal Laws												
Enforce Court Orders						X						
Initiate Revocations/Report Violations		X			X							
Intake Interviews/Officers				X								
Investigate Cases	X	X	X	X	X		X	X	X	X	X	X
Keep Records		X	X	X			X		X	X	X	
Law Enforcement/Peace Officer				X		X					X	
Liaison Between Court and Agencies								X				
Locate Employment	X											
Maintain Contact with Court			X				X					X
Make Recommendations		X	X		X		X				X	
Make Referrals												
Perform Other Duties			X				X			X	X	
Restorative Justice/Repair VOC relationship		X								X		
Risks/Needs Assessment	X			X			X		X		X	
Screen Complaints				X						X		
Serve Warrants/Papers					X	X	X					
Supervision	X		X	X	X	X	X	X	X	X	X	X
Surveillance	X								X		X	
Take Charge of Child												
Visit Home/School/Work/Etc.	X	X		X							X	X
Write PS, I/Write Social History Reports			X	X			X			X	X	X
TOTALS	11	8	10	12	7	7	12	6	8	10	13	7

Note: AP = adult probation; JP = juvenile probation; VOC: victim-offender-community.

^a = 2013; ^b = 2014

TABLE 2
Legally Prescribed Functions of Adult and Juvenile Probation Officers By Task Orientation: 2002 to 2015

Tasks	# Of States With Types of Functions			
	Adult Probation		Juvenile Probation	
	2002	2015	2002	2015
Rehabilitation-Oriented Functions (7)	(5)	(6)	(5)	(6)
Assist in Rehabilitation/Provide Services/Welfare/Social Worker	22	24	11	11
Counsel/Aid Offender and Family	19	9	26	27
Develop Community Service Programs	10	10	--	--
Locate Employment	6	6	3	1
Restorative Justice/Repair VOC relationship	--	--	--	12
Risks/Needs Assessment	--	25	4	16
Write P.S.I./Write Social History Reports	23	25	33	18
Law Enforcement-Oriented Functions (20)	(17)	(17)	(17)	(17)
Arrest/Take into Custody	24	33	24	35
Assist/Advise Court	2	6	13	14
Assist Law Enforcement Agencies	4	11	--	--
Collect Restitution/Fines/Fees	14	23	6	13
Develop/Discuss Probation Conditions	24	31	13	14
Enforce Court Orders	--	--	4	4
Enforce Criminal Laws	4	10	--	--
Keep Records	27	32	15	17
Initiate Revocations/Report Violations	1	12	10	16
Intact Interviews/officer	--	--	12	12
Investigate Cases	22	39	39	43
Law Enforcement/Peace Officer	15	22	11	13
Make Recommendations	10	21	20	23
Make Referrals	9	2	20	18
Perform Other Court Duties	13	20	25	20
Serve Warrants/Papers	15	23	5	9
Supervision	46	50	32	40
Surveillance	26	19	--	--
Take Charge of Children	--	--	7	10
Visit Home/School/Work/Etc.	11	13	5	9
Case Manager-Oriented Functions (5)	(1)	(2)	(5)	(5)
Arrange/Recommend Placement	--	--	12	14
Divert/Adjust Cases/Case Management	--	14	12	8
Liaison Between Court and Agencies	--	--	3	7
Maintain Contact With Court	15	17	7	5
Screen Complaints	--	--	22	10

Note. Results of legally subscribed functions for adult and juvenile probation in 2002 came from Purkiss and colleagues (2003) and Steiner and colleagues (2003) study, respectively.

VOC: victim-offender-community.

TABLE 3
Trends in Adult and Juvenile Probation Officer Functions By States From 2002 to 2015

State	# of Rehabilitation-Oriented Functions				# of Law Enforcement-Oriented Functions				# of Case Manager-Oriented Functions			
	AP		JP		AP		JP		AP		JP	
	2002	2015	2002	2015	2002	2015	2002	2015	2002	2015	2002	2015
D.C.	1	0	0	0	2	3	3	3	1	1	1	1
Alabama	2	2	1	0	8	7	6	8	1	0	0	1
Alaska	0	3	1	0	4	9	7	5	1	2	0	0
Arizona	1	4	2	4	8	11	10	13	1	1	1	0
Arkansas	0	5	3	2	2	8	6	7	1	2	1	1
California	1	2	2	1	5	8	5	10	0	0	1	1
Colorado	1	2	1	2	10	12	5	9	1	1	1	0
Connecticut	2	3	1	3	7	8	6	6	0	1	1	1
Delaware	3	3	0	0	11	10	1	5	0	1	0	0
Florida	0	2	1	2	2	7	7	5	0	0	2	3
Georgia	1	2	2	2	5	5	6	8	0	0	1	0
Hawaii	1	2	2	2	8	7	5	7	1	2	2	1
Idaho	1	0	1	1	1	3	2	6	0	0	0	0
Illinois	2	3	2	2	6	7	7	7	0	1	3	1
Indiana	1	1	2	0	11	10	5	5	0	1	2	1
Iowa	1	2	1	0	7	8	3	3	0	0	1	1
Kansas	1	6	1	0	8	7	3	3	0	1	1	0
Kentucky	0	3	1	4	8	7	6	6	0	1	2	1
Louisiana	1	2	1	3	7	7	7	7	0	0	2	0
Maine	1	2	3	2	7	5	4	5	0	0	1	1
Maryland	1	1	1	1	6	1	2	3	0	0	2	1
Massachusetts	1	0	1	1	5	9	2	2	0	0	1	2
Michigan	1	1	1	0	5	8	3	4	1	1	0	0
Minnesota	2	2	2	3	7	8	7	6	0	1	0	1
Mississippi	2	3	4	5	9	7	5	4	1	1	0	1
Missouri	1	2	3	2	7	7	11	8	0	0	2	0
Montana	1	3	2	5	8	8	9	10	1	1	1	2

TABLE 3 (cont.)
Trends in Adult and Juvenile Probation Officer Functions By States From 2002 to 2015

State	# of Rehabilitation-Oriented Functions				# of Law Enforcement-Oriented Functions				# of Case Manager-Oriented Functions			
	AP		JP		AP		JP		AP		JP	
	2002	2015	2002	2015	2002	2015	2002	2015	2002	2015	2002	2015
Nebraska	1	3	1	3	6	6	5	6	1	0	0	0
Nevada	0	1	0	1	4	9	1	5	0	0	0	3
New Hampshire	2	1	2	2	9	7	8	8	1	1	1	0
New Jersey	0	0	0	0	7	10	2	1	0	1	2	0
New Mexico	0	2	2	1	1	3	6	8	0	0	2	2
New York	2	2	4	5	9	10	10	6	0	0	1	1
North Carolina	1	5	1	1	7	11	1	8	0	1	1	2
North Dakota	0	0	2	2	4	5	7	7	0	0	1	1
Ohio	0	1	3	1	8	9	5	7	0	1	1	1
Oklahoma	0	2	2	0	4	6	4	6	0	1	0	1
Oregon	1	1	1	0	7	10	5	7	0	1	0	0
Pennsylvania	0	0	2	3	1	3	6	9	0	0	1	0
Rhode Island	0	1	1	3	1	2	4	5	0	1	2	2
South Carolina	1	2	2	2	9	11	5	8	0	0	1	1
South Dakota	1	1	0	0	3	5	2	3	0	0	0	0
Tennessee	1	1	2	0	3	7	6	9	0	0	1	2
Texas	2	3	2	3	1	7	3	6	0	0	3	0
Utah	0	0	4	0	5	5	5	4	0	0	2	1
Vermont	1	4	2	2	3	6	5	6	0	1	0	0
Virginia	2	1	3	3	7	8	7	8	1	1	2	1
Washington	2	1	2	0	4	6	5	6	0	0	3	1
West Virginia	2	2	0	1	10	9	2	4	0	1	0	1
Wisconsin	0	1	3	3	3	6	9	5	1	1	2	2
Wyoming	1	2	2	2	7	10	2	4	1	1	1	1