

EFFECT OF COOPERATIVENESS OF THE PARENT ON JUVENILE
PROBATION OFFICER DECISION-MAKING USING A
RANDOMIZED CONTROLLED DESIGN

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Abstract

Juvenile probation officers acknowledge the importance of gaining the parents' cooperation during supervision to ensure the best chance for rehabilitation. However, there is reason to believe that officers may attend to parental cooperativeness to inform decisions on how much to involve the *parent* in supervision. The importance of the parent is well accepted, but the effect of parental cooperation on officers' decisions concerning the *juvenile's* fate on supervision has yet to be examined. Aim 1 of this study examined the extent to which an officer's response to a first instance and second instance of noncompliance was affected by the cooperativeness of the parent. Aim 2 examined whether officer orientation moderated the relationship between parental cooperation and the officers' response to noncompliance. Parental cooperation and officer orientation did not impact the officers' responses to a first instance or second instance of noncompliance. The non-significant findings raise two future directions for research. The possibility of the parent being more important during probation the more deeply embedded the juvenile is in the justice system is discussed. Furthermore, the results raise awareness of important differences in ideologies between the adult and juvenile justice system that are important to take into account for future research.

Keywords: Juvenile Probation, Decisions, Compliance, Parent, Cooperation, Role Orientation

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Chapter 1: Introduction

In 2011, more than 1.2 million youth were processed through juvenile justice courts (Office of Juvenile Justice and Delinquency Prevention, 2011a). Of the youth dealt with by courts in 2010, nearly 53% of delinquency cases resulted in juveniles being sentenced to probation (Office of Juvenile Justice and Delinquency Prevention, 2011b). Youth on probation are under a probation officer's supervision while in the community. The goal of probation is to provide the juvenile guidance in abstaining from criminal behavior, to help the juvenile access community based treatment programs, and to help the juvenile become a productive member of society (Torbet, 1996). Although probation is economically efficient, it is not entirely effective at reducing reoffending. For example, 51.2% of juveniles in Texas were re-arrested after they were deferred to probation in 2007 (Legislative Budget Board, 2011). As a result, probation agencies seek to improve the effectiveness of probation to reduce delinquency. During a juvenile's time on probation, the juvenile will have contact with a probation officer whose role is to assess, refer, coordinate, and counsel them (Schwalbe & Maschi, 2009). The factors that probation officers actually use to make decisions do not always align with the empirically supported factors that are predictive of recidivism (Eno Loudon & Skeem, 2013; Ricks & Eno Loudon, 2014; Schwalbe & Maschi, 2011). Therefore, there is a need to examine the extent to which non-empirically supported factors influence juvenile probation officers' decisions about youth while on probation, because these decisions influence juveniles in highly impactful ways.

1.1 The Juvenile Probation Officer's Role

The responsibilities of juvenile probation officers vary by state, but generally officers are responsible for deciding whether to refer the juvenile to court, screening juveniles for a variety of needs (e.g. recidivism risk level, mental health needs), conducting pre-sentence investigations where the probation officer recommends the juvenile's punishment to the court, supervising the juvenile while on probation, and enforcing adherence to probation requirements (Torbet, 1996). Requirements of juvenile probation include (but are not limited to): attending school, abiding by curfews set by the probation officer, attending counseling, participating in treatment programs associated with their offense (e.g., anger management), paying restitution, and performing community service (Abbott, 2009). The probation officer is responsible for enforcing all of these requirements and responding to any violations of the requirements. As such, the probation officer is responsible for many areas of the juvenile offender's outcome on probation and has an influential role in the juvenile's rehabilitation.

The probation officer's actions greatly affect the juvenile's success while on probation. According to Trotter's (1996) research with adult probation officers, the short period of time an officer has contact with the offender may be influential if the time is properly used. If the time on probation is used effectively, the adult offender may feel the motivation to change and abstain from crime in the future. Similarly, the juvenile probation officer must balance the competing goals of promoting public safety, holding juveniles accountable for their behaviors (e.g., juvenile adherence to probation requirements), and facilitating rehabilitation while handling a heavy caseload (Schwalbe & Maschi, 2009).

1.2 Core Correctional Practices Affect Recidivism Rates

In the past, much research has focused on reducing juvenile offender recidivism rates by targeting risk factors associated with delinquency, matching the treatment intensity with the juvenile's risk level, and adjusting the type of treatment based on the unique learning styles of the offender (Bonta & Andrews, 2007). This empirically supported framework for correctional staff is called the Risk-Need-Responsivity (RNR) model, and has been shown to reduce recidivism in young offenders (Dowden & Andrews, 1999). Researchers have discovered that other factors may also play a role in whether an offender reoffends, such as reinforcement and punishment strategies of the officer, the behaviors modeled by the probation officer, the quality of the relationship between the probationer and the officer, the style the probation officer uses to approach the juvenile (authoritarian vs. authoritative), and the probation officer's ability to use problem solving skills (Dowden & Andrews, 2004; Latessa & Cullen, 2002). These characteristics of correctional staff and the way the staff delivers services is termed Core Correctional Practices (CCP; Dowden & Andrews, 2004). CCP in combination with the use of RNR offer young offenders the best chance at rehabilitation (Dowden & Andrews, 2004).

Importantly, research on CCP demonstrates that effective use of authority and proper pro-social modeling of how to use punishment and reinforcement fairly is of upmost importance in successful rehabilitation (Dowden & Andrews, 2004). Effective use of authority is when the probation officer balances care by using fair treatment and focusing on rehabilitation, and equally balancing control by firmly communicating and enforcing the rules to promote public safety. Best practices suggest that probation officers that use encouraging behaviors and treat the juvenile with trust instead of purely enforcing rules have more success with juveniles during supervision. In theory, when the probationer is noncompliant with the rules of probation, the

probation officer would decide how punitive the probationer's punishment would be after considering empirically-based dynamic risk factors from the RNR model. Relying on empirically-based dynamic risk factor that can be targets for intervention rather than attending to factors that are not empirically supported predictors of recidivism; such as ethnicity of the juvenile, or characteristics of the officer themselves (Ricks & Eno Loudon, 2014; Schwalbe & Maschi, 2011). When officers attend to factors that are not predictive of recidivism when exercising their authority, the officer is not balancing care and control effectively. Modeling unfair treatment to the juvenile communicates that treating others unfairly is acceptable behavior (Dowden & Andrews, 2004). Further, Dowden and Andrews (2004) conducted a meta-analysis and found juvenile probation officers who adhere to a firm but fair approach have offenders with more success in treatment programs. Therefore, if a probation officer is attending to factors that are not empirically supported predictors of recidivism when gaining compliance, they may not be maximizing probation's potential in decreasing future delinquency.

According to CCP, the quality of the relationship between the probation officer and the probationer is an important factor for effective rehabilitation (Dowden & Andrews, 2004). Relationship factors contribute to successful rehabilitation, and best practices suggest that probation officers that are genuine, empathic, and focused on helping the probationer succeed while on probation have more success with rehabilitation efforts. When a probation officer treats an offender with care and fairness, this increases the quality of relationship. If the relationship between the probation officer and juvenile is strong, the juvenile is more likely to abide by the rules of probation (Dowden & Andrews, 2004). As a result, when an offender breaks the terms of probation, the probation officer must focus on rehabilitating the probationer, being empathic, and be clear on what the offender did wrong in order for the offender to feel they were treated

fairly. Often when officers use their discretion to gaining compliance, their decision is based upon something other than just the misbehavior (Ricks & Eno Loudon, 2014). If officers attend to factors that are not empirically supported deterrents of future noncompliance, this has the potential to deteriorate the quality of the relationship between the officer and the juvenile (Dowden & Andrews, 2004).

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1.3 Probation Officers Have the Power to Exercise Discretion

While the probation officer is balancing competing roles, they are also responsible for making decisions on how to respond to noncompliance with the rules of probation.

Noncompliance is a failure to comply with the requirements of probation, such as attending scheduled meetings, attending treatment associated with the offense, random drug tests, curfew, avoiding contact with antisocial others, and community service (Youth Advocacy Division, 2013). The probation officer has flexibility when making decisions on criminal justice outcomes; this is known as discretion (Jones & Kerbs, 2007). For example, the probation officer can refer the juvenile to court and recommend that the juvenile's probation term be revoked. Alternatively, the probation officer can choose to give the juvenile a warning, increase the reporting requirements of probation, set stricter guidelines for probation, or choose to include the technical violation in a report. Researching discretionary decision-making is important, because researchers have found support for factors predictive of future delinquency (those consistent with RNR and CCP), but what is less known is whether officers implement empirically supported procedures when handling probationers. The little research in this area suggests that probation officers do not adhere to the RNR model for rehabilitation in supervision meetings with offenders (e.g. do not match the treatment intensity to the risk level of the offender; Bonta, Rugge, Scott, Bourgon, & Yessine, 2008). Although delivery of programming affects offender outcomes, implementation is difficult. Juvenile justice staff often does not adhere to CCP. For example, Dowden and Andrews (2004) conducted a meta-analysis and found that only 3% of correctional staff effectively used disapproval.

1.4 Factors Considered Best Practices are Often not Implemented in Practical Settings

Best practices for deterrence of future delinquency suggest that some characteristics of the offender are more predictive of recidivism than others, but often officers do not consider these factors when making decisions such as how to respond following noncompliant behavior. Because there is limited research on juvenile probation officers, much of the research discussed next focuses on adult probation officers. Adult probation officers tend to believe that certain characteristics are evidence that the offender is high risk to reoffend when really there is no empirically supported association between the characteristics officers attend to and the risk to reoffend (e.g. inaccurate belief that there is an association when there is not—human judgment error; Dawes, Faust, & Meehl, 1989). For example, Eno Louden and Skeem (2013) found that officers were more likely to rate adult offenders with schizophrenia as high risk to violently reoffend when mental illness is not directly associated with high risk to reoffend. Furthermore, officers' rating of violent risk to reoffend did not change when the offender was told that the offenders with a mental illness abused cocaine—this is contradictory to what has been found in prior research as substance abuse raises the risk for violence in offenders with a mental illness (Eno Louden & Skeem, 2013). This highlights the problem of officers' failure to consistently attend to empirically supported risk factors associated with recidivism.

Schwalbe and Maschi's (2011) work suggests non-adherence to best practices is present within the juvenile justice system as well. Characteristics of the juvenile probation officer themselves and characteristics of the youth they supervise affect the officer's approach when gaining compliance from the juvenile. Schwalbe and Maschi (2011) had juvenile probation officers randomly choose a juvenile from their caseload and then were asked, through a web-based survey, about their attitudes towards punishment and rehabilitation and then asked about

the tactics they used with that juvenile they selected from their caseload. First, officers' attitudes towards punishment, the age of the officer, and the gender of the officer affected what approach the officer employed when gaining compliance. Characteristics of the juvenile such as the juvenile's age and ethnicity were also related to the approach the officer used (Schwalbe & Maschi, 2011). Juvenile probation officers varied in using confrontational, client centered, or balanced approaches depending on these factors. Juvenile probation officers that had stronger attitudes towards punishment, male officers, and younger officers used more confrontational approaches. Officers also used more confrontational strategies when the juvenile was younger, abused illicit substances, and when the juvenile was African American. Officers used more client-centered approaches with youth of Latino and European American decent (Schwalbe & Maschi, 2011). This illustrates that even in juvenile justice settings, probation officers are attending to factors that are not predictive of future delinquency when exercising discretion on how to respond to noncompliant behavior.

1.5 Factors That can Guide a Probation Officer's Decisions

Many factors influence whether a probation officer emphasizes enforcing rule compliance or focusing on the rehabilitation of the offender when gaining compliance, and many factors officers attend to do not adhere to the principles of RNR or CCP. Individual characteristics of the officers themselves affect how the officer gains compliance, such as the officer's role orientation. The research on role orientation has been mostly conducted with adult offenders, but gives insight to how juvenile probation officers may treat the juveniles under their supervision. Role orientation can be conceptualized as the varied levels of the balance between care and control discussed earlier. Prior research has identified three types of role orientations endorsed by adult probation officers. First, there is the *law enforcer*, who acts as an authoritarian, focuses on rule compliance and control, and promotes public safety rather than rehabilitation (Klockars, 1972; Skeem & Manchak, 2008). On the opposite end of the spectrum is the *therapeutic agent*, who focuses on providing support, care, and guidance to the offender to aid in their rehabilitation (Klockars, 1972; Skeem & Manchak, 2008). Lastly, there is the *synthetic* or *hybrid* probation officer (Klockars, 1972; Skeem & Manchak, 2008) who balance care and control equally, which is consistent with CCP (Dowden & Andrews, 2004). Confrontation, client centered, and balanced approaches observed among juvenile probation officers discussed by Schwalbe and Maschi (2011) are similar to the law enforcer, rehabilitation, and hybrid approaches found in the adult probation literature (Schwalbe & Maschi, 2011).

Role orientation influences how adult probation officers respond to technical violations. Ricks and Eno Loudon (2014) used the Revised Community Corrections Officer Orientation Scale (RCC) to determine to what degree adult probation officers identify with variations of role orientations defined in prior research (e.g., control orientation, rehabilitative orientation, or