

Arming Probation Officers: Enhancing Public Confidence and Officer Safety

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PROBATION AND PAROLE officers in the United States continue to express concern and fear over possible violent victimization when conducting field work. This concern has continued to fuel the debate regarding probation officer safety and has led to calls from many quarters to arm these officers (Cohn, 1997). Ten years ago, Brown (1990) stated that “The academic world has largely ignored the issue of carrying firearms, perhaps because of the general perception that the probation and parole officer’s role is as a counselor or even advocate of the probationer or parolee.” However, in recent years more probation agencies have moved toward a control model of supervision, complete with arrest powers, and carrying of firearms by probation officers has become increasingly common (Abadinsky, 2000). Those who oppose arming probation officers believe that arming will increase the attitudes and beliefs that are consistent with that of law enforcement, while decreasing the equally important goals of social worker for the purpose of reintegrating the offender back into the community. Opponents of arming also are concerned that officers who carry firearms may tend to escalate a situation with an offender to the point where injuries and death occur (Champion, 1996). And once a probation officer is armed, he/she may become more authoritative, forceful, and law-enforcement oriented, while the probation department’s goals and philosophy might shift from rehabilitation and reintegration to law enforcement and security.

In this article, we will present four major changes in corrections and specifically address how these changes have influenced the type and manner of services provided to the community and the impact on the traditional service expectation by probation departments. We will examine the firearms issue, suggesting that probation departments should allow certain POs to be armed if the need to do so has been demonstrated and identified, a position consistent with that taken by the American Correctional Association.

The Role of the Probation Officer

What is the role of the probation officer? Despite entering a new millennium, the issue is no closer to being answered today and may, in fact, be more divided than ever. Since the inception of probation in the 19th century, the traditional role of the probation officer (PO) has been compared to that of a social worker or helper. This can lead to a concentration on issues and factors typically viewed as being beyond the control of the offender. These factors may be sociological, psychological, biological, or a combination, and can include such issues as addiction, abuse, mental illness, lack of education, and poor job skills. The practices of this philosophical orientation revolve around assisting in the rehabilitation of the probationer through treatment, skill development, and the attempt to reintegrate the offender into society. The rehabilitation emphasis focuses on treatment strategies like drug and alcohol counseling, behavior modi-

fication, education, vocational training, and providing “life” skills.

In the last two decades, a new “law enforcement” emphasis has emerged focusing on *community safety* and *offender accountability*. In this approach, the role of the PO is more closely associated and identified with that of a police officer. Typically, the enforcement-oriented PO holds that offenders possess free will and can control their behavior despite various positivistic pulls and pushes. As a consequence, probationers who fail to abide by the conditions of their probation should be held accountable. Although holding offenders accountable for their actions has always been a part of probation, the conservative 1980s and 1990s has placed a greater emphasis on free will and accountability. Consequently, accountability has taken on new meaning with profound consequences for how probation officers perform their supervision function. Community corrections has been forced to integrate the control model to a greater extent than in past decades when the social-worker role predominated.

Today, it has become common for a PO to take a proactive role in the enforcement of probation conditions by monitoring, conducting surveillance, employing search and seizure, administering frequent drug tests, and accompanying police in the field on related enforcement activities. If probationers fail to comply with the conditions of supervision in the rehabilitative model, they are likely to be given a second chance and offered a *rehabilitative* alternative. In the enforcement

model they are likely to receive a *punitive* sanction commensurate with the severity of the violation, including arrest and revocation. However, with both models the *consequence* may contain both punitive and rehabilitative elements such as placement in a therapeutic community.

Although aspects of both roles have existed in probation since its inception, the blending and implementation of these two conflicting philosophical roles is the major contributing factor to ongoing debate in corrections, and a primary source of role conflict for the officer.

Times Have Changed

As noted, the last two decades have seen major changes in the criminal justice system. These include a more punitive approach, with a shift to determinate sentencing, mandatory minimums, and a greater reliance on incarceration (Johnson & Jones, 1994). Some changes have dramatically affected the nature of correctional work. For instance, U.S. probation officers are increasingly supervising offenders who are more violent and dangerous.

In the mid-70s, serious concerns were raised about this (Martinson, 1974). This marked a major shift in philosophical views about how to best deal with criminals, setting in motion changes that significantly impacted correctional policy and practices. In 1978 the California state parole officers association sued the California Department of Corrections for the right to carry firearms in *California State Employee's Association and Charles Swim v. J.J. Enemoto et al.*, 53863 Superior Court, Shasta County (August 17, 1978), and were legally armed for the first time following the agency's unsuccessful appeal in 1979 (Keve, 1979). The *get tough on crime* philosophy resulted in the elimination of most rehabilitative practices, such as the indeterminate sentence, an emphasis on rehabilitation, early release on parole, and liberal good time statutes. Instead, the criminal justice system has increasingly relied on incarceration and the death penalty as major strategies to control crime through deterrence, retribution, and incapacitation. Determinate sentencing and mandatory minimums significantly impacted corrections by reducing the judiciary's discretion over the types and lengths of sentences imposed. As a result, more offenders are sentenced to local, state, and federal prisons for longer periods of time (U.S. Department of Justice, Bureau of Prisons, 2000).

From year-end 1990 to midyear 1999, the rate of incarceration increased from one in every 218 U.S. citizens to one in every 147. In 1990, there were 1,148,702 inmates incarcer-

ated in our jails and prisons. As of June 1999, that number had increased to 1,860,520 nationally, with California having the highest inmate population in the country at 164,523. With current growth rates, it is projected that the number of inmates incarcerated in the United States will reach 2,000,000 during 2001. Not only are more people being incarcerated than ever before, but the number of women and minorities have also significantly increased. The female inmate population has nearly doubled from 44,065 in 1990 to 87,199 in 1999. Again, California has the highest female population in the United States at 11,692, nearly 13.5 percent of the total nation's female population (Beck, 2000).

In California, there are now 33 state prisons and 38 camps, all of which are overcrowded to some degree (California Department of Corrections, 2000). In addition to the specific issues related to prison overcrowding such as funding, officer and inmate safety, and philosophical concerns, overcrowding has caused a greater reliance on the use of probation as an alternative to imprisonment. Consequently, more individuals are being placed on probation for a wider range of criminal offenses (Linder, 1992). Many crimes that at one time would have resulted in a prison sentence are now being granted probation. This increase in serious offenders on probation has significantly impacted how probation supervision and services are implemented.

A Different Probationer Population

Since the 1980s, the demographic make-up of the probation population has changed markedly. According to the U.S. Department of Justice (Bonczar & Glaze, 1999), there were 2,670,234 adults on probation in the U.S. in 1990. By 1998, the number had mushroomed to 3,417,613 or an increase of 28 percent. Of this number, 57 percent were on probation as a result of a felony, 40 percent for a misdemeanor, and 3 percent for other infractions. In 1989, California had 285,018 adults on probation, 117,189 (41.1 percent) of whom had been convicted of at least one felony, and 167,829 (58.9 percent) of whom were on supervision following conviction for a misdemeanor. At the end of 1998, there were 324,427 adult probationers statewide, 229,681 (70.8 percent) for felony convictions. The remaining 94,746 (29.2 percent) were on probation for a misdemeanor. In large metropolitan areas this difference may be

even more pronounced. Today, probation is being granted to offenders with more serious criminal behaviors, greater drug abuse histories, and increased severity concerning current criminal activities (DelGrosso, 1997).

In 1998, in Orange County, California, 95.1 percent of all adult probationers were being supervised for at least one felony conviction, with the remaining 4.9 percent on supervision for a misdemeanor (California Department of Justice, Office of the Attorney General, 2000). According to data compiled by the Orange County Probation Department (Robinson, 2000), as of November 1999, 46.6 percent of felony probation cases involved *drug crimes*, 21.6 percent represent crimes against person(s) (e.g., robbery, assault), 16 percent are *property crimes* (e.g., burglary, theft), and 6.2 percent are *other crimes* (sex offenders). The remaining 9.6 percent are misdemeanor cases.

Because of the increase in felony probationers, administrators and probation officers have had to make adjustments in case prioritization, officer safety, and the allocation of resources. Case prioritization means that given a fixed number of personnel and resources, a line has to be drawn, separating those cases that *must* be supervised from those cases that *should* be supervised. Lesser crimes that traditionally would have received a good deal of supervision on probation are now being granted informal probation, which essentially means little or no supervision. The lesser cases that actually make it to formal probation are often chosen partly for political considerations, such as domestic violence or driving under the influence (DUI) cases. Because of the need to supervise the high-risk offenders on probation, those cases that do not represent a serious threat to the community are more likely to be terminated early, relieved of formal supervision, or sent to unsupervised caseloads.

Many probation departments now have revised mission statements using terminology such as community safety, probationer accountability, and victim advocacy, all traditionally associated with law-enforcement functions (Robinson, 2000). Although rehabilitation is still a major goal for most probation departments, there is increased attention to risk assessment. High-risk offenders such as child molesters and gang members are now being granted probation, with their risk to the community being carefully assessed. Probation departments have had to develop new policies and procedures to supervise high-risk offenders.

A New Type of Supervision

In traditional probation supervision, a probation officer has a caseload of mixed offenders. In some instances, the cases may be separated into misdemeanor and felony caseloads, but often they are based on geographical supervision considerations such as neighborhoods, zip codes, cities, and court jurisdictions. As higher-risk offenders are being placed on probation, it is becoming clear that there are new issues that must be addressed, especially officer and community safety considerations.

With the greater emphasis on community safety and offender accountability, probation officers have increased the amount and type of direct field supervision contact and interaction they practice. In many cases, officers are regularly entering the field with the express purposes of making arrests, conducting surveillance, exercising search and seizure, and investigating probation violations. This may or may not be a great departure from the traditional probation role related to monitoring. However, what is different is that POs are now increasingly conducting and participating firsthand in enforcement-type field activities, often without the benefit of police backup. It is now common for POs to participate in mobile vehicle surveillance, search and arrest warrant services for new law violations, gang task forces, and even "reverse" and "sting" operations.

In some instances probation officers are assigned and actively participate in multi-agency task forces or other collaborative efforts. Typically, these involve various law enforcement agencies with the specific intent of targeting specific offenders for purposes of criminal investigation, arrest, and prosecution. Law enforcement frequently relies on probation officers for information concerning the probationer's residence, living situation, current behaviors, and cooperation level with authority figures. In addition, probationers typically have specific conditions, such as search and seizure, that are of considerable benefit to law enforcement. Probation, in turn, relies on law enforcement for better protection when interacting with high-risk offenders in the community. These task force collaborative efforts are predominately enforcement-centered activities. However, collaborative efforts with other criminal justice agencies need not always be enforcement oriented. The best example of a non-enforcement, multi-agency, collaborative effort today is the drug court. In drug court, the judge, district attorney, defense counsel, probation

officer, law enforcement, and health care agencies all come together to meet a common goal, the rehabilitation and reintegration of the drug abuser back into society.

One way departments increasingly are addressing the community safety issue is by *specialized* caseloads supervised by a probation officer with training specific to the type of offender being supervised. Gang members, narcotics offenders, domestic violence, rapists, and sex offenders are examples of offenders that may be targeted for a specialized caseload. Typically, these specialized caseloads have a higher degree of enforcement activity because of the serious nature of the crimes. However, specialized caseloads can also be used to address offender needs in a more intense manner. Drug courts, the mentally ill, and early intervention of high-risk youth are examples of cases that can benefit from the same intense supervision strategy, but in a traditional rehabilitative context.

Arming Probation Officers

With specialized caseloads and increased enforcement activities come special safety concerns. Placing a number of high-risk offenders on the same caseload with intense enforcement-oriented supervision can heighten concern for PO safety issues. One way departments have addressed this issue is by permitting POs to carry firearms.

Whether POs should be armed continues to be a fiercely debated topic in corrections today. In the federal probation system, all but 11 of the 94 federal judicial districts permit U.S. probation officers to carry firearms. A review of the literature reveals three major issues related to arming: philosophy, liability, and officer safety (Brown, 1990; Sluder, et al., 1991; DelGrosso, 1997).

The philosophical debate revolves around whether a probation officer can effectively perform traditional probation work while armed, with traditionalists tending toward the negative anti-arming response and enforcement-oriented POs tending toward the positive. The traditionalists believe that carrying a firearm contributes to an atmosphere of distrust between the "client" and the probation officer, ultimately impacting the ability of the officer to be an effective agent of change. Enforcement-oriented probation officers, on the other hand, commonly view a firearm as an additional tool to protect themselves from the risk associated with increased interaction with violent, serious and/or high-risk offenders (Sluder, et al., 1991).

The second major consideration is the liability potential for both the individual officer and the department if the weapon is used or discharged. A related issue also distinguishes between carrying a firearm on-duty versus off-duty. The use of deadly force and the liability associated with it are extremely important issues for both the officer and the department. Another major issue involves the department's liability if an officer is injured or killed in the line of duty, and it can be proven that the officer might have survived if he or she had been armed (DelGrosso, 1997).

One of the most contested facets of arming involves the actual and perceived safety of the officer. While most departments acknowledge that probation work poses some level of risk to the officers, the level of dangerousness is actively debated. Nationally, probation officers are increasingly voicing a concern for their safety when conducting field activities (Linder & Koehler, 1992; DelGrosso, 1997). Until recently, there was little empirical data concerning the types and frequencies of assaults involving probation officers and field supervision. In 1993, the federal probation and pretrial officers association conducted a national survey of agencies nationwide concerning the type and number of serious assaults against officers while on duty. In the study, over 459 or 48 percent of the agencies responded. A number of major metropolitan cities did not respond, making it likely that the data may *under-represent* the number of assaults against probation officers (Bigger, 1993). Bigger reported a total of 1,818 serious physical assaults, with an additional 792 attempted assaults against officers between 1980 and 1993.

The Administrative Office (AO) of the U.S. Courts recorded 178 hazardous incidents that were reported by U.S. probation and pretrial services officers for 1998 (*News & Views*, 1999). Of these incidents the most common were phone, letters, or indirect threats (48), followed by "dangerous" situations (29), and animal attacks (26). There were 17 instances of individual and crowd intimidation and 15 situations involving firearms or edged weapons. The AO also recorded 8 verbal threats against USPOs and U.S. pretrial services officers and 2 unarmed assaults. The incident perpetrator was the offender in 45 percent of the cases and another person was responsible 35 percent of the time. The majority of incidents occurred in the field (56 percent) while 28 percent were recorded in the office.

A Different Probation Officer

In probation today, an officer's individual preferences and philosophies are often held in check by the department's command structure and policies. Because POs with more years of service are likely to have been hired at a time when probation work was associated with treatment and social work, these officers are more likely to subscribe to the rehabilitative model. In short, the older the PO, the more likely it is that he or she is treatment oriented. Because newer POs have been educated in a "get tough" era, they are more likely to be enforcement-oriented. At a minimum, a new officer's idea of effecting change is more accountability driven, a concept consistent with a law enforcement approach to supervision. Today, it is widely accepted that the medical model, which was widely used in probation 25 years ago, has largely proven ineffective in a correctional environment. Consequently, newer officers are more likely to use social learning theory and behavior modifications models that have experienced greater success (Gendreau & Ross, 1983). These models typically possess a higher degree of offender accountability and thus are more consistent with the law-enforcement model.

In most agencies there are multiple PO generational philosophies within the same department, each influencing and being influenced by the others. The successful transition of a department's integration and implementation of philosophy through policy and procedure depends on the successful blending of the two opposing philosophies. The idea should be to develop an effective supervision strategy to best supervise the most cases based on individual circumstances. One way this can be accomplished is by matching a person's philosophy or supervision style (matching PO and offender) with the caseload or assignment that best fits him or her. If a person subscribes to an enforcement philosophy, then that officer will do better in a caseload that requires more monitoring of conditions than facilitating counseling. Conversely, those that subscribe to treatment are better suited in treatment opportunistic caseloads. This is obviously much easier to accomplish in large metropolitan departments where there is a large personnel pool of varying philosophical ideologies. Smaller jurisdictions may demand a greater flexibility on the part of the probation officer to perform a variety of functions and duties.

Protecting the community has always been a part of probation's mission; however, with

an increased emphasis on achieving this goal through the control of the offender, probation officers are increasingly engaged in more police-type activities. These activities will inevitably change how probation agencies operate. Unfortunately, with these new activities and responsibilities come increased safety concerns.

Conclusion

The view of the authors on the issue of arming probation officers is consistent with that supported by the American Correctional Association, which indicates that there should be a *demonstrated need* for firearms, and once the need is established there should be adequate and ongoing training. Therefore, the first priority is to identify the *need* to carry a weapon by officers that are employed in high-risk assignments. Examples of such assignments might include specialized violent or sex offender caseloads, gang units, officers responsible for executing violator warrants, and officers on assignment to a local or federal task force. In addition, the department will want to closely examine and assess areas that pose a significant danger to officer safety when conducting field work. In establishing the criteria to justify carrying a weapon on duty, departments will also want to explore other available options short of carrying a firearm like training in verbal de-escalation, techniques of holding and stunning, direct mechanical control without weapons, the use of chemical agents, and the ability to disengage. In assignments where the risk is less apparent these options may be sufficient. We believe that officers should not be required to carry a firearm if they are philosophically opposed to arming. Providing an "option" allows for a better PO/assignment match with less officer resistance and resentment. The optional arming approach should provide a large enough pool of officers who want to carry firearms to satisfy the safety needs of the department. For those departments that have a large number of high-risk assignments or caseloads requiring the arming of most officers, arming should be implemented gradually.

A possible outgrowth of arming is that as probation officers come to be thought of as more like the police in protecting public safety, the image of probation may be enhanced in the public eye. In fact, public support for treatment may well be amplified when probation is trusted to put community and officer safety first.

What is not changing are individual role perceptions. Some traditional purists are de-

voted to a positivistic philosophical orientation that can no longer be broadly applied to all or even most offenders without considerable risk to the officer and the community. Consequently, efforts must be made to better integrate law-enforcement strategies into the traditional treatment approach. Both treatment and enforcement orientations can be blended to provide an enhanced rehabilitation-community protection supervision style, but the use of both strategies is critical.

Enforcement techniques can help accomplish a number of rehabilitative goals. Increased monitoring can achieve increased community protection, closer supervision for high-risk offenders, and quicker interventions. Drug testing and search conditions can help the PO verify the probationer's level of compliance. For offenders unimpressed with probation and unmotivated to make constructive life changes, enforcement-related sanctions can be used to induce motivation. For those actively participating in treatment programs but still experiencing difficulty, like submitting "dirty" urine tests, close monitoring and surveillance is an effective way to detect relapse at the earliest possible time. An assessment can then be made about the need for more intensive treatment strategies.

Enforcement and accountability are strongly supported by the general public and they need not be viewed in a negative light by practitioners who support a treatment approach. The heightened emphasis on accountability and our law-enforcement role is simply the latest shift in an ever-evolving system. Many agencies throughout the United States have clearly demonstrated that community and officer safety considerations need not conflict with goals of offender rehabilitation.

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