Waste Managers? The New Penology, Crime Fighting, and Parole Agent Identity

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This ethnographic research, conducted in a parole field office in central California, looks at how Feeley and Simon's (1992) "new penology" paradigm plays out at the level of implementation, given competing pressures on agents to be tough on crime as well as successful danger "risk managers." Findings suggest that agents embrace a traditional law enforcement role for themselves that primarily takes an individualistic approach to the clientele and an intuitive approach to their management, rather than taking on the new penological role of actuarial risk managers defined by upper management. The agents were influenced by the popular discourse on crime in defining their priorities and actively subverted directives management issued to reorder those priorities. As Simon (1993) foreshadowed in his work on parole, the agents in this setting did not appear poised to become mere human "waste managers."

In their conceptualization of the "new penology," Feeley and Simon (1992) argue that over the past few decades, a systems analysis approach to danger management has come to dominate criminal justice administration, and they suggest that the penal enterprise may well be evolving into a "waste management" system rather than a normalizing or rehabilitative one. In their model, those in the dangerous class of criminals are nearly synonymous with those in the larger social category of the underclass, a segment of the population that has been abandoned to a fate of poverty and despair. Ultimately, Feeley and Simon imply a deep institutional cynicism about the redemptability of this class in their suggestion that contemporary corrections may be inevitably heading toward an operational goal "of herding a specific population that cannot be disaggregated and transformed but only maintained—a kind of waste management function" (p.

470). Simon (1993) fleshes out the waste management analogy in his discussion of the potential futures for corrections. Since any investment in this dangerous class would be deemed futile, the waste management model would entail securing its members at the lowest possible cost. The "toxic waste" containment sites (Simon 1993:260) would be the underclass communities where those under the control of community corrections would be required to live, and in this potential postmodern penal world, front-line crime control workers would merely manage and distribute dangerous bodies, with little affective or relational involvement (Simon 1993).

The pursuit of this goal of managing dangerous populations (or "waste managing") is manifested in the language and strategies of the "new penology." Specifically, Feeley and Simon (1992) delineate three distinct elements to the new penology: First, it is manifested in a new discourse that emphasizes risk and probability as applied to a criminal population rather than diagnosis or moralistic judgments of individual wrongdoers. Second, they posit that the new penology is reflected in objectives transformed from an earlier emphasis on punishing or normalizing deviants to a current focus on identifying and managing classes of criminals. Finally, they argue that this shift in objectives has triggered the development of a new set of techniques for carrying out the goals of classifying and controlling aggregate risk, including the use of drug testing to measure risk and statistical/actuarial methods for setting risk level.

At the heart of what distinguishes the "old" from the "new" penology is the relative abandonment of the individual in defining and managing criminal populations. The individual, in old penology, is a volitional actor who can be reformed, treated, or punished; thus, his motivation for criminal behavior is an important element to determining appropriate penal action. While old penological policies may refer to aggregates and categories of criminals, the interventions are distinctly aimed at changing the criminal actors or "individuals."[1] In contrast, new penological strategies, according to Feeley and Simon (1992), are not concerned with why criminals commit their illegal acts but rather with how to most efficiently manage the level of reoffending risk posed by them.

Their evidence for the pervasiveness of the new penology paradigm taking hold at the macro level in many criminal justice institutions (and among some academics) is compelling. In par-

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[1] For example, policies aimed at rehabilitating, shaming, teaching a lesson, and even to some extent deterring are all old penology, because they seek to identify the internal motivation for criminal behavior and tailor the intervention to fit. New penology policies would be more geared toward selective incapacitation, developing surveillance and other detection methodology, and implementation of cost-effective management tools.

ticular, Simon's (1993) analysis of California parole over the past century clearly and convincingly documents this kind of paradigm shift within that agency's upper management. Yet, while the theorists (Feeley & Simon 1992; Simon 1993) present these "new penological" changes as indicative of the beginning of a distinct postmodern penal era, other scholars are not so convinced that it can be distinguished from modern-era criminal justice practices (e.g., Garland 1995; Lemert 1993; McCorkle & Crank 1996; Sutton 1995).

For instance, Lemert's (1993) observations at several probation departments in California suggested to him that the assessment of risk and danger at the field level was based on probation officers' personal assessments of which cases are "serious" and which can be ignored rather than systematic actuarial techniques, and that these intuitive assessments determined, as much as anything, the allocation of time, resources, and surveillance. Thus, he concluded that at least for probation, this sort of danger classification system is merely "an old practice with a new name [bankloading]" (Lemert 1993:460; see also Maupin 1993).

Indeed, the whole notion of managing danger and risk in penological practice is not new. Even at the height of "old" penology in the early decades of this century, when a panoply of correctional and rehabilitative methods was being developed and introduced, the policy of eugenics was implemented with the explicit goal of neutralizing the danger posed by criminal and other dangerous or defective classes, as were a range of habitual offender statutes that were predecessors to the contemporary "three strikes" laws (Friedman 1993; Lowenthal 1993; Rafter 1994). While some of the new penological strategies to manage risk among dangerous classes may be revolutionary, the notion that there are classes of offenders that need to be handled according to risk posed is not. Further, the use of statistical behavior prediction formulas in a variety of professional settings date back to the 1930s (Grove & Meehl 1996), although the goal in using such methods—as indicators for control interventions rather than of treatment interventions—may indeed be a marker of a "new penological" era.

Even Simon and Feeley (1995) recognize that the new penology "account" has yet to take hold in public and political discourse about crime, for a number of possible reasons. As they point out, the populist conceptualization of crime and criminality is in many ways completely contrary to the new penology tenets, which may ultimately undermine its viability: A major departing point lies in the attribution of crime causation and, again, the role of the individual in criminal behavior (Simon & Feeley 1995). The dominant public view of the criminal as a volitional actor, which underlies most popular justifications for punishment—whether they are soft (i.e., rehabilitation), or hard line

(i.e., "just deserts")—is a perspective that is still rooted in old penological ideals and is not reflected in the new penology.[2] Given the current popular political stance that we must be tough on those who choose to transgress, and in ways that are overtly punitive and vengeance-seeking,[3] the new penology just does not seem to have the necessary elements to fulfill those goals, given its indifference to these kinds of affective elements of punishment. So while the end goals of the new penology and of the public may overlap and converge—both have an interest in identifying and controlling the risk of danger to the community posed by criminal populations—the appropriate *methods* for achieving that end diverge in potentially irreconcilable ways.

One site for examining whether the new penology is indeed emerging as a distinct penological operating system is at the place where strategy is put into penal practice: at the level of implementation. There is reason to think that the contact point between the institution (and its new penological policies) and the outside world (with its old-fashioned "modern" take on criminality) is one battleground where the sustainability of the new penology may be tested. Feeley and Simon (1992) themselves recognize that those who work in corrections resist some of the underlying presumptions of the new penology, and Simon (1993) suggests that for parole specifically, the field agents may be a source of strong resistance to the "waste management" model, due to their intimate involvement in parolees' lives. Yet the new penology conceptualization does not fully address penal practice at the front lines where policy is put into action by crime control workers. The present work reflects an effort to fill in that gap by revisiting parole with a focus on the field-level operations.

Recent History of California Parole

The place of parole supervision within the penal system has been precarious ever since rehabilitation was deemphasized as a criminal justice goal in the 1970s and the popular demand for punishment shifted toward a retributive philosophy (von Hirsch & Hanrahan 1978). This ideological shift threatened parole agencies in jurisdictions nationwide, as parole was assumed by the public and by state policymakers to be based primarily on rehabilitative ideals (Cavender 1978, 1982). In keeping with the new trend, the state of California switched from an indeterminate criminal sentencing scheme (based on a rehabilitative

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[2] As Simon and Feeley (1995) point out, the new penology does not engage the issue of causality in its approach to managing crime and criminals.

[3] For example, a growing trend in punishment seems to have taken hold across the country in recent years, where the goals are to shame (Bender 1996), inflict bodily punishments (Fromson 1994; Ozimek 1997), and turn prisons into even harsher and more punitive environments (Haney 1998; Haney & Lynch 1997), so that the criminal offender pays a price for wrongdoing.

model) to determinate sentencing in 1977. While parole was not completely abandoned in California during this penological reconstruction, discretionary parole was substantially eliminated (Messinger et al. 1985) and the nature of field agents' role began to change. Although the agency did not explicitly reject all "rehabilitative" goals for parole, in practice fewer resources were devoted to such aims and the once-valued agent-client interpersonal relationship was deemphasized (Simon 1993). Indeed, by the 1980s, parole supervision evolved to be little more than a gateway back to the institution, given extremely high recidivism rates, decreased flexibility in case management, and growing caseloads (Messinger et al. 1988).

In recent years, parole as a viable arm of the correctional enterprise came under even more direct political attack in California. Parole supervision practices were at the core of the publicized criminal justice debate in the 1994 governor's race, and its very existence was threatened in the state (Endicott 1994; Epstein 1994). Commentators questioned whether parole served any useful purpose, and given the "tough on crime" atmosphere in the state, parole was labeled as both soft and ineffectual in dealing with the criminal population (Chance 1994). While parole appears to have survived this latest attack on its utility, the statewide agency is now both visible and vulnerable to criticism.

Forces both within and outside of corrections have placed parole in this "accountability" crisis. Simon (1993) describes the ways in which structural changes in the United States have taken their toll on the very population from which most parolees come, which have, in turn, impacted agents' ability to do their job. Most notably, the loss of a solid industrial base over the past few decades, which has traditionally supplied jobs (and a "normalizing" influence) among poorer inner-city communities, has left urban parolees with few opportunities and has left agents with fewer venues in which to monitor and supervise their clients.

Concurrently, the waning political support[4] (both philosophically and fiscally) for rehabilitative measures to deal with criminal populations has meant the stripping of another mode of parolee surveillance and regulation—involvement in community-sponsored therapeutic or self-improvement activities. The result has been that a vast number of parolees have nothing to do and nowhere to go, day in and day out, and their agents have inadequate resources to change those circumstances or even to easily

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4   Generally, elected politicians, including those who create law and policy on criminal justice issues at the state and federal level, have been afraid to propose or support anything that could be perceived as soft on crime, in large part because of their somewhat mistaken belief that their constituents demand the harshest crime measures available; see, e.g., Applegate, Cullen, & Fisher 1997; Cullen, Cullen, & Wozniak 1988; Cullen et al. 1998; McGarrell & Sandys 1996.

monitor parolee behavior, given the lack of structure in many parolees' lives.

Simon (1993) argues that these changes have resulted in a crisis of plausibility in the account offered by the parole institution as to its function and its ability to fulfill that function, culminating in the move toward an operating model that simply strives to manage risk among what is perceived by the agency as an inherently dangerous clientele. Thus, he suggests that the goal of parole operations has evolved into one that almost exclusively focuses on differentiating between levels of danger posed by this class and securing them from the rest of us. In this managerial (or "new penological") model of parole, agents merely serve to carry out the actuarial methods of risk prediction[5] and follow with interventions and arrests when the "data" indicate such actions. Yet, despite the parole agents' centrality to implementing the agency's policies, the field-level workers' interpretation and implementation of such job demands were not comprehensively explored in Simon's 1993 work on parole.

The Field Agent as Policy Interpreter

Nonetheless, the role of the front-line crime control worker cannot be discounted in any effort to understand the mechanisms or strategies at work in criminal justice institutions or organizations. In the case of parole, the field agents are situated where the organizational culture meets the broader social culture, and they are the last and most direct contact point between the institution and the clientele. The agents truly "do" parole, by making arrests, interacting with other crime control agencies (most significantly, local police), conducting surveillance, visiting parolee homes, and directly interacting with the client population. Thus, their interpretation of parole and its function necessarily shapes the enterprise itself, at least to some degree. Indeed, they can be thought of as "primary 'bearers' of penal culture" (Garland 1990:210), who transform cultural conceptions about penal practice into penal action, basing the transformation on an amalgam of training and professional and institutional socialization, as well as exposure to the broader cultural demands.

A range of sociolegal and criminological research indicates that organizational policy set by management in criminal justice settings does not get implemented without some reshaping by workers who are responsible for carrying out policy-related tasks. Specifically, those in the front line (e.g., police officers, probation officers, parole agents) will emphasize the role demands that they feel are worthwhile and within a set of broad organiza-

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[5] Including systematic drug testing of the clientele, which is a major facet of the agent job.

tional constraints, will subvert or downplay the tasks and duties deemed unimportant or somehow problematic.

Richard McCleary's (1975, 1977, 1978) work on parole, although carried out at the very end of the rehabilitative era, nonetheless still offers a telling illustration of the ways in which parole agents translate the directives and demands of the agency in which they work. He conducted extensive field research in an urban parole field office, focusing in large part on the role construction of the field agents. He found (among other things) that agents discounted the importance of various report writing duties imposed by management and at the cost of accurate accounting even used paperwork and recordkeeping for their own benefit. While the agents he observed worked within a defined set of managerial constraints—certain tasks had to be carried out in prescribed ways—they were able to redefine, or at least reshape, many role demands to suit their needs and desires. Parole agents (and probation officers) also have the burden of what has been described as an inherently contradictory role to fulfill (Allen et al. 1985). The effect of the demand to be both law enforcement oriented and sensitive to social work considerations on agents' identity has been documented extensively, and the agents' orientation preferences appear to influence how agents carry out their parole duties (Dembo 1972; Fulton et al. 1997; Klockars 1972; Ohlin, Piven, & Pappenfort 1956).

Similarly, Skolnick's (1966) classic ethnography of urban policing powerfully demonstrates how officers shape the definition of their job and construct a strategy for policing based on their redefined goals and priorities. Bittner's empirical and theoretical contributions to the scholarship on policing (see Bittner 1990 for a collection of this work) also illuminate how the complex interactions between patrol officers' routines and preferences, official organizational mandates, and public expectations of police shape the way policing is done in the field. More recently, a number of scholars (e.g., Boyd, Berk, & Hamner 1996; Herbert 1996; Leo 1996) have contributed to a deeper understanding of how front-line police officers and investigators influence the way that law and policy get implemented in the field. Even Emmelman's (1996) ethnographic work on how public defenders plea bargain and Cavender and Knepper's (1992) observations of juvenile parole revocation decisionmaking offer accounts of the way that a myriad of organizational demands, working ideologies, and developed discourse strategies influence criminal justice workers to produce varying outcomes for clients. Clearly, those in the criminal justice organization who are charged with carrying out the agency goals play an important role in how "justice" is achieved.

From a theoretical standpoint, there is also evidence to suggest that macro-level explanations of institutions do not always

adequately and accurately account for what happens at lower levels of social action within an organization. Lynne Haney's (1996) theoretical findings drawn from her research in an urban California juvenile justice system offer an excellent illustration of this phenomenon. She specifically addressed how well contemporary feminist state theory explained the processes at work in the relationship between young women clients and their juvenile justice crime control agents, and concluded by questioning the assumption that the state, through its agents, uniformly imposes a masculine agenda on women with the goal of creating dependence on the patriarchy. Rather, she found evidence that at the micro level of agent-client interaction, the pattern was reversed, in that clients worked to maintain their dependent relationship to the state, in opposition to the state agents' efforts. Thus, she cautioned that structural explanations of institutional apparatuses must take into account micro-level processes, as they may indeed be at cross-purposes with each other. For the new penology as a theoretical framework that can explain contemporary penal practice, the question of how directly it can funnel down to account for micro-level operational practices in penal institutions has yet to be fully answered.

The Study

In the following pages, I first describe the current place of the new penology in parole, focusing primarily on the degree to which the paradigm operates at the field level of parole. Specifically, I illustrate the degree to which the discourse, stated objectives, and policy demands at the field level emphasize actuarial methods of identifying and managing risk. I then turn to a description of the ways that "modern" discourse about crime and criminal behavior, which emphasizes individualized assessment of wrongdoing, moral culpability, capacity for reform, and traditional methods for dealing with criminal risk, are manifested in the day-to-day routines of the field office. I follow this by demonstrating how these two sets of discourses and operational presumptions are sifted through, resisted and/or adopted, and ultimately translated into action by the agents themselves. Finally, I discuss whether what happens at the field level in this organization provides empirical support for Feeley and Simon's (1992) inference that a distinct shift in penal practices has occurred in recent years. Are field agents becoming the actuarial workers that the new penology would require? If agents are rejecting the new penological management model, what *is* their interpretation of their penal role? And as the overarching political culture in regard to crime seeps into the daily operations of parole, are the ways that agents divide their time, allocate resources, and perceive their role affected by those messages?

Method

I spent between 6 and 11 hours a week over 12 months in 1994–95 as a participant-observer in a California Department of Corrections (CDC) parole field office, located in a large city in the central coastal region of California. I entered into an established volunteer/intern program run by the Parole and Community Services Division of CDC, in which participants were expected to become actively involved in all parole agent duties except making arrests and handling evidence.

During my year as participant-observer, I was assigned to one sponsoring agent, although I was encouraged and able to work with other agents in the office. The agents and managers were aware that I was conducting research while working as a volunteer, and most were willing to speak openly to me and/or include me in their daily activities. I was discouraged from taking notes while at the site, so I usually wrote my field notes immediately after my day in the field.

In my participant role, I wrote pre-release parole plans, made phone calls, accompanied agents in the field, and sat in on agent meetings and parolee-agent appointments. Eventually, I was assigned a "caseload," which meant I was responsible, under the supervision of my assigned agent, for four parolees.

Upon completion of my participation in the volunteer program, I continued to go to the office, although less often, over the next 18 months, to collect data from closed parole files and to interview and observe additional agents.

Data collection over the entire research period consisted of taking detailed field notes about my observations and activities, conducting formal and informal interviews with 15 agents and unit supervisors, and culling a variety of information from recently closed parolee files, as well as from official CDC produced documents, including the official *Parolee Handbook,* the *Parole Operations Manual,* a parole services training video, and printed training materials. The formal interviews were tape recorded with the interviewees' permission; the less formal interviews (which often took place while I was traveling in the car out in the field) were not recorded.

I began the analysis of my fieldnotes by coding for general themes reflected in the data, then proceeded to a focused coding scheme (Emerson, Fretz, & Shaw 1995) of those sections of my notes relevant to the broader themes of interest here: agent identity, its manifestations, and situational/interpersonal/structural influences on the agent role. My analysis of interview data also entailed multistepped coding within thematic categories. I used my three data sources—my fieldnotes, my interview notes and transcriptions, and written "official" materials (i.e., the bulletins,

closed file data, guidelines)—to test the quality of my information and observational interpretations against each other.

The Site and Organizational Structure

The office to which I was assigned—one of two for the county it serves—held three parole field units, each of which handled a geographical segment of the assigned region. The research site was a state-operated office building near the downtown area of Central City (a pseudonym) located a half-block off a major commercial thoroughfare, in a somewhat rundown neighborhood dominated by retail businesses.[6] Overall, this office handled the more urban areas of the county, while the second office covered a more diverse region, including quite a bit of rural territory.

I was assigned to work directly for a Parole Agent 1, whose position represents the lowest rung in parole agent positions. In my unit, there were six agents at this level, each of whom handled about 80–90 active parole cases at the start of my fieldwork. Above the parole agent is the acting assistant supervisor (P.A. 2); there is usually one person at this level in each unit. The P.A. 2 caseload is somewhat lighter because of the supervisory duties, and such agents tend to only handle minimum-supervision parolees. The assistant supervisor also participates in case assignment and oversees some mundane management tasks (e.g., overseeing car safety inspections).

At the top of the field-unit authority structure is a unit supervisor (P.A. 3) who, at the start of my research period, oversaw an average caseload of about 600 "live" cases, and an additional 200 or so composed of returns (to prison), absconders, and arrestees in custody. The unit supervisor is involved in decisionmaking on every activity report on every parolee in the unit and also must review each new parolee file to check on the agent's assessments of risks and needs (which determines the level of supervision).

Findings

New Penological Discourse and Goal Setting in the Field Unit

The shifting focus in regional and statewide management to new penological strategies in parole operations was clearly evident at the level of the field parole office. California's parole management statewide continued to be engaged in a huge effort to systematize parole, and the linguistic emphasis on risk assessment and on standard operating procedure was partly how that effort is manifested. Over my period of observation, an advanced

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[6] This office has since moved (in early 1996) to new quarters about two or three miles from the original office. The new facilities, while more modern and roomy, already are becoming cramped.

statewide computerized tracking system was being put in place, and along with it came an emphasis on the "data" to be inputted. Training reports referred to the parolee tracking records, documentation records, and other quantifiable written records kept in the field office as "data," and set goals for field units to achieve a "data quality error rate" of 5% or less[7] for all computerized records on the Interim Parolee Tracking System databank. Because the agency was upgrading its computerized information system to the more technologically advanced California Parolee Information Network during my period in the field, the field units were under particular pressure from management to ensure that up-to-date, complete, and accurate information was being entered into the computer systems. The ultimate goal of this data collection was to enable maintenance of systematic surveillance over parolees through access to the database by correctional and law enforcement agencies statewide. While such databases can potentially be used to devise corrective policies to ameliorate adjustment problems parolees face, they are in this agency used solely to further the goal of systematic danger management through tracking offenders.

The management concern for data collection was particularly evident when both case reviews and case audits were performed, because they were key to keeping a check on data collection quality. For both supervisors and agents, the case reviews and audits were among the most dreaded events at the field-unit level. They entailed the close scrutiny of agents' parole files to ascertain whether the "specs"[8] were made and properly recorded for a given period. The actual behavior of the individual parolees was not the focus in these reviews; rather it was whether the agents had made their mandated number of contacts, collected parolee urine samples in a timely manner, filed reports or reviews within established time limits, and adequately kept written documentation of these required tasks. Region headquarters interest in this sort of recordkeeping was manifested in the staff recognitions made in regional training bulletins—one third of all the staff recognitions were given to various unit supervisors for successful recordkeeping by their field units in several of the 1996 training bulletin issues.

This emphasis generally meant that parole agents spent what they perceived as ever increasing amounts of time on paperwork

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7 The computer databases were to include, among other matters, parolee demographics and descriptive information, level of supervision and parole status, contact information. The error rate refers to information in the databases that is out of date or otherwise erroneous and missing information.

8 The use of the term "specs" is another example of new penological discourse. It refers to the mandated contacts and requisite documentation of action that must be made on each case. The specs are set by level of supervision and the nature of the special conditions attached to a given case (i.e., periodic drug testing, attendance of counseling or substance abuse meetings, etc.).

and recordkeeping, and they were being held more accountable for fulfilling these tasks. The pressure to be current on documentation, report writing, and data input was daily present at the field-unit level; unit supervisors encouraged their agents to "cover their butts" by doing proper paperwork to keep the unit out of trouble with regional management in San Francisco or statewide management in Sacramento. During one period when the unit had lost two agents but kept the same caseloads, the unit supervisor was forced to reduce a group of cases to minimum supervision[9] that would not normally meet the criteria, so that the required contacts could feasibly be met. Ironically, it was at the expense of the integrity of the new penological classification system designed to set supervision levels based on assessed risks and needs that the new penological goal of quality data collection was met. In other words, to fulfill the goals of honestly completing the specs on all the active cases, the established classification criteria for risks and needs were violated by lowering supervision levels for parolees who were not "qualified" for those lowered levels.

And while the microscope was being aimed at careful documentation by upper management, the level of paperwork and caseload numbers have also increased dramatically over the past few years, according to the field agents and unit supervisors in several of the local units. One agent reported that while her caseload had increased by more than 60% since 1988 when she started as a parole agent, she was also required to do more paperwork than ever before on each case. The result, she reported, was that "I do more paperwork than I do casework, in terms of seeing and dealing with parolees." Another agent, who had gotten out of probation work eight years earlier because of the inordinate amount of paperwork, said that the level of such work in parole was now worse than it had been in probation.

Thus, parole at the planning and policymaking level continues the new penology push into the field office operations. And in terms of future visions for parole, much of the fiscal and energy investment also appears to be in upgrading risk-prediction methods and advancing broad surveillance capabilities with complex technology for the management of parolees that will require even less agent-parolee interaction than is now the case (California Department of Corrections 1996b; Montes 1996). By increasing both the volume and the value of noninteractive agent tasks, management applies constant pressure, in the form of proce-

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9   This categorization meant that the parolee needed only to mail in monthly reports listing home and work addresses, hours worked, and other minimal personal information. This status was generally reserved for those parolees who had work, were trouble free for a significant period of time, and who had been on parole supervision long enough that he or she could be trusted. During my period in the field, I did not observe anyone who was labeled "sex offender" being put on minimum supervision.

dures, paperwork, positive recognitions, and reprimands, on the agent to deemphasize traditional surveillance or social work techniques and to decrease agent-client face-to-face contact. Under these practices, internally defined accountability needs can be met and the risk of human error, bias, or discretion can be eliminated in the drive toward optimal danger management.

Public Crime-Fighting Pressure

While the push from management was consistent with the actuarial model described by Feeley and Simon (1992), the field office was not working in isolation from the larger world. The broader social and political climate about crime and criminality was clearly influential at the field-unit level during my period of observation. Publicly, parole agents were being held accountable as front-line warriors in the battle against crime, and they were being criticized for doing an inadequate job of it. At about the time I began my fieldwork, a broadly punitive version of the three strikes law had just been overwhelmingly approved by the public in reaction to the crimes of one California parolee—Richard Alan Davis.[10] Soon after, statewide media and political uproar also exploded over the parole of another infamous felon in the state—Melvin Carter.[11] In both of these cases, the parole agency's ability to keep the community safe was publicly and pointedly questioned. Thus the agency and the agents were very defensive about their ability to protect the public and were under added pressure to prevent any incidents that could end up in the media spotlight.

Both of these publicized cases involved histories of sexual assaults by the offender, which contributed to the prevailing definition within the agency of sex offenders as the most dangerous class of clients. Offenders who had a documented record of sexual misconduct, with or without an actual conviction, were at once the most controlled and most reviled parolees. Every sex offender[12] in the unit's caseload had to be closely watched and scrutinized, which decreased the agents' ability to supervise other

[10]   Davis, a California felon who had been released on parole for just a few days at the time of the offense, was arrested for the kidnap, sexual assault, and murder of a young girl, Polly Klaas. He was later found guilty and sentenced to death for the crime. This highly publicized case catalyzed much criminal justice policy and debate, including the introduction of several three strikes bills in the legislature, the enactment of the toughest of these bills, and a landslide voter endorsement of a three strikes ballot initiative in the state.

[11]   Carter, a convicted serial rapist, was actively shunned from every community in which the corrections department tried to release him on parole. This "news story" was extensively covered by electronic and print media throughout the state. Finally, the state Department of Corrections placed him in a rural state-owned location until the uproar subsided.

[12]   "Sex offender" in this office meant anyone from a serial rapist or pedophile, to a parolee convicted of a nonsex crime but who had an unproved allegation of a sexual offense in his record, to someone convicted of a consensual statutory offense.

parolees. Such offenders were also more likely to have their parole revoked for minor violations, such as an unreported job or residence change or an unauthorized trip out of the jurisdiction. Because these parolees were viewed as highly likely to reoffend, the inability to pinpoint their whereabouts at any given time was considered an unacceptably risky situation.

Yet while the agency's new penological risk identification strategies were to some degree responsible for the classification of sex offenders as the new dangerous subgroup—for example, parolees were automatically given "high control" status[13] if they fit the sex offender criteria and most were maintained at high control until parole discharge—the way in which agents set out to *manage* this dangerous class of offenders was rooted in traditional crime control techniques.

A rather telling example illustrating how the "new penology" met the old-fashioned "modern" crime control strategies at the field level occurred during an interagency meeting between the local police department representatives and the field agents, supervisors, and field parole administrator[14] from the county's two parole offices. The primary agenda issue for the meeting was how to get sex offenders registered with the city's police department within a legally mandated 14-day period, given the in-depth registration procedure that the police department had recently instituted. This intensified police registration policy is a shining example of the new penology at work: By creating a detailed databank of these dangerous felons, the ability to track them is ideally enhanced. Yet it posed problems for the parole agency by impeding its ability to meet the deadlines for registration of sex offender parolees. The field parole administrator announced to the group that the agency needed the police registration statistics to reflect that it was getting the sex offenders registered in time, or else his region would come under fire by state management, since sex offenders were "the issue of the year." Because the police, responding to the same political pressure, had instituted a cumbersome new registration policy, the new procedure occasionally resulted in a time lag so that registration could not be completed within the 14 days mandated by both agencies and the state statutes. A compromise solution was reached when the two agencies agreed to use the date that the parolee set up the appointment for his police station registration interview as the re-

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[13]   The high-control risk assessment indicated that the most intensive level of supervision (of the three defined levels of supervision) was mandated for the parolee.

[14]   This position fell somewhere between those in upper management and those who worked at the field-unit level. Our field parole administrator, who oversaw seven units across three counties, kept an office at four sites. He was responsible for getting management policies implemented in the units, and he also made sure that the agency met various unit needs (space, services, resources, etc.). He did not directly deal with parolees as a part of his general routine.

gistration date if the actual registration appointment fell outside of the two-week time period.

Afterward, the postbusiness discussion among the meeting attendees centered on the infamous sex offenders from the area. In this less formal discourse, the traditional approach to danger management that is actually used by both groups, and the prevailing conceptualization of the dangerous class, was revealed. The vivid accounts of the "sick" and "perverted" acts committed by these offenders were met with disgusted laughter. Several parole agents boasted about their intricate surveillance strategies to "nail these guys" and how they had moved so fast on one of the notorious offenders that he was back in custody on a technical violation within 24 hours of his prison release.[15] One of the police representatives conceded parole's good work on that case by suggesting that parole was not letting the police get a chance at the "bad guys." Implicit in the discussion was the assumption that a person convicted of a sex crime will reoffend; yet, the way to address these criminal types is "proactive" law enforcement, with a reliance on traditional methods of detection and incapacitation (including setting up the targets with quasi-entrapment schemes) rather than relying on a schedule of contacts mandated by the agency-defined "high control" status to keep the threat of danger from such parolees in check.

Thus outside pressures—public and political—helped define for the agency which categories of offenders were the greatest social threat—in this case, sex offenders. The law enforcement agencies at the management level responded to the pressure by beefing up systematic procedures to track members of the group, and the field workers in both agencies did what needed to be done to technically meet the policy demands, as illustrated by the resolution they settled on for the registration problem. Yet the front-line crime fighters at the meeting were clearly more enthusiastic and confident in their ability to get the danger management job done with old-fashioned law enforcement.

These outside pressures also appeared to push agents even more toward the traditional crime-fighting techniques. It became evident that the larger social narrative about crime, and the measures necessary to control it, at once put the agents on the defensive against claims of ineffectiveness and contributed to their resentment of the new penological control strategies. During the earlier months of my research period, agents were under a gag order; they were not to speak publicly on three strikes laws or any other political issue that had any relationship to parole. About two months into my fieldwork, a local news program aired a critical multipart series on parole. Among the interviewees was

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[15] Given the number and breadth of some of the "special" conditions placed on convicted sex offenders in recent years, it can be very difficult for those parolees *not* to technically violate within a short period of time.

a disguised parole agent who described what he saw as lax law enforcement procedures that led to tragedy. He complained that the procedures that agents were supposed to follow in their job hindered rather than enhanced public safety by interfering with agents' ability to fight crime in the field. Several agents at my site discussed this broadcast, and while they expressed similar sentiments about the job requirements, they labeled the anonymous agent as a traitor for going public.

And while this political climate and such direct attacks on the parole enterprise did put the agency, at least at the field level, on notice, in an equally powerful way it also appeared to legitimize the general behavioral presumptions about criminal behavior held by the public and encouraged the adoption of that outlook by the field agents. Ultimately, it seemed to provide ample justification for the methods agents preferred to use for control. Focusing on the potential dangers of leaving on the streets a parolee who has provided *any* potential reason for being locked up allowed agents to conscientiously take their clients into custody, even when that action threatened the successful aspects of the parolee's program. By virtue of the public, the media, and the state's political structure clamoring about criminals and the harsh punishment they deserve, those who work at this level in crime control were able to feel most effective in their role when they battled crime in the streets.

Translations to the Field: The Agent's Perspective

Given the competing demands—from being told to manage risk through actuarial measures to the pressures from the larger social world to be successful front-line warriors against crime— agents need to sift through these often conflicting expectations to come up with a coherent model from which to work. For the agents, the question was not whether they should manage and control their dangerous clients but which of these divergent methods they should use to do the job most effectively. In the end they shape their role within the constraints of management demands, legal requirements, and implicit public demands in such a manner that they have their own vision of who they are and what they should do as parole agents.

The agents are the first to recognize the contradictions inherent in their job, but for them it often means that those demands to be effective at all must be prioritized. As a result, they downplay those requirements that detract from what they feel they could do most effectively and from that which has the most value—public safety—which must come before everything else:

> When you've been in this business so long, you tend to realize that you can't really change these guys. I've been 18 years in law enforcement. I think my goal, basically, is—of course keep the

community safe—safety—I think my goal is mainly if any of them *are* doing anything, to find out what they're doing and stop them from doing that. Prevention. We could do prevention if we had the numbers.

While this agent did not hold out much hope for transforming his clients, he also did not subscribe to the new penological methods of danger management. He was very clear in his interview and in his approach to his daily work that the more he could be out of the office and using his investigative skills, the better he could provide for community safety. For him, like most of the agents I observed and interviewed, prevention was equated with being out in the field, watching parolees, and being ready and able to make arrests at the first sign of trouble.

The agents generally strove toward a very traditional law enforcement role, where they did not need to assess danger or risk or criminal activity by anything more than their own developed intuition and personal investigative skills. They longed for a hands-on, "proactive" crime-fighting role reminiscent of times gone by. And they have adopted a perspective that fits more with that role than the paper-pushing bureaucrat implied by the new penology model. As one agent told me, "my interests are the law enforcement part [of the job]. That's what I like doing, because that's something I do well."

And while the parolees as a class were viewed as dangerous in the aggregate, agents took an individualistic perspective to assessing relative levels of risk. Little faith was placed in making judgments based on any kind of scoring system; agents had their own system—one that relied heavily on actual interaction with the parolee—to decide who posed risks. They resisted management pressure to turn the agent role into one of a "waste manager" who predicts parole behavior through recordkeeping, documentation, and actuarial measures and implements the appropriate control to manage the predicted risk. While the agents could not and did not directly refuse to carry out such management-defined duties, they subverted the demands in a variety of ways in their day-to-day work.

For example, during the pre-parole case workup, agents are required to score each pre-release parolee with a "risks and needs" assessment instrument based on the case history. This assessment is used to set the level of supervision for the parolee, as well as the kinds of interventions needed to help with his reintegration (e.g., mental and physical health care, special housing needs). The assessment was also translated into the individual "parole plan," which laid out those needs and requirements and the measures to be taken to meet them. While management considers risks and needs assessments and the parole plans to be an integral component to case management and the agents' duties, the agents at the field level gave little credence to the value of

such measures and when given the opportunity often pawned off those tasks onto volunteers and interns.

When I was new to the site, I was trained to do risks and needs assessments by another intern, an undergraduate administration of justice student from a nearby college. He instructed me to assess everyone as a "2" on risks and a "2" on needs (the scale ranged from 1 to 3 on each item). He assured me that the supervisor could override the assessment if necessary, but that he had been trained to give everyone a 2/2 assessment.[16] He also trained me to write parole plans, which were, in practice, standardized narratives with little individualization, containing almost identical language for referrals (i.e., Employment Development Department workshop for employment) and special conditions recommendations (such as drug testing requirement).[17]

Many of the field-unit supervisors also valued the specs documentation requirements only as a way of staying out of trouble with the field parole administrator or regional management. Indeed, the most popular unit supervisors among the agents were those that took a "proactive"[18] approach to parole supervision. One of these supervisors, who managed my unit for several months and was uniformly respected by the agents, envisioned having his agents work completely out of their vehicles in the field with the aid of portable communication devices and with no reason to come into the office at all. Under such a system, he felt, the agents could actually do the job they should be doing—supervising and checking up on parolees, interacting with their "collaterals,"[19] and making arrests.

Another way that agents subverted the paperwork demands was through careless recordkeeping. The procedures for documenting the specs—urine tests, contacts, collateral contacts—required notations for exact time, place, and details about the contact, among other things, which requires that an agent immediately record the "data" for accuracy. During my time in the field, there was some indication that records were occasionally doctored, with agents later guessing about these details so

[16] My sponsoring agent later told me that all sex offenders were 3s on risks, which set their level of supervision at "high control." Over time, I learned to adjust my risk and needs assessments to fit the agent for whom I was working up the pre-parole assessments.

[17] There was some variability in the office about how these pre-release measures were handled. The agent to whom I was assigned was very thorough about her pre-paroles, individualizing each plan, whereas other agents delegated all the pre-parole work-ups to volunteers and interns.

[18] In this office, the meaning of "proactive," a favorite term of agents, was synonymous with "law enforcement oriented." Proactive supervisors allowed their agents to spend much of their time out in the field on investigations and traditional surveillance activities and were less pushy on paperwork requirements.

[19] "Collaterals" are those people associated with the parolee, who provide important information about parolee behavior—family members and friends, bosses, counselors.

that they could complete their records. Yet, because agents put little faith in paper measures of supervision and behavior assessment, this was not seen as a necessarily unethical transgression. Instead, when agents were caught and reprimanded for record-keeping violations, some viewed it as a tactic to go after the targeted agents for other reasons, since "anyone could be caught for problems with their specs." Further, several agents felt that documentation mistakes were inevitable, because it was impossible in some situations to document events immediately, so they had to be reconstructed later.

The record of supervision, which is meant to provide a written account of the parolee's (known) behavior, functioned more as a catalogue of completed tasks and not necessarily an accurate one. The "meat" of the interactions between agents and their clients only made it into written form for a reason—if such documentation would serve the agent in the future, for example, to justify her actions or to provide insurance against accusations of case mismanagement. There was also quite a bit of cynicism at the field level about the true purpose of the extensive documentation required. At all levels in the field office, documenting procedures were seen as little more than exercises in self-protection, again, potentially to the detriment of the field agent's true strength and value:

> [W]e could be an outstanding asset to local police agencies. And they could be a great asset to us. But that's not really what happens, unfortunately. Mostly what you see happen is an incident occurs involving a parolee, there's a public spotlight on it, there's a knee-jerk reaction, but the response is so cumbersome and ridiculous that it just, it's self-defeating. Instead of trying to deal with the issue in a way that can enhance public safety, it ends up being a cover-your-ass kind of thing to show . . . if Joe the Parolee goes out and kills somebody, . . . I set the high control reporting instructions like I told him, and I put a PAL warrant out on him. Well, that's all well and fine. You can hold those papers and wave them, but it doesn't change the fact that he killed somebody. To me it seems kind of ridiculous.

In relation to the authority of management, the field-unit players expressed little confidence that those in management, who were seen as removed from the realities of parole and as having an agenda often at odds with the agents', were a reliable source for defining how the job should be done. Regional and statewide managers were often scoffed at for their decisions on individual cases (for which they had the power to mandate certain treatment, exceptions, etc.), as well as on general policy and work issues. And as an entity, management was treated as an outsider, not completely trustworthy or supportive when it came to the agents. Managers were viewed as out of touch with the public safety needs of the community, and their recordkeeping require-

ments, again, did more to detract from the role that the agents envisioned for themselves than enhance it:

> I understand the reason for needing to document what you do, without a doubt, but it's archaic, it really is. . . . You spend so much of your time writing in your ROS [Record of Supervision], annotating it on your caseload roster, writing activity reports. . . . A lot of the time, we have to take care of entering revocation dates and revocation release dates into the computer. I mean, we're getting paid $4,600 a month to do that? . . . And you have specs to make. You have to see people—it's a bean-counter thing, but you have to do it. So it really cuts down on your effectiveness as an agent, basically.
>
> [H]onestly, when we get new information, there should be clerks that are inputting that. The agents should be out in the field watching people, supervising people.

In addition, the ways that agents perceived danger and acted on those perceptions more closely reflect the "policeman's working personality" (Skolnick 1966; Skolnick & Fyfe 1993) than the actuarial role that the management model pushed. The notion of danger continually cropped up among the agents and supervisors during my time in the field. That the clientele tend to be deviant, even dangerous, was conveyed to me from the start of my field work. The ways that field workers characterized this element of danger, though, was that it was somewhat unpredictable rather than being as systematically classifiable as the new penology would indicate. Indeed, these criminals were like the evil, volitional characters driven by their own twisted free will that we have seen in the movies and have heard about in the news.

For instance, during my orientation to the unit, the unit supervisor laid out the ground rules that I had to observe in this placement. At the top of the list was that I would be dealing with rapists, serial killers, stalkers, pedophiles, so I must never give any personal information out to parolees, nor should I use my first name, give out my address, "get familiar" with the parolees, or even drive home the same route, or else I might fall victim to one of their criminal schemes. She generalized that the parolees "are just like [the villain in] *The Silence of the Lambs.* We have a rapist on the caseload who has 17 known rape victims." These are "deviants" that I would be dealing with as a volunteer, she reiterated. As the supervisor walked me to my agent's office, she turned around and told me to shut my purse (the flap was open) and to keep it locked up while on the job, again reminding me of the clientele they serve—criminals with criminal minds.

As I continued on the job, the potential for danger was a recurring theme, and again the nature of that danger was unpredictable and best managed through traditional law enforcement techniques. One day, as we headed out on some routine home visits, my agent told me that if anything happened to her in the

field, I was to take her gun from her hip holster and shoot the offender until he went down, then run to the nearest phone to report an officer down. I was cautioned by several agents about where to place myself inside parolee homes (between the parolee and the exit), when and when not to enter a home, and when not to enter the bedroom.

The ultimate agent power tool—placing parolees in custody—was justified by this unpredictable danger of felons and the resulting community safety consideration; missed appointments or lying were viewed as signals of more serious transgressions among this potentially dangerous clientele. One agent characterized the issue as follows:

> If we don't know where they are, how can we say that the community is safe with them out there? . . . If you're lying about this, what the heck else are you doing? I've got people who do really bad things to people. If they're not necessarily honest, I think the worst. I will err on the side of the community each time. . . . I like to sleep at night.

It became evident that this intuitive sense of danger affects how agents conduct their day-to-day affairs, both on the job and off. Agents routinely park a quarter block away from every site they visit, because it is a more difficult shot line for an armed parolee. On lunch breaks, armed agents chose to sit facing the entrance way in eating establishments, so as not to be taken by surprise attack. Several agents with whom I was out in the field commented on unusual people or behavior they noticed and gave their interpretation of what they saw as being suspicious. My sponsoring agent reflected that after being on this job, she was, "more skeptical, more cautious, more aware of what can happen to you."

And despite continuing safety training as a part of their job, including quarterly range training and mandated weapons protection—agents hired after 1988 are required to carry a firearm on the job—they felt that the issue of danger is underplayed by the agency and even that the management-enforced policies enhanced rather than managed the level of danger:

> It's never safe. I mean, the risks are always dangerous. I mean, it's always dangerous dealing with people that are convicted felons. But to me, some of the things that are really cumbersome, like the case conferencing—you find out the guy's committing a crime and doing something, you have to run back and case conference it, get another agent and go do this plan to arrest him . . . it's nuts. That's archaic. That's stupid. That's dangerous.

The agents' approach to danger assessment seems to share some common ground with Lemert's observations (1993), in that the agents' personal assessments of risk and danger determined to a significant degree how they spent their time and energy.

And the subset of cases that were considered risky received the time and attention that can only be given to a fraction of the overwhelming caseload. Those that didn't set off warning lights were able to "program"[20] with much less intervention by the agents, and could even be discharged from parole supervision in advance of the preset termination date if no serious troubles were brought to the attention of the agency.

The way agents assessed dangerousness also closely parallels police practices rather than the actuarial model suggested by "risks and needs" assessments preferred by management. Each agent I interacted with had developed skills to detect "danger" indicators, from drug-use detection techniques to intricate conversational tricks used to uncover lies or unspoken truths to quizzes on possessions ("How much did that jacket cost?" "Let's see your wallet"). Agents expressed enormous enthusiasm and a great sense of efficacy when using their investigative techniques on the job, in stark contrast to their approach to many other required tasks (especially paperwork). They used these skills, not the methodology forced on them from above, to prioritize who on their caseload needed be watched carefully and who could be trusted with less scrutiny. And they used their own set of cognitive shortcuts to construct a typology of the problem parolee,[21] which functioned much like Skolnick's (1966) "symbolic assailant" construction by police.

Ultimately, this approach to danger seemed to define, indeed demand, the kind of role that the agents envisioned for themselves if only they were given the unbridled freedom to carry out the job:

> [P]olice get paid to protect you and me. That's what they're paid to do. They're paid to protect public safety. That's what we hire them for. I thought that's what they hired us for. I don't know.

> [T]he goal should always be in my opinion that you and I, our safety, is paramount to any parolee's. . . . He's still in constructive custody. He is still, in essence, serving his sentence, while he's doing it in the community. That's where the focus should be, on you and I, and not on him.

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20 To "program" is to complete the requirements of parole, including attending any required substance abuse meetings, counseling, coming in for drug testing, and so on.

21 The "problem parolee" may be marked by his criminal history or past criminal allegations. As mentioned earlier, during my time in the field, anyone with *any* kind of history (conviction or not) of a sex crime was under the microscope and was likely to be treated as harshly as possible for any violation. Also, those parolees who had been released from a high-security prison setting (particularly Pelican Bay's Security Housing Unit) were treated with much suspicion and given little leeway for messing up. Parolees could also do things to mark themselves—getting caught in a lie, even an inconsequential one—which led to more intense scrutiny and less flexibility in management, as did too much "whining" by the parolee. Home inspections also served to reveal danger signs—the initial house visit played an important role in agents' assessment of how the parolee was going to do and what kind of trouble might arise on supervision.

Finally, the ways that today's agents construct their role also have many parallels with McCleary's (1975, 1977, 1978) agents working more than two decades ago, specifically, in the methods used to subvert management demands, manipulate records, and develop a set of intuitions and heuristics to classify and manage parolees. Ultimately, though, the overall identity of the agents I observed reflected a mirror image of the role identity expressed by McCleary's agents in the 1970s. Where his agents often took risks to keep their good clients out of custody, even against the policies of management, these agents felt constrained in the opposite direction. They were battling management demands that got in the way of crime fighting, which for them entailed the time-consuming but socially valued task of catching their clients in illegal activities and locking them up. Because the agents I observed are situated in a time and place when crime is perceived as a major public problem and criminals are the demonized class, their perceptions of how they can best fit into the current criminal justice machinery and do what the public wants them to do are shaped by this larger milieu as much or more than by any directives coming down from the regional offices. These realities are reflected in one agent's assessment of the realities of parole in contrast to his idealized vision of parole:

> AGENT: You know what I think? And since you're not going to put my name on this, I'm going to tell you quite frankly. I think basically that the major tenet is cover your ass, cover my ass, and really I think public safety falls by the wayside.
>
> INTERVIEWER: It's the appearance of public safety rather than public safety?
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> AGENT: I think so. That's how I feel about it. . . . I think that certainly parole is not real law enforcement oriented. But it damn sure should be. It should be, it really should be.

Is There a New Era in Penology?

My observations in one California field parole office indicate that while some of the elements of the new penology model suggested by Feeley and Simon (1992) continue to flourish at the state and regional management level of parole, the model has not trickled down in a straight and direct path to the front lines, at least in this local site of the agency. The agents were deeply influenced by the popular discourse on crime in defining their priorities and actively subverted directives from management that sought to reorder those self-defined priorities. So while CDC's Parole and Community Services management honed its actuarial categorization devices and aggregate management methods, parole agents were putting in time in the field honing their own set of assessment skills, which primarily took an individualistic approach to the clientele and an intuitive approach to

case management. And while agents tended to view their clients as potentially dangerous as a group, as would be suggested by the new penology model, they did not put stock in the kinds of policies implied by that approach. Rather, to control the risk presented by the clientele, they seemed to model themselves after traditional police officers.

Further, agents in the field actively fought those aspects of the job that pushed toward the model of aggregate risk management suggested by the "new penology," and as Simon (1993) foreshadowed, they do not appear at all ready to become mere human "waste managers." To do so would require not only a shift in agents' priorities but also a fundamental change in the affective side of their role. So while parole management continued to try to redefine the agent role as a more administrative and less interactive one,[22] the agents continued to view face-to-face interactions with their clients as a top priority in their daily work. Because of that close contact with the clientele, agents have an emotionally charged component to their job that is not easily encompassed by a "waste management" role. As they get to know their clients, they have opportunities to get angry, disappointed, even, on occasion, happy and proud about parolee conduct they observe.

Unless agents stop having direct contact with parolees, or if agents' contact is so fragmented that it becomes the functional equivalent of the typical welfare eligibility worker where relationships are not initiated between the clients and the agents of the institution (Burton 1991), then it is difficult to envision that such a role will be purely adopted by those workers in the field.

In terms of the ultimate viability of the new penology in this division of corrections, given the agents' resistance in concert with the public nonadoption of the paradigm, its sustainability is questionable. Several factors suggest that the requisite changes necessary for the new penology to completely transform parole practices will not happen any time soon. First, at least in California, parole agents are a part of a very powerful and influential labor union (as are the correctional officers), so their occupational resistance has the potential to cripple any management effort to completely transform their role.[23] And unlike McCleary's

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22   For example, the Deputy Director of the state's Parole and Community Services Division has publicly described her vision of a future for parole where parolees do not interact with human agents at all but rather are kept under surveillance by global tracking systems, video imaging devices, and self-service substance abuse testing booths, which could also serve as reporting sites, without actual face-to-face contact between agents and the clientele (Montes 1996).

23   My data cannot speak comprehensively to the role of the California Correctional Peace Officer's Association in shaping how corrections operate in the state or of that union's enormous impact on statewide politics and criminal justice policymaking. However, these are matters clearly worth pursuing in future research.

agents, the agents I observed are well paid and generally in parole as a career; thus, they are heavily invested in the role.

Second, we continue to be a highly individualistic society that views criminals as aberrational individuals (see, e.g., Haney 1995), and as a public we want more than danger management—we want punishment and retribution (Roberts & Edwards 1989), or even rehabilitation (Cullen 1995; Cullen, Cullen, & Wozniak 1988), for evil and damaged wrongdoers. The agents are very much members of that public and see themselves as ultimately accountable to it, so they feel special pressure to be good crime fighters using traditional methods in the field. And as individual tragic events like the murder of Polly Klaas place the agency (and its agents) in the spotlight, the kind of "new penology" operational procedure that is at work will almost certainly be cast in an unfavorable light and its vulnerabilities unmasked.[24]

Even those at the policymaking level in parole continue to cling to the notion that parolees have the potential for law-abiding behavior and that the agency should play a part in facilitating that change. The statewide parole mission, values, and philosophy statements, which were revised in 1996, maintain the agency's commitment (at least in theory) to "assist[ing] parolees in their reintegration to society" by providing a range of resources and services (California Department of Corrections 1996a:3) and assert confidence that parolees "are capable of change" (p. 4).[25]

There were also some signs of a retreat from the new penological approach in allocating resources. Over my period of observation, the commitment to drug treatment services expanded significantly. When I began, the office had one treatment referral service operating on site two days a week. At the end of my time in the field, the office was being served by two drug treatment programs, each with its own office space in the building and each fully staffed three or four days a week. One of the programs even offered on-site group and individual counseling, as well as physician-administered drug treatment. The agency provided this program with valuable office and conference-room space. Thus, the parolees had access to a range of treatment choices—residential and outpatient—tailored for quality and severity of dependence problem.[26]

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[24] Of course, this is true of almost any penal policy in the face of such tragic and well-publicized events. Just about the only policies that have been protected from widespread public charges of failure are ones that advocate lengthier and harsher prison sentences for criminal offenders.

[25] See Lynch 1998 for a fuller discussion of how this "rhetoric" of rehabilitation is put into action in the field.

[26] These programs, however, may turn out to be used as cost-effective intermediate sanctions for intermediate risks, and the normalization goals of drug rehabilitation may get lost along the way (Lynch 1998).

In the end, my findings suggest that while there are active efforts to transform the parole enterprise at one level, there are conflicting messages about the goals of parole coming from those new penological policymakers, and there is considerable resistance from the workers in the field to the new penological policies. The upper management has not completely abandoned the "modern" penal practices, and, just as important, those at the implementation stage were clearly not ready to become white-collar actuarial workers or simply "waste managers." Thus, my observations do not seem to indicate that what is happening in parole can be characterized as distinctly postmodern. As I have illustrated, while the emphasis for the agent may have shifted away from the older "counselor" role that agents have played (Simon 1993; McCleary 1978) and more toward a "cop" role, the underlying assumptions about parolee behavior are still volitional and individualistic, and the preferred methods for implementing goals are reminiscent of "modern" policing rather than of "postmodern" systems management.

Alternative Possibilities

My conclusions may not accurately reflect what is occurring in other parole field offices, even within California, given that my observations were only made at one site. It is quite conceivable that the parole officers in this office have adopted the "cop" outlook due in part to unique features of their location: a county recognized for having a law enforcement–oriented, and "tough-on-crime" criminal justice system generally, which may influence a range of criminal justice workers in the region. Yet, while these data cannot speak to how generalizable the findings are to other parole office settings, it is not likely that the agents I observed are completely out of sync with other parole field agents, at least in California. Because this is a state agency, and agents and supervisors move in and out of regions with some regularity, the values and role construction of agents are going to be significantly shaped by organizational values, as well as by local community dynamics (Clear & Latessa 1993). Further, it could be argued that agents in California should be among the least resistant nationally to becoming "waste managers," given the large individual caseloads, the huge parolee population in the state (about 105,000 parolees in late 1998), and the larger criminal justice system's explicit rejection of rehabilitation in California. The agents' rejection of the new penological strategies as demonstrated may indeed raise questions about the viability of such strategies in smaller parole agencies.

It is possible that the agents I observed had developed their "cop" outlook in part from their prior experience, since more and more agents are coming through the institutional correc-

tional officer track rather than through probation or other outside casework settings. Although I observed too few agents to properly test for this possibility, there was little to indicate that this was the case among these agents. For instance, the agent to which I was assigned was as law enforcement oriented as any other (if not more so), and she had come to parole with a educational background in social work and experience in mental health work. Conversely, the agent who appeared to have the most faith in rehabilitative ideals and be among the more committed to management directives had come to parole after years as a correctional officer in a maximum security institution. The agents I worked with had come from a variety of backgrounds— probation, corrections, related community social control agencies—yet their role identity did not appear to be tied significantly to that prior history.

It is also conceivable that these agents are not rejecting a new penological role per se but simply lack confidence in the methods developed by this agency to do the job effectively. Again, these data do not adequately address this possibility, but the agents' rejection of the current California classification system, as I observed, is consistent with prior research indicating a general pattern of resistance to actuarial classification among probation and parole officers and other such professionals (Grove & Meehl 1996; Lemert 1993; Maupin 1993; McCorkle & Crank 1996). The agency itself has even retreated from a more sophisticated classification system and has adopted a cruder instrument to use for initial risks and needs assessment. In 1991, California parole switched from a two-page assessment instrument that provided a 10-point scoring scale on 10 risks and needs areas to a quarter-page assessment that provides a 3-point scale on 4 risks and needs areas. This step away from a more sensitive measure and toward a rougher, yet simpler, classification system may well reflect a management concession of agent resistance to time-consuming actuarial prediction.

Note, however, that while my findings suggest that this branch of community corrections has not adopted the practices suggested by the new penology in its field operations, there are criminal justice arenas in which systems-analysis risk management strategies have become organizational and public sector successes: New York Police Department's Compstat is a shining example (Law Enforcement News 1997; O'Hara 1998).[27] This

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[27] This program is considered by some to be a revolutionary "marriage of technology and police management [that] produce[s] decision support systems" (O'Hara 1998:14) combining computerized statistical mapping of crime problems and other relevant data to direct where law enforcement efforts should be placed, private sector management techniques aimed at increasing productivity and accountability, and aggressive policing. Police agencies from around the country are adopting the model, and a range of community groups have lavished praise on Compstat for its successes in reducing crime (Law Enforcement News 1997).

difference may be due to parole's precarious position in the criminal justice system, in contrast to the deeply entrenched and powerful place of police. Police have an inherently legitimate place in crime control in the public, political, and institutional realms; thus they can "reinvent" themselves without the risk of becoming functionally obsolete in a way that community corrections may not be able to do (Lynch 1998).

Theoretical Implications

Finally, in terms of theoretical considerations, my observations in this parole field unit in many ways echo Lynne Haney's (1996) theoretical findings, discussed above, from which she concludes that structural explanations must take into account micro-level processes and that micro-level phenomena may indeed require more than a single meta-explanation. While she demonstrated how feminist state theory offers an inadequate explanation for the processes at work between young women clients and juvenile justice workers, her insights are applicable here. For parole, the daily workings of the field unit offer a different lesson on today's penology than what more structural level theories about corrections and social control suggest. Clearly, the way parole plays out at the point of contact between the agency and the client is full of contradictions. The field-level operations are influenced by forces beyond the governing department of corrections, and those forces demand different goals for parole agents.

What this suggests is that a multilevel understanding (which almost always requires more than one study and approach) of any penal institution can strengthen existing theories of social control by specifying limits to such theories and linking types of approaches to related research questions. In this case, it is clear that the processes at the field level impede the implementation of any operational model that relies substantially on setting and meeting internally defined standards as criteria for success through the use of aggregate data prediction methods. So while the "new penology" conception (Feeley & Simon 1992; Simon & Feeley 1995) has something to say about what is happening at the upper management level in parole, the field-level operations suggest a more complex story about the way that parole is being redefined by the field-level workers in a time of functional vulnerability. It remains to be seen which direction wins out in the future shaping of the parole enterprise.

References

Allen, Harry, Chris Eskridge, Edward Latessa, & Gennaro Vito (1985) *Probation and Parole in America.* New York: Free Press.

Applegate, Brandon, Francis Cullen, & Bonnie Fisher (1997) "Public Support for Correctional Treatment: The Continuing Appeal of the Rehabilitative Ideal," 77 *Prison J.* 237–58.

Bender, Penny (1996) "Break the Law? Shame on You! Judges Using Embarrassment and Humiliation as Ways to Keep Felons Out of Courtrooms, Out of Trouble," *Tennessean,* 15 Dec., p. 1A.

Bittner, Egon (1990) *Aspects of Police Work.* Boston: Northeastern Univ. Press

Blomberg, Thomas C., & Stanley Cohen, eds., *Punishment and Social Control: Essays in Honor of Sheldon L. Messinger.* Hawthorne, NY: Aldine de Gruyter.

Boyd, Elizabeth, Richard Berk, & Karl Hamner (1996) "'Motivated by Hate or Prejudice': Categorization of Hate-Motivated Crimes in Two Police Divisions," 30 *Law & Society Rev.* 819–50.

Burton, Alice (1991) "Dividing up the Struggle: The Consequences of 'Split' Welfare Work for Union Activism," in M. Buroway et al., eds., *Ethnography Unbound: Power and Resistance in the Modern Metropolis.* Berkeley: Univ. of California Press.

California Department of Corrections (1996a) *Region II Training Bulletin.* April 1996. Sacramento: California Department of Corrections.

——— (1996b) *Region II Training Bulletin.* May 1996. Sacramento: California Department of Corrections.

Cavender, Gray (1978) "Parole and Rehabilitation: The False Link," 5 *New England J. on Prison Law* 1–20.

——— (1982) *Parole: A Critical Analysis.* Port Washington, NY: Kennikat Press.

Cavender, Gray, & Paul Knepper (1992) "Strange Interlude: An Analysis of Juvenile Parole Revocation Decision Making," 39 *Social Problems* 387–99.

Chance, Amy (1994) "Governor's Parole Policy under Fire," *Sacramento Bee,* 14 Jan., p. A1.

Clear, Todd, & Edward Latessa (1993) "Probation Officers' Roles in Intensive Supervision: Surveillance versus Treatment," 10 *Justice Q.* 441–62.

Cullen, Francis (1995) "Assessing the Penal Harm Movement," 32 *J. of Research in Crime & Delinquency* 338–58.

Cullen, Francis, John Cullen, & John Wozniak (1988) "Is Rehabilitation Dead? The Myth of the Punitive Public," 16 *J. of Criminal Justice* 303–17.

Cullen, Francis, John Wright, Shayna Brown, Melissa Moon, Michael Blankenship, & Brandon Applegate (1998) "Public Support for Early Intervention Programs: Implications for a Progressive Policy Agenda," 44 *Crime & Delinquency* 187–204.

Dembo, Richard (1972) "Orientation and Activities of the Parole Officer," 10 *Criminology* 193–215.

Emerson Robert, Rachel Fretz, & Linda Shaw (1995) *Writing Ethnographic Fieldnotes.* Chicago: Univ. of Chicago Press.

Emmelman, Debra (1996) "Trial by Plea Bargain: Case Settlement as a Product of Recursive Decisionmaking," 30 *Law & Society Rev.* 335–60.

Endicott, William (1994) "Political Novice Unz Is Taking a Toll," *Fresno Bee,* 28 April, p. A4.

Epstein, Edward (1994) "Brown Tries to Grab Crime Issue," *San Francisco Chronicle,* 14 June, p. A3.

Feeley, Malcolm, & Jonathan Simon (1992) "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications," 30 *Criminology* 449–74.

Friedman, Lawrence (1993) *Crime and Punishment in American History.* New York: Basic Books.

Fromson, Kenneth (1994) "Beyond an Eye for an Eye: Castration as an Alternative Sentencing Measure," 11 *New York Law School J. of Human Rights* 311–37.

Fulton, Betsy, Amy Stichman, Lawrence Travis, & Edward Latessa (1997) "Moderating Probation and Parole Officer Attitudes to Achieve Desired Outcomes," 77 *Prison J.* 295–312.

Garland, David (1990) *Punishment and Modern Society: A Study in Social Theory.* Chicago: Univ. of Chicago Press.

——— (1995) "Penal Modernism and Postmodernism," in Blomberg & Cohen, eds., 1995.

Grove, William, & Paul Meehl (1996) "Comparative Efficiency of Informal (Subjective, Impressionistic) and Formal (Mechanical, Algorithmic) Prediction Procedures: The Clinical-Statistical Controversy," 2 *Psychology, Public Policy, & Law* 293–323.

Haney, Craig (1995) "The Social Context of Capital Murder: Social Histories and the Logic of Mitigation," 35 *Santa Clara Law Rev.* 547–609.

——— (1998) "Riding the Punishment Wave: On the Origins of Our Devolving Standards of Decency," 9 *Hastings Women's Law J.* 27–78.

Haney, Craig, & Mona Lynch (1997) "Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement," 23 *New York Univ. Rev. of Law & Social Change* 477–570.

Haney, Lynne (1996) "Homeboys, Babies, Men in Suits: The State and the Reproduction of Male Dominance," 61 *American Sociological Rev.* 759–78.

Herbert, Steve (1996) "Morality in Law Enforcement: Chasing 'Bad Guys' with the Los Angeles Police Department," 30 *Law & Society Rev.* 799–818.

Klockars, Carl (1972) "A Theory of Probation Supervision," 63 *J. of Criminal Law, Criminology, & Police Science* 550–57.

Law Enforcement News (1997) "NYC's Compstat Continues to Win Admirers," *Law Enforcement News,* 31 Oct., p. 5.

Lemert, Edwin (1993) "Visions of Social Control: Probation Considered," 39 *Crime & Delinquency* 447–61.

Leo, Richard (1996) "*Miranda*'s Revenge: Police Interrogation as a Confidence Game," 30 *Law & Society Rev.* 259–88.

Lowenthal, Gary (1993) "Mandatory Sentencing Laws: Undermining the Effectiveness of Determinate Sentencing Reform," 81 *California Law Rev.* 61–123.

Lynch, Mona (1998) "Modernist Rhetoric in Corrections: The Precarious Place of Rehabilitation in Parole Ideals and Practices." Unpub. MS., San Jose State Univ.

Maupin, James (1993) "Risk Classification Systems and the Provision of Juvenile Aftercare," 39 *Crime & Delinquency* 90–105.

McCleary, Richard (1975) "How Structural Variables Constrain the Parole Officer's Use of Discretionary Power," 23 *Social Problems* 209–25.

——— (1977) "How Parole Officers Use Records," 24 *Social Problems* 576–89.

——— (1978) *Dangerous Men: The Sociology of Parole.* Beverly Hills, CA: Sage Publications.

McCorkle, Richard, & John Crank (1996) "Meet the New Boss: Institutional Change and Loose Coupling in Parole and Probation," 21 *American J. of Criminal Justice* 1–25.

McGarrell, Edmund, & Marla Sandys (1996) "The Misperception of Public Opinion toward Capital Punishment: Examining the Spuriousness Explanation of Death Penalty Support," 39 *American Behavioral Scientist* 500–513.

Messinger, Sheldon, John Berecochea, Richard Berk, & David Rauma (1988) "Parolees Returned to Prison and the California Prison Population," *BCS Collaborative Report.* Sacramento: California State Department of Justice.

Messinger, Sheldon, John Berecochea, David Rauma, & Richard Berk (1985) "The Foundations of Parole in California," 19 *Law & Society Rev.* 69–106.

Montes, Marisela (1996) "Technological Advances in Parole Supervision," 58 *Corrections Today* 88–91.

O'Hara, Patrick (1998) "Bratton's Turnaround': Glimpse of the Future or Reinvention of the Past?" *Law Enforcement News,* 15/30 June, pp. 13–15.

Ohlin, Lloyd, Herman Piven, & D. M. Pappenfort (1956) "Major Dilemmas of the Social Worker in Probation and Parole," 2 *National Probation & Parole Association J.* 21–25.

Ozimek, Nancy (1997) "Reinstitution of the Chain Gang: A Historical and Constitutional Analysis," 6 *Boston Univ. Public Interest Law J.* 753–75.

Rafter, Nicole (1994) "Eugenics, Class, and the Professionalization of Social Control," in G. Bridges & M. Myers, eds., *Inequality, Crime, and Social Control.* Boulder, CO: Westview Press.

Roberts, Julian, & Don Edwards (1989) "Contextual Effects in Judgments of Crimes, Criminals, and the Purposes of Sentencing," 19 *J. of Applied Social Psychology* 902–17.

Simon, Jonathan (1993) *Poor Discipline: Parole and the Social Control of the Underclass, 1890–1990.* Chicago: Univ. of Chicago Press.

Simon, Jonathan, & Malcolm Feeley (1995) "True Crime: The New Penology and Public Discourse on Crime," in Blomberg & Cohen, eds. 1995.

Skolnick, Jerome (1966) *Justice without Trial: Law Enforcement in Democratic Society.* New York: John Wiley & Sons.

Skolnick, Jerome, & James Fyfe (1993) *Above the Law: Police and the Excessive Use of Force.* New York: Free Press.

Sutton, John (1995) Book Review: *Poor Discipline: Parole and the Social Control of the Underclass, 1890–1990,* by Jonathan Simon, 100 *American J. of Sociology* 1096–98.

von Hirsch, Andrew, & Kathleen Hanrahan (1978) *Abolish Parole?* Washington: National Institute of Law Enforcement & Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice.