

Role of Probation Officers as Coaches versus Referees



Probation departments around the country are seeing their roles shift, from one of a referee enforcing the rules to a coach helping clients overcome and win back their lives. In March 2020, Dr. Brian Lovins, principal for Justice System Partners and president-elect of the American Probation and Parole Association, presented a webinar to discuss this evolving role and what probation officers can do to both adapt and improve outcomes. You can watch the full webinar at ndci.org/drugcourtu/webinars.

Below, Dr. Levins answers questions from webinar participants on the future of the role of probation and practical steps officers can take to evolve their role.

Q.

The trend is to place a lot of the load on probation. Do you see any changes in the near future in probation's ever-changing role?

A.

Yes, I see a strong effort to reduce populations on supervision in various ways. Shorter probation sentences would have a significant impact on caseload size. Administrative caseloads for low-risk individuals and more diversion/deflection programs would have an impact on who is placed on supervision. I also think that once we start to focus in on the issues that need to be addressed and stop spending time on condition monitoring and tracking the compliance of nonrelative actions, it cuts down on the workload. Let me be 100% clear: I still believe that something has to give. Caseloads in many places are too high to begin to actually work individually with people on supervision.

Q.

Can't you use jail to help the individual start the sobering process?

A.

Yes, it is one intervention when all else fails. I believe that at this point it is many jurisdictions' only response. If we are being fair, we wouldn't want our family member to have to go to jail to sober up. I understand that sometimes this is the only option, so I get it, but it would not be my first (or even second way) to do it.



Q. What kinds of time frames are the best to use? Our office gets stuck when it is time to file a violation, because we're not sure how long to let them use and "be in treatment" before a violation is filed.

A. This is a tough one. We all have our struggles with changing stuff, and substance use is a hard one. I think it depends. I also think we have to change the way we look at drug use. There is actually a lot of positive growth that goes undetected because we measure drug and alcohol use as 0 or 1. You are either using or you are not. In reality, there are a lot of people who are improving—using less—but they still get punished. I liken it to weight loss. If I am trying to lose 50 pounds and I come to your office and have lost 5 pounds in a month, you are going to celebrate with me. In our drug use arena, we often focus on asking, "Why weren't you sober?" instead of saying, "This is great, treatment is taking hold. I am so impressed that you were able to stay sober during [whatever duration]. How did you do that, and how can we expand on that success?"

Q. Two-part question. Do you see probation being phased out? Or transitioning into a more therapeutic role?

A. No and yes. I think that probation provides a valuable service. I think we need to shift our focus from the system and maintaining order to the person and helping them succeed. With that shift, I am not sure I would label it as therapeutic as much as I would call it person-change oriented. I don't think probation officers are going to have to have a social work license, but I do think as coaches we are faced with lots of personality issues and personal issues we have to contend with and work around.

Q. Don't you think that moderate- to high-risk offenders, with their level of criminality, will perceive "reinforcement" as leniency, and how do you change that thought quickly?

A. Yeah, it could come across that way if we don't deliver it in a natural and authentic way. Giving someone a candy bar [as reinforcement]—that's probably not the best approach. I watched serious gang members get pretty excited about success stickers on their badge, though. Similar to college football, where they get stars or buckeyes (go Ohio State!), etc. for making great plays. We all respond differently to reinforcement. I would say that if you find the right reinforcement (generally by asking people what they like), and can deliver it in a way that is authentic and helps the person tie the behavior to (a) their choice and (b) how it will benefit them in the future, you have a shot.



Q. If we are the referees, what role is the judge? They are absolutely nullifying our role at times.

A. Agreed. Judges are really the referees (consider them the head referee). That is why some jurisdictions have a difficult time with graduated administrative sanctions. The judge is not comfortable with the local probation department addressing behavior. I would say that is one reason that our field could benefit from shifting perspective—the judge is there as the gatekeeper, the head referee if you will. We are the coaches. Under our current system model, the person on supervision doesn't have a coach, just two layers of referees.

Q. Do you see probation or even the courts taking on a social work role or case management? Such as using the risks/needs assessments for referring out to resources, starting with bond and continuing through probation?

A. Yes, I think it happens in many places. A broker role is often one of the roles that probation takes on. I would suggest that a coaching role works a bit better. You can assess and refer from either perspective, a referee or coach perspective. A referee perspective of brokering is "I see you have these issues; go over here and participate in treatment. If you do not, there is a penalty; if you do, no issues." A coaching role is

much different: "I want to make sure you are successful on supervision but more so in life. While I can help you with these other issues, I really believe that it would be beneficial if you went to meet with someone that actually specializes in X. They will be able to help you and I will be there every step of the way to make sure that you are successful." I think this approach is one that people on supervision would respond well to.

Q. Shouldn't we be more of a middle between coach and referee?

A. This gets at the crux of the referee/coach model. Unlike older models of probation, which use a continuum-based law enforcement to social worker role, and you put on different hats depending on the situation, the coach and referee are two distinct roles that cannot be blended. A referee has a distinct role: to manage the rules of the game. A coach has a distinct

role: to help the players perform their best and put them in a place where they have a chance to win. A coach can still punish or hold a player accountable, a coach can teach, and a coach still has to know the rules, but in the end, they are invested in the players' success. A referee is concerned only with the procedures of a game.



Q. How do you promote this transition/evolution when some in the judicial and law enforcement realm consider our program to be a “hug-a-thug” program?

A. We need data. We need to focus on outcomes. We need to help people at all levels understand that punishment-based models have not demonstrated positive effects in changing behavior. It is a long journey, and not an easy one, but I believe that if we really are going to improve our society and make it a safer place, we have a great opportunity to impact a large portion of people who are on supervision in a different way.

Q. Why can't a probation officer be both? Problem-solving court is different—we aren't standard probation, but we do use a similar rulebook.

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Q. Unfortunately, probation and parole agencies across the country have not recruited staff with a teaching/coaching orientation. A missing component to organizational change is the recruitment of staff who have a natural orientation to teaching and coaching. Otherwise, implementation will continue to be met with resistance and even staff resentment.

A. Yes and no. I think we can all change if given the right opportunities, understanding, and support. Some of my best coaches have been staff who were hired under the “get tough” era. But with that said, moving forward, I agree. In Harris County, we shifted our interview process for new staff, and the first question we ask people is, “Do you believe that people can change?” If the answer is anything but yes, we move on to the next candidate.



Q. Where do you see probation in 15 years?

A. Hopefully in a significantly different place. I really believe we have an incredible opportunity to shape the future of community corrections, but it is going to take a mind shift to a different way of seeing our profession. I am actually calling for a shift in title as well as practice. I think words matter, and the idea of a probation officer may not be as descriptive as it needs to be. I know that challenges our

status in the country and makes it seem less, but I don't mean it that way. I believe that we need to move forward with the idea that we are behavioral specialists, focused on getting people to improve their behavior. If we can get there, we have a great chance of being a strong component of the corrections system in 15 years.

Q. Don't you think we have to be both? At the end of the day, the judge expects us to enforce court orders.

A. You are right, the judge does expect us to enforce court orders. I think ultimately, even as coaches, we have to advocate for a player to be removed from the roster at times. With that said, I think our system and the court orders will eventually have to shift as well. We will need to start writing them as change oriented and not 0 or 1. "Use no drugs" is not actually helpful to those with a serious drug problem. I could imagine future court orders that read, "While on probation, you will work

closely with your probation (coach) officer to obtain and retain sobriety."

As a coach, you then have discretion—are they working with you, are they improving their skills, have you gotten them into the treatment they need, are they making progress, are they trying? As the conditions are written right now, at the first positive, they are violating the conditions.



Q. Why can't the role of a probation officer be a mixture of the two? Also, in order to spend a meaningful amount of time with clients to help to effect this change, wouldn't caseloads for agents need to be reduced drastically? Say to the 30:1 or 50:1 ratio?

A. This gets at the crux of the referee/coach model. Unlike older models of probation, which use a continuum-based law enforcement to social worker role, and you put on different hats depending on the situation, the coach and referee are two distinct roles that cannot be blended. A referee has a distinct role: to manage the rules of the game. A coach has a distinct role: to help the players perform their best and put them in a place where they have a chance to win. A coach can still punish or

hold a player accountable, a coach can teach, and a coach still has to know the rules, but in the end, they are invested in the players' success. A referee is concerned only with the procedures of a game.

As for caseloads, yes, to be most beneficial [they should be reduced], but that is probably the same if you are a referee and expected to ensure that the person is complying with all the rules.

Q. After retiring from this field in Kentucky and in my fourth year in Florida, I agree with what you are saying. Especially with drug use—the switch is just not going to flip overnight with offenders, and in fact, relapse is to be expected. We have to be mindful of public safety, but returning a drug user to his or her community living a sober lifestyle certainly meets that public safety demand. So how do we get officers to think this way? Better yet, how do we get courts and administrators to review policy and procedures and come up with better sanctioning matrixes to address drug use without considering the use of a violation report or jail? And better still, should we not encourage the use of informal sanctioning between officer and offender, especially when new crimes are not being committed, to address slips and relapses?

A. Yes! You are right on. It takes a shift of perspective from the entire system for this to truly take hold.



Q. Many of these changes require policy/procedure change, and some even require legislative change.

A. You are correct. There are many things we have control over as officers and agency administrators, but you are right that to best do this we need a system shift.

Q. How does an officer implement these practices with an oversized caseload?

A. I think some can be implemented with just a shift in language. Developing success plans instead of case plans. That change in language inherently changes the perspective. Talking about success and how you are there to make sure they don't fail instead of catching them breaking the rules. Other stuff probably needs smaller caseloads (depending on where your agency is).

Q. What if the probationer does not want to change?

A. We have that now. Wanting to change is tricky. It is impacted by many issues. History of success, self-efficacy, and hope are just a few. I think we can be more influential on motivation than we are now, but ultimately yes, the behavioral change is up to the person.

Q. I have a disagreement here: they have to want it more than me. They have to want to change, or [they will] continue harming themselves, continue the drug use. I am not and far from a counselor, and I'm paid far below my pay scale for what I do above and beyond for the offenders I supervise.

A. You are right, probation officers are not counselors. As for wanting it more than you, I'm not so sure there is research to support that. There are definitely times when I want someone to change more than they do at the moment. What I try to do is think of ways to help them see the reasons, use my relationship to shape that thinking, and use interventions designed to shift their motivation. We all have times when we feel lost, hopeless, and like a failure—and sometimes we need a cheerleader to get us moving in the right direction.



Q. What are your thoughts on Core Correctional Practices?

A. They are the interventions that a coach would use to help their players get better. They are necessary components of the “coach playbook.”

Q. Can short-term jail ever be used?

A. Of course. I’m not sure under what circumstances it is more beneficial than community-based sanctions, but I am sure there are contexts in which jail makes sense. I would say that a consequence is designed to stop a specific behavior, so you want to make sure there are not collateral consequences that occur. For example, you want to stop drug use, so you give jail, which then causes an unemployment issue as well.

Q. Do you see the court and probation becoming more open to the changes that have been occurring in chemical health? It seems as though the court operates only with an AA abstention model, and while it does work, not everyone fits into that model. It’s like the court wants to put every different size peg (probationers) into that one size hole.

A. I do see many instances where courts are changing their perspectives on issues such as these. I would say we all get stuck in the “this intervention fits everyone” mantra and need to remember that one size fits one and that people have unique paths to get to us, so they need unique situations to move on as well.

Q. How can we measure change?

A. This question gets at one of the struggles we have. Too often we measure compliance and not change. “Did the person attend XX?” Not “Did the treatment work?” Imagine if we used this in a medical field—you go to a surgeon to address an issue and they measure their success by whether they performed the surgery, not whether it was successful at restoring X.



Q. How do you become a probation officer?

A. All different paths and each jurisdiction are unique. Generally, [it requires] a college degree (often in a related field) and some interest in changing people's lives.

Q. They should be in treatment for six to nine months and then violate them if they continue?

A. That is definitely one approach. When you look at the overall research regarding treatment response, most treatments don't work for everyone at the first round. Many times we need to adjust our approach, the context in which we deliver the intervention, and how much and under what circumstances it is delivered.

Q. How should we respond as probation officers regarding concerns of overdosing when our participants are using substances such as fentanyl?

A. There isn't great research around this. I would suggest with concern and caring. Some of the tough love research is not shown to be incredibly effective in shifting behavior, and I would suggest that we really explore new techniques to use in these situations. Obviously the risk of death (overdose) doesn't change someone's behavior. I am guessing the fear of jail will do little to deter it as well.

Q. How do we continue to maintain accountability in the face of the treatment court realm in which they do not punish use of substances?

A. Is the goal accountability or behavioral change? If we are working toward behavioral change, the question becomes how do we help people change their behavior, and is there an element of external consequence that needs to occur for someone to change. If the goal is to deliver accountability regardless of its impact, then I think there are some gaps we need to clear up.



Q. How do you change the mindset of the drug treatment court team to allow the probation officer not to always be the enforcer—collecting drug screens and monitoring all the attendance—and be more of a behavior change agent?

A. I think that people work in systems. The people on supervision “operate” in a system, and we do too. I think the system does force us to play a role, even if it is one that doesn’t necessarily fit. I would say the process is not unlike others—inform, educate, expose, pilot, shape, communicate, and implement. We need to expose people in the drug treatment courts to what we are able to do and the capacity we have to be agents of change.

