

Even as a probation officer, we're all very much aware that we're Black first:" an intersectional examination of how probation officers experience system legitimacy

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**“Even as a Probation Officer, We’re All Very Much Aware that We’re Black First.” An
Intersectional Examination of How Probation Officers Experience System Legitimacy**

Abstract

This study focuses on how 27 frontline and supervisory probation officers (71% women, 67% Black) view the criminal legal system (CLS), utilizing intersectionality as an analytical framework. We present two themes: probation as 'minor,' and the CLS is a manifestation of societal racial oppression. Within each theme we detail sub-themes and highlight where we noted differences for probation officers across the intersections of race/gender/and institutional position. Findings indicate Black women, in particular, recognize the harm of the omnipresence of probation and exercise care with clients. Our findings puncture the illusion that workforce diversification alone is enough to achieve system legitimacy.

Keywords: intersectionality, probation, workforce diversification, criminal legal system, system legitimacy

Probation's history as a rehabilitation-oriented, welfarist alternative to incarceration is under criticism since the scale of probation grew alongside mass imprisonment. Research suggests that probation serves as an extension of punitive control in disadvantaged communities and is a net-widener for people minoritized at the interconnected socio-structural locations of race, gender, and class (Phelps, 2013; Schiraldi, 2023). Probation is the largest arm of the criminal legal system (CLS) in the United States, directly encompassing 1,143 per 100,000 adults— an estimated 3.745 million people nationally— under supervision in 2021. Of the population under probation supervision, almost half (~47%) are people of color, and 24% are women (Kaeble, 2023). One-third of adults on probation are Black, a disproportionate representation given that they account for 13.6% of the overall U.S. population (Kaeble, 2021; United States Census Bureau, 2023). Additionally, poor Black men with lower levels of educational attainment are more likely than their White counterparts to both have longer periods of supervision and have their probation revoked (Phelps, 2018). Despite reforms to the US CLS over the last century, its legitimacy remains undermined by the large scale persistence of racialized and classed disparities in arrest through sentencing outcomes, and concentrated presence in minoritized communities (Alexander, 2010; Spohn, 2015; Tyler et al., 2015).

Increasing the ethnoracial makeup of the CLS was increasingly adopted in the late twentieth century as a strategy to address system legitimacy concerns (Benton, 2020; Ward, 2006). The assumptions underlying this approach assert that a diverse workforce is much better attuned to the experiences and concerns of minoritized communities and can therefore bring about substantively fairer outcomes. Additionally, the appearance of a more diverse CLS workforce “is symbolically significant to the appearance of system legitimacy” (Ward, 2006, p. 69). Workforce diversification has concentrated in the service sectors of the CLS such as probation and corrections, and less so in the professional and administrative sectors such as lawyers, judges and commissioners (Ward, 2006). Within probation, this diversification effort

includes more women. While there is significant variation at state and local levels, in 2021, women made up approximately 54% of the probation workforce, with women of color, particularly Black women, making up larger proportions of that workforce (Wilson & Koons-Witt, 2024).

Scholars Bottoms & Tankebe (2012) emphasize the need to examine system legitimacy through the experiences of frontline system actors, power holders, who are “in direct contact” with the public (p. 153). Building on Jean-Marc Coicaud’s definition of system legitimacy as “the recognition of the right to govern” they conceptualize legitimacy as “dialogic and relational” (p. 129). They underscore that this right needs to be cultivated, and that legitimacy is an iterative and perpetual process between actors of the state, i.e., the power holders, and the public (p. 125; Coicaud, 2001). Given that probation is inherently a community-based model of corrections, it is a critical site from which to understand how diverse frontline workers—symbols of the system cultivating legitimacy—experience the system (Nix & Wolfe, 2017). From one standpoint, workforce diversification is symbolically significant because a diverse workforce is purported to be able to reduce racialized harm and disparities given the assumption of shared structural experiences with their clients (Singh et al., 2022; Ward & Kupchik, 2009). However, according to scholar Geoff Ward, workforce diversification in “justice administration has escaped close and sustained scrutiny in race, crime, and justice research (2006, p. 67). On the one hand, these racialized and gendered shifts in the workforce may uphold the status quo of social control while allowing for the gaze to remain on those *harmed by the system* and not on the *structural oppression perpetuated by the system* (Singh et al., 2022; Hinton, 2016). On the other hand, they may have the potential to create substantive changes in the lives of minoritized people disproportionately subjected to carceral control.

A significant amount of the research on legitimacy within the CLS focuses on policing, suggesting that workers’ views of the justness (or injustice) of the agencies for which they work affects their behaviors, which in turn affects how components of the system are viewed by the public (Jonathan-Zamir & Harpaz,

2014; Trinkner & Tyler, 2016). However, there is less research that focuses on probation officers and system legitimacy. Given that it is the largest, most racially diverse arm of the CLS, and its workforce is primarily in direct contact with the public, probation is a critical site in which to interrogate system legitimacy (Kluckow & Zeng, 2022; Phelps et al, 2023; Ward, 2006).

In the current paper, we interrogate how a sample of probation officers located at the socio-structural intersections of race and gender and institutional role hierarchy reflect on the CLS's legitimacy and its constituent, interconnected parts (police, prosecutors, judges). With respect to institutional role hierarchy, we analyze perspectives of those providing direct service on the frontlines alongside those in more managerial roles such as branch chiefs or supervising officers. We use intersectionality as an analytical framework to understand the co-constructive relationships among systems of power, such as the interconnections between probation, the broader CLS, and the individuals subjected to their surveillance. Rather than focusing on individual-level relationships, our analysis centers on the interconnections within these systems and their component parts.

Workforce Diversification in the Broader Context of CLS Diversification and Legitimacy

Frontline workers in systems play a critical role in building and maintaining the legitimacy of the CLS. Studies exploring the link between workforce diversification and system legitimacy in particular are sparse. Extant work focuses on the impact of diversification on reducing racialized disparities in outcomes, perceptions of how the public view CLS actors, and on the orientation of these power holders towards rehabilitative or punitive ideals. Most studies focus on policing, the legal professions (lawyers, judges, legislators), and corrections officers. This research is mixed, suggesting that a professional's position within the CLS is important with respect to outcomes for systems-impacted people and the legitimacy of the CLS. For example, Benton (2020) found that the symbolically greater representation of Black police officers did not translate into increased perceptions of legitimacy, particularly in the eyes of Black people, because the

CLS ultimately ensures the same racialized function of policing from both White and Black officers.

Research has also found that in courts characterized by higher levels of racial balance in the more powerful roles within the justice workforce (such as judges and attorneys), there is a reduced likelihood of people being sentenced to prison. Further, in districts with a greater representation of Black prosecutors, system-impacted people were more likely to receive shorter sentences (Ward et al., 2009). Black officers across diverse CLS positions (judges, probation officers, prosecutors, defense attorneys) are more likely than their White counterparts to emphasize rehabilitation and system fairness as orientations to accountability. In other words, they are more likely than their White counterparts to be sensitive towards the system demonstrating accountability or the legitimate use of authority versus a more retributive orientation that places the onus of accountability solely on youth (Ward & Kupchik, 2009). Notably, this research tends to focus on diversification through the lens of race and an intersectional examination of race *and* gender is largely absent.

Workforce Diversification, Probation, and Legitimacy

The scholarship on probation, albeit sparse in the last decade, tends to focus on how probation officers view their clients, how they regulate clients' lives, and how they understand probation's rehabilitative ideals. Researchers have long found that probation officers straddle dual and competing roles of care (social work) and coercion (law enforcement) which shape officer behavior (Ohlin et al., 1956; Glaser, 1964; Taxman, 2012). Care and coercion, however, represent a continuum as probation responds to prevailing ideological zeitgeists—arguably to *cultivate and maintain legitimacy*—that have historically moved from welfarist, rehabilitative ideals to retribution, punishment, and containment. In the 1970s and 1980s, probation operated under a largely “get tough” punitive approach. But as the pendulum swung in the early 2000s, rehabilitation became foregrounded albeit nested within regimes that prioritize risk

assessment, regulation, surveillance, and individual responsibilization (Harding et al., 2022; Phelps & Ruhland, 2022; Phillips, 2013; Werth, 2013).

In the early 2000s, probation shifted toward a “synthetic” officer orientation, which aims to balance treatment (and not punishment) and surveillance. This orientation was purported to have positive benefits for officers and their clients (e.g., reduced recidivism, increased prosocial outcomes) (Hsieh et al., 2015). However, Hsieh et al., 2015 found there had been an *increase* in law enforcement-style functions of probation officers across states between 1992 and 2015 (the era of mass incarceration). Notably, this increase in law-enforcement style function of probation officers was happening at the same time that public awareness about mass incarceration and its racialized harms was growing, *and* probation’s workforce was diversifying (Alexander, 2010; Phelps, 2020; Schiraldi, 2023; Ward, 2006).

Ideas about ‘care,’ or the social work aspect, within probation have become more complicated as punishment and rehabilitative practices have merged with other forms of community-based ‘care,’ often forming hybrid regimens of punishment (Miller & Stuart, 2017). As some scholars have pointed out, the downsides to these forms of ‘carceral humanism’ are that they attempt to shroud *and* legitimize social control and punishment within liberal intentions of progressive change (Schept, 2015). Scholarship on ‘carceral humanism’ has in part focused on the ways that criminal justice practices get re-cast as social service provision, yet empirical question remains about how these efforts at carceral humanism are truly rehabilitative and if they increase the legitimacy of the CLS. Further, how system actors/power holders manage these practices through the prism of race, gender, and class arguably inflects these practices with meaning. Celeste Watkins-Hayes (2009), in her study of welfare workers of color, pointed to the ways that the workers not only engaged with clients through a racialized, gendered and classed lens, but also how they engaged with welfare policy through that lens. She engaged in an intersectional analysis of her data, reporting that the women of color welfare workers invoked parenting as a metaphor for their welfare clients,

and that all welfare workers supported the ideology of individual responsibility in their clients' lifting up from welfare even though they also articulated a race-conscious solidarity with their clients. In their qualitative study of probation officers in four states, Phelps & Ruhland (2022) sought to understand care and coercion as practiced by probation officers across four states. They found participants "braided" paternalistic care with coercion, shared how they parented their clients, and sought to ensure compliance to the terms of probation; a form of governance termed "coercive penal care" (p. 800). "Fifty-seven percent" of their sample were officers of color, but because the primary method was focus groups, they could not investigate how findings patterned based on the socio-structural positionality of the officers.

Neglected in the research on probation is a nuanced examination that pays attention to how probation officers, situated at the intersections of both their socio-structural locations (race/gender) and institutional positions, perceive the legitimacy of their work in the context of the broader CLS. As probation work has become increasingly 'feminized' (Mawby & Worall, 2013; Tidmarsh, 2023), attending to the feminized notions of care, i.e., social work versus law enforcement, in probation practices positions scholars to attend to issues of power (Wilson & Koons-Witt, 2024). Feminist organizational scholars offer an understanding of the ways that socio-structural dynamics of gender, race and class shape organizational cultures (Acker, 1990). Acker argues that "inequality regimes" shape organizations through a set of "loosely interrelated practices, processes, actions, and meanings that result in and maintain class, gender, and racial inequalities within particular organizations" (2006, p. 443). Dana Britton and Laura Logan (2008) argue that these regimes point to an ever-shifting set of relationships between gender, race, and class, identifying the significance of changing notions of the 'ideal' worker over time. They raise the need to attend to broader organizational contexts in conducting an intersectional analysis. This kind of approach has been used to analyze officers' perceptions of their work environment, looking at issues like stress, for example (Britton, 1997). Others have examined how the gender of the probation officer (not race) is

implicated in punitiveness or leniency of decisions finding that women officers are more lenient than their male counterparts; however, women officers are less lenient with Black clients as compared with white clients (Leiber et al., 2016). Recently, Wilson and Koons-Witt (2024) sought to understand how officer's gender and the gendered organization of community supervision—probation and parole—impacted the lived experiences of officers. Their findings reveal that probation officers, men and women, walk a tight rope in wanting to believe and maintain the language of gender-neutrality in their organization whilst simultaneously naming how gender organizes their lived experiences. A key tension the authors identify is the experience of navigating the “masculine ethic” (i.e., law enforcement/coercive dimension) of probation and parole as the workforce is becoming increasingly female. In particular, women officers named experiencing “more legitimacy when using [masculinized] symbols” such as “a badge and gun” in front of their clients (p. 18), *and* being received as legitimate when they also enacted a more “nurturing, motherly aspect” (p. 16).

Purpose of the Current Study

In this study, a secondary analysis project, we advance the literature on system legitimacy by paying particular attention to how probation officers situated at the socio-structural intersections of race/gender and institutional hierarchies articulate their understanding of probation within the context of the CLS. In the current moment of reform where the focus is more towards rehabilitation and when diversification efforts are purportedly understood as creating structural change that can and will mitigate oppressive disparities, we ask: how do probation officers narrate their understanding of probation and its role within the context of the CLS and its relationship to its component parts (courts, police, community, etc.)? How are these understandings shaped by the intersections of race, gender and occupational position?

Methods

Research Design and Participants

The data for this study were collected as part of a larger project on which the second co-author of this manuscript served as a supervising researcher. The larger project aimed to understand the legitimization strategies of CLS workers across various job roles, their perceptions of internal (organizational) legitimacy, emotional management strategies, and perceptions of legitimacy of the broader CLS. Over the course of three months in 2017-2018, a team of six graduate research assistants and supervising researchers (including the second author) conducted predominantly in-person, in-depth, semi-structured interviews with 170 frontline CLS workers in a large Northeastern city. Participants included prosecutors, criminal defense attorneys, pretrial associates, judges, correction officers, and probation officers. Purposeful sampling procedures were applied with the goal of obtaining a sample of approximately 30 participants from each workforce group, seeking racial/ethnic, gender, and positional diversity.

Post buy-in from the city's Department of Probation (DOP) and the probation officer's union, the Department sent an email to all probation officers summarizing the study goals and inviting their voluntary participation. All individuals who volunteered to participate were interviewed. Interviews were conducted outside of officers' workplaces to allow them more freedom to share assessments of their work (Gagnon & Richards, 2008; McDowell, 1998). The semi-structured interview protocol was organized around core questions, including worker identities and attachment to their agencies, perceptions of role authority, emotion management strategies in interactions with the public, and perceptions of the legitimacy and fairness of the system(s) they worked in. The protocol was informed by extant literature on legitimacy and emotional labor among system workers (Hochschild, 1979; Kadowaki, 2015; Tankebe, 2019).

Researcher Positionalities

We are a group of interdisciplinary scholars (first, third and fourth authors: community psychologists; second: sociologist) situated at the multiple, interlocked, axes of gender/sexuality/race/immigration. We are committed to intersectionality's core tenet of employing a rigorous and critical lens to document oppression and building knowledge that creates workable actions towards advancing structural justice (Cho et al., 2013; Singh et al., 2022). We worked through the analysis as a collective situated at racialized/minoritized/privileged axes as people of color (first and last author), as well as White allies committed to troubling structures of oppression (second and third author). We hold a variety of experiences and expertise within criminal and juvenile legal systems ranging from evaluations of community-based alternatives, archival data extraction and analyses of probation case files, and long-term ethnographies. These experiences and expertise, and our commitment to social justice supported our analysis and interpretation of these data.

Research Site

The DOP in the Northeastern city where the research took place is lauded for its decarceration efforts, innovative approaches to community supervision and reducing the number of people on its probation rolls by over 80%. The DOP was responsible for supervising both adults and youth and had recently implemented a neighborhood model of probation. This involved embedding satellite probation offices in different neighborhoods, providing services, and reducing barriers like transportation access to address violations of probation resulting from missing appointments or arriving to them late.

As of December 2018, when data collection for the larger study was completed, 935 people were employed by the DOP (median age = 51, M = 50.6; median years of service = 25, M = 20.7). The DOP workforce was 71% female and 16% White, 67% Black, 14% Latino/a and 3% Asian. In 2019, 44% of probationers in the city were Black (29% of the statewide population identified as Black) and 33% were Latinx (21% of the statewide population identified as Latinx). For the current paper, we focus on interviews

with both frontline probation officers and supervisors (N = 27). This sub-sample of probation officers was younger than the population of officers in the wider agency (48% between 30 - 49 years of age) and more closely split on years of experience than the agency-level population (37% of our sample was on the job less than five years and another 37% on the job for more than 20 years). Our sample reflects the department's population on gender and race: 74% female and 56% Black (see Table 1).

Data Analysis

To understand the specific perspectives of probation officers participating in the study (N=27), we engaged in a reflexive, open coding thematic analysis in two phases (Braun & Clarke, 2006). In the first phase, three co-authors conducted an initial read of six transcripts (22% of all interviews). We wrote detailed memos reflecting on what probation officers were articulating about the broader CLS, and how they viewed and experienced their role in probation vis-à-vis other component parts of the CLS (i.e., police, prosecutors, judges, community). We used this process to generate an initial inductive codebook. Further, we sharpened our contextual knowledge of the city's probation reforms aimed at expanding neighborhood supervision. To do so, we read and reflected on eight newspaper articles disseminated about the DOP and its neighborhood-oriented model; however, we did not do any content analysis of these articles.

In the second phase, we deductively expanded our codebook based on a review of the literature guided by team discussions on our memos and understanding of the city's move to the neighborhood model of probation. At this stage, we focused on literature related to the study's broader research focus, the perceptions of system legitimacy among frontline criminal justice workers, and on the role of race, class and gender in frontline criminal justice work. We developed additional reflective memos based on our understanding of the literature and further refined codes until we reached codebook saturation.

All co-authors coded all interview transcripts in Dedoose using the finalized codebook. We then conducted a global analysis of the codes using the matrix functions in Dedoose, looking for patterns, repetitions, and key intersections between officer positionality (socio-structural and institutional) and themes. We identified five broad codes that appeared frequently across interviews. Specifically, those were: probation as minor, probation as compliance, probation as social work, the system is racist, and acts of resistance. In pairs, we examined all excerpts for each of these five codes to immerse ourselves in officers' perspectives. In keeping with intersectionality's analytical disposition to exploring the "problem of sameness and difference," we generated a matrix of all participants where each individual's information was present as a row (Cho et al., 2013, p. 795). Columns included race, gender, years in the system and role (frontline or supervising officer; see supplemental Table 1 as an example). Then, we summarized each participant's excerpts and examined how those codes co-occurred with other codes. We then grouped participants similarly situated at the intersections of race/gender, and generated memos to synthesize what we were learning within and across cases with key attention to the institutional position of each participant (see supplemental Table 2). In other words, we analyzed what all Black women (frontline and supervisory) were articulating and considered if those patterns were similar or different for Latina women (frontline and supervisory), Black men (frontline and supervisory) and so on. While we conducted a thorough analysis at the individual participant level, our memos at this stage in the process were at the aggregate level. As an example, we wrote memos about what Black women (both frontline and supervisory) officers were articulating, and similarly for others (e.g., what Latino and Black frontline and supervisory men were articulating). The research team as a whole checked for resonance and accuracy when reviewing and making sense of all memos generated in pairs.

Findings

We constructed two primary themes. First, probation officers perceived themselves as minor or marginal actors. We share three sub-themes, and patterns within each sub-theme, associated with this broad experience of feeling marginal. In our second theme, we detail how *all* probation officers clearly articulate the oppressive and race/class-based societal oppression of which the CLS is a manifestation. This connects to the officers' perspectives on *system legitimacy*, with many of them recognizing that the system they work in is fundamentally unjust. In a sub-theme, we describe a largely gendered pattern of resistance, albeit limited by the system, that is rooted in humanizing care.

Theme 1: Probation as 'Minor'

Invariably, across institutional (frontline and supervisory) and socio-structural (race and gender) positionalities, *all* probation officers articulated a sense of probation being 'minor' and having limited authority in the CLS. Firstly, all probation officers felt limited decision-making power and influence in relation to more powerful actors like judges, prosecutors, and police officers. This experience of 'minor' also extended into the community as officers described a sense that the public is more aware and responsive to the power of police. Secondly, in the context of the omnipresent neighborhood model of probation enacted in this Northeastern City, Black women, and men of color supervisors, specifically, articulated a paradox. Lastly, women officers of color felt 'minor' within the DOP and named incommensurate salaries as an indication that even though their work was demanding and broad in scope, the pay scale did not honor their labor.

1.1 'Minor' in Decision-Making Power Compared to Judges, Prosecutors, and Law Enforcement

In the larger context of the CLS, *all* probation officers conveyed they did not have power to produce systemic change, as that power largely resided with judges and district attorneys. A Black frontline officer, Ralph, when asked about the responsibility inherent in his role, shared that "foremost is public safety." However, in ensuring public safety, he felt his power was limited because even though "we feel like

somebody is not appropriate for the level of supervision...we have some say and influence as far as what we can say in our recommendations, but...everything is based on the judge.” Similarly, a Black frontline officer, Clara, asserted that even “when we do violations of probation and return the person to court, basically the judges decide the fate of the person, and as much as we try to say ‘well, we think this should happen,’ the judge may decide something else.” Robert, a Black supervisor, shared that he was ultimately someone who only executes what a judge decides. “We’re not locking nobody up...even if we [gave] a violation the judge could say no and now you [the probation officer] look like a fool.”

Prosecutors were also perceived as actors with a lot of power. A White frontline officer, Sarah, in responding to whether other CLS actors recognize the authority of probation officers, shared, “I really don’t think so because of them also not really understanding what we do.” Beyond naming that prosecutors “and probation have absolutely no communication together,” she also shared experiencing a lack of respect from the district attorney’s office. She further explained:

So, when there’s a rearrest, there’s an open case, when I call an Assistant District Attorney on a case and I say, ‘Hey, this person’s on probation. I just wanted to find out what’s going on with the case.’ I mean I should get a call back, but sometimes it’s not – I think it’s like maybe they don’t even understand what probation does.

In addition to feeling minor to judges and attorneys, probation officers shared feeling subordinate to police officers. They felt the community accorded them less authority than they did the police. Jackie, a Latina supervising officer, shared:

I think it’s hard to get the respect from other agencies like the police officers, who are putting their lives on the line every day and they’re like, “But you’re just probation. You sit there with the client. You do this. You do that.” We had an incident in our office last week or two weeks ago where a

client was acting up and we called the precinct. So, it's like, "Well, why can't you guys handle these things? You have handcuffs." They're right. So, yeah, I don't think we get the respect that we deserve sometimes.

This lack of respect for their authority, argued Janice, a Black frontline officer, was in part due to other agencies viewing probation's function as law enforcement as less legitimate than its social work function: "I don't think they necessarily see us as law enforcement people. I think they see us more as social work ... I don't think the respect is always there." Clara, a Black frontline officer, explained that the agency's decision to deliver community-based services was to the detriment of members of the public recognizing their power and authority as legitimate law enforcement—"sometimes it's difficult because right now, [the agency's approach] is more social work." A Black frontline officer, Kenneth shared that many people in the community "see us as social workers" and even "overall law enforcement thinks we're the hug-a-thug."

1.2 A Paradox: Ensuring Compliance While Being "Minor" in Power Although the System is

Omnipresent

As the system had swung towards a more rehabilitative and welfarist orientation, thereby becoming more rooted in "social work," the DOP in this city shifted towards a neighborhood-based model of supervision. Arguably, the omnipresence of probation was meant to be benevolent towards minoritized and surveilled communities. All probation officers, as described in the previous sub-theme, recognized the language of "social work" in these changes. Yet, there was a key tension that we noted present *only* for *all* Black women probation officers (frontline and supervisory), *and* Latino and Black men supervisors. They recognized the CLS as having become both *symbolically* powerful and omnipresent in the lives of their clients. Black women also named that this omnipresence directly translated into more *substantive control and surveillance*. Their perspectives suggest that what is branded as social work and benevolence/welfarist

is, in function, an omnipresent extension of community surveillance being done by demographically more representative officers who are disproportionately women.

Linda, a Black frontline officer, noted that ensuring compliance had become such an ever-present surveillance task that she invariably informed her clients “nothing you say is privilege[d], everything is on the record,” and “anything that you tell me can and will be used against you, so make sure you know what you’re saying to me.” Janette, another Black frontline officer, shared that every aspect of a client’s life, from the job they take on, details of their romantic relationship, to the notes their psychiatrist wrote were all examples of the omnipresent power of probation. “Go look for a job” and “bring in verification that you actually did it,” “bring me their pay stub,” “if they’re going to a psychiatrist...tell me some of your progress notes,” “whatever these guys are doing, when they’re in relationships or anything, you’re supposed to let us know,” she elaborated. Sylvia, a Black supervisor, explained that a consequence of probation’s satellite offices being in community meant more net-widening as a violation could occur while a client was attempting to take public transportation; “we have made it easier to be violated.” Officers described their ability to enter clients’ homes at any time to conduct warrantless searches as a key manifestation of their omniscient power and surveillance over their clients. According to Janet, a Black frontline officer: “When someone is placed on probation, they sign away their rights to have a warrant...we have what’s called a warrantless search.” Notably, police did not have this power.

Gendered nuances were present in how officers viewed the task of *ensuring compliance*. Evelyn, a Black frontline officer, talked about the slippery slope of this omnipresent setup, stating that while she approached clients with a relationally warm demeanor to ensure compliance, she also threatened violations if they did not comply. She named this emotional labor “an extension of parenting...so it’s like I have more than the two kids I gave birth to,” referencing her practices to incentivize good client behavior (dangling the threat of a violation) and move forward with initiating consequences for non-compliance (issuing the

violation). Evelyn often gave her clients and their families her personal cell phone because she cared about their well-being. Yet, she lamented that her clients, and community members, “see us as social workers.” She said that probation officers are at the bottom of a “totem pole,” neither receiving police-level salaries nor the respect of social workers.

Unlike the women of color officers who noted a paradox of power in ensuring compliance given where probation is situated in the CLS between courts and police, Black male officers at the frontline saw probation as more relationally “black and white” and liked the masculine “authority” associated with it. For example, Ralph, a Black male frontline officer, shared:

Because you’re coming from a law enforcement position and it can be more authoritarian because at the end of the day if you don’t do what I say – I’m not always right, but there are certain black and white things that are going to lead to a path that you don’t want to go on, and I think I like that aspect of it.

The men also shared that the law enforcement/compliance component of their job was hard because the community perceives that they are “social workers even though they are law enforcement.” This sentiment was also shared by the one Latino man supervisor, George, for whom compliance meant ensuring the respect of clients because “without consequences” the terms of probation and thereby the probation officer become delegitimized and a “joke.”

1.3 “Minor” in Compensation Structures Following Diversification Reforms

Most women of color officers shared how their lack of adequate compensation represented a form of minoritization within the DOP. They raised concerns about the lack of compensation comparative to police. Additionally, those with longer tenure highlighted how workforce diversification, particularly the

increase of women and officers of color, had resulted in officers doing more with less and receiving lower salaries than their previously male, White counterparts.

Evelyn, a Black frontline officer, noted her salary and benefits were not commensurate with the work and risk she undertook, even though her work was just as risky as the work of police:

...I just feel that – being that we are law enforcement officers – we're at the bottom of the totem pole. ...below social workers...and I just feel that with regards to law enforcement, starting out we should, you know it should be a level playing field.

Officers named that the educational and experiential credentials required to be a probation officer were higher than police, and yet that expertise was not reflected in their salaries. Janet, a Black frontline officer, connected the role's low salary to the probation officer's minoritized role in the broader CLS:

Well, I think that probation officers are not valued in so many ways – pay-wise and actually just the respect of the court and the District Attorney who, if you will, are all part of the system and we're the last – If you want to acknowledge us, I feel like a stepchild, to be honest with you. I say this because police officers – when I started 25 years ago – could have a GED, pass a test, get a job and they would make tons more money than I do. In order to be a probation officer, you have to have a college degree and you have to have two years of some type of social work background.

Jackie, a Latina supervising officer who had been in the department for several years, noted how this lack of respect was historically and politically relevant in the context of the shifting demographics of probation officers. She argued that as the numbers of officers of color in the department increased over recent years, officers steadily received less remuneration, and were generally treated poorly by management:

Years ago – back in the '60s when probation was predominantly white male – it was, oh my God. Even when you read up on it, it was something viewed very favorably. The money was great and,

as other minorities started coming into the profession, I think [they were] just kind of like not as valuable.

This link between a demographic shift in probation and its consequences for the ways officers in these roles were viewed in the system was echoed across other interviews. Being the ‘stepchild’ and ‘not as valuable’ in the broader CLS reflected the perception by many officers that they are expected to be more educated and have relevant work experience compared to their police counterparts. In other words, this diverse workforce—an attempt to cultivate legitimacy in the eyes of the public (at least symbolically)—named that they have to be more credentialed, and willing to receive far less compensation for their work, while not receiving the legitimate respect they deserved.

Theme 2: The Criminal Legal System is a Manifestation of Societal Racial Oppression

All participants, across institutional (frontline or supervisory) and socio-structural positionalities named that structural racism—foundational to American society—is manifested in the CLS. Their experiences in this system underscore that only through the rectification of broader racialized/classed injustices could the CLS achieve legitimacy. A Black supervisor, Sylvia, shared that the need to fill policing quotas is what increases the racialized and classed policing of her BIPOC clients. For these clients, experiences of being “arrested under the age of 16 for riding my bike on the sidewalk without a helmet,” and “just sitting there smoking amongst their friends” because “they don’t have a step to sit on, they don’t have a backyard,” are common manifestations of overpolicing and punishment in minoritized neighborhoods. Sylvia raised doubts about previous arrest histories, indicative of racist practices like stop and frisk, that she saw on her clients’ records, observing:

I was a big opponent of stop and frisk because it’s not done equally... You stop and frisk people on Wall Street, trust me, you’re gonna find your share of weapons and drugs but if you’re only

doing it in...public housing areas...you, as an officer are assigned to this area and you know who everyone is... A lot of times you see our clients come in and they have an arrest, but it says they are arrested—the charge is resisting arrest. But what arrest were they resisting?

This critique of the disproportionate targeting of racialized communities that are also low-income in Sylvia's observation was echoed by a White woman, frontline probation officer, Elizabeth, who shared, "I haven't had a lot of White people so there's a problem that I see going forward in that minorities are prosecuted at a higher rate than somebody who's not Brown." Her conclusion was that youth of color on her caseload are there for "stupid things that, by the way, many young people do." A Black male frontline probation officer, Kenneth, labeled the accumulation of affluence and power at the intersections of race and class as an "affluenza," which results in deep sentencing disparities between BIPOC and white communities. "Black people and White people smoke marijuana at damn near the exact same rate, but Black people are criminalized more heavily," Kenneth detailed. He recounted his experience of how an "affluenza kid who killed people after driving drunk [ended up with] probation," meanwhile, "anybody poor or of color would have been in jail for years behind that."

The recognition of systemic racism was reflexive; BIPOC participants recognized how their own racialized identities did not preclude them experiencing racial harm. A Black frontline officer, Melissa, when asked about implicit bias in CLS stated that "even as a probation officer, we're all very much aware that we're Black first," and that recognition of societal racism meant that she hoped that when she gets pulled over by police "I make it to my badge to show you [police officer]." A Black woman supervising officer, Marcia, stated that judges—system actors who hold the most power and are disproportionately White—are not from minoritized and over surveilled communities. A consequence of this mismatch in representation among the judges, Marcia explained, is that the "punishment [decreed by the judge] don't fit the crime," and that "these judges, some of them, don't care; they're like you don't live in my neighborhood, I don't care."

2.1 Rejecting the System's Punitive and Racist Logics through Acts of Care

We noted a largely *gendered* pattern in how *all* women probation officers across institutional and socio-structural positionalities identified individual-level actions they engaged in to mitigate the “omnipresence” of probation. Specifically, women officers and one Black male frontline officer named taking a transparent and rights-based approach with their clients, incorporating advocacy services into probation to increase access to resources, and tailoring services to ensure they are individualized and strength-based. Many of the acts described arguably fall under the expected roles of a probation officer (e.g., explicitly sharing a client’s rights). What is critical is that this racially diverse workforce used their recognition of structural harm to resist the racist and classed logics of the CLS/society. Specifically, they described how institutionalized racism manifests within the CLS and described how they work to blunt its impact. Our intersectional analysis also showed how the probation officers’ practices are constrained by systemic forces. Although officers offered opportunities to clients and resisted the coercive elements of the system, if a client was not compliant, then they were at risk of being violated, and the responsibility for this failure was with the client. Angela, a Native American woman frontline officer shared:

We’d have to get rid of the institutionalized racism and the torturous effects of incarceration, especially for young people. I don’t know what was worse. They had the youth detention centers but then the youth detention centers got so crazy, but I think that if someone is in jail or in prison, they need to learn a skill so that when they come out, they’re ready to do something.

Angela not only recognized the “institutionalized racism” that pushes marginalized populations into the CLS, she also named how time in prison is not used to build skills, which furthers harm during re-entry. She shared how a client of hers “could have been trained as a sous chef or a line chef or if you’re in [redacted location] for ten years, you could do tree cutter or forester...something where when you come out, you can get a job – even small light equipment like forklift operator.” She is clear that when exiting prisons in

particular, people “need to come out with something and that’s the problem because they’ll go right back.”

With this understanding of systemic oppression, she worked above and beyond to find opportunities for her clients where they could “build a resume.” She shared “I always tell people, ‘I’m not here to bang you over the head. You probably had a really rough time already. Where do you want to move to? ... It takes months sometimes because people have walls up. They’ve been involved in so many systems.’”

Marcia, a Black supervising woman officer described how structural precarity undergirded the charges of those under her supervision: namely, the interconnected and vicious problems of homelessness, substance use, and inability to access employment. Sylvia, a Black woman and supervising PO, also shared how punitive logics are magnified in their application even for behavior that is not violent or harmful to others:

I think that if we have someplace that we can go to, prior to actually having them – like, if their precinct had a lower-level officers...or a lower-level judge deal with violations. Bring them in. Alright, you have marijuana, you owe \$25, rather than having them bring them in, put them in holding, take them to arraignments, all that stuff for something so petty.

Elizabeth, a white frontline officer, who enjoyed “the social work law enforcement kind of a thing,” named that mindset as key to being a probation officer now that probation is no longer “very gung-ho and very lock ‘em up and we don’t care if they have an excuse.” She described how her own experiences with gender-based violence allowed her to humanize her clients:

It’s always been a very personal – it’s almost a mission for me that I use what I know as a victim to try and prevent more victims...[clients] are our fathers. They are our mothers, our aunts, or uncles. There’s the homeless guy in the road, but most of the time we have connection with these folks

and we let them come into our circle...so a goal that I keep in mind every time I look at a case [is]
'What can I do to not let this happen again for my victim but also for my client?'

Alicia, a Latina frontline probation officer, shared that she always communicated to her clients that "I'm not here to find you guilty...I am here to do the supervision," and help "[the client] find...services." This advocacy also meant that if clients were coming home past curfew because of their mandated programs, she verified their activities so that "on the next court date we can let the judge know...that particular individual is doing something positive." Sylvia, a Native American frontline officer described how providing individualized advocacy to clients challenged the harm impacted by the CLS even if she was unable to change the system itself:

Interviewer: Do you think that – as a probation officer, you have the ability to affect change in the criminal justice system as a whole?

Interviewee: As a whole, I'm not really sure. I mean person-by-person, I think so. I've had people on my caseloads who were 30 and didn't know they could vote. I've helped people who are 40, 50 get their GED. No one ever encouraged them to do so. So, I think person-to-person you can affect change and hopefully, when you plant a seed...they pay it forward. But overall as far as the system, I don't know.

These women probation officers also described actions that go "above and beyond" officer responsibilities to navigate systems and services' advocacy. Roberta, a Native American investigative officer described how she tried to meet with defendants prior to their court appearance and referral to a specific probation officer: "A lot of times, me personally, I kind of go a step ahead because I want them prepared when they get to the PO that's gonna supervise them. I don't want them having to wait a month or two months."

Ultimately, however, the capacity for probation officers to resist the oppressive logics of the CLS and advocate for their clients was largely determined by the discretion afforded in their roles. Additionally, the priorities and leadership of departmental administration also shaped the latitude officers had to resist on behalf of their clients. Roberta, a Native American woman who served as an investigative officer for nearly two decades, described: “basically, depending on who’s in administration...probation swings whatever way the administrator – which is the commissioner-swings...so, we basically go by where our leaders go, but we still kind of sneak in whatever we need to sneak in to help the client or the community.” Elsa, a frontline officer who self-identified as ‘Other,’ when asked whether she considered the consequences of her discretionary decisions on the larger department “Yes, I do all the time. Anything that I do, I’m accountable for. If I make a decision, a majority of the time, it’s on the line with the department. But if I see an avenue where I can balance out both; I can help the client and help the department, I will do that.” The discretion needed to resist carceral logics was exemplified in an interview with Sylvia, a frontline Black woman officer who described an incident where she advocated for a client for early discharge after three years of probation that was challenged by other officers because of his initial crime:

I have a younger guy who was on probation for a robbery he committed ... I was like, why is he still on probation, because we do have an option that you could put in for early discharge...if the probationer is doing everything they should and they don’t have any rearrests. So, he had no arrests, he was going to school...he was taking care of his little brother on the weekend while his mom worked, and his mother had no complaints about him. He did everything and I was just like, ‘why didn’t anybody try to get him off?’ because of the crime he was on for a lot of people didn’t want to touch it...is I put him for the early discharge and my supervisor was like, ‘that probably won’t get approved because of the crime’...and he got the early discharge.

The extent to which probation officers, particularly women of color, succeeded in exercising such resistant care was shaped by the discretion in their roles and the priorities of departmental leadership.

Discussion

Frontline system actors are power holders who cultivate legitimacy in the eyes of the public through their direct interactions. Researchers have found that frontline workers are susceptible to negative public perceptions of the CLS, suggesting that Bottoms & Tankebe's (2012) notion of system legitimacy as dialogic and relational is important (Nix & Wolfe, 2017). Workforce diversification, accelerating in the 1990s, has been an underexamined strategy for addressing system legitimacy concerns. However, this diversification has primarily taken place in the service sector (i.e., probation officers, corrections officers) and Black women now make up a disproportionate share of the probation workforce (Ward, 2006; Wilson & Koons-Witt, 2024). The bulk of studies examining workforce diversification center on the role of race and have mixed results on this strategy's efficacy in reducing racialized harms and increasing system legitimacy in the eyes of minoritized communities in particular (Benton, 2020; Ward & Kupchik, 2009; Ward et al., 2009). While recent work within probation does examine how probation officer's gender and the gendered nature of probation impact officers' everyday experiences, an intersectional examination of race and gender—in the context of institutional position—is absent (Wilson & Koons-Witt, 2024).

Scholarship on probation largely focuses on how officers view their clients and how they navigate probation's dual roles of care/rehabilitation and coercion/law enforcement/surveillance. This keeps the gaze either on minoritized communities or on probation officers themselves while rendering the broader CLS invisible (Hsieh et al., 2015; Ward, 2006). As the pendulum has swung more towards rehabilitation early in the twenty-first century, *and* given the low levels of legitimacy of the CLS in the eyes of the public (especially minoritized communities), it is timely to interrogate how probation officers, power holder with

direct contact with the public, think about and experience system legitimacy (Trinker & Tyler, 2016; Werth, 2013).

Our intersectional analysis revealed that *all* officers across institutional and socio-structural positionalities were clear that the CLS is an institutional manifestation of a broader society organized around the oppressive, intersecting logics of race and class. For our BIPOC participants, particularly women, the articulation of systemic racism was reflexive and indicated their own experiences of being “Black first.” Our data makes an empirical contribution to our knowledge about citizen perceptions of the racialized injustices of the CLS, pointing to the ways that these injustices are experienced by the very Black and Brown “power holders” working in that system. Importantly, these data were collected in 2017-2018, when the Black Lives Matter movement and their critique of policing and mass incarceration had entered the mainstream (Nix & Wolfe, 2017; Schiraldi, 2023; Taylor, 2016). Further, this research was conducted in a city lauded for its efforts in reducing the number of people under carceral surveillance and where the DOP had moved to neighborhood model of probation supervision. Even in this context, *all* probation officers continue to recognize that systemic racism/oppression is ever present. Our analysis suggests that participants' experiences negate the system's efforts to achieve legitimacy that is more symbolic than substantive. Even though probation is the largest arm of the CLS, and while probation officers articulate having the power to violate clients and ensure compliance, they perceive themselves as minor or marginalized actors within the broader CLS. Other powerful agents like prosecutors and judges hold greater power to enforce the system's racialized and classed logics of control. This paradox, aligned across the probation officers' intersecting identities of race and gender, reveals how the language around 'social work' is both an expression of the system's end-goals and the limits to care as a genuine possibility within this fundamentally unjust structure. Rather than enhancing the credibility and fairness of the CLS in the

eyes of the public, particularly marginalized communities, these symbolic attempts at reform practice a 'carceral humanism' that obscures deeper systemic issues that perpetuate race-class subjugation.

We detected differences when contrasting the perspectives of all Black women (regardless of institutional positions) and Latino and Black male supervisors to those of all other officers in this sample. These officers were the only ones who explicitly assessed how the newly implemented and well-hailed neighborhood model of probation meant that it became *omnipresent* in the lives of their poor, predominantly Black and Brown clients. Black women identified that the expansion of probation provision into local communities translated to a greater ease in supervision *and* ability to enforce probation violations. Other *differences* at the socio-structural locations of gender and race were in the context of fulfilling the social work component of probation work. Women, and Black women in particular, shared that they employed their power of care in an *intentionally resistant*, intimate way and worked at mitigating the harms of a system because they understand how the CLS is a manifestation of racialized and classed social control.

Our findings build on the race-consciousness that Watkins-Hayes (2009) reports from her work with welfare officers of color. However, the impact these officers can have is limited given their institutional positionalities as minoritized workers in the broader CLS. In this way, our work raises the notion that the "inequality regimes" (Acker, 1990) of racialized and control are upheld because the system's form and function has ultimately not changed (Benton, 2020). In terms of legitimacy, we argue that this upholds the distinction between acts that seek to symbolically legitimize the practices of the CLS at the cost of substantive changes that result in the elimination of racialized/classed disparities. However, our work also reveals that race-conscious solidarity also combines with a feminized ethic of care for Black women in particular. These women are attempting to exercise care at the individual level with their clients because they recognize systemic harms. However, they are practicing this ethic of care while also receiving less respect (i.e., a reduced salary) and less power in their roles. For them, as opposed to men, accountability

was not as clearly linked to a violation as it was to ensuring that their clients were not going to engage in further harms. These patterns of sameness and difference are significant to the extent that gender and race were the inflection point through which the shared recognition of power in the system were differently refracted and reflected.

Our intersectional analysis extends previous work about the relationship between care and control in the probation system by providing an analysis about how those notions of care and control are gendered, raced, and classed. Previous research in feminist organizational studies have pointed to the importance of analyzing the ways that organizations are shaped by the dynamics of gender, and later work on race has looked at the ways that organizations are shaped by racialized dynamics. However, the issue of care and control has not yet been understood through an intersectional lens; our study builds upon this nuanced understanding of the enmeshing of coercion and care in probation by foregrounding race *and* gender *and* institutional positionality as central, interconnected axes of analysis. Ultimately, we learn that the current “worker” in probation may expect to be disproportionately female, of color, expected to be more educated than her white law enforcement counterparts, and given a reduced compensation as well as respect.

Crucially, our analysis underscores how these socio-structural and institutional intersections perpetuate a system of carceral control and undermine system legitimacy, particularly among system actors who are people of color. We provide empirical evidence from a contemporary era of reform for a pattern that has been observed historically: that women’s involvement in penal regimes is linked to new productions of power that ultimately perpetuate and serve the status quo of institutional and systemic oppression (Hannah-Moffatt, 2001; Knupfer, 1999; Mawby & Morall, 2013; Tidmarsh, 2023).

Limitations, Strengths, and Future Directions

A key limitation of our work is that our analysis did not include other system actors named as having more power by probation officers (e.g., police officers and judges); a comparative design may have enhanced our findings. Survey-based research could help us expand on these claims, allowing us to look more systematically at these questions. Societal-level policy implications of this work align with thinking that the CLS is an institutional manifestation of structural oppression and issues related to employment, overpolicing, and housing, for example need to be addressed at a broader societal level through socially just changes. Probation officers do not have the power to effectuate systemic change *and* increase the legitimacy of the CLS. Organizationally, our intersectional analysis, confirmed and supported through broader data from the field, supports the claim that Black women in particular faced the highest levels of pay inequality in their fields. Thus, one practical implication of the work is for probation agencies and broader municipal governments to analyze and address these pay inequalities *whilst continuing to reduce and eliminate the carceral footprint of the CLS in minoritized communities* (Schiraldi, 2023).

We suggest that workforce diversification efforts, while critical, alone are not enough. Our analysis shows that the prevailing race-based power structure in U.S. society and racialized and gendered hierarchy within the probation system remain intact. Hiring more BIPOC probation officers creates a perception of symbolic legitimacy, masking the underlying power dynamics that maintain racialized social control. By recognizing and explicitly acknowledging the embedded racist logics in the probation system and the larger criminal legal system, this study challenges the dominant rationale that workforce diversification alone can enhance the system's legitimacy or responsiveness to the needs of marginalized communities. Instead, the probation officers' perspectives reveal how the underlying structures of oppression persist, despite symbolic attempts at reform, further undermining the criminal legal system's credibility and fairness in the eyes of frontline workers and the communities they serve.

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Table 1.

Probation Officer Demographic Information.

Pseudonym	Position	Time	Gender	Age group	Race
Alicia	Probation Officer	20+ years	Female	50-64	Latino/a or Hispanic
Angela	Probation Officer	10-20 years	Female	50-64	Native American or Alaska Native
Clara	Probation Officer	1-5 years	Female	30-49	Black or African American
Elizabeth	Probation Officer	20+ years	Female	50-64	White
Elsa	Probation Officer	10-20 years	Female	30-49	Other
Evelyn	Probation Officer	5-10 years	Female	50-64	Black or African American
Frank	Probation officer	20+ years	Male	50-64	Black or African American
George	Supervising Probation Officer	5-10 years	Male	30-49	Latino/a or Hispanic
Jackie	Supervising Probation Officer	20+ years	Female	50-64	Latino/a or Hispanic
Janet	Probation Officer	20+ years	Female	50-64	Black or African American
Janette	Probation Officer	20+ years	Female	50-64	Black or African American
Janice	Probation Officer	20+ years	Female	50-64	Black or African American
Jennifer	Probation Officer	1-5 years	Female	18-29	White
John	Probation Officer	1-5 years	Male	18-29	Black or African American, Latino/a or Hispanic, White
Kenneth	Probation officer	1-5 years	Male	30-49	Black or African American
Linda	Probation Officer	1-5 years	Female	30-49	Black or African American
Marcia	Supervising Probation Officer	10-20 years	Female	30-49	Black or African American
Mark	Supervising Probation Officer	1-5 years	Male	30-49	Latino/a or Hispanic
Melanie	Probation officer	1-5 years	Female	30-49	Black or African American
Melissa	Probation Officer	5-10 years	Female	30-49	Native American or Alaska Native, Black or African American, White

Michelle	Probation Officer	20+ years	Female	50-64	Black or African American
Ralph	Probation Officer	1-5 years	Male	30-49	Black or African American
Renee	Probation Officer	1-5 years	Female	30-49	Black or African American
Robert	Director	20+ years	Male	50-64	Black or African American
Roberta	Probation Officer	20+ years	Female	50-64	Native American or Alaska Native, Black or African American
Sarah	Probation Officer	1-5 years	Female	30-49	White
Sylvia	Supervising Probation Officer	5-10 years	Female	30-49	Black or African American