A Study on the Impact of Actuarial Assessment Tools on Probation Practices in Ontario

by

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Thesis submitted to the University of Ottawa
in partial fulfillment of the requirements for the
Master of Arts (MA) degree in Criminology

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Abstract

There has been a rising concern surrounding risk within society. This increasing concern has dominated almost all aspects of human life and more specifically the way in which citizens are governed. How risk is addressed in general has shifted significantly; given this, the criminal justice system has also seen an escalation in concerns surrounding risk. Subsequently, there has been a push towards evaluating said risks through the use of actuarial assessment tools. Research has shown that with the rising reliance on actuarial assessment tools came the decrease in practitioner's ability to rely on their professional judgement when conducting their work. However, there has been a gap identified in the literature. This gap pertains to how practitioners, particularly, probation officers perceive the impact of these actuarial tools on their work.

This study aims to analyse how probation officers, within the province of Ontario, view the impact of actuarial assessment tools on their work. This study is guided by the theory of governmentality, as coined by Michel Foucault. In order to explore the impact of actuarial assessment tools on the practice of probation, seven semi-structured interviews were conducted with former probation officers. The perceptions varied and participants did not provide a unique and monolithic response; rather, the voices of all participants were shared to create a larger picture of how actuarial assessment tools impact the work of practitioners in the practice of probation.

Acknowledgments

First and foremost, I would like to thank my thesis supervisor Dr. Bastien Quirion for providing me with your support and guidance throughout this process. I could not have completed this thesis without your constant words of encouragement and insight.

Dr. Chris Bruckert and Dr. David Joubert, my evaluators, thank you for providing me with the most valuable feedback and helping me shape my thesis into what it is today.

Mom and Dad, I don't even know where to begin. Thank you for being my biggest supporters through all my decisions in life. My journey up to this point has been wild, but you guys have been there through every step. I dedicate this thesis to you both. Your love and guidance have never stopped and for that, I thank you and I love you guys.

To my sisters, Vanessa and Patricia, thank you. No matter how many paragraphs I sent you, at the most random times you guys were there for me and helped me. You have witnessed many tears and stressful breakdowns throughout this writing process. You guys have been the ones to pull me out of those moments and reminded me that I could do this! I love you both, and I am so lucky to have had your support through this.

Nick, even though you came into my life towards the end of my writing journey you have been a huge support none the less. Thank you for all the love and support you have given me throughout this unique time in my life.

To my participants, thank you. Thank you for allowing me to understand your important roles as probation officers, sharing your experiences and your cherished stories. This thesis would not have been possible without you.

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CHAPTER ONE: INTRODUCTION

The rise of risk has dominated much of society, specifically how individuals are governed. Risk is incorporated into all aspects of daily life. As a result, there has been a growing eagerness to evaluate these risks. Consequently, there has been a growing reliance on the use of actuarial assessment tools within various industries, including the criminal justice system.

With the 'rise of risk,' there has been a significant decrease in the autonomy afforded to practitioners within the criminal justice system (Garland, 2003). There has been a move away from practitioners being able to rely upon their education and training when conducting risk assessments and case management plans with their clients. The growing concerns surrounding risk has led to a growing reliance on practitioners to govern 'risky' individuals. The late 20th century saw a major rise in what Beck (1992), has coined the risk society. Beck (1992), argues that the calculation of risks has become a focal point within the period of late modernity. Over the last century, all aspects of human life have been consumed by this new risk model of government, including the practice of probation.

Given that the assessment of criminalized individuals has become a critical task of practitioners within the criminal justice system, there has been a major shift away from relying solely on clinical assessments and a push towards the use of actuarially based assessments.

In the field of probation, practitioners are no longer seen to be in a role that requires them to work towards transforming the individual. However, there is not a significant amount

of literature on how probation officers themselves perceive their work and how they view the impact of these risk assessment tools.

In this thesis, I explore the use of actuarial assessment tools within the practice of probation in Ontario and analyze the way practitioners are perceiving the impact of these tools on their work. Further, I explore how the reliance on these tools may limit the practitioner's ability to exercise their professional judgement through the perspectives of the probation officers. Mark Hardy (2014), conducted a study on *Practitioner perspectives on risk: Using governmentality to understand contemporary probation practice.* Hardy (2014), identified a need to identify, in detail, how risk is impacting the practice of probation, from the perspective of the practitioner.

Through conducting seven semi-structured qualitative interviews with former probation officers, the central goal of this thesis is to gain an understanding of the impact actuarial tools have on the practice of probation. Specifically, two main research questions are guiding this thesis: *(1) How do probation officers perceive the impact of actuarial assessment tools on their work? (2) How does the use of actuarial tools affect the professional judgement of the probation officer?*

To respond to these two research questions, I set three research goals. The first research goal is to better understand the work conducted by probation officers. The second research goal is to understand if and how probation officers can rely on their professional judgement within their work. Lastly, the final goal of this thesis is to explore the importance of actuarial tools according to probation officers.

Chapter Two of this thesis provides a summary of the current literature surrounding the shift in the governing of crime within the criminal justice system and

explores the history and evolution of assessment tools. Chapter Three outlines the theoretical framework guiding this thesis, governmentality, by Michel Foucault and elaborated by Nikolas Rose, Pat O'Malley, and Mariana Valverde. Next, Chapter Four describes the methodological approach applied to this thesis. Chapter Five presents the findings of this thesis and analysis of the findings. The Findings and Analysis chapter provides the perspectives of seven research participants on the use of actuarial assessment tools within the practice of probation in Ontario. Afterward, Chapter Six concludes this thesis by evaluating the research question and providing further discussion on the findings. Finally, I discuss the contributions of my research to the field of Criminology, limitations within my study, and potential avenues for future research.

CHAPTER TWO: LITERATURE REVIEW

This literature review examines the current research on the shift towards what has been coined the ‘risk society’ and the impact of this shift on the work of probation officers and probation practices. To examine this impact, an understanding of the ‘rise of risk’ is imperative. As a result of this shift, there has been a reliance on the use of actuarial tools within the criminal justice system. This chapter begins by first describing the actuarial turn within the criminal justice system and how society addresses risk. Next, the evolution in predictive practices will be explored, followed by a description of the four generations of assessment tools. The final section of this chapter provides an in-depth description of the literature surrounding probation officers and their perspectives surrounding risk.

2.1 Actuarial Turn

To understand the shift in governance and shift in society, the following section will first highlight Beck’s (1992) thesis on the ‘risk society’. Next, the limitations of the ‘risk society’ will be outlined. Following this, a description of the culture of control will take place. Lastly, the actuarial turn within the criminal justice system, which highlights the reliance on algorithmic tools, will be explored.

2.1.1 Risk Society

Concerns about risk have taken the forefront within society. There has been a shift towards what Ulrich Beck (1992) described as the 'risk society'. In his work on the ‘risk society’, Beck explains how society has become fascinated with the idea of evading danger through categorizing events, issues, and individuals as risky.

People have become preoccupied with attempting to avoid both dangers and calculating their associated risks. To understand Beck's work on the 'risk society', it is important to first distinguish the differences between danger and risk, as they are often used as synonyms. Danger can be defined as "something that is liable to cause harm, injury or adversity of some kind" (Garland, 2003, p.50). In other words, until something occurs it is a hazard. There is a possibility of this hazard causing harm. On the other hand, risk can be defined as "the possibility of some such loss or injury… a measure of exposure to danger, of the likelihood and the extent of loss" (Garland, 2003, p.50). To simplify, a risk is the probability of harm that a hazard or danger may cause. This distinction between risk and danger can help us better understand what Ulrich Beck (1992) has described as the 'risk society'. The 'risk society' is how our modern world organizes how we respond to danger. Although dangers are deemed to be unavoidable, risks can be managed through specific strategies, including risk reduction and risk control. As a result, actuarial tools can be understood as a technique or a strategy that can offer a way of managing dangers that are now measured as risks. Hence, this is where the 'risk society' becomes relevant as we must respond to these unavoidable dangers.

Beck argues that historically, humans attempt to avoid or at least minimize the impact of hazards (Jarvis, 2007). It is important to understand that being able to control and institutionalize risk is central to the modern 'risk society' (Jarvis, 2007). With the rise of concerns surrounding risk, and subsequently the reliance on risk calculation, Beck's 'risk society' thesis becomes increasingly important. It is important to note that when Beck refers to the 'risk society' he is referring to the contemporary era; he defines this era as early industrialism and late industrialism (Lupton, 2013).

As noted by Lupton (2013), all eras of human life have been exposed to various forms of dangers. However, the ‘risk society’ thesis argues that contemporary societies or late modern societies are exposed to new forms of danger that have never been seen before (such as nuclear breakdown and greenhouse effect). Contemporary societies are exposed to threats to human life at unparalleled levels, making it harder for risk to be measured and prevented (Lupton, 2013). In his work, Beck (1995), compares the risks faced by pre-modern societies with those faced by contemporary societies. However, threats that were considered to be calculable during first modernity, formed into new threats during the period of late modernity and were no longer manageable through the calculation of risk. These uncertainties lead to a crucial aspect of the ‘risk society’, the growing insecurity surrounding risk. The ‘risk society’ can help to better understand the actuarial turn that occurred within the criminal justice system.

Individuals have become skeptical about science, as it is believed that knowledge surrounding risk is incomplete or inaccurate (Lupton, 2013, p.87). As a result of these beliefs, individuals are left to deal with constant uncertainty and insecurity (Lupton, 2013). Beck (1999), states that these feelings of insecurity amongst people are legitimate and it is understandable that individuals become critical of the strategies aimed to protect them from risks. The words 'possibility' and 'potential' are essential to note when discussing risk. One of the purposes of risk management strategies is to mitigate some of the uncertainties surrounding danger. To summarize, the actuarial turn served as a strategy to gain better control over uncertainty.

Given the fact that there has been a move towards the calculation of risk, there is a reduction of uncertainty as a result of predictive practices (Garland, 2003). For

example, if a probation officer conducts a risk assessment on an individual, and this individual is found to be at a high level of risk for recidivism, this tool has thus reduced uncertainty regarding the levels of supervision this individual will require. As a result of this categorization, the individual will receive more intensive supervision or will receive different forms of programming to address their apparent high-risk levels.

Through taking advantage of these uncertainties the 'risk society' has made room for the government to rely on risk management as a mode of governance to control society and to control nature (Garland, 2003, p.49). Subsequently, there has been a tendency to rely on formal risk management and assessment. This is done in an attempt to measure the levels of risk faced by contemporary society. The ‘risk society’ is driven by the management of a broad range of risks (Garland, 2003, p.73).

Beck’s (1992) work on the ‘risk society’, provides a theoretical framework to better understand the shift in case management practices. Several industries rely on the use of the term 'risk', including the insurance industries, financial industries, and the criminal justice system. When considering the everyday use of the term risk, one must consider the "possibility of loss, injury, disadvantage or destruction" (Garland, 2003, p.50). In other words, risks are always relational as it is a risk *of* something (Garland, 2003). According to Garland (2003), the focus on risk and avoiding its surrounding consequences is an attestation of the increasing insecurity leading to demands for measures of control. For the restoration of social order to take place, risk management has become the primary role of various institutions. Thus, the reliance on risk assessment to predict risks, assess the likelihood of risks, and the consequences that may arise as a result of this risk has increased (Garland, 2003). The regulation of citizens is exercised by

various sources within society and is seen through several channels that extend from community agencies and institutions to the individual level.

Lupton (2013), argues that discourse plays a significant role in the way the construction of risk has taken place within society; for example, "reoffending" is socially determined as being a risk. Discourse is a major element within any form of culture, such as the culture of risk. As argued by Lupton (2013), these discourses create certain truths regarding risk. The truths that arise as a result of such discourses become problematic when one considers the fact that an individual can be characterized as being at risk, and the consequences that may follow as a result of this. Given the current 'risk society,' the way individuals are characterized has also shifted. There has been a move away from what was considered to be a welfare state, where the rehabilitation of criminalized people and individuals, in general, was the primary goal of interventions, towards the implementation of risk management strategies (Garland 2003). The welfare state was also interested in the management of risk; however, the management of risks took place on a collective basis to promote solidarity amongst its people (Joyce, 2001).

According to Beck (1992), and his description of late modernity, the use of the name 'risk society' can be justified. If it is true that the present climate within society is one with increased awareness of risk, one should not assume that there has been an increase in the levels of danger within the community (Garland, 2003, p.79). Given the inability to accurately estimate the risk that society may face, there is a tendency to rely on the government as the risk manager. However, from a neoliberal standpoint, it is a shared responsibility between individuals and the community to prevent these risks. Through the rise of the ‘risk society’, there has been the development and use of

predictive tools to assess the amount of risk something or someone may pose (Garland, 2003). The 'risk society' is characterized by a fascination in the ability to know what the future holds, particularly with regards to one's safety and security. The calculation of risk has become a form of public protection and has led to the privatization and individualization of risk (Dean, 1998). Dean (1998), has defined this privatization as a ‘pluralism of aggregations’, meaning that individuals who are assessed as being at risk or are high risk should be in contact with service providers to mitigate this risk. It is argued that through aggregating individuals, it is possible to identify who is 'risky' and will, therefore, help in deciding which individuals should work with professionals in the field who can assist in addressing the identified risks (Dean, 1998). The aggregation of individuals is only one example of how there is a reliance on categorizing individuals along a risk continuum to govern them (Dean, 1998).

2.1.2 Limitations of the Risk Society

Some scholars argue that Beck’s notion of the ‘risk society’ is overstated (Kemshall, 2003, p.9). Critics of Beck’s work tend to provide four central themes within their arguments: "(1) the contention that the distinction between traditional and late modern risks is overstated, (2) the thesis that risks are under-regulated and weakened social control of technology has contributed to risk proliferation is incorrect, (3) the claim that the end of traditional bonds exacerbates risk is overstated, (4) the multiplication of risk is overemphasized" (Kemshall, 2003, p.10). It is not that the rise of risk has not occurred, but it may only be part of the dominant discourse and not the whole (Hardy, 2014). Hardy (2014), argues that there is a need for future research to understand how the rise of risk or the risk society impacts the several perceptions of reality within the

practice of probation. On the one hand, Beck (1999) has argued that risk may be on the rise given the increasing use of technology and science in this period of late modernity. On the other hand, academics have argued that there may have been an over-exaggeration regarding the concerns surrounding an increase in risk within society (Garland, 2003; Jarvis, 2007; Hardy, 2014). Given this perceived exaggeration of the increased risk in society, Hardy (2014), suggests that the rise of risk has impacted the way practitioners work with regards to who, what, and why they are governing. Through an increased focus on assessing, the actuarial logic has led practitioners to see the worst in individuals (Hardy, 2014).

Literature suggests that Beck's risk society thesis may have contributed to the growing wariness that individuals are having regarding the use of technology and reliance on science (Jarvis, 2007). Beck (1992), argues that the period of late modernity may be one that is more prone to risk. Kemshall (2003), questions whether the risk society is actually about risks that have not appeared in society until recently or if the risk society is more about new manners of viewing risks have emerged. Given these questions, it is prudent that one considers the potential ramifications that the ‘risk society’ thesis has had on the heightened fear of risks within society.

2.1.3 Culture of Control

Scholars argue that the world has become fascinated with the notion of risk (Kemshall, 2003). The fact that we can calculate risk is appealing to those who have an interest in the outcomes of said risks. Kemshall (2003), describes this by demonstrating that society has framed risk to be the "world's largest industry." The word risk can have different connotations; in the field of criminal justice, there is an association made

between risks and negative consequences, such as reoffending. The risk of reoffending would lead to an individual committing a criminalized offence; thus, the negative consequence. Over the last century, this new model of risk has had an impact on all aspects of human activity (Garland, 2003). There has been a shift away from a focus on reform and crime prevention, towards the neoliberal risk management state which has resulted in the emergence of the new culture of control (Garland, 2003).

As noted by Garland (2003), in his work on the rise of risk in contemporary society, risk has become a unique aspect in today's world. The 'risk society' places a significant amount of weight on risk avoidance as the primary element of what Garland (2003), has coined the ‘culture of control’. The ‘risk society’ has led to a global shift which has immensely impacted how crime is managed. Garland’s (2002) work on *The New Culture of Crime Control* complements Beck’s concept of the risk society. In the late 1990s, there was an emergence of a new way to regulate crime (Garland, 2002; O’Malley, 2010). However, before analyzing the current ways that crime is regulated, it is important to consider how crimes were managed before the emergence of the culture of control.

Garland (2003), outlines numerous changes to the way crime was regulated in comparison to today’s culture of control within a ‘risk society’. The period before the culture of control was often referred to as penal welfarism. Penal welfarism was dominant from the 1890s to the 1970s (Garland, 2003). Throughout this period the goal of punishment was the rehabilitation of criminalized individuals and took a more individualistic approach (Garland, 2003).

The way society addresses risk and social order has transformed drastically over time. Kemshall (2003) argues that this continually changing nature of risk can be associated with the transformation from the period of modernity to the period of late or postmodernity. The period of modernity spanned from the late 18th century to the 1970s (Kemshall, 2003). This period of modernity was characterized by the shift from faith-based reasoning, to science, also known as the Age of Enlightenment (Kemshall, 2003). Towards the later years of the period of modernity, there was a new reliance on scientific knowledge in managing risks and maintaining social order (Kemshall, 2003). A primary focus throughout modernity was the wellbeing of the citizens within society, which corresponds to a moment in modernity referred to as welfarism. This period of humanistic practices, when individuals were at the center of governance, is also known as the welfare state or welfarism. After World War II, between the 1950s and the 1980s, welfarism was characterized throughout the period of modernity (Kemshall, 2003). Modernity then became marked by moving away from more humanistic approaches to social order.

Over the last three decades, there have been several changes made in the way crime is regulated and the way practitioners approach crime. How crime is controlled, has become more punitive, security-minded, and more risk-conscious (Garland, 2003, p.175). The changes include but are not limited to, the decline of the rehabilitative ideal, the re-emergence of punitive sanctions, and changes in the emotional tone of crime policy (Garland, 2002, p.9). The decline of rehabilitative efforts has resulted in a reduction and near elimination of a individualistic approach as an intended goal within the criminal justice system (Garland, 2002).

In the context of the culture of control, a managerial state relies on the ongoing assessment of hazards. The re-emergence of punitive sanctions and expressive justice has led to harsher penalties which have subsequently led to issues surrounding the proportionality of these sanctions (Garland, 2002). Another major shift has been the change in the emotional tone of crime policy. Since the 1970s there has been a heightened response to crime given the public's overt expression of their fear of crime (Garland, 2002).

There has been a move towards addressing the public's concerns, and a shift towards risk management instead of rehabilitation and reintegration of criminalized individuals back into the community. Throughout the period of penal welfarism, there was not a prevalent fear of crime within society, therefore policy-making did not focus on this. However, with the emerging emphasis on the safety and security of the public, there has been a shift toward containing danger and mitigating or managing risk (Garland, 2002). The laws put in place to satisfy the public are known as populist policies (Garland, 2002). Populist policies ignore expert findings of what works to lessen crime and focuses on keeping the public content. This shift away from penal welfarism, where the principals of governance placed citizens at the forefront of decision-making, led to the current managerial state. The managerial state revolves around the ideas of risk and how risk is one of the primary elements when referring to the culture of control. The culture of control has contributed to the implementation of risk management techniques.

2.1.4 Actuarial Turn in the Criminal Justice System

Towards the end of the 20th century, the 'risk society' became prominent, and thus risk management became the primary technique of governance (Garland, 2003). Risk techniques are relied upon to control. Feeley and Simon (1992) provide an understanding of the new model of risk through their work on the 'new penology. This 'new penology' provides an understanding of the shift away from rehabilitative practices, towards focusing on the management of risk through incapacitation (Feeley and Simon, 1992). From the late 1970's forward, marked the beginning of late modernity or the postmodernity era. This postmodern or neoliberal era led to the beginning of a shift in governance (O'Malley, 2010).

As noted by O'Malley (2010), welfarism was seen as counterproductive in the sense that individuals were not accepting responsibility for their actions and there was a dependency on the government to care for their needs (p.23). According to neoliberal critiques, it was believed that welfarism may have encouraged this state of dependency (O'Malley, 2010). In the mid-1980s, criminologists started to notice a change in the governing of crime. There was a transformation away from reforming and rehabilitating individuals who had committed crimes towards the prevention of crime and towards risk management strategies. The 1980s marked the beginning of the move away from the welfare approach which focused on the criminalized individual's rehabilitation and towards preventing crime from occurring and using scientific and predictive techniques as a means to manage behaviours (Hardy, 2014).

Throughout the period of penal welfarism, practitioners had one main priority, and that was their client (Hardy, 2014). This client focus is essential to note, as

practitioners were viewed as the experts in their field and the courts would consider their professional judgement when making sentencing decisions. Specifically, probation and parole officers were relied on to provide their clients with tools and resources to assist in their reintegration into society and assisting them on their journey of rehabilitation (Hardy, 2014). In the managerial or risk management state, probation and parole officers are now seen as a cost-efficient way to control probationers without incapacitating them but still closely monitoring them (Hardy, 2014). The impact of actuarial assessment tools on practitioners within the criminal justice system will be explored further in section 2.3.6.

Scholars argue that there exists a relationship between the neoliberal state and newly emerging penal practices (Feeley & Simon, 1992; Rose, 1996). Feeley and Simon (1992), state that there has been an emergence of discourse that replaces the customary criminological stance on focusing on the individual towards an "actuarial consideration of aggregates" (p.449). It is difficult to pinpoint one exact moment where this transformation towards a reliance on actuarial assessments occurred, as there have been several different elements that participated in the shift (Feeley & Simon, 1992). Feeley and Simon (1992), have identified three distinct areas within the transformation towards the 'new penology', the emergence of a new discourse, the formation of new objectives for the system, and the deployment of new techniques (p.450). Firstly, regarding the emergence of **new discourses**, there is a particular focus on probability and risk which have replaced the previous discourses about the focus on individual behaviours and needs of the person (Feeley & Simon, 1992). Secondly, the formation of **new objectives** in this neoliberal approach to risk management, prove that social control is the priority over

rehabilitative measures or crime prevention (Feeley & Simon, 1992). There is an increased focus on regulating levels of deviance while ignoring the profoundly rooted individual issues or societal factors that may have contributed to said deviance. An example of this focus on managerialism and risk management is through the increased number of incarcerated individuals while there has been a decrease in the levels of reported crime and victimization (Feeley & Simon, 1992). Lastly, the final area to be discussed in the shift towards the new penology is the **deployment of new techniques**.

The 'new penology' is concerned with techniques that can be used to measure or evaluate levels of risk, classify individuals, and manage groups of individuals based on their perceived dangerousness (Feeley & Simon, 1992). In other words, there is a focus on grouping or aggregating individuals with specific characteristics together to create risk pools in an attempt to have an algorithmic means of assessing. The 'new penology' focuses on the identification and management of "risky" groups rather than rehabilitating and treating the identified needs of the individual.

This discussion surrounding risk techniques as a means of governing crime, or the model of risk, bring forth the topic of risk assessment. During the same period of the rise of the 'risk society,' emerged a practice within the criminal justice system which places individuals along a continuum of risk. This categorization of individuals, according to their level of dangerousness, serves as a form of risk management; this amalgamation of individuals based on their level of risk provides a channel to regulate them (Hardy, 2014). O'Malley (2010), also discusses this categorization as a means to manage individuals and identified this as creating risk pools. The subsequent section will explain how the emerging climate of risk management has led to the increased reliance on actuarial

assessment tools as a means to assess or measure an individual's level of risk in attempts to predict reoffending.

2.2 Evolution in predictive practices: From clinical assessment to actuarial tools

In the case management of individuals involved in the criminal justice system, evaluation practices are commonly used (Andrews & Bonta, 2006; Guy, Douglas, & Hart, 2015; Hodgins & Muller-Isberner, 2000; Otto & Douglas, 2010). The evaluation of individuals has become a priority for practitioners across several fields, particularly concerning the prediction of recidivism (Douglas, Hart, Webster & Belfrage, 2013). Given the importance of prediction in today's society, it is essential to understand the two basic approaches to assessment in the criminal justice system: clinical assessments and actuarial assessments (Kropp, Hart & Belfrage, 2010). Each respective approach to assessment is measuring two distinctive dimensions.

Firstly, clinical assessments measure clinical predisposition; secondly, actuarial assessments measure risk. This section will focus on the evolution of actuarial tools, and how there has been a shift away from the use of professional judgement assessment tools (evaluating predispositions to crime) towards the use of actuarial assessment tools (evaluating the probability of reoffending). There are two main approaches to predictive practices; firstly, professional judgement or clinical judgement, and secondly actuarial assessments. The subsequent sections will describe the two ways evaluations are primarily conducted within the criminal justice system; clinical judgement procedures and actuarial procedures.

2.2.1 Clinical Procedures

The first evaluation practices to be discussed are clinical evaluation procedures. Clinical procedures rely on the practitioner's knowledge, and skills to assess the client's situation (Ansbro, 2010). Clinical procedures rely on the practitioner's assessment of a client to provide more individualistic observations. Clinical assessments allow for the individual conducting the assessment to exercise a certain level of discretion when conducting these assessments and thus during the decision-making process (Kropp et al., 2010). Further to this, when the assessor has this level of discretion, they can also decide how the information is collected throughout the assessment and subsequently decide which information is deemed relevant to the assessment (Kropp et al., 2010).

Fields such as medicine and criminal justice have relied on the use of structured professional judgement assessments. Within this form of assessment, there are guidelines established in an attempt to evaluate the threat or the danger that an individual may pose to society or in the case of medicine clinical evaluation is about establishing the presence of a medical diagnosis (Kropp et al., 2010). Clinical evaluations rely on the practitioner to process information based on their expertise and knowledge (Dawes, Faust & Meehl, 1989). When relying on practitioners to conduct clinical evaluations, results might vary from individual to individual (Dawes, Faust & Meehl, 1989). Further, it has been argued that in some circumstances, clinical evaluations lead to outcomes based on a bias (Dawes, Faust & Meehl, 1989).

Some academics state that assessments based on professional judgement are "informal, subjective and impressionistic" (Grove & Meehl, 1996; p.293). The terms 'professional judgement' and 'clinical judgement' are often used as synonyms within the

literature. Further, those who believe that clinical judgement assessments are informal or impressionistic argue that they may potentially lead to self-fulfilling prophecies (Silver & Miller, 2000). In other words, the clinician or practitioner may skew results, consciously, or subconsciously to achieve a result that will satisfy their view of the client. In other words, an assessment that is based solely on the judgement of a practitioner could be categorized as a discretionary procedure (Douglas et al., 2013).

In an attempt to respond to the critiques of clinical evaluation, structured professional judgement assessments were introduced. Structured professional judgement assessments include a discussion relating to the qualifications of the evaluator who is conducting the assessment (Kropp et al., 2010). It recommends information that should be included in the evaluation based on a set of factors that have been deemed relevant according to scientific and professional literature (Kropp et al., 2010). Practitioners favour the structured professional judgement approach as it allows for consistency and increased transparency in decision making. 1998).

The following section will discuss actuarial tools, which were developed as a response to the limitations of clinical assessments.

2.2.2 Actuarial Procedures

There are several reasons for the reliance on actuarial assessment tools. A clinical assessment allows the individual who is conducting the assessment to work directly with their client and allows the practitioner to apply their expert knowledge and training in case management (Silver & Miller, 2000). On the other hand, an actuarial assessment shifts judgements and decisions away from the practitioner, and decisions are made based on the results of the mechanical tool (Silver & Miller, 2000). In contrast with professional

judgement assessments, some academics describe actuarial tools as “mechanical” and “algorithmic” (Grove & Meehl, 1996; p.293). Actuarial assessment tools are seen to be more cost-efficient since it is quicker than an in-depth interview with a professional in the field (Silver & Miller, 2000). In simpler terms, actuarial tools eliminate humans as the decision-maker and rely upon statistical evidence to establish decisions (Dawes, Faust & Meehl, 1989). It is important to note however, clinical assessment tools do also rely on empirical evidence, but not of a statistical nature. Actuarial tools are a fundamental aspect of the new penology (Feeley & Simon, 1992). The emerging discourse within the new penology has shifted away from rehabilitation, towards concerns of public safety and the ability to predict future behaviour to limit reoffending. Given this, actuarial assessments are favoured within the new penology. The reliance on standardized testing and actuarial practices demonstrates the shift in society’s priorities and how the political agenda has shifted to ensure that all aspects of human life are calculable and predictable.

As noted by Kemshall (2003), actuarial assessment tools are prominent within the insurance industry and rely heavily on statistical calculations of probability. Actuarial assessments attempt to evaluate the level of risk based on a comparison against groups in the circumstances similar to the person receiving an assessment (Kemshall, 2003). One of the main limitations to actuarial tools is the reliance on static historical factors; in other words, there is a significant focus on factors that cannot change. Dr. James Bonta (1996), argues that actuarial tools that are using static factors do not provide guidance in measuring or evaluating an individual’s potential to change, assist in case management or assist in decision making within the criminal justice system. It is important to note, actuarial assessment tools are used in an attempt to measure the probability that an event

may occur in the future (Kropp et al., 2010). The purpose of an actuarial assessment tool is to evaluate the risk, so it can then be used to predict the behaviour of a specific individual over a specified period (Douglas et al., 2013).

Regarding violence risk assessments, the final decisions rendered are typically an estimation of future violence within an elapsed period. Actuarial tools are considered to be a-theoretical in nature, which means that they are not based on any theory concerning criminal conduct. Actuarial assessment tools are based on empirical evidence, specifically, statistical data (Bonta & Andrews, 2007). To reach this decision; however, the items on the assessments are selected based on empirical evidence, and then validated through calculation of probability (Grove & Meehl, 1996; p.293).

While some practitioners and academics have negatively viewed actuarial assessment tools, there are some benefits to consider. There is scientific evidence that supports the use of actuarial tools to provide data that can be used in predicting future violence. There is a reliance on empirical evidence when decisions are required, in attempts to predict a specific outcome through algorithms. According to Bonta and Wormith (2008), the increased use and dependence on actuarial tools has resulted in a decreased need for professional judgement. Further, Bonta and Wormith (2008), argue that any correctional agency or organization that aims to reduce an individual's risk of recidivism should be using some form of actuarial assessment. Actuarial tools are seen to be a more efficient and effective way to utilize the resources required for the case management of clients. The following section will discuss the four generations of assessment tools that have been used in the criminal justice system, and how they developed over time.

2.3 Four Generations of Assessment Tools

This section will focus on how the transformations in assessment practices can be understood as part of the shift that is described as 'the new penology'. There will be a discussion of the first, second, third, and fourth generation of assessment tools. First-generation assessments consist primarily of clinical judgement, allowing the practitioner to exercise their professional judgement when conducting assessments. Second generation assessments focused mainly on actuarial tools that include static risk factors; in other words, on risk factors that could not be changed. Third generation risk assessments began incorporating both static and dynamic risk factors. Finally, fourth-generation risk assessments began to integrate case management plans within the actuarial risk assessment. As discussed in previous sections, several aspects of human life have been consumed by concerns of risk. The 'risk society', which has led to individuals being fascinated with predicting the future, has also led to significant changes in various sectors. Following an understanding of the transformation of evaluation practices, a discussion on assessment tools will take place.

2.3.1 First Generation Assessments

An assessment, within the correctional system, can be defined as a practice to generate knowledge or information that will be used to manage and regulate criminalized individuals (Campbell, French & Gendreau, 2007). Starting at the beginning of the 20th century, when discussing the assessment of criminalized people, the task was given to practitioners working directly with probationers or incarcerated individuals, such as probation officers, correctional officers, and clinical professionals including psychologists and psychiatrists (Bonta & Andrews, 2007). Relying on practitioners for

the assessment of incarcerated individuals, occurred during the period of penal welfarism as described in earlier sections (Hardy, 2014). Such assessments would be conducted utilizing the practitioner's professional judgement, and they would rely upon their professional judgement to guide such assessments. First-generation assessments are not actuarial and solely rely on professional judgement (Bonta & Wormith, 2008). Unstructured professional judgement assessments, which are considered a first-generation assessment, have the advantage of being adaptable to each assessed individual (Kropp et al., 2010). The unstructured professional judgement approach is geared towards the assessed individual and is, therefore, person-centered resulting in a focus on the details of the individual and can thus be used more effectively throughout case management (Kropp et al., 2010). However, one of the limitations of unstructured professional judgement approaches includes the generality of the assessment. Further, this approach to assessments is based on the opinion from an expert that has expertise in assessment practices; the main characteristic being that the individual in charge of the assessment is having complete liberty in the selection of information being used (Kropp et al., 2010). First-generation assessment tools were used primarily during what has been referred to as the "glory days of rehabilitation" between the 1950s and 1970s (Bonta & Wormith, 2007). This period was one that consisted of placing the client as the primary target of intervention.

Following this period of clinical judgment-based risk assessments, the need to have assessments with better predictive validity was recognized (Bonta & Andrews, 2007). Finally, in the 1970s, it became apparent that the assessment of risk needed to be

more evidence-based, and thus the second generation of assessments were introduced (Bonta & Andrews, 2007).

2.3.2 Second Generation Assessments

To address the gaps identified within first-generation assessment tools, second-generation assessments were introduced. Second-generation assessments were the assessments that aimed to measure an individual's risk of reoffending. The main objective of second-generation assessment tools was to provide an objective evaluation resulting from statistical evidence (Groove & Meehl, 1996). These assessments were developed to produce standardized risk predictions. Second-generation assessments were purely statistically driven (Campbell, French & Gendreau, 2007).

In the 1970s it became recognized that assessment practices could not only depend on professional judgement. Assessment of risk needed to be more empirically driven and have higher predictive validity (Bonta & Andrews, 2007). Second generation assessments were introduced as the first tools created to evaluate the probability of an individual reoffending; these tools are actuarial. Once these tools started being used, it became apparent that risk assessment tools provided higher predictive validity than did professional judgement assessments (Bonta & Andrews, 2007, Ægisdóttier, White, Spengler et al., 2006; Andrews, Bonta & Wormith, 2006; Grove, Zald, Lebow, Snitz Nelson, 2000). As a result of this new ability to assess and evaluate criminalized behavior, the use of actuarial risk assessment tools became more widespread within the correctional system. Actuarial tools quickly became relied upon when assessing incarcerated individuals for supervision levels and practices (Bonta & Andrews, 2007).

While second-generation assessment tools proved to be beneficial and demonstrated appropriate results, there were limitations identified. These assessments did consist of primarily static factors. A static risk factor is a factor that cannot change over time and that has already occurred; in other words, they are historical factors. The reliance on static risk factors has been identified as a limitation of second-generation assessments, given that it does not account for the fact that individuals can make changes to certain aspects of their lives (Bonta & Andrews, 2007). This limitation regarding static risk factors led to the development of third-generation risk assessments, opening then, on the criminogenic needs of an individual. The critical development within these assessments is the consideration given to the fact that an individual's life circumstances can change and as a result, so can their risk levels.

2.3.3 Third Generation Assessments

Third generation risk assessments take into consideration interventions that can target the criminogenic needs of each specific assessed individual (Bonta & Andrews, 2007). Criminogenic needs pertain to aspects of an individual's life that have been empirically linked to the risk of future violence and/or criminality in general (Campbell, French & Gendreau, 2007). Criminogenic needs include but are not limited to an individual's antisocial attitudes, substance use, employment, and mental health (Campbell, French & Gendreau, 2007). Bonta and Andrews (2007) argue that third-generation assessment tools have been able to predict violent recidivism with the most accuracy. Given the criticisms of the second-generation assessments, third-generation assessments highlighted the importance of having a tool that can serve as a predictive model to assist with the decision-making processes of case management (Bonta, Andrews

& Wormith, 2006). Third generation assessments contained the same components as second-generation assessments; however, instead of solely focusing on static risk factors, third-generation assessments introduced a focus on dynamic risk factors (Bonta & Andrews, 2007). In contrast to a static risk factor, that cannot change; a dynamic risk factor is one that can change over time or can change with interventions including but not limited to an individual's psychological state (Campbell et al., 2007). Evidence-based and dynamic assessment tools also considered the individual's current situation instead of only focusing on historical information (Bonta & Andrews, 2007). For example, some of the dynamic factors include present employment, criminalized friends, and familial relationships (Bonta & Andrews, 2007). These dynamic factors proved to be important as the instruments were responsive to the changing circumstances in an individual's life (Bonta & Andrews, 2007).

Third generation assessment tools aid in the implementation of interventions for practitioners. Through successful intervention, an individual's dynamic risk factors would be appropriately addressed; subsequently, there would be a reduction in the risk of recidivism (Bonta & Andrews, 2007). While third generation assessments filled many of the gaps left by second-generation assessment tools, there was still room for improvement to develop a more comprehensive assessment. The following section will discuss the development of fourth-generation assessment tools.

2.3.4 Fourth Generation Assessments

More recently, fourth-generation risk and needs assessments have been introduced into the criminal justice system. Fourth-generation risk assessments introduce clinical adjustments and case management planning (Campbell, French & Gendreau, 2007).

These are two critical elements introduced within fourth generation assessment tools. Like third-generation assessments, fourth-generation risk assessments are concerned with not only the risk an individual may pose to themselves or the community but also their needs (Campbell, French & Gendreau, 2007). It is important to note that there may be a reference to fourth-generation assessments as structured professional judgement assessments.

Fourth-generation risk assessment tools are now widely used within the Canadian criminal justice system. Fourth-generation risk assessment tools take an individual's mental health into account. This is seen as a significant contributor to criminal behaviour while also reintroducing professional judgement (Bonta & Andrews, 2007). To summarize, fourth-generation risk assessments are composed of actuarial prediction using static and dynamic factors, they take into account the needs of individuals, allow for clinical adjustments, and provide an avenue for case management planning.

Given that this study was conducted within the province of Ontario, it is important to explore the tool that is widely used across the province. Currently, the Level of Service Inventory – Ontario Revised (LSI-OR) is the assessment tool being used within probation practices in Ontario. Further, the LSI-OR is an illustration of fourth-generation assessment tools. This specific tool focuses on both the risks and needs of a client while allowing practitioners to conduct clinical overrides if they are not comfortable with the risk score produced at the end of the assessment. This tool was developed to assess the risk of recidivism in criminalized individuals within Ontario. This tool is theoretically based and was developed using a general personality and social psychology approach (Hogg, 2011; Brews 2009; Vose et al., 2009).

The LSI-OR includes sections that are aimed at guiding the case management of clients. Following the assessment, scores are calculated based on various considerations and the individual is subsequently classified as being very low risk, low risk, medium risk, high risk, or very high risk. The higher the score the individual receives, the more likely they are to engage in criminalized behaviours (Hogg, 2011). The LSI-OR provides the practitioner with the opportunity to conduct an assessment override if they are not satisfied with the score. This override can include increasing or decreasing the individual's risk level (Hogg, 2011). It is important to note that whenever an adjustment is made to the risk level, the practitioner must justify why this override was applied. Studies have shown that the LSI-OR is a valid tool to predict the likelihood of recidivism and criminalized behaviours (Hogg, 2011; Coulson et al., 1996).

2.3.5 Limitations of Actuarial Assessments

As literature has shown, there are benefits to the use of actuarial assessment tools, including its transparency and consistency across evaluators (Silver & Miller, 2002). Further, research has shown that the actuarial method of conducting assessments with individuals is significantly more accurate when it comes to predicting future behaviour than a clinical method (Silver & Miller, 2000). Academics argue that actuarial assessments are more accurate since actuarial tools are always supposed to produce the same conclusion no matter who is conducting the assessment (Silver & Miller, 2000). However, there are still limitations to the use of these tools.

According to Hardy (2014), the transformation of assessment practices has led to the deskilling of practitioners. In the context of the criminal justice system, correctional practices have become managerial instead of transformative. Given this shift,

practitioners, specifically probation officers, are no longer required to rely on their clinical skills and knowledge (Bullock, 2011). By limiting a practitioner's ability to rely on their clinical skills and knowledge, the state can dictate how practitioners are conducting their work. This will ensure the practitioners are abiding by the managerial agenda. The 1980s marked a significant shift in probation practice (Bullock, 2011). This shift was marked by concerns over public protection and moved towards greater control of practitioners. With the emphasis placed on greater control of the practitioner, came the reliance on the use of actuarial assessment tools.

There are also limitations associated with the administration of these tools. Administering one single assessment will not be a comprehensive evaluation and will only provide a snapshot of the required information when case managing a client. Silver and Miller (2000), argue that there is an over-reliance on actuarial assessment tools to account for the scarce resources within institutions and there is no longer a concern with the specific individual client.

While the use of actuarial assessment tools is widely favoured, since there is less of an opportunity for human error, there are academics who argue against the use of actuarial tools (Hardy, 2014). Given this focus on public safety, there is a tendency to identify the worst traits in individuals and this thus leads practitioners to focus on the negative aspects of an individual instead of finding positive attributes an individual may have (Hardy, 2014).

Another limitation to emerge from the reliance on actuarial assessment tools is the notion of a statistical fallacy (Kemshall, 2003). Actuarial assessments rely largely on the patterns in behaviour amongst groups, which are then transposed to individuals for whom

a level of risk is assigned (Hardy, 2014; Kemshall, 2003). This method of assessment has been largely challenged by academics, as you cannot accurately transfer generalized information from a group to a specific individual (Kemshall, 2003). Through this reliance on the transfer of information from a group to an individual, inaccurate evaluations of risk can take place (Kemshall, 2003). A statistical fallacy is a limitation associated with the heavy reliance on actuarial tools for the purpose of predicting recidivism at an individual level (Kemshall, 2003). Actuarial tools create a false sense of security and are being presented as a solution to mitigate risk. These tools create a sense of security through creating an illusion that the practitioner is gaining a sense of control of the perceived risk, through assigning a risk level to the individual. This means that an individual's behavior is predicted based on the behaviours of larger cohorts of people. Relying on the transfer of information gathered from a group to an individual is problematic and can result in inaccurate assessments of risk (Kemshall, 2003). For example, an abundance of cohort statistics has been collected from a largely white, male population and then transferred to groups of minorities (Kemshall, 2003). Relying on statistics from one population and transferring them to individuals who are not of the same population can lead to false positives and false negatives. In the context of risk assessment, this would mean that individuals would be falsely predicted as posing a risk and others would be falsely predicted as posing no risk (Kemshall, 2003). These patterns in behaviour are established based on groups with similar characteristics. The established patterns can lead to further marginalization of populations who are already marginalized (Hardy, 2014). Due to the increase in the perceived ability to predict behaviour before it occurs, there may be a reliance on actuarial assessments. This reliance on actuarial tools

will limit the number of resources required to respond to situations that escalate as a result of the risky behaviours (Hardy, 2014).

Academics who argue for the use of actuarial tools believe that the tools are an extension of the protection governments have already provided to citizens. These protections may include but are not limited to, vaccinations to protect against illness, or unemployment insurance to assist individuals who are not able to work, these protections have been extended to protect society against criminal behaviours (Hardy, 2014).

2.3.6 The Impact of Actuarial Tools on Practitioners

Literature has shown that the shift towards the use of actuarial assessment tools has subsequently led to a shift in how professionals conduct their work (Garland 1997; Bullock, 2011 & Hardy, 2014). This section will focus on the perceived loss of professional judgement faced by professionals who work in fields that rely upon actuarial assessment tools to guide their practices. Further, it will also focus on how these fields have transitioned from being focused on rehabilitative practices towards focusing on risk management. This 'rise of risk' and the emergence of the 'risk society' has not only been seen within the field of criminology but also the medical field, social work, politics, and public policy. There will be attention paid to how aspects within the fields mentioned above, can be translated into the practice of probation. Professionals are limited in their ability to apply their judgement as experts in the field. These tools aim to guide how these individuals case manage their clients. There has been a move away from practitioners being able to rely upon their education and training when conducting risk assessments and case management plans with their clients. In a majority of institutions and sectors, practitioners are required to rely upon actuarial tools to guide their practices.

With the 'rise of risk,' there has been a significant decrease in the autonomy afforded to practitioners (Hardy, 2014).

Given the 'rise of risk,' probation work, in particular, has been inundated with concerns about mitigating risks (Hardy, 2014). In the field of probation, practitioners are no longer seen to be in a role that requires them to work towards transforming the client. In Hardy's study on probation officers perspectives of risk, it was stated that "as a result of the ascendancy of the neo-liberal principles with which risk is associated, traditional humanistic components of practice have usurped, while the autonomy and discretion, and thus professionalism, of practitioners, has been eroded" (Hardy, 2014, p.303). Previously, probation officers were practitioners who aimed at transforming their clients through case management (Hardy, 2014). However, probation officers are now performing administrative or managerial tasks given the limitations imposed on them by the use of actuarial tools and the focus away from the rehabilitation of probationers towards the protection of public safety (Simon & Feeley, 1992; Hardy, 2014). Probation officers and caseworkers have become 'formulaic tickers of boxes,' as described by Diana Fitzgibbon (2007), in her work on risk analysis and the new practitioner. In other words, practitioners use a checklist that they are required to check off, and this will thus guide their case management decisions (Dyson, Hardy & Leung, 2003).

Feeley and Simon (1992), have described the shift in risk assessments as a major contributor to having probation officers go from agents who focus on rehabilitation and reintegration of individuals into the community towards being risk managers. Further, the amount of autonomy afforded to a practitioner will vary based on the level of risk an individual is deemed to pose, the higher the risk, the more intervention will be required

because the most intensive interventions are reserved for the highest risk individuals (Feeley & Simon, 1992). This limitation in autonomy is consistent with Hardy's (2014) claim that the trust in the professional judgement of a practitioner decreases with this rise of risk. Similarly, in the health services sector, actuarial techniques have emerged given that health involves limited resources and a high level of uncertainty (Dyson, Hardy & Leung, 2003). As seen in the transformation of the generations of assessment tools, the discourses surrounding evaluation practices have also shifted. There has been a shift away from allowing and trusting clinical or professional judgement towards a discourse of an actuarial language (Garland, 2003). With the increase in actuarial language, came the decrease in faith in experts; this actuarial language became synonymous with the culture of control (Hardy, 2014). The main goal in the welfare society was for practitioners to utilize their training and expertise to work in rehabilitating and offering intervention to their clients.

On the other hand, in the current 'risk society' practitioners are not closely associated with their clients and are thus not able to maintain or establish a client-practitioner relationship (Hardy, 2014). Actuarial assessment tools do not leave room for open-ended interviews which limits the opportunity for a client-practitioner relationship. With the increased use of actuarial assessment tools, comes the deskilling of practitioners. Through the increased use of actuarial assessment tools, practitioners are not required to rely upon their training and skills to conduct their work. Since there is such a concern with risk management and risk formulation, there is a particular emphasis placed on ensuring there is no human error when conducting these risk calculations (Hardy, 2014). This deskilling occurs because the need for extensive training and

education is no longer necessary to conduct these actuarial risk assessment tools. Before the transformation of risk assessments and the shift from a welfare society towards a risk management society, probation officers, and practitioners working with high-risk populations, individuals were required to partake in intensive training relating to behavioral changes and training in societal issues (Hardy, 2014).

The youth criminal justice system has also seen an increase in reliance on actuarial assessment tools. As stated previously, actuarial tools provide an objective approach towards decision-making, eliminating the possibility of a self-fulfilling prophecy. According to Hannah-Moffat and Maurutto (2014), practitioners who work with criminalized youth have identified a need for future research on the tools used with youth probationers. Practitioners who work with these youth have stated that they are often required to use tools developed for use with criminalized adults, without testing for criminalized youth (Hannah-Moffat & Maurutto, 2014). Youth probation officers state there are dangerous implications in the use of actuarial assessment tools that have not been validated for use with criminalized youth. There is significant confidence placed in tools that have not necessarily been proven to be useful with youth (Hannah-Moffat & Maurutto, 2014). The use of these tools before the sentencing of a criminalized young person can have significant effects, since the court may assume a youth poses a greater danger to society when they do not. The results of the actuarial assessment can be used to predict who is more likely to re-offend, but not the level of dangerousness an individual may pose (Hannah-Moffat & Maurutto, 2014).

On the other hand, practitioners within the youth criminal justice field have also stated that such assessments have allowed for them to defend their work and have

accountability for the practices that they decide to use (Hannah-Moffat & Maurutto, 2014). However, there is some contention regarding the use of risk and needs assessments. Some youth workers argued that they are most useful for newer youth probation officers or practitioners and some argue that these tools offer a rationalization for the work conducted by the practitioners (Hannah-Moffat & Maurutto, 2014). As reported in the literature, it is important to note that utilizing the same tool across multiple cultural groups will raise several limitations (Hannah-Moffat & Maurutto, 2014). One major limitation is the potential over-representation of youth from specific cultural backgrounds (Savignac, 2010). Research in identifying risk factors that are correlated to offending amongst young people across different cultural backgrounds is imperative to rectify the issue of over-representation (Savignac, 2010).

Actuarial tools have benefits as well as potential consequences that may result from their use. In many institutions and industries, the use of actuarial tools is required, and the practitioner does not have a say in whether or not they conduct this type of assessment. Practitioners in several fields have been required to incorporate actuarial assessment tools into the case management of their clients; it has been argued that avoiding the use of an actuarial assessment tool may be a breach of ethical professional conduct (Grove & Meehl, 1996; Quinsey et al., 1998; Silver & Miller 2002). The academic literature suggests that while actuarial assessment tools provide consistency in evaluation, they transform the relationship between a practitioner and a client into a relationship resembling a researcher and subject (Silver & Miller, 2002). Since actuarial assessments are much more cost-effective than clinical judgement tools, it is not likely that the use of actuarial risk assessments will diminish; in fact, it will likely increase. It is important to

understand the impact that the use of these tools has had on the practitioners who conduct these assessments.

2.4 Probation Officers and Risk Perspectives

The use of actuarial assessment tools has emerged over the last three decades, and more recently have been introduced to many aspects of human life. This section will focus on literature that highlights the effects that the shift towards a risk society has had on the work of probation officers. Probation officers' work has shifted from focusing on rehabilitation towards focusing on how to mitigate risk best. Given this, probation officers have had a loss in their ability to apply their professional judgement when case managing clients. This section, along with the section regarding the impact of actuarial tools on practitioners, are closely related. However, this section will focus solely on probation officers, and how the professional relationships established with clients have been diminished as a result of the focus on risk. There will be a focus on how the probation officers' perception of how risk has changed their work.

According to the literature, the rise of risk has dramatically impacted the work of practitioners, in particular, probation officers. The main focus of this section is to document the perception of probation officers regarding the impact of the logic of risk on their practice, discussing both limitations and benefits to this.

During the period of penal welfarism, the main focus and priority of probation officers was their client (Feeley & Simon, 1992). From a clinical perspective, probation officers knew their clients best and were considered to be the experts on their clients. Since probation officers worked closely with their clients and were highly respected, sentencing decisions would consider the expertise of the probation officers (Simon &

Feeley, 1992). However, during this period of the managerial state, probation officers' work objectives and purpose have changed immensely, and there has been an alteration in the effectiveness of their work (Hardy, 2014). The classification of individuals into categories based on their risk levels has replaced individualized intervention (Bullock, 2011). According to Bullock (2011), the individualization of case management has been replaced by a culture of control and surveillance of individuals aggregated within larger populations or categories. Given the increase in technology, and the ability to calculate risk without the need for human expertise came the decrease in humanistic approaches to intervention. The work of probation officers has been seen to be more administrative in the sense that they are now relied upon to conduct these risk assessments with their clients to calculate the level of risk they pose (Bullock, 2011). The work of probation officers has become saturated with concerns of risk, and with this saturation comes the decrease in the discretionary power afforded to practitioners (Hardy, 2014). While the ability to calculate risk is seen to be beneficial for the greater good of society, practitioners have been undermined (Hardy, 2014). Their professional expertise, training, and education valued in cases of recidivism prediction; instead, the probation officers are required to complete the risk assessment tool and provide the results. Also, the ability to calculate risk has decreased the probation officer's ability to work towards rehabilitation and the reintegration of their clients (Hardy, 2014). In addition to the probation officer's decrease in discretionary power comes the practitioner's tendency to look for the most problematic behaviours of an individual, this is because calculating risk has become the primary role of the probation officer (Hardy, 2014).

Further, the amount of power a probation officer has in the case management of their client will depend significantly upon the level of risk the client is deemed to have. Based on the literature it appears that if the client has a higher level of risk, then the probation officer will work more closely with the client given that individuals rated as high-risk are said to require more intensive interventions (Bullock, 2011). Hardy (2014) found that practitioners in the field do not feel that justice is prevailing through the reliance on risk calculation.

There is an essential difference between clinical assessment, which is about evaluating potential dangers, and actuarial assessment which is about calculating the probability of reoffending. Hardy's (2014), work on practitioners' perspective of risk has shown that the rise of risk has affected the way practitioners view their work. Further, the probation officer's knowledge of their clients has diminished due to the distance created in the client-professional relationship. This study highlighted the need to explore further how the identity of a probation officer has shifted along with the rise of risk, this justifies the importance of this thesis (Hardy, 2014).

Contemporary risk management has relied upon the standardization of the practice of probation to monitor probation officers more closely and to ensure that the goals of the institutions are achieved (Bullock, 2011). Further, 81.9% of probation officers surveyed stated that they did not feel that actuarial tools impacted the use of their clinical and professional judgement (Hardy, 2014). An interesting finding that arose from the study of Irish probation officers is the fact that there does not appear to be a form of monitoring in place to ensure a consistent level of quality within risk assessments (Bullock, 2011). As noted by the researcher, if the tools used daily are not assessed for accuracy frequently,

there is an increased chance of error in the prediction and calculability of risk (Bullock, 2011). Another issue that probation officers disclosed is that they often include self-reported information, in other words, they are taking what their client says, and they do not conduct further research to ensure the accuracy of the information (Hardy, 2014). This lack of validation is also problematic as it defeats the purpose of risk assessments; this will lead to false levels of risk assigned to individuals**.**

2.5 Chapter Summary

Based on the literature available regarding the 'rise of risk' and the risk management state, there is still a need to address how risk has impacted the practice of probation. However, it is vital to understand this from the perspective of the probation officers themselves (Hardy, 2014). Given this gap in the literature and lack of information on the impact that the rise of risk has had on probation officers, the research questions for this thesis are relevant and important to explore in detail. This research is not aiming to find a causal link between the 'rise of risk' and the experiences of probation officers. Instead, there will be an attempt made to understand the lived realities of probation officers and how the transformations of risk assessments have impacted their work and perception. An analysis of the different viewpoints of each respective probation officer will provide a broader picture to assist in understanding if the rise of risk and the increased use of actuarial assessments has impacted their work.

CHAPTER THREE: THEORETICAL FRAMEWORK

The preceding chapter provided a review of the literature surrounding risk assessments and the rise of concerns surrounding risk within the criminal justice system, to situate my thesis within criminological research. Through this literature review, I gained an in-depth understanding of the current climate within the criminal justice system about the rampant use of actuarial assessment tools. The main focus of the literature review was to examine the shift towards what has been coined the 'risk society' and the impact that this shift has had on practitioners in the criminal justice system. The literature review focused on this shift in governance and regulation of crime while exploring the actuarial turn within the criminal justice system. As a result, there has been an implementation of an abundance of risk assessment tools throughout the criminal justice system as a means of mitigating risks. Through this examination, it became apparent that further research is required on the impact that the implementation of risk assessment tools, specifically actuarial risk assessment tools, has had on practitioners.

This chapter will focus on the development of a theoretical framework to analyze and make sense of the impact that the use of actuarial assessment tools has had on probation practices. Given the literature surrounding the 'rise of risk' and the subsequent shift in the way that individuals are governed, the Foucauldian concept of governmentality will be used to frame this thesis. The purpose of this chapter is to draw from Michel Foucault, Nikolas Rose, Mitchell Dean, and Pat O'Malley's works on governmentality to exemplify how this theory can be used to help understand the impact that actuarial assessment tools have had on the practice of probation. Governmentality can be defined by separating the word into the two concepts of 'government' and

'mentality'. Foucault (1997) defined government as "an activity that undertakes to conduct individuals throughout their lives by placing them under the authority of a guide responsible for what they do and for what happens to them" (p. 68). Mentality may be understood as a way of thinking, more specifically, mentalities consist of the idea that thinking is a collective activity (Miller & Rose, 1990; Rose & Miller, 1992; Dean 2010). Governmentality is a theoretical concept that can be used to describe the various techniques, practices and rationalities relied upon to exercise power over individuals (Walmsley, 2012, p.92). The practice of probation and certain policies within the world of probation appear to be an extension of the states' power to enforce and govern its citizens, this statement will be further explored throughout this chapter. Utilizing governmentality as a theoretical approach will allow me to understand and analyze the impact of actuarial tools on the practice of probation, as reported by probation officers who participated in this study.

I will draw from the work of the above-noted scholars to outline the shift from the period of the welfare state towards what is now a state of neoliberalism. The welfare state was one in which government was understood to be a body that took care of its citizens (Rose, O'Malley & Valverde, 2006; Dean, 2010; Garland, 2003; O'Malley, 2010). As stated by Dean (2010), "the purpose of this form of government was conceived as enframing society within mechanisms of security where the state would care for the welfare of the population "from the cradle to the grave" (p.176). The well-being of citizens became a shared responsibility between the State and its citizens. Critics of the welfare state argued that individuals were far too reliant on the state and they argued that state intervention was far too prevalent in the period of welfarism (Dean, 2010).

Following the welfare state came the shift towards a neoliberal society where state intervention was not to be relied upon to address individual or collective needs rather the self-regulation and responsibilization of individuals has become the pinnacle of a neoliberal society. According to neoliberalism, individuals should look within themselves for support before looking to the state (Dean, 2010). Central to a neoliberal state is the idea of deregulation and minimum state intervention; thus came the concept of *governing-at-a-distance*, which was possible through different technologies, such as risk management and governing citizens without overt state intervention, this which will be explored in greater detail throughout this chapter (Rose, O'Malley & Valverde, 2006). The shift from a welfare state to a state of neoliberalism occurred over the last two decades of the 20th century which lead to an emphasis being placed on risk management as a mode of governance; this notion of risk management as a mode of governance is central to my thesis (Garland, 2003). Governmentality will allow for an analysis of risk as a new category for regulating individual conduct and what potential impact this regulation of conduct has on practitioners, particularly probation officers.

I begin this chapter by presenting Foucault's work on the conduct of conduct. Following this, I move to define governmentality primarily through the work of Rose, O'Malley, and Valverde. To further develop this theoretical framework, I will borrow from Foucault's themes and concepts developed through his lectures on governmentality. It is important to draw from both Foucault's original work on the 'conduct of conduct' and governmentality coupled with Rose, O'Malley, and Valverde's work on governmentality as it will provide a well-rounded understanding of the more modern forms of governance. Finally, I conclude this chapter by bringing together the concepts of

risk and governmentality to situate my data within the criminological literature. Through mobilizing governmentality as a theoretical framework, this chapter will demonstrate how the theory can be used to help form an understanding of the impact that the use of actuarial tools has had on the practice of probation.

3.1 Governmentality

A governmentality theoretical approach will provide a deeper understanding of how the power distributed through state institutions is used as a technique of governance (Rose, O'Malley, Valderde, 2006). Particularly, how this form of power is used to change or govern human behaviour will be explored in detail (Rose, O'Malley, Valderde, 2006).

3.1.1 The Conduct of Conduct

Before exploring the theoretical framework of governmentality, the term 'government' must be defined. By conceptualizing the term government as the 'conduct of conduct' we can understand government as a way of conducting individuals throughout their life (Foucault, 1997). Foucault's definition of government provides a frame for understanding what he coined as the 'conduct of conduct'. Through this conceptualization of the term 'conduct of conduct', government is thus seen to be an activity that aims to "shape with some degree of deliberation aspects of our behaviour according to particular sets of norms for a variety of ends" (Hardy, 2014, p.308). To define the 'conduct of conduct', I will highlight the two meanings of the word conduct within this concept. Firstly, to conduct is to lead or direct, to lead there ought to be a presumed set of norms standards to which individuals should strive to attain (Dean, 2010). Secondly, the noun 'conduct' refers to the actions an individual takes or behaviors

one portrays (Dean, 2010, p.17). Thus, the ‘conduct of conduct’ presumes that it is, in fact, feasible to regulate or control the comportment of an individual or a group of individuals; the requirement to regulate or control a population would further assert that there are certain individuals or state actors that should be responsible for regulating said behaviours (Dean, 2010).

Through understanding the ‘conduct of conduct’ as an attempt to shape, regulate, or control one’s behaviour brings forth the notion of rational thinking or rationality (Dean, 2010). If we are discussing the conduct of a person’s behaviour, then rationality refers to how that person ought to be governed or conducted (Dean, 2010, p.18). Rationalities of governing would thus involve the deployment of techniques and technologies to identify methods of governing.; techniques and technologies are how agents responsible for the ‘conduct of conduct’ are governing bodies (Rose, O’Malley & Valverde, 2006).

The use of techniques and technologies to govern and conduct individuals will be further explored in this section. I will now use the definition of the ‘conduct of conduct’ as a foundation to introduce the concept of governmentality.

3.1.2 From Government to Governmentality

The ‘rise of risk’ has made room for a heavy reliance on risk management as a mode of governance and as a result as a way to control those within society. As a result, there has been a tendency to rely on formal risk management and assessment to be able to assess the level of risk an individual may pose to their surrounding society. Given that the discourse surrounding risk and risk management has been shifted to be seen as calculable, it is now also seen as a governable issue. Foucault operationalized the concept of

government in two distinct manners, government, and governmentality (Burchell, Gordon & Miller, 1991). Foucault first coined the term governmentality in the 1970s, during his investigations of political power (Rose, O'Malley & Valverde, 2006). Walmsley (2012), states that the theory of governmentality includes the numerous "techniques, practices, rationalities and institutions for the exercise of power over populations and subjects" (p.92).

A central aspect of governmentality is that power is not only in the hands of one individual or one entity, it is diffused throughout society (Barry, Osborne & Rose, 1996; Dean, 1997; Miller & Rose, 1990). As explored in the literature, there has been a shift towards a society of control or a managerial state this shift has led to an emphasis on the conduct of subjects who are to behave as society deems they should behave (Jazeel, 2009). There are various ways in which government and governing can be thought about; how individuals are to be conducted also varies. Analytics of government, a central tenant to governmentality, aims to answer the questions of who and what is to be governed and by whom and how (Hardy, 2014). Analytics is a way of analyzing specific ways in which distinct entities come to be and how they may shift (Dean, 2010, p.30). Therefore, the analytics of government serves as a function of analyzing and understanding how power moves through society (Hardy, 2014).

Now, we move towards answering the questions above noted questions of who and what is to be governed, how and by whom. Foucault's concept of the 'art of government' serves as a guide in answering these questions; the 'art of government' places an immense priority on anything that serves to strengthen the state, given the priority to strengthen the state and its power, the 'art of government' seeks to intervene in

the activities of individuals to manage their behaviours (Rose, O'Malley & Valverde, 2006). As defined by Hardy (2014), the 'art of government' "entails all activity which is concerned in some way with the conduct of conduct. As a form of state power which seeks to balance competing priorities between the individual and the wider social body, probation work most definitely falls within these parameters" (p. 308-309). In unpacking Hardy's definition of the 'art of government' it becomes apparent that this is an exertion of state power and is a way of governing that is specific to this period of neoliberalism (Hardy, 2014).

Discussing the 'art of government' thus allows for the introduction of what Foucault coined as *governance-at-a-distance*; this is particularly relevant to the work of probation officers and the practice of probation itself (Garland, 1997). Given that power is dispersed throughout society, the activity or art of governing has been designated to various institutions and entities (Fimyar, 2008). These institutions act as agents of governing while relying on their disciplinary power to govern their subjects. For example, the relationship between a probation officer and the probationer, where the probation officer is seeking to alter or adjust the behaviour of the probationer to bring them to a level where their behaviours meet socially accepted 'norms' (Garland, 1997). The relationship between the practitioner and their client is considered to be an alliance in this form of governance, which would thus imply that this alliance would serve as a conduit for power to flow through this relationship. *Governance-at-a-distance* can be defined by breaking down the concept word for word; essentially, *governance-at-a-distance* relies on less overt state interaction through technologies such as responsibilization and self-governance or self-regulation (Garland, 1997). *Governance-*

at-a-distance places the onus on the subject to conduct themselves in a socially accepted manner while ensuring they are abiding by societal 'norms' (Garland, 1997). This form of governance allows central authorities, such as the state, to exert control over its subjects. *Governance-at-a-distance* creates an illusion that individuals are free agents who make their own decisions throughout their lives and allows them to exercise their judgement (Garland, 1997). This form of governance creates a perception of individual agency, while covertly providing constraints on the said agency (Garland, 1997).

In the practice of probation, *governance-at-a-distance* becomes vital; this technology places an onus on practitioners to be responsible decision-makers. Therefore, practitioners become agents who are subject to ramifications if there is any failure or error that stems from the practitioner-client relationship or alliance. To avoid these consequences relating to failure or error, the practitioners must therefore conduct calculative work (Garland, 1997). In sum, *governance-at-a-distance* is a way of "problematizing life and seeking to act upon it" (Rose, 1993, p.288). In other words, through problematizing certain behaviours or actions there is a presumption of a defined 'norm', if individuals are not acting according to these 'norms' then their behaviours ought to be corrected or managed (Garland, 1997).

3.1.3 Power and Knowledge

A central tenant to governmentality is the relationship between power and knowledge; Foucault argues that without power you cannot have knowledge and without knowledge, it is difficult to exert power (Foucault, 1991). To govern a subject or an entity, there is a presumed norm in place and authorities are therefore the experts who are responsible for regulating subjects to ensure they are abiding by the societal norms (Rose,

O'Malley & Valverde, 2006). In shaping an understanding of power, Foucault presented the idea that power is dispersed through discourse and knowledge-creating specific "truths" (Foucault 1991; Rabinow, 1997). These truths stem from the ability that those in power have in defining truth, power can be positive as it can create meanings and knowledge (Rose, O'Malley & Valverde, 2006).

According to Foucault, power is not necessarily a negative entity, rather it can also serve as being productive and arguably necessary in the exercise of government (Foucault, 1991). Power may also provide a creative function, as it can produce knowledge that can be used to transform the world in which we are evolving. As noted by Hardy (2014), power manifests in various forms in various settings. Power is not stagnant, as it shifts creating subjects who are self-governing individuals which is also known as *governance-at-a-distance* (Simpson, 2017). Through this notion of self-governing behaviour, individuals are under the impression that they are improving on their own accord. In actuality, power is being exerted through several channels within society and it is being injected into its subjects; this is an example of the relationship between power and knowledge (Simpson, 2017). Through understanding how power/knowledge are apparent in discourses, Professors Dr. Chris Bruckert and Dr. Tulia Law (2018) suggest that it highlights how "framing something as normal not only renders it an unquestioned truth but also defines its opposite – the deviant, the abnormal, that which requires intervention" (p.66). This specific form of power that is disseminated throughout institutions emboldens society's belief that they play an active role in their governance (Mythen & Walklate, 2006). Power and knowledge come into play when subjects think about what they believe to be the truth about who we are as beings

(Fimyar, 2008). To assert power and govern individuals, techniques of government are relied upon and will be explored further.

3.1.4 Technologies

Technologies of governance are deployed as a means to govern and regulate subjects; when considering the research question of this thesis, the use of risk assessment tools is a technology of governance as it is a mobilizing form of rationality used to govern docile bodies, populations, and groups of individuals (Fimyar, 2008). Techniques or technologies of domination and power are relied upon to govern subjects. As previously mentioned, *governance-at-a-distance* is a form of governance that is relied upon to lead individuals to believe they are responsible for their own lives. *Governance-at-a-distance* is a technology of domination as the individuals believe they are acting upon themselves when in actuality, the techniques of self are entrenched into everyday structures (Burchell, Gordon & Miller, 1991). A governmentality approach or framework puts forth technologies of government, such as risk assessment tools, as mechanisms for authorities to govern subjects (Dean, 2010). Risk management has been reformulated where it now places the onus on the individual to manage the risk against them; it has been reconfigured in such a way that power is being asserted over subjects without their knowledge (Hannah-Moffat & O'Malley, 2007). Technologies of government require that the governable subject ought to be a rational being who is in control of their lives as they are the ones responsible for managing their risks (O'Malley, 1996). The relationship between governmentality and risk will be explored in greater detail in the succeeding section.

3.2 Governmentality and Risk

Risk management can be used as a technology for the regelation of individuals or groups of individuals that have been identified as presenting a threat to society. O'Malley (2010) also discusses this categorization as a means to manage risk and has named this as creating risk pools. The notion of risk has been used within several fields, including the insurance industries, financial industries, and the criminal justice system. Deborah Lupton (2013) argues that discourse plays a major role in the way that risk is constructed within society. This discourse can be understood through the lens of governmentality given that risk does not necessarily exist in reality, rather it is brought into existence through the calculation of probability; risk has to be named and constructed to be considered as a target, and thus be governed. As argued by Lupton (2013), these discourses create certain truths regarding risk. As a result of these truths, there is a governmental response associated with said risks. This becomes problematic when one considers the fact that an individual can be characterized as being risky, and the consequences that may follow as a result of this. The way that individuals are being characterized has also shifted, to ensure that public safety is placed at the forefront of any intervention or treatment. There has been a move away from what was considered to be a welfare state, where the rehabilitation of criminalized individuals was the primary goal of intervention, towards a managerial state (Lupton, 2013). As a result of this shift, there has been a tendency to rely on formal risk assessment in attempts to make the risk management and supervision of criminalized individuals more efficient (Lupton, 2013). This suggests that there is a fascination in the ability to know what the future holds, particularly concerning the safety and security of those within society. The calculation of

risk has become a form of public protection and has led to the de-socialization of risk (Mitchell, 1998). This calculation of risk has also become a mode of regulation, it has allowed for the governance of individuals that were not previously existent in society. It is important to note however, the tensions between Beck's risk society thesis and Foucault's concept of governmentality. As mentioned, the risk society thesis argues that there is a rise in the uncertainty individuals are experiencing, which can be related to the increasing number of new risks that emerged in the late modernity. Foucauldian scholars note that risk assessment tools aim to respond to the perceived uncertainty within society highlighted within the risk society, but without recognizing the objective increase of those risks. Further, assessment tools are not aimed at managing risks, but at regulating the conduct of conduct. From a Foucauldian perspective, risk is mobilized as a mode of governance (Mythen & Walklate, 2006). More specifically, these scholars note that "aggregate management of populations through actuarial techniques is seen as a fundamental form of power" (Mythen & Walklate, 2006. P.385).

In relying on actuarial tools to guide decision-making processes, questions regarding the regulation of the risks have been identified and questions raised of who is responsible for regulating these risks. Through using the Foucauldian theory of governmentality, risk assessment tools are seen as a technology to monitor and control those who are have been identified (or targeted) through the logic of risk. This has also led to a shift towards a risk model of government (O'Malley, 2010). The risk model of government relies on the use of an actuarial predictive system that can be associated with the prevention of harm. Concerning youth probation officers, the use of actuarial assessment tools is an extension of this predictive statistical knowledge. As previously

mentioned, the late 20th century was dominated by risk; thus, risk has come to be at the forefront of governing many societal problems (O'Malley, 2010). When considering risk and governmentality, it is important to consider the 'who', 'what' and 'why' of governing. This is particularly important when considering the work conducted by probation officers when assessing levels of risk amongst their clients.

3.3 Governmentality and Probation

If risk can be grabbed as an important issue regarding governance, it is also possible to apply this theoretical framework to the shifting role of probation officer (Lupton, 2013). In other words, there has been a shift towards a focus on the risky individual as a governable subject. Further, risk can be described as a category or an instrument that can be used to exercise control more efficiently; this leads to the monitoring and risk management of individuals (Lupton, 2013). The practice of probation relies heavily on the governmental technique of *governance-at-a-distance*, through implementing conditions and strict guidelines for probationers to abide by (Garland, 1997). The shift from a welfare state towards a managerial state also saw a shift to the reliance on neo-liberal techniques of control (Bullock, 2011). As a result, the discourse surrounding assisting probationers in their rehabilitation and reintegration into the community has shifted to discourse regarding the efficient or timely management of probationers (Bullock, 2011). The push to have efficient risk management of probationers has led to the creation of a practice that seeks to classify individuals by levels of risk to lead their case management plans and risk management techniques. Through relying on risk assessments, probation officers can have larger caseloads as the assessment will be conducted more efficiently. Bullock (2011), highlights the loss of individualized case

management as the use of actuarial prediction techniques aggregates individuals into risk groups for increased surveillance and control. Through aggregating groups of individuals into risk categories, the probationer is not seen as a person rather they are seen as a risk score (Garland, 1997). Additionally, through focusing only on an individual's risk score there is a tendency to view the individual as part of a larger group rather than focusing on their individual needs (Garland, 1997).

Some scholars describe risk as a dispositif. Dispositif is a Foucauldian term that refers to the governing of social problems through "administrative, technical, institutional and material elements" (Lupton, 2013, p.240). Through utilizing the concept of dispositif to understand risk, it creates an important link between risk, governmentality, and probation. The risk dispositifs that emerged throughout the period of late modernity include the use of forceful tactics to govern subjects (Lupton, 2013). In addition to this, there were strategies deployed that were less direct and relied on the self-governance of individuals. Further to this, managing risk has now become a crucial task of government (Garland, 2003*)*. As a result, risk management has become a way of governing and thus a technique of said government (Garland, 2003). Probation officers are considered to be a part of the state power that seeks to correct or alter the behaviour of an individual to abide by societal norms and rules (Hardy, 2014*)*. Risk management has dominated the practice of probation and has become pivotal in the management of probationers (Maurutto & Hannah-Moffat, 2006). The concept of dispositif applies to my thesis given the reliance on actuarial assessment tools within the criminal justice system and by probation officers in the field.

Probation officers govern probationers by deploying governmental techniques and tactics. Probation officers are required to govern individuals who are deemed to be risky and they are required to control the conduct of their clients (Hardy, 2014). To govern the probationers, the practice of probation relies on formal risk assessments as a technique of control; the results of the risk assessment tools are used to formulate a case management plan. Risk rationality is leading to the probationer being labeled with a risk score and thus being governed through these risk levels (Garland, 1997).

Garland (1997), notes that individuals will alter how they perform and adjust their behaviours to conform to the set 'norms' which is also referred to as self-regulation. Contemporary probation practices have led to risk management practices being heavily relied upon, this has impacted the way practitioners understand who and what they are governing (Bullock, 2011; Hardy, 2014). The shift in probation that has led away from rehabilitation and reintegration towards risk management is seen within policy and in the day-to-day work of probation officers (Bullock, 2011). The current climate within the practice of probation is more concerned with the delivery of consistent standards and governing over probationers than individualized case management plans (Bullock, 2011). In sum, the practice of probation has shifted from being individually focused on the probationers' needs and their rehabilitation towards risk management and efficiency.

3.3. Chapter Summary

This chapter provides an overview of governmentality through the work of various academics; namely, Michel Foucault, Pat O'Malley, Nikolas Rose, and David Garland. Foucault paved the foundation for governmentality studies while the other named authors built upon this foundation to expand on Foucault's original work. The

purpose of this chapter is to draw from the work of the above-noted authors to create a framework that will allow me to analyze the data collected through interviews with participants. Through utilizing a governmental approach in analyzing the impact of actuarial tools on probation practitioners, I will be able to assess how the governing of probationers through the use of assessment tools and reliance on risk management has impacted probation officers and to what extent. The proceeding chapter will discuss the methodological approaches deployed in this thesis.

CHAPTER FOUR: METHODOLOGY

This thesis aims to understand how probation officers have experienced the impact of actuarial assessment tools on their practices. The research questions in this study are relevant and important in the field of criminology as the project will contribute to an understanding of how the transition toward the use of actuarial assessment tools has directly impacted the practitioners in the field. This is vital since actuarial assessments will not only impact the practitioners directly using the tools but will likely have an indirect impact on the clients under the supervision of these probation officers.

This chapter begins with a discussion on the epistemological and ontological considerations taken to conduct this study (section 4.1). Furthermore, there will be an outline of the research design, research questions, and research objectives of this project (Section 4.2). The methods used to recruit research participants will also be explored in detail. Next, there will be a discussion on the data collection process and the techniques deployed throughout the data collection process (section 4.3). Following this, the coding techniques that were implemented to analyze the data collected will be presented (section 4.4). Lastly, the ethical considerations that have been taken to ensure accordance with the University of Ottawa Research Ethics Board (REB) will also be addressed.

4.1 Ontological and Epistemological Considerations

Within the field of social sciences, there are four main paradigms: positivist/post-positivist, interpretative/constructivist, critical, and post-modern/post-structural (Rubin & Rubin, 2005). A paradigm consists of three main dimensions; an ontological dimension, an epistemological dimension, and finally a methodological dimension. Guba and Lincoln (1994) define a research paradigm as “the basic belief system or worldview that

guides the investigator in terms of ontology, epistemology, and methodology in fundamental ways" (p.105).

For my thesis, I chose an interpretive/constructionist approach, because this research paradigm proved to be the most suitable and most appropriate in answering my research question. An interpretive/constructionist approach provides the researcher with an opportunity to conduct in-depth interviews with participants to understand their realities (Rubin & Rubin, 2005). A constructivist paradigm maintains that each person is experiencing their own lived reality. Within research, this implies that there is not one single truth in the world, rather each individual is contributing to an understanding of the way the social world is working. There are multiple interpretations of the world in which we live; therefore, this thesis is based on shared realities that will contribute to an understanding of the way participants are experiencing or understanding the impact of actuarial assessment tools on their

work.

Constructionist researchers rely upon words to create an understanding, this is why interviews are relied upon as the principal method of data collection. In other words, the opinions of each respective former probation officer interviewed for this research project were their own and were based on their own lived experiences working as probation officers in the province of Ontario.

Ontology is a way of understanding what "reality" is and how it is formed within the chosen paradigm (Guba & Lincoln, 1994). More specifically, ontology guides the researcher's view of reality. This thesis assumes a relativist ontology; in other words, reality does not exist outside the perception of each individual. Rather, we each produce

our reality and there is no universal truth. According to Guba and Lincoln (1994), realities are dependent on the person holding the constructions (p.110). These constructed realities are not proved true or false rather as can be altered. There are two primary ontological stances, objectivism, and subjectivism. Objectivism is the belief or understanding that truth exists outside of human knowledge (Guba & Lincoln, 1994). On the other hand, subjectivism or constructivism assumes that reality is created through the lived experiences of individuals based on their interactions with the social and natural world (Howitt, 2010). The ontological stance of a project helps guide the epistemological standpoint of the research. Ontology is referring to the nature of reality and what this reality is about; whereas epistemology is relating to the relationship between the individual holding the knowledge and knowledge itself (Guba & Lincoln, 1994, p.108).

Epistemology is defined as a theory of knowledge, as it can help one understand how knowledge has produced the nature of knowledge; it also provides us with an understanding of the link between reality (ontology) and the production of knowledge (Guba & Lincoln, 1994). The epistemological stance of this project is transactional and subjectivist in nature (Guba & Lincoln, 1994). Through a subjectivist stance, the findings of a study are created as the research proceeds, it is an ongoing process (Guba & Lincoln, 1994). Throughout the course of the interviews with the participants, it became evident that the experiences of each respective probation officer varied, this was expected going into the interviews. It can be argued, that the views of each participant varied based on their own lived experiences both in their work as a probation officer and through their life experiences in general. After conducting the interviews, it became apparent that each participant had different experiences using actuarial assessment tools with their clients.

While there were similarities in experiences between some participants, they each had their perceptions regarding the impact of actuarial assessment tools on their work.

The approach of this project remains consistent with a constructionist research project; methodology is the procedure used to produce the knowledge. This project is hermeneutical and dialectical in nature (Guba & Lincoln, 1994). Hermeneutics is a method of analysis that relies on interpretation (Guba & Lincoln, 1994). The content of the interviews that were conducted with participants of the study is interpreted by the researcher to understand the experiences of said participant. Guba and Lincoln (1994), state that "the variable and personal nature of social constructions suggests that individual constructions can be elicited and refined only through interaction between and among the investigator and respondents. These varying constructions are interpreted using conventional hermeneutical techniques and are compared and contrasted through the dialectical interchange. The final aim is to distill a consensus construction that is more informed and sophisticated than any of the predecessor constructions" (p.111). The knowledge within this project is constructed based on the transactional nature of the conversations between the researcher and the participants. The purpose of this research is to gain an understanding of how probation officers have experienced the impact of actuarial assessment tools on their practice. To gain an understanding of the impact of actuarial tools, I have relied on the realities of each respective former probation officer. I used the various "pieces of knowledge" provided within the interviews to create a picture of the impact that actuarial assessment tools are having on the practice of probation.

4.2 Research Question and Research Design

The primary focus of this study was to analyse how probation officers, within the province of Ontario, view the impact of actuarial tools on their work. The two research questions guiding this study are: *(1) How do probation officers perceive the impact of actuarial assessment tools on their work (2) How does the use of actuarial assessment tools affect the professional judgement of a probation officer?* To answer my two main research questions, the following are specific goals that I am hoping to reach through the research that will be conducted: (1) understand the work conducted by probation officers (2) understand how and if probation officers can rely on their professional judgement; and if they believe it is important to rely on their professional judgement and finally, (3) explore the importance of actuarial tools according to practitioners.

This study adopts a qualitative research design; the data for this research was collected through seven semi-structured interviews with retired or former probation officers in the province of Ontario. As noted by Morse and Field (1996), the goal of qualitative research is to gain an understanding of the social world. To gain an understanding of the lived realities of the participants, semi-structured interviews were relied upon. These interviews were conducted between November 2019 and January 2020. Originally, I planned on conducting interviews with individuals who are currently practicing probation. I applied to the University of Ottawa Research Ethics Board (REB), which outlined my intent to interview adult or youth probation officers. Upon receiving REB approval, I submitted a request to the ministry that oversees adult probation officers, to have access to participants. However, after submitting this proposal it became apparent that conducting interviews with current probation officers was not going to be feasible, as

I was denied access to currently practicing probation officers. Once receiving notice from the ministry that I was unable to conduct interviews with their employees, I spoke to an individual, from the ministry, who was in charge of overseeing my research proposal, and I was advised that I could interview retired or former probation officers without requiring approval from the ministry. I felt that interviewing former or retired probation officers would still allow me the opportunity to gain an understanding of the work they conducted as well as the impact of actuarial assessment tools on their work.

Upon receiving confirmation in writing from the ministry that I could interview former or retired probation officers, I amended my REB application with the University of Ottawa to reflect the new targeted participant group. Upon completion of the interviewing process, it became evident that speaking with former and retired probation officers proved to be most beneficial since the participants were able to speak freely without any potential consequences by their employer. The participants' length of time working as probation officers ranged from 3 years to 25 years. I believe that interviewing participants who worked as probation officers for a significant amount of time was beneficial for this project. The participants were able to provide in-depth details regarding their perception of their work and how they believe the use of actuarial assessment tools has impacted their work. Through speaking directly with the participants, I was able to gain a more intimate understanding of the work conducted by probation officers; I believe the level of detail gained would not have been possible with other forms of data collection.

4.3 Data Collection Process

Before collecting the data required for this study, I applied for ethics approval from the University of Ottawa Research Ethics Board (REB). Upon REB approval (see Appendix A), I established two points of contact who could assist in the dissemination of a recruitment letter to their former colleagues. The first contact I established was a currently practicing probation officer; I established this contact while completing a field placement at an open custody facility for male youth. I contacted this individual via LinkedIn, a social media platform used for networking. The second contact I established was a former parole officer who was in contact with various probation officers throughout her career. I established this contact through my current employment; she advised me that she had various contacts within the practice of probation and would be willing to distribute a recruitment letter. Once the two contacts agreed to disseminate a recruitment letter to their former colleagues, I provided them with the letter via email to forward to potential participants (see Appendix B). Once the contacts received the recruitment letter via the two established contacts, participants began to contact me through my University of Ottawa email address and through text message. My contact information was provided to the participants in the recruitment letter provided to them. A total of seven former probation officers contacted me and expressed interest in participating in the study. After being contacted by the participants, I scheduled interviews with each individual on a mutually convenient date and time. All seven of the participants were probation officers in the province of Ontario before either retiring or moving on to another career. Given geographical distance between myself and some of the participants, phone interviews were conducted when in-person interviews were not

possible. For the interviews that were conducted in-person, a mutually convenient location was predetermined. Free and informed consent was obtained by providing each participant with a consent form (see Appendix C). The consent form described the purpose of the study, risks associated with the study, benefits of the study, an explanation on how their confidentiality would be protected, how the data will be conserved and finally it outlined the voluntariness of the study and stated that the participants could withdraw from the study at any point in time. Participants who engaged in phone interviews were provided with consent forms to review via email before the audio recording and later granted their consent to partake in the interview on record. Participants who were met in-person for an interview were provided with two hard copies of the consent form before the interview commencing, one for their record and the other to sign and return to the researcher. The interview guide used for this study included probing questions that allowed the participants to describe their experiences using actuarial tools when conducting assessments with probationers (see Appendix D).

4.3.1 Research Participants

The participants of this study were retired probation officers or former probation officers who are no longer practicing and are working in other capacities. There were no restrictions on the age or gender of the individual being interviewed, only that they have worked as a probation officer at some point in time and are no longer practicing in that capacity. The interviews were conducted in English, so all participants were required to speak and understand the English language. All participants were probation officers in the province of Ontario. In total seven interviews were conducted, and participants were

selected on a first-come-first-served basis. The length of time working as a probation officer ranged from 3 years to 25 years, with the average length of time being 16.5 years.

Table 1. Participant Demographics

Participant	**Status (retired or no longer practicing)**	**Sex**	**Length of time as PO**	**Length of Interview**	**Type of interview**
A	Retired	Male	25 years	1 hour 13 min	Phone
B	Retired	Male	23 years	50 minutes	In person
C	No longer practicing	Male	17 years	1 hour 03 min	Phone
D	No longer practicing	Female	4 years	52 minutes	In person
E	Retired	Female	25 years	20 minutes	Phone
F	No longer practicing	Female	3 years	20 minutes	Phone
G	No longer practicing	Female	19 years	40 minutes	Phone

4.3.2 Interviewing Process

Rubin and Rubin (2005), suggest that through conducting qualitative interviews it is possible to gain an understanding of lived experiences and specific situations that the researcher did not witness or experience themselves (p.3). Further, qualitative interviews help us as researchers describe the experiences of participants and how things may evolve (Rubin & Rubin, 2005). I began conducting interviews on November 15th, 2019 and my final interview was conducted on January 21st, 2020. After completing the first interview I transcribed the audio and submitted this transcription to my thesis supervisor, Dr. Bastien Quirion, for feedback. Once my thesis supervisor provided valuable feedback regarding this interview, I made necessary adjustments to the interview guide to prepare for the subsequent interviews. The interviews ranged from 20 minutes to 73 minutes in length; the average length was 45 minutes. Each interview was audio recorded on a portable audio recorder. As noted by Rubin and Rubin (2005), a researcher cannot

remember the contents of multiple interviews; a researcher should make permanent records of their interviews by either audio recording or taking detailed notes. Throughout the interview, I also took handwritten notes to assist in the transcription of the interviews. Following the interview, the recordings were uploaded onto my password-protected personal computer and subsequently removed from the audio recorder. Each participant was assigned a letter to avoid any disclosure of their personal information; any identifying information obtained throughout the interviews is not disclosed throughout this thesis. Upon completion of my thesis, I will provide the transcripts to my thesis supervisor who will then store the transcripts in a locked cabinet for a period of five years commencing the date of submission of this thesis.

4.3.3 Semi-Structured Interviews

To answer my research question, I determined that semi-structured interviews, with a pre-determined set of open-ended questions, would be most appropriate. Although I had an interview guide, the questions were flexible and the direction of the interview was dependent on how the participants responded to certain questions (van den Hoonaard, 2015). Semi-structured interviews are the preferred method of interviewing within qualitative research due to its flexibility and ability to be explorative in nature (Doody & Noonan, 2013). The final interview guide used included 14 pre-determined open-ended questions; "when discussing qualitative interviews, we use the term *guide* rather than script, questionnaire, schedule or protocol to refer to our written plan. The term *guide* reflects the flexibility to our approach" (van den Hoonaard, 2015, p.109). When developing my interview guide, I kept my research goals in mind and developed open-ended questions that would help me reach those goals. As noted by van

den Hoonaard (2015), I ensured that I was only addressing the themes that were related directly to my research question. I did not always follow the interview guide completely as some questions were less relevant to some of the participants.

4.4 Data Analysis Procedures

Through conducting qualitative interviews with participants, I obtained a vast amount of information regarding how probation officers experience the impact of actuarial assessment tools. Once the interviews were complete, I proceeded to transcribe each interview to analyze the data through a deductive approach while remaining open to inductive possibilities.

Through my interactions with the participants, I was able to access how the individuals made sense of the work they conducted on a day to day basis when they were practicing as probation officers. Throughout the data collection of this project, I transcribed each interview in preparation to analyze the information. Upon completion of the transcription process, I analyzed the transcripts using a deductive approach. In other words, the transcripts were analyzed with themes and categories that were identified before analysis; thus, I conducted a thematic analysis. Thematic analysis is a qualitative method used to identify and analyze themes within research (Braun & Clark, 2006).

Analyzing qualitative data requires a lot of time and effort to make sense of the information being analyzed. While thematic analysis is not widely acknowledged, it is a commonly used analytic tool within qualitative research (Braun & Clark, 2006). Thematic analysis is best suited for my project given its flexibility when analyzing large amounts of data. Since thematic analysis is flexible in nature, there are no clear, agreed-upon guidelines on how to conduct thematic analysis. Braun and Clark (2006), have

outlined a six-phase guide to thematic analysis: familiarising yourself with your data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the report.

First, I transcribed the seven interviews I conducted. This process was time-consuming as I listened to the audio recordings several times to ensure I was transcribing accordingly. However, the transcription process proved to be extremely valuable as it allowed me to familiarise me with the data (Braun & Clark, 2006). During the transcription process, I began to create meaning through the data. I did not use any transcription software to complete the transcripts as I found doing it myself allowed me to engage in the preliminary analysis (Braun & Clark, 2006). Once the transcription of the interviews was finalized, I reviewed each transcript and immersed myself in the data.

Secondly, I created initial codes. A code, within qualitative research, is defined as "a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data" (Saldana, 2016, p.4). Codes are units extracted from the interview transcripts that are later organized according to themes. There are two main approaches to coding: an inductive approach or a deductive approach (Saldana, 2016). I decided to use a deductive approach, as I decided on predetermined themes based on the current literature on the use of actuarial assessment tools within the practice of probation. Before commencing the coding of the interview transcripts, I created a coding scheme (Table 2) which included themes I created through conducting the literature review of this thesis. The process of coding is not a linear one and requires the researcher to do multiple rounds of coding (Auerbach & Silverstein, 2003, p.43).

Table 2. Coding Scheme

Role of probation officers	**Technologies: Actuarial Tools**			**Autonomy**
	Limitations	***Advantages***	***Description***	
Shift in role	Lack of specificity in targeting risk General vs specific risk	Providing opportunity for training	Tools being used for reasons not intended to be used for	Accountability
Purpose of role (rehabilitation vs control)	Disconnect between policies and practice	Consistency in work	Decreasing human contact	Professional judgement (lack of)
Administrative Tasks	Increasing caseload	Guides case management	Trust in tools (have or do not)	Professional judgement (able to exercise)
	Hinders rapport with clients			

As previously identified, the third step in thematic analysis is to search and identify themes using the initial coding scheme. I did not use coding software; instead, I manually coded my data. In order to manually code the data, I used different coloured highlighters to categorize and organize the emerging data into themes. The fourth step identified by Braun and Clarke (2006), is to review the themes. I reviewed the themes on an ongoing basis throughout the coding process. After completing the reviewing process, the final step is to label and define the themes identified in the initial identification of the themes.

4.5 Chapter Summary

This chapter provided an overview of the ontological, epistemological and methodological considerations made throughout this thesis. This research project has adopted a constructionist paradigm and a qualitative thematic analysis has been adopted to analyze seven semi-structured interviews conducted with former or retired probation

officers within the province of Ontario. In summary, this chapter provided a detailed description of all the methodological decisions made throughout the data collection process and the analysis of the data. The proceeding chapter will exemplify the findings and analysis of the findings of this study.

CHAPTER FIVE: FINDINGS AND ANALYSIS

In this chapter, I will present the findings resulting from seven qualitative semi-structured interviews that were conducted with retired or former probation officers within the province of Ontario. These results will be presented and analyzed in-depth within this chapter. The goal of these interviews was to address the following research questions: (*1) How do probation officers perceive the impact of actuarial assessment tools on their work (2) How does the use of actuarial tools affect the professional judgement of the probation officer?*

This chapter sheds light on three main themes that became apparent following the interviews conducted, on the impact of actuarial assessment tools on the work of probation officers. The themes that emerged from both the literature review conducting and the analysis of the interviews include: 1) how probation officers view their role, 2) technologies – actuarial tools, and 3) autonomy. Each theme will represent a section within this chapter, and these themes will consist of sub-themes that emerged within each interview as well as an analysis of these findings. Before discussing the themes throughout this chapter, I will present generalized observations regarding the participants of this study.

It is important to note that all seven participants practiced as probation officers within the province of Ontario. As a result, the participants were only able to share their experiences pertaining to one specific actuarial assessment tool called the Level of Service Inventory-Ontario Revised (LSI-OR). Although all participants practiced as probation officers within the province of Ontario, two participants are currently practicing as Federal parole officers. These participants offered insight into the main

differences between evaluation practices within probation and parole. The participants' time as probation officers varied and they were each able to share different aspects of their role.

In this chapter, I explore the three main themes that emerged during the interviews with seven former probation officers and the sub-themes. I will provide an analysis of these findings through a governmental lens to respond to my two main research questions discussed above and my research goals: (1) understand the work conducted by probation officers, (2) understand how/if probation officers feel as though they can to rely on their professional judgement; and if they believe it is important to exercise this judgement and (3) explore the importance of actuarial tools according to practitioners. Each section will present the research findings and analysis of these findings, through situating them within the current literature discussed in Chapter 2. Finally, a discussion of the results will be conducted throughout this chapter and within the concluding chapter of this thesis.

5.1 Theme #1: Perceived role of Probation Officers

The first theme that will be analyzed is how probation officers perceived their role. In his study, Hardy (2014), argued that there was a need to identify the ways risk is impacting the theory and practice of probation work, from the perspective of the practitioner. Hardy (2014), argued that it appears the rise of risk has in fact had an impact on the way probation officers conceive of who, what, and why they govern (p.314). This section will capture the perspectives of the participants interviewed for this study. Three sub-themes emerged. The first sub-theme includes how probation officers perceived the purpose of their work. The second sub-theme explores if probation officers perceived a

shift in their role, and how they perceived this shift. And lastly, the third sub-theme included the participants describing the overwhelmingly administrative aspects of their work.

5.1.1 The role of probation officers: Rehabilitation vs control

The participants were asked to describe the purpose of their role in their own words. This particular question probed the participants to provide me with an understanding of the work they conducted as a probation officer. The responses varied significantly as the purpose of this question was to capture how each individual practitioner viewed their role. Although, there did appear to be a sharp division between individuals who viewed the purpose of their role as rehabilitative in nature versus individuals who described the purpose of their role as the enforcement of probation orders. By the same token, there were two participants who described the purpose of their role as two-fold, including both rehabilitative efforts and enforcement practices. The following quotes from the interviews provide a picture of the participants who described their role as rehabilitative:

> *No, I would be out and in schools, community agencies, um, if I had kids in alternative schools – we have an alternative school at the college here, if I had a kid who was on my caseload at that time who was at an alternative school I would say okay I'm coming out to see you I don't want you to come see me but we have to go to Tim Hortons and if you want a coffee and a bagel or whatever that's what we'll do... That part-time job is more important than you coming to see me – I will reschedule you got a hockey practice? You got a ringette practice? Don't you dare miss that* (Participant A).

Participant A emphasized the importance of clients being involved in the community and encouraging the clients to prioritize prosocial activities that assist in addressing their specific needs.

> *To me, and this is my opinion, being a probation officer is the same as being… and people will disagree with me, so this is my opinion, it's being like a social worker in community corrections… I am going to help the kid look at his use of substances in the hope that he will be motivated to seek substance abuse counselling you know". It's amazing these kids have… and these adults to have little conscious awareness of their situations* (Participant B).

Participant B notes the importance of addressing the needs of a client not only from a criminal justice perspective but from a social work lens.

As noted in Chapter 2, there has been an evident decline in the rehabilitative ideal within the criminal justice system (Garland, 2002). However, according to the participants, they continue to strive to ensure that their clients' needs are met regardless of the goals and mandate of the ministry they were employed by. Similarly, these participants shared the sentiment that their role was to provide their clients with a landscape to reintegrate into society and focus on the client's needs in order to facilitate rehabilitation. Participants A and B describe the purpose of their role as agents of governing, but they rely on their disciplinary power to navigate how they choose to govern the individuals they are supervising (Garland, 1997).

On the other hand, one participant perceived the main purpose of their role as being the requirement to enforce the probation orders and conditions of their clients:

> *I think reintegration and reducing recidivism is more of a priority for parole where provincially it's more about paperwork and getting a guy from start to finish. Are you expecting to see much change?... it was my role to meet with the offender, go over all the stipulations of the probation order, or whatever order we were supervising. And, enforce or ensure that the offender was abiding by everything that was written down and to also, I guess assist with reintegration or rehabilitation and getting them proper services that they might require and then kind of just being there if they needed someone to call* (Participant D).

Participant D's perception of their role is consistent with the decline of rehabilitative efforts seen within the criminal justice system. This participant did mention

that reintegration and rehabilitation was a part of their role, but they appeared to view their main function as enforcing in nature. Further, this excerpt from the interview conducted with Participant D is consistent with the concept of *governing-at-a-distance* as introduced in Chapter 3. The concept of *governing-at-a-distance* relies on governing individuals without an immense amount of state regulation (Rose, O'Malley & Valverde, 2006). Governance-at-a-distance allows the state to separate itself from directly involving themselves with citizens. This is clearly exemplified when Participant D notes, that while their main role is to enforce a probation order, the client ought to know to call the practitioner if needed. This allows the individual under probation to remain relatively autonomous when abiding by their probation order. The individual may not actually realize they are being governed since they are being governed through spheres that do not require the probation officer to be directly in contact with them at all times. While Participant D notes that guiding an individual from the start of their probation order to the end of their probation order is the practitioner's main role, this participant also notes the responsibility of this is on the client.

One of the main tenants of governmentality, which makes room for governance-at-a-distance, is self-governance. The responsibilization of citizens places the onus on these same citizens to become pro-social members. As noted in Hardy's (2014) study, the principal role of the practitioner is to govern risk (p.312). Participant D's quote demonstrates the reliance on clients to self-govern after they have successfully completed their supervision order. It is important to note, Participant D is now practicing as a parole officer therefore they were able to provide a comparison between probation and parole. This may have also impacted the way in which this participant viewed their role.

Lastly, most of the participants viewed their role as having two main purposes, rehabilitation and enforcing the client's supervision order. The following quotes describe how these participants perceived their role:

> *The idea is keeping these people out of trouble. Rehabilitating them is what we said we want to do, our goal is always to rehabilitate these people and uh, to get them back as functioning productive members of society. You know getting them back into the workforce, getting them back into their family life, getting them counseling, getting them off drugs, getting them off alcohol, things like that. And another role where I thought… we were also public safety officers… Main goal is to figure out why he's offending, deal with why he's offending, get him or her the help they need, and make sure they don't reoffend again, so get …once they're done their programming you make sure you review their relapse prevention plan all the time so those are the three main focuses....We don't want to see you because we want to focus on the higher risk people. We don' want to focus on the guy who had to do community service and is done with community service like ok you're good, you screwed up, go away we don't want to see you anymore. You only have to call us if your address changes. You're on probation until this date, good luck* (Participant C).

> *Well your function, I always say that it's a job working with people, so you need people skills. And you're working with a different array of services… you're working with the courts, you're working with all kinds of agencies, you're working with the lawyers, it's a people job. Your role is to implement or oversee the conditions of the court order but it's also writing reports for the court, so they'll know more the human side* (Participant E).

> *There's one that you're supposed to be the… you have to monitor the conditions of the probation because that's what… that's the right to be a probation officer right? Our mandate is from legislation. So… we have to monitor that they follow the conditions of the order of probation. So, you have the enforcement side. And then you have the side where it's almost like being a social worker to a client centered approach after that where you're almost like a mediator, everybody has to get involved… Even though we were supposed to be enforcement we were also trying to maintain, and I always believed that the role of the probation officer was to be a pro-social model, so I also believed that when they came to visit you in the office it wasn't just to come in and say "okay, these are your conditions and are you following, police contact ?"* (Participant G).

Participants C, E and G described the purpose of their role as consisting of two main functions: rehabilitation of the criminalized individual and enforcement of probation orders. Probation officers are often required to navigate this fragile balance between care

and control, as seen in these three quotes (Hardy, 2014, p.315). The views of these participants reinforce Hardy's (2014) finding, that public protection and addressing the needs of the client can in fact coexist within the practice of probation. Chapter 2 and Chapter 3 of this thesis highlight the fact that discourse plays a significant role in the way that risk is viewed (Lupton, 2013).

In both Participant C and Participant G's interviews, "reoffending" appeared to be viewed as being a risk to public protection and desistance from crime was described as the ultimate goal. Participant C highlights how the line between public protection and rehabilitation of criminalized peoples can be easily blurred. Participant C stated, "the idea is keeping these people out of trouble, rehabilitating them is what we said we want to do, our goal is always to rehabilitate these people and uh, to get them back as functioning productive members of society." On its face, this quote demonstrates the participant's intention of having the best interest of the client in mind when addressing the individual's needs. However, we see here an example of the 'conduct of conduct'; this participant sees their role as shaping the behaviour of the client in question to ensure the individual is complying with a set of socially acceptable norms (Dean, 2010; Hardy, 2014). This further reinforces discourses surrounding risk management as being the priority within the criminal justice system while also attempting to address the needs of the criminalized person.

5.1.2 Shift in their role

When asked to describe their work as probation officers, many participants noted experiencing a shift in their role over the years. This question probed discussions regarding how this shift impacted the way they experienced their role as a probation

officer. The responses varied; one participant in particular, described a shift away from direct human contact with their clients:

> *And part of the problem lies in the fact that sometime in the 80s I think, I may be wrong, yeah 80s… Criminology changed its focus for whatever reason that I don't understand or know. It became, instead of being a human service it became more of a theoretical research oriented and a lot of the research that is being produced…is interesting research but it doesn't give the probation officer the tools needed to properly assess or to properly intervene or to properly interview clients* (Participant B).

As described by Hardy (2014), the 1980s marked the beginning of a shift away from the welfare approach towards criminalized individuals towards preventing crime through scientific and predictive techniques in order to manage behaviours. Participant B clearly noted a shift within the criminal justice system in the 1980s.

> *The policies changed slowly and then they became very very onerous on what you had to have in a case note and like I said it's got pros and cons, if you never ever seen the offender, or the case note and you're a manager reviewing the file it's great because you get to see everything the PO talked to and also, if the PO has been doing good work, let's say on a case where the PO.. the client hurt somebody, if the case notes are very detailed the manager can say "okay the probation officer was following policy they reviewed everything they need to all the risk factors were being addressed" the manager can't say that if it just says "bob came in today we talked for a half hour things are good". You know but the problem was when you say "I want every case note to be 800 words to 1000 words" well guess what that takes a lot of time so what happens? The time you spend with the offenders gets lost, so what's more important having it documented or actually doing.* (Participant C).

Participant C notes a slow shift within the practice of probation, the shift noted by the participant appears to be related to increasing time devoted to clerical tasks. Further, the participant addressed the fact the increase in time put into case notes led to a decrease in time with the clients. Similarly, Participant E notes a shift away from contact with their clients towards a heavy emphasis placed on case notes.

> *I would say I saw a change in terms of how I did the work though. 25 years ago when I started, I would say that it was more of a people person… somebody had once said "you know you do an hour interview and you spend 50 min talking to the person, 10 minutes taking notes and then it became 50 min taking notes and 10 min talking to the person"* (Participant E).

The quotes from both Participant B and Participant E provide an understanding of how there has been a shift away from the welfare state. The shift away from welfarism is evident as the ministry appears to place emphasis on case notes in order to avoid the possibility of criticism or liability. Further, it appears that the emphasis on case notes allows the ministry to maintain their narrative of professionalism. The changes described by the participants appeared to stem from the ministry requiring more and more detailed notes which they framed as an accountability piece. The participants appeared to be required to choose between face-to-face contact with their clients or abiding by the shifting priorities of probation. Further, this perceived shift described by the participants coincides with Feeley and Simon's (1992), argument that the shift in risk assessments has contributed to having probation officers go from agents who focus on rehabilitation of their clients and the reintegration of individuals into the community towards being a risk manager.

Other participants also described a heavy reliance on case notes from the ministry they were employed by:

> *When I first came in, they were just, you just write your case note on your file. We didn't have a computer like you know, let's say you had five guys to see, you would get put your five files on the desk and then you would have like a piece of paper you would write on. There was basically four or five check boxes you would do it would say: has the address changed? Are there any concerns? And any additional comments, you had like a small little section to write in you would just check off no changes and conditions reviewed and then you might write one or two lines you know… with the computers coming out the ministry was like "okay we want a bit more detail on the notes then just writing a couple lines now that we are on*

> *computers" now I remember that was at a time, that was around 2002-2003…* (Participant C).
>
> *It all became about what the ministry could show on paper to… like you know if an offender screwed up like big time you have a file review in your case they would say "hey you know we have detailed case notes and this this and this"… it became more of a on a case review basis what the ministry could show to you know to the auditors and to the public. "Look at all the work that we've been doing on paper" so they put an emphasis on you know, making the case notes longer.* (Participant C).
>
> *Since I was leaving… the poor kids that are in probation my god the amount of writing they have to do – they have to write everything down that they have spoken to the client about and they have to cover all the main traits of that LSI-OR you know this and that … we did this and this and I would never…* (Participant G).

After analyzing these quotes, it appears that there are a number of reasons why the ministry places an emphasis on case notes. As discussed in Chapter 3, power in not only in the hands of one individual, it is diffused throughout society (Barry, Osborne & Rose, 1996; Dean, 1997; Miller & Rose, 1990). Based on the perceptions of the participants, it appears that the ministry wanted detailed case notes to oversee the probation officers' work. Further, the 'risk society' thesis has also had an impact on how the practice of case management is changing (Beck, 1992).

In the quotes noted below, it appears that the ministry conducts case reviews on the probation officer's files to ensure the practitioners are governing their clients to ensure their behaviours meet the socially accepted 'norms' (Garland, 1997). Risk management is not only a technique for regulating individuals under probation, it is also used as a technique to regulate the work of probation officers. This is aligned with Rose's (2002), work on *Governing Through Madness*. Rose (2002), notes that there has been a shift towards governing professional activity through things like audits and budgets. Through conducting audits or case reviews, of the probation officer's files, the ministry is

able to govern the type of work the probation officers are conducting. This notion of governing probation officers will be further explored in section 5.3.2. It is important to also consider that evaluating risk requires professional decisions. Probation officers are responsible for the consequences stemming from their decisions pertaining to the calculations of their assessments (Rose, 2005, p.19; Hardy, 2014).

The participants had varying responses when asked if they felt there was a shift in their work. Most of the participants expressed that they did in fact notice a shift in their work. Namely, the participants noticed a shift towards meticulously detailed case notes and a shift away from lengthy assessments and meetings with the clients.

5.1.3 Administrative Tasks

Another sub-theme that emerged when exploring how the participants perceived their roles as probation officers, was the administrative aspect of their role. Most of the participants noted some administrative aspects in their roles as probation officers. When discussing their roles, the participants noted various aspects of their role that were administrative:

> *A couple things well the ministry was getting… it was changing the way we did business and it was going to an administrative focus rather than a client focus* (Participant C).

In her work on risk analysis and probation, Bullock (2011) notes that probation officers are now seen to be more administrative. She notes that they are required to rely on risk assessment tools rather than their own assessment of their clients to evaluate the levels of risk an individual may pose (Bullock, 2011). Participant C notes a change in the way probation work was conducted. The professional expertise of the practitioner is not relied on as heavily anymore as they are relying on the self-reporting of their clients.

Participants also noted that probation relies heavily upon the self-governance of the clients in order to fulfill their roles:

> *A couple things well the ministry was getting… it was changing the way we did business and it was going to an administrative focus rather than a client focus.* (Participant C)

> *Way more administrative, way more. You don't leave the office, so it's literally like someone is coming in and reporting to you* (Participant D).

> *… because you don't have anything to work with you just have self-reporting and so that it becomes laying charges, when people don't show up or doing requested court for variances and on their conditions and ok you do that… did you pay your fine? Show me your receipt, did you go to court and the other part of the job was a lot of collateral contacts but really I think that that's, unless it has changed again, but I felt that that was something that was very subjective about how different probation officers apply that which I think is unfortunate because I think it should be a requirement because your frequency of contact with the offenders should also be with the frequency of contact with their strong collaterals, and I think there's too much grey area there and so ya I think that should be a big part of the job and that can also include the police but ya I think it became so administrative because of demand (Participant F).*

Chapter 3 explores the concept of risk as a dispositif, which is the governing of social problems, such as risk, through "administrative, technical, institutional and material elements" (Lupton, 2013, p.240). Probation officers used to be agents whose goals were to "transform" the clients through case management. More recently, probation officers are expected to "transform" the clients through administrative techniques due to the requirement of administering actuarial tools coupled with the shift away from the welfare of the client towards protecting the public's safety (Simon & Feeley, 1992; Hardy, 2014). Participant D expresses the reliance on administrative and managerial techniques as relying on the self-governance of the clients in order to achieve these goals. Specifically, Participant D states "… you don't leave the office, so it's literally like someone is coming in and reporting to you". In other words, this participant believes that

the onus is placed on the client to report to the probation officer. On the other hand, while Participant F also views their role as largely administrative, it appears that the sentiment behind their statement is different from that of Participant D. Participant F appeared to value contact with the clients but was unable to do so due to a lack of resources.

> *Since I was leaving… the poor kids that are in probation my god the amount of writing they have to do – they have to write everything down that they have spoken to the client about and they have to cover all the main traits of that LSI-OR you know this and that … we did this and this and I would never* (Participant G).

The participants who noted a largely administrative focus when working as probation officers had slightly varying opinions. However, they were all consistent with Hardy's (2014) argument that the status of the practitioner has become redundant as new social models have paved the way for more administrative approaches to managing risk. As noted in Chapter 2, in her work on risk analysis and the new practitioner, Diana Fitzgibbon (2007) notes that probation officers have become 'formulaic tickers of boxes'. In other words, there has been a move away from relying on the in-depth training and skills of the practitioner towards a reliance on risk assessment tools and administrative measures to govern and supervise their clients.

Each respective participant perceived their roles as probation officers differently; the participants shared varying worldviews and painted unique pictures of their time as a probation officer. The next section will focus on the use of actuarial tools within the practice of probation.

5.2 Theme #2: Technologies – Actuarial Tools

The second theme to emerge from the interviews conducted was the use of technologies to manage risk within the field of probation. Specifically, participants were

asked questions pertaining to the use of actuarial tools. As explored in Chapter 2, there is a heavy reliance on actuarial risk assessment tools within the criminal justice system. Within this theme, there were three overarching categories: (1) limitations to the use of actuarial tools, (2) advantages to the use of actuarial tools and, (3) how the participants described the actuarial tools. Each overarching category then presented with sub-themes presented below. The participants were asked probing questions relating to their experience with the use of actuarial tools. The questions pertaining to the use of actuarial tools within their work as probation officers, allowed the participants to describe the way actuarial tools impacted the way they viewed and conducted their work.

5.2.1 Obstacles and Limitations

The first category to emerge within this theme was relating to the obstacles and limitations associated with the use of actuarial tools within the practice of probation. The participants were asked to describe if they perceived any obstacles in relation to the heavy reliance on actuarial tools within their roles as probation officers. Four sub-themes emerged as a result of this question: lack of specificity in targeting risk, the disconnect between policies and practice, increasing caseloads and, hindering rapport with clients.

i) Lack of specificity in targeting risk – General versus specific risk

One obstacle that emerged when questioned on the limitations of actuarial tools, was the lack of specificity in targeting risk. A number of participants articulated that the actuarial tools, particularly the LSI-OR, did not address specific risks:

> *Some of these guys in IPV* [Intimate Partner Violence]*, score very low on the assessment tool. They work, they have a job, they play sports, they have friends, they are involved in leisure activities, etc. They score very low… It accurately measures generalized risk. But not specific risk… They don't measure specific issues such as domestic and sexual assault* (Participant B).

As Participant B perceives, actuarial assessment tools are beneficial when used to measure general risk; but when a client presents with specific risks, they are unable to accurately evaluate this using the LSI-OR. On the other hand, Participant C share the sentiment regarding the LSI-OR's inability to measure specific risk however, they did not appear to be as certain as Participant B on this:

> *I don't know if you would call it an obstacle, was reliability sometimes… sometimes there was two specific offenders that the LSI didn't really put an accurate picture on all the time, were domestic violence offenders and sex offenders* (Participant C).

While Participant B described this lack of specificity as an obstacle, Participant C did not outright describe this aspect of the LSI-OR as an obstacle. However, like Participant B, Participant C did observe that the LSI-OR does not accurately assess individuals who were on probation for domestic or sexual offences.

Participants D and G also share similar views regarding the difficulties in assessing specific risks.

> *If you're assessing someone like a sex offender, a lot of times sex offenders present very well in the community so they're gonna have really high scores in like education, they're gonna have likely no domestic related violence so their family history is going to be okay more times than not, they're not having any alcohol problems so what you're going to hit on the LSI-OR you're likely not going to hit with them, so their risk is coming out relatively low in the sense of the LSI-OR so you also have to look at that in relation to the assessment that has been completed by psychiatry for them for diagnostic* (Participant D).

> *So, using the assessment tools that we had, we actually only had the LSI-OR so you even have to override it or you don't because you can have an offender who scores very low but most sex offenders do* (Participant G).

While Participants D and G observed limited ability to assess individuals with specific risk, they appeared to link this to limited access to different tools. Participant D

noted that clients with specific risks are referred out to psychiatry, and Participant G noted that they only had access to one tool.

Actuarial assessments rely largely on the patterns in behaviour amongst groups and a comparison is thus made against an individual profile to produce a risk score (Hardy, 2014; Kemshall, 2003). Through this reliance on the transfer of information from a group to an individual, inaccurate evaluations of risk can take place (Kemshall, 2003). As noted in chapter two, a statistical fallacy is a limitation associated with the heavy reliance on actuarial tools (Kemshall, 2003). Further, the statistical fallacy associated with the use of actuarial tools lies in the fact that these tools provide a false sense of certainty or protection against perceived risks.

When discussing this further, the participants expressed difficulties in conducting an accurate assessment of clients who had specific risks versus generalized risks. This appeared to impact each participant in a different way, the participants raised this issue when asked about obstacles when administering actuarial tools. This may impact the way in which they are supervising the clients since the tools are not painting an accurate picture of clients who present with specific risks. The participants appear to be limited in their ability to properly evaluate the clients. The criminalized individuals who are under probation orders have been placed under the authority of the probation officer; the probation officer is therefore responsible for what the client does and what happens to them. When analyzing this through a governmental lens, it is important to note that a probation officer is responsible for the actions of their client; however, there is an onus placed on the client to self-regulate their conduct through responsibilization. Through placing the responsibility on the probation officer to evaluate specific risks, without

providing them with the appropriate tools to do so may impact the probation officer's ability to conduct their work appropriately.

ii) The disconnection between policies in place and practice

The second obstacle to emerge from this theme was the disconnection between the policies in place and the reality of the work conducted by the participants. When asked to describe any obstacles they face with respect to the administration of actuarial tools, most of the participants described difficulty in navigating through the discrepancies between the policies in place and the work they were expected to accomplish:

> *Policy is often written by people who have never written the game …. they brought a fellow in who was working on a six-month contract who had never worked in the field either an institutional facility, probation in anyway shape or form but he had done policy for a national organization in Ottawa. How can you bring people in to write policy on something they have never done?* (Participant A).

Participant A discussed a disconnect between policy and practice due to the policies being writing by individuals who have not practiced probation and do not understand the realities of the job at hand.

Participant B shared a similar view as Participant A, regarding the disconnection between policy and practice resulting from policies being written by individuals who have never actually worked in the field.

> *There are ministry policies at the time, don't forget I've been out of the business six years. There are ministry policies which will state, the RNA* [Risk-Needs-Assessment] *should be completed in six weeks whatever it was… six weeks after the kid got sentenced or six weeks after… I think it was six weeks after the kid got sentenced. And to comply with that properly, then the probation officer has to see the kid six weeks in a row because if you do the tool properly it takes a lot of work. You know? To me and as someone who was you know front line, how can I respect a policy that comes from someone who has never done the job in the field? Where's the credibility in that. And that was something I always took issue with* (Participant B).

Participant B expressed that the policy requiring the probation officer to complete a lengthy assessment with the client within a six-week period after first receiving the individual's probation order as unrealistic given the amount of work this takes.

Similar perceptions were also reported by participants C and D:

> *I mean ideally, to do everything you need to do according to standards you know you'd need a caseload of about 45 or 50 adults… which was kind of unfortunate and yeah and it was at a time when workload issues were quite heavy. I remember when I left caseloads were at around 75 to 8.* (Participant C).

> *You're not giving them enough time to effect that change, it's literally you're uploading a court order that is meant to be punitive to some degree where they have to do community service hours, and if you've got 80 guys like you don't even necessarily know their names and like I said the turnover on probation officers is so high that that truly does effect case management, you're not building rapports with guys, you're not going to get information… And how are you assessing risk when you're not upholding them to what they are supposed to be doing if you don't really know what they are doing, because we are assessing on an ongoing basis, risk assessment is a constant so the risk tools are fantastic but we are not, we are doing more day to day like person on person interaction for a risk assessment than putting things on paper work so your professional judgement comes into play more federally than provincially, provincial needs, there needs to be … it needs to be changed because I think that if probation offenders were supervised more stringently you would see a lower recidivism rate* (Participant D).

Participant C shared a similar perception regarding policies not reflecting the realities of the work conducted by probation officers. Specifically, this participant expressed that the policies or standards in place would be achievable if the caseloads were almost 50% lower than they are. Similarly, Participant D also perceived high caseloads as a barrier to conducting thorough risk assessments of their clients.

The decline of rehabilitative efforts within the criminal justice system has resulted in a reduced focus on the needs of the individual clients and placed the spotlight on the needs of the criminal justice system. This shift has led to a change in the tone of crime policy, the emphasis is placed on public protection which increases the perceived need

for risk management (Garland, 2002). Hardy (2014), also noted in his study that the rise of risk has impacted policy and practice by eliminating the traditional aims of probation and shifted to a control centre approached when supervising clients. This increased emphasis placed on risk management has led to a declining relationship between the practitioner and client, this will be explored later in the chapter.

iii) Increasing caseloads

The third obstacle to emerge was the vastly increasing caseload each participant was assigned. This obstacle is closely aligned with the above noted obstacle regarding the disconnection between policy and practice. Probation depends purely upon self-reporting due to the heavy caseloads; probation officers are unable to follow up with each client which places a strain on the practitioner-client relationship. Given the increasing caseloads, a number of participants noted that they were unable to keep up with many of the policies in place. Within the criminal justice system, there has been an increased reliance on the use of actuarial assessment tools to promote efficiency and encourage the achievement of agency objectives (Hardy, 2014, p.305). However, based on the interviews conducted, participants state that it is extremely difficult to manage large caseloads while also abiding by ministry policies:

> *Putting more detail in the case notes of course you pile that up on top of a caseload of 70-75 offenders the workload increases dramatically so something has got to give. You know. You still spent time with your guys, but you had to focus on the admin stuff more, right?* (Participant C).

> *But I think some of the challenges for probation officers would be the high caseloads, so... like I think at one point I had 120 cases... so you're really not being able to sit down and spend quality time with them…. like I said not necessarily having enough time to actually sit down and be able to talk with them as much as you may want to, because of the large caseloads* (Participant D).

Participants C and D note that with the increasing caseloads the contact with the clients sacrificed as a result.

This issue was also addressed by participant F:

> *I had about 120 people in my caseload. Yeah, I don't think that should ever be a thing. I mean no matter what I think anyone can agree that 120 cases is just a recipe for disaster… at the end of the day if you have 120 people what can you tangibly do to cover your ass* (Participant F).

While Participant F shared similar views as Participant C and D, he/she expressed attempting to balance a heavy caseload and also ensuring they are not held liable should something occur while managing this caseload.

Through implementing policies that require probation officers to administer risk assessment tools, the ministry is able to assign larger caseloads to practitioners. Ideally, a probation officer should be able to see a high number of clients and be able to complete their assessments accordingly. In practice and according to the participants, this is not the reality. Bullock (2011), also highlights the fact that individualized case management is no longer achievable due to the heavy reliance on actuarial tools as a mode of increasing efficiencies within the practice of probation. Time management and efficiency is the goal within the practice of probation, and with the push to have efficient risk management the focus on individual needs is negated (Garland, 1997).

iv) Hindrance in the rapport with clients

The final obstacle or limitation to emerge from the interviews is that actuarial tools can hinder the practitioner's rapport with the client. It has been argued that the humanistic approaches within criminology have been eroded and with this, the ability to build rapport with clients has been altered (Hardy, 2014). Given the heavy reliance on

actuarial assessment tools within the practice of probation, it appears that the ministry increased the practitioner's caseloads. The tools can be completed in an efficient manner, and theoretically, this would mean the probation officers can have higher caseloads. However, this increased reliance on actuarial tools, and subsequent increase in caseloads can lead to a decrease in rapport building between practitioners and their clients. The 'risk society' has resulted in practitioners having a distant relationship with their clients, which has made it increasingly difficult to establish a client-practitioner relationship (Hardy, 2014). Participants shared the following thoughts relating to this obstacle:

> *If you've got 80 guys like you don't even necessarily know their names and like I said the turnover on probation officers is so high that that truly does affect case management, you're not building rapports with guys, you're not gonna get information* (Participant D).

Participant D notes the importance of establishing rapport with the client to gain the client's trust to conduct a proper assessment. Participant D believes it is not possible to build a healthy rapport with the clients given the heavy caseloads assigned to the practitioners.

Participant F is addressing the importance of building a good relationship with probationers:

> *I find as much as it is a good launch pad for conversations, sometimes it can feel like a lot. Your first opportunity you have to build rapport is almost like an interrogation. So, I think it's useful, it's valuable but at the same time it puts the probation officer automatically in a state where the next two or three appointments they're trying to dig themselves out of the hole, prove to the person that … I mean I feel like rapport is very important because I mean probation is entirely self-reporting* (Participant F).

Participant F notes that the first encounter with the client requires the probation officer to administer the actuarial assessment tool. This already places the practitioner at a disadvantage.

> *Building rapport is paramount for making any of that even close to valuable, so when you start your first opportunity to build rapport with "did you drink today, did you drink yesterday, did you drink six weeks ago, did you drink a month ago?"* (Participant F).

While only two participants expressed the loss of the practitioner-client relationship through the reliance on actuarial tools, it is important to note as this relationship is imperative within the practice of probation. Probation depends almost entirely on self-reporting, and if there is no practitioner-client relationship, the client may be less likely to be forthcoming with their probation officer. As noted in Hardy's (2014) study, and seen in the interview excerpts above, actuarial assessment tools do not leave room for open-ended interviews with clients and this severely limits the opportunity for the practitioner to develop a relationship with the client. Risk assessment tools, such as the LSI-OR rely heavily on static factors that the practitioner can find out without interviews with the client. However, risk assessment tools also rely on information from interviews, in order to gain pertinent information, the development of a health practitioner-client relationship is vital. This is no longer possible or deemed to be necessary, practitioners are not being required to utilize their skills to engage with their clients.

5.2.2 Advantages

Based on the interviews, participants did also see advantages associated with the use of actuarial tools within their work as probation officers. When asked to describe any advantages they experience when using actuarial assessment tools, two main advantages emerged: consistency in work and improving case management.

i) Consistency in work

Some participants noted that actuarial tools are important as they provide consistency and transparency across practitioners:

> *There is probably a need of structure… it means more that everybody is kind of being treated the same. As opposed to everybody has their own judgement, then buddy might be doing really well with me and do really really bad with the next one. Cause our approach is different, what we tolerate would be different... See that's one of the good things, of now the policies require… there's a requirement that it be done* (Participant E).

> *Yeah, I… for me I found it really handy I said numerous times that I wish we did it in the federal government. Because in some ways it is very intuitive these are very basic common-sense questions, I think that we should be asking everybody and so in that way I really liked it* (Participant E).

> *I think it was great having a very thorough interview gave a lot of great prompts, I found the interface, I mean as much as it's outdated, I don't know if it looks any different now but 10 years ago I found it really easy to go through each page, and put it in the little text box and like I found it, I mean it's simple and in some ways, it's easy and some of the crap we do now is so difficult to work through and I'm like I hate technology* (Participant F).

These quotes demonstrate the desire of the participants to have a form of structure in the assessment of clients. Participants E and F shared that the tools were beneficial as they served as a launchpad for their assessments, which would ensure they conducted the same assessment with every client. Participants E and F shared that the use of actuarial tools was important to them as probation officers, as it provided consistency across clients. As discussed in Chapter 2, research does show that actuarial assessments are more accurate than relying on clinical methods of assessment (Silver & Miller, 2000). Actuarial assessments are supposed to always produce identical results regardless of who is conducting the assessment (Silver & Miller, 2000).

ii) Improving case management

The second advantage to emerge when asked about advantages to the use of actuarial tools is the perception that they assist in improving case management. Chapter 2 explored the four generations of risk assessments. Fourth-generation risk assessments, like the LSI-OR, integrate case management plans within the actuarial assessment tool itself.

These risk assessment tools are lauded for taking into account the needs of individuals, allowing for clinical adjustments, and providing an avenue for case management planning. Some of the participants shared similar views:

> *I think it gives a broad overview; I think it's an excellent opportunity to lay information out… If you're looking at violence it's a pretty good indicator the LSI-OR was… from previous, like offences, previous lifestyle… because you can kind of get that* (Participant D).

> *Yeah... no I think the structure that the assessment tools bring is a good thing and it does change things. It's not just buddy coming in and chit chat and whatever… at least it gives me a guide in terms of what to look for* (Participant E).

The participants did not explicitly discuss how relying on the tools for case management impacted them; however, it can be deduced from the quotes that this has impacted the participants positively. The participants saw the benefit of having case management plans entrenched in the risk assessments.

> *Remember your supervision plan, your case management plan, flows from your, in theory, flows from your risk assessment. The theory is that you don't want to overly supervise somebody who scores low, who doesn't need it. But you always have to be aware that it could change from one week to the next or one day to the next* (Participant B).

> *When I develop my case plan, that's how I'm going to address, to address this guy's employment and substance use. Based on what the LSI is telling me I need to work on, so… we develop a plan to address each condition on the order and a plan to address what we call a criminogenic factor, and each criminogenic factor that we have got to address and the LSI does a good job with that, there's a page near the end based on your scoring each of those categories will give it a high medium or low category* (Participant C).

Based on the interviews conducted, participants do see some advantages in administering actuarial assessment tools. While a small number of participants expressed advantages to the use of actuarial tools, the benefits of these tools should not be understated. These

advantages ought to be considered when assessing the impact of actuarial tools on the work of probation officers.

5.2.3 Description

The final category to emerge from this theme is how the participants described actuarial tools. Participants were asked various questions pertaining to how they view the use of actuarial tools. Four sub-themes emerged: tools were being used for reasons not intended, tools are decreasing human contact, participants do not appear to trust the tool, and participants appear to have trust in the tools.

i) Tools being used for reasons not intended

The period of the managerial state has led to the objectives and purpose of probation to change. Given this, the work conducted by probation officers has also changed, practitioners are being required to mitigate risk with limited resourcing. As a result, the actuarial assessment tools are being used for reasons not originally intended for. Risk assessment tools are now being used as a way to achieve cost-effective, and efficient risk management:

> *...people use it as the bible rather than a guide* (Participant B).

> *In the adult, when we first worked with kids, the adult system was basically, you had 100 cases 120 it was just…it was just like an assembly line you know? It's everything in one* (Participant B).

Participant B notes that some practitioners are relying on the actuarial assessment tool in an attempt to supervise all of their clients. Specifically, Participant B appeared to rely on these tools to ensure they are able to address all of the clients in the shortest amount possible as the actuarial tools address all the need areas.

Participants D and F note that the assessment tools are being used to efficiently assess all of their clients through assigning levels of risk to the clients.

> *It guides the case management plan in terms of frequency of contact, so how often you would see someone* (Participant D).

> *No and mind you they have a system at least in the province, with the LSI-OR valuing how heavy your caseload could be... then from there it tells you what level of supervision they require so then your caseload can only have so many with high needs, so many with low. I mean I don't think that was really what it was intended to be used for but it's ultimately how, whether it was the union or it was the ministry itself... I'm not sure… That was sort of a second function and I don't think an intended function. The frequency of contact was determined by their needs rating based on the LSI-OR* (Participant F).

These risk levels will then determine how frequently they should see their clients. As noted by Participant F, "I mean I don't think that was really what it was intended to be used for…". The tools were not originally developed to determine how many individuals a probation officer can have on their caseload, but this became another function of the tool in order to address increasing caseloads.

Participant G notes that you can quickly and efficiently evaluate a client as the tool assists in addressing the questions required.

> *You can see them for 15 minutes and it can cover everything you need to cover. If you know how to ask the proper questions to get what you need* (Participant G).

O'Malley (2010) argues that new risk-based models are economically based and most concerned with being cost-effective. In other words, concerned with seeing the highest number of clients in the least amount of time. This is appealing within the neoliberal era as it has a dialed in focus on cost-effective governance (O'Malley, 2010, p.24). Further, Silver and Miller (2000), argue that the reliance on actuarial assessment tools comes as a result of scarce resources within the criminal justice system. The concern is not related to the individual clients, but more so figuring out how to make up for the limited resourcing.

ii) Decreasing human contact

When describing how the participants viewed actuarial tools, most of the participants discussed how they led to a decrease in human contact:

> *Criminology stopped becoming a human service and became some kind of an actuarial or statistical service* (Participant B).

> *What happened was because we became so administratively heavy, we realized we had less time to spend with the offenders… and we had to make time to do these notes. It was like the ministry said, "hey you guys need to be spending less time with these guys". The time you spend with the offenders gets lost, so what's more important having it documented or actually doing… And I'm not saying good work wasn't being done with the offenders, but something had to give right* (Participant C).

Based on Participant B and C's observations, the focus has shifted away from individual needs towards regulating levels of risk. Probation has become inundated with the need to balance an increasing caseload while still addressing the risks and needs of a client.

Participants D and E note a decline in their abilities to have meetings and one-on-one meetings with their clients.

> *…at one point I had 120 cases so you're really not being able to sit down and spend quality time with them* (Participant D).

> *I saw a change in terms of how I did the work though. 25 years ago when I started, I would say that it was more of a people person… somebody had once said "you know you do an hour interview and you spend 50 min talking to the person, 10 minutes taking notes and then it became 50 min taking notes and 10 min talking to the person"… I would actually talk to people and I would look at people not type while they are talking to me… they would be on the right-hand side and I'm kind of like typing away. I actually made eye contact, I took brief notes but… talked to people, and I think that has been taken away. It's taken the human contact away* (Participant E).

As noted in Feeley and Simon's (1992), with the emergence of the new penology, the focus on the individual has been replaced with actuarial consideration of aggregates (p.449). In other words, there is a tendency to rely on the information stemming from the

actuarial assessment tools to categorize the clients based on their risk levels. Further, with the ability to evaluate risk, the individualization of cases has been replaced by a culture of control and surveillance (Bullock, 2011). With the increased reliance on technologies, like actuarial tools, there has been a decrease in the need for humanistic approaches which thus leads to a decrease in human contact between the probation officer and client.

iii) Level of trust in regard to actuarial tools

When asked how participants felt about the use of actuarial tools, participants were divided between having trust in the use of tools and not having trust in the use of the tools.

While actuarial assessment tools are argued to eliminate the possibility of human error, the following participants did not appear to have complete trust in the accuracy of these tools:

> *I mean you're relying on his information and you're relying on the collateral information. So, if you have an offender who is not being truthful, and honest about his background or situation and he also has his collaterals not to be truthful, I mean that's not going to bring an accurate assessment of the offender right?* (Participant C).

> *You are very much relying upon the information that you are receiving from the offender unless you have some ability to... I mean you can corroborate it by calling people that they provide you with as collateral supports. Again, you're relying heavily on the offender for that so you have to take everything into consideration like we would obviously look at the criminal record and that would help score on the LSI-OR just with that but then you're looking at them to be honest* (Participant D).

Both participants C and D expressed potential mistrust in the information being provided to them by their clients and the collaterals. When asked what a collateral contact was, the participants explained that a collateral contact is an individual they contact to verify information provided to them by the clients. Even with the requirement to contact

collaterals, Participants C and D still expressed the possibility of receiving false information that could skew their assessments of the clients.

Similarly, Participant E expresses mistrust in the use of tools, but from the perspective of the practitioner.

> *I know that there is training on how to use the tools. I think that ultimately, they are used by people, so there is always going to be a little bit of discrepancy, right?* (Participant E).

Actuarial tools are said to provide consistent results, no matter who is administering the tool. Participant E argues that since the tools are being administered by a human assessor there is room for discrepancy between results.

The work of probation officers has become saturated with risk, and the professional expertise, training and education of the practitioner are no longer relied upon to evaluate their clients. This may impact the way practitioners are viewing their work and how they view the use of actuarial assessment tools.

While some participants appear not to have complete trust in the tools used, two out of seven participants appeared to trust the use of these tools in their everyday work.

> *I've run into so many kids or parents where years later what are we hearing, they were diagnosed with mental health problems. And all of a sudden all of the crap – oh it now makes sense, right? I guess there is a certain value in the actuarial thing* (Participant A).

Participant A did not appear to see value in the use of tools during their time as a probation officer, but later noticed benefits in the tools. Specifically, relating to the identification of potential mental health issues that may be addressed in the tools.

> *I found most of the time, it was a proper match. What the end results would be I found was an accurate representation of the case I was dealing with in front of me, so I appreciated that* (Participant F).

Participant F appeared to contrast the results of the actuarial tools against their own perception of the client. This participant noted that the tool used produced results similar to their perception of the client. This appeared to impact the way the participant viewed the tool; Participant F appeared to have trust in the use of this tool as it was similar to their account of the client in question.

Based on the interviews, the participants' perceptions of actuarial assessment tools varied significantly. The use of actuarial tools within the practice of probation appeared to impact each participant in a different way and these impacts manifested in a number of ways. It is evident that actuarial assessment tools play a large role in the practice of probation. This role is different for each practitioner, but it is still present for all participants.

5.3 Theme #3: Autonomy

The third and final theme to emerge from the interviews conducted is autonomy. Many of the participants expressed that they felt their autonomy was eroding in some way or another, which is coherent with the literature which suggests that there has been an erosion of autonomy which has led to limited subjectivity afforded to the practitioner (Ftizgibbon, 2008; Hardy, 2014). When asked if the participants felt they were able to exercise their clinical and professional judgement when working when their clients, four sub-themes emerged. The four sub-themes that emerged were: accountability, ability to exercise professional judgement, limited ability to exercise professional judgement and actuarial tools guiding case management.

5.3.1 Accountability

When describing their abilities to be autonomous within their work as probation officers, a number of participants noted accountability playing a large role. More specifically, the tools have allowed the practitioners to be more accountable for the work they decide to do with their clients (Hannah-Moffat & Maurutto, 2014). Three out of seven participants associated the increased use of actuarial assessment tools with having more accountability placed on them:

> *Whereas now they would want that and include everything you discussed with the offender in those areas. So "in regards to leisure we discussed how Joe needs to get out more and participate in more volunteer work, or this is how we did this and this is how we addressed it" "I gave Joe some materials from community resources indicating what volunteer opportunities are available – will follow up next appointment with him" and then you would come to the anger management piece, you would say "okay reviewed session one of anger management program we covered triggers and cues today and responses... I can tell ya like, it's an accountability piece is what it is… What happened was over time was like every year we get audited which means 6% of your cases have to be reviewed …* (Participant C).

Participant C described being held accountable for all the interventions they did with their clients and ensuring this was all documented. As noted by Fitzgibbon (2008), auditing and inspecting the work of practitioners to hold them accountable places limits on the practitioner's discretion.

Participant E expressed the need to exercise extra caution when making decisions due to fear of relying on their own judgement.

> *I think you're even more accountable. I could see being more afraid to use your judgement, you think more "if I use my judgement, and this one goes bad I'm really going against the… I'm not doing one two and three I'm saying there's only one and two" well maybe err on the side of caution and continue doing one two and three* (Participant E).

Hardy (2014) found that the rise of risk made room for greater scrutiny and having practitioners placed under a microscope highlighting any inconsistencies in the work of the practitioner.

Participant G placed emphasis on the fact that the actuarial tool provides a form of check and balance when dealing with clients.

> *We have to write that down with what our logic is – why we made that decision…Well, I think they are necessary you know I don't think we can...because hiring people you never know who you're gonna get. So, you need to have some sort of tool that people can actually… be accountable to… you have to have something that will keep you accountable and base your assessment on… You have to be accountable you have to have some sort of measure and you can't just base something on one opinion and use their sense on something. No, you have to have something in place* (Participant G).

Participant G did not feel that practitioners should rely solely on their own professional judgement to ensure they are held accountable.

As noted in the literature, the rise of risk has promoted the deskilling of practitioners, and their role no longer requires the need for in-depth training. This is resulting from the implementation and reliance on actuarial assessment tools. Hardy (2014) argues that the expertise of practitioners is diminished with the decrease of discretionary power. While the participants shared slightly different views, all participants perceived the tools as a way of holding them accountable in their work.

5.3.2 Ability to exercise professional judgement

When asked if participants felt that they were able to exercise their professional judgement, most of the participants had conflicting responses. These responses were split into two sub-themes: the ability to exercise professional judgement and limited ability to exercise professional judgement. While there is an overwhelming amount of literature supporting the argument that actuarial assessment tools limit professional judgement,

most of the participants expressed that they perceived they were however able to exercise their professional judgement:

> *Yeah... no, I had freedom – um all I had to do was be able to justify it. First of all to me, and then if my boss was auditing my files, I had to clearly lay out and it didn't have to be a you know essay, but this is why I did what I did and this is why I did it… Well there was always the provision for overriding but you had to be able to justify it, probably the first person you had to justify it to was yourself* (Participant A).

> *When you use the override screen you need to write a lengthy justification of why you're doing it so I would indicate in the override screen, like the example I used for this guy, you know a majority of the risk factors are historical from previous times, and I would indicate what is going on currently in his life. If this is his first offence in 15 years, I don't think he needs to be seen as a high-risk offender. So, you would justify that and then you can override it down to medium risk or low risk* (Participant C).

> *100%, I mean I think more federally than provincially. Again, I would say that there is a huge learning curve … I find also for the most part if you're a responsible probation or parole officer if you're able to justify why you're doing something it's usually approved* (Participant D).

Participants A, C, and D all felt as though they had the ability to exercise their professional judgement. It is interesting to note, however, that while they express the ability to exercise their professional judgement, they are simultaneously noting that they had to justify their decisions prior to approval. The participants state that they can override the tool, but they must provide a detailed justification when exercising their professional judgement. The concept of self-governance can be seen here as the probation officer's conduct is regulated. The probation officers are the self-governing individuals in this particular instance. The concept of self-governance allows us to understand how an individual may believe they are making autonomous decisions when in actuality, the state is pushing its own agenda. The probation officers appear to perceive the ability to exercise their professional judgement but in actuality they are being governed to conduct themselves in a particular way (Rose,

2002). This can further perpetuate the notion of governing-at-a-distance as the way the probation officers are conducting their work is being shaped through risk management strategies (Rose, 2002).

When asked about the possibility of using their professional judgment, Participant F provided the following response:

> *Oh, absolutely I think I mean there was text boxes from what I recall right? So, there was ways for me to sort explain, or ground why I felt on certain things* (Participant F).

The participant was referring to their ability to override the assessment tool using the text boxes embedded in the tool itself.

As noted in the literature, fourth generation tools have allowed for the reintroduction of the practitioner's ability to practice their professional judgement (Bonta & Andrews, 2007). As noted by the four participants who expressed their ability to exercise professional judgement, a major aspect of fourth-generation assessment is the practitioner's ability to clinically adjust the tools.

5.3.3 Ability to exercise professional judgement is limited

The final sub-theme to emerge was the participants' perception of limited ability to exercise their professional judgement. Some of the participants who described feeling as though they had the ability to exercise their professional judgement also shared sentiments that their professional judgement has been limited by the use of actuarial assessment tools:

> *The LSI-OR, it's very limiting but then you're looking at the seriousness of the offences and the length of sentences, so that can be… I mean you can see why there's not as much going into something like we would federally as you would provincially, but I definitely think there could be some improvement in assessing offenders* (Participant D).

Participant D provided conflicting responses when discussing their ability to exercise professional judgement as a probation officer. Some participants did however provide a justification as to why they believe professional judgement is limited.

> *I think there was more leeway to use your discretion and judgement to start with. I think that with the tools and with all the policies it has become more… "okay if the person is labelled as this it means you have to do this" so it leaves less room to your discretion* (Participant E).

> *On some of them we could, on the ones that didn't fall under like domestic violence, we could have a say or ones that didn't fall under intensive because those you have to follow the protocol. It said that they had to come every two weeks, it said you had to do so many collaterals a month, those you couldn't override, you had to follow them* (Participant G).

> *I could see being more afraid to use your judgement, you think more "if I use my judgement, and this one goes bad I'm really going against the… I'm not doing one two and three I'm saying there's only one and two"... well maybe err on the side of caution and continue doing one two and three* (Participant E).

The amount of discretion and judgement afforded to a practitioner has significantly decreased along with the rise of risk. In particular, if a client is deemed to be "high risk" or requires a high level of supervision, the practitioner's ability to use their professional judgement decreases even more. This limitation in autonomy is consistent with Hardy's (2014) study and the sentiments of the participants interviewed for this study. The trust in practitioners is virtually non-existent. This reliance on the use of actuarial assessment tools also referred to as the deployment of new techniques aims to mitigate risk within the current managerial state (Simon & Feeley, 1992). By removing the practitioners' professional judgement as an element, and relying upon the actuarial tools, there is a removal of the human aspect of evaluation.

5.4 Chapter Summary

The aim of this chapter was to address the three main themes that emerged from the interviews conducted with participants. The three themes discussed were (1) the way in which probation officers perceive their role, (2) technologies – actuarial tools, and (3) autonomy.

The interviews conducted shed light on the importance of including practitioners' perspectives within research on evaluation practices. Given the constructivist approach of this thesis, it was important to highlight the findings through the perspectives of the participants. Introducing the voices of practitioners into the conversation regarding evaluation practices, particularly in the practice of probation is important both from a researcher's perspective and for the practitioners themselves. Further, these interviews provided insight into how the participants felt actuarial assessment tools impacted their work.

In speaking with the seven former probation officers, an understanding of the work conducted by probation officers was gained. Each participant had their own way of describing their work and had different views regarding what role they had as probation officers. In addition to this, an understanding of the role that exercising professional judgement, or discretionary power plays in how the participants viewed their work. The preceding chapter will provide a conclusion of this thesis.

CHAPTER SIX: CONCLUSION

This study explored the impact of actuarial assessment tools on the practice of probation, through the perspective of the practitioners. Seven semi-structured qualitative interviews were conducted with former probation officers within the province of Ontario. The seven participants had either retired from the practice of probation or moved on to other career paths. The two questions guiding this thesis were: (1) *How do probation officers perceive the impact of actuarial assessment tools on their work?* (2) *How does the use of actuarial tools affect the professional judgement of the probation officer?* Based on a qualitative analysis of the interview transcripts, there were varying views on how actuarial tools impact the work of probation officers. However, each participant did share that they were impacted to some degree, as a result of being required to administer these tools. Further, through answering these two research questions, this research project also sought to understand the work conducted by probation officers in their view. Also, this study sought to understand how and if probation officers believe they can rely on their professional judgement. Finally, in responding to these research questions, I was able to explore the importance of actuarial tools according to practitioners. This section will explore the contribution of the study to the field of Criminology, limitations to the study and avenues for future research.

6.1 Contribution to the field of Criminology

This study makes a contribution to the field of Criminology in two specific ways. Firstly, there is a vast amount of literature surrounding assessment tools (Bonta, 2002; Bonta & Wormith, 2007; Bonta & Andrews, 2007; Campbell, French & Gendreau, 2007; Dawes, Faust & Meehl, 1989; Doble, 2016; Hart, 1998; Silver & Miller, 2000), but there

is limited research on how these tools impact the practitioners directly (Richardson, 2008; Bullock, 2010; Hardy, 2014). Research on how the tools used within the practice of probation directly impact practitioners, is imperative. These tools will have a direct impact on not only the practitioners but also the individuals under probation and the criminal justice system as a whole.

Secondly, as highlighted in Hardy's (2014) study, there was a need to identify how risk impacts the practice of probation from the perspective of the practitioners (p.307). Given this, my study begins to fill this gap through grasping the perspectives of seven individuals who worked within the field of probation. Through conducting interviews with the participants, I was able to shed light on the view practitioners have of their work. While all the findings within this study were important, and provided valuable insight on the practitioner's ability to exercise their professional judgement were particularly interesting. The participants were divided between feeling as though they were able to exercise their professional judgement and having limited ability to exercise their professional judgement. While there were some participants who felt they were able to exercise their professional judgement, they noted that this was exercised when they applied the clinical override. This was interesting to note, because when applying a clinical override, the practitioner was required to obtain managerial approval. While the tools are allowing for some form of professional judgement, the practitioners are still being governed through requiring this managerial approval. All seven participants feel that their work has been impacted by the use of actuarial tools within their roles as probation officers, both negatively and positively.

6.2 Limitations

In completing this study, I did notice four main limitations. Firstly, the number of participants proved to be a limitation when analyzing the interview transcripts. Since I was only able to speak to individuals who practiced probation within the province of Ontario, due to my initial decision to only recruit within this province, my ability to recruit participants was limited. Further to this, I was denied access by the Ministry to recruit currently practicing probation officers. This had a large impact on the pool of individuals I was able to recruit from.

Secondly, since I was interviewing participants on their lived experiences as probation officers, I believe there was some resistance in answering the questions fully since the participants may have feared potential repercussions. The participants were reassured throughout the process that no identifying information would be disclosed within the thesis. This limitation was mitigated by the fact that the participants were no longer practicing as probation officers, therefore the risk of them facing any repercussions was ultimately reduced.

Thirdly, all seven participants used the same actuarial assessment tool since they were all employed within the same province. It would have been beneficial to have participants who may have used other types of actuarial tools to broaden the scope of my research.

Lastly, due to the time constraints associated with a master's thesis I was not able to submit multiple research proposals across the country. If time was not as limited, I believe it would have been beneficial to have participants from various agencies or ministries.

6.3 Avenues for future research

There is more research to be conducted within the area of probation practices. Firstly, this study should be replicated with a much larger scope, including voices across all provinces and territories within Canada. Secondly, a more in-depth analysis on how actuarial assessments are being administered across the practice of probation would be beneficial. As noted by Participant A, the tools are only as good as the assessment conducted. This would open up the discussion on how each probation officer has their worldview, and these views may ultimately impact the result of an assessment.

6.4 Conclusion

This study did not produce one sole response to the following two research questions: *(1) How do probation officers perceive the impact of actuarial assessment tools on their work? (2) How does the use of actuarial tools affect the professional judgement of the probation officer?* Rather, this thesis heard the voices of seven former probation officers, and an analysis of each worldview was conducted. There were seven separate perspectives shared when responding to the questions within the interviews. While there were overlapping views, each participant had their way of describing their work and had different views regarding what role they had as probation officers. Most importantly, the interviews conducted and the subsequent analysis, provided valuable insight into the lived realities of each participant. More specifically, the participants shared their experiences within the practice of probation and the use of actuarial assessment tools.

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Appendix A: Ethics Approval

20/08/2019

Université d'Ottawa
Bureau d'éthique et d'intégrité de la recherche

University of Ottawa
Office of Research Ethics and Integrity

CERTIFICAT D'APPROBATION ÉTHIQUE | CERTIFICATE OF ETHICS APPROVAL

Numéro du dossier / Ethics File Number	S-08-19-3108
Titre du projet / Project Title	A Study on the Impact of Actuarial Assessment Tools on Probation Officers in Ottawa,Ontario
Type de projet / Project Type	Thèse de maîtrise / Master's thesis
Statut du projet / Project Status	Approuvé / Approved
Date d'approbation (jj/mm/aaaa) / Approval Date (dd/mm/yyyy)	20/08/2019
Date d'expiration (jj/mm/aaaa) / Expiry Date (dd/mm/yyyy)	19/08/2020

Équipe de recherche / Research Team

Chercheur / Researcher	Affiliation	Role
Maria-Cleusa SILVA-ROY	Département de criminologie / Department of Criminology	Chercheur Principal / Principal Investigator
Bastien QUIRION	Département de criminologie / Department of Criminology	Superviseur / Supervisor

Conditions spéciales ou commentaires / Special conditions or comments

550, rue Cumberland, pièce 154 Ottawa (Ontario) K1N 6N5 Canada
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613-562-5387 • 613-562-5338 • ethique@uOttawa.ca / ethics@uOttawa.ca
www.recherche.uottawa.ca/deontologie | www.recherche.uottawa.ca/ethics

Appendix B: Recruitment Letter

Université d'Ottawa | University of Ottawa
Département de criminologie | Department of Criminology
120 Université |120 University (14002), Ottawa, ON K1N 6N5

Hello,

My name is Maria Silva-Roy and I am currently enrolled as a Master of Arts in Criminology student at the University of Ottawa. I am writing a thesis that aims to examine the impact that the rising use of actuarial assessment tools has had on probation practices. In order to study the impact that the use of these tools has had on probation practices, I will be recruiting former or retired probation officers. This study is not associated with the organization for which you worked, and there is no obligation to participate.

Throughout my first year in the master's program I looked at the existing literature on risk assessment tools. I found that following a transformation of these assessment tools, there has been a rise in the use of actuarial assessment tools. Given this, I am interested in researching the impacts of these tools on the practitioners who are required to administer them. In order to do so, I am interested in conducting semi-structured interviews with 8 to 10 retired probation officers. This study involves one 60-minute interview that will take place at a mutually convenient time. Interviews will be audio recorded. Interviews will be conducted in person or via telephone. The interviews will be conducted in English. There are no restrictions on the gender or age of the probation officer being interviewed, only that they must have been probation officer and are not currently practicing as a probation officer.

Your participation in this study will offer you the chance to discuss your experiences as a probation officer as well as your experiences using risk assessment tools. Your participation in this study will help contribute to the existing literature on the transformation of risk assessments and the impact it has had on practitioners.

If you are interested in participating, please contact me.

Your participation would be greatly appreciated.

Thank you in advance,

Maria Silva-Roy

Appendix C: Consent Form (Page 1 of 2)

Appendix C

Université d'Ottawa | University of Ottawa
Département de criminologie | Department of Criminology
120 Université |120 University (14002), Ottawa, ON K1N 6N5

Consent Form

The Impact of Actuarial Assessment Tools on Probation officers in Ontario

Researchers:

Maria-Cleusa Silva-Roy
M.A. Candidate
Department of Criminology
120 University Private
University of Ottawa
Ottawa, ON
K1N 6N5

Dr. Bastien Quirion
Associate Professor
Department of Criminology
120 University Private
University of Ottawa
Ottawa, ON
K1N 6N5

Invitation to Participate: I have been invited to participate in the above-mentioned research study conducted by Maria-Cleusa Silva-Roy under the supervision of Dr. Bastien Quirion, of the Department of Criminology, University of Ottawa. This is a master's research thesis and is part of the requirements for completing the Master of Arts in Criminology degree.

Purpose of the Study: The purpose of the study is to shed light on the impact that the rising use of actuarial assessment tools has had on Probation Officers.

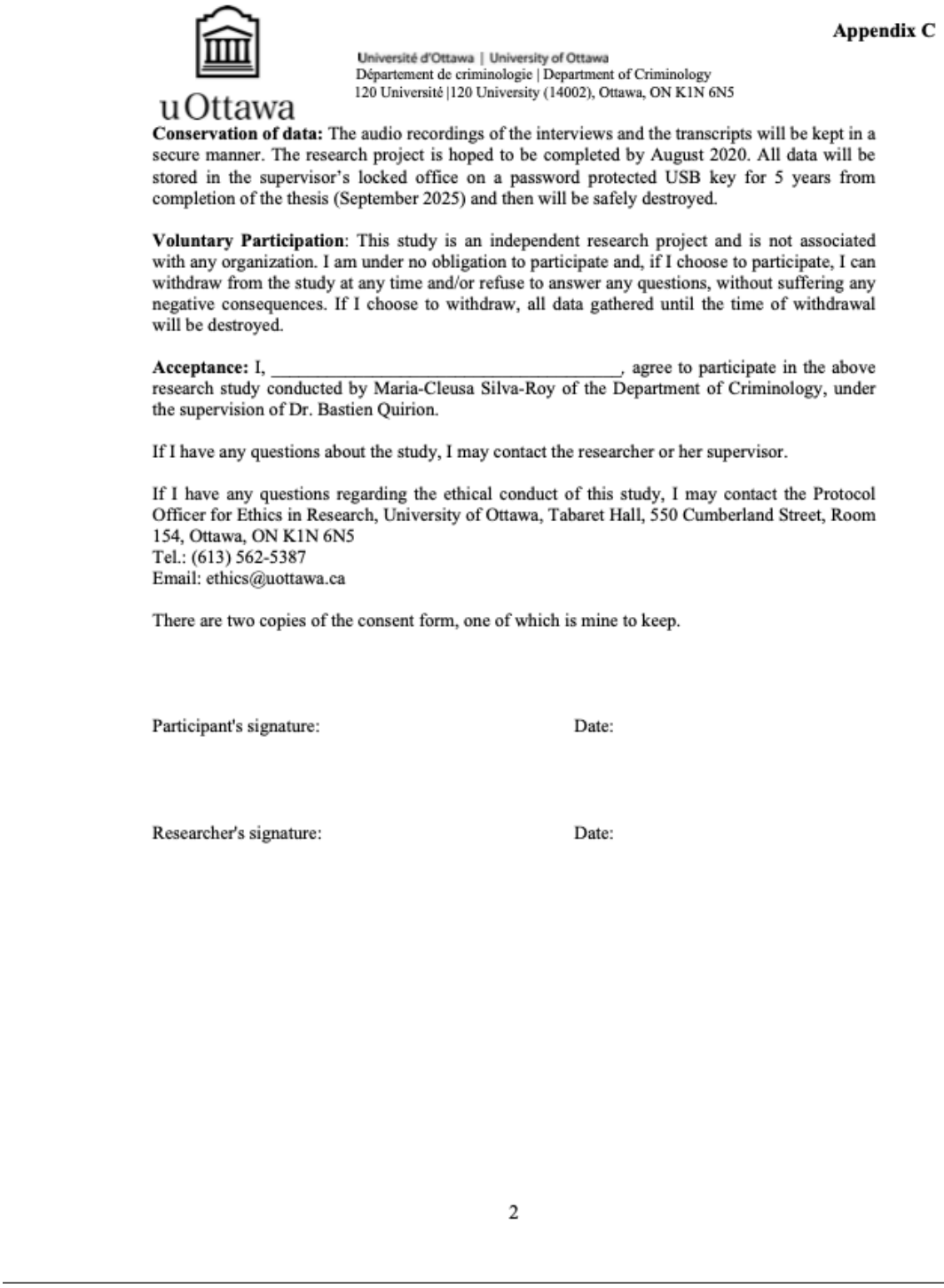
Participation: My participation will consist of a one-hour, audio recorded, semi-structured interview during which I will be asked to answer a series of questions related to both my experiences as a probation officer, and my experiences administering risk assessment tools.

Risks: My participation in this study will entail that I discuss my experiences as a probation officer, and this may cause me some discomfort.

Benefits: My participation in this study will offer me the chance to discuss my experiences as a probation officer as well as my experiences using risk assessment tools. My participation in this study will help contribute to the existing literature on the transformation of risk assessments and the impact it has had on practitioners.

Confidentiality and anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I understand that the contents will be used only for the purpose of this research study, and that my confidentiality will be protected. I will be provided with a pseudonym for any material that may be quoted in the research study. No identifying factors of myself will be disclosed.

Appendix C: Consent Form (Page 2 of 2)



Appendix C

Université d'Ottawa | University of Ottawa
Département de criminologie | Department of Criminology
120 Université |120 University (14002), Ottawa, ON K1N 6N5

Conservation of data: The audio recordings of the interviews and the transcripts will be kept in a secure manner. The research project is hoped to be completed by August 2020. All data will be stored in the supervisor's locked office on a password protected USB key for 5 years from completion of the thesis (September 2025) and then will be safely destroyed.

Voluntary Participation: This study is an independent research project and is not associated with any organization. I am under no obligation to participate and, if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. If I choose to withdraw, all data gathered until the time of withdrawal will be destroyed.

Acceptance: I, _____, agree to participate in the above research study conducted by Maria-Cleusa Silva-Roy of the Department of Criminology, under the supervision of Dr. Bastien Quirion.

If I have any questions about the study, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5
Tel.: (613) 562-5387
Email: ethics@uottawa.ca

There are two copies of the consent form, one of which is mine to keep.

Participant's signature: Date:

Researcher's signature: Date:

Appendix D: Interview Guide

Interview Guide

1) How long did work as a probation officer?
2) When did you retire or leave probation?
3) What made you decide to become a probation officer?
4) Can you tell me about working as a probation officer?
    a. Role
    b. Function
    c. Challenges
    d. Your perception of the work
5) Can you talk to me about the role of a probation officer in regard to evaluation practices?
    a. Transformation that occurred over time with evaluation practices
    b. Provisions for overriding
6) What is your understanding of an actuarial assessment tool?
7) In your daily work, did you use actuarial assessment tools?
    a. If yes – can you tell me which tools you used?
    b. If not – have you ever administered an actuarial assessment tool?
    c. Can you describe these tools?
    d. Did these tools allow for you to rely on your professional judgement to adjust the scores if you feel necessary?
        i. If yes – did you often have to adjust the scores?
        ii. If no – what did you do if you felt that the scores of the assessment tool do not coincide with your knowledge of the client?
8) In your opinion, were there any obstacles you faced when using actuarial assessment tools?
    a. If yes, what did you do?
9) In your opinion, are there any advantages to using actuarial assessment tools?
    a. If yes, explain
10) Do you feel that you were able to exercise your clinical and professional judgement when working with your clients?
11) Have you ever used assessment tools that relied upon your clinical judgement?
    a. If so, what were your experiences with these tools?
    b. What are some obstacles you faced when using tools that relied on your clinical judgement?
    c. What are some advantages to using tools that rely on your clinical judgement?
12) Would you like a copy of the completed thesis?
13) Do you have any questions or anything you would like to add?
14) If you speak to anyone who is a former or retired probation officer, please let them know I am still conducting interviews