The transformation of probation through the logic of risk:
A critical literature review of Canadian publications

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Abstract

Contemporary probation practice has come to be subject to the logic of risk. The rise in the logic of risk has led to significant changes in penal practices. Therefore, it is sociologically important to explore the recent research on the evolution and transformation of probation in Canada with regard to the logic of risk. The purpose of my research was to explore how the logic of risk has impacted and transformed probation objectives, and how it impacted the role of probation officers. Specifically, I wanted to explore how publications present the transformation of probation due to the logic of risk, the formation of new objectives for the system, the deployment of new practices and tools, and how these transformations and new objectives have changed the role of probation officers. To do this, it was determined that a critical literature review of published articles (both academic and government sources) would be the most appropriate data collection method. To analyze the data, an eleven-stage process to a hybrid thematic analysis was utilized. Through this analysis, four main themes were uncovered and explored using a governmentality framework. Objectives of probation as forms effective penal governance were presented, efficient governance through risk was demonstrated through resource allocation, and effective and efficient decision making is explored. It is hypothesized that risk logic leads to the use of heuristic strategies in probation officer decision making. In this thesis, I argue that we are in a phase of 'new rehabilitationism' that draws on notions of rehabilitation and reframes them under neo-liberal strategies for control through normalization. In addition to this, knowledge production of probation through the logic of risk is explored and the effects of knowledge/power and its implications for probationers outlined.

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Chapter 1: Introduction

The logic of risk has come to dominate all aspects of modern society. We are constantly bombarded with decisions about risk; what are the risks with eating certain foods or using certain products, should we get an alarm system for our car or house, should we invest in a certain stock or bond, and how likely would it be to get struck by lightning? These questions are rooted in the fields of medicine, health, security, finance, and insurance. The field of criminology is not immune to the rise of the logic of risk. By the nineteenth century, the term risk was being used frequently, and not only to describe actions, events or games of chance, but as part of the insurance industry that was concerned with the calculation of risks and the prediction of different future outcomes (Kemshall, 2003a). The development of mathematical models and use of statistics moved "insurance from the realm of personal calculation of misfortune to a formalized probability calculation of risk" (Kemshall, 2003a, p. 5). These probability calculations of risk for insurance purposes inspired risk calculations in other realms, such as the field of criminology and criminal justice.

As in other sectors of the Criminal Justice System (CJS), contemporary probation practice has also come to be subject to the logic of risk, which is comprised of probability calculations of risk and risk management strategies. According to many analysts, the focus on risk management has changed the principles of correctional practice and offender management (Bullock, 2011). Within this logic, risk assessments of offenders are used for classification (i.e., arrangements into groups) and prediction of recidivism (i.e. assessment of an expected future state or behaviour; Gottfredson & Tonry, 1987). Actuarial risk is the result of a calculation of probabilities derived from statistical models based on aggregate populations (Kemshall, 2003a). Actuarial tools are used to predict and manage, not to explain. An actuarial tool is an instrument used to calculate the probability (risk) of an occurrence (such as recidivism) in the future. The influx of the logic of risk and actuarial tools has caused a shift in probation practice and has changed the day-to-day practice for probation officers. Concerns have been raised that risk management practices seek to regulate rather than respond to offending (Bullock, 2011).

According to Silver and Miller (2002), actuarial assessments are more useful for managing groups of individuals and labelling individuals than it is in understanding and resolving their problems. From the logic of risk, understanding why an offender behaves in a certain way becomes irrelevant. In risk management, rehabilitation of the offender is seen through public protection terms with the prime concern being that the system efficiently and effectively reduces crime whilst being cost effective (Bullock, 2011); those who are amendable to change receive rehabilitative interventions, and those who are deemed inflexible are subject to exclusionary interventions for protection of the public (Bullock, 2011). Risk assessments are likely to be used to legitimate the incapacitation of high-risk population subgroups (Silver & Miller, 2002). Individuals receiving low-risk scores would be candidates for relatively short sentences, early release, or less intensive community supervision. On the other hand, offenders with high scores would be candidates for longer sentences, preventative detention, or intensive community supervision (Harris, Rice, & Quinsey, 1993); otherwise known as selective incapacitation. The use of risk assessments reflects a refocusing of punitive resources away from efforts to reform the individual toward efforts to anticipate and manage risk (Silver & Miller, 2002).

1.1 Situating the research

As indicated above, the rise in the logic of risk has led to significant changes in penal practices. Therefore, it is sociologically relevant to explore the recent research on the evolution and transformation of probation in Canada with regard to the logic of risk. Specifically, I am interested in looking at how probation has transformed, as there is a gap in the literature on the evolution of probation in Canada. First, I will start by exploring the origins of probation in Canada, delineating how it was greatly influenced by England. I will then analyse how probation practice both in Canada and internationally has been influenced by the logic of risk and specifically, the risk management strategies that were employed. By chronicling the history of probation, it will allow me to determine how objectives of probation have changed and how they have developed into the current probation practice. Additionally, I will be looking at how the transformation of probation leads to changing objectives which may have affected the roles of probation officers in their daily work. Particularly, I am interested in how the logic of risk has impacted probation officers making decisions in regard to probationers who are under their supervision. How researchers describe the transformations of probation is important as represents how knowledge of probation is produced within the academic field.

1.2 Probation and the role of Probation Officers

Currently, probation officers supervise offenders who have been granted probation rather than serving a prison sentence. Probation is a court disposition that allows the offender to remain in the community subject to conditions prescribed in a probation order (Ontario Ministry of Community Safety & Correctional Services, 2009). Probation orders cannot remain in force for more than three years, cannot run consecutively to another order, and can end only on the expiry date unless the court revokes or terminates the order earlier; the court can, however, decrease the term of probation at any time (Ontario Ministry of Community Safety & Correctional Services, 2009). The supervisory role of a probation officer is to prepare reports for courts and other correctional decision makers; enforce the probation order; and comprehensively assess offenders, make effective case management decisions and determine rehabilitative interventions (Ontario Ministry of Community Safety & Correctional Services, 2009). Probation officers will complete a comprehensive assessment to determine appropriate interventions and frequency of offender needing to report to the officer. Probation officers use risk assessments to determine the probability of offender recidivism, which aids them in their goal of risk management. As probation officers, they are also required to take action in regards to the level of risk determined in their assessment of the offender.

Probation officers meet regularly with offenders to evaluate how well they are accomplishing their pre-set goals and complying with the terms of their probation order. Probation officers will compile reports of offenders' progress and make recommendations for action when conditions of the probation order have been violated. They must also ensure offenders have access to medical, social, and rehabilitative services when needed. According to the Ontario Ministry of Community Safety and Correctional Services (2009), factors that are considered in determining the types of intervention for an offender include (a) legal requirements and conditions of probation; (b) public safety; (c) circumstances of the offence and risk of re-offending; (d) need, motivation and ability to benefit from rehabilitative services; and (e) availability of programs and services.

1.3 The rise in the logic of risk

In criminology, prior to the 1960s, the notion of dangerousness was being utilized instead of risk (Rose, 1998). Those deemed dangerous were typically mentally ill and considered to be 'sick' and therefore brought under the control of the medical profession (Crowe & Carlyle, 2003). The notion of dangerousness, formerly used to designate the privileged target of medical strategies, was gradually replaced by the notion of risk (Castel, 1991). Dangerousness, in classical psychiatry, essentially meant the danger embodied in an individual capable of violent and unpredictable action (Castel, 1991). Dangerousness was understood to be an internal quality (or predisposition) of an individual that was difficult to explain, diagnose, or measure (Rose, 1998). The notion of risk, however, is the result of a combination of abstract factors, which render more or less probable the occurrence of undesirable behaviour (i.e., violence; Castel, 1991). Over time, the understanding of dangerousness gradually changed, to became a matter of factors, of situations, of statistical probabilities (Rose, 1998). Risk, compared to dangerousness, addresses not only the presence of a potential hazard, but the probability of its occurrence and captures a much broader range of behaviours (Janus & Prentky, 2003). Risk does not arise from the presence of a particular precise danger embodied in a concrete individual or group; it is the effect of a combination of abstract factors which renders the occurrence of undesirable modes of behaviour probable (Castel, 1991). Risk assessments can be used to measure the probability of an outcome, and eventually be mobilized as valuable information in the prediction of future behaviours. Risk assessments attempt to provide enough information to reduce the level of uncertainty in a decision; being able to measure the probability of reoffending makes you better equipped in the decision making process. Risk assessments attempt to confirm or disconfirm the real presence of a danger, on the basis of the probabilistic and abstract existence of risks (Castel, 1991). The calculation of risk probabilities is derived from statistical models based on aggregate populations (Kemshall, 2003a). These calculations are based on patterns and frequencies that happen regularly enough and often enough in a population of people to be broadly predictable (Kemshall, 2003a). Criminologists focused their analysis on risk and crime, looking specifically at the relationship between risk, postmodernity and new penal forms, and to emerging forms of social control (Kemshall, 2003a).

With the emergence and the expansion of knowledge of risk, exposure to risk is appearing as a much more concrete reality and, consequently, risk can literally be seen everywhere. Risks are a driving force in late modernity, a period which is characterized by the active and reflexive calculation of future risk possibilities (Kemshall, 2003a). In late modernity, individuals are in a constant state of reflexivity; processing and adapting to risk information and countless risk choices (Kemshall, 2003a). The increased anxiety and reflexivity involved in these decisions led to what Beck (1992) called the risk society, which is characterized by a constant feeling of insecurity (Kemshall, 2003a). The risk society is concerned with the 'precautionary principle', better safe than sorry (Kemshall, 2003a). It is concerned with the equitable distribution of risks, and the avoidance of risks. In a society concerned with risk avoidance and the prevention of harms, the regulation of risk becomes part of public scrutiny and concern (Kemshall, 2003a). Risk is related to security and safety which is connected to responsibility (Giddens, 1999); this can lead to responsibilization through risk whereby individuals view risk avoidance strategies to be in their best interest and that of society. As part of the risk society, offenders are typically seen as individuals who do not successfully mitigate their risks and adhere to the society's risk avoidance tendency. In recent years, offenders have been viewed as a threat from which the public needs protection; and it is the task of the CJS to protect the public against this risk (Fitzgibbon, 2007).

Protecting the public against risk involves identifying, classifying, and managing groups sorted by their level of risk. The new penology is less concerned with responsibility, fault, diagnosis, or intervention and treatment of the offender, and much more concerned with managerial issues, such as seeking to distribute offenders, based on the degree of dangerousness they represent, within different institutional facilities (Feeley & Simon, 1992). According to

Feeley and Simon (1992), moving to the new penology involves shifts in three distinct areas. First, the emphasis on risk and probability as applied to a criminal population replaced the earlier discourses of individual diagnosis and retributive judgment (Lynch, 1998). Second, objectives of the new penology transformed from the earlier emphasis on punishing or normalizing to a focus on identifying and managing classes of criminals according to their level of risk (Lynch, 1998). And third, the shift in focus of objectives prompted the development of a new set of techniques to classify and control aggregate risk instead of techniques for individualizing or creating equity (Lynch, 1998). These new techniques include the use of drug testing to identify individuals that should be controlled and statistical/actuarial methods for setting risk level in regard to re-offending (Lynch, 1998).

1.4 Research Questions

Through my research, I plan to contribute to the understanding of how risk management has impacted and transformed probation. Specifically, I want to explore how these transformations are presented in recent publications on probation. This leads me to my intersecting research questions, which are: 1) how have the objectives and modalities of probation in Canada transformed over the last few decades, 2) what new practices and tools have been implemented, and 3) how have these transformations affected the role of probation officers? Specifically, I am interested in looking at how publications present the transformation of probation due to the logic of risk, the formation of new objectives for the system, the deployment of new practices and tools, and how these transformations and new objectives have changed the role of probation officers over time.

It should be mentioned that this was not my original course of action for research. Initially, I planned to conduct interviews with probation officers to explore how the logic of risk may affect their decision making in regard to probationers who are under their supervision. However, conducting empirical fieldwork was not feasible as I was unable to obtain access to probation officers. Therefore, I had to redirect my line of enquiry and focus on the gap in probation literature on the evolution of probation and the effects of the logic of risk on knowledge production. Academic literature provides a rich set of data to analyze. This new line of research is important as it contributes to a better understanding of probation in Canada, and specifically, published research on probation in Canada.

In order to uncover how the logic of risk has changed probation and its objectives, I will be conducting a critical literature review of published articles pertaining to the subjects of probation and risk management in Canada. To understand how probation in Canada has progressed to where it is today, I will first provide a genealogical account of its development which will outline the social and political factors that lead to its current manifestation. Once the contextual basis for the evolution of probation in Canada has been established, I will conduct a thorough review of the probation literature to discover the emergence of new discourses, the formation of new objectives for the system, the deployment of new techniques of control, and how these new discourses and objectives have changed the role of probation officers.

1.5 Chapter Outline

The subsequent chapter (Chapter 2) examines the historical context of probation by conducting a genealogy, which means exploring its origins and the different ideologies (or rationalities) that were mobilized. This chapter is divided into two parts; the first examines the history and evolution of probation including legislative origins, while Part II explores probation through its different ideological periods. This chapter concludes with a presentation of the What Works movement in criminology and the evolution of risk assessments over time. Chapter 3 offers a description of the theoretical framework of governmentality and explores its relation to risk thinking, decision-making, and risk management in probation practice. Chapter 4 outlines the methodological approach utilized in this project by first exploring epistemological and ontological positioning. Research design, data collection procedures, and data analysis procedures are then outlined in detail. The chapter concludes by addressing the limitations of the data analysis procedures used as well as establishing the qualitative validity of procedures used. Chapter 5 presents the main findings of the thematic analysis that was conducted. These findings aim to depict what was found in the literature as the objectives of probation, the modalities of probation, the impact of risk logic on the role of probation officers, and the impact of risk logic on the decision-making of probation officers. Chapter 6 draws on my research findings and critically examines the findings from a governmentality perspective. The concluding chapter (Chapter 7) briefly summarizes my project and suggests directions for future research regarding risk logic and probation practice.

Chapter 2: A Genealogy of Probation: Origins and Rationalities

Probation has taken shape through various forms in different countries over the past century. Examining the evolution of probation, from early community sanctions to probation as we know it, allows for explanations of why developments have occurred and the form they have taken. Probation's development in different countries is rooted in the social, cultural, political and economic conditions within which it operates (Mair & Burke, 2012). By exploring the history of probation, it will allow for the identification of the historical and social conditions upon which probation may still depend (Phillips, 2010). Therefore, an awareness of the context is necessary to understand the emergence and development of contemporary probation (Mair & Burke, 2012).

In order to accomplish this, a definition of community sanctions is first provided, and then the chapter is divided into two parts. Part one traces the development of probation from its inception in the 1880s to the present configuration that was consolidated in the 1970s. First, the philanthropic beginnings of probation are presented, examining two different approaches to offender reform. This is followed by outlining the legislative origins of probation in the United States, England and Wales, and Canada by exploring the political and social conditions from which they developed. Legislations and developments are examined up to the 1970s, after which, a major ideological shift occurred in probation philosophies which leads to the second part of the chapter. Part two examines probation from the 1970s to present, specifically looking at the different periods of probation rationalities that ensued. In particular, the rise and shift towards evidence-based-practice is explored and presented in regards to risk assessments in a probation context.

2.1 Definition of Community Sanctions

It is important to begin this chapter by defining and understanding the term community sanctions, of which probation is representing only one particular form. Throughout the literature, community sanctions have different meanings and ways of being presented. Early community sanctions, such as judicial reprieves, suspended the prison sentences of convicted offenders (Champion, 1999). These were demonstrations of judicial leniency, especially in those cases where offenders had no prior records, had committed minor offences, and the punishments were deemed excessive by the courts (Champion, 1999). Community sanctions are sometimes referred to as 'community supervision', 'alternate sanctions', 'non-custodial sentences', or 'community punishment'. These alternatives to imprisonment were created with specific objectives in mind (typically, reform of criminals). Essentially, all of these terms comprise of serving a sentence (punishment) in the community as opposed to being imprisoned. Early community sanctions helped form the basis of what we know today as probation. Community sanctions, no matter what specific name they are given, are used as an alternative to imprisonment – it is a sentence with very specific conditions in lieu of incarceration.

Community sanctions aim to divert offenders from imprisonment and/or shorten the length of imprisonment. Although different community sanctions have similar aims, there are notable differences between the different forms. I will highlight two different forms (conditional sentences and parole) that will allow for the specificity of probation to be characterized. A conditional sentence is a sentence of imprisonment, except that the offender serves the sentence outside of jail, under strict, jail-like conditions (Legal Aid Ontario, 1999). These sentences are sometimes called 'house arrest' because they typically require an offender to spend all or part of their sentence in their house (Legal Aid Ontario, 1999). Parole is a conditional release from a correctional institution. It allows an offender to serve the remainder of his/her sentence in the community under the supervision of a parole officer (Ontario Ministry of Community Safety & Correctional Services, 2019). In Ontario, the early release of offenders from incarceration is the responsibility of the Ontario Parole Board. This Board handles the release of offenders who have prison sentences of less than two years, and will only grant parole if it is satisfied that the offenders will not present an undue risk to society, by re-offending, before the expiration of the sentence (Ontario Ministry of Community Safety & Correctional Services, 2019). Once granted parole, the Board set the conditions for release that the offender must comply with, if not, parole will be revoked and the offender will serve the remaining portion of their sentence incarcerated (Ontario Ministry of Community Safety & Correctional Services, 2019).

Probation is a court order that allows the offender to remain in the community subject to conditions prescribed in a probation order (Ontario Ministry of Community Safety & Correctional Services, 2009). Probation can be ordered when an offender receives a conditional discharge or suspended sentence, and can also be combined with a fine, imprisonment for a term not exceeding two years, an intermittent sentence, or a conditional sentence (Legal Aid Ontario, 1999; Ontario Ministry of Community Safety & Correctional Services, 2009). A conditional discharge occurs when an offender is not convicted, but found guilty of an offence and is discharged on conditions prescribed in the probation order and a suspended sentence occurs when a conviction is recorded but the passing of a sentence is suspended (Ontario Ministry of Community Safety & Correctional Services, 2009). Should an offender breach their probation, they could receive a fine or a period of incarceration. Additionally, if probation has been revoked, the offender could receive a conviction on their original charge and have the original jail sentence imposed had the passing of their sentence not been suspended or discharged (Ontario Ministry of Community Safety & Correctional Services, 2009).

In particular, probation allows offenders to remain free in their communities, and not serve any period of incarceration, although they must abide by certain probation conditions for a period of time (Champion, 1999). These varied conditions are imposed by a probation order; however, there is considerable discretion about the nature of probation to be imposed and the conditions accompanying probation (Champion, 1999). Typically, conditions of probation detail what conduct or acts are prohibited and are also relevant to the offence and rehabilitation, as determined by case law (Ontario Ministry of Community Safety & Correctional Services, 2009). A condition of probation is also to report to a probation officer; the frequency and form of reporting may vary, however, it will be outlined by the court in the probation order (Ontario Ministry of Community Safety & Correctional Services, 2009). Therefore, probation releases offenders into the community under a conditional suspended sentence, avoiding imprisonment for those showing good behaviour under the supervision of a probation officer (Champion, 1999).

Part I: The History and Evolution of Probation

To begin this section, I investigate the origins of probation in England and the United States and compare the philosophies of the two philanthropists, John Augustus and Matthew Davenport Hill, who both had immeasurable influence on the way it evolved. It is necessary to highlight these origins as it sets the tone for the legislation that developed in those countries. Next, I explore the development of probation legislation in the United States, followed by England. Finally, Canada's own probation development will be contextualized through the examination of probation legislation in the United States and England as they were the inspiration for the probation model in Canada.

2.2 Origins of Probation

Before modern probation was created, there were early methods of suspending imprisonment available in England and Wales and the United States (US). Dating back to the 13th century, for example, benefit of clergy was a practice that allowed the transfer of certain cases from the King's court to the church court, where punishments were more lenient and less restrictive of liberty (Wodahl & Garland, 2009). Other practices that were used prior to probation were judicial reprieve or release on recognizance; these were temporary arrangements and did not involve any community supervision (Wodahl & Garland, 2009). The origins of probation in England and Wales, and the US both owe their early existence to two mid-nineteenth century philanthropists, John Augustus and Matthew Davenport Hill (Phillips, 2010). Both philanthropists shared the same optimistic view that offenders could be reformed. Additionally, probation in these two countries stem from similar forms of judicial reprieve (Phillips, 2010). However, probation is considered an American innovation and John Augustus is commonly recognized as the originator of probation in the Western world (Phillips, 2010; Wodahl & Garland, 2009).

John Augustus, a Boston shoemaker, took an interest in the punishment of offenders in 1841 when he began visiting the Boston Police Court (Wodahl & Garland, 2009). Augustus represented drunkards in the courts and believed that the object of the law is to reform criminals and to prevent crime (Phillips, 2010; Wodahl & Garland, 2009). He reported that his mission was to raise the fallen and reform the criminal (Phillips, 2010); this was an important objective of probation at the time – criminal reform.

In the 1840s in Britain, Matthew Davenport Hill, a Recorder in the Birmingham court, began to experimentally impose ‘token sentences of one day’ on the condition that the defendant be under the supervision of a responsible adult (Phillips, 2010). This allowed offenders to be supervised in the community with the aim of rehabilitation rather than punishment (Phillips, 2010). Both Augustus and Hill began practicing probation in the mid-nineteenth century and aimed to mitigate the negative effects of prison through what they perceived to be humanitarian methods (Phillips, 2010).

Although Augustus and Hill aimed to save people, they did so in different ways. Hill and the missionaries in the UK tried to reform clients through religious training – encouraging them to find God and be saved (Phillips, 2010). Augustus, for his part, used bail as an ‘entering wedge to the convict’s confidence and friendship’, relying on the offender to make a promise to improve themselves (Phillips, 2010, p.5). Augustus, and the methods employed by his successors, relied on the offender making a rational choice not to reoffend, with an element of coercion placed on them in the form of the person who had placed their bail (Phillips, 2010). By contrast, the missionaries would ‘rescue individual drunkards, render them susceptible to the influence of the spirit of God and their souls would be saved’ (Phillips, 2010). Augustus was practicing from 1841 to 1859, whereas the court missionaries in the UK did not begin work in earnest until 1876 (Phillips, 2010).

In Britain, probation was developing as an arm of the court and police were banned from becoming probation officers, whereas in the US, the first probation officers were typically retired or incumbent police officers supervised by the local police superintendent (Phillips, 2010). This difference may be due to the fact that Hill was a member of the judiciary and held some authority, so missionaries were welcomed in the courts (Phillips, 2010). Augustus, a member of the public, had to work hard to gain the trust of court staff (Phillips, 2010).

In both countries, responsibility for reform was placed on the client, but was achieved in different ways (Phillips, 2010). Once Augustus bailed the defendant, the onus was on them to not offend. Once they appeared to be complying, Augustus adopted the role of monitoring their progress until they next appeared in court, which still had legal control over the offender (Phillips, 2010). For Hill and the missionaries, once the offender was turned over to his guardian, the court retained no legal control over the released offender (Phillips, 2010). In Britain, probation officers were to monitor compliance as well as ‘advise, assist, and befriend’ and in the US, probation was focussed on monitoring the offender for the purpose of reporting to court (Phillips, 2010).

2.3 Legislative Origins of Probation

Different political climates impacted the way probation legislation was conceptualized. In Britain, a 1907 Act made it possible for probation orders to be imposed instead of incarceration and maintained the missionary tradition (Phillips, 2010). In the US, it was not until 1925 that a federal probation law was enacted; prior to this, suspension of incarceration was considered unconstitutional (Phillips, 2010). The missionary ideal was absorbed into the system in Britain – offenders being encouraged to use religion to desist from offender, whereas in the US, early probation work focused on a moral duty to comply – caring for offenders was less acceptable (Phillips, 2010). The contemporary probation legislations in both Britain and the US stem from common law traditions, however, the details of their development involve some differences. Despite the fact that Augustus and Hill shared similar ideological and reformative philosophies, probation development in the two countries was very different (Phillips, 2010).

Between 1878 and 1920, probation was placed on the statute books in countries of North and South America, Europe, Africa and Asia (Vanstone, 2008). In different forms, probation spread across the world in a relatively short period at the end of the nineteenth and beginning of the twentieth century (Vanstone, 2008). The timeline for development of probation varied across countries and also varied depending on the definition of probation used (Vanstone, 2008); as highlighted earlier with the definitions of community sanctions. However, for the purpose of my research, the evolution of probation in the US, England and Wales, and Canada will be examined. Since probation is considered an American innovation, I will provide a brief outline of probation development in the US, before focussing on the development in England and Wales, and finally its development in Canada.

2.3.1 Probation legislation in the US

In the US, the work of Augustus was carried on after his death by other volunteers until State Agents were formally appointed by the State legislature in 1869. Those agents were then authorized to carry out investigation of cases (of offenders under 17 years of age) before they came to court and to supervise them on conviction (Mair & Burke, 2012). These principles of probation, of keeping individuals out of institutions by releasing them to volunteers, were first applied to children in Michigan in the middle of the nineteenth century (Vanstone, 2008). The juvenile probation movement is seen as the precursor to adult probation. It was not until 1878, in Massachusetts, that this work involving suspension of sentence was extended to adults (Mair & Burke, 2012; Vanstone, 2008). This breakthrough in adult probation authorized the city of Boston to appoint a paid probation officer to serve the criminal courts (Oliver & Whittingham, 1987).

This progressive manifestation of probation in Massachusetts occurred under Chapter 198 of the 1878 Act, where probation (limited to Suffolk County) was introduced as a substitute for prison and it embodied “essential elements of investigation, recommendation and supervision” (Vanstone, 2008, p. 738). This was an important Act as it provided reinforcement for probation as an alternative to prison. In 1908, the system was taken a step further by Chapter 465 of the Act by the creation of a State Commission on Probation and the appointment of five people to oversee work and training (Vanstone, 2008). It was not until 1898 that Vermont followed the Massachusetts example and enacted a state-wide law, requiring the appointment of a probation officer by the county judge in each county (Vanstone, 2008). The early probation laws gave complete discretion to the courts in granting probation and provided for the mandatory appointment of probation officers (Vanstone, 2008). In 1925, legislation was enacted that gave the court power at the point of sentencing “for any crime or offence not punishable by death or life imprisonment, to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions they may deem best” (Hagan & Leon, 1980, p. 243). Although the Act was enacted in 1925, it was not until 1927 that the first salaried probation officer was appointed and in 1943 the position of Chief Probation was established (Administrative Office of the U.S. Courts, 2018). Federal probation officers supervised only probationers until 1930, when the Parole Act of 1910 was amended to give them responsibility for supervision of parolees (Administrative Office of the U.S. Courts, 2018). In 1987, the Sentencing Reform Act of 1984 took effect and changed criminal sentencing; parole was abolished and replaced with a term of supervised release after prison sentences (Administrative Office of the U.S. Courts, 2018). In 1992, the supervision of offenders was revisited and ‘enhanced supervision’ was introduced nationwide to focus probation officers on event-driven activities in the area of risk control, enforcing court conditions, and correctional treatment (Administrative Office of the U.S. Courts, 2018).

2.3.2 Probation legislation in England and Wales

Within Britain, the role of religion cannot be overlooked in regard to the development of community sanctions. There was an Evangelical movement that occurred in penal reform throughout the mid-nineteenth century (Mair & Burke, 2012). The Evangelical movement was "religion in action" (Mair & Burke, 2012, p. 8). Evangelicals were concerned with going out and tackling social problems in an attempt to improve upon the conditions that led to the problems (Mair & Burke, 2012). Early probation work was found to have elements of Christian essentialism which implies that offending was incompatible with a religious way of living and that fallen human beings can be redeemed, saved, changed, restored and made into a new person (Phillips, 2010). Evangelicals were concerned for the souls and well-being of the poor and oppressed, and encouraged rescue work for those who deserved redemption (Mair & Burke, 2012). This saving of the souls was central to their beliefs and involved missionary work with sinners (Mair & Burke, 2012). Missionaries undertook the role of Hill so it was their religious sensibilities that determined probation philosophy in Britain (Phillips, 2010).

In 1862, the Church of England Total Abstinence Society was founded in response to a perceived problem with excessive drinking (Mair & Burke, 2012). The society changed its name and objectives within a few years and became the Church of England Temperance Society (CETS). The Society's missionaries would help those who were prone to drunkenness and encourage them to change their ways (Mair & Burke, 2012). The Temperance Movement against alcohol provided the right climate for using probation by attempting to rehabilitate alcoholics and assist those arrested for alcohol-related offences. In 1876, a Hertfordshire printer, Frederic

Rainer, wrote a letter to the society regarding his concern about the lack of help for those brought before the court on drunkenness offences (Hanser, 2014; Mair & Burke, 2012). The CETS responded by appointing two missionaries to the Southwark Police Court to 'reclaim drunkards' (Hanser, 2014). This forms the basis of the London Police Courts Mission (LPCM), where missionaries worked with magistrates to develop a system of releasing offenders on the condition that they kept in touch with the missionary and accepted guidance (Hanser, 2014). The Summary Jurisdiction Act of 1879 encouraged greater use of recognizances partially due to the court missionary work (Mair & Burke, 2012). By 1880, the number of full-time missionaries grew to eight, and the mission opened homes and shelters providing vocational training and developed residential work (Hanser, 2014; Mair & Burke, 2012).

The 1887 Probation of First Offenders Act allowed for some probation provision (Mair & Burke, 2012; Phillips, 2010), and allowed for courts around the country to follow the London example of appointing missionaries, but very few did so (Hanser, 2014). This was first introduced as the Probation of First Offenders Bill which was opposed to imprisonment wherever possible, and suggested that those placed on probation should be supervised by police officers (Mair & Burke, 2012). The proposed Bill was greatly influenced by the system already in place in Massachusetts in the US. Mair and Burke (2012) indicate that some key points of the Probation of First Offenders Act 1887 were that:

> it applied only to those with no previous convictions; the offender had to be convicted of an offence punishable by no more than two years imprisonment; consideration had to be given to the youth, character and antecedents of the offender and the nature of the offence; where these conditions applied the offender could, instead of being sentenced, be released on 'entering into recognizance, with or without sureties and during such period

> as the Court may direct, to appear and receive judgement when called upon, and in the meantime to keep the peace and be of good conduct' (Section 1 of the Act); a fixed abode was necessary. (p. 22-23)

Slowly, the new Act began to be used more often and it began to be resorted to more often than the Summary Jurisdiction Act for indictable offences. By 1900, there were a hundred men and at least a dozen women missionaries (Mair & Burke, 2012), who worked as some of the first 'probation officers'.

The 1907 Probation of Offenders Act is usually identified as the crucial turning-point and symbolizes the beginnings of a national service in Britain (Annison, 2013; Phillips, 2010). This established the legislative framework for probation and introduced the declaration 'advise, assist and befriend' that underpinned probation practice in the 1900s (Annison, 2013). This Act meant that there was now a nationwide possibility for the courts to impose a community order and appoint probation officers (Phillips, 2010). The Act gave the LPCM missionaries official status as officers of the court, later known as probation officers (Hanser, 2014). It allowed courts to suspend punishment (i.e., imprisonment) and discharge offenders if they enter into a recognizance of between one and three years, and according to a 'probation order' they had to be supervised (Hanser, 2014). Although this Act gave judges the freedom to employ probation for any offence punishable by imprisonment, its implementation varied from region to region because it stipulated for local payment of probation officer salaries (Oliver & Whittingham, 1987). In 1925, the Criminal Justice Act required all courts to appoint paid probation officers and the government assumed the costs of the service (Oliver & Whittingham, 1987). As a result, the expansion of British probation was significant (Oliver & Whittingham, 1987). This was the beginning of the ideological period of the 1930s-1970s characterized by casework, diagnosis, rehabilitation and positivism.

In the 1970s, community service was created and incorporated into probation (Annison, 2013). The concept of community service arose from recommendations of the Woottan Report of 1970, which advocated elements of punishment, reformation and restoration (Annison, 2013). Following the 1972 Criminal Justice Act, community service was brought into experimental operation in six probation and after-care services (Annison, 2013). By 1978, community service had become an integral part of probation's role throughout England and Wales (Annison, 2013). The 1970s and 1980s heralded the alternatives to custody phase of probation (i.e., community service), increased awareness of crime reduction initiatives, and had sentencing changes that resulted in day centres, special program conditions, the probation order as a sentence, and risk of custody and risk of reconviction assessment tools (Hanser, 2014). During this timeframe in Britain, there was a shift in the idea around probation, the results of which will be discussed and unpacked in the subsequent section, Part II.

2.3.3 Probation Development in Canada and, specifically, Ontario

Probation reforms in Canada, according to Hagan and Leon (1980), were slower to develop than the UK and the US. Nevertheless, Canadian reforms were heavily influenced by probation development in the US and UK. Canada is similar to the US in that the onus was on state/provincial authorities to implement probation, whereas Britain had a national service. Although early forms of adult probation began in the US in 1878 and in 1887 in Britain, Canada did not have any legislation until 1889. In Canada, criminal policy is established by the Criminal Code of Canada, a statute which is under the responsibility of the Government of Canada (Hamai & Ville, 1995a). This statute applies to all provinces; however, each province is responsible for the administration of the criminal policy as described in the Code. The administration of the different probation systems may vary by province, but the legal underpinnings are constant as a result of the national criminal code (Hamai & Ville, 1995a). For this reason, this section will focus on the development of probation in Ontario since it was one of the first provinces to adopt probation legislation.

In 1889, the Federal Parliament passed *An Act to Permit the Conditional Release of First Offenders in Certain Cases* which permitted first time offenders to serve their sentence in the community in cases of offenses punishable by not more than two years' imprisonment (Hagan & Leon, 1980; Oliver & Whittingham, 1987). This, however, offered little or no supervision of persons released and remained insignificant in comparison with developments in the United States and Britain. One purpose of the legislation was to provide legal authority for a practice by which judges, primarily in Ontario, had already been releasing young first offenders on recognizances (Oliver & Whittingham, 1987). This Act provided that if a person appearing to be a first offender was convicted of an offense punishable by not more than two years' imprisonment, and if consideration was given to the offender's "youth, character and antecedents", "the trivial nature of the offence," and "any extenuated circumstances under which the offence was committed," that it might be "expedient that the offender be released on probation of good conduct" (Hagan & Leon, 1980, p. 243). In 1892, this provision was incorporated as section 971 of the *Criminal Code* (Hagan & Leon, 1980).

In 1900, Section 971 was amended in two ways. First, the word 'age' was introduced instead of the word 'youth'. This allowed for broader consideration of the factor, as probation was seen originally as a sentence that was particularly applicable to young offenders (Mair & Burke, 2012). Probation could now be considered in regards to a person's age and not just if they were a young offender. Second, provided that Crown counsel agreed, offenders who committed offences punishable by more than two years imprisonment were allowed consideration for probation (Hagan & Leon, 1980). In the 1906 *Revised Statutes of Canada*, Section 971 of the *Criminal Code* became Section 1081 (Hagan & Leon, 1980). In 1909, a subsection was added to Section 1081, providing that "probation could be imposed if a person was convicted of one offence more than five years prior to the present offence, **or** if convicted of an offence that was 'not related in character' to the present offence, **and** if the Crown concurred" (emphasis added; Hagan & Leon, 1980, p. 243).

In a report in 1907, Ontario's inspector of prisons and public charities, R.W. Bruce Smith, argued that a legalized system of probation was needed (Oliver & Whittingham, 1987). In this same year, Smith went to visit Cleveland, Ohio partly to investigate the probation system there (Oliver & Whittingham, 1987). The Canadian Juvenile Delinquents Act (JDA) of 1908 was heavily influenced by the developments in Illinois and Colorado for juvenile probation (Hagan & Leon, 1980). This Act was a probation booster where a new federal statute adopted an instrumentalist rather than legalistic approach to young offenders (Oliver & Whittingham, 1987). Namely, the approach of the new statute was that it was a guide for action (i.e., instrumentalist) rather than requiring a strict adherence to the law (i.e., legalistic). This statute implied that the duty of probation officers was to be present in the court in order to represent the interests of the child and take charge of the child before or after trial (Oliver & Whittingham, 1987). The creation of this new Act suggested that probation at the juvenile level would soon become as widely used in Canada as abroad (Oliver & Whittingham, 1987). Although the JDA was enacted in 1908, it was not until 1909 that Ottawa brought it into force with Toronto following in 1911 (Oliver & Whittingham, 1987).

In Ontario, the Juvenile Courts Act of 1910, which was intended to implement the JDA, left the initiative and much of the financial responsibility for the establishment of juvenile courts to municipal governments (Oliver & Whittingham, 1987). As part of this statute, Children's Aid society workers could serve as probation officers of the court, and by a 1916 amendment, the judge, with written approval from the attorney general, could appoint others as probation officers (Oliver & Whittingham, 1987). Between 1912 and 1952, Toronto made great use of probation (Hagan & Leon, 1980). However, in 1917, only six of nine provinces had passed juvenile court legislation (Hagan & Leon, 1980).

In 1921, a federal adult probation law was prepared at the request of judges in Toronto (Hagan & Leon, 1980). As a result, the *Criminal Code* was amended in 1921 to permit the establishment of adult probation with supervision (Oliver & Whittingham, 1987). This amendment indicated that during the period of probation "the offender shall report from time to time as the court may prescribe to any officer that the court may designate" (Hagan & Leon, 1980, p. 244). With this amendment, it was the obligation of the provinces to implement probation as they saw fit (Oliver & Whittingham, 1987). Subsequently, Ontario's Probation Act of 1922 did provide for the appointment of probation officers with salaries paid by the province, but the costs of the office and administrative expenses in practice became a local charge (Oliver & Whittingham, 1987). By 1923, the Adult Probation Department of Toronto and York had six probation officers and three investigators (Oliver & Whittingham, 1987). In 1949 the mayor of Toronto appointed a committee to study juvenile delinquency in the city. The committee recommended that the number of probation officers should be increased in order for the adult and juvenile probation systems to be more effective (Oliver & Whittingham, 1987).

Between 1908 and 1950, there was slow growth in probation. Although provisions existed in Ontario for the appointment of provincially employed staff, only four of the larger centres (Toronto, Hamilton, Ottawa, and London) had implemented probation services over a thirty-year period between 1922 to 1952 (Ontario Department of the Attorney General, 1966). This was attributed to an unwillingness of the provincial government to assume leadership over probation (Oliver & Whittingham, 1987). However, there was increasing public concern over the apparently rising crime rate and by the near-crisis faced by the province's inadequate correctional facilities (Oliver & Whittingham, 1987). By the 1930s, inadequacies in correctional facilities had reached critical proportions. The Archambault Report (1938) made some very significant recommendations and focused on the failure of existing correctional practices and called for major reforms, including the wider use of probation as a disposition (Oliver & Whittingham, 1987; Ontario Department of the Attorney General, 1966). In 1950, at the provincial level, the Goldring Report pointed to the existence of widespread concern in the community but also to a consensus as to the value of probation (Oliver & Whittingham, 1987). In the early 1950s, provincial indifference vanished; the Attorney General's Department appointed a director of probation services, there was a large infusion of provincial funding, and Ontario embarked on an expansion of probation services which, within a decade, resulted in the establishment of one of the finest professional services in North America (Oliver & Whittingham, 1987).

In the 1950s a number of Ontario Rotary Clubs had taken an active interest in probation (Oliver & Whittingham, 1987). Rotary Clubs bring together business and professional leaders to provide humanitarian services and take action on issues. Through the efforts of provincial civil servants, probation was effectively promoted and the newly emergent system was backed by a powerful constituency of community leaders (Oliver & Whittingham, 1987). Between the 1950s and 1960s, a professional system of adult probation was established in Ontario (Oliver & Whittingham, 1987). The 1953-54 *Criminal Code* expanded the category of offences for which probation could by granted, allowing probation for all offences except those for which a minimum punishment was prescribed by law. Additionally, consent of the Crown was eliminated as a requirement in cases involving offences punishable by more than two years imprisonment (Hagan & Leon, 1980). In 1958, the Rotarians demonstrated they had become informed proponents of the probation system. They sent a seventeen-page brief that stressed the need for pre-sentence reports as part of the sentencing procedure and emphasized the financial as well as human savings to be achieved by an expansion of probation (Oliver & Whittingham, 1987). The Criminal Law Amendment Act, 1968-69, removed restrictions regarding prior convictions from the probation decision (Hagan & Leon, 1980).

Between 1952 and 1972, the growth of probation in Ontario was phenomenal. For example, from 1952 to 1965 the number of probation staff increased from 14 to a total of 192 with a budget that was more than twenty times its initial amount (Ontario Department of the Attorney General, 1966). These years were a distinctive period in Ontario probation history. They were years of experimentation, expansion, idealism, and enthusiasm, comparable to the progressive period in the US (Oliver & Whittingham, 1987). Following the 1972 Criminal Justice Act (Ontario), community service was brought into experimental operation in six probation and after-care services (Annison, 2013). Community service was a controversial development at the time due to uncertainties about its underpinning philosophy; advocating for elements of punishment, reformation and restoration (Annison, 2013). Additionally, in 1972, once probation services were transferred from the Ministry of the Attorney General to the

Ministry of Correctional Services, probation had emerged as an integral part of the criminal justice system in Ontario (Oliver & Whittingham, 1987). The 1970s heralded a shift in probation rationalities; this philosophical shift and the tools it produced will be presented and discussed in the next section.

Part II: Ideological Periodization of Probation

Probation policy and practice has always been affected by the wider social, moral, economic and political influences of the times (Annison, 2013). Probation has evolved through several stages which have been characterized by different logics or rationalities. The history of probation is characterized by a broad overview of its development where some philosophical stages are defined according to their objectives and others are defined by major changes in practice. For example, Annison (2013) proposed the following periodization: 1876-1930s: saving offenders' souls by divine grace; 1930s-1970s: casework, diagnosis, rehabilitation and positivism; 1970s: collapse of the rehabilitative ideal; 1980s: alternatives to custody; 1991-1997: punishment in the community; penal pessimism; 1997-2003 punishment; renaissance of rehabilitation; evidence-based practice; 2003-2013: after 'what works', managerialism. This periodization will be used as a basis for probation's philosophical development for the remainder of this chapter. The previous section ended around the 1970s since this is when probation legislation was consolidated (with a few subsequent minor revisions). However, after this time period significant changes started to occur in probation philosophy, particularly in regard to the actuarial turn.

The current section will explore the emergence of risk and risk management in probation practice. It will set the foundation for determining the extent to which the probation service is currently operating, or 'governing' the offenders in its charge, according to the logic of risk. To begin, I will revisit the 1970s and the collapse of the rehabilitative ideal and introduce the 1980s and the alternatives to custody phase to demonstrate that this is where there was an initial shift in correctional classification policies from security to risk management. The probation period from 1991-1997 is then presented to demonstrate the push towards punishment in the community and the increase of penal pessimism that occurred. Next, the phase of the renaissance of rehabilitation and the rise of evidence-based practice will be presented with a focus on the emergence of the 'What Works' agenda and cognitive behaviourism in probation. Finally, the rise of risk assessments and the role of the pre-sentence report in probation are discussed.

2.4 The collapse of the rehabilitative ideal and alternatives to custody

In the field of criminal justice, the 1970s were characterized by the collapse of the rehabilitative ideal, stemming mainly from Martinson's 1974 publication who claimed that 'Nothing Works' (Annison, 2013). During this period, there was research undertaken to determine the effectiveness of various programmes and treatments which gave rise to concern; it was increasingly believed that very few interventions had any impact on reoffending (Cullen, 2013; Kendall, 2004). In the late 1970s welfare provision came under growing attack in Britain, the US, and Canada; there was the belief that welfare was repressive and recipients became dependant and, that welfare programmes eroded the economy (Kendall, 2004). Western liberal governments increasingly came to insist that individual citizens and the economy would be better served by dismantling welfare services and prioritizing the market economy (Kendall, 2004). The critique of correctional rehabilitation and the shifting political climate led to the official end of the rehabilitative model during the late 1970s (Kendall, 2004). The consequences of this were challenging in Britain and Canada.

In Britain, no overall model replaced the rehabilitative ideal although there were several different attempts to develop new ones (Kendall, 2004). Research at this time suggested that the prison population was increasing and that policy changes stemming from an ‘alternatives to custody’ approach actually contributed to net-widening and harsher sanctions (Kendall, 2004). In response, the government turned to a ‘just deserts’ model; a new sentencing framework where punishments were to fit the crime (Cullen, 2013; Kendall, 2004). The call to ‘do good’ was replaced by the call to ‘do justice’; the goal of this model was no longer to do good but to do less harm (Cullen, 2013). This justice model was formalized through the Criminal Justice Act of 1991. This Act introduced a range of community sentences, referred to as ‘punishments in the community’, and the probation order, which was legally an alternative to incarceration, became a sentence itself (Kendall, 2004). These changes placed the onus of responsibility upon offenders themselves (Kendall, 2004).

In Canada, the rehabilitation model was replaced by an opportunities model (Kendall, 2004). This approach, which encompassed an emphasis upon reintegration and community-based corrections, argued that the responsibility of corrections was to provide offenders with appropriate opportunities and inducements, but that ultimate responsibility for reformation rested with individual offenders (Kendall, 2004). The opportunities framework asserted that offenders were accountable for their own actions; if offenders failed to take up the opportunities offered to them or reoffended following their programme involvement, they alone were to be held responsible (Kendall, 2004). This development was part of the broader shift towards governance through responsibilization (Kendall, 2004).

Following the official demise of the rehabilitative ideal, the 1980s had heralded a ‘phase of pragmatism’ for probation, during which it derived its legitimacy from its ability to provide cost-effective alternatives to custody and not from its ability to offer rehabilitative treatments as it had previously (Robinson, 2002). The decline of the rehabilitative ideal also meant changes for punishment policy as interest in the use of predictive devices was renewed among criminal justice policy makers (Silver & Miller, 2002). From the late 1970s in North America and elsewhere, there was a shift in correctional classification procedures. The primary purpose of many prison classification systems shifted towards risk and its management (e.g., of escape, risk to the public, to other prisoners, to staff, to institutions, to themselves), mainly through the use of incapacitative strategies (Shaw & Hannah-Moffat, 2004). The methods of assessing dangerousness and predicting reoffending also changed. Clinical checklists and traditional assessments were now seen as subjective and discretionary methods of classification, to be replaced by objective tools and actuarial measurements that created standardized responses and risk profiles derived from research on large population samples (Shaw & Hannah-Moffat, 2004). These tools were seen to eliminate arbitrary decision making, bias and prejudice, leading to more efficient and impartial classification, and therefore, rational, just institutions (Shaw & Hannah-Moffat, 2004). These tools, it was argued, were better at predicting recidivism than earlier measures (Shaw & Hannah-Moffat, 2004). Later on in this chapter, it will be suggested that the introduction of risk assessment bore a large impact on the evolution of probation practices.

2.5 Probation from 1991-1997: Punishment in the community and penal pessimism

Probation in the 1990s underwent significant changes in its general conception and implementation (Champion, 1999). Traditionally, the primary aim of probation was to give offenders an opportunity to prove themselves by remaining law-abiding, and avoiding imprisonment was a powerful incentive to refrain from committing new crimes (Champion, 1999). However, during this time, penal pessimism began to take flight; there was a belief that interventions make things worse – net widening and displacement were commonly used to show that state intervention had unanticipated consequences (Cullen, 2013). Pessimism in regard to the rehabilitative ideal began to flourish; this created space for punitive interventions such as control-oriented intensive supervision that promised to discipline and deter offenders into conformity (Cullen, 2013). The ineffectiveness of these programs wasted millions of dollars and endangered public safety (Cullen, 2013). This lead to the pessimistic belief that no crime control effort enacted by the state can be effective. This pessimistic ideology meant that critics no longer worried about rehabilitation and it became apparent that the problem was not the welfare state but the growing punitive state and its embrace of mass imprisonment (Cullen, 2013). During this time, scholars conducted considerable research to demonstrate the flaws of harsh punishments and policies, but did little to develop effective intervention strategies (Cullen, 2013).

In Canada, there was a growing understanding among criminal justice professionals about the potential negative impact of incarceration and the willingness to avoid incarceration where other reasonable sanctions existed (Hamai & Ville, 1995a). This led to some legislative developments in 1994. On June 13, 1994, Bill C-41 was introduced at the Federal Parliament and went to second reading on September 22, 1994 (Hamai & Ville, 1995a). The Bill sets out a Statement of the Purpose and Principles of Sentencing, which, from the probation perspective, is to place a greater emphasis on the use of sanctions in the community (Hamai & Ville, 1995a).

In Britain, Jean Hine and Neil Thomas (1996) surveyed the shifting focuses of community service, which included: (1) an initial emphasis on the rehabilitative aspects for the offender; (2) a more concentrated engagement with sentencers' concerns; (3) a more disciplined approach for offenders, not least via the first National Standards in 1989; and (4) a further strand of engagement with 'the community' and partnership initiatives with voluntary and statutory agencies (Hine & Thomas, 1996, p. 149, as cited in Annison, 2013). Additionally, in 1991, the notion of 'public protection' as a justification for the passing of custodial sentences in cases of violent sexual offences was introduced in the Criminal Justice Act, which placed a new onus on the probation service to provide evidence of risk to the public of serious harm from the offender (Robinson, 2002). The equation of public protection with the assessment of risk of serious harm was also reinforced in a position statement on risk from the Association of Chief Officers of Probation (Robinson, 2002). The inspectorate report explicitly linked the level of risk of offenders with the allocation of probation resources; and that supervision of potentially dangerous offenders should take priority over other categories of offender (Robinson, 2002). This official report revealed the early evolution of risk as a way of thinking about offenders in the probation context. This evolution of risk was focused, namely, on one dimension of the offender: the risk of serious harm (Robinson, 2002). It was then in relation to work with risk of serious harm that the notion of 'risk management' first entered probation discourse (Robinson, 2002).

2.6 Probation from 1997-2003: Renaissance of rehabilitation and evidence-based practice

The 1990s saw the advent of Evidence Based Practices, more commonly known as the 'What Works' movement in the UK (Phillips, 2010) and in North America. What Works originated in response to 'Nothing Works', the now-notorious claim attributed to Robert Martinson as a result of his 1974 article, "What Works? Questions and answers about prison reform", (Martinson, 1974 as cited in Mair, 2004). Surprisingly, nowhere in the article did Martinson state that nothing worked; instead his synopsis of the evidence was that "with few and isolated exceptions the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (Martinson, 1975, p. 157, as cited in Mair, 2004, p. 14).

However, the view that nothing works was not necessarily shared among probation officers, as there did not appear to be any evidence that research was conducted about probation officers' views of practices working or not (Annison, 2013; Mair, 2004). While a few commentators attacked the idea of nothing works almost immediately, sustained work to grapple with the meanings of 'nothing works' was not carried out – except in Canada, which will be outlined in the subsequent section (Mair, 2004). 'What Works' can then be considered as a movement that was created in reaction to the conclusion that 'nothing works' in regard to corrections (Mair, 2004).

2.6.1 The 'What Works' movement

A number of key factors can be identified, with varying degrees of overlap among them, for the emergence of the What Works movement. In particular, Canada has been acknowledged as having provided much of the foundation for the 'What Works' agenda (Bracken, 2003). In Canada, a small group of individuals who seemed to rotate between academic posts, civil service positions and as practitioners worked together in various permutations and took their work with them as they moved around (Mair, 2004). The names familiar to What Works include: Don Andrews, James Bonta, Paul Gendreau, and Frank Porporino. Together and separately, they have argued against the idea that 'nothing works', they have developed cognitive behavioural programmes with prisoners that seemed to be successful in reducing reconviction rates and they have published meta-analyses to prove that cognitive behaviourism is 'what works' (Cullen, 2013; Mair, 2004). Meta-analysis is 'the statistical analysis if a large collection of analysis results from individual studies for the purpose of integrating the findings' and claims to offer a 'rigorous alternative to the casual, narrative discussion if research studies which typify our attempts to make sense of the rapidly expanding research literature' (Glass, 1976, p.3, as cited in

Mair, 2004, p. 16). The meta-analyses emerged for the most part from the Correctional Service of Canada (CSC), the agency of the federal government who is responsible for federal penitentiaries, or through research funded by federal institutions (Bracken, 2003). In 1990, Gendreau and his colleagues conducted a meta-analysis which led them to set forth the principles of effective intervention – risk, need, and responsivity (Cullen, 2013). In the early 1990s, there were various What Works conferences organized by the Greater Manchester and the Hereford and Worcester probation service, at which the Canadians were presenting their work (Mair, 2004). As psychologists, the Canadians were prepared to root their correctional practice in science (Cullen, 2013). They proclaimed the effectiveness of their programmes, and were able to convince their audiences about the validity of their conclusions (Mair, 2004).

In the US, the ‘what works’ view within corrections seemed to gain some supporters in the latter part of the 1990s (Cullen & Gendreau, 2001). Although there were no significant impacts mentioned, there are two factors that may have played a role in its acceptance. First, there was a Democrat administration in the White House, which headed the National Institute of Justice, who were conducting research aimed at reducing crime – which became more acceptable (Cullen & Gendreau, 2001). Second, the data from the hundreds of meta-analyses confirmed that the Canadians might, in the end, be right (Cullen & Gendreau, 2001).

The emergence of What Works in Britain was significantly impacted by the coincidence of two individuals working at the Home Office during this time (Mair, 2004). Without the presence of Chris Nuttall, Head of Research and Statistics, and Graham Smith (later Sir Graham), Her Majesty’s Chief Inspector of Probation, the What Works initiative is almost inconceivable. They both acted as key entrepreneurs by ‘selling’ the idea of What Works, and they were in positions of considerable power and authority which meant that their marketing of

What Works could not be brushed aside easily (Mair, 2004). Chris Nuttall had spent the previous 15 years in Canada where he knew the Canadians and heard their ideas and the results of their work before his return to the Home Office (Mair, 2004). Nuttall supported Canadian ideas and consequently, various Canadian academics were invited to the Home Office. What Works was something Nuttall was strongly committed to and he pushed its claims at every opportunity (Mair, 2004). Graham Smith has been Chief Probation Officer of the Inner London Probation Service prior to becoming Chief Inspector and, as such, he was a highly experienced and respected figure who believed strongly in probation (Mair, 2004). Smith was aware of developments in Canada and utilized these as the basis for his defense of probation. He did not originate the What Works agenda in England and Wales, but Smith took notice of What Works, recognized its potential, and proceeded with it (Mair, 2004). Like Nuttall, he was a powerful figure and his voice could not be ignored (Mair, 2004). The 1997 election opened the doors for Smith and Nuttall’s ideas; as the new government’s interest in evidence-based practices and the What Works agenda resonated perfectly (Mair, 2004).

What Works is intimately related to the project to modernize the probation service – it is both cause and effect (Mair, 2004). Probation service has been facing increasing pressure to prove its effectiveness and to demonstrate accountability (Mair, 2004). Probation moved relentlessly with this modernization agenda. While the primary rationale for managerial criminal justice is contained within the seemingly non-ideological and apolitical logic of cost-effective evaluation/re-evaluation and audit/re-audit, probation staff overlooks the extent and implications of such shifts in governance at their peril (Annison, 2013).

2.6.2 Cognitive Behaviourism

Cognitive-behaviourism is a treatment model that promotes the use of responsibilization techniques, which help allow governance to occur in a way that corresponds with neoliberalism (Kendall, 2004). Central to cognitive-behavioural practices is self-surveillance, which requires people to continually monitor and reflect upon their own thoughts and behaviours (Kendall, 2004). What Works, in its probation incarnation, relies on cognitive behaviourism as the keystone for work with offenders and implies a return to the medical model of deviance (Mair, 2004). The medical model assumes that crime can be traced to certain environmental, biological, or psychological forces and can be treated (Wodahl & Garland, 2009). While critiques of the medical model and the claim that nothing worked to reduce offending contributed towards changes in official police and practice, they did not cause a complete end to rehabilitative programmes nor did the belief that offenders could be reformed (Kendall, 2004). They did, however, prepare the way for a new treatment model that would expand rapidly in the last decades of the 20th century, with an emphasis on cognitive distortions and cognitive skills.

Canadian psychologist Robert Ross is cited as the 'founding father' of cognitive correctional behaviourism (Kendall, 2004); or Cognitive Behavioural Therapy (CBT) in corrections. Based on his own research, Ross concluded that a considerable number of programmes were successful in rehabilitating offenders. Such programmes included a component which attempted to impact upon offenders' thinking. This in turn informed his assumption that criminal behaviour was associated with deficiencies in cognitive functioning (Kendall, 2004). Ross' work fostered optimism that offenders could be rehabilitated and informed the development of his own programme – Reasoning and Rehabilitation (R&R). Ross' studies provided support for the view that cognitive training can lead to a major reduction in recidivism and may have substantial benefits as an alternative to incarceration (Ross, Fabiano & Ewles, 1988).

Designed as a ‘cognitive training package’, R&R was experimentally tested by the Ontario probation service (Kendall, 2004; Ross, Fabiano & Ewles, 1988). By 1990, the CSC adopted a version of the program and has since implemented it in 47 penitentiaries and community residences across the country (Antonowisz, 2005). Cognitive skills were designed as prepackaged modules to be delivered by prison staff. They emphasized the teaching of thinking skills. Following the establishment of the Correctional Strategy in 1991, cognitive skills encompassed four areas of core programming: cognitive skills training, personal and interpersonal development, pre-release programming and substance abuse (Kendall, 2004). Treatment largely involved interventions that create learning experiences for offenders in which antisocial cognitions and behaviours are replaced with prosocial cognitions and behaviours (Cullen, 2013). Since then, cognitive skills has been renamed ‘living skills’ but nonetheless remains a cornerstone of CSC policy and practice (Kendall, 2004).

The programmes in Canada were made distinguishable from other countries’ due to the fact that they gained institutional support from correctional authorities, the CSC (Kendall, 2004). Official endorsement of these programmes was aided by the appointment of a new Commissioner of Corrections who formalized a stronger managerial model into CSC through the creation of a mission statement and a correctional strategy in 1991 (Kendall, 2004). The strategy insisted that all programming was to be driven by offender needs directly related to their criminal behaviour and adopted the cognitive-behavioural model for program development (Kendall, 2004). While What Works initiatives are broader than cognitive-behavioural programming, they are nonetheless rooted in the notion that offending behaviour is essentially the consequence of faulty or deficient thinking and that successful programming must address this (Kendall, 2004).

During this time period, three points are worthy of note. First, by the mid-1990s ‘what works’ was encouraging a new orthodoxy of offence-focussed, cognitive-behavioural programmes which could, its proponents argued, be “both expected and demonstrated to have an impact of future offending” (Robinson, 2002, p. 10). Second, it promoted a ‘principle of risk classification’ as the foundation of a system for rationing of this expensive, rehabilitative resource. Third, and crucially, it offered the technical means to render the rationing process practicable, in the form of the actuarial technology of ‘third generation’ assessment systems (Robinson, 2002). This third point will be explored more in detail in the following section.

2.7 Evolution of Risk Assessments

Risk instruments are screening devices intended to distinguish among different types of offenders for purposes of determining initial institutional classification, security placement and inmate management, early release eligibility, and the level of supervision required under conditions of probation or parole (Champion, 1999). Four generations of assessment tools in correctional facilities can be identified: clinical assessments, actuarial assessments, risk/needs assessments, and structured professional judgements which integrate case planning and intervention.

The first-generation of assessment tool (clinical prediction) relied primarily on unstructured clinical judgement conducted by skilled practitioners (Hannah-Moffat, 2005). This approach is based principally on the subjective opinion of the clinician. Clinical prediction involves professional judgements where there is complete discretion over which information should be selected and there are no constraints on the information the practitioner is deciding to retain to reach a decision (Doyle & Dolan, 2002). First-generation assessments involve the collection of information on the offender and his or her situation and then interpreting this information (usually with respect to the propensity for criminal behavior and treatment needs) in a meaningful matter (Bonta, 1996). As part of the clinical evaluation, the expert is conducting an interview in order to obtain information about the offender. The expert can also gather and review as much other information (e.g., medical and institutional records, court records and other documents pertaining to criminal history) as possible, and applies their expertise to produce an opinion of the offender’s potential for reoffending (Janus & Prentky, 2003). According to opponents of this form of evaluation, a weakness is that the data is subject to considerable personal discretion; professional judgements involve decision rules not easily observable and difficult to replicate (Bonta, 1996). When arriving at a decision, decision-makers may not specify why or how they reached a particular decision, making it difficult for others to question the decision (Doyle & Dolan, 2002).

Beginning in the 1970s, a second generation of assessment tools was developed around the statistical prediction of reoffending (Hannah-Moffat, 2005). Actuarial assessments compile a checklist of a number of predictors or factors associated with reoffending and are allotted a score which then represents the level or rate of risk attributed to the individual (Doyle & Dolan, 2002). Actuarial tools use group characteristics that are statistically correlated with recidivism, such as drug abuse, criminal offense history, age, employment status, childhood exposure to physical or sexual abuse, and social ties in the community, that extend beyond a particular individual’s instant offence (Silver & Miller, 2002). Each risk factor is assigned a numerical value (weight). Once all factors have been given a numerical value, they are totalled and the sum of the numerical value represents the score, which is corresponding to a category (or level) of risk the individual should be associated with. Actuarial approaches focus on a limited number of factors, essentially static factors (immutable and unchangeable), which ignores case specific/individual factors and the fact that people can change over time (Doyle & Dolan, 2002). If an assessment is to contribute to rehabilitation efforts it must be capable of measuring change (Bonta, 1996). This notion of measurement of change is what fundamentally separates the second-generation assessment tools from the third generation (Bonta, 1996).

Third-generation assessment tools were risk/needs assessments, wherein the major purpose is to make decisions about the level of supervision accorded an offender (Bonta, 1996). These assessments are still reliant on the use of statistics; however, there is a distinction made between static risk factors (like the ones utilized in the second generation assessment) and dynamic (changeable) risk factors (Bonta, 1996). These risk assessments combine risk and need assessments (Hannah-Moffat, 2005). Needs assessment devices can measure risk factors that can be changed with adequate intervention. Items that can be measured are the offender's personal and social skills, level of health and emotional stability, education and vocational strengths and weaknesses, alcohol or drug dependencies, mental ability, and other relevant life factors, and which highlight those areas for which services are available or could be provided (Champion, 1999). An individual's dynamic risks are seen as their needs and vice versa. Risk and need classification, therefore, result in a security classification as well as allocation of level of treatment or supervision (Shaw & Hannah-Moffat, 2004).

A treatment program that contributes to rehabilitative efforts must be capable of measuring change since rehabilitation is based off the premise that people can change (Bonta, 1996). More recently the terminology has changed with criminogenic risk being referred to as static unchangeable factors and criminogenic need as dynamic factors, which are capable of being modified by treatment programmes (Shaw & Hannah-Moffat, 2004). Criminogenic needs are explicitly defined as problems that influence the changes of recidivism, rather than a statement of entitlements (Shaw & Hannah-Moffat, 2004). Therefore, clinicians can use dynamic (changeable) information such as progress in treatment, change in pro-criminal attitudes, and the amount and quality of supervisions in the post-release environment to adjust the risk level computed by the actuarial prediction instrument (Harris, Rice & Quinsey, 1993). A hybrid term risk/need is used where certain offender characteristics are identified as both risks and needs (e.g., low self-esteem, poor educational and vocational achievement). Hybridization of risk and need means that the same factor is both a risk (logic of control) and a need (logic of treatment); criminogenic needs are, in fact, risk factors. Such reconstructions imply the individual is responsible for the management of risk rather than entitled to programmes and services, while simultaneously justifying and reaffirming the significance of rehabilitative programmes as strategies for minimizing the risk of recidivism (Shaw & Hannah-Moffat, 2004).

Fourth generation risk assessment instruments are structured professional judgements which combines the advantages of clinical and actuarial tools. These assessment tools integrate systematic intervention and monitoring with the assessment of a broader range of offender risk factors that previously were not measured, and measures other personal factors important to treatment (Bonta & Andrews, 2007). Fourth generation instruments were specifically designed to be integrated into the process of risk management, the selection of intervention modes and targets for treatment, and the assessment of treatment progress (Campbell, French & Gendreau, 2007). These instruments can identify areas of success within a case management plan designed to reduce risk, as well as identify areas where strategies should be modified to maximize their potential for reducing risk (Campbell, French & Gendreau, 2007).

2.7.1 Use of Risk Assessment in Pre-sentence Reports

The actuarial turn that characterised the evolution of corrections did also have an impact on probation practices. According to probation practice guidelines published in 1995 in Britain, an explicit risk assessment is required in all pre-sentence reports, comprising "a concise statement if the report writer's professional judgement of the risk of re-offending and the risk of harm to the public" (Home Office, 1995, as cited in Robinson, 2002, p. 11). In Canada, probation officers can be asked by the court to provide written pre-sentence reports (PSRs) where offenders have pleaded guilty, or been found guilty, of an offence (Hamai & Ville, 1995b). Probation officers have a duty to the court to conduct investigations into the backgrounds of convicted offenders and to determine relevant information about them. This information is eventually delivered to judges in a report that becomes useful in determining the most appropriate sentence, including probation (Champion, 1999; Hamai & Ville, 1995b). Whether a sentence recommendation is required as part of the PSRs varies from jurisdiction to jurisdiction, and even from judge to judge (Hamai & Ville, 1995b). PSRs may recommend conditions, either general or special, which the court may want to consider (Hamai & Ville, 1995b). If probation is granted, the probation officer will carry out the order of the court (Hamai & Ville, 1995b).

As part of PSRs, probation officers are asked to classify and categorize offenders in regard to other probationers. Before sentences are imposed or sentence lengths are contemplated, probation officers conduct investigations into the backgrounds of offenders and determine relevant information about them which allows for preliminary categorizing of their offender (Champion, 1999). Probation officers work closely with courts to determine the best supervisory arrangement for offenders. The principle of risk classification dictates that there should be a 'matching' between offender risk level and level of service intervention, particularly, higher-risk individuals should receive more intensive services, whereas lower-risk individuals receive less or minimal interventions (Robinson, 2002). When offenders are sentenced to probation, POs may or may not supervise them closely. Usually, the greater the likelihood that an offender will reoffend the more closely that offender will be supervised (Champion, 1999).

Chapter Summary

The first part of the chapter provided a detailed history of how probation came to be, and developed a portrait of the social, cultural, political and economic conditions underlying its development. The creation of probation is most often credited to Boston shoemaker, John Augustus (Phillips, 2010). However, Matthew Davenport Hill also began practicing probation around the same time, in the mid-nineteenth century (Phillips, 2010). Both philanthropists aimed to mitigate the negative effects of prison through what they perceived to be humanitarian methods (Phillips, 2010). Hill, and later the missionaries who took over his work, tried to reform drunkards through religious training, whereas Augustus, and later his successors, relied on the offender to make the rational choice not to reoffend (Phillips, 2010). Even though they both aimed to save people, they went about it in different ways. These different approaches lead to the difference in probation development in the two countries. In the US, in 1878 Massachusetts enacted the first probation statute for adult probation (Hagan & Leon, 1980). Following this example, England implemented adult probation legislation in 1907.

In Canada, the development of adult probation was slow and constrictive. In 1889, legislation was passed for probation for juvenile offenders; however, it was not until the 1900s that adult probation was enacted (Hagan & Leon, 1980). By providing a historical review of the development of probation in the US, England, and Canada, it postulates context for the shape of our current probation system.

Part II explored more recent transformations in regard to probation, and more particularly the emergence of the logic of risk in probation work. To begin, I explored how the collapse of the rehabilitative ideal led to the alternative to custody approach and the adoption of ‘just deserts’ in Britain and ‘opportunities model’ in Canada as sentencing frameworks which demonstrated the punishments should fit the crime. In the late 1970s and early 1980s, actuarial tools that calculated risk were beginning to be developed. The 1990s signified a time of penal pessimism and increased use of punishment in the community. The notion of public protection was introduced during this period and was used as justification for requiring assessments of risk of serious harm from the offender to be completed by probation officers. Probation from 1997 onwards demonstrated the renaissance of rehabilitation and the rise in evidence-based practice. This was more commonly known as the What Works agenda which was a response to Martinson’s (1974) article which implied that nothing worked in corrections. As a result, there were a few Canadian criminologists who developed cognitive-behaviour programmes that seemed to be successful with prisoners. Through the use of meta-analysis studies, they seemingly demonstrated ‘what works’. Cognitive-behaviourism was briefly examined and its cohesion with neo-liberal policies was implied. The four generations of risk assessments were presented so as to understand the evolution into the risk/needs assessments they are today. And finally, the use of risk assessments in pre-sentence reports completed by probation officers was presented to demonstrate how the principle of risk classification can be used. The evolution of a rationality of risk in probation has thus revived notions of rehabilitation.

Chapter 3: Theoretical Framework

In this chapter, I introduce the concept of risk and explore how a focus on risk may have impacted how crime and criminal justice was to be governed. The emergence of neo-liberalism and the rise of risk will be examined while briefly discussing some important concepts in Foucault's theory of governmentality. I will then discuss the approach of governmentality to the problem of crime. This will be followed by considering techniques of governance through risk. The effects of the shift from welfarism to neo-liberalism and managerialism on public policy will be examined. Additionally, I will consider the impact of risk management on probation practice and decision making. And finally, I will discuss how actuarial reasoning is used as a technique of control in probation practice.

3.1 Introducing Risk

Notions of risk have come to dominate everyday life and thinking. Therefore, it is important to define risk before translating it into theory. Risk has various meanings for various institutions. Risk can be used in different institutional settings (for example, insurance, finance, and forensic psychology) and can also be examined at different levels including networks, teams, and individual decision makers (Bromiley & Rau, 2010). Risk can be defined as "the chance of injury, damage, or loss" (Slovic, 1999, p. 690). It can also be defined as "the probability distribution of outcomes with probabilities taking values between zero and one" (Bromiley & Rau, 2010, p. 307). Conceptions of risk can be polarizing; risk can be seen as objective and fact-laden or it can be seen as inherently subjective and value-laden (Slovic, 1999). When interpreting risk as a social construction, the concept of risk is utilized by individuals to help them understand and cope with the dangers and uncertainties of life (Slovic, 1999). Risk has become a central issue for criminology, however, there is not always consistency about what this means or how it should be understood (O'Malley, 2006). The concept of risk has changed in meaning and usage through history. Risk is socially constructed and can be mobilized as an instrument of power; whoever controls the definition of risk controls the solution to the problem at hand (Slovic, 1999), and the techniques to measure the level of risk.

Early in the 1980s, there was a major shift in the way crime was to be represented and governed in western democracies (O'Malley, 2006). With this shift, there was a new focus on risk in criminal justice, which introduced new forms of social control. This 'new penology' marked a shift away from therapeutic interventions, with the replacement of a clinical description of the individual by the "actuarial language of probabilistic calculations and statistical distributions applied to populations" (O'Malley, 2006, p. 45). This shift signified a move away from individuals to categories, using techniques based on aggregates of individuals into populations and distributions of risk among them, instead of biographical knowledges of individuals (Hardy, 2014). Prior to the 1980s, dangerousness as opposed to risk (a calculation of probability) was used to indicate the possibility of danger (or harm). After the 1980s, when experts assess risk, they are trying to predict future outcomes of an individual based on past performance of large cohorts of individuals (Mythen & Walklate, 2006). The actual manifestation of harm remains uncertain (Mythen & Walklate, 2006); however, the probability assessments reduce the level of uncertainty attributed to the outcome. The handling of these risks of harm becomes a major issue for politicians, decision makers and the general public alike. Risk has come to represent a "forensic vocabulary with which to hold persons accountable" (Hardy, 2014, p. 304). If a person does not make the 'right' decision when it comes to risk, they are to blame for the outcome. This results in a proliferation of placing demands upon the self, forcing individuals to habitually make reflexive choices (Mythen & Walklate, 2006). Calculations of risk increase individual accountability since there is reduced uncertainty of an outcome. The probability of an outcome is known, so individuals should be better able to make decisions with the information they have. Individuals now have to process and adapt to risk information and make choices while considering the subsequent risks arising from those choices. For example, when conducting a risk assessment, probation officers must make efficient and cost-effective decisions, so they do not have negative consequences for their decision; they are held accountable. This shift changed the view of individuals from docile bodies to active subjects and responsibilized individuals (Garland, 1997). The ‘new penology’ also signalled a change from ‘welfarist’ to ‘neo-liberal’ politics (Garland, 1997).

3.2 The emergence of Neo-liberalism

Neo-liberal societies are characterized by an approach to political rule which champions individual freedom and rights against the excessive intervention of the state (Lupton, 2006). Neo-liberalism encourages people to see themselves as individualized and active subjects responsible for enhancing their own well-being (Larner, 2000). The shift to neo-liberal politics caused rehabilitation to be supplanted by a culture of control; social models gave way to administrative approaches – changing the way penal agents think and act, giving new meaning to what they say and do (Hardy, 2014). Central to neo-liberal society is expert knowledges which provide the guidelines whereby citizens are assessed, compared against norms and rendered productive (Lupton, 2006). Probation officers would be considered expert in a neo-liberal society. Neo-liberal punishment is concerned with assessing and classifying offenders for self-regulation. The rise of neo-liberal philosophy has led to the replacement of welfarist (rehabilitative) rationalities by approaches using actuarial techniques to protect the public. The new aim of risk based public protection is to “predict future behaviour on the basis of prospective patterning" (Hardy, 2014, p. 305), with key concepts being differentiation and classification (Hardy, 2014). Although differentiation and classification were key concepts in welfarism, they were used as precursors to a form of social intervention. Under neo-liberalism, they represent categorization for the purposes of 'cognitive correctionalism' or risk management (Hardy, 2014). Actuarial techniques are oriented to cost-effective management of aggregate entities, rather than addressing issues that contributed to the individual offending (Garland, 1997). Intervention under welfarism, represented an opportunity to consider biographical issues and address issues such as disadvantage or discrimination which may have contributed to the behaviour (Hardy, 2014). Conversely, the aim of intervention under risk is "to produce reasonable, autonomous and 'risk free' individuals" (Hardy, 2014, p. 307). Individuals become an object of control and manipulation; individuals are not coerced but autonomous subjects whose subjectivity is shaped by their active engagement with the powers that govern them and by which they govern themselves (Garland, 1997).

3.3 Governance through Risk

The dynamics of knowledge/power related to neo-liberalism and risk can be uncovered using a governmentality approach. The governmentality approach will reveal how discourses of risk are mobilized to justify political goals and policies (Mythen & Walklate, 2006). Risk is being used as an instrument of disciplinary power for classification and surveillance through which populations are governed (Mythen & Walklate, 2006). Risk is operationalized as "a mode of regulation, through which populations are surveyed" (Mythen & Walklate, 2006, p. 385). Risk as a governance strategy encourages individuals to regulate their behaviour and become self-policing. Individuals are responsibilized to be aware of risks; this compels them to take responsibility for their behaviours and actions. The art of government is performed through risk-based techniques (Mythen & Walklate, 2006). Individual responsibility to govern increases as the state responsibility decreases. Essentially, the shift to neo-liberal politics involves less government but does not mean less governance (Larner, 2000). Governance functions through direct expressions of power and indirect forms of coercion; risk can be used as part of a strategy of control working through self-restraint which fortifies institutional power (Mythen & Walklate, 2006). Neo-liberalism allows for governance-at-a-distance through different disciplinary techniques. Although direct state coercion is reduced, power is conveyed through technologies of risk and responsibilization of individuals. Agencies are not being governed from above (government), but through technologies of risk/probability (governance-at-a-distance; Larner, 2000). Risk works as a 'moral technology' – or disciplinary practice – that provides a way of organizing time/space and ordering the future (Mythen & Walklate, 2006). The art of self-government is connected to morality; to self-govern is to be good/moral. Discourses of risk are mobilized to justify neo-liberal political goals. Neo-liberalism is both a political discourse about the nature of rule, as well as a set of practices to facilitate governing of individuals from a distance (Larner, 2000).

3.4 Definition of concepts within governmentality

Before exploring how governing through risk can be considered as governance-at-a-distance, I will first provide an introduction to the significant terms and concepts of Foucault's theory of governmentality. This is meant to be a brief introduction to the central concepts and by no means a comprehensive discussion of the theory. To start, governmentality is a neologism; it merges governing and mentality (Fimyar, 2008). Foucault stresses the interdependence between these two words; between the exercise of governing (practices) and the mentalities that underpin these practices (Fimyar, 2008). It is comprised of action and thought; government and rationality.

Government is conceptualized as the ‘conduct of conduct’ (Fimyar, 2008; Hardy, 2014). It is a form of activity aiming 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). The thought portion is ‘rationality’ or a form of thinking that aims to define how things are or ought to be (Hardy, 2014); it aims to define how things are problematized within a particular framework. Rationalities inform regimes of practice. Regimes of practices involve practices for the production of knowledge and truth through various forms of practical and calculative rationality (Fimyar, 2008, p. 7). Governmental rationalities are “ways of thinking and styles of reasoning that are embodied in a particular set of practices” (Garland, 1997, p. 184).

The term governmentality has two meanings. In the first meaning, governmentality is conceptualized as a form of power, following on from sovereign and disciplinary formulations and in the second, it is referred to as “a means of analysing the operation of power and rule in society, as an ‘analytics of government’” (Hardy, 2014, p. 308). An ‘analytics of government’ refers to the analysis of the thinking and action which compromise the understanding of government (Hardy, 2014). Key concepts in the analytics of government are political reason and technologies of governance. Political reason constitutes an ideology and discourse that was created as a response to problems of a definite historical period (Fimyar, 2008). Technologies of governance are the means by which particular policies are devised and implemented in order to regulate individuals and populations (Fimyar, 2008). With risk, for example, actuarial discourse is a form of rationality and risk assessments would be a technology of governance. Analytics of government aims to answer key questions regarding who and what is to be governed and why, by whom and how (Hardy, 2014).

The ‘art of government’ entails any and all activity which is concerned in some way with the conduct of conduct (Hardy, 2014). Therefore, it is a particular way of governing that is specific to neo-liberalism. The art of government is a form of state power which seeks to balance competing priorities between the individual and the wider social body (Hardy, 2014). Through the art of government, government is extended to and enhanced by the creation of governors and guardians in the space between the state and the offender (Garland, 1997). This allows governance-at-a-distance (a main concept and applicable to the work of probation officers) which involves inter-agency cooperation and the responsibilization of private individuals and organizations (Garland, 1997). This practice of building chains of actors to instil crime-conscious attitudes, gives rise to the development of new forms of knowledge and expertise (Garland, 1997).

3.5 Governmentality and the problem of crime

As part of his work, Foucault was concerned with how knowledge was put to work through discursive practices in specific institutional settings to regulate the conduct of others (Hall, 2001), and the conduct of ourselves. He focussed on the relationship between knowledge and power, and how power operated within what he called an institutional apparatus and its technologies (techniques). For Foucault, the apparatus is always inscribed in a play of power, but it is also always linked to certain co-ordinates of knowledge – the apparatus consists in strategies of relations of forces supporting and supported by types of knowledge (Hall, 2001). Knowledge is consistently entangled in relations of power because it was always being applied to the regulation of social conduct in practice or to particular subjects (Hall, 2001). Foucault argues that not only is knowledge always a form of power, but power is implicated in the questions of whether and in what circumstances knowledge is to be applied or not (Hall, 2001). The question of the application and effectiveness of power/knowledge was more important, he thought, than the question of its ‘truth’ (Hall, 2001). Neo-liberal knowledge being effectively translated is how governance through risk came to be applied to crime control.

According to Mythen and Walklate (2006), the governmentality literature “does not offer a general thesis that can be applied to the field of crime control” (p. 184), however, it isolates a series of objects of analysis, and suggests certain lines of enquiry. It offers a framework for analysing how crime is problematized and controlled (Garland, 1997). Governmentality reveals the modes in which contemporary practices exercise power, depend upon specific ways of thinking (rationalities) and specific ways of acting (technologies), as well as the ways in which individuals and populations are governed (Garland, 1997). It problematizes practices by subjecting them to a genealogical analysis – tracing their historical lineage to challenge the ‘naturalness’ or ‘taken-for-granted’ character of these practices (Fimyar, 2008); demonstrating how current risk thinking may shape the policies and practices at this particular point in history.

Through a genealogical analysis, we learned there was a shift from ‘welfarist’ to ‘neo-liberal’ politics (Garland, 1997). Neo-liberal politics focus on economical and insurance-based thinking about crime control. This way of thinking, places the focus on reducing or displacing the costs of crime, upon prevention rather than punishment, and upon minimizing risk rather than ensuring justice (Garland, 1997). Neo-liberal thinking leads to the adoption of an economic rationale. Economic rationality refers to i) an increase in reliance upon “an *analytical language* of risks and rewards, rationality, choice, probability, targeting and the demand and supply of opportunities – a language that translates ‘economic’ forms of reasoning and calculation into the criminological field; ii) the increasing importance of *objectives* such as compensation, cost-control, harm-reduction, economy, efficiency and effectiveness; iii) the increasing resort to *technologies* such as audit, fiscal control, market competition and devolved management to control penal decision-making” (Garland, 1997, p. 185)

The Foucauldian approach aims to address these rationalities and technologies and the practical programmes they support. It aims to pay careful attention to what is said, how it is said, and the complex preconditions that allow these statements to be said, by studying their emergence, functioning and transformation (Garland, 1997). Governmentality aims to describe how agents (people and institutions), knowledges, powers and techniques are assembled into specific apparatuses to exercise new ways of governing crime, and in turn, making these new ways of thinking into practical ways of acting (Garland, 1997). Thus, as Foucault (1991) has suggested, the forms of modern power might be viewed as a triangle of sovereignty-discipline-governmentality. We have three practicable objects in terms of crime control and have three forms of power in respect of them, “i) the *legal subject*, governed by sovereign command and obliged to obey or be punished; ii) the *criminal delinquent*, governed by discipline and required to conform or to be corrected; and now iii) the *criminogenic situation*, governed by the manipulation of interests and the promotion of mechanisms of self-regulation” (Garland, 1997, p. 188). These three objects represent a particular way of acting upon crime, supported by laws, institutional practices and forms of expertise, with each way of acting supporting particular groups (Garland, 1997). Governmentality allows us to analyze the field of crime control as a field of power relations and subjectification; those who exercise power and those upon which power is exercised (Garland, 1997). It draws attention to the impact of new knowledges and technologies upon the power relations between governmental actors as well as distinguishes between the rulers and the ruled (Garland, 1997).

3.6 Governance through risk: Governance-at-a-distance

Governance functions through direct expressions of power and indirect forms of coercion (Mythen & Walklate, 2006, p. 385). According to Garland (1997), power is not only a matter of imposing sovereign will, but is also a process of enlisting chains of actors who “translate power from one locale to another” (p. 182). Governmental power is not centered in the state, but is dispersed under new modalities of power, through the social field in hospitals, schools, juvenile courts and clinics (Garland, 1997). Over the course of history, the activity of governing in the form of sovereign power was modified and delegated to a variety of institutions and mechanisms (Fimyar, 2008). These institutions act as centres of governance, utilizing disciplinary power, which cultivate alliances between the doctor and patient, the teacher and student, the probation officer and offender, and seeks to adjust the behaviours of individuals, bringing them in line with socially accepted objectives (Garland, 1997). Governmental power flows through and acquires its effectiveness from these centres of governance – institutions, alliances, networks – which exercise ‘governance-at-a-distance’; the rationalities and techniques of responsibilization and self-regulation. This style of regulation promotes the ends of a good government not by the means of a coercive totalitarian state, but instead by relying on private institutions and voluntary alliances (Garland, 1997). It is a ‘government of all by each’ (Fimyar, 2008), relying on the willingness of people to practice self-responsibilization and pursue interests that are socially approved and legally sanctioned (Garland, 1997). This specific economy of power, of institutions and alliances, encourages society’s members play a particularly active role in their own self-governance (Mythen & Walklate, 2006). We govern according to what we consider the truths about our existence; we govern by exercising and thinking about what we take to be true about who we are (Fimyar, 2008).

3.7 Welfarism to Marketization and Managerialism

Neo-liberalism involves forms of governance that encourage both institutions and individuals to conform to the norms of the market (Larner, 2000). Neo-liberalism has signified a shift away from welfarism (state-based forms of social provision) to more marketized, entrepreneurial, consumerist forms of social organization (Garland, 1997). Rises in the flow of cases through the CJS prompted government concern about a problem of costs, efficiency, and coordination (Garland, 1997). Therefore, the problem of crime and criminal justice was not a problem to be eliminated; instead it became a problem to be managed.

The notion that crime is a social phenomenon to be managed rather than eradicated is widely acknowledged in criminological literature (Donohue & Moore, 2009). Criminals are characterized as a risky population to be efficiently and prudently managed by the state (Hannah-Moffatt, 2005). Managerialism is the application of managerial techniques of business to the running of other organizations or institutions. Managerialism is based on the theoretical notion that the justice system functions in the name of efficiency (Donohue & Moore, 2009). Managerial forces shape prisons and community-based sanctions through a range of interventions and practices including: responsibilizing people in conflict with the law and constituting them as liberal, choice-making subjects; actuarial risk management that serves to allocate service needs; and constant correction (Donohue & Moore, 2009).

Managerialism is most apparent through the penal system’s application of risk management practices. Actuarial risk-management techniques are at the centre of the new penology and are a distinctly modern attempt to address the problem of crime (Hallsworth, 2000). The state responds by seeking to develop a technical set of solutions that will act to reduce harms posed by suspect communities in a way that is perceived to be cost effective and efficient (Hallsworth, 2000). Risk assessments were originally designed to help eliminate costs (i.e., financial costs and the costs of risks) so it is important to see them in terms of economics. Risk assessments, economically speaking, are risk management tools. Consequently, a person using a risk management tool would be considered a risk manager.

3.8 Actuarial reasoning as a technique of control

Risk can be used as a means of regulation and control. Specifically, actuarial reasoning (or rationality of risk) in the form of a risk assessment is used as a technique of control. Institutions such as insurance and social security play a fundamental role in the governance of modern society (Garland, 1997). These institutions use statistical forms of reasoning which assume autonomy and indeterminacy at the level of the individual, and they predict (and help ensure) regularities at the level of the population (Garland, 1997). Statistical forms of reasoning lead to processes that classify and regroup individuals within populations, moving people into categories that had “no significance prior to the act of counting and sorting” (Garland, 1997, p. 181). The risk rationality leads to offenders being labelled by the processes in place in the system – career criminals and high-risk offenders are criminological examples of this kind of labelling (Garland, 1997). By doing this, the individual self-regulation is linked to large-scale processes of rule (Garland, 1997). Statistical norms are produced and applied back to the subjected individuals who are categorized, evaluated and acted upon according to their relation to the produced norm (Powell, 2013). Statistics contribute to the shaping and self-governing of people’s identities; they adjust their self-conception and behaviour to fit with the ‘norm’ (Garland, 1997), namely, self-regulation.

This governance-at-a-distance technique allows central authorities to exert broad control over decision making while still leaving a space for the exercise of localized judgement on the part of individual practitioners (Garland, 1997). This exercise of governmental power, through neo-liberal techniques of government, relies upon and stimulates individual agency while also providing constraints upon the freedom of choice of the agent (Garland, 1997). The neo-liberal strategy requires practitioners become "'responsible decision-makers' – which is to say agents who are subjected to the [consequences] for failure or error, and who must carry out calculative work which would previously have been done by others on a more centralized basis" (Garland, 1997, p. 197). Actuarial reasoning allows for practitioners to exercise agency with their decisions while still confining the decision within the framework of the risk assessment tool. According to Bullock (2011), contemporary risk management practice is concerned with assessing risk in a standard manner, using those assessments to determine the nature of interventions with offenders; delivering consistent standards of practice; and the central control of monitoring of professional practice (p. 121).

3.8.1 Actuarial decision making

In the criminal justice system, decision makers are typically judges, members of parole boards, probation officers, members of psychiatric review boards, and individual clinicians (Harris, Rice & Quinsey, 1993). They are called on to decide or to recommend, at least partly for the protection of the public, who is to be incarcerated or institutionalized and for how long (Harris, Rice & Quinsey, 1993). Decision makers are asked to consider offender's levels of risk in their decisions. Risk, compared to dangerousness, addresses not only the presence of a potential hazard, but the probability of its occurrence and captures a much broader range of behaviours (Janus & Prentky, 2003). The goal of risk assessment is not to respond to dangerous situation or persons but to anticipate and avoid them (Silver & Miller, 2002). Risk assessments provide a measure of the probability of something happening. Risk assessments aim to provide, as accurate as possible, the likelihood of a given behaviour (Kroner, Mills, Reitzel, Dow, Aufderheide & Railey, 2007). Risk assessments use a number of variables to determine the probability or risk of re-offending, which in turn, is used to determine the level of risk of an individual. Consequently, it is possible for decision makers to assign greater weight to certain variables than others when making their decisions. For example, Holland (1979) examined the decisions of four mental health clinicians conducting pre-sentence evaluations of offenders and determined that the variability in their decisions was associated with distinctive styles of information usage; even in instances where similar variables emerged (i.e., number of prior convictions), differences between diagnoses existed. As Holland and Holt (1978) state, many decisions are made on a non-explicit basis, and large differences in conclusions and styles of information utilization are seen among decision makers who evaluate the same or similar cases. These disparities can be attributed to different approaches to decision making in situations of uncertainty (Albonetti, 1991). According to rational choice model, a decision must be made with knowledge of all possible alternatives, though in reality decision makers rarely, if ever, possess complete information (Albonetti, 1991). Decision makers seek to achieve a measure of justification by developing patterned responses that serve to avoid, or at least, reduce uncertainty (Albonetti, 1991). When there is a level of uncertainty in terms of actions, it provides an opportunity for the exercise of discretion (Powell, 2013).

Despite the differences in conclusions, any decision has three main components: a goal, alternatives, and information (Gottfredson & Gottfredson, 1988). The first component, the goal or set of goals is what the decision maker would like to achieve (Gottfredson & Gottfredson, 1988). The goal of risk assessment is to provide information (probability, level of risk) about someone about whom the practitioner has to make a decision, such as releasing or not releasing them from prison and used to classify inmates inside the institution according to their level of risk. Risk assessments are about calculating probability; the result of this calculation can be used as part of the decision making process. The second component of a decision, alternatives, in risk assessment decisions are the classifications of high-, medium-, or low-risk imply that there are options/choices; decision makers choose the measure that should be taken according to level of risk. According to Gottfredson and Gottfredson (1988), if there is no choice, there is no decision making. The third component, information, establishes that the decision maker has some information to guide the selection among the alternatives (Gottfredson & Gottfredson, 1988).

The information used in making the decision can be selected from numerous sources and it is up to the decision maker to decide what information to use and how much weight to give to the information or source of the information. Thus, according to Gottfredson and Gottfredson (1988), the data available about alternatives must be related to the goals of the decision (i.e., the data must be relevant) and aid in the confidence of the consequences of the decision. This diversity of information and sources of information available produces conditions of uncertainty. Uncertainty conditions are created when there is incomplete information or knowledge about a situation (i.e., the possible alternatives, or the probability of their occurrence, or their outcomes are not known). Under conditions of uncertainty, people may employ several heuristic strategies (Davidow & Levinson, 1993) in an attempt to reduce uncertainty when making decisions. When making any decision, we may rely on a product of habit or social structure; past experience, stereotypes and prejudices (Albonetti, 1991). However, it is typically under conditions of uncertainty where these heuristics strategies are employed to ease the decision making process.

3.8.2 Heuristics strategies

Risk judgements are based on prediction, which is about mobilizing different kinds of information (such as level of risk) in order to estimate the likelihood of a consequence (reoffending). In regards to risk judgements/decisions, the role of information processing has not been closely examined. Trumbo (1999) states that people will use the heuristic-systematic model (HSM) when attempting to evaluate information in order to arrive at a judgment (i.e., individuals process information using systematic and/or heuristic strategies). Systematic processing is defined by effortful scrutiny and comparison of information, whereas heuristic processing is defined by the use of cues to arrive more easily at a decision (Trumbo, 1999). By using cues to arrive more easily at judgements, it is possible that a tendency towards certain decisions may exist. Davidow and Levinson (1993) suggest that people employ several heuristic strategies when making decisions under conditions of uncertainty. Davidow and Levinson (1993) studied school psychologists and determined that they weigh evidence from many sources to determine whether a student is classifiable as handicapped. For decision makers in the CJS, they must weigh evidence and information from different sources (e.g., case file, actuarial assessment, and clinical interview) to determine offender's risk classification. They may use systematic processing to determine what information to use. Within the HSM, the decision making process can involve the presence of cognitive strategies that act as shortcuts.

Cognitive shortcuts (i.e., heuristic strategies) can help to reduce the complex tasks of assessing probabilities and predicting behaviour to simpler judgemental operations (Davidow & Levinson, 1993). The use of heuristic strategies results in quick, efficient judgements. However, these judgements can lead one to overlook or disproportionately weigh information and to over- or underestimate the likelihood of an event occurring (Davidow & Levinson, 1993). Three heuristic strategies tend to be used to reduce the complexity of prediction: representativeness, availability, and adjustment and anchoring (Davidow & Levinson, 1993). **Representativeness heuristic** states that people rely on the degree to which object A resembles (or is representative of) object B to base their decision (Ayton & Pascoe, 1995). This heuristic can occur when a client demonstrates behaviours that better approximate the clinician's notions of what the diagnostic label should look like, the clinician would become more confident in the diagnosis even if there is clear evidence provided to the contrary (Davidow & Levinson, 1993). **Availability heuristic** states that people make probabilistic decisions based on the ease with which instances come to mind (Davidow & Levinson, 1993). Essentially, people make a judgement about frequency or probability of an event by ease with which it comes to mind. For example, if an offender displays similar characteristics as another offender that the clinician is reminded of, the clinician might make a risk decision based on the fact that one offender is similar to another. **Adjustment and anchoring heuristic** states that people make estimates by starting from an initial value that is adjusted to yield a final answer (Davidow & Levinson, 1993). Different starting points (initial values) yield different estimates. Anchoring leads to bias when adjustments from the first estimate are not made (Davidow & Levinson, 1993). For example, a clinician may be provided with referral information or previous test data which provides the clinician with a different starting point and may disproportionately affect the ultimate outcome of the assessment.

These three heuristic strategies possess inherent fallacies (errors in reasoning) which must be avoided; specifically, there is a neglect of base-rates and the ecological fallacy. A base-rate refers to the relative prevalence of a particular object of prediction (Ayton & Pascoe, 1995). A **neglect of base-rates** occurs when people mistakenly judge the likelihood of a situation by not taking into account all relevant data or ignoring information concerning the prior probabilities (Ayton & Pascoe, 1995). The representativeness heuristic fails to take into account the relative prevalence of individuals in particular categories; simply because an individual resembles a typical high-risk offender, does not necessarily mean they are high-risk. Judgements may be biased when base-rates of different categories vary (Ayton & Pascoe, 1995). The availability heuristic is based on ease at which instances can be remembered; if judgements are based on availability of information, they are vulnerable to bias since recent and emotionally salient events are more easily recalled (Ayton & Pascoe, 1995). Additionally, the anchoring and adjustment heuristic is faulty to begin with since it starts from an initial value that is then adjusted to yield a final value (Ayton & Pascoe, 1995); the starting point an individual uses influences outcome estimates. Using heuristics allows decision makers to neglect statistical reasoning to judge uncertainties and can also result in a second bias, the ecological fallacy bias. **The ecological fallacy** makes inferences about individuals based on group-level data (Fitzgibbon, 2007). Essentially, the nature of an individual is inferred from the group to which the individual belongs. For example, the individual is seen as a criminal, law-breaker, or deviant as opposed to a father/mother, or sister/brother. The result is a tendency towards over-prediction of dangerousness of individuals since group characteristics are being allocated to the individual (Fitzgibbon, 2007). Dangerousness would be seen as a risk characteristic for the group to which the individual has been allocated. Therefore, a natural tendency to behave in a particular way exists in risk assessments whereby people conducting risk assessments may be more inclined to find risk regardless of whether risk is actually present.

3.9 Probation Practice and Risk Management

Since the 1980s, probation practice has been shaped by notions of public protection, with a move towards performance management and greater control of practitioners (Bullock, 2011). The day-to-day practice of practitioners has been standardized and subjected to greater managerial control by the use of 'government-at-a-distance' techniques such as, budgetary limits, national standards, and 'gatekeeping' guidelines (Garland, 1997). The aims and practices of the probation service have been swayed over time by broad social and political changes (Bullock, 2011, p. 121). The shift to neo-liberal techniques of control has replaced the discourse of treating and rehabilitating to a discourse of rational and efficient management of offenders in the CJS (Bullock, 2011). The prime concern is that the system is efficient and effective at reducing crime while simultaneously being cost-effective (Bullock, 2011). This pursuit of efficiency creates a system that seeks to classify offenders by the level of risk using actuarial prediction techniques (Bullock, 2011). In doing so, individualized diagnosis is displaced by aggregate classification systems for purposes of surveillance, confinement, and control (Bullock, 2011). Strategies of care or control are increasingly established upon 'population flows' rather than individual cases, "ushering low-risk groups into low-cost care in the community, reserving institutional care for groups defined as high risk" (Garland, 1997, p. 182). This could lead to those deemed low-risk to not have interventions put in place to reduce risk of re-offending unless they increase their number of offences or severity of offences in order to receive more care. In this new regime of classification and actuarialism, the individual is not viewed as a distinct, unique person but rather as a point plotted on an actuarial table (Garland, 1997). When viewing someone as a point on an actuarial table rather than as an individual, it is conceivable that decision makers may use heuristic strategies. For example, the availability heuristic might be employed if the individual reminds them of someone else; decision makers may look at the person as a whole and not at the individual differences between the two – seeing them as being part of a group rather than as an individual. The individual is understood through their relation to a population through the accumulation of large databases, over time, with a predictive knowledge of risk (or probability), which has produced a new rationality with significant social implications (Garland, 1997). The focus of attention is shifted from individuals to aggregates, from specific cases to population flows, and from individualized justice to the management of resources (Garland, 1997, p. 190).

The rationality of risk gives rise to distinctive techniques for managing risk. According to Garland (1997), risk-management is "forward-looking, predictive, oriented to aggregate entities and concerned with the minimization of harms and costs, rather than with the attribution of blame of the dispensation of individual justice" (p. 182). Risk management has come to dominate contemporary probation practice and is a key organising principle of correctional practice and the management of offenders (Maurutto & Hannah-Moffat, 2006 as cited in Bullock, 2011). New strategies are concerned with how to most efficiently manage the level of reoffending risk posed by offenders (Lynch, 1998). Managing dangerous populations is emphasized by the new discourse that emphasizes risk and probability as applied to a criminal population rather than an individual diagnosis, and focuses on identifying and managing classes of offenders (Lynch, 1998). Over time, these risk management principles have gained currency within the probation service at the level of both practice and policy (Bullock, 2011).

Chapter Summary

To begin the chapter, I introduced the conflicting concept of risk which has become a central issue in criminology. The concept of risk and risk thinking transformed how crime and criminal justice was to be governed. The shift from welfarism to neo-liberalism and managerialism allowed for risk to dominate public policy as a prominent category. Using governmentality's genealogical approach, it was demonstrated how risk came to dominate and influence the policies and procedures in place. I briefly described some key concepts of the governmentality approach before demonstrating how risk thinking allowed for governance-at-a-distance to be exercised by institutions and networks for the purpose of self-responsibilization. Neo-liberalism encourages institutions and individuals to conform to the norms of the market by using cost-effective and efficient strategies. The notions of cost-effectiveness and efficiency translated directly into probation policy and practice through the use of risk management techniques; specifically the use of actuarial tools and their impact on decision making. Using a governmentality framework allowed me to demonstrate how the aims and practices of the probation service have been influenced over time by risk's effect on social and political changes.

Chapter 4: Methodology

This chapter will provide the rationale and methodological details of my study. First, I will start by explaining my epistemological and ontological positioning. Second, I will describe my qualitative research design, detailing my critical literature review. Third, data collection procedures and tools will be presented, specifically, inclusion and exclusion criteria, the search method used, and the phases of review for document selection. Fourth, data analysis procedures for thematic analysis are described. Fifth, limitations of thematic data analysis will be presented. And lastly, there will be a discussion of the qualitative validity of the instruments and procedures utilized focussing on rigor, sincerity, and credibility.

4.1 Ontological and Epistemological Positioning

A research paradigm is the basic belief system or worldview that guides the investigator in terms of ontology, epistemology, and methodology in fundamental ways (Guba & Lincoln, 1994, p. 105). Ontology, epistemology, and methodology are all interconnected; the paradigm the researcher adopts determines their ontological and epistemological positions, as well as the methodology they will use. Ontology asks the question: "what is reality?" Epistemology asks the question: "how do you know what you know?" Finally, a researcher must ask the question of methodology, which is "how do you go about finding what can be known?" The answer to the methodological question is determined by the answer provided to the epistemological question which is constrained by the answer given to the ontological question.

To recall, I plan to contribute to the understanding of how the rise of risk management has led to a transformation in probation and formulation of new objectives. This led to three intersecting research questions, which are: 1) how have the objectives and modalities of probation in Canada changed over the last few decades, 2) what new practices and tools have been implemented, and 3) how have these transformations impacted the way that probation officers are evaluating and supervising probationers? I am particularly interested in observing how the logic of risk influenced probation objectives and practice over time. Therefore, my ontological position is relativist. **Relativist ontology** assumes that reality as we know is constructed through the meanings and understandings developed socially and experientially; these constructions are local and specific in nature, and dependent for their form and content on the individual persons holding the constructions (Guba & Lincoln, 1994, p. 110). The constructions are alterable, as are their associated realities. This ontological position acknowledges there are multiple realities as opposed to one, unique reality for everyone.

Assuming relativist ontology, I will be adopting a **constructivist epistemology** that is transactional and subjectivist. Constructivism maintains that each individual constructs his/her own reality so there are multiple interpretations of the world. And as social subjects, people are also contributing to the construction of shared realities. A constructivist adopts the view that what we take to be objective knowledge and truth is the result of a more personal and interactional process. The investigator and the object of investigation are assumed to be interactively linked so that the findings are created as the investigation proceeds (Guba & Lincoln, 1994, p. 111). Constructivists believe that we do not find or discover knowledge, we construct or make it. The findings or outcomes of an inquiry are a literal construction of the inquiry process. From this perspective, you can consider risk assessment as a technique (or practice) that is contributing to the construction of reality, such as providing an image of the probationer as a risk subject that requires a certain level of surveillance. Reality is created in relation to what we are looking at, where multiple knowledges can exist and one is not better than the other. What is being presented in academic journals and government publications is being taken as 'truth' which is, in fact, a construction of a particular point in history, reflecting a particular culture. What is being reported may not necessarily be what is actually happening. Furthermore, as we continue to conduct research, what we consider 'truth' changes.

Although the constructivist approach assumes multiple realities, I take a slightly more critical approach to my research. The constructivist approach claims that multiple 'knowledges' can coexist when equally competent (or trusted) interpreters disagree, and/or depending on social, political, cultural, economic, ethnic, and gender factors that differentiate the interpretations (Guba & Lincoln, 1994, p. 113). Critical constructivism asserts that there is no objective or neutral perspectives. The critical constructivist approach maintains that historical, social, cultural, economic, and political factors construct our perspectives of the world, our self, and others (Kincheloe, 2005). Critical theorists aim to illuminate the connection between power and knowledge, maintaining that only certain groups or institutions can gain prominence and have their perspectives sanctioned; knowledge from some societies is privileged over that of others (Kincheloe, 2005). The notion of power/knowledge as presented by Foucault will be considered while conducting analysis. This will help to demonstrate that the social, political, and cultural contexts in which probation literature was produced, can in fact affect the way we are interpreting this particular form of punishment. Hence, for my research I will be adopting a critical constructivist epistemology.

4.2 Research Design

Now that ontological and epistemological questions have been answered, I can proceed to methodology. Since the aim of my research is to provide a deeper understanding of how risk management has an impact on probation objectives and the roles of probation officers as presented in academic publications, I utilized a qualitative methodology. One of the goals of qualitative methodology is to describe and understand the social world and to develop explanatory models and theories (Morse & Field, 1996). Qualitative research is primarily concerned with the development of a description of an observed phenomenon to generate theory as an outcome, or a product of the research (Morse & Field, 1996). To understand the social world, it must be interpreted. Constructivism aims to understand and reconstruct the constructions that people (including the inquirer) initially hold (Guba & Lincoln, 1994). Constructivism's methodology is aimed at the reconstruction of previously held constructions (Guba & Lincoln, 1994). In order to uncover how the logic of risk, and risk management have influenced how probation discourse and objectives are presented in published articles (from government and academic sources), I will be conducting a critical literature review. My approach to the critical literature review was to take the literature review a step closer to a systematic review by using the systematic review methods of data collection; searching several databases using precise search terms. This critical literature review will analyze peer-reviewed articles and government publications pertaining to the subjects of probation and risk management in Canada. I am aware there is a difference between government and academic publications (i.e. most academic publications are peer-reviewed, provide citations for all sources used, and written by experts for experts, whereas government publications may not be peer-reviewed, may be written for the public, and may not be as rigorous with citing sources). However, these texts were chosen because they encompass an overview of probation practice from the view of academics as well as the government and having access to both allowed for a better understanding of probation within Canada. I conducted a thorough review of the probation literature to explore how academics and the government treat the question of the transformation of probation, the formation of new objectives for the system, and the deployment of new practices and tools, and how these transformations and new objectives have changed the role of probation officers.

4.3 Data Collection Procedures

For my research, my corpus of analysis was peer-reviewed journal articles as well as government publications pertaining to probation in Canada that were published from 1990 to present. Diverse methods were used to obtain a sizable collection of 37 articles from six different data sources (3 academic databases, Public Safety Canada, Google Scholar, and reference lists). To collect the appropriate sample size, purposive sampling was used. Purposive sampling allows judgement to be used to select cases that have a very specific purpose in mind (Neuman, 2009). Purposive sampling was used to identify documents that met specific criteria.

4.3.1 Inclusion and Exclusion Criteria

To be considered for inclusion, the articles that were found needed to be published between 1990 and 2018 and needed to address the issue of probation in Canada (including keywords Canada AND probation). Additionally, the search parameters did also include risk assessment and/or decision making. Articles were required to meet the following inclusion criteria: a) published or disseminated in English or French; b) must be on the topic of probation in Canada and/or Ontario; and c) provide results from empirical research on probationers and/or probation officers.

Some articles were excluded based on lack of relevancy to the research topic. They were excluded if they related to the following topics: if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, aboriginal offenders, substance abuse, gang members, race, and parole. Articles were excluded if they pertained to youth, or violent offenders, and/or sexual offenders, specifically, given that there are separate risk assessments used for these types of offenders. Additionally, for the purposes of my research, I wanted a data set that focused predominantly on adult male probation as risk assessment scales were initially developed using large samples of (white) male offenders. These risk scales could inadvertently discriminate against subgroups such as women, Aboriginal people, and members of racialized communities or special needs populations (Zinger, 2004). It was on this premise that women and Aboriginal offenders were excluded as the risk assessment scales could contribute to direct, indirect, or systemic discrimination against them. Although Aboriginal people are overrepresented in the criminal justice system I chose not to include them in this study as they have unique situations which require additional consideration, specifically, the well-documented systemic racism against them. I felt I could not pay specific attention to their plight and did not want to contribute to the systemic racism against them. Moreover, articles that focused on mental health, gangs, and substance abuse would call for additional considerations of risk than the average adult male probationer. Of greatest consideration was that given the confines of a Master's thesis (such as time and length), the inclusion criteria was limited to produce a reasonable sample size. Notably, articles were excluded if their title or abstract included the keywords mentioned above. However, if it was found in the methodology section that an article included youth, women, or Aboriginal probationers as well as male probationers, it was not excluded as it did not focus specifically on those subgroups and was not conducting an analysis of those categories separately. Ideally, any article that explored the objectives of probation and evaluation techniques should be included. However, due to the time constraint of a Master's thesis, the chosen texts specifically encompass a comprehensive overview of adult male probation, making for ideal units of analysis for investigating the transformation of probation.

4.3.2 Search Procedure

Documents were chosen by using keywords in a search through criminology databases on the University of Ottawa Library website. To select search terms, a combination of seven different terms was pilot tested. The final set of search terms were as follows: "risk assessment" AND "Canad*" AND "probation". Upon searching these terms, if too much or too little results were found, an alternate search term would have been implemented. To refine the search, terms such as "decision-making", "risk-need", "case manage*", or "community-base*" would have been added one at a time. These search terms were used to search three different academic databases: Criminal Justice Abstract, ProQuest Social Sciences, and Scholars Portal Journals (see Appendix A for complete search methodology). These searches encompassed articles written between January 1990 (as mentioned in the history outline, probation underwent significant changes in its general conception and implementation during this time) to the date of the end of the search (August 31, 2018). From each database, the first 50 articles were screened for inclusion criteria. Additionally, the Public Safety Canada website was used as a database to obtain articles that were written from a government perspective. Once the research summaries were identified, the articles that corresponded to the summaries were obtained. To adopt a comprehensive approach, the first 50 search records from Google Scholar were screened. Upon conducting a Google scholar search, only 2 new articles were screened in based on the inclusion criteria, this suggests that the relevant articles were successfully identified through previous databases. In addition to searching databases, reference lists of government articles were reviewed and only 1 new article was included based on the relevant criteria.

4.3.3 Selection of Documents

To select documents and collect the data, a four-stage process of review was used (see Figure 1). In Stage I, the initial search was conducted using the keywords mentioned above. As a result, 327 articles were found. After removing duplicates there were 273 potential abstracts for screening. In Stage II, the 273 abstracts that were identified from the initial search were screened to determine if they were relevant using the inclusion and exclusion criteria. After initial screening, there were 169 articles to be screened in the next stage. In Stage III, full copies of the articles from each of the 169 screened-in abstracts were examined to determine if the study met the inclusion criteria of probation in Canada. In Stage IV, the 52 articles that met initial inclusion criteria were screened to determine if they explored objectives of probation. In Step V, data from the 37 studies that met inclusion criteria were extracted and analyzed. At this time, it should be noted that there were four instances where two separate articles utilized the same data set; however, they were included based on their contribution to the research (see Appendix B for a comprehensive list of all the articles which details the context of their production).

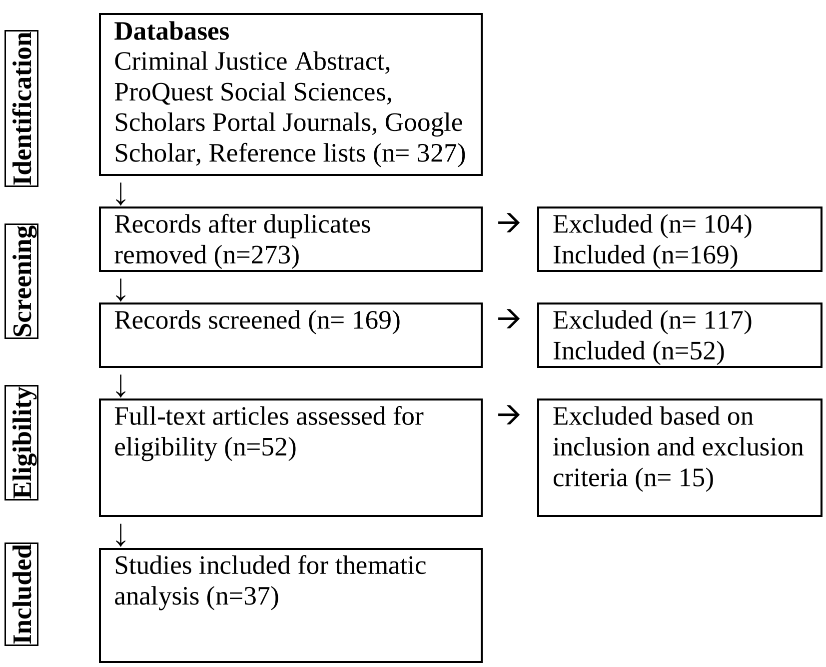

Figure 1: Search strategy and phases of review

4.4 Data Analysis Procedures

In order to determine my data analysis method, I first had to explore numerous methods that could be used for analysis of a corpus of literature, and then selected the method that was best suited to my research question. My project consists of a qualitative content analysis of texts regarding probation practice and its evolution through a logic of risk. Upon researching numerous methods, I determined that thematic analysis would suit my research objectives. Braun and Clarke (2006) state that a limitation to thematic analysis is that it cannot go beyond mere description if it is not used within an existing theoretical framework that anchors the analytic claims that are made. However, I plan to anchor my claims in the theoretical framework of governmentality that was revealed earlier. Thematic analysis is a flexible approach that can be used across a range of epistemologies and research questions (Braun & Clarke, 2006). Its flexibility is what made this methodology so appealing. Thematic analysis is a method for identifying, analysing, and reporting patterns (themes) within data (Braun & Clarke, 2006). Thematic analysis involves searching across a data set to find repeated patterns of meaning (Braun & Clarke, 2006). As previously stated, I will be adopting a constructionist epistemology; therefore, my thematic analysis will be conducted according to my epistemological framework. Thematic analysis is independent of theory and epistemology and is compatible with both essentialist and constructionist paradigms within psychology (Braun & Clarke, 2006). From a constructionist perspective, meaning and experience are socially produced and reproduced. Thematic analysis is exploratory and produces rich data (Braun & Clarke, 2066). Consequently, thematic analysis conducted within a constructionist framework seeks to theorise about the socio-cultural contexts, and structural conditions, that enable the individual accounts that are provided (Braun & Clarke, 2006). This is consistent with my theoretical framework of governmentality by considering that policies and practices must be understood within a broader social and political context. This analysis would allow me to understand how probation practice has come to be what it is today, while trying to understand the practices from a governmentality point of view.

When reviewing the methods literature, there were a number of different ways presented on how to conduct a thematic analysis. Many of the articles provide a step-by-step process of coding and categorizing the data into themes. For the purpose of my research, I found the six-stage process by Braun and Clarke (2006) as well as the ten-stage process by Burnard (1991) to be the most beneficial. The two processes do have areas of overlap, however, one process may explain a step in more detail than the other, which makes them very complimentary. Braun and Clarke (2006) provide the six phases of thematic analysis which include: a) familiarizing yourself with your data, b) generating codes, c) searching for themes, d) reviewing themes, e) defining and naming themes, and f) producing the report. The first phase consists of transcribing the data (if necessary), reading and re-reading the data, and noting down initial ideas. The second phase involves coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code. The third phase consists of collating codes into potential themes, and gathering all data relevant to each potential theme. The fourth phase involves checking that the themes work in relation to the coded extracts and the entire data set, and generating a thematic ‘map’ of the analysis. The fifth phase involves ongoing analysis to refine the specifics of each theme and the overall story the analysis tells. It also involves generating clear definitions and names for each theme. The sixth, and final, phase involves selection of extract examples, relating the analysis back to the research questions and literature, and producing a scholarly report of the analysis.

Burnard (1991) presents a ten-stage process, where stages two through four are similar to the six-stage process. Stage one consists of making notes after the interview (or first reading if using documents instead of interviews to obtain data) regarding topics that were talked about that attracted the researcher’s attention. Stage two consists of reading through the transcripts/texts, taking notes on general themes within the document. Stage three involves reading through the documents again and writing down as many themes as necessary to describe all aspects of the content. This stage is known as open coding – categories are freely generated. Stage four involves listing the categories surveyed and grouping them together under higher-order headings. The aim is to reduce the number of categories by collapsing some that are similar into broader categories. In stage five, a final list of headings are produced once all the categories have been worked through. Stage six and seven involve having two researchers generating category systems then checking the categories according to the agreed upon list. Stage eight involves working through the document and coding categories according to the list of category headings. This can involve highlighting segments of text different colours to represent different themes. In stage nine, the coded sections are cut out of the transcript then pasted onto sheets (stage ten). The categories are checked for appropriateness and context and then filed together. The researcher then goes through each category and states the findings. Findings can either be presented verbatim or they can provide links to the text.

4.4.1 Hybrid Approach

Additionally, a different approach to thematic analysis influenced my data analysis process; a hybrid approach to selection of coding themes. Fereday and Muir-Cochrane (2006) demonstrate rigor using thematic analysis by introducing a hybrid approach of inductive and deductive coding and theme development. The **hybrid approach** incorporates a data-driven inductive approach as well as a deductive approach of having pre-defined/a priori codes based on the theoretical position of the research.

The inductive coding process (an approach in which no categories or themes are mobilized prior to analysing the data) involves careful reading and re-reading of the data where patterns (themes) are recognized, these emerging themes become the categories for analysis (Fereday & Muir-Cochrane, 2006). The inductive process allows for themes to develop after data collection has occurred and after starting the analysis. Themes are developed by reading the data and recognizing (seeing) an important occurrence and encoding it. The information must be encoded in a way that will help to organize the data and develop themes for interpretation. According to Fereday and Muir-Cochrane (2006), a good code is one that captures the qualitative richness of the phenomenon. Once codes have been determined, they are developed into themes. A theme is defined as a pattern in the information that at a minimum describes and organizes the possible observations and at a minimum interprets aspects of the phenomenon (Fereday & Muir-Cochrane, 2006).

The deductive coding process uses a template approach. The template is in the form of codes from a codebook (a grid or framework which includes codes) to be applied as a means of organizing text for subsequent interpretation (Fereday & Muir-Cochrane, 2006). When using a template, a researcher defines the template (or codebook) before commencing an in-depth analysis of the data. This template is inspired by the researcher's theoretical framework, research questions, and literature review. Using a hybrid approach for my data analysis is important as it allows for codes to be developed that complement my research questions and theoretical framework. Moreover, I found using a codebook to be particularly interesting since the data analysis was conducted with preconceived notions of what I would be looking for. After having listed the pre-established codes (see Appendix C for initial research grid), I then looked for other themes in the data that did not fit in with my a priori codes on the first read of the data (see Appendix D for the coding manual for my project). Working from this perspective allowed me to look for/find codes and themes I would not have thought of previously.

For my data analysis process, I mobilized a hybrid approach, and used an eleven-stage process that reflected the important steps from each of the three processes. The steps included: a) developing a codebook with themes based on my literature review, b) reading through the documents and taking notes, c) code themes from codebook, d) re-reading documents and writing down emerging themes, e) listing and grouping categories, f) checking the “fit” of themes, g) producing a final list of themes, h) working through the documents and coding categories according to the list of category headings, i) coded sections are cut out and pasted onto sheets, j) the categories are checked for appropriateness and context and filed together, and k) conclusions were drawn from the data (see Appendix E for further description of the steps). In order to have an organized and structured approach to my data analysis, I used NVivo 12 (QSR International, 2018) which is research software that allows for data to be uploaded in PDF format and coded and organized electronically.

4.5 Limitations of Data Analysis Procedures

With any research methodology, there are inherent limitations that must be addressed. A major limitation inherent in conducting a thematic analysis of documents is that findings cannot be extended beyond that of the corpus of literature analyzed. Additionally, due to the nature of a master’s thesis, there were limitations to the data analysis procedure used. Since it was a master’s thesis, the data was coded and themes identified in the data by one person alone. Burnard (1991) illustrates that an option to check for validity in categorization is to have a colleague check for suitability of my categories and themes as scrutinizing my themes will improve inter-rater reliability. Although initial themes were discussed with a supervisor, I alone conducted the actual coding of the data. Discussing themes with a supervisor allows for consistency with the method but fails to provide multiple perspectives from a variety of people with differing expertise. When using this method for another study, the coding of data could involve several individuals with themes being developed in discussion with other researchers.

4.6 Validity of Qualitative Procedures

Establishing validity standards (a scientific tradition) in qualitative research has proven to be challenging and has undergone numerous transformations. According to Whittemore, Chase, and Mandle (2001), validity standards were initially conceptualized and directly applied from reliability and validity standards of quantitative or experimental research. In quantitative research, reliability referred to the stability of the findings, whereas validity represented the truthfulness of findings. To determine qualitative validity, the quantitative validity constructs were translated; internal validity became credibility, external validity became transferability. These translated standards of validity proved useful criteria for demonstrating rigor and legitimizing qualitative research. Another challenge to developing validity criteria in qualitative research is the proliferation and evolution of qualitative research approaches over time. Thus, many different criteria have been developed to ensure quality in qualitative research.

It is worth noting that using secondary data presents certain challenges to quality and validity. In the published articles, the researchers may have only included partial information and may not have included all of their data or findings. This means that my analysis is limited in terms of what information was provided by the initial researchers. Additionally, I must acknowledge that since I am using secondary data, the research is completely dependent on the rigour and sincerity of the authors included in my data set. In this regard, the assumption was made that all of the studies outlined in the articles were conducted in an ethical and conscientious fashion and that the data was portrayed accurately and completely, if not specifically stated in the articles. Nonetheless, I needed to ensure that I conducted my research according to meticulous guidelines. To ensure quality in my research, I present three main criteria that were utilized and are of great importance in assessing qualitative research: rich rigor, sincerity demonstrated through transparency and reflexivity, and, lastly, credibility.

Rich rigor leads to high-quality qualitative research as it is marked by abundance in regard to the variety of data sources, contexts, and samples (Tracy, 2010). Rigor provides face validity – whether a study appears to be reasonable and appropriate. Rigor demonstrates that researchers have exercised appropriate time, effort, care, and thoroughness in the research process. It is judged by the care and practice of data collection and analysis procedures. Rigorous data analysis is achieved by providing an explanation about the process by which the raw data was transformed and organized. Additionally, rigorous analysis consists of being open regarding the process of sorting, choosing, and organizing the data (Tracy, 2010). My research demonstrates rigor in several ways. First, rich rigor was achieved by using a variety of data sources – peer-reviewed journals as well as government publications. Second, I exercised appropriate time, effort, and care by reading each article/publication at least three times. And third, I provided a detailed description of the process by which the data was transformed and organized.

Sincerity is related to notions of authenticity and genuineness and means that the research is marked by honesty and transparency about the researcher's biases and goals and how they play a role in the methods (Tracy, 2010). I had to be aware of my own biases when conducting the research; from choosing the articles to include through to developing themes. To manage my bias, I made sure to double check my coding and tried to use impartial language when writing. Sincerity was also practiced through transparency. *Transparency* refers to being honest about the research process (Tracy, 2010). This can be achieved in a variety of ways, specifically, an audit trail can be used which provides clear documentations of all research decisions and activities. I was very transparent about the methods that were utilized and decisions made.

In qualitative research, it is very important to be reflexive as texts are given meaning by the researcher through interpretation. Therefore, researchers are encouraged to be reflexive about how they analyze other people's accounts of their lives (Mauthner & Doucet, 2003). *Reflexivity* is about being aware of how the choice of academic texts that guide the research may lead the researcher to particular ways of 'seeing' during the data analysis process (Mauthner & Doucet, 2003). Being reflexive at the data analysis stage also means examining the ontological and epistemological assumptions built into particular methods of data analysis; therefore, it is important for researchers to be more explicit about the particular epistemological and ontological concepts of subjects that are informing their research practices, analysis, and ultimately their research accounts (Mauthner & Doucet, 2003). This made me realize the connection between how my ontological and epistemological position frames my interpretation of the data which demonstrates the importance of reflexivity. Reflexivity is also important to list as a limitation of my study, as thematic analysis does not take in to consideration how a text can be read in many ways; it only takes my interpretation of the text into account.

Credibility refers to the trustworthiness and plausibility of the research findings (Tracy, 2010). Findings should express a reality that seems 'true', providing a credible account of the 'real', and should make readers feel they could act on and make decisions in line with (Tracy, 2010). Qualitative credibility can be achieved through practices of thick description, and triangulation or crystallization (Tracy, 2010). *Thick description* explicates culturally situated meanings and abundant concrete detail (Tracy, 2010). Researchers must provide enough detail and context so that readers may come to their own conclusion about the phenomenon (Tracy, 2010). *Triangulation* assumes that if there are two or more sources of data, theoretical frameworks, types of data collected, or researchers converge on the same conclusion, then the conclusion is more credible (Tracy, 2010). My findings demonstrate credibility as they show the reader enough detail about probation and allows them to come to their own conclusion, rather than being told. Additionally, through triangulation, by gathering a diversity of texts, different methods of data collection yielded similar findings.

Chapter Summary

I began the chapter by demonstrating how ontology, epistemology, and methodology are all interconnected. The paradigm adopted by researchers determines their ontological and epistemological positions, as well as the methodology they will use. Since I am positioning myself into a relativist ontology and adopting a critical constructivist epistemology, it was determined that I would be using a qualitative methodology. The purpose of my research is to acquire a deeper understanding of how risk management has impacted and transformed probation objectives and the roles of probation officers. I determined that peer-reviewed journals and government publications would be the best data collection method. To analyze my data, it was determined that a hybrid thematic analysis would be the best approach. For my data analysis process, I used an eleven-stage process which considers important steps from three different models. My analysis process involved a hybrid approach, which combined a deductive approach of creating codes prior to data analysis, then an inductive approach of reading the data searching for emerging patterns/codes. Limitations of the data analysis procedures were presented, such as only having one person determine themes. Lastly, threats to the validity of the procedures I used were discussed as it was important to acknowledge the use of secondary data and especially important for me to be reflexive since codes were created before analysis.

Chapter 5: Findings – Thematic Analysis of Probation

This chapter presents the themes that were uncovered when conducting a hybrid approach to thematic analysis of the probation literature in Canada from 1990 to present. A total of 37 publications were reviewed. As a result, four themes were investigated: (1) objectives of probation, (2) modalities of probation, (3) impact of risk logic on the role of probation officers, and (4) the impact of the logic of risk on decision making of probation officers. The first theme explores the current objectives of probation and how, specifically, rehabilitation and efficiency/effectiveness, two of the four objectives identified are said to be achieved. Second, the current landscape of the modality of probation is presented with a focus on new techniques of control and assessment. Once the objectives and modalities are presented, the impact of these objectives on the role of probation officers is explored and considers how the literature asserts it may affect their decision making. The third theme, the role of probation officers who are evaluating and supervising probations illustrates how the role has shifted from that of supervision to normalization and demonstrates the new skills that are required. Finally, the impact of risk logic on probation officer decision making is examined.

5.1 Objectives of Probation

This theme encapsulates what is expressed in the literature as the purpose/objectives of probation in Canada. This theme was created a priori as it was based on my research questions and theoretical concepts. Within this broad theme, four sub-categories emerged as different objectives of probation: alternative to custody, public protection, rehabilitation, and efficiency/effectiveness. The first three sub-categories were created deductively; however, the fourth was discovered inductively while conducting the analysis of the corpus of literature.

Additionally, as a part of inductive coding, specific attention was paid to how the objectives of rehabilitation and efficiency/effectiveness are considered to be achieved and will be discussed.

5.1.1 Alternative to custody

Alternative to custody is a theme that has emerged throughout probation literature. However, when reviewing the current data set, it did not appear to be as important an objective as it once was in the literature prior to 1990. Probation as an alternative to custody appeared explicitly as an objective only three times in the corpus of analysis. Probation (i.e., a community sentence) is viewed as a suitable alternative to imprisonment for many offenders (Bonta, Rugge, Scott, Bourgon, & Yessine, 2008, p. 249). Probation is believed to have positive effects and minimizes the criminogenic effects of imprisonment and facilitates community integration of offenders (Bourgon, Gutierrez, & Ashton, 2012, p. 4). Probation, as opposed to incarceration, "provides a safe and inexpensive way of delivering punishments that fit less serious crimes while avoiding the detrimental effects of incarceration" (Bonta et al., 2008, p. 249). Interestingly, these three specific mentions were from sources considered to be government publications with two occurring in the same article. This may suggest contradiction between what government authors and academic authors are presenting as current objectives. When mentioned in academic articles, alternative to custody as an objective of probation was mentioned indirectly. According to some authors, prison sentences are often pronounced more for their incapacitation effect rather than as an opportunity for intensive rehabilitation (Serin & Lloyd, 2009, p. 348). As a less expensive and seemingly more efficient method of offender sanctioning, there is an increased interest in the potential of community supervision to reduce reoffending and satisfy public safety goals (Bourgon & Gutierrez, 2012, p. 149). The development of effective alternatives to imprisonment entails the diversion of low risk offenders to the community and the release of medium risk offenders into the community under supervision and appropriate treatment (Bonta & Cormier, 1999, p. 241). Sustainable alternatives to imprisonment also require sound assessments of offender risk and, in many cases, the provision of effective treatment programs (Bonta & Cormier, 1999, p. 235-236). Thus, the implementation of the logic of risk has been accompanied by a decline of the objective of probation as an alternative to custody and has reframed it under the notions of efficiency and rehabilitation; this will be explored in-depth in the discussion chapter.

5.1.2 Public protection

In the interest of public safety "the ability to predict an offender's risk to reoffend is of foremost importance in correctional practice" (Jones, Brown & Zamble, 2010, p. 860). The objective of public protection is presented within the articles in conjunction with effective assessment of offender risk. According to some authors, failure to rely on the best predictive method to assess risk might jeopardize public safety, which is believed to be the paramount legal consideration in the correctional process (Zinger, 2004, p. 616). Public protection can be achieved through surveillance and ensuring the offender complies with the sentence handed down to them and that their behaviour is documented (Bourgon, Gutierrez & Ashton, 2012, p. 5). The primary concern is ensuring the offender fulfills the obligations of the sentence and the offender's compliance is monitored; this is accomplished by conducting surveillance of the offender (Bourgon, Gutierrez & Ashton, 2012, p. 5). First, the degree of risk an offender might pose to the community must be determined, then the level of control required to control this risk must be established (Vacheret & Cousineau, 2005, p. 381). This assessment of risk is the "basic building block on which organizations can provide effective interventions to change offender behaviour and more effectively protect communities" (Maurutto & Hannah-Moffat, 2006, p.

450). Correctional practices focus on a rational and formal mode of management, based on probabilistic calculations (Vacheret & Cousineau, 2005, p. 381). Offender risk assessment is thus considered to be an integral component of corrections, informing decisions and strategies that balance the goals of rehabilitation and public safety (Bourgon, Mugford, Hanson & Coligado, 2018, p. 186). Public protection, as presented in the data set, appears to be a secondary goal of the broader objective of efficiency. Many of the articles demonstrate that public protection can only be achieved if the tools used to assess risk are effective.

5.1.3 Rehabilitation

Canada is a country in which the pursuit of rehabilitation is formally part of sentencing and correctional policy (Andrews & Bonta, 2010, p. 39). In the 1990s, provincial probation services began widespread adoption of general risk/need scales which likely emerged as a result of an increase in research aimed at validating existing risk/need scales and a general shift toward rehabilitative corrections in Canada (Bourgon et al., 2018, p. 171). In 1995, the Level of *Supervision* Inventory was renamed to the Level of *Service* Inventory in an effort to remind practitioners of the new priority placed on treatment above that of supervision; it was thought of as a grid to inform the rehabilitative services provided to offenders (Bourgon et al., 2018, p. 172; Maurutto & Hannah-Moffat, 2006, p. 443). This change in wording, alone, demonstrates the recognition of the government of the increasing priority of rehabilitation as an objective.

In Ontario, the Ministry of Community Safety and Correctional Services (Ministry) supervises and provides rehabilitative programming and treatment to adult offenders serving sentences in the community, with an overall goal of helping offenders to not reoffend and reducing risk to the public (Office of the Auditor General of Ontario, 2014, p. 63). As part of the audit process, the Ministry was assessed to ensure that offenders receive appropriate rehabilitative support in accordance with their needs (Office of the Auditor General of Ontario, 2014, p. 66). The literature reports that emphasis on offender rehabilitation requires the identification of the offender's criminogenic needs and effort is made to connect the offender with appropriate services to meet these needs (Bourgon, Gutierrez & Ashton, 2012, p. 5). The inclusion of needs in risk assessment redirects intervention efforts and links risk management strategies to rehabilitative strategies informed by a particular psychological and normative theory of offending (Hannah-Moffat, 2005, p. 39).

Risk, Need and Responsivity Principles became the core of the theoretical frameworks used in correctional systems around the world that use science (i.e., actuarial reasoning/tools) as a basis for offender rehabilitation (Polaschek, 2012, p. 1). While initial versions of risk assessments were limited to sorting for the purpose of supervision, containment of security risks and identification of criminogenic needs, the repackaging and introduction of new tools ensure productive interventions that have an overall effect of minimizing risk (Maurutto & Hannah-Moffat, 2006), p. 446). This assemblage of risk and need enables a form of governing that revitalizes rehabilitation through the integration of clinical and risk-based technologies. Within this configuration, supervision remains important, but priority is placed on efficient forms of service delivery, targeted correctional treatment and risk/need minimization (Maurutto & Hannah-Moffat, 2006, p. 446). The Risk, Need, Responsivity (RNR) model assumes that correctional rehabilitation is usually resourced by, and accountable to government (Polaschek, 2012, p. 3).

The combination of risks and needs leads to a reassembling of risk technologies which allows for new possibilities of *governance* (Maurutto & Hannah-Moffat, 2006, p. 440). Risk associations are not meant to suggest that risk-based practices or technologies are any less regulatory; indeed, they open up new spaces of governance (Maurutto & Hannah-Moffat, 2006, p. 449). Currently, we are observing ‘mixed models of governance’ or a ‘hybrid formation’ where risk is melded with other policy orientations, such as rehabilitation and restorative justice (Hannah-Moffat, 2005, p. 30). Rehabilitation, when understood within the context of risk, takes on the form of targeted governance (Maurutto & Hannah-Moffat, 2006, p. 449). The emphasis on criminogenic need/dynamic risk offers a different way of knowing and governing prisoners and prisons than those models associated with either penal welfarism or static actuarial justice (Hannah-Moffat, 2005, p. 31). The goal is not simply to normalize subjects, nor is it merely about containing dangerousness; it is to transform risky subjects to make them less risky (Maurutto & Hannah-Moffat, 2006, p. 446). The merger of dynamic risk factors with criminogenic needs provides for the emergence of a ‘transformative risk subject’ who is amenable to change via targeted treatment strategies; therefore, it becomes possible to identify effective interventions which target aspects of an offender’s life that are identified as risky yet amenable to change (Maurutto & Hannah-Moffat, 2006, p. 443). According to the literature, rehabilitation occurs under the guise of governing through risk. Through this form of governance, offenders are placed in a variety of generic programs designed to target the need area, enhance their ability to self-govern, and prudently manage their risk of recidivism (Hannah-Moffat, 2005, p. 41).

Current analyses of punishment claim that risk and connected actuarial strategies are displacing welfare strategies, which tailor interventions according to an individual’s needs (Hannah-Moffat, 2005, p. 30). According to Hannah-Moffat (2005), correctional researchers are quite clear that the purpose of assessing criminogenic needs is to develop more ‘precise interventions strategies’ which leads to a new legitimization of treatment and a shift in how correctional treatment is delivered (p. 39). In essence, rehabilitation is said to be achieved through correctional interventions that are now targeted. "*Targeted treatment* [emphasis added] is achieved by matching the level and type of intervention to the risk and criminogenic needs of the offender" (Maurutto & Hannah-Moffat, 2006, p. 449). Hannah-Moffat (2005) stated that a fundamental goal of national correctional assessment classification is to identify needs that can be targeted for intervention to reduce risk of recidivism (p. 41). The needs principle pertains to the importance of targeting criminogenic needs and providing treatment to reduce recidivism. Through the use of risk/need tools, need is explicitly linked to 'rehabilitation'; criminogenic needs/dynamic risk factors are rehabilitative targets (Hannah-Moffat, 2005, p. 34). Risk is no longer simply associated with safety or security; new assemblages enable risk-based practices to adopt more productive connotations that operate to target treatment, inform case-management plans and, ultimately, minimize risk (Maurutto & Hannah-Moffat, 2006, p. 451). The literature has shown that an emphasis on risk/need has reshaped dominant strategies of offender management; the containment of risk now involves efficient, rational calculations of need (Hannah-Moffat, 2005, p. 34).

5.1.4 Efficiency/effectiveness

In the last few years, consultations with researchers, managers, and practitioners in Canada and the United States have focussed on how best to align risk assessment practices with the common goals of effective corrections (Bourgon et al., 2018, p. 189). According to some authors, offender assessment and rehabilitation form the basis for effective corrections (Bonta & Cormier, 1999, p. 235). Correctional organizations strive to be effective and efficient by incorporating empirical evidence of the 'what works' principles, of which the assessment of offender's risk and needs is fundamental (Bourgon et al., 2018, p. 187). The assessment of offender risk and need is said to be the “basic building block on which organizations can provide effective interventions to change offender behaviour and more effectively protect communities” (Maurutto & Hannah-Moffat, 2006, p. 450). Efficient and empirically sound assessments of offender risk (typically, the risk of recidivism) are positioned as the first step in effective management of institutions and offenders (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 395-396).

With the rise of risk logic in probation, the literature suggests that risk assessments (specifically those adhering to the principles of the RNR model) have become essential to the delivery of effective treatment programs. The effectiveness of treatment programs is explicitly defined as achieving reductions in recidivism (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 395). The objective of efficiency/effectiveness is alleged to be achieved and measured by a *reduction in recidivism rates*. The reoffend rate is commonly used to measure the performance of justice ministries’ programs, including community corrections (Office of the Auditor General of Ontario, 2014, p. 70). Actuarially based risk assessments prioritize and target programs ‘proven’ to yield aggregate reductions in recidivism (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 396). In the mid-1980s, newly revised risk/need scales were advanced that combined static (unchangeable) variables with dynamic indicators (changeable usually with treatment interventions) that are said to directly bear on recidivism (Maurutto & Hannah-Moffat, 2006, p. 442; Zinger, 2004, p. 609). As a result, the field of risk assessment is said to have evolved to focus on the management and reduction of risk, rather than solely on its prediction of recidivism; many risk assessment tools are now “infused with the concept of risk reduction” (Viljoen, Cochrane & Jonnson, 2018, p. 182). Unlike previous understandings of risk, risk/need assemblages reassert that offenders can change and that positive changes in behaviour could reduce the risk of recidivism (Maurutto & Hannah-Moffat, 2006, p. 442). The publications infer that effective assessment of an offender's level of risk (and need) is connected to effective treatment interventions. The logic behind risk/needs assessments is that recidivism is predictable and that risk/needs assessment and correctional treatment can reduce the likelihood of recidivism (Maurutto & Hannah-Moffat, 2006, p. 451).

Many publications tested the predictive validity of the risk assessment instruments being discussed within those particular articles. The predictive validity is the most important feature of any risk assessment instrument (Giguère & Lussier, 2016, p. 208). The *validity of risk assessment instruments* was mostly determined by their ability to predict offender recidivism. According to Andrews and Bonta (2010), actuarial risk instruments that include static and dynamic risk factors are preferable from a treatment perspective (p. 46). Many of the most commonly used risk assessment measures consider both static and dynamic factors in their assessment of risk (Day, Wilson, Bodwin & Monson, 2017, p. 1607). Using dynamic factors increases the predictive validity of risk assessment instruments; the ability to predict recidivism after initial assessment is due to the fact that dynamic factors (i.e., factors that change over time) can be captured (Day et al., 2017, p. 1608). According to Giguère and Lussier (2016), risk assessment methods are of limited value if the scores produced by the instrument do not predict future criminal behavior (p. 208). Therefore, validity of tools was presented as a measure of the probation objective of effectiveness.

In order to be effective, it is suggested services must be implemented with integrity and probation officers properly trained. Integrity refers to the degree to which all of the aspects of the rehabilitative services adhere to the RNR principles (e.g., content of the program, intervention techniques used, model and style of delivery method, and the various factors around implementing the service such as staff training and organizational support; Public Safety Canada, 2010, p. 1). According to Viljoen, Cochrane and Jonnson (2018), preliminary evidence suggests that it may be possible to enhance professionals' risk management practices by combining the use of risk assessment tools with approaches such as risk management training and structured risk management guidelines (p. 204). When there is stronger adherence to the RNR model, the rate of general recidivism was believed to be lower (Dyck, Campbell & Wershler, 2018, p. 265). Many of the publications considered adherence to RNR principles by probation officers to be a factor of probation effectiveness.

Training of probation officers is presented as being crucial to maintaining quality in risk assessment, offender management and rehabilitation plans and supervision. If quality is maintained in these areas, it might decrease the risk to the public of having offenders in the community (Office of the Auditor General of Ontario, 2014, p. 77). Quality field training with the application of the RNR model is believed to be essential and should include educational workshops about the model, why adherence to it matters for risk reduction and enhanced client outcomes, and intervention skill learning (Dyck, Campbell & Wershler, 2018, p. 265). Many community supervision agencies have embraced the training of probation officers in the application of specific skills commonly referred to as core correctional practices (Serin, Gobeil, Lloyd, Chadwick, Wardrop, & Hanby, 2016, p. 321). The Strategic Training Initiative in Community Supervision (STICS) model is an example of this type of training with effective results for reducing criminal risk in the clients supervised by probation officers trained in this manner relative to clients supervised by untrained probation officers (Dyck, Campbell & Wershler, 2018, p. 266). The STICS project was conducted in three provinces and had a total of 80 probation officers participate (Bourgon & Gutierrez, 2012, p. 152). Officers assigned to the control group were provided with a half-day presentation reviewing the RNR principles and their importance in offender change. Officers assigned to the experimental group participated in the three-day STICS training that focused on enhancing the intervention and structuring skills of the officers that were developed from the RNR model of effective correctional treatment (Bourgon & Gutierrez, 2012, p.152). The STICS project involved training probation officers in active listening skills, developing common goals with their clients, and providing non-judgemental feedback (Andrews, Bonta & Wormith, 2011, p. 745). STICS is a comprehensive model, with an implementation strategy, to transfer 'what works' knowledge into the real world of everyday community supervision (Bourgon, Bonta, Rugge, Scott & Yessine, 2010, p. 2). This evidence-based model provides enhanced skills training for officers when working with medium-to-high-risk offenders, and has shown positive results in reducing the risk of reoffending (Office of the Auditor General of Ontario, 2014, p. 79). Based on these results, the Ministry is expanding the STICS pilot program in partnership with Public Safety Canada (Office of the Auditor General of Ontario, 2014, p. 79).

5.2 Modalities of Probation

The second broad theme investigated was that of modalities of probation. This theme was predetermined prior to conducting analysis of the data. This theme seeks to expose how the publications present the mode in which probation functions in practice. First, policies and directives of probation were identified in the corpus for analysis. Second, how these practices came to be through new techniques for control and assessment were acknowledged.

5.2.1 Policies and directives

At the organizational level, the adoption of the new managerial logic of 'effective' correctional intervention and risk/need principles has affected policy by directing (a) how probation officers interact with courts and clients; (b) practices of case management; (c) resource allocation; and (d) program design, delivery, and availability (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 393). The dynamic risk logic, initiated in the 1980s, has restructured correctional practices in Canada and elsewhere (Hannah-Moffat, 2005, p. 44). The Level of Service Inventory (LSI) is one of the most widely used general risk and need assessment tool in criminal justice agencies across North America (Andrews, Bonta, Wormith, Guzzo, Brews, Rettinger & Rowe, 2011, p. 414). Virtually all correctional jurisdictions have risk-based policies that specify how sentences should be administered. The risk category to which an offender is assigned influences how a correctional system will intervene (e.g., custody placements, release decisions, treatment, and the amount and invasiveness of control via contacts and other reporting requirements; Bourgon et al., 2018, p.188). The Level of Service/Case Management Inventory (LS/CMI) is a poignant example of risk/need assessments that can operate to limit and streamline the range of institutional programmes and choices for offenders. Consequently, as indicated by Viljoen, Cochrane and Jonnson (2018), there is concern that the use of risk assessment tools might lead to an inappropriate withdrawal of resources from clients who are low risk, because these individuals may be falsely viewed as not needing treatment (p. 183). These tools are increasingly being used to structure and limit which treatment programmes to offer and to make decisions about institutional resource allocations (Maurutto & Hannah-Moffat, 2006, p. 451). This is a new form of penal governance which is consistent with neo-liberal models of governing and will be explored in the discussion. Policies regarding levels of supervision and services should be congruent with the principle of risk (i.e., higher-risk cases receive higher levels of service; Bourgon et al., 2010, p. 7). There are also policy directives and practices that may be in place for certain types of offenders (e.g., specific directives regarding the supervision of sexual offenders) or for offenders of certain levels of risk (e.g., high risk offenders must report to their probation officers in person at least three times per month; Bourgon, Gutierrez & Ashton, 2012, p. 11). The correctional toolbox now includes a range of actuarial risk/need instruments that practitioners are required to use by policy directives (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394).

In Canada, it is common to have policies that dictate what probation officer level is responsible for supervising clients of different levels of risk (Bourgon et al., 2010, p. 6). For example, British Columbia and Saskatchewan have policies where probation officers supervise higher-risk clients and assistant probation officers supervise lower-risk clients (Bourgon et al., 2010, p. 6). In Ontario, Ministry policy requires untrained probation officers to ensure that when they supervise higher-risk clients, they consult with trained staff members and document the results of the consultations (Office of the Auditor General of Ontario, 2016, p. 12). Additionally, there are policies that require the probation officer to ensure that the client was complying with the conditions of probation (Bourgon et al., 2010, p. 7). There are also a few provincial jurisdictions that require probation officers to include actuarial risk assessment results in pre-sentence reports (Zinger, 2004, p. 608). In Ontario, all probation officers must complete an LSI risk/need assessment when preparing a pre-sentencing report for the court to use at sentencing (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394). Moreover, Ministry policy requires a probation and parole officer to complete a risk and needs assessment within six weeks of a new offender's initial intake appointment using a Level of Service Inventory— Ontario Revision (LSI-OR) tool (Office of the Auditor General of Ontario, 2014, p. 73). The LSI-OR risk assessment is designated by the literature as the basis for the probation and parole officer to prepare an offender management plan that outlines supervision requirements and rehabilitation programming and services the offender requires during the sentence. The Ministry's policy requires the LSI-OR to be updated annually or when changes in the offender's circumstances occur that could change the level of risk posed by the offender (Office of the Auditor General of Ontario, 2014, p. 73). The publications indicate that risk assessment has become routine practice across Canadian correctional jurisdictions, and there is at least some consistency in the risk instruments used. However, a wide variety of tools have been adopted, in terms of both the broad instruments that are routinely used and the specific versions of instruments that are used within the same family of risk tools (e.g., Level of Service tools, Static tools; Bourgon et al., 2018, p. 181).

5.2.2 New techniques of control and assessment

Since the development of the 'new penology', risk assessments have been routinely conducted by the criminal justice system. Risk assessment instruments are now an integral part of criminal justice activities at different stages of the CJS and have become crucial to risk classification and the determination of individual risk status (Giguère & Lussier, 2016, p. 207). *Risk assessments* have become the new techniques of control under the broad category of risk management strategies; risk as a technique of control demonstrates governance in accordance with the theoretical framework presented. Over the past two decades, according to many of the publications, the purpose of offender risk assessment has expanded from prediction of recidivism to assistance in the overall treatment and management of the offender (Bonta & Cormier, 1999, p. 238; Day et al., 2017, p. 1607; Maurutto & Hannah-Moffat, 2006, p. 440). This shift acknowledges the utility of identifying dynamic (i.e., changeable) risk factors for both prediction and treatment purposes, rather than focusing solely on measuring static (i.e., unchangeable) risk factors for prediction alone (Day et al., 2017, p. 1607). Significant to correctional practices has been the implementation and proliferation of third and now fourth-generation risk assessment instruments. Third-generation risk assessment instruments, also referred as risk/needs assessment, were designed to address some of the second generation instruments' shortcomings by adding dynamic risk factors of criminal recidivism that can also be targeted for intervention/treatment purposes in order to decrease the risk of criminal recidivism (Giguère & Lussier, 2016, p. 207). With the emergence of risk technologies, practitioners are operating in a different context from the early 1980s (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394).

According to Hannah-Moffat, Maurutto, and Turnbull (2009), nine of Canada's thirteen provinces/territories have adopted risk assessments for the preparation of pre-sentence reports (PSRs) since 2009, and nearly every provincial and federal penal institution uses some form of risk/needs assessment to manage youth and adult offender populations (p. 392). Many use a version of the Level of Service Inventory (LSI) or similar tools that include a standardized set of criminogenic risk/need factors to aid in determining security classifications, programming needs, and parole or probation supervision (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 392). Many actuarial tools developed in-house by the CSC on risk/need assessment are, for the most part, simply expanded versions of the LSI-R, which is based on an empirical application of personality and social psychology of human behaviour (Zinger, 2004, p. 611). Each formulation of the tool enables it to take on new significance, to be deployed for more assorted purposes, and be used to assess more diverse populations. These repackaged risk-assessment tools are currently used to target treatment, to minimize risk and to direct case management plans; they are used to structure accredited treatment programmes and to make decisions about institutional resource allocation (Maurutto & Hannah-Moffat, 2006, p. 440). A specific extension of the LSI-R was the LS/CMI which is designed to assist professionals in justice, forensic, correctional and crime prevention agencies with the management, supervision, and case planning of offenders over the age of 16 years (Dyck, Campbell & Wershler, 2018, p. 259). The LS/CMI includes gender and culturally related information and has demonstrated moderate to high predictive validity for general recidivism with male and female offenders in both incarcerated and community-based settings (Dyck, Campbell & Wershler, 2018, p. 259). An extension of this, the LS\CMI2 presents characteristics associated with the fourth generation of assessment methods for corrections (Giguère & Lussier, 2016, p. 209). This generation of instruments are those that include a risks/needs component while taking into consideration the individual's receptivity for treatment and intervention (Giguère & Lussier, 2016, p. 209).

The "*risk–need–responsivity model* [emphasis added] (RNR; Bonta & Andrews, 2017) has become a leading approach for effective offender case management" (Dyck, Campbell & Wershler, 2018, p. 258). Risk/needs assessments derived from the RNR model appeal to correctional administrators in part because of their focus on "objective, empirically based variables" (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 399). The RNR model's emphasis on efficient, targeted, effective, evidence-based strategies has underpinned Canadian and international restructuring of correctional services and has produced the 'new wave' of actuarial assessment practices which link offenders' risk/need levels to intervention and supervision (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 395). The RNR model has been very influential in guiding treatment interventions with offenders (Bonta, Bourgon, Rugge, Scott, Yessine, Gutierrez & Li, 2011, p. 1128). Of the fifteen principles currently represented in the model, three of them have been at the core since 1990; the risk principle, the need principle, and the responsivity principle (Bonta et al., 2011, p. 1128). These three principles are described in every publication that mentions the RNR model. The risk principle states that the level of service should be matched to the offender's level of risk (i.e., provide intensive services to higher risk clients and minimal services to lower risk clients), the need principle targets criminogenic needs or the dynamic risk factors functionally related to criminal behavior (i.e., pro-criminal attitudes and substance abuse), and the responsivity principle matches the style and mode of intervention to the abilities, motivation, and learning style of the offender (cognitive-behavioral interventions are generally the most effective with offenders; Dyck, Campbell & Wershler, 2018, p. 258; Bonta, et al., 2011, p. 1128). There is substantial empirical evidence regarding the importance of utilizing cognitive behavioural interventions with offenders, such interventions include techniques such as 'reframing' and 'positive self-talk' (Bourgon, Gutierrez & Ashton, 2012, p. 7). These cognitive behavioural interventions teach offenders that it is their responsibility to manage the resulting events of things that would 'trigger' them (Bourgon, Gutierrez & Ashton, 2012, p. 8). According to this model, once offenders understand the direct causal link between their thoughts and their behaviour (that the only reason for behaviour is the thoughts), then offenders are in a position to begin to evaluate the costs and benefits of their behaviour and of their thinking (Bourgon, Gutierrez & Ashton, 2012, p. 8). This thinking (or self-regulation) is in line with the theoretical framework presented earlier in this project.

5.3 Impact on the role of Probation Officers

The third broad theme encapsulates the impact of risk logic on the role of probation officers as expressed in the literature. This theme was created a priori as it was based on my research questions and theoretical concepts; however, two of the three sub-categories that emerged were based on inductive coding of the corpus of literature. The first sub-category, the shift from supervision to normalization, was created deductively based on the literature identifying a 'change agent'; an officer who facilitates change and transformation of probationers. The two sub-categories of the impact on probation officers that emerged inductively were: the requirement of new skills, and the establishment of positive relationships.

5.3.1 From supervision to normalization

Many publications acknowledge that with the introduction of risk and needs assessments into routine practice, probation officers are now required to administer and score these instruments assessments and share the results with a variety of criminal justice partners (e.g., courts; Bourgon, Gutierrez & Ashton, 2012, p. 5). Not only must probation officers communicate this risk/needs information to other criminal justice professionals, they are asked to utilize this information for classification purposes and to interpret the information to develop case management plans. This new role/responsibility will be elaborated on in the subsequent discussion chapter. Furthermore, officers are asked to make efforts to maximize offender compliance, plan and manage the client's rehabilitative services, and are often expected to facilitate positive prosocial changes in the clients that they work with (Bourgon, Gutierrez & Ashton, 2012, p. 3). Community supervision presents an opportunity for probation officers to use empirical knowledge about 'what works' to facilitate prosocial change in their clients and thereby reduce re-offending (Bourgon et al., 2010, p. 3). At a minimum, the officer should employ cognitive-behavioral skills and intervention strategies that facilitate offender change (Bourgon & Gutierrez, 2012, p. 151). Probation officers are denoted in the literature as being able to affect change in the offenders under their supervision. In accordance with the 'new targeted intervention' project there is the creation of not only a particular type of disciplined normative subject but also the construction of a prudent risks/needs manager, who is responsible and able to identify risky settings, access resources, and avert situations that may result in criminal behaviour (Hannah-Moffat, 2005, p. 41).

Understanding of the process of intervention and how to target criminogenic needs in supervision meetings is a new function for probation officers. Transitioning from solely a supervisory role into one that balances supervision and intervention, as advocated by the RNR model, is one that takes time for employees to achieve (Dyck, Campbell & Wershler, 2018, p. 265). Evidence has been provided regarding challenges probation officers may experience when asked to alter their roles from a focus on supervision to a therapeutic/intervention focus (Dyck, Campbell & Wershler, 2018, p. 266). In part, we need to keep in mind that probation officers are involved in other activities (e.g., making referrals, meeting with collaterals) and not all of their time is spent in direct contact with their clients. Another reason may be that probation officers are engaged in other activities related to supervision of the client such as meeting with family members and dealing with welfare agencies that place limits on the time they can spend directly with the probationer (Bonta et al., 2008, p. 266).

Although probation officers have a duty to enforce the conditions of the court and to deal with crisis that may be non-criminogenic in nature, their time needs to be balanced with addressing the factors that are more directly related to criminal behavior. It is challenging to find an appropriate balance in the dual enforcement–helping relationship that many probation and parole officers have with their clients (Bonta et al., 2011, p. 1144). Many publications alluded to challenges probation officers may face in this new role. One such challenge is a preoccupation with the conditions of probation, or the enforcement role of the probation officer, which interferes with the establishment of a therapeutic relationship between the helping professional and the client, thereby creating an obstacle to more directive intervention (Bonta et al., 2011, p. 1146). Implementation of this role had to recognize the significant demand that was placed on probation officers who must make the transition from a surveillance/enforcer role to a teaching/therapist role (Bourgon et al., 2010, p. 13). This new role of 'change agent' asks the officer to play a more substantive and direct role in facilitating client change in a 'therapeutic' manner (Bourgon, Gutierrez & Ashton, 2012, p. 3). Officers are taught to take on a 'change agent' role where the dominant task is to actively engage in the therapeutic change process with the client (Bourgon, Gutierrez & Ashton, 2012, p. 6).

5.3.2 Learning new skills

In today's world of community corrections, professionals whose job it is to supervise offenders are being asked to assume different responsibilities. Officers are beginning to take on a more direct and active role in the therapeutic change process; this new role challenges existing skills, abilities, knowledge and resources (Bourgon, Gutierrez & Ashton, 2012, p. 15).The RNR model stresses the importance of facilitating change in criminogenic need factors to effect re-offending, these results suggest that more may be required to equip probation officers with the skills and techniques required to actively do this type of work (Bourgon & Gutierrez, 2012, p. 151). This is a new demand on officers, challenging them to work with clients in a therapeutic manner and to employ skills and techniques that are firmly rooted in RNR principles so that they can directly facilitate personal, attitudinal, and behavioural change (Bourgon, Gutierrez & Ashton, 2012, p. 7). The normalization process through therapeutic intervention, or 'change-work', is consistently presented as the responsibility of the professionals providing the treatment and/or social services and the case manager is not directly responsible for facilitating change. In fact, research suggests that probation officers generally do not take on an active or direct role in 'change-work' with clients unless they are specifically trained to do so (Bourgon, Gutierrez & Ashton, 2012, p. 6).

A quick review of the training officers undergo demonstrates the majority of training focuses on other aspects of the job rather than on practical knowledge and development of intervention techniques and skills (Bourgon & Gutierrez, 2012, p. 162). The training typically delivered to probation and parole officers is largely on law, the policies and regulations of the jurisdictions, issues of safety, administering risk assessment instruments, and writing pre-sentence reports; there is a notable lack of training on how to relate to a client on a one-on-one basis (Bonta et al., 2011, p. 1129). To improve upon this, the experimental STICS training program, as detailed above, was mentioned in many of the articles that were analyzed. One of the primary training elements was to enhance the cognitive intervention techniques of probation officers so they may more effectively target pro-criminal attitudes and cognitions (Bonta, Bourgon, Rugge, Scott, Yessine, Gutierrez & Li, 2010, p. 9). The literature indicated that the benefit of STICS training is that it emphasizes the RNR principles and how to implement them into practice; highlights the importance of targeting attitudes, building rapport, using prosocial modeling, reinforcement and cognitive-behavioural techniques to influence change; and outlines the benefits of using a strategic supervision structure in each individual session as well as over the entire supervision period (Bonta et al., 2010, p. 2). In the STICS training, staff were encouraged to pay more attention to the probationer's criminogenic needs (i.e., antisocial personality, antisocial peers, family/marital, employment/education, substance abuse, leisure/recreation and an emphasis on pro-criminal attitudes; Bonta et al., 2010, p. 4). Probation officers who received STICS training were trained in various intervention techniques ranging from rapport building to cognitive restructuring (responsivity principle; Bonta et al., 2010, p. 3). STICS ensures that officers learn these relationship-building skills and use them in supervision (Bourgon et al., 2010, p. 6). However, field training with ongoing mentorship and fidelity checks is said to be essential for ensuring appropriate implementation of the RNR model (Dyck, Campbell & Wershler, 2018, p. 266).

Officers who were STICS trained showed significant improvement in talking about attitudes and using cognitive intervention techniques (Bourgon & Gutierrez, 2012, p. 149). Without specific and formal training, probation officers rarely discuss (i.e., target) pro-criminal attitudes and cognitions and do not engage in cognitive intervention techniques, basic practices which adhere to the need principle and responsivity principle (Bourgon & Gutierrez, 2012, p. 162; Public Safety Canada, 2012, p. 2). With training, probation officers can in fact enhance the frequency with which they use cognitive intervention techniques to target pro-criminal attitudes and cognitions (Bourgon & Gutierrez, 2012, p. 162). Therefore, training that teaches and emphasizes the importance of the general Responsivity principle should be implemented with front-line workers/practitioners (Public Safety Canada, 2012, p. 2). Furthermore, consistent with STICS literature, it ensures that officers learn relationship-building skills and use them in supervision and that STICS supervision fosters good working alliances between the officer and the client (Bourgon et al., 2010, p. 6).

5.3.3 Establishing positive relationships

A good working alliance between therapist or correctional worker and offender is also a founding assumption of the RNR model (Polaschek, 2012, p. 11). Establishing a positive relationship between the helping professional and the client appears central to many theories of therapeutic change. Consequently, a preoccupation with the conditions of probation, or the enforcement role of the probation officer, presents obstacles to the establishment of a positive relationship and may interfere with the offender's rehabilitation (Bonta et al., 2010, p. 15). Many of the authors expressed widespread acceptance of cognitive behaviourism as the preferred method of treating offenders (Bonta & Cormier, 1999, p. 239). It is mentioned as one of the most direct ways of influencing the behavior of individuals by rewarding desirable behavior and punishing or ignoring undesirable behavior. However, according to Bonta et al. (2008), the impact of interpersonal rewards and punishment is moderated by the relationship between the person who is trying to effect change and the individual whose behavior is a target for change (p. 261). Within the case management context, it is important for the probation officer to establish a positive, warm and respectful relationship with the client in order for the probationer to be willing to listen to what the probation officer has to say and to follow his or her advice (Bonta et al., 2008, p. 262).

Building a therapeutic alliance is a step in establishing the power of therapist's use of core structuring practices (Andrews, Bonta & Wormith, p. 746). Many of the publications address the benefits of establishing positive relationships with the offenders. According to Andrews and Bonta (2010), staff should be selected partly on their ability and potential to build high quality relationships with a difficult clientele and then be given training that further enhances these skills (p. 50). The importance of establishing a good relationship with the client has been demonstrated with correctional clientele (Bourgon et al., 2010, p. 6). The STICS supervision model requires officers to provide the client with information to learn (e.g., key concepts and skills) in an understandable manner within the context of the officer-client relationship (Bourgon et al., 2010, p. 6). However, an officer cannot just depend upon the presumed benefits of a warm relationship with the offender; they must demonstrate alternative behaviour through words and action. The literature indicates that explorations of the alternatives are encouraged through modeling, reinforcement, and concrete guidance (Andrews, Bonta & Hoge, 1990, p. 37).

As part of this relationship, many publications report that probation officers are required to *model prosocial behaviour*. In community supervision, it is critical to facilitate and maintain behavior change in the officers themselves (Bourgon et al., 2010, p. 12). A meta-analysis of the effective interpersonal skills of correctional agents found that establishing rapport, modeling prosocial behaviour, differentially reinforcing prosocial behaviour, and self-management skills are important (Bonta et al., 2010, p. 2). Prosocial reinforcement by the probation officers was the most frequently used method of influencing change in their clients; when an offender reported engaging in a prosocial activity (e.g., spent the day searching for work), the officer recognized this as desirable and expressed approval (Bonta et al., 2008, p. 263). Behavioral interventions are one of the major characteristics of effective treatment with offenders presented in the literature. These interventions include the modeling of desired behavior, opportunities to practice the behavior, providing appropriate feedback (i.e., the systematic reinforcement of prosocial behaviors and discouragement of antisocial behaviors), teaching relapse prevention and the assignment of behavioral homework (Bonta et al., 2008, p. 263). Underlying STICS is the assumption that the behavior of probation officers during supervision sessions influences the behavior of the clients (Bourgon et al., 2010, p. 11). The publications concur that efforts are needed to more closely examine the behaviours of probation officers (i.e., change agents) during their service delivery. For example, agencies may audiotape or sit in on interviews to observe adherence to RNR (Public Safety Canada, 2010, p. 2).

5.4 Impact on decision making of Probation Officers

The fourth broad theme encapsulates how the publications present the impact of the logic of risk on probation officer decision making. This theme was created based on my research questions and theoretical concepts. Of the four sub-categories that resulted from this broad theme, three were inductively coded, and the fourth, discretion, was created a priori. According to the publications, decision making has been impacted by risk thinking in the following four sub-categories: risk assessments can be used as a guide for decisions, risk assessments allow for a dilution of responsibility, risk assessments allow for increased defensibility of decisions, and risk logic changes the role of discretion.

5.4.1 Risk assessments as a guide

Actuarial risk prediction instruments have been modified for use earlier in the criminal justice process in order to streamline decision making and ensure the pro-active management of offenders (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 392). Jurisdictions across Canada are increasingly using risk assessments to inform a variety of decisions (Hannah-Moffat, Maurutto & Turnbull, 2009, p.392). The goal of this model (using probabilistic calculations) is to better guide correctional decision making (Vacheret & Cousineau, 2005, p. 381). According to Hannah-Moffat, Maurutto and Turnbull (2009), the RNR model's emphasis on efficient, targeted, effective, evidence-based strategies has underpinned Canadian and international restructuring of correctional services and has produced the 'new wave' of actuarial assessment practices (p. 395). They contend that this creates an illusion of objectivity when, in fact, "the categorical scientific definitions of risk/need [are] represented on forms by itemized checklists" (Hannah-Moffat, 2005, p. 37) which leads to a standardization of practices through actuarial grids. Contemporary risk/need assessments can be seen as a mechanism of "black boxing – that is to say they render invisible and hence uncontestable, the complex array of judgements and decisions that go into a scale and a number" (Hannah-Moffat, 2005, p. 36). The thought is that probabilistic calculations are objective and thus produce a standard response to each question. It was reported that practitioners felt that risk tools ensure that probation officers assess potential areas of concern consistently, thereby increasing uniformity across regions and among officers (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 397).

Additionally, it is thought that the use of risk assessment instruments to inform decision making increases the agreement in case management plans across probation officers (Dyck, Campbell & Wershler, 2018, p. 259). Contemporary risk tools are advancing into a framework that integrates the risk appraisal process with case management planning and progress assessments until discharge; the LS/CMI is one instrument that aligns with this integrative case management process (Dyck, Campbell & Wershler, 2018, p. 259). The original LSI was advanced as a 'guide' for determining appropriate 'levels of supervision' and 'actual amount of supervision' (Maurutto & Hannah-Moffat, 2006, p. 442). Offender management decisions and restrictions accompanying such arrangements are often informed by evidence drawn from risk instruments (Shepherd & Anthony, 2018, p. 212).

Some professionals reported that they relied on tools to guide their risk management decisions (e.g., decisions about services or placements); however, others reported that they did not use tools, even when employers mandated their use (Viljoen, Cochrane & Jonnson, 2018, p. 203). Some tool users were classified as bureaucratic compliers, meaning that although they completed risk/needs assessment tools for assessment purposes, they were less likely to apply these tools to guide their decision making (Viljoen, Cochrane & Jonnson, 2018, p. 189). This research indicates that although tools guide decisions in some contexts, "slippage" often occurs between assessments and risk management (Viljoen, Cochrane & Jonnson, 2018, p. 191).

5.4.2 Dilution of responsibility

The publications provide evidence there is an actuarial illusion that is created when utilizing risk instruments in which the risk scores mitigate, to some degree, practitioners' responsibility for their judgements of risk and its consequences. Practitioners who claim that the risk tool allows for a more defensible decision echo this sentiment (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 398). In some cases, decisions are made as a team; in doing so, all the decisions concerning the offender are made on recommendations from a number of different people. Thus, each decision-maker can dilute his/her responsibility within the whole of the group decision; the decision is no longer a personal decision and creates a lesser sense of responsibility (Vacheret & Cousineau, 2005, p. 393). The real consequences of this decision making process seem to be the removal of the responsibility (but not the power) of decision makers (Vacheret & Cousineau, 2005, p. 394). As previously stated, contemporary risk/need assessments, which emphasize dynamic factors, camouflage the complex array of judgements and decisions that go into a scale and a number, hence making them uncontestable (Hannah-Moffat, 2005, p. 37). The publications indicated that allowances for professional discretion made these tools more appealing to practitioners because they accommodate for individual differences while simultaneously using statistically relevant, standardized risk/need measures (Hannah-Moffat, 2005, p. 37). This implies there is a dilution of responsibility within the tool itself and will be further discussed in the subsequent chapter.

5.4.3 Increased defensibility

Interviews with practitioners consistently revealed that they believed that the advent of risk-assessment tools has resulted in more defensible and accountable practices of assessment (Maurutto & Hannah-Moffat, 2006, p. 445). Practitioners maintain that decisions made using structured risk-assessment tools were more defensible than gut feelings, which were seen as the basis of discretionary judgements (Maurutto & Hannah-Moffat, 2006, p. 445). The technical computation lends an authority to the risk score that is difficult to contest and appeals to practitioners (Maurutto & Hannah-Moffat, 2006, p. 445). Although risk tools appeal to practitioners because their supposed 'objectivity' makes them more defensible to the public, the adoption and use of these tools in the context of professional decision making is much more complex and contradictory than much of the theoretical literature has assumed (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 393). It has been suggested by many publications that risk assessment may be used, not so much in order to make accurate predictions, but to ensure that the decision made was defensible if something should go wrong (Maurutto & Hannah-Moffat, 2006, p. 446). With risk logic and management, there is "an intensification of strategies to avoid blame when things go wrong" (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 398).

The literature demonstrates the reframing of offender assessment and intervention under the RNR model has altered discretionary decisions by redefining how practitioners produce, interpret, and apply risk knowledge in the hierarchal management of offenders and by limiting intervention options to programs that target predetermined risk areas (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394). To make credible and defensible decisions surrounding these issues, well-validated and structured risk tools are needed (Bourgon et al., 2018, p. 186). Although some practitioners felt that the tools were common sense, their existence and use make many feel less vulnerable to criticism when they are making difficult decisions in high-profile cases or when the offender is 'difficult to read' (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 398). Data suggests that one of the appeals of risk assessments is that they ensure that a decision is defensible while mitigating a portion of the responsibility assumed by the decision maker (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 398).

5.4.4 Role of discretion

Andrews and Bonta include professional discretion as a fourth principle of risk assessment that is essential to the operationalization of RNR (Hannah-Moffat, Maurutto &

Turnbull, 2009, p. 399). The principles of risk, need, responsivity, and professional discretion illustrate this new risk-informed managerial logic of penal governance (Hannah-Moffat, 2005, p. 33). These four principles of classification have been adopted by the CSC (Hannah-Moffat, 2005, p. 33). The principle of professional discretion (or override principle) recognizes that "empirically based decision making is, by definition, founded on existing evidence and that special conditions having to do with settings, offenders, workers, and managers may render that extant data base less relevant than it is under routine conditions" (Andrews, Bonta & Hoge, 1990, p. 23). This principle strategically reasserts the importance of retaining professional judgement, provided that it is not used 'irresponsibly' and is systematically monitored (Hannah-Moffat, 2005, p. 34). Thus, professional discretion continues to have a place in risk paradigms. Actuarially derived risk thinking shapes professional discretion, and the exercise of professionals' discretion reciprocally shapes the interpretation of risk (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 399).

The literature claims that risk technologies are often characterized as having supplanted much of practitioners' discretionary decision making with structured, quantitatively derived decision making templates. Some scholars maintain that the transition to risk-based penality has led to the "'deskilling,' 'scientification,' and 'erosion of professional discretion,' or even to the elimination of discretion, among criminal justice practitioners" (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 391). Wherein risk technologies are increasingly restructuring professional discretion along the managerial axis of accountability, effectiveness, and efficiency (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 393). It has been demonstrated that practitioners actively resist and embrace risk technologies and temper the impact these tools have on their discretionary decision making, with the result that the introduction of risk tools shapes but does not eliminate discretion (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 392). Introducing actuarially based risk/need assessment and connecting risk/need discourses to notions of ‘effective correctional treatment’ and ‘just punishment’ have altered the decision making field (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394). This reframing of correctional intervention and supervision affects professional discretion by requiring that practitioners direct scarce resources to the highest-risk/need offenders and that interventions narrowly target criminogenic risks. The RNR model makes it harder for practitioners to shape the treatment plan to the needs of the individual as they see fit (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 396). Although practitioners continue to exercise discretion under risk regimes, the field in which they do so has shifted, resulting in changes to discretionary practices. The requirement that officers use this risk/need instrument clearly transforms how they collect, assess, and interpret data about an offender; it changes, but does not eliminate, how probation officers exercise their discretion (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394).

The publications assert that while considerably more structured than clinical judgement, these risk/need assessment tools are not a substitute for professional discretion. The exercise of professional judgement is incorporated into risk/need assessment through the use of subjective rating scales (high, medium, or low), interpretative categories and overrides (Hannah-Moffat, 2005, p. 36). These assessment tools include open, unstructured text space for the assessor to document ‘special circumstances’ and reasons for ‘professional discretion overrides’. Here, the importance of professional judgement is acknowledged and, supposedly, ‘permission’ is given to override the final assessment (Maurutto & Hannah-Moffat, 2006, p. 443). Professional judgement is presented in the literature as a key component of risk assessment. While scales are useful in structuring decision making and ensuring that practitioners are looking at all relevant risk and need factors, managerial decisions about particular offenders are still heavily influenced by personal judgement, particularly in terms of how practitioners define and rate intangible needs. Interviews with practitioners show considerable variability in how assessment criteria are interpreted (Hannah-Moffat, 2005, p. 46). Risk and need scores of offenders contribute to the discretionary levels of supervision assigned, the level of rehabilitative services provided, and the targets established for change in programming. These decisions have a significant impact on the level of restrictiveness experienced by offenders, the availability of treatment services, the costs of offender processing, and the effectiveness of crime prevention activities (Andrews et al., 2011, p. 414).

Chapter Summary

This chapter sought to present the four main themes of the analysis, which are how the publications present: (1) the objectives of probation, (2) the modalities of probation, (3) the impact of risk logic on the role of probation officers, and (4) the impact of risk logic on probation officer decision making that was uncovered while analyzing the corpus of literature. When examining the objectives of probation, although there were four sub-categories, there were two main objectives that appear to gain a foothold within the literature: rehabilitation and efficiency/effectiveness. Rehabilitation was achieved through governance and targeted treatment programs, while efficiency/effectiveness was achieved and evaluated by the validity of the risk tools used, a reduction in recidivism rates, and by providing training to probation officers. These objectives will be further investigated in the next chapter to discuss how they are in line with the theoretical framework presented. While the objectives of probation were investigated, it was also important to illustrate the modalities of probation by presenting the policies and directives currently in place and by demonstrating the use of risk assessments and the RNR model as new techniques of control and assessment. The impact of the logic of risk and the rise in risk assessments was presented as it relates to the role of probation officers. According to the literature, the logic of risk has shifted the role of probation officers from supervision to normalization through therapeutic intervention which requires them to learn new skills and obtain specialized training. The shift to a therapeutic role also entails probation officers establishing positive relationships with offenders and, specifically, having to model prosocial behaviour. Finally, the impact of risk logic on probation officer decision making as presented in the literature is examined and explores how risk assessments can be used as a guide, how they allow for a dilution of responsibility and increased decision defensibility, and the role of discretion is discussed. The topic of responsibility will be discussed in the next chapter to illustrate how it relates to the theoretical framework.

Chapter 6: Discussion of Analytic Themes

The themes presented in the previous chapter sought to depict the transformation of probation as presented in the literature by examining the objectives of probation, the modalities of probation, the impact of risk logic on the role of probation officers, and the impact of risk logic on probation officer decision making. These themes provide a grid to better understand probation discourses and practices in the current risk landscape. In this chapter, I will be critically analyzing some of themes presented and relate them to the theoretical framework of governmentality and risk logic. First, I will be discussing the objectives of probation as they relate to effective penal governance with a specific focus on rehabilitation and the transformative risk subject. Second, I will show how risk is used as a strategy of efficient governance through the use of risk communication and resource allocation. Third, the role of responsibility and discretion is examined with regard to accountable, effective, and efficient decision making from a governmentality perspective. Finally, knowledge production and the notion of power/knowledge as presented by Foucault will be considered, specifically, in relation to implications for probationers.

6.1 Effective penal governance and rehabilitation

Based on the findings, probation as an alternative to custody seems to have lost its importance within the literature over the last few decades. However, when looking at this finding through a governmentality lens, it can be shown that this objective has simply been reframed as part of the neo-liberal objectives of efficiency and cost-effectiveness. Being specifically mentioned as an alternative to custody has been replaced by being mentioned as part of a cost-effective management plan of corrections. Within this configuration, “priority is placed on efficient forms of service delivery, targeted correctional treatment and risk/need minimization”

(Maurutto & Hannah-Moffat, 2006, p. 446). As discussed earlier, neo-liberal thinking leads to the adoption of an economic rationale. Neo-liberal rationality stresses the importance of objectives such as cost-control, harm reduction, economy, efficiency and effectiveness (Garland, 1997, p. 185). When probation is discussed within the literature, it is mentioned as a cost-efficient and effective method to deal with the problem of crime. The shift to neo-liberal thinking has simply reframed how probation as an alternative to incarceration is being presented and presents it in terms of cost-effectiveness. The focus is on displacing the costs of crime and minimizing risk.

Additionally, multiple models of penal governance coexist simultaneously (Maurutto & Hannah-Moffat, 2006, p. 446). Part of the appeal of probation and community service is that they avoid the 'objectifying' tendencies of imprisonment and organize a form of penal control in which the offender is enlisted in the process of his or her own control (Garland, 1997, p. 192). The goal is to minimize risk and to teach offenders how to be risk-averse; to reduce and not simply contain risk (Maurutto & Hannah-Moffat, 2006, p. 449). Risk minimization, in this context, is accomplished through merging actuarial risk/need categories with a clinical diagnosis (Maurutto & Hannah-Moffat, 2006, p. 449). Risk logics were initially conceptualized as a way to restructure post-sentence offender management and efficiently deliver correctional treatment (Hannah-Moffat, Maurutto, Turnbull, 2009, p. 392). The logic of risk has combined with other logics, and "calculative actuarial technologies have been merged with clinical, social, rehabilitative and therapeutic strategies" (Maurutto & Hannah-Moffat, 2006, p. 440). These assemblages of risk demonstrate that risk can operate within rehabilitation and welfare-based approaches.

Within the literature review, the concept of the 'new penology' and a shift to neo-liberal techniques of control was presented. This shift indicated that the discourse of treating and rehabilitating has been replaced by a discourse of rational and efficient management of offenders, however, I argue that the findings indicate that we have moved passed the ‘new penology’ to a phase of ‘new rehabilitationism’. New rehabilitative interventions can be seen to be inscribed in a framework of risk rather than a framework of welfare. New rehabilitationism is driven by ‘risk classifications’ and “stresses self-management and the inculcation of self-controls” (Kemshall, 2003b, p. 100). Thus, these new rehabilitative interventions constitute an effective ‘means’ towards the broader ‘end’ of risk management (Robinson, 2008, p. 434). Current generations of risk/need technologies are a significant departure from the pessimistic theoretical accounts of risk in criminal justice associated with the ‘new penology’ and ‘actuarial justice’ (Hannah-Moffat, 2005, p. 29). Although, this topic of ‘new rehabilitationism’ was specifically mentioned in only a few of the articles reviewed, analysis of the articles indicate that the objective of rehabilitation is alive and well in the current probation landscape. While analyzing the corpus, it became apparent that there was an underlying rehabilitative ideal that was supported as long as it was cost-effective and -efficient. It was not until I analyzed the article by Hannah-Moffat (2005) that a concrete term was offered for the phenomenon I was witnessing. Even though all the components of ‘new rehabilitationism’ were identified in other research I had analyzed, it was actually in the Hannah-Moffat (2005) article that I first encountered the specific term. Many of the other articles make reference to rehabilitation as long as it was cost-effective but had not used any specific terminology. For example, Viljoen, Cochrane and Jonnson (2018), stated that many modern risk assessment tools arose from a rehabilitative ideal that rejected the claim that ‘nothing works’ and instead emphasized the importance of effective, individualized treatments (p. 182). The new rehabilitationism mobilizes the former welfarist notions of rehabilitation and reframes them under neo-liberal strategies for control through normalization. According to Hannah-Moffat (2005), "risk/need models legitimate newly defined targeted custom-made treatment models and garner managerial and fiscal support for a 'new rehabilitationism', which operate to transform the risky subject" (p. 40).

According to the theoretical framework, governmentality may be described as the effort to create governable subjects through various techniques developed to control, normalize and shape people's conduct (Fimyar, 2008, p. 5). To better understand the findings, this notion of governmentality can be mobilized. The creation of the transformative risk subject indicates there is a subject to whom treatment can be provided. This subject receiving treatment can be viewed as a governable subject whose conduct is controlled/shaped through specific treatment programs. The transformative risk subject, who is prominently featured in most practitioner-based correctional narratives, is more compatible with correctional projects that remain concerned about the reintegration of offenders and in cost-efficient delivery of treatment services (Hannah-Moffat, 2005, p. 34). The current buzzword, 'risk/need', evolved out of the practitioner-driven research agenda that embraced the "rehabilitative ideal and its post-Martinson revival, and out of a longstanding organizational commitment to correctional programs" (Hannah-Moffat, 2005, p. 31). The link to the 'what works' agenda is obvious: the identification of dynamic risk/need factors signifies an opportunity to change or transform the offender into a prudent responsible subject (Hannah-Moffat, 2005, p. 40). The influence of the 'what works' agenda expands beyond the practitioner-driven research, the mentality transforming offenders is in line with governmentality's notion of creating governable subjects.

6.1.1 'New penology' towards 'New rehabilitationism'

Of particular note in the findings is the corpus of literature confirms that the notion of rehabilitation is vivacious. As I have argued, it appears we are going through a phase of 'new rehabilitationism'. What is interesting about this finding is that when conducting the initial literature review, many of the articles stated that with the 'new penology' the focus is away from rehabilitation. The articles utilized for the initial literature review seem to paint a completely different picture of what is occurring in the field of criminology and, specifically, probation compared to the findings from the corpus of literature analyzed. The corpus demonstrates that although we are headed in a "marketized/bureaucratic' way of thinking, with cost-efficiency and effectiveness at the forefront, the underlying tones of rehabilitation could sometimes be missed within the literature. The articles used in the initial literature review addressed actuarial justice, cost-efficiency, and effectiveness, however, did not take into account the transformation of when risk is combined with need. Although the new penology signalled a new form of penal managerialism, actuarial risk prediction instruments have been modified from their earlier use in the criminal justice process. The evolution of risk logic leads to the assemblage of risk and need which allowed for a new form of governance through rehabilitation.

6.2 Efficient governance through risk

As previously stated, governmental power flows through – and acquires its effectiveness from – a network of professional enclosures and agencies (Garland, 1997, p. 179). These settings cultivate alliances between the practitioner and client (i.e., the probation officer and offender) and seek to adjust the behaviours and self-image of individuals. These alliances rely on the individuals within to communicate the norms of society. In terms of probation officers, the finding of a new role/responsibility of risk communication is interesting as it ties into the governmentality framework. According to governmentality, action-at-a-distance requires that the whole chain of actors can communicate in ways that will be mutually intelligible, that messages or information will not be badly distorted in the process of being translated from centre to locality and back (Garland, 1997, p. 182). This demonstrates that translation work is being conducted by probation officers – having to communicate levels of risk to other actors in the chain.

The use of risk assessments adds to this flow of communication as they can be seen as ‘forms of inscription’ which are standardized statistical representations, units of measurement, categories, tables, accounting processes, etc., and become important as means of enumerating, stabilizing and transmitting knowledge in regularized ways (Garland, 1997, p. 183). These standardized units allow information to be compared, consolidated and combined across time and space. Through the use of risk/need assessments “psychologists, criminologists, and mental health and justice practitioners [now] have a common language, a shared knowledge base, and the shared technology of RNR” (Andrews, Bonta & Wormith, 2006, p. 9). The ‘what works’ framework embodied in contemporary risk assessments, like the LSI/CMI, inform not only the criteria contained in assessment tool, but also the types and delivery of correction treatment programmes as well as the mission and purpose of correctional agencies (Maurutto & Hannah-Moffat, 2006, p. 450). These assessments allow for risk levels to be communicated across actors in a chain, in a standardized manner and determine how an offender is classified and treated.

6.2.1 Implications of an ‘economic rationality’

The corpus has demonstrated that probation in Canada appears to be centred on the RNR model of rehabilitation. The emphasis on evidence-based principles of risk/need assessment and program delivery is part of an attempt to efficiently and effectively allocate scarce treatment resources to suitable and responsive offenders (Maurutto & Hannah-Moffat, 2006, p. 450). The risk principle of the RNR model essentially generates a form of governance that is responding to the new challenge of resource allocation (or scarcity of resources). The RNR model, and specifically, the risk principle, has provided legitimacy to the notion of resource rationing in probation; the determined level of risk indicates how resources are to be allocated or targeted. Furthermore, it has positioned risk as a legitimate basis of resource rationing. Consequently, before rehabilitative interventions can begin, it is necessary to make decisions about what intervention(s) are most likely to benefit society and the offender. As Maurutto and Hannah-Moffat (2006) state, "assessing risk and needs and allocating resources accordingly are thus perhaps the most critical functions of any correctional agency" (p. 450). Additionally, a technical means to facilitate the rationing process is available in the form of third and fourth generation risk assessment instruments.

According to a neo-liberal perspective, in order to govern properly, and "to ensure optimization of the population as the state's resource government must become economic government, both in the way it uses monetary resources and in the way it exercises power" (Fimyar, 2008, p. 6). An economic government's power is exercised by determining who will have access to what interventions. This is a form of governance that is responding to the narrative of the scarcity of resources. In order to be efficient, scarce and expensive resources should be given to those who will most readily respond to the intervention (Robinson, 1999, p. 429). Thus, the risk principle speaks to who should be treated and presupposes that the assignment of cases to treatment is based on a reliable and valid assessment of risk (Andrews & Bonta, 2010, p. 45). When conducting risk assessments, decisions need to be made about how best to allocate limited resources to bring about significant and meaningful reductions in the likelihood of committing another offense (Day et al., 2017, p. 1615). Moreover, the risk principle states that supervision and intervention intensity should match the individual's level of risk in regard to recidivism (Dyck, Campbell & Wershler, 2018, p. 258). For example, offenders falling into the 'high risk' category on a risk tool may be provided with intensive rehabilitative services and more intensive supervision (surveillance) measures, whereas offenders falling into the 'low risk' category are provided with minimal intervention and less supervision (Bourgon et al., 2018, p. 175). Thus, if looking at this process as an analytics of government, we can see who can govern (probation officers), who or what is governed (offenders) and how they are governed (based on a rationality of allocation of treatment resources) through the use of risk assessments and logic as a technology of governance.

6.3 Accountability, effectiveness, and efficiency in decision making

Now that we have discovered that probation officers can be considered an agent for action, the topic of their agency must be discussed. Agency refers to the capacity of an agent, who possesses the power to act, to originate such actions on the basis of calculations and decisions (Garland, 1997, p. 196). Neo-liberal techniques of government allow power to be exercised by stimulating individual agency while also providing constraints upon the freedom of choice of the agent (Garland, 1997). This exercise of governmental power is clearly seen through the use of discretion in risk assessments. The assessment tools provide a framework upon which a decision is to be based, but allows practitioners to exercise agency with their decisions. This, in itself, allows for dilution of responsibility within risk assessment tools. Although neo-liberal strategy requires practitioners to become 'responsible decision makers' (Garland, 1997), I argue there is a dilution of responsibility through the use of risk assessment tools in addition to the decision makers. This dilution of responsibility is interesting particularly in regard to the idea that neoliberalism is thought as promoting the responsibilization of individuals and communities. Technologies of the self and technologies of correction stress "the offender's responsibility for his or her criminal actions and insist that he or she must ‘address’ and ‘take responsibility’ for them” (Garland, 1997, p. 191). In general, probationers and practitioners alike are expected to be risk averse and take responsibility for their actions. However, the logic underlying risk assessments allows for risk aversion on the part of practitioners but also decreases the magnitude of responsibility. Probation officers practice being risk averse by thinking about the consequences of their actions, however, it seems, those consequences may be lessened as long as it can be demonstrated they have effectively utilized the risk instrument.

Risk assessment tools can be seen to dilute individual decision maker responsibility since decisions are confined within the framework of the risk assessment tool. The main benefits cited by those who promote the superiority of statistically-based methods of the second and third generation instruments reside in eliminating arbitrary decisions, reducing biases and prejudices, and by favouring more impartial classification and decisions (Giguère & Lussier, 2016, p. 208). Although the statistically-based tools appear to be value neutral, there is still an element of discretion involved in the decisions. For example, the Offender Intake Assessment (OIA) uses a needs scale whereby “needs are rated according to the perceived ‘need for intervention’ on a discretionary four-point scale that ranges from ‘no need for intervention’ to ‘considerable need for intervention’” (Hannah-Moffat, 2005, p. 35). This rating of ‘perceived need’ specifically requires the use of professional discretion. By basing decisions within the actuarial tool, individual responsibility is reduced. The findings suggested that risk assessment instruments must be supported by comprehensive psychometric evidence using the latest scientific advances in order to demonstrate that evaluations made and decisions based upon the scores of these instruments are based on solid grounds (i.e., accurate, valid and reliable; Giguère & Lussier, 2016, p. 207). This thinking inherently allows practitioners to take the results of the tools as valid, neutral, and objective information that should not be questioned. Thus, practitioners have the impression that they can rely on the risk instrument which takes the full onus of the decision off of them. Newer generations of risk assessments have "increased practitioners' confidence in their ability to predict recidivism and design targeted interventions" (Hannah-Moffat, 2005, p. 33). There is increased confidence among decision makers because the risk assessments can substantiate their decisions. They have the instrument to fall back on which decreases their level of individual responsibility as their risk judgements and its consequences are mitigated and allows for their decision to be more defensible.

According to Hannah-Moffat, Maurutto, and Turnbull (2009), the majority of practitioners claimed that the introduction of risk tools has produced more defensible and accountable practices of assessment (p. 397). Many practitioners acknowledged that risk tools systematically structure professional discretion, but said they welcome this as a positive and progressive advancement (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 397). The exercise of professional judgment is incorporated into risk/need assessment through the use of subjective rating scales, interpretative categories and overrides (Hannah-Moffat, 2005, p. 36). Additionally, some tools contain separate sections for practitioners to document their own assessment. In these sections, assessors are required to check one of four boxes (low, moderate, high, very high), indicating their professional (not actuarial) assessment of the offender's risk (Hannah-Moffat, 2005, p. 36). Discretion is not done away with, but it becomes boxed into categories and systematized and, thereby, presumed to be more neutral (Maurutto & Hannah-Moffat, 2006, p. 445).

6.3.1 Efficient judgements

Decision making occurs within a "complex 'decision-making field' defined by legal and organizational mandates as well as by the ‘interpretive processes the individuals engage in when deciding a particular case’” (Maurutto, Hannah-Moffat & Turnbull, 2009, p. 394). Notions of effective correctional treatment have altered the decision making field and, consequently, discretionary decisions and professional override. The finding of the role of discretion and professional override is noteworthy, as it did not appear as much as I had expected it would in my analysis. Although Bonta and Andrews mentioned professional discretion as the 4th principle of the RNR model, it appeared that over time, this principle lost its importance within the model and instead of being at the core of the model only appeared as one of the 18 principles currently in place. According to Andrews, Bonta, and Wormith (2011), the RNR principle of professional discretion appears as number 11 in the expanded RNR model (p. 738). This 4th principle was barely mentioned in the articles that were analyzed, even though the role of discretion and professional override ride is said to be important within the model. Professional discretion allows for deviation from the RNR principle for specified reasons (Andrews, Bonta & Wormith, 2011, p. 738). User manuals encourage the exercise of professional discretion and acknowledge that the completion of assessment forms requires “subjective judgments on the part of the professional who completes them” (Hannah-Moffat, 2005, p. 36); if this assessment differs from that which the tool ascribes, well-reasoned and well-documented grounds must be provided for the discrepancy (Hannah-Moffat, 2005, p. 37; Polaschek, 2012, p. 4). Discretion within governance illustrates that when an override occurs, the decision must demonstrate that risk thinking was used, consequences were considered, and that the decision was well documented.

Even if scales have been shown to be useful in structuring decision making and ensuring that practitioners are looking at all relevant risk and need factors, managerial decisions about particular offenders are still heavily influenced by personal judgment, particularly in terms of how practitioners define and rate intangible needs (Hannah-Moffat, 2005, p. 46). Despite the standardization of evaluation practices, decisions continue to be shaped by professional ideologies and by personal dispositions, beliefs, and purpose (Hannah-Moffat, Maurutto & Turnbull, 2009, p. 394). Interviews with practitioners show considerable variability in how assessment criteria are interpreted (Hannah-Moffat, 2005, p. 46). This notion lends to the fact that decision makers may be using heuristic strategies to arrive at their efficient decisions. When looking at decision making through a governmentality lens, it seems realistic that probation officers would use heuristic strategies when making decisions. Although scales are in place to increase standardized results, there is still the use of discretion within the decision and therefore, cognitive shortcuts could be utilized by decision makers in keeping with the neo-liberal notions of efficiency and effectiveness.

6.4 Knowledge production

Central to Foucault's analyses was the relationship between knowledge and power. Modern disciplinary power comes from practices created through rituals based on knowledge. In this paper, there has been a focus on a particular category of knowledge, specifically knowledge of 'what works' and the RNR model of rehabilitation. We are subjected to practices based on this knowledge, and these practices can be imposed through the institution (probation). Knowledge implies power. Power is embedded in practices and outcomes, and through forms of exclusion and marginalization knowledge is produced. Different fields accumulate to produce knowledge; but they only become dominant because they were able to exclude others. Power brings these knowledges to light. This is why it was important to provide a genealogy (of sorts) on the evolution of probation so that it could be seen how the knowledge of the RNR was produced.

Important to the topic of knowledge production on probation is the fact that when conducting the search for articles for the corpus of this research, many of the articles written were by the same few researchers. Specifically, the majority of the articles that were found in the search were authored or co-authored by Don Andrews and James Bonta. This is a finding that warrants acknowledging as these authors were both mentioned as important to and major proponents of the ‘what works’ movement. They have written the most on the topic of probation in Canada and can be seen to be perpetuating privileged knowledge. This demonstrates that the majority of the knowledge on probation in Canada has been produced by a particular team of researchers. As the main producers of knowledge on probation, this team has been able to perpetuate their privileged knowledge and gives them the power to define the way in which probation practice is defined.

6.4.1 Knowledge/power implications for probationers

Providing a genealogy of probation demonstrated the procedures and mechanisms that were used in knowledge production. How these mechanisms produce power and domination through marginalization and exploitation is important to discover how certain knowledge became privileged. The way in which power is exercised is determined by the fact that you can only use the mechanisms at your disposal (i.e., if you are a patient, you are subjected to the knowledge of the doctor). This same power relation can be seen with probation officers and offenders. Probation officers assign the offender to a particular category of risk, there is no negotiation; there is a one-way exchange of information. The knowledge of risk/needs empowers probation officers and leave offenders subjected to this knowledge.

Risk assessments do not describe a person; rather, they are a translation of a person whose identity is dependent on the relationship under consideration (i.e., how much risk does the offender present; Donohue & Moore, 2009). By characterizing risk of harm in terms of group characteristics, risk assessments may inadvertently contribute to the generalization of stigma from the targeted (negative) behaviour to the characteristics of the group designated as high-risk (Silver & Miller, 2002). Offenders are viewed negatively and lack the political resources to resist becoming objects of actuarial classification (Silver & Miller, 2002). Accordingly, there is little doubt that a negative actuarial risk assessment (i.e., high risk) can have far-reaching liberty implications for offenders. Many publications acknowledge that high-risk scores could result in, among other things, longer terms of incarceration, placements or transfers to higher security classification facilities, denial of conditional release or parole, more restrictive release and supervision conditions, and, in some cases, limited opportunities for programs (Zinger, 2004, p. 609). However, individuals receiving low-risk scores would be candidates for relatively short sentences, early release, or less intensive community supervision.

There are ethical concerns with risk assessments as it raises the likelihood that non-recidivists and low-risk individuals will be among the group suffering long-term loss of liberty by being arbitrarily classified as a danger or high-risk (Janus & Prentky, 2003). The risk/need assessments and prescribed interventions are are predicated on middle class normative assumptions that are highly gendered and racialized (Hannah-Moffat, 2005, p. 37). A likely consequence of this is the increasing consignment of wide sections of the poor to the category of dangerous and risky (Fitzgibbon, 2007). Additionally, it has been noted by Cole (2007) that the ultimate danger with risk assessments is that, consciously or otherwise, judges may overemphasize considerations of risk at the expense of proportionality (p. 509). Proportionality is deemed the ‘fundamental principle’ in Canadian sentencing law (p. 495) and states that the imposition of a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender (Cole, 2007, p. 506). These potential implications for probationers demonstrate how the knowledge of ‘what works’ and RNR principles give probation officers the power to subject probationers to these practices which may increase their marginalization.

Chapter Summary

This chapter sought to demonstrate how a few of the themes presented could be seen through the lens of governmentality. It was meant to be an interpretation of the findings within my theoretical framework. Since my project is situated in a constructivist approach, it was important to demonstrate that what was found was a specific point of view.

First, effective penal governance and the objectives of probation were discussed. The objective of probation as an alternative to custody was simply reframed under the neo-liberal objectives of efficiency and cost-effectiveness. The incorporation of neo-liberal risk logics within rehabilitative ideals demonstrate how effective penal governance can be achieved. This led to the notion of ‘new rehabilitationism’ which utilizes rehabilitation ideologies towards neo-liberal strategies for control through normalization. The transformative risk subject indicates that there is a subject to provide treatment to and whose conduct is controlled through normalization techniques. The evolution from the ‘new penology’ to ‘new rehabilitationism’ demonstrated how the assemblage of risk and need allowed for a new form of governance through rehabilitation.

Second, efficient governance through risk is demonstrated through chains of actors engaging in risk communication in a standardized manner. Additionally, governance through risk is indicated through the use of resource allocation which is inherently included as part of the risk principle of the RNR model. The risk principle expresses an economic rationality whereby governmental power is exercised by determining who will have access to what interventions.

Third, accountability, effectiveness, and efficiency in decision making are explored. Responsibilization is a core notion within neo-liberal thinking, however, through the use of risk assessments, a dilution of responsibility on the part of the individual practitioner can be seen. By confining decisions within the framework of the effective assessment tool, individual responsibility is reduced. This increases confidence within decision makers. With the introduction of risk into the decision making field, the RNR model includes professional discretion as important for effective risk assessments to be completed. Although assessments allow for discretion, reasons for override must be explained and evidence for the variance provided. Since efficient decisions are encouraged, responsibility diluted, and confidence is increased, it is possible probation officers may use heuristic strategies to arrive at a decision. The theoretical framework of governmentality allows for the findings to be represented according to a specific point of view and for specific risk rationalities to be presented.

Lastly, knowledge production and the implications of Foucault's notion of power/knowledge on probationers were explored. Knowledge is produced by those with power, and those with power subject others to regimes of practice. As a result of risk assessments, probationers may be subjected to negative effects of their risk score, such as, longer sentences and intensive community supervision. Probationers typically lack the political resources to resist becoming objects of actuarial classification and it was determined that risk assessments could increase their marginalization.

Chapter 7: Conclusion

This project was inspired by a genuine interest in the impacts of risk thinking in the field of criminal justice. The purpose of this research project was to explore how the logic of risk has impacted and transformed probation objectives, and how it has impacted the role of probation officers making decisions in regard to probationers who are under their supervision. To begin, I provided a detailed history of how probation came to be, and provided a description of the social, cultural, political and economic conditions underlying its development in Canada. Furthermore, probation rationalities from the 1970s on were explored, specifically chronicling the emergence of risk logic. Heralded as a period of rebirth for rehabilitation, the late 1990s were the beginning of the Canadian research-led ‘What Works’ movement. This movement was in response to a perceived failure of numerous correctional programs and aimed to determine what correctional programs would be successful with offenders. The use of risk assessments in these so-called successful programs prompted the increased and widespread use and reliance on these actuarial tools. Thus, the four generations of risk assessments were detailed in order to demonstrate how the evolution coincided with the rationalities of the time. The evolution of the rationality of risk allowed for a revival of rehabilitative notions in probation. Additionally, the governmental notions of cost-effectiveness and efficiency translated directly into probation policy and practice through the use of risk management techniques; specifically the use of actuarial tools and their impact on decision making. Using a governmentality framework allowed me to demonstrate how the aims and practices of the probation service have been influenced over time by risk’s effect on social and political changes.

A critical literature review was conducted using thematic analysis as a data analysis technique. The analysis resulted in four main themes being uncovered, which are (1) the objectives of probation, (2) the modalities of probation, (3) the impact of risk logic on the role of probation officers, and (4) the impact of risk logic on probation officer decision making, as presented in the literature. Two main objectives of probation presented were rehabilitation and efficiency/effectiveness. Risk assessments and the RNR model were presented as the modalities of probation as new techniques of control and assessment. The logic of risk was shown to impact the role of probation officers by transitioning them to a role of normalization through therapeutic intervention instead of that of supervision. Risk logic has also shaped probation officer decision making through the use of risk assessments as a guide, increasing defensibility and decreasing responsibility. Likewise, risk logics have modified the role of discretion in decision making.

Being situated in a constructivist approach, the main findings were interpreted through a governmentality lens. Through this lens, the objectives of probation were interpreted as means of effective penal governance. Probation as an alternative to custody was reframed under the neo-liberal objectives of efficiency and cost-effectiveness. Effective penal governance was understood to be achieved by combining neo-liberal risk logic with a rehabilitative ideal. This combination led to the notion of ‘new rehabilitationism’ which utilizes rehabilitation techniques as strategies for normalization on transformative risk subjects. Governance through risk is expressed through the use of efficient resource allocation. This is an exercise of governmental power determining who will have access to what interventions. The role of probation officers having to be accountable, efficient/effective decision makers was also explored. Individual practitioners were perceived to have a dilution of responsibility for a decision by confining their decision within the framework of the effective risk assessment tool. The focus on efficient decision making suggests that probation officers may use heuristic strategies to guide their intervention decisions. Through a governmentality lens, the notions of power/knowledge and their implications for probationers were explored, specifically the negative consequences of marginalization through the use of risk/need assessments.

By providing a genealogical analysis of probation in Canada, this research aimed to close the gap in the literature on the evolution of probation in Canada. The findings of this study correspond to findings already in the literature, however, it adds to it by framing it through the lens of governmentality. Additionally, this research contributed to the literature on decision making in probation, as very little attention is paid specifically to decision making in probation. This contributes to the literature by providing a possible explanation for why certain decisions may be made in consideration of the logic of risk.

Thus, by providing a genealogical analysis of probation, it has been demonstrated how the current policies and practices have been implemented and represented in the literature. The 'what works' framework combined with risk logic has led to the risk assemblages currently in place. The logic of risk, 'what works', and the rehabilitative ideal have resulted in an era of 'new rehabilitationism'. Actuarial risk assessments that aim to minimize risk of harm to the public are combined with an ideal that rehabilitation works which led to the creation of the risk/needs assessments in place today. The 'what works' body of research led to the regime of practice or regime of government that we now know. The governmental rationality of efficiency and effectiveness, as presented in the literature, has led to new objectives of probation, a change in the role of probation officers from supervision to normalization, and an increased use of and reliance upon risk assessments for probation officer when making decisions about probationers under their supervision.

7.1 Strengths and Limitations

This study's strengths lie in its fulfillment of the research objectives and answering the research questions. The methods used allowed me to generate a new way of seeing existing data and interpreting the findings from a governmentality point of view. Additionally it allowed me to answer my research questions which were to discover how publications present the transformation of the objectives and modalities of probation in Canada over the last few decades and determine the impact of those changes on the way probation officers evaluate and supervise probationers.

The main disadvantage of the approach taken is that it can only evaluate what is written in the publications and is not suitable to evaluate practitioner opinion. As previously mentioned, I had originally planned to interview probation officers to capture their experiences in their daily lives, however, for logistic reasons this direction of research did not work out. Although the attempt to interview probation officers failed, it allowed me to take a different approach to my research objectives. There is also an inability to generalize the research findings to beyond the corpus of analysis. The findings cannot be extended to other jurisdictions and/or probation outside of Canada with any degree of certainty. Moreover, another limitation of this study includes the fact that the findings were interpreted using one particular framework and by myself alone. Using a different theoretical lens may have resulted in a different interpretation of the results as the theoretical framework is what guided the analysis and interpretation.

7.2 Directions for future research

While conducting my literature review and analysing my findings, a number of ideas for future research emerged. First, it became apparent that there is often a gap between policy and the actual practice of the professionals administering and using risk assessments in day-to-day operations. As noted above, there was a failed attempt to gain access to practitioners, so it may be beneficial to explore decision making in practice through interviews with probation officers to determine their opinion of risk assessment/risk logic. Additionally, interviews could be conducted with probation officers to determine how they arrive at their decisions, paying specific attention to the possible use of heuristic strategies. Interviews may also be conducted to determine how policies may impact their decisions.

In reference to the aforementioned limitations of the current study, the analysis could be completed using an alternate framework. Specifically, future analysis could be done using Bourdieu's participant objectivation framework. Participant objectivation explores not only the 'lived experience' of the knowing subject but the social conditions of that experience, and more precisely, of the act of objectivation itself (Bourdieu, 2003). Using this framework would allow the researcher to make critical analyses of the data and to recognize how these analyses depend very closely on their position within the professional universe and the presuppositions built into the national categories of scholarly understanding. It would take reflexivity one step further and acknowledge the researcher's position within the scientific field and the traditions and habits of thought that brought the researcher to that analysis.

As mentioned in the methodology section, the decision was made to exclude Aboriginal people even though they are overrepresented in the criminal justice system. A future study could conduct the same analysis that was used in this study but use probation articles about Aboriginal people. This would allow for comparison to see if probation is conceived of and applied differentially to other groups than white males. Additionally, this would allow investigation into the systemic racism and prejudice that has been documented in Canadian society.

A further area of interest would be to use a different method for analysis. My research questions led to descriptive answers rather than critical responses. Thematic analysis does not allow for claims about discourse or language use to be made. Future research could analyse the discourse and language used in the corpus and compare that of the government resources to the academic resources.

Finally, another area to explore would be to compare the experience of England and Wales and the US to Canada since they all had similar origins but had different influences along the way. Although Hagan and Leon (1980) compare probation practice between US and Canada, there has not been any recent comparisons since the 'What Works' movement. How this movement has specifically affected each country, given their own political climates would be something that could be further investigated.

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Zinger, I. (2004). Actuarial risk assessment and human rights: A commentary. *Canadian Journal of Criminology and Criminal Justice, 46*(5), p. 607-620.

Appendix A: Search Strategy Methodology

Database: Criminal Justice Abstracts

Library website → Research guides and librarians → Social Sciences → Criminology → Find Articles → Criminal Justice Abstracts

Search: probation AND canada AND “risk assessment” AND “decision making” [Probation AND Canada – all text, “risk assessment” AND “decision making” – abstract or author provided abstract] - 2 results

New search: probation AND canad* AND “risk assessment” AND “decision making” [- all text] – 5 results (incl. 2 previous, 1 not relevant)

New search: probation AND canad* AND “risk assessment” [- all text] – 27 results (incl. 4 previous, 6 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence

New search: probation AND canad* AND “decision making” [- all text] – 24 results (incl. 5 previous, 8 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole

New search: probation* AND canad* AND “risk-need” [- all text] – 28 result (incl. 3 previous, 5 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members

New search: probation* AND canad* AND risk-need [- all text] – 36 result (incl. 27 previous, 8 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members

New search: “community-base*” AND canad* AND “risk assessment” [- all text] – 12 results (incl. previous, 6 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members

New search: “case manage*” AND canad* AND “risk assessment” [- all text] – 20 results (incl. 2 previous, 11 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members

New search: “case manage*” AND canad* AND “decision making” [- all text] – 9 results (incl. 1 previous, 7 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members

<u>Database:</u> <u>ProQuest Social Sciences</u>

Library website → Research guides and librarians → Social Sciences → Criminology → Find Articles → ProQuest Social Sciences

Search: probation AND Canada AND “risk assessment” AND “decision making” [- anywhere] - 1778 results – 262 results in scholarly journals, (incl. previous, 11 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members

New search: probation AND Canada AND “risk assessment” AND “decision making” [probation AND Canada – anywhere, “risk assessment” AND “decision making” – anywhere except full text] – 50 results – 24 results in scholarly journals, (incl. 3 previous, 8 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members, non-western, jury decision-making

New search: probation AND Canad* AND “risk assessment” AND “decision making” [probation AND Canada – anywhere, “risk assessment” AND “decision making” – anywhere except full text] – 60 results – 25 results in scholarly journals, (this search did not provide any new articles that have not already been included or excluded)

New search: probation* AND Canad* AND “risk assessment” AND “decision making” [probation AND Canada – anywhere, “risk assessment” AND “decision making” – anywhere except full text] – 55 results – 23 results in scholarly journals, (this search did not provide any new articles that have not already been included or excluded)

New search: probation AND Canad* AND “risk assessment” AND “decision making” [probation AND Canada – anywhere, “risk assessment” AND “decision making” – anywhere except full text] – 62 results – 25 results in scholarly journals, (this search did not provide any new articles that have not already been included or excluded)

New search: probation AND Canad* AND “risk assessment” [probation AND Canada – anywhere, “risk assessment” – anywhere except full text] – 524 results – 204 results in scholarly journals – only reviewed first 90, (incl. 9 previous, 55 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members, non-western, jury decision-making

<u>Database:</u> <u>Scholars Portal Journals</u>

Library website → Research guides and librarians → Social Sciences → Criminology → Find Articles → Scholars Portal Journals

Search: probation AND “risk assessment” AND “decision making” [- anywhere] - 551 results in scholarly journals, (incl. 6 previous, 10 not relevant) – exclusions were made based on relevancy – not relevant if youth, sex offenders, VAW/domestic violence, family violence, mental health court, women criminals, Europe, race and parole, gang members – Stopped after 50

Database: Public Safety Canada Website

Public Safety Canada website → Resources → Publications and Reports →

Search: Filter items by topic → Corrections, Search items by keywords → "risk assessment"- 24 results - exclusions were made based on relevancy - not relevant if youth, sex offenders, VAW/domestic violence, aboriginal offenders, parole

Database: Google Scholar

Search: probation AND canada AND "risk assessment" AND "decision making" – 10 pages of results - only reviewed the first 50 articles - exclusions were made based on relevancy - not relevant if prior to 1990, youth, sex offenders, VAW/domestic violence, aboriginal offenders, parole

Database: Reference lists

For each of the research summaries obtained from the Public Safety Canada website, the article associated to the publication was obtained for analysis. Additionally, the reference list of each of the full-length articles was consulted to determine additional sources.

Appendix B: Comprehensive List of Articles

Author(s), Year	Objective of study	Sample	Limits of the document	Contribution to thesis
Andrews, D.A. (2006)	Reaction essay to Lowenkamp et al. (2006) article which discussed how the Correctional Program Assessment Inventory (CPAI) was used to assess RNR adherence and integrity issues with the majority failing to achieve a score of 50%	Original study had 3237 adult probationers	Reaction piece to another researcher's study. Lots of opinions and recommendations. An empirical study was not conducted in this paper specifically but did discuss some of the results from a previous study.	Introducing and providing recommendations to resolve some of the issues of policy and procedures for prevention and rehabilitative programming. Discusses how to make 'what works' work. Describes how to better adhere to RNR principles.
Andrews, D.A., & Bonta, J. (2010)	Summarizes the empirical base to RNR along with implications for research, policy, and practice.	Based on meta-analyses	Summarizes other's research. Provides own interpretation of results.	Thoroughly describes the RNR model. Outlines the social, political, and historical context from which it came.
Andrews, D.A., Bonta, J., & Hoge, R.D. (1990)	To review the four principles of classification for rehabilitation within the context of basic research and theory in the psychology of criminal conduct.	Meta-analysis (adult & juvenile probationers in Ontario)	Summarizes other's research. Provides own interpretation of results.	Specifically discusses the fourth principle, professional override. Provides examples of studies on the predictive validities of risk/need classification systems (i.e., MMPI, LSI) and their effectiveness.
Andrews, D.A., Bonta, J., & Wormith, J.S. (2011)	To respond to the Good Lives Model's (GLM) criticisms of RNR and provide an answer.	Based on previously conducted studies	Andrews and Bonta are the creators of the RNR model, so may be a biased interpretation and/or representation of the results.	Demonstrates some of the strengths and weaknesses of the RNR model. Provides an alternate model for effective crime prevention. Describes risk factors and human motivation in detail.
Andrews, D.A., Bonta, J., &	The history of risk assessment and the psychology of criminal conduct is reviewed within the context of the	Meta-analysis	Summarizes other's research. Provides own interpretation of results.	Provides a historical account of the creation of risk assessments as well as the development and evolution of predictive criterion.

Wormith, S. (2006)	advent of the 4th generation of offender assessment.			
Andrews, D.A., Bonta, J., Wormith, J.S., Guzzo, L., Brews, A., Rettinger, J., & Rowe, R. (2011)	The study was conducted to examine possible sources of variability in the magnitude of validity estimates of the Level of Service, one of the most widely used general risk and need assessment tools in criminal justice agencies across North America.	Meta-analysis (adult & juvenile probationers over a 30-year period)	May have missed some LS studies, or there could have been selection bias (many of the studies used for the meta-analysis were originally conducted by the authors of the current article).	Provides considerations for sources of error in the predictive validity of the LS, such as, gender and nationality. Many of the other articles in the corpus did not include an in-depth look at sources of variability.
Bonta, J., & Cormier, R. (1999)	To focus specifically on Canadian research dealing with offender assessment and rehabilitation	Based on previously conducted studies	Many of the Canadian research referenced was conducted by at least one of the authors.	Allows for specific focus on assessment and rehabilitation out of a broad range of Canadian research topics in corrections.
Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A., Gutierrez, L., & Li, J. (2010)	To determine why community supervision is not more effective given the large literature on the effectiveness of offender rehabilitation programming. And to take advantage of recent research on characteristics of effective correctional therapists and developments in the RNR model	80 probation officers from 3 Canadian provinces who supervise adult offenders	Used the same data set as Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A., Gutierrez, L., & Li, J. (2011). Results cannot be generalized as sample size was relatively small and participants volunteered so may have been more motivated to have positive results for the study. Was written as part of a government research report.	This demonstrated the effects of STICS training and was the first experimental evaluation of a training program that follows the RNR principles.
Bonta, J., Bourgon, G., Rugge, T., Scott, T.,	To evaluate a training program (STICS) for probation officers based on the RNR model of offender rehabilitation.	80 probation officers who supervise adult offenders	Used the same data set as Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A., Gutierrez, L., & Li, J. (2010). Written for an academic audience	Provided a more in-depth description of what was covered in the STICS training modules

Yessine, A., Gutierrez, L., & Li, J. (2011)				
Bonta, J., Rugge, T., Scott, T., Bourgon, G., & Yessine, A. (2008)	To better understand how probation officers use risk-needs assessments to formulate their case plans and how they manage their cases.	Interviews with 62 probation officers (supervising adult & juvenile offenders)	Did not have a large population of participants. The small sample size raised the possibility that results would not be generalizable.	This study provided areas information on what items could be added to a training agenda to help probation officers become more effective agents of change. It demonstrates what the researchers deem probation as effective.
Bourgon, G., & Gutierrez, L. (2012)	To examine the prevalence and impact of probation officer-client discussions on procriminal attitudes	52 probation officers who supervised adult offenders	Used the same study as Public Safety Canada (2012). Based on the 80 officers who completed STICS training. Small sample size limits generalizability.	Demonstrated that probation officers may not always employ RNR principles in discussion with clients. Demonstrated the value of training and implementation.
Bourgon, G., Bonta, J., Rugge, T., Scott, T., Yessine, A. (2010)	To demonstrate that the key ingredients of the RNR model can be successfully taught to probation officers and applied to their clients.	53 probation officers who supervised adult offenders	Used the same data set as Public Safety Canada (2010). The officers were volunteers whom may be more open to this model and training. Small sample size limits generalizability.	Provided extensive knowledge on what is required of probation officers as part of the RNR model in probation.
Bourgon, G., Gutierrez, L., & Ashton, J. (2011)	To define what cognitive-behaviourism looks like in a criminal justice context and how it can be used to maximize the impact of community supervision.	Based on previously conducted studies	Utilized information from the STICS research. Conducted as part of research for Public Safety Canada.	Proposes a STICS action plan to assist probation officers in planning, prioritizing and effectively achieving change. Provides evidence of items important for POs to facilitate change.
Bourgon,	To examine the risk/need	20	Used the same study as Public	Demonstrate that most jurisdictions

G., Mugford, R., Hanson, R.K., & Coligado, M. (2018)	assessments routinely used in Canadian corrections and compare their risk category levels.	professionals in 14 correctional jurisdictions across Canada	Safety Canada (2018). Participants were interviewed about their practices but not directly observed; there is often a gap between policy and actual practice of professionals.	use risk assessments. Demonstrates that offender risk may not be being assessed and communicated across the country in a consistent manner.
Cole, D.P. (2007)	To express concern that over-reliance on risk assessment may trump proportionality since Canadian policy makers have embedded the use of risk assessment instruments in various forms of penal and probation decision making.	Based on previously conducted studies and case law	The cases discussed in the article are those that gained attention because of the references to the risk assessments used, it is possible there are lesser known cases that were missed for analysis.	This provided a significant contribution to the knowledge and understanding of professional overrides in the CJS.
Dafoe, T., & Stermac, L. (2013)	To review mindfulness research with the goal of demonstrating the utility of this adjunct approach to working with individuals in the CJS.	Analyzes previously conducted studies	Strongly adheres to the RNR principles, does not take into account any other factors. The focus is on clinical offender populations so the effects may not be generalizable to others.	This article discusses, specifically, the topic of self-regulation of offenders (which is relevant to the theoretical framework I was working with)
Day, D., Wilson, H., Bodwin, K., & Monson, C. (2017)	To investigate the relationship among criminogenic risk factors and their role in influencing the overall risk score.	764 male offenders	Sample size decreased as the number of available LSI-ORs increased – resulting in more higher-risk offenders being included in the study.	Had implications for rehabilitative interventions in the CJS. Provided evidence of risk factors that if targeted could improve rehabilitation efforts.
Dyck, H., Campbell, M., & Wershler, J. (2018)	To assess the predictive validity of the RNR-informed LS/CMI and then analyze case management plans for adherence to the principles of	136 offenders (101 male, 35 female)	Had to rely on data gathered from records maintained by professionals without a focus on this specific research (some files had incomplete sections).	Provided a glimpse at how current (4th generation) assessments are being used in practice.

	risk, need, and responsivity.			
Evans, D. (2006)	To demonstrate that probation agencies can learn from developments in policing, such as intelligence-led policing with its emphasis on crime reduction	Based on police research	The article was not peer-reviewed and did not include any references. Included a lot of opinion, with valid arguments, however, was not backed by references.	This article was included as it acknowledged crime prevention/reduction which was not mentioned in many other articles.
Giguère, G., & Lussier, P. (2016)	To investigate the internal structure of the LS/CMI using item response theory (IRT) to determine predictive validity.	17,651 male offenders (inmates & probationers)	Study used males serving a sentence of less than 2 years – results may not be generalizable to those serving longer sentences, and/or females.	Pointed out that the LS/CMI may not be an appropriate instrument with individuals serving a community-based sentence.
Hannah-Moffat, K. (2005)	To examine the discrepancies between theories of risk and penality and emergent strategies of risk/need identification and management.	Based on previously conducted studies	Many of the previous studies utilized were conducted by the author so there may have been selection bias as the author has been known to be very critical of risk assessments.	Specifically describes the transformative risk subject. Provides an evolution of the hybridization of risk and need.
Hannah-Moffat, K., Maurutto, P., & Turnbull, S. (2009)	To examine how practitioners use and perceive risk technologies, revealing how the introduction and use of these technologies reflect a continuation, concealment, and restructuring of discretionary judgement.	71 Canadian correctional workers (49 probation officers, 12 policy developers, 5 defence attorneys)	The interviews assessed the purposes and uses of risk assessments, specifically, the LSI group of tools. The results may not be generalizable to those that do not use the LSI tools.	This article focusses on risk assessments and decision making with probation officers. It details how the RNR model has altered discretionary decisions, specifically. Demonstrates that there are some POs who actively resist risk technologies for various reasons.
Jones, N., Brown, S., & Zamble, E. (2010)	To bridge the gap between research and practice and compare the predictive accuracy of research-based and PO conducted dynamic risk assessments.	127 male offenders	POs had more regular contact with participants based on supervision requirements, whereas researchers only had access at data collection waves – this may have affected results.	This study brought to light that differences may exist in what is reported in academic literature compared to real-life situations

Jones, N., Brown, S., Robinson, D., & Frey, D. (2015)	To determine the extent to which the consideration of strengths enhances predictive validity of risk assessment protocols applied to correctional populations.	2962 adult male offenders, 694 female	The data assessed was limited to the SPIn Pre-screen, whereas data from the full assessment would be helpful in exploring more issues. May not be generalizable to other risk assessment tools.	Demonstrates how risk and strength factors can interact to predict criminal outcome – provides policy implications.
Jung, S., Daniels, M., Friesen, M., & Ledi, D. (2012)	To investigate the concurrent and discriminant validity of the LS instruments by correlating seven of the LS subscales with construct-relevant scales of the Personality Assessment Inventory, Cormier-Lang Criminal History Score, Minnesota Multiphasic Personality Inventory-2, and intelligence measures.	219 adult offenders (177 male, 42 female)	Analyzed data from case files that utilized either the LSI-R or LC/CMI. Data from files may not be reliable, not all sections may have been filled out, or not all scales may have been administered. Also some of the comparisons made between the scales used relatively low sample sizes – so results may not be generalizable.	Provides a detailed history of the evolution of the Level of Service instruments. Additionally, explains other instruments that may be used for correctional populations.
Maurutto, P., & Hannah-Moffat, K. (2006)	To draw attention to new assemblages with risk to highlight multiple forms of knowledge and logics in new risk assessment practices. To highlight how risk logics merge and shift with various rationalities.	Based on previously conducted studies	May have been some selection bias as many of the studies utilized were written by one of the authors.	Provides a genealogy of risk assessment tools. Demonstrates how new assemblages of risk produce new sites and possibilities of governing (which is in line with my theoretical framework)
Office of the Auditor General of Ontario. (2014)	To assess whether the Adult Community Corrections Division of the Ministry of Community Safety and Correctional Services has effective procedures and systems in place	Interviews with officers, reviews of systems, procedures, and case files	This is an audit of a fiscal year of the probation and parole service. It was not a standard study and was analyzed from a business/performance perspective. Does not provide an actual sample size.	This provided insight into what the Ministry is looking for in terms of policies and procedures to be followed.

Polaschek, D. (2012)	To evaluate the strengths and weaknesses of the RNR model as a Level I rehabilitation framework.	Based on previously conducted studies	Does not provide empirical data. A selection process for studies used was not provided – could be selection bias.	Demonstrates that although much of the literature indicates that the RNR model is the 'premier rehabilitation theory', there is still much research to be done.
Public Safety Canada. (2010)	To determine how correctional agencies ensure the integrity of effective community supervision	Based on a previously conducted study	Used the study by Bourgon, G., Bonta, J., Rugge, T., Scott, T., Yessine, A. (2010) as its source.	Demonstrated how to enhance integrity in delivering the RNR model and provides policy implications.
Public Safety Canada. (2012)	To determine how well probation officers target procriminal attitudes in one-on-one sessions with clients	Based on audio-recording from previous study	Used the study by Bourgon, G., & Gutierrez, L. (2012) as its source. Was produced for government audiences.	Demonstrated that training can improve PO effectiveness. Makes a case for the responsivity principle of RNR.
Public Safety Canada. (2018)	To determine what exactly it means when a correctional agency assesses an offender to be high risk	Based on previous study of 20 professionals	Used the study by Bourgon, G., Mugford, R., Hanson, R.K., & Coligado, M. (2018) as its source.	Demonstrates the diversity in risk assessment judgements and classifications across Canada.
Serin, R., & Lloyd, C. (2009)	To provide a more detailed examination of the process through which offenders transition from crime to desistance.	Based on previously conducted studies	Offers simplified examination of the complex process of desistance – more empirical investigation would be helpful.	Provided an outline for how offenders may change to a life of desistance (demonstrating the value of rehabilitative programming).
Serin, R., Gobeil, R., Lloyd, C., Chadwick, N., Wardrop, K., & Hanby, L. (2016)	Highlights how decision accuracy at several stages of the offender's intake, release, and supervision process could be further enhanced by the inclusion of dynamic factors.	563 adult offenders (the majority, 69.4% were probationers)	Had a mixed sample of probationers and parolees. Results not generalizable – needs a larger population reflecting diverse group of offenders.	The research provided an in-depth investigation of decision making and change processes, and how dynamic risk factors are associated with outcomes.

Shepherd, S., & Thalia, A. (2018)	To advocate for strengths-based cultural information in risk assessment and provide alternative approaches.	Based on previously conducted studies	A very small number of previous studies were used (this could speak to the limitation in the Canadian research on this topic).	Although this study had 'violence risk assessment' in its title, the study itself did not deal specifically with violent offenders. It was included based on its contribution to the topic of potential negative impacts of risk assessments and also made recommendations for improvement
Vacheret, M., & Cousineau, M. (2005)	To reflect on the Canadian approach to sentences of imprisonment, management, and the decision making involved	1257 adult offenders	This article was written in French, when I quoted it (in English), some of the nuances may have been lost.	The study dealt with parolees but was included based on its contribution to my thesis topic. It discussed decision making in much greater detail than any other article (it conveyed that this decision making was used in all aspects of the CJS, not just parole).
Viljoen, J., Cochrane, D., & Jonnson, M. (2018)	To determine the value of risk assessment tools for providing effective treatment and risk management.	Systematic review of 73 articles (adult & adolescent populations)	May have missed some studies conducted on the topic (if were published in a different language, or in a different database than what was used). Had to analyse others analyses that may have had different definitions.	Included a variety of studies that examined professional's risk management efforts following the use of the tool (this implies how the tools are being used in real-life)
Zinger, I. (2004)	To consider the human rights implications of risk assessments and ensure the instruments are not only predictive of risk but also applied in an ethical manner.	Based on previously conducted studies	Mentions downfalls of other articles but does not mention any recommendations for improvement.	This is one of the only articles in the corpus that discussed the potential negative effects of risk assessments.

Appendix C: Initial Research Grid

- **Objectives of Probation**
  - Alternatives to Custody
  - Rehabilitation
  - Surveillance
- **Role of probation officers**
  - Case manager?
- **Evaluation**
  - Risk assessment
  - Recidivism
- **New techniques of control**
  - Risk Assessment (OAS, LSI-R)
  - RNR Model

Appendix D: Coding Manual

Theme	Category	Sub-category	Indicators
Objectives of Probation	What are the objectives?	Alternatives to custody	Claims were assigned to this category if they suggested probation as an alternative to incarceration
		Public protection	Claims were assigned to this category if they suggested public protection as an objective of probation
		Rehabilitation	Claims were assigned to this category if they suggested rehabilitation as an objective of probation
		Efficiency/Effectiveness	Claims were assigned to this category if they suggested efficiency/effectiveness as an objective of probation
	How is the objective of rehabilitation achieved?	Governance	Claims were assigned to this category if they suggested rehabilitation as a way of governing offenders or spoke of a transformative risk subject
		Targeted treatment programs	Claims were assigned to this category if they suggested targeted treatment programs as a way to achieve rehabilitation
	How is the objective of efficiency/ effectiveness achieved?	Recidivism rates	Claims were assigned to this category if recidivism was mentioned as a way to measure effectiveness
		Validity of risk assessment tools	Claims were assigned to this category if the effectiveness of predicting recidivism was stated or predictive validity mentioned
		Training of probation officers	Claims were assigned to this category if officer training was suggested as a way to improve effectiveness
Modalities of Probation	New techniques of control	Risk assessment	Claims were assigned to this category if risk assessments were suggested as a new technology for control and/or management or provided an evolution
		RNR model	Claims were assigned to this category if the RNR model was identified as being the new way to achieve rehabilitative goals and a new form of penal governance
	Policies & directives	Requirements	This category consists of manifest coding; anytime a specific policy was mentioned, it was assigned to this category

Impact on role of Probation Officers	How has the role of Probation Officers changed?	From supervision to intervention	Claims were assigned to this category if the changing role of POs was mentioned; a shift to being a change agent, responsible to provide treatment
		Learning new skills	Claims were assigned to this category if training was suggested as a way to improve skills or learn new ones as part of the new role of POs
		Establishing positive relationships/modelling behaviour	Claims were assigned to this category if the role of PO-offender relationship was suggested as important. Also, if modelling prosocial behaviour was suggested as a role of POs
Impact on decision making of Probation Officers	How does the logic of risk affect PO decision making?	Provides a guide	Claims were assigned to this category if it suggested that risk assessments provide a guide for decision-makers
		Dilution of responsibility	Claims were assigned to this category if responsibility for decisions was mentioned
		Increased defensibility	Claims were assigned to this category if risk assessments increased decision-makers ability to defend their decisions
		Discretion	Claims were assigned to this category if the role of discretion was presented

Appendix E: Step-by-Step Data Analysis

Thematic Analysis Process

1. Develop a codebook with themes based on literature review – this is to be used as a template for organizing codes.
    a. See Appendix A for initial research grid which was also used as a codebook.

2. Reading through the transcripts, taking notes on general themes within the transcripts.
    a. Each article was printed and read through once – statements that stood out were underlined, and themes/notes were written in the margins of the articles.

3. Coding for the deductive themes provided in the codebook.
    a. This was now the second time reading through the articles. At this time, themes were highlighted and colour-coded according to the themes in the initial research grid.

4. Reading through the transcripts again and writing down as many themes as necessary to describe all aspects of the content (i.e. open coding – categories are freely generated).
    a. The articles were now read through a third time – codes for decision-making, training, governance, and targeted treatment started to develop at this phase.

5. Listing the categories surveyed and grouping them together under higher-order headings. The aim is to reduce the number of categories by collapsing some that are similar into broader categories.
    a. The list of categories was looked over – categories such as validity were collapsed into Risk Assessment, for example.

6. Checking that the themes work in relation to the coded extracts and the entire dataset, and generating a thematic map of the analysis.
    a. This is the stage where the coding manual started to take shape.

7. Producing a final list of headings (with clear definitions and names) once all the categories have been worked through.
    a. Coding manual was completed.

8. Working through the documents and coding categories according to the list of category headings. This can involve highlighting segments of text different colours to represent different themes.
    a. NVivo was used to assist with organizing the codes. All articles were uploaded into NVivo. They were then read through for the fourth time and coded according to the final list of headings and following along with the highlights on the original paper copies of the articles.

9. The coded sections are cut out and pasted onto sheets.
    a. The codes from NVivo were pasted into a Word document. There was a separate Word document for each code that was created.

10. The categories are checked for appropriateness and context and filed together.
    a. Codes that belonged to another category were cut and pasted in the appropriate Word document so that all the codes in that category were filed under the correct heading.

11. Drawing conclusions from the data.
    a. Each word document was then printed out and sections within the codes were highlighted or notes made to identify similarities/differences between the quotes in each theme.